

# Utah Wildlife Board Meeting

June 3, 2021, Electronic Meeting

The Board Meeting will stream live at <https://youtu.be/9QV-CweVldI>

## AGENDA

**Thursday, June 3, 2021, 9:00 A.M.**

- |   |                      |
|---|----------------------|
| 1. Approval of Agenda<br>– Byron Bateman, Chairman  | <b>ACTION</b>        |
| 2. Approval of Minutes<br>– Byron Bateman, Chairman   | <b>ACTION</b>        |
| 3. Old Business/Action Log<br>– Kevin Albrecht, Vice-Chair  | <b>CONTINGENT</b>    |
| 4. DWR Update<br>– Rory Reynolds, DWR Director  | <b>INFORMATIONAL</b> |
| 5. HB 295 Waterfowl Rule Amendments<br>- Blair Stringham, Migratory Game Bird Program Coordinator                                 | <b>ACTION</b>        |
| 6. R657-39 Electronic Meetings Rule Amendments<br>- Kyle Maynard, Assistant Attorney General                                      | <b>ACTION</b>        |
| 7. Electronic/In-person Meeting Process Update<br>– Ashley Green, Assistant Director<br>– Staci Coons, Wildlife Board Coordinator | <b>INFORMATIONAL</b> |
| 8. Conservation Permit List – 3 year permits<br>- Justin Shannon, Wildlife Section Chief  | <b>ACTION</b>        |
| 9. CWMU Advisory Committee Vacancies<br>- Justin Shannon, Wildlife Section Chief  | <b>ACTION</b>        |
| 10. Parker Sage Grouse Hunt Closure<br>- Heather Talley, Upland Game Coordinator  | <b>ACTION</b>        |
| <b>Time Certain 1:00 pm</b><br>11. Wildlife Board Hearing – Mr. Clifford Stubbs   | <b>ACTION</b>        |
| 12. Other Business<br>– Byron Bateman, Chairman<br>• Election of Chair and Vice Chair   | <b>CONTINGENT</b>    |

**Due to the continued presence of COVID-19 in Utah and associated public health and safety risks, large public gatherings are still strongly discouraged by the CDC and many local health departments. Based on these risks and recommendations, the Division of Wildlife Resources and the chair of this public body have determined that Regional Advisory Council and Wildlife Board meetings will continue in a purely electronic format for the time being. Anyone wishing to comment on agenda topics in future meetings or to observe this meeting may do so by logging on to the Division’s webpage at <https://wildlife.utah.gov/feedback.html> where instructions and links are provided.**

**Wildlife Board Motions**

Following is a summary of Wildlife Board motions directing the Division to take action and the response to date:

Fall 2021 – Target Date – Resident Only permits for the Youth Elk hunt

**MOTION: I move that we ask the division to review the possibility of youth any weapon elk tags going to residents only and bring back the information next year. This is to be placed on the Action Log.**

Motion made by: Randy Dearth  
Assigned to: Covy Jones/Lindy Varney  
Action: Under Study  
Status: To be presented November 2021  
Placed on Action Log: December 3, 2020

Spring 2022 – Target Date – Progress on changes to the 2023 Draw Application Dates

**MOTION: I move that we track the division’s progress of the 2023 draw application date changes with an update to the Wildlife Board in 1 year. This is to be placed on the action log.**

Motion made by: Kevin Albrecht  
Assigned to: Lindy Varney  
Action: Under Study  
Status: To be presented April/May 2022  
Placed on Action Log: April 29, 2021

Spring 2022 – Target Date – List of allocated permits by unit to be published on the division website

**MOTION: I move that we direct the division to place a list of allocated permits by unit on the division’s website. This is to be placed on the action log.**

Motion made by: Randy Dearth  
Assigned to: Justin Shannon  
Action: Under Study  
Status: To be presented April/May 2022  
Placed on Action Log: April 29, 2021

**Action Log Assignment**

December 3, 2020

Chad Wilson – DWR and the CWMU Committee to put a presentation together educating the public on the benefits of the CWMU program.

# Utah Wildlife Board Meeting

April 29, 2021, Electronic Meeting

The Board Meeting will stream live at <https://youtu.be/5hftBj4VNOo>

## AGENDA

**Thursday, April 29, 2021 – 9:00 am**

1. Approval of Agenda **ACTION**  
– Byron Bateman, Chairman
2. Approval of Minutes **ACTION**  
– Byron Bateman, Chairman
3. Old Business/Action Log **CONTINGENT**  
– Kevin Albrecht, Vice-Chair
4. DWR Update **INFORMATIONAL**  
– Rory Reynolds, DWR Interim Director
5. Buck Deer Permit Recommendations for 2021 **ACTION**  
– Covy Jones, Big Game Coordinator
6. Bull Elk and Buck Pronghorn Permit Recommendations for 2021 **ACTION**  
– Covy Jones, Big Game Coordinator
7. Once-in-a-Lifetime Permit Recommendations for 2021 **ACTION**  
– Riley Peck, OIAL Species Coordinator
8. Antlerless Permit Recommendations for 2021 **ACTION**  
– Covy Jones, Big Game Coordinator
9. 2021 CWMU Antlerless Permit Recommendations **ACTION**  
– Bryan Christensen, Volunteer Services Coordinator
10. Conservation Permit Rule Amendments **ACTION**  
– Justin Shannon, Wildlife Section Chief
11. Weber Florence Creek CWMU Permit Request **ACTION**  
– Chad Wilson, Private Lands/Public Wildlife Coordinator
12. AIS Rule Amendments – Dip Tank **ACTION**  
– Nate Owens, AIS Coordinator/Boating Access Coordinator
13. Clint Heiber Permit Variance Request **ACTION**  
– Lindy Varney, Wildlife Licensing Coordinator
14. Daniel Richins Stipulation **ACTION**  
– Greg Hansen, Asst. Attorney General
15. Technologies Survey Result **ACTION**  
– Wyatt Bubak, Captain, DWR
16. Other Business **CONTINGENT**  
– Byron Bateman, Chairman

### Wildlife Board Motions

Following is a summary of Wildlife Board motions directing the Division to take action, and the response to date:

#### **Fall 2021 – Target Date – Resident Only permits for the Youth Elk hunt**

**MOTION: I move that we ask the Division to review the possibility of youth any weapon elk tags going to residents only, and bring back the information next year. This is to be placed on the Action Log.**

Motion made by: Randy Dearth  
Assigned to: Covy Jones/Lindy Varney  
Action: Under Study  
Status: To be presented November 2021  
Placed on Action Log: December 3, 2020

#### **Action Log Assignment**

December 3, 2020

Chad Wilson – DWR and the CWMU Committee to put a presentation together educating the public on the benefits of the CWMU program.

**Utah Wildlife Board Meeting**  
April 29, 2021, DNR Auditorium  
Electronic Meeting  
**Summary of Motions**

1) Approval of Agenda (**Action**)

The following motion was made by Randy Dearth, seconded by Kevin Albrecht and passed unanimously

**MOTION: I move that we approve the agenda for the April 29, 2021 Wildlife Board Meeting.**

2) Approval of Minutes (**Action**)

The following motion was made by Kevin Albrecht, seconded by Donnie Hunter and passed unanimously.

**MOTION: I move that we approve the minutes of the January 5, 2021 Wildlife Board Meeting.**

3) Buck Deer Permit Recommendations for 2021 (**Action**)

The following motion was made by Kevin Albrecht, seconded by Donnie Hunter and passed unanimously.

**MOTION: I move that we approve a 600 permit decrease on the Manti unit and keep the San Juan Abajo unit permits the same as 2020.**

The following motion was made by Wade Heaton, seconded by Kevin Albrecht and passed unanimously.

**MOTION: I move that we accept the remainder of the Division's recommendations as presented.**

4) Bull Elk and Buck Pronghorn Permit Recommendations for 2021

The following motion was made by Kevin Albrecht, seconded by Randy Derath and passed unanimously.

**MOTION: I move that we track the division's progress of the 2023 draw application date changes with an update to the Wildlife Board in 1 year. This is to be placed on the action log.**

The following motion was made by Randy Dearth, seconded by Donnie Karl Hirst and passed unanimously.

**MOTION: I move that we direct the division to place a list of allocated permits by unit on the division's website. This is to be placed on the action log.**

The following motion was made by Karl Hirst, seconded by Donnie Hunter and passed unanimously.

**MOTION: I move that we accept the Division's recommendations as presented with the addition of one permit on the Little Creek unit.**

5) Once-in-a-Lifetime Permit Recommendations for 2021

The following motion was made by Karl Hirst, seconded by Randy Dearth and passed 3-3 with Chairman Bateman breaking the tie. (Albrecht, Selman. Heaton opposed) **This motion was later pulled.**

**MOTION: I move that hunters who have drawn a tag are required to take a hunter orientation on shot placement of bison prior to receiving their tag.**

The following motion was made by Karl Hirst, seconded by Randy Dearth and passed unanimously.

**MOTION: I move that for 2021 all bison hunters will receive information on shot placement and anything additional the division would like to include and in 2022 there will be a quick mandatory orientation course for all bison hunters.**

The following motion was made by Karl Hirst, seconded by Wade Heaton and passed unanimously.

**MOTION: I move that we increase archery hunter's choice permits on the Henry Mountain unit from 4 to 6.**

The following motion was made by Kevin Albrecht, seconded by Wade Heaton and passed unanimously.

**MOTION: I move that we accept the remainder of the Division's Once-in-a-Lifetime permit recommendations as presented.**

6) Antlerless Permit Recommendations for 2021

The following motion was made by Donnie Hunter, seconded by Wade Heaton and passed unanimously.

**MOTION: I move that we accept the Division's recommendations as presented.**

7) 2021 CWMU Antlerless Permit Recommendations

The following motion was made by Karl Hirst, seconded by Randy Dearth and passed with 4 in favor and 2 recused.(Heaton and Selman recused).

**MOTION: I move that we accept the Division's CWMU antlerless permit recommendations as presented.**

- 8) Conservation Permit Rule Amendments

The following motion was made by Karl Hirst, seconded by Donnie Hunter and passed unanimously.

**MOTION: I move that we accept the Conservation Permit Rule amendments as presented.**

- 9) Weber Florence Creek CWMU Permit Request

The following motion was made by Wade Heaton, seconded by Bret Selman and passed unanimously.

**MOTION: I move that we approve the permit request for Weber Florence CWMU as presented.**

- 10) AIS Rule Amendments – Dip Tank

The following motion was made by Randy Dearth, seconded by Kevin Albrecht and passed unanimously.

**MOTION: I move that we approve the AIS rule amendments as presented.**

- 11) Clint Heiber Permit Variance Request

The following motion was made by Karl Hirst, seconded by Bret Selman and passed 5–1 with Donnie Hunter opposed.

**MOTION: I move that we deny the variance request for Clint Heiber.**

- 12) Eric Richins Stipulation

The following motion was made by Wade Heaton, seconded by Randy Dearth and passed unanimously.

**MOTION: I move that we accept the stipulation for Eric Richins as presented by the division.**

**Utah Wildlife Board Electronic Meeting**

April 29, 2021  
Salt Lake City, Utah  
Online Attendance

**Wildlife Board**

Byron Bateman – Chairman  
Kevin Albrecht – Vice-Chairman  
Rory Reynolds – Exec. Secretary

Randy Dearth  
Wade Heaton  
Karl Hirst  
Donnie Hunter  
Bret Selman

**RAC Chairs**

Central – Brock McMillan  
Southern – Brayden Richmond  
Southeastern – Trisha Hedin  
Northeastern – Dan Abeyta  
Northern – Justin Oliver

**Division Personnel**

Ben Nadolski  
Carmen McDonald  
Chad Wilson  
Chris Wood  
Covy Jones  
Darren DeBloois  
Dave Beveridge  
David Smedley  
Dax Magnus  
Dennis Shumway  
Greg Hansen  
Guy Wallace  
James Christensen  
Jason Vernon

J. Shirley  
J.D. Abbott  
Justin Shannon  
Kenny Johnson  
Kent Hersey  
Kevin Bunnell  
Kip King  
Kyle Maynard  
Levi Watkins  
Lindy Varney  
Matt Bartley  
Matt Briggs  
Michael Wardle  
Mike Christensen

Miles Hanberg  
Nathan Owens  
Paige Wiren  
Paul Gedge  
Paul Washburn  
Riley Peck  
Rory Reynolds  
Rusty Robinson  
Staci Coons  
Teresa Griffin  
Torrey Christopherson  
Wes Alexander  
Wyatt Bubak

**Legal Council**

Aaron Owens  
Steve Styler



## Utah Wildlife Board Electronic Meeting

April 29, 2021

Salt Lake City, UT

The meeting will stream live at: <https://youtu.be/5hftBj4VNOo>

- 00:03:56** Chairman Bateman called the meeting to order and took a roll call. Dan Abeyta represented the Northeastern RAC for this meeting.
- 00:05:05** **1) Approval of Agenda (Action)**  
The following motion was made by Randy Dearth, seconded by Kevin Albrecht and passed unanimously.  
**MOTION: I move that we approve the agenda for the April 29, 2021 Wildlife Board Meeting.**
- 00:05:35** **2) Approval of Minutes (Action)**  
The following motion was made by Kevin Albrecht, seconded by Donnie Hunter and passed unanimously.  
**MOTION: I move that we approve the minutes of the January 5, 2021 Wildlife Board Meeting**
- 00:06:06** **3) Old Business/Action Log (Contingent)**  
Vice chairman Albrecht noted that the Division would be giving a Technologies Survey presentation during this meeting.
- 00:06:41** **4) DWR Update (Informational)**  
Interim Director Reynolds updated the Board on the posting of big game draw results, fisheries program stocking, on-the-ground project funding, Book Cliffs working group projects, vegetation water projects, watershed scale restoration, bighorn sheep guzzlers and drought conditions monitoring.
- 5) Buck Deer Permit Recommendations (Action)**  
Big Game Coordinator, Covy Jones, gave a pre-recorded online presentation that was posted on the Division of Wildlife Resources website.
- 00:10:07** **Public Comments**  
Director Reynolds summarized public comments received from the online presentation.
- 00:13:25** **RAC Recommendations**  
Motions to reduce the number of general season buck permits on the Manti unit were passed in the Southern Region, Southeastern Region and Northeastern Region. The Southern Region passed a motion to request that the Division post all permits issued on all units somewhere for the public to be able to view that information. The Southeastern Region passed a motion not to change the number of general season

buck permits on the San Juan unit. All RACs passed the remainder of the recommendations as presented.

**00:17:36 Board Questions and Discussion**

The Board asked how the request that the Division post information on all permits issued in all hunting opportunities might be fulfilled, what factors influenced the RACs' moving to reduce the number of permits on the Manti unit, and how that reduction might affect the unit's management objectives. The Board also asked for population data on the San Juan, Abajo unit, for information on deer counts on private land, about the population management objective on the Henry Mountains, and what factors are affecting the total population fluctuations on the Henry Mountains. The Board put forth that it is imperative that the Board monitor the San Juan, Abajo deer population.

The following motion was made by Kevin Albrecht, seconded by Donnie Hunter and passed unanimously.

**MOTION: I move that we approve a 600 permit decrease on the Manti unit, and keep the San Juan, Abajo unit permits the same as 2020.**

The following motion was made by Wade Heaton, seconded by Kevin Albrecht and passed unanimously.

**MOTION: I move that we accept the remainder of the Division's recommendations as presented.**

**6) Bull Elk and Buck Pronghorn Permit Recommendations for 2021 (Action)**

Big Game Coordinator, Covy Jones, gave a pre-recorded online presentation that was posted on the Division of Wildlife Resources website

**00:43:59 Public Comments**

Director Reynolds summarized public comments received from the online presentation.

**00:45:09 RAC Recommendations**

Each RAC passed the bull elk and buck pronghorn permit recommendations with varying dissent and stipulations.

**00:49:37 Board Questions and Discussion**

The Board expressed an interest in having the Division produce and share elk and pronghorn presentations similar to the statewide deer presentations given at the March 31, 2021 Wildlife Board working meeting.

**00:50:14 Division Clarification**

Regarding the previous request for the Division to publically share all types of permits on all units, the Division noted that Expo permits are public draw permits and are presented later in the year, at which time the Expo permits will be deducted from the public draw permits being presented in this meeting. The Division asked if the Board would increase the number of permits on the Little Creek roadless hunt by one to account for the one Expo permit that was allocated last August.

**00:52:22 Board Questions and Discussion**

The Board asked if permit allocation information could be made available prior to the application period.

The following motion was made by Kevin Albrecht, seconded by Randy Dearth and passed unanimously.

**MOTION: I move that we track the Division's progress of the 2023 draw application date changes with an update to the Wildlife Board in one year. This is to be placed on the action log.**

The following motion was made by Randy Dearth, seconded by Karl Hirst and passed unanimously.

**MOTION: I move that we direct the Division to place a list of allocated permits by unit on the Division's website. This is to be placed on the action log.**

The following motion was made by Karl Hirst, seconded by Donnie Hunter and passed unanimously.

**MOTION: I move that we accept the Division's recommendations as presented, with the addition of one permit on the Little Creek unit.**

**7) Once-in-a-Lifetime Permit Recommendations for 2021 (Action)**

Riley Peck gave a pre-recorded online presentation that was posted on the Division of Wildlife Resources website.

**00:59:47 Public Comments**

Director Reynolds summarized public comments received from the online presentation.

**01:00:34 RAC Recommendations**

Each RAC passed the once-in-a-lifetime permit recommendations with varying dissent and stipulations.

**01:02:47 Board Questions and Discussion**

The Board asked if additional bison archery hunting opportunities could be made on the Book Cliffs, and suggested increasing the number of bison archery permits on the Henry Mountains. The Board asked how the Book Cliffs bison population estimate compares to the population objective, and about habitat conditions in relation to the current population objective.

The Board suggested producing a mandatory orientation course for the hunter's choice bison hunt, and discussed for whom the course might be mandatory. The Board asked about bison wounding loss numbers.

The Board also asked for updated biological information on different bighorn sheep populations in the state.

The following motion was made by Karl Hirst, seconded by Randy Dearth and passed 3-3, with Chairman Bateman breaking the tie. (Kevin Albrecht, Bret Selman and Wade Heaton opposed) **This motion was later pulled.**

**MOTION: I move that hunters who have drawn a tag are required to take a hunter orientation on shot placement of bison prior to receiving their tag.**

The following motion was made by Karl Hirst, seconded by Randy Dearth and passed unanimously.

**MOTION: I move that for 2021, all bison hunters will receive information on shot placement and anything additional the Division would like to include, and that in 2022, there will be a quick mandatory orientation course for all bison hunters.**

The following motion was made by Karl Hirst, seconded by Wade Heaton and passed unanimously.

**MOTION: I move that we increase archery hunter's choice permits on the Henry Mountain unit from 4 to 6.**

The following motion was made by Kevin Albrecht, seconded by Wade Heaton and passed unanimously.

**MOTION: I move that we accept the remainder of the Division's Once-in-a-Lifetime permit recommendations as presented.**

#### **8) Antlerless Permit Recommendations (Action)**

Big Game Coordinator, Covy Jones, gave a pre-recorded online presentation that was posted on the Division of Wildlife Resources website.

#### **01:48:23 Public Comments**

Director Reynolds summarized public comments received from the online presentation.

#### **01:49:22 RAC Recommendations**

All RAC passed the antlerless permit recommendations with varying dissent and stipulations.

#### **01:50:50 Board Questions and Discussion**

The Board asked for more information from the Northeastern RAC chair about their region's summary, for biological information about the antlerless population on the Book Cliffs, and about the antlerless population on the Oquirrh-Stansbury unit.

The following motion was made by Donnie Hunter, seconded by Wade Heaton and passed unanimously.

**MOTION: I move that we accept the Division's recommendations as presented.**

#### **9) 2021 CWMU Antlerless Permit Recommendations (Action)**

Private Lands Public Wildlife Coordinator Chad Wilson gave a pre-recorded online presentation that was posted on the Division of Wildlife Resources website.

**01:58:11 Public Comments**

Director Reynolds summarized public comments received from the online presentation.

**01:59:05 RAC Recommendations**

All RACs passed the rule amendments with varying stipulations and opposition.

**02:02:01 Board Questions and Discussion**

The Board stated that CWMU landowners collectively understand and are committed to their need to harvest a proportionate share of animals when populations are over objective. The Board discussed considering hunting the antlerless elk on public land earlier in the season.

The following motion was made by Karl Hirst, seconded by Randy Dearth and passed 4 in favor and 2 recused. Wade Heaton and Bret Selman recused themselves.

**MOTION: I move that we accept the Division's CWMU antlerless permit recommendations as presented.**

**10) Conservation Permit Rule Amendments (Action)**

Wildlife Section Chief Justin Shannon gave a pre-recorded online presentation that was posted on the Division of Wildlife Resources website.

**02:07:30 Public Comments**

Director Reynolds summarized public comments received from the online presentation.

**02:08:14 RAC Recommendations**

All RACs passed the Conservation Permit rule amendments with varying dissent and stipulations.

**02:10:11 Board Questions and Discussion**

The Board asked for clarification of some of the material shared in the online presentation.

The following motion was made by Karl Hirst, seconded by Randy Dearth and passed unanimously.

**MOTION: I move that we accept the Conservation Permit Rule amendments as presented.**

**02:14:13 11) Weber Florence Creek CWMU Permit Request (Action)**

**02:14:28 Board Questions and Discussion**

The Board asked for more background information on the permit request.

The following motion was made by Wade Heaton, seconded by Bret Selman and passed unanimously.

**MOTION: I move that we approve the permit request for Weber Florence CWMU as presented.**

**02:17:38 12) AIS Rule Amendments – Dip Tank (Action)**

**02:18:16 Board Questions and Discussion**

The Board asked if this agenda item had gone through the RAC process, and where the dip tank would be located, and if other decontamination stations would still be providing services.

The following motion was made by Randy Dearth, seconded by Kevin Albrecht and passed unanimously.

**MOTION: I move that we approve the AIS rule amendments as presented.**

**02:23:37 15) Technologies Survey Results (Informational)**

Captain Wyatt Bubak gave a presentation on trail camera technology survey results.

**02:35:14 Board Questions and Discussion**

The Board asked about next steps in moving a proposed rule through the RAC and Board process, and asked if the Division would distribute the entire survey results to the members of the board.

**02:42:02 Meeting Break**

**04:04:17 Chairman Bateman took roll call following the break.**

**04:05:13 13) Clint Heiber Permit Variance Request (Action)**

Licensing Coordinator Lindy Varney presented the circumstances of the variance request in question.

**04:09:56 Board Questions and Discussion**

The Board asked for additional details relating to the case.

**04:13:49 Presentation**

Steve Styler, Mr. Heiber's council, presented an argument on his client's behalf. Division of Wildlife Resources Investigator, Kip King responded to some of Mr. Styler's claims, and Assistant Attorney General Greg Hansen clarified some points in the Division's administrative rule R657-57.

**04:46:49 Board Questions and Discussion**

The Board asked Mr. Styler questions about Mr. Heiber's actions, asked the Division for additional information relating to the case, and deliberated among themselves.

The following motion was made by Karl Hirst, seconded by Bret Selman and passed 5-1 with Donnie Hunter opposed.

**MOTION: I move that we deny the variance request for Clint Heiber.**

**05:43:20**      **14) Daniel Richins Stipulation**

Assistant Attorney General Greg Hansen introduced Mr. Richins' council, Aaron Owens, and summarized the proposed stipulation

**05:45:40**      **Board Questions and Discussion**

The Board asked for clarification of the stipulation.

The following motion was made by Wade Heaton seconded by Randy Dearth and passed unanimously.

**MOTION:      I move that we accept the stipulation for Eric Richins as presented by the Division.**

**05:49:12**      Meeting adjourned.

DRAFT

**May RAC Meetings  
Summary of Motions**

1) **HB 295 Waterfowl Rule Amendments (Action)**

**CR MOTION: To not approve the Division's recommendations to ban guides on WMAs and suggest implementing a working group committee to study guiding on WMA's.**  
**PASSES: Unanimous**

**MOTION: To accept the balance of the Division's recommendations as presented.**  
**PASSES: Unanimous**

**NR MOTION: I move to implement a rule for waterfowl guides consistent with Department of Public Licensing requirements for big game guides and form a committee that studies this issues for next year.**  
**PASSES: 7 to 3**

**MOTION: I move to accept the remainder of HB 295 Waterfowl Rule Amendments as presented.**  
**PASSES: Unanimous**

**SR MOTION: I move that we table the discussion until a working group can be formed to make a recommendation on guiding on WMA's and the Division issue guiding permits under current rules for the 2021 season.**  
**PASSED: 9 to 1**

**MOTION: I move that we accept the remainder of the Division's recommendations as presented.**  
**PASSED: Unanimous**

**SER MOTION: To accept the recommendations as presented by the DWR.**  
**PASSED: Unanimous**

**NER MOTION: To approve Waterfowl Recommendations as presented/excluding the prohibition of guiding on WMAs this year with a working group to review guiding next year.**  
**PASSED: 5 to 1**

2) **R657-39 Electronic Meetings Rule Amendments (Action)**

**ALL RACs**

**MOTION: I move that accept R657-39 Electronic Meeting Rule Amendments as presented.**  
**PASSES: Unanimous**



# Central Region RAC Meeting

Video Conference

May 11, 2021

The meeting streamed live at <https://youtu.be/7wdpnd-o-oYGY>

**Tuesday May 11, 2021 6:00 pm**

- |   |                      |
|---|----------------------|
| 1. Approval of Agenda<br>– Brock McMillan, RAC chair  | <b>ACTION</b>        |
| 2. Approval of Minutes<br>– Brock McMillan, RAC chair   | <b>ACTION</b>        |
| 3. Wildlife Board Meeting Update<br>– Brock McMillan, RAC chair                                   | <b>INFORMATIONAL</b> |
| 4. Regional Update<br>– Jason Vernon, Regional Supervisor   | <b>INFORMATIONAL</b> |
| 5. HB 295 Waterfowl Rule Amendments<br>– Blair Stringham, Migratory Game Bird Program Coordinator | <b>ACTION</b>        |
| 6. R657-39 Electronic Meetings Rule Amendments<br>– Kyle Maynard, Assistant Attorney General      | <b>ACTION</b>        |

Details of the specific recommendations can be found at [www.wildlife.utah.gov](http://www.wildlife.utah.gov)

*In compliance with the Americans with Disabilities Act - Persons needing special accommodations (including auxiliary communicative aids and services) for this meeting, should contact Staci Coons at 801-538-4718, giving her at least five working days notice.*

**Central Region RAC Meeting**  
May 11, 2021  
Springville, Utah  
**Summary of Motions**

1) Approval of Agenda

The following motion was made by Ken Strong, seconded by Christine Schmitz and passed unanimously.

