

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

November 7-9, 1984
Boardroom - Boise, Idaho

A regular meeting of the Idaho Outfitters and Guides Board was called to order by Chairman Foster at 0840 on Wednesday, November 7, 1984, with members Meiners and Vaughn in attendance. Member Farr entered the meeting at 0850.

MSC (Meiners--Vaughn) THAT PURSUANT TO IDAHO CODE SECTION 67-2345(b), THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS MATTERS OF PERSONNEL. Members Meiners and Vaughn and Chairman Foster voted "AYE"; no "NAY" votes were cast. The Executive Session began at 0845 and ended at 0910 with no formal action being taken during the session.

Colleen Sweeney - At 0915 Colleen Sweeney and Jim Vineyard of the Idaho Public Employees Association met with the Board to discuss the memoranda of October 19, 1984, addressed to Colleen. She indicated these memoranda were unnecessary because: (1) she believed she had permission to write the letter to Dave Stucker relative to Red Cross training, and (2) she believed the memorandum on established office hours was a reiteration of the memorandum dated September 12, 1984. It was noted by the Chairman that the Administrative Secretary wrote the memorandum on office hours at the direction of the Board and re-stated the Board's policy relative to Red Cross certification. No decision on these grievances was made at this time.

Jerry Griffin - At 1045 Mr. Griffin met with the Board to discuss a new outfitting business to be known as Big Creek Outfitters. After a lengthy discussion, the Chairman indicated that an appointment should be set in December in conjunction with the Idaho Outfitters and Guides Association meetings for Mr. Griffin and Mr. Howard Manly of Big Creek Property Owners Association so that pertinent matters relative to the operation of the business could be clarified by the Board. Letters to be sent giving date and time for this meeting.

Carlos Reynolds - Mr. Reynolds failed to appear for his appointment at 1100.

The Board recessed at 1202 and reconvened at 1320, meeting with Dick McAfee and Dave Rackow.

RamsHorn Guest Ranch - Mr. McAfee discussed his proposal to sell approximately one-third of his outfitting business to Dave Rackow. It was noted that a meeting would be scheduled in December for Messrs. Rackow, McAfee, and Peterson to meet with the Board relative to this matter. Additionally, the Chairman indicated the Board would research this proposal with the Idaho Department of Fish and Game and the U.S. Forest Service. To facilitate this research, the Board proposed the following area description for RamsHorn Guest Ranch:

Beginning at the mouth of Silver Creek (Section 6, T17N, R17E); thence northeasterly along Forest Service Road 108 to Forest Service Road 383 (Rabbit's Foot Summit, Section 33, T18N, R18E); thence northerly along Forest Service Roads 383 and 055 to Forest Service Road 112; thence westerly along Forest Service Road 112 and Forest Service Trail 050 along Yellowjacket Creek to the Frank Church River of No Return Wilderness Boundary (Section 33, T19N, R16E); thence southeasterly on the Wilderness Area Boundary to the junction of Trails 053 and 054; thence southwesterly on Forge Creek to Camas Creek; thence upstream along Camas Creek to the point of beginning. (Salmon National Forest-Cobalt/North Fork/Leadore/Salmon Ranger Districts, Map dated 1979, and Challis National Forest-West Half, Map dated 1975)

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Mark Russell - At 1510 Mr. Russell met with the Board and discussed his proposed llama packing operation. The Chairman advised Mr. Russell that research would be conducted by the Board and would include contacting the Idaho Department of Fish and Game, Mr. Peter Walker of the Payette National Forest, and all outfitters in the Chamberlain Basin area who could be affected should Mr. Russell obtain a license. Mr. Russell further noted his plans are for a summer operation only for photography and fishing trips.

The Board reviewed the following complaints, commencing at 1605:

Eakin Ridge - A letter to be sent to Lamont Anderson and Bud Leslie requesting their appearance before the Board in December to answer the allegations made by Mr. Mueller of Marshfield, Wisconsin.

Boulder Creek Outfitters - Letter received from Mr. John R. Behrmann of York, Pennsylvania, to be discussed with Tim Craig in December. Meeting has been scheduled for 1:00 p.m. on December 6, 1984.

Ernest Duckworth - MSC (Meiners-Vaughn) THAT THE BOARD CONTACT THE WALLOWA SHERIFF'S OFFICE TO ASCERTAIN THE RESULTS OF THEIR INVESTIGATION AND ANY ACTION TAKEN REGARDING ERNIE'S HELLS CANYON TOURS' EPISODE ON THE SNAKE RIVER THIS PAST SUMMER, REQUESTING AN EARLY RESPONSE SO THE BOARD CAN TAKE WHATEVER ACTION IT MAY DEEM NECESSARY.

Stanley Basin Cow Camp - MSC (Vaughn-Farr) THAT THERE BEING NO RESPONSE FROM MRS. TWILEGAR REGARDING THE ALLEGED INCIDENT, THE BOARD NOTIFY JOSEPH PARKINSON ADVISING THAT AFTER A THOROUGH INVESTIGATION BY THE BOARD, THE TOM CHIVERS MATTER REQUIRES NO FURTHER ACTION.

Larry Walker - A letter to be sent Mr. Walker requesting his appearance before the Board in December to answer the allegations made by Keith Valentine of Baltimore, Maryland.

Buxton Outfitters - MSC (Meiners-Vaughn) THAT THE BOARD ADVISE DONALD E. HINIKER OF THE BOND NUMBER AND INSURANCE COMPANY FOR THE BUXTON ESTATE AND THAT HE TAKE WHATEVER CIVIL ACTION MAY BE NECESSARY TO RESOLVE THE MATTER RELATIVE TO MONIES HE FEELS ARE OWED HIM.

