

Washoe County Advisory Board to Manage Wildlife

DRAFT OF MINUTES

Tuesday ~March 8, 2011 ~ 6:30 p.m.
Nevada Department of Wildlife
Conference Room B
1100 Valley Road, Reno, Nevada

MEMBERS

Rex Flowers, Chair
Rick Smith, Vice-chair
John Reed, Secretary
Glen Copeland
Daryl Harwell

1. PLEDGE OF ALLEGIANCE *

Chair Flowers led the Pledge of Allegiance.

2. CALL TO ORDER AND ROLL CALL*

Chair Flowers called the meeting to order at 6:30 p.m. A quorum was established.

PRESENT: Glen Copeland, Daryl Harwell, Rex Flowers, John Reed and Rick Smith,

ABSENT: None.

3. APPROVAL OF JANUARY 27, 2011, MINUTES

Member Harwell suggested that the minutes be clarified to indicate that the baiting had been part of the Black Bear Hunt discussion rather than member comments.

It was moved by member Harwell, seconded by Member Reed, to approve the January 27, 2011, minutes as submitted. The motion carried unanimously.

4. PUBLIC COMMENTS *

Sean Shea noted that he had been unable to locate the Washoe County Advisory Board to Manage Wildlife meeting schedule on the Washoe County website.

Member Copeland explained that the issue had been resolved and that the calendar of meeting was available on the County's website.

5. BOARD MEMBER MEETING ASSIGNMENT –A discussion and selection of member(s) to attend the Nevada Board of Wildlife Commissioners meetings on: 1) March 11 and 12, 2011, in Reno, Nevada; and 2). April 15 and 16, 2011, in Reno, Nevada.

Member Reed will attend the March 11 and 12, 2011, meetings.

Chair Flowers noted that the workshop begins immediately after the Nevada Board of Wildlife Commissioners meeting on March 12, 2011.

Member Harwell will attend the April 15 and 16, 2011, meetings.

* denotes NON action item

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Member Copeland stated that he would attend the May meetings.

6. COMMITTEE, MEMBER AND LIAISON UPDATES *

6-1). Correspondence (including sportsmen's concerns) and Announcements –

Member Harwell commented that he had received correspondence (copy on file) from Dan Grayson concerning a homeowner that had alfalfa for deer on their property and had chastised hunters. Mr. Harwell noted concern that the State of Nevada does not have any regulation on big game baiting.

Chair Flowers noted that the bear hunt regulation had included language prohibiting baiting of Black Bears. Chair Flowers then outlined correspondence on the Search Committee for the NDOW (Nevada Department of Wildlife) Director's position. While the County Game Boards cannot give correspondence directly with Governor Sandoval on a specific candidate, individuals acting as private citizens may make their recommendations. It is anticipated that the search for a Director will conclude by mid-March 2011 and will be on the April 11, 2011, meeting agenda for discussion and recommendation to the Nevada Board of Wildlife Commissioners.

Chair Flowers then drew attention to correspondence (copies on file) related to the Bear Hunt received after the January 27, 2011, Washoe County Advisory Board to Manage Wildlife meeting. Other correspondence is from the Attorney General's Office (copy on file) concerning an OML (Open Meeting Law) complaint that has been resolved. Chair Flowers noted that other correspondence (copies on file) related to various agenda items had also been received and would be covered under the items later in the meeting.

6-2). Overview of the February 4 and 5, 2011, Nevada Board of Wildlife Commissioners meeting – Chair Flowers stated that no one had been able to attend the most recent Nevada Board of Wildlife Commissioners (Commission) meeting due to illness.

Member Copeland explained that a medical condition prevented his attendance and explained that it was critical that each County have representation at all Commission meetings.

Chair Flowers provide a brief overview of actions taken by the Commission in the various hunts.

6-3). Update and status report on the Washoe County Predator Control Project and the Wildlife Damage Management Subcommittee – Chair Flowers commented that he had attended the meeting and that a report would be provided under the agenda item later in tonight's (March 8, 2011) meeting.

6-4). Member Liaison Updates:

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6-4-a) Wildlife Damage * – See agenda item 10.

