

UTAH WILDLIFE BOARD MEETING
August 28, 2008, 9:00 a.m. Capitol Room 240
350 North State Street, Salt Lake City, UT
Revised 08-27-08
AGENDA

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| 1. Approval of Agenda
- Paul Niemeyer, Chairman | ACTION |
| 2. Approval of Minutes
- Paul Niemeyer, Chairman | ACTION |
| 3. Old Business/Action Log
- Rick Woodard, Vice-Chair | CONTINGENT |
| 4. DWR Update
- Jim Karpowitz, DWR Director | INFORMATION |
| 5. Proposed Fee Schedule
- Greg Sheehan, Administrative Services Section Chief | ACTION |
| 6. Electronic Meeting Rule Amendment R657-39
- Greg Sheehan, Administrative Services Section Chief | ACTION |
| 7. Sage Grouse/Sharptail Permits
- Greg Sheehan, Administrative Services Section Chief | ACTION |
| 8. Waterfowl Guidebook and Rule R657-09
- Tom Aldrich, Wildlife Program Coordinator | ACTION |
| 9. Wild Turkey Guidebook, Permit Allocation and Rule R657-54
- Dave Olsen, Wildlife Program Coordinator | ACTION |
| 10. AIS Management Plan
- Larry Dalton, Wildlife Program Coordinator | ACTION |
| 11. Valuation of Real Property Interest for purposes of Acquisition or Disposal
- New Rule R657-61
- Stephen Hansen, Wildlife Program Coordinator | ACTION |
| 12. Division Variance Requests
- Boyde Blackwell, Wildlife Program Coordinator | ACTION |
| 13. 2009 RAC/Board Meeting Dates
- Staci Coons, Wildlife Board Coordinator | ACTION |
| 14. Other Business
- Paul Niemeyer | CONTINGENT |

UTAH WILDLIFE BOARD MOTIONS
August 28, 2008, 9:00 a.m. Capitol Room 240
350 North State Street, Salt Lake City, UT

1. Approval of Agenda

MOTION: I move that we accept the revised agenda as presented.
Passed unanimously

2. Approval of Minutes

MOTION: I move that we approve the minutes of the August 7, 2008 Wildlife Board meeting with the noted corrections.
Passed unanimously

3. Proposed Fee Schedule

MOTION: I move that we approve the Division's recommendations as presented on the Proposed Fee Schedule.
Passed unanimously

MOTION: I move that we approve the Division's recommendations on the Proposed Fee Schedule, as presented, with the exception on the Swan and Crane Fees and that will go into effect in 2010.
Passed unanimously

4. Electronic Meeting Rule Amendment R657-39

MOTION: I move that we approve the Electronic Meeting Rule Amendment R657-39 as presented by the Division.
Passed unanimously

5. Sage Grouse/Sharptail Permits

MOTION: I move that we approve 6 additional sharp tailed grouse permits in Cache County.
Passed unanimously

MOTION: I move that we give no preference points to those whose credit cards were not charged for sage grouse permits.
Passed unanimously

MOTION: I move that we give no preference points to those whose credit cards were not charged for sage grouse permits.
Passed unanimously

MOTION: I move that we grant those who were charged, a guaranteed permit for sage grouse in 2009 unless they end up on the Endangered Species List.

Passed unanimously

MOTION: I move that we go to a drawing process for sage grouse and sharp tailed grouse permits in conjunction with the Sandhill Crane draw.

Passed unanimously

6. Waterfowl Guidebook and Rule R657-09

MOTION: I move that we accept the Waterfowl Guidebook and Rule R657-09 as presented, with the exception that we retain the Youth Waterfowl hunt this year on September 27 and establish that the Youth Waterfowl hunt be two weeks before the general waterfowl opener in 2009.

Passed unanimously

7. Wild Turkey Guidebook, Permit Allocation and Rule R657-54

MOTION: I move that we leave the West Manti Unit as part of the Southeast region per the Division's recommendation and accept the rest of the Wild Turkey Guidebook, Permit Allocation and rule R657-54 as presented.

Passed unanimously

8. AIS Management Plan

MOTION: I move that we accept the AIS Management Plan as presented by the Division.

Passed unanimously

9. Valuation of Real Property Interest for purposes of Acquisition or Disposal

MOTION: I move that we accept the Valuation of Real Property Interests for Purposes of Acquisition or Disposal – New Rule R657-61 as presented by the Division.

Passed unanimously

10. Division Variance Requests

MOTION: I move that we approve the extension of the variance request of Gordon Poppitt.

Passed unanimously

MOTION: I move that we grant the variance request of the Big Mountain CWMU.

Passed unanimously

MOTION: I move that we approve the variance request for Bronson Willard.

Passed unanimously

MOTION: I move that we grant Vernon Christensen's request to change his any legal weapon season permit to a muzzleloader permit for the limited entry West Desert, Vernon Unit.

Passed unanimously

MOTION: I move that we approve the depredation hunter pool permits, including their use on the two CWMUs, Spring Creek Dodge and Summit Point as directed by the Division. This is contingent on permission from the CWMU operators.

Passed unanimously

11. 2009 RAC/Board Meeting Dates

MOTION: I move that we tentatively approve the proposed 2009 RAC/Board meeting dates with the exception of combining both of the August Board meetings into one.

Passed unanimously

WILDLIFE BOARD MEETING
August 28, 2008, 9:00 a.m. Capitol Room 240
350 North State Street, Salt Lake City, UT

Board Members Present

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

RAC Chairs Present

Amy Torres – Northeastern
Terry Sanslow – Southeastern
Ed Kent – Central
Southern – Doug Messerly
Northern – Brad Slater

Public Present

Mike Linnell – USDA Wildlife Services
Lucas V. Davis
Jerald Olsen
Roger B. Mezenen

Division of Wildlife Resources

Staci Coons
LuAnn Petrovich
Doug Messerly
Teresa Bonzo
Mark Hadley
John Fairchild
Bill Bates
Craig Clyde
Judi Tutorow
Tom Aldrich
Dave Olsen
Larry Dalton
Boyde Blackwell
Stephen Hansen
Greg Sheehan
Craig McLaughlin
Martin Bushman
Cindee Jensen
Kenny Johnson
Jason Robinson
Charlie Greenwood

Chairman Niemeyer welcomed the audience and introduced the Wildlife Board members and RAC Chairs. Mr. Woodard asked if we should address agenda item number 13 without all members here. Ms. Coons suggested that the board tentatively set the dates for 2009 today, so that herself and regional RAC coordinators could begin securing locations for the meetings.

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

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

MOTION: I move that we accept the revised agenda as presented.

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

On p. 6, 3rd paragraph, 2nd to last line, add “in projects that will be completed” after “million dollars.” On p.13, 2nd to last paragraph, 3rd line, delete “with an average every three days.” On p. 31, 10th paragraph, change “Jim” to “Jeff.”

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

MOTION: I move that we approve the minutes of the August 7, 2008 Wildlife Board meeting with the noted corrections.

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

Rick Woodard, Vice-Chair addressed this agenda item. The first action log item will be addressed today. Many of the others will be addressed in October. There are two things that are to be added to the action log, one is scopes on muzzleloaders.

Chairman Niemeyer said with the scopes on muzzleloaders they are more accurate and there is the opportunity to take more deer. Without the scope they might wound more deer. The one power scopes are actually more of a deterrent than good. They make things look farther away than they really are. Some hunters are using red dot sites and other things, and these issues need some discussion.

Mr. Perkins asked if just scopes should be considered, or a broader discussion to include primitive weapons.

Chairman Niemeyer said from his experience, some of the rules we have on bullet weight and other things probably are not as good as they ought to be. The scope issue came up years ago when someone on the Board of Big Game Control was having eye problems and he tried to pass a motion to allow the use of scopes.

Director Karpowitz said we made that accommodation for people with vision problems, less than a year ago.

Mr. Bushman said that accommodation was made for people who have vision less than 20/40 and they can use a magnifying scope.

