

UTAH WILDLIFE BOARD MEETING
June 19, 2008, 9:00 a.m., DNR Auditorium
1594 West north Temple, Salt Lake City, Utah

AGENDA

1. Approval of Agenda
-Paul Niemeyer, Chairman
2. Approval of Minutes
-Paul Niemeyer, Chairman
3. Old Business/Action Log
-Rick Woodard, Vice-Chair
4. DWR Update
-Jim Karpowitz, DWR Director
5. Aquatic Informational
-Roger Wilson, Wildlife Program Coordinator
6. AIS Management Plan
-Larry Dalton, AIS Coordinator
7. AIS Rule R657-60
-Michal Fowlks, Law Enforcement Chief
8. Hunter Education Rule R657-23
-Michal Fowlks, Law Enforcement Chief
9. Private Pond Rule R657-59
-Drew Cushing, Wildlife Program Coordinator
10. Board Variance Rule R657-57
-Martin Bushman, Assistant Attorney General
11. Upland Game Hunting Guide & Rule R657-06
-Dave Olsen, Wildlife Program Coordinator
12. Bear Policy
-Kevin Bunnell, Wildlife Program Coordinator
13. Wildlife Convention Permits Proposal
-Sportsmen for Fish and Wildlife Representative

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14. Variance Request – Jimi Gragg
-Staci Coons, CRC Chairman

15. Other Business
-Paul Niemeyer

UTAH WILDLIFE BOARD MEETING MOTIONS

June 19, 2008, 9:00 a.m., DNR Auditorium
1594 West North Temple, Salt Lake City, Utah

1. Approval of Agenda

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

Passed unanimously

2. Approval of Minutes

MOTION: I move that we approve the minutes of the May 8, 2008 Wildlife Board meeting with the noted corrections.

Passed unanimously

3. AIS Rule R657-60

MOTION: I move that we approve Rule R657-60 Aquatic Invasive Species Interdiction as presented by the Division.

Passed unanimously

4. Hunter Education Rule R657-23

MOTION: I move that we approve Rule R657-23 Utah Hunter Education Program as presented by the Division.

Passed unanimously

5. Private Pond Rule R657-59

MOTION: I move that we approve Rule R657-16 Aquaculture and Fish Stocking and rule R657-59 Private Fish Ponds as presented by the Division.

Passed unanimously

6. Board Variance Rule R657-57

MOTION: I move that we approve Rule R657-57 Division Variance Rule as presented by the Division.

Passed unanimously

7. Upland Game Hunting Guide and Rule R657-06

MOTION: I move that we approve a three-year proclamation cycle for the Upland Game Guidebook.

Passed unanimously

MOTION: I move that we approve the remaining recommendations for Upland Game as presented by the Division.

Passed 5-1, with Lee Howard opposing

8. Bear Policy

MOTION: I move that we approve the Black Bear Policy as presented by the Division.

Passed unanimously

9. Wildlife Convention Permits Proposal

MOTION: I move that we accept the concept of five nonresident convention permits.

Passed unanimously

MOTION: I move that we approve Rule R657-55 Wildlife Convention Permits, with a change in language to indicate “one permit for each of the five species”.

Passed unanimously

MOTION: I move that we grant the Division authority to determine the permits and unit.

Passed unanimously

10. Jimi Gragg – Variance Request

MOTION: I move that we uphold the Certification Review Committees recommendation to deny the variance request for Jimi Gragg concerning the personal use and possession of vipers.

Passed 5-1, with Keele Johnson opposing

WILDLIFE BOARD MEETING
June 19, 2008, 9:00 a.m., DNR Auditorium
1594 West North Temple, Salt Lake City, Utah

Board Members Present

Paul Niemeyer – Chair
Rick Woodard – Vice Chair
Ernie Perkins
Del Brady
Keele Johnson
Jim Karpowitz – Exec Sec
Tom Hatch
Lee Howard

RAC Chairs Present

Amy Torres – Northeastern
Jake Albrecht – Southern
Ed Kent/Fred Oswald – Central
Brad Slater – Northern
Terry Sanslow – Southeastern

Public Present

Todd Bingham
Robert Judd
Travis Proctor
Don Peay
Jess Hofberger

Division of Wildlife Resources

Judi Tutorow
Staci Coons
Roger Wilson
Larry Dalton
Michal Fowlks
Kevin Bunnell
Drew Cushing
Martin Bushman-Asst Attorney General
Dave Olsen
Doug Messerly
Walt Donaldson

Chairman Niemeyer welcomed the audience and introduced the Wildlife Board members and RAC Chairs.

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

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

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

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

On p. 11, 2nd to last paragraph, 3rd line, it should read, “. . . decided to keep the numbers the same there and reduce the number of permits on the west side.” P. 13, 4th paragraph change “Northeast” to “Southeast.” P. 14, 2nd paragraph, 2nd line should read, “They were requesting 70 permits for deer, 876 for elk, 121 for pronghorn and 19 for moose, on the public side.”

The following motion was made by Del Brady, seconded by Lee Howard and passed unanimously.

MOTION: I move that we approve the minutes of the June 19, 2008 Wildlife Board meeting with the noted corrections.

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

Mr. Woodard, Vice-Chair said that in looking over the Action Log, the creation of the Board Variance Rule will drop off and that is all. Does anyone on the Board have any questions or additions to the action log?

Chairman Niemeyer said we have an action item that reflects multiple applications for Sandhill Crane and swans. We are talking about Sandhill cranes today, is that going to affect that?

A discussion took place that this did not go out to the RACs yet and it should be addressed in the future.

Ms. Tutorow said it should be handled next year.

Director Karpowitz said if we change it now and the applications start June 26 we do not have time to make the programming changes. We have to look at it for next year. If the Board approves a three-year proclamation, it would have to be amended. We could still handle swan for this year.

Mr. Woodard said this has been on the action log since last November.

Mr. Brady said there are 220 crane permits.

Director Karpowitz asked if there was any consideration given to group applications on cranes.

Mr. Olsen said he does not know if it was discussed by the Division.

Director Karpowitz said we can still do this for swan and waterfowl, but to make the change today for Sandhill cranes would be very difficult.

Mr. Howard said we should table this until next year on the cranes.

Mr. Woodard said we should still change the swan on the waterfowl and move forward on the other as soon as possible.

Mr. Brady said there is a problem with raven depredation up at Strawberry with the ravens killing the sage grouse. What can we do about this?

Director Karpowitz said they have been doing some experimental raven removal and it has been helping. He thought the item on the action log had to do with other depredation. Ravens are a

complicated problem. They are migratory and protected. We will keep looking into that and we can report on it along with the waterfowl proclamation.

Mr. Olsen said they do have an agreement with the FWS and the trappers are working on the raven problem. They have a \$30,000 budget that has been given to them to address sage grouse and upland game. They have been addressing ravens in Strawberry Valley with an approved poison egg that they put out. They are doing this in other places also and have a budget approved for next year.

Mr. Perkins said that the date on page 4 on statewide antler gathering should be November 30, 2006.

Director Karpowitz said there will be a discussion on antler gathering during the next round of RACs.

