

# Utah Wildlife Board Meeting

June 10, 2010 9:00 A.M., Dept. of Natural Resources  
Boardroom, Salt Lake City, Utah

**REVISED 6-1-2010**

## AGENDA

**Thursday, June 10, 2010**

1. Approval of Agenda **ACTION**  
– Rick Woodard, Chairman
2. Approval of Minutes **ACTION**  
– Rick Woodard, Chairman
3. Old Business/Action Log **CONTINGENT**  
– Ernie Perkins, Vice-Chair
4. DWR Update **INFORMATION**  
– Jim Karpowitz, DWR Director
5. R657-12 Hunting and Fishing Accommodations for Disabled Hunters **ACTION**  
– Kenny Johnson, Licensing Specialist
6. R657-55 Wildlife Convention Permit Rule Amendment **ACTION**  
– Alan Clark, Assistant Director
7. R657-41 Conservation and Sportsman Permits Rule Amendment **ACTION**  
– Alan Clark, Assistant Director
8. R657-17 Lifetime Hunting and Fishing License Rule Amendment **ACTION**  
– Judi Tutorow, Licensing Coordinator
9. R657-42 Refund Rule Amendment **ACTION**  
– Judi Tutorow, Licensing Coordinator
10. R657-60 Aquatic Invasive Species Interdiction Rule Amendment **ACTION**
  - **Addition of Sand Hollow Reservoir listed as “Infested”**– Larry Dalton, AIS Program Manager
11. Aquatic Informational Presentation **INFORMATION**  
– Roger Wilson, Aquatic Program Manager
12. **Conservation Permit Variance Request – Mr. Perry Auten** **ACTION**  
**– Judi Tutorow, Licensing Coordinator**
13. Other Business **CONTINGENT**  
– Rick Woodard, Chairman

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

**UTAH WILDLIFE BOARD MEETING  
Summary of Motions**

June 10, 2010, 9:00 a.m., Dept of Natural Resources  
Boardroom, Salt Lake City, Utah

- 1) Approval of Agenda (Action)

The following motion was made by Jake Albrecht, seconded by Del Brady and passed unanimously.

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

- 2) Approval of Minutes (Action)

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

**MOTION: I move that we approve the minutes of the Executive Work Session on March 30, 2010 with the noted corrections**

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 May 6, 2010 Wildlife Board meeting with the noted corrections.**

- 3) R657-12 Hunting and Fishing Accommodations for Disabled Hunters (Action)

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

**MOTION: I move that we approve R657-12 Hunting and Fishing Accommodations for Disabled Hunters as presented by the Division.**

- 4) R657-55 Wildlife Convention Permit Rule Amendment (Action)

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

**MOTION: I move that we approve R657-55 Wildlife Convention Permit Rule Amendment as presented by the Division.**

- 5) R657-41 Conservation and Sportsman Permits Rule Amendment (Action)

The following motion was made by Del Brady, seconded by Keele Johnson and passed 3 to 2 with Ernie Perkins and Bill Fenimore opposed.

**MOTION: I move that we approve R657-41 Conservation and Sportsman Permits Rule Amendment as presented by the Division.**

- 6) R657-17 Lifetime Hunting and Fishing License Rule amendment (Action)

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

**MOTION: I move that we approve R657-17 Lifetime Hunting and Fishing License Rule Amendment as presented by the Division.**

- 7) R657-42 Refund Rule Amendment (Action)

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

**MOTION: I move that we approve R657-42 Refund Rule Amendment as presented by the Division.**

- 8) R657-60 Aquatic Invasive Species Interdiction Rule Amendment (Action)

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

**MOTION: I move that we approve R657-60 Aquatic Invasive Species Interdiction Rule Amendment, including the addition of Sand Hollow Reservoir listed as “infested,” as presented by the Division.**

- 9) Conservation Permit Variance Request – Mr Perry Auten (Action)

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

**MOTION: I move that we extend Mr. Perry Auten’s conservation voucher for an any legal weapon bull elk hunt on the San Juan Unit to 2011.**

- 10) Other Business

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

**MOTION: I move that we examine programs, working with private landowners, similar to New Mexico’s plan, to see if they would be beneficial in Utah. This is to be placed on the action log.**

**UTAH WILDLIFE BOARD MEETING**  
June 10, 2010, 9:00 a.m., Dept of Natural Resources  
Boardroom, Salt Lake City, Utah

**Board Members Present**

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

**RAC Chairs Present**

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

**Public Present**

Byron Bateman  
Miles Moretti  
Tim Ruffin  
James O’Neal

**Division of Wildlife Resources**

Staci Coons  
Ron Hodson  
Mike Fowlks  
LuAnn Petrovich  
Judi Tutorow  
Greg Sheehan  
Rick Larsen  
John Fairchild  
Alan Clark  
Doug Messerly  
Kevin Christopherson  
Roger Wilson  
Walt Donaldsen  
Marty Bushman  
Cindee Jensen  
Bill Bates

Chairman Woodard welcomed the audience and introduced the Wildlife Board and RAC Chairs. He then went over the agenda.

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

The following motion was made by Jake Albrecht, seconded by Del Brady and passed unanimously.

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

Mr. Hatch was excused.

