

**UTAH WILDLIFE BOARD MEETING**  
**Summary of Motions**  
January 6, 2010, DNR Auditorium  
1594 West North Temple, Salt Lake City, Utah

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

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

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

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

The following motion was made by Bill Fenimore, seconded by Del Brady and passed unanimously.

**MOTION: I move that we approve the minutes of the December 2, 2009 Wildlife Board work session with the noted corrections.**

The following motion was made by Bill Fenimore, seconded by Del Brady and passed unanimously.

**MOTION: I move that we approve the minutes of the December 3, 2009 Wildlife Board meeting with the noted corrections.**

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

The following motion was made by Ernie Perkins, seconded by Del Brady and passed 4 to 1 with Mr. Fenimore opposed.

**MOTION: I move that we adopt an eight-dog pack limit for summer pursuit statewide on all units and no pack size limit during other pursuit seasons and all hunts.**

The following motion was made by Keele Johnson, seconded by Bill Fenimore and then amended

**MOTION: I move that we adopt the Division's recommendation for bear pursuit with the exception that on the San Juan, we split the unit to the Blue Mountains and Elk Ridge, with six resident permits and one nonresident permit on the Blues for the early and late seasons and twelve resident permits and one nonresident permit on the Elk Ridge for the early and late seasons.**

The following amended motion was made by Keele Johnson, seconded by Bill Fenimore and passed unanimously.

**AMENDED MOTION: I move that we accept the Division's recommendations as presented on bear pursuit.**

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

**MOTION: I move that we accept the remainder of the Division's recommendations on the Bear Proclamation and Rule R657-33.**

- 4) Re-consider Emigration Canyon Archery Only Hunting Boundary (**Action**)

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

**MOTION: I move that having voted in the affirmative I move that we re-consider the Emigration Canyon Archery Only Hunting Boundary.**

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

**MOTION: Having voted in the affirmative, I move that we rescind the archery only boundary expansion set at the December 3, 2009 meeting and ask the Division to meet with the stake holders and come back to the RAC and Wildlife Board with a boundary recommendation.**

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

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

**MOTION: I move that we restore Mr. Baird's bonus points, including a point for this year and waive the waiting period.**

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

**MOTION: I move that we deny the variance request of Morgan Truman for her 2009 limited entry desert bighorn sheep for the Kaiparowits, Escalante #959 hunt.**

- 6) Statewide Beaver Management Plan (**Action**)

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

**MOTION: I move that we accept the Statewide Beaver Management Plan as presented by the Division with the addition of a translocation site at the East Fork of the Boulder.**

7) Wildlife Board Variance Requests (**Action**)

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

**MOTION: I move that we deny the request of William Eshee Jr. for an extension on his conservation bull elk tag for the La Sal, La Sal Mountain - #346 hunt.**

The following motion was made by Del Brady, seconded by Keele Johnson and Failed 3 to 2 with Mr. Johnson and Mr. Brady in favor.

**MOTION: I move that we restore the bonus points of Phillip A Smith Jr. and waive the waiting period.**

**UTAH WILDLIFE BOARD MEETING**  
January 6, 2010, DNR Auditorium  
1594 West North Temple, Salt Lake City, Utah

**Board Members Present**

Rick Woodard – Chair  
Ernie Perkins – Vice Chair  
Jim Karpowitz – Exec Sec  
Keele Johnson  
Tom Hatch (excused)  
Jake Albrecht  
Bill Fenimore  
Del Brady

**RAC Chairs Present**

Terry Sanslow – Southeastern  
Steve Flinders – Southern  
Bob Christensen – Northeastern  
Fred Oswald – Central  
Robert Bynes – Northern

**Division of Wildlife Resources**

Staci Coons  
Cindee Jensen  
LuAnn Petrovich  
Justin Dolling  
Charlie Greenwood  
Kevin Christopherson  
John Fairchild  
Judi Tutorow  
Mike Fowlks  
Martin Bushman  
Dean Mitchell  
Doug Messerly  
Alan Clark  
Rick Larsen  
Randy Wood  
Corey Maylett  
Suzette Fowlks  
Lindy Varney  
Bryan Christensen

Chairman Woodard welcomed the audience and introduced the Wildlife Board and RAC Chairs. He then reviewed the agenda.

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

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

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

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

The following motion was made by Bill Fenimore, seconded by Del Brady and passed unanimously.

**MOTION: I move that we approve the minutes of the December 2, 2009 Wildlife Board work session with the noted corrections.**

On p. 7, 1st paragraph, change the word “cavers” to “spelunkers.” On p. 14, 9<sup>th</sup> paragraph, last line should read 9 to 4 on the vote rather than 6 to 4. On p. 10, change the

word “look” in the motion to “close.” P. 21, 2<sup>nd</sup> paragraph, last line change “is” to “if.”  
P. 24, second to last paragraph, change “on” to “are.”

The following motion was made by Bill Fenimore, seconded by Del Brady and passed unanimously.

**MOTION: I move that we approve the minutes of the December 3, 2009 Wildlife Board meeting with the noted corrections.**

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

Ernie Perkins said there are not any action items due this meeting, nor is the Division proposing to close any items at this meeting, so there is no business to attend to.

4) DWR Update (**Information**)

Jim Karpowitz, DWR Director said the last board meeting was just over a month ago so there is not a lot to report. He briefed the board on a few issues in regards to budget. The governor issued an executive order calling for a 3% budget cut in all state agencies in the current fiscal year, FY 2010. The Division has come up with a plan to address that budget cut. There will be a department wide furlough day for all DNR employees during the month of January and the balance of that cut will be made up with various cost saving measures throughout the department. We are confident we can get through FY 2010 budget year in good shape. In FY 2011, the legislature has asked us to identify a 5% ongoing budget cut. That will be more difficult and amounts to about ½ million dollars for the Division. We are in the process of identifying numerous programs that will be reduced or cut to accomplish that. We are hoping FY 2011 will be the end of the economic down turn and budgets in state government will go back to normal. We have not had to cut any programs or lay off any employees at this point, but there has been a lot of belt tightening.

The legislative session opens in three weeks. We are not aware of any new legislation that the board has not been briefed on. During December we have been busy with winter deer data collection. Ice fishing is in full swing and we have finished up our habitat work for the year. There was an extensive deer capture project that has been going on around the state, collaring deer to look at winter survival of adult females and fawns. This will be good information as we do this study.

We have finished one bighorn sheep transplant and another is planned. The bison transplant from the Henry Mountains to the Book Cliffs is scheduled in two weeks. This concluded the update.

Chairman Woodard said there was one reservoir that we were waiting for test results on quagga mussels.

Director Karpowitz said all tests are back and they are all negative, even the waters that tested positive. We are hopeful that we are still ahead of this and this is great news.

Mr. Fenimore asked about the positive on Electric Lake.

Director Karpowitz said we think it was a situation where it was there, but it did not get established. It has not been unusual to see them go from positive to negative in testing. What that means, we will find out in the future.

Mr. Albrecht asked if the collaring of the deer included the limited entry units.

Mr. Aoude said we are almost done with the collaring. Pine Valley is the last unit. We did include some limited entry units like the San Juan Elk Ridge, but mostly on general season units since we harvest deer at a higher rate. On limited entry units there is no need to know survivals because we do not harvest at a high enough rate. We collared on seven units in the state, the Cache, Oquirrh/Stansbury, Monroe, Book Cliffs, Pine Valley and San Juan Elk Ridge. It will be a total of 60 collars with 30 adult females and 30 fawns each year. We are only collaring female fawns and they are expandable so they can grow into them. Then we will only have to do 30 each year.

Mr. Perkins said Colorado had a high mountain lake that drained into the Colorado River drainage that tested positive a year ago, what is the status there?

Director Karpowitz said it is Grande Reservoir and there is another also. He doesn't know the exact on them, but they are testing every year.