4. DWR Update (**Information**)

Director Karpowitz said most of what the Division has been busy with since the last Board meeting is on the agenda today. The quagga mussel project is in full swing and has been a huge project to get implemented in a short period of time. We are grateful for the money we got from the legislature. Already there have been a number of boats stopped around the state that have been infected. There was a close call at Flaming Gorge where we actually found quagga mussels inside the engine housing of a boat that had come from Minnesota. Thank goodness they were all dead. This shows how difficult this problem is going to be. Mr. Dalton will present a lot of information on this later in the agenda.

On sage grouse, the legislature allocated two million dollars to prevent their listing. The Division has been working hard on this along with an interagency team to get the information to the FWS. Everybody has done a great job in getting that together and outlining projects for the next fiscal year.

The Wildlife Section recently had a meeting where they discussed the impacts of last winter and the results of deer feeding programs in the Northern part of the state. There will be more discussion on that and some changes in our emergency deer feeding policy. What we discovered was there was significant winter loss in the Northern and Northeast regions in both areas where we fed and where we did not feed. The Division and sportsmen fed around 14,000 deer at an expense of ¼ million dollars. That represents only 5% of our deer, which gives an idea of the cost it would be to feed on a larger scale. The Board will get more information on that with some proposed changes to the feeding policy.

Our big license sale day for left over permits turned out to be much bigger than we anticipated. It created some real problems around the state. The most permits we have ever sold on that day is around 8,500 permits. That morning the lines of people at all sales locations and on the website caused the site to crash. By mid morning we worked the kinks out of it and by the end of the day had sold about 18,000 permits. This shows the interest in big game hunting, but he is not sure what the big rush was. We are going to work on the website to help improve it.

The Division is planning, for the first time in seventeen years, a Division wide meeting for a training program and get together. It will be September 3-4, 2008 and will be held at Snowbird. The Board is invited up the evening of the 3rd for dinner and some activities. We feel it is very important to do this. We have many new people and are looking to promote teamwork. We have a tremendous need for some leadership training and other types of training.

Mr. Howard asked about the two million dollars for grouse and asked if it is ongoing.

Mr. Clark said it is a one-time appropriation and they have committed 1.1 million, leaving \$900,000. We are going to update the sage grouse plan this fall and it will come to the Board in December. Once that is adopted we will look to identify anything we have missed. At that point we will figure out either some continuing appropriation language or move it to the Foundation for sage grouse and keep it there. We have addressed all the high need issues at this point, so we will not use any more money now.

Mr. Howard asked if we have any other problems with the ravens in any other areas that need to be addressed by putting the poison eggs out. Do you have to get a permit to do that?

Mr. Clark said the FWS has to do that and it is very limited on where it can be done. It cannot be done in our waterfowl areas. The Strawberry Valley area is very unique with the fishery. We are going to look at other places where we might do this and we have a separate budget for this.

5. Aquatic Informational (**Information**)

Roger Wilson, Wildlife Program Coordinator presented this agenda item. He recognized the input given on these proposals from Mr. Cushing and the regions. They are looking to continue efforts to simplify, clarify, and standardize regulations and further refine the "Fishing Guide." Providing a wide variety of opportunities to the angler and protection of the aquatic resources are paramount to the program. He then went over general and statewide consideration for standardizing language in the fishing guide, the tiered fee schedule for fishing tournaments, standardizing of Black Bass regulations, and a plan to deal with the problem of "illegal species introductions, including a reward program for those giving information that would lead to catching the people who do this. The state went through a period of poaching on our big game trophy populations and we are looking to use some of the techniques they used to help with the illegal species introductions into our fisheries. (See Powerpoint Presentation for details) They are also looking at the feasibility of a two-year proclamation/fishing guide. The DWR has not imported tiger musky for three years because of disease problems. They will continue to look for other sources in the U.S. and Canada and are looking to initiate triploid experiments with northern pike to fill the management niche of the tiger musky in Utah. Mr. Wilson then went over the specific proposals for each region and management of the specific fisheries. This concluded the presentation.

Chairman Niemeyer asked if there were any questions from the RACs.

Mr. Albrecht asked if the fishing numbers are down at Panguitch Lake because of the type of fish that are there presently, or is it from the type of spring we had?

Mr. Messerly said we will have that answer when the creel census is in, but we do not feel numbers are down significantly. It cannot be explained by weather.

Mr. Johnson said one of the proposals was a six pole limit at Flaming Gorge and their name would have to be on each pole. This might be problematic and would we have to have their names on the poles. Do we really need this?

Mr. Wilson said to be standard with Wyoming this is what they require. Also we will require that anglers check their own lines and not have anyone else check them.

Mr. Johnson asked if it is burbot we are trying to hit.

Mr. Wilson said yes.

Mr. Perkins asked if on illegal introductions, are we considering legislation for that this year?

Mr. Wilson said not yet.

Director Karpowitz said we have the legislation, it is illegal. What we need are better ways to enforce it with incentives and rewards built in. We are not likely going to catch the guys who do this, but there are people who know who did it.

Mr. Woodard asked about the walleye at Red Fleet, do we automatically take off all limits when this occurs with an unwanted species?

Mr. Wilson said no, it is a process, but we are talking about it at this point.

Mr. Kent asked Mr. Bushman if we have the legislative teeth to go after a fine for restitution and the cost of reclaiming the fisheries.

Mr. Bushman said currently there is law in the wildlife code that makes the release of live protected wildlife a Class A Misdemeanor. As for restitution, you can get it on any criminal violation.

Mr. Howard asked if we have a fund set up to go toward rewards and incentives.

Mr. Wilson said they are offering around \$2,500 for information on whoever put the walleyes in Red Fleet. There are sources for additional money.

Mr. Donaldson said right now it is at \$2,500, but we have had other fishing groups that want to be involved. They are willing to help us and it will be at \$3,000 when we get Trout Unlimited's contribution.

Mr. Johnson asked how much it costs for a treatment to get rid of illegal fish.

Mr. Donaldson said the actual treatment itself on Panguitch was \$400,000. We would anticipate that if we cannot succeed with getting rid of walleye in Red Fleet, which we probably will not, in five to seven years we will be looking at somewhere between \$500,000 and \$700,000.

Mr. Johnson said a higher reward would be a good deterrent. We need to offer bigger rewards and let people know what the consequences really are.

Mr. Donaldson said when there is a huge reward system like we have for big game, it does encourage people to be honest. They have been talking with the Utah Angler Coalition and would like to develop a fund with \$30,000 to \$50,000 available through contributions that we could leverage when we get arrests and prosecutions. \$2,000 is still a start. We want to hear what the public thinks at this point and then add the Board's opinion. From this we will go forward with a plan as timing and process allow.

Director Karpowitz said we need the public's help on this problem and we will do whatever we need to do.

Mr. Brady asked if there will be a problem at Steinaker, since it is close in proximity to Red Fleet.

Mr. Donaldson said because of the connection, we will probably see walleye there in the next two to three years.

Mr. Fowlks said that rewards for big game poaching information are being funded through the courts and the huge fines that are given on big game cases. We spent a lot of time getting public input on the big game poaching problem.

Mr. Kent thanked the Division and specifically the Aquatics Section for working with the anglers association.

Mr. Slater said if on a tax return or a license renewal, there was a box to check to give a dollar for a fisheries reward program that might be a good thing. This would be worth exploring to build up the rewards for fisheries.

