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Articles

Pg 1. President's Message

By William Molini

Pg 3. Northern Nevada Wetland Conditions -2019

By Norm Saake

Pg 6. Getting youth involved

By Chad Harwell

Pg 7. Gaming Control Board

By Jim Giudici

The FLYER

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(raffles). With our emphasis on making our dinners family oriented events which encouraging attendance by young people, this provision would substantially hinder our fundraising ability, especially our efforts to recruit youth to participate in waterfowl hunting as well as wetland and waterfowl conservation.

We took a very active approach to this potential problem, not only by writing but also by contacting the many other non-profit hunting organizations to rally behind our efforts to amend the proposed regulation. As a result the following organizations either wrote letters in opposition to the proposed regulations or testified before the Gaming Commission, or both: Nevada Bighorns Unlimited, Ducks Unlimited, Coalition for Nevada Wildlife, Rocky Mountain Elk

Foundation, and the Northern Nevada Chapter of Safari Club International. The Commission adopted new regulations last October, and they did address our concerns. You can read more about the regulations covering charitable lotteries in Nevada and the potential impacts on organizations such as ours in an article by Jim Giudici on pages 7-8 of this issue. I do greatly appreciate the other hunting organizations rallying to the cause.

I am sad to report that Daryl Harwell's wife, Cheryl, died in July. Daryl is our board vice-chair and long-time supporter and active member of NWA. Please join me in sending positive thoughts and prayers for Daryl and his family during this difficult time.

Happy Hunting and thank you for your support of NWA.

Willie Molini

LETTER FROM THE EDITOR

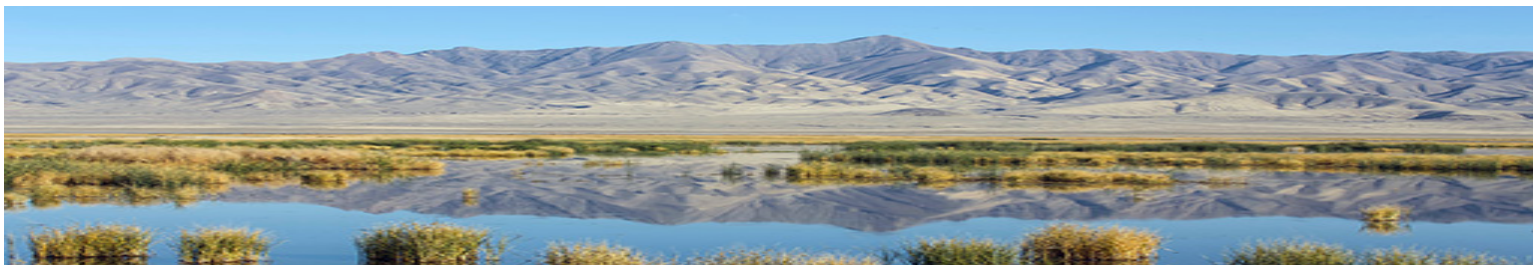
I hope everyone enjoys this season's edition of the flyer. But if you would like to write an article, we would love to hear from you. Have a great story you want to tell, or just something interesting you want to say, we would love to add it to next seasons flier.

We are in desperate need of pictures as well so we would love to see yours.

If you want to share anything, please reach out to us at admin@nevadawaterfowl.org

“When done under the rules of good sportsmanship, duck hunting is a culmination of art, skill and scientific endeavor. It is also an act of love, for who loves the birds more than the hunter?”

Natalie Regoli, Post author/editor – 25 Good Duck Hunting Sayings; 2019 blog futureofworking.com



NORTHERN NEVADA WETLAND CONDITIONS - 2019

-- Norm Saake

The September aerial survey was the first look at wetland conditions from the air and gave some idea of waterfowl numbers prior to the start of the general waterfowl hunting season. Aerial surveys were scheduled to be flown in north-eastern Nevada in mid-September and again in mid-October. Surveys are planned to be flown monthly from mid-September to mid-January on the main Lahontan Valley wetlands, the Humboldt Wildlife Management Area, and Jessup. Results of these surveys will be posted as soon as the data can be compiled on the Nevada Waterfowl Association website (<https://nevadawaterfowl.org/population-data/>). Most flights will be made as close to the middle of each month, but avoiding weekends and Wednesdays.

