DOUGLAS COUNTY ADVISORY BOARD TO MANAGE WILDLIFE
Minutes of the March 13, 2018 Meeting

The Douglas County Advisory Board to Manage Wildlife meeting was scheduled for 5:30 pm on Tuesday March 13, 2018 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
Robert Rittenhouse
Mike Turnipseed
Chad Foster (arrived at 6:28 pm)

OTHERS PRESENT: Mike Digiusto, private citizen
Taylor Reed, private citizen

PLEDGE OF ALLEGIANCE – Member Turnipseed led the Pledge.

CALL TO ORDER
Chairman Burnside called the meeting to order at 5:32 pm and determined a quorum was present. It was explained that Member Foster would be arriving late to a work function conflict. Introductions of those in attendance were made.

PUBLIC COMMENT
There was no public comment.

FOR POSSIBLE ACTION. APPROVAL OF AGENDA
Due to Member Foster’s delay, the agenda items will be taken out of order so he could be present during key discussions.

No public comment.

MOTION by Cook/Turnipseed to approve the agenda; carried with Foster absent.

FOR POSSIBLE ACTION. APPROVAL OF MINUTES:

• January 22, 2018

No public comment.

MOTION by Cook/Rittenhouse to approve the minutes as presented; carried with Foster absent.
1. FOR POSSIBLE ACTION. DISCUSSION ON THE ELECTION OF A CHAIRMAN AND A VICE CHAIRMAN OF THE DOUGLAS COUNTY ADVISORY BOARD TO MANAGE WILDLIFE.

Discussion on this item was tabled until Member Foster was present.

2. DISCUSSION REGARDING THE ACTIVITIES OF THE TRI-COUNTY WILDLIFE WORKING GROUP.

The group has not met. Member Rittenhouse stated the group would like the Washoe County Advisory Board to Manage Wildlife to be involved so they will send them an email offering to meet at their convenience.

Chairman Burnside suggested Member Foster reach out to the Washoe County Chairman during the Laughlin Commission meeting.

3. The following items, 3a through 3h, are items that will be heard before the Nevada Board of Wildlife Commissioners at the next meetings, March 16 & 17 (this day is a Commission Field Trip), 2018, at the Clark County Regional Government Center Laughlin, 101 Civic Way, Laughlin, 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 THE WILDLIFE DAMAGE MANAGEMENT COMMITTEE REPORT AND FISCAL YEAR 2019 DRAFT PREDATION MANAGEMENT PLAN. The Commission will hear a report from the Wildlife Damage Management Committee chairman regarding the proposed Fiscal Year 2019 Predator Management Plan, and the Commission may take action to provide recommendations for modification of the draft for the May Commission meeting. (Wildlife Commission Agenda Item 6)

Vice Chairman Cook likes what is being proposed.

Chairman Burnside reviewed the projects being continued and the two new projects and said he has no issue with any of them.

No public comment.

MOTION by Cook/Rittenhouse to recommend approval of the Fiscal Year 2019 Draft Predation Management Plan; carried with Foster absent.

3b. FOR POSSIBLE ACTION. DISCUSSION ON THE SECOND READING OF COMMISSION POLICY 51, WAYNE E. KIRCH CONSERVATION AWARD. The
Commission will conduct a second reading of Commission Policy 51 and may take action to officially revise and adopt the policy. *(Wildlife Commission Agenda Item 7)*

The Board reviewed the proposed changes to broaden the criteria of the award and to allow for a designee for Ms. Marlene Kirch.

No public comment.

MOTION by Cook/Turnipseed to recommend approval of Commission Policy 51 as presented; carried with Foster absent.

3c. FOR POSSIBLE ACTION. DISCUSSION ON THE FIRST READING OF COMMISSION POLICY 50, DUCK STAMP PROCEDURE. The Commission will conduct a first reading of Commission Policy 50 and will discuss suspending the policy. The Commission may take action to revise, suspend or repeal the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting. *(Wildlife Commission Agenda Item 8)*

Chairman Burnside was unsure of whether continuation of Commission Policy 50 is being recommended or not. Changes to the current policy are not clear. The number of stamps has declined since the stamp is now included in the license, other states have done away with art contests, and the Department is losing a little money on printing the stamps.

