White Pine County Wildlife Advisory Board

Mt. Wheeler Power Conference Room
1600 Great Basin Blvd, Ely, Nevada 89301

Agenda for: Tuesday March 22, 2016 6:00 pm

A. Call to order

B. Pledge of Allegiance

C. Public Comment Period (a period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken (N.R.S.241.020) (2)&(3).

D. Approval of Agenda (for Possible Action)

E. Review and Approve Minutes

Minutes of the January 26, 2016 meeting will be reviewed for approval (for Possible Action)

F. Payment of Bills (for Possible Action)

Anticipation of bill from Christina Sawyer for board agenda and minutes for January's meeting of $150.00. Travel expenses for Ray Sawyer for attendance at State Wildlife Commission meeting in Las Vegas on January 29-30.

G. Correspondence

H. Reports (for Possible Action)

I. Agenda Items (for Possible Action)

1. Items listed on the Nevada Board of Wildlife Commissioners agenda (attached) will be open for discussion and possible approval. Agenda and support material available on line at www.ndow.gov

J. Next meeting date:

1. Nevada Board of Wildlife Commissioners next meeting will be held in Yerington, Nevada on March 24-25, 2016 (for Possible Action)
2. Anticipating the next meeting date to be on Tuesday May 10, 2016 (for Possible Action)

K. Public Comment Period (a period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken (N.R.S.241.020) (2)(C)(3).

L. Adjournment (for Possible Action)

Notice to persons with disabilities

Members of the public who are disabled and require special assistance or accommodations please contact the board in writing at 2950 N. 4th St. East, Ely, Nevada 89301 or by calling 775-296-1925 at least two (2) days in advance of the meeting.

Affidavit

I, Christina Sawyer, did on the 15th day of March cause to be posted four (4) notices of the White Pine County Wildlife Advisory Board agenda in the County of White Pine, to wit: at the Ely Post Office, 2600 Bristlecone Avenue, Ely, Nevada 89301, Sportsworld, 1500 Aultman Street, Ely, Nevada 89301, at the White Pine County Courthouse, and the White Pine County Annex Building, 297 11TH ST. EAST, Ely, Nevada 89301

Christina Sawyer, White Pine County Advisory Board Secretary

Nevada Board of Wildlife Commissioners' Meeting
Final Agenda

Lyon County Administrative Complex
27 S. Main Street
Yerington, NV 89447

Public comment will be taken on every action item and regulation workshop item after discussion but before action on each item, and at the end of each day's meeting. Public comment is limited to three minutes per person. The chairman, in his discretion, may allow persons representing groups to speak for six minutes. Persons may not allocate unused time to other speakers. Persons are invited to submit written comments on items or attend and make comment during the meeting and are asked to complete a speaker card and present it to the Recording Secretary. To ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments in order to avoid the appearance of deliberation on topics not listed for action on the agenda.

Forum restrictions and orderly business: The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech.

Irrelevant and unduly repetitious statements and personal attacks that antagonize or incite others are examples of public comment that may be reasonably limited.

Please provide the Board of Wildlife Commissioners ("Commission") with the complete electronic or written copies of testimony and visual presentations to include as exhibits with the minutes. Minutes of the meeting will be produced in summary format.

NOTE: Public comment allowed on each action item and <u>regulation workshop items</u> and at the end of the meeting.

<u>Thursday, March 24, 2016 – 11 a.m.</u>

1 **Pledge of Allegiance, Call to Order, Roll Call of Commission and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Drew**

2 **Approval of Agenda – Chairman Drew – For Possible Action**
The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.

3 **Member Items/Announcements and Correspondence – Chairman Drew – Informational**
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by the Department may also be discussed.

4 **County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational**
CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

5* **Approval of Minutes – Chairman Drew – For Possible Action**
The Commission may approve Commission minutes from the Jan. 29 and 30, 2016, meeting.

6* **Humboldt County Elk Sub-plan (First Reading) – Committee Chairman Eddie Booth and Western Region Biologist 3 Ed Partee – For Possible Action**
The Commission will be presented with the draft Humboldt County Elk Sub-plan for review and possible action. Subsequent to this presentation, the draft Humboldt County Elk Sub-plan will be brought before the Humboldt County Commission for their approval and the Nevada Board of Wildlife Commissioners for final adoption. The Commission may forward questions or needed clarifications to the local sub-plan committee for their feedback prior to final approval.

