

UTAH WILDLIFE BOARD MEETING
Summary of Motions
March 4, 2010, DNR Auditorium, 9:00 am
1594 West North Temple, Salt Lake City, Utah

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

The following motion was made by Bill Fenimore, seconded by Keele Johnson 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 Bill Fenimore and passed unanimously.

MOTION: I move that we approve the minutes of the January 6, 2010 meeting as presented.

The following motion was made by Bill Fenimore, seconded by Ernie Perkins and passed unanimously.

MOTION: I move that we approve the minutes of the January 27, 2010 meeting as corrected.

3) CIP – R657-53 Rule Amendment – Venomous Snakes (**Action**)

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

MOTION: I move that the Wildlife Board not adopt the proposed changes to Rule R657-53 with the exception of adopting section R-657-53-26, excluding paragraph (4).

4) Drawing Application R657-62, Rule Amendment (**Action**)

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

MOTION: I move that we approve R657-62 as presented by the Division.

5) Lifetime Hunting and Fishing License R657-17, Rule Amendment (**Action**)

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

MOTION: I move that we approve R657-17 as presented by the Division.

- 6) CWMU for Small Game and Waterfowl R657-21, 5-yr Review (**Action**)

The following motion was made by Tom Hatch, seconded by Bill Fenimore and passed unanimously.

MOTION: I move that we approve R657-21 as presented by the Division.

- 7) CWMU Advisory Committee Report (**Action**)

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

MOTION: I move that we approve the CWMU Advisory Committee Report as presented by the Division.

UTAH WILDLIFE BOARD MEETING
March 4, 2010, DNR Auditorium, 9:00 am
1594 West North Temple, Salt Lake City, Utah

Board Members Present

Rick Woodard – Chair
Ernie Perkins – Vice Chair
Jim Karpowitz – Exec Sec
Keele Johnson
Tom Hatch
Jake Albrecht – excused
Bill Fenimore
Del Brady

RAC Chairs Present

Steve Flinders – Southern
Terry Sanslow – Southeastern
Bob Christensen – Northeastern
John Fairchild – Central
Brad Slater – Northern

Public Present

Lee Howard
Chuck Elliot
Jon Roylance
John Lovato
Tim Fehr
Jamison Hensley
Rich Bergan
Jim Barker
Pam Rasmussen
Shane Provstgaard
James D. Dix
Dave Jensen

Division of Wildlife Resources

Staci Coons
Cindee Jensen
LuAnn Petrovich
Dean Mitchell
John Fairchild
Mike Canning
Doug Messerly
Bill Bates
Kevin Bunnell
Kevin Christopherson
Martin Bushman
Justin Dolling
Mike Fowlks
Anis Aoude
Greg Sheehan
Suzette Fowlks
Walt Donaldson
Judi Tutorow
Dave Olsen
Bryan Christensen
Boyde Blackwell

Chairman Woodard welcomed the audience and introduced the Wildlife Board and RAC Chairs. Jake Albrecht was excused today because of illness. He then reviewed the agenda. The WAFWA item will be dropped from “other business,” and Tim Fehr would like to address the Board with a concern at that time.

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

Chairman Woodard said the items on other business will be removed from the agenda.

The following motion was made by Bill Fenimore, seconded by Keele Johnson 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 Bill Fenimore and passed unanimously.

MOTION: I move that we approve the minutes of the January 6, 2010 Wildlife Board meeting as presented.

The following motion was made by Bill Fenimore, seconded by Ernie Perkins and passed unanimously.

On p. 1, last line, correct name to “Debloois.”

MOTION: I move that we approve the minutes of the January 27, 2010 Wildlife Board meeting as corrected.

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

Mr. Perkins said there is only one item on the action log, March 6, 2008 on the release of snakes. It will not be done today, but will be brought back in May. That is the only correction and there are no other items for today.

4) DWR Update (**Information**)

Director Karpowitz said there is quite a number of bills at the legislature this year that affect the Division of Wildlife, including some budget issues. He then went over the status of the bills that have the most impact on the Division.

The Division had two proposed bills that passed early in the session, the Wildlife Licenses Certificates and Permits amendment, that gives the Board authority to determine when refunds are appropriate and we also amended the Livestock Damage Compensation to allow for wolf damage in the delisted area, according to our Wolf Management Plan.

Onto other bills, the Habitual Wanton Destruction of Wildlife bill by Representative Oda is just about complete. It is a three strikes and you are out bill, after two misdemeanors in seven years, the third becomes a felony.

The two Streambed bills that went through the legislature with the first bill by Representative Fowlke failed in the House and is done. The other bill, HB141, by Representative McIff has passed the House and is in Senate rules, so it is not quite finished. This bill returns management of private streambeds to the pre-Conatser decision.

There are quite a number of bills that effect Division employees and he will not talk about those. The Hunting Guides and Outfitters Act had a few minor changes by Representative Vickers and it has passed both Houses. There was a bill to reverse the Board's decision on the length of the general deer season, to move it back to nine days. It was discussed in house by the Natural Resources Committee and was tabled, which means it is probably dead for the rest of this session.

There is also another bill that involves fishing licenses. It says that the Division and the Wildlife Board will now have authority to make rules to provide discounts to disabled veterans. That bill has passed the House and is headed to the Senate. We do not feel that bill is necessary, because the Board already has that authority. It will probably pass and we will look at this in the future on how we will address those discounts.

