

UTAH WILDLIFE BOARD MEETING
SUMMARY OF MOTIONS
November 3, 2011, DNR Boardroom
1594 W North Temple, Salt Lake City, Utah

1) Approval of Agenda (Action)

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

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

2) Approval of Minutes (Action)

The following motion was made by Ernie Perkins, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we approve the minutes of the August 18, 2011 Wildlife Board meeting as corrected.

3) Private Fish Ponds Rule R657-59

The following motion was made by Mike King, seconded by John Bair and passed unanimously.

MOTION: I move that we accept the Division's recommendations on Private Fish Ponds Rule R657-59 as presented.

4) Fishing Contests and Clinics Rule R657-58

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

MOTION: I move that we accept the Division's proposal on Fishing Contests and Clinics Rule R657-58 as presented.

5) Fishing Guidebook and Rule R657-13

The following motion was made by Ernie Perkins, seconded by Jake Albrecht and passed unanimously.

MOTION: I move that we accept the Division's recommendations on the Fishing Guidebook and Rule R657-13.

6) Board Variance Requests

The following motion was made by John Bair, seconded by Jake Albrecht and passed unanimously.

MOTION: I move that we grant the variance request of Brian Ward.

The following motion was made by John Bair, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we grant the variance request for Logan Bateman extending the season dates to November 18-December 18, 2011.

7) CRC Recommendations

The following motion was made by Jake Albrecht, seconded by John Bair and passed unanimously.

MOTION: I move that we approve the variance request of Sam Hyde subject to the stipulations of the CRC Committee.

The following motion was made by Ernie Perkins, seconded by John Bair and passed 5 to 1 with Bill Fenimore opposed.

MOTION: I move that we approve the variance request of Ashley Whatcott for the personal possession of a red fox subject to the stipulations of the CRC Committee and to include the fox be muzzled and on a leash where there is possibility of public contact and the animal be neutered.

8) 2012 RAC/Board Dates

The following motion was made by Ernie Perkins, seconded by John Bair and passed unanimously.

MOTION: I move that we approve the 2012 RAC/Board Dates as presented and add two work sessions to the Wildlife Board schedule on May 2 and December 5, 2012.

Utah Wildlife Board Meeting
November 3, 2011, DNR Boardroom
1594 W. North Temple, Salt Lake City, Utah

Wildlife Board Present

Del Brady
Ernie Perkins (Vice Chair)
Mike King
John Bair
Jim Karpowitz (Exec Sec)
Calvin Crandall
Bill Fenimore
Jake Albrecht

Division of Wildlife Resources

Staci Coons
Justin Dolling
Mike Fowlks
LuAnn Petrovich
John Fairchild
Doug Messerly
Judi Tutorow
Dale Hepworth
Roger Wilson

RAC Chairs Present

Steve Flinders – Southern
Derris Jones – Southeastern
Fred Oswald – Central
Floyd Briggs – Northeastern
Robert Byrnes – Northern

Public Present

Paul Dremann
Mark Martin
Bill Christensen
Jennifer Chavez
Jon Woolsey

- 1) Approval of Agenda (Action)

Chairman Brady welcomed the audience and introduced the Wildlife Board and RAC Chairs. The three fishing items on the agenda will be taken individually.

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

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

- 2) Approval of Minutes (Action)

The following motion was made by Ernie Perkins, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we approve the minutes of the August 18, 2011 Wildlife Board meeting as corrected.

3) Old Business/Action Log (Contingent)

Ernie Perkins, Vice-Chair said the first six items will be moved to the work meeting on November 30. We'll discuss that when we get down to agenda item number nine. He asked if there were any new items for the action log and there were none.

4) DWR Update (Information)

Jim Karpowitz, DWR Director presented the update. The hunting seasons are winding down. It has been a warm fall. We had some good hunting experiences this year with a lot of nice animals taken, both deer and elk. The abundant green forage is great for big antlers and there are lots of reports of nice bucks and bulls taken around the state. Based on check station information, the deer hunting was a little better in Southern than in the past and a little worse in Northern and Northeastern. The winter resulted in some winter kill with very few yearlings in the harvest. We had mixed results on the deer hunt around the state.

We have had some employee changes around the state. Justin Dolling has moved from Upland Game and Waterfowl Coordinator and is now the Northern Region Supervisor. That opens up a position that we are working on filling. John Shivik is our new Mammals Coordinator, filling behind Kevin Bunnell who was promoted to Section Chief. We are trying to get a cold water fish coordinator on our third round of applicants. Any time there is an upper level retirement there is a shift as it works down through the ranks.

