

**MINUTES OF THE CHURCHILL COUNTY
ADVISORY BOARD TO MANAGE WILDLIFE**

**155 N. Taylor St., Fallon, NV 89406
June 26, 2024**

Call to Order:

The regular meeting of the Advisory Board to Manage Wildlife was called to order at 7:00 PM on June 26, 2024.

PRESENT:

Member Peggy A. Hughes
Member Jim Curran
Member Andrew Howells
Member Aubry Burgess
Deputy Clerk of the Board Pamela D. Moore
Member Jason Sibley

ABSENT:

Pledge of Allegiance:

The Pledge of Allegiance was recited by the board and public.

Public Comment:

Chair Hughes asked if there was any public comment but there was none.

Verification of the Posting of the Agenda:

It was verified by Pamela D. Moore, Deputy Clerk of the Board, that the Agenda for this meeting was posted on the 20th day of June, 2024, between the hours of 10:30 and 11:30 AM at all of the locations listed on the Agenda, in accordance with NRS 241.

Consideration and possible action re: Approval of Agenda as submitted or revised:

Member Andrew Howells made a motion to approve the Agenda as submitted. Member Jim Curran seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Approval of Minutes of the meeting held on:

A- May 1, 2024.

The Minutes of the meeting held on May 1, 2024 are presented for the board's consideration and approval.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Jim Curran made a motion to approve the Minutes of the meeting held on May 1,

2024 as presented. Member Andrew Howells seconded the motion, which carried by unanimous vote.

Appointments:

A- Consideration and possible action re: Commission Policy 12 - Predator Fee for Habitat, Research and Management.

The Commission will review a new Commission Policy 12 for the second time and may take action to recommend revising or adopting the policy.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Jim Curran made a motion to approve Commission Policy 12 as presented. Member Aubry Burgess seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: Approval for Elk Damage Payment Exceeding \$10,000.00.

An assessment of elk damage on Granite Peak Ranch in White Pine County, totaling \$13,318, was conducted by department personnel and submitted for reimbursement by Bruce Hubbard, agent for the property. Per Nevada Administrative Code (NAC) 504.421 Section 1(f), "A loss on one site must be limited to \$10,000 unless the Commission determines that a claimant may be paid more, and there is sufficient money to pay him or her." The Commission is required to review and approve the payment for elk damage.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Howells said, if this is in White Pine County, why is it on our Agenda? Chair Hughes said the state board has to review it so we are reviewing it as part of our responsibility to the board. Member Curran said it looks like the evaluation was completed numerous times and it seems to be a very legitimate claim. In the past, the Commission has approved these types of claims in excess of \$10,000. They support a lot of elk on that ranch. I'm not one who is really in favor of paying compensation but that is the regulation and that is probably why we have elk all over the state now because they can be reimbursed.

Member Jim Curran made a motion to approve the Elk Damage Payment Exceeding \$10,000.00. Member Andrew Howells seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: Heritage Project Extension Requests.

The Commission will review recommendations and may approve extensions requests from projects approved in previous fiscal years.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chair Hughes listed the projects. Member Curran said, the way I read it, these are all existing projects and the timeline is proposed to be extended. In reading through all of these projects, it sounds like they are worthwhile projects. I have no information that would dispute any of them. I appreciate the way it is presented to us versus the depredation predator management that gives us no past history or real information. These are explained very well. Chair Hughes said and many of them have had work done on them already. Others haven't even started yet but, at least, they are staying on top of extending them.

Chair Hughes asked if there was any public comment but there was none.

Member Andrew Howells made a motion to approve the Heritage Project extension requests as submitted. Member Aubry Burgess seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: Heritage Funding Reallocation.

The Commission will review committee recommendations and may approve reallocation of any unused Heritage funds from previously approved projects to other previously approved projects from the same fiscal year.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran said it makes sense to me to reallocate the funds to these other approved projects. Again, they are all projects that seem to be very sound. Chair Hughes said there are a few that have money left over.

Member Aubry Burgess made a motion to approve the Heritage funding reallocation as presented. Member Jim Curran seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: Heritage Project Proposals for Fiscal Year 2025.

The Commission will hear recommendations from the committee and may take action to approve up to \$1,840,130.76 for projects submitted for Fiscal Year 2025 from the annual year project funds. In addition, the Commission may take action to approve up to \$98,548.64 for projects submitted for Fiscal Year 2025 from the principal balance for a total of \$1,938,679.40. Funding requests are listed below and may be approved by the Commission.

