

Draft Minutes
Nevada Board of Wildlife Commissioners' Meeting
Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512

Friday, February 6, 2009 – 10 a.m.

Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife
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 –

Public Comment Period

- 1 Approval of Minutes – Action - Commission meeting minutes from the Nov. 21 and 22, 2008, meetings.
- 2 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.
- 3 Petition – Mr. Ira Hansen – Action -
The Commission will consider a petition from Mr. Ira Hansen requesting to clarify and define what “disturb” is in NRS 503.454.2. The Commission may accept and initiate regulatory action or deny the petition.
- 4 Appeal – Mr. Brian M. McGurty – Action
The Commission will consider an appeal from Mr. Brian M. McGurty on the denial of his permit to continue scientific collection.
- 5 Commission Policy #50, Duck Stamp Procedures, First Reading – Chief of Conservation
Education Kelly Clark – Informational
The Department’s is requesting that the Commission revise Policy #50 to change the number of Nevada Duck Stamps printed from 50,000 to 35,000.
- 6 Administrative Procedures, Regulations and Policy (APRP) Committee – Commissioner Raine -
Action - Commissioner Raine will report to the full Commission on the APRP Committee’s meeting that occurred on Jan. 7, 2009, and may ask that the Commission take action on the committee’s recommendation to change Commission Policy #1, “General Guidelines for the Commission.”
- 7 Wildlife Damage Management Committee (WDMC) – Commissioner Raine - Action
Commissioner Raine will report to the full Commission on the WDMC Committee’s meeting that occurred on Jan. 8, 2009, and may ask that the Commission take action on the committee’s recommendations.
- 8 Finance Oversight Committee – Commissioner Lurie – Action
The committee will request approval of the committee charter. The committee may also request the Commission vote to either support or oppose recommending legislative changes to NRS 501.179 relating to compensation of Commissioners.

- 9 Legislative Committee – Chairman Lent – Action
The committee may also request a vote to either support or oppose the Nevada Department of Wildlife’s legislation contained in Assembly Bill 77 which is asking the legislature to increase civil penalty amounts, provide for a civil penalty for conviction of wanton waste, and to make it unlawful to possess in Nevada, wildlife that has been illegally taken outside of Nevada’s jurisdiction. The committee may also request a vote to either support or oppose the release of big game tag draw information within 48 hours of completion of the draw. The committee may also request a vote to either support or oppose legislation regarding mountain lion hunting with Department staff providing suggested language for consideration by Assemblyman Claborn regarding a lion bill.
- 10 Heritage Committee – Commissioner Cavin – Action
The Commission will hear a report on the Heritage Account’s interest and principal from Administrative Services Officer III Dave Prather. Commissioner Cavin will report to the full Commission on the Heritage Committee’s meeting that occurred on Feb. 5, 2009, and may ask that the Commission take action on the committee’s recommendations
- 11 Reports - Informational
- A Western Association of Fish and Wildlife Agencies (WAFWA) Annual Conference Report – Chairman Lent, Commissioner McNinch and Secretary Mayer
 - B Litigation Report – Deputy Attorney General - Deputy Attorney General Bryan Stockton
 - C Department Activities/Leadership Team Notes – Secretary Ken Mayer
 - D Department Budget – Administrative Services Officer III Dave Prather
 - E Wildlife Diversity Division Program Overview and Update – Chief of Wildlife Diversity Laura Richards
 - F Department Actions Related to “Early and Unauthorized Release of 2008 Big Game Draw Results” – Chief of Operations Bob Haughian
 - G 2009 Legislative Update – Director Ken Mayer
 - H Update on Wild Horse Issues and Legislation – Chief of Habitat Dave Pulliam
 - I Update on Renewable Energy Projects and Nevada Department of Wildlife Involvement - Chief of Habitat Dave Pulliam
 - J Nevada Department of Wildlife Water Monitoring Relative to Southern Nevada Water Authority Projects – Chief of Habitat Dave Pulliam
 - K Bassett and Comins Lakes Fisheries’ Status – Deputy Director Rich Haskins
Public Comment Period

Saturday, February 7, 2009 – 8 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

Public Comment Period

- 12 2008 Preliminary Big Game Harvest Results – Big Game Biologist Mike Cox – Informational
Summary and overview of preliminary big game harvest data.

Regulations – Action
- 13 Commission Regulation 09 - 01 - Heritage Tags 2010 – Big Game Staff Biologist Mike Cox -
Action - The Commission will adopt the Heritage tag species, seasons, and quotas for 2010.