Mr. Clark said later this year we are going to review the entire program. We will communicate with other states, review protocols, etc. We could include this as a presentation for the next meeting to update the Board.

Chairman Woodard said if anyone present has been at a RAC meeting and they hear something different in the Division's presentations today it is a result of what the Division has heard at the RAC meetings and from the public, they have changed a few of their positions and recommendations. That will be included in the presentation.

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

Justin Dolling, Game Mammals Coordinator presented this agenda item. He went over the discussion topics, which included the Bear Management Plan, review of the 2009 harvest and mortality results and the 2010 recommendations. (See Powerpoint Presentation)

He went over the plan and discussed the population goal to maintain healthy bear populations in existing occupied habitat; expand distribution while considering human safety, economic concerns, and other wildlife species. The population objective and performance targets were presented. A historical summary of bear mortality graph was

shown as well as percent females harvested, average age and adult survival charts. A summary of 2009 mortality and management criteria was presented with total mortality being 200 in 2009.

A chart showing bear incidents from 2003-2009 was presented. DWR efforts to reduce bear conflicts are to continue to improve communication and coordination with Forest Service, scout and youth camps. Educational materials and signs were distributed.

Over 150 bear safety newspaper articles were published, 30 television stories and 10 radio programs were aired. We will never completely eliminate bear conflicts, but we believe we can significantly reduce the magnitude of the problems during "bad" years.

The 2010 bear recommendations were presented by region. Statewide 49 additional permits were recommended which is a 15% increase. A new hunt on Book Cliffs is recommended, spot and stalk only (4 spring and 3 fall permits).

The Division did a three-year experiment to see if they could shift some of the removal of bears by Wildlife Services into the sport take category. They are looking at one additional unit to be added to this experiment, the Central Mountains, Manti/Nebo. They will retain the other five units that were in the experiment. (See Powerpoint)

Mr. Dolling then went on to discuss summer pursuit conflicts. The UDWR received numerous complaints about summer pursuit on the San Juan, La Sal and Book Cliffs units, in excess of 150 complaints regarding conflicts between houndsmen and recreational users. The Forest service also received numerous complaints with summer pursuit on the La Sal unit.

Given this level of complaints, the Division met internally to discuss the issues and explore possible alternatives. Upon analysis of the issues it was determined that limiting use and pack size solved most concerns while maintaining opportunity for the houndsmen.

The restricted summer pursuit recommendation changed since the RAC process. He shared survey results. They sell about 420 pursuit permits and of those the survey estimated that 23 residents hunted the Book Cliffs and there was no nonresident activity during the summer. For the La Sals, there were 19 residents and 15 nonresidents for a total of 34 pursuit. For the San Juan there were 50 residents and 15 nonresidents, totally 65. So our modified recommendation is for an early, July 8-22 and late, July 29-August 12 summer pursuit season to reduce the number in the field at one time and improve opportunity. With the seven-day break over the July 24<sup>th</sup> weekend it will eliminate the time period where many of the conflicts were occurring, giving the recreational users the mountain to themselves. The permits would be obtained through the draw process when they apply for the limited entry bear permit. Restricted pursuit permits would be valid on the unit plus all units statewide for all seasons except for other designated restricted units.

The pack size recommendation has been modified from the original proposal. We want to limit total pack size to less than 8 while pursuing bear on restricted summer pursuit units only. We started out with a statewide restriction, but have changed it to just the units that have conflict during the summer pursuit season. The rationale used to make this recommendation is our 2009 pursuit survey found the average pack size of 9.7 hounds which is 11,529 dog use days on proposed restricted summer units.

By applying a pack size of less than 6 it is a 38% decrease in dog use days. By applying a pack size of less than 8, it is an 18% decrease and 12 or less is a 23% increase. The only state around us that limits pack size is Colorado and they do this for the purpose of cougar hunting. Their pack size limitation is 8 or less.

Under other pursuit recommendations, a pursuit permit will not be required for a licensed guide or outfitter on public land or individual on private land with written landowner permission when compensated and accompanied by a client. They also look to allow spring pursuit on units 2/3/4/5.

Mr. Dolling then went over the season dates and summarized the recommendations. (See Powerpoint Presentation)

The Black Bear Management Plan is due to sunset in 2010 and we propose statewide advisory committee representation to revise the plan. He then presented the areas where they need representation, including agriculture, houndsmen, USDA Wildlife Services, sportsmen, nonconsumptive, University, a Wildlife Board member and a UDWR representative. This concluded the presentation.

Chairman Woodard pointed out that the Division did alter some of their recommendations according to information gathered at the RAC meetings. The system we have in place does work. He then asked if there were any questions.

Mr. Albrecht said on the bear incidents, where were the majority of those? Are there any increases on the tags in that area.

Mr. Dolling said a lot of incidents were in the Strawberry Valley, on the Beaver Unit, on the San Juan and the La Sals. There were permit increases on those units, but not necessarily due to increase in incidents.

Mr. Perkins asked about the percent of female in the harvest. We started the experimental spring hunt in 2001. When did we go to the extended season in chronic depredation areas? He recalls hearing at a RAC meeting that we saw an increase in female harvest with that extension.

Mr. Dolling referred to a slide on this issue and indicated it is a statewide look. Our experiment to try to shift from depredation to sports harvest started in 2008. In those units, the percent has gone up on female harvest. They are concerned about being over the 40% threshold, but Wildlife Services has to protect livestock. If they shift some of



these bears being taken to sports harvest, in the end it would still represent a bear mortality.

Mr. Perkins asked if a federal land agency manager representative should be on the advisory committee.

Mr. Dolling said they would add one.

Mr. Fenimore said he would like a Forest Service representative on the committee. He is pleased to see the reduction in nonresident pursuit permits. He has received a lot of feedback from folks who complained about packs of dogs in the camping areas, specifically nonresidents who did not seem concerned about bothering the campers. He also asked on the La Sals and the packs of dogs coming through camps and taking over areas, where they were camping? He is pleased to see the Division take this direction. Will the increase in permits bump the level down for adult survival?

Mr. Dolling said they feel comfortable that they have growth targets that would support this.

Mr. Brady said on the early and late season on the three units for pursuit permits, the numbers such as Book Cliffs 15 resident and two nonresident, is that 15 and two for each?

Mr. Dolling said numbers applied to early and late season, with 17 in early and 17 in the late.

Chairman Woodard said they would like to take Dr. Black's comments since he is under a time constraint.

### **Public Comment**

Dr. Hal Black presented some comments. He commended the DWR for participation in long-term study on black bears. He recognized BYU and their students and recently the houndsmen who have been so helpful in providing tissue and bone samples for study on osteoporosis. Bears have the remarkable ability to not lose bone mass during long periods of inactivity. He referred to the reproduction table (see handout) and went over it. Five of the six years when reproduction was poor have occurred in the last nine years of the study. This might be an area of concern. The study does suffer from the small sample size, but it is what we have to work with.

At one of the RAC meetings, Dr. Black attended some said that bears are just another predator. That could not be further from true. That is why they hibernate, they cannot make it through the winter since there is nothing to eat and not much that they can catch. Dr. Black indicated that bears are so closely tied to their food resources, that explains the figures on the right of the table. The bears did not reproduce because they did not have enough food. That is not extremely bad, since bears live a long time, but in terms of

management, it is a very different thing when you have an animal that does not reproduce until they are five, then have cubs every two years. Bears are not just another predator. Over 2,000 people have been involved in collecting data for this study. To improve numbers he would encourage the Division to continue to collar bears. A bunch of cubs doesn't mean a lot, but whether they get to the yearling stage is what is important. His view about extending hunts generally is there is lots of opportunity, but this does not guaranteed a quality bear. The houndsmen want all the time they want for training and getting a quality bear. The things the houndsmen ask for are things that we do not get in other hunts. Extending hunts compromises the females and we should not get greedy.

