

UTAH WILDLIFE BOARD MEETING
Summary of Motions
March 4, 2009, 8:30 a.m. Natural Resources
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 January 8, 2009 Wildlife Board meeting with the noted corrections.
Passed unanimously

Board Appeal – Keith Brumfield

- 3) Wildlife Board Variance Request – Larry Wood

MOTION: I move that we deny the variance request of Larry Wood for a Dedicated Hunter Certificate of Registration extension to 2010.
Passed unanimously

- 4) Wildlife Board Variance Request – Kelly Wood

MOTION: I move that we grant the variance request of Kelly Wood for a Dedicated Hunter Certificate of Registration extension to 2011 due to the injuries and medical treatment resulting from an injury incurred during service in Iraq.
Passed unanimously

- 5) Wildlife Board Variance Request – Dwane Yates

MOTION: I move that we deny the variance request of Dwane Yates for a season extension.
Passed unanimously

- 6) Wildlife Board Variance Request – David Wells

MOTION: I move that we grant the variance request of David Wells for a season extension for his Limited-entry Bull Elk permit on Mt. Dutton to 2009.
Passed unanimously

- 7) Wildlife Board Variance Request – David Meyer

MOTION: I move that we grant the variance request of David Meyer for a season extension on his Statewide Bison hunt and Statewide Moose hunt to 2009.

Passed unanimously

- 8) Wildlife Board Variance Request – Lawrence Fischer

MOTION: I move that we deny the variance request of Lawrence Fischer for a season extension on his Once-in-a-lifetime Bison permit for Henry's Mountain – Cow Only to 2009.

Passed 4 – 1 with Keele Johnson opposed

UTAH WILDLIFE BOARD MEETING

March 4, 2009, 8:30 a.m. room 3710
1594 West North Temple, Salt Lake City, Utah

Board Members Present

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

Division of Wildlife Resources

Staci Coons
Judi Tutorow
Martin Bushman
Keith Fullencamp

RAC Chairs Present

Amy Torres – excused
Brad Slater – excused
Jim Gilson – excused
Ed Kent – excused
Jake Albrecht - excused

Public Present

Keith Brumfield
Larry Wood
Kelly Wood
Doug Yates

Chairman Niemeyer welcomed the audience and introduced the Wildlife Board members. Chairman Niemeyer asked if any board member had items to add to the agenda under other business. He would like to discuss the Board Appeal process. Ernie Perkins would like to give an update on the Millville committee and also has a handout for the board concerning elk permit numbers.

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

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

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

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

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

MOTION: I move that we approve the minutes of the January 8, 2009 Wildlife Board meeting with the noted corrections.

3) DWR Update (**Information**)

Jim gave a brief update on the bills being watched by the Division during the legislative session.

4) Board Appeal – Keith Brumfield

5) Wildlife Board Variance Request – Larry Wood (**Action**)

Larry Wood, a dedicated hunter in his second year of the program, presented his variance request to the Board. Mr. Wood stated that because of a severe infection he could not hunt on his Dedicated Hunter Deer permit this year. He returned the permit before the season started and would like to have his Certificate of Registration extended for one more year.

Ernie Perkins felt that extending general season permits was a precedent the board did not want to set. He could see the need for extending a limited-entry or once-in-a-lifetime permit, but the cost effectiveness of extending general season was in his opinion not justified.

Paul Niemeyer stated that the possibility of Mr. Wood getting back into the Dedicated Hunter program when he re-enrolls is good. Mr. Wood would go into the drawing with a preference (loyalty) point.

While the board sympathizes with Mr. Wood, it was a general consensus that they do not want to start extending general season hunting permits.

The following motion was made by Ernie Perkins and seconded by Del Brady

MOTION: I move that we deny the variance request of Larry Wood for a Dedicated Hunter Certificate of Registration extension to 2010.

Passed unanimously

6) Wildlife Board Variance Request – Kelly Wood (**Action**)

Kelly Wood, a dedicated hunter in his first year of the program, presented his variance request to the board. Mr. Wood stated that because of an injury, stemming from his tour in Afghanistan, and the need for a full hip replacement he was unable to hunt on his Dedicated Hunter deer permit this year. He returned the permit prior to the start of the season and is requesting that his Certificate of Registration be extended to 2011.

