Utah Wildlife Board Meeting

June 1, 2017, DNR Auditorium
1594 West North Temple, Salt Lake City, Utah
The Board Meeting will stream live at https://youtu.be/PAAwFymLR0U

AGENDA

Thursday, June 1, 2017 – 9:00 am

1. Approval of Agenda **ACTION**
   – John Bair, Chairman

2. Approval of Minutes **ACTION**
   – John Bair, Chairman

3. Old Business/Action Log **CONTINGENT**
   – Kirk Woodward, Vice-Chair

4. DWR Update **INFORMATION**
   – Gregory Sheehan, DWR Director

5. Utah Prairie-dog Update **INFORMATION**
   – Martin Bushman, Asst. Attorney General

6. Upland Game and Turkey Hunt Table Recommendations **ACTION**
   - Jason Robinson, Upland Game Coordinator

7. Falconry Rule Amendments **ACTION**
   - Russ Norvell, Avian Conservation Program Coordinator

8. Other Business **CONTINGENT**
   – John Bair, Chairman
   - Elect Board Chairman and Vice Chairman

9. **Wildlife Board Appeal – 1:00 p.m. TIME CERTAIN – Room 2000** **ACTION**
   Mr. Daimen Davis
   – Martin Bushman, Asst. Attorney General

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.

Wildlife Board Motions

Following is a summary of Wildlife Board motions directing the Division to take action and the response to date:

Spring 2017 - Target Date – Youth hunts on WMA's

MOTION: I move that we add to the action log a listing of state youth hunts, their restrictions and preclusions on WMA's and the feasibility of closing these areas during youth hunts. The findings will be presented at the next upland game meeting.

Motion made by: Byron Bateman
Assigned to: Jason Robinson
Action: Under Study
Status: To be discussed June 1, 2017
Placed on Action Log: August 27, 2015

Spring 2017 - Target Date – Order of the Turkey Hunts

MOTION: I move that we ask the division to look into the possibility of changing the order in which turkey hunts are held so that they have a greater benefit for youth hunters. Also to review the possibility of eliminating the Limited Entry Turkey draw and replacing it with over-the-counter permit sales. The findings will be presented at the next upland game meeting.

Motion made by: Byron Bateman
Assigned to: Jason Robinson
Action: Under Study
Status: To be discussed June 1, 2017
Placed on Action Log: September 1, 2016

Fall 2017 - Target Date – CWMU Single Permits

MOTION: I move that we ask the Division to look into the possibility of issuing 2 permits every other year for CWMUs that currently only have one public permit, so bonus points are an advantage.

Motion made by: Kirk Woodward
Assigned to: Covy Jones
Action: Under Study
Status:
Placed on Action Log: December 9, 2016

Fall 2017 - Target Date – Shed Antler Gathering

MOTION: I move that we add to the action log a Division review of the shed antler gathering and provide an informational report at the upcoming September RAC.

Motion made by: Byron Bateman
Assigned to: Justin Shannon
Action: Under Study
Status:
Placed on Action Log: April 27, 2017

Fall 2017 - Target Date – 2nd General Season Rifle Hunt

MOTION: I move that we add to the action log a request to have the Division look at the possibility of a second General Season Rifle deer hunt on select units that runs 5 days during the Spike elk hunt (no weekends) and that the Zion and Pine Valley units be considered.

Motion made by: John Bair
Assigned to: Justin Shannon
Action: Under Study
Status:
Placed on Action Log: April 27, 2017

Fall 2017 - Target Date – LE Late Season Muzzleloader hunts on GS Units

MOTION: I move that we add to the action log a request to have the Division look at the possibility of Limited Entry late season muzzleloader hunts on General Season units with buck to doe ratios at or above the objectives.

Motion made by: John Bair
Assigned to: Justin Shannon
Action: Under Study
Status:
Placed on Action Log: April 27, 2017

Fall 2017 - Target Date – Velvet- Only Buck Hunts on the Paunsaugunt

MOTION: I move that we add to the action log a request to have the Division look at adding a Velvet-only buck hunt in November on the Paunsaugunt unit to address "Cactus" bucks.

Motion made by: John Bair
Assigned to: Justin Shannon
Action: Under Study
Status:
Placed on Action Log: April 27, 2017

Fall 2017 - Target Date – Mountain Goats on the Deep Creeks

MOTION: I move that we add to the action log a request for the Division to review placing Mountain Goats on the Deep Creeks and to have a recommendation ready by this fall.

Motion made by: John Bair
Assigned to: Justin Shannon
Action: Under Study
Status:
Placed on Action Log: April 27, 2017

Fall 2017 - Target Date – Mountain Goat Transplants

MOTION: I move that we add to the action log a request to have the Division investigate potential transplant sites for Mountain Goat including the possibility of Manti, Pahvant, Logan, and North Farmington Peak and to bring a recommendation back to the board including a map of historical ranges and a timeline for transplants.

Motion made by: John Bair
Assigned to: Justin Shannon
Action: Under Study
Status:
Placed on Action Log: April 27, 2017

Fall 2017 - Target Date – Antlerless Public Hunt Ending Dates

MOTION: I move that we add to the action log a request to have the Division look at ending all Antlerless public hunts by December 31.

Motion made by: Byron Bateman
Assigned to: Justin Shannon
Action: Under Study
Status:
Placed on Action Log: April 27, 2017

Utah Wildlife Board Meeting

April 27, 2017, DNR Auditorium

1594 West North Temple, Salt Lake City, Utah

The Board Meeting will stream live at https://youtu.be/qEvqVaWznfQ (part I)
https://youtu.be/ch1GuQ0MpVk (part II)

AGENDA

Tuesday, April 27, 2017, Board Meeting 9:00 am

1. Approval of Agenda **ACTION**
   – John Bair, Chairman

2. Approval of Minutes **ACTION**
   – John Bair, Chairman

3. Old Business/Action Log **CONTINGENT**
   – Kirk Woodward, Vice-Chair

4. DWR Update **INFORMATION**
   – Greg Sheehan, DWR Director

5. Paunsaugunt Cactus Buck Research Update **INFORMATION**
   - Annette Roug, Wildlife Veterinarian

6. Bucks, Bulls, and OIAL Permit Recommendations for 2017 **ACTION**
   - Justin Shannon Big Game Coordinator and Regional Wildlife Manager

7. Antlerless Permit Recommendations for 2017 **ACTION**
   - Justin Shannon Big Game Coordinator and Regional Wildlife Manager

8. 2017 CWMU Antlerless Permit Recommendations **ACTION**
   - Covy Jones, Private Lands/Public Wildlife Coordinator

9. 2017 CWMU Antlerless Variance Requests **ACTION**
   – Covy Jones, Private Lands/Public Wildlife Coordinator

10. CRC Variance Requests **ACTION**
    – Staci Coons, CRC Chairman

11. Other Business **CONTINGENT**
    – John Bair, Chairman

Details of the specific recommendations can be found at www.wildlife.utah.gov

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
April 27, 2017, DNR Auditorium
1594 West North Temple, Salt Lake City, Utah
Summary of Motions

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

The following motion was made by Kirk Woodward, seconded by Donnie Hunter and passed unanimously.

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

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

The following motion was made by Calvin Crandall, seconded by Byron Bateman and passed unanimously.

MOTION: I move that we approve the minutes of the January 3, 2017 meeting as presented.

3) DWR Update **(Informational)**

The following motion was made by Byron Bateman, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we add to the action log a Division review of the shed antler gathering and provide an informational report at the upcoming September RAC.

4) Bucks, Bulls and OIAL Permit Recommendations for 2017 (Action)

The following motion was made by Donnie Hunter, seconded by Steve Dalton and passed unanimously.

MOTION: I move that we accept the recommendations for Bucks, Bulls and OIAL permit numbers as presented by the Division.

6) Antlerless Permit Recommendations for 2017 **(Action)**

The following motion was made by Mike King, seconded by Kirk Woodward and passed unanimously.

MOTION: I move that we accept the recommendations for Antlerless Permit numbers as presented by the Division.

7) 2017 Antlerless CWMU Permit Recommendations **(Action)**

The following motion was made by Kirk Woodward, seconded by Calvin Crandall and passed

unanimously.

MOTION: I move that we accept the 2017 Antlerless CWMU permit recommendations as presented by the Division.

8) 2017 CWMU Antlerless Variance Requests **(Action)**

The following motion was made by Byron Bateman, seconded by Calvin Crandall and Donnie Hunter. It passed unanimously.

MOTION: I move that we approve the 2017 CWMU Antlerless Variance Requests as presented.

9) CRC Variance Requests **(Action)**

The following motion was made by Steve Dalton, seconded by Mike King and passed unanimously.

MOTION: I move that we approve the CRC Variance Request for possession of rattle snakes as presented.

The following motion was made by Calvin Crandall, seconded by Donnie Hunter and passed unanimously.

MOTION: I move that we approve the CRC Variance Request for possession of desert tortoise in Kane County where it is currently not allowed.

10) Other Business **(Contingent)**

The following motion was made by Mike King, seconded by Kirk Woodward and tied three to three. Byron Bateman, Donnie Hunter, and Steve Dalton opposed. Chairman Bair broke the tie in favor of the motion.

MOTION: I move that we approve the stipulation as presented.

The following motion was made by John Bair, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we add to the action log a request to have the Division look at the possibility of a second General Season Rifle deer hunt on select units that runs 5 days during the Spike elk hunt (no weekends) and that the Zion and Pine Valley units be considered.

The following motion was made by John Bair, seconded by Kirk Woodward and passed unanimously.

MOTION: I move that we add to the action log a request to have the Division look at the possibility of Limited Entry late season muzzleloader hunts on General Season units with buck to doe ratios at or above the objectives.

The following motion was made by John Bair, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we add to the action log a request to have the Division look at adding a Velvet-only buck hunt in November on the Paunsaugunt unit to address "Cactus" bucks.

The following motion was made by John Bair, seconded by Kirk Woodward and passed 5 -1 with Mike King opposed.

MOTION: I move that we add to the action log a request for the Division to review placing Mountain Goats on the Deep Creeks and to have a recommendation ready by this fall.

The following motion was made by John Bair, seconded by Byron Bateman and passed 4-2 with Mike King and Calvin Crandall opposed.

MOTION: I move that we add to the action log a request to have the Division investigate potential transplant sites for Mountain Goat including the possibility of Manti, Pahvant, Logan, and North Farmington Peak and to bring a recommendation back to the board including a map of historical ranges and a timeline for transplants.

The following motion was made by Byron Bateman, seconded by Donnie Hunter and passed unanimously.

MOTION: I move that we add to the action log a request to have the Division look at ending all Antlerless public hunts by December 31.

Utah Wildlife Board Meeting
April 27, 2017, DNR Auditorium
1594 West North Temple, Salt Lake City, Utah
Attendance

Wildlife Board
John Bair – Chair
Kirk Woodward – Vice-Chair
Greg Sheehan – Exec Sec
Mike King
Calvin Crandall
Donnie Hunter
Byron Bateman
Steve Dalton

RAC Chairs
Central – Richard Hansen
Southern – Dave Black
Southeastern – Kevin Albrecht
Northeastern – Randy Dearth
Northern – John Cavitt

Division Personnel
Mike Fowlks
Mike Canning
Rory Reynolds
Kevin Bunnell
Chris Wood
Jason Vernon
Justin Dolling
Boyde Blackwell
Bill Bates
Staci Coons
Thu Vo-Wood
Ben Nadolski
Annette Roug
Justin Shannon
Covy Jones
Mike Christensen
Paul Gedge
Tom Smart
Guy Wallace
Xaela Walden
Lindy Varney
Teresa Griffin
Dax Mangus
Kent Hersey
Randy Wood
Darren DeBloois
Riley Peck
Greg Hansen
Marty Bushman
Bryan Christensen
Rick Olson
Karen Caldwell
Gary Ogborn
Tom Becker
Troy Davis
Phil Gray
Steve Gray
Josh Pollock
Robyn Pearson

Public
Randy Parker - UT Farm Bureau
Bill Christensen - RMEF
Jeremy Anderson - MDF
Ron Barton
Ken Strong
Burke Roney
Paul Briggs
David Smedley
Mike Wardle
Bryce Pilling
Ben Lowder – UBA
Troy Justensen SFW
Gene Boardman
Don Peay
Larry Fitzgerald
Rob Fitzgerald
Sam Howlett

Utah Wildlife Board Meeting
April 27, 2017, DNR Auditorium
1594 West North Temple, Salt Lake City, Utah
https://youtu.be/qEvqVaWznfQ (Part I) & https://youtu.be/ch1GuQ0MpVk (Part II)
Part I 00:01:43 – 03:37:28/Part II 00:00:30 – 01:57:30

00:01:43 (Part I) Chairman Bair welcomed the audience and introduced the Wildlife board and RAC Chairs.

00:06:08 **1) Approval of Agenda** (Action)

The following motion was made by Kirk Woodward, seconded by Donnie Hunter and passed unanimously.

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

00:06:37 **2) Approval of Minutes** (Action)

The following motion was made by Calvin Crandall, seconded by Byron Bateman and passed unanimously.

MOTION: I move that we approve the minutes of the January 3, 2017 meeting as presented.

00:07:19 **3) Old Business/Action Log** (Contingent)

None. Byron Bateman brought up youth hunt issues that will be addressed in the next round of RAC meetings and June Board meeting.

00:09:32 **4) DWR Update** (Informational)

Greg Sheehan recognized outgoing Board and RAC members and mentioned upcoming RAC and Board nominations. He also updated the Board on wolf management issues, actions taken by DWR for the past hard winter season: winter feeding and shed antler closure, and prairie dog decision.

00:22:30 The Board had an extensive discussion on the shed antler closure: impact to other states, whether it worked, whether it was necessary or worthwhile for the resource, and if it should continue.

The following motion was made by Byron Bateman, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we add to the action log a Division review of the shed antler gathering and provide an informational report at the upcoming September RAC.

00:47:27 5) Paunsaugunt Cactus Buck Research Update (Informational)

Annette Roug presented research update on Paunsaugunt cactus buck.

01:07:20 Board Questions

There were questions based on reproductive behavior, mechanism for virus transfer, hormonal affects, research efforts, and trend in other areas of the state.

01:15:37 6) Bucks, Bulls and OIAL Permit Recommendations for 2017 (Action)

Justin Shannon presented the recommendations.

01:34:26 Board Questions

The Board brought up questions about overcrowding, namely in the Pine Valley area, and reasoning behind permit increases and decreases. Plus, there was a request for tracking hunter success during the archery bison once-in-a-lifetime hunt.

01:46:27 Public Questions

Public questions were taken at this time.

01:48:06 RAC Recommendations

All RACs passed the Division's recommendations unanimously with exception of Southern RAC which had one dissent. Both Southern and Southeast RAC included action log items that will be addressed at the end of the meeting.

01:58:44 Public Comments

The Board accepted public comments.

02:17:46 Board Discussion

The Board discussed the logic behind the legalizing of velvet buck hunt and age class of elk on the Monroe and Dutton unit.

The following motion was made by Donnie Hunter, seconded by Steve Dalton and passed unanimously.

MOTION: I move that we accept the recommendations for Bucks, Bulls and OIAL permit numbers as presented by the Division.

02:32:51 7) Antlerless Permit Recommendations for 2017 (Action)

Justin Shannon presented the 2017 antlerless permit recommendations.

02:48:26 Board Questions

Wildlife Board asked about urban deer solutions (taking/dispatching vs. translocation), clarification on draw permits in southern region, and hunt date for elk on Panguitch Lake.

03:00:23 Public Questions

The Board accepted public questions.

03:02:33 RAC Recommendations

SERO and NERO unanimously passed the antlerless permit recommendations for 2017.

Northern, Central, and Southern RAC passed the recommendations with varying dissent, additional motions, and amendments.

03:09:18 Public Comments

The Board accepted public comments at this time.

03:15:20 Board Discussion

Chairman Bair brought up a point about private lands access as a management tool for elk movement rather than an attempt to privatize or limit public access, emphasizing a management tool to address problem elk rather than discouraging public hunt opportunities or traditional family elk camps.

The Board had a lengthy discussion on how to obtain a permit for private lands only and what that entails. Other discussions revolved around the clarification of each RAC's varying motions and amendments.

The following motion was made by Mike King, seconded by Kirk Woodward and passed unanimously.

MOTION: I move that we accept the recommendations for Antlerless Permit numbers as presented by the Division.

03:37:28 Lunch break

00:00:48 8) 2017 Antlerless CWMU Permit Recommendations (Action)
(PART II)

Covy Jones presented the antlerless CWMU permit recommendations for 2017.

00:06:27 RAC Recommendations

The antlerless CWMU permit recommendations for 2017 passed unanimously at all RACs with one abstention at the Southern RAC.

00:08:10 Public Comments

The Board accepted public comments at this time.

The following motion was made by Kirk Woodward, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we accept the 2017 Antlerless CWMU permit recommendations as presented by the Division.

00:09:35 9) 2017 CWMU Antlerless Variance Requests (Action)

Covy Jones presented the 2017 CWMU Antlerless Variance Requests.

00:13:42 Board Questions

The Board asked for specific wording of the variance request (noncontiguous acreage), property acreage, clarification/differences of CWMU Landowner rules and their revisions, surrounding property, ownership, big game population and migration in the area, and tag numbers.

00:20:53 Public Questions

Public questions were taken at this time.

00:23:59 RAC Recommendations

Central, Southern, and Northeast RAC approved the variance requests with varying dissent. Northern and Southeast RAC unanimously denied the variance.

00:27:25 Public Comments

Public comments were accepted at this time.

00:42:32 Board Discussion

Chairman Bair processed through the request against the rule, leaning toward support. Byron Bateman reiterated support for the variance request. Calvin Crandall brought up issues of setting precedence if this variance is accepted.

The following motion was made by Byron Bateman, seconded by Calvin Crandall & Donnie Hunter and passed unanimously.

MOTION: I move that we approve the 2017 CWMU Antlerless Variance Requests as presented.

01:06:02 10) CRC Variance Requests (Action)

Staci Coons presented the CRC Variance Requests. The Board asked various questions to determine their decision.

The following motion was made by Steve Dalton, seconded by Mike King and passed unanimously.

MOTION: I move that we approve the CRC Variance Request for possession of rattle snakes as presented.

The following motion was made by Calvin Crandall, seconded by Donnie Hunter and passed unanimously.

MOTION: I move that we approve the CRC Variance Request for possession of desert tortoise in Kane County where it is currently not allowed.

01:16:28 11) Other Business (Contingent)

Martin Bushman presented a stipulation for Ken Hornok to reduce the suspension from three years to two years and seven months.

The following motion was made by Mike King, seconded by Kirk Woodward and passed three to two. Byron Bateman, Donnie Hunter, and Steve Dalton opposed. Chairman Bair broke the tie in favor of the motion.

MOTION: I move that we approve the stipulation as presented.

01:28:01 The following motion was made by John Bair, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we add to the action log a request to have the Division look at the possibility of a second General Season Rifle deer hunt on select units that runs 5 days during the Spike elk hunt (no weekends) and that the Zion and Pine Valley units be considered.

The following motion was made by John Bair, seconded by Kirk Woodward and passed unanimously.

MOTION: I move that we add to the action log a request to have the Division look at the possibility of Limited Entry late season muzzleloader hunts on General Season units with buck to doe ratios at or above the objectives.

The following motion was made by John Bair, seconded by Calvin Crandall and passed unanimously.

MOTION: I move that we add to the action log a request to have the Division look at adding a Velvet-only buck hunt in November on the Paunsaugunt unit to address "Cactus" bucks.

The following motion was made by John Bair, seconded by Kirk Woodward and passed 5 -1 with Mike King opposed.

MOTION: I move that we add to the action log a request for the Division to review placing Mountain Goats on the Deep Creeks and to have a recommendation ready by this fall.

The following motion was made by John Bair, seconded by Byron Bateman and passed 4-2 with Mike King and Calvin Crandall opposed.

MOTION: I move that we add to the action log a request to have the Division investigate potential transplant sites for Mountain Goat including the possibility of Manti, Pahvant, Logan, and North Farmington Peak and to bring a recommendation back to the board including a map of historical ranges and a timeline for transplants.

The following motion was made by Byron Bateman, seconded by Donnie Hunter and passed unanimously.

MOTION: I move that we add to the action log a request to have the Division look at ending all Antlerless public hunts by December 31.

01:56:18 Meeting adjourned.

Regional Advisory Council
Summary of Motions
May 2017

Upland Game and Turkey Hunt Table Recommendations

CRO: MOTION: To accept the Division's recommendations as presented
MOTION PASSES - unanimously

MOTION: Was made by Kenneth Strong to propose an action item for the Wildlife Board to direct the DWR to consider a State-wide predator control program for all Upland Game.
MOTION PASSES – 5-4 with the chairman voting in favor of the motion

NRO, SERO, SRO:
MOTION: To accept the Division's recommendations as presented
MOTION PASSES – unanimously

NERO: MOTION: to accept as presented with the addition of one item in the motion which is that the Division will make clear that Sandhill Cranes are available to be taken by falconers.
MOTION PASSES - unanimously

MOTION: add to the action log that the Division when they attend the flyway meetings this August will request an extended season along with the ability to beak the season up rather than require a consecutive day season. (For example; hunt for ten days then rest for ten days, hunt for ten days then rest for ten days for a minimum hunt of 30 days).
MOTION PASSES - unanimously

Falconry Rule Amendments

CRO: MOTION: To accept the Division's recommendations with one exception that the DWR remove the list of 54 bird species and replace it with the list of the 3 families as identified by the federal government.
MOTION PASSES 6-2

NRO: MOTION- Recommend the Wildlife Board accept Falconry Rule Amendments as presented with the exception of the new list. Ask the Wildlife Board to establish a stake holders group to formulate a new list.
MOTION PASSES - unanimously

SRO: MOTION – To accept the division's recommendations as presented.
MOTION PASSES - 5-1

SERO: MOTION: To accept the Falconry Rule Amendments as presented, with the exception of the restrictive list of 54 raptor species, and instead of that list, retain the current Utah Falconry Rule permissive list of raptor species that has been in place since 2010 of "any raptor species of the order Accipitriformes, Falconiformes or Strigiformes".
MOTION FAILED – 3-4

MOTION: To accept the Falconry Rule Amendments as presented.
MOTION PASSES 4-3

NERO: MOTION: to accept all Division recommended changes to the Falconry Rule as presented with the exception of the restrictive list of 54 raptor species, and instead of the list, revert to the current Utah Falconry Rule's permissive list of raptor species that has been in place since 2010 of "any raptor species of the Order Accipitriformes, Falconiformes or Strigiformes".
MOTION PASSES – 5 -1 with 2 abstentions

RAC AGENDA – MAY 2017

1.	Welcome, RAC Introductions and RAC Procedure - RAC Chair	
2.	Approval of Agenda and Minutes - RAC Chair	
3.	Wildlife Board Meeting Update - RAC Chair	**INFORMATIONAL**
4.	Regional Update - DWR Regional Supervisor	**INFORMATIONAL**
5.	Upland Game and Turkey Hunt Table Recommendations - Jason Robinson, Upland Game Coordinator	**ACTION**
6.	Falconry Rule Amendments - Russ Norvell, Avian Conservation Program Coordinator	**ACTION**

Region Specific Items – to be presented in the specified region only.

CR , NR	Timpie Springs Habitat Management Plan - Pam Kramer, NR Habitat Manager	**INFORMATIONAL**

CR RAC – May 2nd 6:30 PM
Springville Civic Center
110 S. Main Street, Springville

NR RAC – May 3rd 6:00 PM
Brigham City Community Center
24 N. 300 W. Brigham City

SR RAC – May 9th 7:00 PM
Hurricane Community Center
63 S. 100 W., Hurricane

SER RAC – May 10th 6:30 PM
John Wesley Powell Museum
1765 E. Main St., Green River

NER RAC – May 11th 6:30 PM
Wildlife Resources NER Office
318 North Vernal Ave, Vernal

Board Meeting – June 1st 9:00 AM
DNR, Boardroom
1594 W. North Temple, SLC

Central Region Advisory Council
Springville Civic Center
110 South Main Street, Springville
May 2, 2017 @ 6:30 p.m.

Motion Summary

Approval of Agenda
MOTION: To accept the agenda as written
Passed unanimously

Approval of Minutes
MOTION: To accept the minutes as written
Passed unanimously

Upland Game and Turkey Hunt Table Recommendations
MOTION: To accept the Division's recommendations as presented
Passed unanimously

MOTION: Was made by Kenneth Strong to propose an action item for the Wildlife Board to direct the DWR to consider a State-wide predator control program for all Upland Game.
Seconded by Larry Fitzgerald
4 in Favor
4 Opposed (Christine, George, Ron, Kris)
The chair broke the tie in favor of the motion
Motion passed

Falconry Rule Amendments
MOTION: Was made by Ben Lowder to accept the Division's recommendations with one exception that the DWR remove the list of 54 bird species and replace it with the list of the 3 families as identified by the federal government.
Seconded by Ron
6 in favor
2 oppose (Christine and George)
Passed 6 to 2

Central Region Advisory Council
Springville Civic Center
110 South Main Street, Springville
May 2, 2017 ~ 6:30 p.m.

Members Present	Absent Members	DWR Present
Richard Hansen, Chair	Michael Gates	Jason Vernon
Ron Camp, Sportsmen	Greg McPhie	Chris Crockett
Kristofer Marble, At Large	Jacob Steele	Scott Root
Kenneth Strong, Sportsmen	Alan White	Blair Stringham
Matt Clark, Sportsmen		Jason Robinson
Larry Fitzgerald, Agriculture		Bill Bates
George Garcia, Forest Riley Peck		Riley Peck
Ben Lowder, At Large		Dennis Southerland
Christine Schmitz, Non-consumptive		Russ Norvell
		Bruce Johnson
		Terri Pope

Excused Members	Others Present
Danny Potts	Greg Hansen, DNR Atty
Karl Hirst	

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1) **Approval of the Agenda and Minutes (Action)**
Richard Hansen, RAC Chair

VOTING
Motion was made by Kris Marble to approve the agenda and minutes as written
Seconded by Larry Fitzgerald
Motion passed unanimously

2) **Wildlife Board Meeting Update (Information)**
- Richard Hansen, RAC Chair

3) **Regional Update (Information)**
- Jason Vernon, Central Regional Supervisor

Wildlife
* Currently doing spring range rides and habitat assessment across the winter ranges.

Aquatics
* Significant progress continues in our effort to revive Jordanelle Reservoir. On April 11, 248,000 3.5 inch Kokanee were stocked into the Rock Cliff area of the Provo River immediately adjacent to the reservoir. We are very optimistic about the angling and

wildlife watching opportunities these fish will provide. We also recently fin clipped the adipose fin of 18,000 12-inch rainbow trout to allow us to compare the return to creel of these fish versus smaller fish stocked last fall. These rainbows are anticipated to be stocked next week. This week (Mon-Wed) we are conducting annual spring gill net
* June Sucker monitoring has started on Utah Lake and its tributaries. Suckers have already been observed congregating at the mouth of several tributaries (Provo River and American Fork Creek).
* Aquatics personnel recently assisted multiple angling groups (TU, Brighton Anglers, etc) with the annual "Fish for Garbage Event" on the Provo River. We'd like to thank our dedicated anglers for organizing the event.
* Habitat improvement efforts on community ponds continue. On April 14 we installed over 40 structures on Pole Canyon Pond (Santaquin City) that were built by a dedicated group of Boy Scouts (for an Eagle Scout Project). Thanks to Santaquin City, the Scouts, and Chante our Community Fisheries Bio.

Outreach
* Salem Pond Fishing Event will be held on May 9 beginning at 8am-3pm. Volunteers are needed to help the youth fish. This is something that Dedicated Hunters can take advantage of.
* Free fishing day is Saturday June 10. This is the one day of the year that you don't need a fishing license to go fishing.
* Cutthroat viewing also held on June 10 at Strawberry Reservoir in conjunction with free fishing day. Meet at the visitor center to view the Cutthroat spawning.
* Outdoor adventure days will be June 9 and 10 at the Lee Kay Center in Salt Lake. Spend time outside, catch fish, shoot guns, ATV riding and kayaking.
* Volunteers are needed for school fishing events May 19 at Vivian Park pond and May 24 Title One high school at Willow Pond. If there is anyone that is looking for dedicated hunter volunteer hours, contact our office for school fishing events.

Habitat
* Spring clean up time for our Wildlife Management Areas. Biologists and staff are visiting the WMA's to see how they came through winter and make repairs where necessary.
* Planning on installing 17 upland game guzzlers this summer on the desert. We have identified locations for 11 of the guzzlers and are working with the BLM to locate a place for the others. Jason recognized and thanked outgoing RAC members Richard Hansen, Matt Clark and Larry Fitzgerald and presented them with a gift for their many years of services.

4) **Upland Game and Turkey Hunt Table Recommendations**
- Jason Robinson, Upland Game Coordinator

<u>Questions from the RAC</u>
Matt - I want to say this is a great proposal and support it whole heartily. The Division has aggressively been planting pheasants the last few years on the WMA's. Are you going to continue to do that and if so, do any of those pheasants naturally reproduce and make it through the season or through the winter?

Jason – To answer your first part of the question, yes, we have plans to continue that into the future. We have entered into a 5 year contract with the grower so will continue that and the second part to your question is we only release male pheasants so if there are hens there, obviously we are not releasing hens to increase the population so our main focus is to release males for hunters to harvest. We do know that a very small percentage of those will carry over but it's in maybe 1 to 2 percent that actually carries over. So the majority of those are harvested by hunters during the hunting season; which is the main objective of the program.

Ken – Has the DWR ever considered doing a program like they are doing in Sevier County? I want to report that the pheasant population is starting to increase and that's a program where they are paying for reward for trapping the raccoons, skunks and the foxes. It has made a big difference and around here we don't have any kind of a program like that and that's where our pheasants have gone. When I was a kid the pheasant hunt in Utah was 3 days and 3 roosters and sometimes there were 2 roosters and 1 hen. There were 100's and 100's of pheasants and we don't have that anymore mostly because of the predators that we have. I am just curious if you have thought about doing anything for the predator such as Sevier County where they have a program where they pay for a bounty on predators? Jason - So here in the state many of the predators you have listed are not protected so a person can go and trap or hunt those whenever they'd like. We do contract out with Wildlife Service's to do predator control to work specific for upland game here in the state. It's not a bounty program like there is in Sevier County. There is the coyote bounty program that is state wide. Yes, we have talked a lot about predators but there is nothing I guess in the works specific and similar to what's going on in Sevier County.

Larry – It's not only the coyote and skunks it goes as far as the raven, magpie and seagull doing predation on these younger birds. I think this is one of the main reasons why we don't have the ring neck pheasants anymore. It's because of these predators, but this is an issue on all of these birds including sage grouse and the wild turkey. The Vernon used to have a really healthy herd of wild turkeys a few years back and now it's very hard to find a wild turkey on the Vernon. In the Wasatch the sage grouse are low due to the foxes and coyotes and I think this is something the Division needs to take a look at if they want to continue a healthy bird population in the state. Is this something along with Kens' comments that the Division is going to look into? Jason – Yes, it is something we are always talking about. We want to try and balance as much as we can. Each of those species has different criteria. Some of those are managed through the migratory bird treaty act (ravens, crows, magpies) some are unprotected wildlife, (red fox). As I mentioned, we contract with wildlife services to try and focus on predator control effort. Yes, it is something we definitely address and talk about. Larry – Ken, can we recommend something so they would look into this problem.

Richard – Did you look into increasing the number of fall turkey hunting areas? Jason- Yes, as I mentioned the main objective of that hunt is to deal with turkey human conflicts because the fall hunts they are an either sex hunts so a hunter can take either a male or female depending on the level that we harvest birds. It can actually stop growth or make population decline if you offer a whole bunch of permits. This is a very useful tool for us but in many parts of the state we are still trying to grow our turkey populations. What we

do is we have the regional staff look at it each year and estimate the number of turkeys and the proposal we have here gives us the maximum of flexibility to be able to do that to really go in those areas that need to have turkeys reduced but not go in there and reduce populations that we want to continue to grow. Richard - I know up Salt Creek Canyon above Nephi that the landowners aren't real happy with them and I am sure you are aware of that but have you considered a fall hunt there? Jason – Yes, we have talked about that and usually the decision is made at the regional level so the regional staff can decide if it is to the stage that we need to look into offering a fall hunt. Riley would have to make that call.

Kris – We received a suggestion for a split chucker season suggestion due to some access concerns in the west desert. Just wondering if you have heard of any other concerns or if that suggestion has been brought up previously? Jason –This is the first time I have heard of that suggestion to do a split chucker season. I guess what I would recommend and what the Division would recommend is to keep it the way it is and the reason for that is chucker's rely on water especially the young chucker's in July and August. They are very tied to guzzlers that were mentioned earlier. We time the hunt to coincide with the time with the chucker's are less relying on those guzzlers and if we open it much earlier you could have a negative impact on the population where those birds are concentrated at those water sources.
Ben – What are the season dates on the chucker hunts? Jason – It's the last Saturday in September to February 15.

Questions from Public
Rob Fitzgerald – I am from Benjamin and around the lake we have noticed a real significant increase in the sand hill cranes. A lot of our neighbors are complaining about crop damage and problems especially the last few years. Last year we would see more cranes than the geese down there. Are there any plans to extend the hunt or any mitigation for the sand hill cranes in Utah County? Jason – Let me have Blair, our migratory bird coordinator answer that.

Blair – The way that are cranes hunts are based are by the areas of the state that have the highest amount of damage by sand hill cranes. Currently, as Jason presented these are Box Elder, Rich, Cache and Uintah Basin. We don't currently have plans to do a hunt in Utah County primarily just because we just haven't seen the density's of cranes down there as we have in other parts of the state. There are ways to address the damage concerns through wildlife services, the federal agency that deals with migratory bird damage. You're more than welcome to contact them and I can get you their contact information. We also have some resources available with the Division as well to address severe complaints. If you are seeing that, contact our office and we can get in touch with that as well.

Joshua Black – In the packet I read you have a different possession limit on mourning doves between falconers and gun hunters. How would you enforce that if someone hunted sometimes with a falcon and sometimes with a gun? They might have less than 10 birds that they have killed with a falcon but less than 30 that they have killed with a gun.

Bruce - What was the 1st part of your question? Joshua – possession limit on mourning doves is different between falconers and gun hunters where falconers are allowed 10 in possession and gun hunters are allowed 30 in possession. So what if somebody hunted sometimes with a gun and sometimes with a falcon and how would that be enforced? Bruce – In the field I am hoping our officers are going to be contacting and realizing what you have been hunting. Joshua – But you would have a bag limit in the field and a possession limit in your freezer. Bruce – Now I guess you're talking about us trying to go to your house or contacting you at your house and how would that be enforced. Joshua – Yes, the difference in possession limit doesn't make sense because it would be basically enforceable and how would you know if someone possessed 8 doves that they killed with a falcon vs. 20 doves that they killed with a gun? Bruce – When you're talking your freezer at home, no we don't and we're going to deal with it is what we see in the field and what we're doing with at that time. I can't account for what would be or wouldn't be in a freezer or what you would or want to lie to me or tell me I guess in the field what you had or didn't have in your possession. Am I missing the question? Joshua – No, it still is really vague cause if I hunted sometimes with a falcon and they have a possession limit of 10 can I have 20 birds in my freezer if 10 of them were killed with a gun and 10 were killed with a falcon? Bruce – Legally yes. Joshua – Okay.

