

Eureka County Advisory Board to Manage Wildlife
Minutes

The Eureka County Advisory Board to Manage Wildlife (CAB) held a public meeting on September 16, 2021 at 4:30 p.m. at the Eureka County Administrative Facility (Annex). A remote, telephonic option to attend was made available.

Members Present: Jim Evans (Chairman), Trent Gordon (Vice-Chairman), and Joe Luby.

Others Present: Tom Donham, Nevada Department of Wildlife (NDOW) Eastern Region Supervisor (via phone), Jake Tibbitts, Eureka County Natural Resources Manager.

Call to order

Chairman Evans called the meeting to order at 4:36 p.m. a quorum was determined to be present.

Public Comment

None

Board Business

Approval of the agenda notice with addition of any emergency item and/or deletion of any item.

Joe Luby made a motion to approve the agenda without any changes. Trent Gordon seconded with all in favor.

Review and approve the minutes from the July 29, 2021 meeting.

Mr. Gordon made a motion to approve the minutes without any changes. Mr. Luby seconded with all in favor.

Correspondence and Member Reports

None

Agency Reports

Reports and updates from various wildlife and land management agencies.

Tom Donham, NDOW Eastern Region Supervisor, updated the CAB on the hiring process of the Eureka Game Biologist position. He stated that they are in the interview process right now and are doing virtual interviews and will possibly have someone in that position by October. Mr. Donham also discussed the Mule Deer Enhancement teams for areas 13 and 14 and how NDOW may forgo a field trip this year because the Eureka team are so involved and know the area. He will work on scheduling a meeting with Clint Garrett to discuss some of the limiting factors for area 14 team and work on a few project proposals for the oversight committee and Wildlife Commission sub-committee.

Jake Tibbitts commented about the Raven Research Update that was requested at the last meeting by Mr. Luby. Mr. Tibbitts advised that Shasta Blackeye-Adair had sent out the link for the Raven Research Update from the August 6, 2021 Wildlife Commission meeting directly to the CAB members for their review at the request of Mr. Donham.

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Public and Accessory Roads and Access

Discuss and consider efforts to ensure public access on public and accessory roads in Eureka County.

Chairman Evans brought up discussion on the Black Point access road. He advised that the access has been locked but he has not actually seen it for himself yet and is not sure why it has been locked. Mr. Tibbitts advised the board that he had information on this subject and would like to discuss not only Black Point but Davis Canyon as well where a mining company was trying to access their mining claims but could not. Mr. Tibbitts showed a map to the board showing where the county roads are and discussed Revised Statute 2477. In the 1866 General Mining Law congress authorized the public to build access roads for various uses and it was called RS 2477. It stayed in effect until 1976, when the Federal Land Policy Management Plan Act was passed which rescinded RS 2477. RS 2477 is only on public land. The issue now is if the road on private land existed for public use prior to 1976 or not. Mr. Tibbitts discussed further that there are 160 acres of private land at Black Point and none of the mineral rights went with this property.

Mr. Luby brought up a creek bed that is on the property and Mr. Tibbitts expounded on this creek bed by discussing Pedroli Creek. Paul Pedroli patented the private land in 1915 and was part of the General Land Office (GLO) surveyor team. Based on the GLO map and notes, this road did exist prior to it being patented. The survey was completed in 1906 and clearly depicts the road running through what is now private property and runs all the way up to the top of the canyon and big spring. Mr. Tibbitts noted that a similar situation exists in Davis Canyon at the original homestead of Charles Baalman where the road existed for public use and access to a mining district will before the land in Davis Canyon became private.

Mr. Tibbitts clarified that a public right of way can exist on a road even if the county has not put it on a road map. Mr. Tibbitts provided the board with support information on this topic including various provisions of State law and case law in Nevada. Mr. Tibbitts also clarified that just because a road starts on public land and goes through private land, then comes back out on public land does not always mean that it is a public road. It depends on when the road was established and whether it was built by the private owner or established for public use.

Chairman Evans suggested to have the private land owner at Black Point have a conversation with Ted Beutel to get a better understanding of the law applies to public roads through private land. In reference to the Black Point access there is not another access point to get around the private land. Chairman Evans said he would also talk to the land owner if he could and assist him with meeting with Ted Beutel.