6-4-b) Finance and Administrative Procedures * – See agenda item 12.

6-4-c) Legislative * – See agenda item 8.

6-4-d) Heritage * – Member Harwell noted that he had received correspondence, that he would provide to the recording secretary for the record, concerning the amount of money spent on predator control and data showing how many predators were actually harvested.

6-4-e) Muledeer Restoration * – No report.

7. RUBY PIPELINE RECLAMATION PROJECT UPDATE * – *An informational update on the Ruby Pipeline Reclamation project.*

Mark Freese – NDOW (Nevada Department of Wildlife), provided a handout to the board (copy on file) and outlined how \$8.8-million in mitigation funding can be used to protect Pygmy Rabbit and Sage Grouse in the Surprise area and multijurisdictional projects along the length of the pipeline. Mr. Freese summarized existing project proposal to collar and track Sage Grouse movement as well as habitat restoration in critical areas. Other projects include the standardization of monitoring protocols for habitat restoration so that a quantitative measure of success is standard across all projects. Mr. Freese then explained a potential project to develop/purchase a warehouse for seed storage that can be used after wildfire events. The intent is to stockpile seed to avoid a shortage of seed after significant wildfire events. Mr. Freese encouraged the board to provide input and submit project proposals and drew attention to the ranking criteria noting that the identification of matching funds and ability to connect a project proposal to one where the NEPA (National Environmental Protection Act) process has already been completed receive a higher ranking. Mr. Freese pointed out that the mitigation funds have to be encumbered within five (5) years and that where possible water sources or critical habitat areas are purchased from willing sellers and that the transportation element is to cover the staff and equipment transportation costs to and from project sites.

8. 2011 LEGISLATIVE UPDATE AND REVIEW – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify proposed legislation pertinent to the Nevada Department of Wildlife (NDOW) and/or Wildlife in the State of Nevada. ACR3; AB13, AB19, AB167, SB56, SB102, SB108, SCR1, SJR4, SJR5 and Legislative Action Items. Additional information can be found at: www.leg.state.nv.us.*

Member Reed drew attention to the handout(s) and other support materials (copies on file).

ACR3

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It was explained that ACR3 is intended to be a proactive approach to keeping Sage Grouse off the endangered species list and assist in the restoration of the populations. The Legislative Subcommittee is recommending approval.

It was moved by Member Harwell, seconded by Member Reed, to recommend that the Nevada Board of Wildlife Commissioners support ACR3 as written. The motion carried unanimously.

AB13

This particular bill is designed to allow Game Wardens and other law enforcement officers greater flexibility in resolving issues in the field with juveniles without having to make an arrest. The Legislative Subcommittee is recommending approval of the proposal.

During the discussion it was noted that one of the examples provided during testimony at the Legislative Subcommittee meeting was the instance in which a specific action was inadvertently neglected such as the replacing of a plug when using a shotgun. Without this legislation the Game Warden or law enforcement official would have to make an arrest regardless of the circumstance that led to the infraction.

Paul Dankowski – Game Warden, expressed his and other Game Warden's support of the proposal noting that the juvenile would be the one receiving a citation or arrest. This particular proposal allows the officer to determine whether an arrest is warranted based on the circumstances surrounding the infraction.

It was moved by Member Harwell, seconded by Member Smith, to recommend that the Nevada Board of Wildlife Commissioners support AB13 as written. The motion carried unanimously.

AB19

This particular proposal will open fishing by making it more convenient for scout, church and other youth organizations to use waters in the State of Nevada. This will also help educate children on fishing while taking them out of the urban environment. It was explained that the proposal is meant for organizations rather than family outing that include a number of other unrelated children for celebrations such as a birthday, which requires the name of each child as well as a Social Security number.

It was moved by Member Copeland, seconded by Member Reed, to recommend that the Nevada Board of Wildlife Commissioners approve AB19 as written. The motion carried: Members Copeland, Reed, Smith and Chair Flowers assenting; and Member Harwell dissenting.

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AB167

During the discussion it was noted that there had been a detailed discussion about the proposal. It was noted that the intent is to provide greater enforcement capability so that the invasive species can be dealt with.