Ernie Perkins stated that based on the injuries being sustained during a tour of duty for the military that Mr. Wood would qualify for an extension of his Dedicated Hunter Certificate of Registration and is willing to make that motion

The following motion was made by Ernie Perkins and seconded by Rick Woodard

MOTION: I move that we grant the variance request of Kelly Wood for a Dedicated Hunter Certificate of Registration extension to 2011 due to the injuries and medical treatment resulting from an injury incurred during service in Iraq.

Passed unanimously

7) Wildlife Board Variance Request – Doug Yates (**Action**)

Doug Yates presented the variance request for his father Dwane. Mr. Yates stated that his father has been putting in for elk since the bonus point system started only missing a year or two. His father wanted to draw on the Southwest Desert or Pahvant unit, however, after looking at the number of permits given out it was determined by Doug that the odds were not in his father's favor.

Doug encouraged his father to apply for the management bull elk hunt, so he could take advantage of the tags being given to those over the age of 65. He figured if they shot the right bull and had it checked in his father would have his points restored. After the permit was drawn Doug called the Central Region office and was told by a female employee that the points would be re-instated if he followed all the rules. The employee indicated that she called the Salt Lake Office and verified the information. Tom Becker, a division employee, was contacted to check the harvested elk. Tom came to the house to measure the bull and Dwane asked Tom what he needs to do to have his points re-instated, Tom said he wasn't sure what he needed to do, but was sure he could get his points back. A statement was later obtained from Tom indicating that he did not tell Mr. Yates he would have his points re-instated.

After his father had drawn the management bull elk permit, Mr. Yates checked the drawing odds and was confident that his father had enough points and would have drawn the limited-entry tag. Because he was not aware that the rule governing management bull elk permits had changed, he did not know that his father would lose his points upon drawing the permit, regardless of whether or not he harvested an animal.

Mr. Yates indicated that the hunt has only been around a few years and changes were made to the requirements each year. Mr. Yates believes he and his father acted in good faith and they would like the bonus points restored. Mr. Yates understood that the board only has the authority to extend a season and not to re-instate bonus points.

Keele Johnson asked if the hunt took place in 2008.

Mr. Yates said it was 2008 and indicated that those who drew the permit in 2007 and harvested an animal could have had their points restored. Two other applicants with maximum bonus points applied for the management hunt, however they surrendered their permit prior to the start of the hunting season and received their bonus points back.

The board discussed the validity of division employees giving out wrong information as a reason to grant the variance.

Ernie Perkins commented that the guidebook clearly states the points will not be returned. Mr. Yates indicated that they don't read the guidebook they only look at the application process.

Mr. Yates indicated that he valued the division's time and is friends with Mr. Don Peay, which is why he is here today requesting this variance.

The following motion was made by Tom Hatch and seconded by Rick Woodard

MOTION: I move that we deny the variance request of Dwane Yates for a season extension on his management bull elk permit.

Passed unanimously

8) Wildlife Board Variance Request – David Wells (**Action**)

David Wells presented his variance request telephonically. Mr. Wells indicated that he had received a permit for the Mt. Dutton early unit to hunt limited-entry bull elk. He hunted one half day on 09/13 and one half day on 09/14 and was then involved in an accident and was thrown off his horse. He was taken to Garfield Memorial hospital in Panguitch for treatment. Due to the seriousness of the injury he had to return home for follow-up treatment immediately. He would like to have his hunt extended to 2009 or have his bonus points re-instated.

Paul Niemeyer called for discussion by the board. Mr. Niemeyer would like to know when the time limit is on hunting. Is it one day, one hour?

Ernie Perkins would make a comment that he would like to have a board discussion on this topic to try to consider where the lines and implications would be to granting requests along with what precedence is being set. Mr. Perkins requested that it be one of the topics discussed at the next board dinner.

Rick Woodard asked if Mr. Wells would have been aware of the ability to surrender a permit due to an injury he could have had his bonus points re-instated and a refund for his permit fees. Paul Niemeyer indicated that the guide may not have known the rules and suggested that the surrender process be highlighted in the Big Game Guidebook.

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

MOTION: I move that we grant the variance request of David Wells for a season extension for his Limited-entry Bull Elk permit on Mt. Dutton to 2009.

Passed unanimously

9) Wildlife Board Variance Request – David Meyer (**Action**)

David Meyer presented his variance request telephonically. Mr. Meyer indicated that he was diagnosed with a malignant thymoma of the heart in 2000. The scar that resulted from the treatment of the malignant thymoma has created an arrhythmia of his heart with an increased heart rate. Mr. Meyer was placed on strong medication and did very well and was still able to hunt until the illness relapsed. He was then unable to hunt on his bison and moose permits. He was not allowed to go into Utah's elevation and needed to have an additional medical procedure. The procedure is scheduled to happen this month. Mr. Meyer often buys the Governor tags in Utah and is very grateful for the hunting opportunities. He is requesting an extension for the 2009 season for both his Statewide Conservation Bison Permit and Statewide Conservation Moose permit

Rick Woodard asked if Mr. Meyer was aware of the procedure at the time of the purchase.