- Memory Ranch Conservation Easement (\$200,000)
- FY25 Bighorn Sheep and Mountain Goat Restoration and Management (\$110,600)
- FY25 Wildfire-related Restoration and Seed Purchase (\$150,000)
- FY25 Nevada Spring Protection Project (\$100,000)

- FY25 Nevada Water Development Maintenance (\$50,000)
- FY25 Clover Valley Wildlife Passage Improvement Project (\$50,000)
- FY25 Cave Lake Habitat Improvement and Erosion Control (\$98,538.40)
- FY25 Rosencrans Habitat Restoration (\$50,000)
- FY25 Currant Summit PJ Removal (\$75,000)
- FY25 Warmwater Fisheries Enhancement (\$133,000)
- FY25 Lake Tahoe Fish Management Structure Phase 2 (\$100,000)
- FY25 Shoshone Bench Habitat Restoration (\$50,000)
- FY25 Corta Fire Habitat Improvement Phase III (\$75,000)
- FY25 Sheep Creek Mountains Habitat Improvement Project (\$72,500)
- FY25 Mule Deer Enhancement Project (\$100,000)
- FY25 Toe Jam Mountain Habitat Improvement Project (\$50,000)
- FY25 Statewide Elk Trace Mineral Profile and Population Demographics (\$149,999)
- FY25 Granite Range Bitterbrush Planting (\$45,000)
- FY25 Supplemental Oxygen for Gallagher Hatchery (\$25,000)
- FY25 Black Bear Monitoring (\$50,000)
- Leafy Spurge Eradication (\$70,652)
- Evaluation and Improvement of Springbox Restoration in the Sheldon National Wildlife Refuge, Nevada (\$73,690)
- Mountain Lion Predation on Native and Feral Ungulates in Southeast Nevada (\$59,700)

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran said where is the Memory Ranch Conservation Easement? I can't find any detail on that. Chair Hughes said I have never heard of it before. Member Burgess said it is very well funded, wherever it is.

Member Andrew Howells made a motion to approve the Heritage Project proposals as submitted. Member Aubry Burgess seconded the motion, which carried by unanimous vote.

F- Consideration and possible action re: Biennial Small Game Release Plan for Fiscal Years 2024 and 2025, Amendment #1.

The Commission will review and may take action to approve an amendment to the Department's proposed biennial upland game release plan for fiscal years 2024 and 2025.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran said it is interesting that they are proposing the Hungarian Partridge in the Desatoyas out here. That would be about the southernmost range, that I know of for hens. They weren't proposing any American Beaver. I don't know why that was on the glossery.

Member Jim Curran made a motion to approve Amendment #1 to the Biennial Small Game Release Plan for FY24 and FY25 as presented. Member Aubry Burgess seconded the motion, which carried by unanimous vote.

G- Consideration and possible action re: Biennial Big Game Release Plan for Fiscal Years 2024 and 2025, Amendment #1.

The Commission will review and may take action to approve an amendment to the Department's Biennial Big Game Release Plan for fiscal years 2024 and 2025.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chair Hughes said it looks like they want to take 200 animals from herds around the state to those areas where there has been a decline, such as Management Areas 10, 13, and 16. Member Howells said it looks like they want to release 20-25 Big Horns in Unit 182 also.

Member Curran asked Carl Erquiaga if he knew anything about augmentation in the Stillwaters for the Big Horn Sheep. I hadn't heard Jason Salisbury talk about it. Carl Erquiaga said I know Jason has been talking about that. Jason likes to be aggressive and get his sheep back on their feet when he can. They had a die-off event in there. That is all that I know. The Fallon Chapter of Nevada Big Horns Unlimited supports the idea.

Member Andrew Howells made a motion to approve Amendment #1 to the Big Game Release Plan for FY24 & 25. Member Aubry Burgess seconded the motion, which carried by unanimous vote.

H- Consideration and possible action re: Energy and Solar Projects Update.

A presentation will be provided on the Bureau of Land Management's (BLM) Solar Programmatic Environmental Impact Statement. The Commission will discuss possibly providing a letter of comment on this project, as well as an overview of renewable energy across Nevada.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

There was no discussion of this item and no action was taken.

I- Consideration and possible action re: Duck Stamp Request.

The Commission will review and may take action to approve up to \$90,750 for projects submitted for Fiscal Year 2025 funding from the Duck Stamp Account. The specific Duck Stamp projects that may be approved are listed below.

- FY25 Argenta WMA Improvement Project (\$15,000)

- FY25 Ducks Unlimited Wetlands Conservation Support (\$35,000)
- Carson Lake WMA Noxious Weed Treatment (\$25,000)
- FY25 Purchase Support for Airboat (\$13,750)
- FY25 Full Lifecycle Conservation of International Migratory Waterfowl and Other Avian Species (\$2,000).

