

NEVADA BOARD OF WILDLIFE COMMISSIONERS

Wildlife Damage Management Committee

Southern Region Office
4747 Vegas Drive
Las Vegas, Nevada 89108

November 24, 2009
12:30 a.m.

MINUTES*

Those Committee members in attendance were:

Scott Raine – Committee Chairman
Daryl Capurro – Commissioner (By Teleconference-Reno)
Pete Mori– Commissioner (By Teleconference-Elko)
Charles Howell – Commissioner
Mike Laughlin – Member
Kevin C. Lansford – NDOW, Staff to Committee

Also in attendance were:

Clint Bentley – Self
Joe Bennett – USDA-APHIS-WS
Cecil Fredi - Self
Mark Atkinson – NDOW
Judi Caron – Self (By Teleconference-Reno)
Don Molde – Self (By Teleconference-Reno)
Jack Spencer – USDA-APHIS-WS
Pat Laughlin – Nevada Alliance 4 Wildlife (By Teleconference-Elko)
Brian Stockton – Nevada Attorney General (By Teleconference-Carson City)
Nhu Nguyen – Nevada Attorney General (By Teleconference-Carson City)
Gerald Lent – Chairman, Board of Wildlife Commissioner (By Teleconference-Seattle)

Agenda Items #1 & #2 – Call to Order & Introductions – Chairman (Raine)

Chairman Raine called the meeting to order at 12:35 p.m. Chairman Raine asked all members who were participating by teleconference and in person in Las Vegas to introduce themselves and their affiliations. Kevin stated that Commissioner Wallace may participate in this meeting by teleconference at a later time, but is in travel right now.

Agenda Item #3 - Approval of Minutes from the July 24, 2009 Meeting – Chairman Raine – ACTION

The Chairman asked the Committee if there were any changes to the minutes, there were none.

MOTION BY COMMISSIONER HOWELL TO APPROVE THE MINUTES AS WRITTEN FOR THE JULY 24, 2009 MEETING, SECOND BY MIKE LAUGHLIN. THE MOTION WAS PASSED UNANIMOUSLY.

Agenda Item #4 – Public Comment (*Please Limit Comments to 3 Minutes*)

The Chairman asked for public comment for items not already listed on the agenda.

Elko – No comments.

Reno – No comments.

Las Vegas – No comments.

Gerry Lent questioned if during the previous meeting held in Elko had any federal matching funds had been received and if not are we in the process acquiring some for predator projects. Chairman Raine asked Kevin if could answer this question. Kevin stated that in the past we have not gotten any matching funds, but for the future we are in the process of applying for \$25,000 to match the Dr. Conover project.

Gerry Lent asked how much funding was taken out of the predator fees for personnel costs. Kevin stated that no predator funds are used for his salary, and only the salary paid from those monies are for the Wildlife Service's personnel working the projects in the field.

There was no further public comment.

Agenda Item #5 – Review and Approve Heritage Projects 10-23, 10-26, and 10-27 – Committee – ACTION

Chairman Raine asked for public comment on the projects

Elko – No comments.

Reno –

Judi Caron requested to reserve her comments until after hearing discussion from the Committee and the Department. Chairman Raine stated that if she had any comments that now was the time.

Don Molde asked if there was any science associated with these projects, and so far he has found nothing on-line or in the materials provided today. He is interested in any commentary as the projects as discussed to listen about the science involved.

Las Vegas –

Cecil Fredi –

Hunter's Alert (HA) comments on Proposal 10-23 – The original Heritage proposal (Mule Deer Enhancement) was to be designed by the Predator Committee. The reason for the proposal was stated in that way was that a member of the committee, that being Mike Laughlin, has over 30 years of experience in predator control. In addition, he has extensive knowledge about the State. Cecil stated an extensive project was requested by HA and Wildlife Services (WS) planned a project for Unit 015 (provided to the Committee attached to these minutes). Cecil further stated that the proposal states, "Project locations to be determined by the predator committee." At the May 2009 Commission meeting Commissioner McNinch wanted to know if HA had any expertise to carry-out the project. Several additional comments were made during Cecil's presentation that were of a personal nature, naming people, and questioning qualifications, and Bryan Stockton cautioned Mr. Fredi on three occasions to refrain from these statements. Cecil finished his comments with HA to approve the original proposal developed by the Predator Committee.

