

MINUTES

Idaho Outfitters and Guides Board  
Boise, Idaho

December 5, 6, 7, 8, 9, and 10, 1983

A regular meeting of the Idaho Outfitters and Guides Board was called to order by Chairman Glen R. Foster, at 0830, December 5, 1983, in the office boardroom at Boise, Idaho. Other members present were: Robert L. Salter, William R. Meiners, Scott Farr, and Harry W. Vaughn.

The first order of business was Robert Jonas' (Sun Valley Trekking) request for a commercial operation on the South Fork of the Boise River. The file of the 1980 Bishop-Benjamin hearing was reviewed. Then Salter moved, Meiners seconded and the motion passed THAT THE CHAIRMAN ADVISE MR. JONAS THAT SINCE THERE WAS A HEARING TO ESTABLISH A NEED FOR A COMMERCIAL OPERATION ON THE SOUTH FORK OF THE BOISE RIVER IN 1980 AND SINCE IT WAS DENIED AT THAT TIME, AND SINCE CONDITIONS HAVE NOT CHANGED TO WARRANT A DIFFERENT DECISION, THAT THE REQUEST BE DENIED. It was also determined that letters be mailed to those who have protested in writing against Jonas' proposed operation to inform them of this Board action.

The minutes of the November meeting were read. Meiners moved, Vaughn seconded and the motion passed THAT THE MINUTES OF NOVEMBER 22 AND 23, 1983 BE ADOPTED AS WRITTEN.

The Board then reviewed a report by Keith Kiler, Enforcement Officer with the Idaho Department of Fish and Game concerning citations for illegal fishing issued to outfitter Loren "Bud" Rogers. It was decided that the Board would obtain the results of a hunting incident involving Mr. Rogers before requesting him to appear before the Board.

A big game hunting violation and conviction concerning the Skull Creek Outfitters, Inc. was reviewed. Then Meiners moved, Salter seconded and the motion passed THAT IN ACCORDANCE WITH IDAHO CODE 36-2113.6., AND PROCEDURES OUTLINED IN 36-2114., THE BOARD HAS DECIDED TO INITIATE PROCEEDINGS FOR THE SUSPENSION OR REVOCATION OF THE LICENSES OF THOSE PARTIES INVOLVED: K. TODD HILL, M.A., JOHN STOVER, M.A., AND SKULL CREEK OUTFITTERS, INC., AND CHARLES STOVNER, GUIDE. THAT THE HEARING DATE IS ESTABLISHED FOR FEBRUARY 16, 1984, AND THAT THE INVOLVED PARTIES ARE INVITED TO COME BEFORE THE BOARD PRIOR TO THE HEARING AND THAT THEY SHOULD CONTACT THE OFFICE TO ARRANGE A MEETING DATE. The motion was passed by four members registering "aye" votes; Vaughn registered a "nay" vote.

Following establishment of the February hearing date, Meiners moved, Salter seconded and the motion passed THAT THE BOARD MODIFY ACTION TAKEN AT THE NOVEMBER 22 AND 23, 1983 MEETING TO SHOW THAT THE HEARING DATE HAS BEEN SET BACK TO FEBRUARY 16, 1984, AND THAT JAMES VERMILLION AND NATHAN R. SMITH BE SO NOTIFIED AND INVITED TO APPEAR AT THE JANUARY MEETING TO SHOW WHY THIS HEARING SHOULD NOT PROCEED IN ACCORDANCE WITH IDAHO CODE 36-2114. PROVIDED FURTHER THAT THIS ACTION ALSO APPLY TO THE NITZ BROTHERS OUTFITTERS.

A written complaint registered by Don and Dave Parvin and Gary Voet against outfitters, Homer and Dennis Joseph was read. Then Farr moved, Meiners seconded and the motion passed THAT THE JOSEPH OUTFITTERS BE INVITED TO APPEAR AT THE BOARD'S JANUARY MEETING.

Garn Christensen, Sawtooth Outfitters and Guides, Inc. was approved to conduct a one-time cross country ski tour on a specified trail in the Stanley Basin area, with Stacy Gebhards licensed as his lead guide.

Tommy Hobbins, McCall, and Mr. and Mrs. Archie George, Red River Corrals, came before the Board about a transfer of the outfitting business being released by Archie George to Mr. Hobbins. Mr. Hobbins explained his operation would be basically the same as the George's but he plans to increase the numbers of hunters. George is keeping his guest ranch and will continue to outfit trailrides.