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

On p. 2, last line, delete “which time.” P. 3, 4<sup>th</sup> paragraph, 3<sup>rd</sup> line change “cover” to “recover.” P. 19, 4<sup>th</sup> paragraph change “in” to “on” before unit by unit.

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

**MOTION: I move that we approve the minutes of the Executive Work Session on March 30, 2010 with the noted corrections.**

P. 3, 6<sup>th</sup> motion, correct spelling to Mt. Carmel, also make corrections throughout the minutes. P. 11, 5<sup>th</sup> paragraph, correct to ESMF, not EMS. P. 29, 9<sup>th</sup> paragraph, 4<sup>th</sup> line, change “objective” to “objections.”

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 May 6, 2010 Wildlife Board meeting with the noted corrections.**

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

Mr. Perkins presented this agenda item and he said there are three items to be covered today. The first is the Chair Bound Hunters which will be covered under agenda item five.

Mr. Perkins said the surrendering of individual permits will be discussed by Greg Sheehan and the time was turned over to him.

Mr. Sheehan, Administrative Services Chief, distributed a handout to the Board and RAC Chairs (Attachment #1). He went on to give some background on this issue. In May 2008, the Board asked the Division to present alternatives for drawings that included bonus/preference points and group applications. They worked on that for several months and three changes – see handout, were presented at the December Wildlife Board meeting.

The Board approved a complete group surrender plan. This has eliminated the questionable use, but has also caused some issues for legitimate surrender needs.

The Wildlife Board then asked the Division to explore the surrender of individual permits and what would happen if individuals could no longer surrender permits to receive their bonus/preference points back. That was done because there were some limited entry hunters that would scout a unit up until the start of the hunt and if they could not find an animal they wanted, they would come back and surrender their permit. They do not get their money back, but they do get their points back. That is what this action log item was to address.

Mr. Sheehan went over a “Table” showing the surrender of individuals in 2009.

A rule will be presented today on allowing refunds in response to legislation that came from the recent session. The refund provision in this rule will cover last minute surrenders, because it provides for refunds for permits that are surrendered more than thirty days out. If people will surrender more than thirty days out, they will get their money back and there will be plenty of time to reallocate those permits to other hunters. Mr. Sheehan said the Division recommends waiting a year or two and see what happens based on this refund rule.

Mr. Perkins said they will revisit this one year from now and see what the status is. There were no objections to this.

Mr. Perkins said preference points on youth hunts for upland game was due to be completed about a month from now, but we will not be getting an upland game guidebook this year. We need to push this out a year to summer 2011, since we are in the middle of a three-year proclamation.

4) DWR Update (**Informational**)

Director Karpowitz said we have found an adult quagga mussel in Sand Hollow Reservoir in southwestern Utah. This will be covered in detail later in the meeting. There was a huge effort to search for other quagga mussels and deal with many boats over the Memorial Day weekend. Our people in the region handled this all very well. They have searched the reservoir, taken the boat docks out of the water, had numerous divers in the water and we cannot come up with another adult mussel. The Board will be asked to ratify the response to this live mussel.

On the Condor Project to provide non-lead ammo in southwestern Utah, at our last meeting we did not think this would happen, because of a lack of partners in that effort. We are going to make an effort to create our own partners. We are going to provide all of the hunters in that part of the state with a \$20 discount on box of bullets, about half the cost. We will ask hunters to pay the rest of it in the area where the condors live. We think that will give a reason to switch to non-lead ammo.

The Board requested some information on turkey license sales. We sold about 900 less permits than the year before, even though they were available over the counter. The concern that we would sell way too many permits did not happen. We achieved our goal in that anyone who wanted to hunt turkeys this year got to go.

In regards to Endangered Species, another success story, is the USFWS, in the last two weeks, has determined that white tailed prairie dogs, which live in a large portion of eastern Utah, are not warranted for listing. This is another credit to our sensitive species program to keep animals off the list.

Finally, on the Stream Access Legislative Task Force, their first meeting will be here at 10 am on June 24. For about two hours they will be briefing the legislature on our stream access programs. We want them to see our new interactive map on our website. We want them to see the magnitude of the issue and discuss looking to get more access for sportsmen. We will talk about our walk in access program, including easements that have been acquired around the state. After that we are going to travel up to the Weber River and the upper and middle Provo Rivers. They will be back here around 4 pm. There are twelve members of that legislative task force and the Board is more than welcome to accompany them. Also invited to that meeting is the committee that the Governor has authorized. It is being headed up by Ted Wilson and is an Executive Task Force to examine this same issue. Following this meeting, they will decide if more public meetings will be held around the state or what will be next.

5) R657-12 Hunting and Fishing Accommodations for Disabled Hunter (**Action**)

Kenny Johnson, Licensing Specialist presented this agenda item (See Powerpoint Presentation). He said what they are presenting is a minor rule change with a few slides in background on the program and the process. Automation of the issuance of the COR led us to look at ways to improve the program and streamline the process as a whole.

He went on to discuss Division objectives, 2009 harvest survey results, and buck harvest comparison between extended disability hunts and general season statewide.

Mr. Johnson went on to discuss the general season deer proposal and elk proposal for 2010. He then went over the extensions for deer with pre season extension (any weapon) October 18-22, then 5-day general season October 23-27, then late season extension October 28-31. Also a muzzleloader pre season extension September 24-28 and August 18-20 for archery was presented.