Matt – So could he have 40 birds in possession? Bruce – I apologize, I would have to see it on paper in front of me to be able to answer that.

Blair – A lot of that comes back to what the fish and wildlife service and the feds allow us to do for falconry. They have a completely separate bag limit. They can have 3 migratory birds in possession. They can have a combination of birds, say it's the waterfowl hunt, they can have 2 ducks and 1 dove. They can't have more than 3 migratory birds in a bag limit and the possession limit is maxed out at 3 times the daily bag so it would be 9 and so you technically could have 9 birds that you have taken with your falcon but you couldn't have any more of that in possession and then you could have an additional 21 that were taken with a gun. How law enforcement would determine that I guess you'd have to identify each bird of how it was taken, I would assume. That is something that a lot of the falconry bag and the hunter bag are things that are dictated by the migratory bird treaty act.

Ben – The bag limit on the falconry is a federal issue not something that we can control here. Blair - So all that comes back to the federal. Ben- This is why the difference? Blair – Yes.

Comments from the Public

Wayne Crawford – I appreciate the services of the RAC members. I guess the question has been asked and answered at this point this would formally translate into a request for reconsideration on the opener of the chucker hunt. Just to address some of the concerns that it is too easy to hunt early in the season. I have seen a fair number of the guzzlers in the west desert and I don't see a lot of shotgun pellet damage around there and I don't think they are shooting right on the guzzlers. I note that hunting over water holes is and has long been considered by fair chase by Boone and Crockett and Pope and Young regardless of any individual hunter's opinions contrary to that it is an ethical way to hunt variety of species. Most arguments against early season hunts that it is giving you an

unfair edge or advantage could be as applicable to dogs. It is an advantage to have a dog in the field when you are hunting chucker. It is an advantage to the hunter in the field to be out in a limited water habitat early season on those hills around those guzzlers. I don't know how many of actually been out there chasing chucker but I am here to tell you that there is no such thing as an easy chucker hunt. These guzzlers are purposely located in the steep rocky hills and you are chasing up steep hill sides looking for the coveys not sitting there waiting for them to come in on water holes. There is misconception that the tightly clustered coveys are drinking from the guzzlers 24 hours a day and don't leave those unless they are chased off. That's false. They're actually on heighted alertness when they are into water. By instinct they know that they predators are there and that is where predation tends to be the highest so they have minimal time on site at the guzzlers the rest of the time they're up on a steep hill sides. Another concern that I have run into that the riparian area around guzzlers is the guzzlers by design are to bring water where it is not. The guzzlers are for the wildlife. The guzzlers are not irrigation systems to support riparian areas around the guzzlers site. If habitat protection was the goal, it actually counterproductive because if you get out there after some rain, in the mud there is more habitat damage than if you were out there on the dry hard pack. I just request a reconsideration on that, give me a couple weeks if there's still concerns, the split season suggestion in my mind is a perfectly viable solution.

Duane Reading/Pheasants Forever - We support the extended pheasant season. We think that it clears up some confusion on the dates on where you can hunt and can't hunt and also the research supports that it's a male only hunt always has been, well I guess it hasn't always been, but is currently a male only hunt and the male only hunt really doesn't affect the population of the birds. I don't think we will ever get out there and find every male pheasant no matter how long the hunt is.

Jamie Nogle/District Biologist for the NWTF - I want to thank Jason for doing a great job in explaining his decision for not changing the season based off none of the triggers have been met to change that so hunters are satisfied and they are not feeling over crowded. As an organization we do support the recommendation to not change the current hunt structure. We believe scientifically it does make sense and so therefore we do support not changing it.

RAC Comments

Ken - Could we vote on putting an action item to the wildlife board on predator situation that involves all upland game?

Ben - Ken, Are you asking for this to be implemented state wide or in areas deemed necessary? Ken – Yes, state wide

Bill - The Sevier County program is not funded by the Division. I think this is fairly an expensive program, probably would take legislative action would be my guess but I think before stepping into as something as costly as this I would definitely want to talk with Jason and Blair and look at the upland game populations and find out where could we actually make an impact and I think to look at that part of it would be good, but looking at putting in a bounty program at this point I think it would be very premature.

Ken - Well, they could write a letter or recommend it to legislature to set up money aside for that if they had to.

Richard - So we have a motion and a second to place on the action log and recommend to the Wildlife Board to put on an action log to look at that and possibly implementing some type of predator control program considering upland game. We can do that whether the Wildlife Board wants to do it or not is another thing.

Kris – I am wondering if we have ever had an early chucker hunt in the past. If so, is this the reason it has been moved later because of what you have talked about or have we ever tried an earlier chucker hunt or even a split season? Blair – We used to have the season date opener early mid-September, I think about 6 years ago maybe 9 now and we moved it back from some of the research we have saw from BYU looking specifically at chucker use of water sources guzzlers unparticular and found one of the critical pieces of that puzzle is the chicks that are hatched in the spring use that water source quite a bit throughout the summer and then we have what we call brute break up where the juveniles start to go out on their own and that usually occurs early to mid September and so by moving the chucker season back to the end of September it allowed those birds to be able to disperse not to be so relied on those water sources and allow that the basically the natural break up to occur without hunters to go in prematurely and breaking up those birds on those water sources. Kris – So in your opinion there is biological reasons in having it later in the season or where you have put it? Blair – Yes

Ron- I have hunted chucker before and understand the 1st time is for fun and 2nd is for revenge. So I understand your thought process but I am kind of getting from you a little bit that because it is such a pain in the rear that you'd like a little bit earlier cause it might be a little easier vs. watching them fly over your head and run up the hill and go back over it again. But I think if there is a biological reason, I think we need to stick with that and make sure we have a healthy population.

Larry – Jason, can you go back to the comment from Rob about the sand hill crane in Utah County? Is there a reason why sand hill cranes aren't hunted in this county? It's open for pheasant, duck and goose hunting, why isn't it open for sand hill crane? Jason – That is a good question, we only get certain numbers of cranes we can shoot in the state each year and it's based upon allocation that we get through the flyaway and so we get about 12% of the total allocation comes back to Utah. Larry- So, it comes from the federal government? Jason - Yes, and currently with the number that we are getting we are we probably could use quite a few more to address damages used throughout the state and so we have chosen to put those permits in the 4 highest areas where we are seeing the highest amount of damage and so it hasn't been as severe in Utah County as it has been in some of those other areas but it has been increasing, I know. I know wildlife service's has been working with a couple of land owners in the county to get depredation permits for cranes and a few things like that. If that trend continues to show increasing birds in Utah County that is definitely something we can address. I guess currently we don't feel like it's at the same stage as those other areas so we have put those permits in other spots. Larry - How do you get more permits from the federal government? Jason - What there is a harvest model based and accepted by the flyaway for all the states to sand hill cranes and based upon the amount of habitat we have as well what the overall population is

doing and so it is bought in by all these states and it's basically just a formula that predicts how many birds can be shot each year. So to change that we would probably have to tweak that formula a bit and right now it is based on some of the best biological inputs we have so there's not a lot of adjusting we can currently do at this time without having detrimental inputs on the population. Larry – This is one of those things. I am a huge supporter of wildlife services but this is one of those situations where it could be an opportunity for the public to take a bird instead of wildlife services. But if your hands are tied on the numbers, I guess there isn't really much we can do about it or is there something we could do about it? Jason – Yes, we can definitely start looking into this area and seeing what the crane numbers are doing and we do have a couple of surveys that we do each year just to look over our crane numbers and we can probably evaluate that in the future. What we have seen in Box Elder County they will have 500 or 600 cranes in Box Elder and Cache County throughout the summer so we see a lot of corn damage there and that's primarily why we have had a hunt there. Uintah Basin will have 5,000 to 10,000 cranes that will move through that area as well so that primarily why we put more permits out there as well. If we do see crane damage continue to increase in Utah County it is definitely something we can consider in the future.

Ben – I just want to address the split chucker hunt. It is my understanding the issue is access as anything that the individual went out and it rained that weekend and made the access difficult. I am looking at the season dates and its September 30 to February 15 that is 4 ½ months season. I don't think it makes sense to open it any earlier as we have heard there is a biological reason to keep it where it's at and 4 ½ months you should be able to find a weekend when access is possible. We wouldn't consider moving the deer or elk hunt because it rained one year. So I can't support that.

VOTING

Motion was made by Matt Clark to accept the Division's recommendations as presented
Seconded by Ben Lowder

Motion passed unanimously

Motion was made by Kenneth Strong to propose an action item for the wildlife board to direct the DWR to consider a State-wide Predator control program for all Upland Game.
Seconded by Larry Fitzgerald

4 in favor
4 opposed (Christine, George, Ron, Kris)
The chair broke the tie in favor of the motion
Motion passed

5) **Falconry Rule Amendments**

- **Russ Norvell, Avian Conservation Program Coordinator**

Questions from the RAC

Ben Lowder – While referring at the email I received from the American Falconers Association with some comments why you are increasing number of allowed birds that they can possess, they are claiming the opposite that it is being reduced. Where is the

discrepancy? Russ - Our current rule did not incorporate the table of allowable species, which there is 14 species currently allowed. This was intentional back when it was done to allow for more flexibility to allow the list of species to change without having to go through a full RAC and Board process and that was what the intent was. However that unknowingly violated state rule construction regulations, so we want to incorporate the rule those 14 species that list into the rule text as should be for proper rule construction. At this point we have had extensive discussions with the falconry community as to why this was happening and what was the import. At that point we opened up the list to basically add anything that was requested to at least be reviewed. This is how we got to where we are. A number of species were red lined out for both they were inappropriated for falconry species and then the rest of the list was reviewed by a rule set that the State of Utah is comfortable allowing being imported. Not just for falconry the same rule set we hope to use for the CIP rule revision which will be coming before you here soon. This is the same process that we hope to use for that rule as well. So we are trying to be consistent between rules. There are 4 basic criteria. One, is the bird able legally to be possessed and legally possess able, what is it's conservation status for example is it threatened or endangered, what's the importation risk? We have looked at the number of sub categories here risk to human health and safety, potential for establishment as an exotic species in the wild, and the consequences of what that establishment might have. Again, like I mentioned the suitability for falconry. We also wanted to clarify that there are other pathways to possession. If someone wanted to have a species that is not rap suitable for falconry, you can go through the CIP rule for possession that is another valued approach. As I mentioned also you can go through a process by simply asking the director for a species if it's not on that list already. We have tried hard to make sure that the list did in fact include all the species that are commonly used for falconry. It's a start. Ben- For legal reasons we had to change the rule to be incompliance with the federal code? Russ – Some federal code mostly state rule construction should be revised every 5 years or more. Ben – If I understand this correctly, before it was a restrictive list and now it's a primitive list? Russ- Sure, yes. That is correct. I guess that is not entirely true. The list is still primitive. It was primitive in the first case. Our rules are constructed so that they can't hunt with any weapon except a rifle during rifle season or archery during archery season. Our rules construct the same way. You can only hunt with this list of allowable species. Ben – Okay, so this change in rule, how many falconers does this affect currently with birds that may be affected by this rule change and if any are they grandfathered in? Russ- No and yes. At this point there are no known new falconers to our knowledge that have a COR's or have permits for species that are not on the approved list, the new list. There is a clause to allow for a process to incorporate allowing establishment of a COR.

Richard - Greg, do you have something you'd like to state? Greg –I was just going to help support Russ with that question on the historical list and for enforcement purposes if we are identifying species that are allowed for the use in falconry, the appropriate spot for it is in rule, while it would be much more convenient and possibly more flexible to have just as a year to year established list that we post on our website. If we are going to identify a specific list beyond that floor basement that establishment in the federal rule, the appropriate spot for it is in our administrative rule.

Kris - The email we received there was also a copy of a letter from the North American Falconers Association and the letter said, "Based on the change of this rule, they will pull Vernal, Utah, from the rotation of annual field meets." This seems like a fairly significant action. They claim that they bring somewhere around 300,000 annually to the local economy and the reason being is because the rule is so different from any other state in the contiguous 48? Can you talk about the rule compared to other states around us and why you would think they would maybe take that action? They feel strongly enough about this, what are your thoughts about this? Russ- The difference between a meet and a trial is a trial is a group of falconers that get together and hunt unprotected wildlife so pen raised birds, etc. No special permits required for that. For a meet, however, they are going to take protected wildlife and this requires a 5 day nonresident meet license which used to in the old rule require board approval and now we have shifted that down to a director level to make it a little bit easier. Recognizing that there may be some species that on a national or even international falconers list that is not on ours, we have allowed for two processes to allow that to happen. One, the meet organizer can do a bulk listing as so go through approval process for the director, so all the applicants can just apply to the meet organizer and have that go through that process, or they can apply individually to the director for approval. The director is going to go through the same process as we have done for our native falconer because we don't have equitable pert able parity on that process. As to the point of how different is our rule from other states. I can't speak for the whole country but I do know in some states, I think Connecticut prohibits falconry entirely. Many states just use the federal rule as the basement, they just don't regulate it whatsoever beyond the federal. We don't feel like this is a great fit for Utah and for Utah's needs. Other states in the area Colorado, Alaska in the flyaway Montana all do regulate both importation take of native species to some level already so we are in the same ballpark we are not far out in left field there. Kris – You mentioned that you felt like the less restrictive list didn't meet our needs, could you expand on that a little bit, aside from I understand that we had to make a rule and put it in place but it seems like the rub seems to be the number of species that are on the list and I understand we have a mechanism to add species. Russ – And we have worked hard to add everything that was requested. Kris – But it seems like our list might be more restrictive than neighboring states. Russ - That is true. Kris - So you have said that was done intentionally to meet our needs. Russ – This is correct. When we went through those criteria we wanted to make sure we were doing basically a risk management exercise. These are for events that have not happened but sure don't want to have happen. Both of establishment of a wild species that is a fairly low risk and I think that is well documented in the literature that that is not a huge concern. Importation of wildlife diseases is another big one that is of serious concern to us since we haven't changed landscape in the past decade or so. No one has ever talked about West Nile 10 years ago. These are some of the qualities that we have to respect with the rule and we felt that this was a reasonable approach to a suitable middle ground there, while still allowing the falconers the first and foremost providing sportsman opportunity. We are looking to protect our mission and at the same time providing as much opportunity as can through this process. Kris – Do I have the list right? As of now the list is at 71 species? Russ – Yes, I believe so. Kris – In our packets it says 54, so I want to make sure I have that right. Russ – I will have to double check, let me clarify.

George – When you reference the BCC list I thought Utah had two BCC regions and they each had their own list? Is the raptor list for both those regions the same, so you refer to that as one BCC list? Russ – Actually Utah has 4 BCC lists. There is a tiny bit of Great Basin big chunk of Great Basin Colorado Plateau, a little piece of Mojave Desert, a little piece of the Wyoming basin up there in Rich County on the north slope of the Uintah. We simplified in the rule/map. Basically it's going to follow I-15 down to Cedar City and shoots off west from there. That is a complication that we anticipated when we drafted this that the BCC list, the new 2017 list, would be approved by now or 2016 cause it was drafted in 2015. It has been held up now in D.C. where we are all waiting for the shooter to drop at this point. We don't have a conservation concerns for the species in the state anymore. Back in 2008, this was more of an issue then especially for prairie falcons in some counties, at this point the numbers seem good and we are not concerned about that so we approve of the changes that the feds have proposed if they would just go ahead and endorse them, we would pull them right into the rule. But we did want to make sure that the rule did continue to respect that federal watch list essentially because that is part of responsibility.

Russ – Kris, to answer your question, 54 is where we are at right now. I think 71 was the initial requested list but we took off some species, so my apologies for the mix-up.

Christine – I received a letter from the Audubon Society and a couple of things that they brought up had to do with the species that are conservation concerns species and how the rules that we are changing to allow some of those 4 big species to be added to our list. How will that affect how we manage? If we start to see a decline can you then deal with them off species that can be taken? Russ – At this point, I think to make changes to this list would have to go through a full RAC and Board process. So if there were a conservation concern that merged in the future about one of the species that were proposing to allow here, we would have to go through a full revision process to remove that. I think the director can, correct me if I am wrong, this is my very first RAC meeting, have emergency closures and modify rules as needed under emergency action. So if a species was listed …Greg, the attorney, stepped in and answered the question. Greg – The Director under his emergency closure authority could close the season to wild take but as far as general possession that would require a rule change and quite honestly if the bird was captive bred that might not be an area we'd be willing to get into.

Questions from Public

Justin Searle/ Master Class Falconer – The list of 14 that you mentioned, did that list of 14 ever go through the RAC and Board process and was approved by the RAC and the Board ? Russ – No it did not. I think at the point here, the list is going before the RAC and Board now. Justin - Was this list ever referred to in the falconry rule? Russ – No. Justin – And according to the legal counsel without going through the RAC and Board there is no way that we can actually change any restriction around possession. The only thing we can actually change is restrictions around take? Russ – Going to give this to Greg.

Greg – Can you clarify? Justin – Yes, you said a minute ago that without going through a full RAC and Board process there is no way that the State can make any changes to the

possessions of falconers that they can possess, they can only make changes to the rules around take and what we can actually take from the native species here. To refer to the take where we can actually get a license to get one from the wild, possession is different. Greg – I guess the proposal before the RAC right now is for including the species list into the rule so it is a proposal moving forward. I guess your question whether the historical 14 bird list is unenforceable. Justin – What is the legal state of that list of the 14 birds so it has never went through the RAC and Board process and is not occur anywhere in the rule. Greg – That is a very good question. Fortunately at this point, we haven't identified a conflict situation where there is a bird currently in possession that would fall outside of that 14 bird list. That is why we are here today to propose and including a species list in the rule. Justin – Okay and Russ on your presentation on one of your earlier lists you had a list of how many different species are currently in possession in the State of Utah by falconers which is greater than the number 14, correct? Russ – Yes, includes exotics and hybrids, however which are not currently on that list. Some of that a list was not inclusive of hybrid crosses and such. Justin – So hybrids have always been counted as whatever the parentage is? Russ – That earlier list was just hopeful species. Justin – So you said it does include exotics as well and the current number of falcons that are in possession in the State of Utah? Russ – Yes. Justin- Okay, so therefore, these exotics are currently in possession are not on the current list of 14 but yet they are still in possession in the State of Utah? So therefore that list of 14 does not accurately represent was never enforced for falconers. Russ – Let me pull that up. Justin – Okay. Russ – There are species that are listed as exotics that are sourced from exotic locals but are not recognized as full species so for example, European Goshawk. There are a number of sub species of falcons that are not recognized as full species but are commonly distinguished in the falconry community because they are unique enough. I think that along with hybrids of which there are 9, that is the difference. Justin - According to the falconry rule that has gone through the RAC and Board process and is approved, approximately how many species is currently allowed according to the falconry rule for possession? Russ – According to the rule or … Justin – According to the falconry rule that has gone through the RAC and Board process? Russ – The rule is a federal standard of the 3 families. Justin - The 3 families which represents over 500 species? Russ – Right, in policy and practice the table that has lived outside of the rule has been our guidance ever since then. I have spoken to the coordinator who proposed /drafted the rule back in 2008 and that was always the intention of that construction. The way the rule constructed on purpose that way it was just incorrectly done. Justin – Thank you.

Ben – Clarify a question please Russ, There are a couple of us up here that are confused. The list of 14 that keeps being referenced to, if I understand correctly this is a federal list of 14 species that are not legal to be possessed right now? Do I understand that correctly? Russ – No, not quite. The federal rule allows any raptor species in 3 large families. This covers everything worldwide that you might consider a raptor. Ben - So, what is the list of 14 that we keep referring to? Russ – The list of 14 was in 2008 was Utah's list of allowable species to be used for falconry. These are the weapon types, if you will. Ben – Okay, so not birds, this is the opposite of what I was thinking. So a falconer could possess birds beyond that list of 14 but they could only hunt with a bird from that list of 14. Russ – Correct, but their possession would be regulated under the CIP rule not falconry rule. If they are not going to hunt with them it's not a weapon type, it's a pet. Ben – If I remember right the list of 14 was changing to a list of 4? Russ – 54.

Ben – 54. Does this help anybody? Russ – It is a confusing rule with many moving parts.

Comments from the Public

Patrick Shane – My understanding and I think I probably might be the oldest living falconer in Utah, is we have never had a list for falconry. That 14 number you quoted back in 2008 was never intended to be a list to tell falconers what they could fly. It just happened to be a list of birds but it was never part of anything that it went before anybody and that really exists in a written copy that was never intended to be in all encompassing list. Is that correct?

Richard - If you have question, if not we'll get to the comments here in a second.

Patrick Shane - I want to thank this group here for your labor of love for our wildlife hunting and resources and everything we do. I want to thank Russ and the people that we met with for many hours. We have had some long meetings and they have been incredibly helpful and the information that we have seen up here is a great example of all their hard work. Thank you for all your hard work you have done. We, as falconers and me as an individual, I don't have a problem with what they have presented except for one single thing. Everything they have done up there is an improvement but there is one problem, and that is the list. There really has never been a list and there shouldn't be a list. The federal people don't require a list. The states around Utah don't have a list. There is no reason to have list. It would be more restrictive than the federal and the people around the state so we are in favor of everything on here except for that list. I am, as an individual, and there is really no place for this. It is not necessary and uncalled for and the real bottom line here comes down to and I will quote Clayton White, a retired BYU Professor who is one of the experts in raptors. "There is absolutely no science that would support having this list! He clearly states "There is no scientific evidence anywhere that suggest otherwise that we could release all the birds that we have. All the hybrids, all the falcons and hawks that we now possess in Utah, which is around 270 birds and it, would never bastardize the population at the wild population out there. It would have no effect. There is no need for a list!"

Shayne Clarke/Falconer – I appreciate the opportunity to speak. I have been a falconer here in Utah for about 30 years and like Patrick said, I appreciate the work that has been done. Russ's first goal was to get public input and we appreciate him allowing us in doing that. I to, it comes down to the list. The federal regulations simplified things. We appreciated that and my concern is that just trying to explain the changes and the list is more complicated. It seems like it has made it harder rather than easier and I think that we should keep it simple. I think that the science doesn't support the list and I just would like to go on record and say I don't think there is a need for it and I appreciate your time.

Randy Hyte / Utah Falconer Association – I want to thank all of you that have already made comments. I can already tell that you have gotten into the email that we have sent out. There is so much involved in this. It's not just a small thing. I am so excited about this I am shaking; I am that passionate about this. Please don't let this list pass. This list has no place in falconry. Falconry predates the Division of Wildlife, predates the Fish

and Wildlife Services. Our definition of falconry goes way beyond what the Division has. A good example and I am sure everyone has probably even read a book about somebody flying a Merlin on starlings. Beautiful ringing up flight, get all the starlings in their angulations and take a single bird down to the ground. This is not considered falconry to the Division of Wildlife because starlings are not a game animal. That is still falconry and presenting a list creates a catch 22. You can't possess a falconry bird without practicing falconry. That's what the annual report is for to show that you are practicing falconry, that you're catching game. In falconry, it's not that tightly defined but to have a Merlin you have to have a falconry license. So, catch 22 there. Did you catch what Mr. Hanson said there when you asked him directly about the list where it is referenced? It's now in the rule. If there is going to be a rule, or a list it should be in the proclamation. It has never been codified. It has never been in there and he'll agree now that we've said that after Mr. Searle approached that. The Division hasn't been straight forward with this. They created a Division within our club so deep that people we thought were going to be long term friends, will never talk to each other again. This is because they convinced a third of the group that there is a list that is codified in the rule and it will be enforced unless we let them put this list of 71 birds in place. There is in fact, a list in the Utah rule if you remember your email this is from the rule. It says the only species of raptors that may be possessed, transported or used for falconry are raptors of the sub family other than the bald eagle. There is a very broad list in the Fish and Wildlife Service that represents about 500 species, so there proposing that we are going from a list of 14 birds to that have never been codified to 74 is not true. They are trying to take us from a list of 500 species down to 71 so why is that important? Part of this is because our definition of falconry is broader than what they have but you still have to have falconry COR to possess some of these birds. Some of these birds haven't been tested yet. Some of these exotics, only until about 25 years ago, people thought that Harris hawks were just a lazy buzzard. They didn't think they would be any good for falconry. Now they are one of the most popular birds because they are unique, they like to fly together. They are the only raptor that you can actually get to fly together in a group and hunt jack rabbits and cotton tails and sometimes ducks, sometimes pheasants, but they prefer fur. This list is also going to create more problems for the State as well. It was mentioned that the National Falconry Association has already sent out the letter that if you pass this rule or pass this list, we're striking Utah from the National meets. This will be an economical impact. I don't think the State or the Division has done any economic impact studies on what that would actually a tale but I am sure you'll hear from that south east region when you visit them down in Vernal. Also it's going to create a problem with training and there has already been a case where somebody's bird has been confiscated. This is private property that has been purchased from the breeder. It was a bird that was from Peru. It was a rare species and it was taken away from this person. This type of thing is going to happen more and more frequently with this list.

Justin Searle – Thank you. Also let me say thank you like the other falconers for Russ and his team. They really have been good to work with and we have seen eye to eye on almost every single issue except for this list. I think to simplify you have heard many different versions of it. I know many of you guys may have dogs and hunt with these dogs, can you imagine having any options of any dog breed that you can possibly have but then have the DWR go through and list specifically you can only hunt with these 5 dogs if you're hunting pheasants. The list simply doesn't make sense. Currently the

federal rule allows us to have over 500 different species. Basically any falcon, any owl, and any hawk that we are allowed to hunt that exists that we can hunt. Unless it has been something specifically listed as something that is an endangered to the environment. I think we, of anybody, we don't want to bring a bird into this state that's going to be a hazard to this state and a hazard to our wildlife. If the DWR has a concern about a specific species we'd be right there with them supporting them if there was a justifiable concern for a specific species. So having a permissive list saying yes follow what the federal government says with over 500 lists of birds that we currently can have according to the U.S. Government as well as the 500 birds that specifically is stated inside of the Utah Falconry rule with the 3 different sub families that is currently permitted. We're on board with that. If we need to go ahead and black list specific birds that are a problem we'd support that. But trying to go through and actually doing the opposite of saying specifically only these species are allowed, simply doesn't make sense and is trying to solve a problem where no problem really exists.

Richard - Why is there a list?

Russ – Fundamentally we limit all types of take with weapon types. This is how we construct our rules and we think this is an appropriate approach. Given the falconers unique and using live creature to take other protected wildlife and that's why our rule is focused on the take of protected wildlife and that's our management authority. We don't authorize take on unprotected wildlife. The list is an effort to respect and promote sportsman opportunity where we can in a way that also respects our dual mission to conserve wild populations and respect federal regulations where we need to and also to safeguard human health and safety issues. The list itself is a constructed to be as permissive as possible and that is something we don't want to limit opportunity where we can avoid it. I hope I have answered your question. Richard – Are there raptors that are really dangerous to humans? Russ – There are raptors that are potentially dangerous to humans. I think a lot depends on training. The Harpy Eagle is one that I think both the, we have receive at least 3 comment letters about the Harpy and Marshall Eagles, which are two of the largest raptors in the world. They are phenomenal species. They are very large! A lot depends on temperament too which is something that well documented. It's not like you can look up temperament in the date base.

Richard - Can you train any of these birds to only hunt specific protected game or will they hunt anything that moves? Russ – I am not a falconer so I can't say, but understand that they have preferences and skills sets that are appropriate to certain types and can probably train them to focus on grouse or rabbits through behavior but they are fairly broad for the most part. Richard – I just really question the danger involved with this. Russ – We try to be very conservative. When we went through this protocol and again like I mentioned this is the same procedure that we are evaluating for use in the CIP rule to regulate all importation exotics species from kangaroos to bats to anything else. So this is the risk assessment rule set we settled upon and this is the first go around with it.

Ron – My understanding you have no problem with the rest of the rules besides the 14? Is that pretty well accurate on that? I guess I have a tough time in life being restricted. That's a tough one for me. Especially if it's good enough for our federal government to have 500 I don't know that we need to go to 14 just personally. I haven't heard on the

news recently where an eagle has taken a child up in the air or been dived bomb by a hawk. I have seen some mountain lion problems but that is a whole different story by itself. I guess I am a little bit with you Richard, I don't see the immediate danger on where we're at already. I understand where you're coming from but it's easier to try to have some order to what you're looking for and what you're doing but I am just wondering if we are trying to tackle to big of thing at the same time when it doesn't seem to be a problem yet. This is maybe a little over reaction for my point of view.

George Garcia –So this is a tough one for me. I am kind of struggling with this one. The federal government gave the states some rights back in the day one big one is water and the other one is wildlife. The state has the right to manage wildlife to their benefit of their citizens. This is why every state is probably not on the same boat when it comes to this rule or any other wildlife rule or whatever cause states can't differ on that and so they don't have to be the same as Arizona or Nevada or Colorado or anything like that so this is a tough one for me.

Ben – Russ, you have been extremely informative tonight so thank you for that and it's been much appreciated. Obviously, the dispute here is about this list and I get the feeling that the DWR wants a list in the rule codified. Is there any reason we couldn't change the definition of that list and instead of listing these 54 species, list as these guys are requesting the 3 families of birds as defined by the federal government? Russ - That is certainly one possibility. As I understand this is the public process. We have gone through all this internal machinations and in reaching so to speak to bring you a proposal that the wildlife board is the final arbitrator. Ben – So, how much opposition from the DWR would there be to do that? Is this a little thing or is this monumental? Russ- From my perspective, I think it would take away our ability to manage risk that has not yet occurred and hope to avoid but that is one of the tools we would like to keep in our kit. The list, I don't think there would be a functional difference if you permitted all 3 families that the feds allow vs. going with the list of 54 that are the commonly used and most requested species with an option for adding additional species as requested. Functionally, I think the number of different types of birds being flown in Utah wouldn't change. I would hope they would reconsider its position given that we absolutely do not seek to limit having a meet in Utah.

Bill – I would like to address this. I think there is a point that is being missed. I think maybe we maybe articulated our intention poorly with this. We want to have this list to let falconers know what species are approved for use. However as Russ explained we have put into place a procedure where if somebody wants to fly something that isn't on the list, all they have to do is ask us and we take it through the same criteria. So I think when you talk about risk to human health and safety or risk to the environment it's not the risk of having an eagle coming in and carry off a small child, the risk is more something to do with avian influenza or some disease that we don't even know about yet or some ecological catastrophe that could happen that we might learn more about in the future. So all we have really tried to put into place is a mechanism where we have gone through a list of every species that they have asked us to look at so far and we have said okay yes the 71 species you asked us about here are 54 we're okay with but if you'd like others in the future, here's a procedure that we'll use to where we can approve those. Maybe the way we should be wording this is we had this list of 54 species that is

approved, but if you want to have anything from the other 3 families that are approved by the Fish and Wildlife Service's here is a procedure to get those considered. I would imagine it is going to be a very short turn around basically the request will come to Russ where he will run it through the same kind of procedure he did with everything else, it could be done in short order. I hope that clarifies what we're trying to accomplish so we're just trying to have a way to check something that might come up in the future we don't know anything about right now.

Ben - Bill, you mentioned that the biggest concern is bringing in a wildlife disease. How common is that? What have we seen in Utah or even in the west? Bill – Well, you just never know. We've had HN5N, avian influenza, chronic wasting disease, who knows what's going to come up in the future from what species. You know it's something we don't know about right now. So this is just a procedure for checks and balances. If they have another species they want us to consider, we will by all means consider it. Ben – Can you outline the procedure if the species is not on the list what would it take for it to get approved for that species?

Greg – It's a specific request to the Division director and because we don't know what some of those future concerns or issues might be, we don't know what species we would specifically addressing , that process isn't super definite in the rule. I would anticipate that it would look something very similar to the process that the Division wen through in identifying the currently proposed list. One of the main issues being whether the species is suitable for the sport of falconry and if they've gone through the conservation disease analysis. Russ might be able to weigh in a little bit more on that but that process is proposed in the rule both for the resident falconers and for the meets and trials section when non residents who maybe lawfully possessing a bird in their state and want to come to our state and it doesn't specifically meet the list. My understanding is that the currently proposed list is expansive enough that those situations would be pretty rare but we're ready to address them.

Richard –Greg, let me ask doesn't the Division reserve in rule the right to terminate or not allow a certain species in the state because of biological or disease issues that have come up. Don't they do this already? Greg –In other rules we do. In our general CIP the (Collection Importation and Possession) rule, we do have process in place for some of those more sensitive or high risk species. The falconer will somewhat different because we have a framework given to us by Fish and Wildlife Service that creates kind of a base line floor, but then we're specifically given authorization in the CFR provisions to create a state program that is at least as restrictive as the federal program but can be more restrictive.

Ben – On that process to get approved an individual that wanted a species that was not on the list it wouldn't go through the RAC and Wildlife Board process it would go to the Director? Greg – No, if the board approved the rule as proposed the Director would have the authority to independently approve species not currently on the list. Ben – I struggle with that a little bit because I kind of feel like that's Director Roulette. What's the Director's opinion on that and the knowledge of that and the subject? I like freedom and I don't like being restricted when there is not a good reason to. I don't know if I am

comfortable with this exception process as it is. I kind of think these guys have put up a good argument to back that list off of the federal government standards.

Kris- I get it, you don't like the list, I hear that but there is a part of me federal guidelines don't always work locally but let me ask this. Particularly the gentleman that represents UFA. Do you see a compromise here? Is there a couple of species that are a rub, is it just the list in general or there something behind that?

Shayne Clarke – Thank you for giving me the chance to answer that. Compromise is really self governing. A lot of these species we're not going to want to fly and just like Russ said very likely if the list did go into effect, it wouldn't change the number of birds or the type of birds that we have right now, but it would prevent us from exploring those other options and finding the next Harris' Hawk or the next Harpy Eagle. Finding some exciting birds and actually being able to fly them would prevent other people that own them from coming and visiting us in the state and flying just as friends. We would always have to go outside of the state to do that. I just want to address the health safety and disease issue. There is a concern about importing other diseases but I want to direct this directly to Russ, Russ how did we find out about avian influenza? Russ – It was reported from a falconer. New Castles was found in the feed source for falconry and West Nile virus was pushed very stringently by falconers back east because it was hitting them hardest. So there is a personal investment in watching the health and the satisfaction...we love these birds. We are committed to these birds.

Kris -That makes sense, but on the other hand I get the reason for the rule as well. I guess what I was asking if the federal standard or bust for you guys?
Ron - When you get a bird in falconry you register that bird to get your permit, and so everyone knows what bird you have already anyway correct? And they already have a list so if you were actually having a certain issue with a certain species then it wouldn't be that hard to find out who owns that species of bird or that particular deal if it became a problematic situation, which I really don't expect but at that same point and time there is a data base where anybody who is actually actively doing falconry that type of data base is already there so everyone knows what everybody pretty much owns within the state. Is that correct?

Russ – Almost, we issue non specific capture permits, so the facilities are inspected before birds are put into place so they are inspected with the potential for birds but not actual birds yet. So we don't actually know until the annual reports turned in. At that point that is a self reporting mechanism and then we learn what birds are held. Ron – I guess that is just a follow up of what I had, I just feel like we have already have ways of tracking what's going on in the industry going and I guess the point I look at is I just don't understand why the clarification needs to go down to so many smaller/different species if we haven't already had that issued. I understand that we can be afraid of disease and different things like that, but we hunt big game and chronic wasting disease is in big game in certain areas of the state, we hunt a lot of different animals that can carry differ disease and so I guess I don't see the urgency of restriction, I guess is probably my point.

