

**Utah Wildlife Board Executive Work Meeting**  
**September 22, 2010, DNR, Boardroom**  
**1594 W. North Temple, Salt Lake City, Utah**

**AGENDA**

**Wednesday September 22, 2010, 1:00 pm – 7:00 pm**

1. Approval of Agenda  
– Rick Woodard, Chairman

**ACTION**

Items of Discussion – NOTE: The Wildlife Board will not be taking action on any of the following items. This meeting is discussion only. The meeting is open to the public however no public comment will be accepted.

- Review of the Deer Management Plan Objectives and Deer Hunter Survey  
- Jim Karpowitz/Anis Aoude
- Discussion of potential hunt strategies to achieve Deer Management Objectives  
- Jim Karpowitz

Presentation of Season Structure changes

- Discussion of implications associated with a change in season structure

Presentation of Unit-by-Unit changes

- Discussion of implications associated with unit-by-unit hunting
  - Dedicated Hunters
  - Lifetime License Holders
  - General Season Landowner Permits
  - Disabled Hunter Accommodations
  - Youth Hunters

**Utah Wildlife Board Meeting**  
**September 23, 2010, DNR, Boardroom**  
**1594 W. North Temple, Salt Lake City, Utah**  
Revised September 21, 2010

**Thursday, September 23, 2010, 9:00 am**

1. Approval of Agenda **ACTION**  
– Rick Woodard, Chairman
2. Approval of Minutes **ACTION**  
– Rick Woodard, Chairman
3. Old Business/Action Log **CONTINGENT**  
– Ernie Perkins, Vice-Chair
4. DWR Update **INFORMATION**  
– Jim Karpowitz, DWR Director
5. Board Appeal – Ryan Aagard – **Canceled -**
6. Fishing Guidebook and Rule R657-13 **ACTION**  
– Roger Wilson, Aquatic Program Coordinator
7. Fishing Contests and Clinics Rule R657-58 **ACTION**  
– Roger Wilson, Aquatic Program Coordinator
8. Proposed Fee Schedule FY2012 **ACTION**  
– Greg Sheehan, Administrative Services Section Chief
9. DL&L Black Footed Ferret Reintroduction Plan **INFORMATIONAL**  
– Masako Wright, Sensitive Species Biologist
10. Board Variance Requests **ACTION**  
– Judi Tutorow, Wildlife Licensing Coordinator
11. 2011 RAC/Board Dates **ACTION**  
– Alan Clark, Assistant Director
12. Recommendation for the award of the Wildlife Convention Permit Series **ACTION**  
– Greg Sheehan, Administrative Services Section Chief
13. Other Business **CONTINGENT**  
– Rick Woodard, Chairman
  - Potential meeting with the Nevada Commission

***In compliance with the Americans with Disabilities Act - Persons needing special accommodations (including auxiliary communicative aids and services) for this meeting, should contact Staci Coons at 801-538-4718, giving her at least five working days notice.***

**Utah Wildlife Board Meeting**  
September 23, 2010, DNR Boardroom  
1594 W North Temple, Salt Lake City UT

**Board Members Present**

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

**RAC Chairs Present**

Terry Sanslow – Southeastern  
Bob Christensen – Northeastern  
Steve Flinders – Southern  
Fred Oswald – Central  
Brad Slater – Northern

**Public Present**

Robert Mitchell  
Edward Stott  
Dan Potts  
Ralph Davies  
Dianne Bryant  
Garth Bryant

**Division of Wildlife Resources**

Roger Wilson  
Judi Tutorow  
Mike Fowlks  
Cindee Jensen  
Walt Donaldsen  
Greg Sheehan  
Alan Clark  
LuAnn Petrovich  
Trina Hedrick  
Masako Wright  
Randy Wood  
Ron Hodson  
Ashley Green  
John Fairchild  
Paul Birdsey  
Rhianna Christopher  
Douglas Messerly  
Lacy Welch  
Lindy Varney  
Mike Slater  
Martin Bushman

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

The Board appeal has been settled, item #5, so it has been removed from the agenda. There have been some questions as to why it was settled, so we will ask Mr. Bushman to give information on it. The other change is item #9, Deseret Land and Livestock Black Footed Ferret reintroduction was changed to an information item.

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

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

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

Chairman Woodard welcomed the audience and introduced the Wildlife Board and RAC Chairs. He then went on to review the minutes. On p. 11, 6<sup>th</sup> paragraph, 2.5 was changed to .25 and 3.6 was changed to .36. P. 23, last paragraph, change “will noted” to “noted.”

P. 26, 6<sup>th</sup> paragraph, change “stem” to “stream.” P. 29, 6<sup>th</sup> paragraph, change “herd” to “hurt.”

Mr. Fenimore asked if it would be possible to have the RACs number their minutes for easier reference.

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

**MOTION: I move that we approve the minutes of the August 19, 2010 Wildlife Board Meeting as corrected.**

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

Mr. Perkins said the Unit by Unit proposal and permit fee survey that were due in fall 2010 will be pushed to the December 2010 board meeting.

Mr. Albrecht asked if there have been any meetings held on private landowner programs.

Director Karpowitz said the first one is next Tuesday evening. The schedule and the charter are out.

4) DWR Update (**Information**)

Director Karpowitz said he wants to update the Board on what is happening with the Legislature’s Waterways task force and with the Governor’s Office task force on angler access. The legislative task force is meeting next Thursday in Duchesne and are planning for another meeting in Salt Lake after that. On the agenda for next week are just two items. One is the Division’s funding of Walk in Access and the other is a proposal by Representative Ferry for Cooperative Fish Management Units. We have not seen his proposal yet. As far as the Division’s funding of the Walk in Access Program, we have a proposal ready for the legislature. We are asking to receive an appropriation that will allow us to expand the program statewide. We are not going to ask for a license increase or for a new special type of permit at this point. We are going to see how many landowners we can get signed up and then after a few years we will approach the legislature for funding.

