

MINUTES

Idaho Outfitters and Guides Board Boise, Idaho

August 29, 30, 31, and September 1, 1983

A regular meeting of the Idaho Outfitters and Guides Board was called to order by Chairman Glen R. Foster at 0840, August 29, 1983, in the office boardroom at Boise, Idaho. Other members present were: Robert L. Salter, Scott Farr, William R. Meiners, and Harry W. Vaughn.

Outfitter complaints were reviewed. Several letters and telephone calls, which had come in to the Board from clients of Richard Grunch, reported they had had good hunts with Mr. Grunch and that the complainant was off-base in his report of the hunt. A telephone call from Bob Crick explaining he had settled with his complainant was also received. It was the Board's decision that Mr. Grunch would not have to come in to meet with the Board at this time. Mr. Crick advised he would send a copy of the money order he had submitted to Mr. Hervieux to settle the complaint.

Buddy Broussard, Orofino, Idaho, called and reported he was unable to keep his appointment. The Board determined that his request for hunting in a new area in Unit 10 would be researched with the Department of Fish and Game.

Al Lewis appeared before the Board to discuss his cases. Various schools and the question of them requiring a license was brought up. The Board read a 1978 opinion by Attorney Guy Hurlbutt regarding licensing of schools, but will wait for a recommendation from the Attorney General's office regarding the new cases which are pending a decision.

Scott Farr advised the Board of a sheep hunt he has scheduled for Units 26 and 20A. He will give the Board a written statement indicating the dates of the hunts. It was determined to advise Stan Potts that he must comply with Forest Service requirements and contact affected outfitters when conducting sheep hunts.

A letter from Tom Hansen's attorney and his past use of the area formerly licensed to him were reviewed. Meiners moved, Vaughn seconded, and the motion passed THAT THE BOARD WRITE A LETTER IN RESPONSE TO ATTORNEY LOMBARDI WITH COPIES TO TOM HANSEN AND THE FOREST SERVICE, AND WITH A COPY OF THE FOREST SERVICE LETTER TO THE ATTORNEY, THE BOARD HAS SUMMARIZED THE CASE AND INDICATE AS FAR AS THE BOARD IS CONCERNED THAT TOM HANSEN LOST HIS OPPORTUNITY FOR CONSIDERATION OF A LICENSE ON THAT PARTICULAR AREA AND HE HAS THE RIGHT TO AN APPEAL IF HE WANTS.

Following discussion of the Carl P. Russell/John R. Jones pending settlement with the booked clients, Meiners moved, Salter seconded and the motion passed THAT THE BOARD REQUEST CLARIFICATION FROM ATTORNEY GENERAL CLIVE STRONG RELATIVE TO THE BONDING REQUIREMENTS AND AN OPINION RELATIVE TO THE CASE.

Ken Olson, Managing Agent, Mackay Bar Corporation, Boise, Idaho, appeared before the Board concerning the licensing of guide, Mitch Sanchotena to operate Mackay Bar's power boats above Ludwig Rapids to the Painter Mine, and about licensing of other Mackay Bar guides. The Board requested the meeting in response to a complaint which had been registered against the outfitter. It was determined that the Board would take no further action at this time.

John Woodworth and Martel Morache, Boise, came before the Board to discuss new outfitter licensing of Treasure Valley Seminars, Inc. Resumes were presented for the planned guide licensing of Martel Morache and William S. Platts. Although some of the planned use would be worked out with existing outfitters some of the area proposal will require a public hearing. Applications were not submitted at this time.

The meeting was recessed at 1700.

Tuesday, August 30, 1983, following the morning recess for the formal hearing of Steven Alley on his license denial, which was held in the meeting room of the Attorney General's Office, the board meeting was again called to order in the office boardroom by Chairman Foster, at 1330. Other members in attendance were: Robert Salter, Scott Farr, William Meiners and Harry Vaughn.