7 **Nevada Department of Wildlife Project Updates – Deputy Director Robb – Informational**
The Commission has requested that the Department provide regular project updates for ongoing projects and programs as appropriate based on geography and timing of meetings. These updates are intended to provide detail in addition to the summaries provided as part of the regular Department Report and are intended to inform the Commission and public as to the Department's ongoing duties and responsibilities.

8* **Wildlife Damage Management Committee Report and Fiscal Year 2017 Draft Predation Management Plan (Second Draft) – Commissioner and Committee Chairman Bliss and Wildlife Staff Biologist Pat Jackson – For Possible Action**
The Commission will hear a report from the Wildlife Damage Management Committee chairman, the second draft of the proposed Fiscal Year 2017 Predator Management Plan will be presented, and the Commission may take action to provide recommendations for modification of the second draft for the May Commission meeting.

9* **Wildlife Damage Management Committee, Approved Revision to Existing Policy #23 on Predation Management (First Reading) – Commissioner and Committee Chairman Bliss and Game Division Administrator Brian F. Wakeling – For Possible Action**
On behalf of the Wildlife Damage Management Committee (WDMC), the Department will present suggested amendments to existing Commission Policy #23 on Predation Management approved by the WDMC on Jan. 28, 2016, at their meeting in Las Vegas. The amendments suggested are generally to make the existing policy compliant with Assembly Bill 78 (adopted during the last legislative session) and to make the policy consistent with adopted practice. In accordance with Commission Policy #1, this will serve as the first reading of Policy #23. The second reading will occur at the May Commission meeting and the Commission may adopt the revised policy at that meeting.

10 **<u>Reports – Informational</u>**

A* **Bighorn Sheep Disease Surveillance and Herd Performance from 2012 to 2015 – Wildlife Staff Specialist Mike Cox – Informational**
The Department will provide a presentation depicting its bighorn sheep herd responses (lamb recruitment as primary metric) over time in relation to disease exposure, environmental factors, and other variables. This presentation will cover information developed from data collected over the last three years.

B* **Tag Allocation and Application Hunt Committee Report – Commissioner and Committee Chairman Johnston – Informational**
A report will be provided on the committee's recent meeting. This report may include potential changes to the application process that may be recommended for action at a future commission meeting.

C **Sage-grouse Update – Wildlife Habitat Staff Biologist Shawn Espinosa – Informational**
The Department will provide an update on the status of sage-grouse.

D **Department Activity Report – Deputy Director O'Brien – Informational**
The Department will provide a report on recent Department activities.

E* **Litigation Report – Deputy Attorney General Harry Ward – Informational**
The litigation report will be presented and discussed.

11 **Public Comment Period**
Persons wishing to speak are requested to complete a speaker's card and present it to the recording secretary. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

Thursday, March 24, 2016 – Tour will begin at the Close of Agenda Item #11

Commission Tour – Informational
The Commission will tour the Nevada Department of Wildlife's Mason Valley Hatchery and the Mason Valley Wildlife Management Area. Short informational presentations will be made at several sites but no action will be taken by the Commission. The public is invited to participate but will be required to provide their own transportation. The group will depart from the meeting location: Lyon County Administrative Complex, 27 S. Main St., Yerington, NV 89447.

Following completion of the Commission Tour, the Commission will be in recess until Friday, March 25, 2016 at 8 a.m.

Friday, March 25, 2016 – 8 a.m.

12 **Pledge of Allegiance, Call to Order, Roll Call of Commission and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Drew**

13 **Approval of Agenda – Chairman Drew – For Possible Action**
The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.

14 **Member Items/Announcements and Correspondence – Chairman Drew – Informational**
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by the Department may also be discussed.

15 **County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational**
CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

16 **License Simplification, Development of Harvest Management Guidelines, and America's Wildlife Value Questions – Secretary Wasley and Game Division Administrator Brian F. Wakeling – Informational**
The Department will provide the Commission with three reports on ongoing processes for license simplification, development of new harvest management guidelines, and a report on the America's Wildlife Value Questions.

A* **License Simplification – Secretary Wasley and Game Division Administrator Brian F. Wakeling – Informational**
The Commission will hear a report on the processes being worked on with contractor Loren Chase regarding license simplification.

B* **Harvest Management Guidelines – Game Division Administrator Brian F. Wakeling – Informational**
The Department will update the Commission on its progress of updating harvest management guidelines for Nevada hunting seasons.