On elk, any bull, September 18-26 during youth elk hunt, spike extension rifle October 16-20 and archery extension, August 18-20.

He then went over the proposed rule change for R657 12-(7) accommodations for people with disabilities to remove specific 5-day language, general extensions may not be available where the season has been shortened and experimental season removed from rule.

Limited entry and once in a lifetime extensions were discussed. There are no extensions for hunts longer than 21 days. The Division will maintain a list of extension dates by hunt number. Guidelines will limit other hunt interference where possible.

On R657 12-(6), 30-day text removed from the rule. Extensions will be established for each limited entry and OIAL hunt. They also created a new subsection 10 that: Allows for persons who are denied an opportunity to appeal, appeals are to be submitted in writing within 30 days of the denials. The Director's designee will review these appeals. This concluded the presentation.

Mr. Albrecht asked about appeals. Is there any part of the rule that deals with fraud?

Mr. Johnson said we do have a fraud statute and this is the law in place.

Mr. Albrecht asked if we need to implement something to prevent fraud. We are trying to make this work for people who qualify for it.

Mr. Johnson said they have made the questionnaire more streamlined and specific. Their conditions must be backed up with a doctor's signature. That process will help. The application has been reworked and it is a lot better. It gives a more clear "yes or no" as they go through the application. Reviewability in subsection 10 is more for any other type of impairment. We have built some protections with our fraud statute and the new application process.

## **RAC Comment**

All the RACs passed this proposal unanimously.

## **Public Comment**

Tim Ruflon thanked the Board for helping people with disabilities since 2005. We have really progressed and felt like the Division has heard their concerns. In May 2009 they changed the definition to remove a cane. They are concerned with this and would like the Board to look at how it affects a person in getting out of a vehicle and pursuing game, along with the ADA guidelines. The way the Division/Wildlife Board is looking at removing fraud might be better served if they went with the ADA guidelines. The rest of the proposal is supported by them, especially the early season extensions.

## **Board Discussion**

Mr. Perkins asked Mr. Johnson if we can accommodate things that are unique and not quite covered by the existing definition in rule.

Mr. Johnson deferred to Mr. Bushman.

Mr. Bushman said this rule is designed to create stock accommodations and in some cases, actual benefits. Thus, it required some definitions on types of disabilities that are eligible, to be clarified. He gave example of the definition of crutches, because the way the statute read is anybody who is paraplegic or otherwise permanently disabled so as to be permanently confined to a wheel chair or the use of crutches, or who has lost either of both lower extremities, the are eligible for some of these accommodations. We had to quit saying a cane, because if someone was confined to the use of a cane, they automatically qualified for all of these accommodations. We had seen some abuses of this, but for someone who needs it because they have lost use of a limb, they are still eligible under the loss of use of a lower extremity. If someone comes to the Division that is not eligible for an accommodation under our rule, they always have the right to appeal under the America with Disabilities Act and say they have a disability that is recognized under that act and I am requesting this accommodation. We would look at that independent of our rule. We have two processes, one is our stock accommodation and if that does not cover it, we still will look at a case-by-case basis under the ADA. This is a legal obligation that we follow through with.

Mr. Keele Johnson said we are doing the same as other states with use of our rule and also being open to appeal under the ADA.

Mr. Bushman said he looked at the wide array of methods used by the other states. Many of them simply say that each individual that wants accommodation should come in and deal with it separately. We have a history of having dealt with this with the pre-approved accommodations first, and then continued with it. Every state handles it differently, but every state is bound by the ADA.

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



**MOTION: I move that we approve R657-12 Hunting and Fishing Accommodations for Disabled Hunters as presented by the Division.**

6) R657-55 Wildlife Convention Permit Rule Amendment (**Action**)

Alan Clark, Assistant Director, presented this agenda item. He gave some background and overview on the rule (See Powerpoint Presentation). The rule was established in 2005 to provide for up to 200 limited entry permits for issuance at a wildlife convention held in Utah. He went on to discuss the Audit Provision with the audit done by the Division and specifically what was covered in that audit.

Mr. Clark then went over the number of applicants per year, number of applications per year and the gross revenue @ \$5 per applicant. He then went over the rule changes. This concluded the presentation.

Chairman Woodard asked if there were any questions from the Board.

Mr. Albrecht asked if there is an audit summary that is available for the various organizations.

Mr. Clark said the audit is available to anyone who wants to see it.

Mr. Sheehan said we have copies of the audit here today and at all the RAC meetings.

Mr. Fenimore asked if on the audit, has the Attorney General's Office signed off on the audit process and is it being conducted internally as opposed to being reviewed by an outside audit firm for generally accepted principles of auditing.

Mr. Clark said it does not meet those principles. It is in the rule that the Division may conduct an audit. The scope of the audit we did was narrowed, compared to an outside audit.

Mr. Sheehan said because we have some involvement with this draw, we are not an independent third party, so on the front of the audit, it says, "conducted in accordance with generally accepted auditing principles or standards," it is only because we are a little too close to be an independent party. Still, if we went to hire this out, there is not enough guidance in the rule to have an outside source do an audit in any sufficient detail like you would see on a business or something like that.

Mr. Fenimore asked if the Division ever considered, when they created the rule, to make the marketing group ineligible for drawing permits themselves. This would make it more than an arms length transaction.

