

## Eureka County Wildlife Advisory Board (CAB)

### Minutes

The Eureka County Wildlife Advisory Board (CAB) met in the Eureka County Administrative Facility (Annex) on October 26, 2017 at 4:30 p.m.

Members Present: Jim Evans, Chairman, and Lester Porter

Members Absent: Raymond Hodson

Others Present: Jake Tibbitts, Eureka County Natural Resources Manager, Clint Garrett, Biologist NV Department of Wildlife (NDOW), and Eric Candee, Game Warden, NDOW

#### **Call to order**

Chairman Evans called the meeting to order at 4:33 p.m. a quorum was determined to be present.

#### **Public Comment**

None

#### **Board Business**

*Review and approval of minutes-*

Lester Porter moved to approve the minutes from the August 3, 2017 meeting. Chairman Evans seconded; motion carried unanimously.

*Correspondence and Member Reports-*

Chairman Evans expressed concern about water diversions from Illipah Reservoir and the potential impact on the fishery. He believes more water is being diverted from the reservoir than is necessary or permitted. He wanted the Board to request of the NV Division of Water Resources to do an investigation into the diversions and take action if the water is being diverted above that which is permitted or necessary. Chairman Evans also noted that this is a complex and controversial issue because it has to do with water rights and agriculture use, but he believes preservation of the fishery at the reservoir should be a priority. The Board discussed adding the item to the agenda for a future meeting.

#### **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.*

Jake Tibbitts reported to the Board that the repeat photo monitoring was completed this summer for some of the pinyon-juniper areas and that he would provide the report to the Board at a future meeting.

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

##### **Agenda Item #6 - Commission General Regulation 475, Shed Antlers**

Lester Porter voiced his support for a regulation regarding collection of shed antlers and wanted to support efforts to limit wildlife harassment and stress, especially at crucial times of the year. He expressed his support for the dates outlined in the draft regulation and noted how the

## Eureka County Wildlife Advisory Board (CAB)

### Minutes

neighboring states have implemented similar regulations. He reported that he had had some conversations with others regarding this matter and wanted the Board to consider requiring shed antler collectors to 1) to have a current NV hunting license and 2) complete an online indoctrination course for shed antler collection ethics and outlining “best management practices” for shed antler collection and be required to print out and carry a certificate of completion when collecting shed antlers. Chairman Evans voiced his support of the overall regulations and the additions Mr. Porter wished to pursue.

Chairman Evans read through a letter from the Backcountry Hunters which brought up an issue related to needing a permit for commercial collection and sale of shed antlers. The Board discussed the pros and cons of permitting and the consideration that once the antlers are shed, they are no longer part of “wildlife.” Chairman Evans felt that commercial collection is of a much larger scale than hobby collection and a permit may be appropriate. Some of the commercial collectors completely grid out large areas and hire many laborers to canvass every square foot of the area. This can totally displace all wildlife in these large areas, even if allowed under the proposed regulations. After more discussion, the Board believed that the regulations should be put into place without a commercial permitting requirement and then come back in the future if the regulations are not addressing the issues trying to be addressed.

Mr. Tibbitts asked about incidental collection. There was some discussion on incidental collection and if the regulations could be constructed in a way to allow for somebody such as a hiker or rancher that simply stumbles upon a shed antler to be able to collect it, even if within the dates prohibited or without a hunting license or completion of an indoctrination course. Many folks that collect antlers incidentally will not necessarily be aware of the regulations. The Board did not believe enforceable language could be written in the regulations to address this point. It was noted by Mr. Porter that game wardens must apply common sense when enforcing the regulations and if they find a hiker or rancher with a bleached out antler in their possession in violation of the regulation, they should weigh the intent and not pursue fines or prosecution of incidental antler collection.