Ken – I went out to Fairfield years ago with Gerald Richards and I watched one of these falconry meets and what I want to say it's a sign of pure love. Those guys watched over those birds and if they had them out on a stake and an eagle flew by they knew what was going on and they protected their bird to a tee. I really think it's an interesting set up and I think they love their birds and I don't think they are going to allow anything or any diseases into the state.

Kris – I don't oppose the list in thought but I think in my view I think the DWR should work more with the UFA to come up with a little bit better solution around what that structure would look like. I understand the concept what you're trying to do but I think absence of some major reason why we should restrict the list to 54 species is hard to go that direction for me so I would just encourage you guys to find a different solution, in my opinion.

Ben – To that I might add, I think I would be more comfortable with the list if the process to get an acceptation to the list was a little better defined and outlined, but to play Director Roulette, Greg's a pretty good guy, I like him, I think he'd be pretty reasonable. Who's the next Director, I don't know.

RAC Discussion
None

VOTING
Motion was made by Ben Lowder to accept the Division's recommendations with one exception pertaining that we remove the list of 54 bird species and replace it with the list of the 3 families as identified by DWR federal government.
Seconded by Ron
6 in favor
2 oppose (Christine and George)
Passed 6 to 2

6) Timpie Springs Habitat Management Plan (Informational)
- **Blair Stringham**

Questions from the RAC
None

Questions from Public
None

Comments from the Public
None

RAC Discussion
None

The RAC discussed, nominated and voted for individuals to be the new RAC chairman and vice chairman.

We would like to welcome Ron Camp as the new chairman of the RAC committee with Kris Marble as the vice chairman.

Meeting adjourned at 8:53 pm
In attendance: 42 (9 RAC Members, 13 DWR employees, 20 public)
Next board meeting: June 1st @ 9 am at the DNR boardroom, Salt Lake
Next RAC meeting: Tuesday, July 25, 2017 @ 6:30 pm, Springville Civic Center
110 South Main Street, Springville

GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
MICHAEL R. STYLER
Executive Director
Division of Wildlife Resources
GREGORY SHEEHAN
Division Director

April 14, 2017

TO: Utah Wildlife Board / Regional Advisory Council Members

FROM: Jason D. Robinson
Upland Game Program Coordinator

SUBJECT: 2017 to 2019 Upland Game and Wild Turkey Season Recommendations

The Utah Division of Wildlife Resources is recommending the following changes and season dates for the Upland Game and Wild Turkey Guidebook, for a 3-year cycle:

Summary of Recommended Changes:

- A single ring-necked pheasant season, opened statewide for 4 weeks
- Uintah County sandhill crane hunts to occur in October
- Clarify baiting language in rules
- Close the Annabella and Pahvant WMAs to the general public on 2nd Saturday in November for sponsored youth pheasant hunts
- Any fixed dated hunts that are schedule to open on a Sunday, will open on the Monday following (e.g. Sunday September 1, 2019 will open on Monday September 2, 2019)

Species Recommendations:

California & Gambel's Quail:
Area: Statewide
Youth hunt: Saturday to Monday closest to the 13th of October
General hunt: 1st Saturday in November to December 31 (fixed date)
Bag limit: 5
Possession limit: 15

Scaled Quail:
CLOSED TO HUNTING

Ring-Necked Pheasant:
Area: Statewide
Youth hunt: Saturday to Monday closest to the 13th of October
General hunt: 1st Saturday in November to 1st Sunday in December
Bag limit: 2 males
Possession limit: 6 males

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Chukar:	Area: Statewide Youth hunt: 2nd to last Saturday in September to following Monday General hunt: Last Saturday in September to February 15 (fixed date) Bag limit: 5 Possession limit: 15
Gray (Hungarian) Partridge:	Area: Statewide Youth hunt: 2nd to last Saturday in September to following Monday General hunt: Last Saturday in September to February 15 (fixed date) Bag limit: 5 Possession limit: 15
Dusky and Ruffed Grouse:	Area: Statewide Season: September 1 to December 31 (fixed dates) Bag limit: 4 Possession limit: 12
Greater sage-grouse:	Requires special permit obtained in a drawing in addition to hunting license Area: Rich Co., West Box Elder Co., Parker Mtn. and Diamond/Blue Mtn. Permit only hunt: Last Saturday in September to Sunday 3 weeks later Bag limit: 2 per year Possession limit: 2 per year
Sharp-tailed Grouse:	Requires special permit obtained in a drawing in addition to hunting license Area: Cache Co., and Northeast Box Elder Co. Permit only hunt: Last Saturday in September to Sunday 3 weeks later Bag limit: 2 per year Possession limit: 2 per year
White-tailed Ptarmigan:	Requires a free permit in addition to hunting license Area: Statewide Permit only hunt: 4th Saturday in August to October 31 (fixed date) Bag limit: 4 Possession limit: 12

Cottontail (mountain/desert):	Area: Statewide Season: September 1 to February 28 (fixed dates) Bag limit: 10 Possession limit: 30
Snowshoe Hare:	Area: Statewide Season: September 1 to March 15 (fixed dates) Bag limit: 5 Possession limit: 15
Wild Turkey (Spring):	Requires special permit obtained in a drawing in addition to hunting license Area: Limited Entry = UDWR Region General Season = Statewide Seasons: Hunters w/ Disabilities (COR required): 1st Saturday in April to following Monday LE hunt: 2nd Saturday to last Thursday in April Youth hunt: Last Friday in April to following Sunday General hunt: Monday following youth hunt to May 31 (fixed date) Bag limit: 1 bearded turkey Possession limit: 1 bearded turkey
Wild Turkey (Fall):	Requires special permit in addition to hunting license Area: Open areas within a UDWR Region General hunt: Maximum dates of November 1 to February 28 (region determines within these dates) Bag limit: 1 wild turkey (either sex) Possession limit: 1 wild turkey
Falconry:	Area: Statewide Season: September 1 to February 28 (fixed dates) Bag limit[1]: same for all hunters Possession limit: same for all hunters

[1] Falconers may take either sex ring-necked pheasants; may not release on spring turkeys

MIGRATORY UPLAND GAME

Sandhill Crane:	Requires special permit obtained in a drawing in addition to hunting license Area: East Box Elder, Rich County, Cache County Season: 1st Saturday in September to 2nd Sunday in September Area: Uintah County 3 Seasons: opens Saturday closest to October 1, closes 30 days later (three 10-day seasons) Example: September 30 to October 9, 2017 (early) October 10 to 19, 2017 (middle) October 20 to 29, 2017 (late) Bag limit: 1 per year Possession limit: 1 per year Closed to Falconry
Mourning and White-winged Dove:	Area: Statewide Season: September 1 to October 30 (fixed dates) Bag limit: 15 Possession limit: 45
Falconry:	Season: September 1 to December 16 (fixed dates) Bag limit: 3 Possession limit: 9
American Crow[2]:	Area: Statewide Season: September 1 to 30; December 1 to February 28 (fixed dates) Bag limit: 10 Possession limit: 30
Band-tailed Pigeon:	Requires a free permit in addition to hunting license Area: Statewide Permit only hunt: September 1 to 14 (fixed dates) Falconry Dates: September 1 to December 16 (fixed dates) Bag limit: 2 Possession limit: 6

[2] Includes falconry

The UDWR requests your consideration to the following changes to R657-6, Taking Upland Game, including:

1. Additions/Corrections to baiting language for consistency with R657-9 and R657-54.
2. Minor editorial corrections.

The UDWR requests your consideration to the following changes to R657-54, Taking Wild Turkey, including:

1. Additions/Corrections to baiting language for consistency with R657-9 and R657-6.
2. Minor editorial corrections.

GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
MICHAEL R. STYLER
Executive Director
Division of Wildlife Resources
GREGORY SHEEHAN
Division Director

April 17, 2017

TO: Utah Wildlife Board / Regional Advisory Council Members
FROM: Russ Norvell
Avian Conservation Program Coordinator
SUBJECT: 2017 Falconry Rule Revision (Rule R657-20)

The falconry rule has not been revised in several years and will benefit from a thorough revision. The proposed changes are intended simplify the rule by shortening it, clarifying language and intent, and so making it easier to comply with, to enforce, and to administer. As is obvious from the red-line copy of the rule, the revisions are numerous, but fall into two categories: editorial and substantive changes.

There are over 75 largely editorial changes to correct typographical errors, clarify intent, update citations, re-order confusing sentence, and re-structure sections to strengthen and simplify the rule. These changes have had the effect of also shortening the rule considerably.

The most substantial proposed change is to incorporate the authorized list of falconry raptors into rule and to expand this list from 14 to over 54. Language has also been added to clarify the process for adding or removing species from the list, and to clarify lines of authority. Many of the changes are at the request of, or in consultation with, the Utah Falconers Association, such as adding a season for the capture of adult ('haggard') American Kestrels for General and Master Class falconers.

All substantial changes are detailed below by section.

Section 1 - Purpose and Authority
- No significant changes

Section 2 – Definitions
- "Hybrid" definition changed to conform with Federal rule
- "Trial" definition changed to include Eurasian Collared Dove
- "Upland Game" definition changed to align with Upland Game Rule
- "Wild" definition changed to distinguish between wild, imprinted, and captive bred birds

Section 3. Minimum Age Requirement
- No significant changes

Section 4. Falconry COR, Permits, and Licenses
- (8) Eurasian Collared Dove added
- (9) CFR Part 21.45 removed from citation as it reserved and there is no depredation order related to it

Section 5. Application for a Falconry COR
- (2.f.i) COR processing time changed to 30 business days

- (3.a.iii) Clarified that a COR is required for each raptor
- (7.a) New language to address potential 'grandfather' issues raised by changing status (e.g., due to changes in taxonomy or conservation status such as ESA listing) granting falconers a 6 month grace period to allow for COR applications under the new status.
- (7.b) New language to clarify that after 6 months, continued possession would be unlawful.

Section 6. Care and Facilities Requirements

- (3.j) Language added to relieve the need for mandatory re-inspection if suitable facilities are already approved
- (4.a.iv) Updated citation
- (4.b.i) Clarified language
- (4.c.ii.B) Section was substantially re-structured to group like items and improve interpretably.

Section 7. Temporary Care of Falconry Raptors

- (2.b.iv) Clarified the line of decision authority
- (3.b) Clarified the non-falconer needs the falconer's signed and dated statement and the 3-186
- (3.e) Clarified the line of decision authority

Section 8. Equipment

- No significant changes

Section 9. Apprentice Class Falconer

- (1.f.iii) Clarified that passing exam results are good for one year
- (2.a.iv) Aligned citation to Service's new Birds of Conservation Concern citation
- (2.b) Incorporated previously externalized table of authorized falconry raptors into rule body; updated geographic restrictions due to updates in the Service's Birds of Conservation Concern citation; clarified language and intent by reordering section structure

Section 10. Apprentice Class Sponsor

- No significant changes

Section 11. General Class Falconer

- (1.d) Clarified language to improve interpretation of Federal standards
- (2.a.iii) Clarified Service's Birds of Conservation Concern citation
- (2.a.iv) Clarified approval process for non-authorized raptors
- (2.b) Incorporated previously externalized table of authorized falconry raptors into rule body; updated geographic restrictions due to updates in the Service's Birds of Conservation Concern citation; clarified language and intent by reordering section structure

- (2.c) Added section to allow General Class falconers to legally possess a number of exotic eagle species if they have documented large bird experience, aka the 'eagle endorsement'

Section 12. Master Class Falconer
- (1.a) Clarified required experience as per Federal standards
- (2.a.iii) Clarified Service's Birds of Conservation Concern citation

Section 13. Acquiring Raptors for Falconry
- (2.a) Clarified where notice of any limitations will be posted
- (2.d) Clarified waiting period duration
- (2.e) Clarified how application order will be established
- (3.a) Established a new season for take of haggard American Kestrel for General and Master Class falconers
- (10) Removed language limiting general take of eyas to specific numbers of days specific to Peregrine Falcon.
- (12.f) Clarified that banded Peregrine Falcon must be released and reported; corrected federal reporting contact information
- (12.f.iii) Clarified reporting period to 10 days
- (14.c) Corrected federal reporting contact information
- (15.b.ii) Inserted clarifying language received directly from the Service; corrected process; corrected CFR citation

Section 14. Raptors Injured Due to Falconer Trapping Efforts
- No significant changes

Section 15. Recapture of Falconry Raptors
- No significant changes

Section 16. Flying a Hybrid Raptor in Falconry
- No significant changes

Section 17. Hacking of Falconry Raptors and other Training Techniques
- (3) Aligned rule to Federal standards in that hybrid raptors may not be released

Section 18. Permission to Conduct Falconry Activities on Public or Private Lands
- (5) New language to align rule with Federal standards in that falconers must first get permission to practice falconry on National Wildlife Refuges

Section 19. Practicing Falconry in the Vicinity of a Federally Listed Threatened or Endangered Animal Species
- No significant changes

Section 20. Releasing a Falconry Raptor to the Wild
- (3.a) Deleted extraneous language

Section 21. Reporting Requirements
- (3.a) Corrected title

Section 22. Unintentional Take of Protected Wildlife by a Falconry Raptor
- No significant changes

Section 23. Banding or Tagging Raptors Used in Falconry
- No significant changes

Section 24. Importation Requirements for Residents and Nonresidents
- (1) Added language to clarify raptors need to be on the approved list for of the appropriate class falconer
- (3) Added language to conform to Utah Department of Agriculture rules

Section 25. Falconry Meets or Trials
- (5.a) Corrected an error
- (5.c) Added language to specify a process by which falconers may apply for temporary use of non-authorized raptors at a Meet or Trial

Section 26. Use of Pen-Reared Game Birds for Meets, Trials and Training
- (3.c) Clarified Upland rule citation

Section 27. Use of Feathers and Carcasses
- (2.a) Corrected address

Section 28. Other Uses of Raptors
- No significant changes

Northern Regional Advisory Council
May 3, 2017
Brigham City Community Center
Brigham City, Utah

Draft Meeting Minutes

Meeting Begins: 6:01 p.m.

RAC Present	DWR Present	Wildlife Board
John Blazzard- Agric	Jodie Anderson	
John Cavitt- Chair	Justin Dolling	
Paul Chase- Forest Service	Jason Robinson	
Chad Jensen- Elected	Russ Norvell	
Matt Klar- At Large	Pam Kramer	
Mike Laughter- Sportsman	Blair Stringham	
Russ Lawrence- At Large	Phil Douglass	
Kevin McLeod- At Large	Greg Hansen	
Justin Oliver- At Large	David Beveridge	
Kristin Purdy- Noncon.	Randy Wood	
Bryce Thurgood- At Large		
Craig VanTassell- Sportsman		
John Wall- At Large		

RAC Unexcused

Matt Preston-BLM

Agenda:
Approval of Agenda
Approval of March 29, 2017 Meeting Minutes
Wildlife Board Meeting Update
Regional Update
Upland Game and Turkey Hunt Table Recommendations
Falconry Rule Amendments
Election of RAC Chair and Vice Chair
Timpie Springs Habitat Management Plan

Item 1. Welcome, RAC Introductions and RAC Procedure
-John Cavitt, Chair

Item 2. Approval of Agenda and March 29, 2017 Minutes
-John Cavitt, Chair

Amend agenda to include nomination of RAC Chair and Vice Chair
Second- Matt Klar
Agenda is approved

Minutes approved as circulated.

Item 3. Wildlife Board Meeting Update
- John Cavitt, Chair

Wildlife Board met on April 27th. There were several action items we had at our April meeting presented. Motion to add to action log for Division review shed antler gathering process and provide informational report at the September RAC meeting. That motion was passed unanimously. Bucks, bulls and OIAL permit recommendation motion was that the permit numbers presented by the Division be accepted and that also passed unanimously. The antlerless permit recommendations for 2017, motion was to accept as presented and passed unanimously. 2017 antlerless CWMU permit recommendations had a motion to accept as presented and also passed unanimously. We had a CWMU antlerless variance request which our region rejected but the Wildlife Board went ahead and approved the variance request as presented and passed unanimously. CRC variance request and the motion was to approve the variance request to possess rattlesnakes as presented which passed unanimously. That was not part of our regional agenda item. A number of other items were passed on to the Wildlife Board and consequently to the Division as action logs. One item that did come through our regional advisory council that we recommend be included as an action log was the motion that was made by Byron Bateman that they add, to the action log, an examination by the Division in ending all antlerless public hunts by December 31st which passed unanimously.

Item 4. Regional Update
- Justin Dolling Regional Supervisor

Outgoing RAC members recognition.

Aquatics- Stocked Tiger Muskie in Pineview Reservoir. Stocked sterile walleye in Echo Reservoir to deal with illegal introduction of walleye. Egg take on the bluehead sucker which lives in the Weber River to try and create our own brood stock.
GSL Ecosystem Program- Water management
Waterfowl-USU – Hydro seeding study on the waterfowl management areas looking at ways to revegitate areas that had phragmites.
Habitat- Conducting spring range assessments. Hiring summer seasonals for maintenance work. Installing a fishing pier at the North Willard Marina.
Outreach- Re-writing 5 year management plan for Hardware Ranch. Free fishing day activities on June 10th. Day old chicks, growers in region participating. Arriving May 17th, release prior to fall hunting season.
Wildlife- Sage Grouse Counts. Spring deer classifications. Updating the deer unit management plans.

Law Enforcement- Helping sort out 170 applicants applying for 3 openings. Aquatic invasive species season.

Russ Lawrence- With that introduction of sterile walleye in Echo. What is the short term impact?
Justin Dolling- I don't have a good feel for that one. There is going to be a student or university that will be studying how effective that is. I'm sure walleye did prey on perch but in a lot of situations, perch populations with lack of predators, outgrow themselves. It could be a beneficial thing.
Paul Chase- Tiger muskie numbers and size in Pineview?
Justin Dolling- I don't have any numbers but they were running in size of about 1 1/2 inches. We were very successful in raising tiger muskie. The years prior, we had challenges and I think we have worked out the kinks. I would not dare throw out a number. I can double check and get you a number if you would like.
Kevin McLeod- Did I understand you to say you had 170 applicants for 3 law enforcement positions.
Justin Dolling- Yes, that is a whittled down list. Those 170 applications will be screened and at some point, we need to get it down to where we have 3.
Chad Jensen- Cops and bobbers. That is a great program. Last year, we had guys from all over and there were a ton of kids. It was a great day and a great event.
Justin Dolling- Thanks for helping us. I overlooked some of the local law enforcement that helped as well.

Item 5. Upland Game and Turkey Hunt Table Recommendations
- Jason Robinson, Upland Game Coordinator

See RAC Packet

Public Questions

Jeff Broadbent- Sharptail counts and permit numbers?
Jason Robinson- I don't have specific numbers for this year. Randy might have an idea. They are not completed yet but he might have a general idea for this year. Sounds like they are down a little bit, similar to sage grouse.

RAC Questions

Kristin Purdy- You said that we could not have an opening day in Utah on a Sunday. Why not?
Jason Robinson- It is a state law.
Kristin Purdy- How about an alternative of proposing that the opening day move back to Saturday on those months where opening day would be on Sunday?
Jason Robinson- The problem with that is with the migratory upland game birds. We can't have a hunt that opens prior to September 1st. The year that the September 1st is on a Sunday, the morning dove would not be able to open in August. It makes is simpler for hunters to move it to the 2nd which is what we have done in the past.
Kristin Purdy- Could you summarize _____? (could not understand question)
Jason Robinson- Wanted the Division to take action when turkeys were causing material damage to private property. It requires the Division to respond to those claims of damage. Our response is to meet with the landowner and look at the claim and then come up with a plan to address those material damage that may be occurring on the property.
Kristin Purdy- I noticed Wilson Snipe were not on there. Are they classified with migratory waterfowl?
Jason Robinson- Yes.

Public Comment

Jody Rose- National Wild Turkey Federation- Full support in keeping current hunt structure. Particular interest in keeping youth season intact.
Tony Selley- Pheasants Forever- In favor of Jason's proposal for extending pheasant season statewide to a 30 day hunt. No impact on overall numbers, it has actually been proven if you can reduce the male numbers going into winter months, you actually have a better survival rate of hens. Extending the season would allow more people access.
Randy Hutchinson- Move chukar hunt season back to October 1st or first weekend in October. Cooler weather provides better hunting. Recommend an education campaign to encourage people not to hunt within 100-200 yards of water sources.

Motion

Motion-Justin Oliver-Recommend the Wildlife Board accept Upland Game and Turkey Hunt Table Recommendations as presented.
Second- John Wall
Motion Passes: Unanimous

Item 6. Falconry Rule Amendments
- Russ Norvell, Avian Conservation Program Coordinator

See RAC Packet

Public Questions

Justin Seale- According to the federal falconry rule, approximately how many species are allowed for falconers to possess?
Russ Norvell- It is 3 orders.
Justin Searle- Roughly over 500 different species.
Russ Norvell- Globally, it is well over 300 that I am aware of.
Justin Searle- According to the current Utah falconry rule as written, how many species are permitted according to the Utah falconry rule?
Russ Norvell- The rule says those same three families. The table of allowable species that live on the website decide it, has been our policy and practice since the 2008 rule.
Justin Searle- That list of 14 species that is not in the rule that is on the website, is it referenced inside the falconry rule at all?
Russ Norvell- No.
Justin Searle- Did that ever go before the RAC or Wildlife Board for approval?
Russ Norvell- That is unclear. We are going back through the minutes. That question was asked last night. We have to go through over 2 1/2 hours of recordings to find out if it was referenced. I spoke with the coordinator that proposed that rule and that was the intention for the list all along. It was intended to be the list of species allowable for falconry in Utah.
Justin Searle- That list of 14, has it been enforced since 2008 when it was created?
Russ Norvell- Yes, it has. Other species may be added by a request from the falconry coordinator. We have clarified that the falconry coordinator is not suppose to be the guy making the decision. It should be the division director or the Wildlife Board. We have clarified the process for how a species would be added to that list of approved species.
Justin Searle- According to your presentation, you listed 26 species currently in possession in Utah which is about 12 more than the list of 14 correct?
Russ Norvell- Yes, that includes a number of hybrid species that have been approved.

Justin Searle- Does the division maintain a paper trail of special requests and approvals for each species?
Russ Norvell- No, we have just recently built the database.
Justin Searle- That process of requesting and adding additional birds has never been enforced or in practice?
Russ Norvell- The proposed process, no, because it is still a proposal.
Justin Searle- No, the current process with the 14 birds.
Russ Norvell- The current process has been to review the species and basically approve. All the COR's have been approved thus far.
Lynn Caroll- Expected reduction in birds of conservation concern list. You sited 4 species in Utah. Which ones would they be?
Russ Norvell- I might have to get back to you on the details on that. That list has not been approved for release to the public yet. I believe it is peregrine falcon, bald eagle, golden eagle and one of the owls. I think the short eared owl.
Lynn Caroll- That is kind of strange. One of our concerns has been about common black hawks and I wondered if you know of anybody who has ever used one for falconry?
Russ Norvell- Not me personally, no. I understand that people have attempted to use them for falconry. I don't know with what success. We would prefer not to have take occur until a species can establish itself in Utah. Under this rule, it is proposed for take.
Lynn Caroll- Could you repeat the name of the federal regulations that apply to the non-native species.
Russ Norvell- The endangered species act. There is the federal falconry rule, the endangered species act, golden bald eagle protection act, federal birds of federal concern list.
Lynn Caroll- For non-native species.
Russ Norvell- Basically, we will have to talk to Greg. There is the federal falconry rule which does allow use of hundreds of species of non-natives for falconry. The importation of those species into the country is an area I would have to ask someone else.
Greg Hansen- If the question is specific for falconry, we would look to the federal falconry rule to set the basement on what is authorized. Within the federal falconry rule, they delegate authority to the states to create a state level program that is at least as restrictive but can be more restrictive than the federal falconry rule. The state wildlife agency has the authority to identify which species may be used in the sport and which may not. Whether it is native or non-native.
John Cavitt- Slide referencing non-native species and the rule associated with that.
Russ Norvell- Are you speaking of CIP rule which is a state rule for collection and importation of possession.
Greg Hansen- That is a state level rule that is also administered by the division that regulates the collection, importation and possession of pretty much every wildlife species that we run into. Whether native or non-native. The division has gone through the process of classifying these species as either non-controlled, controlled or prohibited for personal use, commercial use, educational use as well as other varieties of use we issue permits for. If they are classified as non-controlled, we do not issue any type of permit for that species or group of species. Controlled, the division has authority to issue a certificate of registration. If it is prohibited, the applicant has to go before the conservation review committee and then petition the wildlife board for variance. This falconry rule is an exception to that process. If a given species is authorized under the falconry rule for use in falconry, an individual can get the certificate of registration for possession and use of that bird for falconry without having to go through that other process. Many species used in falconry would otherwise be classified as prohibited under this CIP rule.
Zach Fossum- You discussed some of the biological background of this. What biological studies have gone into making this into rule and you said there was a real low liability and low risk of having raptors used for falconry that would cause a concern for health and safety reasons. What biological studies were done to determine this list was required when none of the other states have implemented this same list?
Russ Norvell- Slide brought up for process of evaluating species. Criteria used to evaluate: Is it legally possessed or legally possessable. Is it suitable for falconry. Risk assessments where we looked at conservation status. Other states do use similar rule sets to this. This rule set is what is going to be

proposed for the CIP rule. Process that was based on Australian risk management for importation for wild species. It is a risk management approach. There is very little research that has been done on establishment and is somewhat speculation. Risk of establishment of an escaped raptor is very low.
Zach Fossum- We have used a study for Australia which seems different because it is an island on the other side of the world. Have we got any biological evidence to show that raptors coming in for falconry do cause a risk to human health and safety. You say it is a very super low risk for establishment, so I'm wondering where the biology is to back up for the need for such an extensive change based on how things have been. You talked about the 14 bird list, I would like to see in the rule where that is enforceable. My concern is that we are making these based on an ecological study that was done on a not completely non-comparable location. Do we have biology to show risk to human health and safety. We already know, based on your comments, the risk is super low for establishment.
Russ Norvell- This process is a process, a generalized process. It is not a biological study unique to Australia. It is a method for evaluating the risk of importation of an exotic species to a novel environment. It is universal and not tied to a particular continent. It was something that was portable, in a sense. Using that tool, we evaluated the 74 species presented by the UFA for use in falconry. 54 of those we found suitable. Some of those do pose potential risks to health and human safety. Those are extremely large birds.
Zach Fossum- Larger than the golden eagles we currently use?
Russ Norvell- Correct. We have to maintain a balance between all of our jurisdictions.
Zach Fossum- Has there been any reported cases of those kinds of risks?
Russ Norvell- That is a research project.
Zach Fossum- Research is my point. I want to make sure this is research and fact based. It is a dramatic change.
Russ Norvell- From a research perspective, it would be extremely challenging to establish the risk of establishment. It is a very rare occurrence of falconry birds getting loose in the wild.
Zach Fossum- The hard part for me is just making rules and trying to jump the gun saying it is a possibility in the future. I was just searching for clarification rather than speculating that it could happen.
Todd Ballantyne- Was there an economic impact statement done as part of this presentation. when NAPA comes and spends money in the communities and they state that they won't come. Loss of income to economy. does that require an economic statement?
Russ Norvell- I believe economic analysis are required after rules are approved and not before. Economic impact of NAPA in your letter, which was potentially $2,000. We would be happy to do an analysis if it came to that.
Greg Hansen- The governor's office has recently renewed an executive order which requires state agencies, when they file rule revisions with the division, to include an economic analysis for both direct and indirect economic impacts. That is done after the Wildlife Board votes on proposed rule changes and when rule is filed with administrative rule. That is a process we do follow. Our rules coordinator fills that out and includes that summary.
Todd Ballantyne- When the association starting meeting with the division and we were told that there was a state statute that required the birds that were going to be flown in falconry to be listed in the rule. That was pushed out to people to persuade them to go along with it. Then we had a push with the division to come to the point of saying that the current language in the rule is legal and that there is not a requirement to change that. How does an authorized list give authority without implementation of rule?
Russ Norvell- I'm not sure I understand your question. The current rule wasn't properly constructed and the list should have been incorporated into the rule itself. We are seeking to correct with this revision. In the process of doing that, we put up that list from the current 14, which is a current practice if not enforceable by rule, into proper rule construction. The way Utah, primarily the Division of Wildlife constructs its rules, is to prohibit everything except a rifle or a mule deer. It is the weapon and the season. When we are incorporating a list of allowable species, it is because everything else is precluded except this list.

Todd Ballantyne- What are the concerns for human health and how are they not addressed already by the department of agriculture's requirement?
Russ Norvell- Disease was part of it but also risk of injury to the falconer and risk of injury to the public.
Todd Ballantyne- That is safety, what about human health.
Russ Norvell- I am rolling those two together.
Todd Ballantyne- When we enter the safety aspect of this evaluation, there are eagles flown now and lots of larger birds that are required to have experience prior to getting an eagle and public engagement.
Russ Norvell- Correct, we don't get many reports.
Todd Ballantyne- What other states limit, arbitrarily, raptor species that both eat insects and mice but to catch those are a learning bird for a falconer. Some states allow them for possession but here we are saying they are not suitable for falconry.
Russ Norvell- There are many inconsistencies that we inherit from the federal rule. There are other states that do limit raptor species for falconry.
Todd Ballantyne- When the states limit raptors, it is the apprentice class level. In the master class, the limiting of raptor species through the United States happens frequently at the apprentice level. In the general and master class level, it is the broad 500 list birds when it comes to the falconry rules. That is what we were finding. Is that not what you were finding?
Russ Norvell- My research has only gone through the Pacific flyaway. Our rule is considerably more liberal for the number of species allowable for apprentice falconers compared to other states.
Greg Hansen- Our research was somewhat state by state. Largely limited to which other state wildlife attorneys would respond to emails. Your summary that the apprentice level restrictions on allowable species are pretty common. When you get into general master class level, a lot of states adopt the federal rule verbatim. It is within the falconry rule section and also a general statewide perspective. Montana has a 32 species list comparable to ours. We would be much more specific than other states in listing which species is allowable at which class. Under the federal rule and with our current state falconry rule, we get into having this 14 bird list that has become the topic of discussion. The correct way to go about it is to have the allowable species list within rule. It is currently not there. We are left with either having an online list or an analysis situation where you have the 3 orders of birds and if an individual lawfully possessing those species, it comes down to if it meets the definition of what falconry is in our state rule.
Todd Ballantyne- What is that definition?
Greg Hansen- We can pull it up. It was at the beginning of the presentation. That makes it really tough for our conservation officers. We feel a reasonable solution is to identify a list of allowable species in rule by class.
Todd Ballantyne- Do you know if there are any birds in Utah that did not make it on that list?
Russ Norvell- None that have been reported to us.
Todd Ballantyne- Did you solicit data from the U.S. Fish and Wildlife to see what species were used.
Russ Norvell- The Fish and Wildlife database is currently down.
Todd Ballantyne- Yet I obtained that data.
Russ Norvell- At this point, we are waiting for their update on that.
Todd Ballantyne- I have the data but the division did not request it for analysis. Did the U.S. Fish and Wildlife Service solicit anything from a biological standpoint to justify the 90% reduction in available birds for falconers in Utah?
Russ Norvell- Are you asking if we consulted with the Service on this rule revision?
Todd Ballantyne- About biological justification.
Russ Norvell- Yes, we have consulted with the service about prior revisions that went out in December. It is currently out for review. The service is slow to respond and we are still awaiting their final review. We anticipate it any day.
Todd Ballantyne- From a biological perspective of justifying reducing the amount.
Russ Norvell- It is their process.
Todd Ballantyne- You are talking about submitting for rule change authorization to see if it fits the federal language.

Russ Norvell- We submitted our revised rule to the service for review to ensure our proposed revisions would be in compliance with federal standards.
Todd Ballantyne- For the rule, but not for biology.
Russ Norvell- How they ascertain that, is up to them.
Todd Ballantyne- When you state that there is very little risk for establishment of the species that could be lost or genetically . You are restricting the birds that the USFW had increased from the 2008. They believe there is not a threat because they increased it. This change you are introducing is abrupt and dramatic. Will they have to have another COR that you will make available?
Russ Norvell- I'm not sure I'm following your question. If a person currently is in possession of a bird that is not reported.
Todd Ballantyne- That is not on the list.
Russ Norvell- It is not a list and we don't have record of it, it is not reported. It would be a reporting violation. Because our list is not incorporated to rule, it is difficult to enforce that way. However, that is a law enforcement question.
John Cavitt- In the essence of time, can you ask just one more question please?
Todd Ballantyne- Imposing a severely restricted number of birds available for falconry without biological evidence that creates economic impact to cities. Is it reasonable to impose such things if there is no biological benefit?
Russ Norvell- That is the question before the committee and the board. They will decide if this is a reasonable approach to risk management. They have to define what is allowable for the sport of falconry. That is the question for the board.
Daniel Kimball- As the rule stands now, according to the language, it says we are about to use the 3 orders which we reference about 500 species. Is that the current rule or is what you have on the slide the current rule?
Russ Norvell- Therein lies the difference. The current rule is the 3 orders. The current policy and practice and intent of the table that sits beside on the falconry website, clearly limits the use of the allowable species to those 14. It is an improperly constructed rule. That is what we are trying to fix.
Daniel Kimball- What is really happening is we Are we trying to change the rule to where, based on the rules, we are going from 500 species to what you have listed there but the presentation states we are getting an increase. The proposal is to go from the list of 14 species to a larger list. In reality, we are going from 500 to a smaller amount?
Russ Norvell- That is one way of framing it. Our current policy and practice is the 14. These are the most commonly species used for falconry. We proposed a process for adding additional species. There is an additional provision in the new revision to not only allow for individual requests but also for organizers can do a bulk approval for those who want to bring birds in that are not on the pre-approved list. We are working to fix the rule construction and do it in a way that allows for sportsman opportunity. DWR is fundamentally about providing sportsman opportunity.
Randy Hyte- Administration of this proposed rule. Did the state have a rich uncle die. I ask that because the administration of this new rule is going to cost quite a bit as I can see. I want to ask Russ if you are a conservation officer walking into an inspection and saw 2 different birds in the facility and you could tell it was a falconry bird, as it stands now, that is all the conservation officer needs to know. If we pass a list, that conservation officer now needs to know what kind of species is on the right and what species is on the left. Is it a legal bird to be possessing or not?
Russ Norvell- If that is a question, I would have to disagree. Conservation officers need to know what species are on the right and left. The inspection of the facility have to match the species.
Randy Hyte- You give reference to a database that is created. I know that recently, the division was reprimanded for not complying with the federal database. How recently was the state database created?
Russ Norvell- We started working that when we got new staff this past fall.
Randy Hyte- Of this year?
Russ Norvell- 2016.
Randy Hyte- January 2016?

