

**UTAH WILDLIFE BOARD MEETING**

Summary of Motions

January 7-8, 2009, 9:00 a.m. Quality Inn  
1659 West North Temple, Salt Lake City, Utah

- 1) Approval of Agenda

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

Passed unanimously

- 2) Approval of Minutes

**MOTION: I move that we approve the minutes of the December 4, 2008 Wildlife Board meeting with the noted corrections.**

Passed unanimously

- 3) Bear Proclamation and Rule R657-33

**MOTION: I move that we ask the division to look at the issue of nonresident pursuit and harvest permits including fees and restrictions on distribution as well as issuing some premium bear permits for the 2010 season. This is to be placed on the action log.**

Passed unanimously

**MOTION: I move that we accept the Division's recommendation as presented except on the Beaver Unit it should go to ten permits, adding one permit to the spring hunt and one to the fall.**

The vote tied 2 to 2 with Keele Johnson and Ernie Perkins opposed. Chairman Niemeyer voted in favor of the motion and broke the tie. The motion passed.

- 4) Wildlife Board Variance Request

**MOTION: I move that we grant the variance request of Trevor Smith for a season extension to 2009.**

Passed 3 to 1 with Ernie Perkins opposed.

- 5) Statewide Pronghorn Management Plan

**MOTION: I move that we accept the Statewide Pronghorn Management Plan as presented by the Division.**

Passed unanimously

- 6) Falconry Rule R657-20

**MOTION: I move that we accept the Falconry Rule R657-20 extension request as presented.**

Passed unanimously

7) Drawing Application Procedures Rule R657-62

**MOTION: I move that we accept the Drawing Application Procedures Rule R657-62 as presented by the Division.**

Passed unanimously

8) Wildlife Convention Permits Rule R657-55

**MOTION: I move that we accept the Wildlife Convention Permits Rule R657-55 as presented by the Division.**

Passed unanimously

9) Habitat Management Plans – CRO Only

**MOTION: I move that we approve the Habitat Management Plans for Timpanogos and Lasson Draw WMAs.**

Passed unanimously

10) CWMU Advisory Committee Member Replacement

**MOTION: I move that we approve Dan Jorgensen for the member replacement on the CWMU Advisory Committee.**

Passed unanimously

**UTAH WILDLIFE BOARD MEETING**  
January 7-8, 2009, 9:00 a.m. Quality Inn  
1659 West North Temple, Salt Lake City, Utah

**Board Members Present**

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

**RAC Chairs Present**

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

**Public Present**

Ernie Millgate  
Eric Tycksen  
Jordon Pederson  
Byron Bateman  
Jason Binder

**Division of Wildlife Resources**

Staci Coons  
LuAnn Petrovich  
Judi Tutorow  
Doug Messerly  
Dana Dolsen  
Kevin Bunnell  
Justin Dolling  
Ashley Green  
Boyde Blackwell  
Craig McLaughlin  
Martin Bushman  
Mike Canning

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

The following motion was made by Tom Hatch, seconded by Del Brady and passed unanimously.

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

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

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

On p.16, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line, change “going” to “doing.” P. 30, 6<sup>th</sup> paragraph, change “did not support” to “supported.” P. 48, after the first complete motion, add “There was a brief discussion on preference points and drawings.” P. 56, 1<sup>st</sup> paragraph under agenda #15, 2<sup>nd</sup> sentence to read, “There was a strong suggestion at a state legislator convened meeting with the suggestion to form a working group to discuss the future of feeding elk on the Millville WMA.” P. 61, 1st sentence, add “containment” before “plan.”

The following motion was made by Del Brady, seconded by Ernie Perkins and passed unanimously.

**MOTION: I move that we approve the minutes of the December 4, 2008 Wildlife Board meeting with the noted corrections.**

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

Chairman Niemeyer said that Mr. Woodard informed him that he has not received anything new for the action log outside of this meeting. Does anyone else have any input on this?

Mr. Brady said he would like to see bear pursuit in the Northeast region be addressed.

Chairman Niemeyer said there are a few things he sees will come up during the meeting and that is one of them. We can discuss them at that point and put them on the action log.

4) DWR Update (**Information**)

Alan Clark, DWR Assistant Director said Director Karpowitz is at the Winter WAFWA meeting and he left early for a meeting on the Colorado River. The Director’s Office is getting ready for the legislative session. There are not a lot of bills we are aware of at the moment. The biggest issue is the budget cutting process on the general fund. There is a hearing on Monday on proposed budget cuts to the DNR for FY 2010. The Wildlife Section has a number of transplants and captures going on presently. So far we were able to obtain 16 bighorn sheep from Montana and they have been released in Lake Canyon. We have been collaring some deer for a study and at some point the board will hear about the results on that. It is dealing with two issues, survivability and sight ability. We have a moose capture going on presently, providing moose to Colorado. This weekend we will capture bison on the Henry’s to be released on the Book Cliffs.

Chairman Niemeyer asked where the main meeting place will be on the Henry’s capture.

Mr. Bates said by Egg Nog and also Apple Brush. The Division people will be staying at Ticaboo Lodge.

Mr. Clark continued the update. There are projects going on related to capturing and collaring some bighorn sheep in the Southeast region after the bison transplant takes place.

On habitat issues the fall projects are done. All projects for next fall have been submitted and this is a two-year process, keeping the projects going.

The turkey drawing will be coming up. The application period is closed and there will be a lot of turkey permits left over for over-the-counter sales on February 12. The Dedicated Hunter program is up and running. The deadline for dedicated hunter applications is January 12, 2009. We have had a lot of interest in the online course. A lot fewer have applied for the program at this point than anticipated.