**MOTION: To approve to approve the agenda as presented.**

2) Approval of April 6<sup>th</sup> Minutes

The following motion was made by Ken Strong, seconded by Christine Schmitz and passed unanimously.

**MOTION: To approve the minutes of the April 6<sup>th</sup> Central Region RAC meeting as transcribed.**

3) HB 295 Waterfowl Rule Amendments

The following motion was made by Ben Lowder, seconded by Ken Strong and passed unanimously.

**MOTION: To not approve the Division's recommendations to ban guides on WMAs and suggest implementing a working group committee to study guiding on WMA's.**

The following motion was made by Mike Christensen, seconded by Scott Jensen and passed unanimously.

**MOTION: To accept the balance of the Division's recommendations as presented.**

4) R657-39 Electronic Meetings Rule Amendments

The following motion was made by Ben Lowder, seconded by Eric Reid and passed unanimously.

**MOTION: To accept the Division's recommendations as presented.**

**Central Region RAC Meeting**  
May 11, 2021  
Online Attendance

**RAC Members**

Brock McMillan – RAC Chair	<b>Absent</b>
Luke Decker	Jake Steele
Eric Reid	Steve Lund
Ken Strong	
Ben Lowder	
AJ Mower	
Scott Jensen	<b>Excused</b>
Michael Christensen	Josh Lenart
Christine Schmitz	
Danny Potts	

**Wildlife Board**

Byron Bateman

**DWR Personnel**

Jason Vernon	Jason Robinson
Scott Root	Matt Briggs
Greg Hansen	Blair Stringham
Chad Cranney	Dave Lee
Wyatt Buback	Staci Coons
John Luft	Justin Shannon
Kyle Maynard	Michael Christensen

**Public invited to join online:** <https://youtu.be/7wdpnd-o-oYGY>

**Central Region RAC Meeting**  
May 11, 2021  
Springville, Utah  
<https://youtu.be/7wdpnd-o-oYGY>

<b>06:00:00</b>	RAC Chair Brock McMillan called the meeting to order. He called the roll of RAC members and indicated which UDWR personnel were present on the broadcast. He explained the process that there will be no live presentations or public comments taken during the meeting.
<b>06:00:00</b>	<b>1) Approval of Agenda (Action)</b> The following motion was made by Ken Strong, seconded by Christina Schmitz and passed unanimously. <b>MOTION: I move that we approve the agenda as presented.</b>
<b>06:00:00</b>	<b>2) Approval of Minutes (Action)</b> The following motion was made by Ken Strong, seconded by Christina Schmitz and passed unanimously. <b>MOTION: I move that we approve the April 6th minutes as transcribed.</b>
<b>06:04:05</b>	<b>3) Wildlife Board Meeting (Informational)</b> RAC Chair Brock McMillan updated the RAC.
<b>06:08:17</b>	<b>4) DWR Update (Informational)</b> Jason Vernon updated the RAC on all regional activities. Christine Schmitz has served 2 terms (8 years) and will be leaving end of this year.
<b>06:15:05</b>	<b>5) HB 295 Waterfowl Rule Amendments (Action)</b> A pre-recorded presentation was provided online on the Division website prior to the meeting: <a href="https://wildlife.utah.gov/agendas-materials-minutes.html">https://wildlife.utah.gov/agendas-materials-minutes.html</a> .
<b>06:15:34</b>	<b>Public Comments</b> Jason Vernon summarized public comments received from the online presentation
<b>06:17:41</b>	<b>RAC Questions</b> The RAC members asked Blair to share and interpret the survey results, explain issues for the action item (lack of public hunting areas, overuse of lands, accountability, guiding), and explain Guides & Outfitters Registration Act (waterfowl guides not required to have a permit at this time). How this would be enforced, if passed.
<b>06:46:55</b>	<b>RAC Discussion</b> The RAC discussed leaning towards approving guides with a permit, set a limit of guides on a WMA, guided hunters are public hunters, misleading public survey. SFW's recommendation to find a compromise. Competition for hunting spots.

<b>07:00:40</b>	<p>HB 295 Waterfowl Rule Amendments</p> <p style="text-align: center;"><b>MOTIONS</b></p> <p>The following motion was made by Ben Lowder, seconded by Ken Strong and passes unanimously.</p> <p><b>MOTION: To not approve the Division’s recommendations to ban guides on WMAs and suggest implementing a working group committee to study guiding on WMA’s.</b></p> <p>The following motion was made by Mike Christensen, seconded by Scott Jensen and passed unanimously.</p> <p><b>MOTION: To accept the balance of the Division’s recommendations as presented.</b></p>
<b>07:05:00</b>	<p><b>6) R657-39 Electronic Meetings Rule Amendments (Action)</b></p> <p>A pre-recorded presentation was provided online on the Division website prior to the meeting: <a href="https://wildlife.utah.gov/agendas-materials-minutes.html">https://wildlife.utah.gov/agendas-materials-minutes.html</a>.</p>
<b>07:06:05</b>	<p><b>Public Comments</b></p> <p>Jason Vernon summarized public comments received from the online presentation.</p>
<b>07:07:12</b>	<p><b>RAC Questions</b></p> <p>The RAC asked about protocol moving forward and the public’s ability to make comments.</p>
<b>07:10:56</b>	<p><b>RAC Discussion</b></p> <p>RAC members commented on the public’s ability to make comments.</p>
<b>07:12:50</b>	<p>R657-39 Electronic Meetings Rule Amendments</p> <p style="text-align: center;"><b>MOTIONS</b></p> <p>The following motion was made by Ben Lowder, seconded by Eric Reid and passed unanimously.</p> <p><b>MOTION: To accept the Division’s recommendations as presented.</b></p>
<b>07:15:00</b>	<p>Meeting adjourned.</p>

# Regional Advisory Council Meeting

May 12, 2021

The meeting will stream live at <https://youtu.be/68z9VqGo9TE>

1. Welcome, RAC Introductions and RAC Procedure  
- RAC Chair
2. Approval of Agenda and Minutes **ACTION**  
- RAC Chair
3. Wildlife Board Meeting Update **INFORMATIONAL**  
- RAC Chair
4. Regional Update **INFORMATIONAL**  
- DWR Regional Supervisor
5. HB 295 Waterfowl Rule Amendments **ACTION**  
- Blair Stringham Migratory Game Bird Program Coordinator
6. R657-39 Electronic Meetings Rule Amendments **ACTION**  
- Kyle Maynard, Assistant Attorney General

## Regional Presentations Only

- NR Hat Island and Millville-Providence WMA HMP **INFORMATIONAL**  
- John Neill and Pam Kramer

CR RAC – May 11, 6:00 PM  
<https://youtu.be/7wdpnd-oYGY>

SER RAC – May 19, 6:30 PM  
<https://youtu.be/AjdZ1Dtsgps>

NR RAC – May 12, 6:00 PM  
<https://youtu.be/68z9VqGo9TE>

NER RAC – May 20, 6:30 PM  
<https://youtu.be/kb97aUKfl2Y>

SR RAC – May 18, 7:00 PM  
<https://youtu.be/Bt4guDQFqiY>

Board Meeting – June 3, 9:00 AM  
<https://youtu.be/9QV-CweVIId>

**Regional Advisory Council Meeting  
Summary of Motions**

- 1) Approval of Agenda and Minutes of April 7, 2021 (**Action**)

The following motion was made by Matt Klar, seconded by Randy Hutchison and passed unanimously.

**MOTION: I move to approve the Agenda and Minutes.**

- 2) HB 295 Waterfowl Rule Amendments (**Action**)

The following motion was made by Aaron Johnson, motion failed due to lack of a second.

**MOTION: I move that we reject the Division's proposal to prohibit guiding on WMA's and recommend the Division provide permits to guide on WMA's and allow guides to pass through WMA's without a permit.**

The following motion was made by Casey Snider, seconded Randy Hutchison. Motion Failed  
Against:7 For: 3 Abstain:1 Against: Goring, Hoagstrom, Johnson, Klar, Laughter, Parry, Purdy  
Abstain: Chase

**MOTION: I move to accept the Division's proposal as presented and convene a working group to study guiding on WMA's.**

The following motion was made by Matt Klar, seconded by Junior Goring. Motion Passes For:7  
Against:3 Abstain:1 Against: Hutchison, McLeod, Snider, Abstain: Chase

**MOTION: I move to implement a rule for waterfowl guides consistent with Department of Public Licensing requirements for big game guides and form a committee that studies this issue for next year.**

The following motion was made by Matt Klar, Seconded Darren Parry and passed unanimously

**MOTION: I move to accept the remainder of HB 295 Waterfowl Rule Amendments as presented.**

3) R657-39 Electronic Meetings Rule Amendments (**Action**)

The following motion was made by Darren Parry, seconded by Randy Hutchison and passes unanimously.

**MOTION: I move that accept R657-39 Electronic Meeting Rule Amendments as presented.**

DRAFT



**Northern Regional Advisory Council Meeting**  
May 12, 2021  
Attendance

**RAC Members**

Justin Oliver – Chair  
Mike Laughter-Vice Chair  
Ben Nadolski- Exec Secretary

Paul Chase  
Junior Goring  
Christopher Hoagstrom  
Randy Hutchison  
Aaron Johnson

Matt Klar  
Kevin McLeod  
Darren Parry  
Kristin Purdy  
Casey Snider

**Board Member**

**RAC Excused**

Ryan Brown  
David Earl  
Emily Jensco

**Division Personnel**

Jodie Anderson  
Hayley Smith  
Blair Stringham  
Kyle Maynard  
Greg Hansen  
Mike Hansen  
Rich Hansen  
Wyatt Buback  
Pam Kramer

John Neill  
Paul Gedge  
John Luft  
Jim Christensen  
Jason Jones  
Chad Cranney  
Scott Walker  
David Beveridge

**Regional Advisory County Meeting**

May 12, 2021

Attendance

<https://youtu.be/68z9VqGo9TE>

**00:04:18** Chairman Justin Oliver called the meeting to order, welcomed the audience, reviewed the meeting procedures.

**00:09:36** 1) **Approval of Agenda and Minutes** of April 7, 2021 (Action)

The following motion was made by Matt Klar, seconded by Randy Hutchison and passed unanimously.

**MOTION: I move that we approve the Agenda and Minutes.**

**00:11:19** 2) **Update from past Wildlife Board Meeting by Ben Nadolski**

Motion for a 600-permit decrease on Manti unit and keep San Juan Abajo unit the same as 2020, passed unanimously. Buck deer recommendations passed unanimously. Track 2020 progress of draw application date changes with an update in 1 year and that item was to be placed on action log and passed unanimously. List of allocated permits by unit on the divisions website which was placed on the action log and passed unanimously. Bull elk and buck pronghorn addition to one permit on the Little Creek unit passed unanimously. OIAL recommendations have hunters required to take hunter orientation for bison and motion was later retracted. Motion that all 2021 bison hunters receive information on shot placement and 2022 will require orientation course for all bison hunters, passed unanimously. Increase archery hunter choice permits on Henry from four to six, passed unanimously. Remainder of OIAL recommendations passed unanimously. Antlerless recommendations passed unanimously. CWMU antlerless permit recommendations passed with 4 in favor and 2 recused. Conservation rule permit amendments passed unanimously. Weber Florence CWMU permit request passed unanimously. Aquatic

invasive species rule amendments and the use of a dip tank, passed unanimously. Board considered a denial permit variance request for Heber which passed 5-1. Stipulation request by Mr. Richins passed unanimously.

**00:17:51 3) Regional Update- Ben Nadolski, Regional Supervisor (Informational)**

Aquatics- Kokane salmon stocked at Rockport Reservoir. Lost Creek will follow shortly. East Canyon has had third round of stocking. Tiger Muskie in Pineview Reservoir. Walleye spawn from Willard Bay. Syracuse city improvement at Jensen Pond.

Waterfowl- Large scale carp treatment at Farmington Bay. Phragmites treatment and reseeding. Shrubs at Ogden Bay and Salt Creek. Expanding boat launching situation at Willard Spur.

Wildlife- Bighorn sheep surveys on Antelope Island. Bird surveys and monitoring species. Sage grouse and sharptail lek counts. Big game recommendations, drought and a difficult upcoming season.

Habitat- Preparing for a hard fire season. 3 new guzzlers for upland game and filling guzzlers. Big game draw results are out.

Coldwater Canyon restoration. Henefer Echo restoration. Sage grouse counts.

**00:31:27 4) HB 295 Waterfowl Rule Amendments (Action)**

Presentations could be viewed at <https://wildlife.utah.gov/agendas-materials-minutes.html>

**00:32:56 Electronic Public Comment Report by Ben Nadolski, Regional Supervisor**

45 total responses. 22.22% strongly agree, 13.33% somewhat agree, 0% neither agree or disagree, 12.22% somewhat disagree and 62.22% strongly disagree.

**00:47:15 Questions from RAC Members**

Current situation and survey background. Clarification regarding guides needing a permit for WMA. Intent of the guide portion of the bill. Criticism regarding public process and provisions. General consensus among WMA managers on the aspect of not allowing guides and social concern. Complaints, citations and reports of potential over limits by guides. Liability requirements and restrictions. Outfitters setting up and staying in the same place. Only one outfitter following requirements and laws. Law enforcement and education component required. Definitions from the guides and outfitters act and wildlife code. Authority to fulfil the divisions recommendation. Time frame to get permits in place before hunt starts. Requirements to get permit. Too much misinformation on this. Public are the ones using the guides and want opportunity on

WMA's. Standard for licensing would be implemented in this bill, was not a requirement before now. Wildlife related regulations. Legislative change to eliminate guiding. Number of user permits to determine guide permits.

**01:32:26 RAC discussion/Division Clarification and Motions**

Regulation and limit to number of guides licensed. Banning guiding is the lazy approach. Being consistent with licensing guides and having regulations. Small piece of land we are dealing with. WMA's are important for public hunters to go out and hunt. Overwhelming support for this proposal. Criticisms of the bill. Public support regarding a decision the division has made. Wrong direction and wrong message being sent out. Many people getting into this sport is using guides. Surveys written to solicit response they want. Limit number of guides on WMA and proper permits. Anti-hunting proposal. Compromise to help both parties. Questions on the survey. Central region voting results on this proposal. Encourage a committee to get involved regarding regulation and limits. Hearsay about crowding and actual data. Support and thanks to the division. Public response from survey. Process of using a committee to give more time to this. Decisions need to be focused on the everyday hunter, not special interest. Merits on both sides of the conversation. Outfitters opportunity to comply.

The following motion was made by Aaron Johnson. Motion failed due to lack of a second.

**MOTION: I move that we reject the Division's proposal to prohibit guiding on WMA's and recommend the Division provide permits to guide on WMA's and allow guides to pass through WMA's without a permit.**

The following motion was made by Casey Snider, seconded by Randy Hutchison. Motion Failed. Against:7 For: 3 Abstain:1 Against: Goring, Hoagstrom, Johnson, Klar, Laughter, Parry, Purdy. Abstain: Chase

**MOTION: I move to accept the Division's proposal as presented and convene a working group to study guiding on WMA's.**

The following motion was made by Matt Klar, seconded by Junior Goring. Motion Passed. For:7 Against:3 Abstain:1 Against: Hutchison, McLeod, Snider. Abstain: Chase.

**MOTION: I move to implement a rule for waterfowl guides consistent with Department of Public Licensing requirements for big game guides and form a committee that studies this issue for next year.**

The following motion was made by Matt Klar, seconded by Darren Parry and passed unanimously

**MOTION: I move to accept the remainder of HB 295 Waterfowl Rule Amendments as presented.**

**02:41:06 5) R657-39 Electronic Meetings Rule Amendments (Action)**

Presentations could be viewed at <https://wildlife.utah.gov/agendas-materials-minutes.html>

**02:41:52 Electronic Public Comment Report by Ben Nadolski, Regional Supervisor**

8 people responded to this question. 1 person somewhat disagree, 1 person strongly disagree and the rest evenly split between strongly agree, somewhat agree and neither disagree or agree. Entertaining live electronic comments. Maintain live streaming so people can watch from home.

**02:42:50 Questions from RAC Members**

None

**02:42:57 RAC discussion/Division Clarification and Motions**

Wildlife board nominating committee discussion. Electronic comments and live comments at the meeting. Watching presentations prior to meeting. Hybrid model protocol is still being decided. Streaming meetings live. Flexibility to protocol and defining a place for electronic comments. Rule to allow for option to allow the most participation.

The following motion was made by Darren Parry, seconded by Randy Hutchison and passes unanimously.

**MOTION: : I move that we that accept R657-39 Electronic Meeting Rule Amendments as presented.**

**02:48:40 Hat Island and Millville-Providence WMA HMP (INFORMATIONAL)**

Presentations could be viewed at <https://wildlife.utah.gov/agendas-materials-minutes.html>

**02:49:10 RAC Comment**

Like changes and appreciate work. Thank RAC members and hope Wildlife Board will consider recommendations. Recognize those who did survey and trying to find solutions. Valid reasons for voting against. Lots of feedback given.

**02:52:38**

Meeting Adjourned. Motion to Adjourn: Made by Kevin McLeod, seconded by Paul Chase.

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**Southern Regional Advisory Council Meeting  
May 18, 2021  
6:00 p.m.**

**Attendance**

**RAC MEMBERS**

Brayden Richmond	Austin Atkinson
Bart Batista	Gene Boardman
Riley Roberts	Nick Jorgensen
Chuck Chamberlain	Verland King
Dan Fletcher	Craig Laub
Tammy Pearson	

**Division Personnel**

Justin Shannon	Blair Stringham
Kevin Bunnell	Kyle Maynard
Greg Hansen	Paul Washburn
Denise Gilgen	Phil Tuttle
Lynn Zubeck	Michael Christensen
Paul Gedge	

**Wildlife Board Members**

Donnie Hunter

**00:00:01 1) Welcome**

Chairman Brayden Richmond called the meeting to order, welcomed the audience, reviewed the meeting procedures, and had the Board and RAC Members introduce themselves.

**00:03:10 2) Approval of Agenda and Minutes (Action)**

**The following motion was made by Nick Jorgensen, seconded by Chuck Chamberlain.**



**Motion passed unanimously.**

**MOTION: I move that we approve the agenda and minutes as presented.**

**Austin Atkinson:** Yes.  
**Bart Batista:** Yes.  
**Gene Boardman:** Yes.  
**Riley Roberts:** Yes.  
**Chad Utley:** n/a  
**Nick Jorgensen:** Yes.  
**Chuck Chamberlain:** Yes.  
**Verland King:** Yes.  
**Dan Fletcher:** Yes.

**00:04:27 3) Wildlife Board Meeting Update by RAC Chair, Brayden Richmond**

**Brayden Richmond:** Hopefully everyone had a chance to watch that meeting, that was a big meeting with a lot of discussion. Some really good discussion and I think a lot of good motions were made there. I will go through all of those. There was a motion made to approve the 600-permit decrease on the Manti unit and keep the San Juan Abajo unit the same as in 2020, that motion passed unanimously. There was a motion to accept the remainder of the Divisions recommendations as presented, regarding the buck deer permit recommendations that passed unanimously.

There was a motion to track the Divisions progress of the 2023 draw application process with an update the Wildlife Board within one year, and this is to be placed on the action log. Just to clarify that's to see if we can improve the timeliness so we have better numbers as we're applying, and that passed unanimously to be placed on the action log. Just to be clear on that one.

The motion to accept the Divisions recommendations as presented with the addition of one permit on the Little Creek unit. This is on the bull elk and pronghorn portion, and that passed unanimously.

There was a motion to move that hunters that have drawn a tag are required to take an orientation on shot placement prior to receiving their tag. This motion was later pulled. Then a second motion was to move that the 2021 bison hunters will receive information on shot placement and anything additional the Division would like to include in 2022 there will be a quick mandatory orientation course for all hunters. That passed unanimously.

There was another motion that we increase the archery hunter's choice permits on the Henry Mountains from 4-6, that passed unanimously.

Then a motion to accept the remainder of the Divisions once in a lifetime permit recommendations, and that passed unanimously.

On the antlerless permit recommendations, there was a motion to accept the Divisions recommendations as presented, that passed unanimously.

On the CWMU antlerless permit recommendations there was a motion to accept the Divisions recommendations as presented, that passed 4 in favor and 2 refused.

On the conservation permit rule amendments. There was a motion to accept the amendments as presented, that passed unanimously.

On the Weber Florence Creek CWMU permit request, there was a motion to approve the request as presented, that passed unanimously.

On the AIS rule amendments, there was a motion to approve as presented, and that passed unanimously.

On the Heber permit variance request there was a motion to deny the variance request by client Heber, that passed 5-1 with Donnie Hunter being the opposed vote there.

Then finally, on the Eric Richens stipulation, there was a motion to accept the stipulation as presented by the Division and that passed unanimously.

I hope I didn't miss anything there; I think I got it all. Kevin, does that sound correct to you?

**Gene Boardman:** If you didn't see that meeting out till the end and see that thing about the request for a variance and all that through and get an idea of what trophy hunting has come to, you really ought to look into that and get you perspective of what trophy hunting is.

**Brayden Richmond:** Thanks Gene, it was an interesting Board meeting to watch. It is public record, view if it if you want, but it is interesting where the Board came from and how they made that decision. Just another comment, there was a motion from Gene in our RAC, he's asked for it for years to get an allocated permits by unit. So the combined permits in all the unit, the draw permits, the conservation permits, so he could see all those permits on a unit. Gene made a motion our last meeting that went unanimous that went to the big game Board, and they also made a motion that passed. I got a call just this afternoon from Justin Shannon, I saw he just came on the meeting and if he wants to comment we'll let him. I don't think he needs to. But he just let me know that their plan is by the end of this week the Division will have that on their web page. That's exciting, I know that Gene has been working on that for a while, and by the end of the week that will be on the webpage. Any other comments there? Any questions on the minutes from the Wildlife Board meeting? Next let's move on to the Regional update.

#### **00:10:34 4) Regional Update (Informational)**

**Kevin Bunnell, SRO Regional Supervisor**

**Kevin Bunnell:** Thanks Brayden. Most of what I'm going to talk about is our concern over water or the lack thereof. I think it's a pretty pervasive concern across southern Utah for sure, and probably across the rest of the state. There is not a lot we can do to make it rain, but we're trying to mitigate the effects of big game populations and conflicts with the agricultural community. I think everyone is aware of this, but we do have a provision that we will revisit our antlerless permit recommendations in the August Board meeting if needed, if we need to make further adjustments of our elk population in

particular, but also deer if needed. Although those populations are.. the droughts already reduced our deer population as you're aware. Its not just big game that's being affected, obviously fish need water and maybe most directly those impacts are being felt in our lakes and streams. For instance Lake Powell water levels are at history lows right now, right now when the levels should be going up they're still dropping. Wahweap is the only ramp that is open on this end of the lake and there is only Wahweap and the executive ramp at Bullfrog are the only ramps that are open for the entire lake. Those won't be open for long if things stay the way they are. I happened to be down there today and we're within a few feet of the Wahweap ramp not being open either. So that's very concerning that's happening this early in the year and it's not even June yet.

With that our aquatics staff, both in the region and in Salt Lake are contemplating regulation changes on lakes we know will be drained. We will be making regulation changes to let sportsmen take as much advantage as they can with harvesting fish and removing them from those water bodies while they still can. There will be a first round of those that will happen in May before the end of this month and there might be subsequent ones that come up throughout the summer as we find out how and if conditions continue to deteriorate. On a positive note, the one thing the low water levels allow us to do is a treatment that we've been trying to get done in the Virgin River Gorge for really over a decade to try and remove an invasive fish species called the Red Shiner out of the Virgin River Gorge. That is likely to happen this year because we need really low water levels to do that. We're working really closely with Arizona and we're hoping that will happen. That's a really big deal, those fish are probably the biggest threat to all of our recovery efforts within the Virgin River drainage. They currently don't come into Utah, we have several barriers in place, but their right on our border there through the Gorge, so if we can remove them from there as well, that's a huge win for us. So my hope for right now is that we get that treatment done and then we get rain through the summer, which would be very beneficial.

