

**UTAH WILDLIFE BOARD MEETING**  
Wednesday, January 10, 2007  
DNR Auditorium, 1594 W. No Temple  
Salt Lake City, Utah

**AGENDA**

- |    |  |                    |
|----|--|--------------------|
| 1) | Approval of Agenda<br>-Dr. Jim Bowns, Chair  | <b>ACTION</b>      |
| 2) | Approval of Minutes<br>-Dr. Bowns  | <b>ACTION</b>      |
| 3) | Action Log<br>-Dick Diamond, Vice-Chair  | <b>CONTINGENT</b>  |
| 4) | DWR Update<br>-Jim Karpowitz, DWR Director   | <b>INFORMATION</b> |
| 5) | Black Bear Proclamation & Rules<br>-Kevin Bunnell, DWR Mammals Program Coordinator       | <b>ACTION</b>      |
| 6) | Falconry Proclamation & Rule<br>-Jim Parrish, DWR Partners-in-Flight Program Coordinator | <b>ACTION</b>      |
| 7) | Other Business<br><b>CONTINGENT</b><br>-Dr. Bowns  |                    |

**UTAH WILDLIFE BOARD MOTIONS**

Wednesday, January 10, 2007

DNR Auditorium, 1594 W. No Temple

Salt Lake City, Utah

- 1) Approval of Agenda **ACTION**

**MOTION: I move that we approve the agenda with the addition of item number seven dealing with variances.**

Passed unanimously

- 2) Approval of Minutes **ACTION**

**MOTION: I move that we approve the minutes of the November 30, 2006 Wildlife Board meeting with the noted corrections.**

Passed unanimously

- 3) Black Bear Proclamation & Rules **ACTION**

**MOTION: I move that we put the issue of the outreach effort on Boulder Mountain Unit bear hunting on the action log for next year.**

Passed unanimously

**MOTION: I move that we go to 10 bear permits on the spring hunt and 11 bear permits on the fall hunt.**

Passed unanimously

**MOTION: I move that we retain Fish Lake Unit as summer pursuit and add San Juan for summer pursuit.**

Passed 5 to 1

**MOTION: I move that we add the North Manti Unit to the summer pursuit season.**

Passed 5 to 1

**MOTION: I move that we accept the remainder of the Black Bear Proclamation & Rule as presented.**

Passed unanimously

- 4) Falconry Proclamation & Rule **ACTION**

**MOTION: I move that we accept the Division's presentation on the Falconry Proclamation & Rule, including the two year extension.**

Passed unanimously

5) Other Business

**CONTINGENT**

A) Variance Requests

**ACTION**

**MOTION: I move that we grant the variance request for Chris Nelson for 2007.**

Passed unanimously

**MOTION: I move that we grant the variance request for Mark J. Kettle for 2007, if he will sign an affidavit stating that he did not hunt before September 6<sup>th</sup>.**

Passed 5 to 1

**MOTION: I move that we grant the variance request for Daniel Hunsaker for 2007.**

Passed unanimously

**MOTION: I move that we grant the variance request for Frank and Austin Janiszewski for 2007.**

Passed unanimously

**MOTION: I move that we grant the variance request for Jon, Joe and Jake Lorenz for 2007.**

Passed unanimously

**MOTION: I move that we deny the variance request for Thomas Drew Hortman for 2007.**

Passed unanimously

B) Letter of Resolution from Wildlife Board to the legislature

**ACTION**

**MOTION: I move that we approve this letter of resolution.**

Passed unanimously

## UTAH WILDLIFE BOARD MEETING

Wednesday, January 10, 2007

DNR Auditorium, 1594 W. No Temple

Salt Lake City, Utah

### Board Members Present

Chairman Jim Bowns  
Dick Diamond  
Allan Smith  
Paul Niemeyer  
Lee Howard  
Rick Woodard  
Keele Johnson  
Alan Clark - Executive Sec  
Jim Karpowitz - Executive Sec

### RAC Chairs Present

Clay Hamann - Northeastern  
Ed Kent - Central  
Mike Small - South  
Ron Hodson/Ernie Perkins - Northern  
Jim Gilson - Southeastern

### Public Present

Byron Bateman  
Kirk Robinson  
Ernie Millgate  
Wayne Hutchings  
Chad Coburn  
Craig Edwards  
Robert Bagley  
Guy Webster  
G Bateman

### Division of Wildlife Resources

Judi Tutorow  
Doug Messerly  
Boyde Blackwell  
John Fairchild  
Mark Hadley  
LuAnn Petrovich  
Kevin Bunnell  
Bill Bates  
Anis Aoude  
Cindee Jensen  
Teresa Bonzo  
Justin Dolling  
Craig McLaughlin  
Derris Jones  
Marty Bushman  
Jim Parrish  
Robin Thomas  
Greg Sheehan  
Dana Dolsen

### Approval of Agenda (Action)

Chairman Bowns welcomed the audience and introduced the Wildlife Board members and RAC Chairs. The agenda was then reviewed.

The following motion was made by Allan Smith, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we approve the agenda with the addition of item number seven dealing with variances.**

1) **Approval of Minutes (Action)**

On p. 8, 4<sup>th</sup> paragraph, 5<sup>th</sup> line change "800,000" to "800." P. 9, the second motion "passed," not "failed," and needs to be added to the Board Motions page. P. 11, 2<sup>nd</sup> paragraph, 6<sup>th</sup> line change "each side" to "one side." P. 13, 8<sup>th</sup> paragraph and p. 14 4<sup>th</sup> paragraph, change "supervisor" to "Wildlife Program manager." P. 16, 3<sup>rd</sup> paragraph from bottom, correct spelling on La Sals and change lowed to "low." P. 17, 2<sup>nd</sup> paragraph add Desert bighorn to sheep. Last paragraph, same page, change "discreet" to "distinct." P. 25, 1st paragraph, 4<sup>th</sup> line add "permit holders" after "statewide." P. 31, second paragraph, last line, change "own" to "manage."

