

DOUGLAS COUNTY ADVISORY BOARD TO MANAGE WILDLIFE

MEETING AGENDA

DOUGLAS COUNTY COMMUNITY CENTER
(CARSON VALLEY MEDICAL CENTER ROOM)
1329 WATERLOO LANE
GARDNERVILLE, NEVADA

www.douglascountynv.gov

5:30 P.M.
MAY 10, 2016

CALL TO ORDER

ROLL CALL AND INTRODUCTIONS

PUBLIC COMMENT (No Action Can be Taken)

At this time, public comment will be allowed on those items not appearing on the agenda that are within the jurisdiction and control of the Douglas County Advisory Board to Manage Wildlife.

Public comment is limit to three minutes per speaker. If you are going to comment on a specific agenda item scheduled for discussion and action, please do so when that item is opened for public comment.

FOR POSSIBLE ACTION. APPROVAL OF AGENDA

The Wildlife Board reserves the right to take items in a different order to accomplish business in the most efficient manner; to combine two or more agenda items for consideration, and; to remove items from the agenda or delay discussion relating to items on the agenda.

FOR POSSIBLE ACTION. APPROVAL OF MINUTES:

- **March 22, 2016**

The Administrative Agenda will be handled as follows:

- (1) The Chairman will read the agenda title into the public record.
- (2) The Presenter, if any, will provide a report.
- (3) The Board will then discuss the matter.
- (4) The public will then be allowed to comment on the item and comment will be limited to three minutes per speaker.
- (5) Once public comment is completed, the Board will then ask any

follow-up questions and take action.

1. **FOR POSSIBLE ACTION. DISCUSSION ON THE ELECTION OF A CHAIRMAN AND A VICE CHAIRMAN OF THE DOUGLAS COUNTY ADVISORY BOARD TO MANAGE WILDLIFE.**
2. **FOR POSSIBLE ACTION. DISCUSSION TO RATIFY THE DOUGLAS COUNTY ADVISORY BOARD TO MANAGE WILDLIFE BUDGET SUBMITTAL TO THE NEVADA DEPARTMENT OF WILDLIFE'S FINANCE COMMITTEE.**
3. **FOR POSSIBLE ACTION. DISCUSSION REGARDING THE ACTIVITIES OF THE TRI-COUNTY WILDLIFE WORKING GROUP.**
4. **FOR POSSIBLE ACTION. DISCUSSION REGARDING THE PROCESSES FOR LICENSE SIMPLIFICATION AND HARVEST MANAGEMENT GUIDELINES.**
5. **The following items, 5a through 5m, are items that will be heard before the Nevada Board of Wildlife Commissioners at the next meeting, May 13 & 14, 2016, at the Truckee Meadows Community College, 7000 Dandini Boulevard, Sierra Building, Room 108, Reno, Nevada. The Douglas County Advisory Board to Manage Wildlife may take the following action, or a variation thereof, on each item: support the item, not support the item or not take a position on the item. Public Comment will be allowed on each item.**

5a–5m. DISCUSSION AND POSSIBLE ACTION REGARDING WHETHER THE DOUGLAS COUNTY ADVISORY BOARD SHOULD TAKE A POSITION ON:

5a. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION POLICY 26.

Currently there are two existing Commission Policies that are numbered "26." One is entitled "Transparency (2011)," and the other is entitled "Re-establishing, Introducing, Transplanting and Managing Pioneering Rocky Mountain Elk (1995)." The Department is recommending that "Re-establishing, Introducing, Transplanting and Managing Pioneering Rocky Mountain Elk (1995)" be reaffirmed as Policy 26 and that "Transparency" be renumbered as Commission Policy 26A. The Commission may also take action to review the revised Commission Policy index and numbering system.

5b. FOR POSSIBLE ACTION. DISCUSSION ON THE SECOND READING OF THE HUMBOLDT COUNTY ELK SUB-PLAN.

The Commission will be presented with the draft Humboldt County Elk Sub-plan for review and possible action. The draft Humboldt County Elk Sub-plan has incorporated edits from discussion with the Nevada Board of Wildlife Commissioners, Humboldt County Commission, and at a sub-planning meeting held on April 12, 2016. This draft is provided for final review and possible adoption.

5c. FOR POSSIBLE ACTION. DISCUSSION ON THE PRESENTATION OF THE FINAL DRAFT OF THE FISCAL YEAR 2017 DRAFT PREDATION MANAGEMENT PLAN.

