

CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE

Minutes of the November 30, 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, November 30, 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
Member John Valley

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 (1-0011) - Chairman Yanuck called the meeting to order at 6:00 p.m. A quorum was present. Member Clyde was absent.

2. ACTION ON APPROVAL OF MINUTES (1-0026) - **Vice Chairman Zuber moved to approve the minutes of the September 21, 2009 meeting as presented. Member Valley seconded the motion. Motion carried 4-0.**

3. MODIFICATIONS TO THE AGENDA (1-0031) - None.

4. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0032) - None.

5. CARSON CITY URBAN FISHING POND UPDATE - C.K. BAILY. (1-0036) - Mr. Baily displayed a map of the pond and gave background information on the project. He explained that the major components are the FEMA detention basin and wetlands and in case of flooding, water will be directed underneath the highway to protect the pond from overflowing. He explained various components of the pond and the construction schedule. In response to a question, he replied that the ADA pier is not restricted to the disabled, but they will receive priority. In response to a question, he replied that the diversion is up Clear Creek, west of the bridge. In response to another question, he replied that there is an overflow that won't go back into Clear Creek. He explained that a conduit south of Clear Creek goes under the freeway to the Schulz Ranch who receives the majority of the water leaving the pond. In response to another question, he acknowledged that the diversion was done a year ago when monies became available. In response to another question, he acknowledged that 78 days were allowed for construction and one was lost due to weather. In response to another question, he replied that the pond does not have a liner but does have a mesh along the shoreline that holds the soil. In response to a question, Member Martin replied that the pond is set into the ground water and receives part of its water from the ground. In response to another question, Mr. Baily replied that the opening target date is May depending on the ground cover. He explained that there is \$20,000 worth of ground cover and letting the public in prematurely will destroy the entire area. In response to another question, he replied that the pond is for use by all public and referred to it as a 'miracle pond'.

6. DISCLOSURES (1-0315) - None.

7. REPORT AND DISCUSSION OF POINTS OF INTEREST FROM THE SEPTEMBER 25-26, 2009 WILDLIFE COMMISSION MEETING (1-0320) - Chairman Yanuck advised that the question was raised about the deer herd on Carson City's west side. He was informed that there wasn't much that

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could be done because of funding and it wasn't a serious enough problem. He said he will keep them informed of any interactions but doesn't know how it will be controlled. There was discussion on where Carson City property ends and BLM property begins and where hunting can legally be done. In response to a question, Chairman Yanuck replied that the City has not been approached directly but making the Commission aware of the problem was discussed at a prior meeting. Member Martin opined that the public should have access to hunt on public lands and sees no problem with people hunting on the interface. He suggested inviting Tony Wasley, Mule Deer Coordinator to discuss the issue. Chairman Yanuck opined that it interacts with a number of issues.

Chairman Yanuck advised that the Hendricks Ranch and Smith Creek Reservoir were also discussed as well as possession limits. Mark Warren advised the limits are cumulative which is the total actually in possession.

8. ADVISORY BOARD TO MANAGE WILDLIFE CONSENT AGENDA. *All matters listed under the Consent Agenda are agendaized for the December 4-5, 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.* (1-0505) - Chairman Yanuck entertained requests to hear items separate from the consent agenda. Member Martin pulled item 8-A. Chairman Yanuck pulled item 8-L. **Vice Chairman Zuber moved to accept the remaining items on the consent agenda with the exception of 8-A and 8-L. Member Valley seconded the motion. Motion carried 4-0.**

8-A. ACTION REGARDING CENTRAL NEVADA ELK PLAN COORDINATION AND OVERSIGHT TEAM - GAME DIVISION CHIEF MARK ATKINSON. *Mr. Ray H. Williams Lander County Commissioner has been nominated to replace Mrs. Midge Carver on the Coordination Oversight Team (COT). As directed by the Central Nevada Elk Plan, the Commission will be asked to officially appoint Mr. Williams as an official member of the COT.* (1-0531) – Member Martin expressed concern about not having the ability to either recommend or not recommend Mr. Williams due to the lack of information on his position on elk. Discussion ensued on the item and Chairman Yanuck expressed support for Member Martin's statements. He entertained a motion. **Member Martin moved that due to lack of credential information regarding elk management, the CCABMW not take an action recommending or not recommending this particular appointment. Member Valley seconded the motion. Motion carried 4-0.**