The following motion was made by Paul Niemeyer, seconded by Keele Johnson and passed unanimously.

**MOTION: I move that we approve the minutes of the November 30, 2006 Wildlife Board meeting with the noted corrections.**

2) **Action Log (Contingent)**

Dick Diamond, vice chair, presented this agenda item. He went over the log, item by item, requesting time tables for those that were pending. (See Attachment #1 - Action Log)

Mr. Hodson said the CHA Variance Request will be coming up in February for discussion and the Board will be updated at the March board meeting.

Mr. Clark said the regional supervisors are working on the turkey depredation permits, looking toward the March or April board meeting for presentation.

The Statewide archery, skull collection, mandatory reporting, and tooth return are all completed. Some of the Northern RAC hunt proposals are completed, with others still under consideration.

Mr. Hodson said the CWMU Review Committee met last night and will address the last issue on the action log when they present their information at the next board meeting.

3) **DWR Update (Information)**

Alan Clark, Assistant Director presented the update. Director Karpowitz is at the legislature today. Mr. Clark showed a DVD put together by the Division, which explains and justifies the license and fee increases.

Mr. Diamond said we need to add the Wildlife Board to those who support this increase.

Mr. Johnson said there is not another state agency that has as much public input as the Division of Wildlife Resources and that would help lend support to these increases. It is important for the legislature to know that.

Mr. Clark said they will get copies of the license and fee increases to the Board later on today. He also said that the Division has filled three major vacancies since the last Board meeting. Ron Hodson is the Northern Region Supervisor. The Wildlife Section Chief is Dr. Craig McLaughlin. The University of Utah research liaison position has been filled with Dr. Frank Howe. We now need to fill the vacancies created by these changes. The RAC/Rules Coordinator will be filled by the end of the week. This is an ongoing process, filling personnel positions in the Division. Robyn Thomas is going to help Mike Canning during the legislative session. Mike Canning is currently the Habitat Section Chief. Ms. Thomas will be doing the summary of bills and it will be sent to the Board periodically throughout the legislative session.

Mr. Niemeyer asked if changing the opening of the deer hunt is being addressed during this legislative session.

Mr. Clark said no, fee increase is the main focus. This might be addressed next year. There are a couple other bills that concern the DWR. One will give hearing officers some latitude on suspensions of hunting privileges with lighter sentences in certain situations. That is part of a DNR bill. The age amendment for hunting big game is being presented. There is a bill dealing with whirling disease. There is a bill that came out of the Water Task Force to allow some instream flow protection for trout habitat.

The Wildlife Convention is next week. This will be a big event and we encourage all to go. It starts on Jan 17<sup>th</sup>. The DWR will have a booth there as well as other conservation groups.

In the Aquatics Section, the Strawberry Hatchery received an award from the American Fishery Society for their fish restoration project. This is a national award for a trophy native cutthroat fishery. The new two pole permit is now available and we are encouraging everyone to get one. Walt Donaldson asked a group headed by Drew Cushings to look at the community fisheries program and the Division will come back with recommendations.

Concerning the Conservation Outreach program, there will only be one more Wildlife Review magazine and then it will be going to something electronic. This has been a great publication, but relative to the cost, it is a money loser. There was a moose transplant last week that received worldwide coverage. Twenty various stories were reported electronically and in print around the world. Cory Maylett received an e-mail from a friend in Wales that said the BBC picked up this story. The national and international coverage has all been positive.

In Habitat, they just finished habitat treatment projects. They are compiling the information for next year's projects. There have been lots of individuals searching for additional funding.

In the Law Enforcement Section, they are looking to fill vacancies. They currently have 26 officers with three or less years of experience, and the average number of years experience is 7.78 per officer. Only six officers remain who are eligible for retirement. 13 officers have retired since October 2005. Right now there are 42 field officers employed, with two districts vacant that are set up to be funded after we get six officers through post in June 2007.

Chairman Bowns asked who is applying for these positions and how big is the pool. How much interest is there?

Mr. Messerly said there are fewer people applying for these jobs and they are from different backgrounds. When he did interviews in 1985, there were roughly 30 applicants for each position. Presently, there are around four or five applicants for each position. The DWR is attending career fairs and working with the high schools. It is difficult to get people to come to work for the Division because of wages and competition from other agencies.

Mr. Clark said the staff in Salt Lake has worked a lot on new recruitment strategies. That is one of the charges that has been given to Frank Howe, in this new position, to help recruitment on university campuses. We are working hard on internship programs to bring people to the Division.

The application for big game starts next week. The Big Game Hunting Guide (proclamation) has been out for one week and no errors have been identified yet.

Mr. Johnson asked how many we mail out.

Mr. Clark said we only send these to nonresidents.

Mr. Johnson said Arizona is charging \$3 to have hunting guides mailed to them.

Mr. Clark said we do have the guide on the website. They point people online first, before mailing. In public services, we are preparing for the big game draw, but also in fiscal, they are preparing fiscal notes and responding to requests during the legislature. This takes a lot of time.

In the Wildlife Section, they lost half the coordinators in one day with the new positions that have been filled. It is difficult to fill positions. The elk flights are starting with capture and transplants going on with several species and locations.

They have been working on our strategic plan for the Division and that is driving most of these changes. Soon, we will be able to present to the Board the final effort. We have had employees working on this with identifying changes in positions and refocusing efforts. Director Karpowitz is the first director that Mr. Clark has ever worked for that came in and said this is specifically how I want to guide the program. There is a strong focus and that makes a big difference on how effective we can be.

Two employees received the DNR awards. Drew Cushing was selected for the Community Outreach employee of the year for the community fisheries program. Anita Candelaria was selected for employee of the year for DNR.

Mr. Woodard asked about the fishing license status.

Mr. Clark said there has been a 30,000 permit increase and we feel it is directly connected to our

efforts. We will continue to market our fisheries in Utah.