It was moved by Member Harwell, seconded by Member Copeland, to recommend that the Nevada Board of Wildlife Commissioners support AB167 as written. The motion carried unanimously.

SB56

During the discussion it was noted that the intent is to consolidate all payables through DOIT (Department of Information Technology). It was pointed out that the current draw system was an excellent example of public/private partnership that has worked well. Of particular concern is that the \$10.00 will be modified to provide the balance to the State of Nevada General Fund rather than NDOW (Nevada Department of Wildlife), which current received \$4.50 with SCI receiving the \$5.50 for maintaining and operation of the current system. It is expected that the State would continue the contract with SCI but take the funds away from NDOW. Other concerns include the additional layer of government and that the Legislative Committee had with one abstention (Gerald Lent) voted to oppose the measure without further direction from Governor Brian Sandoval. It was pointed out that issues in the early 1990's resulted in the selection of SCI to take over and develop a tag draw process that did not use a main frame type of computing system. Over time the system, which is owned by NDOW has been sold to other States and resulted in NDOW recouping the initial investment. As the discussion continued it was noted that the Governor (Brian Sandoval) has expressed opposition to NDOW providing any testimony on the issue since it is a budget related item.

It was moved by Member Reed, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners oppose SB56, as written. The motion carried unanimously.

SB102

During the discussion it was noted that the intent of this particular proposal is to require licensing of commercial gathering of shed horns. It was noted that commercial gathering groups grid the State of Nevada to secure shed horns that will ultimately be used to make a variety of products. It was pointed out that during the recent Rocky Mountain Elk convention that one of the lighting fixtures on display had a cost of \$15,000.00. The proposed modification will allow licensed hunters to collect horns without an additional permit or fee and impose a fee up to \$10.00 for the casual collector, whereas commercial

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collectors will pay a fee of up to \$1,500.00. As the discussion continued, concern was expressed about the consequences of a licensed hunter finding and offering shed horns for sale on services such as eBay. It was explained that once it was determined that the hunter was engaged in a commercial enterprise that he/she might be subject to the higher licensing fee. Other discussion noted that "deadhead" finds was covered in an existing separate policy from this proposal. The proposed language is modeled on the State of Wyoming regulation. Discussion then noted that NDOW is charged with oversight of non-game animals and that the fee will help defray the costs of those services, which are currently paid using sportsmen's fees rather than General Fund monies. Other discussion noted that the Wyoming regulation includes language setting a specific season in which horns can be commercial gathered.

Discussion then suggested that a slight modification to the proposed language might be appropriate by removing the words "noncommercial use" from Section 1b.

It was moved by Member Smith, seconded by Member Copeland, to recommend that the Nevada Board of Wildlife Commissioners amend and approve SB102 by deleting the words "noncommercial use" in Section 1b. The motion carried: Members Copeland, Harwell and Smith assenting; and Member Reed and Chair Flowers dissenting.

The meeting recessed at 8:06 p.m. and reconvened at 8:15 p.m.

SB108

During the discussion it was explained that boat registration fees had not increased in several years and that the continued pressure to assure the removal and mitigation of invasive species is having significant effects on costs. As the discussion continued, it was noted that the registration fee is not a tax specifically but has raised some concerns among several groups. It was pointed out that the University System had been allowed to increase student fees and that a boat registration was similar in nature as it affected only a small percentage of the population. As the discussion continued, it was noted that the matter would not be pursued if the Governor (Brian Sandoval) voiced opposition. Discussion then suggested that perhaps the fee increase, which is minimal, should be based on the length and type of propulsion that a boat has. For example a smaller craft with only a small electric motor should pay far less than a larger more powerful craft that include a larger horsepower proposal system and is of greater length. It was explained that boat fees typically are used to defray ramp and access fees, whereas AB167 includes a fisheries fee.

It was moved by Member Smith, seconded by Member Reed, to recommend that the Nevada Board of Wildlife Commissioners support SB108, as written. The motion carried unanimously.

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SCR1

During the discussion it was noted that the proposal is intended to support Humboldt County.