Mr. Fenimore said some of the watchable wildlife folks and recreationists down in the La Sals are worried about summer pursuit and what impact it may have on females with cubs and reproduction.

Mr. Black said females with young come out later in the spring. Obviously they could be compromised. Another issue is are young bears lost to dogs in the spring hunts and pursuit? Some get lost in any sort of pursuit situation. This is always something that they wonder about, but it does happen.

Mr. Johnson asked about the spring pursuit season.

Mr. Black said when you trap in May, you don't get anything on the Book Cliffs. They start showing up in June.

Chairman Woodard asked if there were any questions and there were none at this point.

### **Public Comment (continued)**

Byron Bateman, representing SFW, thanked Dr. Black for the opportunity to see bears in their dens and he also was on the Bear Management Committee. SFW supports the increase in permit numbers. Bears need to be managed just like any major predator. They oppose the change on the pack season on the actual hunt season. You cannot compare a lion pack to a bear pack. They support the pack size reduction during the summer training seasons. Chronic depredation on public land needs to be addressed with increased time and permits into the hands of the sportsmen. Performance targets are being met. Wildlife Services is harvesting 25% of the bears and the sportsmen need to get some of these permits. Depredation bears should not be counted towards the totals.

Mr. Perkins said on the pack size limit during summer pursuit, is that statewide?

Mr. Bateman said yes. If we could limit nonresidents who do not care about our state, we can solve our problems. The bear hunters will hopefully police their ranks.

Michael Diem, US Forest Service said their number one complaint from the public was on abusers during the pursuit season. They had constant contacts throughout the spring, summer and fall. There were some complaints during the hunt season also. They do not

feel this is just a nonresident issue. Complaints were even across the board, maybe a few more relative to nonresidents. Local tourism, both in San Juan and Grand County has been very successful in promoting recreation and tourism in our area, and it will continue to grow more popular. We will continue to have the potential of risk with recreation and houndsmen. The proposal to split the San Juan Unit will not take care of problem, because we were getting complaints from all units, quite uniformly across the entire district. They support the pack size of 8 with the modification of the number of dogs out there camping to 16. This is to limit the number of dogs in camp and their rotating them in groups of eight. They support the nonresident proposal, split season and season dates. We are still looking for a compromise, but there are individuals that believe that we should be at "no pursuit." We need to look at our state within the concept of multiple use, as the Forest Service has long been. The density of permits is the real issue and where the conflicts come from. Reducing the number of permits will go a long way in alleviating the problem. The Forest Service is going to do some closure to help with this.

Mr. Perkins asked if we have any authority to regulate camping.

Mr. Diem said they are looking more at the number of dogs in camp.

Mr. Bushman said we cannot manage camping, and if we try to limit dog numbers, enforcement would be nearly impossible. For example, it could be easily manipulated by putting a certain number of dogs in one camp, then making another camp 50 yards away with another eight dogs in it.

Jason Binder, President of Utah Federation of Hounds Association addressed the Board. He is representing the UFH, Northern Big Game Hound Association and the Uinta Basin Big Game Hound Association, with a total of 671 members. (See handout) They have come up with some proposals to help with the situation. They are concerned with the number of permits that have been recommended. The summer season was put together to give houndsmen an opportunity to go out and train their dogs, because they cannot go out in the fall if they do not have a kill tag. They are asking for 25 permits on each hunt on the Book Cliffs. They would like to see a split on the San Juan/Elk Ridge to reduce the number of people on the Blues side. They want 20 tags on each hunt, the San Juan/Elk Ridge, the Blues side and the La Sals. They are glad something is being done on the nonresident influx on our state. They are in favor of the eight-dog pack limit on the limited entry units, with the rest of the state staying the same as during the spring and fall hunt seasons. They are against increasing permit numbers and want to leave the tag numbers the same as 2009. With the studies they are doing to determine bear densities statewide, they want to get this data before they increase tags, especially with the concern of cubs not surviving and low reproduction. The houndsmen are for the one week extension on the spring hunt, but not totally statewide.

Chet Young with the UFH and the same organizations as Mr. Binder. (See handout) The houndsmen are willing to give up one weekend to accommodate the campers, giving up July 24<sup>th</sup> weekend. He asked that the Board look at their proposal and compare it to the original from the Division and realize they have given up one weekend and will only get

four weekends on that season. They want to eliminate the problems, keeping the proposal to split San Juan to limit the number of people on the Blues side, even though it is easier to hunt.

Richie Zaccardi said he would like to see nonresidents limited statewide. Extensions on hunts are wanted for more opportunity to train dogs, not necessarily for harvest.

Kirk Robinson of Western Wildlife Conservancy and Wild Utah Project said they support the recommendations on pack limitation. He appreciates Dr. Black's comments. We need to see bears for what they are and not just as a resource. We need to be concerned about the black bears and should use caution in extending seasons and creating more opportunity for people to exploit bears in any way.

Chad Coburn of UFH said uniting the three houndsmen's associations is unprecedented. Summer training season started when we lost the fall season, because of conflict with the elk hunters. Now we are having conflict with the campers. We need to figure out where the houndsmen fit in. He does not feel the houndsmen are greedy. It is difficult to take a pack of dogs and train them to catch a bear without getting a whole bunch of guys together. They want to have the opportunity to train their dogs. He agrees that the big pack sizes need to be managed. Using dogs to keep bears out of campgrounds has been a great help. They want to have a chance to work things out and enjoy their privilege to train their dogs. They want to get biological information together and make sound decisions before raising permit numbers. They also want a chance to draw better units.

### **RAC Recommendations**

Northeastern – Mr. Christensen said they were one person short of a quorum, so they did not vote on motions. They did take public comment. The issues included hounds crossing the boundary into the wilderness area, limiting dog pack size to 8 and limiting pursuit permits to the Book Cliffs. With the Division's revised proposal, this would address their concern.

Central – Mr. Oswald said they had 11 members present and 2 excused absences. They had three motions, an introductory motion that failed, and a second to extend spring hunt to June 6 and it failed 8 to 2. The main MOTION: To split the San Juan pursuit into Elk Ridge, 20 permits and Blue Mountain, 10 permits. To improve a split summer pursuit season on the Book Cliffs, San Juan/Elk Ridge, Blue Mountain and La Sal units as proposed by the UFH. The Division's recommendation has taken these into consideration. The third part of the motion was to limit the number of dogs to 8 in a pack only in summer training session on the Book Cliffs, Elk Ridge, Blue Mountain and La Sals and maintain an unlimited number of dogs for the rest of the state. They also accepted the remainder of the Division's recommendations as presented. This passed unanimously.

Northern – Mr. Bynes said three motions. MOTION: Keep the eight-dog limit on summer pursuit units and leave pack size unchanged on the remainder – passed

unanimously. MOTION: To accept UFH proposal on the Book Cliffs, Elk Ridge, Blues and La Sals – passed unanimously. MOTION: To accept the remainder of the presentation by the Division, passed 6 to 4.

Southern – Mr. Flinders said they had one motion. MOTION: To accept as presented and spring season be extended by one week for southern units and pack sizes only limited for pursuit - passed unanimously. The discussion was dominated by those changes with livestock men on the RAC. Access on the Beaver and the Boulder units is limited earlier in the year and lower success rates and bears are still being killed by Wildlife Services.

Southeastern – Mr. Sanslow said they had a lot of discussion. They had three motions that passed and four that did not. MOTION: All Book Cliff permits be valid for the entire unit and spot and stalk for roadless area. MOTION: 8-dog limit in spring hunt and summer and back to 12 in fall- passed with two opposing votes. MOTION: Split the San Juan, Elk Ridge and Blue unit, along with the UFH, except limiting the number of permits. (See SE RAC minutes for permit numbers) - passed with one opposing vote. MOTION: To accept the remainder of the Division's recommendations. – passed with one opposing vote.

### **Board Discussion**

Chairman Woodard summarized the RAC recommendations.

