

Clark County Advisory Board to Manage Wildlife

Meeting Minutes

Tuesday, August 4, 2009

6:00 p.m.

**Clark County Government Center, Pueblo Room & Shoshone Conference Room
500 Grand Central Parkway, Las Vegas, NV.**

Advisory Board Members Present: Paul Dixon, Chairman
Tracy Truman, Vice-Chairperson
Paul Harris
Gary Pratt

Advisory Board Members Not Present: N/A

Call to Order

The meeting was called to order at 6:02 p.m.

Public Comment

Commissioner McBeath introduced two newly appointed Wildlife Commissioners who were appointed by Governor Gibbons in July. Bruce Kobrin was appointed to the general public position formerly held by our former Commissioner Lurie. Charlie Howell also from Las Vegas was appointed to the Sportsman's position held by Dan Swanson. Paul Dixon stated being the largest community in Nevada it's nice to be represented strongly on the Board by three Commissioners.

Lewis Wallenmeyer, Director of The Department of Air Quality & Environmental Management Clark County, the business of this committee and assisting it according to the states desire falls under his purview. Due to retirement of staff, Lewis will be providing support to the CAB, advising the group & ensuring the group is operating properly.

Lewis was not aware of the three appointments that were coming to an end at the end of June. Lewis heard from Cindy Alexander that June was her last meeting as Chairman along with Deal Sneed & Tracy Hammond. We have a statutory time limit in order to get new board members appointed which is 60 days and then 90 days to notify the Wildlife Commission who those appointees are. We have received applications for the three positions which have been sent to the Commissioners for their consideration. Lewis will be putting forth an agenda item for the August 18th, to the Board of County Commissioners meeting for them to fill those appointments & after those appointees are sworn we will notify commission.

Commissioner Lurie enjoyed time serving on commission and respects CAB Boards and work & dedication they put into the meetings. On August 25th at

10:00 a.m. is the dedication at Clark County Shooting Park in Las Vegas. Senator Reid will be attending the dedication. The park is 90 percent complete. Invitations have been sent to Hosts, there are 30 hook ups for Hosts, 80 hook ups for trailers. Over 50 million dollars has been put into the Clark County Shooting Park. The park is state of the art; one of the largest parks in the United States. Paul Harris asked: do you need to get an invitation to attend the dedication. Paul Dixon provided a number to call if you wanted to RSVP.

Tracy Truman thanked Mr. Lurie for his service. Tracy asked Mr. Lurie once the shooting park is completed will Metro be enforcing more stringently shooting in the desert in unauthorized areas? Mr. Lurie stated that is part of the plan.

Member Comment

Paul Dixon announced on Saturday August 8th, from 8:30 a.m. to 1:00 p.m. at the Nevada Division of Forestry Room on West Las Vegas Drive, Craig Mortimer, is holding a Nevada Water Foul Summit to pull together his recommendations to take up to the Commission Meeting in Elko. Craig will cover habitat population status harvest & 2009 – 2010 hunting regulations which we will go over tonight. Changes in continental water foul management, and North America habitat projects that are being suggested for the Overton area, Pin Tail banding status and what is going on with that & any other topics requested by participants, Mortimer will take to Elko. Craig will bring write up of meeting & results of Commission meeting for everyone to hear.

Paul Dixon discussed travel and that Board Members are only allowed to travel to two meetings a year, we are going to get verification on that. Paul cannot officially travel to the Elko meeting so; he will be looking for one of fellow Commissioners to volunteer. Paul will probably attend anyways because he wants to attend. September meeting in Las Vegas so no travel will be involved. Gary Pratt asked for date of Elko meeting. Paul responded Friday August 14th & August 15th.

Clint Bentley announced NDOW doing a Big Sheep Capture on Saturday, August 8th at 5:30 a.m. at River Mountains. Drop-nets will be used to capture up to 12 sheep at a time. Clint asked for volunteers to help keep the sheep calm during the capture.

Cindy Alexander asked if a Board Member could attend the Water Foul Summit, the Board worked really hard to get the summit down to Las Vegas. Paul Harris will attend the Big Sheep Capture and will attend the Water Foul Summit.

I. Approval of Agenda for Tuesday, August 4, 2009– Action

Motion to approve the agenda for August 4, 2009. The agenda was approved unanimously as written. Motion carries.

II. Approval of Meeting Minutes June 16, 2009 – Action Item

Motion to approve. The meeting minutes from June 16, 2009, were approved unanimously as written. Motion carries.

III. Action Item on the Nevada Wildlife Commission Agenda for meeting August 14th – August 15th meeting – Action

Paul Dixon commented at the time we public noticed CAB meeting he had not received this agenda, so he had a broad statement that the CAB would look at the action items. The way the agenda is set up for the Commission meeting, the first two items are informational which deal with the elk damage regulation & the commission policy #1 and then later in the agenda they become action items you vote on. Talking to the board since the action & information items were just added do they prefer to talk about first two items and take action and discussion on them now.

