

Eureka County Wildlife Advisory Board (CAB)

Minutes

The Eureka County Wildlife Advisory Board (CAB) met in the Eureka County Administrative Facility (Annex) on March 17, 2016 at 5:00 p.m.

Members Present: Raymond Hodson and Jim Evans

Members Absent: Lester Porter

Others Present: Mike Podborny-NV Department of Wildlife (NDOW), Tom Donham- Eastern Region Supervising Game Biologist NDOW, Jake Tibbitts-Eureka County Natural Resources Manager, and Jessica Santoyo-CAB Secretary

Call to order

Chairman Hodson called the meeting to order at 5:00 p.m. a quorum was determined to be present.

Public Comment

None

Board Business

Review and approval of minutes-

Jim Evans moved to approve the minutes as written from the January 21, 2016 meeting. Ray Hodson seconded, motion carried unanimously.

Correspondence and Member Reports-

Mr. Evans stated he has some information to pass on from Elko Advisory Board which he will cover under the NV Board of Wildlife Commission (NBWC) agenda.

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.

Jake Tibbitts stated the signed cooperative agreement from the Bureau of Land Management (BLM) for the Black Point chaining area was received. There are 500 acres out there that the Eureka CAB has been authorized to go and hand cut. This will help spend some of the funding and they also have the additional properties on the Diamonds that have acreage available for cutting, the cutters will be out there in June. There is \$70,000 left from two different funding sources, one is the Heritage Grant and the other is from the Partners of Conservation Development (PCD) with \$35,000.

Mike Podborny stated that the board needs to consider going out to the updated guzzler sites and checking the aprons because there is so much snow this year that they could potentially collapse.

Mr. Tibbitt stated there is an open grant right now through the State Conservation District Program that is only available to the conservation districts for projects that benefit sage grouse. Mr. Tibbitts will be applying for the grant on behalf of the Eureka Conservation District (ECD) for projects that they are trying to get done in Eureka County. The funds have to come to the ECD but the ECD wants to partner with the wildlife board to get more projects on the ground. Mr. Tibbitts stated that he will provide the board updates on the grant process.

Nevada Board of Wildlife Commissioners (NBWC) Meeting Agenda and Support Material

Action Item #6

Humboldt County Elk Sub-plan (First Reading) – Committee Chairman Eddie Booth and Western Region Biologist 3 Ed Partee – The Commission will be presented with the draft Humboldt County Elk Sub-plan for review and possible action. Subsequent to this presentation, the draft Humboldt County Elk Sub-plan will be brought before the Humboldt County Commission for their approval and the Nevada Board of Wildlife Commissioners for final adoption. The Commission may forward questions or needed clarifications to the local sub-plan committee for their feedback prior to final approval.

Mr. Podborny stated whether the board votes on this or not they may want to read the beginning of the elk plan. The plan covers how Humboldt County began the processes and what they had to do to get the plan moving forward.

Tom Donham stated Humboldt County will present the plan to the NBWC this meeting and then it will go back to the Humboldt County Commission for review. In May, the plan will come back to the NBWC and they will probably sign off on it.

No Recommendation.

Action Item #8

Wildlife Damage Management Committee Report and Fiscal Year 2017 Draft Predation Management Plan (Second Draft) – Commissioner and Committee Chairman Bliss and Wildlife Staff Biologist Pat Jackson – The Commission will hear a report from the Wildlife Damage Management Committee chairman, the second draft of the proposed Fiscal Year 2017 Predator Management Plan will be presented, and the Commission may take action to provide recommendations for modification of the second draft for the May Commission meeting.

Mr. Tibbitts stated he wrote a letter on behalf of the wildlife board and sent it to the Wildlife Damage Committee. The letter contained all of the updated information regarding the predator management work that was done in Eureka County through the wildlife board. Since then there has been some follow-up requests from Pat Jackson for shape files regarding where PJ work has been done. The current version of the Draft Predation Management Plan contains all of the updated information from Eureka County.