Pest Control-Skunk Population control in Eureka Canyon

Review and discuss opportunities to control skunk population within/through Eureka Canyon proper.

Chairman Evans stated that he has had requests from locals within the municipality and Eureka Canyon proper for pest control, primarily for skunks. Chairman Evans spoke to NDOW a little on this subject. Chairman Evans's interpretation of what NDOW would like is that Eureka County move forward with this initiative or control effort and hire a contractor to do it. Mr. Luby

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commented that he has had personal experience with the skunks in the area. The board agreed that some of the locals have been feeding cats and that is not helping the issue either. Chairman Evans brought up a local person that has done some work for the Owl Club in removing skunks. Chairman Evans also discussed that he spoke with Clint Garrett of NDOW about new traps that are available that prevent the skunks from spraying while trapped. Mr. Donham discussed traps and also suggested Sam Sanders who has a private company that may have a nuisance or wildlife control business and also the Beaver Getters out of Elko that have business licenses to deal with the skunks. Mr. Luby asked, if requested, would the county would pay for this service. Chairman Evans advised that a cost proposal would need to be done first. Mr. Tibbitts brought up Cindy Beutel trapping cats on Spring Street and not hearing much of her catching skunks and that the trapping process would be the same. The County may end up trapping more feral cats than skunks and this may not be viewed positively by the County Commissioners. Mr. Tibbitts advised that he knows Sam Sanders and his business is called something like Humboldt Wildlife LLC. Mr. Luby and Chairman Evans discussed that the CAB should do a cost feasibility first. Mr. Tibbitts advised that he will reach out to Sam Sanders. Mr. Luby made a motion to have Mr. Tibbitts to get a quote for skunk removal services and to bring it to the next meeting. Mr. Gordon seconded with all in favor.

Wildlife Habitat Enhancement Projects

Update on pinyon-juniper thinning project, wildlife guzzler installation, and other potential projects including fisheries, and consider further efforts to move forward for successful implementation of projects.

Mr. Tibbitts discussed Keller Hyde's work on the PJ projects taking pictures and cutting the small trees down with pruning loppers. He also discussed the Weed Technicians duties. Mr. Donham advised that rolling the current PJ and weed control projects in with the Mule Deer projects could provide or leverage more funding.

Chairman Evans brought up the condition of guzzlers and if there are repairs that need to be done west of Spring Valley summit. Mr. Donham discussed that NDOW staff has been out checking upland game and checked some guzzlers for small game units but as for big game the northern guzzler crew was doing annual inspection flights but he did not know if they checked any in the Eureka area. Chairman Evans requested this item to stay on the agenda. Mr. Gordon brought up the Lamoreaux Canyon guzzler aprons that may have been caved in and damaged due to snow loads. Chairman Evans also brought up possible damage to the guzzlers near McCullough, Dave Keene Spring, and Bob Brown Canyon. Chairman Evans noted that Eureka County in the past helps takes care of filling the guzzlers at times as well and requested Mr. Donham give an update on this issue at the next meeting.

Nevada Board of Wildlife Commissioners Meeting Agenda and Support Material— the Board may discuss and act upon any or all items on the Wildlife Commissioners Agenda for the September 24, 2021 meeting.

7A - Commission Regulation 21-15, Fishing Seasons and Regulations for January 1, 2022, through December 31, 2023.

The Commission will establish fishing seasons, bag, and possession limits for the period of January 1, 2022, through December 31, 2023.

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No recommendations made.

8A - Commission General Regulation 488, Landowner Compensation Tags, LCB File No. R083-19.

The Commission will consider adopting changes to Chapter 502 of the Nevada Administrative Code (NAC). This regulation would provide direction for allocating landowner deer and antelope compensation tags if owner applicants cumulatively qualify for compensation tags in excess of the statutory limit. This regulation was considered during a workshop in September 2019.

The board discussed this with Mr. Donham and noted some concerns with the LCB language. Mr. Luby made a motion to support the NDOW changes to the original LCB language for distribution of additional landowner compensation tags. Mr. Gordon seconded with all in favor.

