

OUTFITTERS AND GUIDES BOARD

September 27, 28 and 29, 1982

Boise, Idaho

Monday, September 27, 1982, at 8:30 A.M., the five-member board convened at their Boise office for a regular meeting. Those in attendance were Chairman James Baughman, Ivor Sies, Glen Foster, Harry Vaughn and Norman Guth. The first order of business was review of applications for license approval. It was determined that the guide license applications of Stanley Butler and Patricia Formecelli would be returned to the Incomplete File as they need current first aid cards. They have been advised.

The first appointment then came in--Carl D. Winton, of Texas and Jackson, Wyoming. He complained to the Board, both in writing and by statement, that he was being denied packed in access to an area presently licensed to the D-Double-S Outfitters, Wilbur Stepp, M.A. He said that the former outfitter, Harold Hodges had packed him and his father and mother in to the area on Raspberry and Monroe Creeks and they had stayed as long as they wanted for \$600 each (Mother paying one-half price). He wants outfitter Harlan Opdahl to take him into the area which would be about one mile beyond his area boundary, saying that Stepp does not use the area but would not take him in.

The Board asked if he might be too demanding, he said no, that the length of time was more the factor--that he stays a month or so in the area, hunting trophy elk, deer and bear, and panning for gold. Salting or baiting was discussed and as there are no cattle in the area, it was pointed out to be illegal. His complaint of camps being torn up was suggested to be a Forest Service problem, and he was referred to Tom Keller. The Board said they would look into his problem but explained to him that it would take time, as the hunting season was upon the outfitters, and they might not be able to be reached. Mr. Winton wanted immediate action, saying money was no problem and he was ready to hunt.

Enforcement Business next included the Carl Estep advertising of Idaho deer hunting, in which he flies to locate game; Roy Moore, Weiser area advertising of Idaho was also being looked into, and the Board has mailed a letter advising he needs a license; also Harold Parrish, Bremerton, WA flying to McCall, reported hunting out of McCall will be checked out. The case against Jim Gellein in Idaho Co. is in limbo, pending location of Gellein, as he has skipped. The Tony Brown case in Bonner Co., Sandpoint was lost, but there is also a Boundary Co. citation pending. Fish and Game has dropped their case on an illegally taken bobcat.

Al Lewis came during discussion of these cases, and he further mentioned the case on Kelly Carr which he leaving on. He said he would check with the courts on fine money due on Charley Thompson and on the Charlie Ferdon case in Idaho County. Al also mentioned several other cases he feels need checking into, and the Board advised him to follow up on a radio advertisement of Rocky Mtn. Fly Shop's planned seminar at Warm Lake, as they have not completed their applications for outfitter licensing this year.

Al left the meeting and the members recessed for lunch, reconvening at 1:15 P.M. with all board members present.

Enforcement Business was finished then, which included Harry mentioning Steve Shoemaker involved in suspected illegal activity--a note will be sent to Don McPherson. Harry also advised that outfitter Tim Craig had been cited in Alaska this past year, for "wanton waste of game", involving a caribou hunt, and that Steve Shoemaker was with him.

Old Business was brought up. The Ray Ralls Hearing is still pending and a letter written for the Board by Attorney Riceci was read which was sent to the Hearing Officer, withdrawing the Breach of Contract portion of the case against Ray Ralls.

Jerry Meyers case was reviewed and correspondence read. Norman mentioned that Jerry had approached him and that he had explained that Jerry seemed to the Board to be more concerned in obtaining the Middle Fork boating rather than just access for hunting. Glen mentioned that a letter was written to Jerry outlining what criteria was needed to be approved for the access boating he's requested. Norm said a hearing would probably clear the matter. A letter will be sent to find out if a hearing is still wanted.

Mr. Baughman explained a telephone conversation with Attorney Jay Meyers, Jerry's brother, in which a draw-hunt was brought up by Jay, mentioning it involved several people including his partner, Herman McDevitt. A letter was then read from Attorney McDevitt to Jim Baughman, in which he took exception to Jay's interpretation of the telephone conversation. The Board determined they would review Mr. Baughman's reply and that it would also be sent to the Board's attorney for his review with the Attorney General's office, prior to mailing, as Mr. McDevitt had sent a carbon copy to the Attorney General.