On the Executive task force, headed up by Ted Wilson, the legislature has made it clear that they want to find ways to get more access for anglers. The Executive task force seems to be more involved in philosophical and legal discussions about the merits of HB141. They have not made a lot of progress, but Ted Wilson said he is coming in Monday with some new ideas. They are about done with their work. That’s it on angler access issues.

Mr. Hatch asked if the program that is in place now is a one-time payment to the landowner or annual.

Director Karpowitz said it can be up to a five year lease. The longer term lease we can get, the higher the rate, so we try to lock landowners in for as long a period of time as possible. There has been discussion on why limit it to five years. There is a lot of flexibility in the program. It is a program we would have pursued with or without HB141, because it provides access to streams, not just along streams. There has been some resistance from anglers because they do not like the concept, but they need to realize this will get them to streams, as well as in the streams. That is the real value in it.

Mr. Perkins said in the Northern region the Walk in Access coordinator is now overloaded with requests from ranchers and farmers. He hasn't had time to go out and pursue anything on his own because of the workload that is coming in.

Director Karpowitz said they have applied for a large grant that is associated with the Farm bill and this money would allow us to move forward on angler access. If this grant is put in place, there is money in the new Farm bill tied directly to sportsmen's access.

Also, HR-6028 is going through congress and it deals with wolves. The essence of the bill says that the gray wolf shall not be treated as endangered or threatened for purposes of this act. It will remove wolves from the ESA. We do not know where it will go. Representative Matheson and Chavis have signed on to the bill as sponsors.

Elk permits are going fast. There are 1,256 any bull permits left and 468 spike permits. They will most certainly sell out before the hunt starts next week.

The Division had a booth at the State Fair last week that was visited by lots of people. We got a lot of nice compliments and had really nice exhibits.

Director Karpowitz went on to talk about fires. It has been an odd fire season in that there have not been as many fires as people expected, until recently. He asked Mr. Flinders for an update on the Twichell fire.

Mr. Flinders said the fire started by lightening on July 20 on the northwest corner of the Tusher Mountains, Indian Creek area. It burned north and east from there, almost 35,000 acres to date. There is some private land over on Kimberly that has received most of the suppression efforts. We have identified most of the area to let it burn for the resource benefit. It has probably been 300 years since a fire went through the area. It will do the aspen ecosystem a lot of good. It has burned down into mountain brush, into some of the areas along I-70 where we have been working. Overall, it will be a great fire for resources. It will require a lot of rehab for four to five years. It is a pristine part of the Tusher Mountains. The Fish Creek watershed has Bonneville cutthroat. Some of the best elk habitat we have on the Tusher Mountains had previous fires. The Pole Creek fire in 1996 was about 10,000 acres with great aspen recovery. We hope to get similar benefits out of this. Some of the fires we have back in July already have 14-inch aspen sprouts in and around Manderfield Reservoir where the fire went through.

Director Karpowitz said there are a few other smaller fires burning around the state, but it has been a mild fire season. Part of the burn on the Tusher Mountains will have to be re-seeded this fall, down in the lower country.

Mr. Perkins said Mr. Bunnell attended a FWS meeting on wolves, what is the report on that?

Director Karpowitz said when wolves were recently relisted the FWS went back to the drawing board and are looking to draw new lines for distinct populations segments across the continental U.S. It was a very productive meeting and we were able to give a lot of input in providing them our management plan and what our plans are in Utah. We are hopeful that good will come out of that. The only problem is whatever comes out of this will be challenged legally. That is why things are happening in Congress and there is a growing frustration that this has been tied up way too long in courts.

5) Board Appeal – Ryan Aagard – cancelled

Chairman Woodard said this appeal was settled by the Division and there have been some questions of the reasoning behind it. He turned the time over to Mr. Bushman.

Mr. Bushman said Mr. Aagard was involved in three separate wildlife violations back in 2008, two in one day, with his minor son taking two deer without a license. The other violation occurred previous to that in February 2008 where he was brokering bobcat tags, getting them from trappers who had the tags then transferring them to a man who was on suspension. These violations were committed knowingly and intentionally. They suspended his hunting, fishing and furbearer privileges for a period of ten years. As Mr. Bushman began looking at this more closely, we had a unique set of circumstances in that the officers that submitted the suspension were under the idea that the Division was still operating under the habitual suspension language that was in our code up until 2008. It said if you had three or more misdemeanor violations in the space of five years you could suspend. In May 2008 that was changed and there is no more habitual suspension language in the rule. The Board and Division can now suspend based on each individual violation. He then looked at the rule that outlines the conditions under which the Board or Division can suspend all hunting and fishing privileges, and it was curiously written that it only involved each single criminal episode. It was focused on certain sets of conditions existing in a single criminal episode. Now we have three separate cases and if they were handled individually, they could not have suspended furbearer and fishing for that length of time. If this had come to the hearing, it would have been recommended a ten-year suspension of big game privileges, based on two class A misdemeanor violations running consecutively. That there was a Class B violation on furbearer, which equates to a three-year suspension and there was really no basis to suspend fishing. Settlement was offered based on these circumstances and he took the offer. He then asked if there were any questions.

Mr. Fenimore asked if the wife or minor son were charged. Action only was taken on Mr. Aagard, who was a Dedicated Hunter. This is a poor way to get your son started out on these types of offenses.

Mr. Bushman said if big game hunting privileges are suspended, you are automatically out of the Dedicated Hunter Program. He thinks his wife might have been charged as well, but she simply provided the permit and the father took him hunting. That is still

aiding and assisting. He is not positive, but thinks she may have been charged, but part of the plea negotiations were that those charges be dropped.