Chairman Niemeyer said he had some individuals in his work office that took the test and then could not submit the completion number in the application. Has that problem been taken care of?

Ms. Tutorow said there were a few complications with accepting their numbers when it was first started, however that issue has been fixed.

Chairman Niemeyer said he is concerned that some of them have two numbers.

Ms. Tutorow said some applicants were issued two numbers but they have gotten that cleaned up. After you are in the program then you take the second course, it is not online yet.

Mr. Johnson asked where the Montana sheep were released.

Mr. Clark said Lake Canyon in the Northeastern region on the Avintaquin Unit.

#### 5) Deer Feeding Policy (**Informational**)

Justin Dolling, Game Mammals Program Coordinator presented this item. He went over the emergency big game winter-feeding program discussing major factors that affect winter deer survival and some of the decision factors of when to feed. He presented a chart on how deer build fat over the year. They build more fat in summer and fall and are better able to make it through winter. The young use most of their nutrients for growth and not fat accumulation. If an animal has not built enough body fat, the spring is when death occurs.

The purpose of the policy is not to grow big game populations above what the range can naturally support. He then went over reasons for feeding and reasons for not feeding. (See Powerpoint Presentation) Mr. Dolling went over the process that occurs when deciding to feed. It is a bottom up process where the field biologist makes a recommendation to the regional staff then to SLO staff. The final approval is from the Director. Authority for feeding will only occur on a site-by-site basis. The deer should only be fed pellets formulated to meet their needs. The Division will not participate in any emergency big game feeding program that occurs within the known range of disease.

The rationale for this policy is that after the 07-08 winter feeding effort, it became clear that the current emergency feeding policy did not provide sufficient direction to initiate feeding. The DWR decided to develop guidelines that include specific triggers that will be tested to decide how well they predict the need for winter emergency feeding. He then went over the guideline development process. The DWR wildlife managers and biologists met to discuss what triggers to use and these were sent to the sportsmen group representatives for comment.

The main factors influencing overwinter survival:

1. body condition of deer going to into winter
2. rate of body condition decline throughout the winter
3. availability of forage, primarily shrubs
4. ability of big game animals to access forage
5. extreme cold temperatures

Mr. Dolling discussed these factors and the relationship to the following triggers:

Trigger review

1. fall xiphoid fat of prime deer (3.5+) less than 10 mm
2. winter xiphoid fat of prime deer (3.5+) less than 2mm
3. shrubs covered by snow
4. snow depth greater than 20 inches
5. temperatures are 10 degrees F and below 30 year average

If three of the five triggers were activated, we would initiate an emergency feeding. There has been some discussion for developing a sliding scale to add some weight to these triggers, but we would like to evaluate that over the next few years. The way we would implement this is to append these guidelines to the existing policy and then test them through March 2010. We would refine those triggers if necessary and incorporate the final triggers into the 2010 feeding policy review.

Mr. Hatch asked if there is anything that would prohibit the public from initiating a feeding program.

Mr. Dolling said there is nothing that prohibits it. We would strongly discourage that if it was not necessary.

Chairman Niemeyer asked what the mix is on the pellets.

Mr. Dolling said they have a formula from Colorado, a specific recipe including 18 different items that include certain levels of protein, carbohydrates, roughage and other basic elements. Colorado has tested and refined this recipe over the last decade.

Mr. Perkins asked how close we are getting to feeding deer in the Ogden valley this year.

Mr. Dolling said they will be looking at deer condition and snow depth over the next few weeks.

Mr. Kent said he opened this up for comment in their meeting. One gentleman said UDOT has deer removal contracts and maybe the Division could work with UDOT to collect some of the data.

Mr. Clark said we did workout an agreement with UDOT. We operate under a MOU with UDOT.

Mr. Aoude said the Division does get the data from the deer before UDOT picks up the dead deer.

Mr. Hatch said he has heard that UDOTs contracts have been cut back on those who pick up deer. As he understands it we are in the middle of a long-term mortality study, is that not correct?

Mr. Aoude said in some areas we are and in some areas we are supplementing UDOTs efforts. The legislature forced both entities to work together on the MOU.

Chairman Niemeyer said if deer are not picked up, people would really see how many deer are getting killed on the roads.

6) **Bear Study (Informational)**

Kevin Bunnell, Mammals Program Coordinator said Jordan Pedersen put this project together for today and he deserves credit for the success of it. The basis for this is a question we have been asking forever, how many bears do we have in the state? It is not a question that we have a good answer for because of the nature of bears. They do not lend themselves to being counted very easily. His typical answer to the question on how many bears is between 1500 and 3,000 bears and that is not a satisfying answer. Today he will present the estimating of Utah's black bear population using noninvasive genetic techniques from 2004-2008. When asked he says they make recapture population estimates that require marking individuals when first encountered so they can be identified on subsequent encounters. There are several methods of marking individuals. (See Powerpoint Presentation)

Mr. Bunnell went on to outline the study site in Kamas of 100 square miles with a station in each 10-mile square. There is a pile of sticks with scent surrounded by barbed wire and get their hair off the barbed wire. They can identify the bear through DNA analysis. He then went over the detailed information that can be obtained from DNA analysis.

With multiple capture periods in a single year, they can estimate the population in the area. We also get an idea of movement patterns and these were shown on maps from 2004 and 2005. When it is expanded over several years they can get a survival rate. He

then went over the results from 2004 illustrated on a chart. The population was estimated between 13 and 17 individual animals during that first year.

