

CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE

Minutes of the August 10, 2009 Meeting

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A regular meeting of the Carson City Advisory Board to Manage Wildlife was scheduled for 6:00 p.m. on Monday, August 10, 2009 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairman Gil Yanuck
Vice Chairman Stan Zuber
Member Doug Martin

STAFF: Jano Barnhurst, Recording Secretary

NOTE: A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are on file in the Clerk-Recorder's Office, and are available for review during regular business hours.

1. CALL TO ORDER, DETERMINATION OF QUORUM (1-0003) - Chairman Yanuck called the meeting to order at 6:00 p.m. A quorum was present. Members Clyde and Valley were absent and excused.

2. ACTION ON APPROVAL OF MINUTES (1-0015) - **Member Martin moved to approve the minutes of the June 25, 2009 meeting as presented. Vice Chairman Zuber seconded the motion. Motion carried 3-0.**

3. MODIFICATIONS TO THE AGENDA (1-0032) - None.

4. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0034) - C.K. Baily commented that the Carson City Urban Fishing Pond will open for bid on August 20. The pre-bid conference will be August 12 and the bid will be awarded at the September 3 Board of Supervisors (BOS) meeting. Digging will begin sometime in September, construction will take approximately two months, and it should be open for business in late Spring.

5. DISCLOSURES (1-0085) - Chairman Yanuck received communication from the Coalition for Nevada's Wildlife regarding election of officers at the August Wildlife Commissioners' meeting which relates to agenda item #9. He noted that he also received a phone call from the Chairman of the Wildlife Commission and had communications with other wildlife commissioners and advisory board chairs.

6. REPORT AND DISCUSSION OF POINTS OF INTEREST FROM THE JUNE 26-27, 2009 WILDLIFE COMMISSION MEETING (1-0116) - Chairman Yanuck advised of the update to list certain spring snails at Lake Mead Hatchery as more evasive issues. There was discussion regarding someone inadvertently making an error on an online hunt application and not being able to correct it. Outbursts from Commissioners and the Chairman embarrassed the audience.

7. ADVISORY BOARD TO MANAGE WILDLIFE CONSENT AGENDA. All matters listed under the Consent Agenda are agendized for the August 14 and 15, 2009 Wildlife Commission meeting and may be acted upon by the Advisory Board to Manage Wildlife with one action and without extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda and acted upon separately during this meeting. (1-0161) - Chairman Yanuck entertained requests to hear items separate from the consent agenda. Member Martin pulled items 7-B, 7-D, 7-I, and 7-L. **Vice Chairman Zuber moved to accept the remaining items on the consent agenda. Member Martin seconded the motion. Motion carried 3-0.**

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7-A. COMMISSION GENERAL REGULATION 364 LCB FILE NO. R206-08 - GAME DIVISION CHIEF MARK ATKINSON. Commission General Regulation 364 LCB File No. R206-08 proposes changes to elk damage and elk incentive tag regulations which make revisions to NAC 502.42259, 502.42261, 502.42263, 502.42266, and 504.350.

7-B. COMMISSION POLICY #1, FIRST READING - COMMISSIONER SCOTT RAINIE. In accordance with Commission Policy #1, the Commission will have a first reading of proposed updates from the Commission's Administrative Procedures, Regulations and Policy Committee for Commission Policy #1, "General Guidelines for the Commission." The Commission will be asked to approve proposed changes to Commission Policy #1 and dividing Commission Policy #1 into three separate policies:

- (a) Commission Policy #1, "General Guidelines for the Commission"**
- (b) Commission Policy #3, "Appeals Policy"**
- (c) Commission Policy #4, "Petition Process and Adoption of Regulation Policy"**

(1-0215) Member Martin expressed confusion about Policy #1(7), as Clark County WAB's comments were that it was an end-around and was citing NRS 502.253(3). If it was just being restated, it's not an end-around and he asked Chairman Yanuck to inquire about it at the meeting. Chairman Yanuck commented that when it was first introduced at the policy committee meeting, it was seen as an attempt by the Commission to exert influence on how the money should be spent. The Chairman was pressuring the group to establish that they can turn down contributions because they didn't want contributors dictating how it should be spent. Member Martin questioned whether it actually changed statute and opined that the language should be no more restrictive to the Department than the statute. He reiterated his request for Chairman Yanuck to inquire about it at the meeting. Vice Chairman Zuber opined that it's quoting a statute. **Member Martin moved to oppose if it's more restrictive than the statute. Vice Chairman Zuber seconded the motion. Motion carried 3-0.**

7-C. MUZZLELOADER VISUAL DISABILITY MODIFICATIONS WORKSHOP - DEPUTY DIRECTOR RICH HASKINS. The U.S. Fish and Wildlife Service has asked that the Nevada Department of Wildlife implement a process whereby reasonable modifications to the muzzleloader hunting program are available to accommodate hunters with visual disabilities, as a result of a multi-state disability complaint by the North American Muzzleloader Association.

