

OUTFITTERS AND GUIDES BOARD

February 22, 23, 24 and 25, 1982

Boise, Idaho

MONDAY, FEBRUARY 22, 1982, at 8:30 a.m., the Outfitters and Guides Board met for a regular meeting with Chairman Jim Baughman, Glen Foster, Harry Vaughn and Ivols present--Bill Guth was absent.

New Business included the following: Contact by representatives of the Forest Service with Chairman Baughman was explained, regarding a proposed redistricting of Idaho for the Forest Service and Bureau of Land Management jurisdiction, with implementation within the next 10 years; HB 677 introduced for legislation for the Board's law changes which will make the penalty for illegal outfitting/guiding to be a misdemeanor rather than a criminal act, as well as clarifying other sections of the O & G Act; and also noted was information received on another bill in legislation concerning it being a misdemeanor to use irrigable lands for public land access.

Prior to his appointment, Terry Ring, of Ketchum application was reviewed. He is applying for a license as managing agent of the old Bill Bishop, Silver Creek Sports business. When Mr. Ring came in, he explained he had guided for Bishop, and formerly for Will Godfrey and Bud Lilly. His proposed operation will be ^{to} incorporate the shop purchased from Mr. Bishop and if licensed, will be known as Silver Creek Outfitters. The bird hunting in magic valley was mentioned, and the Board explained the legislature's stand on non-commercial hunting of that area.

Howard Jones, Corvallis, Montana, former general manager and new managing agent for Flying Resort Ranches, Inc. and Loyal Willis, Idaho City, a one-time managing agent, came in to discuss two problems involving joint-use of areas licensed to them and others. The area known as Cow Basin was originally set up to split the season with use by the adjoining outfitter, but F & G has changed the season making the unequal split, with Flying Resort getting the short half. They petitioned the Board for a change to show that the adjoining outfitter--Kindt & Knutson (KD-Bar-K Outfitters) having the first one-half by current year date, and Flying Resort Ranches the last one-half--the Board saw no problem but will talk with the KD-Bar-K Outfitters. The second problem involved Rick Hussey's joint use of an area which was explained to be on a year to year basis originally. This too will be discussed with the adjoining outfitter, Rick Hussey, prior to relicensing.

Ken Jafek, Malta, Idaho --a new applicant, asking for deer, cougar and predator hunting in Units 55, 56 & 57, then came in. Mr. Jafek is a farm manager for J.R. Simplot Land Co. (10,000 private acres), and hunts with dogs/horses in his off-season hours. The Board wanted Mr. Jafek to understand that if licensed, he would not have an outfitting business to sell--that his situation would not necessarily be the same for someone else.

The Board then recessed for lunch.

At 1:15 p.m., three members of the Board reconvened, with Jim Baughman and Bill Guth not being present. Outfitter Brian Simi, Vancouver, WA and his new partner, Phil Whitley of Raleigh, N.C., came in about their newly formed corporation. Mr. Whitley explained he has a booking agency dba Phil Whitley Adventures. The outfitting business, with Simi and Dennis Sergeff, dba S Bar S Wilderness Outfitters, will be changed to S Bar W Wilderness Outfitters. Brian Simi mentioned that his cousin has 5 horses and will work in the area. After being warned that a guide is to only furnish his services, Brian Simi said they will rent the horses and license the cousin. The Payette F.S. signature was needed, as well as the Challis F.S. signature already obtained. They will complete their applications.

The next appointment was with Clair and Florence Buxton, Weston, Idaho; Chairman Baughman returned during this meeting. Mr. and Mrs. Buxton are applying to license as outfitter-partners, with Clair as managing agent. The areas being applied for are two

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separate areas--the Lynn Davis hunting area in southeastern Idaho and the old Crombie (John Jackson) area. Bob Martin, North Fork F.S. land manager, has advised that the Jackson area is small with only about 20% huntable, and advised that if it cannot be made a viable outfitter business by the Buxtons, it will not be re-permitted to someone else. The Board warned about clients hunting as access is made through other outfitters areas from Cold Meadows; also access was discussed by using the Stoddard pack bridge, as well as Buxton mentioning trying to obtain that part of Stoddard's area.

The commercial portions of the Lynn Davis hunting area in Units 73, 74, 75, 77 & 78 was looked at on the maps. Mr. Buxton was advised to get the BLM land manager's signature in the area as well. Prior to leaving, the Buxtons explained being at the Anaheim Sports Show, and that they had not taken any bookings--only had taken bad advise.