8-B. ACTION REGARDING COMMISSION REGULATION 07-07 AMENDMENT #5 - CHIEF OF HABITAT DAVE PULLIAM. *The Commission may adopt amendments to recommended changes to the hunt units available for the Moapa Valley limited entry fall and spring turkey hunts as well as language pertinent to the Overton Wildlife Management area defining public hunting opportunity.*

8-C. INFORMATION REGARDING COMMISSION GENERAL REGULATION 370 - LCB FILE NO. R082-09 - CHIEF OF FISHERIES MARK WARREN. *The Commission may adopt a regulation authorizing a person to take bullfrogs or crayfish without obtaining a license or permit issued by the Department under certain circumstance.*

8-D. ACTION REGARDING COMMISSION GENERAL REGULATION 370 - LCB FILE NO. R082-09 - CHIEF OF FISHERIES MARK WARREN. *The Commission may adopt a regulation authorizing a person to take bullfrogs or crayfish without obtaining a license or permit issued by the Department under certain circumstance.*

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8-E. INFORMATION REGARDING COMMISSION GENERAL REGULATION 372 - LCB FILE NO. R115-09 - CHIEF GAME WARDEN BUONAMICI. *The Commission may adopt new language for defining certain antelope, elk, and deer physical descriptions for hunting. This includes antlered deer, antlered elk, antelope with horns longer than ears and shorter than ears. Antler defined. Cleanup of 502.390 Section 1 (validation of tag) to be consistent with other regulations. Section 2 and 3 new language for when a person must validate a tag.*

8-F. ACTION REGARDING COMMISSION GENERAL REGULATION 372 - LCB FILE NO. R115-09 - CHIEF GAME WARDEN BUONAMICI. *The Commission may adopt new language of defining certain antelope, elk, and deer physical descriptions for hunting. This includes antlered deer, antlered elk, antelope horns longer than ears and shorter than ears. Antler defined. Cleanup of 502.390 Section 1 (validation of tag) to be consistent with other regulations. Section 2 and 3 new language for when a person must validate a tag.*

8-G. INFORMATION REGARDING COMMISSION GENERAL REGULATION 373 - LCB FILE NO. R-110-09 - CHIEF OF FISHERIES MARK WARREN. *The Commission may adopt a regulation relating to wildlife management areas; providing that only vessels without motors may be used during certain periods on the Dacey Reservoir in the Wayne E. Kirch Wildlife Management Area; revising certain other provisions governing the use of the Dacey Reservoir.*

8-H. ACTION REGARDING COMMISSION GENERAL REGULATION 373 - LCB FILE NO. R-110-09 - CHIEF OF FISHERIES MARK WARREN. *The Commission may adopt a regulation relating to wildlife management areas; providing that only vessels without motors may be used during certain periods on the Dacey Reservoir in the Wayne E. Kirch Wildlife Management Area; revising certain other provisions governing the use of the Dacey Reservoir.*

8-I. INFORMATION REGARDING COMMISSION GENERAL REGULATION 376 - LCB FILE NO. R137-09 - CHIEF OF FISHERIES MARK WARREN. *The Commission may adopt a regulation relating to fishing, expanding the permissible radius of a cast net used in certain waters.*

8-J. ACTION REGARDING COMMISSION GENERAL REGULATION 376 - LCB FILE NO. R-137-09 - CHIEF OF FISHERIES MARK WARREN. *The Commission may adopt a regulation relating to fishing, expanding the permissible radius of a cast net used in certain waters.*

8-K. INFORMATION REGARDING COMMISSION POLICIES, FIRST READING - COMMISSIONER KOBRIN. *The Commission will conduct a first reading to review the recommendations/changes from the Commission's Administrative Procedures, Regulation Committee to Commission Policy #50, Duck Stamp Procedure; Commission Policy #51, Wayne E. Kirch Nevada Wildlife Conservation Award; and Commission Policy #22, Introduction, Transplanting and Exportation of Wildlife.*

8-L. ACTION REGARDING COMMISSION POLICIES, SECOND READING - COMMISSIONER KOBRIN. *The Commission will conduct a second reading to review and possibly take action on the recommendations/changes from the Commission's Administrative Procedures, Regulation Committee to Commission Policy #50, Duck Stamp Procedure; Commission Policy #51, Wayne E. Kirch Nevada Wildlife Conservation Award; and Commission Policy #22, Introduction, Transplanting and Exportation of Wildlife. (1-0606) - Chairman Yanuck expressed his displeasure with the changes to Commission Policy #51 regarding the Wayne Kirch Nevada Wildlife Conservation Award because of the removal of four CAB members from the committee and the addition of a Commission member. He read*

