

OUTFITTERS AND GUIDES BOARD

October 5, 6 & 7, 1981

Boise, Idaho

Monday, October 5, 1981, at 1:15 p.m., all members of the Outfitters and Guides Board convened for a regular meeting in their Boise office boardroom. Those present were Bill Guth, Ivor Sies, Glen Foster, Harry Vaughn and Chairman Jim Baughman.

It was explained that the morning's scheduled formal hearing requested by James D. Farnam, had been postponed indefinitely by Mr. Farnam, as his attorney had court date conflict. Also, the Hearing before the Board requested by John A. K. Barker has been requested for December on his license extension request; and, no further action has been taken on the partial area denial of Lyle Kunz and Dale Robson, following their attorney's request for copies of correspondence, previous licenses and the applications that were considered by the Board in their decision.

After review of the Legislative Council's approval letters on the proposed rules changes, the Board determined to hold a public hearing on December 11, 1981.

Then, prior to Sharon Miller meeting with the Board, a complaint against the Idaho Adventure's guides was read. Sharon advised that the guides mentioned in Catherine Duffy's complaint were Ken Hill and Don Scott, but principally involved Ken Hill. She read a letter in support of their boatmen and she explained that all guests were briefed ahead of the trips on river conditions, safety, etc., as were the guides given guidelines of conduct. The Board mentioned what actions by the Miller guides had been reported and observed, when the outfitters are not along on the trips, and felt that this should be discussed with Hank and Ken Hill also. They will be requested to come in for the next meeting.

Sharon then asked what problems on licensing would be encountered in a split of the Miller's business, with Sharon licensing as outfitter for the lower Salmon River float boating and Hank keeping the balance of the business. The Board advised that a written release would be needed from Hank, and cautioned Sharon to obtain her license prior to advertising.

At 3:30 p.m., two Boise men, Curtis Olson and Vernon Kindred came in about cross country skiing and mountain climbing. The men did not have license application completed but asked various questions on how the rules would apply to the corporate business they are forming. They will complete applications for licensing.

At 4:00 p.m., Tom Briten, M.A. for Mackay Bar Corporation, came in to have explained what exactly constitutes guiding as opposed to those they hire as "packers", following the Board's enforcement officer warning to them. Tom explained about an employee working for Stonebreaker Ranch which fixed fences, and hauled horse feed and grub into camps, etc. The Board said possibly this one person could be classed other than a guide, but if any service was performed for the guests, handling meat for the guests etc. they are considered to be guiding and should be licensed. This could include the cook. The Board also pointed out that the outfitter's liability insurance would probably not cover any unlicensed employee if injured.

The Board then worked on Outfitter Complaints. Ed Hunt, outfitter in Units 7 & 9 complaint about people in the area with Diamond T Outfitters advertised on their vehicles--Cecil will check it out. A letter was read from a Pennsylvania client's injury in a 1980 hunt with Richard Norris will be answered. He is concerned about his insurance claims as it has turned into an expensive and prolonged recovery. Also another letter will be answered in a private hunter's encounters with Lee Nitz and Robert Brown over campsites in the Don Nitz area--the problem should be referred to the Forest Service. Franklin Greves reply to Ted Epley's Grievance Committee letter

was noted, concerning the Association's Code of Ethics and Outfitter Nygaard; also an encounter between two Snake River outfitters--Lute Jerstad and Floyd Held, who do not hold Idaho licenses, but sent for the Board's information from Nez Perce Sheriff's Deputy, Bob Judson. The meeting then recessed at 5:00 p.m.

Tuesday, October 6, 1981 the meeting continued, with all members present. Applications for licenses were reviewed for approval.

Then, old business included a decision on replacement of the Board's attorney, as Guy Hurlbutt will take over as U. S. Attorney by October 15, 1981. An appointment was made with Attorney General, David Leroy, for the Board members concerning hiring of Attorney Patrick Riceci.

A 9:00 a.m. appointment with the Board was Dr. Robert Porter, Twin Falls and Phil Crabtree, Bend, Oregon, about the float boating business on the Middle Fork of the Salmon River released by Elwood Masoner. They will both license as managing agents in the partnership dba Middle Fork Rapid Transit.

Enforcement problems were next which included Cecil's citation of a Montana outfitter, Kenney Philips who had six California hunters, also word on Spokane Valley man named Morgan with 30 head of horses and 40-50 hunters. Boyd Thietten, Riggins has contacted the Board about enforcement, as he is retiring as Fish and Game Conservation Officer, and a report of Jim and Ivol's meeting with statewide Fish and Game Conservation Officers -- Bob Salter, Chairman has agreed to look into the suggestion of Fish and Game handling the Board's enforcement as law covering is the same and duplication of effort -- Fish and Game would charge the Board in accordance of money spent and the Board would also retain one or two enforcement people.

