

**UTAH WILDLIFE BOARD MEETING**  
May 7, 2009, 9:00 a.m., Committee Room 445  
State Capitol, Salt Lake City, Utah  
**AGENDA**

**Thursday, May 7, 2009**

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|---|--------------------|
| 1. Approval of Agenda<br>- Paul Niemeyer, Chairman  | <b>ACTION</b>      |
| 2. Approval of Minutes<br>-Paul Niemeyer  | <b>ACTION</b>      |
| 3. Old Business/Action Log<br>-Rick Woodard, Vice-Chair   | <b>CONTINGENT</b>  |
| 4. DWR Update<br>- Jim Karpowitz, DWR Director  | <b>INFORMATION</b> |
| 5. Antlerless Addendum, Rule & Permit Recommendations for 2009<br>-Anis Aoude, Big Game Coordinator                     | <b>ACTION</b>      |
| 6. Antlerless CWMU Permit Recommendations for 2009<br>-Boyde Blackwell, Private Lands/Public Wildlife Program Manager   | <b>ACTION</b>      |
| 7. CWMU Committee Findings<br>-Boyde Blackwell  | <b>ACTION</b>      |
| 8. AIS Amendment R657-60<br>-Walt Donaldson   | <b>ACTION</b>      |
| 9. Memoranda of Understanding between DWR and Wildlife Services<br>-Kevin Bunnell, Big Game Coordinator                 | <b>ACTION</b>      |
| 10. Sam Hyde – Certification Review Committee Variance Request<br>-Staci Coons, Certification Review Committee Chairman | <b>ACTION</b>      |
| 11. Variance Requests<br>-Judi Tutorow, Wildlife Licensing Coordinator  | <b>ACTION</b>      |
| 12. Late Season Spearfishing Closure at Fish Lake<br>-Walt Donaldson, Aquatics Section Chief                            | <b>ACTION</b>      |
| 13. Other Business<br>-Paul Niemeyer / Election of Chair and Vice Chair   | <b>CONTINGENT</b>  |

## UTAH WILDLIFE BOARD MEETING

**May 7, 2009, 9:00 a.m., Committee Room 445**  
State Capitol, Salt Lake City, Utah  
Summary of Motions

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)

The following motion was made by Ernie Perkins, seconded by Keele Johnson and passed unanimously.

**MOTION: I move that we approve the minutes of the April 2-3, 2009 Wildlife Board meeting as presented.**

3) Anterless Addendum, Rule and Permit Recommendations for 2009 (Action)

The following motion was made by Tom Hatch, seconded by Lee Howard and passed with Ernie Perkins opposed.

**MOTION: I move that we accept the DWR's deer recommendations with the following exceptions -- Hunt 115, Paunsaugunt unit wide be issued 0 permits, Hunt 116, Paunsaugunt Buckskin issued 50 permits, Hunt 117, Panguitch Lake unit wide issued 0 permits, Hunt 118, Panguitch Lake, Summit/Paragonah issued 50 permits, Hunt 119, Panguitch Lake, Parowan Front issued 100 permits, Hunt 121, Pine Valley Enterprise issued 75 permits, Hunt 122, Pine Valley, East Bumblebee issued 50 permits, Hunt 123, Zion issued 0 permits and Hunt 124, Zion, NW Zion issued 50 permits.**

The following motion was made by Ernie Perkins, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we keep the Sevier boundary the way it is presently and handle depredation issues with mitigation permits.**

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

**MOTION: I move that we accept the Division's recommendations for elk, moose and pronghorn.**

- 4) Antlerless CWMU Permit Recommendations for 2009 (Action)

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

**MOTION: I move that we accept the Division's recommendations on the Antlerless CWMU Permit Recommendations for 2009.**

- 5) Variance Requests (Action)

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

**MOTION: I move that we grant the variance request for a season extension for Dale Martinez on his CWMU Hardscrabble antlerless moose permit.**

- 6) CWMU Committee Findings (Action)

The following motion was made by Ernie Perkins, seconded by Tom Hatch and passed unanimously.

**MOTION: I move that we approve the Division's recommendations on the CWMU Committee Findings.**

- 7) AIS Amendment R657-60 (Action)

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

**MOTION: I move that text be added to the rule stating that the Director cannot authorize the restriction of the flow of water without the approval of the controlling entity.**

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

**MOTION: I move that we approve the Division's recommendations on the AIS Amendment R657-60.**

8) Memoranda of Understanding between DWR and Wildlife Services (Action)

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

**MOTION: I move that we accept the Memoranda of Understanding between the DWR and Wildlife Services.**

9) Sam Hyde – Certification Review Committee Variance Request (Action)

The following motion was made by Ernie Perkins, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we approve the COR requested by Sam Hyde along with the stipulations.**

10) Late Season Spearfishing Closure at Fish Lake (Action)

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

**MOTION: I move that we accept the Division's recommendations on the late season spearfishing closure at Fish Lake.**

11) Variance Requests (Action)

The following motion was made by Ernie Perkins, seconded by Lee Howard and passed unanimously

**MOTION: I move that we grant the variance request for Stacy B. Adams on his Monroe limited-entry bull elk hunt.**

The following motion was made by Ernie Perkins, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we restore Mr. Fiddelke's bonus points, including the one he would have been issued in 2009, waive the elk waiting period and state that he does not have to surrender the meat or antlers of the elk harvested in 2008 to the Division.**

12) Other Business (Contingent)

Rick Woodard will serve as the new Chairman of the Wildlife Board, Ernie Perkins will serve as the Vice Chair of the Wildlife Board effective August 16, 2009.

**UTAH WILDLIFE BOARD MEETING**  
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State Capitol, Salt Lake City, Utah

**Board Members Present**

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

**RAC Chairs Present**

Jake Albrecht – Southern  
John Fairchild - Central  
Terry Sanslow – SE  
Brad Slater – Northern  
Bob Christensen – NE

**Public Present**

Don Peay  
Robert Judd  
Sam Hyde  
Dale Martinez  
Sterling Brown  
Byron Bateman

**Division of Wildlife Resource**

Judi Tutorow  
Doug Messerly  
Staci Coons  
Cindee Jensen  
LuAnn Petrovich  
Anis Aoude  
Ron Hodson  
Craig McLaughlin  
Greg Sheehan  
Kevin Bunnell  
Kent Hershey  
Martin Bushman  
Craig Clyde  
Brad Crompton  
Teresa Bonzo  
Boyde Blackwell  
Mike Styler  
Randy Wood  
Walt Donaldson  
Bill Bates  
Kevin Christopherson

Chairman Niemeyer welcomed the audience and introduced the Wildlife Board and RAC Chairs. He then reviewed the agenda.

- 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)**

The following motion was made by Ernie Perkins, seconded by Keele Johnson and passed unanimously.

**MOTION: I move that we approve the minutes of the April 2-3, 2009 Wildlife Board meeting as presented.**

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

Rick Woodard, Vice-Chair presented this agenda item. He has one issue, clarification on the March 4<sup>th</sup> Henry Mountains action log item.

Mr. Perkins clarified what he meant by a primitive weapons hunt, he wondered if that was what the other board members meant. There is no definition of primitive weapons hunt in code or rule that he knows of. He was talking a basic traditional muzzleloader or bow .

Chairman Niemeyer said there are definitions for primitive weapons and he figured we would just go with the definition we already have. If we go any further than that, we would have to redefine.

Mr. Woodard said that is what he thought also.

Mr. Howard said that was what he thought as well.

Mr. Hatch asked if we need to address this.

Director Karpowitz said we are working on this as an action item. We could look at it both ways. We will need some information on possible wounding loss before then.

Mr. Perkins said he is comfortable with the direction the Board goes. He is not convinced that muzzleloaders that can shoot 300 yards are truly primitive weapons.

4) DWR Update (**Information**)

Jim Karpowitz, DWR Director said the newest update is the selection of new Board members. The Nominations Committee met on Tuesday and had a long list of 57 nominees that they narrowed down to four names and sent it to the governor. He acted on that quickly. It is now a matter of public record and it has been forwarded to the Senate for approval. The names selected are Jake Albrecht and Bill Fenimore. Those are our two new board members. Director Karpowitz is glad that we have new members with RAC experience and a broad range of knowledge. This will be effective in August 2009 when Chairman Niemeyer and Mr. Howard go off the Board.

