

Motion Summary

Approval of Agenda and Minutes

MOTION: To accept the agenda and minutes as presented
Passed unanimously

Bear Proclamation and Rule R657-33

MOTION: To accept the Divisions recommendations for bear permit numbers
Passed unanimously

MOTION: To accept the houndsmen's recommendation #2 as presented. Split the San Juan summer training unit at the causeway similar to the deer unit to create more opportunity making two units: Elk Ridge and the Blue Mountains. Increase limited entry summer training permits as listed

LE pursuit	Resident Early	Resident Late	Non-Res Early	Non-Res Late
Book Cliffs	25	25	3	3
Elk Ridge	20	20	2	2
Blues	10	10	1	1
La Sal	20	20	2	2

Passed 7 to 1

MOTION: To recommend the Division define accompany as clear as possible in the proclamation

Passed unanimously

MOTION: A preference point system be used for the limited entry pursuit permit drawing

Passed unanimously

MOTION: To accept the balance of the Divisions recommendation as presented

Passed unanimously

Statewide Bear Management Plan

MOTION: To accept the plan as presented

Passed unanimously

Trap Check Proposal

MOTION: To recommend an extension of the trap check rule from 48 to 96 hours

Passed 7 to 1

R657-63 Self Defense Against Wild Animals

MOTION: To accept the rule as presented

Passed unanimously

Central Region Advisory Council
Provo City Council Chambers
351 W. Center Street, Provo
December 14, 2010 @ 6:30 p.m.

Members Present

John Bair, Sportsmen
Matt Clark, Sportsmen
Larry Fitzgerald, Agriculture
Richard Hansen, At Large
Doug Jones, Forest Service
Gary Nielson, Sportsmen, Vice Chair
Fred Oswald, Non-consumptive, Chair
Duane Smith, Non-consumptive
Allan Stevens, At Large

Members Absent

Michael Gates, BLM
Byron Gunderson, At Large, excused
George Holmes, Agriculture
Jay Price, Elected

Others Present

Rick Woodard, Wildlife Board Chair

1) **Approval of Agenda and November 10, 2010 minutes (Action)**

VOTING

Motion was made by John Bair to accept the agenda and minutes as presented

Seconded by Gary Nielson

Motion passed unanimously

2) **Wildlife Board Meeting Update (Information)**

- **Fred Oswald, RAC Chair**

2) **Regional Update (Information)**

- **John Fairchild, Central Regional Supervisor**

Wildlife

- Post-season deer classification in full swing – encouraging ride-alongs with Wildlife Board and RAC members, conservation organization reps
- Weekly deer condition monitoring underway
- Released two bear cubs in Diamond Fork Canyon 12/1. Orphaned in the NER (Bonanza and Vernal), held in Springville from September – December, weighed about 25 and 40 pounds upon arrival, release at 110 and 140 pounds
- Deer study continues, capture plans for this winter submitted

Habitat

- South Sanpete WMA Access Plan update
- Most WMAs closed to vehicle access until April to protect big game on winter ranges
- Submitting habitat project proposals this month for FY 2012 (fall 2011)

Aquatics

- Carp removal continues at Utah Lake

- Concerned about lack of rainbows at Jordanelle, may increase size at stocking
- Creel census at Strawberry and Jordanelle this next year
- Snowplowing slated for Strawberry marina, East Chicken Ck, Mud Ck, The Ladders parking areas (some ice fishing on now in Mud Ck Bay)
- Fishing hotspots - white bass fishing at Utah Lake, trout fishing Middle and Lower Provo River

Conservation Outreach

- Dedicated Hunter enrollment period runs from Dec. 20 – Jan. 11, 4400 openings available
- Three-year program
- Details yet to be worked out for 2012 and 2013 hunting seasons

Law Enforcement

- Another big poaching case under investigation involving SR and CR officers
- More info to follow

Fred Oswald – I would like to make an editorial comment before we get into the action items. One of our fellow sportsmen and radio personalities took the opportunity after our last board meeting to publicly comment on his own radio program as well as at the wildlife board meeting that he took issue with the central RAC, basically you and me, in terms of saying that he felt that we were not doing our job. That we were not listening to people and that we were making up our mind ahead of time before the opportunity for the public to voice their concerns. Certainly this fellow is entitled to his own opinion but I would like to publicly state what my opinion is and that is that I disagree with him whole heartedly. I think that on our RAC each and every one of us spend a great deal of time attempting to find out not only what our own constituencies are thinking about but also what the general hunting and non hunting public is interested in in this state particularly in reference to the last meeting. As you recall all of us received over 150 emails. I read them two or three times over and I am sure all of you had an opportunity to read them. At our RAC meeting everyone had the opportunity over three hours to express their opinion and only after we had read those emails and had members of the public express their opinion that we as a central RAC deliberated and decided which way we wanted to vote. Again, I respectfully say that every sportsman is entitled to their own opinion but with regard to this RAC and how we devolve with this I congratulate each and every one of you on the service you are providing. I think you do a hell of a job and I am happy to serve on the central RAC with you.

3) Bear Proclamation and Rule R657-33 (Action) - Justin Dolling, Game Mammals Coordinator

Questions from the RAC

John Bair – Is there a reason we don't have a point system for the limited entry pursuit permit draw?

Justin Dolling – It is a relatively new permit. I looked at the odds last year and a person would draw two out of three years. We issued 100 permits and only 63 of them said they actually used the pursuit permits. I would like to give it another year. If it becomes more difficult to draw we could use a point system but I don't feel it is necessary at this point.

John Bair – Have you had problems enforcing the eight dog restriction?

Justin Dolling – Not to my knowledge. It appeared that folks were running eight hounds during the summer training season.

Matt Clark – Do you have age and sex data for nuisance bears that were killed?

Justin Dolling – We do take that information but I don't have it here tonight. As a general rule they tend to be sub-adult, dispersing yearlings and there tend to be more males.

Richard Hansen – Is the bear population increasing?

Justin Dolling – That is the million dollar question. There are factors that suggest it is stable or slightly increasing. We reconstructed the population from 2000 to 2006 based on ages.

Richard Hansen – Are there plans for increasing numbers or are we where we want to be?

Justin Dolling – The new plan we will present next and we are looking at maintaining populations statewide. The plan also looks at ways to address livestock areas.

Doug Jones – Is there a plan to review problems with sheep and bear depredation? It seems we rely heavily on the government hunters to control that and have limited opportunity for sportsmen.

Justin Dolling – Wildlife services tries to remove the offending animal and it may be hard to do that with sportsman. We do use sportsman when we can.

Doug Jones – I understand that but about 15 bears are killed a year. It would seem there would be some way to work with that so they are taken by sportsmen.

Justin Dolling – There is a strategy in the plan to minimize bear and livestock depredation.

Larry Fitzgerald – I used to be in the sheep business. We had bear on our range and I felt like the bear needed to be removed but the government trapper said no you don't want to kill that bear. That bear hasn't killed you sheep. As long as we had that bear we didn't lose any sheep. Not all government trappers are taking bear when it is unnecessary.

Questions from the Public

Al Rob – Can you use a predator call on the Book Cliffs roadless spot and stalk only area?

Justin Dolling – From memory I think the spot and stalk only prohibits hounds and bait. I think calling would be allowed but I will check the proclamation.

Jason Binder – Justin, will the revised accompanying definition be printed in the proclamation?

Justin Dolling – Probably not word for word but there will be some summarization of that. For clarification, there was some disagreement as to how accompany should be defined. Two of the other RACs ask that we meet with the houndsman and find some common ground. We have talked with the houndsman group and Marty has put together a definition that creates some of that common ground.

Dave Woodhouse – How many bears are Wildlife Services taking each year on Manti and Wasatch?

Justin Dolling – On north Manti the three year average is seven. It has been as high as 13 in 2010.

Comments from the Public

Randy Long – SLC – I would like to see the bear hunt stopped all together. If it must continue there are ways we could do it, just hunt one or two areas or like moose only one permit per lifetime. Bears can be nuisance bears but so can all wildlife. When in bear country people need to take precautions; wear bear bells and hang food from trees. It would be better to do that than not have any bears.

Dave Woodhouse – SFW – We would like to commend the Division on this plan and the increase in permit numbers. Bear is one success story we have in this state. A lot more people are seeing bears now. It is one of the funnest hunts we have. I have hunted over bait, with hounds and spot and stalk. We are under the female harvest objective and above the age class objective which shows we have a healthy population. Older bears kill cubs and by putting pressure on older males we increase cub survival. On north Manti Wildlife Services are killing an average of seven bears a year and last year hunters only took five. I think there is room for more increase but the Division is headed in the right direction with what they have recommended. Thanks.

Ben Lowder – Utah Bowman’s Association – The bear hunt is one of the funnest hunts we have. I have hunted and helped others hunt. The spring bear hunt can be very difficult. The biggest factor is access to the ground to hunt. Wasatch is very large unit but in the spring due to road closures on Forest Service ground and snow conditions it can be hard to access. I commend the Division and this RAC for implementing the spring extension. At this time we would like to ask that you recommend the spring extension on all units across the state. Thank you very much.

Jason Binder – Utah Houndsman Association President – We have over 400 members in our club. In 2006 we gave out 242 bear tags. In 2011 the Division is proposing 419 bear tags. That is a 73 percent increase in five years. We are asking that we stay with last years permit numbers and have no additional increase in tags this year. Another thing we would like to ask is that the RAC split the San Juan summer pursuit unit at the causeway and allow 20 additional permits. The causeway is a good divider. It is also used for deer. We recommend on the Book Cliffs 25 early and 25 late permits as well as three non-resident early and three late. For the Elk Ridge unit, 20 early and 20 late permits. On the Blues 10 early and 10 late and La Sal 20 early and 20 late.

Fred Oswald – What is the Division’s recommendation for those units?

Justin Dolling – 18 early and late on Book Cliffs, 18 early and late on San Juan without the split and 12 early and late on La Sal.

Jason Binder – We also ask that the eight dog restriction be removed other than limited entry units. Number five, as Justin said we have had a lot of discussion on the definition of accompany. There are concerns that if you have to leave your party you could be in trouble. We want the definition in the proclamation so houndsmen know what they can do. We would also like to see bonus point system for the summer pursuit tag. All the limited entry hunts have points that start somewhere and we would like that to start in 2011 for pursuit permits.

Robert Steele - How many bears does the Division figure there are in Utah and do bear kill and eat deer?

Justin Dolling – We estimate there are between 2,000 and 2,800 through our population reconstruction. Yes, bears will eat deer. Primarily fawns, they don’t eat many adults primarily because they are not a spot and stalk predator. Studies I am aware of show that fawn mortality attributed to bears is between four and six percent which is fairly low.

RAC Discussion

Allan Stevens – Don’t people already get bonus points for the bear draw?

Fred Oswald – On kill permits points are given but not on pursuit permits.

UBA has a recommendation and there are five recommendations from the houndsmen that we could address.

John Bair – I worked on the bear management plan ten years ago when we tried the spring hunt and it worked pretty good. On the extended spring hunts we are still hitting our objectives. Is there any reason we couldn’t try it statewide?

Justin Dolling – On the extended spring hunt we are exceeding our targets on most of the units. Our thought process is if there are heavy removal rates in an area by our agency or Wildlife Services than that justifies exceeding our targets but that isn't the case statewide.

Fred Oswald – Is there a motion to support UBAs statewide spring hunt extension? Seeing no motion we will leave it. Houndsmen are recommending no increase in permits and the Division is recommending a 53 permit increase.

Duane Smith – I move that we accept the Division's recommendations for permit numbers for a number of reasons. Even a six percent mortality rate on our deer populations that we are trying to rectify is still something that is impacting. The houndsmen have talked about a 73 percent increase since 2006 but we don't have a population number from 2006. As Justin said the bear population has sustained those increases from 2006 to 2009 without impacting the total numbers.

VOTING

Motion was made by Duane Smith to accept the Divisions recommendations for bear permit numbers

Seconded by Allan Stevens

In Favor: All

Motion passed unanimously

Fred Oswald – The second recommendation from the houndsmen is an increase in pursuit permits and to split the San Juan unit into Elk Ridge and Blues. Does the Division have some input on that regulation?

Justin Dolling – The region would prefer that the unit not be split but if it is split they would recommend taking half of the permits and put on each unit.

Fred Oswald – Would it be easier to have two motions?

Larry Fitzgerald – Shouldn't we let that region make that motion. I don't know that area and don't think we should make recommendations for that region.

John Bair – As far as the area it is one of the premier bear pursuit areas in the state. I don't think the houndsmen would propose something that would be a problem for them. I think we could increase opportunity there and the causeway is an easy boundary to follow.

Motion was made by John Bair to accept the houndsmen's recommendation #2 as presented. Split the San Juan summer training unit at the causeway similar to the deer unit to create more opportunity making two units: Elk Ridge and the Blues. Increase limited entry summer training permits as listed

LE pursuit	Resident Early	Resident Late	Non-Res Early	Non-Res Late
Book Cliffs	25	25	3	3
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Seconded by Matt Clark

Gary Nielson – The houndsmen's number one recommendation is to not increase permit numbers but you want to increase pursuit permits.

John Bair – These are pursuit permits not kill tags and those pursuit permits are pretty valuable.

In Favor: Larry Fitzgerald, Richard Hansen, Doug Jones, Gary Nielson, John Bair, Matt Clark, Duane Smith
Opposed: Allan Stevens
Motion passed 7 to 1

Fred Oswald – Next the houndsmen are recommending removing the eight dog restriction from all summer training units except for the limited entry units for which the restriction was intended. Does the Division want to comment on that?

Justin Dolling – When we originally brought this to the RACs we were only recommending the eight dog restriction on restricted units. However, when it got to the board level the board thought this was a way to simplify the regulation so they recommended going statewide with the eight dog restriction. I have not received any feedback that this restriction has inhibited anyone's ability to pursue so I would favor staying with our recommendation.

Fred Oswald – That is what I remember also at the board meeting. Does anyone want to make a motion to address that? I see none. On number five do you think that needs a motion or has it been worked out?

Jason Binder – I think it is being worked out but would like to see as much of the definition as possible put in the proclamation that Justin has on his second page.

Fred Oswald – We could ask that that be clarified in the proclamation.

John Bair – If I am hunting and our group splits up because we have dogs going all directions. If I go one way with the tag and my dad goes another way and grabs a dog are we going to get tickets?

Justin Dolling – Keep in mind this is only on the summer pursuit restricted areas. In that situation no, the way we define accompany is that as long as you are not actively pursuing you are not in violation. But if you go after a stray dog and continue a pursuit on a second bear then you are in violation.

Motion was made by John Bair to recommend the Division define accompany as clear as possible in the proclamation

Seconded by Duane Smith

In Favor: All

Motion passed unanimously

John Bair – I would like to see a point system in place now for the limited entry pursuit permits.

Motion was made by John Bair that a preference point system be used for the limited entry pursuit permit drawing

Justin Dolling – If you go with the number of pursuit permits the houndsmen have recommended there would be no need for points because they exceed the number of applicants we had for pursuit permits.

John Bair – But if that doesn't pass then I would like to see a bonus point system in place anyway.

Justin Dolling – I think that could be implemented in 2011.

John Bair – If not for 2011 then for 2012.

Allan Stevens – I think you mean preference points.

John Bair – I am pretty sure I said preference points.

Seconded by Allan Stevens

In Favor: All

Motion passed unanimously

Motion was made by John Bair to accept the balance of the Divisions recommendation as presented
Seconded by Gary Nielson

Doug Jones – I think there is room to grow on the Nebo unit.

Fred Oswald – I would like to thank the houndsmen for being here tonight and closely considering the rule and being willing to go out and make recommendations. I feel as you do that maybe we are increasing too quickly. If I were voting tonight I would try to convince my fellow RAC members that we ought not to be raising those numbers as much as we are. Thank you Jason and the rest of your association for the good work you do and for being at the RAC meetings. Even if we don't always agree with you, we are listening.

Richard Hansen – As far as I am concerned you could double the bear permits and I wouldn't have a problem. I don't have anything against bear hunting, I put in for permits. What I have a problem with is we used to have a pie this big of deer and now we have a pie this big of deer and we have predators that take their piece of the pie. When I was growing up on the Nebo we never saw a bear. You can go up there almost any day of the summer now and see bears. They are impacting the deer herds. We have heard from people who have seen them kill fawns. We are trying to do something to get the deer herds up and bears take another piece of the pie. I appreciate what they are doing to manage bears but we need to give our deer a break.

Fred Oswald – Point well taken. Thank you for voicing your comment. I think that is what makes this RAC a strong one because we have folks like you and me who sometimes may be in disagreement but bottom line is we are both after the same thing in terms of trying to manage our wildlife so that we have all different kinds of varieties.

In Favor: All
Motion passed unanimously

4) Statewide Bear Management Plan (Action)
- Justin Dolling, Game Mammals Coordinator

Questions from the RAC

Doug Jones – Are people not required to utilize bear?

Justin Dolling – They are not required to. They can skin a bear in the field and just take the hide. We want to encourage the utilization of the meat. Not only the consumption of it but the University of Utah has a study going on and the carcass could be utilized by them as well.

Allan Stevens – Why was depredation harvest by Wildlife Services not considered one of the triggers?

Justin Dolling – That is not a way to assess the health or status of the population. If we have good forage conditions then livestock depredation is almost non-existent and if we have poor conditions then it goes up. It is not a real good measurement of the population.

Comments from the Public

Jason Binder – I sat in on this management plan and feel it will be a good management tool to help our bear population in the state. I am concerned about the harvest objective hunts proposed. The houndsmen didn't agree with this type of management due to what harvest objective has done to our lion population. Cougar harvest objective units have decimated our lion population. Bears are such a complex animal to manage that we feel like if bears, in particular females, are over-harvested that could have a drastic effect on the population. Also one item that was not put in the plan that we would like to see is at least two of the limited entry units stay with light

harvest. There are a lot of people that have many points for bear now and have been waiting years to draw some of these units.

RAC Discussion

John Bair – I think the addition of premium permits is a good idea. We talked about that several years ago, I am glad that is happening. I think the new plan looks good and sounds good and will probably work pretty good.

VOTING

Motion was made by John Bair to accept the plan as presented

Seconded by Duane Smith

In Favor: All

Motion passed unanimously

5) Trap Check Proposal (Action)

- Justin Dolling, Game Mammals Coordinator

Questions from the RAC

Allan Stevens – I had heard the comment that if we extend this the European Union would not accept fur from Utah. Is that something that we should be concerned about?

Justin Dolling – There is what is known as best management practices. Most of those focus around how to reduce the level of suffering an animal may go through in a trap. I don't know that the European Nations specifically came out and indicated they wouldn't accept hides but there was that underlying tone that they are not in favor of long trap check periods.

Doug Jones – Do you foresee any extension in the length of time to check traps? I know the proposal was seven days. Could you see possibly three or four days?

Justin Dolling – I think anything beyond 48 hours for a non lethal set we would have the same concerns we have talked about here.

Questions from the Public

Al Rob – I would like to ask why there is not a compromise between 48 hours and seven days? Something between 72 hours or 96 hours. I would like to see some kind of a compromise. We have had many compromises made by us as trappers for the Division and non-consumptive groups and I would like to see something in our behalf for a change. Thank you.

Justin Dolling – My answer would be the same as the answer I gave to the gentleman from the Forest Service.

Brandon Steele – Nephi – Did you consider any trapping advise with your recommendation?

Justin Dolling – This proposal came out by the Utah Trappers Association about two or three years ago and we essentially took the same position for the reasons I indicated. We don't feel comfortable extending that beyond the 48 hours because we don't know what may come as a result of that. Colorado has lost their privilege to trap. Arizona has lost their privilege to trap on public land. I would hate to see Utah lose that privilege. Based on those fears out there we don't feel comfortable going beyond the 48 hours.

Brandon Steele – It is my opinion as a trapper that I don't believe that it is unethical to hold an animal for more than 48 hours. I have seen animals released after 48 hours and they run away unharmed. Who came up with the opinion that it is harmful to the animal to leave it for more than 48 hours?

Justin Dolling – Well, it is public opinion and it varies depending on what public you are dealing with. Our agency still has the same position. I guess I answered that question the first time you asked it.

Brandon Steele – Let it be on the record that my opinion is that it doesn't harm an animal to hold it over 48 hours.

Spencer Jacobson – What method of enforcement is there currently for a trap check? How are we monitoring that?

Justin Dolling – We have conservation officers who are out in the field during the trapping season that monitor activity. They find where trappers are setting traps and note the frequency of trappers checking those traps.

Spencer Jacobson – Would it be more difficult to monitor a longer period of time than we currently have? Would that put any more strain on the officers at all?

Justin Dolling - I don't know that it would put any additional strain on them. I think the conflict would come if a non target species is caught in a trap and the trapper comes across that animal. At that point the trapper has to report it to our agency and our agency has to go out and remove the animal from the trap so I can see that as being an additional strain because we may be removing more non target species from the trap if it were left longer.

Comments from the Public

Spencer Jacobsen – My arguments are more of a heart felt plea rather than a factual plea. I can't really say more than what the department has already stressed. I am in support of their view of this that we do have a duty to be stewards over even what we may consider a trash animal. Like was said before not every coyote is equal. I don't know what effect a coyote has on the deer population. It seems like we are more concerned with deer than we are with any other species. I don't know that the impact will be greatly increased or decreased with this regulation. We need to think of the actual animal. Some of you got to meet one of our ambassador coyotes that we have with us here. They are individuals and I think we need to keep that in mind as we talk about lengthening the time we check traps. I do know a few trappers as well and know that a two day trap check does not always happen as it is supposed to. Some go two or three weeks so I don't know that increasing that to seven days going to help the matter. I think it will create more problems and the actual checking of the trap may be extended even longer. My opinion is that we should keep it the same and that making it longer is inhumane and needless suffering for the animal. If we are going to shoot the animal anyway why let it sit there longer than it has to.

Robert Steele – I am 74 years old and have seen a lot of things happen. I want to read an article from the associated press in 2001. The number of Utah hunters deer hunt has dropped by more than two thirds over the last two decades. The deer hunt used to be one of the main things that ever happened in the state. At its peak 250,000 residents hunted. They blame the problem mostly on dwindling habitat which only has some truth to it because 90 percent of the state has no habitat dwindling problem. That is a fact. Coyotes do kill deer. Coyotes kill all kinds of game. They kill turkeys, pine hens and sage grouse. The sage grouse that you are having problems with is because of predation not because they don't have sage brush. The main thing the Division is worried about is it is unethical. What is unethical? Is it unethical for a coyote to tear a deer or sheep apart? I have seen this. They kill every kind of game there is. They have to kill to eat. I don't care what kind of coyote it is. It could be a nice beautiful coyote, he still eats meat and that meat is game. That is what we used to hunt and now we don't. There used to be thousands and thousands of people hunting. If a longer trap check wastes a critter, what about coyotes? How many critters do coyotes waste? They kill foxes. They kill bobcats. Lets not kid ourselves, coyotes are bad. The problems we are having with our deer herds are because of predation. We need to address the predator problem and not worry so much about ethics.

Allan Steele – I am a fourth generation trapper and fifth generation cattleman and a fur buyer who ships to New York. Like my dad used to say if it's not broke don't fix it. Our deer herd is broke and we need to fix it. We have a problem with our deer herds and it is predation. The coyote

problem is severe. I want to take you back in time because I don't think anyone in this room knows where the trap check came from. I was there when they put it in. Back in 1980 we organized the Utah Trappers Association. Doug Day was the director of Wildlife Resources and we worked with him to try to get things right under the law. Doug said we have a problem so we went and met with the Division. He said the problem is that the anti groups are on us to get a trap check law on the books, will you work with us? We said we would. What we want to do is put a 48 hour trap check on the books. As long as you will check your traps every week like you are doing it won't be enforced. That law was not enforced all the time that Doug Day was director. Once that changed it started to be enforced and it got worse and worse, now you can't trap. If you buy a trapping license in this state they might as well give you a ticket when they give it to you. It discriminates against the backbone of our nation which is the working class people. If you work for a living, the tax base of this nation, you cannot trap in no way shape or form and do the public service we have done for four generations. The services we provide free of charge to this state in the private sector is unreal. Remember as humans we are the superior race in the wild kingdom because we have the power to manage. This law has taken away our power to manage. Our deer population shows it. We live in a state that preaches food storage more than any other place in the world and they took our biggest food storage from us and that is our deer herd. If we have a good deer herd we have food storage. Also it has taken away our youth. If there is one thing I have learned raising kids and grandkids is all kids have to have an identity. I'm a football player, a basketball player, a hunter, a trapper. If they don't find identity they end up being gang members. I think it is very important that the board look at this very closely because this has affected our whole economy. The mule deer in this state is the goose that laid the golden egg. The money that is generated from that species on the annual deer hunt alone is phenomenal. We are in crisis situation in our nation. We have problems in schools because we can't get funding. What we have to do as a government is we need to do what is best for American and best for our economy and that is generate money. The mule deer is what generates money. It is one of the things we have in this state. We have skiing, we have tourism and we have a deer hunt that created a lot of revenue especially in rural Utah. I have been and international exporter for 30 years. The seven day is not going to matter. Over seven days would matter. As a board, as a government I think we have to do what is best for American, what is best for Utah and the way to do it is to take care of these predators.

Brandon Steele – I appreciate my time here. I would like to talk about DWR's refute to what you have proposed and I applaud you on that. The first thing they stated was that they would have to allow a change to all species. They are stating that the coyotes are non targeted. I think that is wrong. I think we can target for coyotes. We can set traps specifically for coyotes. As far as catching other animals, you may do that. If that does change I would like to have you proposed that we just set for coyotes. I wish that the DWR would talk with the trappers a little. In closing I wish I knew I could talk in front of other people. I do wish we could trap for a longer period than 48 hours. It would be helpful to me and I think we could get out there and do some trapping. I come from a family of trappers and right now it is controversial. For a trapper it is hard to be a minority. Our rights have been slowly deteriorating and I wish that people would take our feelings into consideration.

Fred Oswald – Thank you for your comments and I would like to invite you to come back to every one of our RAC meetings. And if you would stand up and talk to us you will become a great public speaker.

Brandon Steele – I know Doug (Jones) and have worked with him at the Forest Service and would like to say that I am going to miss him.

Jason Binder – I would like to commend the Division for staying with the 48 hour trap check. Coyotes are a big problem in this state. Everybody realizes that. Justin just said that between the trappers and the hunters we take 6,000 coyotes a year. I have seen deer that have been shot and

could not be retrieved that day and when you go back to retrieve them the next day they are totally defiled by coyotes. But I have also seen a lion that has been caught in trap and it is pretty stressful for a lion to be caught in a trap. I have a picture on my phone of one that was caught this weekend in that the Division had to go let out of the trap. That is part of the reason I feel the 48 hour rule is appropriate. We do have non target species that will get caught. I appreciate the opportunity to visit with you. Thanks.

Dave Woodhouse – SFW – We brought this before you last month so that we could get another tool to release some of the predation on deer herd. This came through the RAC a couple years ago. I believe the reason the 48 hour trap check is in place is because of fear. We are afraid of the anti hunters raising a fuss. We have proposition five to back us up with the management of our wildlife in our state. We need to look at the deer herd. Our biggest fear right now should be the loss of our hunters. Any tool we have to take some of the predators out is something we should really look at. I commend this RAC for voting for this last month and I urge you to do so again. Even if it is a couple days more. I have talked to trappers and they can set just for coyotes. One of the biggest problems they have is checking it every 48 hours. That leaves a scent trail that is hard to get rid of and keeps the coyotes weary. If they have a little more time they can catch more coyotes. We spend millions of dollars taking coyotes from the air with Wildlife Services. Let's give the trappers a few more days and let them take those coyotes. That money could be better used somewhere else. Trappers can use sets directed at coyotes. I trapped a couple years ago and we couldn't do the 48 hours so we pulled our traps. We need to worry about the deer herd and not so much what anti hunters are going to say. This is our way of life. You have seen me here I don't know how many times. I have kids and I want them to experience it all. I urge you to take this into consideration and save some deer.

Tim Fehr – Wildlife Protection Society – we are not an anti hunting organization. We are members of Wild Aware Utah and its partners. The primary thing is that coyotes are not our major challenge to our deer. The major challenge is us. People in cars take more deer than we take during the hunt. We've got to do something about that part of the equation. The traps are not coyote specific. There are not coyote only traps. If the trap check is seven days other wildlife and domestic animals will be trapped and killed. The possibility of an animal being in a trap alive for seven days is not good. It is not a question as to whether it is ethical or unethical. It is an inhumane thing to do and is not necessary. I see no benefit to wildlife from an extended trap check. It should be if anything shorter. When I trapped I checked my traps everyday. I strongly encourage you to not lengthen the trap check. If anything shorten it. Thank you.

Desiree Ingram – Every year hundreds of thousand of dollars are paid for deer and elk. Why can't more of that money go toward coyote removal? I would like to see the RAC propose more money be spent on this. That could be a solution.

Al Rob – Nephi – Thank you chairman, I appreciate the opportunity. I would like to make a comment about the European Union. Arizona and Colorado had 24 or 48 hour trap check when they lost their trapping. If that is going to happen here it is not going to matter what the trap check rule is. The people who want to stop trapping will attempt to do so. Proposition five was placed on the books by the voters to protect us in that type of situation. I think that it is very important to look at changing the trap check over 48 hours. As a coyote trapper I know that coyotes are a very weary animal and they have a very good sense of smell, hearing and so forth. Human scent will stay at a trap set for two or three days. It is important that that has an opportunity to dissipate so the trap set will be effective. Incidental animals that are caught can be released. It was mentioned about best practices policy enforced by the national trappers association. It has been shown that modified traps cause less damage than older traps. That could be something that could be done in that respect. We do have problems with predation in

this state. Coyotes do kill deer. Studies have shown that. There have been studies done right here in Utah. One that showed that coyotes took I think 34 percent of deer fawns in an area. That greatly impacted the recruitment into the deer herd. I appreciate the opportunity, thank you.

RAC Discussion

Fred Oswald – I want to thank all of you who have taken the time to come out here tonight and make your comments. I think it is easy for us to see that people have strong opinions about this. We have certainly gone the rounds. Because I am not going to have an opportunity to vote on this tonight if you will allow me to take a minute to have my say. I have really had an education over the last two or three months with regard to deer herds in Utah. I thought I knew a lot about deer three months ago, I didn't know anything. Thanks to the fact that we had to deal with this issue at the last RAC meeting I have spent a lot of time studying it and realized that a lot more people know a lot more about it than I do. I am certainly glad that we had a chance to deal with this because education is a wonderful thing. I think the more we are educated the more appropriate we can be in our decision making. I want to thank Don Peay and John Bair and those who have spent millions and millions of dollars on habitat restoration in this state. If we don't do that we aren't going to get our deer herds back. I have been convinced that if we don't do more than we are doing now with our coyote population the habitat is not going to help. We've got to get on top of coyotes. We need to be creative and get on top of what is happening with automobiles to help the deer. I believe we need to do more with habitat and more on coyotes but gentlemen, the unintended consequence of this proposal is the thing that concerns me. We had 10-80 some years ago and I think if we had 10-80 today we could continue to do a real number on the coyotes. It was very, very, very effective. DET was effective with what we were trying to do with that too but gentlemen, the unintended consequences of 10-80 and DET forced us to compromise. I would love to kill more coyotes but this isn't the way to do it. There are unintended consequences of 10-80 and there are unintended consequences with altering the trap check rule. For what it's worth I hope you would change your mind. We have had three other RACs that have discussed this, we are the fourth RAC. The three RACs that have discussed it have said the unintended consequences are too much and all three of them have voted down this proposal. I urge you to do what you think makes sense.

John Bair – I wish the news guy that was a jerk to my kid when he called my house was here so he could hear this. He isn't a sportsman I can tell you that. We have had quite a discussion and I think a compromise would be in order from seven days to 96 hours. My grandpa was the official trapper for Deseret Land and Livestock when they were first in business. He has been a government trapper, my dad has been a sheep man for all his life and I will tell you there is not a more inhumane lethal, efficient killer than a coyote. I went out and found my four hundred dollar show lamb turned upside down with her hip chewed out of her and still alive. I don't say this because I believe we should make them hurt but coyotes are as efficient a killer as anything and our deer herds are struggling. We have been out hunting coyotes the last few weekends and we have found six fawns that have been killed by coyotes. If by extending the trap check a coyote gets his toes sore for an extra day I am sorry but that is an extra day he isn't out there killing fawns. They are mean and nasty. We owe it to sportsmen to do anything we can. After I thought about it I thought seven days was a little excessive. I think 96 hours allows you to leave the trap long enough to remove your scent. I think 96 hours is reasonable. Some people are opposed to trapping and I respectfully disagree. I understand why the Division has to say what they say. I understand the political pressure but we need to attack our deer problem from every possible angle. I have been working with sportsmen organizations for 15 years and there is nothing more aggravating than working with DOT to put in overpasses and fencing highways so we can keep the deer off the roads. We are doing what we can. I think this is a step in the right direction. I don't want to cut anyone off but I would make a motion that we pass a 96 hour trap check.

Fred Oswald – Would you be willing to hold your motion until others have had a chance to speak, thank you.

Duane Smith – I know these guys have spent a lot of time trapping but I think I have more trap hours than anyone in this room. I have been trapping for 40 years. Coyotes are too smart. These gentlemen are right, 48 hours is not enough to be effective trapping coyotes. If we want to do anything with traps for coyotes we need to go to 96 hours. They are a very efficient animal. We also should look at species specific traps.

Richard Hansen – I think signs by traps so fox and bobcat won't get in them would be helpful (ha ha). I know the Division wanted to target coyotes prior to fawn season. To me that is difficult because as the deer move up they are more inaccessible for most hunters. I am also concerned about putting millions of more dollars into Wildlife Services. That is pretty expensive coyote control. Why not give hunters 50 dollars a coyote? I really appreciate the fact that we are really trying to do something for our deer herds. I do support the extra trapping time. I have trapped a little but I don't know much about coyote trapping.

Doug Jones – I was previously not in favor of seven days. I think 96 hours is more appropriate. It is not about whether they are a good or bad animal but to be effective the trap check needs to be longer. I also support the 96 hours trap check because it would be consistent with the current rule for lethal traps.

Allan Stevens – I abstained from this vote previously because I didn't think that it was the time or place to propose that. I really think that the 48 hour law that is in place now is a good law because traps are indiscriminate. If there was a trap that would only trap coyotes I would be in favor of longer check hours. Because of the unintended consequences of extending the trap check hours I am opposed.

VOTING

Motion was made by John Bair to recommend an extension of the trap check rule from 48 to 96 hours

Seconded by Doug Jones

Justin Dolling – For clarification, that would apply to all species.

John Bair – You said that is how it would have to be, yes.

In Favor: Larry Fitzgerald, Richard Hansen, Doug Jones, Gary Nielson, John Bair, Matt Clark, Duane Smith

Opposed: Allan Stevens

Motion passed 7 to 1

- 6) **R657-63 Self Defense against Wild Animals (Action)**
- **Martin Bushman, Assistant Attorney General**

Questions from the RAC

Richard Hansen – When you say safely retreat does that take into consideration how fast you can run?

Martin Bushman – Let me give you an example. We had an individual who had a summer home and a bear came into the yard and he came out with at .22 and decided that wasn't big enough so went back to get a more powerful rifle. Clearly he had the ability to retreat. We are not trying to trick people. We just want to make sure that if animals are being killed in self defense that it is legitimate.