The Board's attorney, Guy Hurlbutt joined the meeting. Guy will call the Custer County court on the Landucci case being contested. Because of another court case being contested, Guy was asked if "guiding" and "hazardous mountain excursions" could be further defined in our rules. It was suggested that possibly adding the words: "which included at least the following" etc for the law, then back to the Legislative Council for approval. On the Henry's Fork issue if a new business was considered, the priority thing would probably carry over but that the Board has only the prior consideration of an applicant--there was no guarantee of licensing by the priority rule--22C. Also that Danskin has no vested right except by the priority list for consideration. Guy advised that his last day would be October 19 for briefing a new attorney. The Board then recessed, with Guy joining them for lunch.

At 1:30 p.m. all members reconvened with Robert M. Smith and wife coming in about a complaint by Michael Lovitt. Mr. Smith has not met him--does not know who he is. The picture of the "snares on baits" was identified as his "snares are for coyotes, baits for bears." The signs were put up following Smith's clients encounter with Farnam and hunters. Smith never encountered Farnam in person, but Farnam and Harrington had teamed up following the incident--they hunted Units 10 and 10A hard until Fish and Game closure, (along with Units 8 & 9 closed), and now everybody over into his area--he asked about another area. The Board suggested Mr. Smith be sure to get his permits from Forest Service and explained about license extension. Smith said he did not want trouble with Farnam but he would continue to bait and put out snares, but anyone can also do the same.

Bob Jonas of Sun Valley (a native of the Ketchum area) then came in about his newly formed corporation. He inquired about licensing fishing, backpacking and cross country skiing in the Pioneer Mountains and the southwest corner of Yellowstone Park. The

corporation would be known as Sun Valley Trekking Company. Licensing for fishing on Silver Creek and Little or Big Wood Rivers was doubtful, was advised by the Board, relating the Natures Conservancy statements; the Pioneer Mountain excursions might be approved, as no other outfitter is in that area at present. No application was presented, however.

Next on agenda--Outfitter Business included the Board's review of a request and approval for the refund of license fee to Ray Torrey; and A. W. Angell's letter concerning a review of the Board's decision on total Keith Rush area--the Board upheld their original decision; the guide license refund requested by outfitter Art Griffith for Jerry Spurlock cannot be refunded, and Roger Keckison was approved for a probationary license.

The Board will follow up on a telephone call from Tom Hanson about an illegal operation by Randy Colston and also outfitter Jerry Meyers who is reported to be taking a sheep hunter into Hanson's area.

New business was worked on before recess which has the Board's approval for ordering new citations. Then election of Board officers--the chairman was nominated and elected by a motion made by Glen, seconded by Bill, and accepted by Jim Baughman; the vice-chairman was determined to be Glen Foster by motion of Ivoll and Harry seconded and the motion approved.

The meeting recessed at 5:30 p.m.

Wednesday, October 7, 1981, all members except Bill Guth convened at 8:30 a.m., Chairman Baughman presiding.

Enforcement business was continued concerning the reported illegal activity of Randy Colston and Steve Weiber; and the Forest Service has a case against Stanton Miller-- Dave Giles will cite for the state. Posters sent from the Forest Service will be distributed. Dave's report on John Jackson not going to use area will be reviewed with the Forest Service prior to license being issued. Al's use of 1½ ton truck in lieu of vehicle plus trailer was discussed and approved to be paid at 30¢ per mile, as Al suggested. Al's investigation of illegal outfitting at Arco and his trip into Elk City and Red River areas was reviewed. Then finally the court disposition of the Outfitter and Guides citations were noted--Tim Gardiner and his guide, David Webster, both are contesting their unlicensed guiding cases in Hailey (Blaine County) Court; dismissal of the Kenneth Jones party because of federal case outcome which restricts use of Idaho rivers for three years; and Steve Jordan case in Ada County still incomplete

There was then a recess called for lunch--with all members (except Bill Guth) reconvening at 1:15 p.m.

Further defining of guiding qualification was discussed and dropped for the proposed rules changes, but after discussion it was agreed to contact the Legislative Council on inserting a phrase into Rule No. 1 which would state "The Idaho Outfitters and Guides Act applies to all those who provide" (added) "or are employed in providing"-- "facilities, equipment or services", etc.

Outfitter business was continued--the Board determined that Kenneth Colson's vague training card could not be accepted. The Red Cross card of Lennard Sloan would need checked out as it had eradicator used on it--(it proved to be valid). The request for power boating, fishing and bird hunting was approved for Loren "Bud" Rogers, but Steve

Haslip's request for the Board to allow licensing on a new area was tabled until it could be checked into further.

The meeting recessed at 3:50 P.M. when Chairman Baughman and Vice-Chairman Foster left to meet with the State Attorney General, David Leroy--then reconvened at 4:30 p.m., as the meeting was explained--approval of the Board hiring Attorney R. Patrick Riceci was secured. The gentlemen discussed the Board's problems with Idaho courts and it was suggested that personal contacts be made; and finally, the change of fees to the legislated amount was discussed, to overturn the court ruling. It was suggested that time and money spent on out of state business should be kept track of to show the additional expense on out of state investigation and work.

