

# Boulder Park entangled in lawsuit

Tanya Barrett and Marvin Monsrud, Portland area residents who tried to keep the Boulder Park Resort open, re named in a January 1985 lawsuit.

The legal action was filed by elk hunters who were dissatisfied with services provided by an outfitting group based at the resort.

Also named in the suit was Eagle Cap Outfitters, which operated Boulder Park resort in late 1984, under an agreement with Portland based Main Eagle Enterprises Inc.

Main Eagle Enterprises went bankrupt in 1985 and was dissolved.

The hunters sued in Baker County Circuit Court for \$850,000, claiming the outfitters failed to fulfill several terms of an agreement during a hunting trip in Eagle Cap Wilderness in the fall of 1984.

The hunters said their deposits of \$800 per hunter were to be returned if they

were unable to fire a good shot at a legal elk within 300 yards. The hunters claimed they never got any shots within 300 yards.

The hunters also claimed the defendants promised to provide a quality hunt but failed to provide adequate guides, gear, pack animals, tents, food, cooks, lodging or camps.

Also, the hunters claimed Eagle Cap Outfitters failed to pack the hunters' gear out of the wilderness area, resulting in the plaintiffs' loss of \$25,000 worth of personal possessions.

Medford attorney William Ferguson, who represented the hunters and was one of the plaintiffs in the case, said this morning the hunters recently reached a settlement and will get back most of the money they lost in gear and trust deposits.

The hunters were from the Medford

area, Sacramento, Calif., Reno, Nev., and Klamath Falls, Ferguson said. About 60 hunters were involved in the Boulder Park trip, but Ferguson said he represented only 19 of them.

Ferguson said Gary Taylor, the main on-ground outfitter and an investor in Eagle Cap Outfitters, apparently has left Oregon. Taylor had been operating out of Baker after moving to the area from California.

Ferguson said Monsrud and Barrett apparently had been trying to recoup their part of the investment in Eagle Cap Outfitting that they lost from Taylor.

Another suit in federal court is pending, according to Ferguson. That suit involves one hunter who suffered pneumonia during the ill-fated hunting expedition and continues to suffer side effects from the pneumonia.

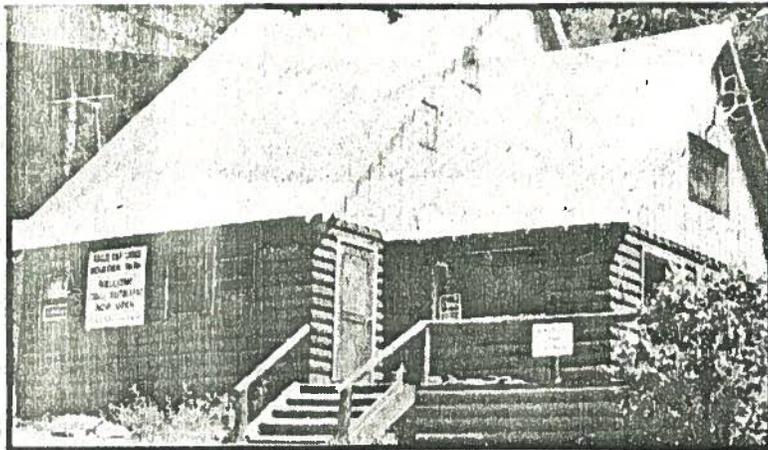


Photo courtesy of U.S. Forest Service

Boulder Park Resort's main lodge as it looked in 1980.

LaGrande  
Observer

4-10-86

Democrat  
Herald  
4-10-86

# Boulder Park to lose permit

By BRIAN WHITE  
For The Democrat-Herald

LA GRANDE — By late next year Boulder Park Resort, 12 miles northeast of Medical Springs, will only be a memory.

U.S. Forest Service Chief Max Peterson has upheld two earlier Forest Service decisions not to renew a special-use permit for the resort, which is situated at the southern gateway of the Eagle Cap Wilderness.

The Forest Service has ordered the removal of all buildings from the site by Oct. 31, 1987.

The decision became final recently when the secretary of agriculture decided not to review the case.

George M. Leonard of Peterson's Washington, D.C. office said the Forest Service found "no public need" for the resort, and that it found no "convincing" argument the resort could operate and be financially viable.

Leonard made his remarks in a letter to Tanya Barrett and

Marvin Monsrud of Sherwood. On Jan. 14, Barrett and Monsrud appealed a decision by the USFS regional office in Portland to close the resort permanently and require it to be dismantled.