Doug Jones – If a bear comes into a campsite and won't leave is that considered imminent threat?

Martin Bushman – There are many different variables. I don't know how to create a rule that would cover all the different variables. It suffices to say act reasonably. Like I said the Division is not out to trick people. This standard is better than no standard.

John Bair – We all understand that a rule like this can't be black and white. How would the Division investigate a bear incident?

Martin Bushman – They would interview the witnesses and look at the evidence. They would look at all the circumstances and try to determine if what you are telling them is what happened. We had an instance where a bear came into a camp and was shot then ran off. That was all apparent. There was no question of was your car close enough to get into. The bear was in their camp going through their cooler and it was nighttime which makes it a little more precarious. Basically the officer is trying to see that what you are telling them aligns with the evidence.

John Bair – I just wanted to know how close to the bear I need to pitch my tent before you are going to believe my story.

Questions from the Public

Dave Woodhouse – I go hiking a lot and now I carry a pistol with me. I always have my dog with me. What happens if my dog gets attacked by a bear? Do I have the right to defend my dog?

Martin Bushman – Yes if there is a threat of bodily injury to yourself, another person or a domestic animal.

Alan Steele – We hunt on the Book Cliffs quite a bit. Bears come into our tent and take food. We sleep with a gun by our side. If a bear comes in our tent when can I pull the trigger?

Martin Bushman – You can pull the trigger when it enters the tent physically or if it pushes on the outside and penetrates the original structure you can shoot it or take action.

Doug Jones – I thought previously you said if someone had food where they shouldn't then that didn't give them the automatic privilege to take action.

Martin Bushman – If some one intentionally or recklessly tried to attract a bear.

Doug Jones – If some one has food in their tent I would call that reckless.

Martin bushman – I don't know if prosecutors would be willing to go after someone unless they had repeated warnings and people were just being careless. No body likes to second guess too much. People set out judgments in a situation that is terrifying where people don't know what to do. You will find that officers and prosecutors will be hesitant to get into that. What we are trying to avoid is people using self defense as an excuses for killing animals.

Richard Hansen – I hope that the way it is written always gives the benefit of the doubt to the human.

Martin Bushman – Based on the experiences we have had over the past couple of years I don't foresee a problem. All we are trying to do is keep people from shooting animals and saying it was attacking them. For example there was a case years ago where a picture of someone with a sow and two cubs was developed and given to the Division of Wildlife Resources. When the people were interviewed they said they killed the bear in self defense. We had no way of knowing at that point and we had to take their word for it. But the next question of course was were the cubs killed in self defense? Those are the ones that are questionable. This should work. It is what other states do. Some standard is better than no standard.

VOTING

Motion was made by Richard Hansen to accept the rule as presented

Seconded by Gary Nielson

In Favor: All

Motion passed unanimously

Meeting adjourned at 9:55 p.m.

20 in attendance

Next board meeting January 4th at the DNR boardroom, Salt Lake City

Next RAC meeting April 19th at the Central Region Conference Center, Springville

Northern Regional Advisory Council

Dec 15, 2010,

6:00 P.M.

Place: Brigham City Community Center

RAC Present

Robert Bynes –At Large
John Cavitt- Noncon.
Paul Cowley-Forest Service
James Gaskill- At Large
Shawn Groll- At Large
Jon Leonard- Sportsman
Ann Neville- Noncon.
Brad Slater- Chair
Craig Van Tassell- Sportsman
John Wall- At Large

DWR Present

Jodie Anderson
Randy Wood
David Beveridge
Justin Dolling
Martin Bushman
Darren Debloois
Mitch Lane
Scott Davis
Phil Douglass

Wildlife Board

Ernie Perkins

RAC Excused

Russ Lawrence- At Large
Bret Selman- Agric

RAC Absent

Joel Ferry- Agric

Meeting Begins: 6:00 p.m.

Number of Pages: 20

Introduction: Brad Slater-chair

Agenda:

Review of Agenda and Nov 9, 2010 Meeting Minutes
Wildlife Board Meeting Update
Regional Update
Bear Proclamation and Rule R657-33
Statewide Bear Management Plan
Trap Check Proposal
R657- 63 Self Defense against Wild Animals

Item 1. Welcome and Introductions

Introduction of RAC Members

Item 2. Review and Acceptance of Agenda and Nov 9, 2010 Meeting Minutes

Motion: Gaskill- Accept the agenda as published.

Second: Leonard

Motion Carries: Unanimous

Byrnes- On the minutes for November 9, 2010, Item 5 said Bucks, Bulls & OIAL 2011 Season Dates and application timeline and it should have said Statewide Deer Management Plan Amendment. On Item 6, it does say Bucks, Bulls & OIAL 2011 Season Dates and Application and that should have Timeline after that.

Motion: Leonard- Accept the minutes as amended.

Second: Byrnes

Motion Carries: Unanimous

Item 3. Wildlife Board Update

Byrnes- I'm sure you all received the summary of motions from Brad. I did additionally receive a wildlife board response to the RAC's on the statewide deer management plan amendment and I will read it to you. The statewide deer management plan amendment in the northern and central region voted for option 1. The rest of the RAC's voted for option 2. The board passed option 2 by a 4 to 2 vote. The board motion was made by Albrecht. His motion was to move that the wildlife board pass option 2 and establish a comprehensive mule deer management system that establishes individual mule deer herd assessment wherein the many diverse unique and dynamic factors that affect the mule deer growths and sustainability will be identified and proactive interventions will be implemented to assure long term health and viability of the geographic area where the herd members are born, live and die including their year round mitigation locations. The number of units shall be established by the wildlife board consistent with well established and well known herd units throughout the state. The board majority felt that the advantages stated in the DWR presentation under option 2, are very important in determining the reason our deer herd is in decline. The board motion adds to the

amount of data division biologist collected in the field. The board has a deep concern for the health of our deer herd and we are trying to get a handle on reasons for the decline as soon as we can so we can work with the division in getting the tools to reverse the downward trend. Additionally, statewide archery, southern region RAC voted to move archery to the unit by unit under option 2. The board passed unit by unit archery under option 2 by a 4 to 3 vote with the chair breaking the tie. The board motion was to move that archery hunters choose units starting in 2012. The reasoning under the DWR presentation, archery hunting could go either statewide or unit by unit under option 2. If the board let archery continue statewide hunting, this would contradict what the board was trying to accomplish in addressing the plan amendment changes under option 2. Those are the main issues that were different than what we voted for.

Gaskill- Did the division make a different presentation to the wildlife board than they did to the RAC?

Byrnes- No, there was an informational meeting the day before that had a lot of in depth information on mule deer herd and what is being done in the state. But, the presentation was pretty much what we had received. I do not remember any differences.

Gaskill- Unless my memory is completely shot, one of the first statements made by the division was that none of those proposals was an attempt by the division to increase the deer herd, is that correct?

Byrnes- That is correct. It is not going to change the population.

Gaskill- Notwithstanding that statement, the board uses as reasoning for going with option 2 that they are trying to increase the deer herd. I am asking yes or no.

Byrnes- They feel they are going to get better data by unit by unit management. At no point, is it really going to solve the population problems. It is going to increase the number of bucks per hundred does. Hunters will see more bucks hopefully.

Gaskill- I am not trying to put you on the spot, I am trying to put the wildlife board on the spot.

Byrnes- Their reasoning I read you is what they provided in written form. There was a lot of discussion.

Gaskill- I suppose that technically satisfies the rule of requiring them to give us a written reasoning but I find the reasoning completely lacking. I just want that on the record, not aimed at you but aimed at the record.

Byrnes- O.K.

Item 4. Regional Update

- Ron Hodson, Regional Supervisor

Excuse Ron Hodson due to illness. No Regional Update at this time.

Item 5. Bear Proclamation and Rule R657-33

- Justin Dolling, Mammals Program Coordinator

See Handout

Public Questions

Jason Binder- In the proclamation, is there going to be a definition of the word “accompany” so the houndsmen know what they can and cannot do under that rule?

Justin Dolling- Yes. What Jason is eluding to is that some of the other RAC’s suggested we go back with the houndsmen group and bring a little bit more definition to that and also provide some clarification. That information will be provided in the guidebook.

RAC Questions

Cowley- With the summer training season, you have statewide vs. the restricted areas. I am wondering why you don’t run the statewide similar to the restricted?

Justin Dolling- In part, because we were not seeing those high levels of conflict on the other units. This was an attempt to carve out units that we had high levels of conflict between recreational users and the houndsmen. It did not seem to make sense to create an early and late season.

Byrnes- The premium limited entry, that is new for this year right?

Justin Dolling- Correct.

Byrnes- Do we have a premium limited entry fee structure?

Justin Dolling- We do.

Byrnes- Were complaints that you were received concentrated around that 24th of July weekend or week period? Are you still seeing that or was that in existence before?

Justin Dolling- On the restricted units?

Byrnes- Yes.

Justin Dolling- There was a little bit of a spike over that 24th of July weekend but the complaints during the week were fairly low but then whenever you would hit a weekend we would get a little bit of a spike and then we had a little bit higher spike on the 24th of July weekend. That was prior to last year’s recommendations to reduce activity and treat these early and late seasons.

Byrnes- On unit 10C, Book Cliffs and Little Creek, last year it excluded October but there was spot and stock during the premium limited entry elk hunt which was in September correct?

Justin Dolling- Correct.

Byrnes- In October, you would just have spike and mule deer hunting correct?

Justin Dolling- That is correct.

Gaskill- Could you give us some idea what the changes to the definition “to accompany” might be?

Justin Dolling- Our intent here is to keep all the individuals that have dogs that contributed to the pack together during the active pursuit. The changes we are reviewing right now with the houndsmen and other law enforcement folks in our office would be that in the event that dog’s breakaway from the pursuit, it would allow the individual to go collect those dogs as long as they did not continue to actively pursue a second bear. It would bring some assurance on the part of the houndsmen that they would not feel like, if they had to go out and collect strays at the end of the pursuit, they would be subject to not accompanying the permit holder.

Gaskill- Will that come before the RAC again or would what we do today include these changes? In essence, are we going to vote for these changes?

Justin Dolling- This part of the presentation has evolved a little bit. We will, in all likelihood, present the new language at the board meeting and what the other RAC’s have done is

encourage the division to flush out some language that makes sense and present that at the board meeting.

Cowley- I am wondering why we have different start dates for your early restricted vs. statewide and also different end dates statewide vs. late restriction? Why not be consistent on both ends of that even though I realize you have the same number of days allotted.

Justin Dolling- That was a way to split that season and give the same number of days to the individual that drew the early season as the individual that drew the late season. We could not split the 9th of July and August 7th equally in a way that gave both seasons the same number of days.

Wall- On unit 10C, what kind of harvest did we have on that spot stalk?

Justin Dolling- We had about a 50% success rate and that is a little bit misleading because we issued three permits in the fall for the fall spot stalk hunt but two of the three were surrendered and they were surrendered to late to be reissued. So, our actual success was a little higher than 50%. They harvested three bears and all three were males.

Public Comment

Jason Binder- President Utah Houndsman Association- (See Handout) Would like to see no increase bear tags this year. Split the San-Juan summer training unit similar to the deer unit to create more opportunity. Remove 8 dog restrictions from all summer training units except for limited entry units. Define the word accompany to visual contact and verbal communication. Introduce bonus points for limited entry training season.

Ken Duncan- Northern Utah Big Game Hound Association- Oppose increase in bear permits in 2011. No harvest objective.

Marlon Bingham- Concerns in Chalk Creek area. Appears there are too many bears and the population has increased. Bear problems with livestock for the past 3 years. More permits in the area are justified.

James Gaskill- Do you have a specific recommendation?

Marlon Bingham- I think there ought to be more permits. Someone should be hunting them.

James Bingham- Bear, predator losses – Management plan. Problems with the fish and game entering private land. Sufficient grounds for an increase in bear permits and a more intensive look at this problem.

Brad Slater- Have you had a chance to sit down with the Northern Region supervisor?

James Bingham- I have talked to one officer of fish and game but nothing ever happened.

Brad Slater- May I make a suggestion?

James Bingham- You may.

Brad Slater- Ron Hodson is the Northern Region supervisor. That would be the appropriate person within wildlife resources to speak with.

James Gaskill- Would you be agreeable to having hunters come on and hunt those bears on your private property?

James Bingham- Under some circumstances, yes. If we do not restrict entry, we are overrun with hunters.

James Gaskill- I understand that but if you are asking this board to make a recommendation to reduce the number of bears, we need to know.

James Bingham- Yes, we would.

RAC Discussion

Byrnes- As far as the language for hunters that are accompanying the permit holder for a limited entry pursuit. I think the language needs to be fairly tight as far as who is actually hunting. If the division does change the language, for people to pick up dogs as long as they do not continue to hunt, I think that would be acceptable but not if they split off and continue to hunt.

Gaskill- I would really appreciate it if you would put that language into a motion. I feel fairly comfortable with that kind of a proposal. I do not necessarily feel comfortable in allowing the wildlife board to make the rule in this kind of a situation without some specific recommendations on the language.

Slater- Are there some other issues or parts of the presentation that you would want to address differently or separately? Maybe we could take an approach of taking it step by step. Does that interfere with what you are trying to do?

Cowley- I think it would be better step by step.

Leonard- Before that, I think I would like to hear Justin address the point raised by the houndsmen and give the divisions perspective on that. I think those same proposals were offered up last year.

Cowley- I think it would also be worthwhile to have Justin address, as far as right now, the proposal from the division not to increase the number of permits in the northern region. Do we have an identified problem and why is there not an increase there?

Justin Dolling- Would it be helpful if I just read where we are currently thinking this would go. A dog owner pursuing a bear in a restricted pursuit unit may separate from the pursuit permit holder to retrieve dogs that have separated from the pack provided the dog owner takes reasonable steps to keep the pack together before and during pursuit. Separates from the pursuit permit holder exclusively to retrieve stray dogs and does not attempt to actively pursue bear during the retrieval process and immediately releases any bear incidentally by the stray dogs. That is our current thought process.

Gaskill- That would preclude someone, not the permit holder or dog handler but someone accompanying him, from going out and getting a stray dog or not?

Justin Dolling- No, it would not preclude them. They would be allowed to go out and round up stray dogs after the pursuit or even during the pursuit as long as those stray dogs were not after a second bear.

Gaskill- I think that is what the houndsmen were asking for right?

Justin Dolling- That is what they are asking for. They looked at this and Jason has indicated they feel comfortable with it.

Byrnes- The term was "dog owner" to recover the stray dog?

Justin Dolling- Right.

Byrnes- It would have to be the owner of those individual dogs?

Justin Dolling- Yes, that would go out and actively round up their strays.

Byrnes- O.K.

Groll- The problem I have with that one is how are you going to know whose dog took off if you have two or three people together. Most of the time you don't know what dog it is.

Justin Dolling- It is really difficult to write this thing in a way that is completely air tight.

Marty Bushman has done a pretty good job at trying to strike some common ground. There is always evidence that would allow our officers to make a judgment call. I personally feel

comfortable with the way it is worded and believe the houndsmen association does as well. We have a year to evaluate it and if we still see problems, we continue to tighten it up.

Cowley- Are the dogs required to be marked or have the owners name on a collar or anything like that during these types of activities?

Justin Dolling- To my knowledge, they are not required to have any identification on that animal that would suggest who owns that animal. That is a guess on my part. If anyone here in law enforcement could correct me on that, I would appreciate it. I cannot think of anything in our rule that requires a marking on the dog to reflect who owns it.

Groll- I do not want to tighten it up more but maybe loosen it up more. My point was if you said it had to be the dog's owner to retrieve them and if there is more than one person, how do you know which one needs to retrieve the dog? If the wrong person goes and picks it up then they could be ticketed for something like that. I wanted more of a clarification. I guess the officers will have to use common sense and a little bit of a judgment call on something like that no matter how you write it.

Justin Dolling- Marty, can you shed some light to this?

Marty Bushman- The proposed language does not require the dog owner to go find his or her dogs. It simply says "a dog owner".

Slater- When it comes to dog identification, probably each county or maybe each city would have a similar law or very dissimilar law that might change in a more rural area. Most of the time, it is a requirement for an animal, hunting dog or family pet are going to be covered by local ordinance. In some counties, a dog would be required to have a collar identification and dog license.

Byrnes- I am pretty comfortable with Justin's proposal language.

Motion

Motion: Byrnes- Recommend the Wildlife Board adopt the alternative verbiage for accompany definition as presented.

Second: Gaskill

Motion Carries: Unanimous

Gaskill- I don't think Justin has discussed what Paul asked him to discuss has he? As far as numbers.

Slater- Can you address that now?

Justin Dolling- For number one, the bear management plan would suggest there is room for growth in hunter opportunity. We feel comfortable that we are hunting these bears at appropriate levels and that they will maintain healthy populations in the future. We would stick with our recommendation of a 53 tag increase statewide. To address the second topic in their proposal, the permit numbers that the houndsmen are recommending, when you total those permit numbers up they exceed the number of individuals that indicated they pursued on these restricted units before the restrictions were applied. So, to go back to the numbers they recommend, we would be possibly increasing use beyond what we saw during those years where we had high conflict. When the division set their numbers, we looked at trying to have about a 30% reduction in activity on the hill and in addition to that, a reduction in the number of hounds also that would be on the hill. So, to address the permit recommendation portion, we do feel comfortable increasing the Book Cliffs as indicated in our presentation but we do

not feel comfortable increasing the other units because they do exceed those numbers that we had prior to the restrictions. As far as splitting the San Juan into the Blues and the Elk Ridge, I have had this discussion numerous times with our region and they feel strongly that there are equal amounts of conflict on both sides and they would prefer that not be split. If you feel like it needs to be split, they would recommend that you take half the number of permits we are recommending for the San Juan and place those on Elk Ridge, and the other half on the Blues. Number three, when the division took the recommendation on pack size restrictions on summer pursuit; we were targeting primarily the units that we had high levels of conflict. As it went through the public process and was heard by our wildlife board, our board felt that for consistency purposes, it would make sense to apply that 8 pack limit statewide. In hindsight, I think that was a good idea. We would like to stick with our recommendation to stay with the 8 dog restriction during the summer training season. I think we have just addressed number 5. Number 6, keep in mind we just started this restricted summer pursuit framework and last year, the odds of drawing a permits were about 2 out of every 3 years. The other interesting thing is that only 63% of the permits that were issued for those restricted units were actually used. I don't know what that really means other than there was a buyer push given that it was a new program. I would like to at least give it some time before we start to investigate bonus or preference points and try to solve a problem that may or may not exist. If we see the odds continuing to increase over time, I think it does, at that point, make a lot of sense.

Cowley- If we have a depredation problem in the northern unit that was brought forward today in chalk creek area and that has been a consistent problem for the last couple of years, why would we see some increase tags there to try and pick some of that up? It may have been the private land issue.

Justin Dolling- That unit that includes the chalk creek also includes the Kamas north slope. Under the permits we are currently recommending, we are not harvesting very many bears. The way we tried to deal with increasing harvest was to place that unit in the spring extension. There is a spring extension on that unit. It sounds to me like maybe ought to happen as a follow up plan is to see if we can't partner some of these bear hunters with the Bingham's and see if we can open up some country for bear hunters to access and try to remove some of those animals. Our success rates are very low on that unit so to offer more permits, we did not feel it would accomplish the additional levels of harvest. We were focusing on the spring part. Is that a fair assessment Randy?

Randy Wood- Yes.

Cowley- I think that answers it. I think a partnership would be the way to go to handle some of that.

Byrnes- I don't know if the board is considering the San Juan but I could give you some personal information on that since I grew up in the area and have hunted there consistently throughout my life. The current boundary, the way they split it for deer is long drainage lines so it is very complicated as far as bear hunting which you are going to have a hard time hunting one side and not the other. It is also very inaccessible. Certain parts have no roads for many miles, obviously across canyons and ridge lines that most people will not cross or could not cross if they wanted to. If that unit is divided, as far as keeping bear hunters on one side or the other is going to be pretty complicated as far as enforcing.

Motion

Motion: Gaskill- Accept the remainder of the proposal and partner with the Bingham's to address unit specific problems.

Second: Wall

Motion Carries: Unanimous

Item 6. Statewide Bear Management Plan

- Justin Dolling, Mammals Program Coordinator

See Handout

Public Questions

Marlon Bingham- It seems to me like you are determining more on the population by the percentage of successful hunters than you are by any other means. Is that something I am not taking correctly because it looks that way on the material?

Justin Dolling- We are not factoring in hunter success rate into our management system. The management system is the system we would use to generate a permit recommendation. Hunter success does not get factored into that. It is just the percent of those harvested bears that are adult males and the percent of females that show up in the harvest.

Marlon Bingham- How do you determine the population of the bear, especially in the chalk creek area where there is so much private property?

Justin Dolling- It is difficult to determine the bear population. One way is we do have 5 study sites statewide. One is on the Uintah's which is similar country to chalk creek where we will be looking for growth rate. We will have a study site close by that can give us an idea whether or not that bear population is stable, growing or decreasing.

Marlon Bingham- It seems like; because of the problems we have had in the area, that there is definitely more bear. We are seeing more bear but that is not acknowledged. You are saying that you have based it on how much success the hunters are having. There may be more bear there than what you know. You are just assuming it is something similar to the north slope of the Uintah's.

Justin Dolling- We cannot afford to put a study site on each one of our management units. The chalk creek is a challenging area for us because it is primarily private land. We need to look at ways to try and create some opportunities for the public to get up there and hunt some of those bears.

RAC Questions

Van Tassell- Explain the quota system and how that works.

Justin Dolling- We would look at a quota system where we have sub female quota that's built into that. We would have a straight quota system and then a split system where we start out with limited entry and then go into quota. To define what a quota system is essentially we indicate up front how many bears we would like to harvest on that particular unit.

Van Tassell- My concern is with limited quotas or the quota system is that it seems to drive hunters to harvest younger and more female bear because they do not know if they will be able to hunt the next day.

Justin Dolling- Possibly, and that is why we are going to start out on a small scale and see what actually does happen. We have not hunted bears in the state under a quota system. We don't know how the results will come in.

Van Tassell- Is that the same way as the lion hunts?

Justin Dolling- We don't have sub female quotas in our lion plan. We just have a straight quota or a split.

Van Tassell- I just have some concerns about that with the quota system.

Justin Dolling- As do other folks.

Neville- Why, in your harvest numbers, is it not total bear mortality as opposed to just harvest as far as how you are going to generate your numbers?

Justin Dolling- As far as generating permit recommendation? Why don't we look at total harvest?

Neville- No, total bear mortality.

Justin Dolling- When wildlife service's gets a call to go out on a bear; they are trying to target the offending animal. It is not a removal that is subject to some of the natural conditions that exist out there as far as territory size or movements of bears. By pulling that information, we get harvest results. If we allow a sport harvest there are variables. They utilize those harvest variables. The other category can be biased.

Neville- With the projections of the human population growth in all of Utah, you could have more conflicts and more total bear mortality. You could reduce the size of the population of the bears a lot more than you can really afford to harvest.

Justin Dolling- That is possibly true but if you go under the next three year cycle and the harvest variables in the sport category are suggesting is still trending in the same direction, then that is kind of an independent thing. It is not impacting the population.

Gaskill- Do we anticipate that next year you will bring us a recommendation to split up and issue permits on management units rather than regions?

Justin Dolling- I will have to think about how we craft our presentation. I definitely want to look at the unit level and give you a look at which ones are being harvested under the light, moderate and liberal categories. I don't know how much detail we are going to dive into. I do want to look at the statewide rollup and make sure that is always in the moderate category. You are going to get some units looks under the new plan.

Gaskill- That is part of this plan?

Justin Dolling- That is part of this plan. Actually, the information we provide in the packets give you a unit look. It is just there is so much detail there that it is hard to go through all of the units in a presentation. You will get that same look in the packets.

Cowley- Throughout the plan, we have a number of objectives that have percentages attached to them. I am wondering how we are going to be measuring those or do we know what the current rate of understanding and awareness of bears is. I have always viewed objectives as something you can measure so do we know what those rates currently are and when or if we are going to be successful at certain percentages?

Justin Dolling- We would have to conduct some baseline surveys to try and tease out what the baseline understanding is for that particular example and then conduct those surveys at the end of the plan and see if that understanding approved. That is how we would measure if we met that objective.

Cowley- Is that in place to do the initial survey?

Dolling- Yes, hopefully that will be in place. It is contingent on resources and funding. We will work towards getting baseline information and then make comparisons at the end to see if we have achieved our objectives.

Cowley- Human bear conflict. We talk about bear proof dumpsters and bear proof containers for food. We are making the assumption that is where appropriate or within potential bear habitat. We are not looking at that across the state but just at those high potential bear conflict areas.

Justin Dolling- I would encourage any campground, scout camp, group or individual who goes up camping in bear country to have food storage containers.

Cowley- Right.

Justin Dolling- Any improved campgrounds should also have the appropriate bear proof dumpsters because those are the two sources that start this conflict between bears and campers. If the bear continues to get rewarded, the bear gets more aggressive and eventually our agency has to remove it. I think removing those food sources is the very first and probably most important step in minimizing nuisance activities.

Byrnes- Do you have a feel for how this harvest strategy would affect the permit numbers if we were utilizing it now? Are we going to see a big change next year when we go to this system or is it going to be similar to what we are seeing now?

Justin Dolling- It is hard to say. We did run some scenarios on a couple select units. Currently we are harvesting bears in the light to low moderate category on the La Sal. We are also harvesting bears in the low-moderate category on the north slope area of chalk creek Kamas. It is all going to depend on how the regions select their harvest strategy and what kind of densities they have on those units.

Byrnes- Overall, the statewide has to be an average out of moderate strategy.

Justin Dolling- Right, and those are the harvest variables. When we make our first round of recommendations, we will go back 3 years and roll up all those harvest variables to make sure the adult males over that 3 year period statewide and the percent females statewide are within that moderate category.

Neville- On the statewide rollup, Do you think the data will be in fast enough that you can actually make sure that safety valve works without having those other two studies. If those don't work out, are you going to have enough data?

Justin Dolling- We would fall back to our harvest variables so the statewide rollup would ensure we are managing for a stable population statewide. I feel we have enough funding for those projects to go another 5 years. We do not know what the future will bring beyond that.

Gaskill- I am interested in the strategy where you are going to investigate a rule change that would allow commercial fruit producers to lethally remove bears. Is that a major problem and is that as big of a problem as livestock depredation.

Justin Dolling- No, it is not near the level of a problem we experience with livestock. There are some really localized problems areas and that is in the Green River area where they grow a lot of watermelons. That is really the area we are talking about. Our agency tries to go and remove or haze some of those bears off but in that situation, we would like to at least explore whether or not it would be appropriate to let the producer remove a bear that they witness in the act of raiding the melon patch.

Gaskill- Can the livestock owner do that now?

Justin Dolling- If the livestock owner or operator witnesses a bear in the act of chasing, harassing or attempting to kill livestock they can remove that bear.

Public Comment

Chris Cokinos- President of Utah Audubon Society- (See Handout) Opposition to bear baiting as a form of recreation.

Jason Binder- Reintroduce 2-4 premium unit back into plan. Consider removing quota or harvest objective from plan.

Orin Midzinski- Against doing anything with harvest objective, “accompany” definition. Split San Juan, no increase in bear tags.

RAC Deliberation

Byrnes- I hope we can get through a 6 year period when we come back and review it with some good data before we have to make a lot of changes again. I can see there was a lot of work that has gone into this and hopefully the new strategies will help us set tags in a manner that will let us manage those units. Do you think the units that have few tags will be combined similar to how they are now under the proposal for 2012?

Justin Dolling- Yes, I see the way we have currently defined our bear management units staying fairly constant over time. There may be a few minor shifts on boundaries but I see those being fairly stable over time.

Gaskill- Can you tell me where the big cost is in the hair snare program?

Justin Dolling- It is in personal time to collect the hair from the corrals that we set up. It is also the analysis that is needed in the lab to get those animals to identify them to the individual level and also the sex of the animal. There is a big cost associated with that.

Gaskill- That is kind of what I was wondering. Are there any thoughts of setting up your own lab?

Justin Dolling- I think that is probably more than I would want to try and tackle.

Gaskill- It is not that tough.

Justin Dolling- I am going to leave that to professionals that deal with DNA.

Gaskill- Management plan is really well done and I hope next year it will still be in effect.

Van Tassell- When we consider the motion, I would like to move to go away from the quota system and push it to the more premier hunts to get the desired numbers that we want.

Motion

Motion: Van Tassell- Accept the plan as presented with the exception of the harvest quota system as part of the management strategy.

Second: Gaskill

Discussion on the Motion

Justin Dolling- Just for clarification, could we retain those hunt strategies and also evaluate those over the life of the plan?

Van Tassell- I personally would not want them retained. I would like to see them managed in a different way.

Byrnes- You are specifically getting at quotas?

Van Tassell- Right.

Byrnes- So, if your motion specifically said “using quotas” as a strategy, I think that would be a little bit clearer. You said hunt objective, I believe in your motion. Quotas would be directly at the point you are after.

Van Tassell- Yes, ok.

Gaskill- You are saying that you would like to prohibit the use of quotas period?

Van Tassell- Yes.

Gaskill- I think that is a little restrictive. Often times I second motions to get discussion going and that may be what I did this time.

Neville- Do we vote on what he said and change the verbiage?

Gaskill- I think we got the intent of his motion now. I feel that I understand his motion.

Slater- Does everyone feel comfortable they understand the motion?

Groll- For the chalk creek area where they may need to remove a few bears, is that going to restrict them? That is the only problem I would have with this.

Motion Fails: For: 2 Against: 7

Motion

Motion: Gaskill- Accept the Bear Management Plan as presented.

Second: Neville

Motion Passes: For: 8 Against: 1

Item 7. Trap Check Proposal

- Justin Dolling, Mammals Program Coordinator

See Handout

Public Questions

Orin Midzinski- What is the push to move it to a 7 day trap check?

Justin Dolling- It is my understanding that most trappers trap part time. They would like the ability to go out and set up traps on a Saturday and have an entire week before they have to come back and check the following Saturday. In a lot of cases, they do not have the ability to check in the 48 hour interval.

Burt Jorgenson- Is wildlife service's bound by the same 48 hour trap check that these individual trappers are? Why would a coyote suffer more in an individual trappers trap after 48 hours than it would wildlife services if they left theirs out for 1-2 weeks? I know they are not bound by the snare laws and it seems we are living by two different sets of rules.

Justin Dolling- I am not sure if they are confined to the same trap check intervals that we require our sportsman. I would have to double check that to be sure but I do know that most of the traps they set are to remove either cougar or bear that are associated with livestock depredation. Most, if not all, of their work on coyotes is aerial work out of helicopters. I don't know that they spend a lot of time going out and actually trapping coyotes. The possibility of catching a non-targeted animal is less than if you are trying to set coyote traps in the areas that bobcats are. I would have to check on those trap check intervals.

John Hurley- Is there any data to back up the fact that trappers like to go week to week?

Justin Dolling- I don't have any data. I am just going off what I have heard people say. I wish we had someone here who could describe why that is important to them. Someone in the audience asked "what is the value extending it to 7 days" and the only answer I had for them is that it made it more convenient to set traps on a weekend and come back the following weekend to check their traps.

John Hurley- If your trap is coyote specific or someone calls me to ask if I could come out and help in a certain area with coyote. When you go out and do the dance, they know you are there. There are times that if you put too much pressure, all you will do is push them out someplace else. Then you have not really done anything effective. By being there too much, you will push them out of that area.

Justin Dolling- Thanks for the clarification. I had not heard that approach on the 7 day.

RAC Questions

Cavitt- I am wondering if you have any ideas in terms of a percentage of fawn mortality that might be attributed to coyote?

Justin Dolling- I am aware of a couple of studies that would suggest that, of those fawns that die during the course of the study, about 35-45% could be attributed to coyotes.

Cavitt- Do we have any clue as to whether or not that type of predation is additive or compensatory to other types?

Justin Dolling- That is a difficult question. It depends on whether that prey population is close to the threshold that allows it to survive in the given habitat. I am not aware of anything that would suggest it is either additive or compensatory. I do know that the literature says you have to get really aggressive with coyotes to make a difference to increase that fawn survival.

Cavitt- Do you have any ideas in terms of the numbers of trappers that are in the state?

Justin Dolling- I do not have that information with me tonight.

Cowley- Based on the letter by director Karpowitz had sent out, they had taken 17,000 coyotes last year. Do we feel like that made a big difference or do we really have any evidence that it does or doesn't?

Justin Dolling- On an individual unit level, some of our biologists may be seeing some subtle differences statewide. I don't know that we can really measure that.

Public Comments

Slater- Email and written correspondence received from Lisa Simon representing the Utah Humane Society indicating their opposition to extending the trap check limit and wanted to leave that at 48 hours. Also received a request from our council member, Bret Selman who is absent, that he is strongly in favor of trap check extension for coyotes. Russ Lawrence, another absent member, asked that I let you know he is against the trap check proposal. Ray Perkins, a sportsman from Kaysville, has asked that I convey to you that he is in opposition to the trap check extension. Ken Duncan had to leave and he is not in support of the trap change from 48 hours to 7 days for the unethical wildlife wasting and other concerns with animals of unintended targets.

Orin Midzinski- Do not support this. Do not believe that the coyote trap check should be extended. I think there should be more pressure put on the coyotes but do not think this is the way to be doing it.

Byron Bateman-President Sportsman for Fish and Wildlife- Deer herds in serious trouble. Look again at our proposal to go to a 7 day trap check. Trapping is species specific. This is one way to help the mule deer population. This proposal will help mule deer as well as other species. Central RAC made a compromise and went to a 96 hour trap check. Possibly entertain a thought for a 96 hour minimum.

Chris Cokinos- President of Utah Audubon Society/ Bridgerland Audubon- (See Handout) Not in support of 7 day trap check. No data to support this being a more effective means of population control. Leave trap time as set.

John Hurley- I would not support a 7 day trap check unless there was a specific trap or modifications to a trap that have been passed by BMI. Properly modified traps with wide cast jaws and incline stop shock springs. Second Byron Bateman and the 96 hour check.

Chris Cokinos- If there is another idea out there to move the 48 hours to 96 hours for non-lethal traps then I still would urge you and the wildlife board to get wildlife service's and the USDA involved in talking about the pros and cons of that.

RAC Discussion

Cavitt- I am not convinced that this change in the rule would do what everyone is hoping that it will do in terms of increasing the pressure on coyotes and perhaps improving the quality or quantity of the mule deer. We don't even know whether or not coyotes and predation on fawns are operating in an additive fashion or mortality. So, I would strongly encourage everyone to think about that because it would be stepping into a situation blindly.

Gaskill- I agree with Dr. Cavitt. I have not heard a word of scientific evidence that would indicate increasing it to 7 days would increase the harvest of coyotes. I am opposed to this.

Byrnes- As an advisory council, part of our charge is to consider social impacts. There is quite a social impact as far as what the public thinks about hunting and trapping, especially it will seem as animals will suffer being held in a trap longer but still be viable if they are released. I would oppose this and I have received some additional emails which were all in opposition. We should consider those ethical issues and impacts on other species that we are not intending to trap.

Leonard- I would like to ask Marty if he would explain if someone were trapping specifically for coyotes, would they have to catch another managed species in order to be in violation of the law or the fact that they were out there trapping?

