

Washoe County Advisory Board to Manage Wildlife

DRAFT OF MINUTES

Thursday ~ January 28, 2010 ~ 6:30 p.m.
Nevada Department of Wildlife
Conference Room B
1100 Valley Road, Reno, Nevada

MEMBERS

Rick Smith, Chair
Glen Copeland, Vice-chair
Rex Flowers, Secretary
Daryl Harwell
Thomas Wilson

1. PLEDGE OF ALLEGIANCE *

Chair Smith led the Pledge of Allegiance.

2. CALL TO ORDER AND ROLL CALL *

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

PRESENT: Glen Copeland, Daryl Harwell, Rick Smith and Tom Wilson.

ABSENT: Rex Flowers.

Chair Smith noted that Member Flowers was excused from tonight's (January 28, 2010) meeting and had provided input for each agenda item in an email (copy on file) that he will read as agenda items are heard. Chair Smith also stated that he would abstain from voting at this meeting to avoid a tied vote.

3. APPROVAL OF NOVEMBER 24, 2009, MINUTES

It was moved by Member Harwell, seconded by Member Copeland, to approve the November 24, 2009, meeting minutes, as submitted. The motion carried: Members Copeland, Harwell and Wilson assenting; Chair Smith abstaining; and Member Flowers absent.

4. PUBLIC COMMENTS *

There were no public comments.

5. COMMITTEE, MEMBER AND LIAISON UPDATES *

5-1). Correspondence (including sportsmen's concerns) and Announcements – Chair Smith drew attention to the email correspondence (copy on file) provided by Member Flowers that will be read as the agenda items are heard.

5-2). Update on the Sheldon Wildlife Management Plan – There was no update.

5-3) Overview of the December 4 and 5, 2009, Nevada Board of Wildlife Commissioners meeting – Member Wilson noted that he had represented both the Washoe County Advisory Board to Manage Wildlife and the Nevada Waterfowl Association on the Duck Stamp agenda item. Mr. Wilson explained that the Commission (Nevada Board of Wildlife

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Commissioners) had tabled the agenda item and sent it back to the Subcommittee. However, other issues were acted on even though the public and Director (Ken Mayer) had advised that no action be taken. On the trap and transplant the Deputy Attorney General stated that he would need to do further research before he could render a legal opinion. Of particular concern is that there may be a legal challenge that in Member Wilson's opinion is an inappropriate use of money and resources.

Member Copeland noted that the CAB's (County Advisory Board) had not any input on Policy 51 and that the Commission's vote on controversial issues was a five in favor and four opposed. Mr. Copeland also explained that the Director had indicated that Policy 22 as approved could kill the transplant program.

5-4). Update on the recent relocation of California Bighorn Sheep from Northern Washoe County High Rock/Leadville Canyon to the Jackson Range in Humboldt County – Chair Smith asked that Judi Caron and Mike Dobel comment on the agenda item as both were in attendance.

Mike Dobel – NDOW (Nevada Department of Wildlife), explained that Big Horn Sheep that were to be moved from Unit 012 to Unit 035 (Jacksons) were infected with a contagious sore mouth disease. The veterinarian had decided not to move the diseased animals as has been done in the past. Although it had been planned to move up to thirty (30) animals only nine (9) were from the Granites and six (6) from Unit 012 to the Jacksons. It is Mr. Dobel's belief that there will be more instances of this type of infections, which are generally caused by stress and may result in additional die-off. Mr. Dobel outlined the available options and pointed out that other transplant sites in the State of Nevada had other issues such as domestic sheep, lack of water or other land use issues. In many locations the development of any type of water resources is significantly constrained. Although additional tags could be issued, there is the issue of maintaining a balance of six (6) year old rams.

Judi Caron commented that there had been a good turnout of volunteers to work with the NDOW (Nevada Department of Wildlife).

5-5). Update and status report on the Washoe County Predator Control Project and the Wildlife Damage Management Subcommittee – There was no report provided.