Mr. Perkins said after reviewing the whole thing, it looks like Mr. Aagard benefited from a loophole that we created in our rule. This is something we should take care of it.

Mr. Bushman said when it was created it wasn't a loophole, because we had the habitual suspension language. Once they eliminated that, it took away our ability to suspend all hunting and fishing privileges based on a sequence of violations, all of which were criminal episodes. That is something we could look at in the rule and get the language back in.

6) Fishing Guidebook and Rule R657-13 (**Action**)

Roger Wilson, Aquatic Program Coordinator presented this agenda item. (See Powerpoint Presentation) He expressed appreciation to the regional biologists and Drew Cushing for helping with these proposals. Most of these proposals mirror those we had from the spring informational. There were a few additions and deletions. He then went over the recommended changes to the 2011 fishing guidebook and rule. He went over the general provisions, including bait, taking nongame fish and taking crayfish. He then went over the black bass standardization and proposed changes to black bass limits. He then went on to cover specific water provisions around the state.

He then went over the 2010 Online Questionnaire results. It ran May 10 through June 13 and they had about 180 respondents. They gathered some interesting results and there was considerably strong support for many of the DWR's proposals at 69%. There were quite a few neutral responses, because we do not have people interested in all of our areas.

Mr. Wilson said there was another issue that was brought to the Board last year and some of the RACs. The cormorant problem at our community waters was discussed. We have developed a management plan for cormorants that has been implemented with the help of APHIS. The cormorant problem started out slowly this year and the hazing efforts we embarked on were quite effective.

Mr. Wilson then talked about the pelican predation at Strawberry last year and how it has escalated this year. Between 1980 and 2002, pelican numbers have more than doubled in the U.S. Since 2000, pelican numbers have increased rapidly at Strawberry as well. There are two problems: direct predation of spawners and blocking of spawning runs. Hazing has been applied, but pelicans have modified their behaviors. This is very difficult behavior to control. The DWR will begin efforts to implement a pelican management plan during 2011 under the APHIS national permit. This concluded the presentation.

Chairman Woodard asked about the situation at Sand Hollow.

Walt Donaldsen said they only found the one adult quagga mussel in May. To date they have not found any others.

Mr. Fenimore said on the cormorants and the pelican issue, as we design the community fisheries, are there ways to mitigate these impacts?

Mr. Wilson said yes. This year in some of our community waters we have been experimenting with refugia for fish, that the cormorants do not have access to. He believes they had some success with those structures.

Drew Cushing said it is a floating habitat structure and then we sunk some Christmas trees, creating areas where the birds cannot access the fish. We have not left any stone unturned on this issue.

Mr. Fenimore said there might be an opportunity here to get some volunteers out immediately after a stocking for help in hazing effort. Some of the golf courses employ border collies to keep geese off the greens. Perhaps there are some other strategies we might consider. How many fish are typically put in on a stocking?

Mr. Cushing said on a four-acre community fishery it is about 500 fish every two weeks, which is about 250 pounds. Cormorant can eat out a community fishery in 2½ days. This also holds true with the angler success. Last year we took on a pilot effort of hazing and cormorant control, and previously there were 40 birds per fishery and this year those problems were taken care of.

Mr. Fenimore said perhaps we have shot ourselves in the foot in some cases in that we have killed off the prey base of the cormorants and pelicans in some of the wetland areas around the Great Salt Lake, thus pushing them to the community fisheries.

Mr. Cushing said they have been working with waterfowl folks to put native fish back in some of those select ponds, maybe on a rotating basis to create a food source for these cormorants elsewhere. We are not leaving anything undone.

Mr. Fenimore said the native/nonnative is a hard balance on how to use that tool. He gave several examples of this idea.

Mr. Cushing said the effort is not to kill birds, but move them back to some place that is more productive. Last year at the community fisheries we were very successful at hazing birds, not taking birds.

Mr. Fenimore said that's why he thought volunteer use would be helpful.

Mr. Cushing said they have enlisted the city employees to do the hazing.

Mr. Albrecht said he received an email from Harry Barber in Kanab dealing with the Duck Creek and Mirror Lake closures. He then read from the letter. "I wonder if you might consider the following: Duck Creek, Aspen Mirror Lake closes in the winter. I thought this was due to a biological reason but learned that it is based on traffic control. The fundamental problem I have with this is if I go to Duck Creek to cross country ski, snowshoe, or ride snowmobiles, I am allowed to do it, but still need to find parking. If I

park and snowshoe, I am allowed to do it, but still have to find parking.” Mr. Albrecht continued to present the situation. Why only close fishing for a safety reason?

Mr. Hatch said the problem is the two lakes are right next to the highway. Sometimes the snow gets 10-12 ft deep. There is parking for snowmobiles about two miles from the waters. The concern is probably that there is no place to park right by the waters.

Mr. Messerly, Regional Supervisor for the Southern region, said this is an ongoing issue. It is a put and take fishery which they stock the last time in August. Because the snow is so deep, it is hard to keep a safe parking area. The concern is if they open it back up, they will want us to create a parking area and we are not in a position to do that, because of limited resources. This is a dangerous traffic situation on a fishery that is only stocked seasonally. There are a few who want to fish it, but this is the situation.

Mr. Hatch said in the summer most of the people who fish there are in the campground.

Mr. Albrecht asked what type of pressure this received in the past.

Mr. Messerly said it has been closed for a long time, probably 10-12 years. Frankly, he does not think a lot of people would fish it for very long, because there are not a lot of fish left in the winter. Navajo and Panguitch lakes are good alternatives.

Mr. Albrecht asked if it is a possibility to stock it later in the year in the future.

Mr. Messerly said it is a possibility. It is always a balancing act with where we stock fish.