7-D. ACTION REGARDING POTENTIAL CONVERSION OF THE WINE CUP RANCH TO A WILD HORSE REFUGE - KEN WELLINGTON, ELKO COUNTY ADVISORY BOARD TO MANAGE WILDLIFE. The Commission will be asked to take possible action on responding to renewed interest in the development of portions of the Wine Cup Ranch in Elko County into a wild horse refuge. **Changes proposed in HR1018 may allow such a conversion to occur.** (1-0373) - Member Martin reported that he called the Department and was told that a proposal to purchase the property by Mrs. T. Boone Pickens is off the table and the Winecup Ranch is for sale but doesn't say it's being considered for a wild horse preserve. Chairman Yanuck commented that the bill Congress is examining is that they would no longer be able to remove wild horses from the range. Member Martin cautioned to be aware of HR1018 and the word is that it won't go through the Senate but to be vigilant and pay attention to the process. Chairman Yanuck expressed the understanding that the government felt that area could support herd management levels. The range is being depleted because it's being used by more than just wild horses. Members from the wild horse group spend a lot of time and money trying to keep them in the best health and ensure they aren't taken advantage of but they don't look at who will be footing the long range bill. Something has to be done about birth control. Member Martin commented that there was an action by the Sierra Club asking for removal of horses from the Sheldon because a federal agency

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could not maintain the herd at the maximum limit of 300 and it's over 2,000. He stated that this is a dead issue and is now mute.

7-E. ACTION REGARDING WILDLIFE DAMAGE MANAGEMENT COMMITTEE - COMMISSIONER SCOTT RAIN. The Commission will hear a report from its Wildlife Damage Management Committee and be asked to take action on the committee's draft plan recommendations that identify predator management proposals for the Predator Management Plan for 2010.

7-F. ACTION REGARDING ONLINE HUNT APPLICATION CHANGES/AMENDMENTS AFTER APPLICATION SUBMISSION - CHIEF OF OPERATIONS BOB HAUGHIAN. The CABMWs and the public are requested to review options presented and make recommendations to the Commission. The Commission will be asked to make a selection of one of the proposed options.

7-G. BITTERBRUSH AND WILDFIRE - CLIFF GARDNER. Mr. Cliff Gardner will make a presentation on bitterbrush and wildfire and their effects on wildlife habitat.

7-H. ACTION REGARDING COMMISSION REGULATION 07-07AMENDMENT #4 - GAME DIVISION STAFF BIOLOGIST KEVIN LANSFORD. The proposed amendment to Commission Regulation 07-07 Amendment #4 addresses changes to the bobcat pelt sealing dates that were approved at the June Commission meeting in Lovelock.

7-I. ACTION REGARDING COMMISSION REGULATION 09-08 - GAME DIVISION STAFF BIOLOGIST CRAIG MORTIMORE. The proposed Commission Regulation 09-08 recommends season dates and bag limits for migratory waterfowl, common snipe, coots and moorhens for 2009-2010. The proposed regulation also recommends dates and bag limits for the special youth waterfowl hunt and falconry season dates and bag limits for migratory game birds. (1-0507) - Member Martin explained handouts he provided which are incorporated into the record. He noted that conditions of ponds in north central U.S. and Canada prairies are the wettest they've been in a long time and there is an expectation of a good season. The mallard breeding estimates are positive and the long term average is a significant increase. Trends in species indicate that total ducks are flat; mallards are flat; gadwall are increasing; wigeon is problematical; teal is increasing; northern shoveler is increasing; redhead is increasing; canvasback is flat. He indicated that there is a lot of activity upwards between '75 and '85 in those species which is pushing the trends downward. In response to a question, Member Martin reviewed the Fish and Wildlife quotas which allows up to 107 days of season and closes by January 31. Recommendations for general hunt starts October 17 through January 30. He said that the general limit is the most liberal at 7/14, with pintail at 2/4, and canvasback at 1/2. Snow geese are at 10/20 and Canada geese are at 3/6. The recommendation was for the most liberal season and most liberal limits on pintail and canvasback. Member Martin moved to endorse the Department recommendations on waterfowl. Vice Chairman Zuber seconded the motion. Motion carried 3-0.

