

UTAH WILDLIFE BOARD MEETING
October 4, 2007, 9:00 a.m. DNR Auditorium
1594 West North Temple, SLC, UT

AGENDA

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| 1. Approval of Agenda | ACTION |
| - Paul Niemeyer, Chairman | |
| 2. Approval of Minutes | ACTION |
| - Paul Niemeyer, Chairman | |
| 3. Old Business/Action Log | CONTINGENT |
| - Rick Woodard, Vice-Chair | |
| 4. DWR Update | INFORMATION |
| - Jim Karpowitz, DWR Director | |
| 5. Fish Contest Proposed Rule | INFORMATION |
| - Drew Cushing, Warm Water/Community Fisheries Prog. Coord. | |
| 6. Pre-authorized COR for Personal Collection of Amphibians and Reptiles | |
| - Laura Hines, Native Aquatics Species Biologist | ACTION |
| 7. Brine Shrimp Rule R657-52 (5-year review) | ACTION |
| - John Luft, Great SL Ecosystem Prog Mgr. | |
| 8. Commercial Harvesting of Protected Aquatic Wildlife Rule R657-14 | |
| - Roger Wilson, Sport Fish Program Coordinator | ACTION |
| 9. Aquaculture and Fish Stocking R657-16 (5-year review) | ACTION |
| - Roger Wilson, Sport Fish Program Coordinator | |
| 10. Fishing Proclamation and Rule R657-13 (5-year review) | ACTION |
| - Roger Wilson, Sport Fish Program Coordinator | |
| 11. Certification Review Committee Variance Recommendations | ACTION |
| - Staci Coons, Certification Review Committee Chair | |
| 12. Variance Requests – Season Extensions | ACTION |
| - Judi Tutorow, Wildlife Licensing Coordinator | |
| 13. Board Meeting Dates – 2008 | ACTION |
| - Staci, Coons, RAC/Board Coordinator | |

14. Other Business

CONTINGENT

- Paul Niemeyer

Youth Hunter Recruitment Committee – Board Member Rep.

Mid-Winter Training for RAC Chairs and Board Members – Information

UTAH WILDLIFE BOARD MOTIONS
October 4, 2007, 9:00 a.m. DNR Auditorium
1594 West North Temple, SLC, UT

1. Approval of Agenda **ACTION**

MOTION: I move that we approve the agenda as amended.

Passed unanimously

2. Approval of Minutes **ACTION**

MOTION: I move that we approve the minutes of the September 6, 2007 Wildlife Board meeting as corrected.

Passed unanimously

3. Suspension Appeal

MOTION: I move that we accept the Division's recommendation as presented on the suspension reduction of Dirk Olson.

Passed unanimously

4. Pre-authorized COR for Personal Collection of Amphibians and Reptiles **ACTION**

MOTION: I move that we accept the Division's recommendation on the Pre-Authorized COR for Personal Collection of Amphibians and Reptiles as presented.

Passed unanimously

5. Brine Shrimp Rule R657-52 (5-year review) **ACTION**
6. Commercial Harvesting of Protected Aquatic Wildlife R657-14 **ACTION**
7. Aquaculture and Fish Stocking R657-16 (5-year review) **ACTION**

MOTION: I move that we accept the Division's recommendations on the five year reviews of the "Brine Shrimp Rule R657-52," the "Commercial Harvesting of Protected Aquatic Wildlife Rule R657-14" and the "Aquaculture and Fish Stocking R657-16.

Passed unanimously

8. Fishing Proclamation and Rule R657-13 (5-year review) **ACTION**

MOTION: I move that no changes be made on the Woodruff Reservoir regulations until further study can be done.

Passed unanimously

MOTION: I move that we accept the Division's recommendations

on the Fishing Proclamation and Rule R657-13 as presented.

Passed unanimously

9. Certification Review Committee Variance Recommendations **ACTION**

MOTION: I move that we approve the variance request of Deeanna Croasmun as recommended by the Certification Review Committee

Passed unanimously

MOTION: I move that we accept the recommendation of the Certification Review committee for Caleb Stroh of Critter Control with the exception of the rattlesnake restriction.

Passed unanimously

MOTION: I move that we approve the variance request of Bruce and Brandon Hunt as recommended by the Certification Review Committee.

Passed unanimously

10. Variance Requests – Season Extensions **ACTION**

MOTION: I move that we approve the variance request of Aimee D. Steele.

Passed unanimously

MOTION: I move that we approve the variance request of Jed Todd.

Passed with one opposed, Ernie Perkins

MOTION: I move that we approve the variance request of Paul Shelton.

Passed unanimously

MOTION: I move that we approve the variance request of Larry Newton.

Passed with one opposed, Ernie Perkins

MOTION: I move that we approve the variance request of David Garza.

Passed unanimously

11. Board Meeting Dates – 2008 **ACTION**

MOTION: I move that we approve the 2008 Wildlife Board Meeting dates.

Passed unanimously

UTAH WILDLIFE BOARD MEETING

October 4, 2007, 9:00 a.m. DNR Auditorium
1594 West North Temple, SLC, UT

Board Members Present

Rick Woodard – Vice Chair
Ernie Perkins
Lee Howard
Del Brady
Keele Johnson
Jim Karpowitz – Exec Sec

Board Members Excused

Chairman Paul Niemeyer
Tom Hatch

RAC Chairs Present

Amy Torres (excused) –Northeastern
Kevin Christopherson (attending for Chairman Torres) – Northeastern
Ed Kent – Central
Jim Gilson – Southeastern
Jake Albrecht – Southern
Brad Slater – Northern

Public Present

Vice Chair Woodard welcomed the audience and introduced the Wildlife Board members and RAC Chairs.