Mr. Johnson said on Rattlesnake Reservoir (fishing club with trophy fishery), on the south side of the San Juan, the BLM raised the lease fee on them from \$500 to \$5,000 annually and they decided to give it up. It was a great trophy fishery, but now it has been taken over by the Division. There was quite a lot of concern by the people who had fished there that it would remain the same type of fishery. Does anyone know how that fishery is doing at this point?

Paul Birdsey, Regional Aquatics Manager in Price, said he has talked with Mr. Blankeneagle about the possibility of implementing some special regulations there in the future. They are not quite sure whether slot limit and artificial fly would be appropriate in that small of water. One of the holdups now is they have attempted to acquire the property through the BLM with a lease to get the public in there. They did get a Walk in Access to get the public in there, but still, after 1½ years we are still trying to work our way through the BLM process. It is not appropriate to move forward on this regulation since we have not received definite access yet. We have talked with them and are interested in keeping it a trophy reservoir.

### **RAC Recommendations**

Southern, Southeastern, Northeastern and Northern RACs said they passed the proposal unanimously.

Central RAC did not have a quorum, had public comment, and voted to accept unanimously.

### **Public Comment**

Ralph Davies said he is the newly elected president of the Salt Lake County Fish and Game Association and he turned the time over to Mr. Potts to give their information, since he had to leave.

Dan Potts – Salt Lake County Fish and Game Association, speaking for Ralph Davies, in regard to the proposed support for the standardized bass regulations, they are proposing a compromise, which is explained in a handout. (Attachment #1) They are not supportive of changes on bass management for Utah Lake for the seven reasons outlined in the handout. They propose a shift of the current regulation to only allow the take of one large mouth bass to significantly protect that population.

He went on to discuss what was presented to their Technical Committee, but they could not vote on it because they had to take it back to their constituents for support. As an avid Utah Lake fisherman, this is a bad idea.

Robert Mitchell said he is representing bass fisherman. The bank people that fish at Utah Lake are taking fish over regulation and the only time they can catch them is during spawning, taking two to eight pound fish that are not having a chance to reproduce.

Edward Stott said he is an avid Utah Lake fisherman. Because of the multi-species, he can take multiple limits and he is in there for the meat. He tries not to catch the large mouth bass, but he does enjoy eating them. There is not enough good habitat for large mouth bass to support a catch and kill on that lake. If you change this regulation, he will be willing to take the large mouth bass and eventually there won't be any. He went on to discuss where large mouth bass do well around marinas and other areas, not out on the open water.

### **Board Discussion**

Mr. Hatch asked the Division to respond to the public comment.

Mr. Cushing said as far as the process, this has been discussed for three years. We went to the Utah Angler Coalition in February and March. As far as harvest information on Utah Lake, did a creel survey in 2006 and only one large mouth bass was harvested. It is hard for us to use any data other than what we have to make recommendations. The total amount of pressure on Utah Lake in a year was 50,000 angler hours and Utah Lake is 50,000 acres.

Mr. Fenimore said it is very troubling and disappointing that there was not a quorum at the Central RAC meeting. Were the absences of the Board unexcused or excused? It is important to get good input from our RACs. There is a process where if you do not

attend meetings and if you miss more than two meetings unexcused you are resigned. He would like to see those guidelines enforced. It is important that we get good public input from our RACs.

Mr. Oswald said this is the first time they have not had a quorum. He sent out a notice on the upcoming RAC meeting and he always asks them to notify him if they cannot attend. Their definition of an excused absence is when they let him know ahead of time. On behalf of his RAC members, this is a very unusual situation and they usually have very good attendance. Perhaps we should change our definition of excused absence.

Chairman Woodard said they did have that problem years ago on the Central RAC and you could make note to your RAC on this excused issue.

Mr. Perkins asked for clarification on the statement from Mr. Potts that UAC and the June Sucker program did not give support to the Division for this.

Mr. Cushing said the USC is a group made up of many angler groups. The reason they could not give support is because they have to get a consensus and all the organizations do not have interest in some of these issues. So we worked with the groups that we could, who cared about the issue, which were the Bass Club and Rocky Mountain Angler. He has been to several of their meetings in working on these recommendations. He believes that these organizations support the recommendations.

Mr. Perkins asked where the others are that are opposed.

Mr. Potts said they all work. All the people he talked to were against this recommendation. It is hard to come to these meetings when they are scheduled in the middle of the workday.

Mr. Brady asked for clarification on the black bass proposal.

Mr. Wilson said the current regulation is six bass with none over 12". Our proposal is six bass with no size restriction.

Chairman Woodard said there is a low population of black bass and they're of good size.

Mr. Wilson said the real issue is the limited harvest pressure on Utah Lake. If you look at some of the other bass waters, we are not close to that pressure on Utah Lake. On the creel survey, no less than .5% of the fish that were taken at Utah Lake were black bass. There is no need to have a harvest restriction when there is so little pressure at Utah Lake.

Mike Slater said the lake is big and using a regulation to control populations is somewhat marginal. The data that is available on the black bass population was collected through the June sucker program through Utah State to see what species are really having an effect on the June suckers. The results of that told us there are not problems with the large mouth bass. There is not enough data to tell us we need to change the regulation one way or the other. It would be good to go with a standardized regulation. If we do get some data that indicates there is a need for change, we can go back and make a

regulation. Utah Lake is huge and 90% of it is open and does not have the vegetation. We need to look to recover June Suckers as well as maintain a sport fishery. Certain times of the year the fishermen know where to fish for large mouth bass and can catch big fish.

Mr. Johnson asked about the carp removal.

Mr. Slater said it is going well.

Mr. Perkins asked if they have found anyone who wants the carp beyond the WMAs to get eagles in.