Moving on to our law enforcement, a case I thought you would be interested in. In Washington County there was an individual who was advertising big game hunts that didn't exist on property that he didn't have access to, with permits that he didn't have either. Washington county has taken that very seriously and after we were able to collect the evidence, there was an arrest warrant issued with 18 felony charges associated with that arrest warrant. So that's a big deal with serious consequences associated with fraud and other things of that nature.

We're working with Piute county right now, they contacted us, they applied for an outdoor recreation grant through the governor's office and received that to put a shooting range in Piute county. They've approached us to see if we can figure out a way to put that on one of our Wildlife management areas. We're hoping that we can so we're working with the extension service in Piute county and I'm hoping that we will.

Then lastly, I think I've mentioned this a couple of times, but I'm still really optimistic that our Utah Prairie Dog conservation strategy, the way it's taking shape and the case that we'll be able to make to have that species delisted and removed from the protections of the Endangered Species Act. That won't happen quickly, it will probably be a 3, 4, 5 year process, but because of the partnerships we have with the Forest Service and the BLM and others, there is a lot of good work that has happened there. If Chuck or Dan want to comment there they're welcome to, but I'm pleased with the way that is coming together. Brayden that's all I have and I'd be happy to take any questions.

**Brayden Richmond:** Any questions from the RAC? Thank you, Kevin.

**Gene Boardman:** I'd like to make the comment that they arranged for me to ride along on the Dutton with Kyle Christensen the other day, and it was a real education for me and understanding what they were doing and why they were doing it with the big game numbers and so forth. Also, saw a lot of dry country and not very much green.

**Brayden Richmond:** Thanks Gene, any other questions or comments from the RAC? Alright, well let's move into our first agenda item.

**00:17:32 5) HB 295 Waterfowl Rule Amendments (Action)**

**Blair Stringham, Migratory Game Bird Program Coordinator**

Presentations could be viewed at

<http://wildlife.utah.gov/feedback.html>

**Brayden Richmond:** Our first agenda item would be HB 295 Waterfowl Rule Amendments. Again the presentations were posted a couple of weeks ago. We assume that all the RAC members had a chance to review those. I also know that we've got a lot of email on this one, I hope everyone has had a chance to ask questions, discuss with those contacting them. Maybe to start this, what I would suggest after watching the other two RACs, Blair, I know that you have some additional information and I think it would be beneficial to start there. Let's go ahead and summarize the comments first, I guess that's the order of things. Then from there we'll go directly to Blair; if that works, Blair? Thanks Kevin.

**00:18:37 Electronic Public Comment Report (Informational)**

**Kevin Bunnell, SRO Regional Supervisor**

**Kevin Bunnell:** I know if the pattern has held true for our RAC as the other guys probably received individually a lot more comments than what came through the public comment process. We had eight comments on this agenda item. Of those we had 50% of them that strongly disagreed with the recommendation. Two, or 25% that strongly agreed. One that somewhat agreed. One that somewhat disagreed. Pretty even split. So the nature of the comments, we had the Utah Waterfowl Association commented, and they had nine recommendations that they proposed and I'm sure you looked at. Really centered around avoiding conflicts with guides and some regulations that they would recommend. Some other sentiment that for guides there needs to be a permitting process and we heard also from folks that didn't agree with regulating guiding in our waterfowl management areas. Some of the sentiment went to the fact that the guides help people get started into waterfowl because it's kind of a specialized thing. They help them get started and they move on to being independent. Some comments around swan hunting and guides really make that an accessible hunt for some people that wouldn't be otherwise. Then some comments about what's really the definition of a guide; if someone takes friends out and they're helping pay for gas, does that really count as guiding? Some comments that way. A pretty

even split between support and not support. That's kind of the comments that came through the official process.

**Brayden Richmond:** Thanks Kevin.

**Blair Stringham:** I'll go ahead and share this. Let me know if you're seeing that slide. It should be showing up any second. Perfect. I appreciate you giving me a minute to talk about this Brayden. This is basically some background information of why we got to this point. Kind of our thought process along the way. It also has a whole bunch of questions in here that I've been getting. Hopefully it will make it more clear in your mind and help move along the discussion after you hear some of this. What brings us here is HB 295, this is legislation that passed in 2021 legislative session. Essentially required guides to have a permit to guide on our waterfowl management areas. So our intent of bringing an effort to this regulation is to try to get some clarification on that so we can try to get something in place before the waterfowl season that will start in September of this year. There has been some concerns that we're just trying to hurry and push this forward. That's not really the case. We know this is a weird system right now that doesn't allow the public to comment, which is unfortunate, but I guess our timeline would be that we need to get on this quickly. After the June Board meeting we have to start trying to work through the details and issue permits, which is essentially why it's coming through now and we're not waiting until a later date. I also wanted to give you some information that guiding has been occurring on our properties and has been for quite a while now. It's not something we've encouraged, it's not something we stopped, it's basically just an activity that's been happening that we haven't really done much about it.

Some background information on our waterfowl hunters, this will probably be helpful. We have about 26,000 waterfowl hunters in the state. That breaks down to be about 3.5 percent of them are non-residents, and the rest are resident hunters, so the majority of hunters in the state are residents. So in order to answer this question we put a survey out there last month and we got about 5,500 people that responded to the survey, so that equates to about 20% of the waterfowl hunters in the state and non-residents that responded to the survey. When you look specifically at the guiding question, we had about 4,800 people respond to that. So the way those broke down was about 97.5% resident and about 2.5% non-resident. The percentages were about the same, I know there have been some current concerns that non-residents did not have the chance to participate. But looking at it, we felt it was pretty representative of the waterfowl hunters we have out there. Because of that we feel like this is a pretty good representation of the waterfowl community is interested in. We also had 4-5 days' worth of data prior to putting out our brown bag materials. So the presentation you had seen was based on about 4-5 days' worth of data. There had been concerns from people that we hadn't used all the data we received in the survey. I pulled the data the morning of the Central RAC meeting, so anyone who had participated in the survey prior to that point, their comments were included in the survey. I'll show you some of the data and that's who's comments you're going to be looking at. So we essentially asked people, do you support or are you opposed to guiding on our WMAs? We gave them five options to choose from to get kind of a feel for

people that were strongly opposed of it, and people who had less strong feelings or who were neutral of it. Starting on the left is our strongly opposed group, we had about 46.4% of people that participated in the survey not supportive of guiding on the WMAs. The next group as you move to the right is the slightly opposed, and that was 16%. The neutrals were 23%. And then on the right side you can see the people that were supportive of guiding. We had about 7.4% that were supportive of guiding. Then 6.6% of people that were strongly supportive of guiding. The way that we essentially combine the strongly and slightly groups to get to our yes/no data, that's the data we presented in the RAC presentation. For the no's we had 62.5%, and for the yes' we had 14%, and then that neutral group that was in the middle.

We also looked at different user groups and these are people that primarily hunt on specific properties, people that hunted on our waterfowl management areas, federal refugee areas, the Great Salt Lake, private property, and duck clubs. We wanted to see if there was any difference between where you hunted and how you viewed guiding. What we found was kind of similar results to what we say throughout the entire survey of participants. If you start at the left that dark orange is the strongly opposed, and again between 40-50% of people were strongly opposed to guiding depending on where they're hunting. As you move to the right you see those different groups, and again the slightly and strongly supportive groups were pretty small again, being at about 7% and 6% for slightly and strongly supportive.

We also looked at non-residents, and a lot of people raised concerns that guiding is really important for non-residents, so we wanted to see what their survey results were. They were a little bit different from what we saw on the overall number of people, a little bit more support for guiding in the state, but again we had about 41% that were strongly opposed, 12.8% slightly opposed. Then that right side we had about 2.8% that were slightly supportive, and 25.6% that were strongly supportive of guiding.

Some other data that we got, just to see how important our WMAs were for waterfowl hunters, we looked at primarily where people look at or are hunting at user days. So we found that about 56.3% of user days for waterfowl hunting occur specifically on our waterfowl management areas. So it kind of shows you just how important our waterfowl management areas are for waterfowl hunters. There is not a lot of places for people to hunt in the state, so a lot of people go right to these properties to do most of their hunting. As you look at private property it's about 15.5%, federal refuges about 10%, and then it goes down from there. We also looked at how many people hunted at least one day on our waterfowl management areas. So, across our hunters about 71% of waterfowl hunters spent at least one day on our WMAs. Again, just kind of emphasizing that these properties are really important to waterfowl hunters. When you compare our other properties, our wildlife management areas, we probably get about less than 3% of hunters hunting on those properties. It's a huge deal for waterfowl hunters and have these properties to hunt on.

We also looked at user days on our waterfowl management areas, and we found that Farmington Bay, it's right in the heart of the population center had about 25% of the user days on it. Ogden Bay has about 19.1%, Willard Spur has about 12.8%, Public shooting grounds had about 10.2%, and Harold Crane had

8.7%. So those five waterfowl areas have about 76.3% of our user days. So those five properties are heavily used by our hunter, it's also where we see the majority of guiding takes place. That's where some of our concerns come from, that a lot of those different parties are interacting on those five waterfowl management areas.

Some other background information, I looked at all the other states surrounding us to see where they stood on guiding in the Pacific Flyway. We have three states in the Flyway that don't allow guiding on their properties, those are Washington, Idaho and Montana. Included in that group is all the Federal Refuges, and they also don't allow guiding on their properties. There are some states that allow guiding with some exceptions, California does allow guiding, but they take a large portion of the money that is made from guiding, and that has to go back to the state, and since it's such a large portion, there aren't any waterfowl guides there because it's not practical for them to do that. Oregon does allow guiding, but they don't allow money transfers on their property. Alaska does, but they require guides to register with the state prior to guiding. Then we have two states in the Flyway that do allow guiding on their properties and that's Nevada and Wyoming.

Just some things to consider. We knew that this was a very polarizing issue and there would be strong opinions on both sides of the argument. So we went into it trying to gather as much background information that we could as we could prior to making a decision. We talked to all our major sportsmen groups; they were all supportive of some form of regulation on guiding. We talked to our waterfowl managers, and they also were supportive of some regulations on guiding. At that point we wanted to see what the public wanted, so we put the survey out to get some feedback from them, so see where they were at so we could formulate a recommendation based on what their feelings were. Based on that survey data I just presented to you, we felt like our recommendation was aligned with the majority of waterfowl hunters in the state.

One thing to keep in mind, I know a lot of the comments we've been getting are in support of guiding, just keep in mind a lot of the comments we generally receive through the RAC process are from the people who have more to lose. Keep in mind that because a lot of people didn't comment through the RAC system, I think this survey is reflective of a lot of those peoples feeling for guiding. Also, this is not an outright prohibition on guiding for waterfowl, it's specifically on our properties and we contain about 120,000 acres of waterfowl property across the state, which guides wouldn't be allowed on through our proposal, but they would be allowed on any other properties out there. Any other ownership, private property, the Great Salt Lake, the lakebed itself, Sovereign lands, anywhere really other than waterfowl management areas is where our recommendation would be for.

Mr. Chair, that's all the stuff I had to share.

**Brayden Richmond:** Thank you, Blair. At this time we'll open it up to questions from the RAC.

**00:31:25 Questions from RAC Members**

**Brayden Richmond:** Just a comment here real quick before we get started, we're going to approach this entire agenda item, which is more than just the guiding piece. But the guiding piece is where most of the comments have come in and the concerns have come in. So we will have questions regarding the entire agenda item number five. When we get to the comment period and particularly making a motion, we'll separate it out. So we can make a motion for this guiding piece and then we'll deal with the remainder. Let's go ahead and open it up for questions from the RAC on this item.

**Austin Atkinson:** We received a comment from Sportsmen for Fish and Wildlife (SFW) with their stance, and I just wanted to ask this question to both Blair and to Greg potentially, where SFW recommended that the Wildlife Board and the RACs table this entire topic of guiding on waterfowl WMAs and form a working group. My question is, would that even be possible to do such a thing under HB 295? I see that we are constrained to create this permit process, but would that even be possible to table this topic?

**Blair Stringham:** It is possible. Essentially, what that directed us to do was to explore a permit process and try to put something in place. By going through this process with the RACs and with the Board, if the recommendation wasn't accepted then it would be something that we would essentially table at that point and try to work out a better solution than what our recommendations are. It would be possible. Greg is there more that you'd like to say on that, to address HB 295 and how we could move forward?

**Greg Hansen:** I mean Blair your spot on. We do have an obligation to report to the interim committee this fall on any new rules that are passed or change in response to HB 295, so we would be reporting our status at that point even if we haven't finalized any changes, I think we'd still be before interim committee giving them an update. 295 does prohibit guiding on waterfowl management areas without an annual permit, so this is our initial proposal to implement that permitting process. Our lands use rule and our lands program have some mechanisms in place for special use permits. There are some other things that we could use to get us through this initial time period. I think Blair is spot on, we can make it work in the interim, but ultimately we're going to need a proposal. Run through our waterfowl rule ideally that will address this topic head on.

**Austin Atkinson:** I think it's important for us to understand, and myself, that HB 295 became law on May 5, 2021 as far as I understand. So guiding or commercial hunting on waterfowl management areas is illegal currently as it stands. So everything we're changing is to do something about that going forward. Is that correct?

**Greg Hansen:** So, you are correct that HB 295 is now affective and guiding is now prohibited on waterfowl management areas without an annual permit. We do have permitting procedures in place for a series of other type of uses, not specific to guiding, but other uses of WMAs that could fill that requirement in the interim. I think Blair's recommendation and the Division as a



whole would prefer to have something tailored specific to 295 in the long run. But if it requires a working group, let's come up with a better product. So, I think we do have the tools available to us to make it though and get back to interim, but I think ultimately Blair will be bringing back a second presentation if this one doesn't move forward.

**Austin Atkinson:** I've been looking into how the Division of occupational and professional licensing works, because they manage guiding licenses or I should call them registrations now, for big game, cougars, and bears. I feel like this whole thing is making a separate annual permit process that's now tasked to the Division or the Wildlife Board and not to DOPL. Is that the correct way to do that, or have we reinvented the wheel here with a pseudo registration permit process?

**Greg Hansen:** You are correct that DOPL is the agency that administers guiding registration for cougar, bear, and big game. The text of 295 incorporated a lot of the definitions and provisions that are in the guides and outfitter registration act into the wildlife code and directed the Division to administer that program. So, I think it's an accurate assessment that it is a parallel program, but it is what 295 directed the DWR to do. Currently that guides and outfitters registration act does not apply to waterfowl guides.

**Austin Atkinson:** To follow up with that. Does a big game hunting guide need to have any sort of special use permit to operate on a wildlife management area, which is also a Division land, or not?

**Greg Hansen:** Currently we do not require a special use permit to guide for big game on our WMAs, no.

**Brayden Richmond:** The question that I have is, the legislation as I read it, asked the Wildlife Board to come up with permits or permitting process for guiding. Yet the recommendation is just to now allow guiding. Then with Austin's question part of the discussion was, what would we do to solve this where it is now law to have permits before this waterfowl season; as the Division looked into this and worked on this under legislative action, what did we come up with to recommend a permitting process? Did we come up with any recommendations for a permitting process?

**Blair Stringham:** So HB 295 didn't necessarily say that you had to protect or allow guiding or make us have to have guiding. Just essentially required guides to have to have a permit. We kind of started at the very base of, do we want to allow guiding or not on our properties? Based on the feedback we got it was kind of our intention to go with the majority and not allow guiding on our properties. Which doesn't necessarily go against HB 295, it simply was us making a decision on guiding. If we were to allow guiding then we would have to have some kind of permit process in place. We addressed part of that with our recommendation, we are still recommending a permit process for guides to be able to use our properties to access other properties, so along with that there is a

permit process that we're recommending, it's not just to allow guiding on our properties, but it is something that guides would have to have to use our properties in different ways than guiding hunters.

**Greg Hansen:** If I could add one more clarifying point to that. At the very end of HB 295 there is a savings clause in there that conserves the Divisions authority to regulate their lands under the land use statute and rule. One of those authorities is to regulate or prohibit commercial activity on a property. So, our position, my position and opinion is that the Division already had this authority to regulate or prohibit commercial guiding on their properties. HB 295 gave us some direction and a nudge, but it did not take a way that authority to prohibit commercial use of a WMA. So, Blair is right, there are some recommendations as far as a permitting process, it is specific for transporting hunters across a WMA and that is the main permitting process we would be recommending today.

**Brayden Richmond:** Thank you. Other questions from the RAC?

**Bart Batista:** I have a question. It sounds to me or are you only doing the permit process for guides purely to facilitate enforcement of preventing guides from hunting on there? Because they're not really engaging in a commercial activity if they're just transiting, right? It's the activities that they're being paid to do is on the destination property, correct?

**Blair Stringham:** Yes, they wouldn't be out there guiding hunters on the property, but they still would be accessing our property. So we do a similar thing up on the Weber River where we have commercial river rafters that park on our parking lot to access the Weber River and then float down. So we do require them to get a permit from us to essentially park there and cross our property to access the River. So it's essentially to get people who are doing that activity to register with us, so we know how many people are doing it. Also, there is a lot of wear and tear on our property so we can use those funds to invest back into the property. It is a very similar situation here, they also park on our properties, they want to go hunt on the lakebed of the Great Salt Lake, but they are using our parking lots, they're driving up and down the roads, their clients are parking there. It's a parallel situation there.

**Austin Atkinson:** I have another question. This is probably more for Greg. Can you help us understand how guiding would be defined as it applies to the state of Utah, vs transporting, or if I had a passenger for higher license and I took decoys and individuals and I dropped them off, have I guided them if I don't stay in the field? Can you explain some of those definitions to us?

**Greg Hansen:** I can do my best. I don't know if we have law enforcement on this call as well, they might be able to provide some more in the field context. HB 295 incorporated the same set of definitions that is in the guides and outfitters registration act. We've also incorporated those and use those in our proposed rule recommendation. So that statute defines what's considered a guide, what's considered an outfitting service, what's considered compensation, which in

general is about a hundred-dollar compensation amount. That is the triggering compensation amount to get a registration through DOPL, so we've used those same definitions and try to mirror the same approach. We have been trying to coordinate through DOPL to get a feel of how they administer that, is that per hunter/per day? Those are some of the details... you know devil is in the details definitely. But, our objective is to mirror the same definition and approach that DOPL uses for big game guides.

**Austin Atkinson:** One more question to follow up on that. Do all WMAs or waterfowl management areas have to have the same rules how it's written? Are all WMAs in a bubble, or could there be separate rules for WMAs as far as what is permitted and what is not?

**Blair Stringham:** That's a good question. Each one of our WMAs has a specific management plan. They're managed independently of most of our WMAs. Within our waterfowl rule, we do have a lot of the same rules and regulations that apply across our waterfowl management areas. So addressing guiding it's something that we could tackle on a case by case basis, on the special permits we can make them specific to one individual property. For some properties there is probably going to be a lot more use than others, so we'd probably want to limit the number of guides or clients they could take out or something like that. Where we haven't really regulated this at all, it's probably something we would probably have to learn as we went along, and as issues arose we'd probably try to address those through the special use permit. The other thing is it does require them to have an annual special use permit. So they'd have to be applying every year, so as we saw issues we could certainly address it the following year.

**Greg Hansen:** Just to add on to that, HB 295 does require the Wildlife Board in their rule to define what we consider to be a wildlife management area, as well as publish a map of its borders. So you'll see in our red line that we've listed the WMA properties that would be part of our recommendation.

**Brayden Richmond:** Thank you, any additional questions from the RAC?

**Verland King:** What would the average cost be for the permit? Is there a set cost or does it vary depending on what your activities are?

**Blair Stringham:** It does vary. We're currently working on a revision of our lands rule, so nothing is set in stone. But currently we charge about \$500 for similar permit fees, so that's likely what this one would be for this first year.

**Nick Jorgensen:** I didn't hear the amount clearly, what was the amount for the year?

**Blair Stringham:** It would be \$500 for the year.

**Bart Batista:** I didn't have a question, I just thought \$500 is going to be deterrent to your smaller guide operations that are doing it for friends, so that would prohibit that.

**Blair Stringham:** And one thing to keep in mind that Greg mentioned is there is that \$100 clause in there. So people taking their friends out, as long as they're not charging their friends \$100 or more, they wouldn't have any issue doing it. And I guess I would argue, if you're charging your friends \$100 to take them hunting they may not even be your friends.

**Austin Atkinson:** Do we have any guesses or ideas from the local WMA manages of how many guides or pseudo guides are using the properties to guide right now, or crossing the properties? Any numbers we could put to that?

**Blair Stringham:** We know of at least 3-4 companies that are legitimate businesses and they have web and Facebook pages, advertising for clients that are actively doing it on our WMAs that we would be able to identify. Then there is a whole list of people below that who are advertising on KSL, Facebook, they don't have any way to track the, we don't even know who all of them are, but there are at least a dozen that we're aware of that are also currently guiding on WMAs, just doing it on a smaller scale than some of those bigger groups. The actual number we don't know for sure.

**Bart Batista:** Anecdotally in a lot of the comments people said, you know, hunting on a WMA was where I was able to get my first swan and talked about the great opportunities WMAs offered. Isn't one of the reasons they're doing this also to relieve pressure on the species, or is it purely just access? Would that go into your consideration in proposing this rule, considering pressure on the species?

**Blair Stringham:** Not so much. Waterfowl can move around all over the place, because they're so mobile if they get a lot of pressure in an area they'll just leave and go somewhere they're not getting pressure. There is probably not as much of a concern for the species as much as it's a human issue and a concern of a lot of people in a small space. Generally, as the pressure increases the hunting quality tends to decrease as well. Like it would for I guess any species.

**Bart Batista:** Thanks.

**Craig Laub:** If we locked the guides off of the WMAs how much of an alternative do they have? I'm not a waterfowl hunter so I know nothing about it, but how much good areas are left for them to hunt?

**Blair Stringham:** There is really the entire state they can hunt on. We manage about 120,000 acres that would be considered waterfowl management areas. We manage those areas to be high quality waterfowl habitats, they do attract a lot of birds. But there are plenty of other areas out there. There are a lot of Sovereign lands on the Great Salt Lake that people are currently guiding on.

All the Agricultural lands, reservoirs, lakes, I mean really anywhere in the state where you can find waterfowl you'd be able to guide on still. And a lot of them do, a lot of the guiding that happens in the state is on private property such as cornfields for geese or mallards, or situations like that they still have plenty of access to.

**Austin Atkinson:** I have one more question in regard to that. I think it's important to remember that no guide licenses or permits are required on private lands. Now, a lot of this seems to come down to the swan tags. I've had a swan tag myself and of course I didn't get one, because I didn't hire a guide right? But are there enough properties to operate as a guide service where they can operate federally if you take the WMAs away. I mean what is left, we're in Southern Utah, what is left for hunting if you take this away?

**Blair Stringham:** There will still be some areas for people to hunt on. Some of that would be on private property, which the guides would have to secure access to. Some of it could still occur on the Sovereign lands of the Great Salt Lake, but a lot of our swans do primarily use our properties or refuges. Really the Bear River Refuge holds the vast majority of swans that we have in Utah. They stop over in that whole Box Elder county area of the refuge. So guiding currently isn't allowed there and hasn't ever been allowed there. Already there are a lot of people who go there and can't use a guide.

**Brayden Richmond:** I'm going to tie this to Austin's question now that he asked that about swans. One of the guides and outfitters called and discussed this with me and some of his concerns. A statement that he made, and I can't verify if it's true or not true, but it seemed reasonable anyway, is that his guiding career up there on the WMA that they have never had a client harvest a Tundra Swan. And again I'm not overly familiar on the WMAs up there, so excuse me if I say something wrong here, but my understanding is they are on a quota and if you shoot too many Tundra Swans that they're very regulated and it shuts down the whole hunt. That seems to be a really positive statement, that they've never had a client shoot one. I believe last year they were shut down early because they reached that quota of Tundra Swans. Do you have any comments to that? Again I just thought that was an interesting statement that seems to be a valid positive for guides.

**Blair Stringham:** Yeah, it's definitely been a concern for us because the last two years we've had to close the swan hunt early. We've put a lot of effort into encourage our hunters to not take trumpeter swans. It still happens whether it's a guided or non-guided hunter, we don't really have any data on that. It is a concern that we have been able to find more Trumpeters in the state the last few years and they're pretty consistent now. There is a potential that people will want to come to Utah to specifically harvest Trumpeter Swans, which guiding would be a good avenue for that. So it could potentially increase it. But, like I say, we don't have any data from the past to say if guiding has influenced those numbers or not.

**Brayden Richmond:** Any more question from the RAC?

## 00:56:23 RAC Discussion/Division Clarification and Motions

**Brayden Richmond:** Let's move into comments, and we'll give it to you Nick.

**Nick Jorgensen:** Where you've got an area where there is WMA and there is private land, and they transition from one to another, how on earth do you possibly enforce the permit issue, or any other regulation that surrounds those that are trying to hunt on those properties? I just can't image how you do it.

**Chuck Chamberlain:** A comment related to Nicks. I guess my concern would be that we might have a few hunters that register and a few guides that really are top notch, and then we have a few that are sliding under the radar. My worry would be that we lock out the guides that have been the most cooperative and try to register and do what they've been asked to do, and then the guides that slide under the radar and say, "I'm not guiding" and go out there and guide anyhow. It sounds like we might punish those who might want to obey the law and not make any difference in the numbers or the guiding going on out there.

