



# Clark County Advisory Board to Manage Wildlife

## MEETING MINUTES

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Date: September 19, 2017  
Location: Clark County Government Center  
500 S. Grand Central Parkway Pueblo Room  
Las Vegas, NV 89155

Time: 5:30 pm

Board Members Present: Paul Dixon, Chair J. Michael Reese, Vice Chair John Hiatt  
Brian Patterson William Stanley Howard Watts III

The agenda for this meeting was posted in the following locations;

- Nevada Department of Wildlife, 4747 West Vegas Drive, Las Vegas, Nevada, 89107;
- Clark County Government Center, 500 Grand Central Parkway, Las Vegas, Nevada, 89108;
- City of Henderson, City Hall, 240 Water Street, Henderson, Nevada, 89015;
- Boulder City, City Hall, 401 California Avenue, Boulder City, Nevada, 89005;
- Laughlin Town Manager's Office; 101 Civic Way, Laughlin, Nevada, 89028;
- Moapa Valley Community Center, 320 North Moapa Valley Road, Overton, Nevada, 89040;
- Mesquite City Hall, 10 East Mesquite Boulevard, Mesquite, Nevada, 89027.

Date: September 13, 2017

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### 1. Call to Order

- The meeting was called to order at 5:30 pm by Vice Chairman Reese.
- Roll call of Board Members was performed by the Secretary, Stacy Matthews. A quorum was present.

### 2. Pledge of Allegiance

- Vice Chairman Reese requested all stand and led the attendees in the Pledge of Allegiance.

### 3. Approval of Minutes of the August 8, 2017 CCABMW Meeting (*FOR POSSIBLE ACTION*)

- Vice Chairman Reese asked the Board and attendees for any comments or corrections to the Minutes of the August 8, 2017 CCABMW Meeting.
- Board Comments:
- Howard Watts III noted that "Wynn" should be "WHIN" and "Persian" should be "Pershing" on page 3.
- Public comment: None
- A motion was made and seconded to approve the minutes of August 8, 2017 CCABMW Meeting as with corrections as noted.
- Motion passed 5 - 0 with 1 abstention.

4. **Approval of Agenda for September 19, 2017 (*For Possible Action*)** Unless otherwise stated, items may be taken out of the order presented on the agenda, and two or more items may be combined for consideration. The Board may also remove an item from the agenda or delay discussion relating to an item at any time.
  - Vice Chairman Reese introduced this topic stating that he reserves the right to pull agenda items out of order, and he may call for a break as needed. He also stated that Action Item 8B will go first followed by Item 8A.
  - Board comments: None
  - Public Comments: None
  - A motion was made to approve the agenda as amended.
  - The motion passed unanimously. 6-0
  
5. **CCABMW Member Items/Announcements/Correspondence: (*Informational*)** CCABMW members may present emergent items. No action may be taken by the CCABMW. Any item requiring CCABMW action will be scheduled on a future CCABMW agenda. CCABMW board members may discuss any correspondence sent or received. (CCABMW board members must provide hard copies of their correspondence for the written record).
  - Vice Chairman Reese reminded the attendees who wish to speak that they must fill out comment cards, individuals will be given 3 minutes to speak, those representing a group will have 6 minutes. He further noted that there will be speakers presenting information during the meeting. The Board may ask questions and interact with the presenter, but the public may not interject or ask questions until the item is opened for Public Comment.
  - Howard Watts III stated that he had some copies of the Backcountry Journal, a publication of Backcountry Hunters and Anglers. It describes the role of this sportsmen's organization, and for fisherman, it contains a stream access guide that lists current laws on stream access for every state.
  - William Stanley highlighted an article in May 27<sup>th</sup> addition of Nevada Lawyer journal entitled "Animal Law". A couple of interesting topics are "preserving the Fair Chase Ethic" and "Wildlife Conservation". Both are written by a current Assistant Attorney General of the State of Nevada. The journal is available online. Given Board recently on fair chase, caliber, etc. he found it an interesting read. Southern Nevada Building Trades 7th Annual Trap Shoot on September 30th. Proceeds go to the Silver State Clay Breakers to try to buy their ammo for year. The Shoot will be held at the Clark County Shooting Park with a barbeque after.
  - Brian Patterson shared what he had heard watching Nevada Wild. Tony Wasley was the guest speaker and he quoted some statistics of note: of the roughly 3 million people in state of Nevada, 1.5% foot 90% of the bill for wildlife management. This is a very disproportionate amount that fund it. There are 895 species NDOW is tasked to cover. NDOW is stretched thin. Of the 895 species only about 8% of species pay for 90% of budget. Doing the math, about 70 species of animal are funding projects for the health and safety of the other 800+ on list.
  - Vice Chairman Reese stated that he talked with the Governor's Office today. He is signing a Proclamation for Nevada Hunt and Fish Day. He also noted that the SEI, Las Vegas Chapter, is holding a fund raiser sporting clay tournament at Pro Gun Club on October 13th. Cost is \$900 per 4-man team and includes shells, targets, lunch, etc. The wining team members will be given shotguns. Vice Chairman Reese added that the State Wildlife Commission meeting will be held this Friday and Saturday in the Commission Chambers here in the Government Center starting at 9:30 am on Friday and 8:30 am on Saturday.
  
6. **Recap of August 11<sup>th</sup> and 12<sup>th</sup> Commission Meeting Actions (*Informational*)** A recap of actions taken by the Wildlife Commission will be compared to CCABMW Recommendations.