Following a discussion regarding jurisdiction and/or fishing activities on the lakes and reservoirs in north Idaho, MSC (Meiners-Farr) THAT THE BOARD DIRECT HARRY VAUGHN TO PERSONALLY CONTACT BERT BOWLER, REGIONAL FISH BIOLOGIST, IN LEWISTON WHO HAS EXPERIENCE IN REGIONS I AND II REGARDING HIS KNOWLEDGE OF SUCH MATTERS, SPECIFICALLY:

- (1) NUMBER AND IMPACT ON RESOURCES OF COMMERCIAL OPERATIONS ON SUCH WATERS;
- (2) IF SUCH OPERATIONS SERVE THE PUBLIC NEED IN AN ADEQUATE AND SAFE MANNER;
- (3) ARE SUCH OPERATIONS ADEQUATELY REGULATED TO ASSURE THAT PUBLIC SAFETY AND SERVICES ARE PROVIDED; AND
- (4) IF SO, WHAT BACKGROUND DATA IS AVAILABLE TO SUBSTANTIATE THIS INFORMATION.

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In addition, the Chairman will contact Lt. Goldstein of the U.S. Coast Guard to ascertain what, if any, jurisdiction they might have relative to the large lakes in north Idaho.

Grunch Bunch - Being advised that a Grunch Bunch check in the amount of \$225.00 was returned for insufficient funds and that Mr. Grunch failed to respond to a letter sent him on October 17, 1984, requesting these monies, MSC (Meiners--Vaughn) THAT MR. GRUNCH BE NOTIFIED THAT HIS CHECK NOT BEING HONORED BY THE BANK, TOGETHER WITH HIS FAILURE TO RESPOND TO THE OCTOBER 17TH LETTER REQUESTING PAYMENT, GIVES THE BOARD REASON TO SUSPECT HIS FINANCIAL RESPONSIBILITY RELATIVE TO THE OPERATION OF AN OUTFITTING BUSINESS. THEREFORE, A HEARING HAS BEEN SET FOR 10:00 A.M. ON FRIDAY, DECEMBER 7, 1984, IN THE BOARDROOM TO CONSIDER REVOCATION OR SUSPENSION OF HIS OUTFITTER'S LICENSE FOR VIOLATION OF IDAHO CODE 36-2113(a)(14) AND 36-2109(c). FURTHER, THAT MR. GRUNCH BE NOTIFIED THAT ON ALL FUTURE APPLICATIONS, THE BOARD WILL ONLY ACCEPT A CASHIER'S CHECK, CERTIFIED CHECK, OR MONEY ORDER.

The Board recessed at 1740 and reconvened on Thursday, November 8, 1984, at 0835, meeting with Al Lewis to discuss various enforcement matters. Mr. Lewis requested part of his meeting be taped and a transcription of same is attached hereto.

Ray Cox - At 1000 a hearing was held in the Boardroom at the request of Mr. Cox who was denied elk and deer hunting. In addition to the Board members, those present were: Roy and Barbie Cox; Mark Martin and Clive Strong, Deputies Attorney General; Lloyd Oldenburg, State Wildlife Manager for the Idaho Department of Fish and Game. Mr. Oldenburg submitted the "Idaho 1983 Elk and Deer Harvest, Hunter Days, and Economic Value per Sq. Mi./Unit" brochure which was marked Exhibit 1. It was noted by Mr. Oldenburg that the statistics relative to Unit 15 were for the entire unit, but that the particular area of Unit 15 requested by Mr. Cox was a low density area. Mr. Cox stated he was interested in the Johns Creek and Mills Creek areas and did not expect to handle more than ten hunters per year; he further stated he would revise his request to equal about one-fourth the area originally requested. The Chairman informed Mr. Cox that the Board would consider his request upon its receipt of the revised area description.

Next followed a meeting with legal counsel relative to procedures on future requests and/or denial hearings involving Fish and Game. Also discussed were: RamsHorn Guest Ranch, Andron Corporation, possible over-use/non-use rule. Clive Strong suggested that small committee meetings be set with Fish and Game, Forest Service, Idaho Outfitter and Guide Association personnel, etc. to discuss proposed rule changes or additions. The Chairman asked Mr. Strong to sit in on such committee meetings.

Andre Molsee - The Board recessed at 1235 and reconvened at 1340, meeting with Andre Molsee of Elk River who discussed a proposed outfitting business in the old Medlock area adjacent to Stockton's. Mr. Molsee was given some guidelines by the Board and had some of his questions regarding the Outfitters and Guides Act answered.

RamsHorn Guest Ranch - At 1420, Dave Rackow met with the Board relative to the petition for a declaratory ruling. Also present was Mark Martin, Deputy Attorney General. Following a lengthy discussion, the Chairman advised Mr. Rackow that the information received will be taken under advisement and that a decision will be rendered as soon as possible. Mr. Rackow then asked about the meeting held yesterday with Dick McAfee. The Chairman noted that a meeting has been scheduled for 9:00 a.m. on December 7, 1984, with Messrs. Rackow, McAfee, Peterson, and representatives of the Forest Service to fully discuss this matter.