There then followed a discussion on the Board's policy of allowing another outfitter in another's area, if requested in Sheep and/or Goat drawing hunts. That there needs to be time allowed to determine if the area outfitter is planning a hunt of his own, etc. The Board then all agreed that what had been offered Jerry had been fair, that they had supported him concerning his hunting request, but that his demands over what was given seemed to be attaching more importance to the float boating approval being licensed than just in conjunction with the hunt access.

Outfitter Business was worked on. Reports by Herman Konrad on the Richard Justus area, and Harold Thomas's contact with the Board concerning obtaining the area. Maps were checked, and it seemed to the Board that it made good sense to add to the adjoining outfitter's area. A telephone call from a client trying to locate the Double K outfitter, David Cox. He mentioned meeting Lowell Pitman in Elk City--Pitman is not licensed. A letter sent to the S Bar W Outfitters (Simi and Whitley) and Bob Cole, Middle Fork Lodge was read--area adjustment would rectify the problem, if agreeable. Wally Beamer's financial statement was approved; Jim mentioned that he had talked to the F.S. and they're in agreement to the Rivers to Beamer business transfer. Glen mentioned his telephone conversation with Richard Clark--his Idaho operation includes Fox Creek, the BLM sand dunes area, and the Nez Perce trail, but about 90% in Wyoming. He will get licensed. A letter was sent to Marty Riddle about the extension fees needed to add bird hunting to his and his guide's licenses--no response. Guide applicant, Darcy Day, will be advised her request for refund cannot be made, citing Idaho Code 36-2108, b.2.

A couple investigations were discussed--Joseph P. Madsen, Eugene, Or. on illegal commercial use of the Rogue River; and Steven L. Gilley, currently licensed but has submitted a falsified R.C. card. Also mentioned was Dana Page, currently licensed--who was involved in being along on a friend's illegal poaching incident. Letters will be sent.

There was conversation about Dr. Shannon's White Lightning Tours permit--that what he submitted as a valid permit was only an explanation of what is required to get a permit, as was explained by Art Seamons of HCNRA. Also Ernie Duckworth has a deal pending with Floyd Held--he will come in to meet with the Board concerning this.

The meeting then recessed at 5:25 P.M.

TUESDAY, September 28, 1982, all five members reconvened at 8:30 A.M., with discussion continuing on boating, those power boating rivers being removed and held in abeyance, which showed no use. The Snake River power boaters who could get a permit where approved by license extension to allow this boating to be reinstated. A letter was approved to be mailed also advising that if no permit is obtained, the licensing will be revised to coincide with the permit issuance.

Norman Guth then left the meeting for another appointment, at 9:30 A.M.

The minutes of July 19, 20 and 21, 1982 were read, and approved as read by motion made by Glen and seconded by Harry.

Aaron Wilson, Riggins denied application was reviewed; it was determined to try to make contact with the Fish and Game biologist which had a bearing on this issuance.

Steve Weiber's request for bear hunting up Sheep Creek from the Snake River was discussed. The Board agreed to review for use those currently licensed at the time of license issuance, to see if he could be licensed. There was more discussion then concerning the bear hunting moratorium and it's effects.

Rules changes being proposed were brought up. It was determined to write to Fremont County Parks and Recreation concerning the area's feeling on use of Fall River. Henry's Fork take-out at Mesa Falls not feasible was mentioned, suggestion of Riverside Campground was made by Glen. Other proposed changes will be put together which have been suggested on the rivers.

Sterling Alley and daughter-in-law, Joan (Mrs. Steve) Alley, of Garden Valley came in to meet with the Board about licensing for cougar mainly, although elk & deer and bear was mentioned. Application has not been made, they were mostly interested in finding out what area might be considered. Mr. Alley said his sons run hounds in the winter, and possibly his son, Steve should also be licensed as an outfitter/guide.

Norm returned to the meeting at 11:20 A.M., and there was discussion on use of Dave Giles as an enforcement officer along with him working as a guide for Norman. Dave will work for Norm when not working for the Board was agreed.

