

**UTAH WILDLIFE BOARD MEETING**  
March 5-6, 2008, 9:00 a.m. DNR Auditorium  
1594 West North Temple, Salt Lake City, Utah  
Revised February 25, 2008

**AGENDA**

**March 5, 2008**, Pagoda Restaurant  
26 E Street, Salt Lake City, UT  
6:00 pm

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|---|-------------|
| 1. Approval of Agenda<br>-Paul Niemeyer, Chairman   | ACTION      |
| 2. WAFWA Update<br>-Del Brady & Ernie Perkins, Board Members  | INFORMATION |
| 3. Law Enforcement Update<br>-Mike Fowlks, Law Enforcement Chief  | INFORMATION |
| 4. Conceptual discussion on Wildlife Board variance requests<br>- Martin Bushman, Asst Attorney General | INFORMATION |
| 5. Elk Management Objectives<br>- Ernie Perkins, Board Member   | INFORMATION |

**Thursday, March 6, 2008**

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| 1. Approval of Agenda<br>- Paul Niemeyer, Chairman   | ACTION      |
| 2. Approval of Minutes<br>- Paul Niemeyer  | ACTION      |
| 3. Old Business/Action Log<br>- Rick Woodard, Vice-Chair   | CONTINGENT  |
| 4. DWR Update<br>- Jim Karpowitz, DWR Director   | INFORMATION |
| 5. Motion to Dismiss Argument – Marshall Grant Lindsay – Time Certain 9:00 a.m.  |             |
| 6. Fees, Exchanges, Surrenders, Refunds & Reallocations of<br>Wildlife Documents Rule R657-42 (5-yr review)<br>- Greg Sheehan, Administrative Services Section Chief | ACTION      |

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| 7. License Permit & COR Rule R657-45 (5-yr review)                  | ACTION     |
| - Greg Sheehan, Administrative Services Section Chief               |            |
| 8. Amphibians & Reptile CIP Rule R657-53 (5-yr review)              | ACTION     |
| - Laura Hines, Native Aquatics Species Biologist                    |            |
| 9. Zoological Animals CIP Rule R657-3 (5-yr review)                 | ACTION     |
| - Laura Hines, Native Aquatics Species Biologist                    |            |
| 10. CWMU Advisory Committee   | ACTION     |
| - Boyde Blackwell, Private Lands/Public Wildlife Coordinator        |            |
| 11. Free Fishing Day – Rule Amendment                               | ACTION     |
| - Staci Coons, Rules Coordinator                                    |            |
| 12. Certification Review Committee Variance Request – Mr. James Dix | ACTION     |
| - Staci Coons, Certification Review Committee Chairman              |            |
| 13. Variance Requests   | ACTION     |
| - Judi Tutorow, Wildlife Licensing Coordinator                      |            |
| 14. Other Business  | CONTINGENT |
| - Paul Niemeyer   |            |

**UTAH WILDLIFE BOARD MOTIONS**  
March 6, 2008, 9:00 a.m., DNR Auditorium  
1594 West North Temple, Salt Lake City, Utah

1. Approval of Agenda

**MOTION:** **I move that we accept the agenda as amended.**  
Passed unanimously

2. Approval of Minutes

**MOTION:** **I move that we accept the minutes of the January 8, 2008 Wildlife Board meeting with the corrections.**  
Passed unanimously

3. Motion to Dismiss Argument – Marshall Grant Lindsay – Time Certain 9:00 a.m.

**MOTION:** **I move that we dismiss the appeal of Marshall Grant Lindsay.**  
Passed unanimously

4. Fees, Exchanges, Surrenders, Refunds & Reallocation of Wildlife Documents Rule R657-42 (5-yr review)

**MOTION:** **I move that we approve the 5-yr review on Rule R657-42, Fees, Exchanges, Surrenders, Refunds & Reallocation of Wildlife Documents.**  
Passed unanimously

5. License Permit & COR Rule R657-45 (5-yr review)

**MOTION:** **I move that we approve the 5-yr review on Rule R657-45, License Permit & COR.**  
Passed unanimously

6. Amphibians & Reptile CIP Rule R657-53 (5-yr review)

**MOTION:** **I move that we approve the 5-yr review on Amphibians & Reptile CIP Rule R657-53.**  
Passed unanimously

7. Zoological Animals CIP Rule R657-3 (5-yr review)

**MOTION:** **I move that we approve the 5-yr review on Zoological Animals CIP Rule R657-3.**  
Passed unanimously

8. CWMU Advisory Committee

**MOTION: I move that Fred Oswald be a representative on the CWMU Advisory Committee**

Passed unanimously

**MOTION: I move that we approve the Division's recommendation on the Hiawatha CWMU.**

Passed unanimously

9. Free Fishing Day – Rule Amendment

**MOTION: I move that we approve the Free Fishing Day Amendment.**

Passed unanimously

10. Certification Review Committee Variance Request – Mr. James Dix

**MOTION: I move that we approve the variance request for Mr. James Dix.**

Passed with one opposed, Lee Howard.

**MOTION: I move that the distance for release of these captured snakes be considered by the Division and brought back at a future meeting with wording recommendations.**

Passed unanimously

11. Variance Requests

**MOTION: I move that we deny the variance request of Paul Sturzenegger and Ryan Erickson.**

Passed unanimously

**MOTION: I move that we deny the variance request for Richard Rubin.**

Passed unanimously

**MOTION: I move that we table the variance request of Clayton Gurney until the next board meeting.**

Passed unanimously

12. Other Business

**MOTION: I move that we go into Executive Session to discuss who will receive awards that will be given at a future event. It will occur in this room and the discussion will start at 1 p.m.**

Passed unanimously

## UTAH WILDLIFE BOARD MEETING

March 5, 2008, Pagoda Restaurant  
26 E Street, Salt Lake City, UT  
6:00 pm

### Board Members Present

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

### Division of Wildlife Resources

Staci Coons  
Judi Tutorow  
Doug Messerly  
Alan Clark  
LuAnn Petrovich  
Martin Bushman  
Becky Johnson  
Cindee Jensen  
Anis Aoude  
John Fairchild  
Mike Fowlks  
Sid Groll  
Ron Hodson  
Mike Styler  
Robin Thomas

### RAC Chairs Present

Ed Kent – Central

### Public Present

Randy Parker

## 1. Approval of Agenda (Action)

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

The following motion was made by Tom Hatch, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we approve the agenda.**

## 2. WAFWA Update (Information)

Mr. Brady reviewed the notes that he took at those meetings. He went over problems identified by the different states and their ideas on recruitment. All the states had similar problems. One of the problems is high fuel cost and people are tending to hunt and fish closer to home. Another problem is Hunter Education with volunteers. Too many hours are required of students and that is hurting recruitment. Access problems, revenue problems, and effects of oil and gas are also problems that were discussed. Alaska said the encroachment of the federal government is very tight on subsistence hunting and regulations. The regular hunter has a hard time dealing with the federal government. They are just starting to work on predator control with wolves and bear in Alaska. Idaho has had some severe problems with wildfires. In Nevada, 7.2 million acres have been burned since the 1980's. In Montana, access is becoming a wedge issue between landowners, hunters and guides. Utah's comment on problems was loss of habitat,

invasive species and loss of personnel. After sitting in on those meetings, we are glad to be in Utah and for what the DWR is doing. We are way ahead of many of the states.