Russ Norvell- No, in the fall of 2016 is when we began a proper functioning database.
Randy Hyte- When was this restrictive list created?
Russ Norvell- The first revision we did was back this past fall.
Randy Hyte- I ask because the board members don't know the background of this. That list was created before the database was put together. It was created without interest of the Utah falconers. They did not know which birds would be used and which ones wouldn't. Would you agree?
Russ Norvell- What was the question?
Randy Hyte- That it was created prior to the database. So, it was created knowing what birds would be affected in the state.
Russ Norvell- We had the pieces of the data in separate tables that had not been linked back together. Someone had to go through and compare disconnected tables connecting falconer facilities and using raptor species as separate entities.
Jeff Broadbent- Is it fair to say the list that has existed on the website, even when that was created, there was knowledge within the division that there were species in the state being successfully bred that were not on the list at the time?
Russ Norvell- I would not necessarily say that was true. You ask me to speak for someone else. I came into this program in 2013.
Jeff Broadbent- Is it fair to call it a rule or was it more of a guide?
Russ Norvell- At this point, I think it is probably more fair to say, in policy and practice, is a guide to that. It was an improperly constructed rule. It is probably not enforceable as written.
Jeff Broadbent- Some of the justification on this new list will make it easier for field officers because they have a defined list of species. Wont that make them become an expert on identification of not only native species that are most commonly used but they will also need to know what non-native species are.
Russ Norvell- Yes, it will add an administrative burden and 14 species will be easier than 54.
Jeff Broadbent- Negative economic impact. As a citizen, it looks to me you are affording a privilege to people who don't live in Utah that are not afforded to falconers in the state. Is that a fair interpretation?
Russ Norvell- The same rules would be applied to any species that is proposed for use in falconry. Whether local or out of state. That is why we want to have a consistent and transparent process. The economic analysis will come out in the wash. Last meet, we sold 75 permits.
Jeff Broadbent- I don't think the impact is with the division, it is with the hotels and restaurants.
Russ Norvell- That is part of a larger analysis for sure. $200,000 dollars vs. 75 permits.
Jeff Broadbent- Thank You.
Jim Hamilton- Want to thank Russ and the board for letting us come in. We have a passionate group of people. You mentioned the kestrel isn't a hunting bird because of not having the opportunity to hunt a season. They hunt mice, it is not a regulated animal. The Swenson hawk which is the size of a redtail, does the same thing. Where we have to train and everyone behind me has had a kestrel, this is the first bird most of us have had. On the economic side of that, where is the study on that of where that is not a bird that is not on the list or should be on the list?
Russ Norvell- The authority for us to regulate falconry, in part, derives from our definition of falconry which is the use of raptors to take wild game. There are some inconsistencies that we inherit from the federal rule with the use of kestrels as a falconry training bird. They don't take wild game, for the most part. If I take your question correctly, there are, on the list of proposed species of 54, there are a number of species that would be pre-approved for falconry. We try to say if you can train it to use for falconry, you go for it. some didn't pass the lab test, nocturnal species. Those are not falconry birds, they are pets and should be regulated under the CIP rule.
Jim Hamilton- Or under education?
Russ Norvell- Sure. If we implemented the new rule, there would be no change in the number of species currently in possession or probably wouldn't be changed. I guess I would ask the community if there is a species that they are pining to get right now that is not on the list. We have not heard about it.

RAC Question

Mike Laughter- It is the list itself correct? Ok, I just wanted to make sure.
Matt Klar- One of your slides say 260 birds in the state currently.
Russ Norvell- That is the total we have from the most recent annual reports.
Matt Klar- Of the birds that could be a risk, how many could potentially come from Utah falconers vs. migration from anywhere around us? If the purpose is to mitigate potential escapes, all the birds will end up here sooner or later. How much of the risk would this list potentially address.
Russ Norvell- None really because we do not regulate other states.
Matt Klar- Most of the birds that you have eluded to have been submitted but rejected on a suitability basis.
Russ Norvell- The majority, yes. The next largest class would be those that were rejected because of conservation concern.
Matt Klar- Why wouldn't it be easier to have an exclusionary list rather than inclusionary list.
Russ Norvell- I could pitch that to Greg again but it is due to rule construction.
Greg Hansen- That is an option. States take different approaches on how they set up their rule structures. Right now under our wildlife code, our general approach is activities involving protected wildlife are prohibited unless specifically authorized. That is the way a lot of our administrative rules are set up. Possession, importation, commercial use of certain species are based on the certain classifications we have laid out for a given species. That also eliminates potential situations when we don't know what might come into the state. If you have a specifically prohibited list, it opens you up to the possibility that you miss something. We address that here with the specifically authorized list and the opportunity to either amend in the rule in the future to add to the preauthorized list or specifically request from the division director the authority to use that bird in the sport of falconry.
Justin Oliver- With big game, we have the mule deer committee that meets. We have an elk committee that meets. Is there any type of committee with falconry that meets with the division to come up with structure or rules so that there is more of a inclusion for those who participate in the sport?
Russ Norvell- At this point, no. This is the first time that the rule has gone out for revision on this. We have gone through extensive informal process to gather public opinion starting in July of last year. We have met with everyone here and our leadership team as well as the AG's office. This has been an extensive informal process. We have not yet gone to a formal regular committee structure. There is certainly potential I guess. It is not something we have considered.
Paul Chase- We don't have any known species in here outside that list of 54 that is being proposed?
Russ Norvell- Correct.
Paul Chase- How often does the national meet occur in Utah?
Russ Norvell- I could look.
Randy Hyte- Once every five years.
Chad Jensen- With the current proposed rule change, you have increased the list from 14 to 54. Is there a process in place if there is a bird that somebody wants that they can apply or get more added to the list. Rather than what is already approved? Is there a process to add to that list if the need arises?
Russ Norvell- Yes, there is. In our current proposal, the language is unspecific. It is up to the division director. This was an intent but not currently in the proposal.
Greg Hansen- You would also have the option of formally amending the rule if the list is implemented into the rule. You go through a second amendment process to actually change what that species list looks like.
Chad Jensen- This is a proposed rule change and I appreciate that. Is it a work in progress. Is it looked at every 5 years or once a year?
Russ Norvell- Rules can be taken out pretty much any duration. 5 years is the max allowable. We have already exceeded that. We need to get this done. We can do it more frequently. I should also mention that there was a comment about how consistent this process would be given changes in leadership. We have to be responsive to both consistent approaches in the administrative rule and the political environment.

Bryce Thurgood- You said that the UFA proposed 74 to the list. The divisions proposal is 54 to the list. I keep hearing hundreds. I am feeling a disconnect on what they are saying and what the UFA actually proposed.
Russ Norvell- We were in discussions with UFA reps in the prior revision process leading up to the December RAC. We asked what they wanted on the list. That was where the 74 species came from. These are the species that are commonly used for falconry or might be used for falconry. There were a few on there that we needed to line out because of conservation concerns, legality or many other qualities and evaluation risks. That is how we got down to 54. The many hundreds you are hearing is the basement federal rule. You can have anything in these 3 orders. That is the expansive notion.
Kristin Purdy- When you started meeting with the falconers to update the rule, were there any other organizations or people present besides falconers?
Russ Norvell- No, the initial meetings were requested by UFA. They were not formal meetings.
Kristin Purdy- You mentioned public comment. Did you hear from any other group of the public besides falconers in order to come up with the proposal you have now?
Russ Norvell- Yes, later in the process. We have heard from the GSL Audubon, Bridgerland Audubon and several individuals.
Kristin Purdy- Can you elaborate on what those organizations concerns were and what you incorporated into the proposal.
Russ Norvell- Most of those comments came after the rule revision was constructed.
Kristin Purdy- In the definition of falconry, we use the term "wild game" multiple times. Wild game is not defined. What is wild game?
Russ Norvell- This is formally protected wildlife species. I'm sure Greg can give us the citation for what that is.
Kristin Purdy- The angle I am getting to is: What is the game animal that the common Blackhawk pursues?
Russ Norvell- That is the challenge for us is to find some balance between the falconers desire and sportsman's desire to pursue game. It does not mean you have to catch it. That is the gap, how far can you push that line until you cross into something that is hard to defend.
Kristin Purdy- With the 12 extra species that are now held by falconers in the state, above and beyond the currently authorized 14, what was the discriminating process that allowed those 12 species to be approved above and beyond what rule specifies?
Russ Norvell- There was not a consistent transparent process. Most of these were before my time. I can't actually speak to what that process was.
Kristin Purdy- Do we have any data that shows when a request was denied because the use was not appropriate or qualifications did not measure up? I am looking for data that shows there was some thoughtful consideration and it was not just an agreement or rubber stamp of a person's request to have a non-rule species.
Russ Norvell- To my knowledge, no COR request has been denied. People have had to do upgrades and improvements for a given species for a facility. I am not aware of any COR request for a species that has been denied. There is poor record keeping.
Kristin Purdy- Of the 54, there are some exotic species from elsewhere. There is a concern, which SL Audubon mentioned, about the origin of the species and the contribution to the exotic illegal animal trade. What is the consideration of the division for where those species are emanating from and what regulation must occur as we expand this list?
Russ Norvell- That is something we considered. It is a compelling conservation argument. It is the analog to the ban on ivory. You might source a piece of ivory legally or locally but it is facilitating a larger black market of poaching. That is the conservation argument that goes with this. When some of these species are considered for poaching issues back in their home countries. Our legal standard has to be if the bird is legally possessed and legally possessable. That is as far as we can go as an agency. We don't have the facility or administrative support to follow the trail from where the bird initially came from.

Greg Hansen- Even if the bird is on an allowable species list, if it is unlawfully acquired, it is still unlawfully possessed.
Russ Lawrence- While you have been in this position, do you recall denying an application for a species that there has not been part of the policies and practices of the division?
Russ Norvell- No. I approved one that is not on this list myself. It didn't end up getting acquired in the end. It was a species on the cusp. There was an argument there to be made for it.
Justin Oliver- If this new rule were to pass the Wildlife Board this coming month, my question is for the falconers, how may possess a bird that would no longer be legal in the state at this time? Are we aware of any friends or people that do have them?
Justin Searle-Being bred in Las Vegas.

Public Comment

Zach Fossom- Utah Falconers Association- Concerns I have are that we have a non-biological based rule being enacted. We know that the Utah Department of Agriculture do their part on the importation of raptors so they will deal with the risk of health. We are going to stand alone, if we impose this rule, as the only state that does not use the federal falconry rule for the list. There does need to be some regulation but my biggest concern is with the implementation of this list. From the law enforcement standpoint, I have a hard time saying there is a 14 bird list now when that is, in fact, is the furthest thing from the truth. There is no 14 bird list and if there is, I would like you to tell me what the code is that we can enforce if we have people with birds outside that 14 bird list. Is it a rule in law, in the code book that has gone through the RAC process like this to be established as a 14 bird rule. It has not. For the last 5 years, we have been using the USFW guideline because there is no 14 bird rule. It is not in the code book. To make an interpretation of a rule based on a guideline for indigenous species that can be captured, I think it is inappropriate to push this through without biological evidence and data. I would appreciate your consideration.
Duard Pederson- No biological support. Currently, there are over 500 species there. A lot of this is based on speculation. This would make us one of the most restrictive states. I would urge you to vote to stay with everything the way it is.
John Bellmon- Utah Audubon Association- Worked on the legislation to establish the RAC process. Our concerns basically have to do with raptor species that are designated as birds of conservation. Statement by the assistant director that did not have resources to keep track of the whole process and implementation of this.
Todd Ballantyne- Handout given to RAC members. This process is a proposed process and in the past there has not been one. Concern about illegal exotics and the requirements to bring into the state. Birds of conservation concern. Utah had the second highest breeding population falcons.
John Bellmon- There is still a concern.
Todd Ballantyne- The list, according to Russ, is taking them off the BCC's. Not just peregrines but many. 2010 regulations referencing the orders and birds of conservation concerns. Biologists in Russ' position at the time, made a clarifying table. They put other things in it to help with clarification for possession. Now, they want to translate what was take into a limited 14 bird authorize and that has never been the intent. It was clarifying.
Lynn Caroll- Wasatch Audubon Society- I think having this positive list is a good idea. The new rule structure and clarity are very good. Our concern is only to protect a species and make sure that there is not going to be take of wild birds that is going to affect the population of native birds in the state. Concern about exotic species is just the safety. We would like to see common black hawk not included on the list. Regulating raptors. Emailed a list of complete comments.
Heather Dove- Great Salt Lake Audubon- While we agree with the majority of the revisions, we do oppose the introduction of 40 species beyond the 14 original. The 40 species included are non-native and are considered exotic which can pose a threat to human health and could contribute to the trade of wildlife. DWR has no funding to manage the existing falconry program let alone expansion. While we

agree to accept the falconry rule changes, we strongly urge you to reject the addition of 40 species of exotic birds and limit it to the original species which are common to northern Utah and are appropriate for falconry use.
Randy Hyte- Please do not pass this list or any restrictive language that might be in the proposal including the BCC list. Falconry outdates the DWR. It has been around a long time. They have already told us the list is not based on health because they did not have any examples. It is not based on biology because there are no examples or research. The CIP list, one additional thing was added for further clarification which was if it was suitable for falconry. The list proposed prevents us from finding other birds, experimenting and training with them. Nobody has talked about the recovery birds. Exotic birds are bred within the US. Establishing a population of exotic birds is not a risk.
Jeff Broadbent- Appreciation expressed to Russ and colleagues for all the work that has gone into this rule. Could Russ go to slide about rules that currently govern what birds are allowed in falconry. It really comes down to this. We really don't like this list because we have 50 years experience in falconry and have data on falconry. We have been living by these rules that are more exclusionary than inclusive. We have not heard a solid problem. This is a solution looking for a problem. By creating the list, you are not enabling an influx of large numbers of new exotic species. There are some creative people that want to experiment with different things. Most of us are using birds that are native species in the state for falconry. We are not changing the nature of the sport by this. We are simply saying that it has been in place and has worked for decades. There is not a problem that is compelling a change.
Justin Searle- This list is the largest concern. Utah is a crown jewel for falconry. Have large meets here. I urge the council to make a motion to reject the list of birds in the current proposal and accept all other changes currently on the list for the proposal. Inclusionary list with the 3 orders. Address species of concern with list of exceptions.
Daniel Kimball- Issue of the sensitive species. The common practice for taking immature juvenile birds which are at the highest risk of mortality. Catching birds, training and releasing back into the wild helps population thrive.

RAC Comment

John Blazzard- During the presentation, it was said that, in the state of Utah we don't have a viable rule in place. I am wondering if we are hurrying through the process. If we pass this rule, it is definitely not beyond being changed, added to or deleted from. I hope that those that are involved and know what the rule is really doing, could sit down and make those changes. This is a place to start rather than finish.
Russ Lawrence- I totally agree with John. As a RAC, we have a pretty big distraction. Is it to the point where we can really vote on it. Or, as we have heard with committees, should we send it back to a committee to discuss the list? I don't know what the answer is.
Kristin Purdy- I believe the process to produce this proposal was flawed in that stakeholders were not consulted, only falconers were consulted in the process to create a new rule. It does not matter which weapon you choose as long as you choose the weapon suitable for any legal weapon season. Stakeholders have a say because the wildlife in the state belongs to the people of the state. Of course, we will consult the falconers. The mule deer foundation is consulted when talking about mule deer. Falconry is a little bit different because the weapon is a live wild species. Therefore, the people of the state have a stake in that. It is really not just over the list, although the bulk of the discussion has been about the list. I believe the process was flawed and we need to go back to the drawing board. Replacing a rule with another bad rule is not progress.
Justin Oliver- Commend everyone for the discussion. This is what the RAC is all about. Hopefully, everyone feels like their voice is heard.
Chad Jensen- I agree with Justin. I read as much as I can and learned a lot. I am in law enforcement and I like the rule of law. With the little bit I know, there has not been a lot of rules in the last several years that deals with falconry. It seems like the issue today is over what the list is going to be. You have competing federal and state law which creates more grief for law enforcement often times than it helps. I

don't know what the list needs or should be. From a law enforcement perspective and what is best for the population and public is to have that clear black and white list. Whether it is 54 or the federal governments 500 bird list, it needs to be defined so everybody knows what the playing rules are and the enforcement side is.
Russ Lawrence- There has to be a rule. It comes down to the rule plus this list. The database needs to be in place as well.
Matt Klar- I am also a falconer and I was involved this rule last year. Not currently this year. The rule is essentially the same as we ended last year. There have been some minor changes. My concern is from a biological standpoint and an environmental standpoint. There really hasn't been a documented case of an escaped bird, either establishing itself or hybridizing that I am aware of. In listening to the comments, most of the birds that have been rejected by the division have been rejected based on suitability requirements. That requirement does not require a list to enforce. All falconers have to provide annual reports that do stipulate hunting time and success rate for every bird. There is a suitability component in the rule. We are not really disallowing birds based on biological risk. It makes a lot more sense to me to keep the rule currently the same as the federal rule. Potentially even adding an exclusionary list, meaning there is a good reason for this or that. The list that is here is a list of common species. The vast majority of that 500 bird list would pass the current protocol if they were submitted. This list does not represent the birds that passed the protocol. It represents the bird that the name was run through the program, so to speak.
John Cavitt- I agree with Kristin and others in regards to the stakeholders being involved in developing the list. We can propose a new list or modification of the list. Or, not accept the list and revert back to current practice. We can also ask that the Wildlife Board put on an action log that perhaps we generate a stakeholder meeting. Those are a few options. The division is looking to make the rule consistent with all of the other rules and policies that are found. We need to have a policy in which nothing is allowed unless it is provided for in code or in policy. Having criteria for birds to be included as birds used in falconry is reasonable. We need to determine if they can be legally possessed and suitable for falconry. Nocturnal species should not be included. Aspect of risk assessment should be incorporated as well. We have to vote and come up with some agreement to go before the Wildlife Board.

Motion

Motion- John Blazzard- Recommend the Wildlife Board accept Falconry Rule Amendments as presented with the exception of the new list. Ask the Wildlife Board to establish a stake holders group to formulate a new list.

Mike Laughter- We are not currently accepting the list in this proposal.
John Cavitt- In his proposal, we are accepting what was presented. But, we also ask that the division establish a stakeholder to review and evaluate that list.
Mike Laughter- So, tonight we are not accepting the list?
John Cavitt- We are. We accept what was presented, the whole list.
John Blazzard- Refining the list or fixing.
Second-Craig VanTassell

Discussion on the Motion

Kristin Purdy- Suggest that we accept a spirit of the proposal but not the specific list. I understand and I respect the amount of work that has gone into it. It appears to me that work still needs to be done. The most controversial part of the list, I do not feel we are ready to accept the list after this is the essential point of contention over this proposal tonight. I think that needs to be fixed before we accept the proposal.
Justin Oliver-I would agree with that. Is it possible to accept the rule tonight without the list.

John Cavitt- We could accept as presented but not the list and revert back to what is the current practice.
John Blazzard- That is what I was trying to say with my motion. Accept the rule and do more work on the list.
John Cavitt- We would then revert back to the current practice which is the USFW species. Or is it the 14 species.
Russ Lawrence- Our current practice is to use the 14 species list which is probably not legally enforceable.
John Cavitt- That is the reason for the rule change. Let me rephrase John's motion. Accept the presentation as presented with the exception of the list of species. Ask that the division establish a stakeholder group to generate a new species list.
John Blazzard- That sounds good.
Russ Lawrence-Include language that there is a stakeholder group and they meet every so often to review the rule.
John Cavitt- In order to do this, we have to ask the Wildlife Board to put this on their action log. What timeline are you thinking of?
John Blazzard- As the stakeholder group formulates this list, at some point and time, we could say we need a falconry advisory committee or meet whenever this rule is going to be revised. Just like we do with elk and mule deer.
John Cavitt- Not time sensitive. Let the Wildlife Board decide how much time they need to take. The motion is to accept the Divisions proposal as presented with the exception of the new list. We ask that the Division establish a stakeholder group to generate a new species list. That would revert back to what current practice is.
Matt Klar- Are we leaving that up to this committee if it is an inclusionary or exclusionary list.
John Cavitt- It would fall to the stakeholders, Division and Wildlife Board.

Motion Passes- Unanimous

Elections for Chair and Vice Chair

Justin Oliver- Nominate Bryce Thurgood for RAC Chair.
Second-John Blazzard
Passes: Unanimous

John Wall- Nominate Justin Oliver for RAC Vice Chair.
Second- Mike Laughter
Passes: Unanimous

Item 7. Timpie Springs Habitat Management Plan
- Pam Kramer, NR Habitat Section

See RAC Packet

RAC Questions

Russ Lawrence- The way this property was acquired, were federal dollars used to acquire it?
Pam Kramer- There were no federal dollars used.
Russ Lawrence- Why don't we call this a wildlife management area instead of waterfowl management area?
Pam Kramer- Because its primarily for waterfowl.
Russ Lawrence- That is not true. You said all those species that used it. There are a lot of wildlife that uses that. I think it would be more appropriate to call it a wildlife management area.

Pam Kramer- At Farmington Bay and Ogden Bay, we have a lot of species that are waterfowl that use it as well and we still call it a waterfowl area.
Russ Lawrence- But they require using hunters dollars.
Pam Kramer-Ok, I gotcha.
Justin Dolling- Timpie was not acquired with federal dollars but is managed with federal dollars. It was part of the original core waterfowl management areas that were part of the program. Over my career, there has been discussion whether waterfowl management area or wildlife management area is most appropriate.
Russ Lawrence- It might be better to be called waterfowl management area. If you call it something else, it might attract a lot of attention.
John Blazzard- I read in the paperwork where it said there was never any historic grazing?
Pam Kramer- Not that we are aware of.
John Blazzard- It seems to me if there is fresh water and grass, at some point and time, there is grazing.
Pam Kramer- It is mostly salt grass out there. It is very low vegetation. There might have been cows in the area because of the springs.
John Blazzard- I was just thinking that, as part of your plan, I noticed you left that open but a lot of areas like that goats are used to deal with weed problems. I don't suppose there are many weeds that live where salt grass grows.
Pam Kramer- There are some out there but not a whole lot of weeds.
John Blazzard- Do you have the ability in an area such as this to use herbicide?
Pam Kramer- That is what they do now.
John Blazzard- I wondered if that might be taboo to use that?
Pam Kramer- We use herbicides on most of our properties to tackle invasive weeds.

Motion to adjourn

Meeting Ends-9:06 p.m.

SOUTHERN REGION RAC MEETING
Hurricane Community Center
May 9, 2017 @ 7:00 p.m.

1. REVIEW & ACCEPTANCE OF MINUTES AND AGENDA

MOTION: To accept the minutes and agenda as written.

VOTE: Unanimous.

2. UPLAND GAME AND TURKEY HUNT TABLE RECOMMENDATIONS

MOTION: To accept as presented.

VOTE: Passed

3. FALCONRY RULE AMENDMENTS

MOTION: To accept as presented.

VOTE: Passed

SOUTHERN REGION RAC MEETING
Hurricane Community Center
May 9, 2017 @ 7:00 p.m.

RAC Members Present	DWR Personnel Present	Wildlife Board Present	RAC Members Not Present
Dave Black William Boardman Sean Kelly Brayden Richmond Michael Worthen Brian Johnson Wade Heaton	Phil Tuttle Natalie Brewster Mindi Cox Cody Evans Kevin Bunnell Teresa Griffin Vance Mumford Jim Lamb Jason Robinson Russ Norvell Lynn Zubek Shane Kitchen	Steve Dalton Donnie Hunter	Rusty Aiken Mick Jorgensen Craig Laub Mack Morrell Layne Torgerson Harry Barber

Dave Black called the meeting to order at 7:02 p.m. There were approximately 5 interested parties in attendance in addition to RAC members, members of the Wildlife Board, and Division employees. Dave Black introduced himself and asked RAC members to introduce themselves. Dave Black explained RAC meeting procedures.

Wildlife Board Update and Regional Update:
- Dave Black, RAC Chair

Regional Update:

Kevin Bunnell, Regional Supervisor: Thanks Dave. First thing I'd like to do is introduce we have a new Conservation Officer here in Washington County, Shane Kitchen, here in the back, comes to us from Daggett County so it's a little bit of a population shock even in, in Southern Utah, and any red-headed fair skinned kid wants to come down to Washington County so he's right at home here and we do look forward to having Shane as part of our crew and he'll do very well. A couple of things I wanted to hit, the ruling for Utah Prairie Dogs that came out of the 10th Circuit Court, there is still probably more questions than there are answers with that if anybody has any specific questions on that you are welcome to come up and ask, either talk to me after the meeting or during a break. Fishing is good across the region right now as it typically is as the ice comes off and there is plenty of opportunity for that. We have free fishing day coming up on June 10th and we will have events both at Little Reservoir up above Beaver and at Brian Head, the little pond there at Brian Head for free fishing day. We, I know Panguitch Lake is a place that a lot of people have interest in, it was netted by our aquatics crew yesterday and its in fantastic shape just as they expected. Fish numbers and conditions look good. We are now 11 straight years without having any, finding at chubs in our surveys up at Panguitch Lake. You remember that was a really big deal about a decade ago when we did a (inaudible) treatment up there at Panguitch Lake, it's been hugely successful even though it was pretty controversial at the time, it's something that we are certainly glad that we did at this time and the management that is going on up at Panguitch Lake is doing well. We are right in the middle of the turkey hunt, it's going well, some information that I saw today that I thought was pretty interesting, 39% of the people that bought turkey tags this year had never hunted turkeys before, seems to be, it's not something people do necessarily every year, but it is one of the hunts that seems to bring new people into the sport and is growing and is a good, way to to get people interested in opportunities to hunt. And then lastly, I will mention and some of you are maybe hearing about this, we are doing very aggressive right now, in moving deer out of some of the agricultural fields in some places where they are causing problems. We do that unapologetically because by being responsible in that aspect and trying to take care of places or crops and farmers and some in town nuisance places, I firmly believe that that will create more opportunities for more deer in the future, we've got to take care of the places we have issues and we have just, we try to time those very carefully so that we are targeting the resident deer so we wait until after the migratory deer have gone back up onto the mountain but then we need to get it done before fawns are born, and so it gives us really about a two to two and a half week window to be aggressive in doing that. And really, we've got a lot of sleep deprived biologists right now because most of that work is done at night and they are kind of running ragged right now but its work that needs to be done. That's all I have unless there is questions from the RAC members.

Review and Acceptance of Agenda and Minutes (action)

Dave Black made motion.
Wade Heaton seconded
Passed

<u>UPLAND GAME AND TURKEY HUNT TABLE RECOMMENDATIONS</u>
Jason Robinson, Upland Game Coordinator

Dave Black: Thank you. Any questions from the RAC? Mike.

Questions from the RAC:

Mike Worthen: I have a couple and I think I know the answer to one, maybe both of them, but anyway you mentioned that was recommendations to the migratory birds, are those seasons set by the Federal Government or the US Fish and Wildlife Service or is there leeway in there to set those?

Jason Robinson: So, what the federal government does is give us the maximum we can have. We can have more restrictive but we can't be more liberal. So, what we currently have is we offer the most liberal option that the federal government gives us.

Mike Worthen: So, the dates, cause, and I've heard this for years, the date on the opening for morning doves is about a week too late because we get a cold snap one day and they're gone the next day and hardly anybody can find any that opening day. Is there any way to suggest that that gets opened a week earlier?

Jason Robinson: So that is actually defined in the migratory bird treaty.

Mike Worthen: That's what I was wondering.

Jason Robinson: Yeah so, it's not likely, I guess is the short answer. It takes,

Mike Worthen: But the states do not have any leeway as far as the opening dates?

Jason Robinson: We can't open it prior to September 1.

Mike Worthen: The other one is ravens. They are everywhere I mean literally everywhere, and I was really surprised when the American Crow got onto the hunting list. Is there any way we can make recommendations to the Fish and Wildlife Service for ravens to put them in a hunt?

Jason Robinson: So, ravens are managed differently than crows. There is, they both fall under the Migratory Bird Treaty Act so they are both federally regulated species, with crows they allow a variance to be able to have a hunt, to basically address nuisance and depredation issues but the same allowance is not there for ravens and so we currently have no options for a raven hunt and there are ravens, through the US Fish and Wildlife Service, the state can apply for a raven take which the State of Utah has, and Wildlife Services,

Mike Worthen: And your right, talking about (inaudible) control at that point, I'm talking about hunter?

Jason Robinson: There are no options for hunters.

Mike Worthen: Is there any way the state can petition the US Fish and Wildlife Service to consider that or is that Congress?

Jason Robinson: Yep, it takes a change to the Migratory Bird Treaty Act.

Mike Worthen: Thank you.

Wade Heaton: Jason I was just curious, why did the Wildlife Board, want you to consider ruling the turkey, the spring draw hunt in with over the counter and making the whole thing over the counter?

Jason Robinson: You know I wasn't at the meeting where this was put on the Board Action (inaudible) so I wasn't sure the exact conversation that led up to that request so I kind of caught on the tail end, I think it was just looking at different options trying to see, I think it sparked from some of the conversations on the youth hunts, but again where we got looking into it, the majority of folks we talked to liked the current structure.

Gene Boardman: So, your or the DWR's recommendation is to stay with the current structure?

Jason Robinson: Correct, yes.

Gene Boardman: Thank you.

Brian Johnson: Just curious, what is the rule on baiting turkeys? You said there was some changes?

Jason Robinson: Yea they should be in your RAC packet if you want to read them. We defined it a little bit cleaner in the rule. So, what Kevin said is in general you are not allowed to bait turkeys.

Dave Black: Any further questions from the RAC? Question from the public? We do have a couple comment cards, one is just to read and one would like to come up and that's Ron MacIntosh.

Questions from the Public:

Comment Card:

Ron MacIntosh: Thank you RAC, thank you chairman. I'm with the Utah National Wild Turkey Federation, I'm here to represent the NWTF. And we 100% support the DWR's decision not to change anything with the turkey guidebook.

Dave Black: Okay thank you and the other one is from Bryce with Sportsmen for Fish and Wildlife, and they support the DWR recommendations as presented. So that's all the comment cards. Do we have comments from the RAC? Okay, I'll entertain a motion.

RAC discussion and vote

Brian Johnson made the motion to accept. Brayden Richmond Seconded.

Vote
6 and 0 opposed.

FALCONRY RULE AMENDMENTS
Russ Norvell, Avian Conservation Program Coordinator:

Dave Black**:** Okay thank you. Questions from the RAC?

Questions from the RAC:

Sean Kelly: When you talk about adult birds are you talking about (inaudible) and haggard? So, anything older than (inaudible)?

Russ Norvell: Yes, all of the above, these rules effect, for those who aren't falconers probably, so (inaudible) nestlings, haggard are adult breeders, (inaudible) are first year migrates.

Sean Kell : So, when you are talking about kestrels, in general you are talking about, now they get a (inaudible) passage?

Russ Norvell: Now they can get a haggard bird actually. It's allowed in federal rule to take haggard adults but it's the adult birds because you are taking, you are taking a bird out of the breeding population.

Sean Kelly: But an apprentice still has to take a passage bird?

Russ Norvell: Correct.

Sean Kelly: So, it's too hard for a general or a master to tell but not for an apprentice?

Russ Norvell: It is, but its specifically precluded by federal law so we can't, we don't have any flex on that.

Dave Black: Wade?

Wade Heaton: I fall into that non-falconer category so bear with me, I actually did read through the rule and your goal was to take out the confusing sentences? You failed on some of that, I'm just kidding, you did fine.

Russ Norvell: In our defense, I will say that the current rule and in both its forms echoes as much as possible the federal rule, that we started with, some of that language and quite honestly some of the inconsistencies are inherited.

Wade Heaton: It probably made more sense to other people who are a little more familiar, I did have one question though, with the, the classes of the permits, the apprentice, general, master, you mentioned there is a special endorsement for eagles, what is the point of that, give me a little more detail behind that if you would.

Russ Norvell: The eagle endorsement is basically a certification that you have the experience handling and caring for large raptors, so you don't hurt them or yourself or anybody else in the process. So, you've got to build up some experience with smaller birds and over time before you get a letter of recommendation, there is a process of recommendations, from other falconers who have large birds, you can get experience in a variety of ways, by volunteering, by helping to handle large birds from other

friendly falconers, that's how you get that endorsement.

Wade Heaton: So, it actually, you can get a current permit, one of these three classifications, and still not be able to have eagles? You have to have that endorsement?

Russ Norvell: That's correct. And currently the take of golden eagles is quite limited by the service, its, at this point it is very difficult to get a wild golden eagle.

Wade Heaton: And that is mainly regulated by Federal Fish and Wildlife?

Russ Norvell: Correct. We have tried to clarify the process in this rule so that its more clear as to how that could happen if it ever did, but,

Dave Black: Mike?

Mike Worthen: I know at one time there was I guess a move or maybe it was more than a move that allowed the take of golden eagles or capture of golden eagles for falconry purposes, when they were depredating on livestock, is that still the case and is there a list the Fish and Wildlife Service goes down when they have one that needs to be removed from the wild?

Russ Norvell: Yes sir, and we have not had a wildlife depredation area delineated in Utah I believe ever. There is a new part of the process that came as a result of this rule revision, was that the governor can now designate a depredation area which wasn't allowable before. However, before a bird can be taken from the wild, the Service will require a variety of steps to be taken first, including hazing, trap and relocation and then after all that, you might be able to get on that list. Quite honestly, a golden eagle that is hazed and then trapped and relocated is going to be very trap shy and tough to capture no matter what and just lots of better places to do at that point. It doesn't make it very easy to get a golden eagle at all.

Mike Worthen: One comment on that, on the use of the word take, cause you are talking about taking prey, and then taking a kestrel and I think I followed you but you may want to clarify that.

Russ Norvell: Sure, when I'm using the word, the term take, its from the Migratory Bird Treaty Act and from the Bald and Golden Eagle Protection Act, the service talks about take as removing a wild, a bird from the wild. I should say that falconry birds are considered to remain wild even while they are in possession. They are not owned by the falconer, they are merely housed, cared for at that point.

Dave Black: Thank you.

Gene Boardman: I need a little more education on this falconry thing, you talk about the wild ones, is there falcons that aren't wild?

Russ Norvell: Yes, sir. Falconers can use captive bred, pen-raised birds essentially as well for falconry, and that includes a wide variety of species that are not native to North America, for example, or they can also raise birds from, that are captured in the wild and brought into captive propagation and then are no longer wild.

Gene Boardman: If one is taken from the wild what's it's life expectancy or useful expectancy as a

falcon?

Russ Norvell: Uh that varies greatly with the species, but I think the general consensus both in literature and in practice is that birds in captivity have a longer life span than they would in the wild. Much like a zoo animal you know you have these age records, these are well cared for, for the most part, it's well established these birds live longer in captivity than they do in the wild. And many falconers will capture a bird, use it for a season or two and then release it again. So, it's kind of catch and release if you will.

Gene Boardman: Thank you

Dave Black: Any questions down here? Sean?

Sean Kelly: Just want to mention this is one of the most difficult rules I've ever dealt with, you've gone a long way to simplifying that so it's much improved over what it was. I'm just curious was there a committee that was associated with this revision? Did you run this by?

Russ Norvell: A public committee or?

Sean Kelly: Yeah, made up of I guess falconers association and audubon were they kind of involved in the rewrite of this?

Russ Norvell: We primarily consulted with UFA and falconers in the ramp up to the rule revision and most of the text and modifications were as a result of quite a bit of consultation with them. Audubon were consulted more after the rule was drafted, the first draft came out in late November however and that's when the autobons first got the, first got a viewing at that point. There wasn't any particular rationale for excluding anyone, but there wasn't a formal process of inclusion either. Does that answer your question?

Sean Kelly: Yeah.

