

CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE

Minutes of the August 2, 2004 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 2, 2004 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Steve Walker
Vice Chairperson Gil Yanuck
Wes Clyde
Jennifer Derley
Stan Zuber

STAFF: Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review during regular business hours.

- 1. CALL TO ORDER, DETERMINATION OF QUORUM (1-0007)** - Chairperson Walker called the meeting to order at 6:04 p.m. A quorum was present.
- 2. APPROVAL OF MINUTES (1-0010)** - None.
- 3. MODIFICATIONS TO THE AGENDA (1-0015)** - None.
- 4. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0016)** - C.K. Baily requested those Board members who are also members of the Carson Fly Fishing Club to attend a meeting scheduled for Wednesday, August 11th at Fuji Park regarding the Urban Fishing Pond.
- 5. DISCLOSURES (1-0080)** - Member Derley advised of having received comments from a citizen with regard to item 7-C.
- 6. DISCUSSION OF POINTS OF INTEREST FROM THE JUNE 25 AND 26, 2004 WILDLIFE COMMISSION MEETING (1-0094)** - Member Derley advised that the Commissioners requested each of the county advisory boards to send multiple members to the Hawthorne Commission meeting to participate in the agendized advisory board workshop. Discussion took place with regard to the same. Member Derley provided an update on the chukar transplant to re-establish populations near Grand Junction. She advised that the wild horse program received reprogrammed Bureau of Land Management funding. Six of the horse management areas were named in order of priority. Additional funding for the wild horse program was allocated to the Bureau of Land Management; however, it was unknown how much would be allocated to Nevada. Several of the Commissioners have requested BLM Director Kathleen Clark to attend the next Commission meeting.

Member Derley provided an overview of the discussion which took place regarding the off-highway vehicles issue. She advised that the Elko County Advisory Board had convened their own subcommittee and reported that the issue is much larger than previously considered. The Commissioners were impressed with the research conducted by the Elko County Board. Member Derley advised that the Commissioners also convened a subcommittee in spite of Secretary Crawforth's objection that it will create a lot of work for NDOW staff. The subcommittee members committed to doing much of the work themselves. In

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response to a question, Member Derley advised that the Commissioners didn't discuss details of the subcommittee composition; however, a chairman was appointed. Consensus of the Commissioners was that a comprehensive plan is needed which should include registration, taxation, education, use areas, and enforcement. Member Derley advised that 7-8 county advisory boards were represented at the Commission meeting. Chairperson Walker thanked Member Derley for her report.

7. ADVISORY BOARD TO MANAGE WILDLIFE CONSENT AGENDA. All matters listed under the Consent Agenda are agendized for the August 6 and 7, 2004 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 (1-0242) - **Member Clyde moved to remove items 7-B, 7-C, and 7-F from the consent agenda. Member Derley seconded the motion. Motion carried 5-0.** (1-1712) **Vice Chairperson Yanuck moved to approve the balance of items on the consent agenda. Member Clyde seconded the motion. Motion carried 5-0.**

7-A. ACTION REGARDING COMMISSION GENERAL REGULATION 326 (LCB FILE NO. R102-04) - ROB BUONAMICI. The proposed regulations establish definitions for and pertaining to a restricted nonresident bobcat hunt, establish a fee for restricted nonresident bobcat tag, describe requirements and procedures for a nonresident to purchase a nonresident trapping license and restricted nonresident bobcat tag. The regulations authorize the Board of Wildlife Commissioners to establish a season for the hunting of bobcats by nonresidents and to adopt a harvest objective. The proposed regulations require that the nonresident bobcat hunter be accompanied at all times during the bobcat hunt by the master guide who signed his tag or one of his subguides. Additional provisions would include tag validation, as well as mandatory inspection and sealing of a bobcat harvested by the nonresident. A hunter-harvested bobcat seal would be created and a validation period established to address personal, noncommercial take of bobcats. *NDOW Note: See support material for agenda item #2. CCABMW Note: This item is agendized as part of a workshop prior to action being taken.*

7-B. ACTION REGARDING COMMISSION REGULATION 04-15 AMENDMENT #3 - CRAIG MORTIMORE. The amendment proposes to change the opening date of quail season in Clark, Lincoln, and portions of Nye Counties from the second Saturday in October to the first Saturday in October 2004. Depending upon action taken by the U.S. Department of the Interior, the Commission may need to adjust previously adopted regulation regarding seasons and limits for hunting of migratory waterfowl (1-0254) - Member Clyde inquired as to the involvement of the Department of the Interior since this regulation doesn't include migratory birds. He expressed the opinion that since chukar season is already open a week early in southern Nevada, there should be no problem with opening quail season at the same time. Vice Chairperson Yanuck advised that he would get an answer and report back at the next Board meeting.