He then went on to cover some Endangered Species issues and they are affecting lots of what we do. The USFWS is on a fast track to do 600 determinations of proposed listings and another 250 candidate species over the next five years. Our goal in the agency is to have no new listings. We have a perfect record on that for the last six years. In the last two months we've gotten word on two more species that were not warranted for listing. The Northern Leatherside chub and the Northern Leopard frog were found not warranted for listing. That is good news. In the call he received on the leatherside chub we were told that it was because of our information here in Utah and our work on that species that warranted it not being listed. Credit goes to our Aquatics Section for this information and if it had been warranted it would have had a big impact on water and other fish species in Utah. There are two big issues with endangered species that we are working on, the Greater Sage grouse is still a candidate species (found warranted but precluded because of other priorities). They are moving forward quickly to determine whether that species should be listed. We are working with all our partner states on this to make sure it is not listed. Its listing is going to hinge on adequate regulatory mechanisms of land management agencies. We will see a lot of information coming from other land management agencies in offering protection for sage grouse so we can avoid having that species listed.

Mr. King asked how much of sage grouse habitat is on public land.

Mr. Clark said 80% is on federal land.

Mr. Crandall asked if that is the big push relative to habitat restoration.

Director Karpowitz said our model in Utah has worked and the birds have been responding. We have had a very aggressive habitat program working on over 700,000 acres of sage brush steppe, transplants, predator control and had a positive response from all of that. Actually our birds have been responding in an increasing mode until these last two years, when we had wet, very cold springs. We are doing the right things but we have to convince the USFWS that there is no need for them to be listed.

Mr. Perkins asked the Director to talk about the BLM super committees that have been created and our participation.

Director Karpowitz asked Mr. Clark to cover this subject.

Mr. Clark said in response to Mr. Crandall's question what we are doing in habitat is very good for sage grouse long term. The difficulty is with the intensive energy development that is occurring across a lot of the range of sage grouse. They are losing habitat faster than we are able to improve it. What the intent of the BLM and Forest Service is relative to regulatory mechanisms is to demonstrate that they are not losing this habitat at that kind of rate.

In response to Mr. Perkin's question, sage grouse habitat has been split in half, a western and eastern group, based on management zones that were established by WAFWA in their sage grouse plan. There is a national committee that the BLM has with two regional teams. Utah is divided in half with sage grouse on both sides; the Great Basin in the western group and Colorado Plateau is in the eastern group. There is a conference call each week for the two groups that Mr. Clark participates in. The BLM is in the process of amending 77 land use plans across the west to put in these regulatory mechanisms that are there. He participates in an overall management level team. Kevin Bunnell, Mike Canning, Jason Robinson and Brian Maxfield participate on the technical teams. This is the process going on with the BLM.

There is a higher process going on with WAFWA that covers the entire habitat and ranges for sage grouse.

Mr. Perkins said there is already a statement that the major threat in the eastern region is energy development which is a prime area of concern for that part of Utah. In the western region it is invasives and steppe fire. So are those the main concerns of the USFWS?

Mr. Clark said in Nevada there is some concern about expanded mining. In general what Mr. Perkins said is right. Inadequate regulatory mechanism is the issue in the east and energy falls under that. Wyoming has most of the sage grouse in the west and they have

a plan in place for dealing with energy development. The USFWS has said it is adequate to protect sage grouse.

Mr. Perkins said these new committees, eastern and western have 1½ years to bring together all the private and public agencies and produce regional plans to include energy development guidelines.

Mr. Clark said all these plans have to be amended within two years. Forest Service and BLM have to amend their plans or development plans. It is a daunting task to do it this quickly. Well over half of the sage grouse habitat is BLM and that's why we're spending so much time trying to help them get the plans amended.

Mr. Bair said BYU has grad students spending a lot of time gathering information. How does it apply?

Mr. Clark said we use all that information and the Division funds it with some contributions from others. We learned how to restore populations with the work that was done up at Strawberry Valley. We have lots of information, but we need to get adequate regulatory mechanisms in place on federal lands around the state. The Board adopted a sage grouse management plan about two years ago. The management guidelines were not adopted so now we are trying to pull that into the process.

Mr. Perkins said in terms of hunting, there are groups that think hunting should be done away with. Utah's hunting strategy is very conservative in comparison with any of the adjoining states with comparable populations.

Mr. Clark said we are putting together a question and answer issue paper on hunting.

Mr. King asked about the invasives in the western area. What are they?

Mr. Clark said it is mainly cheat grass, plant invasives, because of what it does to the fire cycle. Without the cheat grass the fire cycle has been a couple hundred years and with cheat grass it has got down to five or six years.

Director Karpowitz said they are working closely with the energy community on this with good cooperation. We are working together.

Next he discussed Mexican wolves, another candidate species. We are heavily involved in that process. We have sent a letter, signed by the Governor, to the Secretary of the Interior and a letter to the Chief of the Fish and Wildlife Service, signed by Directors Karpowitz and Styler expressing our deep concerns with what is happening with that process. They have put a science committee together to evaluate the restoration of Mexican wolves including southern Utah and southern Colorado. These areas have never been historic habitat for Mexican wolves and we have objected tremendously over inclusion of southern Utah in their listing process. He has a meeting next week with the region 2 people of the FWS along with Arizona and Colorado here in Utah. We will

reiterate our objection at that meeting. Our biggest concern is if Utah is included in a Mexican wolf recovery program that all wolves will be protected under a "look alike" clause and we can't have that happen in Utah. We have made it clear that if the USFWS pursues, we will oppose it every way we can, legally, politically and administratively. He will have more information after the next meeting. Our comments, so far, have been largely ignored and we are very concerned.

