

DOUGLAS COUNTY ADVISORY BOARD TO MANAGE WILDLIFE
Minutes of the October 30, 2017 Meeting

The Douglas County Advisory Board to Manage Wildlife meeting was scheduled for 5:30 pm on Tuesday, October 30, 2017 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
Chad Foster
Robert Rittenhouse
Mike Turnipseed

OTHERS PRESENT: Robert Mergell, Nevada State Parks, Deputy
Administrator
Randy Denter, Nevada State Parks, Walker Park
Supervisor
Dale Conner, Nevada State Parks, Western Region
Manager
Deanna Ackerman, NDOW, Game Warden

PLEDGE OF ALLEGIANCE – Vice Chairman Cook led the Pledge.

CALL TO ORDER

Chairman Burnside called the meeting to order at 5:41 pm and determined a quorum was present. Introductions of those in attendance were made.

PUBLIC COMMENT

There was no public comment.

FOR POSSIBLE ACTION. APPROVAL OF AGENDA

No public comment.

MOTION by Turnipseed/Cook to approve the agenda as presented; carried unanimously.

FOR POSSIBLE ACTION. APPROVAL OF MINUTES:

- **September 19, 2017**

No public comment.

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

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

Member Rittenhouse met with Carson City Advisory Board to Manage Wildlife member Gene Green and discussed feral horses, access to Hobart Lake, and reptile availability in captive breeding programs. No member from the Washoe County Advisory Board to Manage Wildlife was present but the others are hoping someone from Washoe County will attend the next meeting.

Chairman Burnside suggested meeting in the evening to make it easier for people to attend and holding the meeting the week prior to the Commission meeting.

Member Turnipseed reiterated his desire to see the final report on the deer/bear interaction study.

2. FOR POSSIBLE ACTION. PRESENTATION BY NEVADA STATE PARKS' DEPUTY ADMINISTRATOR ROBERT MERGELL ON AN UPDATE AND THE STATUS OF THE PLANS FOR THE WALKER RIVER STATE PARK AND MANAGEMENT FORMAT FOR ONGOING OPERATIONS.

Robert Mergell, Randy Denter, and Dale Conner, Nevada State Parks, explained the new park is the result of lands, the Pitchfork, Rafter 7, Flying M, and Nine Mile Ranches, deeded as part of the Explore Your Nevada initiative. The Walker Basin Conservancy (WBC) assigned the properties to State Parks for development and management while they continue to maintain and revegetate the previously cultivated lands back to a natural or sustainable vegetation type. Initially \$5 million has been committed to revegetate the parcels. The vast majority of the property was never fields so approximately 2,000 acres will have to be revegetated. The WBC has the water rights to put on these properties since the surface water rights have been taken off and WBC has committed to leave water there as long as necessary. There are adequate groundwater rights to maintain all the future projects and development.

Pitchfork Ranch: the main headquarters for the entire park system.

Rafter 7: a more secluded property and further up the road.

Nine Mile: the elbow will be one of the first phases of development. The Nine Mile house, the oldest building in Mineral County, will be rebuilt after being damaged by an earthquake and will be the headquarters for this section of the park.

Flying M: no improvements will be made at this time. The existing improvements are move in ready and the fully functioning airport will be kept operational. This area is not open to the public at this time.

An overview of the properties, the proposed buildouts, and future recreational opportunities were presented.

Member Foster would like to see an archery course instead of an archery range.

Nevada State Parks is still seeking comment and input on the development of the property.

No public comment.

This was a presentation only and no action was taken.

- 3. The following items, 3a through 3h, are items that will be heard before the Nevada Board of Wildlife Commissioners at the next meetings, November 3 & 4, 2017, at the Nevada State Capitol Building, Capital Assembly Chambers, Second Floor, 101 North Carson Street, Carson City, 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–3h. DISCUSSION AND POSSIBLE ACTION REGARDING WHETHER THE DOUGLAS COUNTY ADVISORY BOARD SHOULD TAKE A POSITION ON:

3a. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 475, SHED ANTLERS. The Commission will hold a workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code (NAC). This regulation prohibits a person from collecting shed antlers at any time during a year unless the shed antlers are collected by the person from the field from April 15 to December 31, inclusive, of that year. *(This item is agendized as a workshop on the Nevada Board of Wildlife Commissioners' Agenda) (Wildlife Commission Agenda Item 6)*

Member Turnipseed thought a Nevada hunting license was needed to collect sheds but that does not appear to be the case. He said that Utah is closed to shed hunting and that drove many people to Nevada exacerbating the problem.

