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## **Eureka County Wildlife Advisory Board**

### **Minutes**

The Eureka County Wildlife Advisory Board (CAB) met in the Eureka County Administrative Facility on November 5, 2014 at 7:00 p.m.

Members Present: Chairman Lester Porter, Raymond Hodson, Brad Heyen, Jim Evans, and Dale Hornickel

Others Present: Mike Podborny-Nevada Department of Wildlife (NDOW), Jake Tibbitts-Eureka County Natural Resources Manager, and Jessica Santoyo- Natural Resources Asst./CAB Secretary

#### **Call to order**

Chairman Porter called the meeting to order at 6:57 p.m. A quorum was determined to be present.

#### **Public Comment**

Dale Hornickel stated he has been asked about the status of the sage grouse.

Mike Podborny stated a year from now there will be a decision made by Fish and Wildlife Services (FWS) on the sage grouse.

Jake Tibbitts stated FWS considered listing sage grouse in 2008 but precluded because of other high priority species and they didn't have the time and money to address it. FWS was then sued and FWS entered into a settlement with the entities that sued FWS to make a determination to list the bird or not to list the bird by September 2015. The 2008 finding stated that the primary reason the sage grouse should be listed is because of the lack of regulatory mechanisms. Federal Land Management Agencies such as the Bureau of Land Management (BLM) and the Forest Service (FS) entered into the land use plan amendment, so they could change every resource management plan in every western state. The amendment made provisions that would conserve sage grouse, FWS hopes that by having this in place they can go back during the decision process and say that the agencies had the regulatory mechanisms in place. The governor appointed the sage brush ecosystem task force and the task force is now state law. The task force has been working on the state plan that was approved and adopted by the state. The state plan is built around a conservation credit system. The BLM released their draft Environmental Impact Statement (EIS) for public comment. They are currently working on incorporating the comments and a record of decision should be released late summer or early spring. The FWS has a data call every year and they ask for data from anyone who has done something to benefit sage grouse. The data call is open until December 31, 2014, Eureka County submitted their data.

Brad Heyen stated has the board considered approaching the mines for any extra supplies they may have. General Moly has extra wood supplies and Ruby Hill probably has extra supplies with their closure. The board could use those supplies for maintenance around the guzzlers. Mr. Heyen stated the board should consider writing a letter to the mine for donation of supplies to the CAB.

#### **Board Business**

*Review and approval of minutes-*

Mr. Porter moved to approve the minutes from the September 4, 2014 meeting. Mr. Hornickel seconded, motion carried unanimously.

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### *Correspondence and Member Reports-*

Ray Hodson stated he didn't attend to the Bear Committee Meeting but those who went informed him that it is going to be an uphill battle. Mr. Hodson suggested that they do not give into them because if they do they will want more from them and no compromise will be reached.

### **Wildlife Habitat Enhancement Projects-**

*Update on pinyon-juniper thinning project, wildlife guzzler installation, and other potential projects, and consider further efforts to move forward for successful implementation of projects.*

Mr. Porter stated at the last meeting there was discussion on writing a letter to various groups such as BLM and Nevada Department of Wildlife (NDOW) to ask for support of Eureka County wildlife enhancement projects. The letter was sent out and only one response was received from the BLM Battle Mountain District Biologist, Bill O'Neill. Mr. O'Neill replied that he would like to work with Eureka County on the projects but would like to set up a meeting first. Mr. Porter stated he thinks it is time to make contact with Mr. O'Neill and set a meeting date and time.

Mr. Podborny stated he spoke with Mr. O'Neill and asked him about replacing the old tanks. Mr. O'Neill stated that they can't do anything right now because of the letter that was received from the county, they have to a meeting first in order to figure everything out. The meeting will be between NDOW, BLM, and the Eureka CAB.

Jim Evans stated that Mr. O'Neill sent him the Memorandum of Understanding (MOU) request along with historical documents and subsequent revised documents. Mr. Evans stated his managing existing sites is not an issue, his concern is looking into new construction sites that it is the issue.

