

DOUGLAS COUNTY ADVISORY BOARD TO MANAGE WILDLIFE
Minutes of the January 25, 2016 Meeting

The Douglas County Advisory Board to Manage Wildlife meeting was scheduled for 5:30 pm on Monday, January 25, 2016 in the Douglas County Community Center, Carson Valley Medical Center Room, 1329 Waterloo Lane, Gardnerville, Nevada.

MEMBERS PRESENT: Craig Burnside, Chairman
 Bob Cook, Vice Chairman
 Mike Turnipseed
 Robert Rittenhouse
 Chad Foster

OTHERS PRESENT: Jeremy Drew, Chairman, Nevada Board of Wildlife
 Commissioners

CALL TO ORDER

Chairman Burnside called the meeting to order at 5:32 pm and determined a quorum was present. Noted was the absence of Member Turnipseed.

ROLL CALL AND INTRODUCTIONS

Chairman Burnside introduced and welcomed Chad Foster, the newly appointed member to the Douglas County Advisory Board to Manage Wildlife. Also introduced were Rex Flowers and Jerad Lees. The Chairman thanked all for their attendance.

PUBLIC COMMENT

There was no public comment.

FOR POSSIBLE ACTION. APPROVAL OF AGENDA

No public comment.

MOTION by Cook/Rittenhouse to approve the agenda as presented; carried with Turnipseed absent.

FOR POSSIBLE ACTION. APPROVAL OF MINUTES:

- **November 10, 2015**

No public comment.

MOTION by Cook/Rittenhouse to approve the minutes as presented; carried with Turnipseed absent and Foster abstaining.

Member Turnipseed arrived at 5:36 pm.

1. FOR POSSIBLE ACTION. DISCUSSION REGARDING THE ACTIVITIES OF THE TRI-COUNTY WILDLIFE WORKING GROUP.

The group has not met so no report was provided. Once again the Board members expressed their desire to see this group continue.

Vice Chairman Cook felt that Project 32 within the Draft Fiscal Year 2017 Predation Management Plan would be an appropriate topic for this group to examine.

2. UPDATE (INFORMATIONAL ONLY) ON THE BI-STATE SAGE GROUSE.

Member Rittenhouse stated the discussion on proposed changes will take place on January 29, 2016. He briefly reviewed those changes.

3. The following items, 3a through 3o, are items that will be heard before the Nevada Board of Wildlife Commissioners at the next meeting, January 29 & 30, 2016, at the Clark County Government Center, Commission Chambers, 500 S. Grand Central Parkway, Las Vegas, Nevada. The Douglas County Advisory Board to Manage Wildlife may take the following action, or a variation thereof, on each item: support the item, not support the item or not take a position on the item. Public Comment will be allowed on each item.

3a–3o. DISCUSSION AND POSSIBLE ACTION REGARDING WHETHER THE DOUGLAS COUNTY ADVISORY BOARD SHOULD TAKE A POSITION ON:

3a. FOR POSSIBLE ACTION. DISCUSSION ON THE DRAFT FISCAL YEAR (FY) 2017 PREDATION MANAGEMENT PLAN. The draft FY 2017 Predation Management Plan will be presented to the Commission for initial review and input for submission to the State Predatory Animal and Rodent Committee.

Jeremy Drew, Nevada Board of Wildlife Commission Chairman, explained the plan is in draft form and will come back to the County Advisory Boards before it is presented for final approval.

No public comment.

MOTION by Turnipseed/Cook to support the plan; carried unanimously.

3b. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 456, SPECIAL INCENTIVE ELK ARBITRATION PANEL, LCB FILE NO. R031-15. The Commission will consider permanent adoption of a regulation relating to amending NAC 502.42283 by which the Commission may facilitate decisions by appointing or serving as the arbitration panel should arbitration of elk incentive tag

awards become necessary; and providing other matters properly relating thereto. A workshop on the temporary regulation was held on March 20, 2015, and the temporary regulation was adopted on May 15, 2015, at the Nevada Board of Wildlife Commission meetings. An additional workshop was held on August 7, 2015, at the Nevada Board of Wildlife Commission meeting and no further changes were made. The Nevada Board of Wildlife Commissioners adopted this regulation as a permanent regulation on September 26, 2015; however, on October 27, 2015 the Legislative Commission deferred the regulation. *(This item is agendaized as a Workshop/Informational Item on the Nevada Board of Wildlife Commissioners' Agenda)*

Please note: discussion on this item has been carried forward to item 3n as the item appears on the Commission agenda first as a discussion item and later as an action item.

Chairman Burnside noted this item has been before them several times in the past.