After brief discussion, the Eureka County Wildlife Advisory Board conceptually supports the current Fiscal Year 2017 Draft Predation Management Plan (Second Draft) and will provide final recommendation after review of the Final Fiscal Year 2017 Predation Management Plan.

Action Item #9

Wildlife Damage Management Committee, Approved Revision to Existing Policy #23 on Predation Management (First Reading) – Commissioner and Committee Chairman Bliss and Game Division Administrator Brian F. Wakeling – On behalf of the Wildlife Damage Management Committee (WDMC), the Department will present suggested amendments to existing Commission Policy #23 on Predation Management approved by the WDMC on Jan. 28, 2016, at their meeting in Las Vegas. The amendments suggested are generally to make the existing policy compliant with Assembly Bill 78 (adopted during the last legislative session) and to make the policy consistent with adopted practice. In accordance with Commission Policy #1,

this will serve as the first reading of Policy #23. The second reading will occur at the May Commission meeting and the Commission may adopt the revised policy at that meeting.

Mr. Donham stated the policy was just amended to follow what Assembly Bill (AB) 78 said from the last legislative session. The updated the verbiage and who should be on the committee.

Mr. Tibbitts stated he read the policy and didn't see any issues with it. It basically bring the policy into line with what the law says.

Mr. Evans moved that the Eureka County Wildlife Advisory Board make a recommendation regarding the Revision of Existing Policy #23 on Predation Management during the final reading of the policy. Mr. Hodson seconded, motion carried unanimously.

Action Item #17B

APRPC Recommendations and Request for Commission Guidance on Policy Numbering and Policy Review Delegation to Various Committees – Commissioner and Committee Chairman McNinch – Commissioner McNinch will report the Committee's recommendation and request the Commission's guidance to retain the current policy numbering format, and to delegate the review of Commission Policy #24, "Hunting Opportunities Among Weapons and Hunter Groups" to the Tag Allocation and Application Hunt Committee, and to delegate the review of Commission Policies #60 through #67 related to habitat and publically owned lands to the Commission's Public Lands Committee. Note: See agenda item #17 A for support material.

No Recommendation.

Action Item #17C

Rules of Practice Review, Status, and Commission Guidance – Commissioner and Committee Chairman McNinch – Commissioner McNinch will provide a status report on the Rules of Practice review, including Commission Policies #1 "General Guidelines for the Commission;" #3 "Appeals;" #4 "Petition Process and Regulatory Adoptions Policy," and NAC 501.195 related to petitions, and NAC 501.140 - 190 related to appeals. The committee is seeking discussion and feedback from the Commission regarding concepts to modify the Rules of Practice that the committee has discussed.

No Recommendation.

Action Item #18

Commission Regulation 14-11 Amendment #3, 2015 – 2016 Upland Game, Migratory Upland Game and Furbearer Seasons and Limits Amendment – Wildlife Staff Specialist Shawn Espinosa and Game Division Administrator Brian F. Wakeling – The Commission will consider amendment #3 to the 2015 – 2016 season dates and length for the third Mason Valley Wildlife Management Area wild turkey hunt period. Amendment #3 would extend the wild turkey hunt for this period from two days to its original, intended 9-day length extending from April 23 through May 1, 2016 rather than the current two day hunt period of April 30 through May 1, 2016.

No Recommendation.

Action Item #19

Commission Regulation 16-11 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 2016 – 2017 Season – Wildlife Staff Specialist Russell Woolstenhulme – The Commission will consider recommendations for seasons, bag limits, and special regulations for migratory game birds for the 2016 – 2017 season and adopt regulations that comply with the proposed regulations framework for the 2016 – 2017 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.

Mr. Evans stated that he has been in contact with many water fowlers in the Eureka area and the Elko area and they would like two alternatives to be considered regarding the Migratory Game Bird Seasons. Mr. Evans would like the Eureka County Wildlife Advisory Board to consider moving Eureka County into the Northeast Zone to be placed with Elko and White Pine County. The Elko County Wildlife Advisory Board will also be discussing the same issue as well as season windows. Mr. Evans would also like the Eureka County wildlife Advisory Board to consider the starting date for ducks to be October 1st and that the geese hunt starts on October 14th. The other alternative is to split the state into North and South zones with a starting date of October 1st or October 7th on the ducks. Mr. Evans recommends that they stick with the proposed dated but that they modify the goose starter to be delayed by two weeks.