Director Karpowitz said this has been discussed two or three times in depth that he knows of and we can investigate it again. We can make a proposal during the big game recommendations. The bigger issue is if the Board feels inclined to allow scopes on muzzleloaders, is there a need for a muzzleloader season. The idea behind the season is that they are less effective, and odds of harvesting a deer were way less. Now we see that their harvest success rate is almost as high as rifle and some years even higher, without a scope.

Chairman Niemeyer said the muzzleloader season is early and that makes their success better. The best muzzleloader and scope are not the same as a rifle. He has gotten some e-mails from hunters who are looking to bring suit on this issue.

Director Karpowitz said the vision guidelines to qualify for a scope on a muzzleloader are the same as qualifications on a driver's license.

Mr. Howard said his opinion at this point is to leave it alone and maybe come back in another year if we get pressured into it.

Director Karpowitz said the last time this became an issue at a board meeting, it was the dominant issue and they spent hours on it.

Chairman Niemeyer said he is all right with letting it go for a time.

Mr. Perkins said we need to take care of the controversy with bonus points first.

Mr. Woodard said the other item that the Board would like added to items on the action log is a date to be completed. We need input from the Division on this.

Director Karpowitz said we can do that.

4. DWR Update (**Information**)

Director Karpowitz said next week is the DWR Training Conference on September 3-4, 2008, at Snowbird. The Wildlife Board is invited to have dinner that evening and there will be some entertainment. If they want to sit in on any of the rest of it, they are welcome. The first day, Director Karpowitz will address the group and then an electronic survey of employees will be done in the afternoon on various issues of concern. There will be the roll out of a new leadership training program for our employees. On the second day there will be training for employees by various professionals from Utah and elsewhere. The Covey Group is coming in the morning and then a break out session for other training after that.

Tri-State has an annual meeting every year with the Colorado Division of Wildlife and Wyoming Game and Fish. It was Utah's turn to host it this year and it was in Evanston, Wyoming. It was a two-day meeting. The first day we toured Deseret Land and Livestock and showed what we are doing in habitat improvement, sage grouse work, and mule deer enhancement. It was very impressive. There were a lot of questions on why that is working so well in Utah and how we got it going. They are very impressed to know that Utah has spent 47 million dollars in the last three years on habitat enhancement in Utah. The second day a lot of issues were discussed in a short amount of time, everything from fisheries, to wildlife, to habitat issues. It became clear that we have very progressive programs in Utah that the other states are very interested in. For example, our quagga mussel program, Colorado modeled their new program after Utah's. Wyoming is modeling their new habitat program on Utah's watershed program. It feels good to know that we are leading in many programs around the west. We learned good things from them also. Wyoming has dealt with a lot of energy development. Colorado deals with many of the same issues that we do. Del Brady also attended this meeting, representing the Board and hopefully he will report on it in the future.

We are also looking to have a Tri-State meeting with Nevada and Idaho to discuss Great Basin issues. Both of those states are interested in doing this and probably next summer we will do this meeting.

Director Karpowitz gave an update on the Wildlife Task Force. At a recent meeting some of the real issues came to the surface. One of the concerns is how the RACs and Board operate. What came to the surface at this meeting is that the agricultural community is very interested in becoming part of the Conservation Permit Program. They want to make these permits available to local grazing associations and associations that represent public land grazers. Director Karpowitz has some concerns and reservations about that and will continue to discuss that issue with them. This task force is scheduled to dissolve in November and those are the two big issues that they want to deal with. He will keep the Board updated on what goes on there. The next meeting is October 8th, 2008.

Mr. Howard asked if those associations are nonprofit.

Director Karpowitz said he doubts it, but they could be. The big question is it would be a hard sell to sportsmen to take permits out of the public drawing and put them into this different arena. They understand that it would take either legislation or Wildlife Board action to accomplish this.

Mr. Woodard asked if the discussion has gotten any further, that if there are these permits, will there be a trade off in increased herd sizes.

Director Karpowitz said that was brought up by the sportsman. Most of the meeting was a lot of venting and getting the issues to the surface.

Mr. Woodard said one of the Board members wanted to put a date to be completed on the action log items, or at least for an update on status, or the date it will be brought to the Board.

5. Proposed Fee Schedule (**Action**)

Greg Sheehan, Administrative Services Chief presented this item. These are Division initiated fee change recommendations for 2010. He then went over the process that fee changes go through to arrive in the appropriations bill. Committee approved fees are included in the annual appropriation bill and voted on by all legislators. As with most businesses at this time the cost to DWR for employees, fuel, health insurance, liability insurance, retirement costs, utility costs, etc. have continued to escalate. The DWR has made increases in the past two years that have provided for funding to address critical needs in the next few years. Therefore, the fee changes proposed for FY 2010 are both few and minor in nature.

Mr. Sheehan went over the specific fee changes. The COR for private ponds was eliminated. Only the inspection fee will stay in place which is \$100. Next there is a fee for swan and crane hunting permits, raising it to \$15 if successful in drawing. He then went over the CORs for fishing contests. In limited situations, we would offer up to a 20% discount to a season fishing license where a large fishing event is sponsored or something similar to this. This would not be widespread, or a normal approach. It would not be on combination licenses. He then went over shooting center fees. In summary, the fee changes recommended by the RACs and approved by the Wildlife Board will be addressed in the 2009 legislative session. Approved fees and changes will take effect on July 1, 2009.

Chairman Niemeyer asked if there were any questions.

Mr. Perkins said he assumes higher COR fees for larger fishing contests are considered in order to defray the costs of added inspection, equipment and patrolling. Is this correct? He would like to get something on the record to support the Division making this recommendation.

Mr. Donaldson said they have two goals before them, a statewide goal which is a constituency goal to get more involved with the public and within the aquatics section we had a goal to simplify the proclamation. Both goals tie together. The Division got very involved with those running these contests. They went over many scenarios and decided what was most fair. That is how they arrived at this three-tiered system. They were very comfortable working with these groups. It was basically a negotiated deal.

Mr. Kent said, from the anglers' perspective, many of the youth would fall out because the fees are too restrictive. This was a laborious process between the aquatics section and the angling groups to come up with a compromise, and all the angling groups support this proposal.

Mr. Donaldson said on the fish tagging contests they automatically go into the large group because fish are handled and there is bigger risk of loss.

RAC Recommendation

Central – Mr. Kent said they had one RAC member who expressed concern with how license monies were being spent. Mr. Kent directed him to the Division's website and the various projects. Their RAC approved the proposal unanimously.

Northeastern – Ms. Torres said they had some general questions and voted to approve unanimously.

Northern – Mr. Slater said they had lots of discussion, with concern on tournaments and fishing contests. They approved the proposal unanimously as presented with one exception, which came as a separate motion: To create a youth fishing tournament COR that could be considered at no charge.

Southeastern – Mr. Sanslow said they passed the proposal unanimously as presented.

Southern – Mr. Messerly said 6 of 12 RAC members were present and they accepted the proposal unanimously.

Public Comment

Lucas Davis is concerned about the new fee schedule. He asked where the swan fee is going. In the future it would be wise to let the public know where the money goes.

Mr. Aldrich said in the case of swan it is an expensive hunt to conduct. They monitor hunter compliance, run a draw, and conduct aerial surveys. The total Division cost for these is somewhere around 30 to 50 thousand dollars, including enforcement time. This proposal would barely cover this. The requirements are the same with cranes and they are required to do federal surveys and counts.

Director Karpowitz said when we made this proposal it was before we closed fiscal year 08 and because of our license restructuring and being careful with the budget, we closed in the black. We are not desperate for this money presently and if the Board wants to defer the swan money until FY of 2010 that would be acceptable. Over time the bank account in the black will decrease. What we do not want to do is go back to the sportsmen continually and ask for more money.

Mr. Perkins said that is a great offer and he is in favor of it.