Tracy Truman preferred to discuss them under action items since that is the only place action can be taken. Paul then asked for public comment on first two items if anyone has seen public comment on Commission General Regulation 364 which proposes changes to elk damage. No public comment.

Tracy commented discussion should occur later when Board could vote on action. Lewis Wallenmeyer commented you do have the option to take the two items together information and action ones at the same time and discuss them together and then take action on the one that is actionable.

1.&12.Commission General Regulation 364 LCB File No. R206-08- Game Division Chief Mark Atkinson- Informational (3.1 & 3.2)

Propose changes to elk damage and elk incentive tag regulations which make revisions to NAC 502.42259, 502.42261, 502.42263, 502.42266 and 504.350.

Paul Dixon asked if there was any public comment. There was none. Paul then asked Board to review proposed regulations and look at red line strike outs and asked if there were any questions or concerns. Main changes were in order to get the established elk deprivation plan for taking elk out of the system, they have changed how they get to areas previously land locked by farmers. The change in the regulation allow state to say if you are going to get leasing tags from deprivation you need to allow hunters access through on your land.

Commissioner McBeath commented they have been doing in practice what they are now doing in this regulation & the regulation cleans up language & provides access to hunters.

Motion to support regulation on item 12, motion approved. Motion carries.

2&13 Commission Policy # 1, First Reading – Commissioner Scott Raine - Informational / Action

Paul Dixon commented Commission Policy # 1 had been revised earlier this year. Now they have taken Commission Policy # 1 and divided into three separate policies with changes. CAB walked through each policy, general guidelines and discussed the changes. The CAB first discussed the redline strike text, then made recommendations on the existing language in the policy.

New text issue: Commission Policy #1, the added text added words having to do with formally recognizing individuals and entities that provide any gifts, grants, donations, or bequests to NDOW. With this new text, Paul stated he believes that any monies given to the Department of Wildlife, the Commissioners will have the ability to see and direct how the monies are being spent. This is a big change to Policy #1.

Changes to existing language: The Policy currently reads “The chair approves the agenda for the Wildlife Commission four weeks in advance of the Wildlife Commission meetings, and distributes that material two weeks prior to the Commission meeting. Paul Dixon stated one of the reasons for our agenda lacking detail on the Commission agenda items is that when we publicly sent out our agenda(in order to make the public meeting notice deadline), we don’t have the draft final Commission agenda. One of the reasons we have had this meeting at this date is such that we have time to get this meeting we didn’t have the Commission agenda detail. One of the reasons we have our CAB two weeks in advance of the Commission meeting is so we can have the meeting and get our recommendations in and distributed well in advance of the commission meeting. This way the Commissioners can review our recommendations prior to the next Commission meeting. The question is if the agenda is approved four weeks in advance, why wouldn’t the Chairman release it at that four week in advance period. The support material could come later but the agenda could be released. Paul made the following that we vote on the redline strikeout and then in a separate motion discuss the release date for the draft agenda. Paul asked for public comment.

Commissioner McBeath commented the Commission gets a draft agenda you would have to take into account it is a draft.

Cindy Alexander stated frustrating to get agenda together to know what to put on it. In the current environment that you are forced to work under, personally likes lump sum agenda, and they make any changes, you are still able to discuss what is on the final agenda. Paul commented Lewis Wallenmeyer had discussed that Air Quality & Environmental Management is not comfortable not having that level of detailed agenda for publically noticed meetings. The reason for not holding meeting closer to Commission meeting is the availability of Stacy Matthews from Air Quality to type up the meeting minutes for distribution before the Commission meeting. Other CAB's have in their budget a secretary that handles that function.

Lewis returned to the meeting with an update on the power outage. Paul briefed Lewis on Cindy's comments about the condensed publicly released agenda so the CAB could adjust for last minute additions and that Lewis had expressed a concern about having a condensed agenda. Lewis it's best to be very specific on agenda items to comply with the Public Meeting Law. If Commission agenda items are not finalized you could put item on agenda as draft agenda items and note that they are draft subject to change and any additional items will be added to the discussion.

Commissioner McBeath commented agenda items could change up to three days prior to the meeting. Mike felt the CAB could have the draft agenda in time and state items are draft and subject to change, items could be added or deleted. Lewis commented that would be much better approach to being as specific as you can at that time and subject to change.

Paul asked Commissioner McBeath if the CAB could make a recommendation to the Board to change language. Mc Beath stated absolutely the Commissioners would like to know what CABs think and want changed.

McBeath stated Former Commissioner Lurie dealt with legislation that recognized people who made contributions to NDOW and what was done with the donated funds. McBeath stated the regulation deals with concerns that were raised as to the ability of Commission to direct where the funds go if the person that made the contribution has already directed where the funds go. The proposed regulation change indicates the Commission may direct funds that have not been earmarked but if a benefactor indicates funds to be used in a specific manner that will be respected. Some people make recommendations and don't want recognition. McBeath recommends that regulation include a statement if a donor does not want to be recognized for their contribution that is

honored. Paul Harris wants to respect the wishes of people who want to donate without recognition.