It was moved by Member Copeland, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners support SCR1, as written. The motion carried unanimously.

SJR 4

During the discussion it was explained that this particular resolution asked the United State Congress to retain open multiple uses of federally owned lands, which comprise about 86-percent of the state's land mass. Additionally, the resolution seeks to allow local entities to collect royalties, fees and rent on wind/solar and other renewal energy projects.

It was moved by Member Reed, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners support SJR4, as written. The motion carried unanimously.

SJR5

It was explained during the discussion that the resolution is asking the United State Congress to insure compliance with existing regulations related to wild free roaming horse and burros without expansion of holding areas.

Terry Springer Farley read a prepared statement (copy on file) into the record noting that the resolution includes what she believes may be contradictions. Although there are differing visions on use, there is agreement that the rangelands need to be protected. Ms. Farley emphasized that horses, burrow, hunters and other provide far less impact to the fragile landscape than bulldozers and development.

Carrol Abel outlined her concerns and objections to the proposal noting that the language may, in her opinion, be counterproductive. Therefore, Ms. Abel believes that the resolution should be rewritten and made more constructive in how concerns are addressed. Drawing attention to the phrase "appropriate management levels" Ms. Abel explained that the language might be construed as dictating the management levels to the federal agency. Ms. Abel noted that previous increases in holding quotas ultimately led to the slaughter of animals. Ms. Abel encouraged the board to recommend that the resolution be rewritten.

Commissioner Member Daryl Capurro explained that the proposed resolution asks that the federal government follow existing rules and regulations without increasing the number of areas for herd populations. The intent is that the management of the wild horse and burros

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will preserve the multiple uses currently allowed on public lands while maintaining populations that are not detrimental to habitat. Mr. Capurro noted that the Commission (Nevada Board of Wildlife Commissioners) had sent a letter to Interior Secretary Salazar opposing the Pickens horse refuge due to lack of information. Commissioner Capurro noted that while a refuge on private land is supported the use of federal lands for such a venture should not be supported as it would detrimentally affect not only wildlife but also ranching interests.

During the discussion it was explained that the intent is to provide a basis to manage populations at a level that is not detrimental to other interests, including, but not limited to wildlife, ranching and public uses. It was noted that there is no specific herd size established as the intent is to manage the herd sizes to maintain a balance of uses that is not detrimental to habitat.

It was moved by Member Smith, seconded by Member Reed, to the Nevada Board of Wildlife Commissioners to amend SJR5 by amending Line 21, page 2 by adding the works "Beyond the appropriate management level. The motion carried: Members Copeland, Reed, Smith and Chair Flowers assenting; and Member Harwell dissenting.

- 9. MANDATORY BOWHUNTER SAFETY COURSE** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to direct that Nevada Department of Wildlife staff develop a mandatory Bowhunter Safety Training Course.*

Sean Shea provided a handout (copy on file) and commented that the intent is to require bow hunt education before an archery tag can be drawn. Mr. Shea explained that the majority of bow/archery shops have indicated that a number of customers purchasing bows do so a short time before the draw and have no bow hunt experience. Mr. Shea noted that, in his opinion, the primary issue is one of safety for the hunter as well as instruction on the different aspects of archery hunting, blood trailing.

Chair Flowers read correspondence into the record (copies on file) from Kelly Dean in support of a mandatory archer class; and Fred Church – formerly of Nevada Bowhunters, in opposition to making the education mandatory.

John McKay – NDOW (Nevada Department of Wildlife), explained that the addition of a mandatory bow hunt safety class would present an additional set-up and administrative costs. Currently there is an education program that is done by Jim Kelly and Kelly Dean. Mr. McKay pointed out that there had not been a large increase in the number of archery hunters and that there is generally limited participation in those classes that are held as needed. Mr. McKay explained that there is an overview of archery safety during the hunter education class and that the key focus is on safe, ethical and responsive hunters. Mr. McKay pointed out that hunting with any type of weapon is a lifelong learning process and

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that an additional requirement may result in even fewer individuals becoming interested in any type of hunting activity. Mr. McKay noted that the age of hunters is increasing while overall the number of hunters is decreasing. Mr. McKay outlined how hunter education and other classes are noticed on the NDOW website and press release. Typically, a waiting list is developed for archery safety and classes held in both northern and southern Nevada. Mr. McKay noted that hunter education, first established in 1998, requires the completion of a workbook before attending the class with an on-line training component added later that replacing the workbook.

