

Utah Wildlife Board Meeting

June 6, 2012, DNR Auditorium
1594 West North Temple, Salt Lake City, Utah
AGENDA

Wednesday, June 6, 2012 – 9:00 am

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|---|--------------------|
| 1. Approval of Agenda
– Del Brady, Chairman | ACTION |
| 2. Approval of Minutes
– Del Brady, Chairman | ACTION |
| 3. Old Business/Action Log
– Ernie Perkins, Vice-Chair | CONTINGENT |
| 4. DWR Update
– Alan Clark, DWR Assistant Director | INFORMATION |
| 5. Board Variance Requests
- Judi Tutorow, Wildlife Licensing Coordinator | ACTION |
| 6. Conservation Permit Rule Amendments R657-41
- Kevin Bunnell, Wildlife Section Chief | ACTION |
| 7. Collection, Importation and Possession Rule Amendments R657-03
- Krissy Wilson, Aquatics Wildlife Coordinator | ACTION |
| 8. Division Variance Rule Amendments R657-57
- Greg Sheehan, Administrative Services Section Chief | ACTION |
| 9. Deer Management Plans
- Anis Aoude, Wildlife Program Manager | ACTION |
| 10. Elk Management Plans
- Anis Aoude, Wildlife Program Manager | ACTION |
| 11. Ferron Creek Introduction
- Justin Hart, Wildlife Program Coordinator | ACTION |
| 12. Hunting Closure Proposal – Northern Region
- Brent Poll, Landowner | ACTION |
| 13. South Jordan Hunting in City Limits Proposal
- Ryan Loose, Assistant City Attorney | ACTION |
| 14. Other Business
– Del Brady, Chairman | CONTINGENT |

Utah Wildlife Board Meeting
June 6, 2012, DNR Auditorium
1594 West North Temple, Salt Lake City, Utah

Wildlife Board Members Present

Del Brady – Chair
Ernie Perkins – Vice Chair
Alan Clark – Exec Sec
Jake Albrecht
Bill Fenimore
Calvin Crandall
John Bair
Mike King

RAC Chairs Present

Southern – Steve Flinders
Southeastern – Derris Jones
Central – Fred Oswald
Northeastern – Boyde Blackwell
Northern – Robert Bynes

Public Present

Tye Boulter
Troy Justensen
Harry Barber
Sterling Brown
Todd Black
Craig Black
Carson Black
Chip Dawson
Charity Stone
Chris Colton
Dale A Jones
Brent Poll
Ryan Loose

Division Personnel Present

Judi Tutorow
Staci Coons
Cindee Jensen
LuAnn Petrovich
Teresa Griffin
Kevin Bunnell
Bill Bates
Greg Sheehan
Krissy Wilson
Anis Aoude
Justin Hart
Lindy Varney
Lacy Welch
John Fairchild
Anita Candelaria
Roger Wilson
Suzette Fowlks
Dean Mitchell
Jason Robinson
Justin Shannon
Darren DeBloois
Justin Dolling
Randy Wood
Charlie Greenwood
Craig Clyde
Bruce Bonebrake
Martin Bushman
Michal Fowlks
Bryan Christensen

Chairman Brady had some car problems and is expected in a few hours. In the interim they will proceed with the agenda. Vice Chair Perkins welcomed the audience and introduced the Wildlife Board and RAC Chairs. He referenced the Southeast RAC minutes and Mr. King's response as to what the responsibilities of a Board member are. The response was very informative and appropriate. Vice Chair Perkins said he has one addition to the agenda talking about Winter WAFWA 2013 issue topics for the Commissioner's Committee.

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

The following motion was made by Jake Albrecht, 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 Mike King, seconded by Bill Fenimore and passed unanimously.

MOTION: I move that we approve the minutes of the May 3, 2012 Wildlife Board meeting as presented.

3) Old Business/Action Log

Vice Chair Perkins said there are no action log items coming due today and asked if anyone had any additions for the action log at this point.

Mr. Bair said they received an email from Mike Christensen from the Central region with some concerns about preference points and the current system, relative to how it affects people accruing preference points while they're still drawing their second choice. Having talked with people in the Division, he would like to put this issue on the action log for the Division to put together a presentation for the Board explaining this issue and how it works with the new unit by unit. The Division would also look at Mr. Christensen's suggestion that you cannot accrue preference points while drawing your second choice.

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

MOTION: I move that we ask the Division to give a presentation on the preference point system relative to the new 30 unit deer plan.

Mr. Clark said on the Nine Mile Range Creek action log item it will be reported on at the November 2013 RAC/Board meetings.

Mr. Bates said they would rather wait a year to gather hunt data and push it to fall 2013.

4) DWR Update (**Information**)

Assistant Director Clark said Director Karpowitz is having some time off and he will do the update today. The drawing for bucks/bulls and OIAL permits was completed and results were posted on May 31, 2012. We did discover a problem with the Henry Mountain deer any weapon hunt, but it was before results were posted. The wrong

permit quota was sent to the contractor. All the people affected by this were contacted and have received any permits they would have had if the error had not occurred. It has been entirely corrected. They now have a revised process that will keep this from happening in the future.

Most of the general season deer permits went in the drawing, but they have 4,380 left, most are archery and muzzleloader. They will be available July 19 for muzzleloader and archery and will use a staggered process. July 31 the any weapon permits will be available.

Antlerless application period is now open and will close on June 21st. Bear issues are increasing as is typical in the spring. Coyote predator program is coming to completion. Lots of work has gone into that and information on that will be on the website soon.

Free fishing day occurred over the weekend. Community fisheries had lots of participation. Fishing is good throughout the state. Fishing sales are stable or up slightly. Comment on fishing changes for 2013 is open right now via the internet. They will probably have a few open houses also to discuss new ideas.

There is a new regional office in Vernal and it opened Monday. There are new phone numbers except for the front desk which is still the same. There will be an open house for the new office June 20, 2012. He then asked if there were any questions.

Mr. Albrecht asked if they can get a handout on the remaining tags and the number of people that applied for all of the units in the state.

Mr. Sheehan said they will get one on the remaining and the other information will be available soon. It is on the website now.

5) Board Variance Requests (**Action**)

Judi Tutorow, Wildlife Licensing Coordinator presented these request summaries. (See Board Variance Requests in the Board packet for details.) Randell Murray fractured his ankle and was only able to hunt one day. The committee is supportive of the reinstatement of his bonus points and waiving his waiting period based on the fact that the hunter only hunted one day because of his fractured ankle.

Mr. Randell then addressed the Board. He only hunted one day and it took several years to draw that tag. He has heard that variances have been granted in the past for people who have been hurt.

Mr. Bair asked if he shot at anything and how many points it took to draw the tag.

Mr. Murray said he did not shoot and did not see a bear on opening day. It took 7 points.

Mr. Bair said they have had a lot of discussion on this. Actually we will be voting on rules that pertain to this later on in the meeting today. The situation falls within the parameters we've discussed since he hunted one day and did not shoot at anything.

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

MOTION: I move that we reinstate the bonus points and waive the waiting period for Randell Murray.

Ms. Tutorow then introduced Chris Flood's request. He hunted one day when he was involved in an accident and rolled his truck and was injured.

Mr. Flood said they arrived at camp for the limited entry bull elk hunt evening of September 8th and after setting up camp the next day went out in the evening. He passed out and rolled his truck that evening. He injured his shoulder and was unable to draw his bow back and had no vehicle for transportation. He had three points.

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

MOTION: I move that we reinstate the bonus points and waive the waiting period for Chris Flood.

Todd Black, Ben Peterson, Randy Lucas

Ms. Tutorow said this request came last week so it is relative to the 2012 Big Game drawing. Todd Black submitted the application for all three of them on the San Juan, Abajo Mtns for general season buck deer. The request is to exchange the weapon type to archery for all three hunters. Ms. Tutorow then read from the rule which addresses the process for exchanging permits. There were 365 unsuccessful applicants for this hunt with zero remaining to be sold over the counter. Through the years they've had a lot of hunters select the wrong weapon type on their application. The division has several different options to offer hunters who have done this. One is to surrender their permit and have their preference points restored. Two, they can exchange for a remaining archery permit and three, they can hunt with archery tackle during the any legal weapon if they decide to keep the permit. This is the committee's recommendation and options to help mitigate the situation.

Todd Black said he made a mistake and is not interested in hunting with a rifle or in another unit. This was a complete oversight on his part. They will just surrender the tags if a variance is not granted. Archery is a more primitive hunt that offers less success.

Vice Chair Perkins said the second choice on the drawing is on the Cache.

Mr. Black said yes, but it is for rifle. He does not want an archery tag on the Cache even if there might be one available. He feels badly about making this mistake relative to the other two hunters.

Mr. King recused himself from the vote because of professional association with Mr. Black.

Mr. Fenimore said something that might be considered is to have the applicant actually enter the weapon type, and then do it a second time.

Mr. Albrecht said when he did his application this year he made a similar mistake. He realized it a few days later and resubmitted. He does not see how we can pick and choose who can exchange a permit without setting a precedent for the future.

The following motion was made by Jake Albrecht, seconded by John Bair and passed unanimously with one recusal, Mike King.

MOTION: I move that we deny the variance request of Todd Black, Ben Peterson and Randy Lucas.

Mr. Bair said he feels bad about the situation, but this would set a precedence.

Mr. Black said this would really be a degrade of a weapon type and biologically it is a non issue. Perhaps in the future this might be something that could be considered.

Mr. Bair said the problem he has with this specific situation is there were 365 unsuccessful applicants for this hunt and they didn't get the hunt weapon wrong.

Vice Chair Perkins clarified that this motion is applicable to Mr. Black, Mr. Peterson and Mr. Lucas.

Garry R Bigler and Gary W Bigler

Ms. Tutorow said these two are father and son and in-laws to Edward Graves. They will call Mr. Graves on this request. He is the leader of a group of five who applied for these permits. His brother and son were refunded through the variance process. Garry and his son are both extended family and did not meet the definition of immediate family so they could not be refunded. They are nonresidents. They are requesting a refund on a general season hunt that would have to be approved as an extension that would then revert back to the refund because that hunt is no longer available, because of the switch to unit by unit. That is how they had to deal with the others.

Assistant Director Clark said the Board does not have the authority to give a refund. In effect, the Board can do that by extending the hunt that is no longer available and then they could get a refund.

Mr. Crandall asked what would happen to the tags if they are turned back in.

Ms. Tutorow said it was last year's hunt.

Mr. Bair asked if they are nonresident.

Ms. Tutorow said yes.

Mr. Perkins asked if the Board has ever approved an extension on a general season hunt.

Ms. Tutorow said they have done a few, mostly some nonresidents in situations like Hurricane Katrina.

Mr. Bair asked if they could have surrendered their permits before.

Ms. Tutorow said since he was so badly injured they didn't think about it until now. By the time they looked at the guidebook, it was too late. They could have surrendered it earlier on, but would not have received a refund.

A phone call was made to Edward W. Graves to present the request on behalf of the Bigler's.

Vice Chair Perkins greeted Mr. Graves and made him aware of the Board ready to hear his request.

