

**UTAH WILDLIFE BOARD MEETING**  
October 1, 2009, 8:00 a.m. DNR Auditorium  
1594 West North Temple, Salt Lake City, Utah  
**Revised September 29, 2009**  
**AGENDA**

**Thursday, October 1, 2009**

- |   |                    |
|---|--------------------|
| 1. Approval of Agenda<br>-Rick Woodard, Chairman  | <b>ACTION</b>      |
| 2. Approval of Minutes<br>- Rick Woodard  | <b>ACTION</b>      |
| 3. Old Business/Action Log<br>- Ernie Perkins, Vice-Chair                                     | <b>CONTINGENT</b>  |
| 4. DWR Update<br>- Jim Karpowitz, DWR Director  | <b>INFORMATION</b> |
| 5. UWIN Presentation – Time Certain – 8:30 am<br>-Robert Hasenyager, Executive Director       |                    |
| 6. Board Appeal – Time Certain – Jeffrey Edwards – 10:00 am                                   |                    |
| 7. Bat Management Plan<br>- Kim Hersey, Sensitive Species Biologist                           | <b>ACTION</b>      |
| 8. Falconry Guidebook & Rule R657-20<br>- Jimmy Parrish, Wildlife Program Coordinator         | <b>ACTION</b>      |
| 9. Fishing Guidebook & Rule R657-13 & R657-58<br>- Roger Wilson, Wildlife Program Coordinator | <b>ACTION</b>      |
| 10. Henry Mountains Bison Options<br>- Anis Aoude, Wildlife Program Coordinator               | <b>ACTION</b>      |
| 11. Convention Applicant Change<br>- Greg Sheehan, Administrative Services Section Chief      | <b>ACTION</b>      |
| 12. Convention Permit Allocation<br>- Alan Clark, Assistant Director                          | <b>ACTION</b>      |
| 13. Variance Request – Shawn Robb<br>- Judi Tutorow, Wildlife Licensing Coordinator           | <b>ACTION</b>      |

- 14. Variance Request – Ronald Mika **ACTION**
  - Judi Tutorow, Wildlife Licensing Coordinator
  
- 15. Board Request – Lewis Black **ACTION**
  - Kenny Johnson, Wildlife Licensing Specialist
  
- 16. Variance Request – Scales and Tails **ACTION**
  - Staci Coons, CRC Chairman
  
- 17. RAC/Board Meeting Dates 2010 **ACTION**
  - Staci Coons, Wildlife Board Coordinator
  
- 18. Other Business **CONTINGENT**
  - Rick Woodard
    - Mid-winter WAFWA (January 7-10, 2010)
    - Preliminary discussion – summer WAFWA

**UTAH WILDLIFE BOARD MOTIONS**  
October 1, 2009, 8:00 a.m. DNR Auditorium  
1594 West North Temple, Salt Lake City, Utah

- 1) Approval of Agenda (Action)

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

- 2) Approval of Minutes (Action)

**MOTION: I move that we approve the minutes of the August 20, 2009 Wildlife Board Meeting with the noted corrections.**  
Passed unanimously

- 3) Bat Management Plan (Action)

**MOTION: I move that we approve the Bat Management plan as presented by the Division.**  
Passed 5 to 1, Tom Hatch opposed

- 4) Falconry Guidebook & Rule R657-20 (Action)

**MOTION: I move that we approve the Falconry Guidebook & Rule R657-20 as presented by the Division.**  
Passed unanimously

- 5) Fishing Guidebook & Rule R657-13 & R657-58 (Action)

**MOTION: I move that we approve the Fishing Guidebook & Rule R657-13 & R657-58 as presented by the Division.**  
Passed unanimously

- 6) Henry Mountains Bison Options (Action)

**MOTION: I move that we approve Option 1 to translocate 40 bison to the Book Cliffs from the Henry Mountains in January 2010, as presented by the Division.**  
Passed unanimously

- 7) Convention Applicant Change (Action)

**MOTION: I move that we approve the Convention Applicant Change for MDF to assume the contract from FNAWS as presented by the Division.**  
Passed unanimously

- 8) Convention Permit Allocation (Action)

**MOTION: I move that we approve the Convention Permit Allocation as presented by the Division.**

Passed unanimously

- 9) Variance Request – Shawn Robb (Action)

**MOTION: I move that we go into Executive Session.**

Passed 5 to 1 with Tom Hatch opposed.

Mr. Robb's request was denied by the Wildlife Board.

- 10) Variance Request – Ronald Mika (Action)

**MOTION: I move that we approve the variance request for Ronald Mika to extend his Conservation Statewide Bison voucher to 2010.**

Passed unanimously

- 11) Board Request – Lewis Black (Action)

**MOTION: I move that we stay with the guidelines currently in place and Lewis Black will have 57 days to hunt OIAL Desert Bighorn on the San Juan Unit.**

Passed 4 to 1 with Keele Johnson opposed and Bill Fenimore recused

- 12) Variance Request – Scales and Tails (Action)

**MOTION: I move that we accept the recommendation from the Certification Review Committee and grant the variance request for Scales and Tails for two alligators.**

Passed unanimously

- 13) RAC/Board Meeting Dates 2010 (Action)

**MOTION: I move that we approve the RAC/Board Meeting Dates 2010 as presented by the Division.**

Passed unanimously

**UTAH WILDLIFE BOARD MEETING**  
October 1, 2009, 8:00 a.m. DNR Auditorium  
1594 West North Temple, Salt Lake City, Utah

**Board Members Present**

Rick Woodard – Chair  
Ernie Perkins – Vice Chair  
Jim Karpowitz – Exec Sec  
Keele Johnson  
Tom Hatch  
Jake Albrecht  
Bill Fenimore  
Del Brady

**RAC Chairs Present**

Terry Sanslow – Southeastern  
Steve Flinders – Southern  
Bob Christensen – Northeastern  
Brad Slater – Northern  
Fred Oswald – Central

**Public Present**

Byron Bateman  
Robert Hasenyager  
Ron Sieg  
Kathy Sullivan  
Bill Christensen  
Sterling Brown  
Todd Ballentyne  
Carol Burkley  
Jeffrey Duke Edwards  
Shane Richins  
Miles Moretti  
Todd Black

**Division of Wildlife Resources**

Staci Coons  
Cindee Jensen  
Doug Messerly  
LuAnn Petrovich  
Judi Tutorow  
Kim Hersey  
Jimmy Parrish  
Roger Wilson  
Anis Aoude  
Greg Sheehan  
Alan Clark  
Anita Candelaria  
Celia Bunnell  
Kevin Bunnell  
Lindy Varney  
Bill Bates  
Charlie Greenwood  
Dean Mitchell  
Bryan Christensen  
Director Styler  
Mike Fowlks  
Sean Davis  
Suzette Fowlks  
Kent Hersey  
Rhiana Christopherson  
Carman Bailey  
Rick Larsen  
Drew Cushing  
Walt Donaldson  
Mark Hadley  
Justin Shannon  
Marty Bushman  
Greg Hansen  
Ron Hodson

Chairman Woodard welcomed the audience and introduced the Wildlife board and RAC Chairs. He then reviewed the agenda.

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

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

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

Chairman Woodard said beginning this Board meeting, the minutes will be recorded and posted on the website. The microphone system is very sensitive and it would be appreciated if we can be extra cautious of cell phone use.

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

On pg. 9, 4<sup>th</sup> paragraph change DNR to DWR. Pg. 20 add “remainder of the” to the second motion on the page. Pg. 23, 3<sup>rd</sup> paragraph from bottom, replace “reception” with “recapture.” Pg.24, 2<sup>nd</sup> paragraph change “this” to “are these.”

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

**MOTION: I move that we approve the minutes of the August 20, 2009 Wildlife Board Meeting with the noted corrections.**

3) Old Business/Action Log (**contingent**)

Mr. Perkins said on pg. 1 of the Action Log, 2<sup>nd</sup> item and the last item on the page, Annual Reports change the completion date to December 2009.

4) DWR Update (**Information**)

Jim Karpowitz, DWR Director presented this information. Hunting seasons are upon us, with elk season starting Saturday and all elk permits in the state are sold out. At the last interim session of the legislature the Division was asked to talk about our acquisition program and our SITLA grazing leases. We explained in detail how the program works and how important it is for wildlife in Utah, being able to provide habitat in the state. We had the opportunity to explain why we hold SITLA grazing leases, and answered questions from the public and legislature. It turned out well and we were able to correct some misconceptions that are out there. There has been a lot of interest by the legislature in our budget. We are nervous about what is happening with the budget this year, facing an 850 billion dollar short fall. We are looking at an additional 5% general fund cut, about four to five hundred thousand dollars, and it is a real concern to us. We are nervous going into the session this year and hope to come out with a good budget.

