

## MINUTES

### CLARK COUNTY ADVISORY BOARD TO MANAGE WILDLIFE

WEDNESDAY, APRIL 7, 2004

7:00 p.m.

PUEBLO ROOM

CLARK COUNTY GOVERNMENT CENTER

500 Grand Central Parkway

Las Vegas, NV 89155

#### MEMBERS PRESENT:

Shawn Fairbairn, Chair  
Tracy Hammond, Vice-Chair  
Dan Gildner  
Dan Swanson  
Cindy Alexander

#### NDOW PERSONNEL PRESENT:

Jon Sjoberg

#### Wildlife Commissioners Present

Chairman Tommy Ford  
Clint Bentley

#### I. CALL TO ORDER

- A. This meeting was legally noted and posted in conformance with the Nevada Open Meeting Law.
- B. The meeting was called to order at approximately 7:00 p.m. by Shawn Fairbairn, Chair. The Pledge of Allegiance was recited.

#### II. ORGANIZATIONAL ITEMS

- A. The April 7, 2004 agenda was unanimously approved as written. Motion by Hammond; seconded by Swanson. Approved unanimously
- B. The minutes of the March 9, 2004 meeting were unanimously approved as amended. Board member Gildner clarified that he had requested the date change for the February meeting. Motion by Fairbairn to approve as amended; seconded by Swanson. Approved unanimously.

#### III. PUBLIC COMMENT

- A. Charles Musser spoke regarding privacy of personal information. In Nevada, individuals must actively request to not be included on saleable lists. Mr. Musser contrasted this with the system in use by the State of Colorado. This system requires individuals to waive their privacy prior to releasing information. In effect, information would be private by default, and those wishing to share it with outside organizations would be required to waive their claim to privacy.

Commission Chair Ford requested that Mr. Musser submit a petition with his recommendation to the board for its review.

#### IV. ACTION ITEMS

- A. Taulman Petition: Board member Gildner stated this issue has been discussed in the past, and provided a brief history of the issue. Taulman is associated with a commercial outfitter and sued the State of Arizona to eliminate the 10% limit on out-of-state big game tags. Nevada has a similar restriction on the number of out-of-state tags, and has established a specific quota of tags reserved for out-of-state hunters. Gildner stated that if the total pool of permits were open to out-of-state hunters, there would be increased competition for tags.

Commission Chair Ford commented that the Wildlife Commission has the option to either deny or accept the petition; and he expected the commission to accept the petition in order to initiate the review process and address the possibility of legal action similar to that faced by the State of Arizona. Additionally, it was stated that a denial of the petition could hasten legal action against the state. Ford reiterated, acceptance of the petition does not signify the commission agrees with the petition, simply that they elect to initiate the review process. Commissioner Ford urged the board to act based on the merits of the petition and not to be influenced by the legal maneuvering that is likely to occur with the petition.

Jelindo Tiberti stated that the State of Nevada has a wildlife management style that emphasizes quality over quantity. Mr. Tiberti referred to the Ninth Circuit Court's decision that stated that wildlife is a product and states cannot interfere with interstate commerce. Mr. Tiberti stated that the Fraternal Order of Bighorn Sheep requested that he attend this meeting and adamantly oppose the petition. He also urged all sportsmen to educate themselves and make their opinions known.

He stated the increased competition for tags could change the hunter's preference and the State's management practice to focus on quantity. The State of Nevada has worked hard to develop a quality wildlife stock, and this is the biggest issue facing Nevada. Mr. Tiberti further stated Nevada needs to look for ways to address it, and find solutions to the flood of out-of-state applicants.

Chair Fairbairn agreed with Mr. Tiberti's comments. Motion by member Gildner to strongly advise the commission to deny the Taulman Petition; seconded by Swanson. Approved unanimously.

- B. Tschanz Proposal – Big Game Tags: Russell Tschanz spoke regarding a proposed petition to modify the distribution of big game tags and to suspend eligibility following successful draws. Mr. Tschanz stated that his intent was to initiate a discussion regarding improving the distribution of tags. He stated that instituting a period of ineligibility for a hunter after a successful draw would help to increase the chances for those who did not receive a tag the previous season.

