

RAC AGENDA – September 2020

Electronic Meetings Only



1. Welcome, RAC Introductions and RAC Procedure
- RAC Chair
2. Approval of Agenda and Minutes
- RAC Chair **ACTION**
3. Wildlife Board Meeting Update
- RAC Chair **INFORMATIONAL**
4. Regional Update
- DWR Regional Supervisor **INFORMATIONAL**
5. 2021-2022 Fishing Recommendations and Fishing Contest Rule Amendments
– R657-58 **ACTION**
- Randy Oplinger, Sportfish Coordinator
6. Angler Opportunity Assessment Update
- Craig Walker, Aquatics Section Assistant Chief **INFORMATION**
7. Middle Provo River Update
- Jackie Watson, Blue Ribbon Fisheries Biologist **INFORMATION**
8. R657-62 Rule Amendments – Deployed Military **ACTION**
- Lindy Varney, Wildlife Licensing Coordinator

Meeting Locations

CR RAC – Sept. 1st 6:00 PM
<https://youtu.be/MZIZaPwqd38>

SER RAC – Sept. 9th 6:30 PM
<https://youtu.be/5cQ-tJ4xVrQ>

NR RAC – Sept. 2nd 6:00 PM
<https://youtu.be/YO-2nhU8BG4>

NER RAC – Sept. 10th 6:30 PM
<https://youtu.be/KbuO-1LpEa0>

SR RAC – Sept. 8th 7:00 PM
https://youtu.be/r0n_WCO4amY

Board Meeting – October 1st 9:00 AM
https://youtu.be/G_0gXs9R_BA

Due to the COVID-19 pandemic and the ability of the virus to spread from person to person, the Governor has implemented a number of Executive Orders directed at controlling spread of the virus by minimizing face-to-face interactions. Public gatherings are strongly discouraged by the CDC, State of Utah, and local health departments since they facilitate face-to-face contact and pose an elevated risk for virus transmission. The Division of Wildlife Resources and the chair of this public body have determined that public gathering at Regional Advisory Council and Wildlife Board meetings presents a substantial risk to the health and safety of those who attend—and will conduct this meeting using a fully electronic format. This meeting format is authorized by recent amendment to the Utah Code¹ and Executive Order by Utah Governor Gary Herbert²—and will be temporarily used in place of the in-person public meetings that usually occur around the state. Anyone wishing to comment on agenda topics in future meetings or to observe this meeting may do so by logging on to the Division’s webpage at <https://wildlife.utah.gov/feedback.html> where instructions and links are provided.

¹ Utah Code Section 52-4-207(4).

² Executive Order Suspending the Enforcement of Provisions of Utah Code §§ 52-4-202 and 52-4-207, and Related State Agency Orders, Rules, and Regulations, Due to Infectious Disease COVID-19 Novel, March 18, 2020.



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

MICHAEL D. FOWLKS
Division Director

MEMORANDUM

Date: August 19, 2020

To: Regional Advisory Council Member and Wildlife Board

From: Randy Oplinger, Sport Fisheries Program Coordinator
Craig Walker, Assistant Fisheries Chief, Sport Fisheries Program

SUBJECT: 2021-2022 Fishing Regulation Proposals

Statewide Rule Changes

-Kokanee salmon limit:

- Remove: Separate limit of 4 kokanee salmon

- Trout limit: add "Anglers may not possess kokanee salmon at any waterbody statewide from Sept. 10 through Nov 30"

- Wiper: Reduce limit from 6 fish to 3 fish

- Northern Pike: change "Limit 6 fish" to "Limit 20 fish, only 1 over 36 inches"

- Crayfish: add "Use of bait to catch crayfish is allowed on waters where bait use is prohibited for fish provided that no lines have hooks attached"

CRO

Red Butte Creek (Salt Lake County):

Remove: "Closed to fishing"

Add: "Upstream of entrance to Red Butte Canyon Research Natural Area to the headwaters: closed to fishing"

Yuba Reservoir (Juab County):

Remove: "Limit 20 northern pike, only 1 northern pike may be over 36 inches"