Dave Black: Any other questions? Okay before we open it up to the audience we just ask you if you come up at this time that it's for questions only and that you use the mic on my right, your left and then we'll follow up with comments so if there is any questions from the audience please come up, state your name.

Questions from the Public:

Justin Searle: Thank you Chairman. My name is Justin Searle, I'm a master class falconer of 15 years experience and here representing UFA. Russ, in the information that the RAC has received, I mean based on this slide alone, it looks like a good thing for falconers going from 14 species to 54 species, why is the UFA against your proposal in doing this list and what is the argument here?

Russ Norvell: Well I think, I won't speak for the UFA but I know where you are going with this.

Justin Searle: Understood, just trying to summarize the list of questions.

Russ Norvell: Yeah, I understand. You've got 5 minutes.

Justin Searle: So, with this list of 14 species we're going to, you say currently we need to include this in the list of falconry rules. What is the legal status of that list of 14?

Russ Norvell: That's one of the issues with the rule. The rule was constructed probably improperly back in 2008 and then again in 2012, by maintaining the list of allowable species outside the rule as a web page, the intent was to make it easier to change, update, without having to go to the full RAC and Board process, however in doing so my predecessor inadvertently did not follow a proper rule construction so it is a little unclear right now. We've gone back through the minutes from the 2012, 2008 RAC and Board process, its unclear whether or not the rule itself is enforceable. Not the rule itself, that list of 14 species. We have spoken with the coordinator and gone back over as much of the materials as we can find, as to the intent behind that, if it was in fact intended to be the list of allowable species, however in the current rule construction its enforceability is entirely questionable.

Justin Searle: Okay and specifically in the Utah Falconry rule exactly how many species are actually currently permitted in the Falconry Rule that is legally enforceable?

Russ Norvell: Potentially it would be the federal (inaudible) the 500 plus species that are available in those three orders globally.

Justin Searle: So basically, any raptor with some specifically noted exceptions?

Russ Norvell: Correct, yeah there are some, there are several species for example (inaudible) golden eagle, etc., bald eagle that are specifically precluded or have extra restrictions in the federal rule but other than that it's the anything those three orders of raptors (inaudible).

Justin Searle: And is that list of 14 species, is that referenced anywhere in the Utah Falconry Rule?

Russ Norvell: Nope it's not.

Justin Searle: So, does this slide accurately represent the Utah Falconry Rule then? The current rule that we have in force today?

Russ Norvell: This represents our current policy and practice. It does not well represent perhaps the rule itself.

Justin Searle: Okay so 14 species are currently permitted, how many species do we currently have represented in possession here in the State of Utah today?

Russ Norvell: As I mentioned in the first slide 26, let me go back up, there we go, 26 species, 16 are North America native, 10 non.

Justin Searle: So approximately 12 species in addition, above and beyond the 14 species actually listed?

Russ Norvell: Yes, all these species were approved for, by a coordinator, sometimes my predecessor, for use in falconry, so that, the current rule allows the falconry coordinator, the person in my position, to approve an application for a COR for a raptor species. Even if it's not on the list of 14. And that's

happened.

Justin Searle: And does the Division actually have a paper trail of every single instance of those extra 12 species? The actual request by the falconer before possession and the approval response before the falconer took possession of the bird?

Russ Norvell: No, we don't. we have actually, unfortunately somewhat poor record keeping for a period of time and like I said one of the reasons we've built a data base is to help improve our tracking of all these requests and approvals, etc.

Justin Searle: Does the UFA and the Utah Falconers believe that the list of 14 was ever enforced in the State of Utah?

Russ Norvell: Well again that's for the Utah Falconers to say.

Justin Searle: Alright. Thank you

.

Dave Black: Any other questions from the audience? Okay, we'll go to the comment cards. And we have 2, and we'd ask you at this time to keep your comments to 5 minutes and the first one is Martin Tyner followed by Justin.

Comments from the Public:

Martin Tyner: My name is Martin Tyner, I am a master falconer. I'm an eagle falconer. I'm the first person in North America licensed to trap and train a wild golden eagle for falconry. I am a wildlife, federally licensed wildlife rehabilitator. I've been flying birds for nearly 50 years so I've got a pretty good handle on what falconry is. Falconry is a little bit more of a history than what they've talked about, falconry started more than four thousand years ago. Falconry is so intimately involved in the human experience that the United Nations has declared falconry as a world heritage activity so its far more than hunting, it is truly a lifestyle. I think if you guys have read through the proposed falconry regulations probably the thing that you noticed more than anything else is I'm sure glad I don't have to do that to go deer hunting or to go pheasant hunting. You know we are the most highly regulated field sport in the country and probably in the world as well. So, so you have to kind of accept the concept that if you are willing to read every book that you can find on falconry, pass a written test administered by the Fish and Game, like most government tests the test is extensive and badly written, once you pass the test you have your facilities inspected and then you go through a two year apprenticeship just to become a general class falconer, that would show a level of dedication that allows you to do things that regular general public aren't allowed to do if that makes sense to everybody. Now the problem that we are having with the falconry list of approved birds of prey, let me put it in kind of a different context, someone in the Utah Division of Wildlife Resources decides that we are going to regulate the shotguns used for hunting off land game and waterfowl. And we're gonna make a list, and we're gonna make a list of 50, 60 shotguns that will be approved, any shotgun that is not on the list, you not only cannot hunt with you cannot import into the state, you cannot have it in your possession without making an application and request the director of the Division of Wildlife Resources. That's what we're looking at. We're looking at the concept that you know here is a very small list and I'll be honest with you guys, bird of prey of the world, hundreds of hundreds of hundreds of birds of prey. In this book, I would for myself personally, I would basically say that at least 90% of the birds in this book are not in my opinion usable for falconry.

By my standards, but who am I to make that decision? If somebody wants, to fly a bird that I think is absolutely worthless in falconry, and within the falconry list, they have the Northern harrier, now the Northern harrier is a little light weight, little glidy thing that eats frogs and lizards and mice, is that an appropriate falconry bird, in my opinion no but its on the falconry list, yet there are hundreds of birds that would be qualified for falconry that is not on the list. That falconers can have. And I was the curator birds of prey at Busch Gardens in California and I have flown all sorts of exotic birds in my lifetime, and if somebody were to come up to me and offer me through a zoological facility, something really exotic and really wonderful, something that I've never ever worked with, well before I can accept it, I have to make application to the Director of the Division of Wildlife Resources, whom himself has, without justification, could say no. Just like this particular list, there is no justification for this list. For the vast majority of years that I was a falconer, the list was basically falcons, eagles, hawks and a couple of different owls and that was, that is what the US Fish and Wildlife Service, that's the list that they give. Now as far as simplifying the falconry regulations. When I first moved to Utah, I came to Utah because I wanted to get away from the oppressive regulations that I had to put up with in California. And so I moved to Utah, and when I moved to Utah the falconry regulations, 1 page. Okay, and every time they do the falconry regs guys, the goal is to simplify and clarify, and to shorten,

Dave Black: You got one minute, just so you know.

Martin Tyner: Okay, 38 pages. I would highly recommend that we do not pass that particular, I mean most of the falconry regs is fine but that particular list is a big problem, is a big problem for that small group of a couple hundred falconers and and its going to make it very difficult to practice, in fact even the national organization, if that list is passed, NAFA, the North American Falconer Association, will no longer come to Utah and bring their national meet to Utah because they will bringing birds that they can't bring in. In fact currently I have a golden eagle, I have a (inaudible) hawk, my (inaudible) hawk is half Finnish, half Apache, I have a (inaudible) hawk, I have a prairie falcon, and so even my (inaudible) hawk would be questionable if it would be legal. And of course, brining my (inaudible) hawk into the State of Utah the only approval was I just fill out my normal import permits that we do for any other bird of prey, send it up to Salt Lake, its automatically approved, there was no question, there was no consideration, oh well this (inaudible) bird you can have it and unfortunately with passing this list that will no longer be possible so I would highly recommend please, if you have a question about falconry, I'm here, please ask.

Dave Black. Thank you. Our next comment is Justin Searle.

Justin Searle: Justin Searle, representing UFA, so five minutes? First we definitely want to say thank you to Russ, because Russ has been great to work with and not only has he addressed many of the issues that we've been concerned with aside of the current Utah Falconry Rule, he has also made a lot of changes, that are very positive changes in the Division, addressing different staffing issues that have been a hindrance as well as creating the data base and really putting the Division in order for falconry so we really really appreciate to Russ for that. Just really briefly on the part of UFA and UFA, you've heard pretty much all the reasons why that list of 14 birds is, is, disputed or and why the list of 54 birds is something that we stand against, to give you a little bit of history, just really briefly, UFA actually helped and sat down with the Division about, about 10 years ago to create that initial list of 14 birds which actually wasn't originally a list of 14 birds that were specified by species even though memory of some indivudals appeared to change. But that was a list of recommendations, recommendations for the birds, and they were native birds, native species here, the falconry rule at the time actually allowed for those

orders of birds as well. So with, with that list there is also question, in fact to tell you the truth the Utah Falconers Association almost every single falconer that still the last year has found out about this list of 14 birds, it's kind of a shock to every single one of us that that was ever there, of those birds that were the 12 species that were above and beyond that list of 14, I've spoken to several falconers, not a single falconer has ever had to request that species to ever be permitted and be able to get an approval before bringing that bird in, all they did was fill out the appropriate paperwork and mailed that paperwork in to the federal government as well as to the State which we have to do within 5 days of either purchasing a bird or taking possession of a bird from the wild. Really briefly with in regards to what's wrong with having a list of 54 birds in the first place? Well if the goal was to try to simplify the list and simplify the regulation, trying to teach a DWR officer to specify and be able to recognize the difference between 54 different species is something that I can tell you right now, of the 256 falconers currently in the State of Utah, almost every single one of them would struggle to be able to actually recognize at least half of those 54 species so in no way does it actually simplify or make it easier to enforce the falconry rules or regulations. The DWR has not performed any biological studies here in the State of Utah to justify that need. There has been no justification for why that list is needed from a biological study perspective. And when it comes down to human health and safety as well as diseases, there haven't been any diseases that have been identified in the State of Utah that has ever been brought by a falconry bird. In fact, if we bring a bird into the State of Utah we actually have to get a health inspection from a vet and bring in a certificate from a vet and there is only 2 sources of locations where we can get these birds, we can buy or we can request a permit from the State to trap a bird that is locally here in the state or we can buy from a breeder that is actually under the US federal regulations of what they can actually breed. So it is already regulated and limited to what we can currently have. The list of 54 species does not include all the birds that are currently in use inside of falconry, that's the reason that NAFA who brings over 300,000 dollars' worth of revenue to the City of Vernal when they hold their meet there every 5 years, has stated that they will not come back to Utah if that list is enforced because there are birds being used and hunted nationwide that is not included in that list of 54 birds. In fact, within 100 miles of where we stand today, there are breeders that are actually breeding birds for use in falconry that are not on that list. It was mentioned earlier about eagles. Russ mentioned how difficult it is to get an eagle. I've been a falconer for over 15 years, I will be submitted all my paperwork to my eagle endorsement this summer, however, there is no way for me to be able to get a golden eagle here in the State of Utah, I actually am forced if I want to fly a large raptor to go to a breeder and actually purchase a bird through a breeder than is a large raptor that I can actually use here in the State because there is no other options that are available.

Dave Black: Down to one minute.

Justin Searle: Okay, thank you. Just really in summary this list, the list of 54 birds really seems to be more of a solution looking for a problem than actually trying to address any problem that has been documented by the DWR. The UFA kindly requests the RAC to go ahead and present the motion that we have actually placed before you and vote affirmative to accept all the DWR changes in the falconry rule as presented by Russ today with the sole exception of the list of 54 species. And instead to revert the list back to the current Utah Falconry verbiage and wording that allows for the 3 orders of raptors which is easier to enforce and what has been in place since 2010. Thank you very much.

Dave Black. Thank you. That's all the comment cards. Do we have comments from the RAC? Mike?

Comments from the RAC:

Mike Worthen: Let me just mention one thing, Mr. Tyner is a very highly respected individual in Southern Utah as both a rehabilitator and an educator to the public schools one that we really trust his judgement on and so I really question if there is a need for 54 species you know what was the Division trying to accomplish by making the list and maybe you can answer that because I'm a little, you know if there wasn't a problem before are we creating a problem by making that, putting sideboards on a list.

Russ Norvell: Certainly, the list of 54 came from discussions with the UFA, their prior administration, where we discussed one of the changes we'd like to do is incorporate this list of 14 into the rule, there was discussion and objections to that and so we said well if you don't like the 14, what would you like, ask, send us anything at all. We got a list of 74 species that were requested, we evaluated those with basically a, sorry, one slide here, how do I get there, there were 4 criteria, basically in addition to whether or not the, is the bird legally possessed and legally possessable under federal law, fundamentally is it suitable for falconry and as the State defines it, we regulate hunting practices, we don't regulate lifestyles, so there is a mismatch inherent to how the extent of the Divisions purview with, I mean the sport of falconry, I fully acknowledge is much larger and much broader than what the Division is legally mandated to authorize and to regulate.

Mike Worthen: So, the 54 species that are being suggested is that because there was other species that were undesirable coming in and the Division had to limit that so there was nothing slipping in between the cracks?

Russ Norvell: The list dropped from the 74 requested to the 54 primarily because of birds of conservation concern, there was some other species that were deemed unsuitable for falconry like I mentioned before, nocturnal (inaudible) owls do not meet the States standards.

Mike Worthen: Has the falconers tried to get those types of birds in and use them or is this?

Russ Norvell: Not to my knowledge, no.

Mike Worthen: Okay and so there is really not a problem there with the falconers that have gone through the certification process and whatever else.

Russ Norvell: Correct and we also added a process and tried to make it as clear as possible as to how additional species could be added without having to go through a full RAC and Board process. Like you would have for a CAP rule

Mike Worthen: Okay.

Kevin Bunnell: Is the intent here I mean there is certainly falconers are dedicated to their sport and but they are not all the same, is part of the intent with the list to keep people under the auspice of falconry from just brining in birds that are essentially just a pet.

Russ Norvell: Yes, there is a different process for that under the CAP rule, if a bird, if someone wants to possess a bird that is not suitable for falconry and fly it on, that's not, it may be fun but that's not falconry, and that is federally regulated under the CAP rule for possession.

Kevin Bunnell: So, with that, and I'd ask Martin to respond to this as well, you know the, comparison

you made with regulating shot guns to maybe this is more like regulating and we've had people come and ask for cross bows and for air guns and for (inaudible) and for all sorts of different weapons for harvesting wildlife that we've said no to because we didn't think that they were ethical or for some reason didn't meet the definition of hunting. To me that's more of the comparison that is here rather than saying you can bring in this shotgun but not that shotgun, what we're saying is you can bring in a shotgun but you can't go hunt with an atlatl. And I would ask if you would agree that that is more of a straight forward comparison here?

Martin Tyner: Well basically I would disagree with it a little bit. Falconers to the best of my knowledge and like I said I've been doing this for almost 50 years now, and there are always bad people in every group, I mean I can think of a very small handful of people that I've met in the last 50 years that if you guys were to take them, put them in jail and throw the key away, I would be thrilled, I really would and but the falconers themselves, you know, it is truly their lifestyle and the problem with the list like I said my Finnish (inaudible) hawk, isn't on the list, and yet there is lots of breeders in North America that breed Finnish (inaudible) hawks and the northern (inaudible) hawks that we have here in Utah are in decline, their populations are stressed, now I could have gone up this last Spring and got me a Northern (inaudible) hawk, from the mountains up here above Cedar City, I've got three nests to choose from but the populations are stressed, I don't want to take a hawk from a stressed population so I'll go ahead and spend the money, drive to California, and purchase a Finnish (inauidble0) hawk so I don't have to stress the native populations but I couldn't do that with that list. Does that make sense? And so the problem with the list is if you stay with as, as originally intended, you known hawks, falcons, eagles, and then there is only a couple of owls, if you stayed with that, you don't worry about the little (inaudible) owls, you don't worry about that and for goodness sakes, if you don't want somebody flying a little screech owl or (inaudible) owl, hunting insects, you don't want them flying a Northern Marsh Hawk on frogs, that is on the list, so it's just, it is just silly the way the list is done.

Kevin Bunnell: Thank you.

Wade Heaton: So, Justin mentioned that there was 256 falconers, half of them or a majority would have a hard time listing half the birds on the list, half the 56, I would have a hard time listing 5, so I just want to come right out where I am at, I don't understand a lot about falconry but I do the principal that is at work here. I believe very much in Brian's Merica, and I also sit on a County Planning and Zoning Commission and give me a little liberty to explain a principal that we have that we wrestle with every month, the principal is this, do we list all of the accepted uses, the permitted uses, of a piece of property or do we list all of the uses that are not permitted. Do you see the difference there? I strongly believe that if we don't have a problem, why are we limited, why are we adding restrictions, taking rights away from people that clearly there does not seem to be a problem, they seem to govern themselves pretty well. Again, I don't have a dog in this fight but I do want to uphold the principle behind this, I appreciate where these guys are coming from.

Brayden Richmond: My thoughts are very in line with Wade's actually on this and I guess what I would be curious about Russ is just to hear your thoughts along what Wade said there. Why are we limited versus allowing?

Russ Norvell: Fundamentally because of just exactly the point you landed on. State Wildlife rules are generally written to preclude everything except a list of allowable weapon types, hunting seasons, your hunting seasons are excluded except this open window, that is how our rules are constructed, to be

consistent with the rest of the State rules, that was the path we are headed down with this rule and that is why the rule is constructed this way. Now there are as you pointed out, other ways of constructing rules, that's not, typically to be consistent with the rest of the State rule construction, that's not the way we've gone.

Kevin Bunnell: Wade, to respond to that, there is 99% of the species that live in Utah that the Division of Wildlife has management authority on that aren't hunted, so it's just as Russ says.

Dave Black: Gene, do you have a comment?

Gene Boardman: I'll make one. I really think that what isn't broken we shouldn't try to fix and that the less regulation and the more freedom that we can provide the better it is.

Dave Black: I think we're ready for a motion.

RAC discussion and vote:

Wade Heaton made the motion to accept the revisions as presented by the DWR, with the exception to accept the UFA's exception. Mike Worthen seconded.

5 for, 1 opposed. Passed

Other Business

-Dave Black, Chairman

Meeting adjourned at 8:28 p.m.

Off the mic, RAC voted on keeping Dave Black as Chair and Mike Worthen as Vice Chair.

Southeast Regional Advisory Council
John Wesley Powell River History Museum
1765 E. Main Street
Green River, Utah
May 10, 2017

Motion Summary

Approval of agenda and minutes

MOTION: To approve the agenda and minutes as written.
Motion passed unanimously

Upland Game and Turkey Hunt Table Recommendations

MOTION: To accept the Upland Game and Turkey Hunt Table Recommendations as presented.
Motion passed unanimously

Falconry Rule Amendments

MOTION: To accept the Falconry Rule Amendments as presented, with the exception of the restrictive list of 54 raptor species, and instead of that list, retain the current Utah Falconry Rule permissive list of raptor species that has been in place since 2010 of "any raptor species of the order Accipitriformes, Falconiformes or Strigiformes".
Motion failed 3-4

MOTION: To accept the Falconry Rule Amendments as presented.
Motion passed 4-3

Southeast Regional Advisory Council
John Wesley Powell River History Museum
1765 E. Main
Green River, Utah

May 10, 2017 ~ 6:30 p.m.

Members Present	*Members Absent*
Kevin Albrecht, Chairman, USFS	
	Sue Bellagamba, non-consumptive
	Keith Brady, elected official
	Blair Eastman, agriculture
	Trisha Hedin, sportsmen
Todd Huntington, at-large & Vice Chairman	
Dana Truman, BLM	
Kent Johnson, at-large	
Derris Jones, sportsmen	
Darrel Mecham, sportsmen	
Christine Micoz, at-large	
Charlie Tracy, agriculture	
	Gerrish Willis, non-consumptive
Chris Wood, DWR Regional Supervisor	

<u>Others Present</u>
Dr. Mike King, Wildlife Board member
Public in attendance: 7

1) Welcome, RAC introductions and RAC Procedure

- Kevin Albrecht, Chairman

We would like to welcome everyone out tonight to our May RAC meeting. I appreciate the RAC members in making it tonight. We would also like to welcome the public and our Division employees. We will start off with the approval of our agenda and minutes.

2) Approval of the Agenda and minutes

- Kevin Albrecht, Chairman

Kevin Albrecht – Has everyone had an opportunity to take a look as those?
Todd Huntington - I move to approve.
Kevin Albrecht - Motion by Todd Huntington to approve the agenda and the minutes.
Chris Micoz - I second that.
Kevin Albrecht – Seconded by Chris Micoz.
Kevin Albrecht – All in favor? Unanimous.

VOTING
Motion made by Todd Huntington to accept the agenda and minutes as written.
Seconded by Chris Micoz
Motion passed unanimously

3) Wildlife Board Meeting Update
- Kevin Albrecht, Chairman

Kevin Albrecht - Our last Wildlife Board meeting was pretty eventful, and I will do my best to update you and I may have Chris jump in here also. I will start off with some of the notes from our Director. He talked about the wolf management that was restored back to Wyoming, so now that would be back under state management in Wyoming. So now Idaho, Montana and Wyoming have state management of the wolf. He reiterated the tough winter that they had in the northern parts of the state. They may have had up to 90 percent fawn loss in some areas of the northern part of the state. Talked about the winter feeding and he really appreciated a lot of those who stepped up to help with that; there was a lot of public and groups that helped with that, and he appreciated that. He talked about the shed antler season and some of the reasons of why they did what they did with that. They had a 60-day closure. Officers spent 3,200 hours during that and made 2,500 contacts, and there was 93 violations during that time. Right off the start there was the action log item that the Division review the shed antler gathering and provide an informational report at the upcoming September RAC meeting. That motion was unanimous.
Todd Huntington - For what?
Kevin Albrecht - The Division is going to look at all the pros and cons of the shed antler season and kind of how it developed. They talked about it pretty in depth in the meeting. There was a lot of other effects from that that they were not necessarily considering the effects that had on Colorado and Arizona and also Nevada. Some of those states had to implement their own shed

antler season due to that or Colorado did at least. They wanted the Division to come back with more feedback on exactly what happened, and if they were to do it in the future, what that may mean, and help the Wildlife Board to make the decision on it if they want to go around to the RACs or not.
Todd Huntington – Headed towards like a permanent season or a permanent opening?
Kevin Albrecht – Yes, but right now it's just in the review so it's action log. They want the Division to bring to light all of those things to be able to be discussed. The board would make the decision whether that would come through the RAC process or just only be during emergency years.
Chris Wood - Just some internal talks from what I have heard, is if it is up to us, we as an agency would be leaning towards not having this type of thing in the future, unless there was a severe winter. But of course, it would have to go through the RAC and board process**.**
Todd Huntington - That is a lot of man hours that you had to put towards that. And a lot of violations too, unfortunately.
Kevin Albrecht - The Bucks, Bulls and once-in-a-lifetime, this is my first time since attending the Wildlife Board that I have ever seen that passed unanimous, and that was the case. Also, the antlerless permit numbers was also passed unanimous. So there was a variance that came through with that landowner. There was a lot of discussion there and there was quite a lot more in depth. The landowners were there and they talked a lot about in depth. Just to review that a little bit, that is where the land was threatened to be condemned and the landowners sold it off. So with much discussion the Wildlife Board did approve them to have a CWMU, different from us.
Chris Wood - I think the Wildlife Board felt like they were giving a variance or granted a variance, right? But one of your thoughts was that if we approve this that we would have a line of people waiting to get theirs approved as well. I think the Wildlife Board decided that this is such a specific situation where the federal government said either you sell us your land or we are going to condemn your land. They had to sell their land to the federal government and that is what created this gap between two properties. That was such an exception that they're not going to see a line of people wanting variances in the future.
Kevin Albrecht – There was several action logs. There was one action log request that the Division look at the possibility of a second general season rifle deer hunt. This is one that we also brought from ours and that passed unanimous. There was an action log request to have the Division look at the possibility of limited-entry late muzzleloader hunts on general season units with buck-to-doe ratio is that or at above objective. That is happening on some units today but as an action log wanted it to all units that were above the management objective. That would be an action log to the Division. I wish that we could ask for the Division to come down. They gave a presentation there on what they had found on the cactus buck findings on the Paunsagunt from their study down there. Fortunately, the level of intelligence it takes to understand that is a lot above from what I could describe it to you. But it was a very good study. I don't know if we could have that presented. There was some really good information there. There was an action log item to have the Division looking at adding a velvet-only buck hunt in November on the Paunsagunt hunt they may address some of that. At this time this is just an action log for the Division to look at the pros and cons of that.
Chris Wood – It is hard, it's impossible to define cactus buck, so in order to help define cactus buck, it was called a velvet-only buck hunt. So if it is still in the velvet in November, hormonally, it's a cactus buck.
Kevin Albrecht – So they would ask the Division to look at the possibility but, that hunt would

not be allowed to be during the muzzleloader or the archery like the Henrys has. They also asked the Division to look at, now that the Mountain Goat issue seems to be solved, some of the lawsuits, they asked the Division to go forward to looking at the rest of the areas that they wanted to pursue that as an action log item and see if they are going to move forward with those. There was also an action log request to have the Division look at ending all antlerless public hunts by December 31. Any questions? There was quite a bit there from that meeting.
Chris Wood - Some of these action log items are from some of the outgoing board members who wanted to see some of these things through the upcoming years. That is why there is a long list of action logs.
Kevin Albrecht - With that we will turn the time over to Chris for the regional update.

4) <u>Regional Update</u>
- Chris Wood, Regional Supervisor

Chris Wood - Good evening, and thank you for coming. Maybe first we should have Dana introduce herself. We have a new RAC member; we said goodbye to Karl. So maybe Dana introduce yourself and your background and your interests.
Dana Truman - My name is Dana Truman. I work out of the BLM in Price, Utah. I work as their wildlife biologist and botanist, so I spend a lot of time working on endangered plants, vegetation and local wildlife. I worked as a range specialist for them for about seven years before this and then I also spent two years at the Forest Service on the Manti-La Sal. I really enjoy public land management and I am a big fan our public lands and hunting opportunities.
Chris Wood – Awesome. Any questions for Dana? Welcome aboard. We had Karl leave last month and now we have six additional RAC members leaving after tonight. Before I go into the regional update, I will just thank you for your service. It's a lot of time and effort. We have Derris and Chris, Kevin, Todd, Charlie and Blair Eastman, and Karl left last time. Seven of you are leaving us. They have served for 8 years, I believe, all of you. That is a lot of work and a lot of hours, a lot of miles. So thank you for representing the groups that you did and for taking all the time and effort to reading all of the packets that you got each month and reading all of the emails, phone calls and the people from the public telling you all of their opinions and coming to this meeting and expressing those view points. I have only been a part of the RAC process in our region because in my previous position I was not required to come to this meeting. So I did not come most times. But in the last four years I think about the things I have tackled from mountain goats to the crow hunt to if you could use corn or not. There are always opinions on cougars and bears and deer. All of these complicated, complex and sometimes controversial issues that you have tackled and read and researched and came to this meeting and compromised and made motions that have carried forward to the board. Kevin and I were talking about this the last few weeks. We have appreciated the board, who, every single meeting, take each individual motion of each individual RAC and consider it when they make their decision. I want you to know that your recommendations and your motions made a difference. And it got considered. Of course there is five different RACs, and not every motion you get everyone is going to agree with and will actually be part of the action that gets passed. But we certainly thank you for all of your service. I brought cake tonight, so after the meeting tonight we can have cake and punch. Also against this wall you can see we have some framed prints. As a tradition in the DWR, we give

each outgoing RAC member a framed print. I knew what a few of you liked. Todd and Kevin, I think your prints are the bighorn sheep if you want those, there are two of them. Derris, yours is bobcat. Charlie and Chris, you can pick whichever one you want left there is a deer and elk and then we also have three framed prints of the San Rafael Swell that a local photographer took and we had it professionally framed. The choice is yours. And if you guys would like to switch at the end too, that's fine as well. Thank you for your service. And this little framed print is the least that we can do to show our appreciation. Our agency appreciates it, and I'm sure the public and those who you represented appreciate all of your hard work and service. Thank you.

We are in the process of interviewing new RAC members. So we will have Dana and then we will have six new RAC members coming in at the next meeting. Kevin, myself and Morgan have interviewed those people the last month, and we have some great RAC members coming up. They are not going to be able to replace you guys quite as well. Big shoes to fill, but they will try. What I am really proud about our RAC is I think it represents southeastern Utah. I think it's a diverse group of people and I think if you think about who lives in the southeastern Utah, you can kind a look at RAC members and say I think we are represented pretty proportionally of what kind of people live in this area, and I think that is a complement to Bill and Kevin and Derris who helped pick the current RAC.

Our regional update. Our aquatics crew has been busy. We hosted a Boy Scout group on April 22 at the Carbon County pond and there were several hundred of them that came to Price for the weekend and had a training and part of that was to take them fishing at the Carbon County pond. The last week and through the end of the month, they will be doing some gill netting at numerous reservoirs throughout mostly Carbon and Emery counties. I guess there's Lloyd's Lake in San Juan County. If you are interested in going to any of those please let me know and I will tell you the times. But probably as you remember that is a survey that we do in order to get the idea of species composition and how big the fish are growing, and whether our management strategies are working or not. We put out several nets throughout the reservoir, the next day we come back and pull the nets and we measure, weigh and document all the fish that we catch the nets. It is a great hands-on experience with wildlife. You all are invited to help us with that. The wildlife section is also doing some bird surveys out at Olson reservoir. Dan Keller is the lead on that project and that is why it's under aquatics. He is our native aquatics biologist. He is creating a wetland, a better wetland at Olsen Reservoir.

Our habitat crew has restoration projects going on this spring as well. We have had some tamarisk removals at Gordon Creek; we hired a crew to do that. We also had a pinion Juniper removal on the northeast La Sals. That just started. On several of our wildlife management areas, including Gordon Creek and Nash Wash and Desert Lake, we have some fields that we irrigate and plant. We have water rights and those drainages and in order to maintain those water rights along with maintaining habitat, we do some farming here and there. In the next few weeks we will be installing five new chukar guzzlers near Hiawatha and Huntington.

Our conservation officers have been busy. We have an event this Saturday at the Carbon County Fairgrounds. It is called Cops, Badges and Bobbers. We invite the community to come out, we will be feeding them hotdogs and chips and they can go fish with the conservation officer. We have teamed up with the local sheriff's office as well. Inside the Carbon County Event Center, we will also have an archery shoot. This is where kids can shoot archery at targets and learn about wildlife. We're starting our aquatics invasive species, our AIS checkpoints at Lake Powell and we are hiring seasonals to help work at the local reservoirs and also to work at Lake Powell. We just had a big meeting in April, it was a statewide meeting, and part of that

meeting was that we gave out some awards. Some of our officers got honored at that awards ceremony. Roger Kerstetter, you're probably thinking that he really was the officer of the year? Roger is known as a rain cloud because he can have a bad attitude sometimes. But he is a great officer and he is very well respected among his colleagues he is a 20- to 25-year veteran of our agency. He trains these officers and they respect him. He is a go-to guy if you have a question. It was nice to honor him. JD Abbott got our "Damn Good Job" award. Ben Stearns got the trainer of the year. And as a unit all of our officers together got the Manti saturation patrol citation because of their work on the Manti saturation patrol which happened last summer. The officers all got together last summer for an entire weekend and saturated the Manti and did a lot of education and some citation writing as well. We are looking to hire new officers; we are in the process. Those interviews will start on May 20. I believe this is when another batch is going through. We have several openings throughout our region and throughout the state. We are hoping to fill those agencies within the next year.

Our outreach guys, Morgan and Walt, they are helping the various sections. They are also helping with hosting of this Cops, Badges and Bobbers event. There is something called Conservation Days happening May 16 through the 18th and that is in Emery County. They will have some fourth-graders come and learn for two days about conservation. We are teaming up with the forest service to do that. We have a clinic on May 20 in Price. This is called Gals and Guns. We did this event about 18 months ago and it was a big success. Sometimes when men are around and when we have clinics for the general public the men tend to dominate the clinic and we have learned that the women want their own event. They felt safe and they feel that men aren't trying to teach them things that they already know. This a good safe environment for them to come and learn the basics of shooting. We attract sportsmen, and people that are into it for their personal safety standpoint of it. We usually get about 30 women together and they teach a class in the morning and then we got to the shooting range in the afternoon and get some hands-on experience. That clinic is a RSVP-type clinic. If you would like to go, let Morgan know and he can sign you up. We have a statewide event called to the Outdoor Adventure Days. This is coming up in June.

Our wildlife section just finished the spring deer classifications. They are also teaming up with the Habitat Section this month and the federal land managers in going over the winter range to see what the sagebrush looks like and what the range conditions look like. They are going to be counting deer mortality along with elk mortality that they may see. They will also be doing pellet group transects as well. We're currently teaming up with our partners doing eagle nest surveys. We have been capturing sage grouse with both USU and their researchers along with doing some work in Emma Park as well. And I will take any questions that you may have. OK. I hope within about an hour from now we are eating cake and drinking punch.

Kevin Albrecht - I would just like to mention to the public that in the front there are some cards for you to fill out if you would like to comment. If you have questions, please come to the microphone at the front and state your name and then we have these comment cards. If you have a comment please fill one of those out and write down the number that you would like to comment to. If you would bring those up to Chris. We will give three minutes to individuals and five minutes to a group organization. With that we will turn the time over to Jason.

5) <u>Upland Game and Turkey Hunt Table Recommendations</u>
- Jason Robinson, Upland Game Coordinator

Questions from the RAC

Derris Jones – Jason, what triggers do sage-grouse have that allow a hunt to occur? Is there a population number or something that you reach?
Jason Robinson - For sage-grouse, the breeding population has to be greater than 500 adults.
Derris Jones - And that is based on strutting ground counts with a 2:1 ratio of male to female?
Jason Robinson - We have modified that a little bit from some of the research that has come out. I will have to look up the exact numbers, it is not quite a 2:1 ratio but we assume that we count about 80 percent of the males on the lek. So we don't count them all. So we account for that and we generally don't count the females and we also account for that. And it is about a 2:3 ratio is what the research is showing. We have a population estimator that we use to determine that.
Derris Jones - So it is a 2:3 ratio but with a 20 percent add-on to the male total?
Jason Robison - Correct. It is a little more exact than that, but that is off the top of my head.
Derris Jones - On the turkey, your first discussion on the upland game, you indicated that hunters account for only 10 percent of the mortality on upland game. And would that hold true with turkeys as well?
Jason Robinson - Yes for the most part. Is probably actually less than that because the hunt in the spring is essentially a male-only hunt. So you have a sex ratio skew for turkeys as well because you have more hens than you have males. So we probably harvest less than 10 percent of the turkey population.
Derris Jones - So you know where this question is going, if you did have a fall turkey hunt, would it still be 10 percent of the population?
Jason Robinson - With the fall turkey hunt that we implemented and recommending here, what we do is we give the region the opportunity to evaluate that situation and use that hunt as kind of a strategic way to reduce those turkey conflicts. We actually have a little bit of variation in there on how much of the population we want to remove. We can try to just stabilize population if the landowners in the area are OK with the current population then we will try and stabilize it. Or we can increase harvest to try and reduce that population as well based on what the region feels meets the needs of the landowners.
Derris Jones - In states that do have a fall turkey hunt is that 10 percent of the population? What I'm asking is we really don't have a fall turkey hunt, we have a turkey depredation hunt in the fall. It is not a true fall turkey hunt.
Jason Robinson - We have both. We do have a fall depredation hunt that is separate from the turkey hunt that we are recommending here. Which is a fall general season that is more strategic and precise. Each region has the ability to implement that fall hunt if they need to.
Derris Jones - Based on depredation issues. Correct?
Jason Robinson - Yes, not specific human wildlife or human turkey conflict.
Derris Jones - States that have an over-the-counter fall turkey hunt, would they be reducing populations? Is 10 percent what you would expect to reduce the population by with that kind of hunt?
Jason Robinson - You know there is so much variation between states and a number of hunters, number of turkeys. I probably couldn't comment on if those hunts would affect the turkey population.