- 6. BOARD MEMBER MEETING ASSIGNMENT** – *A discussion and selection of member(s) to attend the Nevada Board of Wildlife Commissioners meetings on: 1) February 4 and 5, 2010, meetings in Reno, Nevada; and 2) March 19 and 20, 2010, meetings in Las Vegas, Nevada.*

Chair Smith will attend the February 5 meeting with Member Wilson attending the February 4, 2010, meeting.

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Member Harwell will attend the March 19 and 20, 2010, meetings in Las Vegas, Nevada.

- 7. WINE CUP RANCH PROPOSAL FOR WILD HORSE MANAGEMENT** –*A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify correspondence to the Secretary of the Interior stating opposition to a proposal to manage surplus wild horses on public and private lands of the Wine-Cup Ranch.*

Chair Smith outlined the agenda item and drew attention to the correspondence (copy on file) written by Commission (Nevada Board of Wildlife Commissioners) Chair Gerald Lent to Interior Secretary Salazar.

Member Wilson outlined several typographical and language corrections as follows: 1) page one change “my agency” to read either the Nevada Department of Wildlife or the Nevada Board of Wildlife Commissioners; 2) second paragraph page 1 remove the colon after the word “including” change the word “which” to that and delete the word “both”; page 2 first paragraph change to read “... factor influencing Sage Grouse nesting success. It has been noted that “horses may be considered ecologically part of a novel disturbance regime rather than as a native species” Beever et al (2008). The plants did not evolve with horses and as such ...”; and 3) paragraph three the redundant use of breeding and reproduction – use one or the other of the terms but not both and delete “... less than sufficiently managed”.

Chair Smith commented private lands should be managed by property owners. However, the use of some 750,000 acres of public land should not be used for wild horses. Mr. Smith pointed out that wild horses are aggressive in their protection of water sources to the detriment of other wildlife. Therefore, he can support the letter drafted by Commission Chair Lent with the modifications suggested by Member Wilson.

Member Harwell concurred and recommended that the privately held portions of the Wine-Cup Ranch should be fenced so that horses do not have access to public lands.

Chair Smith commented that the property owners may seek to make the wild horse sanctuary a for-profit enterprise and that while he believes private property rights should be respected, the property owner must take steps to control their boundaries with fencing or other restraints.

Member Wilson outlined his understanding that the proposal is to use the entire allotment for grazing on public lands.

Chair Smith pointed out that there are no grazing rights for horses thus negating the use of public lands for horse grazing.

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Judi Caron commented that while she has mixed feelings on the issue the BLM (Bureau of Land Management) does not have sufficient funding to manage wild horses in the western states, specifically the State of Nevada. Ms. Caron voiced concerns about setting precedent by allowing the use of public lands for wild horses. Ms. Caron also noted concern that the insurance requirement for the sanctuary may also require the BLM to carry similar insurance coverage

It was moved by Member Wilson, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve the letter to Secretary Salazar with the following modifications: 1) page one change “my agency” to read either the Nevada Department of Wildlife or the Nevada Board of Wildlife Commissioners; 2) second paragraph page 1 remove the colon after the word “including” change the word “which” to that and delete the word “both”; page 2 first paragraph change to read”... factor influencing Sage Grouse nesting success. It has been noted that “horses may be considered ecologically part of a novel disturbance regime rather than as a native species” Beever et al (2008). The plants did not evolve with horses and as such ...”; 3) paragraph three the redundant use of breeding and reproduction – use one or the other of the terms but not both; and 4) delete “... less than sufficiently managed”. The motion carried: Members Copeland, Harwell and Wilson assenting; Chair Smith abstaining; and Member Flowers absent.

- 8. COMMISSIONER GENERAL REGULATION 374, LCB (Legislative Counsel Bureau) FILE NO. R114-09 –** *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify 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 to other matters properly relating thereto.*

Member Wilson outlined his concerns with the language proposed by the LCB (Legislative Counsel Bureau) in Section 1 as it pertains to the wounding or injury of wildlife. It is Member Wilson’s belief that the language should be modified to require that the hunter make every effort to recover an animal. Mr. Wilson believes the current language could also be applied to injuries caused by a minor rock slide which would not necessarily result in significant injury. Member Wilson then noted his concerns with Section 3 and 4 as it pertains to chemicals used for nock illumination.

