

Washoe County Advisory Board to Manage Wildlife

MINUTES

Thursday ~ August 2, 2012 ~ 6:30 p.m.
Nevada Department of Wildlife
Conference Room B
1100 Valley Road, Reno, Nevada

MEMBERS

Rex Flowers, Chair
Daryl Harwell, Vice-chair
Michelle Spencer, Secretary
John Reed
Sean Shea

1. PLEDGE OF ALLEGIANCE [Non-action item]

Member Shea led the Pledge of Allegiance.

2. CALL TO ORDER AND ROLL CALL [Non-action item]

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

PRESENT: Rex Flowers, Daryl Harwell, John Reed, Sean Shea and Michelle Spencer.

ABSENT: None.

Terry Shea – Deputy District Attorney, was also present.

3. INTRODUCTION OF NEW MEMBERS [Non-action item]

Chair Flowers welcomed and introduced new members Michelle Spencer and Sean Shea.

Member Spencer commented that she is a life-long resident of Nevada and is married to a wildlife biologist and wants to assure that hunting is available to her children when they get older.

Member Shea noted that he too was born and raised in Nevada and is a research biologist who felt it was time to serve.

4. PUBLIC COMMENTS [Non-action item]

There were no public comments.

5. APPROVAL OF JUNE 14, 2012, MINUTES [For possible action]

It was moved by Member Harwell, seconded by Member Reed, to approve the June 14, 2012, minutes, as submitted. The motion carried unanimously.

6. ELECTION OF OFFICERS [For possible action] – 1) *Chair*; 2) *Vice-chair*; and 3) *Secretary*

Chair Flowers opened the nominations for the position of Chair.

Member Harwell nominated Rex Flowers as Chair. Member Reed seconded the nomination.

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Chair Flowers accepted the nomination.

The nomination to elect Rex Flowers as Chair of the Washoe County Advisory Board to Manage Wildlife carried unanimously.

Chair Flowers opened the nominations for Vice-chair.

Member Reed nominated Daryl Harwell to serve as Vice-chair. Member Shea seconded the nomination.

Chair Flowers outlined the responsibilities of the Vice-chair should the Chair be unable to attend a future meeting, including, but not limited to, review of meeting minutes and reports to the Nevada Board of Wildlife Commissioners.

Member Harwell accepted the nomination.

The nomination to elect Daryl Harwell as Vice-chair of the Washoe County Advisory Board to Manage Wildlife carried unanimously.

Chair Flowers opened the nominations for the position of Secretary.

Chair Flowers nominated Michelle Spencer to serve as Secretary. Member Reed seconded the nomination.

Chair Flowers outlined the responsibilities of the Secretary to complete and submit the action report to NDOW (Nevada Department of Wildlife) and take meeting minutes in the event the recording secretary is unable to attend. Additionally, the Board Secretary makes the reservation for the meeting room based on the schedule of meetings that will be heard later in the meeting.

Member Spencer accepted the nomination.

The nomination to elect Michelle Spencer as Secretary of the Washoe County Advisory Board to Manage Wildlife carried unanimously.

- 7. NEVADA OPEN MEETING LAW** [Non-action item] – *An informational presentation and discussion of the Nevada Open Meeting Law as it applies to the Washoe County Advisory Board to Manage Wildlife.*

Chair Flowers introduced Deputy District Attorney Terry Shea who serves as the Washoe County legal counsel to the board. Chair Flowers noted that Mr. Shea has successfully responded on behalf of the Washoe County Advisory Board to Manage Wildlife in the past when issues have come up.

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Terry Shea – Deputy District Attorney, provided a handout to the board (copy on file) and highlighted aspects of the Nevada OML (Open Meeting Law) as it pertains to an advisory board. Mr. Shea encouraged members to ask questions during the presentation and that if he could not provide an answer this evening (August 2, 2012) he would research the matter and provide an answer to the group. Mr. Shea explained the intent and purpose of the OML which is to assure transparency in the public process for appointed and elected bodies receiving public money.

