

Eureka County Wildlife Advisory Board (CAB)

Minutes

The Eureka County Wildlife Advisory Board (CAB) met in the Eureka County Administrative Facility (Annex) on August 3, 2017 at 4:30 p.m.

Members Present: Jim Evans and Lester Porter

Members Absent: Raymond Hodson

Others Present: Jake Tibbitts- Eureka County Natural Resources Manager, Gracie Damele- Natural Resources Intern, Jessica Santoyo- CAB Secretary, Clint Garret- Biologist NV Department of Wildlife (NDOW), and Jerad Lees- Public

Call to order

Chairman Evans called the meeting to order at 4:30 p.m. a quorum was determined to be present.

Public Comment

Jerad Lees stated that he wants to ask Clint Garrett some questions that can be answered at a future meeting. Mr. Lees asked what is the cost difference between the new tag vendor and the old vendor? Mr. Lees would also like to know when will the new license dates be implemented? Mr. Lees stated that he overheard someone talking about the purchase of sage grouse credits and wanted to know what those are.

Mr. Garrett stated that he will get those answers over to Mr. Lees during the next meeting. Mr. Garrett stated that the Conservation Credit System is huge and it is mitigation system for impacted sage grouse habitats. It's basically the new way to mitigate for sage grouse that has been affected by any habitat disturbance.

Board Business

Review and approval of minutes-

Lester Porter moved to approve the minutes from the June 19, 2017 meeting. Jim Evans 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 including fisheries, and consider further efforts to move forward for successful implementation of projects.

Mr. Evans stated that he went out with Clint Garrett to various guzzler sites and they visited they got the chance to look at the Horse Canyon guzzler. They determined that if they did some brushwork around the guzzler it would improve the collection. The Judd Canyon guzzler is very damaged and they are suggesting removal of that particular guzzler. Mr. Evans stated that he isn't sure how the NV Department of Wildlife (NDOW) wants to handle the removal but the Wildlife board could help in some way.

Mr. Garrett stated that the best option would be to work on a joint project to remove the guzzler. The guzzler crew doesn't have any availability this year to come out to Eureka.

Eureka County Wildlife Advisory Board (CAB)

Minutes

Mr. Porter stated that the county equipment is still available to help remove the guzzler.

Mr. Garrett stated that if the county is willing to help then he is favor of removing the guzzler sometime this summer.

Mr. Porter asked if the guzzler was located on the Bureau of Land Management (BLM) property and what permissions were needed from BLM. Clint Garrett answered that he has had clearance to remove this specific guzzler since about six months ago from the Battle Mountain District (BMD) BLM. They can do anything they want with the guzzler but removal seems to be the best option.

Mr. Evans moved to remove the Judd Canyon guzzler sometime this summer. Mr. Porter seconded, motion carried unanimously.

Jake Tibbitts stated he and Gracie Damele went out to the Pinion-Juniper (PJ) removal sites and took repeat photos of the sites as required by several of the grants that were used for the tree cutting projects. During a future meeting, they can see those side-by-side photo comparisons. Mr. Tibbitts stated that he doesn't have any projects on the horizon but if the board has any other private land projects they want to pursue just let him know.

Mr. Porter stated that he doesn't know of any private property projects and didn't they run out of private property projects last year.

Mr. Tibbitts stated that they did run out of private in some areas, mostly southern Eureka County, but up towards Union Pass there is private property that is available for cutting as well as towards Pine Valley if the landowner agree.

Mr. Porter asked that if they were to pursue more PJ cutting projects on private land, would they have the funding to do so. Mr. Tibbitts answered that the Board has seed money from Eureka County that is rolled over every year but they can still apply for other grants such as the Heritage Grant. Jim Wise was pursuing some projects at Fish Creek but the sale is pending on his property at the moment and thought that the new owner may not like being involved in projects. Mr. Wise was looking at projects such as keeping more water on the ranch rather than it running out of the slough at the bottom and creating more green areas for sage grouse. That area has been documented to be a focal point for sage grouse use, so maybe there is some stuff that can be done around those meadows once the new owners move in.

Mr. Garrett stated that he has been in touch with the Ely BLM Office about that specific bench and its effect on the Diamond Mountain deer movement. They can work from Silverada all the way west into the bench area above Fish Creek and through Fenstermaker and it could potentially be a large tree thinning project. This could potentially happen after the 3-Bars EIS is signed and they may be able to work through a DNA for a lot of the work that is just to the south. Mr. Garrett stated the he will be going on a field tour of the area with Dr. Charlie Clements of the Agricultural Research Service sometime in September and the board will be notified of the tour in case they would like to join.

Mr. Evans stated that another habitat enhancement type program they could possibly look at would be some wetland vegetation restoration projects around the springs in that area or some shallow pond restoration development.

