



# Clark County Advisory Board to Manage Wildlife

## MEETING MINUTES

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Date: January 26, 2010  
Location: Meeting Room: Pueblo Room, 500 Grand Central Parkway, Las Vegas, Nevada  
Time: 6:00pm  
Board Members Present: Paul Dixon, Chair      Paul Harris      John Michael Reese  
   Gary Pratt                      John Sullivan

The agenda for this meeting was posted in the following locations;

- Nevada Department of Wildlife, 4747 West Vegas Drive, Las Vegas, Nevada, 89158;
- Clark County Government Center, 500 Grand Central Parkway, Las Vegas, Nevada, 89108;
- City of Henderson, City Hall, 240 Water Street, Henderson, Nevada, 89015;
- Boulder City, City Hall, 401 California Avenue, Boulder City, Nevada, 89005;
- Laughlin Town Manager's Office; 101 Civic Way, Laughlin, Nevada, 89028;
- Moapa Valley Community Center, 320 North Moapa Valley Road, Overton, Nevada, 89040;
- Mesquite City Hall, 10 East Mesquite Boulevard, Mesquite, Nevada, 89027.

Date: January 21, 2010

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### **Call to Order**

- a. The meeting was called to order at 6:02 pm by Paul Dixon.
- b. Roll call of Board Members was performed by Stacy Matthews. A quorum was present.
- c. The Minutes of the Board Meeting held on December 1, 2009 were approved as written.
- d. The Agenda for this meeting was approved as written.

### **Public Comment:**

- a. Jelindo Tiberti (Fraternity of the Desert Big Horn): Announced a planned project for January 30<sup>th</sup> to repair sheep guzzlers in Muddy Mountains.
- b. Dennis Rusk: Asked if there was any consideration for Sandhill Crane tags in Nevada. Paul Dixon suggested Mr. Rusk petition the Board to have the topic added to the Agenda for the next CCABMW meeting as an action item.

With no further input, Public Comment was closed.

## Informational:

- Catherine Jorgenson, Deputy District Attorney discussed response to Open Meeting Law complaint and Open Meeting Law issues regarding the CCABMW meeting of August 4<sup>th</sup>, 2009. The complaint cited the fact that topics not on the announced agenda were discussed and subsequent actions were taken by the Board.
- The Attorney General's office reviewed the complaint along with the CCABMW Counsel. Discrepancies between the posted agenda and the actions taken by the Board were found. Action plans were set in place to ensure future Board meetings complied with Open Meeting Law regulations. The Attorney General believes that the immediate corrective action of the agenda problem is sufficient to prevent it from occurring again and thus feels there is no need for further action on this complaint.
- Catherine Jorgenson further clarified the need for the CCABMW to post a clear and complete agenda for each meeting with proper lead time prior to the meeting. Also, during the meeting, the Board must follow the agenda, stay on topic, and refrain from discussing topics not on the agenda. Such topics may be submitted for inclusion in the agenda of a future Board meeting. Catherine read into record **NRS 241.0353 Absolute privilege of certain statements and testimony**. During the meetings, the Board is absolutely privileged in their words and actions but should strive to abide by ethical standards.
- Catherine Jorgenson offered to meet with the Board to discuss Open Meeting Law further should the Board desire.
- Jelindo Tiberti requested that further Open Meeting Law discussion be held in separate meetings as this topic is uninteresting to the Public.
- Paul Dixon noted that the Elko County Board received an Open Meeting Law complaint as well. Furthermore based on perceived abusive behavior by certain members of the Commission toward members of the Elko Board, the Elko Board is seeking permission from their county council to only attend Commission meetings via teleconference rather than in person.
- Paul Dixon noted that at the last Commission meeting, the Commissioners voted consistently to override nearly unanimous input from CABs on practically every item and requested the public review the minutes of that Commission meeting and write letters to voice concerns over this behavior. Paul stated we need to get those concerns into the system.

