

WILDLIFE BOARD MEETING
August 7, 2008, 9:00 a.m., DNR Auditorium
1594 West North Temple, Salt Lake City, Utah

AGENDA

- | | |
|--|--------------------------------|
| 1. Approval of Agenda
-Paul Niemeyer, Chairman | ACTION |
| 2. Approval of Minutes
-Paul Niemeyer | ACTION |
| 3. Old Business/Action Log
-Rick Woodard, Vice-Chair | CONTINGENT |
| 4. DWR Update
-Jim Karpowitz, DWR Director | INFORMATION |
| 5. Board Appeals – Motion to Dismiss
- Matt Jennings 9:30 time certain
- Jeffery Welborn 10:00 time certain | ACTION
ACTION |
| 6. Bucks, Bulls & OIAL Update
-Anis Aoude, Wildlife Program Coordinator | INFORMATION |
| 7. Shed Antler Gathering
- Michal Fowlks, Law Enforcement Chief | INFORMATION |
| 8. Cougar Research Update
- Dr. Wolfe, USS | INFORMATION |
| 9. Cougar Recommendations
- Kevin Bunnell, Wildlife Program Coordinator | ACTION |
| 10. Bobcat Recommendations
- Kevin Bunnell, Wildlife Program Coordinator | ACTION |
| 11. Taking Non-game Mammals R657-19 (5-yr review)
- Kevin Bunnell, Wildlife Program Coordinator | ACTION |
| 12. Variance Request – Gus Dearman
- Martin Bushman, Asst. Attorney General | ACTION |
| 13. Aquatic Invasive Species Interdiction R657-60 – Amendment
- Larry Dalton, AIS Coordinator | ACTION |
| 14. Other Business - Paul Niemeyer | CONTINGENT |

WILDLIFE BOARD MEETING MOTIONS

August 7, 2008, 9:00 a.m., DNR Auditorium
1594 West North Temple, Salt Lake City, Utah

1. Approval of Agenda

MOTION: I move that we accept the agenda as amended.
Passed unanimously

2. Approval of Minutes

MOTION: I move that we approve the minutes of the June 19, 2008 Wildlife Board meeting with the noted corrections.
Passed unanimously

3. Cougar Recommendations

MOTION: I move that we accept the Division's Cougar recommendations with the exception of keeping the Book Cliffs as two separate units and the number of permits would be four and fourteen.
Passed unanimously

10. Bobcat Recommendations

MOTION: I move that we accept the Bobcat Recommendations as presented by the Division with the exception of reducing the permits by one, instead of two.
Passed 5 to 1 with Mr. Perkins opposed.

11. Taking Non-game Mammals R657-19 (5-yr review)

MOTION: I move that we approve the Taking Non-game Mammals R657-19 (5 year review) as presented by the Division.
Passed unanimously

12. Variance Request – Gus Dearman

MOTION: I move that we grant the variance request of David Kavanagh and the Johnson Mountain Ranch.
Passed unanimously

MDF Variance Request

MOTION: I move that we grant the variance request for hunting voucher #807461 for the Pahvant Premium elk permit to be extended to the 2009 season.

Passed unanimously

13. Aquatic Invasive Species Interdiction R657-60 – Amendment

MOTION: I move that we add Lake Granby Colorado to the list of infested water in the Aquatic Invasive Species Interdiction Rule R657-60.
Passed unanimously

14. Other Business

OHV Legislation

MOTION: I move the Wildlife Board provide conceptual endorsement to the draft OHV Bill.
Passed unanimously

WILDLIFE BOARD MEETING
August 7, 2008, 9:00 a.m., DNR Auditorium
1594 West North Temple, Salt Lake City, Utah

Board Members Present

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

RAC Chairs Present

Amy Torres – Northeastern
Jake Albrecht – Southern
Fred Oswald/John Fairchild – Central
Brad Slater – Northern
Jim Gilson – Southeastern

Public Present

Byron Bateman
Guy Webster
Craig Edwards
Matt Jennings
Jeffery Welborn

Division of Wildlife Resources

Staci Coons
LuAnn Petrovich
Kevin Bunnell
Anis Aoude
John Fairchild
Mark Hadley
Alan Clark
Teresa Bonzo
Cindee Jensen
Judi Tutorow
Doug Messerly
John Pratt
Mitch Lane
Justin Dolling
Craig McLaughlin
Charlie Greenwood

Chairman Niemeyer welcomed the audience and introduced the Wildlife Board members and RAC Chairs.

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

Under variance requests, Mountain Ranch CWMU is added and Tony Abbott from the mule deer foundation wants to talk about a variance request. Under other business – Byron Bateman will present an OHV bill. We would also like to discuss that bull elk on Monroe Mountain that has been all over the internet.

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

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

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

On p. 4 on the first and last motions, the vote should be 5 to 1, instead of 6 to 1. On p. 6, the motion at the top of the page should read the “May 8, 2008 Wildlife Board meeting.” These changes also need to be made in the body of the minutes.

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

MOTION: I move that we approve the minutes of the June 19, 2008 Wildlife Board meeting with the noted corrections.

3. Old Business/Action Log (**Contingent**)

Rick Woodard, Vice-Chair presented this agenda item. Turkey depredation will be addressed on August 28, 2008. The hunting issues will be discussed this fall and some will be covered today.

4. DWR Update (**Information**)

Director Karpowitz said on key personnel changes, Bill Bates has been appointed the new regional supervisor in the Southeastern region. Walt Donaldson, at WAFWA, received the Outstanding Professional of the year award. Also at WAFWA, Kevin Hurley received an award for his work with bighorn sheep and this impacts us here in Utah with his domestic sheep guidelines. The WAFWA meetings were very interesting this year. He asked Mr. Perkins to give an overview of them at one of our next meetings. There were a lot of interesting topics discussed there and it was very worthwhile.

Director Karpowitz went on to say that James Innes, his son Andrew and one other person were killed in a helicopter crash. James Innes owned Pathfinders Helicopters and was one of our main capture pilots. His loss will impact capture work all over North America. We are gradually losing all of our capture pilots and companies. Transplant efforts help wildlife and through the years several companies have gone out of business because of crashes.

The Mule Deer Committee is up and running. They have had several meetings and are on line to make their deadlines. Online purchases of licenses have been in huge demand. The deer licenses sold out much faster than in the past. Our online programs have been bogging down because of the demand. Twice as many licenses were sold the first day of big game compared to the past. We have some elk permits left however all deer permits are gone.

Relative to the Wildlife Livestock Committee several groups involved from the agricultural community, the Department of Ag, sportsmen and the Division. They have met twice. They have identified areas of agreement and are in process of taking it to the public when ready. They have developed a list of concerns by both groups that will be addressed over time. At the next meeting Director Karpowitz will give them an update of the DWR's RAC and Board process.

Fishing has been very good this summer. We have lost some fisherman due to high fuel costs. The total number of seasoned fisherman has not reduced much. There is good fishing around the state.

There has been quite a lot of poaching around the state. In the Uintah Basin there have been 120 felony convictions over the year for poaching, with the region next to that at about 40. It is putting a lot of demand on our personnel and they are running from one poaching case to another. We need the public's help to be effective in this effort. We have a great wildlife resource in the state and it is very tempting to people who are willing to break the law. This is a real concern. 26 of 41 officers have been sworn in, in the last three years and we have a very young work force. 41 officers is not a lot of personnel to cover the state of Utah and protect our resources. We need the help of the public.