Eureka County Wildlife Advisory Board (CAB)

Minutes

Mr. Porter asked that before they try to go after future funding for projects, do they need to get approval from private land owners.

Mr. Tibbitts stated that they need to have permissions first before they ask for funding.

The board members suggested that Mr. Tibbitts continue to pursue the PJ cutting initiative by securing permissions to cut trees on private property in areas towards Union Pass and Pine Valley before applying for any future funding. Continued discussion will continue at future meetings.

Nevada Board of Wildlife Commissioners Meeting Agenda

Nevada Board of Wildlife Commissioners Meeting Agenda and Support Material

Action Item #8

Nevada Aquatic Invasive Species Management Plan – Fisheries Division Administrator Jon Sjöberg and Wildlife Staff Specialist Karen Vargas –The Nevada Aquatic Invasive Species Management Plan (AIS Plan) is intended to provide guidance to AIS control and prevention programs in the State of Nevada and enhance coordination and effectiveness of AIS control efforts in Nevada and regionally through establishment of an inter-agency Nevada AIS Working Group. The Commission may take action to approve the final AIS Plan which will address any recommendations for modification of the draft AIS Plan from the Commission’s June 23 and 24 meeting and other comments received from the public. These changes will be presented during the meeting.

No Recommendation.

Action Item #9B

Commission Policy 9, Americans with Disabilities Act (ADA) – First Reading – APRP Committee Chairman David McNinch – The Commission will have a first reading of Commission Policy 9, ADA, and may take action to repeal or revise the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Lester Porter moved to support Commission Policy 9, Americans with Disabilities Act (ADA) – First Reading. Jim Evans seconded, motion carried unanimously.

Action Item #9C

Commission Policy 29, Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, First Reading - Commissioner and APRP Committee Chairman David McNinch and Game Division Administrator Brian F. Wakeling – The Commission will have a first reading of Commission Policy 29, Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, and may take action to implement the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Mr. Evans moved to support Commission Policy 29, Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, First Reading. Mr. Porter, seconded motion carried unanimously.

Action Item #9D

Eureka County Wildlife Advisory Board (CAB)

Minutes

Commission Policy 63, Protecting Wildlife from Toxic Ponds, First Reading – Commissioner and APRP Committee Chairman David McNinch and Habitat Division Administrator Alan Jenne – The Commission will have a first reading of Commission Policy 63, Protecting Wildlife from Toxic Ponds, and may take action to repeal or revise the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Mr. Evans moved to support Commission Policy 63, Protecting Wildlife from Toxic Ponds, First Reading. Mr. Porter seconded, motion carried unanimously.

Public Comment #10

Commission General Regulation 470, Miscellaneous Petitions, LCB File No. R095-16 – Commissioner and APRP Committee Chairman David McNinch – The Commission will hold a workshop to consider amending Chapter 501 of the Nevada Administrative Code (NAC). The regulation was developed by the APRP 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. A workshop was held on November 18, 2016. The Commission had questions regarding the 30 day limit and the timing with the Commission meetings, what initiates rulemaking, and the appeal process for a petitioner who's petition was denied. The regulation was referred back to the APRP committee for further discussion and resolution.

No Recommendation.

Action Item #11

Commercial Reptile Collection – Wildlife Diversity Administrator Jennifer Newmark - The Department will present the Commission with background information regarding commercial collection of reptiles in Nevada along with numerous potential alternatives for consideration. The Commission may choose to provide direction to the Department regarding commercial collection of reptiles.

Clint Garrett stated that this has been an ongoing issue for NV because NV doesn't have limitations on reptile collection but all of the surrounding states do. NV allows for yearlong collection, commercial collection, and hobby collection. Basically, NDOW is moving forward with alternatives to limit or eliminate reptile collection because reptiles do not have many off spring and it is affecting their reproduction rates.

Mr. Evans moved to pursue the initiative regarding Commercial Reptile Collection. Mr. Porter, seconded, motion carried unanimously.

Action Item #18

Bureau of Land Management (BLM) Public Land Parcel Disposal – Habitat Division Administrator Alan Jenne – The Commission will receive comment on maps depicting lands identified by the Bureau of Land Management (BLM) as potentially suitable for disposal in BLM's existing Resource Management Plans (RMPs) across various BLM districts in Northern Nevada. Critical habitat or important hunting areas will be identified as conflicts with any future land transfer proposals. The Commission will review and finalize correspondence to provide its position on the land transfer disposal proposals. (Please view maps online at: http://www.ndow.org/Public_Meetings/Commission/Agenda/).

Eureka County Wildlife Advisory Board (CAB)

Minutes

Mr. Evans stated that he read the draft letter and at first blush he doesn't have any major issues with it. He expressed support for the language that stated that a local-driven process is important.