- Chairman Paul Dixon summarized the actions of the Commission:
    - Discussed aquatic invasive species plan. There is no funding for a program to inspect boats entering uninfected waters. The focus is on catching boats leaving waters with quagga mussels to make sure bilges are dry and plugs are out of boats. He noted that there is an inspection station for southern Nevada going north, checking anything coming out of Clark County headed to Lincoln County. Management plan passed with no other recommendations.
    - ADA policy continues to move forward. They would like to state that that policy is being dealt with by the other Commission Policies and lose Policy #9.
    - Draft arbitration process elk incentive tag, moving forward.
    - Toxic ponds: fracking bladders are not tracked.
    - Miscellaneous Petitions, General Regulation 470 voted on to go with changes as recommended by the Department.
    - Commercial reptile collection surprised the Commission with the energy generated on that asking questions. He is pleased with the attendance at this meeting for further discussion.
    - Bureau of Land Management Public Land Parcel Disposal is moving forward recommending NDOW with disposition of certain parcels of land around urban areas. Looking at impacts of condensing to ensure no loss of sportsmen's access.
    - Landowner compensation tag was a long discussion. The decision was to change multiplier from 1.5 to 2.5 and some minor changes to ensure appropriate counts from landowners.
    - Proposed muzzle loader regulation for hand guns. They are going to revise NAC 503. Turned back by legislature because of the cartridge length restrictions. The decision by Tony Wasley is to not include the muzzle loader handgun regulation in next legislative session. The Muzzle loader hand gun regulation is something we should prepare to move forward with when asked.
    - William Stanley asked what discussion on bladder was.
    - Chairman Paul Dixon responded that NDOW feels bladders are insignificant in size and all fracking operation have a zero surface discharge other than accidents. Thus it is not something that needs to be regulated if they are following the rules and regulations.
    - William Stanley will take pictures of leaking bladders animals are drinking out of.
7. **Proposed muzzle loader regulations update (*Informational*)** the chairman will discuss how our proposal was received by NDOW at the August Commission meeting.
- See summary listed above.

8. **Action Items:**

**Discuss & make recommendations regarding the following Action Items from the Board of Wildlife Commissioners September 22<sup>nd</sup> and 23<sup>rd</sup>, 2017 meeting agenda, as well as additional items brought forth to the CCABMW from the public for discussion.** CCABMW agenda & support materials are available upon request to Stacy Matthews (702) 455-2705 or [smatthews@co.clark.nv.us](mailto:smatthews@co.clark.nv.us). The final Commission agenda & support at [http://www.ndow.org/Public\\_Meetings/Commission/Agenda/](http://www.ndow.org/Public_Meetings/Commission/Agenda/).

A. **Commission Regulation 18 - 01 Fishing Seasons and Bag Limits for 2018 - 2020 (*For Possible Action*)** The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners about establishing fishing seasons, bag and possession limits for the period of March 1, 2018 through Feb. 29, 2020.

- Vice Chairman Reese introduced this item.
- Board Comments:

- Chairman Paul Dixon noted that the regulations are unchanged for 16 of the 17 Counties. Only Churchill County had a change and it was minor. He recommended support as submitted.
- Vice Chairman Reese brought up the idea that the possession limit was three times the daily limit.
- Chairman Paul Dixon responded that law enforcement does not want to go there.
- Public Comment: None
- A motion was made and seconded to accept as written.
- Motion passed 6-0.

**B. Commercial Reptile of Collection– Draft Regulations for Commission Consideration**

***(For Possible Action)*** Thomas Bentz will give a 15 minute overview of commercial reptile collecting in Nevada, then the CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners about alternative regulations for commercial collection of reptiles in Nevada along with the potential alternative of ending commercial collection completely.

- Chairman Mike Reese introduced this topic
- Kimberley Jenkins, Clark County Desert Conservation Program (DCP), introduced herself and described the mission of the DCP as being tasked with managing Endangered Species Act compliance issues for Clark County and the Municipalities. Board members received advanced copies of the letter she read into the record.
  - Economic Consequences of Population Declines: Species population declines can have significant economic consequences for communities, and in particular Clark County.
  - Construction can be threatened by another species listing.
  - Harvesting must be ecologically sustainable.
  - California, Idaho, Arizona and Utah have all done their part to eliminate or substantially regulate the practice of reptile collection.
- She also addressed DCP's ability to Protect Species under the Clark County Multiple Species Habitat and Conservation Plan (MSHCP).
  - MSHCP covers permit authorization for 78 species and covers a broad range of activities including commercial and residential development and infrastructure projects. It does not cover commercial collection activities.
  - Any unlisted species and its habitat can put a halt to construction.
  - Obtaining Data and developing sound science-based criteria on commercial collection would allow other species to be added to the list.
- A third point Kimberley mentions was NDOW's Wildlife Action Plan
- Anyone interested in a continuation of reptile collection in Nevada should support a review and modification of current regulations to ensure that populations remain viable and that collection activities are sustainable.
- NDOW has recently made DCP aware that commercial reptile collectors have been actively harvesting via pitfall traps in the Boulder City Conservation Easement which comprises approximately 86,500 acres.
- Enforceability of the current laws and lack of adequate population monitoring under current commercial collection programs are major issues. NDOW has been relying on self-reported data supplied by commercial collectors who have a clear personal and financial conflict of interest.
- What is needed by NDOW is periodic ride alongs and random spot checks to ensure compliance with the regulations.