The recruitment and retention of young hunters was a very interesting topic. There is an archery industry in Ohio where they can try out the sport and use equipment before they buy. In Arizona, they have a free hunting day for kids and they are also trying to implement the use of online coupons to get the kids involved. They also want to accommodate family hunting. South Dakota has a program where they are looking to capture the kids' interest and get them excited about hunting and fishing. In Montana, every hunter's education graduate is given a free license to hunt that year. They are working toward family hunting, rather than trophy hunting and trying to find a way to get the silent majority to state their opinion. Idaho is trying to find ways to get the kids out of doors. Alberta is trying to get a youth hunting day in place and their concerns are very similar to the rest. This is a brief synopsis of what they heard at the meetings. Mr. Brady is glad to be in Utah. We have what a lot of states are trying to get.

Mr. Perkins said it was a great meeting. He would like to discuss a few of the programs discussed, including an urban deer hunting program that we might need in the near future. Arizona is doing a free hunting day and a huge recruitment and retention study this year. Idaho has the Governor out doing seeding and sagebrush projects and they have a good volunteer effort. Colorado, Arizona and Nevada have illegal vehicle use legislation going this year. In the State reports from directors and commissioners, there were two topics that stood out, loss of habitat and recruitment and retention. Habitat loss was particularly interesting to Mr. Perkins because of his involvement with the Habitat Council. Utah spent more than 25 million dollars and 250 plus projects were done this past year. We lost 620,000 acres to fire. Idaho had one fire that had 650,000 acres lost. Their legislature put up one million dollars and the BLM put in \$250,000 to help with the loss caused by these fires. Nevada said they needed 30 million just to stay even, because of fires. These scenarios help us see how well we are really doing, but we still need to redouble our efforts and get more resources.

Recruitment and retention was approached in several ways including revenue, public support for predator control, and studies on recruitment efforts. The Division has a big recruitment effort planned. We need to be thinking about any increased opportunities we can come up with, whether that is in seasons, number of permits, youth hunting, clinics, or events, all without harming the resource. The best program for increased opportunity we have going is community fisheries. This is an awesome success story. What can we do in the hunting area to match this?

Mr. Howard said that any of the Wildlife Board members should be able to go to WAFWA, in spite of budget restrictions. This is a great learning place.

Mr. Niemeyer turned the time over to Mr. Fowlks. One of the common denominators that works against youth recruitment is the regulations and laws. It is hard for youth to keep up with this and understand it all. We need to make it easier for people to get into fishing and hunting.

### **3. Law Enforcement Update (Information)**

Mike Fowlks, Law Enforcement Chief presented this agenda item. He said that recruitment is a big issue in law enforcement. He supervises the Hunter Education program and the Shooting Sports program. In his presentation he gave background on the Law Enforcement Section, went over some new programs and presented bios on new officers.

He went over the personnel supervision and the structure of the program. The section currently employs 41 district conservation officers. We have seven vacant conservation districts in the state with 1,500 sq miles in each district. Mr. Sid Groll sits in on the interviews when recruiting new officers, along with others on a panel, including some retired officers. They are looking to capture some of the expertise of these retired officers. The selection process emphasizes social skills and a passion, interest and knowledge of the resource. The interview questions are geared toward a common sense approach to the resource. We are having some good success with our new hires.

Mr. Fowlks then went over the program changes. There were many criticisms aimed at the law enforcement section when Sid Groll and Mr. Fowlks came into their positions, coming from the Governor's transition team, the Trappers Association, and the County Sheriffs, to name a few. They wanted us to delve into some of these problems and they have set out to create a culture of change. I.M.P.A.C.T, Interpersonal Skills Training, local law enforcement coordination meeting attendance by regional staff, operational plans, a mission and values statement, involvement in rules simplification, increased emphasis on public outreach and educational opportunities/sportsmen recruitment, and recruitment of new officers constitute the program changes.

First is the I.M.P.A.C.T. program. P.O.S.T does not train folks on how to deal with the public. They teach how to deal with law enforcement situations, but they do not teach interpersonal skills. The Division wanted to teach some customer service. The chiefs got together and came up with a different approach on how to deal with the public. Randy Means, a law enforcement liability lawyer, developed this approach and there are currently 16 participating states. It is a scenario-based training and can be measured for success, allowing us to see when somebody is doing a good job. We have had significant input in to this program and so it matches what we are currently doing in Utah.

The next program change is the local law enforcement coordination meetings. Our officers meet with local sheriffs and look to cooperate. When issues come up we go to the Sheriff's Association and get their input. Our officers attend their law enforcement coordination meetings and try to integrate our efforts. We have improved our communications with the local law enforcements. Mr. Fowlks attends the LEEDS meeting in Salt Lake to further communication. We have a few officers working as deputies around the state part time and the county pays them.

Mr. Groll said that Parks and Recreation has a significant need for seasonal help during the summertime. We have hired a number of deputy sheriffs to work as seasonal help in some of our parks. He went on to explain the cross over with training and communications of our officers, and county sheriff and deputies.

Mr. Fowlks showed a letter from Sheriff Ercanbrack thanking our officers for their involvement in the recent Amber Alert. This contribution helped bring this little girl home to her family. That is the kind of thing the officers look to help with.

Mr. Fowlks went on to discuss Operational Plans. This requires that the local sheriff or municipality be notified when the Division is doing a search warrant, arrest warrant or long time surveillance in the area.

The law enforcement mission statement mirrors the Division's mission statement. It is to contribute to the success of the Division's mission through the enforcement of wildlife law, assuring compliance, educating the public and promoting the value of wildlife to all. He then went over the Values Statements. These are given to the new officers and are reinforced on a yearly basis.

The Law Enforcement section has also aided in the rule simplification process with law enforcement representation on the Proclamation Review Committee. They worked with the Aquatics Section to develop the new two-pole regulation. They looked at the citations and this was one that they were writing the most citations for. They, in conjunction with the Fisheries section, have now come up with a way to make this legal. Alan Green represents law enforcement on the Proclamation Review Committee. He has been instructed to look for ways to simplify and clarify. He has been involved in the "Hunting Guide" process. They are easier to understand and are in layman's terms. They also worked with the Wildlife Section and Trappers Association to develop companion trapping, cubby sets and 96-hour snare check. The law enforcement section also initiated license suspension changes. The mandatory suspension periods were too harsh and there was no way to take into consideration mitigating circumstances. They helped change this law.

They have increased emphasis on public outreach and educational opportunities/sportsmen recruitment. The Utah Wildlife Essay contest winners had a day of fishing at Flaming Gorge. They have increased Hunter Education involvement and gotten involved at Camp Wapiti. Mr. Loken of the DWR does a presentation on various types of wildlife at this camp for kids who have cancer. They also have lots of volunteers participating.

On the recruitment process changes, the DNR law enforcement director and retired officers participate on interview panels. The selection process emphasizes social skills and interest and knowledge of the resource. Interview questions are geared toward a common sense approach to wildlife law enforcement. They are having good results with new hires.

Mr. Groll said he comes from law enforcement in Cache County. He referred to working in wildlife for the last 25-30 years, and back then there were not a lot of wildlife violations. When there was a violation, there was a pinch, an arrest and a citation and they were never let go. From that time, looking at the resource presently and how we look at the final product of getting additional officers, hunters and wildlife watchers, things have changed. He read from a letter he received on February 20, 2008, on a new officer. A grandfather wrote the letter concerning the cougar hunt of his twelve-year-old grandson. The boy was apprehensive about the check-in after he took a cougar, probably because of the many horror stories he had heard about conservation officers in past years. The young officer, Officer Ekins made check-in as much fun as the hunt and the kill. He took the time to explain each step to the youngster with a smile and a handshake. He commended the officer. The grandpa also talked about some experiences he had had in the old times and compared that to the present. Things are much better now. We are reaping great rewards from this new way of doing things. Mr. Fowlks gave a synopsis of complement letters to the legislature. Complaints are down and complement letters are up.