Derris Jones - If Utah ever got to the point where hunter satisfaction hits your trigger points, would you consider a fall turkey hunt to reduce the number so you could only have one turkey permit a year and you had to pick fall or spring permit? Would that be a strategy that you would look at?
Jason Robinson - If we had one of those triggers, what we would essentially do is we'd probably have a committee put together to look at which trigger we hit and why we possibly hit that trigger. And then we would look at all options to address that, which, obviously a spring and fall dynamic would play into it.
Derris Jones - Thank you.
Kevin Albrecht – Jason, there at the end you had a slide that commented on the limited entry for the turkey hunting. Can you comment on that further? The possible elimination of the limited entry portion.
Jason Robinson - So I wasn't at the board meeting that this was put on the action log. I don't have a full reference of what it was, but what the board wanted, kind of in light of some of the conversations with youth hunting and the opportunities for the youth, they wanted us to look at the possibilities of changing the ways the spring hunts structured and maybe eliminating the limited entry and swapping it out for a total over-the-counter. With that action log we went and met with a variety of different folks and got their input and looked at all of our management triggers and all of the data we had. Also dug into the literature a little bit, and one of the things not only is the hunter trigger being met, but we also looked at the literature and having an over-the-counter hunt in April in Utah probably isn't a real good recommendation. Because it could disrupt some of the nesting behavior. If you limit those opportunities you can still have fewer hunters out there and allow for that. But if you went strictly over-the-counter, it could just disrupt some of that. There is also evidence that illegal incidental take of hens in April could have an effect. There is both social and biological reasons to keep the current structure that we have.
Kevin Albrecht - So have you taken that action log back to the Wildlife Board?
Jason Robinson - We will in June. We are presenting it to all of the RACs then we will be presenting it to the board.
Kevin Albrecht - Thank you.
Derris Jones - What was the sage-grouse strutting ground male count this year for Emma Park? What was the total males counted?
Jason Robinson - I don't have that data yet. I don't know if Guy has it.
Guy Wallace - I don't actually have the numbers but I do know it was down from last year, and last year was an all-time high. Even though it's down slightly, it is still high numbered.
Derris Jones - So do you know what last year's was?
Guy Wallace – A total number for Emma Park? I don't.
Derris Jones – Is there a way you can get that number? Thanks, Guy.
Kevin Albrecht - Are there any other questions from the RAC? Seeing none, we will go to questions from the audience

<u>Questions from the public</u>

Duard Pederson - I am a falconer and one of my favorite prints is one from King Frederick from the Holy Roman Empire and it happens to have a falcon, a paragon in this, case stooping on a heron. And when you brought up the thing that falconry was excluded from the sandhill crane I was wondering why? What is the rationale in backing that?

Jason Robinson - So sandhill cranes are managed through the flyaway system so they are a federally regulated species, so in federal rule it states what species are allowed to have falconry. So sandhill cranes are not included with that**.**
Duard Pederson - So it's from the federal? OK, thank you.
Kevin Albrecht - Any other questions from the audience? With that we will go to comments from the audience.

Comments from the public

Rick Brittain - I am the regional director for the Wild Turkey Federation here in Utah and Colorado and Nevada. Thank you guys to the RAC, and thanks Jason and to the Division. We support our board and our members support Jason and the Division their no change to the spring or fall Turkey program. We appreciate that and we appreciate all of the work that they put into it and what you guys are doing. Thank you.
Kevin Albrecht - Thank you, Rick.
Kevin Albrecht – That is my last comment card. Any other comments? We will go now to comments from the RAC**.**

RAC discussion

Derris Jones - My comment on the fall turkey hunt is does the Division not feel that the population can take 10 percent additive mortality on the population by allowing at least a limited-entry hunt? It seems like we could, because there is a lot of people on the spring hunt that need to be on the fall hunt. Because the kind of hunting that they like to do on the spring hunt is sneak up on them and chase them and run them around. There is a segment of upland game hunters out there with good bird dogs that would like to bust up a brood of turkeys and use their dog to try to hunt turkey. I am just curious why Utah has been so hard to get around to a fall turkey hunt. And if we had one turkey per Hunter per year those people that decided that a fall hunt was a better situation to them and that would take them out of the spring hunt. That would clear the area for less crowding although it looks like they are satisfied with the crowding but, if we ever get to that point I would hope that Utah would look at that as a solution to get some of the spring hunters out of the spring hunt and put them into a fall hunt. If maybe Jason or Guy could just address what their concerns are with going to a true fall turkey hunt, not a fall turkey to human interaction. I would like to hear the reasons for why we are so hard to convince to go that way.
Jason Robinson - So I think that the short answer to that is that we are still trying to grow turkeys here in Utah. Fall hunts can stop or reduce population growth. We don't want to implement that in areas that we are still trying to grow a turkey population. There are numerous places throughout the state of Utah that we are still trying to grow turkey populations. That is the main justification. Just to clarify the recommendation does allow for a fall turkey hunt. We are recommending a fall turkey hunt. It is up to the regions to decide if they want to implement in the Southeast Region and where. That is an option currently being recommended.
Derris Jones - So what I'm getting from that is that the Southeastern Region has elected not to recommend a fall turkey hunt?
Jason Robinson - Yes.
Derris Jones – OK.

Jason Robinson - We do have other regions that do have and that is the Northern Region and the Southern Region and they both have fall turkey hunts.
Derris Jones - And those are fall Turkey hunts designed to reduce turkey-human interactions? Or are they just have plenty of turkeys so they want to have a fall turkey hunt?
Jason Robinson – It is probably more in the human-turkey conflict arena, but it is a pretty large opportunity for bird hunters. These are areas that the turkey population is pretty large.
Derris Jones – Question for Guy is, how many more turkeys in Kaneville do you hope to see?
Guy Wallace - We actually are still waiting to hear back for the recommendation for the fall hunt. I have been talking to Wade about that. We are considering that for Kaneville for a fall hunt. One of the areas that we would look at. On the sage-grouse counts, last year at Emma Park we were at 115 was a high last year and we are at 95 this year. At Scofield we were at 75 last year and 55 this year.
Kevin Albrecht - Is there any more comments? Jason, I had the opportunity to sit on the statewide turkey committee that you hosted and one of things that opened my eyes was the amount of turkeys that are in portions of the state, but absent to that was a large part of the southeastern Utah compared to the other parts of the state. Can you talk a little bit about that?
Jason Robinson - Again the short answer is habitat. Along the Wasatch Front there is a lot more water, which means a lot more vegetation, tree canopy which is very important for turkeys, as his food. Gambles oak is a very important tree species here in Utah for wild turkeys as a food source. They also require roosting trees. Most game birds sleep on the ground but turkeys sleep up in the trees. They need large mature trees and the most common species here in Utah are cottonwoods and ponderosa pine. So really it comes down to lack of water which equals lack of habitat. We have been trying to move birds here into the region in areas where we have habitat. Even some of the other regions are bringing turkeys and to the Southeast Region to try and increase those populations**.**
Derris Jones - I did my math. We are below the 500 that triggers a hunt and I guess my question to the Division is the year that they had that mathematical model reaches a 500 population is that when you are going to recommend a hunt or due to the situation of the sage-grouse there are probably no new hunts for sage grouse in Utah?
Jason Robinson - So we have had these conversations for other populations in the state. One of the things that we try not to do is open a sage-grouse hunt—sage-grouse population naturally cycles up and down. It is about an eight- to nine-year cycle between high and low and then low again. What we are seeing is that we are coming off of and probably because we don't have the numbers for this year but last year and the year before we were at populations high. The last time before that was in 2006, so this was the next population high. Likely to see a population decline one of the things that we are very sensitive to is having a population high that meets the threshold and opening a hunt and then that population falling below that threshold. All the populations that we currently hunt are above that threshold in both the high and the low years. Just to make sure that were not doing any kind of damage to the population. To sum that up is that we try to be very conservative with sage-grouse hunting.
Kevin Albrecht – I'd entertain a motion.
Darell Mecham - I make a motion to accept the plan as provided by the Division.
Kevin Albrecht – Motion by Darrel Mecham to accept the upland game and turkey hunt recommendations as presented.
Charlie Tracy - I second that.
Kevin Albrecht - Seconded by Charlie Tracy.

Kevin Albrecht - All in favor? Unanimous. Now let's go to the Falconry Rule Amendments.

VOTING
Motion was made by Darrel Mecham to accept the Upland Game and Turkey Hunt Table Recommendations as presented.
Seconded by Charlie Tracy
Motion passed unanimously

6) <u>Falconry Rule Amendments</u>
- Russ Norvell, Avian Conservation Program Coordinator

<u>Questions from the RAC</u>
Derris Jones - Russ, how many permits does the state issue on an annual basis for taking young out of the nest for falconry purposes?
Russ Norvell - That is hard to determine right now, I would have to look that up. We just got this database built and some of the weakest data is the capture permit data. Which often times capture permits are issued, and then we don't find out until the next annual report if they were used and for what species, where and for what age. And because the state and federal which is called the 3-186 database, it is a federal form that is required that we get a copy of that same information, that database is been down for over a year now. The reporting has been sketchy quite honestly. My gut feeling is going to be in the low double digits.
Derris Jones - And you have to issue a COR for that as well?
Russ Norvell – Correct.
Derris Jones - How many COR's do you issue?
Russ Norvell - Again new ones, low double digits. There are many more renewals. Most falconers, because it is a very large investment in both time and facilities and lifestyle, really, folks who get into falconry stick with it for a long time. Is not a fast-growing sport by any stretch. You get a surge applications for apprentices after new documentary showing whatever eagles in Kazakhstan or something. But fades pretty quickly. A lot of these folks don't stick with it. It is a real lifestyle and commitment. Falconers are a devoted bunch.
Kevin Albrecht - Any other questions from the RAC? Questions from the audience? Please come up and state your name**.**

<u>Questions from the public</u>

Todd Ballantyne - Hi, my name is Todd Ballantyne. I came from Salt Lake all the way down here. I am with the Utah Falconers Association in representing tonight. Just a few questions to help clarify. So when the rule was updated in 2010 when it became available here from the U.S. Fish and Wildlife Service, Utah followed the historical pattern that they had done in the past for allowing all of the falcons and hawks and eagles and there are only a couple of owls. There was like 285 birds. Then in 2010 it went up to nearly 500, which Russ said, and all of those birds are currently authorized for use. Right, Russ?
Russ Norvell - The 500 birds, as I mentioned in the presentation, there is a list of 14 allowable native species, native North American species, that are allowable for falconry. However, because

of rule construction that is very likely to be unenforceable and which would backstop us to the federal rule which is the three orders anything worldwide.
Todd Ballantyne - So those 14 or 15 birds prior to 2010 were listed in the existing falconry proclamations under capture, correct?
Russ Norvell - I am not sure. I would have to go back and take a look at earlier proclamations.
Todd Ballantyne - I have an example. It was prior to 2010. The two lists that we are talking about now existed for decades. Or for a long time. In the proclamation then for a wild take, and it was a concurrent list with all of the order stuff, the 285 birds, so it was never intended to be a limit to the list. It was what was available for wild take.
Russ Norvell - I did speak to the prior falconry coordinator who was in charge of the rule revision last time, and it was the intent of the coordinator the Salt Lake staff, that was their understanding, that the list of 14 was to be a list of allowable species. Its construction is flawed, however, and it is unclear as to how exotic species were to be handled.
Todd Ballantyne - You said the word intent meant when it was used prior to 2010. There was never any intent prior to 2010 to separate the 14 birds from the rest of the allowed things because it was there forever. You know rule after rule.
Russ Norvell - Our record keeping is probably not as good as it could have been in terms of how the intent behind earlier rule constructions so maybe the best notes were kept. I don't have any real documentation to say what the intent was prior to 2010.
Todd Ballantyne - When the new rule was being made and we working with Jim Parrish, the list of captured birds wasn't incorporated into the rule, the feds didn't have it and we were following the federal language pretty exactly to protect us. That language references threatened and endangered species, and sensitive species, and BCC and the different orders. We wanted to have a clarifying list of what could be possessed and that summarized the ones that were local. The feds don't even take care of exotics. It wasn't even in there.
Kevin Albrecht - Just one thing, do you have any further questions?
Todd Ballantyne - I do. Thanks for clarifying. So the point with the list was to help clarify. I was there with Jim when we did it and he has contacted Jim. But let me ask the question. So right now we are able to have 500 on the list and according to me that was by intent and not that way. The Division said that we were going from 14 to 52 which was a 300 percent increase in allowed birds but really are we going from 500 to 50-something, which is a 90 percent decrease in allowed birds right now?
Russ Norvell - In our policy and practice we have been using the list of 14 of the list of allowed species so from our perspective we are going from 14 to something more than that. The list of 54 came from discussions with UFA where they objected to the same premise. And our response was to say, well what do you want? What are the common birds that are used for falconry that we should include? Let's make sure they get on the list too. And that's where we got a proposed list from UFA of 74 species. They were evaluated using a process that is right there. Basically we had to make sure that they were legally possesable and legally possessed. We wanted to make sure that they were suitable for falconry as a state defines and is authorized to regulate falconry by insects and carrion are not wildlife and are not wild game. And nocturnal species are now well established and not well suited for use in falconry. We also had a number of risk assessment factors, conservation status, risk to human health and safety, potential first establishment, and consequences of establishment. These are the same factors that are going to come before this group when the CIP rule is proposed for revision. Given that the under pinning for when, where or why species are allowed into the state, exotic species, needs to have a common foundation

between state rules. We can have a patchwork and that's where this risk assessment protocol came from. For falconry issues there's not a lot of risk associated. There is very low risk establishment for raptor birds. For raptors they have to find a suitable mate, similar habitat, etc. and we don't have sister species that are of conservation concern like in Alaska where you can have a goshawk escaping because you have a conservation concern sub species they don't want to dilute the genetics there otherwise you can trouble with the feds. And again the other portion was that we have other pathways to possession for species that are not suitable for falconry but people want to possess there is the CIP rule itself which has a variance process. It is much more onerous than the falconry rule which is kind of a simple process by director approval.
Todd Ballantyne - If Greg Hansen was here, would he say that the rule now is authorized to possess 500 birds?
Russ Norvell - Yes, I think Greg would. Greg is our assistant AG who has been working very closely with us and myself to rewrite this rule. He is probably the co-author of all of this. It is legal is tenuous right now. Our current rule is probably not enforceable for these 14 species which puts us into an awkward situation that we are trying to reconcile with this rule.
Todd Ballantyne - Does 90 percent approximately the rest of the United States allow the federal standard?
Russ Norvell - I can't speak to the entire United States. I did survey the 11 western states and the Pacific Flyway's and we are in the middle ground for that. There are some states such as Arizona which basically adopted the federal rule and have no other stipulations. Other states such as Alaska, Montana, California have more or less strict limits on which species are allowable for falconry what age classes, what areas of the state are allowable for take, etc. We are kind of in the middle of that group.
Todd Valentine - And I do agree that Montana and Alaska have restrictions. And when we looked at the rest of the United States, were finding the federal language in their rule and Montana has a federal language but references outside of their falconry rule restriction. So it's not the falconry rule per se.
Russ Norvell - The combination of rules in Montana from what I understand are effectively prohibit the use of exotic and non-native raptor species being imported into the state.
Todd Ballantyne - And my point is that the majority of the nation follows and we would be abnormal pattern with the rest of the nation if we didn't follow the U.S. Fish and Wildlife standard. I think during this presentation the biological evidence of invasive species or genetic integrity is a minimal at this point in the RAC process. Is that right? Did I hear you say that's not a grave concern.
Russ Norvell - I would agree that the concern for Utah species of an escaped hybrid or exotic species establishing itself or corrupting Utah genetics is not especially high risk for us. So it is not a great concern for us.
Todd Ballantyne - Nor safety.
Russ Norvell - Safety is something that we considered given that this is one of the species, which, this is a harpy eagle that would be authorized. The criteria that we propose using both for this role and for the CIP rule to come does incorporate risks to humans health and safety. So risks not only to the falconer, the caregiver if you will, but also if the bird escapes which happens commonly in falconry and if someone goes to pick this up off the soccer field, what are the risks? Overall though the risks to humans health and safety we erred to the side of sportsmen opportunity since the Division really is an agency devoted to increasing opportunity when possible. We erred to the side.

Todd Ballantyne - In your experience and awareness for any birds that have had a safety issue in the past and that is even with eagles being flown.
Russ Norvell - Not to my knowledge. I cannot say that I have ever dove into literature to take a look.
Todd Ballantyne - I have never heard of one. For a big thing like that I mean somebody might have an imprint bird not like them. But that is just what it is. When you went through the criteria for approving a bird that is not in rule and so would that be uniformly done and controlled as it stated? So what would stop the approval of a bird? What were the other birds stopped for that were at the 74 and I don't know if they were.
Russ Norvell - I think they were tridivors they were nocturnal insectivorous owls, they were arm candy.
Todd Ballantyne - Some of the birds that we are prohibiting are specifically allowed in other states rules.
Russ Norvell - Other states like Arizona don't regulate the species at all they just step out of it. This is a relatively small program, 150-ish and an extremely small budget for administration.
Todd Ballantyne - Would you agree that when an art is practiced that finding new avenues of expression in the art is a viable thing in art and that by making an arbitrary decision about what can be flown or not unlike little kestrels and insectivore and owls are flown in the daytime and little owls can be flown and part of the federal language for defining falconry is caring for and other aspects besides hunting and when apprentices start and there using a kestrel they're really not going to be hunting quarry. There will be hunting insects and mice and they could go for a starling if they got skilled. They are learning about raptors is what I'm saying.
Kevin Albrecht - So we are at the five minutes so maybe you can wrap up your questions.
Todd Ballantyne - I didn't know that there was a limit on the questions and stuff.
Russ Norvell - Your highlighting your attention between the purview of the state and the Division of Wildlife to regulate a sport related to taking protective wildlife and the broader concept of what falconry is to falconers. And we as a Division of Wildlife don't regulate the art form of falconry. We establish a rule that allows for pursuit of the sport as defined in state rule where that is the limit of our purview. Beyond that I think that is where some of the challenge to definitions comes in. I understand that people do things like micro fishing looking for diversity of tiny little minnows and things and that is really not covered in our rules very well. If somebody wants to fly a tiny owl on moths, that might be fun but is not falconry as we define it.
Russ Norvell - We would be authorized to regulate it.
Todd Ballantyne – But it would fit in with the federal rule and federal language of the definition. I want to tell you I appreciate the time that the Division has given to us to resolve things. I appreciate Russ's efforts. He has put in a lot of work into the rule this past year. Everything hasn't always been peaceful, but Russ is a good guy that really tries to interface with us well and we appreciate that interaction with us.
Kevin Albrecht – So we will go to and we are still on questions. We don't have any comment cards for this section so if you have some please bring those up. Again if you have a question please come to the microphone and state your name.
Duard Pederson - Let me just again agree with what Todd has said. We are not here to beat up on Russ tonight, and I have all kinds of admiration for the law enforcement and that my dad in fact held badge No. 16 it has been a long extended. I have been in falconry since I was the age of 13. I didn't go out and fly with King Frederick, but I came close to it. Even though that was 1,000 years ago. Some people think I started before then. My first question is could we go back

to the allowable species according to your chart?
Russ Norvell – Is this the side you're talking about?
Duard Pederson - Here again it says current rule they are allowed 14, so it has already been suggested I think that this was the take of native species in Utah. Russ, my question is how many species are currently held? Are there more than 14 that are held by falconers in the state of Utah?
Russ Norvell – Yes there are. The rule of the 14 species is most clear that that table is most clear about take of native species. It does have a line saying that exotic and hybrid species are also allowed by approval by the program coordinator and several species were, in fact, over time approved. Raptors are very long species, a very long-lived species so most of those approvals occurred quite some time ago and I don't actually have the records of exactly when they occurred. There also is some differences between what falconers sometimes recognize species that are not recognized by taxonomists. There are colored morphs, or regional variations that are commonly referred to in the falconry literature, falcons that are not recognized by them. So there is some differences there. They are small for the most part.
Duard Pederson - There are a number of falconers that are holding species today that you're saying basically they are illegally held then?
Russ Norvell - No, no they have been legally approved CORs, and the current rule has language in it to grandfather anything is currently approved into the future.
Duard Pederson - I am concerned about the impact on some of the small communities that we have where we often hold meets. We have national meets, we have regional meets that are here from some of the states and it can have significant economic impact on a community if we are then going to exclude, is this correct, falconers coming in with species that are not allowable.
Russ Norvell – Actually there is a slide. The question of the NAFA meets which originally come from Utah typically to Vernal about every five years or so for the last 15 or so. I think last time they came we issued 75 permits. It's a traditional spot for falconry and to ease concerns around bringing birds in from out of state or internationally. There are two forms, there are meets and trials. So trials are flying birds in an organized group on non-protected wildlife, so pen-raised birds, pigeons and that sort of things. Versus a meet which allows the take of protected wildlife which requires a special hunting license which was a Wildlife Board action and is now in this rule becomes a director-level approval. That is trying to ease the process there. We have also added bulk-approval option. Individual falconers can as ever request an approval from the director which would go through the same process we just outlined. There is also a bulk-approval option for the organizer for who if they want to have an individual falconer submit to them a list of birds that they would like to bring to Utah and if any of them are not on our current approved or pre-approved list, those would be dealt with in a bulk fashion by the director. And this will speed things up and make it easier.
Duard Pederson - So the harpy eagle that you saw there, I cannot hold but somebody else could bring in?
Russ Norvell - No. The same rule set applies, the same criteria is for parity and equality issues. The same rules that would apply for both local and from folks that are from way.
Duard Norvell - So, other falconers in from other states cannot bring in their bird? Is that correct? If it doesn't meet our criteria.
Russ Norvell - If they are not on a preapproved list then they would need approval before they can bring it in. Just the same as a local falconer. Wanted to bring in a bird for personal use that was not on the preapproved they would also require a preapproval. And as you have mentioned there are many birds that are already approved for use that are not on that list of 14 that I have

already secured approval.
Duard Pederson - How easy is it going to be to obtain a approval if I want to fly one of those birds?
Russ Norvell – We hope to make it clear. And this is the process that we have outlined. Is it legally possessed and legally possesable and suitable for risk assessment factors that are common to the CIP rule and if all of those things fail then there is the other pathway to possession which would go through the CIP rule itself.
Kevin Albrecht – So you have hit the five minutes so please if you could just wrap up your questions.
Duard Pederson - That is fine. Thank You.

Comments from the Public

Duard Pederson - Let me first state that when I think I first started falconry there were no rules at all. Utah has been really great in what they have done. My biggest fear when I was a youth was having the bird shot off my fists because there was actually a bounty on most of the birds that we were flying. We had no season for any bird other than the regular season. So if I wanted to go pheasant hunting I had the three to five days at that point in time that you had. So in general falconry there has been a tremendous improvement. Let me say again with what Russ has come up with the proclamation here we agree with virtually everything here with the one exception and that is the list. The list has no scientific basis whatsoever. There is no grounds for it on a scientific, it is strictly regulation if you will. And my question would be how are they going to regulate it? Like I said I come from a family where have seen the law enforcement and I have dealt with that. Let me give you one example of what happened to me. At one point in time we had to take every bird that we had down to the state to have them banded. I took my bird in and I talked at that time about the number of merlins that was out that year and that it was great. I am taking my bird down to North Temple at the time and taking it to the head of the falconry Division and we're having this discussion. She bands the bird, I go out to the lot and I look at my paper and they have identified the bird as a kestrel. The bird was a merlin and I'd already gone through this. I have gone out and I have helped train a number of law enforcement people in identification. They are not equipped to handle any change like this. I would plead that we stay with the federal laws that are there and that we match almost all of the other states with the exception of Alaska and Hawaii which doesn't allow any falconry whatsoever. But other than that everybody is staying with the federal. There is no reason to go away with that. They have the experts. And every expert that we have sees no reason whatsoever to differ from that. Like I said the rest of the proclamation I think is fine. I think that this will have impact, it will be more burdensome and we are already the most regulated of all sports. Nowhere else do you have to go through and take the exams, go through the apprenticeship program for the years that you have through that to get to the general and then go through the general before you can become a master and then even as a master before you can handle one of the larger raptors. It is the most highly regulated. We have people visiting to make sure that we have the correct facilities and everything else and I don't think you'll find a more dedicated group than falconers. Thank you.
Kevin Albrecht - I've got one question for you before you sit down. Being in the sport and dealing with it what is your estimate of the number of people that would be outside of the law proposed today with species that they house in Utah?
Duard Pederson - I think most of the list and I don't know the exact I know that their database

was not kept very well. So the question comes up with how many of the other birds that are actually here right now. But if I think if I'm correct, wasn't most of the proposed list based on the fact of the birds that we currently have in possession which is the 54 or whatever? I think there is a couple of exceptions to that.
Russ Norvell - The list of 74 species that we got from the UFA were proposed because they were commonly used species or had been used for falconry. They were not specified because they were already here. Our list of 26 species that are currently in use is current. Those are the species and individuals and individual birds that are authorized for the COR. We are not offering a … program that we are offering in the language of the rule grandfathering in of birds that have been approved earlier under earlier administration of by a different director.
Duard Pederson - But that is 26 plus the 14 that we could capture plus the ones that are not on a COR that they are aware of plus you've got people that are moving into the state. Do they have to give up there bird because it's not on it.
Todd Ballantyne - Russ mentions grandfathering and we did asked for grandfathering but there is an application for a new COR it's not an automatic grant, is it? I mean we asked for grandfathering and that wasn't allowed**.**
Russ Norvell - Actually taught that was one of the comments that responded to in the last redlines so we did actually include grandfathering in of birds that have been approved under previous CORs. Those species remain.
Todd Ballantyne - For NAFA meets too?
Russ Norvell - That is one potential avenue to getting a bird approved on the preapproved list.
Todd Ballantyne - The North American Falconers Association has stated that they would remove Utah from the rotation of lists and that does have an economic impact on the communities that come and Vernal is their most recent one. The proposals that the Division are making aren't based on biology; there is no evidence that they need it and they admit that. There are additional hoops to go through to be able to retain a bird and if you're not authorized to have the bird and it goes into this grandfather status you can't hunt with that I don't think. Is a fist ornament you have to have facilities and expense to be able to accommodate another bird that would be legal. The Fish and Wildlife Service was not interrogated for lost data. Which is very low which we did. The premise for which it was given is to protect the wildlife from invasive species and genetic integrity loss and those things are not high on their lists anymore. And incorporating a list is. And the list that I have talked about shows that it never was in the past and it is not now and everything is legal. There should be a situation where a bird should be in, we are very opposed to this stuff because it hasn't made sense and it has evolved over time. The requirements have changed or have been enhanced, or written justification with kind of a moving target. It has been frustrating to us. We recommend that what we propose there is all aspects of the rule be accepted except for the list that creates additional burdensome processes that aren't needed and the amount of birds that are already on the books are most of what is going to be there. People ought to be allowed to get other stuff without an arbitrary decision if it's a falconry bird or not and the Fish and Wildlife Service doesn't do it. We would hope that you would go along the preceding RACs and grant this request as we have requested it. Thank you.
Kevin Albrecht - That was last comment card. Any other comments from the audience? Seeing none, we're going to comments from the RAC.

RAC Discussion

Derris Jones - I guess my comment is there must be two Fish and Wildlife Services because the Fish and Wildlife Service seemed to be so liberal on this issue, but yet, as a consultant working with the oil and gas industry, if it's within a half a mile of an active nest any disturbance at all has to be monitored by a biologist. The expense that goes in to energy development because of raptor nests that to do these kinds of mitigation things is crazy. This other Fish and Wildlife Service seemed to say you can take any hawks, eagles, owls that you want. It just doesn't make sense to me.
Charlie Tracy - Because there's not that many people that want to do it. Like they said it's a lifestyle and you have to live with these things.
Duard Pederson - The falconers taking anything from the wild and what we are really talking about is others that are coming in with private breeding. But the 14 species that are allowed to be taken from the wild in Utah. They figure there is about a 75 percent mortality among raptors first year. You are only allowed to take a first-year bird because they figure that the chances of it surviving in captivity is much greater. You cannot capture an adult bird from the wild. You can only take the first year bird so its chances of living are actually increased and a lot of these birds that are taken some falconers will fly them for a year and then they release them so it actually increases the population.
Kevin Albrecht - Thank you. I just need to reiterate that now the time is closed to the public but there may be questions from the RAC that we may call you up. Are there any other comments from the RAC?
Charlie Tracy – I feel like an idiot. I don't know enough to comment.
Kevin Albrecht – Dana, I can see that you have done a lot of studying on this and I'm curious on your comments.
Dana Truman - I don't know if I have a comment. I guess I have a comment and a question. It sounds like there has been a lot of work put into this falconry rule and at first glance it seems like the list of species takes into consideration the common birds that are used for falconry. And so I'm looking at this as there is a nice easy preapproved list. These birds, 54 species, you know people are pretty clear you can have them you can go out capture them and then if you think that you need something in addition it sounds like you can ask for approval. Is that correct? So this list could expand or you can get approval?
Russ Norvell - Yes, we anticipate those. This list will likely expand in the future.
Dana Truman – OK. So that seems like it's adding to the list just like a second step that the Division another folks get a chance to review a species of interest.
Kevin Albrecht - And to add to Dana just as I'm thinking as you stated it. So, the 26 species that are currently known in the state is there any of those 26 that would not be approved by the 54 that are on this list?
Russ Norvell - No, they are all either already approved because of their current COR status. There is some hairsplitting that goes on with the 26. Some of those are, you lose the species concept when you start crossbreeding them. So things get very mushy very quickly. So when you start count the numbers of species, there is only a much smaller number and I would have to look more carefully but I'm guessing there are fewer than 12 that are actual individual species then you have your cross breeds. Your falcon-peregrine falcon crosses your lanner-gyrfalcon, your merlin-gyrfalcons, etc. etc. goes down the list. Nothing that is currently held legally in the state would be precluded under the rule.
Dana Truman - I also understand under this rule if I read it right that the general class and the restrictions on the general class is reduced so they are more similar to the master?

Russ Norvell – Correct. This is one of the points and one of the requests from the UFA was to allow general class falconer to seek the eagle endorsement, that special endorsement for large raptors. However, with the addition with most of these large raptors species globally that were requested are in the very large class of raptors. So functionally this effectively erodes the difference between general and master class falconers in terms of the number of species allowable. And in age classes as well. That is an outcome of this.
Charlie Tracy - So the state of Utah basically what you're saying is that you're trying to minimize the amount of species to say is OK for reasons of management? I am trying to get why you want to reduce the number.
Russ Norvell - Not so much reduce. The way that the state rules are constructed, you can approach list making and a couple of different ways. You can say everything is allowable except these things that you don't want allow in. But the way that the state of Utah and the Division of Wildlife construct rules, we have standards, we preclude everything all weapons are off the table except rifles etc. etc. When crossbows are proposed or air rifles are proposed they are not automatically allowed and that we have to change the rule to preclude them. Right? That is the way that the state rules are constructed and that's why we started with this list concept in the first place. You have to have a list of allowable weapon types. Same as any other rule. With that said we did not set out to restrict opportunities but rather to maximize it in a process that would not undermined other state rules like the CIP rule, which regulates everything from kangaroos to anything else in the world that may have the desire to import into the state.
Kevin Albrecht - So as I have listened to the comments tonight and to you my understanding is such many of the falconers under the old rule may have felt like the list allowed them many more species but at the same time the species that are known and have been used are well within what you guys are recommending at this time?
Russ Norvell - Correct. I think that if the rule ends in its currently unenforceable state or were to go through the actual number of species in captivity or in use for falconry wouldn't change. And probably wouldn't change very fast. Even the acquisition of some of these exotic species is a time-consuming and expensive endeavor. You just don't go out on a whim and start with a harpy eagle. One of the challenges for us is making sure that you have, as folks have mentioned, the appropriate facilities, and in federal rule we are required to make sure that the care and facilities for each of the species is appropriate. That is why we have to have some for law enforcement folks some idea what birds we are dealing with. Fifty-four is a lot easier to deal with, frankly, than 500. I am a credible raptor expert for the state of Utah but I am not a global raptor expert.
Charlie Tracy - You guys just don't like the restriction of the list? Is that basically what you're saying?
Todd Valentine - For example this year a bird was seized for a few hours because they misidentified it so you have this little list of birds compared to what you could have now the CO's have to know what something is so they can avoid a mistake like something has happened already this year a real thing. The things that they are talking about our theoretical. When he says that the state requires it by statue or by law to include lists they are already included in what's there. They told us that and it created a great division among the falconry community. They had to have an election to have people come up to say which position do you want to have represent at the RACs? No list or a list? And it was a no list by a slam dunk. There is a lot of things that have inconsistencies with what's being said that we don't have time to tell you here. That is why the other RAC's are saying not this. This is just not good.
Kent Johnson - This is fairly simple. In most cases of regulation, by default position personally

is the least restrictive rule is probably the one that we ought to adopt.
Todd Huntington - That is what I was thinking , I was thinking the principal of this thing is government intrusion is what these guys feel like. They have gone from this 500 list and now all of a sudden they are getting cut back and they only use 26 species but it's the principle of the government intrusion telling me what I can and can't do.
Kent Johnson - And hence my comment.
Todd Huntington - So I will make a motion that we accept the language presented by the Utah Falconers Association, the motion to accept all DWR changes to the falconry rule as presented with the exception of the restrictive list of 54 raptor species and instead of that list retain the current Utah falconry rule permissive list of raptors species that has been in place since 2010 of any raptor species of the order etc. etc. I'll give you the names so that you can spell them correctly. That's my motion.
Charlie Tracy - I second that.
Kevin Albrecht - Okay we have a motion by Todd Huntington to accept Division rule except for the exception given to us by Falconry Association and that is seconded by Charlie Tracy. All in favor? Okay, opposed? Where's Darrel?
Todd Huntington – You get to break the tie, Mr. Chairman.
Kevin Albrecht – My last meeting and I have to make a decision. So with my decision I am going to give a background. I by no means am a falcon expert. I do hear the concerns of the Falconry Association I can see that there is passion and that you guys do it as a sport. And with that being said I think that the Division has put a lot of time into this rule and they need a rule that when law enforcement goes out that it's clear to them and they can manage and is something that they can stand on. I have seen a lot of times in big game when the rule's not clear it is very hard to enforce. So with that I will vote nay. So the motion fails.
Derris Jones - I make a motion that we accept the Division's recommendation on the Falconry Rule as presented.
Chris Micoz - I second that.
Kevin Albrecht - We have a motion by Derris Jones to accept the Utah Division Falconry Rule as presented by the Division and seconded by Chris Micoz. All in favor? Opposed? Nothing like going out on a big bang. So with that I will vote for the motion. Motion passes.