Utah hosted the Bean Counters Ball, which is the organization of Administrative Services, Accounting and Human Resources people in the wildlife agencies all over the western half of the U. S. It was in Park City with around 300 people in attendance, seeing and learning about what we are doing in Utah. A year from now, the National

Convention of the Wildlife Society will be hosted in Utah, early October 2010. This is a great opportunity for Utah. This concluded his information and he asked for questions.

Mr. Hatch asked why they were invited to give the discussion on the acquisition of permits and lands in the interim session.

Director Karpowitz said in the last five years we have only done two or three large purchases with trades and SITLA, but this year we had a few opportunities come along that we were able to take advantage of. One was the acquisition of the rest of Allen Smith's property in Duchesne County and the other was the acquisition of some property along the Sevier River in Piute County. We followed our process for those acquisitions, talking to elected officials and county representatives, getting approval to do them. It has been awhile since we have had any big acquisitions and it got some attention. The SITLA grazing leases were brought to light through a very serious trespass problem we had this past year and it raised some questions. Director Karpowitz then turned the time over to Boyde Blackwell for some information on the CWMU program.

Mr. Blackwell said we have had some turnover on our CWMU Advisory Committee. We wanted to express appreciation to those who served on the committee for their hard work. He has a plaque for Todd Bingham, Jim Blomquist and Ernie Perkins. Thank you for your time and effort on CWMU issues.

5) UWIN Presentation – **time certain – 8:30 am**

Robert Hasenyager, Executive Director of Utah Wildlife in Need introduced this presentation on the introductions of condors and the impacts of lead on the success of that program. He then introduced Chris Parish, field program director for the Peregrine fund, Ron Sieg, regional supervisor for Arizona Game and Fish Department at the Flagstaff office, Kathy Sullivan who heads up the condor program, and Jimmy Parrish of the DWR.

Mr. Hasenyager then gave an overview. He said the sub-population in northern Arizona and Utah constitutes half of the existing condors. Utah Wildlife in Need is an independent, Utah based, federally recognized 501-C-3 nonprofit, public foundation established in May 2007. Their mission is to ensure the future of Utah's most "at risk" species of native Utah wildlife. They support critically needed, science based, results oriented, research, conservation and education projects. It is governed by a passionate board of Utah wildlife enthusiasts. He then listed the Board of Trustees.

Mr. Hasenyager then discussed "at risk" species. We have 700 species of Utah wildlife that fall into this category with 21 threatened or endangered species, 4 candidate species, 9 conservation agreement species and 71 species of concern. He then went over Tier 2 species.

The state does some of the funding with the Endangered Species Mitigation Fund (ESMF). In addition to that there is some funding through cooperative agreements and

UWIN tries to fill the gap. There are other nonprofits filling this need and we recognize their efforts over the years. At the same time UWIN's mission is unique and is focused on this segment of the 700 species that are most at risk, where the others do not.

Mr. Hasenyager then went over various projects and partnerships for 2009. They try to make these partnerships dealing with ferruginous hawks a win-win situation. Currently they have partnerships with Newfield Oil Foundation, Utah DWR, Utah State University and Rocky Mountain Power.

Another project is reintroducing Northern river otter into the Middle Provo River. That section of river has been reestablished. If otters will reduce some of the trout numbers, it will help with the stunting issue.

The topic for today is lead abatement for California condors. We must do something for this population to survive. We will fund as much of this program and as it progresses, hopefully other organizations will step up and help. This is an opportunity for "all those who love wild places and wild things to contribute directly to the recovery of the California condors". This is an opportunity to leave a healthy and vibrant wildlife legacy.

Director Karpowitz said with the changes in the economy and state and federal budgets, this foundation has become even more important. Our general funds are at risk and if we are going to keep sensitive species going, we need organizations to step up and help us. This foundation can help us identify the sensitive species and help fund these projects. He appreciates the efforts of this foundation, and is hopeful that they can succeed. On the condor project, this is a good opportunity for sportsmen in the state to show they care about all wildlife in the state. They want this to be voluntary to help condors succeed.

Chris Parish, Condor Program Director/The Peregrine Fund, presented the biology and history of the condor, what has been done in Arizona and the Peregrine Fund.

Condor reintroduction project started in 1997. They are a non-profit agency and they spend 1.4 million annually, of which most comes from individuals and corporations. Condor numbers have declined because of changes in available forage, predation, and slow reproduction rates, laying one egg every other year and they do not become sexually mature until 8 years old. They live from 50-70 years. Habitat loss, shooting, egg collection and poisoning also contribute to their loss in numbers.

In 1982 only 22 condors remained. There was a debate on whether they should be saved or not. Ultimately they began a captive breeding program to save them from becoming extinct and this has become very successful. Biologists were then allowed to trap and place transmitters on the condors to learn more about why they were declining. Between 1983 and 1986 four birds were recovered and they were able to determine their cause of death. All four died of preventable causes; three of lead poisoning and one from cyanide poisoning. In 1987 the last wild condor was captured.



Mr. Parish then went over the population trend. In the early 1900's estimates indicated there were somewhere between 200 and 600 condors in existence. The low was in 1987 and has been going up gradually in wild and captive to the present. In 1992, the USFWS began releasing birds in California in their recent historic range. In 1996, the Peregrine Fund along with Arizona Game and Fish Department and other cooperators began releasing birds. The population has grown and done quite well, both in captive breeding and in the wild.

The release site is located just south of the Utah/Arizona border on the Vermilion Cliffs National Monument. Mr. Parish went on to discuss the various characteristics of the area. Condors did not stay in the release sight but spread as far as 50 miles south to the Grand Canyon and north to the Kolob Range.

These birds are obligate scavengers. They do not kill, but are opportunistic. They are visual scavengers in the Kolob Range. He then went over the breeding in the wild. Ten of the eleven young that were produced in the wild have survived. In the AZ/UT free flying population there are 75 birds, which is roughly half of the world's population of condors. There are six more birds awaiting release.

Mr. Parish went on to discuss the leading causes of death. Lead poisoning, we have 12 confirmed cases by necropsy and two that were very likely lead. Predation by coyote and golden eagles has occurred. Other causes of death are impaction (2), infection (1), missing/unknown (10), shot (3), and starvation (3). He then went on to talk about lead poisoning in detail, focusing on greater than 60 – acute toxicity. This amount of lead focused and peaked in November and December each year. Seven condors have shown lead pellets in x-rays and 4 birds were lost to that from scavenging. 16 condors have shown lead in gullets.

Beginning in 2001, there is an increase in use on the Kaibab in November when we see the highest lead exposure levels. This was not terribly surprising because of hunting. Over the years the birds have become to use this area and last year up to 58 birds were seen up in that area. They have GPS transmitters on birds giving up to 17 relocations per day. He then showed maps showing where the birds are throughout the months of the year. They tried to determine how many carcasses might be out there due to wounding loss, which might contain bullets and fragments.

A lead bullet fragmentation study was done in harvesting deer with various sizes of bullets. The results showed overwhelming indications that lead fragments were present in most parts of the deer. 74% of the deer remains showed greater than 100 fragments. 90% of the gut piles showed fragments, and 5 showed greater than 200 fragments.

Mr. Parish then went over the Condor lead history. He went over graphs from 1999 to 2008 reflecting birds that had been tested, exposed and treated. When the majority of birds started using Utah the lead exposure went up. Utah isn't using lead free ammunition. They look to introduce a voluntary lead free ammunition program in Utah.

Some have questioned their studies and intentions, calling them anti-hunting or an animal rights group with a political agenda for banning lead. It is on their website and they have never gone to anybody, especially in California, to ask them to ban lead ammunition. Mr. Parish believes in the conservation ethic of hunters and can get this done. Scientific research articles were listed. The Peregrine Fund is a conservation organization focused on birds of prey. They recognize the need for hunting. A list of cooperating partners in condor reintroduction was given.

Ron Sieg of Arizona Game and Fish Department, said lead in condors is the leading cause of death. This is lead from spent ammunition. To establish a baseline in 2003 they did hunter surveys and some focus groups; only 23% of Arizona hunters and 12% of Utah hunters were aware of lead poisoning in condors. But, 83-97% in Arizona and 78-98% in Utah were willing to take action to help condors. They used surveys and focus groups to get the word out. Hunters requested scientific evidence linking lead ammunition to lead toxicity in condors to motivate them to help with this problem. Focus groups used to refine outreach message: focus on hunters' proud tradition of wildlife conservation. It was important that "credible" sources needed to deliver lead reduction message. Wildlife Agencies and sportsmen groups tested high to deliver the message.