Following a telephone call from Mrs. Richard Grunch, Farr moved, Vaughn seconded, and the motion passed THAT THE BOARD NOT ASK MR. GRUNCH TO APPEAR AT THIS TIME, THAT A LETTER BE SENT TO ADVISE HE WOULD NOT HAVE TO APPEAR BASED ON THE INFORMATION WE HAVE RECEIVED. A telephone call was then made to outfitter Grunch to inform him of this action.

Stanley Meholchick, Caldwell, came before the Board to request an amendment to his outfitter license for spring bear hunting in Fish and Game Unit 25.

Rand Decker, Bozeman, Montana, came before the Board concerning his proposal for outfitting back-country alpine skiing, using helicopters, in the Palisades Ranger District of eastern Idaho. The board members questioned Mr. Decker extensively on his proposed operation, mentioning the inherent dangers. Following review by the Board of the documents Mr. Decker presented, Salter moved THAT THE APPLICATION BE APPROVED WHEN BOND AND OTHER REQUIREMENTS ARE MET. Further discussion was initiated by Meiners, then Farr seconded, and the motion was voted on. The vote was: three "ayes;" one "nay;" Meiners registered the "nay" vote.

Salter moved, Farr seconded, and the motion passed THAT THE PREVIOUS MOTION BE RESCINDED, FURTHER STUDY NEEDED. It was decided to write or call Norm Huntsman, District Ranger, Palisades Ranger District, and to write to Wyoming Wilderness Association and the Rocky Mountain Chapter of the Sierra Club for their input.

Correspondence from Homer Joseph regarding the complaint of David Jones was read by the Chairman. Following discussion, the decision was: no further action.

A memorandum from Attorney General Deputy Clive Strong concerning open meeting law was read by the Chairman. It was agreed that Salter's suggestion to record all meetings with new outfitters and reprimands of outfitters and guides was a good policy.

Guide applicant, E. Buddy Owens, requesting a waiver of additional \$25.00 fee because of lateness of his first aid class was approved. Mr. Owens will also be advised that a license is required for a "packer."

Guide applicant, John Kenally's fish and game violation was considered. Salter moved, Farr seconded and the motion passed THAT A PROBATIONARY LICENSE BE ISSUED.

The minutes of August 3, 4, and 5, 1983 were read. Meiners moved, Farr seconded and the motion passed THAT THE MINUTES OF AUGUST 3, 4, and 5, 1983 BE APPROVED.

The meeting was recessed at 1715.

Wednesday, August 31, 1983, the meeting reconvened, called to order at 0830 by Chairman Foster. Other members present were: Robert Salter, Scott Farr, William Meiners and Harry Vaughn.

New applicant, Bob Hackwell, Boise and his attorney, David Leroy appeared before the Board concerning Mr. Hackwell's application for outfitting power boating on the Payette River, Banks to Black Canyon Dam. It was explained that a public hearing would be required to consider opening that river to power boating. A formal request for a hearing was made by Mr. Hackwell and his attorney.

Review of the Nitz Brothers Outfitters applications revealed the licenses were still pending because of lack of first aid training proof for Lee Nitz. The Department of Fish and Game has advised they have fine money deposited which will be recovered on Lee Nitz and Bob Brown.

A letter was read by Chairman Foster regarding a game violation against Shirley Rosenquist where misidentification of animal species resulted in a fine. Vaughn moved, Meiners seconded and the motion passed THAT THE BOARD ISSUE SHIRLEY ROSENQUIST'S LICENSE WITHOUT PROBATIONARY STATUS.

Review of a 1981 violation where game was moved without proxies by one of Scott Farr's guides, Roy Crum, Weiser. It was determined that since Mr. Crum was not issued a guide's license last year, that this violation should be considered in the issuance of this year's license. Vaughn moved, Meiners seconded and the motion passed THAT A LETTER AND A LICENSE AMENDMENT WILL BE SENT THAT THE LICENSE IS PROBATIONARY FOR 1983-84.

A training form for snowmobiling (Rule 45) was reviewed which had been composed by Colleen Sweeney. Salter moved, Meiners seconded and the motion passed THAT EFFECTIVE IMMEDIATELY THE BOARD ADOPT FORM NO. STF9-83 AND REQUIRE IT BE SUBMITTED WITH ANY APPLICATION FOR A SNOWMOBILE LICENSE BEFORE THE LICENSE BE ISSUED.

