

MINUTES

Outfitters and Guides Board
Boise, Idaho

February 22, 23, 24 and 25, 1983

A regular meeting of the Outfitters and Guides Board was called to order by Chairman James F. Baughman, at 0830, February 22, 1983, in the Boise office. Other members present were Glen Foster, Harry Vaughn and Robert Salter; member Norman Guth was absent.

The Board members discussed the ethics of an outfitter hunting outside his assigned area with friends; several cases were mentioned. It was agreed by those present that, as a common courtesy, the outfitter licensed in the area should be notified prior to a hunt.

Dalbert Allmon, Eagle, Idaho, then appeared before the Board to explain his hunt with friends which resulted in a complaint being registered by another outfitter that a lion was taken from his area. Notification to the adjoining outfitter was suggested, and it was explained by the Board that all complaints must be investigated.

The Board determined to investigate with the Forest Service land managers and the Department of Fish and Game the feasibility of combining several local cougar and bear areas.

Board Business included review of the recent audit suggestion of making separate receipts and immediate posting of each day's license fees received; also the auditor's approval of Jim Baughman's suggestion of mailing in the day's deposits each day rather than taking them in, which seems to be working out. A second letter was devised to be sent immediately to all licensed outfitters to give them the status of the Bill No. 1047, which has passed the Senate and is now in the House Resources and Conservation Committee. Also, in review of the Legislative Finance Committee's request for suggested legislation to cut costs, the Board could find nothing that a law change would help.

Attorney Riceci's letter, written in the Board's behalf to the Chairman of the Court Director's subcommittee, was read. It was determined that Attorney Riceci will be contacted to submit written documentation regarding the resident and non-resident fees for the March 22 board meeting. Another letter was decided upon to be written to Matthew Mulaney, expressing appreciation of his past work and requesting review of the Board's hearing case files.

Ray Tarbox, Potlatch, Idaho, appeared before the Board on a hunting complaint. In his defense, he brought out that although they had a written agreement, it had been altered to some extent; that his packer-guide quit during a deluxe hunt and his horses and personal services were not available to take the drop-camp hunters out early; and that the radio use instructions had been given but not understood because of the client's condition. Mr. Tarbox was advised that a formal hearing may be demanded. He will contact his attorney and the complainants.

Cecil Weddle, Kamiah, Idaho then appeared before the Board, applying to license for outfitting in the area Ray Tarbox is releasing to him. A signed contract was submitted. The Board advised that license consideration might be held up pending a formal hearing if it was instigated, and warned them to contact all booked clients to advise of a change in outfitters, if licensed. Outfitter Lyle Phelps called in a recommendation for Cecil Weddle during the meeting.

George May, Kamiah, Idaho appeared before the Board concerning two complaints and a report of being out of his area. He explained his problem of equipment breakdown and rain during the James R. Dunn and Charles Danheiser hunts, and that he had offered a free cougar hunt to Mr. Danheiser because of the short hunt, and Mr. Dunn had received two hunts for the price of one. Concerning the out-of-area cougar hunt in the Owyhees, he stated he was training his dogs with a trapper friend, and no animals were taken. Mr. May gave several names of illegal suspects using his area. The Board advised him to get the F.S. permits as well as to form contracts with his guides who supply dogs.

The board meeting was recessed at 1725.

All members reconvened at 0830, Wednesday morning, February 23, 1983.

Lochsa River use and licensing was discussed. When it was opened in 1979 by a public hearing, 5 float operations were set with a moratorium implemented by the Board, which limited the new operators to 2 float outfitters, for review at a later time of the impact on the resource and the demand. A letter was read from the Lochsa District Ranger received during the meeting, which advised of their approval for permits for 3 overnight operations by 1984, and 2 day-use permits. They have completed their field analysis which began in 1979 when the river was opened for whitewater floating on the Lochsa.

In view of the Forest Service's report and the increased demand for licensing the river, a motion was made by Glen Foster, seconded by Harry Vaughn, and approved: THAT THE MORATORIUM IMPLEMENTED IN 1979 ON THE LOCHSA RIVER BE LIFTED, THEREBY LEAVING THE TOTAL OPERATORS AT 5 FLOAT BOAT OPERATIONS.