Mr. Fenimore asked about the lack of a quorum at the Northeast RAC. This is a concern and he would ask the Division to review the RAC membership there and look for opportunity to make changes to remedy this.

Chairman Woodard said the members need to commit to the RAC.

Mr. Christensen said at the last RAC they sent e-mails out to remind all the RAC members. Some of those who had been struggling to attend showed up and some of the more consistent members were not there.

Mr. Fenimore said there is an opportunity going forward with the review of the Bear Management Plan, to have someone from the Monticello tourism board to be on the advisory committee. He would recommend this. There may be some economic impacts to these counties depending on how this management plan goes forward.

Chairman Woodard said Mr. Dolling is here and can make note of that.

Mr. Johnson said what we are talking about here does not include the licensed guides so there is a lot more influence here.

Mr. Albrecht asked how many COR's were issued statewide for pursuit. If we limit pack size only to that area, is there a strong possibility that some other areas might be affected.

Mr. Dolling said we had 420 pursuit CORs and the survey reflected how many went to those specific units. The primary conflict was on the La Sal and San Juan. Their feeling was to wait and see and not place restrictions statewide.

Mr. Perkins said an eight-dog limit on pursuit was passed on two of the four voting RACs. It would also address some concerns from the Forest Service. Out of state input on the topic increased his concern on protecting what we have and reducing conflicts.

The following motion was made by Bill Fenimore and died for lack of a second.

**MOTION:** I move that we adopt the Division's recommendation on pack size with eight dogs on pursuit for summer training and unlimited for the rest of the state.

The following motion was made by Ernie Perkins, seconded by Del Brady and passed 4 to 1, with Mr. Fenimore opposed.

**MOTION:** I move that we adopt an eight-dog pack limit for summer pursuit statewide on all units and no pack size limit during other pursuit seasons and all hunts.

Mr. Albrecht asked Mr. Flinders to review what was said on season lengths at the Southern RAC meeting.

Mr. Flinders said they did not see specific harvest data for the Boulder and the Beaver. We are only killing half of the bears that we issue permits for. There is limited access to these units early in season and that is why they are looking for a one-week extension.

Mr. Perkins said when permit numbers are set it is relative to harvest rate historically. We do not issue 100 permits and anticipate harvesting 100 bears.

Mr. Albrecht said there were concerns in the Southern RAC of Wildlife Services taking the bears instead of sportsmen. Maybe we could look at this a little most closely in the future and address this concern.

Mr. Johnson said he is concerned that sows and cubs not be taken in the spring. The number one cause of cub mortality is from the boars. Taking the boars will help cub survival. He is concerned about extending the season.

Mr. Perkins said the Board is charged with the preservation, protection, conservation, perpetuation, introduction and management of wildlife. Then in a completely separate statement from state code, we need to maintain wildlife on a sustainable basis. He would also go back to a mantra to simplify our proclamations, but then we get all sorts of regional input wanting variations. That is what complicates everything we do. We need the RACs help in helping the Board accomplish its mission. The Southern RAC proposes to extend the season, give opportunity to the hunters and take care of the cattle that are up

on the mountain at the beginning of June. There is nothing in state code that says the Board's job is to manage wildlife for the benefit of cattle. We are charged to consider this. He asked the RACs that when there is a request for a variation from the state norm or a deviation from the DWR's recommendations, there needs to be a clear cut biological or social reason for this request. In this case there was no discussion, according to the minutes, and everyone voted for it. None of the tough questions were addressed.

Mr. Flinders said it is difficult with no regional harvest data, no unit data, and no break down of Wildlife Services harvest. The Division is paying for the dead cattle that are killed by bears. There are two pages relative to the discussion on these two units in the minutes.

Mr. Fenimore said he is inclined to support the Division's recommendations. For reasons that Dr. Black presented, he is reluctant to support an extension.

Chairman Woodard said he is asking for more justification for not considering the Southern RAC's request to extend the season.

Mr. Perkins said there is not enough justification provided to deviate from the state norm and it appears to conflict with the Bear Management plan and with sustaining good bear populations in Southern regions, based on the data we have.

Mr. Albrecht asked for clarifications on permit numbers proposed.

Mr. Dolling said he looked at motions out of the Southeastern and Central RACs and looked for a compromise between the two.

Mr. Albrecht asked the Forest Service about the recommendations.

Mr. Diem said they did not make a recommendation for the Book Cliffs, because it is not in their jurisdiction. They recommended a total of 13 resident for both seasons with a total of 30 permits counting the two nonresidents. For the San Juan, 13 resident for early and 13 for late with 2 nonresident for early and 2 for late. For the La Sal, 6 resident for early and 6 for the late with 1 nonresident for early and 1 for late.

Mr. Albrecht asked if the complaints from the area were campers or livestock people.

Mr. Diem said mostly campers, but also about 12 of the livestock permittees. Their concern is on the distribution of livestock and trying to manage vegetation. There was a broad spectrum of complaints.

The following motion was made by Keele Johnson, seconded by Bill Fenimore and was not voted on, but later amended.

**MOTION: I move that we adopt the Division's recommendation for bear pursuit with the exception that on the San Juan, we split the unit to the Blue**

**Mountains and Elk Ridge, with six resident permits and one nonresident permit on the Blues for the early and late seasons and twelve resident permits and one nonresident permit on the Elk Ridge for the early and late seasons.**

Mr. Perkins said those who fielded the complaints recommended that we not split the San Juan. He saw a huge amount of compromise from the Division when they came back with permit numbers and pack size, but they did not recommend the split. Why?

Mr. Dolling said he visited with the biologist and conservation officer in the San Juan area and they indicated that the complaints were equal for both sides. If we had to split the units, the permits should be split rather than shift the pressure from one side to the other.

Mr. Johnson asked Mr. Diem for comment.

Mr. Diem said if you reduce the numbers and give the opportunity to spread over a wider area, that would be a better solution. Complaints were made about random dogs out running across the district. Also dogs coming into dispersed camps was a complaint.

Mr. Fenimore said he is in favor of splitting the unit, seeing it from the hunter's request.

Mr. Johnson said if we split the unit we can see what will happen. In any case the houndsmen need to be really careful in southeast Utah, just a warning. He goes on Elk Ridge and two thirds of the license plates are from Colorado. They eliminated pursuit in their state and they are causing problems here.

The following amended motion was made by Keele Johnson, seconded by Bill Fenimore and passed unanimously.

**AMENDED MOTION: I move that we accept the Division's recommendations as presented on bear pursuit.**

Mr. Albrecht said we are most likely going to be revisiting this a year from now, going through the Bear Management Plan. We have to start somewhere and the region numbers are good, even though he has concerns for others who are out there using the resource.

Mr. Johnson said another good thing about pursuit is it keeps the bears quiet and discourages them from coming into campgrounds. That is a positive thing that the public needs to understand. If you want to have problems with bears, stop hunting them.

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

**MOTION: I move that we accept the remainder of the Division's recommendations on the Bear Proclamation and Rule R657-33.**



Mr. Dolling asked for clarification on Mr. Perkins motion. Was it for summer pursuit?

Mr. Perkins said yes.

6) Re-consider Emigration Canyon Archery Only Hunting Boundary (**Action**)

Chairman Woodard presented this issue. We struggled at the end of our last Board in coming up with a definable boundary for a hunting area. We have had a lot of feedback on this after the meeting. There was no better boundary consideration when he looked into this. He asked Mr. Johnson, as the maker of the motion at the last meeting, if he is open to look at this issue again.

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

**MOTION: I move that having voted in the affirmative I move that we re-consider the Emigration Canyon Archery Only Hunting Boundary.**

Chairman Woodard then turned the time over to Assistant Director Clark so he could discuss the Division's findings.