Paul Harris asked McBeath if large donor or individual wants to fund program asked why does the Commissioner need to direct where the funds are directed if NDOW is doing matching funds. If people are bringing projects forth with donations we should welcome that. Some people don't want recognition. McBeath stated conditions should be written into donation, anonymous, specific fund, only spent on x, y, z. If they don't write any restrictions the Commission does have oversight to say where the funds go and what funds are spent on. Donor should be aware of these issues before donating. Paul stated Commission could lose donors for projects that money was intended to go to if people weren't aware careful dotting the "i's" and crossing the "t's", the Commission could use the money elsewhere.

Clint Bentley stated all this language was an end run to set a policy get around these issues that were not supported by the legislature. These changes take away the ability of NDOW to manage funds received for emergency projects. If something comes up, NDOW need funds, they might have them and the Commission could direct they go to different organizations. You have taken the ability away from NDOW to handle emergency situations. Clint stated that there is a real possibility of losing matching funding, up to 50% of funding in his opinion. Paul Harris stated that RMBS is an example of a donating organization that has done so much good for the state. If people are willing to give money in this economy, why would you pass this legislation?

Paul Dixon read Commission **Policy # 3 – Section 7 Acceptance of Gifts, Grants, Donations & Bequests** read in to the record.

NRS 501.356 (4) provides that any matching money received by the Department from any source must be accounted for separately and must be used only for the management of wildlife. It also states that the Commission has guidance over monies from the sale or issuance of a license, permit or tag (other than the PIW, Heritage, or Silver State) which are deposited in the Wildlife Account, pursuant to subsection 2 of NRS 501.181 (AB516.75th Session).

NRS 502.253(3) states that the Commission has guidance over any program developed or wildlife management activity or research conducted from monies collected by the \$3 predator fee pursuant to subsection 2 of NRS 501.181 (AB362, 75th Session).

All gifts, grants, donations, and bequests made to the Nevada Department of Wildlife, or any Division thereof, will be presented to

the Commission in a public meeting for recognition. The Commission may offer input on which programs monetary gifts should be allocated if not so designated by the individual, group or corporation donating, granting, bequeathing or gifting. The Commission shall ensure that gifts, grants, donations, and bequests are used for their intended purposes. State grants, federal grants, PIW donations, and Operation Game Thief donations are specifically excluded from the requirements of this section of policy.

Paul Harris stated we have already voted on this the middle one with the predator fee. Instead of the monies going to help predators for all animals, that goes back to we are going to use it all for mule deer. The sportsmen or state that pays \$3 that is not what they want. Legislature was already shot down in the Legislature. Former Commissioner Lurie stated you should not support this legislation.

Cindy Alexander stated Sportsmen would not support this change. Paul Harris stated Cabs unanimously voted this down twice and felt this was an end run around issues. Motion to strongly reject change in policy 1 for the third time, motion approved. Motion carries.

Policy #1 section 3 Paul Dixon made a recommendation that under Policy #1 section 3 should be amended as follows: The draft agenda is distributed to CABs 3 days after the Commission chairman approves it. He also noted that this agenda is subject to change such that we can have our meetings with the correct public notification of what is going to be potentially covered at the Commission meetings. McBeath stated might want to make comment that Mr. Wallenmeyer made requiring the detail in the agenda, a County recommendation. Tracy Turman stated we ran into this issue at the last CAB meeting where we could not discuss Fur Bearer seasons for any animal except bobcat, and were thus unable to take action because it was not specifically on the agenda and had not been publicly noticed under the Open Meeting Law (NRS-241.xxx). Cindy Alexander stated once agenda is posted you can have changes as to the order of topics you cannot change an action. You can discuss anything you want, you can't take action. Tracy commented that is the nature of Open Meeting Law to let public know what items are being discussed and actions that will be taken at the meeting so the public can come and give their input. Lewis commented that by having an abbreviated agenda, it does not describe a level of detail where the public would know what is being discussed. The public might be interested in the subject and have input. McBeath stated that we need to get draft as soon as possible. He also noted that we may not get changes to the Commission agenda as the items may change up to three days before the Commission meeting. McBeath recommends something in notice that final agenda will be posted on NDOW website. Paul noted that the three day public noticing of

meetings does not count the meeting day as one of three days for Public Meeting notification.

Motion was made to recommend Commission to provide CAB with draft of agenda subject to approval and change, with or without supporting documentation within three days of date generated by Chairman. There was a second, motion carries.

Lewis Wallenmeyer stated as a point of clarification on posting the meeting, not later than 9:00 a.m. on the third day before the meeting.

Policy # 3 Appeals Policy Paul Dixon stated this appears to be a complete re-write. Paul then read the following changes into the record.

POLICY

It is the policy of the Board of Wildlife Commissioners to follow the procedures prescribed in NAC 501.140 through 501.190 for conducting appeal hearings.

To guide the Commission in the appeals process and the conduct of hearings.

Procedure: The Commission is acting in its quasi-judicial capacity and will determine appeals within their authority based on information presented during the hearing only and as prescribed in statute and regulation. Commissioners will not engage in discussion with the appellant, or about the appeal with anyone, Department personnel or any other person regarding the facts or circumstances associated with said appeal.