Vice Chairman Cook pointed out that some people collect the stamps.

No public comment.

The consensus of the Board was to take no action since there is not enough information at this time on what is being proposed.

3d. FOR POSSIBLE ACTION. DISCUSSION ON THE STATUS OF COMMISSION POLICY REVIEW. The status of the Commission’s policy review will be discussed and items may be prioritized. *(Wildlife Commission Agenda Item 9)*

Vice Chairman Cook noted that more than half the policy revisions have already been completed.

Chairman Burnside noted that the review of Policies 24 and 67 were being targeted to become a higher priority.

No public comment.

The consensus of the Board was to take no action since the Committee is updating the Commission and seeking direction on priorities.

3e. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 473, SAFE HUNTING DISTANCE, LCB FILE NO. R111-17. The
Commission will hold a workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code (NAC). This regulation would make it unlawful for a person to discharge a firearm, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow within a certain distance of any occupied dwelling without the consent of the owner or occupant of the dwelling. *(This item is agendized as a workshop on the Nevada Board of Wildlife Commissioners’ Agenda)* *(Wildlife Commission Agenda Item 11A)*

Chairman Burnside polled the members and the public to see if there was any objection to delaying this item until Member Foster arrives. No one expressed opposition to the delay.

Discussion on this item was tabled until Member Foster was present.

3f. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 470, MISCELLANEOUS PETITIONS, LCB FILE NO. R095-16. The Commission will hold a workshop to consider amending Chapter 501 of the Nevada Administrative Code (NAC). The regulation was developed by the Administrative Procedures, Regulations, and Policy Committee after several public meetings incorporating relevant suggestions from the public, legal counsel, the Department and the Committee. The amendments will simplify petition form requirements and the petition process overall. Two workshops have been held on this regulation, Nov.18, 2016, and Aug. 11, 2017. *(This item is agendized as a workshop on the Nevada Board of Wildlife Commissioners’ Agenda)* *(Wildlife Commission Agenda Item 11B)*

No public comment.

The consensus of the Board was to take no action until a draft regulation is available. Once it becomes a draft regulation, the Board could consider and vote on it.

3g. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 18-10, MIGRATORY GAME BIRD SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR WATERFOWL AND WEBLESS MIGRATORY GAME BIRDS; PUBLIC HUNTING LIMITED ON WILDLIFE MANAGEMENT AREAS AND DESIGNATED STATE LANDS. The Commission will consider recommendations for seasons, bag limits, and special regulations for migratory game birds for the 2018 - 2019 season and adopt regulations that comply with the proposed regulations framework for the 2018 - 2019 hunting seasons on certain migratory game birds established by the U.S. Fish and Wildlife Service. The Commission will also consider rules regulating public hunting on Wildlife Management Areas and designated state lands. *(Wildlife Commission Agenda Item 12)*

Vice Chairman Cook is concerned that the chukar season starts on October 13th and he feels the duck season should start on that same day to take the pressure off both. He would like the northwest zone opener changed to coincide with the chukar opener to reduce pressure on both.

Member Turnipseed thought that would spread the game wardens pretty thin.
Chairman Burnside explained the earlier start date for the northeast zone was created because of the extreme temperatures late season, and that waterfowl could not land when the water was frozen. He pointed out that Snow and Ross' Geese have an additional late season and that shot capacity restrictions would be relaxed during that late season, which begins in February 2019.

No public comment.

MOTION by Cook/Turnipseed to recommend approval of Commission Regulation 18-10, migratory game bird seasons, bag limits, and special regulations for waterfowl and webless migratory game birds; public hunting limited on wildlife management areas and designated state lands-2018/2019 season as presented and consider permanently changing the northwest zone start date to the second Saturday in October, the same day as chukar, carried with Foster absent.