- 14 Commission Regulation 09-02 - Heritage Tags 2011 – Big Game Staff Biologist Mike Cox - Action - The Commission will adopt the Heritage tag species, seasons, and quotas for 2011.
- 15 Commission Regulation 09 - 03 Raptors for Falconry - Chief of Wildlife Diversity Laura Richards – Action - The Commission will establish 2009 and 2010 season dates, species, quotas, hours, limits, closed areas, application procedures and deadlines, and take for raptors for falconry.
- 16 Commission Regulation 09 – 04 Noncommercial Collection of Reptiles and Amphibians for 2009 and 2010 - Chief of Wildlife Diversity Laura Richards - Action
The regulation establishes the 2009 and 2010 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians.
- 17 Commission Regulation – 09 – 06 – Big Game Biologist Kevin Lansford – Action
The Commission will adopt mountain lion harvest objectives for the 2009 - 2010 and 2010 - 2011 seasons.
- 18 Commission Regulation 09 – 05 Proposed Big Game Season Dates - Big Game Biologist Mike Cox - Action
The Commission will adopt the 2009 and 2010 hunting seasons for mule deer, pronghorn antelope, elk, bighorn sheep, and mountain goat including limits, hunting hours, special hunt eligibility, animal gender, age and physical characteristics, and legal weapon requirements; Partnership in Wildlife (PIW) and emergency hunt structure and statewide quotas; the 2009 nonresident restricted deer tag quotas and seasons; dates and times for indoctrination courses.
- 19 Future Commission Meeting – Director Ken Mayer - Action
The next Commission meeting is scheduled for March 27 and 28, 2009, in Reno; and the Commission will review potential agenda items for that meeting which will encompass a County Advisory Board to Manage Wildlife workshop. The chairman may designate and adjust committee assignments and create new committees.

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Gerald Lent	Vice Chairman Ron Lurie	Commissioner Tom Cavin
Commissioner Mike McBeath	Commissioner Dave McNinch	Commissioner Pete Mori
Commissioner Scott Raine	Commissioner Dan Swanson	Commissioner Grant Wallace

Secretary/Director Kenneth E. Mayer	Bryan L. Stockton, Deputy Attorney General
Nhu Nguyen, Deputy Attorney General	C. Wayne Howle, Deputy Attorney General
Suzanne Scourby, Recording Secretary	

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Administrative Services Officer III Dave Prather
Game Division Chief Mark Atkinson	Big Game Biologist Kevin Lansford
Supervising Game Biologist Steve Kimble	Conservation Education Chief Kelly Clark
Chief Game Warden Rob Buonamici	Program Officer III Maureen Hullinger
Conservation Educator Aaron Meier	Chief of Operations Bob Haughian
Big Game Biologist Mike Cox	Program Officer I Julie Meadows

Others in Attendance/Two Day Meeting:

Brandon Fordin, Elko CABMW	George Corner, NV Guides and Outfitters Association
Tom Cassinelli, Chairman Humboldt CABMW	Thomas Wilson, Washoe CABMW
Don Sefton, Systems Consultants	Mike Laughlin, Wildlife Damage Mgt. Committee
Rex Flowers, Washoe CABMW	Pat Laughlin, Elko resident
Gil Yanuck, chairman Carson CABMW	Craig Stevens, Elko CABMW
Glen Copeland, Washoe CABMW	Steve Hemp, Humboldt CABMW

Mel Belding, self
Jim Jackson, self
Caleb McAdoo, self
Mark Moglich, self
Marlene Bunch, self
Mike Turnipseed, chairman Douglas CABMW
Bill Meyer, Lyon CABMW
Rick Smith, chairman Washoe CABMW
Lew Sander, self
Dave Gowan, self
Ira Hansen, self
John Capurro, self
Eric Scheetz, Douglas CABMW
Mike Martindale, self
Jim Jenne, Lyon CABMW
Walter Mandeville, Lyon CABMW
Jim Nelson, Nevada Bighorns Unlimited
Tim Humes, self
Larry Johnson, Coalition for NV's Wildlife
Giovanni Giordano, Humboldt CABMW
John Valley, Carson CABMW
Fred Church, NV Bowhunter's Association
Cory Lytle, Lincoln CABMW

Dianna Belding, self
Alex Werbelkes, self
Gary Lawry, chairman Churchill CABMW
Glenn Bunch, chairman Mineral CABMW
Judi Caron, self
Jim Jenne, chairman Lyon CABMW
Jason Carter, self
Marshall Goldy, NV Big Game Restoration Group
Charlie Cecchini, chairman Nye CABMW
Dan Heinz, self
Jim Ornellas, NV Big Game Restoration Group
Nigel Macomber
Paul Downs
George Flournoy
Billie Kirkendoll
Joel Blakeslee, Nevada Trapping Association
Dennis Wilson, Nevada Bighorns Unlimited
Jeremy Drew, self
Jack Robb, self
Daryl E. Capurro, self
Troy Lane, self
Bob Brunner, self
Paul Downs, self

Friday, Feb. 6, 2009 – 10 a.m.

Chairman Lent called the meeting to order at 10:05 a.m.

Roll Call of CABMW Members: Elko, Carson, Lincoln, Lyon, Washoe, and Mineral Counties are present this morning.

Approval of Agenda – Action

Chairman Lent said he would like on item #9 to make that item flexible as he has a 1:30 p.m. appointment and would like to cover that when he is present and asked for a motion to approve the agenda.