Jeremy Drew, Nevada Board of Wildlife Commission Chairman, clarified that the reason this is back before them is because the permanent regulation was remanded back by the Legislative Commission over the language "the Commission/arbitration panel decision is final and binding." A language cleanup was done to add language relating to a procedure for filing an appeal and establishing a process to resolve a claim.

Vice Chairman Cook felt the regulation is much clearer now.

No public comment.

MOTION by Cook/Turnipseed to recommend support of Commission General Regulation 456, Special Incentive Elk Arbitration Panel; carried unanimously.

3c. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 458, ELECTRONIC RIFLE TRIGGERS, CALIBER AND CARTRIDGE LENGTH, AND SMOKELESS POWDER RESTRICTIONS, LCB FILE No. R144-15. The Commission will hold a workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code. It revises provisions relating to hunting big game mammals with a rifle; and providing other matters properly relating thereto. *(This item is agendaized as a Workshop/Informational Item on the Nevada Board of Wildlife Commissioners' Agenda)*

All Board members agreed with making electronic rifle triggers unlawful.

Jeremy Drew, Nevada Board of Wildlife Commission Chairman, spoke to the black powder language stating the current language is a problem for the wardens as it relates to Blackhorn 209. The proposed language allows any smokeless black powder. The smart trigger regulation was proposed by an outside hunting and conservation group. The language addressing the caliber was written because it seemed cleaner to address the issue that way than by using weight, which is done in some states.

Member Turnipseed has heard concerns expressed over regulating by caliber instead of by weight and length.

Commissioner Drew explained that the wardens looked at all the popular rifle brands in terms of factory load length and the biggest they found was 3.8 inches. By doing it by caliber only they felt one could come up with a bigger bullet that performs better so a combination of caliber and bullet length was proposed.

PUBLIC COMMENT

Kevin Crow, manufacturer of custom gun parts, said many states have minimum caliber restrictions instead of maximum ones. Instead of worrying about case length, etc., he felt it would be sufficient to say "a minimum of 6mm caliber or larger must be used." Requiring a minimum caliber makes for a more humane kill. He does not feel this regulation will be effective as written. Many states have banned 50 caliber rifles and many of the 50 caliber manufacturers have released rifles that are smaller but more accurate. If the aim of a maximum caliber restriction is to stop wasted game meat then there are already regulations in place to address that so an additional regulation is not needed. He added tritium sites are nothing more than glowing paint so adding a regulation that bans that is not effective either and will not change anything.

Jerad Lees believes this is regulating ethics and morality. It will unintentionally make people criminals. He explained he tested this with his rifle and found he is over the limit when he hand loaded his rifle. By knocking out the 50 bmg's, many other popular firearms will be knocked out.

Member Turnipseed wondered if the Department would be opening the door to regulating ethics with this proposal.

Commissioner Drew explained this regulation is going through the process to get public input and the intent is to draw a maximum line in the sand and to address wasted game.

Mr. Crow agrees with prohibiting electronic triggers but he pointed out that there are Remington rifles that have all the other fancy electronics except the trigger control and he wondered if this was any less ethical than someone who pays a guide \$20,000 to essentially do everything but fire the weapon. A rifle can have optics with a built in ballistic calculator and he asked if that would be banned too? What about people who do the math in their head?

Rex Flowers recapped the discussion that took place at the Washoe County Advisory Board to Manage Wildlife. Personally he feels that regulating shooting distance does not accomplish what they are trying to accomplish. If 50s are done away with, will this come back to bite us on the muzzleloaders and archers?

Public comment closed.

Member Foster supports hunters' rights and he does not support imposing any kind of caliber regulations. This will open up a can of worms down the line. The size and type should be left up to the hunter.

MOTION by Turnipseed/Rittenhouse to support the electronic trigger and smokeless powder provisions and take no action on the caliber-minimum or maximum;

Chairman Burnside expressed concerns about not taking a definite stand on the caliber and cartridge length provisions. He is hesitant to place restrictions on those things unless a problem precipitated the need for a change and that does not appear to be the situation.

MOTION; withdrawn by the maker and the second.

MOTION by Turnipseed/Foster to support the electronic trigger and smokeless powder provisions and to reject the maximum caliber and cartridge length provisions; carried unanimously.

3d. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 459, UNMANNED AERIAL VEHICLES (DRONES), LCB FILE NO. R145-15. The Commission will hold a workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code. It restricts the use of aerial devices to aid in hunting and adds additional types of aerial devices. (This item is agendized as a Workshop/Informational Item on the Nevada Board of Wildlife Commissioners' Agenda)

Jeremy Drew, Nevada Board of Wildlife Commission Chairman, explained this would ban any aircraft including drones for the purposes of hunting. The proposed language would add drones and remove the 48 hour limitation.