Mr. Tibbitts suggested setting up three potential meetings dates and have the BLM decide what works best for them. Mr. Tibbitts stated the best way to get anything done is to have the specialists there but also have the guy who will make the final decision there also so they know what is going on. Mr. Tibbitts stated Doug Furtado will be coming to a Eureka County Commission meeting before the end of the year and his suggestion is to give Mr. Furtado the three dates that coincide with the commission meeting. Since, they will be coming in for the commission meeting they could potentially meet with them and discuss all of the projects. Mr. Tibbitts recommends that two members from the Eureka CAB be present to meet with Mr. Furtado and Mr. Tibbitts will also be present.

Mr. Hornickel recommended going out to the sites and taking pictures for the meeting.

Mr. Porter suggested that he be present as the Eureka County CAB Chairman. Mr. Porter also suggested that Mr. Hodson be present as a member of the CAB and that Mr. Tibbitts also be present.

Mr. Tibbitts stated he was on a conference call with the conservation district and there is a new grant opportunity for a wood utilization project for \$250,000.00. The grant proposal has to be submitted by January 19, 2015. Currently, the FS is working with Eureka County to put in a proposal for the grant. They will be partnering with the NV Pinion Juniper Partnership and the focus will mostly be Eureka County. The proposal is to show that the trees/wood that is being cut is not only waste and that it has other beneficial uses such as making it into bio-char. There

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is an economic use for the wood and it doesn't have to be high value use. Mr. Tibbitts stated he wanted to share this grant idea with the board because he would like to name them as a project partner on the grant.

The Eureka County CAB supports writing a proposal for the grant and to be included as a project partner.

**Nevada Board of Wildlife Commissioners Meeting Agenda and Support Material**

**Action Item 8: Special Incentive Elk Tag Arbitration NAC Issues – Eastern Region Biologist Ken Gray**

– At the recent September Commission meeting, the Commission passed a motion to ask the Department to draft a new version of NAC 502.42283 that provides pursuant authority set forth in NRS 502.142 that the Commission shall appoint or serve as the arbitration panel, and have the discretion to set the procedure in which the arbitration proceeds under Commissions' authority. The draft NAC will be presented with possible approval by the Commission.

Mr. Hodson moved to support the Special Incentive Elk Tag Arbitration NAC Issues. Mr. Hornickel seconded, motion carried unanimously.

**Commission General Regulation 9A: Commission General Regulation 453, First Come First Serve Bonus Point Program Amendment, LCB File No. R113 - 14 - Management Analyst 3**

**Maureen Hullinger** – The Commission will consider a regulation relating to wildlife; regarding making an exception in the bonus point program and not have the loss of bonus points occur in the bonus point categories if the applicant is successful in the "first come, first serve" draw for a tag; and providing other matters properly relating thereto.

Tags in the "first-come, first-serve" draw are unissued tags which are remaining tags after the big game tag draw (i.e, the Main Draw) and the subsequent remaining tag draw. Currently, bonus points are reverted to zero for those species categories when an applicant obtains a tag for any of these draws. This regulation amendment would exclude an applicant from having their bonus points revert to zero on species categories if they obtain a remaining tag in the "first-come, first-serve" draw.

Mr. Porter stated this is basically regarding leftover tags and that if they get one of the leftover tags they do not lose their bonus points.

Mr. Podborny stated this is after the main draw, it's after the second draw, and it is all of those leftover tags. There isn't a draw, they are just available. They are first come, first serve of the leftover tags without losing bonus points.

After brief discussion, Mr. Hornickel moved to support Commission General Regulation 453, First Come First Serve Bonus Point Program Amendment. Mr. Hodson seconded, motion carried unanimously.

**Commission General Regulation 9B: Commission General Regulation 416, Shed Antlers, LCB File No. R155-12 – Chief Game Warden Tyler Turnipseed**

- The Commission will consider a regulation relating to shed antlers; allowing a person to take shed antlers from the field during an open season and providing other matters properly relating thereto.

The regulation prohibits collecting shed antlers from the field from Jan. 1 – April 14, therefore allowing collection of sheds from the field April 15 – Dec. 31.

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The Nevada Board of Wildlife Commissioners conducted workshops on Jan. 31 and March 21, 2014, and action was taken to approve the regulation on March 22, 2014 at the NBWC meeting. The regulation was heard before the Legislative Commission on June 23, 2014, and was deferred to the agency to add language to add an exemption for private landowners.

