

Approved Minutes – Feb. 6, 2009
Nevada Board of Wildlife Commissioners' Meeting
Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, NV 89155

Exhibit A - Sonnentag

Friday, November 21, 2008 – 10 a.m.

Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW)
– Chairman Lent

Approval of Agenda – Action - The Commission will review the agenda and may remove items from consideration or adjust the order of presentation.

Member Items

County Advisory Boards to Manage Wildlife (CABMW) Member Items – CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

Public Comment Period

- 1 Correspondence – Chairman Lent – Informational
The Commission will review and may discuss written items sent or received by the Commission since the last regular meeting and provide copies for the exhibit file.

Workshop on Regulations
 - 2 Commission General Regulation 366 (Temporary) – Program Officer III Maureen Hullinger
The proposed regulation change would amend regulation to allow restricted nonresident guided hunt applicants that rejected in the restricted nonresident guided hunt deer tag draw to be eligible for the main draw for deer.
 - 3 Reports – Informational
- A Litigation Report – Deputy Attorney General David Newton
- B Hemenway Park/Desert Bighorn Sheep Update – Supervising Big Game Biologist Steve Kimble

Public Comment Period

Commission Field Tour - Clark County Shooting Park - Informational - The Nevada Board of Wildlife Commissioners will travel to the Clark County Shooting Range to observe project progress. No action will be taken, interested persons are invited to attend, but must provide their own transportation.

Saturday, November 22, 2008 – 8:30 a.m.

Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW)
– Chairman Lent

Member Items

County Advisory Boards to Manage Wildlife (CABMW) Member Items – CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

Public Comment Period

- 4 Approval of Minutes – Action - Commission meeting minutes from the Aug. 15 and 16 and Sept. 5 and 6, 2008, meetings.

Regulations – Action

- 5 Commission General Regulation 366 (Temporary) – Program Officer III Maureen Hullinger
The proposed regulation change would amend regulation to allow restricted nonresident guided hunt applicants that rejected in the restricted nonresident guided hunt deer tag draw to be eligible for the main draw for deer. Note: See support material for agenda item #2.
- 6 Commission Regulation 07 – 10 Amendment #1 – Chief of Fisheries Rich Haskins – Action
The proposed amendment will remove Lake Mead Marina from the list of closed waters in Clark County. Lake Mead Marina has been moved from its previous location due to declining lake levels. This action would allow anglers to take advantage of the fishing opportunities at this location.
- 7 Commission Regulation 07- 01, Amendment #2 – Supervising Big Game Biologist Steve Kimble – Action
Amend season dates for Hunt 3151 (Resident Nelson Bighorn Sheep) to coincide with annual winter closure of the Nellis Air Force Base. Tags have been issued that indicate hunting season dates for Units 280, 281 and 282 as December 13 – 28 pursuant to commission adoption in February 2007. Subsequent to that action, the U.S. Air Force has established their annual base activity shut down for December 20, 2008, to January 4, 2009. The amendment would align the dates with the base closure and would require NDOW to reissue tags with the amended dates to the successful tag holders.
- 8 Petition – Mr. Mark Carlton – Action - The Commission will consider a petition from Mr. Mark Carlton to change regulations for largemouth bass to include a slot size limit of over 14” and under 16.” The Commission may accept and initiate regulatory action or deny the petition.
- 9 Reports - Informational
 - A Department Budget – Administrative Services Officer III Dave Prather
 - B Department Activities Report – Director Ken Mayer
 - C A Proposal to Gather Information for a Possible Bill Draft Request that will Govern Animal Damage Control Management to Affect, But Not Limited to, the Following Species: Mountain Lions, Wolves, Coyotes, and Ravens - Assemblyman Jerry Claborn, Chairman of the Natural Resources, Agriculture and Mining Committee
 - D Clark County Shooting Park – Commissioner Lurie
 - E Lake Mead Hatchery Update – Chief of Fisheries Rich Haskins
 - F Law Enforcement Update – Chief Game Warden Rob Buonamici
 - G Legislative Update – Director Ken Mayer
 - H Nevada Wildlife Data System Report – Chief of Operations Bob Haughian and Don Sefton, Systems Consultants

- I Overton Interpretive Center Update – Chief of Conservation Education Kelly Clark
- J Clark, Lincoln and White Pine Counties Groundwater Development Project Update – Acting Deputy Director Rich Haskins
- 10 Western Association of Fish and Wildlife Agencies (WAFWA) Annual Conference Report – Secretary Mayer – Action
The Commission will be asked to designate a representative to attend WAFWA'S Mid-Winter Conference in San Francisco, Jan. 8 through 11, 2009.
- 11 Future Commission Meeting – Director Ken Mayer - Action
The next Commission meeting is scheduled for Feb. 6 and 7, 2009, in Las Vegas; however, the Commission will be asked by the Department to take action to relocate the meeting to Reno as the venue to meet in Las Vegas is not available. The Commission will review potential agenda items for that meeting and will discuss the start time of the February meetings. The chairman may designate and adjust committee assignments and create new committees.

Public Comment Period

Adjournment

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Gerald Lent	Vice Chairman Ron Lurie	Commissioner Tom Cavin
Commissioner McBeath	Commissioner McNinch	Commissioner Mori
Commissioner Raine	Commissioner Swanson	Commissioner Wallace

Secretary/Director Kenneth E. Mayer	Dianna Hegeduis, Deputy Attorney General
David Newton, Deputy Attorney General	Suzanne Scourby, Recording Secretary

Nevada Department of Wildlife personnel present:

Game Division Chief Mark Atkinson	Big Game Biologist Kevin Lansford
Supervising Game Biologist Steve Kimble	Conservation Educator John McKay
Chief Game Warden Rob Buonamici	Program Officer III Maureen Hullinger
Chief of Conservation Education Kelly Clark	Chief of Operations Bob Haughian
Acting Deputy Director Rich Haskins	Administrative Assistant IV Sandra Shavinsky
ASO III Dave Prather	Administrative Assistant III Kathleen Teligades

Others in Attendance/Two Day Meeting:

Charlie Howell, Las Vegas resident	Brandon Fordin, Elko CABMW
Wade Fordin, self	Brady Shortell, Penoyer Farms
Tom Cassinelli, Humboldt CABMW	Bud Sonnentag, self
Paul Dixon, Clark CABMW	Gene Perry, self
Dahl Bradfield, Lincoln CABMW	Joe Bennett, USDA-Wildlife Services
Don Sefton, Systems Consultants	Oly Flach, Mule Deer Foundation
Rex Flowers, Washoe CABMW	Pat Laughlin, Elko resident
Gil Yanuck, Carson CABMW	Dearl Sneed, Clark CABMW
Bob Cook, Douglas CABMW	Mark Jensen, USDA-Wildlife Services
John Hiatt, Red Rock Audubon	Kathy Longshore, U.S. Geological Service
Pat LeBrutillier, Las Vegas resident	Hal Shrum, Las Vegas resident
Jerry Claborn, Nevada State Assembly	Tim Myers, Nevada Bass Federation
Mark Carlton, Boulder City resident	Robert Driedonks, self
Kevin Kelley, self	Gene Perry, self
Ed Morgan, self	

Friday, November 21, 2008

Call to Order - Chairman Lent called the meeting to order at 10 a.m.

Approval of Agenda –

COMMISSIONER LURIE MOVED FOR APPROVAL OF THE AGENDA.

Chairman Lent said when Assemblyman Claborn arrives on Saturday, that he would ask as a courtesy to Assemblyman Claborn's schedule that the Commission take his item out of order when he arrives.

COMMISSIONER LURIE INCLUDED THE CHAIR'S SUGGESTION IN HIS MOTION TO ALLOW ASSEMBLYMAN CLABORN TO PRESENT HIS ITEM UPON ARRIVAL. MOTION CARRIED UNANIMOUSLY.

Chairman Lent asked for a roll call of County Advisory Board Members to Manage Wildlife Members (CABMW):

CABMW Members present at 10 a.m. on Friday: Tom Cassinelli, Humboldt; Rex Flowers, Washoe; Gil Yanuck, Carson; Dahl Bradfield, Lincoln; Dearl Sneed, Clark; Brandon Fordin, Elko; and Bob Cook, Douglas, County.