1. Approval of Agenda

Mr. Woodard said Martin Bushman needs to present a suspension appeal as a new item on the agenda, number six. Under “other business,” Chairman Niemeyer asked that the last two items be dropped from the agenda until he can be present.

Director Karpowitz said he would like to talk to the Board about guide and outfitter legislation.

Mr. Perkins would like to discuss getting draft minutes to the RACs under “other business.” He would also like to discuss adding a “deer vehicle mortality item” to the action log.

The following motion was made by Lee Howard, seconded by Del Brady and passed unanimously.

Division of Wildlife Resources

Mike Fowlks
John Fairchild
Staci Coons
LuAnn Petrovich
Ron Hodson
Drew Cushing
Laura Hines
John Luft
Roger Wilson
Judi Tutorow
Martin Bushman

MOTION: I move that we approve the agenda as amended.

2. Approval of Minutes

On p. 9, 1st paragraph, 4th line, add the word “contiguous” after “constitute.” P. 13, 4th paragraph, last line, change “committees” to “Wildlife Board.” P. 17, 7th paragraph, 2nd line, add “because it was safe to do” after “youth hunt.”

The following motion was made by Ernie Perkins, seconded by Keele Johnson and passed unanimously.

MOTION: I move that we approve the minutes of the September 6, 2007 Wildlife Board meeting as corrected.

3. Old Business/Action Log

Vice Chair Woodard said turkey depredation permits for landowners was supposed to be on today’s agenda. When will this be addressed?

Mr. McLaughlin said we decided to put that off for a year, because of the change of personnel.

Vice Chair Woodard questioned the Oct 5, 2006 cutthroat trout stocking, two-year test on the triploid rainbows and if it should be put in the action log.

Mr. Donaldson said it was addressed at tri-state. Prior to tri-state, the Division did contact the Idaho Game and Fish Department. He talked to Steve Young there and one of the issues is that we are still dealing with the fact that they are not comfortable with stocking triploid or diploid rainbow stocking in that reservoir, because it is used as a conservation site for the Bear Lake Bonneville cutthroat. We are planning a spring meeting with them and will continue those discussions. This issue is still on the table and may be so for several years to come.

4. DWR Update (Informational)

Director Karpowitz said we miss Chairman Niemeyer and look forward to seeing him soon. We are all wishing the best for him.

We have now dealt with well over 200 bear incidents this summer, 211 was the last count. This is more than ever before. We had a successful Rocky Mountain goat transplant from the Beaver Unit to Loafer Mountain. We also gave some of them to Idaho.

The ½ hour before sunrise on the youth waterfowl hunt went off without a hitch. There were no injuries or problems. They had a great hunt with success approaching three ducks per hunter.

We are continuing to gear up for quagga mussel interdiction efforts. We are getting people hired in the regions, but are having a little bit of trouble getting people to accept jobs, considering our pay ranges. We should be in full swing by spring. We are on schedule to do about 350,000 acres of habitat work this fall. Quite a bit of it will be rehabbing portions of the burns. We have had to bring on a second crew to work at our Ephraim Experiment Station to mix seed for these burns. It is nice that in Utah we are ready to respond to the kind of disasters that these large wildfires leave us with.

Hunting seasons are in full swing. We had a great elk hunt and a new archery state record was set. A large number of nice bulls were taken. The muzzleloader deer hunt went well and hunters reported good success. Fall fishing is in full swing and there are a lot of good opportunities. We also dedicated our new Farmington Bay Learning Center in the last month. It has been moved to a new location on lands provided by the Mitigation Commission. It is a great new site. Ten's of thousands of school kids from Davis and Salt Lake counties will benefit from this center. There are lots of exciting things happening with our wildlife and it is a credit to our great employees who work very hard to make good things happen.

In the last month, Director Karpowitz attended the Association of Fish and Wildlife Agency meeting in Kentucky. People always want to know what is happening in Utah in almost every program.

Mr. Howard said on the seeding program, a lot of credit has to go to the state as they foresaw the need for the seed. The state looked out ahead of time and bought seed at better prices early on.

Director Karpowitz said they had a seed order and contract ready to go and when the fires occurred we were able to take additional money from several sources to get the seed order in early. We got the seed we wanted at the price we wanted. We had to rent an additional warehouse to store the seed. We have great re-seeding projects going on.

Vice Chair Woodard said he attended the Tri-State meeting and in listening to Colorado and Wyoming, he realized Utah is ahead of other states in policies, and things like internet licensing. Also we are doing these things with the smallest budget and number of employees. The Division is to be commended.

Director Karpowitz said we have had 170 people in new positions in the last two years. We have hardly missed a beat. We have great people.

5. Fish Contest Proposed Rule (Informational)

Drew Cushing, Warm Water/Community Fisheries Program Coordinator presented this agenda item. He said he will be discussing fishing tournaments, contests and clinics. Tournaments are very specialized and require lots of effort. They are high investment, technology, and expenditure from the angler with a high pay out. Contests are derby type

events with low skill, low investment settings with potentially high payouts. These include tagged fish contests as well. There is a skill differential between tournaments and contests. Clinics are educationally based and specialized for that purpose.

The purpose of this presentation is to solicit the advice and input of the public on those three topics. The reason it has been brought to the Wildlife Board is these are primarily social issues. A lot of the problems we see with these venues are social.

