

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

August 14, 15, and 16, 1984
Boardroom-Boise, Idaho

MEMBERS PRESENT: Chairman Glen R. Foster, R. Scott Farr, William R. Meiners, Robert L. Salter, Harry W. Vaughn

MEMBERS ABSENT: None

A regular meeting of the Idaho Outfitters and Guides Board was called to order by Chairman Glen R. Foster at 0830 on August 14, 1984.

Harvey Whitten, an outfitter from Riggins, appeared before the Board to discuss the employment of Ray Ralls as a guide. Sam Whitten, who accompanied Harvey Whitten, presented a plan for day trips (trailrides) in the vicinity of Riggins. He also discussed two-day trips into Hell's Canyon utilizing power boats in addition to the trailrides. He was advised by the Board to develop his plans and send a completed request to the office.

MSC (Meiners--Salter) THAT THE MINUTES OF THE JULY BOARD MEETING BE APPROVED.

MSC (Vaughn--Meiners) THAT CECIL SANFORD BE NOTIFIED THAT HIS SERVICES ARE NO LONGER REQUIRED AND THAT THE MONEY SAVED MAY BE USED FOR MORE INTENSIVE ENFORCEMENT IN EASTERN AND SOUTHERN IDAHO.

MSC (Salter--Farr) THAT THE BOARD WRITE JOHN HILL TO ADVISE HIM OF THE COMPLAINT RECEIVED FROM STEVE FARNER AND ASK HIM TO ANSWER THE ALLEGATIONS. The letter will also ask for an explanation of why the guide (Del Wilkins) was not licensed at the time this trip was conducted.

The Board reviewed the complaint against David Mills, Rocky Mountain River Tours. There will be no further action at this time on this matter, but a copy of the complaint letter will go in David Mills' file.

The Board reviewed a letter of complaint from Joseph L. Parkinson against Tom Chivers. A letter will be written to Mr. Chivers requesting a response to the complaints of Mr. Parkinson. The Board will also attempt to contact Ron Twilegar to see if the other youth involved was his son and if he had any complaints in this matter similar to the complaints of Mr. Parkinson.

At 1315 R. J. Lewy of Sun Valley and Lee Nitz of Elk City appeared before the Board to discuss the transfer of the Nitz Bros. outfitter business to Mr. Lewy and to discuss Lewy's use of Nitz as a guide. The Board advised Lewy that the application for Nitz should be submitted and that it would be reviewed at that time.

Brian Ottmer of Priest River met with the Board about a new outfitting business. His intended plans include backpacking in the Schweitzer Basin area (Kaniksu National Forest) and working in conjunction with Robert J. France (Priest River Float Trips).

MSC (Farr--Salter) THAT THE APPLICATION OF BRIAN OTTMER BE APPROVED UPON COMPLETION.

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MSC (Salter--Farr; Meiners abstained) THAT THE GUIDE APPLICATIONS OF JESSE SANDOVAL AND JAMES R. REVENAUGH BE APPROVED. THEY WILL BE LICENSED FOR GUIDED OUTDOOR ADVENTURE TOURS.

MSC (Vaughn--Farr) THAT A LETTER OF REPRIMAND ACCOMPANY THE LICENSES. Following passage of this motion, Meiners then voted in favor of the previous motion.

Clive Strong and Lori Mann, Deputies from the Office of the Attorney General, entered the meeting to brief the Board on the proposed hearing for Harry Lewies and Three Rivers Ranch, Inc. Harry Lewies and Three Rivers Ranch, Inc. were represented in the request for reconsideration of the application for float boating on the Henrys Fork of the Snake River by Lewies' son, by Donald Simmons, M.A., and by their attorney, William Forsberg. The hearing took place at 1500.

MSC (Vaughn--Farr) THAT THE FOREST GROUSE AND CHUKAR HUNTING BE ADDED TO THE MIDDLE FORK RANCH LICENSE AND TO THE LICENSE OF BEN GRAMMAR, MANAGING AGENT.