Again this year, waterfowl hunters will be finding improved conditions on most wetlands with an abundance of water and feed as a result of last winter's heavy snow pack. Hunters were encouraged to get out before

the season to take a look at their favorite hunting spot so as to not experience any surprises before opening day.

For hunters in the north-eastern part of the state, Elko and White Pine counties, your season began on September 21 with a closure on October 20 and 21. In western Nevada, the season started October 19 and closes on Friday January 31. Hunters need to be aware that there are a little different dates for snow geese and scaup again this year.

Following is a short synopsis of wetland conditions as of the first of September for some of the more popular hunting areas in northern Nevada:

Stillwater NWR

Water supplies have been excellent this year and most units are full at this time, with the exception of Swan Lake and South Tule Lake, which may get water as the fall progresses.

Carl Lunderstadt, the new Fish and Wildlife Service refuge manager, has done an excellent job of managing this year's water deliveries. Pintail Bay, which has been hold good numbers of birds

throughout the season. The North Nutgrass also maintained water throughout the summer as a result of extra water releases from Lahontan Reservoir this spring and early summer and food production is estimated to be very good and this unit had the majority of the birds in September.

This has been the number one hunter-use area in the state and is expected to provide a lot of opportunity on the over 12,000 wetland surface acres open to hunting. The area is open seven days per week, but does have some unit specific boat regulations. Dense cattail growth has been a limiting factor in the past, but this year the refuge is trying out a new machine to open up clogged channels. Hopefully this will allow for easier boating access.

Carson Lake (Greenhead Hunting Club)

This area is still in the process of being added to the list of State owned wildlife management areas. Congressman Amodei has taken up the cause and the transfer should be completed by November of 2020.

Continued on Page 4.....

This area suffered significant damage in 2017 from the large amounts of flood waters discharged to the area to prevent flooding in Fallon. As a result of these flood waters, four of the main water control dikes were breached and only in the last month have they been temporarily patched. Full repairs will probably not be totally completed for a couple more years. As a result of the damage from the 2017 flood, the area was not able to take advantage of the free spill water available this spring and has remained basically dry much of this summer while repairs were in progress.

As of September 1, all drain waters entering this area are being directed toward filling the wetlands in addition to the almost 7,000 acre-feet of water rights the State has purchased over the last few decades. By the start of the waterfowl season, almost all units should have water and habitat for migrating birds.

Historically, this area has been the second most important wetland in the State in terms of waterfowl numbers and hunter-use. Hunting cover is very limited this year because water could not be delivered to the units this summer and waterfowl food plants is limited to moist soil weeds that grew on the dry lake beds. Even with less than ideal conditions, hunters should not sell it short this

year. This is a fee area, with both yearly and daily fees available. Daily permits are only available after the second weekend. The area is open seven days per week, but does have some boating regulations.

Humboldt WMA

Flooding along the Humboldt River system this year completely fill Rye Patch Reservoir and sent flood waters on to the Humboldt WMA. As a result both main lakes were at maximum levels throughout the summer, which resulted in excellent waterfowl food production. Because of the high water the lakes are wide open and there is very little hunting cover except along the shoreline, but feed conditions should hold very large numbers of ducks, geese, and swans this fall. Water levels are expected to be allowed to slowly decline somewhat throughout the entire hunting season.

Currently the Toulon Unit has about 50% water cover, but substantial flows are being received from the Irrigation District and the area should be full by mid-November. The northern third of the unit had water during this summer and has good hunting cover and food conditions. The remainder of the area did produce some moist soil food plants, but hunting cover will be marginal.

The area is open seven days per week with few area regulations except there are no airboats allowed on the Toulon unit.

Mason Valley WMA

This State owned wildlife management area is located just north of Yerington and has received flood and high water flows from the Walker River throughout most of the summer. The State Western Wildlife Management Area Region has a new manager, Isaac Metcalf, who has done amazing things with this area and other areas in western Nevada, since he has taken over management of the wetlands. All ponds should be full for the entire season and feed conditions in both ponds and fields should be optimum. Currently this area is probably in the best shape it has ever been.