Mr. Sheehan said they have not and it was not part of the initial rule. The groups have hired an outside source to do the drawing for them.

Chairman Woodard said today's rule will open the door for a new period and the process will start over.

Mr. Clark said we will advertise an application period which is the month of August, evaluate those and tentatively work towards October. The Board will see the Division's analysis of the applications and then make their choice according to rule. The Board approves the 200 permits annually for this convention.

Mr. Sheehan said when they bring it back for the Board selection, one of the RACs asked if it could come back through all the RACs. The Division would prefer to just bring it to the Board for selection and not do that.

Chairman Woodard said that is how it was handled the first time.

### **RAC Recommendations**

Southern – Mr. Flinders said they had some discussion and it passed unanimously.

Southeastern – Mr. Sanslow said MDF and SFW made a few remarks and it passed with one opposing vote. The opposing vote was by Todd Huntington who felt that OIAL should remain OIAL.

Central – Mr. Oswald said they had 10 members present with good discussion on this rule. It passed 7 to 1, with 1 abstention.

Northeastern – Mr. Christensen said they had remarks from MDF and SFW. There was discussion on the process and how permits were awarded and it passed unanimously.

Northern – Mr. Slater said they had comment from SFW and MDF. There was some discussion on projects that are done by the organizations and the proposal passed unanimously.

### **Public Comment**

Byron Bateman, President of SFW thanked the Division for the opportunity to have these permits so they can do their convention. They have had great attendance, 25,000 people, at the Expo with folks from all over the world. It has become known as one of the top hunting shows in the nation. He asked for approval for the next five years on these permits. They know they will go out and earn the opportunity to do it again for an additional five years. The process is established and they look forward to the next five years. Their Expo will be Feb 3-6, 2011.

Miles Moretti of MDF echoed Mr. Bateman on the success of this Western Hunting and Conservation Expo. As he travels around the country, he is always asked about the unique partnership they have with the DWR and Wildlife Board with this convention. This is a very unique situation. He asked for approval for the next five years. We are planning 2014 and 2015 dates at the Salt Palace. We are confident that we will demonstrate that we have been good stewards of this program and these tags, bringing much notoriety and financial economic gain to the state of Utah.

## **Board Discussion**

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

**MOTION: I move that we approve R657-55 Wildlife Convention Permit Rule Amendment as presented by the Division.**

Mr. Johnson said he sees nothing negative about this program and what we get back from it is phenomenal. This program goes a long way in promoting the state of Utah on a whole. He commended the organizations on their efforts.

### 7) R657-41 Conservation and Sportsman Permits Rule Amendment (**Action**)

Mr. Clark, Assistant Director presented this agenda item. (See Powerpoint Presentation) He went over the purpose of the rule change in that it provides the standards and procedures for issuing Special Antelope Island State Park conservation permits for bighorn sheep and mule deer. It defines procedures for how revenue derived from conservation permits will be distributed. It complies with the intent language contained in House Bill 3 from the 2010 general session of the Utah Legislature. We would not be doing this if the legislature had not acted on this as they did.

Mr. Clark then went over the intent language from HB 3, benefits of this rule change and the next steps if the rule change is adopted. This does not set up a hunt on Antelope Island. The Parks Board would need to approve conducting a hunt on Antelope Island State Park for mule deer and bighorn sheep. Parks and Recreation and the DWR would need to negotiate a cooperative agreement that includes the details of the hunt(s). The Wildlife Board would need to adopt the hunt and season dates and approved permit numbers. These things have not yet occurred.

Mr. Clark then went over an issuance timeline and housekeeping items for R657-41. This concluded the presentation.

Chairman Woodard said all we are doing with this rule presently is housekeeping to comply with the intent of the legislature.

Mr. Clark said the Board will set up a process that will be used to provide for the marketing of the permits, that the intent language says will happen, provided all the other things happen. We felt this was the first step because of time constraints. We set this up as the first step. If any of those other things do not happen, this rule will never be used. It is a one-year rule.

Chairman Woodard said he knows this is a sensitive issue. He would prefer that we do not debate hunts on Antelope Island State Park and it would be premature to talk about that at this point.

Mr. Clark said if Parks says no hunts on Antelope Island, this rule will not be used.

## **RAC Recommendations**

Northern – Mr. Slater said this was very interesting at their RAC along with public input including a chamber member from Davis County against the proposal and representatives from sportsmen’s groups in favor. Everything that was proposed with the exception of Antelope Island questions passed unanimously. There was a split vote on the Antelope Island provision, and it passed 6 to 5 with the Chair breaking the tie.

Northeastern – Mr. Christensen said they had some discussion on where the money from conservation permits goes and what types of projects are done. Also some discussion on where the money from permits given on Antelope Island would go if those hunts were approved. Eventually the proposal passed unanimously.

Central – Mr. Oswald said they had a lively discussion. The amendment and housekeeping items passed 8 to 1.

Southeastern – Mr. Sanslow said they had a few questions that were answered by Mr. Clark. The proposal passed with one opposing vote.

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

### **Public Comment**

Byron Bateman, of SFW asked that they pass the housekeeping amendment part of this rule. They are also more than happy to facilitate the legislature’s request to auction these two permits. He has talked to a few outfitters and high-end buyers and there is still interest there in the six-figure number for these tags. The money is there to be raised to help out the habitat and wildlife on the island. With that, they need to know for advertising on these permits for their auction, if they are going to be available for 2011.