- Pitfall Traps are banned for use on reptile collection, but can be used for invertebrate species such as scorpions. Pitfall traps used for science must be checked daily or multiple times per day.
- Some commercial trappers are using pitfall traps that are not being checked for daily for animals which is leading to hundreds of mortalities of reptiles, tortoise, etc.
- Animal cruelty laws require animals be given adequate food and water, and every animal that falls into pitfall traps is not treated as such.
- DCP supports a ban of pitfall traps for all commercial traps.
- Outright ban of pitfall traps for wildlife collection activities is the most appropriate action at this time.
- DCP recommendations: immediate ban on the use of pitfall traps, institute an immediate moratorium on the commercial collection of reptiles,
- NDOW should convene a panel of scientists to develop a science-based population monitoring protocol that can assess the reptile abundance across the landscape. The panel should set annual limits for each species and limit of zero for species if warranted.
- Should licenses for commercial collection be issued, they should clearly delineate where collection is permitted so that NDOW can better monitor and enforce regulatory requirements and limitation and prevent collection in areas such as the Boulder City Conservation Easement.
- DCP recommends an outright ban on hobbyist and commercial collection during the reproductive season for reptiles.
- DCP recommends increasing NDOWs staffing to monitor and enforce a commercial collection program.
- Kimberley also presented a letter from Dr. Kenneth Nussear, PhD, University of Nevada, Reno documenting the decline in populations of certain desert reptiles.
- Board Comment:
- Brian Patterson noted that Kimberley brought up a lot of good points, but we need research.
- Chairman Paul Dixon stated that he had spoken with Tony Wasley about BLM and pitfall Traps noting that pitfall traps currently in the environment were put out there illegally by collectors, hobbyists, or others. There is a process to approve the use of pitfall traps, but most of the traps in the field were not approved and thus BLM is working to remove them. He went on to discuss the impacts of commercial collection of reptiles using the Desert Tortoise as an example, where a law was passed to limit the number of tortoises held by a household to one. We had more Desert Tortoises in personal captivity than in the wild in Clark County. We are putting a lot of weight on commercial collection. He asked Kimberley her assessment of the impact of hobbyists versus collectors.
- Kimberley Jenkins answered that she does not have that data.
- Chairman Paul Dixon estimated that if a 10<sup>th</sup> of the people collecting Desert Tortoises as a hobbyist were collecting reptiles, the number of animals they would collect would far surpass that of the commercial collectors. His point was that a regulation should cover any collection, not just commercial.
- Kimberley Jenkins said she feels that is not a fair comparison, much of the captive tortoise population occurred prior to the listing of the Desert Tortoise as an endangered species in 1989. When people give them shelter, water, food, and predator protection, they breed prolifically. That is why pet population has exploded. There is no current pressure on the wild population. Breeding in people's back yards is the problem.
- Vice Chairman Reese confirmed with Kimberley that Clark County is in charge of the multiple species habitat. He asked if there are similar facilities in Reno or other parts of the State.
- Kimberly Jenkins responded that their jurisdiction covers some NDOW areas and all of Clark County where they fall under Section 10 of the Endangered Species Act.

- Vice Chairman Reese asked if any of the other Counties have an organization like DCP.
- Kimberley responded that some counties have habitat conservation plans. There is a plan in Lincoln County and a few of the northern counties, but not to same scale as MSCHP.
- Vice Chairman Reese introduced the next presenter, Jennifer Newmark from NDOW.
- Jennifer Newmark, NDOW Wildlife Diversity Chief, started by doing a recap of what has happened over the past few months:
  - In June, she presented to the Wildlife Commission detailed evidence of population decline for the most commonly collected species. They spent a lot of time discussing the data. The data used was the self-reported data from the collectors themselves. Discussed methods, etc., and were asked to come back with information about the context of commercial collection, the history, what legal authority, etc.
  - In August, she provided a brief recap of the June data and then most of the time discussing the legal authority and the history. She noted that both the June and August presentations are available online.
  - At the August meeting, the Commission asked NDOW to bring back draft regulations, one to prohibit collections, and one that would limit collections based on species, habitat, etc. We have thus prepared draft regulations for the Commission for Saturday.
  - William Stanley asked if species was determined to be listed on Endangered Species list, would that affect all 17 counties or just Clark County.
  - Jennifer Newmark responded that if it is a Federal listing it will impact all counties where that species is found. If the listing is, for example, for the Mojave Desert, then it affects all counties that are part of the Mojave Desert. If it is wide spread species it will affect where the species are found.
  - William Stanley went on to state that he saw devastation of the construction industry in Southern Nevada when the Desert Tortoise was listed as Endangered. There has been great effort to see that the Sage Hen does not get listed because of the effect it would have on the rural areas of the state and the mining industry. With construction being third largest contributor to our economy, a listing at any point would be devastating to the construction industry which has been devastated since 2008 and that is a continued drag on the economy. What is your take on a listing of a Chuckwalla for instance, and the potential impact to construction?
  - Jennifer Newmark responded from a wildlife biologist viewpoint, we never want a species population decline to the point where listing is required. We do not want to see a species population declining. We will act to protect the species before it becomes a candidate for listing.
  - Vice Chairman Reese asked where US Fish and Wildlife gets their data.
  - Jennifer Newmark answered that the USF&WS must make a decision based on best available science. They must look at all data that is scientifically defensible and make decisions.
  - Vice Chairman Reese further asked how the Fish and Wildlife Service knows that they need to investigate a species population. Is it someone calling them? Is it the State?
  - Jennifer Newmark answered that Fish and Wildlife has to respond to a petition that can be submitted by anyone. They have a 90 day analysis period to judge whether there is merit in the petition to go forward.
  - Brian Patterson stated that the discussion before the Board is banning all commercial reptile or putting a limit on it. He asked, shouldn't we look at the big picture of the species? There's not much science in the back up material. Should we consider how many are collected by hobbyists, eaten by predators, how many get run over by vehicles, as well as the commercial collection?
  - Jennifer Newmark responded that at the August Commission Meeting there was a lot of discussion around low dispersal rates. These are cold blooded animals. They are predominantly localized in certain areas. There is a lot of unsuitable habitat. A lot of outside