Chairman Burnside said many people who are not hunters collect sheds.

Member Foster wondered if there is a huge demand and/or population that will go out into the field to collect sheds and if that will disrupt hunts in progress.

The other members thought it would not since people wanting fresh sheds will go out in April. If a person is out on a hunt and sees a shed, they could pick it up.

Member Turnipseed added private property is not addressed in this.

Deanna Ackerman, NDOW Game Warden, explained the law is meant to discourage putting pressure on already high stressed animals. If a rancher has a shed on their private property and it is not within the collection dates, she feels they could pick the shed up. This regulation is the result of the amount of people who came to Nevada because of the Utah closure. Other states highly regulate this but have not stopped it completely.

Member Rittenhouse talked about the shed madness that occurs in Montana in elk areas.

Member Foster thought the same thing could happen here on April 15th. He would rather have people do this before any of the hunting seasons open.

PUBLIC COMMENT

Taylor Reed, Backcountry Hunters and Anglers board member, stated they agree with the need for the regulation due to the degradation of wildlife habitat, harassment of wildlife, and vehicles piled high with antlers from rural communities and headed for other states makes it excessive taking of wildlife resources that belong to all. He asked if the purpose of the regulation is aimed toward hobby or commercial shed collection. If intent can be determined, his opinion is that the commercial pursuit of sheds should be stopped. Should there be a limit on sheds and should a permit be required for commercial sales? The harassment of animals to get sheds for personal gain is entirely wrong and should be examined closely.

Kevin Crow, Backcountry Hunters and Anglers member, agreed with the comments made by Mr. Reed regarding commercial purposes. Personally, he feels people are using public land for what they want to use it for so that is not a degradation of terrain. They are collecting biological waste that is infinitely renewable. There are already laws against the harassment of animals. What is the real issue and are we creating a regulation for two counties?

Public comment closed.

Chairman Burnside said the primary goal is to protect the animals during a vulnerable time of year. This is a backdoor way to limit the commercial collection without violating any interstate commerce laws.

Member Turnipseed said it will help protect the habitat too.

Ms. Ackerman believes commercial use is an issue that will continually arise and she used the example of people who collect pine nuts for commercial use. This regulation will not be the end of the commercial use. Intent must be considered but is hard to prove.

Member Foster feels the getting the word out to non-hunters will be important, if this passes.

MOTION by Foster/Turnipseed to recommend approval of Commission General Regulation 475, Shed Antlers, as written; carried unanimously.

3b. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 440, TRAIL CAMERAS AND OTHER DEVICES, LCB FILE NO. R012-16. The Commission will hold a workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code. The proposed regulation change is intended to restrict the use of motion and heat sensing cameras that are left for a period of time, and not held in the hand. The proposed

language would prohibit (with certain exemptions) the use of trail cameras within 200 feet of a spring, water hole, or artificial basin from Aug. 1 to Dec. 31 of each year. The proposed language would further prohibit the use of transmitting trail cameras at any location from Aug. 1 to Dec. 31 of each year. The Commission held a workshop on March 25, 2016 and directed the Department to revise previously drafted language prohibiting the use of trail cameras only for the purposes of scouting or hunting. (This item is agendized as a workshop on the Nevada Board of Wildlife Commissioners' Agenda) (Wildlife Commission Agenda Item 7)

Chairman Burnside talked about the number of trail cameras he saw around waterholes while setting up for a recent hunt.

Member Foster feels this comes down to an issue of commercialism since the average hunter isn't putting out 300 trail cameras but an outfitter may to ensure a client harvests what they are looking for.

Vice Chairman Cook does not think 200' is enough.

Member Foster agreed and added technology will improve and the cameras will now be within a 200' radius. 70 yards is not a significant distance.

Chairman Cook said this is double the distance that camping is prohibited.