Another thing they have done is enter into some partnerships. There was a domestic cattle case where some archers shot cattle with their bows, up around Strawberry. The UBA stepped up and offered a reward, of about \$12,000 for information. They have made a case and apprehended the two involved in this. They are paying about \$6,000 to the person who helped make the arrest and the rest will go to the cattleman for restitution for his cattle. UBA, SFW and MDF stepped up and pitched in to help.

We have had the same support from the sportsmen's groups on the Henry Mountains deer case. We do not have any leads on this yet. The Diamond Fork deer case was another situation where the sportsmen's groups helped out. We successfully prosecuted the men involved who shot eleven deer.

UTIP is the poaching hotline. It generates about 40% of the cases that are developed each year. That tells us that the public is interested and they want us to respond. We also worked with the Utah Trappers Association to simplify their regulations.

Mr. Fowlks then presented bios on the new conservation officers. (See Powerpoint) He went over their degrees, education and experience, stating their regions and awards. Justin Shirley, T.J. Robertson, Clint Sampson, Maryann Wangsgard, Vance Mumford, Chad Bettridge, Matt Burgess, Ben Wolford, Josh Carver, Casey McVay, Casey Mickelsen, and Chad Wilson are those who were presented.

Mr. Groll said we are the only department in the state that requires a degree for entry level hire. Many of our hires are at the top of their class, very talented and eager to perform. They are learning fast. The seasoned officers are able to give them a lot of information.

Mr. Fowlks said it is a never-ending cycle as we continue to open the roster and look to fill positions.

Mr. Groll said we were able to enter with POST and Weber State an agreement for on the job training and at the same time filling education requirements. This shrinks the time period post-academy. This is a pilot program.

Director Karpowitz said Mr. Fowlks is doing a great job with a change of philosophy in law enforcement. We have a good bunch of officers. These young guys start at low wages and they are very dedicated. They deserve our respect and support. These changes have been positive. With HB 213 – we lost a lot of valuable experience. Our new officers are very bright and doing a great job.

Mr. Howard said it would be easier on the Board if officers instructed those who are arrested, on the plea and abeyance concept.

Mr. Fowlks said he agrees with this. There are times that we are not present when people make this decision. We will try to rectify this when given the opportunity.

Mr. Fairchild said the young officers are giving the older officers a shot in the arm in enjoying their work.

Chairman Niemeyer asked if there are laws that are not that important that are reviewed.

Mr. Fowlks said they do that continually, eliminating laws and language that is redundant or out dated. We live in a complex society with complex regulations and special interest groups are pulling for their part of the pie.

Mr. Howard said he has been asked about the antler gathering and who gets the trophy. Who makes the decision of who keeps it? We need to look at the proclamation and clarify this issue. Central and Southeast region have different policies on keeping horns.

Mr. Fowlks said it is a statewide policy and the management has been pushed down to regional managers.

Chairman Niemeyer asked what a person needs to do if he finds a full set of antlers and wants to keep them.

Mr. Fowlks said they need to contact the local CO. He then contacts Mr. Fairchild and the decision is made from there. The officers know exactly what the protocol is on this situation.

Mr. Fairchild gave an example of a set of antlers found by a group where several lay claim to it. That situation goes to the officer in that area. If there is no reason to believe a crime has been committed, those who found them should get the antlers and be rewarded accordingly.

#### **4. Conceptual discussion on Wildlife Board variance requests (Information)**

Martin Bushman, Asst. Attorney General, presented this agenda item. This rule has been a long time in the making. Everybody has a different opinion on how this should work in how much authority the Wildlife Board should have, what kind of licenses it should apply to, and how broad will it be? After going through several exchanges, adjusting and modifying it, they are bringing the recommendation to the Board for their input. Each Board member has received an overview of the rule. Does the Board want to try to funnel as much authority as possible to the DWR and limit those coming to the Board, or do they want to retain more authority? Does the Board want to hang onto the less typical variance requests, or do they want to hold on to more authority? Mr. Bushman wants feedback and direction on where the Board wants to go with this. The authority applies to all permits. There are two forms of variances the Division can give, a season extension or award a bonus point. These have to meet very specific criteria. The Division cannot grant a variance unless the hunter has been completely precluded from an activity. Variance requests must be to the Division within 180 days. The Board has very broad authority as the rule now stands with lots of discretion, but it is wide open on what can be asked for. This is good since the Board can deal with any type of request, but it is also bad, in that people will want to come to the Board with everything.

Mr. Howard said bonus points are so personal the Board should have a first or second chance at a hearing when these are involved.

Mr. Bushman said the only way a person could get a bonus point is if they were precluded from filing a timely application. We would not add a bonus point, we would just restore it as it was before they had a problem that kept them from using a permit.

Mr. Howard said the rule as outlined could be handled with the Division.

Mr. Johnson asked if we have dealt with the bonus point situation.

Mr. Bushman said not to this point. He gave an example where the Board can give season extensions. We are now creating a rule that gives variance authority.

Mr. Perkins said he went through the draft and did not find anything that really needs to be changed. In Mr. Bushman's discussion there were some varied opinions given by informed individuals, what were they?

Mr. Bushman said it has been primarily, how much authority do we give the Board? This would give the tools to look at nearly anything, but it could go too extreme. It is so wide open there are not many guidelines on how to exercise discretion. This might encourage people to come in with all types of situations and gives potential for all types of open ended situations.

Mr. Clark said, in the past, we have made very narrow guidelines to deal with variance requests and then along comes somebody we would like to help and we cannot, because of the guidelines. The Division will continue to look at the day-to-day routine variances,

but this gives the Board broad authority. We are trying to limit the amount of time the Board is spending on these requests.

Mr. Bushman gave some other examples of appeals that might be made to the Wildlife Board. Specific levels of review will be outlined in the rule, such as what the Division can address and what has to go to the Wildlife Board. The Board can perform two functions, hear an appeal that has been denied by the Division, or hear a variance request. A letter must always accompany these from the Division stating why it was denied, or why it is outside their authority.

Chairman Niemeyer said he feels the Board should retain authority on the special situations, but not on the day to day.

Mr. Bushman said right now the Board has a lot of discretion, beyond what they have at present. It is not just season extensions or bonus points. They could waive certain requirements in rules and grant relief in a variety of fashions. People will always give it a shot if they think relief is available.

Mr. Hatch asked if we might go with the rule as proposed, and alter it down the road if necessary.

Mr. Bushman said we could go with the broader authority and if it ends up there is too much volume, we could alter it accordingly.

Chairman Niemeyer said we usually do not go against the Division's recommendation when it comes in on an appeal.

Mr. Bushman said the regular, common variance requests would go through the Division and broader authority would be reserved for the Wildlife Board. At this point, it appears we have a consensus on this draft. Are there any aspects of this we would want to alter or modify? We wanted to run this by the Board before it goes through the RACs. It will be substantially in the same form when it comes back to the Board with perhaps a few suggestions from the RACs.

Mr. Johnson said it is important to people to feel like they have been heard.

Mr. Bushman said a lot of the variance requests they will be hearing are relative to how much can we guarantee an optimal hunt, for example, there was a massive snow storm or fire and I could not get into the area to hunt. The Board has not granted these types of requests at this point. Medical issues and such have been granted. We now have the draft and will go to the RACs with this proposal.

## **5) Elk Management Objectives (Information)**

Ernie Perkins, Wildlife Board Member, presented this agenda item. He has had some reservations on some of the things we are doing with elk management and some of things

we are about to do. One of the things he has discovered is that some of the Board members have different understandings on these issues. We need to discuss some of this information and also ask the Division for some education on this issue. It is important that we say what we mean and do what we say. If we do not do this, people start feeling very confused and frustrated, and there is a lot of wasted effort. In Mr. Perkins personal opinion, we have some of this going on with elk. We are the policy makers for a huge number of public and stakeholders. It is important that we manage to the policy that we make.