He then briefly mentioned wolves. They have now been officially delisted in part of the northern Rockies which includes a piece of northern Utah. They are delisted until we see the next lawsuit. This delisting automatically triggers our Wolf Management Plan. There will be more detail on this later in the meeting.

Director Karpowitz has been in communication with the State Parks Recreation Board and discussed the concept of hunting bighorn sheep on Antelope Island,

including the reasons we need to do that, eventually. He presented some biological information on this to get them to start thinking about this. They are about to pass their Antelope Management Plan and he asked that they not exclude hunting completely. We made some inroads with the Parks Board and they see why we will eventually need to hunt sheep there. When they are ready there will be some public input and hopefully move forward.

On Quagga mussels, the boating season is coming up. We recently prevented a boat from launching on Flaming Gorge that had a live mussel on it. It was actually in Wyoming. Our people were contacted and they were able to go up and assist them to decontaminate and keep it from launching for five days. The program is working. Later today we will discuss the AIS Rule and a request for a slight modification.

On the Streambed Bill that went through legislature. Representative Lorie Fowlke has offered to listen to the concerns of all those interested in that legislation. They have had two meetings and this gives people the opportunity to voice their opinions. She hopes to continue these meetings and will continue to have them right up until the next legislative session. They look to have a bill ready for the next legislative session.

Mr. Hatch asked if there is any legislation drafted by Representative Fowlke yet.

Director Karpowitz said nothing has been written yet. They are just taking input. There are some other representatives sitting in on these meetings also.

Mr. Perkins asked when they will be meeting. He would be interested in attending.

Chairman Karpowitz said it will be toward the end of May and he will get that information.

We had the awards banquet last night. They honored DWR employees and several of our partners that help us to be successful as an agency.

5) Antlerless Addendum, Rule and Permit Recommendations for 2009  
**(Action)**

Anis Aoude, Big Game Coordinator presented this agenda item. He discussed why we hunt antlerless animals. To reach our management plan objectives we need to hunt antlerless animals to get populations where they need to be. In the past, we have initiated these recommendations after the damage has occurred. We usually start hunting when populations are already on the decline. It is hard to convince the public that this is what we need to do. We do need to reduce populations at some point and it should be done before we start seeing problems in habitat. He showed a chart on fawn production trends 1998-2008. There has been a dip in the last couple years, but currently they are recovering somewhat. He discussed deer statewide population trends which follow the fawn trends.

There are four units in the Southern Region that are above the population objective: Paunsagunt, Panguitch Lake, Zion and Pine Valley. He presented the population trends and antlerless permit numbers from 2000-2008 and also the range trend data (average DCI scores) on each of these four units. (See Powerpoint Presentation). We should have started hunting antlerless permits in 2004 on the Paunsagunt, but it is always hard to convince the public. We must start now. If we do not decrease the population, they will start degrading their habitat and then it will crash on its own. We do not want to carry a higher population than the range can carry. We started hunting the Panguitch a little last year, but need to continue to control that population. We have not had any antlerless permits on the Zion until this year. We are also recommending some permits on Pine Valley. The habitat is not improving enough to carry the higher numbers.

Mr. Aoude then presented the recommendations for above objective deer units. We are recommending a conservative number of permits and will proceed with caution over the next 3 to 5 years. We need to get people thinking about controlling these populations.

Mr. Hatch asked if we should deal with these species by species.

Chairman Niemeyer said sometimes we lose a lot when all species are presented. He would like to deal with them one at a time and the Board agreed.

Mr. Hatch asked about the range trend data for these units, what do the dark spots indicate?

Mr. Aoude said we look at these every five years. It looks at all of the habitat components that are important to deer. They are entered into an index for that range and categorized into varying conditions. It is an exhaustive process and probably the best in the west for range trend. Other states wish they could have this level of monitoring. We get funding from the BLM and Forest Service and they use this information also.

Mr. Hatch said that after the RAC meeting, he contacted the BLM on these range ratings and they are not categorizing it as very poor to poor.

Mr. Aoude said they look at it from a range land health perspective and this is an index specifically for deer. They are looking at different things. We are looking at the forbs and browse components. The DCI index is specifically made for deer habitat.

Mr. Johnson said he has heard the argument that deer cannot eat grass. He talked to his dad about this and every year the deer go into the wheat and the farmers like that. They like it grazed down.

Mr. Aoude said it is true that deer can eat grass and do well at certain times of the year. There are no wheat fields on the winter range. A big standing patch of rank grass in the winter will do them no good.

Mr. Albrecht asked if the BLM and Forest Service provide a biologist.

Mr. Aoude said they depend on our people to do the work and know that we hire a crew every year to do this work. It is led by our Habitat Section.

Mr. Peay asked if anyone has done further analysis and why are these plants in bad shape.

Mr. Aoude said there are many reasons. Drought conditions for long periods of time, some plants are older and need to be rejuvenated. We are doing some chaining and replanting. Fire suppression is another reason. Some of it is tied to animals, but not predominantly. There is some utilization component in this range trend study. We are not seeing over utilization yet and you want to stay ahead of that. Once you start seeing over utilization, you are behind the curve. You want to keep the population so that this does not occur.

Mr. Peay asked with all the habitat work being done in southern Utah, how many are part of that study.

Mr. Aoude said most are not, but they are being monitored. Most of the projects will not have an effect for 10-15 years. By carrying a higher population on an area where you have done range improvement, you actually hurt the project. We ask the cattle people to keep their animals off it for at least two years. The wildlife is having an effect on these projects.

Mr. Peay said several of these units are in southern Utah. Do the deer on the Pine Valley and Zion rely on sagebrush the same way deer in other parts of the state do?

Mr. Aoude said deer living anywhere depend on browse species. Those in the southern might not depend on sagebrush as much because it is a less palatable browse. Cliff rose and bitterbrush are their staple, but as soon as August hits they are back on the browse.

Mr. Woodard said we have several draw permits on eight different units and all the units are under objective. Are these problem deer?

Mr. Aoude said there are additional permits for deer, but they are targeting depredation or valley deer that are not migrating.

Mr. Albrecht asked if the Arizona side is doing a lot of improvements to help range land on the Paunsaugunt.

Mr. Aoude said they are. We are doing a lot on both sides and trying to work interstate habitat improvements. These will not be usable by deer for at least 10 years. You cannot keep populations high when you are doing these treatments.

Director Karpowitz asked him to explain the difference between unit wide permits and site specific permits, and why you have a combination of both.

Mr. Aoude said we have site specific permits for depredation or on winter range areas that have the potential for depredation. Those are targeting areas where deer are wintering. Unit wide is for dealing with the population with a top down type of approach on deer that could be wintering anywhere, making sure the population is at a level that is healthy.

Sterling Brown, Utah Farm Bureau asked about a comment made that permits should have been issued sooner, when numbers were passing objective. They said some of the reason they were not is because of the challenge of educating the public. Why weren't they issued?

Mr. Aoude said that is the main reason and it was because of resistance from the public.

Mr. Howard said for years we have not transplanted deer. Have there been any recent studies that would support transplant?

Mr. Aoude said there is no recent research. The problem with our mule deer in Utah is they are migratory herds. If they do not know the migratory path, it does not work. Especially if you put them into holes where there are no other deer, they do not know where to go. Mule deer are very traditional and they do not seem to evolve. Perhaps we should be doing some research and see if this has changed.

Byron Bateman, SFW asked how we have determined the current population objectives. With all the habitat work we have been doing, will we get back to where we were? It doesn't take a full 10-15 years for forage change. We spread the deer out with the projects. Are we acting too soon?

Mr. Aoude said the population objective is based on traditional numbers of deer that were in that area. We are turning the dirt, and actually reducing habitat, but deer cannot eat that. Sagebrush has to be at least four years old for it not to be covered by eight inches of snow. The plants that we see out there now are 50 to 100 years old. Eventually we will be able to increase objectives, but right now we are hurting ourselves by holding these populations high. They are hurting the projects that we are doing.

