

DOUGLAS COUNTY ADVISORY BOARD TO MANAGE WILDLIFE  
Minutes of the August 8, 2017 Meeting

The Douglas County Advisory Board to Manage Wildlife meeting was scheduled for 5:30 pm on Tuesday, August 8, 2017 in the Douglas County Community Center, Ceramics Room, 1329 Waterloo Lane, Gardnerville, Nevada.

MEMBERS PRESENT: Craig Burnside, Chairman  
Bob Cook, Vice Chairman  
Robert Rittenhouse  
Mike Turnipseed

MEMBER ABSENT: Chad Foster

OTHERS PRESENT: Jennifer Newmark, NDOW Wildlife Diversity  
Administrator

**PLEDGE OF ALLEGIANCE** – Held.

**CALL TO ORDER**

Chairman Burnside called the meeting to order at 5:31 pm and determined a quorum was present. Noted was the absence of Member Foster.

**ROLL CALL AND INTRODUCTIONS**

Chairman Burnside introduced the Board members, Jennifer Newmark, NDOW Wildlife Diversity Administrator, and Steve Lewis, UNR Cooperative Extension.

**PUBLIC COMMENT**

There was no public comment.

**FOR POSSIBLE ACTION. APPROVAL OF AGENDA**

In consideration of Ms. Newmark, Chairman Burnside stated a desire to move item 3g after item 3a.

No public comment.

MOTION by Burnside/Rittenhouse to approve the agenda with the stated change; carried with Foster absent.

**FOR POSSIBLE ACTION. APPROVAL OF MINUTES:**

• June 20, 2017

**No public comment.**

MOTION by Cook/Turnipseed to approve the minutes as presented; carried with Foster absent.

**1. FOR POSSIBLE ACTION. DISCUSSION REGARDING THE ACTIVITIES OF THE TRI-COUNTY WILDLIFE WORKING GROUP.**

The group has not met. Member Rittenhouse stated he was willing to spearhead gathering the members for a fall meeting.

No action was taken.

**2. FOR POSSIBLE ACTION. PRESENTATION BY STEVE LEWIS ON THE UPDATE ON THE BI-STATE SAGE GROUSE LOCAL AREA WORKING GROUP FIELD OUTING.**

Steve Lewis, UNR Cooperative Extension, explained the Local Area Working Group (LAWG) was established in 2001 to address sage grouse conservation. This group works in conjunction with the Executive Oversight Committee (accountability and fund commitment), the Technical Advisory Committee (science based solutions), and the Tribal Natural Resource Committee (communication relationships) to find solutions specific to Bi-State Sage Grouse. He identified the geographic area of the Bi-State (60 miles wide and 170 miles long) and said the 2012 Bi-State Action Plan addresses various threats to the birds.

The Walker River State Recreation Area is 12,000 acres, including surface water rights, deeded to State Parks this year. The surface water rights will be transferred off the property to Walker Lake in five years but the agriculture ground water rights will remain. Removal of the surface water rights presents challenges with maintaining and reestablishing desirable vegetation on these lands. 252,000 acres of grazing allotments will continue.

The LAWG made a field visit to the Ninemile Ranch to provide suggestions to the Walker River State Recreation Area for existing and future sage grouse habitat. It is a challenged site given the surface water rights being stripped and having people coming to the area.

Chairman Burnside asked if pumping the groundwater was possible and Mr. Lewis answered there are some old wells but expense could be an issue. Chairman Burnside thought using the groundwater would be a way to help establish native vegetation

Member Rittenhouse understood it is too expensive to run the wells for that irrigation. To make this work, a viable ranching operation must be part of it. Mr. Lewis said

they want to contract out the grazing and get this into non-irrigated or drought tolerant cover.

Vice Chairman Cook talked about the aquatic invasive species issues near the Owens River and asked if those problems exist in this water. Mr. Lewis thought there could be some of that in this this area but it is remote so there is no traffic or people. The recreation area will bring people in.

Upon completion of the tour, Mr. Lewis stated the group considered the pros and cons for the pivots, either removing or maintaining them and options for revegetation of fallow fields. Ideas were formulated and volunteer opportunities for LAWG to pursue were suggested but overall no meaningful solutions were provided.

Member Rittenhouse agreed it is a tough area. Potential challenges could include attracting people to the campground, ATVs not staying on the established trails, the waters get too warm for trout fishing, and this destination is quite a distance away.

No public comment.

This was a presentation only and no action was taken.

3. **The following items, 3a through 3i, are items that will be heard before the Nevada Board of Wildlife Commissioners at the next meetings, August 11 & 12, 2017, at the Douglas County Administration Building, 1616 8<sup>th</sup> Street, Minden, Nevada. The Douglas County Advisory Board to Manage Wildlife may take the following action, or a variation thereof, on each item: support the item, not support the item or not take a position on the item. Public Comment will be allowed on each item.**

**3a–3i. DISCUSSION AND POSSIBLE ACTION REGARDING WHETHER THE DOUGLAS COUNTY ADVISORY BOARD SHOULD TAKE A POSITION ON:**

**3a. FOR POSSIBLE ACTION. DISCUSSION ON ELECTION OF OFFICERS.** In accordance with Commission Policy #1, the Commission will elect a chairman and vice chairman. (*Wildlife Commission Agenda Item 2*)

No public comment.

