

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

155 N. Taylor St., Fallon, NV 89406
September 18, 2019

Call to Order:

The regular meeting of the Advisory Board to Manage Wildlife was called to order at 7:00 PM on September 18, 2019.

PRESENT: Member Peggy A. Hughes, Chair
 Member Jim Curran
 Member Jason Sibley
 Member Gary Cordes
 Chris Urquhart, Department of Wildlife
 Wyatt Getto

ABSENT: Member Timothy Gubler
 Deputy Clerk to the Board Pamela D. Moore

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 that the Agenda for this meeting was posted on the 10th day of September, 2019, between the hours of 11:00 AM and 2:00 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- August 7, 2019.

The Minutes of the meeting held on August 7, 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 August 7, 2019 as submitted. Member Jim Curran seconded the motion, which carried by unanimous vote.

Appointments:

A- Consideration and possible action re: Preference to receive printed Agenda and support material packet from the Nevada Board of Wildlife Commissioners.

The Nevada Board of Wildlife Commissioners have requested to know if the board wants to receive printed Agenda and support material packet from the Nevada Board of Wildlife Commissioners.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chairwoman Hughes said you all should have received this in your packet asking us if we want to continue to receive the packet or to just go online to get it ourselves. If you wish to receive the packets, you will need to email Brandy as outlined in the packet.

B- Consideration and possible action re: Commission Regulation 18 -01, Amendment #3, Fishing Seasons and Regulations for the Two-Year Period March 1, 2018 through February 29, 2020.

The Commission will consider amending CR 18-01 to change the ending date of this regulation from February 29, 2020 to December 31, 2019.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran asked that we allow Chris Urquhart to address this matter. Chris Urquhart, Fish Biologist with the Department of Wildlife, said the first is the season change that basically simplifies our fishing season because we now have a 365 license and it goes on the calendar year for fishing season as opposed to February 28th cut-off date as we had before. Member Sibley said the only amendment he saw was the ending date and they didn't fix the start date, so it reads that it starts March 1st and ends December 31st, which means January and February are not open. They only adjusted the December 31st date but not the start date. Member Curran said, on page 2, it reads January 21, 2020 to December 31. This is to make up the 3 month difference between this. This does not start until Jan. 2020 so you would have a lag from March to December. Member Curran asked that the season is going back to a calendar year and was told that is correct.

Member Jim Curran made a motion to approve Commission Regulation 18-01, Amendment #3, Fishing Seasons and Regulations for the Two-Year Period March 1, 2018 though February 29, 2020 as presented. Member Jason Sibley seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Commission Regulation 20-01, Fishing Seasons and Regulations for the Two-Year Period January 1, 2020 through December 31, 2021.

The Commission will establish fishing seasons, bag and possession limits for the period January 1, 2020 through December 31, 2021.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Mr. Urquhart said he doesn't think any of this affects Churchill County, specifically, but there are some changes for the lower Truckee River harvest limit going from 0 to 1, extending the area that is different from the upper Truckee above Derby Dam. It is anticipated that, next year, fish will be able to pass Derby Dam in the spring and get above it from Pyramid Lake. The regulation now is protective of those cutthroat coming out of Pyramid Lake from the lower Truckee River up to Derby Dam. The thought is that, when those fish are able to get above Derby Dam, they can spread out and won't be as concentrated and harvest of 1 fish will be acceptable. There are some eastern region waters that have an abundance of bullheads so they are increasing the harvest limit in some reservoirs in White Pine County, I believe.

The regulation regarding the cooling pond is intended to make it consistent with the rest of the ponds in Mason Valley so that the regulation reads the same. Currently, the regulation is more restrictive than we intended because we wanted to allow for 15 warm water fish and trout to be included cumulatively. So, when we added trout to the cooling pond, we needed to have a

regulation to reflect that stocking change for that water. It includes trout now in the 15 fish limit instead of outside of it. It affects the amount that can be taken out of the cooling pond. It is a clean up regulation but it affects the overall limit available to take out of the cooling pond.