Miles Moretti, of the MDF asked that they pass the housekeeping amendment part of this rule. The 30-day part will really help them, since they run banquets back to back. Two RACs asked the question if there were a hunt on Antelope Island, would they qualify for Boone and Crockett record books. He did some research and they will. The buffalo do qualify. They would be happy to help market these permits. The value of mule deer is incredible right now. They sold the Utah tag for an all time record of \$280,000. They also sold Arizona’s statewide deer tag for \$177,000 and Arizona Deer Association sold the second Arizona statewide tag for \$205,000. There are a lot of funds that can be generated to go to habitat on the island. If we do go with a hunt there, both SFW and MDF would also be willing to put some of their own funds into habitat on the island.

### **Board Discussion**

Mr. Fenimore said Antelope Island is one of the most visited parks especially for viewable wildlife. It is very accessible and close to an urban population center. There is concern over the economic impact by many of the folks in Davis County. Representation from Davis County all opposed HB 3 and auction for these particular tags might be impeded by the perception that is might be a high fence hunt. The watching community enjoys Antelope Island. There are 12 state parks that allow hunting, as well as significant amounts of Forest Service, BLM land and state lands, as well as private lands. There is

ample opportunity for hunters and as the convention has shown there are ample funds raised from all these areas. Many in Davis County ask that Antelope Island be kept from hunting pressure and saved for viewers to enjoy.

Mr. Johnson said they want to look at the biological aspect of it. What happens when the mule deer population builds up to where it will damage the habitat? We probably would not spend time to round up wildlife there. He does not feel there would be a lot of interest in rounding up old rams. There is concern on the mule deer herd building up, because the predator base is there, but the coyotes are not killing a lot of the deer. Another concern he has is he would hate to see them do the end run game and take money from Antelope Island and use it in other parts of the state. The money needs to stay on Antelope Island if we are going to auction permits. They need to see who is on the legislative Natural Resources Appropriations subcommittee and not make them mad.

Mr. Brady said we have received a directive from the legislature and we need to respond. Also, hunting is a tool that is used by the DWR and this would meet the directive. The hunting tool can generate the money and it is not going to hurt the populations there or the habitat. This would help the parks.

The following motion was made by Del Brady, seconded by Keele Johnson and passed 3 to 2 with Ernie Perkins and Bill Fenimore opposed.

**MOTION: I move that we approve R657-41 Conservation and Sportsman Permits Rule Amendment as presented by the Division.**

Mr. Perkins said this is the first step in moving toward hunting on Antelope Island. This goes against all the local legislative people in Davis County, all the county commissioners, local officials and all community organizations, including the Davis and Ogden/Weber Chambers of Commerce that have gone on record. It would also appear that only a minority of sportsmen strongly support hunting on the island. The majority appear to be neutral or opposed. There is much talk about budget deficits and doing habitat improvements, which are badly needed on the island. It would be a great benefit to citizens and wildlife. Conversely, using generated funds to cover budget deficits is not a good idea. He has tried to find a better compromise on this, but it appears that there is not one. On the societal view this is a win/lose contest, so at this point he is going to vote against the rule today, to recognize that the local folks did not get the open process.

Mr. Albrecht said he agrees with Mr. Brady.

Mr. Fenimore said hunting as a biological control is well recognized and the DWR does it better than anyone in the country; however this is not a management hunt from that perspective, in his opinion. If it were, we would be hunting ewes and does, not bucks and rams.

8) R657-17 Lifetime Hunting and Fishing License Rule Amendment (**Action**)

Judi Tutorow, Licensing Coordinator presented this agenda item. (See Powerpoint Presentation) Basically we propose that the lifetime license holders no longer have to answer the requirement for the questionnaire each year. They already have their choice

of deer region on file and we would just mail it out to them. If they do not have one on file, they would have to answer the questionnaire. That is the amendment and this concluded the presentation.

### **RAC Recommendations**

All of the RACs voted unanimously to accept the proposal.

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

**MOTION: I move that we approve R657-17 Lifetime Hunting and Fishing License Rule Amendment as presented by the Division.**

#### 9) R657-42 Refund Rule Amendment (**Action**)

Ms. Tutorow, Licensing Coordinator presented this agenda item. (See Powerpoint Presentation) This amendment is relative to the “fees, exchanges, surrenders, refunds and reallocation of wildlife documents” rule. During the last legislative session there was a law passed which will allow the Division to expand guidelines to issue refunds. We would like to be able to refund our limited entry and OIAL hunters on a permit that they surrender back to us, as long as it is submitted 30 days prior to the opening of the hunt. They will be subject to a \$25 fee that the Division would retain. We can then reallocate that permit to someone on the alternate list and collect the funds back.

If we happen to call a hunter and he has an any bull elk tag and we are trying to offer him a San Juan limited entry elk tag, we would like to be able to take the general season tag back, refund a portion of that and allow him to purchase the better tag. That would be the only time that we would do refunds on a general season tag under this rule.

Ms. Tutorow said there is a second part to this proposal. We end up having a handful of remaining permits after we do a drawing. These are permits that hunters have applied for, but have not paid for. We are not able to issue those back out through the drawing process, so these are some ways we could handle these permits. We could reissue it to an alternate; offer it over the counter; add it to the following year quota, or elect not to issue it at all. The Northern RAC made a motion to not add it to the following year quota and the Division is alright with that.