Initial lead reduction actions were to use lead free ammunition, remove all carcasses from field, hide or cover gut piles, and remove bullets from the flesh. This is a voluntary program and has AZ-10(j) status. He then showed a map of the condor range in AZ. They looked at lead reduction efforts and implemented a hunter education program. They shared the research on condor lead exposure/treatment, location/seasonality study with the hunters. They also went over the Lead Bullet Fragment study with ballistics gel testing. Showing these things to hunters was very effective. These efforts were initiated in 2003 and expanded each year. They also do a lot of outreach training for hunters and all program partners. It is essential that all outreach presenters share the same message. They also worked at building a coalition with various sportsmen's organizations and foundations, which has been very effective.

The incentive to change is a free non-lead ammunition program, which was started in 2005. They have between 1,400-2,400 fall big game hunters. They can redeem a coupon for two boxes of ammunition by mail or local stores, Cabela's and Sportsman's Warehouse.

Letters were sent to an additional 5,000 hunters asking them to purchase non-lead ammunition on their own. This was funded by state lottery and gaming revenue - \$100,000- \$160,000 annually. They have one full time staff to manage the program. They did a post hunt survey and check station interviews to gauge success of program and ammunition performance. He then went over the free ammunition program results and the positive feedback for the voluntary effort.

Since 2007, they have gone on to improve outreach efforts with a mailed coupon with tag, simplified message, non lead ammunition brochure, educational DVD, follow-up letter, increased field outreach and a gut pile raffle.

Mr. Sieg went over some of the lessons learned. They must work closely with ammunition retailers and manufacturers to ensure sufficient supply. This is a highly political issue with many stakeholders. Don't underestimate the importance of message and who's delivering it. Lead exposure must be lowered to achieve self-sustaining population.

Because of the increased foraging in Utah, UWIN looks to continue this work. Mr. Sieg showed a graph on birds that have come to Utah. None have nested here yet, but they are showing interest. This is becoming a bigger issue. Because of tight budget, our free ammunition program in 2009 will be one box. They look to expand outreach to varmint and small game hunters. Also they look to engage surrounding states and tribal lands. Human health issues also need to be addressed. Cooperating partners in AZ/UT have helped a lot.

Jim Parrish, Avian Program Coordinator, UDWR then talked about what we are doing relative to the California condor in Utah and distributing non-lead ammunition to hunters. This is not a one agency or person program. Keith Day is our Sensitive Species biologist for the UDWR. This is an opportunity and a challenge for us looking to help manage the condor in Utah. He went over their current status. They are a Utah Tier 1 species in our wildlife action plan. He went over the 10(j) status. The condors are located east of I-15, south of I-70 and all the way to the Colorado border. Historic records are few for Utah. Sightings in Beaver county date back to 1871, and in western Iron County to 1932. They were in southern Utah very close to where they are ranging today, Kolob Canyon, Kolob Reservoir and the Paria Plateau areas.

In terms of hunt units there are two management units where the birds occur, Zion and lesser on the Paunsaugunt. Zion is a general season hunting area and the challenge is how do we reach potentially 4,000 hunters with no names, numbers or addresses to contact them for participation in the program. We have figured out how to solve this.

Mr. Parrish then went over the chronology of action on the condors since 1996. Keith Day has been much more involved in this than Mr. Parrish. Mr. Day was asked to co-chair the southwest working group for Utah and Arizona and has served since that time.

From 1996 to 2004, the birds were moving into the area. In 2005 the Utah working group was formed. This is not something that has just developed in the last few months. In 2006 two female condors died in Utah due to toxic levels of lead in their systems and both were thought likely to breed.

In 2007 the division applied for money from the Doris Duke foundation grant to kick off a similar program to Arizona and were denied. In 2008 proposals were submitted for Section 6 monies and were denied. We went to ESMA and the foundation and submitted proposals there and were accepted. It was not enough to start the ammunition program, but there was enough to start an outreach program.

In February 2008 we went to the Hunter Expo to do outreach and there was lots of positive feedback, but all wanted more information. In June 2008 we had our first event, calling it the Day of the Condor watchable wildlife event just south of Kolob Reservoir. Mr. Day coordinated that with Lynn Chamberlain and the Southern region support has been tremendous. This year we have increased outreach considerably. In the interim we have figured out how to contact the Zion and Paunsaugunt hunters with letters sent out asking for support. We identified 27 hunters that would potentially hunt the Zion unit. We will use the same method to identify hunters next year when we kick off the non-lead ammunition program.

We also initiated a major media roll out with newspaper articles and some spots on television. This year we sent all the Zion and Paunsaugunt hunters a letter asking for their support, letting them know what is going on. We also sent a brochure that has been prepared and we are looking to create another brochure for 2010.

Also, in the 2009 proclamation there is almost an entire page on the non-lead program and targeting 2010 as our roll out for distribution of the ammunition. He thanked Arizona for helping us do this program and for their support. They have had a successful program and we will be doing some of the same things.

Mr. Parrish passed out a handout referencing ammunition information from Barnes Bullets. It gives information about how these bullets perform and it is a quality product that will perform. This is not about banning anything or about gun control. The challenges we face are the Utah hunter participation in voluntary use of non-lead ammunition. We are counting on our hunters to help out. The next challenge is how will we pay for this? Non-game wildlife funding comes from about 10% of the total budget, and we must have partnerships. Presently we are 86% short on funding for this program long term. The foundation has stepped up with about 10% of what we need right now, ESMF has provided about 3%, we got a one time Section 6 monies from another project at about 1%. We do not know from year to year how much money is available.

From the information presented in a conference in Boise, if we do nothing for Condor recovery, the level of mortality would be at least 25% annually and would eventually take the entire population within a short period of time. Status quo is we still have a high level of mortality in the adults, but if Utah steps up to match Arizona's effort, the survivorship will go up considerably.

Chairman Woodard thanked everyone for this presentation.

Mr. Hatch asked what exactly 86% represents.

Mr. Parrish said around \$135,000 annually, looking toward a five-year program.

Mr. Perkins said he has gone non-lead for three hunting seasons now. He has taken two elk and is very happy with the ammunition. He did not have to make any changes with

his scope or sighting. He challenged avid big game hunters to give it a try. He complimented Arizona for getting this started and the UDWR for getting on it so quickly.

Mr. Albrecht said the Nolan Ryan DVD could be used at some of the organizations' banquets.

Mr. Fenimore said he is proud to be on the UWIN Board. Waterfowl hunters have used non-lead for awhile now. These alternative ammunition opportunities are very positive for wildlife. He encouraged the various sportsmen organizations to talk with their members about non-lead ammunition. He expressed appreciation for today's presentation.

Mr. Parrish talked about the brochure the UDWR has sent out. Another will go with the vouchers next year in 2010.

Director Karpowitz said the research that has been done on condors has pointed out that there might be lead particles in the game meat that we eat in this state. People need to look into those issues. There is a lot of research being done around the country presently.

Mr. Brady asked if Cabela's is going forward with the lead free display.

Mr. Sieg said they have not asked in Lehi at Cabela's, but they have been a great supporter of this program. Last night at the UWIN meeting we talked to Sportsmen's Warehouse and they were very supportive. It is overwhelming to the average hunter to go to Cabela's and look for non-lead ammunition. Consolidating is very essential and it will also help with the outreach message. The ballistic gel pictures bring people in to ask questions and peak interest.

Chairman Woodard said we have three sportsmen's organizations represented today and he asked for their opinion on this issue. Bill Christensen, RMEF said he has been using Barne's bullets since 1994 and they perform better than lead bullets. He currently uses the triple shot bullet. He has no problem educating his people on this issue.

Break

**6) Board Appeal – Time Certain – Jeffrey Edwards – 10:00 am**

The tape was changed.

Lunch break

Chairman Woodard said he noticed that two of the RAC Chairs added the "Board Action" to their agenda and he is glad to see that implemented after the Board/RAC training.

**7) Bat Management Plan (Action)**

Kim Hersey, Sensitive Species Biologist presented this agenda item. She gave some background information on bats. Some of the Utah Bats are long lived, up to 40 years, with low reproductive output. Most produce only one offspring per year. They have very specialized life history requirements with specific roosts and habitats. This makes them a real conservation concern with 6 of 18 species in the state being on the Sensitive Species List.

Ms. Hersey then went over benefits associated with bats such as insect and disease control, pollination, fertilizer production, part of the food chain, and aesthetic value.

The first thing that people associate with bats is rabies. There is an average of one death nationwide per year and it is generally contracted through bite exposure. It is estimated that less than ½ of 1% of wild bats have rabies. Bats seen during the day or that are easily caught are more likely to be sick. In case of contact, it is advised to contact health professionals. It is important to educate people to never touch sick wildlife.