Senator Christensen's Wolf Management Bill passed. It clarifies our wolf management plan in that it says that until wolves are delisted statewide, the Division will not allow establishment of wolves in the delisted area. This has passed and is headed to the Governor. The rest of the bills out there will most likely not be acted upon. He then asked if there were any questions on legislation. He appreciated Mr. Woodard and Mr. Hatch coming up and testifying on the deer season length bill.

Mr. Fenimore asked how the Wolf Bill deviates from the current management plan.

Director Karpowitz said the original bill had a problem in that it directed the Division to remove wolves where they are listed as endangered species. That would have been contrary to federal law, so it was changed. The Wolf Management plan never envisioned Utah being delisted a piece at a time, but rather state by state. When just the small portion of the state was delisted, it threw us a curve. Our Wolf Management plan allows for the establishment of two packs of wolves in the state and only went into effect when wolves were delisted. The legislature clarified that we will have a no pack rule until the entire state is delisted. We have moved forward with our request to delist all of Utah, but are not sure what will happen. He went on to discuss the wolf situation in surrounding states. A lot of things are going to happen in the future and we will work toward delisting. That has always been our goal, to get wolves delisted as soon as possible and under state control.

Mr. Hatch asked if HB141 passed.

Director Karpowitz said it is in Senate Rules and will go to the floor sometime in the next week.

He went on to talk about the drawing and what has taken place in this last week. Mr. Sheehan is here to explain the rationale behind extending the drawing date. Late Sunday evening, we discovered that our drawing process on the internet was working very slowly and there was a lot of frustration. By Monday morning a lot of people were having trouble. We contacted the drawing contractor and found there was a problem in the system, instead of allowing a couple thousand people in an hour to apply, it was allowing

only about 20. We also discovered that there was a great deal of confusion about the ending date for applications. On the first page of the online application at the top, it appeared that the drawing was open until March 8th. If you did not go down and read the red print, it led you to believe that the drawing was open until March 8th, rather than March 1st. Given the problems with the drawing on the internet and the confusion on the ending date, we felt we should extend the end date by one week. There are people who got into the drawing early on and are upset about this. He asked Mr. Sheehan to present some information on this issue.

Mr. Sheehan, Administrative Services Chief, showed some slides relative to the 2010 Big Game application process. We have had to extend the application period in the past for a day or so. Our first concern is that our customers are able to apply within the time period given them. Our contractors are here today if anyone has any questions. Mr. Sheehan went on to show a series of historical graphs. He then showed a graph indicating when applications occur during the timeframe. The vast majority happen in the last few days of the draw period. Because of problems, it effectively dropped way off on Sunday because of problems with the system. He showed a Cumulative Web Applications Graph that illustrates it to be very similar to last year. Next was an Application Numbers for Limited Entry and OIAL permits graph.

The argument that extending the application period is going to create thousands of new applicants is not online to happen. The majority of the applicants have already gotten into the draw. Mr. Sheehan apologized for the stress and difficulty that this has caused some of our customers. We started monitoring Monday for actual complaints. The majority of people that have called in have thanked us for extending the time period. There have only been a few calling and complaining about allowing the "procrastinators" more time.

Director Karpowitz said the drawing contractors are here today. We have a very complex drawing system and the contractors do a great job in handling this for us. They deal with a massive number of applications toward the end of the drawing period. There are very few errors and we are able to handle hundreds of thousands of applications in a short period of time, that are being submitted in a variety of ways. I am very pleased with our contractors.

Mr. Fenimore asked if there is correlation between the number of applications and the number of permits issued.

Mr. Sheehan said the odds in 1998 indicated we had 48,000 people trying to get 2,600 permits and now we have 198,000 people trying to get somewhere around 5,000-6,000 permits. Overall we are close to 1 in 38 right now. The increase in applications last year was an addition of 6,100 new residents and we brought back 32,900 nonresidents. The drop off and recovery was mostly nonresidents.

Mr. Fenimore asked why the drop off during the 24 hour period. Was that a computer glitch in the programming?

Don Sefton from System Consultants in Fallon, Nevada, explained what happened on Sunday. We were taking about 2,000 applications an hour on Sunday. That was about two thirds of the historical high, well below volumes seen the last two years without any problems. The database decided to expand on Sunday around 6:05 p.m. We had changed databases from Microsoft sequel 2000 version to the 2005 version, which was the latest proven version. It performed better during the test, but the 2005 Microsoft attempted to expand and tried to make too great an expansion. This is a bug in the program. Once it held off the applications during this, it backed up and the system could not handle the volume. We made changes on Monday to accommodate the back up, and by noon on Monday, we had taken care of the problem. What will prevent this from happening again? We will force the database expansion earlier on and make room for the influx of applications towards the end of the application period. His people got right on the problem, working around the clock to resolve the problem as quickly as possible.

Mr. Johnson said he feels the System Consultants people are white washing the Division. He thinks there is a problem with computer capacity and whether they have fiber optic. Are they expanding their computer capacity? This frustration in applying happened to him last year too. He is also concerned about how much business we lost because of this problem. Many people are not that computer literate and they won't realize that the Division extended the deadline. We will lose about half the people. If this happens next year, I will do everything in my power to get a new contractor. I don't think this is funny at all. I was finally able to get my Dad's application in at 1:00 a.m. He figured it was a jammed up system. It went through just fine then.