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the removed section into the record which indicated that CAB's will have no input into the award with no reason given for the change. In response to a question, he reiterated that there are three commissioners, one staff member and Marlene Kirch on the committee. Vice Chairman Zuber stated that when he was a judge, the staff person coordinated it but didn't judge and the process was fair and independent. He expressed agreement with Chairman Yanuck that a broad spectrum of judges creates a fair evaluation. Discussion ensued and Member Martin opined that it dilutes the award. **Vice Chairman Zuber moved to oppose what was e-mailed out as proposed policy and go with what was mailed out with the packet.** Discussion ensued on the motion and Vice Chairman Zuber reiterated that they support the proposed regulations stated in the packet. Member Martin suggested amending the motion to continue with the existing language as presented in the packets and opposing what was presented today. In response to a question, he summarized that they are opposing any change to the existing policy. **Motion died due to lack of a second. Member Martin moved to oppose any change to the existing policy. Vice Chairman Zuber seconded the motion. Motion carried 4-0.**

In response to a question, Member Martin replied that there was no change in the duck stamp but they are setting more of a judging process and making it more of a viable content. There was discussion regarding the duck stamp and purchasing it online vs. in person. Member Valley mentioned that he tried to purchase a stamp for his son at Cabela's but they wouldn't sell it to him because he already had one and was able to purchase it at a different store. Chairman Yanuck advised of the discussion at the Commission meeting that if a stamp was issued electronically, the Department could be approached about obtaining an actual stamp.

8-M. ACTION REGARDING BIENNIAL BIG GAME RELEASE PLAN FOR FISCAL YEARS 2010 AND 2011 - BIG GAME STAFF BIOLOGIST MIKE COX. *The Commission will be asked to approve the amended biennial Big Game Release Plan for FY 2010 and 2011.*

8-N. ACTION REGARDING WILDLIFE DAMAGE MANAGEMENT COMMITTEE - COMMISSIONER SCOTT RAINE. *The Commission will hear a report from its Wildlife Damage Management Committee and recommendation for Commission approval of proposed Heritage Program Predator Projects: 10-23, 10-26, and 10-27.*

8-O. ACTION REGARDING WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES - CHAIRMAN GERALD A. LENT. *The Commission will designate one representative to attend the 2010 mid-winter conference of the Western Association of Fish and Wildlife Agencies in San Diego, California.*

9. DISCUSSION REGARDING INFORMATIONAL REPORTS TO BE PRESENTED AT THE DECEMBER 4-5, 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.*

9-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.*

9-B. APPLICATION AMENDMENT - PROGRAM OFFICER III MAUREEN HULLINGER.

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9-C. JUNIOR HUNT ELIGIBILITY - PROGRAM OFFICER III MAUREEN HULLINGER.

9-D. NEVADA WATERFOWL HUNTING ZONES - WILDLIFE STAFF SPECIALIST CRAIG MORTIMORE. (1-0908) In response to a question, Chairman Yanuck replied that Elko had a concern about freezing which limited their ability to hunt. He explained that with a separate zone they could start earlier, still have 107 days, and get off the water before freezing. Member Martin added that Craig Mortimore advised that a change can't be made until 2011. In response to a comment, he replied that there are openings every five years to make changes.

9-E. LAPSED ANGLER PROGRAM - MARKETING COORDINATOR LYNNE FOSTER.

9-F. 2011 LEGISLATIVE SESSION - MANAGEMENT ANALYST III KIM JOLLY.

9-G. WILD HORSE AND BURRO UPDATE - CHIEF OF HABITAT DAVE PULLIAM. (1-0950) In response to a question, Chairman Yanuck replied that the latest version of the law will prevent BLM from removing horses from the range other than for illness or a feed problem but once corrected, they have to be replaced. In response to another question, he replied that there were a number of round-ups to bring them into the HML. He explained that the reproduction rate is 25 percent and must be done every year or they will be back over the level. BLM was planning on doing round-ups in Nevada but they were curtailed. He continued that a lot of people don't realize the adverse affect that legislation will have on the herd size or what it will do to the obligate species' habitat. In response to a question, Vice Chairman Zuber replied that the federal government is paying for the horses being taken off the range and shipped to other states.

9-H. LITIGATION REPORT - DEPUTY ATTORNEY GENERAL NHU NGUYEN.