Mr. Graves referred to the information he sent relative to the incident and a refund for the son-in-law and his father who live in Arizona. He reviewed the circumstances of his accident when he fell off his roof a year ago. He sustained many serious injuries that he still suffers from. Reimbursement was received for Mr. Graves and his sons permits because they are direct relatives. He has done everything he can to show that there was no attempt to hunt, since the accident occurred. He has had a lot of illness over the last eight years as a cancer survivor and was looking forward to this hunt last year. Over the last 7-8 years he has purchased hunting licenses and only gone 1-2 times, never expecting any money reimbursed. He paid for all the permits for this group looking to have a good time together. He asked if there were any questions. Needless to say he has lots of doctor bills that he continues to pay. This would really help him. If the DWR has the need to keep this money, he would like to know the reasoning. He hopes he will be able to hunt and fish in the future and put this hunt together again.

Mr. King asked if any money has been refunded.

Ms. Tutorow said three tags have been refunded, but the two non resident tags have not at \$263 each.

Mr. Bair said we would have to do an extension on these tags.

Mr. King asked if all the money is refunded or is there a handling fee.

Ms. Tutorow said there would be no handling fee on this one. There is a handling fee on limited entry but not general season.

The following motion was made by Bill Fenimore, seconded by Mike King and passed unanimously.

MOTION: I move that we approve an extension for the hunt of Garry R Bigler and Gary W Bigler.

Dennis Kallash

Ms. Tutorow said Mr. Kallash is a nonresident out of Missouri who obtained a CWMU bull moose permit on the Two Bear. He hunted for two days when he was notified that his brother was in critical condition from an accident with a horse. He flew back home at that point. The operator, Kim Rolfe has given his permission for Mr. Kallash to hunt next year if it is approved. He is asking for an extension for next year. It was denied because he hunted two days before his brother's injury.

Vice Chair Perkins said this was a purchased permit since it was on a CWMU. We don't have any nonresident moose permits in the draw.

Ms. Tutorow said that's right, it was a privately purchased permit.

A phone call was made to Dennis Kallash.

Mr. Kallash explained the circumstances of his hunt. His brother was in an accident and he got the emergency call from his wife the first night of his hunt. He went home to be with his brother and didn't really think about the moose hunt or what might be done. Someone from the DWR called him and asked him about reporting his hunt and he owed them \$25. He told them he wasn't going to pay them. The caller said then he would not ever be able to hunt in Utah again. He then got a letter in the mail that said he needed to report his hunt, so he called and got more information from the DWR. The contact at the Division told him if he could prove that his brother was in the hospital they would waive the \$25. Mr. Kallash called back to see where he would send the information and that contact explained that there was a variance process available. He didn't know anything about that. At this point the process began with Mr. Kallash providing proof as to the circumstances which brought him to this appeal to the Board today.

Mr. Bair asked how many days Mr. Kallash hunted.

Mr. Kallash said he doesn't even think it was a couple. Late afternoon the first day they went out and listened to the elk bugle. On the second day they drove around to some different spots and that's when they got the call. The next day he decided to go home to his brother. He left the next day.

Mr. King asked about the partner with him who killed a moose.

Mr. Kallash said he did kill a moose the first day of hunting. They came in that afternoon and took care of that moose. He got the call that night.

Mr. Fenimore asked where the Two Bear CWMU is located.

Assistant Director Clark said it is on the Bear River drainage near the Wyoming line.

Mr. Bair said they try to be consistent and this depends on how the Board looks at one or perhaps two days of hunting. He said if Mr. Kallash arrived on evening, got settled in then received the call the next evening; he sees it as one day of hunting.

Mr. Crandall said part of the second day was spent helping his partner with the moose he killed. Is that hunting?

Mr. Kallash said he does not feel like he got to hunt.

Mr. Crandall asked if he has permission from the CWMU operator to come back and hunt.

Ms. Tutorow said yes.

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

MOTION: I move that we approve the variance request for Dennis Kallash.

Mr. Bair said to clarify, he felt Mr. Kallash had just one day of hunting.

6) Conservation Permit Rule Amendments R657-41 (**Action**)

Kevin Bunnell, Wildlife Section Chief presented this agenda item. He reviewed the program history and the regulation history. (See Powerpoint Presentation) He gave a short summary of the 2011 Legislative Audit and reviewed the program's accomplishments. Recommended rule changes were then presented. The inclusion of the table was for transparency.

Mr. Bair asked why just OIAL permits had a mechanism for reducing the number of conservation tags relative to the public tags. Perhaps to be consistent we should do that across the board.

Mr. Bunnell said they started with these tags because the number is small and we'll be able to work out any bugs with this change. This will be an easier process to work out with just the OIAL. In the future we could extend it to other permit types. He then finished the recommended changes and that concluded the presentation.

Vice Chair Perkins clarified that the Division's proposal would include explicit removal of general season deer as recommended by the Northern RAC.

Mr. Bunnell said yes and we can spell that out as such.

Vice Chair Perkins asked if there were any questions. This is a question only section. He then explained the orange comment cards relative to the public comment section of the meeting.

At this point Chairman Brady arrived. Vice Chair Perkins will finish this agenda item.

Ty Boulter of UWC asked what the projected elk tag cuts are with the age objective adjustment.

Mr. Bunnell said we have been in a steady growth mode. We are getting to the point where we are going to start to plateau and will reduce the number of tags on some units.

Mr. Boulter asked if it is accurate to say about a 10% cut in the next 3-5 years.

Mr. Aoude said our projected number of limited entry bull elk tags, given we're at objective on every unit is between 2,400 and 2,500 permits. That's about 500 permits fewer than we have now.

Mr. Boulter said if we adopt the rule as presented, that doesn't affect limited entry tags, we will see roughly a 500 permit reduction with the public, but none to the conservation permit program?

Mr. Aoude said this is over the next three years, probably once every unit comes to objective which could happen in the next 5-10 years on some units. The units that have more elk will take longer to get to objective. It will not be that steep of a decline in the next three years.

Mr. Albrecht asked, other than some of the things described in the presentation, what else can the conservation money be used for, like purchasing property.

Mr. Bunnell said the vast majority of the money goes to habitat projects, watershed restoration initiative and a lesser percentage to some research projects.

Assistant Director Clark said in the seven years Director Karpowitz has been Director, the money has never been used to purchase property. It is used for habitat in a different way. It is a very complicated state process to purchase property and most purchases never make it through that process. It is possible, but has not been done in the last seven years.

Mr. Bair asked what we get on matching funds from the federal government.

Mr. Bunnell we use this to generate seed money. Since the watershed initiative which started in about 2005, we have raised about 19 million dollars. The watershed initiative has accomplished 75 million dollars in projects during that time. We leverage this seed money through other partners to get lots of work done.

Mr. Fenimore asked if money has been used to retire grazing permits in areas where they want to put bighorn sheep, for example, with domestic sheep.

Mr. Clark said it has been used for conversions, rather than retirements. They are not done by the DWR, but between the conservation groups and the grazers.

Mr. Bair said in Central region there was a lot of discussion on the sheep program and how this might affect it if we were to take away even a few permits. How much is the budget for the sheep program?

Mr. Bunnell said in 2011, there were six Desert sheep permits, that sold for an average of \$44,000 and four Rocky Mountain sheep permits that sold for an average of \$55,000. These are high maintenance programs with the helicopter time and all.

Mr. Bair asked what type of effect it would have on the program if they took \$100,000 from the program.

Mr. Aoude said most of the money is used for flights and roughly, it would be more than half.

Mr. King asked what they pay for helicopter time.

Mr. Aoude said close to \$1000 an hour.

RAC Recommendations

Southern – Mr. Flinders said they passed the recommendation unanimously. Later in the agenda there was a lot of discussion.

Southeastern – Mr. Jones said they passed the recommendation unanimously. Mr. Bunnell's information on how the numbers are established was very helpful.

Central – Mr. Oswald said they had two motions. Karl Hirst who was the instigator of those motions wanted to be here to today but couldn't. A reading of the minutes will explain the rationale behind the motions.

MOTION: Accept that a minimum of 5% and 10% will be maintained and a table will be adopted to make it more visible to reflect maximum percentages. Rounding, in the current system, makes permits exceeds the 5% and 10% rules presently. This failed 5 to 2.

MOTION: To accept the Division's recommendations for rocky mountain bighorn sheep and desert bighorn sheep and use the hard five percent limit for all other conservation species as well as the balance of the recommendations. Passed 7 to 2.

MOTION: Annual report published on the conservation permit program start to finish of how the permits are allocated including the percentage allocated, where the money goes and what projects are accomplished with that money. It passed unanimously.

Northeastern – Mr. Blackwell said the recommendation passed unanimously.

Northern – Mr. Byrnes said they had three motions.

MOTION: To exclude general deer permits from the conservation permit program and it passed unanimously.

MOTION: Remove the sentences that have percent and number restrictions. Insert table for sheep and remaining species – passed 9 to 1.

MOTION: Accepted remainder – passed unanimously.

Public Comment

Tye Boulter, representing United Wildlife Cooperative said we have rules in our society that keep things in order. These tags have a market value. We were over allocated 40-50 tags this year and on the average sales price of these tags, we're looking at \$250,000 to \$300,000. There are consequences to this type of difference in the real world. Where is the recourse on this? Where is the leverage to make sure it doesn't happen in the future? Mistakes happen, but we need things in place to minimize them. In the future we need to have things in place to keep permit allocations under the 5 and 10% rule and UWC supports whatever the Division and Board come up with to do this. Sheep is a little different, but on all others, structure is mandatory. They support anything the Division puts in place to keep within the 5 and 10% .

Troy Justensen of SFW and Utah FNAWS, asks the Division to come up with a table that clarifies the limited entry, based on the rule not to exceed the 5-10% rule. Sheep would be the only exception. They would like the Division to come up with a table that would carry what we are currently issuing as far as sheep permits go. They want to carry the reduction trigger that is proposed on OIAL permits to all species. They also support that they do not include any general season tags within the conservation permit rule. Eric Christensen and Karl Hirst have put together table of percentages and they would ask the Division to come up with something similar to clarify.

Jason Hawkins representing himself said he heard several months ago that the Division had been issuing conservation tags in excess of the rule. He also heard there would be an amendment to the rule and he assumed the amendment would be to clarify the rule to make sure the caps were clear so they weren't violated. At the Central RAC he was disappointed to see that the amendment was going to actually authorize the prior conduct to allow these allocations and tags well in excess of the 5 and 10% caps. The proposal today is not clear. Caps need to be hard caps and be clearly defined. Also the OIAL proposal should go clear across to all species. If the public takes a cut on tags, the conservation tags should be cut also. Mr. Hirst's suggestion in the Central RAC would

be a very helpful proposal. He appreciates the Board and they need to keep the hard caps within the rule. The state should understand the rules and comply with them.

Miles Moretti, MDF said he remembers early meetings on the conservation program in the mid 90's in Moab. If the cap on the sheep hadn't been raised to 15% from 10%, we wouldn't have a sheep program in the Southeast at this point. They support the Division's recommendations. They support the creation of a table on the 5 and 10% to clarify if that's what the Board and Division decide to do.

Board Discussion

Vice Chair Perkins opened it to general comment with the Board.