At 3:20 p.m., Steve Galles, Lewiston came in to meet with the Board concerning an outfitter license for hunting bear and cougar in Units 11, 13, 14 and 18. The moratorium on new licensing for bear hunting was explained, and Mr. Galles explained that he mainly hunts lion. The Board said the request would be researched.

Mr. Kent Stears, Idaho Falls, ID, came in to discuss his proposed operation for bear and antelope hunting in portions of Units 58, 59, 59A and 61. The Birch Cr. and Medicine Lodge area mainly is wanted for bear--the Board explained the moratorium on new licensing for bear hunting and explained that Rod Watkins had also applied and was given the same information. Archery hunting of antelope from blinds was his proposed operation. The application will be completed, but Dennis R. Marshall will probably not license as a partner.

The Board meeting was recessed at 5:35 p.m.

TUESDAY, FEBRUARY 23, 1982, all five of the members of the Board convened at 8:30 a.m., and a complaint letter was read concerning David L. Cox, Double K Outfitters, about a hunt this past fall--then Mr. Cox was asked to come in. Various points were taken from the complaintant's letter and discussed. The Board finally pointed out some grave errors made--brochure promising meals not supplied, time allowance not correctly given in the Boise-Grangeville travel time needed, clients not met, Fish and Game laws being ignored, etc. In defense, Mr. Cox mentioned that the clients did hunt for several days on only their deposits, and left without Mr. Cox being in camp to collect the balance owed by each one. The Board suggested some changes be made in his advertisement and management, as well as suggesting he collect his fee balances in advance, and to respect the game laws. Before Mr. Cox left the meeting, it was explained to him by the Board, that his outfitter operation had not been proven to be successful and as it was along a main logging highway, there would probably not be a transfer approved for relicensing.

At 10:00 a.m., Doug Kindt and Dick Knutson, Challis, dba KD-Bar-K Outfitters, and Loyal Willis, Idaho City and Howard K. Jones, Corvallis, MT, of Flying Resort Ranches Inc., all came in to discuss the joint use area known as Cow Basin. There was an agreement made to change the wording to allow the KD-Bar-K Outfitters the first one-half hunting use and Flying Resort Ranches the last one-half hunting use by the current year's F&G seasons. The Flying Resort Ranches men then left the meeting.

The Board then brought up a complaint which had been registered against Mr. Kindt and Mr. Knutson, by 6 clients from the Tri-Cities area of Washington state. There was mentioned in the letter that they were doing business as Ramshorn Outfitters. The outfitters said they had leased the ranch and lodge and had assumed that name; the Board then showed them their ad and advised that the advertising must be corrected to show outfitting by KD-Bar-K Outfitters, as licensed, or change the licensing to correspond.

The problems with the clients was explained. There were demands for additional horses and a cook after they arrived, and after paying them when they left, they stopped payment on their checks. They have filed a legal claim to try to obtain their money, but have since learned that these men have done the same in Washington and Montana too.

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A letter was read from the F.S. concerning a trash cleanup situation that the KD-Bar-K outfitters would have to attend to prior to reissuance of licenses. The outfitters advised that the trash was inherited with the area, but the problem was being taken care of.

Jim Rennie, University of Idaho Alumni Association, Moscow, ID came in to meet with the Board concerning the Association being licensed for float boating on the Lower Salmon River, with himself as the managing agent. He explained that in the past he has worked about 10 months with the University on a cooperative-cost assumption basis and that the Alumni Association does not have any state tax dollars subsidizing it, all self-supporting, and that the boating is not confined to the University only, others solicited by advertising. Mr. Rennie stated he had rowed 6 raft trips and had a good record working with other outfitters--all members voted to accept his statement of qualification as supported by his certified statement. In his row-it-yourself operation, the exception to rule 26-a & b was explained as defined by the Board's attorney.

New Business was brought up which included letters read which came in for the Board's attention, then the Board recessed for lunch.

Following the lunch recess, the five members reconvened, meeting with the proposed new outfitters for the Ray Tarbox, Chateau Outfitter business. Stephen Jones, and his father, Franklin Jones, both of Potlatch came in about Stephen being licensed, with father's financial backing. Stephen has not been in the area, but has guided for Tim Craig. They propose to assume the equipment and stock which belongs to Ray Tarbox. It was mentioned by the Board that Ray Tarbox would need to license as managing agent, but that he has a problem of clearing a citation of hiring an unlicensed guide. The Forest Service signatures for permit issuance too was needed, along with completing other forms.