Board Discussion

Mr. Hatch said, specifically on Panguitch Lake, fishing has had a huge effect on the economy of the area. In 2006 there were five resorts operating with 72 employees. Since we closed that fishery for a year and put the regulations on it, there is one resort left operating with seven employees.

Mr. Brady talked about a fishing tournament in Alaska with a \$100 entry fee and it is a one-day tournament. 70% of the fees go to the top three fish caught and the balance goes to a community

fishery. If we take that type of an attitude for a program, it is amazing what we could do in Utah. There are a lot of areas where 30% of that money would really help the fishing.

Chairman Niemeyer said Piute County Fair is looking to do a tournament at Otter Creek Reservoir as part of their fair. This could be a great help for their area.

Director Karpowitz said on p. 12-13 of the Fishing Guide there is information about illegal fish stocking. It tells people how to report, why it is important and the problems it creates. On that page in the future, we might include telling people how they could contribute to a fishing rewards fund.

Mr. Kent said it is general sportsmen's dollars that are used to restore a fishery that has been affected by these illegal plants. Would it be possible as part of the incentive to offer big game permits, much like we do for the big game hunts?

Director Karpowitz said we have not considered that, but we could look at it.

5. AIS Management Plan (**Information**)

Larry Dalton, AIS (Aquatics Invasive Species) Coordinator presented this agenda item. He said that relative to AIS, we are going to work forever to keep them out, or work forever to get rid of them. Keeping them out is the smartest and the cheapest option. AIS are non-native and their population expands uncontrollably. They always cause ecologic and economic harm. There is quite a list that is threatening Utah and it is always changing. We have several of the fungus and algae that are affecting some of our waters and quite a list of plants. We have been dealing with these problems for years. The New Zealand Mud snail seems to be moving through irrigation systems and is transported on fishermen's felt boots. There are also several mussels that are causing problems in our area. We also have non-native fish, amphibians, and reptiles in our habitats. There are other issues that are threatening Utah from an aquatic invasive species issues including aquarium discards. Aquascaping also adds to these problems. Bait releases are also adding to the problem. We have so many pathogens around these days and we are seeing diseased baits. On aquaculture, the state's Fish Health Board inspects for pathogens, inspecting state, federal and private hatcheries. There are many ongoing actions in Utah working to protect native habitat and species.

A new policy was created last year to prevent the invasion of *Dreissena* mussels into Utah. This is a Department of Natural Resource Policy and it identified the DWR as the state's lead agency. We have hosted numerous interagency meetings within and outside of Utah. We are recognized as the lead agency on this issue in the West. We are setting precedent every week and the various states call seeing how we are dealing with this issue. We have launched a quagga education and implementation plan and Outreach is the main focus of it, trying to teach Utah's public and how we can fight this invasive species.

We are interdicting and decontaminating watercraft all across the state of Utah. We will be looking at containment issues if we actually get the quagga mussels in Utah and certainly we have many invasive species here already. We are developing new laws and training personnel

about how to deal with aquatic invasive species. We put a task force in place this year to prepare the plan being presented today. In November we will be presenting the plan in Washington D.C. and after that the DWR should be able to garner \$40,000 to support states that have an approved plan. The plan's purpose is to develop and document a program to be implemented for aquatic invasive species management within Utah. The goal is to keep AIS out or contain where we already have them.

There are several objectives in the plan. The Outreach objective is three fold: media, public education (adult boat owners) and next generation education (secondary & university students). The plan's purpose objectives are interdiction (pre-launch), do-it-yourself decontamination and professional decontamination (wash & flush with 140 degree F scalding water).

Mr. Dalton went on to discuss the management objectives of the plan, the plan targets for dreissena mussels, where they have come from, how the mussels move and the specific waters that are presently at risk to Utah. (See Powerpoint Presentation for details) He went over the economic impacts of these mussels from a maintenance perspective and recreational expenditure perspective.

The DWR team was funded at the last legislative session at about 1.4 million dollars a year. That is ongoing general fund money. We have a biologist over this specifically in every region and have put 35 wildlife technicians on our boat ramps across the state inspecting boats. We are going to add five conservation officers to our current staff. This program is going to cause more work for our officers.

The Zap the Zebra Brochures were mailed to 65,000 boat owners. As you enter Utah's parks and boating waters there are signs indicating that you have to self certify before you launch. We have put 3,000 smaller versions around the boat launching areas. We have put 9,000 posters out that have this information on them. Self-certification is the cornerstone of this program. Every boater must self certify, before launching, that his boat is mussel free. We have put 200,000 of these certifications on the ground and they are starting to see a day where we will run out of them. We will continue to make these signs, posters, billboards and certifications through the years. This management plan will be brought to the Board for approval in September, but this is a working document. This concluded the presented.

Mr. Woodard said the small watercraft need to be mentioned in the plan.

Mr. Dalton said they are interdicting these into the plan. The jet skis are quite a challenge and they are becoming aware of new problems all the time.

Mr. Howard asked if there is any chemical that we could put in the ballasts of the boat.

Mr. Dalton said there is, potassium chloride will kill them at about 100 parts per million. This would be safe for the resource, but the contact time is 48 hours, so you cannot do the outside of a boat for this length of time. We are injecting potassium chloride into the ballast tanks. The owner helps us understand how much water is retained in the ballasts. If they have come from an infested water, we have to quarantine them for 48 hours, but have not run into this situation

yet. Chlorine works as well, but does not do a 100% kill. We are looking at a new product called Rid Line that can be sprayed on the mussel. It immediately begins to dissolve the shell and they are experimenting with it. The National Parks do not want chemicals used that have not been tested.

Mr. Brady said at Lake Powell, a lot of people launch and unlaunch their boat daily. Do they have to have a new card every time?

Mr. Dalton said Lake Powell was a very suspicious spot when we started down this path. Last August we found bellagers for dreissena mussels in Lake Powell. We have sampled a lot since and not found them. What we do not know is if the mussels we found are definite, since only one of the three labs tested positive for them. At the time that we printed the first 100,000 pamphlets, Lake Powell was a very suspicious spot. We do not believe Lake Powell is an issue at this point, but will keep close watch with its proximity to Lake Mead.

Director Karpowitz said that Mr. Dalton and the rest of the aquatics staff should really be complimented on how fast they got this program in place. We really are a leader in the west and other states are modeling what we are doing. Mr. Dalton has become a leading expert in the west on this subject. This is a great service for the state of Utah, not only for fishermen, but everybody who uses water. All of us will be impacted if we cannot stop this. Our crew should really be thanked for giving it a great effort for prevention. This effort was put on people who already had a lot to do.

7. AIS Rule R657-60 (**Action**)

Michal Fowlks, Law Enforcement Chief presented this agenda item. This rule is the next piece in the puzzle following the AIS management plan. We realized we had an issue with being able to interdict and enforce with regard to dreissena mussels, because most of their life stage they are not visible. We needed to have some legislation, which enhanced our ability to interdict when we could not see when these invasive mussels were being carried. Senator Griner carried Bill 238, which passed in the last session and is currently in effect as of May 5, 2008. Mr. Fowlks went over items specified by code to be included in the rule, definitions, and infested waters. (See Powerpoint Presentation for details) Possession of Dreissena is prohibited and written approval from the Division Director is required to import or possess these mussels. If someone discovers or has reason to believe mussels are present, they must report it at the Division offices, through the website or through the UTIP hotline. He went over the details for transportation of conveyances, certification that is required to launch in a water body, and water body closure upon confirmation of microscopic or visible forms by the DWR. Notifications will be given as updates on the status of the closure by the controlling entity. Control plans will be required once a closure is ordered, but may be prepared in advance to prevent closure. Relative to Ports of Entry, the Division will negotiate a Memorandum of Understanding with the Department of Transportation for the use of Ports of Entries. This concluded the presentation. He asked if there were any questions.