Mr. Sefton said if there was a problem last year, it was an individual problem, not the entire system. Individuals might have a problem on their end. We did not have wholesale problems last year. Our call logs show that the counts we had did not reflect issues. We are not here to white wash the problems we had this year and there is nothing funny about it. He then went over the capacity expansions that they have done for this year. In the past there was one web server dedicated to Utah, but we now have a farm of web servers that step up if there is a problem. This year we had a problem with the data base server. Last year we never got above 10% utilization of that data base server. This year we hit 96% and that is where the problems started. With regard to what we cost the state by this being down, the draw process is surprisingly elastic. He has heard that this actually will give more opportunity to apply. His experience with the draw process is that people get frantic, but they do not give up. The rate of re- application from year to year is very consistent. Once people get bonus points in the system, they are committed. The folks who leave the system from year to year are usually first time applicants.

Mr. Johnson said on the money side of things, he is very concerned about surviving in this economy. This money is very important to the Division at this time. This is not a good time to be losing this source of revenue.

Mr. Sefton said when we renegotiated the contract this year, the cost went down. Every year they do something to expand capacity and will continue to do so to take care of this drawing. We have three servers dedicated to Utah in our office.

Chairman Woodard said he appreciates the explanation and help on this issue.

Director Karpowitz informed the Board on two endangered species candidates. One is Pika, on which the decision is that it is not warranted for listing. It is a credit to our people who gathered really good information that helped make that decision. The sage grouse decision is due tomorrow and we are hoping it will have a similar outcome.

We had a sheep die off in Daggett County in the bighorn herd on Goslin Mountain, that we had just opened for hunting this year for the first time. This winter we started seeing dead sheep and sick animals. He did an emergency closure on that unit. For anyone who has applied for that hunt, they are allowed to amend their application and apply for another hunt. We are in the process of eliminating the herd. We cannot afford to have this sickness spread with the Bear Mountain population a few miles to the west.

Director Karpowitz turned time over to John Fairchild for an update on Emigration Canyon.

Mr. Fairchild, Central Region Supervisor, said Scott White and he met with the Emigration Township Council early in February and went through the process involving them and other stakeholders in looking to establish an archery hunt boundary that addresses public safety concerns within Emigration Canyon and also the concerns of those who like to hunt with a rifle in areas that could be safe. We let them know we have formed a committee and are finalizing two dates this month for them to meet. We will share information for this group to come to a decision and work through the options. As a Division, we will bring recommendations at the April RACs and have it on the Board agenda in May.

Chairman Woodard explained protocol for the meeting and process for public comment.

5) CIP – R657-53 Rule Amendment – Venomous Snakes (**Action**)

Krissy Wilson, Native Aquatic Species Coordinator presented this agenda item. She thanked the public for coming today and also the Board and Division. This proposal has changed since it was presented to the RACs. Initially the Division had proposed two species for personal possession, Great Basin rattlesnakes and midget faded rattlesnakes. As the process started at the Central and Northern RACs, they received a lot of good comment from the public there. Those two RACs recommended that we drop the midget faded from the proposal and only propose the Great Basin rattlesnake. These are the two species that are the most widely distributed in Utah. The knowledge that we gained through the RAC process is that due to events that are happening in eastern Utah, which is the distribution area for the midget faded includes severe drought, including alterations and loss of habitat for the species as well as fragmentation caused by energy and gas development. There have been reports of folks killing snakes in areas where they are working in the oil fields. Those three factors have impacted the population of the midget faded. It also has come to our attention that the midget faded is very narrowly

distributed, only in eastern Utah, western Colorado and southwestern Wyoming. That is their entire range throughout the world. This is a rare species and is considered statewide imperiled in Colorado and Wyoming. These neighboring states fear that if collection is allowed in Utah, poaching will increase in their states and they will bring them to Utah and say they were collected in Utah. In cooperation with these states, we have removed the midget faded from our proposal. The new rule was distributed to the Board and there is a copy available for any interested parties.

Ms. Wilson went onto say that as they were going over the language for this rule, it came to their attention that there might be some ambiguity in the language concerning propagation. Martin Bushman, Assistant Attorney General, went through and clarified the language. This is new language that has been added since it was presented to the RACs. On p. 18, R53-26 2(b) under Propagation of Amphibians and Reptiles, the language clarification is that they would have to have a COR for the propagation of the controlled species.

Ms. Wilson then presented the Division's proposal to modify rule R657-53 to allow collection, importation, possession, and propagation of Great Basin rattlesnakes and change the classification from prohibited to controlled. She then went over definitions of prohibited and controlled species. (See Powerpoint Presentation) The number of rattlesnakes an applicant may possess, applicant criteria, and permitted collection areas were discussed. A map of the Great Basin area was shown to discuss where collection was allowed.

The Division may deny an application to anyone who has been convicted of a crime of moral turpitude, cruelty to animals, user of a controlled substance, failure to obtain the necessary approval.

Safety requirements were presented including details on facilities, cages, emergency kits, handling equipment, and transportation protocol. They may not collect gravid (pregnant) females from wild, may not obtain gravid females from a non-wild source without a propagation COR and must notify the Division immediately. The regulations for importing rattlesnakes into Utah were covered.

Mr. Hatch said it was indicated that the Division requires that they have permission from local government entities, what if a local entity does not have an ordinance in place?

Ms. Wilson said they would have to prove to them that there is no ordinance in place that would prohibit them from holding snakes in that local. It has come to our attention that many cities across the Wasatch Front do have dangerous animal ordinances in place. Most of them do prohibit the possession of venomous reptiles. We have had calls from several of the city officials asking us if we could delay implementation of this rule to allow them time to get their rules changed to prohibit folks from holding venomous reptiles.