MSC (Mainers--Vaughn) THAT THE BOARD GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH IDAHO CODE, SECTION 67-2345(f), TO DISCUSS MATTERS OF LITIGATION, passing with all members present casting "aye" votes; no "nay" votes cast. The Executive Session began at 1625 and ended at 1657 with no formal action being taken during the session. The Board listened to material discussed by Clive Strong, Deputy Attorney General, and he will submit memoranda concerning certain legal questions.

The Board recessed at 1740.

The Board reconvened at 0830 on August 15, 1984. Harry Vaughn was absent due to a trip to the airport to pick up Lt. Goldstein of the U. S. Coast Guard office in Portland.

MSC (Farr--Salter) THAT THE APPLICATION OF MIKE STOCKTON BE APPROVED WITH THE EXCEPTIONS OF SPRING BEAR HUNTING DUE TO THE PRESENT MORATORIUM AND THE COUGAR HUNTING THAT WOULD OVERLAP WITH ZEKE WEST. APPROVAL WOULD INCLUDE INCIDENTAL BEAR AND COUGAR HUNTING IN CONNECTION WITH HIS FALL BIG GAME HUNTING IN THAT PORTION OF THE AREA THAT OVERLAPS WITH ZEKE WEST.

MSC (Salter--Farr) THAT THE BOARD DENY BUDDY BROUSSARD'S APPLICATION BECAUSE THE AREA HAS BEEN LICENSED TO MIKE STOCKTON AND BECAUSE THE APPLICATION IS NOT COMPLETE DUE TO CANCELLATION OF HIS BOND; FURTHER, THAT THE REFUND THAT WAS AUTHORIZED IN 1983 BE CONSUMATED.

Lt. Don Goldstein, U.S. Coast Guard-Portland, Oregon, met with the Board to discuss mutual responsibilities connected with the commercial licensing of boaters on navigable rivers, specifically the Snake, Salmon, and Clearwater Rivers. Among the topics discussed were training requirements, testing, and testing procedures relative to licensing boating outfitters and guides.

MSC (Salter--Farr) THAT THE PEPCORN APPLICATION BE APPROVED WITH THE EXCEPTION OF THE AREA OBJECTED TO BY THE FISH AND GAME DEPARTMENT.

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MSC (Faughn--Meiners) THAT THE REQUEST OF JIM RENSHAW FOR SUMMER TRAIL OPERATIONS ON THE LOCHSA AND CLEARWATER FORESTS BE APPROVED.

MSC (Salter--Vaughn) THAT BECAUSE THERE WILL BE DAY-USE ONLY, THAT THE REQUIREMENT OF LAND MANAGER PERMISSION BE DEFERRED ON HOWARD PIERCE AND NICK RUDZKI BASS-FISHING OUTFITTER LICENSE APPLICATIONS.

The James F. Searles letter of denial that was returned unclaimed will be put in his file along with an affidavit of service that it was returned unclaimed. Additionally, the same letter will be sent by certified mail with a different return address to see if it will be claimed the second time.

Bill McDorman of Ketchum met with the Board concerning a new backpacking operation in the Sawtooth National Recreation Area. Following the meeting, the Board took the following action:

MSC (Vaughn--Farr) THAT UPON THE COMPLETION OF THE OUTFITTER APPLICATION FOR A BACKPACKING BUSINESS, BILL McDORMAN'S LICENSE BE APPROVED.

The Board approved the Attorney General's contract which will now be signed and sent to the Attorney General's office.

A report was given on the status of the computer program.

A letter will be written to Dave Williams indicating that Mark Thorkelson's license has been issued on a probationary basis and he has been put on notice that any further violation of law would result in more serious disciplinary action. It will further indicate that the Board shares his concern for upholding both state and federal laws.

MSC (Vaughn--Farr) THAT THE LICENSES OF ROY M. PEPPER AND RANDY PEPPER BE ISSUED PROBATIONARY AND THAT A LETTER ACCOMPANY THE LICENSES CITING THE SECTION OF THE CODE INDICATING THAT THEY NEED TO HAVE THE LICENSES IN POSSESSION BEFORE THEY BEGIN TO GUIDE.