Chairman Bowns said he appreciates receiving the wildlife articles on e-mail from Mark Hadley. He thanked him for his efforts.

Mr. Howard then gave an update on the WAFWA meeting. One of the points brought up is that every agency is having a problem keeping employees. Most agencies in the west are below the wage scale. We are losing employees all over the west. The wolf issue is a major problem. Idaho is killing a great number of wolves. The committee on the Sage grouse completed their study in the western states and submitted it to the USFWS. Dwight Bunnell received an award for the presentation on Sage grouse. Those who attended WAFWA went to a dinner at the PSE factory. They toured the factory where they discussed arrow weights. The indication was that lighter arrows are as effective as heavier ones. They also did some quail hunting after hours.

Mr. Johnson also attended. He said that one thing other states are concerned about is what is going on with energy development, especially in Utah, Wyoming, Montana, Colorado and New Mexico. The concern is especially in coal bed methane and oil development. There has been a lot of growth in the Uintah Basin. The oil companies are so well tied politically, it is impossible to fight them directly. We need to work with them to get money for mitigation. Urban wildlife problems were also discussed, along with the protocols that the various states follow. Arizona has a lot of urban wildlife problems. Habitat loss to urban development was discussed, how to replace these habitats that are being lost to development and how we might get involved with school trust lands in putting subdivisions in the middle of critical winter range for wildlife. That is a very big issue in several of the states.

Mr. Johnson said when they were at PSE, they told them about an archery program that has been introduced in the schools. Arizona is also concerned about keeping young people involved in hunting. In Arizona, 79 schools are involved in this archery program and they receive a grant from the state for each school. This might be something we want to consider.

Mr. Howard said someone they were hunting quail with is a specialist in getting grants. He told them about the Farm Bureau. It is the biggest bill available for money in the U.S. He is getting it for wildlife and habitat restoration. Mr. Howard said he will pass this information onto the Division. At this point, Mr. Howard asked Mr. Bateman about application fees for the Wildlife Convention.

Mr. Bateman said over 2,500 people have applied so far. We have all seven Canadian provinces, 41 states, Mexico and several countries throughout the world that we have received applications from. There are 544 booth spaces filled and reservations are being taken for next year. This will be a great event. Lots of conservation groups will be there promoting wildlife. They have invited every body to come to the expo and it starts January 17th at noon. The average money spent per person attending is \$145. We are projecting ten to fifteen thousand individuals in attendance.

Mr. Johnson said that Utah gives a lot of conservation permits. They discussed this with people



from other states while at the WAFWA and shared with them how we leverage that money for habitat projects. We try to get that money matched by other agencies. We explained to them how we run our habitat projects and use the money.

#### 4) **Black Bear Proclamation & Rule (Action)**

Kevin Bunnell, DWR Mammals Program Coordinator presented this agenda item. He went over the 2007 Bear Harvest Recommendations and discussion topics including research updates, non-resident pursuit and the bear management plan. He reviewed the 2006 harvest and mortality, and presented the 2007 recommendations.

On the research update, the young and the old orphaned cubs that were released in the Book Cliffs are doing well. After 18 months, of the 14 cubs there are only three known mortalities. They are still tracking four of the females. Those cubs were in very good condition and we look for early reproduction on those females. The old ladies, consisting of three females (ages 9, 18, 21) are still being tracked by BYU. They track reproductive success relative to age and individual bears. They all had cubs last year. Dr. Black has been to the 21 year old's den 17 consecutive years. We almost have a complete reproductive history on several of these females.

We have been doing some research on nuisance bears with conditioned taste aversion. Utah State University is conducting research to develop tools for dealing with nuisance bears in and around campgrounds and cabins. Southeast Region is conducting research to determine the effectiveness of trapping, translocating and aversely conditioning nuisance bears.

The question that is asked most often is how many black bears do we have in the state. We really do not know, mainly because of the behavior of bears. We do have some new tools available to us with DNA analysis to identify individuals. This makes it so we can use mark/recapture types of studies. We have been using this method in Kamas to try to refine the technique, so we have a way to count bears and determine population size.

Another tool used for bear management is occupancy modeling. This is a new technique that monitors rate of occupancy within suitable habitat instead of population size. This has the potential to give the DWR an annual statewide measurement of the bear population that is independent of harvest data. We are going to try to start this, statewide, this coming summer. Harvest has been our only source for information to this point.

The next issue discussed was nonresident pursuit. For years we have had the issue of the Privilege and Immunities Clause of the U.S. Constitution which prohibits the DWR from discriminating against commercial nonresident pursuit, unless the regulation is closely related to the advancement of a substantial state interest. This has been an issue along the Colorado border. Colorado eliminated the ability to allow residents to hunt bears with dogs through a ballot initiative several years ago. The people in Colorado who have hounds come to Utah for pursuit.

There are two questions to consider. The first question- Is nonresident pursuit proportionately

causing greater harm to bear and cougar population than resident pursuit? Question two - Is that harm sufficient to rise to the level of a "substantial state interest?" To answer these questions, the DWR's initial approach is to monitor pursuit and gather data on all units, to determine whether nonresident pursuit is proportionately causing greater harm to bear and cougar populations than resident pursuit on any particular units. In an effort to answer these questions 2006 results were considered. Of 207 bear hunters contacted, there were 179 residents and 28 nonresidents, who were running 358 hounds. On Unit 13 - La Sal Mountains / 77 res / 12 nonresidents / 195 hounds. Unit 14 San Juan /85 res/16 nonresidents /141 hounds. Other units / 17 residents / 0 nonresidents / 22 hounds. These numbers are not high enough to establish "substantial state interest." The information from last year was affected by \$3 gas prices. We will need several years of collecting this type of data before coming to any conclusions.