Roger Mezenen of the Utah Bass Federation is the youth director for the state. He appreciates the Northern RAC's proposal for the youth with a free COR tournament. Otherwise they are in favor of the recommendations. The funds that are generated through the youth tournaments are at a bare minimum. They have two youth members that they are trying to get to nationals and they support them the best they can. This tournament is held back east and there is a considerable amount of cost involved. The lower we can keep the COR fees, the more it benefits the youth program.

Mr. Slater said at the Northern RAC there was discussion on a need for more information for the 20% seasonal discount. They would like more specific guidelines on this proposal.

Chairman Niemeyer asked if they want that now or over time.

Mr. Slater said over time would be fine.

Mr. Howard asked Mr. Aldrich how much it costs to do the swan survey.

Mr. Aldrich said the \$60,000 is for the entire program and currently we are going into a deficit.

Mr. Howard said since they are going into a deficit he would like to go with the fee change now.

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

MOTION: I move that we approve the Division's recommendations as presented on the Proposed Fee Schedule.

Mr. Perkins said there might be some concern in going to the legislature and asking for this increase when a substantial surplus is being carried at the Division. He would advocate supporting the option suggested by Director Karpowitz of putting the swan money off for a year.

Chairman Niemeyer said the sportsmen always are willing to pay their way and he does not like to see a program not paying its way.

Mr. Woodard said we should not do anything that would jeopardize the general fund money from the legislature.

Director Karpowitz said he is not suggesting that we not approve the swan fee proposal, just put it off a year. We told the sportsmen when we did the license restructuring that we would reinvest that in programs that especially impacted waterfowl and small game. We have done that and this money would be reinvested in that area too. He is a little nervous about going back and asking for more money, especially in a year where we have a surplus.

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

AMENDED MOTION: I move that we approve the Division's recommendations on the Proposed Fee Schedule, as presented, with the exception on the Swan and Crane Fees and that will go into effect in 2010.

Mr. Kent agreed with Director Karpowitz since we are just one year into the program. We also have other departments and organizations vying for funds that are short at best.

Mr. Perkins asked that the guidelines for the discounted licenses become set and be passed along to the RAC and Board members. At some point we will be questioned on this.

Director Karpowitz said it will come back to the Board when they write a rule on this issue.

6. Electronic Meeting Rule Amendment R657-39 (**Action**)

Mr. Sheehan presented this rule. This is to establish the procedures on how to convene and conduct public meetings electronically if an administrative rule has been adopted governing electronic meetings. This only pertains to the Wildlife Board, not the RACs. An electronic meeting is a Board meeting conducted by means of conferencing in Board members using electronic communications. Board members can participate and vote in a meeting by telephone without traveling to Salt Lake City. Public notice procedures are the same for an electronic meeting as a regular public meeting, with the addition that the notice must identify the Board members participating electronically; and anchor location for the meeting. Electronic meetings provide the Division and Board flexibility in addressing emergency issues without incurring the time and expense of convening a regular meeting. Electronic meetings will rarely occur. Electronic meetings will allow the Board to quickly amend the Aquatic Invasive Species Interdiction Rule to identify new infested waters.

The next part of the presentation was on emergency meeting authority. Utah code Section 52-4-202 authorizes entities such as the Board to convene and conduct an emergency meeting without providing 24 hours public notice of the meeting and its agenda. This rule is to establish procedures for the Wildlife Board to convene and conduct emergency meetings. An emergency is defined as “unforeseen circumstances” that require the Board to hold a meeting to consider a matter of an “emergency or urgent nature.” The following requirements must be satisfied before the Wildlife Board may hold an emergency meeting: Public notice of the meeting is provided as soon as practicable, a majority of the convened members vote to hold the meeting and the Board identifies the unforeseen circumstances and urgent nature of the matters requiring the emergency meeting.

The rule has been amended to read: “Meetings should be conducted in accordance with Robert’s Rules of Order.” If there was an issue where for instance, a motion was not amended properly or something was not done just right, it would not potentially invalidate what occurred at that meeting at a later time.

Mr. Kent asked if there is a definition for an emergency.

Mr. Bushman said the Open and Public Meeting Act says emergency is defined as something that must be handled on short notice. You would need to show why the 24 hours is not enough time. He referenced Rule 52-4-202-1 and read from the rule.

RAC Recommendations

All but the Central RAC passed this proposal unanimously.

The Central RAC passed the proposal by majority, but there was some confusion with a couple of the members. Their impression was the rule was loose enough that there was no need for a quorum to conduct business. After some explanation that the statute does require a quorum to conduct any business, it cleared up the misunderstanding.

Chairman Niemeyer asked if there was any public comment and there was none.

Board Discussion

Mr. Woodard said he was at the Central RAC meeting and witnessed what went on. It was from a public RAC member who had some concern. We should use this rule very cautiously.

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

MOTION: I move that we approve the Electronic Meeting Rule Amendment R657-39 as presented by the Division.

7. Sage Grouse/Sharptail Permits (**Action**)

Mr. Sheehan presented this item. On Thursday August 7, 2008 sage and sharptailed grouse permit sales began on a first come first serve basis. There were 1,450 (2 bird) permits available. Permits were sold at retail agent locations, DWR offices, and online. Problems were encountered due to the unanticipated load on the customer online system. Many clients ultimately did not receive a permit that they had wanted, or perceived that they had received.

Mr. Sheehan showed a chart with two common databases for the sales system— agent online and customer online. Customer online was where the problem arose. It quickly overloaded and 90 people were charged for permits and received verification that they had a permit and ultimately, they did not get a permit. The lapse in the system between the Division and the credit card system is where the problem occurred. Mr. Sheehan went on to explain what happened. We ended up with about 90 people that were charged on their credit cards, many of whom got a confirmation that they got a permit and our system did not give them a permit. We did have a few permits that were voided and the problems were resolved.

In the past if we needed a few more permits we would ask the Board for them, but this is too many and in a species that needs protection. The recommendations are to not issue additional sage grouse or sharp tailed permits as the Division continues to adhere to strict harvest objective standards. We will move sage grouse and sharp tailed grouse permits to a draw in 2009 to go along with the Sandhill crane draw. We would guarantee those that were charged for a permit, a 2009 permit without having to enter the draw next year, subject to the availability of a hunt in 2009. We have a list of those who called in. We might consider allowing a preference point to those that called and complained that they were in the system and could not purchase a permit during that morning. He went over the applicants charged for grouse for 2008 and not receiving permits (See Attachment #1)

Director Karpowitz asked how we know who was in the system and could not get a permit before we issue them a preference point.

Mr. Sheehan said they have some names, but that would be a gray area.

Ms. Tutorow said they fixed some charges for those who got a permit and had problems with multiple credit card charges. They will wait for the decision today and fix the rest of the charges.

Mr. Sheehan said they had some people who kept hitting the charge prompt over and over.

Chairman Niemeyer asked if those who were charged know they would not get a permit.

Mr. Sheehan said most of those who were charged, don't even know they were charged yet. They probably just figure the Division's computers crashed. A few of the people have contacted us. Many of the 90 people do not know anything at this point. A few of the people are waiting to get a permit in the mail and we do not have one to send them. Those are the ones we are worried about. We do not know the exact number.

Chairman Niemeyer said even though this did not go through the RACs, he would still like to hear from the RAC Chairs.

Mr. Sanslow said we should just refund them and go to the draw. We should not worry about the preference points and not set a precedent.

Ms. Torres said if there is no way to identify exactly who didn't get a permit, she agrees with Mr. Sanslow, and just refund them. She would be worried about setting precedence.

Mr. Kent agreed.

Mr. Sheehan said we can credit them the \$10 and then recharge them next year. A lot of the public they have talked to are not overly concerned. We will credit them all back and those that want the guaranteed permit next year will be accommodated.

Director Karpowitz asked for clarification on the recommendation. Are we recommending that if a person says they were in the system, they get a preference point?