Mr. Perkins then went over the elk management information handout. (See Attachment #1) Anything in red indicates significant deviations from the norm. He used a threshold of over 10% for highlighting it in red. There are several big differences between population objective and population estimate. He went on to discuss the numbers highlighted in red with average age harvested in 2006 and 2007 being way over objective. All the numbers highlighted in red are at least a full year over the age objective. At least 10% more tags could be issued, conservatively. If he takes Ken Clegg's data, who is the President of the CWMU Association, it says if you have a year difference, you can increase permits 20%. There are many units where we are way over, in some cases up to three years. At a minimum, we are denying a lot of tags to our citizens. We need to set an age objective and then execute the plan accordingly. We did not make much progress between 2006 and 2007 at reaching age objective, because the number of units in red is about the same.

Mr. Perkins then went onto discuss limited entry elk permits verses average harvest age by unit age objectives (2000-2007). (See Attachment #1 p.2) The permit numbers go up on this chart and so does the age objective. In 2007, we issued 2,100 permits and average age is 6.8, which is up a half of year from 2003. The big point is, if you look under 2007 and the average age is by age objective group, for example, in the 3-4 year age group, the harvested average age was 5.9. He is not proposing that we give all the permits next year to bring things into objective, but we need to be moving toward objective and giving more opportunity to our hunters. We need to use this renewable resource and not let it die on the hill. The spike units are coming back in line and improving since we reintroduced spike hunting. The 30 bulls per 100 cows on the San Juan is working quite well. When we get into 70-80 bulls per 100 cows, that is getting obscene. Lots of bulls are going to die on the mountain.

Last year it appears that the Board was happy with what the Division recommended in permit increases. Mr. Perkins opinion is that the Division has backed off on their recommendations, because of a lack of support going back a few years. Last year's recommendations went up 255 permits from the year before, and was supposed to achieve slight to moderate increases in the number of limited entry permits on 18 to 28 units, to provide additional hunting and to meet age objectives. We did not get any closer to the age objectives. We need to be more aggressive than we were last year. We need to get closer to the plan. The alternative is, if we are not going to move closer to the plan, we should change our objectives and manage to them.

Opportunity, recruitment and retention are the issues. Are we managing to the plan or are we working on some unstated goal. This is a big deal policy topic for our Board. We are talking thousands of tags for the public. Do we really know where we want to be in 3 to 5 years? 5-6 year old age objective means just that, but I found that other Board members thought that meant anywhere in the 5-6 range is good, but if you get above 7, then start pulling back. We need to be together on this, whatever it is. If we go above the objective, permits need to be increased.

Next, Mr. Perkins discussed deer and elk competition. When we talk about going up to 80,000 elk, this might create competition problems. There is deer and elk competition in the Northern region. Years ago there was no discussion in wildlife biology that discussed this. There is no solid proof of it today, but there is a lot of discussion going on. He feels he has seen it and feels there are units in the Northern regions that are showing this. We need to look at this concept if the deer numbers go down. Elk are easy to grow, but it is hard to bring deer numbers back. Presently we are sitting at 78% of the 2011 objective on deer.

On bull/cow ratios 15/100 is not a real good management indicator. We might adjust that ratio based on what type of limited entry hunts we are trying to do. We definitely do not want an 80/100 ratio. On cow elk hunts, we should do as many as we can early on, in combination with the bull hunts and sell more permits, because the success ratio will not be as high. We should limit the late hunts to depredation requirements. That would put less stress on the animals late in the year and be good for populations. Offering deer and elk tags simultaneously is a good idea. Vouchers for landowners, tools for access and getting populations down on private lands are additional tools the Division might use. He asks that the Division give the Board direction on what they need.

Mr. Howard asked about the drop on Pilot Mountain.

Mr. Perkins said Pilot Mountain is not managed even remotely like the other units in the state. It is a tiny little hunt and it is managed with Nevada.

Mr. Aoude said there were only four bulls taken and they happened to be younger bulls.

Mr. Johnson said he thinks the figures on the bull/cow ratio on the San Juan are wrong.

Director Karpowitz said we do not collect data or manage to bull/cow ratios. We classify deer during the peak of the rut. The numbers on the handouts are off mid winter counts.

Anis Aoude said the numbers he would least stand behind are the bull/cow ratios. Age objective is a much better way to manage.

Mr. Johnson said on the San Juan unit the age objective stays up, but we do not want to change it too drastically.

Mr. Aoude said he disagrees, we manage year by year and we are not going to kill off all the older elk in one year.

Director Karpowitz said we have been operating under that assumption for a long time and we have never met objective.

Mr. Johnson said he would like to go spike only on all the limited entry units. By removing some of the bulls, the total effect on trophy tag is knocked down. Recruitment, retention, and family hunting would benefit from this. If each side gives a little bit it could work. Spike only is the way to manage elk. The elk problem is easier to deal with than the deer problem.

Mr. Howard said Morgan Canyon, South Ridge, East Canyon and Chalk Creek are almost all private land. These are places where we need to give more cow tags, because they are over objective.

Mr. Perkins said it is not a problem to give the tags, the problem is getting people onto the land.

Director Karpowitz said we deal with population objectives with the antlerless permits. Last year our biologists were given instruction to get us to objective.

Mr. Hatch said the Board needs to support getting to the objective and quit jumping all over the place.

Mr. Perkins said that is his plea. Let's get a plan and go for it.

Mr. Woodard asked what the increase was on permits.

Mr. Aoude said last year we proposed a 16% increase on tags and this year about a 17% increase.

Mr. Howard asked if we can raise permits within the elk management plan.

Director Karpowitz said that is on tomorrow's agenda.

Mr. Perkins said we have done some things in the last two years to help with this. We have authorized depredations permits and also a walk in access program. These tools help the Division, but there are more tools out there they could use.

Mr. Johnson said we have a lot of open bull units. Is it possible to go one by one and put these units into spike only?

Mr. Aoude said open bull units are spike units. There are no limited entry units associated with those. It does not really increase opportunity to go this way. Most of the units that are any bull are that way because they are hard to access.

Mr. Johnson talked about a hunter that was on the wrong unit and shot his bull on a limited entry unit. We need to simplify regulations.

Mr. Aoude said it is nice for people to be able to buy an over the counter permit and go shoot any bull. It is good to provide different opportunities.

Mr. Hodson said it would complicate things in Northern Region private land to make the any bull units spike only.

Mr. Johnson said some people on the Manti unit would like to bump the age objective up one year from what it is. What about having a 5-7 year objective?

Director Karpowitz said then they would manage to 8. Our recommendations have already gone to the RACs, based on the age objectives as they now stand. We should not be changing things in the middle of the process this year. The Board has the opportunity to move it closer to objective.

Mr. Johnson said he likes this type of meeting and the open exchange and discussion. It helps answer lots of questions.

Mr. Hatch asked Director Karpowitz what he means by not jumping into the process now.

Director Karpowitz said we should not be changing objectives now. The Division's recommendations are in and will be sent through the next round of RACs. His preference is that we try managing to the objective. When he was the big game coordinator, he always heard that this was the year to get down to the objective. Permits have been increased by 200% since then. We have never figured out how many permits we would have to put out to meet the age objective.

Mr. Aoude said some of the units are starting to level out and slow down. With a 17% increase we might be getting to it. Some of the regional supervisors are hesitant to recommend more permits, because they were shut down in the past. They are now looking to slowly increase permits and now it sounds like we are going too slowly. We have tried to set a plan where we would increase permits slowly so it would not get the public upset. What he is hearing now is that the Board would like to move toward objective a little more quickly.