George "Mike" Smith and his wife, Three Rivers Resort owners, Lowell, Idaho appeared before the Board about licensing as Wilderness Trails, Inc., applying currently for float boating on the Lochsa River, Lowell to Syringa. They also want float boating on the Middle Fork of the Clearwater River. The Board explained there would have to be a public hearing for the river to be opened to commercial operation, although the F.S. supports their proposal of use in connection with their lodge business.

Rich VanderMeyden, Heron, Montana, a new applicant and partner with outfitter Dick Crain, came in about licensing. He also requested a separate Idaho area.

Jim Steen, Joseph, Oregon appeared before the Board about licensing for the Bob Sevy Snake River, Hell's Canyon Dam to Lewiston, float boating business being released to him. His application was completed for 1982-83 for immediate advertising purposes.

The Board approved an instruction sheet for use by new license applicants. They also reviewed the FY 84 budget passed by the legislature which included a 2.5% longevity increase for one employee; the proposed 4% operation expense increase; but denied the 7% personnel cost of living proposed increase.

Gerald Richie, Darby, Montana next came in about 2 complaints, his own unlicensed guiding citation, and not licensing his guides. Kirk Evanson, Darby, Montana, who was a cook during the last of the season, also came in. He said he had guided the year before, and that the incomplete license application on file was signed for that year, not this one.

Gerald Richie explained the complaints as being prompted by the booking agent's new promise of another hunt if not satisfied, as the "good-will" offer was mentioned during the hunt. Also that Jack Atcheson's son was supposed to come along and cancelled the last minute, leaving extra expense in transportation from Missoula, which had been arranged. Other complications were mentioned, in a cook & guide being fired during the hunts, the clients being out-of-shape for extensive hunting, and no promise on the elk meat except to take it to Hamilton Pack, and that it was gone now.

Mr. Richie has paid his citation at Idaho County court, Grangeville, and he presented his new Red Cross card. Getting his guides a first aid class was one of the problems in licensing, but he said he would be sure they got the training and them licensed.

Ned Lougee, and Woody Lazier, Orofino, Idaho, appeared before the Board about Mr. Lougee licensing as new managing agent to run the B Bar C Outfitting business, which has recently changed ownership. Ned, who was a guide last year, knows the area and will replace Buddy Broussard as the operator. Mr. Lazier will work for Mr. Lougee as a guide.

Steve Alley & Dusty Youren, Garden Valley, came in to apply for cougar hunting, licensing as a partnership; Steve's dad, Sterling Alley, will not complete his pending application. They said they have the approval of the private landowners and had contacted the Forest Service land managers in the various districts of the large area request. The Board explained they will research the private use and resource with the Fish & Game Dept.

The meeting was then recessed at 1730.

Thursday, February 24, 1983, all members reconvened at 0830.

Outfitter complaints were reviewed. A letter will be written to Bobby Crick advising that since he had time for a replacement client, a refund would be the ethical procedure for his complaintant; and a letter will be written to Gerald Richie regarding payment of a cook who requested assistance in getting his pay. It was also determined that Richard Lingnaw, Managing Agent of Idaho River Co., Twin Falls, be contacted again concerning a refund due his California clients which had been paid for a river trip they did not take. He will also be advised that this must be cleared prior to his new licensing.

Outfitter complaintants who have not responded to the Board's request for further information were considered. It was determined to set a response request to be made within 10 days in future correspondence, in view of the hearing time limitation in the outfitter law.

Ron Morris and Harvey Olson, Boise and Kuna residents, came in about the area Joe Wilson recently released to new licensee, Jim Daude, Gainsville, Texas. Their concern was for the area management and Mr. Daude's experience, as they hunt this area too privately.

Bob Anderson, Kooskia, Idaho appeared before the Board for consideration of his new license request for outfitting for day float trips on the Lochsa River. He wants only the section from Split Creek to the confluence, but will train to float the full river for his guiding qualification. LeRoy West will help him as a guide.