Commissioners will decide an appeal based solely on information presented at the hearing including any pleadings or other documents submitted by the parties, and as prescribed in statute and regulation. Information about appeals will only be distributed to the Commission and appellant prior to the hearing. All non-confidential information will be available to the public at the hearing.

The Commission will not take public comment on appeals. CABMW members will not communicate with the Commission members concerning appeals. The policy shall remain in effect until amended.

Tracy asked Paul if this is a new policy. Tracy commented an appellant issue would be for an example where the commission decides to revoke a guide's license. McBeath had an appeal NDOW tried to revoke a permit for a guide collecting and breeding gila monsters. Tracy stated that the

appellant process takes citation material the Commission would consider about the appellants statement to the Board for consideration. McBeath stated we have the Administrative Procedures Act at the Federal Level and State level which he feels would be a controlling set of procedures. McBeath believes it would be a controlling set of procedures. McBeath would question Attorney General Stockton or Attorney General New regarding existing statute and regulations under statutes that deals with procedural due process and how hearings are conducted. Tracy stated he felt there has to be a conflict. McBeath agreed.

Paul Dixon asked McBeath about the portion of the procedure that states it is "quasi judicial" and if your not allowed to talk about it why would it be on an agenda to come to the CAB's. McBeath found this bizarre that at a Commission meeting they had a hearing. Tracy Truman stated he felt quasi-judicial is the wrong word, the way this works in administrative law, you have an administrative body that makes a decision. Once the appellant has gone through the administrative process and the appellant has lost then he can continue up the appellant process. Commission cannot fashion another remedy for him, can only say yes or no; not acting in a quasi judicial fashion. You have a body of administrative law so you have an administrative remedy for the appellant so that if he feels disgruntled after the administrative body is done with him then he can seek judicial review.

McBeath: NDOW sits as branch of government. Commission and Department are sitting as part of executive branch. Judicial branch is our courts. Executive branch cannot do what is done in judicial branch. Sometimes executive branch is given power to act on behalf of judicial branch. Judicial court still must be able to rule on that. McBeath states he does not know where this is coming from. Tracy recommended tabling or not supporting this, there is no back up, not sure about the legal ramifications, could be a statue in place.

Motion to defer any action on Commission Policy # 3, the Appeals Policy given any action we may take may conflict with NAC or NRS. There was a second, motion carried.

Policy # 4 Petition Process and Adoption of Regulation Policy

Paul Dixon stated there are extensive changes to the policy.

It is the policy of the Board of Wildlife Commissioners to accept input on proposed regulations, seasons and bags. Paul stated they are trying to clarify roles CABs play as well as fact the general public can give recommendations in writing to the Commission. Tracy asked does the CABs role become insignificant. Paul is not sure if this diminishes CAB's input. Non CAB members can give input.

Paul read for the record #3 paragraph 4:

The petitioner should attend the Commission meeting and make a presentation with background material. Petitioners should be aware that the following requests generally are disfavored absent compelling new information: reconsideration of regulations that have been amended in the preceding 5 years, or reconsideration of rules that have been petitioned and denied in the preceding 5 years.

Paul stated he is having trouble with the fact that you are not able to make a change to a regulation that has been amended in the last five years. If you find something that should be changed you should be able to change it. Paul stated cannot say we support unless you surgically take apart. Lurie felt AG wrote, it's too detailed for the Committee to have written.

Tracy Truman went down the list and stated he did not have a problem with the following:

PROCEDURE

1. INPUT ON PROPOSED SEASONS AND BAGS (ALSO KNOWN AS COMMISSION REGULATIONS OR CR'S)

County Advisory Boards to Manage Wildlife (CABMWs) or members of the public

may provide input to proposed seasons and bags via letter, email, fax, phone, or in person at a Commission meeting.

Since NRS 501.260 to 501.325, inclusive, establishes a process for county advisory

boards to manage wildlife to solicit and evaluate local opinion for wildlife management and to submit recommendations to the Commission for seasons, bag limits, **and** hours, and ~~special regulations~~, individuals are encouraged to initiate ~~these~~ **requested changes or make**

recommendations changes through their **local CABMW** county board in ~~which they reside~~. However an individual may request the Commission to

Letters should be addressed to the Chair **in care of (c/o) Secretary of Board of Wildlife Commissioners**, the Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada 89512. **Contact by phone: 775-688-1500, or fax: 775-688-1207.**

To be considered for the upcoming hunting season, the suggestions must be sent prior to the season-setting meeting. The input must contain the author's name, address, and phone number, at a minimum.

Tracy recommended supporting paragraph 1. Cindy asked if policy is new. Tracy stated the green underlined area is new and the language is to clean up the policy. Tracy stated #2 & #3 are also new.