Mr. Bair said it is notable that Utah has a program that raises more money and does more habitat work than the rest of the country. The things we are able to accomplish are remarkable. There are some house keeping issues that need to be tended to. He would like to see the trigger on OIAL tags to be reduced include all species.

Mr. Bunnell said this question has not even been an issue up to this point because we were in a steady growth phase across the board. It was when moose started coming down that we realized there were some inconsistencies there. That is bound to happen with other species over time.

Assistant Director Clark clarified that on the number of tags on a unit, once it is above 150 or 160 depending on which table the Board adopts, it doesn't do anything. The tags that were cut on the Manti had zero effect. Because almost all the units are getting above the number that generates eight maximum tags, elk are very stable. Sheep and moose are affected the most because we have very few tags and those species are very susceptible with something bad happening to them within one year. That is part of the reason we wanted to make that stipulation on OIAL species. You can put that in the rule, but it won't get used very much.

Mr. Bair said he still thinks it should be in the rule. It is the right thing to do.

Vice Chair Perkins said in addition to the comment on outstanding work we've been able to do because of the conservation program, it is also important to note this has allowed us to have the highest number of permits and opportunity for our state sportsmen that any state enjoys. These, very few permits, bring in the kind of money that allows us to severely restrict nonresident opportunity and all of that operates to the benefit of our citizens. His second thought, he is inclined to agree that all the other species in addition to the OIAL, but he believes it will be a little more difficult to do based on the timing of when we find out there may be a decrease in permits and the obligations that the organizations have already incurred. It might even be delayed to the following year because it would be too late. It still could be done.

Mr. Fenimore said with the 75 million that's been invested in habitat projects, he wishes there was a way to determine an ROI on that money to see if the money is truly being

recognized relative to the amount of money invested. Over the years we have talked about how the deer have not responded, yet there has been a lot of money aimed at the coyote program that is being started this year. There might be other ways that should be targeted that are not necessarily being recognized.

Mr. Bunnell said that can be done, but it is over long time periods. We are only five years into it. The main benefits from this investment are yet to be realized.

Vice Chair Perkins asked Mr. Thompson to comment on project feedback and what's been done over the last couple of years.

Tyler Thompson, DWR Habitat Coordinator said they do have a comprehensive monitoring program, most is directed at the actual vegetation response. They took a stab at a wildlife monitoring program without total success, so they are looking at ways to come back and look at that. It is one of the priorities, to try to look at the return on that investment and find the areas that are being successful.

Mr. Albrecht asked about the audit, was there a list of suggestions or things that needed to have attention?

Mr. Bunnell said no. The statement on the powerpoint was essentially the feedback.

Vice Chair Perkins said he developed an alternative proposal that might resolve some of the conflicts and public perceptions that have developed. This proposal would use the tables, recognize that rounding to the nearest whole permit could occur and then would impose a review of the total number of permits based on a 5 and 10% rule; then it would reduce permits if that was exceeded, rounded to the next whole permit. He distributed that to the Board yesterday, but due to some illnesses and vacation time, this has not gone through a normal discussion period smoothly. In that the 10% rule in sheep would be accorded and the 5% rule in deer would be "in rule," and also accorded as a follow on to use of the table.

In doing that Mr. Perkins asked the Division to run a set of comparison on this coming year's permits based on the numbers that were passed by the Board at our last meeting and they have done so. They ran three sets of figures, one was the hard 5% rule. One would be the proposed table and the last one would be using the table and then doing a calculation at the end with a 5 and 10% rule figure, rounding to the nearest permit. In running that table, the only thing that would change from the Division's proposal by adding that 5 and 10% for the coming year, would be one deer permit. All others would remain the same. He would like to propose that we retain the 5 and 10% as proposed to the Board members as a matter of transparency to the public. He also proposed a methodology or reduction method on the other species, relative to the OIAL species.

Assistant Director Clark said he's been involved in this program since around 1998. He reviewed some of the history and how they arrived at conservation permit numbers. Every time we go through this process, we try to tighten the rule down. We included a

table this year that shows how the numbers are calculated. The Division's intent is to have something that is absolutely clear. He's not sure that the language it adds makes it clear as of yet. We've always had a table that included rounding through the years. This was not a misreading of the rule that is always how it has been done. It can be changed. The change of reflecting all species could be done. The concern is we have catch up which occurs every three years, because every three years we use whatever the most recent year is and we don't add permits during the three years when the Board issues more permits. We see with moose that it is more volatile than it's ever been. A lot of those hunts are above that 150-160 number and it won't make any difference. We have been asked what dollar difference it makes. With sheep it is about \$110,000 less that it would generate for the conservation permit program when he applied this to last year's numbers. Not a dollar of the conservation money goes to salaries. It only goes to programs that we could not fund otherwise. We have accomplished a lot of things.

Vice Chair Perkins asked if the Division could live with the limited numbers on goat and moose.

Mr. Bunnell said on a hard 5% rule verses using the table for deer makes a difference of one tag. 40 tags using a hard 5% to 41 tags is the difference if we apply the proposed table. He went over all of the species and what the difference would be. On elk it makes a 5 tag difference. On Rocky Mountain goats it makes a difference of 2, but it's a higher percentage. On moose it is a difference of 1 tag, but a 50% increase. Pronghorn would be the biggest difference, because there are a lot of pronghorn units in the 11-20 range. With pronghorn it is a difference of 9 tags. We will implement the program with whatever rules and stipulations are placed on it and do our best to be completely forthright about it.

Chairman Brady asked about the difference in money.

Assistant Director Clark said it would be a \$110,000 reduction.

Mr. Bunnell said that's without sheep and with one tag it would become about \$200,000.

Chairman Brady said he is a strong advocate of the money that is brought in for these tags. In watching this program since 2000, we as sportsmen benefit from the sale of these tags.

Mr. Crandall asked about percent of the money that goes to the Division on the conservation permits.

Mr. Bunnell said 30% comes to Division immediately, 60% comes back on approved projects and the groups retain 10% to support their organizations. Some groups just give the 10% back to the Division. They have to run the projects by the Division for approval. 90% goes back on the ground is the bottom line.

Mr. Bair said in looking at the numbers, on the pronghorn, 9 permits would go back to the public draw, and also 1 moose permit and 2 goat permits if we went with the hard 5%. The goat and moose permits would be worth more than the 9 pronghorn permits.

Mr. Albrecht asked about an annual report.

Assistant Director Clark said we haven't done an annual report recently, but we are working to get it done soon.

Mr. King asked if that is something that could be put on the action log.

Assistant Director Clark said yes.

Mr. Bunnell said what does happen every year is an audit of the funds, tracking the money.

Mr. Bair said he would like to see the money breakdown and the projects done on the website.

Mr. Bunnell said we'll put some examples of projects and whatever reports that would be done.

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

MOTION: I move that the Division publish an annual report in reference to the conservation program that lists from start to finish how the permits are allocated, the percentages that are allocated, where the money goes and what projects are accomplished with that money.

Mr. Bunnell said there will be some time lags and some things that are still in progress when we put this report together. We will produce a report on an annual basis and at the timing that makes the most sense.

Vice Chair Perkins said they'd now consider the provision for a reduction of permits on all other species when there is a change in age objectives, or something along those lines.

Mr. Bair said even though we're above the number of permits on many of the species, he still feels that language should be in the rule. It is the right thing to do.

The following motion was made by John Bair, seconded by Bill Fenimore and passed unanimously.

MOTION: I move that all species be included in the option mechanism for reducing the number of conservation permits if the number of public permits declines during the time period for which multi-year permits were awarded.

Mr. King asked about the timing of those decisions.

Mr. Bunnell said in a lot of cases, there would be on a one year time lag in making those adjustments considering the timing of the marketing verses the timing of when the Board approves things. It will take some additional accounting and tracking, but not anything that would preclude it being done.

Mr. Crandell said the motion gives the Division some flexibility to reduce numbers if necessary.

Mr. Bunnell said it brings some equity to it if the public is taking a reduction in tags, we should evaluate and see if it is out of proportion with conservation tags based on a recommended reduction in public tags.

Vice Chair Perkins said they'd now move onto the sheep issue.

Mr. Bair said the sheep program does rely on the conservation money. It is the perfect example of how conservation dollars turn into public opportunity. He doesn't think we should adopt anything that is going to cut sheep tags from the program. We can see the good it is doing. 1-2 sheep tags would cut a huge percentage of those tags.

Mr. King said he still remembers when the first sheep permits were sold and the benefits that came from that money.

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

MOTION: I move that we adopt the Division's recommendation and table for sheep.

Vice Chair Perkins summarized that we are looking at three options now, a hard 5%, the Division's table, and Mr. Perkin's proposal of the Division's table with a 5% cap on the end of it.

Mr. King asked for explanation on the difference between Mr. Perkins proposal and the Division's proposal.

Mr. Bunnell said let's look at deer because that's the only place it will make any difference. What Mr. Perkin's proposal will do is after we're done, we go back to the total number of deer permits and what 5% is of that number, and is the number of conservation permits that we've issued exceed that 5% number with one caveat, with units that are over the 151, to make the calculation we bring them back to 151, so they're

not overwhelming the 5%. The difference it makes is from 41 back to 40 permits dropping the lowest valued deer tag. What the Board has to decide is it worth the added complexity. With pronghorn it doesn't make any difference using Mr. Perkin's proposal or the Division's table.

Mr. Bair said he is not opposed to the Division's proposal, but he would lean towards Mr. Perkin's proposal making it right at 5%.

The following motion was made by Del Brady, seconded by Jake Albrecht and passed 5 to 1, with John Bair opposed.

MOTION: I move that we accept the Division's method for calculating conservation permit numbers for all other species as presented.

Mr. King said the Division's proposal is to include the rounding factor.

Mr. Bunnell said they just apply the table as referenced.

Mr. Bair thinks that Mr. Perkin's proposal is a little better and he is not opposed to the Division's proposal.

The following motion was made by Bill Fenimore, seconded by John Bair and passed unanimously.

MOTION: I move that we accept the remainder of the Division's proposal as presented on the Conservation Permit Rule Amendments R657-41.

Lunch break.

After the lunch break Chairman Brady took over as Chair of the meeting.

7) Collection, Importation and Possession Rule Amendments R657-03 (Action)

Krissy Wilson, Aquatics Wildlife Coordinator presented this agenda item. (See Powerpoint Presentation) She defined the CIP and explained noncontrolled, controlled and prohibited species. They have spent two years on this rule to get it to this point. She then went over species not covered by this rule and definitions. Classification and specific rules for crustaceans, mollusks, fish, mammals, bird and raptors were also covered.

Mr. Fenimore asked how they differentiate between the wild geese and the others.

Mr. Bunnell said it is urban geese verses wild geese. They are trying to keep goslings being born in areas and then because of the imprint coming back to that area.

