

Washoe County Advisory Board to Manage Wildlife

DRAFT of Minutes

Thursday ~ March 8, 2018 ~ 6:00 p.m.
Nevada Department of Wildlife
Conference Room B
1100 Valley Road, Reno, Nevada

MEMBERS

Steven Robinson, Chair
Arnold Pitts, Vice-chair
Sean Shea, Secretary
Meghan Di Rocco
Michelle Spencer

1. PLEDGE OF ALLEGIANCE [Non-action item]

Chair Robinson led the Pledge of Allegiance.

2. CALL TO ORDER AND ROLL CALL [Non-action item]

Chair Robinson called the meeting to order at 6:00 p.m. A quorum was established

PRESENT: Arnie Pitts, Steve Robinson and Sean Shea.

ABSENT: Meghan Di Rocco and Michelle Spencer.

Jennifer Gustafson – Deputy District Attorney, was also present.

3. PUBLIC COMMENTS [Non-action item]

There were no public comments.

4. APPROVAL OF JANUARY 22, 2018, MINUTES (For possible action)

Jonathan Lesperance noted that he had requested a minor clarification to his comments that were included in the final draft.

It was moved by Member Pitts, seconded by Member Shea, to approve the January 22, 2018, minutes, as submitted. The motion carried with Members Di Rocco and Spencer absent.

5. BOARD MEMBER MEETING ASSIGNMENT [Non-action item] – *A discussion and selection of member(s) to attend the Nevada Board of Wildlife Commissioners meetings on: 1) March 16 and 17, 2018, meetings in Laughlin, Nevada; and 2) May 4 and 5, 2018, Reno/Carson City, Nevada.*

Washoe County will not be represented at the March 16 and 17, 2018, meetings in Laughlin, Nevada.

Members Pitts, Shea and Chair Robinson plan to attend the May 4 and 5, 2018 meetings.

6. COMMITTEE, MEMBER AND LIAISON UPDATES [Non-action items]

6-1) Correspondence (including sportsmen's concerns) and Announcements – Chair Robinson commented that he had received a call on shed hunting enforcement in various Counties.

Ian Knight – Game Warden, explained that mid-season closure violations would be given a warning on the first offense and would be issued citations if there are any further violations.

Washoe County Advisory Board to Manage Wildlife – DRAFT Minutes

March 8, 2018

Page 2 of 10

6-2) Overview of the January 26 and 27, 2019, meetings of the Nevada Board of Wildlife Commissioners – Member Shea suggested that the Dream Tag issues identified annually be addressed and clarified.

7. WILDLIFE DAMAGE MANAGEMENT COMMITTEE REPORT AND FISCAL YEAR 2019 DRAFT PREDATION MANAGEMENT PLAN [For possible action - *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a report from the Wildlife Damage Management Committee chairman regarding the proposed Fiscal Year 2019 Predator Management Plan.*

Chair Robinson opened the agenda item and asked for board discussion

There was no staff update.

Member Pitts suggested a modification to clarify that all Mountain Lions are problematic.

Mel Belding recalled his time in the field with NDOW noting that the intent was to have lion work done. However, while there is money for Sage Grouse eggs, approximately \$300,000.00, there is no money for Mountain Lion control. Mr. Belding noted that he had seen up to 30 deadheads during the hunt the majority of which were rams. Mr. Belding believes that it is time to do something about this particular issue. Mr. Belding explained that the lack of funding was the primary issue and that there had been a small supplement of sheep about 5-years ago in Unit 011. The same issue occurred in Unit 212 where bobcats had decimated populations resulting in very low numbers and that there is an urgent need to take action.

Chair Robinson closed public comment.

It was moved by Member Shea, seconded by Chair Robinson, to recommend that the Nevada Board of Wildlife Commissioners approve the proposed Fiscal Year 2019 Predator Management Plan with a clarification under Project 37 goal to remove special problem lions. The motion carried with Members Di Rocco and Spencer absent.