Mr. Brady asked about people not paying for a permit.

Ms. Tutorow said they try to get them paid for by contacting them and running their card three to five times. They get a final letter, informing them that it will be issued to an alternate. That is typically what we like to do, but in some situations we do not have an alternate list, like right now we have 23 Northern tags left and no alternate list. Under this rule, they would be added to the quota next year. There is usually only a handful.

### **RAC Recommendations**

Northern – Mr. Slater said there is concern with the leftover season tags being added on to next year and the Division deleted that, so their concern was resolved. The recommendation passed unanimously.

Northeastern – Mr. Christensen said they had discussion on how alternates were selected and the proposal passed unanimously

Central, Southeastern, Southern RACs passed the proposal unanimously

### **Board Discussion**

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

**MOTION: I move that we approve R657-42 Refund Rule Amendment as presented by the Division.**

Mr. Flinders said what was just passed is different from what we passed in our RAC because of the deletion of item C. Does it also relate to the limited entry permits and those will not be added as well?

Chairman Woodard said it will be on all leftover permits.

Ms. Tutorow said, through the drawing process if permits are not paid for and are considered unissued, they will be added on to the next year.

9) R657-60 Aquatic Invasive Species Interdiction Rule Amendment (**Action**)  
Addition of Sand Hollow Reservoir listed as “Infested.”

Larry Dalton, AIS Program Manager presented this agenda item. (See Powerpoint Presentation) He said the first thing they want to do is adjust the wording in the rule as it relates to infested waters. We have known all along that these mussels are very aggressive and they will be spreading across the nation. They have done so since the last time this rule was addressed. Colorado now has eight infested water bodies. California is up to 23. Nevada has their half of the Colorado River with a lot of little water bodies which is the same as Arizona. In the Midwest and eastern U.S. the expansion of these mussels continues. That makes it necessary to define a line of where east is. There are mussels in two provinces in Canada and in Mexico. Unfortunately on May 21, 2010, we found a live quagga mussel at Sand Hollow Reservoir and this necessitates that we change the definition of infested water. Deeper into the rule there are some editorial modifications that need to take place. That is our presentation today. All of this information was presented to the RACs, except the recent find at Sand Hollow. This concluded the presentation.

Chairman Woodard asked if they have only found one live mussel at Sand Hollow so far.

Mr. Dalton said yes. He then asked Mr. Messerly to explain just what happened at Sand Hollow.

Doug Messerly, Southern Regional Supervisor, said on May 21, 2010 they had a live mussel on a boat dock at Sand Hollow Reservoir. It was discovered by Washington County Water Conservancy divers who were there doing regular monitoring. We were immediately notified and shipped the specimen to Colorado and identified. There is no doubt that it is a quagga mussel. They began exit washing the boats as they left Sand Hollow on May 22. The Director issued an emergency order that required decontamination of any boat that had used Sand Hollow in the last 30 days before they could launch on any other water in the state. We have notified our law enforcement and to his knowledge, we have not had any significant incidents being raised on this issue. It is an intensive operation we have going on at this point.

We have kept accurate statistics on the number of people that we are contacting with an average of 150-250 on weekends and 75-100 on week days. About 60% of those boats are choosing to be washed and decontaminated on site and about 30% are choosing the option of self-decontamination. In some cases that is because San Hollow is the only place they go and sometimes they do not want to take the time as they are leaving the reservoir. We trust that people are doing it on their own. They apply a tag to boats that are not professionally washed so they know what to do.

They have done radio spots and gotten the media involved. They put a sign up miles before the reservoir to let boaters know the circumstances. The public has been very supportive. We have developed a great partnership with State Parks at Sand Hollow and also the Washington County Water Conservancy. We have established a Rapid Response Team and have met three times do far. We are responding to the limit of our resources at this point.

Mr. Fenimore commended the Division on their efforts. They have been very proactive prior to this mussel being found. He asked if we decontaminate jet skis, canoes, float tubes, or that kind of thing. Even trailers and cars are potentially vehicles that could transport mussels from one body of water to another.

Mr. Messerly said they do wash everything that Mr. Fenimore mentioned. Everything that goes into the water is washed.

Mr. Johnson said one of the fortunate things on Sand Hollow is it does not drain into rivers. Is it used for drinking water and irrigation?

Mr. Messerly said it was developed by the Washington County Water Conservancy District essentially as an aquifer recharge facility. They put excess water from the Virgin River in the reservoir and allow it to percolate into the aquifer where they draw culinary water for St. George. It is a very successful system and it was also developed with recreation in mind.

Mr. Johnson asked about draining it off or using rotenone to kill the mussels.

Mr. Messerly said if they were to drain the reservoir and work back toward full use, it would take six years. There is a huge cost to do this, but they have considered it.

Director Karpowitz asked how we know this is an adult quagga mussel.



Mr. Dalton said they have a visual characteristic that identifies a quagga and a zebra mussel. There is also a hybrid between the two and you cannot tell them apart. Because of that, we sent this to a lab to determine through DNA, nuclear and mitochondrial and it is a 100% match for quagga mussel. They ran a third test using DNA sequencing and compared the known DNA. All three tests came back unquestionably a quagga mussel.