After Mr. Hobbins left the meeting, the Board discussed with Mr. George the complaint received from his clients, Odom and Glaze, which was registered against Archie's guide, Jeff Baldwin. It was determined that both George and Baldwin should meet with the Board.

A letter was read and approved to be mailed to new outfitter applicant, Stephen F. Jones, Potlatch, requesting that he again meet with the Board, that he bring his father as a prospective partner in the operation and that they supply additional financial documentation for the partnership.

Ted Epley, McCall, met with the Board concerning his request for pre and post-season boating on the Middle Fork and Main Salmon rivers, and the boating closure on the lower Main Salmon during the steelhead fishing season. He also gave a report on rewards given to informants for information on illegal outfitting, and submitted a copy of the Idaho Outfitters and Guides Association's proposed Memorandum of Understanding between the Association and the Board and other state and federal agencies. Mr. Epley also advised that the transfer of his horse outfitting business to Robert Stave was currently on "hold" as there was a problem in obtaining a F.S. permit for the new business under Stave, with Epley as managing agent. He requested that no further action on this transfer be taken until he further notified the Board in writing.

Following this meeting, Salter moved, Meiners seconded and the motion passed THAT THE STAVE-EPLEY APPLICATIONS WILL NOT BE ACTED UPON UNTIL THEY ARE COMPLETE AND THEY ARE NULL AND VOID UNLESS A NEW RELEASE IS RECEIVED FROM EPLEY AND CONFIRMATION RECEIVED FROM STAVE THAT THE PROPOSITION IS STILL GO.

The meeting recessed at 1730.

Tuesday, December 6, 1983, at 0830, Chairman Foster again called the meeting to order. Other members present were: Robert Salter, William Meiners, Scott Farr and Harry Vaughn.

The Board's budgetary situation was reviewed and the agenda for the afternoon Agency meeting was discussed. A system for issuing pre-selected license numbers if applications are complete prior to a deadline will be reviewed for comment at the Agency and Association meetings.

Enforcement Officer Don McPherson came before the Board with his investigation and reports on several outfitter operations which the Board had requested.

Salter moved, Vaughn seconded and the motion passed THAT MR. JARRETT BE ASKED TO COME IN TO ANSWER THE COMPLAINT OF RICH CARIGNAN.

Following some modification of the proposed new Rules Changes, as proposed by the Board's counsel, Clive Strong, the meeting then recessed for a meeting at 1300 hours at the Holiday Inn, Boise, Idaho, with the Forest Service, Bureau of Land Management and Idaho Fish and Game agency representatives. (See separate agency meeting minutes.)

Wednesday, at 0930, on December 7, 1983, Chairman Foster called a meeting at the Holiday Inn to meet with outfitter Tim Craig on a report of his outfitting outside his area. Others present were members, Robert Salter, William Meiners, Scott Farr, and Harry Vaughn, and enforcement officer, Don McPherson.

Mr. Craig agreed he would supply the name and address of the client he had hunted in the Cheryl Bransford area and explained that he thought private agreements made between outfitters was legal. The Board explained that a written agreement might be approved by the Board but that it must be licensed. It was further explained that sub-leases or sub-contracts are illegal as entered into by Craig and his guide, Earl Brown. Mr. Craig also indicated that he needed more area and that he is negotiating with Micky Roskelley for the upper section of the Idaho Big Game, Inc. operation.

Following this meeting, the Board determined that a letter of warning would be sent to Craig, with a copy to Bransford and the three ranger districts involved in the areas.

The meeting recessed at 1100.

At 1200, Travis York met with all members of the Board with regard to his dispute with neighboring outfitter, Leroy Nitz, over the use of a trail through the Wally York & Son area. Two letters were given the Board by Mr. York, one from client Rod Pribbenow, and one from Travis's guide, Greg Garris, concerning the trail confrontation of October 13, 1983, resulting in a civil complaint being filed by Nitz.

Following the lunch recess, all members reconvened at the Holiday Inn to meet with Red River District Ranger Jerry Dombrowske and Jo Moltzen concerning the Nitz-York problem. The Forest Service representatives feel Nitz should continue to have trail access through the York area as it is necessary for the hunters safety at certain times.

Lee Nitz, M.A. for Nitz Brothers Outfitters, Inc. came before the Board next to discuss the trail use confrontation. Nitz explained that late arrival of clients at Lewiston because of airline schedules causes him to be late getting to camp and that he often travels after dark. The Long Prairie trail through York's area is the shorter and safer route and for those reasons it is his preferred route. He also mentioned he felt this trail should be the area boundary between the two outfits. Lee Nitz agreed to submit a copy of his client list for the past season. Mr. Nitz was also questioned about complaints filed by two Texas hunters. Member Vaughn was absent during the last part of this meeting.