Mr. Sheehan said those in the second category are unclear. There might be a few hundred people or more that could not get through.

Mr. Perkins said on the sharp tailed grouse in Cache County, it is only six permits. We could start there.

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

MOTION: I move that we approve 6 additional sharp tailed grouse permits in Cache County.

Chairman Niemeyer said justification for not addressing sage grouse is they are a species that needs to be protected closely.

Mr. Howard said he supports the 88 to receive the guaranteed permit in next year's draw.

Mr. Sheehan said they are looking to take care of some of these through some voids.

Mr. Perkins said he was in favor of the guaranteed permits, but the RAC Chairs did not support this.

Mr. Sanslow said just give the refund and that's it.

Mr. Howard said he would like to hear the RAC Chairs opinion on the preference point option.

Chairman Niemeyer said he sees two different issues. One is where they did not even get in the system and then there are those who got charged. First he would like to hear from the RACs on those who really did not even get in.

Mr. Kent said if they cannot identify the person, you do not give a guaranteed permit or a preference point. He asked for clarification. If we know who the 88 people are, they would consider giving a guaranteed permit next year.

Mr. Sheehan said they know exactly who these people are. They would have gotten a tag, but somebody down the line probably wouldn't have.

All the RAC Chairs said no preference points.

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

MOTION: I move that we give no preference points to those whose credit cards were not charged for sage grouse permits.

Chairman Niemeyer then said we need to hear from the RACs on the guaranteed permits for next year.

Mr. Messerly said they need to have a guaranteed permit next year.

Mr. Slater said he would agree, based on the fact the sharp tailed permits have been given, it might not be wise to give the sage grouse this year, but give a guarantee next year.

Mr. Kent asked if there is any biological reason to not give that guarantee for next year.

Director Karpowitz said we are doing everything we can to prevent it, but there is a chance that the sage grouse will be an endangered species in 2009.

Mr. Sheehan said we would refund the 88 people and charge them again next year when we give them their guaranteed permit. They would also have to be informed about the possibility that the sage grouse could end up listed.

All the RAC Chairs said they would give the guaranteed permit to those whose credit cards were charged.

Ms. Torres suggested offering a sharp tailed grouse permit if sage grouse were listed.

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

MOTION: I move that we grant those who were charged, a guaranteed permit for sage grouse in 2009 unless they end up on the Endangered Species List.

Chairman Niemeyer asked if we have a draw in place.

Mr. Sheehan said we are not actually to that point yet. It is a direction the Board could decide to go.

Director Karpowitz said if the Board votes on this now it would be better to put it in place now. They can also defer it to next year.

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

MOTION: I move that we go to a drawing process for sage grouse and sharp tailed grouse permits in conjunction with the Sandhill Crane draw.

Mr. Perkins asked how draws compare to just buying permits online, as to how many hunters get to hunt. Are we going to try to increase the number of permits that are offered because of the significantly greater number of hunters that will put in for a draw.

Mr. McLaughlin said they will not adjust the number of permits. First they must gather the data and look at the success rate, post hunt.

Mr. Perkins said we will have a significant change in the number of “no hunters.”

Mr. McLaughlin said the expectation may be that more people will apply for a drawing, more people that are less serious about hunting; therefore we have lower success and should adjust the number of our permits. If that is what Mr. Perkins meant, Mr. McLaughlin would say we should not go there yet. We will gather the data and if there is a change of success rate we could adjust.

Mr. Sheehan said when we give these guaranteed permits next year, it will constitute less than 10% of the permits.

8. Waterfowl Guidebook and Rule R657-54 (**Action**)

Tom Aldrich, Wildlife Program Coordinator presented the Waterfowl Proclamation 2008-09 and the recommendations. He said that the federal government each year establishes migratory game bird regulations. They are established based on the population status of migratory birds. He went through some of that status information population wise, comparing this year to last year and this year compared to the long-term average. The long-term average for waterfowl is a 55-year period.

He went over Goose/swan status, May Ponds, and the North American duck breeding populations. (See Powerpoint Presentation) For the 2008 regulations decisions are all liberal for the Eastern Mallards, Mid Continent Mallards and Western Mallards.

Regulation packages for the Pacific Flyway are for Pintail 107 day season length with basic bag of one, canvasback is closed season and scaup has an 86 day season length with a basic bag of two.

Chairman Niemeyer asked if you could go a 107 day season with a one bird bag for scaup.

Mr. Aldrich said they looked at that, but no. The service only allows 86 days. The reason the flyway chose this is because we have some dedicated scaup hunters in the coastal states and those states felt strongly that having a one-bird bag would put those folks out of business.

Mr. Aldrich presented a chart on scaup populations on state WMAs and the proposed 86 day season.

He went on to discuss a spring light goose season. Light geese are made up of snow geese, blue geese and Ross geese. They are increasing in the Pacific Flyway and are far above objective. They counted over a million last year. Agricultural damage in spring is increasing and tolerance decreasing. Few white geese stop in Utah in fall, but 50,000 stop in spring. Utah's proposal is to extend white goose hunting into March and increase the bag to 10 a day.

Season lengths are limited to 107 days and can go no later than March 10 by federal rules. Light goose season therefore must be separate from Canada goose seasons and

open later than Canada goose seasons. In the northern goose zone season dates for light geese will be Oct 25-Jan 17, and Feb 18 – March 10. Season dates for light geese in the rest of state zone will be Oct 13- Jan 17 and March 2-10 to avoid conflicts with the Snow Goose Festival in Delta. Few light geese use state WMAs so most would be closed to the spring season to protect nesting Canada geese. In addition, all the federal refuges will be closed.

Clear Lake, Public and Salt Creek WMAs will remain open and the Division will be pursuing walk-in access contracts in Box Elder County to provide public hunting opportunities.

Other recommendations are to change waterfowl youth day to Sept 20 to avoid conflicts with other season openers. They are doing this because Hungarian partridge and sage grouse season openers were moved to September 27 which was our traditional youth hunt day. There are other issues in this such as the surprise factor, federal refuge events, roads and water issues. Another concern are brown ducks and fledging. We have late broods this year that have just hatched and they probably will not fly until the middle of October. Another recommendation is to change shooting hours to ½ hour before sunrise on pheasant opener. He then summarized the various changes.

On the 2009 Swan recommendations they are proposing to allow group applications for up to four hunters. This recommendation is mirrored after the antlerless process. They want to implement preference points for swan drawings, reserve 15% of swan permits for youth hunter (15 years of age or younger opening day of season), and move the application period to September after the Wildlife Board meeting. This concluded the presentation.

Mr. Kent asked about the extended white goose hunt. Can you hunt private property?

Mr. Aldrich said yes. It will probably be 99% private lands hunt. That's where the geese are and that is where the damage is.

Mr. Howard said since the youth day is the 20th, would it be good to move it to the 27th?

Mr. Aldrich said the conflict with the grouse opener is the issue.

Director Karpowitz said we could eliminate the surprise factor if it was a 2009 recommendation, then people can plan.

Mr. Perkins asked if we have had any groups who have complained about the 20th verses the 27th.

Mr. Aldrich said not that he is aware, but he is not sure how many people know.

Mr. Perkins asked if law enforcement has any problem with having the youth hunt before the proclamation comes out.

Director Karpowitz said that is another good reason for advanced noticed and pushing this to 2009. Will the chukar hunt end up later or earlier over the next few years?

Mr. Perkins said it will get earlier, because it is at the latest possible date this year. It will be between the 22 and the 29 of every year.

Director Karpowitz said then you could have a youth hunt as early as the 15th. Is the chukar hunt opener always before general waterfowl season?

Mr. Perkins said it is always the fourth weekend of September.

Mr. Aldrich said there are years when we could have a waterfowl opener the last Saturday in September. By policy we have never taken advantage of that. We have chosen to open it the first Saturday in October. The chukar dates are good for three years

Mr. Perkins said with the potential for the change on the opener for the general deer hunt, it might have a ripple effect.