Chair Smith explained that the chemicals used for illumination are not toxic. Drawing attention to Section 3, sub 3 Chair Smith commented that it should be clarified that electronic tracking should not be allowed.

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Member Wilson recommended that the words “wound or otherwise injure” be replaced with the word “shoot” and insert the word “recover”. It is Member Wilson’s belief that the intent of the regulation is to require the hunter to retrieve any shot animal.

It was moved by Member Wilson, seconded by Member Copeland, to recommend that the Nevada Board of Wildlife Commissioners approve Commission General Regulation 374, LCB (Legislative Counsel Bureau) File No. R114-09 with the following modification: 1) delete the phrase “wound or otherwise injure) and insert the word “shoot” and insert the word “recover”. The motion carried: Members Copeland, Harwell and Wilson assenting; Chair Smith abstaining; and Member Flowers absent.

- 9. COMMISSION GENERAL REGULATION 377, LCB (Legislative Counsel Bureau) FILE NO. R138-09 –** *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify a regulation authorizing the Nevada Department of Wildlife to issue a scope permit to a person with a visual disability under certain circumstances and providing other matters properly relating thereto.*

Kim Jolly – NDOW (Nevada Department of Wildlife), provided an overview of the proposed regulation that will allow the use of a single power scope during the Muzzle Loader Season in response to a notification of violation of ADA (Americans with Disabilities Act) by the US Fish and Wildlife Service, after a discrimination complaint. The regulation requires that a form provided by NDOW be used with provisions for NDOW to seek a second medical opinion. The physician’s statement and permit to use the single power scope must be renewed annually. Ms. Jolly noted that there are specific references in NRS (Nevada Revised Statutes) on life activities.

Responding to Member Wilson’s comments about visual disabilities, Ms. Jolly explained that the regulation only applies to visual disability that cannot be corrected with prescription eye glasses or contact lenses. Ms. Jolly pointed out that the regulation requires a licensed physician to certify the visual impairment.

Member Wilson suggested that the licensed physician, in his opinion, should also be required that the person can see well enough to handle a weapon due to public safety concerns.

Ms. Jolly noted that blind hunters already have their own provisions and that a second opinion may be sought before the issuance of a permit.

Chair Smith noted that the FAQ’s (Frequently Asked Questions) handout notes that the State of Colorado has had this particular regulation in place for nine (9) years and had approved and issued only nine (9) of the twenty-six (26) applications received during that time.

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Chair Smith read written comments (copy on file) submitted by Member Flowers into the record, which indicate that he could support the use of the single power scope to meet the minimum requirements set forth in ADA regulations.

Chair Smith noted that, in his opinion, it was better to accept this proposed regulation that meets the minimum ADA requirements than to have a different regulations imposed.

Member Copeland explained that he could not support the proposal as there is a provision that allows the use of a scope on a muzzle loaded weapon during the Any Legal Weapon hunts. Mr. Copeland further explained that the use of a firearm by a visually impaired person "scares" him.

Member Wilson concurred with Member Copeland. However, the NDOW has done a "fantastic job" in the development of the regulation that alleviates many concerns and that while he is opposed to having individuals that cannot see out in the field, he will support the regulation.

Member Harwell suggested that perhaps a guide should also be one of the requirements so that the hunter can be advised if it is inappropriate to discharge the weapon.

Jerry Lowery expressed his concerns with the proposed regulation and reiterated that a scope is allowed on the primitive muzzle loaded weapon during the Any Legal Hunt seasons. Of particular concern is that other exceptions will now be sought for other disabilities.

Judi Caron concurred with Mr. Lowery's statements and recalled that each state has a right to regulate wildlife under certain federal legislation. Therefore, it may be necessary to tighten existing regulations.

Alan Moss stated that he has been shot at in the past and that it was not a pleasant experience. Therefore, he believes that if an individual does not have visual acuity at 100 yards then that person does not belong in the field. Mr. Moss emphasized that his primary concern is public safety.