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Ray Cox - Upon reviewing the revised area description and activities requested by Mr. Cox, MSC (Vaughn--Farr) THAT THE DENIAL OF ELK AND DEER HUNTING BE REVERSED IN ACCORDANCE WITH THE REVISED AREA AND ACTIVITIES SUBMITTED DURING THE HEARING AND BASED UPON INPUT FROM THE IDAHO DEPARTMENT OF FISH AND GAME, SPECIFICALLY THE RECOMMENDATION OF MR. LLOYD OLDENBURG.

MSC (Farr--Meiners) THAT PURSUANT TO IDAHO CODE SECTION 67-2345(b), THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS MATTERS OF PERSONNEL. Chairman Foster, Members Meiners, Vaughn, and Farr cast "AYE" votes; no "NAY" votes were cast. The Executive Session began at 1620 and ended at 1745 with no formal action being taken during the session.

MSC (Vaughn--Farr) THAT RELATIVE TO THE GRIEVANCES FILED BY COLLEEN SWEENEY AND THE HEARING HELD PURSUANT THERETO, THE BOARD WITHDRAW ITS MEMORANDA ADDRESSED TO COLLEEN SWEENEY DATED OCTOBER 19, 1984, AND IN LIEU THEREOF A MEMORANDUM BE ADDRESSED TO COLLEEN SWEENEY RE-AFFIRMING THE BOARD'S POLICY AND ENUNCIATING THE APPROPRIATE WORKING HOURS ESTABLISHED FOR THE OFFICE AND THAT NO ACTION MAY BE TAKEN WITH REGARD TO LICENSE PROCEDURE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE BOARD AND/OR ADMINISTRATIVE SECRETARY; FURTHER, THAT ALL REFERENCES TO THE ABOVE-MENTIONED MEMORANDA BE STRICKEN FROM THE OCTOBER 11, 1984, BOARD MINUTES.

MSC (Meiners--Farr) THAT THE OCTOBER BOARD MINUTES BE APPROVED AS AMENDED.

MSC (Meiners--Farr) THAT THE COORDINATOR OF ENFORCEMENT BE INSTRUCTED THAT DALE BAIRD IS NOT TO BE GIVEN ANY ASSIGNMENTS UNTIL HIS EMPLOYMENT SITUATION HAS BEEN PROPERLY REVIEWED, DISCUSSED, AND APPROPRIATE ACTION TAKEN BY THE BOARD.

MSC (Vaughn--Farr) THAT THE ADMINISTRATIVE SECRETARY BE ADVISED THAT MATTERS PERTAINING TO ENFORCEMENT BE CHECKED WITH THE ENFORCEMENT COORDINATOR; THAT WHEN THE COORDINATOR IS NOT AVAILABLE, THE CHAIRMAN OF THE BOARD IS TO BE CONTACTED; THAT IF THE CHAIRMAN IS NOT AVAILABLE, THEN ANY OTHER MEMBER OF THE BOARD IS TO BE CONTACTED. FURTHER, THAT ALL MATTERS PERTAINING TO ENFORCEMENT FROM WHATEVER SOURCE BE MADE IMMEDIATELY AVAILABLE TO ALL ENFORCEMENT PERSONNEL FOR THEIR GENERAL INFORMATION, BUT THAT COMPLAINTS AGAINST LICENSED OUTFITTERS GENERALLY DO NOT FALL IN THIS CATEGORY AND ARE TO BE SCREENED BY THE CHAIRMAN FOR DISPOSITION TO THE PROPER INVESTIGATING PERSON IF PERTINENT TO ON-GOING INVESTIGATIVE WORK.

The Board recessed at 1820 and reconvened on Friday, November 9, 1984, at 0830. Various items of business were taken into consideration as noted below:

Larry Cross - MSC (Meiners--Vaughn) THAT THE BOARD OBTAIN WRITTEN CONFIRMATION THAT THE CONTRACT AGREEMENT FOR SALE OF THE BUXTON OUTFITTING BUSINESS TO LARRY CROSS HAS BEEN CONSUMMATED PRIOR TO THE ISSUANCE OF A LICENSE TO MR. CROSS.

Rules Hearings - The Administrative Secretary was instructed to make reservations and obtain meeting rooms to hold public hearings on proposed rule changes at the following locations and times:

1/10/85 - Orofino.....afternoon from 3-5; evening from 7-9
1/17/85 - Boise.....afternoon from 3-5; evening from 7-9
1/24/85 - Rexburg.....afternoon from 3-5; evening from 7-9

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Steeldust Outfitters - Relative to the request of Zeb Bell and Ron Bricker to hunt deer and cougar in Unit #54, MSC (Meiners--Vaughn) THAT THE FOLLOWING AREA DESCRIPTION BE APPROVED:

Starting at the eastern boundary of the Cassia Division of the Sawtooth National Forest where Forest Service Road 533 intersects said boundary (Section 34, T14S, R21E); thence westerly along Forest Service Road 533 (Trapper Creek Road) to its juncture with Forest Service Road 538; thence continuing westerly on Forest Service Roads 538, 541, 648, and 637 to the western boundary of the Cassia Division of the Sawtooth National Forest (Section 18, T15S, R18E); thence southeasterly and northerly along the Cassia Division of the Sawtooth National Forest boundary to the point of beginning. (Sawtooth National Forest-Twin Falls/Burley R.D., 1970)

Idaho Conservation League - At 1040 Craig Gehrke, Wilderness Coordinator for the I.C.L., met with the Board to discuss the possibility of challenging the Forest Service relative to its plans to build roads in some back-country areas of national forest lands. The Chairman suggested Mr. Gehrke make a presentation at the upcoming Idaho Outfitters and Guides Association for its review and input.