During the discussion it was noted that the NBEF (National Bowhunting Education Foundation) is accepted nationally and that not all states require an archery safety training class. Other discussion suggested that there might not be more wounded animals caused by archers than by rifle hunters. As the discussion continued, it was noted that the State of Alaska requires safety and proficiency to participate in the archery hunt. Other discussion noted that while safety is a primary concern the additional training may require a change in either NRS (Nevada Revised Statute) or NAC (Nevada Administrative Code) which is currently denied. Discussion then reiterated that the hunter safety course already includes ethics and regulation with an overview of archery and safe gun shooting.

It was moved by Member Smith, seconded by Member Reed, to not recommend that a mandatory bow hunter safety training class be implemented.

Mr. McKay explained that he is always open to expanding education and that he will review the information provided by Mr. Shea to ascertain where information could be added.

The motion carried: Members Harwell, Reed, Smith and Chair Flowers assenting and Member Copeland dissenting.

- 10. WILDLIFE DAMAGE MANAGEMENT FISCAL YEAR 2011 PLAN AND REPORT:**
 - A. Wildlife Damage Management Committee Report;** and **B. Wildlife Damage Management Fiscal Year 2011 Plan – A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify the Wildlife Damage Management Report and/or the Wildlife Damage Management Fiscal Year 2011 Plan.**

Chair Flowers noted that he had attended the meeting and that while there was some discussion of the management plan no action was taken.

Commissioner Daryl Capurro recalled that there was an error in the figures handout provided at the committee meeting and that the math had since been corrected.

During the discussion it was suggested that the name of the Committee be changed to better reflect the role of the group as Predator Management as Wildlife Damage indicates

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that the Committee focuses on damage caused by wildlife rather than predator management.

Chair Flowers asked that Member Reed make the name change suggestion to the Nevada Board of Wildlife Commissioners (Commission).

Other discussion focused on current predator control projects. It was explained that there are two (2) major Sage Grouse Heritage fund projects underway. As the discussion continued, it was pointed out that an aggressive multi-tiered approach to predator control is needed to protect Sage Grouse. Other discussion noted concern about the administrative cost for Wildlife Services that is attached to the USDA (United States Department of Agriculture). It was noted that the \$36,000.00 in annual cost is well spent given the scope of the work provided.

It was moved by Member Copeland, seconded by Member Reed, to recommend that the Nevada Board of Wildlife Commissioners approve the 2011 Wildlife Management Plan as presented. The motion carried unanimously.

Commissioner Capurro stated he would take the name change suggestion to the Commission.

11. ADDITIONAL APPLICATION HUNT SYSTEM REPORT FORMAT – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify a December 2010 request from Nevada Board of Wildlife Commissioner Cavin to develop an additional report format to publicly display a list of successful tag applicants by hunt unit on the www.huntnevada.com website.*

Chair Flowers opened the agenda item noting that the intent is to provide additional information that provides additional information on hunter by unit. Chair Flowers believes there may be some expense involved with a change in programming to provide that information.

During the discussion it was noted that the information would be provided by the entity conducting the tag draw if SB56 is approved. Other discussion noted that the current information provides only a “snapshot” of information whereas this would provide greater detail on hunters in the field.

It was moved by Member Smith, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve the modification to the application hunt system report format as presented. The motion carried unanimously.

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- 12. ADMINISTRATIVE PROCEDURES, REGULATIONS AND POLICY (APRC) COMMITTEE REPORT AND RECOMMENDATIONS** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners (Commission) to approve, deny or otherwise modify the APCR Committee recommendations to change or create new policies.*

Chair Flowers opened the agenda item and invited Commissioner Gerald Lent to provide an overview to the board.