Quagga mussels and sage grouse are two issues that have been discussed with the Board several times. Director Karpowitz is very pleased with the quagga mussel program and how far it has gone this summer. Of almost 8,000 boats checked in the Northern region this summer, 89% of the people were aware of the problem and what they needed to do. Our Outreach effort has been very successful. On the sage grouse situation, all the information has been submitted to the FWS and our people did a phenomenal job getting that all together. We identified over a million dollars in projects that will be completed this year to help sage grouse and are optimistic with all the efforts we have made over the last fifteen years.

A judge has placed an injunction on the delisting of wolves in the Northern Rockies population, which means we are back to where we were before delisting and the entire State of Utah is classified in the endangered zone. This is a major concern to states with a lot of wolves. Montana, Wyoming and Idaho were on track for a significant level of wolf harvest this fall and now that will not happen. This is a major concern and they are seeing dramatic impacts on wildlife and livestock. Idaho now has over 800 wolves, not counting this year's production. This issue will go back to this judge to hear the merits of the case and then we will see if it will go back to delisting.

Our Habitat program has been going well this summer. We have been very lucky with so few fires this summer and hopefully that will continue. We are prepared with our seed and rehab program if we do have some fires.

Mr. Howard asked how the fuel budget is going for the DWR.

Director Karpowitz said we have not received an increase in our rates for our motor pool vehicles, but will get one any time. We are prepared for it, but it is going to be a real hardship. When we went to the public last year and said we will need them to get a hunting license before applying for permits, that was a major thing that will help us make it through the next few years. A lot of other states around us are having real budget problems and have been very affected by the high fuel costs.

Mr. Hatch asked about the four-day work week.

Director Karpowitz said the four tens work week started this week in the DWR. We have survived it very well so far and many of the employees are happy about it. It does not affect our officers in the field as much as the office people. They are on 171 hours every four weeks and they have great flexibility. It is going to put more people in the field on Fridays and our officers are going to have to be more diligent for the three day weekend. We are putting together a team to talk about ways we can save energy and it is becoming a major issue in the future. The Governor should be commended for being proactive and taking this step for conservation. Most of the employees are happy with this change.

We are having a Division wide meeting September 3-4, 2008 at Snowbird for all DWR employees. We cancelled all the section meetings for the year so this will not cost more. The Wildlife Board is invited to dinner the evening of September 3, 2008.

5. Board Appeals – Motion to dismiss

Matt Jennings 9:30 time certain (**Action**)

Jeffery Welborn 10:00 time certain (**Action**)

6. Bucks, Bulls & OIAL Update (**Informational**)

Anis Aoude, Wildlife Program Coordinator presented this agenda item to discuss the big game program and what we have accomplished and what we plan to accomplish in the future. On mule deer Mr. Aoude talked about population status, general season hunt success, winter-feeding, and the statewide plan revision that is underway. He showed a chart with mule deer population estimates and the population has dropped the last few years due to drought. We are currently at about 302,000 mule deer in the state. He then showed a chart reflecting the 2007 general season deer harvest according to regions and weapon type. On winter supplemental feeding, the DWR sanctioned supplemental feeding in portions of the Northern region and about 14,000 deer were fed which is 5% of the current statewide population. The cost was estimated at \$250,000 with variable success. Losses were mostly fawns but some adults were lost. Some regions had unsanctioned feed sites. We will know the true extent of the losses when we gather check station and post-season classification data this fall.

The DWR is reviewing the big game feeding policy. We want to identify triggers for initiating supplemental feeding of deer. We are in the process of internal review and public input will be gathered. The new policy should be drafted and approved by November 2008.

The committee has been assembled for the statewide deer plan revision. The first meeting was June 30 and the plan should be completed by the November RAC and Board process. Issues that we will discuss are general season verses limited entry, antler point restrictions, buck only hunting how that effects populations, unit by unit hunt

strategy, genetics, season dates, surveys and their effectiveness, and they have put out a mule deer survey to gather information on some of these subjects.

The next topic was elk including population status, and the unit plans and statewide plan, which has been completed and will be revisited in 2010. A statewide spike proposal will likely be presented as a hunt strategy in the November RAC and Board process. Mr. Aoude showed a chart on elk population estimates with a slight drop during drought years, but they have come back quickly. We will probably get to our population objectives in the next 2-3 years.

On pronghorn the population status is at 13,000 statewide. They are putting the statewide plan together for 2009. Recent transplants have been done from Parker Mountains, taking 197 pronghorn, 27 of these went to Nine Mile Anthro, 20 to Book Cliffs Bitter Creek, 100 to West Desert Snake Valley and 50 to the Puddle Valley unit. The Parker Mountain herd continues to grow abundantly.

On moose the population status is at 4,000. They will transplant 20 to Colorado in the winter of 2008-09 and the statewide plan revision will be done for 2009. They have problems with moose in urban areas and we constantly have to move them.

Mr. Howard asked if we are trading the moose for sheep.

Mr. Aoude said they do not trade one for one. They try to help each other out and when Colorado has some extra sheep we will be first on the list to get some. They keep an open line of communication with each other.

On Bighorn sheep the population status estimate are at 5,467 total sheep with 3,172 Desert, 1,900 Rockies and 395 Californias. The statewide plan was completed in 2008. Mr. Aoude showed a chart that depicted the population trends in herds around the state and the overall outlook is good. He then reviewed the recent and future transplants. (See Powerpoint for details)

Mr. Aoude then went over the Stansbury Mountain study. In the past, in order to make the transplant successful, they had to remove the predators to make sure predation did not limit the population. On this one, they started with a large herd, transplanting 93 sheep in two different releases from 2005 to 2008. All sheep were collared and the division attempted to capture and collar all the cougars in the area. Cougars that killed 2 sheep within a 90-day period or 3 sheep within a 1-year period were removed from the population. One cougar killed 3 sheep almost immediately after the initial release. In April 2008 a collared male killed 2 sheep, and that cougar was killed. This allowed us to take a targeted approach to predator management. None were killed through sports harvest during the study.

On mountain goats the population estimate is at 1,910 statewide and all populations are increasing or stable. There was a recent transplant from the Tuscher Mountains where

the population is growing rapidly. 20 goats went to the Loafer WMA and 24 went to Idaho.

On bison the population status on the Henry Mountains is at about 500 total animals. We are over objective on that unit and have been having a fairly aggressive harvest to bring it down. We will be capturing some animals and moving them onto the Book Cliffs and look forward to getting another huntable herd in the next few years. This concluded the presentation.

Chairman Niemeyer asked if there were any questions.

Mr. Hatch asked if there were other mortality factors on the Stansbury sheep.

Mr. Aoude said there were a few who died from what they think was blue tongue. It was the middle of the summer and we did not get to them soon enough to be able to tell. There was no predation and it was not pneumonia. There was not that much predation on the lambs.

Mr. Johnson asked what the cougar harvest is on that mountain.

Mr. Aoude said it is a limited entry unit, so it is very few. None of our collared animals were harvested during sport harvest.

Mr. Perkins said on the segment of the Stansbury Mountains where the study was done, they believe there are five cougars.

Mr. Howard asked where the 30 sheep came from that were put on San Juan.

Mr. Aoude said they were moved from within the unit.

Mr. Brady asked what other prey is on the Stansbury.

Mr. Aoude said mule deer and a few elk. Most of the lions are probably eating mule deer.

Mr. Albrecht asked about unsanctioned feed sites. Is that legal?

