

**MINUTES OF THE CHURCHILL COUNTY
ADVISORY BOARD TO MANAGE WILDLIFE**

**155 N. Taylor St., Fallon, NV 89406
October 30, 2019**

Call to Order:

The regular meeting of the Advisory Board to Manage Wildlife was called to order at 7:00 PM on October 30, 2019.

PRESENT: Member Peggy A. Hughes, Chairwoman
 Member Jim Curran
 Member Timothy Gubler
 Member Jason Sibley
 Member Gary Cordes
 Deputy Clerk to the Board Pamela D. Moore

ABSENT: N/A

Pledge of Allegiance:

The Pledge of Allegiance was recited by the board and public.

Public Comment:

Chairwoman Hughes asked if there was any public comment but there was none.

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk to the Board, that the Agenda for this meeting was posted on the 23rd day of October, 2019, between the hours of 1:00 and 4:30 PM at all of the locations listed on the Agenda, in accordance with NRS 241.

Consideration and possible action re: Approval of Agenda as submitted or revised:

Member Gary Cordes made a motion to approve the Agenda as submitted. Member Jason Sibley seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Approval of Minutes of the meeting held on:

A- September 18, 2019.

The Minutes of the meeting held on September 18, 2019 are submitted for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Jason Sibley made a motion to approve the Minutes of the meeting held on September 18, 2019 as submitted. Member Jim Curran seconded the motion, which carried by unanimous vote.

Appointments:

A- Consideration and possible action re: Commission General Regulation 485, Tag Transfer, Deference and Return Program.

This regulation is to amend Chapter 502 of the Nevada Administrative Code (NAC) for allowing the transfer, deference, or return of tags under certain extenuating circumstances after passage of Assembly Bill 404 of the 80th Legislative Session. At the first workshop, the Commission directed the Department of Wildlife to narrow options for the transfer or deference of a tag. At the second workshop, the Commission directed the Department of Wildlife to draft changes to the regulation encompassing the description of "extenuating circumstances" and a timeline to return the tag to the Department.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chairwoman Hughes said we have discussed this several times and have passed previous motions in support in this, but we can take action on how it is written now if the board desires. Member Curran said I have reviewed this and I think they made some additions or changes that will be presented at this upcoming meeting. I see nothing that I couldn't agree with.

Member Jim Curran made a motion to support Commission General Regulation 485 as presented. Member Jason Sibley seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Commission General Regulation 486, Veteran and Active Military Waterfowl Season.

The Commission will hold a second workshop to consider a regulation to amend Chapter 502 of the Nevada Administrative Code (NAC). Federal statute was adopted in 2019 which would

allow for veterans and active military to exclusively hunt waterfowl for a period of two days within an existing season. If adopted, the Nevada Board of Wildlife Commissioners may establish such a season. The Commission held a workshop on September 20, 2019 and has requested the Department of Wildlife bring the regulation back for a second workshop and provide an example of how waterfowl seasons could be structured if this NAC were adopted and if the Commission chose to implement the veteran and active military waterfowl season.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chairwoman Hughes said, at our last meeting, we talked about recommending this be done with the youth hunt, if it is done.

Member Cordes said I have given this some thought and I think that once one group is given an exemption then others come forward. It is just like exemptions from sales tax where all of these organizations come forward to seek an exemption. I fear this would eventually result in people no longer hunting waterfowl. I don't know if it would help to do this on a trial basis for a year or so that it could be studied or set a time limit on it where it would expire in 3 years and be reviewed again. This looks like it could go on forever and then the next group could come in. We talk about people with disabilities and have to define a disability. This would just open the door to all of these groups coming forward to do the same, so where do you start and where do you end? I would like to see a time limit of two years on this if it is done and then have it reviewed and studied to see how many people actually took advantage of it or didn't take advantage of it and determine if it is a worthy program to continue with.

Member Curran said I am generally opposed to the concept, similar to what Gary has said. It takes away two more days of the general waterfowl hunting. They do give a couple of examples here and the only one I think would even be successful in a way would be to have it the day after the youth hunt. Their second example shows it during the middle of the season but that is no benefit to a Veteran because you can have absolutely no ducks in the middle of the season. If they were to do this, I would recommend it be done the day following the youth hunt. I really do not think I could support a special Veteran's waterfowl hunt. I don't see what it would accomplish, except for taking several days away from the general season for the statewide hunters. I will vote in opposition to approval of this regulation.

Member Gary Cordes made a motion to oppose Commission General Regulation 486 as presented. Member Jim Curran seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Commission General Regulation 487, Use of Live Bait Fish and Tackle Restrictions.

The Commission will hold a second workshop to consider and recommend amendments to Chapter 503 of Nevada Administrative Code. This regulation is intended to update and simplify the use of live bait fish and other bait and fish tackle in NDOW's Western Region and Southern Region.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran said he has been corresponding with the Chief of Fisheries and people that have developed this draft and he wondered if he was required to turn those over pursuant to the Open Meeting Law. Deputy Clerk Moore told him that he is able to have those conversations and it does not need to become part of the record unless he presents it at the meeting or if someone were to file a public information request, in which case we would have to get those from him or any other member. Member Curran said I made it clear I was not representing the advisory board when I did this corresponding.

