

Washoe County Advisory Board to Manage Wildlife

DRAFT of Minutes

Thursday ~ October 26, 2017 ~ 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: Meghan Di Rocco, Arnie Pitts, Steve Robinson, Sean Shea and Michelle Spencer.

ABSENT: None.

Jennifer Gustafson – Deputy District Attorney, was also present.

3. PUBLIC COMMENTS [Non-action item]

Mike Cassidy drew attention to an article in the October 2017 issue of National Geographic page 70 titled “Should We Kill Animals to Save Them?” that appears to be anti-hunting and conservation.

Mel Belding suggested that the Washoe County Advisory Board to Manage Wildlife agendaize a discussion and possible action to address the muledeer doe hunt in Washoe County. Mr. Belding does not believe that there should be a doe hunt given the current status of herd populations.

4. APPROVAL OF SEPTEMBER 11, 2017, MINUTES (For possible action)

Hearing no public comment Chair Robinson asked for board discussion or a motion noting that he would abstain since he was not present at the September 11, 2017, meeting.

Member Shea asked that his statement on page two “selling of coordinates of big game is illegal: be changed to read “selling of coordinates of big game is legal”, and that the restated motion be attributed to Member Di Rocco on page 4.

It was moved by Member Shea, seconded by Member Pitts, to approve the September 11, 2017, minutes as amended. The motion carried: Members Di Rocco, Pitts, Shea and Spencer assenting; and Chair Robinson abstaining.

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) November 3 and 4, 2017, in Carson City, Nevada; and 2) January 26 and 27, 2018, meetings in Reno/Carson City, Nevada.*

Chair Robinson will attend the November 3 and 4, 2017 meetings.

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Member Di Rocco will attend January 26, 2018.

Member Shea will attend January 27, 2018.

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

6-1) Correspondence (including sportsmen's concerns) and Announcements – Chair Robinson noted that he had received correspondence that will be read into the record under the appropriate agenda items with copies distributed via email.

Member Shea noted that he had been contacted twice about bonus points being accumulated even after one team tag was returned. Member Shea suggested a future agenda item to discuss the issue of bonus point accumulations as it appears to be unfair to others.

Member Spencer noted that there are sometimes mitigating circumstance such as planning trips with school age children. However, habitual offenders are a different issue.

6-2) Overview of the August 11 and 12 2017, meetings of the Nevada Board of Wildlife Commissioners – Chair Robinson provided an overview of the August 11 and 12, 2017, meetings noting that commercial collection of reptiles had also provided information on various species.

7. INFORMATIONAL UPDATE ON RECENT ACTIVITIES BY NEVADA DEPARTMENT OF WILDLIFE GAME WARDENS [Non-action item – *An informational update on NDOW Game Warden activities.*]

Ian Knight – NDOW, narrated a PowerPoint presentation (copy on file and may also be found at https://www.washoecounty.us/csd/all_boards_committees/nv_wildlife_commissioners/2017/files/2017-10-26%20Wildlife%20item%2007%20LE%20Washoe%20CAB%20presentation%202017.pdf)

outlining personnel involved in law enforcement for NDOW, duties and percentage of staff time expended on various duties. Mr. Knight noted that 50-percent of law enforcement staff have fewer than 5-years' experience. Mr. Knight summarized the various duties involved with boating safety, hunting and hunt related issues such as poaching and hunting in the wrong hunt units. Mr. Knight noted that training new officers requires as many as eight individuals to participate in the process with individuals serving in various roles as part of the training process.

There was some discussion about the use of AIS decals. During the discussion it was noted that individuals needing an AIS decal can apply on-line for a temporary number at a nominal fee of \$10.00. Other discussion outlined the need for as many as eight individuals to participate in training exercises and that all law enforcement personnel go through a 4-to-6 month police academy as well as the field training. As the discussion continued it was suggested that perhaps the somewhat quick turnover in law enforcement personnel might be attributed to higher paying alternatives.

8. COMMISSION GENERAL REGULATION 475, SHED ANTLERS (For possible action) – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a regulation relating to amending Chapter 503 of the Nevada Administrative Code (NAC). This regulation prohibits a person from collecting shed antlers at any time during a year unless the shed antlers are collected by the person from the field from April 15 to December 31, inclusive, of that year.*

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Tyler Turnipseed – Chief Game Warden, outlined past history of shed antler legislation. During the most recent LCB session one legislator sought an exemption for privately owned property. Over time what had once been a relatively unknown practice has become more popular over the past ten or so years. The current proposal is suggested by the LCB (Legislative Counsel Bureau) and is a workshop item that has strong feelings on both sides of the issue. Of particular concern is the bumping wildlife off of critical winter range by pushing animals in a matter that may cause the antlers to drop sooner by using motorized conveyances. The proposed legislation will mostly affect eastern most portions of the State of Nevada as individuals cross over into Nevada in search of shed antlers.