Mr. Podborny stated the commission passed that shed antlers cannot be picked up from January to April. The legislative commission sent the regulation back with two recommendations. Number one was to write down that the shed antlers could be picked up from April 15 to December 31. Number two was that shed antlers could be picked up on private property.

Mr. Porter stated the problem they have with the whole thing is that it was supposed to stop animal harassment. He thinks if they are going to set a season, they should set it on public and private property.

Mr. Podborny stated it is private property and it is up to the homeowner if they allow it.

Jessica Santoyo stated the Eureka CAB has already weighed in on Commission General Regulation 416, Shed Antlers from the January 2014 meeting.

After brief discussion, the Eureka CAB offers no recommendation at this meeting because of having weighed in on this subject in January 2014.

*\*Recommendation from January 2014:*

After brief discussion, Lester Porter moved to support regulation 416 to restrict the time of year and establishing and administering an educational course. Does not support permit for shed antler hunting or #4, making it illegal to sell, trade, or barter. Regulation should start by restructuring to focus on dates and not include language about commercial or non-commercial. Fix commercial uses in the future if issues still exist after implementing season restrictions. Raymond Hodson seconded, motion carried unanimously.

### **Commission General Regulation 9C:**

#### **Commission General Regulation 454 (Temporary LCB File) - Firearm Carry During Archery Hunt**

- **Chief Game Warden Tyler Turnipseed** - The Commission will hear a regulation relating to the carry of a firearm in the field while hunting under archery regulations. The regulation will change NAC 503.144 to allow the carry of personal protection handguns while archery hunting. This will be a temporary regulation that will require Legislative Commission approval to become permanent after the 2015 Session of the Nevada Legislature. This regulation is in response to a proposed bill draft request from Nevada Assemblyman John Ellison and input from sportsmen to allow the carry of firearms while bowhunting for protection from potential criminal activity and wildlife attacks.

Mr. Hornickel stated he is in full support of carrying a gun during an archery hunt.

After brief discussion, Mr. Hodson moved to support Commission General Regulation 454- Firearm Carry During Archery Hunt. Mr. Heyen seconded, motion carried unanimously.

#### **Action Item 10A: Commission Regulation 15 - 02 Taking of Raptors for Falconry for 2015 - 2016**

- **Wildlife Diversity Administrator Laura Richards** - The Commission will consider and may take action to approve the 2015 - 2016 season dates, species, quotas, limits, closed areas, application procedures and deadlines, and take for raptors for falconry.

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No recommendation.

**Action Item 10B: Commission Regulation CR 15 - 03 Noncommercial Collection of Reptiles and Amphibians for 2015 - 2016 – Wildlife Diversity Administrator Laura Richards –** The Commission will consider and may take action to approve the 2015 - 2016 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians.

No recommendation.

**Action Item 16: Fiscal Year 2014 - 2015 Big Game Release Plan Amendment – Wildlife Staff Specialist Mike Cox -** Department staff are requesting to amend the Fiscal Year 2014 - 2015 (through June 2015) Big Game Release Plan to add a California bighorn augmentation for the Massacre Rim in Washoe County.

No recommendation.

**Action Item 17A: Commission General Regulation 435 - Archery Disability Permit and Cleanup, LCB File No. R107 - 14 - Conservation Education Division Administrator Teresa Moiola –** The Commission will consider a regulation relating to hunting; authorizing the Department to issue an archery disability permit to a person with a permanent disability; revising the definition of “longbow” for certain purposes; revising the circumstances under which a person may use a crossbow to hunt a big game mammal or a bow to hunt a game mammal or game bird; authorizing a person to use a scope permit during a type of hunt that is restricted to bows; and providing other matters properly relating thereto.

This regulation was previously heard by the Commission during the workshop at the September 2014 Nevada Board of Wildlife Commissioners Meeting. The Commission discussed how the regulation will allow for the use of crossbows in archery seasons for hunters with specific disabilities and clarifies archery equipment legal for any bow hunter in an archery season. The language has been updated to reflect changes requested by the Commission allowing a person with certain permanent disabilities preventing them from using traditional archery equipment, use of a crossbow. The language change clarified the definition of disabled.

Mr. Porter moved to support Commission General Regulation 435 - Archery Disability Permit and Cleanup. Mr. Hodson seconded motion carried unanimously.