Mr. Howard said last year Range Creek had limited entry on public land and any bull on private land. That is the only one in the state that is like that.

Mr. Aoude said we are looking to change that.

Mr. Howard said we need to change that soon with equality on both sides of the fence.

Mr. Perkins said in summary, the Division is going to go up on permits a little this year, but if we do not see progress with that, then the Board should get more aggressive the next year and go for the objective.

Mr. Aoude said it will not be an overall increase statewide, but there will be some units with considerable increases.

Director Karpowitz said we have always ended up with less permits than we have recommended, every year. Our biologists are making recommendations based on objectives and the management plan, but even at that we are not getting to the objectives. We need the Board to support the recommendations. Our biologists are getting a little bit gun shy in their recommendations for increase.

Mr. Hatch stated that the problem is caused because everybody want to kill a 400 point bull.

Director Karpowitz said yes.

Mr. Howard said on the history on the Fish Lake was also a factor.

Director Karpowitz said we have been very conservative with bull permits in this state. Arizona doubled their permits in one year with not much measurable change. Our recommendations are good, but they are way conservative.

Mr. Aoude said if a unit is 20% over objective, then we can increase permits up to 20%. This is a social constraint, rather than a biological issue.

Mr. Johnson said with the past increases we must be getting closer to objective.

Mr. Aoude said if we do not move toward objective fast enough, we will never get there.

Mr. Hatch said years ago on Mt. Dutton, they gave about 30 permits. Last year they gave 133 permits and the age objective has gone up to 6.5 years.

Randy Parker of the Farm Bureau said in the Snyderville Basin they have a political problem with a resident herd that has moved onto a man's ranch. This rancher has been told by law enforcement that if he moves that herd out over public roads, he will be arrested. It is in a residential area and is becoming a real problem.

Mr. Fairchild said they were prepared to trap and move these elk, but then the elk did not come back. They are a logistic problem and they are surrounded with housing developments. There is a path for them to move out, but they are kind of trapped. They have had cow hunts, but they did not work.

Mr. Aoude said this person has the one working ranch growing hay right in the middle of the subdivisions.

Mr. Parker said if this man does pretty much anything, he has been threatened with arrest.

Mr. Fairchild said the local law enforcement has allowed him to use cracker shells.

Mr. Hatch thanked Mr. Perkins and the Division for the information presented tonight.

The meeting was adjourned.

**UTAH WILDLIFE BOARD MEETING**  
March 6, 2008, 9:00 a.m., DNR Auditorium  
1594 West North Temple, Salt Lake City, Utah

**Board Members Present**

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

**Division of Wildlife Resources**

Staci Coons  
Judi Tutorow  
Doug Messerly  
Alan Clark  
LuAnn Petrovich  
Boyd Blackwell  
Laura Hines  
Greg Sheehan  
Walt Donaldson  
Martin Bushman  
Rick Larsen  
Kevin Christopherson

**RAC Chairs Present**

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

**Public Present**

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

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

Mr. Perkins added an item to the agenda, to go into executive session to discuss a personnel matter. Director Karpowitz said we need to talk about an extra board meeting to talk about condors, under other business. Mr. Howard said he would like to discuss the Range Creek Unit under other business. Mr. Bushman said last year the open and public meetings act was amended. They clarified that you cannot add agenda items that were not posted today.

Director Karpowitz said the personnel matter is about an award. The condor issue is just a scheduling issue.

Mr. Howard said his item would not be an action item.

Mr. Bushman said he would be cautious in adding items to the agenda. He needs to look up the personnel matter.

Mr. Johnson said he wants to discuss application due dates under other business.

The following motion was made by Rick Woodard, seconded by Tom Hatch and passed unanimously.

**MOTION: I move that we accept the agenda as amended.**

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

On p. 5, last paragraph, change “Stansbury Islands” to “Stansbury Mountain.” P. 20, 3<sup>rd</sup> paragraph, correct spelling on Del Brady.

The following motion was made by Rick Woodard, seconded by Del Brady and passed unanimously.

**MOTION: I move that we accept the minutes of the January 8, 2008 Wildlife Board meeting with the corrections.**

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

Mr. Woodard said Mr. Perkins has a question on the January 8<sup>th</sup> Fishing Tournament COR.

Mr. Perkins said he is only aware of the motion on p. 29 of the January 8, 2008 minutes. That motion is being worked on. Maybe there was another motion that he did not catch it.

Chairman Niemeyer said he did not think that was put on the action log.

Mr. Woodard said this can be dropped from the action log and asked if there were other items that need to be added to the action log.

Mr. Johnson said he would like the Division to look at developing a lynx management plan.

Director Karpowitz said lynx are listed as threatened or endangered. There is probably some type of conservation agreement in place. We need Mr. Bunnell to give us clarification on this at a future meeting.

**4) DWR Update (Information)**

Director Karpowitz said it has been a very good legislative session for the DWR. He went on to give the status of the various bills and the budget. The Administrative Rule Penalties amendment was trying to get all agencies to codify their rules. We worked on some wording with the sponsors, and at the last minute they pulled the DWR out of that bill. We expect to be back next year, working with the sponsors on another version.

House Bill 427 is the Hunter Education exemption for military personnel. It waives the shooting test and it passed.

HB 451 is the depredating wildlife amendments and it did not pass. It had to do with adding golf courses.

HB 59 is the deer season start date and it passed narrowly as amended. The Wildlife Board has the authority to set the general deer season any time after October 1. Because it barely passed, we need to move forward cautiously with setting the season dates. We need to include all parties who are affected in setting this season.

The quagga mussel bill passed unanimously and it gives our people added authority to help us with our law enforcement efforts to stop quagga mussels spreading around the state.

HB 15 is the instream flow bill to protect trout habitat. It passed and was sponsored by Trout Unlimited. It allows water right owners to lease their water to private organizations for the protection of the three cutthroat trout species.

The aquaculture revitalization bill passed and it eliminates CORs on private ponds and replaces it with a system where the people who deliver fish must take responsibility and make sure regulations are followed. It also reworks the Fish Health Policy board. This concludes the bills he wanted to discuss. Robin Thomas will e-mail the Board an update on all the bills.

Next, Director Karpowitz discussed the budget situation in the legislature. The DWR did not ask for anything in our base budget. We did ask for needed money for the quagga mussel issue and they gave us 1.1 million as a supplemental for the present year and 1.4 million ongoing. We appreciate the legislature coming through with this in a tough budget year.

Unexpectedly, through the ESMF program, they gave us 2 million dollars to work on the sage grouse listing process. We will use this to prevent the listing of sage grouse through habitat work around the state. A listing of sage grouse would be very bad for Utah.

They also gave us \$68,000 as a start toward a bison study on the Henry Mountains, which we agreed to do in our management plan.

We had several requests for ongoing appropriation for restricted items, for the SITLA access payment, the walk-in access and WMA maintenance and these all passed. We came out very well in a tough budget year. Also, employee compensation is a 5% cost of living raise for all state employees with some changes in benefits.

Mr. Perkins asked about the opening of seasons, does that start in 2009?

Director Karpowitz said yes. The statewide deer plan has expired and will be revised in the next year. We want to have that in place before our next round of recommendations. We have had a tough winter in northern Utah. We triggered our emergency deer feeding policy at the end of January and started feeding in Cache, Weber, Morgan and Summit counties. It has been an extensive effort with a lot of volunteer work from sportsmen. The overall snow pack is not that impressive, but we had significantly deep snow on some key winter ranges. There was a significant cost to this and we got a lot of help from the sportsmen.