Mr. Aoude said they do not recommend it, but it is legal. It is not recommended because they need certain types of feed.

Mr. Albrecht asked what the bison counts were.

Mr. Aoude said he has preliminary numbers and will have them in the future.

Mr. Gilson asked about the deer committee. The number one issue is fawn survival and herd growth. Is the committee going to address those issues?

Mr. Aoude said yes, we have discussed those issues at length. The majority of problems have to do with habitat. It is the limiting factor.

Mr. Gilson said they know they do classifications on elk. Do they pay much attention to the deer? There is an opinion that things are off somewhat with the deer.

Mr. Aoude said they do deer classifications in the fall.

RAC Comment

Southeastern – Mr. Gilson said he had no comment beyond what he has said.

Southern – Mr. Albrecht asked Mr. Aoude to refer back to the deer harvest chart. He said if we look at archery and the Southern region, it is significantly higher than the other regions. He went on to add up these numbers to make this point. (See Powerpoint -2007 General Season Deer Harvest Chart). When we look at deer management plans, if we do not go to unit by unit, we need to look at pulling some of the archery hunters back into the other regions. The RAC members on the Southern RAC are concerned about this.

Mr. Aoude said there are more buck to does in that region, so there are more deer available. There is more public land in Southern region so more hunters will be drawn there. The archery hunt is not affecting the buck/doe ratios in that area.

Mr. Albrecht said the people are concerned about the size of the animals in their region and we are allowing somewhere around 10,000 archery hunters there.

Mr. Johnson said they need to look at total harvest in all the regions. We are getting clobbered in this archery hunt.

Mr. Aoude said he would disagree because the buck to doe ratio has constantly come up higher than anywhere else. We do not manage our general seasons for quality; we manage for opportunity.

Chairman Niemeyer said we need to talk about the bonus/preference point discussion under other business at this point.

7. Bonus/Preference Point discussion (Informational)

Greg Sheehan presented this item which is a result of the Wildlife Board asking the Division to look at some new options as to the way we are doing bonus points, draws, hunts and preference points. We have been drawing with limited entry, bonus and/or preference points for 15 years. Most applicants have become very vested in the accrued points and many do not want to see any change. The Wildlife Board asked the Division to conduct some research about possible alternatives. With additional guidance of the Board this could be conducted and formally be presented to the Board and RACs. It

would be advised to meet with the major sportsman's groups before presenting to the public.

Mr. Sheehan presented some thoughts on optional ways of addressing the big game draws in future. (See Attachment #1)

1. Do nothing
2. Raise permit fees to eliminate demand by most applicants.
3. Bonus points can be transferred to another person in the immediate family.
4. Bonus points can be realigned to another species
5. Hunters can apply for all limited entry and OIAL species every year.
6. Cap the number of bonus points at 16, or 20
7. Do not award 50% of permits to those with max points.
8. Provide 100% of permits to max point holders
9. End bonus/preference points and have a random drawing each year.
10. Allow first time applicants to buy an additional point to accelerate their odds.
11. Possibly have some selected hunts that do not use or accumulate bonus/preference points.
12. Eliminate bonus/preference points from anyone that has not applied in last two years.
13. Accrue points differently, such as square the points earned to increase odds to those with the most tenure in the draw.
14. Create more hunting opportunity by increasing permit numbers.
15. Change the way that hunts are set in the state, for example, give more archery/muzzle "primitive" opportunity on high demand units to cycle people through faster. This could be great for old school traditional equipment; longbow, recurve, flintlock etc.
16. Make certain units officially what they already are, OIAL.
17. There are other recommendations that may be very worthy of consideration being developed by various sportsmen's groups at this time. Those could be incorporated into a final presentation.

This concluded the presentation.

Mr. Woodard asked if these are available on a handout.

Mr. Sheehan said it could do it, but these are not official recommendations.

Mr. Howard asked if there are a lot at the top on the bonus points.

Mr. Sheehan said most of the points are at the lower end and they taper off as they go up.

Mr. Howard said if we went year on and year off where the high ones get everything, it would knock it way down.

Mr. Clark said it would not make any difference if it were done every other year. He said that the number one way to really improve odds is only allow people to apply for one species.

Mr. Johnson said in Colorado on their OIAL hunts, they require you submit your application for three years before they can put into the draw. Also in Colorado they have to send in a check with it. That first three years you send in the money and you know you will get a check back from them because you are not in the draw. In Wyoming, you have to send a check in also, but you can buy a point, but you are not in the draw if you buy the point. When people start sending a check in, people really start thinking about it.

Mr. Sheehan said the agreement with the credit card companies is you cannot charge for a service that is not rendered. We have moved to online only so we can go with credit cards.

Director Karpowitz said we have brought this to the Board at this point, so they will be in on this big issue. At our August 28th meeting the Board will have a better idea of how they want to go on this. This list needs to be narrowed way down. The Board needs to tell the Division how they want to proceed. In the last few years we have brought bonus point issues to the public and the sentiment has been to leave it alone.

Chairman Niemeyer said we are rapidly getting to where these draw hunts are OIAL. We do need to look at some things. He said another idea is that you can buy a bonus point on species that you do not put in for.

Mr. Clark said that rather than increasing the number of permits, or kicking a bunch of people out, all we are doing is messing with it. If you give opportunity to buy a bonus point and everyone does, we are still in the same place. This is a very difficult process and there are a lot of hunters out there who do not even want the program questioned.

Mr. Hatch asked if we have legal liability if we restructure the bonus point system.

Mr. Sheehan said probably not, but he is not sure. Some people would be very unhappy.

Mr. Perkins said the driver for the Board in this request is there is a strong perception that the system in place is hugely disadvantageous to youth and those new to hunting. It is unsustainable for the next 5 generations and it will just get harder and harder to change. He is ready to bite the bullet and make some change now, so it will be good for the future.

Mr. Gilson said it took him 20 years to draw his first tag and he started putting in as a youth. A lot of the heartburn with the public is when a 14-year-old kid comes into the draw system and expects to draw in five years; a lot of us waited 20. When he is 34 he can start complaining. Our system is the best out there and young people can draw out. Supply and demand is part of the problem. In Colorado you draw when you have

maximum points. He is in favor of some small changes, but nothing dramatic. Dramatic change is not fair to those who have been in the system for 16 years.

Mr. Johnson said we need to take our time on this issue.

8. Cougar Research Update (**Informational**)

Dr. Wolfe of USU presented this update. Eight years ago cougar meetings were very contentious, but since the development of the Cougar Plan we have come a long way. Dr. Wolfe went over the Cooperative Cougar Studies in Utah and its objectives which are to investigate and compare techniques for enumeration of cougars, to examine the impacts of hunting and other mortality factors on cougars, investigate cougar habitat use and movements in landscape along the urban wildland interface and “selective removal” of depredating cougars on the bighorn sheep range.

The study has been in progress since 1995 with support from DWR, Kennecott, Utah National Guard and the USFS. This is the longest continuously running comparative investigation of exploited vs. unexploited cougar populations. Today we have captured more than 180 cougars on two research sites and we need to thank the houndsmen for their help. We have monitored these animals with conventional and GPS radio telemetry.

They have two study sites, one on Monroe Mountain which is hunted, public land with 117 collared cougars and the other is the Oquirrh Mountains which is protected, private land with 73 collared cougars. On these two study sites, we have a benchmark estimate on the population. Dr. Wolfe then showed a chart on Population Estimators, which they have used over time to estimate populations.