Concepts for Consideration:

Coldwater fish tournaments

Option 1

- a) The question at hand is, "Should we reinstate the historical rules which occurred at Flaming Gorge and Echo Reservoirs where there was no limit to the number of contestants or the amount that can be offered in total prizes?"
- b) Reinstate the statement in the rule that there may be a contest/tournament held at Echo Reservoir on Free Fishing Day.
- c) Not allow live weigh tournaments or contests

Or

Option 2

- a) Maintain the requirements of coldwater fish tournaments as they are currently.

Warm water fishing tournaments

Option 1

Allow tournament participants to temporarily possess fish protected in length-restricted waters for the duration of specific tournaments. This would allow high publicity events comparing catch at the end of the tournaments.

Or

Option 2

DWR specify method to weigh or measure fish at the site of capture. This would eliminate the need for participants to temporarily possess fish protected under special regulations at these waters.

Tagged fish contests

Option 1

Establish a list of waters where tagged fish contests could take place and establish guidelines to control those and other types of contests.

Or

Leave the tagged fish contest as is, which allows DWR to authorize fish tagging, but no oversight on how the contest is conducted.

Youth fishing clinics

Option 1

Clearly separate clinics from all other fishing tournaments and contests and make every attempt to encourage these types of events as well as reduce the requirements necessary for them to hold a clinic.

Or

Option 2

Control clinics and manage them as contests or tournaments.

Lastly, this is a social issue and the Wildlife Board meeting and RAC meetings are perfect forums to discuss it.

Mr. Kent asked what prompted the focus on cold and warm water tournaments and fishing contests.

Mr. Cushing said we have been having meetings with state parks primarily for the last eight months. There is an interest in this sister agency. We would like to see something put in place to assist them with additional revenue. The Division is also interested in additional revenue and recruitment via license sales and angler youth recruitment.

Mr. Gilson asked what the limit is on prizes.

Mr. Cushing said a contest \$500 or over 50 contestants requires a COR. On warm water fish there is no limit on how many prizes or how much cash can be awarded. You just have to register with the DWR if it is over \$500.

Mr. Howard asked what the mortality on warm and fresh water fish when they are caught and put in the water wells is.

Mr. Cushing said it is high on cold water fish. We discourage live weigh tournaments for cold water fish. On warm water fish, immediate is 7% and after it has been returned to water it is 24-28%.

Mr. Howard asked about the tagged fish. Have they seen mortalities on these?

Mr. Cushing said they had a tagged fish contest on stripers at Lake Powell and it boosted fishing. They did one at Strawberry in the past and it was almost too successful.

Mr. Johnson went over the options and asked how they keep people from cheating?

Mr. Cushing said they have buddy tournaments and we do not monitor them. What takes place is a draw to determine who gets which buddy. They verify each other's catch. They also have chase boats with judges that go from boat to boat and measure fish.

RAC Recommendations

Central – Mr. Kent said they had a lot of discussion. They asked if we are moving too fast on this, but ultimately, they looked forward. They preferred Option 1 for coldwater tournaments and Option 2 for warm water. On tagged fishing contests they preferred Option 1 and with the clinics, they preferred Option 1.

Northern – Mr. Slater said they made no formal motions. There was strong public input for and against these tournament options. There was concern with access of public waters being limited during tournaments. The overall view from the RAC was to ask for more definitive recommendations, and wait and see before they would offer a proposal. There is also a quagga mussel concern with people coming from out of state for tournaments.

Northeastern – Mr. Christopherson indicated they made no formal recommendations. Their discussion was similar to that of the other RACs that have reported so far. They were concerned as to what percentage of the general fishermen participate in tournaments and that regular fisherman might be put off. There were also questions about mortality of fish. The quagga mussel issue was also discussed. There was general consensus to keep regulations where they are presently.

Southern – Mr. Albrecht said there was not a lot of discussion from the public. One gentleman expressed concern about mortality of fish in cold and warm water. There was some discussion in the RAC as to what the impacts to the waters might be after they held a tournament there. They had no formal motion.

Southeastern – Mr. Gilson said they came to the conclusion that organizations that will sponsor these tournaments will meet with the Division and work out problems ahead of time. There was no public concern expressed. The Division needs to work out the details before starting on these events.

Board Discussion

Vice Chair Woodard summarized the RAC comment.

Mr. Perkins said the options were somewhat limiting. It is more complex than these options present. Several of the RACs did not respond to the options. He prefers to give input not tied to the options. Contests and clinics have clear, widespread and unanimous support as expressed in the RACs. These are good for public, parks, local economies and the resource. He would encourage the Division to press on with these ideas on clinics and tagged contests. Tournaments were not well supported at the RACs, because there is no benefit coming back to the state and public. Very few people benefit from the tournaments. He encouraged the Division to look at another model to find win/win solutions, that being the big game program, which takes care of Utah hunters. In the conservation permit program, we allow for the rich to participate in special permits and this benefits the habitat and resource. On tournaments, he asked the Division to look at existing rules and future plans, to tighten and restrict the registered and nonregistered, legal and illegal tournaments, only allowed at a few and very large specifically designated waters and be required to adhere to all existing rules and regulations that the public angler is subject to. Any special rules should have a large and clear cut benefit to the public similar to the big game conservation program. Tournaments should only be allowed when there is benefit to the state and no negative impact to the state.

Mr. Howard said the Division needs to look at and use the experience of what other states and professionals would give as input, before making decisions. He also agrees with a lot of what Mr. Perkins said. There is a lot of room in tournaments if they are properly regulated. If it is going to help the state, we should look at it seriously.

