

BOARD OF WILDLIFE COMMISSIONERS
Administrative Procedures and Regulations Committee
Eureka County Courthouse
10 South Main Street
Eureka, NV 89316

Friday, September 22, 2006
8:00 a.m.

Draft Minutes

1. Call to Order – Chairman Lurie
- 2.* Approval of Minutes – Action
Committee minutes from the February 9, 2006 meeting.
3. Approval of Agenda – Action
The Committee will review the agenda and may remove items from consideration or adjust the order of presentation.
4. Member Items – Informational
Committee members may present emergent items. No action may be taken by the Committee. Any item requiring further action will be scheduled on a future Committee agenda.
5. Public Comment Period – Informational
Persons wishing to speak on items not on the agenda may do so. Testimony is limited to no longer than 5 minutes for each speaker. No action may be taken by the Committee. Any item requiring further action will be scheduled on a future Committee agenda.
- 6.* Commission General Regulation 333 – Action
The Committee will review the proposed regulation regarding assessment of demerits for wildlife convictions related to trapping, take of mountain lions, and legislative changes; adjust periods of license revocations based on category of crime; allowing for temporary removal of unsealed bobcats; address hunting a mountain lion after release from a trap, and reporting mountain lions killed accidentally or in defense of life or property; definitions of “visit” and “cause to be visited” relating to trapping; restrict nonresidents trapping in relation to bobcats and fox; address handling/disposal of the non-target wildlife species that are trapped; address bait issues related to trapping, address completion and return of reporting forms or questionnaires. (NOTE: For the purpose of this meeting, the regulation has been broken into three working documents: trapping, mountain lion, and miscellaneous demerit provisions. The trapping section has proposed edits as a result of meetings with the Nevada Trappers Association.)
7. Public Comment Period – Informational
8. Future Committee Meetings – Chairman Lurie – Action

Nevada Board of Wildlife Commissioners Administrative Procedures and Regulations Committee: Chairman Ron Lurie, Vice Chairman Jim Jeffress, Commissioner Bevan Lister and Commissioner Jack Robb
Others: Committee Staff Patty Wagner, Commissioner Clint Bentley; Rob Buonamici, Chief Game Warden; Joel Blakeslee, Nevada Trappers Association; Ira Hansen, Nevada Trappers Association; Chad Bliss, Eureka County Advisory Board

1. Call to Order – Chairman Lurie called the meeting to order.
2. Approval of Minutes – Chairman Lurie asked for approval of the February 9, 2006 meeting.

COMMISSIONER ROBB MOVED TO APPROVE THE MINUTES.
COMMISSIONER JEFFRESS SECONDED THE MOTION. MOTION
UNANIMOUSLY APPROVED.

3. Approval of Agenda – Chairman Lurie asked for approval of the agenda.

COMMISSIONER ROBB MOVED TO APPROVE THE AGENDA.
COMMISSIONER LISTER SECONDED THE MOTION. MOTION
UNANIMOUSLY APPROVED.

4. Member Items – Chairman Lurie asked for any member items and there were no member items.
5. Public Comment Period – Chairman Lurie asked if there was any public comment and there was no public comment.
6. Commission General Regulation 333 – Chairman Lurie explained that the Committee would consider the proposed regulation and that the staff had broken the regulation into three working parts; Part 1 dealing with trapping, Part 2 dealing with mountain lion, and Part 3 dealing with miscellaneous demerit revisions. Chairman Lurie asked Rob Buonamici, Chief Game Warden, to start the first part discussion on trapping.

Rob Buonamici explained that because Commission General Regulation (CGR) 333 was a big regulation that Steve Albert broke the regulation into three parts. As far as the trapping part, the Department has worked with the Nevada Trappers Association. Rob Buonamici thanked the Association for their participation and efforts in the process. Section 3 clarifies in-state and out-of-state transportation of the pelts where a person might be illegal because the transportation route temporarily crosses out of the state. Rob said everyone felt that two hours was a reasonable time to be out-of-state with the pelts. While we cannot speak to how the other states will handle this transportation issue, the Department has cleaned up our end. Commissioner Jeffress asked if we had contacted the adjoining states, Utah, Idaho, etc. Rob said we had and would continue working with them; however, while we are attempting to clarify Nevada regulation, we cannot speak for the other states.

Rob explained the next section deals with what a “pelt” means. The proposed regulation cleans up much of the language in the old regulation trying to make things clearer. This is based on questions that the trappers had over the years.

