

**Eureka County Advisory Board to Manage Wildlife**  
Minutes

The Eureka County Advisory Board to Manage Wildlife (CAB) held a public meeting on January 20, 2022 at 4:30 p.m. at the Eureka County Administrative Facility (Annex). A remote, telephonic option to attend was made available.

**Members Present:** James Evans (Chairman), Trent Gordon (Vice-Chairman)

**Members Absent:** Joe Luby

**Others Present:** Tom Donham, Nevada Department of Wildlife (NDOW) Eastern Region Supervisor, Sam Fino, NDOW Biologist, Jake Tibbitts, Eureka County Natural Resources Manager, and Shasta Blackeye-Adair, Board Secretary.

**Call to order**

Chairman James Evans called the meeting to order at 4:35 p.m. A quorum was determined to be present.

**Public Comment**

None

**Board Business**

*Approval of the agenda notice with addition of any emergency item and/or deletion of any item.*

Chairman Evans made a motion to approve the agenda without any changes. Vice-Chairman Trent Gordon seconded the motion and the motion passed unanimously.

*Review and approve the minutes from the October 28, 2021 meeting.*

Chairman Evans made a motion to approve the minutes without any changes. Vice-Chairman Trent Gordon seconded the motion and the motion passed unanimously.

*Correspondence and Member Reports*

None

**Agency Reports**

*Reports and updates from various wildlife and land management agencies.*

Tom Donham introduced Sam Fino as the new local NDOW wildlife biologist. Mr. Donham also noted that they are looking at getting the new local Game Warden on board. Mr. Donham gave some general updates on NDOW topics of local importance such as observed deer movements and game ratios in the area.

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**Public and Accessory Roads and Access**

*Discuss and consider efforts to ensure public access on public, accessory, and other important roads in Eureka County including but not limited to developing criteria/protocol to resolve/address potential controversy through a team effort including County Commissioners, Bureau of Land Management, private land owners, and public lands user groups.*

The Board discussed some recent complaints they have heard from local citizens, ranchers, and sportsmen about blocking of access to public roads where the roads intersect private property. The two areas identified are Black Point/Pedroli Canyon and Davis Canyon. Chair Evans provided copies of photos he had taken of the blockages at Black Point/Pedroli Canyon. He reported that large boulders seen in the photos were placed to give the appearance of being a natural event. However, upon inspection it is obvious that large equipment was used given the many vehicles and equipment tracks around the boulders.

Jake Tibbitts reported that he had completed historical research on the two roads in question. Both roads have existed well before the private lands became private. This is evidenced in the General Land Office (GLO) surveys and survey notes of the late 1800s and early 1900s. Mr. Tibbitts also provided information about public roads as outlined in State law and clarified through Nevada-specific court cases, including a federal court case. Mr. Tibbitts clarified that simply because a road that starts on public land enters private land and then exits on public land exists does not make it a public road. The road had to exist and have been constructed and used for public use for at least 5 years prior to establishment of the private land. Mr. Tibbitts stated that there is no doubt that this is the case for both of the specific roads discussed.

Chair Evans discussed who should be at the table to work on resolving this issue and asked if the Bureau of Land Management (BLM) Realty Specialist should be involved. Mr. Tibbitts noted that these public roads are not under BLM authority and don't have BLM-granted rights-of-way on them.

Chair Evans noted the desire to find a solution that did not create a bunch of controversy and discussed how the roads could be re-opened. Mr. Tibbitts provided his opinion that if the roads truly are public roads that the obstructions can be removed under State law and the County Commissioners could determine, in coordination with the District Attorney and landowners, a solution to ensure public access on public roads.

Chair Evans made a motion to request Eureka County go through the process to open the public roads at Black Point/Pedroli Canyon and Davis Canyon to ensure open access to all public individuals. Vice-chair Gordon seconded the motion and the motion passed unanimously.

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**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. Tibbitts informed the Board that he had met with K.C. Shedden of BLM to discuss various projects BLM has planned or that are cleared for implementation. Mr. Tibbitts asked the Board to consider at their next meeting to prioritize projects they would like to see completed in the upcoming field seasons.

No other updates.

**Nevada Board of Wildlife Commissioners Meeting Agenda and Support Material**— the Board may discuss and act upon any or all items on the Wildlife Commissioners Agenda for the January 28-29, 2022 meeting.