Mr. Tibbitts asked why the previous regulations were not approved by the Legislative Commission. Mr. Porter thought that it was because there were not considerations for private property and allowances for gathering shed antlers on private land and recognizing that if shed antlers are on private land, they are private property. The Board discussed whether there should be any regulation on shed antler collection on private property whatsoever. After more discussion, the Board believed that the private property owners should be exempt from all shed antler collection regulations when they are on their own property. However, others accessing private property for shed antler collection should still be required to 1) have a NV hunting license, 2) have completed an indoctrination course online and carry a certificate of completion, and 3) have documented permission from landowner.

Mr. Porter noted the ambiguity with the word “collection” because it could be argued that folks could still do all of the things the regulations were trying to address and simply GPS antler locations or stockpile antlers to be picked up when allowed under the regulations. Again, the Board felt that the regulations should be put in place and re-visited if there are entities skirting or finding loopholes.

## Eureka County Wildlife Advisory Board (CAB)

### Minutes

Based on the discussion held, Mr. Porter made a motion to 1) support the dates outlined in the draft regulations, 2) require shed antler collectors to hold a current NV hunting license, 3) require shed antler collectors to complete an indoctrination course for shed antler collection ethics and outlining “best management practices” for shed antler collection and be required to print out and carry a certificate of completion when collecting, 4) exempt private property owners from all shed antler collection regulations when they are on their own property; however, others accessing private property for shed antler collection should still be required to have a NV hunting license, have completed an indoctrination course online, and have documented permission from the landowner. Chairman Evans seconded the motion; the motion passed unanimously.

#### **Agenda Item #7 - Commission General Regulation 440, Trail Cameras and Other Devices, LCB File No. R012-16**

Both Chairman Evans and Mr. Porter noted that neither of them uses game cameras but are aware of the issues and know folks that do use cameras.

Mr. Porter asserted that many of the issues related to placement of trail cameras and impacts on wildlife start well before August 1 and would like the date in the regulations to be pushed back to July 1 through December 31. He also would like a restriction that no trail cameras whatsoever be allowed during these dates, not just the restriction regarding transmitting cameras because much of the issue has to do with folks going into the field to check cameras so often which can be detrimental on wildlife.

Mr. Porter and Chairman Evans discussed the placement of cameras around water sources and the current language proposing 200 foot buffer. Mr. Porter argued that all this would do would move cameras back to 200 feet and up every draw and trail leading to the water source and still create the same issues. It was noted by the Board that there is a camping distance restriction of 100 yards from a water source. The Board discussed having consistency with the camping distance buffer.

There was also discussion about the exemptions in the regulation for “recognized wildlife conservation organizations,” federal, state and local government employees, livestock operators who have the water rights. The Board discussed the loop holes that would create because of so many wildlife organizations and to be a member can literally be paying a minimal membership or agency employees abusing the exemption. Mr. Evans mentioned that there could be a minimal, streamlined permitting process developed for the exempt entities outlined in the regulations to close the loopholes and make these folks accountable too.

Clint Garrett noted that he has experienced seeing wildlife more disturbed by cameras with a visible flash. He stated that the cheaper cameras have visible flashes and some folks by dozens of these cheap cameras. Mr. Porter responded that perhaps they should consider outlawing visible flash camera use year-round if they were a higher disturbance to wildlife, regardless of where they are placed.

The Board further discussed the above mentioned impacts and ideas. Mr. Porter then made a motion to 1) Prohibit use of all trail cameras between July 1 and December 31 each year; 2) Prohibit use of trail cameras with a visible flash; 3) During dates when cameras can be used,

## **Eureka County Wildlife Advisory Board (CAB)**

### Minutes

require a distance buffer of 100 yards from water sources (consistent with camping restriction); 4) Any entity needing an exemption to place cameras during the restricted dates – recognized wildlife organizations, stockwater rights holders, federal, state or local agencies—must apply for and obtain a permit from NDOW. Chairman Evans seconded the motion; the motion passed unanimously; and 5) support not applying regulation to private land as written in the draft regulation.