Dr. Bunnell then went on to review the Black Bear Management Plan including population goals, population objectives and performance targets. He also reviewed an historical summary of bear mortality showing a graph illustrating past years information. A graph on age and adult survival showed that we are well above what the plan calls for. He also addressed why we are harvesting older bears. One way to interpret that, is people are being more selective and are finding the larger, older bears. That is true to a certain extent. There is another dynamic going on in that bear populations track food availabilities in terms of reproduction. In the mid to late 90's we had some very good years. The age classes of cubs that were born in the mid to late 90's are being harvested now. In drought years, the population dropped off and they are coming into the harvest picture now.

Depredation was not a big issue statewide, but on some particular units it was. We had 19 bears taken off a single unit this year for livestock depredation. This will impact that population. Of 30 total, 19 came out of one spot on the Strawberry, up on the White River, between Strawberry and Soldier Summit.

A graph on the percent females harvested was presented and we are within objective. The only time there were more than 40% female was when we did not have a spring bear hunt. The summary of the 2006 harvest mortality was 76 bears harvested which is a 31% success rate.

New recommendations for 2007 include more units open to summer dog training. It is proposed that several units be added, essentially all the units in Northern region, the Wasatch Mountains, Currant Creek/Avintaquin and the Panguitch Lake /Zion Unit. They recommend dropping the Plateau Fish Lake, Thousand Lakes, because of some concerns with conflicts with recreation in that area. For years the Bare Top Mountain Unit has been closed due to a sheep transplant that took place years ago. The sheep are established and we recommend that this unit be open to bear hunting during the season dates. They are also recommending that spring pursuit be eliminated on the Northern Region units. This is in response to what has been going on with the Cache deer herd.

Applications will ONLY be accepted online beginning this year for the bear draw. Well over 90% of applications have been online. Dr. Bunnell then summarized the permit numbers (an increase of 15 statewide), pursuit units and season dates. The numbers are very similar to last

year.

Mr. Niemeyer asked what the problem was with the conflict on the Fish Lake Unit.

Dr. Bunnell said there were not any specific problems, more so a perception problem. There is a lot of recreation on the Fish Lake and concerns about potential conflicts between campers and houndsmen.

Mr. Johnson said on the Colorado border, we need to limit pursuit permits to spread them around. It would have to be equal changes for permits between nonresidents and residents.

Dr. Bunnell said we can do that, but we cannot discriminate between residents and nonresidents. You can limit the number, but it has to be equal chances.

Mr. Perkins said in response to this, there is an effort to get licensing going amongst guides and outfitters. Once we have a licensing statute in Utah, this will be solvable.

Dr. Bunnell said it is the commercial aspect of pursuit that makes it so we cannot do anything. If we remove the commercial aspect through a guiding permit, at that point, pursuit becomes strictly recreational and we can have a lot more leeway in how we approach the situation.

### **RAC Recommendations**

Southeastern - Mr. Gilson said they had a motion to approve the Division's recommendations, plus a recommendation for the Book Cliffs and San Juan to be added to the list of summer training units. There are no areas in the Southeast Region for training of dogs. Some of the best bear populations are in that region. The vote on this motion ended in a tie and the chair broke it in favor of the motion.

Chairman Bowns asked if the Division is in favor of adding those units.

Dr. Bunnell said currently they are not recommending adding these units. Our Regional Supervisors would like to address this at some point.

Northeastern - Mr. Hamann said they had a brief discussion. The online only application is a concern. In the metropolitan area people are more likely to embrace technology than in the outlying areas. This may exclude some of the older hunters who might be intimidated by technology. As long as the Division says they can help these hunters and it is well publicized, it will work. We must educate the public so we do not lose them. The motion passed to accept the Division's recommendations unanimously.

Southern - Mr. Small said they broke the proposal into two motions. There was no public input, but three of the RAC members are grazing permittees who are concerned about predation. The first motion was to accept as presented with the exception: The Boulder Mountain/Kaiparowitz Bear unit be managed as a harvest objective bear unit with a quota of eight bears on the spring hunt and nine bears on the fall hunt. Since the RAC meeting, they have talked with the Division.

Mr. Bunnell told them they would work with them to take depredating bears in a timely manner. Chairman Bowns asked about the tone of the conversation with those three livestock people after the meeting.

Dr. Bunnell said their concern is to increase the harvest by whatever means. They had sixteen permits there last year and only four bears were harvested. There are several interim steps that could be taken before we go from limited entry to harvest objective. We can send a letter out to those who draw with the names of those who know where the bears are. This could increase success. Dr. Bunnell said the Division would like the opportunity to try some other ideas and hunters are very open to this.

Mr. Diamond asked about the folks who know where the bear are, will they be willing to provide access?

Dr. Bunnell said of the three they talked to, they would be open to doing this. It is all public land. They would help people with information. They would not be letting them on private land. He said they will invite all of the grazing permittees to come to a meeting and see what they can come up with.

Mr. Howard asked how many bears they would like to take off that unit?

Mr. Bunnell said eight to ten bears a year.

Mr. Howard asked if we could increase the permits to a point where that would be covered.

Mr. Bunnell said there are different hunters every year. Another avenue we might look at is getting the guides set up and in contact with the landowners. We can increase the number of permits or put people in contact to find the bears. We can do either one or both.

Central - Mr. Kent complimented Dr. Bunnell on his research and efforts to provide good recommendations to the RACs and public. They had two motions. First, to add the North Manti Unit to the summer training season and it passed unanimously. Secondly, the balance of the Division's recommendations was passed unanimously.

Northern - Mr. Perkins commended the Central and Northern RACs for making a change in bear recommendations in an effort to continue to help the Cache deer herd. The Division's recommendations were passed unanimously.

### **Public Comment**

Byron Bateman thanked the Board for the opportunity to talk about this subject. We are meeting all our targets for the bear management plan. He would like to see more opportunity for sportsmen to participate in harvest, especially when Wildlife Services are taking a lot of bears. The solution for the Boulder Mountain Unit might be to extend the season through June. Adding units would give more opportunity. The houndsmen want more opportunity to help with some of

the problems, and to participate in the harvest.

