

Washoe County Advisory Board to Manage Wildlife

DRAFT OF MINUTES

Thursday ~ March 11, 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.

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

MEMBERS ABSENT: None.

ALSO PRESENT: Lori Bellis – Nevada Department of Transportation Biologist; Daryl Capurro – Nevada Board of Wildlife Commissioners; Dave Pulliam – Nevada Department of Wildlife; and Ed Tilzey.

3. APPROVAL OF JANUARY 28, 2010, MINUTES

It was moved by Member Wilson, seconded by Member Harwell, to approve the January 28, 2010, minutes, as submitted. The motion carried: Members Copeland, Harwell, Wilson and Chair Smith assenting; and Member Flowers abstaining.

4. PUBLIC COMMENTS *

There were no public comments.

5. COMMITTEE, MEMBER AND LIAISON UPDATES *

1. Correspondence (including sportsmen's concerns) and Announcements – Chair Smith read email correspondence from Tom Smith (copy on file) into the record from Senator Harry Reid on National Monuments in the State of Nevada and the public process in the State that makes sure lands are protected.

Daryl Capurro – Nevada Board of Wildlife Commissioners, stated that Mr. Reid's wife and daughter had been injured in a car accident in Washington, D.C. (District of Columbia) this afternoon (March 11, 2010).

Member Tom Wilson noted that he had received several comments on an item that is no longer on the Nevada Board of Wildlife Commissioners agenda.

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2). Update on the Sheldon Wildlife Management Plan – Dave Pulliam – NDOW (Nevada Department of Wildlife), noted that Sheldon Wildlife CCP (Comprehensive Conservation Plan) is slated for release spring 2010 with the draft EIS (Environmental Impact Study) being released in mid-to-late summer 2010. Mr. Pulliam noted that there are specific issues with wild horses in the refuge that NDOW continues to provide data and observations to the Sheldon managers. Mr. Pulliam noted that the wild horse gathering is not keeping pace with the annual recruitment being as much as 25-percent.

Responding to Member Flowers' comment that the aggressive gathering plan had been thwarted by special interest groups, Mr. Pulliam emphasized that the Sheldon is intended as a wildlife refuge rather than a horse range and that gathering of wild horses has been incremental.

3) Overview of the February 5 and 6, 2010, Nevada Board of Wildlife Commissioners meeting – Member Wilson commented that Nevada Board of Wildlife Commissioners (Commission) Chair Gerald Lent had indicated his support for the reintroduction of Big Horn Sheep in the Hays Canyon area. Mr. Wilson then noted that the Commission had engaged in significant discussion about the legal ramifications of proposed changes that could most likely be avoided by having an attorney providing input as the modifications were being discussed.

Chair Smith noted that Chair Lent had indicated the reintroduction of Big Horn Sheep in the Hays Canyon area would be an ideal project for the Washoe County Advisory Board to Manage Wildlife to support. Mr. Smith noted that a recent effort to transplant Big Horn Sheep had been significantly reduced due to disease and that he had asked Biologist Chris Hampson for additional input on the viability of transplanting Big Horn Sheep to an area devastated by disease in the recent past.

Commissioner Daryl Capurro noted his concern that the special interest groups continue to delay the gathering of wild horses through legal challenges.

Chair Smith then summarized discussions and actions taken during the Saturday (February 6, 2010) Commission meeting including the limitation of nine (9) tags for the Heritage hunts. Chair Smith pointed out that most of the CAB's (County Advisory Board) had supported maintaining two (2) sheep tags for the Heritage hunt. Of some concern is that the Silver State tag may further reduce the number of tags, which the Commission is holding at nine (9). Chair Smith noted that up to fifteen (15) tags were allowed for the Heritage hunts.

During the discussion it was noted that concerns have been expressed about when additional special tag drawings will stop. It was pointed out that a modification in regulations will prohibit future Heritage and PIW tags from harvesting in a unit that was harvested the previous season. The intent is to reduce the impacts to herd populations by consistently

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hunting only specific areas. Although the Heritage tags generate significant revenue for NDOW, the interest of average hunters needs to be protected. Of some concern is that a total of seven (7) tags may only net two (2) tags for local hunters in the regular season.