Their salient findings include 600 plus scent stations with four attractants that yielded a single cougar visit. The summer track counts reflected a 54-69% of reduction in population size on one site, the Monroe, and a static population on the other site, the Oquirrths. The problem here is we have very low precision. We only had suitable snow years to use aerial track counts and with the logistical constraints (suitable snow conditions) we overestimated the population. They continued to do track counts from 2005-07. The bottom line is there is no silver bullet on population estimation and the existing indices (track counts) can monitor large population changes with poor precision. Precise estimates of population on individual management units are unattainable.

Alternatively one of the things we can do is manage cougars on eco-regional basis in a metapopulation context. There is some other information that the Division collects as in the number of cougars treed per day. We have a reasonable correlation between the number of cougars treed.

Dr. Wolfe then discussed the effects of harvest on cougar population including population density, adult survival, reproduction, sex ratios and dispersal patterns. They continued the study with the two locations. He presented a variety of slides showing the

protected population and hunted population with treatment time and recovery time. He also went over some dispersal of the Oquirrh and Monroe cougars.

Next phase III was presented with upcoming objectives. They look to determine the efficacy of maintaining a static cougar density through management of harvest levels; investigate predator-prey relationships; examine the effects of urbanization on cougar population and habitat use patterns and revisit the feasibility of population enumeration with DNA and capture-recapture methodology. This concluded the presentation.

Mr. Albrecht said when the hunting pressure went way down on the Monroe, did you see an influx of animals from surrounding areas.

Dr. Black said yes, although those animals were not collared.

RAC Comment – none

Lunch break

Mr. Fairchild sat in for the Central RAC Chair at this point of the meeting.

9. Shed Antler Gathering (**Informational**)

Mitch Lane, Law Enforcement from the Northern region presented this agenda item on a shed antler gathering season. The Wildlife Board asked the division to look at issues surrounding the ever growing activity of antler gathering and impacts that activity has on harassment of protected wildlife and the habitat that they winter on. There are some other issues that relate to these. Also, in the recent past the Cache Deer working group in the Northern region decided it would be good to prohibit antler gathering during the crucial winter months. He is not sure on the timing of this relative to the Board's request, but we came to have a shed antler gathering season in the Northern region. It did appear to reduce the traffic in the hills during the spring somewhat and not many violations were detected. There were some citations and warnings issued as well as contacts with lots of folks in the field advising of this new regulation.

A few issues came out of the NRO antler gathering season. One is that antlers were seen by people and upon return the following day, the antlers were gone, so there were people actually going in at night and picking up antlers illegally. This occurred not only against the new shed antler regulation, but either on a WMA that was closed or some other rule or regulation was violated at the same time. Another thing that was occurring as they talked to some of these people is they knew they could not pick up shed antlers, but there was nothing that prevented them from going into the hills and just looking for them. In this case, they would take GPS readings or marking locations for later. When the antler gathering closure ended, there was an opening day rush to get to the antlers that were still there. This occurs somewhat on WMA's that have annual closures. We did expect this.

Mr. Lane went on to say that Chief Fowlks spoke with other law enforcement chiefs in the surrounding states and got some different ideas on how they handle shed antler gathering. Idaho had a gathering season and eliminated it in favor of seasonal access closures. Wyoming is looking at a statewide seasonal closure to antler gathering. Nevada has spot high-density patrols on critical winter range. Colorado has one shed antler season in place and some seasonal closures. In Arizona they have no shed antler season.

The Shed Antler Committee was put together to decide where to go with this. The group was comprised of the following groups and individuals: SFW, MDF, UBA, Cache Mule Deer Working Group, RMEF and an antler gathering enthusiast. Shortly after the committee met, we realized we should have included some reps from other land management agencies and private landowners and we will include them in the future.

The proposed option they came up with was to go with a written authorization to gather shed antlers from January 1 to May 15. Authorizations would require an online ethics course similar to the extended archery authorization or the swan permit authorization. Shed antlers can be gathered without the authorization anytime after May 15th. Outside the shed antler season, the authorization would not be required.

Another thing that came up through the committee is some of the WMAs have different closing dates and different regulations. The Division should seek to be consistent statewide with regards to access and closure issues involving Wildlife Management Areas.

On emergency closures, the Director currently has the authority under state statute and rule to impose temporary closures with regards to antler gathering if it is in the best interest of the state's wildlife. There are laws in place to prevent the harassment of wildlife and habitat destruction. These laws should be used to manage this issue. The harassment law needs to be clarified and then used accordingly.

Some potential future option is there could be a fee required for different users, such as antler gatherers themselves and those who deal commercially in antlers. This fee could help fund education on this activity, law enforcement and habitat restoration efforts should the problems persist. A fee for commercial antler buyers was discussed as an option. Other considerations were to give regions the option of implementing a region wide closed season for antler gathering like the Northern region. Another consideration is to implement a statewide antler gathering season.

Chairman Niemeyer asked if there were any questions.

Mr. Howard asked how much impact was there with the closure in Northern Region. Can you measure it?

Mr. Lane said they really can not measure it.

Mr. Perkins said Wyoming newspapers had multiple articles about Utah's coming into Wyoming to gather antlers, since they could not in Utah during the closure. Wyoming is looking to establish an antler gathering season through statute.

Mr. Hatch said we have laws on the books to protect wildlife from harassment and habitat protection. It is a problem of enforcement. If putting a season on shed antlers would be impossible to enforce, is it worth it? We need to be slow in looking at this and what some of the consequences might be.

RAC Comment

Mr. Albrecht said in their meeting the Forest Service representative was upset that they were not involved on this committee. They have laws on the books to take care of habitat protection.

Mr. Slater said one of things their RAC looked at was trying to limit the harassment that is happening to wildlife during the winter. Limiting the shed antler gathering was one aspect of the harassment, but maybe it is more of a trespass or access management issue.

Mr. Gilson said he is in favor of enforcement and education. We need more teeth in harassment laws and the bad guys will be weeded out. There are shed antler gatherers in his areas that have turned in ATV users who were tearing up the land, and nothing has been done. This creates frustration.

Mr. Perkins said he would like to encourage this committee to continue to look at solutions and that they bring in private landowners and those from other government agencies to help. Some of the discussion shows that regional variation has some merit. He likes the idea of fees, especially commercial fees, just like we do on brine shrimp so we have got some additional resources that could be used for enforcement.

Chairman Niemeyer said he went on an air count for elk a few years ago and saw how huge this problem is and what a huge enterprise the antler gathering is. They use quads and ATVs to work grids of land. Maybe the Division can get the Forest Service to do more to enforce some of these laws that are already in place. He has not seen any effort put in by the government agencies to do anything about this issue.

10. Cougar Recommendations (Action)

Kevin Bunnell, Wildlife Program Coordinator presented this item. He will review the Cougar Management plan and objectives, review the cougar harvest data historically and this past season and present the 2008-2009 recommendations. He showed a map on cougar habitat, which covers 35,790 square miles in Utah. The Cougar Management Plan was put together in 1999 by a group with diverse interests. It guides cougar management through 2009. The management goal is to maintain healthy cougar population within existing occupied habitat while considering human safety, economic concerns and other

wildlife species. He then went over the management objectives and the harvest management criteria. (See Powerpoint for details)

The Cougar Management Plan is in its final year so the division will be doing a revision of that this winter. It will be a 2-3 month planning process (Jan-March) and a revised cougar management plan will be presented in July 2009. We will start putting the group together shortly. If anyone from the Board would like to have representation on that, please let Dr. Bunnell know.