2. INPUT ON PROPOSED PERMANENT REGULATIONS (ALSO KNOWN AS COMMISSION GENERAL REGULATIONS OR CGRS) NRS

also permits CABMWs or members of the public to provide input on proposed regulations (in conjunction with a current rulemaking process) via letter, email, fax, phone, or in person at the Commission meeting. Input should be in the same format as stated above, and must contain the same identification information as above. Individuals are encouraged to initiate these changes through the county in which they reside.

3. SUGGESTING CHANGES TO REGULATIONS NOT IN CONJUNCTION WITH CURRENT RULEMAKING

NRS 233B.100 permits any individual to petition the Commission for filing, amending, or repealing a permanent regulation by submitting a completed petition form developed by the agency and following the agency's prescribed process. A petition is required to change or amend permanent regulations that are not in conjunction with a current rulemaking process. If accepted by the Commission, the rulemaking process will begin, legal entities will assist in drafting proposed language, which then will be placed on future agendas for workshop and then a vote (on separate days). This is a lengthy process.

PETITIONER RESPONSIBILITIES

The petition form must be complete, conforming to NAC 501.195 and petitioners should be prepared to submit complete documentation in support of the rule changes that are being proposed. If the petition form is not substantially complete, it may be returned to the petitioner indicating the deficiencies, and not placed on a Commission agenda. The petitioner may resubmit a revised form that completely answers the questions. Petitioners should contact staff in the pertinent Division for assistance with the process or clarification related to the information that is suggested.

Clint Bentley commented in the past they have had petitions that were not acceptable then went ahead and processed them. Cleaning this up will help staff and public to work permits more efficiently. Clint feels this is a clean up on the existing regulation.

STAFF RESPONSIBILITIES

Division staff shall provide background information and pros and cons pertaining to the petition, during the hearing process.

CABMWS AND PUBLIC INPUT

CABMW members and the public will have full opportunity to provide input before a vote is taken by the Commission, during the public comment period after the petitioner and staff presentations. Due to the nature of a live hearing, CABWMs will not receive sufficient information before the hearing on the petition to make a recommendation. CABWMs and public will have opportunity for input after a petition is accepted but before any action takes place to implement the request.

COMMISSION DECISION-MAKING With petitions, the question for the Commission is solely whether to begin a rulemaking process. Any decision to accept, deny, or modify the petition will be made based upon all of the information placed in the record at the time of the hearing; that includes the information presented by the petitioner, staff analysis, and public comment. The Commission must follow procedures for petitions outlined in NAC 501.195.

Commissioner McBeath commented he had one question regulation states due to the nature of a live hearing, CABWMs will not receive sufficient information before the hearing on the petition to make a recommendation. McBeath is an absolute proponent of CAB involvement and CAB should get as much information as possible. McBeath sees no reason why CABs shouldn't get the same information the commission gets. If this petition is filed see no reason CABs should not get same information Commissioners get. Tracy commented he had a similar concern; however the sentence that states CABs and public will have opportunity for input after petition is accepted but before any action takes place to implement the request. Tracy feels they are starting a rule making process which will come back to the CABs for review.

Tracy suggested if new information is provided at the hearing the Commission table the recommendation and send to the CABs and public before taking any action. This will allow the CABs and the public to provide input to the Commission prior to them taking any action. McBeath stated CABs should have the same opportunity to get the same information as the Commission. Tracy stated that if you are present at meeting as a CAB member you would have an opportunity to review.

Clint discussed in past, at petition meeting, new information came forward nobody had seen the information. Many times it was tabled because it was important, sometimes it wasn't tabled and he felt that was not the way to handle those items. Public had never seen these items. McBeath wants to add that CAB should get same information as Commission. Paul

Dixon feels being informed up front would be better. Bruce Kobrin feels it has a lot of validity.

Motion to accept the proposed changes in Commission Policy 4 items 1 & 2. In item 3, third to last paragraph titled CABMWs and Public Input that you amend the paragraph. After the second sentence, we say If there is new material provided at live hearing that material the matter would be tabled by the Commission and the CABs and general public would have the information that was presented at the hearing prior to the proposal going any further in the decision making process. There was a second, motion carried.

3. ADA Muzzleloader Visual Disability Modifications Workshop – Deputy Director Haskins- Information Workshop.

No actionable items. Paul Dixon asked Commissioner McBeath where the state stands on this. McBeath commented the North America Muzzleloader Association through the U.S. Fish & Wildlife Services has filed an ADA complaint stating that States aren't providing certain information concerning the ability for visually disabled to have a scope on a muzzleloader. Nevada and several other states have fought this because this is primitive weapons and people should not have a scope. The U.S. Fish & Wildlife Services has told the state of Nevada they need to do this you have federal funding you cannot have discrimination. The Commission has drafted the rule making process. They put forth four alternatives and the most restrictive one was chosen; the person needs a doctor's note. The scope will be a 1 power.

4. Potential Conversion of the Wine Cup Ranch to a Wild Horse Refuge – Ken Wellington, Elko County Advisory Board to Manage Wildlife – Action

Paul Dixon stated we have no back up information table unable to take action.