COMMISSIONER LURIE MOVED TO APPROVE, MOTION SECONDED AND CARRIED UNANIMOUSLY.

Member Items -

Commissioner McNinch said he had cards on the Southern Nevada Water Authority (SNWA) pipeline and the cards are to complete to express concern over water activities in White Pine/Lincoln Counties and encouraged anyone concerned to complete a card and mail it to Chairman Rory Reid of the Clark County Commission in southern Nevada.

Commissioner Raine said he has a couple of things for explanation at a later date, one is a question came up for matching funds on the predator fee, and the matching fee, and where it goes and if not, why it is not applicable and also come to his attention that the Nevada

Department of Wildlife (NDOW) plans to still issue manual licenses after automation of the Nevada Wildlife Data System is complete and he would like a more detailed report if that happens because potential substantial savings with new system but those savings will be erased if manual permits issued still, and is that necessary. He also asked why are agents not given the option to utilize their existing pc's rather than the one NDOW is giving out and would be one less device in your store, he would like that brought up at the March meeting. Commissioner Raine, said his third question is how Bill Draft Request's (BDRs) brought up by Department are introduced because Department BDRs are not approved by the Commission. His basic understanding is that the Commission is supposed to come up with broad level policy and nothing more broad then legislation, and why is the Commission not approving the legislation. He asked what is the legality of that.

Director Mayer said he does not understand the part of Commissioner Raine's request on the predator fee.

Commissioner Raine said it is a matching fund question and are those matching funds being received for the \$3 fee, and if so where are they going, and if not, why not.

Commissioner Lurie requested that the Clark County Shooting Park be on the March agenda for an update.

Chairman Lent said Director Mayer will bring back answers, and he asked if any Commissioners have attended any of the Hunter Education dinners that the Commission was invited to, and he said one is upcoming in Pahrump and Pioche and he asked that if any Commissioners who are available to attend to honor the sportsmen teaching the youth. He said that at the last Commission meeting he never received any input and again asked for suggestions on ideas to increase the deer herd and this is in relation to survey done by National Rifle Association survey about people who don't go deer hunting and what we can do to keep sportsmen interested and get ideas for recruitment, we need to do something with deer study and deer forum, and he asked people to get a hold of him with advice and is a good item for CABMWs, and to date he had not heard from anyone.

County Advisory Boards to Manage Wildlife (CABMW) Member items –

Jim Jenne, chairman Lyon CABMW, said two years ago the Commission set date specific seasons with provision to review in two years, and he suggested that a poll/survey be done via the computer on applications to see what all the sportsmen want not just those who contact CABMW members or such, and see what the real thought is.

Craig Stevens, Elko CABMW, said they had a lot of items brought up by people who wanted to know what happened with the Tag Application Hunt Committee because some people want to know how that unfinished business is going to get done.

Chairman Lent said that particular committee is no longer active and would suggest to them that they bring specific items to the Commission for action. He also asked that staff rename Commission Member Items as "Member Items/Announcements."

Public Comment – Chairman Lent asked that persons wishing to speak complete a speaker's card for accuracy of the meeting record for the recording secretary.

1 Approval of Minutes – Nov. 21 and 22, 2008, Commission Meeting

COMMISSIONER LURIE MOVED TO APPROVE NOVEMBER 21 AND 22, 2008, MEETING MINUTES. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

2 Correspondence – Chairman Lent – Informational

Chairman Lent said he had quite a bit of correspondence, and there may be duplication amongst the Commissioners as to what they each received.

Commissioner McNinch said memo sent to himself and Chairman Lent from Don Molde on bobcats expressing significant concern with bobcat populations and issues from the 1980s and he asked that each commissioner get a copy; email from Danielle Siegel who is opposed to the \$500 bounty on lions, opposed to petition to change trapping regulations, and requests that if the Commission does approve petition regulation drafted that you can't hunt in same canyon as them; and is opposed to review of director. He received an email from Clint Bentley former chairman of the Wildlife Commission opposed to review of gifts, grants and donations, and commenting on review of director; email from former Wildlife Commissioner Michael Riordan and asked that it be read in record (Attachment A) opposing Policy 1 changes because policy has worked well and does not support changes; letter from Washoe CABMW member Rex Flowers opposed to changes on watchdog of director and wording of overseeing donations to the Department; email from Chairman Jim Jenne, Lyon CABMW as being opposed to Policy 1 and review of director. A letter from Bruce Swanson opposed to draft bill on mountain lion changes; Blaine Jackson of Cottonwood Ranch, and is opposed to lion legislation as no mountain lions left; James Stevens of Gardnerville said emotion trumped science with Claborn's BDR and changing classification on mountain lions; and had a number of letters on the youth hunt and split season.

Commissioner Lurie said he received same and additionally a letter from the North American Muzzleloader Hunting Association.

Commissioner Cavin added that he received a letter from Judi Caron expressing concern over not reviewing season dates before this meeting.