Mr. Diamond asked if Mr. Bateman's dogs would be affected in any way during pursuit during the hot summer.

Mr. Bateman said you start very early in the morning and finish early. There is not a lot of water available in these proposed areas. It can be done, but the dogs must be very healthy and they must be well cared for.

Ernie Millgate, representing Northern Utah Big Game Houndsmen, said they are disheartened that they are losing the Fish Lake Unit, because of problems that have not occurred. When he is out in the mountains with his dogs, people are intrigued with what they are doing. They ask questions and they are surprised that there are bears in Utah. They have not run into any problems. They would like more opportunity to help with nuisance bears.

Craig Edwards, Utah Federation of Houndsmen expressed thanks for the opportunity to participate in the RAC process. They support the Division's recommendations and also the RAC recommendation to add the San Juan, Book Cliffs and the North Manti for the summer training season. They really need the summer pursuit season to train dogs.

Guy Webster from Green River requested that the Book Cliffs and San Juan be added to the summer pursuit season. He likes to take his kids with him to train his dogs. This will help encourage youth to participate in the summer time. The summer season will minimize the big pressure on these units the last few weeks of May. As far as conflict in recreation, the houndsmen will be out early and back in before other campers get up.

Chad Colburn, a board member of the Utah Federation of Houndsmen would like to see more opportunity and adding the North Manti, San Juan and La Sal could accomplish this. These are the three best units for pursuit. During the trial basis last year, there was not a lot of impact with the number of houndsmen. They should expand the summer training down into the Southeastern Region. He is happy to see the nonresident pursuit being studied. Their organization encourages people to come out to the RAC meetings and see things through.

Wayne Hutchings, Utah Federation of Houndsmen said he grew up with hounds. With his Dad being a member of Utah Big Game Hound and working with the Fish and Game, he got to see first hand what it takes to save your sport. He thanked Mr. Bunnell for his knowledge and input. It takes a lot of time to make a good hound. He also really enjoys the time spent with his boy on the mountain. The family part of bear hunting has a lot to do with it too. He is in favor of the recommendations by the other houndsmen.

## **Board Discussion**

Chairman Bowns summarized the RAC recommendations. See RAC motions.

Mr. Howard said he would like to address the online issue, then adding units for the training season and the Boulder Mountain permits. We should address these separately.

Mr. Smith said his suggestion on Boulder Mountain is to put it on the action log for future. Mr. Bunnell has reached out to permittees in that area and we need to have him report back and see how that goes. That might solve that problem and it will not need a change.

Mr. Diamond said the regional managers could give some additional insight to these recommendations

Mr. Bunnell said their input is in relation to summer pursuit on those units that have been discussed.

Chairman Bowns said we can work with the Southern RAC's proposal.

Mr. Niemeyer said Mr. Bunnell is going the right direction on the Boulder. Harvest is not a good population model, because there are different kinds of hunters. He would also like to increase the tags, plus look to involve permittees.

The following motion was made by Allan Smith, seconded by Lee Howard and passed unanimously.

**MOTION: I move that we put the issue of the outreach effort on the Boulder Mountain Unit bear hunting on the action log for next year.**

Mr. Bunnell clarified that this motion is to report back on the outreach effort to get the permittees, not the quota system.

Mr. Smith said that is correct.

Mr. Diamond said if these groups are successful in their cooperation, we will not need the quota system.

The following motion was made by Paul Niemeyer, seconded Allan Smith and passed unanimously.

**MOTION: I move that we go with 10 bear permits on the spring hunt and 11 bear permits on the fall hunt.**

Mr. Bunnell said it might make sense to put more permits in the spring, before cattle are on the mountain.

Mr. Niemeyer said there is so much snow, there might not be much of a spring hunt.

Chairman Bowns said we need to consider the addition of the Book Cliffs and San Juan units to the summer dog training season

Mr. Woodard said his concern is that we purposely took those units out last year to reduce some of the crowding on the Colorado border.

Mr. Gilson said if there is going to be more comment, the public needs to be allowed to respond.

Chairman Bowns said that would be allowed.

Bill Bates said Mr. Woodard's comment on these units is appropriate. There are some people that hunt those areas quite extensively and that is a genuine concern. The Division made the recommendation to not include these areas mostly in consideration of other wildlife. Fawns and calves are still young late in July and into August. Mr. Bates is not opposed to bear pursuit and he enjoys doing it. He has been able to do probably more of it than others through the years in handling nuisance bear problems during the summer. He has seen dogs leave the bear trail and go after fawns during those times. He has seen houndsmen run after them and bring them back in. From a Wildlife manager's standpoint, he does not feel we should be out pursuing bears that time of the year. On the North Manti, there are lots of campers there in July. We need to avoid this. There is amply time to get out to train dogs. The North Manti, San Juan and Book Cliffs should not be added.

Boyde Blackwell, Regional Wildlife Manager for Northeastern region, spoke concerning the Book Cliffs. He was supportive of the summer dog training session and pushed for the south slope of the Uintahs. With the experiment this last year, they saw less nuisance problems. On the Book Cliffs, they do not have much camping. Summer pursuit was put together for a management tool. There is concern with habitat loss on the Book Cliffs, due to oil exploration and roads. The Book Cliffs Unit is summer range limited and the majority of the good bear habitat is on the summer range. We felt that it would be better to limit the amount of pursuit and disturbance at that time of year while our deer and elk fawns are fresh on the ground. The animals are also trying to build up their fat stores for winter during that time. The concern is surrounding the low deer production, since it is a slow building deer herd. Biologists felt we do not need a training season on that unit, because of these reasons.

Mr. Smith said we need to have pursuit in all regions or no regions.

Mr. Blackwell said you cannot lump all the regions together. The Book Cliffs are summer range limited. Habitat varies widely from unit to unit. We are more than willing and appreciate the efforts in other areas that we have provided for summer dog training.