8. COMMISSION POLICY 51, WAYNE E. KIRCH CONSERVATION AWARD, SECOND READING – COMMISSIONER AND ADMINISTRATIVE PROCEDURES, REGULATIONS, AND POLICY (APRP) [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify the second reading of Commission Policy 51.*

Chair Robinson opened the agenda item and hearing no public comment asked for Board comment or a motion.

It was moved by Chair Robinson, seconded by member Shea, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Policy 51, Wayne E. Kirch Conservation Award Second Reading, Commissioner and Administrative Procedures, Regulations and Policy (APRP), as written The motion carried with Members Di Rocco and Spencer absent.

Washoe County Advisory Board to Manage Wildlife – DRAFT Minutes

March 8, 2018

Page 3 of 10

9. **COMMISSION POLICY 50, DUCK STAMP PROCEDURE, FIRST READING** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify recommended modifications to Commission Policy 50 or suspension of the policy.*

Chair Robinson opened the agenda item and noted the lack of interest in the Duck Stamp although it seems a shame to scrap Duck Stamp Art.

Chair Robinson opened public comment.

Rex Flowers noted that with license simplification the Duck Stamp program will not pay for itself. Mr. Flowers believes that the Duck Stamp like the Trout Stamp is no longer viable and should be discontinued.

Chair Robinson closed public comment.

Member Shea concurred with Mr. Flowers' comment as the program can no longer support itself.

Chair Robinson noted that it is sad to see the sad state of the state's hunting heritage.

It was moved by Chair Robinson, seconded by Member Shea, to recommend that the Nevada Board of Wildlife Commissioners suspend Commission Policy 50, Duck Stamp Procedure, First Reading, as written. The motion carried with Members Di Rocco and Spencer absent.

10. **COMMISSION GENERAL REGULATION 473, SAFE HUNTING DISTANCE, LCB FILE NO. R111-17** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify suggested modifications to Chapter 503 of the Nevada Administrative Code (NAC). This regulation would make it unlawful for a person to discharge a firearm, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow within a certain distance of any occupied dwelling without the consent of the owner or occupant of the dwelling.*

Chair Robinson opened the agenda item.

Ian Knight – NDOW, noted that the distance had been changed from 5,000 feet to 1,500 feet for rifle, and 1,000 feet to 500 feet for archery, shotgun and crossbow statewide. Mr. Knight commented that he did not know of any injuries. There was an incident in Verdi where a Dove hunter apparently rained pellets on homes that are now being developed. However, he does not know of any incident involving rifles in the Washoe County congested area, which has an ordinance in place prohibiting the discharge of firearms. Mr. Knight clarified that this particular regulation applies only in areas that do not have a County Ordinance in place. Additionally, the regulation covers only hunting not target shooting.

Member Shea read the following into the record (copy on file)

Coalition for Nevada's Wildlife
P. O. Box 70143
Reno, Nevada 89570

March 8, 2018

The Coalition for Nevada's Wildlife stands opposed to the new proposed regulation CGR 473- Safe Hunting Distances. We feel that "Safe Hunting Distances" would imply public safety and that is currently covered under NRS 244.364 para.2- A Board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms. We feel that County Commissions and their immediate law enforcement departments know best the needs and desires of their local communities on public safety issues. It would be best to allow Counties and their personnel to continue to do what is best for their citizens at that local level. We would hope that all those receiving this correspondence will forward like comments to their prospective CABs and the Wildlife Commission quickly and ask that this regulation be withdrawn from any further consideration.

The Coalition for Nevada's Wildlife, (COAL) is a consortium of northern Nevada sportsmen and conservation organizations which have worked together since 1991 addressing wildlife management and legislative issues.

Larry Johnson, President

NEVADA SPORTSMEN AND CONSERVATIONISTS WORKING FOR
THE ENHANCEMENT OF WILDLIFE AND HABITAT

Chair Robinson opened public comment.

Joel Blakeslee questioned whether County ordinance supersedes State law and recalled a presentation about four years ago in Elko that indicated that the primary reason for individuals to leave the sport of hunting was over-regulation. Mr. Blakeslee recommended that he would like to see the cycle of regulations broken before hunting is regulated out of existence.