Outfitter business was then finished which decided that letters would be written to Richard Norris's injured 1980 hunting client; John Jones, M.A. for Whitewater River Tours on their guides blocking the rivers with the float boats; and Lawrence Alford of Pebble Creek Ski area on rules for licensing.

A list of those outfitters and guides whose licenses have been approved, extended, amended or denied is a part of these minutes.

The meeting adjourned at 6:00 P. M.

Edythe D. Blele
Secretary to the Board

James L. Baughman
Chairman of the Board

OUTFITTERS AND GUIDES BOARD

Licenses issued, extended or denied from October 3, 1981 through November 3, 1981

LICENSES ISSUED

OUTFITTERS

Jackson, John David

GUIDES

Amaden, Forrest "Skip"

Bare, Olin D.

Bessler, Fredrick K.

Bitton, Maxwell J.

Booker, David L.

Brown, Bill

Brown, Robert G.

Carter, Nolan

Collins, James R., Jr.

Cooper, Kurt

Davis, E. Dale, Jr.

Dawson, Randy

Derrick, Harold M.

Dodson, Doug

Dreisbach, Brian

Elliott, Charles

Enze, Dean James

Fisher, Jimmy D.

Fletcher, John C.

Gardner, Charles John, Jr.

Gaudette, R. Dean

Glover, John C.

Good, Bruce E.

Haynes, Gary Lee

Hendren, Jack S., Jr.

Hill, Brent

Hincks, Dusty L.

Hincks, E. Barry

Hincks, Tony B.

Hutcheson, Doug

Jeschke, Francis J.

King, Joe S.

Kohlmeyer, Karl H.

Kuykendall, Leroy Michael

GUIDES

Loomis, Gary

Lucas, David E.

Ludwig, Brooks

Manes, Dean R.

Marsh, Pat

Meissner, Julie I.

Miller, Marlene Inez

Mucha, James J.

Newcomb, J. Keith

Nitz, Lee

Percy, James Edward

Rush, Kevin

Simmons, James

Smith, Jerry L.

Soper, David W.

Spencer, Roger John

Stickney, Bob

Strunk, Millard H.

Thompson, Charley, Sr.

Thompson, William Lawrence

Uibel, Howard F.

Wenzel, Terry J.

Williams, Mark Alan

PROBATIONARY LICENSES ISSUED

GUIDES

Jensen, Clyde M.

Keckeissen, Roger G.

Licenses issued, extended or denied from October 3, 1981 through November 3, 1981

LICENSES EXTENDED

OUTFITTERS

- Guinn, Stephen J. - Float boating on Salmon River from Spring Bar to Lewiston
- Meyers, Jerry R. - Sheep hunting in Fish and Game Units 27 & 28 for the 1981 sheep hunting season.
- Nicholas, John S. - Qualified to guide all licensed activities
- Rogers, Loren G. - Power boating on Snake River from Hell's Canyon Dam to Pittsburg Landing; fishing from Hell's Canyon Dam to Pittsburg Landing; chukar hunting from Hell's Canyon Dam to Lewiston on Idaho side of river -- also qualified to guide.

GUIDES

- Hopfenbeck, Paul Henry - Elk, deer, moose, goat, sheep, bear, cougar, bird hunting; fishing; trailrides when guiding for Paul Resnick.
- Schwarz, Cary Randal - Elk, deer, goat, bear, cougar hunting; fishing; trailrides and snowmobiling when guiding for Gerald Richie
- Smelter, Craig - Float boating on Henry's Fork of Snake River when guiding for Island Park Sporting Goods
- Sohrakoff, Mike Warren - Power boating on Salmon River from Spring Bar to Lewiston
- Stachowsky, Mitchel - Elk, deer, goat, sheep, bear, cougar, predator hunting when guiding for Diamond D Ranch, Inc.
- Stone, Robert Pirtle - Boatman on Middle Fork of Salmon River.
- Sutfin, John - Goat, sheep, bear, cougar, predator and bird hunting and backpacking when guiding for Eakin Ridge Outfitters, Inc.
- Terry, Bill - Float boating Salmon River from Spring Bar to Lewiston; Snake River Birds of Prey area from C. J. Strike Dam to Givens Hot Springs area.

LICENSES DENIED

GUIDES

- Bitton, Maxwell J. - Sheep and Antelope hunting denied as the employing outfitter is not licensed for those activities.
- Gibbs, Mertie G. - License denied in accordance with Section 36-2116 (1) of the Outfitters and Guides Act, for supplying false information.
- Miller, Marlene Inez - Backpacking denied as the employing outfitter is not licensed for that activity.