In summary for the first four years, the number of individual bears varies somewhat. When the females have yearlings that go under the wire, this could affect this. Typically bears reproduce every other year. On the population estimate with 13-17 on the low end and 21-27 on the high end. This is information that we have never had on our bear population. This is just a small area, but if we pick areas wisely, we feel we can extrapolate that out into similar habitats and get a better idea of our bear populations. Mr. Bunnell then went over additional results, including different animals, population composition, low genetic heterozygosity – inbreeding, and bait preference.

Mr. Bunnell then compared the black bear population density estimates in the U.S. They have a schedule for establishing sites in all regions. He also recognized the several organizations that have cooperated in this study. (See Powerpoint Presentation).

Mr. Johnson asked if they are using trail cams.

Mr. Bunnell said yes.

Mr. Johnson asked about adding barbed wire at a lower height to catch the cub data.

Mr. Brady asked how high the wire is.

Mr. Pedersen said 18”

Mr. Clark said some of the Board members might want to get out and work on this project.

Mr. Perkins said he came upon Mr. Pedersen up above Kamas this past July doing a bear awareness program. It was very well received.

Mr. Bunnell said that Mr. Pedersen deserves a lot of credit in making this work.

At this point, Mr. Bunnell presented the Cougar Advisory Committee. The cougar plan is good for another year and we are in the process of revising it. He then presented the following names:

Cougar Advisory Committee  
Rick Woodard Wildlife Board  
Ernie Millgate Houndsman  
Client Mecham Houndsman  
Byron Bateman Sportsman  
Brett Selman Woolgrowers  
Kirk Robinson Non consumptive  
Mike Linnell Wildlife Services

Dr. Mike Wolfe Utah State University

They will have a meeting in the February, March, April timeframe. It will be presented in the July RACs and the August Wildlife Board meeting.

7) Bear Proclamation and Rule R657-33 (**Action**)

Justin Dolling, Game Mammals Program Coordinator presented this item. He said that currently he is on a one-year career mobility assignment in the Salt Lake Office as the game mammals coordinator. He has come from the Northern Region to the Salt Lake Office to broaden his knowledge base.

He is here to present the 2009 bear harvest recommendations. Discussion topics included nonresident pursuit, bear management plan, with goals, objectives and performance targets. He will review the 2008 harvest and mortality and present 2009 recommendations.

The nonresident pursuit issue goes back several years. There is a privilege and immunities clause in the U.S. Constitution that prohibits states from discriminating against commercial activity. Because we do not differentiate between recreational pursuit permit and a commercial pursuit permit, we are not allowed to discriminate on how many nonresidents can come in and participate, unless we can demonstrate that there is an impact to the resource caused by the nonresidents. Other possible solutions would be for the Wildlife Board to differentiate between commercial and recreational pursuit and create two different permits. The nonresident permits could then be limited by a fee, by the number or by the unit. The other solution would be for the legislator to pass a "guides and outfitters" bill that would assign a commercial use to those permits.

Mr. Perkins asked if we hadn't already looked at the first suggestion. The reason they could not do this is there is no take on bear pursuit.

Mr. Bushman said we dealt with the Commerce Clause several years ago. Courts said they applied to recreational uses. That was the main focus of the question, but when the Ninth Circuit court of appeals ruled that recreational hunting was subject to the commerce clause and states could not discriminate against nonresidents unless they had a compelling state interest they were trying to advance. Sporting groups got the issue and got Congress to pass the law that would defer the federal authority over commerce in wildlife matters to the states. That whole issue went away at that point.

Still there was the Privilege and Immunities Clause that says any citizen of the several states will enjoy all the privilege and immunities of the citizens of the other states. In the 80's there was a decision that came out of Montana that challenged discriminatory practices against nonresident hunters and recreational hunting. The Supreme Court said no, that recreational hunting is not one of those core interests that citizens of the U.S.

enjoy that it would implicate it. Still, we have the commercial aspect of it and there is a long line of cases where the Supreme Court has held that the pursuit of livelihood is protected under the Constitution. If the state tries to discriminate against nonresidents in this area, they have to meet the compounding state interest standard. We have our pursuit permit mixed with recreational and pursuit aspects all in one and haven't been able to do much about it.

We did look at the issue if the resource is being adversely impacted by nonresidents. The data collected on the La Sals and the San Juan did not show adverse impact by nonresidents and showed as only 25% of the total use.

If we want to separate the recreational from the commercial it might work, but all commercial would have to be equal, residents or nonresidents. Recreational would be able to charge higher fees, and limit the permits available to nonresidents. It might be a solution.

Mr. Johnson said sometimes we do things because of just a few people and it might cause other problems down the road. How big of a problem is this?

Mr. Bushman said Colorado does not allow bear pursuit and that is why we get lots of their people. It might be more of a social problem, than a biological or resource problem. We have shied away from the commercial permit, because the legislature has told us to stay out of the commercial end. This issue comes up every couple of years. He has never personally talked to the people who are unhappy with this issue.

Mr. Johnson said he does not see 25% as a big deal.

Mr. Bushman said we do not have data that the resource is being harmed. He said he has put together a memo that summarizes the Privileges and Immunities issue as it relates to cougar and bear pursuit. He handed these out to the Board members.

Mr. Kent said they hear this all the time at their RAC meetings and the Houndsmen have pressed it again this year. There is a sense of fairness on this issue as far as permit charges go. Everybody pays \$30. A differential fee is what they are interested in.

Mr. Bushman talked about a case out of South Carolina where they were charging nonresident shrimp trawlers a higher fee and charging higher taxes than those from out of state. The Supreme Court said they couldn't do that. We can discriminate between resident and nonresident in recreational, but not in commercial.

At this point Mr. Dolling went back to the presentation. He said if you look at the La Sals and the San Juan units, there is a difference of about 4% in nonresidents, in comparison to the other units. Perhaps we could survey those in this area and see how big the issue is in their perception.