Bat Management in Utah was then addressed. The goal is to maintain sustainable populations and distributions in Utah, prevent the need for fed ESA listing, focus on proactive conservation measures and the collaborative Utah Bat Conservation Cooperative. She then listed the UBCC partners.

Ms. Hersey then went over the five main purposes of the Conservation Plan and plan components to accomplish these purposes. (See Powerpoint Presentation) Bat plan components are all voluntary. Objectives and conservation actions were discussed.

There was a lot of good feedback given through the RAC process and there are some proposed changes based on the RAC input. (See Handout of changes) The first comes in the area of habitat degradation for forest dwelling bats. It is important to recognize the positive and negative aspects of forest management and they added a recommendation to improve FM projects. There is a need to clarify riparian impacts and actions. Also the additional education objective and actions were put into the plan. They look to provide information on bats' natural value and their benefits to human economic and other interests. A plan-reporting requirement was also added.

Recent work includes an important bat habitat model, data consolidation and analysis, and standardized statewide surveys. An emerging concern is white-nose syndrome, which has killed hundreds of thousands of hibernating bats in the NE U.S. This is caused by fungus and is spreading rapidly, they are instituting preventive measures in Utah. This concluded the presentation.

Mr. Fenimore asked if the white-nose is being spread by cavers.

Ms. Hersey said she does not know. The caving groups are putting measures into place to make sure they are not spreading it. They are thinking it is being spread bat to bat.

## **RAC Recommendation**

Southern – Mr. Flinders said they voted unanimously to accept the proposal. They did not have the current changes, but they look okay.

Southeastern – Mr. Sanslow said they accepted the proposal with wording modifications, indicating which aspects of forest management and grazing are detrimental. The Division has taken care of these modifications and he feels the RAC would be satisfied. It passed unanimously.

Northeastern – Mr. Christensen said they were one person shy of a quorum. They had no motions. There was some discussion on the bat management plan including the cost and appropriate grazing and implications of the plan on land managing agencies. The Forest Service said they would like to see more review of information because of implications of the action statements. They said that some of the literature in the bat plan is based on assumptions and the actions came from these. The Division has addressed many of their concerns. No vote was taken.

Central – Mr. Oswald said the proposal passed unanimously.

Northern – Mr. Slater said they approved the plan with some recommendations. The Division's proposed changes to the plan meet some of their issues. Some concerns were that the problem statements need to be more science based, action statements need to be measurable and an annual report is necessary. The proposal passed unanimously.

## **Public Comment**

Sterling Brown of the Utah Farm Bureau said they are supportive of the plan as presented. Relative to the line that says, "minimize the loss of degradation of habitat" we trust that the Division will take care of that. He talked to a sawmill owner and he said over three generations of harvesting timber, he has not seen bats in the forest, but he sees them quite frequently in the wood stacks at the mill. Putting bats on the endangered species list would benefit few. The Bureau will join hands with the Division to keep this from happening.

Mr. Hatch asked who determines when and what species we do management plans for.

Director Karpowitz said we stay focused on the hunted as well as sensitive species. There are hundreds of species we will never look at.

Mr. Clark said those plans that are driven by the Wildlife Action plan are prioritized by the Wildlife and Aquatics sections. They try to anticipate proposed listing petitions. It is a decision made by the DWR. Bats are being worked on throughout the country. Sometimes plans are driven by legislation.

Mr. Hatch said he has been a long critic of the Sensitive Species List since a few people get together, without peer review, and create a list for our state, with no public input. Out of that comes something like the plan presented today. Maybe the process is not the right way to go about it.

Director Karpowitz said there is public input taken on the Sensitive Species List and the Board approves that list. Our objective is to be proactive to prevent the listing. We have a good track record on this and have been able to stay ahead of it. Bonneville cutthroat, Colorado cutthroat, and pike are a few. In the last five years we have had no new listings, so we are meeting our goal. We have to stay ahead of it, predicting which one might be a target for listing. There were forty new species proposed last month and about half of them were in Utah. It takes a lot of effort to stay ahead of this. We did the bat plan, because we are concerned that they could be a future target.

Mr. Hatch said it concerns him that Ms. Hersey said they have just received a Department of Defense grant to get good information on bats. Are we developing the plan before we get the good information?

Director Karpowitz said that is part of the plan, to get good information. When it comes up for proposed listing, we have the information. We have survived court battles, Bonneville cutthroat trout twice and others because we have the information and have been proactive. The ESMF Fund and State Wildlife grant fund allows us to stay ahead of it.

Mr. Hatch said the Division determines which plan, is that correct?

Mr. Clark said yes. The Sensitive Species List process is a lot different than it used to be. It is a strong formal process that is different than the old one. Director Styler convenes a group as part of this process. It is an actual rule process and it is very rigorous with various agencies involved. Everyone has opportunity for input.

Mr. Hatch said all the new plans would come from species on the list.

Mr. Clark said yes and the only goal of the Wildlife Action Plan is to keep species from being listed.

Mr. Albrecht asked how long the plan is good for.

Ms. Hersey said five years.

Mr. Perkins said one exception to items coming from the Sensitive Species List plans would be hunted species.

### **Board Discussion**

Chairman Woodard summarized the RAC recommendations.



The following motion was made by Bill Fenimore, seconded by Del Brady and passed 5 to 1 with Tom Hatch opposed.

**MOTION: I move that we approve the Bat Management plan as presented by the Division.**

8) Falconry Guidebook & Rule R657-20 (**Action**)

Jimmy Parrish, Wildlife Program Coordinator presented this agenda item. He said he will go over some of the changes, go over the practice of the sport in Utah, federal and state rules and a summary of major changes, including RAC comments. (See Powerpoint Presentation)

He went on to discuss the regulatory changes. As of September 2008 there was a federal rule change and the USFWS will no longer be regulating falconry nationwide. States have until 2014 to comply and Utah rule expires March 2011. The new Utah rule will go to the USFWS in the fall of 2009 for approval. It will come to us after that to go through our formal rule making process and we will be free of the permit requirements for the USFWS. He went over the various meetings with the falconers that have been held.

Mr. Parrish went on to define falconry and falconry in Utah. There are 208 licensed falconers in Utah with the majority in Northern and Central regions. He then went over the three falconers classes, apprentice, general and master. These are based on age and experience, determining which species and how many raptors a falconer is allowed to have. He discussed CORs and permits, the definition of taking of wild raptors and capture options.

He then went over more detail in the taking of wild raptors, including owls, peregrines, golden eagles specifically. He went over the permit details and the take areas, which will be defined, in the new rule. Some areas will be rested.

We only have a draw for peregrine falcons at this time because we receive more applications than we have permits to allow. We anticipate the same with Northern goshawk although the trend indicates this might not be in the near future. Individuals may draw only once every two years.

The Federal Form 3-186A will now be filled out on-line. Banding is required for four species only, wild northern goshawk, wild peregrine falcon, wild Harris's hawk and wild gyrfalcon. Falconers may also use a microchip.

Mr. Parrish then went over care and facilities, including characteristics of the facility, a required inspection and temporary facilities. He then covered some added definitions, including a few other changes.

In summary, the states to regulate falconry, Division proposes to adopt federal rule, take of wild raptors limited, electronic reporting, banding requirement relaxed, microchip implant allowed, facilities requirements relaxed, new definitions and target date for USFWS approval January 2010.

Information from the RACs, Mr. Perkins contacted the Division prior to the RAC process in his initial review of the document. There were three areas that needed some clarification. The first was practicing falconry on commercial hunting areas where an individual is not required to have a hunting license to do that. Clarification that in the apprentice class, a falconer is limited to one bird. On fees for education clarification was made.

In the Southeast RAC, there was language where the Division required an individual falconer to acquire permission for access to public lands. It was determined in the RAC that this is not a Division function and that language was modified.

In Northeast RAC, it was pointed out that the Utah Falconry rule does not apply to tribal lands.

All of the rule making process was cleared with Mr. Bushman to make sure we were in line with state code. This concluded the presentation.

Mr. Fenimore said they are putting up some nesting platforms in Vernal for ferruginous hawks and have had some success. Will these become targets for people taking eyas?

Mr. Parrish said that is possible, but they are not the bird of choice. We only have 1-2 individuals who have ferruginous hawks. He does not foresee pressure on those stands. They are also monitored by our Sensitive Species biologist.

Mr. Fenimore said under section 20-19, it discusses if game is taken unintentionally, the falconer cannot take that into possession. What about wasting wildlife?

Mr. Parrish said once the bird is in the air, it will do what it does. The Service does not allow the taken bird to be picked up and we cannot be less restrictive than them. Scavengers would benefit from it, if that were the case.

