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Eureka County Wildlife Advisory Board (CAB)

Minutes

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

Members Present: Raymond Hodson and Lester Porter

Members Absent: Jim Evans

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

Call to order

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

Public Comment

Mr. Hodson asked what is the status of the Comins and Bassett Lake. Does anyone at the table know what's going on with that.

Mike Podborny stated he doesn't know what happened with Bassett but Comins has been stocked a few times.

Board Business

Review and approval of minutes-

Lester Porter moved to approve the minutes from the March 17, 2016 meeting. Mr. Hodson seconded, motion carried unanimously.

Correspondence and Member Reports-

None

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 an additional \$16,000.00 was received from the State Conservation District Grant Program and those funds are available for use now. Mr. Tibbitts stated that he contacted last year's contractor on tree cutting to see if they are interested in cutting some more trees here. The contractor will be here tomorrow to look over the project sites and determine if they would like to take on the project.

Mr. Porter stated that he had a conversation with Clint Garrett regarding guzzler projects in Eureka County and Mr. Garrett informed him that he plans to begin work in Eureka County this year. The timeframe for those projects will be sometime between July and August.

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

Action Item #6

Commission Policy 26 – Management Analyst 3 Kim Jolly – Currently there are two existing Commission Policies that are numbered "26." One is entitled "Transparency (2011)," and the other is entitled "Re-establishing, Introducing, Transplanting and Managing Pioneering Rocky

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Mountain Elk (1995).” The Department is recommending that “Re-establishing, Introducing, Transplanting and Managing Pioneering Rocky Mountain Elk (1995)” be reaffirmed as Policy 26 and that “Transparency” be renumbered as Commission Policy 26A. The Commission may also take action to review the revised Commission Policy index and numbering system

Mr. Porter moved to support the Commission Policy 26. Mr. Hodson seconded, motion carried unanimously.

Action Item #7

Humboldt County Elk Sub-plan (Second 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. The draft Humboldt County Elk Sub-plan has incorporated edits from discussion with the Nevada Board of Wildlife Commissioners, Humboldt County Commission, and at a sub-planning meeting held on April 12, 2016. This draft is provided for final review and possible adoption.

No Recommendation.

Action Item #9

Presentation of Fiscal Year 2017 Draft Predation Management Plan (Final Draft) – Wildlife Staff Specialist Pat Jackson and Game Division Administrator Brian F. Wakeling – The Commission will review with the Department the third and final draft of the Fiscal Year 2017 Draft Predation Management Plan. The Commission may take action to modify or endorse the plan.

Mr. Tibbitts stated that he provided the verbiage changes to Pat Jackson regarding the Eureka County coyote project and all of that has been updated.

Mr. Podborny stated that he spoke with Mr. Jackson and was informed that 400 coyotes have been killed from a helicopter.

After brief discussion, Mr. Porter moved to support the Fiscal Year 2017 Draft Predation Management Plan (Final Draft). Mr. Hodson seconded, motion carried unanimously.

Action Item #10

Consideration of Revisions to Existing Commission Policy 23 on Predation Management (Second Reading) – Game Division Administrator Brian F. Wakeling – On March 24, 2016, the Commission heard a proposed revision to make existing Policy 23 consistent with provisions included in Assembly Bill 78 (AB 78) from the 2015 legislative session and current practice. The Commission moved the policy forward with removal of predation policies in subsection B.6. and B.7. on page 3 of the policy because these dealt with expenditures on habitat management, which had been specifically excluded through AB 78. The Commission may take action to modify or adopt this revision of Policy 23.

Mr. Porter moved to support the Consideration of Revisions to Existing Commission Policy 23 on Predation Management (Second Reading). Mr. Hodson seconded, motion carried unanimously.

