

MINUTES
Regular Meeting
Carson City Advisory Board to Manage Wildlife
Monday November 14, 2016 ● 4:30 PM
Planning Division Conference Room A
108 East Proctor Street, Carson City, Nevada

Board Members

Chair – Doug Martin

Vice Chair – Stan Zuber

Member – Robert Boehmer

Member – Gil Yanuck

Staff

Dan Yu, Deputy District Attorney

Tamar Warren, Deputy Clerk

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 available for review during regular business hours.

Audio recordings of the Board’s meetings are available on www.carson.org/minutes.

1. CALL TO ORDER AND DETERMINATION OF QUORUM

(4:33:48) – Chairperson Martin called the meeting to order. Roll was called. A quorum was present. Member Boehmer was absent as excused.

| Attendee Name | Status | Arrived |
|----------------------|---------------|----------------|
| Doug Martin | Present | |
| Stan Zuber | Present | |
| Robert Boehmer | Absent | |
| Gil Yanuck | Present | |

2. PUBLIC COMMENT

(4:34:26) – CK Baily of Carson City noted that Baily Pond is full of fish and open to those with a fishing license.

3. For Possible Action: ADOPTION OF AGENDA.

(4:35:55) – MOTION: I move to approve the agenda as presented.

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| RESULT: | APPROVED (3-0-0) |
| MOVER: | Zuber |
| SECONDER: | Yanuck |
| AYES: | Martin, Zuber, Yanuck |
| NAYS: | None |
| ABSTENTIONS | None |
| ABSENT: | Boehmer |

4. Informational Item: DISCLOSURES

(4:36:15) – There were no disclosures by Board members.

5. For Possible Action: APPROVAL OF MINUTES - September 19, 2016

(4:37:04) – MOTION: I move to approve the September 19, 2016 meeting minutes as written.

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| RESULT: | APPROVED (3-0-0) |
| MOVER: | Yanuck |
| SECONDER: | Zuber |
| AYES: | Martin, Zuber, Yanuck |
| NAYS: | None |
| ABSTENTIONS | None |
| ABSENT: | Boehmer |

6. For Possible Action: DISCUSSION REGARDING UPDATE FROM SENIOR PARK PLANNER VERN KRAHN ON IMPROVEMENTS AT THE CARSON CITY RIFLE AND PISTOL RANGE.

(4:37:18) – Chairperson Martin introduced the item and read into the record a memorandum, incorporated into the record, updating the Board on facility improvements at the Carson City Rifle and Pistol Range. He also stated that the gate at the Range is “having a positive impact”. There were no public comments.

7. For Possible Action: DISCUSSION REGARDING PROPOSED DRAFT LEGISLATION REGARDING THE SPORTSMAN'S INITIATIVE, A PUBLIC EDUCATION PROGRAM TO PROVIDE CONSERVATION INFORMATION REGARDING HUNTING, FISHING, AND TRAPPING, SPONSORED BY THE NEVADA WILDLIFE COALITION.

(4:41:10) – Chairperson Martin introduced the item and referenced the draft legislation which is incorporated into the record, and disclosed that he had consulted with Deputy District Attorney Dan Yu about the item. He clarified that this Board could advise the Nevada Department of Wildlife Commissioners but not the legislature, as it was outside their charter. Chairperson Martin believed that the legislation was beneficial in educating the public. Member Yanuck believed that this item was discussed during the last legislative session and that it was geared toward educating those who come to Nevada for hunting or fishing. He also advised recommending support for the legislation.

(4:45:49) – MOTION: I move to advise the Wildlife Commission that the Carson City Advisory Board [to Manage Wildlife] supports this proposed legislation.

PUBLIC COMMENT/DISCUSSION

(4:47:32) – Fred Voltz explained that the proposed legislation “has not gone to the Legislative Committee of the Wildlife Commission” and also expressed concern that “\$450,000 will be spent on propaganda and one-sided presentation of supposed educational information”, adding that it should be funded privately.

(4:48:53) – CK Baily spoke in favor of the legislation, and clarified that the funding was private and not from a government entity and believed that it was an educational program and had shown “great promise”

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| RESULT: | APPROVED (3-0-0) |
| MOVER: | Yanuck |
| SECONDER: | Zuber |
| AYES: | Martin, Zuber, Yanuck |
| NAYS: | None |
| ABSTENTIONS | None |
| ABSENT: | Boehmer |

8. For Possible Action: CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE CONSENT AGENDA ITEMS. http://www.ndow.org/Public_Meetings/Commission/Agenda/.

The items agendized hereafter, as 8-A through 8-F, are consent agenda items. They are considered routine and may be acted upon by the Advisory Board to Manage Wildlife with one action and without extensive hearing. Although a member of the advisory board may request an item be pulled for separate discussion and action, the advisory board chair retains discretion in deciding whether or not to pull an item from the consent agenda. There will be no public comment unless an item is pulled for separate discussion and action.

(4:50:55) – Chairperson Martin introduced the item. No discussion was requested by the Board, and Chairperson Martin entertained a motion.

(4:52:12) – MOTION: I move to approve the consent agenda as presented.