Mr. Niemeyer said on the Fish Lake, the public is asking why this unit is being eliminated from pursuit. He is concerned that we are taking away opportunity. He has not heard of any problems. Pursuit is over within an hour or two in the morning.

Teresa Bonzo, Wildlife Manager for Southern Region said we have not had any particular incidents between recreation and pursuit at this point. They wanted to avoid any potential conflicts, because the Fish Lake does have a lot of summer recreation and activity with the public.

## **Public Comment**

Byron Bateman said it was an experimental training season last year and there were no conflicts statewide. It is a four week season from the middle July to the middle of August. They want to protect the resource, but they also want to spread pursuit out, including these three proposed units. This will help with nuisance problems and minimize impact. Fawns have been chased by coyotes from the minute they hit the ground. It is a short time from daylight to 8 or 9 a.m. The impact is minimal to the resource. We can come back a year from now if there are problems, and make adjustments. Houndsmen are recreational users also. Mr. Bateman thanked the Division for their efforts.

Guy Webster said the question of the new fawns and calves came up in the Southeastern RAC. There is no hard data that shows there is any impact on other wildlife by running hounds. Through the years we have lost time that we are allowed to use our hounds for pursuit. They just want to get opportunity back with the Book Cliffs, the San Juan and the North Manti. We need these units in order to train our dogs.

Chad Coburn said on the Wasatch West Unit, there is a lot of recreation, but there are not any conflict problems. He does not see the summer training session as an impact. He asked the Board to consider allowing the better units for the houndsmen.

Mr. Gilson pointed out that they pursue cougar year round on the San Juan anyway. We are not hearing of any conflicts.

Mr. Bunnell said the research on the condition taste aversion is being done on the Book Cliffs. Summer pursuit might affect that research. It is an unknown at this point.

Mr. Smith said he is concerned that the Southeast region does not have a pursuit area there. In the Book Cliffs, there is a lack of summer habitat. A compromise might be to keep the Fish Lake Unit as a training area, since this is down toward their area.

Mr. Howard expressed concern over the order that the information has been presented.

A discussion followed concerning procedure and the format of the meeting, who should present and at what point.

Chairman Bowns then summarized the RAC's requests for the inclusion of the North Manti, San Juan and Book Cliffs issues. They will deal with them one at a time.

Mr. Niemeyer said he would like to see at least one unit made available in the Southeast region.

Mr. Smith asked how much summer habitat is on the San Juan.

Mr. Bates said it is higher in elevation, just under 10,000 ft. There is more summer range on the



San Juan than on the Book Cliffs.

Mr. Webster said they wanted the two units in Southeast to minimize a mass influx on one unit. The two cannot be separated the way they addressed them.

Chairman Bowns asked Mr. Gilson what their RAC would do concerning this situation.

Mr. Gilson said his RAC did not discuss the North Manti, and the San Juan would be two units. If only one unit is put in, there would be trouble with over crowding.

Mr. Niemeyer said he is torn between the two situations. If we open them all and spread hunters out, is that going to lessen the impact, or would it be better to pick and choose the units?

Mr. Woodard said ever since we have been dealing with pursuit, the nonresidents have been a problem. If we do this, we are opening the door to Colorado again. If we do this on the border, we might see a tremendous increase of nonresident pursuit.

Mr. Howard said the nonresidents had less than 16% of the permits.

The following motion was made by Lee Howard, seconded by Paul Niemeyer and failed 4 to 3. Keele Johnson, Lee Howard and Paul Niemeyer were in favor and Allan Smith, Dick Diamond, and Rick Woodard were opposed. The tie was broken by Chairman Bowns who voted against the motion.

**MOTION: I move that we add the Book Cliffs, San Juan and North Manti Units for summer pursuit and retain the Fish Lake Unit.**

The following motion was made by Allan Smith, seconded by Paul Niemeyer and passed 5 to 1 with Dick Diamond opposed.

**MOTION: I move that we retain Fish Lake Unit as summer pursuit and add San Juan for summer pursuit.**

Mr. Johnson said if we are concerned about too much pressure on the San Juan, it might be wise to open the North Manti.

The following motion was made by Keele Johnson, Lee Howard and passed 5 to 1 with Dick Diamond opposed.

**MOTION: I move that we add the North Manti Unit to the summer pursuit season.**

The following motion was made by Rick Woodard, seconded by Paul Niemeyer and passed unanimously.

**MOTION: I move that we accept the remainder of the Black Bear Proclamation**

**& Rule as presented.**

Lunch break - 12:30 to 1:30 pm

After the break, Director Karpowitz returned to the Executive Secretary position. Boyde Blackwell sat in for Clay Hamann for the Northeastern RAC Chair.

Chairman Bowns asked Mr. Bushman to talk about procedure at the Board meetings.

Mr. Bushman said there was some debate earlier in our meeting relative to procedure with both RACs and the Board. This is not a due process sort of meeting. The Robert's Rules of order are applied to the meeting in an effort to run an organized meeting. They are not set in code. It is a set of procedures that help run an orderly meeting. It is important that we do not get so wrapped up in that procedure that we lose sight of what the function of the Board and the RAC really is. The RAC is charged with responsibility to get input from the public and bring it to the Wildlife Board. No where in code is the Board ever directed that it has to hold meetings that they take public input. The Board just always has taken public comment. The Board's functions are "upon a determination of the facts by the Division, the Wildlife Board shall establish the policies best designed to accomplish the purpose and full intent of all laws pertaining to wildlife and the preservation, protection, conservation, perpetuation, introduction and management of all wildlife." There goes on a list of things to be considered in accomplishing this mandate. It also directs that the Board has to consider the recommendations of the RACs. The point of clarification is that this is not a due process type of meeting with formal protocols in terms of one party gets to advance a point of view, and then the other gets to cross examine or rebut. The Board, in fulfilling its responsibilities, and the RACs also, need to gather the information necessary to make the most informed decision. If that means asking some questions of biologists or another audience member, after public comment is closed, that is perfectly permissible. That being said, they need to be conscious of the perception of the audience and those in attendance. If you ask questions of only one opinion on an issue they might think that is the only opinion you want.