On wolves we have a bill that will go to interim this month that changes the classification of a wolf in Utah from a furbearer to a game animal. If it passes it will be treated the same as cougars and bears and fall under control of the Wildlife Board. They had to change several code sections to make that happen and it will make it easier to manage wolves when that time comes. They are also proposing the establishment of a wolf permit through our budgeting process. That Bill will be on the agenda November 16th and it is being sponsored by Senator Allan Christensen. We hope it will go through without a problem.

Next Director Karpowitz discussed the budget. He said we are continuing to experience serious issues with loss of federal revenues, license revenues and in almost every category. The legislature has maintained the general funds and we have not lost money there. We have more bad news on the federal aide front. Our DJ money which largely funds our fishing operations is down another ½ million dollars, on the heels of a couple of years of about 300 thousand. Our PR money that peaked when President Obama went into office when people bought a lot of firearms and ammunition has tapered back off to pre-election levels, so we're down a couple of million dollars there. State Wildlife grant money is also on the chopping block in Washington. It would really be a disaster if we lost that funding. The whole reason we've been able to keep species off the Endangered Species List is because we've had an aggressive sensitive species program. We lost 40% of that money last year. We could lose that much again this year and it will mean considerable downsizing. We cut 3 ½ million dollars out of budget for FY12, cutting 25 FTEs and it will have to continue until revenue comes back.

Our license sales have not been strong this year. Fishing licenses tapered off because of the wet, cold spring. It has picked up since then and we've had great fall fishing, but it is still down. Hunting licenses are down just under 500 thousand dollars. If you add that all up, it is starting to look pretty serious. We are going to have a hard time maintaining all of the programs.

We keep getting information about things we did not anticipate, for example we lost \$300,000 that was going into our hatchery maintenance program through the Central Utah project and we still have fears that the Jones Hole Hatchery, the federal hatchery in northeastern Utah might be shut down. If it is shut down we have a real problem in our hatchery system. The budget picture is not good for anglers and hunters. We will have to keep downsizing accordingly and keep our services going.

Director Karpowitz said they just completed an exhaustive State Legislative audit of three of our programs, our fish hatcheries, conservation permit program and CWMU program.

We are submitting our official comments to that audit and it will become official the middle of this month and become a public document, most likely. If they choose to move the audit forward it will be assigned to a committee and they assume it will be Natural Resources and we'll have an opportunity to discuss it with the legislature. That is all he can say about that audit right now. This could determine what we will cut back on.

The good news in all of this is the Division has planned for tough times with surplus money, but we have to convince the legislature to let us spend it. We have 2-3 building blocks in there this year to allow us to spend more of our surplus. There is no doubt that in 2013 we will have to have a significant across the board license increase in both fishing and hunting. If not, we'll have to do some serious downsizing in this agency. We're going to get through this next fiscal year. He is pleased we have this surplus to help us through this year. We elected not to do a license increase this year since there are people going through tough times.

Mr. King asked what the source is of the surplus.

Director Karpowitz said it is all restricted license dollars. That's the only money we are allowed to carry. We spend all of our federal money. We dipped into this fund about a million dollars this year. That will be even deeper next year. When we see where we stand after this legislative session, we will take this information to the public and work our way through it. There are many government agencies experiencing cut backs.

Mr. Bair asked what "significant" is.

Director Karpowitz said a 3½ million dollar cut is significant, but it might be only the beginning. When people go back to buying boats, guns, ammo, etc, then our federal aide will go back up. What we do with revenue in this agency has serious ramifications in services we offer.

Mr. Fenimore asked to set up a work group to discuss how we might create more opportunity to be able to sell more licenses and improve these situations.

Director Karpowitz said they can do that and they spend a lot of time and effort discussing that within the agency. It is more than just demand, it is a complex issue.

Mr. Perkins asked if the Governor has his guidelines out on the budget yet.

Director Karpowitz said he doesn't know when, but our input is already into the system.

5) Private Fish Ponds Rule R657-59 (Action)

Drew Cushing, Aquatic Program Coordinator presented this agenda item. He discussed some of the things the Division has been doing relative to surveys and open houses held in the various regions. (See Powerpoint Presentation) He then went over recommendations on the private fish ponds rule R657-59 prohibiting the stocking of

fertile rainbow trout without a COR. He specifically discussed Northern and Southern regions. This concluded the presentation.

Chairman Brady asked if there were any questions and there were none. He then asked about stocking of sterile or non sterile rainbows in private ponds and then what was listed appeared to be public waterways. Is that correct?

Mr. Cushing said that is right and the reason is if fish escape from a private pond into a public stream it can have significant impact on the native cutthroats in that stream. This is to allow us to inspect these ponds and make sure that it can contain those fish, making sure everything is on the up and up.