On endangered species issues, we struggled with a prairie dog plan, and then we just received word that Gunnison prairie dogs are not warranted for listing. The planning effort we made entered into that decision.

On Feb 21 the FWS announced the delisting of wolves in the Northern Rockies, which includes a piece of northern Utah. Our management plan did not anticipate delisting just a portion of the state. Nonetheless, effective March 28, wolves will be delisted in an area in northeastern Utah bounded by I-80, I-15 and I-84 and our management plan will go into effect. We anticipate a lawsuit that will stop this delisting. This is liable to be played out in the courts for years to come. Within the last week, on Bear Top Mountain in the Flaming Gorge area, personnel are looking to document as many as five wolves. They have documented some tracks. If there are wolves there they fall under the endangered species act and the Division has no authority over them. There will be some folks wanting something done about them, but they fall under the control of the federal government. In the delisting process in the Northern Rockies, all of southwestern Wyoming will not only be delisted, but their management plan calls for them to be treated as predators in that zone. Their intention is to eliminate wolves from that part of Wyoming.

Mr. Clark asked Director Karpowitz to talk about elk depredation in the Basin.

Director Karpowitz said we have had significant problems with elk in northern and north eastern Utah. We are doing some feeding in northeastern Utah to draw them away from problem areas. Because of the winter, we expect some loss of deer and not too many elk.

Mr. Howard said the Wasatch Front has been closed to taking lions. He said he has had some calls from outfitters that have seen three cougars. How can we handle that? Can we issue some tags?

Director Karpowitz asked Mr. Bushman what to do on that since it is not on the agenda.

Mr. Bushman said we cannot act on it if it is not on the agenda.

Mr. Howard said it just requires an executive decision.

Mr. Bushman said Director Karpowitz could open a season if it is in the interest of wildlife resources.

Director Karpowitz asked about bag limits, if they have reached the quota. He asked Mr. Howard to get the information for him and they will look at the situation.

Mr. Johnson said on deer feeding, deer have a hard time adjusting to other types of feed. Would it be possible to contract with a farmer to raise rabbit brush and sage brush?

Director Karpowitz said they probably could not produce enough quantity. Three million pounds of seed has been out on the rangeland and we are excited to see it come up in the spring. Feeding really does very little good except in time of emergency, and it only helps the adult deer. We still lose the fawns. We did use a super pellet this year that is special for deer. It seems to work pretty well. Colorado said they can save 20% more deer using this pellet.

**5) Motion to Dismiss Argument – Marshall Grant Lindsay – Time Certain 9:00 a.m.**

Chairman Niemeyer said we need a motion to dismiss the appeal on the agenda.

Mr. Bushman said Marshall Lindsay had appealed a suspension of his hunting privileges. The appeal came in four days late and under current law these types of appeals must be filed timely. We argued that position and it was appealed. A call came in yesterday and the lawyer said they no longer wish to address this appeal.

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

**MOTION: I move that we dismiss the appeal of Marshall Grant Lindsay.**

**6) Fees, Exchanges, Surrenders, Refunds & Reallocation of Wildlife Documents Rule R657-42 (5-yr review) (Action)**

Greg Sheehan, Administrative Services Section Chief, presented this agenda item. The only change is we have added that application amendment fees must be paid by credit or debit card. We are clarifying how this should be paid through our contractor online.

**7) License Permit & COR Rule R657-45 (5-yr review)(Action)**

Greg Sheehan presented this agenda item. The addition was that the license, permits and COR forms shall include the licensee's customer identification number and drop the social security number. These are the two changes on these two rules.

**RAC Recommendations**

All the RACs voted unanimously in favor of the Division's recommendations on agenda items six and seven.

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

**MOTION: I move that we approve the 5-yr review on Rule R657-42, Fees, Exchanges, Surrenders, Refunds & Reallocations of Wildlife Documents.**

The following motion was made by Rick Woodard, seconded by Del Brady and passed unanimously.

**MOTION: I move that we approve the 5-yr review on Rule R657-45, License Permit & COR.**

#### **8) Amphibians & Reptile CIP Rule R657-53 (5-yr review) (Action)**

Laura Hines, Native Aquatics Species biologist presented this item. She gave some background on the rule, which governs the collection, importation, transportation, possession, and propagation of amphibians and reptiles. (See Powerpoint Presentation) They are proposing changes to the classification and specific rules for the tiger salamander to sync it with the fishing proclamation and rule. The tiger salamander is no longer to be used as bait. This also drops the limits from 50 to 3 yearly and 9 in aggregate to sync with all the other species in the amphibian/reptile rule.

The second change is to the Great Plains toad, which has been added as a tier two species on the Utah Sensitive Species list. The Great Plains toad has only two legitimate verified records in Utah and the last record was in 1962. We have changed it from non-controlled to controlled which means you now need a COR to collect this species. This concluded the amphibian/reptile rule.

Mr. Hatch said kids in their area collect frogs and pollywogs in the summertime. He would hope we would educate rather than punish when it comes to kids.

Ms. Hines said in the case of children, conservation officers would just try to educate.

#### **RAC Recommendations**

All the RACs passed the Division's recommendations unanimously.

Southern - Mr. Albrecht said they had some concerns similar to those of Mr. Hatch, but they still passed the proposal unanimously.

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

**MOTION: I move that we approve the 5-yr review on Amphibians & Reptile CIP Rule R657-53.**

### **9) Zoological Animals CIP Rule R657-3 (5-yr review) (Action)**

Ms. Hines presented this agenda item also. She gave some background on this rule, which governs the collection, importation, exportation, transportation, and possession of zoological animals. (See Powerpoint Presentation) They are changing invertebrates to crustaceans and mollusks. We do not have jurisdiction on all invertebrates, such as insects. We are adding a couple of species to our Prohibited Species List, the red-rimmed melania, and the western pearlshell, and adding some text to clarify some of these statements. Native species will be non-controlled except those listed in the table and the non-native species are listed as prohibited, to prevent non-native introductions.

There are some text changes in the fish section of the rule. There are some changes to that table, adding the blue catfish, Northern leatherside chub, Southern leatherside chub, Emerald shiner and burbot. Emerald shiner, burbot and non-ornamental fish not listed in this table and are prohibited for collection and controlled for importation and possession. There are no significant rule changes for mammals and this concluded the presentation.

Mr. Albrecht asked which of those fish do we already have in our waters.

Ms. Hines said burbot are in Flaming Gorge.

Mr. Johnson asked if we need to be more proactive on some of these species.

Ms. Hines said that is what we are doing on blue catfish and the emerald shiner. Flaming Gorge does have no limit on burbot presently.

Mr. Donaldson said that is why we added that any species that is not on the list is prohibited from possession. This will close the loophole that Mr. Johnson has brought up. This will take care of any species that we could not even predict.

Mr. Johnson asked if the quagga mussel is in Lake Powell.

Mr. Donaldson said we have three test results, one positive and two negative – we are not sure, but think we probably do. We are treating it as a target that we have it, assuming it is a positive.

Mr. Perkins asked if those are three independent samples or the same sample.

Mr. Donaldson said they are separate samples. They consolidated those three and sent them to the three separate labs.

Mr. Brady asked how long it takes to get quaggas when there are boats in a lake. How long does the boat have to be in the water?

Mr. Donaldson said if they are in the water with active veligers, attachment can happen, but the shorter the time period, the less likely. Houseboats that sit in the water for six months to a year at a time before it is taken out and cleaned, that is a high level of contamination. These mussels are fairly hearty and if they are not frozen, they can live in bilge water, on anchors and on ski ropes. These are the areas that our people are going to target as we interview boats. If we are going to de-contaminate boats, these are the target zones where we will look to use the money we got from the legislature and we will also educate people accordingly.