The meeting then recessed for lunch, with all five members reconvening at 1:15 P.M.

Terry Kayser, Heron, Montana came in about new outfitting in Idaho(along with his Montana outfitting)in Units #1 and #4. Although he is asking for elk, deer, cougar and bear, he said he was aware of the bear moratorium. He also mentioned he wanted to trailride into some of the area lakes. He said he had guided previously in Idaho and has outfitting in Montana as well as logs with his brother.

The use of Stan Sweet, Rick Grunch and James Striker was mentioned and maps were checked. Mr. Kayser will see the F.S. for more information on areas and will complete his application. He was warned by the Board about licensing before advertising, and use of dogs by guides was discussed--advised to make lease agreement or contract.

Kenneth Colson, Grangeville(and Shepp Ranch) then came in to question the reason he was denied an outfitter license for power boating as he has licensed previously. The Board read him a letter requesting a number of items to be given in his operation, as he had changed his situation considerably was the word received by the Board. He claimed he had not recieved the letter, but admitted he had been working fulltime as a guide for the Shepp Ranch, along with his wife as cook, and that he would now go to work as power boat operator for the Mackay Bar business.as soon as approved for licensing.

Although time had expired on a hearing or appeal, he asked to have the Board research whether there was a space available if he complied with the Board's request for information and completed another application. The Board agreed to advise him.

Howard Manly and Bruce Minter, Boise and Big Creek, came in about licensing the Big Creek area now licensed to Dave Stucker dba Chamberlain Divide Outfitters. It was explained that if approved, that Dave would continue as the managing agent--that he was not a partner, but was releasing the area back to Big Creek Lodge. Bruce explained that he has a 30-year F.S. lease, with 8 more years included in his present lease.

They propose to license the Big Creek Assn. which involves this lease and some private property--the Sunday Mine, which includes 113 acres, which they plan to develop. The area being run by outfitter Dave Stucker was discussed. It was determined by the Board that a contract or agreement was needed, as well as a release or assignment of the area, by Dave Stucker. They mentioned that Bruce's son, Scott Minter might take over as M.A. if Dave wants out sometime in the future. The owners of the Assn. business are Manly, Manly's father, and Minter; it is being formed as a non-profit association.

Bruce Minter said he had dealt with Dave Stucker for 7 years and no problem. Harry asked who would be the one to deal with in their Association, and Howard Manly said he would be the one to start off on the Board of Directors in the Limited Partnership, but that he was the President of the Assn. at present, but could change. Mr. Baughman warned them that it could not be a club with exclusive membership and be an outfitter operation by law, and Mr. Manly advised this would not be the case.

Mr. Manly also mentioned wanting a summer operation into Cougar Basin and on Big Creek for fishing same as licensed when it was released to Minter by Bob Eaton. Bruce says it's going on, just want to make it legal. They further mentioned cross-country skiing and snowmobiling, but none of their proposal has been approved or gone over with the Forest Service. The Board will talk with Dave Stucker before approval they said, and the applications have not been completed.

Jerry Kooyers and son, Sheridan Kooyers, Riggins came in at the Board's request to discuss the contract use of guides, rather than by the Outfitters and Guides Act--36-2102,c., which was quoted to Mr. Kooyers.

Jerry said that "everybody is doing it", and that he had obtained copies of two other outfitter's contracts to work up his. Both Norm and Glen explained what they have to do on Workmen's Compensation and Insurance to be within the law; also mentioned was the Board's responsibility to work with the IRS etc. Glen also pointed out that Kooyers was making the employee pay his own FICA tax, which was the company's responsibility.

Guides moving from outfitter to outfitter was brought up, by Mr. Kooyers, and the Board explained having several outfitters sign as employers. The Board said they realized it was going on with some of the Oregon outfitters, but that it was against the law, and the Board is trying to crack down where this contract procedure shows up. Norm mentioned an outfitter who had the IRS come down on him and warned this could also happen in Salmon River Challenge's case, if continued. Mr. Kooyers argued that the rates were atrocious and that the Long Shoreman's law needs changed. The Board suggested to approach the Idaho Outfitters and Guides Association and Western River Guides Assn. to impliment a change.