Member Curran said you are also reducing the Truckee general limit from 5 to 3 on the entire Nevada portion of the Truckee. Currently, I believe it is 5 trout but here it says 3 game fish. Mr. Urquhart said I thought that already was the limit for the Truckee River. Member Curran said the management is completely being changed because of the cutthroat, some of which I support, but through Reno that is an urban fishery and then we wonder why fishing license sales are going down. I know you did take the trophy fish section out about 2 years ago above Verdi because it wasn't working. What does the book say now? Mr. Urquhart said the Truckee River is season open year-round, except in that portion 1,000 feet below Derby Dam, which is closed. The limit is 3 game fish, except for that portion 1,000 feet downstream of Derby Dam to the boundary of the Pyramid Lake Indian Reservation. Only 3 game fish, of which 0 may be trout catch and release, from February 1st through...". Member Curran said it seems to be getting so restrictive on the Truckee River that we just aren't promoting it but I know there is a lot of pressure to make that a cutthroat recovery stream still. Once they start getting above Mustang and then, 2 years from now, you will be closing it up to the state line because they are going to go all the way now, which is good, unless I was a general fisherman. Mr. Urquhart said, as a fisherman, I think if we end up having those cutthroat all the way up into town in the Truckee River, we will see an increase in people fishing for those fish. Member Curran said you will see an increase in good fishermen but not the general public.

Member Jim Curran made a motion to approve Commission Regulation 20-01, Fishing Seasons and Regulations for the Two-Year Period January 1, 2020 through December 31, 2021 as presented. Member Gary Cordes seconded the motion, which carried by unanimous vote.

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

The Commission will hold a second workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code. This regulation would provide direction for allowing the transfer, deference or return of tags under certain extenuating circumstances after the passage of Assembly Bill 404 of the 80th Legislative Session. At the first workshop, the Commission directed the Department to return with guidelines or extenuating circumstances.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran said this represents the first reading, I believe, because the Legislature could

not come up with how to do this so they put it back on the Department of Wildlife to figure out how they could do this.

Member Jason Sibley made a motion to approve Commission General Regulation 485, Tag Transfer, Deference and Return Program, as presented. Member Gary Cordes seconded the motion, which carried by unanimous vote.

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

The Commission will hold a workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code. Federal statute was adopted in 2019 enabling a veteran and active military waterfowl hunting season. Federal frameworks would allow for veterans and active military to exclusively hunt waterfowl for a period of two days within the existing season. If adopted, this regulation would allow the Nevada Board of Wildlife Commissioners to establish such a season.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Cordes said I would defer to Member Curran but this seems like a respectful thing to do. Member Curran said I hate to oppose it but I do not understand why there is a need to give them an extra 2 days and take those 2 days away from the regular season. I am not certain I agree with the definition and I feel seniors could ask for a separate season, as well. Member Cordes said he can think of a situation where a Veteran would have been deployed and not been able to hunt with their kids. Member Sibley said this will not address that, however, because the kids can't go hunting. Member Cordes said their opportunity to hunt with their family has been affected but Member Curran said they still have a 108 day season to hunt. They are not proposing to set up a season this year but to amend the regulation so they can when they set the water fowl seasons or they could do it at the same time as the youth hunt. I would support that more than taking another 2 days out of the season for the general public. Chairwoman Hughes verified he is suggesting that we recommend that they set this at the same time as the youth hunt. The members agreed with that.

Member Jim Curran made a motion to approve Commission General Regulation 486, Veteran and Active Military Waterfowl Season, if it is set to be done at the combined at the same time as the youth water fowl season. Member Gary Cordes seconded the motion, which carried by unanimous vote.

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

The Commission will hold a workshop to consider and recommend amendments to Chapter 503 of the Nevada Administrative Code. This regulation is intended to update and simplify the use of bait and other fishing 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

Mr. Urquhart said this is something we have been meaning to get to for awhile to simplify our bait regulations because it is unnecessarily complex and difficult for people to understand. We did not intend to take anything away from what people are already doing. However, whenever you go to do something like this, you always run across things you didn't foresee. Some of those issues have been brought up and we have been trying to address those as we go along with our drafts of the regulation. This will go through workshops because it involves a change to the NAC. Some of the changes to the proposed regulation that you received do not reflect changes that me and my supervisor have made recently, including within the last hour. We had feedback from Lyon County last night. It will boil down to a simpler form to allow for the use of live bait within the basin. You can catch live bait in the Lahontan Valley and use it up to the reservoir. It will be same for Humboldt County and the Truckee River. The inter-basin transfer is still a bit of concern for us and our Chief is going to have to make those decisions for whether to move fish from one basin or location to another. We will not know about that until we get into those workshops and get feedback. There are things on either side of this. He then read to the board how the current proposal reads.