Chairman Niemeyer said there are two parts to this. It gives the hunters an extra opening hunt with chukar and the youth hunt, but the waterfowl hunters like the two-week split so the geese can settle down.

RAC Recommendations

Central – Mr. Kent said Jay Banta who manages the Fish Springs WMA and the Delta Waterfowlers club has been working on a special waterfowl youth hunt. The hunt has always fallen on the week prior to the duck season for the last 11 years. They are looking to have it on the 27th and did not think there was enough time to move it up. The RAC accepted the proposal as presented with exception of the youth hunt occurring on the 27th this year and delay the change of the 20th for next year.

Northeastern – Ms. Torres said they had one comment from the Ute Tribe to support the recommendation and the RAC passed the proposal unanimously.

Northern – Mr. Justin Dolling (sitting in) for Mr. Slater said they passed the proposal as presented and it passed 8 to 1. There was an amendment to consider changing the youth hunt back to the third Saturday in September and it failed.

Southeastern – Mr. Sanslow said there were some questions on the number of youth permits and those were all answered by Mr. Aldrich. At that point the proposal passed unanimously.

Southern – Mr. Messerly said there was some discussion in regards to when the Snow Goose Festival will be held. The proposal passed as presented with the exception that the

light goose open the week after the Snow Goose Festival on March 2nd. That will satisfy the RAC. The season date does influence when they have the festival.

Chairman Niemeyer asked if there was any public comment and there was none.

Board Discussion

Chairman Niemeyer summarized the RAC comment. Central wants to delay the youth hunt change until 2009, because all the arrangements are made for the youth hunt by the Delta Waterfowlers Club.

Mr. Howard asked if we could go with this and have the rule take effect next year.

Mr. Perkins said if we implement that next year, the youth duck hunt would be September 19.

Director Karpowitz said the earliest the youth hunt would be is September 17.

Mr. Perkins said the youth hunt will be the 19th next year and that would work.

Chairman Niemeyer said there have been some complaints that the youth opener is too close to the regular opener.

Director Karpowitz said he has had similar complaints that the youth opener is too close to the regular opener. We can handle this several ways. He is sensitive to the fact that people have not had time to plan this into a vacation or a refuge manager has not been able to get it into a work plan. We could eliminate that completely by making the change in 2009 and looking for options.

Mr. Howard said he is concerned that we will not have the proclamation out at this point for a reference.

Director Karpowitz said this Board spends a lot of time talking about youth opportunity. He would hate to see us do anything counter to that. If we do not do the youth waterfowl opener the week before the chukar opener, we need to find another opportunity for youth. We need to provide them as many opportunities as we can. Having said that, we will not have a proclamation out, people have not had time to plan, and WMA managers have not had time to plan. It might be best done in 2009.

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

MOTION: I move that we accept the Waterfowl Guidebook and Rule R657-09 as presented, with the exception that we retain the Youth Waterfowl hunt this year on September 27 and establish that the Youth Waterfowl hunt be two weeks before the general waterfowl opener in 2009.

Mr. Perkins stated justification for going against four of the RACs on this motion, because of two significant factors. First, the proclamation would not be out prior to the 20th and second we now have more than one federal refuge, which are hugely important to the youth hunt, that have conflicts.

9. Wild Turkey Guidebook, Permit Allocation and Rule R657-54 (**Action**)

Dave Olsen, Wildlife Program Coordinator presented this agenda item stating that he will cover the 2008 transplant program and recommendations, review the current management, present the 2008 harvest results and the 2009 statewide and regional recommendations.

During recent transplants 284 turkeys were trapped in Utah during the 2007-08 winter period. Out of state requests were filled with 55 Rios going to Arizona. Instate releases were a total of 229 and involved all five regions.

Mr. Olsen then went over the transplant priority list that was approved for 2004-08. Approximately 50 sites are yet to be completed and it is recommended that the current list be approved to continue.

He then reviewed the current management plan. At this point sportsmen desire more opportunity to hunt and certain trade offs would be required to do this. The DWR began liberalizing permit numbers and in 2007 a committee developed an approach to review a method to accomplish this. The Board approved a phased move toward over-the-counter (OTC) permit sales to begin in 2008. The 3-year phase-in goal will be complete in 2010.

The phase-in program includes limited entry hunt permits, bonus points, no waiting period and youth and landowner permits. OTC program caveats include to annually increase permits, removing species distinctions – a wild turkey is now a wild turkey, to establish “acceptance” index parameters, go through a 3-year transition while monitoring and adapting along the way and continuing to improve wild turkey statewide distribution.

Mr. Olsen then went over the framework of three successive spring seasons including an early, middle and late season along with the specific dates. (See Powerpoint Presentation) He went over permit calculations, triggers that would indicate need for adaptation, and potential responses to the triggers.

He then presented the 2008 spring turkey harvest statistics chart with total permits at 7,853 which is a 171% increase, hunters afield, total harvest and hunter success. The chart showed a comparison in each of these categories for 2008, 2007 and 2006. In 2008, there were 71 public hunts statewide. A management parameter summary chart was discussed comparing the same years including applicants, permits, success, hunter satisfaction and crowding (interference). These statistics indicate that we should go forward with phase-in toward OTC sales.

The 2009 statewide hunt recommendations were then presented. They will use the 2009 formula, which will provide for 13,937 total permits statewide (77% increase from 7,853 in 2008). They will continue the same frameworks and hunt units as a general rule.

They do have to adjust hunt area boundaries to address broader region hunts and habitat problems in some regions. They will continue the public on-line only, application period in December and maintain a single applicant drawing process throughout the OTC sales phase-in period, in spite of requests for multiple applicants for the drawing. They reviewed this internally because of the complexity of this process and if we do achieve over the counter in the next few years, it will eliminate the need for a draw.

Mr. Olsen then went over the process for application for landowner permits. These applications will be reviewed and approved by the Division. If it is approved it will be issued over the counter on a first come, first served basis. In the past all landowner permits were based on a 20% of available permits and we recommend that this continue for the early A and middle B seasons with no limitation for landowner permits in late C hunts. A landowner application period Nov 3-Dec 4 will close prior to the public drawing. Permits remaining will go to public draw and non-qualifying landowners are then eligible for general draw. In 2008, a quota of 901 permits were available to landowners; only 157 were issued. Only 4 units required a drawing in 2008. We will evaluate and adapt if necessary in future years.

There is no change on the youth permits with 15% of permits available for those age 18 and younger.

Mr. Olsen then went over some boundary changes, CWMU Permits and proposed region specific changes. (See Powerpoint Presentation) This concluded the presentation and he turned some time over to Mr. Sheehan for drawing information.

Mr. Sheehan said the grouse issue came up since the RAC meetings and some of the problems with going all online. To help with this they want to go to five choices on turkey permits on the draw, similar to deer permits. This will push more permits out in the draw.

Chairman Niemeyer said that is an item that they will just poll the RAC Chairs on, rather than carry it out another year. He then asked if there were any questions.

Mr. Howard asked about the North I-70 Unit, is that part of the Green River Unit?

Mr. Olsen said the Green River falls within that unit. It is everything from the Colorado line on I-70 and the eastern line is Hwy 89.

Mr. Howard asked if on landowner permits, they have to be family members or just a certain number.

Mr. Olsen said the landowner can have only one permit. There are no changes on other parts of the rule.

RAC Recommendations

Central – Mr. Kent said they had a fair amount of comment. The NWTF and SFW support increases in permits. There was some fear in throwing a higher density of hunters into some of these areas. They voted to accept the proclamation and permits as proposed with the exception of moving the west Manti late season hunt into the Central Region. The reason for this was law enforcement officers that monitor that area are from Central region and for all intents and purposes, it should be included in Central region and not Southeast. The proposal passed 11 to 1, with the one against the increase in permits.

Northeastern – Ms. Torres said they had some general questions that were satisfied. The RAC heard from NWTF and SFW. It passed unanimously.