Mr. Albrecht said on the Monroe/Sevier Valley hunt, why did we change that boundary? It takes the hunt up into the Monroe Mountain. The deer that will be hunted there do not come in until October and are not part of the valley deer.

Mr. Aoude said the main reason is there are deer close to there in the summer that they want to control. By ending the hunt in September, it will not include the mountain deer that come in October.

Ms. Bonzo said these can be handled with depredation permits, but we would rather sportsmen take these. The deer are going to be taken either way.

Mr. Albrecht said they have the Monroe that is way under objective and those deer in the Glenwood area are not bothering the people.

Mr. Aoude said we can deal with this through the landowners or let the sportsmen take them. We are moving the timeframe early enough.

Ms. Bonzo said last year we issued 107 mitigation permits on the Monroe unit and this year it will be about the same.

Mr. Aoude said they are trying to get permits to hunters, rather than landowners.

Mr. Hatch asked if private landowners aren't hunters. They get the permits and sell them or give them away, don't they?

Mr. Aoude said the landowner would prefer to not have to deal with hunters on their land. We are trying to strike a balance. Often landowners cannot use all the permits we give them and then we do not get the harvest we need.

Mr. Johnson asked about having an archery hunt in this area.

Mr. Aoude said we do have hunts like that, but there is not a need to have that type of hunt in that area. Really the most effective way to take these deer is with a rifle.

Mr. Johnson said he knows this is a touchy subject. A dairy farmer in Monroe, 20 years ago was given permits, but he did not use them because he did not want people on his private land. They claimed that when these depredating deer were taken, it ruined the deer herd. The people were very critical of the farmer and the Division for the way this was done. We need to be careful to take the specific animals that are causing the problem.

Chairman Niemeyer said Glenwood is on the east side of the valley. It is a narrow short area where people have moved into the hay fields, that is divided by a ridge. He went on to explain the area. This is the first area the mountain deer come in to. It is not a refuge for them to stay there year round. He would caution to do the hunt really early. We do not want to shoot mountain deer.

## **RAC Recommendations**

Northeast – Mr. Christensen said they passed the recommendations 4 to 2 on deer. There was not much discussion on antlerless deer, more on antlerless elk.

Southern – Mr. Albrecht said lots of people are concerned about the Paunsaugunt. People from St. George are concerned about Pine Valley and Zion's. People having trouble believing the range is really that bad and how do you know the deer populations? Our RAC's motion was to cut antlerless permits 50% on the three units and leave the Paunsaugunt as is. It passed 5 to 4.

Mr. Johnson asked what the reasoning was for voting against it.

Ms. Bonzo said the concern was for range condition.

Northern – Mr. Slater said they addressed recommendations on all species together and they passed 7 to 4.

Southeastern – Mr. Sanslow said they voted on all of it. The recommendations passed with 2 opposed. There was some discussion on deer population numbers that were given at the RAC meeting and found out later they were a little different.

Central – Mr. Fairchild said they had about a dozen people. The deer numbers passed unanimously. The only issues were with elk.

## **Public Comment**

Mr. Peay said when 10 people come from SFW, that represents a lot of people. On the Paunsaugunt, the local range biologist told a totally different story from a letter from the agency. He is frustrated with the government and not being told the way it is. They have some serious questions about deer models and whether the deer numbers are right. He talked specifically about the South Beaver and the fact that there are not deer there anymore. Sportsmen are mad because they do not see hope for the future on their deer hunts. People are disappointed to see all the habitat work going on and things are not getting better. They should be proud that the people in southern Utah are concerned. The sportsmen recommendation is for no doe tags on the Paunsaugunt. They don't want to see deer herds destroyed. In southern Utah, it will not take 15 years for these habitat projects to have effect.

Mr. Howard clarified that Mr. Peay wants no doe permits on the Paunsaugunt. The sportsmen on the other units want no doe tags.

Sterling Brown, Utah Farm Bureau asked at what point does science and biology over ride the emotional part of permit recommendation. Habitat or wildlife populations support each other. Looking at habitat data and we have the best range trend models in the west, where would we turn for better information?

The Farm Bureau is in favor of the Divisions proposal.

### **Board Discussion**

Director Karpowitz said antlerless permits have always been controversial. The sportsmen do not love the deer herds any more than the Division. We want the populations to grow. We need to separate models from habitat and these are two issues. Models are difficult to run. It is hard to have a lot of confidence in models on deer because it cannot be ground truthed. The law says we must manage to an objective. More importantly, we need to look at the habitat condition. We are not doing the habitat any favors by not removing antlerless animals. That is not very subjective, because we can observe habitat and its trend. Unit wide permits are there to address the population objective, but the site specific hunts are based on condition and habitat trends in those areas. It is not good to ignore the habitat that is declining in condition, because in the long run we will have less deer. He has watched range conditions go down hill dramatically over time in the southeast region. We had huge base herds of deer at a time when we should have been more aggressive in antlerless removal. Now those ranges are not capable of carrying as many deer as they were in the early 80's. Looking back, we should have been more aggressive with antlerless removal. Still we should try to separate in mind what the model is doing, what we have to do as far as deer objectives go and what the habitat is doing. We have to pay attention when the trends say poor or very poor on habitat.

Mr. Howard said the habitat is doing a lot better than in the past, but he is concerned about the modeling. He is not sure the Board understands it and we are concerned about this.

Director Karpowitz said it is difficult because it cannot be ground truthed, so you have to trust the computer. In August at our training session, Mr. Hershey could come and explain the model. When the law went into effect to manage to specific deer objectives we were forced to look at modeling. You can discount the modeling, but do not discount the actual habitat condition.

Mr. Howard said another item in southern, the BLM and Forest Service voted against it.

Mr. Aoude said they voted against reducing doe permits, they wanted more permits.

Chairman Niemeyer said in the Southern RAC, we have never had the Forest Service and BLM present things as they should. He does not like it when they, as a RAC member start reading a letter. That is not right. They should present from the audience, just like everybody else. That happens a lot in Southern region.

Mr. Bushman said the legislation passed a statute 23-16-7 that requires the Division to implement management plans for deer and elk herds. The language says that the Division shall make these plans and once made, they must be followed. It states at

the end that management plans may be revised by the Wildlife Board, but they have to go back through the process that was used to create it in the first place. We need to follow the plans to the best we can and we are legally bound to do so.

Mr. Hatch said he is having trouble comprehending that we, by law, have to create plans and go by them. So do we have to go with the Division's recommendation to follow this law? He is not sure this is the legislative intent. Why do we even have a Wildlife Board? He has not heard anyone discuss the margin for error and if we over estimate we can ruin the herd within 10-15 years. The real problem is it is difficult to ground check and verify these numbers. The Division biologists do not have all the knowledge on these numbers. We do not have to accept the Division's recommendation and we can abide by those plans with other information that is brought to us.

Director Karpowitz said he would clarify, because he thinks he was misunderstood. Part of the plan is there has to be a herd size objective. With elk you can do that, but with the deer you cannot do that. Without that ability, we have to use a model for the deer. That has bothered him from day one, but if we do not use the model, how do we determine the numbers. There is a lot of subjectivity in that, or margin of error, but when habitat is in poor condition it needs to be recognized. The model has its weaknesses, but we cannot ignore the habitat.

Mr. Hatch said on the southern RAC we had a BLM and Forest Service representative that were contradicting each other. How can we know which one is right?

Director Karpowitz said it is a tough situation with deer and the law makes it very difficult.

Mr. Hatch said the real issue is, are we really there? How much faith do we have in the modeling?

Director Karpowitz said he has always struggled with models, especially with deer, but there is not another tool, and we still should not ignore the habitat.

Mr. Hatch said the historic high on deer in southern Utah was in the 60's and 70's when there were 120,000 more sheep there than now. He is not sure if is overuse, but rather pinion, juniper encroachment and aspen displacement on the ranges. He doesn't think we have fed them down so they will never come back. He is not sure the habitat is in that bad of condition.

Director Karpowitz said at our training meeting in August, we need to have a presentation to the Board on what the index consists of. In looking out for the long term interest of the deer, we cannot ignore what the model is saying, or the range trends. Site specific hunts are based on range trends that have been measured. The only reason we are measuring these trends is we are looking out for the future

of the deer. You can temporarily have more deer than the range can carry, but not long term. We are going to turn this thing around, but we need to be smart about it and not carry too many animals while we are working on the habitat. This is a hard call and it is not going to be easy.