During the discussion it was noted that the January 1 date had been proposed in 2014. Other discussion focused on private property during which it was pointed out that Utah applies the restriction to both public and privately owned property. As the discussion continued concern was noted about enforcement of regulations associated with stacked and covered shed for later pickup. It was pointed out that in the field it is nearly impossible to determine whether the sheds are being collected for commercial or private use. Other discussion noted that it is thought that many individuals collecting sheds as a hobby are already licensed hunters. However, a majority of collectors are not. It is thought that licensure may provide a means of tracking shed gathering.

Chair Robinson opened public comments.

Travis Hawks read the following into the record (copy on file).

CGR 475 (Shed Antler Season):

I've shed hunted for the better part of 20 years in Nevada and thoroughly enjoy the hobby. From mid-March till June I spend as much free time as I can hiking the hills hoping to luck into a few antlers. I keep the unique and big antlers and pile up the rest. Occasionally I'll restore old ones and build things out of them (wine racks, chandeliers, candle holders) and give them out as gifts. When my pile of cast off antlers gets big enough I will sell them if it's convenient, this usually occurs about once every 2 or 3 years and I think what I make from the sale of these antlers is a fraction of what I spend on fuel and time looking for them. I can absolutely say that I get as much of a thrill from stumbling onto a large set of mule deer/elk antlers as I do from harvesting an animal of the that same caliber.

All this being said, I have some serious concerns about what I've seen happening to shed hunting over the last 5 years. With an increase in value of antlers and the explosion of social media it seems that every outdoorsman is now also a shed hunter. There has been a marked increase in the amount of people in the field from January-May specifically targeting wintering animals in order to be the first to grab the antlers when they hit the ground. The pressure is non-stop and while the vast majority of shed hunters are ethical and wait till a reasonable date to look for antlers there are a few that are specifically doing it for monetary reasons. They don't care about the wellbeing of the animals and are pushing them nonstop during the most crucial months of the year for fawn/calf survival and in extreme cases are forcing entire herds off the winter range and into habitat that is not suitable during these late winter months. The off road use of atv's has increased during this same period and one can make the assumption that the large amount of off trail atv tracks they are seeing in the winter ranges have to do with people utilizing these vehicles for shed hunting. I've had a confrontation with a person doing just that (in an area closed to off road travel) and their justification for their action was "it's not

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illegal.” This was in the last week of March. The off trail driving was illegal, just not the shed hunting. In my eyes, the increase in activity in the hills and the intrusiveness of atv’s off road absolutely have had a negative impact on wintering game herds across the state.

For these reasons I support CGR 475 as written but have a few comments:

1. I agree that a season is necessary to protect these animals in the most crucial months of the year from additive mortality but have concerns on what enforcement will look like. How will a warden determine if someone is shed hunting or simply out for a hike? Personally, I know this is an easy distinction to make but a court may not see it as clearly. What about people hiking the hills and GPS’ing antler locations? Will that be considered shed hunting or does someone have to physically possess the antler for it to qualify? We currently have regulations against harassment of wildlife and the BLM/FS have clear laws on off-road travel in certain areas, neither of these laws are enforced (or at least very rarely) and just having the laws on the books seems to do little to deter people. I’d hate for this shed antler season to simply deter the law abiding citizens and give the rest of the crowd free reign to shed hunt before April 15th. Wardens are spread thin as is, are they really going to be able to spend late winter/early spring patrolling the remote winter ranges of Nevada? My main concern is just having another law on the books that is difficult to enforce and therefore only affects the people who are already ethical enough to hold off until the winter breaks and the animals have moved off the winter range.