Director Karpowitz said by the Board listing Sand Hollow as infested, this triggers the requirement for a plan. Where are we at on this plan and when will it go into effect?

Mr. Messerly said they are in the process of developing a plan and have been since the first meeting on May 22. The second draft is now being looked at. We are evaluating our ability to respond with our resources and looking at our level of risk. We asked boaters where they had been last and the response covered every region in the state. At last Tuesday's meeting we identified a core group that will do the finish work on the plan and present it to the response team with a representative from the Division, Mike Ottenbacher, the Aquatic Manager in Southern region, Corey Cram, from the Washington County Water Conservancy District and Laura Melling from State Parks. We set a goal to complete the plan within 30 days of the last meeting. When this plan is completed, it will be long term, at least five years. If no other evidence is found in Sand Hollow, it will drop off the list in four years. The sooner we have the finished plan, the sooner we can implement it. It will need to be a dynamic plan and as new developments come along, adjustments will be made. Realistically within 30-60 days they will have a plan to submit for approval.

Director Karpowitz said he just wanted the Board to be aware that by their action of determining the water as infested, it triggers certain responses and we are well on our way. It was great to have an AIS Plan in place when this mussel was found. It provides guidelines of what to do if we find a mussel, a rapid response strategy and a rule in place that allowed the Division to take immediate action. He was very pleased we had the right things in place so we could act quickly. It is a real credit to our regional personnel and our aquatics personnel who put this all together. We learned a lot from this and the next time it happens, it will even go more smoothly. It has been a huge demand on our people and resources. He thanked the Division people in Southern region and in our Aquatics Section for their efforts to protect the waters of Utah.

Mr. Perkins asked if there are any additional mandatory inspections to be done, beyond the plan.

Mr. Dalton said the plan will identify the steps to be taken. We have normal protocols of inspection and will be once or twice a month, taking plankton samples and looking for veligers. We have been doing plankton tows in the water for two years. The Division does them annually and the water conservancy has been doing them approximately once a month. There has been no prior history of a veliger in this water. We will continue with an aggressive monitoring program and take action as the plan leads us.

### **RAC Recommendations**

All the RACs passed this recommendation unanimously.

## **Board Discussion**

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

**MOTION: I move that we approve R657-60 Aquatic Invasive Species Interdiction Rule Amendment, including the addition of Sand Hollow Reservoir listed as “infested,” as presented by the Division.**

### 11) Aquatic Informational Presentation (**Informational**)

Roger Wilson, Aquatic Program Manager presented this agenda item. (See Powerpoint Presentation) Proposals for the upcoming year were discussed. They have done this informational for the last few years and appreciate the input they have received. He recognized Drew Cushing’s participation in this process.

Mr. Wilson then went over Black Bass standardization process including limits. They have identified four objectives: To standardize, to put more biological considerations into bass limits, provide more opportunity and to maintain quality.

He then went over General & Statewide proposals. They look to combine and simplify R657-16 (Institutional aquaculture, short-term fishing events, private fish stocking and display of aquaculture products or aquatic wildlife) and R657-59 (Private fish ponds). Modification of Rule R657-03 Zoological Animals, and Rule R657-58 Fishing Contests was presented.

The Division is also considering implementing baitfish restrictions designed to reduce the potential for movement of AIS attached to or within the gut contents of a baitfish. We are concerned about this. Another issue is to prohibit the taking of eggs from a released fish for use as bait. Also, they want to clarify that crayfish may be taken with hooks on 2 lines provided that angler is in possession of second pole permit.

Mr. Wilson then went over specific region proposals under consideration. A chart on stocking records was shown. There has been increased stocking by 72% from 2003-2009. This is a great accomplishment and we can attribute this to our high tech super hatcheries.

There has been a 60% increase in cormorants since 1992 (60,000 breeding pairs). In 2009, cormorants depleted fisheries in community waters in 2-3 days. This year, DWR will work with APHIS to implement a cormorant control program. Various ways to share ideas with the Division were presented. This concluded the presentation.

Chairman Woodard commented on the Special Needs Day at the Salem Community fishery. It was a wonderful activity.

Mr. Fenimore said he cannot imagine a fisherman wanting to keep a bass under 12 inches.

Mr. Wilson said it is important to take them under 12” to manage the fishery. A regulation to promote large fish does not work if you don’t take them out of there.

Mr. Fenimore said he feels it is odd that we raise non-native rainbows and stock them which brings native cormorants to take them, because that’s what they do. In Idaho this year they are trying to deal with a similar issue with the American White Pelican. There are other opportunities to try with pelicans in that we could make community ponds deeper, making it harder for the birds to forage on the fish. This is a perplexing situation.

Mr. Perkins said on our illegal introduction in Deer Creek, some years ago, the Board evidenced some interest in approaching the legislature to change the penalties significantly for illegal fish introductions. At that time, the Division wanted to work through this. Where is the Division on harsher measures on this issue.

Mr. Donaldsen said the Board did in fact talk to the Division three years ago. It was when we had some problems with burbot at Flaming Gorge. We did talk about how we might work with the legislature to consider how that might occur. We did find out that Wyoming put together a law, last legislative session which did increase penalties for people who are caught stocking and moving fish. They did some license revocations for lifetime for people who are caught transporting and stocking fish illegally in the waters. There is precedence in the west for us to consider that, but we have not had time to get with the Director’s Office and discuss the ramifications of what that would mean, but there is some merit to consider that.