The Board recessed at the end of this meeting, at 1700 hours.

Thursday, December 8, 1983, at 0915, outfitter Gerald Kooyers, M.A. of Salmon River Challenge, Riggins, came before the Board to discuss his citation for violation of the early closure of the lower Salmon River due to the steelhead season. He estimated that he had about 100 whitewater floaters booked this year for the month of September, and that he normally books into October. The Board agreed that the rule needed modification but that they were charged with the responsibility of establishing a rule which would be fair to outfitters and to the non-outfitted local public.

Hell's Canyon National Recreational Area Project Manager Assistant, Art Seamons, and Stan Kiser, Forest Service, from Lewiston, came before the Board with their concerns for safety of power boating operations on the Snake River and other outfitter problems.

At 1115, Ketchum Forestry Wilderness Technician Mose Shrum, with the Sawtooth National Recreational Area, and Bill James, Stanley Ranger District, Sawtooth National Forest, met with the Board concerning outfitter Dennis Hill's request for additional area in the White Clouds, and about several other outfitter businesses in their districts. A Forest Service letter will be forthcoming requesting no further licensing for steelhead fishing in the Stanley area of the Salmon River because of the highway access pressure.

The meeting recessed at 1215.

Chairman Foster presented several issues at the afternoon Idaho Outfitters and Guides Association meeting, both to the Horsemen and Boater group meetings. Presented were the Proposed Rules Changes which were explained by both the Chairman and Deputy Attorney General Clive Strong. Also mentioned was the petition proposed by Robert G. Hackwell, to add power boating on the Payette River from Banks to Black Canyon Dam, which will also be heard at the Rules Hearing. The Chairman mentioned that those who wish to obtain or keep a pre-selected outfitter license number would have the opportunity to do so this year on an experimental basis. Those wishing to participate would have to complete their applications by a January 15, 1984, deadline.

One request coming from the Association meetings was that an existing outfitter be contacted for input on any new application which would involve his assigned area. The Board advised they would give the suggestion serious consideration.

At 1630, Archie George and his guide, Jeff Baldwin, Kooskia, came before the Board concerning a complaint the Board had previously discussed with Mr. George. Jeff explained the hunting of W. W. Odom and Ed Glaze. The Board discussed some of the mistakes made by both, outfitter and guides, as well as the hunters, and advised Jeff that he would be notified of any further action to be taken against his license.

Carlyn Hagaman, Quincy, Washington, next came before the Board on a complaint registered by the former outfitter, Byron Holcomb, Gooding.

The Board recessed at 1750, following these meetings at the Holiday Inn, Boise.

Friday, December 9, 1983, all members of the Board reconvened back at their Boise office boardroom, with Chairman Foster calling the meeting to order at 0915.

The license extension request submitted by Grizzly Outfitters, Coeur d'Alene was reviewed. Then Vaughn moved, Farr seconded and the motion passed THAT DEAN HOFF AND DAVID DEEDS, M.A.'S FOR GRIZZLY OUTFITTERS EXTENSION FOR FISHING, TRAILRIDES, BACKPACKING AND SNOWMOBILING ACTIVITIES IN THEIR LICENSED HUNTING AREA BE GRANTED.

Following discussion of new operators requesting extensions to their licenses without establishing their services to the public, the Board agreed that all requests for extensions by new applicants will be carefully considered in the future.

The prior approval given for license extension to Robert L. Blackadar for the Salmon River, Slate Creek to North Fork, was discussed and it was determined that it be mailed. However, the inquiry being made by Johnny J. Bryant in behalf of Blackadar Boating, Inc., will be investigated.

Following discussion of the increased interest in steelhead fishing on the Salmon, Salter moved, Farr seconded and the motion passed THAT BECAUSE OF THE INCREASED PUBLIC PRESSURE ON ENHANCED STEELHEAD POPULATIONS AND THE REAL POTENTIAL OF SOCIOLOGICAL CONFLICT, THAT THE BOARD NOT ISSUE ANY ADDITIONAL OUTFITTER LICENSES FOR BOATING AND/OR FISHING ON THE SALMON RIVER FROM CORN CREEK UPSTREAM TO THE HEADWATERS OF THE SALMON RIVER UNTIL SUCH A TIME AS THE IMPACT OF THE INCREASED RUNS IS EVALUATED.

Board members discussed the Bobbitt request for area adjustment between himself and Askin's Hole-In-The-Wall operation and determined no action will be taken at this time. The Forest Service will be contacted on this adjustment.