A hunting training form for outfitter certification also was presented. Salter moved, Meiners seconded and the motion passed THAT THE BOARD ADOPT THE PROPOSED FORM HFT2-83 AND THAT THE BOARD REQUIRE IT BE COMPLETED BY ANYONE MAKING APPLICATION FOR A NEW OUTFITTER GUIDE LICENSE AND IF THE APPLICANT CANNOT CERTIFY THE TRAINING AND EXPERIENCE REQUIRED THAT HIS LICENSE INDICATE HE IS AN APPRENTICE GUIDE, PROVIDING HE HAS A CURRENT RED CROSS CARD.

After discussion of hunter qualification similar to boater qualification, Meiners moved, Vaughn seconded and the motion passed THAT THE CHAIRMAN APPOINT SCOTT FARR TO INVESTIGATE THIS AREA FOR RECOMMENDATION FOR LICENSING HUNTING GUIDES ANALOGOUS TO THE BOATING LICENSE PROCEDURE TO ASSURE THAT GUIDING ACTIVITIES ARE CONDUCTED BY QUALIFIED INDIVIDUALS IN ACCORDANCE WITH THE INTENT OF THE OUTFITTERS AND GUIDES ACT.

Jerry Hughes and Carole Finley, Cambridge, and David Stelling, Sun Valley came before the Board to discuss Mr. Stelling buying the Hughes' main Salmon River float boating business. Also mentioned was the backpacking trips and area which Jerry had in conjunction with that section of the river. F.S. approval will be needed to add this.

Enforcement qualification was discussed. Salter moved, Meiners seconded and the motion passed THAT EFFECTIVE IMMEDIATELY THE BOARD WILL NOT EMPLOY ANY ENFORCEMENT OFFICERS THAT ARE ACTIVE OUTFITTERS OR GUIDES AND ANY ENFORCEMENT OFFICERS EMPLOYED IN THE FUTURE MUST HAVE HAD PREVIOUS LAW ENFORCEMENT EXPERIENCE WITH SOME OTHER AGENCY. Salter requested that copies of the minutes be mailed to each officer.

The license extension request for elk, deer, bear, cougar, fishing, trailrides and backpacking by Homer and Dennis Joseph to be added to their existing area revealed it included a portion already licensed to another outfitter. Vaughn moved, Farr seconded and the motion passed THAT BECAUSE THE AREA IS ADEQUATELY SERVED BY EXISTING LICENSED OUTFITTERS FOR THE ACTIVITY REQUESTED THAT THE BOARD DENY THE HUNTING PORTION OF THE JOSEPH'S REQUEST IN IT'S ENTIRETY AND APPROVE THE BACKPACKING, FISHING AND TRAILRIDES FOR THE AREA REQUESTED, IDAHO CODE 36-2109(b) 4 & 5.

Other license amendment requests included Larry Walker, Weippe, for deer hunting in Fish and Game Unit 13 and 18. A letter to the Department of Fish and Game for their input will be sent. The request for added cougar hunting to the joint-use area for bear hunting requested by Dave Stucker and Frederick Strahin was determined to be held up for the outcome of the pending litigation in the Alley denial of the same area.

Attorney General Deputy Kurt Burkholder joined the meeting. He was advised the Board was planning a rules hearing and also that changes proposed for the Outfitters and Guides Act would be submitted to Clive Strong. Letters of recommendation will be forthcoming on the schools licensing requirement and on the Russell/Jones client refunds. Direction was given on denial letter information.

John Anderson, Boise request for a hearing on his denial will be responded to advising him that the Alley case would have a bearing on his request and it is in limbo.

Brian Larson, a former guide applicant for outfitter Marty Riddle, who does not want to license him now, has submitted a falsified card. The information will be turned to the Attorney General to have charges filed. Vaughn moved, Farr seconded and the motion passed THAT THE LICENSE BE ISSUED TO BRIAN LARSON AND A LETTER SENT ADVISING THAT THE ISSUED LICENSE IS BEING HELD PENDING NOTIFICATION OF WHO HIS CURRENT OUTFITTER IS.