The Board reviewed and discussed the entire Nevada Board of Wildlife Commissioners (NBWC) agenda and support material and had no specific recommendations other than the items and associated recommendations below.

- **Item 6G - Big Game Season Prescriptions and Management Objectives for Quota Recommendations.** Chairman Evans led discussion on the request the Eureka CAB has put in repeatedly over the years regarding the mule deer management protocol for the Eastern Region Area 14.

Chairman Evans made a motion to request revising the mule deer section to move Eastern Region Area 14 Management Units 141-145 from “Standard Hunts” to “Alternative Hunts” (i.e., revise the table on p. 12) to promote higher buck ratios, lower hunter density, and increase older-age-class animals in the harvest. Vice-chair Gordon seconded the motion and the motion passed unanimously.

- **Item 7C - Commission Policy 31, Lahontan Cutthroat Trout (LCT) Management.** The Board discussed the LCT policy and the need to have policy reflecting the ultimate goal of removing LCT from listing under the Endangered Species Act.

Chair Evans made a motion to request retention of policy 12 that is proposed to be stricken. Vice-chair Gordon seconded the motion and the motion passed unanimously.

- **Item 7G- Commission Policy 67 – Federal Horses and Burros.** The Board discussed the importance of always recognizing and supporting the 1971 Wild and Free Roaming Horses and Burros Act (WHB Act) as amended. Mr. Tibbitts noted that amendments to the 1971 Act included:

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- 1976 – Federal Land Policy and Management Act (FLMPA) amended the WHB Act to allow the use of helicopters and motorized vehicles to manage wild horses and burros on public lands.
- 1978 - Public Rangelands Improvement Act (PRIA) amended WHB Act and directed BLM to "maintain a current inventory of wild horses and burros on given areas of public lands (Herd Management Areas)" to determine "whether and where overpopulation exists." It directed to "determine appropriate management levels [AML] ... and determine whether appropriate management levels should be achieved by removal or destruction of excess animals or through other options (such as sterilization or natural controls on population levels)." Additionally, it directed the Secretaries to euthanize or sell without restriction, "additional excess wild free roaming horses and burros for which an adoption demand by qualified individuals does not exist... in the most humane and cost-efficient manner possible." It authorized the Secretaries to transfer title of adopted wild horses and burros to individuals that have provided humane conditions, treatment, and care for the animal for a period of one year.

It was also noted that the draft policy uses the term “impact” many times without clarifying the type of impact – negative, positive, etc.

Mr. Tibbitts mentioned a concern with #9 in the policy statements and a need to include an incentive for water rights holders to participate by protecting the water for use under their right. He also noted that the WHB Act uses the term “thriving natural ecological balance” but the proposal in some places drops the “natural” and uses the term “thriving ecological balance.” Mr. Tibbitts noted the importance of retaining “natural” in this phrase because it shows the intent of Congress to not recognize unnatural management scenarios in managing horses such as pumping water wells, etc.

After a bit more discussion on the proposed policy as provided in the support material, Chairman Evans made a motion to request the following changes to the policy:

- Add “as amended” to every reference to the 1971 WHB Act.
- Add “negative” or “detrimental” to precede every instance of “impact.”
- Revise #9 to include language about protecting water for use by the water rights holders such as “identify and invest in efforts to ensure that these water sources remain available to wildlife, fish and invertebrates and to keep or restore riparian functions and serve use under the related water right.”
- Ensure usage of the term “thriving natural ecological balance” in each instance where instead “thriving ecological balance” is used.

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Vice-chair Gordon seconded the motion and the motion passed unanimously.

- **Item 12 - Draft Fiscal Year 2023 Predation Management Plan.** The Board discussed Project 40 and their desire to see it continue as it has been important and part of an integrated effort tied to habitat improvement projects, wild horse gathers, and grazing management. Chairman Evans made a motion to continue to support Project 40. Vice-chairman Gordon seconded the motion and the motion passed unanimously.

**Next Meeting**

By consensus, the Board set the next meeting date for March 17, 2022 at 4:30 p.m.

**Public Comment**

None

**Adjournment**

A motion to adjourn the meeting was made by Chairman Evans, seconded by Vice-Chairman Gordon with all in favor. There being no further discussion, the meeting was adjourned at 6:06 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

Respectfully submitted: \_\_\_\_\_, Secretary  
Shasta Blackeye-Adair

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