

Washoe County Advisory Board to Manage Wildlife

DRAFT of Minutes

Thursday ~ March 12, 2015 ~ 6:00 p.m.
Nevada Department of Wildlife
Conference Room B
1100 Valley Road, Reno, Nevada

MEMBERS

Sean Shea, Chair
Miles Humphreys, Jr., Vice-chair
Michelle Spencer, Secretary
Cathy Smith
William Tamblyn

1. PLEDGE OF ALLEGIANCE [Non-action item]

Chair Shea led the Pledge of Allegiance.

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

Chair Shea called the meeting to order at 6:00 p.m. A quorum was established.

PRESENT: Miles Humphreys, Jr., Sean Shea, Cathy Smith, Michelle Spencer and Butch Tamblyn.

ABSENT: None.

Jen Gustafson – Deputy District Attorney, was also present:

3. PUBLIC COMMENTS [Non-action item]

There were no public comments.

4. APPROVAL OF JANUARY 29, 2015, MINUTES (For possible action)

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

Member Smith suggested that the third paragraph from the bottom of page 7 be removed as it is a duplicate of the following paragraph.

It was moved by Member Tamblyn, seconded by Member Smith, to approve the January 29, 2015, minutes as amended. The motion carried unanimously.

5. BOARD MEMBER MEETING ASSIGNMENT (Non-action item) – *A discussion and selection of member(s) to attend the Nevada Board of Wildlife Commissioners meetings on: 1) March 20 and 21, 2015, meetings in Reno, Nevada; and 2). May 8 and 9, 2015, meetings in Reno, Nevada.*

Member Smith and Chair Shea plan to attend the March 20 and 21, 2015, meetings.

Chair Shea noted that the Nevada Board of Wildlife Commissioners had changed the May 8 and 9 , 2015 meeting to the following week May 15 and 16, 2015. Chair Shea recommend that the next Washoe County Advisory Board to Manage Wildlife meetings be moved to Thursday May 7, 2015.

6. COMMITTEE, MEMBER AND LIAISON UPDATES (Non-action items)

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6-1). Correspondence (including sportsmen's concerns) and Announcements – Chair Shea noted that he had correspondence from Rex Flowers (copy on file), that he will share during the appropriate agenda items.

6-2). Overview of the February 6 and 7, 2015, meetings of the Nevada Board of Wildlife Commissioners – Chair Shea outlined actions taken by the Nevada Board of Wildlife Commissioners during the February 6 and 7, 2015, meetings. Actions included approval of hand gun carry during the archery season and additional of the muzzle loaded. Other action removed Unit 195 from the Desert Big Horn hunt in the absence of an access agreement for privately owned lands.

7. OPEN MEETING LAW PRESENTATION [Non-action item] – *An informational presentation on the Nevada Open Meeting Law.*

Jen Gustafson – Washoe County Deputy District Attorney, narrated a PowerPoint presentation (copy on file) on the Nevada OML (Open Meeting Law). Ms. Gustafson also provided a handout (copy on file) concerning ethical considerations for advisory board members. Ms. Gustafson cautioned members about the discussion of board business outside the public forum in order to avoid a conflict with OML. For example, while it is appropriate to meet in social gatherings, board members should refrain from any discussion of business that may ultimately come to this body for a recommendation to the Nevada Board of Wildlife Commissioners. Ms. Gustafson outlined the possible sanctions that may be imposed should the Nevada Attorney General's Office determine that there had been an OML violation. Depending on the type and severity of the conflict, legal actions can ensue and result in fines and possible expulsion from the public body. Ms. Gustafson outlined the circumstances in which disclosure of a conflict of interest must be made and emphasized that board members should contact her directly prior to a meeting if there is any doubt as to whether a member should disclose or recuse themselves from a specific matter.