Commissioner Jeffress asked if these changes were at the suggestion of the Trappers Association. Chairman Lurie asked Rob if he would let the Committee know when he came to a part in the regulation in which the trappers did not agree. Mr. Buonamici said that he thought the Department and trappers agreed to just about everything in the proposed regulation as revised. Joel Blakeslee, Nevada Trappers Association, agreed that they were very close.

On page 3, Section 7 says a person with a nonresident trapping license is not allowed to remove bobcat and gray fox from a trap that is set by a person with a resident trapping license. Section 8 covers trapping wildlife during closed season and what to do if they end up trapping something incidental to the target species and how to handle these situations. The section continues to describe what to do with the critter, such as reporting within 72 hours to the Department. Under subsection 3, a person who complies with the provisions of this section is not subject to a charge of unlawful taking of wildlife unless the Department finds evidence that contradicts that.

Section 9 was a bit controversial for a while until they figured out the best wording. The section addresses and clarifies a mammal caught in a trap or other device that does not cause immediate death within 96 hours after the last visit. Chairman Lurie asked Joel Blakeslee and Ira Hansen if they agreed with the things discussed. Joel said this came about because they buy commercial lures and there is no way for them to know what is contained in them and they do not want to get into trouble for using these commercial products. Chairman Lurie said he just wants to get to where all the discussions have taken place and most all of this has been agreed upon before the Committee considers the recommendations to make to the Board. Ira Hansen said he wanted to make a pointed word that he had requested to be included in the discussions, he was told he would be, but he has not been, and he has a whole lot of issues. The idea that this represents all the Nevada Trappers Association members is completely false. So when the time comes, Ira Hansen does not want Rob or Joel indicating that this represents his views or the views of the majority of the trappers. This was done in meetings with Joel, Rob, and Steve and while he requested he be included, all these meetings were all new to him.

Commissioner Lister asked for clarification on Section 9. Rob replied that the types of devices were those that do not kill instantly or immediately.

Commissioner Lister said he thought he understood why the regulation was so specific in the definition of "bait," but he was not sure that to just keep adding words to make definitions—that he was not sure it was always the best way to define something. He asked if there was a simpler way to say what we want to say to get the job done. Joel said that Steve Wood had some language and they discussed it but he could not remember the exact wording. Joel said that going back to what Ira said, that they had Rob come talk to the Trappers Board of Directors' meeting and invited Ira Hansen to the last directors' meeting, so Ira

had been to some of the meetings. Ira said the board members had not read the regulation he had in hand with the exception of Joel, Steve, and possibly Jim Curran. Joel said they discussed all the major points after he (Ira) left. Ira said he understood that this was to be agreed upon if there were warden directives issued by the Department that were satisfactory to all trappers. Ira said that the Trappers Board of Directors' may have approved some of this based on the idea that they were going to get memorandums of understandings or directives which they need to go through, as well, as they are very critical. Joel agreed. Ira said he specifically asked to be included and he was not. So when the statement is made that everyone was in agreement with this regulation is inaccurate.

Chairman Lurie said that they would go through and review the recommendations and suggestions and they might adopt some today and they might send some back. Chairman Lurie asked Rob to continue.

Rob Buonamici said in Section 10, "bones" in sub 1 (b) and the definition of "trap" was cleaned up a little. Commissioner Jeffress said he was kind of surprised that the trappers agreed to some of the strikeouts in the language on commercial lures and commercial paste because you would not know what is in the commercial products but he did not think anyone would go out and analyze a stick that is dipped in a commercial jar of bait or paste. Joel said they were trying to cut this down. Commissioner Lister said he thought the knockout and new language was actually simpler and made more sense.

Rob continued. Page 5 addresses and defines exposed bait. Section 12 made the questionnaire for trapping which was made analogous to the big game questionnaire. Page 6 gets into demerits regarding various trapping convictions. These are for convictions and not violations as a person must be convicted before demerit points can be assessed. Page 7 for unlawful possession section has been cleaned up to adjust the demerits points to reflect the conviction.