A notice of hearing was sent to Patricia R. Rush and James G. Davis, dba Lolo Trail Expeditions, because of cancellation of their bond. Hearing was established for September 13, 1984, at 1400 hours. The Board will contact the Forest Service before the hearing to find out if they have been operating this year without a license.

A hearing has also been established for Jim Walker, dba Walker River Expeditions, on September 13, 1984, at 1000 hours to consider denial of his outfitter application due to falsification of a first-aid card.

MSC (Salter--Meiners) THAT THE BOARD ADOPT A POLICY THAT WHEN OUTFITTER AND/OR GUIDE APPLICATION IS RECEIVED AND IT APPEARS THAT THERE IS A QUESTION AS TO THE VALIDITY OF FIRST-AID CERTIFICATION, THAT IF EVERYTHING ELSE IS COMPLETED, THE LICENSE BE ISSUED. HOWEVER, INVESTIGATION INTO THE AUTHENTICITY OF RED CROSS CERTIFICATION SHOULD CONTINUE AND, IF IT IS DETERMINED THAT IT IS INVALID, THE APPLICANT BE ADVISED OF THE FACT AND REQUESTED TO APPEAR BEFORE THE BOARD

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AT A HEARING IN WHICH WE PROPOSE TO REVOKE HIS OR HER LICENSE. BASED ON THE TESTIMONY RECEIVED AT THE HEARING, THE BOARD MAY TAKE WHATEVER ACTION SEEMS APPROPRIATE. THIS POLICY EFFECTIVE IMMEDIATELY.

MSC (Meiners--Farr) THAT THE APPLICATIONS OF DOUGLAS STUART EASTER, KIRBY M. POWER, AND JOSEPH L. VANLEEUEWEN BE DENIED DUE TO THE SUBMISSION OF FRAUDULENT RED CROSS CARDS.

The meeting recessed at 1700 hours.

The meeting reconvened at 0830 hours on August 16, 1984, with all members in attendance.

MSC (Salter--Farr) THAT WHEN HOMER JOSEPH'S APPLICATION FOR AN EXTENSION FOR HIS LICENSE TO ALLOW SHEEP HUNTING IN UNIT 18 IS RECEIVED, IT BE APPROVED.

The Board reviewed the request of Con Hourihan to eliminate the overlap between his area and Flying Resort Ranch's area. The matter is to be researched in the next 30-days and the Board will try to deal with this issue in the September meeting.

The Board reviewed the Ernie Duckworth file and agreed to wait for the Coast Guard to complete their research on the Duckworth incident on the Snake River before taking further action.

Al Lewis met with the Board to discuss enforcement matters.

MSC (Salter--Farr) THAT ENFORCEMENT PERSONNEL BE ADVISED THAT IN THE FUTURE, WHEN CONDUCTING UNDERCOVER OPERATIONS WHERE FISH AND GAME ANIMALS MAY BE TAKEN IN THE COURSE OF THE INVESTIGATION, THE AGENT OBTAIN SPECIAL TAGS FROM THE FISH AND GAME DEPARTMENT, AND THAT ANY ANIMALS TAKEN WILL BECOME THE PROPERTY OF THE STATE.

The Board received a petition from Tom Webb and Willis Benjamin to amend Rule No. 22 c. 22 concerning the number of outfitters allowed on the Henrys Fork of the Snake River. The Board will contact its attorney to see if there is some way to combine the hearings involving Harry Lewies and these two petitioners and proceed to rule-making.

A letter was reviewed from Jim Walker explaining the reasons for which he falsified his first-aid card. There is some question about his understanding of the date for which the hearing was established. The Board will write a letter to Mr. Walker reiterating that the hearing is set for September 13, 1984, and that until such time as his license is issued, he is advised not to float the river as he will be in violation of Idaho law. A copy of this letter will go to Art Seamons.