Mr. Howard said in the past, once the Board closes the comment period, usually we have not called for comment. Additional comment might well sway the vote and give unfair advantage.

Mr. Bushman said if someone in the audience raises their hand and says they have a very important fact to be considered, this might be allowed. When facts are given after the comment period, hopefully they are very relevant. There is not a place for persuasion at this point. If the Board asks for clarification, that is one thing, but reiterated information is not appropriate.

Mr. Howard said he understands that and questions need to be addressed for clarification. He just does not feel we need to have Division, or others say something after we have closed comment. He has a problem with that.

Mr. Bushman said he does not recall a Division employee asking to comment after the fact. It is usually a question that comes up and they respond.

Mr. Smith said we did need to hear from the individual regional managers today in order to make a good decision. We might have brought them in right after Mr. Bunnell's presentation and that would have been better.

Mr. Bushman said his purpose is not to tell the Board how to exercise discretion, but legally the Board is not bound by the Roberts Rules of Order. Still, it is not good to deviate from them too much, because they do help the meeting to run in an orderly fashion.

## **5) Falconry Proclamation & Rule (Action)**

Jim Parrish, DWR Partners-in-Flight Program Coordinator presented this item. The Division is recommending a few changes to the rule. He went over the Utah falconry rule and proclamation and did an overview of the falconry program. He also highlighted the proposed rule changes.

Falconry is defined as the sport of taking quarry by means of a trained raptor. Mostly day active species are used in this sport, but sometimes nocturnal species, such as the owl are used. The earliest records of falconry go back to several centuries B.C. in China. It has been popular and utilized in North America since before the World War II.

We have approximately 233 licensed falconers in Utah, most of them are in Central region. We have two capture seasons, spring allowing the take of eyas (nestlings) and in the fall allowing the take of first year birds (passage birds).

We have three classes of falconers, based primarily on experience. There are limits on the species they can employ in the sport by class. Beginning is the apprentice class where they must pass a test and facilities inspection, and they also must have a sponsor. The American kestrel or red tailed hawk is the only bird they can use at this point and they can only keep one bird at a time.

The second level is the general class, which they reach after two years experience at the apprentice level. Several species are available to them and these are listed in rule. They may have two birds at a time and they no longer need a sponsor.

The third level is the master class, which they reach after five years experience at the general level. There are a few additional species available to them, including the Golden eagle. They may have up to three birds at a time.

Code and rule is regulated by state and federal governments. There is federal code in Utah rule and Utah rule reflects federal code. Utah rule is more restrictive in a few cases. An individual must have three documents in order to participate in a sport. The state issues a falconry COR for a one, two, or three year period. The USFWS issues a three year permit and a capture permit from the state allows harvest of raptor from the wild.

Mr. Parrish handed out a revised summary of the changes on the proposed Utah Falconry Rule. (See Attachment #2 ) One change is to extend the current Utah rule by one or two years. The

proposed rule provides: administrative changes, clarifications, and consistencies with other Division rules. The reason for the one or two year extension is because the USFWS has proposed substantial changes to the federal falconry rule. This will require substantial changes in the Utah falconry rule. They are anticipating the revised federal rule will be done no sooner than early 2008. That is why they are looking toward a two year extension.

Falconers have commented on the existing rule through mail, email, and a public meeting in the Salt Lake Office prior to RACs. More meetings will be forthcoming. This concluded the presentation.

Mr. Woodard asked about the fact that Montana is asking for the capture of six peregrine falcons.

Are they coming back good and strong all over the area, or just up there?

Mr. Parrish said they have been taken off the Endangered Species List, so the recovery is definitely a success.

Mr. Johnson asked if some of the wildlife that they are taking is coyotes. How are they doing that?

Mr. Parrish said he does not know of anyone hawking coyotes and if they are doing it, it would probably be with eagles. That language was the exact language that is in the rule on those species that are part of the “excepted from the protected” definition. Coyotes are on the list of non-protected.

### **RAC Recommendations**

All the RACs unanimously accepted the Division’s proposal with the two year extension on the falconry rule and proclamation.

### **Public Comment**

Robert Bagley, President of the Utah Falconers Association, thanked the Division for the process on the falconry rule. This is a two year process to delay the rule, because the federal regulations that are proposed will do away with the federal permit. This will greatly streamline the process and it will affect the state in a big way. We look forward to having this positive working relationship with the DWR when we have to review in detail. Mr. Bagley thanked Mr. Parrish for contacting their group and taking their input. They support the changes.

Mr. Smith asked about the success of the international meet held in Vernal.

Mr. Bagley said there were people from all over the world including Germany, Japan, and South Africa. It was beautiful weather and they had the highest attendance in 40 years.

### **Board Discussion**

The following motion was made by Keele Johnson, seconded by Dick Diamond and passed unanimously.

**MOTION: I move that we accept the Division's presentation on the Falconry Proclamation & Rule, including the two year extension.**

**6) Variance Requests (Action)**

Judi Tutorow presented these requests. She explained the harvest reporting requirements. Three letters go to the hunters requesting a harvest report and if they do not respond, they have to sit out the drawing for one year. The Division entertains about 300 complaints per year. This year there were only 228 complaints. At this point she presented the variances. (See Attachment #3 for details).

Thomas Drew Hortman did not report his harvest within 30 days of his hunt as required by rule. His appeal was heard by the Division Error Committee and denied. He moved and the letters did not reach him. He said he would come today to present his case.

Mr. Johnson said we should move his to the end, just in case he shows up to present his case.

Chris Nelson had a limited entry bull elk permit. The season dates were printed incorrectly on the permit, so this was a Division error.

The following motion was made by Keele Johnson, seconded by Lee Howard and passed unanimously.