The Commission will review with the Department the third and

final draft of the Fiscal Year 2017 Draft Predation Management Plan. The Commission may take action to modify or endorse the plan.

5d. FOR POSSIBLE ACTION. DISCUSSION ON THE CONSIDERATION OF REVISIONS TO EXISTING COMMISSION POLICY 23 ON PREDATION MANAGEMENT (SECOND READING). On March 24, 2016, the Commission heard a proposed revision to make existing Policy 23 consistent with provisions included in Assembly Bill 78 (AB 78) from the 2015 legislative session and current practice. The Commission moved the policy forward with removal of predation policies in subsection B.6. and B.7. on page 3 of the policy because these dealt with expenditures on habitat management, which had been specifically excluded through AB 78. The Commission may take action to modify or adopt this revision of Policy 23.

5e. FOR POSSIBLE ACTION. DISCUSSION ON ADMINISTRATIVE PROCEDURES, REGULATIONS, AND POLICY (APRP) COMMITTEE REPORT AND AMENDMENTS TO COMMISSION POLICY 1, GENERAL GUIDELINES FOR THE COMMISSION.

A **APRP Report** – A report will be provided from recent APRP Committee meetings.

(This item is agendaized as an Informational Item on the Nevada Board of Wildlife Commissioners' Agenda)

B **First Reading, Policy 1, General Guidelines for the Commission** - The Commission will have a first reading of Commission Policy 1, General Guidelines for the Commission, and may take action on changes to Policy 1 as recommended by the APRP Committee. Recommendations include changes to reflect current practices and standards, including a section on Commission Policy record-keeping, and spacing the number of a Commission Policy's "first and second readings" from one meeting to the next before a change to a policy is adopted. The Commission may advance Policy 1 to a second reading for possible adoption at a future meeting.

(This item is agendaized as an Action Item on the Nevada Board of Wildlife Commissioners' Agenda)

5f. FOR POSSIBLE ACTION. DISCUSSION ON THE DUCK STAMP CONTEST SPONSOR. In accordance with Commission Policy 50 the Commission will be asked to select a sponsor for the 2017 and 2018 duck stamp contests.

5g. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 456, SPECIAL INCENTIVE ELK ARBITRATION PANEL. LCB FILE NO. R031-15. 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 LCB suggested the Department add "subject to judicial review" to clarify the appeals process.

(This item is agendaized as a Workshop Item on the Nevada Board of Wildlife Commissioners' Agenda)

5h. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 461, INDUSTRIAL ARTIFICIAL POND PERMITS (IAP), LCB FILE NO. R014-16. The Commission will hold a workshop to consider regulation changes relating to amending Chapter 502 of the Nevada Administrative Code (NAC). It revises provisions relating to artificial industrial ponds; adds a provision on the purpose of permits; adds definitions for permanent closure and stabilized; adds new provisions and revises existing provisions relating to application, compliance, modification, renewal, and transfer of permits; and modifies provisions relating to assessment fee structure and payment tiers.

The regulation change regarding application, compliance, modification, renewal and transfer of permits will provide clarity on how to manage permits when certain operational or administrative changes occur. The regulation change regarding assessment fee structures and payment tiers will expand the number of active permit holders required to pay an annual assessment and will increase certain payment tiers. Existing NAC language results in only 55 percent of active IAP permit holders paying an annual assessment, yet NDOW is responsible for managing permits and conducting inspections at all facilities with an IAP permit. The proposed regulation change will eliminate this shortfall, which is currently offset with sportsman dollars, and will create an industry-funded permitting program.

(This item is agendaized as a Workshop Item on the Nevada Board of Wildlife Commissioners' Agenda)

5i. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 462, ISSUING AND VERIFYING HULL NUMBERS OF VESSELS, LCB FILE NO. R015-16. The Commission will hold a workshop to consider regulation changes to address federal regulatory changes the U.S. Coast Guard (USCG) has requested states to implement pertaining to hull numbers for vessels and the verification and issuance of these numbers; the processing of certificate of number applications for vessels to include language definitions, standardization of terminology regarding vessels and personal identification information of owners.

In order to receive federal matching funds associated with the Dingle Johnson Act, all states report vessel information annually to the USCG. In an effort to modernize and standardize their vessel database information, which the USCG collects from all of the states, the USCG amended federal law. This federal change standardizes terminology across all of the states and provides direction regarding the method that states assign

and verify hull numbers. Ultimately, these federal changes are expected to improve state reporting. As a result the Department must amend state regulation to implement this standardization effort in order to meet the USCG reporting requirements. These changes must be implemented by Jan. 1, 2017.