Mr. Brady said we should not close the door. The public can benefit from these programs. He agrees with a lot of what Mr. Perkins said. In Alaska, the towns all have a tagged fish program. The impacts for these towns is hundreds of thousands of dollars. This could apply to some of our reservoirs, particularly Lake Powell and Flaming Gorge. He does not want to close the door on these ideas. We can learn something and benefit from these proposals. The public can benefit, if we do this right.

Mr. Johnson said he thinks the people who put on these tournaments need to be heard from and represented at the board meeting. Tournaments do bring a lot of money into a state.

Vice Chair Woodard said once this is moved to an action item, we will hear from those who put on these tournaments.

Mr. Howard asked Mr. Kent if there are people in the state interested in these tournaments.

Mr. Kent said people were aware of this issue and once it becomes more formalized and the DWR has definite recommendations, people will give input. He did receive e-mails and people were aware of this. There have been tournaments held every year that do have significant monetary benefit to communities. Segregating anglers and the impact on the resource verses what the pay off is for tournaments was the general concern.

Mr. Donaldson said it is important to the fishery section that we get the information out to the public, well ahead of the recommendations. The big concern is the fly by night tournaments that give a bad reputation to all of them. The Division wants to make sure this is an open forum. The various fisherman groups have been contacted about these issues and we will continue to work with them, especially the bass clubs.

6. Suspension Appeal

Marty Bushman said this appeal involves two individuals who were hunting in Duchene County and neither one had a license. The individual in this appeal is Dirk Olson. While on this hunting trip in November 2005, Mr. Olson's hunting companion shot a trophy buck and then he shot a three by four buck deer, but left it. There was no way to determine his antler spread. They were both charged with wanton destruction of protected wildlife. Mr. Olson was charged with a Class A misdemeanor for killing the buck deer he shot and also with aiding and assisting in the wanton destruction of the trophy buck deer. His hunting companion's charges were just the reverse. The hearing officer got a little confused as to which one of the offenses Mr. Olson pled guilty to, thinking that he had pled guilty to the wanton destruction of the trophy deer. There was a

ten-year suspension period entered in this case, by the hearing officer. Mr. Bushman has reviewed the case and Mr. Olson had pled guilty to the deer he killed. The Division recommends the suspension be reduced to five years, from April 20, 2007 through Jan 7, 2011.

Mr. Perkins asked what the court found on the second charge, which was a felony.

Mr. Bushman said he only pled guilty as part of the plea agreement to the wanton destruction of the deer he had killed which was a Class A misdemeanor. The other charge was dismissed.

The following motion was made by Keele Johnson, seconded by Lee Howard and passed unanimously.

MOTION: I move that we accept the Division's recommendation as presented on the suspension reduction of Dirk Olson.

7. Pre-authorized COR for Personal Collection of Amphibians and Reptiles (Action)

Laura Hines, Native Aquatics Species Biologist presented this item. She gave some background in that the CIP Rule recommendations were approved by the RACs and Wildlife Board this past March of 2007. During the rule revisions, numerous collection options were examined, including hunting/fishing license stamp, amphibian reptile license and pre-authorized CORs in the form of a draw. These pre-authorized CORs allow for the collection/possession for personal use of species listed as "controlled". This is the first time native species listed as "controlled" have ever been pre-authorized for collection or possession for personal use in any program in the Division. Ms. Hines then went over the fees, permit process and rationale for the recommendations. She then listed species not allowed for collection and those allowed for collection. (See PowerPoint presentation). In summary, pre-authorized CORs streamline the COR process for personal collection and does not take away from the regular COR process. Of Utah's eighteen native "controlled" species, five are allowed for collection. Bag limits, permit numbers, and collecting areas will be reviewed annually. She then asked if there were any questions.

Mr. Howard asked about the season dates on the frogs and snakes.

Ms. Hines said the frogs breed longer, and the snakes come out of hibernation earlier.

Vice Chair Woodard asked what is driving this recommendation. Are these highly sought after CORs?

Ms. Hines said she has only recently been involved with this process. From what she gathers, there was public desire to be able to collect certain species within Utah. Surrounding states do allow some collection and the public wanted the same here in Utah.

Mr. Howard said he is glad the recommendations are quite conservative on the numbers.

Mr. Johnson asked what the status is on horny toads and similar species.

Ms. Hines said horny toads are “non-controlled” and you can collect three per year and have nine in an aggregate at one time. You do not need a COR for them.

RAC Recommendations

Northern – Mr. Slater said they had quite a bit of discussion, but they supported the recommendation as presented.

Central – Mr. Kent said they wanted to compliment the Division and the Herpetology Society for working together on this. There have been some contentious times during this process. There was very little discussion and they approved the recommendation unanimously.

Southern – Mr. Albrecht said they had several comments about the DWR biologist coordinating with the BLM and Forest Service biologists on some of these snakes. Some of the BLM biologists had never seen some of these species. They wanted to pass this along to the Board. There is some concern about people having snakes and lizards for pets that have been taken off BLM and Forest Service land. The recommendation passed 6 to 4.

Southeastern – Mr. Gilson said they supported the recommendation unanimously.

Northeastern – Mr. Christopherson said there was a lot of concern about commercialization and where we go with this. In the end there was quite a discussion about the Division getting the best information possible. They passed the recommendation 4 to 1.

Vice-Chair Woodard asked if there was any public comment and there was none.