8. BALD MOUNTAIN MINE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) [Non-action item] – *An informational update on the status of the Bald Mountain Mine DEIS.*

Alan Jenne – Habitat Division Chief, narrated a PowerPoint® presentation (copy on file) and explained that NDOW is cooperating with BLM and Barrick on the Bald Mountain Mine Expansion DEIS (Draft Environmental Impact Statement) to address wildlife concerns. Mr. Jenne explained that the mine is located in Area 10, which is home to Nevada's largest Mule deer population. Mr. Jenne pointed out the migrations routes tracked with Satellite GPS (Global Positioning System) collars and noted that Barrick Mining has been supportive of the process and assisted in funding a number of the tracking collars being used. Mr. Jenne noted that once a final DEIS is complete the final document will be released to the public for review. Mr. Jenne explained that the proposed expansion lies within one of the herds seasonal migratory routes. Since the DEIS is not complete a full assessment of the mine expansion is not fully understood. However, Mr. Jenne pointed out that the project scope has been scaled back due to the variety of factors. Mr. Jenne outlined the Departments wish to incorporate adaptive management strategies to ensure migration passage. Mr. Jenne noted that this is a 24/7 mining operation and that there is no clear cut estimate on when the DEIS will be ready for final review.

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Joel Blakeslee noted that Larry Johnson – Coalition for Nevada’s Wildlife, had a white paper from on migration issues and the mining operation. Mr. Blakeslee noted that Barrick Mining had expressed an interest in working with the Coalition to resolve issues.

- 9. CURTAILMENT OF SUPPLEMENTAL GROUND WATER PUMPING IN SMITH AND MASON VALLEY HYDROGRAPHIC BASINS** – [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed State Water Engineer order to curtail supplemental groundwater pumping and the implications to the Mason Valley Wildlife Management Area.*

Alan Jenne – Habitat Division Chief, narrated a PowerPoint® presentation (copy on file) on the possible impacts to Mason Valley Wildlife Management Area as result of the recent proposed order from the Nevada Division of Water Resources to curtail supplemental groundwater pumping in Smith and Mason Valley Hydrographic Basins. Mr. Jenne noted that NDOW (Nevada Department of Wildlife) would work with the agriculture lessee to determine which fields would remain fallow and pointed out that the hatchery or any of the pond supported by the outflow will be impacted by the curtailment order. Mr. Jenne pointed out that the Walker River is predicted to serve less than 10-percent of the surface water allocation.

There was no public comment or Board discussion.

No specific action was taken.

The meeting recessed at 7:00 p.m. and reconvened at 7:04 p.m.

- 10. COMMISSION REGULATION 15-09 – Amendment 1, Emergency Depredation – Big Game Seasons** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed amendment of 2015–2016 and 2016–2017 hunting seasons and dates for elk emergency depredation hunt structure and quotas.*

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

Responding to Chair Shea’s inquiry about participant selections, Mike Scott – Western Region Supervising Game Biologist, explained that this had been dealt with in Lincoln County in the past where the unsuccessful (alternate) list from the bull hunt in the same area was used as “the nearest similar hunt” for Emergency Depredation Hunts. The reason for this was to use hunters that had not previously harvested a bull elk in Nevada who were less likely to want to harvest a smaller bull than one they may have harvested previously. Many hunters who had harvested a Nevada bull elk, and were in the required 10-year waiting period, are more likely to watch smaller bulls using the private lands rather than harvest one of them, thereby allowing those smaller bulls to cause more damage to the private lands we were trying to protect by having the depredation hunt. The intent is to choose hunters who were more likely to shoot a smaller bull than to hold out waiting for a large bull to show up on the private property where the hunt was being held. Mr. Scott noted the desire to develop a management bull hunt where the participants could only harvest a bull with 5 points or less, however, there is not a definition of a 5-point described in statute.

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It was moved by Chair Shea, seconded by Member Spencer, to recommend that Nevada Board of Wildlife Commissioners approve Commission Regulation 15-09 – Amendment 1, Emergency Depredation – Big Game Seasons proposed amendment of 2015–2016 and 2016–2017 hunting seasons and dates for elk emergency depredation hunt structure and quotas. The motion carried unanimously.

- 11. COMMISSION GENERAL REGULATION 453 – LCB (Legislative Counsel Bureau) File No. R113-14 – First Come First Serve Bonus Point Program Amendment** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed regulation relating to wildlife; regarding making an exception in the bonus point program and not have the loss of bonus points occur in the bonus point categories if the applicant is successful in the “first come, first serve” draw for a tag; and providing other matters properly relating thereto.*

Hearing no public comment, Chair Shea read correspondence from Rex Flowers (copy on file) in favor of the proposal.

Responding to Chair Shea’s inquiry Jack Robb explained that the intent is to sell additional tags that are otherwise not being used. Although the odds are limited as to harvest, this provides an opportunity to secure a tag without loss of bonus points while increasing hunter opportunity and better managing the resources by getting more hunters in the field with the same number of tags.

