

BOARD OF WILDLIFE COMMISSIONERS
Mule Deer Restoration Committee
Meeting
Nevada Department of Wildlife - Elko
60 Youth Center Road
Elko, Nevada 89801
April 15, 2010 , 12:00 PM
MINUTES

Committee members in attendance were:

Scott Raine, Chairman – Commissioner
Wilde Brough – Committee Member
John Carpenter – Committee Member
Pat Laughlin – Committee Member
Cory Lytle – Committee Member

Staff and interested public in attendance:

Larry Gilbertson – NDOW, Regional Game Supervisor
Joe Doucette – NDOW
Ken Gray – NDOW
Ken Wellington – ECWAB
Tom Barnes – ECWAB
Craig Walsh - Self
Michael Pappas - Self
Nevada Jim Ornellas – Nevada Big Game Restoration Group
Marshall Goldy– Nevada Big Game Restoration Group
Joe Bennett – USDA WS
Josh Kirby - Self
Jolene Kirby- Self
Grant Gerber – Smoked Bear
Kent Howard- Self
Candido Mendive- Self
Wade Fordin- Self
Brandon Fordin – Nevada Big Game Hunters
Mike Laughlin- Self
Farley Hicks - MDF
George Corner - NOGA
Mitch Buzzetti – Guide/Public
Via Phone in Reno - Rex Flowers – WCWAB, and Randy Sheppard - Public

Agenda Item #1– Call to Order – Chairman Raine

Chairman Raine called the meeting to order at 12:04 p.m.

Agenda Item #2 – Committee Member Items – Chairman Raine - INFORMATIONAL

Wilde Brough mentioned that although not on the agenda he had brought Nevada Jim Ornellas for a presentation expounding or expanding on either Cliff Gardner's or Mike Laughlin's presentation.

Agenda Item #3 – Public Comment – Chairman Raine - INFORMATIONAL

Rex Flowers stated that he saw where Tom Barnes was assigned the task of addressing grazing as it related to mule deer and Mr. Flowers asked who Mr. Barnes was and what his background was. Chairman Raine responded that Mr. Barnes was a member of the general public and was going to look at grazing and get back to the committee on it. Chairman Raine also indicated that Mr. Barnes was a member of the Elko County Wildlife Advisory Board. Chairman Raine asked Mr. Barnes if he had anything further to add. Mr. Barnes indicated that he would present something to the committee in the next month or so.

Agenda Item #4 – Review of Items for Future Consideration – Chairman Raine – INFORMATIONAL

Chairman Raine indicated that a list of items affecting mule deer was developed last time and wanted to read through the list to ensure its accuracy and add anything needed. The list of general subjects contained; feral horses, predation, competition (deer vs. elk), genetics as affected by migration, road crossings, game production vs. observational biology, NDOW organizational structure, survey methods (secondary effects of helicopters), wildfire, habitat intrusion by development, Pinyon Juniper encroachment, forage decadency, doe hunting, carrying capacity, precipitation, and shed antler hunting. Committee member Cory Lytle added noxious weeds. Chairman Raine also noted that energy development should be included on the list. Wilde Brough suggested having another issue of consideration be mule deer's compatibility with livestock.

Chairman Raine suggested the committee review the list of potential items and at some point at a future meeting, determine which of these issues warrant further evaluation with specific recommendations to the Commission. Chairman Raine continued that some of these issues were too big and outside the scope of this small committee. Items that are determined to be worth further evaluation will be dealt with by forwarding a recommendation to the Commission to form separate committees to evaluate them.

Pat Laughlin asked NDOW Staff about the Ruby Pipeline and its effects on wildlife, but suggested waiting to some future meeting to hear a response.

Wilde asked about meeting attendees and their affiliations, interests, and ideas for emphasis if they had some. All attendees introduced themselves and those wishing to encourage emphasis on a particular issue affecting mule deer, did so.

Agenda Item #5 – Review of Chairman Raine's Draft Charter for Committee Operations – Chairman Raine – INFORMATIONAL

Chairman Raine read a draft version of his charter; "Mule Deer Restoration Committee – Investigate mule deer status and factors affecting mule deer populations in Nevada; review relevant scientific documentation; committee will present recommendations on appropriate mule deer management policies, regulations, and practices to the Nevada Board of Wildlife Commissioners and..." some discussion ensued regarding the NBWC approval and subsequent distribution of such approved recommendations.

A copy of the draft charter will be printed and circulated as an action item at the next meeting.

Agenda Item #6 – Review of Chairman Raine's Draft Guideline Format of Mule Deer Management Recommendations to NDOW – Chairman Raine – INFORMATIONAL

Chairman Raine commented that the agenda item should read "...recommendations the Nevada Board of Wildlife Commissioners," since that is who the recommendations will actually be made to.