Outfitter Complaints were worked on where letters were read from a client of Fred Wright's in his 1980 year's hunt. Letters from Fred Wright were also read. It was determined to check into the complaint, that perhaps the bond could be filed upon.

The meeting then was recessed for the evening at 6:00 P.M.

WEDNESDAY, September 29, the meeting was continued at 8:30 A.M. with all members except Norman Guth present, and the first business being the reading of the minutes of August 30 & 31, and September 1, 1982 with approval by all members present.

Roy Moore, Weiser and Nampa, came in to meet the Board about new licensing. He has 1,700 deeded acres and lodge and wanted 3,400 acres in Unit 31 in Washington County along the Snake River. Mr. Moore showed pictures of his lodge and explained his ranching business, with a foreman running the ranch; and explaining that his 4 sons who attend college in Nampa, help run the ranch in the summers along with 4 employees.

Mr. Moore's outfitting request was for deer, bear and chukar hunting and fishing and trailrides; stating the public has access to his ranch, with permission. Also he has sail boats and wind surfers, along with the ranch foreman having 5 or 6 good bird-dogs. He will complete his applications so he can be ready for the 1983 season, he said.

In response to the Board in their inquiry about his ad in the Outdoor Life, he said it was not intentional to be illegal, and conversation turned to him taking a deposit. He returned the amount of the deposit for the Board to cancel a hunt scheduled. Mr. Moore then left the meeting.

Dot Handy, Jerome and Randy Stone, Fairfield, Dave Waite & Dan Wilson, both of Twin Falls came in about the portion of Handy's business being purchased, which would include approval for licensing for the Middle Fork of the Salmon River. Dot said some equipment is included, and she would give a release.

The new business will incorporate, and will be called High Adventures River Tours, and Randy Stone would be the managing agent. Glen gave Randy a good reference as a skilled river boatman. The Board said they saw no problem, but applications needed completed. They were warned to not advertise prior to licensing.

After this appointment, the members reviewed a new list of licensed outfitters being typed and suggested some changes. Then the meeting recessed for lunch.

After lunch, the same four members reconvened--Norman Guth was not present. A telephone call was made with Dale Baird, Enforcement Chief with Fish and Game, then a resolution was passed unanimously by the members present to withdraw Al Lewis from the investigation of Joe Hill, as the F. & G. Department has withdrawn their man because a check of the area determined that there were too many in the area aware there was to be an investigation.

The next appointment was Dave Bobbitt, Coeur d'Alene, who came in about outfitting in Unit 10. He explained his contact with F.S. and that prior outfitting had been non-successful, he had hunted the area since he was 12 years old, and had packed in groups since 1974. He explained his plan, explaining he knew economics, as he owns a farm and has managed a bank for 13 years; further he said he shod his own horses and packs decker saddles. He suggested talking with Tom Keller or William Ewing at Orofino and also mentioned the Biologist, Don Genni knew what was being proposed.

James Holcomb, Lewiston, a partner with Bob Liming dba Alpine Wilderness Leadership School came in to see about licensing as the Managing Agent for cross-country skiing, fishing and backpacking. He said that although he was not a PSIA member, that he teaches skiing at school and at a local sports store. He felt he had the qualification for a lead guide, and presented some certificates to emphasize his ability. The Board asked for a certified statement. He also mentioned to augment their business, they have fly fishing instruction.

Harvey Whitten, Riggins came in next to talk to the Board about a possible complaint that might come in from the Forest Service on a locked gate being broken. He explained that the gate was locked early and that he had bear hunter and the animal was treed which necessitated getting through, and thought the F.S. would report it. (The F.S. did call). Mr. Whitten said he is trying to work with the F.S. on a later closure.

While Mr. Whitten was in the office, there was discussion on use of guides and dogs. It was explained that guides furnish only their personal services, and a lease of the dogs would be needed, where they are included. Harvey said he had let Dean McGuire go, and there was discussion of Dave Stucker's use of Whitton's area by agreement between the outfitters. The Board warned Mr. Whitton that all area use must be licensed.