Marty Bushman- The division does not manage coyotes and they are not protected wildlife. There are no trapping regulations dealing with coyotes in terms of how they can be taken. A person could go out right now and set a trap for coyotes and they could check it once a month for that matter. If they catch a non-target species that is protected wildlife, they are in violation of the law. If they are checking every 48 hours, and they take a bobcat for instance, and they release it and notify the division they are not going to get a citation. If they are checking once a week and take a bobcat, then they are not within a 48 hour trap check. Trapping is a little bit unique. There is the potential for taking protected wildlife and that is where the division's jurisdiction comes in.

Cowley- I quizzed our biologists with forest service and we are looking at some of those concerns. We struggle to see the value of increasing that.

Byrnes- Similarly to trapping through the Division of Wildlife rules, there is code about spotlighting but it is usually used for spotlighting coyotes.

Marty Bushman- There is a statute that deals with spotlighting and it states that counties may authorize spotlighting of coyotes or striped skunks. The statute does not specifically say you cannot spotlight. That is the legislature that made that law. They have the authority to deal with coyotes if they choose. The authority of the division is tied to protect wildlife and a coyote is defined as something other than protected wildlife.

Public Comment

Bill Bailey- Experienced in trapping and would like to address the difference in “trap sets” for coyote, bobcat, fox, etc. Cannot set a trap without following the Division of Wildlife regulations that are set forth in the furbearer’s proclamation. So, if you are setting a trap, you may say it is for coyote, you still have to check it, under the regulations set forth by the Division of Wildlife Resources? Am I correct?

Justin Dolling- Yes, as you read the guidebook it would appear that there are trap check intervals. If you set a non-lethal trap, you have 48 hours. If you set a lethal trap, you have 96 hours. I think what Marty was suggesting is that coyotes are not protected wildlife and that is some gray area. He is our assistant attorney general and I would defer to him.

Bill Bailey- That is why we need to get something like this clarified with the attorney general’s office, through the legislature. We need to get rid of these gray areas.

Motion

Motion: Groll- Support a recommendation for the non-lethal trap check to 96 hours.

Second: Wall

Discussion on the Motion

Cavitt- My earlier comments would apply to this new motion. The Fish and Wildlife Service put out a report several years ago looking at coyote take within the 10 different western states and found that we currently are removing about 18-23% of the coyote population every year. They also demonstrated that, in order to affect a change in some of these problems we see with coyotes, we would need to remove upwards of 75%. I really don’t see how this is going to have any impact whatsoever in terms of the mule deer population or even depredation of livestock.

Slater- Bret Selman asked me, if this issue came up, to mention he thinks he is looking out for his best interest as a sheep producer to see coyote removal increase along those same lines.

Motion Fails: For:3 Against: 6

Motion

Motion: Gaskill- No Change to the current regulation.

Second: Neville

Motion Passes: For: 6 Against: 3.

Item 8. R657-63 Self Defense against Wild Animals

- Martin Bushman, Assistant Attorney General

See Handout

Public Questions

Chris Cokinos- Can you talk about the division's investigative capacity with these sorts of things? Does DWR deal with investigating the statute?

Marty Bushman- Yes.

Chris Cokinos- What are the division's capacities for enforcing it.

Marty Bushman- When an individual calls and reports that they have had to injure or kill an animal in self defense, the division would investigate it. They would look at the circumstances, take the evidence, try to verify and make sure that the explanation is verifiable and then make a decision whether it was justified or not. They would also consult with the county attorney or local prosecuting attorney to get their participation in it.

Gaskill- Can I add that the Division of Wildlife Resources law enforcement personnel are the most highly educated and best trained law enforcement officers in the state of Utah.

Slater- It's true.

Marty Bushman- There are folks who kill animals and then try and claim it was self defense to justify it. We are trying to stop that from happening. There were questions raised at other RAC's about different situations and I tried to reassure them that this is a law of reason. The division is not out to catch or trick people. If what you are saying is legitimate, you are not going to get into trouble.

RAC Questions

Gaskill- What about a situation where you may have lawfully taken a big game animal and a bear approaches that. It does not seem like this would cover it.

Marty Bushman- If you have the ability to safely retrieve. There is nothing that would say you could kill an animal to protect a big game animal it may want to feed on. If you are in the woods, retreat is sometimes difficult. Those are always pretty intimidating situations where you are out there in the woods and a bear comes upon you and you have nowhere to go.

Gaskill- The likelihood of that scenario is very low but I wanted to bring that out.

Marty Bushman- It happens from time to time but not a lot.

Cowley- Why were domestic animals included in this?

Marty Bushman- You could already kill a bear if it was harassing sheep. The question is if it is on your dog, should you be able to take action to defend it. We felt that was an appropriate measure. It is just a judgment call.

Byrnes- Reporting requirements.

Marty Bushman- The division requires a 12 hour period to report.

Byrnes- There you had wildlife but I see in the code, it says wild animal which does refer to protected wildlife.

Marty Bushman- When I wrote this I tried to use protected wildlife. Wild animal fit better. It was not meant to mean anything different, it should have said wild animal. We should not have people killing jack rabbits for self defense.

Gaskill- I am in the habit of listening to attorneys. If I have a dog who is lawfully chasing a lion, corners the lion and the lion attacks the dog, I shoot the lion without a tag, I am going to get a ticket and rightfully so. But, an attorney could convince me that law covers him.

Marty Bushman- It states if the person creates the situation, so that might be argued if you are chasing a cougar with a dog, if you have a pursuit permit or a limited entry cougar permit you would have the legal right to be pursuing that cougar. If it did turn on your dog you would be able to take the cougar in defense of your dog. If you are pursuing without legal right then you do not get that defense.

Gaskill- If you are pursuing it with a pursuit permit, you should not be able to kill it.

Marty Bushman- That is something you could make a recommendation on.

Gaskill- I am not sure how to handle that.

Marty Bushman- You write these general areas to capture things and then try and carve out all of the little nuances, it ends up being a very long regulation. It is a sound policy to try and say if you create a situation, you are not going to get the benefit of defense. You could kill the animal but you might get a ticket for killing the animal. You raise a good point. The way it is written now, they would have the right to kill that animal.

Public Comment

Byron Bateman- I have had many confrontations with my dogs in this situation and I have never, nor would I, kill the bear or the lion. I think we need to change the wording. This just opens the door to letting people abuse the law. I do not think it is a good law.

Marty Bushman- Your point is well taken. This was something I had not thought about.

Gaskill- What if we took out the “without legal right”.

Marty Bushman- That would solve it.

Orin Midzinski- Maybe I am not following. If you were to take out those words “without legal right”, we are talking about domestic animals and I agree with Byron on this one that there is the possibility that some people will take advantage of this. We should do what we can to eliminate that from happening. Does that allow a person to not protect themselves or another person? I am trying to exclude animals at this point and look at people.

Marty Bushman- It would also take it away from them the way it is currently written. It could be written that we could say a human would still have that right. The problem is let’s say someone goes out and they are throwing rocks and aggravates a moose and it turns on them. Should they be able to kill the moose and claim self defense. You would say probably not because they created that situation. You are talking about if you are out pursuing bear with hounds and the bear comes out of the trees and comes at one of the people in my party. Certainly that is reasonable that you ought to be able to defend yourself.

Orin Midzinski- I am not trying to complicate it. I value a person more than a dog even though I value my dogs very much.

Marty Bushman- Law enforcement will look at these things and the circumstances. They have discretion whether to issue you a citation or not. County attorneys do the same thing. Of all the cases we have had with self defense the last couple of years, I am not aware of anyone who has been prosecuted. They usually give folks the benefit of the doubt. That being said, we could try to change the language so that you don’t have a right to invoke self defense and protect a dog in that situation but you would for yourself or another person.

Orin Midzinski- I am assuming this would then also apply to the wolves? Even though there is the federal issues there?

Marty Bushman- We have no authority to authorize people to kill wolves. This would not have any application to wolves.

Orin Midzinski- All wild animals, except wolves.

Marty Bushman- Yes, because we do not have jurisdiction over wolves. It is the state of Utah federal government.

Orin Midzinski- Your wardens have the ability or prosecuting attorneys, not to prosecute or are there hands tied in that situation?

Marty Bushman- State officers may have some discretion.

RAC Discussion

Van Tassell- When you say they would benefit, what would be the benefits if you killed a lion or a moose. I don't know why it would motivate anybody to do that.

Marty Bushman- To harass an animal?

Van Tassell- If they were out killing animals and kind of using that for a reason.

Marty Bushman- I picked that story because it is true. We had a bunch of youth in the Uintah's throwing rocks at a moose and the moose just about ran one of those kids down. No one had a gun to shoot it but I was just thinking of that situation and we do have folks who get out and harass animals. People create situations often.

Gaskill- I have been involved in several cases where self defense has been invoked and looked at trajectories and so forth. Successful prosecutions have resulted.

Marty Bushman- Our criminal self defense statute with humans is similar to this. The problem there is you make a mistake and you are looking at a second or first degree felony. I take some solace in the fact that you are going to get a citation if you choose wrong. Our law enforcement are not trying to look to second guess people just those who are abusing the process.

Gaskill- Is this going to be class B, class A?

Marty Bushman- If you kill an animal, code already defines what that is going to be. If it is self defense then you are justified in that killing, you don't have to pay the consequences of violating the law.

Byrnes- Craig, part of your question about someone profiting from the killing of an animal. There are some instances where someone afterwards asks for possession and you can see where the division has to approve any transfer like that. But that does occur. I don't know that it ever gets approved.

Gaskill- Most criminals don't think they are going to get caught. When they get caught, they have to come up with a defense.

Groll- That was kind of my point. They don't get to keep the animal, they are not going to give it to them. That is somewhat of a deterrent.

Cavitt- I am wondering if someone who does get a pursuit tag, if there is some inherent risk associated with doing that type of activity such that there would be a necessity to include them as an exemption of self defense.

Marty Bushman- You folks get to make the policy and that is a policy issue.

Cowley- If we take out "domestic animal" all together, would that resolve the issue?

Marty Bushman- Yes, all you have to do is strike domestic animal out and the way it is written would give protection for people who are pursuing and provoking with a legal right.

Groll- I don't think that is fair to some person who is walking their dog along the trail and a lion attacks them and they cannot save their dog.

Marty Bushman- They can then because that is not a situation where they would be provoking and pursuing. The defense applies anytime you have a threat and serious bodily injury. This is an exception to it. If you create the situation then, under these circumstances, you wouldn't get the benefit of the defense.

Motion

Motion: Gaskill- Accept this proposal with the exception of the R657-63-3. (4)(b) remove or a domestic animal.

Second: Neville

Motion Carries: Unanimous

Meeting Ends: 9:34 p.m.

NORTHEASTERN RAC MEETING SUMMARY-MOTIONS PASSED
Bingham Research Center, Vernal/December 9, 2010

5. BEAR PROCLAMATION AND RULE R657-33

MOTION: to have the hounds men and the Division get together to work on the definition of “accompany.”

Passed unanimously

MOTION to go from 18 to 25 limited entry pursuit in the Book Cliffs.

Passed unanimously

MOTION to accept the Division’s recommendation for the Book Cliffs and use their numbers. The motion is to support LaSal and San Juan the way the Division has proposed down in the Southeast hunts.

Passed unanimously

MOTION to go with increase permit numbers Division presented.

Passed unanimously

6. STATEWIDE BEAR MANAGEMENT PLAN

MOTION to accept the plan as presented

Passed unanimously

7. TRAP CHECK PROPOSAL

MOTION to keep the trap rate as it is, 48 hours, same on lethal but to explore other avenues to bring the bounty up on trapping.

Passed 5 to 3

8. R657-63 SELF DEFENSE AGAINST WILD ANIMALS

MOTION to accept as presented

Passed unanimously

NORTHEASTERN REGIONAL ADVISORY COUNCIL MEETING SUMMARY
Bingham Research Center, Vernal
December 9, 2010
Started at 6:30 pm; Adjourned at 9:30 pm

RAC MEMBERS PRESENT:

Bob Christensen-RAC Chair
Kevin Christopherson-NER Supervisor
Brent Bibbes-Non Consumptive
Brandon McDonald-BLM
Mitch Hacking-Agriculture
Ron Winterton-Elected Official
Kirk Woodward-Sportsmen
Rod Morrison-Sportsmen
Wayne McAllister-At Large
Curtis Dastrup-Agriculture

DWR PERSONNEL PRESENT:

Justin Dolling-Game Mammals Coord.
Martin Bushman-Asst. Attorney General
Charlie Greenwood-NER Wildlife Mgr.
Ron Stewart-NER Conservation Outreach
Gayle Allred-NER Administrative Aide
Clint Sampson-NER Conservation Officer
Randall Thacker- NER Wildlife Biologist

RAC MEMBERS EXCUSED:

Beth Hamann-Non Consumptive
Floyd Briggs-At Large

WILDLIFE BOARD MEMBERS:

Del Brady

1. WELCOME, RAC INSTRUCTIONS AND RAC PROCEDURE: Bob Christensen

2. APPROVAL OF AGENDA AND MINUTES

Ron Winterton motion to approve
Kirk Woodward second

Adding Trap Check Proposal to Agenda
Kirk Woodward motion to approve
Wayne McAllister second

3. WILDLIFE BOARD MEETING UPDATE: Bob Christensen

Deer Management Plan Options 1, 2, and 3. The Wildlife Board was asked to read what the motions were and explanations as to why they voted as they did.

Option 2 passed.

It is a Unit-by-Unit management. There will also be a decrease in tags by approximately 13000.

Explanation:

The Wildlife Board looked at the advantages stated in DWR's presentation in determining why the deer hunt was in decline. They have a deep concern for the health of

the deer herd and are trying to get a handle and reverse the downward trend. The Option 2 motion passed 4-2.

Statewide Archery

4-3 vote passed; there was a 3-3 tie, with the Chair breaking the tie.

Explanation: If the Board allowed statewide archery hunting it would contradict what was intended with Option 2.

Voted down 3-point or better for 3 years unanimously.

Explanation: Data provided by the Division felt it would not be good for the herd.

Questions:

Rod Morrison: What's the change on the Dedicated Hunter?

Bob Christensen: I don't think they came to a consensus on that. They're going to have to flesh that out.

Kevin Christopherson: They're going to have to work that out. Some of the options were just a one year program instead of a three year. Another was a bonus point. Sometime in the next year they'll have to present that to the Wildlife Board.

4. REGIONAL UPDATE: Kevin Christopherson

There was an executive session prior to the regular session of the Wildlife Board presenting alternate programs DWR is concerned with regarding deer. They were going to put that on the web site, so any of you who want to take a look at that, can go on to the web site. There was talk about improvement to habitat; 600,000 acres have been restored so far. There is a condensed report on predators of mule deer. They had what percent of deer were killed by bears, cougars and coyotes, and what times of year. Regarding fawn mortality, the coyotes are the biggest problems. A lot of what's coming out of that is that there are certain times of year where you can knock them down and really make a difference. A lot of research is being done on road mortality. We've made a lot of progress with UDOT and track high collisions and sell it on a safety issue. We've contacted Insurance agencies. They gave an update on CWD and poachers. Call me if you have questions.

This week and last year, some bison moved off Tribal land and onto private land. They're Tribal animals until they cross the border and then they're considered nuisance. Henry Mountain applicants from the remaining list are contacted to use their permit to remove them.

The Division has a program regarding winter conditions and feeding operations for deer. Normally we start that January 1 but storms in northern Utah have triggered that to right now.

Five elk escaped from a private elk ranch by Roosevelt and that was a concern for us; we worry about domestic diseases. They got the last one today so we resolved that situation.

Bad news and good news on fishing. Kamas Hatchery developed sink holes which contaminated the water and the hatchery now has whirling disease. The Division only has 10 hatcheries so shutting this one down will have a big impact. A 10% cut is about 100,000 pounds of fish that won't be coming.

Regarding quagga mussels in local reservoirs, like Red Fleet. We've not been able to find them again, for a third straight year. The waters are not considered infested. The earlier results are considered false-positives. The same is true with Sand Hollow which is curious because they found an adult quagga down there.

Questions:

Kirk Woodward: At Red Fleet, all of a sudden the washer that was mandatory disappeared and we have people right now who fish Red Fleet and then fish the Gorge.

Kevin Christopherson: The Legislature gave us two million dollars but that was not enough to cover the whole program and get 100% coverage.

Ron Stewart: Natalie didn't pull the washer until the lake reached a temperature at which the quagga no longer can reproduce.

Kirk Woodward: What about the burbot in the Gorge. Any update? Is it still mandatory to keep them and, it is for us but not for Wyoming, right?

Kevin Christopherson: There're some inconsistencies there but it's catch and kill there. They're moving downstream but we're not seeing the ecological impact yet. We haven't seen the huge negative effect yet. We're working in conjunction with Wyoming. They recognize what a threat the burbot may be. They're holding a Burbot Bash. If they eat kokanee eggs, the kokanee could be in trouble. If they eat lake trout that could be a good thing. If the lake trout eat them it could be a good thing.

Wayne McAllister: Did they wave the limit and license?

Kevin Christopherson: The stamp hasn't changed but you still have to have a license.

Kirk Woodward: How are we advertising that? That's a big deal.

Kevin Christopherson: There will be the TV, newspaper, website, that kind of stuff. They did it last year on a smaller scale.

Ron Stewart: January 22-29, 2011.

Bob Christensen: The 2011 RAC schedule has all the meeting dates for 2011. That way you can plan for the meetings. Also, Rod, you had asked me to present to the Wildlife Board regarding antlerless hunting for agricultural areas, and you asked me to make sure the Board was aware of that. I did, although there wasn't any discussion from the Board on that.

Bob Christensen: Also, for those of you who are here, most of you probably know the routine for the comment cards. If you have a comment, fill those out and pass them forward and we'll call your name and have you come to the microphone.

5. BEAR PROCLAMATION AND RULE R657-33: Justin Dolling

See attachment

Questions from RAC:

Wayne McAllister: On the electronics. I can see the intent in trying not to have the extra communication with hunter and dog accompaniment, but yet losing the hunter is something that would happen if you didn't have electronic communication between the two. It happens.

Justin Dolling: It does; it allows you to separate further, so the intent is that they stay within shouting distance during the pursuit.

Wayne McAllister: So at what level is that?

Justin Dolling: Two-way Walkie Talkies.

Randall Thacker: They can possess them and use them; they just can't use them as a means to communicate to pursue the game.

Rod Morrison: What is the percentage of harvest on the Spot and Stalk area on roadless area of Book Cliffs?

Justin Dolling: There was a 50% success rate. That's a little bit misleading. Two or three permits were surrendered without enough time to refill them, so our rate was actually a little above 50%.

Justin Dolling: I was hearing from law enforcement that people were splitting up and rigging bears in different vehicles and coming back together to pursue. The other issue was that as the pursuit began, there was a lot of separation between the individual who had the permit and the other individuals and there was a possibility of an additional

pursuit occurring. To give you a little bit of background, this was a concession we made with the hounds men so they could continue hunting with family on popular units.

Questions from Public:

Jason Binder (President of Utah Hounds Men Association): The way “accompany” is written, if I’m out hunting with my friend and we only have one permit and the dogs split and I go back to the truck to get those dogs, am I going to get a ticket for going back to get those dogs and not being close enough?

Justin Dolling: It all depends on the situation. The intent is not to hamstring you when it comes to retrieving dogs, the intent is to make sure that people stay together and are only pursuing one bear on that one permit. I give confidence in officers to use discretion in the field, but the intent is to stay together, with the realization that there’s always going to be a situation where you may have to go out.

Jared Workman: Question on radio communication. If I’m hunting with another person and I need to communicate with my buddy and I can’t communicate with him in my handicapped position and he’s 10 miles down the road.

Justin Dolling: Do you have your own hounds?

Jared Workman: Yes.

Justin Dolling: In that situation I don’t believe you’ll receive a ticket. I can’t speak toward special accommodations to people who follow and pursue.

Jared Workman: Are they giving non-resident permits?

Justin Dolling: Yes. I’ll bring that slide up and show it again.

Jared Workman: I think that’s crap that that’s three of them that can hunt and three of us residents who can’t hunt. Just a suggestion.

Justin Dolling: I’ll bring up that slide. Residents in the Book Cliffs have 18 in the early season and 18 in the late season. Non-residents would have two permits early and two permits late in the Book Cliffs.

Bob Christensen: Please hand in your comment cards if you haven’t already done so.

Comments from Public:

Brad Horrocks: I disagree with the communications. It just adds more red tape to go through when you’re hunting. Also, I’d like to see them give more pursuit tags in the Book Cliffs, from 18 to 25 on pursuit tags for both seasons. I’d like to try it some year and see what happens.

Jason Binder Utah Hounds men Association): Handout to RAC members. We have had a 73% increase in bear tags in the last five years which is a big concern to hounds men. The more we take, the less we have. If we keep harvesting too many, we're going to lose our resource too fast. The cub survival rate won't be enough to recoup the population. We'd like to split the San Juan pursuit season into two units, Blues and LaSals, which would give more opportunity for pursuit. We'd like to increase the Book Cliffs summer to 25 tags. Those are premium units in the state so the majority runs in the summer. We'd like to see DWR remove the eight-dog restriction on the rest of the state. It was put in place to reduce conflicts on the LaSals, San Juan and Book Cliffs but in the rest of the state there is not a conflict. We'd like the RAC to make a motion to ask the lawyers of DWR to look at the way the word "accompany" is presented now. Also, last night in Green River, they made a motion to make Book Cliffs on spring season only to include all the Book Cliffs.

Kenneth Long: Some day you're going to get old too and without the radios some of us can't keep up with the dogs. You've got to help the youngsters and keep the dogs together. On hunting seasons, I understand the LaSals; in the Book Cliffs you only have hunters and hounds men. When it's 90° by 10:00, it's hard on hunters and wildlife. They head for water and so do the cubs. Those dogs can't tell what's what. Don't turn them loose if you see smaller tracks. You can't always control what weather does and puppy season. The seasons need to be put a little closer. Training a puppy in the spring or in the dead of summer. Most of your sows aren't even out in the spring. Here up on the Forest you can run them any time during the summer and that's where all the campers are.

Chris Losee: I drew out for a Book Cliffs tag for the summer pursuit season. I hunted it for a week and a half and I didn't run into anybody camping; only the people I invited to hunt with me. I'm not seeing where it's an area that's a problem area for campers. The next week I was hunting on Diamond Mountain. There are 40 hounds men who used to hunt the Book Cliffs. It's kind of crazy that that's even a draw out unit.

Randall Rubio: What's the difference if you drew a deer or elk tag and split up, what's the difference if you split up looking for a bear?

Justin Dolling: What I was told was that we had individuals who would monopolize the hillside and were not allowing other people to come in and hunt. It is similar to a party of individuals where one has an individual elk permit and several others are out scouting; but it prohibited people from traveling those roadways by other people who did not have restricted pursuit permit.

Clint Sampson: It's a temptation for all of us to be out rigging with boxed dogs and they strike a track and instead of waiting for the permit holder to show up, they'll call her up and start pursuing without the license holder.

Randall Rubio: If we're split up and we're separated and that's the only way we're going to get together, will we get a ticket?

Justin Dolling: As I understand the definition of take, if you're rigging bears, you're not in the process of attempting to take a bear but when you release your hounds, you most definitely are. There's a temptation to prematurely release hounds if you can communicate with the individual who has the permit and that opens up a possibility for abuse.

Tony Domichel: We're pursuing, we're not taking an animal. Me and my kid, we both drew out, we hunted together. We're pursuing an animal we're not taking, killing, anything like that. That's the part I'm kind of lost on.

Justin Dolling: In the proclamation. Take includes pursue...

Kevin Christopherson: If you think about fishing with a kid. The kid can fish with his dad.

Jared Workman: So it really has nothing to do with the radios.

Kevin Christopherson: You can have all the radios you want, you just have to be able to communicate verbally. If a law enforcement officer comes upon a guy with dogs who claims he's with another guy who is nowhere around, that's difficult.

Brad Horrocks: If we're going to pursue this law, let's pursue it with deer and elk. You're opening a can of worms.

Martin Bushman: There seems to be confusion about "accompany." All it says is you have to be close enough to be able to talk back and forth or yell without the assistance of a radio.

Bob Christensen: I think we understand what the public is saying and the Division is saying the person with the permit has to be with the person with the dogs, so that they know that a person with hounds and no permit is with a person who has a permit. Hounds men want to remain in contact with each other.

Mark Chivers: Earlier they said you couldn't have radios, now they're saying you can.

Kevin Christopherson: There is no restriction on using radios and cell phones or electronic devices. It's simply a way to legally define what "accompany" means so a judge knows what it means. Last year people had miles of separation. To accompany them, you have to be close enough to talk.

Kevin Keele: What is pursue? Is that when you dump the dogs, is that when your pursue starts? If I'm taking my dogs on top of my dog box, that's not really pursuing. Pursuing to me is when you put collars on and dump them out. I don't have to be within shouting distance until the dogs are out of the box. Is that right? Another thing, we have a possibility of doing this and that. I don't really care for making laws on possibilities. I

work in the Book Cliffs; I spend summer and winters out there. Campers in summers have chain saws and dog boxes in the back. People don't take families to that dust bowl; they go on the mountain.

Justin Dolling: Let me give you some clarification as to why the Book Cliffs was added to the category. There was an interest from the hounds men to limit non-residents through the defining of pursuit. There was also a feeling there may be some spillover activity from the LaSals into the Book Cliffs. They didn't want it overrun from the LaSals or San Juan. It's not a recreational issue.

Bob Christensen: The conflict was in San Juan and the LaSals?

Justin Dolling: Yes.

Mitch Hanberg: On this communication thing, say Jared who is paralyzed and we have dogs up and I have to go three miles to get the dogs. Do I get a ticket?

Justin Dolling: It all boils down to officer discretion and what evidence exists. The intent is that if you get together as a group that you stay together as a group. We recognize there'll be situations where you have to go round up dogs. And if it's obvious that's what you're doing, I'm sure the officer would exercise discretion and give you some leeway there. Does that help?

RAC Discussion and Comment

Mitch Hacking: I've got concerns on this issue. I've been out with bear hunters a couple of times. You can be out of communication pretty fast. Is there any way that wording could be changed to a distance measurement, like a ¼ mile? It just seems like too tight of a package to try to maintain while you're out hunting.

Justin Dolling: The Southeastern Region had the same concerns and they concluded that we need to have the Division and hounds men get together to redefine "accompany."

Mitch Hacking: On the Book Cliffs, you're just guessing that you'll get spillover; it's never happened?

Justin Dolling: That's correct. There aren't any studies because last year was the first year we restricted the pursuit. If you remove the Book Cliffs out of the pursue category, you open it up. We were also addressing concerns we heard from hounds men regarding non-residents.

Jason Gross (hounds men): We want the Book Cliffs to stay restricted, just increase the permits.

Kirk Woodward: As we look at poaching problems, there was that out-of-state guy pursuing in the Book Cliffs. So there are going to be more numbers pursuing out there.

Curtis Dastrup: You want to remove the eight-dog restriction? It wasn't more than two or three years ago, they wanted it, now they want it back?

Jason Gross (hounds men): We agreed to the eight-dog restriction on limited units only. We asked that the rest of the state go unrestricted. The Wildlife Board asked that it be statewide. We asked for only those three units for the eight dogs.

Discussion and Motion:

MOTION by Mitch Hacking to have the hounds men and the Division get together to work on the definition of "accompany."

Second by Brent Bibles

Kevin Christopherson: Clarification - so you want DWR to present this to the Board and have no further opportunity to comment before they make a decision?

Kirk Woodward: That's my question. There's not enough time for them to get together. Then we are hoping something comes out of it. We're taking a chance that we individually may not like.

Bob Christensen: Clarification. If you vote for it you're in agreement that if they work the verbiage out, you're not going to have another opportunity to comment on it.

Mitch Hacking: You can go to the Wildlife meeting in Salt Lake and comment on it.

Kevin Christopherson: I just want to make sure you understand that it won't come back to this RAC.

Kirk Woodward: We're not motioning on the rest of the proposal, just this part.

Motion passed unanimously

Kirk Woodward: Regarding the Book Cliffs, that's us, so hopefully what we vote on will pull some weight with the Wildlife Board.

Bob Christensen: If you want to single it out, that would be fine, whatever you want to do.

Kirk Woodward: Should it stay limited entry?

Mitch Hacking: Yes.

Rod Morrison: I don't have a problem with the 25.

Kirk Woodward: Should it go open?

Rod Morrison: No.

Curtis Dastrup: What we're talking about is pursuit, right?

MOTION by Mitch Hacking to go from 18 to 25 limited entry pursuit in the Book Cliffs.

Second by Rod Morrison

Motion passed unanimously

Bob Christensen: How about the rest of the proposal for 2011 permit numbers?

Kevin Christopherson: When Justin went through the guidelines, if we follow the guidelines, we shouldn't be increasing. It doesn't make sense to approve a plan and then ignore it.

Kirk Woodward: You're talking about kill. This is just pursuing.

Kevin Christopherson: You're right.

MOTION by Ron Winterton to accept the Division's recommendation for the Book Cliffs and use their numbers.

Bob Christensen: So the motion is to support LaSal and San Juan the way the Division has proposed down in the Southeast hunts.

Second by Brandon McDonald

Kirk Woodward: I'd like to hear what Southeastern Region said about that.

Justin Dolling: The Southeastern RAC went with our recommendations.

Motion passed unanimously

MOTION by Rod Morrison to go with the increase in permit numbers Division presented.

Second by Curtis Dastrup

Motion passed unanimously

6. STATEWIDE BEAR MANAGEMENT PLAN: Justin Dolling

2011 to 2023 (See handout)

Questions from RAC:

Brandon McDonald: If you've got 40 % of the females that have yearlings in a den, you have a recruitment pool, what is your sample size?

Justin Dolling: 25 statewide. We're going to test that hypothesis and see if that holds true.

Brandon McDonald: So you'll look at it statewide, and not on individual units?

Justin Dolling: Yes

Brandon McDonald: It won't skew the data?

Justin Dolling: It usually distributes across the state pretty evenly.

Justin Dolling: The LaSals is high bear density dominated by public land. If we implement a quota there's the potential to over-harvest. We look at other units as being more suitable to a harvest objective experiment. Does the region have an example of a harvest quota?

Randall Thacker: Wasatch or Yellowstone would be areas where they may consider that.

Questions from Public:

None.

Comments from Public:

Jason Binder (Utah Hounds man Association): We have concerns on things removed from the plan such as maintaining two of the four premium units in the light harvest. We're starting to get people who have lots of bear points and we feel like it's as important to us as having a bull tag. We want the opportunity to harvest a quality bear. Another thing is during these meetings at no time did the Hounds man Association agree with harvest objectives on bear. We saw what's happened with the cougar population. We feel there are other ways to harvest bears. A similar situation would be premium limited entry tag to hunt spring and tag, rather than just a harvest objective where we aren't able to keep track of which bear is harvested which day and it's easy to go over the quota.

Comments from RAC:

Wayne McAllister: This looks like a good plan, it has good checks and balances.

Brent Bibles: Is there any prepared current permit numbers for the first year of this plan? How do you envision the first years plan permit numbers statewide?

Justin Dolling: A lot of that will depend on what harvest strategy is selected. The committee suggested scenarios, so I generated data to make a permit recommendation for five units. As a baseline, most of those units were within light to low permit categories, so it would really depend on what the region's size is, what the unique issues are as to how they adjust from their harvest strategy from the past and how they transition into the future. I don't care to make a prediction. They'd either be similar to what we see today or slightly higher, perhaps.

Bob Christensen: Reading the plan, I do like the checks that the plan has, especially the flexibility to use the data that studies that are happening may show.

MOTION by Kirk Woodward to accept the plan as presented
Second by Ron Winterton

Motion passed unanimously

7. TRAP CHECK PROPOSAL: Justin Dolling

Bob Christensen: This came up on the agenda because the Central Region RAC in November voted to change the trap check rule from 48 hours to seven days for coyotes. The Board discussed it; there was a motion to address the trap check rule in the January Wildlife meeting so it has to be addressed in this December meeting.

See handout

Questions from RAC:
None

Questions from Public:
None

Comments from Public:

Larry Gross (sportsman, hounds man, trapper): I would like to see you pass more hours on the checking lines. You could set more traps.

Comments from RAC:

Kirk Woodward: In my discussions over the last couple of days, I believe originally the reason we went to decrease the amount of hours between checks was because some of our neighbors like Colorado eliminated trapping, so that was a compromise so we could continue to trap without problems from some groups that were out there to completely eliminate trapping. If we move it all the way up and go back to seven days that may come under scrutiny from those same groups and cause additional problems for the trappers. There may be a medium somewhere we ought to find where the trappers can still legitimately pursue that. Also, I believe there are only two certified instructors in this whole area, and anybody after 1984 has to now go through that a certification course before they can trap. I think four went through that course last year, and as was stated, I think it's a tool that we're underutilizing. I do think we ought to carefully make a decision. It's an important decision but we don't shoot ourselves in the foot by moving it too far. People who work are out there in the dark if they have to go every other day. That makes it so they can't recruit those younger trappers.

Bob Christensen: I got an e-mail today from Kirk Robinson who opposes extending the trap times because of unnecessary suffering to non-target animals. He is also opposed to bear baiting, which I failed to read earlier.

Rod Morrison: Trappers are an important asset that we need. In the 48 hour trap check, they don't have time to check it. We need to give them time from day off to day off. I'm in support of the seven-day trap check.

Kirk Woodward: How much would that come under attack by other groups?

Kevin Christopherson: Would adding one day trigger it? Would adding two days trigger it?

Kirk Woodward: I don't want to end up like Colorado where we have no trapping.

Rod Morrison: I agree, there are not many financial rewards for trapping. Everybody's going to quit us.

Brent Bibles: I do have some serious concerns because I'm positive it would have the potential to remove trapping altogether. Also, because you're not always going to get coyotes; I have seen dogs who have survived because they were checked within 48 hours. It does make a difference to the people it happens to.

Curtis Dastrup: I'm not a trapper but what is there now to say they can't check their trap every seven days? If you change this, then everything has to be changed to every seven days.

Marty Bushman: That's correct. We do not have regulations over coyotes. What we'd have to do would be to change to seven days on any protected wildlife, which creates

some concerns. Coyote hunters can check their traps once a month. The problem is if they get protected wildlife, they are not beyond the protection of the law and they could get a citation. That's why coyote trappers are going to want that protection of the 48 hours. What are the probabilities that groups might focus in on us? I think there's a good probability. Our population, probably 90% or more, just don't think much about trapping. Just get a few inflammatory pictures of trapping and it could make a big difference. We've been pretty fortunate that no one has targeted us thus far.

Bob Christensen: I recognize one of these groups on this letter; they're well-known for litigating with the Forest Service and I don't think they would hesitate.

Curtis Dastrup: I have a little bit of knowledge about Mr. Robbins too. He's got power if he wants to use it. I wouldn't want to get him on the wrong side of the fence.

MOTION by Rod Morrison to go with changing the trap check to seven days
Second by Mitch Hacking

Discussion:

Do you want a trap check just on coyotes? Because what you're doing is putting it on all of them for seven days.

Bob Christensen: That's right.

Favor: Rod Morrison, Mitch Hacking

Against: Brent Bibles, Brandon McDonald, Wayne McAllister, Kirk Woodward, Rod Morrison, Curtis Dastrup

Motion failed.