- threats to reptiles, urbanization, climate change, invasive species, etc. The commercial collection has added additional mortality to it and that's the piece we are looking at here.
- We have one herpetologist in the whole state, and 53 species of reptiles. It's not possible for us to be everywhere in the State every year to do population studies. We don't have that opportunity with reptiles. There is no funding stream for it. Needs to be funded by Sportsmen. Her Division is primarily funded by State Wildlife grants, and State Wildlife grants are what implements our wildlife action plan, and our wildlife action plan is geared toward conservation. The only Federal funding stream available is the Pitman-Robertson Funds, but the use of those funds for reptiles is prohibited.
  - Brian Patterson noted that the permitted collectors are providing the data NDOW is trying to defend or dispute.
  - Jennifer Newmark said they are using data the collectors are sharing. She reiterated that there was extensive discussion of the data at the June Commission Meeting, and since then, as Kimberley mentioned earlier, an independent analysis of the data was done by a professor and UNR showing same results as NDOW from a scientific analysis. She is prepared to stand by the data she is presenting.
  - Chairman Paul Dixon asked Jennifer if she believes that hobbyists have little or no impact on the populations.
  - Jennifer Newmark said she would let the State herpetologist, Jason Jones, speak to that.
  - Jason Jones, NDOW, said that that is a good question, one they grapple with repeatedly. But, if you look at the regulations regarding hobby collections: two animals per species, 24 animals in aggregate. Many hobbyists contribute to science programs (such as volunteering) by tracking Gila Monsters, various snake species, help determining home range sizes, population sizes, locating Gila Monsters or snakes that are almost impossible to find. We don't know the impact from hobby collection.
  - William Stanley referenced a statement from Kimberley Jenkins' presentation regarding species that USF&WS will not, or cannot be covered by the County-wide permit. Does this mean that NDOW loses that funding stream that the County may be able to provide? Does this limit the County from funding?
  - Jennifer Newmark deferred to Kimberley Jenkins to answer from a Clark County perspective.
  - Kimberley Jenkins elaborated that there is a suite of species designated as covered species specifically authorized in our permit for take. Inability to include some species on permit disturbance fee limits conservation and preservation.
  - William Stanley asked do construction site developers pay a fee collected by County.
  - Kimberley answered that the County will take the fee to do conservation for other species or in other areas.
  - William Stanley does that include relocating some of the animals?
  - Kimberly responded that they do not currently do that. They could, but would require coordination with USF&WS. She added that developers have very little to do. They pay a disturbance fee under the program. We do all mitigation actions on their behalf.
  - Brian Patterson asked about solar arrays where the dessert floor is being killed. What fee are they paying for plants and wildlife?
  - Kimberly Jenkins answered that is more complicated, because it depends who owns the land etc. Most of the solar arrays are being constructed on BLM administered land, and they must abide by the endangered species act and are held to a higher standard. The only local solar on private land is around Boulder City. It is the same as any other private land development project: they pay a fee and move forward. Reptiles impacted are lost.
  - Vice Chairman Reese asked Jennifer or Jason, given that you get your data from the collectors, if there is a total ban, where would you get data?
  - Jason Jones responded that over the past 5 years, they have generated almost \$250K annually as 3 to 1 match grant for volunteer efforts alone. He believes that the Reptile Program (not

counting education and conservation programs) generated more match grant potential than any other program in the State. Using Citizen Science, essentially volunteers, we can blitz an entire mountain range with 23 people to determine what species are there. Citizen science gives us thousands of data points. Volunteers are amazing, road cruising at night looking for reptiles. Helping to catch Gila Monsters. Leveraging one NDOW person.

- Jason Jones added that not only are they running surveys, but they provide us with dead animals. Much of what we learn in herpetology in labs, comes from dead animals. Their reproductive systems, how many eggs, how many clutches per year, how fast they mature, etc.
- Vice Chairman Reese introduced Thomas Bentz as the next presenter. Mr. Bentz is one of the nine permitted collectors in the State.
- Thomas Bentz explained that he has been collecting since he was 5 years old. He has accumulated over 16,000 field hours. He positioned reptiles as somewhere between small rodents and large animals. He went on to say that the proposed ban by NDOW on commercial collection will have no effect on hobbyist collection. He estimated that if 0.5% of Nevada's population takes 2-3 reptiles per year, that would amount to 30,000 to 40,000 reptiles per year. NDOW receives no data from hobbyist collections. He noted that unprotected mammals, fish, and birds can be taken year-round, even in breeding season. He stated that the size of the commercial collection search areas amounts to only .5% of the total acreage of fishing waters in Nevada, .7% of the State. All fish taken from same area, while 99.95% of reptile habitat is untouched by commercial collection. Every reptile removed from a road before death, provided data for NDOW. He expanded on the depth and accuracy of the data provided by collectors stating that it was more viable than the data NDOW has collected, and that it covers the Mohave Desert and the Great Basin areas of the State.
- He added that reptiles do not move far from home range; the cost of data for paid studies will be great; reptiles per day is the only indicator that clearly shows population stability over a long period of time. He stated that according to the International Union for Conservation of Nature (IUCN) all reptiles they collect are stable and of least concern. This reduces black market trade. There is no money in illegal trade.
- He stated that the Commercial Collectors recommend closing all of Washoe County and Clark County east of Highway 160 and I-15. He stressed the value of having reptiles for exhibit in zoos and for use in the classroom so people will have access to the cute adorable members of the family. The more the people who have exposure to reptiles, the better the understanding of their place in the world.
- Howard Watts III stated his appreciation for the presentation and asked for a little bit about Mr. Bentz' background.
- Thomas Bentz discussed his history in reptile collecting, from an early age through today. He also talked about the legal issues, court decisions, NDOW involvement, etc., related to commercial collecting.
- Howard Watts asked if Mr. Bentz had had any experience, while he was out collecting, with black market collection or anything related.
- Thomas Bentz responded that there were some issues with a collector who had his permit taken away from him. Mr. Bentz's collected animals have permit numbers issued on all animals and it records what animals sent, where they were sent, and when they were sent. Fish and Wildlife Service can check it. The permit numbers used to expire. Now they are reusing the numbers which could cause problems. Does not increase black market.
- Thomas Bentz stated that he has no pitfall traps. Others may use them. They were used for scorpions. Reptiles have no value if they fall into a trap. Scorpions stab, kill, and eat them. 88% of scorpions are found alive. Any other animal will be stung and or killed and worthless for collectors.