Member Items –

Commissioner McBeath said he talked to NDOW Director Ken Mayer and Chief of Habitat Dave Pulliam about wild horses and articles he has read in livestock publications, and there is legislation before Congress right now on transportation of horses for slaughter if intent is for human consumption and his additional research shows issue relates to earlier legislation a few years ago that effectively banned slaughter of horses for human consumption, and it is relevant to wildlife, because there are people who own horses and whether they are lame or healthy, they can't afford to feed them anymore, and instead of spending money to euthanize the horses there are allegations that horses are being dumped either in rancher's pastures or on public lands themselves which would impact wildlife. The slaughter of horses for human consumption has been the only mechanism to deal with unwanted horses in the past, and the legislation to ban transportation will effect Nevada and he wanted the Commission to be on notice and he thinks that the inventory of horse populations are ballooning and there is related issue of wild horses as well is that Bureau of Land Management (BLM) is requesting comment on their website with regard to dealing with their inventory of horses, and their current budget is \$27 million per year and 75 percent of BLM's budget is for care and feeding of over 30,000 wild horses. Commissioner McBeath said he doubts that was the intent of the Wild Horse and Burro Act and this situation is getting to a point of being a crisis if not already, and there is no place to put them, the BLM will not round them up and they are struggling and wanted the boards aware and to keep it on the Commission's radar screen and to possibly meet with

Congressional delegation as Nevada has half the wild horse population in the country. He feels we need to be on top of it and that there needs to be a mechanism to deal with unwanted horses.

Director Mayer said staff will track this issue which we have been doing and when Congress re-adjourns staff will draft a letter from the Commission to send on the wild horse situation, and he will have staff work on a press release and get the facts and information out there on the effect of horses on wildlife and their habitat.

Chairman Lent welcomed and congratulated Dr. Mark Atkinson on his recent promotion to Division Chief of the Game Division. Chairman Lent said he went on deer patrol with Chief Game Warden Buonamici and Warden Eric Williams, and it was a very rewarding experience as they contacted and talked to many sportsmen in the field, and most of them were amazed to be asked their opinion by a Commissioner out in the field. He said it was a great experience, which he would recommend that other Commissioners complete a ride along as well.

Commissioner Lurie also welcomed Mark Atkinson and said he participated on the Game Division's recent sheep translocation in Southern Nevada and he watched Mr. Atkinson and Department staff work in action and it was an excellent opportunity to volunteer and was well worth it. The other item is for a future meeting agenda, and is that he talked to lots of fishermen and has been on the NDOW website and is still concerned with the fishing issue at Bassett and Comins Lakes and the pike. He said at Comins there is no fishing and we want to generate more license sales and revenue and stimulate the economy in White Pine and he would like to address that on a future agenda.

Commissioner Cavin said he and other Commissioners attended the White House Conference on Wildlife in early October in Reno and there were many national issues discussed in the breakout sessions, and one idea from the U.S. Department of Agriculture that could be done at NDOW, was an awareness training seminar for staff on the culture of hunting and wildlife, and it might be something to look at as training for NDOW employees, as it could help promote wildlife from within. He said the Department of Agriculture wants to make it mandatory training for everyone. He said he and Commissioner McNinch and Kelly Clark judged the recent duck stamp art contest and they came up with the top 10 paintings and it was a good time with great art.

CABMW Member Items –

Gil Yanuck, Carson CABMW, said in the fish regulations there is always something in the regulations on Carson's urban fishing pond, and everybody always says "where's that?" He brought copies of the plan (exhibit file) for the Commission and said efforts have been stymied by the cost, and the cost of developing the pond in Fuji Park is almost \$1 million higher than budgeted. He said it looks like with some new grants that have become available, and that they have been successful in getting some additional funding and hope to start digging the pond this spring. He said eventually it will be a great recreational opportunity and addition to Carson City.

Public Comment – None

1 Correspondence – Chairman Lent – Informational

Chairman Lent read a letter he received from Henry Krenka, president of Nevada Outfitters and Guides, expressing his group's support of passage of Commission General Regulation (CGR) 366.

Commissioner McNinch said he had a email from Tim Myers that he received regarding release of a boat at Lake Mead but did not have the background on the issue.

Director Mayer said staff can tell the Commission as far as release of the vessel that we have followed the state property transfer procedures which have taken a long time, and he asked Acting Deputy Director Rich Haskins to provide further explanation.

Acting Deputy Director Haskins said there were two competing parties initially interested in the boat and over the course of one year, one party dropped out. Supervising Fisheries Biologist Jon Sjoberg from the Southern Region has been working with staff and State Purchasing to complete the transfer, and although Law Enforcement routinely transfers property to other state entities smoothly, with this party being a non-government entity the procedure is different and that is why it has taken so long. He said the problem has been complicated by being a titled vessel as well as the trailer.

Chairman Lent said he had a telephone call from Judi Caron and she expressed her opinion that she is opposed to regulation CGR 366, and also had heard comments from nonresidents.

Director Mayer said the support material packet contained a letter to the Commission requesting a regulatory change to allow crossbows during the regular archery season.

Commissioner Lurie said another letter received from Elko CABMW requesting that the Wells elk plan be placed on an agenda.

Director Mayer said that letter had been received in September.

Commissioner McBeath said he had an email from Jim Ornellas, "Nevada Jim," on mountain lions, and received longer email as well, and received some books from Marshall Goldy and all of the information was relative to predation, and he would like to provide that material to the Wildlife Damage Management Committee.

Workshop on Regulations

2 Commission General Regulation 366 (temporary) – Program Officer III Maureen Hullinger – Informational

Ms. Hullinger said she was directed by Director Mayer to develop a regulation due to the situation of a hunter who was rejected in the guided hunt draw to be eligible for the main draw. This amendment would only apply to rejected applicants in the guided nonresident draw.

Director Mayer said this would remedy the situation that occurred with a sportsmen and would also assist in protecting their bonus points.

Commissioner Cavin said currently if you reject as a resident you are done, and asked if he applied or did his guide apply for him.

Ms. Hullinger said both guide and applicant work together on paper applications to get the application in, and both have to sign the paper or have power of attorney if the guide completes the online application. She said in the regular draw you could apply for the leftover tags in the second draw, but the guided hunt does not provide for that.

Chairman Lent asked Mr. Don Sefton of Systems Consultants, if this is a common occurrence, and could he appeal to the Commission for relief without changing the regulation.

Mr. Sefton of Systems Consultants said they have had a handful of errors and rejects every year usually because of errors on the part of the guide.

Director Mayer said when he went back and looked at the original purpose it was to prevent two bites of the apple, but this person never got the first bite, and want to leave it up to the Commission to provide flexibility to folks who have not gotten in the draw.

Commissioner McBeath asked if the power of attorney was submitted because if it was not, then it is not valid, and is there any impact or advantage to the regular draw or quotas.

Mr. Sefton said they do not see the power of attorney forms, as that is between the client and the guide, and sometimes people don't understand that and sign up with two guides at a show who submit two application and then reject. He said the quota is set in advance at 400 and the actual allocation is set from the previous year and then it is backed out.

Commissioner McBeath said the CABMWs are opposed to this change.

Mr. Sefton said he does not have a dog in the fight but for purpose of background, he thinks the boards are opposed because of fairness and due to the Taulman court decision and backlash to what we were doing for the nonresidents even bending over backwards, and they even got two shots at it, and at the time the Commission felt they could do something to stop that, and the intent was to not have them eligible whether they were unsuccessful. The court decision was overturned but successful or rejected, they did not want them to have two chances. Mr. Sefton said still enough applicants for tags but the change effectively lowered the number of applicants and revenues from the program have declined.

Director Mayer said another aspect is that the nonresidents who reject cannot leave their license fee in for the bonus point either.

Commissioner McBeath agreed that it boils down to the fairness issue when it is all said and done.

Commissioner Cavin said from the reaction of the CABMWs, we are seeing residents saying if we reject, we reject, we are done, and they are saying if you can't get it right, apply next year and that is the feeling he gets from the CABMW comments received to date on this issue.

Chairman Lent said he will ask for comment from the public and the CABMWs –

Gil Yanuck, Carson CABMW, said a there was a little misunderstanding on who or what caused the reject reasons, and that they discussed this issue at length because we have all made mistakes that we suffer, and here we are talking about a potential mistake made by the guide, not the applicant, and maybe for that reason this is not a bad idea as it does not change the number of tags originally allocated and could provide the state additional income.