Member Rittenhouse used a scenario where a rancher flies over property to check cattle and fences and then shares information on wild game sightings with others. He asked how that would be controlled.

Member Turnipseed pointed out this regulation applies "for the purposes of hunting" only so the warden would have to prove the rancher took the pictures for other reasons.

Member Foster asked if this regulation would apply to both public and private lands and Commissioner Drew answered it applies to hunting period.

Member Rittenhouse asked where the line would be drawn between a recreational drone use and a hunting drone use if someone chooses to fly their drone over a wildlife area.

Chairman Burnside thought the game warden would have to make the determination of how it was being used. Before citing someone, the warden will have to be sure it was being used for hunting.

MOTION by Turnipseed/Cook to support the provision for unmanned aerial vehicles, including drones, for the purpose of hunting;

PUBLIC COMMENT

Jerad Lees said the elimination of the 48 hour provision leaves no guideline for when the fly over took place. A person could have flown over an area six months earlier and later draws a tag for that area so it could be argued that they flew the area first. He would like a timeframe stated in order to keep honest people from becoming criminals. He asked why the mountain lion units were taken out.

Commissioner Drew said removal of the 48 hour provision made the mountain lion language unnecessary. Since flying will be banned all the time that language will not be necessary.

Kevin Crow pointed out the burden of proof would be on the wardens.

Rex Flowers talked about previous unsuccessful attempts to eliminate flying any time of the year where wildlife is involved due to harassment. He feels drones are covered under current regulations. Section 2, which eliminates the ability to fly at any time of the year, is a concern because people may draw a tag in an unfamiliar area and would like to fly over it to look for access points. Adding drones in is fine but Section 2 may not be needed.

Commissioner Drew suggested Google Earth could be used to look for access points.

Public comment closed.

MOTION; withdrawn by the maker and second.

MOTION by Burnside/Turnipseed to support the regulation as presented; carried unanimously.

3e. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 15-09 - AMENDMENT #2 – BIG GAME SEASONS. The Commission will consider amendment #2 of the 2016 – 2017 hunting seasons and dates for mule deer, pronghorn antelope, elk, bighorn sheep, and mountain goat, including limits, hunting hours, special hunt eligibility, animal sex, physical characteristics and legal weapon requirements, hunt boundary restrictions, and emergency depredation hunt structure and statewide quotas.

PUBLIC COMMENT

Jerad Lees asked why 075 elk is different than any other unit in the state since the Mary's River Ranch is right there; the seasons are too short and there is too much pressure so it drives the elk to the ranch. The success rates are low. Longer seasons and fewer tags are needed there. He stated he does not like the ewe hunt at all and does not support opening it up to nonresidents.

Chairman Burnside recalled that 10% of tags (once the number of tags hits 10) are allocated to nonresidents.

Mr. Lees stated that is not true for all hunts.

Chairman Burnside stated that there is no justification for nonresident tags for females if it is not done for horns shorter than ears.

Jeremy Drew, Nevada Board of Wildlife Commission Chairman, outlined the proposed regulation changes and the hunts that are allocated nonresident tags.

Public comment closed.

MOTION by Cook/Turnipseed to recommend approval as written; carried with Burnside voting Nay.

Chairman Burnside stated he voted Nay because he does not support providing nonresidents with ewe tags.

3f. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 16-09, BIG GAME MOUNTAIN LION HARVEST LIMITS FOR 2016-2017. The Commission will consider the adoption of 2016 – 2017 mountain lion hunting season open units, harvest limits by unit group, hunting hours, and special regulations.

PUBLIC COMMENT

Rex Flowers stated Unit 033 is a closed unit. He asked the Board to accept the proposal with an amendment to open Unit 033. The Fish & Wildlife Service has had requests to open this unit and they have indicated they would look at doing an environmental assessment on it. But to date, nothing has happened since the 2012 CCP. As long as this is a closed area, the federal government will not give consideration to it. Once the unit is open, it will allow the state to meet with the federal government to make a decision on it. He cited statistics from the 2012 CCP regarding the number of visitors participating in hunting within the Sheldon Refuge each year. The number of deer tags has decreased dramatically over the years in this area and it is not all due to drought, habitat, or fire; it is mostly due to predators. By opening this unit, it would allow the conversation with the federal government to begin. He pointed out there is support among many of the other CABs to open this unit.

Kevin Crow asked if there is evidence showing predators are affecting the big game population.