Clint Bentley –

Mr. Bentley basically agrees with the proposals and what they are hopefully going to do to enhance our wildlife in the state, he cannot agree with the process and how it got to this point. The original Heritage projects, 10-23, 10-26 & 10-27, were not recommended for consideration from staff due to not meeting regulations or criteria. These projects should not have been considered as a Heritage project in the first place. Also having public comments prior to discussion what the item is going to be is not in the best interest of the sportsmen.

The Chairman asked for further comments from the Las Vegas and there were none.

Judi Caron again asked if they were going to be allowed to ask questions and give comments throughout of meeting while discussing the proposals'. Chairman Raine said she should give her comments now, and Judi stated, as before, she wanted to hear from the committee and department pros and cons before making a decision or give her final comments. Judi stated for the record that she just saw the posting for this meeting with the three different alternatives for the different projects. Further, the County Boards and public have not had their board meetings to take public comment to bring to the committee prior to your hearing. She also thinks this committee will make a recommendation today to present to the full Commission at their December 4th, 2009 meeting. Finally she asked where the public can become involved and give comments before the committee's decisions are made.

Chairman Raine stated that this is the third meeting where these proposals were discussed, in addition the Heritage meeting, and the Commission meeting. After this committee meeting there will be additional time to comment at the December 4th Commission meeting.

Pete Mori –

Commissioner Mori asked to take public comment on these projects as they are discussed, and the committee members have been changed.

Chairman Raine asked for public on project proposal 10-23, stating that now is the time. No comments were received.

Commissioner Howell asked Mr. Fredi if there was any intention to have anyone but WS perform this project. Cecil absolutely not, it was always WS. Mr. Howell also asked if there would be a problem if the Commission became a proponent of this proposal. Cecil stated he had no problem with that.

Brian Stockton stated that he had concerns with the Commission becoming a proponent of the proposal. He is not sure that this is allowed under the Heritage regulations. Chairman Raine asked after his research and to notify him to include it in the comments section.

Commissioner Capurro stated that after reviewing the Department of Wildlife (NDOW), Nevada Alliance 4 Wildlife (Alliance) and HA modified proposals the recommendation is the same; is that correct? Mark responded that the Alliance's and HA's proposals were modified to better conform to the requirements of NAC's. We took the information as instructed by the Commission and built it into three similar project proposals, added some small information regarding location and whether or not there would be monitoring done. NDOW itself provided its preferred alternative in which those three original proposals have been folded into two. One is a Sage-grouse enhancement project in Areas 14 & 15, and the second a mule deer enhancement project in Area 15.

Commissioner Capurro stated that the amounts of money that were recommended by NDOW after reviewing requests from field personnel are basically the same. Mark stated that he was correct and the amounts were approved by the Commission.

Commissioner Capurro stated that a correction needs to be made for the Attorney General's consideration. It is not the Commission that is meeting right now it is the Committee, and as such we have a duty and responsibility to make a recommendation to the Commission on December 4th and 5th. Mr. Stockton stated that after reviewing the regulations the Commission cannot be a sponsor for one of these projects. The reason behind this is what is called "self-dealing", in State Government you cannot vote to give yourself something, and it is illegal. The Commission authorized the committee to fill in the details of the original proposal, and my opinion is if one of the alternatives is selected that is not filling in details and that would need to go before the Commission. If just the details are being filled in then Commission has already given the committee the authority to do so.

Commissioner Capurro asked Brian if the committee selects NDOW's modified proposal that does not make the committee the proposer of this project. Brian stated this is correct but the earlier proposal as he understands it was for the Commission itself to become the sponsor of these projects.

Mike Laughlin would recommend that NDOW improve its teleconferencing capabilities.

Commissioner Raine will provide a written copy of 10-23 as revised to become an attachment to these minutes. The Chairmen then read through proposal 10-23 with the following changes:

- ▶ Proposed Project Inception - changed to **2010**
- ▶ Project Description - to include **and mountain lions** after coyotes in each case
- ▶ Targeted Species - to include **mountain lions**
- ▶ Control Period changed to - **February 1, 2010 – February 1, 2011**
- ▶ Control Effort and Techniques - to include **mountain lions** as a targeted species

The Monitoring section was changed to read as follows:

“NDOW is requested to perform comprehensive pre and post treatment monitoring outside of the scope of this heritage project funding before the control efforts begin and prior to the same time period in 2011”

Commissioner Howell asked is if the money for the monitoring will not be deducted from the \$50,000 project expenditure. Commissioner Raine reiterated the monitoring section which states that this will be done by request and outside of the project funding.