Commissioner Lister asked for clarification between "killing" and "unlawful possessing" and would a person be guilty of two violations. Rob explained "kill" and "take" where the "attempt to do so" is not as bad as it actually happening. Rob used the analogy of "attempted murder" and murder where the penalties are different. Commissioner Lister asked if you "killed" and "possessed" a bobcat, would you be guilty of two violations and receive 18 demerit points. Rob explained that demerits are only assessed by event with the person getting the demerits for the conviction with highest demerit points. Joel said that the definition of "event" is still an area where they are not on the same page as the Department. Rob explained that the trapping visitation for multiple traps in a canyon would be a single event. Where there seems to be some problem is if a long-liner has traps in two different counties across the state and if he can check the traps in one day, then perhaps that should be an event. Joel said that he wanted to make clear that they do not feel having an animal in the trap is the same as having the animal in possession. Chairman Lurie said it sounds like

there is still a lot of work to be done on the “possession.” Rob said that we were in agreement on “possession.”

Rob went over the trapping demerits on page 8. Joel said this section was contingent on warden operating procedures and Rob said they were concerned about overt acts or carelessness and did not want the trappers to get into trouble for unintentional things.

Rob said as far as demerits for visitation violations, they came up with a sliding scale. He said they have had trappers call up and tell them their truck broke down or there was a death in the family that will prohibit them from trap visitation and the warden would not cite a person in these situations. The regulation is for those who failed, neglected, or just did not want to visit the traps. They have to visit at least once each 96 hours and if they fail to visit 48 hours after the 96 hour period, the penalty would be 9 demerit points. On page 9 the timeframe is for 24 hours to 48 hours late, the penalty would be 6 demerits. Trapping in a closed area is 6 points and unlawfully removing or disturbing another’s trap is 6 points. There was discussion about intentional vs. accidental incidents as in the case of a chukar hunter’s dog getting into a trap and then being released. Rob said if it was an accidental thing, they would not cite the chukar hunter if his dog stumbled into a trap and the hunter released his dog. Chairman Lurie said that this needs to be clarified so it is not at the warden’s discretion. Rob said that in law enforcement there will always be a lot of discretion and common sense—there has to be.

Chairman Lurie asked for comments. Ira Hansen stated he would start with a philosophical idea by saying that we have almost zero trapping citations now. He has the list and he would be glad to provide it. He said there was no need to go through all of this. The trapping regulations that exist now are very simple, they take about two paragraphs up in the rule books and now what we are doing is creating all sorts of new rules, regulations that will trip people up and end up giving people citations for things that are not currently violations of law. Ira said he sat in one of these meetings and there were so many ridiculous hypothetical situations such as running trap lines in northern Washoe County and White Pine County at the same time—that is just not going to happen. He said these crazy scenarios were constantly being brought up that just do not happen. His first issue was on page 1, out-of-state, under Section 3, all the stuff about transporting of animals back and forth. He said he talked with Bryan Stockton, Attorney General’s Office. Right now you have a law that allows that, now. Here it is, NRS 503.040, this is a statute; this isn’t a regulation, any person who has legally taken any game mammal, raw furs, wild mammal by trapping, etc., etc., when required with a permit can transport one limit outside the state as long as he has a license. Ira said it’s already in law; all this crossout conflicts with state law. Ira said Stockton told him anytime there is a conflict between the two, state law will take precedence. So you can pretty much wipe all that excessive verbiage off. Go to page 2, Section 4. He said he didn’t have a problem with the