RAC Recommendations

All RACs voted unanimously to accept the proposals on all three fishing agenda items.

Board Discussion

The following motion was made by Mike King, seconded by John Bair and passed unanimously.

MOTION: I move that we accept the Division's recommendations on Private Fish Ponds Rule R657-59 as presented.

- 6) Fishing Contests and Clinics Rule R657-58 (Action)

Mr. Cushing said he will discuss R657-58 fishing contests and clinics rule. The recommendations are to fine tune the rule. Since it was put in place about 3 years ago, Cabelas came to us recently to partner with them and allow them to have some tagged fish contests on some waters and we were not allowed to have them on some waters that would have provided benefit to the sports fish side of things and our native species side of things as well. The one on Utah Lake was probably the most important this last spring. We limited it to certain species on Utah Lake, and then there were some time constraints they had to adhere to for work planning issues at the Division and it really prevented them in their ability to react to this opportunity. We ended up passing on this opportunity to have a tag fish contest on Utah Lake that would have benefitted us. He then went over the resulting recommendations. (See Powerpoint Presentation) This concluded the presentation.

Mr. King asked if the approval of the lists and things like that is done by the DWR or does it go to the RACs and the Board.

Mr. Cushing said the approval of the contest is done internally through the CORs. We include state parks in that as well, based on social, crowding and biological issues.

Questions

Paul Dremann, President Utah Anglers Association asked if this proposal applies to cold and warm waters, including waters with special regulations like Strawberry.

Mr. Cushing said it applies to all tag fish contests. As long as it doesn't impact our management we have a stipulation in the rule that protects waters with special regulations on them.

RAC Recommendations

All RACs voted to accept the proposal unanimously.

Northern – Mr. Byrnes said they had one additional motion concerning fishing contests to recommend the Wildlife Board look at shortening the application period for youth fishing contests or creating a variance for youth fishing contests. It passed 9 to 1.

Mr. Cushing said they talked to the folks there that presented this proposal and we agreed to work with them this next year, and most likely come next year with a recommendation. We feel there is room to work with those folks, but to act at this time might not be prudent.

Board Discussion

Mr. Perkins thanked the Division for agreeing to work with those parties and accept that Northern region recommendation.

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

MOTION: I move that we accept the Division's proposal on Fishing Contests and Clinics Rule R657-58 as presented.

- 7) Fishing Guidebook and Rule R657-13 (Action)

Mr. Cushing presented the fishing guidebook and rule R657-13. (See Powerpoint Presentation) He went over possession and transportation of dead fish and crayfish section of the rule. He then went over the recommendations for each of the regions, including limits and specific management regulations. He also went over two informational slides at the end of the presentation, one on native cutthroat trout restoration and Panguitch Lake, both in Southern region. This concluded the presentation.

Mr. Fenimore asked about other waters than Willard where wipers might be stocked.

Mr. Cushing said we have a growing list of waters including Otter Creek, Piute and Minersville. This is their first year. We have a new wiper fishery in Huntington North in

Southeast region. We are finding multiple year classes there as it is coming along. We also have New Castle reservoir in southern region. These fish are highly sought after for the meat and the trophy. We are trying to figure out how we can make our own, hoping to increase the numbers and stock.

Mr. Perkins said on Red Fleet, wouldn't it be reasonable to keep both the no limit, but not lift the kill.

Mr. Cushing said there is a wanton waste statute where you cannot legally destroy a fish and return it to the water. It is not a beneficial use of that animal so you force them to take a fish that has a health advisory on it. It is contradictory to force people to take fish home and use it with the advisory on it. We decided to leave it up to the angler and just put the no limit on them.

Mr. Perkins said he sees the conflict, but not sure it's the best answer. Maybe changing the rule on that water for that fish would be a solution. Among other things, just having the kill thing would give another nail in the coffin of anyone who might be moving a walleye out of that water alive.

Mr. Cushing said to follow up on that, this fall, winter and spring we have a committee within the DWR and a multi-state committee that is meeting to discuss illegal fish movements overall. It is his feeling that based on the number of illegal fish movements they have seen this year, we are not being effective. We have to come together and establish one direction coming up with something effective. Catch and kill might just be step one and we will discuss it this winter.

Mr. Albrecht said on Johnson Reservoir, we never see anyone fishing there. He gets quite a few calls from people saying it used to be a good fishery. Mill Meadows Reservoir downstream has good fishing. What's the situation with Johnson?

Mike Ottenbacher, Southern region aquatics program manager went over the history on Johnson's. Years ago they managed it as a put and take fishery. It had chronic problems with a number of fish, suckers, chubs and perch. We treated it about every five years and they became prohibitive economically. The problem is those species are directly upstream in Fish Lake in Widgin Bay. We usually try to get ten years out of a treatment, but with Johnson's we have spawning migrations with large adult suckers and chubs there the year after we treated it. They have been stocking tiger muskees as they have been available for 10-15 years, but there is short window when they are catchable. We don't have any good options there. They feel like we were not getting returns on our management, so we recognize it isn't readily used.