Boulder Park Resort owner Robert Goss of La Grande had planned to lease the resort to Barrett and Monsrud and eventually sell the facilities to them, according to the Forest Service.

The resort's special-use permit expires Dec. 31, 1986. Barrett and Monsrud had requested the permit be extended through Dec. 31, 1992, or longer if circumstances warranted.

Goss earlier said he was waiting for a final decision about the resort before deciding to put money into improving it. Last summer, he employed several caretakers to make repairs and minor improvements at the resort. It has not operated since 1984, however.

The Forest Service repeated-

ly insisted the 34-year-old resort could not be financially successful. Goss, doing business as Wilderness Inc., was the permittee from 1967 to 1980.

Main Eagle Enterprises Inc. of Portland purchased the facility and was issued a special use permit to operate the resort in 1980. The company filed for bankruptcy in 1984.

The previous owner, Wilderness Inc., regained title to the facility. Main Eagle's permit was canceled February 1985, but Wallowa-Whitman Forest Supervisor Jerry Allen renewed Wilderness Inc.'s permit through Dec. 31, 1986, while the Forest Service conducted an environmental assessment to determine whether to extend the permit.

Allen projected an annual operating loss of \$10,000 to \$16,000 a year over the next five years. He said Wilderness Inc. showed an average annual income of only \$12,641 from 1968 to 1978 when it operated the resort.

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Observer Staff Writer

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Goss appealed Allen's decision not to extend the permit beyond 1986; Barrett and Monsrud acted as intervenors.

But deputy regional forester Richard Ferraro, Portland, upheld Allen's decision on Dec. 17, 1985.

Barrett and Monsrud had argued the resort could be viable economically if operated as a "low-key, limited development destination resort."

But the Forest Service said there was no demonstrated need for a destination resort.

The history of the resort showed that most of the use occurred in conjunction with

outfitting and guide services during hunting seasons each fall.

"Were there a need for the resort, we would expect much higher use by the public," the Forest Service's Leonard said.

Leonard said the Forest Service recognizes the public benefits of having a resort just outside the wilderness boundary. But he also cited "numerous instances" of conflicts between resort patrons and the general public and environmental degradation to the area caused by groups operating out of the resort.

La Grande  
Observer  
4-10-86

Observer  
3-4-86

## Boulder Park question goes to USFS head office

By BRIAN WHITE  
For The Democrat-Herald

LA GRANDE — The fight to keep the Boulder Park Resort open is going all the way to Washington, D.C.

Two Portlanders have appealed Regional Forester Tom Coston's decision to shut down the resort by the end of 1986 and remove the buildings by the end of 1987. The appeal now goes to Forest Service Chief Max Peterson, who will make a final decision.

Boulder Park is located just outside the southern border of the Eagle Cap Wilderness.

Last Dec. 17, Coston upheld Wallowa-Whitman National Forest Supervisor Jerry Allen's earlier decision not to renew the resort's special use permit. Forest Service officials cited poor past performance both financially and in terms of public service.

An economic analysis conducted by the Forest Service showed that the resort would lose about \$100,000 a year for the next few years.

Both Coston and Allen

said they did not see enough documentation that would point to a turnabout in the resort operation.

Boulder Park owner Robert Goss of La Grande had appealed Allen's decision.

Tanya Barrett and Marvin Monsrud, both of Portland, made the latest appeal. Goss had planned to lease the resort to Barrett and Monsrud, and eventually sell the resort to the two, said Wallowa-Whitman National Forest recreational officer Bill Fessel.

Goss purchased the resort in early 1985 from Main Eagle Enterprises.

Last summer, Goss employed several caretakers to make repairs and minor improvements to the resort. The resort did not operate.

Goss said Tuesday that no further activity will occur at the resort until the Forest Service chief makes his decision.

"There's not much you can do; it's in limbo," Goss said.

Fessel said it could be into the summer before the chief makes his final ruling.

Brian White tells me that he mis-typed this from an earlier article. Plans to print a correction. WJ

# Forest Service to determine fate of Boulder Park Resort

By Brian White

Observer Staff Writer

The future of a small, financially plagued wilderness resort at the southern gateway to the Eagle Cap Wilderness will be decided by U.S. Forest Service officials in Portland in the next two months.

Wallowa-Whitman National Forest officials already have decided to close the rustic Boulder Park Resort after Dec. 31, 1986, because of expected continued financial difficulties and past poor management, said Bill Fessel, recreation staff officer for the Wallowa-Whitman forest.

The resort had been losing money in recent years and had fallen into disrepair. An economic analysis conducted by the Forest Service showed the resort would lose about \$10,000 a year for the next few years, Fessel said.