RAC Recommendations

Northern – Mr. Byrnes said they had two motions. Motion: To accept as presented with the exception of R657-3-7(1)(a)-“A person is not required to obtain a COR or federal permit to kill black billed magpies, starlings or domestic pigeons, rock doves when found committing or about to commit depredation upon ornamental or shade trees etc. or when concentrated in such numbers in a manner to constitute a health hazard or nuisance provided.” The maker of the motion wanted to eliminate the cow bird because of the concern of cow birds flocking with black birds in the winter. He liked the wording that the animal needed to be found “when found committing or about to commit depredation,” rather than the new wording. Motion: To accept the remainder or the Division’s recommendation.

Northeastern – Mr. Blackwell said they passed the rule unanimously. A few RAC members asked that the Division consider creating an informational medium for the public since this is a little known rule.

Central – Mr. Fairchild said they passed the rule unanimously as presented.

Southeastern – Mr. Jones said they passed the rule unanimously as presented.

Southern – Mr. Flinders said after some discussion and clarification about the new distinction of magpies verses ravens and crows, they voted unanimously to accept as presented.

Board Discussion

Mr. Perkins asked about the Northern region motion to cut cow birds out. Mr. Parrish presented a list which cow birds were still included.

Mr. Byrnes said the maker of the motion was concerned about cow birds could be taken with black birds, similar to the way crows were taken out of the rule to prevent taking ravens.

Mr. Parrish said the federal rule includes 3 blackbirds, 3 cowbirds, grackles, crows and magpies. Section 7 of the rule is whether a COR would be required to take those species. The federal depredation rule allows taking without a COR. We were proposing requiring a permit for crows but not black billed magpies, cowbirds, starlings, house sparrows and rock doves. The issue was a person taking ravens which aren’t in the depredation order, thinking they were taking crows. He sees the point on the cowbirds, but that’s why we didn’t include any blackbirds. There is some concern, particularly in the winter when they flock together with mixed species. The Division sticks with the recommendation.

Mr. King asked about the wording “is committing or is about to commit depredation.”

Mr. Byrnes said that is the original wording and the same wording that is in the federal order.

Mr. Parrish said that is something we wanted removed. He asked the question at the RAC of how to determine when a bird “is about to commit” depredation. We can be more restrictive than federal rule. He is concerned about people taking birds because they believe they are “about to commit” depredation.

Chairman Brady summarized the RAC comment.

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

MOTION: I move that we approve the Division’s recommendation on Collection, Importation and Possession Rule amendments R657-03 as presented.

8) Division Variance Rule Amendments R657-57 (**Action**)

Greg Sheehan, Administrative Services Section Chief presented this agenda item. He handed out the requested material on leftover big game permits and general permit information on the draw. (See Attachment #1) There were 4,300 remaining deer permits that weren’t sold in the draw. More than half of those were for Boxelder or Cache county archery or muzzleloader. There were some from the Ogden Unit. There was an increase of over 12,000 people in the draw. We also had a slight reduction in deer permits this year. He went over factors that made it harder for hunters to draw out this year. Applications overall are up about 25,000, 17,000 residents and 8,000 nonresidents. We had 6,700 unique individuals apply in this draw compared to last year. The odds will be published in a couple of months. The remaining permits will go on sale in July.

He then went on to present the variance rule amendments. (See Powerpoint Presentation) He went over the history of variances at the DWR and the basis for changes to the rule. When variance relief will be given, variance types, preference point restoration, bonus point restoration and/or waiting period waiver, season extensions, groups and limitations on Board authority were covered.

Mr. Perkins asked for some examples of substantially precluded first day hunt.

Mr. Sheehan responded to the hypothetical situations presented by Mr. Perkins. We have a lot of situations where people are hurt on day one, because they’re not in good physical shape, not familiar with their equipment or whatever. The Board has heard many requests from people who just got one day of hunting. Giving them day one will hopefully help satisfy a lot of these situations.

Mr. Bair said no matter what we do, there’s always a judgment call to be made.

Mr. Sheehan said hopefully the variance committee can address some of those situations. We are trying to get these away from the Board as much as possible. There are always judgment calls and that’s why the slide “No Guarantees.”

Mr. Bair said on tags are eligible for bonus point restoration and waiting period waiver, when it went through the RACs he was surprised to still see OIAL in that category and not in the category that qualified for season extension. He feels that OIAL hunts should be eligible for season extension.

Mr. Albrecht said he agrees with that.

Chairman Brady asked if that wasn't part of what the work meeting suggested.

Mr. Bair said it was.

Mr. Sheehan said they re-listened to it and Director Karpowitz said they'd make the RACs aware of it as a consideration of the Board.

Ms. Coons said she went back and listened to the work meeting and Director Karpowitz said we'd take it to the RACs for input as to whether they should be moved or not.

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

RAC Recommendations

Southern – Mr. Flinders said one public said they shouldn't extend even one day. The RAC unanimously passed the Division's proposal as the presented.

Southeastern – Mr. Jones said their RAC passed the recommendation unanimously as presented.

Central – Mr. Fairchild said they wanted the season extension for OIAL.

Northeastern – Mr. Blackwell said they had some discussion. It passed 5 to 1 however they had one RAC member that wanted to see an amendment added to the season extension for limited entry, CWMUs and OIAL. That is why this individual voted against the motion.

Northern – Mr. Bynes said they passed the rule as presented with exception of OIAL big game to have a choice of bonus point restoration or a season extension. The definition of substantially precluded would mean three day hunting for OIAL and one for other hunts. Part of the discussion was the maker of the motion felt if you drew OIAL it would allow you a little more time in the field before you'd be precluded.

Public Comment

Troy Justensen, SFW said they support the Division's recommendation with the exception of the OIAL being available for season extension. Unfortunate things happen and we need to allow them to experience a OIAL hunt.

Board Discussion

Mr. Perkins said in all cases if somebody is eligible for a season extension by category, can they also be eligible for their choice of bonus point and waiting period being waived. For instance in a case where somebody has a severely broken leg and they might need 15 months for recovery, they may not want to have an extension, but restoration of bonus points and waive waiting period.

Mr. Sheehan said we didn't write into the rule that you could have your points back because there aren't any on there now that have any points to get back. That could be a motion and that's what Northern region addressed. We had no need to add that on, but if you move OIAL over, then they could be offered the choice of one or the other without further recourse.

Mr. King asked what the ramifications of moving OIAL into the other category. Why did they keep it there?

Mr. Sheehan said there are pros and cons. In this category it looked fairly consistent. Some of the limited entry permits such as the Henry's deer tag or San Juan bull elk tag might be as much of a OIAL opportunity as some other hunts. We have looked at it both ways. They are comfortable with whatever the Board prefers.

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

MOTION: I move that we approve the Division Variance rule Amendments R657-57 with the exception that we move the Once-in-a-Lifetime to be allowed to have a season extension, or the option to retain their bonus points and waive the waiting period.

9) Deer Management Plans (Action)

Anis Aoude, Wildlife Program Manager presented this agenda item. All the unit plans expired and were revised. They did however ask the Northeast and Southeast regions to do a more comprehensive revision because they did have the most up to date range trend data. From this date on we have asked each region to redo their plans as they get the most up to date data. From now on they will revise the plans on a five year rotation with the most recent range trend information. The 2012 Deer plan revisions and content were presented. These deer plans contain boundary descriptions, land ownership and also population objectives, both long term and short term, buck to doe ratios, and habitat objectives. He said this is a summary presentation. There were no changes in either short or long term objectives this time for general season deer from the 2006 plans. The buck to doe ratios comply with the 30 unit plan that was just passed. This concluded the presentation.

Mr. Albrecht asked if each region comes up with a plan of its own.

Mr. Aoude said each individual unit plan has a habitat section of what was done and what needs to be done in the future.

Mr. Albrecht asked if these plans are on the website available to the public.

Mr. Aoude said yes. The unit plans will be published there once they are approved.

RAC Recommendations

All of the RACs passed the Division's recommendation unanimously.

Public Comment

Miles Moretti, MDF said they support the Division's deer management plans. The decline of mule deer is a trend across the west. He is asking the state wildlife agencies to make mule deer a high priority. Utah is making them a high priority and need to continue to do this. Also keep the plans up to date and increase efforts to reach out to the public. He hopes Utah's example will continue to lead in these efforts.

Chairman Brady asked if he sees something different in other states that we could do.

Mr. Moretti said one place that mule deer are doing well is in the eastern part of the range in the Sierra Peak Conservation reserve program, out in the plains. That is the only positive place he sees for mule deer around the west. Everybody is struggling and its all habitat, predator and water issues. He does see a bright spot with highways and underpasses, etc. that are being funded by the highway departments. They are seeing thousands of deer make crossings under these highways that weren't happening before. Continue to partner with agriculture and work on habitat. Cutting buck numbers does not help deer herds, it only cuts opportunity.

Chairman Brady summarized the RAC recommendations.

The following motion was made by Mike King, seconded by Ernie Perkins and passed unanimously.

MOTION: I move that we accept the Division's Deer Management Plans as presented.

10) Elk Management Plans (Action)

Mr. Aoude presented this agenda item. We passed our statewide plan a couple years ago. All elk units needed revision. Committees were only formed on units where we intended to raise population objectives, although there were some units where we didn't intend to raise objectives, but still had committees. He presented a list of Units that had

committees. (See Powerpoint Presentation) The Division recommends a total statewide increase in elk population objective of 2,140. They recommend a reduction of 35 animals on the Paunsaugunt. That unit does not winter a lot of elk, but there is a section of the unit where elk may be moving mule deer, thus the reduction. He went on to present a summary of recommended changes and the rationale behind it. This concluded the presentation.

Mr. Perkins said the recommendation to move those two units to any bull went through the committees, is that right?

Mr. Aoude said yes.

Chairman Brady clarified that the objective that is being set, in some cases duplicates what we have on the ground.

Mr. Aoude said yes. We targeted some units that are constantly above objective knowing that it would be easier to raise objectives there since we can carry that amount of elk in those units.

Chairman Brady asked which units that would be.

Mr. Aoude said Chalk Creek, Kamas, Avinaquin, Fillmore and the Fish Lake is about there now. Every unit there that is on this list has had more elk on them in the past.

Chairman Brady asked if there were any questions.

Sterling Brown with Utah Farm Bureau has four questions. First regarding the analysis, to what extent is that information distributed to the RACs, Board and public.

Mr. Aoude said all of these were done through a committee process and it was explained there to a great extent. It varied from RAC to RAC depending on how many questions were asked. There was a lot of detail as each region manager presented the plans for their units. Today is just a summary.

Mr. Brown asked regarding the elk proposed numbers relative to livestock AUMs. During the local working groups to what extent was the recent and long term history of livestock AUMs discussed and incorporated into the final recommendation to the RACs and Board?

Mr. Aoude said at every committee meeting that was discussed to a large extent. That is our main limiting factor to increasing elk.

Mr. Brown asked if that part of the analysis got to the RACs.

Mr. Aoude said again it depends on the individual RAC. We cannot present every single detail that occurs in the committee. That is why we have committees that come up with these recommendations.

Mr. Brown asked to what extent was depredation considered. What percent of the landowners were made whole on loss?

Mr. Aoude said he doesn't have that information on hand, but they had to prorate last year. It was about 89% of what was coming through. Those below \$1000 got 100%. Because of the need to prorate last year, there were additional funds put into the budget this year through the legislature and the Division.