Kevin stated we have a certain amount of money for monitoring deer, elk, and antelope and we attempt to survey as many specific areas as possible. Some of the historical areas where there is a lot of data we try to do fall and spring surveys, but sometimes the helicopter is not available or all of the funding is used and surveys are not completed. When we develop the predator management we try to ensure all of the current projects do not miss their two surveys each year, however we do not have the funding to survey every area every year as much as we would like.

Mike Laughlin feels that pre and post monitoring is the most important part of any project. If surveys are not performed pre and post treatment you are “out there in the wind.”

Commissioner Capurro asked Mark why none of the areas submitted in the original proposal from HA and the modified proposal from NDOW is only in Area 15. Mark stated that Chairman Raine is not looking at NDOW’s recommendation. When NDOW was asked to develop our recommendation so our preferred alternative is centered in Area 15, as Mr. Fredi’s proposal stated just Statewide. The second document that lists several units we felt would be the most to benefit from control work. Our recommendation differs and our reasoning is included.

MOTION BY COMMISSIONER CAPURRO AND SECONDED BY MIKE LAUGHLIN TO APPROVE HERTIAGE PROJECT 10-23 AS WAS PREVIOUSLY READ AND FOR THE RECORD WE HAVE A PARTIALLY HAND-WRITTEN ADDITION TO THE TYPED COPY AND COMMISSIONER RAINÉ WILL FINISH TYPING IT IN THAT FORMAT. MOTION PASSED UNANIMOUSLY.

Chairman Raine stated the proposal 10-26 was originally prepared by the Alliance and he asked for public comment.

Las Vegas – No comment.

Elko –

Commissioner Mori stated proposal 10-26 was presented and approved by the Heritage Committee. During the Commission meeting when the project was discussed, after the heritage proposal was approved, and he believes the wording was “the project at that time became NDOW’s.” This is where the recommendation for all of the projects who be given to NDOW because we have the contract with Wildlife Services to due the predator control work. NDOW felt if they were going to take the project over then their input should be included, and that is why there are other modified alternative proposals provided.

Pat Laughlin stated that to make the process easier the project was handed over to NDOW as the contract with Wildlife Service’s was already in place. Mr. Laughlin further stated that all he has seen from NDOW are project proposals in Area 15 hat deals with less than 1% of the deer in Nevada. If this is such a needed project why isn’t it in Mr. Lansford’s predator plan? Mr. Laughlin stated his group put their proposals together to help the deer herds in Elko County, and probably half of the deer in the State are here in Elko County. He has unanimous approval from the Elko County Advisory Board, and the County Commissioners. Now that the proposal has been finally approved, you (NDOW) are saying that you won’t be able to do any monitoring. Finally, Mr. Laughlin stated that Mark Atkinson and Ken Mayer both stated that scientific monitoring is the most important part of a project, and that is all we wanted from the start.

Commissioner Mori stated that as Kevin had mentioned earlier perhaps we could use Project 22 money in Area 6 and use the heritage proposal money in NDOW’S option. Kevin responded saying that we have been doing for three or four year predator control around the burned areas in 6 & 7, mainly coyote control. We also have being doing some raven removal around leks in the burned areas. In response the Mr. Laughlin’s concerns what we were trying to do by putting the project in Area 15 was based on input received from Ken Gray who is the biologist for Area 6, Kari Huebner who is the biologist for Area 7, and Larry Gilbertson who is the Regional Supervising Biologist. Also, doing a project based solely on the number of deer; you want to identify that there is a problem with the deer and it is a predator problem and then you remove them. Area 15 has been on the books for a while and if we don’t do this particular project it will become a portion of project #22, and we will do some coyote control in there. Kevin understood Mr. Laughlin’s concerns, but with all of the burned areas and the die-off in 2003, Area 6’s fawn recruitment is at record pace. We could go into the Area a remove more predators and the fawn production could potentially be reduced.

Carson City – No comment.

Reno – No comment.

Gerald Lent – No comment.