Bob Cook, Douglas CABMW, said representing himself, that it sounds like the guide and applicant form a partnership and somewhere along the line they made a mistake, and agreed with Commissioner Cavin and what he said. He would not want to change the regulation but would suggest a change without setting a precedent and remedy the one issue but not the rest.

Brandon Fordin, Elko CABMW, said through their discussion it boiled down to fairness, and whomever makes the mistake has to be responsible, and if you make a mistake you are out and that is how it is for every state. If the guide makes a mistake maybe they should not be a guide.

Rex Flowers, Washoe CABMW, said they voted against it because they felt already two sets of eyes reviewing the applicant and they have twice the chance to get it right. From a personal viewpoint, he would suggest having a reject letter similar to the main draw, if you do your application early you could correct your mistake.

Ms. Hullinger said that there is a quick deadline on the guided draw and there is no time for correction notices. They would have to amend regulation to accommodate the change to include correction notices for the guided draw as they are only allowed in the main draw.

Tom Cassinelli, Humboldt CABMW, said at their meeting they discussed this at length and opted to stay with regulation as is written right now, they did not look at it from the guide making the mistake and that probably should have been brought up.

Dahl Bradfield, Lincoln CABMW, said they voted against the change and wanted to leave it as is, the same as for the rest of us and would support it being done the same as the other draw.

Paul Dixon, Clark CABMW, said the board reviewed the regulation and they took into account what mistakes a guide could make versus the applicant, and he agreed with Commissioner Cavin that it is a fairness issue, and they would recommend that the Commission not change the rules.

Mr. Sefton said he looked at types of errors and 23 applicants rejected with 28 errors.

Chairman Lent asked if staff have a tally of how the CABMWs voted.

Director Mayer said the minutes submitted reflect CABMW votes, and that he had staff bring the regulation forth to vet it in front of the Commission and looking at every opportunity to generate revenue, but certainly passage is at the pleasure of the Commission and the boards.

Brandon Fordin, Elko CABMW, said of all the minutes received not one board was in favor of the regulation change.

Tom Cassinelli, Humboldt CABMW, speaking for himself suggested that we have the guides apply online for their clients to eliminate the errors.

Ms. Hullinger said online applications are available to guides; however, she does not have the percentage available.

Commissioner McNinch said how many of these are guide errors as the Department licenses guides and they need to be held accountable and maybe something to look into.

Ms. Hullinger said she would have to look at the applications to check that because it is hard to say without the envelope to look at to say who actually sent the application in – the guide or the client.

Acting Deputy Director Haskins provided the Chairman with a tally of the CABMW's vote (Clark, Churchill, Elko and Washoe) as reflected in their minutes, and all were opposed to the change but Lyon CABMW.

Chairman Lent concluded the workshop.

3 Reports – Informational

- A Litigation Report – Deputy Attorney General (DAG) David Newton - Commissioner McBeath said at the last meeting he requested an update on the Hage case, and had received nothing to date.

DAG Newton said he does not believe anything was filed, but will check with DAG Nguyen and will follow-up with her after his vacation.

- B Hemenway Park/Desert Bighorn Sheep Update – Supervising Big Game Biologist Steve Kimble read and made a power point presentation (exhibit file) on the status of desert bighorn sheep in Hemenway Park in Clark County.

Public Comment Period –

Brandon Fordin, Elko CABMW, said for himself that in Elko, sportsmen have been discussing with Ely sportsmen the splitting of hunt units into smaller management units to manage wildlife because some of their units are huge for elk hunts and it would split people up to ease congestion, and it is something that they have looked at in Elko as well.

Chairman Lent asked if he will make recommendations to that effect from the Elko board.

Mr. Fordin said it was something that came up on the trip here, and he would bring it up to his board.

Dahl Bradfield, Lincoln CABMW, said they have an issue in Lincoln County with wind generation, and they are not opposed to alternative sources and wind, just where they want to put them. He said they have a committee set-up and would like the committee to make a presentation to the Commission. He said they want to work with Clark County and he gave the three locations: White Rock, Table Mountain, and Wilson, and want them to look at alternative sites as where they want to go is critical wildlife habitat.

Chairman Lent said that will be a big upcoming issue and is glad that the board is on top of it with a committee.

Commissioner McBeath asked staff for the type of lead time needed for the input from CABMWs to split units and would it be possible for 2009.

Director Mayer said CABMWs should start now if they wanted to implement changes for 2010 because there would not be enough time for February 2009, as we would have to see the data on the hunts, and staff would need to research the issue.

Bob Cook, Douglas, he echoed the concern of Lincoln County, as it would be a good idea to find alternative sites for wind instead of prime wildlife habitat.

Director Mayer said the Department is very active in providing comment on alternative energy sources because of its effect on species such as sage grouse, and the Department works with the Governor's Energy Committee. He said the department feels the BLM needs to do environmental assessments of sites for anemometers, and they also have to tell the Department where the anemometers are because we fly low-flying aircraft as well, with two near misses. He said he could have Chief of Habitat Dave Pulliam discuss with the Commission. Director Mayer said he hopes to set up a partnership with green energy developers similar to what the Department has with the Mining Association as they partner with the Department and assist with funding of positions.

Commissioner McBeath said he was going to bring this up tomorrow, the Western Governors' Association (WGA) Wildlife Corridors Initiative and is related to alternative energy, and any of these projects, water, energy, etc... have landscape type issues associated with them and layout where the corridors are and direct them away from those sensitive areas and we need to be looking at that.

Chairman Lent concluded the public comment period and announced that the Commission will be touring the Clark County Shooting Park and the public is invited to join them on the tour.

Chairman Lent adjourned the meeting at 11:45 a.m.

Saturday, Nov. 22, 2008 – 8:30 a.m.

Chairman Lent called the meeting to order at 8:36 a.m.

Roll call CABMWs – Chairman Lent

Gil Yanuck, Carson; Brandon Fordin, Elko; Paul Dixon, Clark; Dahl Bradfield, Lincoln; Tom Cassinelli, Humboldt; Rex Flowers, Washoe; Bob Cook, Douglas; and Dearl Sneed, Clark CABMW.

Member Items –

Director Mayer acknowledged Administrative Assistant Sandra Shavinsky's 30 years of service to the state of Nevada, and Department of Wildlife. He thanked Ms. Shavinsky for the great job she has done, and wished her well in her retirement.

Commissioner McBeath said he made reference yesterday to report of the WGA, Wildlife Corridors Initiative and the report is a large document, and he talked to Chief of Habitat Pulliam who is on the committee for some initiatives and rather than go through it, Commissioner McBeath asked if the Department through Mr. Pulliam could make a presentation on the wildlife corridors initiative and he has particular interest in how that is funded and how it affects the state and the Department. When you read it they are soliciting the state's to take particular action.

Director Mayer said that the February agenda could have Wildlife Corridors Initiative on it and would say that most items that come from WGA come unfunded so we have to find funding.

Commissioner McNinch asked for an update on sage grouse from Secretary Mayer as far as recent news.

Director Mayer said all the states asked to put population information together on the west, the states met the deadline and got the work done, and at the beginning of the exercise, the Solicitor General of the Department of the Interior met with the plaintiffs and Judge Winmill, back in May 2008, they all agreed to a stipulated agreement to give the U.S. Fish and Wildlife Service (USFWS) an extra six months to get the report done. When the USFWS director heard that and because Winmill remanded the decision on Dec. 4, 2007, the law says they have 12 months to make a decision, and everyone did what they agreed to. The stipulated agreement stated that the update of the WAFWA Conservation Assessment be a key process of the evaluation process and that is why we got the extra six months. Since he is the lead for the west, and he was suspicious why he had not heard anything, he called Washington, D.C. and talked to deputy secretary who told him that with new decision that the Secretary of the Interior would be in contempt of court if decision made on Dec. 4, and they really have pushed to not have decision made. With new administration coming in, and the reason you will read in the paper is due to the stipulated agreement, and that Western Association of Fish and Wildlife Agencies (WAFWA) did Conservation Agreement, and monograph by U.S. Geological Service is not WAFWA and it will not be available until March and that is the main reason they would be in contempt of court. Even though each chapter has been written, peer reviewed, accepted by the journal and is done, the USFWS has all the chapters, and it has turned into a political decision. He expects to receive a letter shortly from the director of USFWS, and will advise and forward the letter to the Commission when he receives it.