Mr. Garrett stated that he would like to see some more defined maps. There is some country above Lund that is not very defined in the maps provided by the Wildlife Commission.

Jake Tibbitts asked to provide input as a non-member of the CAB. He sees many issues with the Wildlife Commission draft letter from his perspective. He understands that the BLM Resource Management Plans (RMP) are dated. The letter used the WAFWA Critical Habitat Assessment Tool (CHAT) in their maps which comes with a lot of issues, for example the best habitat in Eureka County is the Diamond Valley (DV) Playa and that's because it's marked in the National Hydrography Dataset as being a "wetland" therefore the data can be a little bit misleading. Mr. Tibbitts stated that his issue is with the letter because it says that "The Wildlife Commission will oppose any transfer, regardless of scale, that results in a loss of critical wildlife habitat, loss of access for wildlife-based recreation or loss of access to adjacent public lands." For example, the piece of land between the Eureka County Fairgrounds and Machacek Substation is marked as being a Critical Habitat on the maps and the Wildlife Commission is basically stating that they will oppose Eureka County when they pursue this piece of land. There are a lot of lands marked for disposal in DV that are within a farming district and it's usually a piece of land between two pivots. The maps shows those lands for disposal as CHAT categories three and four which makes them crucial habitat and the Wildlife Commission is saying they will oppose those transfers regardless of scale and that can be an issue for a lot of counties or for a private land owner who went through the RMP process before that identified these lands for disposal. The board reviewed where there are many parcels of land identified in the CHAT maps as crucial habitat where ground-truthing would bear out the localized inaccuracies of CHAT in many areas. The Wildlife Commission is also saying that there will be no "net loss" of public lands and that's a noble goal but again if a county or a private land owner wanted to acquire a piece of a land does it mean they have to take a piece out of private ownership to give to BLM so no net loss of public lands occurs?

Mr. Evans stated that his interpretation was that if there was prioritization from the county they would have that opportunity through direct purchase but maybe he misinterpreted that in the letter. Mr. Tibbitts again mentioned the language in the letter that the Commission will oppose any transfer, regardless of size, if it is designated as CHAT habitat.

Mr. Tibbitts stated that this whole deal started from a request from Congressman Mark Amodei where he is working on a bill and he is calling it a "surgical approach" to the transfer of public lands. Basically, he wants everyone to come together, identify lands that are needed for future growth and development, lands that don't make sense on BLM's portfolio, and come up with a congressional bill to achieve that. He reached out to the Wildlife Commission, counties and various other entities. The Eureka County Board of Commissioners already responded and provided their list of what areas would be needed for community expansion.

Mr. Evans stated it sounds like the Wildlife Commission doesn't really have a feel for the integrity of the CHAT mapping. The board discussed that they really were not as concerned about the map, but the statements being made in the letter tied to the maps. Primarily, that

Eureka County Wildlife Advisory Board (CAB)

Minutes

the Wildlife Commission will oppose any transfer regardless of the scale that results in the loss of critical wildlife habitat, loss of access for wildlife-based recreation, or loss of access to adjacent public lands. If land is taken out of BLM ownership into county ownership or private ownership there will be no more access to that specific parcel of land; it is unavoidable. There is just no way to meet their criteria and they will oppose any public land transfer and not net loss of public land.

Mr. Evans asked Mr. Tibbitts if he put together any type of response from Eureka County to the Wildlife Commission. Mr. Tibbitts stated that the Eureka County Commission may discuss this at their meeting on Monday but that is was not an agenda item for action.

Mr. Evans stated that he agrees with what Mr. Tibbitts is saying and following the appropriate processes in identifying lands for disposal is very important. The Board discussed the need for the Wildlife Commission to review their maps if they are flawed or not make such definitive policy statements that “back them into a corner” when the CHAT maps are not accurate.

Mr. Garrett stated that the Wildlife Commission is trying to address the map issue but what they really need to do is focus on which individual parcels are actually identified within Eureka County so the board can make appropriate judgements moving forward. These maps are not definitive, don't get caught up the CHAT priority habitat parts get caught up on what is up for disposal because that's what's really important. The Board agreed with Mr. Garrett that that is the way to go about the issue, but the letter does not necessarily attack the issue that way.

Mr. Evans stated that the Board could make a recommendation that would be more aligned with supporting earlier initiatives with the Federal Land Policy and Management Act (FLPMA) through RMPs, the inventories that were done relative to designating lands for disposal and moving forward with that pathway versus re-inventing the wheel. Mr. Evans stated that with the previous RMP procedure they have lands that are already designated and they should just move forward with those designations because those areas do not demonstrate major habitat issues and were identified for disposal and were locally-based with input from counties, stakeholders, and state agencies, including NDOW.