**Brayden Richmond:** Thanks Chuck. Any other comments?

**Austin Atkinson:** My comment is a little bit more of the big picture, I worry about the DWR taking on this permit process without having everything that goes into it. I look at other states that I participate in where they have a fish and game department, then they have a DOPL or professional licensing department, then they also have a commercial services department or a Board that handles everything that has to do with commercial services. I feel like we're asking a lot of the Division. And I know we must due to HB 295. But now complaints on guide complaints and everything is going to go through the Division or to the Wildlife Board, instead of to the program we already have where guides must register to become a hunting guide or outfitter. I feel like this almost isn't a guide issue with the DWR, it's a special permit only, and considering them as hunting guides is almost the wrong terminology would be my comment. That we don't have guide organizations in Utah, we don't have the infrastructure needed to make these decisions, and as a RAC members I sit here and listen to the Waterfowl Association who is obviously not in cahoots with the guides who are lobbying for a different request from us. I feel like we've made a mess not using the system that is already there. If the Division would like to go and create a commercial services board and start doing allocations, and start having the competitive proposals process that they have where you can bid for commercial spots on a WMA and you can be awarded a certain day or month or whatever it may be, I think that could solve a lot of these issues and keep the guides and the public happy. But with the five lines of rules here I don't think it's going to make anybody happy enough on both sides. Those are my comments to start.

**Bart Batista:** So, based on all the factors which seem like the rationale for this in general it seems kind of like a good immediate solution to the problem. I think \$500 does seem to be a lot, and I understand the \$100 you should be able to pay for it, no problem, but I didn't... there was no number.. I think Austin you mentioned we're going to limit. Could you have a quota? Are you thinking of establishing a quota? Which is a question not a comment. But I generally think this is a reasonable approach to something you're required to do. You may not have the infrastructure to do it, but the bill requires you do it, so you do it. And, this seems like a reasonable solution. Will you consider quotas?

**Blair Stringham:** Currently we haven't. I guess we just came with the presentation to now allow it at all. I guess if it was to go forward and allow guiding we probably would allow anyone to get permits the first year. That would give us a baseline and we'd probably adjust based on demand and other things like that.

**Bart Batista:** My question wasn't allowing guiding on WMAs, because that's what allows you to transit through. Will you limit those? Because if you don't limit you're still going to have a lot of traffic and that's one of the concerns is the impacts and that they occupy your parking lots and things like that. Will there be limits on permits, or you think that just that dollar value will create a limit?

**Blair Stringham:** So that would probably be my same answer as the other scenario. We'd probably just allow anyone to get one this first year. At that point if we had specific areas where we just had people day after day and after day taking out tons of clients, that is probably something that we'd look at limiting the number of people that use that area. And some of the concerns we've heard have been that exact thing, late season you can go out and hunt and some people have had issues trying to use our parking lots, because there are so many people out in some parts of the year. If that was because of guiding and clients being out there then we'd certainly want to address that so we could allow public to use that area and park there to go out and use that area as well.

**Dan Fletcher:** I think Austin made a really good point about what is the actual guide use in all of these WMAs? Do we have that data? And with that, if we don't have that hard data, even if we do, it seems like we need to form a working group to work through these issues because if you have some of these WMAs that you can manage for guides and some that you don't it opens up that opportunity for everybody. There are really good comments on both sides of the issues, I know all the other members read through them. But, I got tons of email for and in opposition as well. It seems like for the issue we need to form a working group or recommend that to the Board to go through that process and come up with a little bit better solution that might work better for everybody.

**Brayden Richmond:** My comment would align with Dan said. When we're dealing with most other wildlife issues we're working with working groups, we're bringing interested parties together, we're looking for input and trying to

come to a satisfactory answer that both parties can buy into. This one just feels like we're bypassing a step that we've established that we've found to be productive, we've found to be beneficial. I understand we're trying to get it ready for this season and we also have a bill that's directing us to take some action. But we've seen success with the process that we use. That would be my thought to use those working groups and bring this back.

**Gene Boardman:** I like what you just said, Brayden. I've got a problem with make a permit, but the permit won't let you guide. That don't make a lot of sense to me.

**Austin Atkinson:** I think that when HB 295 came out this was almost the overlooked portion as we know. This was trail cameras and baiting, and then it just became baiting. And a lot of us never looked at this waterfowl section. I fear for the guides, because I do respect them as members of the public, that they saw this in there and said ok, I'll still be able to guide on a waterfowl management area, but there is going to be an annual permit process and the non-guided hunters get their opportunity persevered. And I feel like they went along with that and let the bill pass as is, communicating with their representatives and such. And now the guides appear to feel like the rug was pulled out from underneath them and the Division has changed their mind or interpreted differently how they were going to enact that. I feel like it's an education thing or an understanding that wasn't portrayed to the guided hunters, and to the guides who have the most to lose, and I feel for them. And then we sent a survey to back up what we were going to do and overwhelmingly the survey said exactly what we expected it to; most hunters don't go with guides and they want to keep it that way. We don't inherently like change, we don't want to give opportunity to the rich guys or the guys who have more money than us, I want to take my decoys out and hunt. So I feel like the rug kind of got pulled out from under the guides unexpectedly and I feel like we do need some working group, association, or board to come together to figure out what to do in the future. For the time being if we're going to follow what the Divisions recommendations say, to ban all commercial use except for transit use only and to follow the survey results, that's probably what the public is telling us to do. But I do believe it's going to open up for either a lawsuit or new legislation because we're allowing Division lands on wildlife areas to be used by guides, but we're not on waterfowl lands, and is that fair? I feel like that opens up a new can of worms, but it may be the way to go to make changes going forward.

**Craig Laub:** I agree with you, Austin and Brayden that I don't know what we've got to do to satisfy the letter of the law, but I agree we need to go into that working group and come up with a better plan that we have right now.

**Verland King:** I agree too. I think you've got to do a working group because it's possible to do what you want to do from the fee you charge to license these guys. You mentioned California, nobody guides because it's too expensive. I'd like to comment too about surveys, I just took a DWR survey about landowner problems with wildlife and it felt like the questions you asked were skewed to the answers you wanted. So, when you talk about some of these surveys and we see it



all over the country these surveys are done and whoever is doing the survey it gives them the answers that they want. I felt like the questions I was answering on that survey had an underlying motive, and whether it did or not, the questions I would have liked to answer weren't there. So when you talk survey on whether it's waterfowl or some of these others, it seems like you can get what you want by asking the right certain questions. I'm a little nervous about the survey. You've really made a lot of guides in the state upset. I've never had that much response from one group. It wasn't one organization; it was several different people that guide. I think this bill has caused some problems that I think a working group would help, and in that group you could set the price of the fees, maybe these guys could live with and not end up out pricing them. That's my comment.

**Brayden Richmond:** Any other comments from the RAC?

**Tammy Pearson:** Mr. Chairman, I think these last few comments have been really, really important. I think we're a little too hasty in pulling the trigger on this and I like the working group proposal these guys are talking about, and I really like Dans comments. I think we're just a head of ourselves. We found this in the legislative session, there were a lot of bills that changed and morphed and tweaked into stuff we didn't like and we're stuck with them. I think that the working group way is probably the most efficient way to work through the painful part of this. I'm with Verland, those comments. This is something I would have never thought about, I'm not familiar with the guides or the waterfowl stuff, that's just not my wheelhouse. But I'd support a motion on that, to either table it or recommend the working group.

**Brayden Richmond:** Thanks Tammy. Additional comments from the RAC?

**Austin Atkinson:** I'll ask Tammy a question, a follow up with that. I think it's feeling like we're going to recommend some kind of working group or future change or group to convene to consider future changes. But I think we need to ask ourselves what are we going to do this year? And what would be the best course of action? Because we're out of time to make any changes to the 2021-2022 waterfowl season. Now is the time.

**Tammy Pearson:** And that, I don't know. I think the question was asked to Blair, is this something that we table or has this bill forced us into making a decision for this season?

**Blair Stringham:** Mr. Chair, I can address that a little bit from the Divisions perspective as far as timelines and what we can do, if you'd like me to?

**Brayden Richmond:** Yes please Blair. And I believe Greg addressed that earlier, but if you could address that, it would be great.

**Blair Stringham:** We can certainly convene a committee. Coming up with a solution prior to the waterfowl season in September probably isn't realistic

at this point, but we can certainly do that to go through some of the issues at a later date. We currently do have a process in place to issue special use permits and we do it quite frequently on our properties for commercial use and other activities that happen there. So, it is something that we could probably special use permits to anyone that wanted to guide on our property this year also, if that's a direction where you would want to go. Just to give you our perspective of the Division and what we would be capable of if that's where you want to go.

**Brayden Richmond:** Thank you Blair. Does that answer your question, Austin and Tammy?

**Chuck Chamberlain:** I just want to clarify, so it sounds like if we wanted to we could recommend putting together working groups for this year while we put together data and come back with better data to make a decision in the future for long term and short term fix we could issue the permits and still be in compliance with the bill. Is that correct?

**Blair Stringham:** Yes, that's correct. We could easily accommodate that.

**Austin Atkinson:** Just to follow up with that Blair. The whole special use permit process and all the requirements are already in place in your recommendations today because they're there for the transporting portion, but it's just banned for the guiding, is that correct?

**Blair Stringham:** That's correct. Depending on if you want special stipulations you can add that for us to address with the permits. If not we could easily issue people permits based on if you want a permit, apply, we'll issue the permit. The criteria for what would qualify for a guide would be addressed at a future date.

**Austin Atkinson:** One more question. To get this special use permit a guide does not even have to be a guide with DOPL? There has been a guy saying I'm registered, I'm licensed, but that is a whole separate issue that we're talking about. This guy would still not have to register with DOPL, they could just get the permit from you and call themselves a hunting guide as the Division. Correct?

**Blair Stringham:** Yes that's correct. Our permits don't necessarily qualify as a hunting guide, it's basically a piece of paper that says you can participate in these activities on our property. Any other licensing like that wouldn't have to apply. It would just be something you apply for to do that specific guiding activity on our WMAs.

**Brayden Richmond:** I believe the comments have kind of aligned. I believe we may be ready to entertain a motion. I'd say based on what I'm hearing is we'd have a motion based on the guiding portion, then a separate motion to accept the remainder. If we're ready for that I think we may want to entertain a motion on the guiding portion.

**Austin Atkinson:** I'll just make another comment. I am representing the public at large, so something has to be pretty blatantly obvious to me to go against the Division and against the Divisions survey as a representative of the public. I feel like the waterfowl or wildlife is first, and then we're talking about the public which comes second. So the public says we should support this recommendation as it's proposed, but I also agree that we should create a working group or some kind of committee going forward. But understand that if I move to propose that, that we're cutting guides out for the first year at least, and that's where my hang up has been. Not sure how everybody else feels.

**Brayden Richmond:** I appreciate that Austin, I feel like that's a really valid point. We do have a survey with a lot of participants from the Division that did give the Division the information to make the suggestions that they're making. So I appreciate where you're coming from Austin. I think we all felt like this would be a very simple RAC until our email boxes filled up.

**The following motion was made by Verland King, seconded by Tammy Pearson.**

**MOTION: To table the discussion until the working group can be formed to make recommendations on guiding, and issue permits under the current rules for the coming season.**

**Tammy Pearson:** Let me ask a question to clarify that. Will that cover all the bases as far as the bill goes so that nobodies in trouble?

**Blair Stringham:** Yeah, I think that would be fine for us. We wouldn't have any issues there.

**Greg Hansen:** I would be comfortable with that as well.

**Tammy Pearson:** Like these guys said, I'm worried about the guides that have already been in there and if we can give them a year permit until we get all the rest of the bugs worked out. As long as that's clarified, I'll second the motion.

**Bart Batista:** I have a question about the special use permits and the process for that. Is that a simple process or is that another difficult process? What's the price of the tag for a special use permit, timeline, will these people know how to do it, or are we asking administrative hurdles for you all to get that information out?

**Blair Stringham:** We have a specific team within our habitat section that issues special use permits. I talked to them prior to the RAC process and it sounds like they could process those applications and get them out to people in a timely manner prior to the waterfowl hunt. So I think it's definitely something we could accommodate.

**Bart Batista:** And would it be similar to the other permit process we were talking about that after the season started there would be no more special use permits allowed or it would be continuous?

**Blair Stringham:** I believe it's continuous, so if you applied for one mid-season you would be allowed to use that for the remainder of the season.

**Greg Hansen:** Blair, just to put a fine point on that. In recognition of the workload that the habitat section would have to go through to get some of those issued, they'll process them in a timely fashion, but until those guys receive those permits they would not be allowed to operate on the WMA. They would need to receive the permit in hand in order to comply with the bill's provisions. It sounds like Blair has coordinated with habitat and they've committed to make that a smooth and quick turnaround. Just to make clear, they need to have a permit in hand before they would guide.

**Chuck Chamberlain:** I've got a couple of questions for Verland and Tammy, and one for Blair. For Verland and Tammy when you say issuing permits, are you talking about just do pass through WMAs or are you talking about guiding on the WMAs? And then the question for Blair is how many permits are we talking, do we think hundreds of permits or dozens, or twenty? I don't know.

**Brayden Richmond:** Chuck, do you mind if I answer your first question? The motion as written is a recommendation on guiding and issuing permits, so it would be issuing permits for guiding as the motion is written.

**Chuck Chamberlain:** Ok, I wasn't completely clear on that.

**Blair Stringham:** Charles, in terms of permits, I would assume it would be maybe a dozen, maybe two dozen at the most.

**Austin Atkinson:** Just to clarify once again on the motion we're voting on. The word tabling the discussion just means we're going to have a working group in the future but we're going to issue permits for both crossing, transiting across the WMAs and operating on the wildlife areas for this year.

**Brayden Richmond:** Correct.

**Tammy Pearson:** I would understand it as it would keep status quo as they're already doing it right now?

**Brayden Richmond:** Here would be the piece that is not status quo, the bill requires that they would have to have a permit this year. We're allowing a process to get permits this year; we're tabling coming up with a recommendation until a working group can be formed and come back with a recommendation for what we do in the future.

**Tammy Pearson:** Alright.

**Bart Batista:** To clarify that means per the rule they can't hunt on WMAs.

**Brayden Richmond:** They can't guide on WMAs this year until they have this permit. We have a motion and a second. Any additional discussion on the motion?

**Austin Atkinson:** Yes.

**Bart Batista:** No.

**Gene Boardman:** Yes.

**Riley Roberts:** Yes.

**Nick Jorgensen:** Yes.

**Chuck Chamberlain:** Yes.

**Verland King:** Yes.

**Craig Laub:** Yes.

**Tammy Pearson:** Yes.

**Dan Fletcher:** Yes.

**Motion passed 9 in favor, 1 opposed.**

**Brayden Richmond:** Bart, would you like to state a reason for the 'no' vote?

**Bart Batista:** I prefer to go with the Division. The Division is recommending no hunting right now, and I think that is what we should go with. I'm fine with no hunting going on there from a lot of the comments I've read from a lot of the guides. We aren't doing anything right now from preventing the bad actors from squatting on sites and taking this and taking over the spaces. That's why I voted no. But I do like the idea that we're not implementing a new permit process and we have one in place already.

**Brayden Richmond:** Thanks Bart, I appreciate that. The motion carries 9-1. Motion passes. Now for the discussion regarding the remainder of agenda item five on waterfowl. We didn't have any questions on the remainder. Do we have any discussion on the remainder?

**Tammy Pearson:** I do have kind of a question I guess. Seeing how I missed part of the presentation. Were there any other RACs, the Northern RAC and that, that had concerns of different recommendations than what the proposal was?

**Brayden Richmond:** For the remainder, is that what you're asking?

**Tammy Pearson:** Yes.

**Brayden Richmond:** Blair, can you answer that? I don't believe so, Tammy, I watched the other RACs. Blair do you know?

**Blair Stringham:** I don't think there's even been questions about it, I think it's something that just blew right through.

**Brayden Richmond:** Yeah as I've watched them the remainder was pretty simple.

**Tammy Pearson:** Leave it up to the Southern RAC to confuse things.

**Verland King:** Why can't we shoot sandhill cranes down here?

**Blair Stringham:** So Verland, we have actually been trying to work toward having a crane hunt in the southern part of the state through Severe county. We know there are a lot of cranes in that area. So it's something we're trying to work through, but it's through the Fish and Wildlife service so it's a bit extended process. But we're working on it. Hopefully we'll get you one, one day.

**Brayden Richmond:** Verland, I actually like the question, and Blair I heard you discuss this and it's really based on depredation. But I have heard discussion that we're seeing depredation in Southern Utah. I believe what you just said is they are looking at it. So they are actually researching that and looking at the amount of depredation we are seeing in Southern Utah from the cranes. Is that correct?

**Blair Stringham:** That's correct. We get very, very few permits that we can actually issue for the state; it's usually less than 200. So we've directed those to areas with the highest amount of depredation which traditionally hasn't been southern Utah, but we are starting to see more of that down here which is why we're getting more serious about a hunt in this part of the state.

**Tammy Pearson:** So, what about the swans? Because we actually had a bunch of swans on Minersville Reservoir this winter.

**Blair Stringham:** That's something we discussed as well. That's another Flyway thing that we'd have to work through with all the states in the Pacific Flyway. We haven't gotten a lot of swans, primarily 99% of them end up at the Great Salt Lake and then they head towards California. We've had some in the

past come down to the southern part of the state, a lot of times they end up being Trumpeter Swans. So we're kind of working through some of those details as well, but if the opportunity every presented itself to expand that area, it's certainly something we'd be interested in doing.

**Tammy Pearson:** Ok.

**The following motion was made by Tammy Pearson, seconded by Craig Laub.**

**MOTION: I move to approve the remainder of the Divisions proposal as presented.**

**Austin Atkinson:** Yes.

**Bart Batista:** Yes.

**Gene Boardman:** Yes.

**Riley Roberts:** Yes.

**Nick Jorgensen:** Yes.

**Chuck Chamberlain:** Yes.

**Verland King:** Yes.

**Craig Laub:** Yes.

**Tammy Pearson:** Yes.

**Dan Fletcher:** Yes.

**Motion passed unanimously.**

**01:32:31      6) R657-39 Electronic Meetings Rule Amendments (Action)  
                  Kyle Maynard, Assistant Attorney General**

Presentations could be viewed at  
<http://wildlife.utah.gov/feedback.html>

**01:32:43      Questions and comments from RAC Members**

**Brayden Richmond:** Questions from the RAC on this agenda item? Any comments from the RAC on that agenda item?

**Austin Atkinson:** I've got a comment and kind of a hybrid question, but as we make these rule changes so that we can have better electronic meetings going forward; Kyle could you tell us a little about what that could look like as far as live participations virtually in a RAC meeting? So we can understand a little bit what to look forward to?

**Kyle Maynard:** I unfortunately can't articulate much for the hybrid plan. The director's office is still working on how that would work. I've been asked in a previous RAC about how live participation online could work, and that's a good question that I think should be taken up by our tech department. But the goal is to provide the most flexibility and the most public input. So if we can get people to participate live feasibly with an efficient meeting, I'm sure the director's office is looking at it.

**Austin Atkinson:** Would these modifications allow us to participate remotely as a RAC member as well? Could that provision be there if we couldn't make it to a meeting?

**Kyle Maynard:** Yes. That's one of the main goals with the revision is to bring it up with what is currently available for the Wildlife Board, which is, if you don't have a quorum you could create a quorum using an online meeting and notice that properly and not violate the open in public meetings act.

**Brayden Richmond:** Thank you. Any additional questions or comments? If not, we'd entertain a motion.

**Chuck Chamberlain:** Just one more question, if that's ok. It feels like that reading through this, all we're voting on is to increase flexibility in our meetings, because there are no specifics. So is that all there is, or am I missing something?

**Kyle Maynard:** No, as far as being compliant for public meetings that's the only changes. In the future, hopefully soon, we'll have a hybrid protocol draft that can be discussed and in more detail.

**The following motion was made by Chuck Chamberlain, seconded by Tammy Pearson.**

**MOTION: I move to accept the Divisions proposal as presented.**

**Austin Atkinson:** Yes.

**Bart Batista:** Yes.

**Gene Boardman:** Yes.

**Riley Roberts:** Yes.



**Nick Jorgensen:** Yes.

**Chuck Chamberlain:** Yes.

**Verland King:** Yes.

**Craig Laub:** Yes.

**Tammy Pearson:** Yes.

**Dan Fletcher:** Yes.

**Motion passed unanimously.**

**Brayden Richmond:** Motion passes unanimously. Thank you. We have one final item on there, it's regional presentation. Oh sorry, that's just the Northern Region. That won't be for us, correct? So that is everything for this RAC. Next RAC meeting will be August 3<sup>rd</sup>, time to be determined. Do we want to determine that time right now? Under this digital format we've been doing 6 o'clock and it seems to be a nice standard time for everyone, is that the time we'd like to do for the next meeting?

**Austin Atkinson:** Mr. Chair if that goes in person, would that be in Cedar City on that rotation?

**Kevin Bunnell:** Most likely Austin, it would be in Cedar City. We're currently looking at two locations that would have the bandwidth we would need, one in Cedar City and one in Richfield. Both could accommodate us, probably in our Regional offices in Cedar City, our new DNR office in Cedar City on Mainstreet. And then the new building in Richfield are the two options if we were in the hybrid system in person.

So I guess the question is, if we are in person is 6 o'clock ok, or do we need to be a little later to allow travel time, because there are some members of our RAC, like Verland, if it's in Cedar City that's an hour and a half/two hour drive for him. So Verland, I would defer to you as the farthest away on a time.

**Verland King:** I'll say I'll be there. 6 o'clock is in the middle of the day anyway.

**Tammy Pearson:** I was going to say, don't ask a farmer. It's going to be at nine when the sun goes down.

**Brayden Richmond:** If we ask Verland it's going to be at 4 am when he gets up and gets going. So watch out.

**Tammy Pearson:** We might all have to bring a sleeping bag.

**Chuck Chamberlain:** Gene has a two-hour drive as well.

**Tammy Pearson:** At least, and he'll be dodging cows on that road.

**Gene Boardman:** Not really a problem for me.

**Kevin Bunnell:** Everyone is ok with 6 o'clock then, Brayden.

**Brayden Richmond:** Ok, let's go ahead and set that for six on August 3<sup>rd</sup>. Unless there is anything more that we need to discuss or anything else that people want to bring forward, we will go ahead and adjourn.

(Thanks)

**01:39:39 Meeting adjourned at 7:40 pm.**

**Southeast Region RAC Meeting  
Video Conference  
May 19, 2021**

The meeting streamed live at <https://youtu.be/FH6nAFmZMnQ>

**Wednesday, May 19, 2021, 6:30 pm**

1. Welcome, RAC Introductions and RAC Procedure  
- RAC Chair
2. Approval of Agenda and Minutes  
- RAC Chair
3. Wildlife Board Meeting Update  
- RAC Chair
4. Regional Update  
- DWR Regional Supervisor
5. HB 295 Waterfowl Rule Amendments  
- Blair Stringham, Migratory Game Bird Program Coordinator
6. R657-39 Electronic Meetings Rule Amendments  
- Greg Hansen, Assistant Attorney General

Video Conference  
May 19, 2021  
**SUMMARY OF MOTIONS**

**1. Approval of Agenda & Minutes**

The following motion was made by Kent Johnson, seconded by Dana Truman and passed unanimously. 9/9

**MOTION: To approve the agenda and minutes as presented.**

**2. HB 295 Waterfowl Rule Amendments**

The following motion was made by Scoot Flannery, and seconded by Kent Johnson, and failed, 6/3.

**MOTION: To create a special permitting process for guides for the 2021-2022 waterfowl season; and the DWR should create a committee for regulations moving forward.**

The following motion was made by Steven Duke and seconded by Gerrish Willis, and passed unanimously, 7/2.

**MOTION: To accept the recommendations and presented by the DWR.**

**3. R657-39 Electronic Meetings Rule Amendments**

The following motion was made by Kent Johnson, and seconded by Dana Truman, and passed unanimously, 9/9.