Mr. Fenimore asked if they have any sense of the community feeling in the Great Basin area that have prohibitive ordinances in place. How might we be contrary to what is being proposed in these communities?

Ms. Wilson said most of the cities along the Wasatch Front do have a dangerous animal ordinance in place that prohibits venomous reptiles.

Chairman Woodard asked if there were any questions.

Chuck Elliot of Draper, Utah asked about information on the midget faded. Are there any scientific studies that support the information on them? If not, I would like to propose that a study be done on them.

Chairman Woodard said the midget faded has been taken out of the proposal.

Public Comment

John Lovato, Cottonwood Heights City said he has read the proposal. Do we allow regular citizens to possess rattlesnakes? We need to look at the benefits that would come from allowing them to have a rattlesnake verses the consequences. He has done some research and has found no benefits. Who would want these rattlesnakes? There are folks that are out there who do good things with snakes, but there are also people who use rattlesnakes with drug dealings. They use them to hide and protect drugs. When the police come in with a search warrant to look for drugs, the rattlesnake is right there to keep them away. Secondly, in the event of an emergency, fire, ambulance, and police do not know what types of situations they might go into, where rattlesnakes might be located. The negative consequences far out weigh the positive. The majority of the animal shelters do not have the facilities to secure these types of animals. There are only three entities out there that can secure these animals. Our city is opposed to allowing private citizens to keep rattlesnakes.

Chuck Elliot from Draper City, said we live in a state where we allow fully automatic weapons, pit bulls, and lion fish. A lot of dangerous things go on in the state and responsible people are going to do the right thing. This measure should be supported. He lives out in Draper and has almost stepped on rattlesnakes in sandals. You cannot protect people from rattlesnakes. Those who are going to have snakes illegally will have them anyway.

Dave Jensen of Holladay, Utah thanked Ms. Wilson and the Division for listening to the public and making the changes on the midget faded rattlesnake. This is an open and receptive process. Excluding the midget faded from this proposal was the right thing to do. The midget faded is imperiled throughout its range in all three states where it is found.

Mr. Fenimore asked where he stands on the rule at this point.

Mr. Jensen said he is fine with the rule as long as the people involved are required to demonstrate proficiency in handling and have some extensive knowledge and understanding of venomous animals.

James Dix, representing Reptile Rescue Service said as they go out and remove rattlesnakes from homes for public safety, often snakes get right into houses or garages. His concern is about the high number of snakes being allowed in the rule. He uses rattlesnakes for law enforcement training, animal control training and general public education. He does not hold 18 snakes and does not need that many snakes. He removes a lot of snakes wrapped around pipes in condominiums and apartments. These are harmless king snakes. He is also concerned that people who have not been properly trained would be handling venomous snakes, which act a lot differently than non-venomous snakes. He does not consider handling non-venomous snakes as proper training. He is concerned about people getting drunk at parties and pulling these snakes out of cages to show them to their friends. These are concerns. We see a lot of things the general public does not see with dangerous problems surrounding these venomous reptiles. Most cities have a wild and dangerous animal ordinance. Mr. Dix presented some petitions (Attachment #1) to the Board that have been signed by various city officers with their comments and feelings on having to capture escaped venomous snakes. On the positive side, if you are qualified for handling and can be responsible and take care of them, it is okay. Somebody with non-venomous experience is not qualified.

Jim Barker, Animal Control Officer from Springville City and President of the Utah Animal Control Officers Association, said they recently completed a conference for animal control officers and shelter workers in Moab. They had a discussion on this issue there where they were opposed to allowing the general public having venomous snakes in their homes. He is in agreement with John Lovato who spoke earlier in public comment. This is very much a public safety issue. We are the ones who would be on the front lines to remove snakes if there was a problem. Our animal control officers would not want to do that. The Utah Animal Control Officers Association is against this proposal.

Rich Bergan, Sandy City said they are also opposed to this proposal. Mr. Dix has been a good resource to them, but as an animal control officer we cannot get the routine handling training. He feels it would put those who work for him in jeopardy if they had to go into homes where there were venomous snakes. They recently went through an effort to ban pit bulls in Sandy City. Those who were opposed were good responsible pet owners, but that is not who we are concerned about. They have a hobby permit in Sandy City to have more than two dogs. People go through a lot to get this permit, but every year we have violations. There is no good reason to impact our neighbors with an open situation to have 32 rattlesnakes in possession. We need to think about the need verses the risk in this situation.

John Roylance of Herriman City, Utah is in favor of this proposal. He is an avid field hunter and has gone throughout most of the western United States looking for snakes for a collection of photographs. He has kept and bred non-venomous snakes for 20 years. He has handled 1000's of rattlesnakes throughout the years in Arizona and California. If

you are trained and they are handled properly, there is no reason that somebody should not be able to have these. He talked about toxic saltwater fish that people can keep here in Utah and there is no reason they should not have them. He talked about dog attacks, 4.7 million annually in the U.S. per year with many resulting in emergency room visits, including at least 332 deaths per year between 1979 and 1998. In twenty years only five deaths occurred in the U.S. from captive rattlesnakes. There is no reason for this proposal to not pass.