No action was taken.

**3g. FOR POSSIBLE ACTION. DISCUSSION ON THE COMMERCIAL REPTILE COLLECTION.** 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. (*Wildlife Commission Agenda Item 11*)

Jennifer Newmark, NDOW Wildlife Diversity Administrator, reviewed the legal basis for permitting commercial reptile collection. The burden of proving the collection will not be detrimental to the wildlife or its habitat is on the permit holder. The permit is not transferrable and can be cancelled by the Department at any time. The methods for collection are stipulated within NAC and the permit and the named permit holder is the only one who can collect. A brief history on Nevada commercial reptile collection was provided.

Chairman Burnside asked if it is permitted or non-permitted individuals doing illegal collection. If it is non-permitted individuals, none of this really makes a difference. Ms. Newmark said pitfall traps are illegal for the collection of reptiles, whether a person is permitted or not. They have reason to suspect that nocturnal reptile species are being collected in pitfall traps. Commercial reptile collecting takes a lot of individuals off the landscape, 450,000 have been removed from the State since 1986, and what is being collected in pitfall traps is an added significant layer of mortality. Collectors are required to report collection monthly to the Department but analyzing and verifying the data is difficult. Market conditions drive what is removed from the landscape and not population objectives or wildlife management, which is what is done for all other wildlife. Chairman Burnside pointed out that Nevada is the only western state that allows collection and he wondered how surrounding states are affected by that. Ms. Newmark responded they deal with illegal collection. Other states allow for commercial take but it is based on seasons or science; Nevada is the only state that allows unlimited collection. Because little is known about reptiles, determining what the population can sustain in removal is difficult to determine. Reproduction is a problem because we remove whatever and whenever we want.

Member Turnipseed asked what the prime season for collection is. Ms. Newmark said it is April, May, and June for the Mojave and July and August for the Great Basin.

Ms. Newmark said the largest market for the reptiles is Europe and she explained the requirement to keep a transaction log. The commercial collectors' price for the reptiles varies based on the species.

Member Rittenhouse asked if any type of permitting is done by the reptile retailers. Ms. Newmark thought the individual states would regulate the sourcing of the wildlife. Most United States markets are propagated in captivity. A "wild caught" reptile can drive up the price for a collector. Member Rittenhouse asked if a Special Use Permit (SUP) is required to collect on federal land and Ms. Newmark stated no because they are being collected by hand and there is no impact to that land. Member Rittenhouse thought an SUP was required when income is being received off federal land and he used the activities of photographing and selling the photographs of wild horses and fishing guides. This would be a way to control heavily used areas.

No public comment.

Vice Chairman Cook can support either of the first two staff recommendations.

Member Turnipseed favors having seasons as is done with all other wildlife.

Member Rittenhouse supports allowing reasonable collection but not depleting an area or species.

Considering we are the only state that allows it, the Department does not have the manpower to oversee it, and we need to take time to gather population data, MOTION by Cook/Burnside to recommend the Commission direct the Department to draft a permanent regulation prohibiting commercial reptile collecting; carried with Turnipseed voting Nay and Foster absent.

*Vice Chairman Cook left the meeting at 6:50 p.m.*

**3b. FOR POSSIBLE ACTION. DISCUSSION ON NEVADA AQUATIC INVASIVE SPECIES MANAGEMENT PLAN.** 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 addresses any recommendations for modification of the draft AIS Plan from the Commission's June 23 - 24 meeting and other comments received from the public. These changes will be presented during the meeting. (Please view plan online at: [www.ndow.org/Public\\_Meetings/Commission/Agenda/](http://www.ndow.org/Public_Meetings/Commission/Agenda/)) (*Wildlife Commission Agenda Item 8*)

The members thought this is a good, comprehensive plan.

No public comment.

MOTION by Burnside/Turnipseed to recommend the Commission accept the Nevada Aquatic Invasive Species Management Plan; carried with Cook and Foster absent.

**3c. FOR POSSIBLE ACTION. DISCUSSION ON THE ADMINISTRATIVE PROCEDURES REGULATION POLICY (APRP) COMMITTEE'S FIRST READING OF COMMISSION POLICY 9, AMERICANS WITH DISABILITIES ACT (ADA).** 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 (*Wildlife Commission Agenda Item 9B*)

No public comment.

MOTION by Rittenhouse/Turnipseed to recommend the Commission accept the findings of the committee to repeal Commission Policy 9; carried with Cook and Foster absent.

**3d. FOR POSSIBLE ACTION. DISCUSSION ON THE ADMINISTRATIVE PROCEDURES REGULATION POLICY (APRP) COMMITTEE'S FIRST READING OF COMMISSION POLICY 29, DRAFT ARBITRATION PROCESS**

**FOR APPLICANTS DISSATISFIED WITH ELK INCENTIVE TAG AWARDS.** 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. *(Wildlife Commission Agenda Item 9C)*

No public comment.

