

Board of Wildlife Commissioners

Elk Damage and Incentive Committee

Nevada Department of Wildlife
Conference Rooms A & B
1100 Valley Road
Reno, Nevada 89512

Also Via Teleconference at:

NDOW, Eastern Regional Office
60 Youth Center Road
Elko, Nevada 89801

NDOW, Ely Field Office
1218 N. Alpha Street
Ely, Nevada 89301

February 25, 2011
1:00 p.m.

DRAFT MINUTES

Committee Members in attendance were:

Hank Vogler – Chairman, Commissioner
Hal Shrum – Commissioner
Grant Wallace – Commissioner
Larry Gilbertson – Staff to Committee

Others in attendance:

Mike Cox – NDOW
Mike Dobel – NDOW
Rex Flowers – Washoe CABMW
Pete Mori – Former Commissioner
Tony Wasley – NDOW

Agenda Item #1 & #2 – Call to Order /Introductions– Chairman Vogler

The meeting was called to order at 1:06 p.m. Chairman Vogler introduced all people in attendance at the three locations and stated that a sign-in sheet should be completed for each area. All members were then asked to read over the minutes previously e-mailed to them.

Agenda Item #3 – Approval of Minutes from the June 25, 2010 Meeting – Chairman Vogler – ACTION

A MOTION WAS MADE AND SECONDED TO APPROVE THE MINUTES FROM THE JUNE 25, 2010 MEETING AS WRITTEN. THE MOTION WAS PASSED BY UNANIMOUS VOTE.

Agenda Items #4 & #5 – Elk Damage Fund – Status – Incentive Tag Program Committee – DISCUSSION

Chairman Vogler asked Larry Gilbertson to begin this discussion. Larry gave a quick background stating the fund was starting to build up approximately 6 years ago and it was approaching \$800,000. There was growing concern that others might try to gain control of the money for other purposes but, rather quickly after that, the Department started receiving requests for fence construction from landowners. The Honor Camps (Prison Inmates) were not able to build the number of fences needed, and some locations were so remote that the costs to use an honor camp would not be feasible. For a period of time a contractor was hired to construct fences in Elko and White Pine Counties and the fund was reduced to approximately \$200,000 with about \$150,000 collected each year from elk tag applicants. There was concern that the fund was getting lower with each passing year and a fee increase might be necessary. Fortunately, during the past few years we have had fewer requests because we caught up with the back-log of fences that needed to be built. Because these fences were completed, there were less damage payments necessary. Therefore, currently the fund is at approximately \$300,000 and we are collecting about \$150,000 annually. We are given the authority to spend \$70,000 per year on fences and damage payments but can amend that amount if need be. So far in FY 2011, we do not anticipate spending that amount. One possible new fence building request that is expected is a field in Lund where there has been elk use on and off for the past 20 years.

A question was asked how a determination is made to construct a fence around a hayfield. Larry apologized realizing there were new committee members who may not be familiar with the program. He explained that normally the Department documents elk use for at least two years, and we will pay damages for those years.

At that point, we have a choice to build a fence and solve the problem, or, in the case of a small number of animals, hold a depredation hunt to remove some of the elk.

There was a question about the compensation payment program for the damage. Larry stated that there are actually three programs for dealing with big game depredation and damages. There is the Deer-Antelope Compensation Tag program, the Elk Damage program for damages to agricultural crops or property, and the Elk Incentive Tag program for elk use on native habitat types that are privately owned including native haymeadow but not for agricultural cropland. Native haymeadows can be used in either one of the programs but not both programs during the same year. Some landowners use their haymeadow as an agricultural crop including irrigating, planting haying, and feeding it out but a haymeadow can also be considered a native elk habitat type and used to justify incentive tags. The formula to determine the number of tags awarded; is the percentage of the elk herd that lives on the landowners private property for the entire year and this number is multiplied by the previous year's bull tags. There were some questions on elk use days and this aspect of the incentive elk tag program was explained by Larry.

Chairman Vogler asked if the tags could be switched from one specific season and weapon class to any open season. This could help the tag retain its value during the economic downturn, and what would it take to change this part of the regulation? Larry stated that the Department proposed in 2006-2007 a regulation change for the Deer/Antelope Compensation tag program where those tags could be used in any open season (Archery, Muzzleloader or Rifle). This regulation was put through the County Game Board process and it was defeated, we could propose this regulation change again, but the challenge we are facing right now is the Governor has put a moratorium on regulation changes right now.

Chairman Vogler asked if this is a regulation change or just a fine tuning of a rule. Larry stated that his understanding is the Governor does not want agencies to use man time etc. writing regulations that could affect business.

Chairman Vogler asked Commissioner Wallace for his comments, unfortunately the recorder did not pick up his remarks.

Chairman Vogler stated that there is a committee that can work on items that are brought up here and are under their purview. The Chairman would like to include this item on that committee's agenda. He also asked Larry if he could put this item on the next Commission agenda. Larry stated that we need to craft wording at this level, put it out for comment from other landowners and sportsmen, and then at the next meeting this Committee could take action and put it on the Commission agenda. Chairman Vogler stated that this is a serious enough issue and the landowner might

become somewhat upset if it will take another couple of years to change this regulation. Larry responded by describing what had transpired a few years ago when the elk NAC's were revised by this committee because the existing regulation stated that livestock owners would support a management plan that allows for more than objective level which the Department could not even support because of its commitments to local area sub-plans. Then at the last meeting the NAC's were changed and it was put through and accepted by the Commission. No further issues have come up since then. A full Committee discussion ensued with most wanting to pursue changing the NAC to reflect any open season to keep the economic value high.