McBeath gave a briefing. T. Boone Pickens wife wants to purchase 100,000 acre ranch, which she wants to turn into a wild horse refuge. Changes proposed in HR1018 may allow such a conversion. The ranch is in a checkerboard arrangement with BLM lands and the ranch could not be run without crossing public land therefore the BLM would like to deny.

McBeath discussed wild horse issues and what the horses are doing to the land and preserves. Tracy wanted to go on record and commented he feels wild horses are a parasite when it comes to natural resources. They are a non-native invasive species that dominates the landscape wherever they are. The only reason to study a parasite is to figure out how to reduce them; that is what should be done with them. Paul Dixon stated they want to make this the largest horse pen in the country. Clint Bentley

stated six years ago the Commission voted and sent a letter to the Governor to file suit for mismanagement by BLM. At that time Governor Gwen did not want to proceed. The Commission should be encouraged to send another letter regarding a new law suit due to miss management. McBeath commented the BLM is bound under other legislation regarding horse slaughter. Mechanism to move horses through system has been shut down. BLM budget has run out. The BLM have taken 3/4th of budget to take care of horses in holding pens because we won't euthanize them. People don't think of how these horses affect public lands. We need to push Congressional Legislation that deals with the inventory of horses. BLM has three environmental impact studies on going which are recommending the elimination of 300 horses from the range. Clint commented the only people filing lawsuits are from the other side. McBeath recommends we work to kill HR1018 legislation. We need to, send letters to our senators to get HR1018 killed. Legislature should include wild horse monitoring & counting, removal, and the opportunity to adopt. Any unwanted or unadopted horses should be euthanized. Wild horses haves a huge impact on the environment. Tracy stated that 85% of the budget for the Shelton Wildlife refuge up North, is used for controlling wild horses. Clint stated we need to stop HR 1018.

Paul Harris made the following motion– Strongly disagree with the conversion of the Wine Cup Ranch to a Wild Horse Refuge & oppose HR 1018, there was a second. Motion carried.

5. Reports - Informational

A.*. Litigation Report – Deputy Attorney General Nhu Nguyen – Informational

E.* Application Hunt 2009 Draw Report – Don Sefton & Monty Martin, System Consultants – Informational. Passed on items A* & E*.

6. Election of Officers – Chairman Lent – Action

At the next Commission meeting they have to re-elect Chairman Lent or elect a new Chairman.

The Clark CAB unanimously supported the reading into the record by Paul Dixon and sending to the Wildlife Commissioners the following statement.

August 4, 2009

Clark County Wildlife Advisory Board Position on the Commission Chairman

To Whom It May Concern:

As Chairman of the Clark County Advisory Board (CCAB), I represent the public, sportsmen and sportswomen of Clark County. After hearing numerous verbal complaints and concerns about the behavior of the current chairman of the Nevada Wildlife Commission, Chairman Lent, the CCAB met and discussed our concerns about Chairman Lent's behavior, and his ability or inability to carry out his duties as they relate to the Commission. We also discussed his attitude toward NDOW, and the complaint that has been voiced by many individuals that he may not be able to work with NDOW to achieve the purposes of the Commission. On behalf of all CCAB members, and members of public who voiced these concerns to me, I request the following be read into the public record.

The County Advisory Boards of Nevada were formed to get local participation and input from the sporting public on how to manage wildlife in their respective counties. The information presented to the Advisory Boards is shared with the Wildlife Commission to better inform the Commission in making their decisions. For nine years, Wildlife Commission members (and their respective Chairman), have respected and encouraged input from the 17 County Advisory Boards to Manage Wildlife. In contrast to this long history of working for the benefit of Nevada's wildlife, many who have attended the current Commission meetings in Reno and Lovelock have noted that Chairman Lent often belittles and shows open hostility toward opinions that are contrary to his own. While disagreement and debate have always been present at Commission meetings, those discussions have focused on the goal of improving and maintaining Nevada's wildlife, not furthering a personal agenda.

Chairman Lent has indicated he doesn't see value in the County Advisory Boards, apparently because they are an impediment to him achieving his personal objectives. This disturbing statement is born out and evident in the latest revisions of Commission Policy Number 1. Chairman Lent and Commissioner Raines have written new language into these policies to further restrict CAB input. In Policy #1, although the Chairman approves the agenda four weeks in advance of a commission meeting, the decision is to wait until the last legal date to release the agenda, so as to restrict formal CAB and public comment prior to the Commission meeting. This behavior is wrong and needs to stop. It appears that Chairman Lent is using his current position to rewrite the Commission policies to justify doing whatever he wants.

It is not only the CAB's that Chairman Lent wants to control. Several Wildlife Commission committee chairs have learned the hard way in a public forum that if their recommendations don't match Chairman Lent's personal agenda, they will be publically chastised in an attempt to override their recommendations. This public "dress down" of a Commission committee chair makes all those in public attendance at the Commission meeting very uncomfortable. Several CAB members have stated that say this type of bullying makes them reluctant to speak up or address the Commission on any issue that might be controversial to Chairman Lent.