Mr. Meyer indicated he was not aware of the procedure and in fact was not aware of the condition until August of 2008, it was September 2008 when he was told of the need for an additional medical procedure.

Rick Woodard asked if at the time of purchase Mr. Meyer felt like he was good to hunt in all elevations.

Mr. Meyer said he was good to go and ready to take the greatest animal of his life. He felt he was in excellent condition; it wasn't until August when he was placed on medication which caused the need for the procedure in September. He would never have purchased the tag if he knew of the condition. He was in good physical shape to hunt prior to August.

Paul Niemeyer clarified that Mr. Meyer didn't hunt, however he didn't turn the tags in to the division in time for a refund.

The following motion was made by Del Brady and seconded by Tom Hatch

MOTION: I move that we grant the variance request of David Meyer for a season extension on his Statewide Bison hunt and Statewide Moose hunt to 2009.

Passed unanimously

10) Wildlife Board Variance Request – Lawrence Fischer (**Action**)

Del Brady provided some information on his buck deer hunt that took place at the same time and location of Mr. Fischer's cow bison hunt, Mr. Brady expressed in his opinion there was a lack of overcrowding and cannot imagine that it was as crowded as Mr. Fischer makes it sound. The conservation permit holder was down there every weekend all summer long, it was not a huge effort during November. He believes the hunter has a bad taste in his mouth about the hunt.

Ernie Perkins questions the use of OHV's in the area and the destruction of the mountain side.

Del Brady said he did not see an abundant use of the OHV's as claimed in Mr. Fischer's letter. It's a big unit and there is a lot of space in the area.

Lawrence Fischer presented his variance request telephonically. Mr. Fischer drew a once-in-a-lifetime permit for the Henry's Mtn. cow only hunt. He is dissatisfied with the quality of his hunt and would like his permit extended to the 2009 season (see board packet for letter)

Paul Niemeyer asked if there were any questions from the board.

Del Brady asked how long Mr. Fischer hunted.

Mr. Fischer indicated he hunted for the full seven days.

Keele Johnson asked if he saw any buffalo.

Mr. Fischer said yes, but before he could see if there were any cows in the group, there would be 10 or more vehicles next to him sighting the same herd. Mr. Fischer indicated that people were chasing each other off and that this hunt brought out the worst in everybody. Mr. Fischer felt that with shooting a long bow he had no chance to outshoot a rifle guy. Three or four years ago, he didn't feel he had the same hunting pressure in this area.

Rick Woodard asked if Mr. Fischer was aware that there would be rifle hunters on the unit.

Mr. Fischer stated he was not aware of the number of tags issued, in the past it was fewer tags and longer seasons. He never expected to see the crowd that was there.

Ernie Perkins indicated that it was only a 5 permit increase from the year before.

Mr. Fischer said he did not look at the stats from the year before, he had assumed that things would stay the same from eight years prior.

Paul Niemeyer asked for board discussion on the matter.

Del Brady asked what the hunt number of his permit was.

Mr. Fischer indicated it was hunt #944, the early hunt.

Ernie Perkins pointed out that the hunt statistics have been the same for the past two years.

Mr. Fischer stated that his main complaint is too many hunters and too short of a hunt. He wrote the letter to bring awareness to the board, and if he were to write another article he would tell people not to apply for this hunt.

Paul Niemeyer explained that the division must manage the wildlife to the plans that are in place.

Mr. Fischer stated that issuing the same amount of tags but offering a longer season would have been a better option. Seven days was not a good option. In his opinion 500 people were on that mountain and it did not bode well for what the hunt experience should have been. He assumed the hunt would be the same as it was 4 or 5 years ago. He expected the same kind of hunt.

Mr. Fischer's claim is that the division offered false advertising of the hunt. Paul Niemeyer indicated that he had a friend who had the same tag and felt it was a hunt of a lifetime.

The following motion was made by Tom Hatch and seconded by Rick Woodard

MOTION: I move that we deny the variance request of Lawrence Fischer for a season extension on his Once-in-a-lifetime Bison permit for Henry's Mountain – Cow Only to 2009.