Mr. Dolling said the Black Bear Management Plan was developed about ten years ago by concerns of people from all kinds of interest groups. This is a very solid plan and settled on some positive population goals, population objectives and performance targets. He discussed these in detail. (See Powerpoint Presentation)

He then went over an historical summary of bear mortality over the last 20 years, age and adult survival 2001 – 2008, and percent of females harvested. When the spring hunt was discontinued more females were taken and when the experimental spring hunt was put in place, the females taken dropped.

He then presented a summary of the 2008 mortality and management criteria. In 2008 we increased bear harvest by seven animals, percent success was 42%, average age was 5.9 years, percent females was 30% and adult survival was 81%. Other mortality was 27 verses 78 in 2007. Mortality was high in 2007 as a reflection of natural forage on the land and a cohort of animals that were coming through in a wave, putting more bear out there. The division's efforts to reduce bear conflicts included improved communication coordination with the Forest Service, scout and youth camps, new education materials & signs, and 75 bear safety articles put out from the division.

In summary, all units will be open for the summer training season. They are opening the La Sal unit to summer training and this should reduce pressure and help resolve conflicts on the San Juan Unit. Spring harvest seasons will be extended by one week on chronic depredation units again in 2009. The units will be the same as in 2008. The objective is to shift bear mortality from depredation to sport harvest. The effort to focus harvest into chronic conflict areas using volunteer houndsmen is NOT recommended for 2009 season. It took a major logistic effort in 2008 and only resulted in two bears being harvested.

Mr. Dolling then went over the 2009 Permit recommendations by region, spring, fall and total. Southern 54, Southeast 125, Northeast 85, Central 38, Northern 15 for a statewide total of 317 which is up 18 permits or a 6% increase. It will probably be an additional 6-7 bears in the harvest.

He then went over the season extensions with the goal of shifting mortality from depredation to sport harvest. He then reviewed the season dates. (See Powerpoint) This concluded the presentation.

Mr. Johnson asked what the hides are like during August.

Mr. Dolling said they might not be in their prime. The houndsmen could address this.

### **RAC Recommendations**

Southern – Mr. Messerly said there are concerns about human/bear interactions on the Beaver Unit. They voted to accept the proclamation as presented with the caveat that the permits on the Beaver Unit be raised to 12. The motion passed 5 to 3.

Central – Mr. Kent said they had comment from the houndsmen that permits being raised could have a significant impact on the bear populations. There was discussion on the San Juan Unit and its popularity. John Baer talked about a motion with a couple of premium permits on that unit, with spring and fall hunting on one permit. It encompassed bear permits throughout the state. Mr. Kent suggested that they ask the Wildlife Board to put this premium bear permit idea on the action log and have the Division look into creating a few premium bear permits. Mr. Kent said that on the San Juan, they voted to keep permits allocations at 23 for spring and 22 for fall which is the same as last year. This motion passed 6 to 1. Because of concerns of the houndsmen, a second motion was made to accept the remainder of the proclamation with the caveat that there be no increase in bear tags. This motion failed 4 to 2. The final motion to accept the remainder of the proclamation was approved and it passed unanimously.

Southeastern – Mr. Sanslow said they had very few questions or comments. The Houndsmen Association was against moving three bear pursuit permits from the fall to the spring hunt on the La Sals and the San Juan. He was more concerned about his dogs being shot by turkey hunters than by elk hunters. There was a motion to accept the Division's recommendations and it passed unanimously.

Northeastern – Ms. Torres said they had two motions. They had hunters concerned about the number of nonresident bear pursuit permits. The first motion was to look at a way to limit nonresident permits and ask the Wildlife Board to put it on the action log to look at a bear fee structure, or perhaps a handlers permit system, and it passed unanimously. The second motion was to accept the proclamation as presented and it passed unanimously.

Northern – Mr. Slater said they had a couple of questions from the public concerning education efforts with ranchers and farmers in regard to the issue. We also had some questions about habitat or range expansion of bears throughout other areas of the state. They had some input from houndsmen and sportsmen who were concerned about moving three permits from fall to spring hunt on the La Sal. They had a motion to accept the proclamation as presented and it passed unanimously.

### **Public Comment**

Jason Binder, president of the Utah Houndsmen Association said they support the recommendations for the most part, but are against increasing the number of bear permits again this year. They are against raising tags on the Beaver Unit and want it to stay at 8. They would also like to see the fall tags on the La Sal and San Juan Units stay the same as last year. Do not move them because all the nonresidents are there in the spring and during the summer training season. It maintains a better quality of hunt for our resident hunters to still be able to put in for the ten tags in the fall. On the issue of nonresident hunters, it is not a problem that they are here, but here in Utah we are trying to have the houndsmen have more ethical behavior. The nonresidents do not seem as concerned about this issue. They have already lost that opportunity in their own state.

Ernie Millgate, representing himself is a member of the Utah Federation of Houndsmen. He thanked the Division for the way the bear management plan is working in the state. He is excited about the bear population in the state. He hears about a lot of the problems that are happening during the pursuit and hunting seasons. They are trying to encourage people not to have such big hunting groups and practicing good ethics. He has taken it upon himself to kind of police their ranks. He is also concerned about the nonresidents that come into the state. They come to the state in large groups and that is a concern. He would like to see a difference in commercial and recreational permits. This might eliminate a need for a guide and outfitters permits. He also said that in August a bear pelt is very nice, not as long but very uniform.