(This item is agendized as a Workshop Item on the Nevada Board of Wildlife Commissioners' Agenda)

5j. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 460, DEFINITION OF "SPIKE ELK", LCB FILE NO. R013-16.

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.

A workshop was held in Yerington on March 25, 2016. The Commission directed the Department to contact Utah to identify if they have had any issues with enforcement regarding the way that their language is written, which is similar to the Department's proposed language. Alternative language, including whether to use the number of branches or antlered points in the definition was also discussed.

5k. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION GENERAL REGULATION 456, SPECIAL INCENTIVE ELK ARBITRATION PANEL, LCB FILE NO. R031-15.

The Commission will consider 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.

5l. FOR POSSIBLE ACTION. DISCUSSION ON COMMISSION REGULATION 16-12, 2016 BIG GAME QUOTAS FOR THE 2016-2017 SEASON.

The Commission will establish regulations for the numbers of tags to be issued for mule deer, pronghorn antelope, elk, bighorn sheep, black bear, and mountain goats for the 2016 - 2017 seasons.

5m. FOR POSSIBLE ACTION. DISCUSSION ON WHITE PINE COUNTY ELK INCENTIVE AND DAMAGE ARBITRATION PANEL.

The Commission may take action to make three appointments to the White Pine County Elk and Damage Arbitration Panel to serve for the next two years (NAC 502.44283 and NAC 504.430).

6. **CORRESPONDENCE OR COMMUNICATIONS BOARD MEMBERS HAVE RECEIVED.** This is an opportunity for Board members to discuss any correspondence or communication they may have received regarding matters over which the Board has jurisdiction and control. No action will be taken other than to possibly have an item placed on the next agenda.
7. **DISCUSSION ON THE RESULTS OF THE MARCH 24 & 25, 2016 NEVADA BOARD OF WILDLIFE COMMISSION MEETINGS.** There will be no action taken.
8. **FOR POSSIBLE ACTION. DISCUSSION REGARDING ADVISORY BOARD MEMBER COMMITMENTS TO ATTEND UPCOMING WILDLIFE COMMISSION MEETINGS AND TO REPRESENT THE FINDINGS OF THE DOUGLAS COUNTY WILDLIFE ADVISORY BOARD. ONE MEMBER WILL BE DESIGNATED AS A SPOKESMAN FOR THE DOUGLAS COUNTY ADVISORY BOARD.**
9. **FOR POSSIBLE ACTION. DISCUSSION TO SCHEDULE THE NEXT WILDLIFE ADVISORY BOARD MEETING.** The next Commission meeting is scheduled for June 24 and 25, 2016, in Elko 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 as necessary at this time. The next Douglas County Advisory Board to Manage Wildlife meeting is tentatively scheduled for Tuesday, June 21, 2016.
10. **FUTURE AGENDA ITEMS.** This is an opportunity for Board members to request that items be placed on future agendas. There will be no deliberation or action taken other than to request the Chair to place the item on an agenda.

ADJOURNMENT

NOTICES: The Douglas County Advisory Board to Manage Wildlife is pleased to make reasonable accommodations for any citizen who wishes to attend this meeting. If special arrangements are necessary, please contact Craig Burnside, Chairman, at 775-901-2882, or, in writing, at 1388 Saratoga Street, Minden, Nevada 89423, as soon as possible.

In accordance with Nevada Revised Statutes 241, this agenda closes three days prior to the meeting day and has been posted before 9:00 a.m. on Wednesday, May 4, 2016 at the following locations: Douglas County Community & Senior Center, Douglas County Historic Courthouse, USPS Gardnerville Post Office, and USPS Minden Post Office Main Office.

Copies of supporting material can be found at: www.ndow.org/Public_Meetings/Commission/Agenda/. Copies of supporting material can be requested in person from Lorraine Kabat by calling 775-782-0029.

On some occasions, a quorum of this Advisory Board may be attendance at the Nevada Wildlife

Commissioners meetings. No action will be taken by the Douglas County Advisory Board to Manage Wildlife on those occasions other than to have a spokesperson inform the Nevada Board of Wildlife Commissioners of the recommendations that this Advisory Board has duly acted upon at previous meetings.