Rex Flowers noted that while there had been an occurrence in the outlying area of Douglas County, the Douglas County Sheriff who came to the Nevada Board of Wildlife Commissioners in February 2017 felt it would be better to have a statewide regulation. Mr. Flowers noted that Washoe County does not have an issue since they have regulations already and that Clark County has already enacted regulations related to firearms discharge. It appears that this is an attempt to cut County Game Boards and sportsmen out of the process with no input or further discussion.

Washoe County Advisory Board to Manage Wildlife – DRAFT Minutes

March 8, 2018

Page 5 of 10

Mike Cassidy drew attention to the removal of public lands for hunting. Mr. Cassidy drew attention to the Jarbridge area, which has some 50 property owners that permission must be secured before one can gain access to the public lands.

Mel Belding concurred with Mr. Blakeslee's comments about over-regulation noting that the set-back for discharge of firearms in the congested areas of Washoe County is 5,000 feet per County ordinance and that this regulation is not needed for firearms. Mr. Belding also agreed that NDOW is and should be directed by the Nevada Board of Wildlife Commissioners and that bows and cross bows should be the only items being discussed as fire arms were not part of the Commission direction. Mr. Belding noted that this is an overreach in regulation and needs to be "shut-down".

Jonathan Lesperance agreed with testimony heard and correspondence from the Coalition for Nevada's Wildlife. Mr. Lesperance believes that this proposed regulation borders on nonsense. Mr. Lesperance believes that it is incumbent on NDOW to produce maps similar to those congested area maps prepared by Washoe County in order to demonstrate the lands that would no longer be open to hunting statewide under this regulation.

Jim Puryear concurred that this was over-regulation and pointed out that regulations are already in place and that law enforcement is underfunded and understaffed. Therefore, Mr. Puryear recommends that law enforcement funding and staffing be enhanced to enforce existing regulations.

During a brief discussion it was noted that the State of Wyoming has about 800 officers, the State of Nevada has 23 statewide.

Chair Robinson closed public comment.

Responding to Member Shea's inquiry about whether County regulations override state regulations, Jen Gustafson – Deputy District Attorney, explained that in general State law preempts County ordinance. However, the County may enact stricter regulations that are not preempted by state law. Ms. Gustafson also noted that the Board may make whatever motion they believe will emphasize their desire to see fewer regulations of this type.

Member Shea recalled being shut-down by the Nevada Board of Wildlife Commissioners when this topic had been brought up before.

Member Pitts commented that he could not support the proposed regulation.

Chair Robinson stated his opposition to the regulation pointing out that no instances of unsafe behavior were noted in the regulation's support materials.

It was moved by Member Shea, seconded by Chair Robinson, to recommend that the Nevada Board of Wildlife Commissioners deny Commission General Regulation 473, Safe Hunting Distance, LCB File No. R111-17 and emphasized that there was no desire to see this type of regulation in the future. The motion carried with Members Di Rocco and Spencer absent.

Washoe County Advisory Board to Manage Wildlife – DRAFT Minutes

March 8, 2018

Page 6 of 10

- 11. COMMISSION GENERAL REGULATION 470, MISCELLANEOUS PETITIONS, LCB FILE NO. R095-16** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify suggested amendments to Chapter 501 of the Nevada Administrative Code (NAC). The regulation was developed by the Administrative Procedures, Regulations, and Policy Committee after several public meetings incorporating relevant suggestions from the public, legal counsel, the Department and the Committee. The amendments are intended to simplify petition form requirements and the petition process overall.*

Chair Robinson opened the agenda item noting that after several public meetings the intent is to simplify the overall petition process.

There no update from the NDOW.

Member Shea noted that this had been seen several times in the past.

Chair Robinson opened public comment.

Mel Belding outlined his understanding of the modifications that appear give NDOW the ability to approve or deny petitions, which he believes should be heard without NDOW recommendations.