8B - Commission General Regulation 489, NAC 503.172, Shed Antler Season, R082-19.

The Board of Wildlife Commissioners will consider adopting changes to NAC 501 and NAC 503 to change the demerits for violation of the shed antler closure, increase the demerits for a violation of that regulation and require an online class in order to collect or possess shed antlers in the field. This regulation was brought as a petition by Elko CABMW in August 2019 and was considered during a workshop in September 2019 and August 2021.

Chairman Evans recommended the board stay consistent with the last recommendation from the last meeting. Mr. Tibbitts brought to the boards attention that this was indeed an action item but no action was taken by the board during the last meeting, however, discussion was had and the minutes reflected that there was an opinion given. The board discussed and did not see any real benefit flowing from the regulation but instead creating additional and unnecessary bureaucratic steps.

Mr. Gordon made a motion to not support the regulation and its required shed antler class and season. Mr. Luby seconded with all in favor.

8C - Commission General Regulation 494 – NAC 501 Regulation Simplification, LCB File No. R163-20.

The Commission will consider adopting changes to NAC 501 recommended by the Regulation Simplification Committee. This regulation was considered during a workshop at the September 2020 meeting.

Chairman Evans made a motion to continue to support this item as written. Mr. Gordon seconded with all in favor.

9A - Commission General Regulation 499, Bonus Point Only Application Period – Management Analyst Megan Manfredi.

The Commission will review draft language amending NAC 502 chapters that would decouple the hunt application periods from the 7-day bonus point only application period and create a separate period for bonus point only purchases that would facilitate a more timely draw process and provide increased opportunity for bonus point purchase. The change also defines what “awarded” means to a successful draw applicant.

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Chairman Evans made a motion to support this item as written. Mr. Luby seconded with all in favor.

10 - Coalition for Healthy Lands Letter.

The Coalition for Healthy Nevada Lands has asked the Commission to sign on to the US Department of the Interior Secretary, Debra Haaland. The Commission may discuss and vote to take relevant action.

Mr. Tibbitts advised that several entities such as the Nevada Association of Conservation Districts are signing onto the letter and the Eureka Conservation District are considering it at their next meeting. Mr. Tibbitts suggested the board also sign onto this letter. Chairman Evans made a motion to support the Wildlife Commission signing the letter as well as the CAB. Mr. Gordon seconded with all in favor.

11 - Wildlife Contests.

Commissioner McNinch will present to the Commission, for consideration and discussion at a future meeting, various regulatory approaches and strategies used to address concerns surrounding wildlife contests.

Mr. Gordon discussed not supporting this item as they have in the past. Mr. Tibbitts reminded the board that they had previously sent a letter through the Board of Commissioners and could use that letter again to show the reasons why the board does not support this item. Mr. Gordon advised that the Reno City Council recently banned wildlife contests. Mr. Tibbitts cited the minutes from the April 29, 2021 meeting where the board approved letter and made a motion not to support this item. Chairman Evans suggested to point the Commission to that letter and meeting date. Mr. Luby made a motion to continue to not support moving forward with restriction of wildlife contests and to use the letter that was previously sent by the CAB as backup for this continued position. Mr. Gordon seconded with all in favor.

Next Meeting

Discussion was had between the board members to set the next meeting date for October 28, 2021 at 4:30 p.m. with all members of the board in consensus.

Public Comment

Tom Donham commented that if anyone comes in trying to check in a Big Horn Sheep, Mountain Lion, etc. that the local NDOW office is struggling to get a landline to the Eureka Office and to send those people to either the Elko or Ely offices.

Chairman Evans requested a map of the Pedroli/Black Point property. Mr. Tibbitts showed Chairman Evans how to access it on the computer.

Adjournment

A motion to adjourn the meeting was made by Chairman Evans, Mr. Luby seconded with all in favor. There being no further discussion, the meeting was adjourned at 5:51 p.m.

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Approved this _____ day of _____ 2021.

Respectfully submitted: _____, Secretary
Shasta Blackeye-Adair

Approved: _____, Chairman
Jim Evans