Dr. Bunnell then discussed cougar mortality from 1989-2008 with a chart on harvest and populations in the state. Cougar pursuit was also discussed with a graph. The cougar management eco-regions are the Great Basin, Northern Mountains, Colorado Plateau, and Southern Mountains. These were discussed relative to management strategy, total harvest, age, percent females in harvest, percent of survival and percent of cougars taken greater than 6 years old. He then went over hunt strategy comparisons with a three-year summary on harvest. On limited entry there was 214 total harvest with 49% success, 37% females with 3 years average age. On the split hunt there was 421 total harvest with 64% success, 40% females and 3 years average age. On harvest objective there was 264 total harvest with 46% success, 44% females and 3 years average age.

On the phone survey summary 219 cougar hunters were asked if they thought the cougar population was increasing, decreasing or stable on the units they are familiar with and have hunted. 4% thought it was increasing, 62% thought it was decreasing, 22% thought it was stable and 12% said they did not know.

Dr. Bunnell went on to present the 2008-09 statewide recommendations with total permits/quota 475 (-3%), separated into 16 limited units with 127 permits, 15 split units permits/quota with 157 permits, 17 Harvest objective units quota 172 and 19 conservation permits. There are no significant changes to rules or procedures.

They do propose restoring the Book Cliffs to a single unit. It has been separated into two sub units. The Rattle Snake unit has been managed as a harvest objective unit and then the Bitter Creek portion of the Book Cliffs has been a split unit. The recommendation is to combine those into a single unit and make it all harvest objective. The other change is to make pursuit permits valid for 365 days. This concluded the presentation.

Chairman Niemeyer asked if there were any questions.

Mr. Howard asked if the east unit (Rattlesnake) on the Book Cliffs was harvest objective.

Dr. Bunnell said the Bittercreek part, which is the majority of the unit has been a split. It starts out as limited entry and then transitions into harvest objective part way through the season.

Guy Webster asked why they want to go to a single unit on Book Cliffs.

Dr. Bunnell said it is because we had the Rattlesnake Unit separated off to try to direct some harvest there to protect bighorn sheep. It is very rough rugged country and it has not accomplished what we thought it would. That is why we are going back to a single unit. The reason we went to harvest objective could be better answered by Mr. Greenwood.

Mr. Greenwood said the guidelines we followed to make those recommendations are that where you have bighorn sheep units, it should be harvest objective. There is an expanding sheep population that is coming off the Ute Tribe. The Ute Tribe is going to transplant some more bighorn sheep in Willow Creek, which is adjacent to public lands, and this is another reason to go harvest objective unit wide. We increased permits by one for harvest objective.

Mr. Webster asked what the Division has done, as far as bighorn sheep problems with tuberculosis and domestic sheep herds so close. What are the Division's plans as far as addressing that before you jump the gun and put it into a predator management plan?

Mr. Greenwood said the North Book Cliffs are already under predator management. It is pasture pneumonia that is the problem with bighorn sheep, not tuberculosis necessarily. As far as what is going on with allotments down there, if there is anyone here from the Southeast region that could speak to that?

Director Karpowitz asked Mr. Clark to find someone to answer the question of whether the south Book Cliffs is under a predator management plan and what the plan is to protect the bighorns.

Dr. Bunnell said under the guidelines, most of the split units are under predator management plans, but they are not sheep units. We separate the bighorn sheep units, the harvest objective year round units, primarily because most of them are in dry country with not a lot of snow. Units that are under predator management plans are often managed under the split scenario. It is basically the sheep units with bighorns that are managed with year round harvest objective units.

Director Karpowitz asked if the Rattle Snake sheep unit is under a predator management plan.

Dr. Bunnell said he thinks so, but we would have to talk to Bill Bates. The rest are under predator management, but for mule deer and it would put it into that split scenario, not necessarily harvest objective. The guidelines are general and there are differences in all the units.

Director Karpowitz asked Mr. Webster if that answered his question.

Mr. Webster said he is not sure there is an answer for it.

Director Karpowitz said he can answer the question in general for bighorn sheep and what we are doing to protect them. He was very involved in the south Book Cliffs for 20 years. We have done everything we can possibly do to protect them, including buying domestic sheep lots, keeping them away from domestic sheep and doing predator management. We have been very successful and we work hard to keep everything we have. We would hate to lose that sheep herd to disease or predators. We do not have that many bighorns, 1,900 and we do everything we can to keep that herd viable.

RAC Recommendations

Southeast – Mr. Gilson said they recommended leaving the Book Cliffs units as they have been. It passed 6 to 2 and then the remainder of the proposal passed 6 to 2.

Southern – Mr. Albrecht said they passed the proposal unanimously.

Central – Mr. Fairchild said they passed the proposal unanimously.

NE – Ms. Torres said they had no concerns and passed the proposal unanimously.

Northern – Mr. Slater said they had some discussion on this issue with comment from public, houndsmen and RAC council. They passed the Division's recommendation 8 to 3 as presented with exception of leaving the Book Cliffs as two separate units.

Mr. Bill Bates came into the meeting to answer the questions on the Book Cliffs. He said all of the Book Cliffs is under a predator management plan for bighorn sheep. There are no plans to move sheep to the east of Floyd Canyon, but they are moving there themselves. If in the future they have a chance to work with the sheep operators to convert to cattle, we will be happy to work with them, but thus far they have not been willing to do that. Predator management might be just for the Rattlesnake Unit, but he thinks it is for the entire Book Cliffs. Mr. Bates does not have any problem with splitting it out like it was. We had some problems with lions getting into sheep, but we got Wildlife Services up there. Unit wide predator management was to simplify, but they do not have strong feelings to keeping it that way.

Public Comment

Guy Webster from Green River and Utah Federation of Houndsmen spoke to Board. He is a Book Cliffs hunter and houndsman. They fought hard a few years back to get the unit split and it has accomplished the goals. Rattlesnake is viable habitat year round and it is rough country. There only a few who hunt it. The rest of the Book Cliffs is entirely different. If at some point they decide they can buy out some landowners on bighorn sheep, it might be appropriate to turn that into harvest objective. When it was harvest objective, the top half was over run with guides and it was not a quality hunt. He asks that we leave Book Cliffs as two separate units.

Byron Bateman representing himself said he wants to keep the Rattlesnake as a separate unit. We can take care of lions with depredation if necessary. It makes sense to keep it like it is and keep the non-resident guides out with the split. His recommendation is to keep the unit, two units. He praised Dr. Bunnell for the consistency of following the cougar plan. We need to continue to manage to the plan.

Craig Edwards representing the Utah Federation of Houndsmen said they support the DWR's proposal, but want to see the Book Cliffs as two units. The split units are more effective at taking lions than harvest objective. They are in favor of the split units and the management of them.

Board Discussion

Chairman Niemeyer summarized RAC recommendations.

The following motion was made by Tom Hatch, seconded by Del Brady and passed unanimously.

MOTION: I move that we accept the Division's Cougar recommendations with the exception of keeping the Book Cliffs as two separate units and the number of permits would be four and fourteen.

Mr. Johnson said we need to be careful that the cougar numbers are kept in check. Mule deer are the premier animal in this state. In the long run we will have a much better cougar population if we get the prey base established.