At 1315, Vaughn moved and Salter seconded and the motion passed THAT PURSUANT TO IDAHO CODE 67-2345 THE BOARD GO INTO EXECUTIVE SESSION TO CONSIDER THE EVALUATION, DISMISSAL OR DISCIPLINING OF AN EMPLOYEE. The motion passed unanimously with all members casting "aye" votes. The executive session was adjourned at 1415, with no formal action taken.

Roger Tillis and Don Greer, Grangeville, next came before the Board with a request for new outfitting in Fish and Game Units 14, 15, 16 and 10 for spring bear and cougar hunting, as a partnership. It was determined that the new request would be checked with the Department of Fish and Game as well as the outfitters currently licensed in the areas.

Dick Woodworth, Boise, came before the Board again to apply for cross-country skiing for the new business being proposed. Stacy Gebhards, Boise, joined the meeting and explained he would be the lead guide and that possibly Sandy Gebhards also will complete her qualification as another of the ski guides.

Following this meeting, Deputy Attorney General Clive Strong came in to discuss several pending issues. Fees being charged on new applications as a part of completing the forms for the Board's consideration was discussed, with members Salter and Farr stating they felt uncomfortable in accepting the money prior to a time when investigation has established that a license could be issued. Salter moved and Farr seconded and the motion passed THAT THE BOARD'S ATTORNEY DRAFT LANGUAGE EITHER THROUGH STATUTES OR REGULATIONS THAT ALLOWS THE BOARD TO REVIEW APPLICATIONS PRIOR TO SUBMISSION OF A LICENSE FEE.

The Hearing Officer's Findings of Fact, Conclusion of Law and Proposed Order was read regarding the Hearing of Steve Alley. Salter then moved, Meiners seconded and the motion passed THAT PURSUANT TO IDAHO CODE 67-2345 THE BOARD GO INTO EXECUTIVE SESSION TO CONSIDER MATTERS OF STEVEN ALLEY LITIGATION. The motion passed with all members casting "aye" votes. The executive session began at 1615 and ended at 1705, with no formal action taken during the session.

Salter moved, Meiners seconded and the motion passed THAT ATTORNEY GENERAL CLIVE STRONG BE ASKED TO INITIATE A RECONSIDERATION ON THE HEARING OF THE ALLEY-YOUREN CASE.

Then Vaughn moved, Meiners seconded and the motion passed THAT THE ATTORNEY GENERAL'S OFFICE BE REQUESTED TO PREPARE A STIPULATION THAT THE BOARD AGREES NOT TO TAKE ANY ACTION AGAINST GERALD KOOYERS OR HIS AGENTS FOR PREVIOUS VIOLATION OF RULE 22.c.20. AND AGREES THAT THE PARTIES WILL DISMISS THE PENDING ACTION.

The Board took the following action after discussing the outfitters meetings with the Board concerning the complaints filed against them:

Salter moved, Vaughn seconded and the motion passed THAT THE PREVIOUS ACTION ON NOVEMBER 23, 1983, OF THE BOARD RELATIVE TO LEE NITZ BE RESCINDED.

Meiners moved, Vaughn seconded and the motion passed THAT THE BOARD NOTIFY THE APPROPRIATE PARTIES IN THE COMPLAINT AGAINST JEFF BALDWIN THAT NO FURTHER ACTION WILL BE TAKEN.

Salter moved, Vaughn seconded and the motion passed THAT OUTFITTER ARCHIE GEORGE BE ADVISED THAT THE BOARD IS DISAPPOINTED IN HIS HANDLING OF THE INCIDENT INVOLVING JEFF BALDWIN AND THE TEXAS HUNTERS AND IN THE ACTION TAKEN IN RESOLUTION OF THAT SITUATION.

Attorney General Clive Strong gave a report of the progress being made on the statutes changes, and the time for the Proposed Rules Changes was determined to be in the afternoon, 1-3 p.m. and again in the evening, 7-9 p.m. Also discussed was a Hearing Officer being secured from the Attorney General's staff. The Board reviewed the petition submitted by Tamara Judy with their counsel and determined it was untimely for action at the hearing already in progress.

The partnership applications of Tillis and Greer were discussed with Attorney General Strong and his council was that a stipulation be made that should the partnership dissolve that the licensing ceases and that the area be open to any new applicant.

The Board's counsel was asked about additional information being secured from the existing outfitters concerning new applicants, and Attorney Strong advised that such additional information could be useful to the Board.