Alan Clark, Assistant Director DWR, said the Division was asked to explore options for looking at a boundary after the last Wildlife Board meeting. Staff from the two regions met to develop an option. As we reviewed this option, we realized how complicated this issue is and they feel they need more time to determine the boundary and get some public input. Since this does not take effect until August 2010, we recommend we go back to the 2009 boundary which is I-80 to the Salt Lake/Davis County line and look for the Wildlife Board to direct them to work with concerned parties, trying to identify the option for another boundary to take through the RAC process in Central and Northern regions. We will look for a solution to merge the interests of all those effected. We will hold a meeting with the residents of Emigration Canyon in resolving this boundary.

Mr. Oswald asked if it is just the boundary issue, or is it archery verses rifle hunting?

Chairman Woodard said there were several issues that came up, but the boundary was the main one. After researching this with the Division, their recommendation is to hold a meeting with the township of Emigration Canyon and take this information back to both RACs. It will come back to the Board after that.

Mr. Oswald said the issue that will be considered will be a boundary with regard to archery.

Director Karpowitz said what the Board did is extend the archery only boundary from I-80 to the Salt Lake / Davis county line. What we are asking the Board to do is to go back

to the I-80 boundary for the time being, until we can have further discussion with the public, then bring it back to the Board prior to the hunting season.

Chairman Woodard said today, we have rescinded the previous motion and will move forward from here. He then asked if there were any questions.

Andy Wallis, resident of Emigration Canyon asked if someone would clarify the distance on the discharge of a firearm.

Chairman Woodard said that is out of the Wildlife Board's purview. It is in state code and what caused the problem was that Salt Lake County rescinded an ordinance of a one-mile firearms barrier back to the state's standard of 600 feet from a dwelling.

Mr. Bushman said you cannot discharge a firearm within 600 feet of a resident or building without the permission of the landowner. Mr. Bushman went on to discuss background on this issue and ordinances relative to the discharge of a firearm, specifically those east of I-15. The Division does not have authority to direct the discharge of a firearm generally, but only relative to hunting. The Board repealed the rules that dealt with the discharge of a firearm within one mile of a road or residence in Salt Lake County area since the ordinance was going to be repealed as well.

Two weeks ago, Mr. Bushman contacted the County Attorney's Office to find out if those ordinances had been repealed and he received a letter from their office that said that was supposed to have happened yesterday.

Chairman Woodard said we will reconsider this issue. To get input, we will get information from a town meeting with Emigration Canyon residents, then it will go to the Central and Northern RAC meetings. People who are interested in hunting this area need to check the DWR website for details. It will come back to the Board later this year.

Mr. Bushman said the Board will need to make a motion that takes the boundary back, since they rescinded their motion.

### **Public Comment**

Clint Walker, also speaking for Matt Fried and Trent Haverfield said they understand the residents concern about high power firearms being fired in that area. The concern is that the closing of Emigration Canyon hunting included East Canyon, City Creek Canyon and the north side of Parley's Canyon. They hunt there in very remote areas and pose no threat to any towns. They support closing Emigration Canyon for safety, but they only want the boundary to affect that area.

James Scott of Salt Lake City said when the decision was made to close City Creek Canyon to archery only, it left out everyone's opinion on it and the master plan for Salt Lake City guarantees that there will be allowed hunting and therefore watershed protection. City Creek is not any part of Emigration Canyon.

Keith Johnson, resident of Utah County said he deer hunts in City Creek Canyon and has done so since 1972. Hunting is only allowed in City Creek by a special permit given by the city water department. There is a lot of game trail damage in that area because of too many animals. Archery only hunting will not manage the area. One of the problems with not hunting deer there is they winter in Bountiful and Bountiful is being overrun with deer from the surrounding canyons. We need to control this deer population. Hunting should remain in tact in City Creek and he respects the concern of the residents of Emigration Canyon.

Ryan Sorenson said he has always hunted City Creek Canyon and spends many hours there each summer doing habitat work. He killed his first deer when he was 14 years old in City Creek Canyon in 1990 and wants this hunting opportunity preserved. This is a very remote area. Hunters apply for permits in February and would like to know as soon as possible about the outcome. He suggested coming up with a decision after the hunting season this year, so they do not apply for permits with the anticipation that they will be able to hunt there and then find out 2-3 weeks before the hunt that it is no longer an option. He respects the position of the Emigration Canyon homeowners.

Kathy Christensen said she lives in Emigration Oakes in Emigration Canyon. She is on the community council and also the homeowners association. There are 500 plus homes there at this time where 1,100 people live. Most of the property there is private and there are less and less areas where a hunter can go without trespassing. When the homeowners heard about the restrictions they were very happy for their safety. She asked the Board to seriously consider their safety.

Denise McClain thanked the hunters for their sympathy. She comes from a family that hunts and she understands the fun and the bonding that goes along with hunting. She is fearful for her family in the fall when rifles are fired during hunting season. What is the distance that a bullet can conceivably travel? She did some research relative to this issue and presented it. She just wants to keep her family and neighborhood safe.

Joan Gallegos, co-chair of the Emigration Canyon Community Council said they are unclear on how the Board's authority relates to the counties. The county made their change to be in compliance with state code, so if the Division and Board has the authority to make rules on hunting, why are they confined to county code?

Mr. Bushman said the DWR has authority to prescribe safety measures relative to hunting. It does not have the authority to close areas to the discharge of a firearm. In our big game rule, we have a section that refers to special restrictions in designated areas and there were some restrictions for Salt Lake County, one was you could not shoot within ½ mile of Silver Lake, and another was you cannot discharge a firearm within one mile of a home or road in the east half of Salt Lake County, which was the restriction that created the problem. It is not related to hunting and we were just mirroring the county ordinance on that so we could inform individuals in the big game proclamation and so forth, about that restriction. When the county ordinance was repealed that left us in a quandary. We

can close areas to hunting, prescribe the types of weapons that can be used while hunting, but not tell you whether you can carry a firearm or discharge it if you are not hunting.

Ms. Gallegos asks that the Board go forward with hunting restrictions in Emigration Canyon and recognize that the state law came in conflict.

Andy Gallegos said he is a former president and vice-president of the homeowners association in Emigration Oakes. This issue has been a problem ever since they have lived there. He is now zoning commissioner for Emigration planning and zoning. Emigration Oakes is the largest private development there and up to 165 homes in the area. He gave some history on Emigration Canyon. His concern is safety and if the Board takes action of simply making it off limits for hunting, they can live with the state law, just leave it for archery at 600 feet.

Megan Hilliard, Community Relations Specialist for Mayor Caroon and the community liaison to the Emigration Canyon Township. In the discussions with the council, as well as with DWR, there has been some confusion. She read a memo from their District Attorney's Office in response to a request from the Deputy Mayor, Nicole Dunn and myself as to that relationship. She then read the correspondence from Tyson Hamilton. (See Attachment) The repeal took place yesterday. This was not a policy decision, but a legal decision in cleaning up our ordinances. The confusion is between the interface between the rules and regulations of DWR and state code.

Mr. Perkins asked if any of her principals have any intent of issuing any related statutes.

Ms. Hilliard said to her knowledge there is no discussion at this time.

Janie Iwamoto is on the Salt Lake County Council and represents District 4, which includes Emigration Canyon. She holds the safety of those in Emigration Canyon very seriously, because the rule that allows the discharge of a firearm within 600 feet would jeopardize these families well being. These are not secondary homes, but have families, pets and visitors in them all year round. There is also a lot of stress involved when people are constantly worried about safety. She gave Mr. Bushman a copy of the ordinance that was repealed yesterday. Today, hearing from the residence, they are very concerned about their safety and their community. She is glad the Division and Board are going to meet with the town council and its residents.

Justin Miller, resident of Emigration Canyon, said this is primarily a safety issue and he agrees with the town council and Ms. Gallegos.

Andy Wallis, resident of Emigration Canyon said he has lived there for 13 years. He has experienced hearing an errant bullet go right over his head and it is extremely nerve racking and disturbing. If a hunter is on the next ridge over, there is nothing you can do to stop a shot. It is disturbing to know you live in an area where a bullet can come through your front window at any time. There are many hunts that go on throughout the year.