Chris Hampson – Biologist, joined the meeting at 6:56 p.m.

Mr. Hampson noted that staff had been monitoring the Hays Canyon area since the die off first occurred. An aerial survey of the area today (March 10, 2010) did not identify a live Big Horn Sheep. The last report of a live sheep occurred the July 4, 2009 weekend when tracks that might have been a Big Horn Sheep were identified. Mr. Hampson noted the adjacent domestic sheep overflow onto public lands. Of particular concern to biologists is that disease may lie dormant in specific areas for several years and remerge upon reintroduction of animals in the area. Additionally, the interaction between Big Horn and domestic sheep also presents a serious threat to the health of the Big Horn Sheep. One option to keep the herds separate includes the double fencing of the private land.

During the discussion it was noted that the property to the south, which had been used in the past for domestic sheep did not appear to have any sheep or goats on it during the aerial survey. As the discussion continued, it was noted that before any Big Horn Sheep are reintroduced into the Hays Canyon area the disease, presence of domestic sheep and other factors must be carefully considered as the relocation of Big Horn Sheep is considered. Other discussion noted that NDOW biologists would seek the advice of the veterinarian before any transplant was scheduled so that the transplant operation is successful. Staff biologists will continue to work with the BLM (Bureau of Land Management) and private land owners and provide an update to the board at a future meeting.

4). Update and status report on the Washoe County Predator Control Project and the Wildlife Damage Management Subcommittee – Chris Hampson –Biologist, noted that a 4-year old female Mountain Lion had been taken in Unit 014 along with a large male out of the area more recently. Mr. Hampson noted that the trapper continues to work the various areas on a regular basis.

6. BOARD MEMBER MEETING ASSIGNMENT – *A discussion and selection of member(s) to attend the Nevada Board of Wildlife Commissioners meetings on: 1) March 19 and 20, 2010, meetings in Las Vegas, Nevada; and 2) May 14 and 15, 2010, meetings in Reno, Nevada.*

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

Member Copeland will attend the May 14 and 15, 2010, meetings in Reno (Nevada, with Member Wilson serving as an alternate.

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- 7. WASHOE LAKE WATER MITIGATION** – *A review, discussion and recommendation to the Nevada Board of Wildlife Commissioners on the water mitigation to be provided by the Nevada Department of Transportation (NDOT) for the south portion of Washoe Lake.*

Lori Bellis – NDOT (Nevada Department of Transportation), drew attention to a map of the Washoe Lake area and pointed out the locations of the two (2) wells that provide water for the wetlands mitigation required for the U. S. Highway 395, freeway. Ms. Bellis explained that the southern most well provided water until the lake level dropped. The more northern of the two wells is a ground water system that can only be used intermittently (e.g., four days pumping and three days resting). Ms. Bellis explained that the lake level has dropped significantly during the past several years of drought and that the 620-foot deep well on the northern portion of the area can only pump ± 500 GPM (Gallons per Minutes), which is far less than the original estimate of ± 850 GPM. The southern pump has access to $\pm 2,000$ acre feet of water.

During the discussion it was pointed out that the cost of bringing water from an area not shown on the map (Scripps) would be cost prohibitive. Other discussion noted that the area is currently managed by the State's Parks Division and that the budget issues had significantly impacted their ability to oversee the wetlands. It was also noted that budget constraints also preclude NDOT from providing necessary staff to oversee the mitigation. Discussion then that the intent is to provide sufficient water to maintain vegetation that as water levels recover in the future wildlife will once again have full use. It was pointed out that the use of volunteers or other non-state personnel to operate the series of gates that manage the water levels for the wetlands would not be a viable option.

Ms. Bellis noted that she had submitted a request to NDOT's Research Division to develop alternative strategies to maintain water flow/levels.