The meeting recessed at 1730.

Thursday, September 1, 1983, at 0810, the meeting reconvened, called to order by Chairman Foster. Other members present were: Robert Salter, Scott Farr, William Meiners, and Harry Vaughn.

Outfitter business was worked on which included the common boundary realignment between Middle Fork Lodge, Inc. and S Bar W Wilderness Outfitters, Inc. The Board determined that this should be settled between Bob Cole and Phil Whitley & Brian Simi.

Rick Grunch, Hayden Lake, request for two license amendments to add more area was reviewed. Meiners moved, Vaughn seconded and the motion passed THAT THE BOARD WRITE A LETTER TO MR. GRUNCH THAT HIS REQUEST OF JUNE 10, 1983 IS UNDER INVESTIGATION, THAT MEANWHILE HE SUBMIT A PLAN OF OPERATION INCLUSIVE OF THE AREAS ALREADY LICENSED TO INDICATE EQUIPMENT ALREADY AVAILABLE OR PLANNED TO BE ACQUIRED TO SERVE POTENTIAL GUESTS, THE NUMBER OF GUESTS HE PLANS TO SERVE, AND THE NUMBER OF GUIDES FOR THE AREA CURRENTLY LICENSED AND THOSE PLANNED FOR THE ADDITIONAL AREA REQUESTED, IF APPROVED. AND FURTHER, THAT MR. GRUNCH BE INFORMED THAT HIS LICENSE EXTENSION REQUEST DATED AUGUST 24, 1983, FOR ADDITION OF AREA FOR BEAR AND COUGAR IS DENIED IN ACCORDANCE WITH INPUT FROM THE IDAHO DEPARTMENT OF FISH AND GAME AND IN ACCORDANCE WITH IDAHO OUTFITTERS AND GUIDES CODE 36-2109 (b) 2., (b) 4., AND (b) 5.

Guide applicant Bill Cassia's letter, submitted to explain why he had falsified his first aid card, was read. His application will remain incomplete while he finds a first aid class. Since this was the 4th applicant who had sent in fraudulent documentation, the Board determined that a letter will be sent to the outfitter advising him of these problems.

Salter moved, Vaughn seconded and the motion passed THAT THE REQUEST OF MICHAEL DUCHARME TO ADD FISHING TO HIS LICENSE BE APPROVED FOR THOSE LAKES THAT LIE OUTSIDE UNIT 24 AND THAT THE LAKES BE LISTED ON HIS LICENSE EXTENSION.

Vaughn moved, Salter seconded and the motion passed THAT THE BOARD SEND NEW LICENSES TO MICHAEL SZWEC, M.A. AND MIDDLEFORK RANCH, INC. WITHOUT ADDITIONAL FEE AS ORIGINALS WERE NEVER RECEIVED.

Salter moved, Vaughn seconded and the motion passed THAT THE "NOMINAL FEE" REFERRED TO IN RULES AND REGULATIONS NO. 3 TO BE CHARGED FOR THE REPLACEMENT OF A LOST OR DESTROYED LICENSE SHALL BE \$5.00.

Meiners moved, Salter seconded and the motion passed THAT MR. GUINN'S REQUEST FOR FISHING BE DENIED FOR LUCKY PEAK, ARROWROCK AND ANDERSON RANCH RESERVOIRS DUE TO INTENSE AREA PUBLIC PRESSURE IN THE WATERS REQUESTED, AND IN ACCORDANCE WITH IDAHO CODE 36-2109 (b) 4. AND (b) 5.

Salter moved, Vaughn seconded and the motion passed THAT THE BOARD ACCEPT THE MANAGING AGENT'S STATEMENT OF QUALIFICATION FOR CROSS-COUNTRY SKI GUIDE LICENSE FOR GARY OSWALD.

Colleen was instructed to set up a training form for cross-country skiing (Rule 39) for the Board's review for approval.