NERO

Flaming Gorge Reservoir (Daggett County):

Change: "Limit 10 smallmouth and largemouth bass (a combined total)" to "Limit 3 smallmouth and largemouth bass (a combined total)"



Change: “Limit 4 trout or kokanee salmon (a combined total), excluding lake trout, and no more than 3 may be kokanee salmon” to “Limit 4 trout or kokanee salmon (a combined total), excluding lake trout”

Pelican Lake (Uintah County):

Change: “Closed to the possession of bluegill and green sunfish. All bluegill and green sunfish must be immediately released. This change will remain in effect until Dec. 31, 2020” to “Limit 15 bluegill, only 5 may be over 7 inches”

Red Fleet Reservoir (Uintah County):

Add to list of waters that have a seasonal restriction on underwater spearfishing

Add: “Limit 50 bluegill, green sunfish, black crappie, and yellow perch (a combined total) and no more than 20 may be black crappie”

Starvation Reservoir (Duchesne County):

Add: “Limit 20 bluegill, green sunfish, black crappie, and yellow perch (a combined total)

West Fork Duchesne River (Duchesne and Wasatch counties):

Change: “Closed Jan. 1 through 6 am on the second Saturday of July” to “Closed May 15 through 6 am on the second Saturday of July”

Wolf Creek (Duchesne and Wasatch counties):

Change: “Closed Jan. 1 through 6 am on the second Saturday of July” to “Closed May 15 through 6 am on the second Saturday of July”

SRO

Fish Lake (Sevier County):

Change: “Underwater spearfishing is permitted from 6 am on the first Saturday of June through Sept. 15” to “Underwater spearfishing is permitted from 6 am on the first Saturday of June through Sept. 10”

SERO

Ken’s Lake (San Juan County):

Remove from list of waters that permit underwater spearfishing

Recapture Reservoir (San Juan County):

Remove: “Limit 20 northern pike, only 1 may be over 36 inches”



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MEMORANDUM

Date: August 19, 2020

To: Regional Advisory Council Member and Wildlife Board

From: Randy Oplinger, Sport Fisheries Program Coordinator
Craig Walker, Assistant Fisheries Chief, Sport Fisheries Program

SUBJECT: Changes to Fishing Contests and Clinics Rule (R657-58)

The Utah Division of Wildlife Resources (UDWR) is proposing changes to the Fishing Contests and Clinics Rule (R657-58) that are intended to both simplify the rule and remove contest restrictions that lack biological rationale and are un-necessarily restrictive.

Under the proposed rule, any fishing contest that includes warmwater species, coldwater species, or tagged fish would be considered a “certified fishing contest”. The UDWR proposes that any certified fish contest that includes any one of the following would require a certificate of registration (COR):

- 85 or more participants
- \$2,000 or more in prize values
- A live weigh-in
- It is a tagged fish contest

No COR would be required for contests that meet none of the above criteria.

Most of the differences in requirements between tournaments targeting warmwater and coldwater species under the current fishing contest rule would be removed under the proposed rule. The UDWR recommends that current prohibition of high-grading during tournaments targeting coldwater species is retained under the proposed rule. This is recommended because other UDWR rules prohibit the release of coldwater fish species after they are possessed by an angler. Also, the mortality of coldwater fish that are held in a livewell or on a stringer is high and can potentially be impactful to a fishery.

The current fishing contests and clinics rule does not mention requirements for paper and online tournaments. These tournaments are becoming more popular and the UDWR feels that they should be mentioned under rule. The UDWR proposes that no COR is required for contests where submitted fish are immediately released. This proposal addresses paper and online tournaments because these tournaments are normally catch and release contests.



The changes that the UDWR are proposing simplify the fishing contest COR process by providing a straightforward set of criteria that contest organizers can use to determine whether a COR is required. The proposed changes also remove most of the differences between contests for warmwater and coldwater species that exist under the current rule. There is little biological rationale for these differences and they place un-necessary constraints on fishing contests for coldwater species. Finally the proposed rule addresses paper and online tournaments.