Mr. Perkins said we have a designation of the Board of infested waters, what does that do when the Board makes that designation?

Mr. Fowlks said in order to stop someone and compel them to decontaminate, we have to have a list of infested waters. This provides us with an opportunity, if they are transporting from infested waters, we can stop them, ask some questions and have them decontaminate.

Mr. Brady said on the UDOT at Wahweap, are you required to stop there every time?

Mr. Fowlks said the Memorandum of Understanding will cover when and where we will do those checks and signage will be required. The bigger boats that are transported by major carriers are required to stop already.

RAC Recommendations

Southern – Mr. Albrecht said there were a lot of the comments that were received at their RAC that have come up today. We had a lot of discussion and a lot of questions answered. We passed it unanimously.

Southeastern - Mr. Sanslow said some of their questions were answered at their meeting and it was voted unanimously to accept as presented. SE RAC understands what a serious problem this is and they want to commend the Division for their actions.

Central – Mr. Kent said their questions were answered at their meeting. There was very little discussion and it was passed unanimously.

Northeastern – Ms. Torres said there was interest from the public and the RAC in setting up commercial decontamination stations and evidently there is no rule for these as of yet. They are being developed. They passed the proposal unanimously.

Northern – Mr. Slater said they had similar questions and had good interaction. They passed the proposal unanimously. The Regional Supervisor took a quick poll of the public in the audience of the education that was going on. It was interesting to see that a good majority has heard, seen or talked with someone about this problem. The public education process is occurring.

Chairman Niemeyer asked if there was any public comment and there was none.

Board Discussion

The following motion was made by Rick Woodard, seconded by Keele Johnson and passed unanimously.

MOTION: I move that we approve Rule R657-60 Aquatic Invasive Species Interdiction as presented by the Division.

8. Hunter Education Rule R657-23 (**Action**)

Mr. Fowlks, Law Enforcement Chief, presented this rule. We had some legislative change in the last session that dealt with the Hunter Education program. We need to modify the rule to take that into account. The HB 427 passed which waves the shooting test for military personnel. We added to the rule an exemption to the shooting test for military personnel who provide a copy of their firearms training or a letter from their commanding officer that states they have had this training. While the rule was open, we addressed a few other things. We changed the name of the required hunter education document from voucher to the hunter education registration certificate. This was requested from licensing to clear up some confusion. We also changed the definition to clarify when it becomes valid and for how long it remains valid. We sell documents that remain valid for 365 days. This one turns into a hunting license once they complete the course, but the valid date still starts from the date of purchase. We are encouraging people that when they buy this voucher they need to get into a hunter education course as quickly as possible, so when it converts to a hunting license, they have as much opportunity as possible.

RAC Recommendations

All the RACs voted unanimously to accept as presented.

Board Discussion

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

MOTION: I move that we approve Rule R657-23 Utah Hunter Education Program as presented by the Division.

9. Private Pond Rule R657-23 (Action)

Drew Cushing, Wildlife Program Coordinator presented this item. Relative to Rule R657-16-14 Aquaculture and Fish Stocking, this rule authorizes the DWR to take fish from the wild for placement in a display. That has occurred in the past. All of the upcoming presentation about private ponds will be removed from R657-16-14 and put in its own rule, because it became so complex. This does require Board action.

RAC Recommendation

Southeastern – Mr. Gilson said they voted unanimously to accept as presented.

The remainder of the RACs said this was presented as an information item at their RAC and they did not vote on it, but gave their consent.

Mr. Cushing said that was at Mr. Bushman's request since it was not anything of substance.

Mr. Cushing then went on to discuss the private pond rule and the Board will vote on both when this is complete. This rule will regulate the stocking of privately propagated fish into privately owned ponds in the state of Utah. The necessity of this rule is to bring everybody into

compliance with the requirements of the new legislation this year, HB 148. The DWR's mission is to serve the people of Utah as trustee and guardian of the state's wildlife, to prevent disease, preservation of native fish and uphold legal agreements with other agencies. Mr. Cushing went on to discuss where and when a COR is required and also the cost and direction of the COR. (See Powerpoint Presentation for details). The DWR's, private aquaculture's and the pond owner's responsibilities were reviewed.

There were also drainages listed in the wrong section of the rule and that was corrected. That had to do with the agreement with the Virgin River. He then went over some delineation maps. They had the Native species personnel, conservation teams, sportsfish people, private aquaculture people and the GIS personnel all working on this method. They were concerned about where private land occurs in conjunction with the Tier 1 and Tier 2 aquatic species. Next they looked at our agreements and the two of real consequence to this rule were the Virgin River agreement and the Colorado agreement. We also have a number of other species that must be considered. Next we assigned HUC numbers, which are drainages, and these were used to locate areas of concern. Those areas of concern are where you would need to go through a COR process, and an inspection process to receive fish. Mr. Cushing then went through a flow chart that explains when you need a COR. This concluded the presentation.

Mr. Albrecht asked if people like Dennis Blackburn have been made aware of the changes that have been made since the RAC meeting.

Mr. Cushing said yes.

Chairman Niemeyer asked if there were any questions.

Mr. Perkins asked if the Department of Agriculture and all other effected parties are comfortable with these changes.

Mr. Cushing said yes they are. They received comments from agriculture over a week ago and they made some suggestions.

Mr. Howard asked what designates the size of a pond.

Mr. Cushing said there is no designation. It is whether they acquire fish or not. If they acquire private fish, they need to follow this rule. This does not include gold fish.

Director Karpowitz said they all just saw a copy of the rule that is black, red and blue. The only change from what went out in the packet is the blue. The red is the change from what the RAC saw and the blue is the change from the original Board packet.

RAC Recommendation

All the RACs voted to accept the rule as proposed.

Southern – Mr. Albrecht said there was some discussion in their RAC until Mr. Blackburn spoke to the proposal and things were clarified.

Southeastern – Mr. Sanslow clarified that they did not vote on the first rule that was presented, but did vote on this rule and it passed unanimously.

Public Comment

Robert Judd of the Utah Aquaculture Association addressed the Board. He said they got the changes to the rule Tuesday morning. They have been working closely with the Division over the last two months to get this rule put together. The change in the blue was just clarification on sterile fish, so we did not have to recertify our fish once they had been certified as such. He thanked the DWR for allowing them to work with them in developing this rule. It has really helped the communication between private aquaculture and the DWR. They look forward to continuing to work with them in the future. They are in support of this rule as it stands.

Board Discussion

The following motion was made by Lee Howard, seconded by Tom Hatch and passed unanimously.

MOTION: I move that we approve Rule R657-16-14 Aquaculture and Fishing Stocking and Rule R657-59 Private Fish Ponds as presented by the Division.

Director Karpowitz clarified that both rules were voted on.