There was discussion of Forest Service contacts about the K-D-Bar-K Outfitters and Tom Hansen, as well as the 1982 season's Middle Fork use was reviewed and the list of permittees.

Letters were read from the Legislative Auditor commending the Board on submitting their 1984 budget timely; also an Avalanche Course being proposed, both approved. An outfitter's letter about licensing their guides in Idaho, from ECHO will be answered as well as an attorney for James Danskin requesting the file of Artful Anglers and Jim Danskins in a lawsuit being instigated in West Yellowstone.

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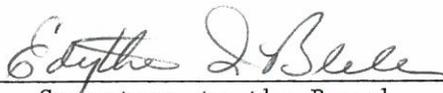
Outfitter Complaints were read which included a letter from Robert Poitras, Everett, Washington, against Gerald Richie; and ARTA's complaintant, Tony Compagnone, has contacted the Board again on what action is being taken against ARTA--he will write a letter.

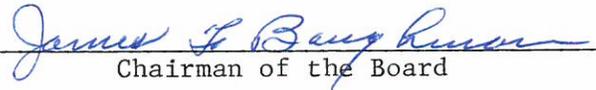
The Board discussed rules changes for the West Yellowstone snowmobilers--it was determined that emergency rules changes could not be promulgated. A rules hearing will be worked on. Glen proposed to move paragraph B to paragraph C--thus leaving the rules the same for non-groomed trails, then forming a new paragraph for groomed trail snowmobiling. Other rules will we worked into the proposed rules changes which have been listed for changes.

Office furniture and new office help was discussed. The Board approved this to be looked into for the next meeting.

A list of outfitters and guides licenses approved, denied, or amended since the last meeting follows as a part of these minutes.

Respectfully submitted,


Secretary to the Board


Chairman of the Board

1981-82 EXPENDITURES

	July	Aug.	Sept.	Total	1981 total
*Office Salaries	4,970.00	3,174.00	3,784.01	11,928.01	10,410.24
*Enforcement Salaries	1,597.50	1,847.04	1,797.12	5,241.66	4,199.75
*Board Salaries	927.50	692.50	822.50	2,442.50	2,222.50
Mileage (7903/7913) Board/Office (includes airfare) Enforcement	811.28	546.66	1,214.82	2,572.76	2,946.96
Travel Expense (7901/7911) Board (Subsistence/Motel) Enforcement	718.16	622.25	876.82	2,217.23	3,454.82
Misc. Enf. Exp. (Evidence/Deposits) Rentals: Horse/Trl/Trk/Airplane)	1,362.94	124.96	238.82	1,726.72	320.72
Fees Paid: (Assn/Leg.Data/Magazine)					
*Group Insurance/Life Insurance	400.20	400.20	400.20	1200.60	129.10
*State Ins. Fund (Accd./Health)	146.20	146.20	146.20	438.60	379.32
*Unemployment Compensation					43.52
*Retirement	329.28	334.74	351.38	1,015.40	1,085.44
*Social Security	542.19	382.22	388.86	1,313.27	1,119.43
Attorney Fees/Hearing Officer	197.46	48.24	366.22	1,011.92	176.00
Legal Notices			455.00		
Office Rent	352.00	198.00	550.00	1,650.00	1,056.00
Telephone -- Local	53.02	55.60	265.78	374.40	143.56
Telephone -- Long Distance & Advance Deposit	10.83	22.23	10.83	43.89	342.42
Insurances (Property/Liability/etc.)	1,114.12			1,114.12	
Postage	136.43			136.43	177.94
Printing -- Xeroxing Other			16.63	16.63	79.50
Office Supplies	75.23	45.99	26.65	147.87	196.78
Refunds (Oftrs/Guides fees)	60.00	40.00	60.00	160.00	745.00
Idaho Personnel Commission/Gen Fund	80.16			80.16	
Misc: (named) Off. Machine Repair			36.00		
Capital Outlay (named)			176.00	212.00	
TOTALS	14,554.80	8,871.25	11,023.16	34,449.21	29,287.96
*Personnel Costs (Pd by Brd)					
Operating Expense					
Capital Outlay					
				Difference	5,161.25