Jamison Hensley said he's been catching snakes his entire life. In addition to this, some of the valid points the general public is missing are the basis of conservation and education. Reptiles are misunderstood animals that need advocacy. These are potentially dangerous animals, but the Division has come up with a platform to allow us to do this without causing harm to the public or ourselves. In the last 110 years in Utah there have been only five deaths from great basin rattlesnakes. Lawbreakers are going to continue to break the law. We are talking about law-abiding citizens who want to do this for conservation and their hobby. This would also increase the number of people who can help with managing and handling venomous snakes. We are only talking a handful of people who would like to do this.

Shane Provstgaard from West Valley City said he has worked with venomous snakes for the Veterans Hospital, Hogle Zoo and James Dix. He falls in the middle of both opinions that have been offered. If people are well trained, there is no problem with keeping rattlesnakes. He is somewhat concerned with the number of snakes that they are allowed to have in the proposal. He is also concerned that people with non-venomous experience are not prepared to handle venomous snakes. Rattlesnakes will do things that surprise you. There should be three years of experience in handling venomous snakes prior to allowing them into public hands. Responsible reptile keepers are no real danger to the community, but lawbreakers will continue to break the law.

Chairman Woodard referred to a letter from the Six County Association of Governments. (See Handout-Attachment #2) They are adamantly opposed to this rule.

RAC Recommendations

Southern – Mr. Flinders said they passed the proposal unanimously and the midget faded rattlesnake was part of the proposal at that time.

Southeastern – Mr. Sanslow said they passed the proposal with one opposing vote. They voted on the rule, not necessarily on the possession of snakes.

Northeastern - Mr. Christensen said there were concerns about safety, but the main concerns came from the Ute Tribe about safety and some cultural concerns. There was a motion to approve the rule and it passed 7 to 2. There was a revised motion to accept as presented, but add the word "Tribe" on p. 9 where it talks about getting approval from local governments. This passed unanimously. Since that time, the Tribe met with the Division and their concerns have been resolved, basically because of the authority that

the state does not have on tribal lands. Also with dropping the midget faded, it would help resolve the concerns.

Central – Mr. Fairchild said they voted to accept the proposal with exception of the midget faded.

Northern – Mr. Slater said they voted to accept the proposal with exception of the midget faded. There was some discussion and concern on local government permission being included and the Division has made it clear that this will happen.

Board Discussion

Mr. Fenimore said he attended the Northern RAC meeting. There did not seem to be a lot of demand in the current rule as it sits based on those in attendance. There were a few private herpetologists that keep non-venomous snakes and they were not in favor of the proposal. Many of the communities have existing ordinances against this. He is concerned about untrained emergency personnel who might have to go into situations where there are rattlesnakes. He has become aware of illegal activities around rattlesnakes and worried about this rule creating more problems. There are weekly sales on the internet where you can buy, sell and swap illegal snakes in Utah. This might create more of a commercialized market. How do we enforce the current rule to keep those illegal folks from flaunting the rule as it exists? These are some of the comments that I wanted to share.

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

MOTION: I move that the Wildlife Board not adopt the proposed changes to Rule R657-53 with the exception of adopting section R-657-53-26, excluding paragraph (4).

Chairman Woodard asked if he wanted to exempt the wording changes that were made also.

Mr. Perkins said it would be just as easy putting them in later with a much smaller change.

Director Karpowitz said he does not think they are needed if the rule is not adopted and he asked Mr. Bushman about this.

Mr. Bushman, Utah Attorney General's Office, said when he was reviewing the rule, making the changes for the venomous reptiles, there was an oversight in our section dealing with the propagation of snakes. It is clear that on prohibited species, the Division does not have authority to issue a COR, but it does fail to identify, which is inconsistent with our practice, that if a species is controlled for propagation, you must have a COR. It

does not change practice. It would be helpful for clarification in R-657-53-26, all the changes in that with the exception of paragraph 4.

Mr. Johnson said none of the local governments were at the RAC meetings. The RACs did not get the same information that has been presented here today.

Mr. Perkins said there have been numerous compliments to the Division on the drafting of this rule, and the care and stipulations that were in it. Technically it does appear to be a good rule, if we were to adopt the keeping of venomous snakes in the State. In response to the RACs, overwhelming public and entity against the proposal, the absence of significant support by herpetologists during the RAC process around the state and finally the formal opposition by multiple government entities that are against possession.

Director Karpowitz asked Mr. Perkins to re-state the motion and he did so.

Chairman Woodard asked if a single individual comes before the Board, they can authorize a COR depending on the circumstance, like we did with Mr. Dix. Is that correct?

Ms. Wilson said yes.

6) Drawing Application R657-62, Rule Amendment (**Action**)

Bryan Christensen, Wildlife Licensing Specialist presented this agenda item. He gave some background on the rule and the reasons for the proposed amendments; one was to consolidate application procedures, eliminate unnecessary duplication and to make the rule simpler. Today the changes being proposed are quite minor and qualify as housekeeping.

The first item is to duplicate a small section of the 657-38 Dedicated Hunter Rule and place it into the application rule. It is a section describing the loyalty point and how that works. The next item is to include a section describing the application requirement for retention or forfeiture of bonus points (an action of the Wildlife Board in December 2008). The third item is to include wording for restricted bear pursuit permits and Dedicated Hunter CORs.

The next item is to combine sharp tailed and sage grouse within the Sandhill crane section. It is handled within the same drawing application and all aspects of the application are identical. The last is to remove reference to Merriam's and Rio Grande when we talk about applying for limited entry turkey. These are the changes being proposed.