Mr. Perkins said he speaks to the Division's recommendation. He has spent time with the range trend crews, looked at their techniques, looked at long term data sets and photographs of range trends on specific transects, seeing how they went from one category to another. That is probably the best data in the country. During those days he spent with the crew, they had Forest Service and BLM biologists and range trend people there at the same time and there was not disagreement on what the range crew was saying. Four of the five RACs voted to support the Division's recommendation. Also, when we tipped the habitat and then tipped the deer herd in northern region, in some pretty big sections we wiped out the habitat in '92-'93, the deer herd died in the winter and habitat is not back yet. You cannot raise browse in two years. All the projects are going to bring us back to really great deer herds in parts of the state, but it cannot happen when on these four units we have done habitat work over the last three years. He supports the Division's recommendations and invites those who think the habitat work is done, to show the Division where. The Division would want nothing more than to say it is time to increase the deer herds.

Mr. Peay said one point of reference, they ground checked the model in Wyoming this winter. They went out and counted in region G, the best they could and it is 50% wrong based on this year. The range con on the Paunsaugunt do not think the habitat is in that bad of condition and they wonder why a lot of the work that has been done is not part of these transects.

Mr. Howard said he agrees with Mr. Hatch. We need to revise the deer model. There are too many factors not being considered. Habitat is better, but could be better. We have a lack of information.

Mr. Brady said 4 of the 5 RACs did vote for recommendations. The one that did not is the one that lives there. The Grand Staircase biologist and the BLM biologist did not believe the habitat condition is bad and the study was done in an area that was degraded in the first place. With the improvements made and the opinions of those that live down there, he tends to disagree with Mr. Perkins.

Mr. Perkins said that, on the side, he asked the BLM and tried to reach the monument people if they had data or information or if it was the agency's position that the Division recommendations were wrong. They did not respond. The data set from 50 years is better than that from two years.

Chairman Niemeyer said he grew up with old biologists that did a lot of organized range rides. He helped put in some pellet transects. The range rides were for counting deer. We threw out all of that when we went to the models. We should not

rely on them as totally correct. We have lots of new people and are short on people who are out working the units. Any data we can get has got to help. When the public is invited on the range rides and they become involved, they see the issues differently. We should not throw out the old tools.

Chairman Karpowitz said he feels the old tools were the best way to manage deer, but when we were given the mandate for herd objective and population estimates, those tools went away. He would like to get the law changed so we don't have to do objective estimates on deer. On the unit wide permits and how they break out by hunt, they are based on model and site specific are based on habitat. There is a distinct difference.

Mr. Bushman addressed a question that Mr. Hatch asked early on. What can the Board do if we are subject to management plans? How we determine herd population is a matter of opinion and science. If the Board feels the model is unreliable, then the question is what evidence and data do you have that it is incorrect. Most of what has been said today is antidotal observations by individuals and so forth. We need to be careful we use the best science we have and not necessarily what we would like it to be, or what we think it might be.

Mr. Howard asked if we reduce the numbers, we still show we are working toward objective. As long as we reduce numbers we would still be in compliance with the law.

Mr. Bushman said he is not sure he understands the science, but it would be a step in the right direction.

Mr. Howard said the Board wants to be in compliance with the rule, but at a slower level than the Division's recommendations.

Chairman Niemeyer summarized RAC recommendations.

Mr. Perkins said that was not a RAC motion, but the boundary issue on the Sevier should be considered. He would like Mr. Aoude's response on the timing of the hunt and if he is comfortable with what Mr. Albrecht is suggesting.

Mr. Aoude said that currently it is the month of September and no migration occurs until October. This should be fine.

Mr. Albrecht said those deer are not valley deer. Those that are hanging in the mahoganies and cedars are not valley deer. These deer are Monroe deer.

Mr. Perkins asked what Mr. Albrecht's proposal is.

Mr. Albrecht said in the future if we have a boundary change, he would like to see it on paper. He would like the boundary to remain the same and if there are problem

deer that come in, deal with them the same way we have in the past. He is afraid that a lot of the deer will be killed if this is opened up, a lot of the mountain deer will be killed.

Mr. Perkins asked Mr. Aoude if the Division can live with a depredation hunt there.

Mr. Aoude said yes.

The following motion was made by Tom Hatch, seconded by Lee Howard and passed with Ernie Perkins opposed.

**MOTION: I move that we accept the DWR's deer recommendations with the following exceptions -- Hunt 115, Paunsaugunt unit wide be issued 0 permits, Hunt 116, Paunsaugunt Buckskin issued 50 permits, Hunt 117, Panguitch Lake unit wide issued 0 permits, Hunt 118, Panguitch Lake, Summit/Paragonah issued 50 permits, Hunt 119, Panguitch Lake, Parowan Front issued 100 permits, Hunt 121, Pine Valley Enterprise issued 75 permits, Hunt 122, Pine Valley, East Bumblebee issued 50 permits, Hunt 123, Zion issued 0 permits and Hunt 124, Zion, NW Zion issued 50 permits.**

Mr. Hatch said this differs somewhat from the Division, but what it does is eliminate most of the unit wide antlerless permits and leaves in tact in areas where we are having perceived problems. This also gives the Division some flexibility to work in areas where there are depredation problems.

The following motion was made by Ernie Perkins, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we keep the Sevier boundary the way it is presently and handle depredation issues with mitigation permits.**

### **Elk Recommendations**

Mr. Aoude continued the elk portion of the presentation. He said they are slowly heading toward the population objective. He presented a chart on elk population trends and antlerless permits from 2001-2009. This shows a slight increase to keep populations that are heading to objective in check and reduce those that are over objective.

Mr. Aoude then discussed the elk control permits. There are three units where our objective is 0 elk, on the Henry Mountains, North San Rafael, and a new San Juan any bull unit (east of US 191). On one unit, Nine Mile Range Creek due to private land issues we are unable to harvest enough antlerless elk to control the population. On these units we are recommending that hunters who have any antlered big game permit can also purchase an antlerless elk control permit for these units at a reduced price (resident \$25, nonresident \$88). They probably will not be a lot of demand

because there are not a lot of elk on those units, but if they are already out there hunting they could take a cow elk also.

He then presented Doe Pronghorn recommendations with an increase from 727 to 1107 on Parker Mountain. They will do another transplant in the future.

We have reduced moose permits from 109 to 30 and have been hunting hard to bring them down. We are starting to get there and with harvest combined with and other factors, populations are where we need them overall.

Another point he wanted to bring up is we are doing studies to ground truth our deer studies. There is a Masters' thesis being done presently in northern region, looking at techniques to get some ground truthing going. We believe the models and they are based on good data. They are not as subjective as you would think.

We are going to implement new antlerless harvest reporting this year. Antlerless hunters can fill out their harvest report online. It is the same internet system currently used for draw and reporting is not mandatory. Hunters who report will be entered into a prize drawing and will receive up to three mailing reminders like they do now on limited entry. This concluded the presentation.

Mr. Hatch said on the modeling, you said you do have faith in them, but Mr. Peay said in Wyoming it didn't work.

Mr. Aoude said the Wyoming ground truth was done on one unit, but there are problems with sightability when flying. Colorado ground truthed their models and they proved out to agree with their model. In Colorado they ground truthed statewide. You can come up with examples for both sides. We are trying to get the best numbers we possibly can. Hopefully we will get a chance to present the model to the Board and it will increase their faith in it. A lot of our biologists do not understand the models and that is why they do not believe them. Once you work with them over time, you come to understand and realize that they work.

Mr. Hatch asked how many years we have been using the model.

Mr. Aoude said we have been using some sort of model since the 90's, but recently we have a modified model, more preset.

Mr. Woodard asked if we have any cow hunts that overlap limited entry hunts.

Mr. Aoude said he did not see any.

Chairman Niemeyer asked on the reduced price cow permits, don't we eventually sell them anyway?

Mr. Aoude said no, these are not from the draw they are additional permits that anyone who has a tag, they can go buy. Not a lot of elk on these units.