## Action Items

### **A. Trail Camera Use – Mike Reese**

- Mike Reese discussed some of the latest advancements in Trail Cameras and showed an advertisement for a camera that connects to a GPS modem that can transmit a photo to a private web site. Owners of the web site can then sell subscriptions for people to view the photos along with exact GPS information. The net result during the hunting season is to “cherry pick” trophy deer.
- Opened to public comment:
  - Dennis Rusk: Q: Does your concern apply to trail camera use on Private Land or Public Land? A: Both

- Cindy Alexander requested an example of misuse but did not agree that Mike Reese's example was misuse. Example describes unethical behavior rather than misuse.
- Clint Bentley: Government controls over trail cameras will never stop unethical behavior or use of cameras.
- Commissioner McBeath: Q: Are there ethical uses for trail cameras? A: Yes. Biologists can make good use of trail cameras for assessment of herd counts or water availability for amount of game in area.
- Commissioner McBeath: Q: Not clear how to enforce ethical vs. unethical use. Does NDOW have a position? A: (Pat Cummings – NDOW) No position at this time.
- Lindsay Dalley: Has used trail cameras. Feels it doesn't affect the hunt since the deer that were photographed at night are not around eight hours later. You still need to hunt them. Feels the idea of trying to regulate the use of cameras is a nightmare. Imposing regulations now may be premature. Asked if any studies been done.
- Dave Piffner (NDOW): No position on use of trail cameras. Surveyed western states to understand positions/regulations/recommendations. Utah promotes their use. Issues with baiting or driving deer to water holes. Not clear what should be allowed or how illegal activity should be handled.
- Gary Pratt: Proposed no camera use during hunting season. Brought up examples of use by outfitters showing trail camera photos of "available" deer (mostly trophy deer) and charging large fees for hunts for selected animals.
- Clint Bentley: Regulating use during hunting season may be unenforceable given variety of hunts and season overlaps. Pre-hunt for deer may fall during elk season.
- Dennis Rusk asked for further clarification of regulations regarding use on private land vs. public land. The owner of a ranch should know or have the right to know what game is on his ranch.
- Paul Harris stated there are no regulations on private land.
- Jelindo Tiberti: From discussion it is not clear that trail cameras are biologically harmful. Further, ethical and unethical behaviors need to be defined or removed from discussion.
- Paul Dixon in closing discussion of this topic, asked Mike Reese to review these minutes of the meeting and to formulate a recommendation to the Commission for the next CCABMW meeting.
- Per Paul Dixon's request to Mike Reese, further action on this item is deferred to the March 9, 2010 CCABMW meeting.

## **B. Sheep Relocation**

- Pat Cummings, NDOW Biologist, discussed Jan 17<sup>th</sup> Bighorn Sheep capture in the River Mountains.
- Herd had become disproportionate with respect to rams and ewes as a result of previous captures. More mature rams than mature ewes.
- Excessive number of rams pose health and safety issue to Boulder City and Hemmingway Park especially during rut in July.
- Intent was to capture 25 class 3-4 rams. Capture completed in 5 hours.

- Rams released in four locations including the Delmar and Virgin Mountains.
- Used 11 store-onboard GPS collars to determine where these middle-aged rams go over the life of the collar, approximately 21 months.
- Jelindo Tiberti, (Fraternity of the Desert Bighorn), applauded this effort and would like to further encourage Boulder City to continue these programs along the health and safety lines.
- Paul Harris also attended the capture along with numerous volunteers. No animals were injured during the capture. Animals went into the trailers and lay down.
- Commissioner McBeath added his observations and commendations to all who participated and directed the project.
- Pat Cummings read a memo from the biologist in charge of Area 10 and the Ruby Mountains and East Humboldt Mountains regarding a disease event in those two areas. Sheep have been dying from a form of pneumonia.
- Paul Dixon stated that the CCABMW should follow this matter and receive updates on this disease. Updates will be set as a standing agenda item for future CCABMW meetings.

### **C. Swan Tags**

- Paul Harris reviewed current status of Swan tags. Approximately 650 tags are issued, of which about 300 are sold. All hunts are in northern Nevada.
- Will need to ask Craig Mortimer why southern and central Nevada is not included.
- Paul Harris would like to ask the Commission to have half dozen tags issued for Southern Nevada.
- Jelindo Tiberti suggested getting input from Craig Mortimer before forwarding a request to the Commission since there may be federal regulations that prohibit swan hunts in Southern Nevada.
- Craig Stevenson, NDOW: No swan hunts in eastern Nevada because Trumpeter Swans in Ruby Valley are federally protected. A hunter would have a hard time distinguishing the Trumpeter Swan from Tundra Swan. No Trumpeter Swans on western part of the state.
- Paul Dixon stated that this topic will be added to the agenda for the March 9<sup>th</sup> CCABMW meeting. Paul Harris is to contact Craig Mortimer to provide input for that meeting.
- Per a request from the public, discussion of cranes will be added to the agenda as well.

### **D. Wild Horse Round Ups & Removal of Horses**

- Paul Dixon discussed the draft letter from Commission Chairman Lent to US Interior Secretary Salazar regarding the proposal to manage surplus wild horses on Winecup Ranch.
- While additional copies of the letter were being made for the Public to review, Paul Dixon opened the discussion for public comment.