Board Discussion

Director Karpowitz mentioned the e-mail from the Utah Herpetology Association and wanted to make sure the Board members received it.

The following motion was made by Ernie Perkins, seconded by Del Brady and passed unanimously.

MOTION: I move that we accept the Division’s recommendation on the Pre-Authorized COR for Personal Collection of Amphibians and Reptiles as presented.

7. Brine Shrimp Rule R657-52 (5-year review) (Action)

Roger Wilson, Sport Fish Program Coordinator presented this item. The Division recommended no changes and asked that it be re-authorized as is.

8. Commercial Harvesting of Protected Aquatic Wildlife Rule R657-14 (Action)

Mr. Wilson said the recommendation is for no changes and asked that it be re-authorized as is.

9. Aquaculture and Fish Stocking R6577-16 (5-year review) (Action)

Mr. Wilson said that no changes are proposed at the current time. The DWR is asking the Board to re-authorize the rule as is. Several changes are under consideration and will be brought to the RACs and Board at a later date. Changes under consideration are as follows: To establish procedures for private fish stocking in community fisheries, to make the rule consistent with the new draft of the “Procedures for stocking nonnative fish species in the upper Colorado River Basin,” to clarify prohibition of private stream stocking in rule and establish private pond COR procedures to protect native species from disease and genetic introgression and make the permitting process more consistent, timely and adaptable to the changing needs of native fish. This concluded the presentation and Mr. Wilson asked if there were any questions.

Mr. Howard asked if on private ponds they could specify using only the native species.

Mr. Wilson said one problem with doing this is we have not produced enough native species for ourselves at this point. We ask private aqua culturists to produce sterile fish and also offer them eggs for their production program.

Mr. Howard asked how far we are from providing cutthroats to these people.

Mr. Wilson said we need to make this process as simple as possible. We have to keep them separate and we do not want the wrong strain in the wrong place. We may be able to accommodate this in a small way some time in the future.

RAC Recommendations

All of the RACs passed these rule reviews unanimously.

The following motion was made by Keele Johnson, seconded by Ernie Perkins and passed unanimously.

MOTION: I move that we accept the Division’s recommendations on the five year reviews of the “Brine Shrimp Rule R657-52,” the “Commercial Harvesting of Protected Aquatic Wildlife Rule R657-14” and the “Aquaculture and Fish Stocking R657-16.

10. Fishing Proclamation and Rule R675-13 (5-year review) (Action)

Roger Wilson, Sport Fish Coordinator, presented this agenda item. (See PowerPoint Presentation) He went over the summary of objectives/directions. They are to simplify, clarify and standardize regulations, to continue refinement of the user friendly “Fishing Guide” format, to provide a wide variety of opportunities to the angler and to protect aquatic resources of the state. General provisions, including definitions, fishing contests, interstate waters fishing permits, and underwater spearfishing were discussed. Jordanelle, Pineview and Yuba were added to the spearfishing waters.

Mr. Wilson then went over the proposed changes to baitfish regulations. Tiger salamander are prohibited as bait. Use or possession of artificial baits which are commercially imbedded or covered over in fish or fish parts is unlawful. Use of all fresh or frozen baitfish except that which is listed in the proclamation is restricted. Possession and transportation of dead fish and crayfish was also discussed. Special instructions on filleting were also covered.

Season dates and bag and possession limits on burbot were modified. There is no limit on burbot and anglers must not release any burbot they catch. All burbot must be immediately killed. Specific water provisions were covered, including the community fisheries.

Mr. Woodard had a question on removing heads and tails. Should the wording be “in transit to base camp?”

Mr. Wilson said the filleting rule is very complicated. We could have Mr. Bushman look into this question. They will talk to the enforcement officers and make them aware of our intent. Our main concern is whirling disease. They are worried about fish being carried from one water to another. Do not catch your fish in one location and clean it at another.

Mr. Gilson asked about the tilapia in Blue Lake.

Mr. Wilson said they want to make it clear that people do not move fish around and introduce fish into other areas.

RAC Recommendations

Northeastern – Mr. Christopherson said they passed the recommendations unanimously.

Southern – Mr. Albrecht said there was a lot of discussion about some of the local reservoirs. People from Panguitch Lake, who are business owners, discussed the slot fishing. They want to go back to the old regulations. They voted 9 to 1 to accept the recommendations.

Southeastern – Mr. Gilson thanked the DWR for their efforts on this Fishing Guide. They had a special presentation on Joe’s Valley Reservoir and the amount of chubs in it. They also discussed the fact that it is not working as a family fishery. They are comfortable with the efforts that will be made to control the chubs. The recommendations passed unanimously.

Northern – Mr. Slater said they had quite a lot of discussion. They had a motion to accept as presented, asking for additional information on the file restrictions at Lake Powell. This motion failed 6 to 3. The motion that passed was to accept as presented and it passed unanimously. They have concerns about the spearfishing at Pineview. Mr. Slater personally does not think there will be any problems. This issue can be further discussed, from a law enforcement perspective, at the annual discussion with the members of the Ogden Ranger District. There is concern that Woodruff Reservoir is viewed as a community reservoir by members of Rich County. This will take away a popular fishery with locals, specifically young people. Their RAC passed the recommendation as presented with the exception of Woodruff Creek, which they want to stay with the present regulations.

Central – Mr. Kent said there was discussion to catch and keep rainbows on Strawberry, but keep the cutthroat limit to protect them. The recommendations passed unanimously.

Board Discussion

Vice Chair Woodard summarized RAC comment.