Chairman Niemeyer asked if we are looking to spray boats as they come out of certain waters.

Mr. Donaldson said they have already purchased five high temperature sprayers (140 degrees). This procedure is similar to what they did in Minnesota. Our people are being trained to clean these boats in this fashion. We do not want to turn it over to the boaters with water at such a high temperature. We do not want to get into a safety issue.

### **RAC Recommendations**

All the RACs passed the Division's recommendations unanimously.

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

**MOTION: I move that we approve the 5-yr review on Zoological Animals  
CIP Rule R657-3.**

### **10) CWMU Advisory Committee (Action)**

Boyde Blackwell, Private Lands/Public Wildlife Coordinator presented this agenda item. He said per the Wildlife Board's request, we need to find a replacement for Ernie Perkins, who sat on the CWMU Advisory Committee. They are proposing that Fred Oswald be on the CWMU Advisory Committee.

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

**MOTION: I move that Fred Oswald be a representative on the CWMU  
Advisory Committee.**

Mr. Perkins said that the advisory committee has a new, outstanding, customer friendly pamphlet on depredation, including rules and information for landowners and everybody in the system. He would like the Board members to receive a copy of it.

Mr. Blackwell said he will get them each a copy. He presently has 1000 copies getting printed at state printing. They will be going out to the regions.

Mr. Johnson asked what the obligation of the CWMU owner is to those who get permits to hunt on their property.

Mr. Blackwell said in the new management plan/application we are trying to identify the season dates for the public. We are going to provide this online, so the public will have access to this information. The new rule says that if one area is open to hunters, it is open to all hunters and it tries to deal with a lot of that. We have a complaint process with official forms in each region that identify who they are, which CWMU and what the complaint is. There are four copies that go to four different places. We have an official process. On Feb 6 we met with advisory committee and they go through the complaints and also the compliments. This is an official process. We have a good committee that considered each of these. We had six complaints, three dealt with boundary issues and three dealt with how they were treated. Another dealt with a time he was given to hunt. These were all discussed. There were also three compliments.

A CWMU owner/operator also came to this meeting and presented a concern. The Hiawatha CWMU applied for five private permits matching their request for the 2007-hunting season. The region recommended four for the 2008-season, thus a split recommendation. The Division has learned that region failed to contact the CWMU informing the owner/operator of the split recommendation and thus the CWMU operator did not have an opportunity to make their request during the RAC and Wildlife Board process. The DWR recommendation is that the Hiawatha CWMU should receive one additional permit for the 2008 hunting season. There was a breakdown in communication regarding the number of permits the CWMU received in 2007.

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

**MOTION: I move that we approve the Division's recommendation on the Hiawatha CWMU.**

Mr. Hatch asked how the advisory committee is working.

Mr. Blackwell said it is working very well. They had some thoughtful productive discussions. The process is working very well to address our constituents better.

Mr. Howard complimented Mr. Blackwell on the job he is doing.

#### **11) Free Fishing Day –Rule Amendment (Action)**

Staci Coons, Rules Coordinator, is here to present an amendment to R657-13, the Fishing Rule, specifically to section 3 which is the free fishing day. Currently free fishing day is the second Saturday in June, and it is proposed to change that to any Saturday in June. This lets us put it in line with National Fishing and Boating week and we will be able to take advantage of the national marketing plan as well.

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

**MOTION: I move that we approve the Free Fishing Day Amendment.**

**12) Certification Review Committee Variance Request – Mr. James Dix(Action)**

Ms. Coons, Certification Review Committee Chairman, presented this agenda item. Mr. Dix, owner and operator of the Reptile Rescue Service, wants rattlesnakes put on his nuisance COR. He has had rattlesnakes on his COR in the past when they were classified as controlled. Last spring their classification was changed to prohibited, so it does require a variance to have it on his COR. The committee supports his request with a few stipulations in regard to the rattlesnakes. (See Attachment #2)

Mr. Perkins asked if the rattlesnake needs to be released in the same county section it was removed from. This might be difficult to do in a populated area and is overly restrictive. This might need to be adjusted in the future.

Mr. Hatch said the “county section” term is not correct. It might be worded better as “within the county.”

Mr. Brady said “county section” is not technically the correct term. With a section being 640 acres it could be within a metropolitan area, or a subdivision.

Director Karpowitz said we should ask Mr. Dix if he has any problem with that.

Mr. Dix said most of the snakes need to be kept within a one-mile area or they will wander aimlessly and eventually starve. You can usually find a release spot within one mile.

Chairman Niemeyer said he thinks the mile should be expanded, so the snake does not end up in the same area. He thinks some of the snakes show up in populated areas when they have been transported.

Mr. Dix said usually within three days in captivity, a snake has to be destroyed because of disease.

Mr. Brady said we should change the wording and Director Karpowitz said they can do that.

Mr. Johnson said the wording might be within a one-mile area.

Director Karpowitz said based on what Mr. Dix said, if we are going to change the wording, it should be within a one mile distance for the snake’s benefit.

Mr. Niemeyer said maybe within one mile, except if it is in a populated area.

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

**MOTION: I move that we approve the variance request for Mr. James Dix.**

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

**MOTION: I move that the distance for release of these captured snakes be considered by the Division and brought back at a future meeting with wording recommendations.**

### **13) Variance Requests (Action)**

Judi Tutorow, Wildlife Licensing Coordinator presented these variances.

Ryan Erickson presented the variance request for his father Paul Sturzenegger. Father and son drew out on the hunt together. His Father was injured when the 4-wheeler he was riding rolled over onto him. They hunted Saturday, heard the elk, but did not see any. Sunday they went out again with the same results. Sunday night the accident occurred and his Dad hurt his hand and wrist. Monday they went to the ER and came back up the mountain to hunt. Wednesday the Father rolled the 4-wheeler again and the accident was worse. At this point they went home. Mr. Erickson decided to ask the Board for an extension, or anything that might be available.

Chairman Niemeyer asked how many days they actually hunted.

Mr. Erickson said Saturday and Sunday with the accident occurring Sunday around 4:30 p.m.

Mr. Brady asked exactly where they hunted.

Mr. Erickson said up by the Matt Warner Reservoir. There was a lot more private land in the area than they had anticipated. The mountain the bulls were on ended up private land and they would have had to wait for them to come down. This was actually their second choice for an area to hunt.

### **Board Discussion**

Mr. Howard said in the past if there is hunting opportunity, the Board denies these requests.

Mr. Hatch said he would like to give Mr. Sturzenegger his bonus points back.

Director Karpowitz said season extension is the only option the Board has.

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

**MOTION: I move that we deny the variance request of Paul Sturzenegger and Ryan Erickson.**

Ms. Tutorow presented the request for Richard Rubin. This request was tabled at the last Board meeting. It is being brought back with additional information. Mr. Rubin wants a season extension on his limited entry pronghorn permit. Mr. Rubin was required to be present at the Katrina proceedings as an expert witness, which prevented him from traveling to Utah. The Board at the last meeting asked Ms. Tutorow, to get more information on this request. Mr. Rubin was an expert witness at the first part of litigation. He asked them to reset the date, but he had to decide at that point to take care of his family and business, since he has lost everything he had in the hurricane. (See Variance Requests for further information and documentation)

Chairman Niemeyer asked about the fact that the guide, Wade Lemon said he had sent in the information to ask for the extension at the time of the problem.

Ms. Tutorow said, Mr. Lemon said he sent it and the Division never received it. There was no information whatsoever until Mr. Rubin called the Division to check on things.

Chairman Niemeyer said we are two years out on this request. He reviewed the chain of events.