MOTION by Kirk Woodward to move it to 96 hours in conjunction with lethal trap sets.

Comment: I'm all for harvesting more coyotes, I'm just afraid the motion that was just made would cause more problems than it helps, but I do want to give the trappers some advantage.

Second by Ron Winterton

Brent Bibles: Why 96 hours?

Kirk Woodward: It brings it in line with the lethal trap sets.

Brent Bibles: You think the trap check interval is the reason it's declining? I think it would be better to explore why the decline in trapping.

Kirk Woodward: In addition, I think it's a help to trappers.

Wayne McAllister: Youth need to go more often to learn.

Mitch Hacking: I had a suggestion to give us a little more time. It's recreation more than a sport.

Curtis Dastrup: From the people I know, the compensation is the price of the hide. If the hide was worth a lot, they'd be out there. It won't make a difference until the price goes up. The sport gets old when you don't get paid for it.

Rod Morrison: Let's get something going with bounty coyotes.

Kirk Woodward: That's not the Division though.

Kevin Christopherson: A coyote's not a coyote. Trapping at some times is more effective than others. The Division has no love for coyotes, it's a matter of where do we put our resources that they'll do the most good. Let's remove coyotes and do it in the most cost-effective way. Wildlife Services knows which coyotes are causing the problems and at what times of year.

Justin Dolling: Wildlife Services have the expertise the knowledge to really know what coyote if removed, is the most effective coyote to be removed. They've explained frustrations with the family program because those aren't always the coyotes to be removed. They see coyotes coming in from areas that aren't effective. They'd rather have those resources into their helicopter time.

Favor: Mitch Hacking, Kirk Woodward, Ron Winterton

Opposed: Brent Bibles, Brandon McDonald, Curtis Dastrup, Rod Morrison, Wayne McAllister

Motion failed.

Rod Morrison: Does the Division have the authority to let oil field people pack their guns?

MOTION by Ron Winterton to keep the trap rate as it is, 48 hours, same on lethal but to explore other avenues to bring the bounty up on trapping.

Second by Brent Bibles

Wayne McAllister: If we had a trapping set so many miles away from the populous, say a five-mile and a three-mile perimeter from agriculture fields and populations, it changes the aspect of catching local domestic animals in the sets.

Favor: Brent Bibles, Brandon McDonald, Wayne McAllister, Curtis Dastrup, Ron Winterton

Opposed Mitch Hacking, Rod Morrison, Kirk Woodward

Motion passed 5 to 3

8. R657-63 SELF DEFENSE AGAINST WILD ANIMALS: Martin Bushman, Assistant Attorney General

Randall Thacker: Does a porch qualify as the interior of a structure?

Marty Bushman: It talks about the interior of the structure, so probably an unenclosed porch would not qualify, but if it entered the door, or window, that would qualify.

Questions from RAC:

Curtis Dastrup: It talks about intentionally enticing that bear; what about a young child who doesn't know, and is reckless?

Marty Bushman: I think law enforcement's going to look at those situations. Law enforcement is not interested in trying to "catch" people. This is to deal with people who see an animal in a general vicinity and shoot them and then call the Division without giving them the opportunity to move the animal.

Questions from Public:

None

Comments from Public:

None

Comments from RAC:

MOTION by Kirk Woodward to accept as presented by Marty
Second by Ron Winterton

Motion passed unanimously

Next RAC meeting April 14, 2011
Meeting adjourned at 9:35 p.m.

**Southern Regional Advisory Council Meeting
Beaver High School
Beaver, UT
December 7, 2010
7:00 p.m.**

REVIEW & ACCEPTANCE OF MINUTES AND AGENDA

MOTION: To accept the minutes and agenda as submitted.

VOTE: Unanimous.

BEAR PROCLAMATION AND RULE R657-33

MOTION: To accept as presented with the exception of offering an extra week to hunt in the Southern Region.

VOTE: Unanimous

STATEWIDE BEAR MANAGEMENT PLAN

MOTION: To accept as presented.

VOTE: Unanimous

TRAP CHECK PROPOSAL

MOTION: To not accept the extension as presented and that we do support the Division in coming up with ideas on how hunters can specifically remove coyotes in areas where it will do the most good and in ways that it will be legal and ethical.

VOTE: Unanimous

SELF DEFENSE AGAINST WILD ANIMALS (R657-63)

MOTION: To accept as presented.

VOTE: Unanimous

OTHER BUSINESS

MOTION: To have added to the Wildlife Board's action log...that DWR revisit the population objective in the Unit plan for the Paunsaugunt and consider the pre-2006 objective; before it was reduced by roughly 20%. The local working group references several habitat improvement projects and another round of 5-year range trend data to be analyzed from 2008. This should allow antlerless deer permit numbers to be put back to their traditional level on the Paunsaugunt.

VOTE: Unanimous

**Southern Regional Advisory Council Meeting
 Beaver High School
 Beaver, UT
 December 7, 2010
 7:00 p.m.**

RAC Members Present	DWR Personnel Present	Wildlife Board Present	RAC Members Not Present
Steve Flinders Rex Stanworth Mack Morrell Paul Briggs Clair Woodbury Dale Bagley Steve Dalton Sam Carpenter	Douglas Messerly Lynn Chamberlain Scott Dalebout Nathan Brown Stephanie Rainey Jim Lamb Teresa Bonzo Blair Stringham Justin Dolling Martin Bushman	Tom Hatch	Layne Torgerson (excused) Dell LeFevre (excused) Cordell Pearson (excused)

Steve Flinders called the meeting to order at 7:02 p.m. There were approximately 7 interested parties in attendance in addition to RAC members, Wildlife Board members and DWR employees.

Steve Flinders: It's 7 o'clock; let's get this meeting started. I'm Steve Flinders, the chair; I represent the Fishlake and Dixie National Forests. I'd like to recognize Tom Hatch in the audience, on the Wildlife Board. I don't see Jake; maybe he'll show up. I'd like to introduce the RAC; we'll start on my left.

Clair Woodbury: I'm Clair Woodbury from Hurricane. I represent the public at-large.

Dale Bagley: Dale Bagley from Marysvale. I represent an elected official.

Mack Morrell: Mack Morrell from Bicknell; agriculture.

Douglas Messerly: I'm Doug Messerly with the Utah Division of Wildlife. Myself and my staff act as executive secretary to this committee; we don't vote.

Steve Dalton: I'm Steve Dalton from Teasdale. I'm an at-large representative.

Paul Briggs: Paul Briggs, I represent BLM in the Southern Region.

Rex Stanworth: Rex Stanworth representing at-large.

Sam Carpenter: Sam Carpenter, I represent the sportsman. I'm from Kanab.

Steve Flinders: I'd like to excuse Cordell, and Dell and Layne Torgerson tonight. I'm going to talk a little bit about the meeting order. There will be a presentation from the Division. We'll then move on to questions from the RAC and then questions from the public. We want that to stick to questions. And then we'll move on to comments, first from the public. We ask you to fill out a comment card. There are these yellow cards up on the front table. And then we'll move on to comments from the RAC, motions, voting and discussion. With that we'll accept a motion on the agenda.

Rex Stanworth: I move we accept the agenda as presented.

Steve Flinders: Do you want to include the minutes in that Rex? Are there any changes?

Rex Stanworth: And approve the minutes, yes.

Steve Flinders: Okay.

Sam Carpenter: Second.

Steve Flinders: Motion by Rex, seconded by Sam. All those in favor? Unanimous.

Review and Acceptance of Agenda and Minutes (action)

Rex Stanworth made the motion to accept the agenda and minutes as listed. Sam Carpenter seconded. Motion carried unanimously.

Wildlife Board Update:

-Douglas Messerly, Regional Supervisor

Steve Flinders: As far as a Wildlife Board update, Doug was at the meeting. I printed off a copy of the motions themselves. The last page, it's green in some of the packets, it's the Wildlife Board's response

to the RACs on the Statewide Deer Management Plan Amendment. I don't know how much time you want to spend going through this. I provided this so you guys could read through it and if there's any questions Doug can answer them; he was in the meeting. Pretty complex, well I don't have to tell you, very complex meeting and not any one RAC was satisfied, for the most part. You know there was give and take all the way around. So I don't know if you want to take time where we read through this thing. I listened to it live on the web and it was quite a meeting. Items you want to talk about in specific in this, or questions for Doug? We're going to see much of this come back, especially as the new deer plan unfolds. The meeting in April we'll talk about the 2012 changes. It's (unintelligible) to see the details and the details so they say.

Tom Hatch: How was it listening to it live? Could you tell (inaudible).

Steve Flinders: Well I think, you know it was a little different for me because I could recognize voices; for somebody who didn't necessarily know the voices (unintelligible) who was talking. There are a few times where it was a little muffled, people probably away from the microphone. But it was really quite easy. I was able to obtain a copy of the agenda, which most people are over the web, to follow and keep up with the discussion. It was really helpful I thought.

Tom Hatch: Unknown person off mic): Inaudible.

Steve Flinders: Was it really? Yeah, now it gives new meaning to be a fly on the wall. Yeah, you could tune in and out. Any other questions? Seeing none let's move on to our regional update, Doug.

Regional Update:

-Douglas Messerly, Regional Supervisor

Douglas Messerly: Thank you Mr. Chairman. Just a few items:

- Habitat projects are in full swing right now, or a lot of them are getting wrapped up. Our habitat crew has been working on those projects. We've got quite a slug of them again in the southern region and continuing to improve habitat where we can.
- The turkey application period is coming up shortly. We don't know the specific dates, I believe it's next Thursday. But it's time to apply for turkey permits, and you've always got to remember Christmas time means turkeys.
- Deer classification is in full swing right now. Some of the biologists are not here tonight as a result of doing that. I know Teresa did some on the way up in Paragonah tonight. And I'd like to invite the RAC members that are interested in going with us and the Wildlife Board, Tom, to contact our biologists or contact me or Teresa and let us know you're interested and we'll get you in a truck. It's something that 's pretty intensive for these guys; they get up early and go. And you know we have a window of time that we can get this done. We'll try to do a better job next year of inviting people earlier and getting some schedules, getting some people scheduled to go with us. But you are welcome to go and join us on those.

Douglas Messerly: And with that Mr. Chairman, unless there's any further questions, that's what I have.

Steve Flinders: Doug would you mind sharing a little light on rumors about Fishlake cow hunt? I don't know how much of these guys have heard.

Douglas Messerly: Yeah I probably, that's a good item that I should have included in the regional update. One the Fishlake elk herd, you'll recall or you may recall or maybe I can refresh your memory, this RAC and the Wildlife Board approved three cow elk hunts on the Fishlake. They were roughly 400 tags each. One was during the general elk season, the second one started the 19th of November, and the last one was scheduled to start on December 13th. So the uh, what happened was on the 18th and 19th of November we got a pretty severe storm, about 16 inches of snow. The elk got fairly concentrated in the area known as the triangle. The hunters were very successful and the high success rate, along with concerns of a lot of people in the area about low elk numbers, and those concerns were communicated to the Division, we considered those concerns and what our options were and ultimately decided to cancel that last hunt. So there's 400 tags for the hunt on December 13th that was slated to begin on December 13th and all those permit holders have been contacted. Teresa and I have talked to a lot of them on the telephone. We sent them a letter explaining what was going on and invited them to call us. And suffice to say there's a lot of disappointed people and I'm reminded of how important these hunts are to folks from a recreational standpoint and from a meat standpoint and a lot of issues. But in this case we decided if we were going to make an error that we were going to make the error on behalf of the resource. And we don't take that lightly that those people are inconvenienced, to say the least, and not be able to go on their hunts; but that was the decision that was made and we've implemented that. So there will be no cow elk beginning on December 13th on the Fishlake unit.

Steve Flinders: Thanks Doug. Any questions for Doug? Seeing none let's move on to the first action item on the agenda, Number 5, Bear Proclamation and Rule R657-33. Justin.

Bear Proclamation and Rule R657-33 11:56 to 27:09 of 2:35:26

-Justin Dolling, Game Mammals Coordinator

(See Attachment 1)

Questions from the RAC:

Steve Flinders: Thanks Justin; any questions from the RAC? Go ahead Steve.

Steve Dalton: Yes Justin, I've got a question or two. What is the population objective for bear in Utah? Are you increasing numbers? Are you holding steady? Letting them go down, what's happening?

Justin Dolling: Just to clarify we don't set population objectives for bears. We have a goal in the plan that says to maintain stable populations. I feel like we had a growth spurt of bears throughout the '90's, that decade of the '90's. When we looked at some of our age information and tried to reconstruct the population from 2003 through 2006 it appears our populations have stabilized. So that's the best answer I can give you as to how bears are doing statewide.

Steve Dalton: All right. Well looking at your mortality historically, it looks like it just continually climbs. So that leads me to the assumption that the population is probably going up, steadily.

Justin Dolling: The reconstructive exercise we went through showed stable to slightly increasing, yes. And that's why we've recommended a permit increase this year.

Steve Dalton: So is that increase, that's another one of my questions, is that increase going to maintain the population approximately where it is or is that going to reduce it or still allow it to increase some more?

Justin Dolling: Well we have had incremental increases in our permit recommendations for the last three years, pretty substantial increases, fourteen to sixteen percent increases. Really what tells us how well a bear population is doing is looking back at those performance targets. And you noticed that we're slowly climbing in the percent female in the harvest. Our average age is hanging in there fairly tight. And adult survival is also fairly tight. So based on that harvest criteria we are starting to catch up with our bear population.

Steve Dalton: I guess what I am leading up to is the concern that when we do have a low food year for the bears we're going to have, we're going to go back to the problem years that we've had in the past. It's a pretty major impact on us on calves a few years, so that's my concern. I'm just, you know, last year we had pretty good forage for the bears and we didn't have too much trouble. We only had one calf found that was killed by a bear, which is the lowest I can remember. So, I'm just nervous that if you let the population get too high and then we have a low food year we're just going to have a major issue.

Justin Dolling: Yeah, and I share your concerns. We've tried to get ahead of this thing with incremental increases. Our new bear plan that I'll be presenting here next I think will give some opportunity to provide a little more select pressure into areas that are troublesome or where we're having chronic problems.

Steve Dalton: Okay thank you.

Justin Dolling: You're welcome.

Steve Flinders: Other questions for Justin? Sure Rex.

Rex Stanworth: Justin is there any idea as far as the amount of money that's paid out for bears that are killing livestock? Do you know if there's . . .

Justin Dolling: Yeah we have a budget associated with that; if my memory is correct it's about \$200,000.00 for bear and cougar. The last couple of years we've actually had to prorate our payments because it's exceeded that, that budget. And that's for confirmed livestock losses.

Rex Stanworth: Okay. Well I personally like the chart showing that we're having sportsmen take the bear instead of the agencies taking the bear. I like that. That's a good change. So I guess my concern has always been that the program costs more to administrate when you look at the damages. And I know Marty's probably versed on the new lawsuit that the judge has now said that they can go forward with on the little boy that was taken at the campsite. And so it looks like bears could become a very expensive commodity for the state of Utah. So I like the idea that we're probably maintaining and not increasing.

Steve Flinders: Any other questions? Sure Dale.

Dale Bagley: On the defining visual contact, the houndsman association has here that, what about something like having all the vehicles, or all the dogs start out in the vehicle with the permit holder and that is the only vehicle to have a rig dog. Would that accomplish whatever was being abused, something like that, or would you prefer what has been presented?

Justin Dolling: Well we discussed that. Our law enforcement, some of our law enforcement folks have concerns about individuals rigging dogs, or rigging bears with dogs that may not necessarily have a pursuit permit. And we had a lot of internal discussion. Really it boils down to is rigging a bear attempting to take a bear? And as we worked it through we just didn't feel comfortable that the rigging part of the hunt, until that dog is released then there's a potential for take. So in our mind it's better to resolve this by trying to keep those pursuit permit holders in a group while they're attempting to take. And take is defined as treeing or chasing or harvesting a bear. So we prefer to stay with our recommendation.

Steve Flinders: Any other questions? Steve's got another one.

Steve Dalton: Yeah I've got one more. Justin, you have that extended spring hunt, extended the season by a week last week on the Manti last year. If we have a year where we're having problems early can that be done like on the Boulder unit as well if we're having depredation problems?

Justin Dolling: That could definitely be considered. If you notice the, for whatever reason the North Manti this year bears really got aggressive with livestock, and so there were a lot of bears removed by Wildlife Services on that north end of the Manti and so it's been added. There's always the opportunity for making a midstream change. Our director has that authority and if we see those issues crop up, hopefully you're talking with your regional folks and we could look at possibly addressing that.

Steve Dalton: Okay thank you. I will be giving you a call.

Steve Flinders: Sam.

Sam Carpenter: Yeah Justin, this is more curiosity really than anything. On these road-less area hunts, the spot and stalk only, what kind of success rate do you get on those kinds of things? That looks like a really tough thing to do especially in the Book Cliffs.

Justin Dolling: Yeah it was interesting, I'm going off of memory, but I believe we had three permits issued in the spring and three in the fall. They harvested three bears. So it was a fifty percent success rate. The real interesting thing is two of the fall hunters surrendered their permits and there wasn't enough time to reissue those permits. So for those that hunted it was a very high success. And our region indicates that there are high densities of bears in that road-less area. And it's really an area where it's tough to get to and so there's probably not a lot of pressure, hunting pressure applied to bears. So we were quite pleased with what we saw this first, well this last year.

Sam Carpenter: Okay. Another question, what do we charge now for a pursuit permit and what does that entail?

Justin Dolling: Let's see, a pursuit permit is for a resident is \$30.00 and it allows you to essentially pursue bears in the spring and in the summer on units that are not restricted. And if you want to apply for a restricted pursuit permit there's an application fee of \$10.00 plus the \$30.00 that allows you to not only pursue on that restricted pursuit permit but all other units during other seasons that are not restricted.

Sam Carpenter: Okay and do we tie in with these people that buy these permits to get any estimate on what they're seeing or what they're doing out there?

Justin Dolling: We survey those pursuers. We ask them how many days they spend afield. I don't know that we specifically ask the question how many bears they treed but we do get estimates of use and activity.

Sam Carpenter: Okay. That just seems like it would be some handy information to have since you don't really count them.

Justin Dolling: I would be, and I said that not knowing exactly whether we do ask how many bears are treed. I'd have to go back and look at that data. It seems like a logical question but it's not ringing a bell with me right now.

Steve Flinders: Justin I saved a couple of questions. If you recall last year this RAC recommended to the Board that we extend the hunts in the southern region by a week. I don't know the direction this meeting will take tonight but some questions that I had thinking about that direction we took last year was, with the experience since 2008 the division has with these units if you get an extra week is there a difference in the sex ratio in the harvest? Are they killing more females that extra week?

Justin Dolling: They tend to kill more females, yeah that extra . . . That extra week our percent female in the harvest goes up. We've been able to justify that, at least on these units where we have a high agency removal in that, you know, a dead bear is a dead bear regardless of who removes it. So yeah, there is a little bit of a risk. The longer you extend the season into the spring the higher likelihood there is for a female in the harvest.

Steve Flinders: I see. Another follow-up question would be if it's a success ration, the success rate in the southern region, we're about 34 percent this year, which is a little bit under what they are in the rest of the state, so for 100 permits we kill 34 of them. What are some other ways to increase that success rate?

Justin Dolling: Well believe it or not we have some of the highest success rates in the western states. And there are, you know there are essentially ways that we're looking at in the new bear management plan to look at different methods of harvest. And how that will influence success rates I can't tell you at this point. But our limited entry hound hunting and bait archery over bait hunting have very high success rates.

Steve Flinders: Any other questions? Steve.

Steve Dalton: Yes Justin, historically do you guys track the sex of the bears that are taken by Wildlife Services? What I'm asking is, are more boars killing livestock than sows, or not necessarily? Or

fifty/fifty? What's the odds?

Justin Dolling: You know their statistics are pretty much in line with ours. It does tend to be the younger male component of the population that they remove. But I provide a table in the packet and it shows the agency removal component, and it pretty much mirrors the sport harvest category. It's fairly similar. There tends to be those dispersing sub adults that do get into trouble more frequently than others.

Steve Dalton: Okay, thank you.

Steve Flinders: Anything else?

Questions from the Public:

Steve Flinders: Thanks for letting us grill you Justin. Any questions from the public? These are just questions. There's some comment card I see. Sure come on up.

Brian Johnson: Brian Johnson, I'm from Enoch, Utah. And Steve, you mentioned you were a cattleman. Just out of curiosity, have you ever cared if it was a female bear or a male bear that's killed our calves?

Steve Dalton: No, I don't care which one it is. A dead bear's a dead bear is a dead bear.

Brian Johnson: No and I say that kind of jokingly. But my question is I've always wondered what we can do to get that, to get another week. I notice there are a handful of hunts that you've added a week to up north. And last year this RAC voted, I mean Steve mentioned that this RAC voted to extend all the hunts in southern Utah by a week. And if we're not crossing that female harvest line, and it seems to be what the public wants to see, I'm just wondering what would it take to get that extra week in? To be hunting bears over bait, or even with dogs, with that extra week? I just understand that you get a tough year with snow and it's hard to even get up there to put bait out. I mean I know Steve's wife had a tag and it was tough to get out there. I've had a tag two years ago and by the time you actually get bait on the mountain and you actually get a bear to hit it it's usually the last three or four days of the hunt. And so what would it take to get an extra week now in the southern end of the state as far as that for opportunity in the springtime?

Justin Dolling: As I indicated in the presentation, this is an experiment to see if we can shift, actually shift agency removal into the sport harvest category. So we're focusing in on units that have high rates of agency removal. Not necessarily confirmed losses of livestock but where Wildlife Services actually removes a bear or our agency removes a bear, those are the units we're trying to focus in on and shift that mortality into the sport harvest category. And so at this level or at this point that experiment we're evaluating that experiment based on those high rates of agency removal.

Brian Johnson: Okay. So and I don't mean any disrespect with this next question, so what I'm hearing is if you guys kill more bears in the southern part of the state or if citizen population kills more bears because of nuisance then you would extend the hunt for a week, is that correct?

Justin Dolling: Well essentially that would fall under the category where we could consider extending the hunt for a week. Usually we look at a pattern. So we look at about a three year period, because you know some years there may not be any agency removal, some years there may be a spike, but look at a

pattern and see if that pattern is holding true. For example the north Manti, the last couple of years the agency removal has exceeded the sport harvest category. And not only just by a little bit but by a substantial amount. So that's really what we're looking at is if a bear needs to be removed we feel it's better removed by the individual that has the tag versus the agencies.

Douglas Messerly: And one thing that I would add to that Justin is when he refers to agency removal he's not just referring to the Division of Wildlife, he's referring to Wildlife Services, the government trappers. So on those units where we have a lot of livestock loss and those agencies are removing the bears then we extend the season another week to try to shift that to sportsman.

Brian Johnson: Okay, thank you. That clears it up.

Steve Flinders: Any other questions for Justin? I see one.

Jason Binder: My name is Jason Binder, president of the Utah Houndsman Association. I have a question on accompany, visual contact and verbal communication. If there's two or three guys out hunting and it's obvious that you have a split race with your pack and you know that dogs are headed for a campground or headed somewhere they shouldn't be, is the person that leaves that group to go get the dogs that could come in conflict going to get a ticket?

Justin Dolling: That is a good question. I feel confident that our law enforcement officers have good discretion when it comes to what happened in the field and what they observed and the evidence that lead up to what they observed. There's always going to be situations where individuals may get separated. What's driving this definition of accompany is that we made a concession to allow for parties to continue to hunt together as a party on these restricted pursuit units. And so by allowing you to hunt together as a party you need to stay together as a party, in our opinion, and the only way we can define that is to try and define what accompany really means. And I'm confident our officers have the ability to ascertain when the system is getting abused.

Jason Binder: Okay thanks. And my next question is on the rest of the state how was the eight-dog limit on summer pursuit, how did that go over with the area managers?

Justin Dolling: With our personnel, our wildlife managers? That eight-dog limit on the summer pursuit season that was not something we were recommending. We were only recommending that for the restricted pursuit unit; that recommendation came out in the, during the Board meeting. And the Board felt to apply that recommendation consistently across the state simplified regulations. And it personally made sense to me. I think it's been well received by our regional wildlife managers. There are some feelings out there that summer pursuit is not as palatable to our wildlife managers as say spring pursuit. So they're a little concerned about summer pursuit in general but I think the eight-dog pack size helped ease their concern.

Steve Flinders: Any other questions, any more questions from the public? If not we'll move on to comments.

Comments from the public:

Steve Flinders: Cody Bettis. Do you want to comment? You will be followed by Jason.

Cody Bettis: I'm Cody Bettis. I just want to comment that I support the Utah Houndsman Association.

Steve Flinders: Thanks Cody. Jason's going to tell us what that is.

Jason Binder: (see attachment 2) Kind of got him before me but that's all right. My name's Jason Binder. Like I said before I'm the president of the Utah Houndsman Association. I appreciate the time to come down here and talk to you folks tonight. And I know there are not very many people in the audience but that's okay too. Number one is we would like to see no increase in the 2011 fall bear tags, for the simple fact that in 2006 there were 242 bear tags issued, and for 2011 that number's raised clear up to 419. That is a 43 percent increase in six years. And the way bears breed and the way bear population maintains is there's some years they don't have cubs. Some females might not have cubs for four or five years. They don't raise a lot of cubs. And as we all know just as hard as it's going to be to get our deer population back if we hammer the bears the way we're going they're never going to come back because they just do not reproduce like the rest of the animals that we have in the state. Another thing that we'd like to ask for is we'd like to split the San Juan summer training unit similar to the deer unit, making two units, Elk Ridge and the Blues. And increase the limited entry summer pursuit tags to the recommendation that we had from last year, which would be: Book Cliffs, 25 in the first season, 25 in the second. Elk Ridge, 20 in the first, 20 in the second. Blues would be 10 in the first, 10 in the second. And LaSal 20 in the first, and then 20 in the second. Splitting these units would allow more opportunity and allow hunters to spread out over larger ranges for the split on the Causeway and the San Juan. And we'd also like to ask that the eight-dog restriction for summer pursuit be removed except for the four units that we just talked about. And we have a really hard time with the word accompany. Just like the question I asked, is how fine a line is that? The whole reason to have these eight-dog restrictions and these special draw units for summer pursuit was to reduce conflicts. If you're hunting with a buddy and the dogs split up that's a pretty fine line whether or not you're going to get a ticket for going to get dogs that could present a problem somewhere else if they get in a split race. And that's the main objective that we agreed to and to keep the dogs from getting in trouble, getting in campgrounds and bothering people they're not supposed to. And we just feel that that's too fine a line that being within verbal communication if there presents a problem. And also we'd like to introduce a bonus point system. As far as I know we don't currently have that online for folks that did not draw summer pursuit tags last year. Because you can see there's not very many tags and we'd at least like to see people be able to accumulate points towards being able to hunt in these premium units. Thank you for your time.

Sam Carpenter: Can I ask that gentleman a question?

Steve Flinders: Sure Sam.

Sam Carpenter: What does it mean here on your number four . . .

Jason Binder: Number four will be discussed . . .

Sam Carpenter: No, no, no, not the what you're saying there. But it says the line A2 is a prime example of how out of control it can get. What do you mean there?

Jason Binder: Um, well it's going to be addressed in Justin's next presentation about the hunt strategies that they want to implement in the next program. That whole number four pertains to that. I should have

put that on a different handout.

Sam Carpenter: So we'll address this later, (unintelligible) what you mean.

Jason Binder: Yeah.

Sam Carpenter: Okay.

Steve Flinders: Thanks Jason. Brian Johnson followed by John Keeler.

Brian Johnson: I'm Brian Johnson. I live in Enoch, and represent Utah Bowman's Association. The only recommendation they have is they would like to see the Southern RAC vote the same way they did last year and vote to extend the hunt in the southern region for one full week and see if we can't shift a few more of those mortalities from the agency to more sportsman's. Thanks.

Steve Flinders: Thanks Brian. John.

John Keeler: John Keeler with the Utah Farm Bureau. Livestock kills from bear continue to be a problem, some serious in some of the areas like the Manti north and others. So we support the Division's recommendations on permit numbers.

Steve Flinders: Thanks John. Those are all the comment cards I have.

RAC discussion and Vote:

Steve Flinders: Any further discussion on this?

Rex Stanworth: Justin does the Division have a problem with bonus points for these houndsman that put in and then they don't draw so that they may have a chance to draw, potentially draw the next year?

Justin Dolling: Yeah, I think what Jason was getting at there, I don't know if it was clear, but he's talking bonus points for the summer restricted training season.

Rex Stanworth: Okay.

Justin Dolling: Last year, for example, the odds for drawing that permit were you could probably draw that permit two out of three years. So the odds are pretty high that you can draw that permit at least two out of three years. The other interesting thing is that based on our survey we only had 63 percent of those that obtained a permit actually pursued on the unit. So I don't know if there was some buyer rush there or what was going on. But essentially as this point I feel like there's a pretty good chance you're going to draw that permit at least two out of three years.

Rex Stanworth: Okay, okay.

Steve Flinders: Hey Justin, while you are up one follow up question about the change in definition or further defining accompany. Isn't it true on some units houndsman have got to accompany a permit holder to be able to pursue on that unit during a season? Is accompany defined different for that activity

than this activity, do you know?

Justin Dolling: You're talking on just a regular pursuit unit or?

Steve Flinders: Yeah. How does the Division in general, and Doug maybe it's a question for you, is this something different than, if your kids are small enough they've got to be accompanied to hunt lots of different things. Is the definition different?

Douglas Messerly: No, I think this definition is consistent. That's in the big game rule the one you're referring to with your kids. But because this definition of accompany is in the bear rule it will apply to both the situation where a houndsman who has got a permit holder that's going with him has to accompany him from the time the dogs are released until the bear is taken. So the same definition will apply, yes.

Steve Flinders: Thanks. Well that's a struggle, it seems like when you turn hounds loose the rule is that they go in all directions (unintelligible), and they head for major highways.

Rex Stanworth: Hey Steve I guess this question is for you, Forest Service, is there any recommendation from the Forest Service in pertaining to these bears because I know you've had problems up here.

Steve Flinders: You know I tried to gather a little information from around the Fishlake and Dixie. The summer training season came about kind of perfect for us on the heels of a year when there was a lot of nuisance bear activity. And I think the Division killed a couple of bears here on the Beaver and had some problems on the Boulder and elsewhere. And this summer training season allows houndsman access to the same areas dispersed campers are in and often where there are summer homes and cabins. And it's complete antidotal evidence but it seems they're stirring up the bears that cause us some of the headaches. The bear may come in and sniff around what campers left in the bushes over the weekend when they cleaned their dutch ovens, but those guys are rigging bears right through the same camps. And that's kind of what we've seen with summer training season. And we really haven't had many complaints. The only other comment I'd add about success rates and struggling with ways to harvest more bears. It seems when we draw a tag people want to kill whatever we drew. Did you get it? Did you get your turkey; did you get your bear? And you know success rates vary across the southern region, in some units better than others, but it's almost frantic sometimes what people do and a little frustrating in that the Division allows a couple of baits. And I had a guy last week talk to me about the two baits that he had out plus the three other baits that he had cameras on that he didn't register. So I guess I marvel at bears that despite all the technology, GPS equipped dog collars and everything that we come up with to stack odds in our favor, illegal baits and different ways, that bears are kind of staying ahead of. And there's room in the performance criteria to increase objectives and I'm not sure that it's more permits but. . . . You know bears are they're interesting; despite the drought through the last decade they seem to hold their own and or increase. I guess we're looking for a motion or further discussion on the Bear Proclamation. Don't be shy about looking at things across the state.

Rex Stanworth: I guess I'll make a motion that we accept the Division's recommendations on Rule R657-33, with the exception of offering an extra week of hunt in the southern region.

Steve Flinders: Motion by Rex. Seconded by Steve. Any discussion on the motion? Everybody hear that? Those in favor? Those against? It looks like it was unanimous.

Rex Stanworth made the motion to accept Bear Proclamation and Rule R657-33 as presented with this exception of offering an extra week to hunt in the Southern Region. Steve Dalton seconded. Motion passed unanimously.

Steve Flinders: All right, thank you. That's agenda item number five. Justin, number six, Statewide Bear Management Plan.

Rex Stanworth: Justin before you get started I've got a question for you. How in the world could you keep a committee of that size together when you couldn't keep the small committee on the elk together?

Justin Dolling: Well the elk committee was much larger than this committee. And you guys are much more unruly too.

Steve Flinders: There's a complement in there somewhere.

Statewide Bear Management Plan 1:00:13 to 1:20:04 of 2:35:26
- Justin Dolling, Game Mammals Coordinator
(See Attachment 1)

Questions from the RAC:

Steve Flinders: Thanks Justin. Any questions from the RAC? Go ahead Paul.

Paul Briggs: Yeah Justin, do you know what causes that five-year spike or surge in the reproduction activity in the bears?

Justin Dolling: It's, I guess in my opinion it's, in order to recruit bears into the population you need to have a good forage year for the female when she's pregnant. When she comes into the den then there's a delayed implantation of the embryo so her body will tell her whether or not to accept that embryo. So if she's in good condition she accepts the embryo and then the following year those cubs need to have good nutrition in order to survive into the yearling category. And so you need to have back-to-back, two good years in order to get actually recruit bears into the population. That's what I think is going on. And here in Utah we live in these bust boom cycles as far as drought and above average precipitation. So we might have two or three years of drought and then all of a sudden we have two good years of precipitation and they produce cubs.

Steve Flinders: Sam, so you have a question?

Sam Carpenter: Yeah. When you compare your management strategies with other western states, are these similar to what they do in Colorado and some of these other states that have more bears than we do?

Justin Dolling: Yeah. Actually I looked at some of the adjoining states and we settled in on some of the harvest criteria that they use, and that is adult male and adult female. And that occurs in the state of Idaho and the state of Wyoming. They leave it at that. They assess their population health based on harvest criteria. I'm not aware of any other states that are trying to integrate some of these other studies

into actually accessing the health of the population.

Sam Carpenter: Okay and one other question, and Rex probably already answered it. But you talk about a recruitment pulse. What exactly is a pulse? Is that an increase and a decrease? Or what does pulse mean?

Justin Dolling: I apologize, the term recruitment means when an individual actually becomes part of the population. So a pulse would be when a lot of individuals become part of the population. So through our bear dening efforts we have about, currently we have about 25 collared females and if 80 percent of those females produce cubs and 80 percent of those cubs survive then that's considered a recruitment pulse.

Sam Carpenter: I guess the fact that we don't have population objectives and we're probably limited on study, I just wondered how would you determine something like that that they had 80 percent survival or whatever if we're not counting?

Justin Dolling: We actually go out and visit the dens in the winter. So each one of those collared females we can locate the den and determine how many cubs are produced. And then that female stays on the year the following year and so if we have a female that has twins and we go back the following year and she has one yearling then 50 percent of that cohort survived. That's how we determine, we actually pool all the, so you take all the cubs and if you monitored 35 cubs and, well make the math easy Justin, you monitored 30 cubs and 15 of them survived into the yearling category you'd have 50 percent survival.

Steve Flinders: Other questions. Go ahead Rex.

Rex Stanworth: Yeah I have one other question, in the first presentation is says our average age of bears is about six and a half percent last year. I'm naïve about bears so is six and a half, is that a middle age bear, is that an old bear or is that a young bear? I mean what are other states? Where are they looking at on age of their bears harvested?