3h. FOR POSSIBLE ACTION. DISCUSSION ON THE LANDOWNER DEER AND ANTELOPE TAG PROGRAM. The Commission will consider stakeholder input on the proposal to promulgate regulation to equitably distribute deer and antelope compensation tags if the statutory limit is reached in the future. The Commission directed the Department to inform stakeholders of the intent to develop a regulation that would ensure each cooperator would receive at least one compensation tag and then use a mathematical formula that consider counts of deer and antelope present and the length of time that cooperators had been participating in the program. The Commission may vote to provide the Department with direction to initiate rulemaking. (Wildlife Commission Agenda Item 13)

Member Turnipseed pointed out they have not reached the cap.

Chairman Burnside stated that the current discussions are centered around how the available tags would be distributed if, at some future date, the number of landowner tags exceeds the cap. He believes that the proposal is that any participant in the program eligible to receive any tags would receive at least one tag. To be determined is a formula that takes into account the number of animals causing damage and the length of time the owner/manager has been involved in the program.

Member Turnipseed believes it should be pro rata after one.

Chairman Burnside pointed out no draft language is available yet.

Member Rittenhouse asked how much damage a deer can do to the property.

Chairman Burnside answered it is based on the number of animals on private land; no evaluation is being placed on the actual amount of damage.

Member Turnipseed added the animals cause damage in other ways besides eating.

Chairman Burnside cited NAC 502.4258 and questioned whether or not discussions to "prevent or mitigate future damage" are taking place. No plan to stop the damage is being formulated and there is an assumption that the ranchers will get tags year after year.
Overall the members feel this is a good program.

No public comment.

MOTION by Burnside/Turnipseed to recommend the Commission formulate language for an equitable way to distribute tags if they come up against the statutory cap in the future;

Chairman Burnside explained some feel the private lands that are being cultivated and the water developments available have helped the wildlife population increase. The landowner tag program is tolerance for the private landowners to allow the animals to continue to use their land.

Member Turnipseed thought farming to generate tags was a different story altogether.

MOTION; carried with Foster abstaining since he arrived midway through this discussion.

3e. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 473, SAFE HUNTING DISTANCE, LCB FILE NO. R111-17. The Commission will hold a workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code (NAC). This regulation would make it unlawful for a person to discharge a firearm, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow within a certain distance of any occupied dwelling without the consent of the owner or occupant of the dwelling. (This item is agendized as a workshop on the Nevada Board of Wildlife Commissioners’ Agenda) (Wildlife Commission Agenda Item 11A)

PUBLIC COMMENT

Taylor Reed thinks any efforts being made should be made toward education on the safe operation of firearms and where safe shooting should take place. If this regulation passes and he cannot hunt within 5,000’ of a home or get the permission of a homeowner, that severely limits where he can hunt especially in Units like 192. He hopes there is enough opposition to this regulation that it will not pass. He is entirely opposed to the regulation as drafted.

Member Turnipseed reviewed the case of the deer being shot with a bow on Genoa Lane and the uproar that caused.

Chairman Burnside noted the Department’s thoughts to mimic Douglas County’s firearm’s ordinance with regard to distances. Douglas County’s Code addresses the discharge of all firearms; it is not limited to hunting. The proposed regulation only addresses hunters and hunting activities. Bows and arrows are not addressed at all in state or county regulations and that was part of the problem in Genoa.

Mr. Reed clarified that the proposed regulation includes bows and asked what the proposed distances are.

Chairman Burnside explained the Department is suggesting 500’ feet for a shotgun, bow, or crossbow and 1,500’ for rifles and handguns from an occupied dwelling without the consent of the owner or occupant of the dwelling.
Member Foster added NRS and NAC do not address the discharge of a bow and that created an issue in the Genoa incident. Now a bow and crossbow will be addressed.

Member Turnipseed thought this regulation was not needed. If a person is endangering a neighbor, they should be cited.

Chairman Burnside pointed out bows were not addressed until now. He recalled attending the Commission meeting where Douglas County Sheriff Ron Pierini pleaded with the Commission to do something statewide. People often draw tags outside their home area and do not check the local regulations. In fact, they look at state regulations and make assumptions from there. Sheriff Pierini is a hunter and teaches hunter safety and recognizes the need for a statewide regulation.

Chairman Burnside reiterated his concern about turning non-hunters into anti-hunters. If using the proposed distances of 500’ and 1500’ from occupied dwellings help to keep non-hunters from becoming anti-hunters then he is fully supportive of this.