7-C. ACTION REGARDING COMMISSION REGULATION CR 04-20 - SECRETARY CRAWFORTH. Affirm the emergency action regarding military personnel assigned outside Nevada who have obtained a big game tag to ensure that the additional option exists for an identical hunt in a subsequent year if military service precluded the opportunity to hunt in the current year (1-0276) - Member Clyde expressed support for the concept, but expressed concern with regard to ensuring language that clarifies "active duty." Extensive discussion took place with

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regard to the same, and with regard to the provisions of the regulation. The Board members each expressed support for the concept, and concern over the method by which the regulation will be implemented. Vice Chairperson Yanuck offered to inquire of the Commissioners at the meeting and to report back at the next Board meeting.

7-D. ACTION REGARDING REQUEST FOR COMMISSION APPROVAL TO EXPEND UPLAND GAME STAMP FUNDS - DOUG HUNT. The Commission will hear a presentation on the new upland game stamp program and, in accordance with NRS 502.296, be requested to approve fiscal year 2005 expenditures for the program.

7-E. ACTION REGARDING PREDATOR MANAGEMENT PLAN FISCAL YEAR 2005 - CHAIRMAN FORD. The Commission will hear a report from its Wildlife Damage Management Committee and take action on the Committee's draft plan recommendations which identify predator management projects for the coming year.

7-F. ACTION REGARDING LEGISLATIVE COMMITTEE - COMMISSIONER BRADLEY. The Commission will hear a report on the agency and Commission proposed legislation and may take a position in support or opposition (1-0505) - Vice Chairperson Yanuck advised of having attended the last several Legislative Committee meetings, one of which took place earlier in the day. Chairperson Walker provided background information on, and discussion took place regarding, the U.S. District Court Order in *Montoya, et al. vs. Shroufe, et al.*, which was included in the Commission agenda materials. Vice Chairperson Yanuck explained that a response is due within eleven days to a similar action filed in Nevada. The options thereafter are to enter into mediation or to commence litigation. In response to a question, Vice Chairperson Yanuck advised that the plaintiffs plan to file similar actions in every western state. He discussed the basis for the litigation and the outcome in the Arizona case which will most likely set a case law precedent. Discussion took place with regard to the same, and with regard to possible options to present in mediation. Chairperson Walker suggested that this matter should be heavily publicized to the sporting public in order to receive as much input as possible. Additional discussion took place regarding the potential effect of the lawsuit on tag quotas, the need for sporting public input with regard to the mediation, the original justification for the 10% non-resident tag quota, and the possibility of excluding non-resident hunters from hunting non-migratory species. Vice Chairperson Yanuck agreed to carry forward the Board member and citizen comments.

Vice Chairperson Yanuck reviewed a proposal to utilize 75% of the current income received from Partnership in Wildlife and Wildlife Heritage Fund tag sales to fund various projects. He noted that administrative costs have been as high as 18% which translates to very slow annual growth of the Wildlife Heritage Fund. He explained that administrative costs have previously been allocated from the general fund. Chairperson Walker requested Vice Chairperson Yanuck to inquire as to the actual progress which could be made by implementing the proposal.

Vice Chairperson Yanuck advised that NDOW will be proposing legislation to increase its 3% allocation from the State's general fund. He reviewed the following additional legislative proposals: a family fishing license, the cost of which would be \$40 for two adults and children under 15 and older than 12; to refine statutory language with regard to giving meat away to someone other than a tag holder; to require social security numbers in order to obtain hunting licenses; to slightly increase randomly selected fees in order

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to generate approximately \$289,000; to refine statutory language to require a \$3 fee for bonus point applications; and to request pay raises for employment categories of game warden, fish hatchery biologist, wildlife management area installation and conservation education.