Mack Morrell asked what the response was to the increase by the Forest Service and/or the BLM. Were they positive or negative?

Mr. Aoude said he wouldn't venture to say across the board, but mostly positive.

Mr. Morrell asked which were negative.

Mr. Aoude said he wouldn't say any of them were negative.

Troy Justensen asked what role, if any does the Division plan in the allocation of AUMs for livestock holders on public lands.

Mr. Aoude said none whatsoever.

RAC Recommendations

Southeastern – Mr. Jones said they voted to accept 4 to 3 as presented. The motion was made and seconded by the two federal representatives on the RAC.

Southern – Mr. Flinders said they spent a lot of time on this item. They had two motions. The Fish Lake/Plateau was separated because of the amount of public comment. Motion: To table the increase of 800 elk to do a more thorough analysis of AUMs available, respective grazing and sportsmen's needs. It failed 5 to 6. After more discussion a motion to accept everything as presented passed 6 to 5. To narrow the focus more, there was no discussion on increase on Fillmore/Pahvant of 175. The discussion and controversy was around the Plateau.

Northern, Northeastern and Central passed the recommendations unanimously as presented.

Public Comment

Harry Barber, Bureau of Land Management Field Officer and is here to represent the Color Country District. He is the Southern RAC member who represents the BLM. He

is here to clarify their position at the RAC meeting. There was a communication break down. Information he should have received much prior to his meeting only came to him several minutes before the meeting started. The information was that the Richfield field office had problems with the 800 head elk increase. He didn't have time to speak with all those involved. The bottom line was because of communication breakdown, it appeared that their representative on the committee, Larry Greenwood, didn't fully explain his feelings about the 800 increase to his supervisor. He talked to Mr. Greenwood last night about this issue. From his notes, "figures show that an increase of 600 elk would be okay as long as there was an increase for livestock also. This gets us into that AUM question. Mr. Barber proposes that in the future, particularly in regards to this 800 head increase, the BLM, DWR and permittees work much closer on the ground in terms of data collection, in looking at areas where they see the beneficial increase in forage and that a determination is made on an annual basis on whether or not that forage is going to be there. The BLM is pro wildlife, but have other constituents as well to look after. If the forage is there, we're good, but it needs to be determined ahead and if it's not there, there needs to be a temporary decrease in numbers, whether in antlerless permits or some other avenue. We feel more collaboration would benefit all.

Mr. Perkins asked if he could confirm Wayne Whetsel's letter which says that BLM does not support the increase above 4,800. Is this the position of Mr. Barber's office, Greenwood's office and the BLM?

Mr. Barber said he found out about that letter yesterday afternoon as part of the communication issues they are having. He should be the official spokes person for the BLM in terms of that area. That letter was not reviewed by the district manager. He called Mr. Barber and asked if he's seen the letter and he had not. Mr. Barber asks that the Board discount that letter, but strive to put in place this effort of collaboration.

Mr. Perkins asked what their position is.

Mr. Barber said they support the committee's recommendation with the caveat that more collaboration is done between the groups and some determination annually on how it will drive the elk numbers.

Mr. Perkins said the BLM is invited every year to participate with the range trend analysis. Is that the type of collaboration that he is looking for?

Mr. Barber said that's a good step but more needs to be done with the AUM numbers. They might need to get more site specific on data collection.

Troy Justensen, SFW said they support the Division's recommendations based on what was said in the committee meetings. The DWR's recommendation was that forage is there and adequate for increase. The same recommendation came from the Forest Service and the BLM. The question is if the biologists had the right to voice this, but they are being somewhat overridden by the federal agency. They are not against livestock and believe there is enough forage to increase wildlife and the cattlemen receive

their AUMs also. They have spent a lot of money in that area with over 220,000 acres treated in the Fish Lake and several million dollars of conservation permit money has been there. It benefits not only wildlife, but livestock also. They support the Division's recommendation.

Stanton Gleave is a rancher down in Southern Utah. He runs sheep on Mt. Dutton and cattle on Monroe Mountain. He is president of the Monroe Mountain Grazing Association. If they increase the herd of elk on the Fish Lake, they'll get a bunch of them on Monroe Mountain. It is ridiculous saying you're increasing one unit or the other and that whole herd of elk pays no attention to boundaries. At the present time they are getting a lot of damage on private property all through Grass Valley and the Sevier River Valley. The Division admitted that they are not able to pay for the damages that have been done presently and the ranchers he is representing say there should be no more elk until they can pay for present damages.

Mr. Gleave said they are friendly with wildlife. It is no mystery about the problem with deer, its cougar. How can you raise deer and protect cougars? You can't. Southern Utah is deer country, not elk country. Deer have been mismanaged for 40 years. Sheep herds have disappeared out of that country also. The same with cattle and in his lifetime he has never been increased one AUM, but has been cut 100s of them. If the elk go from zero up into the 1000s something is wrong. Ranchers have not come to the Division and that's how it happened. He referred to an incident with a landowner shooting elk on his property and he had every right to do so. We've got to control these elk and they are not native to the country. If the Division has any power to do anything, this is what he believes should be done. They are opposed to any increase.

Stan Wood, a permittee from Wayne County based out of Lymon said everything reaches a point of saturation. In his childhood and up to 1977 there were not elk in that area. They moved them off in '77 and now they have elk in their feed lot. They farm the Horse Valley Ranch and in the drought of 2001 they found out if you bail small bales of alfalfa you better get them hauled the next day or the elk would come in and destroy it all. An increase in the elk numbers is going to concentrate in the valley. They have 12 big bulls that winter in their feed lot every winter. 9,600 AUMs is an 800 head increase. That is the equivalent of approximately 2,150 head of cattle increased on the Fish Lake. In the EA done on Boulder Mountain before they planted the elk it said if the elk numbers get above 250 head it could affect the deer population. He was a county commissioner for 4 years and represented Wayne County on the Six County Association of Government. They have a meeting every month with representatives from that area. Supervisor Rowley said we may need to decrease livestock numbers because of utilization standards. Mr. Wood responded that if livestock were to be reduced, elk and wildlife must be reduced also. At the ensuing Natural Resource meeting they had Dr. Bowns give a crash course on range science. Every commission chairman in the Six County Association drafted and signed a letter stating their opposition to the increase in the numbers due to possible resource management. Supervisor Rowley is against this increase. An increase in wildlife AUMs and nothing in the livestock is discrimination.

Mr. Crandall asked where and when was the environmental assessment over the 250 head of elk.

Mr. Wood said it was Boulder Mountain in the early 70's.

Mack Morrell said when they had the elk committees, the Southern RAC assigned a RAC member to each committee. He was assigned to the Fish Lake/Plateau. There was a negative vote from Forest Service. They spent two long evenings discussing this. The Fish Lake is managed by Curtis Robins and Jason Cling. The presentation was made and eventually it came to a vote. Mr. Cling said in his discussion with Mr. Robins, the Fish Lake could not sustain an increase in elk. He was 3rd to last to vote of 15. If he'd been earlier in the voting order, Mr. Morrell is sure the vote would have been different. The elk are there and probably more. Sight ability is 80%, but some studies say it is 40-50%. There are problems with elk in the fields because there is not enough winter habitat, too many elk or a combination of both. If the Board votes to increase elk on the Fish Lake/Plateau they are going against the Forest Service recommendation. Who knows the land better than the Forest Service? The letter from Alan Rowley and the Forest Supervisors from Dixie says the aspen and riparian areas are problems on the Fish Lake. No money has been spent to improve them. They also recommended keeping the numbers in check with antlerless permits. The Division recommended no increase on permits on Fish Lake and with recruitments they will be over objective. This is going to create a boom bust cycle on the Fish Lake which has been its history.

Verland King is a member of the Dark Valley Grazers Association and also a doctor of Veterinary medicine. He feels the studies should be done before the objective is raised. The range trend study for DWR is for deer habitat, not elk. Mr. Aoude says 850 elk are all ready there and the land can handle it. That is out of order. SFW says they've spent a lot of money down there so there should be more elk, but right now Boulder Mountain has two fires on it, Monroe has one which will affect habitat. The money that is available should be used to counteract a drought or these fires that will affect winter range. He has private land in Grass Valley and for the deer and elk to water they have to come across his property to drink at Otter Creek, which is fine most of the time, but the elk come in and eat the new green grass in the spring. There are a lot of things that go into habitat and the way animals use it.

Mr. King went on to say that Charles Kay from Utah State has documented aspen problems and a lot is due to elk herds. They run cattle on Boulder Mountain on the Dark Valley allotment. They fence the riparian areas so the cattle can't damage them. They still get grazed heavily from the elk, not the cattle. From studies on the Fish Lake herd of elk, it is actually the same herd that runs on the Dutton, Monroe and Boulder. If the Fish Lake herd is increased you increase all of it. There are habitat problems that need to be addressed before that number is raised.

Sterling Brown with Utah Farm Bureau said there is conflict between livestock and wildlife and there's a rich history for this. The DWR establishes wildlife numbers and BLM and Forest Service establish livestock numbers. We keep passing the buck and it's

beyond everyone's control to address the core problem. Farm Bureau is asking the Board today to compromise enough to incorporate the needs of livestock. Regarding the analysis, it is unfortunate that livestock AUMs and their history is not part of the presentation to the RACs and Board. It gets tucked away in the local working groups. We are in the business of habitat. He read from the Utah State Code Title 4 – "managing for wildlife is of highest priority at the same time managing for highest possible level for livestock." Public policy in Utah clearly says managing for livestock is of highest priority. Has this incorporated into the system? The compensation earlier this year, he was told 81 cents on dollar for depredation payments. Today it was 89 cents, but landowners were not made whole. The Division is in debt and has not paid their obligations. He knows the legislature appropriates money for those payments, but still here we are asking for an increase in elk numbers when the state could not pay full costs last year. There is more money, but is it enough and has it been considered in the planning? Has the Division gone before the state planning coordinator for input on the proposals before us today?

Chairman Brady read in an email comment from Rick Woodard (Attachment #2)

5 minute break

Board Discussion

Chairman Brady then summarized RAC and public comment.

Mr. Fenimore asked Assistant Director Clark in view of today's meeting and what has been discussed, does he feel the elk management plans have been adequately addressed or does it need further review.

Assistant Director Clark said we have followed the process with additional work that has been done. There have been discussions about raising elk numbers in different parts of the State for years. Unfortunately there will always be those who feel like they've won or lost. The Division will continue to work on making habitat better and work with all those who are using the natural resources and contributing to the big picture. He asked for input from Mr. Aoude and Mr. Bunnell and if anything has come up today that would change the Division's recommendation.

Mr. Aoude said no. In addition, before they went forward with these unit plans they formed a different committee to look at incentivizing that increase to make it more equitable for the ranchers. They came up with some ideas that were incorporated, but unfortunately a lot of those were overshadowed by the total number. They are working on the ground to try to improve distribution. There will be future habitat and water treatments. That's why the plans were delayed for a year in an effort to put some of those things in place. Yes, they are adding 2,140 elk to the objective, which are really already on the ground, but we are also doing habitat and distribute them better through water distribution and things like that, which are in these plans.

Mr. Crandall asked about the GIP funding annually?