Member Foster pointed out that if the proposed regulation passes it could be in conflict with other counties’ regulations. He asked which would take precedence when hunting.

Several members thought state law would prevail.

Chairman Burnside explained the state regulation only addresses distances while hunting. It could be possible to violate one law while being in compliance with another.

Member Rittenhouse thought that neither law would trump the other.

Member Foster thought this could be restrictive in Unit 192 since houses and farms are scattered throughout the Mason Valley Wildlife Management Area. He suggested the Department consider doing some analysis to find out what types of areas they are eliminating from hunting and what the impact to the sportsmen will be. He talked about the requirement to take a hunter safety class and how they are taught not to fire in the direction of houses.

Mr. Reed clarified what the recommended distances were and he indicated he did not disagree with 500’ and 1500’. When he was under the impression they were 1,000’ and 5,000’, he felt too much land would be locked up. Also he understands bows and crossbows are being added to the 500’ distance.

Member Turnipseed thought this could make a criminal out of someone who is perfectly safe.

Public comment closed.

MOTION by Cook/Foster to recommend the Commission approve Commission General Regulation 473, Safe Hunting Distance, which is included in the NAC 503 as written provided that the distances are 1500’ for rifles and pistols and 500’ for bows, crossbows, and shotguns; carried unanimously.
Member Foster stated his intention to bring a few matters to the Commission’s attention: which jurisdictional law takes precedence if this passes and whether the impact on public lands been determined.

1. FOR POSSIBLE ACTION. DISCUSSION ON THE ELECTION OF A CHAIRMAN AND A VICE CHAIRMAN OF THE DOUGLAS COUNTY ADVISORY BOARD TO MANAGE WILDLIFE.

MOTION by Turnipseed/Foster to retain the same Chairman, Craig Burnside, and Vice Chairman, Bob Cook;

Member Foster asked Members Burnside and Cook if they were willing to continue in those capacities.

Chairman Burnside indicated his willingness to continue being Chairman but is also willing to allow someone else to serve if they wish.

No other members stated a desire at this time to serve in either capacity.

MOTION; carried unanimously.

4. CORRESPONDENCE OR COMMUNICATIONS BOARD MEMBERS HAVE RECEIVED.

Several members received emails regarding opposition to the proposed safe hunting distance regulation, opposition to the United States Air Force expanding Nellis Air Force Base, and an email on the importance of western migratory corridors for wildlife populations.

Member Turnipseed talked to Tyler Turnipseed about the proposed changes to the safe hunting distances.

Member Rittenhouse reviewed correspondence from Carson City on the access to Hobart Lake and State Parks receiving $1 million for facilities for the Walker River Park. He added the Carson City Advisory Board to Manage Wildlife voted to recommend denial of safe hunting distances.

5. DISCUSSION ON THE RESULTS OF THE JANUARY 26 & 27, 2018 NEVADA BOARD OF WILDLIFE COMMISSION MEETINGS. There will be no action taken.

The members reviewed the Commission action on:

- Black Bear
- Shed Antlers
- Trail Cameras

This was a discussion only.
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 Foster will attend the Laughlin meeting.

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 Tuesday, May 1, 2018.

8. **FUTURE AGENDA ITEMS.**
   - Wildlife Working Group
   - Ratification of the Douglas County Advisory Board to Manage Wildlife budget submitted to Bruce McDaniel before May 1, 2018.

**CLOSING PUBLIC COMMENT.**

Vice Chairman Cook explained his intention to resign from the DCABMW sometime around the end of the year and he feels having representation from Lake Tahoe is very important. He hopes his replacement will be a resident of the Lake.

Public comment closed.

**ADJOURNMENT**

MOTION by Turnipseed/Rittenhouse to adjourn the meeting; carried unanimously.

There being no further business to come before the DCABMW, the meeting adjourned at 7:52 p.m.

The minutes of the March 13, 2018 meeting of the Douglas County Advisory Board to Manage Wildlife are so approved this 1st day of May 2018.

Respectfully submitted:

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Craig Burnside, Chairman