10. Board Variance Rule R657-57 (Action)

Martin Bushman, Assistant Attorney General presented this rule. This is a matter that was presented at a previous Board meeting in draft form and at that point they felt it was a good way to go. This is relative to folks who have had unfortunate incidents from death to injury, either with loved ones, or themselves. These incidents prevented them from participating in a hunting or fishing opportunity. We have worked through these in a make shift fashion for years, granting variances with what little authority the Board had. This rule comes from a need to have greater flexibility for the Wildlife Board to meet some of the needs of the sportsmen, particularly those who are unable to participate in an activity because of an event beyond their control and also to defer some of the volume of these requests to the DWR.

Mr. Bushman then went over the purpose of the rule and the variance authority framework between the DWR and the Wildlife Board. He went on to discuss the authority of each. (See Powerpoint Presentation for details) The Division authority is in two forms, season extensions; and bonus or preference point awards. The variance scope of the Wildlife Board authority is a variance may be granted to any regulation in rule or proclamation concerning the acquisition or use of a wildlife document.

RAC Recommendation

All RACs voted unanimously to approve as presented.

Board Discussion

Chairman Niemeyer said that as a Board, if the hunter has hunted much at all, we have not granted variances. On the term substantial, he is concerned that there might be some confusion on what constitutes “substantial.”

Mr. Bushman said this is some limitation on the Board’s authority. They cannot grant a variance where a person has participated in a substantial portion of the hunt. The Board can set standards less than that, but it is more or less a ceiling on the time period. The Board would have to use their discretion on what a substantial part of the hunt is.

Mr. Howard said we denied variances when they had one or two days of hunting, is there a way to amend this until we can define “substantial” in more detail?

Mr. Bushman said the rule does not grant the hunter an opportunity for a substantial portion of the hunt, it just simply limits the Board’s discretion that once you hit a substantial portion of the hunt, you cannot grant a variance on it. Mr. Bushman does not think this could be used against the Board or Division.

Mr. Perkins said it would still be good if the Division would advise people that the Board has historically not granted variances if people have hunted more than a day to two.

Director Karpowitz said the Board can decide how many days constitute “substantial” and that is what has been done in the past. What the Board cannot do is grant the variance if the majority of the hunt has been participated in.

Mr. Hatch said the discretion has been given to the Board, but tied their hands when someone wants a variance and has already gone on the majority of the hunt.

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

MOTION: I move that we approve Rule R657-57 Division Variance rule as presented by the Division.

11. Upland Game Hunting Guide & Rule R657-06 (Action)

Dave Olsen, Wildlife Program Coordinator presented this item. We are at the end of our three-year cycle for upland game recommendations and are here to review that. Mr. Olsen went over background on how they arrived at the recommendations for this year. The Upland Game Advisory Committee gave suggestions in December 2007. There was also public input, and

RAC and Board input through an informational meeting. After that the Division reviewed this input and incorporated it into their recommendations.

Mr. Olsen then reviewed some upland game axioms that dominate small game management. (See Powerpoint Presentation for details) He then went over some general items on hunting regulations. This included dropping the 8 a.m. start for pheasant and quail on opening morning (30 minutes before sunrise), weapon restrictions on Willard Bay WMA, Sandhill crane applications will be on-line-only beginning this year and establishment of a starting and ending application period for youth chukar and pheasant hunts. The Upland Game proclamation multi-year format will be from three to five years.

Mr. Olsen then discussed chukar partridge seasons and Hungarian partridge seasons, including areas and bag/possession limits. He also discussed hunters and harvest on these two species. A pheasant summary was presented with season dates, areas and bag/possession limits, and similar information was presented on quail. There were no changes on cottontail rabbit. Forest grouse, sage-grouse, sharp-tailed grouse, white-tailed ptarmigan, mourning dove, pigeon and sandhill crane were discussed and information presented. This concluded the presentation.

Chairman Niemeyer asked if there were any questions.

Travis Proctor, representing the Utah Chukar Foundation, said they made a big push to move the partridge and sage grouse seasons back to October, but have changed their view on this. One of the questions they had as a Board was, what are some of the problems on the partridge opener?

Director Karpowitz said it is two issues, manpower for enforcement personnel, with October 4 as the opening day of elk and waterfowl season. It would have been difficult. The Division likes to be out there on the upland game opener. Another problem that created a lot of concern was hunting opportunity. We are trying to increase opportunity and if the seasons are stacked on top of each other, that limits opportunity. That's where the proposal came from. October is a tough month for law enforcement.

Mr. Johnson said in Southeastern Utah there were some scaled quail. What is happening with that?

Mr. Olsen said as far as management, nothing, it is just they are showing up a little bit more and we are hearing of more sightings.

Mr. Johnson asked where they are showing up.

Mr. Olsen said the reports are mostly from Guy Wallace and Mr. Olsen does not know specifically where.

Mr. Johnson said on the Eurasian species, they live in no hunting zones. Is that population growing?

Mr. Olsen said it appears to be. Five years ago they really were not in the state. There is still a lot of unknown as far as competition. Time will tell what happens to them.

Chairman Niemeyer asked Mr. Aldrich if we move all the upland game hunts to the last week of September that is typically the youth waterfowl day. Could we move that day up a week?

Mr. Aldrich said we could, but most of the youth hunting takes place on the WMAs. That time of year we are scrambling to get ready for the opener. We could move it, but we have not in the past due to our inability to get things ready and there are birds that cannot fly yet, even on the youth hunt.

Mr. Howard got a call from someone who wanted to move some of the hunts closer to the Labor Day weekend. The only hunt we have then is the mourning dove. If we move the Forest Grouse to open on September 1 so they could utilize that weekend, is there a reason we could not do that?

Mr. Olsen said there are a few things with conflicts that might occur on limited entry big game units and secondarily, the biologists feel that moving that hunt up any earlier might be too early for the young birds. However, if you look at other states, most of them open on September 1. It might be more of a social issue than a biological issue.

Mr. Johnson asked about the urban goose problem.

Mr. Aldrich said it is definitely not under control. We have anywhere from 6,000 to 8,000 geese that use the city in the winter. In the summer we will get 1,000 to 1,500 adults producing equal numbers of young. We just began translocating geese two years ago and we believe we are seeing a slight population decline. It will take another year or two of data collecting to verify that. We are having incredible success with the translocation program. Of all the young we moved, only two have returned to the city. With the adults it is a different situation. Of several thousand, 30 to 35% are returning, but that is still successful. It will take several years of what we are doing to make a big difference. Eventually we will get on top of it.

RAC Recommendation

Southern – Mr. Albrecht said if this item had been closer to the beginning of the meeting they would have had more discussion. The RAC voted 7 to 2 to accept as presented.

Southeastern – Mr. Sanslow said they had a motion and then an amendment. It was to review the rule in three years instead of five and it passed unanimously.

Central – Mr. Oswald (filling in for Mr. Kent) said they had three motions. The first was to adopt the Utah Chukar Foundations recommendations as proposed with regard to moving the opening into October. As presented it passed 5 to 3. The second motion was to continue to have a three-year upland game hunting guide, rather than 5. This passed unanimously. Finally there was a motion to accept the balance of the recommendations as proposed with the exception of

having the sage grouse season being extended one week from the proposed closing date. That motion passed unanimously.

Northeastern – Ms. Torres said their RAC took into consideration the proposal from the Utah Chukar Foundation and also several comments that were made by e-mail and write in. However, after hearing these proposals, they voted to accept the Division's proposal unanimously as presented.