2. In my personal opinion a monetary aspect to shed hunting would help to control the crowds and aggressive nature of some of the collectors. I don’t know the logistical aspects of how hard it would be to achieve this but something as simple as requiring an annual hunting license to pick up antlers seems like it would deter a large number of the non-residents that come from Utah and other states that have no real concern for our resource. Secondarily it would also increase license revenue for the state earlier in the year than normal and if non-resident still wants to shed hunt they can pay the non-resident fee for a license and have at it. This small revenue increase could be utilized to increase/restore habitat to benefit these affected herds for the long term. Requiring a license would also give wardens a reason to contact individuals they see in the hills. Another thought on the monetary aspect is to require a commercial license if one plans to sell their antlers and make the license fee substantial. It’s no secret that the big collectors are doing it specifically for the money, brown elk antler was selling for 14 dollars a pound last year, that’s a lot of money. Some people are making a living off of the resource and there is no regulation on it whatsoever, this has emboldened them to do the things I mentioned above with the ATV’s and starting in January. Guides, permittees, mining and a number of other business that profit off public land and public resources are regulated, I believe if people are doing the same off of shed hunting they should be regulated just the same. If they were required to buy a commercial license and then report what they were selling and where they collected it would, again, provide a revenue increase that could be used specifically for habitat and also provide useful data that would help to quantify the actual pressure the winter ranges are receiving from the most extreme antler hunters.

3. One contradiction I see to the regulation proposal is that it is saying people can be out in the hills Chukar hunting or cow elk hunting in some units (January) but can’t pick up an antler. I would suggest rewording the regulation to say something along the lines of “closed season January 1st through April 14th of each year except in units where an open hunting season is still occurring.” This would eliminate the chance that someone out recreating on public land (Chukar hunting or late season cow hunting) would get in trouble for nothing more than bending over to grab a 3 point deer antler they walked past while they were firing off 12 gauge blasts all afternoon.

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In all, I support the regulation outside of the above mentioned question/concerns/suggestions and feel that it is a necessary step to protect the resource we have in Nevada in the face of increasing threats across the board. Every little protection we can provide the animals now will benefit all outdoorsman moving forward. I hate to see more restriction on what we can do on public land and when but I'm willing to sit back and wait if it means that 15 years down the road I'll still be able to pick up antlers because we protected a few of the herds now. Travis Hawks

Mike Cassidy stated that in general he concurs with Mr. Hawks and that collectors should be required to buy a stamp that allows a specific number of tags that must be affixed to the shed. Failure to have the tag affixed to the shed should result in a fine and confiscation of the shed, in his opinion.

Karen Boeger - Back Country Hunters and Anglers, commented that it appears the proposed regulation adequately addresses concerns about closure and limits. Ms. Boeger expressed her hope that Chief Turnipseed will give us more info re: effectiveness of the seasonal closure in other states and/or any other method of controlling excessive collection that leads to negative impacts.

Jonathan Lesperance believes that the regulation should include a means to shift the costs to those who benefit from the shed hunts.

Mel Belding concurred with Mr. Hawks' comments and stated that NDOW needs to be consistent in everything they do. Mr. Belding noted that there are a variety of activities that occur during the shed hunt and repeated that NDOW need to maintain consistency in hunt opening and closing dates. Mr. Belding suggested that commercial shed hunters should, in his opinion, be treated the same as taxidermists so that there are clear records on where the shed was obtained, as well as end user purchasing.

Jack Robb pointed out only the state legislature has the authority to set fees. NDOW can only pursue regulations. Mr. Robb noted that fee and licensing issues are separate that would first go through the TAAHC process and then the legislative process to set the fee.

Chair Robinson closed public comment.

It was moved by Member Shea, seconded by Member Spencer, to recommend that the Nevada Board of Wildlife Commissioners approve Commission General Regulation 475, Shed Antlers, as written. The motion carried unanimously.

9. **COMMISSION GENERAL REGULATION 440, TRAIL CAMERAS AND OTHER DEVICES, LCB File No. R012-16** (For possible action) – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a regulation relating to amending Chapter 503 of the Nevada Administrative Code. The proposed regulation change is intended to restrict the use of motion and heat sensing cameras that are left for a period of time, and not held in the hand. The proposed language would prohibit (with certain exemptions) the use of trail cameras within 200 feet of a spring, water hole, or artificial basin from August 1 to December 31 of each year. The proposed language would further prohibit the use of transmitting trail cameras at any location from August 1 to December 31 of each year.*

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Tyler Turnipseed – Chief Game Warden, recalled numerous discussions on the trail camera issues. Of particular concern is the potential impact of trail cameras in dryer areas of the state as well as the number of cameras in any specific location. While a simpler version of the regulation was submitted to the LCB (Legislative Counsel Bureau), the final product is more complex. Mr. Turnipseed noted that the language prohibits any camera within 200 feet of any water source August 1 through December 31.

Member Shea recommended that the setback for cameras be the same as for camping 200 yards.

During the discussion it was noted that NDOW would have to review and set policy for cameras deployed by NDOW. As the discussion continued it was noted that is insufficient data to support negative impacts caused by camera owners coming to retrieve information or move cameras. Other discussion focused on the number of agencies seeking exemptions to camera legislation such as conservation and other groups. It was noted that camera deployment in certain areas was more effective in data gathering than flying. Other discussion focused on the effects of trail cameras might have on Heritage Tags. It was noted that the regulation was being supported by that segment of hunters as well.