Commissioner McNinch said the key thing to remember is that because of the rush some NDOW partners contributed money to help with the process and research and this effort to get something of this nature goes beyond the Department working on it, and it required help from our partners. He said the Commission will have to re-engage and take an interest because there are many hot spots out there and need to re-engage to push this and get this back on the radar because things will change dramatically if the bird is listed.

Director Mayer said he is preparing letter for Governor Gibbons to send to President-elect Obama stating the governor's concerns with sage grouse and would be appropriate to follow-up with a letter from the Commission to the President as well expressing their concern. Nevada is unique as the only state in the west with a Governor's Executive order detailing the state's concern and protection with listing of sage grouse, and hopes other governors follow suit with their own Executive Orders.

Commissioner Lurie said in regard to Lincoln CABMW's concern with wind development, that the Commission needs to stay on top of that as those areas are prime habitat units of the state. He is concerned about migration areas and herds, and would like staff to continue looking into Comins and Bassett Lake and the lost fishing opportunities for sportsmen.

Director Mayer agreed with Commissioner Lurie and he said Richard Haskins has been appointed as acting Deputy Director, and we agree that we need to treat Bassett first as that is the source stock for the pike.

Chairman Lent passed out copies of articles he is troubled about, and in 2006 NRA did a survey on Nevada hunters, and one question that concerned him is the question of quality of hunting experience which most respondents answered had decreased, and article in Southern Nevada where the sportsmen say they no longer hunt deer nor do their friends because they don't draw tags. He said he would like to correct these problems and he asked the CABMWs and sportsmen to come forward and try to find solutions. He said we need to work on this sole source of income and work on getting people back into hunting and not dropping out. We need to stop the negative publicity and start positive publicity, and work on getting the youth involved. He asked the CABMWs and the general public to get that out and provide ideas, to stop the backward flow.

CABMW Member Items –

Bob Cook, Douglas CABMW, said he wanted to announce that the Douglas CABMW member Joe Denton died recently, and he was active in the community/High Sierra Fly-Casters and he passed away at age 49. In Joe's memory he wanted to let everyone know that they lost a valuable member of their board.

Chairman Lent said as per yesterday's vote on the agenda the Commission voted to move Assemblyman Claborn's item to the forefront upon his appearance, and seeing him present he asked him to present his item – Agenda Item 9 C.

- 9 C A Proposal to Gather Information for a Possible Bill Draft Request that will Govern Animal Control Management to affect, but not limited to the following species: Mountain Lions, Wolves, Coyotes, and Ravens – Assemblyman Jerry Claborn, Chairman of the Natural Resources, Agriculture and Mining Committee

Assemblyman Claborn said it is very important for the Commission to save the state's game, and he read his proposal to restore deer herds, you are aware legally that we can kill every lion in the state because there is no quotas. He said only an objective harvest of lion, which of course is impossible, and that is why NDOW has never reached their achievement of harvesting of lions. Using NDOW's latest statistics, exhibit shows last six years of lion harvest, harvested lions was 160 which is less than half of NDOW's objective, 189 lions that were not removed killed 9,828 deer or similar sized animals per year. The number is based on Wildlife Service's figures and they conduct NDOW's predator program. Assemblyman Claborn read from the handouts he provided, figures on New Mexico's desert bighorn sheep (exhibit file). Assembly Claborn said Nevada should implement a similar program and he sponsored a bill last session that would have resulted in more lions being harvested, but numerous complaints about the bill, and today he is asking for approval of new bill that will address those complaints. He said in his new proposal the mountain lion will remain as big game animal; provides data for every lion taken; last bill no money would have been generated; new proposal revenue collected in two ways, from tag sales and proceeds from sale of skins; in old bill delisting lion to predator status would hurt record book status, and in new bill will remain big game to keep status for book. He also said we had an individual who testified on the last bill that he was not opposed to language of old bill but opposed the bill because the bill was not proposed before the Commission and that is why he is here today. He cited New Mexico statistics where a bounty is used to increase harvest and intent of bill is to make someone eligible for \$500 fee and the money will be made through sale of lion hide. When objective is achieved the contract becomes null and void. He said you hear him talk about deer but we need to protect sheep as well and does not understand why we don't do something. He said he hopes they take his proposal and run it through the CABMWs and Commission in advance of the session. New Mexico did it in six years, and said he drew a deer tag for the first time since 1998 in 231 and saw numerous small deer and that is where we have a program implemented by Wildlife Services and deer are flourishing. He asked the Commission why they don't do something for the 83,000 other people who are not represented by the special sportsmen clubs. All we are doing is losing money for the state, and we all need to get together and work together. You have too many cats, you have less deer, and the coyotes too. Programs implemented with Assembly Bill 291 are working but are not enough, and asked the Commission to take his proposal and get it out to all of Nevada. Assemblyman Claborn said enough smart brains in the room to come up with a solution

to help the fishermen and sportsmen of Nevada, and he concluded his presentation and thanked the Commission for allowing him to speak and concluded his presentation.

Chairman Lent said he appreciates Assemblyman Claborn being here and for taking on wildlife issues and his willingness to help because some legislators in the past put wildlife low on the totem pole.

Assemblyman Claborn said he has been here since 1957 and hunted all his life in the state, and used to hunt in Caliente and Pioche in the 1950s and 60s and in Unit 231, he could see the results with many deer everywhere even though they are small, five or six years ago there was no deer. He said he hopes he can take the blinkers off and let's work together to bring the deer back and bring the money back to the state.

Commissioner Raine thanked Assemblyman Claborn for attending the meeting, he said it is humbling to have the chair from the Assembly's Natural Resource Committee come to the Commission and speak, and it takes a lot for a legislator to come after the election cycle and speak and actually do something, and seeing that, he thanked him. He said he will do everything he can to bring the deer herds back and all wildlife.

Commissioner McBeath thanked Assemblyman Claborn for coming and said he attended the Clark CABMW and that board and other boards reported that they wished that they had some information in advance on this item to consider the proposal. He asked for clarification on one item, are you referring the proposed Bill Draft Request to the Commission to consider under the Wildlife Damage Committee, to get full comment from all 17 committees and input from the Department of Wildlife, and then consider a bill draft at that time under their duty to manage wildlife. He said he just wants to get a clear idea of what he is asking the Commission to do.

Assemblyman Claborn said the intent today is to give his proposal to the Commission and have it go with the Commission's Legislative Committee and work together and put it together, because if he can't get the Commission on board with him he won't do it because otherwise there won't be change. We need to generate money and main objective is to work together. Assemblyman Claborn said he would go on record as not having one bad word about Wildlife Services as they know what they are doing and they do a good job and do it well, and they need money. The intent is to give the Commission the mechanisms to work it out, and in his estimation you will be heroes.

Chairman Lent said to Commissioner McBeath that he could answer the rest, that he will refer it to the Legislative Committee to get ideas, and if we want to bring it back to the Commission on an agenda, and then go to the CABMWs for input as an agenda item.

Commissioner Swanson clarified that Assemblyman Claborn understands the integral part of the CABMWs and their input to the process and asked Assemblyman Claborn if he is in favor of that process.

Assemblyman Claborn said his intent is starting from the top and that the Commission needs to start from the bottom, and he does not have the time and he just won an election. Assemblyman Claborn said for record he will work with any committee, answer questions anytime, and anyplace, and happy to work with the whole crew. He clarified that he has the data from New Mexico and Arizona.

Commissioner Swanson said according to statute the Commission has to follow NRS and provide input to the Commission and would be difficult to bypass the CABMWs. Commissioner Swanson said the process is for him to give us your idea, then give the proposal to the CABMWs, and then it comes back to the Commission.

Assemblyman Claborn said he is frustrated with the public process because no one ever comes to the meetings, there used to be hundreds at meetings, and it is because you don't get to speak or talk, and nothing ever gets implemented, and he told the Commission that is their job to get it done.

Chairman Lent said he will have this go to the Legislative Committee and from there out to the CABMWs.

Commissioner Lurie said the committee will meet and go through the process and at the end of this meeting the chairman is going to announce appointments to each committee.

Assemblyman Claborn said he has a deadline too and if the Commission can't come up with something he will submit his own bill draft request.