Justin Dolling: And that's probably a middle aged bear. The reason why the old plan looked at five years or greater is that typically a female doesn't become reproductive, doesn't have the potential to reproduce until year four or five. And so that's why that target was identified. And so we want to insure that our average age, at least in the old plan, we're not looking at average age in the new plan, but in the old plan we wanted to insure that the average age was always five or greater. But it's for that reason.

Rex Stanworth: So in this first presentation, I hate to go back to that, but the average age was that strictly female?

Justin Dolling: That's male and female.

Rex Stanworth: Male and female, okay. Thank you.

Steve Flinders: Other questions?

Questions from the public:

Steve Flinders: Questions from the public on the Statewide Bear Plan? Any questions?

None

Comments from the public:

Steve Flinders: We'll move on to comment cards. Cody. He's going to defer. Jason.

Jason Binder: Okay, my name's Jason Binder. I had the opportunity to sit in on this plan for the seven weeks. I'd like to ask the RAC to ask the DWR to put back in the item that was deleted of two or those four units remaining in the light harvest strategy. Just for the reason that every single person that was in that room agreed that that would be a good idea to keep two of the four premium units we have in the state as premium bear units. Those are the most sought after drawn tags there is in the state. There's a lot of guys that are getting ten to twelve points to draw a bear tag on one of those units and that's the unit that they want to hunt. And so they want the opportunity for there to be a mature bear down there, a trophy when they get there. And the other thing I'd like to address is what Sam Carpenter brought up, the whole time we sat through this meeting the houndsman association felt strongly about disagreeing with the quota strategy. It's too easily, it's too easy to not be able to control the amount of bears that are harvested in a quota strategy. A lot of our lion units have been totally overhunted by the harvest objective. And we feel that if this similar type set up is implemented on the bears it would be very easy for overharvesting in certain areas and we don't agree with that. Thank you.

Steve Flinders: Thanks Jason. Brian John I had you down for just the last agenda item, is that right? Do you want to comment on this agenda item? Okay.

RAC discussion and vote:

Steve Flinders: Further discussion? Go ahead Sam.

Sam Carpenter: Is this the comment period?

Steve Flinders: You can comment, you can make a motion.

Sam Carpenter: Okay. Well no, I just wanted to tell Justin that I thought the DWR's done a real fine job with the information you've given us. I read through your plan. It looks to me like you've really got your finger on the pulse with these bears and I think you're doing a wonderful job. And if you're ready for a recommendation, is there anybody else that wants to comment?

Steve Flinders: Well I just add to the comment I also think it's a (unintelligible) plan. I think it's going to be a model for several states, it's so well thought out. Just a question about the consideration for units into the light, moderate and heavy; Jason brings up a great point about looking at those folks that have been applying for various units and how many bonus points they have, it's some indication for where people are really holding out and hoping for a trophy bear. I'm sure there will be public input into those choices if nowhere else at least here at the RAC and walk through the RAC and Wildlife Board process.

Sam Carpenter: Okay can I ask you Justin, why is it the DWR did not accept this two out of four units

for the high bear density, these trophy units? What's the problem with that?

Justin Dolling: Um, essentially it boils down to flexibility or the lack of flexibility. We have individuals that have expressed concern with high bear densities on three of those four units. And so we didn't want to tie our hands to maintaining a minimum of two out of four in the light harvest category.

Sam Carpenter: Are you talking depredation stuff that your hands are tied on those and you're not allowed to go in and take the problem bears or?

Justin Dolling: Well under a light harvest strategy you'd be managing the harvest lightly; so you'd allow that population to fluctuate naturally. And so if we have a lot of challenges when it come to livestock depredation or if we have a lot of nuisance issues there may be a need to get a little more aggressive on some of those units. But we do recognize that those are the high bear density units in the state and we'll do our best to see that two out of the four are managed under the light harvest strategy but we just didn't want to tie our hands in the plan and call that out.

Sam Carpenter: Okay, well currently on these units your hunter satisfaction, are they indeed getting trophies and are you doing good under the plan that you're recommending here?

Justin Dolling: The harvest rates on those units are typically the highest out of any of the units in the state, in part because they have high bear densities. Satisfaction, I don't know that it's any higher on those units than other units. I'd have to compare some of those results to get an answer for you there. But in general our bear hunters are very satisfied with the hunts statewide.

Steve Flinders: If I interrupt, where do you think those four units would fit right now, moderate?

Justin Dolling: Under their current harvest strategies?

Steve Flinders: Yeah, where are they now?

Justin Dolling: Uh, they're in the light to low moderate on all four of those units.

Steve Flinders: Really.

Justin Dolling: Yeah. Based on the new performance targets.

Steve Flinders: Yeah.

Justin Dolling: I mean it will be interesting to see our DNA results, or our hair snare study results and see whether that information also suggests the same.

Steve Flinders: Doug has a question.

Douglas Messerly: Justin, I think I understand this, but if the plan were adopted as drafted, would the Board or the Division be precluded from putting three of these units in the light harvest strategy if that's what the public demanded?

Justin Dolling: If the public demanded three or all four be in the light harvest strategy there would be no reason why that couldn't happen.

Douglas Messerly: There's be no what?

Justin Dolling: There would be no reason why that could not happen.

Douglas Messerly: That's right. So if, you know, we're . . . under, the scenario as the plan is drafted we have the flexibility to respond to the public and their demands. Unfortunately if we put it in the plan that two will be light strategy and one of those two is the Boulder for example, then you know our hands are tied that way. I think this, to answer the question about what the Division's objection is, it's removing the flexibility that we have to respond to the public.

Justin Dolling: Good point Doug.

Steve Flinders: Go ahead Rex.

Rex Stanworth: I was just going to make a comment. Coming down I listened to FOX news. The state of New Jersey all of a sudden decided they've got a bear problem and so they put out 1,200 permits and in the first two days killed 200 bears. That tells me they've got a bear problem in New Jersey.

Steve Flinders: Motion? More discussion? Go ahead Paul.

Paul Briggs: Okay, I'm going to try it. I make the motion that we accept the Division's Statewide Bear Management Plan as proposed.

Steve Flinders: Motion by Paul.

Rex Stanworth: Second.

Steve Flinders: Seconded by Rex. Further discussion on the motion? Let's take a vote. Oh, go ahead Sam.

Sam Carpenter: I just want to throw in one comment and that's to thank Jason for his passion in this and I do understand where you're coming from. And I know we kind of deliberated a little bit there on the cougar proclamation. And just to let you know that you're being heard and we appreciate you coming and giving us your opinion. It does matter.

Steve Flinders: Motion and a second. Those in favor? Any against? I think it looked unanimous.

Paul Briggs made the motion to accept the Statewide Bear Management Plan as proposed. Rex Stanworth seconded. Motion carried Unanimously

Steve Flinders: Thanks Justin. Let's move on to number eight, R657-53, Self Defense Against Wild Animals. I think I skipped one. I apologize. Let's do number seven; one more for Justin, Trap Check Proposal. We were really going fast there for a minute.

Trap Check Proposal 1:35:06 to 1:44:08 of 2:35:26
-Justin Dolling, Game Mammals Coordinator
(See Attachment 3)

Questions from the RAC:

Steve Flinders: Thanks Justin. Questions from the RAC? Go ahead Rex.

Rex Stanworth: You know Justin one thing that I wish you would add to that Division's support is that I wish the Division could help promote to the counties, and some counties allow spotlighting, but promote to the counties that sportsman and hunters that want to register with the sheriff's department to go out and spotlight that could be something that could be helpful for the community as well as the animals. So, you know, I would really like to see something in there. There's no mention of that. It was talked about in the meeting we had here on the deer. I know that there's some people that have concerns about that but I know in Millard County the sheriff says you know if you call in and tell them we're going in this specific area, we're spotlighting only for predators, he says you won't be bothered by our team. So I think that could be happening right, I'd really like to see some sort of a discussion happen between the Division and each one of the counties to see what kind of a feel they get if that would be acceptable in their county and then put it out to the sportsman.

Justin Dolling: Good thought Rex, that was an oversight on my part. We can definitely have those discussions.

Rex Stanworth: Sam makes a good thing, I mean obviously we don't want predator hunting during big game hunts. That's a no no. We understand that. But outside of that, in our area, in Millard County, we've been run over not just by coyotes but red fox, raccoon and skunks. And when the guys would go out and actively hunt nights we had pheasants. And when they quit hunting at nights because there's confusion on this spotlighting issue, we no longer have pheasants in Millard County. So I would really like to see some sort of discussion happening between the Division and the county sheriffs and the county attorneys to see if we could figure out some way to make it amenable to where these guys could register at night before they go out and have a clear understanding of what they can do statewide to hunt those animals. I think we'd kill a lot more of those predators.

Steve Flinders: Other questions? Sam.

Sam Carpenter: In light of that down in my neck of the woods we worry an awful lot about people taking big bucks, due to the trophy unit and stuff like that. So I can tell you that we really are concerned any time we see a spotlight out going around even after the seasons because of the trophy bucks that do get taken using that method. That said I do have another comment or a question for you; and that would be can we increase this 48 hours and keep this ethical? I mean I know the seven days you know that's a big stretch, that's a long ways from the 48 hours. Can we fall somewhere in the middle on that and actually give them more time on their trap checks as opposed to the seven days and work that out and still stay within ethics and some kind of standard that would increase that time, the 48 hours?

Justin Dolling: Well as I mentioned in the presentation we have extended the trap check interval to 96 hours for lethal sets. So if they want to use body gripping conibears traps or neck snares that's currently legal for the 96 hours.

Sam Carpenter: But you don't feel like the leg hold trap that we can go to the 96 hours then?

Justin Dolling: I would feel uncomfortable going to 96 hours just because it's not, it's not a trap that immediately kills the animal. So there's a suffering issue there with allowing an animal to sit in a trap.

Paul Briggs: What about 72 hours?

Steve Flinders: It's getting personal now. Where's your threshold? You teared up yet? Any more questions? Go ahead Dale.

Dale Bagley: What is the heartburn over the time frame? Is it the cost to go check them that frequently that it doesn't make it profitable for them to trap coyotes or what? What's the basis for needing an extended amount of time to go check those?

Justin Dolling: I don't know if we have any trappers in the audience.

Steve Flinders: A couple of us can speak to that. Go ahead.

Douglas Messerly: Yeah, you have a former trapper fight here.

Justin Dolling: I guess I'll give you my view of that, listening to some of the comments. Trappers would like the opportunity to travel some distance from home and set out a lot of traps and then not be burdened with coming back and checking those traps on 48-hour intervals. And so it would make it more worth their while to go out and actually try to target coyotes if they had seven day trap check interval. That's my read. But I wish we had a trapper here in the audience that could address what their concerns are there.

Douglas Messerly: Having worked with this for several years, many years, what I can tell you is that the desire is to be able to trap on weekends because they have to work during the week and they want to go out on the weekends and check their traps and do it within seven days. What the claim is is that they'll trap more and they'll catch more and therefore do more good in terms of predator removal if it were possible for them to go seven days between sets. There's also a cost factor, obviously with fuel and time and those sorts of things. The questions really becomes, you know, we have to remember that the wildlife belongs to all the people of the state of Utah and there are some people that are very concerned about the ethical treatment of animals. And you know we had some neighboring states, we talk about neighboring states in a lot of other venues but we have some neighboring states where the people of those states have chosen to outlaw leg hold traps all together. And that's Colorado and Arizona; am I correct about that?

Justin Dolling: Colorado for sure.

Douglas Messerly: And Arizona I think except on private lands. So you know that segment of the public is concerned about the ethical treatment of animals and I think responsible wildlife management dictates that we also be concerned about the ethical treatment of animals. So whether it's 72 hours, or 63 hours, or 48 hours, what I can tell you is 48 hours seems to have flown pretty good for quite some time with even that segment of the population. But the possibility exists that if we push that that segment may

Speak to us on that issue.

Steve Flinders: Other questions?

Questions from the public:

Steve Flinders: Questions from the public?

None

Comments from the public:

Steve Flinders: Seeing none, I had a comment card here, Brian Johnson.

Brian Johnson: I just heard about this today. Oh sorry, Brian Johnson. But I just heard about this today and I'm all for whatever we can do to knock down more coyotes. I'm all for it but I think, I think if it's a death or a lethal trap the reality is you're getting about six bucks to twelve bucks for a coyote pelt, so what's the point? You cut their ears off in some counties and get twenty bucks. So 90 percent of the stuff that's happening in Iron County they're getting tipped over for their ears. Okay, so if that coyote's dead in a snare for four days or for seven days I don't think he cares. But I can guarantee you that the sheep guy out there cares and those mule deer that he didn't eat care. So if it's a lethal set you're not going to be able to, if you're in an area where there's kit foxes and you've got lethal sets shame on you. You shouldn't be having it out there anyways. So really I don't understand. I guess my suggestion would be anything we can do to have ethical treatment of animals that we're trying not to target, but if we're out there just for coyotes and it's a lethal set who cares if it takes them four days or if it takes them seven days, the coyote's dead when you get there. It's very cold so they still can save their pelts. And they're just cutting their ears off anyways. So I say tip em over.

Steve Flinders: Thanks Brian. Further comments and discussion? I can tell you the Forest Service has no official position at this time on this agenda item. It's sad we don't have more public here on the short turn around. . . Sure Tom.

Tom Hatch: We're not supposed to make comments at the RAC meetings we've been told (inaudible).

Steve Flinders: Well this came from you guys. Come up to the mic so we can. Tell us some more of the discussion and background for this.

Tom Hatch: Tom Hatch, member of the Wildlife Board. I think the division has really kind of misrepresented the board here tonight, Justin. I think that uh, this came from the Central RAC. There was a motion passed by their RAC asking the Wildlife Board to take action on it. We were prepared to take action. We were told by the Division that we couldn't, that it had to come back out through the public process. And so that's why it's come back to the RACs here tonight. And I think Justin kind of mislead the RACs that we sent it back out but we were told it had to come back out through the public process. And so I, I'm not representing that it would have passed or anything but the Board was ready to take action on that item in our last Board meeting.

Steve Flinders: Thanks Tom for that clarification. We appreciate the opportunity to listen to things

whenever there's time available for RACs to discuss them. I was just going to add as a biologist if any species in North America has demonstrated it can handle anything we put at em it's coyotes. No matter what it is it seems that they are always there. And it terms of increasing the recruitment and survival of deer what we can do to lower coyote populations on critical deer winter range and in fawning areas is where we ought to focus our efforts. I've thought about this, this is not the first year it's come around. Some other research on coyotes you guys might find interesting is that they don't always follow deer down to the winter range now. Mountain lions do, that's their prey source, they have to follow them. Coyotes are now, they're finding across the west because of the proliferation of snowmobiling are staying at high and mid elevations and surviving on grouse, and rabbits, and squirrels and other rodents. And it's the snowmobiles and the packing of snow that allows them to stay in what used to be former lynx or no predators at all habitat. And those coyotes are up there, those populations are maintained high enough, the deer come back and they're ready to switch to fawns. We see that on Beaver Mountain, we see it in the Uintas. Some of the best research was in the high Uintas. So long line trapping in the west desert isn't really going to do much to recover deer herds that are wintering along the Wasatch Front or in and through the southern region a lot of areas. The other thing is, aren't badgers still protected wildlife? Badgers occur in every kind of habitat. I've done lots of trapping and I don't know how you set a coyote specific trap because you're going to catch, first of all a badger that's protected wildlife; whether you like badgers or not. And on down the list that the Division's talked about. And it's December 7th today, the temperatures were in the 50's, low to mid '40's anyway. In two days if an animal is dead really 24 hours in these kinds of temperatures the belly's green, there's no fur value in whatever you just caught. Coyotes, that's not what they're after but they might be if county bounties were increased with this kind of money or incentives for folks to get them at higher elevations, or Wildlife Services take increase. But seven days, the only, you know Alaska they can do it because it's minus 40 for two and a half months; so they're in a deep freeze. But really, no animal can survive seven days in a trap and so whatever you caught is going to be worthless when you get there, except the ears, but they'll take em with the hair on or off. Other comments, Paul?

RAC discussion and vote:

Paul Briggs: The BLM, the bureau's perspective on this is we fully support the Division on this issue. A couple of reasons, one I think that Justin presented it pretty well, it hit the nail on the head, we can provide more hunter opportunity by actually going after those offending animals with actually targeting the species we're after by hunting them. And also we have a BLM sensitive species, the kit fox, which shares habitat with coyotes. Coyotes seem to share habitat with everything. And if we leave this trap check 48 hours, I'm not a trapper but I've been told by several folks that if you do catch a non-target species and you're checking your traps in that kind of time you have a chance of releasing that animal and have it survive. If we go to seven days there's no way as Steve just said.

Steve Flinders: Sure Clair.

Clair Woodbury: I and my friends declared jihad on coyotes many years ago. We kill more coyotes than you could stack in a ten-story building. We trapped them, we hunted them, we called them, we drove until we saw them. Coyotes have a great ability and you alluded to it, they will double their litter size when their populations get low. If we want to help our deer herds we have to be very specific the area we're gunning on critical range for a short-term fix. Long-term, you can't hunt them or trap them out of existence. You just can't do it. And as far as, and we'd check on weekends and I can't tell you the

number of feet we found in our traps. At first we thought they chewed them off but then as we became more literate in what they were doing, they would just twist and twist until their foot twisted off. And that's not ethical. And I couldn't support a seven-day thing. Like I say, I've declared war on them but I've gained a great respect for that animal too and they deserve our respect.

Steve Flinders: Thanks Clair. Sure Rex.

Rex Stanworth: Oh I was going to say that if we passed this for 7 days I think there's a chance we'll open up Pandora's Box. I know Marty's a hell of a lawyer but I don't know whether he can go 365 days a year against animal rights groups that have an insatiable amount of money. And I don't think there's anybody on the panel that doesn't say we need to kill every coyote we can kill but I think there comes a limit by which we can do that. So personally I can't support that. As much as I want to kill the coyotes I can't go that seven days. Based upon that if there's, have you got any more questions Paul? Okay.

Paul Briggs: One more comment that actually pertains to what you brought up earlier with the spotlighting issue Rex. Back to the kit fox again, if the Division and the counties do enter into some discussions and agreements on spotlighting I'd just like to urge that there's maybe some sort of public education process that goes along with that where people are . . . I know a lot of people that have spotlighted and do. Just maybe some method of stressing identification of the target before we just put the crosshairs on the eye shine and fire so we're not getting any predator out there but the desired predator.

Steve Flinders: Go ahead Doug.

Douglas Messerly: As somebody who has dealt with that for a lot of years in addition, what I can tell you is we do have an education process, unfortunately it's the law enforcement system. And there's a lot of people that, there are actually a lot of counties that allow this. It's been in statute for some time that the counties may allow the taking of certain species, including coyotes if all the criteria is met. And that has to be approved by the county and whatever steps that they incorporate. So I've talked with Juab County sheriff at one point. I've talked to some of the other sheriffs in the southern region in addition when this question has come up. Some counties are just dead set against it, they think it's unsafe. They think spotlighting at night is unsafe for their citizens. And that's what the legislature, I think, intended was for them to decide whether it was safe or not. There are also certain criteria that are laid out in that, for example, the light can't be attached to a vehicle in any way shape or form, for example, by statute. So it is not driving down a county road with a spotlight on the top of your pickup looking for eyes. It was intended and passed as get out of your truck, go out set up a stand, do some calling and in order to be able to identify the animals, that's at least part of the reason, was that you use that method rather than just if you see some eyes, because they could be goats or puppy dogs or anything else in addition. It might be good. Again this is laid out in statute so at this point we don't regulate it beyond what the statute says; except in the case of prohibiting spotlighting with weapons in some of our rules. And that goes to what Sam was talking about and the potential for illegal activity there. You know the spotlighting issue has gone around and around. There's actually a guy that wrote a book on Utah's spotlighting law and where you can and where you can't. And the issue's been around for a long, long time. The final thing that I'd like to say is there was a presentation given at the Board meeting that unfortunately I wish we would have had it given here; and I'm going to recommend that it be given at the other RACs too as an informational item only. But it talked about predators and their effects on mule deer and specifically coyotes. And we got right down to the nitty gritty. And what, the statement was

made during the presentation is that not all coyotes are created equal, and Justin said that again tonight, in terms of their ability to increase deer populations by taking them out. It turns out that, according to the best information we have now, that the most damaging coyotes are dening pairs on the fawning ranges because they're eating a lot of meat and they happen to be there at the same time when the deer are dropping their fawns and therefore the fawns are more vulnerable. So what we need are sportsmen to go hunt coyotes on the fawning ranges, if you think about where that is, where the deer are in June, during June, in May and June. And go kill coyotes in May and June up on this mountain. And I think that if we can do some education and solicit the help from the sportsmen. That's probably the best thing we could do is get them focused on those rather than out in Hamblin Valley in the bottom of the valley. So, anyway those are my thoughts on the issue.

Steve Flinders: Thanks Doug.

Rex Stanworth: Ready for a motion?

Steve Flinders: Sure Rex.

Rex Stanworth: I make a motion that we do not endorse or accept the trap check proposal as presented but that we do recommend to the Division that they work on hunter specific ideas of how we can take coyotes legally and in the areas where we most need them taken.

Steve Flinders: Motion by Rex, seconded by Sam. Did you get that motion?

Clair Woodbury: I have a question on that motion; just what did the Division propose? You just said as they propose. What are you, can you be more specific on that?

Rex Stanworth: Well they put on the back here that the Division supports, you know, hunting is species specific and that they were talking about, I think what Doug was talking about was identifying where these fawning grounds were. There is information that we could give to our sportsmen that we can say to them if you want to hunt these are some of the things we would like to suggest to you and some of the areas we would like you to go hunt in.

Clair Woodbury: So that proposal rejected the longer than 48-hour check? Is that what you're?

Steve Flinders: Yeah.

Rex Stanworth: Yes. Yes.

Steve Flinders: So restate that motion Rex, as distinct as you can.

Rex Stanworth: All right. I make a motion that the trap proposal is not accepted, and that we do support the Division in coming up with ideas of how hunters can specifically remove coyotes in areas where it will do the most good and in ways that it will be legal and ethical.

Steve Flinders: Did you get that Steph? Rex, if we say trap check extension proposal?

Rex Stanworth: Yeah, that's fine.

Steve Flinders: And the word extension in there. Sam do you still second that?

Sam Carpenter: I do.

Steve Flinders: Seconded by Sam. Further discussion? Clair? Clarification, anything? Everybody get the motion? Those in favor? It's unanimous.

Rex Stanworth made the motion that the trap proposal extension is NOT accepted and that we do support the Division in coming up with ideas on how hunters can specifically remove coyotes in areas where it will do the most good and in ways that it will be legal and ethical. Sam Carpenter seconded. Motion Carried Unanimously

Steve Flinders: Thanks, that was a good discussion. Now agenda item number eight. Marty Bushman.

Self Defense against Wild Animals (R657-63) 2:08:04 to 2:13:16 of 2:35:26
-Martin Bushman, Assistant Attorney General
(See Attachment 1)

Questions from the RAC:

Steve Flinders: Thank you Marty. Questions? Sam.

Sam Carpenter: Yeah Marty, when you have the case involving something like this who has the burden of proof to prove whether, you know, of you just take their word for it? How do you actually prove something after the fact, where the person's going to be out there by themselves, how do you handle a case like that?

Martin Bushman: That's a good question. In a criminal prosecution the state carries the burden of proof. They've got to show beyond a reasonable doubt that you committed a criminal act. So if you kill an animal even under self defense it's technically illegal take just as if you take a human life, it's homicide; the question is whether you were justified, legally justified in the action. So the state carries the burden of proof; however, the individual defendant would have to assert the defense of self defense saying I killed this cougar because it came out of the tree and got on my dog or something like it attacked a child and I had to kill it, and they would assert that defense and then it would be evaluated at that point.

Sam Carpenter: It sounds like a tough case to me, to try to prove someone did not do it justifiably. I guess you'd say if they did it and the case came up it just seems like it's just word of mouth for them and you guys really are up against an awful lot to try to prove otherwise.

Martin Bushman: Well the state doesn't have a whole lot of evidence either; they may have simply a dead animal. And the fact that somebody called within twelve hours suggests that probably it wasn't an illegal take. That's always a good indication. But you've got to look at the circumstances, where the animal was shot and killed, you know, was it in a campground, was the tent ripped? You know, are there any markings on the camper? Was their ability to retreat? And you just have to weigh all those

things. And we recognize that creates some rather, I don't want to say ambiguous but you know, some technical legal issues that you've got to evaluate but on the other hand we have a lot of folks that kill animals and then say it was in self defense. I'm reminded when I first started working with the Division many years ago we had a case where we had a film developing company sent us a picture of a guy that was standing with a dead sow and two cubs in the middle of summer. And he suspected something was wrong and the Division investigated and were able to track it down. And the individual's response to it was when we were out in the field and the sow attacked us and we had to kill it. But the natural question is the two cubs were attacking you as well? You had to kill them? Because they had them skinned out and showing their hides. And so a lot of these cases show themselves for what they are. And of all the cases I'm not, of all the self-defense cases we've had over the past two years I'm not aware of any that the county attorney has actually prosecuted. And there were some of them that were pretty dubious. I say cases that clearly could have retreated into a secure structure but instead opted just to kill the animal.

Sam Carpenter: Wait till the wolves get here.

Rex Stanworth: This particular provision isn't talking about severe depredation. When you say threatening I mean to somebody the loss of their livelihood is pretty threatening. This does not cover any of that. This doesn't cover the melon patch that Justin talked about.

Martin Bushman: No this is only where they threaten human or animal life.

Rex Stanworth: You know I like this because the letter I got from the Teton National Park when I hunted elk up there was it was from the superintendent of the park and he says in his letter, he says our recommendation is that if a bear comes after you drop down to the ground and curl up in a ball. He's only going to maul you for a minute. That's an honest to God true story. And I thought I'm sitting here with an 8mm Remington Mag and they're telling me if this bear's mauling me I'm just supposed to let him do it. But that was their way of saying let it go.

Martin Bushman: See how proactive we are here.

Rex Stanworth: I'm saying this looks good to me.

Steve Flinders: Other questions?

Questions from the public:

Steve Flinders: Questions from the public?

None

Comments from the public:

Steve Flinders: I don't have any comment cards. We still have two public.

None

RAC discussion and vote:

Rex Stanworth: I make a motion.

Steve Flinders: Okay.

Rex Stanworth: Is there a card?

Steve Flinders: No, I don't think so.

Rex Stanworth: Okay. I make a motion that on the Self Defense against Wild Animals, R657-63 that we accept it as written.

Steve Flinders: Motion by Rex. Seconded by Clair. Any more discussion on the motion? Let's take a vote; those in favor? That looks unanimous as well.

Rex Stanworth made the motion to accept Self Defense against Wild Animals (R657-63) as presented. Clair Woodbury seconded. Motion carried unanimously.

Other Business (contingent)

-Steve Flinders, Chairman

Steve Flinders: Last thing I have, you've got a blue sheet. I know we buried you in papers tonight. A blue sheet or a RAC schedule for next year. I tried to pattern something up. This year, it's a mixed up schedule, different, maybe fewer meetings, so that's good. But I think three of the meetings are in Beaver, two in Richfield, one in Cedar. That Richfield meeting in July I hope we've got air conditioning. Is that doable? Sweet.

Lynn Chamberlain (off mic): We're doing good.

Rex Stanworth: I have one question. We've been told that there are several of us that are going off the Board. Does that happen in after the May meeting?

Steve Flinders: The end of the fiscal year?

Douglas Messerly: June 30, is the expiration date. The new ones will come on July 1st.

Rex Stanworth: Okay. And Doug, when if we've got somebody that we're thinking of that may potentially be a, to be considered for the Board when do they start to making those nominations for those people?

Douglas Messerly: Right now.

Rex Stanworth: Now, okay. That's what I wanted to know.

Sam Carpenter: Is there someplace we can look and see when they expire? Because I (unintelligible) it seemed like (unintelligible) that expire. But when our term expires?

Douglas Messerly: I will forward you the e-mail that we have that has the dates, yes.

Steve Flinders: You're on the list.

Clair Woodbury: Sam, you came on the same day I did, I'll let you know when we're done.

Sam Carpenter: Thanks Clair but I was actually serving for I think Donnie Hunter's, the rest of his, and they actually went through and I came in after that and was reinstated, if I'm not mistaken.

Clair Woodbury: You and I finished out somebody's one year, the last year of their term so we've still got a ways to go.

Sam Carpenter: Thank you Clair.

Steve Flinders: Any more discussion on this schedule that we need to formalize it in a motion; otherwise we'll let it go as is. It sounds like it will work. Thank you.

Sam Carpenter: Hey, I have one other thing I would like to bring up before we leave, if we can.

Steve Flinders: Go ahead.

Sam Carpenter: Under this provision of other business. And uh, here in '05 and '06, back when we had some real rough drought years on the Paunsagaunt they actually lowered the population objective and I brought this up a couple of times but we've got antlerless permits coming up real soon and what I would like to do is get on the action log for the Board to increase that population back to the traditional limits, I believe it was 6,500 deer. And get that done prior to the doe proclamation, which I believe is in May. Isn't that what you said Doug? May, I believe we're going to be taking care of that provision? I'd just like to make a motion to get that on the action log so we can get that addressed prior to the antlerless tags coming out.

Steve Flinders: Is that something Sam you think we can handle within the RAC and in the southern region? Is there information that Teresa can give you?

Sam Carpenter: We can if the Board acts on it now and assigns it to us, you know, as an action item. I'm sure that the Division's going to be busy, as Doug stated to me, with the changes they've got forthcoming on the deer proclamation. And they do have evaluations coming up on the deer plan as well. But by getting this in we could probably get this taken care of prior to the antlerless . . .

Steve Flinders: So your motion would be to ask the Wildlife Board to address it.

Sam Carpenter: Yes To readdress or to get that population objective back to the traditional state.

Steve Flinders: You can make that motion.

Sam Carpenter: Can I put that in the form of a motion without doing it again, or do we want to hear it again?

Steve Flinders: Give it to her.

Sam Carpenter: Yeah I'm sure you love to hear me talk, so does Clair. At least he didn't call me Rex. Okay. What I would like to do is ask the Board to address and put on the action log to reinstate the population objective back to the traditional level which was 6,500, that may or may not be correct, but back to the traditional level before it was cut due to the drought prior to the doe permits; which I believe comes out in May. On the Paunsagaunt, yes.

Steve Flinders: Anybody second that? Steve seconds it. Any further discussion on it? Realizing we're just asking the Board to add this to the action log. Doug will (unintelligible).

Douglas Messerly: Sam and I discussed this prior to meeting. There are just a couple of things that I need to point out. What this is is an amendment to the current management plan for the Paunsagaunt deer herd, which all of the unit management plans are under the umbrella of the statewide management plan which was amended at the last Board meeting. So we'll have to, and frankly I don't know what the premium limited entry units were actually addressed as a change in the amendments that were made. So there may be no impact but we need to check against that. But what we need to do is actually modify the Paunsagaunt deer unit management plan. I think what you're going to see in the future is you're going to see us doing these plan revisions in short order because they're, some are due to expire at this point. And this is actually addressed to some level at the Wildlife Board meeting as to the timing of the revamping of those plans. But I think you'll see them done by local committee. And so it's, the reason that the cuts were instituted were due to what was coined as the desirable component index and it's based on the long-term range trend studies that the Division's been doing for some fifty years now, showing declining range trend on that unit. Not just that unit but other units, the Pine Valley for example was also given what we call a DCI cut because of declining range trends. So it's not just the Paunsagaunt that was cut as a result of these range trend analysis. As I committed to you earlier Sam, I'll do everything I can to see what we can do in terms of getting this done but frankly our next RAC meeting's in April. And it would have to go through that process and through the public process to some extent and then the Wildlife Board would have to act to amend that plan. So it's, to ask the Wildlife Board to put it on the action log for us to bring an amended plan back by April is probably not out of the question, we'd have to reconvene the committee and do it. But whether it's in the cards to do it specifically for the Paunsagaunt or not remains to be seen; and based on what we're able to come up with. But it's not the only one that has this issue I guess is my point.

Steve Flinders: A couple of questions before we take a vote on this. How old is that plan? How old are the objectives we're operating under there now? Is it '05,'06?

Teresa Bonzo: 6.

Steve Flinders: '06? Is there any new range trend data since '06? Are there new numbers to look at? They read it? Give us some . . .

Teresa Bonzo: I think they did it in maybe 2008 but everything was still, the units that had the DCI reductions, which was a 20 percent reduction, Sam's numbers were right on, they were still all in declining status. But we can certainly look at this. And next on our plate is to reconvene all the elk committees and go redo all of those unit plans. And after we get that completed then we'll form the deer

committee plans, just so you know our timeline, and redo the unit deer plans. That's our plan for the great scheme, but we can certainly talk to Salt Lake about this.

Steve Flinders: So there's potentially range trend data to look at.

Sam Carpenter: While you are up there, I brought this up during the antlerless proposals in Cedar City last year. And I was told the reason that we made the reduction was the drought, not DCI that it had to do with the drought. The DCI issue really came forth when we met with the Paunsagaunt committee and actually they did a presentation on their '08 data. So that was kind of between the two (unintelligible).

Teresa Bonzo: I heard about DCI, the reduction was in 2005; it was before I was a manager, when they did that.

Sam Carpenter: Right, yeah.

Teresa Bonzo: And it is in declining status due to the drought, so they're certainly tied together.

Sam Carpenter: Okay. Are we allowed to bring up the fact that in the last three years all the habitat work that has been done out there and the condition of that range?

Teresa Bonzo: Yeah, I totally agree. And they've done wonderful things out on the Paunsagaunt. But they did some wonderful presentations at the Board meeting that are all online right now, all the PowerPoint's. The one thing in one of those PowerPoint's that they did on habitat was the, especially for mule deer, these habitat projects it sometimes, I've always said like ten years but people there were even saying sometimes the benefits are even exceeding ten years before they're really there, tall enough browse that are really beneficial to the deer. So they just take quite a bit of time to provide benefit. Just because we do them today doesn't mean that they're going to be an immediate benefit for the mule deer. We're definitely on the right track down there.

Steve Flinders: And this may be a long way around but I, is it too early to ask? Is the Division looking for continued antlerless harvest down there? If not this may be a moot point.

Teresa Bonzo: I don't know what's going to happen. When we do our modeling after, I don't know what the modeling's going to look like. And when we get our harvest back . . .

Sam Carpenter: So, it's December and that's April.

Teresa Bonzo: And when we're doing our fawn production right now we're not sure how much winter loss we really sustained so it's all kind of up in the air. Once we put all that data in and calculate where we're at, I, it's too early to say right now.

Steve Flinders: Thanks Teresa.

Paul Briggs: Steve, I have a question. It just looks to me like looking at this draft agenda, well that's yeah, schedule for 2011 is the antlerless recommendations. So unless we have another meeting between now and then we wouldn't be able to address this prior to that meeting anyways.

Steve Flinders: W really wouldn't. If you guys pass this tonight and the Wildlife Board looks at it and puts it on their action log they may ask the Division to form the working group, as Doug mentioned, and go through all of that. And so it essentially, on our agenda we would amend the management plan and then pass the antlerless permit numbers. We would need to get some information to the Wildlife Board so that they wonder what we're talking about if we could characterize the habitat, changes and improvements that have gone on good or bad, and range trend data. We ought to vote on this thing. Any more, people need some more information? Do you know what they're voting on here? Understand what the action log is that the Wildlife Board has? A particular list of things they're working on behind the scenes; and we've added things to that in the past.