new 6. Section 7 is probably okay. Again he did not think there were many situations where an out-of-state guy comes in and he said well, actually that could be an issue because if you have a nonresident trapping license and you are trapping coyotes and you catch a bobcat or a coyote, this says "they shall not remove" then he apologized that he had it backwards. He reconfirmed that Section 7 was fine. He said Section 8, this is a big can of worms. "Look at this thing, it goes on for paragraphs going over all the different things you are supposed to do if you accidentally catch a big game mammal or bird or something like that." He asked if there had been any issues on that, as he was virtually unaware of any. Ira said if a trapper catches a golden eagle or something, he will just let it go. And if it's dead already, they would throw it away. He said, again, it is so rare that it is not worth adding all these new paragraphs and rules that are not even pertinent or needed. The bigger issue on all of this, again, is the consequence of intent. He said "When you... like bait, as Commissioner Jeffress brought up, if I am out there using a commercial bottled scent, am I intentionally doing something that is going to attract eagles or have I done something that could be considered wanton waste? Of course not and there has never been a citation on that." Ira said that there had been one case on that involving Gregg Tanner where he [sic] said that the Department was sending off a bottle of his scent to have it analyzed to see if there could possible be any game parts in it. But again, what was the intent of the law? Ira said so much of this is stuff is completely redundant and unnecessary. On page 4, he said this is actually a big one. Ira said "If the animal is in the trap, is it possessed? According to Section 9, it definitely says if an animal is caught in a trap, (jump down to the arrow) is unlawfully killed or possessed, is applicable. That is a major one. This goes back to the visitation one because these two interrelate. What the Division [sic] essentially will do is say 'Okay Hansen, we came out to your trap line and you were late checking your traps and there is a bobcat in it. We are not only going to cite you for a violation of the trap check rule but you are in violation of unlawfully possessing that bobcat, which is a much worse significant fine and demerit point system.' So that is again an issue which should be stricken from the law because it excessively punishes people for things that were not intentionally done." Chairman Lurie said for that one he would have to go to the legislature if it's already in the statute. Ira said he didn't think it was in statute he thought it was NAC. Commissioner Lister said he thought it was referring this section to the statute which defines possession. Ira said this is where a warden in his discretion could go after you. Instead of just writing you up for just for this violation they can write you up for possession, they can confiscate the animal, they can do all sorts of things which excessively punish people who didn't intentionally go out and catch a bobcat. Ira said to back up before they go on, he said "This warden directive thing, from the Trappers Association perspective, or mine, we are doing this a little bit backwards. We should have the warden directives in place before they start agreeing to go through all these things. What we are doing here, in effect, for trappers is agreeing to have all these new rules and regulation prior to seeing what the warden directives are that are supposedly going to try to minimize some of this.

So before any of this should be passed by the Commission or this Committee, the warden directives need to be very carefully agreed to by the Trappers Association.” He said he wasn’t at the meeting where the board members and about six trappers agreed to some of the philosophical aspects of this—not the actual verbiage that they were reading today. If they get the warden directives and the wardens are limited as to how they can punish trappers in the field, then the Trappers Association had agreed to, philosophically, some of this—a quid pro quo type of arrangement. Back to page 4, Section 9, Ira said the current law was simple and now you need a lawyer to be a trapper; the same thing with Section 11 on page 5, which is already a law. He repeated that much of the regulation was redundant and unnecessary to which Chairman Lurie asked why we were addressing the regulation. Rob said they were addressing it because of concerns brought up by trappers over the years, concerns brought up by game wardens over the years, just to clarify language and make sure it is clear. Ira disagreed that this originated with the trappers and the Trappers Association has been reluctant to go into this. He stated that as far as he was concerned the regulations originated with the Department. Chairman Lurie said if it is for clarification and language changes—it is good; it is healthy. But if we are just adding more, then he has some issues—because if it is not broken, why are we fixing it. Ira said he did not have a problem with the questionnaire in Section 12. He said the demerits were a big issue with him—that he was actually the author of the demerit system—he wrote it and got it passed by the legislature in 1995 and he sat on the committee appointed by Chairman Mahlon Brown to determine how we come up with the demerit system. He recommended that the demerit points be left as they currently exist.

Chairman Lurie brought the regulation back to the Committee and asked what they wanted to do with this. Commissioner Robb asked Joel if he was there because he was trying not to lose anything or did he think he was gaining some things in this process? Did it clear some stuff up so now he feels more secure in what he was doing, or is he just trying to minimize his loses? Joel said there were a number of things here. They want to go along when requested. The warden directives are very important to them (trappers) and these things (the regulations) are important to the Department (“we will give you that if you give us this”). He further said it is extremely important that if any of this is going to increase an understanding with the wardens on how it is to be administered, that is just good public relations. Commissioner Robb said that it appears that they would be more comfortable if the warden directives were attached and recognized at the same time as the regulation. Joel said that his Board of Directors said they cannot agree to any of the regulation unless they come to an agreement on the warden directives. Commissioner Robb asked Chad Bliss for comments and Chad said he did not really understand why the demerits needed to be raised. He was not sure that the changes were necessary.