Finally, I have attended the last two Wildlife Commission meetings (Reno and Lovelock), and have been appalled and embarrassed by the actions of Chairman Lent.

Chairmen Lent has made numerous all out, personal and vicious attacks on NDOW director Ken Mayer and his staff. I personally was embarrassed by these attacks. Their content was inappropriate for discussion in a public forum. While we can all disagree on the method or means used to enhance Nevada's wildlife, the common goal among the CABs, NDOW and the Commission must always be that wildlife benefits from a thorough, democratic, organized process used to manage wildlife. Chairman Lent has manifested a contrary goal – his personal agenda is to destroy the democratic process inherent in the CAB system; he seeks to neutralize NDOW's vital role of being the administrative arm to carry out the Commission's directives. The Wildlife Commission's role is to provide direction and leadership – Chairman Lent instead has done little, other than to interfere and impede the decision-making process of the Commission and the CABs. It is because of this behavior, that the CCAB voted unanimously to recommend that Chairman Lent step down and be replaced by a Chairman who will work within the legal framework currently in place that respects (but can still disagree with) NDOW Director Mayer and his staff, his fellow Commissioners, the CAB's and the public.

Respectively,
Paul R. Dixon
Chairman Clark County Advisory Board

Paul Dixon provided a copy to each Board Member & Stacy Matthews for the record. Paul asked the Board for changes or recommendations. Paul Harris agrees with the letter & feels it's well worded. Paul Dixon does not feel the leadership is well run. He stated the minutes reflect what has been said in public meetings. Chairman Lent dresses down people in public and it is not done in a professional manner. Daryl Sneed agrees he is not impressed. He has attended three meeting and agrees with Paul. Tracy agrees that service on the Commission means to serve to enhance and benefit Nevada Wildlife. Tracy has spoken with many Sportsmen and the consensus is Chairman Lent does not share that common goal. He counts how many personal attacks he can score instead of taking care of Nevada Wildlife. Tracy would not approve of this if it was just a difference of opinion but he gets the sense it's really a forum to take on personal attacks instead of enhancing the process. Gary Pratt felt it was always personal agenda every time.

Public Comment – John Sullivan asked where the letter would go. Paul Dixon stated the letter will go to Commission along with our recommendations for all CABs to see. We are asking if the Commission should keep current leadership or if they should change. Paul feels the Commission should be looked at right now because the current leadership is not conducive to doing the things that benefit wildlife and public in this state. The letter will be sent to the Commissioners in our County prior to the meeting. It will be sent to the Commissioners as part of the formal record and read during public comment at the meeting. What Gil Jelnick

told Paul was that Commissioner Lent does not want to have this opinion from the CABs given before they do a Commission vote, he is going to adjust the agenda to do the election of officers before they do public comment or anything else. Can they do that? Legally Paul doesn't know the legal ramifications? Commissioner Lent does not want the potential negativity of him influencing the Commissioners on the vote of who is going to maintain Chairmanship. Clint stated he still has time to change the agenda. Paul responded he could change the agenda up until next Tuesday. Cindy recommended when you do your written recommendations to the Commission that goes to Suzanne, attach a copy of the letter to the recommendations, it will go to every CAB Member, general public, every Commission Member and it goes to every NDOW employee.

Suppose Commission votes to select a new Chairman can they immediately vote for Chairman and Vice Chairman? As soon as the vote is taken they will assume their newly appointed positions. Former Commissioner Lurie commented that the letter speaks for itself. He has watched Chairman Lent for a year and watched how he conducts his meeting. Has an attorney assigned to him which makes no sense. For Chairman Lent to make comments about Director is ridiculous. If Chairman Lent is re-elected a lot of people will retire and leave NDOW which will cause a hardship on NDOW. Lurie would like to see a change and would like to see someone from Clark County. Lurie feels you will lose the CABs if Chairman Lent gets re-elected.

McBeath stated his biggest fear is Commissioner Lent continues down path that will rip department in half. We can constructively manage changes. If you are appointed to Commission respect each others comments and positions. If you do not agree with Chairman Lent it is black and white. McBeath will not be in a position where he cannot weigh in on a matter you are knowledgeable about. You should not be stifled because of one person. Change is warranted.

Paul Dixon commended Commissioner McBeath for coming up with compromise solutions to try to get the commission to move forward. McBeath added Lent did a lot of campaigning in the past. He probably is campaigning again. CABs have ability to recommend someone to be Chairman. Paul Dixon feels people should be able to express an opinion; may not always agree with others. McBeath stated in the statute Governor can seek recommendations for appointment to Commission. General rule on any agenda item, CAB can make recommendations and give opinions.

Bruce Kobrin asked is there a job performance evaluation for Commissioners or Ken Mayer. Clint stated that this issue was brought up

several years ago that that the Commission performance an evaluation on the Director. After debate the Commission did not feel this should be handled in the public forum. Clint stated he wanted Personnel actions to be handled in a closed session. You deliberate and the present to public. He stated that the Board does not have any performance evaluations at this time.