Vice Chairperson Yanuck advised that all proposed legislation is required to be submitted to the Governor who has a line item veto option. Discussion took place regarding NDOW's general fund allocation. In response to a question, Vice Chairperson Yanuck provided an overview of discussion which took place regarding proposed legislation to change the composition of county game boards.

7-G. ACTION REGARDING BIENNIAL BUDGET - SECRETARY CRAWFORTH. The draft Department budget for fiscal years 2006/2007 will be presented to the Commission for review and recommendation in accordance with NRS 501.337(6).

7-H. ACTION REGARDING FUTURE COMMISSION MEETINGS - SECRETARY CRAWFORTH. The next Commission meeting is scheduled for September 10 and 11, 2004 in Ely, and the Commission will review potential agenda items. The chairman may adjust committee assignments, or establish new committees.

7-I. ACTION REGARDING TAG QUOTAS FOR BIG GAME HUNTS - BRYAN STOCKTON. The Commission will hear a report from the Deputy Attorney General about recent litigation regarding nonresident quotas and be asked to consider change to their Policy 20 and associated regulations.

8. DISCUSSION REGARDING INFORMATIONAL REPORTS TO BE PRESENTED AT THE AUGUST 6 AND 7, 2004 WILDLIFE COMMISSION MEETING. A report and additional detail 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 (1-1739) - [Chairperson Walker recessed the meeting at 7:33 p.m., and reconvened at 7:37 p.m.]

8-A. 2004 APPLICATION HUNT REPORT - DON SEFTON, SYSTEMS CONSULTANTS

8-B. WALKER LAKE - RICH HASKINS AND DOUG HUNT. The Commission will hear a report concerning the status of fish and wildlife and the various efforts underway to address issues on the Walker River system. (1-1758) Mr. Baily inquired as to whether NDOW has any additional plans to divert water from the Mason Valley into Walker Lake. Vice Chairperson Yanuck agreed to check into this matter at the Commission meeting.

8-C. SECRETARY'S REPORT - SECRETARY TERRY CRAWFORTH.

8-D. LITIGATION REPORT - DEPUTY ATTORNEY GENERAL BRYAN STOCKTON (1-1802) - In response to a question, Vice Chairperson Yanuck provided background information on *Jean Taulman, et al. vs. John T. Moran, Jr., et al.*

8-E. LINCOLN COUNTY ELK SUB-PLAN - COMMISSIONER CLINT BENTLEY

8-F. WHITE PINE COUNTY ELK SUB-PLAN - COMMISSIONER MIKE RIORDAN

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8-G. GOVERNOR'S SAGE GROUSE TEAM - COMMISSIONER McNINCH

8-H. WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES - COMMISSIONER McNINCH

8-I. REPORT ON THE STATUS OF THE LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT - DOUG HUNT

8-J. NEVADA WILDLIFE DATA SYSTEM UPDATE - PATTY WAGNER

8-K. PARADISE VALLEY DEER HUNT - SECRETARY CRAWFORTH (1-1832) - Member Clyde provided background information on this item, and discussion took place with regard to the same.

8-L. COUNTY ADVISORY BOARD TO MANAGE WILDLIFE WORKSHOP (1-1856) - Vice Chairperson Yanuck advised that the workshop was somewhat undefined because of previously designated priorities, including the litigation report and the mule deer species policy plan presentation.

8-M. MULE DEER - VICE CHAIRMAN MacKENZIE AND TONY WASLEY

- **THE RECENTLY COMPLETED NEVADA MULE DEER BULLETIN WILL BE PRESENTED;**
- **THE PROCESS FOR DEVELOPMENT OF A NEVADA MULE DEER SPECIES POLICY PLAN WILL BE REVIEWED.**

8-N. ANTELOPE, BIGHORN SHEEP, ELK, AND MOUNTAIN GOAT - MIKE COX.