Chairman Lent said he received a letter from Troy Lane, that stated that two years ago established date specific season openers, and he favors Saturday openings and a letter from Mel Belding saying the same, and Judi Caron. He said he also has a letter from Nevada

Trapping Association opposing Ira Hansen's petition, and one supportive of hunting in the rut, and letter from Joe Corolla and he read parts of that letter (exhibit file).

Commissioner McBeath said he received letter from Robert Gaudet, President of Nevada Wildlife Federation with a list of items (exhibit file).

Director Mayer said to note a letter received from Elko CABMW supporting Cortez sheep transplant.

3 Petition – Mr. Ira Hansen – Action

The Commission will consider a petition from Mr. Ira Hansen requesting to clarify and define what "disturb" is in NRS 503.454.2. The Commission may accept and initiate regulatory action or deny the petition.

Mr. Hansen demonstrated with three traps what he is asking the Commission for through his petition. He said the Nevada Trapping Association is opposed although they did not ask him to present his change to them. He provided a handout to the Commission (copy in exhibit file). Mr. Hansen said on page 8, he put in a warden directive, asked that the Board adopt policy and not asking for new NAC and he did contact two legislators but wants to keep this on the Board and not go to the legislature. He said the Nevada Trapping Association does not represent him as he has not voted although he is a member of the organization. He said his petition is to clarify the law.

Commissioner Cavin said he is not familiar with trapping idiosyncrasies and the 100 foot limit, and asked how would a person know a trap is there.

Mr. Hansen said the traps are not hidden they are on bare ground and are obvious.

Commissioner Lurie asked how trapping rules are enforced.

Chief Game Warden Buonamici said the issue is the petition and to change the law to trap within 100 feet of another trap, and if enacted, he would urge a trap registration number as a means for law enforcement.

Commissioner McBeath asked what the Department's enforcement is now.

Chief Game Warden Buonamici said similar to domestic dispute you have to determine the facts for enforcement and not broad interpretations.

Commissioner Mori asked if it is required for each trapper to identify their traps and has it ever been.

Chief Game Warden Buonamici said that is not a requirement now, and Mr. Hansen was instrumental in changing that regulation.

Commissioner Swanson said this situation happens to waterfowl hunters and to himself during duck hunting, such as when you carry your duck decoys and someone stands by your decoys, and they benefit from someone else's work is unethical. He said it is a slippery slope to define real estate. Commissioner Swanson said if we enact this, we will have waterfowl hunters here next.

Commissioner McNinch asked how prevalent is this problem.

Chief Game Warden Buonamici said it is rare and cannot recall any incidents other than he heard of it this year with two local trappers engaged in a feud, and that it has sucked up a lot of staff time to investigating it and detracts from real wildlife issues.

Chairman Lent said trappers pay for licenses and what do they pay the agency for law enforcement.

Chief Game Warden Buonamici said about 1,000 trappers which is about \$78,000.

Director Mayer asked for clarification from Chief Game Warden Buonamici as to if a trapper goes out ahead of the season and set traps to save their own spot or their own "honey hole."

Chief Game Warden Buonamici said that has happened and lots of "he said, she said, going on out there."

Chairman Lent said regulation exists currently on harassment of hunters such as for archery hunters who reserve springs and stands.

Chief Game Warden Buonamici said that is correct.

Public Comment –

Joel Blakeslee, president of Nevada Trappers Association, asked Chief Game Warden Buonamici said on the specific issue of Mr. Hansen is that he had heard two stories and would like the story told today.

Chief Game Warden Buonamici said what Mr. Blakeslee is referring to is a citation that Mr. Hansen's son received and is pending court action; therefore he cannot discuss it today.

Mr. Blakeslee asked Mr. Hansen if he would address it.

Mr. Hansen said no as his son is innocent until proven guilty.

Mr. Blakeslee said that would be useful information for today's discussion, and that the Trappers Association has no interest in passing another trapping law. He said he had heard of this happening two or three times this year but with the same individuals. Personally he said he had it happen to him twice and resolved it with a handshake. It is unethical, reprehensible behavior and that is what this is about. He said he knows Mr. Hansen and is offended by the remarks made by Mr. Hansen in regard to the Nevada Trapping Association and that the telephone goes both ways. Mr. Blakeslee asked that the petition be denied and most of the CABMWs agree with their position.

Craig Stevens, Elko CABMW, said the board voted to deny the petition and basically felt this is a dispute between two trappers and Department should not get between them. He said he was amazed that there are slob trappers like slob hunters, and the board voted to not accept the petition.

Gil Yanuck, Carson CABMW, said their board had wardens at their meeting and asked same questions as hearing today from the Commission, and appeared to them that enforceability is going to be an issue as how will you get evidence proving interference with your trap. With lack of information and evidence that is a nightmare for enforcement. He said he would hope that trappers would self-police themselves and understands what Mr. Hansen is asking for but can't see how Commission can support the petition even though we would like fair way to adjudicate this situation but unless we identify traps enforcement would be difficult. Carson CABMW was not in favor of the petition.