Mr. Tibbitts asked Mr. Podborny if they are able to modify the zones or is that a long term deal. Mr. Podborny stated that he doesn't know how that all works, since the zones are already determined. If they just keep the zones the same and request that Eureka County be moved into the Northeast zone it would make things a lot simpler.

After brief discussion, Mr. Evans motioned to move Eureka County into the Northeast Zone, support all of the proposed dates except the Canada goose hunt by requesting a hunt start date of October 15th which would end on January 30th. Mr. Hodson seconded, motion carried unanimously.

Public Comment Item #20A

Commission General Regulation 456, Special Incentive Elk Arbitration Panel, LCB File No. R031-15 – Game Division Administrator Brian F. Wakeling – Workshop/Public Comment Allowed-

The Commission will hold a workshop on the temporary regulation which expired Nov. 1, 2015, relating to amending Nevada Administrative Code (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.

During adoption of the permanent NAC, the Legislative Counsel Bureau (LCB) and the Legislative Commission have questioned specific language choices recommended by the Department that directly influence the application of the Administrative Procedures Act (APA). The primary concern expressed by the Legislative Commission deals with the ability of an arbitration panel to issue a final and binding decision without providing a means for appeal. In short, an appointed panel may be able to provide such a decision, yet when the Commission acts in this capacity it may be deemed an administrative act that must be consistent with the provisions of the APA. The attempts by the Department to recommend acceptable language to adequately describe this nuance have thus far been unclear.

The Eureka County Wildlife Advisory Board stated that they continue to support Commission General Regulation 456, Special Incentive Elk Arbitration Panel.

Public Comment Item #20B

Commission General Regulation 460, Definition of "Spike Elk," LCB File No. R013-16 – Game Division Administrator Brian F. Wakeling – Workshop/Public Comment Allowed- The Commission will consider amending NAC 502.104 and 502.1045 to define "Spike Elk" in a manner that limits inadvertent errors in the field. The intent is to consider and possibly broaden the definition of spike in a manner that is consistent with the management objective of defining a spike while reducing the likelihood of errors in harvest identification.

Mr. Podborny stated currently they can't take an elk that doesn't have any branches because that is illegal. Occasionally, they have seen yearlings that look like they have spikes but they are actually brow points and that is now considered an illegal elk. Basically, if an elk is taken out and it has a browtie it is considered illegal. This is just for discussion and they want to know what the wildlife board's think about the issue.

After brief discussion, Mr. Evans motioned to support Commission General Regulation 460, Definition of "Spike Elk". Mr. Hodson seconded, motion carried unanimously.

Public Comment Item #20C

Commission General Regulation 458, Electronic Rifle Triggers, Caliber and Cartridge Length, and Smokeless Powder Restrictions, LCB File No. R144-15 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed- The Commission will hold a second workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code. The proposed regulation amendment contains two changes. The first change will clarify the use of black powder substitutes that are considered smokeless powder. The second change would make it unlawful to hunt a big game mammal with a rifle using a centerfire cartridge of caliber .46 or larger or an overall loaded cartridge length of 3.8 inches or longer. The amendment would also make it unlawful to hunt a big game mammal with any firearm equipped with an electronic or computer-controlled trigger.

A workshop was held in Las Vegas on January 29, 2016. The Commission directed the Department to hold a second workshop to consider additional changes, including: changing the term "big game mammal" to "any game animal" and either adjusting the "overall loaded cartridge length" to something that wouldn't impact custom reloads for popular hunting cartridges or changing the terminology to account for casing length rather than overall loaded length. Additional information was requested to show which rifles may be prohibited under either scenario.

Mr. Tibbitts stated they have supported this in the past but there are some language changes. There is some concern that the current language will impact custom reloads but this language will address those concerns.