- **THE IMPLEMENTATION STATUS OF CURRENT BIG GAME POLICY AND TRAPPING AND TRANSPLANT PLANS WILL BE PRESENTED;**
- **HUNTING SEASON AND TAG QUOTA ISSUES AND POTENTIAL STRATEGIES WILL BE REVIEWED AS “FOOD FOR THOUGHT” FOR THE UPCOMING BIENNIAL 2005/2006 REGULATION PROCESS**

8-O. UPLAND GAME, WATERFOWL, AND FURBEARERS - CRAIG MORTIMORE.

- **THE STATUS OF UPLAND GAME, WATERFOWL, AND FURBEARERS, AND ASSOCIATED HUNTING/TRAPPING WILL BE PRESENTED;**
- **HUNTING SEASON AND LIMIT ISSUES AND POTENTIAL STRATEGIES WILL BE REVIEWED AS “FOOD FOR THOUGHT” FOR THE UPCOMING BIENNIAL 2005/2006 REGULATION PROCESS.**

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9. REPORT ON GOVERNOR'S SAGE GROUSE CONSERVATION PLAN - GIL YANUCK
(1-1875) - Vice Chairperson Yanuck circulated Volume One of the State's conservation plan, and advised that the entire plan is available on CD. He advised that there are three other volumes which contain the plans of the local area planning group. He further advised that meetings reconvene on August 23rd.

(1-1897) Mr. Baily thanked the Board and Vice Chairperson Yanuck and referred to the Governor's Proclamation which was included in the agenda materials.

Vice Chairperson Yanuck thanked Mr. Baily and advised of being informed that his name had been added to the Governor's Team credits because of his extensive participation in the planning process. In response to a question, he explained that Nevada is the first of the western states to complete a plan and submit it to the Department of Fish and Wildlife. He advised that many of the other western states are "in the home stretch" with their plans; however, if the plans are not as well done as Nevada's, the sage grouse will likely be listed. He acknowledged that Nevada's plan can be plagiarized by other states, and that their representatives have been kept well informed and up to date.

10. REPORT REGARDING THE FY 2004/2005 CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE BUDGET (1-1998) - Vice Chairperson Yanuck advised that the Board's budget was augmented to bring the balance to approximately \$4,000.

11. DISCUSSION AND ACTION REGARDING ADVISORY BOARD MEMBER COMMITMENTS TO UPCOMING WILDLIFE COMMISSION MEETINGS (1-2012) - In response to a question, Chairperson Walker advised that he may accompany Vice Chairperson Yanuck to the Commission meeting.

12. DISCUSSION AND ACTION TO SCHEDULE NEXT CCABMW MEETING. The next Wildlife Commission meeting is scheduled for September 10 and 11, 2004 in Ely (1-2027) - Consensus of the Board was to schedule the next meeting for Tuesday, September 7 at 6:00 p.m.

13. COMMENTS AND STATUS REPORTS FROM STAFF (1-2140) - Ms. King advised of the special Parks and Recreation Commission meeting scheduled for Thursday, August 12th at which the Burned Area Emergency Response ("BAER") Plan would be presented. Following discussion with regard to agendizing the meeting jointly between the Board and the Commission or noticing a possible quorum of the Board, consensus of the Board members was to notice a possible quorum. Chairperson Walker and Vice Chairperson Yanuck advised of having already heard a BAER Plan presentation which was provided to residents affected by the Waterfall Fire. Ms. King further advised that the U.S. Forest Service may withdraw the Clear Creek/Kings Canyon Landscape Analysis which was to be presented at a joint meeting of the Board and the Parks and Recreation Commission on Tuesday, August 17th. She advised she would notify the Board members as soon as possible.

14. DISCUSSION ONLY REGARDING FUTURE AGENDA ITEMS (1-2272) - In response to a question, Vice Chairperson Yanuck advised that he would discuss with Don Sefton, at the upcoming Commission meeting, the possibility of making a presentation to the Board.

15. ACTION ON ADJOURNMENT (1-2310) - Vice Chairperson Yanuck moved to adjourn the meeting at 8:00 p.m. Member Zuber seconded the motion. Motion carried 5-0.

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The Minutes of the August 2, 2004 meeting of the Carson City Advisory Board to Manage Wildlife are so approved this 2nd day of September, 2004.

STEVEN R. WALKER, Chair