PUBLIC COMMENT/DISCUSSION

(8:53:01) – CK Baily commented that agenda item 8D was unclear. Chairperson Martin clarified that he had attended a workshop on the item and that it was related to the potential spawning of the Lahontan Cutthroat Trout coming from Pyramid Lake.

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| RESULT: | APPROVED (3-0-0) |
| MOVER: | Zuber |
| SECONDER: | Yanuck |
| AYES: | Martin, Zuber, Yanuck |
| NAYS: | None |
| ABSTENTIONS | None |
| ABSENT: | Boehmer |

8-A. For Possible Action: COMMISSION REGULATION 17-01, TAKING OF RAPTORS FOR FALCONRY FOR 2017 - 18 - WILDLIFE DIVERSITY ADMINISTRATOR JENNIFER NEWMARK.
The commission will consider and may take action to approve the 2017 - 18 season dates, species, quotas, limits, closed areas, application procedures and deadlines, and take of raptors for falconry.

8-B. For Possible Action: COMMISSION REGULATION 17-02, NON-COMMERCIAL COLLECTION OF REPTILES AND AMPHIBIANS FOR 2017 - 18 - WILDLIFE DIVERSITY ADMINISTRATOR JENNIFER NEWMARK.
The commission will consider and may take action to approve 2017 - 18 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians.

8-C. For Possible Action: COMMISSION GENERAL REGULATION 463, DUTIES OF PERSON TRANSPORTING VESSEL OR CONVEYANCE, LCB FILE NO. R093-16 - WILDLIFE STAFF SPECIALIST KAREN VARGAS.

*The commission will consider amending Chapter 488 of the Nevada Administrative Code. The proposed change amends Chapter 488 of the NAC by adding a new section that requires the owner, operator, or person in control of any vessel or conveyance that is launched on any body of water in this State to drain the water from the vessel or conveyance and any equipment on the vessel or conveyance, and also the requires the owner, operator, or person in control of a vessel or conveyance that is transported on a public road in this State or has been taken out of any body of water in this State to ensure that the drain plugs, drain valves, and any other devices used to control the draining of water remain open while transporting the vessel or conveyance on public roads in this State. The proposed regulation also amends language in NAC 488.520 to accommodate the changes above and remove repetitive language. **The commission held a workshop on September 23, 2016, and no changes were recommended by the commission.***

8-D. For Possible Action: COMMISSION GENERAL REGULATION 471, TRUCKEE RIVER MOTORIZED VESSEL CLOSURE, LCB FILE NO. R139-16 - CHIEF GAME WARDEN TYLER TURNIPSEED.

*The commission will consider adopting an amendment to Chapter 488 of the Nevada Administrative Code. Existing regulations set forth certain bodies of water on which only vessels without motors are allowed and certain bodies of water on which only vessels without motors and vessels powered by electric motors are allowed. This regulation adds, to the list of waters with such a restriction, the Truckee River from the California - Nevada state line to the point where the river enters the Pyramid Lake Indian Reservation. This regulation also extends the exception to the restrictions to all such specified waters and to any vessel that is owned, operated, and used for official purposes by a federal, state, or local governmental entity, or any vessel operating pursuant to a permit for a marine event that is requested by a federal, state, or local governmental entity. **The commission held a workshop on September 23, 2016, and no changes were recommended by the commission.***

8-E. For Possible Action: COMMISSION GENERAL REGULATION 464, APPEALS, LCB FILE NO. R074-16 - ADMINISTRATIVE PROCEDURES REGULATION AND POLICY COMMITTEE ("APRPC") CHAIRMAN AND COMMISSIONER DAVID McNINCH.

*The commission will consider amending Chapter 501 of the Nevada Administrative Code. This regulation revises provisions relating to practice before the commission. It provides more efficiency in scheduling appeals, will define that calendar days are used for calculation of deadlines, and more clearly notify the appellant, in advance of a hearing, that the commission has limited jurisdiction. It will also provide for two separate deputy attorneys general (one for the commission and one for the department) to avoid conflicts with one attorney advising two sides of the appeal. It also requires the appellant to give the agency advance notice of legal representation to improve scheduling for a separate, lengthier time needed on agendas. **These changes were approved at the May 12, 2016 meeting of the Wildlife Commission's APRPC, which included relevant suggestions from the public and legal counsel. The commission held a workshop in Reno on August 12, 2016, where the commission asked to include information regarding the notice to the appellant and also insert language that, if a party fails to file certain information within 14 days, they may waive their right to a hearing on the appeal. A revision of the regulation was requested from the Legislative Counsel Bureau which contained additional edits.***

8-F. For Possible Action: COMMISSION GENERAL REGULATION 465, ANTELOPE AND ELK WAITING PERIODS, LCB FILE NO. R141-16 - MANAGEMENT ANALYST MAUREEN HULLINGER.

The commission will consider amending Chapter 502 of the Nevada Administrative Code. The Tag Allocation and Application Hunt Committee ("TAAHC") recommended the amendment to the regulation to standardize the waiting period for a person to be eligible to apply for each of the species antelope and elk after receiving a tag. Regardless of harvest, the antelope waiting period, after receiving a tag, would be three years, and the antlered

elk waiting period, after receiving a tag, would be five years. The commission held a workshop on this regulation on September 23, 2016. The commission did not have any recommended changes.