Responding to Member Harwell's inquiry about the procedure when a "Draft" and "Final" agenda is received by the public, Mr. Shea opined that so long as all items on the two meetings agenda were covered there would be no conflict as the public has received notice of the matters and actions that the body may address. Mr. Shea noted that the intent of the OML is to put "sunshine" onto and into the process thus assuring the public has an opportunity to respond to any actions the elected or appointed body may be considering. Mr. Shea then drew attention to what is commonly referred to as "serial meetings", which occurs when one member of the body speaks individual with other members to develop a consensus of future action. Mr. Shea cautioned members about the use of electronic media such as email as an email copied to all board members that result in a series of replies could constitute a violation of the OML. Mr. Shea clarified that board members may meet socially or at the Nevada Board of Wildlife Commissioners (Commission) meetings, but must refrain from discussing any matter that may come to the body for action at a future meeting. However, members attending a meeting of the Commission can speak as an individual or on behalf of the body is authorized at a public meeting. Mr. Shea summarized the penalties that may be imposed if a member of the board is found to be in violation, including civil action. Mr. Shea noted that the board's purview included only those matters concerning Nevada's wildlife. The issues of concern to the Washoe County Animal Control Board would not be within the purview of the Washoe County Advisory Board to Manage Wildlife. Mr. Shea explained that members could contact the board Chair to have items placed on a meeting agenda but must refrain from seeking any other comment on the matter until it is brought to the board in public forum. Mr. Shea also noted that elected and appointed boards comments are privileged and not generally subject to civil liability. Mr. Shea then outlined the number of constituent members needed to achieve quorum, in this case three of the five members must be present. Mr. Shea noted that a vacant position does count toward quorum and that action may not be taken by less than a three member quorum. In the event there is no quorum there is no public meeting. Mr. Shea suggested that in the absence of a quorum the members disband as there can be no discussion or action taken on any agenda item. Mr. Shea noted that OML complaints are typically filed through the Nevada Attorney General's Office.

Mr. Shea can be reached at tshea@da.washoecounty.us or by telephone at 775-337-5728

The meeting recessed at 7:23 p.m. and reconvened at 7:26 p.m.

8. **BOARD MEMBER MEETING ASSIGNMENT** [Non-action item] – *A discussion and selection of member(s) to attend the Nevada Board of Wildlife Commissioners*

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meetings on: 1) August 10 and 11, 2012, in Winnemucca, Nevada; and 2) September 21 and 22, 2012, in Las Vegas, Nevada.

Chair Flowers will attend the August 10 and 11, 2012, meeting in Winnemucca as well as the September 21 and 22, 2012, meetings in Las Vegas.

9. COMMITTEE, MEMBER AND LIAISON UPDATES [Non-action items]

9-1. Correspondence (including sportsmen's concerns) and Announcements – Chair Flowers outlined correspondence from Paul Dixon – Chair Clark County Advisory Board to Manage Wildlife concerning horse roundup, corral, adoption and potential horse slaughter to better manage wildlife populations (copy on file). Other correspondence is from The Coalition for Nevada's Wildlife to be sent to the Nevada delegation concerning feral horses (copy on file).

9-2. Overview of the June 22 and 23, 2012, meetings of the Nevada Board of Wildlife Commissioners – Chair Flowers noted that \$500.00 had been removed from the 2013-2014 budget for the Washoe County Advisory Board to Manage Wildlife and prompted him to purchase airline tickets to Las Vegas (Nevada) for the September meeting to offset that reduction. Chair Flowers also noted that it had been suggested to the Commission (Nevada Board of Wildlife Commissioners) to add more funding to the Sage Grouse telemetry project. Chair Flowers noted that both of the unallocated Wild Turkey tags had been allocated to WHIN (Wildlife Habitat Improvement Nevada) (Wildlife Habitat Improvement Nevada) and that the Commission may review current policies related to buyer premiums and transaction fees. Chair Flowers outlined the tag modifications made by the Commission and explained that the invasive aquatic inspection/decontamination program had been clarified in that it refers only to vessels that retain water not inflatable or other flotation devices that cannot retain water.

It was noted that another person had submitted Gerald Lent's written comments for the record at the Commission meeting, as Mr. Lent was not present.

9-3. Update on the OHV (Off Highway Vehicle) Committee – Member Reed noted that the first year's registration will be on a voluntary basis about 85-percent of the funds will go to the DMV (Department of Motor Vehicles) . On July 1, 2013, registration becomes mandatory with nearly all funds going to the OHV (Off Highway Vehicle) Commission to be used at their discretion. Member Reed noted that the interest in registration, in his opinion, is more about increased revenues to OHV dealerships than environmental concerns and noted the intent to accumulate maps on where such vehicles can be used in the State of Nevada to promote this type of use. Member Reed pointed out that there were no representatives from organizations such as the Sierra Club with NDOW (Nevada Department of Wildlife) providing information on enforcement issues. Although the Nevada Coalition for Nevada's Wildlife is "paying attention" it is unclear what other organizations are providing input. It appears, in his opinion, that the focus is not environmental issues relevant to wildlife but on increased revenues from the registration of such motorized vehicles. Member Reed noted that the Coalition for Nevada's Wildlife had concerns about

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restrictions on how off-road vehicles could be used. Of concern is that without input from all concerns the State of Nevada could end up with the California solution.