Mr. Brown said years ago when it started, there was initial seed money for administrative overhead to get the program going, then 1.4 million dollars. This last year it was reduced to 1.2 million on the ground money, plus some money for overhead.

Mr. Crandall said in the GIP the 1.2 or 1.4 million is a cost share. The rancher still has to come up with 25-50%. Actual dollars on the ground is actually more, pushing 2 million annually in funding for range improvements. He then asked Mr. Morrell about the elk on the Fish Lake, Dutton and Boulder running together.

Mr. Morrell said they do tend to run together depending on where the pressure is. The elk on those units are interchangeable. Some cow elk were collared a few years ago and they went to the various units. As landowners we are not in the business of wintering wildlife. We farm and ranch to raise hay to winter our livestock, not wildlife. Some compensation is not nearly enough.

Mr. Crandall asked about those elk on those three units. Is that summer, winter or what?

Mr. Morrell said both, sometimes year round, depending on the snow level. They were going to count all four units, but because of lack of snow they just counted Fish Lake. There were tracks going across I-70 that they didn't count. Out on Parker Mountain there are 400-500 elk around Cedar Peak, Dry Wash and the Buttes that are never covered. At Southern RAC they said we were at objective at 4,800, but then the DWR says with the increase it will include elk that are already on the ground. Where is the credibility with the DWR? We've seen it with the antelope and bison in the past. Ranchers want integrity and credibility from the Division.

Mr. Bair clarified that this is not comment period.

Mr. Perkins asked Mr. Brown what percentage of the GIP gets used on public lands where we then partner with the feds and bring in most dollars for cost sharing, greatly increasing the benefits.

Mr. Brown said he doesn't know. Bill Hopkins would have an answer.

Mr. Perkins said we need to get as much from that program as possible, like we have on the watershed program. We are spending significant amounts of watershed money on private lands too, and even getting some federal matching on that.

Chairman Brady asked for a report on the Forest Service position.

Mr. Flinders said as a RAC representative for the Forest Service he spends a lot of time talking to Mr. Rodriguez and Mr. Rowley who are biologists. They made sure that these committees were attended by District Rangers for the most part so you didn't have a biologist saying one thing and a range specialist saying another, because often they are on

different ends of the spectrum. It is almost impossible for Mr. Rowley to write a comment letter to summarize what went on in the committee meetings to articulate the Forest Service position. It really went through the mouths of the representatives on those committees. He read an email from Alan Rowley. (See Attachment #3)

The forest service is clearly caught in the middle of balancing resources, but is staying resource based. It is saying it will support the decisions made by the Board and support the people in the committees and what they said. So Jason Cling can say as a District Ranger that he doesn't see the room for elk right now, but we weren't there and have to defer to what went on there.

Assistant Director Clark said he had a long discussion with Alan Rowley yesterday. The last point he made is the letter that he sent along with the other four supervisors was in response to recommendations on how many cow elk and antlerless deer permits to be issued based on previous objectives. He said we should manage to objective, but now we're talking about what the objective should be. No one should be quoting the letter from a few weeks ago relative to the discussion now. We are now in a different discussion.

Chairman Brady asked Mr. Bushman to respond to the discussion.

Mr. Bushman said there was comment that this plan should have gone through the State Planning Coordinator's Office. Many of our plans do go through the Resource Development Coordinating Committee and the planning office. Deer and elk management plans are not required to go through this office. He read from code. "in preparing plans the Division shall confer with federal and state land managers, private landowners, sportsmen and ranchers. Each management plan shall establish a target herd size and consider some of these factors. Consider available information on a unit's carrying capacity and ownership, and seek to balance relevant multiple uses for the range." That is the legal process the code sets out to create these plans.

Mr. Bushman said the other comment related to Statutory Declaration in agriculture's code – Title 24 chapter 23 which states "the legislature defines and declares that it is important to the economy of the State of Utah to maintain agricultural production at the highest possible level and at the same time to promote, to protect and preserve the wildlife resources of the State. This was a declaration made by the legislature in 1979. 16 years later when the legislature created the Wildlife Board, it gave the Board some directives on its responsibilities in establishing policy with the management of wildlife. He went on to cover those responsibilities. This discussion is doing exactly these responsibilities, considering the issues and then the next directive is "to seek to balance the habitats of wildlife with the social and economic activities of man." The agriculture code and wildlife code can be reconciled, but you couldn't interpret "highest extent possible" to mean livestock to the exclusion of everything else. The Board must determine what the fair balance is.

Chairman Brady asked Mr. Justensen about what SFW has done in Southern region.

Mr. Justensen said we need to look at the group of organizations and what they do. Mr. Clark would be able to speak better to the conservation money that has been raised for wildlife. As groups, we are just the tool that generates this money. It really comes from sportsmen. There has been 12 million dollars and over 220,000 acres have been invested in the Fish Lake area to improve habitat, as quoted from director Karpowitz two Board meetings ago.

Chairman Brady asked if the majority of the money from conservation organizations goes to Southern region.

Mr. Thompson said about half the conservation permit money goes to Southern region.

Mr. Crandall asked about Fillmore/Oakcreek South going to any bull, why?

Mr. Aoude said it is not a great elk habitat and has been a fairly poor limited entry unit. Success rates and satisfaction on that unit has been low. It fits better as general season any bull unit.

Mr. Crandall asked what the boundaries are.

Mr. Aoude explained where the location is on these units. Fillmore/Oakcreek North and south is everything west of highway 15. The South goes down to Cover Fort. He continued discussion on the Fillmore/Pahvant units.

Ms. Griffin said another reason for the any bull on the Fillmore/Oakcreek South, west of I-15 they have future plans to do a high fence from Cove Fort north which will slow the movement off the Pahvant onto the Oakcreek side making the unit that is already poor even worse. So it will fit better in any bull elk rather than limited entry.

Mr. Bair said this has been a hot issue in Southern region and Ms. Griffin should be commended on the way she's handled things relative to the elk. Mr. Flinders should also be commended for the RAC meetings and information.

Chairman Brady agreed.

Mr. King asked how many elk tags are in the CWMU program.

Mr. Blackwell said he doesn't know the exact number. There are about 11 CWMUs and a high percentage of them have elk permits.

Mr. Aoude said there are four CWMUs on the Fish Lake that have a good proportion of the summer range, with probably around 50 permits there.

Mr. Fenimore said he has heard that mule deer are our most valuable resource in Utah. With marginal habitat for elk and putting them in places they have not been historically, is this increase of objective helping or hindering the deer?

Mr. Aoude said the areas they have recommended for elk are arid areas or areas that are not suitable for elk. The areas we are recommending more elk are historically areas where we've had more elk and been trying to keep them down. It is good elk habitat, high country and aspen. Having said that people do want mule deer, but there is also a large constituency who want to see more elk. We are trying to strike a balance.

Mr. King asked about the overall economic impact in carrying deer to elk.

Mr. Aoude said he can't say really how much it generates to local governments. To us, most of our deer are general season deer with a low tag price. For elk we can have both limited entry and general season. It is a resource that is fairly constant, where mule deer tend to fluctuate a lot. It is a more stable resource. They are about equal right now as far as income goes with 33,000 elk permits verses 87,000 deer permits. We have only 70,000 elk verses 300,000 deer. Elk are more predictable in their survival. It is a balance.

Mr. Albrecht thanked Mr. Barber for attending today. He brings a lot to our RAC meetings. According to Commissioner Wood, over on the Thousand Lakes side up over I-70, it is a lot drier than on the Koosharem side. Those guys have some valid concerns about wintering elk, in Lyman and Forsythe and up through that country. But with that being said, if you go over on the Koosharem side towards Lost Creek and that area, it is totally different. We have some CWMUs on that side and all those feed the majority of the elk during the summer months. Johnson Ranch does not feed livestock now. That CWMU has gone strictly to an elk ranch. Vance Mumford has the majority of the Fish Lake now and does a very good job. He does not think he would recommend an increase in elk if he can't feed them. This will not fix the Wayne County problem unless the Division goes in and figure out some different ways of hunting cow elk. Those elk on that side need to be pushed back onto the Sevier County side. There are some other things that need to be implemented down the road whether this passes today or not. Mr. Morrell is right that the Fish Lake, Pahvant, Boulder and the Dutton should be counted all together. The Southern region is working toward that.

Mr. Albrecht said he went into the Fish Lake National Forest and got their AUMs from 1943-2010. In 1943 there were 224,000 AUMs, 1971 there were 145,000, 1979 there were 137,000. From 1985-2009 it ranges from 126-137. It hasn't changed much since 1985. That says that the money that is being put on the ground is working. If we are going to continue to do this, he doesn't see any negative AUMs coming down the road, but if we don't work together everybody will lose.

Mr. Perkins said both the BLM and Farm Bureau asked for consideration of some agricultural data by the committees. They also asked for some additional review and improved range trend and conditions information. Those are reasonable requests, but it isn't up to the DWR to provide that information. The Farm Bureau and the Department of Ag should be providing that information to their representatives and to the Division right up front. He'd be very supportive of additional information on range compared to

elk. We have done millions of dollars and 100s of acres of improvement benefiting livestock and elk. These benefits are realized by elk and cows and down the road we hope forage will be increased for deer and perhaps sheep, if we ever get that industry back up.

He has to kick back a bit on the depredation funding comment. He stood with Farm Bureau a few years back and testified in multiple committees for the need for increased depredation funding. There was an obvious need. The real driver in securing that funding needs to come from the Department of Ag, Farm Bureau, Cattlemen's Association, etc. The DWR can support it, but these other organizations need to spearhead it. There might need to be a reserve account. The Division just dispenses the money.

Mr. Bair said as he listens it's like listening to both sides of his heritage argue back and forth, livestock raisers and big game hunters. It is very difficult. Having said that, he doesn't believe that any recommendation the Board makes today on elk numbers is going to affect AUMs. He has seen AUMs taken from ranchers and grazers for years and they never get them back. He appreciates everybody being here today. He doesn't believe that Mr. Aoude would bring out any proposal that is detrimental to mule deer. The Division would not recommend an increase in elk numbers if they hadn't looked at all the angles and the future ramifications.

Mr. Crandall reviewed the AUM history that Mr. Albrecht outlined.

Mr. Albrecht said sheep have gone down and cattle have picked up some of it.

Mr. Crandall said there were 15,000 head of elk in the 1976 and now we're between 68,000 and 75,000 head of elk. That is almost five times as many elk in the last 30 years, but the livestock AUMs have gone backwards. Livestock AUMs have taken a big hit and they need to be considered. We should increase the elk when the livestock AUMs come back. If we have too many elk, let's take them out. If there's too many livestock out there, you have two weeks to reduce them. 89 cents on the dollar is just what's reported. A lot of ranchers just repair the depredation problems and never report it. There is a lot of habitat restoration that the livestock men do not report. Ranchers haul water and that frees up water for the wildlife. He cannot go for an increase in elk numbers. He would approve the plan, but not the numbers.

The following motion was made by John Bair, seconded by Jake Albrecht and passed 4 to 2 with Calvin Crandall and Bill Fenimore opposed.

MOTION: I move that we accept the Division's recommendation as presented on the Elk Management Plan.