Chairman Niemeyer asked if they were put in a draw, wouldn't they sell out?

Mr. Aoude said there are not a lot of elk on these units and if they sold them like that, it would be basically selling a white elephant. They are trying to put it so they do not disappoint hunters who go specifically to hunt a cow elk. If someone is already out there, they might be able to kill a cow in addition to their hunt.

### **RAC Recommendations**

Northeastern – Mr. Christensen said their motion passed 4 to 2 to accept the Division's recommendations. There was a discussion on antlerless elk on the Book Cliffs and some on the spike hunts. The main discussion was on the Anthro Unit. Some thought 500 tags is too many. There were issues about aspen stands, harvest success rate and how many cows would actually be taken out of the 500. Also some discussion on the population objective and the population estimate is double the objective. The two dissenting votes were because the numbers were too high on Anthro.

Southern – Mr. Albrecht said the main unit discussed was the Thousand Lake Plateau unit and the 1600 plus animals to be taken. It was mainly RAC discussion. We all realize they need to take some animals off that unit. The motion was to accept 1600, then an amendment to reduce to 800. The amendment failed 3 to 6. They went back to the original motion and it passed 6 to 3. They accepted the recommendations on the other species.

Northern – Mr. Slater said they accept all the Division's recommendations 7 to 2. They had a discussion on modeling and population objectives. There was desire of the RAC to see if we could include cow/bull and cow/calf ratios on the data set. It has been a reoccurring topic to look at if the population objective be adjusted. There are lots of cows in some of the housing developments that have recently gone in.

Southeastern – Mr. Sanslow said they accepted the recommendations 4 to 2. Most of their discussion was on deer.

Central – Mr. Fairchild said there were three units of concern, Wasatch Mountains West, Central Mountains Nebo and West Desert Deep Creek. They are worried about over shooting the mark. They voted to reduce from the recommendation from 1100 to 1000 on Wasatch West and this passed unanimously. On the Central Mountains Nebo there was concern about a local shift in population, but not an overall reduction. They wanted to reduce from 230 to 115 and impose a new boundary and this passed 6 to 2. On the West Desert Deep Creek there is concern that we are not harvesting enough elk and should increase from 20-40, passed unanimously. All other recommendations were accepted.

## **Public Comment**

Sterling Brown of the Utah Farm Bureau supports the DWR's proposal as presented.

## **Board Discussion**

Chairman Niemeyer summarized the RAC recommendations.

Mr. Perkins said Mr. Blackwell and Mr. McLaughlin are willing to provide the additional herd population information on the data. We probably do not need that on the action log.

Chairman Niemeyer asked if it was possible to indicate where the elk are when doing the flights.

Mr. Aoude said it is not too much work, but how to put it in format so it will work for us is the challenge. Currently we get GPS locations on everything. Not everybody will know the different areas when flying. We could try to put it into sections, like the north or south of the unit. How much detail are you looking for?

Chairman Niemeyer said you could just use drainages.

Mr. Aoude said when we gather data we like to make it usable to as many people as possible, not just those who know the area. We could do it by drainage if needed.

Mr. Howard said on the South Slope Yellowstone and the South Slope Vernal, there are 3-4 times the amount of permits as on some of the units. This is way too high.

Ms. Bonzo said some of the papers are incorrect. We are currently 900 over objective on the Fish Lake and the objective is 4800. We counted 4163 antlerless animals. Even if we have just 2000 calves this summer, we would be way over. We are not in maintenance mode, we are trying to reduce the population. The harvest success was 67% last year. The 1600 proposed permits does not equate 1600 dead animals.

Mr. Aoude said on the North Slope Yellowstone, that is the number of permits that it would take to stabilize. This is also true on the South Slope. We have to consider the number of calves that will be born next year.

Mr. Howard asked what type of ratio we have on new calves.

Mr. Aoude said most of the herds are at about 45-50 calves per 100 cows.

Mr. Woodard asked on the motions out of Central, where are they coming from with the motion on the Deep Creek on adding 10 more antlerless permits. In looking at the tables, that unit has gone down each year.

Craig Clyde said they counted 66 bulls on the unit and all the cows had migrated off. They came up with a population estimate of 100 animals on what we flew and the animals we observed during the summer. If you have 66 from there, you are looking at 34-36 cows, so to have a hunt of 40 is overkill.

Mr. Woodard asked about the Wasatch county issue where they wanted to target permits in that area.

Mr. Clyde said we had a good number on that because of our flight last year. We are out to the second year and there is some error factor on our flights. The success factor was only 49% last year and the average is 51%. They take into account the number of animals over objective which was 400 and then what production we would have. It would not hurt to go with 100 less.

Mr. Perkins said on Deep Creek, there was mention in the minutes that with an objective of 200, there were 180 bulls when it was flown.

Mr. Clyde said that number came from someone in the audience. They checked and it was at 49 bulls plus 20% and that made 66 bulls.

Mr. Aoude said that is a tricky unit, because the majority of the population lives on the tribe and we get the overflow. If we want to control population there, the tribe would have to do some of it and they do not take any antlerless animals.

Chairman Niemeyer said he could not find antlerless population estimates in the packet. He would like it in the future in the packet, how many antlered and antlerless.

Ms. Bonzo said they are not in the packet. They are not really good indicators because sightability for bulls is very poor.

Chairman Niemeyer said on the San Juan elk ridge, it has a high bull/cow ratio and if they just see a population number, it does not give a good indicator.

Mr. Aoude said they do take all that into consideration when they make their recommendations.

Mr. Johnson said we changed quite a few of the limited entry units to spike only. On the cow permits, did we reduce cow harvest?

Mr. Aoude said we take that into consideration. We look mainly at the production that is going to occur on antlerless permits, but we consider those components also. We have made that adjustment.

Chairman Niemeyer said he is opposed to reducing the fee on those additional antlerless tags. If a tag is worth x amount of dollars, that is what we should sell it for. We do not want to get into reducing fees on tags.

Mr. Aoude said it is already in our fee schedule. The \$25 is a control fee. The Board can decide on the amount.

Mr. Hatch said the reason the price is reduced is because there are not many elk there.

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

**MOTION: I move that we accept the Division's recommendations for elk, moose and pronghorn.**

Mr. Johnson discussed some La Sal CWMUs and some of the cow tags are disproportionate to the number of public tags. When they started doing the cow hunt on the La Sal Mountains and by the third year the elk were gone on the La Sal Pass. They killed the public elk and those that were left went onto the CWMUs. He has not hunted there since after doing it for years. He went through three years not seeing any elk and he has not bought an elk tag in Utah since then. We need to put the pressure on the CWMU and get the elk back onto the public lands. This would be something to look at for next year.

6) Antlerless CWMU Permit Recommendations for 2009 **(Action)**  
Boyde Blackwell, Private Lands/Public Wildlife Program manager presented this item. He said we have 103 CWMUs in the state which includes 1,976,937 acres. The antlerless permit allocation to the CWMU is determined by the allocation the CWMU receives during the bucks and bulls process. 61 CWMUs applied for antlerless permits, which is a total of private permits of 284 and 1218 public. (See Powerpoint Presentation for details))

The DWR & CWMU operators split on one recommendation. It was on the Alton CWMU and they requested 12 (6/6) antlerless elk permits for 2009. There are currently no public antlerless permits available on this unit, antlerless permits are not needed to manage the elk population at this time. The DWR recommendation is 0 antlerless CWMU permits.

Mr. Woodard said last year it came up that some of the CWMU operators did not want to deal with the antlerless permits.

Mr. Blackwell said that was going on in the past. We now have harvest objectives and put the three year requirement into the management plans. On some of the unit the biologists look closely on the effects of hunting antlerless elk, especially on those that are close together. We probably have less to be concerned of on the taking of these permits at this point. We have the ability to re-address any plan that we want to. It is important that we handle each CWMU individually.

Mr. Perkins said he has a question on Spring Creek Dodge in Southeast region. He looked into it and in the minutes one of the RAC members questioned the elk objectives and the response was that it was a sensitive issue. That was the end of the discussion. As he looked into it he wondered what we are doing there.