- 10. 2013 WASHOE COUNTY ADVISORY BOARD TO MANAGE WILDLIFE MEETING SCHEDULE** [For possible action] – *A review, discussion and possible action to approve or otherwise modify a schedule of meetings for the Washoe County Advisory Board to Manage Wildlife for 2013.*

Chair Flowers outlined the proposed 2013 meeting schedule for the Washoe County Advisory Board to Manage Wildlife noting that the Nevada Board of Wildlife Commissioners (Commission) meeting schedule was listed in the left column.

Chair Flowers opened the meeting to public comment.

Cathy Brandhorst commented that there is still a problem with ducks being shot in pond areas such as UNR (University of Nevada, Reno) and by Lowes.

Chair Flowers asked that Ms. Brandhorst confine her comments to the meeting schedule.

Chair Flowers asked that the January meeting be changed from Thursday, January 24, 2013, to Monday, January 28, 2013.

It was moved by Member Harwell, seconded by Member Shea, to amend the 2013 meeting schedule for the Washoe County Advisory Board to Manage Wildlife, by changing the January 24, 2013, meeting to Monday, January 28, 2013, with other dates remaining as presented. The motion carried unanimously.

- 11. AMENDED UPLAND GAME STAMP FUNDING REQUEST** [For Possible Action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners (Commission) to approve, deny or otherwise modify an amended request for funding of a sage-grouse radio collaring project in Elko County. In June, the Commission approved the original funding request for this project but indicated it would consider a request for additional funding for this project at the August meeting.*

Chair Flowers provided an overview of the agenda item and opened meeting to public comment.

Hearing no public comment, Chair Flowers asked for board discussion or a motion.

During a brief discussion it was explained that although every project had been approved, there was \pm \$490,000.00 on hand and if the additional request for \$100,000.00 is approved the remaining funds will “float” for another year, unlike the Heritage Trust, which requires that unexpended monies be returned to the account. Other discussion noted that the type

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of telemetry collars being consider is unknown and that additional information could be obtained from Shane Espinosa at 775-688-1600.

It was moved by Member Reed, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve the amended request for additional funding of a sage-grouse radio collaring project in Elko County, as written. The motion carried unanimously.

- 12. COMMISSION REGULATION 12-07 – Seasons, Bag Limits and Special Regulations for Migratory Waterfowl [For Possible Action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners (Commission) to approve, deny or otherwise modify regulations for the management of migratory waterfowl. These recommendations comply with the proposed regulations framework for 2012-2013 late and early hunting seasons on certain migratory game birds established by the U.S. Fish and Wildlife Service. The Commission may also adopt changes to rules regulating public hunting on Wildlife Management Areas and designated state lands and may take action to change the current method of awarding duck hunt reservations at the Overton Wildlife Management Area and Key-Pittman Wildlife Management Area.***

Chair Flowers summarized the agenda item and opened the meeting to public comments.

Russell Woolstenhulme – NDOW (Nevada Department of Wildlife), provided an overview of changes that needed to be made since the draft came out and suggested a species by species review. Mr. Woolstenhulme outlined the modifications to bag limits noting that except for Coots and Common Moorhens that the daily possession is the same as the bag limits that is two times rather than three times. Mr. Woolstenhulme noted that the Kirsch WMA (Wildlife Management Area) also be shown as closed February 15 through March 3, 2013.

Don Molde noted a typographical error of November 2013, which he believes should read November 2012. Although Mr. Molde understands the system used in determining the number of waterfowl and other bird species, it is unclear why, in a drought that has had significant impacts nationwide, the formulas are not modified to reflect the potential adverse effects of a drought.

Chair Flowers closed public comments.