9-I. DEPARTMENT ACTIVITIES/LEADERSHIP TEAM NOTES - SECRETARY KEN MAYER.

10. DISCUSSION AND POSSIBLE ACTION REGARDING ALTERNATIVE CLOSURE OPTIONS FOR SPOONER TO KINGSBURY ANNUAL ROAD CLOSURES. (1-1001) - Chairman Yanuck introduced the item and gave background information. Member Martin advised that the U.S. Forest Service is amenable to discussing alternative closure locations. In response to a comment, he replied that he will contact the Forest Service and ask them to be on the next agenda. He advised of the two road closures on Spooner Summit; one on the east side and one on the west side, their locations, and explained that the gate to the east is permanently closed to the public. He explained that the Forest Service determined the road should be closed because it wasn't always there, it was publicly noticed, and went through the Federal Register; but emergency vehicles and snowmobiles can utilize it. He said that they are negotiating with the Lake Tahoe Basin Management Unit (LTBMU) about installing an alternate gate on the west side and are amenable to a mid-level gate. In response to a question, he acknowledged that late season deer tags are on both sides. He expressed concern about whether the Board could do something about not receiving proper notice. Chairman Yanuck replied that publishing in the Federal Register is public notice. There was discussion on whether the Forest Service could be asked to reconsider their decision and Mr. Walker suggested that NDOW may have more clout to address the issue. Vice Chairman Zuber advised that the BLM requires that it be consistent with a land use plan and the Forest Service should have gone through their travel management plan. There was discussion on snowmobiles and whether they are considered ATV's. Member Martin suggested that Vice Chairman Zuber bring back a report from the

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Forest Service and he will ask a representative from the LTBMU to attend the February meeting.

11. ACTION REGARDING FUTURE COMMISSION MEETING - DIRECTOR KEN MAYER. *The next Commission meeting is scheduled for February 5-6, 2010, in Reno; and the Commission will review potential agenda items for that meeting. The chairman may designate and adjust committee assignments and create new committees.* (1-1263) - Chairman Yanuck advised that the meeting is in Reno.

12. REPORT ON NEVADA SAGE GROUSE CONSERVATION TEAM - GIL YANUCK. (1-1268) - In response to a comment, Chairman Yanuck replied that 60 permits have been issued for wind energy test stations throughout the State. He explained that Nevada ranks toward the bottom when considering the economic benefit of the amount of wind energy that can be generated in the State. Construction costs and service roads are expensive and disturb more habitat. The Department and Sage Grouse team are trying to issue guidelines to consider whether there are known sage grouse areas and what the disturbance would be before issuing a permit. He said that the State is supporting it but the Governor is challenged to develop alternative energy sources.

13. DISCUSSION AND POSSIBLE ACTION REGARDING THE CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE BUDGET. (1-1387) - None.

14. DISCUSSION AND POSSIBLE ACTION REGARDING ADVISORY BOARD MEMBER COMMITMENTS TO UPCOMING WILDLIFE COMMISSION MEETINGS. (1-1390) - Chairman Yanuck advised that he will be attending the meeting on Friday and Saturday in Reno and invited the other members to attend.

15. DISCUSSION AND ACTION TO SCHEDULE NEXT CCABMW MEETING. *The next meeting of the Wildlife Commission is scheduled for February 5-6, 2010 in Reno. The next meeting of the Carson City Advisory Board to Manage Wildlife is tentatively scheduled for Monday, February 1, 2010.* (1-1399) - Chairman Yanuck advised that the next meeting is February 1, 2010.

16. STATUS REPORTS FROM STAFF. (1-1407) - Ms. Barnhurst inquired whether the WAB members would object to moving the meeting time for 2010 to 5:30 p.m. rather than 6:00 p.m. Member Martin replied that he travels the farthest but will make an effort to attend and suggested holding the February 1 meeting at 5:30. Chairman Yanuck confirmed that the meeting would be tentatively set for 5:30 on February 1 to see if it creates a problem for anyone. In response to a question, Member Martin replied that Member Clyde works at NDOT and the change may not conflict with his schedule.

17. FUTURE AGENDA ITEMS. (1-1456) - Member Martin mentioned the status reports on the gate closures.

18. ACTION ON ADJOURNMENT. (1-1472) - Member Martin moved to adjourn the meeting. Member Valley seconded the motion and it carried unanimously.

The Minutes of the November 30, 2009 Carson City Advisory Board to Manage Wildlife Meeting are so approved this 1st day of February, 2010.

GIL YANUCK, Chairman