Mr. Crandall made an amended motion before the vote was taken. He doesn't know how much of the management plan is numbers and how much is other issues.

Mr. Aoude said there is a lot in the plan that is not numbers, so basically he's saying to leave the numbers where they were.

Mr. Crandall supports the rest of the plan, with keeping the numbers the same as they were.

The following amended motion was made by Calvin Crandall, seconded by Bill Fenimore and failed 4 to 2 with Calvin Crandall and Bill Fenimore in favor.

AMENDED MOTION: I move that we keep the current permit numbers on all elk management plans.

Mr. King said we really haven't heard any discussion except the Fish Lake and Southern region.

Mr. Perkins said he cannot support the amended motion because it would put us at an impasse throughout the State on multiple topics forever. He sympathizes with the ranching community on their problems with working AUMs, including the Forest Service and BLM. He doesn't want to hold the sportsmen, citizens and wildlife of Utah hostage to that problem. He is not willing to create a congressional impasse where nothing gets done, because we have highly divided groups.

Mr. King asked when the next opportunity is to revise these plans.

Mr. Aoude said they are always five year plans, but there is always the option to look at them at any interval.

Mr. King said his hesitation is concerned that they are all lumped together. He doesn't know that each unit has the same problem as the Fish Lake Unit has.

Mr. Fenimore said he is supportive of Mr. Crandall's motion because he doesn't look at this as a stalemate issue. He looks at Desert Land and Livestock. They brought hunters and ranchers together in Rich County and created a CWMU that had wonderful success in a collaborative way. He is concerned about the numbers of the increase and what potentially it might bring. He would like to sit on the numbers and study it a bit more before we move forward.

At this point the amended motion and the original motion were voted on.

Assistant Director Clark said relative to the integrity of the Division, he wants to assure everyone that is ultimately what we are about. We present what numbers we gather rather they're embarrassing to us or not. We'll show you the numbers and take interested parties along. He thinks that what Mr. Aoude was trying to say in his comment is that wildlife aren't livestock and it takes a while to get things down under objective or to get things to grow back. There are many variables. We never intentionally build a population above objective to force something.

Mr. Perkins said a lot of this revolves around the condition of the range. The suggestion that the Division, the BLM, Forest Service and Sportsmen's organizations get better information together, in agreement on range conditions is a huge progression from where we're at. He would encourage that. That data would be hugely valuable in going forward with requests for changes in AUMs, depredation funding, etc.

Mr. Crandall said there has been a lot of cooperative effort between the Division, the federal agencies and those who use those agencies. The ranchers are at a disadvantage because they do not have groups of range biologists to support their needs. They are fiercely independent. He commended those ranchers who are here today to voice their concerns. Don't give up. Continue to participate.

Mr. Morrell said what they're concerned about is the winter range, not the summer range.

Mr. Albrecht said that's why he said the Division needs to redo how we hunt cow elk and that will take care of part of that problem.

11) Ferron Creek Introduction (**Action**)

Justin Hart, Aquatic Program Manager from Southeast region presented a Colorado River cutthroat trout restoration project they have in their part of the state. Anytime a state conservation species is reintroduced, it requires a process. It starts locally for approval, then to the county governments, the RDCC process, then the RAC and Wildlife Board. He went over the drainage location, activities to date, future plans and a summary. (See Powerpoint Presentation) We would like support for the reintroduction of Colorado River cutthroat trout into the Ferron Creek Drainage for sport fishing and conservation goals would be met. This concluded the presentation.

Mr. Crandall asked if irrigation will be limited because of any needs of the fish.

Mr. Hart said in order to keep this fish from being listed, restoration protects rights of anglers and fishery, including the water source. It is a benefit to all of us. This is a proactive way to protect everyone involved with the use of this water.

Mr. Crandall asked about a water quality issue relative to grazing.

Mr. Hart said that is not a problem. It is the same thing. People think since we're putting in a sensitive species, are they going to limit us? This is not the case. We're protecting rights long term. If the species became endangered then there might be limiting situations.

Mr. Perkins asked in how many places around the state are we reintroducing Colorado cutthroat.

Mr. Hart said in dozens of different drainages. We are in a working group with Colorado, Wyoming and Utah. There are wonderful, numerous projects going on.

Mr. Crandall asked what the possibility is that they will be listed, if you don't do the reintroductions. Is it a sensitive species?

Mr. Hart said it is a sensitive species. This conservation group we have with the three states gives us a lot of political power to fight those listings.

Mr. King asked if they are going to treat it again next week.

Mr. Hart said yes. Generally they like to do rotenone treatments twice to ensure the success of the projects.

RAC Recommendations

Southeastern – Mr. Jones said they voted to support the Division's recommendations unanimously.

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

MOTION: I move that we accept the Division's recommendation on the Ferron Creek Introduction as presented.

12) Hunting Closure Proposal – Northern Region (**Action**)

Justin Dolling introduced the Poll's request. Brent Poll came to the regional office four months ago and expressed a desire to close their property to rifle deer hunting. Our law enforcement section went out, reviewed the lay out of the property, and had a lot of discussions, plus a follow up with the Poll family. At this point the Polls still wanted to pursue this closure. They laid out the process to follow. It has gone through the RAC and Mr. Poll is here to present. Their proposal has changed a little bit in that the original was to just close their property to rifle deer hunting. They would now like to close within a mile of Hill Air Force Base all rifle deer hunting, just during the general season.

Brent Poll then addressed the Board. He has always been a hunter and deer were never seen around Hill Air Force Base years ago. Last fall he saw 70 head in a one acre field that they have. Later in the fall there are some big bucks that come down. Presently the population has exploded and there is no location where you can safely shoot a high-powered rifle in that area. This is a safety issue. The Davis County Commissioners thought they had this taken care of, but they do not have the authority to make laws over this area. They recommended that Mr. Poll come to the Division to have hunting restricted in this area. In South Weber around Hill Air Force Base there is no safe place to hunt with a high-powered rifle. We need to take care of the deer population, but we have archery and muzzleloader to take care of it. He is asking to correct this oversight by

outlawing hunting with a rifle within a one mile radius of Hill Air Force Base. The days of rifle hunting in that part of the state is over.

Mr. Bair asked if it is a total closure or just with a rifle.

Mr. Poll said hunting with just a rifle.

Mr. King asked if there are statutes in place around the municipal airports and other airports that have a similar restriction.

Mr. Perkins said he has been fairly close to airports while hunting.

Mr. Poll said that municipalities limit the firing of firearms in their borders all the time, but this unincorporated area has been overlooked.

Mr. King asked if the Air Force has any safety policies regarding this.

Mr. Perkins said the Air Force discharges a lot of weapons on Hill Air Force Base. He believes there are a variety of rules in place in municipalities that surround Hill Air Force Base and a number of them do allow hunting of some kind.

Mr. King asked if there is hunting going on there, but is it hunting or poaching?

Mr. Poll said last year, the second to the last day of deer hunting when there were some rifle shots that came down the valley. People thought it was their family. It was probably off their ground, but they weren't doing the shooting. A lot of people go to the Davis County landfill and see these big deer. It is a simple matter for them to come in and jump over a few fences to hunt during the season and poach when it's not. They've had quite a bit of both. This area is hard to access. Sheriff's Office and Division have been good to try to police the area, but it is hard to get to. By the time they get there the poachers are gone.

Chairman Brady asked if it would close more than just their land.

Mr. Poll said it would close more than just their land. Their land is where the cover is and it draws more hunters and poachers.

Mr. Perkins said it is all private land. It would be either the landowner hunting on his own land or trespass poachers.

Mr. Bair asked how the Wildlife Board restricting hunting would do more than the landowners just posting their property.

Mr. Poll said the land is posted. There is not a safe place on this land to shoot. If they leave the impression that it's okay to shoot there, they're still going to be there when the population of big deer is there. There is not a safe place there to shoot. You cannot defend that in terms of safety alone.

Mr. Bair said so safety is your main concern. He asked Mr. Dolling for input.

Mr. Dolling said the Division is always concerned about safety, thus the Hunter Safety Program. There are areas within the properties where there is a hillside that could be fired into safely, but also areas where a shot could go clear over Hill Air Force Base and into Layton. The safety issue exists, but there are places where you could safely discharge a firearm.

Mr. Perkins asked about the 600 foot safety zone from habitations. Are there places in this area that comply with state code?

Mr. Dolling said you'd have to really study it, but yes probably some core areas adjacent to Hill.

Mr. Poll said he agrees, but they have exhausted that and there are not roads and boundaries to limit this.

Chairman Brady said this is his opinion. We have private property where nobody should be shooting unless they have trespass authorization and now we have a hunting problem where they want to stop shooting high powered rifles on the property which may or may not accomplish what they want to do. He asked Mr. Bushman for a legal explanation. Mr. Poll has posted his property against trespass, but it's not working.

Mr. Bushman said posting prevents anyone from coming onto property and it is a Class B misdemeanor if they do. Trespass can be a very effective law. By state law you have to be 600 feet from any structure. This is a difficult situation because it is similar to many other areas around the state where we have cabins and mountain communities. The only law out there is 600 feet, about 5 miles out. Even if you're out on the face above South Weber a round can still end up in the valley. We do have communities that come to the Division to restrict hunting after getting input from their constituents. Today is different in that we have a private landowner asking for a mile radius around Hill Air Force Base to be closed. Mr. Bushman would be more comfortable if the county came to the Division with this request. We can't close it to the discharge of firearms, but just restrict the hunting regulations.

Mr. Bair asked about the mile around his property. What does that entail?

Mr. Poll said when he says a mile around the property, there are two landowners that are affected on the northeast corner of the Base, that aren't controlled by other statutes. This just happens to be the corner where all the deer are. He is just trying to find something that would be easy to legislate.

Mr. Perkins said but there are multiple other landowners all around the Base, all the way through South Weber and Riverdale.

Mr. Poll said there is not a property in that whole location which isn't within 600 feet of a house or road.

Mr. Perkins said there is no prohibition shooting within 600 feet of a road, but there is one against shooting across a road. Every landowner is allowed to shoot on his own property within 600 feet of his own house. If you prohibit hunting he can't hunt on his own property.

Mr. Bushman said he would be limited to archery and muzzleloader.

Mr. Fenimore asked if Mr. Barlow is in favor of this request.

Mr. Poll said yes.

Chairman Brady asked Mr. Dolling for the Division's position.

Mr. Dolling said they recommend rejecting this proposal. They are not sure that all the potentially affected landowners have been notified of this proposal. Landowners currently have all the protection to go out and properly post their property and we are willing to help enforce trespass in this area. They are afraid that this would be a difficult law to enforce. It would have to be spelled out in the proclamation and rule. Closing the one mile zone around the Air Force Base during the hunting season still does not keep anybody from discharging a high powered rifle as long as they're within the limits set by code. This also has potential to create a dangerous precedent. There is also the issue of excessive requests as land changes hands. If the Division were to recommend acceptance, there's the potential that it could affect tens of thousands of acres around the state.

There are some suggestions that the Division would like to offer to help the Polls with this problem. They would like to go out and provide some advice on how to properly post the property, how to post it in a way so the Division can go in and enforce it. They would also offer to provide increased patrol during the general deer hunt. They have officers who live in the area who are willing to be available on call when there are problems. That's their recommendation.