It was moved by Member Smith, seconded by Member Humphreys, Jr., to recommend that the Nevada Board of Wildlife Commissioners approve Commission General Regulation 453 – LCB (Legislative Counsel Bureau) File No. R113-14 – First Come First Serve Bonus Point Program Amendment, as written. The motion carried unanimously.

- 12. COMMISSION GENERAL REGULATION 457 Temporary LCB (Legislative Counsel Bureau) File T-15, Awards, Issuance, and Use of Tags – Proposed Changes to NAC (Nevada Administrative Code) 502.42279** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed temporary regulation amending license issuance and use clarification for elk incentive tags. Elk incentive tags were designed to be issued in association with “bull” hunts and seasons. Subsequent to initial NRS (Nevada Revised Statutes) and NAC (Nevada Administrative Code) adoption, “spike” hunts have been developed, and “antlered” tags do not clearly denote the appropriate quota or season for which the incentive tags are intended. The Department will propose language that clarifies the original intent of the legislation and rule promulgation to clearly articulate the association between the incentive tags and “bull” seasons, excluding any “spike,” “antlered,” or “antlerless” seasons.*

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

In response to Chair Shea’s inquiry about allocation of tags with combined properties, Mike Scott – Western Region Supervising Game Biologist, explained that properties can be combined for the Elk incentive tags under a complex formula. For example the combination of two (2) properties entitled to

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.4 of a tag can be combined with a single tag allocated on the combined .8 tag eligibility. The property owners then have to reach an agreement on what will be done with the tag and if sold each receiving a share of the proceeds.

It was moved by Member Humphreys, Jr., seconded by Chair Shea, to recommend that the Nevada Board of Wildlife Commissioners approve Commission General Regulation 457 Temporary LCB (Legislative Counsel Bureau) File T-15, Awards, Issuance, and Use of Tags – Proposed Changes to NAC (Nevada Administrative Code) 502.42279, as written. The motion carried unanimously.

- 13. COMMISSION GENERAL REGULATION 456 Temporary LCB File T-15, Elk Arbitration Process** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed processes describing the newly amended arbitration NAC 502.42283 by which the Commission may facilitate decisions should arbitration of elk incentive tag awards become necessary.*

Hearing no public comment asked for Board discussion or a motion.

It was moved by Member Tamblyn, seconded by Chair Shea, to recommend that the Nevada Board of Wildlife Commissioners approve Commission General Regulation 456 Temporary LCB File T-15, Elk Arbitration Process, as written. The motion carried unanimously.

- 14. PETITION – Don Molde and Fred Voltz** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed Petition submitted by Don Molde and Fred Voltz requesting that the Nevada Board of Wildlife Commissioners take action to ban coyote killing contests in Nevada.*

Chair Shea opened public comment.

Joel Blakeslee stated that, in his opinion, this petition has nothing to do with hunger or coyotes or contest, but is about the culture of sport and is an attack on sport. Mr. Blakeslee noted that while it appears that it is okay to have fun while hunting or fishing it appears that it is not okay in this instance. Mr. Blakeslee drew attention to an article on cultural bigotry pointing out that nearly every sport has some form of betting, including football, which is a very brutal sport. Mr. Blakeslee asked that the board recommend denial and explained he does not apologize for having fun at his sport of choice.

Chair Shea closed public comments.

Chair Shea read correspondence (copy on file) from Rex Flowers who does not support the petition.

Member Spencer commented that she did not see a need for action since the petitioners were not present.

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Member Smith suggested that she would not expect petitions to have to travel to each of the County Advisory Board meetings

Member Humphreys, Jr. stated that he believes the petition should be denied as the contest, in his opinion, helps to manage coyote populations in more congested areas where pets, children and property are damaged by coyotes.

Member Smith explained that she takes a different view noting that predator management must have clearly defined goals and scientific analysis which is not currently present. Studies indicate there is no data to support the use of a contest to control the population and noted that females will increase litter size with hunting. Member Smith pointed out that the public does not have a negative perception of fishing or hunting animals for food.

Chair Shea noted that there are a minimal number of coyotes taken and that it appears the activity is mostly individuals getting together socially. Chair Shea explained that he would rather see a requirement to have a hunting license for the State of Nevada for all persons wishing to hunt in the State of Nevada.