Joel Blakeslee concurred with Mr. Belding noting that the culture of NDOW appears to be more legislative which is not their function. NDOW is intended to be the regulator not the legislative body.

Chair Robinson closed public comment.

Member Pitts commented that he believes the intent is to get petitions sooner.

Chair Robinson reopened public comment.

Mr. Blakeslee commented that he prefers to see that the Nevada Board of Wildlife Commissioners handle this rather than NDOW.

Jim Puryear concurred so that there is an opportunity for public input and informed decisions. It appears that this may be an attempt to get County game boards out of the process and take information away from the public.

Rex Flowers noted that while this is written somewhat differently it is not significantly different. It is Mr. Flowers' opinion that NDOW should remain neutral in the petition process and continue to having the Nevada Board of Wildlife Commissioners review the petition along with their legal counsel through the Attorney General's Office with input from the County Game Boards and public.

Chair Robinson closed public comment.

Member Shea stated he could not support the regulation as written.

Washoe County Advisory Board to Manage Wildlife – DRAFT Minutes

March 8, 2018

Page 7 of 10

It was moved by Member Pitts, seconded by Member Shea, to recommend that the Nevada Board of Wildlife Commissioners deny Commission Regulation 470, Miscellaneous Petitions, LCB File No. R095-16 and continue the Petition process through County Game Boards and the Nevada Board of Wildlife Commissioners as it and has traditionally been done.

Responding to Deputy District Attorney Jen Gustafson's inquiry about approving other language in the regulation, Member Pitts stated he was opposed to the regulation as written in its entirety.

The motion carried with Members Di Rocco and Spencer absent.

12. **COMMISSION REGULATION 18-10, MIGRATORY GAME BIRD SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR WATERFOWL AND WEBLESS MIGRATORY GAME BIRDS; PUBLIC HUNTING LIMITED ON WILDLIFE MANAGEMENT AREAS AND DESIGNATED STATE LANDS – 2018-2019 SEASON** [For possible action] – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify recommendations to Commission Regulation 18-10.*

Chair Robinson opened the agenda item and hearing no public comment asked for Board discussion.

Responding to Member Shea's inquiry about migratory birds, Ian Knight NDOW, explained that the only issue is the mid-season closures to secure an additional weekend given the limited number of days allowed under federal regulations.

During the discussion it was suggested that the closing season date be changed to October 31 rather than October 30. Other discussion suggested a single American Crow season from September 1 through April 15.

There were no public comments.

Chair Robinson noted that there are federal regulations that preclude the additional of time to certain hunts and that he would like a longer season for bird of prey including crow.

It was moved by Chair Robinson, seconded by Member Pitts, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Regulation 18-10, Migratory Game Bird Seasons, Bag Limits, and Special Regulations for Waterfowl and Webless Migratory Game Birds; Public Hunting Limited on Wildlife Management Areas and Designated State Lands – 2018-2019 Season with the following modifications: 1) Change Morning Dove and White Wing to October 1 through October 31 closing date and American Crow to September 1 through April 14 with no break in the season. The motion carried with Members DiRocco and Spencer absent.

13. **LANDOWNER DEER AND ANTELOPE COMPENSATION TAG PROGRAM** [For possible action] – *A continuing review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify recommendations on the proposal to promulgate regulation to equitably distribute deer and antelope compensation tags if the statutory limit is reached in the future.*

Washoe County Advisory Board to Manage Wildlife – DRAFT Minutes

March 8, 2018

Page 8 of 10

Chair Robinson opened the agenda item and asked for board comment.

There was no department presentation.

Member Shea drew attention to page 8 under NAC 502.4258 noting that while there is discussion about hazing and scaring issues he has not heard of any specific issues.

Ian Knight – NDOW, noted that while he is unaware of hazing or scaring issues funds are offered for fencing for elk most landowners will take the tag.

Member Shea noted that one thing he would like to see is the issue of deer that do not leave an area where a compensation tag has been issued as it seems that those areas should be open for hunting.

Chair Robinson opened public comment.