RAC Recommendation

Northern - Mr. Byrnes said their RAC rejected this proposal unanimously. Many of the council members thought that closing an area without involving all the landowners, especially a large area, would set a tricky precedent there. There is the ability for the landowner to post their private property also and control access.

Mr. Perkins asked Mr. Fowlks about the code classification for criminal trespass. What's the difference between closing this area to hunting and the protection under trespass?

Mr. Fowlks said trespass is Class B Misdemeanor. If you created a closure it could either be a Class B under unlawful taking or a felony under wanton discussion if they do it knowingly and intentionally and a trophy deer.

Mr. Perkins said so these penalties are already in place.

Mr. Fowlks said there is also unlawful taking while trespassing. So if they kill an animal, they can seize the animal, demand restitution and the Class B penalty.

Mr. Perkins asked Mr. Dolling if the area is posted.

Mr. Dolling said there are some "no trespassing" signs up, but he hasn't been around the entire parameter. There are scattered roads and they would like the opportunity to go out with the Polls, help post it and then regulate the area.

Mr. Perkins said he went out to this property a while back when this came up and did not see posting. He would like to see the Division assist the Polls in an effort to help this situation. He is reluctant to support hunting closure when we don't have the other measures in place that are required under state law. He would be in favor of the measures the Division is suggesting.

Mr. King asked what the level of hunting is in this area now.

Mr. Dolling said the general impression is there is not a lot of deer hunting that occurs.

Mr. Poll said it is very limited.

Mr. Perkins said there is some because we have had cases come to the Board where there has been illegal take in the South Weber area.

Mr. King asked if there is legal hunting also.

Mr. Poll said he doesn't think so, not in the last 20 years.

Mr. Bushman said there is another law in place in that area and that is suspension. If you are taking wildlife in trespass you can be suspended for that which is a serious sanction. Maybe there are just a couple of people engaged in this activity and if we could catch them once, it may make the point.

Board Discussion

Chairman Brady summarized the issue.

Mr. Bair said if we take no action, things would remain status quo.

Chairman Brady said they need a motion.

Mr. Perkins said he has been out to the property and is not prepared to go there until we've taken the previous measure of adequate and reasonable posting and the assistance that the Division is proposing. He does not like setting this type of precedence statewide and putting additional restrictions over state code that already exists until we see that we clearly need to do so.

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

MOTION: I move that we deny the request for closure by Brent Poll.

Mr. Fenimore appreciates Mr. Poll coming to the Board and supports the Division in going out to help with posting and enforcement.

Mr. Perkins said Haven Barlow's property needs some help from the Division also.

13) South Jordan Hunting in city Limits Proposal (Action)

John Fairchild introduced this proposal. Ms. Stone and Mr. Dawson have been very patient here today in waiting to present their proposal. The process has been gone through and the RAC reviewed this proposal almost a year ago. At that point they weren't convinced that there weren't areas available to hunt, so the request went back to the city, requesting maps. They said they couldn't support a closure until there was more information. There was some misunderstanding on some ordinance language, but it was corrected. They will go over that also.

Charity Stone, Staff Attorney for South Jordan City addressed the Board. He thanked Mr. Fairchild for working with them. We went to the RAC over a year ago. They did not do a final vote, but it is not required, just the recommendation from Mr. Fairchild, so they are here today. She displayed a map showing the location of South Jordan and gave some history. In the last 15 years the population in South Jordan has doubled. With the projections based on development, we anticipate the population doubling again in the next 20-25 years. The basic proposal (See Board Packet) is to allow specialized hunts that will help with control of wildlife populations. There is presently no area within the city limits where hunting is allowed. Certain restrictions are already in place regarding hunting. She then presented county and city regulations. Hunting restricted by private property owner preference on the west side of the city was shown. They have letters from these landowners supporting their "no hunting" request. With all of the restrictions on hunting the entirety of the city would prohibit hunting. She referenced the Utah Administrative rule that supports their request. Utah Code 23-1-14 (3)(b) denotes the process to request closure for safety concerns.

Mr. Bair asked if you can't hunt there anywhere, what the request is.

Mr. Fairchild asked for clarification as to why we would support this, then gave an example. We can draw a distinction between a city that is completely surrounded by other cities or up against public lands. We can wrestle with this, but there may be places where hunting just doesn't make any sense. We ought to recognize that.

Mr. Bair said he understands, but as he looks at the map, it seems we're just putting laws on top of laws.

Mr. Fairchild said if somebody does decide to go hunting, the cost is much greater and we're more involved, because it now is closed to hunting.

Mr. Bair said it is a cleaner way to do it if the Board approves this.

Mr. Fairchild said it's different because we don't have the trespass law to fall back on. It puts our officers in a better position to cooperate with a city that has looked to do a closure like this, getting support from our agency.

Assistant Director Clark said the difference between this proposal and the last agenda item is it is a municipality that has brought this to us as opposed to a private landowner, and they have done all the work.

Ms. Stone said the Board's vote today gives them the authority to do the hunting closure.

Mr. Fairchild said in the rule under areas with special restrictions, this one gets added.

Chairman Brady asked if the surrounding cities are in this same category. Have they done something like this?

Ms. Stone said she doesn't want to name them specifically but there are other cities that may or may not have hunting ordinances on the books, which may or may not be legal. She believes other cities have done it, but she is not aware that they have followed through the process that is required in state code.

Mr. Bushman said in response to the question have we ever done this before, the answer is not nearly often enough. South Jordan has come today and followed the process. Not all cities do.

Mr. King asked what if South Jordan City votes no even if we approve it.

Ms. Stone said in the admin rules that explain the process, it says the closure becomes effectively currently with the proposed ordinance.

Mr. Perkins said to reconfirm, all private property owners realize that there will be no hunting on their own property.

Ms. Stone said there is only one private property owner and they are on board. Everything else is commercially owned.

Mr. Perkins said he wants some assurance that this is really a public safety issue and not an anti-hunting issue. Why is it wrong and dangerous for public safety for someone to hunt with a bow? Anti-hunting includes sling shots, bow and arrow, and pellet guns. If it's a public safety issue then he is in support.

Ms. Stone said South Jordan has traditionally had a lot of hunters, especially before the development. There are people who do archery in their own yards which is why we decided to come through this process to talk about the hunting, instead of trying to target the archery or any other sort of recreational activities that the home owners currently do on their own land in a controlled environment. What the city is worried about is the trail system, open spaces and other land within the city where animals might be present where someone might pull out their bow and a jogger might come down the trail. They do have a safety concern and they could address it other ways. They have already run an ordinance for air guns and other similar guns, which did not fall under our firearms law, due to safety concerns; however we wanted to be transparent in what we are trying to do as well as trying to balance uses for people on their own property.

Mr. Fairchild said Mr. Perkins first concern is anti-hunting. The fact that hunting will still be an option that the Wildlife Board will have to control deer numbers speaks to that pretty well.

Mr. Perkins said he would be more comfortable if they had restrictions on archery and such other things, unsupervised situations.

Ms. Stone said there's a big difference with regulating hunting verses regulating archery in other areas is obviously a moving target and where the practice is occurring. There was discussion initially about other ways they could approach this because as they started this process they found out how involved it is. It is not really going to address our need. They drafted their original ordinance back in 2010, so it's been a long process with lots of discussion of other ways they could handle this.

Mr. Bair said they want to achieve their public safety concerns without limiting people's ability to practice archery in the field or in their yard.

Ms. Stone said what they are trying to address is lone individuals who want to take their bow out on the trails and kill a deer. It came up and their officers were not sure how to cite them.

Mr. Bair said it is against his nature to make hunting illegal.

Ms. Stone said this is part of the Board's role.

Mr. Perkins said similar with Syracuse, there was an area that was a slam dunk as far as making a decision for closure. This is a little grayer for him also.

Chairman Brady asked to see the slide that illustrates the ordinance.

Ms. Stone said the only change from what is in the packet is the unlined portion. That language was suggested to us in order to permit the type of special hunts to control the populations.

Mr. King said as you've gone through this process, what kind of public input have you received and what is the general feeling about the closure from those who have traditionally hunted there and the general public that may not hunt?

Ms. Stone said most people are surprised that hunting is allowed at all whenever it comes up. They held a public hearing when they started this process several years ago in order to get permission to start the process. No one commented at this meeting. They heard some stronger feelings when they were with Mr. Fairchild and their meeting. That was the first time anyone had expressed anything but surprise that there might be any hunting in South Jordan.

The discussion continued around various circumstances and opinions on this request, including similar circumstances that have occurred around the state.

Assistant Director Clark said there was a lot of thought put into this proposal and it preserves the management option to have special hunts to deal with urban deer.

Ms. Stone said as a resolution as Mr. Fairchild supports that will be beneficial for our city and still permit hunting if necessary.

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

MOTION: I move that we approve the South Jordan No-Hunting in City Limits Proposal.

14) Other Business (Contingent)

Mr. Perkins talked about Winter WAFWA which is January 13, 2013. He is requesting input for topics to be discussed there from the Board members. The commissioners in Hawaii will figure out which three topics they want to have considered. If there are any inputs on the topics Mr. Perkins has come up with he'd be glad to hear them over the next few days so they can make the deadline for submission.

Mr. Crandall asked if the Board would consider leaving only the Fish Lake at zero and leaving the rest as the Division recommended.

Chairman Brady said 800 animals on the Fish Lake are what the vote was about. 800 animals are for a return on investment for the sportsmen.

Mr. Crandall said that is also 9600 AUMs, 2,100 livestock cows.

Mr. Perkins said he doesn't know if he'd change his vote, but he'd vote to reconsider, affording opportunity for a separate vote.

Mr. King asked if we can do that, given this point in the meeting.

Mr. Perkins said he believes the answer is yes.

Mr. Crandall said that would be his request.

Assistant Director Clark said there were many individuals on both sides of the issue who were present and they left after the vote was taken. There will be a severe back lash if they do this.

Mr. King said that is his concern also. There is no public here at all.

Mr. Bair said if he thought it would affect the AUMs on that unit, he would look at splitting the difference with the grazers. He doesn't think the grazers' fight is with the Wildlife Board but with the Forest Service.

Mr. King wonders if they can't use some of this as ammunition in their behalf if there is data that the Division has that could support them.

Mr. Crandall asked the Board to think about it, but if it won't change the vote we won't act on it.

Mr. Perkins said he is open to discussion.

Mr. Crandall said he agrees that it would be bad to do that now, since everyone has left the meeting.

Mr. Bushman said the comment was made that it is not fair that the BLM would authorize more AUMs for elk and not livestock grazing. In reality the BLM and Forest Service do not authorize wildlife AUMs. They can intervene in our authority only when we have so many animals that it is damaging the land or interfering with other multiple uses. Short of that, it is the State that manages the wildlife. It is a hard thing, because grazing AUMs are being driven largely by politics.

Mr. Crandall said his suggestion is for that group of ranchers to go back to the BLM and Forest Service and let them know that they are giving to some groups and not others, and they're not being fair.

The meeting was adjourned.