Paul Dixon recommends Board give comments on letter drafted and submit letter to Wildlife Commission to be part of the public record prior to the meeting. The motion was made and seconded to take the letter with changes and submit to the board as part of public record. Motion passed.

Question was asked if anyone attending this meeting would want to be Chairman. Charlie Howell and Bruce Kobrin felt they wanted to get their feet wet first. Commissioner McBeath indicated that he was approached with the idea at the ballot meeting by a few chairmen of CABs asking if he would be interested in Chairmanship of the Commission. He stated that he would be interested and there were others who he felt would do a good job. He is not in agreement with the direction things are going and feels it is not good for wildlife in Nevada. If he were nominated, he would accept. Clint voiced his support for McBeath and for having a Chairman from the southern end of the state. Tracy cautioned that a recommendation from Clark County might be viewed as a North vs. South statement; a southern Nevada position against the current Chairman and recommendation for his replacement (from the South). McBeath asserted that he could support Tom Cavin as Chairman. He feels that Tom would fairly represent the interests of all of Nevada. McBeaths goal is to see positive change in the Commission and feels Tom Cavin could provide that. Mike would also be honored and would accept if he were to be nominated and elected. Paul endorsed Mike or Tom Cavin as having shown the best leadership on the Commission. Cindy recommended North and South candidates: Tom and Mike. Tracy prefers to go on record as a private citizen with his recommendation to the Commission rather than from the CAB.

7. Wildlife Damage Management Committee

Minutes from the meeting were just released earlier in the day. Commissioner McBeath was asked to give a summary based on his attendance. From the presentation at the meeting, it was clear the budget had holes, duplications, etc. Kevin (NDOW) will revisit the budget. There may be additional monies available and there could be some additional projects. Bulk of the meeting focused on three Heritage projects. These projects were proposed by people inexperienced with wildlife management. The projects were tentatively approved subject to them coming through the Predator Management Committee. Substitute predator programs were proposed with NDOW input. The groups proposing the projects do not want to work with NDOW. There are no qualified biologists

on their staff. It does not look likely that the groups will work with NDOW. There will be no monitoring.

Gary raised the point that sportsmen have been paying into predator funds but there has been no reporting on what the funds were spent on and were any of the programs a success. Mike responded that some of the predator programs are discussed on the web site. But, due to serious lack of monitoring, there is little success to report. Paul stated that details are available on the website. Tracy discussed with an example with Coyotes in area 24 (Lincoln County.), and contrasts what is being done with Bobcats. In general, the details and assessment of success is not clear based on what measurements are taken.

Commissioner McBeath – Believes there will be no upcoming Predator Management Board meetings. Tracy – motion to approve Predator Management Plan for 2010. Seconded, Motion carried.

8. Online Hunt Application Changes/Amendments After Application Submission

Several options sent out to CABs for review and asked for recommendations. There is a cost for setting up this process of \$12K. The options are:

- #1 Allow to withdraw application and resubmit prior to the deadline.
 - #2 Withdraw after the deadline and resubmit a bonus point-only application within 7days of deadline
 - #3 If misses deadline allow a bonus point-only application within 7days of deadline
 - #4 Combination of #1 and #2
 - #5 Combination of #1 and #3
 - #6 Combination of #1, #2, and #3
- Department recommendation: #6

Motion was made to approve Option #1. Seconded. Further discussion highlighted the additional revenue possible if #6 approved and the revenue gains in Utah with a similar scheme. Concern voiced that #6 could delay the draw one week or the results one week. Mike stated that there was strong approval for the effort to accelerate draw results. Any move that would appear to introduce delay will be objected to strongly. Motion to approve #1 was withdrawn. New motion was made to approve Option #6 with the caveat that the draw date and the results date are not changed. Motion was seconded and approved.

9. Bitterbrush and Wildlife

Informational agenda item only. No action required.

10. Commission Regulation 07-07 Amendment #4

Addresses changes to the bobcat pelt sealing dates approved at the June Commission meeting. There was a discussion of duration of previous agreements. The new amendment eliminated the Ely Sale and thus that is not a tagged sealing date.

Motion made to approve item #10 pertaining to bobcat pelt sealing dates. Motion was seconded and approved.

11. Commission Regulation 09-08

The proposed Regulation recommends season dates and bag limits for migratory waterfowl, etc., and recommends dates and bag limits for the special youth waterfowl hunt and for falconry dates and bag limits for migratory game birds. The regulation delineates different framework packages: Restrictive, Moderate and Liberal. Question: which should be followed? Historically, Liberal has been chosen.

Motion was made to approve the Regulation as written. Motion was seconded and approved.

IV. Approval of Budget Items – Action

No items requiring approval.

V. Next Meeting of the Advisory Board

Next Meeting scheduled for September 15, 2009, two weeks prior to the Commission meeting. Question: Should this date be moved or not? Recommendation is to keep the date. Motion was made to keep the meeting on Sept 15th. Motion was seconded and approved.

The next Commission meeting is scheduled for August 14th and 15th, 2009 in Elko, Nevada.

VII. Meeting Adjourned

Meeting adjourned at 9:36 pm.