- Jelindo Tiberti: believes there is criminal mismanagement of wild horses by BLM. Horses captured by BLM are not necessarily removed from the area, but many are simply doctored and released. In most areas, horse populations are ten times larger than what is deemed acceptable.
- Paul Dixon asked for suggestions as to how BLM's practices should/could be changed.
- Clint Bentley advocated State of Nevada suing BLM for mismanagement of the wild horses.
- Gary Pratt: Not all "wild horses" are wild. Some are branded and perhaps released, abandoned, or runaways.
- Commissioner McBeath discussed legislative activities regarding wild horses. The recent bills in US Congress and Senate had mixed approval from the Nevada's representation. Representatives Titus and Berkley and Senator Ensign all voted for the ROAM Act, while Senator Reid and Congressman Heller opposed.
- Terry Price: Grew up in Lincoln County. Always wild horses on his ranch. People could rope, train, and raise mustangs and use on cattle ranch.
- Commissioner McBeath: As describe on the BLM website, joint program with state prison near Carson City, to break and train wild horses and auction them off.
- Commissioner Howell: Witnessed part of the recent Calico Gather where 1000 horses were captured. Total cost: \$1.9M. Auctions don't work. \$600 to capture and treat a horse that won't sell for \$25.
- Paul Dixon: What about sterilization?
- Commissioner Howell: Shots for mares - \$270 each. Prefers gelding stallions - \$40-\$70 each. Need to reduce the rate of reproduction. \$3.92 per horse per day needed to feed captured horses. Ms. Pickens offered to care for captured horses at \$400 per horse per month.
- Clint Bentley: Damage to wildlife habitats by horses impacting deer herds and resulting in revenue loss to state.
- John Sullivan: Horse advocates are winning the PR battle. Urban readers have not seen first hand the damage done by the horses. Can the CCABMW write a letter to BLM regarding the current horse gathers?
- Paul Dixon: The CCABMW does have the authority to draft and issue such a letter.
- Jelindo Tiberti suggested the Commission request NDOW respond to recent and future press articles regarding wild horse issues.
- Clint Bentley advised making PR efforts proactive stressing the damage being done to the environment rather than just reacting to published articles. Clint also strongly recommended the Board vote to support Chairman Lent's letter.
- Paul Dixon closed public comment.
- Motion was made and seconded to support Chairman Lent's letter. Motion passed unanimously.
- Paul Dixon assigned John Sullivan to prepare recommendations for the March 9<sup>th</sup> CCABMW meeting regarding possible options to pursue to address concerns to elected officials and/or others.

## **E. Guzzlers**

- Paul Dixon asked for comments and concerns regarding arguments in recent press articles.
- Commissioner McBeath: The argument against guzzlers with respect to water rights is not sound. Guzzlers tend to lure game away from springs, agricultural areas, etc., covered by water rights.
- Paul Dixon: Should we assign a Board member to watch this?
- Commissioner McBeath: Just monitor for a while. See what the Agriculture Board does.
- Paul Harris asked Craig Stevenson to confirm that guzzlers are not put where there is already water.
- Craig Stevenson, NDOW: The only time a guzzler is placed near a natural water supply is to provide a stable supply of water for wildlife such as when a rancher diverts the available water to a different location to the detriment of wildlife. Little or no issues in Southern Nevada.
- Paul Dixon assigned this topic to John Sullivan to monitor for now.

## **F. Transmission Line Planning Survey**

- Paul Dixon introduced the topic as transmission lines may be targeted to be built in critical wildlife areas. Corey Lytle, with the Lincoln County CAB, has a lot of experience with these matters. Paul asked that the Board and Public be aware of this and feel free to contact Corey as well.

## **G. Discussion regarding the Board of Wildlife Commissioners Draft Agenda February 5th – February 6th, 2010.**

### **1. Heritage Committee – Chairman Gerald Lent – Action**

- Paul Dixon asked Commissioners in attendance to provide insight into this item as there was no back-up material on the Commission Agenda.
- Lacking an understanding of issues or possible actions to be taken, this item was tabled with no action taken.

### **2. Legislative Committee- Commissioner Daryl Capurro – Action**

- Paul Dixon asked for comments from the Board on the proposed BDRs.
- Paul Harris: Leave Heritage Fund as it is.
- Commissioner Howell: Is a member of the Legislative Committee. Current regulation allows use of 75% of Heritage Fund each year and 100% of interest earned (approx 2%). Proposal was to allow use of 90% of fund and 100% of interest
- Paul Dixon asked if that means no longer looking to grow principal since only 10% of Fund is protected.
- Commissioner Howell: Currently the fund has over \$5.7M. If not used, the State can grab it. The Commission can use those funds for many habitat projects, etc.