Mr. Albrecht asked when inspections were done.

Mr. Parrish said they are done on a regular basis. The current procedure is if they pass the test, or if they upgrade to another class, then they have to have a new inspection.

Mr. Albrecht asked if they do random inspections.

Mr. Parrish said no. If someone requests an upgrade or something else, we go through their file and make an effort to make an inspection.

## **Public Comment**

Todd Balentyne of the Utah Falconers Association expressed gratitude to the Division on developing this rule and working with them over such a long period of time. They stuck to the federal regulations quite rigidly and they endorse the rule and guidebook. He asked the Board to approve this proposal.

## **RAC Recommendations**

Northern – Mr. Slater said they approved the proposal unanimously.

Central – Mr. Oswald said they approved the proposal unanimously.

Northeastern – Mr. Christensen said they had questions and some limited discussion. There was no vote.

Southeastern – Mr. Sanslow said they had some discussion and were concerned about the division requiring a special use permit for falconry events on public land, but that has been taken care of. That was part of our motion. They passed the proposal with that concern unanimously.

Southern – Mr. Flinders said they passed the plan unanimously.

## **Board Discussion**

The following motion was made by Tom Hatch, seconded by Bill Fenimore and passed unanimously.

**MOTION: I move that we approve the Falconry Guidebook & Rule R657-20 as presented by the Division.**

9) Fishing Guidebook & Rule R657-13 & R657-58 (**Action**)

Roger Wilson, Wildlife Program Coordinator presented this rule. (See Powerpoint Presentation) He said Drew Cushing will handle the presentation of the fishing contest rule and it will still be part of this presentation. He began with a summary of objectives and the direction they intend to go. For the most, these proposals mirror what was discussed this past spring. The division continues efforts to simplify, clarify, and standardize regulations, provide a wide variety of opportunities to the angler and protect aquatic resources of the state.

There have been general provisions put in place for underwater spearfishing with a list of waters that are open. (See Powerpoint Presentation) The spearfishing season will be the first Saturday in June through November 30 except at Fish Lake where the season is first Saturday in June through September 15. Spearfishing for carp is permitted in any water with an open fishing season.

Mr. Hatch asked which Lost Creek is being referenced on the spearfishing waters list.

Mr. Wilson said this is just a summary. It is specific in the guidebook.

They are working to remove specific water provisions where they are not needed and a statewide yellow perch limit of 50 has been proposed. Also the limit has been dropped to two fish in the aggregate at the community fisheries. Anglers are encouraged to voluntarily release all largemouth bass.

Mr. Wilson then went over some specific water provisions in the various regions, including specifics on community fishing waters. He pointed out that our most important objective is to protect our aquatic resources. After the discussion on the specific waters around the state, the presentation was concluded.

Mr. Albrecht asked what brings on a community fishery. How do they get involved in acquiring a fishery?

Mr. Wilson said the communities come to the Division and they look to establish them. They do take donations to help stock the ponds. They are becoming very popular. We are flat lining at about 1.2 million pounds with our hatchery production, but there are never ending demands for fish. We cannot continue to produce more with our existing budget and capacity. One aspect on the two fish limit would be to reduce the demand on fisheries.

Chris Wilson said any pond in an urban setting is considered a community fishery and a municipality, city or county generally owns it.

Mr. Albrecht asked if we lost the fishery in Piute Reservoir this year.

Richard Hepworth said we did because they basically drained the reservoir.

Mr. Albrecht said he knows the reason for draining the reservoir, but do they ever give any warning that it is going to happen?

Mr. Hepworth said some years we have a good idea, others we do not. When we lose those fish, a lot of them end up down in Marysville Canyon. We do lose some right below the reservoir. We did not know until late this summer.

Chairman Woodard said he was impressed at the Central RAC. They had three community recreation directors there in strong support of the community fisheries.

Mr. Hatch asked about the Piute Reservoir, don't they hold a conservation pool there?

Mr. Wilson said no they do not. He then turned the time over to Mr. Cushing.

## Drew Cushing – **Fishing Tournaments**

He gave some background on this rule. (See Powerpoint Presentation) Two years ago they changed the rule. Presently, due to lack of accountability from Internet based fishing contests and unfair competition with legitimate fishing contest sponsors for resources and unfair competition with general anglers for resources, it is necessary to look at the rule. Cumulative cash and prizes attracts professional anglers who fish multiple states. We worked with State Parks who will write the rule to deal with this problem. They also worked with angler groups to put this together.

Mr. Cushing went on to define the Type I and Type II fishing contests.

Tournament sponsors and individual have to go through a certificate of registration. It certifies that they are clean and have no AIS, or have a decontamination certificate. This must be in the windshield of their vehicle. Whoever sponsors the event is responsible for those participating.

At Scofield Reservoir Type I fishing contests are allowed for rainbow trout only. This concluded the presentation.

## **RAC Recommendations**

Southern – Mr. Flinders said they did not have R657-58 on their agenda. They went through these presentations as done today. Comments from the public ranged around the Kolob change in regulation, two for and two against. They had a lengthy discussion and voted unanimously to accept both rules as presented.

Southeastern – Mr. Sanslow said they had some confusion on R657-28 and it was added as an amendment to the agenda, but when the motion was made, it was not referenced. There was discussion on it and we did vote on them together. MOTION: To accept the Fisheries Guidebook as presented, except with the right fork of Huntington Canyon to remain fly only. Also to remove the Carbon County fishery from the community fisheries list, because it does not exist. The vote passed unanimously.

Northern – Mr. Slater said the recommendation passed unanimously. They had a comment from Mr. Searcy who manages the Meadow Creek Pond in favor of the community fishery.

Central – Mr. Oswald said they had some representatives from the community fisheries who spoke highly of the program. They had two motions, one to accept the fishery regulation as presented and it passed unanimously. The second motion was on the fishing contests and it passed unanimously.

Northeastern – Mr. Christensen said there was very little discussion and there was no vote due to the lack of a quorum.

## **Public Comment**

Randy Goodnight, the park building and cemetery superintendent for Clearfield City, said they are in favor of the two fish limit. He said thank you for the two ponds in Clearfield. It has been a pleasure working with the Division.

Dale Searcy, representing the Roy City Millcreek Pond. They are in favor of the two fish limit, which will help keep fish in the pond and stabilize the numbers throughout the year. They had an eight-month creel survey and folks are in favor of the lower limit, improving the conditions at the ponds. More people are fishing there due to fuel costs, specifically elderly and handicapped people who cannot travel. Knowing there will be fish in the pond will make their experience a lot better.

Chairman Woodard thanked them for coming to the meeting today and expressing support and interest.

## **Board Discussion**

Mr. Perkins said we have two alternative proposals, the right fork of Huntington Creek and the Carbon County water.

Mr. Wilson said Huntington Creek was a standardization issue. People at the RAC wanted fly only and the Division will leave it. They also agreed to remove the Carbon County fishery until there is an established pond there.

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

**MOTION: I move that we approve the Fishing Guidebook & Rule R657-13 & R657-58 as presented by the Division.**

### 10) Henry Mountains Bison Options (**Action**)

Justin Shannon, Wildlife Biologist presented these options. In the July flight they counted 407 adult bison. When they apply the 90% sight ability, this is 35 animals over objective. We met with the Henry Mountain Bison committee and addressed this problem.

In the RACs, there has been a misconception that we are here to talk about the Bison Plan in the Book Cliffs. That is not why we are here. We are here to address what to do with these additional animals and how to get to our population objective.

When we met with the committee, they unanimously supported Option 1 to translocate 50 bison to the Book Cliffs. From the Division's perspective this has many pros to it. One, it will help meet the population objective of 275 post season on the Henry Mountains. Under the current hunt structure we have right now, leaving it the way it is, after this

hunt, we estimate that we would have about 310 animals. In contrast, on the Book Cliffs, they have a population objective of 450 animals and are currently at 50. Another pro is we would not have to add hunting pressure. We already have 151 permits issued on the Henry Mountains for this year, spread out over six hunts. Finally, we feel this would have fewer impacts on the bison population as a whole.

Logistically, it may be difficult to put these animals on the Book Cliffs in January. We want to put them on Moon Ridge, Steer Ridge and Winter Ridge. Snow might be an issue. Dax Mangus, who is the biologist in that area, has been talking with SITLA and some of the oil and gas people, and they plan on plowing those roads to get to their operations, so that would make it less of a problem.