Chairman Lent said since the Commission has to make a decision today, he asked for clarification from Mr. Blakeslee on Nevada Trappers Association's own policing of trappers because of situation in Washoe County last year with dogs and trappers. He said he thinks trappers own worst enemy when they harass each other, and he asked how they control their members, how many people show up at their meetings and how are they represented.

Mr. Blakeslee said they have no control as they have no regulatory authority they are an association that meets once a year or as necessary, and have membership dispersed throughout the state so difficult to meet. He said they do not represent every trapper in the state and behave as many other organizations with a board of directors and bylaws and take comment from members by email, mail, and telephone and respond, to comments as they come up. Mr. Blakeslee said trappers do self-regulate themselves and has heard of three or four incidents like this situation this winter, and philosophically asked is it rampant or so out of control that legislation is needed? – No, not even close, it is becoming a swinging match between a couple of people and to quantify it, it is not that big of a deal.

Chairman Lent said there are videos of trappers and if those ever got out there will be a lot of people upset, in his opinion we define physical disturbance, if we accept the petition and may have to establish who laid the trap out, and does not see how this body can leave it up

to a Association and if we need a regulation to clarify disturb we may need a regulation similar to Mt. Rose trails regulation and define harassment, because physical disturb...

Mr. Blakeslee suggested to Chairman Lent and the Commission that they wait three weeks for end of trapping season and the case will resolve itself, then get the information about what happened with the details and go from there.

Chairman Lent said this case has nothing to do with the regulation and valid points have come up, and returned discussion to the Commission.

Commissioner McBeath said from statute 503.454 there could be disturbance, and is curious what the District Attorney (DA) said. He asked Deputy Attorney General Stockton for his opinion.

DAG Stockton said he does not practice criminal law which has different standards, and there are statutes specific for DA to enforce in situation described by Mr. Hansen and would be difficult for a DA to get conviction based on language that is here.

Commissioner Lurie said he would like clarification on identification on traps and not required how will we know who put trap where.

Chairman Lent said that identification would have to be part of the regulation if accepted.

Mr. Hansen said everyone agrees it is unethical and is not asking for new law but wants his petition accepted so that it would go to a committee for further study. He said this is not a big issue but he wants it taken care of before it becomes a big issue, and he asked that the Commission accept his petition for study by a committee, and does not want to go to the Legislature and is requesting adoption for study beyond today's 45 minute hearing.

Mr. Blakeslee said based on trap registration number that he would be opposed for the same reason Mr. Hansen had it removed and does not think a number is something you can prosecute someone on it.

Chairman Lent said we don't need to talk about trap registration at this point that will be brought up during the study.

Mr. Blakeslee said with all due respect Chairman Lent you brought it up first which is why he addressed it.

Commissioner Swanson asked if any CABMWs were supportive of the petition and hearing none said he would make a motion.

COMMISSIONER SWANSON MOVED TO DENY THE PETITION. COMMISSIONER MCNINCH SECONDED THE MOTION. COMMISSIONERS OPPOSED TO THE MOTION: WALLACE AND RAINE. MOTION TO DENY THE PETITION CARRIED 7 – 2.

3 Appeal – Mr. Brian M. McGurty – Action

The Commission will consider an appeal from Mr. Brian M. McGurty on the denial of his permit to continue scientific collection.

Mr. McGurty said he is from Southern California and works for an electricity company in California as a scientist and his personal interest is reptiles and is a professional biologist. He mentions that because the Department has concerns about issuing permits to non-professionals. His lifetime work has been to protect gila monsters, and he showed the Commission the research that he has done on gila monsters and a timeline of the permits he had received from the Department in a power point presentation.

Commissioner Swanson interrupted Mr. McGurty's presentation to ask what the charges are, as it is not clear to him from what he has heard.

DAG Stockton said the regulation states that the appellant go first, and the question is about the permit. DAG Stockton said the progeny were under terms of transfer by law.

Mr. McGurty showed his license and no mention of offspring in the current license or limitations on offspring. He would not transfer offspring if he had known and simple interpretation of license with no restriction on offspring. He showed timeline of events, and "pursuant to the term indefinitely" that permit languages. He bred the Nevada specimen with a Cal Poly specimen.

DAG Stockton said the allegation is that Mr. McGurty transferred the progeny to Cal Poly without written permission from the agency as specified by the permit, and was his permit denied correctly.

Mr. McGurty said he notified Nevada that he was using a non-native Nevada gila monster, and his one license did not state restrictions on his permit and he did not know the conditions changed. The problem is that from March through December that his application was denied and after eight months they came up with this violation as the reason for denial and justifying the denial after it was made, and nothing in his license that creates the violation that the Department is referring to, and that the progeny is mixed blood is a further complication. He is asking for common sense principles here and when you get new permit and language changes you go by language in new permit, if changing circumstances the new language should supersede it. He is flabbergasted to be here and defending his permit.