Rex Stanworth: Call for a vote.

Steve Flinders: Let's vote. Those in favor? Well it looks unanimous.

Sam Carpenter made a motion to have the Wildlife Board look at and add to the action log the reinstatement of traditional deer population levels on the Paunsagaunt. Seconded by Steve Dalton. Motion carries, unanimously.

Steve Flinders: So Sam I need you, before the Board meeting to help characterize what this is and what I'm asking them to do if that makes sense. Otherwise it looks just like (unintelligible).

Sam Carpenter: It does make sense and I will do what I can to do that, if not I'll try to get Wade to be able to go up, someone to go up. I'm just in the tail end of my career out there, getting ready to retire and I'm what they call the re-lead shift and I can't choose my days off. So I'd have to wait and see.

Steve Flinders: one thing that is co defined by the RAC and board process is that we can't task the Division with things necessarily, so we're asking the Wildlife Board to put this on their action log but we need to tell them why we think we have a case here. Why do you think you have a case here? What? I can characterize the discussion tonight but there's range trend data to look at, what else? And, so we need a list of some habitat projects that maybe you're aware of.

Sam Carpenter: I've got a long list of (inaudible).

Steve Flinders: Okay. Any other business? Clair.

Clair Woodbury: This will be really short. I would just like to thank the Division of Wildlife for being proactive on the Fishlake elk herds, seeing that we had a need to cut that third hunt. As you all know I've been very concerned over that elk herd for a lot of years and have fought hard for it, and I appreciate you guys doing that.

Steve Flinders: Great., Motion to adjourn. (Inaudible).

Rex Stanworth: Move to dismissal. Oh, Marty.

Steve Flinders: Marty.

Martin Bushman: There was a comment about the Samuel Ives case and its status. If there's any interest

I can give you a quick update on it. For those of you that don't remember Samuel Ives, this was an incident that occurred on Fathers day in 2007 where an 11-year-old boy was drug from his tent by a bear in the middle of the night in American Fork Canyon and mauled to death. The family sued the Division of Wildlife Resources and the Forest Service. The Division asserted immunity defenses. Under state law the state cannot be sued for money damages in certain areas, and they have what they call governmental immunity. And there are about three of these defenses that apply to this case, two of them quite strong, one of them not so strong. One of them was raised to the District Court, the Trial Court. And the District Court agreed with it and actually dismissed the case, stating that the state of Utah was immune. That was appealed to the Supreme Court, and on appeal, the appellate lawyer decided to add in the other two immunity defenses and argue those as well. We had opted at the trial level not to argue them because we felt we needed more facts in the record first and that would take a little more time in the case. What the Supreme Court held was they reversed the Trial Court's holding on the one immunity defense saying it was inapplicable, it did not give the state immunity; however, the other two defenses that were not raised at the trial court level the court found there wasn't enough information in the record to make a decision on it and remanded the case back. So we're back at the Trial Court again, however, there are two very substantial immunity defenses that are yet to be asserted and good possibility that those will prevail. So that's where we are. We didn't lose the case. It's not going to a jury yet. We're still in the legal wrangling phase..

Clair Woodbury: Was this State Supreme Court?

Martin Bushman: Yes, State Supreme Court. Our case is in state court, the federal case against the Forest Service is in the Federal District Court.

(Tape ends here)

Meeting adjourned at 9:35 pm.

**Southeast Region Advisory Council
John Wesley Powell Museum
1765 E. Main, Green River
December 8, 2010 @ 6:30 p.m.**

MOTION SUMMARY

Approval of Agenda

**MOTION: To accept the agenda as written
Passed unanimously**

Approval of November 17, 2010 minutes

**MOTION: To accept the November 17, 2010 minutes as written
Passed unanimously**

Bear Proclamation and Rule R657-33

**MOTION: To accept the division's harvest permit numbers.
Passed 10-1**

**MOTION: That the DWR get with organized houndsmen groups to find a solution to the "accompanying" definition conflict.
Passed 10-1**

**MOTION: That the division extend the spring bear hunt by one week on both the LaSal and San Juan mountains.
Motion withdrawn**

**MOTION: To eliminate the spring "spot and stalk" hunt in the Book Cliffs roadless areas with permit numbers determined by the DWR. The boundary would revert to the Book Cliffs boundary.
Passed 10-1**

**MOTION: To accept the remainder of the bear proclamation and rule as presented.
Passed 11-0**

Statewide Bear Management Plan

**MOTION: That the division explore the implementation of a bear CWMU.
Motion withdrawn**

**MOTION: To accept the statewide bear management plan as presented.
Passed unanimously**

Coyote Trap Check Proposal

**MOTION: To leave the trap check regulation as is (48-hour check).
Passed unanimously**

R657-63 Self Defense Rule

**MOTION: To accept the Self Defense Rule R657-63 as presented.
Motion passed 9-2**

**Southeast Region Advisory Council
John Wesley Powell Museum
1765 E. Main, Green River
December 8, 2010 ↻ 6:30 p.m.**

Members Present

Members Absent

**Kevin Albrecht, USFS
Bill Bates, Regional Supervisor
Blair Eastman, Agriculture
Jeff Horrocks, Elected Official
Wayne Hoskisson, Non-consumptive
Todd Huntington, At Large
Derris Jones, Sportsmen**

Laura Kamala, Non-Consumptive

Darrel Mecham, Sportsman

Kenneth Maryboy, Navajo Rep.

**Christine Micoz, At Large
Travis Pehrson, Sportsmen
Pam Riddle, BLM
Terry Sanslow, Chairman
Charlie Tracy, Agriculture**

Others Present

- 1) **Approval of the Agenda (Action)**
-Terry Sanslow, RAC chairman

VOTING

Motion was made by Kevin Albrecht to accept the agenda as written

Seconded by Chris Micoz

Motion passed unanimously

- 2) **Approval of the November 17, 2010 minutes (Action)**
-Terry Sanslow, RAC chairman

VOTING

Motion was made by Blair Eastman to accept the November 17, 2010 minutes as written

Seconded by Pam Riddle

Motion passed unanimously

3) Wildlife Board Business (Information)

-Terry Sanslow, Chairman

A motion was made by the Wildlife Board to pass option 2. It passed four to three with Bill Fenimore and Ernie Perkins opposed. The motion was made by Tom Hatch and seconded by Jake Albrecht. The reason behind option #2 is that the Board majority failed to see the advantage presented by the DWR in staying with option 1. The Board has a deep concern for the current health of our deer herd, and is trying to get a handle on the reasons for the decline as soon as we can, so we can reverse this downward trend. As far as the state-wide archery, a motion was made that archery hunters choose a unit starting in 2012 and that passed four to three. Rick Woodward, chairman, had to make the tie-breaking vote. The reason behind that is under the DWR presentation archery hunting could go either state-wide or unit by unit under option #2. If the Board let archery continue state-wide hunting, this would contradict what the Board is trying to accomplish in addressing changes under option #2. The following motion was made by Ernie Perkins and seconded by Jake Albrecht and passed unanimously. I move that the DWR consider allowing blind hunters to use a laser sighting device and companion hunter and bring a recommendation to the Board within a year. So that will go on their action log and they will look at that in the future. A motion was made by Dell Brady, and seconded by Bill Fenimore to not accept the three point or better proposal. The reason is the Board agreed with the data and recommendation presented by the Division on this issue. A motion was made to address the trap check rule in the January wildlife board meeting and that was motioned by Tom Hatch, seconded by Jake Albrecht and passed four to two, with Ernie Perkins and Bill Fenimore opposed. The reasoning is the Board wanted to have this heard and addressed in each RAC at the earliest possible time. The bucks and bulls season dates and application timeline was made a motion by Keele Johnson and seconded by Dale Brady and passed unanimously. A motion was made to move that the Nine Mile boundary and existing Range Creek issues be sent back to the region to work out with the prospective parties and work toward a resolution. This also was put on the action log. The following motion was made by Ernie Perkins, seconded by Keele Johnson, and passed unanimously to accept the bucks and bulls overall and once in a lifetime 2011 (inaudible) season dates and application timeline as presented. The following motion by Keele Johnson and Jake Albrecht passed unanimously. They moved that the Division work with land owners in the area north of highway 491 to consider the option of the general season open bull hunt and CWM permit numbers. The following motion was made by Bill Fenimore, seconded by Dale Brady and passed unanimously to approve the variance request for the Woodruff Creek, allowing them to increase acreage to stay in the 3rd year of their management plan. The motion was made by Ernie Perkins, seconded by Dale Brady, and passed unanimously to accept the CWMU permit numbers for 2011 as presented, and landowner permit numbers for 2011. The following motion by Dale Brady, seconded by Jake Albrecht, passed unanimously to grant the Diamond

Mountain Land Owner's Association's variance request. The following motion by Ernie Perkins and Dale Brady passed unanimously to accept the remainder of the landowner permit numbers for 2011 as presented by the division. They lumped Rule R657-5 with R657-44 about the taking of big game amendment, depredation amendment, depredation policy. That passed unanimously. The following motion by Dale Brady and seconded by Bill Fenimore passed unanimously to accept the amendments for R657-5, R657-44 and the depredation policy as presented. A motion was made to accept the conservation permit audit as presented and that passed unanimously. A motion to accept the conservation permit allocation presented by the division with the addition of the San Juan Elk Ridge buck deer tag going to the Utah Bowman's for habitat. They gave the Bowman that permit to take it back to the convention to auction, and hope they can make a bunch more money off that. That passed unanimously. A motion to approve the conservation permit rule as amended passed unanimously. That was the update on the Wildlife Board meeting. There were some meetings the night before; they presented some real good information on everything from disease to highway mortalities. The information is on the web site and you can go there. A couple of more things I needed to bring up. This will be our last RAC meeting until April. They've been consolidated and some have been cancelled or moved. In April we need to elect a new chairman. I'm giving you time to think over who you want or whatever, but we will vote for a new chairman on April 13th. If we do it then, the new chairman will be able to go to the Wildlife Board on April 27th and 28th and that will be the big game amendments and antlerless guide book with permit numbers and all else. (Inaudible) It's all been sent back to the division and it's on the Wildlife Board's action log and I don't know what the date is that they asked for. Bill Bates will try to have something when we meet with the Board at next November's meeting so that can be handled. Part of the problem you have is dealing with some land owners that didn't get the information that this was going to be part of the agenda, and so they set it aside until everyone got their chance to speak on it and when they bring it to the next RAC. But it's on the action log now for whenever we get around. I don't know what the date is. One other thing too is on the Minnie Maude Ridge CWMU, they did vote to take that parcel out of it, because it didn't affect the CWMU numbers, so that was taken out.

**4) Regional Update (Information)
-Bill Bates, Regional Supervisor**

I would just add that it was a long and arduous meeting, and am glad it's over. Tonight I just have a few things to talk about. In our office we have a new accounting technician. That's Tricia Atwood. She worked quite a few years for the court office in Price, with the Juvenile and District Justice System. You may know her from there, but we're glad to have her working with us. She's very good at taking dictation, so everything is going to be exactly right.

Our aquatics section has been busy. We did an electric shocking survey below Joe's Valley looking for tiger muskies and we found quite a few nice brown trout. I was impressed. They've been working on the restoration of Mud Creek there by Scofield and that's now complete, and ice fishing is underway. Brent's been busy. He and Walt have been working on an archery program in the schools and we had our bighorn sheep watch.

We moved it from Moab this year to Green River and there's good news and bad news. The bad news was we only had about 11 people at the presentation, where down in Moab it was standing room only, so we might re-think that. About 30 people went up the Green River corridor and they saw a lot of sheep at close range. It turned out really well.

With law enforcement, we have a new conservation officer, Devin Christensen, who will be in the region in January or February and we look forward to having him. Then we will only be down one officer other than Dennis Shumway from San Juan County who is now in Iraq. We'll also be getting a new conservation officer in about six months in the East Carbon district. They're going through the selection process on that right now. Hopefully, in nine months we will be up to full speed and fully staffed. Right now most of the patrols are dealing with the cow elk hunts but also just winter range patrol. There are a lot of people out looking for deer and they're finding a few deer too. It's been pretty interesting. We did have some of our officers, TJ Robertson and Sean Spencer who helped with the search for the assailant of Brody Young. They spent quite a few days out there, five or six days. Wish we could have caught him, but he still remains at large. Officer Young is still fighting for his life. He was wounded very severely. He was shot six times and has had numerous surgeries, almost a daily thing. I think he's doing better now, from the last report heard and we appreciate the community support and help with that. He works for Parks and Recreation, but he's still under the umbrella of the Department. He's one of our own.

The habitat section has been busy as well working on pinion juniper removal projects. We've got one at Hiawatha, one at Dougout Creek between Wellington and East Carbon. We did a management burn on Matheson Preserve in Moab. Burned about 70 acres. The mosaic there affected more than that, but it actually turned out very well. We're working in San Juan County on CRP Agricultural lands. We have been getting peoples seed and helping them down there.

The wildlife section has been busy with their bighorn sheep surveys. You can talk to Justin, Guy and Brad about specifics, but numbers are down this year. That's not just here; it seems to be across the board in the other regions as well. We're not counting as many bighorn sheep.

We've just begun deer classifications. You probably heard that the cow antlerless hunt was cancelled on the Fish Lake. That's basically all I have. I just want to remind you it might be good to refresh your memory about the training we had with Wildlife 101 last year. Remember the five parts to every decision. Sometimes I think it's good to stop and think for a minute about what those five parts to every question are.

- 1) Is it biologically possible?
- 2) Is it technically correct?
- 3) Is it legal, is it something we can do?
- 4) Economically, can we afford to do it? And also,
- 5) Socially, is it what we want to do?

And that's your role, to look at the social part of it. I would admonish you to think about those five parts to every question when they come up. Don't think you necessarily have

to act on everything if you don't have all the answers. We have Division employees here; you can call them up and ask them for their opinion. If they have any data, or if it's something we don't feel good about doing right now, it's ok to hold off and get it right. Anyway, that's all I have unless you have any questions.

Questions from the RAC

- Pam Riddle - The bighorn sheep numbers are down. I know there were some disease problems this winter and I know Flaming Gorge had some problems. Is that potentially part of what we're seeing?
- Bill Bates – Justin can answer that better than I can, but I really don't think (inaudible) go ahead Justin.
- Justin Shannon – Pam, generally in disease- related die offs like that, you'll see 50 to 70% losses in the herds. We didn't experience anything like that. What we did see were decreases in many of the populations and more troubling are the decreases in the lamb to ewe ratios. One of the comforting things is, if you can phrase it that way, is that it wasn't like just one unit had a decrease in lamb to ewe ratio to the point where, ok, it's that unit we're really concerned about it. It's across the board which makes me think that it may have been more environmental than disease just crashing these populations. But again, there's more to be done. We are, this January actually, going to collar some bighorn sheep on the San Rafael Swell, and that will help us know what's going on in that population a little bit. I know there's been concerns with the RAC in the past there. Nothing like we saw in the northeast part of the state. It'll be on the North. We're putting 40 GPS collars on.
- Derris Jones – I have a question about our rule on the RAC as it related to last month's meeting. This is the first time our RAC has been inundated with people from outside our region. I'd like some discussion from your part. Are we representing the constituents here in our region or are we representing the constituents of the state. Do we weigh Richfield people's opinions different than we weigh the Moab people's opinion?
- Bill Bates – I'm going to ask Marty to come up for a rebuttal. We're really fortunate tonight to have Marty Bushman, the member of the Attorney General's office that is assigned to our division, here with us tonight. Marty, I'll ask you to come up and give a rebuttal on what I say, ok? My opinion is that these are state wide resources. And yes, our job is to look at what goes on in our region. People in Salt Lake City care as much about the elk on San Juan as people down here do. They are citizens of the state just like the people in San Juan County. So I think it's appropriate to consider input from everybody. But we have to focus on what does that mean to the communities in our area, and so I think that's the balance we need to look at.
- Marty Bushman – I would say the same thing. There's nothing in code that really gives you any direction on how to consider comment from outside your region whether you are there as representatives and advocates for your region only, but looking at how the whole scheme's set up, which is your having regional advisory councils where people can come and comment. I would say that there is some obligation to make sure that the interests of your region are represented, but not to the exclusion of the state's interest. You've really got to try to balance those, because this is a state resource. It's not managed by four or five different agencies. It's a single state agency. So I think Bill is right on with it, it really is kind of a balancing act at looking at local interests versus state interest and trying to make the best recommendations you can.

Questions from the Public

Comments from the Public

RAC Discussion

5) Bear Proclamation and Rule (Action) -Justin Dolling, Game Mammals Coordinator

Questions from the RAC

- Wayne Hoskisson – Which number did you come up with?
- Justin Dolling – It’s a little confusing. This slide is a regional summary. What we did is we took 10 percent of the permits of the unit level. So when you look at the region summary, there’s a little bit of a rounding error that occurs. For example, in this region on the LaSals before you had 20 permits we were recommending in the spring, 20 permits we were recommending in the fall for a total of 40 permits. Four of those would become premium limited entry.
- Wayne Hoskisson – It just doesn’t look like a half dozen to me, but I’ll take your word for it.
- Justin Dolling – There’s a chart in your hand out that shows how allocations were made. You have to keep in mind there’s a little bit of a rounding error. So if we hit point 5 we round up to 1. If we hit 1.5 we round up to 2.
- Bill Bates – In the southeastern region in the 2011 season there’s 148 permits. For 2011 in the fall there’s 38 permits which adds up to 169, so 17 is pretty close to the 10% of 169.
- Justin Dolling – 16.9 to be exact.
- Bill Bates – Even statewide, 41 compared to 419 total, so it’s not far off.
- Justin Dolling – Does that help?
- Wayne Hoskisson – Yes, thank you.

One of the reasons why they may harvest the bear by wildlife services, is because of a problem at campgrounds, but it’s also livestock depredation. You’ve got to remember in the mountains, Manti is a very large sheep unit, so young bears come into campgrounds (inaudible) I don’t have the actual age data for depredation areas, what I do is what our harvest was and then what our total was. I’ll go with the last three years. In 2008, there was no difference, what hunters were harvesting was the same age as depredation which was 3.7 years old. In 2009, same thing. What we were harvesting and what wildlife services was taking both averaged 4 years old, and last year sportsmen on the North Manti average age was 6.5. You couple that with the entire wildlife services take and it was 5.4, so this last year there was a difference, 08’ and 09’ there wasn’t.

- Keven Albrecht – I see that as being one reason why central mountains Manti would have an increase in numbers because of numbers of sheep. There are other things . . . large sheep operations near Cedar Breaks Justin Dolling – I chatted with Mike (inaudible) from Wildlife Resources and he was a little puzzled because usually that level of take

was occurring in the Strawberry Valley and for whatever reason it now shifted over to the North Manti. So he was uncertain as to what occurred. Charlie Tracy – It seems to me that it's been pretty typical of that Manti North and sometimes Manti South that the depredation kills were almost always much larger than the sportsmen kills. Justin Dolling – Manti North doesn't have the history as the south but this last year it was pretty obvious.

▪ Justin Dolling – Last year was the first year where we actually implemented this restricted summer pursuit on two of the three units, two of which we were having a pretty substantial conflict between recreational users and guys that were out training their hounds on bears. Our wildlife law enforcement group actually put together what's known as an action plan and monitored the level of conflict this year. In comparison, last year we had well over 100 complaints. This year I was told by our law enforcement folks that that was less than ½ a dozen. So it appears that our recommendations to reduce the amount of activity that's occurring on those units are working. The number of hounds that can be used in a pack to pursue a bear on those units, it seemed to work. So given those results, we'd like to pretty much stay the course with our summer restricted pursuit recommendation with one exception, and that is the Bookcliffs doesn't get a lot of recreation and so our region felt that they could increase three permits in the early resident category and three permits in the late resident category. We'd still like to go with that split early and late season at the bottom of that slide you can see that the early season would terminate just prior to the 24th of July weekend and then the late season would begin sometime after that busy weekend. So we would actually carve out that busy weekend where we know that we have a lot of recreational users on the mountain, kind of give the mountain to the folks that are up camping and then start the later pursuit season again. So the numbers I have listed there for the La Sal and San Juan are identical to last year that were approved by the Wildlife Board and you can remember, we went through a lot on adjusting those numbers, but these were the numbers that were ultimately approved by the Wildlife Board and we'd like to stay the course on these. I do have one bear rule change proposal. If you remember correctly, we felt the houndsmen had some concerns about breaking up family tradition and large groups that would gather and train hounds on these summer units. So what we allowed for is that family members, and friends, could come together, they could bring their dogs together and form a pack as long as that pack was less than eight. And they could accompany the individual that had the restricted pursuit permit. Our law enforcement folks found that there was a little bit of abuse that was going on with how people were referring to the word "accompany", so we'd like to bring some clarification to that definition. Essentially, we'd like to define that a dog handler remains close enough to the permit holder on a restricted summer pursuit unit to maintain visual contact and verbal communication without the assistance of any electronic device. Season dates, I won't go through all those for the new calendar, they've just essentially been adjusted for the new calendar year. I do want to draw your attention to the Bookcliff's Little Creek spot-and-stock only hunt. The region felt like there were very few big game hunters because it's primarily a limited entry area during the month of October, so they're recommending that the month of October be added to the fall spot and stalk hunt, and so that hunt would run under this recommendation straight from August 27th through November 20th, unlike the other fall hunts where there is an early part to the hunt and then October is closed and then there is a late part to the hunt. In summary, we'd like to provide a premium limited entry hunt experience in 2011, which essentially represents 10% of the permits at the unit level that would be converted

over into the premium limited entry category. That hunt would allow the permittee to not only hunt the spring but also the fall season, so that they could only harvest one bear on the unit that they drew. We'd also like to include the Yellowstone South Slope, Vernal, Diamond Mountain, Bonanza, and Central Mountains Manti North units in the spring harvest extension, bringing that total to nine. We'd like to continue the summer restricted pursuit on the Bookcliffs, San Juan and La Sal units and add essentially six permits to the Bookcliffs, three in the early season and three in the late season. We'd like to bring a little more definition to the word "accompany". I'll review that with you one more time. It means that a dog handler remains close enough to the permit holder on restricted summer pursuit units to maintain visual contact and verbal communication without the assistance of any electronic device. We'd also like to recommend continuation of the Bookcliff's roadless areas spot and stalk only hunt, no bait, no hounds, and propose that for the month of October. Thank you and I'll take questions.

- Charlie Tracy – On that San Juan unit, on that pursuit thing, is that all of San Juan County or just the Blues?
- Justin Dolling- That's the entire San Juan wildlife management unit. Ok, so that's everything but the La Sals, is that what it would be?
- Guy Wallace – The LaSals is separate, the San Juan is the elk region of all those combined.
- TJ Robertson - That northern boundary, the Big Indian Road, Little Valley Road to (inaudible) Mesa.
- Travis Pehrson – What is the summer pursuit permits, you said there was only less than a dozen complaints this last year?
- Justin Dolling – Less than ½ a dozen.
- Travis Pehrson - Is there anything that shows how many houndsmen applied for these permits?
- Justin Dolling – On the restricted pursuit units, there was 100 permits and we had about 140 applicants.
- Travis Pehrson – So do you think increasing each one by a few you're going to make much more of an impact?
- Justin Dolling – as far as creating conflict?
- Travis Pehron – yeah.
- Justin Dolling – I can't answer that question. But we'd like to stay at the level we're at for a couple of years, recognizing that last year was a dramatic change so people were probably on their best behavior to ensure that that stays the course. So we'd like to stick with these numbers for a while and see if it's still continuing to work for us before we adjust.
- Derris Jones – I'd like to ask law enforcement, maybe TJ can answer, on the spot and stalk hunt continued into October. Is that going to turn a spot and stalk hunt into a bait station hunt with gut piles and wounding loss from two elk hunts, cow hunt, and the deer hunt?
- TJ Robertson – You know it very well could be. However, I'm not real familiar with the exact number of permits that are on that unit, but I don't know that there is a whole lot of permits to worry about. We only issued four bear permits on it, at least we did last year, so if they're doing that then the definition of bait is something that somebody actually puts out intentionally if they happen to find an elk carcass or part of a carcass or part of gut pile, or whatever, and they kill a bear off of it. I don't know that it really is too big of an issue.

- Todd Huntington – My question is about, I guess I want to know the thought process behind the fact that we're going to approve a bear management plan that starts January 1, but we're going to use outdated or old numbers to recommend permits. I don't understand why we're not going to use the new plan to set the numbers when these hunts aren't going to start until the spring, at the earliest. Bill kind of asked the same question, so I don't understand why we would do it that way.
- Justin Dolling – Ok, let me see if I can explain that. Our current management plan is dated to go through the end of 2010, so we're currently still in the realms of that plan. By design we decided to start the new plan in 2011 and I'll review the reasons why that is. We have some study sites where we're looking at bear densities and we need three years of baseline data in order to determine whether that population on that study site is either growing, decreasing, or stable. And we're going to incorporate those study results into our management system that generates our permit recommendations.
- Todd Huntington – My next question would be the average age of the bears in the harvest. Last year we increased the number of tags by 49, a 14% increase. The average age of the harvest went up half a year. This year we're recommending an increase of 53. Do you suspect the average age will go up another half a year? How many bears do we need to harvest to get that down closer to our management criteria of five?
- Justin Dolling – That's a good question. I don't have a very clear answer for that other than we tend to get these good years, back to back years where a lot of bears are recruited into the population. We get these strong age classes that cycle through in the harvest. So, we recognize that average age is not a good indicator of the health of a population, so in the new plan we're not going to use average age, because it can go up dramatically one year if you get a strong cohort of bears that are reaching that four to five to six-year old category and it can go down the following year as a result of those bears moving through and having a couple of bad years.
- Todd Huntington – Ok, now I'm really confused, because I'm pretty sure in the new bear management plan the average age was one of the criteria.
- Justin Dolling – It's not.
- Todd Huntington – So what are the criteria in the new plan? Just mortality, adult survival, and females? Are those the only two we're going to use?
- Justin Dolling – In the new plan we'll be looking at adult males in the harvest. An adult male is greater than a five year old animal and we'll be looking at percent females. That will be our harvest criteria that we'll look at in that part of the management system to make a permit recommendation. We'll also be integrating our population growth study work. Kevin will be looking at our bear denning recruitment work. The old plan was a solid plan, don't get me wrong, but we have some new studies that are going on and we're looking at different things associated with bears on some of our management units and if we're going to do these intense studies we want to incorporate that information into our management system and that's the system we use to make permit recommendations.
- Todd Huntington – But we're going to pass the plan first, and then incorporate them? I don't understand how we're going to do that.
- Justin Dolling – Well, the first cycle of recommendations under the new plan will occur at this time next year.
- Kevin Albrecht – What was the success on the spot and stalk that we instituted last year? And what percent of females were harvested.

- Justin Dolling – Yeah, actually we issued six permits on the spot and stalk, three bears were harvested, all three were males. Ironically, two of the three fall permits, which would increase the success rate, and for whatever reason, they were surrendered at a time where they could not be reallocated, so the success was higher than 50%.
- Todd Huntington – How does that percent success on those compare to percent success (inaudible) with animals?
- Justin Dolling – Well, statewide we're running 42% and most of those bears are either harvested over a bait station with archery equipment or by using hounds. There is very little spot and stalk that occurs outside of that spot and stalk only hunt. There are a few people that do it, but it's not the rule. It's not a popular technique.
- Todd Huntington – So this new hunt is not comparable.
- Justin Dolling – Slightly greater, and I know your region indicates there is pretty high bear densities in that roadless area. It may be just a matter of hunters didn't traditionally access that country because the Bookcliffs have a good healthy population of bears and so when you put on a new hunt and confine people to a small unit and then there's high bear densities, success will be high.
- Wayne Hoskisson – Do you have a sense of what proportion are using bait, and what proportion are using hounds, and what proportion are doing spot and stalk?
- Justin Dolling – Yeah I do. I don't have that stuff on the top of my head; I'd have to look that up.
- Bill Bates – Wayne do you (inaudible)
- Wayne Hoskisson – No, I just want to know what characteristics there are for (inaudible) I personally object to baiting and hounds.
- Travis Pehrson – (inaudible)
- Justin Dolling – I might have it on my computer. (Inaudible) We'll look at the number of certificates of registration that were issued for bait stations. I hate to throw numbers off the top of my head, but the lion's share of the harvest occurs by hounds. It's 60+ percent. I want to say it's about 20% over bait.
- Wayne Hoskisson – Do you advertise that to put a bait station on a natural forest, you require a permit from the natural forest? Are hunters aware of that, 'cause I've found at least three bait stations left (inaudible). (Inaudible) forest service to enforce that.
- Justin Dolling – In order for them to obtain a certificate of registration they must have consulted with the Forest Service. It used to be written consultation, but verbal is now allowed. I know our officers are frustrated on several cases because there is probably a lot of folks that are not applying by our regulations and may not be applying by your regulations. There are illegal bait stations out there.
- Blair Eastman – I'm just curious, on the fall hunt, did you increase that November 1st, that second part of that hunt, did you increase that by 10 days?
- Justin Dolling – from last year?
- Justin Dolling – No, it's just been adjusted for the calendar.
- Blair Eastman – So it wasn't just a 10-day hunt, this year actually, 2010? Was it a ten-day? Was it November 1st to November 10th this year?
- Justin Dolling – No, it was through the 19th or the 21st.
- Justin Shannon – Which hunt is in question?
- Justin Dolling – The fall hunt.
- Blair Eastman - Just that 2nd part of the fall hunt which started November 1st. How long was it this year?
- Justin Dolling – November 1st through November 21st.

- Blair Eastman – Ok, so it didn't increase, thank you.
- Justin Dolling – No, the season dates in this recommendation are just adjusted for the calendar. It's the same with the exception of the one I drew your attention to and that's the Bookcliffs.
- Travis Pehrson – Can you define a bear incident for me? What is an incident?
- Justin Dolling – A bear incident can range from a sighting of a bear in an unusual location. A bear in bear habitat is not an incident, but a bear in a campground is an incident. We track those incidents. Those incidents can go from a sighting in a campground all the way up to a bear that has a close encounter with a human, all the way to an attack.
- Justin Dolling – If it's a bear in an area that a bear shouldn't be, it's an incident. If you've got a cabin in the middle of the woods. . . .
- Bill Bates – It's basically any time we get a complaint. Somebody calls up.
- Kevin Albrecht – I've got one. So item #5 Bear Proclamation and #6 Statewide Bear Management Plan, is that the new plan? That'll be the next items you'll go over the new plan?
- Justin Dolling – correct
- Travis Pehrson – If we make a motion on this, it's basically only valid until January, then we're going to have to review whatever happened right now.
- Justin Dolling – What you recommend tonight, assuming the Wildlife Board approves it, would be good for the 2011 season.

Questions from the Public

- Jason Binder, President, Utah Houndsmen Association – Under the new accompany rule, say we're down in Monticello and I'm hunting with Tony and we have eight dogs out and my four dogs decide their going to leave Tony's and head to a campground and Tony has a permit and I go back and get in the truck and go to the campground and get my dogs. The way this is written, am I going to get a ticket?
- TJ Robertson – The way this is written--yes, you would have to be accompanying whoever has the permit. If you have the permit, or if Tony has the permit, whoever has the permit, you have to be with them on the restricted pursuit.
- Mary O' Brian, Grand Canyon Trust – Just a question maybe Justin or someone else would know. When's the last time the agency looked at baiting bears in terms of bears, in terms of – is it mostly guides that do that? How well do you know what percent it is? When do you kind of systematically look at the whole system?
- Justin Dolling – That's a good question, Mary. Each year we conduct a harvest survey so we know how many folks harvested bears over bait. Historically we've kept track of numbers of bears that have been harvested over bait. In the new plan one of the specific strategies is to open up our bear bating certificate of registration process and give that a good critical look. The new plan identifies that as a need. I don't know if it was done over the life of the old plan; there were a few little tweaks, but we'd like to really open up the bear baiting certificate of registration process and give it an overall review under the guidance of the new plan.
- James Gilson – On the population goal page, the first line talked about maintaining bear populations and expanding them based on habitat and effects on other wildlife. Why is livestock not considered in that expansion of the bear population?
- Justin Dolling – Well, livestock is considered. Our agency is not responsible for the management of livestock so our management plans typically look at wildlife and if those

wildlife species can affect other wildlife species. There are sections of the plan that talk specifically about how we deal with bears that cause problems with livestock.

- Bill Bates – Justin, I think if you go and look specifically at that goal, I think it says human needs, something about that. I was part of doing that first plan and definitely livestock was a major consideration in putting that plan together. We had somebody from Wildlife Services that sat on the committee and if you go through the plan itself, that was a major consideration.

- James Gilson – How much money do we pay for damage to livestock folks a year, what's that kitty, how much is that?

- Justin Dolling – It has fluctuated over time. It's about \$200,000.00 that goes to paying confirmed losses primarily by the Wildlife Service agents. For the last couple of years these confirmed losses have exceeded the budget so we've had to pro-rate compensation to the rancher.

- James Gilson – Where does that money come from?

- Bill Bates – I know one year we were given \$100,000.00 to increase that from the legislature through the general fund, but I think all of it comes out of our restricted account. I think it was just one year that we got this supplemental, but I could be wrong.

- James Gilson – So that comes from your operating budget? So based on the fact that were exceeding that \$200,000.00 or \$100,000.00 or whatever the number is, what is the percent that a livestock operator gets when he loses an animal? Do they get full value of the animal or is it based on how much money is in the kitty and how much is run out.

- Justin Dolling – The market value of that animal's assessed each year and of course the market value changes from year to year. Depending on the number of confirmed losses and the amount of money in the budget, and those livestock operators who pay a head tax, if those numbers don't balance then everybody is pro-rated at an equal level. So if it's a \$10.00 reduction or a .50 reduction, it's all pro-rated equally across those who pay for their head tax.

- James Gilson – Well, so while investigating some of this, I wondered if you knew why I was given between 40 and 60 percent of value that has been the average. Are you aware of any more than that? I checked with wildlife services and a couple of stock growers.

- Justin Dolling – No, that's not the case. We check with the department of agriculture for market value each year and that is pulled into the equation of how much we can compensate based on market value, the number of confirmed losses by wildlife services and the amount of money in the budget.

- James Gilson – So if the fund is used up and you have too many cases, you pro-rate it and you don't pay full value for the animal, you pay a percentage to everybody? So it's possible that livestock operators are not getting paid full value, they're getting a percentage of the value.

- Justin Dolling – That's possible in some years where the confirmed losses and the value of the animals exceed the budget, but there are years where the budget has exceeded the value of the confirmed losses and the value of the animal; we've been able to compensate it at 100% of value.

- James Gilson – When you look at the management plan, both old and new, and I guess we're going to combine a little bit. We manage elk and deer and other animals based on available habitat, and we're managing bears on . . . if there's X amount of winter range was what we basically manage ungulate populations, there's only a certain amount of bear habitat and if your deer herd surpasses their available range, they have problems and get in trouble, so do the elk. It doesn't appear that we're managing bears the same way.

We seem to have a high incident rate of bear incidents and bear populations, according to your numbers.