Byron Bateman said he is representing himself today. He thanked the Division for all the steps they have taken to create more hunting opportunities for bear in the state, especially with trying to get the hunters to take the depredation problems with the bears. Hopefully there will be some improvement in this area. The nonresident pursuit has always been a problem in the state. It is a social and economical problem. We do not mind them coming, but they should pay more money. We could earmark that money for studies. In Idaho it is a limited draw to hunt bear with hounds and you have to send the \$270 in advance. The nonresidents pay \$30 to pursue in Utah and it is the same as all of us. The additional money would give us an opportunity to promote research.

Chairman Niemeyer summarized the RAC Comment

### **Board Discussion**

The following motion was made by Tom Hatch, seconded by Del Brady and passed unanimously.

**MOTION: I move that we ask the division to look at the issue of nonresident pursuit and harvest permits including fees and restrictions on distribution as well as issuing some premium bear permits for the 2010 season. This is to be placed on the action log.**

Mr. Perkins said he does not think we can raise the fee on a pursuit tag. We could limit them.

Mr. Bunnell said we have presented the best we can do on these issues today. We could raise the fee if we can get rid of the commercial part of it. The premium tags would just take away an opportunity for a hunter in the fall or the spring. The seasons are already 30 days plus.

Mr. Hatch said he would like the premium tags put on the action log and two additional tags could be given if it would work.

Mr. Bunnell said as long as we are managing within the bear management plan and not tripping any targets, we could make adjustments and look at the premium tags.

Mr. Johnson said on wildlife depredation, where are the problems?

Mr. Dolling said it is primarily sheep. Cattle are taken occasionally, but it is quite uncommon.

Mr. Perkins said if we have different fees for bear pursuit, commercial or individual, residents and nonresidents, we would be talking 2011 for any changes, because it would have to go through the legislature.

Mr. Brady said he still does not see anything in the presentation that resolves the problems with nonresident pursuit. We have this confrontation every year and have done for many years.

Mr. Perkins said the proposal was if we set the recreational and commercial permits, we can then establish numbers on those which would limit the number of nonresident commercial and the number of nonresident individual. We could get the numbers down to the 10% level.

Mr. Clark said that would only be on recreational, not commercial, where we would have to treat resident and nonresident alike.

Mr. Dolling said it could be unlimited commercial and then restrict the number of recreational. We looked at that as one possible solution under the constraints we have presently.

Mr. Brady said maybe just an ethics course requirement for nonresidents would be an idea.

Mr. Bunnell said in response to the commercial issue, we would probably require some documentation from a vendor, before they are sold a commercial pursuit permit that would reflect where they are going to run. There are potentially some ways we can keep this from snow balling out of control.

Chairman Niemeyer said we issue 10% of our big game permits to nonresidents, but not on the bears and cougars. Why?

Mr. Bunnell said we do issue only 10% of the harvest permits, but it is the pursuit permits where the problem is. Mr. Bushman has recently given us the idea to separate the recreational and commercial aspect.

Mr. Bushman clarified the distinction between a permit for recreational use and a permit that affects commercial. A guide must have a pursuit permit and that is where it becomes commercial.

Chairman Niemeyer said we should discuss the San Juan and the Central RAC recommendation leaving the permits the same as last year.

Mr. Johnson said looking at the switching permits from fall to spring is good. Biologically, the best thing to do would be to get rid of the fall hunt. It would cut down on the sow harvest because they are still in the den with their cubs. The second reason is you concentrate the harvest on the boars, which are the number one predator on cubs. If you want to increase population, you have a spring bear hunt. He likes seeing this shift. He is in agreement with the Division.

Mr. Perkins said we are within performance objectives on that unit. The fall bear hunt on the San Juan is obviously the premium bear hunt in the state any time of the year. The discussion was relative to eliminating some perceived or real conflict with deer hunters. It is discriminatory to move hunt permits to accommodate the big game hunters.

The following motion was made by Ernie Perkins and died for a lack of a second.

**MOTION:** I move that we keep the permits the same on the San Juan and the La Sal Units as they were last year.

The following motion was made by Tom Hatch, seconded by Del Brady and was tied 2 to 2 with Keele Johnson and Ernie Perkins opposed. It passed with Chairman Niemeyer breaking the tie in favor.

**MOTION: I move that we accept the Division's recommendation as presented except on the Beaver Unit it should go to ten permits, adding one permit to the spring hunt and one to the fall.**

Mr. Perkins said on the Beaver increase, all he saw in the minutes were some antidotal comments on increased incidents. This goes against what the Division recommended and what the Houndsmen recommended. He would like to stay with the Division's recommendation.

Chairman Niemeyer said there has been a lot of concern about the bear on the Beaver Unit. There was a letter to the editor in a Richfield paper a few weeks ago from an individual who said he will not take his family camping on the Beaver any more because of the bear sightings. He also knows a cabin owner that killed a bear coming into his herd. The bear on the Beaver have done quite well.

Mr. Messerly said in 2007 we had two permits on the Beaver and killed no bears. That year we had a lot of human/bear conflict. We did kill one bear in interest of human safety. As a result we went from 2 to 6 permits. During 2008 we harvested three bears and one was taken by a cabin owner and there was one highway mortality. We recommend the raise in permits to continue to reach performance objectives and because of the human/bear conflict. The other thing that has been accomplished is we have instituted the summer pursuit season on the Beaver. We have been responsive to the

problems there. We increased the permits from 6 to 8 and that is our response to this. We share the concerns, but this is our recommendation.

At this point the Board decided to hear the variance request of Trevor Smith.

8) Wildlife Board Variance Request – Mr. Trevor Smith (**Action**)

Mr. Smith presented this request. He asked that the Board consider his variance request. He broke his leg the second day of the hunt and was unable to continue the hunt. He had waited a long time to draw this permit.