Mr. Blackwell said this CWMU is large and convoluted. There have been lots of depredation issues. Last year there was a special meeting in the area where we asked if some of our depredation hunters could hunt there. There have been large damage requests. We are working hard to manage antlerless populations and 70 permits are recommended.

Brad Compton said we have a zero tolerance elk zone around the areas where we are paying significant damages. This zone is right next to the CWMU and that is the sensitive part.

Mr. Blackwell said that it might come about that they will not be able to have elk permits in the future, but they can still do deer. The cost of the damages is a big concern.

Mr. Johnson said this is a farm area and it all happened fairly quickly. The vast majority of the CWMU is private farm land. They raised safflower for awhile. In Dove Creek, Colorado they put in a bio diesel plant and they decided it would be easier to get rid of sunflower waste than any other. Sunflower production has really taken off in the last two years. There has been lots of depredation and in surrounding states the herds are being devastated. There would not be depredation problems with safflower.

Mr. Blackwell said he has heard they are looking at raising more of the safflower, rather than the sunflowers. That may be good. We are going to do some research down there.

### **RAC Recommendations**

Central, Southeastern and Northeaster accepted the Division's recommendations unanimously.

Northern – Mr. Slater said they accepted 7 to 0 with 2 recused who are CWMU operators.

Southern – Mr. Albrecht said Mr. Heaton of the Alton CWMU said in the summer months they have 200-300 elk in his area. They are not helping with the habitat program. He needs this tool to move them out of the area. This year in the RAC they approved 12 permits for Alton CWMU and the remainder of the Division's recommendations.

### **Board Discussion**

Chairman Niemeyer summarized the RAC recommendations.

The following motion was made by Ernie Perkins, and died for the lack of a second.

MOTION: I move that the Division do a review of the Spring Creek Dodge CWMU management plans and this be placed on the action log.

Mr. Blackwell asked if there is anything specific they would like looked at.

Mr. Perkins said it is inconsistent to have an elk CWMU in the middle of a no elk zone. We cannot have our management going two conflicting directions at the same time.

Mr. Johnson said this is only the southern side of the CWMU, just one or two farmers. It would not be removing elk from the entire CWMU. He explained the various areas where they are having problems. They have worked on this hard with the management plan and the Division has been very involved. I am not sure how necessary it is for us to put this on the action log.

Mr. Howard said the RACs were pretty much in agreement, except for the Alton CWMU.

Mr. Blackwell said the Alton CWMU has a 50:50 split on antlerless which would be 6 and 6.

The following motion was made by Lee Howard, seconded by Rick Woodard and failed with Lee Howard in favor and the remainder of the Board against.

MOTION: I move that we do a six and six split for elk on the Alton CWMU.

Mr. Perkins said he does not think we have any precedence for setting CWMU permits in an area where we are under objective. Wouldn't depredation tags or a hunt be more appropriate to address this problem? The process to get depredation tags would be fairly easy. They just need to show proof of the depredation.

Mr. Hatch said that currently we do not get any antlerless permits in that area. The elk are only there certain times of the year.

Ms. Bonzo said we are below population objective in that area. When we flew a few years ago, we saw very few bulls. There are some bulls on the Alton CWMU during the summer and we would prefer to address those with depredation tags.

Mr. Blackwell said they can handle this with a depredation hunt in the future.

Chairman Niemeyer said he is not sure it is as much a depredation issue, but a lot of the people do not want the elk herds to grow too much, because they want to protect the deer.

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

**MOTION: I move that we accept the Division's recommendations on the Antlerless CWMU Permit Recommendations for 2009.**

7) Variance Requests **(Action)**

Judi Tutorow introduced Mr. Dale R. Martinez. This has already gone through the Variance Committee and was denied because he had already hunted one day.

Mr. Martinez requested an extension for the 2009 hunt on his CWMU Hardscrabble antlerless moose hunt. The dates given by the outfitter to hunt were changed several times and it was also indicated incorrectly in a final letter to Mr. Martinez from the CWMU operator. This letter put him back to the original dates and he figured these were the real dates. It turned out that the letter was a mistake and it should have been October 13-30 instead of in November. He contacted the Division and attended a meeting to plead his cause, only to find out he was in the wrong meeting. He is frustrated over this issue. He went ahead and hunted one day, but basically just drove around, looking for somewhere to hunt. The operator Fred John said he would absolutely allow him on his CWMU next year to hunt. He admitted he did send out some wrong hunt date information.

Mr. Perkins asked if the CWMU Committee looked at this.

Mr. Blackwell said he recommended that Mr. Martinez come to the CWMU meeting. The committee recommended that a letter be placed in the file of the Hardscrabble CWMU because they did not properly communicate with the hunter.

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

**MOTION: I move that we grant the variance request for a season extension for Dale Martinez on his CWMU Hardscrabble antlerless moose permit.**

8) CWMU Committee Findings **(Action)**

Mr. Blackwell presented this report. The agenda covered the review of the current rule (657-37-14.1), review and discuss compliments from the 2008 hunting season and review and discuss complaints from the 2008 hunting season. He went over this information in detail. (See Powerpoint Presentation)

Mr. Woodard said a lot of issues over the years have been related to the dates for the season. Can it be put on the website?

Mr. Blackwell said it is on the website and they call up and reconfirm those dates with their hunters.

Mr. Woodard asked if on the wounding policy, is it the same for private and public hunters.

Mr. Blackwell said yes.

The following motion was made by Ernie Perkins, seconded by Tom Hatch and passed unanimously.

**MOTION: I move that we approve the Division's recommendations on the CWMU Committee Findings.**

9) AIS Amendment R657-60 **(Action)**

Walt Donaldson, Aquatics Section Chief presented this agenda item and said one year ago we put this rule into place. We did an extensive review of the rule and what we have learned. He will discuss this and where we want to go. Because we are on the cutting edge of science in how we are dealing with this, we will probably be back for modification next year.

Mr. Donaldson then went over the modification to rule R657-60 Aquatic Invasive Species Interdiction. He went over definitions of terms. (See Powerpoint Presentation) He went on to discuss their experiences this year that led to the four classifications of waters. To date we have not found any animals in Utah, but we did find the microscopic form, veligers, in Electric Lake. Evaluation shows we need to improve the monitoring of AIS in Utah waters through public education. Outreach is the key for the UDWR to keep AIS out of Utah.

He went on to discuss the proposed modifications, including protocol on "infested" waters, inspections, closure orders or control plans and the fact that a violation of a

closure order or a control plan is punishable as a criminal infraction (section 23-13-12). This concluded the presentation.

Mr. Hatch said that on the new language for a new body of water, he is concerned with the disruption or restriction of irrigation water.

Mr. Donaldson said an order would be on conveyance of a recreational vehicle. Conveyance is defined in the rule. There is no intention to restrict any water rights. The involvement of the water companies comes when we put together the control plan. In the two situations with Electric Lake and Red Creek, the water people have been very involved and want to do everything they can to stop the spread.

Mr. Hatch would like to put new language under C(iii), adding C(iv) with something like, "A closure order may not restrict the flow of irrigation water without the consent of the controlling entity of the body of water."

Mr. Bushman said the Directors authority under a closure is defined in statute. The statute is clear in the Director's authority as to the water body being closed, it is to the conveyance of vessels or equipment into the water, or the requirement of decontamination. There was a lot of concern at Electric Lake if the mussel moved down the water system asking if they would be responsible for this. The answer is absolutely not, you cannot stop the flow of water.

Mr. Donaldson said the statute does not address the issue of the restriction of irrigation rights. We could add that language.

Mr. Bushman said that is not necessary, because the statute does not authorize the Director to have a closure that would block the flow of water.

Mr. Hatch said administrative rules get us in trouble all the time.

### **RAC Recommendations**

Central- Mr. Fairchild said they passed the recommendations unanimously.

Southeastern – Mr. Sanslow said there were a lot of questions that were satisfied and they passed the recommendations unanimously

Northern – Mr. Hodson said they were concerned that they did not see the wording changes prior to the RAC meeting. Their motion was to table this recommendation and this passed unanimously. They recognized that the Board would probably go ahead and act on it because they would have more information. They did not act on it because of lack of information.

Southern – Mr. Albrecht said they passed the recommendations unanimously

Northeastern – Mr. Christensen said there was positive feedback on this rule and they passed the recommendations unanimously.