Mr. Wilson said if we remove the artificial lures restriction on Woodruff, we would like to table it for the time being. They would like to work with the people in Rich county.

The following motion was made by Ernie Perkins, seconded by Keele Johnson and passed unanimously.

MOTION: I move that no changes be made on the Woodruff Reservoir regulations until further study can be done.

The following motion was made by Keele Johnson, seconded by Lee Howard and passed unanimously.

MOTION: I move that we accept the Division’s recommendations on the Fishing Proclamation and Rule R657-13as presented.

11. Certification Review Committee Variance Recommendations (Action)

Staci Coons, Certification Review Committee Chair, presented recommendations on three variance requests. The committee is authorized by R657-3-Collection, Importation, Transportation and Possession of Zoological Animals as well as R657-53- Amphibian and Reptile Collection, Importation, Transportation and Possession, to make a

recommendation to the Board concerning the granting of variances for individuals for the possession or commercial use of controlled or prohibited species. Understanding that this is only a recommendation and the Board has full authority in granting, denying or modifying the variance request. Ms. Coons then listed the members of the review committee. She then went on to give a summary of each of the three variances.

The first variance was from Deeanna Croasmun for the possession and personal use of two ring-tailed lemurs and one jungle cat, as well as a request to modify her current propagation Certificate of Registration (#4PROP699) for bobcats and lynx to an educational COR. She no longer wishes to breed and commercially sell bobcat or lynx, however she would like to keep the animals she currently has and use them in an educational program she provides for schools and local groups. For more details see (Attachment #1). The committee is recommending that the request for a jungle cat be denied. Ms. Croasmun indicated that the animal could be housed in the Nevada facility now and would not need to be housed in Utah for any period of time.

The following motion was made by Keele, seconded by Ernie Perkins and passed unanimously.

MOTION: I move that we approve the variance request of Deeanna Croasmun as recommended by the Certification Review Committee.

Ms. Coons said the next two variances are a little different. They actually had CORs issued to them by the Division, however the species they requested are listed as prohibited, which means the Division has no authority to authorize them.

The second variance request is from Caleb Stroh of Critter Control. He provides an animal nuisance control service for the people of Utah. He has requested that badgers, bats, mink, weasels and rattlesnakes be added to his current COR. After careful evaluation, the committee recommends that the request for badger, mink and weasel be approved upon submission of a list of training courses completed by Mr. Stroh. He has already submitted this list. The committee recommends that the Wildlife Board approve the applicant's requests relating to bats with several stipulations (See Attachment #1). The committee recommends that the Board deny the applicant's request relating to rattlesnakes.

Caleb Stroh said they offer a wonderful service to the public and he hopes the Board will grant this variance.

Mr. Johnson asked about the rattlesnake request being denied.

Mr. Stroh said if there is a problem with a rattlesnake, it would be nice to be able to offer that service. There is really no specific way to handle rattlesnakes, except what has been explained in the information he has submitted. They do catch and release on all critters when possible, except where it has been directed otherwise by the Division. It would not

be a huge issue if they are not able to remove rattlesnakes. It is getting to be a bigger problem as people continue to build up the mountain.

Mike Fowlks said they have instituted a training program to deal with snakes and reptiles on the prohibited list. Division people have been trained on all these issues. We will respond 24 hours a day on a public safety issues. Our officers are all equipped with proper equipment and will respond. The Division will respond 24 hours a day, seven days a week, on a public safety issue.

Mr. Perkins said if the Division would change their recommendation, he would be willing to allow people who can provide evidence of certification and training to remove rattlesnakes.

Vice Chair Woodard asked if there was any liability involved.

Mr. Bushman said there is potential for liability.

The following motion was made by Keele Johnson, seconded by Ernie Perkins and passed unanimously.

MOTION: I move that we accept the recommendation of the Certification Review Committee for Caleb Stroh of Critter Control with the exception of the rattlesnake restriction.

The third variance is a request from Bruce and Brandon Hunt of Wildlife Solutions, which also provide a nuisance animal control for the people of Utah. They are asking that badgers, bats, mink and weasels be added to his current COR. The committee recommends that this request be approved only upon submission of an acceptable plan for handling these species to the Division's Mammals Program Coordinator. The applicant indicated having no experience or training on how to capture and/or handle badgers, minks or weasels and he does not have a plan in place for the removal of such animals. The committee recommends that the Board approve the request pertaining to bats with several stipulations (See Attachment #1).

The following motion was made by Keele Johnson, seconded by Ernie Perkins and passed unanimously.

MOTION: I move that we approve the variance request of Bruce and Brandon Hunt as recommended by the Certification Review Committee.

Director Karpowitz said there is one other business that is allowed to handle rattlesnakes. There are a number of stipulations that snakes have to be released in a certain amount of time and in certain areas. He is assuming that those same stipulations apply to Mr. Stroh.

Mr. Johnson said that is assumed in his motion.

12. Variance Requests – Season Extensions (Action)

Judi Tutorow, Wildlife Licensing Coordinator, presented these variances. The first variance is for Aimee D Steele. Her husband contacted the Division. Aimee would like to ask for an extension of her hunt based on the fact her daughter was admitted to the hospital for a liver transplant. They would like an extension to hunt in the 2008 season on the Plateau, Boulder/Kaiparowitz (early) hunt.

The following motion was made by Ernie Perkins, seconded by Del Brady and passed unanimously.

MOTION: I move that we approve the variance request of Aimee D. Steele.