**MOTION: To approve the recommendations as presented by the DWR.**

SER RAC Meeting  
May 19, 2021

**Southeast Region RAC Meeting**

May 19, 2021  
Online Attendance

**RAC Members Present**

**Trisha Hedin**, Chairwoman  
**Kent Johnson**, Vice Chairman  
**Lynn Sitterud**  
**Scot Flannery**  
**Steven Duke**  
**Kirk Player**  
**Dana Truman**  
**Eric Luke**  
**Brad Richman**  
**Gerrish Willis**

<b>18:30:00</b>	RAC Chair Trisha Hedin called the meeting to order. She called the roll of RAC members to indicate who attended the broadcast. She explained the process that there will be no live presentations or public comments taken during the meeting.
<b>18:32:18</b>	<p><b>1) Approval of Agenda and Minutes (Action)</b></p> <p>The following motion was made by Kent Johnson, and seconded by Dana Truman and passed unanimously, 9/9.</p> <p><b>MOTION: To approve the agenda and minutes for the Southeast Region RAC meeting.</b></p>
<b>18:33:00</b>	<p><b>3) Wildlife Board Meeting (Informational)</b></p> <p>Trisha Hedin updated the RAC with Wildlife Board decisions.</p>
<b>18:35:00</b>	<p><b>4) DWR Update (Informational)</b></p> <p>Chris Wood updated the RAC on all regional activities.</p>
<b>18:43:00</b>	<p><b>5) 295 Waterfowl Amendments (Action)</b></p> <p>A pre-recorded presentation was provided online on the Division website prior to the meeting: <a href="https://wildlife.utah.gov/feedback.html">https://wildlife.utah.gov/feedback.html</a></p>
<b>18:43:00</b>	<p><b>Public Comments</b></p> <p>Chris Wood stated there were many online comments from the public.</p>
<b>18:46:00</b>	<b>RAC Presentation by Blair Stringham</b>
<b>18:57:00</b>	<p><b>RAC Questions</b></p> <p>The RAC members asked about for clarification about waterfowl hunting on WMAs.</p>
<b>19:17:30</b>	<p><b>RAC Discussion</b></p> <p>Kent Johnson had a comment and Eric Luke had a comment.</p>
<b>19:36:00</b> <b>19:41:00</b>	<p>The following motion was made by Scoot Flannery, and seconded by Kent Johnson, and failed, 6/3.</p> <p><b>MOTION: To create a special permitting process for guides for the 2021-2022 waterfowl season; and the DWR should create a committee for regulations moving forward.</b></p>
<b>19:42:00</b> <b>19:46:00</b>	<p>The following motion was made by Steven Duke and seconded by Gerrish Willis, and passed unanimously, 7/2.</p> <p><b>MOTION: To accept the recommendations and presented.</b></p>

<b>19:47:00</b>	<p><b>6) Electronic Meeting Rule Amendments</b>          (Action)</p> <p>A pre-recorded presentation was provided online on the Division website prior to the meeting: <a href="https://wildlife.utah.gov/feedback.html">https://wildlife.utah.gov/feedback.html</a></p>
<b>19:47:00</b>	<p><b>Public Comments</b></p> <p>Chris Wood stated there no online comments from the public.</p>
<b>19:48:00</b>	<p><b>RAC Questions</b></p> <p>The RAC members asked about: what would happen if we did away with the spike hunt on the book cliffs.</p>
<b>19:49:00</b>	<p><b>RAC Discussion</b></p> <p>The RAC members had no comments.</p>
<b>19:49:00</b>	<p>The following motion was made by Kent Johnson, and seconded by Dana Truman, and passed unanimously, 9/9.</p> <p><b>MOTION: To approve the recommendations as presented by the Division.</b></p>
<b>19:52:00</b>	<p>The following motion was made by Lynn Sitterud, and seconded by Brad Richman and passed unanimously, 9/9.</p> <p><b>MOTION: To adjourn the meeting.</b></p>
<b>19:54:00</b>	<p>Meeting adjourned.</p>

**NORTHEASTERN RAC MEETING SUMMARY OF  
MOTIONS**

**May 20, 2021 6:30 pm**

Utah Wildlife Resources Office, 318 N Vernal Avenue, Vernal UT

**RAC MEMBERS PRESENT**  
**PRESENT**

Jeff Taniguchi  
Dan Abeyta  
Natasha Hadden  
Joe Arnold  
Brad Horrocks  
Daniel Davis  
Robert Johnson

**DWR MEMBERS**

Miles Hanberg  
Blair Stringham  
Pat Rainbolt  
Tonya Selby  
Rose Fedelleck

**WELCOME, RAC INTRODUCTIONS AND RAC PROCEDURES-** Dan Abeyta

**1. Approval of Minutes-RAC Chair**

**ACTION**

**MOTION:** To accept as presented.

1<sup>st</sup> Natasha Hadden

2<sup>nd</sup> Jeff Taniguchi

Passed Unanimously

**2. Approval of Agenda-RAC Chair**

**MOTION:** To accept as presented.

1<sup>st</sup> Jeff Taniguchi

2<sup>nd</sup> Daniel Davis

Passed Unanimously

**5. HB 295 Waterfowl Rule Amendments**

**ACTION**

-Blair Stringham, Migratory Game Bird Program Coordinator



**MOTION:** To approve Waterfowl Amendments as presented/excluding the prohibition of guiding on WMAs this year with a working group to review guiding next year.

1<sup>st</sup> Natasha Hadden

2<sup>nd</sup> Jeff Taniguchi

Passed 5-1

**6. R657-39 Electronic Meetings Rule Amendments**

**ACTION**

-Kyle Maynard, Assistant Attorney General.

1<sup>st</sup> Jeff Taniguchi

2<sup>nd</sup> Natasha Hadden

Passed Unanimously

**7. Motion to adjourn meeting**

1<sup>st</sup> Brad Horrocks

2<sup>nd</sup> Daniel Davis

Meeting Adjourned: 8:09pm

**Northeastern Regional Advisory Council Meeting**  
**May 20, 2021**  
**6:30 p.m.**

**00:00:01 1) Welcome**

Vice Chairman Dan Abeyta filling in for the Chairman (Brett Prevedel) called the meeting to order, welcomed the audience, reviewed the meeting procedures, and had the Board and RAC Members introduce themselves.

**00:02:39 4) Regional Update (Informational)**  
**Miles Hanberg, NERO Regional Supervisor**

**Miles Hanberg:** Thanks Mr. Chairman. We spoke last meeting about us giving an update on the Book Cliffs working group and the activities that have been going on in the Book Cliffs. So I'm prepared to do that now. I'll give a quick presentation and then I've asked Pat Rainbolt and Tory Mathis from our habitat section to also jump in and provide some information on that. Anyhow, I will start through this and let me share my screen here.

Alright, so the Book Cliff working group was formed in 2019. I'll start with a little bit of background about why it was formed and how we're moving forward. Over the past number of years we've noticed a decreasing trend in mule deer numbers in the Book Cliffs. The elk population has been fairly stagnant as well, we haven't seen a great growth in that population. And along the same lines we've seen reduced numbers of our doe and fawn ratio and our calf and cow ratios over the years. The other thing that has been alarming over the years is there has been a high mortality rate on the adult does in the population. So we really started to wonder what was going on.

When the migration initiative was launched, the Book Cliffs was one of those areas that was apart of the migration initiative. We were focused on deer initially. We actually began capturing deer in the fall of 2017. And what was really alarming in 2017 was the body fat, the ingested free body fat scores was pretty low at 7.56%. As we continued to capture adult does in the fall for 2018-19 those numbers remained low and are actually some of the lowest numbers observed in the state. The fact that deer were coming into the winter, before the winter, in poor body condition, kind of suspecting that there may be some issues on the summer range. That's really where we first started to pay some attention towards that. Because of this information we were learning, and the Wildlife Board asked us to form a working group to investigate some of these issues that are going on with the mule deer and elk populations in the Book Cliffs and come up with some ways to address that.

Starting in April 2019, we started meeting with the working group. The working group is a pretty diverse group, including members and representatives of land management agencies, local ranchers that are out there, agricultural interests, as well as members from the Regional Advisory Councils both here in the Northeast and Southeast

region. So it's a pretty diverse group of people that we brought together to start talking about things.

Just a little more information, as we began capturing these cow elk and started moving into more elk research out there, we determined that in 2019 that a lot of our adult cow elk are quite old, and also that about 50% of those are pregnant. Generally speaking there are 90% pregnancy rates in a lot of populations in Utah. Then in 2020 we saw that rebound to 87%. The summer of 2020 was quite a bit better than 2019. I think the elk were in better condition. Incidentally, as we captured elk the beginning of this year in 2021 those pregnancy rates were back down again after last year's severe drought. I think it's really pointing toward drought conditions and poor habitat conditions on our summer range, and that's causing some of these low pregnancy rates in elk.

BYU launched a neonate study for both fawns and calf elk in the Book Cliffs. So these deer fawns were captured as babies and collars were installed and those BYU students were able to track those throughout the summer and into the fall to determine the survival fate of those animals. In 2019 a lot of the majority of the survival of fawns was attributed to cougar and bear predation, as well as a few other predation events from other species as well. A pretty high level of mortality of those neonate animals. And elk in 2019 there were 22 calves captured and 8 of those mortality's were attributed to cougar predation. So predation was taking a pretty big hit on those, and I think these numbers were pretty closely aligned in the 2020 data as well, I don't have those numbers on the presentation. But it shows that predation is a factor out there.

The other thing that we've noticed over the years and a lot of people have noticed it, is there is an abundance of horses. Many of these are considered stray horses, they're outside of any horse management area the BLM may have. But there is also a horse management area on Winter Ridge. What we decided to do as we entered into this working group, is we really wanted to know how many horses were out there, and how much forage they may be using out on the landscape. We were able to do a helicopter survey of that in 2019 and determine that there were 197 stray horses using the summer range, and then nearby on the winter range forest area there were an additional 256. Then 44 other horses within a few miles from our summer range. So in that survey effort we counted a total of 633 total horses, but that wasn't a complete survey of many of the areas on the northern end of the Book Cliffs coming down toward some of our more traditional winter ranges. We really tried to focus on what going on with the summer ranges as we were seeing these low body fat conditions on our adult deer. So that's a lot of horses out there and that's something we started looking at a little closer.

As we talked about the Book Cliffs and these poor conditions, obviously there was some drought, but we wanted to look at what impact the horses and other things are being expressed on the landscape out there. So the working group launched this forage analysis process. Basically the group compiled all the demands out there on the forage for the summer range. This was the cattle, deer, elk, the bison, and horses were needing to make it through the season of use out on the Book Cliffs summer range. We also utilized an NRCS soil maps to evaluate what is the potential forage production, and the forage production is evaluated on low precipitation years as well as average years so we can come up with an average amount of forage that can be expected on those types of years and compare that with the amount of demands on the amount of demands that we were able to compute.

What we found was overall we're at max or slightly over allocated in the Book Cliffs. Especially in that area from Seep Ridge Road to the Steer Ridge area. This is the area

where the majority of the stray horses are located. On a favorable precipitation year there are about 12,000 AUM available and with the demand that's been out there, there's about 12,000 AUM lands that are needed, or slightly more than that. It really leads to point towards over allocation on the resources out there. What we looked at what the demands were by species, you can see that elk makes up at 29% of the total demand, deer only 5%, bison as low as 4% with the number we have out there. Permitted cattle use 26% and then we see the horses and these are the horses on the summer range are using up to 36% of the forage out there. These are stray horses out there taking forage away from some of the other resources.

We came up with this balance sheet to be able to compute the demands by some of the species and compute basically what percent of the time these populations were spending on the summer range and the numbers and came up with this forage balance. It's a pretty in-depth process, it is somewhat course, it's not really a defined scale so it gives us a good idea. Anyhow, that's kind of a summary of that.

One of the other things we talk about is the Seep Ridge Road and the amount of roadkill that's going on. This gives us an idea of the amount of roadkill that's gone on over the years, before the road was improved and paved we had almost no deer being hit on that road, and that shot up to about 35 mortalities a year. That doesn't seem like a large number, but the traffic numbers are pretty low out there. As traffic volumes were to increase we'd expect traffic volumes to increase as well. In a population that is somewhat declining, any added mortality can cause concerns as well. It's probably not driving the population, but it is another factor we look at.

So, with all this information in mind the working group developed a number of strategies for different areas to address, to try to start working together and taking care of in the future. Many of these strategies include stray horses. A strategy was to find ways to remove some of these stray horses from the summer range and try to manage them in the future so the numbers don't get out of hand. With wild horses, BLM manages those on the winter ridge area. They don't have a target number for the winter ridge; however, the numbers are exceeding the amount of AUMs that they're allocated for on winter ridge. Now some of you familiar with wild horse and burlap, and some of the challenges that they face, understand that it is a pretty tough situation. But it's something that this group is trying to encourage BLM to look at a little closer and find ways to cut back on some of that pressure.

The other thing is we were wanting to evaluate, what's the cattle distribution and usage. What are the usage patterns out there, are there areas that are being underutilized? What are some of the challenges and barriers that are being faced in the Book Cliffs for grazing and how can we over come that. Part of the cattle grazing and distribution aspect was to start having more joint meetings with permittees and address any issues that may be on the landscape and be more proactive with that. Part of this we've identified a number of water projects and many of those are being implemented, continued vegetation projects as well. That's a good effort that should be able to benefit everybody in the long run.

Another strategy on deer herd health was to continue to evaluate body conditions, predation, and survival ship of these deer over the years. We've actually extended the fawns and calves study that BYU has been implementing for another year. So they will be continuing that this year as well, just to make sure we have a good snapshot and representation of what's going on out there because we've had some extreme years with

different weather patterns between 2019-2020. That's another strategy to continue to do that just to have a better handle and what's going on in the population.

With cow elk we wanted to continue to monitor the pregnancy rates as well as evaluate the age structure out there. A number of these cow elk that are captured end up being quite old. We took tooth samples this year from hunter harvested cow elk in the Book Cliffs, and those elk came in 3-4 years older than the rest of the state on average. We do have an older population out there that may not be as productive and certainly that does factor into what kind of recruitment or other factors going into the elk population. Then we wanted to continue to implement predator management for both deer and elk to make sure those populations have the opportunity to respond as weather and climatic patterns improve in the Book Cliffs.

Then the bison issue out there. Another goal was to use hunting as a tool to continue distributing bison off the landscape. Over the years there have been some favorite areas for those bison like on winter ridge and Rock Springs, so a major goal is to try to distribute bison to a larger area in the Book Cliffs. And I think that up to this point, this last year especially, we've seen some success. It's been a good effort. We'll continue to monitor bison and continue to complete projects to help further move bison so there is not concentrated use areas by them. Then we'll continue to use hunting as a management tool for bison in the Book Cliffs.

The Book Cliffs working group has committed to work together after the development of this plan and meet semi-annually to evaluate progress and regroup each year and identify strategies and tasks for the year to be completed. We'll continue to find additional research to answer any question that may be needed as well. After five years we'll want to reevaluate the plan and see what we need to move forward. Hopefully in five years we can make some progress, but we also need some cooperation from mother nature as well.

That's kind of an overview of the Book Cliffs working group. I'll have Pat Rainbolt give us some updates on some of the things that have been done. The first update I'll cover however briefly, there was an effort last fall involving landowners and other groups to actually gather 219 stray horses off the summer range. So that was successful last fall and those horses were removed and taken off the landscape. That should really help start to free up those AUMs on the summer ranges as well. There is continued discussions and talks to try to find other ways to remove additional stray horses as well. That's been a big success, we'll get some more instantaneous relief to the landscape right now. But there is also a lot of long-term strategies that need to continue. With that I will turn over to Pat and have him provide some additional updates for the group.

**Pat Rainbolt:** Thanks Miles. I appreciate the opportunity to talk about the Book Cliffs a little bit. It's one of my favorite things to do, and one of my favorite places to work. For those of you who don't know me, my name is Pat Rainbolt and I'm the habitat program manager here in the Northeast Region.

I'm going to talk about habitat projects in the Book Cliffs and things we've done over the last 20 calendar years.

We'll start with the vegetation treatments. First category is Pinion Juniper removal. Some of this is maintenance work on existing projects, but a lot of acres there, almost 60,000 acres in 20 years over eight million dollars spent on that. Native plant restoration, this includes herbicide treatments, any kind of seeding we do to try to restore native vegetation in the Book Cliffs. Almost 40,000 acres there. Stream restoration, not a whole

lot of water in the Book Cliffs, but there is some, 52 acres and we've tried to maximize those efforts where we have those opportunities. When I say we in this presentation I want to emphasize I'm talking about the DWR and all our partners. We certainly couldn't do this without the BLM, SITLA, the NRCS, the producers out there, the oil and gas companies, and the public at large too. The partner groups really make these projects happen.

You can see the black outline there is the summer range for our focus working group. That's where we were starting to focus a lot of these future efforts that Miles is talking about there. You can see some of the different colors on there and the projects that have been done over the last 20 years. Pretty impressive work that is being done out there. We've picked just about all the areas that you could do work out there. I think those that have lived here a long time, if you go down to the Book Cliffs now and compare it to 10-15 years ago it is quite a different place.

Water developments. We're doing a lot of these big game guzzlers these days. They're pretty low maintenance and have a lifespan of 30-40 years on these and are a really good investment for the money spent. They're 18,000 gallons and have this additional apron similar to a roof on a house that helps collect additional water. So 35 new guzzlers in just the last two years alone, we've really made an effort to target this summer range and help address some of the issues out there with the forage water deficiencies.

Here is a rough map of our guzzler locations. This hasn't been completely updated. The big polygon on the far right, there are probably a dozen more blue circles that you could add into that area. And on the middle black polygon we've done quite a bit of guzzler work in that area as well. We have over 100 guzzlers in the Book Cliffs on a whole and on that summer range we're starting to focus work. We're starting to fill in the voids you see on the map there.

These guzzlers really help with distributing these animals out there on the Book Cliffs. They're available to any mouth on the ground, so we can really target areas that have great wildlife habitat, but not necessarily any water resources there. So we can put these out on those long ridges or areas way away from the creek that help draw those animals into those quality habitat areas where they might lack a water source. You can see there are some nice bull elks, some mule deer, some more deer and elk there. And you can see how low profile the guzzler is there. Pretty neat projects.

More on the water development side, again, the last two years we've really focused on that summer range. We've had 39 of the existing stock ponds cleaned out. The picture in the upper left, you can really see how these ponds that fill up with a lot of sediment as the years go by, and they need to be maintained and cleaned out, realigned the seal so they do hold the water. The picture on the far right is a freshly cleaned out pond; you can really see the difference. If you look close enough in the background you can see some deer hanging out back there beneath the pinion juniper trees.

Domestic livestock grazing. Miles talked about the group we've partnered with to kind of update the grazing out there, trying to keep everyone on the same page so we all know what's going on out there. Our resources are addressed, so we've started these annual operating plans talking about rotation numbers, any maintenance needs or concerns from any of our partner agencies. And new projects that could help the situation out there in the future. Again, we're partnering with BLM, SITLA, NRCS, and the producers out there. During the seasons we're looking at compliance. We'll do on the ground checks, any trespass concerns and address those. Any resource concerns where

there might be over utilization of water sources or forage issues that may happen. On a year like this we'll probably see a lot of those pop up earlier in the year. And again, ideas for projects and maintenance as time goes by. Then finally at the end of the year we do the usage monitoring. We've worked with the BLM and NRCS, and SITLA to put a lot of monitoring cages up. This gives us an idea of what's using that forage and what time of year. That helps us with our compliance and where to go in the future with livestock.

If there are any clarifying questions I'd be glad to address those.

**Brad Horrocks:** Can you tell me the cost of a guzzler?

**Pat Rainbolt:** Sure. Total cost of a guzzler for the tank and apron materials is about eight thousand dollars. That's quickly going up with the price of lumber and materials, as you guys know. It's approaching about nine thousand dollars. The DWR, we built those without in house crew, so for us to show up with equipment and the man power to build these, we probably match about two thousand dollars for each guzzler. Just the raw cost of materials you're probably looking at about eight thousand dollars for a 30-40 year water source.

**Brad Horrocks:** How are you sealing your ponds?

**Pat Rainbolt:** We use the mixer salt. Kind of spread that over the soil. Unlike the clay bentonite, you don't have to work it in the soil. A lot of these ponds do dry out and crack in the dry season and that kind of makes the bentonite ineffective. The producers came to us with that, they really prefer the mixer salt to seal those ponds. It lasts a lot longer and does a better job.

**Brad Horrocks:** You know it's impressive the amount of work that has been done out there, and the AUMs have probably increased by tremendous amounts. Just for comments, I'd like them to see a study or look at, you know you basically start hunting elk around the first of August, and quit sometime in January. Is that correct? Throughout the years there is no way the body fat on these elk.. basically they've got the month of May, June and July to try to put on the body fat from the winter. Then to try to put on body fat with the amount of hunting they are taking from pressure out there, when do the elk have the time to stop, rest, eat, and try to put on body fat to carry them through the winter. I'd like to see us address that or talk about it. I'm not a wildlife person, but I do raise a lot of livestock and I can't imagine that this does not have an affect on the animals. The amount of days that they are being perused; either with deer hunters, or buffalo hunters, whatever all goes on. They've got to have a time period when the forage is good, have a break to put on this body fat that they're so in need of. Just a comment.

**Pat Rainbolt:** Commissioner, that's a great point. I would even add on, once you stop the hunts in January, immediately after that you get other pressures, like shed antler hunting. It's almost a year-round stress out there. There is not a month on the calendar where these deer and elk don't have some kind of disturbance out there in the Book Cliffs. There are certainly some issues to be addressed there with disturbances for sure. It's a good point.

**Daniel Davis:** Pat, if I may, I have a couple of questions. So, on a lot of those brush hog areas, we've noticed more recent in the years past that there seems to be a pretty substantial presence of thistle that seems to appear right after those fresh brush hogs. We've also seen a pretty high spike of white top. I know those are a lot of BLM managed properties, but what type of mitigation can be done? Or what can we look at in that nature for the future?

**Pat Rainbolt:** That's a good observation, Daniel. There is actually a project going on right now. We saw the wheat sprayer out there a couple of weeks ago when I was out there on Boulevard Ridge. The BLM put out a contract to map those areas in those fresh bull hog projects, and there was quite a bit of bull thistle that popped up in those areas. That is being addressed, it's being sprayed I think the first of June into maybe mid-July. That is being addressed, yes.

**Daniel Davis:** Thank you.

**Miles Hanberg:** The other thing I forgot to mention before, so tonight I just wanted to give everyone an update, or some history of how the group was formed, and Pat is giving the update and some of the results of the habitat end of things. Then at the August meeting I've asked Dax Mangus to follow up with an additional presentation to talk a little bit more about some of the research findings and things we're coming up with on deer and elk populations, and bison as well. So we'll have a follow up presentation in August from him as well, but I didn't want to spend too much time tonight as there is a lot of information we could talk about. So look for that in the next meeting we have for some additional information on this.

**Dan Abeyta:** Was that all for the Book Cliffs, or was Tory going to go over something too?

**Pat Rainbolt:** No, he's presenting a management plan later on.

**Dan Abeyta:** Ok, are there any other comments or questions from the RAC? Joe Arnold, I thought I saw your hand go up. Did you have a question?

**Joe Arnold:** No, I accidentally pushed the button.

**Dan Abeyta:** Ok. Well thank you, Miles and Pat, we appreciate both of your presentations and everybody's combined efforts on the Book Cliffs working group and trying to get the Book Cliffs back to where it once was, and where it should be. Looking forward to seeing how that progresses. Miles, did you have anything else from a regional supervisor update? Or was it just going to be the Book Cliffs tonight?

**Miles Hanberg:** I think we can leave it at that. I'll just briefly mention that we're trying to do some planning for drought contingencies with some of our stocking on our reservoirs. We'll also be starting some cutthroat spawning in the



next month. There is just a lot of field activities ramping up, and I will give a little more thorough update on that in the August meeting as well. A lot in the works for the summer, it's a busy time.

**Dan Abeyta:** That sounds good. Thank you, Miles. Again thank you Pat. Kind of circling back, I know at least one person joined us. Daniel do you want to introduce yourself?

**Daniel Davis:** You bet, my name is Daniel Davis, I represent the sportsmen.

**Dan Abeyta:** Thank you. And I think there was one other person, I can't see a name, but I see a phone number. Is there another member of the RAC who has joined us?

**Miles Hanberg:** I believe that's Robert Johnson from the Ute Tribe.

**Dan Abeyta:** Do we have a new Tribal representative on the RAC then, Miles?

**Miles Hanberg:** Yes, it will be Robert Johnson. He's their new Fish and Wildlife department director. He will be their RAC member from this point forward.

**Dan Abeyta:** Robert if you can hear us would you like to introduce yourself? Welcome. I'm not sure what's going on there, maybe he had to step away for a minute. Anyway, I'm going to start circling back here.

**Robert Johnson:** I'm sorry, I was trying to figure out how to unmute this. I'm Robert Johnson with the Ute Tribe Fish and Wildlife. I'm representing the Ute Tribe.

**Dan Abeyta:** Thanks for being with us Robert. I think that puts us at six, seven including myself, Miles. So we'll move forward and the next thing on the agenda would be to have a motion to approve the agenda for tonight's meeting. Is there someone that would like to make a motion for that?

**00:39:47 2) Approval of Agenda and Minutes (Action)**

**The following motion was made by Jeff Taniguchi, seconded by Daniel Davis.**

**MOTION: I move that we approve the agenda as presented.**

**Natasha Hadden:** Yes.

**Daniel Davis:** Yes.

**Joe Arnold:** Yes.

**Brad Horrocks:** Yes.

**Jeff Taniguchi:** Yes.

**Robert Johnson:** Yes.

**Motion passed unanimously.**

**The following motion was made by Natasha Hadden, seconded by Jeff Taniguchi.**

**MOTION: I move that we approve the minutes from the April meeting.**

**Natasha Hadden:** Yes.

**Daniel Davis:** Yes.

**Joe Arnold:** Yes.

**Brad Horrocks:** Yes.

**Jeff Taniguchi:** Yes.

**Robert Johnson:** Yes.

**Motion passed unanimously.**

**Dan Abeyta:** Thank you, that passes unanimously. Moving along here. I filled in at the Wildlife Board meeting back on the 29<sup>th</sup> of April for Brett. So I'll just kind of give a quick update on how that Wildlife Board meeting went on the 29th of April.