Mr. Woolstenhulme noted that the allotted days for waterfowl quotas are based on current biological data of breeding bird populations that is conducted annually. Mr. Woolstenhulme explained that the most current survey indicates the highest populations since the 1982 survey. Although in a drought the State of Nevada came into the year with 115-percent of normal thus allowing 90-percent of the allotted water to be released to the WMA's. Mr. Woolstenhulme explained how the various WMA's managed their water resources some by

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reserving water for later in the year while others maintain a water level throughout the summer. Therefore, the federal guideline has allotted up to 107-days for the Pacific Flyway.

Mr. Molde noted that the U.S. Fish and Wildlife Service provides an umbrella under which the states are expected to tailor their own hunting based on current conditions, which he believes has never occurred in the State of Nevada. Mr. Molde emphasized that the federal guidelines are a guide not a requirement.

Mr. Woolstenhulme noted that the current report indicates the highest number of waterfowl since 1955.

Cathy Brandhorst commented that ducks were still be filled with bullet holes in the city and that the ducks are present for the public who sometimes feeds them bread. Ms. Brandhorst noted that these ducks are within the city limits and should not be touched in her opinion.

Hearing no further public comment on the regulations, Chair Flowers closed public comments and asked for board discussion or a motion.

Member Reed noted that when he moved back to the region in 1998 there had been a significant amount of water in the Lovelock area. However, in his experience when there is little or no water there are few if any ducks. Therefore, he believes that the concerns expressed may be unfounded.

Chair Flowers noted that in the Dakotas farmers are starting to drain wetlands due to high commodity prices. Should the draining of wetlands continue, those numbers will decrease dramatically.

Mr. Woolstenhulme noted that the Federal Duck Stamp sales provided \pm \$5.5 million with all the money going to wetlands reclamation. When duck hunting declines wetlands are more at risk. Mr. Woolstenhulme noted that traditionally the Youth Hunt in the south is scheduled for a weekend late in the season due to heat earlier in the season.

Member Harwell noted that the season dates in past years included Saturday, Sunday, Wednesday and Holidays. This year October 31, 2012 the Nevada Day Holiday, falls on a Wednesday. Member Harwell suggested that closing date be changed to read October 31 2012, for more hunting opportunity.

It was moved by Member Harwell, seconded by Member Spencer, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Regulation 12–07 – 2012-2013 Seasons, Bag Limits and Special Regulations for Migratory Waterfowl Special Youth Waterfowl hunt as presented. The motion carried unanimously.

It was moved by Chair Flowers, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Regulation 12–07 – 2012-2013 Seasons, Bag Limits and Special Regulations for Migratory Waterfowl:

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Ducks, Mergansers and Scaup; Coots and Common Moorhens; Common Snipe; Canada and White Fronted Geese with the following modifications: all limits to reflect twice the daily limit; change November 1, 2013 dates to read November 1, 2012; change October 29, 2012, close date to read October 31, 2012; and add the Kirch Wildlife Management Area closed February 15, 2013 through March 3, 2013.

There was additional discussion about season dates.

Chair Flowers withdrew the motion. Member Harwell withdrew the second.

It was moved by Member Harwell, seconded by Chair Flowers, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Regulation 12–07 – 2012-2013 Seasons, Bag Limits and Special Regulations for Migratory Waterfowl: Ducks, Mergansers and Scaup; Coots and Common Moorhens; Common Snipe; Canada and White Fronted Geese; with the following modifications: change closing dates for the northeast zone; northwest zone and south zone from October 29, 2012 to October 31, 2012 and late season opening dates from November 1, 2013 to read November 3, 2012. The motion carried unanimously.

It was moved by Member Harwell and seconded by Member Flowers to recommend that the Nevada Board of Wildlife Commissioners approve Regulation 1207- 2012-2013 Seasons, Bag Limits and Special Regulations for Migratory Waterfowl: Snow and Ross' Geese with the following modifications: early season opening dates from November 1, 2012 to November 3, 2012, Late season hunt dates from February 15, 2013 - March 3, 2013 to February 23, 2013 – March 10, 2013, possession limit at 20 and Mason Valley WMA, Scripps/Washoe State Park and Kirch WMA closed during February 23, 2013 – March 10, 2013 season. The motion carried: Members Harwell, Shea, Spencer and Chair Flowers assenting; and Member Reed dissenting.

It was moved by Member Harwell, seconded by Member Reed, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Regulation 12–07 – 2012-2013 Seasons, Bag Limits and Special Regulations for Falconry Seasons for Migratory Game Birds with the following modifications: early season closing date from October 29, 2012 to October 31, 2012, late season opening date from November 1, 2013 to November 3, 2012 and possession limit at twice the daily limit. The motion carried unanimously.