The next variance request is for Jed Todd. He would like to ask for an extension of his hunt based on the fact on the opening day of the hunt his father was involved in an accident with his horse and life-flighted from the unit to a hospital in Colorado. Jed would like to request for a hunt extension to the 2008 season for his Book Cliffs, Little Creek tag.

Vice Chair Woodard asked when he contacted the Division.

Ms. Tutorow said he brought it in on September 21, 2007. They got it here as quickly as they could.

Mr. Perkins said he has an 11-day hunt. The father was released two days later. Mr. Todd did have time to hunt.

Ms. Tutorow said Mr. Todd said he wanted to hunt with his father.

Mr. Perkins does not think they can set that precedent as a Board.

Mr. Brady said that this is a Once-in-a-Lifetime hunt.

The following motion was made by Keele Johnson, seconded by Ernie Perkins, and failed two in favor, Ernie Perkins and Keele Johnson and two opposed Del Brady and Lee Howard. The tie was broken with an opposing vote by Mr. Woodard.

MOTION: I move to deny the variance request of Jed Todd.

The following motion was made by Keele Johnson, seconded by Del Brady and passed with one opposed, Ernie Perkins.

MOTION: I move that we grant the variance request of Jed Todd.

The next variance request was for Paul Shelton who is asking for an extension of his hunt based on the fact his wife became gravely ill and died. They have legal guardianship of four of their grandchildren. Given the hardship of his wife's illness and death, he could not hunt. He wants to extend his Central Mountains Nebo turkey hunt to the 2008 first season.

Mr. Perkins asked if we have ever given a variance request on a turkey permit.

Ms. Tutorow said we have.

Mr. Perkins said he is looking forward to the new rule.

Mr. Brady said this is a turkey and the good will of the Division is involved.

Mr. Howard said he is in favor of granting this because we have plenty of turkeys.

The following motion was made by Del Brady, seconded by Keele Johnson and passed unanimously.

MOTION: I move that we approve the variance request of Paul Shelton.

The next variance request was for Larry Newton who is asking for an extension based on an emergency medical condition of his wife, which kept him from hunting. The variance is for a limited entry any weapon bull elk – Book Cliffs, Little Creek. This tag is a “once in a lifetime opportunity” for him because of his age. He did turn the tag in before the hunt started.

Mr. Perkins said the letter verifying his wife's illness is from a nurse practitioner. He would like to defer approval based upon receipt of a letter from a fully licensed doctor.

Ms. Tutorow said some of the medical information is confidential and he could not get anymore information than what is presented today.

The following motion was made by Keele Johnson, seconded by Lee Howard and passed with one opposed, Ernie Perkins.

MOTION: I move that we approve the variance request of Larry Newton.

The final variance request is from Dr. David Garza. He is requesting an extension on a Paunsagunt deer tag due to the fact that he had an extremely sick patient who had serious complications during pregnancy. This patient is unconscious and has received 20+ units of blood. She is very critical and he cannot leave her at this time. He would like to extend this mule deer tag to October 2008. He overnighted the tag to the Division to get it here before the hunt started.

The following motion was made by Ernie Perkins, seconded by Keele Johnson and passed unanimously.

MOTION: I move that we approve the variance request of David Garza.

13. Board Meeting Dates – 2008 (Action)

Staci Coons, RAC/Board Coordinator presented the dates for the 2008 Wildlife Board meeting dates. (See Wildlife Board packet for dates)

The following motion was made by Ernie Perkins, seconded by Del Brady and passed unanimously.

MOTION: I move that we approve the 2008 Wildlife Board Meeting dates.

14. Other Business (Contingent)

a) Guides and Outfitters

Director Karpowitz said the Division was approached over a year ago by a group of guides and outfitters that want some regulations to regulate their own activities. We told them this would have to be their legislation, but we are willing to help them with it. Just how this is worded and what the options would be is what they are working on. Some of the basics of this legislation is it would be public land only and hunting only. It does not regulate fishing or private land hunting or fishing. What we need from the Board is who is going to regulate these guides and outfitters. It would be a big responsibility for the Wildlife Board. They might have to do revocations and appeals relative to them. They are trying to decide what to write into the legislation as to who is going to regulate them. Should it be written in the legislation that this regulation should be done by a separate and distinct board, or even handled by the Division of Professional Licensing (DOPL)? We have tried to convince DOPL that this would be a really good fit for them, but they do not like it. If there is legislation in that regard, they might have to take it.

Mr. Johnson said in other states it is done by their DOPL.

Vice Chair Woodard said Colorado does have a separate licensing board.

Director Karpowitz said Idaho has a separate guides and outfitters process.

Mr. Johnson said he thinks whatever agency it is under, it should be handled by a separate Board. These issues can get very complicated and time consuming. Another option would be for it to be a sub-board under the Wildlife Board.

Director Karpowitz said livelihood would have to be considered, not just hunting privileges. The three options are: the Wildlife Board regulates it, a separate wildlife guides and outfitters board regulates it, or DOPL.

Mr. Sheehan said that Idaho, Wyoming, Montana, Colorado and Alaska all go through their DOPL. They have committees, but they are all under DOPL.

Mr. Bushman said the principal responsibility for the Board would be developing rules and regulations up front, then any changes that would be necessary from year to year. The other area would be administrative actions taken against their CORs. Given it is their livelihood; they would most likely come to the Wildlife Board. There could be two boards within the Division, one for Guides and Outfitters and the other the Wildlife Board. If we are fortunate enough to get DOPL to take it, we would not want to give much input.

Mr. Perkins asked about the third option, being a sub-board; would this still go through the Division?