The area is open throughout the season on Saturdays, Sundays, and Wednesdays and the following legal State holidays: Nevada Day, Veterans Day, Thanksgiving, Family Day (day after Thanksgiving), Christmas, New Year's Day, and Martin Luther King Day.

Jessup Flat

This is a unique wetland area, which is mostly on BLM public land, is located south-east of Highway 80 and west of Highway 95, in Churchill County. Access to this area

Continued on Page 5.....

is very limit this year because of maintenance done on the railroad and because of high water levels.

As a result of high continual water flows on the Humboldt River this year, the area has had water though most of the summer and will continue to receive adequate water to maintain the area throughout the remainder of the year. This area should have produced a good growth of waterfowl food plants this summer and is expected hold good numbers of birds this fall. Hunting cover is limited and most ponds are wide open.

Ruby Lake NWR

Last year's above average winter in north-eastern Nevada has resulted in very favorable wetland conditions on this Fish and Wildlife Refuge wetland. As a result all hunting units are at optimal levels this fall and bird numbers should be good until freeze-up. Because this portion of the State freezes

before the rest of Nevada, the hunting season begins a month earlier than the remainder of the State. Hunters, who do not mind the travel, can experience an additional month of waterfowl hunting here. There is a short mid-season closure October 21 and 22 to stay within the maximum number of days allowed under Federal regulations. Hunters who enjoy waterfowl hunting with and almost complete lack of any competition and on one of the most picturesque wetland, should certainly consider a hunting trip to the Ruby Marsh at least once or twice this year. While conditions are good here, bird numbers are down because of conditions on Franklin Lake. Two units in the refuge in the closed portion of this area are currently dry for vegetation control, but this should not have any impact on hunting conditions this year. Hunting is allowed seven days per week.

Franklin Lake WMA

Franklin Lake has received very good water supplies throughout summer and waterfowl food production should excellent this year. The management area only contains water in about three to four years out of ten, but when it does, waterfowl numbers are truly impressive here. This year, the area has about 60% water cover and many of the shoreline bays are dry. This area traditionally holds large numbers of mallards, pintail, canvasbacks, and teal during the fall in those years where water is plentiful.

Public access to the west side of the marsh is only available from the one Department of Wildlife road and parking lot, but hunters can access much of the lake from the eastside if they are careful and there hasn't been any recent heavy rain.

As with the Ruby Lake wetlands, this area also opened one month prior to the waterfowl season in the north-western part of the State and is open seven days per week.



Getting Youth Involved

--Chad Harwell

Luckily for me, I got to grow up in a household that loved to hunt. I started hunting as soon as I could and went out on an antelope hunt when I was only 22 days old. I have been with it ever since. Recently I've been lucky enough to volunteer Wetlands and Wings, an organization that is all about getting youth into the sport of hunting. As everyone knows, children are the backbone of hunting and conservation.

Wetlands and Wings offers two different hunts. The first is a basic hunt to get kids interested in hunting. Nobody likes to go out and be unsuccessful, as many of us happens frequently. They take the kids out to teach them basic gun safety and have them shoot clay pigeons. Afterward, live pheasants are planted in field and, once the kids are ready, they get to go out behind trained bird dogs and get an



almost guaranteed hunt (as long as they can shoot straight, that is). After a successful day, the mentors teach basic field dressing and ways to cook the pheasants.

The other type of hunt is an actual hunt, usually for ducks out in the marsh. They will take graduates of the pheasant hunt that are up to the challenge out for ducks. This happens during one of

the two youth days during the year and gives children a chance to try their hand at duck hunting. One of the best things about Wetlands and Wings is that they have all the gear to provide, so they just need the kids. They are almost always looking to recruit more kids to participate in their events, which means it is all absolutely free. If you or anyone you know can think of someone that might want to get their kids into hunting, just go to the Friends of Stillwater website at: <http://www.friendsofstillwater.org/p/wetlands-and-wings.html> or contact Bill Henry at brantman.bill@gmail.com (775) 666-5248.



I hope to see you all out there!