Mr. Evans stated that both standard and magnum design specifications for North American big game be utilized as the delimiter relative to shell length/caliber.

Mr. Podborny stated they are talking about the overall loaded length of the case and the bullet.

Mr. Tibbitts stated the proposed change would limit the use of military type cartridges. The proposed change would limit the over loaded length of a hunting cartridge. It will make it unlawful to hunt a big game mammal with a rifle using a centerfire cartridge of caliber .46 or larger or an overall loaded cartridge length of 3.8 inches or longer.

Mr. Donham stated hunters are using real long bullets and sitting them shallower.

After brief discussion, Mr. Evans motioned to support both options and to support whichever option the NBWC chooses to implement regarding Commission General Regulation 458, Electronic Rifle Triggers, Caliber and Cartridge Length, and Smokeless Powder Restrictions. Mr. Hodson seconded, motion carried unanimously.

Public Comment Item #20D

Commission General Regulation 459, Unmanned Aerial Vehicles (Drones), LCB File No. R145-15 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed - The Commission will hold a second workshop to consider a regulation relating to amending Chapters 501 and 503 of the Nevada Administrative Code. The proposed regulation amendment contains two changes. The first change would make the prohibition of using aerial devices for the purpose of hunting year-round rather than the current prohibition of 48-hours prior to any open season and during any open season. The second change is to clarify existing language that prohibits the use of unmanned aerial vehicles for the purpose of hunting, locating, or observing big game animals. The changes would extend aerial scouting prohibitions and clarify the existing regulation by explicitly listing unmanned aerial vehicles.

A workshop was held in Las Vegas on January 29, 2016. The Commission directed the Department to hold a second workshop to consider additional changes, including: changing the term “big game mammal” to “any game animal” and adding terminology to Section 2 to clarify that the regulation is specific to “real time” satellite imagery rather than commercially available imagery products such as Google Earth.

Mr. Podborny stated the main change is language, in the current law it is prohibited to use unmanned aerial vehicles prior to any big season hunt. The problem is that if a Heritage tag exists with a starting season in August it eliminates all flying in the state. The proposed change would prohibit the use of unmanned aerial vehicles for the purpose of hunting, locating, or observing big game animals all year.

Mr. Hodson stated that he doesn't have a problem with them flying when there isn't a season.

After brief discussion, Mr. Evans motioned to make a strong statement based on the current law. If they have the empowerment to cite these people with harassment related issues then they should focus and use the law the way it is structured right now without making a new law. Mr. Hodson seconded, motion carried unanimously.

Public Comment Item #20E

Commission General Regulation 440, Trail Cameras and Other Devices, LCB File No. R012-16 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed- 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 the use of trail cameras to locate or observe big game mammals for the purpose of hunting from August 1 to December 31. The Commission directed the Department to develop this regulation at the September 2013 meeting

Mr. Podborny stated the proposed of addition will prohibit the use of trail cameras to locate or observe big game mammals for the purpose of hunting from August 1 to December 31. He thinks this will be an extremely hot topic.

Mr. Hodson stated the technology on trial cameras has come so far that individuals can receive texts telling them what is going on.

Mr. Evans stated that he supports restricted use of cameras on springs and guzzlers where over-use can readily occur and negatively impact hunting/recreational opportunity for all users.

Mr. Hodson suggested to hold off on commenting and what for Lester Porter to be present.

After brief discussion, the Eureka County Wildlife Advisory Board decided to wait to receive more information on the matter and review what other wildlife advisory board's comment on the issue. No recommendation will be provided at this time.

Next Meeting Date

The next meeting date was scheduled for May 5, 2016 at 5:00 p.m.

Public Comment

None

Adjournment

A motion to adjourn the meeting was made by Mr. Evans and seconded by Mr. Hodson. There being no further discussion, the meeting was adjourned at 6:00 p.m.

Approved this _____ day of _____ 2016.

Respectfully submitted: _____, Secretary
Jessica Santoyo

Approved: _____, Chairman
Raymond Hodson