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Salter reported on a telephone call which he received today from Jim Davis, Lolo Trail Expeditions, indicating that he and Ms. Rush would not appear at the hearing set for September 13, 1984, at 1400 hours, because they have not operated the outfitting business this year. They will allow their license to be revoked. However, they do express an interest in continuing to be able to guide for another outfitter.

In response to this information, the Board will write Jim Davis and Patricia Rush a letter explaining that their outfitter licenses and, therefore, their guide licenses will be revoked with this hearing, but their guiding privileges may continue when employed by another outfitter if a formal request is received along with appropriate amendment fees and the name of the other outfitter.

MSC (Salter--Vaughn) THAT THE GUIDE APPLICATION OF THOMAS E. DIXON BE APPROVED.

MSC (Meiners--Salter; Vaughn abstained) THAT HARRY VAUGHN'S APPLICATION FOR AN OUTFITTER BIG GAME HUNTING AREA EXTENSION ON THE LOCHSA RANGER DISTRICT OF THE CLEARWATER NATIONAL FOREST BE APPROVED IN RECOGNITION OF THE RECOMMENDATION MADE BY THE REVIEW COMMITTEE FROM THE OUTFITTERS AND GUIDES ASSOCIATION. THE AREA APPROVED IS REFERRED TO AS THE RYE PATCH-PETE KING AREA FOR DAY-USE ELK AND DEER HUNTING.

MSC (Salter--Meiners) THAT JACK NYGAARD AND DON WILSON BE ADVISED THAT THE BOARD CONSIDERED ALL APPLICATIONS FOR THE RYE PATCH-PETE KING AREA FOR DAY-USE ELK AND DEER HUNTING, AND THAT HARRY VAUGHN WAS SELECTED. THE SELECTION WAS BASED PRIMARILY UPON THE FACT THAT VAUGHN'S APPLICATION WAS FIRST IN LINE, THAT HE WAS THE RESIDENT OUTFITTER FOR OTHER ACTIVITIES IN THE AREA, AND THAT THE BOARD FOLLOWED THE RECOMMENDATION OF THE SPECIAL COMMITTEE ASSEMBLED BY THE IDAHO OUTFITTERS AND GUIDES ASSOCIATION TO CONSIDER THIS MATTER. A copy of this notice will be sent to Mr. Bledsoe of the Clearwater National Forest.

MSC (Farr--Salter) THAT DAVID C. WILSON, POLLOCK, IDAHO, BE ISSUED A PROBATIONARY LICENSE DUE TO THE FACT THAT HE SUBMITTED A FALSIFIED FIRST-AID CARD LAST YEAR.

MSC (Vaughn--Farr) THAT WE ACCEPT BOB JONAS' (SUN VALLEY TREKKING COMPANY) EXPLANATION OF AND REQUEST FOR EXCEPTION TO RULES 26 a. AND 26 b. PERTAINING TO HIS USE AND OPERATION OF INFLATABLE KAYAKS. THIS EXCEPTION TO BE GRANTED ON A YEAR-BY-YEAR BASIS AND WOULD HAVE TO BE RENEWED EACH TIME HIS OUTFITTER LICENSE IS RENEWED. THE OPERATING PLAN WILL BE IN ACCORDANCE WITH THE PROCEDURES OUTLINED IN HIS LETTER OF JULY 12, 1984, TO THE IDAHO OUTFITTERS AND GUIDES BOARD.

The following points will be emphasized in this notice to Mr. Jonas:

- (1) Rules 26 a. and 26 b. are not being changed; an exception is being granted only.
- (2) The exception is conditional and is to be reviewed on an annual basis.
- (3) That the exception is granted on the condition of strict adherence to the plan as submitted in the above-referenced letter.

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MSC (Salter--Meiners) THAT RAY RALL'S APPLICATION FOR A GUIDE LICENSE BE DENIED UNDER THE AUTHORITY OF TITLE 36-2113 (a)(14).