- Commissioner McBeath: Discussed the new proposed language that Commissioner Capurro was putting into the BDR about emergency use of the Heritage fund and wanted the CCAB not to be too hasty in rejecting this ideal.
  - Paul Dixon noted without the specific language that it was hard not to stay with the CCAB's position of no change.
  - Jelindo Tiberti recalled that the Heritage Fund was first sourced by donations from sportsmen. The statement that the State can grab it is appalling.
  - Clint Bentley: The shift from 75% to 90% is not the big issue. The issue is access to the existing funds. The Commission asks for public comment before the subject comes up, but when the subject is being addressed in the Commission meeting, the public cannot comment. Items are being ramrodded through with no concern for public opinion.
  - Wayne Bliss (Wildlife and Habitat Improvement of Nevada): Agrees with Clint Bentley's and Jelindo Tiberti's comments and reasons to vote in opposition to this proposed change.
  - Paul Dixon closed public comment.
  - Motion was made and seconded that the CCABMW recommend leaving the Heritage Fund as currently written. Motion passes unanimously.
- 3. Commission General Regulation 374 – LCB File No. R114-09 – Chief Game Warden Buonamici**
- Paul Dixon introduced proposed changes:
    - 1) Requires a hunter to make best effort to retrieve wounded or injured animals
    - 2) Allows illuminated nocks on arrows
    - 3) Prohibits arrows with poison, explosives, or electronic tracking devices.
  - Motion was made and seconded to recommend support of this regulation change.
  - For this vote, John Sullivan was absent but a quorum was still present.
  - Motion passed unanimously.
- 4. Commission General Regulation 377 – LCB File No. R138-09 – Management Analyst III Kim Jolly (via telephone)**
- Fish and Wildlife has been trying to get states with muzzleloader-only seasons with scope restrictions to change regulations to accommodate persons with visual disabilities and allow them to use a scope.
  - Scope limited to 1X. Permits are for one year only.
  - Similar to wording of Colorado regulation. In 10 years in Colorado, only 3 permits have been approved.
  - Muzzleloader groups wanted “any power” scopes and are unhappy with the 1X minimum required by the Feds.
  - Motion was made and seconded to recommend approval of the regulation change as written. Vote was Yea:4 Opposed:1 (Mike Reese)

**5. Commission Regulation 10 – 01 2011 Heritage Tag Quota and Seasons – Big Game - Biologist Mike Cox**

- Nelson Bighorn Sheep quota is proposed to be reduced from 2 to 1.
- Clint Bentley: A couple of the Commissioners want to reduce the quota. This will result in a direct loss of \$75,000 to Heritage Fund funding for 2011. Personal conflict between Chairman Lent and NBU.
- Jelindo Tiberti: As there appears to be no biological or environmental justification for reducing from 2 to 1 tag, recommend opposing this item.
- Kensing Lee: Agrees no reason to reduce the tags. Also suggested that the wild turkey seasons begin on the Saturday next preceding
- Motion was made and seconded to leave the Nelson Bighorn quotas at 2 and change the wording for the wild turkey seasons to start “the Saturday next proceeding”.
- Motion passed unanimously.

**6. Commission Regulation 09 – 05 Amendment #1 Big Game Season Dates – Big Game Biologist Mike Cox – Action**

- Proposes changes to the Nelson Bighorn season dates.
- Also changed were Bighorn indoctrination dates.
- Motion was made and seconded to approve the proposed changes as written.
- Motion passed unanimously.

**H. Authorize the Chairman to prepare and submit the recommendations from today’s meeting to the Commission for its consideration at its February 5 & 6, 2010 meeting.**

- Motion was made and seconded to approve the proposed changes as written.
- Motion passed unanimously.

**Informational Items – No action may be taken on these items.**

**A. Member Comments – any item requiring Board action will be scheduled on a future agenda**

**B. Next scheduled meetings of the Board and Commission**

The next Clark County Advisory Board to Manage Wildlife meeting is scheduled for 6:00pm, March 9<sup>th</sup>, 2010. The next Commission meeting is scheduled for March 19<sup>th</sup> and 20<sup>th</sup>, 2010 in Las Vegas, Nevada.

**Adjournment**

- Motion made to adjourn. Motion seconded.
- Meeting adjourned at 8:57 pm.