Don Waller, Yellowpine, Idaho and Kim Horrocks, Star, Idaho, came in together. Mr. Waller explained his problem with the Forest Service, and said that if he could resolve it, he will release all his outfitting business to Kim except the summer business in Round Valley. Kim Horrocks explained his planned operation and the maps were checked for area adjustment. Dave Stucker has advised he will also help Kim along with Don helping him, if he gets licensed.

Dave Stucker, Big Creek, came in about licensing an additional bear area. Maps were submitted and he explained he would release the presently licensed area he hunts bear in, if approved. The Big Creek Ramey Creek area, which he has licensed the past three years was discussed. It was released by Big Creek Recreation Assn., Bruce Minter's agreement, but now is being licensed by Big Creek Property Owners, Inc., with him as managing agent, if approved for licensing and the Forest Service for a use-permit. Applications are not complete. Dave will keep his own outfitter business separate that he has in Unit 20A.

Larry Walker, Weippe, Idaho, appeared before the Board on a report of outfitting outside his licensed area, in Unit 11. This he denied, saying he had been requested to go into that area to track a bear which was killing livestock, but had never gone.

Marvin Todd, Sweet, Idaho, next appeared before the Board about obtaining a 1983-84 outfitter license for bear hunting again. He was not licensed in 1982-83 because of a cougar hunting citation. Advertising in Sports Afield and Peterson's Hunting magazines was explained as an oversight, as he had instructed his wife to remove the bear hunting for Idaho from his 1982 advertising. He explained a report of him having two hunters were two friends from Peoria, Illinois, saying he had taken 3 bear this past year, and had one hunter booked, who is also a friend. He will get the Forest Service land manager's signature.

Howard Manly, Boise, came in to meet the Board about the newly formed Big Creek Property Owners Assn., Inc., in which Mr. Manly and his father have two-thirds interest, with Bruce Minter having the other third. The Property Owners Assn. want the Ramey Creek area which Dave Stucker has licensed the past three years, in their name, and would hire Dave as the managing agent on a year to year basis. He explained that the outfitting area and license would be an asset to the planned 250 individual interests in their recorded Declaration of Covenants, and if the Big Creek Lodge would not be available for a lease renewal, they would own the Sunday Mine property also, which would be developed. Mr. Manly also explained the colored pamphlet the Board had obtained, as a prospectus for selling, rather than advertising, although it had incorporated pictured outfitting.

The meeting recessed at 1730.

Friday, February 25, 1983, all members reconvened in the board office at 0830.

Review of the Board Minutes of January 19, 20 & 21; it was determined that the format and context needed changed. Robert Salter agreed he would work with the Secretary to revise the January Minutes, thereby giving an understanding of what the Board wants.

Ivol Sies's work on inquiries to the Department of Fish and Game was discussed. It was agreed that a form letter would be used, with modification, when an inquiry was to be made. Also that inquiry would be made for public pressure and feeling in the area of another outfitter, as well as for information on the resource.

Attention was given to the numerous requests from the Forest Service for comments on timber sales, and other concerns where management was involved, and a letter was formed which was agreed to be a good standard in answering these letters. The Bureau of Land Management's request for input on the Owyhee Area will also be responded to with a summary which was prepared by Glen Foster, concerning their Wilderness Study.

Stacy Gebhardt, Boise, came in to meet with the Board about a program he is considering, which would expand past his cross-country ski instruction for the Boise City Recreation. It would be 3-day instruction on a part-time basis, which seemed to require licensing. He was given forms to complete.

The Bureau of Land Management Lower Salmon River Draft was reviewed. The Board determined there was wording included which included the Board's policy which needed to be corrected; that the 48-user days was not the Board's policy. Then by motion made by Glen, seconded by Norman, it was approved: TO HAVE THE BOARD'S POLICY OF USE-IT OR LOSE-IT (page 24) STRICKEN AS BEING THE BOARD'S AVOWED POLICY. Reason: Outfitters and Guides Act, Idaho Code 36-2113, 13, and 36-2109 (b). Other input concerned the Board not being considered in the 3-year term permits, which overlooked the state licensing, would also be included.