The UDWR will open an online fishing contest application portal during the beginning of 2021. The online application portal will allow tournament organizers to apply for a COR online. The proposed rule change alongside the online application portal will provide tournament organizers a faster, more streamlined fishing contest COR application process.

R657. Natural Resources, Wildlife Resources.

R657-58. Fishing Contests and Clinics

R657-58-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 of the Utah Code, the Wildlife Board has established this rule to provide the standards and procedures for fishing contests and events including:

- a) ~~[Type I]~~ Certified fishing contests
- b) ~~[Type II fishing contests]~~
- ~~[e]~~ tagged fish contests, and
- ~~[d]~~ c fishing clinics

(2) Any violation of, or failure to comply with, any provision of this rule or any specific requirements in a Certificate of Registration issued pursuant to this rule may be grounds for revocation or suspension of the Certificate of Registration, as determined by the division.

R657-58-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and R657-13-2.

(2) In addition:

(a) "Certificate of Registration (COR)" means a license or permit issued by the division that authorizes a contest organizer to conduct a contest and spells out any special provisions and conditions that must be followed.

(b) "cold water fish species" means: ~~[-mountain whitefish, Bonneville whitefish, Bear Lake]~~ any fish in the family Salmonidae (salmon, trout, whitefish, Bonneville cisco, Bear Lake cutthroat, Bonneville cutthroat, Colorado River cutthroat, Yellowstone cutthroat, rainbow trout, lake trout, brook trout, arctic] char, grayling, [brown trout,]and [kokanee salmon]associated hybrids.

(c) "cull" or "high-grade" means to release alive and in good condition, a fish that has been held as part of a possession limit for the purpose of including larger fish in the possession limit.

(d) "fishing clinic" means an organized gathering of anglers for non-competitive, educational purposes that does not offer cash, awards or prizes for their individual or team catches.

(e) "live weigh" or "live weigh-in" means that fish are held in possession by contest participants and transported live to a specified location to be weighed.

(f) "possession" means active or constructive possession.

(g) "tagged fish contest" means any certified fishing contest where prizes are awarded for the capture of fish previously tagged or marked specifically for that contest

(h) "~~[Type I]~~ certified fishing contest" means a competitive event ~~[for warm or cold water fish species, other than a tagged fish contest,]~~ that meets any of the following criteria:

- (i) involves 50 or more participants ~~[or 25 or more boats]~~ per water per day;
- (ii) includes cash and/or prizes awarded individually or cumulatively per year at \$2,000 or more for a contest or a series of contests; ~~[or]~~
- (iii) utilizes a live weigh-~~[in.];~~ or

~~(i)iv~~ ["Type II fishing contest" means a competitive event for warm or cold water fish species, other than a tagged fish contest, that meets all of the following criteria:]

~~[(a) involves fewer than 50 contestants or fewer than 25 boats;]~~

~~[(b) includes cash and/or prizes awarded individually or cumulatively per year at less than \$2,000 for a contest or a series of contests; and]~~

~~[(c) does not utilize a live weigh-in]~~

~~[(j) "warmwater fish species" means: walleye, yellow perch, striped bass, largemouth bass, white bass, smallmouth bass, bullhead, channel catfish, black crappie, northern pike, green sunfish, wipers, bluegill, tiger muskellunge, common carp, and burbot.]~~any tagged fish contest.

Certified fishing contest does not include any event where fish are not legally possessed by participants

(i) "warmwater fish species" means any species not considered to be included in the definition of coldwater fish species.

R-657-58-3. Certificate of Registration (COR) and General Requirements

(1) Regardless of the size or type of contest, all boat operators must complete the Mussel Aware Boater Program online training provided at <https://dwrapps.utah.gov/wex/dbconnection.jsp?examnbr=504688>, and display the completed "decontamination certification form" on the dashboard of the boat transport vehicle for the duration of the fishing contest.

(2) Regardless of the size or type of contest, the contest sponsor shall verify and confirm that all boat operators participating in the fishing contest possess a completed Mussel Aware Boater Program "decontamination certification form".