Upcoming Board Meetings - The Board decided to hold its January meeting from Wednesday, January 16, 1985, through Friday, January 18, 1985, and to hold its February meeting from Wednesday, February 6, 1985, through Friday, February 8, 1985.

Idaho Guide Service - MSC (Meiners--Vaughn) THAT THE BOARD APPROVE THE AMENDMENT FOR CROSS-COUNTRY SKIING PER THE LETTER OF REQUEST DATED 11/5/84 IN THE CHERRY CREEK AREA OF THE SAWTOOTH NATIONAL RECREATION AREA.

Rule 9(b) - The Board will make a decision relative to the adoption of this rule following the Idaho Outfitters and Guides Association meeting in December.

City of McCall - A letter is to be sent requesting more specific information relative to the City's recreation plans and setting an appointment for their representative at the December meeting.

Ken Purcell - A letter is to be sent responding to Mr. Purcell's inquiry about a salmon charter service on Lake Coeur d'Alene, indicating the current Board policy and that such policy is under review.

Computer/Word Processor - The Chairman advised that the bids will be opened at 9:30 a.m. on Tuesday, November 27, 1984.

Sun Valley Llamas - The Chairman noted that Al Lewis is to check out the advertisement which appeared in the Summer 1984 Issue of 3L Llama magazine. Al is to be instructed that he should just find out the details of its operation.

Fourth of July Creek Outfitters - A letter is to be sent requesting a clarification of their area description inasmuch as the worded description appears smaller than the current licensed area; also, the map submitted in August 1984 appears to cover a smaller area.

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The Board recessed at 1215 and reconvened at 1325, continuing with general business as follows:

Scott Farr - There is a question relative to his area description. The agreement with Stanley Potts is very vague. This will be clarified at the December meeting.

Joint Board and Fish & Game Commission Meetings - The possibility of such meetings to be discussed with Norm Guth at the Idaho Outfitters and Guides Association meeting in December.

Cecil Weddle - MSC (Vaughn--Meiners) THAT A LETTER BE SENT TO KATHLEEN HARDCASTLE INDICATING THE BOARD HAS REVIEWED A CURRENT FINANCIAL STATEMENT OF MR. WEDDLE, THAT HE HAS DEMONSTRATED ADEQUATE FINANCIAL RESPONSIBILITY TO CONDUCT AN OUTFITTING BUSINESS, AND THAT NO FURTHER ACTION WILL BE TAKEN BY THE BOARD; FURTHER, THAT A LETTER BE SENT TO MR. WEDDLE THANKING HIM FOR THE FINANCIAL STATEMENT AND REQUESTING DETAILED INFORMATION ON THE QUESTIONABLE ACTIVITIES OF MR. TARBOX AS WELL AS ADVISING MR. WEDDLE AS TO WHAT IS NECESSARY TO CHANGE HIS DBA.

Jim Walker - The Board reviewed a letter received from the Bureau of Land Management regarding their revocation of a special recreation use permit to Mr. Walker. The Chairman is to ascertain what problems the Forest Service and the Bureau of Land Management have with Jim Walker when he meets with the agency people in December. MSC (Meiners--Vaughn) THAT THE BOARD TAKE NO ACTION REGARDING JIM WALKER AND THAT SEAMONS AND GRUSSING BE CONTACTED RELATIVE TO THE DETAILS SURROUNDING THEIR DENIAL OF PERMITS TO MR. WALKER.

Roy Woltz - MSC (Meiners--Vaughn) THAT A LETTER BE SENT MR. WOLTZ ADVISING THE BOARD HAS REVIEWED HIS PETITION FOR THE ISSUING OF AN OUTFITTERS LICENSE FOR THE MIDDLE FORK OF THE CLEARWATER RIVER AND HIS PETITION FOR RE-ISSUING OF OUTFITTERS LICENSES ON THE CLEARWATER RIVER FROM KOOSKIA TO LEWISTON AND IS ADDRESSING BOTH THESE CONCERNS IN RULES HEARINGS TO BE HELD IN JANUARY TO DETERMINE PUBLIC ACCEPTANCE OR REJECTION OF THESE MATTERS AT WHICH TIME HE MAY VOICE HIS OPINIONS. THEREFORE, THE BOARD IS NEITHER APPROVING OR DENYING HIS PETITIONS AT THE PRESENT TIME, BUT WILL CONSIDER THEIR MERITS AT THE CONCLUSION OF THESE HEARINGS.

S. C. Buttram - MSC (Meiners--Vaughn) THAT HIS REQUEST FOR ADDITIONAL ACTIVITIES IN FISH AND GAME UNIT #4 BE DENIED PURSUANT TO IDAHO CODE 36-2109(b)(1), (2), AND (5), AND IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE IDAHO DEPARTMENT OF FISH AND GAME AS OUTLINED IN THEIR LETTER OF 9/30/83.

Clive Strong - Mr. Strong submitted guidelines relative to a continuous license. He further indicated that the following rules would be applicable when bad checks are not made good: 36-2104(a), 36-2108(b)(2), 36-2108(d)(1), 36-2113(a)(1), and 36-2113(a)(14). He noted that Rule 8(a)(vii) applies to a lapse of a bond. Next followed a lengthy discussion on the proposed changes to Rule 22 and other rule changes which would allow the rules to be in conformance with the Outfitters and Guides Act amended July 1, 1984.

Con Hourihan/Flying Resort Ranch - MSC (Meiners--Vaughn) THAT A HEARING ON THIS BOUNDARY DISPUTE BE SCHEDULED BEFORE THE BOARD IN DECEMBER.