Member Harwell suggested that some type of wind turbine placed along the Washoe Valley corridor might be an appropriate power source for additional wells/pumps and noted the ongoing review of how wind affects large vehicles with a wind tunnel or relocation of the roadway below existing grade.

Mr. Pulliam noted that a new staff person with considerable expertise will be in charge of stream/wetlands restoration and may be able to assist NDOT.

Ms. Bellis noted that the area in which the 2,000 acre feet of water is located is heavily silted making it difficult to trench for bringing water in from a different location.

Discussion then suggested that the 700 acre feet of surface water rights might be traded for spring run off. As the discussion continued, it was noted that NDOT has a mandate to maintain the wetlands and are somewhat constrained by resources and nature. It was

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pointed out that a manmade system does not function as well as more natural wetlands that would be better for both wildlife and NDOT in terms of meeting their mandate. Other discussion noted that once the NDOT Research Division approves the request the Division Chief will then include the project in the annual budget.

8. NATURAL GAS PIPELINE * – *An informational update on the development and construction of a natural gas pipeline across the northern portions of Washoe County and its potential effect on the State's wildlife.*

Dave Pulliam – NDOW (Nevada Department of Wildlife), explained that NDOW is working with the Ruby Pipeline Project with habitat staff providing coordination and consultation with the BLM (Bureau of Land Management) and contractors. Mr. Pulliam noted that those involved in the project appear to have different interpretations of the NEPA (National Environmental Protection Act) process. Mr. Pulliam noted that staff continues to seek an agreement on sage brush restoration and other mitigation associated with the project. Mr. Pulliam noted that an independent contractor had developed a formula that resulted in a recommendation of \pm \$6.6-million for restoration compared to the \$4.4-million currently being offered. Mr. Pulliam explained that restoration of the sage brush could take up to 40-years and that the man camp will also have significant detrimental effect on habitat. Additionally, without the sage brush restoration there is a tendency for wildlife to develop sore mouth from the cheat grass.

Chris Hampson – Biologist noted that there is a mile-by-mile analysis across the state with NDOW biologists meeting with contractors. Mr. Hampson noted that an aerial survey of Sage Grouse habitat being disturbed by the proposed alignment indicated that a large number of Sage Grouse areas would be disturbed.

During the discussion it was noted that a recent meeting had been somewhat disturbing in the unwillingness of the contractor to address wildlife restoration and mitigation issues. Other discussion noted that the U. S. Fish and Wildlife had given Sage Grouse a priority rating of 8 and that the field staff involved in the process has done a great job. Discussion then noted that while a budget for two (2) Sheriff's deputies had been approved, NDOW is striving to also have a Game Warden assigned to the project to limit the opportunity for poaching or other illicit activity.

Mr. Pulliam suggested that the Washoe Game Board write letters on the appropriate mitigation to address impacts and that the project developer review the Route 140 alignment alternative. It is Mr. Pulliam's belief that the Priority 8 designation provides a somewhat larger timeline in which to address the impacts to Sage Grouse. Mr. Pulliam stated he could provide the pertinent information at the upcoming Commission meeting as suggested by Chair Smith. Mr. Pulliam noted that the pipeline project, unlike an overhead power line, does not attract avian predators and that NDOW will continue to conduct rehabilitation in wildfire areas and provide predator control for Sage Grouse.

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Discussion then noted that the Route 140 alternate alignment might infringe on certain archaeological artifacts.

The meeting recessed at 7:59 p.m. and reconvened at 8:08 p.m.

- 9. COMMISSION GENERAL REGULATION 380, APPLICATION AMENDMENT, LCB (Legislative Counsel Bureau) FILE No. R155-09** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify a proposed regulation change that would allow a tag applicant to withdraw or amend an application previously submitted.*

Chair Smith provided an overview of the agenda item and explained that the intent of the revision is to allow an opportunity to correct any errors on an application. Mr. Smith noted his concern that “sufficient time for processing” was not adequately defined in the regulation.