Commissioner McBeath said he agreed with Commissioner Swanson's comments about the CABMWs involvement, and that Assemblyman Claborn makes a profound statement that attendance is poor at CABMW meetings maybe others have more attendance in the rural counties, and he can tell the audience or anyone interested in any wildlife issues to come to CABMW meetings and that the Advisory Boards listen and the Commission listens to the CABMW recommendations and the system works and asked that everybody please get involved in the CABMW process. Commissioner McBeath said the Wildlife Commission members attend their CABMW meetings, and you get much better decisions and comment if everyone is involved.

Public Comment on Assemblyman Claborn's Proposal –

Dave Jordan said he is a former long-term resident of Clark and now resides in Lincoln County, and the last three days during a cow elk hunt he found one dead cow and two dead fawns with lion and coyote tracks and wants something done about predator control. He would like to see something done similar to Utah where they pay \$25 for coyote ears.

Brandon Fordin, Elko CABMW, said he wanted to talk to Assemblyman Claborn because the \$300 fee is not taking into account the cost of processing hides and more expenses. The harvest objectives for lions are not met because there are not that many lions and challenged Assemblyman Claborn to go out with him and find lions as he hunts lions, and everybody who hunts lions in Elko says there are no lions. People who are not out in the field do not know what is going on in the field. He said he wants to see the signature list of the 83,000 people Assemblyman Claborn spoke of because everyone he talks to does not feel that way.

Pat Laughlin, Elko, said he is a resident of Nevada since 1973, and is concerned with the deer like a lot of people are, and wonders what is going on. His father was a predator specialist for 40 years, and he is an advocate of predator control. He said he has spent his whole life, hunting, fishing, trapping, guiding, all over the country and out, and has been a lot of places. This year from the middle of August, he has spent 63 days in the field hunting himself and with others, and is seeing out there a trend that has gotten worse and worse, and the buck doe ratio looks good but the age class is all messed up with difficulty in finding mature bucks, no fawns, and is the same with antelope, the fawns are not making it through burned up winter range. He said he has seen lots of lion sign, and would applaud Claborn's bill and what he is trying to do and glad to see someone step up and do something and not blame anyone. Mr. Laughlin said he knows we can't control weather but we can do something about predators. He said he is concerned for his children and grandchildren and others that there may not be deer or elk available for them to hunt when they grow up, and that is his concern as well.

Summer Hollingsworth, has lived here for 55 years, and used to be an avid hunter and his love of hunting brings him here today, and he senses change in the wind. Mr. Hollingsworth said NDOW is not a user friendly agency from all the discussions he has had with others, and that NDOW and Commission have political agenda with no experience, and no knowledge of end users wants. Nothing ever done because it obviously gets worse every year, and one of his close friends is an advisor to the governor and has been assured and knows that the new Commission was appointed because of their wildlife knowledge, not their political agenda and a desire to save the deer herd and hunting in Nevada. He said he believes Assemblyman Claborn's proposal is a good start in bringing the deer herds back and hopes the Commission does it.

Tom Cassinelli, speaking for himself, said he realizes deer situation does not stem from just predators but a big part does, and for instance in the Santa Rosa range he is in the field as much or more as NDOW, and sees problem in the field with lions and that the coyote problem is worse than lions. He said the system we have has people not harvesting kittens but the big toms, and is not speaking of the whole state but in his little area up there the predators are causing havoc. He said he understands Assemblyman Claborn's need to get rid of predators and we do need to go somewhere,

and believes in starting with the CABMWs with his recommendations and see if we can't get more recommendations that work for everyone.

Hal Shrum said NDOW is the problem because they make it tougher for everyone to hunt, such as the requirement to hunt with steel shot on the management areas, and he searched all over and found some for \$35 a box. The draw system is a cash cow that is beyond belief, and the cost for the average hunter is about \$175, up to \$200 before leaving town, and wants to know what a sage grouse hunter spends. He said it is mismanagement not the drought or wild fires.

Bob Renner said he has a wildlife management degree from UNR and is with the Coalition of Nevada's Wildlife and is not speaking for them at this time or anyone else, just himself, and he supports Assemblyman Claborn's effort in controlling predators and getting things moving forward. He said his concern is the process and that we follow Nevada law and NRS to process his request, and the Commission meets regularly and if you get something in the Legislature you lose control. He said 65 percent of the voting public does not want mountain lion hunting and is concerned that we will lose mountain lion hunting and would urge that the state legislature not be the avenue used because you lose control and maintain proper legislative procedure in making changes.

Lee Dain, said he is a native Nevadan, and since the 1980s there has been less and less deer in the field, and mountain lion problem has increased with taking of wildlife. He said he lost a deer to a cougar and he cited many ranchers who have lost animals to mountain lions in White Pine and Lincoln Counties. Predators are the main reason for the deer herd declines per the Arizona study, and would urge that the \$3 fee and any available funding be used to get the herds back.

Ron Sweet, said he is a native Nevadan, and has hunted Nevada for many years, the problem is that in the 1980s deer hunting peaked and that is when they took the bounty off mountain lions in the early 1970s. Assemblyman Claborn is on target to take care of mountain lions because mountain lions are the problem.

Ed Morgan, native Las Vegas, said he has seen the decline in deer herds and there is a predator problem and asked that the Commission accept Assemblyman Claborn's proposal.

Paul Dixon, Clark CABMW, would implore the board when they pull together information from Assemblyman Claborn that they ask that NDOW give the CABMWs statistics and information so that the boards get accurate information instead of hearsay and conjecture so they could make a recommendation that is meaningful.

Brady Shortell, said he is a farmer from Lincoln County, and said on his farm they counted over 70 deer and 131 antelope and although he receives landowner compensation tags for both, he has different perspective from what everyone else has

been saying, as he actually has a problem with wildlife damaging his crops and loses \$86,000 a year due to wildlife damage collectively, and is only getting about \$5,000 to \$8,000 for tags which does not skim the surface, and suggests a barrier that would keep deer out of their fields because their farm is an oasis to the deer. He said he would ask for a grant or mitigation from the state or the department would be appreciated. Estimated cost of a barrier is \$5 per foot.

Charlie Howell, resident of Nevada since 1947, and said he has seen the decline of the deer herds in Nevada and he really supports Claborn's bill

Robert (unintelligible last name), said he is a resident since 1961 and is a trapper and hunter, and is here to support Claborn's bill on mountain lions. He said he has caught four cougars in his traps and received no cooperation from NDOW in handling the situation and a good trapper could catch three to four lions a year, which would help.

Gene Perry, resident since 1953, said he supports Claborn's bill and thanked the Commission for their interest and service on the board. There is a whole new opportunity now for the Commission to take new direction from the past and with due respect to previous Commissioners, because there is a loss of respect for NDOW. He congratulated Mr. Claborn on his excellent presentation, and you hear the same thing from all the hunters such as the effect of mountain lions and coyotes on the deer herds, and have to know that there is something to this, and there would be an increase in public support. He urged the Commission to move forward with the proposal.

Bud Sonnentag said he has a question as this is a different procedure than normal because normally we fill out a public comment card and we are called upon.

Chairman Lent said this is response to Assemblyman Claborn.

Bud Sonnentag, said he testified in the last session and he asked that his testimony be included in the record – Exhibit A.

Roger Marshall said he has not hunted for at least nine years because of lack of game out there, and he supports Claborn's bill as it will bring hunting back.

Gil Yanuck, Carson CABMW, said it is heartwarming to see so many public persons coming down and talking about this issue, and as Commissioner Swanson mentioned we have a process which starts at the Advisory Board level and the boards advertise their public meetings in papers the dates of meetings and agendas, and unfortunately response from the public is sad at times. He said as a board member it is a little frustrating when you don't get participation from the public because you wind up looking at each other and making decisions. Hopefully, what was started today can be built upon, and we can get public participation and input for these decisions in the future.

Kevin Kelley, said he is a bowhunter and normally represents them but today he is representing himself, and he agrees with Claborn and what he is trying to do, and knows there is the Advisory Board process and is embarrassed since it has been a while since he attended a CABMW meeting himself.

Chairman Lent concluded public comment on Assemblyman Claborn's proposal and opened up the regular public comment period for items not covered.