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Harold Thomas/Gladys York - MSC (Meiners--Vaughn) THAT A HEARING ON THEIR DISPUTED AREA BE SCHEDULED BEFORE THE BOARD IN DECEMBER.

Harrison Hilbert - MSC (Meiners--Vaughn) THAT A LETTER BE SENT MR. HILBERT ADVISING HIM HE CANNOT BE GIVEN THOSE ACTIVITIES OUTLINED IN HIS LETTER RECEIVED BY THE BOARD ON AUGUST 24, 1984, UNTIL HE SUBMITS CURRENT QUALIFICATIONS FOR SAME.

Betty Barcroft - MSC (Meiners--Vaughn) THAT THE REQUEST OF HELLS CANYON ADVENTURES FOR A REFUND BE GRANTED.

Kevin Baird - MSC (Vaughn--Meiners) THAT THE GUIDE LICENSE APPLICATION BE APPROVED AS REQUESTED.

Jo Moltzen - The Board received a telephone call from her requesting a meeting in December in conjunction with the Idaho Outfitters and Guides Association meetings to discuss: (1) Thomas/York overlap; (2) R. J. Lewy/Mike Daly dispute; (3) allegation by Paul Resnick that Forest Wilson is taking hunters into the Shepp Ranch area.

John Anderson - MSC (Meiners--Vaughn) THAT MR. ANDERSON BE REFUNDED \$10.00 FOR AN AREA EXTENSION REQUEST WHICH WAS PRECLUDED BY THE OUTCOME OF THE ALLEY CASE.

Thomas Webb - MSC (Meiners--Vaughn) THAT THE REQUEST FOR AN EXTENSION TO HIS LICENSE BE DENIED IN ACCORDANCE WITH THE PROVISIONS OF IDAHO CODE 36-2109(b)(4) and 36-2109(b)(5), AND PER THE FISH AND GAME LETTER DATED OCTOBER 25, 1984.

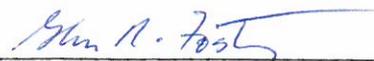
Jerry R. Meyers - MSC (Meiners--Vaughn) THAT THE REQUEST FOR EXTENSION OF HUNTING IN UNITS 27 AND 28 BE APPROVED, PROVIDING DEER AND ELK HUNTING BE CONFINED WITHIN THE FRANK CHURCH WILDERNESS AREA OF HIS LICENSED AREA, AS RECOMMENDED IN LETTERS FROM THE FOREST SERVICE AND THE IDAHO DEPARTMENT OF FISH AND GAME. FURTHER, THAT SUCH ACTIVITY BE CONFINED TO THE REMOTE WILDERNESS PORTIONS OF HIS CURRENTLY LICENSED AREA.

Brian Brockette - MSC (Vaughn--Meiners) THAT THE REQUEST FOR THE ADDITION OF BLUE GROUSE HUNTING BE APPROVED ON FOREST SERVICE LAND ONLY WITHIN A 15-MILE RADIUS OF THE SUN VALLEY/KETCHUM AREA.

Steve Guinn - MSC (Vaughn--Meiners) THAT HIS REQUEST FOR DOG SLED RIDES BE APPROVED; FURTHER, THAT A LETTER BE SENT ADVISING MR. GUINN THAT NO FISHING ACTIVITIES ARE BEING LICENSED BY THE BOARD AT THE PRESENT TIME ON PAYETTE LAKE.

Loren G. Rogers - MSC (Vaughn--Meiners) THAT MR. ROGERS' REQUEST FOR ADDITIONAL ACTIVITIES BE DENIED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE IDAHO DEPARTMENT OF FISH AND GAME'S LETTER DATED 11/1/84 AND PURSUANT TO THE PROVISIONS OF IDAHO CODE 36-2109(b)(4) AND 36-2109(b)(5).

After reviewing the paste-ups of the proposed revisions to the outfitter and guide applications, the Board recessed at 1745.



GLEN R. FOSTER, CHAIRMAN OF THE BOARD

ATTEST:



LINDA L. ELWOOD, ADMINISTRATIVE SECRETARY

TRANSCRIPT OF STATEMENTS MADE BY AL LEWIS WHEN HE ADDRESSED THE IDAHO OUTFITTERS AND GUIDES BOARD ON THURSDAY, NOVEMBER 8, 1984:

...the rest of this part, er meeting. But this card here from the Fly Fishing Shop in Coeur d'Alene...I don't know whether you remembered it or not.

(Glen: I remember it.)

(Bill: I do, too.)

(Glen: It's been sitting around on the table...)

Okay.

(Glen: ...for months.)

I...I received that early last spring and it was brought up with the Northern... people up north doin' illegal fishin' trips. It was decided that we wouldn't do anything about it...that Bob was goin' up north to do some work and investigate the fishing that...that was goin' on and that this would be part of it. Also at that time it was decided that on Northwest Adventures, who owes us three hundred and seventy dollars, Bob was to take care of that. They had sent me through the mail some more advertisement which included fishin', horseback rides, huntin', and Bob was gonna handle that part. Well, here two or three weeks ago, I received a call from Frank Smith up in north Idaho about this Fly Club, er Fly Shop, and he had received information that the guy was illegal, but he says: "Al, I know the guy and," he said, "I don't think he does." And I said: "Well, I know he does," and I told him what I knew. And he said: "Well, that goes to show ya about friends." A day or two later then I called, er I gotta call from the Fish and Game, Bruce Retwell or whatever his name is down at the head office, and he asked me about it. And he said that: "We've gotta report the guy's illegal." And I said: "Yes, I know he's illegal, but," I said, "Bob is doin' work on him." I said: "Contact Bob." which he told me later he did contact Bob. A day or two later I asked Bob if they contacted him and he said: "Yes." And I said: "Well, you're aware that it's the guys