Northern – Mr. Slater said this was their most discussed issue of the evening. After questions and discussions, the RAC had a motion to accept the Division's recommendation as presented with the exception that Forest Grouse, cottontail and snowshoe hare would have an opening day on the September 1, that the chukar and Hungarian season close on the February 15, a three year proclamation cycle be maintained and an open hunt date for chukar, Huns, sage grouse and sharp-tails would begin in October with no specific date, just sometime around the first week of October. From there, there was a motion to amend to limit the Forest grouse hunt to have it end on November 30 and that failed 5 to 2. Further discussion brought us to a final motion to go with the first motion and it passed unanimously.

Chairman Niemeyer asked if there was any public comment.

Public Comment

Travis Proctor of the Utah Chukar Foundation addressed the Board. He said they have appreciated working with the Division on these recommendations. They support many of the changes that have been presented. They have four recommendations; one is combining the hunt season with the chukar season and also the three-year cycle. These have already been done. They had asked for the chukar partridge season and the sage grouse to be pushed into October because of research done by Utah State and the DWR showing habitat damage around guzzlers and springs happening during the month of September, but not while they have young. Sage grouse studies had shown that there is potential for brood hens to have higher mortality the earlier the season is. We can understand the DWR's concerns about manpower and law enforcement and our newest proposal is if the DWR will look at this over the next three years and see if this is going to work, maybe this is good enough. If not, we would like to look at the option of moving this back to October in the future. We would like to do it working with the DWR, rather than working against them in any way.

Jess Hofberger addressed the Board representing himself, his friends and family members. He appreciates the open process and would like the DWR to remain on a three-year cycle for the proclamation, or even an every other year cycle. The changes are somewhat broad and sweeping and he would like to see the specific issues looked at more closely. Regarding research, he is particularly concerned about the sage grouse season. Sage grouse need to be managed differently than other upland game birds. These birds live a long time. With the early hunting season, hens are more susceptible to getting shot. These birds need to be protected. He would also like to express concern for the opener of the chukar season being pushed into October. Recent research has shown that ATV use in the vicinity of the guzzlers tamps down the vegetation and makes the guzzler un-usable for use the next year. It is also questions of when

will the rains come. Moving it one week would be good, but even another would be even better. The opener does not necessarily need to be on the weekend. He thanked the Board for the opportunity to speak.

Board Discussion

Chairman Niemeyer summarized the RAC recommendations.

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

MOTION: I move that we approve a three-year proclamation cycle for the Upland Game Guidebook.

Mr. Perkins said the Chukar Foundation has just withdrawn the request to move the chukar and sage grouse in October this year with the understanding that the Division will look for the opportunity and the need for that over the next few years. We will see that back in three years, or possibly before. So, with that done, if the Board accepts it, we will basically find the upland community very pleased for the changes that are being recommended by the Division today. They are also looking that there are a few more ideas and changes out there which could have significant biological or ecological improvement and perhaps a couple of opportunity ideas. Considering this, the upland community would be happy seeing the Division's proposal adopted as presented for this proclamation and rule.

Mr. Howard asked if we need to move the chukar season back.

Mr. Perkins said his opinion is to go with the Division this year, primarily because of law enforcement coverage and then just look at it over the next few years. Things might change in the future.

The following motion was made by Ernie Perkins, seconded by Tom Hatch and passed 6 to 1, with Lee Howard opposing.

MOTION: I move that we approve the remaining recommendations for Upland Game as presented by the Division.

Mr. Perkins expressed his appreciation to the upland game groups who put this recommendation together. There was a lot of work put in. He also appreciates the Division's consideration of these ideas before and after the RAC meetings. We also had a request from a Russell Ferguson to the Board members that we look at extending the youth upland game hunts into Sundays. We probably cannot make that type of change at this point, but it could go into the consideration for next time.

Director Karpowitz said he appreciates the Upland Game committee and the Chukar Foundation working with the Division on this September 27 opening day. It is critical for youth recruitment and we need to keep as many hunting opportunities out there for kids. If that changes, we can

always amend this proclamation. Chairman Niemeyer made a good point in that if we really are serious about youth hunting opportunity, we ought to perhaps look at not overlapping chukar season with the youth waterfowl day. If that hunt could be done on the 20th, we ought to take a strong look at that. This is a much-simplified proclamation and that is what the public has been wanting.

Mr. Johnson said we have had good chukar populations in San Juan County, but this drought really affected that. He does not know if they are gone, but if possible he would like the Division to look at some reintroduction. It was a good place for them before the drought.

12. Bear Policy (**Action**)

Kevin Bunnell, Wildlife Program Coordinator presented the results of a review and a few revisions to the policy for handling black bear incidents. There were an unprecedented number of bear incidents in 2007 and that is what prompted the policy review. After the review, the DWR believes the policy is sound and in most incidents it functioned well in 2007; however, some clarifications, revisions, and additions were made to improve the policy. (See Powerpoint Presentation for details) Mr. Bunnell reviewed the basic philosophy for handling bear incidents, policy sections, some clarification on definitions, areas of responsibility, response and reporting requirements, response categories and remedial action. He presented clarification to some procedures, some added information and updated bear awareness materials, which are to elevate the public through education. The message is still that prevention is the best policy. Mr. Bunnell commended the Outreach Section for their efforts in educating the public. This concluded the presentation.

Chairman Niemeyer asked if when you trap a bear to move him, what are the criteria on where he is moved?

Mr. Bunnell said we used to have specific mileage, but we removed that and indicated that there needs to be some significant geographical feature. We try to put them in a place where they will not come back to where they were.

Mr. Hatch asked about bear depredation in the Green River area with bears getting into melon patches and also some of the beekeepers are having problems. We have provisions for livestock, but not for these problems.

Mr. Bunnell said there is not compensation, but we deal with bears in the melon patches every year. If the natural food conditions are in good shape, it is not an issue, but summers like last year cause bears to go into the melon patches. We trap bears and move them out of those areas. We have purchased electric fences to give to beekeepers to try to keep them out of the hives. There is no method to compensate these folks for loss.

Director Karpowitz said generally when you have bear in a melon patch, you also have deer. We do compensate for deer damage. A lot of the melon growers are getting some compensation.

Mr. Johnson asked how much success they have in trapping bear in an area like the Green River.

Mr. Bunnell said you have to take these on a case-by-case basis. Sometimes we have had bears that have been aggressive toward those who are picking melons and that goes into the consideration. Sometimes they just come in at night. We have hazed bears, trapped bears and lethally removed bears. We deal with it the best way we can.

Mr. Johnson suggested taking them off the protected list in a certain area. That would take care of bears that just keep returning.

Mr. Bunnell said that would be a drastic method. Taking into consideration not just bears, when you open something like that up, the fear is it could spill over to elk in the alfalfa and then other situations. Where would it stop?

Director Karpowitz said that since he is familiar with the Green River valley, in the course of twenty years, we took a relatively few number of bears out of that valley, despite the fact that it is right between two of our biggest bear units. We were able to address those problems as they come up. He would hate to have open season on bears anytime they set foot in the Green River valley.

RAC Recommendations

All of the RACs accepted the bear policy unanimously.

Board Discussion

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

MOTION: I move that we approve the Black Bear Policy as presented by the Division.