Chairman Raine commented that the proposal that’s come out about the Area 15 project is a great project and great amount of respect, but I intend to think that Area 15 should come out as a Heritage project this coming year and I anticipate hearing it. However, due to the fact that it is not closely related to the original proposal from the Alliance, so it seems we should select an option closer to the original tentatively approved by the Commission. One of the options would work with only minor changes. The Chairman then read through the proposal with the changes included as follows:

- ▶ Proposed Project Inception - changed to **2010**
- ▶ Project Description - to include **and mountain lions** after coyotes in each case
- ▶ Targeted Species - to include **mountain lions**
- ▶ Control Period changed to - **February 1, 2010 – February 1, 2011**
- ▶ Control Effort and Techniques - to include **mountain lions** as a targeted species. Control methods may involve **snare, aerial hunting (both fixed-wing and rotor craft), houndsmen**, and leg-hold traps, call boxes, denning, calling and shooting

The Monitoring section was changed to read as follows:

“NDOW is requested to perform comprehensive pre and post treatment monitoring outside of the scope of this heritage project funding before the control efforts begin and prior to the same time period in 2011.”

MOTION BY COMMISSIONER HOWELL TO APPROVE AREA 6 PROPOSAL 10-26 AS READ INTO THE RECORD, SECONDED BY COMMISSIONER CAPURRO.

Mike Laughlin stated that due to his relationship with Pat Laughlin he will not be voting on this proposal.

Chairman Raine stated that due to questions in prior meetings there is no sanguinity or affinity or relations similar thereto between myself and anyone else involved in this project. However, for the record, I have gotten to know Mr. Pat Laughlin during my time here on the Commission and not before. I do know many of the members in this room including members of staff much closer than I do Mr. Laughlin, and relations I may have with staff members is probably closer than that to Mr. Laughlin. Aside from that, this group who will receive exactly zero dollars in funding for this project, if passed, will go straight to Wildlife Services.

CHARIMAN RAINE STATED IT HAS BEEN PROPERLY MOVED AND SECONDED TO APPROVE HERITAGE PROJECT AS PREVIOUSLY READ, AND AS STATED BEFORE I WILL MODIFY IT ON PAPER AND PROVIDE IT TO STAFF. MOTION PASSED WITH ONE ABSTENTION.

Chairman Raine stated that we will now review Heritage project 10-27.

Gerry Lent – No comment
Elko –

Pat Laughlin stated it has been proven that removing ravens with treated eggs is working, why isn't more of this done?

Reno –

Judi Caron asked Chairman Raine why proposal 10-27 from the Alliance has not asked for monitoring on their original and yet it is being requested by NDOW in their preferred alternative.

Brian Stockton stated that all of the whispering close to the microphone in Elko is blocking out those who are giving public comment, and asked that they move away as everything being said is recording.

Pat Laughlin stated that on the original document they added a sheet discussing what we wanted to do. The documents sent to me by Mark Atkinson have been rewritten and they are not based on what we submitted. The monitoring section that states “monitoring will not be feasible” was not what we wrote in our original proposal this has been rewritten by someone else.

Las Vegas –

Kevin stated the pre and post treatment on leks that are currently being monitoring then money will be set aside for additional monitoring.

The Chairman read through the proposal with some minor wording changes and they are as follows.

- ▶ Project Description - to include in third sentence (i.e. ravens, **coyotes badgers, skunks**); in the fourth sentence add “... spring **and summer** period ...”
- ▶ Targeted Species - to include **coyotes, badgers, and skunks**
- ▶ Control Period changed to - **2010**
- ▶ Control Effort and Techniques - to include in the first sentence ‘,,, predatory ravens, **coyotes, badgers and skunks ...**’; in the second sentence include **summer** after spring. Also in the second sentence remove (**March 1st through June 30th**). Remove – **Methods of take may include distribution of chicken eggs treated with DRC 1339.** Added to the end of the paragraph **Coyote control will be accomplished by trail hunting, trapping, calling, denning and shooting. Badger and skunk control will be trapping and shooting.**
- ▶ Monitoring – Changed to read as follows - NDOW is requested to perform comprehensive pre and post treatment monitoring outside of the scope of this heritage project funding before the control efforts begin and prior to the same time period in 2011.

MOTION BY COMMISSIONER CAPURRO TO APPROVE PROPOSAL 10-27 AS READ INTO THE RECORD AND SECONDED BY COMMISSIONER HOWELL. THE CHAIRMAN STATED HE WILL PREPARE A WRITTEN FORM OF THE PROPOSAL TO NDOW FOR EXACT WORDING. MOTION PASSED WITH ONE ABSTENTION.