Mr. Albrecht asked when the window of opportunity is.

Mr. Ottenbacher said the first two weeks of July. Johnson's isn't the best for tiger muskees either. He talked about the specific characteristics of that reservoir. He wishes we had a better answer. It is a tough water to manage.

Mr. Albrecht asked if they could put the window of opportunity information on catching tiger muskie in the guidebook.

Mr. Ottenbacher said yes.

Mr. Bair asked about the Kokanee not having any color on them. Are there any worries about enforcement issues?

Mr. Cushing said no one has expressed any concerns on that. Spawning kokanee is very apparent.

Chairman Brady asked if there were any questions. There were none.

RAC Recommendations

All RACs approved the recommendations unanimously.

Board Discussion

Mr. Perkins said the Board members received a lot of strong public input on the Panguitch Lake topic. He was disappointed that there were no representatives of this opinion at the Southern RAC meeting. He would like to send a personal message to our sportsmen and others in the state that if they don't go to a RAC meeting, they do so at the peril of what they are supporting. That is where they should make their concerns known in accordance with our state management system.

Mr. Albrecht said he agrees with Mr. Perkins. After we vote he would like to discuss one fishing problem.

The following motion was made by Ernie Perkins, seconded by Jake Albrecht and passed unanimously.

MOTION: I move that we accept the Division's recommendations on the Fishing Guidebook and Rule R657-13.

Mr. Perkins said with the Division and region offering to meet on the Panguitch Lake issue it would be worth the effort to work with them.

Mr. Fenimore asked if we don't want people sending emails for input to RAC meetings if they cannot attend.

Mr. Perkins said no, that is not the situation, but with the allegations that are flying around and nobody even comes to the RAC meeting to express them is abhorrent.

Mr. King asked about the working group. Are there other lakes in the state that have a similar group?

Mr. Cushing explained the group was put together by the Division because of the nature of Panguitch Lake. It was put together before the treatment and was made up of lodge owners, anglers and anyone who had an interest in there. Even though the regulations have changed, the bench marks in that plan remain solid in what determines the success or failure of Panguitch Lake. It remains solid even if the rainbows are not protected, however we would be interested in putting a group together and it would probably consist of the same people and go through it again. We are willing to do that. It was put together with the purpose of putting together a management plan and benchmarks associated with it.

Mr. Crandall asked when the plan was put into place.

Mr. Cushing said 2006 right after the treatment. It has had three changes in five years. If the public opinion has changed it might be worth putting the group back together and revisit the plan.

Mr. Crandall asked if there is expense in putting the group back together.

Mr. Cushing said not really, just the work time of the Division employee.

Mr. Brady asked about angler use there.

Mr. Cushing said they do angler creel surveys to determine the amount of use on a per month basis, six months or a year. The use is in angler hours. The use dropped dramatically when the rainbows were protected. It dropped by 2/3s when people could not take them home. They did a follow up when they were not protected and the use rebounded fully.

Mr. Brady said on popular weekends there are lots of out of state anglers, is that right?

Mr. Ottenbacher said probably at least 78%.

Mr. Brady said if they are going to have a committee they should have people from both sides, in state and out of state.

Mr. Albrecht said it makes a lot of difference to the locals there.

Mr. Perkins restated the motion and a vote was taken at this point.

Mr. Brady said as he read through the packet he felt it was a very customer friendly presentation. We have really turned a corner on giving fisherman a chance to do what they want to do. The Division is doing a good job.

Mr. Albrecht said parking at Fish Lake for ice fishing is an issue. He gets a lot of calls about the lack of access for parking. Is that something we need to work with the Forest Service on or some of the lake side owners?

Mr. Ottenbacher said it is an issue at different times, especially when we got early snow. We expressed our concern to the lodge owner and the DOT and they got it done. There weren't any problems really after that first storm. Ice fishing has increased dramatically. There is parking along the Mackinaw camp group.

Mr. Albrecht said the only way to access parking is if you're in a vehicle, not on a four-wheeler.

Mr. Ottenbacher said that's right. We probably have about as much pressure as we can handle during the ice fishing.

8) Board Variance Requests (Action)

Judi Tutorow, Wildlife Licensing Coordinator said they have two variances for the Board to review. The first is Brian Ward's and the committee is supportive of his request. She then turned the time over to him to give a short summary.

Brian Ward said he was very excited for his limited entry Book Cliffs permit and he planned for the elk hunt, taking a week off. When they were going up Sejo Canyon on August 26, 2011 north of Thompson, his truck and trailer was totaled by a flash flood. The flood pushed his truck and horse trailer down the canyon after he jumped out of the truck and got clear. He lost all his gear when the tack door came open. He would like his points reinstated and his waiting period removed so he can apply again next year 2012.

The following motion was made by John Bair, seconded by Jake Albrecht and passed unanimously.

MOTION: I move that we grant the variance request of Brian Ward.