One thing from Central RAC was a recommendation including a larger spectrum for immediate family, including nieces and nephews. They looked back at the rule and there is a definition of immediate family, but it does not reference it as such. Immediate family

has no part in the application. So they removed “immediate family” and it’s definition from that section.

Mr. Fenimore asked if on the section where he went over the various permits, do we need to add in spot and stalk for bear which was recently approved?

Ms. Coons said it is still considered under the limited entry. This is just for the application process. The spot and stalk permit is covered the way the rule is written now.

Chairman Woodard said in several places it is referencing waiting periods. Do convention permits need to be stated in this?

Mr. Christensen said the convention permits are under the limited entry category, under (e). They are treated in a similar manner as sportsmen and conservation permits.

RAC Recommendations

All the RACs passed this proposal unanimously.

Southern – Mr. Flinders said they added definitions of various points, such as bonus and preference.

Central – Mr. Fairchild said the “nieces and nephews” issue would be dealt with at a later time.

Mr. Flinders said they would like to see in the definitions section, an explanation of the various kinds of points we have in the state.

Mr. Bryan Christensen said, relative to Southern’s recommendation, even though it is not in the definitions, it is described in R657-62-8. They would like to see this definition included in some of the other rules also.

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

MOTION: I move that we approve R657-62 as presented by the Division.

7) Lifetime Hunting and Fishing License R657-17, Rule Amendment (**Action**)

Bryan Christensen presented this rule, which is up for the five-year review. The five-year review forces us to look at these rules and see what is still very important and what is no longer relevant. Our goal on this update is to remove obsolete language relating to paper applications and questionnaires. This will enable the DWR to utilize other effective forms of communication and notification, and improve customer service and communications with lifetime licensees. This concluded the presentation.

Chairman Woodard asked if there were any questions.

Lee Howard asked if when the legislature passed this rule, were the lifetime license holders hunting all five regions?

Director Karpowitz said yes, but later on, the Board went with the bi-region concept, so it required that lifetime license holders had to pick a region. They were always given priority and guaranteed a deer tag.

RAC Recommendations

All RACs voted unanimously to accept the recommendation as presented.

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

MOTION: I move that we approve R657-17 as presented by the Division.

- 7) CWMU for Small Game and Waterfowl R657-21, 5-yr Review (**Action**)

Bryan Christensen presented this five-year review. They found one change that they would like to propose. In two sections, it describes how a landowner or a landowner association must provide a nonrefundable application fee. Each year there is a fee schedule that is approved and the application and COR fees are included in that fee schedule. It can fluctuate and rather than have it stay a five dollar fee and then change it later on, we would like it to say, "all nonrefundable handling and application fees in accordance with the fee schedules." That should eliminate us having to bring it back and correct it each time it changes. Currently we do not have any small game CWMUs.

RAC Recommendations

All RACs voted unanimously to accept the recommendation as presented.

The following motion was made by Tom Hatch, seconded by Bill Fenimore and passed unanimously.

MOTION: I move that we approve R657-21 as presented by the Division.

- 8) CWMU Advisory Committee Report (**Action**)

Boyde Blackwell, Wildlife Program Coordinator presented this agenda item. They recently had the meeting where complaints and compliments are brought to the CWMU Advisory Committee. Also any changes they would like to see are discussed at this meeting. Today he will go over the complaints and recommendations that the committee has regarding these complaints. There were some compliments and with those, every year the Director sends out a letter to those CWMUs that receive a compliment and let

them know that we appreciate the good work that they are doing. He went over the compliments and complaints. (See Attachment #3)

The Hardscrabble CWMU had two complaints on it. Last year they also had a complaint that was brought and the advisory committee took it into consideration. The common thread for all the complaints that we have received so far has been a problem with communication. It is hard to teach how important communication is between the CWMU and the public hunter. We are doing what we can to bridge the communication problem with information on our websites. We are working in the right direction, but it will take time and a bit of a push. Last year, for the Hardscrabble CWMU, the committee recommended that a letter be placed in their file. This year, the committee is recommending that they be put on probation which consists of the remainder of the two years on their COR and then we will consider their behavior when the new COR application comes up.

On the Minnie Maud CWMU, the problem dealt with communication with the hunters. They worked through an issue with Mr. Ishira and he was happy with the results. The committee is recommending a letter placed in their file since this is their first offense and we are satisfied with this CWMU otherwise.

The Soldier Summit CWMU should have no further action. This was a 2008 issue and the hunter harvested an animal, but felt he should have had an opportunity for a better quality animal.

Chairman Woodard asked about a variance request that was brought to the Board on moose. What happened on this?

Mr. Blackwell said it was last year and that was taken care of satisfactorily.

Mr. Keele asked if the public hunters are all sent questionnaires.

Mr. Blackwell said yes and our return rate is very good on those. We are able to build a good history back to 2005.

Mr. Fenimore asked if a public hunter who is getting ready to put in for a CWMU permit can look at feedback on CWMUs and what hunter satisfaction is.

Mr. Blackwell said yes. Starting this year, we are splitting the satisfaction index for public and private hunter and this is available to hunters.

Mr. Fenimore asked about boundary issue on the Hardscrabble CWMU with adjoining property owners and where hunters were going.

Mr. Blackwell said on that boundary issue, the biologist for the area, said everything is satisfactory on the boundary. We want to push that CWMU in dealing with better communication, because there is an area on the CWMU that they do not want hunted, but

it is not identified in their management plan. We are working with them to identify that area so the sportsmen do not think they are trying to sneak somebody into that area.