With that is there any other questions from the RAC? I would just like to state that I have been really appreciative to this RAC and I feel like I have tried to pay attention to the other RACs and how they vote. I sincerely say this when I say that I think that we have the most balanced RAC. We have had very good discussions through the years and I appreciate each of you for that. I really feel like each of you has represented your individual appointment very well and with that I really appreciate serving with you. We have had some really good discussions. Thank you for all of your time and really appreciate serving with you.

VOTING
Motion was made by Todd Huntington to accept the Falconry Rule Amendments as presented, with the exception of the restrictive list of 54 raptor species, and instead of that list, retain the current Utah Falconry Rule permissive list of raptor species that has been in place since 2010 of "any raptor species of the order Accipitriformes, Falconiformes or Strigiformes".

Seconded by Charlie Tracy

Motion failed with 3 in favor and four opposed (Dana Truman, Derris Jones, Chris

Micoz and Kevin Albrecht)

Motion was made by Derris Jones to accept the Falconry Rule Amendments as presented.
Seconded by Chris Micoz
Motion passed with four in favor and three opposed (Todd Huntington, Kent Johnson and Charlie Tracy)

Adjournment
The meeting adjourned at 8:45 p.m.

The next Wildlife Board meeting will take place on June 1, 2017, at 9 a.m. in the DNR Board Room, 1594 W. North Temple, Salt Lake City.

The next Southeast RAC meeting will take place on Aug 2, 2017, at 6:30 p.m. at the John Wesley Powell River History Museum in Green River.

NORTHEASTERN RAC MEETING SUMMARY OF MOTIONS
Utah Wildlife Resources Office, 318 N Vernal Avenue, Vernal
May 11, 2017

NER RAC MEMBERS PRESENT:
Brett Prevedel, Public At-Large
Daniel Davis, Sportsmen
Dan Abeyta, Forest Service
David Gordon, BLM
Mitch Hacking, Agriculture
Melissa Wardle, Non-Consumptive
Tim Ignacio, Ute Tribe
Randy Dearth, NER RAC Chair
Joe Batty, Agriculture
Joe Arnold, Public At-Large
Boyde Blackwell, NER Reg. Supervisor

UDWR PERSONNEL PRESENT:
Rori Shafer, NER Office Manager
Tonya Kieffer, NER Outreach Manager
Bryan Clyde, NER Sergeant
Brian Maxfield, NER Sensitive Species Biologist
Blair Stringham, Migratory Game Bird Prog Coord
Jason Robinson, Upland Game Coord
Russ Norvell, Avian Conservation Coord

NER RAC MEMBER EXCUSED:
Andrea Merrell, Non-Consumptive

- **WELCOME, RAC INTRODUCTION - Randy Dearth**

- **APPROVAL OF AGENDA AND MINUTES**

  MOTION to approve agenda
  Brett Prevedel
  David Gordon, Second
  Passed unanimously

  MOTION to approve minutes
  Correction on name being wrong Jerry Prevedel to Jerry Jorgensen
  David Gordon
  Tim Ignacio
  Passed unanimously

- **WILDLIFE BOARD MEETING UPDATE – Randy Dearth**

  Two things Director Sheehan talked about was the shed antler gathering season. 18,100 people took the online course. It is pretty popular. Law Enforcement spent 3200 hours out in the field and made 2,500 contacts with 93 violations and issued 32 citations. The Bucks, Bulls, and OIAL passed just as RAC voted. The 2017 antlerless permit recommendation passed just the same way our RAC went, six to zero. 2017 CWMU recommendations passed six to zero. The 2017 variance request passed went with our RAC also. Remember the one that was by Strawberry reservoir passed six to zero. There were a couple CRC variances

requests. If someone wants to do something different than what the state allows, they have to get a CRC variance request. An individual wanted to train dogs with rattlesnakes to avoid them. Only rattlesnakes, the board approved that six to zero. A lady from Vegas wanted to bring a desert tortuous as a pet and they gave her that variance six to zero. The other one was and individual and his father got into some elk and shot a few too many. They had given them a three-year suspension. The father wanted a two-year, seven-month suspension and he was given that. That passed four to three. That is all for the Wildlife board update.

- **REGIONAL UPDATE – Boyde Blackwell**

  We have a lot going on right now, the Wildlife section will be out for a couple days doing a Bison capture using GPS collars to get a better understanding of movement and locations to see where they are going and what they are doing. They just wrapped up their sage grouse counts, the numbers are down and we're not quite sure why. Could be the snow but were not quite sure of that. They are also wrapping up the spring classifications. We don't have the data on that yet to report. Aquatics section has been out for a couple of weeks doing stream rehab projects for Colorado cutthroat trout, they have done a really nice job in some of the areas they have worked. They have put in what we call fish hotels where they go into the banks and put wood across it and put juniper roots and big boulders for stableization. I went out and observed their efforts, fish were already starting to use these and they put out over 30 in one stream. Planned Red Fleet stocking for this year we have received half of our quota for sterile walleye. We have had some problem with fish cooperating and coordinating their effort. The tally right now is 195,590 we had a goal of 520,000 we are significantly lower and not sure if that's going to change. We stocked 550 yellow perch and 250 black crappie in Red Fleet. The perch came from Big Sandwash and the crappie came from Pineview. On May 23rd and 24th we will be getting more crappie. The weather is really been the limiting thing on the crappie, with the cooler temperature we have had the fish are deeper. They have had to be very careful reeling them up so they don't blow their air bladder. Tiger trout will go in today and wipers go in July. Law Enforcement is currently down one officer, Shane Kitchen has decided to go to St George to warmer weather. Habitat section has spent some time out at Meadow Creek in the Book Cliffs, they have complted several brush treatments and fence repairs. A lot of work has gone into irrigating to get a jump start on the vegetative growth. That is all I have unless someone has any questions.

  Dan Abeyta: What streams did they put the fish hotels on?

  Boyde Blackwell: I think it was Meadow Creek.

- **UPLAND GAME AND TURKEY HUNT TABLE RECOMMENDATIONS – JASON ROBINSON**
  See slideshow

  Questions from the RAC:

  Randy Dearth – The Pavaunt**,** tell me how that would work. Would it be closed but the youth would be able to go on it or do they have to draw a permit to be on it?

Jason Robinson – We have youth sign up for the hunt through the Regional office. It would be open to those folks who have signed up and closed to anyone else.

Randy Dearth – Are those areas big enough that everyone who signs up can go, or is it a first come first serve type of deal?

Jason Robinson – We can accommodate most people between the two hunt areas. There have been a few years when we have had to turn some away, but for the most part, we can accommodate everyone that signs up.

Randy Dearth - The Second question is the four hunts for sage grouse, what is the permit process on that. An application online?

Jason Robinson – That operates just like the Big Game Draw. You apply and you are randomly selected with a point system involved. Most of the units draw half the people that apply. The West Box Elder unit generally has some permits left over.

Randy Dearth – Just curious if there is overcrowding?

Jason Robinson – We regulate that very carefully according to the spring counts that year. It's a very conservative harvest. We don't have much of an issue with crowding.

Mitch Hacking – On the sage grouse we have a bird that's just about on the endangered species list. Is it open to falconry?

Jason Robinson – It is, yes.

Mitch Hacking – So the sage grouse requires a special permit and the sandhill cranes require a special permit. On the sage grouse, the bag limit is two. On the cranes, you have thousands of birds wrecking havoc on farms and ranchers and you can only have one bird and its closed to falconry. Can you explain that to me?

Jason Robinson – So it gets into a state-managed species and federally managed species. What we have is the state has the authority to manage the sage grouse. Cranes are managed through the migratory bird treaty act. So there are more stipulations there than we have through the state.

Mitch Hacking – So you don't have any input or way to change the bag limit on the cranes.

Blair Stringham – We get a specific allocation we can harvest each year so we only allow hunters to take one. Generally, it takes hunters a couple years to draw a permit so we limited the amount they could harvest to one so other people can have a chance at it too.

Mitch Hacking – It looks to me that you are putting the value on the cranes as you are on the grouse. Using thousands of dollars to keep them off the endangered list. This just doesn't add up.

Blair Stringham – So you want and additional harvest?

Mitch Hacking – Well you've got a higher bag limit on the grouse than you do on cranes. The sage grouse you can hunt with falconry and you don't have that with cranes. Cranes are being treated better than the grouse. It just doesn't add up.

Blair Stringham – What is comes down to is the harvest potential for the overall population. Jason looks at the potential harvest throughout the state. He divides out permits to each region. We do a similar process through the flyway for the population of cranes just on a larger scale. We are looking at half the western united states that have cranes and then they give each state a certain number of permits. Based on the percentage we get around 200 this year and then we divide that between our hunters. We could never harvest more than the 200 birds we get.

Mitch Hacking – The federal people have you stuck.

Blair Stringham – We can modify harvest dates but we can't modify a number of cranes.

Tim Ignacio – On the turkeys, you guys open that up over the counter, your gonna wipe them birds out.

Jason Robinson – We have had an over the counter season since 2010.

Tim Ignacio – I can agree with the one you have now but the birds aren't really mating. If you give em out over the counter you will wipe them out.

Jason Robinson – So were not recommending any changes from the current system.

Dan Abeyta – I'm just wondering Tim if you think in this region they are going to have a fall hunt?

Tim Ignacio – No, I thought he was talking about changing the draw hunt to over the counter at the same time.

Jason Robinson – No, the board asked us to look into that option. We are recommending not going that route. We are recommending keeping everything the same.

Joe Batty – On the crane hunt in Uintah County there are 3, 10-day hunts? Can we separate those a little bit so they don't run consecutively with a five or ten day rest period so it's a little bit later to move some of those birds out of the area?

Blair Stringham – Currently we are restricted to have a 30-day hunt. So when we start that it can only run for 30 days and it has to be consecutive. We are currently working with the flyway process to expand that to longer than 30 days.

Joe Batty – Could we start it later then?

Blair Stringham – Yes, we can start anytime between the first part of September through January. Based on the feedback early October was the best time to start that.

Boyde Blackwell – But it has to be consecutive.

Blair Stringham – I think we started it on the 28th of September and it can only run for 30 days.

Randy Dearth – The cranes are a real issue here in the Basin. They do a lot of damage to agriculture. There was a special crane meeting here with landowners and the division on how we can eliminate some of the damage and move them out.

Joe Arnold – On the pheasant hunt you said if it starts on Sunday it will be moved to Monday, why not move it to a Saturday?

Jason Robinson – The best example of that is the dove hunt. We can't open a migratory bird hunt prior to September 1st and doves fall into that category. We found it easier to open them all on a Monday, not one on a Saturday and the rest on Monday because it would be confusing to our hunters. This is what we did in the past and it has worked very well.

Joe Arnold - What about the pheasant?

Jason Robinson – They always open on a Saturday. The recommendation is to always open on the first Saturday in November.

Dan Abeyta – On the new pheasant hunt on the Pavaunt, is that going to be right in the middle of November?

Jason Robinson – Ya, It is during the general season pheasant hunt.

Dan Abeyta – Is that how it has been traditionally or is that a new thing?

Jason Robinson – That's how it's traditionally been, they have been doing it like that for over 10 years.

Dan Abeyta – I was just curious because we have one here in October.

Jason Robinson – That is the youth pheasant weekend. The hunt in the Southern Region predates when we did the youth weekend hunt. They preferred to keep it on the same date.

Joe Arnold – Have you studied the bird farms and their impact on opening and closing dates on bird populations as far as pheasants go? The impact on wild pheasant and hunting them in the wild?

Jason Robinson – When they apply each year or every third year the biologist review the application, they make sure the impact is none or very minimal. In addition, while harvesting some of the wild birds they are not allowed to harvest one hundred percent of the birds they release, which is allowing some of their birds to be released into the wild? Overall there is no net effect on the wild population.

Joe Arnold – Any thought or discussion on raptors and their effects on the bird population?

Jason Robinson – Not specifically on reducing raptors. The best thing we can do is create better habitat for birds so they have places to hide. Again raptors are a federally managed. But most of these game birds I'm talking about are prey for those. So we are trying to create more and better habitat for them.

Dan Abeyta – On that crowding rating from one to five, is that satisfaction?

Jason Robinson – Yes, on how you feel. Feeling very satisfied or neutral.

Questions from the Public:

Duard Pederson - Is it a federal restriction?

Blair Stringham – The question was were falconers able to take cranes. They are allowed to do that so that is a change we intend to make in the guidebook.

Duard Pederson – Can the RAC here have that as an exception?

Comments by the Public:

Blake Bess (Nation Wild Turkey Federation): We are in full support of the DWR recommendation. We don't want to see the turkeys wiped out.

Comments by the RAC:

Randy Dearth – I participated in my first turkey hunt. My son drew a tag and it was a good time and the WMA had four groups on it and it was fun to see.
Sounds like on part of the presentation you are going to change that for the board.

Jason Robinson – There is one error that needs to be changed and it is that falconers can harvest cranes.

Randy Dearth – Was there any hot topics that the other RAC's had?

Jason Robinson – No, so far all of them have passed the recommendation as presented unanimously.

Joe Batty – I would really like to see us extend the sandhill crane hunt to give us the opportunity to get more birds out of the area. After someone makes the motion I would like to make and amendment that we extend that there be a resting period between hunts.

Daniel Davis – Would it be easier to push that the season started later?

Joe Batty – I would like it later but there are those is Jensen who would prefer it where it's at.

Mitch Hacking – What you have is they come in and thrash the corn.

Boyde Blackwell – One thing you might consider if that's the direction you would like to go is the federal flyway group holds us to a maximum of 30 days to hunt cranes and it has to be consecutive days. What you could do is ask the division when Blair goes to his flyway meeting to ask the feds if we can have an extended hunt to have a rest period in between. Ask them to take a look at it because if you don't do it that way it's wasted time. There is nothing we can do at this time but have him take that and address it when he goes to his flyway meeting. The board would probably say yes that's a good idea.

Joe Batty – Blair are you aware that we are getting local birds nesting here?

Blair Stringham – Yes, I do have a proposal that will be addressed in August to do away with the 30-day rule. So essentially it will allow us to have any seasons we would like. So potentially we can get a season that goes from September to December. Are you looking at having one in the Jensen area and then later one in the Ouray area?

Joe Batty – No, if we did what I would like we would start in October and hunt ten days, rest ten days, hunt ten days. That would consist of a longer season. Apparently the feds do not allow us to do that.

Blair Stringham – Currently it doesn't. We could look at doing that.

Joe Batty – The greater success rate and better harvest will be with a rest period.

Blair Stringham – I think definitely in the mean time it is appropriate to ask and pursue it.

Tim Ignacio – What can the tribe do about getting some of these tags?

Blair Stringham – It's a different process. It goes through Fish and Wildlife Services.

Tim Ignacio – Can I get that info from you? If we could get into it, we could probably put a dent in it.

Blair Stringham – Yes you can.

Joe Batty – Do the US Fish and Wildlife allow depredation permits?

Blair Stringham – Fish and Wildlife Services typically come out and address damage complaints and if it's severe enough they will allow application for that. That's completely separate from this hunting season.

Mitch Hacking – Has anyone from out here applied for that?

Blair Stringham – I don't believe anyone from this area has applied. The only ones that I am aware of was someone from Utah County last year.

MOTION by Joe Batty to change the 30-day consecutive hunt to run for ten days, rest for ten days, hunt for ten days, rest for ten days, hunt for ten days to give us a greater opportunity to flush the birds out of the area.
Mitch Hacking: Second

Passed unanimously.

MOTION by David Gordon to allow the recommendations as is with the exception they make the correction that falconry can take cranes.
Tim Ignacio: Second

Passed unanimously

- **FALCONRY RULE AMENDMENT – Russ Norvell**
  See slideshow

Questions from the RAC:

Mitch Hacking – Do the local birds used, do they have to be caught in the wild? Can they be raised?

Russ Norvell – You don't have to take wild birds, you can though. That is federally regulated as far as what species and age. Apprentices are not allowed to take nestling birds only general masters.

Mitch Hacking – Can they raise them?

Russ Norvell – Yes they can but birds that are taken from the wild remain wild. They can be possessed by the falconer and returned to the wild but they remain or are considered to be a wild bird for the rest of their life.

Mitch Hacking – The golden eagles, are any of these raised?

Russ Norvell – Most golden eagles are captive bred. There is a legal pathway to get golden eagles for falconry but it is hard, It's quite difficult to get golden eagles from the wild.

Brett Prevedel – We have received some emails from the nonfalconry public about the species list. But the COR specifies the species that's allowed to be collected, right? They don't have the ability to just pick out of the 45.

Russ Norvell – No, they do have that ability. The COR at the appropriate level can take any bird from the list of 45 that's legal to possess. With a couple of exceptions to the blanket statement. Peregrine falcons and sensitive species, we have the opportunity to limit take and the federal government limits peregrine take. We have allotment much like the sandhill cranes, from the flyway that we are allowed to allocate.

Brett Prevedel – So did the black hawk species, common black hawk, is it still on the list?

Russ Norvell – It is still on the list, that is not a state sensitive species nor is it of conservation concern. It is new to Utah. There are only three or four nesting locations in the state. While there is nothing in the rule to take black hawks. I think the division would like to work with the falconers to let that species expand and get a better establishment before they start taking that species.

Melissa Wardel – Under the current rule without this revision how many birds are we allowed?

Russ Norvell – By policy and practice there are 14 native species plus exotics and hybrids. This is one thing we were trying to fix with this rule because it is unclear. There is a table that sits beside the rule that establishes there are 14 species how they can be taken from the wild and then has additional language about hybrid and captive bred birds being authorized by the program coordinator. That said, it's not in rule the language itself is not in the rule and Greg Hansen who is not here would tell you that it puts us on the uncertain ground whether or not that rule and list is enforceable. If it is not the backstop to that is the federal rule that anything goes in worldwide raptor world.

Melissa Wardle – You mentioned the COR, I am a licensed falconer, in my COR it does not reference that 14 list. It references anything in the subfamily, Accipitriformes, Falconiformes or Strigiformes. It wasn't until recently that I was aware of this list I remember putting this together for apprentices in 2010 It was never to be a list restricting us.

Russ Norvell – When I spoke with the gentlemen who put the rule together, my understanding that it was the intent. There's not a lot of documentation that we had as to what the intent was. Through this process, it has caught a lot of people off guard. The administers of the program are assuming this list has been our policy of practice. There are some exceptions to it that have been made along the way without any fuss. However incorporating the rule that's how things got sideways. If we are going to have a list lets include species that are desirable to falconry that makes sense.

Dan Abeyta – The surrounding state, it's quite and increase going from 14 to 54 species, do the other states have that many species on their falconry rule?

Russ Norvell – It varies widely throughout the flyway process. There are some states like Arizona that basically adopted the federal standard. Nevada as well and Idaho similar. Other states like Colorado, Montana, Alaska, California all have other restrictions because of conservation species. Take during a specific time and geographic restrictions. Montanas rule does not allow importation of any non-native raptors

Dan Abeyta – If a non-native eagle were to get loose out in the wild what kind of an impact would they have on our native raptors?

Russ Norvell – These are events that have never happened so it's hard to assess. This is really a risk assessment kind of a process, we're trying to develop a process to attend to our responsibility and manage risks that have never occurred before. These are very large raptors and they won't be able to find a mate and it would be lucky to find its habitat. When we evaluate species for authorization we look at three criteria. Is it legally possessed and legally possessable. So if it's an endangered species and not allowed to be possessed. It gets complicated because you have endangered species in the US that's not possessable and you can't capture that in the wild, however, the range of that species extends into other countries where capture might be legal. Small nocturnal owls are not suitable for taking wild game as the state defines the sport of falconry wich extends to protected wildlife. That's what the state regulates, we don't regulate the broader concept of falconry wich is maybe less of a sport and more of a lifestyle but that's the limit of our authority. The risk assessment qualities are the conservation status and the risk of human health and safety. If an eagle escapes is someone going to get hurt. What is the potential for establishment in the wild and consequences of the establishment. That risk assessment is a peace that is going to be common to the CIP rule. Most of the issues we don't feel they are major issues. There are other pathways to possession, the CIP rule or potentially through the director.

Dan Abeyta – How did it go over with the other RAC meetings?

Russ Norvell – Variable, every RAC has voted for a slightly different version. Central Region accepted as proposed with the exception of the list and rolled it back to the federal three families. The Northern RAC has kind of a hybrid approach with an action item to convene a public group and to accept the rule as proposed with the exception of the current rule but pushing it back to the current standard. It's a little unclear if they meant the 14 species or the federal standard. Southern Region went the same as Central, accept the rule as proposed but go back to the federal standard. Southeast Region accepted the rule as presented.

Melissa Wardle – Clarify the CIP rule.

Russ Norvell – The Collection Importation Possession rule, that's our backstop rule for everything from to everything else.

Melissa Wardle – I had a question on director approval, how would that go between different directors?

Russ Norvell – Directors are subject to policy and politics. Our process is set up that a species is evaluated and is acceptable it gets added to the list, the list will grow. This list is a starting point not and end.

Brett Prevedel – Can you clarify when you said the federal list? That's not the 14, the federal list is the three families?

Russ Norvell – The federal list is any raptor worldwide. More than 500 species.

Randy Dearth – That's those three words that I can't pronounce?

Russ Norvell – Yup

Questions from the public:

Randy Heights – I've been to each one of the RAC meetings. There's a lot of changes to this one. I get the feeling from you this is still a work in progress.

Russ Norvell – The rule has not changed.

Randy Heights – The list itself is the question. There's a lot of changes to this presentation directly related to this list. If there are no risks that need to be mitigated from wouldn't eliminating the list from the website be just as effective?

Russ Norvell – The species that we are proposing to be on this list are ones that have been evaluated not suggesting that we throw out the whole evaluation process. That's a different result. Its suitability as the state defines the sport of falconry is to hunt wild game and the care and training the bird for that purpose.

Randy Heights – Does it include starlings.

Russ Norvell – There are a number of logical inconsistencies that are baked in the federal rule. We inherit that whole cloth. A common raptor used to train falconers in the care and training of falconry birds. It is the most common species used.

Randy Heights – Administration is one of our biggest concerns, interpretation of the rule. How long have you been involved as avian coordinator over falconry?

Russ Norvell – I took this position in 2013.

Randy Heights – How long will you be around to interpret this rule?

Russ Norvell - I won't be retiring anytime soon. We are trying to clarify the process so it transparent and repeatable.

Todd Ballantyne – The rule has the three orders of families. Is this change and increase or a decrease?

Russ Norvell – My understanding and the intent of the document is this is and increase to cover all of the commonly used species for falconry. From the UFA perspective is that it's a decrease.

Todd Ballantyne – Legally speaking we are entitled to 500?

Russ Norvell – That is the untested legal waters.

Todd Ballantyne – That's the majority position of all the other states? The ones that surround Utah have the federal language in it?

Russ Norvell – I can't speak for all the other states. All states have to start with that and then can build on it to meet local needs. Greg Hanson has done more research on that, he is not here tonight and I'm not going to try and cover that.

Todd Ballantyne – There are birds that have come into the state that require approval from the state is that correct?

Russ Norvell – There are species on that list that have been approved.

Todd Ballantyne – What was that process to have them approved?

Russ Norvell – Some of those occurred before my time. I can't actually tell you what that process was.

Todd Ballantyne – I have talked with one of my friends that have them he's never turned in a request but he has one. There has been no approval because there hasn't been one required. I called the Division and ask for a number of birds so we don't miss any and they gave me annual record reports of current birds. It didn't say history. Wouldn't it be an overstep to say they have all been approved in the past?

Russ Norvell – I think I lost your question in there.

Todd Ballantyne – I'm saying we don't really know if there has been an approval process or not?

Russ Norvell – If we have several that have a valid COR it has been approved.

Todd Ballantyne – So possession and COR is front door approval? It did go through an approval process?

Russ Norvell – Yes, If they got their COR approved it went through the approval process. These are very long-lived birds and most of them are before my time.
Todd Ballantyne – The threat for evasive species or genetic integrity that get lost and breed is minimal. So if those criteria are minimal would they come into consideration for approving birds in the future?

Russ Norvell – This is an approval process, not a result. This is a process for evaluation. So new birds being brought in to be requested would be evaluated by the same process rather than being a fixed result.

Todd Ballantyne – If there is an undefined process in the rule. It's not solid, it's hard as a falconer to get a bird. Is there intent to put clarity in the rule so it doesn't change and the administrators go along, then we can know if we can apply

Russ Norvell – That is one potential for a presentation to the Board. If need to go into that much detail we can.

Todd Ballantyne – The lady last night at the RAC wanted to know if there was a method for birds to come on the approved list and you said yes. If this gets approved this year and I want a bird do I have to wait five years?

Russ Norvell – I actually don't know, this would be a great question for Greg Hanson. If you set a pathway to approval and the list is in rule the director can't modify the RAC without board approval. I'm not sure how that gets resolved. That's a point we had not anticipated in drafting this.

Rodney Rowley – This list would be modified deemed suitable, what's the process and who is going to be doing that? Right now the list that my COR says.Who's deeming those birds to be suitable?

Russ Norvell – It would be director approval.

Rodney Rowley – So there's a process there and that's how this list?

Russ Norvell – Those are the three criteria that we have established and used to evaluate the list of 74 species that the UFA proposed down to the 54 that we ended up with.

Rodney Rowley – So from the 500 species?

Russ Norvell – We did not evaluate all 500. We only evaluated the 74 that were proposed for addition by the UFA. We understood these to be the most commonly used birds used for falconry.

Rodney Rowley – So who was on this board that made that decision?

Russ Norvell – That wasn't the board that was the director's office. We are developing this criteria at this time. The risk assessment is a piece of the process that we are intending to use as a backstop for the CIP rule to maintain consistency.
Rodney Rowley – So most of the birds on that list if they got loose there would be no risk.

Russ Norvell – The risk would be minimal for human safety.

Rodney Rowley – You couldn't get one of these birds to even come to you, that's ridiculous to think they would hurt you.

Russ Novell – We have to tend to public perception as well. The falconry community has a better understanding of the behavior of raptors that the general public does not have.

Randy Heights – When Todd was asking you about the director's approval process, and you said that's in place right now. We mentioned there are birds out there that are not on the list created but they have been held as falconry birds for a number of years. They did not have to talk to the director? So if I brought in an exotic bird and I add to my annual report that's already approved?

Russ Norvell – They already have approved COR's, our intent is that it does not have to be continually re-evaluated. Once a species is evaluated and approved its good to go. How that squares with the statute need of rule construction to have a list in the rule proper. That's a legal question I don't have the answer to, I will try and find out though

Randy Heights – It just needs to be clarified. There are several falconers throughout the state that have birds that are not on the list. You're saying if they have already reported them and have a COR then they already have the directors approval on that.

Russ Norvell – Correct, that's the baseline starting point. The current rule is flawed in a number of ways. This is our best attempt to fix it.

Mark Houskeeper – My questions pertain to meets, my first meet was here in Vernal with falconers from all over and it was tremendous, so is there a separate approval process, say someone wants to show up with a marshall eagle. If those birds aren't on the list what do you do for that meet? How do you address the issue with NAFA getting ticked off and saying we're never coming to Utah and depriving the community of the economic benefit and cultural opportunities.

Russ Norvell – Meets and trials are different, trials are falconers who come together and fly birds on unprotected wildlife so there is no special permit required. A meet is a sanctioned event where the current rule is the board has to create an exception a special hunting season for this five-day non-resident hunting permit to allow a meet to occur and birds are bought in. We are proposing two processes. The person with the marshal eagle can make a direct appeal to the director one on one. There is also a bulk approval for the meet organizers. The falconers coming can list the birds they are bringing and have those evaluated by the meet organizers. A one stop process.

Mark Houskeeper – So those birds would be acceptable for that five-day term and then after that, it's not approved? It seems arbitrary and subject to the regime.

Russ Norvell - We need to have a consistent and equitable rule, so if it's approved for a five-day visit it's going to be approved. That's part of the long-term adding to the list. We did have a conversation with NAFA and did not receive any feedback from them. We want to include sportsmen opportunity.

Duard Pederson – If the director approves a bird does it have to go for permanent approval from the RAC? I believe your answer was you didn't know, correct.

Russ Norvell – Correct, I will find out as quick as I can.

Duard Pederson – So were really not sure if someone comes in from out state with a bird that isn't approved if they can fly that or if there's been a bird approved here that's been added to that. The lists don't come out that often. How does someone coming from out of state for a meet know if they are in compliance with the state Utah?

Russ Norvell – That will be in the content on the website. The website can be updated regularly without going through the RAC and Board process.

Duard Pederson – I am one of the few falconers who hunt with my rifle. If you're doing the same thing for gun hunters as you are for falconers what your saying is each weapon has to be approved.

Russ Norvell – The distinction would be weapon type perhaps more than individual weapons. Wild raptors have a different constituency that cares quite a bit what rapture you use.

Duard Pederson – They care which raptor I kill a pheasant with?

Russ Norvell – We have other comments from other constituency groups.

Duard Pederson – If someone has a bird that is not on the list it would be automatically grandfathered in. On the list, it states that it may. Do we know if it will be grandfathered in?

Russ Norvell – The language in the rule is the best attempt at a final. The intent of a language change was to make sure falconers were protected in the future.

Comments from the Public:

Mark Houskeeper – I appreciate the efforts of the division today. I am deeply concerned about the ambiguity of this list and the suitability and the arbitrary nature of the production of the list. Concerned that other constraints that can't be here tonight and voice their opinion. I am very supportive of the verbiage and the rule with the exception of the list.

Rodney Rowley – I also have a great concern about the list. It really is taking the art of falconry and putting it into somebody's subjective rule like Russ was saying the risk to human health and safety. That's really a stretch to think someone is going to have a health and safety issue. Most of these birds are very leery. I am in support of all the rest of the rule change. Part of this is to keep the rule short with the list it makes it longer. Keeping the simple verbiage of the Fish and Wildlife.

Randy Dearth – You're from Duchesne and know whoever from Falcons Ledge there? I happened to see that one time and they were really great guys.

Rodney Rowley – That's the thing that brings falconers together and if you have ever seen a child with birds of prey it just magnetizes them. With the list, we are hurting the ability to bring people from around the word to our state.

Mike Horton – I have always been a falconer from the area. This is an intercept from NAFA the president from the club and the president from the local club. This is worrisome to the national club. I would like to remind you that if we get to have a local meet and it's really a revenue generator for Vernal. It brings 250 to 300 people to the meet. It equates to 500 to 700 hotel rooms. It's over $300,000 for the local economy. Please contact us and get info for yourself.

Randy Dearth – NAFA was here 14 or 15 years ago have they been here since?

Mike Horton – They have been here twice before.

Todd Ballantyne – The new list has a negative impact. The current system is flexible. There are other items we would like changed but we are soul focus is the list. We are going a from a big circle of birds to a limited amount.

Randy Heights – I have been working with the NAFA group and are concerned about this and want to preserve the heritage. We work to preserve that in North America. Please do not let this list pass. Our biggest problem with the Division is interpretation of the rule. We need to play nice.

Duard Pederson – The thought is if it ain't broken doesn't fix it. Why don't we stay with what is working? Several states have accepted the federal rule. The list is so complicated let's keep it simple. Thank you for your time.

Russ Norvell – I was able to get ahold of Greg Hanson to clarify. How do we square the list of species that go to the RAC and Board and the list that goes to the director for approval? What you're voting on is giving the director approval to modify the list. So when he makes changes those are carried forward. Conveyed through the website in a timely fashion. The intent was to make the process more flexible and would not have to wait for a RAC and Board process to make those changes come into effect.

Comments from the RAC:

Mitch Hacking – When you put this together apparently you never consulted this group at all?

Russ Norvell – No sir, we have been meeting regularly since last July. We have had several meetings and open houses.

Mitch Hacking – Wondering why they have so many questions still and how much they don't understand. Surprising.

Russ Norvell – This is the point where we agree to disagree.

Brett Prevedel – Did you say there was a UFA list with 74 species on it?

Russ Norvell – Correct, What is the appropriate number? In which has evolved into the 14.

Brett Prevedel – The 14 are all located in the state? The rest are not.

Russ Novell – Correct.

David Gordon – Brian, Do you have any concerns?

Brian Maxfield – I have talked with Russ through this process. For me and my program, the concerns are with the sensitive species and conservation. I know what all the raptors look like in Utah. My job is to focus on species that are lower in numbers.

Brett Prevedel – Where the sensitive ones removed from the 74?

Russ Norvell – Many are still on there. But there are number caps depending on the location.

Daniel Davis – So this list is not a handling list? Is this list a take list?

Russ Norvell – It's both, capture and possession for native species and importation and possession of exotic species.

Daniel Davis – So are those take permits issued on and individual basis?

Russ Norvell – To an individual falconer yes. But not for individual species. We don't find out what bird is captured until we get the annual report. Until that gets submitted we don't know what's been captured.

Daniel Davis – Would it not be easier to issue the capture basis? If it is a sensitive species issue that you would regulate those species being captured on and individual basis. The falconers would release upon capture if they were not permitted for that bird.

Russ Norvell – The current rule and the proposal both have that potential in there. If there is a concern we can cap that species. That's already in the rule. We haven't needed to exercise and the take is very low.

Randy Dearth – A couple other RAC's voted to go with the three family thing and against the proposal what are your main concerns if the wildlife board does that?

Russ Norvell – It puts us into the situation where we have a logical inconsistency between what we define and birds that are held I possession that don't meet our criteria. It's not a pathway to pet ownership but we have to recoginize the sport of falconry as we define it here.

Joe Arnold – How many different species with all the owners would that cover now in Utah. Do you all own the same style of bird?

253 permitted falconers, 276 individual birds, and 26 raptors. None of these non-native species that are listed here show they went through director approval. There are a lot of species. There is a list of 14 birds you can actually use.

Brett Prevedel – I am confused at all the number of birds from 26 to 14 to 500.

Randy Dearth – The 26 raptors that are in use in Utah, there's 16 of them on the list. Is that right?

Russ Norvell – All the ones that are permitted in Utah are on the 54. All the ones that are currently in use are permitted.

Daniel Davis – I'm a little taken on what birds can be used.

Brett Prevedel – I raise rare birds, I want the rarest bird. I am concerned about the conservation status more than anything else and the impact on the rare ones. My personal opinion is the tone toward the tone to Russ. The DWR has done an exceptional job with a tuff situation. Whether we vote for a list or not I think things got out of hand.

Mitch Hacking – I feel the falconers presented a good fight, It needs a little more work at this point and get a plan to make everyone happy. The DWR hasn't convinced me that they have done their homework.

MOTION by Mitch Hacking to accept the recommendations with the exception of the restrictive list of 54 raptor species, and instead of that list, REVERT to the current Utah Falconry Rule permissive list of raptor species that has been in place since 2010 of "any raptor species of the Order Accipitriformes, Falconiformes or Strigiformes". Joe Arnold, second

5 in favor, 1 against and 2 abstentions.