Outfitter Business was worked on which included F.W.Howell, Big Western Pine Motel, West Yellowstone, Mt., who has registered his opposition in a letter to the new rules and regulations on snowmobiling.

The next appointment to meet with the Board was Jim Bonnett, and Fred Terwillegar, Livingston, Montana, who are seeking to be licensed as outfitters in their deal with Bud Lilly which included his Trout Shop, Inc.--Mr. Lilly will release the area in their favor. The Board warned about over use of the area, if licensed, and explained the concern registered by Fremont County Commissioners, and suggested they limit their number of guides. The applications will be completed for 1981-82 licensing.

The meeting then recessed at 5:00 p.m.

WEDNESDAY, FEBRAURY 24, 1982, all five members reconvened at 8:30 a.m., with discussion on filing emergency rules as was suggested by the Board's attorney as a way the numbers of guides required in the snowmobiling rules could be changed. Then the members of the Board talked to Mr. Howell concerning the snowmobile rules. There was mentioned that a waiver of this rule will be looked into.

A phone call which came in from LuVerne Grussing, Cottonwood BLM Recreation Planner was explained--the BLM has initiated a moritorium on the Lower Salmon River boating, to remove those outfitters who do not use the river, asking that the Board also remove those licensed but not using the river, with no replacement of licensing. A letter will be coming to support the BLM action. The Board then determined by unanimous vote, to review all licensing on all rivers who do not have a permit.

The Board also reviewed documentation on the Wild Rivers Wilderness Act which included federal jurisdiction on surface waters.

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The minutes of December 2, 3, 4 and 5, 1981, were then read and approved, by motion made by Ivöl and seconded by Glen.

Enforcement Business was brought up next, as Al Lewis came in. He explained his case on Charley Thompson, Grangeville, which cost Mr. Thompson a \$300 fine plus \$200 in expense restitution, with 6 months to have it paid; and also his recent cougar hunt with John Anderson in which a friend of Al's took a cougar--Mr. Anderson has been cited. Al asked for and received the Board's approval in using his friends when off-duty from the Idaho State Police, on these cases. Marvin Todd outfitting in Idaho for cougar and not being licensed, was discussed--Al was approved to go ahead on the case. Before he left the meeting, he mentioned a number of other suspected illegal operators he hoped to follow up on. Al was also asked about the snowmobile investigation he made in eastern Idaho, and how he felt about how it was conducted and the new rules. Mr. Lewis supported the rules.

The Board then recessed for lunch.

When the Board reconvened, a telephone call was received by the Board members from Richard Clark of Ricks College--he will not be the managing agent for the college, but will request licensing on his own this year.

Jerry Meyers, Salmon came in to meet with the Board concerning a complaint made by a sheep hunter client, Dr. Dunkley, Preston, Idaho. The letter was not read as it is confidential, denying Mr. Meyers' request to have it read to him. The various points were brought out concerning Jerry not being knowledgeable of the area planned on--Wilson Cr & Alpine Cr., access to the area; and the problems encountered in Jerry floating the Middle Fork River, as was arranged as part of the hunt.

Explanation was made on how the hunt was made, the problems of rock slides and snow encountered, and that the client was out of shape and quit the hunt to go home early to hunt pheasants. The Board warned about including a river float as access or egress in his hunt agreements, and Jerry said he understood. Jerry then argued that this should be available to him on his river bordered area. Jerry finally said he would seek floatboat outfitting later on, and the qualification for guiding as a lead boatman.

Outfitter Business was continued after Mr. Meyers left the meeting. This included evidence sent in by the Forest Service investigator that Jim Powell has falsified documentation to secure his permits; James Henry Katz has advertised and plans to float the Birds of Prey, although no BLM permit or licensing; Jim Pepecorn's attorney contact with the office concerning F & G closure of a big part of his area--Unit 36; Earl Dodds (F.S.) contact about summer use approval for McCallum; also McCallum's "Guide & Packer" school advertising--Harry suggests the Board of Education be contacted; Rick Hussey and Everett L. Peirce will have letters sent to straighten out the use of Peirce's area; Boat outfitters problems included Gerald Kooyers letters on his personal training, and Whitewater River Tours guides supporting their actions in float/power boat encounters; and Rick Grunch, Hayden Lake request for additional area which Whitecotton is releasing.