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Jim Curran made a motion to approve the Duck Stamp request as presented. Member Andrew Howells seconded the motion, which carried by unanimous vote.

J- Consideration and possible action re: Upland Game Bird Stamp Request.

The Commission will review and may take action to approve up to \$262,230 for projects submitted for Fiscal Year 2025 funding from the Upland Game Bird Stamp Account. The specific Upland Game Bird Stamp projects that may be approved are listed below.

- FY25 Gilbert Creek Habitat Restoration Project Phase II (\$15,000)
- FY25 Argenta WMA Improvement Project (\$20,000)
- FY25 Toe Jam Mountain Habitat Improvement Project (\$12,500)
- FY25 Greater Sage-grouse Monitoring (\$46,330)
- FY25 Mineral Development Effects on Greater Sage-grouse (\$60,000)
- FY25 Upland Game Translocation and Monitoring (\$13,400)
- FY25 Bi-State Sage-grouse Coordinator (\$10,000)
- FY25 Bi-State Sage-grouse Monitoring (\$30,000)
- FY25 Petersen Mountains Bitterbush Planting (\$15,000)
- FY25 Common Raven Modeling (\$40,000).

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran said here is that dam raven again. Chair Hughes said it has been studied to death, hasn't it, Jim?

Member Andrew Howells made a motion to approve the Upland Game Bird Stamp request as presented. Member Aubry Burgess seconded the motion, which carried by unanimous vote.

K- Consideration and possible action re: Commission Regulation 23-15, Amendment #1, Fishing Seasons and Regulations for January 1, 2024 through December 31, 2025.

The Commission will consider amending Commission Regulation 23-15 to designate Smith Creek Reservoir as a closed water in Lander County.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Chair Hughes said we had a discussion on this at our last meeting. Member Curran said we had a discussion and disapproved that action. I still think it sets a bad precedent. Part of that reservoir is public and there are other examples where a problem has been solved but not corrected. Part of that was public and part of it was private. The owner, Richard Drake, wanted it closed to the public but open to him. If you close a body of water, it is closed to whoever owns Smith Creek now. Even though it is a small part of it that has public access, I still contend that you can float on the public waters in Nevada over private land and not be trespassing. Member Howells said they are not arguing whether or not you can be there on the public property. They are saying you can't fish it – it is closed to fishing. Member Curran said that is all for their private property, which is a shoreline. Water, in the State of Nevada, by the Constitution, is never private. The right to use the water is granted through a water permit or water right but the ownership still stays in the name of the State of Nevada. The West Walker River is not a navigable water so, therefore, the land owner owns the bed of the Walker River. It has never been adjudicated in a court of law, like the Carson and Truckee have. You have the right to float down the Walker River because you are on public water. The Canvassback Gun Club actually won a case here on whether they needed to register boats. That was back when Judge Walters was the District Judge here and he ruled that it was private water so, therefore, they did not need to register their boats. He happened to be a member of the Canvassback Club too. There are a lot of examples. Part of Wilson Reservoir up in Elko, that north shore up by the cabin was private and, years ago, they claimed the whole reservoir was private and it was closed for a good many years but then back in the 1950s it was reopened. I think it sets a precedent. If the state doesn't want to stock it, that is fine but I am not sure the land owner realizes that, if they close it, it is closed to him too. Those are public fish coming down that creek. Member Howells said didn't Kris mention, at the last meeting, that they had stocked it. Chair Hughes said by mistake. Member Curran said they have in the past but Hendrix was the main stocker. He would buy private fish out of Bishop and put 5 pound fish in there and then charge fishermen big money to stay out there as a dude ranch.

Member Howells said this is attached to the rest of the fishing seasons, as well. Member Curran said it would go into the new season on January 1, probably. That is the only recommended change. They had already approved the rest. This is an amendment.

Carl Erquiaga said I agree with Member Curran. I think this sets a bad precedent. I am not a lawyer so I don't know if it is based on actual law or not but I think it is a step in the wrong direction. My employer is Theodore Roosevelt Conservation Partnership and our mission is to provide all Americans with quality places to hunt and fish. That is partially accomplished by providing access to places to hunt and fish. This just brings a lot of questions. There is at least half of that reservoir, when it is full, that is on public land and you can still fish the creek, correct? So, as the reservoir goes down, the creek extends. Eventually, you would be able to fish all the way to the dam. It is a mess and I think it is a step in the wrong direction. Also, I assume there is still access on the south side on that rough nasty road that drops in above the reservoir but part of the problem is that they don't like trespassing people coming through their yard and

all of that. That is not the state's jurisdiction – I think the onus is on the land owner to post their property and, if that includes Louie's across the lake, it is on them, not us. I understand but I do not agree. Member Curran said if they want to put a sign up, at this point, that is it – no more. Mr. Erquiaga said I would question their ability to even close that road. That is an overland road. The old Pony Express Trail went right through that ranch. I am not sure they can really close it without providing a decent alternative route.