- Howard Watts asked if there are additional reporting requirements you would like to see on hobbyists.
- Thomas Bentz responded that there is no mechanism today, but he feels all hobbyists should be required to make some report. Most of the take is children and young adults. They take a gecko home, etc. They keep it for a while and put back in wild, but that can introduce pathogens. Hobbyists no restrictions on anything they do. What is needed is a questionnaire like there is for trapping and hunting. Formula is the same one we use for sportsmen group. He did not make up formula. What is the effort it takes to get?
- Howard Watts III asked what you think the impact would be if there was a doubling or tripling of commercial collecting in the State.
- Thomas Bentz answered that a one time there were 27 permit holders. Everyone thought they could get rich quick, but soon found out is a lot of work for not much return. The average price for his reptiles is about \$3.65 each. He makes about \$30K a year, gross.
- John Hiatt asked what the market is. Do you ship domestically? Internationally? And what is the mortality rate of captured animals?
- Thomas Bentz responded the mortality rate of animals in his possession is zero and with distributor, zero. Yearling reptiles are passed by because they are very fragile. He solely moves his animals to his distributor, who then exports them. This is a resource that is mostly untapped and the exports bring foreign money to the United States from this activity.
- John Hiatt did some math on figures Mr. Bents submitted: gross income is \$30K a year, 4 month \$9K in expenses, collecting 8 months/year, leaving net income of \$12K per year. Why are you doing this? You can't make a living at it.
- Thomas Bentz responded that it is what he does.
- John Hiatt questioned Mr. Bentz' assertion that reptiles are not responsive to temperature.
- Thomas Bentz answered that when it's 110 degrees out, the animals are laying in shade and are easy to capture. They do not respond as a group.
- John Michael Reese asked about recruitment for the Chuckwalla or lizards.
- Thomas Bentz explained that he does not see them when breeding takes place. In March when they first come up, females are already brown. For the Great Basin species, he will catch hatchlings. In his collection data, he can only report what he can see 100 feet from road.
- Brian Patterson referenced the backup material and commented on the method of collecting described there, driving down the road 1 -2 miles an hour, your visibility is 30 to 40 feet off the road. Your collection is coming off established roadways. All collection in entire state, it appears is done near roads. Is that accurate?
- Thomas Bentz answered that is true. Hobbyists might go a little deeper for a rare reptile. It may not be quick or easy to find. Population might be higher away from the roads. He doesn't know if roads are worse or better in that area. Herpetologist have a term: DOR (dead on road). With the advent of faster UTVs, side by sides, etc., reptiles do not have ability to warm up and to get out of the way. Could be a group of up to 20 UTV's with dust flying over the vegetation. Reptiles don't move very far. The mortality is unknown. There is no data.
- Brian Patterson stated that his point is that the area 40-50 feet off the road is where the data is coming from.
- Chairman Paul Dixon asked Jennifer Newmark when she set the new annual limits, what she is basing the decline in population numbers on when the collection data shows the numbers have been nearly constant over time. The annual quota limits she set are considerably less than what was recommended by Mr. Bentz. Based on numbers reviewed by John Hiatt, there will be essentially no profit. Why are you doing this? Your quota limits effectively ban commercial collecting. What have you used as the data in setting the limits, because the collector's data shows no real decline in the populations?
- Jennifer Newmark, NDOW, stated we are using data from collectors collaborated by an independent study when we decided what would be our limits. We also used some

recommendations from New Mexico as a way to set limits. Out of the eleven western states, there are only two states that allow for collection, New Mexico and Texas. In comparison, the limits in New Mexico are more conservative than what we are putting forward in Nevada. She asked Jason Jones to assist in answering the question.

- Jason Jones, NDOW, stated the daily take limited to 30 per day, based on 83 commercial collectors over time and they averaged 36.6 reptiles per day. Yearly take limited to 625 aggregate of all species, including non-native unlimited. For all collectors, the average is 1025 reptiles taken per year. That is for 8 of the top species, which constitutes 98 percent of collection take. Many species are long lived and are on the Nevada Wildlife Species. Increased some bag limits some species that are not on the Wildlife Action Plan. There are 32 reptile species that can be collected; 29 natives and 3 non-natives.
- Brian Patterson questioned basing collection data on 83 collectors when data described in the newspaper are 30 years old, so it's irrelevant. The most we've had over the last 10 years is 27. Now there's only 9 or 10. Why are we basing it on 83?
- Jason Jones responded that 90% of our collectors take under 1200 reptiles a year. 70% take under 500 reptiles per year. Modeling time and area, two metrics evaluating some sort of effort time and space, we see a decline in the populations of the top 8 species being collected.
- Vice Chairman Reese asked how we know market is not driving this. If the animal is not worth the time and effort, why continue.
- Jason Jones responded that certain species are disproportionately taken through time.
- Jennifer Newmark added that from the department's perspective, our role is to make recommendations in the best interest of the species from a conservative perspective. She then addressed the proposal and why they did not use Mr. Bentz's proposed limits, stating that they were providing information from an animals perspective, not a collector's perspective.
- Jason Jones noted that Mr. Bentz's proposed daily limit of 100 animals exceeds his own average of 57 daily. Almost double his current take. Bag limits is almost triple the average annual take by all collectors over time. His proposed yearly bag limits amount to 4525 animals. Yearly bag limits exceed the annual take from all collectors by nearly 3 times. Limits on the top 10 species easily double the totals from the current collectors.
- Jennifer Newmark added that from a conservation perspective, using those limits will not achieve decreased take and stop population decline.
- John Hiatt noted that the presenter are not discussing the letter from Dr. Nussear, where the letter discusses the number of animals collected over time adjusted for area. We may be collecting the same number of animals, but adjusting for area shows we are collecting fewer animals. The density of the animals in an area is dropping. This is a key metric for population analysis.
- Brian Patterson asked do you collect the same area roads over and over, are you trying to find new habitat, or do you have a history from year to year.
- Thomas Bentz responded that he used to collect a larger area. He has since reduced that areas he collects in. He went on to describe how he goes about collecting, using GPS to record locations, calculating time spent making his rounds, etc. He records the data in real time and does not know what data is going to show.
- Public Comment:
- John Zillecki said he did not want to talk too much about the information that has been presented. He wanted to talk about Fisheries. Recalling decisions that were made around fisheries. Cod fisheries in New Foundland are shut down. If you went back in time, certain questions could be asked about decisions that were made, such as, "On whose behalf are you making this decision?" Biology does not care about that. Fish and Game looks at population decline. So, the question for this Board: On whose behalf? For a small number of collectors or for the benefit of the state? Is it more valuable to export to Asia and Europe for profit?