The resort, located about 20 miles northeast of Medical Springs, consists of a small main lodge building, several cabins, and a motel unit building. Guided horse trips into the wilderness were provided at the resort during the summer and hunting seasons.

Several persons have appealed the closure, and Forest Service officials in Portland currently are examining comments made by the appellants

and other persons who have a direct interest in the resort. A final decision is expected in late November or early December.

"Mainly we decided to close it because of what we perceived as rather poor past management" by Main Eagle Enterprises, Fessel said. "It hadn't been providing good public service, and it had been losing money chronically. Prospects for the future didn't look good."

Robert Goss, owner of Gateway Auto in La Grande, and past owner of the resort, repurchased the resort earlier this year from Main Eagle Enterprises, a group of Portland investors. The resort was closed this year, but Goss had planned to renovate it in order to keep it open. In May, Wallowa-Whitman Forest Supervisor Jerry Allen denied Goss's request for an operating permit running through 1992.

Instead, the USFS recommended that the resort buildings be closed after 1986 and removed by Dec. 31, 1987.

Goss said it would take several years to get the resort back into top shape.

"It wouldn't be feasible to do what needs to be done if it is to close after 1986," Goss said. "It's a gateway into the wilderness, and it's a shame for

it to go away."

Goss appealed Allen's decision to close the resort. Goss and others presented their case during an oral hearing at the USFS regional office in Portland Oct. 9. Additional information from parties directly interested in the resort was taken until Oct. 21. Information will be circulated among the appellant parties until Nov. 12, and a decision will be made "within a month," said Bruce MacMillan, planning officer for the Wallowa-Whitman forest in Baker.

Fessel acknowledged the resort's potential tourism value, but said it is not located in the most ideal or attractive setting. He added that in the past, some tourists have driven to the resort only to find it was closed.

"Some people have been so turned off by the place that it could be having a negative impact on tourism," Fessel said.

He added that a rockslide that occurred two years ago and nearly wiped out the cabins had also marred the current location.

"The site is attractive but there are hundreds of other areas as attractive," said Fessel.

# Boulder Park Resort Razing Bid Opening by Forest is October 5



**VIEW FROM BEHIND THE MAIN LODGE — Larger cabins are along Eagle Creek.**

(Special to The Record-Courier)

**RICHLAND —** The buildings and their contents at Boulder Park will be awarded to successful bidders on October 5. The Boulder Park facility became government property the first of the year when former owners failed to salvage the buildings and personal property after the long-operated resort lacked an operator and permit renewal within the designated time limit set for removal by the U.S. Forest Service. The facility is located 17 miles east of Medical Springs and was built by Harold Ericksmoon and the late Henry Brown about 1953. During later years some additions were added to the facility.

It is on the border of the Eagle Cap Wilderness on Main Eagle Creek.

Bid items are arranged in fourteen items, each for bid separately, including the main lodge building, the saddle barn, a generator shed, meat shed, a motel unit, a generator house and nine cabins of at least three different sizes.

According to literature released

by the Forest Service with bid invitations, successful bidders may have thirty days after given a notice to proceed, which may be about October 12, to remove each item awarded them and in case they are awarded more than one item, the successful bidder will be given 30 days time concurrently with an extension of time should adverse weather prevent access to the work site.

"There is no security on the site and the government will not assume any liability during the advertising period or after for any vandalism or theft. The bidder should consider this when submitting a bid," the bid invitation states.

## **REMOVAL JOB**

Bidders are also warned that there is a great deal of concrete in some structures that will have to be broken up and hauled to an approved dump site off National Forest land. Each site must be restored to a natural condition. This includes filling cutbanks with available soil.

A number of persons drove to

Boulder Park to attend a pre-bid meeting set for 9 a.m., Sept. 28, arranged by the Forest Service to enable prospective bidders to view the structures and to discuss contract specifications and provisions with a Forest representative. Several vehicles of interested parties attempted to inspect the facilities, which were partially open, and began leaving about 11 a.m.

Most of the structures at Boulder Park are at least 30 years old and show the wear of the deep winter snows. One or two cabins have wash rock washed up on the side from the 1986 flash flood off the mountain. Some windows are missing. Many cabins have bedsets, but most are damaged. Some tin roofs are good.

Eldon Deardorf, Sept. 28, found barrels of garbage turned over behind the main lodge and seeing a bear's hind foot-print measured it to be seven and a half inches. He reported a bear tore up the inside of his trailer parked a mile below the lodge at the Park's horse corral two weeks ago.