7-J. ACTION REGARDING COMMISSION GENERAL REGULATION 364 LCB FILE NO. R-206-08 - GAME DIVISION CHIEF MARK ATKINSON. Commission General Regulation 364 LCB File No. R206-08 proposes that the Commission accept changes to elk damage and elk incentive tag regulations which make revisions to NAC 502.42259, 502.42261, 502.42263, 502.42266, and 504.350.

7-K. ACTION REGARDING COMMISSION POLICY #1, SECOND READING - COMMISSIONER SCOTT RAIN. In accordance with Commission Policy #1, the Commission will have a second reading of proposed updates from the Commission's Administrative Procedures,

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Regulations and Policy Committee for Commission Policy #1, "General Guidelines for the Commission." The Commission will be asked to adopt the proposed changes to Commission Policy #1 and dividing Commission Policy #1 into three separate policies:

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7-L. ACTION REGARDING ELECTION OF OFFICERS - CHAIRMAN LENT. In accordance with Commission Policy #1, the Commission will elect a chairman and vice chairman for fiscal year 2010. (1-0667) - Chairman Yanuck advised that the last five meetings have seen a marked change in attitude towards County Advisory Boards (CAB) and the Commission and Department. The Chairman has been running the meetings with no regard to what has generally been done which has caused a lot of unrest about his lack of professionalism and borderline rule violations. The CAB's are hoping a new Chairman will be elected. Member Martin commented that Clark County wrote a letter asking Lent to resign as Chairman. In response to a question, Chairman Yanuck suggested finishing this item and moving into item #9 which is discussion and action recommending a chairman candidate. He explained that initially it was item #8 on the agenda. Once word was circulated about the unrest among the CAB's, it was moved to the beginning of the agenda before public comment. The statute says all there has to be is public comment during the meeting. Member Martin opined that all actions under Roberts Rule of Order are subject to comment before action is taken. In response to a question, Chairman Yanuck replied that the Commissioners will decide whether there will be public comment.

8. DISCUSSION REGARDING INFORMATIONAL REPORTS TO BE PRESENTED AT THE AUGUST 14 AND 15, 2009 WILDLIFE COMMISSION MEETING. A report on each of the following informational items will be provided by a Nevada Department of Wildlife representative or a Wildlife Commissioner at the upcoming Commission meeting.

8-A. CORRESPONDENCE - CHAIRMAN GERALD A. LENT. The commission will review and may discuss written items sent or received by the Commission since the last regular meeting and provide copies for the exhibit file.

8-B. LITIGATION REPORT - DEPUTY ATTORNEY GENERAL NHU NGUYEN.

8-C. WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES REPORT - COMMISSIONER TOM CAVIN AND SECRETARY KEN MAYER.

8-D. DEPARTMENT ACTIVITIES/LEADERSHIP TEAM NOTES - SECRETARY KEN MAYER.

8-E. HERITAGE COMMITTEE - COMMISSIONER TOM CAVIN.

8-F. APPLICATION HUNT 2009 DRAW REPORT - DON SEFTON AND MONTY MARTIN, SYSTEMS CONSULTANTS. (1-0841) - Member Martin remarked that the number of tag applications is an upward trend and there is a correlation between the youth hunt and the number of tags. In response to a question, he replied that the youth tag is flat, but an investment in bringing more people into hunting is showing more people are interested. In response to another question, he replied he has a concern with the mentoring program because statute only requires a hunter be 18 and have a license; while Wyoming requires the mentor to sign an affidavit verifying they understand that they are responsible for another person.

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8-G. 48 HOUR DRAW RELEASE UPDATE - DON SEFTON, SYSTEMS CONSULTANTS.