Member Curran said you are now saying only to Rye Patch where half the people fish and you can't use live bait. You are taking away that lower river up to Humboldt County. Mr. Urquhart said it would be between Elko County and Lander County. Member Curran said, in the past, you could use live bait in Region I on the Humboldt River. What would be the biological justification for not allowing live bait in Winnemucca for cat fish? Mr. Urquhart said I don't know but it is not justification for live bait itself but is the justification for moving fish. One of the major concerns with this is moving these fish around. That goes to the inter-basin transfer and why we are concerned. Member Curran said you are going to allow minnows to be taken to the Chimp Reservoir, which is way out of the system. Mr. Urquhart said that is upstream a ways. Member Curran said, again, you are taking away what has been in existence for 60 or 70 years for bait regulations. It is the same you said up to Lahontan, so there are locations where we can't use live bait when before we could capture them up to Quilici Dam and use them but now you say we can't. Mr. Urquhart said that is correct. Member Curran said, to me, if there is not a biological justification, why get more restrictive? Mr. Urquhart said it is the moving of the fish. Member Curran said that is 5 miles up the river - that is not moving them. I have spoken to John and know he is concerned about the New Zealand Mud Snail in the upper Truckee, even

though it probably won't live down here anyway, but we had other concerns 30 years ago up in the Humboldt and, eventually, the Department of Wildlife transplanted them up there. That was the reason that you could transfer minnows to the Humboldt or Walker for years because they were all the same species.

I realize there will be workshops associated with this but, to let the board know, as a sportsman, when I read this and ensured there was not a recommendation to the county game board, I sent a letter with suggested changes to the Chief and had a short discussion on e-mail. I also notified all of the Commissioners of my concerns because I think this is an absolute unjustifiable change, in some cases. You listed still having #2, which is that live bait fish may be used only in the water from which it is taken. I catch my minnows in a drain ditch, which is not part of the Carson River and it is not Carson River water; it is groundwater, so I could get cited because I could only sit there and fish in my drain ditch. Mr. Urquhart said that is why we changed that. Member Curran said you still read #2 to us. Mr. Urquhart said it says, "Except as otherwise provided in Section 4". Member Curran said it is so much easier to say that live bait fish may be used only in the river basin from which it is taken and as authorized. We are talking about these counties right here. I also proposed that the Truckee River provides quite a few minnows to some anglers. Historically, you could take them and use them at Lahontan Reservoir because it is the same water. Truckee River water is in the Lahontan Reservoir from the canal. If you think an exotic species is going to be introduced into Lahontan because of somebody catching a minnow versus the natural occurrence of coming down the Truckee Canal, that is some argument Al Gore would use or something. I have spoken to a couple of Commissioners and you did get some comments from Lyon County because I notified them of my concerns but I don't know if Pershing County has met or not. I was glad to hear it was going to involve at least another 2 hearings on this proposal. I think you are trying to simplify it but I don't think the intent was supposed to take away something that has never caused a problem. The Department of Wildlife has introduced more exotics than anyone in the state.

Member Jim Curran made a motion to oppose Commission General Regulation 487, Use of Live Bait Fish and Tackle Restrictions, as presented for the September 20, 2019 meeting, with the hope of the opportunity to review any amendments. Member Jason Sibley seconded the motion, which carried by unanimous vote.

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

The Commission will hold a workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code. 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 Jason Sibley made a motion to approve Commission General Regulation 488, Landowner Compensation Tags, as presented. Member Gary Cordes seconded the motion, which carried by unanimous vote.

H- 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

Member Jim Curran made a motion to approve Commission General Regulation 489, Shed Antler Regulation, as presented. Member Jason Sibley seconded the motion, which carried by unanimous vote.

I- Consideration and possible action re: Nomination for the Wayne E. Kirch 2018 Award.