Commissioner Lent explained that the intent is get as much information as possible to the CAB's (County Advisory Board) as possible so that their decisions can be better information as to how staff arrived at their season and quota recommendations.

There was some discussion about how any error in data posted on the website might preclude the Commission's (Nevada Board of Wildlife Commissioners) ability to take action. As the discussion continued, it was noted that there had been significant discussion in the past among and between the CAB's and NDOW (Nevada Department of Wildlife) staff on season setting and quotas based on the ration of bucks to does. The proposal is intended to provide additional information to the CAB's as they develop recommendations for the Commission's consideration.

It was moved by Member Harwell, seconded by Member Reed, to recommend that the Nevada Board of Wildlife Commissioners approve the Administrative Procedures, Regulations and Policy Committee's (APRC) report as presented. The motion carried unanimously.

Wolves Policy

There was some discussion about the regulation during which it was suggested that following language be changed to read "... where wolves are present the number could be different ...". Discussion then noted that any activity of wolves in the State of Nevada is incidental and that the introduction of the animal could be extremely detrimental to certain Elk herds. As the discussion continued, it was pointed out that where plans were in place the U. S. Fish and Wildlife Service had lost legal challenges in Wyoming.

It was moved by Member Smith, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve the proposed recommendation with the following modification by adding "where wolf populations are present or exist..." after the words "scientific data" The motion carried unanimously.

- 13. COMMISSION GENERAL REGULATION 394 WOLF STATUS, TEMPORARY - T006-10** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners (Commission) to approve, deny or otherwise modify the*

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concept of a temporary regulation revising the status of gray wolves (Canis Lupis) from a Game Mammal to Unprotected Mammal and other matters related thereto. However, no regulatory language will be proposed.

Commissioner Daryl Capurro noted that the executive order prevented the Commission (Nevada Board of Wildlife Commissions) from adopting new regulations.

It was moved by Member Smith, seconded by member Harwell, to make no specific recommendation on Commission General Regulation 394 Wolf Status, Temporary – T006-10. The motion carried unanimously.

- 14. MANAGEMENT BULL ELK – Definition –** *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners (Commission) to approve, deny or otherwise modify the concept of “Management Bull Elk Seasons”. However, no regulatory language will be proposed. The Commission may give guidance, and provide guidelines to NDOW (Nevada Department of Wildlife) concerning development of language for regulation establishing a Management Bull Elk Season.*

Chair Flowers noted that this had been brought forward at the Commission’s (Nevada Board of Wildlife Commissioners) December 2010 meeting.

During the discussion it was noted that there had been a suggestion to reduce the points from five (5) to four (4). Of some concern is that difficulty in scheduling the different hunts as they currently exist. Other discussion noted that most hunters are more interested in a trophy hunt rather than taking the smaller bulls.

It was moved by Member Copeland, seconded by Member Harwell, to make no specific recommendation on Management Bull Elk. The motion carried unanimously.

- 15. MEMBER COMMENTS *** *– Limited to items not addressed elsewhere on the agenda. While the Washoe County Advisory Board to Manage Wildlife may not engage in discussion or take action on any item identified under this topic the matter may be placed on a future agenda for discussion and possible action or recommendation of action to the Nevada Board of Wildlife Commissioners.*

Member Smith outlined his opposition to any change in the Kirsch Award which is intended to recognize those that go above and beyond in their support of wildlife. Additionally, Member Smith has concern about the voting structure of the Committee, which he believes should be limited to not more than two (2) members of the Nevada Board of Wildlife Commissioners with three (3) members with different areas of expertise. Member Smith stated that this is a prestigious award that he believes should remain intact.

* denotes NON action item

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16. FUTURE MEETING AGENDA ITEMS * – *Selection of additional agenda item(s) for the Monday April 11, 2011, meeting.*

The April 11, 2011, meeting agenda may include, but is not limited to: 1) Preliminary discussion to develop a Ruby Pipeline Mitigation Fund project eligible for Washoe County; and 2) Preliminary discussion on the development of big game baiting regulation for the State of Nevada.

17. ADJOURNMENT

Chair Flower adjourned the meeting at 10:45 p.m.