It was moved by Member Tamblyn, seconded by Member Spencer, to recommend that the Nevada Board of Wildlife Commissioners deny the Petition submitted by Don Molde and Fred Voltz to ban coyote killing contests in Nevada. The motion carried: Members Humphreys, Jr., Spencer, Tamblyn and Chair Shea assenting; and Member Smith dissenting.

- 16. WILDLIFE DAMAGE COMMITTEE REPORT AND FISCAL YEAR 2016 Draft Predation Management Plan (Second Draft)** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed report from the Wildlife Damage Management Committee chair and the second draft of the proposed Fiscal Year 2016 Predator Management Plan will be presented and the Commission may take action to provide recommendations for modification of the second draft for the May Commission meeting.*

Hearing no public comment Chair Shea asked for Board discussion or a motion.

It was moved by Chair Shea, seconded by Member Spencer, to recommend that the Nevada Board of Wildlife Commissioners approve the Wildlife Damage Committee Report and Fiscal Year 2016 Draft Predation Management Plan (Second Draft), as written. The motion carried unanimously.

- 17. HUMBOLDT COUNTY ELK SPECIES MANAGEMENT PLANNING PROCESS** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed elk sub-planning process in accordance with the Nevada Elk Species Management plan for Humboldt County.*

Hearing no public comment Chair Shea asked for Board discussion or a motion.

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Chair Shea outlined correspondence from Rex Flowers (copy on file) to include a caveat to start a plan for the entire Western Region. Chair Shea stated that he concurs with Mr. Flowers' suggestion.

Jack Robb concurred with the need for a Western Region Elk Plan and pointed out that there is an immediate need for a plan in Humboldt County.

It was moved by member Spencer, seconded by Member Humphreys, Jr., to recommend that the Nevada Board of Wildlife Commissioners approve Humboldt County Elk Species Management Planning Process. The motion carried unanimously.

- 18. ELK DEPREDATION DAMAGE CLAIM** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed authorization to compensate landowners for a damage claim when submitted in compliance with this rule. A claim has been submitted and investigated by the Department, but this same NAC (Nevada Administrative Code) limits the Department for approving any claims for greater than \$10,000. John Grady has submitted an elk depredation claim for \$13,720.*

Hearing no public comment Chair Shea asked for Board discussion or a motion.

Responding to Member Tamblin's inquiry about whether John Grady also received an incentive tag in addition to the damage claim, Mike Scott – Western Region Supervising Game Biologist, explained that Mr. Grady would not be entitled to both an incentive tag and damages. In most instances damages are limited to a maximum of \$10,000.00 with the NDOW (Nevada Department of Wildlife) preferring to fence a property when more than one damage claim is received for a single property.

During a brief discussion it was noted that it was unlikely that there would be additional information available given the scope of the damage claim form. Other discussion focused on the type of crop included in this particular claim. It was suggested that the property owner may be growing decorative/ornamental stock for garden nurseries. It was explained that either a game warden or biologist has to inspect the property damage before a claim can be submitted.

It was moved by Member Spencer, seconded by Member Smith, to recommend that the Nevada Board of Wildlife Commissioners approve the John Grady elk depredation claim in the amount of \$13,720.00. The motion carried unanimously.

- 19. DRAFT TREATMENT PLAN FOR COMINS AND BASSETT LAKES** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a proposed draft treatment plan to eradicate invasive northern pike from Comins and Bassett Lakes, White Pine County, to the Commission. The document is available for public review and comment through April 3, 2015.*

Hearing no public comment Chair Shea asked for Board discussion or a motion.

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It was moved by Member Smith, seconded by Chair Shea, to recommend that the Nevada Board of Wildlife Commissioners approve draft treatment plan to eradicate invasive northern pike from Comins and Bassett Lakes, White Pine County, as written. The motion carried unanimously.

- 20. 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 April 30, 2015, meeting.*

The next meeting of the Washoe County Advisory Board to Manage Wildlife will be on Thursday, May 7, 2015. The May 7, 2015, meeting agenda may include, but is not limited to: 1) Update on wild horse management for the Scripps Management Area, Washoe Lake.

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

Joel Blakeslee noted that the legislature would hear a bill on Feral Cats on Monday, March 16, 2015.

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

Chair Shea adjourned the meeting at 7:47 p.m.