Responding to Member Copeland's comments about the use of a scope during Any Legal Weapon seasons, Ms. Jolly explained that the U. S. Fish and Wildlife Service denied that argument about that the use of a scope is allowed during Any Legal Weapon seasons because the Muzzle Loader Season is considered a separate program. Ms. Jolly commented that she had spoke with the Lakes Crossing Muzzleloader Club, and the Eagle Valley Muzzleloader Club and while they do not like the proposal they do understand the situation and are therefore supportive of the regulation. Ms. Jolly noted that the State of

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Nevada had received several time extensions and that a failure to respond appropriately could result in the loss of federal funding.

It was moved by Member Wilson, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve Commission General Regulation 377 as written. The motion carried: Members Harwell and Wilson assenting; Member Copeland dissenting; Chair Smith abstaining; and Member Flowers absent.

- 10. HERITAGE TAG FUNDING** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or other modify a proposal to increase the allotment of Heritage Fund expenditures on projects to ±90-percent of the available balance.*

Chair Smith provided an overview of the proposal and noted that the previous year's funding was ±\$675,000.00 and that the current year's fund appears to be ±\$474,300.00 plus interest. Of particular concern is the request to allow the use of 90-percent of the fund, which Chair Smith does not support. It is Chair Smith's recommendation that there be an ability for NDOW (Nevada Department of Wildlife) access the principal balance to fund specific emergency needs such as helicopter/plane repair, guzzlers or habitat restoration that is subject to approval by both the Commission (Nevada Board of Wildlife Commissioners) and NDOW. Chair Smith reiterated his support to maintain the current 75-percent cap on project expenditures.

Member Harwell noted his concern that the Commission could further its predator management policies by using the Heritage Fund for predator control project rather than habitat restoration.

Member Wilson concurred with Chair Smith and pointed out that raising the cap to 90-percent is not, in his opinion, good fiscal policy.

Responding to Member Wilson's comment about whether or not the Director (Ken Mayer) could deny a funding request, Chair Smith explained that he envisions the process as one that requires the Commission and NDOW to approve a funding request with either body being able to deny the spending request.

Kim Jolly – NDOW, explained that the intent is to seek input from the CAB's (County Advisory Board) and suggested that the board provide their input so that the recommendations can be forwarded to the Wildlife Commission's Legislative Committee.

There was significant discussion about the proposal. It was suggested that the annual cap remain at 75-percent with non-budget emergency withdrawals for equipment or water source repairs and habitat restoration, with a minimum balance requirement of \$1-million.

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Other discussion emphasized that the emergency funding could not be used for salaries/benefits or overtime. It was suggested during the discussion that the modifications to the Heritage Fund would go back to the Subcommittee and then back to the CAB's for additional input before a final decision is made. As the discussion continued, it was noted that this particular item is no on the Commission's agenda for action but was added to the Washoe County agenda as an action item so that the board thoughts and recommendations would be on record.

Jerry Lowery recalled that the Heritage Fund was set-up for habitat projects and that over time the use of the fund has grown to encompass additional projects. Of particular concern in the current economic crisis, is that the legislature may find a way to use the principal balance of the Heritage Fund to meet the State's budget needs. Mr. Lowery noted that NDOW typically runs on a "lean" budget even in good economic conditions. Mr. Lowery recommended that the Heritage Fund be used only for the intended use. Additionally, it is Mr. Lowery's belief that funds for equipment repairs/replacement will continue to be part of the budget process.

Discussion then noted that funding for equipment should perhaps be reduced before making reductions in field personnel. It was reiterated that while the 90-percent expenditure cap was not generally supported that a means by which NDOW can access Heritage Fund monies for certain emergency expenses should be crafted.

Alan Moss commented that the last legislature had done nothing to alleviate the budge issues other than raise taxes and fees. It is Mr. Moss' suggested that a cap be placed on the amount of money that can be used to meet emergency needs. Additionally any funds used to meet emergency needs should be repaid.

Judi Caron outlined her concerns with a suggested increase in Heritage Fund project expenditures to 90-percent. Ms. Caron noted that it is difficult to make an informed decision as the meeting minutes from the January 7 and 22, 2010, Subcommittee meetings were not yet available.