9. For Possible Action: DISCUSSION REGARDING NON-REGULATORY AGENDA ITEMS AS PART OF THE NOVEMBER 18 AND 19, 2016 NEVADA BOARD OF WILDLIFE COMMISSIONERS MEETING.

Other than those items listed under the CCABMW consent agenda (item 8 above), the remaining items on the attached November 18 and 19, 2016 Nevada Board of Wildlife Commissioners agenda typically require no action of the Carson City Advisory Board to Manage Wildlife. Occasionally, one or more advisory board members may have a desire to discuss these items and such discussion may result in action in the form of advice or a recommendation by this advisory board to the Nevada Board of Wildlife Commissioners. There will be no public comment unless action will be taken on an item.

(4:55:10) – Chairperson Martin introduced the item and announced that he would like discuss Commission agenda items 11 and 12 [links listed below, respectively] of the Wildlife Commission’s agenda. He also gave background on the two items.

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Commission/11-License-Simplification-Commission-Presentation-Final-November-2016.pdf and

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Commission/11-License-simplification-memo-presentation.pdf

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Commission/12-Harvest-guidelines-September-presentation.pdf and

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Commission/12-Harvest-guidelines-memo-and-current-guidelines.pdf

(4:59:39) – Member Yanuck stated that the explanation given for item 1 was unclear at first; however, the new chart had simplified everything. Vice Chair Zuber was unclear about “where the money goes” and gave examples of the reasons given in the past for increasing trout stamp fees. Discussion ensued and Chairperson Martin suggested a motion thanking the Commission for the simplification and stating the Board’s concerns.

(5:07:14) – MOTION: I move to notify the Commission of the Board’s concern that the Stamp Privilege money that is currently being collected will be distributed/allocated in the same manner after this change takes place.

PUBLIC COMMENT/DISCUSSION

(5:10:53) – Mr. Voltz believed that “we’re missing something in this license simplification proposal” since “money was in short supply” and the Board was concerned about allocation. He believed that wildlife that belonged to the public is killed and permanently severed from the land, and that severance payment should be made by the “killer of that wildlife... back to the Commission”.

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| RESULT: | APPROVED (3-0-0) |
| MOVER: | Zuber |
| SECONDER: | Yanuck |
| AYES: | Martin, Zuber, Yanuck |
| NAYS: | None |
| ABSTENTIONS | None |
| ABSENT: | Boehmer |

(5:12:19) – Chairperson Martin believed that the Commission agenda item number 12 was also unclear regarding “what the actual change is and how it impacts next year’s proposed seasons”. He cited the example of proposed elk guidelines and wished to understand how they differed from the current guidelines. Discussion ensued on intent regarding the changes and Chairperson Martin noted that the Board was not required to take any action; however, he wished to bring the item to the members’ attention, adding that should the item become a regulation change in the future, a motion will be in order.

10. For Possible Action: DISCUSSION REGARDING ADVISORY BOARD MEMBER COMMITMENT(S) TO THE FEBRUARY 10 AND 11, 2017 WILDLIFE COMMISSION MEETING IN RENO.

(5:21:07) – Chairperson Martin introduced the item and pointed out an error in the agenda item. He stated that this discussion was for the November 18 and 19, 2016 Commission meeting in Carson City. It was agreed that Chairperson Martin would attend the Friday meeting and Member Yanuck would attend on Saturday.

11. Informational Item: NEXT CCABMW MEETING.

(5:23:25) – Chairperson Martin introduced the item and noted that the next meeting of the Nevada Board of Wildlife Commissioners is scheduled for February 10 and 11, 2017 in Reno. Therefore, the next meeting of the Carson City Advisory Board to Manage Wildlife is, tentatively scheduled for Monday, February 6, 2017.

12. Informational Item: FUTURE AGENDA ITEMS

(5:23:40) – Chairperson Martin announced that the election of a new Chair and Vice Chair will take place during the February 6, 2017 meeting.

13. PUBLIC COMMENT

The public is invited, at this time, to comment on and discuss any matter that is relevant to or within the authority of the Carson City Advisory Board to Manage Wildlife, including any matter that is not specifically included on the agenda as an action item. No action may be taken on a matter raised under this item of the agenda.

(5:25:34) – Mr. Baily thanked Mr. Yu for the Open Meeting Law training and called it “particularly interesting”.

(5:26:21) – Mr. Voltz clarified the definition of public money as “as soon as it hits public coffers, whether it’s a tax or a fee” and believed that it was inaccurate to believe [that] “it’s coming from one group and they get to control what happens to public money”.

14. For Possible Action: ACTION ON ADJOURNMENT

(5:26:52) – Member Yanuck moved to adjourn. The motion was seconded by Vice Chair Zuber. The meeting was adjourned at 5:27 p.m.

The minutes of the November 14, 2016 meeting of the Carson City Advisory Board to Manage Wildlife are approved on this 6th day of February, 2017.

DOUG MARTIN, Chair