Chief Game Warden Buonamici said Mr. McGurty agreed to the exhibit packet and he reviewed the packet exhibits (exhibit file). Mr. Buonamici said the language includes

offspring, and are looking at facts of the matter. He said Mr. McGurty has not provided substantial scientific information to aid Nevada's biologists.

Commissioner Cavin said that Mr. McGurty states that he notified the dept that he transferred the offspring and it was not until eight months later that the Department became aware.

Commissioner McNinch asked legal counsel to clarify to the Commission what they are evaluating and the process.

DAG Stockton said due process requires notice under the Nevada Administrative Procedures Act and designates the board as the opportunity to be heard as the body to determine whether actions of agency were appropriate. The Commission will then make a motion with findings of fact and conclusions of law at the end of the hearing. He said this is administrative law not criminal, and he will write up the conclusion for both parties, the chair signs, and becomes the final decision of the agency and which could be appealed to a court.

Commissioner McBeath asked Buonamici why the 2007 permit had detailed provisions relative to progeny when the Department knew he was breeding and why was that not in the permit.

Mr. Buonamici said under the definition of wildlife and over time people would have seen that as redundant and dropped it.

Commissioner Swanson asked if there was financial gain or what did he get in return as it was a trade, or was it to further scientific research.

DAG Nguyen said Mr. McGurty did get compensated with a male gila monster. She said without additional information you cannot conclude that Cal Poly has done everything correct.

Mr. McGurty said he is trying to contribute to science with full transparency the fact that California says he needs a permit is fine and will do that.

Mr. Buonamici said we should go with current regulations, and he agrees that it does not state there is anything to do with progeny.

Mr. McGurty said it is a great stretch on the part of the Department with the language changes. Everything he has done has been in good faith, and appeals to the Commission to recognize that there is no violation because not supported in his license. The Department wonders about scientific value, and said there is no one else doing this type of research and is relevant to Nevada and with additional research may prove that Nevada gila monsters are dwarf. He said he is supported by others in the gila monster research world, and a finding against him may affect his ability to get a permit in

California. He asked why nothing was said to him during the eight month period and why did the Department not call until wardens showed up at his house. His research is not complete and is a lengthy process.

Commissioner McNinch asked in what time length would he be reporting back to the Department.

Mr. McGurty said he is communicating with the department through his application.

DAG Stockton said the permit allows him possession of the animal and without the permit he would need to turn them in.

Commissioner Raine said the current permit is the only one applicable because without the permit he is not allowed to possess the animals and the current one is the only one permissible.

DAG Stockton agreed.

Mr. Buonamici clarified that transfer has to be in writing to the Department and it is clear and did not abide by current conditions of permit.

The Department and Mr. McGurty concluded their presentations, and deliberations returned to the Commission.

Commissioner McBeath said he struggles as the attorney on the board, and admitted by NDOW that no evilness going on here with Mr. McGurty's permit and it seems to him that the denial of the permit is a draconian response to what happened and the Department has to take some responsibility for terms of permit that they wrote and if they want to address the concerns and he disclosed the information in prior reports with no contact from the Department, it would be a reasonable assumption that the violation is not in line with denial of the permit. He said he hesitates to hold him responsible for the progeny leaving Cal Poly. The terms of permit not violated on factual basis, and he is being denied because he transferred progeny.

Commissioner McNinch said two findings that he is seeing, reasonable to assume any progeny from female is considered Nevada wildlife, and secondly fair assumption that the most recent permit takes precedence and believes in technical aspect of law that barter/trade occurred with Cal Poly; and there are lots of mitigating circumstances as well, and hard sell to have permits from 1992 or 1993 hold up, and intent of specimen was to have documentation and written correspondence. He recognizes mitigating circumstances, and he personally does not see where benefit in keeping McGurty out of gila monster study area.

Commissioner Raine said in the findings of fact, it is fact that Mr. McGurty operated openly and in good faith with NDOW and also come to conclusion that in case of mixed blood offspring that it is unclear where property line is drawn. A reasonable person would have trouble with statute clarifying that and therefore some reasonable barter occurred.

Commissioner Cavin said unfortunate that we are here today and thinks that explanation of permit process has been stretched by what the Department thinks the language means in these permits and what Mr. McGurty has said, and does not see where Mr. McGurty has done anything intentional and the Department had two years and a reasonable man would assume he was in bounds of his permit and whole thing could have been solved by a phone call between both parties, and there is liability on both parties and Mr. McGurty has been transparent in his dealings with the Department and is not sure if it went the other way from the Department.

Commissioner Lurie agreed with some and not others such as the Department stretching the permit process and has problem with getting the information today and that the Boards did not get the whole packet. He said to put the explanation out to the boards next time.