Chair Smith explained that he had specifically added this matter to the meeting agenda so that the board could begin their discussion and develop preliminary recommendations.

Ms. Jolly drew attention the late distributed memorandum (copy on file) that had draft language Commissioner Capurro was seeking feedback on. Ms. Jolly noted that Commissioner Capurro had suggested the modifications to make the Heritage Fund less attractive as a means to reduce the State's budget deficit.

A motion by Member Copeland to recommend that the Nevada Board of Wildlife Commissioners leave the Heritage Fund Trust as currently written died due to lack of a second.

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There was additional discussion about leaving the spending cap at 75-percent of available funding while providing a mechanism that allows NDOW to access fund to cover emergency expenses.

A motion by Chair Smith to recommend that the Nevada Board of Wildlife Commissioners: 1) make no change to the current cap of 75-percent of available funding can be used to fund projects; and 2) that the principal balance of the Heritage Trust Fund be available to the Nevada Department of Wildlife to cover certain emergency expenditures died due to lack of a second.

It was moved by Member Wilson, seconded by Member Harwell, to recommend to the Nevada Board of Wildlife Commissioners open an amendment to NRS (Nevada Revised Statutes) 501.35.75 such that the principal amount of the Heritage Trust Fund may be used under specific circumstances. Member Wilson further moved that the process must be fully vetted through the Subcommittee, the County Advisory Boards and the public. The motion carried: Members Copeland, Harwell and Wilson assenting; Chair Smith abstaining; and Member Flowers absent.

The meeting recessed at 8:26 p.m. and reconvened at 8:34 p.m. A quorum was present with Member Flowers absent.

- 11. COMMISSION REGULATION 10-01, HERITAGE TAG QUOTA AND SEASONS – A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify Heritage Tag species, seasons and quotas for the 2011 season.**

Chair Smith provided an overview of the agenda item and pointed out that the changes were for the 2011 season not 2010. Chair Smith noted that Commission (Nevada Board of Wildlife Commissioners) Chair Gerald Lent had suggested that the reduction from two (2) Heritage tags to one (1) would not dilute the value. The concern prompting the change in the number of tags is the potential to over hunt a specific Unit. Chair Smith noted that the recommendation is to reduce the Nelson Big Horn Sheep to one (1) tag leaving the Muledeer, Pronghorn Antelope and Rocky Mountain Elk at two (2) tags each; one tag for Nelson Big Horn and five (5) tags for Wild Turkey.

There was significant discussion about the reduction in the Nelson Big Horn tag, during which it was pointed out that a single tag would have minimum effect on potential over hunting in several areas. As the discussion continued, it was suggested that there may be alternate ways to reduce pressure on herd by reallocation of PIW (Partnership in Wildlife) tags to specific areas, which will be addressed under Agenda Item 12. Other discussion noted that additional tags were being developed: 1) Dream Tag; and 2) Silver State tag. It was noted that the Commission's primary concern is for the average hunter in the State of

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Nevada. Discussion then focused on the funding derived from the Heritage Tag for certain species. It was suggested that the reduction in the tag allocation for Nelson Big Horn could have significant effect on the funding derived from the auction.

Mike Dobel – NDOT (Nevada Department of Wildlife), commented that he had not participated in the Subcommittee's discussion on the issue and that the seasons do take the number of Heritage and other tags into consideration as recommendations for tag allocations are developed. Mr. Dobel noted that there are some hunters who wait fifteen or more years to secure a tag and that the holder of the Heritage Tag can take the trophy ram before the regular season opens. Mr. Dobel then explained that there it is a social issues rather than a biological reason to reduce the tag allocation.

Discussion then suggested that the tag allocation of Nelson Big Horn remain at two with the tags being restricted as to which area and unit each tag could be used in. It was pointed out that NDOW staff is unable to predict which of the areas will be the "hot spot". Discussion then turned to whether or not the PIW tags could be allocated to specific regions and units as the applicant could determine which area is of interest. As the discussion continued, it was noted that most hunters would not have the financial wherewithal to successfully bid on a Heritage Tag and that the recommendation being considered was made by the Heritage Fund Subcommittee. Of particular concern is the fiscal impact of such a reduction in light of the current economic conditions.