**MOTION: I move that we grant the variance request for Chris Nelson for 2007.**

Mark J. Kettle had a limited entry archery bull elk permit. He was on his hunt for about two hours when he received a call telling him his wife had committed suicide.

The following motion was made by Allan Smith, seconded by Keele Johnson.

**MOTION: I move that we grant the variance request for Mark J. Kettle for 2007.**

Mr. Niemeyer said he wanted proof that he did not hunt earlier in the hunt. The hunt started on August 24<sup>th</sup>.

Ms. Tutorow said he said he did not hunt until that day.

Mr. Smith said due to his vacation time he could not hunt earlier. He then made an amended motion.

The following motion was made by Allan Smith, seconded Keele Johnson and passed 5 to 1 with

Paul Niemeyer opposed.

**MOTION: I move that we grant the variance request for Mark J. Kettle for 2007 if he will sign an affidavit stating that he did not hunt before September 6<sup>th</sup>.**

Mr. Diamond asked for clarification on the date of the suicide. He said that the obituary says she died on September 7<sup>th</sup>.

Daniel Hunsaker had a limited entry premium bull elk. While on vacation in Germany, he dislocated his left knee and was in a cast until the 28<sup>th</sup> of September when he had surgery in Logan. He returned his permit.

The following motion was made by Allan Smith, seconded by Dick Diamond and passed unanimously.

**MOTION: I move that we grant the variance request for Daniel Hunsaker for 2007.**

Frank and Austin Janiszewski had a limited entry archery buck deer permit. He said he scouted for two months on the area where they were going to hunt. That was the area that happened to be on fire. They checked with the Forest Service for a new area, and they were warned that they would have to hunt low in case the fire moved that way, so they would be able to evacuate. Considering all of this and it was his son's first hunt, Mr. Janiszewski asked for a variance for next year.

Mr. Johnson asked how much of the area was shut down.

Mr. Messerly said access to Oak Creek Mountain is limited to the west side above Oak City. All roads were shut down by the Forest Service, because of the fire. Mr. Janiszewski made his decision based on this information.

The following motion was made by Keele Johnson, seconded by Allan Smith and passed unanimously.

**MOTION: I move that we grant the variance request for Frank and Austin Janiszewski for 2007.**

Jon, Joe and Jake Lorenz, a father and two sons, had purchased general season any bull elk permits. Jake's appendix ruptured before the hunt opened. He got his money back, but the others did not hunt either. They were coming to Utah as a family and they want extensions to 2007.

Mr. Smith asked how we have treated this type of circumstance in the past.

Ms. Tutorow said some have been approved and some have not.

The following motion was made by Lee Howard, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we grant the variance request for Jon, Joe and Jake Lorenz for 2007.**

The Board then returned to the Thomas Drew Hortman variance request. Ms. Tutorow said she was on the committee that denied this and cannot present his side of it. Mr. Hortman said he did not get the reminder letter to report his harvest, since he had moved.

Mr. Smith said, as Ms. Tutorow stated, the reminder letter is not mandatory. The Division just does this as a courtesy to the hunters. If we grant this, it would set a precedence for the future that would be unmanageable.

The following motion was made by Allan Smith, seconded by Paul Niemeyer and passed unanimously.

**MOTION: I move that we deny the variance request for Thomas Drew Hortman for 2007.**

**7) Other Business (Contingent)**

A) Letter of Resolution

Director Karpowitz read the letter of resolution prepared for Board approval. (See Attachment #4) It will be presented to the legislature.

The following motion was made by Paul Niemeyer, seconded by Keele Johnson and passed unanimously.

**MOTION: I move that we approve this letter of resolution.**

B) Meeting location

Mr. Clark asked the Board if they intend to have one of their summer Wildlife Board meetings at a different location in the state.

Chairman Bowns asked that Director Karpowitz and the Division to decide on which meeting and the location.

Director Karpowitz gave the Board members a copy of the DVD prepared by the Division that was shown earlier. There is a flyer included that gives a little more detail on the license proposal. He said this DVD serves three purposes. One, to talk about the economic value of

fishing and hunting in Utah, two, to showcase all the projects going on around the state, and three, to seek support for the license and fee increase proposal. Director Karpowitz told the Board to feel free to use this DVD how they see fit. He would encourage them to share it and talk to others about the issues. It was well received by the legislature. It was impressive to them that it was seen in 12 public meetings and approved in all. He then asked Mr. Johnson how this might be handled with the legislature.

Mr. Johnson said it would not be out of line for Board members to contact individual legislators and discuss the issue of inadequate wages in the Division. Since the Board members are not part of the Division, it would be well justified. This is a critical problem.

Director Karpowitz said Board members can do things that Division people cannot. He encouraged the Board to do this. He will e-mail lists of those members on the Appropriations Committee and Standing Committee. The license increase has to clear both committees. The fee changes must clear the appropriations committee. It is important that we reach members of both committees. Our hearing is in two weeks.

Mr. Johnson said another thing on the fee increase is we are actually behind quite a few of the other states on what they are charging.

Director Karpowitz said we are the only state that does not require a hunting license up front, or make hunters pay for bonus points.

Mr. Howard said, last year, he enjoyed being informed by e-mail during the legislature as to what is going on. He encouraged the Board members to go to a day or so of the legislative session if possible.

Director Karpowitz looked to give DVDs to the RAC Chairs. They also gave a handout to the legislature and one was given to each Board member.

Director Karpowitz talked about a DVD sponsored by RMEF. It is about what the North American model of wildlife management is all about. On the RAC level we deal with recreational issues and the use of wildlife, but it is much bigger than that. What we are involved with in North America, is unprecedented in the history of the world, and that is restoration and preservation of wildlife. This DVD can help us realize the bigger picture of what wildlife management is all about.

Mr. Small reminded everybody about the Watchable Wildlife event at the end of the month in St. George. 3000 people are expected.

The meeting was then adjourned.

The RMEF DVD was then shown to the Board.