Salter moved, Meiners seconded THAT SINCE THERE IS NO APPARENT DIFFERENCES IN THE QUALIFICATION OF THE TWO APPLICANTS FOR THE REMAINING SPACE FOR THE LOCHSA RIVER AND BASED ON THE FACT THAT THEY WERE FIRST ON THE CONSIDERATION LIST, THAT A FLOAT BOAT LICENSE BE ISSUED TO DAVID & PETER GRUBB DBA RIVER ODYSSEYS WEST. The vote was: Three "ayes;" "Two nays;" the motion carried. Foster and Vaughn registered the "nay" votes. A letter will be sent to Leroy and Lester West that the Whitewater Outfitters name is added to the Consideration List.

The Board reviewed the Consideration List for float boat licensing on the Clearwater river and determined that a fact-finding letter be mailed to all persons on the list asking for pertinent current information which would facilitate the Board's licensing to fill present openings.

Other new business included: (1) a decision to ask the Attorney General's Office for a guideline on the legality of removing activities and/or areas from outfitter's licenses for non-use, both in connection with areas and/or activities having definite quotas (such as running the Middle Fork of the Salmon), and in connection with areas and/or activities not having definite quotas (such as cougar or predator hunting). (2) the reading of a letter from the Governor on the Board's Wilderness Proposal. (3) a review of Harry Vaughn's contact with members of the Idaho Travel Committee to explore obtaining grant money to fund the purchase of computer software for the Board.

A list of licenses issued, extended, amended and denied follows as a part of these minutes.

There being no further business to come before the Board at this time, the meeting was adjourned at 1315.



GLEN R. FOSTER, Chairman

ATTEST:



EDYTHE I. BLELE, Secretary

OUTFITTERS AND GUIDES LICENSES EXTENDED, AMENDED OR DENIED

August 3 - 28, 1983

LICENSES EXTENDED/AMENDED

OUTFITTERS:

Duncan, George E.	Add new cougar hunting area in Unit 15.
Ferdon, Charles Walter	Add boatman on Middle Fork of Salmon River and on Salmon River from Spring Bar to Hammer Creek.
Lentz, Steve	Add boatman on Salmon River from first Hwy. 93 bridge above Challis to Iron Creek. Fish-boating.
Sweet, Stanley A.	Add power boating on Kootenai River and float boating on Moyie River. Not qualified to guide.
Thompson, Howard Wesley	Change area and supersede amendment of July 13, 1983.
Whitten, Harvey	Add elk hunting in Permit Area 214-1 (Unit 14) and cougar hunting in Units 14 and 19.

GUIDES:

Barfty, David M.	Change to lead boatman on Snake River from Hell's Canyon Dam to Pittsburg Landing.
Clapier, Lynnette	Add fishing, backpacking, apprentice guide for cross country skiing and boatman on Salmon River from Spring Bar to Hammer Creek.
Hawn, Patrick Michael	Add guiding for Edward A. McCallum.
Hutson, Lonnie	Change to lead boatman on Snake River from Hell's Canyon Dam to Lewiston.
Jantz, Stanley A.	Add boatman on Salmon River from Red Fish Lake Creek to Slate Creek; and guiding for the River Company.
Link, Kellie	Change to lead boatman on Middle Fork of Salmon River.
Minasian, Bradley M.	Add boatman on Snake River from Hell's Canyon Dam to Pittsburg Landing.
Newmann, Craig G.	Change to lead boatman on Middle Fork of Salmon River.
Roland, Sandra M.	Change to lead boatman on Middle Fork of Salmon River.
Sanchotena, Michel S.	Add fishing.
Staker, Douglas L.	Change to lead boatman on Middle Fork of Salmon River.
Stewart, Wayne	Add float boating on South Fork of Snake River and change from apprentice guide to guide for hunting.
Tremain, Thomas S.	Change to lead boatman on Middle Fork of Salmon River.
Upperman, Glen	Change to lead boatman on Salmon River from Hammer Creek to Lewiston on Snake River.
Wood, David M.	Add snowmobiling when employed by the Kasino Club, Inc.