On Option 2 it would be to increase permits by 39 and in so doing we could get to our population objective of 275 adults post season. With this come changes in the permits. Currently we have six hunts, two hunters choice and three more cow hunts. Mr. Shannon showed a table with adjustments for the increase. (See Powerpoint Presentation) There would be a new hunt added in January. The hunt structure would also have to be adjusted. The pros would be that it is an avenue to reach the population objective of 275; however, there would be a whole host of cons, including increased stress of hunting pressure on bison, possibly lower hunter success, safety issues, notifying hunters of OIAL hunt on short notice, fetus size and environmental conditions on the Henry's in December and January.

In conclusion, the Bison Committee and the Division support Option 1. We view a transplant as a win-win for both the Henry Mountains bison and the Book Cliffs bison herds.

Mr. Hatch said in reading the committee minutes, it looked like Farm Bureau alleged that all three county commissions were opposed. There was testimony later on that refuted that. What is the local government position?

Mr. Shannon said the county commissioners never came to the RAC meetings. It was others talking on behalf of the county commissioners. They did not officially oppose it.

Mr. Hatch asked what about the Tribe.

Mr. Shannon said this went through the RDCC process and they did not hear from the Tribe. They have not said either way.

Mr. Hatch said he recently read an article that most of the buffalo have moved back onto tribal lands. Is that accurate?

Charlie Greenwood said from the group that came from the tribe, 15 head, a couple of the radio-collared bison have moved back to the capture site on the tribe.

Mr. Hatch said what about the Henry Mountain buffalo.

Mr. Greenwood said the Henry Mountain group and the group from the tribe were in the middle of the roadless area this last summer together. They have kind of split back out. The group from the Henry's stays around Steer Ridge and Moon Ridge and the group from the tribe is more on the west side of the roadless area, Steer Gulch and there about.

Mr. Albrecht asked if a management plan was approved for 400+ bison for the Book Cliffs a few years back.

Mr. Shannon said yes. This would just be a transplant from an over objective herd to a herd that needs a boost.

Mr. Albrecht said so a year ago the commissioners were notified and the plan was set at that time. Basically we are just supplementing the herd on the Book Cliffs.

Mr. Bates said Kevin Christopherson met with the Uintah County commission and they said they agreed that they would not oppose the transplant.

Mr. Fenimore asked if the Farm Bureau representative is on the bison committee.

Mr. Shannon said John Keeler is a member of that committee and is with the Farm Bureau. With that said, he was not at the meeting.

Mr. Fenimore asked if the majority of the bison transplanted would be cows.

Mr. Shannon said yes and a few young bulls.

Mr. Brady said he was with Kevin Christopherson when he met with the commissioners for Uintah County. It is true that they did not oppose it, but they would not support either side.

### **RAC Recommendations**

Northeastern – Mr. Christensen said the RAC reconvened on this issue and did have a quorum. At the first meeting there was a representative from the Tribe and the minutes did not capture anything in opposition to it. He was not there when they reconvened. There was some confusion on whether the county supported this or not. Kevin Christopherson said he had met with them and they did not oppose it. There was a lot of discussion on the transplant, the logistics part of it. Discussion kept going to the Bison Management plan, rather than transplant, including water availability and some range conditions. MOTION: To accept Option 1 with note to work with BLM and cattle permittees. It passed 7 to 2.

This was not on all the RAC agendas.



Southeastern – Mr. Sanslow said on the September 28<sup>th</sup> meeting, their discussion got more into an issue on the Book Cliffs management plan and not so much on the Henry Mountains bison being moved. That being said they had a MOTION: To accept Option 1 with recommendations to include specifics on a plan to address buffalo that leave the plan area, and address water and range improvements for livestock interest on the Book Cliffs. It passed with a majority vote with 1 against. There was a separate MOTION: To have a Bison Committee for the West Tavaputs Plateau. Apparently buffalo have moved over there and if it cannot be addressed with the Book Cliffs management plan, they would like to form a committee to decide to manage or remove the buffalo. Landowners do not want them there.

### **Public Comment**

Byron Bateman, of SFW and the Henry Mountain Bison Committee, said they have been meeting together for several years. SFW has done lots of water projects and helped the different grazers out there. The committee is made up of almost all grazers and Farm Bureau. Grazers were behind this idea of a transplant, since it is best for the mountain and the resource. Questions and concerns for the Book cliffs that were raised will be addressed if necessary to get to the 450 population. We will get the water there if we need to through mitigation. We need to bring Henry's into objective and increase Book Cliffs herd, a win-win situation. The Tribe was involved at some point. Everybody in Utah benefits from this. There are 6,000 applicants every year for a bison tag. SFW will do whatever it takes in mitigation for water or whatever. SFW will provide \$160,000 for collars to get started on a bison study, so when we count next year it will be more accurate. These are not the Division's numbers. The permittees are counting.

Sterling Brown, Utah Farm Bureau referenced a letter from Leland Hogan, president of the Farm Bureau that was sent to the Wildlife Board. The Bureau does not have specific policy on this issue. He referred to the letter and questions there. Farm Bureau – 1. BLM has a lot of land around the Book Cliffs bison herd, what if they cut AUMs down the road, will the bison herd be in that same reduction in numbers? We would hope so. Farm Bureau looks at the resource first, because that is what the livelihood of the members depends on, as also does the wildlife. 2. Trespass – bison tend to trespass. Is there protocol in place to allow for trespass? We cannot fence everything. 3. The expense for transplant, gifted or already budgeted dollars, is now the time for that type of significant expense to a Division that is looking for extra dollars to make the existing budget stretch?

Mr. Hatch asked about Ryan Thornock, is he a Farm Bureau employee? As a century member of Farm Bureau, Mr. Hatch is offended if the minutes of the meeting are correct, where Mr. Thornock said, “another group that is opposed is all three county commissions. They have written three letters to Mike Styler in opposition to the transplant. The Ute Tribe is against it.” Apparently, he had nothing to back those statements up. Mr. Hatch is offended that someone from a group he is a part of would make such unfounded statements.

Mr. Brown said he could not agree more. Mr. Thornock is a relatively new employee of the Farm Bureau and his title is central regional manager. He did make those comments publicly at that meeting. Earlier this week he did visit with one commissioner of Uintah County commission and that commissioner did tell him they were adamantly opposed to the transplant. If that is true, it is not Mr. Thornock's place to speak for the commissioner. He is completely out of line. The Farm Bureau apologizes for those comments.

Mr. Fenimore said he read the letter thoroughly and is still a little confused on the Farm Bureau's position verses the position of the grazers that Mr. Bateman referenced.

Mr. Brown said he does not know if all the members of the bison committee are members of the Farm Bureau. It was referenced earlier that John Keeler of the Bureau was not at the bison committee meeting where this was discussed and voted on. Mr. Bates can comment as to why he was not there. We do know the Book Cliffs plan calls for 450. We hope that during the process as 50 is ramped to 450, that livestock AUMs and trespass issues are considered and enforced.

Mr. Perkins asked someone from the Division to address this trespass issue. Wouldn't depredation be a better term?

Director Karpowitz said when the Book Cliffs plan was passed, it was discussed as to what is going to happen to bison that wander off the designated management area. Any animals that wander outside that area are still under the authority of the Wildlife Board on how to deal with them. If a herd is established outside the area in the future, we will have to come up with a plan for their removal. This would be other than transient movement.

Mr. Perkins asked if there is some private land within that management area.

Director Karpowitz said there is some private land, but the vast majority is state land with some BLM. Relative to the cost, this transplant has already been paid for with the conservation permit fund. One of its main uses is for habitat work and transplants.

Don Peay from SFW said Utah has done a great job on bison. The convention and conservation permits make it possible to invest in the future. Do we take our inheritance today on the bison, or invest them into growing them to the 450. SFW says let's invest for the future. The Book Cliffs is almost one million acres with about 50,000 acres private land. We are in a good position here and need to do the transplant.

Mr. Sanslow said the way Director Karpowitz explained the wandering bison is pretty much the same as the Southeast RAC motion. With the direction that is being taken, we do not need to address our motion.

Chairman Woodard said I think it would be natural for the Division to develop a Bison Committee when the time is right relative to the Southeast RAC motion. Otherwise we have Option 1 and 2 to address and he turned the time to the Board for discussion.

Mr. Brady said back to the county commissioner meeting, all three were there, Mike, Mark and Darlene, also Kevin Christopherson, Mark Bingham and Mr. Brady. He felt like they were apprehensive to go either way, but it was a very congenial meeting. It was not a heated meeting of any sort. It took place on August 17 and at that point things were okay. Mr. Christopherson, with the backing up of SFW, indicated there have been discussions of assisting any needs financially on that road and fencing to restrict or eliminate deer mortality on the road the county wants to put in there. We should not use the county or commissioners as a derogatory influence on this motion.

### **Board Discussion**

The following motion was made by Keele Johnson, seconded by Jake Albrecht and passed unanimously.