Also: On what basis are you making decision? Is it based on science, the best available science, experts? Or based on data where there is a possibility of self-interest in the data?

- Jim Vanas stated that he appreciated the number of reptiles he gets to see when he is in the desert three to four times a week. He enjoys the experience. One thing that concerned him are the numbers of reptiles kept onsite at establishments that sell reptiles. Most of the reptiles are captive bred, easy to keep in captivity, and there are thousands available. He stated that the horned lizard is not a pet for the beginner or for even the more advanced collectors because they are so demanding in their requirements. They don't say wild caught anymore, they say field-collected. He estimated that of the 105K collected, probably 80% die a slow death in a cage within six months.
- Patrick Donnelly, Center for Biological Diversity, stated that he has a sign-on letter from over 75 herpetologists from around the world supporting a ban on reptile collection. There is a much broader consensus in the scientific community than just Jennifer and Jason. We heard from Clark County about the potential for listing. Our organization's mission is to get species on the Endangered Species List. Localized extractions can lead to getting a species on the List. Listing often wreaks havoc on planning in this County and other Counties in the state. No imminent species for listing, but we are seeing the warning signs. Currently collection under 503.097 NRS is lawful unless the removal is deemed to not be detrimental to the wildlife species. Thus far there has been no independent verification required by the statute. Thus, it is his belief that the department is out of compliance with the law. Are we going to continue a flawed program? Wildlife policy is not intended to be formulated for less than 10 people. He predicted that the people of Nevada will support a ban on this practice.
- David Famiglietti, Las Vegas Woods & Waters Club (LVWW), commented on the number of people who have come to this meeting suddenly concerned about the practice of reptile collection when the practice has been going on for years. Three different people gave data and said not to trust it. He applauded Mr. Bentz for having a clear passion for the work you do. Collectors, like Mr. Bentz, can explain the decline in collections because they spend less time in the field, less ground covered, and less market for a lot of the species. Numbers are no good when you take the number of animals found within 100 feet off road and multiply that to cover the entire area. What you find beyond 100 feet would be totally different. Limits proposed by NDOW more conservative than what Mr. Bentz is collecting today. If this has been going on for 20-40 years, and now it is this big of a problem, where was the research? Commercial Trappers have an interest to keep populations up. The collectors want to regulate themselves. They are against Pitfall traps. The traps are giving the collectors a bad rap. He has the interest of the animals in mind. Banning it opens up a black market. NDOW will not be able to enforce the black market. All the sudden we care about the lizard. It's hypocritical, everybody cares about turtles, but where is the relocation program for lizards? It is so important because we are worried about economic impact. It's okay to kill lizards.
- Chip Rougeaux asked why we are not looking at the bigger picture. Nine collectors shouldn't make a big impact. He compared collectors to trappers. The animals are more susceptible to habitat changes and predators. Feral cats kill billions of animals a year. Yet you want to punish 9 people. Why aren't we doing a study? We would if this was a large animal. How many people a year are killing reptiles with their ATV's?
- Jeremy Bentz spoke to elaborate on Thomas Bentz's data stating it is the most consistent and the accurate collection data available. He can go collecting with his family and his son could chase a lizard for 2 hours. At the end of the day, they have 7 lizards caught in the entire day. His was the most extensive data that they could say was legit time and time again. They have an open invitation for NDOW and other people to go lizard hunting with them. Contact us we will take people out and show them.
- Mike Swain stated that he and his son came in support of Nevada's reptiles. Things that affect the reptile population include road mortality, collecting, and disease, but collecting is something the commission can control. He said he and his son enjoy getting out and seeing

what they can see. They practice "catch and release". They don't capture anything. If they find one in the road, they move them out of the road. He presented a folder of drawings of Nevada reptiles that his son had prepared.