13. Wildlife Convention Permits Proposal (Action)

Don Peay of Sportsmen for Fish and Wildlife presented this permits proposal. In looking at how the Division allocates permits, due to the small units and rounding issues, the Division does not typically issue the full 10% to the nonresidents. So there are three basic choices: they do nothing, they add one more permit to nonresidents in the normal draw, or allow the issue of a nonresident only permit at the expo. We want to stay with the 200 permits, but the state did make one change between year one and year two and that is when we had to go to buying the license in order to put in to the draw. We did get some resistance from nonresidents on that issue. We are proposing that we issue the nonresident only permit at the expo. It has gone through the RACs, except for the Southeast where we were unable to attend and he apologized for that. The RACs who heard it voted in favor of it.

Mr. Hatch said that reading the minutes from the RAC meeting, Byron Gunderson asked Mr. Peay what the estimated value of these permits is. At that point Mr. Peay went on for a full page and did not answer him.

Mr. Peay said he did answer him. First of all, they are not sold, this is the drawing. He went on to give an example of a permit down in Reno at the wild sheep convention in the late '90s, one Desert Bighorn permit brought an additional four to five hundred people. When those people show up, they spend one to two thousand dollars. He did say that this permit we are talking about could mean total to the expo, somewhere on the order of 300, 400, 500 thousand dollars. If it was not a significant number, we would not be asking the Board for this variance.

Mr. Hatch asked what is actually raised if you sell a chance for \$5 on a sheep permits, what would it generate?

Mr. Peay said the Henry deer permit had almost 5,000 applicants so that is \$25,000. More importantly, if you can get more nonresidents to come, it is substantial with hotels and all.

Mr. Hatch asked how much are we going to generate by that permit.

Mr. Peay said in total his calculation would be ten to fifteen thousand dollars. That is just one permit. The real trick is getting people to come to Utah to the expo. It is a big multiplier as it goes through.

Mr. Howard said Utah has not been conforming to the 10% and this was one of the ways we could come up with the 10% nonresident.

Mr. Woodard asked where we are at on that percentage.

Director Karpowitz said all of the OIAL species except bison are less than 10%. With our current system, they will never get to 10% when we allocate the small units. What we are going to ask the Board to do is vote in two stages on this issue. First, if they approve the concept, Mr. Clark will show the exact wording in the rule and what that means. There are some people who really complain about the system and the 10%, especially with the sheep tags. We have never had 10% with them. This is one way of addressing it. We could put them in the regular draw. This is a novel idea to put them in a drawing that will bring nonresidents to the state of Utah.

Mr. Hatch asked if these would only be for nonresidents.

Mr. Peay said yes, these five would only be for nonresidents. To give some more insight, after the first year of the expo, people said that most of the people that came were residents, therefore mostly residents got the tags, why should I come to Salt Lake and buy a \$65 license? The facts are everyone gets a chance and due to location more residents come. These five tags would be the only ones available for nonresidents only. It is an additional incentive to bring the nonresidents here.

Mr. Perkins said he does not know that there really is a 10% requirement, but he also does not think that is really important to this discussion. The whole wildlife convention thing was brought by the Board as an economic development tool. We are bringing money and notoriety into Utah. We need to look at this from the economic development side and if we can bring in 500-1000 nonresidents who will buy a Utah license and the accompanying federal dollars and dump a bunch of money into the convention, it is worth it. We got a lot of good press through the legislature based on the convention.

RAC Recommendations

Southern – Mr. Albrecht said they had a lot of questions and comment. When it came down to it, Mr. Albrecht had to break the tie and he voted in favor of the proposal.

Southeastern – Mr. Sanslow said he accepts Mr. Peay's apology, but he also needs to convey the RAC's upset over not having this proposal presented. They hope it will not happen in the future. A motion was made to table this since there was no one there to present it. There was a mistake in the count of 5 to 5 when it was actually 5 to 4, and Mr. Sanslow voted in favor of it, thinking it was a tie.

Central – Mr. Oswald said their RAC had a motion to accept the proposal as presented and it passed 5 to 3. As you look at the minutes, it is hard to understand why each RAC member votes the way they do. Every RAC member has a different reason for voting the way they do. Some of them simply did not understand the proposal and were voting based on misunderstanding. Some RAC members just do not like the convention. The fact that it passed 5 to 3 shows they do favor a convention.

Northeastern – Ms. Torres said they had some questions and discussion. They voted unanimously to accept as proposed.

Northern – Mr. Slater said they had discussion similar to the Central RAC. The votes shifted out as 4 to 2. The opposing two said this takes away opportunity from residents. There was also one recusal.

Chairman Niemeyer asked if there was any public comment and there was none.

Board Discussion

Mr. Howard said in response to Mr. Perkins comment, the convention was made for bringing notoriety to Utah, but also there has been several states that had a lawsuit brought against them because of the 10% rule. Mr. Howard looks at that to protect our interests and this is a way to take care of that.

Mr. Hatch asked for some explanation on the 10% rule.

Director Karpowitz said it is not a rule, it is tradition of the Wildlife Board to allocate 10% of the permits to nonresidents. The Board could change that at any time. We have the fewest number

of permits allocated to nonresidents by a long shot. A few years ago we asked the Board to consider going to 15% and they denied it. It is strictly a Board decision that determines what percentage of permits go to nonresidents.

Mr. Brady said he is convinced that Utah's position in the west and their success with big game is largely attributed to the success brought from these permits. With these five permits we are just trying to equalize what has already been in place historically. We are just trying to be legitimate and follow this pattern in good faith and at the same time reap the benefits of additional funds. Whether it is SFW or who gets it, it eventually comes back to wildlife. I am personally in favor of this proposal, because of the benefits I have seen over the last 15 years.

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

MOTION: I move that we accept the concept of five nonresident convention permits.

There was a discussion on the money brought in by these permits and how the Division tracks those funds. The organizations that run the expo have a good track record of spending it on important wildlife projects. It is unlike conservation permits where they are mandated to spend it in specific areas.

Mr. Hatch said there might be more acceptance and fewer questions in the RACs if this system was a little more transparent and the numbers were put out there in terms of what is generated and what is being done with the money. A lot of people think SFW or RMEF are raising a million dollars and going on hunts to Alaska. They are not comfortable with this.

Mr. Peay said they put this information in their magazine and on their website. He wishes a lot of sportsmen understood what it takes to improve habitat and get sheep tags and all that goes into it.

Director Karpowitz said the Division tracks every nickel that goes into this and they know exactly what the organizations have put into every project. This is audited every year and the convention permit is audited every year.

Mr. Albrecht said they had the same problem in their Six County Association and invited Mr. Peay and SFW to come down to go over what they have done. After the meeting some of the commissioners stayed around and talked and it was a totally different perspective. If problems can be worked through with different organizations, it works really well.

Director Karpowitz said this convention is the biggest in terms of attendance that comes to Utah and that is huge to economic development. Where it does not come back directly as 100% to wildlife projects, it is great for the state of Utah. It has brought a lot of notoriety to Utah's wildlife programs also.

Mr. Woodard said a big issue here is confusion amongst the RAC members and general public between convention permits compared to conservation permits. They do not see the real difference.

Mr. Brady said a lot of the confusion is because a lot of the public has not had the opportunity to become involved in these conventions and they do not see what is really going on. He sees that out in the Northeast region. As people get exposed to it they see the bigger picture.