### **Board Discussion**

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

**MOTION: I move that the Director cannot authorize the restriction of the flow of water without the approval of the controlling entity.**

Mr. Bushman said he does not think we have the authority to put that into statute, but to put it in rule for clarification is alright.

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

**MOTION: I move that we approve the Division's recommendations on the AIS Amendment R657-60.**

- 10) Memoranda of Understanding between DWR and Wildlife Services  
**(Action)**

Kevin Bunnell, Mammals Coordinator presented this item. He said the precedence was set back in the early 90's when these MOUs were first originated with Wildlife Services that these are both joint board policy between DWR (Wildlife Board) and the Agricultural and Wildlife Damage Prevention Board. This did not go to the RACs. He presented the two MOUs which needed some updating and GPS location of the take site is now included. The first MOU is for coordinating livestock damage compensation and the second if for the disposal of protected predatory mammal parts. (See Powerpoint Presentation). He then covered these MOU issues.

Mr. Bunnell then went on to discuss the latest wolf delisting that became official on Monday May 4, 2009. He referred to a map showing the area. The Utah Wolf Management Plan is again in effect in the delisted portion of Northern Utah. He is concerned about someone not knowing which side of the line they are on as to the delisting area. We have worked with the Farm Bureau getting the word out so people will know which side of the line they are on.

He discussed the great number of miles a wolf can move over a short period of time. Undoubtedly there are wolves coming in and out of the state from time to time. We do not need to be overly concerned about that. Once wolves are established in the state and they begin breeding, we will know when that occurs. This concluded the presentation.

### **Board Discussion**

Mr. Howard asked why the North Slope was not initiated in this border.

Mr. Bunnell said this came from the Fish and Wildlife Service and we had no say. We tried to get the entire state of Utah delisted.

Director Karpowitz said there were at least three letters signed by the Governor objecting to this line and suggesting other approaches, but no changes were made.

Mr. Woodard said there are issues with Wyoming's wolf management plan. Has our plan been approved?

Mr. Bunnell said we have asked to have our plan reviewed by the Fish and Wildlife Service. They have no plans on restoring wolves to the state and are not interested in looking at our management plan for approval. We have tried to raise these issues over and over again, but have not been listened to up to this point.

Mr. Perkins said, as a reminder, we need to look at the delisting portion. A wolf in the delisted area can be taken by a rancher if the wolf is caught in the act. If they find a dead animal, what can they do?

Mr. Bunnell said if Wildlife Services, or someone from the Division confirms that an animal was killed by a wolf, there is some stipulation that it may be removed by agency action or at some point, the landowner.

Mr. Perkins said if it was confirmed, the landowner could be authorized to remove a wolf in the area three days later?

Mr. Bunnell said yes.

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

**MOTION: I move that we accept the Memoranda of Understanding between the DWR and Wildlife Services.**

Mr. Bunnell said this will not be official until the other Board approves it as well, but they are in agreement and we will be operating under this.

Mr. Johnson said, for instance, we have a migrating wolf that comes into San Juan county, it kills livestock and then what can be done?

Mr. Bunnell said they do not have the authority to take that wolf because it is in the endangered area. Our plan is only for the delisted area.

Mr. Hatch said AFIS is under tremendous scrutiny. Do we have anything in place?

Director Karpowitz said the \$500,000 plus that we send to them could not be used for controlling coyotes. They help us with a lot of cougar and bear problems, and now wolves. There was a consortium of environmental groups that made a list of issue they want to work on and the top priority was elimination of Wildlife Services. If they were gone it would fall to us to take care of these problems. It is very concerning. We have a good working relation with Wildlife Services and we would lose a lot without them.

Mr. Bunnell said that is just from a Wildlife standpoint. The issues would be much greater on the livestock side of things.

Robert Judd with the Utah Aquaculture Association asked if the Division or Wildlife Services has considered damage control on the same type of situation for non mammal predators that prey upon aquaculture facilities.

Mr. Bunnell said eagles are currently captured and moved, for livestock, but not aquaculture. Aquaculture is not included because that work is paid for through the head tax in livestock. There is not anything like this in place for aquaculture.

Director Karpowitz said Wildlife Services has many responsibilities. One of the main duties is with bird control around airports. They also help with urban wildlife situations.

Mr. Johnson asked about eagles coming into their aquaculture situation.

Mr. Judd said in Utah it is more night herons, blue herons, cormorants, pelicans and osprey. Why does big game get help for damage and not these?

Mr. Johnson said in Oregon they put wire over their hatchery facilities with white streamers on them. This works quite well for them.

Mr. Judd asked why big game gets help for theirs and aquaculture does not.

Mr. Bunnell said because of the livestock head count tax that pays for it.

11) Sam Hyde – Certification Review Committee Variance Request **(Action)**

Staci Coons, Certification Review Committee Chairman presented this request to allow possession of redbside shiners for personal use. She then went over the analysis and recommendation of the committee. (See Attachment #1)

Mr. Hyde said he is going to get brood stock from the wild, raise them in a separate facility with well water, raise them until he can get a spawning and get his own brood stock. He will then move them to the main facility, get rid of the wild stock and look to sell the dead fish for bait. His grandpa and dad have been raising rainbows for 30

years. We are quite knowledgeable in raising fish, but we do not know a lot about the specifics on the redbreast shiners. Ms. Coons recommended a book to help with this.

Director Karpowitz said normally we do not take fish from the wild and provide them to private aquaculture, but this is providing us with a service that we are in need of. With VHS in the Midwest, a lot of baitfish are being shipped all over the country. Even though they are frozen, this could potentially bring VHS to Utah. This request would provide a source of instate bait free VHS for the private sector. That is why we are supporting this. We do not want to make it a regular habit to take fish out of the wild for propagation.

Mr. Perkins asked if these stipulations are agreeable to Mr. Hyde and he said they are.

The following motion was made by Ernie Perkins, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we approve the COR requested by Sam Hyde along with the stipulations.**

12) Late Season Spearfishing Closure at Fish Lake (**Action**)

Walt Donaldson, Aquatics Section Chief presented this closure. He gave some background on this proposal. (See Attachment #2) Last year, spear fishing became popular for lake trout in Fish Lake. Crowds were drawn in the fall as it became more popular and it became worse as there were disparaging remarks on the value of these fish. Some were well in excess of 5-10 pounds and they live to be up to 10-15 years old. Fishermen who fish there were upset about this. Before the season starts again, we need to address this. Given these concerns we have been in contact with the spearfishing groups in Colorado and Utah, notifying them that we were going to make a recommended change on the season at Fish Lake until we get the proclamation done for calendar year 2010.

Our recommendation is for underwater spearfishing at Fish Lake both game and nongame fish, is permitted from June 2- September 15, 2009. In order to protect spawning lake trout during the vulnerable period and to address respective public concerns, underwater spearfishing will NOT be allowed from September 16 – November 30, 2009.

Chairman Niemeyer said he saw some of the spearfishing that took place this past fall, and it is not a time to be spearfishing.

Mr. Donaldson said they did receive some reports of some illegal takes. They do not feel that enough of those big fish have been taken to hurt the fish population at this

point, but we have heard that some tournaments are being planned targeting these fish. We wanted to stop this immediately.

Mr. Woodard asked if there have been any problems like this at Flaming Gorge.

Mr. Donaldson said Flaming Gorge has some substantial fish to be taken. We actually approved night spearfishing, but the target there was burbot.

Mr. Hatch said he is confused about the dates.

Mr. Donaldson said spearfishing is closed in all Utah waters except for carp from December 1<sup>st</sup> - June 1<sup>st</sup>.

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

**MOTION: I move that we accept the Division's recommendations on the late season spearfishing closure at Fish Lake.**

13) Variance Requests **(Action)**

Judi Tutorow, Wildlife Licensing Coordinator presented these remaining requests with phone calls.

Stacy B. Adams said he hunted one day and then was notified that his grandfather passed away. When he found out about this, they went home to help with the arrangements. He has been putting in for 13-14 years and would like to be able to hunt in that area. He would like his Monroe (late) limited entry bull elk hunt extended for the 2009 season.