Member Howells said, just to be clear, the motion is to approve the rest of it but to oppose closing Smith Creek Reservoir, right? Chair Hughes said that is correct. Member Curran said the motion is to reject the recommendation to close fishing at Smith Creek Reservoir.

Member Jim Curran made a motion to oppose closing Smith Creek Reservoir to fishing. Member Andrew Howells seconded the motion, which carried by unanimous vote.

L- Consideration and possible action re: Commission Regulation 24-05, Amendment #1, 2025 Heritage Tag Vendors.

The Commission will review the Wildlife Heritage Committee's recommendations regarding Heritage Tag Vendor Proposals for 2025 and may take action on the proposals.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran asked Mr. Erquiaga if NBU Fallon Chapter applies for any of these. Mr. Erquiaga said no, we have marketed those a couple of times in the past but the vendors don't get any money from it, although that isn't our main reason, but we just feel that big organizations can do a better job and attract a higher clientele. Each time we have done it, we have come in on the bottom end of the market.

Member Andrew Howells made a motion to approve Commission Regulation 24-05 as presented. Member Aubry Burgess seconded the motion, which carried by unanimous vote.

M- Consideration and possible action re: Commission Regulation 24-13, 2024-2025 & 2025-2026 Upland Game and Furbearer Seasons and Bag Limits.

The Commission will establish and may vote to adopt regulations for upland game birds and mammals, furbearers, and wild turkey for the 2024-2025 and 2025-2026 seasons.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Accept

Member Curran said the Nevada Trappers Association reviewed the recommendations and, in regard to seasons and bag limits of all of the furbearing animals, they support the department's recommendations. In regard to the bobcat pelt ceiling dates, we are proposing to the

Commission a change in ceiling dates for the towns of Las Vegas, Panaca, and Tonopah where the department is recommending Feb. 12, 13, and 14 we are recommending Feb. 17, 18, and 19, which doesn't sound like much but it puts it immediately before the fur sale, which is very beneficial to the trappers and everybody else. We have gone over this with Russ, who is in charge these recommendations and he has no problem with that move. In the past, it has always been the week just prior to the fur sale and, for some reason, he put it in the wrong week. We are recommending approval of the season for all furbearer species but a change in the bobcat pelt ceiling dates for the town of Tonopah, Panaca, and Las Vegas to Feb. 18, 19, and 20, 2025 [sic]. I think every county game board in the state has gone along with that recommendation.

Member Andrew Howells made a motion to approve Commission Regulation 24-13 as presented, with the exception of changing the bobcat pelt ceiling dates for the towns of Tonopah, Panaca, and Las Vegas to February 17, 18, and 19, 2025. Member Jim Curran seconded the motion, which carried by unanimous vote.

Informational Items:

A- Consideration and possible action re: Items listed on the Nevada Board of Wildlife Commissioners' Agenda for June 28 and 29, 2024.

Should the board want to discuss Items listed on the Nevada Board of Wildlife Commissioners' Agenda for June 28 and 29, 2024, which is provided for the board's consideration.

FISCAL IMPACT: N/A

EXPLANATION OF IMPACT: N/A

FUNDING SOURCE: N/A

ACTION REQUESTED: Other

There was no further discussion of items on the state's Agenda.

Consider Future Agenda Items:

Member Curran requested that we include on a future Agenda to discuss the proposed letter to other CABs re: a regulation to allow the salvage of highway kill. Member Howells said, after doing more research on this letter, this topic has been proposed before. Deputy Clerk Moore said she could track down that bill and if it is still alive but stalled, then we can modify this letter to ask for their support of that bill. That bill was presented in 2021. Chair Hughes said I don't remember ever seeing that bill come before this board. Member Howells said I found the initial draft and I also found the bill number. Chair Hughes said we will add that to our next Agenda as an action item.

Public Comment:

Chair Hughes asked if there was any public comment but there was none.

Adjournment:

The meeting was adjourned at 7:44 PM.

Approved: Peggy Hughes, Chair
Peggy Hughes, Chair

Approved: Jim Curran
Jim Curran, Vice-Chair

Approved: Jason Sibley
Jason Sibley, Member

Approved: Aubry Burgess
Aubry Burgess, Member

Approved: Andrew Howells
Andrew Howells, Member

ATTEST:
Linda Rothery, Clerk/Treasurer

Pamela D. Moore
Pamela D. Moore, Deputy Clerk of the Board