**00:41:34 3) Wildlife Board Meeting Update by RAC Vice Chair, Dan Abeyta**

**Dan Abeyta:** Acting director Rory Reynolds gave an update. He just wanted to remind people that the antlerless application period would be opening here in about a week. That's May 27 and will run through the 17 of June.

Switching gears to Fisheries, the Division is pretty excited that there is about 150,000 of Tiger Muskie that are being stocked throughout waters in the State of Utah. Kind of a relatively newer species that the Division is incorporating into the fishing program.

The watershed restoration initiative has kind of hit a major milestone with over 30 million dollars of project money that has gone to on the ground projects, so that's quite phenomenal. The watershed restoration initiative is alive and well, he mentioned what we just went over, in the Book Cliffs, so no need to go over that anymore. He also mentioned that there is a lot of restoration going on along the Strawberry River as a result of the Dollar Ridge fire. There is a lot of good terrestrial and aquatic restoration going on along the Strawberry River, and it's much needed.

There were a couple of items placed on the action log list. One of those was an item to track the Divisions progress with the 2023 draw application date changes, with an update to the Wildlife Board in year one. The other one was to place a list of all allocated permits by unit on the Divisions website. So this will also be placed on the Action log to be done. There is that.

Then I'll move into the summary of motions, there were quite a few as you'll remember from our April meeting. There were quite a few action agenda items, starting with buck deer. There was just a sub motion there, and this was something we voted on as well, there was a motion to approve a 600 permit decrease on the Manti and also to keep the San Juan Abajo unit permit the same as 2020 and that motion passed unanimously. The other motion was to accept the remainder of the Divisions recommendations for buck deer, and that passed unanimously as well.

Switching over to bull elk and buck pronghorn permit recommendations for this year. There was a motion to accept the Divisions recommendations as presented with the addition of one permit on the Little Creek unit, and that motion passed unanimously.

On the once in a lifetime permit recommendations for '21 for bison there was a motion for this year for anyone who receives a bison permit that they also receive information on shot placement and any additional information that the Division would like to include along with that tag. Then moving into '22 there would be a quick mandatory orientation course for all bison hunters. And again, this is kind of geared around shot placement, ethical shot placement. That motion passed unanimously so there will be a little brochure going out for those successful bison hunters this year. The other motion for bison was to increase the archery hunter's choice permits on the Henry Mountains from 4-6, and that passed unanimously as well. Then the remainder of the Divisions once in a lifetime permit recommendations passed unanimously as well.

The antlerless permit recommendations, there was a motion to accept the Divisions recommendations as presented, that passed unanimously.

The same is true for the CWMU permit recommendations, although it did not pass unanimously, it passed on a 4-2 vote.

There was also a unanimous vote on the conservation permit amendments, motion to accept that as presented by the Division.

On the Weber Florence Creek CWMU permit request the motion was to approve the permit request for the Weber Florence Creek CWMU as presented, that also passed unanimously.

The final motion was an AIS- Aquatic Invasive Species rule amendment to incorporate a new strategy using a dip tank, and the motion was to approve that AIS rule amendment as presented, and that passed unanimously as well.

I think that was it for the summary of motions in the April meeting. Any questions on any of those, it was quite a bit, I know.

Ok, well we only have two action items here for tonight's meeting, the first one has to do with HB 295, and that's the waterfowl rule amendments. Blair Stringham has a presentation he would like to share with us. So, Blair, if you'd like to take it from here.

**00:47:15 5) HB 295 Waterfowl Rule Amendments (Action)**

**Blair Stringham, Migratory Game Bird Program Coordinator**

Presentations could be viewed at

<http://wildlife.utah.gov/feedback.html>

**Blair Stringham:** Yes, I'd love to Mr. Chair. I'm going to start sharing this, so let me know when you see it. Is that showing up? (looks good) Ok, so I just wanted to give the RAC some background information, there has been quite a few questions that have come up during this process so this will be essentially some background on why we came to this point, and why we are putting forth this recommendation. It's also going to address quite a few questions that have come up in the other RAC meetings that will help things move along and help you from getting hung up on some stuff the other RACs have. So I'm going to start off on HB 295, this is legislation that was passed a few months ago. It went into effect just a couple of weeks ago. So it essentially requires guides to be on our WMAs either for hunting or for even transporting clients across the properties. We put forth this recommendation pretty quick to get ahead of it, so we could have it move through the RAC and Board process and we could start issuing permits before the waterfowl season starts in September.

One of the things to point out is HB 295 doesn't necessarily prohibit or protect guiding, it simply just says that if guides are accessing the property, they have to have a permit. The other thing that people have asked is why we are trying to push this through so quickly and if we're trying to avoid public comment. That certainly is not the case. As I had just stated we're trying to get a permit in place for guides that have to have their permit so they can use our properties this fall. Our timeline is pretty short on it, so we wanted to get this out through the public process and get rolling on those permits. I also want to say that guiding is one of the activities that have been occurring on our properties for a long time now. It wasn't something that we were encouraging, or anything we were stopping, the guides were out there and they were guiding hunters and it has continued up until this point.

For some background information on our survey, we have about 26,000 waterfowl hunters here in the state, and the way that breaks down is about 3.5% of them are non-residents, and the rest of those are resident hunters that are hunting each year. We sent a survey out to the public to essentially try to get some feedback on the question of guiding and a variety of other topics. We had about 3,500 people participated in that survey, and they were all waterfowl hunters. We knew that we had a target audience in the survey. Specific to the guiding question, we had about 4,800 people participate, and we wanted to see how represented this was to the waterfowl community, specifically in terms of residents and non-residents. So we looked at the numbers who participated and the numbers were

just a tiny bit from what we see in the overall hunters. Because they're so close, we feel like it's a pretty accurate representation of our resident and non-resident hunters. We also had some concerns that people said we hadn't used all the data that was collected in the survey, and that was true, we had had about 4 days' worth of data that we had presented in the RAC packet and that was just because of the duration of the survey at that point. So as of the morning of the Central RAC meeting on May 10<sup>th</sup>, we pulled all the data at 8:30 in the morning. So all of the people that participated up until that point, their survey results will be shown here in what I'm about to show you.

For the question that we asked we essentially gave people five choices, we wanted to see just how strongly they feel about guiding from one end of the scale to the other. Starting on the left, that dark orange, that's our strongly opposed group. Moving to the right you have the slightly opposed, neutral, slightly support or strongly support. And so for the strongly opposed group we had about 46.4% of the group that opposed guiding on our WMAs. The slightly opposed group was 16.1%. We had a group in the middle. Then the slightly supported group we had 7.4% of people and the strongly support with the 6.6%. The way that we essentially got to a yes/no question was combining the slightly and strongly supported groups. For the 'no's who didn't want to see guiding that total was 62.5%, and the 'yes's total 14%. We also wanted to look at different user groups and we know that some people primarily hunt our WMAs, other people hunt different areas, and we wanted to see what their opinions were on guiding. So we looked at our survey based on where people are primarily hunting. We looked at our WMAs, Federal Refuges, the Great Salt Lake, the Sovereign land, private property and duck clubs. Starting on the left, we had the same five categories, dark orange is the strongly opposed group. It was pretty similar across all user types, we saw it was about between 40-50% of people that strongly opposed guiding. As you move to the right you see slightly opposed is that lighter orange color, gray is in the middle, then you see the slightly supportive group in the blue and the strongly supportive group in the gray.

We also looked at non-residents. A lot of people have been concerned that this is a huge opportunity for non-residents that we're taking away their opportunity if there are no guides. So we asked them the same five questions. Looking at the people that participated in the survey about 41% of people strongly opposed that. But we did see a higher number of people that did support guiding in the non-resident community. They were about 25.6%. So again we saw kind of those polar opposites of people supporting or not supporting it. Then a group of people in the middle. We also wanted to look at user days, just to see how important our properties are to a number of hunters. We looked at the percentage of user days on various properties. We found that 56.3% of WMAs are where... Or our WMAs contained 56.3% of the user days of waterfowl hunting in the state. That is over half which is quite incredible that all of our waterfowl hunters are using our property so much. We looked at private property at that was at about 15.5%, Federal Refuge is at about 10%, and it goes on from there. We also looked at how many people hunt on our properties at least one day or more a year. We found that 71% of all waterfowl hunters spend at least one day hunting on our properties. Again there is a huge percentage of waterfowl hunters that are utilizing our properties. If you compare that to our other properties like our wildlife

management areas we have across the state, we see less than 3% of people actually hunting on those properties. I guess the point of this is just to show that these waterfowl properties are heavily used and they're very critical for waterfowl hunters in the state.

We also looked at user days across our WMAs, just to see where the most pressure was occurring. Farmington Bay gets about 25% of our hunters, which isn't surprising. It's right in the heart of the Wasatch Front. Ogden Bay gets about 19%, Willard Spur just under 13%, public shooting grounds about 10%, Harold Crane just under 9%. Just between those five properties that's about 76.3% of waterfowl user days in the state. These properties are all along the Wasatch Front along the eastern shore of the Great Salt Lake. They are in our most populated location in Utah, but they do get a lot of use as well. What we found from what we've seen with guides is these are the properties where most of the guiding is occurring, where a lot of the interactions we're seeing between guided hunters and non-guided hunters.

We also wanted to look at some of the surrounding states in the west to see what their take was on guiding. There are several states in the west that don't allow guiding, that's Washington, Idaho, Montana, and all the Federal Refuges also don't allow guiding on their properties. There are also states in the west that do allow guiding with some exceptions; California does allow guiding, but it's a large portion of money that's made through guiding has to go back to the state, which essentially means that no guiding goes on there because that percentage is so high. Oregon allows guiding, but they don't allow money transactions to occur on their property. And Alaska also allows guiding, but you have to register with the state prior to guiding. We have two states in the west that do allow guiding on their WMAs and that's Nevada and Wyoming.

Lastly I just wanted to talk about some of the background that we put into this recommendation prior to putting things forth in the RAC packet. We realize that this is a very polarizing issue. We've had concerns about it for quite some time, but we've never put forth a recommendation or try to make a decision on it, simply because we know how polarizing it was and the strong opinions on it. What brought us to this point was HB 295. We realized we had to make a decision on this and try to decide what guiding meant for our properties. So we started with our groups in the state, we reached out to all of them just to see what their opinions were on guiding. Most of them all felt like there was a need for some kind of regulation on guiding. We also talked with our waterfowl managers, again all the ones on those heavily used properties, all of them felt like there was a need for some kind of regulation on guiding as well. At that point we wanted to see what the public wanted. So we put forth the survey and we just presented those results to you. Based on that we felt like the majority of hunters did not want to see guiding on our properties. So that's the recommendation we put forward, simply because the majority of people wanted that we wanted to represent their interest and put the recommendation forward to not allow guiding.

We have got quite a few people that asked why we didn't put a committee together prior to this recommendation and that's something that's very common within the Division to have committees to address issues like that. Why we didn't was because of the timeline, we needed to get something out fairly quick, but also we realized that starting a decision with a committee is basically starting a

conversation about how we are going to allow guiding. We felt like given that most of the sportsmen that participated in the survey didn't want to see guiding, it was probably a good place to start with just not allowing guiding, so that's how we moved forward with it.

I wanted to point out a little bit, this is only prohibiting guiding on specifically our waterfowl management areas. They take up about 120,000 acres of wetland in the entire state. That leaves the rest of the state that is open for guiding. There is a lot of guiding that occurs across the state on private property, on ag fields, specifically in the basin is probably one of the best places in the state to hunt geese; a lot of guiding occurs there. There are lots of duck clubs, there are lots of marshes that are leased by guides. There are still ample opportunities for guides to participate in hunting. The Great Salt Lake is where much of the guiding currently occurs and that is something in our proposal that we are currently recommending allowing as well.

The other thing we got asked is what is our capacity to issue special use permits, given that they need to have these by this fall. Our staff are going to be very capable of issuing permits in whatever form the RAC and Board decides. We are prepared to issue permits to anybody that would want one. We're set up to do that as well.

Mr. Chair that is all the information I had to present, but I'm happy to answer any other questions any of you may have.

#### **00:59:51 Questions from RAC Members**

**Brad Horrocks:** Mr. Chair, my son is a guide, so I need to declare a conflict. I'm not quite sure, well I don't know where all he hunts, but I'm not aware of him hunting up there because I've hunted up there. We've had four crane tags; we've always hired a guide. But anyway I don't know what I need to declare there. Miles, keep me out of trouble.

**Miles Hanberg:** You know, I don't know that he does any guiding for waterfowl on WMAs, if so there may be a conflict. But if he doesn't there probably is not a conflict.

**Brad Horrocks:** Miles, I really don't know. I don't pay one ounce of attention to what he does on that end of the world. I know he hunts geese down on his private property. That's all. I don't know what I need to do, because I've truly not given any thought because it has nothing to do with me but maybe I need to get some details on that from him. I know he does guide goose hunters on his private property down there in Neola.

**Miles Hanberg:** I think to avoid any potential controversy, I think it would be the best interest from that standpoint if you participate in the discussions, but maybe recused from the vote. I think that would cover any potential conflict without knowing if he guides on waterfowl management areas or not.

**Brad Horrocks:** Alrighty.

**Jeff Taniguchi:** I have a question for Blair. Did Ducks Unlimited have a position on guiding?

**Blair Stringham:** They haven't had an official position. We did meet with ducks unlimited and they did express some of the same concerns we've heard from many of the sportsmen that pertain to guiding. But they haven't submitted any formal position on that.

**Jeff Taniguchi:** I have another question. What are the qualifications for guiding? Is that a state regulated thing? What are the qualifications to be a duck hunting guide?

**Blair Stringham:** That's a great question. There is an agency called DOPL, you may have heard of them. They are the ones who issue a permit basically for people to become a licensed guide here in the state. That specifically applies to big game, cougar, and bear though. There isn't a process for people to become a licensed guide for waterfowl in the state. There are some things that people have done basically to cover the liability aspects of guiding. Some of the waterfowl guides have gone through that DOPL process and do have insurance. Some of them are able to transport people across lands in their boat. All that stuff isn't required right now for people to guide for waterfowl in the state.

**Jeff Taniguchi:** They're not... so does that agency require them to do first aid kind of stuff also?

**Blair Stringham:** I believe that is a part of the DOPL compliance, but I'm not 100% sure.

**Jeff Taniguchi:** So it's basically kind of a free for all. If you want to call yourself a duck guide, you can be a duck guide?

**Blair Stringham:** Yep. There is currently no regulations on what you need to do.

**Jeff Taniguchi:** And no guidelines from the state?

**Blair Stringham:** Nope.

**Jeff Taniguchi:** Thank you.

**Dan Abeyta:** Miles, are you prepared to share the summary from the public comments on this agenda item?

**01:04:13 Electronic Public Comment Report (Informational)  
Miles Hanberg, NERO Regional Supervisor**

**Miles Hanberg:** We received eight comments through the electronic commenting process. Of those eight comments, three people 37% strongly agreed. One person



somewhat agreed with 12%. One neither agreed nor disagreed at 12.5%. and we had three strongly disagree at 37.5%. Just as Blair mentioned, it was polarized in the handful of comments we received in the numbers. Roughly half opposed and just over half supporting. The comments, some really supported the option to have a guide on a WMA stating crane hunts and those specialty hunts. Pushing hard for some of the general public to actually go out on a boat. Then other people really felt like there was an over abundance of these people guiding on those WMAs and the opportunities for the general public were being somewhat impacted. That's just a general summary of the comments. I know many of the RAC members have received individual emails and I haven't had a chance to see, or even now what they are. But you probably have a better idea of what you received directly as far as emails go. It's a pretty polarized issue, and I think that's reflected in some of the previous RAC meetings as well.

**Natasha Hadden:** I was wondering if you guys considered maybe requiring licenses for the guides and maybe limited the amount of licensed guides allowed? Or limiting the number of days they can guide on those WMAs? Or maybe that just makes it more convoluted. Just a thought.

**Blair Stringham:** That's a good question, Natasha. We had thought about some of that in the preliminary stages, we'd gotten such a strong support from the public to now allow guiding, we decided to start the conversation there. Just to let those people's voices be heard. There are a lot of options out there, and those can generally be accommodated through our special use permits. But we decided to start the conversation at the point that we did.

**Natasha Hadden:** Thank you.

**Brad Horrocks:** Blair, we have these working groups for Book Cliffs, is this something that would be appropriate? It's kind of short notice, and I'm really unfamiliar with these areas, maybe more than I think I am because I don't know where they're at. Is there a chance of putting together a working group to study this out and spend a little time, and to make the correct decision here? Or is that a possibility?

**Blair Stringham:** Yes, it's definitely something that we can do. It's not something that we could probably pull off prior to the waterfowl season starting this fall, but several of the RACs have made the recommendation to do this in the future and get some recommendations from a committee. The option is something that we could do.

**Dan Abeyta:** Just to add on to that, Commissioner Horrocks, in talking with our regional supervisor it sounded like all the other regions made a motion to do that exact thing. To form a working group before moving right now prohibiting guiding and prohibiting new blinds and requiring a special use permit. All of the other regions did that, except for I think it was the southeastern region. I think that's where all the other regions sat on this agenda item. Certainly, that is an

option if we want to go that direction. Are there any other comments from any of the RAC members?

### **01:08:32 RAC Discussion/Division Clarification and Motions**

**Joe Arnold:** I have a question. Maybe I'm precedent with WMAs and public waters and public lands. But it seems like a lot of this is opposed because of the public access. We have a lot of public fisheries that people use guides for that go through these WMAs, I think Browns Park may be one of those areas. Are we concerned with saying you can't use a guide for waterfowl hunting, but you can use a guide for fishing down through Browns Park? I'm just curious about maybe setting a precedence about what we can and can't do on public property with guides. I understand where the public is coming from, but also trying to understand how to give people opportunities with guides as well. Is there any concern there with setting some kind of precedent with guiding in public areas? Because that seems to be part of the issue I read about.

**Blair Stringham:** Is that a question address to me or the RAC?

**Joe Arnold:** To you, Blair, because it seems like guiding has been allowed forever, now all of a sudden it's brought to attention. Is it just because of overcrowding? There are lots of rivers that are now getting a lot of crowding with commercial fisherman with guiding; just take the Green River to where they may start limiting the amount of guides there. The Madison River up in Montana where there is a big patch. I guess I'm just curious about if we start eliminating guides all together. Natasha brought up days or certain section of the WMAs that may be open to guiding. I think everyone trying to get this in before the waterfowl season, the committee is probably the best idea than trying to come up with a good solution right now that everyone is comfortable with. I'm sure this is going to be a tough topic. I'm concerned about all the other guides that guide on private properties. I think we're sectioning out the WMAs and saying you can't have guide there. But there are probably waters that the fishing guides go down, I'm a little concerned about the precedent that you may be setting with this WMA thing. That's just my thoughts.

**Blair Stringham:** I can shed a little bit of light on our thought process for this recommendation. We haven't had any kind of discussions about how this would apply to any other species. Our concerns extend specifically to these properties and specifically to waterfowl. This recommendation would only apply to waterfowl guiding and wouldn't apply to people fishing or doing any other hunting activities on any of our properties it would be specific to waterfowl. Some of the reasons for that, is we have seen these properties are heavily utilized by all waterfowl hunters. So the properties were specifically purchased to provide a place for public hunters to go and hunt waterfowl. We started back 100 years ago because a lot of them were being taken over by market hunters and being leased out for duck clubs. So public hunters did not have a place to go and hunt. We started purchasing properties specifically to provide opportunities for waterfowl hunting. We do have concerns with those opportunities being lost to commercial

interest. We also have seen a lot of guides using the same places day after day after day, and a lot of those are really popular places for the public to hunt. We have a lot of people, more and more people increasing in the guiding business. We're seeing more and more people doing that on our property, so we wanted to get ahead of that prior to it being a zoo out there with guides running all over the place. That's some of our logic, and I don't think we would have those concerns as it pertains to fishing or big game hunting or anything like that. Primarily because there are a lot more places in the state to go and fish or go and hunt big game. We have hundreds of thousands of public lands for people to recreate on, where as opposed to waterfowl hunting there is really just combined to a small portion of the state where we have wetlands and river systems and things like that.

**Jeff Taniguchi:** I'm just kind of dumbfounded because I am a fishing guide, but the lack of any kind of.. at least with fishing guides you have to go through an outfitter. But I just think that it's kind of crazy that anyone can call themselves a duck guide. I think it's a crazy notion that anybody could just do that. There are certain rules and certain etiquettes that fishing guides have to follow. I'm not sure what the etiquette is on waterfowl guides are. Just a comment.

**Blair Stringham:** I can speak a little to that. A lot of people and even some of the guides have said that they would want a little restriction in place for guiding. We've definitely heard that concern and we'll try to address it. One other thing I could add to that is, part of the process we're recommending is that people would go through... essentially check some boxes to get a special use permit to guide on our properties. It wouldn't necessarily be a permit they would get to become a legal guide, but it would be a series of things like getting insurance and having the port of transportation so they could take people in their boats across properties. There would be a process to be a guide on our properties, it would not be a legal process to be a guide.

**Jeff Taniguchi:** That sounds good to me.

**Dan Abeyta:** Are there any other comments or questions at this time from the RAC?

**Joe Arnold:** One more, is this waterfowl only on these WMAs? Because I know there is some upland game hunting that goes on. I don't know much if it's guided. Would it be all hunting on WMAs as far as guides go? It would not be allowed; it's not prohibited unless there is a special use permit.

**Blair Stringham:** Yes, so it would apply to waterfowl hunting on our properties. There is a lot of upland game hunting that does go on on our properties. I'm not aware of anyone that guides upland game. There is a little bit of big game hunting that goes on on those properties as well, but it probably wouldn't affect anyone in that regard there.

**Joe Arnold:** But if you upland game hunt in the WMA and you're just going out there hunting, and you're guiding people, then you can shoot ducks too. Because now you can take somebody upland game hunting. I'm just trying to be both sides here. If you are an upland game guide on a WMA, let's just say down on the Ouray National Wildlife Refuge, and maybe that's not the right one. If somebody guides out there for upland game, then they can also shoot waterfowl. I'm just trying to make sure I understand both sides of the president you're setting.

**Blair Stringham:** Essentially if you were out there guiding, you would need a permit to do that.

**Joe Arnold:** You could go on an upland game hunt, and then take waterfowl even if you were just guiding upland game, so to speak.

**Daniel Davis:** I have a few comments that may end up in some questions. I want to echo Jeff some on this, the hunting industry, and hunting is a sport and tradition. I feel where the public is coming from on a lot of this comment. It's being so commercialized to the point where the everyday person feels like they're being restricted from opportunity and the competition level. Working an everyday job, having to compete against folks that are trying to do this as a living. My other concern is also around the fact of the lax process for guide permitting to be a waterfowl guide. That's where I agree with Jeff, that's so lose ended and a lot of issues there. I don't know how the liability hasn't come back on the state since it's their property at this point, to be honest. Then also, I don't feel like it sets a precedence on the public lands by any means, because it does require a process to become a licensed guide for big game or fishing. I'm honestly shocked it hasn't picked up sooner to include waterfowl. That's a concern to me. Now here is where I stand, to be considerate to those who have made a livelihood from this, or have business plans from this, be it from booking clients. When it becomes popular, it becomes popular. So years in advance it becomes an issue. My concern when it comes to that is the well being of those that have made a business from this and taking a hit all of a sudden. And having clients booked, and hunters booked for this year that probably booked last fall. I think I'd be a lot more in favor of imposing these restrictions for the 2022-23 season time frames and having that go down that way. The work groups are what they are for sure, but it's still a process. So we would allow this to continue to the local public's dismay and dis-agreement with. So that's where I stand, I feel it needs to be a regulated topic. I don't feel that this year. It should be implemented with the commercial amendments that have already been made. That's where I'll leave my comments.

**Natasha Hadden:** I have a comment or question. So you said there was a timeline to implement the permitting process. Is that address the legislature?

**Blair Stringham:** Yes. So HB 295 essentially goes into effect the first part of May, and in that it says you have to have a permit to be a guide on our property and to either be guiding people or transporting people across our property. So I guess our timeline would be that between now and the start of the

waterfowl hunt to get people the permit to use our properties in whatever capacity. Our recommendation would be to now allow them to hunt on our properties, but we are recommending that they be allowed to transport their hunters across our property. A lot of the hunting that they do is on state sovereign land on the Great Salt Lake, so a lot of the important access points are on our property. So guides would still be able to apply for that permit if they meet our requirements. They could apply for that permit and still be able to transport their clients across our property on to those adjacent properties to hunt.

**Natasha Hadden:** So would there be a way to maybe implement something that would maybe appease that legislature until a working group could be put into place and figure out some kind of happy medium? There will probably be compromises on both sides of the spectrum. Maybe if there is some kind of process like that? I don't know if there are options like that at all.

**Blair Stringham:** As it pertains to the legislation, they just have to have a permit from us. We have a permit process in place, so it would simply be a matter of issuing people permits who meet the requirement to get that permit.

**Natasha Hadden:** Ok, thanks.

**Dan Abeyta:** Thank you, Natasha. Any other comments or questions from the RAC?

**Daniel Davis:** Maybe one quick question for Blair, just to clarify. Real quick, so that special use permit could actually be not only transportation but also guiding of this waterfowl season, because it would be permitted through you? If it were, say to go the route that I brought up and allow it for one additional season. Is that valid?