#### **Agenda Item #8 - Commission Policy 27, Protection of Nevada Wildlife Resources – Second Reading**

The Board discussed their support in not allowing wolves to become established in Nevada. After short discussion, Chairman Evans made a motion to support Policy 27 as written. Mr. Porter seconded the motion; the motion passed unanimously.

#### **Agenda Item #9 - Commission Policy 65, Designation of Wildlife Management Areas – Second Reading**

Chairman Evans noted that the proposed changes to Policy 65 do not have an effect upon Eureka County. The Board determined that they would make no recommendation.

#### **Agenda Item #10 - Commission Policy 26, Re-establishing, Introducing, Transplanting and Managing Pioneering Rocky Mountain Elk – First Reading**

Mr. Tibbitts expressed concern with the change in the ‘Purpose’ where “conformance with” is being proposed to be change to “consideration of” land use plans. He clarified that this doesn’t really affect the overall policy because the actual policy language does talk about “conformance with plans.

The Board stepped through the proposed changes and discussed that most of the changes were clean-up and simplification of background.

Chairman Evans made a motion to support Policy 26 as proposed. Mr. Porter seconded the motion; the motion passed unanimously.

#### **Agenda Item #11 - Review of Commission Policy 3, Appeals – First Reading**

Chairman Evans opened discussion and stated that he did not believe the proposed changes to Policy 3 needed to be weighed in on by the Board. Mr. Porter agreed. The Board made no recommendation on Policy 3.

Chairman Evans quickly went over the remaining Commission agenda items for Friday, November 3 and determined that there was nothing of interest to discuss or take action on. Mr. Porter agreed. Chairman Evans then moved to the Commission agenda items for Saturday, November 4. He asked Mr. Porter if there were any specific agenda items before Item #22 that Mr. Porter would like to discuss. Mr. Porter had none. Chairman Evans moved on to Item #22.

#### **Agenda Item #22 - Commission Regulation 17-02 Noncommercial Collection of Reptiles and**

**Eureka County Wildlife Advisory Board (CAB)**

Minutes

**Amphibians for 2017-2018, Amendment #1**

Mr. Tibbitts informed the Board that they had made “No Recommendation” on the previous version of this regulation. Mr. Porter stated that there was not much interest in this item in Eureka County. The Board again made no recommendation.

**Agenda Item #23 - Predation Management Fiscal Year 2017 Report**

Chairman Evans reported that he had reviewed the report and noted his approval of the recommendation to continue with Project 40 in Eureka County. Chairman Evans asked Clint Garrett about the collared deer under the Project and what he is seeing. Mr. Garrett gave a brief report about how he was tracking deer movement and wants to expand the collaring effort to monitor greater movement within the complete area, not just on the Diamonds. He also noted that 3 deer were killed by mountain lions on the east side of the Diamonds. Mr. Garrett also noted that Project 40 verbiage was changes this year to expand to all of Area 14 to allow a bit more work and research in the entire area, including the Cortez Range where mule deer are not doing as well as hoped. Mr. Garrett noted that this was just a report and that future predator projects proposed will occur next year.

Chairman Evans asked if there were any other Commission items that the Board wished to discuss. Mr. Porter asked Mr. Garrett about the license vendor and why System Consultants was no longer the vendor. Mr. Garrett did not have any details on why.

**Next Meeting**

Mr. Tibbitts handed out a table that Jessica Santoyo put together showing all of the 2018 Wildlife Commission meetings and the prior Thursday date for each meeting if the Board wishes to stay on this schedule. The board should get any other desired agenda items to the secretary for the next meeting. **The next meeting date is scheduled for January 18, 2018 at 4:30 p.m.**

**Public Comment**

None

**Adjournment**

A motion to adjourn the meeting was made by Chairman Evans and seconded by Mr. Porter. There being no further discussion, the meeting was adjourned at 5: 46 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

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

Approved: \_\_\_\_\_, Chairman  
Jim Evans