MOTION to adjourn by David Gordon

Melissa Wardle, second

Adjourn at 9:30 pm

Upland Game and Wild Turkey Guidebook & Rules Recommendations: 2017-2019

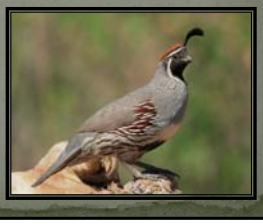
Common Research Supported Beliefs Associated with Upland Game Species

- Upland game experience boom & bust cycles and are generally short lived (<2 yrs)
- Populations are largely dependent upon annual production and survival
- Natural annual survival rates are low and can range between 10 - 40%
- Hunter harvest generally accounts for 10% or less of an annual population

Common Research Supported Beliefs – cont'd

- Populations cycle largely independent of hunter harvest
- Law of "Diminishing Returns" influences hunter interest and persistence throughout the season. (Inherent protection)
- Season length and bag limits spread harvest and opportunity among the hunting public
- **3-year guidebook makes sense <u>biologically</u>, and administratively**
  - If a fixed day hunt is scheduled to open on a Sunday, it will be moved to Monday (e.g. Sept 1, 2019 to Sept 2, 2019)

California & Gambel's Quail



California & Gambel's Quail Recommendation

Area:	Statewide
Season dates:	First Sat. in Nov. to Dec. 31 (fixed closure)
Youth hunt date:	Saturday closest to 13 Oct. - Monday
Bag limit:	5 daily (singly or in combination)
Possession limit:	3 X daily bag

* Scaled quail: Closed season statewide

Chukar and Gray (Hungarian) Partridge

Chukar and Gray Partridge Recommendation

Area:	Statewide
Season dates:	Last Saturday in September (e.g. Sept 30, 2017) to February 15 (fixed closure)
Youth hunt date:	Saturday - Monday prior to the general season in September
Bag limit:	5 birds of each species per day
Possession limit:	3 X daily bag

Ring-necked Pheasant

Ring-necked Pheasant Recommendation

Area:	Statewide
Season dates:	First Saturday in Nov. to First Sunday in Dec. Example: Nov. 4 - Dec. 3, 2017
Youth hunt date:	Saturday closest to 13 Oct - Monday
Bag limit:	2 males
Possession limit:	3 X daily bag

Dusky and Ruffed Grouse

Dusky and Ruffed Grouse Recommendation

Area:	Statewide
Season dates:	Sept. 1 (fixed opener) to Dec. 31 (fixed closure)
Bag limit:	4 daily (singly or in combination)
Possession limit:	3 X daily bag

Greater Sage-grouse

Greater Sage-grouse Recommendation

- Continue permit allocation based on population estimates from lek counts (offer a 2-bird permit with total harvest not to exceed more than 10% of fall population).
- Most of the state is closed, with 4 open areas
  - Harvest <3% of the statewide population
- Allocate 15% of the permits to youth hunters, with remaining permits returning to the general draw.

Greater Sage-grouse Recommendation

Area:	4 Areas (W. Box Elder, Rich county, Blue/Diamond Mtn, Parker Mtn)
Season dates:	Last Saturday in Sept. to Sunday 3 weeks later Example: Sept 30 – Oct 22, 2017
Bag limit:	2 per year (special permit)
Possession limit:	2 per year (special permit)

Sharp-tailed Grouse

Sharp-tailed Grouse Recommendation

- Continue permit allocation based on population estimates from lek counts (offer a 2-bird permit with total harvest not to exceed more than 10% of fall population).
- Allocate 15% of the permits to youth hunters, with remaining permits returning to the general draw.

Sharp-tailed Grouse Recommendation

Area:	2 Areas (NE Box Elder and Cache counties)
Season dates:	Last Saturday in Sept. to Sunday 3 weeks later Example: Sept 30 – Oct 22, 2017
Bag limit:	2 per year (special permit)
Possession limit:	2 per year (special permit)

White-tailed Ptarmigan

White-tailed Ptarmigan Recommendation

Area:	Statewide
Season dates:	4th Saturday in August to Oct. 31 (fixed closure)
Bag limit:	4 daily (Must obtain a free White-tailed Ptarmigan permit)
Possession limit:	3 X Daily Bag

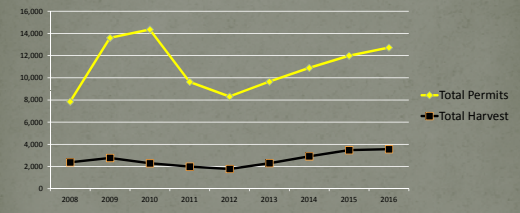
Wild Turkey

Wild Turkey Recommendation

- Evaluate harvest/hunter data in relation to performance targets:

1. 3-year ave. hunter success > 20%
2. 3-year ave. hunter crowding ≤ 4 (1 to 5 scale) 5 = very crowded
3. 3- year ave. hunter satisfaction > 2 (1 to 5 scale) 5 = very satisfied

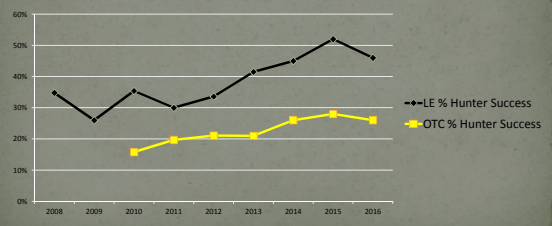
Spring Turkey Permit Data



Hunter Success

3-Year Average Hunter success = 32.3%

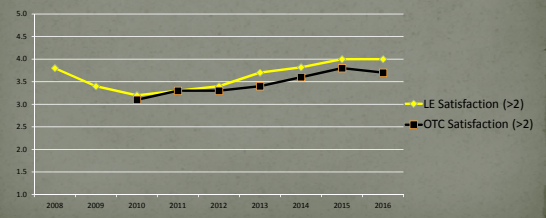
Trigger NOT met



Hunter Satisfaction

3-Year Average Hunter satisfaction = 3.8

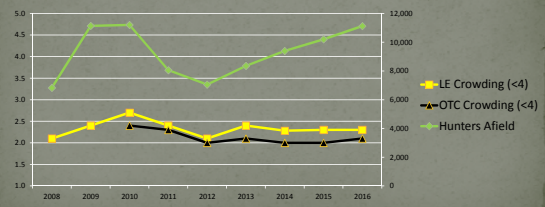
Trigger NOT met



Hunter Crowding

3-Year Average Hunter Crowding = 2.2

Trigger NOT met

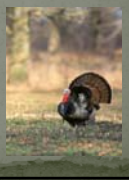


Spring Wild Turkey Recommendation

- Hunter can have one spring permit for a bearded wild turkey
- Hunters with Disabilities: 3-day season extension, Saturday – Monday prior to the LE season
- Limited Entry region hunt (15% to youth)
  - Opens: 2nd Sat. in April
  - Closes: last Thur. in April
  - Continue an annual LE permit allocation system
- General statewide hunt
  - Youth (Friday after LE to Sunday – 3 days)
  - Opens: Monday following youth hunt
  - Closes: May 31 (fixed date)
  - Unlimited permits

Fall Wild Turkey General Season Hunt Recommendation

- Main objective is reducing human/turkey conflicts
  - In response to HB 342
  - fall hunts can reduce populations
- Sold Over the Counter, first come first serve
- Continue the current system
  - Areas within regions, limited number of permits
- No point system (bonus/preference)
- Bag: one wild turkey, either sex
- 15% go to youth
- Can have a permit for both spring and fall



Snowshoe Hare

Snowshoe Hare Recommendation

Area:	Statewide
Season dates:	Sept. 1 (fixed opener) to March 15 (fixed closure)
Bag limit:	5 daily
Possession limit:	3 X daily bag

Cottontail Rabbits (Mountain and Desert)

Cottontail Recommendation

Area:	Statewide
Season dates:	Sept. 1 (fixed opener) to Feb. 28 (fixed closure)
Bag limit:	10 daily
Possession limit:	3 X daily bag

Falconry Recommendation

- No Changes
  - 6 month season (September 1 – February 28)
  - Open areas, bag and possession are same for all hunters
    - Exception include either sex pheasants
  - Must have license and species specific permits (when required, e.g. greater sage-grouse)
  - Allow falconry on fall wild turkey hunt,
    - must draw a permit, same dates and hunt boundaries for all hunters

Migratory Upland Game Species

- Band-tailed Pigeon
- Sandhill Crane
- American Crow
- Mourning Dove
- White-winged Dove

- Managed through the Flyway Process
  - Additional Federal regulations related to the Migratory Bird Treaty Act of 1918
  - Require a Harvest Information Program (HIP) number

HIP Number Informational

- Required for migratory species (5 migratory upland game, waterfowl, geese)
- Change how hunters get their HIP number
- Online System
  - On smart phone in the field
  - Home computer
- Takes effect this Fall (Aug.)
- Much faster for hunters

Band-tailed pigeon

Band-tailed Pigeon Recommendation

- Must obtain a free band-tailed pigeon permit

Season	Area	Bag/Possession
Sep 1 - 14	Statewide	2 / 6 (by permit)

Sandhill Crane

Sandhill Crane Recommendation

Area	Permits	Season	Bag/Pos.
Rich Co., Cache Co., E. Box Elder	Through Flyway	1st Sat in Sept – 2nd Sun in Sept	1/1
Uintah County (early)	Through Flyway	Sat closest to Oct 1 10-day season (e.g. Sept 30 – Oct 9, 2017	1/1
Uintah County (mid)	Through Flyway	10-day season (e.g. Oct 10 – 19, 2017)	1/1
Uintah County (late)	Through Flyway	10-day season (e.g. Oct 20 – 29, 2017)	1/1

- Permits set annually based on Pacific Flyway

Mourning and White-winged Doves

Dove Recommendation

Species	Season	Area	Bag/Pos.
Mourning Doves	Sep 1 – Oct 30	Statewide	15 / 45 (singly or in combination)
White-winged Doves	Sep 1 – Oct 30	Statewide	
Collared-Dove	Year-round	Statewide	No limit (Plucked go toward dove)
Inca Dove	CLOSED		
Ground Dove	CLOSED		

American Crow

American Crow Recommendation

Season	Area	Bag/Possession
Sep 1 – 30 Dec 1 – Feb 28	Statewide	10 / 30

Migratory Upland Game Falconry Recommendation

- No Changes
  - Band-tailed pigeon, mourning dove, white-winged dove
    - Season Sept 1 - Dec 16
    - Bag 3
  - American crow
    - Sept 1-30, Dec 1- Feb 28
    - Bag 10
  - *Sandhill cranes
    - Must have a license and Sandhill crane permit
    - Season: Same for all hunters
    - Bag: 1/year

Board Action Items

- Youth hunts on WMAs for upland game
  - List of youth hunting opportunities are provided in RAC packet
  - Recommend closing the Pahvant and Annabella WMAs to the general public on 2nd Saturday of November for a youth pheasant hunt
- Order of the Turkey Hunts (eliminate the LE turkey draw and replace it with OTC)
  - Recommending NO changes to the current turkey hunt structure
    - No management triggers have been met, i.e. hunters are successful and satisfied

Rule 657-6: Taking Upland Game

- Made minor editorial corrections
- Made corrections/clarification on baiting upland game

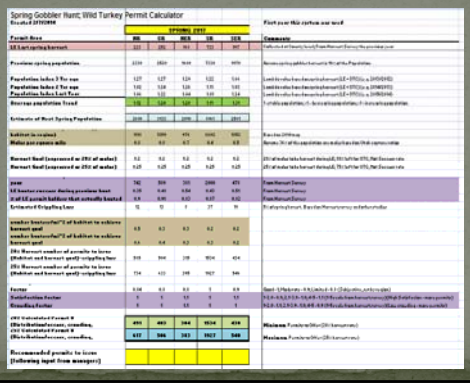
Rule 657-54: Taking Wild Turkeys

- Made minor editorial corrections
- Made corrections/clarification on baiting wild turkeys

Spring Turkey LE vs. OTC

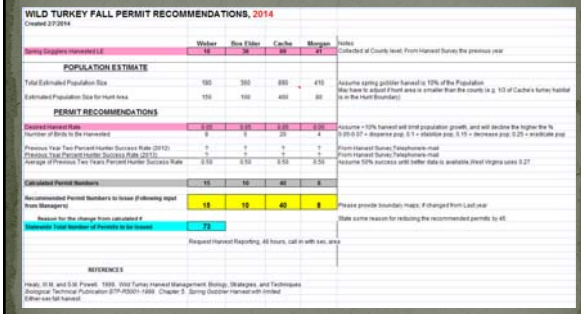
Year	Total Permits	Hunters Afield	LE Harvest	OTC Harvest	Total Harvest	LE % Hunter Success	OTC % Hunter Success	LE Satisfaction (>2)	OTC Satisfaction (>2)	LE Crowding (<4)	OTC Crowding (<4)	
2008	7,853	6,826	2,374		2,374	35%		3.8		2.1		
2009	13,608	11,138	2,770		2,770	26%		3.4		2.40		
2010	14,361	11,204	913	1,365	2,291	35%	16%	3.2	3.1	2.7	2.4	1st Year of OTC
2011	9,632	8,054	863	1,125	1,988	30%	20%	3.3	3.3	2.4	2.3	
2012	8,310	7,057	819	949	1,777	34%	21%	3.4	3.3	2.1	2	
2013	9,656	8,354	1,040	1,241	2,295	42%	21%	3.7	3.4	2.4	2.1	
2014	10,893	9,395	1,139	1,759	2,914	45%	26%	3.8	3.6	2.3	2	
2015	11,997	10,201	1,457	2,017	3,474	52%	28%	4.0	3.8	2.3	2	
2016	12729	11124	1,583	1,978	3,561	46%	26%	4.0	3.7	2.3	2.1	

Spring Turkey Permit Allocation System



Spring Gobbler Hunt; Wild Turkey Permit Calculator

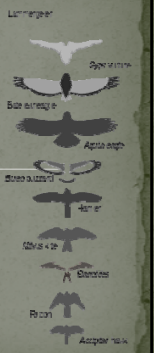
Fall Turkey Permit Allocation System



WILD TURKEY FALL PERMIT RECOMMENDATIONS, 2014

Utah Falconry Rule: Proposed Revisions

Utah Division of Wildlife Resources
Regional Advisory Council and Wildlife Board Presentation
April/May 2017

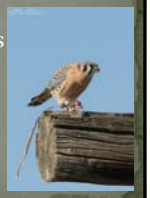


The Sport of Falconry

- "Sport of kings" practiced for thousands of years
- In Utah (current):
  - 253 Permitted falconers
  - 276 Permitted individual birds
  - 26 Raptor species in use
    - 16 Native to NA, 10 non-native/hybrids
    - 5 Status species (T&E, State Sensitive, CA, or BCC)
    - Half are captive-bred

Review: State Authority

- States granted authority to administer falconry in 2008 (50 CFR 21.29)
  - Federal Rule is general
  - States allowed to deal with specific and local issues as needed
- Rule has not been revised in over 5 years
  - New conservation needs
  - Resolved concerns



The Sport of Falconry (R-657)

- Utah rule's primary purpose is to govern the take of protected wildlife including collection and possession of falconry birds and the take of game animals
- Defined in rule as:
  - "caring for and training raptors for the pursuit of wild game, and for hunting wild game with raptors"
- Possession of non-suitable species governed by CIP Rule

The Sport of Falconry (R-657)

- This rule covers 3 primary themes
  - Hunting with raptors
  - Take of raptors
  - Care of raptors
- Also covers
  - Importation of non-native species
  - Abatement activities
  - Captive propagation

The Sport of Falconry (R-657)

- Hunting with raptors:
  - Raptors are a type of allowable weapon
  - Rule allows
    - take of protected game species, primarily upland game and waterfowl
    - take of unprotected species
    - the creation of special seasons for falconry meets

The Sport of Falconry (R-657)

- Take of wild raptors for falconry limited by:
  - Federal falconry rule
  - Endangered Species Act
  - Bald and Golden Eagle Protection Act
  - Federal Birds of Conservation Concern
  - Falconer experience level
  - State conservation concerns

The Sport of Falconry (R-657)

- Care of raptors
  - Standards for care
  - Standards for facilities
  - Facilities inspections

The Sport of Falconry – Current Rule

- Three experience-based classes of falconry permits :
  - Apprentice – 1 bird, few species, adult birds (3 yrs min)
  - General – 3 birds, more species, more ages (5 yrs min)
  - Master – multiple birds, any* authorized species
- The list of authorized species for each class is important for legal, conservation, and practical reasons.

* Eagles require an extra endorsement

Current Rule issues

- Federal standard: a one-size-fits-some approach
  - Hard to follow, enforce, and administer
- Currently long, complex, and unique
  - Uses native & non-native birds to take protected wildlife
  - Allows possession of CIP-limited non-native species
  - Allows take of high-priority conservation birds
  - Allows special *ad hoc* licenses, locations, and seasons

Revision Goals

1. Invite public into process
   - No surprises approach
2. Simplify rule
   - Clarify language & intent
   - Shorten it
3. Make easier to use
   - Compliance
   - Enforcement
   - Administration

Goal #1: Public Engagement

- Informal outreach efforts
  - 3 Open Houses, over 10 other meetings with UFA and other falconers
    - Addressed over 60 specific issues
    - Addressed issues with administrative procedures
  - Considerable consultation
    - Responded to hundred of comments

Goal #2: Simplify Rule

- Clarified language and intent
  - Grouped 'like' sections to streamline rule
  - Rewrote sections to clarify intent
  - Updated to match FWS's birds of conservation concern (BCC) list
    - 11 species in 2008 BCC list
    - 4 species in 2017 Draft
  - Updated references to Upland Game and pen-reared birds rules

Goal #3: Make it Easier to Use

- Clarified processes & lines of authority
  - Updated administrative processes and methods
    - built database, corrected contacts, added email, updated forms
  - Added language to protect falconers in case of a change bird's status
  - Added take of adult American Kestrels
    - current rule is both hard to comply with and to enforce
  - Clarified Authority
    - Only derives from Division Director or Wildlife Board

Summary: Small Changes

- Edits have shortened rule by over 5 pages
- Over 80 edits/corrections:
  - Clarify intent
  - Updated citations
  - Fixed confusing sentences
  - Incorporated authorized species table into text
  - Corrected rule construction to current standards
  - Re-structured sections to strengthen & simplify rule

Changes not in revision

- These set us up for planned changes not in rule:
  - Shifting to on-line COR application process
  - Adding falconry CORs to DWR app
  - Shifting to on-line annual reports
  - Updating the falconry database

Summary: Big Changes

- Increased number of *pre-authorized* species
  - Federal rule allows any of three families of hawks, eagles and falcons (most are non-native).
  - New rule pre-authorizes 32 non-native species
  - Pre-authorizes 23 native species
  - Defines a process by which more may be added
- Reduced waiting period for Peregrine Falcon & Sensitive species permit draws
- Allow 'Eagle Endorsement' for General Class falconers for large non-native species

Changes to Pre-authorized Species List

Current Rule	Proposed Rule
Apprentice	Apprentice
14 Species	15 Species
General	General
14 Species	44 Species
Master	Master
15 Species	45 Species
1 Species of Eagles	11 Species of Eagles
Master only	General or Master

So, why do we need a list?

- Overlapping species with CIP and possession of non-native birds
- Allows an opportunity to minimize risks
  - Disease
  - Ecological
  - Legal/human-health & safety
- Pre-approved list of species deemed suitable for falconry

How will new species be added?

- Division staff will accept COR application
- Qualifications for approval:
  - Is it a species suitable for falconry? If yes, on to next questions.
  - Does it pose a risk to human health and safety? Contact CDC and biologists from area of origin to determine if any threat exists. If no, next question. Health certificate required for importation.
  - If the species escapes into the wild, can it establish a viable population? Review with experts and local biologists.

Evaluating species for authorization

- 3 Criteria
  1. Legally-possessable & legally possessed
  2. Suitability for Falconry
     - Insects and carrion are not wildlife
     - Nocturnal species
  3. Risk assessment
     - Conservation Status
     - Risk to human health and safety
     - Potential for establishment
     - Consequences of establishment
- Other pathways to possession exist
  - CIP rule
  - By Director approval

Meets & Trials

- Trials
  - No take of protected wildlife
    - No special permit required
- Meets
  - Take of protected wildlife expected
    - Allows for 5-day non-resident meet hunting license
    - Requires approval Director (was Wildlife Board)
- 'Bulk' Approval option added
  - Trial or meet organizers may request approval from Director for participant's use of legally-possessed non-authorized species

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STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

In the matter of: **Daimen V. Davis's** license and permit privileges to harvest protected wildlife in the State of Utah.	**PETITION ON APPEAL FROM DECISION AND ORDER/ REQUEST FOR AGENCY ACTION** Case No. 2015-000231

COMES NOW, Appellant Daimen A. Davis ("Daimen"), by and through counsel of record, Gordon Law Group, and, pursuant to Utah Code Annotated Sections 23-19-9(12), 63G-4-201(3)(a), and Utah Administrative Code Rule R657-26-8, hereby submits this Request for Agency Action and Petition on Appeal. This is an appeal from the *Decision and Order*, which was dated November 18, 2015 (the "Order"), by the Division of Wildlife Hearing Officer. Such Order found that Mr. Davis's Big Game privileges should be suspended for three years starting November 18, 2015 and ending on November 17, 2018. A copy of the Order is attached hereto as Addendum "A" and incorporated herein by this reference.

Pursuant to Utah Code Annotated Section 63G-4-201(3)(a), Appellant hereby provides the following information:

1. **NAMES AND ADDRESSES OF ALL PERSONS TO WHOM A COPY OF THE REQUEST FOR AGENCY ACTION IS BEING SENT;** Appellant: Daimen Davis, 765 East Michie Lane, Midway, UT 84049, Chairperson of the Wildlife Board, 1594 West North Temple, Suite No. 2110, Salt Lake City, UT 84114-6301, Hearing Officer, Melissa L. Reynolds, Assistant Attorney General, 1594 West North Temple, Suite No. 2110, Salt Lake City, Utah 84114-6301.

2. **DATE THAT REQUEST FOR AGENCY ACTION WAS MAILED:** December 10, 2015.

3. **THE AGENCY'S FILE NUMBER OR OTHER REFERENCE NUMBER:** Case No. 2015-000231.

4. **A STATEMENT OF THE LEGAL AUTHORITY AND JURISDICTION UNDER WHICH AGENCY ACTION IS REQUESTED:**

This appeal is appropriate pursuant to Utah Code Section 23-19-9 and Utah Administrative Code Rule 657-26-8.

5. **RELIEF APPELLANT SEEKS ON APPEAL:** Reversal or in the alternative a one (1) year period of suspension.

4. **A STATEMENT OF THE FACTS AND REASONS FORMING THE BASIS FOR RELIEF OF AGENCY ACTION:**

FACTS

On February 14, 2015, Mr. Davis was gathering shed antlers in a restricted area, and had not taken the 2015 Antler Gathering Ethics Course. Mr. Davis was subsequently charged with Unlawful Taking of Protected Wildlife While Trespassing, a class B. misdemeanor, in Wasatch County Justice Court. Mr. Davis entered into a plea in abeyance for this charge on June 16, 2015. The Order entered by the Division of Wildlife Hearing Officer found that Mr. Davis' Big Game

privileges should be suspended for three years. The Appellant by and through his counsel of record hereby challenges the length and type of suspension ordered in the Order, given the circumstances.

CHALLENGE TO THE RULING

Pursuant to the Utah Administrative Code R.657-26-5(5)(b) the Hearing Officer may suspend the privileges "most closely associated with the activity for which the person was participating in when the violation occurred." The present violation involved Mr. Davis gathering shed antlers it did not involve Mr. Davis hunting big game, but the consequence imposed suspends his big game hunting privileges which does not comply with Utah Administrative Code cited herein. Under the Utah law, Mr. Davis' consequence should relate to the activity for which he was cited, and should limit his ability to gather shed antlers-which was the violation in this incident.

The hearing officer relied on the plea in abeyance entered into by Mr. Davis, to approve the maximum sentence allowed under the Utah Administrative Code for this type of violation. The appellant contends that the hearing officer weighed heavily any perceived aggravating factors, while not considering all mitigating factors and not giving the same weight to the mitigating factors.

AGGRAVATING FACTORS

The Hearing Officer relied upon a previous offense in making her decision in this matter. The prior incident that was cited by the Hearing Officer was a situation that occurred when Mr. Davis was seventeen (17) years old, and where he had a valid tag and harvested an appropriate animal- the only violation by Mr. Davis in that incident was the fact that the animal was outside the area covered by his tag by a minimal amount. Mr. Davis was barely outside the area covered

under his tag, and this violation was not egregious. Also, he was not aware that he was over the border of private property at the time. In current matter, Mr. Davis was not harvesting an animal at all.

MITIGATING CIRCUMSTANCES

One of the factors cited by the Hearing Officer in this matter Order was that Mr. Davis did not take the 2015 Antler Gathering Ethics Course. Mr. Davis' failure to take the course made it a violation for him to collect shed antlers. But the Hearing Officer did not consider the fact that Mr. Davis had taken the Antler Gathering Ethics Course for the past seven (7) years, and took the course for 2015 but subsequent to this incident. Therefore, Mr. Davis had a pattern of taking the necessary course and this behavior is evident that he had a history of complying with the requirements year since he was approximately fourteen (14) years old. .

Another mitigating factor that should be considered in this matter, is the assistance Mr. Davis has provided to Conservation Officers. Mr. Davis helped Officer Jacob Greenwood, one of the same officers involved in this matter, with a poaching incident in 2015.

EXCESSIVE SENTENCE

The length and type of suspension in this matter is excessive. The current sentence will prevent Mr. Davis from putting in for points for hunting for three (3) years, therefore it will effectively eliminate any points that he has accrued and this effect will carry forward for much longer than the three (3) year sentence. Mr. Davis has been accruing points since he was fourteen (14) years old, and he has points accrued toward a once-in-a-lifetime moose tag, and points accrued for a limited-entry deer tag. Under the current Order which is related to a shed antler incident, Mr. Davis will lose all rights to hunt big game for three years and it will be many more years before he can draw out to hunt big game. Mr. Davis loves hunting and loves the outdoors,

and it is unfair and inappropriate to punish him directly for three years but in a way that will have lasting effects for a much longer period of time. The appellant seeks a reversal of the Order, or in the alternative seeks to have the period of suspension be reduced to one (1) year.

ATTACHMENTS: The following necessary attachments are included with this petition: Decision and Order, Case No. 2015-000231, dated November 18, 2015.

CONCLUSION: Based upon the foregoing, Damien Davis seeks a reversal of the Order, or in the alternative seeks to have the period of suspension be reduced to one (1) year.

DATED this 10th day of December, 2015.

Corbin G. Gordon
Marie J. Bramwell
Attorneys for Appellant

CERTIFICATE OF MAILING

I hereby certify that, on this 10th day of December, 2015, I sent by first-class mail, postage-prepaid, a true and correct copy of the above *Request for Agency Action/Petition on Appeal* to the following parties:

Daimen Davis
765 East Michie Lane
Midway, UT 84049

Chairperson of the Wildlife Board
1594 West North Temple, Suite 2110
Salt Lake City, UT 84114-6301

Hearing Officer
Melissa L. Reynolds
Assistant Attorney General
1594 West North Temple, Suite 2110
Salt Lake City, UT 84114-6301

Addendum A

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

In the matter of: **Daimen A. Davis's** license and permit privileges to harvest protected wildlife in the State of Utah.	**DECISION AND ORDER** Case No. 2015-000231

I. OVERVIEW

This Decision and Order announces the result of an informal administrative proceeding held before the Division of Wildlife Hearing Officer. The proceeding addressed the suspension of Respondent Daimen A. Davis's privileges to harvest protected wildlife in Utah. The Utah Division of Wildlife Resources (Division) alleges that Mr. Davis committed Unlawful Taking of Protected Wildlife While Trespassing and that Mr. Davis did so intentionally, knowingly, or recklessly.

The Division recommended suspending Mr. Davis's Big Game license and permit privileges for three years. After considering the facts and law as set forth below, the Hearing Officer finds that the Division met its burden of proof and, after balancing aggravating and mitigating circumstances, orders a suspension of Mr. Davis's Big Game license and permit privileges for a period of three years.

II. JURISDICTION AND COURSE OF PROCEEDINGS

The Hearing Officer has authority to hear this case and jurisdiction to issue this order under the Wildlife Resources Code, Utah Code § 23-19-9, and the Division's Rules, Utah Administrative Code Rules 657-26-1 to -6.

This proceeding was initiated through the proper means. The Division designated an Assistant Attorney General as the independent Hearing Officer. *See* Utah Code § 23-19-9(8). The Hearing Officer issued a Notice of Agency Action to Mr. Davis, which commenced this informal adjudicative proceeding under Utah Code section 23-19-9 and Utah Administrative Code Rule 657-26-3.

Mr. Davis requested a hearing within the appropriate time and participated in a hearing held on November 3, 2015. At the hearing, Sean Davis and Douglas Messerly represented the Division. Corbin Gordon, Esq. represented Mr. Davis.

III. FINDINGS OF FACT

Mr. Davis does not contest the basic facts as alleged by the Division. On February 14, 2015, Mr. Davis was gathering shed antlers with his brother in the Currant Creek area. Mr. Davis had not taken the 2015 Antler Gathering Ethics Course, which is required to gather shed antlers from February 1 to April 15.

At one point, the brothers entered the Little Red Creek Cooperative Wildlife Management Unit (CWMU) to gather antlers. They did not have a permit to enter the CWMU, which was posted with bright yellow and orange signs that could easily be seen from the parking area where Mr. Davis parked his truck. Mr. Davis walked past one of these signs when crossing into the CWMU—Conservation Officers found his tracks on the other side of the sign. However, when initially questioned, Mr. Davis claimed that he had not entered the CWMU.

The State of Utah charged Mr. Davis with one count of Unlawful Taking of Protected Wildlife While Trespassing, a class B misdemeanor, in Case No. 151400141. Mr. Davis entered a plea in abeyance for this charge on June 16, 2015.

Evidence and testimony presented at the hearing shows that Mr. Davis was also convicted of Unlawful Taking of Protected Wildlife While Trespassing in 2011 (Division Case No. 2011-000647). In that case, the Division chose not to seek suspension of Mr. Davis's hunting privileges.

IV. ANALYSIS AND CONCLUSIONS OF LAW

For the Hearing Officer to suspend Mr. Davis's Big Game license and permit privileges, the Division must prove by a preponderance of the evidence that Mr. Davis: (A) was convicted—or had some similar outcome—in a court of law for violating the Utah Wildlife Resources Code; and (B) committed the underlying violation with an intentional, knowing, or reckless state of mind. Utah Code § 23-19-9(2).

A. Conviction in a Court of Law

To suspend Mr. Davis's privileges, the Division must show that Mr. Davis was convicted, or pled guilty or no contest to a violation of the Wildlife Resources Code. *Id.* § 23-19-9(2)(a). A plea in abeyance or a diversion agreement will also satisfy the triggering statute. *Id.* For clarity, this order uses the broad term "convicted" to include all of the similar possibilities noted above.

Here, Mr. Davis was convicted of Unlawful Taking of Protected Wildlife While Trespassing in the Wasatch County Justice Court of Utah, Case No. 151400141 (June 16, 2015). Therefore, the Division proved the first element of this suspension action.

B. State of Mind

To suspend Mr. Davis's privileges, the Hearing Officer must determine that Mr. Davis committed the wildlife violation intentionally, knowingly, or recklessly. *Id.* § 23-19-9(2)(b) (referring to the mental states as defined under the Utah Criminal Code, Utah Code § 76-2-103). In this action, the underlying violation was for unlawful taking of protected wildlife while trespassing under Utah Code § 23-20-3.5.

While gathering shed antlers on February 14, 2015, Mr. Davis left his truck in a parking area near the Little Red Creek CWMU. From this parking lot, he could reasonably see a bright yellow and orange "No Trespassing" sign on the border of the CWMU. Conservation Officers found Mr. Davis's tracks just past this sign. Given the location of the sign, Mr. Davis was aware that he was near the border of a CWMU and that walking past the sign would result in him crossing into the CWMU. Thus, Mr. Davis acted at least knowingly with respect to the offense and the Division proved this second element of this suspension action.

In sum, the Hearing Officer finds that the Division met its burden of proving that Mr. Davis was convicted of a violation of the Wildlife Resources Code and committed the offense with the required mental state. Therefore, the Hearing Officer has the authority to suspend Mr. Davis's privileges to harvest protected wildlife.

V. LENGTH AND TYPE OF SUSPENSION

Subsection 23-19-9(4) of the Utah Code places upper limits on any suspension ordered by the Hearing Officer. In this matter, the underlying sentence was for a class B misdemeanor, which allows a suspension of up to three years. *Id.* § 23-19-9(4).

Regarding the type of suspension, the Hearing Officer may suspend the privileges "most closely associated with the activity for which the person was participating in when the violation occurred." Utah Admin. Code R. 657-26-5(5)(b). Under most circumstances, this means that a Big Game violation results in the suspension of Big Game privileges (but not fishing privileges, for instance).

In addition to the statutory and regulatory limits, the Hearing Officer must "take into account any aggravating or mitigating circumstances when deciding the length of a suspension period." Utah Admin. Code R. 657-26-5(7). Neither the Wildlife Resources Code, the Division's Rules, nor the Division's guidance documents illuminate what circumstances might, or might not, be considered under this balancing test. Therefore, the Hearing Officer will consider any factors that bear on the equity of this administrative process.

A. Aggravating Circumstances

The Division argued that the fact that Mr. Davis initially lied to Conservation Officers about whether he had entered the CWMU is an aggravating circumstance that warrants a strict suspension. In addition, Mr. Davis did not have a permit to gather shed antlers anywhere in Utah when the violation occurred. Finally, Mr. Davis was charged with the exact same offense in 2011. These are aggravating circumstances that the Hearing Officer must take into account.

B. Mitigating Circumstances

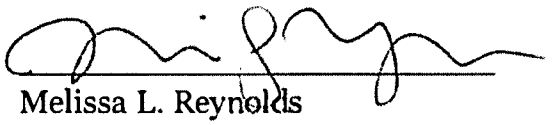
Mr. Davis took responsibility for his actions and asked for forgiveness for his mistakes. In addition, he did not take an animal in the commission of this offense. These circumstances are mitigating, but they must be weighed against the aggravating factors discussed above.

VI. CONCLUSION AND ORDER

On balance, the Hearing Officer finds that the aggravating circumstances outweigh the mitigating circumstances in this case. Mr. Davis's prior conviction for the same offense is an important consideration for this decision. In that case, Mr. Davis killed an elk and the Division showed him leniency by not seeking suspension. Even though he did not take an animal while gathering antlers in 2015, the fact that he did not face suspension for his prior unlawful taking of an animal weighs in favor of a strict suspension today. Therefore, the Hearing Officer orders that Mr. Davis's Big Game privileges be suspended for three years starting November 18, 2015 and ending on November 17, 2018.

ORDERED on November 18, 2015.

DIVISION OF WILDLIFE HEARING OFFICER



Melissa L. Reynolds
Assistant Attorney General
Utah Attorney General's Office

VII. CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the foregoing DECISION AND ORDER and NOTICE OF RIGHT TO APPEAL DECISION was served by certified mail, return receipt requested, this 18th day of November 2015 to:

DAIMEN A. DAVIS
765 EAST MICHIE LANE
MIDWAY, UT 84049

Holly Betteridge
Executive Secretary
Law Enforcement Division
Utah Division of Wildlife Resources