Mr. Clark said he has spent three year trying to explain the difference between convention and conservation permits. The Division tracks every cent of the conservation permits. Convention permits generate the price of the permit and they generate the price of buying a hunting license to apply. If we attract 400 more people, we would get the \$65 for the nonresident license times 400. The Wildlife Convention Permits rule was actually drafted in May. If we want the five permits to remain constant in number we will have to make a change, but if they want it based on the 10% concept what is drafted will be okay. Some years there will be a bison permit and some years there will not. We have always worked around the 10% going to nonresidents.

When this rule was drafted it was to attract a regional or national wildlife convention. Mr. Clark explained that the way this was drafted to get the one permit was to call them a “special nonresident convention permit,” and that means one wildlife convention permit for each OIAL species that has fewer than 10% of the total permits allocated to nonresidents in the Division’s drawing. If the Board would like it to go all five OIAL species, we strike the 10% part of the phrase out. These five still come out of the 200 convention permits. Mr. Clark continued to go over the rule and point out clarifications.

Chairman Niemeyer asked if there were any RAC or public questions.

Mr. Albrecht asked where the permits would be taken from.

Mr. Clark said if the Board wants to implement this now, the Division will go back and decide which five would come off.

Mr. Howard asked if we will go with five permits or 10%.

Mr. Clark said if you accept it the way it is now, it is based on the 10% and this year it would be 4 permits instead of 5. The Division does not have a preference.

Mr. Woodard referred to p. 4, # 4 of the rule and said that takes out everybody waiting to put back in for an elk or deer permit. Is that correct?

Mr. Clark said what that is saying is that residents cannot apply for those five nonresident permits. That’s why they added the “for which they were eligible.”

Mr. Hatch asked if you have to be present to win.

Mr. Clark said yes. You can apply for them online, but you have to attend to validate them. You do not have to pay the entrance fee, because the validation is outside the convention.

Chairman Niemeyer asked if any of the RAC Chairs want to comment on this issue.

Central – Mr. Oswald said his only comment is in the spirit of what was presented at the RAC meetings if someone comes into Salt Lake to go to the convention, they would want to be able to apply for all five permits. In the spirit of that proposal, I would suggest that the number five be used and not the 10%.

Southeastern – Mr. Sanslow said he thinks the five permits sounds better than the 10%.

Southern – Mr. Albrecht said we need to stay with the 200 permits.

Mr. Peay said we want to stick with the 200 permits, go with the five permits and forget the 10%. Most of the public never know what goes on behind the scenes to make all this work. He expressed appreciation to the RACs for their support.

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

MOTION: I move that we approve Rule R657-55 Wildlife Convention Permits, with a change in language to indicate “one permit for each of the five species.”

Mr. Clark asked the Board for a motion to allow the Division to negotiate which five permits would be moved and which units.

The following motion was made by Ernie Perkins, seconded by Del Brady and passed unanimously.

MOTION: I move that we grant the Division authority to determine the permits and unit.

14. Variance Request – Jimi Gragg (**Action**)

Staci Coons, CRC Chairman presented this request of Jimi Gragg for the possession and use of nineteen vipers. She referred to the information in the Board packet on this request. (See Board Packet for details) The committee met on June 2 and had some concerns about the health, welfare and safety of the public. The largest concern was the lack of readily available antivenin should a bite occur. These vipers are not native to Utah. The committee had concerns with parasites also. She continued to go over the views and concerns of the committee. Their recommendations are that the Wildlife Board not approve Mr. Gragg’s request in regards to possessing vipers for personal use in the State of Utah. Mr. Gragg and Suzanne McMullin are here to take questions from the Board.

Mr. Gragg said he is a professional wildlife biologist and is here representing himself. He has been doing this for a long time and realizes this is an odd request. His passion for these animals has helped him obtain his career today. He said there are benefits for the Division in his request also. Snakes are unpopular and reviled. People really worry about escapes. Most snakes are small animals and want to avoid people. The danger the general public faces with these snakes is trivial. One factor in the public's opinion about venomous snakes is a lack of knowledge and experience. He has been keeping snakes for 25 years and has never had any accidents, escapes or issues. He is confident that he can maintain this record if the Board will grant this. He then went on to tell about his safety system. He has strict protocols that he uses in dealing with the animals. He rarely has to touch them. He keeps all animals in escape proof cages that are commercially built for this. He locks and labels the door to warn people off. He is the only person who goes into that room and does not allow any distractions into the room. He went on to describe the protocols he adheres to for safety. He then addressed each of the committee's concerns, going into a lot of detail on antivenins.

The following motion was made by Tom Hatch, seconded by Lee Howard and passed 6 to 1 with Keele Johnson opposing.

MOTION: I move that we uphold the Certification Review Committee's recommendation to deny the variance request for Jimi Gragg concerning the personal use and possession of vipers.

Mr. Perkins said he thinks he heard a willingness to change huge portions of the request, so while he agrees with the motion and supports the denial of it, it sounds like there might be a whole new proposal developed at some point.

Mr. Johnson asked Mr. Gragg to respond to not having a facility and some of the other comments by the committee.

Mr. Gragg said he is willing to work on these recommendations, but if the recommendation is to deny this and come back when he has a facility and rewrite so there will only be a request to keep native species, he would be happy doing that.

Chairman Niemeyer said that might be a better way to do it. That would be his opinion.

Mr. Johnson said he would not know what the CRC would say on these new requests.

Mr. Gragg said he feels he misread their principle concerns. He thought they were more concerned with native animals and the possible establishment of exotic species. That is why his initial list involved mostly tropical, high humidity species that would die in a minute outside in Utah.

Mr. Johnson asked who the CRC is and where they would be on this.

Ms. Coons said she is the Chair and to her knowledge the committee has not granted a variance request for a rattlesnake in Utah. There is one for Mr. Dix for educational purposes. They have

not granted any for a personal request. Mr. Gragg should keep that in mind if he makes all of these changes.

Mr. Johnson asked Mr. Gragg who he works for.

Mr. Gragg said he works for the DWR.

Mr. Johnson said he can see having a person working for the Division with a passion for this type of wildlife.

Director Karpowitz said Mr. Gragg does work for us and we appreciate having his skills, but with these requests for snakes, the Board needs to weigh as if he were any other person in the state of Utah. By virtue that he is a trained wildlife biologist, he certainly has some skills that other people do not have, but it should not be considered that he works for the DWR.

At this point the vote was taken.

Chairman Niemeyer told Mr. Gragg that when he gets his facilities and decides what snakes he would really like to have, he could then re-present the program to CRC.

Mr. Perkins said when he was reviewing this request the biggest highlight he wrote was a need to relate it to science and education.

Mr. Hatch said we cannot direct Mr. Gragg to go back and redo this, but it is an option.

Mr. Johnson said he appreciates someone with a passion for snakes. It is good for the Division to have an employee who understands how these people are thinking about their animals and that is their passion.

15. Other Business (**Contingent**)

Chairman Niemeyer said that Ms. Coons sent out an e-mail trying to change the Little Hole trip to August 26 and 27. There were three Board members that could not attend on these dates. Director Karpowitz said he would give another list of dates to Ms. Coons and they would work it out.

The meeting was then adjourned.