Larry stated that he and Mike Cox will revise the old NAC with the changes requested today and present it at the next Committee meeting. Chairman Vogler asked how do we proceed and can it be accomplished this year? Larry stated that during a Legislative year and with the Governor's moratorium we might not be able to get it approved until 2012.

Chairman Vogler asked to have another meeting on Saturday morning before the next meeting. Mike Cox stated that in order to have a productive meeting we need enough time for people to read through it all and be prepared to discuss each point of the NAC. Chairman Vogler stated that the only change is to make the elk incentive tag valid in any open season, the same as deer and antelope. Larry stated that in order to prepare an agenda, work on the revised wording, getting everything ready to send out, there may not be enough time to get it all done between now and the March Commission meeting. Chairman Vogler said we could at least bring it before the Commission as an action item even if it is only in draft form. Commissioner Wallace commented that this is an important item but I do see it is a little tight for the March Commission meeting. Maybe we can hold our committee meeting in conjunction with the April Commission meeting. It would be better to put it off until April so we can comply with the open meeting law, make it an action item, vote on it and move it forward to the Commission at their May meeting. He said there won't be a lot on the agenda for that April meeting and it will give Mike and Larry plenty of time to get the information out to the CAB's and the ranchers and sportsmen so they all will have a month to look it over before the May Commission meeting. The Committee assigned Larry and Mike the task to work on the new language for the NAC.

Chairman Vogler asked that in this age of technology, if we had the capability while out on the range to document elk using a Camera with GPS, where and when we observe elk on the private land. The Chairman asked if this kind of evidence could be included in the regulation. Larry stated that they could include this evidence to help determine the number of elk use days and issuing the right number of tags

since it is a cooperative effort of both the landowner and the Department. Department personnel try to have the landowner call them when elk numbers increase or decrease by more than 50% so that the Department can also verify that change. This improves transparency in case either the landowner or Department representative are challenged on the number of elk reported using the private land on the elk incentive tag forms.

Rex Flowers suggested that the Committee take a slower and careful approach to the changing of the regulation to make sure it is exactly what is wanted and needed. Also, give the County Advisory Boards a reasonable amount of time to submit comments on the proposed changes.

Pete Mori stated he agrees with Commissioner Wallace that this item was previously discussed at another meeting, and then the Committee was changed, this may have caused some of the NAC changes to be dropped. Also, have this Committee proceed with caution making sure everyone is on the same page, and it may give the change a better chance to succeed.

Chairman Vogler stated that his main point is to have transparency in all of the Committee's discussions and actions, and that should foster relationships with landowners. We need to work with the landowners and gather their input while preparing the new language in the NAC.

It was asked if there ever was a proposal to allow incentive tags for compensation even on the BLM permit for elk use. Did anything ever happen with this? Chairman Vogler stated that there was a discussion in a previous Committee meeting about landowners incurring losses of their AUM's on BLM or Forest Service permits. He asked if they could receive compensation from the damage fund. Larry stated that we have never had that situation occur on public lands although the program allows for payment for losses of AUM's caused by elk. To date, we have never had a situation where the federal land management agencies have gone out to an allotment, measured elk use, and because of that elk use, reduced a rancher's annual permit.

Pete Mori asked the Chairman if all of the discussion items were concluded. The Chairman stated that if the Committee had no further comment at this time he would move on in the Agenda to public comment.

Mike Cox stated before moving on he would like to see if anyone had ideas that could be considered when writing up new language.

Agenda Item #6 – Public Comments *(Please limit comments to 3 minutes)*

Pete Mori stated he would like to see the Committee proceed with a landowner appreciation program. Landowners could receive permits for the number of animals on their property and they could give those same permits to family members or someone they knew. This would give the landowner some control as to the number of hunters when they were on the property. Mr. Mori stated many benefits to both the sportsman and the landowner alike such as:

1. Opportunity for sportsmen to hunt private property.
2. Opportunity to hunt if the sportsman was unsuccessful in the regular draw.
3. Build relationships with landowners and they give hunters the opportunity to hunt other species at other times.
4. Economical way for hunters to receive tags without having to pay landowners for bull tags.
5. NDOW could possibly sell more tags. We would not want to this program to interfere with the cow hunt tags in the regular draw. So we do not want to substitute landowner tags for regular permits and thus reduce the number of applicants for the cow tags in the regular draw.

Mr. Mori views this proposal as a “win win” situation for everyone and he thinks it should be considered.

Chairman Vogler agreed with Mr. Mori as did Mike Cox. Commissioner Wallace was also in agreement, but asked if it might be included in the new NAC language that will be written. The Chairman stated that it would be a separate issue, as it would be more difficult to control hunters on small separate pieces of land as opposed to larger ones. Commissioner Wallace stated that we then need to identify this as a separate agenda item for the next meeting of this Committee.

Mike Cox stated he will get back with Mr. Mori and write a brief summary of his suggestion, make sure that it represents his idea, and share it with everyone,

Mr. Mori stated that the intent was to propose this idea to the CAB's and the public in a timely manner, so that everyone knew what we were planning on and receive their input.

Agenda Item #7 - Assignments - Chairman Vogler

Larry stated that for assignments he has himself and Mike Cox to try and re-craft the old language to allow incentive elk tags to be used in a stratified manner, just like the deer and antelope tags, they can be used in the archery, muzzleloader and rifle

seasons. This will be identified as an action item that can then be presented to the Commission.

The other will be an informational item relative to landowner tags as described by Pete Mori, and we will work with Pete to develop the proposal. At the next meeting we can further discuss and work on the wording for this new program.

The next meeting date was discussed. It was preferred to be the first thing on April 15th.

Agenda Item #8 - Adjourn

There being no further business, the meeting was adjourned at 2:30 p.m.

Respectfully Submitted
Dawn Carter
March 9, 2011