The board discussed that they do support policy that land disposals or transfers should not impact crucial habitats and should limit or mitigate losses of access but the letter links everything to CHAT as being a true black and white boundaries and it shouldn't link everything to the CHAT maps. The letter is backing the Wildlife Commission into making policy statements that don't reflect the realities on the ground and they can provide various examples such as from DV.

Mr. Evans stated that the Board will have to come up with a letter in regards with the whole issue and the mapping system. The board should put together this letter with their input and concerns in the early part of next week.

After brief discussion, Mr. Porter moved that Mr. Evans and Mr. Tibbitts, based on the discussion had today, put together a letter with their input and concerns regarding the BLM Public Land Disposal to the Wildlife Commission and have Chairman Evans sign the letter. Mr. Evans seconded, motion carried unanimously.

Eureka County Wildlife Advisory Board (CAB)

Minutes

The Eureka County Wildlife Advisory Board will provide a letter with input and concerns regarding **Action Item #18 Bureau of Land Management (BLM) Public Land Parcel Disposal. Action Item #19B*

Evaluation and Review of the Landowner Deer and Antelope Compensation Tag Program - Game Division Administrator Brian F. Wakeling – The Department will provide an overview concerning Landowner Deer Antelope Compensation Program, recent updates to statutes, share current practices, identify areas of necessary improvement, and provide a potential revision process for the Commissioner’s consideration. The Commission may provide the Department with direction following consideration of this proposal.

Mr. Evans stated he read over the material and he doesn’t have any comments.

Mr. Garrett stated based on the last Legislative session they went up to the 2.5% to increase the tag numbers. As a sportsman, he would like to have some input into that process and that it doesn’t only become a legislative update every time. During this process they are looking at all of the options to address the landowner compensation tag program and compensate landowners accordingly.

Mr. Porter stated that during their last meeting, they supported the commission moving forward to create a program for compensation. He noted that the percent that was set in legislation is higher than what the sportsmen’s set before.

Mr. Evans asked the board members if they have any input that they would like to provide to the commission regarding compensation programs. The board can support the initiative and maybe provide some ideas on how to go about compensation.

Mr. Garrett stated that this is basically the suggestions portion they discussed in the past on whether or not they should keep the tag on the private land, or maybe just a salary per animal given, where its statewide or equal based on location and there’s also been talk about having a flat line deal to regulate payment and make it fair.

Mr. Porter stated that when it is time to present ideas they need to put together their ideas on paper and help the Wildlife Commission build the new model.

Jessica Santoyo stated that during their last meeting they motioned the following: “After brief discussion, Mr. Hodson moved to support the Landowner Deer and Antelope Compensation Tag Program Initiative but request that NDOW create a draft plan with options that are fair and equitable to all interests. Mr. Porter seconded, motion carried unanimously”.

Mr. Porter stated that in his opinion they should just keep the tags to private lands.

Mr. Tibbitts stated that they shouldn’t just support the program on private lands because there farmers with multiple pivots that have deer on their private property and as soon as they drive up the deer take off. They should consider addressing the impact to private land owners as well.

Mr. Porter stated that being able to hunt the whole unit is where it makes a lot of folks buy those private properties but having to stay on the private property doesn’t really help the farmer out especially if they have an infestation and those folks should be helped out with

Eureka County Wildlife Advisory Board (CAB)

Minutes

compensation. There's different scenarios that would require different plans. Mr. Porter stated that he can name various states that have different compensation programs and they have managed just fine. For example, in California a property owner receives one tag to every 600 acres that they own regardless of what is going on out there. There's a lot of different good ideas out there.

Mr. Evans stated they can get together and put together a list of alternatives to present during their next meeting. They could provide a list of potential management alternatives or guidelines to the Wildlife Commission that they may want to consider.

After brief discussion, Mr. Evans moved to support the Evaluation and Review of the Landowner Deer and Antelope Compensation Tag Program and recommends that the commission and department move forward to find a solution to the compensation program and that they will flesh out their specific recommendations at a future meeting after doing a bit more research. Mr. Porter seconded, motion carried unanimously.

Next Meeting

Items suggested for the agenda include: ongoing agenda items. The board should get any other desired agenda items to the secretary for the next meeting. **The next meeting date is scheduled for September 14, 2017 at 4:30 p.m.**

Public Comment

None

Adjournment

A motion to adjourn the meeting was made by Mr. Evans and seconded by Mr. Porter. There being no further discussion, the meeting was adjourned at 6:15 p.m.

Approved this _____ day of _____ 2017.

Respectfully submitted: _____, Secretary
Jessica Santoyo

Approved: _____, Chairman
Jim Evans