Ms. Coons said the reason this came to the Board is Mr. Smith had spent some time in the field. The Division Variance Committee has no authority to grant an extension if the hunter has spent any time in the field.

Mr. Perkins said they said his injury would be non-weight bearing for two weeks.

Mr. Smith said he was in a boot and unable to work for eight weeks.

The following motion was made by Keele Johnson, seconded by Tom Hatch and passed 3 to 1 with Ernie Perkins opposed.

**MOTION: I move that we grant the variance request of Trevor Smith for a season extension to 2009.**

Mr. Perkins said a while back we denied an extension request for a hunter who had hunted for two days on an elk permit.

Ms. Tutorow said Mr. Smith turned in his permit ten days before the hunt ended.

Mr. Bushman asked Mr. Perkins if he is referring to a request from a hunter who had to take his father off the mountain because of an injury.

Mr. Perkins said that was the one he was thinking of.

Mr. Bushman indicated that the injury was to the father and not the permit holder, that is why the board denied the season extension.

9) Statewide Pronghorn Management Plan (**Action**)

Kevin Bunnell presented this agenda item. This is the first statewide pronghorn management plan. The dates that will be covered are an eight-year period from January 8, 2009 to January 8, 2017. They solicited comments from the various agencies and sportsmen organizations. (See Powerpoint Presentation) He then went over the population goal and objectives. The population management goal is to increase current population or establish new populations of pronghorn in all suitable habitat within the

State of Utah. Population objective 1 is to increase pronghorn population within the state as conditions allow. Once unit objectives are established, they look to bring all population to objective by 2017. Population objective 2 is to augment pronghorn populations as needed and as source populations allow. A chart on pronghorn population trends from 1999 through 2007 was shown. They are susceptible to drought. Population augmentations and reintroductions were discussed in each of the five regions.

Mr. Bunnell then went over the habitat goal and objective. The habitat management goal is to assure sufficient habitat is available to sustain healthy and productive pronghorn populations. Habitat objective 1 is to maintain or enhance the quantity and quality of pronghorn habitat to allow population to increase, including the specifics on how to accomplish this. A map on Utah pronghorn habitat was then shown.

The recreation goal is to provide high quality opportunities for hunting and viewing of pronghorn. Recreation objective 1 is to increase pronghorn hunting opportunities as populations allow using a variety of harvest strategies, while maintaining a high quality hunting experience and the potential to harvest a mature buck. Recreation objective 2 is to increase opportunities for viewing of pronghorn, while educating the public concerning the needs of pronghorn.

A chart illustrating the demand for buck pronghorn hunting was shown with number of applicants, permits, and draw odds discussed. They look to manage all units for a 3-year average postseason buck:doe ratio between 25-40 bucks/100 does while maintaining buck hunting success during the any weapon season at a minimum of 80%. This concluded the presentation.

Mr. Brady asked about the 25-40 buck spread.

Mr. Bunnell said with mule deer they are spread across many different types of hunts. This will allow for flexibility in the various regions and the management needed.

Chairman Niemeyer asked if anybody ever asks for a muzzleloader hunt on pronghorn.

Mr. Aoude said they have never had anyone make that request. Pronghorn are a long range animal to be hunted with rifles.

### **RAC Recommendations**

Southern, Central, Southeast and Northern voted unanimously to accept the recommendations

Mr. Sanslow said they had one question on the Manti Unit and they were answered as far as water availability.

Mr. Slater said they had a few questions on migration routes and water rights in the Snake Valley area with its effect on habitat. These questions were answered.

NE – Ms. Torres said they had two motions. The first motion was from the Farm Bureau representative. MOTION: If an antelope reintroduction occurs on the Manti, a study group should look at it first. There were six members present, with five voting members. Three voted in favor, and two abstained. In the minutes it said that Ron Winterton was a voting member and he was not. He is probably going to be put on the RAC as an elected official, because the existing RAC member was not re-elected. They are not sure if the voting was adequate. The second MOTION: To accept the remainder of the recommendations unanimously.

Chairman Niemeyer asked why the two RAC members abstained.

Ms. Torres said they said they did not care if it was passed or not.

Mr. Bunnell said they would put a working group together whether this motion passed or not.

### **Board Discussion**

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

**MOTION: I move that we accept the Statewide Pronghorn Management Plan as presented by the Division.**

Mr. Perkins said he has no problem with that motion being accepted. We have state code on how transplants are done and the process necessary. It covers the working group study. We do not need to burden the Division with any additional requirements.

Ms. Torres said the reason the Farm Bureau said this is they did not have the Pronghorn Plan circulated at the bureau.

Mr. Bunnell said it was sent to Todd Bingham.

### 10) Falconry Rule R657-20 (**Action**)

Mr. Bunnell presented this agenda item. He gave some background on this rule. In March 2007 the Utah Falconry rule was set to expire. In Jan 2007 the Board granted a two-year extension, because the federal government was in the process of revising the federal rules. The state rules have to fit within the sideboards of the federal rules. The federal rule did not come until November of 2008 and they need more time to get it through the process. He then presented a revised Utah rule schedule through March 2010. The extension request is to March 2011.

### **RAC Recommendations**

All RACs voted to accept the recommendations unanimously

### **Board Discussion**

The following motion was made by Keele Johnson, seconded by Ernie Perkins and passed unanimously.