MSC (Salter--Meiners) THAT THE APPLICATION FOR EXTENSION BY WAYNE'S OF SUN VALLEY AND BRIAN BROCKETTE, M.A., BE APPROVED WITH THE PROVISION THAT FISHING ON WARM SPRINGS CREEK WILL BE FLY FISHING ONLY WHILE TEACHING NOVICE FISHERMEN.

MSC (Vaughn--Salter; Meiners voted "nay") THAT JEFF BITTON'S REQUEST FOR AN EXTENSION TO HIS LICENSE BE GRANTED ACCORDING TO THE FOREST SERVICE RECOMMENDATIONS. This approval includes Bitton's request to have sleigh rides in the Sun Valley area added to his license.

The Board reviewed David L. Whitworth's letter of complaint concerning Ridge Taylor and the Arbon Valley Hunting Co. The Chairman will respond to calls from the Governor's office concerning this matter and will also respond to Mr. Whitworth, thanking him for his concern, indicating that we share his concern, and that we will further pursue research on the reciprocity clause concerning outfitter licensing of non-residents which has, at times, been in our law.

The Board reviewed a letter from the Cobalt Ranger District concerning Jerry R. Meyers' request to extend his area for elk and deer hunting. A formal request has not been received from Jerry Meyers. While the Board awaits this request, it will pursue research with the Fish and Game Department.

MSC (Vaughn--Meiners; Farr abstained) THAT HERSHEL COULTER'S APPLICATION FOR LICENSE RENEWAL BE APPROVED.

The Board reviewed Gordon A. Caldwell's guide application and will send him a DA-8 so he can get his \$75.00 refunded.

MSC (Meiners--Farr) THAT TERRY KAYSER'S REQUEST FOR AN AMENDMENT TO HIS LICENSE BE APPROVED TO INCLUDE ELK HUNTING IN THAT PORTION OF HIS PRESENTLY LICENSED AREA WITHIN THE TROY DISTRICT OF THE KOOTENAI NATIONAL FOREST, STARTING AT THE BONNER-BOUNDARY COUNTY LINE ON THE IDAHO-MONTANA STATELINE; THENCE DUE WEST ON THE COUNTY LINE TO THE PACK RIVER/KOOTENAI RIVER DIVIDE AND FOREST TRAIL 52 NEAR CALDER MOUNTAIN; THENCE SOUTHERLY ALONG TRAIL 52 VIA PURDY MOUNTAIN AND MT. WILLARD TO TRAIL 67 NEAR MT. PEND OREILLE; THENCE FOLLOW THE TROY FOREST SERVICE DISTRICT BOUNDARY AND THE PACK RIVER DIVIDE TO WHERE IT INTERSECTS THE SOUTHERN BOUNDARY; THENCE NORTHEASTERLY TO THE MONTANA LINE AND BACK TO THE BEGINNING. The basis for this motion and the change in the Board position on this application is the revised stance of the Fish & Game Department in this area for elk hunting purposes.

MSC (Salter--Vaughn) THAT THE TRANSFER OF LICENSE FROM ANSEL ROBERTS TO S. C. BUTTRAM BE APPROVED.

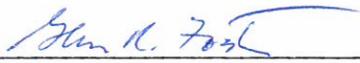
MSC (Meiners--Farr) THAT THE ENFORCEMENT MEMORANDUM OF UNDERSTANDING RECENTLY FORWARDED TO THE BOARD BY THE FOREST SERVICE BE APPROVED.

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As outfitter and guide application forms are revised, the Board needs to send copies to the data processing people for suggestions in organization, size, and format.

The Board reviewed Bill's draft letter to R. Max Peterson. This letter will not be mailed at this time. Rather, a package will be put together to document the Board's concerns, and regional Forest Service personnel will be invited to meet with the Board to talk about these concerns at the earliest opportunity. Forest Service participants should be line officers, where possible.

The Board adjourned at 1715 hours on August 16, 1984.



GLEN R. FOSTER, Chairman