Chairman Niemeyer asked how long he got to hunt.

Mr. Adams said about one half day.

Mr. Hatch asked when he notified the Division about this.

Ms. Tutorow said it was well after the season was over, in February.

Mr. Adams said he did not know he could make a request, that is why the delay.

Mr. Hatch asked if the Board should make a policy for these to be turned in within a time frame.

Ms. Tutorow said there is a 200 day period that they have to turn in their documentation and if that lapses we cannot hear their case.

Mr. Hatch said that should be shortened.

Chairman Niemeyer said he wonders if it should be shortened and if this should be put in the proclamation so they would be aware. We should discuss this as a Board somewhere in the future.

The following motion was made by Ernie Perkins, seconded by Lee Howard and passed unanimously

**MOTION: I move that we grant the variance request for Stacy B. Adams on his Monroe late limited entry bull elk hunt.**

Ms. Tutorow said they are reviewing the Variance Rule right now, and also the Error Rule. Word has gotten out and we are looking at these.

Mr. Bushman said they are also looking at eliminating season extensions. It is getting harder and harder to manage. We are looking at some other areas where we can grant relief. If the Board has any ideas on this, they would welcome them.

Director Karpowitz said they are also looking at doing legislation on a surrendered permit to give refunds.

Mr. Howard asked if Mr. Hatch had a certain period of time in mind if this is shortened.

Mr. Hatch said he thinks that 30 days would be ample time, or maybe even 10 days to notify the Division and surrender their permit. We need to draw a line because more and more people are becoming aware of this. It is going to snow ball.

Director Karpowitz said they can take that advice into their discussion and bring it back to the Board. We have the same concern.

Chairman Niemeyer said it should be shortened for sure and put in to the proclamation.

Mr. Brady said they would like a date received on each of the variance request documents.

Ms. Tutorow said the dates are on the cover sheet. If they tighten up the Variance rule and they by pass the Variance Board, it might end up the Wildlife Board will hear more of these instead of less.

Mr. Bushman said the problem is with the season extensions. The Division could move to restoring bonus points, but people want season extensions. Now that we have broader authority for the Board, the season extension could become obsolete.

Mr. Hatch said he would rather give money back. If you turn in your permit prior to the first day of the hunt we could look at reissuing.

Mr. Perkins said bonus points returned would be preferable to season extensions.

Mr. Johnson asked if we are getting to the point where season extensions are having a biological effect.

Director Karpowitz said no.

#### Wayne Fiddelke – Variance Request

Mr. Woodard said before we look at this, he was recommended to do this by one of our officers.

Chairman Niemeyer said the guide he was with was a friend of his. What they did is they called Chairman Niemeyer when they got home. It was a smaller bull that they finished off. Jeff Bates, the guide, feels bad about this because he told him to tag it. Chairman Niemeyer got a hold of some others to get some input. He has never seen anything quite like this.

Chairman Niemeyer said they technically should not have shot it and once they did they were somewhat victimized, in that they did the right thing and the other hunters pretty much got off the hook.

He said that while we are waiting, he wants to make the Board aware that Bob Christensen will take over the Northeastern RAC and Terry Sanslow will take over in Southeastern. They will both do a good job.

Director Karpowitz said there has been some confusion of whether a RAC Chair can serve more than a two year term. Mr. Bushman researched this and they cannot and we are sticking to that from now on.

We got Mr. Fiddelke on the phone. He told the entirety of his hunting experience. It happened on a Sunday and half way into their hike, they heard a shot and proceeded into the canyon. A little while later they heard some voices that they had hit an elk. They continued up the canyon and about 15 minutes later they came upon an elk that was down on the ground, thrashing around. They waited there 5-10 minutes, trying to decide what to do and finally shot it. They stayed by the elk and figured the guys who had shot it would come along. Finally they came over the ridge and as soon as they saw them down by the elk they turned around and left. Mr. Fiddelke did not know what to do. He had shot it and he did not feel like he could just leave it. They did not know what the other guys were going to do. They decided to try to get it out of there and tag it. He was not sure what should have been done in this situation. He had contacted both Doug Messerly and Paul Niemeyer.

They went up the next day to get it out and passed the hunters who most likely had shot the elk. They did not ask about the elk. They took the elk to the locker. The guide's son, Jeremiah who had taken Mr. Fiddelke hunting had shot an elk on Tuesday and they helped him get it out and to the locker the next day. At the locker, they saw the same pick up truck they had seen after passing the hunters when they brought the first elk out, but did not recognize the guy. The guide was back talking to the guys at the locker, and one guy said he had shot this elk, the one the son had shot, too. At this point they started to piece things together. The guy had told the locker employee that he had seen us down by the elk and did not want a confrontation, and he also thought it would be too hard to get the elk out of there. We realized this was the hunter we had seen in the canyon. He had brought in an elk the same day as when we brought in the Jeremiah's elk. It was a nice bull and was not cut up.

We talked to numerous officials that said if we had not taken the elk out of there, it might have made a difference, but we felt we had to get it out of there. We would not want to have wasted it. Things kind of came together at the locker after the fact. After we shot it and put it down, I looked around and did not see any blood. I do not think they ever would have found it. It was a bad situation, but I still think I did the right thing by putting it out of its misery. Does the Board have any questions? Mr. Fiddelke is asking that consideration be given to extend his elk hunt to 2009.

Mr. Howard said we addressed a similar issue in an appeal. This is somebody who did something that was right, put the bull out of its misery and is now paying for it.

Mr. Perkins asked if Mr. Fiddelke is prepared and willing to turn in the antlers and the remainder of the meat.

Mr. Fiddelke said absolutely.

Mr. Hatch said on his Nov 24 letter, he is confused. At the bottom of the letter where it refers to Jeff's boy Jeremiah shot the bull and took it into the locker. It says this guy was taking pictures of the son's bull.

Mr. Fiddelke clarified that he thought that bull was the one we shot in Splatter Canyon. He took a picture of the son's bull and said he shot this bull also.

Mr. Brady asked if we can just give him the bonus points back rather than extend the season.

Mr. Bushman said they can reinstate bonus points, extend season, or issue another permit.

Mr. Brady asked how many bonus points he had.

Ms. Tutorow said five going into the '08 draw, counting application for that year it would be six.

Mr. Fiddelke said the guy who gut shot that elk did not fill his responsibility. He did not do his part. He did the right thing and he wishes he had not taken it out of there. He just didn't know. It is whatever the Board decides.

Mr. Johnson asked what type of unit the Fish Lake is.

Chairman Niemeyer said 4-5 year old bulls. The late hunt is a good hunt. The bulls are pretty available on that unit if you know anything about it.

Director Karpowitz asked if the Board can waive a waiting period.

Mr. Bushman said yes they can.

The following motion was made by Ernie Perkins, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we restore Mr. Fiddelke's bonus points, including 2009, waive the waiting period and he does not have to surrender the meat or antlers.**

Mr. Woodard asked what a hunter should do in this case.

Director Karpowitz said he would put it down, clean it out and call an officer.

Chairman Niemeyer said the guy who actually shot it was contacted by the Division, but he said he did not want a confrontation.

Mr. Albrecht said they were in that Gooseberry area with some hunters and it was the same type of circumstance and bull came down through there and flopped right in front of us, still alive. We waited there for over an hour and nobody ever came. We shot him and the sound of the shot brought the hunters and they were really glad and took the bull.

14) Other Business **(Contingent)**

Election of Chair and Vice-Chair and it will be effective August 16, 2009.

Chairman Niemeyer said nominations are now in order for the Chairman. We will do the Vice-Chair separate.

Mr. Howard asked if we could have an indication of those who would be interested in being the Chair.

Rick Woodard was voted the Chair by acclamation.

Mr. Brady nominated Mr. Perkins and Mr. Howard nominated Mr. Johnson for vice-chair. The Board voted on secret ballot and Mr. Perkins was voted the Vice-Chair.

Rick Woodard will serve as the new Chairman of the Wildlife Board. Ernie Perkins will serve as the Vice Chair of the Wildlife Board.

A discussion took place as to when the next Board meeting is and two to three hearings the day before.

A discussion of who will be going to WAFWA took place.

The meeting was then adjourned.