Public Comment Period –

Pat Laughlin, Elko resident, said back to the deer issue, that he is not a biologist just testifying on what he knows, and a lot of the decisions made by NDOW do not make sense, and with the herds in the situation they are, why would you have a doe hunt? The doe hunt was ridiculous and a gamble and it turned out to be an open winter and that was not common sense or sound science, and does not support shooting of does.

Chairman Lent concluded the public comment period.

4 Approval of Minutes – Action

Commission meeting minutes from Aug. 15 and 16, and Sept. 5 and 6, 2008, meetings. Director Mayer said an addendum to the minutes, was sent with changes to page 23 where he insured that he was quoted correctly.

COMMISSIONER LURIE MOVED FOR APPROVAL WITH THE CHANGES TO PAGE 23.
COMMISSIONER MCBEATH SECONDED THE MOTION.

Commissioner Raine said there are some names misspelled in the August minutes, and he would provide corrections to the minutes so that they are accurate.

COMMISSIONERS LURIE AND MCBEATH AGREED WITH COMMISSIONER RAINE'S CHANGE. VOTE ON MOTION – UNANIMOUS.

Regulations – Action

5 Commission General Regulation (CGR) 366 – Program Officer III Maureen Hullinger - Action

Maureen Hullinger said this is the second reading of CGR 366 and she reviewed information from yesterday's workshop and the number of the rejected applications – two web, and 21 paper applications.

Commissioner Raine said considering the significant input yesterday and the input from the CABMWs he sees that there is no appetite to give nonresidents any second chance that residents do not have. Therefore, as a sense of fairness from the public he is ready to make a motion.

Rex Flowers, Washoe CABMW, said speaking for himself, he would recommend to the Commission that they take no action as the Boards did not have all the information, such as the fact that there are no rejection letters sent to the applicant, and problem may reside with guides. He thinks if it went back out to the boards with that information including the financial implications it would have passed more boards, and would y have fared better overall.

Tom Cassinelli speaking for himself said this would be good place to go with 100 percent online applications to eliminate and solve all the problems.

Dahl Bradfield, Lincoln CABMW, said they are still in opposition after hearing yesterday's testimony.

Bob Cook, Douglas CABMW, speaking for himself said he agreed with Commissioner Raine and would be counterproductive to let applicants redraw and may promote ill will from resident hunters.

COMMISSIONER RAINE MOVED TO DENY THE CHANGES TO CGR 366. COMMISSIONER LURIE SECONDED THE MOTION.

Commissioner McNinch said he appreciates Mr. Flower's comments and will be voting against the motion because it would be appropriate to resend the regulation to the Boards.

MOTION CARRIED 7 -2 WITH COMMISSIONERS MCNINCH AND WALLACE OPPOSED.

5 Commissioner Regulation 07 – 10 Amendment #1 – Chief of Fisheries Rich Haskins – Action

Chief of Fisheries Haskins said the marina moved and this proposal is to remove the marina as a, "closed water," from regulation so that NDOW can stock fish there for Clark County residents. All county comments received were in favor of the regulation change.

Public Comment on CR 07 – 10 Amendment #1 - None

COMMISSIONER LURIE MOVED TO APPROVE. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

6 Commission Regulation 07 – 01, Amendment #2 – Supervising Big Game Biologist Steve Kimble.

Steve Kimble said the hunt is on Nellis Air Force Base and the Air Force accommodate the Department and hunters when the season was set two years ago as an educated guess, and now hunters with tags in those areas could only hunt for eight days, and staff are asking the Commission to bring the hunt dates in line with the range dates.

Chairman Lent asked if the change would affect the biology of the hunt by extending it one week.

Steve Kimble said it is only a organizational change and staff worked with the base to set the dates through 2013 to prevent these types of changes in the future.

Commissioner Cavin asked if successful tag holders have been notified of the change.

Steve Kimble said that the regulation book denotes this possibility and a letter was sent informing them of NDOW's request to change the dates to give them a full hunt.

Commissioner Raine said he would like the record to reflect that the Commission appreciates the access from the Air Force, and to change the dates is significant.

COMMISSIONER MCBEATH MOVED TO APPROVE CR 07 – 01 AMENDMENT #2 TO CHANGE THE DATES AS AUTHORIZED BY NELLIS AIR FORCE BASE. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

8 Petition – Mr. Mark Carlton – Action

Mr. Mark Carlton said he has lived in Las Vegas and fished Lake Mead since 1947 and he wants a slot size limit for largemouth bass. Almost every lake has a slot limit on the bass but not Nevada, and understands that the powers that be, could care less about fishing on Lake Mead because that is not the purpose of Lake Mead which is flood control and power. He said Lake Mead used to be the best bass lake until you get to Florida – his proposal is for to keep bass under 13" and over 16". He said the bass need help because the lake level is down 120 feet, there is no cover for the fish, and so he hopes something can be done.

Public Comment on Petition –

Gil Yanuck, Carson CABMW, said their only concern was no support or scientific information as to whether this is a good idea or a bad idea. The board would have liked information relative to the petition as support material so they could make a decision without being in the dark.

Tim Meyer, Nevada Bass Federation, said nothing against the slot limit, but if you catch a fish it is great. As far as the facts relative to tournament directors, he received emails and letters, and from the tournament perspective Lake Mead used to be a great bass fishery and nobody will come out now because it is a tough lake, and structure on Lake Mohave is helping and want that on Lake Mead as well, and a slot limit can have a financial effect on tournaments. He said he is not against it but would like to see a better quality fishery to attract tournaments and bring money back to the state.

Rex Flowers, Washoe CABMW, said the board voted against the proposal as no scientific data and not specific to the waters included in the petition and he thanked Mr. Carlton for the proposal but would ask him to come back with more specific information and then maybe they could support it.

Mr. Dearl Sneed, Clark CABMW, said the regulation does not conform with Arizona's regulations where we have joint waters, and at their meeting discussed the impact on tournaments as there are 78 tournaments per year on Lake Mead. He said the board voted against the recommendation for the petition.

Chairman Lent closed public comment

Commissioner McNinch said he would like to hear from the Department before discussing the petition.

Chief of Fisheries Rich Haskins said he encouraged Mr. Carlton to attend as he is a passionate fisherman of Lake Mead, although on the face of the petition, it may not be valid because at this time we have no biological information on the slot limit. The CABMWs were against the petition as written for a statewide limit, and the fisheries regulations are more water specific. He said there is no scientific information to support a slot limit on Lake Mead, but Mr. Carlton has a passion, and he would advise him to take it back out to the CABMWs. At this time the Department does not think that a slot limit would accomplish what he is seeking.

Commissioner McBeath said he is hearing from Mr. Carlton that there is a problem relative to bass fishing and is coming forth with a petition to resolve that problem but there are a number of issues with the petition, and he has raised the issues, and maybe we need to take steps to come up with ideas to improve the fishery at Lake Mead whether it be a slot limit or artificial structures and if other ideas out there we ought to find a way to address those issues.

Mr. Haskins said that is why he encouraged Mr. Carlton to come to the Commission because the Commission does not always hear about these types of angler issues and fishermen pay fees and spend a lot of money that goes toward statewide programs.

Commissioner Raine thanked Mr. Carlton for coming and said it is always good to hear from local experts as well as Mr. Myers, and as a Commissioner it is tough to approve something without knowing if it will benefit the fishery, and asked him to come to the Commission with ideas to improve the fishery especially if he sees something that NDOW is not doing.

COMMISSIONER SWANSON MOVED TO REJECT THE PETITION. COMMISSIONER MCNINCH SECONDED THE MOTION. VOTE ON MOTION: UNANIMOUS.

Commissioners Lurie and McNinch asked to update the group on the boat issue that was discussed yesterday since Mr. Myers is present.

Mr. Haskins said there is a new property surplus form allowing donations and Supervising Fisheries Biologist Sjoberg said he got the answer yesterday that we can donate the boat to the nonprofit and it appears that we will be able complete the donation.

9 Reports - Informational

A Department Budget – Administrative Services Officer III Dave Prather

Dave Prather said he will review the Department's budget, of that budget cuts totaling 11 percent were submitted to the budget office on Wednesday and charged with a 20 percent General Fund reduction for FY 10 and 11, which is 35 percent total cuts to the General Fund and those are due next week. He said the Department is strategizing ways to maximize our federal revenue coming into the Department and make sure we get the most "bang for our buck." License dollars fluctuate and the Commission was sent a pie chart with analysis of revenue and expenditure as per the Commission's request from the last meeting.