- Ruth Crisler said she grew up here and she is a hobbyist. She follows catch and release rules. She stressed the need for education to help save our wildlife. Wildlife is declined and there are things we can do to protect them. There are floods of volunteers when you need us. Tell us what you need.
- Frank Mirabelli, LVWW, wanted to know why we care if herpetologists around the world say we should ban collection. Shouldn't we, the residents of Nevada, make that decision? Why should we care what a guy from Germany thinks? They don't know what is going on here.
- Vikki Werner questioned why people think banning an action against an animal is going to protect it. Once you set a rule, it is so hard to go backwards. Doing this is asking for violation. Her kids have collected lizards forever. She is a taxidermist, helps out NDOW and this Board. Taking things away is ridiculous. Pay a fee to demolish a whole field. These guys pay a fee. Facts are what is important. Facts get put away for people's feelings. The facts right here are what all sides are. 30K a year he is making. She asked the Board to make their decision after looking at the facts.
- Bob McKeever, a retired Park Ranger at Lake Meade, stated he is a hobby collector. Developed an interest in herpetology in 1950's. Working with National Park Service as an application herpetologist. He volunteers for Jason (NDOW) and National Park Service. He collects only what he needs. Most of his collection is long-lived. He uses them for presentations for school groups, etc. He does ordinary reptile observation, and privately funded research. In his view, conservation in the US, in any give jurisdiction, everyone owns wildlife. Either no take rule or no one can take or a limit and everyone has limit. He is in support of a Department of Wildlife for licensing regulation for hobby collectors and a detailed reporting requirement for hobby collectors. He feels that is long overdue. He closed by stating that since he started collecting, the population of Clark County has gone from 580K to over 3 million, with equivalent land development. Habitat for reptiles is growing less. He would recommend the Board vote to end commercial collecting unless the limits are the same as his.
- Jelindo Tiberti said we heard tonight that the desert tortoise in blooming in captivity. There information supports that collective captivity is good. So he is confused where they are coming from. Science seems like there isn't any science being conducted. He sees more science from the collector's part. He stated that he is a professional general engineering contractor commercial, and he feels collecting should continue so we do have the activity and we do have the science. When we scraped the land in Sky Canyon, we killed more lizards then he collects in his whole life. He feels that if you claim commercial collection is harming the state, it is embarrassing. It is embarrassing what the state of Nevada is doing to these collectors. It's totally erroneous.
- Steve Stocking stated he is a recreational herpetologist, and retired military. For the last three years he has been doing contract herpetology studies at Nellis Air Force Base. Back in May he sent detailed information to the Board on non-commercial and hobby collecting. The default bag limit of 2, that Jason discussed, is the lowest bag limit set as a default of any surrounding states. Touched on hobby collecting and there needs to be some balance when it comes to use of the resource. There currently is a lack of balance. There are very tight limits on hobby collecting and overly generous to commercial collecting side. Arizona and Utah have banned commercial collecting. Need to ensure the resource is available in perpetuity. The decision, whether it is maintain the status quo, ban collecting altogether, or a compromise in between, needs to lead to more scientific based decision making. Let's not do this every 20 years. Make better decisions with more data and science.
- Mark Transue, LVWW, said we have a total of over 110,000 square miles in the State of Nevada. He estimated that not even 15 % is developed. We have 1000's of miles of roads.

How did department get any data? We have spent more time arguing and discussing reptiles than we have on that which funds NDOW, our big game herds.

- David Crisler noted that it seems like all data presented on this subject has been reported by collectors. He commends their efforts. If we see warning signs of decline, we have to act before this causes a bigger problems. He is not in favor of a complete ban, but it needs to be watched and regulated. His concern is pitfall traps. He feels it is not professional people doing this. Those traps are harming animals and some on the Endangered Species List. How do you address those types of problems?
- Public Comment closed
- Chairman Paul Dixon stated that he feels that unregulated collection of reptiles in the state should be eliminated. We should regulate collection in the state. A majority of our data comes 100 feet off a road. He tends to believe the NDOW proposed limits are overly conservative. NDOW is not worried about economics. He suggested a motion that would propose NDOW set seasons and quotas based on further discussion between the trapping community and NDOW. Any season set would also be followed by hobbyists. Commercial and hobbyists should follow the same season.
- Chairman Paul Dixon made a motion to have NDOW set seasons and quotas for commercial collectors, where the quotas are less restrictive than those proposed by the Department, and that hobbyist collectors follow the same seasons as set for commercial collectors.
- Brian Patterson seconded and added that enforcement is going to be an issue. It has not been enforced currently it won't be enforced.
- John Hiatt noted that this is a complicated issue. 8800 Chuckwalla collected in a ten year period. That's is a lot. You don't find them driving down a road. In the 1950's they were everywhere. Today you hardly ever see a Chuckwalla. One problem with biology is there is no true baseline. We need to put a temporary moratorium on collecting and spend some money. Reptile populations needs to be evaluated. When you introduce a new source or mortality the numbers tend to go down. Habitat loss, like for solar farms, will never be a reptile habitat again. We need to maintain habitat and populations of reptiles. He supports a moratorium on collecting. Trying to come up with a compromise, short changes the whole system.
- Howard Watts III agreed with John Hiatt that it highlights a complex system. Mr. Bentz honest hard working people, and the folks at NDOW making recommendations they feel are in the best interests of the species. There is a need for additional data to be collected. He feels there is a potential disaster looming that requires more information in order to establish a balanced system.
- Bill Stanley expressed his concerns that he was initially leaning toward a moratorium, now he doesn't know. He appreciates what the biologists are saying, but he also appreciates the passion of the collectors. At this point he feels perhaps seasons and bag limits are the answer. He is just not sure.
- Vice Chairman Reese expressed his views on sustainability. Everyone in this room is after sustainability. A family that has done this for 40 years with approximately the same take that is sustainability. He proposed that they set a quota at the number of permittees. There is nothing to say there can't be a sunset clause to review it in two years and revise it if necessary. We might have a problem, but are we using a fear technique or data. Jennifer has been with NDOW for two years. Diversity means no. If you say no to data, throw it out. He was impressed with the amount and detail of the data provided by Mr. Bentz. How many lizards can you get, the market will decide that. What is driving this is our market. He is in favor of the motion. Let's talk about amount of permittees, seasons and quotas.
- Chairman Paul Dixon voiced his appreciation for everyone who presented tonight, and for the attendees showing this much passion for wildlife of Nevada.