Discussion then focused on the PIW tag allocation, which could be segregated to three distinct areas thereby reducing potential over hunting of any one area or unit. It was noted that the sale of the three (3) PIW tags does not typically generate the income of a single Heritage Tag.

Judi Caron noted that many hunters wait up to 30 years before drawing a tag and that the hunt for the holder of a Heritage Tag is allowed in the field before the regular season opens. Ms. Carson suggested that perhaps the opening date for the heritage Tag should coincide with the regular season dates thereby providing an equal hunting opportunity in the field for the average hunter.

There was additional discussion about the tag reduction and potential revenue loss. It is unclear what, if any, detrimental effect such a reduction would have on the remaining Heritage Tag. Other discussion noted that the number of sheep was significant lower twenty (20) years ago. As the discussion continued it was noted that in some instances the Heritage Tag holder as an advantage of nearly two (2) months before the regular season opens. It was suggested that one option may be to open the Heritage Tag in conjunction with the regular season opening to match the opening of other species, which is not more than six (6) days before the regular season opening. It was emphasized that a reduction in the Heritage Tag is not sound fiscal policy under existing economic conditions. It was suggested that the Silver State and Dream Tags might not be available in the near future

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and should not be part of the board's consideration. Other discussion compared practices in the State of Utah to that of Nevada. It was reiterated that there may be alternatives to address over hunting in specific areas. As the discussion continued, it was explained that the harvest of all mature rams could take ten (10) or more years to recover.

It was moved by Member Wilson, seconded by Member Copeland, to recommend that the Nevada Board of Wildlife Commissioners not reduce the Heritage Tag allocation for Nelson Big Horn Sheep to one (1) as presented in Commission Regulation 10-01. The motion carried: Members Copeland, Harwell and Wilson assenting; Chair Smith abstaining; and Member Flowers absent.

A brief discussion suggested that Agenda item 12 be opened in conjunction with the remainder of Agenda item 11, with motions made to address each component of both Agenda Items.

It was moved by Member Copeland, seconded by Member Wilson, to open Agenda item 12 in conjunction with Agenda Item 11. The motion carried: Members Copeland, Harwell and Wilson assenting; Chair Smith abstaining; and Member Flowers absent.

- 12. COMMISSION REGULATION 09-05, AMENDMENT NO. 1 – BIG GAME SEASON DATES –** *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify revisions and adjustments to the 2010 Bighorn, Pronghorn and Elk hunting seasons, Partners in Wildlife (PIW) hunts and Bighorn and Sheep Indoctrination dates.*

It was moved by Member Wilson, seconded by Member Copeland, to recommend that the Nevada Board of Wildlife Commissioners open the Heritage Tag season for Nelson Big Horn and all other Sheep species in Commissioner Regulation 10-01 at the same time as the regular hunt.

Member Wilson explained that the intent of the season opening modification is to alleviate the potential for over harvesting in specific areas and does not advocate for a reduction in Heritage Tag allocations for sheep.

Member Harwell noted the opening date for other Heritage Tag seasons and suggested that the season opening should be consistent for all big game species.

Chair Smith noted that if he were the successful bidder for a Heritage Tag he would want the advantage current provided. Mr. Smith explained, in response to an inquiry, that he would most likely not bid on a Heritage Tag if the advantage were not offered. However, he does believe that are other means to prevent over hunting without affecting Heritage Tag allocations.

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Member Copeland commented that he did not believe the change in the season opening would address over hunting issues.

Member Wilson noted that changing the opening date to coincide with the regular season opening would make it fair for hunters that have waited as many as 30-years to draw a Sheep tag.

Member Wilson withdrew the motion to change the opening season date for the Heritage Tag. Member Copeland withdrew the second.

It was moved by Chair Smith, seconded by Member Wilson, to recommend that the Nevada Wildlife Commission approve the season opening and closing dates as recommended by staff and that other means to address over hunting issues be considered. The motion failed: Member Wilson and Chair Smith assenting; Members Copeland and Harwell dissenting; and Member Flowers absent.