Nevada Gaming Control Board

-- Jim Giudici

As members and supporters of Nevada Waterfowl Association ("NWA") know, a key part of our mission statement is to get the younger generation involved in our conservation efforts. In fact, NWA has always been a family-oriented organization and we do everything that we can to include children in our events. At our annual dinners in Reno and Fallon, we conduct special raffles for kids and we allow them to participate in all of our raffles and auctions. Sometimes we even have children actively participate in selling tickets and helping run some of the games. I suspect that every other conservation organization in Nevada also allows children to participate in their fundraisers.

The NWA Board of Directors was therefore surprised to learn over the summer that the Nevada Gaming Commission was preparing to amend the regulations concerning charitable lotteries to prohibit minors

from participating in raffles. Proposed Regulation 4A.40 would have prohibited NWA (as well as all other conservation organizations) from allowing: "A person under the age of 18 from entering, purchasing tickets for entry into, collecting winnings from, or participating in the administration of, whether personally or through an agent, any charitable lottery." A "charitable lottery" is essentially a raffle. Had that proposed regulation gone into effect, NWA would not have been able to let minors attend our fund-raising events.

NWA President Willie Molini took the lead in responding to the proposed change and alerted the Coalition for Nevada's Wildlife. Several members of the Coalition joined him in writing to the Commission about the impact the new regulation would have on the conservation community. Those efforts paid off, and it appears the Commission is re-considering the regulation. While we await the next administrative step, it may be worth a quick review of this matter to keep our members fully informed about what is happening.

The original Gaming Control Act was enacted in 1955. The prohibition against minors participating in gambling was in the original act and is now in NRS 463.350. That statute provides, in pertinent part: "A

person under the age of 21 years shall not ... play ... any gambling game."

Charitable lotteries were legalized under Chapter 462 in 1991. Between 1955 and 1991, it was common for non-profit organizations such as schools, hospitals and conservation groups to conduct raffles as a source of fund-raising for their various causes. Technically, such raffles were illegal, but tolerated because there were so wide-spread, did not involve much money and simply were not considered to be "gambling". Eventually, the Legislature decided to formally legalize such raffles and allow the Gaming Commission to regulate them. That led to the passage of Chapter 462.

At that time, the Teachers' Union took the lead before the Legislature on the question whether minors could participate in charitable lotteries. Most school districts in Nevada at that time conducted raffles involving their students to help raise funds for various school projects. It was important to the Teachers that schools be allowed to continue conducting such raffles. At the same time, conservation organizations like NWA supported the Teachers so that minors could participate in our fund-raising efforts.

Continued on Page 8.....

The Legislature solved the problem in NRS 462.105 by defining the term "lottery" for purposes of Chapter 462, in pertinent part as: "any scheme for the disposal or distribution of property, by chance, among persons ... whether called a ... raffle ...". The Legislature's use of the phrase "among persons" was significant. Minors are, of course, "persons". By defining "lottery" as it did, the Legislature authorized minors to participate in charitable lotteries.

If the Legislature had wanted to prohibit minors from participating in charitable lotteries, all they had to do was add the phrase: "over the age of 21" right after the word "persons" like they did in NRS 463.350 to prohibit

minors from participating in gambling. The net result is that the Legislature prohibited minors from gambling but allowed minors to participate in charitable lotteries (raffles).

Things got confused this past summer because the last Legislature enacted new legislation concerning "Charitable Games" in AB 117. Those charitable games involve versions of traditional gambling games such as poker and blackjack. It makes sense that the Legislature does not want minors playing versions of such gambling games even for a charitable purpose. But that is still distinct from letting minors participate in traditional raffles conducted by qualified organizations like

NWA and all the other conservation groups who are trying to get children involved in their efforts, as well as all the schools in Nevada that conduct raffles among their students.

After receiving comments from the public, the Gaming Commission referred the proposed regulation changes back to the Control Board for further consideration. All indications are that minors will continue to be allowed to attend our fund-raising events and participate in our raffles. Minors will still be prohibited from participating in gambling as well as Charitable Games. We will keep the membership informed.



Yes, I want to join Nevada Waterfowl Association

and help in the effort to save Nevada's endangered desert wetlands and the wildlife that is dependent on them.

_____ **New Member**

_____ **Renewal**

Name: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

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