Mr. Johnson asked if this area applies to all hunters.

Mr. Blackwell said that is right. It is an area where they have some trailers and houses of the private landowners. Nobody will be allowed to hunt there, including the landowners.

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

MOTION: I move that we approve the CWMU Advisory Committee Report as presented by the Division.

Chairman Woodard asked if there was any discussion on our five-day hunt there, and perhaps benefits of bringing some landowners into the CWMU.

Mr. Blackwell said no. The only focus was on what he has presented today. The five-day hunt, anywhere in the state, was not part of the discussion. If the Board would like them to discuss it, they would be happy to do that.

Chairman Woodard said it might be of benefit to some of the CWMU operators to get in on this discussion.

Mr. Blackwell said there was a handful. They contacted them and only one was interested.

9) Other Business (**Contingent**)

A) Road kill Discussion

Tim Fehr, Wildlife Protection Society said they are not anti-hunting. They are interested in preservation of habitat and wildlife management. They are opposed to the amount of road kill that is happening in the state. He attended a meeting where Anis Aoude presented information on the amount of road kill that is happening in the state and we are taking more animals on the road than in hunting season. The problem we have presently is there is nothing he can find in our plans that we are going to do anything about managing this problem.

Director Karpowitz said they have developed working groups with UDOT to address areas, one area at a time where we look to reduce vehicle/deer collisions. We are making really good progress around the state. You have probably seen the fences going up in Parley's Canyon, Spanish Fork Canyon, and Salina Canyon. We are working on this very diligently. It is very expensive, because you cannot put up fences without doing bypass structures and they are millions of dollars. Some of the sportsmen's organizations have talked about putting up money to assist in this effort. We are not ignoring it, but

working hard, a mile at a time on our highways and have come a long ways with UDOT as they rebuild and build new highways to incorporate fencing in those projects.

Rick Larsen, Wildlife Chief said we are taking some serious strides in evaluating this situation. UDOT has come a long way in recent years. Trying to retrofit stretches of highway is very expensive. Anyone who has gone on Route 6 over the last year or two, has seen the construction there. A lot of those structures were predicated on input from the biologists from the two regions on that road design. UDOT has been very good to work with. There is a three-year monitoring study that Utah State University has been involved in to evaluate these kinds of structures. We have three years worth of data, plus they are looking for three more years to make sure we have a strong trend line on those structures.

Mr. Fenimore asked if the Division or UDOT has been successful in getting any Farm Bill money, wildlife grant money, or stimulus money for some of these efforts.

Mr. Larsen said the stimulus money had to go to projects that were ready to go.

Director Karpowitz said Parley's Canyon is some of that stimulus money.

Mr. Larsen said he doesn't know on the Farm Bill money.

Mr. Fehr said he is very familiar with Parley's Canyon activity. They were allowed to make significant input into the design of the fencing and escape ramps. Another opportunity is available in federal stimulus money also to attack what is one of the highest road kill areas in Utah which is in Summit County at the I-80 / I-84 junction. We kill over 150 animals there annually. There are 6 million dollars for bridge replacement at that junction and another 20 million dollars for pavement preservation projects. We need, as part of that activity to get safe wildlife crossings as part of the plan and design for that bridgework. They are part of the labor force collecting and processing data on these bridges. We are going to have an opportunity to make an input to UDOT on the design on the bridges, underpass crossings and also a trestle crossing that goes over it, which could be a wildlife crossing as well. They want to see the UDWR take a strong part with UDOT in developing these areas.

Director Karpowitz. said he will check with Northern region personnel and make sure they are aware of this. They will get involved.

Chairman Woodard said they appreciate Mr. Fehr's concern and efforts on this.

Mr. Johnson said we are all concerned with road kill throughout the state. About ten miles out of Monticello towards Blanding, we average 300 road kills annually, but have had up to 500 killed. This is a political issue and politicians react to crisis situations. Insurance companies need to be brought into this issue to create the attention that is needed to address this. Insurance companies could bring the pressure on the political institution to push the money where we want it.

Mr. Hatch said insurance is already engaged in this effort and are putting a lot of money toward solving this problem. They are funding a lot of the deer mortality studies caused by automobiles at various research institutions around the country.

Mr. Sanslow said Bill Bates did a presentation on buck/doe ratios and modeling at their RAC and it was very helpful in their understanding of this issue. The other RACs might be interested in this. They came out with a lot better insight than what they had in the past.

Chairman Woodard said he read that in their minutes and it would be up to the other RAC Chairs to incorporate that into their meetings when their agenda will allow.

B) Wildlife Board Feedback to the RACs – handout (Attachment #4)

Chairman Woodard said this handout is a result of the discussion on Board response, when they do not accept a motion from the RACs. He asked the RAC Chairs to look over this handout and see if it is adequate in addressing this issue. Are there any questions? If there are no problems with this, we will go with it.

Mr. Sanslow said he will make sure his RAC members get a copy of this.

Mr. Flinders asked Ms. Coons to e-mail a copy of this to the RAC Boards.

Ms. Coons said it will go out with the Summary of Motions.

Mr. Fenimore said, relative to Mr. Sanslow's comment about the Deer Management presentation, that is a great suggestion. If a similar presentation could be made by regional supervisors at other RAC meetings, it would be very helpful in educating everyone as to the input and technical data that goes into this modeling.