**Blair Stringham:** Yes. So, the way the bill reads the permits issued would have to be issued on an annual basis, and that's the way our special permits work. They'd essentially run through a hunting season. So each year they'd have to apply for a special use permit to guide on our property or transport hunters. We do issue quite a few special permits for a variety of reasons, we have river rafting guides that use our property to access the Weber River, they get this specific permit. We have people that go out and do different things our property, like hold a waterfowl festival or something like that who would also apply for a special use permit. Each one of those could have special criteria that we feel like is necessary to accommodate what they're doing as well as have restrictions in there so they can't go out there and do whatever they want. That permit process is in place and we can issue them. Any guidance that you guys feel like we should consider could be apart of a motion, because that will be something we can talk about internally.

**Dan Abeyta:** Maybe I will kind of summarize what I saw in the DWR proposal. As it pertains to waterfowl management areas, I saw three things. One was to prohibit guiding on waterfowl management areas. The second thing I saw was to prohibit new blinds on waterfowl management areas. And then the third

thing we've also talked about is to allow the guides to access non-waterfowl management areas through waterfowl management areas with a special use permit. There were a couple of other recommendations, one was adding Duchesne county as an extension for the sandhill cranes hunt in the Uinta Basin. The other had to do with defining the use of dogs shot and firearms at the Utah Lake Wetland Preserve. That's kind of what I saw. If they're aren't any other comments or questions on this agenda item, I'd entertain a motion from the RAC.

**Natasha Hadden:** So could we pull out the prohibiting of guides on WMAs from the rest of it, potentially?

**Dan Abeyta:** Yeah, you could make that motion Natasha, however specific you'd like to make it.

**Natasha Hadden:** So, accepting everything else as presented, but having the Division you know with the special use permits, the crane, the no new blinds, except that by the Division perhaps putting together a working group to come up with maybe a more cohesive solution to guiding and permitting guiding on the WMAs and that working group can come up with a compromise. That's a long proposal, sorry.

**Dan Abeyta:** What I heard you say, Natasha is you would like to make a motion for the proposal how it was presented by the DWR excluding the prohibition of guiding on WMAs. Is that what you said?

**Natasha Hadden:** Yeah, and then recommending that the Division put together a working group on that topic because it's such a controversial topic it seems.

**The following motion was made by Natasha Hadden, seconded by Jeff Taniguchi.**

**MOTION: To approve Waterfowl Amendments as presented/excluding the prohibition of guiding on WMAs this year with a working group to review guiding next year.**

**Natasha Hadden:** Yes.

**Daniel Davis:** No.

**Joe Arnold:** Yes, if we are saying before prohibiting guiding this year, we want to have a special group talk about it. Is that correct?

**Natasha Hadden:** Yes.

**Dan Abeyta:** That is the motion if I understand.

**Joe Arnold:** Yes.

**Brad Horrocks:** I don't think there is any problem with me voting here, do you Director Miles, on this particular way it's broke down? Or not? What's your thought?

**Miles Hanberg:** Again, I think since you're a direct family member for a guide on waterfowl management areas then it could be deemed a potential conflict. Other than that, I don't think there would be.

**Brad Horrocks:** I text him while we were on the phone here and the only duck hunting and goose hunting he guides on is on his private property.

**Miles Hanberg:** Yeah, where it's not involved in a WMA I don't think you have a conflict.

**Brad Horrocks:** Then I vote yes.

**Jeff Taniguchi:** Yes.

**Robert Johnson:** Yes.

**Motion passed five in favor, one opposed.**

**Blair Stringham:** Could I ask just one question for clarification? Was that motion to not allow guiding this coming year and then put the committee together?

**Dan Abeyta:** Correct, that was the motion, right Natasha?

**Natasha Hadden:** No, it was to allow guiding this year, but to put together.. yeah.

**Joe Arnold:** That's exactly how I understood it, to allow guiding.

**Brad Horrocks:** That's how I understood it.

**Blair Stringham:** Ok. I think I had heard you wrong, Natasha. I just wanted to make sure.

**Dan Abeyta:** Did everyone understand that correctly?

**Joe Arnold:** I thought Daniel brought up a good point with everybody may have committed with guides already this year. So I thought we'd allow it and look for a resolution as Natasha mentioned with that special group.

**Natasha Hadden:** Yeah, that was how I was proposing that.

**Dan Abeyta:** Ok, again that motion passed five in favor, one against. The second and last action item deals with electronic meeting rule amendments. Kyle are you still on?

**01:32:03      6) R657-39 Electronic Meetings Rule Amendments (Action)  
Kyle Maynard, Assistant Attorney General**

Presentations could be viewed at  
<http://wildlife.utah.gov/feedback.html>

**Dan Abeyta:** If you would want to summarize, I know it's really short, but if you would briefly summarize what this is all about we'll move forward in that direction.

**Kyle Maynard:** Sure. So the proposed rule changes are simply to bring the RAC boards up to the same electronic meeting allowances as a Wildlife Board. So at the moment RACs are not allowed to have an electronic meeting because they don't have the rules in place for anchor location. As we progress out of Covid-19 restrictions, anchor locations are going to become essential. So we wanted to add that provision for anchor location for the RACs and we wanted to provide anchor location regarding public notice for how someone could participate virtually both on the day of the meeting as well as submitting public comment. And the goal of that proposal is to allow the Division flexibility as they develop a hybrid protocol on how our public meetings can work going forward. So really these two edits pertain to compliance with the open in public meetings act. The format for meetings going forward is still being worked on by the Division and hopefully we should have some more information on that soon.

**Dan Abeyta:** Thank you Kyle. Miles, did you have a public comment summary on this?

**01:33:51      Electronic Public Comment Report by Miles Hanberg, NERO  
Regional Supervisor**

**Miles Hanberg:** Yes, there was just one comment that came through the electronic process on this item that they were neutral and didn't agree or disagree and didn't leave any specific comments on that as well.

**01:34:14      Questions from RAC Members**

**Dan Abeyta:** Thank you, Miles. Are there any questions on this agenda item from the RAC? Any comments from the RAC on this? Hearing none, I'll go ahead and accept a motion. Is there anyone that would like to make motion on this agenda item?



**Jeff Taniguchi:** I make a motion to accept it as presented by the Division.

**The following motion was made by Jeff Taniguchi, seconded by Natasha Hadden.**

**MOTION: I move that we approve the recommendation as presented by the Division.**

**Natasha Hadden:** Yes.

**Daniel Davis:** Yes.

**Joe Arnold:** Yes.

**Brad Horrocks:** Yes.

**Jeff Taniguchi:** Yes.

**Robert Johnson:** Yes.

**Motion passes unanimously.**

**Dan Abeyta:** Ok, that's all the action items that we have for the meeting tonight. Just a note to RAC members here tonight, if you're interested, we're kind of coming to the end of our Chair and Vice Chair positions. If you're interested in taking a leadership role as the Chair or Vice Chair in our RAC, please send your nominations to Miles. Then we'll have a vote on that in our next meeting in August.

I'd like to thank everybody for their participation. The next RAC meeting is August 5<sup>th</sup> where we'll be talking about cougar hunt tables and permit numbers, bobcat permit numbers, and fee proposals. So I'd like to entertain a motion to adjourn the meeting.

**The following motion was made by Brad Horrocks, seconded by Daniel Davis.**

**MOTION: to adjourn the meeting.**

**Natasha Hadden:** Yes.

**Daniel Davis:** Yes.

**Joe Arnold:** Yes.

**Brad Horrocks:** Yes.

**Jeff Taniguchi:** Yes.

**Robert Johnson:** Yes.

**01:37:12 Meeting adjourned at 8:09 pm.**

## **Protocol for RAC and Board Meetings**

### **Executive Summary**

Due to the COVID-19 pandemic, the Utah Division of Wildlife Resources (DWR) began conducting fully electronic (virtual) Regional Advisory Council (RAC) and Utah Wildlife Board (Board) meetings beginning in April 2020. These virtual meetings allowed the DWR to continue conducting essential work including taking fish and wildlife management recommendations through a statewide public-feedback process. With the sharp decline of COVID-19 cases in Utah, and in anticipation of a return to more normal conditions, the DWR is recommending the use of a hybrid system for conducting RAC and Board meetings beginning later this year.

A hybrid system will contain both in person and virtual components and provides multiple benefits including:

- Offers greater opportunity and more options for Utahns to participate in the wildlife-management process
- Provides flexibility for RAC and Board members and DWR staff to attend public meetings either virtually or in person
- Improves the efficiency of the public process that is used to set wildlife-management policy and regulations in Utah

### **How Does the Public Provide Input on DWR Recommendations to the RACs and Board?**

DWR will prepare recorded presentations to be viewed by the public, RACs, and the Board prior to all RAC and Board meetings. These presentations will be posted on the DWR website.

Public comments can be provided in person at the anchor location on the day of the meeting or submitted electronically during an online public comment period that opens prior to each RAC and Board meeting. The location for submitting online written comments will be included on the RAC and Board agendas, posted on the Utah Public Notice website, and shared on DWR's website, social media platforms and with major statewide media outlets.

After each RAC comment period closes, the DWR will distribute the comments received, along with a summary of those comments, to RAC members at least 2 days before their RAC meeting. After the Board comment period closes, the DWR will distribute the comments received, along with a summary of the comments, to Board members at least 5 days before the Board meeting. A summary of the public feedback received, including the number of comments and major themes, will be provided by the regional supervisor and the DWR director as part of each RAC and Board meeting.

Members of the public, elected officials, non-governmental organizations, conservation groups, and other agencies are encouraged to provide any formal comments on DWR recommendations using either the in person or online comment processes so their feedback can be entered into the public record.

### **In-person Meeting Component (anchor location)**

1. There will be a physical anchor location established for all RAC and Board meetings for those who wish to attend in person. This includes RAC and Board members, DWR staff and the public. DNR/DWR technical support staff will be on site at the anchor location to provide technical assistance and to ensure a smooth connection with the electronic meeting component. The electronic meeting will be broadcast from DNR headquarters in Salt Lake City.
2. When possible, those running the meetings and providing meeting support roles (e.g., chairperson, technical support staff, DWR regional supervisor, etc.) will be encouraged to attend in person at the anchor location.
3. DWR presentations will be [posted on the DWR's website](#) prior to the RAC and Board meetings. RAC/Board members and the public should review the recorded presentations before their respective meetings, as the presentations **will NOT** be shown in full during the in-person meeting.
4. Members of the public who wish to submit live public comments can do so by attending the in-person meeting at the anchor location on the day of the meeting.

### **Electronic Meeting Component**

1. RAC and Board members and DWR staff participating electronically will receive a link with instructions on how to connect to the meeting several days prior to the meeting date. The electronic component of the meeting will be conducted using Hangouts Meet by Google (Google Meet).
2. Each RAC and Board meeting will be broadcast to the public using a YouTube live stream. The link for the YouTube livestream will be included on the RAC and Board agendas, posted on the [Utah Public Notice website](#), and shared on the DWR's website. The YouTube feed will be established solely for the public to watch and/or listen to the RAC/Board meetings from a remote location.
3. Live public comments **will not** be taken electronically in the hybrid meetings, but can be given during the established online public comment period that precedes each RAC and Board meeting as described above.

## **RAC Meeting Protocol**

1. The live stream begins from DNR HQ / coordinated launch with the RAC chairperson at the anchor location.
2. RAC chairperson calls the meeting to order. States the date and time for the record.
3. RAC chairperson calls the roll and identifies who is participating in person and virtually. RAC members should give an audible reply for the record.
4. RAC chairperson indicates which DWR personnel are available either in person or virtually.
5. RAC chairperson calls for an approval of the agenda and past minutes.
6. RAC chairperson gives a brief update from the last Board meeting.
7. Regional supervisor gives the regional update.
8. RAC chairperson announces the first agenda item. **Important: No presentation will be given.** All RAC members will have been asked to view the recorded presentation on the DWR website prior to the meeting.
9. RAC chairperson invites the DWR regional supervisor to summarize the online public comments received for that agenda item.
10. RAC chairperson calls for questions from the RAC members.
11. RAC chairperson calls for questions from the public for any attending in person.
12. RAC chairperson calls for comments from the RAC members.
13. RAC chairperson calls for comments from the public for any attending in person (3-minute time limit per comment).
14. RAC chairperson calls for RAC discussion, including any clarification or additional information that RAC members may request from DWR staff.
15. After discussion, the RAC chairperson calls for a motion, discussion on the motion, a second and a vote.

**(Steps 8-15 get repeated through all agenda items)**

The meeting adjourns when all RAC business is completed.

## Wildlife Board Meeting Protocol

1. The live stream begins from DNR HQ / coordinated launch with the Board chairperson at the anchor location.
2. Board chairperson calls the meeting to order. States the date and time for the record.
3. Board chairperson calls the roll and identifies who is participating in person and virtually. Board members should give an audible reply for the record.
4. Board chairperson indicates which DWR personnel are available either in person or virtually.
5. Board chairperson calls for an approval of the agenda and past minutes.
6. DWR director gives the agency update.
7. Board chairperson announces the first agenda item. **Important: No presentation will be given.** All Board members will have been asked to view the recorded presentations on the DWR website prior to the meeting.
8. Board chairperson invites the DWR director to summarize the online public comments received for that agenda item.
9. Board chairperson calls for questions from the Board members.
10. Board chairperson calls for RAC motion summaries from RAC chairs.
11. Board chairperson calls for public comments from anyone attending in person (3-minute time limit per comment).
12. Board chairperson calls for Board discussion, including any clarification or additional information that Board members may request from DWR staff.
13. After discussion, the Board chairperson calls for a motion, discussion on the motion, a second and a vote.  
**(Steps 7-13 get repeated through all agenda items)**

The meeting adjourns when all Board business is complete.



## State of Utah

SPENCER J. COX  
*Governor*

DEIDRE M. HENDERSON  
*Lieutenant Governor*

## Department of Natural Resources

BRIAN C. STEED  
*Executive Director*

### Division of Wildlife Resources

J. RORY REYNOLDS  
*Division Director*

## MEMORANDUM

Date: May 11, 2021  
To: Wildlife Board  
From: Justin M. Shannon, Chief of Wildlife  
Subject: Proposed conservation permit list (2022-2024)

Every three years, the Utah Division of Wildlife Resources (UDWR) recommends a list of conservation permits to the Wildlife Board for approval. These conservation permits generate revenue to fund habitat improvement projects and to research, translocate, and monitor wildlife.

The UDWR adhered to the conservation permit rule (R657-41) in generating the conservation permit list for 2022-2024. Hunts with a high risk of being discontinued during the 3-year term were not included in the proposed list (e.g. unit cougar permits, management buck deer permits, HAMS permits, etc.).

From 2019-2021, the Wildlife Board approved 334 conservation permits. The UDWR is recommending a decrease of 16 permits for a total of 318 conservation permits for 2022-2024. See the attached hunt tables for details on proposed conservation permits.



## Conservation Permits (2022-2024)

Species	Unit	Condition	Permits
Antlerless Elk	Cache	Any Weapon	4
Antlerless Elk	Central Mtns	Any Weapon	4
Antlerless Elk	Plateau	Any Weapon	4
Antlerless Elk	South Slope	Any Weapon	4
Antlerless Elk	Wasatch Mtns	Any Weapon	4
Bear	Beaver	Multi Season	1
Bear	Book Cliffs, Bitter Creek/South	Multi Season	4
Bear	Book Cliffs, Little Creek Roadless	Multi Season	1
Bear	Central Mtns, Manti-North	Multi Season	3
Bear	Central Mtns, Manti-South/San Rafael, North	Multi Season	3
Bear	Central Mtns, Nebo	Multi Season	2
Bear	Chalk Creek/East Canyon/Morgan-South Rich	Multi Season	1
Bear	Kamas/North Slope, Summit	Multi Season	1
Bear	La Sal	Multi Season	4
Bear	Nine Mile	Multi Season	3
Bear	Panguitch Lake/Zion	Multi Season	1
Bear	Plateau, Boulder/Kaiparowits	Multi Season	3
Bear	Plateau, Fishlake/Thousand Lakes	Multi Season	1
Bear	San Juan	Multi Season	4
Bear	South Slope, Bonanza/ Diamond Mtn/Vernal	Multi Season	2
Bear	South Slope, Yellowstone	Multi Season	1
Bear	Wasatch Mtns, Avintaquin/Currant Creek	Multi Season	1
Bear	Wasatch Mtns, West-Central	Multi Season	4
Bear	Statewide	Multi Season	1
Bison	Book Cliffs, Little Creek Roadless, Hunter's Choice	Any Weapon	1
Bison	Book Cliffs, Little Creek Roadless, Cow Only	Any Weapon	1
Bison	Henry Mtns, Hunter's Choice (early)	Any Weapon	1
Bison	Henry Mtns, Hunter's Choice (mid)	Any Weapon	1
Bison	Henry Mtns, Hunter's Choice (late)	Any Weapon	1
Bison	Henry Mtns, Cow Only (early)	Any Weapon	1
Bison	Henry Mtns, Cow Only (late)	Any Weapon	1
Bison	Statewide		1
Cougar	Statewide		1
Desert Bighorn Sheep	Henry Mtns	Any Weapon	1
Desert Bighorn Sheep	Kaiparowits, East	Any Weapon	1
Desert Bighorn Sheep	Kaiparowits, Escalante	Any Weapon	1
Desert Bighorn Sheep	Kaiparowits, West	Any Weapon	1
Desert Bighorn Sheep	San Rafael, Dirty Devil	Any Weapon	1
Desert Bighorn Sheep	San Rafael, North	Any Weapon	1
Desert Bighorn Sheep	San Rafael, South	Any Weapon	1
Desert Bighorn Sheep	Statewide		1
Deer	Henry Mtns	Hunter's Choice	2
Deer	Paunsaugunt	Hunter's Choice	2



Deer	Paunsaugunt	Muzzleloader	2
Deer	Paunsaugunt	Archery	1
Deer	Paunsaugunt	Any Weapon	2
Deer	Book Cliffs	Hunter's Choice	2
Deer	Book Cliffs	Muzzleloader	2
Deer	Book Cliffs	Archery	2
Deer	Book Cliffs	Any Weapon	2
Deer	Cache, Crawford Mtn	Hunter's Choice	1
Deer	Fillmore, Oak Creek	Hunter's Choice	2
Deer	La Sal, Dolores Triangle	Hunter's Choice	1
Deer	San Juan, Elk Ridge	Hunter's Choice	2
Deer	San Juan, Elk Ridge	Muzzleloader	1
Deer	South Slope, Diamond Mtn	Hunter's Choice	2
Deer	South Slope, Diamond Mtn	Muzzleloader	1
Deer	South Slope, Diamond Mtn	Archery	1
Deer	South Slope, Diamond Mtn	Any Weapon	1
Deer	West Desert, Vernon	Hunter's Choice	2
Deer	West Desert, Vernon	Muzzleloader	2
Deer	West Desert, Vernon	Archery	2
Deer	West Desert, Vernon	Any Weapon	2
Deer	Statewide		1
Elk	Beaver, East	Multi Season	1
Elk	Beaver, East	Any Weapon	1
Elk	Book Cliffs, Bitter Creek/South	Multi Season	1
Elk	Book Cliffs, Bitter Creek/South	Any Weapon	2
Elk	Book Cliffs, Bitter Creek/South	Archery	1
Elk	Book Cliffs, Bitter Creek/South	Muzzleloader	1
Elk	Box Elder, Grouse Creek	Multi Season	1
Elk	Cache, Meadowville	Multi Season	1
Elk	Cache, Meadowville	Any Weapon	2
Elk	Cache, South	Multi Season	1
Elk	Cache, South	Any Weapon	1
Elk	Central Mtns, Manti	Multi Season	2
Elk	Central Mtns, Manti	Any Weapon	4
Elk	Central Mtns, Manti	Archery	1
Elk	Central Mtns, Manti	Muzzleloader	1
Elk	Central Mtns, Nebo	Multi Season	1
Elk	Central Mtns, Nebo	Any Weapon	2
Elk	Fillmore, Pahvant	Multi Season	1
Elk	Fillmore, Pahvant	Any Weapon	2
Elk	La Sal, La Sal Mtns	Multi Season	2
Elk	La Sal, La Sal Mtns	Any Weapon	3
Elk	La Sal, La Sal Mtns	Archery	1
Elk	La Sal, La Sal Mtns	Muzzleloader	1
Elk	Monroe	Multi Season	1

Elk	Monroe	Any Weapon	1
Elk	Mt Dutton	Multi Season	1
Elk	Mt Dutton	Any Weapon	2
Elk	North Slope, Three Corners	Multi Season	1
Elk	Panguitch Lake	Multi Season	1
Elk	Panguitch Lake	Any Weapon	1
Elk	Paunsaugunt	Multi Season	1
Elk	Paunsaugunt	Any Weapon	2
Elk	Paunsaugunt	Archery	1
Elk	Plateau, Boulder/Kaiparowits	Multi Season	1
Elk	Plateau, Boulder/Kaiparowits	Any Weapon	2
Elk	Plateau, Boulder/Kaiparowits	Archery	1
Elk	Plateau, Fishlake/Thousand Lakes	Multi Season	2
Elk	Plateau, Fishlake/Thousand Lakes	Any Weapon	4
Elk	Plateau, Fishlake/Thousand Lakes	Archery	1
Elk	Plateau, Fishlake/Thousand Lakes	Muzzleloader	1
Elk	San Juan	Multi Season	1
Elk	San Juan	Any Weapon	2
Elk	San Juan	Archery	1
Elk	South Slope, Diamond Mtn	Multi Season	1
Elk	South Slope, Diamond Mtn	Any Weapon	2
Elk	Southwest Desert, South	Multi Season	2
Elk	Southwest Desert, South	Any Weapon	2
Elk	Southwest Desert, South	Archery	1
Elk	Southwest Desert, South	Muzzleloader	1
Elk	Wasatch Mtns	Multi Season	2
Elk	Wasatch Mtns	Any Weapon	4
Elk	Wasatch Mtns	Archery	1
Elk	Wasatch Mtns	Muzzleloader	1
Elk	Statewide		1
Moose	Cache	Any Weapon	1
Moose	North Slope, Summit	Any Weapon	1
Moose	Ogden	Any Weapon	1
Moose	Wasatch Mtns/Central Mtns	Any Weapon	2
Moose	Statewide		1
Mtn Goat	Beaver (early)	Any Weapon	1
Mtn Goat	Central Mtns, Nebo	Any Weapon	1
Mtn Goat	Chalk Creek/Kamas, Uintas	Any Weapon	1
Mtn Goat	North Slope/South Slope, High Uintas Central	Any Weapon	1
Mtn Goat	North Slope/South Slope, High Uintas West	Any Weapon	1
Mtn Goat	Wasatch Mtns, Timpanogos	Any Weapon	1
Mtn Goat	Statewide		1
Pronghorn	Beaver	Any Weapon	2
Pronghorn	Book Cliffs, Bitter Creek	Any Weapon	2
Pronghorn	Book Cliffs, South	Any Weapon	1

Pronghorn	Box Elder, Promontory	Any Weapon	1
Pronghorn	Box Elder, Puddle Valley	Any Weapon	1
Pronghorn	Box Elder, Snowville	Any Weapon	2
Pronghorn	Box Elder, West	Any Weapon	2
Pronghorn	Cache/Morgan-South Rich/Ogden	Any Weapon	3
Pronghorn	Fillmore, Oak Creek South	Any Weapon	2
Pronghorn	La Sal, Potash/South Cisco	Any Weapon	1
Pronghorn	Mt Dutton/Paunsaugunt	Any Weapon	2
Pronghorn	Nine Mile, Anthro-Myton Bench	Any Weapon	4
Pronghorn	Nine Mile, Range Creek	Any Weapon	1
Pronghorn	North Slope, Three Corners/West Daggett	Any Weapon	2
Pronghorn	Panguitch Lake/Zion, North	Any Weapon	2
Pronghorn	Pine Valley	Any Weapon	2
Pronghorn	Plateau, Highlands	Any Weapon	2
Pronghorn	San Rafael, Desert	Any Weapon	1
Pronghorn	San Rafael, North	Any Weapon	6
Pronghorn	South Slope, Bonanza/Diamond Mtn	Any Weapon	3
Pronghorn	South Slope, Vernal	Any Weapon	3
Pronghorn	Southwest Desert	Any Weapon	8
Pronghorn	West Desert, Riverbed	Any Weapon	2
Pronghorn	West Desert, Rush Valley	Any Weapon	1
Pronghorn	West Desert, Snake Valley	Any Weapon	3
Pronghorn	Statewide		1
Rocky Mountain Bighorn Sheep	Book Cliffs, South	Any Weapon	1
Rocky Mountain Bighorn Sheep	Box Elder, Newfoundland Mtns (early)	Any Weapon	1
Rocky Mountain Bighorn Sheep	Box Elder, Newfoundland Mtns (late)	Any Weapon	1
Rocky Mountain Bighorn Sheep	Fillmore, Oak Creek (early)	Any Weapon	1
Rocky Mountain Bighorn Sheep	Fillmore, Oak Creek (late)	Any Weapon	1
Rocky Mountain Bighorn Sheep	Nine Mile, Gray Canyon	Any Weapon	1
Rocky Mountain Bighorn Sheep	Oquirrh-Stansbury, West	Any Weapon	1
Rocky Mountain Bighorn Sheep	Statewide		1
Turkey	Northern Region	Multi Season	8
Turkey	Central Region	Multi Season	8
Turkey	Northeastern Region	Multi Season	8
Turkey	Southeastern Region	Multi Season	8
Turkey	Southern Region	Multi Season	8
Turkey	Statewide		1
<b>Total</b>			<b>318</b>



## State of Utah

SPENCER J. COX  
*Governor*

DEIDRE M. HENDERSON  
*Lieutenant Governor*

## Department of Natural Resources

BRIAN C. STEED  
*Executive Director*

### Division of Wildlife Resources

J. RORY REYNOLDS  
*Division Director*

## MEMORANDUM

Date: May 24, 2021  
To: Wildlife Board  
From: Justin M. Shannon, Chief of Wildlife  
Subject: CWMU Advisory Committee Members

The CWMU Advisory Committee plays an important role in resolving conflicts and improving the function of the program. More specifically, the committee serves as a third party representative in issues with CWMUs and:

1. Hears complaints dealing with fair and equitable treatment of hunters on CWMUs,
2. Reviews the operation of the CWMU program,
3. Reviews failure to meet antlerless objectives,
4. Hears complaints from adjacent landowners,
5. Reviews changes in acreage totals for CWMUs that are under standard minimum acreage or parcel configuration requirements and evaluate the appropriateness of their continued participation in the program, and
6. Makes advisory recommendations to the director and Wildlife Board on the matters.