Member Curran said I had some major concerns with the original draft we looked at previously because it was going to be far more restrictive to those people who wanted to use live bait or to capture live bait here, just as we have been doing for 75 years here in Churchill County. This was strictly going to be the Carson River, not any of the reservoirs or drain ditches and what have you. That was just an oversight really when they drafted it. There were several other problems that, after I brought this to their attention, they recognized and have modified the draft that will be presented at this upcoming Commission meeting. As of this afternoon, with what they provided to me, I feel it is a workable regulation that they will be submitting. It has been expanded to the Carson River drainage system. One of our main bait fish here in Churchill County, the Sacramento Black Fish, had been accidentally omitted and that will now be included, so I have no problem with the regulation.

Member Jim Curran made a motion to support Commission General Regulation 487 as modified. Member Jason Sibley seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Commission General Regulation 488, Landowner Compensation Tags.

The Commission will hold a workshop to consider a regulation to amend Chapter 502 of the Nevada Administrative Code (NAC). This regulation would provide direction for allocating landowner deer and antelope compensation tags if owner applicants cumulatively qualify for compensation tags in excess of the statutory limit.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran said I think we have discussed this for over a year or two and reading it now it sounds like they have a good procedure for if there are more applicants than there are tags. Now, it is one tag per 50 deer or antelope and, if it goes over, they would just start increasing by who has 51 deer and then 52 until they actually got that number of applicants to fit within what the state law says. I think they finally have a workable regulation.

Member Jason Sibley made a motion to support Commission General Regulation 488 as presented. Member Timothy Gubler seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: Commission General Regulation 489, Shed Antler Regulation.

The Commission will hold a workshop to consider a regulation amending Chapter 503 of the Nevada Administrative Code. This regulation would amend the current shed antler regulation to increase penalties, change season dates, and provide for an educational program for shed antler hunters.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chairwoman Hughes outlined the proposed regulation. Member Curran explained that the demerits part of it where, if you accumulate 12 demerits, your license is suspended for a number of years.

Member Sibley said it seems pretty excessive for possession of a shed antler. Nine demerits is a lot. Chairwoman Hughes agreed and said how many people will even know there is a regulation out there for this? A lot of people do not know that. Member Curran said this is for those counties where there is Elk. You can still pick up a shed any other time. They have increased the demerit system considerably from when it was first implemented. I think that online class is okay. Shed hunting is becoming a big thing.

Member Cordes made a motion to approve the regulation, which died for lack of second.

Member Sibley said, to me, they are making more demerits to possess a shed antler than it is for failure to retain the cape or antlers of an animal that you kill. It is more demerits than polluting water and that is just to be in possession of the shed antler. What happens if I have a shed antler

in my truck? Member Curran said isn't this after the third conviction? Member Sibley said it doesn't say that, does it? It just says anybody convicted of a wildlife violation will be assessed demerit points. If I have a shed in my truck and get stopped in one of those counties and it is not in season, now all of a sudden I have a 9 demerit violation because I have a shed in my truck. I may be using that shed to train my dog but it is in my truck but that is worse than polluting water. I don't have a problem with the season change but I am a little on the fence with this demerit increase.

Member Curran made a motion to accept Commission General Regulation 489, except for the demerit point recommendation of 9, which should be reduced to 6 demerits. Member Jason Sibley seconded the motion. Member Curran said I still have problems with it. If you had a shed in the back of your truck and happen to be over in Elko County but, because you picked it up and haven't yet gone to the class, that is 15 and you are out for hunting, fishing, and trapping for 2 years. Member Sibley said the other side of that is how about the fact that it says possessing a shed antler so, if I have a pair, is that 18 demerits? Member Curran said that is up to the Warden and the Courts. They can compound them, just as if you have 5 untagged traps and they can cite you 5 times but they usually do not - usually. Member Cordes said I think there is a little bit of criminal justice that goes on with these Wardens where they look at your intent. Chairwoman Hughes said you can tell them you didn't collect it in any of the counties that this applies to. Member Sibley said that is the problem - the regulation states "possession", not collecting. Just to have it in my truck, if I have a Warden who is having a bad day, all of a sudden I can get a citation and 9 demerits just for having a shed in my truck and it is worse than interfering with somebody who is hunting. If somebody can go vandalize my traps, it is not as bad as possessing a shed antler in my truck when it is not in season. Member Curran withdrew his motion and Member Sibley withdrew his second to the motion.