that we've decided to wait 'til you go up to investigate." He said: "Yeah, I know it's the same one." Well, a little bit later then, I don't recall...a week or so, Linda had brou...er, ah...I talked to Fish and Game and they told me to... I'd called them about somethin' else...and they told me to tell Linda to forget the hundred and fifty dollars. They didn't need it, that this guy had backed out on 'em. Evidently they was gonna go ahead and book on it and Bob had given 'em a hundred and fifty dollars to book on it. And then he refused. Well, anyhow, they didn't make it. I told Linda and I...I asked Bob, I said: "How come? I thought that was the one that we was gonna forget until you went up and investigated it." Well, then, the next thing I know, ah...I'm in Wyoming. I, ah... get over there. I talk to Mr. Lyman Harmon and he insinuates when I give him the eight hundred dollars that we're gonna hunt in...in ah Wyoming mostly. We...

(Glen: That's...)

...might get into Idaho.

(Glen: ...that's the guy that you just arrested...)

That's the guy...

(Glen: ...over there?)

...that we just finished up the court case on.

(Glen: Um-umm.)

And that he indicated we was gonna be in Wyoming. So I go back to the motel and... I don't have a case if he hunts for us...if he hunts in Wyoming. So I called the Fish and Game here in Boise and asked 'em to get ahold of somebody in Wyoming and let 'em know what was going on. And...and I ah explained to Frank NeSmith what... what my problem was. And I said: "I need help." I said: "What does Wyoming want me to do?" I said: "Kill. Not kill. I'll do whatever they want while I'm in Wyoming." And Frank listened to me until I was through and then he said:

"Well," he said, "I've got to tell ya before I can do anything for ya," he said, "I've gotta get hold of Bob and clear it." And I said: "What d'ya mean?" Well, he took a couple of minutes to apologize to me and told me that there new instructions were not to do anything for me or give me anything unless he told... Bob told 'em to. And he said: "I can't...I'm not supposed to do none of this for ya until I clear it through Bob. And, ah...if I can't get ahold of Bob, then I'm to get ahold of Dale Baird." Well, I at that time, ah...I'm a little unhappy...and told him what he could do. Not necessarily him, but what he...how he could, ah... But then he...he come back and he said: "Well, wait a minute, Al," he said, "I just declared an...an emergency. I will take care of it." So, ah...which he did. He called Sabin in Idaho Falls. Sabin was to call me, I found out later, to call me directly back. He did not. Ah...we could've lost our whole case. And I blame part of this on me. Sabin went and called the local Fish and Game man who is a friend of Harmon's. Ah...the man called me about nine o'clock that night and told me...he said: "I know who you're after and I know what you're here for. And," he said, "that man don't do that kinda stuff." So I invited him over to the motel room, showed him what I had, showed him the phone conversation, and then informed him that if Mr. Harmon was sick tomorrow morning... I told him three times...I said: "If Harmon's sick tomorrow morning and turns me down on my hunt," I said, "whether you did or not," I said, "I'm gonna blame ya for it, 'cause," I said, "nobody in this town knows what I'm here for except you." Well, ah...'course Sabin didn't know that we didn't want this guy. But anyhow, that's the way it went. We still made the case and everything went alright. Now I understand this guy's on the spot and he's gonna have to file on Harmon. But I come back and I go down and I talk to the guys down at the Fish and Game and I'm informed that they can't do nothin' for me. I get a letter from the

Prosecutor wantin' the cer...er the record of ah Lyman Harmon in the State of Idaho. I can't go down there and get it until I find Bob. Ah...he's not told me to call Baird, because my idea has always been if I don't get ahold of Bob, then I go to one of you guys. You're the next ones I go to, which I'm sure that both of you two are aware that I did try to call ya after this happened. Now I don't know what they're up to. I don't know, but I'm not happy with it. Ah...if Baird is gonna work for us, I'll do my best to work with him, but ya gotta keep in mind that Dale Baird, I'm gonna say, hid or done away with or kept Ray Atkinson's first report on the Hill case, t'where Joe Curry did not see that report for almost one year later where Atkinson and I and Don Beach was to go in on the Hill case the second time. Dale personally told me that it was a drunken campfire conversation. When Joe Durry seen the report, he was mad. He said: "I could've made seven or eight arrests out of that report if it had been sent down to me." Well, I think what I'm tryin' to see is, I don't feel that this stuff should be kept from me. Ah...I don't think it's right. I asked ah...I asked ah...Bob, I said ah...: "My wife wants to know if you and Dale hid stuff on Helms, and maybe Pogue, is why they're not here today." Ah...if they've got a reason, fine, but, ah...stuff like that I don't think should be kept from me. And I try and talk to Bob...we go back to the part in this last meeting of where it was decided that on these hunts that we would get a phony tag. Okay, to begin with, he's kinda condemned Bobbie Lee for helpin' me. To begin with, the Fish and Game gave me three men last year to help me. Because of a phone call that said: "Your guide died," I was left alone. They pulled their men off. Which is alright. I don't care. Ah...I don't blame 'em. I was left alone. I had to go find somebody to go with me. I left my money with Northwest. I take Bobbie Lee.