Chairman Lent said the pie chart was very helpful.

Commissioner Lurie asked how grants will be affected with general fund cuts as that money is used as match.

Dave Prather said staff are prioritizing dollars to federal programs with highest components. State Wildlife Grant money has some match at 50/50 so we get a bigger bang for the buck with federal dollars. Unfortunately, we have State Wildlife Grant funds that will probably not be matched, but have to wait for the process to unfold to see.

Director Mayer said Wildlife Diversity is funded by the general public and they have money to match with federal funding and to take care of 2009 we are holding positions open. In 2010 and 2011 we are looking at other monies that are not sportsmen related to use as match. He said we are fortunate that we have flexibility which some state agencies do not have, and he told the Governor's staff that we need to be looked at differently because of our federal funding, and the Governor agreed with him, as did his fiscal staff. Director Mayer said we need to get active with volunteer program and obtain more match. He

thanked Mr. Prather's staff for their hard work and overtime that they have put in working on the Department's budget.

Chairman Lent said he and Commissioner Cavin remember 1970s legislation that took the agency from being a general fund agency, and he asked Director Mayer if he agreed that was a good move.

Director Mayer said partially but there are things that the general public needs to pay for, not just sportsmen, as the agency responds to the general public when they have a coyote in their backyard or wardens who make a criminal stop. He said we are rapidly approaching the point of not receiving general fund money as the majority of the general fund money received reimburses the agency for low cost licenses, and there is not much else left. Director Mayer said the agency's Green Team recently finished their report and there are some cost-savings to be implemented, and everyone including the Commission, has to tighten up their belts, to get through these times.

Chairman Lent said when he creates the financial committee he will charge them with looking at accounts to see if they can maximize funding or increase funding. Chairman Lent asked if there is enough funding for the Commission to send someone to the mid-winter Western Association of Fish and Wildlife Agencies (WAFWA) conference in San Francisco.

Director Mayer said he estimates that San Francisco will cost about \$800 per person and the July meeting is in the next fiscal year which is a good thing.

Gil Yanuck, Carson CABMW, suggested approaching the state's business community to get the Wildlife Foundation 501.C3 underway so that people could make donations to the Department, and has asked about it several times and is always told it is on some attorney's desk. He said this would be a great tax deduction and assist the Department.

B Department Activities Report – Director Mayer

Director Mayer said he likes how the Commission is getting the reports in real time, and he said the Leadership Team also receives regional minutes and are rolling up the important items to the Department Activity reports.

Chairman Lent said the Commission likes getting the report ahead of time as well, and they appreciate that.

D Clark County Shooting Park – Commissioner Lurie

Commissioner Lurie thanked everyone for participating on the tour which went very well and showed the participants the magnitude of the project. He looks forward to everyone coming out for the soft opening in June and the Grand Opening in October 2009.

E Lake Mead Hatchery Update – Chief of Fisheries Rich Haskins

Chief of Fisheries Rich Haskins said he is encouraged, and he has better news, with the two-fold issues that have faced the hatchery: Quagga and water temperature issues in conjunction with declining lake levels. He said they hired a consultant to look at both issues, and the quagga is going to be dealt with mechanically with a new water delivery system which has not been decided on yet, and using treated Southern Nevada Water Authority water, which will give us choices about water with the correct temperature for raising fish. He said we are in a holding pattern right now on who to choose to get water from, and the best thing would be treated cold water and to not invest in a new pipeline. The City of Henderson who receives water from Basic Water Company is negotiating water delivery as well, and the future looks bright, and the solution is months rather than years away, and will hold off on deciding the infrastructure until that is resolved. He said meanwhile we are using facilities at Willow Beach Hatchery to raise fish, and are hopeful, but can't give a date yet when we would be back in operation.

Chairman Lent asked how the fishery program is faring during this phase.

Rich Haskins said what we are doing is moving fish all over the state but there are costs to doing that as well, and by getting Lake Mead back online we can service the public of Southern Nevada more effectively.

F Law Enforcement Update – Chief Game Warden Rob Buonamici

Chief Game Warden Buonamici provided the Commission with a power point (exhibit file) overview of his Division. He said the Division has 33 wardens statewide, and their mission is to protect and manage the wildlife resources of the state.

Director Mayer said he will have another Division make their presentation at the next meeting as part of this series for the new Commissioners.

G Legislative Update – Director Mayer

Director Mayer said he will be doing the report and that the Carson County Commission is looking at a bear ordinance, and as we are enforcing the ordinance in Douglas we killed a lot more bears this year because they were garbage bears. The agency submitted four Bill Draft Requests (BDRs) and three were accepted, and one was not. The one that was rejected was asking the alternative energy development community to come to NDOW first to get our maps with sensitive species information, etc.; however in today's world the Governor's office decided not to go forward with that. Off-highway vehicle (OHV) legislation is being pushed forward but not sure where it will end up. The agency has enough unfunded mandates and is not supportive of taking this on because we would need dollars to build the infrastructure and does that take away from our agency's mission. He said it makes more sense for DMV to take on OHVs as they are already there, and the industry does not want us involved. Two other BDRs that are not ours that we are watching: the Silver State tag which would be comparable to the Heritage Tag; and the Dream Tag which is your first chance at a lottery. Assemblywoman

Debbie Smith received a ruling from Legislative Counsel Bureau that lottery was okay and money could be appropriated into a fund for emergency funding such as helicopter repair. The proponents are interested in the Commission being involved as oversight, and to date 600 BDRs have been proposed and we are tracking the BDRs that will potentially affect Nevada Department of Wildlife.

Commissioner McNinch said that one more BDR is the mining claim post marker which will allow for removal of hollow post markers which cause bird mortalities.

H Nevada Wildlife Data System (NWDS) Report – Chief of Operations Bob Haughian and Don Sefton, said this is third update of NWDS and this information will be very helpful for the new commissioners. Bob Haughian and Don Sefton presented a 72 page power point presentation (Exhibit File).

I Overton Interpretive Center Update – Chief of Conservation Education Kelly Clark
Chief of Conservation Education Kelly Clark said she has good news for the Commission on Overton Wildlife Management Area as to progress of the modular building which now has a contractor in place, PBS&J, and work will progress depending on issuance of permits. She provided background information to each Commissioner, reviewed the history of the Overton Interpretive Center and presented a power point presentation (Exhibit File).

John Hiatt, conservation chair of Audubon, said he is glad to have something being done with this. He said that he would point out that the Peer property which is adjacent is for sale right now, and it will not help the Interpretive Center if that property is developed for homes, and he urged the Commission to consider preserving the property as open space, and to excite kids you need to make the opportunity to see wildlife, and it is not just about hunting. He said we need to build a blind for bird watching on the pond and make it more wildlife viewer friendly so people can see the birds.

Commissioner McNinch said he appreciates the comment and the committee has asked for involvement from groups as to where they want wildlife viewing sites, and that could probably be incorporated into the design.

Commissioner Swanson said when the implementation stage starts they will welcome public input as to wildlife viewing sites.

Director Mayer said the Peer property was considered; however, Mr. Peer is asking \$2 million for the orchard and that is not viable for the Department right now.

J Clark, Lincoln and White Pine Counties Groundwater Development Project Update – Acting Deputy Director Rich Haskins said that Jon Sjoberg is the team lead on the Spring Valley element and he updated the power point that he gave the Commission in

September 2007, which he will present today. Steve Kimble is the lead now for the Southern Region and he read and reviewed the power point presentation (Exhibit File).

Commissioner McBeath said he would disclose that he is involved with a ranch in Cave Valley that is involved in litigation with Southern Nevada Water Authority. Commissioner McBeath said that process led him to an understanding of what is going on and was rather surprised when going through the Cave Valley hearings to learn 130 water applications filed which is more than depicted here, and all were protested by federal agencies based on Pahrangat National Wildlife Refuge, Indian reservation, Lake Mead, which are included in the White River flow system, and what shocked him was the NDOW has three Wildlife Management Areas (Kirch, Key-Pittman, and Overton) in that same flow system and we have direct interest in those water rights, and he would have thought that NDOW would have filed protests on those water permits. He said the Commission and NDOW should be interested in that because of the direct interest and draw downs, there could be direct impact to surface water rights. He said what really bothered him is that the federal people who filed were able to extract a stipulated agreement requiring a monitoring and mitigation program, and with respect to Cave Lake, Delamar Valley, that no one was looking out for those interests. He said he would pose his question as if NDOW had filed protests, they would have been involved, and he would ask what should we be doing to get a seat at the table to have meaningful input on this process.