A motion by Member Harwell to recommend that the Nevada Board of Wildlife Commissioners change the opening date for the Nelson Big Horn Sheep Heritage Tag be in the same category as other big game animals such that there is a six (6) day window before the regular season opening died due to lack of a second.

Member Wilson stated that he could not support the motion as stated

It was moved by Chair Smith, seconded by Member Wilson, to recommend that the Nevada Board of Wildlife Commissioners approve the season opening dates in Commission Regulation 10-01, as stated. The motion carried: Members Copeland Wilson and Chair Smith assenting; Member Harwell dissenting; and Member Flowers absent.

Chair Smith explained that in his opinion the best way to address over hunting is to issue the three (3) PIW (Partnership in Wildlife) tags in different areas. Mr. Smith noted that the applicant would submit the PIW application based on the available hunting areas with full knowledge of the hunt unit at the time of application. Chair Smith emphasized that NDOW (Nevada Department of Wildlife) biologists/staff would determine the appropriate units for the three (3) PIW tags. Chair Smith noted that he believes the dates for the PIW are appropriate.

Mike Dobel – NDOW, noted that there is some die-off occurring in the Rubies and East Humboldt County. It is anticipated that the tag allocations will be reduced from the previous year's recommendations resulting in a recommendation to close the season.

There was discussion about the recommendations for tag allocation and season dates. During the discussion it was noted that there the lack of data for Unit 221 was due to the

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densely forested area that makes it difficult to conduct surveys. It appears that the harvest threshold of six (6) years of age cannot not be met and that there as been only a single tag allocated for that particular unit.

It was moved by Member Copeland, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve the supplement to 2010 in Commission Regulation 09-05, as presented. The motion carried: Members Copeland, Harwell, Wilson and Chair Smith assenting; and Member Flowers absent.

13. **RECOMMENDATION FOR CHANGE IN HOW THE NEVADA BOARD OF WILDLIFE COMMISSIONERS TAKES ACTION ON SUBCOMMITTEE RECOMMENDATIONS** – *A review, discussion and possible recommendation to modify the manner in which the Nevada Board of Wildlife Commissioners (Commission) makes changes to Commission General Regulations or Polices that are received, reviewed and approved by Commission by having the First and Second Reading of a proposed modification on the same day, which does not provide sufficient time or opportunity for the State of Nevada County Game Boards to provide input to the Commission.*

Chair Smith outlined the request and comments (copy on file) submitted by Member Flowers on the matter in to the record. Of particular concern is that there is generally no opportunity for the County Game Boards to review regulations when the first and second readings occur during the same meeting. The intent of this particular agenda item is to expand the opportunity for public input.

Member Wilson noted that it is not uncommon for State Agencies to modify statutes in this manner and that the CAB's (County Advisory Board) are mandated under NRS (Nevada Revised Statutes), to provide local public input to the Commission (Nevada Board of Wildlife Commissioners). Member Wilson noted that without proper notice the CAB's cannot agendize or make recommendations to the Commission.

Chair Smith noted that with the limited timeline between the CAB meeting time and a Subcommittee meeting that the draft minutes are not available for review until 30-days after the meeting of the Subcommittee.

Member Wilson suggested that the procedure be changes such that support materials for Commission meetings is made available to the CAB's a minimum of two weeks in advance of the Commission meeting with Subcommittee information 30-days n advance so that the CAB's can fulfill their mandate of providing input to the Commission.

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Chair Smith noted that one argument that the Commission may use is that all Subcommittee meetings are publicly noticed and that CAB members have an opportunity to attend those meetings either in person or via teleconference.

Member Wilson noted that there may be an opportunity to file a legal challenge if the CAB's are prevented from fulfilling their mandate and pointed out that the Commission does not have the legal authority, in his opinion, to circumvent the legislative mandate. Mr. Wilson noted that there is a requirement in Commission policy that action items must be read twice, and that the Commission can vote to suspend policies. Of particular concern is that Commission policy can change.