The meeting then recessed at 5:45 p.m.

THURSDAY, FEBRUARY 25, 1982

At 8:45 a.m., all members except Bill Guth reconvened. The first business was work on a "Notice" to be mailed out with the new licenses, to explain exactly what constitutes legal and illegal activity for the outfitters--a motion was made by Harry, and seconded by Glen, and approved unanimously.

Snowmobile ruling was again discussed and a call was made to the Island Park Forest Service. Following the call, a motion was made by Harry, seconded by Glen to change the rule as follows: 1 guide for 1 through 8 snowmachines; 2 guides for 9 through 20 snowmachines and 1 guide for each 10 machines added thereafter, (Rule 45)--unanimously passed. Plus a waiver to be implemented if emergency rules are formed--paragraph C., with the waiver criteria being: 1) O & G Act 36-2109(b), and 2) Rule 7-C.

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Minutes of December 10 and 11, 1981 were read, and with suggested correction, approved by the members of the Board.

Old Business included the Board's response to the Mackay Bar Corp. drowning case, in which the jury foreman, David Blackwell wrote about the Outfitters & Guides rules being unclear as to what constituted a "boat". It was agreed, that in a future rules hearing rule 26-d would be looked at as to designation of "only what is considered a boat."

State Business included the Idaho Personnel Commission's request for a number of forms completed by the Board's employees (Position Description Questionnaires--"PDQ's") which resulted in a lot of time spent; the 1983 Outfitters and Guides Board's budget, as being presented to the legislature, approved; and enforcement business included suggested changes to Fish and Game citation forms as they are being ordered for the Board's use.

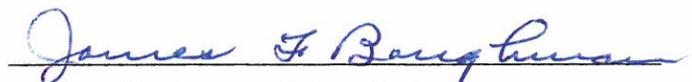
Outfitter Business was finished--A request letter from Zeke West was approved to have his brother, LeRoy West, handle the river business as managing agent; a telephone call from Bill Goosman, Cobalt Rgr. District, Salmon, asking about Tom Hanson relicensing --it was agreed, that if relicensed, the Waterfall Cr. area will be left off, as requested by the F.S.; Robert Jonas, Sun Valley Trekking Co.'s request to have his application for 1982-83, was agreed to; the two men applying as guides for Al Lockett, Leo V. Jarvis and Jim Kirk, were discussed--their court case is still unsettled in the outfitting/guiding without licenses. Al Lockett will be asked to come in to the March meeting; and the bear moritorium on licensing new applicants was discussed--Jay currier's letter will be answered, advising of the moritorium.

There is included in these minutes any new outfitter or guide licenses which have been issued, extended, amended or denied since the last meeting.

The meeting was adjourned at 5:30 p.m.

Respectfully submitted:


Secretary to the Board


Chairman of the Board

OUTFITTERS AND GUIDES BOARD

Licenses issued, extended or denied from February 20, 1982 through March 31, 1982

OUTFITTERS LICENSED

Bonnett, James I.
Callahan, William P. (Bud)
Haselip, Steve
Symons, Lynden
Thompson, Howard Wesley
The Trout Shop, Inc.

GUIDES LICENSED

Beamer, Wally	Jerman, John C.
Kindred, Vernon W.	Enos, Burt
Collins, Robert J. (Bob)	

LICENSES EXTENDED

OUTFITTERS

Hinkley, Mark) guide for power boating on Salmon River from Mackay Bar to Spring Bar
Whitten, Sam)

Jarrett, Larry - additional cougar hunting area
Sherer, Ronald L. - additional cougar hunting area

GUIDES

Yeany, Scott - Lead boatman for float boating on Salmon River from Middle Fork to Spring Bar.

DENIALS

OUTFITTERS

Symons, Lynden - all hunting denied in accordance with Section 36-2109 (b-4 & b-5) of the Outfitters and Guides Act.

Thompson, Howard Wesley - all hunting denied in accordance with Section 36-2109 (b-4) of the Outfitters and Guides Act

GUIDES

Beamer, Wally - big game hunting and predator hunting denied as the employing outfitter is not licensed for those activities.