Matt Hobson Roar, resident of Emigration Canyon, said the Board needs to address the risk of fire as they look at the boundaries. Within a half hour walk of his home, he came upon a father and son who were hunting in the canyon and had a nice conversation with them. About ten minutes after that, he came upon their still smoldering campfire. It may have even been in the Red Butte Refuge. He asked the Board to look at the boundaries and consider this issue. A lot of property would be at risk should a fire get away from them.

Mark Baer said he cannot add much more to what has been said.

Erin Bonk, resident of Emigration Canyon and a mother with two children, said their property backs up against public lands. She would like to see Emigration Canyon off limits to all rifle hunting. Private property signs are not respected. Buffer zones would not be appropriate in this area and hunters do not know where property boundaries are. They even had a hunter's blind built on their property.

Gary Bowen, resident of Emigration Canyon and a member of the community council said they are appreciative of the hunters who have spoken today. On the other side he said the County Sheriff meets with them at their town meetings. They have complained for a number of years about people who park on the road in the canyon and hike up the mountain past the homes. This is a major problem and the sheriff says there is nothing they can do about it. Secondly, his home is in the main canyon, but at 400 feet off the main road he can see the ridgeline going down Parley's Canyon and the ridgeline going down into City Creek Canyon. People do not understand boundaries and they might come up City Creek, following a deer and come down into Emigration and not even know it. From the backside of his home, he can see many homes in Emigration Oakes. The boundary issue of putting them at the ridgelines is not sufficient.

James Kay said they have lived in Emigration Canyon for 22 years and since then the number of homes has probably doubled. It is a residential area and there is nowhere in the canyon where you are further than a mile from a home or structure. Rifle hunting should not be allowed anywhere up Emigration Canyon.

Lincoln Clark said he has hunted City Creek Canyon since the mid 70's. There is a small number of hunters participating there at present. He has never hunted in Emigration Canyon, because he did not want to worry about the safety issue. He would encourage the RAC and Board to draw a boundary that will meet the needs of safety and also accommodates hunters in upper Mountain Dell, Parley's and City Creek Canyons. Thanks for reconsidering.

Representative Christine Johnson commended her constituents in Emigration Canyon for being part of the process and being so vocal. Most of the comments that have been heard will help the Board address this issue. She is concerned about the process of boundaries each time the Wildlife Board has to deal with these types of instances. In Utah Code 76-10-500(2) it says, "this part is uniformly applicable throughout the state and is in all its

political subdivisions and municipalities. All authority to regulate firearms shall be reserved to the State, except where the legislature specifically delegates to local authorities or state entities, unless specifically authorized by the legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation or rule pertaining to firearms.” This puts counties and the DWR in a corner as to where the authority lies. Some hunters have asked for a decision to be made before the draw process. She has opened a bill file as of today and she hopes that the legislature, in concert with DWR, the AG’s office, county involvement and respective hunting groups might be able to come to some sort of standard without having to do this process every time it comes up. She asks that they do not try to make a decision before the draw and give her an opportunity to work through this.

Chairman Woodard said the earliest he could see this coming back would be March.

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

**MOTION: Having voted in the affirmative, I move that we rescind the archery only boundary expansion set at the December 3, 2009 meeting and ask the Division to meet with the stake holders and come back to the RAC and Wildlife Board with a boundary recommendation.**

#### 7) Wildlife Board Variance Requests (**Action**)

Judi Tutorow, Licensing Coordinator presented this agenda item. There are four variances for the Board today, two are present and two will be on the phone. We will do the two for the gentlemen who are present, and the others after the Beaver management plan. These four variances have been to the committee and been denied, because they do not have the authority to mitigate for them. All four are appealing to the Wildlife Board.

Fred N. Baird had an infection that he was treated for before the September 12-20, 2009 hunt. He got somewhat better and went on the hunt. While he was on his hunt he experienced swelling and sickness. When pain pills did not work he returned home for some doctor’s care after trying to hunt one day. He was not able to complete the hunt. He ended up having surgery on October 7<sup>th</sup> for a cancerous tumor to be removed. He would like to request an extension for his hunt for next year, 2010 for his 2009 limited entry bull elk – Book Cliffs, Little Creek #341, or at least have the waiting period waived and restore his bonus points.

Chairman Woodard said so the first doctor misdiagnosed your condition.

Mr. Baird said yes.

Mr. Fenimore asked about a letter from the emergency room for August 3<sup>rd</sup>. Did he hunt from September 12-16?

Mr. Baird said he was out on the unit, but was not able to hunt every day.

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

**MOTION: I move that we restore Mr. Baird's bonus points, including a point for this year and waive the waiting period.**

Morgan Truman was offered and accepted a reallocated permit for Desert bighorn sheep on 09/14/2009. Her school schedule precluded her from going on this hunt. She explained her scheduling to the Board and would like to ask for an extension for next year.

Travis Truman, her father also spoke regarding her scheduling problems.

Chairman Woodard asked if they decided immediately to accept the tag.

Mr. Truman said they discussed it for a few days, but were not aware of how difficult it would be to get the time to go. The hunt started on the September 12<sup>th</sup> and we were contacted on September 14, 2009. We accepted it on the 16<sup>th</sup> or 17<sup>th</sup>.

Chairman Woodard said a desert bighorn tag is highly prized in the state. In taking the tag and not using it, you probably denied somebody the opportunity of a hunt.

Mr. Truman said we really thought we could get a few weekends, but it did not work out.

Mr. Johnson asked how familiar they were with the area.

Mr. Truman said very familiar. There would not have been a problem with the difficulty of the hunt, had they been able to get down there.

Ms. Truman said she did not have nearly as much responsibility when she accepted the tag. They never did hunt.

Mr. Johnson said he feels they had some other options. Did they consider hiring a guide and locating some sheep?

Mr. Truman said finding the sheep was not a problem.

Ms. Tutorow said the permit was issued on September 14 and the hunt started September 19. The hunt ended November 8<sup>th</sup>.

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

**MOTION: I move that we deny the variance request of Morgan Truman for her 2009 limited entry desert bighorn sheep for the Kaiparowits, Escalante #959 hunt.**

8) Statewide Beaver Management Plan (**Action**)

Justin Dolling, Game Mammals Coordinator presented this agenda item. He discussed the challenges they face with beaver management, members of the beaver advisory committee, management plan process, the plan goal and plan objectives and select strategies. (See Powerpoint Presentation)

Beavers are controversial. There are nuisance and damage issues, consideration for recreational trapping opportunities, their part as watchable wildlife and ecosystem benefits. Because of this diversity we decided it would be good to get a group together to develop a plan.

He then went over the members of the Advisory Committee (see Powerpoint Presentation)

Mr. Dolling then went over the planning process, the goal, which is, maintain healthy, functional beaver populations in ecological balance with available habitat, human needs, and associated species. The plan objectives include outreach and education, population management, harvest management, damage management, disease/aquatic nuisance species management, beaver research, and watershed restoration. He then went over these objectives and highlighted the strategies.

In summary, beaver are controversial, beaver in appropriate environments can be beneficial, beaver in inappropriate environments can be detrimental, the key is to manage for ecological balance with available habitat, human needs, and associated species. This concluded the presentation.

Mr. Johnson said beaver can be very beneficial in areas where we have severe erosion problems. Do we have a transplant program in place?

Mr. Dolling said not presently. We have an active plan in southern region that they have been working. They have been doing a little bit of transplanting there under the direction of that plan. This will be a statewide effort and we will develop transplant protocol, look at habitat assessment and evaluations and beaver sources. When an opportunity presents itself we will do live trapping and translocating.

Mr. Robinson, Western Wildlife Conservancy asked how the working group identifies nuisance beavers and whether there is a difference between private and public land issues.