(3) A COR is required for all ~~[Type I]~~certified fishing~~[-contests and all tagged fish]~~ contests. The requirements are listed in ~~[sections]~~Sections R657-58-4 through R~~[657-58-6]~~657-58-5.

~~[(4) A COR is not required for Type II fishing contests and fishing clinics.]~~

~~[(5)]~~

(4) A COR is valid for only one certified fishing tournament~~[/tagged fish contest]~~ on one water.

~~[(6)]~~(5) The division may request public comment before issuing a COR if, in the opinion of the division, the proposed contest has potential impacts to the public or could substantially impact a public fishery.

~~[(7)]~~(6)(a) A COR may be denied for;

(i) failure to comply with the fishing proclamation and rule;

(ii) potential for resource damage;

(iii) location;

(iv) occurrence on a legal holiday or Free Fishing Day;

(v) public safety issues;

(vi) conflicts with the public;

(vii) failure to adequately protect state waters from invasive species;

(viii) problems with the ~~[applicants]~~applicant's prior performance record;

and

(ix) failure to comply with other state laws, including those applying to raffles and lotteries in Utah.

(b) The reason for denial will be identified and reported to the applicant in a timely manner. The division may impose conditions on the issuance of the Certification of Registration in order to achieve a management objective or adequately protect a fishery. Any conditions will be listed on the COR.

~~(8) All COR applications submitted for Type I fishing contests must include a written protocol for participants to disinfect boats and equipment to prevent the spread of aquatic nuisance species. The protocol must be consistent with division policy and rule.~~

~~(9)~~(a) COR applications are available~~[at all division offices and]~~ online at the division's website.

(b) Applications must be received by the division at least 45 days prior to the contest. In some cases a public comment process~~[subsection R657-58-3 (4)]~~ may alter the 45-day COR review period.

(c) Variances to the COR review period may only be granted by the director.

~~(10)~~9) A COR application must include:

~~(a) a copy of proposed rules for the contest, and]~~

~~(b)~~

(a) a complete schedule of entry fees, cash awards and prize values[-];

~~(11) Anyone conducting a Type I fishing contest or tagged fish contest must complete a post-contest report and that report must be received by the division within 30 days after the event is completed]~~

(b) documentation of the number of participants; and

(c) information regarding the use of live weigh-in.

~~(12)~~10) Anyone conducting a [Type I]certified fishing~~[contest or tagged fish]~~ contest who fails to obtain a COR or to follow the rules set by the division may be prohibited from conducting any fishing contests, and may be subject to other penalties.

R657-58-4. Requirements for [Type I]Certified Fishing Contests~~[for Warm Water Fish Species]~~

(1) A COR from the Division of Wildlife Resources is required for any [Type I]certified fishing contest~~[for any warm water fish species]~~.

(2) All participants~~[-boats]~~ must be readily identifiable as such at a distance of 100 yards.

(3) Contestants may not possess fish species, numbers of fish, or sizes of fish that are in violation of the proclamation approved by the Utah Wildlife Board.

~~[R657-58-5. Requirements for Type I Fishing Contests for Cold Water Fish Species]~~

~~(1) A COR from the division is required for all Type I fishing contests for cold water fish species.]~~

~~(2) Type I fishing contests for cold water fish may not:]~~

~~(a) involve more than 200 participants]~~

~~(b) offer more than \$2,000 in total prizes]~~

~~(c) utilize live weigh-ins]~~

~~(3) Type I fishing contests for cold water fish species are prohibited on waters where the Wildlife Board has imposed more restrictive special harvest~~

~~rules for targeted cold water fish species including tackle restrictions, size restrictions, and other exceptions to the general fishing regulations, except at Scofield Reservoir where Type 1 fishing contests are allowed for rainbow trout only.]~~

~~[(4) There is no limit to the number of participants or total prizes at Flaming Gorge and Echo Reservoirs.]~~

~~[(5) Type I fishing contests for cold water fish species may not be held.]~~

~~[(a) on Free Fishing Day except at Echo Reservoir.]~~

~~[(6) Fish]~~

(4) Coldwater fish taken in [~~Type I cold water~~]certified fishing contests may not be culled[-]

~~[R657-58-6. Requirements for Tagged Fish Contests]~~ or otherwise released alive after possession.