C* **America's Wildlife Value Survey and Questions – Secretary Wasley and Game Division Administrator Brian F. Wakeling – Informational**
A report on America's Wildlife Value Survey and Questions will be provided.

17 **Administrative Procedures, Regulations and Policy Committee (APRPC) Report, Recommendations, and Commission Guidance – Commissioner and Committee Chairman McNinch and Management Analyst 3 Kim Jolly**

A* **APRPC Report – Commissioner and Committee Chairman McNinch – Informational**
Commissioner and Committee Chairman McNinch will report on the committee meetings held in January and February and present an anticipated schedule for moving forward with a comprehensive Commission Policy Review.

B* **APRPC Recommendations and Request for Commission Guidance on Policy Numbering and Policy Review Delegation to Various Committees – Commissioner and Committee Chairman McNinch – For Possible Action**
Commissioner McNinch will report the Committee's recommendation and request the Commission's guidance to retain the current policy numbering format, and to delegate the review of Commission Policy #24, "Hunting Opportunities Among Weapons and Hunter Groups" to the Tag Allocation and Application Hunt Committee, and to delegate the review of Commission Policies #60 through #67 related to habitat and publically owned lands to the Commission's Public Lands Committee. Note: See agenda item #17 A for support material.

C* **Rules of Practice Review, Status, and Commission Guidance – Commissioner and Committee Chairman McNinch – For Possible Action**
Commissioner McNinch will provide a status report on the Rules of Practice review, including Commission Policies #1 "General Guidelines for the Commission;" #3 "Appeals;" #4 "Petition Process and Regulatory Adoptions Policy," and NAC 501.195 related to petitions, and NAC 501.140 - 190 related to appeals. The committee is seeking discussion and feedback from the Commission regarding concepts to modify the Rules of Practice that the committee has discussed.

Commission Regulations – Adoption – For Possible Action – Public Comment Allowed Persons Wishing to Provide Comment on Regulations are Requested to Complete a Regulation Speaker's Card and Present it to the Recording Secretary

18* **Commission Regulation 14-11 Amendment #3, 2015 – 2016 Upland Game, Migratory Upland Game and Furbearer Seasons and Limits Amendment – Wildlife Staff Specialist Shawn Espinosa and Game Division Administrator Brian F. Wakeling – For Possible Action**

The Commission will consider amendment #3 to the 2015 – 2016 season dates and length for the third Mason Valley Wildlife Management Area wild turkey hunt period. Amendment #3 would extend the wild turkey hunt for this period from two days to its original, intended 9-day length extending from April 23 through May 1, 2016 rather than the current two day hunt period of April 30 through May 1, 2016.

19* **Commission Regulation 16-11 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 2016 – 2017 Season – Wildlife Staff Specialist Russell Woolstenhulme – For Possible Action**

The Commission will consider recommendations for seasons, bag limits, and special regulations for migratory game birds for the 2016 – 2017 season and adopt regulations that comply with the proposed regulations framework for the 2016 – 2017 hunting seasons on certain migratory game birds established by the U.S. Fish and Wildlife Service. The Commission will also consider rules regulating public hunting on Wildlife Management Areas and designated state lands.

20 **Commission General Regulations – Workshop/Informational – Public Comment Allowed – Persons Wishing to Provide Comment on Regulations are Requested to Complete a Regulation Speaker's Card and Present it to the Recording Secretary**

A* **Commission General Regulation 456, Special Incentive Elk Arbitration Panel, LCB File No. R031-15 – Game Division Administrator Brian F. Wakeling – Workshop/Public Comment Allowed**

The Commission will hold a workshop on the temporary regulation which expired Nov. 1, 2015, relating to amending Nevada Administrative Code (NAC) 502.42283 by which the Commission may facilitate decisions by appointing or serving as the arbitration panel should arbitration of elk incentive tag awards become necessary.

During adoption of the permanent NAC, the Legislative Counsel Bureau (LCB) and the Legislative Commission have questioned specific language choices recommended by the Department that directly influence the application of the Administrative Procedures Act (APA). The primary concern expressed by the Legislative Commission deals with the ability of an arbitration panel to issue a final and binding decision without providing a means for appeal. In short, an appointed panel may be able to provide such a decision, yet when the Commission acts in this capacity it may be deemed an administrative act that must be consistent with the provisions of the APA. The attempts by the Department to recommend acceptable language to adequately describe this nuance have thus far been unclear.