Passed 4 – 1 with Keele Johnson opposed

Ernie Perkins made the suggestion of looking at a primitive weapon hunt only for the Henry Mtns. OIAL cow only hunt.

Ernie Perkins made a comment about the discussion that took place during a Millville deer committee meeting. The committee felt a two-week hunt for antlerless was too short and was recommending a three week hunt, he felt the week long hunt on the Henry's Mt. unit was possibly too short, especially for primitive weapon hunters.

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

MOTION: I move that we ask the division to look at adding a primitive hunt for the Henry's Mtn Once-in-a-lifetime bison – cow only hunt.

Passed unanimously

This is to be added to the Action Log. The board would also like the division to consider changing one of the weeks to primitive weapon only and increasing the tag allotment for that hunt.

11) Old Business/Action Log (**Contingent**)

Rick Woodard requested a completion date be given for the item posted March 6, 2008 – Release of captured snakes.

A request was made by Ernie Perkins to have two action items presented together – May 8, 2008 – Expanding Hunting Opportunities and December 4, 2008 – Optional Season Lengths and Dates, and to have the completion date moved to May or June 2009 so that the current board members may address the issues.

Keele Johnson requested that the division work with State Parks and explore the options of getting a genetically pure bison herd established Antelope Island. This was added to the Action Log.

A motion was made by Ernie Perkins to have the division consider adding primitive weapon hunts to the Once-in-a-Lifetime species hunts. This was also added to the Action Log.

12) Other Business (**Contingent**)

Ernie Perkins handed out a spreadsheet concerning the elk permit numbers to each board member.

Keele Johnson would like to see the bison on Antelope Island sold off and the division work on getting a fourth genetically pure bison herd on the island. He feels this would be good for genetic diversity. He would like the division to pursue the option of working with parks and selling the herd. He also proposes that the bison should be transplanted from the Henry's in order to have a pure herd.

Alan Clark indicated that the herd on Antelope Island is a privately owned herd, we call it hunting but it is a culling operation.

Ernie Perkins would like to know if we put wild bison there who would control the herd.

Keele Johnson feels the state park would manage the herd.

Alan Clark stated that the deer and sheep currently on the island are overseen by the division.

Ernie Perkins said he recalled that the wildlife board years ago wanted to establish a hunt there and the State Parks board declined it. It has also gone to the Legislature and has not progressed passed that.

Alan Clark mentioned that a lot is going on with bison with the United States Department of Interior, so he is unsure about where it all is going to go.

Tom Hatch asked about the deer mortality study to be done by this fall and who funds the contract deer pick up guys.

Alan Clark said the division funds the ones that work for us and UDOT funds the ones that work for them.

Tom Hatch asked if we are going to get good data with the funds being cut.

Alan Clark said no. We are real concerned and have contacted UDOT about the data, but with priorities and budget shortfalls there is no pressure there to continue to fund the deer pick up contracts.

Tom Hatch indicated that the gentleman who brought the concern to him has had his contract terminated.

Alan Clark indicated his contract was with UDOT and they have begun to cancel them. We are still using our technicians and collecting the data.

Del Brady said it appears cars are taking more deer than the hunters.

Paul Niemeyer indicated they are taking the does. Freeway fencing seems to have stopped the migration.

Alan Clark said we would have to train the deer to cross the road again; baiting them across could do this.

Ernie Perkins asked if the Millville working committee could work with 6 members instead of 7, because the 7th member has not shown to any meetings so far.

Paul Niemeyer indicated that he couldn't see an issue with that.

Paul Niemeyer would like the board to discuss the Board Appeal process. He is frustrated with the number of cancellations and with the board having to work their schedules to fit the people requesting an appeal.

It was suggested that the board appeals could be heard at the end of the scheduled board meetings. However, this could require meetings to run late.

Paul Niemeyer feels that those seeking a board appeal should be made aware that the board can increase a revocation if the case warrants it, and that those appealing the decisions do have something to lose.

The possibility of having one day a quarter set aside for board appeals was discussed, as was only having a quorum present to hear the appeals. These options were to be discussed with Martin Bushman and brought back to the board at the April 1, 2009 meeting.

Additional items to be discussed at the April 1, 2009 meeting.

- * **an update on the expansion of elk herds – Agriculture/Wildlife Task Force**
- * **Open Public meeting act – audio requirements**
- * **Board Variance Request Criteria**
- * **2009 Bucks, Bulls and OIAL permit numbers**

The meeting was then adjourned.