Glen Foster gave a report on his meeting in Idaho Falls as representative of the Board. The meeting was with representatives of the Forest Service and eastern Idaho outfitters and Fish and Game representatives. Little of controversial nature was mentioned, except the problem of illegal outfitting.

Harry Vaughn explained a Grangeville, Idaho meeting of the same nature, but that the hunting outfitters were committed to do trail work, with permit issuance subject to the work being done.

Al Lewis came in to review the cases he is working on and his investigation of eastern Idaho snowmobiling.

Outfitter license applications were reviewed for approval. The Board determined that licenses issued the "same as last year" will be mailed out as soon as they are approved.

Letters received from outfitters concerning the increased fees proposal in legislation at present, were read. Most were in support of the rates being proposed. It was agreed to bring to the attention of the Legislative Committee Chairmen, the letters the Board sent January 25 and February 23 to all licensed Idaho outfitters.

Norman Guth left the meeting at 1415, after the next meeting date was set for March 22, 23 & 24, 1983.

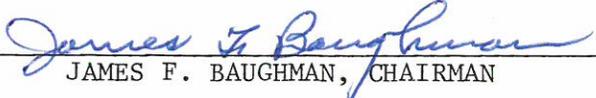
A request from the Governor's office for update information on the Tony Campagnone vs. ARTA/ERT case will be answered. A letter was approved to be mailed.

ARTA managing agent, Stephen Cutright's letter was reviewed in which he suggests civil or TORT damage suits being filed by the outfitters against convicted illegal outfitters as a deterrent to illegal operation in Idaho. A letter of appreciation will be sent.

Gerald Kooyers' letters concerning "contractor" vs. "employee" guides were read. Then by motion made by Glen Foster, seconded by Robert Salter: THE LETTERS WILL BE REFERRED TO THE BOARD'S ATTORNEY FOR A WRITTEN OPINION BY THE NEXT MEETING, MARCH 22, OF WHETHER CONTRACTING OF LABOR IS LEGAL UNDER THE OUTFITTERS AND GUIDES LAW.

The meeting adjourned at 1710.

A list of licenses issued, amended, or denied since the last meeting follows as a part of these minutes.



JAMES F. BAUGHMAN, CHAIRMAN

ATTEST:



Edythe I. Blele, Secretary

OUTFITTERS AND GUIDES LICENSES ISSUED, EXTENDED, AMENDED OR DENIED

January 19 - February 18, 1983

LICENSES ISSUED

OUTFITTERS:

Allen, Glen	M.A. for Rocky Mountain Fly Shop, Inc.
Anderson, Doug	M.A. for Rocky Mountain Fly Shop, Inc.
Daude, Jim	dba Gospel Mountain Outfitters
Haley, Melvin Lon	
Holcomb, James W.	M.A. for partnership with Bob Liming
Liming, Bob	Partner with James W. Holcomb
Lym, John C.	M.A. for Pebble Creek Ski Area, Ltd.
Murphy, Michael #1	
Murphy, Michael #2	
Pebble Creek Ski Area, Ltd.	
Rocky Mountain Fly Shop, Inc.	
Woolley, Brett	Partner with Mickey Roskelly
GUIDES:	
Gailey, Gibson H.	Yellowstone Adventures, Inc.
Erwin-Rhoads, Kelli Ann	Pebble Creek Ski Area Ltd.
Ferdon, Charles W.	Virginia Hopfenbeck
Paschall, Eliza	Charles M. Johnson
Vitucci, Glenn A.	Kirk Bachman

LICENSES EXTENDED/AMENDED

OUTFITTERS:

Bream, David J.

Float boating on the Salmon River from Spring Bar to the confluence and continuing downstream to take out point.

GUIDES:

Hilbert, Harrison

Cross country skiing for Pebble Creek Ski Area, Ltd.

Hilbert, Harrison

Back country alpine skiing lead guide for day and over-night tours.

LICENSES DENIED

Neff, Gerald V.

Failure to complete application within prescribed time.