Agenda Item #6 – Review Amendments by the Department of Wildlife to Policy #25 – ACTION

The Chairman asked for public comment on this item. Each Committee member and those in attendance were provided with a copy of the Policy with proposed changes printed in blue to assist in identifying them.

Elko – No comment.

Reno – No comment.

Phone participants – No comment.
Las Vegas – No comment.

Kevin was asked to explain the changes to the policy at the request of Commissioner Capurro. Kevin read through the changed line by line and any comments made on any of the changes as they were read are included below.

Policy –

/# 1 – The word property is included. Chairman asked if maybe it should read private resource and it states natural resources referring to wildlife. Kevin stated that normally property refers to any property owned by a private entity whereas natural resources is used for wildlife

Procedure –

1 – Mike Laughlin asked why coyotes weren't included and Kevin stated a depredation permit is not required for coyotes.

Commissioner Howell commented that subsection 3 under Policy not appropriate and should be stricken. Kevin state it is part of Wildlife Service's mission and that is why it is left in.

Commissioner Capurro asked about section 10b under the Policy section. He would like to know the reasoning why aerial depredation permits are currently limited to bobcats, coyotes and ravens, and not mountain lions. Also under Procedures section under number #1 the word annual is removed by is left in #2. Annual either needs to appear or be removed in both places.

There was a discussion on Commissioner Capurro's concern, but could not be heard on the recording

Commissioner Raine asked why we changed the terminology and which should be supported either annual or wildlife depredation permit. Mark Atkinson stated that we should standardize it and use annual permit.

Chairman Raine is concerned with #1A and would like to have a separate section on human health and safety, and how it is handled differently. Strictly by the fact that legal entities may be involved. The Committee has previously discussed this issue thoroughly and we have documentation that recognizes Wildlife Service's as the authority in predator management. The Chairman further stated he would like to include a new B section as follows;

“Upon receipt a report of a threat to human health and safety to the Department of Wildlife shall be immediately forwarded to Wildlife Service's for action in accordance with subsection C of this section. “

Kevin asked Joe Bennett to speak of issues of health and human services Joe stated that they would prefer that NDOW make the call to determine if it is a human health and safety issue.

Chairman Raine state that after a determination is made what is the next step. Joe stated that NDOW can contact them then.

Mike Laughlin stated he would like a ruling from the AG's office as to who is liable is issues of health and human safety. The Chairman asked Brian Stockton could give us a ruling by the December meeting and he indicated he would.

Chairman Raine then re-worded his previous language as follows:

"Upon determination by NDOW that threat to human health or safety has occurred shall be forwarded immediately to Wildlife Service's for action in accordance with subsection B in this section. Wildlife Service's will be charged with the appropriate response."

Brian state he would respond now to the committee's request. In general the state has not been liable for wildlife acts. The duty is if we know there is a problem we have to act, and that is the basic duty toward liability with the state. Passing a policy stating we will ignore it and pass it on to Wildlife Service's will not exonerate the State. The bottom line is if we know there is a problem we have to act.

Commissioner Capurro asked that mountain lions be added to the aerial depredation permit under Procedure #1 and #4. Chairman Raine asked Kevin for a reason that this was not included in these items. Kevin stated that currently it is not legal to take big game animals in that manner, and considerable re-writing with Law Enforcement. Chairman Raine asked for a better response Mark. Mark stated that we would have to change NAC and NRS as well, so it will be a very long process. Commissioner Capurro asked for the definition of what determines a mountain lion as a big game species. Chairman Raine asked for a written response to this question from Kevin

IT WAS MOVED TO APPROVE COMMISSION POLICY #25 WITH REVISED WORDING MADE HERE TODAY. MOTION WAS SECONDED, MOTION PASSED UNANIMOUSLY.

Agenda Item #7 – Establish Date, Time and Location of the Next Meeting – Chairman Raine – ACTION

Chairman Raine stated that we will probably have our next meeting in March 2010.

Agenda Item #8 – Adjourn– ACTION

IT WAS MOVED AND SECONDED TO ADJOURN. MOTION PASSED UNANIMOUSLY.

Respectfully Submitted

Dawn Carter

December 8, 2009

**Subsequent to this meeting the proposals were re-written and posted on the Department's website and were available for the Commission meeting held on December 4-5,2009. These minutes were prepared from recording of the meeting.*