**MOTION: I move that we accept the Falconry Rule R657-20 extension request as presented.**

#### 11) Drawing Application Procedures Rule R657-62 (**Action**)

Greg Sheehan, Administrative Services Chief presented this agenda item. This is a new rule on drawing application procedures. Currently drawing procedures exist in many different rules specific to species and each corresponding proclamation/guide. Each time a modification is made to a draw process the various rules cited in all the different proclamations need to be changed. The proposed rule R657-62 would consolidate all the rules into one. He then listed the rules that would be consolidated. (See Powerpoint Presentation) This concluded the presentation.

### **RAC Recommendations**

All RACs voted to accept the recommendations unanimously.

### **Board Discussion**

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

**MOTION: I move that we accept the Drawing Application Procedures Rule R657-62 as presented by the Division.**

#### 12) Wildlife Convention Permits Rule R657-55 (**Action**)

Mr. Sheehan presented this agenda item. It is a modification to this rule. He gave some background on the Convention Permit Rule. We have had two of the five conventions and the third will take place this February 2009. FNAWS, SFW and MDF have held their national conventions in Salt Lake City in 2007, 2008 and have scheduled conventions for 2009.

Proposed change to rule (11) If the conservation org awarded the wildlife convention permit series withdraws before the end of the five year period, any remaining co-participants with the conservation organizations may be given an opportunity to assume the contract and to distribute the convention permit series consistent with the contract and this rule for the remaining years left in the five year period, provided:

- a) the original contracted conservation organization submits a certified letter to the Division identifying that it will no longer be participating in the convention.
- b) the partner or successor conservation organization files an application with the Division as provided in sub section 4 for the remaining period.
- c) the successor conservation organization submits its application request at least 60 days prior to the next scheduled convention so that the Wildlife Board can evaluate the request under the criteria in this section.
- d) the Wildlife Board authorizes the successor conservation organization to assume the contract and complete the balance of the five year convention permit period.

The Wild Sheep Foundation (previously FNAWS) is moving their convention back to Reno next year. Year four and five will be left open on that convention. The remaining organizations have expressed interest and that is why we are presenting this today. They will collectively form and continue this convention. They actually have another partner that they would like to bring in.

### **RAC Recommendations**

Southern, Central and Northeast had some questions and clarifications and ultimately accepted the proposal unanimously.

Southeast – Mr. Sanslow said they had some questions and they were taken care of. The motion passed to accept with a majority vote with 2 opposing votes.

Northern – Mr. Slater said they had some questions and clarifications. The proposal passed 7 to 4 with 1 recusal.

### **Public Comment**

Byron Bateman said he is representing SFW and their partners. He asked for approval on this for the next two years.

### **Board Discussion**

The following motion was made by Del Brady, seconded by Ernie Perkins and passed unanimously.

**MOTION: I move that we accept the Wildlife Convention Permits Rule R657-55 as presented by the Division.**

- 13) Habitat Management Plans – CRO Only

Mike Canning said the Division is required by code to create a habitat management plan for all of our WMA's. These deal with the big picture and strategies to get there. It does not deal with individual projects. When writing these plans we work with local

governments and then there is quite a long review process to finalize these plans. They first go before the Resource Development Coordinating Committee which is out of the Governor's Public Lands Policy Coordination Office. That group assures that the public has the opportunity to comment on them as well as other government agencies and county clearinghouses. They then go to the Habitat Council and the appropriate RAC, in this case the Central RAC. At this point the plan is reviewed by the Wildlife Board. The Director asked the Board to review this plan, because we have not brought habitat plans to the Board for quite some time and we want to make you more familiar with the process. After that the Director has the ultimate decision for approval or denial. He then turned the time over to Mr. Green.

Ashley Green, Habitat Program Coordinator then presented the plans. The Lasson Draw WMA Plan was presented first. He showed a location map and a land ownership map. It is located along Hwy 89 on the Utah / Sanpete county border and was purchased in cooperation with the U.S. Fish and Wildlife Service to preserve and protect big game winter range. Secondary goals are to help reduce mule deer and elk depredation on surrounding private lands, provide wildlife related recreational opportunities for the public including hunting, camping, hiking, and wildlife watching.

The main land management issues on Lasson Draw WMA are residential development, mineral exploration and development, habitat improvement, noxious weeds and public access. He went on to discuss the details on each of these issues.

Habitat management strategies include maintaining boundaries through fencing and signing, annual inventory and control of noxious weeds, implement habitat projects in sagebrush and pinion-juniper habitats on the WMA and adjacent lands and implement and enforce access management plan.

The access management plan calls for keeping motorized vehicle travel on existing roads and trails only, all authorized roads and trails will be signed as open, motorized vehicle travel is prohibited from December 1 to April 30 to protect winter range, parking areas have been constructed at key locations on the WMA to provide safe parking for visitors adjacent to Hwy 89. Mr. Green then showed maps illustrating parking areas, WMA access and land ownership.

Mr. Hatch asked if they are closing county roads during the winter.

Mr. Green said no, they are private roads.

Mr. Hatch said he was involved when this property was bought and at that time you could always see lots of deer and elk there. Now you hardly ever see them.

Mr. Green said if you get off the road and up the back side, there are hundreds of deer. We do not see as many elk anymore, only when winters get really heavy. We have heard that observation from lots of others. We are doing our best to manage the property for animals, to attract them and hold them there.

Mr. Perkins asked if there is a range trend survey sector transect there.

Mr. Green said there are actually three. It is showing change in the browse component, with some decline. We have some problem with cheat grass as we do with most of our lowland areas. Reproduction from our shrubs is lower, but for the most part out mature shrubs are still there. That is a concern for us. We need to be very careful how we manage this as far as livestock grazing or not and where we implement habitat improvement projects.