Action Item #11B

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First Reading, Policy 1, General Guidelines for the Commission – Committee Chairman David McNinch and Management Analyst 3 Kim Jolly – The Commission will have a first reading of Commission Policy 1, General Guidelines for the Commission, and may take action on changes to Policy 1 as recommended by the APRP Committee. Recommendations include changes to reflect current practices and standards, including a section on Commission Policy record-keeping, and spacing the number of a Commission Policy’s “first and second readings” from one meeting to the next before a change to a policy is adopted. The Commission may advance Policy 1 to a second reading for possible adoption at a future meeting.

Mr. Hodson moved to support the First Reading, Policy 1, General Guidelines for the Commission. Mr. Porter seconded, motion carried unanimously.

Action Item #12

Duck Stamp Contest Sponsor – Publications Coordinator Aaron Meier – In accordance with Commission Policy 50 the Commission will be asked to select a sponsor for the 2017 and 2018 duck stamp contests.

Mr. Porter moved to support the Duck Stamp Contest Sponsor. Mr. Hodson seconded, motion carried unanimously.

Public Comment Item #14

Commission General Regulation 456, Special Incentive Elk Arbitration Panel, LCB File No. R031-15 – Game Division Administrator Brian F. Wakeling – 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 LCB suggested the Department add “subject to judicial review” to clarify the appeals process.

Tom Donham stated it’s basically down to the Commission to be the arbitration panel or the Commission will appoint an arbitration panel. The last time that the Legislative Council Bureau (LCB) kicked it was because of the language that stated that the appointment to the arbitration panel by the Commission was final and binding and the LCB said that they couldn’t say that.

After brief discussion, Mr. Porter moved to continue to support Commission General Regulation 456, Special Incentive Elk Arbitration Panel. Mr. Hodson seconded, motion carried unanimously.

Public Comment Item #15

Commission General Regulation 461, Industrial Artificial Pond Permits (IAP), LCB File No. R014-16 – Habitat Division Administrator Alan Jenne – The Commission will hold a workshop to consider regulation changes relating to amending Chapter 502 of the Nevada Administrative Code (NAC). It revises provisions relating to artificial industrial ponds; adds a provision on the

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purpose of permits; adds definitions for permanent closure and stabilized; adds new provisions and revises existing provisions relating to application, compliance, modification, renewal, and transfer of permits; and modifies provisions relating to assessment fee structure and payment tiers. The regulation change regarding application, compliance, modification, renewal and transfer of permits will provide clarity on how to manage permits when certain operational or administrative changes occur. The regulation change regarding assessment fee structures and payment tiers will expand the number of active permit holders required to pay an annual assessment and will increase certain payment tiers. Existing NAC language results in only 55 percent of active IAP permit holders paying an annual assessment, yet NDOW is responsible for managing permits and conducting inspections at all facilities with an IAP permit. The proposed regulation change will eliminate this shortfall, which is currently offset with sportsman dollars, and will create an industry-funded permitting program.

No Recommendation.

Public Comment Item #16

Commission General Regulation 462, Issuing and Verifying Hull Numbers of Vessels, LCB File No. R015-16 – Management Analyst 3 Maureen Hullinger – The Commission will hold a workshop to consider regulation changes to address federal regulatory changes the U.S. Coast Guard (USCG) has requested states to implement pertaining to hull numbers for vessels and the verification and issuance of these numbers; the processing of certificate of number applications for vessels to include language definitions, standardization of terminology regarding vessels and personal identification information of owners. In order to receive federal matching funds associated with the Dingle Johnson Act, all states report vessel information annually to the USCG. In an effort to modernize and standardize their vessel database information, which the USCG collects from all of the states, the USCG amended federal law. This federal change standardizes terminology across all of the states and provides direction regarding the method that states assign and verify hull numbers. Ultimately, these federal changes are expected to improve state reporting. As a result the Department must amend state regulation to implement this standardization effort in order to meet the USCG reporting requirements. These changes must be implemented by Jan. 1, 2017.

Mr. Porter moved to support Commission General Regulation 462, Issuing and Verifying Hull Numbers of Vessels. Mr. Hodson seconded, motion carried unanimously.