**Action Item 17B: Commission General Regulation 439, Water Ski Towable Device, LCB File No. R108 - 14 - Staff Game Warden David Pfiffner –** The Commission will consider a regulation relating to watercraft; to clarify what is considered a towed device behind a vessel or restricted areas closed to water skiing for public safety in high use areas, narrow channels or certain bodies are not large enough to accommodate the activity.

The regulation will clarify what types of devices towed behind a vessel are prohibited in water skiing restricted areas, such as high use areas, narrow channels, and in certain water bodies too small to accommodate the activity. The Commission heard this regulation in workshop on Sept. 13, 2014. The Commission recommended as presented with no changes.

Mr. Hornickel moved to support Commission General Regulation 439, Water Ski Towable Device. Mr. Hodson seconded, motion carried unanimously.

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**Action Item 17C: Commission General Regulation 444, Laughlin Fishermen's Access, LCB File No. R086 - 14 – Staff Game Warden David Pfiffner** – The Commission will consider a regulation relating to watercraft; that will prohibit swimming or bathing around a dock or boat ramp or using a dock or boat ramp to swim or bathe; and docking a vessel or otherwise trespassing in a prohibited area at Laughlin Fishermen's Access.

The regulation addresses safety concerns of people swimming and/or bathing in a heavily congested boating area. The regulation will reduce potential injuries which may include prop injuries, vessel collisions and trauma injuries incurred by vessels striking swimmers and bathers in the launch area. The regulation will also prohibit trespassing or docking in prohibited areas, allowing the area available for emergency vessel use at Laughlin Fishermen's Access. The Commission heard this regulation in workshop on Sept. 13, 2014. The Commission recommended as presented with no changes.

Mr. Hornickel moved to support Commission General Regulation 444, Laughlin Fishermen's Access. Mr. Hodson seconded, motion carried unanimously.

**Action Item 17D: Commission General Regulation 449, Tannery/Taxidermist, LCB File No. R111 - 14 – Chief Game Warden Tyler Turnipseed** – The Commission will consider a regulation relating to taxidermy; authorizing a taxidermist who receives a taxidermic item from another taxidermist to maintain certain records in lieu of maintaining a record of the number of the tag, seal or permit for the taxidermic item; and providing other matters properly relating thereto. The regulation clarifies the licensing requirements for tanneries by including the activities licensed as a taxidermist and will reduce the amount of record keeping a taxidermist must complete when receiving hides, pelts or other wildlife parts from another taxidermist. The regulation was requested through a petition to the Commission. The Commission heard this regulation in workshop on Sept. 13, 2014. The Commission recommended as presented with no changes.

Mr. Hornickel moved to support Commission General Regulation 449, Tannery/Taxidermist. Mr. Hodson seconded, motion carried unanimously.

#### **ECABMW Meeting Start Times-**

*Review alternatives to accommodate meeting attendance by all board members. Establish a standard and acceptable meeting start time that will facilitate the board members participation/schedules and minimize administrative duties requiring the ECABMW secretary to contact all members prior to each meeting to determine if a quorum will be present.*

Mr. Porter stated at the last meeting the board held a discussion on start times and it was decided the meetings would continue to be on the Thursday before the Commission meeting at 7 p.m. The meetings can be subject to change if Mr. Hornickel cannot attend and he will inform the secretary if he cannot attend. Mr. Porter stated the board needs to understand the importance of having a quorum and being able to have meetings and provide comment to the Commission on important issues.

Mrs. Santoyo stated she sent out the calendar with the minutes and it has the potential meeting dates for the CAB and the commission dates. If there are dates that they can't make it too please let her know.

The board agreed with meeting the Thursday before the Commission meets and the meetings will be at 7 p.m.

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**Next Meeting Date**

The next meeting date was scheduled for January 29, 2015 at 7:00 p.m.

**Public Comment**

None

**Adjournment**

A motion to adjourn the meeting was made by Mr. Hornickel and seconded by Mr. Hodson. There being no further discussion, the meeting was adjourned at 8:11 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

Respectfully submitted: \_\_\_\_\_, Secretary  
Jessica Santoyo

Approved: \_\_\_\_\_, Chairman  
Lester Porter