Chairman Lurie said that he would like to see verbiage or language that clarifies things—simple language—so everyone understands. Rob said he would provide

a little history as to how all this got started. When Claude Dallas was released, there was interest from the media as to trapping and what trappers do. He took the news crew on a ride-along and they found a baited set and then he had a trapper who was about 10 days late in visiting his traps. There were other more prevalent visitation violations that year also. The media was going to do a three-segment piece on trapping and Claude Dallas, so Rob called Joel and asked if he and could he give Joel's name to the media. Rob said he was doing a preemptive strike to help save the sport of trapping and do what he could along that venue. There was discussion about the warden directives being more important than the regulation changes. Rob explained that their (law enforcement/warden) philosophy is that society sets the rules and they enforce them. So if not one of the regulations are adopted, then it is unfortunate that a lot of time went into it. Rob said that when he became chief there were no standard operating procedures (SOPs) (a standard for all police agencies) which cover everything from asking for overtime to striking an individual with the baton. They care what the public thinks and they consider the public perception and the public attitude, public wishes, but those are not like documents written by the public. They are more for guiding our internal folks on how to do business. There was discussion that perhaps the regulation was not needed and Rob offered to scratch the whole thing. Joel said he thought both sides had a better understanding of each others views and the time was not wasted. Committee members said that they did not want to throw the entire thing out that there were some good parts. Chairman Lurie said that maybe the regulation needs to go back and rewrite the things that you can all agree on that clarifies the issues and the language and bring it back. He said he was happy that they had the meeting to hear the comments of both sides. The regulation needs to go back and clarify some of the things discussed and rewrite some of the language that you can agree on that makes it easier for law enforcement to do their job and for trappers to do their job and bring it back. Chairman Lurie asked what the pleasure of the board.

COMMISSIONER LISTER MOVED TO SEND COMMISSION GENERAL REGULATION 333 BACK TO THE STAFF AND HAVE THEM WORK ON THE LANGUAGE WITH THE INTERESTED PARTIES AND SUCH TIME AS THEY FEEL NECESSARY, BRING IT BACK SO IT CAN BE PUT ON THE AGENDA. COMMISSIONER LISTER CLARIFIED THIS WAS FOR THE TRAPPING PORTION OF THE REGULATION. COMMISSIONER JEFFRESS SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

Rob suggested this be done in an extremely public forum where we do a public notice so we do not have somebody, like Ira, who feels he was left out. Chairman Lurie said that should be the direction. Rob said it would be time consuming but everyone will have an opportunity to participate. Chairman Lurie said it could be a telephonic meeting between Reno and Las Vegas so everyone can participate. Commissioner Lister said we should continue to operate through the season as is with the anticipation if there are changes and have them ready

for a year from now. Commissioner Jeffress suggested that those who have been involved should get others to participate—that they have been involved today and look at it and go back through this and then at that time maybe—the trappers should take their first shot at trying to clean it up, condense it, and answer some of the concerns and questions brought up today and then try at that time to have more of an open public forum.

Commissioner Clint Bentley asked for clarification on the motion. If he understands, they are going back and address some of the clarifications and definitions but they are not going to address any of the changes in the demerit system. Chairman Lurie agreed that the demerit system would not be addressed.

Chairman Lurie said Part 2 covered mountain lions and his feeling was that he did not want to hear anything about them today.

COMMISSIONER ROBB MADE A MOTION THAT THERE WOULD BE NO DISCUSSION ON PART 2. COMMISSIONER JEFFRESS SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

Chairman Lurie said Part 3 covered miscellaneous demerit revisions and he recommended that it be sent back to the staff as they did with Part 1.

COMMISSIONER LISTER MOVED THAT PART 3 BE SENT BACK TO STAFF AND HE REITERATED CONCERN ABOUT THE POSSIBILITY OF LAYERING THESE THINGS—WHETHER EVENTS—HOW THAT STUFF GOES, BUT HE SAID HE WAS CONCERNED IN THESE SITUATIONS WHERE A PERSON COULD GET TAGGED FOR TWO OR THREE DIFFERENT PIECES AND THE ASSOCIATED DEMERITS. (There was no second and no vote.)

Rob explained that the law prohibits this from happening. He also explained that that Nevada is a member of the Wildlife Violator Compact comprised of 24 states and Nevada contributes 1 percent of the names to the list and we have the lowest number of violators of any of the states. The other states are much more aggressive against violators.

Chairman Lurie thanked everyone and said he appreciated the dialog today and he said he did not think the hours spent on developing this document had been wasted. He said he, and he thought the Committee members, learned a lot today. He thought we could come to language terms that everyone could agree to and understand.

7. Public Comment Period – Chairman Lurie asked for any additional public comment. There was none.

8. Future Committee Meetings – Chairman Lurie said they would discuss a future committee meeting on Saturday.

Chairman Lurie adjourned the meeting at 10:15 a.m.