Northern – Mr. Dolling said there was little discussion with some clarification. The proposal passed unanimously.

Southeastern – Mr. Sanslow said there was some discussion on transplants. MOTION: To accept as presented except to keep permits same as they were in 2008, passed with a vote 5 to 1.

Southern – Mr. Messerly said they voted to accept unanimously.

There was no public comment.

Board Discussion

Mr. Howard asked about the reduction of permits on the Green River.

Mr. Bates said they went from 60 to 15, with 5 in the A hunt and 10 in the B hunt. The landowners and hunters told the Division the turkeys are gone from that area. There were some landowners that wanted to shut it down this year.

Mr. Howard said on the south side of I-70 there are some turkeys, but mostly on private ground.

Mr. Bates said the Green River Valley is closed two miles each side of the river, but we did not include the southern boundary. It might be good to add Little Valley to this recommendation.

Mr. Howard said he talked to the landowner at Ruby Ranch and they had a significant die off. It will take a while to get the turkeys back.

Mr. Perkins asked the Southeastern RAC for their opinion on the west Manti.

Mr. Sanslow said they did not really talk about it.

Director Karpowitz said putting those turkeys on the Central would make it the same as the deer.

Mr. Kent said one of the concerns was turkeys follow the snow line and early hunts would be very limited. Someone said that anyone hunting in that area would have to travel 2 hours for another hunt. Switching it would be more accommodating.

Mr. Niemeyer asked Central what their motion was.

Mr. Kent said they accepted the motion, except the West Manti late hunt which would stay in the Central Region late hunt.

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

MOTION: I move that we leave the West Manti Unit as part of the Southeast region per the Division's recommendation and accept the rest of the Wild Turkey Guidebook, Permit Allocation and rule R657-54 as presented.

Mr. Perkins said this is for consistency with the deer units and there would probably be as many people who would support having a more remote area that they could get to and not have lots of hunters around. It is important to get turkey over the counter. This will be a huge opportunity for the hunters in the state. He would encourage the Salt Lake office to work with the regions and everybody get fully on board.

Mr. Bates said when they combined the West Manti in with the Northern region recommendation, we took their permits and put them into ours. They need to be split back out. Based on the formula, we would have 56 permits in Southeastern and the remainder would be in Central region.

Mr. Kent said the rationale on the motion for his RAC is to keep numbers consistent with the deer boundaries and to avoid problematic issues with permit numbers.

Chairman Niemeyer said we need to alter the agenda because of the time certain issue on the variance requests.

10. Action Log Items

A) Wild Turkey Depredation (**Information**)

Dave Olsen presented this information. In October 2005 the Board asked the Division to consider looking at turkey depredation permits. A review of programs in other states was conducted. The 2007 Turkey Committee discussed this and made suggestions. A rule draft was initiated and concurrently, changes to the turkey management program began. Because of personnel changes they held off on further action to allow the program to settle out. Hazing, trapping and transplanting remain the chief tools for addressing nuisance and depredation. This concluded the presentation.

Mr. Perkins said he feels the Division could use an additional tool for turkey depredation.

Mr. Olsen said he was hoping as they gear up with their trapping this next year, we can move turkeys around and then address this in depth a little further down the road.

Mr. McLaughlin asked if the Board wants the Division to continue to pursue the idea of turkey depredation permits. We can set a deadline and look at whatever they would like to pursue.

Mr. Perkins said he feels they need it. There are lots of problems on the Cache.

Mr. McLaughlin said the main reason this has not been dealt with is turnover in personnel.

Mr. Perkins said he would like to see it remain on the action log and have the Division bring it back next year.

Chairman Niemeyer said turkey problems are in the winter in Southern region.

Mr. Messerly said they moved quite a few of those. They have seen some natural fluctuations in populations. Landowners' feelings fluctuate also. Everyone is trying to find a balance. There is a lot going on with over the counter and such, but at some point we will fill the habitat. There is also the damage that the turkeys cause to be considered. We can handle things fine with transplanting at this point.

Mr. Olsen said they will present a report and available tools that can be used in the future.

B) Raven

Jason Robinson, Upland Game Project Leader presented this information. He gave a general overview of common raven management. They are protected under the Migratory Bird Treaty Act of 1918. The federal government has control of management of migratory birds. Common ravens are listed as protected under this Act. A federal permit is required to take migratory birds that are causing nuisance (relocation does not work, because they return to the location). American crows can be hunted during hunting seasons, but Utah does not have one presently.

Mr. Robinson then discussed the difference between American crows and the common raven. Both species are found in Utah. The crow is smaller with a square tail, and has a broader distribution. The raven is larger with a wedge shaped tail. They are found throughout the west, and throughout Utah. Ravens are expanding their range and There are estimated increases in population levels of 1000%. The biology and reproduction of the raven was then discussed. The increase in ravens is due largely to human activity including more road kill and garbage dumps.

He then discussed raven control. DRC-1339 is a chemical used to kill the birds. It is injected into an egg. It is the only legal toxicant registered by EPA for raven population control. Ravens are highly sensitive to DRC and there are no cases of secondary poisoning of raptors or mammals. The common estimate is that one raven is removed for every two egg baits missing. Utah says one raven is removed for every four egg baits missing.

Peter Coates' work was then discussed. The information comes from PHD work conducted by Mr. Coates in Nevada where he placed mini video cameras at sage grouse Nests to record what type of impact ravens might be having. What he was able to show was raven numbers decreased in treated sites. They found that for every 11 baited eggs placed, one raven was killed. Using eggs is effective for short periods of time during the nesting season and in the immediate area of treatment. Control must be conducted each year. Compensatory predation likely occurs.

Mr. Robinson then presented some information from his thesis that was conducted in Tooele County. When raven control was done from April 1 to mid May (sage grouse nesting times) the population was quite low. When the control stopped there was a noticeable increase in the population. It shows a similar trend with a reduction in population, then a recovering effect with birds moving in and fledglings. He then discussed other nest predators. Badgers were shown to be significant nest predators. Ground squirrels are not nest predators and are effective at eating treated eggs. Snakes were observed at nest sites, but did not take any eggs. Coyotes, skunks, weasels, and foxes took eggs.

Other birds are affected by common raven nest predation. Ravens were suspected primary nest predators of Columbian sharp tailed grouse in Nevada. Ravens have been shown to be significant predators on calving and lambing grounds.

Cost of treatment is approximately \$400 per day for each trained tech (benefits, vehicle, etc.) with \$50 per day in fuel costs, \$70 for chemical and about \$.14 per egg. Using the ratio of one raven for every 11 eggs equals a cost of \$51.15 per raven. This adds up to \$30,000 at \$51.15 to take 1000 ravens, every year with no long-term population effects.

In summary raven control with DRC-1339 works and is shown to decrease raven abundance; however, the effects are localized and must be done every year. A reduction in predators has been shown to have an increase in nesting success of ground nesting birds. States are limited in management options for raven control. The cost of predator

control can be very high, but may be worth the cost for some populations. This concluded the presentation.

Chairman Niemeyer asked about raven migration.

Mr. Olsen said it depends on individuals and populations.

Chairman Niemeyer talked about some infected magpies and depredation in the past. He presented this to the old Wildlife Board years ago and they gave permission to shoot magpies. They are depredating on agricultural crops, livestock, and ornamental shade trees. There are too many of them.

Mr. Olsen said if they are depredating, they can be harvested.

Mike Lennell said they are classified as migratory birds, but a lot of them are resident year round. There is a depredation order for magpies, grackles, crows, blackbirds and jays. It allows these to be shot under federal law if they are causing depredation or damage. Under State law a permit is required.

Director Karpowitz said to take protected wildlife you have to have a COR.

Mr. Messerly said in the Collection and Importation Rule, it says it is okay to take them. He has to answer this question all the time and if they are depredating, they can be taken.

Mr. Perkins would like to recommend that they put something in the Upland Game Proclamation that tells people what they can do with depredating magpies and crows. It would be worth telling people.