11. Bobcat Recommendations (Action)

Kevin Bunnell presented this item. The Bobcat management plan was recently passed with goals similar to the others to maintain healthy populations within existing suitable habitat and provide quality recreational opportunities for bobcat harvest while considering the social aspects of bobcat harvest. He went over the population objectives and the history of bobcat harvest. The typical dynamic is high harvest for a few years as pelt price goes up. As fur goes in and out of style the harvest goes up and down. The last seven years we have been up, because it is driven by the pelt prices. The last three years have set records.

Relative to strategies, the things that we can adjust is tag numbers and season length will be adjusted plus or minus when performance targets are outside their normal range. We have a baseline of 6 tags, current season length, and no cap on the number of tags sold. If we have a single variable that is outside of the normal range, we stay with the baseline. If there are 2 variables (net), adjust the number tags/individual plus or minus 1 or 2 permits. If there are 3 variables, adjust the season length plus or minus one or two weeks. With four variables (all negative), cap the number of tags available. He then went over the variables and the population objective. (See Powerpoint for details)

The 2008-09 recommendation is to have a two tag reduction from six to four, according to how far the two variables are out of the normal range, which indicate a decreasing population. They will return to baseline (6) when indicator variables return to normal ranges. Set dates are artificially inflated by the type of winter we had, but it is also an indication that the bobcat population is declining a little bit.

The DWR received an inquiry about managing bobcats under a quota system. We do not currently support this concept for the following reasons: It does not fit within the framework of the bobcat management plan. It would encourage harvest of females and juveniles that are currently being released. It would limit opportunity for young trappers. The Utah Trappers Association also opposes the idea. This completed the presentation.

Mr. Howard asked if we extended the season by two weeks and cut one off the front, would it make a difference in the harvest?

Director Karpowitz said it would push into the breeding season if it were extended.

Mr. Howard said it looks like we are jumping around in our quotas. Would a one tag reduction be sufficient, rather than two?

Dr. Bunnell said we have not been jumping around, we have been totally consistent for 7-8 years with 6 tags per individual. The plan says that with the two variables we could reduce it one or two. Our recommendation is two because of how far the variables are outside the normal range. We would be within the plan if we only went one.

Mr. Johnson asked what the research shows with bobcat predation on mule deer fawns.

Director Karpowitz said they will eat mule deer fawns, but in the study he did, it was only if the fawns were in poor condition. Normally it is not a top prey item for them.

RAC Recommendations

Northern – Mr. Slater said their RAC had some questions on permit reduction. They voted 6 to 5 to support the Division recommendations with the exception of a one tag reduction, not two.

NE – Ms. Torres said the RAC was not happy with the two tag reduction, however they voted unanimously to approve as presented.

Central – Mr. Fairchild said there was some discussion and it passed 4 to 3 as presented.

Southern – Mr. Albrecht said they voted 8 to 2 to accept a one tag reduction.

Southeast – Mr. Gilson said they voted to approve as presented, but with a one tag reduction with the Chair breaking the tie.

Public Comment

Ken Madsen, representing Utah Trappers Association thanked the Board for the opportunity to speak. They have 700 members in their association. They do not support the two tag reduction. They do not agree with the data that shows a reduction of tags is needed. Adult survival trigger is confusing and we do not understand it. It would be easier to understand it if it was managing for an average age for adults, rather than 48% of the cats are adult and it is figured by how many in each age group. The trap dates are also variable. The phone survey reflects an inflated number of traps set. This is not an appropriate tool to measure health of bobcat populations. If an inexperienced trapper is called, it is useless information. Snow affects traps set also. They are amazed at the health of the bobcat population. The effort will probably go down this year because of fuel prices. The two tag reduction is a significant swing. They would also look to see how many trappers are filling their permits. They want to keep all six permits.

Board Discussion

Chairman Niemeyer summarized the RAC Recommendations.

Mr. Johnson asked what effects fuel prices will have on bobcat trapping.

Dr. Bunnell said it seems it would be an effect, but nobody really knows.

Mr. Howard asked Ms. Torres for clarification the Southeast RAC vote.

Director Karpowitz said he has a concern about management plans. A lot of careful thought and work by the best experts around went into the management plan. It was well supported as it went through the RACs. When it is time to back off on permits, then they don't like the plans. We get all the public input and the best biology we can get to make that work. We need to have the discipline to stick with our plans. Plans can be amended as new information becomes available and they should be amended. It is within the purview of the Board to make recommendations. Presently we are working to revise the Mule Deer Management Plan and this is very time intensive. We should amend the plans if we do not agree with them, but stick with the plans.

Mr. Johnson said looking at the average age of harvest might be a better indicator of what is going on. He was confused on the adult survival.

Dr. Bunnell said all the variables were on the table when developing the plan and we went through them one by one. These were the four triggers that were most sensitive to change based on historical data. The average age one was such a wide confidence interval, it really did not tell you anything. Average age does not work because of the juveniles, which make it go up and down drastically. Adult survival was sensitive to change and had a tighter confidence level.

Mr. Perkins asked Dr. Bunnell if he could pull some more data together and he would like him to share some additional data on bobcats.

Dr. Bunnell showed a chart showing historical data on reproduction, adult survival and the percent of females in the harvest. Adult survival is determined by collecting teeth and calculating ages, using a scientific model. Set days data was also shown including total trappers and harvest. Harvest went down significantly in 2007-08, even though the number of trappers remained consistent. A chart on pelt price was also shown and this is something we have no control over. It has been \$200-\$400 over the last three years.

Mr. Perkins said he just wanted to see what the trends have been over the years and the one he noticed was the decrease in the harvest even though the level of effort remained nearly the same.

Mr. Howard said we do need to listen to our biologists, but as a Board we need to listen to the RACs and trappers and make sound judgments. We need to follow what the public says and they want only one tag reduction. The trappers are out in the field a lot more than the biologists. Mr. Madsen said he has never been called on the survey and the Division should put him on their list.

Dr. Bunnell said to do it right we take a random selection every year. It will remain that way because otherwise it is not valid information.

Chairman Niemeyer said no one is attacking the plan. We are just trying to decide between the one or two tag reduction.

Mr. Madsen said he takes offense to Director Karpowitz's comment that the trappers were in on the design of the plan and now they do not want it. Sometimes we make mistakes. He was not in on the planning, one of the former officers was and he did fight against the trap days being in the plan. The trap days were not negotiable. That data is susceptible to giving false information. If the wrong trappers are talked to next year, we might be adding two tags. There were some serious flaws in the plan.

Mr. Albrecht said in the Southern RAC meeting it was said that this goes against the management plan. Dr. Bunnell answered by saying, "it goes against our recommendation, but the management plan gives the flexibility to reduce it by one or two tags." The Southern RAC was advised in this manner.

The following motion was made by Tom Hatch, seconded by Keele Johnson and Passed 5 to 1 with Mr. Perkins opposed.

MOTION: I move that we accept the Bobcat Recommendations as presented by the Division with the exception of reducing the permits by one, instead of two.

Mr. Perkins said this was a very close vote in the RACs. I am also a strong supporter of plans and look to support the Division's recommendation. I see no harm in being a little conservative. We can change this in the future. I wish we had been conservative on some other species in my experience.

Mr. Johnson said he seconded this motion because of the gas issue and we will probably have fewer trappers out in the field.

Mr. Bushman said when RAC recommendations are not supported, we need to show justification in the minutes.

Mr. Johnson repeated his justification relative to fuel costs.

Chairman Niemeyer said we went with the one tag reduction because three of the RACs requested this.