Ms. Tutorow said the variance board does not have the authority to grant a season change within the same year. She turned the time over to Bill Christensen who is presenting for Logan Bateman.

Mr. Christensen, regional representative for Rocky Mountain Elk Foundation greeted the Board. He referred to a magazine he passed out and said the RMEF has just reached a milestone in conserving six million acres in the west and they are up to almost a million in Utah. This is almost all done by volunteers. This variance today has to do with a young man you'll hear about. This is volunteer drive and he is just here to speak for it. He then introduced Jennifer Chavez.

Ms. Chavez said earlier this year they were honored to receive a donation from an individual who has trespassing rights to a piece of property. He asked that they give it to

a youth or disabled youth in our community. We found Logan Bateman who is 14 years old and has acute lymphoid leukemia. He was diagnosed at the beginning of his freshman year but has been unable to go to school. He had a bone marrow transplant from his brother the first of August and is now strong enough to go on his hunt. We are asking to extend his season to Nov 18 – Dec 18, 2011 for him to have this opportunity. The original dates were Oct 1-31, 2011.

Ms. Tutorow said this is an any bull elk permit. The general season was Oct 8-20, 2011 and it is that permit they are asking to extend.

The following motion was made by John Bair, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we grant the variance request for Logan Bateman extending the season dates to November 18-December 18, 2011.

Mr. Bair asked that they let the Board know how he does on his hunt and maybe bring a picture and a story. Thank you for your efforts.

9) CRC Recommendations (Action)

Staci Coons, Chair of the Certification Review Committee said she is here to present two recommendations. She said Mr. Sam Hyde is from Better Baits and is requesting the possession of red sided shiners. The Board was emailed the recommendation of the committee. (See Attachment #1) The committee is supportive of his request. They did put some additional stipulations on his request that they would ask the Board to consider.

Sam Hyde asked if the Board has any questions.

Mr. Bair asked if he has any problems with the stipulations.

Mr. Hyde said the only thing is if he cannot get the 560 shiners this fall, can he go back down in the spring and get the remainder. Right now they are down deep and not schooled up. During the spawning season they go up into the shallows in the schools and are easier to collect in the spring.

Ms. Coons said the committee said that is alright, but he must contact the Division fourteen days prior so there can be Division personnel on site.

Mr. Wilson, Chief of Fisheries said his disease certification expires May 1st, so it will have to be done before then. That might be difficult at Tropic.

Mr. Hyde said he went down this year and collected the 60 for testing. He thinks he can collect the 560 before May 1, but probably cannot get them this fall.

The following motion was made by Jake Albrecht, seconded by John Bair and passed unanimously.

MOTION: I move that we approve the variance request of Sam Hyde subject to the stipulations of the CRC Committee.

Ms. Coons then presented the variance request of Ashley Whatcott. It is for personal possession of a red fox. (See Attachment #2) The committee is in favor of her receiving the red fox. Ashley originally indicated that she wanted the red fox to also exhibit it. In the stipulations, the committee is asking that for the first two years of her COR, it be for personal use only and not be put up for exhibits while Ashley increases her experience with the animal. She does have an enclosure located in her garage that works as a double barrier. There were a few modifications that needed to be made to the enclosure. Ms. Coons went over the remainder of the stipulations.

Ashley Whatcott described her fox and its raising and training. She wants to use the fox for education. In her programs she wants to speak to foxes in general. She would never encourage anyone to take foxes from the wild, which is illegal. She addressed several of the stipulations of the committee.

First with walking him on a leash, she would like to walk him on a leash. She wants to keep him comfortable with being on a halter and being taken outside. She is not asking to take him to a city park or other public places, but she should be allowed to take him out in the yard or places not frequented by the public to introduce him to unfamiliar surroundings so he can be better used as an educational animal.

The second concern is the inspection before the fox arrives. The picture she showed to the committee was to show them the size and type of enclosure she would be using. There was some concern about the gaps in the corners and on the bottom and top that he could squeeze through those. She will have those secured, but the custom built corners that have been made in Illinois and will be brought with him will be wired into place along with several other secondary supports prior to him being released into the enclosure. She is fine with people coming to inspect, but it is unreasonable to have those parts out separately before the fox is here. She will secure it. She has invested a lot of time and money into the fox and will make sure it doesn't escape.

The third concern is about her level of experience. The committee wants her to wait and study his behavior more thoroughly before she obtains an USDA license to exhibit him. However, she wants to stress she only has one animal and will be spending a good deal of time with him every day. She will be careful who she introduces him to and how. She knows his personality and behavior and if any problems arise, she will address them at the appropriate time. If he ever breaks the skin he will be euthanized. She doesn't mind waiting to apply for a license, but feels two years is excessive. As for the danger he poses for the public, the worst being risked is an accidental bite breaking the skin. Foxes do not attack people and do not keep biting. They are not aggressive. The greatest risk is him wanting to play and getting too rough. He does not play when he is on a halter. She

loves the fox and will not risk his life because she wasn't cautious enough. She wants to stress that she is just asking for another color of fox, not a new species. If he were all black she wouldn't even have to ask for a variance.