- Brian Patterson said that taping the brakes is fine, and on-off switch will stop you from collecting data.
- John Hiatt this year's season is almost over, a moratorium to figure it out over six months.
- Motion failed 3-3
- Motion recommend NDOW establish a quota on permittees based on number of permittees they have to match the harvest quota that is there objective and to discuss a season date.
- Second
- John Hiatt said he doesn't know how NDOW establishes a harvest quota.
- Vice Chairman Reese stated that he finds it hard to see how collection is creating devastation when we are only 100 feet off a dirt road. He quoted .05% of the State habitable land is collected for reptiles.
- John Hiatt countered that the amount of land for Chuckwalla is different than for other species. They live in piles of rocks in certain areas. It is limited for each species for each habitat. Some live in sandy open areas. We need to understand what is suitable.
- Howard Watts III asked the NDOW staff, if there was a recommendation to limit permits to 10 at any given time, would that change any of the analysis you used in developing your draft with respect to species quotas?
- Jennifer Newmark said she doesn't have an answer. They would have to consider that. We have this system for a draw for harvested animals. To institute a draw for reptiles would be a big change. That would be a change within the programmatic, also funding would be from sportsmen and tags. We would need to see if could be more funding for law enforcement, etc.
- Motion withdrawn.
- William Stanley based on the draft materials presented us are given two options: a moratorium or a quota system with annual quota limits.
- Motion to support the NDOW recommendation in draft regulation in appendix B: possible commission regulation to limit commercial collection of reptiles as drafted by department with addition of a sunset clause to be revisited in two years.
- Second
- John Hiatt said he can support regulated collection. Let science determine where it goes from that. And take a look at how we are going to collect the data.
- Howard Watts said he is more comfortable with this because we are listening to the experts.
- Motion passed unanimously 6-0.

**C. Commission General Regulation 472, License Simplification, LCB File No. R029-17**

*(For Possible Action)* The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners to consider amendments to Chapters 488, 501, 502, and 504 of the Nevada Administrative Code (NAC). This regulation is designed to implement the hunting and fishing license simplification structure approved during the 79<sup>th</sup> Legislative Session in Senate Bill 511.

- This item was not addressed due to lack of time.

**D. Pronghorn Antelope Translocation (For Possible Action)** The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners about a request for up to 200 pronghorn from the Yakama and Colville Tribes in Washington in 2017/2018, as well as provide direction to the Department for fulfilling these requests in future years.

- This item was not addressed due to lack of time.

- E. **Commission Policy 9, Americans with Disabilities Act (ADA) – Second Reading (*For Possible Action*)** The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners to repeal or revise Commission Policy 9, ADA.
- This item was not addressed due to lack of time.
- F. **Commission Policy 29, Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, Second Reading (*For Possible Action*)** The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners about Commission Policy 29, Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards.
- This item was not addressed due to lack of time.
- G. **Commission Policy 63, Protecting Wildlife from Toxic Ponds, Second Reading (*For Possible Action*)** The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners to repeal or revise Commission Policy 63, Protecting Wildlife from Toxic Ponds.
- This item was not addressed due to lack of time.
- H. **Commission Policy 65, Designation of Wildlife Management Areas, First Reading (*For Possible Action*)** The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners to repeal or revise the policy.
- This item was not addressed due to lack of time.
- I. **Commission Policy 66, Management and Use of Wildlife Management Areas, First Reading (*For Possible Action*)** The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners to repeal or revise the policy.
- This item was not addressed due to lack of time.
- J. **Commission Policy 27, Protection of Nevada Wildlife Resources, First Reading (*For Possible Action*)** The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners to repeal or revise the policy.
- This item was not addressed due to lack of time.
- K. **Memorandum of Understanding for Reciprocal Fishing and Watercraft Registration Requirements on the Waters of the Colorado River in Common to the States of Nevada and Arizona (*For Possible Action*)** The CCABMW Board will review, discuss and make recommendations to the Nevada Board of Wildlife Commissioners to consider changes to the Memorandum of Understanding for Reciprocal Fishing and Watercraft Registration Requirements on the Waters of the Colorado River in Common to the States of Nevada and Arizona (MOU) between the Nevada Department of Wildlife and the Arizona Game and Fish Department. The MOU currently identifies a requirement for Nevada anglers to possess a Colorado River Special Use Stamp when

fishing on common waters of the Colorado River or on the Arizona shoreline. That language is no longer needed as the Colorado River Special Use Stamp will be eliminated on January 1, 2018 as part of proposed Nevada fishing license changes.

- This item was not addressed due to lack of time.

9. **Public Comment -Members of the public may provide public comment (*Informational*)**

Comments will be limited to three minutes; unless you represent a group then you will be limited to six minutes. Any item requiring Board action not on this agenda may be scheduled on a future agenda.

- None

10. **Authorize the Chairman to prepare and submit any recommendations from today's meeting to the Wildlife Commission for its consideration at its September 22<sup>nd</sup> and 23<sup>rd</sup>, 2017 meeting in Las Vegas, Nevada. (*For Possible Action*)**

- Public comment:
- A motion was made and seconded to authorize the Chairman to prepare and submit any recommendations from today's meeting to the Commission for its consideration at its September 22<sup>nd</sup> and 23<sup>rd</sup>, 2017 meeting in Las Vegas, Nevada.
- Motion passed unanimously

11. **The next Clark County Advisory Board to Manage Wildlife meeting is scheduled for October 26<sup>th</sup>, 2017 in the Clark County Government Center Pueblo Room, 500 S. This meeting will support a November 3<sup>rd</sup> and 4<sup>th</sup> Commission meeting in Reno, Nevada.**

12. **Adjournment**

- Meeting was adjourned at 8:48 pm.
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