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Eureka County Wildlife Advisory Board
Minutes
February 1, 2010

The Eureka County Wildlife Advisory Board met in the Administrative Facility on February 1, 2010 at 6:00 p.m.

Members Present: Chad Bliss, Mike Taylor and Jim Evans

Members Absent: Chairman Chris Torres and Dale Hornickle

Others Present: Mike Podborny-NDOW, Levi Winward-NDOW, Jake Tibbitts-Natural Resources Manager, Kathy Porter-Natural Resources Assistant, Scott Raine- State Wildlife Commissioner, Steel Raine- at large, Ryan Sandefur- BLM Wildlife Biologist, Susan Cooper- BLM Wildlife Biologist, and Tom Darrington- BLM Rangeland Management Specialist

Call to order

Vice Chairman Jim Evans called the meeting to order at 6:05 p.m. A quorum was determined to be present.

Review and Approve Minutes-

The minutes of the November 30, 2009 meeting were reviewed and unanimously approved, on a motion made by Mike Taylor and seconded by Chad Bliss.

Correspondence and reports

Mr. Bliss reported that he traveled to Las Vegas to take part in a bighorn sheep capture and recommended others to take part if they have the opportunity. Twenty-five mature sheep were captured and administering ear tags and vaccinations, blood samples were drawn and ages were determined.

Wildlife Enhancement Project on Bureau of Land Management (BLM) Administered Lands-

There was discussion with BLM Battle Mountain District representatives regarding process for proceeding with wildlife enhancement projects on BLM administered lands within Eureka County. Tom Darrington passed out copies of BLM's Resource Improvement Project Planning checklist and a Cooperative Range Improvement Agreement. Mr. Darrington noted that wildlife enhancement projects on BLM lands are considered rangeland improvement projects. Mr. Darrington referred to the forms in explaining the steps to proceed with wildlife projects on BLM administered lands. Mr. Darrington gave an overview of the NEPA process and explained the differences between an EIS, EA and CX. Ms. Sandefur, Ms. Cooper, and Mr. Darrington were thorough in explaining the quickest and most efficient way to getting projects started on the ground. They explained that by keeping projects smaller and less complex, the projects would fall under NEPA EA guidelines making implementation of projects on the ground much quicker. They explained the steps for getting projects going including 1)

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make clear, focused goals for projects; 2) acquire data and information such as specific locations and names of springs, GPS locations, maps and names of water right owners and grazing permittees that could be affected; 3) Meet with BLM (Ms. Sandefur, Ms. Cooper or Mr. Darrington) to discuss the project and any obstacles that can be removed prior to filing the above mentioned forms; and 4) Make the formal application for a project with BLM.

Mr. Darrington explained that because of the BLM's already heavy work load, the Board and County could hire contractors to complete many of the studies that the BLM would normally complete or require including cultural surveys, sensitive species surveys, etc. This will lessen the amount of work by the BLM thus moving the project along quicker for the Boards.

Mr. Bliss presented some project ideas and maps to BLM. Initial projects would entail thinning of pinion and juniper trees around springs in the area between Bald Mountain Springs and McCloud Springs and also around springs in the Spring Valley Area to improve the water source. Mr. Bliss noted that he was unable to find the Rock Spring due to it being over grown by vegetation and the Dave Keane Spring has been trampled badly by wild horses. The Board does not anticipate working with the water source itself with all the issues with water rights and the possibility of negatively impacting the spring source. Mr. Darrington explained that even though the process can be long and time consuming that these projects presented are good and worth the time and effort by the Board. Ms. Sandefur stated that a cultural study and NEPA analysis on this type of project should be minimal especially if hand thinning were the method used. Mr. Darrington recommended talking with Mike Stamm, recently retired BLM wildlife biologist, who may be a good resource for getting this project going and also working on an EA for the Board as a consultant.

Mr. Taylor asked if a current EA for a spring in Eureka County could be used for work on another spring. Mr. Darrington replied that all of the specific springs that the EA is written for need to be listed in the EA. Mr. Bliss discussed the reluctance of many water right owners participation in projects because when spring enhancement projects are done BLM administered lands, especially when a structure is put in or improved, the BLM has required partial ownership to the water right. Mr. Darrington confirmed that many times when the water source is improved the BLM will apply for a portion of the water right in excess of the water right owner's portion for the sake of wildlife. Mr. Podborny stated that Nevada water law requires a portion of the water source be left for wildlife and has heard of the situations that Mr. Bliss brought up. Mr. Darrington also stated that once a structure is in place it becomes property of the U.S. Government but maintenance of the structure is left to the water right holder or the grazing permittee. The Board agreed with BLM that in pursuing project, these details should be spelled out in the cooperative agreement so that the specifics are in black and white so that concerns will be addressed early on.

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Mr. Tibbitts recommended these projects be a reoccurring topic for upcoming agendas to begin work on maps and gathering information in anticipation of applying for a project with the BLM.