During the discussion it was suggested that definition of deadline should be clarified and that there perhaps should be an additional fee for withdrawal and application for a bonus point.

Chair Smith noted that there was some legal issue that he believes may have precluded NDOW (Nevada Department of Wildlife) from imposing an additional fee and that Washoe County board had already supported the request as one of the six (6) options offered late year (2009). Mr. Smith pointed out that the purchase of bonus point was revenue for the (NDOW)

During the discussion it was pointed out that NDOW still accepts hard copy (paper) applications and that this proposal will allow an opportunity for those individuals to make modifications. A consensus was reached that a definition of deadline/sufficient time needs to be added to the regulation.

It was moved by Member Copeland, seconded by Member Wilson, to recommend that the Nevada Board of Wildlife Commissioners approve the modification to Commission General Regulation 380 – Application Amendment, Legislative Counsel Bureau File No. R155-09 with the phrase “sufficient time for processing” modified to a specific date definition. The motion carried unanimously.

- 10. COMMISSION GENERAL REGULATION 354, SILVER STATE TAG, LCB (Legislative Counsel Bureau) FILE No. R196-09** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify a proposed regulation change that would establish language for the Silver State tag and drawing.*

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During the discussion it was suggested that the regulation increase the fee to \$25.00. It was noted that the fee structure may be the next phase and that fees are generally covered in NAC (Nevada Administrative Code) that can be changed without legislative approval.

It was moved by Member Flowers, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve the modification to Commission General Regulation 354, Silver State Tag, Legislative Counsel Bureau File No. R196-09, as written with an increase of the \$15.00 fee to \$25.00 in Section 3, Item 5. The motion carried unanimously.

11. **COMMISSION GENERAL REGULATION 381, CRAYFISH REGULATION, LCB (Legislative Counsel Bureau) FILE No. R176-09** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify a proposed regulation prohibiting the importation, transportation or possession of certain Crayfish, authorizing the Nevada Department of Wildlife to issue certain permits or licenses to an institutional member of the Zoological Association of America.*

During the discussion it was pointed out that most of the modifications were grammatical in nature and that there had been no specific opposition expressed to any of the board members.

It was moved by Member Wilson, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve the modification to Commission General Regulations 381, Crayfish Regulation, Legislative Counsel Bureau File No. R176-09, as written. The motion carried unanimously.

12. **COMMISSION GENERAL REGULATION 382, COLORADO RIVER REGULATION, LCB (Legislative Counsel Bureau) FILE No. R004-10** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify a regulation relating to waterways; requiring vessels to be operated at a reduced speed along a certain portion of the Colorado River.*

It was moved by Member Harwell, seconded by Member Copeland, to recommend that the Nevada Board of Wildlife Commissioners approve the modification to Commission General Regulation 382, Colorado River Regulation, Legislative Counsel Bureau File No. R004-10, as written. The motion carried unanimously.

13. **APPROVAL OF SPONSORING AGENCY FOR NEVADA DUCK STAMP ART CONTEST** – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify the selection*

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of a sportsmen's group to sponsor the annual Nevada Duck Stamp Art Contest for the 2011 and 2012 contests.

Member Wilson stated that he would recuse himself from this particular agenda item as the President of the Nevada Water Fowl Association. Mr. Wilson believes that the Nevada Water Fowl Association has done a good job in overseeing the program since 1992.

Member Harwell noted that he too would abstain from voting as Treasurer of the Nevada Water Fowl Association.

Member Flowers commented that the knowledge inherent in this group in their oversight of the program will help maintain the quality of the Duck Stamp Program.

It was moved by Member Flowers, seconded by Member Copeland, to recommend that the Nevada Board of Wildlife Commissioners approve the selection of Nevada Water Fowl Association as the sponsor of the annual Nevada Duck Stamp Art Contest for 2011 and 2012. The motion carried: Members Copeland, Flowers and Chair Smith assenting; and Members Harwell and Wilson recused.