9. DISCUSSION AND POSSIBLE ACTION TO RECOMMEND A CANDIDATE FOR THE CHAIRMAN'S POSITION ON THE NEVADA STATE WILDLIFE COMMISSION AT THE AUGUST 14, 2009 MEETING IN ELKO. (1-0912) - Chairman Yanuck passed a letter from the Coalition for Nevada's Wildlife Inc., dated August 10, 2009, and read it into the record. He advised that he has received telephone calls from people upset about the way the Chairman has been setting the tone of the agendas and if things don't go his way, he cuts off the conversation or refuses to take action. For the last 10 years, the Commissioners have been asking what the CAB's think and were listening to their comments. Some changed their viewpoint after listening to CAB's concerns. He has also been approached about why there is so much unrest with the Commission and starting calling other CAB chairmen regarding their views on the upcoming election. He told them he was adding an agenda item to discuss a chairman recommendation and that the Commissioners should hear how the CAB's feel about the direction the Commission has been going and the way it's been run. He advised that he had written a letter and wanted to bring it to this Board's attention before he sent it. He then read the letter he wrote as a private citizen into the record.

(1-1186) Chairman Yanuck then explained that the Chairman called him regarding his phone conversations with the various CAB's. Chairman Yanuck told him that in his position as Chairman, he can't take sides and if someone doesn't agree with his opinions, he discounts them which is apparent to the public. Putting the Director on the spot at a public meeting was very unprofessional. Everyone is picking up on the way things are being run and the disregard for the CAB's recommendations. Commissioners had to enforce the Chairman to hold the wildlife legislation special meeting. Commissioner Raines became upset when he was asked for open disclosure of the issue of awarding a predator control contract to the son of a panel member who was dating Raines' mother.

Chairman Yanuck advised that Commissioners McBeath and Cavin have been approached to consider running for Chairman and McBeath is considering it. He opined that it will be a close race as one of the new Commissioners will be the pivotal vote. He'd like to go on record endorsing the letter from the Clark County CAB and reiterated that he was planning to send his letter to the Commissioners as a private citizen. He mentioned that Commissioner McBeath is extremely thorough and does more research than any other Commissioner. He has the professionalism, self determination and control to run the Commission the way it should be run. When Chairman Lent heard that he was polling the CAB's, he took it personally and changed the order of the agenda although it's acceptable for another Commissioner to open it for public comment. Enough time and energy has been wasted and people have gotten frustrated with the process.

(1-1473) In response to a question, Chairman Yanuck replied that out of the 17 CAB's, he polled 13 and 11 totally agreed with him. A couple wanted to talk to the Commissioner from their county as they had not attended the meetings. Most everyone else has been to the meetings and reports back to the CAB's on what was discussed and voted on. After attending numerous meetings, he saw that the trend was going in the wrong direction. He told Chairman Lent that he intimidates people, and doesn't think it will benefit anyone if he continues as Chairman.

(1-1564) At Member Martin's request, Ms. Barnhurst read the Clark County Advisory Board's letter into the record. Member Martin opined that the last part of Chairman Yanuck's letter was a little 'over the top' and he would consider recommending what CCAB recommended: that Lent step down as Chairman and elect a professional Chairman who respects others' opinions. Chairman Yanuck replied that his letter was meant to lighten the attitude. Member Martin suggested revising his letter to include an ending statement similar to CCAB's. Chairman Yanuck responded that he wrote it to send personally and that he felt it was important that the Commissioners knew how he felt. Member Martin agreed.

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Mr. Baily opined that everyone is on the same track but are saying it in different ways and if it were up to this Board, it would probably be somewhat rewritten. The bottom line is that there is a significant problem affecting the entire advisory board process. Member Martin stated that he isn't disagreeing with Chairman Yanuck. In response to a comment, Chairman Yanuck agreed to revise his letter to include similar language as in CCAB's letter. He mentioned that he would like to leave this meeting with something he can send to NDOW tomorrow.

Mr. Baily commented that he's appeared before the Commission several times and one that particularly impressed him concerned charging more money to people who handled reptiles. They considered his suggestion and made a decision that was completely different from their original intent. Vice Chairman Zuber commented that the Chairman is going to be a detriment to the State and entire Department of Wildlife system and to continue could have a legislative effect on the entire Department. He favors sending a letter as an advisory board stating the need for a new Chairman and advising a course of action. He opined that there were some 'flowery' words in Chairman Yanuck's letter but it didn't have to be written exactly as Clark County's. Chairman Yanuck remarked that he had no problem with a revision and is happy with the consensus of the Board that the situation deserves to be addressed. **Member Martin moved that the Board adopt Chairman Yanuck's letter with the amendment that the closing remarks reflect the closing remarks of Clark County's letter and incorporate the Carson City Board instead of the Clark County Board.** Chairman Yanuck verified the last two paragraphs. **Vice Chairman Zuber seconded the motion. Motion carried 3-0.** Chairman Yanuck confirmed he will revise the last two paragraphs and incorporate Carson City.