Mr. Bushman said it would be channeled through the Division. We even looked at whether there would be a member of the Wildlife Board who serves on the board of guides and outfitters to provide coordination between the two.

Mr. Johnson said even if it went through DOPL, it would be wise to have some representation.

Mr. Bushman said it would be up to however the statute was drafted and what they said the guides and outfitters board make up would be. The specific boards in DOPL are primarily made up of members of the profession that is being regulated, although not entirely.

Mr. Howard asked why this would not be statewide.

Mr. Bushman said it would not apply when you get into private land. They are trying to approach it in a piece meal manner where they would have the greatest legislative support for it passing. You get into private land guiding and start impacting all the CWMUs, private landowners and so forth.

Mr. Johnson said it should be put in place as is and then get private land involved.

Mr. Howard said he likes the idea of having a separate board. It is wildlife and we need to be involved in it.

Mr. Woodard said it is wildlife, but he talked to Dick Ray who is the Wildlife Commissioner in Colorado. He is also the chairman of their guides and licensing board. He said that in doing this regulating, you are affecting someone's livelihood in a big way. That is what we would be doing.

Mr. Bushman said the appeals would include lawyers and be very time intensive.

Director Karpowitz said the Wildlife Board should be in the process or totally out of it.

Mr. Bushman said if the Wildlife Board is the final say on a regulation, it is hard to say why it would not be the final say on a suspension.

Mr. Perkins said he would like to advocate for the DOPL side. This is a business operation. They have all the mechanics done on this sort of issue. He feels the chance of DOPL accepting it and passing legislation is fairly slim. DOPL should be option one and the Wildlife Board should be the fall back.

Mr. Bushman said there would be a fiscal note tied to this no matter what and that would make that bill hard to pass.

Director Karpowitz said Representative Noel has agreed to run this bill. He wants to be able to call him today and tell him yes the Wildlife Board is agreeable to regulate this or they are not. If not, it ought to be handled either with a completely separate board or through DOPL.

Mr. Brady said he feels it should be under DOPL by definition of their agency. The second option should be a separate board.

Lunch break

Guides and Outfitter (continued)

Director Karpowitz said he needs to know if the Board wants to accept this, or should they go with another agency.

Mr. Johnson said he would like to see it stay with the Board responsibility. A sub-board could be put in place to do 90% of the research and then it could come to the Wildlife Board.

A discussion took place as to the various options to who is going to be the regulatory Board.

Director Karpowitz said this will have a series of public hearings on the legislative level. The public will have plenty of opportunity to comment on it.

Mr. Howard said he would like to see the Wildlife Board stay involved.

Mr. Perkins said he would like to see it go to DOPL.

Mr. Brady said he would like to be involved as a Board, but would rather it went to DOPL.

Mr. Kent said whoever ends up with the administrative authority over it could assess fees to cover the costs. He thinks it would be better administered by DOPL.

Director Karpowitz said he will contact the sponsor and summarize the Board's viewpoints and what has been discussed today.

b) Draft Wildlife Board meeting minutes to RACs

Vice Chair Woodard said he visited with Chairman Niemeyer and he would like to see the draft board minutes go to the RACs so they can give a report as to what went on at the Wildlife Board meeting.

Director Karpowitz said the issue is whether the Board wants their minutes going out in draft form, before they have had a chance to formally review and adopt them.

Vice Chair Woodard said we would have to make sure that the RACs know these are draft and unapproved minutes.

Mr. Perkins said we demand and ask a lot of the RACs. We do not get feedback to them oftentimes for two months after the fact. This might be a good idea.

Vice Chair Woodard said another thing we could do, rather than send them the draft board minutes, is if we disapprove a motion from the RACs, send a letter stating justification.

Mr. Kent said he just reports back to his RAC when there is a relevant decision made.

A discussion took place as to whether the draft minutes should be sent to the RAC members.

Mr. Bushman said as draft minutes, they are protected. When changes are made for approval, the Board might come under criticism. There are interest groups that watch the Board very closely. He said the draft minutes could go to the RACs, but with the stipulation that they not be shared with the public.

Mr. Kent said they would have no control over where those draft minutes would end up.

The Board decided to send the Wildlife Board Motions summary to the RACs in draft form.

c) Mortality of Wildlife

Mr. Perkins asked about an update on mortality of wildlife due to vehicle collisions. What work is going on? What kind of efforts can be taken? There is a twofold request, one would be an update to the Board and the RACs on what kind of work is ongoing with UDOT and around the state, and the second would be either incorporation is part of the revised deer plan or a separate effort to get some attention to reduce vehicle mortality of wildlife.

Director Karpowitz suggested that the Division could come back to the Board with a report with what is going on around the state in terms of reducing highway mortality. There are a few sub-groups around the state that are working with UDOT very closely on highway redesign and fencing. We can get a summary of that put together also. As far as the mule deer group, it will take place over the next few months. There will be more information available on that at the November board meeting. That plan needs to be revised and that will start occurring right away. The Wildlife Section will address these issues.

Vice Chair Woodard said we should wait for the report and if it is not what the Board wants we can put it on the action log.

Director Karpowitz said Mr. Slater had a comment.

Mr. Slater said there was an Amber Alert a few weeks ago. The suspects were apprehended largely due to the watchfulness of two wildlife officers, Mitch Lane and Dave Beverage.

Mr. Perkins thanked Ms. Coons for her promptness in getting the meeting schedule out for the RAC and Wildlife Board meetings in the upcoming year.

The meeting was then adjourned.