Action Item #23

Commission General Regulation 460, Definition of "Spike Elk," LCB File No. R013-16 – Game Division Administrator Brian F. Wakeling – 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. A workshop was held in Yerington on March 25, 2016. The Commission directed the Department to contact Utah to identify if they have had any issues with enforcement regarding the way that their language is written, which is similar to the Department's proposed language. Alternative language, including whether to use the number of branches or antlered points in the definition was also discussed.

Mr. Porter stated is there problems with guys shooting at spikes on fork.

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Mr. Podborny stated the problem is with the spikes that may have a brow tine, in the old law it was illegal. This law is based on a Utah law and it basically clears up the issue if they have small brow tines hidden by the ears.

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

Action Item #24

Commission General Regulation 456, Special Incentive Elk Arbitration Panel, LCB File No. R031-15 – Game Division Administrator Brian F. Wakeling – The Commission will consider 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. Note: See support material for agenda item #14.

Mr. Porter moved to support Commission General Regulation 456, Special Incentive Elk Arbitration Panel. Mr. Hodson seconded, motion carried unanimously.

Action Item #25

Commission Regulation 16-12, 2016 Big Game Quotas for the 2016 - 2017 Season – Wildlife Staff Specialists Mike Cox, Cody Schroeder, and Pat Jackson – The Commission will establish regulations for the numbers of tags to be issued for mule deer, pronghorn antelope, elk, bighorn sheep, black bear, and mountain goats for the 2016 - 2017 seasons. Note: Support material sent separately.

Mr. Porter stated he read over all of the biologists reports, looked over all of the quotas, and he is happy with everything. The reports and the numbers fit with everything that he sees out there and what other sportsmen see as well. Mr. Podborny did a great job with his report and with his findings. Mr. Porter stated that he doesn't see anything in the quota recommendations that he doesn't agree with.

After brief discussion, Mr. Porter moved to accept Commission Regulation 16-12, 2016 Big Game Quotas for the 2016 – 2017 Season along with alternative recommendations on Resident and Non-Resident Black Bear- Any Sex-Any Legal Weapon Hunt 6151 and 6251 and on Resident Junior Mule Deer- Antlered or Antlerless- Archery, Muzzleloader, or Any Legal Weapon Hunt 1107. Mr. Hodson seconded, motion carried unanimously.

Action Item #26

White Pine County Elk Incentive and Damage Arbitration Panel – Game

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Division Administrator Brian F. Wakeling –The Commission may take action to make three appointments to the White Pine County Elk and Damage Arbitration Panel to serve for the next two years (NAC 502.42283 and NAC 504.430).

No Recommendation.

Next Meeting Date

The next meeting date was scheduled for June 16, 2016 at 5:00 p.m.

Public Comment

Jared Lees stated on the last day of applications, the NDOW website was closed with a notice that it couldn't stay open because of traffic. Can they at least try to keep it open even if it crashes, some of those people may have lost their books and don't have it memorized.

Mr. Donham stated what crashes the page is that people don't think about going to the HuntNV page and they use the NDOW page as a portal and then go to the HuntNV page and it blows it up. He doesn't know the webpage deal but the webpage guys would

Mr. Lees stated that he isn't a webpage guy either but the idea that the website is closed on the last day of applications, that's not good.

Mr. Podborny stated this is a problem, because the day of the applications the NDOW website shut down the entire state server last year. The comment to him is that they need to make these comments to the state and get it figured out.

Mr. Hodson stated he has a scenario, what if someone puts in for a certain hunt and the website lets them put in for it but they know they are on a waiting list. Basically he put in for a tag that he isn't allowed to get for another couple of years, should he inform the state of the problem on the website.

Mr. Podborny stated he should inform the state and provide his comments regarding the website system so they can find a solution.

Adjournment

A motion to adjourn the meeting was made by Mr. Hodson and seconded by Mr. Porter. There being no further discussion, the meeting was adjourned at 6:11p.m.

Approved this _____ day of _____ 2016.

Respectfully submitted: _____, Secretary
Jessica Santoyo

Approved: _____, Chairman
Raymond Hodson