Mr. Messerly said most of the depredation is being done by ravens.

Mr. Perkins read from the rule.

Mr. Bushman said this rule is only applicable to crows and magpies, not ravens.

Mr. Johnson was the person who put this on the action log. He wanted to see what could be done to take care of depredating ravens.

Mr. Bushman said as long as the raven stays under the Migratory Bird Treaty Act, the federal has primary authority, so we would have to operate within the parameters of their regulations.

Mr. Lennell said they could request additional ravens on their permit. They are looking to put out 10,000 eggs each year and looking at a few different strategies this year. They do work with the Division and there is currently a federal permit. The State could also get a permit. The way it is structured now is we work together on the federal permit. We

are doing eggs statewide. They do some different types of baiting on the ravens for livestock protection.

Chairman Niemeyer said we need to work through the federal agency to reduce ravens.

Mr. Lennell said they are working to reduce the local populations.

11. Division Variance Requests (**Action**) Variance Requests

Gordon Poppitt

Ms. Coons said he is requesting a variance to extend his Dedicated Hunter COR for an additional year. This is his first year in the DH program. He surrendered his DH deer permit on July 26th. His request is outside the authority of the Division. That is why this has come to the Board.

Gordon Poppitt (by telephone) said he is looking to request the suspension of his COR for one year. He was at the Cedar City RAC meeting and Mr. Bushman presented the variance request rule. He was recently diagnosed with prostate cancer and because of treatment he will be unable to hunt this year. He would like to extend the permit to next year.

If the dedicated hunter program is addressed, it needs to be addressed similar to the rest of the authority. If there is someone in the program who has this problem in the first year, as long as it is valid they should be automatically considered for the allowance of this variance. He asked if there were any questions.

Mr. Bushman said the reason this has come to the Board is it is outside the Division's authority.

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

MOTION: I move that we approve the extension of the variance request of Gordon Poppitt.

Mr. Poppitt complimented Ms. Tutorow and Mr. Bushman for their help in working through this process.

Bronson Willard

Colby Roberts, President of the Dove Creek CWMU is here today to present this variance. He is requesting a variance that would allow Bronson Willard to hunt beginning September 5th on his CWMU. Bronson has cancer and is scheduled for treatment on September 9th. His mother said the best possible scenario for him would be to hunt on

September 5-6, 2008. The CWMU donated this permit and there are several other sponsors involved in putting on this hunt.

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

MOTION: I move that we approve the variance request for Bronson Willard.

Vernon Christensen

Rudy Carnesecca (by telephone) will present this request. Mr. Christensen was diagnosed with liver cancer in the last few weeks and informed that he has a very limited time to live. He would like to hunt during the muzzleloader season: 09/24-10/02 on the Vernon Unit, instead of the any legal weapon season. Mr. Christensen was a certified hunter safety instructor for 17 years and during that time he contributed countless hours in educating youth. He would appreciate the Board taking this into consideration.

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

MOTION: I move that we grant Vernon Christensen's request to change his any legal weapon season permit to a muzzleloader permit for the limited entry West Desert, Vernon Unit.

12. AIS Management Plan (**Action**)

Larry Dalton, Wildlife Program Coordinator presented this agenda item. Since the May/June RACs the draft plan has been available for public review. It has been on the DWR website for review. He is here today to achieve Board action to approve the plan. He then gave a quick summation of the plan.

We have a number of aquatic invasive species that threatening the state of Utah. We were fortunate to capture the legislature's attention in the last session and we spent 1.1 million dollars in the last budget in the attack on these species, mostly focusing on the dreissena mussels, which are the quagga and zebra mussels. The legislature saw the merit of this program continuing and appropriated 1.4 million dollars of ongoing general funds. They have been working on the plan with a large team, state, federal and private interests, and it is ready for Board approval.

Steps that will happen in the future are RDCC will look at this plan next month and comment on it. In early November we will take this to the Aquatic Nuisance Species Task Force in Washington D.C. This is the first step in getting this plan ultimately approved. The plan targets dreissena with most effort to keep quagga & zebra out. Much effort on New Zealand mud snail management, limited effort on Eurasian Water milfoil

management and less effort on other AIS management outlines the efforts being made. The plan is 157 pages and has been provided to the Board.

RAC Recommendations

After a report of some discussion and questions in the various RACs, all the RACs passed the proposal unanimously

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

MOTION: I move that we accept the AIS Management Plan as presented by the Division.

13. Valuation of Real Property Interests for Purposes of Acquisition or Disposal – New Rule R657-61 (**Action**)

Stephen Hansen, Land and Water Assets Coordinator presented this administrative rule. House bill 354 required that rules be drafted in the various administrative agencies and this rule is in response. Except in limited situations, this rule stipulates that the DWR must obtain a professional estimation of value when acquiring or disposing real estate. It sets minimum standards and the Division is free to apply a more rigorous process, which it does as a matter of practice; nonetheless, this rule preserves flexibility needed for addressing unique/rare circumstances.

No Professional Valuation is required when the subject property is being donated/gifted to the Division, the property interest being considered is a right of way, lease, or other less than fee interest that is not permanently lost/acquired, the market value of the property is estimated to be less than \$100,000 in value, the asking price is considerably less than market value as estimated by the Division, the asking price is reasonable, but timing precludes obtaining an appraisal and an appraisal has already been conducted within the past 12 months.

In the event non market values are considered in arriving at a purchase/sale decision, the Division must in addition to acquiring an appraisal also create and keep a written record of the non market values considered, and the rationale/logic used at arriving at the Division's decision. Mr. Hansen gave some examples relative to this exception. The Division can make common sense decisions. Basically no changes will occur in the DWR's purchasing/disposal practices. No values other than market value may be considered. This ended the presentation.

RAC Recommendations

Central, Northeastern, Northern, and Southeastern RACs accepted the proposal unanimously.

Southern RAC accepted the proposal 4 to 1 and no explanation was given by the opposing vote.

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

MOTION: I move that we accept the Valuation of Real Property Interests for Purposes of Acquisition or Disposal – New Rule R657-61 as presented by the Division.

14. CWMU Variance Requests (**Action**)

Boyde Blackwell presented these requests. The first request is on the Big Mountain CWMU. They have asked for a permit allocation change. They have been a good CWMU to work with over the years. They claimed a clerical error and as the Division looked through the information over the past several years, we can see how it probably came about. He intended to request 30 permits and by error put down 20. Mr. McFarland will surrender nine buck deer permits and is requesting nine private bull elk permits. He will take an additionally public hunter in 2008. The Division is in agreement with this request and looks for Board approval.

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

MOTION: I move that we grant the variance request of the Big Mountain CWMU.

Mr. Blackwell said the next request is from the private landowners in San Juan County. This comes through a regional action plan to deal with a serious depredation problem we are having in southern Utah. He showed a slide of a sunflower crop where most of the heads have been bit off. Down in southeastern Utah there is a plant that was just recently built across the border into Colorado to process this crop. They currently have 5,000 acres contracted in Utah and are looking to have 10,000 acres for this next year. The elk come along and bite these heads off. Some fall to the ground and some they eat. Southeast region has put together a plan to address this issue. He then showed a slide of how the field should look with the sunflower heads in tact. Bio fuels are extracted from these heads.

Mr. Blackwell said this request is being brought to the Wildlife Board to address the fact that a person may not hunt in a CWMU without a valid CWMU permit approved by the Board. San Juan County has in the past and is currently receiving significant depredation damages to standing bio-fuel crops east of Hwy 191. Last year we paid \$36,000 crop damages in that area. We already have two landowners who are about to claim damages and one is at an estimated \$30,000. He showed a map that indicated where the depredation is taking place.

The Division is therefore asking the Board for authority to issue depredation hunting permits that would be valid on CWMU properties. The depredation bull hunt runs August 15 through Sept 23. The antlerless depredation hunt would run December through December 31. This would allow CWMU operators to use all their permits. We need to address this on an emergency type basis.