Mr. Green then went on to the Timpanogos WMA plan. It is located at the mouth of Provo Canyon, roughly 3,000 acres. The south and west boundaries are adjacent to private lands, and north and east boundaries are the Uintah Wasatch Forest. The purpose of this WMA is to preserve and protect big game winter range and provide wildlife related recreational opportunities for the public. There is a lot of use on this property by the local residents.

The land management issues are trespass and encroachment, noxious weeds, habitat improvement and public access. Habitat management strategies are to maintain boundaries through fencing and signing, an annual inventory and control of noxious weeds, protect WMA from wildfire through suppression and prevention measures, improve shrub communities through transplants and reseeding projects, implement and enforce the access management plan.

The access management plan calls for limiting motorized vehicle travel on this WMA due to its location and terrain. The Alta Canal road is open to motorized vehicles during the general season deer hunts annually. BST, GWT and DCT are open to non-motorized access, and unauthorized roads/trails will be rehabilitated. The will continue to coordinate with Orem City on the access agreement and enforce leash laws for domestic pets. An access map was shown and this concluded the presentation.

### **RAC Recommendation**

Central – Mr. Kent said they had a few access questions. Mr. Green answered the questions and the plan was accepted unanimously.

The following motion was made by Ernie Perkins, seconded by Del Brady and passed unanimously.

**MOTION: I move that we approve the Habitat Management Plans for Timpanogos and Lasson Draw WMAs.**

#### 14) CWMU Advisory Committee Member Replacement (**Action**)

Craig McLaughlin presented this item. They want to have Dan Jorgensen, from Salina, replace Jim Blonquist on the CWMU Advisory Committee.

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

**MOTION: I move that we approve Dan Jorgensen for the member replacement on the CWMU Advisory Committee.**

15) Other Business (Contingent)

Chairman Niemeyer said the Southeast region made a request that we do a \$5 predator control assessment.

Mr. Johnson said we discussed that and determined that it had to go through the legislature.

Chairman Niemeyer said there was another way to deal with it on the check off list when you put in. We should run this through the RACs and look at options for more predator control enhancement money. Is this something the Board wants to pursue?

Mr. Hatch said when he sat on the BLM Advisory Board and they have around \$40,000 annually that is made available to match counties in their predator control programs. In the last two years they have not utilized all of that money. He is wondering if there is a real need. We had carry over money every year in that five county area that could be used for predator control, but it is not being requested.

Mr. Clark said we have half a million dollars that goes for that work. About \$350,000 goes directly to Wildlife Services to units that have been identified. That money is 50/50 general fund and license dollars. Actually, \$5 of the fee for a deer permit goes into a predator management fund. The Department of Agriculture makes the balance of the money available to the county bounty programs. Our understanding is that it is not fully utilized and we are building up a balance that is carrying ahead.

Mr. Hatch said he talked to Jordan Hatch and his thinking is the livestock industry is putting up, through their assessments on sheep and cattle, money to try to control predators and the sportsmen are receiving some of this benefit. Perhaps he does not have all the information. It doesn't seem like we are spending the money we have. The counties have been made aware of this available money.

Mr. Clark said we have done well making the predation money available. It probably was more of an education issue. A lot of the work that is done is a combined effort from livestock assessments and DWR money.

Mr. Hatch said after talking to Mr. Jordan Hatch, he wonders if Wildlife Services are aware of the available money. If there was a mechanism to get the money to where it is needed, that would be helpful. The BLM Advisory Board is only authorized to give the money to the counties, they cannot give it to wildlife ADC.

Mr. Clark said the Predator Control Board says how and where the money can be used.

Chairman Niemeyer said he was wondering if the Board wanted to pursue this issue. When we have this deep snow, we can remove more predators than the entire rest of the year.

Mr. Sheehan said our transfer this year to Agriculture is about \$570,000. We looked a few years ago at what was happening on the bounty money, \$150,000 that they were having a hard time getting it spent with the match. Maybe some of the counties have backed off on some of their budgets.

Chairman Niemeyer said he wonders if the county commissioners are aware that this money is available.

Mr. Perkins said the money requires a match and maybe they have a hard time coming up with it.

Mr. Hatch said in Washington County, Dixie Wildlife administers their program. That is a problem if the information does not get to the right people.

Mr. Clark said the way it works with the big amount of money with Wildlife Services is we use our predator management plans and Mr. McLaughlin gets some things from the regions and their priorities. He then meets with Mike Lennell at a Wildlife Services meeting early in December when they are doing their work plans for the winter. Mr. Lennell knows, at that point, what agricultural work he has to do and then he puts that together and comes up with which units will be treated that winter. This is the process and then report comes back to the Division on how well they did. This is a good process. The bounty money is handled entirely by the Department of Agriculture.

Mr. Hatch said one of the problems with the bounty money is the varying amounts around the counties of the state.

Mr. Messerly said there is some problem with who the hunter takes the predator to in order to get their money. There is a lot of confusion.

Mr. Sheehan said he could do some research to see how many dollars they have been spending.

Mr. Hatch said he would hate to tack on a surcharge for predator control on a license, if the money available is not being used.

Chairman Niemeyer asked if the Division could find out which counties have a bounty program and what the bounty is.

Mr. Sheehan said they could do that.

Mr. Sheehan said we passed that rule last month about nonresidents being able to apply for all limited entry and OIAL species and we are having some negative feedback on it.

Chairman Niemeyer said his answer to that is we ran that through the RACs and the RACs and the local Utah residents did not want it.

Mr. Sheehan said we just need to do some public education on it. They need to keep in mind that the nonresidents only get about 8% of the permits. I think residents think we have given something to nonresidents that we really haven't.

Mr. Perkins said not only four of the five RACs voted against it, but the sportsmen did also.

The meeting was then adjourned.