**MOTION: I move that we approve Option 1 to translocate 40 bison to the Book Cliffs from the Henry Mountains in January 2010 as presented by the Division.**

#### 11) Convention Applicant Change (**Action**)

Greg Sheehan, Administrative Services Section Chief presented this change on R657-55, the rule that covers the convention permits. If a group that was awarded a series of convention permits no longer wants to participate, another group could apply and take over control of the permits. FNAWS has written that they no longer look to go forward with the five-year contract and they have a request from MDF to take over the control on these convention permits. We are bringing that to the Board for consideration today. SFW and MDF are still involved in the convention. There are two remaining conventions on this rule and then it will have to be revisited.

Mr. Perkins asked if in the application that was submitted, it says that under the business plan, the state of Utah is provided \$100,000 per year to help promote the show. Where did this come from?

Mr. Peay said the legislature appropriated \$75,000 to promote the show this year. They have done \$100,000 the last two years under the Department of Tourism.

### **Public Comment**

Miles Moretti, President/CEO of MDF said because of the Division's bureaucracy we are only having one applicant, but this is truly a partnership between the MDF and SFW. We have partnered on the convention for the past three years and will continue to do so. This convention has been extremely successful. It brings 10-12 million dollars into our

economy each year, and benefits a lot of things separate from wildlife. “Everyday people” are drawing these tags. They appreciate the Board adding the five nonresident tags. The Division also sells a lot of licenses at this event. This has been a great boom to the state of Utah. This expo is one of the premier conventions in the country.

### **Board Discussion**

The following motion was made by Jake Albrecht, seconded by Keele Johnson and passed unanimously.

**MOTION: I move that we approve the Convention Applicant Change for MDF to assume the contract from FNAWS as presented by the Division.**

#### 12) Convention Permit Allocation (**Action**)

Alan Clark, Assistant Director presented this item. Each year the rule has the Board allocate the permits that go to the convention. They are normal drawing permits and the convention is just another drawing. The Board received a revised table. The only changes this year, because of the change in the Turkey Proclamation where limited entry hunts are now regions, we left the number the same and just changed the permits to regional limited entry hunts. Because of the change in pronghorn hunting, we kept the numbers the same, but changed the hunts. They added one Rocky Mountain bighorn hunt on the Stansbury’s, leaving the one there for the Newfoundlands, and dropped one any weapon elk hunt. (See table under Convention Permit Proposals) Other than that, the numbers by species are still the same.

Mr. Hatch asked about resident and nonresidents.

Mr. Clark said it is where they come from out of the drawing. More go to residents than nonresidents.

Mr. Hatch said so about 85% go to residents and 15% to nonresidents?

Mr. Peay said this shows we have a truly random draw, because the number of applicants is 90% resident, 10% nonresident. Nonresidents typically apply for almost twice as many, so in the end nonresidents get 15%. It validates that it is a truly random draw. Again, it is whomever shows up, proportionately gets the permits.

Mr. Perkins asked about the condition column on the table.

Mr. Clark said that is the type of permit that it is.

Mr. Perkins said on the second page, there is one archery pronghorn and the rest are any weapon, was this an oversight?

Mr. Clark said no.

## Public Comment

Mr. Peay wants to give an example of what the revenues from the convention are used for. Down north of Beaver on the right hand side of Manderfield, there are hayfields. Senator Hatch helped get some money to help fence the highways and put in good under passes. There is coyote control money and there has been a lot of habitat work. The deer herd was only about 200 head about seven years ago and today it is 1,500 head, in that farmer's field. A few deer turned into lots of deer. He got a call from Mr. Edwards a few months ago and he said the BLM is showing up on my property with a \$10,000 penalty and they are going to force me to pay the fine. It had to do with a fence line verses surveyed property dispute, 20 years ago. He was very mad. He has been feeding the deer and I am being threatened. I do not want to shoot the deer, but I am tempted to. We were able to go down there and solve the problem with the federal government, solve the problem that Director Karpowitz had with a state issue and made people happy. The farmer asked me if he could pay me for what we did for him and I told him it was part of my job. Incidentally though, what you can do is tell some of the agriculture groups we are your friends and not your enemies. We are trying to solve problems and fix things with this money. This convention gives us the opportunity to solve problems.

Mr. Peay continued to say, relative to the bighorn permit on the Stansbury, the Board has traditionally said every time we open a new bighorn or Desert bighorn unit to hunting, the first permit was auctioned to re-coop some revenue from all the investment. We have spent about \$300,000 on the Stansbury herd, solved problems with four different landowners, and the herd is doing well. We decided to put it in the convention so everyone can benefit. This will give us 16 sheep tags for the expo.

Mr. Brady asked Mr. Peay to talk about what SFW is doing here in Salt Lake compared to what FNAWS is doing in Reno.

Mr. Peay said he would rather not, but we will have 16 sheep hunts in drawings and they have one over there. It will be interesting to see what hunters respond to.

Director Karpowitz said the convention has shown a spotlight on Utah's program. That has had a lot of benefits other than those that Mr. Peay mentioned. Several of the surrounding states are showing a decline in revenue and not getting applications for permits. In Utah, our applications went up by about 60,000 last year. The convention gives the opportunity to showcase the partnerships that are occurring, with half a million acres of habitat work done, predator management, world record animals being taken and working for the future of wildlife. This has been good for all of us here in Utah.

The following motion was made by Bill Fenimore, seconded by Del Brady and passed unanimously.

**MOTION: I move that we approve the Convention Permit Allocation as presented by the Division.**

13) Variance Request – Shawn Robb (**Action**)

Judi Tutorow, Wildlife Licensing Coordinator contacted Mr. Robb by phone during the Board meeting. Mr. Robb said he harvested a bear with a DWR tracking collar, which was tight and had been on a long time. The hide under and around the collar was without hair and was covered with maggots. The hide is ruined. Based on this, he would like to request another permit for next year.

Chairman Woodard asked if he kept the hide.

Mr. Robb said he drew a 2009 La Sal Mountain spring bear tag and killed a bear in May that had a UDWR tracking collar on it. The hide is no good, but he could get it back if he needs to. The taxidermist at Ogden Taxidermy in Richfield said the hide could not be repaired. TJ Robinson was the conservation officer that checked the bear and he took some pictures of it. He agreed that the hide was ruined. He would like to request another permit for next year.

Mr. Woodard asked if he could see the collar on the bear.

Mr. Robb said yes. The bear went into a cave and he could see there was a collar on it, but he could not see that the hide was ruined.

Mr. Fenimore said this gentleman drew the tag and harvested the animal. I do not go on a hunt expecting to have a specimen that can be mounted. It is not a prerequisite to having a successful hunt.

Mr. Brady said he appreciates what Mr. Fenimore said, but in the case of a bear hunt, it is a given that the hide will be kept. We need to have some type of discussion on this before we call for a motion.

Mr. Bushman said on policy types of issues on variance requests the Board has discretion to go into executive session.

The following motion was made by Keele Johnson, seconded by Del Brady and passed 5 to 1, opposed by Tom Hatch.

**MOTION: I move that we go into Executive Session.**

Mr. Hatch was concerned that this was not within the legal bounds.

Mr. Bushman said when a policy board is acting in an adjudicative function or making determinations based on fact or law, case law has recognized that you can go into executive session without it being considered a closed meeting.

At this point they went into executive session.

They reconvened and Chairman Woodard said the Board deliberated back and forth several ways on this request and decided not to extend the season or give him back his bonus point. He needs to go through the waiting period and put back in at the appropriate time.

Mr. Robb said he knows that when someone kills a deer and the meat is not good, they get another tag. When you hunt bear it is not for the meat, but for the hide. He expressed appreciation for the Board's time.

14) Variance Request – Ronald Mika (**Action**)

Ms. Tutorow said Mr. Mika has a voucher for a conservation statewide bison permit and he has cancer. He looks to extend his voucher to 2010.

Mr. Perkins said this tag can never be transferred.

Ms. Tutorow said if it is in a voucher form, it can go to anybody. When it is in a permit it cannot be transferred.

The following motion was made by Tom Hatch, seconded by Bill Fenimore and passed unanimously.

**MOTION: I move that we approve the variance request for Ronald Mika to extend his Conservation Statewide Bison voucher to 2010.**

15) Board Request – Lewis Black (**Action**)

Kenny Johnson, Wildlife Licensing Specialist made this request. He gave some background on this issue. We issue CORs to people with permanent disabilities and the hope is it gives them a better experience in the field and in some cases a little bit more time. He went over some of the special CORs that are offered. These extensions are offered to allow disabled hunters extra time in the field when they would not experience hunter crowding. That is the main intent of a limited entry or general season hunt extension.