Mr. Perkins said Mr. Rubin actually bought the guide services and the guide is willing to accommodate Mr. Rubin when he gets another permit. All he has to do is draw another tag and antelope is not a OIAL by any means. Mr. Perkins does not see enough evidence to support granting the variance.

The following motion was made by Tom Hatch, seconded by Rick Woodard and passed unanimously.

**MOTION: I move that we deny the variance request for Richard Rubin.**

Ms. Tutorow said that the variance request for Clayton Gurney came in after the Board packet was sent and he wanted to present it himself. He has not shown up today.

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

**MOTION: I move that we table the variance request of Clayton Gurney until the next board meeting.**

**14) Other Business (Contingent)**

- a) "accompanying" adult for youth hunters

Chairman Niemeyer presented this item. On one of the DWR free pheasant hunt days, apparently we had one youth shot by another while on a bird hunt. One of the parents said that he thought whoever accompanied his kid ought to have gone through Hunter's Education, so this is being brought up for discussion. We are trying not to make this any harder on the adults who are accompanying than necessary, but we need to have enough adults available who have had Hunter's Education and can control the situations a little bit better. Chairman Niemeyer has been gathering up some information on how other states do the supervision on youth hunts.

Mr. Howard said the individual that is organizing needs to make sure everybody is in a straight line and in position.

Mr. Perkins said he has taken probably 60-70 kids out on youth hunts for chukar and pheasants. This is not an isolated incident, probably not as severe but others have been hit with shot. Presently, Craig McLaughlin is doing a thorough gathering of information on this issue. We should leave it with the Division at this point.

Chairman Niemeyer says he agrees. There are a lot of ideas and information out there.

Director Karpowitz said this would take legislative rule change, because the rule just says a youth hunter accompanied by an adult, not an adult with hunter safety credentials. It might be risky opening that bill, with risk of it being repealed.

Mr. Perkins said one of the problems is even a hunter that has had Hunter Safety might not be able to keep up, and then a volunteer takes over and supervises.

Mr. Hatch said every year he takes his grandkids to South Dakota to hunt pheasants and the guide shows a 10-minute video on safety. We have had a few hit by pellets, not with any serious injury, but that is just part of being in the field. That might be something we could bring into the system here in Utah.

- b) Condor meeting

The Arizona Wildlife Commission wants to schedule a meeting with the Utah DWR relative to the condor expanding their territory. Condors are an endangered species. They have identified that the use of lead shot on big game and small game is causing a problem for the condor as they feed off carcasses. They have some non-lead bullets in northern Arizona that are provided for free to hunters. Arizona wants a meeting in St. George sometime in the near future, perhaps in April to discuss this issue. The entire

Board does not have to go and it will be informational. Director Karpowitz asked about the middle of May for Board members. He will contact Arizona and set something up.

c) Range Creek

Mr. Howard gave the Board a handout on this issue. (See Attachment #3) He says this needs to be in an upcoming board meeting. We need clarification on access to Range Creek. They want a representative from the BLM to come and explain the situation to the board. He said he talked to Dennis Willis before he retired and he was amenable to coming to the Board.

Mr. Hatch said he thinks we should go to the State Director.

Director Karpowitz said we can invite them and see what happens.

Mr. Johnson said he went into the Price BLM office and visited about three weeks ago and this plan did not go through the RMP process. They are concerned about the ruins, but those who are going to take artifacts are going in during the night. He went on to express his dis-satisfaction with the rules and regulations that are being made by people who really do not know the situation, in his opinion.

Director Karpowitz said we can tell them our concerns, but we also have a management plan that we are operating under. We need to finalize that plan and the Board needs to ratify it, but what happens on BLM land is out of our control and influence.

Mr. Larsen said even if we change what we do on Range Creek, they have their own Section 106 Antiquities Act that they function under. This was an interagency effort with months of discussion. It has not been finalized. Range Creek is a very sensitive area. It is different than our other lands as far as the scope that we need to address as far as management goes. We are the fee owner, but Forestry, Fire and State Lands owns the conservation easement on it, as far as the exchange of funds and titles goes. It would come out of private ownership. As far as conservation easement responsibilities go, they are responsible to protect antiquities. They reviewed all the things that came into this plan also.

Mr. Johnson said he wants the resource protected, but what is being proposed is not stopping diggers from getting in. The only way to get their attention is to put them in prison.

Mr. Larsen said he would disagree with that, there is a lot of law enforcement in the area. The state land in the bottom of Range Creek is what is the Division's charge. They have given controlled public access. He is not comfortable with getting into the BLM's business. This has been a collaborative effort, multi-agency for a long period of time and everybody involved felt we were giving adequate public access, considering wildlife values and the cultural resources. Everyone involved felt they were covered.

Mr. Johnson said public camping should be allowed. This would allow for more people to watch out for those who would destroy the resource. If they would back off, everybody would be happy with it. Maybe they went too far on the regulations.

Mr. Larsen said we do not have the authority to tell the BLM what to do.

Mr. Hatch said if the Board wants to approach this issue, it should be from the perspective of wildlife management, regardless of our personal bias. That is the charge of the Board. We might write a letter that expresses concern that hunters cannot camp overnight.

Mr. Larsen said camping is by permit only, walk in or horseback, with a day use permit to hunt with campsites on the north side. Hunting access is not a problem. He has not heard anyone who has used that facility complain. This is the first complaint he has heard.

Mr. Johnson continued to discuss ideas and suggestions that he feels should be considered. He said the land cannot be successfully hunted without being able to camp.

Mr. Larsen said there is no doubt the BLM controls all the land in that area. He looks to take responsibility for Division land.

Director Karpowitz said access has been controversial on the top of that property for years. The county pushes for public access anywhere they can get it.

Mr. Perkins said he shares Mr. Hatch's concern on the scope of the Board's authority. The question is, what is the purview of our authority? Isn't there a Public Lands coordinating office? Wouldn't we be required to go through them?

Mr. Larsen said that is RDCC.

Mr. Perkins asked if we wouldn't be required to submit a letter to that office?

Mr. Larsen said it is his understanding that they comment on proposals that they receive from other state and federal actions. They are the conduits for counties to give comments. They are not an advocate, but a clearinghouse for comment on state and federal actions.

Mr. Johnson said this is a hunting issue and being able to harvest wildlife there.

Mr. Larsen said they are regulating commercial activity and they have the right to do so.

Mr. Howard said we have covered this point and now we need to coordinate access with them and the Division.

Director Karpowitz said if the Board thinks it is appropriate, we could write a letter concerning hunter access, focusing it on wildlife issues.

Chairman Niemeyer said our concerns are the overnight camping and hunter access.

Mr. Hatch thinks a letter is more appropriate to the BLM, not asking them to come to our meeting. We have concerns about hunter access. We understand the resource needs to be protected.

d) application due date

Mr. Johnson said someone in his area was concerned about having to buy a license, before they can apply for hunts. They want the date to be later, because they are recovering from Christmas.

Ms. Tutorow said next year we are proposing dates two weeks later.

Chairman Niemeyer said they can put it on a credit card and we do not want the drawing date any later. They need to be informed of the results as soon as possible.

Mr. Bushman then explained going into executive session. We have to specify the reasons for going into executive session, which is covered under R52-4-205-1a – dealing with the character or professional competence of an individual. We have to specify location, which is at this site and then a two thirds vote. Once in executive session there are some other requirements that need to be followed on motions.

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

**MOTION: I move that we go into Executive Session to discuss who will receive awards that will be given at a future event. It will occur in this room and the discussion will start at 1 p.m.**

The Board went into executive session.

They reconvened from the executive session.

The meeting was then adjourned.