Mr. Slater said that is still being worked out. They are looking at other options on the south end of the lake.

Mr. Fenimore asked if it would be possible to use the carp for food for fisheries

Mr. Slater said he is not certain on that, but they have looked into all kinds of options.

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

**MOTION: I move that we accept the Division's proposal as presented with the exception of Utah Lake. Utah Lake will have a six bass limit with no more than one over 12".**

Mr. Perkins asked that the Division bring back information on the Utah Lake bass regulations next year.

Mr. Johnson complemented the Division on their work.

7) Fishing Contests and Clinics Rule R657-58 (**Action**)

Mr. Wilson presented this agenda item and said there are a few minor changes to this rule. The 100<sup>th</sup> meridian test requirement would be eliminated. Boat operators in fishing contests will not be required to: complete the "mussel aware boater program" online training and display the completed "decontamination certification form." Contest sponsors will ensure that all boat operators possess a completed "mussel aware boater decontamination certification form."

The following waters will be added to the list of waters approved for tagged fish contests: Big Sandwash for trout, Moose Pond for trout and Panguitch Lake for rainbow trout. This concluded the presentation.

Mr. Hatch expressed his appreciation to the Division from the Panguitch Lake folks.

**RAC Recommendations**

All the RACs passed this proposal unanimously.

### **Board Discussion**

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

**MOTION: I move that we accept the Division's proposal as presented on the Fishing Contests and Clinics Rule R657-58.**

8) Proposed Fee Schedule FY2012 (**Action**)

Greg Sheehan, Administrative Services Section Chief, presented this agenda item. (See Powerpoint Presentation) There was a correction made on the fee for nonresident 18 and over for Dedicated Hunters to \$344 from \$34 and \$287, youth 12-17 years.

### **RAC Recommendations**

All the RACs passed the proposal 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 Proposed Fee Schedule FY2012 as presented by the Division.**

9) DL&L Black Footed Ferret Reintroduction Plan (**Informational**)

Masako Wright, Sensitive Species Biologist for Northern Region, presented this agenda item. She said this was originally an action item to the Northern RAC, but they decided they needed more discussion on it and it is now informational. She then went over the life history and background of the black-footed ferret. In 1991 the USFWS started the reintroduction of ferrets into the wild. We have one reintroduction site in Northeastern region. She then went over the reintroduction plan for ferrets on the Deseret Land and Livestock Ranch in Rich County. The guidelines for the permit for recovery were presented along with where they are on this process. Ferrets will be classified as endangered and if they leave the site, they will be considered lost. They sent out relocation permits in February and the process has gone forward to this point. They decided they needed further discussions with Rich County at this point. The DWR, DLL and Rich County will meet in October. They will not move forward on this process this year. They will not move forward on the process without the full support of Rich County and DLL.

Mr. Hatch asked what the concerns are of Rich County.

Ms. Wright said they sent out the plan to Rich County, but they have not had any discussion yet. They had multiple meetings with them before, but not a specific meeting on the reintroduction.

Mr. Perkins said Rick Danvir of Deseret Land and Livestock said they are very comfortable with the plan, but there is not a guarantee from the FWS that BLM lands are going to be treated exactly as the DLL lands. There are interspersed BLM lands in the area. Rich County will not be comfortable until they have that guarantee. The Division provided letters to Rich County and asked if there was any problem with the Board proceeding. He applauded the Division for making sure everything is in place with the county.

Mr. Fenimore said this is great project. He asked if there are vaccinations given to protect the ferrets.

Ms. Wright said they do have vaccination for distemper, but not for plague yet. FWS is working on this and it should come out in the next few years.

Mr. Fenimore said on p. 6 where it talks about the natural factors of predation, one of those listed in the flammulated owl and their prey base is moths. There is no way a flammulated owl would take a ferret, but a Great Horned Owl would for sure. This is a very exciting project and all parties are to be complimented.

Mr. Albrecht asked if when this comes back to the Board, could we have some type of documentation from the county that all is approved on this issue.

Chairman Woodard said he talked to Rick Danvir and he said there were four gates that this must go through, first the Division, seconded Rich County, Deseret Land and Livestock and the Board.

Mr. Perkins said RDCC is another entity that must give approval.

### **RAC Recommendation**

Northern – Mr. Slater said they had a lot of zoology students from Weber State in attendance. There were lots of questions and discussion on the topic. The RAC voted to approve. There was some discussion from the local representatives, i.e. Rich County.

#### 10) Board Variance Requests (**Action**)

Judi Tutorow, Wildlife Licensing Coordinator, turned the time to Garth Bryant to make his request.

Mr. Bryant said he had open-heart surgery in 2008, which prevented him from hunting. After his recovery he inquired at the Cedar Office and understood that his COR would just be extended for a year. He found out this year that the information he had inquired about was not true. He is also a Dedicated Hunter. He would like to ask for an extension of his Dedicated Hunter COR to 2011. He is a veteran and spent 20 years in the Air

Force and during that time he did not get a lot of chance to hunt. From now on he would like to hunt as much as possible.

The following motion was made by Tom Hatch, seconded by Ernie Perkins and passed unanimously.

**MOTION: I move that we grant the variance request of Garth Bryant and extend his Dedicated Hunter Certificate of Registration by one year.**

At this point the SFW variance was up for discussion, but was put off until after lunch so Mr. Moretti could be present to do the request.

11) Wildlife Crossings in Utah – An Update (**Information**)

Ashley Green presented wildlife-crossing recommendations, wildlife crossing camera study, road kill pickup database and recent projects. (See Powerpoint Presentation)

The purpose is to provide the Division personnel with a tool for use in transportation planning. They look to standardize wildlife crossing and fencing recommendations made by the DWR and UDOT. This document is based upon proven research. The overview includes types of crossings, factors affecting success, standards for success and specific recommendations for elk and mule deer. Elk is a limiting species in that they do not like to use bridges and other structures. The appendices include photographic and schematic examples of structures, fencing and escape ramps.