Mr. Dolling said the committee struggled with the nuisance part of the plan. There were members of our committee that did not like the word nuisance. If a beaver is removing



ornamental trees from private land or causing threats to roadways or the possibility of floods, they fall into that category and our agency, historically has gone in and dealt with that issue. The beaver would be trapped and the dam removed. The plan now would allow for other options to be explored and the watershed restoration component could be part of it.

Mr. Robinson asked what would not be considered nuisance behavior. What kind of coordination is planned with municipalities and who decides if they are a nuisance or not?

Mr. Dolling said it is on a case-by-case basis. Any landowner or citizen can trap a beaver at any point of time. Our agency does issue nuisance permits to landowners who determine whether or not it is a nuisance. If there are no flood threats, they probably would not be considered nuisance problems and as far as coordination, the plan calls for intense coordination with the county and municipalities, private landowners and anyone who would be associated with the situation.

### **Public Comment**

Mary O'Brien said she was a member of the Beaver Advisory Committee. She commended the work of Mr. Dolling. She thinks the plan is remarkable because all options for recreational trapping for nuisance control, as well as a fair number of flow control devices and approaches by which beaver can be lived with, or live trapped and moved elsewhere. One aspect of the plan that needs partners with is re-assessment of beaver habitat throughout the state. Two organizations were mentioned that have received grants to help with re-assessment of beaver habitat. In terms of what is a nuisance, one of the most difficult problems is beaver in irrigation ditches, but a lot of the other nuisance situations, such as flooding a road or blocking culverts, can be handled with devices called Beaver Deceiver and Caster Master. Larger, esthetically valuable trees can be wrapped and a fence put about a foot away from the tree.

We also have an interesting partner in Sherrie Tippie from Colorado. She came and gave a workshop for about three hours earlier this spring and 22 DWR people were there. She has live trapped over 1,000 beavers over the past 20 years and only lost two adults in that time period. There is probably room for her to help the DWR and citizens with training workshops. Ms. O'Brien urged the acceptance of the plan.

Mr. Robinson said he approves of the plan and is glad we are taking the time to look at beavers. Last February, a man from Murray called him about someone in his back yard trying to trap beavers. He went out to see this man and there was a lot of evidence of beaver activity there. He had an altercation with what turned out to be a private trapper, trapping there, doing so under the bidding of the county. This was a nuisance situation with something to do with flooding. Mr. Robinson urged the DWR and Board to consider when working with the county and other municipalities to consider live trapping and translocation of beavers.

## **RAC Recommendations**

Southeastern – Mr. Sanslow said the benefits of beaver out weigh the nuisance elements and they voted unanimously to accept the recommendation.

Southern – Mr. Flinders said they added a translocation site at the head of the East Fork of the Boulder and the recommendation passed unanimously.

Mr. Dolling said they were supportive of this translocation site.

Northern and Central voted to accept unanimously.

Northeast – Mr. Christensen said they had good discussion and the response was positive. They did not vote.

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

**MOTION: I move that we accept the Statewide Beaver Management Plan as presented by the Division with the addition of a translocation site at the East Fork of the Boulder.**

Mr. Johnson said he would like to see San Juan County added to the list for a future site for beavers.

### 9) Wildlife Board Variance Requests (**Action**)

William Eshee Jr – Conservation Bull Elk La Sal, La Sal Mtn - #346 – variance request

Ms. Tutorow said we would now continue on with the other two variance requests. The first is from William Eshee Jr, who was contacted by phone for this request.

Mr. Eshee asked if anyone had any questions as to the facts in this case.

Chairman Woodard asked him to go ahead and state the facts in his words for the Board to hear.

Mr. Eshee said he provided a sworn affidavit to the DWR as to what happened relative to his injury while hunting. He said about 10:30 am on the first day of the elk hunt, he slipped and fell on a small log, coming down on his right thigh toward his back. It was a painful fall and the pain continued. It turned out that he had fractured the 10<sup>th</sup> rib on his right side. He tried to hunt off and on for the next four days. He did not ever fire his rifle. He did not hunt on his pronghorn permit at all and has been granted an extension for this. He would like both permits extended to next year, 2010.

Chairman Woodard said Mr. Eshee did purchase a conservation elk tag and went out and hunted four different days, even though it was not quality time, due to your accident that first morning. Is that correct?

Mr. Eshee said that is correct. He fell and broke his rib the first day, but kept hunting until he could not stand the pain any more. It is hard to quit when you have traveled so far and looked forward to the hunt.

Mr. Perkins clarified that the Division has already issued Mr. Eshee an extension on a pronghorn tag, is that correct?

Ms. Tutorow said that is correct.

Mr. Albrecht asked if he passed up a bull during his hunting time.

Mr. Eshee described several times they saw elk, but they were out of range. The last morning they hunted the east side of the permit area and saw a 5 by 5 that was too far off. They saw the same elk the next morning within range, but he chose not to shoot him.

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

**MOTION: I move that we deny the request of William Eshee Jr. for an extension on his conservation bull elk tag La Sal, La Sal Mountain - #346 hunt.**

Chairman Woodard said Mr. Eshee did have opportunity to hunt and an opportunity to take a bull, so we cannot grant an extension.

Mr. Eshee asked if they could grant him a five-day hunt to complete his hunt dates.

Chairman Woodard said he is not out of order. It is something we have never done in the past and the precedence of doing that could possibly have legal complications.

Mr. Eshee asked what those complications would be.

Mr. Bushman said the Board could do it, if they were so inclined.

Mr. Perkins said that is a precedence we cannot afford to set. He can think of so many cases over the years, where hunting parties have been stopped short. We cannot start to restore one, or three, or five days of hunting opportunity. Our standard to date has been, if you had no opportunity to hunt, it might be considered.

Phillip A Smith Jr. – 2009 LE Bull Elk, Central Mtns, Manti, Early #351

Ms. Tutorow said Mr. Smith falls under our new surrender rule. He applied in a group of two for Central Mtns, Manti elk. He sent it back to the Division on August 31 and was contacting by the Division, stating that he is linked to a group and could not surrender his tag unless it was 30 days prior and his partner surrendered also. He was not 30 days prior and his partner had no intention of surrendering his tag. The variance committee denied this request.

Chairman Woodard asked if we have dealt with this before.

Ms. Tutorow said the rule is new as of last year. We did have several sportsmen contact us that fell into this group. Some were not happy with the rule and some just lost their points. Some did not take it to another step.

Mr. Perkins asked how many points each of these two hunters had. Is this perhaps somebody marketing their points?

Ms. Tutorow said she does not believe it is. Mr. Smith had five points. She is not sure how many points the other hunter had. They can look it up.

Director Karpowitz said as he remembers the discussion when the Board passed this rule, there was a lot of concern about people surrendering their permits just so they could put back in again. The first of the rule was to deal with groups, although there was some sentiment on the Board to make everyone surrender 30 days in advance. There was also concern expressed by Mr. Niemeyer of people going out, shopping for an elk, not seeing the one they want, then surrendering the tag at the last minute. The Board passed this for groups, but not for individuals. The year previous to the rule, we had reports of people marketing their bonus points on the internet, saying they would apply with you to help raise the average, then they would surrender the permit at the last minute and do it again the next year. The rule is that when you surrender as a group it must be 30 days before the season begins and all parties must surrender.

Mr. Perkins said we still have the same issue relative to the individual on the action log and it is due to come up at our next meeting.

Director Karpowitz said there is no indication that Mr. Smith was trying to do this. He was just pointing out how the Board got to this point on this rule.

Mr. Smith tried to surrender his elk permit on 08/31 to get his points (5) re-instated due to the economy and being self-employed. He had applied in a group of two with Stephen Wall. Under the new rule he could not surrender and get back his points. Based on his business being stagnant and the new rule on group surrenders he would like to ask for his permit to be extended to next year, 2010.