Rex Flowers noted that while it seems wrong that some property owners appear to farm wildlife, there are also private property rights that need to be respected. Mr. Flowers pointed out that property owners are entitled to compensation when their property is being damaged by wildlife. While it is incumbent to do whatever needs to be done to make a rancher whole, fences cannot be built to protect every property owner.

Mel Belding noted that he understands the concerns when a property owner can sell a compensation tag for thousands of dollars and appears to be hoarding the game. Me. Belding explained that he believes the matter should be continued to allow an additional discussion to develop a compensation program that encompasses and addresses concerns. The intent is to develop a program that is fair to the rancher and the animals.

Jonathan Lesperance commented that he had worked as a summer intern for NDOW hazing wildlife out of agricultural areas and that it is a benefit to hunters to have agricultural areas open to wildlife, similar to area 195 which has sheep but no access.

Ray Kabisch recommended that the board look at how and when the animals are counted to assure that the proper procedures are being used and compensated. Additionally, Mr. Kabisch believes that access should be open to the public.

Chair Robinson closed public comments.

Member Shea believes that discussion should continue to assure that all issues are addressed and a process is developed that all are comfortable with.

Chair Robinson commented that he believes it is an important aspect of the policy that ranchers have an opportunity to seek compensation from the state when damage occurs.

There was some discussion about brokering a compensation tag, which is significantly different than the landowner selling the tag. It was pointed out that that is another aspect of the program that needs further discussion.

Washoe County Advisory Board to Manage Wildlife – DRAFT Minutes

March 8, 2018

Page 9 of 10

It was moved by Member Shea, seconded by Chair Robinson, to recommend that the Nevada Board of Wildlife Commissioners continue discussion on landowner compensation program. The motion carried with Members Di Rocco and Spencer absent.

- 14. WASHOE COUNTY ADVISORY BOARD TO MANAGE WILDLIFE MEMBERS AND/OR STAFF ANNOUNCEMENTS, REQUESTS FOR INFORMATION AND SELECTION OF TOPICS FOR FUTURE AGENDAS** [Non-action item] – *Selection of additional agenda item(s) for the next meeting to be held April 26, 2018.*

Chair Robinson noted that he was trying to get the BLM Wild Horse Director to address the board on the wild horse program.

Member Pitts suggested that Chris Hampson provide a presentation on Predator Control in Washoe County.

- 15. PUBLIC COMMENTS** [Non-action item]

Mel Belding recalled previous discussion and action to regulate 50 caliber and limit length to not more than 3-inches. Mr. Belding noted that the LCB (Legislative Counsel Bureau) had apparently wanted different language but the changes, if any, were not brought back through the normal channels. Mr. Belding commented that it is incumbent on the body to be attentive and participate when such issues are discussed.

Jim Puryear noted that there is a request to have public lands released for development in the Steamboat Hills area below Mt. Rose through Pleasant Valley. Mr. Puryear pointed out that deer and other wildlife come from the Callahan Ranch area and that feral horses are perhaps a larger issue. Mr. Puryear also suggested that there be a discussion about the use of somewhat larger sights for use on various weapons for individuals who have visual deficiencies. Mr. Puryear noted that the State of Utah now allows any scope. It is Mr. Puryear's belief that a somewhat larger scope would be fairer to the animals as it would provide a clear and more accurate shot.

Joel Blakeslee suggested that it would be a good idea to attend the Habitat Division meeting and seek a presentation on what is being carved out of wilderness areas.

Rex Flowers commented that he had talked to the Deputy Attorney General after the last Nevada Board of Wildlife Commissioners meeting who had indicated that workshops for regulation or changes may be considered as a first reading. Therefore, it is crucial that public input be provided whether the item is workshop or first reading.

Jonathan Lesperance concurred with concerns about releasing more public land for development. He also requested an update on Project 36 and how this is funded and what the scientific merits are for the project.

- 16. ADJOURNMENT** [Non-action item]

Chair Robinson adjourned the meeting at 7:20 p.m.

Washoe County Advisory Board to Manage Wildlife – **DRAFT Minutes**

March 8, 2018

Page 10 of 10