LICENSES DENIED

OUTFITTERS:

Anderson, John E.	Deny bear, cougar and predator hunting in Units 33 & 39.
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GUIDES:

None

Idaho Outfitters and Guides Board
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LICENSES ISSUED

GUIDES:

Amberson, Thomas B.

Bailey, Byron P.
Bohne, Ike Willard E.
Bessler, Frederick K.
Butler, Michael W.

Chambers, Rhoda
Chisholm, William K.
Colpo, Clinton H.
Cooley, Ingrid
Crum, Roy Wayne

Dee, Patricia A.
Dick, Steven

Fisher, Jim
Forrey, Gordon Steve
Francisco, Ken

Gardner, Shelley M. Akins
Good, Ron E.
Grob, Jeffery S.

Jackson, John David
James, Walter L., Jr.
Jarrett, Carlana DeLauro
Johnson, Eric C.
Johnson, James E.
Johnson, Robert H.
Jones, Brent
Joseph, Dale C.

Laverty, Denise
Loveland, B. Brock

McCallum, Peggy Ellen

Martin, Tom
Merrill, Dean F.
Meyers, Larry L.
Molyneux, Earl
Munk, Edward H.
Munk, Linda (Nana)

Nelson, Carol Jeanne
Nelson, Paul L.

O'Connell, Richard F.

EMPLOYERS:

Guided Outdoor Adventure Tours

Scott Farr
Archie George
Vaughn Haderlie and Sons
Stephen Guinn

Holiday River Expeditions
Sawtooth Outfitters & Guides
Charles Walter Ferdon
Oregon River Experiences, Inc.
Scott Farr

Sawtooth Outfitters & Guides
Outdoor Adventures

Mike L. Daly
Lazy J Outfitters, Inc.
John Rose &
Erv Malnarich Outfitters & Guides School

Idaho Guide Service
Lazy J Outfitters, Inc.
Ted Epley

Jack P. Smith
Idaho Guide Service
Lazy J Outfitters, Inc.
Guided Outdoor Adventures, Inc.
Charles C. Boyd
Stephen J. Guinn
Scott Farr
Homer S. Joseph &
Dennis L. Joseph

The River Company
Stephen J. Guinn

Edward A. McCallum

Outdoor Adventures, Inc.
Ralph E. Oswald
S Bar W Wilderness Outfitters
Salmon River Lodge, Inc.
Sawtooth Outfitters & Guides
Sawtooth Outfitters and Guides, Inc.

American River Touring Association
Charles Walter Ferdon

Sevy Guide Service, Inc.

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GUIDES: continued

Petersen, Deborah Ruth

Rankin, Tom

Reed, James

Robbins, Charles Vernon

Robl, Paul

Rose, Edward B.

Rose, Michael

Rudnitski, Wayne G.

Schwartz, Albert J.

Scott, Michael Timothy

Sears, David

Selby, Jerome M.

Slagle, Buck D.

Smarr, Bruce E.

Spenner, Steven A.

Stachowsky, Mitchell

Stelling, David W.

Taylor, Tony

Traub, James R.

Veneros, James J.

Webster, David F.

Weddle, Jeff

Weston, Cheyne

Willis, Jess

Woodward, Don L.

Zabel, David F.

EMPLOYERS:

American River Touring Association

Scott Farr

Sawtooth Outfitters & Guides

S Bar W Wilderness Outfitters, Inc.

David L. Peterson

John Rose &

Erv Malnarich Outfitters & Guides School

John Rose &

Erv Malnarich Outfitters & Guides School

John Rose &

Erv Malnarich Outfitters & Guides School

Keith Rush

Scott Farr

Grand Canyon Dories, Inc.

High Country Outfitters, Inc.

Lazy J Outfitters, Inc.

Edward A. McCallum

Ralph Oswald

Ron Gillett

Jerry Hughes

The River Company

Glacier Raft Company

Robert J. Blackadar

Timothy M. Gardiner

Oregon River Experiences, Inc.

Kenneth C. Masoner

Keith Rush

Charles Walter Ferdon

James Striker