Director Karpowitz said that where the Board made a decision within the management plan, it does not require as much discussion as if the Board had gone outside the plan.

Mr. Johnson asked Dr. Bunnell if he could write letters to respond to those who inquired about a quota system. He would like a copy of those reasons.

Chairman Niemeyer said we do not have responsibility to respond to every e-mail that comes through.

12. Taking Non-game Mammals R657-19 (5-yr review) (**Action**)

Kevin Bunnell presented this review with no changes recommended. Under Sections 23-13-3, 23-14-28 and 23-14-19, this rule provides the standards and requirements for taking and possessing non-game mammals. This rule will be reviewed in conjunction with a scheduled review of the Collection, Importation and Possession of Animals rule to make sure the two rules are consistent.

Mr. Brady asked why the Southern region had three opposing votes.

Mr. Albrecht said they were all from the livestock community.

RAC Recommendations

All the RACs with the exception of Southern passed this recommendation unanimously and Southern passed it 8 to 3.

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

MOTION: I move that we approve the Taking Non-game Mammals R657-19 (5 year review) as presented by the Division.

13. Variance Request – Gus Dearman Variance (**Action**)

Mr. Bushman, Assistant Attorney General said there was no action needed, because Mr. Dearman was just 18 years old and he can hunt all three seasons.

Mountain Ranch CWMU Variance Request (**Action**)

Mr. Clark presented the next variance request. He said last year the Division and CWMU Association identified some items that helped raise some money for the families of the miners who were killed or injured. This CWMU provided a buck deer tag that was auctioned at an event they held in Helper. The individual that bought the tag found out he could not use it. The CWMU operator agreed to extend the tag to this year and we need the Board to extend it to this year.

The following motion was made by Rick Woodard, seconded by Keele Johnson and passed unanimously.

MOTION: I move that we grant the variance request of David Kavanagh and the Johnson Mountain Ranch.

Mr. Clark said we had a situation with the MDF where they auctioned a tag and it was purchased for a very good price. MDF has attempted to get the money and found out the individual who bought it has gone bankrupt. There is no way to get the same amount of money from another buyer, because we are so late in the process. It is a Pahvant Premium elk permit. Mr. Abbott of the MDF is confident it can be sold if it can be used next year, 2009.

Chairman Niemeyer asked if by doing this are we setting precedence down the road for everybody that goes bad on a bid.

Mr. Clark said we have extended these hunts before. It really is not anything new.

Mr. Woodard asked if there is a time limit on collecting the funds.

Mr. Clark said they made many attempts to collect the funds and did everything they were supposed to.

Mr. Abbott said Shannon Engle bought this permit for \$42,500 for the Pahvant Premium. Mr. Abbott still has the voucher, because it was never purchased. About July 7, 2008, Mr. Engle filed bankruptcy. Mr. Abbott has three buyers who are willing to purchase this permit if it can be hunted next year.

The following motion was made by Keele Johnson, seconded by Tom Hatch and passed

unanimously.

MOTION: I move that we grant the variance request for hunting voucher #807461 for the Pahvant Premium elk permit to be extended to the 2009 season.

Chairman Niemeyer said he is getting a lot of e-mails on these bargain hunts where somebody has gone in and paid a deposit and they cannot go.

Mr. Abbott of MDF said they are setting up a system for next year to help ensure funds.

12. Aquatic Invasive Species Interdiction R657-60 – Amendment (**Action**)

Larry Dalton, AIS Coordinator presented this amendment. They have found quagga mussels in Lake Granby in Colorado. This lake is at the headwaters of the Colorado River. When Colorado announced that finding, Mr. Dalton was in a meeting with experts on the quagga mussels. One of the experts was convinced that these mussels will make the trip down the river to Lake Powell. There were people from the East at this meeting who were faced with this 20 years ago and they told him not to panic. You will get them and this is your first time at bat.

The Division is asking that Rule R657-60, Aquatic Invasive Species Interdiction, add Lake Granby Colorado to the list of infested waters in R657-60-2(2)(g). We are probably going to see more listings in the future.

A question that the Board might have, is how good is this finding. Colorado uses an approach almost identical to the system Utah is using to identify these mussels. (See Attachment #2 for details)

Mr. Hatch asked if it would make sense to add this water and any other waters that are identified.

Mr. Dalton said he discussed this with Mr. Bushman and he advises against this.

Mr. Hatch said we could add any waters that are tested by methods approved by the state of Utah.

Mr. Bushman said when this bill was written he argued for that broader authority, but in statute it requires the Board action to add these waters. The language they wanted was “an infested water is defined as any water or geographic area that the Wildlife Board designates in rule as being infested.” We are not ready to list the entire Colorado River drainage as infested waters. The statute is what ties our hands. These infested waters are the catalyst by which you could be held criminally liable if a boat has been in the waters and it spreads the mussels, because it was not disinfected.

We have drafted a rule that the Board will see sometime in August. This will allow the Board to meet telephonically. We will need to give 24 hours notice and will have a site set up at the Division where anyone can come sit and listen. The rest of the Board can participate from home, work or wherever. We can amend this rule in 3-4 days once we are made aware of an infested water. If we see a chain reaction down the Colorado, we might have to go to designating areas.

Mr. Perkins said if we have mussels in Lake Granby, why wouldn't we designate the waters immediately downstream from there?

Mr. Bushman said we would have to designate the entire Colorado River in Utah as well, down to Lake Powell. We are not to a point where we have to do that, since we have not actually found it.

Director Karpowitz said everybody going in or out of Lake Granby will have to decontaminate. It is a total lock down. That is another safeguard we have. We will also step up our monitoring of Lake Powell on the upper end. We have been testing it every two weeks. Lake Granby flows into the Colorado and the North Platt, both ways across the Continental Divide.

Mr. Woodard asked if Director Karpowitz sees us as going into a complete lock down.

Director Karpowitz said our plan says that if it shows up in Lake Powell we will go into containment mode, which means that any boat that comes off Lake Powell will have to be decontaminated. When anyone tries to launch into another water if they have been in Lake Powell, they will have to produce a certificate of decontamination.

Mr. Dalton said Utah is being seen as a leader in this situation. We talk with someone from the surrounding states every other day. We are in constant communication.

Mr. Perkins asked if we have talked to the river rafting businesses in Utah.

Mr. Dalton said as this find happened, we asked out in Northeast and Southeast regions to get in touch with the river guys and start saying they need to beef up the information you share with your customers and employees. One of the Division employees went into the BLM office in Monticello to talk to them. They issue most of the permits on the Colorado River system.

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

MOTION: I move that we add Lake Granby Colorado to the list of infested water in the Aquatic Invasive Species Interdiction Rule R657-60.

13. Other Business (Contingent)

a) OHV Bill

Byron Bateman presented this information. This is a draft of proposed legislation and he handed out a question/answer sheet on this subject to the Board. (See Attachment #3) It has been presented to the Parks, Wool Growers, OHV Council and Cattlemen's Association. Mr. Bateman is representing the working group that is comprised of almost all the conservation groups within the state and other government agencies that are involved on this bill. He showed a picture of Dyer Park in 2000 and again in 2002 showing the damage OHVs have done. He also showed a picture of the St. George South Block from the air that showed hundreds of OHV trails. Illegal use of OHVs is getting out of hand. The Working group's goal came up with three categories where they hope to develop an effective approach to bolster up this current law. The areas are deterrents, education and enforcement that will deter illegal off road uses of OHVs and full sized vehicles that are detrimental to Utah's watersheds and habitat, and are therefore detrimental to our wildlife and our livestock. The objectives are to protect our lands, watersheds and wildlife for our citizens' enjoyment, recreation and economic benefits. They fully protect and support legal vehicle use (on both public & private lands) and strongly deter illegal uses. They hope to help enforcement capabilities, including increased real time reporting and use education to achieve active change as has been done on drunk driving, seatbelts, etc. This is going to be a long process.