Director Karpowitz said we can look to enhance penalties on the illegal movement of fish, but we need to do some ground work like we do with any legislation before we run it. Those discussions are ongoing.

Mr. Perkins asked about rotenone being out of the question at Deer Creek.

Mr. Donaldsen said it is not out of the question, but it would be extremely expensive and would require a lot of public input. Many people would be concerned about this chemical, even though it is an approved pesticide through EMA and it has been a valuable tool for over fifty years for agencies in North America.

Chairman Woodard said Salt Lake County gets their drinking water from Deer Creek.

James O’Neil said he wanted to comment on the fisheries proposal. He said it is the most reasonable thing he has heard in years. He ascribes to everything that was presented. Several things he was concerned about are taken care of in this proposal.

12) Conservation Permit Variance Request – Mr. Perry Auten (**Action**)

Ms. Tutorow gave the Board the background on this variance, which is a San Juan bull elk tag. He obtained his voucher for a rifle hunt and it had two season dates he could choose from. As he looked over his schedule, he had a conflict with those dates and he is now asking for that hunt to be turned into an archery hunt for August 21 through September 17. In April 2009 he booked himself a hunt with Safari Nordic in Canada which conflicts with one of the dates on the San Juan elk hunt. On May 8, he bought the

conservation voucher for \$13,700 with the two-date option. He works as an outfitter for Old Mexico where he has to go prepare for that hunt in November which conflicted with the other date offered. These are the reasons that he is asking for this variance. There was a San Juan archery bull elk hunt sold by SFW to a gentlemen for \$18,500. This is the situation. Ms. Tutorow does not recall the Board ever having a request for changing a season date.

Chairman Woodard said this is going into totally new territory and may open a can of worms if we do it. We have moved a conservation tag to a following year, but not changed season dates. We have extended a season, but not changed dates.

Mr. Fenimore said what is being asked is allowing an archery hunt, opposed to a rifle hunt. Is that correct?

Chairman Woodard said yes.

Mr. Johnson said we would be setting a precedence of changing a season. We would be going from a season with higher success to a season with lower success.

Chairman Woodard said the issue is that this would open a real can of worms in changing season dates.

Mr. Auten was called on the telephone and asked to make his request to the Board. He said he has this any weapon tag and would like to exchange it for an archery only tag. He has a hunt that he booked two years ago with five other friends that coincides on the same five days as the Utah hunt.

Chairman Woodard said what he is asking is something we have never done before in changing a conservation tag to another season. We are quite concerned about that aspect of the request.

Mr. Perkins said we have no precedent for this, including changes of season, weapon or conservation permits. Is that correct Ms. Tutorow?

Ms. Tutorow said not to her knowledge.

Mr. Brady said we have extended vouchers to the following year. That is where he would want to go with this, so we do not set a new precedent.

Mr. Fenimore said this is an any weapon type, so he could use a bow if he did not have the date conflict. This is a considerable amount of money and if he was willing to move it into the next year, it might remedy the situation.

Chairman Woodard asked Mr. Auten how he would feel about a season extension into the next year instead.

Mr. Auten said he never thought about that. He could see a lot of concern if he was wanting to move from archery to a rifle, but he is doing the opposite. Part of the problem is he has a kidney disease and his kidneys are working at 42%. They are still working

fine and do not effect his ability to hunt, but they can go south at any time. This is one of his life long dream to do hunt the San Juan. He does not want to put it off too long.

Chairman Woodard said we have a unique situation with our conservation permits in Utah. We try to protect that as much as we can.

Mr. Auten said Utah has a great thing going with the elk herd.

Chairman Woodard said they will vote right now if he will hold.

Mr. Perkins asked that the Division put out a letter to the conservation organizations stating that the Board is disinclined to modify conservation permits that are bought at banquets, just so we have some precedent of information going out so outfitters and conservation organizations are not thinking they can get tags changed.

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

**MOTION: I move that we extend Mr. Perry Auten's conservation voucher for an any legal weapon bull elk hunt on the San Juan Unit to 2011.**

Mr. Johnson said he would definitely take the extension over the archery. Chances are much greater for a big bull with a rifle.

13) Other Business (**Contingent**)

Mr. Johnson said he has something for the action log. He has been quite concerned about our private landowner permit system. We have the CWMU that works very well, but smaller landowners are kind of left out. I have always considered the area south of Hwy 191 and east of the road from Monticello to the Colorado line to have great potential for elk. That area has gone to basically an open bull permit with the idea of wiping them out, because of a lot of really upset farmers. I have also seen other areas with great elk potential because of agricultural conflicts. I have always felt that the more a farmer can look at wildlife as an asset, instead of a liability, the better off we will be and the more wildlife we will have. We would all win by bringing in smaller landowners for permits like New Mexico. He proposes that we look at a system similar to theirs and see how it might work for us.

Chairman Woodard asked if he is targeting this to small AUM holders on public lands.

Mr. Johnson said no, private landowners.

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

**MOTION: I move that we examine programs, working with private landowners, similar to New Mexico's plan, to see if they would be beneficial in Utah.**

The meeting was adjourned.