B) Antler Gathering Season Change

Director Karpowitz said we have had some interesting weather conditions occurring in Southern region that we have not seen since the early 70's. Heavy snow pack that has persisted now, for a long time and we are concerned about the winter conditions we have on some deer units. Most of those occur south of I-70 with exception of the Book Cliffs. We get a weekly report from the Wildlife Section about deer mortality and conditions and snow conditions throughout the winter. We are watching this very closely. We put a large number of radio collars out this winter and at least two or three of those units are in southern Utah where we will be watching the mortality very closely. Normally, by this time of year winter is winding down in southern Utah, but it is persisting. San Juan is at about 150% of normal, and we are very concerned. He gave this preface to Mr. Bateman's comments.

Byron Bateman, Sportsmens for Fish and Wildlife said they are asking for an emergency closure on shed antler gathering on the Henry Mountains. The pressure that has already been there with the use of snowmobiles this year is causing damage to the resource. This problem is in the Southeast and Southern regions. We need to do something to help the wildlife for the next 45 days until snow melts and roads are open. They would like the Division and Wildlife Board to consider this situation. With the other land agencies, it would be good to increase the public's awareness.

Director Karpowitz said those are all good suggestions and the regional supervisors need to make the contacts and follow through on this. If there is a need for an emergency closure, he can do that without Board action. He would like to hear from the Board if they think this would be an appropriate action. He can clearly close the season prior to April 15 if indeed it is warranted. He wants to get more information from our officers and biologists that are working the Henry's and those other units, see how big the problem is and get some recommended solutions before taking that action. Also, Wyoming just put into effect a ban on antler gathering in western Wyoming. They have gotten quite aggressive with antler gathering and the problems that it is creating.

Miles Moretti, Mule Deer Foundation, said the Henry Mountains is a very special area. These weather conditions are unique. We can lose a lot of animals if there is too much frenzied activity in the area, not to mention the damage to the resource. The Division's responsibility is to protect the animals and the land. Sportsmen's recreation is secondary to that. Thank you for looking at this critical issue.

Mr. Hatch said what is unique now is there is just as much snow pack at 7,000 feet as there is 10,000. Around Panguitch, the deer are in trouble. He was out hunting mountain lion a few weeks ago and if the deer got off the snowmobile tracks, they literally could not move.

Mr. Bates said they started getting reports that people were going out on snowmobiles in mid-January on the Henry's, going after antlers. We are very concerned. Wade Paskett and I spoke about this and he fully supports it. In San Juan County the snow levels are actually worse there than on the Henry's, but the deer have pulled off down toward Monument Valley. He would like to talk to the officers down there for recommendations, but closure on the Henry's is definitely needed.

Mr. Johnson said as you go across southern Utah, the area varies. In San Juan, the deer can migrate down and everything south of Blanding is basically melted off. His concern is we have turned back to the weather pattern of the way it used to be. Up until the mid 70's, this is what winter was. In the Panguitch area, the deer have a long way to migrate and they haven't had to in recent years. He thanked Mr. Bateman and Mr. Moretti and their organizations, for all they do and complimented them on the Sportsmen's Convention. He was thrilled that the statewide deer permit went for \$260,000.

Mr. Doug Messerly, Regional Supervisor Southern Region, said with regard to the reported antelope loss, he has been unable to confirm it. With all the snow in the

Panguitch area and the central part of the southern region, there is potential for real problems. This highlights the need for winter range, specifically for conditions like this, to create forage that will stick up above this snow. The reality is, there is nothing we can do about how fast the snow melts, but he is encouraged with what he has seen throughout the region as it starts to melt off. Still, the deer are out of their fat reserves. As far as a ban on antler gathering, the resources we have to enforce that are fairly limited and it is a very popular activity. He trusts that the ethical training that has been given on the antler gathering will help out, but people will be people. At this point, he is not aware of anywhere in the southern region where it rises to the level of the need for emergency closure. Still that could change, depending on the weather.

Mr. Perkins expressed his support of the emergency closure and asked the Board if they concurred.

Chairman Woodard said the Board is in agreement with Mr. Perkins.

Mr. Fenimore asked if the Division could restrict snowmobiling.

Director Karpowitz said no, the Division cannot regulate snowmobiling activity. That is up to the Land Management Agency. We can regulate the antler gathering and remove the reason to be there. They could still go race around the mountain on their snowmobiles and he hopes some ethics will prevail.

Mr. Fenimore asked if there has been any consideration given to emergency feeding.

Director Karpowitz said that is part of that weekly report and whether our local people would recommend that we initiate a feeding program. We have never initiated one in March. If there is not green cheat grass on those southern facing slopes, he will be surprised. It will be there shortly considering it was 63 degrees yesterday. Hopefully we will be out of the woods soon and feeding would probably not help much at this point. This is very similar to 1972-73 where southern Utah had very deep snow that persisted for a long time, even into April and May. We lost a lot of deer that year in southern Utah. This is a real concern to us, especially if it persists.

Mr. Flinders said the BLM Resource Area administered out of Richfield has finished their motorized travel planning to the point that they designated routes and travel off those designated routes with motorized vehicles is now illegal and enforceable. It still has to be enforced in the field, but that should change everything in their resource area as this plays out. They have not provided maps to the public and everything is not signed, but it is enforceable.

Chairman Woodard asked if we got some newspaper articles out in the major publications, informing the public, would that help?

Mr. Flinders said it may in that vicinity. Signing will have to take place.
The meeting was adjourned.