He went up with me. When we got there was when Frederickson got involved. Frederickson was not involved when we left, but here we'd worked all summer, me and three other Fish and Game men, and then they had been pulled off, which they were unhappy about, but because of the mess, I took Bobbie Lee up there. Bobbie Lee went out and hunted with those guys that one day, because Frederickson was now involved. I played sick, stayed in the little camper. He done my work for me. He got the job done. We made...we made a couple arrests. Ah... I was more or less criticized for usin' Bobbie Lee on that. Here the other day he sa...jumped me: "Why did you take the Sheriff of Owy....er, ah, Boise County with ya?" Okay, Lucia who was supposed to help to begin with, his wife got sick. Wasn't able to go. Ah...Lafferty, he claimed he had stuff to do himself...one of the other local Fish and Game men...a doe season opened. He couldn't go. I tried to get Lee. Lee's sergeant wouldn't let him go. Here Harmon had wanted four hunters. I got by by us livin' in town for two. So I called the Sheriff, ah, Barnham and...because I...there...if I make the circle long enough, I'm gonna find somebody that'll go. Alright, Barnham: "Heck, yes. I'll go with you." He's the one that also went on a float trip with me. But...so we went. Okay. He had no phony tag. He put his own tag on the animal. I, when we got into ah... Soda Springs, I went to Lafferty, the Fish and Game man, and I said: "Hey, I've gotta a deer. I've been told to give it to you guys. Here it is." And he said: "Is it legal? Whose tag?" We told him. He says: "It's not an illegal deer. I can't take it. I don't want it. You give it to me and I'll give it back." So, I brought it on home. I give it...I called Bob and told him what I had and he said: "Give it to an organization." I found an organization...a Boy's Youth and Ranch. I give it to 'em. I go down to the Fish and Game. Tell 'em we want a

new tag for Barnham so's he can go back out and hunt. I paid two dollars and fifty cents for it...or you guys did. At that time, Ray Lyon at the Fish and Game wants to know what the heck's agoin' on. He, ah.."It's not an illegal deer. Why are you lettin' that man go out into the field and kill another deer?" Well, I talked to Bob about this, and Bob says: "I'm in charge. That's the way it's gonna be. That's it." Well, I think he oughta stop and...and, at least, think about it a little. Ah...in other words, what I'm tryin' to say is, these guys I can get to go out and help us...help me...at no wages. Ah...now I did pay for his food which was...I can look at the file and see what it was...but it would have to be less than...somewhere in the vicinity of seventy dollars on the trip. That's...that's what our expenses was for a man for three or four days. Ah...and on these hunts acomin' up, what I would like to propose is...let's let the judge and the prosecutor of the county to where the case is involved, because no two cases are exactly the same. Let's let them decide what happens to that animal. And I might put it this way, if we're gonna have a fund of horns, hides, and what have ya, let's start an outfitters association fund. Why give it...those guys sell it...the Fish and Game. It's not their animal. They...they have their sales each year. I was to one in Jerome once. Ah...that money is used for other enforcement. I think with a little checkin', I think you could find with federal Fish...Fish and Wildlife, kept track of weight and took pictures of salmon deals...undercover deal they pulled...and the federal government let them re-use that money for undercover. And, ah...part of this argument with me with...has been with Bob is...I feel your dollars that I'm spendin' are money...and if I can save you a dollar, that's what I wanna do. But I wanna stay within the law, too, and this is why I say let's let the prosecutor or the county judge of the county where the animal is involved, let them decide where it goes to. And if it goes to the state, ah...

for...let's...let's have...let's have our...let's have our own.

(Glen: For clarification, Al, I want to...I want to just be sure on one point. You're saying that in the case where the sheriff went with ya and shot, what was it...a deer?)

Yes.

(Glen: He...and put his own personal tag on it...that was one deer killed.)

Right.

(Glen: Now, he would've been content to take that deer...)

Oh, yes. Yes, definitely.

(Glen: ...and that would've been his deer...)

That would've been his deer.

(Glen: ...for the year. But now you've gone to the Fish and Game and replaced his tag with a phony tag for...

Right. With a...

(Glen:...two dollars and fifty cents.)

I've replaced his tag with a new tag and puts him out into the field. He kills another deer.

(Glen: So that's two deer that're killed where we could've got by with killing one deer is how...)

This is correct.

(Glen: You're looking at the conservation of...)

And, we'd had a man that's...

(Glen:...the animals.)

...through a hunt. But the main thing I'm tryin' to look forward to...and I don't

think I've explained myself really in the past. This is gettin' bigger. We're gettin' in bigger stuff such as Larry Cross, ah...Ray Ralls, and some of this stuff. We're gettin' into stuff that's bigger and we're gonna need different people to book with these guys. And what I'm tryin' to say is if we've gotta guy, ah...Dr. so-and-so out of Salt Lake, that would come up here, go on a hunt, provide his own license, his own tags, but the only thing that we're out is we're gotta put out up-front money to get him, whether it's me that goes or that doctor, or Bobbie Lee. Put up the front-money. Ah...ninety percent of the time we're gonna get that front-money back. But let him do the hunt and for his work, he's not...wages, he's not gettin' wages...but he is getting to be guided and we're payin' for it. Now when I tried to talk to Bob here the other day and show him what I was tryin' to get through, I used a case...another case for reference of where he was bound and determined to pay a reward that Don McPherson had. I... right out here...told him...I read a letter, and I went to Bob and said: "Bob, I want you to know that I read a letter that Ted Epley has." And I said: "I want you to know that I don't approve of that reward." And I think I told you before that I did not...that I'd like for it to go on record I did not approve of that. Well, I thought all the time that it was a hunter that was with the illegal outfitter...that was...that was being paid a reward. Well, if I go into an illegal camp and I go to interviewing these hunters and I come up with the case, hey, that's to our advantage. Why should the Outfitters Association pay a reward? I'm just doin' my job. And this is what I felt Don had done. And I told Bob I wasn't for it, and he said...and he said: "Well..." His attitude was what difference does it make? It's not your money? Let 'em spend it. Well, I done a little checkin' the other day to make sure it was a hunter 'cause I told Bob...I said: "I think it was a hunter." I find out it was an illegal guide who was not charged because he made a statement against the illegal out-

fitter. He not only was not charged, but he was paid a two hundred and fifty dollar reward.