Mr. King asked about the leash stipulation. What is the problem? Can she put it on a leash and walk it around the neighborhood?

Mr. Bunnell said no, that is the concern and even though this fox has been vaccinated for rabies, there is not an approved vaccination for foxes. It is the recommendation of the committee that the fox cannot be taken out in public on a leash. At very least the fox should be muzzled when she has it out.

Mr. Fenimore asked if domestic dogs or cats might come after the fox if she had it out on a leash.

Mr. Bunnell said it wouldn't be any more than with any other domestic dog.

Mr. Bair asked about the fact that if the fox were another color, she wouldn't even had to ask for this.

Mr. Bunnell said that is true. The current recommendation to be presented in December will actually remove the stipulation for any fox, but because Ashley has chosen to go through this process prior to that rule being amended, we have to take it through the committee and these are the recommendations that came out of the committee. In January if the CIP goes through as we're recommending it through the RAC and the Board, even for this color of fox, we wouldn't be here. There is some irony in this, but we are under the current rule so that's how we had to approach this.

Mr. Bair said if the rule changes in January, does all this become a mute point?

Mr. Bunnell said yes, as we intend on recommending it.

Mr. Bair asked if it is within our authority to add a stipulation that the fox be muzzled if she is walking it.

Chairman Brady said yes.

Mr. King asked when she is planning on bringing the fox to Utah.

Ms. Whatcott said as soon as possible. She wants it to continue to bond to her and she hasn't seen it for two months.

Mr. Bunnell said they have been talking on the phone for a year and he has been telling her the CIP rule is being amended, but it has taken longer than they thought it would.

Mr. Perkins said he is in favor of this, but not for breeding or propagation.

Mr. Bunnell said she is going to have the fox neutered.

Ms. Whatcott said she knows a vet who will do it when she gets the fox here from Illinois.

Mr. Perkins said that should be a stipulation. His concern would relate also to the future CIP. If we allow red foxes, aren't we greatly compounding our enforcement code program for Agriculture and Wildlife in terms of trying to control wild captured animals?

Mr. Bunnell said they are currently not controlled for animals that are in the state in terms of the CIP. They are prohibited for collection.

Mr. Perkins said once we have a breeding red fox in the state, it would be a nightmare to figure out where they all came from.

Mr. Bunnell said a stipulation of requiring any captive red fox to be neutered is a good suggestion.

Mr. Fenimore said where she lives now is a rental where she has permission to keep the fox. How long is the lease? If you have to move, how will you handle it? If you couldn't find a proper situation, do we need to have a stipulation on how this fox would be dealt with at that time?

Ms. Whatcott said her lease goes for a year and in the meantime she will be looking for a house or a more suitable place for him. If for any reason she could not keep the fox here in the future she would take him out of state or send him home to her family in Illinois.

Mr. Albrecht asked if Springville has any other regulations relative to this.

Ms. Coons said no.

Mr. Bair asked why the two years.

Mr. Bunnell said that was based on recommendation from our new Mammals Coordinator who has a lot of experience with captive bred and raised coyotes, in particular which is similar. John Shivik used to run the coyote facility at Millville. That was his recommendation based on his experience. In response to Mr. Perkins concerns, they would have to prove that the animals were acquired from the pet trade and was captive bred, not taken from the wild. Sterilizing would be a step beyond that.

Chairman Brady summarized the discussion.

Chairman Brady said so what we do today will last for 2-3 months.

Mr. Bunnell said she will still be under her COR for that particular animal.

Mr. Bair asked if Ms. Whatcott is open to using a muzzle on the fox.

Ms. Whatcott said she feels that muzzling him might distress him and she would prefer using other precautions. If someone approaches her she tells them they cannot pet him without her permission and if any dogs approach she picks him up. She doesn't let anybody get close enough to bite. He really does not bite at all unless he's playing, but he doesn't play when he's on his halter. She realizes if he does bite somebody it is her responsibility to take care of it.

Mr. King said so assuming the rule change goes through, still Ms. Whatcott would rather have these harsher restrictions now than wait.

Ms. Whatcott said yes. She wants him out here as soon as possible. She wants him to keep bonding with her. She is concerned about the restrictions.

Mr. Bair said Mr. Bunnell is saying muzzled.

Mr. Bunnell said that is right. If someone has to go through the rabies treatment it is very difficult.

Mr. Bair says he understands Ms. Whatcott's concern for her animal, but they have responsibility to those who will come in contact with the animal. All the good intentions in the world doesn't help the person who might have to get the shots.

Ms. Whatcott said this is no different than a dog that hasn't been vaccinated. Having my fox is no different than someone having an aggressive breed of dog with no veterinary records.

Mr. King said the difference is the Wildlife Board is not responsible for what happens with a dog.

Mr. Bunnell said the difference is also there is an approved rabies vaccination for dogs and not for foxes.