Chairman Raine's idea is to compile a list of issues worthy of addressing and then derive a statement of how each item will be dealt with. Examples were provided with a general statement of what can be done and what

should be done. Chairman Raine solicited further ideas and input from others. Discussion ensued. Cory Lytle encouraged the committee to keep issues brief where possible, and use a three or four part design including; background, data summary, and recommendation at the bottom for each item.

Wilde Brough suggested prioritizing the list with whatever the committees thinks is the most influential at the top of the list.

Chairman Raine stated that he would send out the list of issues to be considered for an action item at the next meeting. He followed with concerns of too much background on each issue because we don't need to repeat the science and we would have a report that would be inches thick. Chairman Raine is worried about getting too much into the details and time consumption of the data summaries.

Wilde Brough agreed with Chairman Raine and stated that the committee just doesn't have time to get real specific.

Public comment from Rex Flowers – Mr. Flowers stated that many of the issues currently indentified could fall under a broader sub heading such as habitat restoration and maybe the committee could consider organizing the list as such, with fewer broad headings and sub categories beneath each.

Ken Wellington added he would like the list to contain NDOW input, NDOW stance and what is being done now, public input, and the committee's input all down in writing by issue for a thorough evaluation. Mr. Brough and agreed that a standard format for each issue with that information would be a good approach.

Chairman Raine indicated the list was mostly written but that based on further input, he would add: noxious weeds, energy development, mineral supplements, shed horn hunting, and mule deer compatibility with livestock.

Agenda Item #7 – Discussion of Early Nevada History – Cliff Gardner – INFORMATIONAL

Cliff Gardner introduced himself as a Ruby Valley rancher with significant interest in the history of public land management practices. Mr. Gardner provided a historical view of Nevada with emphasis on historic grazing and predator control programs. Mr. Gardner made a case for predator control as the primary factor controlling wildlife populations. Mr. Gardner continued that livestock are critical to creating wildlife habitat. The times when we had the most livestock we had the most wildlife. He followed by stating that, livestock grazing and the associated predator control are the factors most important to mule deer population dynamics. Chairman Raine paraphrased Mr. Gardner's points as a matter of clarification. Discussion ensued.

Chairman Raine stated that some people would have you believe mule deer population dynamics are solely a function of rainfall and asked Mr. Gardner his thoughts on those claims. Mr. Gardner discredited the notion that habitat quality could be affected by precipitation or climate and pointed to the Ruby's where he believes bitterbrush, where grazed, to be every bit as healthy and productive as it ever has been.

Chairman Raine paraphrased Mr. Gardner's points. Mr. Gardner agreed with the paraphrasing and reemphasized that it was "primarily predator control" that caused mule deer irruptions.

Wilde Brough added that one other major thing is the distribution of water provided by ranchers.

Further discussion ensued.

Grant Gerber added further comment. Mr. Gerber's stated belief is that in the absence of large domestic animals defecating along the Humboldt River corridor, forage did not exist. Mr. Gerber stated that until those animals defecated and provided soil enrichment for quality forage to grow, there was none.

Further discussion ensued.

Mr. Gardner continued that removal of livestock has resulted in closed shrub canopies in the uplands. The closed shrub canopies result in a lack of landing opportunities for young sage grouse flying around and looking for a place to land and feed. If areas were grazed by cattle, there would be trails and openings where flying birds could land and feed. Additionally Mr. Gardner stated that areas where these cattle are urinating and defecating and grinding it into the soil also have more litter so any rainfall that occurs, lasts twice as long.

Further discussion ensued.

Agenda Item #8 – Discussion of Early Nevada History – Mike Laughlin – INFORMATIONAL

Mike Laughlin shared personal beliefs and experiences from his days with Wildlife Services in Elko County in the early 1970s. Mr. Laughlin noted that Elko County was wall to wall coyotes when he arrived in 1973. Mr. Laughlin stated that in 1975 there were 150,000 domestic sheep and 250,000 cattle on the tax rolls. Mr. Laughlin stated that the bottom line was that there were deer everywhere, there were thousands and thousands of deer after we got started in the predator control business. Then came the high fur prices and then everyone who could carry a gun, get in a pickup, and set a trap, were after coyotes.

Discussion ensued detailing Wildlife Service's efforts in the Ruby Mountains and aerial predator control. Mr. Laughlin continued that the domestic sheep and cattle industry in Elko County are the best friend these deer ever had. I don't care who tells me I'm wrong, these biologists can argue about the habitat and whatever. Those sheep were the buffer between the predators and the deer. All of a sudden all those sheep are outta there. Another thing is the elk. My thought is that the livestock industry in this county and everywhere else had a better effect for the mule deer than against the mule deer. Anybody who claims we need to get the cows off the range doesn't know what they are talking about. They weren't here when there was lots of cows and lots of sheep. There isn't any overgrazing in the Ruby Mountains. There was no fire in the 1970s if there was the ranchers put 'em out. All of a sudden you have all this fuel because there is nothing eating it consequently you burn up the countryside just to make the point to run the livestock out. I have seen too much in my lifetime about this overgrazing causing these mule deer to be gone, I ain't buying it, I'm never buying it, I'll go to my grave denying that that's a fact.