14. MULEDEER OVERVIEW FOR WASHOE COUNTY – *A review, discussion and possible action to recommend acceptance, denial or other modifications to the Washoe County Muledeer report.*

Chair Smith provided an overview of the agenda item pointing out that the Nevada Board of Wildlife Commissioners (Commission) had asked the County Advisory Boards (CAB) to look at ideas to increase and improve Muledeer herds statewide.

Commissioner Capurro noted that when he was selected to serve on the Commission, Governor Jim Gibbons had indicated that he wanted to see Muledeer herds increased statewide and that Commission Chair Gerald Lent has created a Subcommittee to coordinate the suggestions on how Muledeer populations can be increased to previous levels.

Member Wilson suggested a Western Front Subcommittee that includes Carson, Douglas and Washoe County since the herds are generally shared by the three Counties.

Chris Hampson – Biologist, commented that habitat is key to increased herd populations and that the herd in Unit 011 is shared by both the State of California and Nevada. Mr. Hampson then outlined current and ongoing projects including collaring, wildfire rehabilitation of the Petersen Range, Pinion and Juniper control work as well as predator control projects in Units 014 and 022. Mr. Hampson then outlined future projects that include working with BLM (Bureau of Land Management) as well as development of water sources and spring improvements project. Additionally, burned areas will be evaluated to

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determine whether additional reseeding or other work is needed along with habitat improvements in the Sheldon.

Chair Smith noted that in his opinion, the board should work with NDOW (Nevada Department of Wildlife) staff and review project proposals that have a greater impact on Washoe County.

During the discussion it was suggested that the Commission is looking to each of the County Advisory Boards to develop programs for Muledeer population improvements. However, the support of projects in other counties being developed by NDOW that have the largest impact to Washoe County should perhaps be a priority. As the discussion continued, it was noted that water resources and habitat restoration are critical components and that decisions should be focused on the long-term benefits of the restoration of riparian habitat, reduction on Juniper and pinion and restoration of areas damaged by wildlife. Other discussion noted that the encroachment of development has a significant effect on herd populations as more and more habitat is lost. Additionally, the continued increase in wild horses in the state also causes significant damage to delicate ecosystems necessary to support Muledeer and other wildlife. It was noted that the board would be seeking liaisons to various Commission Subcommittees, including the Muledeer Subcommittee. Other discussion drew attention to the Washoe County Predator Control Project in Unit 014. It was noted that the Muledeer population moves in different directions at various times of the year.

- 15. APPOINTMENT OF WASHOE COUNTY ADVISORY BOARD TO MANAGE WILDLIFE MEMBERS AS LIAISONS TO THE NEVADA BOARD OF WILDLIFE COMMISSIONERS SUBCOMMITTEES:** 1) *Duck Stamp Judging Committee*; 2) *State Predatory and Rodent Committee*; 3) *Wildlife Scholarship Recipient Selection Committee*; 4) *Wayne E. Kirch Conservation Award Judging Committee*; 5) *Finance Committee*; 6) *Elk Damage & Incentive Committee*; 7) *Wildlife Damage Management Committee*; 8) *Administrative Procedures and Regulations Committee*; 9) *Legislative Committee*; 10) *Heritage Committee* and 11) *Muledeer Restoration Committee*.

During the discussion it was explained that the intent of having liaisons to some of the Commission's (Nevada Board of Wildlife Commissioners) Subcommittees is to have direct input on the activities that is currently underway. It was noted that while Washoe County Liaisons would not have a vote, there is an opportunity for the board to become proactive and provide updates to the Washoe County board as a whole.

Commissioner Capurro suggested that members take advantage of NDOW (Nevada Department of Wildlife) facilities to particulate in meetings held in other Counties.

Member Copeland – Wildlife Damage Management Committee,
Member Flowers – Muledeer Restoration Committee.

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Member Harwell – Administrative and Regulations Committee.

Member Wilson – Legislative Committee.

Chair Smith – Heritage Committee.

- 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.*

Member Flowers noted concern that the Muledeer Restoration Committee had not included representatives from Central or Western Nevada.