Member Curran said we don't have an actual draft copy of the proposal, do we? Chairwoman Hughes said they did not provide it. Member Curran said, under demerit, it does say just possession. Those headings to that demerit system are abbreviated, so I don't know if, in the main guts of the regulation somewhere it does say collecting and possessing or something, so it is hard. Member Sibley said I am looking up all of the statutes related to this. Member Curran said NRS 501.200 is the statute for the schedule of demerit points. Member Curran said the shed antler regulation is already established, so that is why they didn't provide it. Now, they are just dealing with the demerits. Member Sibley said a couple of references to the severity of what they are saying this is: "hunting or taking a threatened species" is 9 demerits; "possessing used tags in excess of a legal limit" is 9 demerits; "possessing twice the legal limit or more of game fish" is 9 demerits, so those are blatant violations, whereas possessing a shed is as bad?

Member Jim Curran made a motion to oppose the demerit points recommended to be enacted in NRS 501.200 related to Commission General Regulation 489. Member Jason Sibley seconded the motion, which carried by unanimous vote.

F- Consideration and possible action re: Establishment of next meeting date on January 22, 2020.

The Nevada Board of Wildlife Commissioners will meet on January 24 and 25, 2020. Therefore, the next County Advisory Board to Manage Wildlife meeting shall be held on January 22, 2020.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

The next meeting will be held on January 22, 2020 at 7:00 PM.

Informational Items:

A- Consideration and possible action re: Items listed on the Nevada Board of Wildlife Commissioners' Agenda for November 1 and 2, 2019, which is attached as Exhibit "A".

The board will consider items listed on the Nevada Board of Wildlife Commissioners' Agenda for November 1 and 2, 2019, which is attached as Exhibit "A". The board will take action as deemed appropriate.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: None; Informational Only

With regard to the waterfowl zones and season splits, that does not really affect Churchill County. Member Curran said the Commission has asked the Advisory Boards to come up with a recommendation by spring when they establish waterfowl seasons. Chairwoman Hughes said they wanted our feedback by January 1, 2020. Member Curran said it doesn't affect us. Chairwoman Hughes said they had several alternatives and it looked like their first one was in the northeast for Elko and White Pine Counties, northwest would be everything but Elko, White Pine, Lincoln, and Clark Counties, and then the south would be Lincoln and Clark Counties. They had alternative 1, which would be the northeast to include Lander and Eureka Counties, and everything else would stay the same. The third alternative was to add Esmeralda and Nye Counties to the southern zone. Member Curran said I personally feel it is strictly up to those counties to make a recommendation what they want because it doesn't really impact Churchill County. I would recommend that we support whatever the affected counties decide. Chairwoman Hughes said she will let them know that this is how the board members feel but we will not take any official action on this item.

Member Curran said I was approached by a sportsman who wanted us to do something and I told him he would need to bring forward a recommendation for the board to consider. It involves a situation where several husbands and wives put in every year for one of the premier archery deer areas. They have been doing this for quite a few years. With the bonus points they have, they generally draw a tag because the wife has something like 12 bonus points and the husband has 0, so when you put in together, they split that between them for 6 bonus points each. With 6 bonus points in archery, you will probably get a tag in that area. Then, at the last minute, after they draw, the wife turns in her tag by the deadline. She retains her bonus points, although she doesn't get her money back, which is no big deal, but she is also a hunter so she keeps her license, so that gives her 1 more bonus point for next year. Then next year they have 6.5 bonus points, which are rounded off to 7. It is at the point where they have played the game and won. It is all legal. The benefit for being able to turn in your tag for a legitimate reason is really strong, such as too many tags, illness, or financial. You should get your bonus points if you don't hunt. I just don't see a solution to it, it is just that they are playing the game. Chairwoman Hughes said and what is the Department going to do about it? They are going to do anything about it. Member Sibley said there is nothing they can do. Member Curran said the only thing they could do is say you don't get your bonus points back to everybody in the world, which is not fair either. No matter what, there is somebody who can figure a way around it. I just wanted to mention this.

There was no further discussion on items listed on the state's Agenda.

Consider Future Agenda Items:

There were no future Agenda items presented.

Public Comment:

Chairwoman Hughes asked if there was any public comment but there was none.

Adjournment:

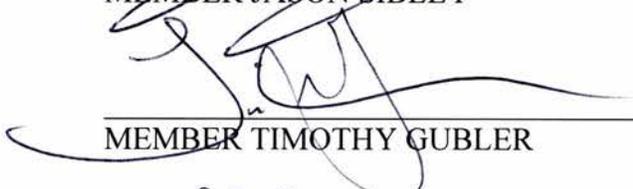
The meeting was adjourned at 7:33 PM.


CHAIRWOMAN PEGGY HUGHES

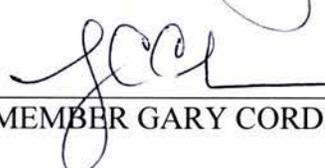

MEMBER JIM CURRAN



MEMBER JASON SIBLEY



MEMBER TIMOTHY GUBLER



MEMBER GARY CORDES

ATTEST:



Pamela D. Moore, Deputy Clerk to the Board