Farr moved, Vaughn seconded and the motion passed THAT THE BOARD MAKE NO ALTERATIONS TO AN AREA OF OPERATION WITHOUT FIRST NOTIFYING THE EXISTING OUTFITTER OF THE PROPOSED CHANGES AND REQUEST A RESPONSE FROM THE OUTFITTER INVOLVED BE SUBMITTED WITHIN 30 DAYS OF MAILING. THIS ACTION WILL EXCLUDE RIVER OPERATIONS. ALL SUCH NOTIFICATION SHALL GO OUT BY CERTIFIED MAIL.

Following Clive Strong leaving the meeting, the Board took action regarding the complaint against outfitter Carl Hagaman. Salter moved, Meiners seconded and the motion passed THAT THE BOARD HAS INVESTIGATED THE COMPLAINT REGISTERED BY BYRON HOLCOMB AND DETERMINED THAT NO FURTHER ACTION WILL BE TAKEN.

It was determined that the Board will await the outcome of the civil action against Travis York's guide, Greg Garris, initiated by Lee Nitz, and until that action is resolved, there would be no further action.

The meeting recessed at 1815.

Saturday, December 10, 1983, at 0800, all members reconvened at the Boise office boardroom, as Chairman Foster called the meeting to order.

A letter drafted by the Chairman was reviewed and approved to be mailed to the Forest Service regarding the River of No Return Wilderness Bill array of alternative management plan.

Other letters were read and will be responded to which included Tony Schumen, Missoula, Montana about the Greater Snake River Land Use Congress, and outfitters, Robert Jonas, Sun Valley Trekking Co., Inc., regarding his proposal to outfit on the South Fork of the Boise River.

Dennis Hill will be requested to complete his extension request, and Ed Hunt's letter informing of illegal operation in his area will be responded to.

Meiners moved, Vaughn seconded and the motion passed THAT GARY ARMACOST BE INVITED TO APPEAR BEFORE THE BOARD TO DISCUSS HIS OUTFITTER JET BOATING OPERATION.

Vaughn moved, Farr seconded and the motion passed THAT THE ADDITION OF FISHING AS REQUESTED BY DAVID STELLING BE ADDED TO HIS LICENSE.

Two other complaint letters against outfitters Gary Madsen and Art Griffith were read. It was determined to await the outcome of the Idaho Department of Fish and Game inquiry on the Madsen situation of "private land" trespass, and further investigation will be made into the Griffith hunt complaint.

The Administrative Secretary was instructed to give Colleen Sweeney a 5% retroactive pay rate increase immediately and that an evaluation be made by the Administrative Secretary to establish permanent status.

Meiners moved, Vaughn seconded and the motion passed THAT THE BOARD DOES ESTABLISH THE WORKING HOURS OF THE OFFICE STAFF TO BE 8:00 A.M. TO 5:00 P.M. WITH LUNCH HOUR 12:00 NOON TO 1:00 P.M. AND THE ADMINISTRATIVE SECRETARY BE INSTRUCTED TO ISSUE A MEMO TO THIS EFFECT. THAT SOMEONE BE PRESENT THROUGH THE LUNCH HOUR AND THAT ANY ABSENCE OR TIME OFF BE CLEARED THROUGH THE ADMINISTRATIVE SECRETARY, EFFECTIVE IMMEDIATELY.

Member Salter left the meeting at this time, 1000.

The February board meeting date was set for February 15, 16, and 17, 1984, with a Hearing date of February 16, and letters to James Vermillion and Nathan R. Smith to be sent advising of the hearing.

There not being any further business at this time, the meeting was adjourned at 1045. A list of licenses issued, extended or amended, and those denied since the last meeting follows as a part of these minutes.



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GLEN R. FOSTER, Chairman

ATTEST:



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EDYTHE I. BLELE, Secretary

OUTFITTERS AND GUIDES LICENSES EXTENDED, AMENDED OR DENIED

November 22 - December 4, 1983

LICENSES EXTENDED/AMENDED

OUTFITTERS:

none

GUIDES:

Meissner, Julie I.                      Add cross country skiing guiding for EPIC Educational Expeditions, Inc.

LICENSES ISSUED

OUTFITTERS:

EPIC Educational Expeditions, Inc.

Paris, Richard F.

GUIDES:

EMPLOYER:

Shook, Granville H.

Eakin Ridge Outfitters, Inc.

PROBATIONARY LICENSES

OUTFITTERS:

none

GUIDES:

Shook, Granville H.

LICENSES REVOKED

none

LICENSES DENIED

none