Mr. Howard asked how many permits we are looking at.

Mr. Blackwell said we want to go through all those who drew permits first. The Division would then authorize selected unsuccessful antlerless permit holders as well as sportsmen drawn from the depredation hunter pool from Dec 1 through Dec 31, 2009. They will follow a chronological order of action to remove depredating elk. They would do this until December 31st. This is an area where we want significant elk population reduction.

Chairman Niemeyer asked if they are going to hunt until the 31st of January or the 31st of December.

Mr. Blackwell said the public permits would be able to hunt on their regular hunts and also be allowed to hunt on CWMU lands until December 31st. Come December 31st, they would still be able to hunt on private land until the 31st of January.

Director Karpowitz said the only reason this is coming to the Board is because it involves CWMUs.

Chairman Niemeyer asked if the CWMU operators are good with this request.

Mr. Blackwell said Summit and Spring Creek Dodge are both in favor and he has letters from them indicating so.

Chairman Niemeyer said he hates the hunts that go clear through January. Is there any other option?

Mr. Blackwell said Hunt 572 does not really start until November 1st. The plan actually identifies that we will start five hunters at a time, every ten days to try to push them to get in and take an animal. At that point other hunters would have opportunity.

Mr. Woodard asked if these are resident elk.

Mr. Blackwell said yes. The Board was asked for a general hunt in this area and they said no, they wanted the Division to handle it with depredation hunts. They are way over objective presently. We need to cut down on our damage payments.

Mr. Woodard asked what the population is out there.

Mr. Bates said the objective is 300 and we probably have about 450 elk out there.

Mr. Blackwell said presently we need to see if this is an area where we want elk. It is basically an agricultural area that is divided by very small groves of trees. On the Colorado side they are doing a similar hunt to reduce numbers. The Division is going to look at a long-range plan to take care of this area. We have hired an additional technician to take care of this area.

Mr. Woodard said if this is going to be an ongoing problem we need to hit the herd pretty hard.

Mr. Bates said part of the plan is if we cannot kill these elk with these hunters, we reserve the option to remove 25 elk at a time with the Division personnel. Colorado elk may be coming into Utah, inflating that 450 count.

Mr. Perkins asked if we do not get the results we want that we might have to look at taking more elk off the CWMUs in January.

Mr. Blackwell said they have asked us not to, but that might be a possibility if they have gotten their antlerless harvest.

Mr. Perkins said we might want to consider giving authorization for additional CWMU permits in January, if needed.

Chairman Niemeyer said he does not like the hunts to run through January. He is for reducing the herd, but would like to see it done as early as possible.

Mr. Blackwell said one of the problems that we have is there are CWMUs that have permits that need time to be filled.

Mr. Woodard asked if there are bull hunts taking place there.

Mr. Blackwell said yes there is a depredation bull hunt taking place, it runs through September 23, 2008.

Director Karpowitz said in the past few years we have been able to pay all of the depredation payments in full. We had some mild winters and we carried a lot of money up until this past winter. With that severe winter and increased cost in crops, heading into 2009, we have used up all of the surplus. In FY 2009 we are very likely not going to be able to pay the depredation in full. They are going to get pro-rated, especially on the places where there are tens of thousands of dollars in damage. The patience of the landowners is going to wear out. We have never experienced depredation like this. We must do all we can to remove them. What Mr. Blackwell has recommended is a good start. There are CWMUs that make a lot of money, but we will not be able to pay all of the depredation. 1.5 million was paid out last year. We have never experienced depredation like this. We must have some flexibility to take these elk. It is a tough problem for the Division.

Chairman Niemeyer said he knows we need to take care of the problem, but we need to do it as soon as possible.

Mr. Blackwell said we will try to address that with the region.

Chairman Niemeyer asked if there are a whole bunch of elk that come into these fields, or just a few that really get after it every night.

Mr. Bates said groups of ten to eighty elk come into these fields. It varies.

Mr. Woodard asked if it is a safety issue in not putting more hunters in at a time.

Mr. Blackwell said the CWMUs are intertwined with the areas and so if we push five hunters in at a time we are more likely to have a higher success rate before we can get on to the CWMU land, as well as the private lands.

Mr. Perkins asked if in three months, this group of elk will figure out when they can get into the fields and not be hunted.

Mr. Bates said the idea is if you open up the CWMUs where they are hiding in the day, the hunters will be able to harvest them.

Mr. Howard asked about spot lighting.

Director Karpowitz said the Division can spot light and if we cannot get the public in to take these animals, we will have to kill them.

Mr. Bushman said he is uncomfortable with calling this a variance. The nature of it does not fit under this. The Division variance rule is designed to address individuals who get a permit and lose that opportunity because of some unforeseen event. The Board's broad authority would not apply in this case. He then read from code "a person may not hunt in a CWMU without having in his possession a valid CWMU authorization." If they are going to hunt on a CWMU, there has to be something on the permit that indicates it. We do have to make sure the Board recognizes these permits and that they would be valid on these two CWMUs. The best way to do this might be to have the Board authorize this depredation hunt and those permits would be good on the CWMUs with authorization from the operator. That is what the statute says.

Chairman Niemeyer asked if the CWMU permits have already been issued.

Director Karpowitz said the CWMU permits have already been issued. This is on top of that.

Mr. Bushman said the Board cannot force the landowner to allow hunters on their land.

Mr. Woodard asked if there is a crossover between the CWMU operator and the landowners.

Mr. Blackwell said yes. One of the reasons the CWMUs were created is to address some of these depredation problems. It started out as a deer CWMU, then the elk came in. These fields are directly east of Monticello.

Mr. Howard said looking at the map, the CWMU property would be almost impossible to post with the various boundaries.

Mr. Perkins said this CWMU was the example of what was wrong with the old CWMU Rule and what we needed to prevent with the new rule.

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

MOTION: I move that we approve the depredation hunter pool permits, including their use on the two CWMUs, Spring Creek Dodge and Summit Point as directed by the Division. This is contingent on permission from the CWMU operators.

Mr. Bushman said the hunters will not be able to use their original permits. The Division will have to issue a new authorization that indicates that they can hunt the two CWMUs with landowner permission and the adjacent areas. This will be an antlerless permit.

Mr. Blackwell said the hunter pool comes from a cut out in the Antlerless Proclamation that hunters fill out and send into the Division. We draw from this depredation pool.

Director Karpowitz asked if the Board can change Units 570 and 572 to be valid on CWMUs. There are about three recommendations being looked at.

Mr. Perkins said his projection was that a hunter would be unsuccessful on 572 and the Division would call them and ask them if they wanted a depredation permit.

Director Karpowitz said he would have to put in for the depredation pool and have his name drawn.

Mr. Bushman said then they would have to issue them a letter or some authorization that would allow them to hunt the two CWMUs and adjacent lands.

Chairman Niemeyer said we could go to some of those who have applied for those hunts and go down the draw list. Do we have enough people in the depredation pool to cover the permits that we are look at?

Mr. Blackwell said he does not know how many there are in Southeast Region, but the other regions in the state have a lot. We would be able to cover it.

15. 2009 RAC/Board Meeting Dates (**Action**)

Staci Coons, Wildlife Board Coordinator presented these dates. They need to consider the fact that the Board meeting room will be unavailable December 2008 through March 2009. (See Handout in Board Packet for dates)

Chairman Niemeyer asked about having the meeting at other locations around the state.

They discussed the dates and those subjects to be discussed. They asked to combine both August Board meetings into one.

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

MOTION: I move that we tentatively approve the proposed 2009 RAC/Board meeting dates with the exception of combining both of the August Board meetings into one.

16. Other Business (**Contingent**)

Little Hole Dedication – November 11-12, 2008

This date will be up for approval at the October 2 Board meeting.

Mr. Perkins said we should let the old Board members know when we are doing this.

The meeting was adjourned.