- Terry Sanslow – James, please get to the question so we can move on.
- James Gilson – I don't want to be interrupted, I have a public right to have questions answered.
- Terry Sanslow – We're asking you to tell us what the question is and go on.
- James Gilson – I'm going to. Let the record show that I was interrupted and not able to ask the remainder of my question. Thanks.
- Terry Sanslow – There is a question, but we would like to limit the number of questions and the length of the question to make it fair for everybody. That's what the Wildlife Board does . . . and they don't allow a person to keep coming back and back. Usually twice is all they will allow.
- Scott Watson, U.S. Forest Service – Did you guys consider the spot and stalk for the La Sals and for the San Juans as well in your planning this year?
- Justin Dolling – Just for clarification, in our current recommendations or the new plan?
- Scott Watson – The new plan.
- Justin Dolling – In the new plan we talk about looking at a lot of different options other than just straight limited entry type permits. So in our new plan we've essentially looked at different options besides just straight limited entry and we've also looked at options for spot and stalk only. So I think you'll possibly see some units that will start to experiment with spot and stalk hunting.
- Scott Watson – Was there a reason you didn't consider it for 2011 for the San Juan and for the LaSals?
- Justin Dolling – In part, the new plan talks about some changes the old plan didn't specifically address. We felt like we wanted to get the new plan through the process before we really shocked anybody and started implementing a bunch of things that may not be favorable.

Comments from the Public

- Mary O'Brian, Grand Canyon Trust – I would like to comment that I'm pleased to hear that bear baiting will be looked at as part of the upcoming plan. Because I think that for a lot of people it's considered pretty equivalent to chumming for bears and not a fair chase type of hunt. We don't allow chumming for fish, and so I appreciate that the agency is planning on looking at that whole system.
- Terry Sanslow – There is a three-minute time limit for individuals. Five minutes for groups and Bill is the official time keeper.
- James Gilson – Incident rates are high because of high bear densities. If you look at their data, in 1990 they were harvesting about 25 bears and now we're up to 158. A good friend of mine, Tom Hardy, works for wildlife services. When he started with this agency he worked cougars on sheep and now it's all bears. He did tell me today that he sees fawn hooves in bear scat all summer long while he's working there. The question I was trying to get to is – Bears have exceeded their habitat in lower areas. If bears only eat certain things when they leave those food sources searching for others, it's because there's not enough habitat. If there's not enough berries, there's not enough summer range, and not enough nuts, they move into other areas and cause trouble, it's because the population's high and above the habitat. So the other thing I'd like you to consider is they have these objectives and only a couple of years did we get in trouble harvesting too

many females. I believe there's room for some bear tags here, more than they've recommended in a lot of areas because the harvest data shows that they're not even close to their objectives and we need to manage close to the objectives. So I'd like you to take a look at the increase in the tags and I'll save the rest of this for the new proclamation. Thanks.

- Guy Webster – I would just like you to reconsider the spring hunt on the Bookcliff's roadless. There's no other hunters up there. I'd like to have you consider allowing hounds back in there. It doesn't prevent anybody from spot and stalk, but it did take away opportunity that some of us here locally really enjoyed being the only ones there riding our mules and hunting the traditional way. Summer training, possibly increase that to 10 dogs and the real problem with the summer training is having to accompany. If I was to draw a tag on Bookcliffs, we end up with a couple of dogs thrown out of the race. My kid goes after them dogs while I continue to the tree; it's putting one or the other of us in violation. I think being there when the dogs are initially turned loose, but if you have to maintain constant thing, we're continually commenting about "let's try to reduce conflicts" if everybody has to say to the other, like Jason said, you end up with dogs taking off. Get to them dogs; get them gathered up before they are ending up in other people's camps and campgrounds, things like that. But if you have to maintain everybody in the group together, it takes away the ability to go get that stray dog. That one that was out of the race or whatever, and you're going to end up taking a minimal conflict and turning it into a big problem. Because a dog is going to go to the first road, and they're going to go down a drainage. If they find the campground, a truck, the campers, other dogs - just the inherent nature of hounds, they're going to hang out with them and that's going to increase complaints. I think at that point of time, if you turn them loose, they're released together and that's what we're trying to accomplish. We're trying to help minimize problems, but if you make us all stay together it's going to increase problems.

- Kevin Albrecht – I guess the question I have, not being a houndsman, I heard that last year there was a lot of those that stretched the rule. What would be a solution, if not this, to help some of the problems we've had.

- Guy Webster – Close proximity when you turn loose. Be there together when you turn loose. I mean if we're hunting and me and my wife and daughter and son go and I'm riding with my wife and my son and daughter are following on the 4-wheeler, we're not in radio communication. We're all in the length of this room, but technically by the letter of the law, we're not complying with the law because we're not in verbal communication if we separate vehicles that way. I think it's got to be – yah there's always somebody who stretches and breaks the rules and unfortunately that's the case. Let's look at it from what the ultimate goal is and rather than make it bad for everybody that complies with it, but for the couple who don't. As houndsmen, I think we're making an effort to police our own and get those guys that don't play by the rules and get them to play by the rules before it hurts everybody.

- Wayne Hoskisson – I have law enforcement experience and know how difficult that can be if you don't have something fairly clear to enforce. I guess I would love to get a suggestion from you houndsmen about what that could be if you think this is a problem.

- Guy Webster – You know the limit on the dogs turned loose and you all have to be there when the dogs are turned loose; I'd like to see it up to 10. 8 to 10 dogs, that's pretty well minimizing the problem, but if dogs go across canyon, dog throws out, goes down a canyon, makes it illegal for somebody to go down the canyon to pick that dog up.

Sometimes you end up having to hike down through two canyons. Bookcliffs or some of these canyons out here that it takes an entire day to walk through from top to bottom. If I drive a truck around with dogs waiting for my son to come down through that canyon to pick it up, one of us is going to be in violation if only one of us has drawn that tag where both actually are. We'd love to be together from start to finish, but sometimes that's hard to do.

- Blair Eastman – If we made it so that electronic communication was legal on those pursuits, that would alleviate this problem, wouldn't it? So Guy could hunt on the top of the mountain and his boy could hunt in the bottom and as long as they had electronic communication they could still be legal, if we changed it.

- Guy Webster – I still think about that the point in time the dogs are turned loose. Whether that means you're hunting out of the truck, rigging off the truck, whether, as we do a lot, we dump the dogs out of the back of the truck and jump on a mule, we all go off together. But if the dogs separate during a race then it's not going to be legal for one of us to go get some of the dogs and one of us go to grab the other. My wife killed this spring; we turned loose the same time. Had six dogs out, two ended up on the bear that she killed, the other four dogs went and caught another bear. That's the kind of thing that can, and does happen, so therefore, where do you go? It takes numerous hours to get a bear skinned out and taken care of. You're fighting heat and stuff and if all of us had to be right there on that, then we have the potential for conflicts with other people, other users. Granted, we're talking training not harvesting. Still you end up with split races.

- TJ Robertson – It's a matter of officer discretion as well. We're not trying to limit being able to pick up dogs when you need to. The biggest problem that we saw with this was one guy turning out on one ridge and the other guy saying I'm in electronic communication with my tag holder and he's on the other ridge, possibly even on another bear. So that's where this definition came from.

- Darrel Mecham – When the dogs are turned out. they have to be together. I think that allows for (inaudible)

- TJ Robertson – Would it help out if the fact if you better not have the trap that has dog boxes and rigging set ups and everything else, I mean the permit holder has the truck that the dogs are working out of, so that you're not trying to chase down six guys that all brought two dogs to the party?

- Darrell Mecham – It could definitely help, because that's one of the other problems that we saw that we documented. There were guys with six or seven different vehicles and they were only turning eight dogs out on a race, but there were six or seven guys there and sometimes when they'd split up, that makes it a little harder if you've got to go get a dog on another canyon that's split off, a young puppy or whatever, it takes off and you've got another issue that we've created.

- Terry Sanslow – It's possible that I've mixed up Darrel and TJ. I should have ended with TJ and it ended with Darrell.

RAC Discussion

- Kevin Albrecht - One comment that I would like to add is one from a Forest Service stand point, we had a lot of discussion last year with the houndsmen as well as with the Division to try to minimize conflicts with recreation. I think we really made a step in the right direction. We asked the Division for quite a bit and they listened to the proposals that we had and I commend them for the step in the right direction. We also had some internal things that we had to address. They addressed the eight dog limit, but did not

address the conflict that you may have if you had several guys come down and you may have 20-30 dogs in a campground. We felt that still did not address some of the issues we were having mainly on the LaSals and on the Elk Ridge. So the Forest Service implemented a 16 dog camp limit. I would ask the Division that we work together with you to get that in the new proclamation.

▪ Jason Binder – Did everybody get one of these handouts, either e-mailed to them or handed to them tonight? I appreciate the time to be able to drive down here and meet with you folks tonight and your RACs grown quite a bit from the last few years. It's good to see so many people interested. The first thing I'd like to address tonight is that the Houndsmen Association would like to see no increase in bear tags for 2011. In 2006 there were 242 permits issued, for 2011 there will be 419 bear permits issued. That constitutes a 73% increase in five years. Biologically I don't see how that can happen. The population cannot have grown that much in five years that we need to increase tags that much. Female bears, lot of times, don't even have their first cubs until they're five years old and it takes a long time to build a bear population. It just doesn't show up overnight. This drastic increase in such a short time is going to be detrimental to our bear population. Increasing it that much again is going to affect how many permits they give out in the new bear management plan and the way the criteria is set up so we'd like to see no increase in permits this year. We'd also like to ask that down in this region you split the San Juan training season unit, that way we can spread more hunters out over a greater distance, which would constitute splitting the unit similar to the deer management unit. Split the bear unit at the causeway so that people could hunt from the causeway to the blues and then the causeway west to the bear's ears. We'd also like to ask for an adjustment on the number of summer pursuit tags. We'd like to ask that the Book Cliffs go up to 25 for the early season, 25 for the second season, the E Ridge unit would be at 20 tags for the first season, 20 tags for the second season. The Blues, since that's a high conflict area with the campgrounds, we'd like to see that remain at 10 for the first season, 20 for the second, and up the LaSal tags to 20 in the first season and 20 in the second season. Seems like the eight dog restriction has worked really well in this region down here reducing conflicts. But in the other parts of the state we weren't experiencing the conflicts that we were down here and we'd like to ask this RAC to consider asking the Wildlife Board to remove the eight dog restriction off of the units that are not limited entry units. So that would make four units with dog restrictions and the rest of the state would have no restriction. As we've seen and talked about tonight, the word accompany is going to bring back the problems that we were trying to get away from in these units down here. If you're hunting with your buddy, my dogs go one way and his dogs go another, somebody needs to take care of the dogs that aren't where they're supposed to be. They need to be picked up and taken care of. The way this is written, I hate to see somebody getting a ticket for trying to solve a problem that we've had in the past. We'd also like to ask for this RAC to consider asking the Wildlife Board to introduce a bonus point system for the limited entry training season permits. They haven't induced that but there's a lot of people, even though they say there's 142 people that put in for the tags and 100 people drew, there's 10 guys that I hunt with and only one person drew that tag. So it'd be nice to see bonus points implemented for people that didn't draw every year. Thank you for your time.

▪ Kevin Albrecht – One question I had was I believe on the last plan the Utah Houndsmen had worked closely with the Division to come up with that plan and I guess my question is, based on the data that Justin gave us, the percent females in the harvest and the

indicators are well within the objectives that are set, and that increase of 28 in the Southeastern Region, and considering that we've got the San Juan, the LaSal and the Book Cliffs, we've got three of the major bear populations in our region. With those indicators, it seems reasonable. I guess my question to the Utah Houndsmen is with those indicators being the case, what is the Utah Houndsmen's feeling as to why they would like to differ from that objective?

- Jason Binder – It's kind of hard to explain, but I don't know if you all got the e-mail, but over in the Fish Lake Unit they've given out a lot of elk tags in the past. And in this last season they had a big snow and all the elk came down into one unit and the hunters must have had basically 100% success, so they basically wiped out the elk population. So now they've closed the next hunt for the next 430 hunters that should have been able to go hunting, they closed the hunt. Our concern is once you overdo the limit on harvesting bears, they're such a hard species to get back. If you continue to raise the tags all the time, and then you over-harvest for some reason, or get too many females, it just takes so long to get the bears back where a sow might have two cubs this year. One might make it and one might not and it might be two or three more years before she even has another cub and you just don't know if it's even going to make it, so to us there's too many variables in there where you won't get a population back and these are the units where a lot of people have 11 or 12 bonus points just to try to get a bear tag down here, and a trophy bear. They don't want to come down here and shoot a three year-old bear after they've put in for a tag for 11 years.

- Wayne Hoskisson – I sort of agree with your biology about bears and we really have been basing the hunt on some indicators that we don't really know how well they reflect in the population. I think that this new bear management plan is trying to look at that population aspect and hopefully that's going to be a good and successful system. I think it's going to be an improvement. So I would agree that a bear population can look really good but it can crash really fast too.

- Travis Pehrson – I've got a few things here. Basically down in the San Juan area there's a group of people that put together a San Juan sportsmen group and tried to implement (inaudible). Here are some of the proposals that they wanted. One was for the LaSal Mountains, that the Division increases the permits by 35 permits, 25 more spring, 10 more fall permits. Basically because the data shows that there is an increase in the bear age objective. So try to bring that back down where it should be a five year old bear. The data has shown that less than 40% of them were females so they're following the goals. The La Sal Mountains have a high number of bear will likely give more sportsmen the opportunity to hunt the bear. And then on the San Juan unit, they sent with me a list of names, these are people who would like to see more opportunity to hunt the bear. There are 200 and something names. On the San Juan bear proposal, it's basically tried to split the unit from a 14 unit to a 14a and a 14b. 14a would be basically the way the unit is now and give those permits they're asking of 37, 7 and 3, and then to implement a 14b unit that would ask for 25 spring tags and 10 fall tags for the Elk Ridge Unit only. Or there's an option to split unit 14 to 14 a and 14b and, have 37 tags for the spring, 10 tags for the fall or 7 tags for the fall and 3 premium for the Blue Mountains, the Avbjo Mountains and do like a quota hunt for the Elk Ridge Unit of 35 bears.

- Darrel Mecham – Who's he? You keep saying he.

- Travis Pehrson – San Juan predator Group. It is a group of basically these 150 people.

- Darrell Mecham – That's a petition, what does that say on top of that petition.

- Travis Pehrson – It says Petition for More Opportunity to Hunt Bear. We'd like to have more chance to hunt Bear and we'd like to see a reduction in predator populations (inaudible).
- Darrell Mecham – So they're the Predator Management Group, those people that signed that?
- Travis Pehrson – They're part of it; the group is an organization trying to start up. It's a new organization.
- Darrell Mecham – You don't know any of their names?
- Travis Pehrson – I do.
- Darrell Mecham – Could we have some of those?
- Travis Pehrson – Sure. I am one of them; we've got several others down there. I don't know if they want me to put their names on there as of yet. But their names are signed on here.
- Darrell Mecham – If they're going to put a proposal forward (inaudible) I don't know why they wouldn't want their names withheld.
- Travis Pehrson – Anyway, this is some of the options that we've put together. And then like we said the data has shown that the age objective has been within the range so an increase in opportunity is not going to be too detrimental. Just more opportunity to hunt.
- Todd Huntington – The Division's data, and I wanted to thank Wade for helping me figure out what's in the plan and what's not. The data itself, we're under, we haven't come close in the last 10 years in most of those categories to the management criteria. That to me says with bear incidents on the rise in the last three or four years that there's plenty of bears, there's room for more opportunity there. I think that's pretty obvious. I don't know how you could argue against that. We're using the Division's own data to say that. Last year we increased tags by 49 and the age went up. This year we're going to increase by 53 and that's not going to get the age back down to less than 5 years. I think we've got to go more.
- Derris Jones – Being as this is kind of a transition from one management plan to a new one coming up, it's really difficult for us. I wish we'd finished one management regime with the existing management plan. There's no way to look at this year's recommendations without looking forward into what the new management plan's going to say. After this year we're not going to be looking at age objective anymore. It's going to be a totally different thing we're going to be looking at. No way of knowing where we're going to go from there. I'd like to ask the division what the biological and social implications would be on having a spring road-less limited entry hound hunt and also their opinion on splitting the San Juan Unit into two sub units and what their feelings are on setting up a bonus point system for limited entry pursuit permits.
- Justin Dolling – I'll try to tackle two of those and as far as splitting the unit, I'm going to defer that to the region. The issue with a limited entry permit right now is that you can use hounds, you can use archery equipment over bait, if you get a COR, or you can spot and stalk. You have any of those three options if you draw a tag. It's primarily a social issue. I don't think there's a real biological argument there in the Book Cliffs Little Creek, but there's a social issue and that is if you have a spot and stalk hunter who is out trying to harvest a bear and hounds come through the area then the likelihood of them harvesting a bear goes down or can go down. So I think that's primarily a social issue and trying to balance the two different harvest methods and provide a fair opportunity for somebody that just wants to spot and stalk. I hope that answers your question about allowing use of hounds in the spring.

▪ Derris Jones – We had very few hunters end up spot and stalk hunting. You said there was two that turned tags back in, so that was four left.

▪ Justin Dolling – We had four spring tags and two of those harvested, and all four hunted. And then we had three fall tags, one hunted and the other two surrendered.

When I looked at the odds for drawing a restricted summer pursuit permit, keep in mind we've had just one year of draw results, the odds for drawing that permit, that restricted summer pursuit permit – you could draw that tag about two out of every three years. The other interesting thing is that of the 100 restricted pursuit permits issued, only 63% of those permits were actually used. So my sense is I don't know what happened, whether we had a buyer rush because it was a new thing, but only 63% of the individuals that drew a permit utilized the option to go out and pursue on those restricted units. At this point I'd like to see what another year's worth of data brings and see whether or not the odds continue to go up or go down before we rush into trying to implement some kind of a bonus point program. Given that one year you could draw a permit at least two out of three years.

▪ Justin Shannon – The San Juan for the hunt or for the summer permit, or for both?

▪ Derris Jones – I guess for both then.

▪ Justin Shannon – For the hunts, this came up last year and it's come up in the past, from the Division's standpoint – we don't really feel there's a biological need for it, we feel it's more of a social issue. There are a lot of similarities between the San Juan and the La Sals, I mean area-wise they're about the same. We always talk about splitting the San Juan but there's never any discussion on splitting the La Sals. Area wise about the same density of bears, so we're not quite sure why we'd split one and not the other. I guess the argument that could come up would be that you might get more harvest on the Abajo's than Elk Ridge. And that's true, It's not much greater though. We feel hunters already pretty evenly distribute themselves throughout that unit so biologically we can manage either way, but it's more of social issue and we just don't see the need to recommend it.

▪ Derris Jones – Hunter pursuit, do you feel like if it was divided that you'd have more summer pursuit permits issued on an area that had less recreation use, like Elk Ridge?

▪ Justin Shannon – Guy and I have had these conversations in the past. If we were to split the unit for summer pursuit, first of all we would want to increase the number of permits that are on that unit, we want to keep them the same and split the same number on the San Juan, the same number on Elk Ridge. That would be our recommendation, if that's how the RAC decided to go with it.

▪ Wayne Hoskisson – Is the five years of age a target or was that sort of the minimum age that you wanted to be the harvest age?

▪ Justin Shannon – I'm pretty sure that's the target. We're not managing for five years or older. That's the objective that we're trying to get to. So Travis and Todd are right, if we're above that, we want to increase permits to get to it. Likewise, if we had units that were below it we'd want to decrease permits, again to manage towards them under the current plan.

▪ Wayne Hoskisson – I have a comment about the idea of splitting the San Juan unit. In some respects when your doing pursuit it makes much more sense to have it where there are more human-bear interactions than when there are fewer, simply because if you're going to have a pursuit, use it to some social benefit such as trying to decrease the number of incidents, like primarily around the campgrounds and around Monticello and Blanding.

- Kevin Albrecht – I have another question. I share the same feelings that Derris had in that – stop giving two plans because they’re both presented by the Division and both of them have biological reasons. The question I have is I was trying to look at the difference in the bear permits from the old plan on the southeastern region that’s an increase of 28 permits. I tried to do my best to follow in the new plan the number of permits. In the old plan it was an increase by increments of 20%. I believe in the new plan, because of some of those triggers, it would be an increase of 40% and I guess the questions is – what would that difference in tags be in the new plan?
- Justin Dolling – The new plan, which I’m going to present here in a bit, looks at 3-year harvest averages. Harvest is one way to assess the health of a bear population. It’s the way most western states assess the health of the bear population. We don’t manage bears based on population objectives. We don’t go out and count and survey bears. We look at the harvest results and make decisions based on those harvest results. They can be misleading but in the new plan it’s a 3-year average.
- Kevin Albrecht – 3-year average of percent harvest?
- Justin Dolling – 3-year average of adult males and percent females. In order to generate using our new management system I’d have to pull the last three years and know how many of those were adult males greater than five years of age and what percent were females. I’d have to know the growth rate on our reference sites, our DNA hair snare reference sites and know whether that’s increasing, decreasing or stable. That’s only in year two. We need three years of baseline data to get that growth rate established. And then the third thing I’d have to do is look at some of our denning results to see if we were able to detect a recruitment pulse, where we have two good years where bears produce young and then the following year is very favorable for the cubs and those cubs survive to be yearlings and then get recruited or adopted into the population. And that information I don’t have.
- Darrel Mecham – This may be more for law enforcement, but on this accompanying visual contact thing. Where we’re jumping from plan to plan, I really hate to see us jump off a cliff and whack the bear tags up and go that way. I think we’re recommending some tags, I can see that. We’ve got problems, I think we need to address that, so we need more permits but the other thing I’m looking here – this accompanying thing, where you have such a drastic decrease in complaints. It went from 100 to 6? Is that right?
- Justin Dolling – That’s correct.
- Darrel Mecham – So this here is a sticking point with the houndsmen and law enforcement, is there a medium there? Can we get together somewhere and come up with something different than the recommendation the division has that’s going to cause these problems? Something that’s livable by TJ and them that are enforcing the law. Them together and some of the people that run dogs and they can come to something that works. You’re always going to have bad apples, that’s just the way it is. But we’ve had great success.
- Justin Dolling – You could make the motion to have the Division go back and massage that definition to accommodate the houndsmen. I don’t know that we can massage it tonight, but yeah, that’s definitely on the table. It was an attempt for us to try to bring some relief to what our law enforcement are seeing in the field.
- Bill Bates – Do you have any recommendation on wording?
- Martin Bushman – I’ve got a couple of ideas. We’ve been talking with law enforcement. I think we can come up with something that will meet the needs of

houndsmen. It's always hard to try to put something together that's well thought out and meet everybody's needs in a matter of a couple of minutes at a meeting. So I'm a little hesitant to make proposals on ideas. I was just back there talking with some of our law enforcement folks, I think we can come up with something that will . . . it'll be better than having groups splitting up and have hounds all over and have one group of eight hounds possibly split up three or four different ways. Or, that they've got to stay together, which makes it impossible almost to go and retrieve dogs that may separate from the main pack. I think we can solve it.

- Jeff Horrocks – The way it's written right now, as I read this thing, you're setting the hunters, the houndsmen up to break the law. Because there's no way they're going to let their dogs run. If a dog takes off somebody's going to chase it. So you've set them up to force the enforcement officers to issue citations to them. Mr. Webster made the comment that maybe a central point of release of the dogs. The comment was made maybe all the dogs and gear just in one truck. But to do it this way you're setting them up to lose legally.

- Martin Bushman – Yeah, we've gone through this RAC process in the Southern Region last night and here tonight and heard these issues. They are real issues and it's something we need to address, and rather than just say you don't need to accompany or you've got to accompany and if your dogs separate you go collect them at your own peril. Neither of those solutions is great. But I think we can find something in the middle and if we really get some direction from this RAC to go find that middle ground, we can put it together and we'll have it to the Board.

- Jeff Horrocks – Everything I'm reading in this I agree with the numbers of permits, pretty much, and that's the only thing that gives me heartburn. I just don't want to see Guy Webster or the Houndsmen Association members or Blair over here, or anybody else who might want to run dogs end up in trouble because they cannot comply with this because the actions of the animals that they're trying to control.

- Martin Bushman – We will, we will come to a solution.

- Jeff Horrocks – I do appreciate what you're doing, and I hope that we can come to some kind of consensus on this recommendation that is tolerable for everybody. Thank you.

- Martin Bushman – One last explanation. I've been involved in a fair amount of the writing of this rule and it is extremely complex as there are so many variables in trying to find solutions to problems that don't have ramifications or impacts that you don't want. That's why I'm a little hesitant to try to throw something together real quick here. I'm certain if we do there will be some unintended consequence we didn't think about and decisions are usually made a little bit better when you can contemplate and think through them more. I'd ask for your patience.

- Charlie Tracy – The other question is the same type of issue we've had. A year ago we instituted the spot and stalk on the Book Cliffs. Some of the same issues were that although the houndsmen read the rule, the hounds haven't done a good job of stopping at that boundary line at the roadless. And a lot of the same concerns that they continue in to that area, understanding that if the hounds do go into that area, it makes it difficult for the spot and stalk hunters to have a good hunt. Is there common ground to be able to make that so if they retrieve those dogs out there, they're not in violation?

- Martin Bushman – That's going to be another one of those issues we're just going to have to trust that law enforcement sees that and is not issuing citations. It's kind of the same problem as when you wound a deer and it runs from one unit to the next. We have those issues. I think by and large our officers do a very good job at sorting out those and

trying to sort out those that are trying to manipulate the system versus honest people who are trying not to have animal waste. I think that one can be handled.

- Kevin Albrecht – I need to make one correction. The law currently says you've got to accompany the people and party, but it doesn't define what accompany means.
- Martin Bushman - So that's what's brought us here 'because there's been a lot of questions. What does that mean? Does it mean staying in radio contact, does it mean you have to be within sight, so forth.
- Travis Pehrson – One comment, going along with Mr. Gilson about his depredation issues of the Division having to pay \$200,000.00 of depredation damage from the bear to livestock. Does the Division pay any depredation damage to farm/agriculture?
- Bill Bates – First up, that \$200,000.00 is for cougar and bear and also eagle damage if there's any money left over. The majority of that is spent for cougar damage, it's probably like 65 to 60 and those do go to agricultural interests. On top of that, we do pay for damages caused to standing crops by big game.
- Travis Pehrson – So did they pay any damage to the landowners for crop damage to the sunflowers by the bears?
- Bill Bates – Not by bears, that isn't included. Bears are not classified as big game. That isn't part of that rule. That wasn't something really anticipated when they wrote that rule.
- Charlie Tracy - How many bear did they catch up with?
- Bill Bates – Six.
- Charlie Tracy – Is there any depredation taken care of for fruit trees and like that that bears do?
- Bill Bates – No, we don't pay damage to fruit trees or the like either, but we do go in and handle the bears or ask Wildlife Services to help us remove bears in those situations.
- Travis Pehrson – Down in the Monticello/Blanding area the main concern is there are a huge number of bears. Sportsmen have seen them. Any houndsmen can confirm it, I'm sure they've been out all over the Elk Ridge, the Blue Mountains, and they know there is a huge number of bears. There is an issue of them out east of town causing crop damage. You could probably point anywhere in the county and you'd find a bear track in that spot. There is a huge abundance of them and we'd like to see an increase in tags, or I would anyway.
- Terry Sanslow – Is that a motion?
- Travis Pehrson – I better not do the motion or vote, since I'm a part of this.
- Charlie Tracy – Travis, what you're saying is you want to harvest 62 bears total in that area this next year? Am I reading this right or am I doing the math wrong?
- Travis Pehrson – So option #1 would be basically 14a. It would be considered the way that 14 is right now which would be the whole unit, Elk Ridge and Blue Mountain. And that 14b would ask for those additional tags for that side of the unit (inaudible) option #2 different.
- Charlie Tracy – Well aren't your recommendations about the same as what the Division's doing? Pretty close? Somebody explain this to me.
- Travis Pehrson – The only difference is the Division's asking for 45 permits for the whole 14. Our unit is considered #14. They're asking for 45 permits right now. 37 spring, 7 fall, and 3 premium tags.
- Bill Bates - This is 94 permits.
- Kevin Albrecht – What we're recommending is 50 total, it's not the 45. It was 37 spring, 7 fall and 3 premium. That's 47.

- Justin Shannon – What we have for unit #14 right now is we would have 50 total permits. 35 in the spring, 12 in the fall, 3 conservation permits, 50 total
- Bill Bates – And this is 82 total if you add the 37, 7, 3 plus 35. It comes to 82. That's what Travis is talking about.
- Pam Riddle – I just have one question while you all were calculating. So has this predator management group worked with the Division and is the Division aware of this plan?
- Travis Pehrson – No, I'm proposing it right now for the group,. That's what we're doing.
- Charlie Tracy – Basically, this group was organized to not just focus on bear, but later on we're going to be discussing trapping and we're going to focus on what we can do to focus on coyotes as well.
- Bill Bates – We require trappers to have a trap number and also if you're trapping, you check the traps every 48 hours. The reason for that, Charlie, is because you capture non target species. That's why you have to have the trap check number. If you are going out and hunting them, using rifle or whatever way you want, there's no restriction.
- Kevin Albrecht – My feeling is as you hear a lot of the comments from people in San Juan County, the last few years I've spent a lot more time myself, but I don't have a history of time down there, but I do see a great amount of sign and stuff on the San Juan and LaSals. Individually, if you talk to some of the houndsmen, they will tell you that there are a good number of bears down there. But at the same time they do want to protect a resource just as many big game hunters want to protect their resource. I think the new plan, most likely, will probably have an increase in bear tags. But given that we don't have all the data to make those recommendations, even though we have a good indication there will be an increase, the best thing that we still have is the old plan with those numbers and so even though it seems like maybe an increase is the way to go, in my feeling, it looks like you have to go with the numbers that the Division's given us off that old plan.
- Derris Jones – Could somebody with a calculator tell me what the percent increase and the San Juan recommendation was this year. It went from 37 to 47. Should be about 22 or something.
- Justin Shannon – Sorry Derris, it was a 20% increase. It was 40 total permits up to 50 total permits, and that gets muddied with conservation and all that other stuff. But there were 40 permits last year. It will be 50 this year. I apologize – 25% increase.
- Bill Bates – This year how many permits are there?
- Justin Shannon – 50 total. 40 last year.
- Bill Bates – That's a 20% increase.
- Justin Dolling – Keep in mind that the conservation permits have already been set and so they can't be adjusted. The numbers you're seeing here on the table are the permit recommendations for the limited entry hunt. They can be adjusted. So I've removed those conservation permits 'cause they're already set in stone.
- Bill Bates – That's a 25% increase that we are proposing.
- Travis Pehrson – Now I've had concerns about (inaudible) some houndsmen have brought to my attention on that spring hunt, like last year with the extreme snow depths that we had. It was hard to even find bear tracks until the last week of the hunt. I was wondering if we do a proposal if we can increase that spring hunt by one more week to help with that. Since a lot of them were harvesting the last week of their hunt. Give them a one more week opportunity.

- Kevin Albrecht – What was the percent of snow down there last year? Wasn't it a very unusual year?
- Justin Shannon – Yes, snow depths were higher. On our spring data we were at a 62, and half the permits were filled. That's the highest it's ever been on that unit and it's almost 20% higher than the statewide average for the spring. Granted, that's one year. We've had other years, well the lowest year in the past five has been 44%, so right at the statewide average.
- Travis Pehrson – (inaudible) higher numbers, it still increased the age objective as well? Higher age of bear being killed? You said it was a higher success, but the age of the bears increased as well?
- Justin Shannon – Yes, so success rates did increase in the spring. They were 70 % in the fall and the average age did go up.
- Derris Jones – The issues are: We've got the number of tags, some want more, and some want less. Then we've got the request for hound hunting in the roadless area; an increase from 8 to 10 on the dog pack size. The definition of accompany was talked about. The Forest Service requested that the 16-dog camp limit be included in the Division proclamation. Split on the San Juan unit. Split the Abajo's from Elk Ridge and manage them with separate permit numbers, both pursuit and harvest. Request to remove the 8 dog restriction off of all the problem areas, which is basically the southeast region, I assume. And then the bonus point system for limited entry pursuit permits.
- Kevin Albrecht – Do you want this all in one deal or do you want us to break it down?
- Terry Sanslow – Would be easier separate, so if somebody has an objection then it won't be the whole thing.

VOTING

Motion was made by Derris Jones to accept the division's harvest permit numbers.

Seconded by Pam Riddle

Motion passed with one opposing vote cast by Todd Huntington: 10-1

Motion was made by Derris Jones to get with organized houndsmen groups to find a solution to the "accompanying" definition conflict.

Seconded by Charlie Tracy

Motion passed with one opposing vote cast by Wayne Hoskisson: 10-1

Motion was made by Travis Pehrson to extend the spring bear hunt by one week on both the LaSal and San Juan units

Motion withdrawn

Motion was made by Darrel Mecham to eliminate the spring "spot and stalk" hunt in the Book Cliffs roadless area with the permit numbers determined by the DWR. The boundary would revert to the Book Cliffs boundary.

Seconded by Charlie Tracy

Motion passed with one opposing vote cast by Wayne Hoskisson: 10-1.

Motion was made by Derris Jones to accept the remainder of the bear proclamation and rule as presented.

Seconded by Blair Eastman

Motion passed 11-0

**6) Statewide Bear Management Plan (Action)
-Justin Dolling, Game Mammals Coordinator**

Questions from the RAC

- Todd Huntington – My question would be – so next year at this meeting we will come and we will set permit numbers for the following three years, correct?
- Justin Dolling – Correct.
- Todd Huntington – And we're going to use the two harvest numbers which are % females harvested, which we have data on, and the other was adult males. Do we have the data on adult males?
- Justin Dolling – I didn't have that summarized but we have the ages of all the harvested bears that a tooth was submitted for.
- Travis Pehrson – You said you wanted to reduce depredation by 10%. Do you know what the depredation is right now?
- Justin Dolling – This is for confirmed livestock losses, and yes we have that number.
- Travis Pehrson – What is that?
- Justin Dolling – I'd have to go back and look. Every year we get a report from Wildlife Services on how many confirmed losses they had from their producers that they monitor.
- Travis Pehrson – So will we have this information next year when you come, I guess it will be in two years.
- Justin Dolling – Over the life of the plan, we'd like to reduce that by 10%. So we have a 12-year plan based on the select strategies I laid out here. We're going to try to look at shifting that mortality from depredation into the sport category and also so we'll be able to compare with baseline information. Over the life of the plan we'll be able to evaluate whether we were successful.
- Derris Jones – What's your gut feeling? Where are most of our units right now? Are they in a light harvest or a moderate harvest?
- Justin Dolling – Actually the committee asked us to pick out five units and when I went back to the data set and generated the number of adult males and the % females, the San Juan fell out in the light category. Most of the units fell out in the lower end of the moderate. The one exception was the south slope of the Yellowstone and it was in the liberal category.
- Travis Pehrson There are concerns that a bear population has been established out in Eastland that people aren't hunting, but they're there. Is there anything that points to where most of the bear are being harvested on each unit?
- Justin Dolling – We don't require a GPS location, but we check in every bear and ask for the unit it was harvested in and the drainage that it was harvested in. There are strategies in the plan that would suggest we ought to start moving more to a GPS based harvest reporting system. We'll definitely explore that, but right now we have them to the drainage in the unit.
- Terry Sanslow – Any more questions from the RAC?
- Wayne Hoskisson – I just didn't see it but in here are the reference sites for the D&A snare study, but it doesn't talk about where you're doing the denning studies. Is it on the same units?