Member Shea recommended July 15 rather than August 1 as the start date with a setback of 200 yards as is required of camper near water sources.

Chair Robinson commented that he could not support the regulation due to the exemptions.

Member Spencer commented that as a private land owner she has 3 cameras on her 120-acre property and believes that private property owners should be able to use cameras.

Karen Boeger - Back Country Hunters and Anglers, regulation of trail cams is long overdue. The consequence of continuing to allow use of such devices for the purposes of scouting and hunting can be harmful to the future of our traditions. The trail cam issue is of deep concern for BHA, potentially challenging to fair chase principles. Ms. Boeger noted that the State of Montana had the foresight to enact a prohibition of this technology for hunting/scouting purposes over 15 years ago, long before use became prevalent and considered “acceptable”.

Mike Cassidy commented that while he believes this is great idea to regulate trail cams it is also pointless as people coming within 100 yards away will not resolve the issue (if there is an issue) since all or most game trails can still be covered and taking a rifle shot at 100 yards is normal. Mr. Cassidy sees this as another pointless regulation that does nothing.

Mel Belding stated that he does not agree with this regulation except for real time. Mr. Belding noted that trail cameras are used at guzzler and other water development projects to monitor water levels and in finding and responding to damage to water resource projects. Additionally, any prohibition of trail cameras should apply to all without exception.

Jonathan Lesperance noted that some individuals would find a way to circumvent the regulations.

Chair Robinson closed public comment.

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Responding to Member Shea's inquiry about the type of citation, Mr. Turnipseed explained that the regulation states that cameras cannot be used for the purpose of hunting. However, it is unclear what enforcement of the regulation would entail. For example one scenario would remove the camera on the first violation. Mr. Turnipseed pointed out that there is insufficient staff to sit and wait to write citations.

During the discussion it was noted that NDOW can obtain a significant amount of data using cameras and that regulation of NDOW cameras would be internal to the department. Other discussion noted that in terms of fair chase predator versus prey the issue becomes more complex. Discussion then turned to the formation of conservation groups. It was noted that the term conservation is not well defined. Discussion then pointed out that NDOW is prohibited from disclosing the location of animals. Additionally, NDOW personnel are also prohibited from using the data for themselves.

It was moved by Member Shea, seconded by Member Spencer, to recommend that the Nevada Board of Wildlife Commissioners approve Commission General Regulation 440, Trail Cameras and Other Devices, LCB File No. R012-16 as written with the following modifications: 1) 1B change August 1 and ending December 31 to read July 15 and ending December 31; and 2) 1B2 from 200 feet to 100 yards.

Member Pitts suggested an amendment seeking additional discussion on exemptions to the regulation.

Member Shea accepted the amendment and restated the motion.

It was moved by Member Shea, seconded by Member Pitts, to recommend that the Nevada Board of Wildlife Commissioners approve Commission General Regulation 440, Trail Cameras and Other Devices, LCB File No. R012-16 as written, with the following modifications: 1) B change August 1 and ending December 31 to read July 15 and ending December 31; 2) 1B2 change 200 feet to read 100 yards; and 3) further study and discussion of exemptions. The motion carried: Members Di Rocco, Pitts, Shea and Spencer assenting; and Chair Robinson dissenting.

The meeting recessed at 7:58 p.m. and reconvened at 8:09 p.m.

- 10. COMMISSION POLICY 27, PROTECTION OF NEVADA WILDLIFE RESOURCES, SECOND READING** (For possible action) – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify a second reading of Commission Policy 27.*

Hearing no public comment, Chair Robinson asked for Board discussion or a motion.

Responding to an inquiry by Member Di Rocco about Wolves, Jack Robb – NDOW, the commission 2007 – 2011 did not want a single wolf. From what the department know of wolves we do not have a prey to hold a breeding population. There will be a wolf or two pass through but Nevada does not have enough deer and elk to support a population.

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Hearing no public comment or board discussion Chair Robinson made the following motion.

It was moved by Chair Robinson, seconded by Member Shea, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Policy 27, Protection of Nevada Wildlife Resources, Second Reading, as written. The motion carried unanimously.

- 11. COMMISSION POLICY 65, DESIGNATION OF WILDLIFE MANAGEMENT AREAS, SECOND READING** (For possible action) – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify Commission Policy 65.*

Jack Robb – NDOW, commented that the intent is to manage places where people can recreate.