As requested in a previous meeting, Mr. Evans presented the Board with estimates for contract professional services to write EAs and accomplish related baseline studies. Mr. Evans handed out a document that highlighted costs associated with similar projects from Basin & Range Resources/Great Basin Ecology/Kautz Environmental to give the Board an idea of the costs involved in hiring a contractor for such work.

Nevada Board of Wildlife Commissioners Agenda and support material

The Board reviewed, discussed, and took action on a few of the support materials and agenda items for the upcoming Nevada Board of Wildlife Commissioners' meeting. Any item that was not acted upon was either not of concern to the Board or there was not enough information to take any action. The specific items discussed and acted upon are as follows:

Reports-Informational

1. **Action Item 3: Winecup Ranch Proposal for Wild Horse Management- Chief of Habitat Dave Pulliam-Action**

The Commission is being asked to review and approve a draft letter to the Secretary of Interior stating the Commission's opposition to the proposal to manage surplus wild horses on the public and private portions of the Winecup Ranch.

Mr. Bliss moved to support the Commission in sending a letter to the Secretary of Interior stating the Commission's opposition to the proposal to manage surplus wild horses on public and private portions of the Winecup Ranch. Mr. Taylor seconded, motion carried unanimously.

2. **Action Item 4/10: Commission General Regulation 374- Archery Tackle- LCB File No. R114-09 Chief Game Warden Buonamici**

The Commission may adopt a regulation requiring a person who wounds or otherwise injures any wildlife while hunting to make a reasonable effort to take that wildlife; authorizing the use of an arrow with an illuminatednock; prohibiting the use of certain other arrows; and providing other matters properly relation thereto.

Mr. Taylor commented that he thought it was already a requirement that a person who wounds or injures an animal should make every effort to take the wildlife. Mr. Taylor and Mr. Bliss did question who decides if the hunter has made a reasonable effort to take a wounded or injured animal since it is unclear in the language and that it would be useful to define "reasonable effort". Mr. Taylor also commented that he is glad the language is being clarified for illuminated nocks because it will help hunters find their arrows quicker that will result in hunters finding the animal quicker. Mr. Taylor moved to support the regulation adoption. Mr. Bliss seconded, motion carried unanimously.

3. Action Item 5/11: Commission General Regulation 377-Americans with Disabilities Muzzleloader Accommodations (ADA) - LCB File No. R138-09-Management Analyst III Kim Jolly

The Commission may adopt a regulation authorizing the Department of Wildlife to issue a scope permit to a person with a visual disability under certain circumstances; and providing other matters properly.

Mr. Taylor stated the language is fairly well written and the process is adequately put into place to limit a 1X scope permit to those people who really are in need of it. There was some concern stated of the safety to other hunters when in the area of a visually impaired hunter that has vision that is not correctable by eyeglasses. Mr. Bliss questioned the statement in the regulation “correctable by glasses or contacts” and wondered what level of vision achieved (i.e., 20/20) was considered corrected. Mr. Taylor moved to support adoption of the regulation to issue a scope permit to a person with a visual disability under certain circumstances. Mr. Bliss seconded, motion carried unanimously.

4. Item 6: Reports – Informational

B. CABMW Report on Mule Deer Overview Efforts Within Each County-

The Eureka County CAB has met with BLM representatives to discuss proceeding with wildlife enhancements projects on BLM administered lands within Eureka County. BLM has outlined the NEPA process and the steps that have to be taken to get a project off of the ground. The Board feels that it is necessary to have a good working relationship with BLM because of the large amounts habitat under the administration of BLM. In addition, the Board understands the need to have buy-in from the grazing permittees where projects would take place. Some projects immediately being pursued include thinning of pinion and juniper trees around specific high-value springs in southern Eureka County. The Board does not anticipate working with the water source itself due to all of the issues associated with water rights and the possibility of negatively impacting the spring source. However, the Board is planning on decreasing the density of trees around water sources to increase habitat area and provide more water recharge to the source.

5. Action Item: 8 Heritage Committee- Chairman Gerald Lent- Action

The Commission will hear a report on the Heritage Account’s interest and principal from Deputy Director Patrick Cates. Chairman Lent will report to the full Commission on the Heritage Committee’s meeting that occurred on Jan. 7, 2010, and may ask that the Commission take action on the committee’s recommendation for harvest control for Heritage and Partnership in Wildlife (PIW) tags in big game units.

The Board discussed this item in association with Action Items 12 and 13 below.

6. Action Item 9: Legislative Committee- Commissioner Daryl Capurro- Action

Commissioner Capurro will report to the full Commission on the Legislative Committee meetings on Jan 7 and Jan 22, 2010, and may ask that the Commission take action to support or oppose the Department's conceptual ideas for Bill Draft Requests (BDRs) and other non-Department BDR's.

Recommendation

The Board did not make any formal recommendation but discussed some of the legislation below.