(Glen: Well...)

I mean...now this is kinda the stuff that...that, ah...that I...

(Glen: We're gonna hafta do some heavy thinking about this, Al, and, ah...and try to decide what should be done. Ah...I hate to cut you short on time, but we're just about out. Is that about...)

Well...

(Glen: ...all that you have to say?)

I think that's ah...that's kinda the part of the highlights of it. I think... 'Course there's one thing I might add to it. Keep in mind I wasn't hired to do what I'm doin'. I...I've just took it upon myself, with your permission, to do it. And I've enjoyed every damn bit of it.

(Glen: Well, we've...I'd like to say one thing for the record, too, Al. From...from where I sit, I came on the Board just about the same time you did. And, ah...I've known something about enforcement on...in the Board's history over the past twenty-five...thirty years...and I don't think there's been any better enforcement effort on this Board ever in the twenty-five year history preceding your coming on this Board than there has been since you've been on here. I think we've made more arrests, more big cases, had more big fines, had more jail time, by illegal outfitters than... than this Board has ever had in its history preceding your coming.)

Well...

(Glen: From where I sit, I don't want to see that effort, ah...undermined or curtailed. I feel pretty strongly about that.)

(Bill: I would second that. I would also like to ask, in your opinion, how much, generally speaking, is your life at risk in this operation? I think...)

Who knows. Who knows.

(Bill: ...I...I know...well, I know that, but I mean how threatened do you feel?)

I'll put it this way. I don't worry about it.

(Bill: Well, no, I know that. But...)

Ah...I've...I've never, ah...at times, yes. At times I think of, ah...hey, when you go into this stuff, you've gotta have a different attitude. You've gotta have a...you've gotta have an attitude... And this is why, ah...I don't blame it when a lotta guys don't wanna go. Hey, I don't hold it against 'em at all. But, little stuff that comes in here...that comes in here...it may not mean a thing to you or him, but now...I've gotta file out here. Little calls and stuff comes in...a copy's put in here. If I'm workin' on it, I'll look at it. If it's connected with some of my stuff, I'll put it in the file that I've got made for it...my personal file...if it's somethin' I don't. Normally that has got four or five to ten complaints in it. I don't have a one in there today.

(Glen: Linda, isn't this the file that the Board discussed ah... in the last two Board meetings, and isn't this the file that I asked you to, ah...be sure that when calls came in or when information came through the mail, that Al...that this information went in that file so that every enforcement man could

look at it and see?)

(Linda: Uh-huh. There just hasn't been anything in the last week or two.)

(Glen: Okay.)

Now this is...I don't know whether it's a coincidence or what, but I...at the same time...

(Glen: You...you haven't been...you haven't received any kind of instruction from Bob or from any other enforcement agent about not putting information in that file?)

(Linda: Uh-uh.)

(Glen: Okay. You haven't been instructed to withhold anything from Al?)

(Linda: I have not.)

But when you get back to danger, I don't have a house today.

(Bill: I know. I...I mean I just...I...I think I know the answer to the question I asked, but I just wanted to get your reaction to it.)

It can be, but...and I have...if you go back over some of the stuff, I've backed off a couple of times. Doug Eire was one. Doug Eire was one, and in case you don't know it we got our money back. I went to Moscow and he don't know who I am yet today, but I got our money back. But Doug knew that somebody was after him. And, ah...Burton and I were to go. I backed off of that one. It's one of the few that I've backed off from, but I just had a feeling, and I...I didn't find out, ah...ah... But, I think what the main thing I'm tryin' to get over is, I need everything I can get.

(Glen: What's your schedule for the rest of the day?

Are you gonna be in or out or gone or...?

Around. I've gotta go to, ah...I've gotta go to Council tomorrow for Ray Ralls, filing a complaint on him.

(Glen: If we get an opportunity to discuss this as a Board and feel we need more information from ya and gave ya a call, would we be able to get ya back in here either today or tomorrow?)

Sure. I would like to go on record amakin' one more recommendation.

(Glen: Okay.)

I would like to see a Fish and Game officer on this Board that is active. Now, not that maybe Bob isn't, ah... I know he's got the experience of runnin' people and this and that, but I'd like to see...if we're gonna have a Fish and Game officer, I'd like to see somebody that is interested, that's willing to sit down and work some of this out, and get out and help get these guys. If we're gonna get 'em, you can't ah...you can't think about it. As I made the remark one day, I can't...I can't do it alayin' in bed and we're playin' basketball. And, ah...in order to do this, I think we need somebody that is...that...from the Fish and Game that has more interest.

(Glen: Okay. Well, thanks, Al, for your report and we'll just have to do some heavy thinking about it. We've got another case that we're overdue on, so...I hate to rush you out of here. Thanks very much.)

Okay.

(-----end of tape-----)