Josh Kirby stated that he believes what these guys are saying a hell of a lot more than some of these biologists and asked so how do we convince the people that this argument is legitimate versus what NDOW says.

Mr. Laughlin responded that we have a whole generation of reporting biologists that have been taught this stuff in school and it is really difficult to ever overcome that concept much like segregation in the South. Until those people decide to leave or die, it's not going to change. If you walked into a room in Reno Nevada and said what I just said before a group of people, they would look at me like this old cowboy is crazy man. They couldn't wait to run these sheep off this mountain, they being the Forest Service and NDOW. They run 'em off a here and what happened? They wanted to plant these bighorn sheep here, so they got these sheep out and now the bighorn have died twice. Now how much does that provide? Like my grandkids. You may ask me why do I have a dog in this fight. Well, because I want my grandkids, Pat's boys, to be able to hunt a deer and we gone on for twenty years with this science that they keep reporting and nothing is happening. There is nothing that's going to happen to these deer, these deer are not going to come back unless something releases them. In 1988 there were a lot more deer than any time for a long time before that and I don't know if rained in July or not but I know one thing, we, ADC, sportsmen and trappers put a big dent in the coyotes. What do we think these animals are living on, pine nuts and mountain voles? I don't think so. These are deer eaters, these mountain coyotes. I'm not buying it. Something has to change here. All the things we've gone through and nothing has changed. They say there is 25,000 deer in the Rubies, I don't know. They used to move through there in the thousands and that bunch of deer(22) where we're at, that's what's there, there is no more. That's all the deer there is. That's my feeling. I think the livestock industry, the high fur prices,...

Chairman Raine clarified for the record that Mr. Laughlin does not own any cattle and therefore is certainly not biased toward them.

Chairman Raine asked Mr. Laughlin what he thought of the argument that mule deer declines are all or almost all habitat. Mr. Laughlin responded that he wasn't buying it because it can't all be habitat just like it can't be all predators, but you have to come to grips. Biologist types don't want to address predators, they never have, they never will, it's just that they have to do it. This three dollar tax, the only reason they are doing it is because somebody appropriated the money and they have to do it. When I was running the program, NDOW got by on \$30,000 and I think we (ADC) made them look like a million dollars.

Chairman Raine asked Mr. Laughlin questions regarding funding for ADC protection efforts for livestock. Mr. Laughlin responded that 95% was federal and agriculture dollars and that he always said NDOW got a free ride.

Mr. Laughlin added that salt was another benefit to mule deer. That the bascos cut salt tubs into aspens all over the mountains and moved sheep with salt distribution. The deer loved the salt and followed the sheep all over the mountain. These Ruby Mountains don't have any salt because there aren't any livestock.

Chairman Raine asked Mr. Laughlin if he felt that the deer numbers were down in his opinion. Mr. Laughlin responded in the affirmative and followed with further anecdotal personal tales.

Questions from the audience – Mr. Gerber shared personal experiences and asked how we are going to solve this problem, stating that the way NDOW is handling it, we are never going to get there because they are not facing the issues in the way that we can turn it around. Mr. Gerber continued that he had at least one client and possibly two more who were planning to put money to be used for predator bounties in their estate plans. Mr. Gerber thinks that might be one of the ways and asked Mr. Laughlin his thoughts. Mr. Gerber expounded on all the species and concluded that he is not advocating killing eagles because that wouldn't be acceptable but it would be a wise thing to do if we want help deer and other wildlife especially sage grouse. All the raptors are killing sage grouse.

Mr. Laughlin answered that bounties are probably not the answer.

Wilde Brough asked Mr. Laughlin to clarify who paid him and where the money came from. Mr. Laughlin indicated that it was basically a producer funded program and expounded. Joe Bennett provided further explanation regarding funding. Mr. Bennett indicated that currently their funding is approximately 50% federal, 25% State Dept of Ag., and 25% NDOW. Pat Laughlin expressed a desire to clarify that the money coming from NDOW is mostly from the three dollar predator fee paid when applying for a tag. Mike Laughlin expounded on the program.

Mike Laughlin provided further argument in support of predator control from the Kaibab and shared some conclusory remarks from the study. Chairman Raine confirmed that it was not the habitat.

Cory Lytle thanked the speakers for their time and effort.