Mr. Green went over the Wildlife Crossing Camera Study, which has gone on from 2006 to the present. Dr. Kramer of USU has installed cameras and monitored wildlife use of numerous crossing throughout Utah. It was funded from 2006-2009 with UDOT and UTAC funds. In 2010, the DWR and other conservation groups have provided funding. Hopefully we will be able to find funding that will continue through 2012. Currently there are 40-50 cameras set up throughout the state, including I-15, I-70, I-80, US 6, and US 89-91.

Findings have been incorporated into the Division's wildlife crossing recommendations Mr. Green then showed some pictures of animals crossing.

He then reviewed the Statewide Road kill Database. They do have a MOU between UDOT and the DWR, which outlines carcass pickup responsibilities by roadway. The DWR receives carcass data from UDOT contractors and enters it into a database. The data are used to identify high kill areas. Graphs were shown on US 6, 2005-2009 and I-80 2005-2009 relative to road kill deer and elk carcass pickup.

He showed pictures of various underpasses and fencing projects that have been constructed around the state. He also went over future projects. This concluded the presentation and he asked if there were any questions.

Mr. Albrecht referred to a project east of Richfield, Sand Ledges and a fencing project there.

Mr. Green said there are some places where we can put in fencing to cut down on collisions.

Mr. Perkins said he is pessimistic on how long this is going to take to get enough structures to make a big difference. He asked if he would be off base in saying that our habitat projects are going to be doing a lot of good before we can get many of these highway projects in place.

Mr. Green said he has been doing this for about six years and the final EIS for Highway 6 was done the first day I was on the job. I have seen a huge difference in what has been done. We have lots of problems statewide on highways that have already been built. DOT has been great in moving forward. This trend is going to continue and he is optimistic. We will always have to work on this. In the last five years, we have seen a lot of meaningful mitigation going on and he believes it will continue to go forward.

Mr. Johnson asked about a lawsuit in Arizona and many animals being lost. Has that affected Utah?

Mr. Green said we are working closely with DOT and they are cognizant of what is going on. Utah has always been proactive in doing things to save wildlife.

Mr. Johnson said he drives several of these highways about once a month and has been pleased about the things that have been going on. The one is very concerned about is the highway outside of Monticello and there is lots of deer mortality there and he did not see that on the list of projects.

Mr. Green said he did not put all the project sites up. They are watching those areas now. They have put up some deter devices in that area.

Mr. Perkins asked if we are getting more confident that we will get more reasonable reporting on deer mortality.

Rick Larsen, Wildlife Chief, said this is an issue for all the states. There is a certain difficulty to ascertain when a deer is hit and it runs off, does it die? We don't know. Still, there are assumptions we can make even if we don't know the exact numbers. The study that Ms. Cramer is doing will provide us with data that we can present to DOT when roads are being built or redesigned. Just to say we are concerned does not carry a lot of weight. When we can provide data, it is much easier to make changes or adaptation. He mentioned the need for the land to be conducive to having a structure put into the landscape. The engineering of it always needs to be considered.

Mr. Johnson said they rebuilt Devil's Canyon and also referenced it. Where they ended that project, they could probably build an overpass project. It is an area that gets a lot of use.

Mr. Larsen said the problem is we are limited on the funding we can put into this. But when there is a major structure, we depend on UDOT and provide them with the information necessary to make their plans.

Mr. Johnson said it would be helpful to send letters of appreciation from the Wildlife Board to UDOT for the efforts made.

Mr. Larsen said those pats on the back never hurt. The relationship with UDOT has improved and he feels it will continue to do so.

Mr. Fenimore said as you collect data about highway mortality of wildlife with reports to insurance companies and so forth, there is a lot of opportunity to see if you can advocate with the legislature to divert transportation funds into more of these projects, showing the beneficial use of them with less loss of wildlife, fewer accidents and less property damage.

Mr. Larsen said the Division's charter concern is for the protection of wildlife, not to discount the property damage or other things involved in this. It is UDOT's job to keep track of safety on the highways and they are well aware of that.

Lunch Break

### **SFW Variance Request**

Director Karpowitz said Mr. Peay called him the day before the early goat hunt on the Beaver unit and SFW inadvertently sold two goat tags that didn't match to two hunters who would be hunting together. They flew in to hunt, looked at their tags and realized there had been a mistake. They got a hold of Mr. Peay and asked why they both did not have the same tag. Director Karpowitz said he did not have the authority to change the season on the second tag so he told them we have a Board meeting coming up and they could look at this as a variance. This individual does not have the time to hunt this second hunt as an option. Mr. Peay said they did mis-list the permit as an early season permit, so they need an extension on the permit into next year. The tag will be surrendered. The decision needs to be made because the late season opens Saturday. There would be no biological problem with this. Mr. Peay was going to present this, but had to stay in Washington D.C. working on the wolf issue.

Miles Moretti, MDF said the hunter bought this tag, because he could only hunt during the early hunt. A tag was sold for the early season as listed in the program, but it was mistakenly a late season tag. He can hunt the late season next year.

Mr. Albrecht clarified that this is for the late season hunt next year.

Ms. Tutorow said the tag is for Beau Bisso.

The following motion was made by Jake Albrecht, seconded by Keele Johnson and passed unanimously.

**MOTION: I move that we extend the Beau Bisso Rocky Mountain goat tag to the 2011 season, contingent on the surrender of the current 2011 tag and proper paper work being in place by the next Wildlife Board meeting.**

Mr. Fenimore asked if it might be wise to address this at our next Board meeting if it could be presented in a more formal, procedural way. At that point we could have the permit and the paper work and it would not look like we have done something out of the ordinary, that we would not have done for any other hunter.