10. DISCUSSION AND POSSIBLE ACTION TO CONSIDER A JOINT LETTER OF REQUEST WITH THE DOUGLAS COUNTY WILDLIFE ADVISORY BOARD TO THE USFS REGARDING ALTERNATIVE CLOSURE OPTIONS FOR SPOONER TO KINGSBURY ANNUAL ROAD CLOSURES. (1-1999) - Member Martin gave some background information, reviewed his draft letter and read a portion into the record. He stated that they went to a split season, closed the Spooner gate and this is a request to consider an alternative. He advised of a couple of revisions that would add some flexibility. Chairman Yanuck mentioned that Carl e-mailed him asking why the Department was getting involved as to which he replied that they didn't want to blind side anyone. The reason was apparent in the letter and could benefit a lot of sportsmen by providing them with additional hunting opportunities. Member Martin recommended including the Department as they could make a resource decision together but didn't want Carl to feel as if they were stepping on his toes. Chairman Yanuck advised that he will resolve it with him as being mutually respectful and keeping him informed. Vice Chairman Zuber commented that there may be a reason guided by the road closures as to why the Department set the date for the late season and they are culpable in the management of that area. Member Martin reiterated that they represent sportsmen and are just asking them to consider an alternative depending on whether or not it's snowing. **Member Martin moved to adopt the letter with the change to include the resource specialists making the determination for the Department.** Vice Chairman Zuber seconded the motion. Motion carried 3-0.

11. ACTION REGARDING FUTURE COMMISSION MEETING - DIRECTOR KEN MAYER. The next Commission meeting is scheduled for September 25 and 26, 2009, in Las Vegas; and the Commission will review potential agenda items for that meeting. The chairman may designate and adjust committee assignments and create new committees. (1-2191) - Chairman Yanuck commented that the September meeting will be in Las Vegas and Carson City's meeting on September 21.

12. REPORT ON NEVADA SAGE GROUSE CONSERVATION TEAM - GIL YANUCK. (1-2205) - Chairman Yanuck reviewed his letter to Mayor Crowell regarding the Team's meeting on July 23, 2009, which is incorporated into the record. The sage grouse listing decision has a far-reaching effect on a lot of states and could affect allotments for grazing and restricting access during the brood rearing time

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of year. Access to certain areas impacting wild horses and wind energy were also discussed. In response to a question, Chairman Yanuck replied that the reports are peer reviewed and based on science.

13. DISCUSSION AND POSSIBLE ACTION REGARDING THE CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE BUDGET. (1-2325) - Chairman Yanuck commented that he hasn't seen any problems with the budget.

14. DISCUSSION AND POSSIBLE ACTION REGARDING ADVISORY BOARD MEMBER COMMITMENTS TO UPCOMING WILDLIFE COMMISSION MEETINGS. (1-2347) - Chairman Yanuck advised that he will be attending the meeting on Friday.

15. DISCUSSION AND ACTION TO SCHEDULE NEXT CCABMW MEETING. The next meeting of the Wildlife Commission is scheduled for September 25 and 26, 2009 in Las Vegas. The next meeting of the Carson City Advisory Board to Manage Wildlife is tentatively scheduled for Monday, September 21, 2009. (1-2369) - Chairman Yanuck advised that the next meeting will be September 21, 2009. Member Martin may be elk hunting during that time.

16. STATUS REPORTS FROM STAFF. (1-2390) - None.

17. FUTURE AGENDA ITEMS. (1-2394) - Mr. Baily requested that the urban fishing pond be added to the November agenda. In response to a question, Chairman Yanuck replied that the Commission can be directly addressed for an agenda item or have it first go through the advisory board. He suggested putting it on the September agenda as an action item to discuss the urban fishing pond and an information item for the Wildlife Commission meeting in December. Mr. Baily advised he will bring pictures to the September meeting.

18. ACTION ON ADJOURNMENT. (1-2525) - Member Martin moved to adjourn the meeting. Vice Chairman Zuber seconded the motion and it carried unanimously.

The Minutes of the August 10, 2009 Carson City Advisory Board to Manage Wildlife Meeting are so approved this 21st day of September, 2009.

GIL YANUCK, Chairman