It was moved by Member Harwell, seconded by Member Reed, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Regulation 12–07 – 2012-2013 Seasons, Bag Limits and Special Regulations for Swan with the following modification to change Wednesday, October 3rd, 2012, to read Wednesday, October 3, 2012. The motion carried unanimously.

It was moved by Member Harwell, seconded by Chair Flowers, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Regulation 12–07 –

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2012-2013 Seasons, Bag Limits and Special Regulations for Public Hunting Limited on Wildlife Management Areas and Designated Lands, as written. The motion carried unanimously.

During a brief discussion it was suggested that any changes to the recommendation come from the Clark County Advisory Board to Management Wildlife as they are more familiar with the area.

It was moved by Member Reed, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Regulation 12-07 – 2012-2013 Seasons, Bag Limits and Special Regulations for the Overton-Key Pittman hunter Reservation System, as written. The motion carried unanimously.

- 13. BIG GAME OPENING DATES** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners (Commission) direct NDOW (Nevada Department of Wildlife) to review sportsmen's opinions on opening days being set as a date of the month as established in 2007 versus the previous method of opening on a specific day and date of the month as well as possible methods to secure sportsmen's comments by the seven (17) County Advisory Board to Manage Wildlife. Rex Flowers*

Chair Flowers opened the agenda item and explained that the request was to suggest that the Nevada Board of Wildlife Commissioners direct that a questionnaire or survey be conducted to determine sportsmen's interest in reverting the opening from a set date set in 2007 to the previous method of a Saturday opening day. Chair Flowers noted that he had received a number of complaints about the current process and opened the meeting to public comments.

Cathy Brandhorst noted that hunting within City limits is illegal and that animals were trained to bring enjoyment to the public. Ms. Brandhorst reminded those present to put down their guns and go out in the wilderness to hunt not in the city.

Hearing no other comments, Chair Flowers closed the public hearing and asked for board discussion or a motion.

Member Harwell suggested that Sefton Systems might be the most logical choice to conduct a survey.

Mike Dobel - NDOW (Nevada Department of Wildlife), commented that there would be significant discussion about the pros and cons of each method. Mr. Dobel recalled that there had been complaints about overlapping season dates which was somewhat alleviated by choosing the current methodology. Therefore, it is crucial that hunters be made aware of the consequences of a reversion to the previous opening schedule.

During the discussion it was suggested that the survey be limited to Muledeer.

It was moved by member Reed, seconded by Member Spencer, to direct that Chair Flowers discuss the survey of opening date on a specific date of the month versus day specific (Saturday) as done in the past for Muledeer only at the Nevada Board of Wildlife Commissioners meeting in Winnemucca, Nevada, August 10 or 11, 2012. The motion carried unanimously.

- 14. WASHOE COUNTY ADVISORY BOARD TO MANAGE WILDLIFE MEMBERS AND/OR STAFF ANNOUNCEMENTS, REQUESTS FOR INFORMATION AND SELECTION OF TOPICS FOR FUTURE AGENDAS** [Non-action item] – *Selection of additional agenda item(s) for the Thursday, September 13, 2012, meeting.*

Member Shea commented that he would not be presented for the September 13, 2012, meeting due to a previous commitment.

The September 13, 2012, meeting agenda, may include, but is not limited to: 1) an update on legislative issues affecting NDOW (Nevada Department of Wildlife); and 2) Discussion of Washoe County Advisory Board to Manage Wildlife appointments to liaison with various subcommittees of the Nevada Board of Wildlife Commissioners (Commission).

- 15. PUBLIC COMMENTS** [Non-action item]

Don Molde noted that CBS had focused on the national drought, which also affects the State of Nevada. Mr. Molde recalled that botulism had been an issue for waterfowl in the previous drought cycle.

Joel Blakeslee commented that the next Trapping Committee meeting is set for Tuesday, August 7, 2012, at 1:00 p.m. at NDOW (Nevada Department of Wildlife) offices on Valley Road.

- 16. ADJOURNMENT** [Non-action item]

Chair Flowers adjourned the meeting at 9:30 p.m.

AS APPROVED BY THE WASHOE COUNTY ADVISORY BOARD TO MANAGE WILDLIFE IN SESSION ON SEPTEMBER 13, 2012.