Expansion of Gardner's and Laughlin's Presentation – Discussion of Early Nevada History – Jim Ornellas – INFORMATIONAL

Jim Ornellas retired lion hunter from Gardnerville introduced himself. Mr. Ornellas stated that all 57 years of his lion hunting had been done in western Nevada. Mr. Ornellas stated that he was no lion hunting expert because he did not have a 4-year degree and the only thing he could tell you about lion hunting is what the hundreds of lions he has caught have taught him. Mr. Ornellas wanted to announce a new organization called "Nevada Big Game Restoration Group." The reason is because of these mountain lions that are

absolutely out of control in Nevada and that is a big problem. What we have learned is that there are two flies in the ointment on this mountain lion deer interaction. I guarantee you that these mountain lions today, that are protected, are killing more deer than the hunters and poachers together, and that's a fact. As another matter of fact, NDOW claims that ordinary winters claim 30% of their deer herds. You add that that %30 of the deer herds to the 18,000 to 20,000 deer that NDOW says poachers kill, plus the sportsmen's harvest, to the lion kills, now you know why we don't have any deer left. And that is our problem, believe me.

Mr. Ornellas continued by raising concerns over the classification of Mountain lions as big game animals and further stating that a lion kills between 80 and 100 deer a year. Mr. Ornellas spent additional time attempting to substantiate his claims and undermine the credibility of NDOW. Mr. Ornellas admitted to having been in conflict with NDOW most of his life.

Mr. Ornellas identified himself as an advocate of predator control, and he can prove a bounty system does work. The only thing that ever controlled mountain lions in the west was a bounty system. Mr. Ornellas claimed that the only reason the mountain lion was reclassified as a game animals was for the generation of revenues via tag sales. He claimed a conspiracy stated against the lion hunting guides and houndsmen at the lion hunting workshop held in Sparks in 1970s(?). Mr. Ornellas claimed that NDOW pulled the book from this meeting from the library so one could read the book because it would show NDOW lobbied that guides were over-exploiting the lions and commercializing them.

Mr. Ornellas followed that, our big problem here in Nevada is these predators and don't let anyone tell you any different, it is the mountain lion. This is what our organization is about, predators. We are the only organization about predators out of 162 registered organizations.

Mr. Brough asked Mr. Ornellas about the number of lion hunters and their current hunting practices. Mr. Ornellas expounded on current hunting practices.

Mr. Ornellas claimed that AB291 was the worst thing we could do because now we have all this money and pay \$6,000 to \$9,000 a piece for a harvested lion.

Mr. Ornellas also claimed that NDOW's mountain lion management program was a farce and underestimates the true benefits of lion harvest.

Agenda Item #9 – Discussion of Early Nevada History – Tony Wasley – INFORMATIONAL

Tony Wasley provided a brief historical overview of mule deer population dynamics in Nevada through time and expounded on potential causative agents.

Mr. Wasley expressed agreement with Mr. Gardner's descriptions of early Nevada and the benefits of historic disturbance, much of which was caused by livestock, in early Nevada mule deer irruptions. Mr. Wasley stressed that early disturbance by livestock and mining activities set the stage for Nevada's mule deer irruptions. Mr. Wasley was also in agreement with Mr. Gardner that mule deer in Nevada today could benefit from properly timed and located disturbances.

Mr. Wasley stated that while precipitation patterns may mitigate some of the impacts of poor forage quality on Nevada's deer ranges, ultimately, vegetative disturbance is required to restore forage production and diversity. However, sites must be carefully selected to elicit the desired response.

Chairman Raine confirmed points of agreement with respect to deer and tried to gain clarification of impacts of disturbance on mule deer and livestock. Discussion between Mr. Wasley and Chairman Raine ensued.

Agenda Item #10 – Review of Committee Assignments – Chairman Raine – INFORMATIONAL

Chairman Raine will prepare Draft Charter for committee review and approval
Chairman Raine will prepare Draft format for recommendations for committee review and approval
Mr. Carpenter will be liaison for Cattlemen and Farm Bureau
Mr. Laughlin will be liaison for Wildlife services

Items for research by committee members include;
Cory Lytle – energy development, shed horns, wild horses, pinyon juniper encroachment
John Carpenter – ungulate competition, road crossings
Pat Laughlin – predation
Chairman Raine – doe hunts
Wilde Brough – genetics, secondary effects of helicopters, agency bureaucracy
Tom Barnes – Grazing

Agenda Item #11- Date, Time and Location of the Next Meeting – Chairman Raine – ACTION

The next meeting will be held at 12 noon on April 29, 2010, at the NDOW office in Elko

Agenda Item #12-Adjourn – Chairman Raine - ACTION.

There being no further business the meeting was adjourned.

Submitted
Tony Wasley
May 13, 2010