Today's situation is such that Utah's scenic beauty, watersheds and wildlife habitat are being destroyed, as we watch, by a few bad actors, a small percent of the population. OHVs have increased 355% in 9 years and 1,000% in the last 30 years. Snowmobiles have increased 15% in the last 9 years. Full sized vehicle abuse is rampant. Current Utah laws, enforcement and programs are clearly not resolving the problems. Every surrounding western state is struggling to control these problems and abuses. There are 31 states that are currently working on or acting on new legislation to restrict illegal OHV use.

Current laws, enforcement, and programs are clearly inadequate. Current bail schedule is \$75 fine. Some view it as a minor infraction and there is little incentive for officers to enforce. Elements of our society don't view the problem seriously just like seatbelts, drunk driving, and waste management.

The working group has come up with some options to fix the problem. Alternative strategies would include stricter enforcement of current laws, improved deterrent penalties, and education. There are advantages and disadvantages of each. Increased enforcement is cost prohibitive and current penalties do not deter the renegades. Increased deterrent penalties increase public awareness, provides a return for our enforcers and does not require massive tax payer investments. Education will be our long-term solution and will take a generation and a lot of money.

The group recommendations are to increase Utah's deterrent penalties. These provide a societal and legal statement to all vehicle users, citizens, enforcers and officials.

The proposed legislation enhances current law, increases the penalties for conviction on public lands: for a basic offence – from a Class C to Class B misdemeanor and a Class A if aggravated. The minimum fine would go from \$75 to \$250-500 and \$1000 if aggravated. It allows for potential restitution, suspension and/or impoundment. It increases the penalties for violations on private lands and includes the same aggravated penalties as for public lands. It clearly applies to all vehicles and makes it clearly illegal to remove signage. It protects the authorized users for enforcement, emergency or as authorized by land manager.

This proposed legislation does not make any thing new illegal and what is currently illegal remains illegal. It does not infringe on any landowner rights and it does not have a significant fiscal cost to tax payers.

What has changed is the land manager/landowner sets and defines legal uses on their property. It clarifies full sized, OHV and snowmobiles as being clearly included and that it is clearly illegal under this statute to remove signage. Penalties and offenses are increased, with minimum fines set. They apply equally to both public and private lands. It clearly states that community service and or restitution may be imposed by the court in basic offenses (no change from present) on suspension/revocation and aggravated offenses.

SFW, RMEF URWDA Bowhunters of Utah, MDF, Utah Trout Unlimited, NWTF, FNAWS, Utah trappers Association, Utah 4 Wheel Drive Association, and the Utah Chukar and Wildlife Foundation support this legislation. A lot of people have expressed their support in principle, but we are waiting to get their formal written support. Quality Resource Management and Utah Federation of Houndsmen have expressed their support also.

Mr. Bateman said this is an update of what we have been working on the last few years. We look to bring this as proposed legislation in the coming session. They are asking the Board for their input to go forward with this. We have doing a lot of habitat work in the state and we do not want it wasted by illegal OHV use. We want to protect what we have.

Mr. Hatch said he met with Representative McKiff, former District Court Judge and one of his big concerns and a push that is taking place at the legislature is to eliminate the minimum mandatory sentencing that the legislature has imposed in the last 5-6 years. This might be met with resistance from the judicial council and Administrative Offices of the Courts that have been trying to do away with some of the minimum mandatory sentences. He gives that information because that is something they will probably have to deal with.

Mr. Bateman said the bail schedule that is set changes from area to area throughout the state. That was part of the concern.

Mr. Hatch said the movement is to go with leaving more discretion with the judge.

Chairman Niemeyer said one of the problems is we have very low enforcement. When they do catch them they go to the Federal Magistrate in Cedar City and some of the fines are \$30-\$40. Your chances of getting caught are so slim to begin with and the fine is not much of a deterrent.

Mr. Johnson said he thinks it is too late for this legislation. OHV operators have already cleaned up their act down in Grand and San Juan County. The 4 wheel folks stay on the trails and educate their children to do this. They know if they do not, this opportunity will be taken from them. They have fought to keep roads and trails open.

Mr. Bateman said the areas are improving in some locations, but there are a lot of problems out there. The education part of this takes a long time, but that is how we will keep what we have.

A discussion took place relative to this proposed statute.

Mr. Bushman said the law was not changed, only the penalties for illegal use.

Mr. Perkins said this will go to legislative research next and will undoubtedly get major changes, but the intent is to get a concept approval from the Board and an endorsement as the other organizations have done. It is also moving towards the Parks Board and the Department of Agriculture.

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

MOTION: I move the Wildlife Board provide conceptual endorsement to the draft OHV Bill.

b) upcoming legislative bills

Director Karpowitz said he wants the Board to be aware of some upcoming issues. The bill Administering Substances to Wildlife is going to be heard next week at interim. It is a very simple bill that says no one can administer chemical or organic substances without the approval of the DWR. That is to prevent such things as the public taking management into their own hands using tranquilizers, or immunocontraceptives. We are trying to get ahead of this with this bill.

There are two other bills, when the bald eagle came off the endangered species list it fell back as protected wildlife and restitution is currently \$5. We are asking that it be par with other wildlife such as peregrine falcons with restitution at \$1,000. The other bill is the DWR has approached the legislature about a refund of limited entry and OIAL permits that are returned to the Division and we reallocate, we ought to be able to give a refund to people that return them. Especially since we turn around and make money off them a second time. Those are the three pieces of legislation that are going forward.

Mr. Clark said Wildlife Services is in the registration process of a new product that is not intended for widespread use. There are groups in the east that are promoting the immunocontraceptive to use it in place of hunting. Each state needs to make sure they have specific authority in their code to regulate this or they could find a back door, or local ordinance to get around it. That is why we are doing this presently. If there were a plan to use this in Utah, it would come to the Wildlife Board.

Mr. Woodard mentioned an article in the newspaper relative to the Cattlemen's Association meeting and Senator Stowell discussed possibly changing the way our tags are done.

Director Karpowitz said all he knows is what he read in the paper. There has been some talk about allocating conservation permits to public land livestock permittees. That is all he knows.

c) Sage Grouse Plan Committee

Mr. Clark presented the recommended participants for the committee. (Attachment #4) They need one volunteer from the Board and RAC's to serve on this committee to update this plan. This will be brought for action in Dec / Jan 09.

Mr. Perkins volunteered to fill the Wildlife Board position.

Mr. Clark said they would contact the RAC Chairs for a volunteer.

Mr. Perkins suggested Jim Gaskill.

Mr. Slater agreed.

Mr. Howard said Jeff Goddard would be a good public member.

d) Bull elk on Monroe Mountain

Chairman Niemeyer said there is a problem with a big bull on Monroe Mountain. He went on to describe various scenarios and rumors surrounding this bull. This bull is watched 24 hours a day.

e) Commissioners meetings

Mr. Perkins handed out the three discussion topics for the Commissioners meetings with the inputs from each state, and also the surrounding state reports.

The meeting was adjourned.