COMMISSIONER MCNINCH MOVED ON FINDINGS OF FACT THAT IT IS REASONABLE TO ASSUME PROGENY FROM NEVADA GILA MONSTER ARE CONSIDERED WILDLIFE OF STATE OF NEVADA AND BELONG TO NEVADA, RECENT PERMIT TAKES PRECEDENCE OVER PREVIOUS PERMITS; THAT A TRADE OR BARTER OCCURRED IN VIOLATION OF PERMIT, MITIGATING CIRCUMSTANCES INCLUDING THAT MCGURTY DID NOT ACT WITH MALICE AND BELIEVE THAT THERE IS INTENT FROM PREVIOUS PERMITS THAT EXIST, UPHOLD THE DEPARTMENT'S FINDINGS THAT MR. MCGURTY IN VIOLATION BUT MITIGATING CIRCUMSTANCES, AND PERMIT ISSUED TO HIM TO CLARIFY THE ISSUES. COMMISSIONER MORI SECONDED THE MOTION.

COMMISSIONER MCBEATH SAID HE WOULD LIKE TO ADD ALTERNATIVE FINDING AS TO TWO ITEMS THAT THE OPERATIVE PROVISION OF THE PERMIT IS SECTION 8 THAT STATES WILDLIFE COLLECTED UNDER THE AUTHORITY OF THIS PERMIT SHALL NOT BE SOLD BARTERED OR TRADED OR CONVERTED FOR PERSONAL, AND REASONABLE PERSON WOULD CONCLUDE THAT WILDLIFE COLLECTED; DOES NOT INCLUDE PROGENY, AND THAT WOULD BE FINDING TO THE ONE TO THE CONTRARY AND THE ULTIMATE CONCLUSION THAT IT WAS NOT PROPER FOR THE DEPARTMENT OF WILDLIFE TO DENY THE PERMIT.

Commissioners McNinch withdrew the motion and Commissioner Mori said he would second that provided that Mr. McGurty get another permit.

Commissioner Cavin suggested going through each item with a motion and that would make it easier.

Commissioners McNinch and Mori withdrew the motion and the second.

COMMISSIONER MCNINCH MOVED FOR FINDING #1 TO ASSUME THAT PROGENY OF NEVADA FEMALE WOULD BE CONSIDERED IN WHOLE OR IN PART TO BELONG TO STATE OF NEVADA. COMMISSIONER MORI SECONDED THE MOTION.

Commissioner Raine said he could see it in part but not whole.

Commissioner McNinch said he will amend the motion to say "part."

Commissioner McNinch (Mover) and Commissioner Mori (second) accepted change from "whole" to "part."

Vice Chairman Lurie called for the vote on the motion.

COMMISSIONERS IN FAVOR OF MOTION: LURIE, MCBEATH, MCNINCH, MORI, RAINE, SWANSON, AND WALLACE. COMMISSIONER CAVIN OPPOSED (CHAIRMAN LENT ABSENT FROM VOTE)

COMMISSIONER MCNINCH FINDING #2 THAT MOST RECENT PERMIT IS THE MOST CURRENT PERMIT EXPIRES DECEMBER 2007 EXHIBIT IS THE PERMIT THAT TAKES PRECEDENCE. COMMISSIONER MORI SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MCNINCH SAID ON FINDING #3 HE MOVED THAT REASONABLE PERSON WOULD CONCLUDE THAT BARTER TRADE OCCURRED WITH CAL POLY WITHOUT WRITTEN PERMISSION OF THE DEPARTMENT IN VIOLATION OF CONDITION #8 OF THE PERMIT. COMMISSIONER MORI SECONDED THE MOTION.

Commissioner Raine said that he can't see that we could find substantial barter/trade because it was a male and they received back what they put into it, an equitable portion of the transaction.

Commissioner McBeath said he is not disagreeing but sees difference in definition of "collected" and "wildlife" and if it said "all" wildlife but it says "collected wildlife" the word "collected" modifies wildlife. He said he is going on record and not saying progeny are not wildlife for Nevada, and provision reads that it is not all wildlife.

MOTION FAILED 2 - 7.

COMMISSIONER MCBEATH MOVED THAT WE MAKE A FINDING THAT UNDER TERMS OF CONDITION #8 THAT DEFINITION OR TERM "WILDLIFE COLLECTED" DOES NOT INCLUDE THE PROGENY OF THE PAIR OF GILA MONSTERS, AND TRADE OR BARTER OF WILDLIFE

COLLECTED DID NOT OCCUR IN VIOLATION OF CONDITION #8. COMMISSIONER RAINE SECONDED THE MOTION. COMMISSIONERS MCNINCH AND MORI OPPOSED. MOTION PASSED 7 - 2.

COMMISSIONER MCNINCH MOVED ON FINDING #4 THAT MR. MCGURTY DID NOT ACT WITH MALICE AND OUR INTENT WOULD BE TO SEE THE DEPARTMENT RENEGOTIATE A NEW PERMIT BUT ULTIMATELY UP TO THE DEPARTMENT TO RULE ON PERMIT. COMMISSIONER MORI SECONDED THE MOTION. MOTION APPROVED UNANIMOUSLY.