Commissioner Capurro suggested that Member Harwell make that observation at the Commission (Nevada Board of Wildlife Commissioners) in Las Vegas (Nevada).

Chair Smith drew attention to the agenda item that was subsequently pulled from the upcoming Commission agenda (Agenda Item 2). Mr. Smith noted that, in his opinion, there was no question about what the issue was. Chair Smith noted that Director Ken Mayer had written a letter in support of the predator control project on the Commission's letterhead but had not supported the proposal as the NDOW (Nevada Department of Wildlife) Director. Chair Smith suggested that all issues should be "above board and an open topic for discussion by the County Advisory Boards.

Commissioner Capurro noted that there is some "friction" between Director Mayer and the Commission. Of particular concern is that the Commissioner, NDOW and the County Advisory Boards need to work together on the issues. Mr. Capurro noted that there are instance in which the vote is not always a 5-4 split. Commissioner Capurro also noted that the Director's actions were somewhat confusing. As he had signed a letter as the Commission Secretary in support and then submitted a letter as the Director of NDOW in opposition to the predator control program.

Chair Smith noted that the County Advisory Boards did not have access to the correspondence.

Member Wilson pointed out that as the Secretary of the Commission Director Mayer cannot voice his opinion as he is reflecting the direction of the Commission. However, as Director of NDOW his recommendation may at times be counter to that of the Commission.

Chair Smith explained that, in his opinion, an agenda item to discuss the character or alleged misconduct in a public forum must also include supporting documentation of the agenda item. Chair Smith noted that the Washoe County Advisory Board had consulted the Washoe County District Attorney's Office for clarification as to their responsibility and

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purview. Chair Smith noted that the posting of the Washoe County agenda had been delayed as long as possible to ascertain what the Agenda Item 2 "To Be Announced" was to cover. Therefore it is critical that the Commission not delay a final agenda in a manner that precludes input from the County Game Boards.

Member Wilson outlined the responsibilities of the County Game Boards as defined in statute and noted that the County Advisory Boards could prohibit the Commission from taking action on matters that were not submitted in a timely matter that allows the County Advisory Board to properly agendaize and develop recommendations to the Commission. Mr. Wilson noted that he had also discussed that concern with Commission Chair Gerald Lent.

Commissioner Capurro noted that there is a concern that the Heritage Fund could be taken away by the legislature in the future as the fund balance continues to increase. Mr. Capurro noted that pressure to use the Heritage Fund to offset some of the State's budget shortfall had been resisted.

Chair Smith noted that the Washoe County board had supported the use of Heritage Fund monies for emergency uses such as helicopter repair and other unforeseen large expenditures. Chair Smith also noted the difficulty members have when support material is not available until just before a scheduled meeting.

Member Copeland expressed his appreciation to Dave Pulliam, Chris Hampson and Commissioner Capurro for participating in the Washoe County meeting. It is Mr. Copeland's hope that Commissioner Capurro will attend future meetings as well.

Chair Smith noted that the appointment of liaisons to the various Committees was intended to develop better recommendations to the Commission. Mr. Smith noted that he had reviewed the Washoe County budget for the past five (5) years and pointed out that Washoe County has done a "good job" in being present at Commission meetings.

Commissioner Capurro noted that board members of all the County Advisory Boards could join Commission meetings by teleconference or by going to the nearest NDOW office.

Member Harwell noted his continued concern about not being able to secure a printed stamp once the electronic version has been issued.

Commissioner Capurro drew attention the First and Second reading practices noting that the readings are done in that manner to avoid additional delays in regulation modifications. However, it is critical that the Commission and County Advisory Boards work together to avoid delay caused by a minor modification.

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17. FUTURE MEETING AGENDA ITEMS * – *Selection of additional agenda item(s) for the Monday, May 10, 2010, meeting.*

The May 10, 2010, meeting agenda may include, but is not limited to: 1) How to obtain Duck Stamps.

18. ADJOURNMENT

Chair Smith adjourned the meeting at 9:45 p.m.