Chairman Woodard said part of the issue is having the tag surrendered before the hunt and the hunt starts Saturday.

Mr. Fenimore said it seems a little bit convoluted in voting on this today.

Mr. Bushman said Mr. Fenimore has a good point. Any time you can be consistent with how you handle things, it is wise. It is always better to follow with your past practice.

Chairman Woodard said so we should make sure we get the surrendered permit, get the paper work in order and have Ms. Tutorow present this variance request at the next Board meeting. The permit has been surrendered to the organization that issued it. What does the Board want to do on this?

Mr. Fenimore said he has taken Director Karpowitz's advice that we should not set a new precedence in the way we handle things. He would encourage the Board to not vote on this at this point.

Director Karpowitz said the Division had been aware of this earlier this week. You could make this action contingent on the follow up paperwork. That would make the Board more consistent with past practices. Whatever the Board would like to do would be fine, now or at the next meeting.

12) 2011 RAC/Board Dates (**Action**)

Alan Clark, Assistant Director, presented this agenda item. (See Board packet) He went over the highlights. There will be seven Board meetings for 2011 with no Board meetings in September or October. Meetings dates are set in order to meet application deadlines. He continued to go over the information.

Mr. Albrecht questioned the September RAC meetings since they might conflict with some of the hunts.

Mr. Clark said they looked at that and felt it was okay since it is the fishing proclamation.

Chairman Woodard asked if that would factor into some of the RACs not having a quorum.

Director Karpowitz said Sept 28 is the first day of muzzleloader season and that has been a conflict in the past. The 27<sup>th</sup> is the day before and those two regions could meet earlier in the month.

Mr. Brady questioned the January meeting date, due to Winter WAFWA.

Mr. Perkins asked if these dates have gone to the regions.

Mr. Clark said they did get some input. He said they will look at the September 27 and 28 RAC meetings because of the conflict.

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

**MOTION: I move that we accept the RAC/Board 2011 dates with the exception of reconsidering the September 2011 RAC meeting dates.**

- 13) Recommendation for the Award of the Wildlife Convention Permit Series  
(Action)

Mr. Sheehan presented this proposal, R657-55. He went over the history of the convention permits and the procedure. The rule was updated in 2010 to provide for an additional five-year block that would go through 2016. The last contract was originally awarded to FNAWS and was later transferred to the MDF. Both contractors have performed successfully through the years. He continued to go through the rule and the specifics of the awarding of the permits. Under the rule revision, it is required that any interested organizations apply between August 1<sup>st</sup> and September 1<sup>st</sup> of this year. The DWR advertized this opportunity on the website and mailed letters to every conservation group who have participated in the past. There was only one bid received. It was from the Mule Deer foundation with a partner of SFW. The proposal was reviewed and met the requirements of the rule. The proposal is in the Board Packet. There was one issue that they have some follow up questions and Miles Moretti is going to respond to that today. It is regarding their commitment to use organizations handling fee revenue to benefit protected wildlife in Utah.

#### The Wildlife Board Selection

Mr. Sheehan read from the rule, R657-55-4 (7)(a-d) The Wildlife Board shall make final selection of wildlife permits based on the Division's recommendation. We are recommending that the proposal be approved (a). (b) The applicant conservation organization's commitment to use convention permit handling fee revenue to benefit protected wildlife in Utah. (c) historical contribution of the applicant conservation organization, including its constituent entities, to the conservation of wildlife in Utah; and (d) previous performance of the applicant conservation organization, including its constituent entities.

Chairman Woodard said this is a five-year contract.

Mr. Hatch asked what happens if the convention does not happen.

Mr. Sheehan said there are provisions in the rule that if the convention does not happen, the contract can be cancelled. Also, they come to the Board every year for the permits and those numbers could be adjusted. The Board does retain some control throughout the process.

Mr. Perkins said if our limited entry elk permits decrease by 25% by 2016, then we could reduce the number of permits.

Mr. Sheehan said you are just saying they can have this convention and you can issue up to 200 permits annually. We have adjusted different ratios on the number of permits per species. There is adequate room for adjustment anytime it might be necessary. He then turned the time over to Mr. Moretti.

Mr. Moretti, of the MDF said he just talked to Mr. Peay and he has that goat tag sitting on his desk. He will get it to the Division as soon as he can. Mr. Moretti thanked the Board for making it possible to have these permits for this convention. It is an incredible event that produces enormous publicity for the state of Utah. Last year we lost FNAWS as a partner, but in spite of that the show continues to grow and become the premier show. We have expanded the exhibit hall and others want to come and be part of it. What makes this program unique is the 200 tags that the state of Utah provides. The show itself is growing and growing. If the Board approves this today, we are committed to be here for the next five years. MDF has considered going somewhere else for the convention, but after some discussion they are ready to sign an agreement with the Salt Palace for the next five years.

Mr. Moretti said when they took this to the RACs; there were questions and mostly positive feedback. The conventions are very expensive to put on. There is some negative feedback in the chat rooms as to how much money is made and how it might be used. Through the year, they do fund projects throughout the state of Utah. He then passed out a handout on the projects that are done (See Attachment #2) with the money raised at the convention. These are separate from the watershed projects. This is a partial list and each year we continue to branch out. To the economy of the state, when Tourism runs their accounts, this brings 8-10 million dollars into the state. The Tourism Council gives them a \$75,000 grant every year, because they promote the convention all over the country and the world. This year they have started marketing hard to the Midwest and the East. Also, a lot of the vendors told them they booked more hunts here in Salt Lake than at any other show. The walk in traffic is about 24,000 people. We appreciate the partnership with the Division and we promote it everywhere we go. He asked that the permits be renewed for five more years.