MOTION by Burnside/Turnipseed to recommend the Commission approve the results of the committee findings for the arbitration process for the Elk Incentive Tags; carried with Cook and Foster absent.

**3e. FOR POSSIBLE ACTION. DISCUSSION ON THE ADMINISTRATIVE PROCEDURES REGULATION POLICY (APRP) COMMITTEE'S FIRST READING OF COMMISSION POLICY 63, PROTECTING WILDLIFE FROM TOXIC PONDS.** 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. *(Wildlife Commission Agenda Item 9D)*

Member Turnipseed thought mining was the cause of most toxic ponds.

Chairman Burnside said is also includes energy and manufacturing industries.

No public comment.

MOTION by Rittenhouse/Turnipseed to recommend approval of the first reading of Commission Policy 63; carried with Cook and Foster absent.

**3f. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 470, MISCELLANEOUS PETITIONS, LCB FILE NO. R095-16.** 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. *(This item is agendized as a workshop of the Nevada Board of Wildlife Commission Agenda) (Wildlife Commission Agenda Item 10)*

Since this is part of the workshop, there was consensus to take no action at this time.

No public comment.

No action was taken.

**3g. FOR POSSIBLE ACTION. DISCUSSION ON THE COMMERCIAL REPTILE COLLECTION.** 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. (*Wildlife Commission Agenda Item 11*)

This item was heard earlier in the meeting.

**3h. FOR POSSIBLE ACTION. DISCUSSION ON BUREAU OF LAND MANAGEMENT (BLM) PUBLIC LAND PARCEL DISPOSAL.** 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/](http://www.ndow.org/Public_Meetings/Commission/Agenda/)) (*Wildlife Commission Agenda Item 18*)

The maps were reviewed.

No public comment.

MOTION by Burnside/Turnipseed to recommend Commission approval of the draft letter to Congressman Amodei and recommends that any land transfer be done on a small scale and involve the local government; carried with Cook and Foster absent.

**3i. FOR POSSIBLE ACTION. DISCUSSION ON THE EVALUATION AND REVIEW OF LANDOWNER DEER AND ANTELOPE COMPENSATION TAG PROGRAM.** The Department will provide an overview concerning the current Landowner Deer and Antelope Compensation Program, recent updates to statutes, share current practices, identify areas of necessary improvement, and provide a potential revision process for the Commission's consideration. The Commission may provide the Department with direction following consideration of this proposal. (*This item is agendized as a workshop of the Nevada Board of Wildlife Commission Agenda*) (*Wildlife Commission Agenda Item 19 B*)

Since this is part of the Saturday workshop, there was consensus to take no action at this time.

No public comment.

No action was taken.

**4. CORRESPONDENCE OR COMMUNICATIONS BOARD MEMBERS HAVE RECEIVED.**

Member Rittenhouse attended the Carson City Advisory Board to Manage Wildlife meeting and provided an update on their discussion and concerns about the loss of access to the Hobart Reservoir.

**5. DISCUSSION ON THE RESULTS OF THE JUNE 23 & 24, 2017 NEVADA BOARD OF WILDLIFE COMMISSION MEETINGS.** There will be no action taken.

Member Rittenhouse provided a written summary of the meetings and that has been made part of the record.

**6. FOR POSSIBLE ACTION. DISCUSSION REGARDING ADVISORY BOARD MEMBER COMMITMENTS TO ATTEND UPCOMING WILDLIFE COMMISSION MEETINGS AND TO REPRESENT THE FINDINGS OF THE DOUGLAS COUNTY WILDLIFE ADVISORY BOARD. ONE MEMBER WILL BE DESIGNATED AS A SPOKESMAN FOR THE DOUGLAS COUNTY ADVISORY BOARD.**

Members Turnipseed and Rittenhouse will attend Friday and Chairman Burnside will attend Saturday.

**7. FOR POSSIBLE ACTION. DISCUSSION TO SCHEDULE THE NEXT DOUGLAS COUNTY WILDLIFE ADVISORY BOARD MEETING.** The next Commission meeting is scheduled for Sept. 22 and 23, 2017, in Las Vegas. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments as necessary at this meeting.

The next Douglas County Advisory Board to Manage Wildlife meeting is tentatively scheduled for Tuesday, September 19, 2017.

Member Rittenhouse may attend the Las Vegas meetings.

**8. FUTURE AGENDA ITEMS.**

- Wildlife Working Group
- BLM update on the status of the Pine Nut herd of wild horses

**CLOSING PUBLIC COMMENT.**

No public comment.

**ADJOURNMENT**

MOTION by Turnipseed/Rittenhouse to adjourn the meeting; carried with Foster and Cook absent.

There being no further business to come before the DCABMW, the meeting adjourned at 7:38 p.m.

The minutes of the August 8, 2017 meeting of the Douglas County Advisory Board to Manage Wildlife are so approved this 19th day of September 2017.

Respectfully submitted:

---

Craig Burnside, Chairman