Chairman Burnside asked why the area continues to be closed. While he feels the discussion is warranted, having this be an open unit may result in hunters rushing up there to hunt not realizing that the intent of changing its status was only to open the discussion.

Mr. Flowers said the unit could be opened with a zero quota. All they are trying to do is get this on the radar.

Public comment closed.

If there is Board support to open the unit, Chairman Burnside would like the quota to be set at zero to prevent hunters from hunting there.

MOTION by Cook/Foster to recommend approval of the regulation with the opening of Unit 033. During the May quota setting meeting, the Commission should set the quota for Unit 033 at zero. Opening Unit 033 would allow the discussions to begin with the Fish & Wildlife Service; carried unanimously.

3g. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 16-10, 2016 BLACK BEAR SEASONS. The Commission will consider the adoption of 2016 hunting season dates, open management units, hunting hours, special regulations, animal sex, legal weapon requirements, hunt boundary restrictions, and dates and times for indoctrination courses for black bear. The Department will provide the annual hunt and population status report following the 2015 bear season.

Vice Chairman Cook recalled the reason why the Tahoe Basin Management Unit was excluded from the bear hunt. He feels it is time to reinstate that area for bear hunting; it is allowed for all other hunts and bear hunting should be allowed to occur all the way down to the Lake. He would also like to see the bear tags increased by six in order to make the hunt eligible for a Governor's tag.

Member Turnipseed thought the proceeds from the Governor's tag could be used for bear studies.

PUBLIC COMMENT

Jerad Lees agreed with Vice Chairman Cook. He would like a hunt in Unit 203 and to have shotgun be a legal weapon for bear. He supports the season dates as proposed.

Public comment closed.

Member Turnipseed agreed with Vice Chairman Cook and said he would like to add all of Units 192/194/195. He suggested removing the language in the second paragraph of the regulation in order to accomplish that.

MOTION by Cook/Foster to recommend approval of the regulation with the inclusion of Unit 203; include shotgun as a legal weapon for bear with the same regulations that exist for deer; and include all the areas within Units 192/194 within the Lake Tahoe Basin Management Unit; carried unanimously.

3h. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 16-03, 2017 HERITAGE TAG SEASONS AND QUOTAS. The Commission will consider the adoption of the 2017 Heritage Tag hunt species, seasons and quotas.

No public comment.

MOTION by Cook/Turnipseed to recommend approval as written; carried unanimously.

3i. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 16-04, DREAM TAG 2016 SEASONS. The Commission will consider the adoption of the 2016 Dream Tag seasons.

No public comment.

MOTION by Rittenhouse/Foster to recommend approval as written; carried unanimously.

3j. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 16-05, PARTNERSHIP IN WILDLIFE (PIW) 2016 SEASON AND QUOTAS. The Commission will consider the adoption of the 2016 PIW hunt species, seasons and quotas.

No public comment.

MOTION by Cook/Turnipseed to recommend approval as written; carried unanimously.

3k. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 16-06, SILVER STATE TAG 2016 SEASON AND QUOTAS. The Commission will consider the adoption of the 2016 Silver State Tag hunt species, seasons and quotas.

No public comment.

MOTION by Rittenhouse/Turnipseed to recommend approval as written; carried unanimously.

3l. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 16-07, 2016 BIG GAME APPLICATION DEADLINE INFORMATION. The Commission will consider adopting language regarding the 2016 big game tag application deadline information.

No public comment.

MOTION by Cook/Turnipseed to recommend approval as written; carried unanimously.

3m. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 16-08, 2016 BIG GAME TAG APPLICATION ELIGIBILITY. The Commission will consider adopting language regarding the 2016 big game tag application eligibility.

No public comment.

MOTION by Cook/Foster to recommend approval as written; carried unanimously.

3n. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 456, SPECIAL INCENTIVE ELK ARBITRATION PANEL, LCB FILE NO. R031-15. The Commission will consider permanent adoption of a regulation relating to amending NAC 502.42283 by which the Commission may facilitate decisions by appointing or serving as the arbitration panel should arbitration of elk incentive tag awards become necessary; and providing other matters properly relating thereto. A workshop on the temporary regulation was held on March 20, 2015, and the temporary regulation was adopted on May 15, 2015, at the Nevada Board of Wildlife Commission meetings. An additional workshop was held on August 7, 2015, at the Nevada Board of Wildlife Commission meeting and no further changes were made. The Nevada Board of Wildlife Commissioners adopted this regulation as a permanent regulation on September 26, 2015; however, on October 27, 2015 the Legislative Commission deferred the regulation. A workshop was held yesterday, January 29, 2015, and subsection 3 on page 3 was suggested for removal by the Department.