He also stated that other states provide different models. Utah, for example, reserves 50% of big game licenses for those who have not been drawn in previous seasons.

Chair Fairbairn asked whether Mr. Tschanz intended to extend ineligibility across species. After a short discussion, Mr. Tschanz stated that he intended to extend across species, but would include this in a separate petition.

Member Hammond stated that he got tired of applying unsuccessfully and switched to bow hunting, which has basically the same number of applicants and tags. He inquired if the ineligibility, as proposed, would extend to different weapons. Mr. Tschanz stated that he would accept limiting the proposal to rifle hunts.

Board member Swanson suggested that Mr. Tschanz continue to break the petition down, and focus on what he sees as the most important issues. Swanson stated that the petitions would likely face better odds if the petitions were focused on single issues.

Charles Musser stated he was concerned that if hunters know they will be ineligible for the next year, they may be willing to harvest lower quality animal if they lose a year of eligibility just for drawing the tag.

Jelindo Tiberti stated the most important issue is the devaluing of the bonus points due to the size of the pool. The state needs to shrink the bonus point pool to a reasonable limit, or the issuance of a single bonus point is not an incentive. Board member Gildner stated the total points fluctuate and that changing the size of the pool does not change any one individual's chances of being

selected. Gildner stated one approach might be to reserve a percentage of tags for those with a minimum number of bonus points or unsuccessful draws.

Chair Fairbairn recommended that Mr. Tschanz continue to define the petition and encouraged him to speak with other interested parties and discuss issues and recommendations that were raised at the meeting. Fairbairn informed Mr. Tschanz that the necessary forms to submit petitions would be made available to him.

Motion by Swanson to table the item until next month; seconded by Fairbairn. Approved unanimously.

- C. Commercial Fishery at Lahontan Reservoir: The advisory board heard a report from NDOW regarding mercury contamination of the reservoir and a proposed ban on commercial fishing. It was reported that this is a long-standing problem; the reservoir is located downstream from the Comstock silver processing areas, and mercury has become imbedded in the sediment. The reservoir is currently under a no-consumption restriction for game fish. The proposed regulation would extend to sport fish commercially harvested.

It was recommended that the mercury levels found in sport fish do not warrant a moratorium on fishing. Gildner questioned if there was any liability for not banning commercial fishing with the presence of mercury. It was further reported that mercury levels are beneath USDA thresholds and therefore may warrant a health advisory, but not a closure. Motion by Swanson to accept the commission's report and recommendations; seconded by Hammond. Approved unanimously.

#### V. DISCUSSION ITEMS

- A. Off-Highway Vehicles: Wildlife Commission Chair Ford reported that BLM representatives would provide information regarding rules and regulations governing off-highway vehicles on federal land. The issue had been previously tabled and BLM will provide additional information as requested.
- B. Wild Horse and Burro Management: The commission will receive an informational report from BLM regarding the wild horse and burro management programs in Nevada.
- C. Range Management: Commission Chair Ford stated the commission would receive a report from BLM on the vegetation monitoring programs in Nevada.

#### VI. PUBLIC COMMENT

- A. Commissioner Bentley requested that the advisory board avoid meeting on the first Wednesday of the month when possible. This conflicts with other wildlife meetings in the area.
- B. Commission Chair Ford reported the annual horse ride through the Overton Wildlife Management Area would be occurring on April 17, 2004.
- C. Board Member Swanson commented that the Peer property purchase has been completed and the property is a great acquisition and will add a lot to the Overton WMA.

#### VII. ADMINISTRATIVE ITEMS

- A. Approval of Budget Items: Motion by Hammond to pay appropriate expenses including secretarial fees and postage; seconded by Swanson. Approved unanimously.

#### VIII. ADJOURNMENT

- A. Meeting was adjourned at approximately 8:30 p.m.