Other comments, including a dissenting viewpoint (different than the majority) or issue brought up during discussion:

Mr. Bliss questioned the need to create a legal defense fund given the fact that the Attorney General's office is supposedly already required to defend the Commission in the event of a lawsuit. The Board expressed concern that this measure would add an additional fee on the application. Mr. Bliss asked Commissioner Scott Raine if the Commission anticipated getting sued or if they predicted some near future need for a legal fund. Mr. Raine stated that he had missed the Committee meeting where they talked about this issue. Mr. Raine further commented that he is unsure what will happen and can't predict what legal issues could face the Commission but that currently, all past legal issues had been dropped. Mr. Taylor followed up by asking Mr. Raine if he expected to stop "making people mad". Mr. Raine answered that he could not make that promise.

The Board discussed options to fix shed antler hunters from harassing elk and deer by either setting a season, requiring a permit or license and education on the effects of harassing deer and elk, especially while they are in their winter range and most susceptible to stress and disease. The Board felt that the educational aspect should be the main focus regarding any legislation on shed antler hunting (i.e., indoctrination classes or a permit after an educational course).

The Board decided to reserve their action on any proposed legislation until language is proposed under Bill Draft Requests.

7. Action Item 12: Commission Regulation 10-01 2011 Heritage Tag Quota and Seasons- Big Game Biologist Mike Cox- Action

The Commission will adopt the Heritage tag species, seasons, and quotas for the 2011 season.

Mr. Bliss moved to approve as written with changing the Nelson Bighorn tag quotas from 2 to 1. Mr. Taylor seconded, motion carried unanimously.

8. Item # 13: Commission Regulation 09-05 Amendment #1 Big Game Season Dates Big Game Biologist Mike Cox- Action

The Commission will consider revisions and adjustments to the 2010 bighorn season, PIW, and bighorn sheep indoctrination dates.

Mr. Bliss moved to accept the big game season amendments with the stipulation if there is not a hunt for the non-resident Rocky Mountain Bighorn sheep, non-residents will be able to buy a bonus point or have the ability to retain bonus points due to the risk of losing acquired bonus points; and with the recommendation that the Nelson Big Horn sheep tag decrease from 3-1 for at least 1 year to see how the change affects the overall harvest; and if the mule deer population decreases and quotas are reduced then the PIW tags and Heritage tags should decrease by the same percentage. Mr. Taylor seconded, motion carried unanimously.

Mr. Bliss asked Mr. Raine to comment for the Commission regarding the PIW early rifle bull elk hunt, the over hunting of area 13 and the potential of losing the best genetics in those bulls. Mr. Bliss remembered Lincoln County bringing this up last year. After discussion it was agreed that this could possibly be fixed when the Board and Wildlife Commission considers changes to season dates.

D. Bighorn Sheep Disease Update- Wildlife Health Specialist Peregrine Wolff

Mr. Podborny reported that there has been an increase in the numbers of die offs in bighorn sheep namely in the Humboldts and the East Rubies. Mr. Podborny went through the numbers and location of sheep deaths and NDOW's efforts to administer antibiotics to sheep. NDOW is looking at the cause of die offs and analyzing patterns but noted that testing has proved that many of the deaths have been due to bronchial pneumonia. Mr. Podborny reported that they have seen positive results of using the antibiotics. Die offs are occurring in others states as well and in areas where herds could not have intermingled. Mr. Taylor discussed with Mr. Podborny the possibly of distributing antibiotics through other efforts including watering sources. NDOW is using a method of darting sheep with the antibiotics for less human contact and handling and also vaccinating for other diseases at the same time.

G. Trail Camera Usage, Edible Portions of Game, and Water Development Barriers- chief Game Warden Rob Buonamici

Mr. Bliss asked Mr. Raine to expound on the discussion of trail camera usage. Mr. Raine explained that there is a debate concerning the ethical use of trail cameras and the possible commercialization of hunting through such technology. Mr. Podborny added that he had no information on the subject but knew there were a lot of ethical issues with how people use them. Mr. Taylor added that there are issues where people build physical barriers to funnel wildlife in front of cameras. Mr. Winward commented that there are also issues with cameras being stolen. Mr. Bliss stated that there are a lot of other uses of trail cameras besides for hunting and that many people use trail cameras in an ethical and sporting manner. Mr. Podborny stated that the issue becomes a biological issue when trail camera users begin altering habitat, water sources, or travel patterns for the purpose of capturing pictures

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of wildlife. Generally, the Board did not have any answers to how this issue could be resolved without also punishing the people who are using cameras in a responsible and ethical way.

Next Meeting Date

The next meeting is scheduled for Monday, March 15, 2010 at 6:00 p.m.

Public Comment

There was no public.

Adjournment

A motion was made by Mr. Bliss and seconded by Mr. Taylor to adjourn. There being no further discussion, the meeting was adjourned at 9:00 p.m.

Approved this _____ day of _____ 2010.

Respectfully submitted: _____, Secretary
Kathy Porter

Approved: _____, Chairman
Chris Torres