Judi Caron noted that the concern is that when the first reading occurs during the Friday portion of the meeting with the second reading scheduled the following day is that there is no opportunity to review and comment on any modifications proposed during the first reading.

During the discussion it was noted that the board had previously had a standing agenda item in which the Commission Liaison could provide updates. However, the representatives on the Commission from Washoe County do not typically attend the Washoe County meeting.

It was moved by Member Wilson, seconded by Member Harwell, to recommend that the board add an agenda item to address the concerns/issues of first and second readings during the same two-day (Friday and Saturday) Nevada Board of Wildlife Commissioners meeting.

14. POLICIES/PROCEDURES FOR SELECTION AND APPOINTMENT OF SUBCOMMITTEE MEMBERS – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners (Commission) on policies/procedures by which the Commission selects and appoints members to the Commission's Subcommittees.*

Chair Smith provided an overview of the agenda item noting that the intent is to diversify how members are appointed to the Commission's (Nevada Board of Wildlife Commissioners) Subcommittee. Mr. Smith noted that the Chair of the Commission can currently appoint only those members to a Subcommittee that may hold his /her viewpoint.

Judi Caron suggested that the Washoe County board ask that this discussion be added to the upcoming workshop of County Game Boards.

Member Wilson pointed out that the appointment of Commission Members to Subcommittees is the prerogative of the Commission Chair and that there is little that this board can do to alter that process. Member Wilson noted that he is already on record about

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opposing the micromanagement of the Department (Nevada Department of Wildlife) and that he is also against the micromanagement of the Commission.

Chair Smith suggested that an agenda item be added to the March meeting to appoint liaisons and alternatives to the various Subcommittee of the Commission.

- 15. USE OF CAMERAS ALONG WILDLIFE TRAILS** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify regulations on the use of cameras along Wildlife Trails either during or before an established hunting season.*

Chair Smith outlined his recent discussion of the use of cameras along known trails with Game Warden Rob Buonamici. Warden Buonamici pointed out that enforcement would be difficult at best and that cameras would be damaged, removed or have the flash card stolen. Chair Smith noted that some archery hunters are placing blinds inside guzzlers and that the State of Nevada currently has no regulations prohibiting that activity. It is Chair Smith's belief that NDOW (Nevada Department of Wildlife) will have to take a stance on the use of cameras along trails at some point.

Member Wilson noted that the use of satellites to view remote cameras could be a violation of certain regulations pertaining to scouting prior to a hunt. However, enforcement, in his opinion, will be difficult if not impossible since the burden of proof would be to show that an individual(s) was using the images to gather information before a hunt.

- 16. MEMBER COMMENTS *** – *Limited to emergent 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.*

Chair Smith noted that the Legislative Subcommittee action item was erroneously left off tonight's (January 21, 2010) meeting agenda and that while the board can take no formal action, it is important that the board consider the matter.

Member Wilson noted that the Nevada Water Fowl Association had taken a position and issued correspondence on Policy 50. Mr. Wilson noted that there are already steps in place to limit contact between judges and Duck Stamp artists, which the letter goes in to detail on.

Member Harwell noted that he would like an update on how NDOW can address the water issue at Washoe Lake that requires NDOT (Nevada Department of Transportation) to pump water into the lake as part of the Conditions of Approval for the construction of the freeway.

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Chair Smith noted that Member Flower had also submitted comments (copy on file) about the posting of board agendas at various locations. Chair Smith noted that both Cabelas and Scheels had declined to post the meeting agendas at their locations. Chair Smith commended Member Flowers efforts to post the agenda in various locations throughout the region and that as a follow-up on the use of Heritage Funds Member Flowers had recalled the Subcommittee's recommendation to support Washoe County projects proposed by NDOW.

17. FUTURE MEETING AGENDA ITEMS * – *Selection of additional agenda item(s) for the Thursday, March 11, 2010, meeting.*

The March 11, 2010, meeting agenda may include, but is not limited to: 1) Selection of Liaisons and Alternates to various Working Groups and Subcommittees that the Nevada Board of Wildlife Commissioners may form.

18. ADJOURNMENT

Chair Smith adjourned the meeting at 10:20 p.m.

* denotes NON action item