PUBLIC COMMENT

Kevin Crow, Backcountry Hunters and Anglers member, said the group believes this proposal is a fair compromise. However, technology is always changing and the regulation is too specific; it focuses on the live or real time transmission of images and video but it does not consider technologies that could send a text message, etc. He suggested Section 1.b (1) read ".....capable of transmitting game location data to a receiving or viewing device....." This would eliminate trail cameras and a myriad of technologies that are unsporting and against fair chase. Photos of game are not the issue, live game location data is, so this change would more clearly reflect the intent.

Taylor Reed, Backcountry Hunters and Anglers board member, stated the group is focusing on the real-time issue and not game cameras. He agreed with Mr. Crow's comments.

Public comment closed.

Chairman Burnside referred to Section 2.3 (b) and questioned whether some of those individuals would take advantage of using that data.

Vice Chairman Cook wondered if banning trail cameras altogether would be an option since it could be a violation of fair chase.

Mr. Crow said a clear definition of "fair chase" would help.

Deanna Ackerman, NDOW Game Warden, said this is meant to regulate intent and not use.

Chairman Burnside believes this is a compromise and completely outlawing them will not pass.

MOTION by Turnipseed/Cook to recommend approval of Commission General Regulation 440, Trail Cameras and Other Devices with the recommended change to Section 1.b (1) as stated by Mr. Kevin Crow; carried unanimously.

3c. FOR POSSIBLE ACTION. DISCUSSION ON THE SECOND READING OF COMMISSION POLICY 27, PROTECTION OF NEVADA WILDLIFE RESOURCES. The Commission will conduct a second reading of Commission Policy 27 and may take action to officially revise the policy. (*Wildlife Commission Agenda Item 8*)

Member Foster reviewed the discussion that took place at the Las Vegas Commission meeting. He feels this assumes wolves have not ever been here. Killing all the wolves that cross our borders is not the answer to protecting the Nevada wildlife resources.

Member Turnipseed disagreed because wolves have decimated elk populations in areas where they have been allowed to expand.

Member Cook talked about the findings in Yellowstone that wolves were not responsible for the decline in the numbers of deer and elk.

Chairman Burnside pointed out wolves are a federally protected species. Once we have them, the federal government will be involved in the management of them and that will affect how the Department is able to manage the prey species the wolves feed on. He pointed out the Wild Horse and Burro Act was omitted from #5 of the policy and thought it should be included.

Using the example of the wild horses, Member Rittenhouse thought arbitrary estimates on the appropriate number of animals are made but then oftentimes that gets lost in the funding and the emotional side of things. This may be a case of the same thing.

No public comment.

MOTION by Cook/Turnipseed to recommend approval of Commission Policy 27, Protection of Nevada Wildlife Resources; carried with Foster voting Nay.

Member Foster voted in opposition because if a pioneering pack of wolves comes in, they should not necessarily be destroyed.

3d. FOR POSSIBLE ACTION. DISCUSSION ON THE SECOND READING OF COMMISSION POLICY 65, DESIGNATION OF WILDLIFE MANAGEMENT AREAS. The Commission will conduct a second reading of Commission Policy 65 and may take action to officially revise the policy. (*Wildlife Commission Agenda Item 9*)

No public comment.

MOTION by Foster/Cook to recommend approval of Commission Policy 65, Designation of Wildlife Management Areas, as written; carried unanimously.

3e. FOR POSSIBLE ACTION. DISCUSSION ON THE FIRST READING OF COMMISSION POLICY 26, RE-ESTABLISHING, INTRODUCING, TRANSPLANTING, AND MANAGING PIONEERING ROCKY MOUNTAIN ELK. The Commission will conduct a first reading of Commission Policy 26 and may take action to revise the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting. (*Wildlife Commission Agenda Item 10*)

No public comment.

MOTION by Cook/Turnipseed to recommend approval of Commission Policy 26; carried unanimously.

3f. FOR POSSIBLE ACTION. DISCUSSION ON THE REVIEW AND FIRST READING OF COMMISSION POLICY 3, APPEALS. The Commission will conduct a first reading of Commission Policy 3 and may take action to revise the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting. (*Wildlife Commission Agenda Item 11*)

No public comment.

MOTION by Cook/Turnipseed to recommend approval of Commission Policy 3, Appeals; carried unanimously.