Mr. Fenimore said on the liability insurance stipulation is there a requirement for the proof of insurance to be issued and the limits for the insurance. Will the Division be named as an additional insured?

Ms. Coons said no. We didn't put those stipulations on it, just that it is a requirement. It is one that we require on any of our other CRC recommendations that come through, such as with the alligators and the snakes. We don't require that she carry the liability insurance if it is just for personal use. If she chooses to go as an exhibitor then we would require that she carry it.

Mr. King said ultimately Ms. Whatcott says she would like to use the fox in educational programs. Does she have a business foundation? What is her set up for this?

Ms. Whatcott said she does want to have a business, but having one animal at this point it wouldn't work. As she acquires more educational animals throughout her life, she would want to be registered as a business.

Mr. Perkins said he is willing to accept the suggestion of muzzling when in an area where there might be contact with the public.

Mr. Bair said he agrees with Mr. Perkins.

Mr. King asked about reducing the two year restriction.

Mr. Bunnell said it is not just about experience, but it is about the animal's behavior as it matures. Over this time you will see if this animal is suitable.

Ms. Whatcott said she does not believe that is true. She has talked to many fox owners all over the world and the deciding age is when they hit sexual maturity. Coyotes mature later. Foxes mature at 7 to 9 months and with everyone she has talked to who has a fox, this is the situation.

The following motion was made by Ernie Perkins, seconded by John Bair and passed 5 to 1 with Bill Fenimore opposed.

MOTION: I move that we approve the variance request of Ashley Whatcott for the personal possession of a red fox subject to the stipulations set by the CRC Committee and to include the fox be muzzled and on a leash where there is possibility of public contact and the animal be neutered.

Ms. Whatcott asked if she can negotiate the time to one year when she could get a license to exhibit him. There is great demand for people to see this fox.

Mr. Perkins said he will leave the motion as is, but there is nothing to preclude her coming back to the Division after a year. She would have to convince the experts that he is ready for exhibition.

Mr. Crandall asked if it is usually two years.

Ms. Coons said we have never had a situation like this so there is no precedence. They went off of Mr. Shivik's recommendation on the growth of the fox.

Mr. Bair said the two years is from the issuance of the COR.

Ms. Coons said yes.

10) 2012 RAC/Board Dates (Action)

Ms. Coons presented these dates. She did not schedule any work sessions for 2012. The Board can direct her in this area.

Mr. Perkins said he would like to add them on May 2, 2012 and December 5, 2012. Those are the two big game meetings where they most likely would be needed. He would be amenable to canceling them if they are not needed.

Mr. Bair said he is in favor of that.

Ms. Coons pointed out that the June meeting is on a Wednesday, rather than Thursday.

Mr. Perkins said they were looking to set up a field tour with topics included perhaps going down to the Range Trend crew in seed warehouse operation. There are many other suitable topics. He asked that the Division look at some dates and locations that would benefit them and the Board members.

The following motion was made by Ernie Perkins, seconded by John Bair and passed unanimously.

MOTION: I move that we approve the 2012 RAC/Board Dates as presented and add two work sessions to the Wildlife Board schedule on May 2 and December 5, 2012.

11) Other Business (Contingent)

Chairman Brady asked about Winter WAFWA.

Director Karpowitz said it is January 5-7, 2012. The schedule is about as abbreviated of a schedule as he has ever seen. There is very little committee work to be done there this year. We will only be sending two Division people to Winter WAFWA, Alan Clark and Cindee Jensen. He feels we should send two Wildlife Board members with Mr. Perkins being one of them because of his work with the commissioners. It is in San Diego. The agenda is quite minimal. The summer WAFWA is in Hawaii and that is a whole new set of problems. He is apprehensive, given our budget situation about making any commitments toward that especially since it is in July and into FY13. The potential exists that the Division could pay registration, but we will be hard pressed to pay airfare and accommodations. It will probably be quite a discussion at Winter WAFWA relative to the summer location. The stigma of it being Hawaii will be hard to get past. We shouldn't do anything on summer WAFWA until we have a budget for FY13.

Mr. Bair asked if it is necessary for two to go to winter WAFWA.

Director Karpowitz said he would be fine if only one attends with Mr. Perkins covering it for the Board.

Mr. Perkins said he is comfortable with that, but feels WAFWA is very valuable and he would hope Board members could go in the future.

Director Karpowitz said he agrees.

Chairman Brady said we'll let Mr. Perkins go to winter WAFWA to represent the Board. We will address summer WAFWA plans at a later date.

Mr. Perkins asked about a report on Tri-State.

Director Karpowitz said it was in Manila, Utah. It was a very good meeting. Wyoming's new Director was there and Colorado's Assistant Director was there. They talked about various issues that all the states deal with. Many good things came from the meeting and it stimulates a lot of on going discussion. He would like to see a couple of Board members attend that each year.

Mr. King said it was good to see what the other states deal with. It is a very beneficial meeting.

The meeting was then adjourned.

Approved