- Justin Dolling – The denning studies are state-wide, so we currently have about 25 females with radio collars. We will be pooling that statewide information.
- Kevin Albrecht – In the plan I noticed the self defense section, and I'm just wondering if that differs from the old plan or if that's basically similar to what the new plan is. On attacking bear, there's a section that lays out if someone protected themselves against a bear.
- Justin Dolling – That's not in the plan.
- Derris Jones – That's a new rule we're going to be reviewing. It will be presented this evening.
- Justin Dolling – It's not specifically mentioned or even addressed in the plan.
- Kevin Albrecht – Ok, so that's something that we will address later.
- Derris Jones – It looks to me like there's at least some thought going toward maybe moving some nuisance bears from high density areas to areas that maybe want to get a higher population of bears established. Is that the correct characterization on my part?
- Justin Dolling – It's not the correct characterization. I think when the committee was formed, one of my personal goals was to try to provide enough flexibility to the regions to deal with unique situations. So that's why they're selecting the harvest strategies. There are some safety valves there, but in general I think the plan will accommodate areas where we have unique issues and we need to address those issues. I hope the plan provides that level of flexibility. And at the same time, if we have areas where we can increase bear densities but statewide maintain stable populations, I think that needs to be a consideration as well.
- Derris Jones – So we don't let them dump them all in the Book Cliffs anymore?
- Travis Pehrson – This isn't a colored map, but I assume the darker shade is red?
- Justin Dolling – It is. And if you go on-line you get the colored version. Also, that management system flow chart is color-coded and helps you kind of walk yourself through how were going to make permit recommendations.
- Derris Jones – In the narrative part it talks about the exception of potential habitat that doesn't have bears and the Henry Mountains is mentioned, but yet the Henry Mountains is identified as habitat.
- Justin Dolling – That's an oversight. It may have just been a finger that extended too far out.
- Derris Jones – There are bears on the Henries. I don't know if they're resident bears or not.
- Justin Dolling – So there are transitory bears?
- Derris Jones – We see bears once in a while.
- Justin Dolling – But the areas that really stuck out, at least in the old plan and are still out there in the new plan, and that is the pilots, the raft rivers, mostly in northern Utah, and then the deep creeks are kind of areas that probably may have had bears at one time but currently don't.

Questions from the Public

- Terry Sanslow – Any more questions? Ok, I'll go to questions from the audience and, once again, we finish with the question period then we'll have the comment period. If you'd like to comment I need your comment cards up here.
- James Gilson – Just curious, when was this presented as an informational item? Was in presented as an information item in a prior RAC?

- Justin Dolling – To answer your first question, no, it was not presented as an informational item at any of the previous RACs.
- James Gilson – So has that policy changed in the division? My concern to frame my question, this is the first we've seen of it and now it's an action item. In the past 16 years it was presented months before as informational so the public could digest it and come and make comment. I don't see where we're getting that opportunity here. I haven't even seen the map.
- Justin Dolling – I don't know that I'm the best person to answer that question. I don't have that level of history. But, to my knowledge, we take most of our plans through, at least the plans I've been involved with, the cougar, the beaver plan, bear plan, they come through as action items. We did not take them through as informational items and we did post this information on our web site prior to this meeting.
- James Gilson – The current map, in your proposal you said the map is under review or could be changed. But you do have a map that identifies bear habitat?
- Justin Dolling – In the plan there is a map that identifies bear habitat and what is believed to be the current bear distribution.
- Jeff Horrocks – Is there a map posted on the web site?
- Justin Dolling – Correct. If you go to our web site you'll get a colored version of this plan. The map's in your plan, but it's just in black and white. Let me emphasize, there is a strategy in this plan to go through and truth that map, try to refine that map, and see if that map still makes sense. So that's kind of our baseline understanding of what we think we know about bears. Over the life of the plan, hopefully, we're going to learn some more things and we're going to develop a more refined map.
- Pam Riddle – Isn't that on your GIS file too?
- Justin Dolling – I'm not sure about that. I think it is but I don't want to say for sure.
- Jason Binder, Utah Houndsmen Association – I'd like to thank the division for giving the Houndsmen Association the opportunity to sit in on this plan. I myself sat on all seven meetings and had a really great group of guys and gals to work with from all organizations. There are only a couple of things I'd like to touch on. Everybody in that meeting was in on the decision to keep two of the four units. Whether it is the La Sals, the San Juan, the Book Cliff, or the Boulder, in the strategy to maintain premium bear hunting opportunities in the state. Once you get those units into a liberal harvest category, they will no longer become a trophy type, quality type hunting area. That's why all the members voted to keep that in the plan, to maintain the two units out of the four at all times in that strategy. We feel that it is very important to do that. As we were going through the slide shows there it showed quota systems and sow quotas and things like that and when you're dealing with the bear population, it's so easily done in a quota system to wipe out a population 'cause we don't really know what's there. The Houndsmen Association feels that we need to put bears on a quota system in the state or the female sub-quota. The targets that we have set in this plan should work to protect our bear population and we just wouldn't like to see the quotas and sub-adult sow sub-quotas removed from the plan. We didn't agree with it during the whole process. Thank you.
- Brett Guymon – I sent an e-mail out to everyone. The first portion of the e-mail I think was hashed out already with the numbers of bears, so I don't want to discuss that at all. But I would like to talk about the second, which relates to the harvest objective which is one of the methods that the division has proposed on the plan as a method for management. The problem that I have with that, for those of you that didn't read the e-mail that I sent out is – Justin had discussed earlier about rolling these strategies out kind

of on a unit by unit basis and testing them out. If you create a harvest objective unit on say one of the units throughout the state, what that's going to do is focus every single hound hunter in the state on that unit and you'll have the same problem that you had on the Book Cliff, the LaSals, and the San Juans, the number of complaints are going to shoot through the roof and that's going to be to the detriment of hound hunting in the long-term I believe. So I'm just recommending or asking the RAC to consider having the harvest objective reconsidered or taken off the management plan as a viable option for management. I think the same result can be achieved if you take the last few numbers of years that the division knows the harvest success rates on each one of their years that they want a certain number of bear kills, bears eliminated. All you would have to do is apply that harvest percentage to the number of permits they issue to achieve the same result and I think you'll have a lot less conflict with other hunters. With respect to spot and stalk only units, a limited entry tag doesn't eliminate, it's not just for hound hunting, it's for hound hunting, baiting, spot and stalk, calling, however you'd like to do it. It makes sense to me that if you instituted a spot and stalk only hunt, one of the objectives I read on the plan yesterday was to pre-select ability in these harvests. You may end up in conflict with that objective if you institute a spot and stalk only. The opportunity to be more selective is degraded when you're looking at a bear 200 yards away versus being able to see it in the trees and make that decision. Thanks.

- James Gilson – I'd like to take a close look at the map and exclude all farm lands. Primarily the one I'm most concerned about is Eastland. We need to make sure that we exclude primarily private farm land from that habitat map. That being said, I didn't bring it up at the last meeting, but I was in opposition – in the board meeting of SFW, I voted not to have the 29 unit thing. That being said, now that it's passed, you, this RAC and three others and the Wildlife Board have taken 13,000 deer hunters out of the game. 13,000 deer hunters and close to a million dollars revenue to the division out of the game. When that got passed I was in hopes that that meant we were going to do something about fixing any area of the deer herd that we could and I hope that we do. We're expanding predator populations in the Toole deer herd. All the data shows it. We don't manage coyotes. The cougar plan denies an increase in cougar tags as was proven at the last Wildlife Board meeting until the plan is up. If you have a depredation issue on the Monroe on livestock, the only way you can increase cougar tags there is to take them out of another area in the Eco Region. We voted to take 13,000 people out of the deer game and yet we're protecting predators and the population of predators is four or five times what it was. Even the bear studies that are quoted in the plan are not valid because there weren't that many bears. We don't know the impact they're having on our deer. But the government trappers do, and they tell us there's deer feet in the bear scat all summer long when they're working. Now we're going to talk about coyotes in a minute but we took 13,000 people away. Let's do some things for the deer herd.

- Guy Webster – (inaudible), Hunting with hounds is not just a once of year, one week hunt, this is a life style. If you take a houndsman out of the game for three years, that's three years out of his lifestyle. There's way too much time, money, investment, trying to train dogs, keep dogs up to their prime to where they're actually catching bears. Just definite opposition to that, there's better ways to get our numbers. And one other thing, we talk about deer hunting and trophy things, a bear is a trophy to be had. It's not like shooting a coyote. My wife was fortunate to draw a Book Cliff's elk tag after 15 years of putting in. She also drew a Book Cliff's bear tag this year. Tell ya, without a shadow of a doubt, the bear's a bigger trophy to her than that elk was.

Comments from the Public

RAC Discussion

- Darrel Mecham – I'd like to ask you a question on this harvest objective stuff. How would you expect that to have any difference than your harvest objective units? I mean they're pounded hard, they're pounded there, they kill the first male that's legal, or lion that's legal to take. So what's that going to do to your female harvest and your younger bears? Have you guys thought of that? I think you're going to have a female take the rocks through the roof, because they're going to go in there and they want to get their bear tag and get out. I think it's a bad, bad idea.
- Justin Dolling - That's why in the plan for the first three years of the recommendations, we've identified experimenting with quotas where we want to look at a straight quota. We want to look at a female sub-quota so when you hit the number of females that the quota shuts down and we also want to look at a split option where you start out with limited entry and you transition into quota. So for the first three years of the plan, the plan constrains us to only looking at three units and experimenting on those three units. The plan also defines that for quota systems, we recognize up front that some units are not going to fit. And I think Kevin said it very well, the San Juan and the San Juan and the La Sals are just not going to fit because we have the potential of over-shooting those quotas very quickly. But there are units that it makes sense. This is where we have units that are dominated by private land, where we have units that are checkerboard public and private, or where we have units that have large refuge areas where bears can retreat to and we can harvest on the outside to ensure that those bears can infiltrate back out. So, it's all laid out in the plan, and the plan also looks at easing into this option. If you read the details in the plan, we're not going to come to you next year and say 50% of the units are going to be harvest objective and they're all going to be spot and stalk only. That's laid out in the plan and it's very clear that that's not our intent.
- Justin Dolling –I also want to mention this is a plan and you're all going to have another opportunity when our recommendation comes through to look at the different things that we're recommending and modify those recommendations if you don't feel comfortable with them. So keep in mind, this is just a plan. It lays out a skeleton framework for how we're going to make recommendations, how we're going to try to move forward with things. It's not set in stone, there's always going to be an opportunity for you to weigh in on the biological and the social issues.
- Travis Pehrson – When we did the lion plan it set things in stone until the plan was up. Is this going to do the same thing with the bear if we approve all this? Is it set in stone for the next 12 years?
- Justin Dolling – No, it's not set in stone. If we come through with a recommendation, we're going to try and follow our plan. I mean we're mandated to follow our plan. But you always have the liberty to make recommendations based on what you're hearing from the public and whatever biological recommendations are made. It's a framework, that's all it is. It doesn't tie our hands. There's nothing in the plan that says we're going to hunt 25% of these units harvest objective, we're going to have 15 units spot and stalk. It's very nebulous in that department. That's all part of the decisions you guys are involved in with our annual recommendations and also, input from the public.

- Derris Jones – Do you see the harvest objective maybe being a solution to some of the CWMUs that have tried to incorporate bears into a CWMU program, so that we don't have to fight that battle? We still don't have bear CWMUs, is that correct?
 - Justin Dolling – No, in code it only allows for deer, elk and moose.
 - Kevin Albrecht – So harvest objective might allow a landowner to utilize a resource that he hasn't been able to utilize in the past?
 - Justin Dolling – Correct, and it is also for the CWMU portion of this whole discussion, and that's really drilling down to a lot of detail. But, on our CWMUs, we have some that are only 5,000 acres. So maybe on those CWMUs, if we ever did consider trying to get a bear CWMU, it would have to be over either bait, archery hunting, or spot and stalk only. I don't know how you can confine hounds to that little island of space.
 - Bill Bates – Hunters right now are required to take that course on- line, so it wouldn't change.
 - Travis Pehrson – We'd like the division to start using more GPS coordinates where these bears are being harvested so we can get a better look at where the majority of the bear are being harvested. We would like to see areas that people aren't hunting where the bear population is getting bigger.
 - Justin Dolling – In the plan it talks about that, about moving towards a GPS based harvest reporting system. We've laid it out as a strategy in the plan and we're going to start working toward trying to accomplish that.
 - Blair Eastman – There has not been a pre-determination on three units that would have the quota or the liberal harvest strategies applied to them, correct?
- Justin Dolling – Correct.
- Blair Eastman – That still needs to be determined.
- Justin Dolling – That will be determined through this public process.
- Blair Eastman – So that hasn't happened yet and that will be a maximum of three units on this first 3-year cycle.
 - Justin Dolling – Correct. Its three units to test during the first 3-year cycle and see if that system has merit.
 - Blair Eastman – (Inaudible)
 - Justin Shannon – To get at your question, the units with a lot of private land like Nine Mile where you have private land owners that are tolerating bears, houndsmen are having a tough time getting on those blocks of land to harvest bears anyways. Those are the areas that would be involved in the recommendation. There are some benefits to that, because if you're getting bear pressure on the private lands that may push some of those animals to the public land and allow for more access for public hunters. One thing I want to specify and make very clear is that we're talking about harvest objective and there's two things with it. One is with dogs and one is without dogs. So don't just blanket the whole thing, that all harvest objectives are bad. I was one of the ones that pushed to have this happen. Some of the positives that I think we haven't talked about with this are, there seems to be conflicts between the houndsmen in the fall and deer and elk hunters. I think one reason there are conflicts is because the deer and elk hunters don't hunt the bears and so they don't have an appreciation for them. Hence there's a conflict. If we did have harvest objective in some of these areas, without dogs, what you could have is some of these deer and elk hunters that would be hunting bears and they'd have more of a vested interest in the management of bears. Then at meetings like this it wouldn't be the deer and elk hunters saying less bears and the houndsmen saying more bears. This

harvest objective in a lot of ways could be used to recruit hunters to this sport that generally aren't there right now.

- Blair Eastman – How are you going to decide on those three units? Is that going to be decided through the RAC? Is it going to be through your committee?
- Justin Shannon – I guess if this plan is passed and there are three areas that are harvest objective, I would have to arm wrestle with the other managers to say I want to try this in my region on this unit. There's interest in a lot of different units for a lot of different reasons.
- Darrel Mecham – (Inaudible) deer and elk hunt, is that what you're saying?
- Justin Shannon – Yeah, these are options that we have with harvest objective that we don't have now. You could keep a spring hunt, you could keep the summer pursuit, and you could have a fall hunt. Our own management is saying that we have areas to increase in permits and so keeping it the same for houndsmen in the spring and fall, you could leave those the way they are and then have a harvest objective without dogs for the deer and elk hunters. These are just some of the options that we as managers have talked about. That's why harvest objective we think has some usefulness.
- Travis Pehrson – Has there been a study done as far as bear that cross between the LaSals, San Juan and Book Cliffs? How many of those bear are Colorado bear coming over to Utah?
- Guy Wallace – As far as movement between units, our radio-collared bears haven't moved between units. We've moved radio-collared bears between units, but we haven't seen those move. I have had bears that we had tagged at one time, males in particular, that were tagged on the LaSals and then later harvested on the Abajos, maybe five, six years later. We have seen that kind of movement. As far as the Book Cliffs, the only evidence we have there is that we've had bears out in the middle of the Cisco desert, we had a cub we picked up at the Moab airport or Dead Horse Point last year. As far as from Colorado, I have had some of our bears go into Colorado. We had one radio collared bear that showed up in Dove Creek when it had been out in East Canyon. We got a call from Colorado that a bear had entered a trailer and a guy had hit it with a pan. It woke him up. We thought it was our bear so we rushed over there but it turned out they shot the bear and it wasn't our bear.
- Bill Bates – The Book Cliff's study went on for 12-13 years and we really didn't have very many radio-colored bears, or marked bears, leave there until we had a severe drought several years ago. I think it was 2007, when we had one boar that ended up over in Vale, CO, from the Book Cliffs. There are catastrophic or significant weather situations that will cause bear to move.
- Travis Pehrson – I talked to David Redd, who is the Redd Ranch CWMU operator. He's got a lot of bear on his unit. We'd like to have the division look at CWMUs or allocating depredation tags or something. He had 10 calves die this last year and he is pretty sure that six of them were killed by bear. He never asked the division for any recovery on the cost.
- Bill Bates – We already do have a program in place, and he could do something with that, and we should work with him individually, but there is a way for him to take animals that are taking his livestock.
- Kevin Albrecht – It seems that issues with bears in sunflowers is a new issue, but it seems to me that a lot of the discussion maybe exploring bear being a possibility for CWMUs, especially in this area, it might be a possibility. It would have to include some

real changes and some major thought on what those changes or the unknown might be. Maybe that's something that could be explored.

- Travis Pehrson – CWMUs would give public opportunities as well to hunt. A resource that's not available to them.
- Blair Eastman – (Inaudible) CWMU, just trying to control it would be pretty tough.
- Travis Pehrson – Can the division look at a plan to come up with CWMUs to help with issues? Rule changes, whatever it needs to be?
- Martin Bushman – Unlike a lot of our programs, the CWMU program is actually set in statute and that statute defines the species that can be operated under a CWMU, and bear are not included. So if we're going to move towards including bear in a CWMU program, we've got to go to the legislature and ask for the statute to be amended.
- Wayne Hoskisson – One real quick comment. I really like (inaudible) it has a flow chart, It shows how the decisions are going to be. I think it's a move in the right direction, and I move that we accept the bear plan as read. Seconded by Blair Eastman.

VOTING

Motion was made by Travis Pehrson to implement a bear CWMU program

Comment on the motion: Martin Bushman indicated that only the state legislature had the authority to put such an action in place.

Motion withdrawn

Motion was made by Wayne Hoskisson to accept the division's bear management plan as presented.

Seconded by Blair Eastman

Motion passed unanimously

7) Coyote Trap Check Proposal

-Justin Dolling, Game Mammals Coordinator

Questions from the RAC

- Travis Pehrson – On that buddy trapping, how many people can be a part of that? Can they check traps for someone else? Can it just be anybody?
- Justin Dolling – For the legal sets on coyotes, you'd have to grant authorization to somebody in your trapping team to check and inspect your traps.
- Todd Huntington – So in theory, you could have quite a few on your team and then you wouldn't have to check so often.
- Justin Dolling – There's no limit to the size of your team as long as you grant authorization to the individual that will be out there checking your traps and that individual also has a furbearer's license for the animals that you're trapping.
- Kevin Albrecht – This may be too simple for my mind. Say you have traps set out and you have purchased a bobcat tag, but the individual you had go check your trap had the furbearer license but didn't have the bobcat license. Would he be in violation?
- Justin Dolling – That would be problematic. I'll defer back to law enforcement, but it's my understanding that the companion trapper would also have to have the same license and tags as the individual that has the permit.

- Roger Kerstetter – That’s correct. Essentially that’s getting in the realm of taking an animal if the second person comes up and actually dispatches that bobcat, he’s got to have the appropriate tags and licenses.
- Travis Pehrson – If you saw the bobcat in the trap, you just have to go get the person that’s got the bobcat tag and go take care of it?
- Justin Dolling – That would be one solution, as long as you’re adhering to the 48-hour trap check interval.
- Wayne Hoskisson – I think this whole idea of increasing/killing coyotes for benefitting deer is completely misguided and has nothing to do with the reality of the situation. I don’t think there’s anything to show that’s effective, or that killing coyotes actually reduces their population for more than very brief periods of time. I think that if we look around, the limiting factor on our deer population is not (inaudible) never has been. It’s not coyotes, it’s not cougars, it’s not bear, it’s whether or not they’ve got something to eat and if you looked at our long range trend studies around the state you’ll find a lot of them are going down in herbaceous material. That’s what deer need to eat. So that’s where we’re losing our deer and trying to do something like this is just plain fool hardy. I am not in favor of changing the trapping rules for coyote. I’m not even in favor of encouraging hunting of coyotes. I think it’s foolish.
- Travis Pehrson – Is increasing the 48 hours by any amount of days, like three days versus 48 hours, is that recommendation (inaudible).
- Justin Dolling – In our mind, 48 hours is where we set the limit and where we’d like to keep the limit for the four reasons I laid out there. The most important being the unethical treatment of the animals. The suffering part.
- Bill Bates – I’d like to comment on that. There are some studies going on, being conducted by the National Trapper’s Association in conjunction with the Fish and Wildlife Service, looking at reaction times of animals when they’ve been trapped to try to come up with best management practices. They’ve looked at things like soft catch traps, off-set jaws, swivels, springs in the chains, things like that. That’s an ongoing process in the 48-hour trap check time period. That’s something they’re looking at and there will be more information coming out on that. It is also tied to our ability to sell furs to the European community and other areas. That’s one reason we’d like to stay with that.
- Terry Sanslow – That’s one rule that’s probably been in effect in Utah for at least 30 years, the 48-hour trap check.

Questions from the Public

- Terry Sanslow – If you have any comments after the question period you need to get a card up here. Once again – any questions from the audience? I’ll close it to questions and go to comments.

Comments from the Public

- Debbie Pappas, Second Chance Wildlife – I’m the director and permit holder for Second Chance Wildlife Rehabilitation. In my organization we cover probably the biggest land area in the state of Utah for wildlife rehabilitation. I’m opposed to changing the 48 hour trap check for a lot of the reasons that people have already spoken about. I see things on a different level. The animals that are not intended to be in these traps, I’m the one who gets them and has to put them back into the wild if I can. 48 hours, a lot of times, depending on the species we’re dealing with, a lot of damage can be done in 48 hours. They may not be able to be put back into the wild. As a wildlife rehabilitator I’ve

had eagles come in. I've had turkey vultures come in. I do a lot of work with other rescue organizations that deal with pets and they have a lot of pets that come in these traps including cats and dogs that are not (inaudible) target species. The reason I oppose it is I think that this is cruel and inhumane if we change it to seven days. I can't fix things after seven days, they're dead!

- Mary O'Brian, Grand Canyon Trust – It's hard to improve on the four items that Justin Dolling mentioned as to the agency's opposition to this proposal. He's absolutely right that habitat condition needs to be the primary focus on any mule deer decline. I know I came from eastern Oregon where for quite a while there was an effort to kill coyotes to allow pronghorn populations to recover on a particular refuge and it was held off and as the habitat condition improved in the refuge the pronghorn populations rebounded without any killing of coyotes. That needs to remain the focus. To just add one more focus that Justin didn't mention. It just would reflect terribly on both trappers and the Utah Trapper's Association. The whole process would reflect terribly on the agency for anything beyond 48 hours. Many organizations across the country recommend 24 hours. If you're trapping, trap. Check the traps. But any extension beyond two days of being caught in a trap is really indefensible. Thanks.

- Mary O' Brian – I didn't mention it because I think you had distributed the letter from a number of organizations. One correction on that, Red Rock Forest does not exist anymore. That was an error on someone that was putting the final touches on the letter. But, all the other organizations worked together on that letter to you.

- James Gilson, Carbon/Emery SFW – no comment.

- Brett Guymon – I'd just like to add my voice to those who have already spoken, saying I don't think that's really appropriate. I think trappers need to be responsible and 48 hours is a reasonable time frame. I think anything longer than that contributes to a negative impact to the animal. I trapped for a lot of years and if you're going to trap be a responsible trapper and check your traps.

- Clay Oliverson as read by Terry Sanslow – He is a trapper and he is in favor of extending the trap hours to 72. In all fairness I convey that to you.

RAC Discussion

VOTING

Motion was made by Kevin Albrecht to leave the trap check regulation (48 hour check) as is.

Seconded by Pam Riddle

Motion passed unanimously

8) Self Defense against Wild Animals (Action)

-Martin Bushman, Assistant Attorney General

Questions from the RAC

- Derris Jones – Is the wolf classified as protected wildlife in the state of Utah? So this will give houndsmen the authority to kill a wolf, if it's going to kill their hound dog?

- Martin Bushman – There is one caveat with the wolf. It is an endangered species right now, and so any state laws we make are not going to be binding on the federal government. Wolves are a little bit out of the game on this particular rule until they're de-listed and management authority is returned to the state of Utah.
- Todd Huntington – This seems pretty complex. If that animal is attacking us, are we going to be able to call you or our attorney and check and see if it is going to attack?
- Martin Bushman – It does seem pretty complex. If a person just uses reasonable judgment, they're going to be fine. Let me give you a couple of examples. One of the cases we dealt with was a person who had a cabin or a summer home of some sort. They saw the bear out in the yard. They came out with a 22, decided it wasn't big enough and went back into the house to get the 30-06. Even though the bear wasn't attacking the house or doing anything, they shot it. So there you've got a home for safety. You could call and have the Division of Wildlife Resources deal with it. We just don't want to see the unnecessary dispatch of bear because in many instances they're not even a nuisance. If they are, we can relocate them. If they are truly dangerous, we will deal with them in a lethal manner.
- Todd Huntington – What are we currently doing?
- Martin Bushman – There's no common standard. From county to county, it depends on how the county attorney wants to apply it. I think what most have been using is the self defense provision for dealing with another human being, which are very similar to this, you'll see very similar language.
- Todd Huntington – So this came about just because of the recent increase in the incidents?
- Martin Bushman – We didn't have a standard and so we were starting to see a lot of uneven application of the law and felt that this would be the fairest way to define a standard.
- Todd Huntington – Is 12 hours enough time, if I'm out in the back country hiking. Maybe I can't get to communication that soon. Isn't 24 hours more reasonable? What's the 12 hour for, why that number?
- Martin Bushman – We just need to get it reported soon enough that our officers can look at it and assess the situation. I don't believe you're going to get a ticket if you're backpacking in from somewhere and you can't get out in 12 hours, but in most areas where you've got a vehicle and a cell phone, it's pretty easy to make communication and report the incident. Law enforcement just felt strongly that they needed a fairly quick report. They're looking at it as a crime scene. They've got a dead animal and they've got to assess whether that animal was killed legally or unlawfully. The sooner they can do that, the easier it is and the better it is for all parties involved.
- Bill Bates – I've had two incidents reported to me from Desolation Canyon where we've had attacks and bears killed and remarkably they've all found a satellite phone to call me at midnight.
- Jeff Horrocks – This is a new proposal. I'm just kind of curious what the penalty phase of this is? Is it a Class A, third degree, second?
- Martin Bushman – What this is, is it's unlawful to take these animals without a permit, so if you kill one, technically you've killed it unlawfully. But if it's in self defense it's a justification. So if you shot a bear I believe that's going to amount to a Class A, but could be a felony if it wasn't justified. You'll be subject to the law as it currently stands.

- Blair Eastman – Isn't there a law that already provides for the protection of livestock by livestock owners?
- Martin Bushman – Yes, there is. We have a rule that does give landowners some ability to protect their stock--to kill a bear or a cougar. Those would probably be your only two predators that would pose any threat to livestock. But they can kill them when they're in the act of trying to kill a domestic animal.
- Blair Eastman – So the lion or the bear has to be in the act of killing the livestock in order for you to be justified?
- Martin Bushman – My recollection of it is. If a landowner finds some dead sheep, he can't just take off and start looking for a bear with wool around its mouth, but they can ask Wildlife Services and they will go out and try to locate that bear and deal with it.
- Blair Eastman – So in the past if that bear was trying to eat my wife, I couldn't kill it, but I could kill it, if it was eating a cow?
- Martin Bushman – No, if it tries to eat your wife, you can kill it.

Questions from the Public

- Terry Sanslow – If you'd like to make a comment, I still need a comment card.
- James Gilson – So based on this recommendation, and the past, you talked about one that's obvious, how many cases would people have been charged, especially in '07 when we had the high incident rate? How many people would have been charged?
- Martin Bushman – Interestingly, '07 wasn't the year we saw the big increase, it was the next year, '08, '09. To my knowledge no one was charged. Possibly a couple would have been charged. I could think of one incident where some folks had a bear come into the campground, they all tried to scare it out and it wandered off. It turned around reared up and looked at them from 100 feet and they shot it. That one is a close call. There could have been just cause. We tried to figure out why all of a sudden this big rash of incidents of people shooting bears occurred. I think it was, they started reading the paper and they believed if the bear does anything to worry me, I can go ahead and kill it. This was one of the reasons I felt it was important to get a rule in place so people would know what the standards are. It's not that a bear startles you or you don't like the fact that it's 100 yards away from where you are; it actually has to be threatening you and not just be in the vicinity.
- Bill Bates – I've been involved in quite a few of these investigations over the years and there's only one that I'm aware of that we've charged on when somebody claimed self defense. During the opening day of the deer hunt down on the LaSals, we had somebody that came to our check station and said "I just saw somebody shoot a bear, and he shot it and the bear was 70 yards away and running away". Then the guy came and told us, "Hey, I just killed this bear that was attacking me." We went and investigated. We found the bullet hole going in the back of the bear and it obviously was not self defense. We charged him.
- James Gilson – I have an opinion on what may have instigated this. Not too many years before we had a 5 year-old boy drug out of a camper and killed. I believe that had more to do with this than anything else. That being said, what if I'm calling coyotes and I call in a dangerous predator, how do I know what he's thinking? It says I have to determine the probability that the animal will attack. How do I know that?
- Martin Bushman – You don't know that. You can only assess it the best you can and I don't think people are going to second guess that too much unless it's way out of bounds.

- James Gilson – So the other thing I’m concerned with is, when it says, when a person reasonably believes. The person’s experience with wildlife is going to dictate what’s reasonable to one and not to the other and I don’t know how we’re going to assess this fairly, and some of the stuff in here I have some serious problems with, just like the houndsmen had a problem with the accompanying law. The other question is does this go in the bear proclamation? Where is this rule applied?
- Martin Bushman – It applies everywhere. I don’t know if it’ll make its’ way into the proclamation. That’s a proclamation that hunters read. Typically they’re not going to be dealing with self defense. If they are, they’ve got a permit. It’ll be up to the folks that publish the proclamations whether they think there’s enough space and it’s appropriate to put in or not.
- James Gilson – So what about the non-hunting community that has weapons? How do they know this is a potential felony? And for those that do, do we have to take time to determine if this is justified to protect our family and having attended concealed weapon classes? There are some pretty liberal things considered in Utah on justification.
- Martin Bushman – This rule does not change the penalties or the law relating to wildlife. You kill an animal and the law applies. The rule will protect you from the consequences of the law if it’s a justified self defense. Ask – how do I make all of these snap decisions in a spur of the moment. I don’t know how to tell you an easy way to do that. If you’re somebody that carries a gun and thinks you’re going to defend yourself against an attack by another human being, you’ve got to make those same judgments only at the peril of a 2nd degree felony in homicide if you make a bad decision. The fact that it may be difficult at the moment to make those quick decisions doesn’t negate the fact that you need some standard. Better to have a standard so people have some idea of what is lawful and what is not.
- James Gilson – So if you retreat to the camp trailer, the likelihood of your dog retreating with you is pretty slim, are you able to return out of the trailer to protect your dog?
- Martin Bushman – Again, this is a common sense, good judgment type of rule. When you talk about reasonable belief, that’s a belief that a reasonable, ordinary person would have. And, when you create standards, that’s the best you can do using language. There will be a hundred hypothetical’s you can come up with that will make a decision difficult. All I can tell you is that on those difficult decisions you’re going to have law enforcement, prosecutors that are going to see that and be able to make a judgment as to whether they thought you acted appropriately or not. Whether you have this rule or not, they’re still going to be making that judgment, except you won’t know what the standard is. They still have to make a decision, is that self defense or is it not. When I first worked with the division, there was an instance where a film developing company had notified the division, when they developed a picture of some men in the middle of summer, standing next to two dead cubs and a sow. They gave that photo to the division. They were somehow able to track these folks down. Their defense was “well, it was self defense, the sow attacked us”. We had no way of proving one way or another, other than the fact they shot the two cubs. Were those in self defense? These were yearling cubs. I don’t know if he got charged with killing the sow but I suspect he got charged with killing the cubs because they didn’t present any real threat to him. Those are the things you’ve just got to look through. No standard is not better than a standard, but it may not be perfect in every instance.

- James Gilson – One more question. On 3a it says a person shall notify the division within 12 hours after killing or wounding a wild animal under subsection 1. How do I know if I wounded it? If it runs off, how do I know?
- Martin Bushman – You're a hunter, sometimes you can tell. If you shot it and you think you missed, I guess you don't report it. If the animal flops around and gets up and takes off, you figure you hit it, then you probably ought to report it.
- James Gilson – If you do wound one and you pursue it to see if you did, you're breaking the law.
- Martin Bushman – Pursuing it is breaking the law?
- James Gilson – You talked about the guy who comes in and finds his sheep, how do I know I wounded it without going after it?
- Martin Bushman – I guess you can tell by the way the animal acted when you shot at it. You can see if there's a blood trail. But if this is truly a self defense situation, I don't know that I'd go off into the trees looking for it.

Comments from the Public

- Charlie Helquist – This self defense thing I think is just like the attorney was saying. Out of respect for yourself. I had two incidents this summer where the bear was standing up on its' back feet and I walked a couple of people into the mine up there on the mountain and the bear was snapping its' teeth from her to that projector, from here to five feet, and the first incident went on about five minutes. Either you do it or you don't. How do you know that it wasn't going to come at you when it was that close, do you take the chance on letting the bear get you or do you shoot it. In this incident nothing happened. I've had a lot of incidents with bear, but it would only take one bad time for one to come and attack you. You have to justify it really good.
- James Gilson – I'm just concerned about the gray areas. There hasn't been that many incidents that would have caused this to implement. Now we have a law that (inaudible). . . . How do you make the decision if you're with boy scouts, your family, and your pets? How do you make the decision? If a bear comes into your camp, how do you know what his intentions are and then you find yourself fighting a felony because you reasonably thought there may be danger to your family? Does anyone know what it costs to get a lawyer to fight a felony? So even if you're right and justified, you've got to hire a lawyer to protect yourself from a felony. That's why I asked how many cases in all of the years we've got 2, 3, 4, or 5? I don't think it justifies one person being wrongly charged. Ask the two people who were charged with their father's death and told one story and found out later that they were innocent. It was announced this week. What they paid for attorneys and now there's no reparation for them, they just go free, but what did it cost them? That's what we're going to face here. I think there's too much gray area, not enough incidents to justify the proposal.

RAC Discussion

- Terry Sanslow – That was the last comment card. We'll close it to the public and open to RAC discussion.

VOTING

**Motion was made by Travis Pehrson to accept R657-63 as presented.
Seconded by Chris Micoz**

Motion passed with two opposing votes: 9-2. Opposing votes were cast by Todd Huntington and Jeff Horrocks

**8) Other Business
-Terry Sanslow, RAC chairman**

Due to the predicted length of the April 13 meeting, which would include big game permit numbers, big game recommendations and guidebook, antlerless recommendations and guidebook and antlerless permit numbers, the RAC decided to begin the meeting at 5 p.m. rather than the customary time of 6:30 p.m.

Meeting adjourned at 11:45 p.m.
25 in attendance

Next RAC meeting on April 13 at 5 p.m. at the John Wesley Powell Museum, 1765 E. Main in Green River.

Wildlife Board Meeting, May 4-5, DNR Board room, 1594 W. North Temple, SLC