3g. FOR POSSIBLE ACTION. DISCUSSION ON THE REVIEW OF POSSIBLE SETTLEMENT *SMITH v. NEVADA*. Less than a Quorum of the Board of Wildlife Commissioners will attend a mandatory Nevada Supreme Court confidential settlement conference regarding an appeal in the case of *Mark Smith, Donald A. Molde & Smith Foundation v. State of Nevada Board of Wildlife Commissioners & NDOW (Second Judicial District, Reno)* on Nov. 2, 2017. If a tentative settlement is reached as a result of the mediation, the Board will consider accepting the settlement. (*Wildlife Commission Agenda Item 21*)

No public comment.

The consensus of the members was to take no action on this item.

3h. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 17-02 NONCOMMERCIAL COLLECTION OF REPTILES AND AMPHIBIANS FOR 2017-2018, AMENDMENT #1. The Commission will consider and may take action to change Commission Regulation 17-02, Amendment #1, for the 2017-2018 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians. (*Wildlife Commission Agenda Item 22*)

Member Foster reviewed the discussion and public comment that took place at the Las Vegas Commission meeting. He feels this is the beginning of looking at the hobbyists' collection laws.

Chairman Burnside said this regulation allows the current season to continue; it is not stopping it.

Member Rittenhouse cannot believe that there are that many hobbyists collecting lizards and snakes.

Member Foster believes they are making a big decision on a small subset of data. There is only data from seven people.

Vice Chairman Cook thought the Department had a lot of data but not the manpower to analyze it.

Member Foster was not surprised because the funding was not there for man hours. Raising the prices is not the answer because that would be passed on to the people willing to purchase the reptiles. There are websites where people can purchase these animals that are "captive bred." There is still a demand for these animals so it is going to drive up the price. He wondered if disallowing commercial collection has just created a negative effect. Member Foster pointed out the commercial collectors will now become hobbyists.

From an enforcement standpoint, Deanna Ackerman, NDOW Game Warden, feels it would be easier to enforce if both commercial and noncommercial collection were illegal. It is hard to prove intent. Having noncommercial collection available will tempt commercial collectors to become noncommercial collectors because the demand will still be there.

Vice Chairman Cook thinks the Department does not have the people to enforce it now or if they stop it. Nevada is the only state in the west that allows it. He suggested stopping it until we can get a handle on it by making regulations that can be enforced.

Member Foster said enforcing all the regulations is hard because of the lack of manpower. A lot is based on trust and this comes down to people doing the right thing.

No public comment.

MOTION by Turnipseed/Burnside to recommend approval of Commission Regulation 17-02; carried with Cook and Rittenhouse voting Nay.

4. CORRESPONDENCE OR COMMUNICATIONS BOARD MEMBERS HAVE RECEIVED

Member Turnipseed received an email from Tyler Turnipseed regarding the number of trail cameras on one spring.

5. DISCUSSION ON THE RESULTS OF THE SEPTEMBER 22 & 23, 2017 NEVADA BOARD OF WILDLIFE COMMISSION MEETINGS. There will be no action taken.

Member Foster updated the Board on the discussion on:

- The Carson City Advisory Board to Manage Wildlife's discussion on the increased deer population in Carson City and the public awareness pamphlet they have available.
- The action taken on the motorized vehicle in a wilderness area violation.
- Discussion on the protection of wildlife.
- Chronic wasting disease has been found in soil so samples are being requested from taxidermists.
- The shortage of rainbow trout eggs for this year.
- Update on the Bighorn Sheep recovery project.
- License simplification discussion
- Collection of reptiles

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 Turnipseed will attend the upcoming meeting in Carson City.

7. FOR POSSIBLE ACTION. DISCUSSION TO SCHEDULE THE NEXT DOUGLAS COUNTY WILDLIFE ADVISORY BOARD MEETING.

The next Douglas County Advisory Board to Manage Wildlife meeting is tentatively scheduled for Monday, January 22, 2018.

8. FUTURE AGENDA ITEMS.

- Wildlife Working Group
- Election of Chairman and Vice Chairman

CLOSING PUBLIC COMMENT.

No public comment.

ADJOURNMENT

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

There being no further business to come before the DCABMW, the meeting adjourned at 8:38 p.m.

The minutes of the October 30, 2017 meeting of the Douglas County Advisory Board to Manage Wildlife are so approved this 22nd day of January 2018.

Respectfully submitted:

Chairman