~~[(1) A COR from the Division of Wildlife Resources is required to conduct any tagged fish contest, regardless of number of contestants or value of prizes or awards.]~~

~~[(2) If more than one application is received for a water in a year then a drawing will be held to select the applicant to receive the COR.]~~

~~[(3) Only one tagged fish contest per year may be held on any water.]~~

~~[(4)5]~~ Tagged fish contests must have the start date and end date identified on the COR Application.

~~[(5)6]~~ Tagging of fish for tagged fish contests must be conducted only by division personnel, or by designated representatives working under the direct supervision of the division.

~~[(6)7]~~ Without prior authorization from the division, it is prohibited to:

(a) tag, fin-clip or mark fish in any way or

(b) introduce tagged, fin-clipped or marked fish into a water.

~~[(7)8]~~ The organizer of a tagged fish contest will assume all responsibility for the contest and the purchase of tags and tagging equipment unless otherwise provided by the division.

KEY: fish, fishing, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: January 10, 2012

Notice of Continuation: January 9, 2018

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-19-1; 23-22-3



GARY R. HERBERT
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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

BRIAN C. STEED
Executive Director

Division of Wildlife Resources

MICHAL D. FOWLKS
Division Director

MEMORANDUM

DATE: August 18, 2020

TO: Wildlife Board and Regional Advisory Council Members

FROM: Lindy Varney, Wildlife Licensing Coordinator

SUBJECT: Amendment to Drawing application (R657-62) – Deployed Military

To show appreciation for our service members, the Division recommends waiving the combination/hunting license requirement for all resident deployed military members if they missed the opportunity to acquire a bonus or preference points.

The Division also recommends allowing all resident deployed military members the opportunity to acquire a bonus or preference point if they missed the application period while serving our country.

To qualify they must:

- Be deployed for 90 consecutive days or more during the calendar year of the application.
- Not have previously received a bonus or preference point for the species and hunt type in the same year.
- Otherwise be eligible to receive a bonus or preference point.
- Pay a \$10 application fee per point.
- Submit an application to the Division no later than December 31st of the calendar year of qualifying deployment.
-

Deployed means movement from a military's personnel permanent duty station to active duty outside the continental U.S. and its territories on federal orders from military command.

R657. Natural Resources, Wildlife Resources.

R657-62. Drawing Application Procedures.

R657-62-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, the Wildlife Board has established this rule for drawing applications and procedures.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the respective guidebooks of the Wildlife Board.

R657-62-26. Deployed Military.

(1) Notwithstanding any other provision in this rule, a resident serving in the United States Military and deployed in connection with their military service may apply for and receive a bonus point or preference point without acquiring or possessing a hunting or combination license.

(2) To obtain a bonus point or preference point without a hunting or combination license, an eligible resident must:

(a) be deployed at the time of application and during the hunting seasons applicable to the point;

(b) not have previously received a bonus or preference point for the species and hunt type in the same year;

(c) otherwise be eligible to receive a bonus or preference point;

(d) pay a \$10 application fee; and

(e)(i) submit an application to the Division no later than 30 days prior to the opening date of the first season for the species and hunt type corresponding to the bonus point or preference point sought; and

(ii) include the following information in the application:

(A) full name, date of birth, Division customer identification number, permanent and current physical address, email address, and any other information required by the Division;

(B) proof of residency; and

(C) copy of official military documentation ordering deployment and specifying its term and location.

(3) A person qualifying for a bonus point or preference point under this Section may not surrender and receive a refund on:

(a) an unexpired hunting or combination license previously purchased; or

(b) a previously awarded bonus point or preference point.

(4) For purposes of this section:

(a) "Active duty" means full-time duty in the active military.

(b) "Deployed" means movement from a military personnel's permanent duty station to active duty outside the continental U.S. and its territories based on orders from military command.

(c) "Military" means the United States Army, Navy, Airforce, Marines, Coast Guard, and National Guard Reserve Units.

(d) "Resident" has the same meaning as defined in Section 23-13-2.