B* **Commission General Regulation 460, Definition of "Spike Elk," LCB File No. R013-16 – Game Division Administrator Brian F. Wakeling – Workshop/Public Comment Allowed**

The Commission will consider amending NAC 502.104 and 502.1045 to define "Spike Elk" in a manner that limits inadvertent errors in the field. The intent is to consider and possibly broaden the definition of spike in a manner that is consistent with the management objective of defining a spike while reducing the likelihood of errors in harvest identification.

C* **Commission General Regulation 458, Electronic Rifle Triggers, Caliber and Cartridge Length, and Smokeless Powder Restrictions, LCB File No. R144-15 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed**

The Commission will hold a second workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code. The proposed regulation amendment contains two changes. The first change will clarify the use of black powder substitutes that are considered smokeless powder. The second change would make it unlawful to hunt a big game mammal with a rifle using a centerfire cartridge of caliber .46 or larger or an overall loaded cartridge length of 3.8 inches or longer. The amendment would also make it unlawful to hunt a big game mammal with any firearm equipped with an electronic or computer-controlled trigger.

A workshop was held in Las Vegas on January 29, 2016. The Commission directed the Department to hold a second workshop to consider additional changes, including: changing the term "big game mammal" to "any game animal" and either adjusting the "overall loaded cartridge length" to something that wouldn't impact custom reloads for popular hunting cartridges or changing the terminology to account for casing length rather than overall loaded length. Additional information was requested to show which rifles may be prohibited under either scenario.

D* **Commission General Regulation 459, Unmanned Aerial Vehicles (Drones), LCB File No. R145-15 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed**

The Commission will hold a second workshop to consider a regulation relating to amending Chapters 501 and 503 of the Nevada Administrative Code. The proposed regulation amendment contains two changes. The first change would make the prohibition of using aerial devices for the purpose of hunting year-round rather than the current prohibition of 48-hours prior to any open season and during any open season. The second change is to clarify existing language that prohibits the use of unmanned aerial vehicles for the purpose of hunting, locating, or observing big game animals. The changes would extend aerial scouting prohibitions and clarify the existing regulation by explicitly listing unmanned aerial vehicles.

A workshop was held in Las Vegas on January 29, 2016. The Commission directed the Department to hold a second workshop to consider additional changes, including: changing the term "big game mammal" to "any game animal" and adding terminology to Section 2 to clarify that the regulation is specific to "real time" satellite imagery rather than commercially available imagery products such as Google Earth.

E* **Commission General Regulation 440, Trail Cameras and Other Devices, LCB File No. R012-16 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed**

The Commission will hold a workshop to consider 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 the use of trail cameras to locate or observe big game mammals for the purpose of hunting from August 1 to December 31. The Commission directed the Department to develop this regulation at the September 2013 meeting.

21 **Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairman Drew – For Possible Action**
The next Commission meeting is scheduled for May 13 and 14, 2016, in Reno and the Commission will review and discuss potential agenda items for that meeting. The Commission may change the date and meeting location at this time. 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.

22 **Public Comment Period**
Persons wishing to speak are requested to complete a speaker's card and present it to the recording secretary. Public comment will be limited to three minutes. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

*Support material provided and posted to the NDOW website, and updates to support material will be posted at ndow.org.

*Support material for this meeting may be requested from Recording Secretary Suzanne Scourby at (775) 688-1599; supporting material for this meeting is available for the public at the Nevada Department of Wildlife, 1100 Valley Road, Reno, NV, 89512. In accordance with NRS 241.020 this agenda closes three days prior to the meeting date and has been posted on the NDOW website at NDOW.org and the Nevada Public Notice website at http://nv.gov/. Also, posted at the following Department of Wildlife offices: 6980 Sierra Center Parkway, Reno, NV 89511; 1100 Valley Road, Reno, NV, 89512; 380 W. "B" Street, Fallon, NV, 89406; 815 E. Fourth Street, Winnemucca, NV 89445; 60 Youth Center, Elko, NV, 89801; 1218 N. Alpha Street, Ely, NV 89301; 744 S. Racetrack Road, Henderson, NV 89015; and 4747 W. Vegas Dr., Las Vegas, NV, 89108.

Notice to the Public: Nevada Department of Wildlife receives Federal Aid in Fish and/or Wildlife Restoration. The U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, sex, or disability. Individuals with hearing impairment may contact the Department at 775-688-1500 via a text telephone (TTY) telecommunications device by first calling the State of Nevada Relay Operator at 1-800-326-6868. Disabled individuals in need of special services should contact the Department prior to the meeting at (775) 688-1599.