According to R657-37, CWMU Advisory Committee members must be nominated by the Director and approved by the Wildlife Board. Several committee members have reached the end of their term, and we recommend that the Wildlife Board approve these individuals to serve another 4 year term.

- One RAC representative – Mike Laughter
- One CWMU representative – Tim Freiss
- One agricultural representative – Eric Thacker
- One sportsmen representative – Mike Christensen
- One at-large public representative – Greg Wilding





## State of Utah

SPENCER J. COX  
*Governor*

DEIDRE M. HENDERSON  
*Lieutenant Governor*

## Department of Natural Resources

BRIAN C. STEED  
*Executive Director*

### Division of Wildlife Resources

J. RORY REYNOLDS  
*Interim Division Director*

## MEMORANDUM

Date: May 24, 2021  
To: Wildlife Board  
From: Heather Talley, Upland Game Program Coordinator  
Subject: Parker Mountain Sage-Grouse Hunt Closure

The Division of Wildlife Resources (DWR) is recommending a temporary closure of sage-grouse hunting on the Parker Mountain hunt area for the 2021 season. This population has experienced low population numbers following six consecutive years of a declining population trend within the Parker Sage-Grouse Management Area (SGMA).

Reasons for the population decline on the Parker SGMA include extreme drought which has negatively impacted breeding, summer, winter, and transitional habitat types, the loss of chicks in spring 2019 storms, and other factors.

The other three sage-grouse hunt areas, Diamond-Blue Mountain, Rich County, and West Box Elder County have not experienced the same type of population declines and will remain open to hunting in 2021.



August 28, 2020

Dept. of Natural Resources  
Div. of Wildlife Resources  
Byron Bateman, Wildlife Board Chairman  
C/O Staci Coons, Wildlife Board Coordinator  
1594 W. North Temple  
Suite 2110  
Salt Lake City, UT 84116

Re: Appeal of Clifford Stubbs in DWR Case No. 2019-000001

Dear Chairman Bateman,

On behalf of my client, Clifford D. Stubbs, I hereby notify you of Mr. Stubbs' appeal of the decision and order of the hearing officer in this case, which was dated August 4, 2020.

The grounds for appeal are that key findings and conclusions of the hearing officer's decision are in error, or do not meet the required evidentiary standard.

This notice of appeal was sent to the above address on August 28, 2020 via first class mail.

Thank you.

Sincerely yours,

Brent Ward  
WardLambert, PLLC  
Attorneys for Respondent Clifford D. Stubbs  
123 Second Avenue, No. 103  
Salt Lake City, UT 84103  
Telephone: 801-879-2934  
Email: Wardbd@gmail.com



**GARY R. HERBERT**  
Governor

**SPENCER J. COX**  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

**BRIAN STEED**  
Executive Director

### Division of Wildlife Resources

**MICHAEL D. FOWLKS**  
Division Director

August 4, 2020

Clifford D. Stubbs  
2715 West 800 North  
PO Box 1574  
Parowan, UT 84761-1573

Re: Case No. 2019-000001

Dear Mr. Stubbs,

The attached Decision and Order announces the outcome of the administrative proceeding held to consider the suspension of your wildlife privileges. If you have any questions about future legal wildlife activities, please contact an attorney or the Division of Wildlife Resources for assistance.

This letter also contains a Notice of Right to Appeal, which explains your right to appeal this decision to the Utah Wildlife Board. Please read it carefully because your appeal, if any, must comply with the time limitations stated.

Sincerely,

UTAH DIVISION OF WILDLIFE RESOURCES

A handwritten signature in black ink, appearing to read "G. Rowe".

---

Gordon H. Rowe  
Hearing Officer &  
Assistant Attorney General

Enclosures.

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WILDLIFE RESOURCES

In the matter of: <b>Clifford D. Stubbs</b> ' license and permit privileges to harvest protected wildlife in the State of Utah.	<b>DECISION AND ORDER</b>  Case No. 2019-000001
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**I. OVERVIEW**

This Decision and Order announces the result of an informal administrative proceeding held before the Division of Wildlife Hearing Officer. The proceeding addressed the suspension of Respondent Clifford D. Stubbs's wildlife license privileges in Utah. The Utah Division of Wildlife Resources (the "Division") alleges that Mr. Stubbs committed one count of both Attempted Wanton Destruction of Protected Wildlife and Unlawful Holding of Protected Wildlife in Captivity and that Mr. Stubbs did so intentionally, knowingly, or recklessly.

The Division asserted that Mr. Stubbs's violation was conspicuously bad or offensive and therefore recommended suspending all of Mr. Stubbs's wildlife license and permit privileges for three years. After considering the facts and law as set forth below and weighing the aggravating and mitigating circumstances, the Hearing Officer finds the Mr. Stubbs's actions in this case warrant a three-year suspension of only his bear and cougar pursuit privileges.

**II. JURISDICTION AND COURSE OF PROCEEDINGS**

The Hearing Officer has the authority to hear this case and jurisdiction to issue this order under the Wildlife Resources Code, Utah Code Ann. § 23-19-9, and the Division's Rules, Utah Admin. Code R. 657-26-1 to -6.

This proceeding was initiated through the proper means. The Division designated an Assistant Attorney General as the independent Hearing Officer. *See* Utah Code Ann. §



23-19-9(8). The Hearing Officer issued a Notice of Agency Action (“NOAA”) to Mr. Stubbs, which commenced this informal adjudicative proceeding under Utah Code Ann. § 23-19-9 and Utah Administrative Code Rule 657-26-3.

All parties participated in a hearing held telephonically on July 7, 2020. At the hearing, Mr. Stubbs was represented by his attorneys, Mr. Brent Ward and Mr. Richard Lambert. Lieutenant Roger Kerstetter, Mr. Adam Wallerstein, and Mr. Douglas Messerly appeared on behalf of the Division. Ms. Faith Jolley, the Division’s public information officer, was also present.

### III. FINDINGS OF FACT

Since this is an administrative proceeding the Division has the burden of proving the facts in this case by a preponderance of the evidence. *See Harken S.W. Corp. v. Bd. of Oil, Gas and Min.*, 920 P.2d 1176, 1182 (Utah 1996). The preponderance of the evidence standard “requires the proponent of a contested fact to demonstrate that its existence [or nonexistence] is more likely than not.” *Kilgore Companies v. Utah County Bd. of Adjustment*, 2019 UT App 20, ¶ 17, 438 P.3d 1025.

Mr. Stubbs does not contest the fact that he pursued a bear with dogs and placed the bear in a cage in Grand County, Utah on May 19<sup>th</sup>, 2018. However, Mr. Stubbs does contest whether these actions amount to a “capture” of the bear, whether these actions were committed knowingly, intentionally, or recklessly, and whether he was responsible for related actions taken after May 19<sup>th</sup>, 2018. After reviewing and weighing the testimony and evidence submitted by Mr. Stubbs and the Division, the Hearing Officer determines the Division proved the following facts by a preponderance of the evidence.

Mr. Stubbs participated in the pursuit of a bear with dogs with Mr. William “Bo” Wood on May 19<sup>th</sup>, 2018. This pursuit lasted for approximately three hours before Mr. Wood and his dogs eventually caught up with the bear. The bear was exhausted from the pursuit and collapsed. Mr. Stubbs arrived on the scene with two of his dogs that were able to last the entirety of the pursuit. Mr. Stubbs then helped remove his and Mr. Wood’s dogs from the vicinity of the bear.

Mr. Stubbs and Mr. Wood discussed what they should do about the bear. They both considered killing the bear, however, Mr. Stubbs knew this would be illegal and he knew

would need to report the incident to the Division. The two men decided to load the bear into a dog cage in the back of a pickup truck and drive it back to their camp where they would attempt to revive the bear with water. Mr. Stubbs and Mr. Wood loaded the bear into a dog cage, drove the animal back to their camp which was ten to fifteen minutes away, and gave the bear water. After approximately forty-five minutes, Mr. Stubbs packed up his supplies and left the camp, leaving Mr. Wood with the bear in the cage. After Mr. Stubbs left the campsite, Mr. Wood continued to hold the bear in the cage for two additional days. Mr. Wood then released the bear and allowed his dogs to pursue the bear for a second time.

On December 26, 2018, Officer Wallerstein notified Lt. Kerstetter that Officer Wallerstein received information from Investigator Gregory Hoyle of the Florida Fish and Wildlife Conservation Commission (“FWC”) concerning possible illegal bear hunting activity occurring in Utah involving Mr. Wood. This information included Snapchat videos showing a bear being held in a cage. Mr. Hoyle indicated that Mr. Wood drove from Florida to Utah in a white Chevy truck in the Spring of 2018, but returned in a different vehicle that was registered to Mr. Stubbs. On January 8, 2019, this information was forwarded to Conservation Officer Kody Jones. On January 11, 2019, Officer Jones interviewed Mr. Stubbs and confirmed that Mr. Stubbs participated in the pursuit of the bear depicted in the Snapchat videos that the FWC shared with the Division.

The State of Utah charged Mr. Stubbs with one count of Wanton Destruction of Protected Wildlife in violation of Utah Code Ann. § 23-20-4, a Third Degree Felony, and one count of Unlawful Captivity of Protected Wildlife in violation of Utah Code Ann. § 23-13-4, a Class B Misdemeanor. On March 3, 2020, Mr. Stubbs pled guilty to one count of both Attempted Wanton Destruction of Protected Wildlife and Unlawful Holding of Protected Wildlife in Captivity, as a Class A misdemeanor and a Class B misdemeanor, respectively, in Case No. 201700014FS. The charge of Attempted Wanton Destruction of Protected Wildlife was later amended to a Class B misdemeanor under Utah Code Ann. § 76-3-402(2).

#### IV. ANALYSIS AND CONCLUSIONS OF LAW

For the Hearing Officer to suspend Mr. Stubbs's wildlife license privileges, the Division must prove by a preponderance of the evidence that Mr. Stubbs: (A) was convicted—or had some similar outcome—in a court of law for violating the Utah Wildlife Resources Code; and (B) committed the underlying violation with an intentional, knowing, or reckless state of mind. Utah Code Ann. § 23-19-9(2).

##### A. Conviction in a Court of Law

To suspend Mr. Stubbs's hunting privileges, the Division must prove that a court of law sentenced Mr. Stubbs for violating the Wildlife Resources Code. Utah Code Ann. § 23-19-9(2)(a). A conviction, a guilty plea, a plea in abeyance, or a plea of no contest all satisfy the triggering statute. *Id.* For clarity, this order uses the broad term “sentenced” to include all of the similar possibilities noted above.

Here, the record establishes that Mr. Stubbs was sentenced for Attempted Wanton Destruction of Protected Wildlife and Unlawful Holding of Protected Wildlife in Captivity, violations of Utah Code Ann. §§ 23-20-4 and 23-13-4, through guilty pleas in the Seventh District Court of Utah, Case No. 201700014FS (March 5, 2020). Therefore, the Division proved the first element of this suspension action.

##### B. State of Mind in the Commission of the Offense

To suspend Mr. Stubbs' wildlife license privileges, the Division must also prove that Mr. Stubbs acted intentionally, knowingly, or recklessly in the commission of the underlying offense. Utah Code Ann. § 23-19-9(2)(b) (referring to the mental states as defined under the Utah Criminal Code, Utah Code Ann. § 76-2-103). In this action, the underlying violations were Attempted Wanton Destruction of Protected Wildlife and Unlawful Captivity of Protected Wildlife. Utah Code Ann. §§ 23-20-4, 23-13-4. In the criminal case relating to this proceeding, Mr. Stubbs signed a statement in support of his guilty plea where he admitted to intentionally, knowingly, or recklessly attempting to capture and hold a bear.

Even without the signed statement, the Hearing Officer concludes that Mr. Stubbs's actions in this case were intentional. An intentional act is one in which it is the actor's conscious objective to bring about a desired result. Utah Code Ann. § 76-2-103. Here,

Mr. Stubbs's actions were intentional because it was his conscious objective to place the bear in a cage, which the Hearing Officer finds to constitute a capture. His actions resulted in the bear being held in a cage and transported to their campsite.

At the hearing and in Mr. Stubbs' Hearing Memorandum, Mr. Stubbs alleged that placing the bear in the dog cage was not a "capture" because he alleges the bear did not resist being put in the cage. The Hearing Officer disagrees with this interpretation of the law and facts and finds that the bear was captured when Mr. Stubbs and Mr. Wood placed the bear in the dog cage.

Utah Code Ann. § 23-13-4 provides that "[i]t is unlawful for any person to hold in captivity at any time any protected wildlife except as provided by this code or rules and regulations of the Wildlife Board." The wildlife rules require that "[a]fter a bear has been pursued, chased, treed, cornered, legally baited or held at bay, a person may not, in any manner, restrict or hinder the animal's ability to escape." Utah Admin. Code R657-33-9(2). Finally, a person is guilty of Wanton Destruction of Protected Wildlife if violates certain provisions of the Wildlife Code, including § 23-13-4; "captures, injures, or destroys protected wildlife;" and "does so with intentional, knowing, or reckless conduct." Utah Code Ann. § 23-20-4(1).

Merriam-Webster defines captive to mean "kept within bounds" or "taken and held usually in confinement." *Captive*, Merriam-Webster (*available at* <https://www.merriam-webster.com/dictionary/captive>). Here, Mr. Stubbs and Mr. Wood held the bear in captivity because they took actions to place the bear in a confining structure that the bear could not leave. They then held the bear in the confining structure for a period of time while they transported the bear to camp. These actions completely restricted the bear's ability to escape, violating the Wildlife Code and the Division's bear pursuit administrative rules.

In sum, it was Mr. Stubbs' conscious objective to attempt to place the bear in a confining structure that restricted the bears ability to escape. Therefore, the Hearing Officer finds that the Division met its burden of proving that Mr. Stubbs was sentenced for the underlying offenses, that he committed the offenses with the required mental state, and that the Hearing Officer has the authority to suspend Mr. Stubbs's wildlife license privileges.

## **V. LENGTH AND TYPE OF SUSPENSION**

Subsection 23-19-9(4) of the Utah Code places upper limits on any suspension ordered by the Hearing Officer. In this matter, the underlying sentence was for Class B misdemeanors, which allows a suspension of up to three years. Utah Code Ann. § 23-19-9(4). However, subsection 23-19-9(5) gives the Hearing Officer authority to double the suspension if the violation occurred under an existing suspension order or involved a trophy animal. Neither is applicable here, therefore, the maximum suspension allowed is three years.

Regarding the type of suspension, the Hearing Officer will usually suspend the wildlife privileges “most closely associated with the activity for which the person was participating in when the violation occurred.” Utah Admin. Code R. 657-26-5(5)(b). However, the rules provide that the Hearing Officer “may impose a suspension of all privileges to hunt protected wildlife or all privileges to take protected wildlife if the violations are found by the presiding officer to be conspicuously bad or offensive.” Utah Admin. Code R. 657-26-5(e). In this case, the Division recommended suspending all of Mr. Stubbs’s privileges to take protected wildlife as the Division alleged that the violations were conspicuously bad or offensive.

Utah Admin. Code R. 657-26-5(e) includes several categories of violations that are deemed conspicuously bad or offensive, but the list is not exhaustive. In this case, none of the categories specifically mentioned in the rule are applicable to Mr. Stubbs’ violation. The Division’s primary argument to support their request to consider the offense conspicuously bad or offensive was that Mr. Stubbs acted in concert with Mr. Wood who held the bear in captivity for two days before pursuing the bear a second time once the bear was released.

The Hearing Officer finds that Mr. Stubbs’s violation was not conspicuously bad or offensive. While Mr. Stubbs assisted Mr. Wood in initially capturing the bear and transporting it to their camp, Mr. Stubbs was not present for Mr. Wood’s subsequent actions that the Division relied on for their request. Therefore, the Hearing Officer recommends only suspending Mr. Stubbs’s permit privileges to take and pursue cougar

and bear. This means that if Mr. Stubbs's privileges to take and pursue cougar and bear are suspended, he will still be able to fish and hunt for other species of protected wildlife.

In addition to the statutory and regulatory limits, the Hearing Officer must "take into account any aggravating or mitigating circumstances when deciding the length of a suspension period." Utah Admin. Code R. 657-26-5(7). Neither the Wildlife Resources Code, the Division's Rules, nor the Division's guidance documents illuminate what circumstances might, or might not, be considered under this balancing test. Therefore, the Hearing Officer will consider any and all factors that bear on the equity of this administrative process.

**A. Aggravating Circumstances**

The Division asserted the following aggravating circumstances:

- (1) Mr. Stubbs hindered the bear's ability to escape after the pursuit; and
- (2) Mr. Stubbs placed his dog's training ahead of the bear's welfare.

The Hearing Officer agrees that these are aggravating factors. However, the Hearing Officer finds Mr. Stubbs' did not have any involvement in the actions taken by Mr. Wood after Mr. Stubbs left the campsite. Additionally, the Hearing Officer finds the fact that Mr. Stubbs never notified the Division of the incident to be an aggravating circumstance.

**B. Mitigating Circumstances**

The Division asserted the following mitigating circumstances:

- (1) Mr. Stubbs does not have any prior wildlife violations on record.

The Hearing Officer finds this to be a mitigating factor that lessens the severity of the offense. Additionally, the Hearing Officer finds Mr. Stubbs' character, as evidenced by the numerous letters of support from his community, should be a factor that weighs into the determination of the appropriate suspension.

**VI. CONCLUSION AND ORDER**

Weighing the aggravating circumstances against the mitigating circumstances, the Hearing Officer orders that Mr. Stubbs's license privileges to take and pursue cougar and bear be suspended for three years starting August 10, 2020 and ending on August 10, 2023.

ORDERED on August 4, 2020

DIVISION OF WILDLIFE HEARING OFFICER



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Gordon H. Rowe  
Hearing Officer  
Assistant Attorney General  
Utah Attorney General's Office

## **YOUR RIGHT TO APPEAL**

1. This Order may be appealed to the Utah Wildlife Board. **Any appeal must be received within thirty calendar days of the date of this order.** The appeal must be made in writing to the Chairperson of the Wildlife Board, 1594 West North Temple, Suite No. 2110, Salt Lake City, Utah 84114-6301. A copy of the appeal must be mailed to the Hearing Officer at the address listed above. The appeal must be signed by the Respondent, state the grounds for appeal, the relief requested, and the date on which the appeal was mailed.
2. After receiving notice of appeal, the Wildlife Board will schedule a hearing date at its earliest convenience. Notice of the hearing will be provided to all parties. The Wildlife Board will require that all parties attend the hearing. Respondent may bring counsel to appear on his or her behalf. Upon hearing from both parties and reviewing the evidence the Wildlife Board may take no action, vacate or remand the decision of the Hearing Officer, or amend the Order.
3. For additional information regarding the Wildlife Board Review process, please refer to Utah Code sections 23-19-9(12), 63G-4-201 to -206, and Utah Administrative Code Rule R657-26-8. You may also contact the Division of Wildlife Resources.

## **THE EFFECTS OF THIS ORDER**


4. During the suspension period, Respondent must not participate in the activity for which the privilege has been suspended. He or she must not obtain or try to obtain a license or permit to participate in that activity. Any license or permit obtained or possessed for the activity during this suspension period is invalid.
5. During the suspension period, Respondent must not obtain or try to obtain any bonus points or preference points. Any points obtained during the suspension will be invalid; however, points acquired before the suspension remain valid during and after the suspension.
6. Subsequent violations occurring within the suspension period may result in a doubled suspension period. Furthermore, subsequent violations may result in the suspension of all hunting and fishing privileges.
7. Under the Wildlife Violator Compact, Title 23, Chapter 25 of the Utah Code, the Division may report to other states a suspension of wildlife privileges, which may lead to reciprocal suspensions in at least 45 different states. Respondent should verify his or her status before trying to obtain wildlife licenses in other states.
8. If a court has already suspended Respondent's privilege(s), this suspension may run consecutively with the court suspension. Utah Code Ann. § 23-19-9(6)(c).



## VII. CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing DECISION AND ORDER and NOTICE OF RIGHT TO APPEAL DECISION was served by certified mail, return receipt requested, this 5th day of August, 2020 to:

**CLIFFORD D. STUBBS**  
2715 WEST 800 NORTH  
PO Box 1574  
Parowan, UT 84761-1573

  
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Jamie Martell  
Law Enforcement Records Specialist  
Law Enforcement Division  
Utah Division of Wildlife Resources

# UTAH WILDLIFE BOARD

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In Re: Utah DWR's Action to Suspend : Clifford Stubbs' List of Witnesses and  
License Privileges of Clifford D. Stubbs : Exhibits for *De Novo* Hearing  
Case No. 2019-000001 :  
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As provided by the Pre-Hearing Scheduling Order in this matter dated May 11, 2021, Respondent, Clifford Stubbs, furnishes the Board and the Division of Wildlife Resources the following list of witnesses and exhibits to be offered by the respondent at the *de novo* administrative hearing to be conducted by the Wildlife Board on June 3, 2021:

Witnesses:

Clifford Stubbs  
Amanda Stubbs  
Riley Stubbs

Exhibits:

- Exhibit A – 3-page DWR Supplemental Report No. R1154275 summarizing Reporting Officer Kody Jones' interview of Clifford Stubbs conducted on January 11, 2019
- Exhibit B – 2-minute digital video compilation depicting the baying of a bear at Willow Basin on Saturday, May 19, 2018
- Exhibit C – 45-second digital video compilation depicting the baying of bears on Monday, May 21, 2018
- Exhibit D – Photograph of the Stubbs family and dogs
- Exhibit E – 37 Letters of Support witnessing the background, character, and credibility of Clifford Stubbs

## Stubbs Suspension Appeal

Case No. 2019-000001

### DIVISION OF WILDLIFE RESOURCES – WITNESSES AND EXHIBITS LIST

#### Witnesses

Officer Kody Jones

Officer Adam Wallerstein

#### Evidence

Ex #	Description	File Title	Media
A	May 19th Snapchat videos of bear pursuit	memories~~2018-05-19-14-35-56UTC~bowood~~~7e70d39d-eddb-431a-8276-611be937e400~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-36-06UTC~bowood~~~fc454818-29ba-4861-8832-63c78fc4ab71~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-36-16UTC~bowood~~~9810d888-dd76-4310-98f9-265faf455bf1~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-36-26UTC~bowood~~~e20f0f06-dec6-470e-afec-778329a091ca~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-36-36UTC~bowood~~~2a492b4c-1e91-44d0-8c53-1068688eec70~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-36-46UTC~bowood~~~a54c9e44-6427-4080-b287-6495762e5e6c~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-37-24UTC~bowood~~~45a88a22-2b68-442e-a0c2-665b1cc14e90~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-37-34UTC~bowood~~~2b9ade68-412c-43c1-87c0-01d50ae1dff9~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-37-44UTC~bowood~~~79d6c6ea-1314-4048-8879-1de19a3e0d29~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-37-54UTC~bowood~~~81e3a8fc-1d66-4155-b2f8-24ddc029ca5a~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-38-04UTC~bowood~~~c0f49faa-d746-4599-b8d1-0c357d900e7d~v4.mp4	Mp4 Video
		memories~~2018-05-19-14-38-14UTC~bowood~~~9f20871f-db94-4742-bf58-145915a24116~v4.mp4	Mp4 Video

<b>B</b>	Facebook Video of bear in Dog Box	unified_message_1690296947729681.mp4	Mp4 Video
<b>C</b>	Officer Jones Case Report	2019-000001 Case Report	PDF
<b>D</b>	Officer Jones Interview with Clifford Stubbs	Officer Jones Interview with Clifford Stubbs	MP3 Recording
<b>E</b>	Officer Jones Supplemental Photo Log	Officer Jones 2019-000001 Supplemental Photo Log	PDF
<b>F</b>	Criminal Plea Agreement and Order (Certified)	Criminal Plea Agreement and Order (Certified)	PDF/Paper
<b>G</b>	2018 DWR Bear Guidebook	2018_Bear Guidebook	PDF
<b>H</b>	Clifford Stubbs Permit History	Stubbs Hunt History Utah	PDF