A few months ago we went through the RAC and Board process and liberalized the general season extension, adding a couple days into the first part of November as an experimental trial run this year. At the same time some changes were made to tighten the criteria. These changes were implemented because of the onslaught of requests the Division received.

Mr. Johnson then went over the applicants that have been denied and how many applications were received. This led them to formulate the guidelines for issuing hunt extensions, standardizing it statewide. A 30-day extension is allowed for limited entry and OIAL, excluding CWMUs. If the initial hunt season is 21 days or longer no

extension will be approved. Up to 30 days maximum can be approved pre or post, in unlimited segments. Extensions to an "any weapon" hunt cannot be made to overlap a primitive weapon hunt. Primitive weapon hunt extensions can overlap an "any weapon" hunt but the hunter must wear hunter orange and still hunt with the primitive weapon type that was originally drawn. A limited entry mule deer hunt cannot be extended past November 9<sup>th</sup>. Hunts with initial hunt dates already in November would need to make any extensions prior to the start of the November hunt dates.

Mr. Johnson went over the application of guideline for extensions on the 2009 hunts, And showed a chart comparing limited entry and OIAL.

Director Karpowitz said we have denied about 400 people so far this year that have permanent disabilities and following the new guidelines.

Mr. Johnson said it is not necessarily just related to the new guidelines, but a host of things, such as an ailment that was not determined to be permanent, or not listed in rule.

Director Karpowitz asked if there were quite a few that are in the same category as Mr. Black.

Mr. Johnson said very few.

Director Karpowitz said we spend hundreds of hours developing guidelines and trying to get control of these requests. In the case of OIAL, where we drew the line is if the hunt is longer than 21 days, that is ample time even for someone with a disability. In the case of Desert Bighorn, they have 50 days to hunt. There is one thing different with Desert Bighorn hunts, because the hunt ends about the time the rut is in full swing. Considering this, Director Karpowitz suggested giving them an additional seven days, so they would have that additional time. Mr. Black has 57 days to hunt.

Todd Black is here to speak for his father. He asked about hunting during the rut.

Director Karpowitz said biologically we do not like to hunt them through the entire rut. Over time we have pushed it closer to the rut and because of your case, we have extended your Dad's hunt an extra seven days. I really hope your Dad gets a bighorn sheep, but 30 days during the prime rut is a good opportunity to hunt desert bighorn sheep.

Mr. Black said he appreciates the time and effort of the Division. There are three permits for the entire San Juan Unit. My father is 68 years old and has had MS for years. He needs every day he can get. I do not understand this as a biological issue.

Mr. Keele Johnson said he has worked with Lewis for 30 years. The only reason he is not in a wheel chair is pure stubbornness. The odds for getting a Desert Bighorn sheep is pretty good if you could get Carl Mayhon as a guide. Without him it is less than 10%. The reason it is difficult is because they are up on the mesas. The way to hunt them is to track them. It is the most physical hunt you will ever go on in your life. During the rut,



they are mixing in with the ewes. If Mr. Black had this permit in Potash he could get a ram, but on the San Juan he needs a season extension. They will have to drive up the old mining roads and hopefully run into some sheep and his boys can track them. They will have to find some sheep close to the road. Because it is OIAL, we ought to extend this.

Mr. Hatch asked if they should extend it beyond the guidelines.

Mr. Sheehan said the normal hunt for the three who have drawn ends November 8<sup>th</sup>. The week that has already been approved goes until November 15<sup>th</sup>. The request here today is to allow it to extend until December 7<sup>th</sup>.

Mr. Hatch said success is only 6% for a physically able person, hunting and tracking. He wonders how far we go. We have extended into the middle of November, which is a couple of weeks into the rut.

Mr. Keele Johnson said the last week of October the rams will come down into the ewes. The first week of November they are in there.

Chairman Woodard said a rule is in place to address this issue. We have already extended it another seven days. If we grant this, we are opening a door.

Director Karpowitz said he really hopes Mr. Black gets a sheep. The Board needs to consider the other requests that will come in. We need some guidance if we are not going to use the 21-day guideline. This is more than just Mr. Black's request. It seems we had another case just like this last year of someone who was going to have a hard time on a hunt. It seems we did something for him.

Chairman Woodard said it was a wheel chair bound hunter that we allowed to hunt two units.

Director Karpowitz said whatever the Board decides, he is okay with it, we hunt Rocky Mountain bighorns clear through the month of November. We just need some guidance for all other desert bighorn sheep hunters.

Chairman Woodard said Mr. Black is very limited in his mobility. As compassionate as the Board is, there is merit on both sides.

Mr. Fenimore asked if there is another unit for a OIAL opportunity for this gentleman.

Director Karpowitz said there are some others that are easier to hunt such as the Potash and the north San Rafael, but rather than switch units, he'd rather they deal with the season dates. Otherwise we will get into the deal where people will apply where it is easier to draw and then petition the Board to switch units.

The following motion was made by Tom Hatch, seconded by Del Brady and passed 4 to 1 with Keele Johnson opposed and Bill Fenimore recused.

**MOTION: I move that we stay with the guidelines currently in place and Lewis Black will have 57 days to hunt OIAL Desert Bighorn on the San Juan Unit.**

Todd Black said in justification in putting in for the San Juan, that is where we went years ago and that is where he lives. This is the unit he wants. He put in thinking he could get a 30-day extension.

Mr. Fenimore said he knows the Blacks and would like to recuse himself from the vote.

Mr. Perkins said he supports the motion as made. He does not feel we can live with the precedent that we would create in going the other direction. He sure hopes Mr. Black gets a sheep.

Mr. Johnson said we are talking about a precedent, but we are talking about a person that should be in a wheel chair. We will not have a lot of these come up. These folks need to get a good chance to get a sheep.

16) Variance Request – Scales and Tails (**Action**)

Staci Coons, CRC Chairman presented the request for two alligators for Scales and Tails. She listed those who were on the committee. The Committee, after careful evaluation, has recommended that the request be approved with stipulations and recommendations. (See CRC Recommendations in Board Packet) Mr. Richins is aware of the stipulations and has agreed to them.

Chairman Woodard asked if Mr. Richins wants to address the Board.

Mr. Richins asked if there were any questions from the Board.

Chairman Woodard asked if on item number four, these are not to be used for propagation. Could they be sterilized?

Mr. Richins said it is a difficult operation. We are looking to get two female alligators. When they get bigger they might off load one to an alligator farm in Texas, if it was too big to use in shows. They will want to put one in a facility and one could go beyond five feet since it would stay there. Our traveling show limits us at this time. He went on to explain how these animals would be used. Two alligators is for a couple of reasons, more flexibility in the business, one for the exhibit and one to travel, also trading them back and forth if there is stress on the animal.

Mr. Hatch asked on the veterinary inspection and insurance needs.

Mr. Richins said they have talked to the city and they have insurance coverage through their business, knowing that they were going for the alligator permit.

Chairman Woodard said the city of Salt Lake is supporting this.

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

**MOTION: I move that we accept the recommendation from the Division and grant the variance request for Scales and Tails for two alligators.**

17) RAC/Board Meeting Dates 2010 (**Action**)

Staci Coons, Wildlife Board Coordinator presented the proposed RAC/Board dates for 2010. (See handout in packet) There is one RAC meeting that is scheduled on election day, so that will have to be shifted. There is a Division Awards banquet that is scheduled for May 5, which would be the evening before a Board meeting.

Mr. Hatch suggested having a Board meeting down at Ruby's Inn. They have opened some very nice facilities. They have a very good sound system.

Chairman Woodard said he is not against moving the meetings, but we have been staying in Salt Lake because of budget constraints.

Ms. Coons said it is expensive to haul out that many employees, with all presenters. If it is a smaller agenda, it could be considered.

Mr. Clark suggested perhaps the June 3, 2010 meeting, with a fairly small agenda.

Mr. Hatch said he would have the convention person at Ruby's Inn contact Ms. Coons.

Ms. Coons said the January 2010 Board meeting is on a Wednesday so those involved in Winter WAFWA can fly out on Thursday.

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

**MOTION: I move that we approve the RAC/Board Meeting Dates 2010 as presented by the Division.**

18) Other Business (**Contingent**)

Chairman Woodard presented these items. He said we need two Board members to attend the mid-winter WAFWA (January 7-10, 2010) and it will be held in San Diego, California. Ernie Perkins and Bill Fenimore will attend.

Summer WAFWA (July 16-21, 2010) is in Anchorage, Alaska - preliminary discussion.

Wildlife Board Meeting  
October 1, 2009

Del Brady, Keele Johnson, Ernie Perkins, Jake Albrecht, Bill Fenimore and Rick Woodard are interested in attending.

The meeting was adjourned.