Please note: discussion on this item has been carried forward from item 3b as the item appears on the Commission agenda first as a discussion item and later as an action item.

Chairman Burnside noted this item has been before them several times in the past.

Jeremy Drew, Nevada Board of Wildlife Commission Chairman, clarified that the reason this is back before them is because the permanent regulation was remanded back by the Legislative Commission over the language "the Commission/arbitration panel decision is final and binding."

A language cleanup was done to add language relating to a procedure for filing a claim and establishing a process to resolve a claim.

Vice Chairman Cook felt the regulation is much clearer now.

No public comment.

MOTION by Cook/Turnipseed to recommend support of Commission General Regulation 456, Special Incentive Elk Arbitration Panel; carried unanimously.

3o. FOR POSSIBLE ACTION. DISCUSSION ON THE POTENTIAL CONGRESSIONAL LAND TRANSFER TO THE MOAPA BAND OF PAIUTES IN SOUTHERN NEVADA. The Department will present a brief overview of a potential congressional land transfer and discuss possible issues with wildlife management and public access in and around lands being considered for transfer. The Commission may choose to develop correspondence and provide input to the Congressional delegation as part of their consideration of Senate bill S. 1986.

Jeremy Drew, Nevada Board of Wildlife Commission Chairman, explained that access concerns have been raised with the proposal to expand the Moapa reservation.

Chairman Burnside asked if access is an issue on the other reservations and Commissioner Drew responded there are none he is aware of. Chairman Burnside would like assurances that access to those open areas within the proposed extension would be granted in perpetuity if the transfer occurs.

No public comment.

Both Vice Chairman Cook and Member Turnipseed spoke in opposition to any extensions.

MOTION by Cook/Turnipseed to support the perpetuation of the access in perpetuity if the proposed extension occurs; carried unanimously.

4. CORRESPONDENCE OR COMMUNICATIONS BOARD MEMBERS HAVE RECEIVED.

Vice Chairman Cook reported on correspondence from Bob Pohlman regarding the Greater Sage Grouse and from Doug Martin regarding a future agenda item.

Chairman Burnside stated he received the same correspondence from Doug Martin regarding a youth camp for outdoor skills.

Member Rittenhouse talked about a newspaper article on the wildlife feeding problem in Genoa. The people are feeding the animals and that is causing problems.

5. DISCUSSION ON THE RESULTS OF THE NOVEMBER 13 & 14, 2015 NEVADA BOARD OF WILDLIFE COMMISSION MEETINGS. There will be no action taken.

Chairman Burnside attended the meeting and stated the petition regarding coyote hunts was denied by the Commission.

Jeremy Drew, Nevada Board of Wildlife Commission Chairman, briefly recapped the actions taken at the November Commission meeting.

6. FOR POSSIBLE ACTION. DISCUSSION REGARDING ADVISORY BOARD MEMBER COMMITMENTS TO ATTEND UPCOMING WILDLIFE COMMISSION MEETINGS AND TO REPRESENT THE FINDINGS OF THE DOUGLAS COUNTY WILDLIFE ADVISORY BOARD. ONE MEMBER WILL BE DESIGNATED AS A SPOKESMAN FOR THE DOUGLAS COUNTY ADVISORY BOARD.

Member Rittenhouse will attend the Las Vegas meeting and Member Turnipseed will attend the Yerington meeting.

7. FOR POSSIBLE ACTION. DISCUSSION TO SCHEDULE THE NEXT WILDLIFE ADVISORY BOARD MEETING. The next Commission meeting is scheduled for March 25 and 26, 2016, in Yerington and the Commission will review and discuss potential agenda items for that meeting. The Commission may change the date and meeting location at this time. The chairman may designate and adjust committee assignments and add or dissolve committees, as necessary at this time. Any anticipated committee meetings that may occur prior to the next Commission meeting may be discussed.

The next Douglas County Advisory Board to Manage Wildlife meeting is tentatively scheduled for Tuesday, March 22, 2016.

8. FUTURE AGENDA ITEMS

- Tri County Wildlife Working Group
- Bi-State Sage Grouse
- Election of officers
- Youth camp for outdoor skills

FINAL PUBLIC COMMENT

Chairman Burnside talked about the success of the Mitch Park Pond. He suggested the Fishing Report Update be formatted by body of water instead of just by region.

Public comment closed.

MOTION by Burnside/Cook to adjourn the meeting; carried unanimously.

There being no further business to come before the DCABMW, the meeting adjourned at 7:46 p.m.

The minutes of the January 25, 2016 meeting of the Douglas County Advisory Board to Manage Wildlife are so approved this 22nd day of March, 2016.

Respectfully submitted:

Chairman