Chairman Johnston will present the 2018 Wayne E. Kirch Award that acknowledges a deserving individual, nonprofit organization, outdoor sports club or business who have achieved significant results toward the conservation, management or enhancement of wildlife in the State of Nevada during the last calendar year.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

There were no recommendations and no action was take

J- Consideration and possible action re: Petition by Mr. Lance J. Ledet, Sr., Disabled Hunts.

Mr. Ledet has submitted two Petitions to change regulation (1) to allow a disabled hunt similiar

to a youth hunt at the beginning of each season, and (2) to allow a special tag for disabled individuals in wheelchairs who might draw an archery or muzzle loader tag. The Commission may take action to deny or accept the Petitions and initiate rulemaking.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Sibley said I have some concerns regarding the hunt that is to allow for high-powered rifle use during muzzle loader and archery seasons. I think they have to be a lot more descriptive as far as what constitutes the ability to do that before it is discussed because, as it stands right now, the Department will issue a disabled license to any person receiving disability and I know you can receive disability for a lot of things. If this is something that will be considered, I am kind of on the fence because if there is any hard-core archery or muzzle loader hunters, I don't know that we want somebody running around with a rifle while they are trying to put a stalk on a deer or an elk. I have reservations with section 14.2. Again, it will take away from general tags because the quota is not going to increase because we've added a new type of season.

Member Curran said the petition dealing with section 14.1 is, basically, a senior deer hunt. They want a special season for the seniors, just like the juniors. Member Sibley said is it seniors or disabled? Member Curran said I guess both are for the disabled.

Member Cordes said we are on the same page here. The category of disability is such a broad category and how it is interpreted and how it is applied at the state and federal level as to what is considered a disability, as well as how old you are, etc. Member Sibley said I think I know what he is going for in section 14.2 but I think it needs to be very, very clear. I think there are pros and cons but I think the archery and muzzle loader hunters will be upset about it because, with archery, you have to be within 40-50 yards and then somebody shoots a deer out from under you when you are within 40-50 yards, that would be a safety concern. I think the Department has to be very, very specific as to what type of disability would qualify for this. Member Cordes said I think there needs to be more consideration made for this than what has been presented.

Chairwoman Hughes said I would suggest they have a workshop on this to address these issues because the category is too broad, there are pros and cons, archery/muzzle loader hunters would have safety issues, and only very specific types of disabilities should be considered for this.

Member Curran said, with a legal petition like this, it goes to the Commission for discussion and they have one or two votes. They can either deny the petition or they can direct the

Department to draft a proposed regulation, which then would go through the workshop process and, possibly, be rejected by the Commission later. This stage is for us to consider whether to accept or reject the petition. Personally, I would recommend a motion that the Commission reject the petitions because it is a long ways from a regulation process.

Member Jim Curran made a motion to recommend to the Commission that they reject the petitions as presented. Member Gary Cordes seconded the motion, which carried by unanimous vote.

Informational Items:

A- Consideration and possible action re: Items listed on the Nevada Board of Wildlife Commissioners' Agenda for September 20 and 21, 2019, which is attached as Exhibit "A".

The board will consider items listed on the Nevada Board of Wildlife Commissioners' Agenda for September 20 and 21, 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

No action was taken on any further items on the Agenda.

Consider Future Agenda Items:

Member Curran said, about a month ago, we were provided with information about water fowl zones and each county has been asked to take action on these zones. We have a northeastern zone, which is Elko and White Pine Counties, and Lander and Eureka Counties want to join that zone. There is a southern zone and southern Nye County and Lincoln County want to join that zone. There is also a western zone. There are no proposed changes to our zone. Chairwoman Hughes said she does not remember seeing that but asked Member Curran to send that to her so that we can include it on our next Agenda so that we can take action before January 1st as requested.

Public Comment:

Chairwoman Hughes asked if there was any public comment. Mr. Urquhart, Department of Wildlife, was present, with Wyatt Getto, whom he i to attend because it is important to have

people attend these meetings and participate. Member Cordes thanked Mr. Urquhart for attending and helping with these items.

Adjournment:

The meeting was adjourned at 7:55 AM.


CHAIRWOMAN PEGGY HUGHES


MEMBER JIM CURRAN


MEMBER JASON SIBLEY


MEMBER TIMOTHY GUBLER


MEMBER GARY CORDES

ATTEST:


Pamela D. Moore, Deputy Clerk to the Board