Mr. Bushman said there does not seem to be any special circumstance that put these hunters in the situation. Our rule is premised on if some type of uncontrollable effect

occurs which keeps them from hunting or putting in for a hunt. He advised the Board to be careful on this because there is no special circumstance that put them in the situation.

Ms. Tutorow said the hunter was unaware of the change in the rule. We received the surrendered permit back to the Division August 31<sup>st</sup>. After the permit was returned to him, he became aware of the variance request option and returned the permit again in November. His whole situation is based on the fact that he was out of work.

Mr. Perkins said if we grant this request, might we not open a situation to market their bonus points? If we approve this one, anybody will have a way to get through the scam again.

Ms. Tutorow said both hunters had five bonus points.

Mr. Smith was then called so he could explain his request. He said he would like to extend his season, or restore his bonus points. Because of his lack of business and his wife losing her job earlier this year, he was unable to go on his hunt.

Chairman Woodard asked what his association was with Mr. Wall.

Mr. Smith said they have been friends for years. Mr. Wall was in a better financial situation than himself. He lives in North Carolina also.

Mr. Albrecht asked if they can restore bonus points, or just issue a tag.

Mr. Bushman said the Board's authority is fairly broad. It will be a policy decision and yes they can restore bonus points.

Mr. Perkins asked Ms. Tutorow if successful group applicants were made aware of the surrender rule.

Ms. Tutorow said only through the guidebook. We did not personally send all those people a letter.

Director Karpowitz said letting everyone know would have been problematic.

Ms. Tutorow said we could have done it, but it would have been difficult.

Mr. Brady said we have made a rule with the shopping of points in mind. This man lives out of state and I would like to do something for this man, if possible. He is inclined to giving him back his bonus points.

Mr. Fenimore said he is not inclined to support this gentleman, because we are just coming out of a recession and it has effected a lot of people. If everyone who has had an economic turn down wants to surrender their permit, it would be a real problem for us.

The following motion was made by Bill Fenimore and died for a lack of a second.

**MOTION:** I move that we deny the request of Phillip A Smith Jr. for his 2009 limited entry bull elk permit

The following motion was made by Del Brady, seconded by Keele Johnson and failed 3 to 2 with Keele Johnson and Del Brady in favor.

**MOTION: I move that we restore the bonus points of Phillip A Smith Jr. and waive the waiting period.**

Mr. Perkins said he is worried with setting this precedence. He sympathizes on these economic hardships, but the state has been getting taken advantage of for years on this. We cannot afford to continue it.

Mr. Fenimore said he is concerned with people realizing that they can surrender their permits, with little time remaining, due to economic hardship. How would we re-issue these permits and not create a huge problem for the Division.

Mr. Albrecht said we should highlight the details surrendering a permit.

Mr. Perkins said there is a pop up box on the application.

Ms. Tutorow said they have to click on it. It does not stop them in the application and tell them. We can discuss this with the contractor as to addressing this.

Mr. Dolling said he has a question on the motion relative to the pack size of eight dogs. The motion was for summer pursuit only, pack size would be limited to eight or less. For spring and fall pursuit and hunting, there would be no limit on pack size.

Mr. Perkins said he agrees with this on his motion. He was trying to preclude the campers and high-density period with the summer pursuit, which is where most of the conflicts are had. Is the rest of the Board all right with that?

They were in agreement.

#### 10) Discussion of Board Responsibilities under State Code Section 23-14-3(2)(c)(ii) **(Action)**

Chairman Woodard discussed the need for the Board to justify motions and direction from the RACs that are not accepted by the Board.

There was discussion about the Northern RAC meeting involving the fact that in state code, if the Wildlife Board disagrees or does not consider the RACs recommendation, they must justify it in writing. The Board minutes should include this justification. All the RAC Chairs and the Board need to be on the same page on this.

Mr. Oswald said on Chairman Woodard's recommendation, at their last RAC meeting, they took considerable time to go over what the Board had decided. It was very appreciated by the RAC members and the audience. The fact that we spent time in our RAC meeting, letting them know what went on in the Board meeting and as much as they could, the reasons for that, he thinks if RAC Chairs will do that, and if RAC members will make sure they read the minutes, that will be sufficient in terms of that type of notification. He is a strong believer that part of the process needs to be that RAC Chairs need to spend the time in the meeting, letting RAC members know what happened in the Wildlife Board meeting.

Chairman Woodard said the issue in Northern was Mr. Slater attended the Board meeting and Mr. Bynes had to run the RAC meeting, because Mr. Slater was ill.

Mr. Bynes said he had e-mailed all the members on the Northern RAC the summary of motions and the draft minutes of the Wildlife Board meeting. As things have gone today, we have justification on all the decisions of the Wildlife Board, excluding the one that he discussed with Chairman Woodard.

Chairman Woodard asked if the other RACs are comfortable with this.

Mr. Sanslow said he is comfortable with that. He has also been forwarding the draft motions, but also explaining, to the best of his ability, why that motion was made. That gives them plenty of time before the RAC meeting, where we go over them again. It gives them two opportunities to question and we have Mr. Bates there to answer our questions. It has been working really well for us.

Mr. Flinders said he goes through the motions briefly and refers the members to issues that are specifically in the minutes.

Mr. Christensen said they have been going through the Board's motions for the last few months and in a few circumstances he has not been sure of the justification.

Chairman Woodard said they will try to be clear on this in the future. Also, the RAC Chairs need to try to stay away from the long, rambling motions.

Mr. Perkins said when they talk to their RAC boards about this, he believes the Board is saying that the person who attends the Wildlife Board meeting reports back to the RACs, plus the minutes when they are finalized and available, would suffice.

Chairman Woodard said please continue to look at the motions at your meetings. We will try to give you justification if we do not consider the RAC recommendations, so you can take them back to your RACs.

11) Other Business (**Contingent**)

a) James O'Neil from Provo said there are a number of folks in Wasatch County concerned with the otter introduction in the area. They thought it was excessive and they did not like the response from the DWR relative to their protest. On December 2, the DWR sent a press release to the newspaper that he previously worked for. He read from this release and it stated that there were plenty of crawfish in the Middle Prove River. That is my home water and there are no crawfish in the river. This is poor science. He would like people to do more research and be clear on information. This is in error and is symptomatic of things that could happen in the future.

b) KSL Video Clip

Mr. Perkins said there are two messages that he feels are good for the Board to see and think about. This is really a success story. After going to two WAFWAs, he thought there might be exotics and hybrids being brought in and hunted in the state. This is not the case in this video. These pigs are domestic. The video clip was then shown.

Gary Winterton addressed the Board. This was the first show they ever filmed. The intent of the episode was father and son hunting. They were not in touch with the message of exotics and hybrids and he apologized for that. Hooked on Utah is the message of his show. They will be going nationally through the sportsmen's channel and locally through KSL. They want to portray family out in the outdoors, including hunter safety and drawing people to our state. They want to have an impact on tourism. He appreciates the feedback from Mr. Perkins and Mr. Woodard. He wants to be in lock step with the DWR and Wildlife Board.

Chairman Woodard asked if most of the hunting would be on free ranging animals.

Mr. Winterton said yes. His background is not this industry, but internet based technology. This is his dream and we are giving it a go. He is very open to suggestion and feedback. We want to portray the state of Utah and all it has to offer in a very favorable light.

Mr. Johnson said we have done a lot of transplanting through the years and that may be interesting program material.

Mr. Winterton said that is another of the benefits from working with Mr. Mitchell and the Division, understanding some of those nuances and having access to this type of story. It could be woven into the adventures we hope to present.

This program is on Saturday nights at 6:30 pm on KSL and then nationally on the Sportsmen's Channel, 5 days a week, Sundays, Tuesdays, Wednesdays and Thursdays. If you go to Sportsmen's Channel you can see their programming. We will probably be airing soon on Wild TV which is Canada's largest outdoor channel.

Chairman Woodard thanked Mr. Winterton for coming.  
The meeting was then adjourned.