Acting Deputy Director Haskins said NDOW tried to do that and was told no under Department of Conservation Natural Resources as there is a formal process for water rights. NDOW's status is complicated as we are an Executive Branch agency, and he looks at it as a social issue because the Water Engineer has to balance legal issues, and the needs of the residents in Las Vegas in addition to environmental concerns. He said the Department has a role to play and does not know if our role would be that different if we filed, and he feels that wildlife will be given its due diligence as its importance is recognized by those involved. Mr. Haskins said this is such a big issue and we do not have hydrologists on staff and we have a role to represent biological issues but that is outside of our area of expertise and are doing the best we can.

Commissioner McBeath said do you feel you are providing information before the State Engineer and other parties that is the best information.

Acting Deputy Director Haskins said yes because we have status of cooperating agency on the EIS and feedback from staff back to the Leadership Team is that they are listening, and they want our participation.

Director Mayer said when he came on board he was told we had no cooperating status and was told that the last Governor told NDOW that they could not be cooperators, and the new administration has not put those constraints on NDOW, and the agency has friends and constituents who invite us to participate.

Commissioner McBeath said the fact that NDOW recognizes this is a huge issue sets the stage, and he realizes the agency is doing everything possible, but worries about the political aspects of this, and there won't be true consideration of wildlife interests. Two aspects to this, monitoring which would show negative aspects, and the mitigation piece which deals with the after effects, and what the SNWA should step up and do to rectify a loss of water. He said we will be dealing with this for a long time, and said the State Engineer put in place a monitoring and mitigation plan which is recognition that they don't know what will happen and are being conservative, but at the same time in the State Engineer's own ruling indicated he does not know the environmental issues and that is why Commissioner McBeath wants NDOW participation. Commissioner McBeath said he would feel more comfortable if we had equal seat at the table for wildlife interests to be represented.

Commissioner Raine said there are multiple species being considered for listing in this affected area for listing for the Endangered Species Act, and is there some way that could be utilized to get NDOW status, and could even the threat of them being listed should work to NDOW's advantage.

Director Mayer said that could be considered and cited an example of California with water being turned off to help smelt which took many years, and he said the Department will look for any opportunity for better seats at the table.

Commissioner McBeath said Douglas CABMW Chairman Mike Turnipseed is the former state water engineer who was involved when the permits were approved, and wondered if he would get involved to assist NDOW.

Director Mayer said Mr. Turnipseed has offered his assistance to the Department.

Chairman Lent said if we have ideas we can always put them on the agenda and bring them back.

Commissioner McNinch said it has been a hopeless feeling and that as he works for another government agency he realizes the impact of the work level working on these types of issues, and we also need to make sure we file protests on future water rights if necessary. Unfortunately, It is not always a consensus process, and the reality is it is going to happen, and monitoring those threatened and endangered species is important. He said he appreciates the Department's work that they have done on this issue, as it can be thankless.

Chairman Lent said while he was out in the field in White Pine he saw the impacts that will be felt by hunters as they rip out willows and leave bare dirt so water won't be held up, and they have no hunting on SNWA lands that have game on them.

Director Mayer said staff asked SNWA if they had a lands department to work with as to provide hunting opportunity because they are closing the ranches they own from hunting as they buy them up, and was told no, and as they are a quasi-public entity we should work together. To date we have not gotten anywhere, but plan to keep working on that.

- 10 Western Association of Fish and Wildlife Agencies – Secretary Mayer - Action
Director Mayer said the mid-winter is in San Francisco and to date the Commission has \$7,800 and may possibly go to the agency's Reserve Account to bolster that. He estimates that it will be \$700 – 800 for one person to attend, and would ask that two Commissioners attend due to the proximity of the location, and all Commissioners are invited.

Commissioner Raine said the newer Commissioners may be the logical choice as to get involved.

Chairman Lent said Commissioner McNinch has expressed interest in attending and other Commissioners may be able to go if they carpool together. He asked if there are any other Commissioners interested.

Commissioner McNinch said he expressed his interest in attending and from his perspective has learned a lot at each conference, but does not want anyone to think he is monopolizing attendance.

Commissioner McBeath said he has a conflict and would not be able to attend but may be able to attend the July meeting.

Commissioner Cavin said he too has a conflict with the January dates and could not attend.

Chairman Lent said he would be able to attend.

Chairman Lent designated that he and Commissioner McNinch will attend, and if anyone else is interested to please contact him, and cost sharing ideas could be entertained.

- 11 Future Commission Meeting – Director Mayer – Action
Director Mayer said the Clark County Government Center is not available Feb. 6 and 7, 2009, therefore, staff is requesting to change the location of the February meeting to Reno, and for additional cost savings.

Commissioner Lurie said accommodations could be found in Las Vegas for the meeting but considering the number of people who have to travel to Las Vegas for the meeting and in view of the budget situation he would support the meeting being held in Reno.

COMMISSIONER MCNINCH MOVED THAT WE RELOCATE THE FEBRUARY MEETING TO RENO FOR THE DATES OF FEB. 6 AND 7, 2009. MOTION SECONDED BY COMMISSIONER RAINE. MOTION CARRIED UNANIMOUSLY.

Chairman Lent said he had each Commissioner complete a questionnaire in regard to staffing the committees, and took into account the budget situation by cutting the number of committees to save staff time, mileage, postage, and other costs, which is what he thought was important, and is inviting anyone interested in the committees to contact the chairs and attend these meetings as well as everyone else. He said he will provide a charge to certain committees, and he provided the following designations:

BOARD OF WILDLIFE COMMISSIONERS - Commission Committees

- 1 Elk Damage and Incentive Committee
Commissioners Wallace (chair), McNinch, Mori
Staff to the Committee: Mark Atkinson
- 2 Heritage Committee
Commissioners Cavin (chair), Mori, Raine
Staff to the Committee: Gabe Pincolini
- 2 Legislative Committee
Commissioners Lent (chair), Cavin, Daryl Capurro
Staff to the Committee: Kim Jolly
- 3 Wildlife Damage Management Committee
Commissioners Raine (chair), McBeath, Mori, Wallace and Mike Laughlin
Staff to the Committee: Kevin Lansford
- 4 State Predatory Animal and Rodent Committee - NRS 567.030
Commissioner Wallace
Department of Agriculture
- 5 Wayne E. Kirch Wildlife Conservation Award Judging Committee
Commissioners Swanson (chair), Lurie and Marlene Kirch
Staff to the Committee: Kim Toulouse
- 6 Duck Stamp Judging
Commissioners McNinch (chair) and Swanson
Staff to the Committee: Kelly Clark
- 8 Wildlife Scholarship Recipient Selection
Commissioners McNinch (chair) Swanson, and Lurie
Staff to the Committee: Craig Mortimore

- 9 Finance Committee
Commissioners Lurie (chair), McBeath, and Gilbert Yanuck
Staff to the Committee: Dave Prather
- 10 Administrative Procedures, Regulations and Policy Committee
Commissioners Raine (chair), Cavin, and Wallace
Staff to the Committee: Kim Jolly

Chairman Lent said he is giving each person on the Commission a copy of the Department's audit as it explains the federal funding for the Department, and also will give each person a copy of Assembly Bill 259 as well, which contains the date that certain reports are due to Assemblyman Claborn. He said he will charge the Finance Committee to make recommendations to cut costs and just because we have a small part of the General Fund, we still need to come up with cost savings ideas. He said he created the new Policy Committee, and need a full review, and we can always add and adjust the committees later.

Public Comment Period –

John Hiatt, Audubon Society, said on the water rights issue he would suggest to the Commission that the Department obtain state of art flow monitoring devices on any spring that NDOW has water rights because the first thing SNWA will say when there are problems, is that it is a natural variation, and you need to keep track of those flows on a daily basis. He said Pat Mulroy of SNWA goes apoplectic when you mention the Owens Valley and any judicial action, and you will need good data to intervene in the future.

Meeting adjourned at 2:36 p.m.

Note: The minutes are a synopsis of the meeting. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request for review.