There were no public or board comments.

It was moved by Member Shea, seconded by Chair Robinson, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Policy 65, Designation of Wildlife Management Areas, Second Reading, as written. The motion carried unanimously.

- 12. COMMISSION POLICY 26, RE-ESTABLISHING, INTRODUCING, TRANSPLANTING AND MANAGING PIONEERING ROCKY MOUNTAIN ELK** (For possible action) – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify Commission Policy 26.*

Jack Robb – NDOW, noted that this is intended to stay in line with what is already occurring in the field.

There was a brief discussion about the removal of historical information from the Policy. It was suggested that the historical date be restored.

Chair Robinson opened public comment.

Jonathan Lesperance commented that he believes the historical narrative needs to be restored to avoid the loss of important information.

Chair Robinson closed public comment.

It was moved by Member Sea, seconded by Member Pitts, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Policy 26 Re-establishing, Introducing, Transplanting and Managing Pioneering Rock Mountain Elk, as written with the historical data added to the end of the document. The motion carried unanimously.

- 13. REVIEW OF COMMISSION POLICY 3, APPEALS** (For possible action) – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify Commission Policy 3.*

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Jack Robb – NDOW, noted that the appeal process is somewhat cumbersome and this is an attempt to make it self-explanatory and that once done it cannot be undone.

There were no public or board comments.

It was moved by Member Shea, seconded by Member Spencer, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Policy 3, Appeals, as written. The motion carried unanimously.

14. COMMISSION REGULATION 17-02 NONCOMMERCIAL COLLECTION OF REPTILES AND AMPHIBIANS FOR 2017-2018, AMENDMENT NO. 1 (For possible action) – *A review, discussion and possible action to recommend that the Nevada Board of Wildlife Commissioners approve, deny or otherwise modify Commission Regulation 17-02, Amendment No. 1, for the 2017-2018 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians.*

Jack Robb – NDOW, noted that the department did not have any specific recommendation at this time. Mr. Robb explained that a regulation is needed for the noncommercial collection of reptiles.

Chair Robinson questioned how NDOW will collect data on reptiles since only commercial collection has stopped.

Responding to Member Di Rocco's inquiry Mr. Robb explained that it is difficult to gauge the number of reptiles taken by noncommercial collectors as they are more widely disbursed rather than a concentrated activity.

Member Shea suggested a nominal fee \$5.00 for a non-commercial license to gather data. Member Shea note that a free license would be an alternative as a way to gather information.

Chair Robinson suggested a place on the NDOW website where non-commercial collectors can voluntarily enter collection data.

Member Di Rocco expressed her support for the proposal, which will provide additional information.

Chair Robinson opened public comment.

Ray Kabisch suggested that reptile be added to an existing area on the NDOW website.

Chair Robinson closed public comment.

It was moved by Member Shea, seconded by Member Spencer, to recommend that the Nevada Board of Wildlife Commissioners approve Commission Regulation 17-02 Noncommercial Collection of Reptiles and Amphibians for 2017-2018, Amendment No. 1 as written with the recommendation that the NDOW website provide an area where the species, number captures and location can be reported as part of the regulation. The motion carried unanimously.

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- 15. 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 amendments to Chapter 501 of the Nevada Administrative Code (NAC).*

This item removed from the agenda as the Commission has not held a hearing on the matter.

- 16. POSSIBLE CHANGE TO FUTURE COMMISSION MEETINGS AND COMMISSION COMMITTEE ASSIGNMENTS** [Non-action item] – *An informational update of possible modifications to the Commission meeting schedule and location. The next Commission meeting is scheduled for Jan. 26 and 27, 2018, in Reno/Carson and the Commission will review and discuss potential agenda items for that meeting. The location and date of the June Commission 2018 meeting may be changed. The location may be changed from Pershing County to Esmeralda County, and the date from June 22 and 23 to June 15 and 16. The chairman may designate and adjust committee assignments and add or dissolve committees, as necessary at this time. Any anticipated committee meetings that may occur prior to the next Commission meeting may be discussed.*

Jack Robb – NDOW, noted that there had been some discussion about changing the June meeting date and location.

- 17. 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 date in January 2018 to be announced.*

A consensus was reached to meet on Monday, January 22, 2018.

The January 22, 2018, meeting agenda may include, but is not limited to: 1) A review and discussion of non-resident hound owners contact individuals to guide hunts in Nevada; 2) use of spouse point to ride other individual's bonus points.

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

There were no public comments.

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

Chair Robinson adjourned the meeting at 8:44 p.m.