Mr. Albrecht asked on the \$75,000 they get from the state of Utah, are there ties to that where agencies can promote their agendas?

Mr. Moretti said yes there are about 50 booths set aside for state wildlife agencies and other NGOs. We have to document how that \$75,000 is used and Utah Life Elevated appears on everything they do with their logo. When they do an ad or a mailer they run

this by them before they go forward with it. They advertise in various magazines and all this promotion has the Utah Life Elevated logo on them.

Mr. Fenimore asked if the projects listed for MDF are for just this year.

Mr. Moretti said that is over the last three to four years. We get net \$700,000-\$800,000 from the application fee. We split this money with SFW, but had additional expenses last year. Generally, MDF nets \$300,000-\$400,000 total, from the whole convention. It is not just tag money, but a combination of exhibitors also. They sell one million dollars worth of state tags, but we really get to keep a small percentage of that money.

Mr. Fenimore said in the cover letter, it says 15 million has been raised for wildlife.

Mr. Moretti said they are talking about the entire convention.

Mr. Fenimore said Mr. Moretti made a wonderful presentation at WAFWA relative to deer mortality issues and some of the habitat projects. He would love to see more of the money go into these types of projects because they have a great ROI in preventing the destruction of wildlife.

Mr. Moretti said a lot of the road projects are very expensive. The money we raise pales in comparison to the huge amounts of money in UDOT's budget. We should help when we can, but transportation should cover these structures overall.

Mr. Fenimore said he agrees, but he was thinking more of a lobbying effort.

The following motion was made by Ernie Perkins, seconded by Bill Fenimore and passed 5 to 1 with Tom Hatch opposed.

**MOTION: I move that we approve the award of the Wildlife Convention Permit Series for the years 2011-2016 to the Mule Deer Foundation with their partner Sportsmen for Fish & Wildlife.**

14) Other Business (Contingent)

Chairman Woodard said they need to discuss a potential meeting with the Nevada Wildlife Commission. This started back in December with Dr. Lintz. They called because they had just implemented a RAC system and were dealing with 24 RACs. Chairman Woodard told him that was way too many, drop them into regions and try to get away with five. He has called and discussed various issues since then and is pushing this joint meeting. Chairman Woodard does not see a real purpose in having a meeting with them. It could develop into something that could be coordinated with some of the state agencies, bring issues to the table and have more like a tri-state meeting. What is the feeling of the other Board members?

Director Karpowitz said he talked to Ken Mayer and thought he was talking about just an informational meeting; their Board wants to have this as part of a formal Nevada Commission meeting. Director Karpowitz said they might be able to come over for part

of the time as long as it was just informational. March 11-12 are the proposed dates for this meeting. This is the week ahead of our big game meeting. He needs to get back to Mr. Mayer if the Board is interested. We do have May open and we could offer that. Mr. Bushman has put in some calls to see if it is all right for our Board to meet with Nevada, out of state. He needs to let them know on the March dates immediately. It is great to get together, but when you start doing it in a formalized setting, it gets kind of awkward. We could possibly work out an informational meeting with them in May.

Mr. Fenimore asked what the purpose of this would be.

Chairman Woodard said at one point Dr. Lentz said they could only have a certain number of meetings each year. The Division Director and the Board Chair, at one time had a feud going on. He thinks it was somewhat of a pushing contest back and forth.

Mr. Perkins said he would propose an informational meeting with a defined agenda, with the Divisions, on some topics that they have in common, such as elk in the northwest, horses in the southwest and sheep. He can think of some relevant topics, he would be uncomfortable to go into a wide-open meeting outside of our RAC process, going in unprepared.

Mr. Johnson said he thinks this might be done in an evening at a WAFWA where there are some Board members already there.

Chairman Woodard said he thinks that would be appropriate. He feels it would be very awkward to hold a Utah Board meeting in Nevada, even in Wendover.

Director Karpowitz said there are three options: March 11-12 in Wendover, set something up in May for a strictly informational meeting and for the Boards to meet informally in July at WAFWA in Montana. We should be able to approve most Board members to go to Montana for WAFWA.

Chairman Woodard likes the third option.

Mr. Albrecht agreed.

Mr. Hatch says he is trying to see what the purpose would be.

Mr. Perkins asked Mr. Brady about the tri-state meetings. Sharp-tailed grouse and sage grouse could also be discussed.

Mr. Brady said the next year tri-state will be including two more states, but Nevada is not one of them.

Mr. Perkins asked if an evening meeting would be adequate to discuss 5-6 big subjects.

Mr. Brady says you can cover a lot in a few hours. Nevada is the one coming to us for some help. They want information and guidance, and they ought to come see us. There are a few items we need to work with them on. He hates to see us pay to go see them.

Chairman Woodard asked if we are in agreement that if we do meet with them, it will be at WAFWA in July 2011.

Mr. Hatch said if they are interested in our RAC process, we could send someone from the Division.

Director Karpowitz said we have done that in the past. WAFWA would be a good option and we will pursue a joint meeting there.

#### RAC Minutes

Mr. Albrecht said that in the minutes from all the RACs there was a presentation that was made in the southern region after the RAC meeting ended. There are minutes available of what went on. There was one in southeastern after the meeting also. We need to have those minutes provided to the Board and have them sent out to us with the regular minutes. It was a 101 class. (Informational)

Mr. Hatch said Ms. Coons sent those out afterward.

Director Karpowitz said the Division will send those minutes out on informationals that are done.

Mr. Perkins said the powerpoint on this was really outstanding, but the audio on the five recordings was almost inaudible.

Director Karpowitz said the RACs are asking the Division to come and make informational presentations in order to make better decisions. Any time the Board would like them to do that on any topic, they would be glad to do it on whatever information they would like.

The meeting was adjourned.