COMMISSIONER MCNINCH SAID HAVING SAID ALL THOSE THINGS HE WOULD MOVE TO UPHOLD THE DEPARTMENT PERMIT DENIAL WITH UNDERSTANDING THAT THERE ARE MITIGATING CIRCUMSTANCES DUE TO THE COMPLEXITY OF THE CASE: DISCUSSION ON PROGENY, THE MOST RECENT PERMIT APPLICATION VERSUS OLD PERMITS WITH DIFFERENT LANGUAGE AND TERMINOLOGY. COMMISSIONER MORI SECONDED THE MOTION.

Commissioners McNinch and Mori withdrew their motion.

COMMISSIONER MCBEATH MOVED THAT MR. MCGURTY IN ALL OF HIS DEALINGS WITH DEPARTMENT OF WILDLIFE AT ALL TIMES ACTED IN GOOD FAITH AND THAT THE DECISION OF THE DEPARTMENT TO NOT ISSUE HIS PERMIT NOT BE UPHELD. COMMISSIONER RAINE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LURIE, CAVIN, MCBEATH, RAINE, SWANSON, AND WALLACE. OPPOSED: COMMISSIONERS MCNINCH AND MORI. MOTION CARRIED 7 - 2.

5 Commission Policy #50, Duck Stamp Procedures First Reading – Chief of Conservation Kelly Clark – Informational

Public Information Officer I Aaron Meier said the Department is asking for a change to Policy #50 to reduce the number of stamps printed from 50,000 to 35,000 due to people buying stamps through the online system. The cost-savings is estimated to be \$1,500.

Commissioner Raine asked if the drop should be lower since the automation of the NWDS and license agents being able to sell electronic stamps.

Mr. Meier said he is trying to keep a buffer so that we don't run out, although the policy allows for reordering.

6 Administrative Procedures, Regulations and Policy (APRP) Committee – Action

Commissioner Raine reported that the APRP Committee has met twice, and several items out of the first meeting were finalized Jan. 30 in a telephonic committee meeting. He said there is clean-up in punctuation and several questions that came up: How the petition process is publicized as there is lack of knowledge about how it works, how the Department plans get

changed (what is the procedure), when biologists review transplant plans, questions about what happens when Commission Policy not followed by Department staff, and from that came up with items that were on the agenda of the last meeting. Changes to Policy #1 – Read the changes under Purpose: Under #9 – To allow the Commission an opportunity to offer input on the performance of the NDOW Director and his duties as prescribed in Nevada Revised Statutes and to ensure that the Commission formally recognizes individuals and entities that provide any gifts, grants, donations, or bequests to NDOW; and to allow the Commission to offer input on which programs monetary gifts should be allocated. He said basically the changes are to insure transparency in everything that happens in the organization and to formalize some of the relations. He said under 9.: Review of Director, annually, or as needed, the Commission will review the performance of the Director of NDOW. The Commission may elect to forward this review to the Governor of Nevada in accordance with the duties as prescribed in Nevada Revised Statutes. The main duty of the Director is to carry out the policies and regulation of the Commission and currently no formal methodology for the Commission to provide feedback. Commissioner Raine said the language was reviewed and merged with language provided by the Director with review by the Department's Deputy Attorney General Nhu Nguyen. He said on 10., "Acceptance of gifts, grants, donations, and bequests. All gifts, grants, donations, and bequests made to the Nevada Department of Wildlife, or any sub-agency thereof, will be presented to the Commission for acceptance and recognition. The Commission shall be allowed to offer input on which programs monetary gifts should be allocated. State grants, federal grants, PIW donations, and Operation Game Thief donations are specifically excluded from the requirements of this policy." He said more than what is in there is what is more significant is what is excluded, it is to allow transparency and to allow knowledge of where money is coming in and going out, allows for Commission open discussions and input. The final decision and control rests with the director it simply allows for public input, and was voted on by the Committee to be sent to the Commission.

Commissioner Cavin said part of the motion from the Committee was to bring it to the Commission for DAG Stockton to review the language and see if he has problems with the language before we go any further.

DAG Stockton said he does a little problem with language in purpose #9 and offering input on performance of director; however, "review" connotes evaluation and that is the Governor's purview and not within the authority of the Commission. He would recommend change "review" to "offer input to Governor on performance of director." Also sees a problem with "acceptance" language in "gifts, grants, donations" and reason is that is budgetary concern and although commission has a duty to oversee the budget, but does not have authority for the decision whether to accept a gift or grant, that is the Department's.

Commissioner Cavin said at the meeting public comment on "acceptance" was that it could also mean "denial" and the purpose was transparency of gifts/donations not to deny. He suggested "reported" or "disclose," and recognition of gifts as appropriate.

DAG Stockton said that would be acceptable and the recognition part is commendable and appropriate.

Commissioner Swanson asked we are discussing verbiage on something we have not received input from the CABMWs.

DAG Stockton said before we get there we have to make sure the Commission has statutory authority. As a government agency we have to have statutory authority from the legislature.

Commissioner Lurie said on the agenda this is denoted as an action item and he does not see how the Commission could take action without a first reading, and why is this action.

Commissioner Raine said we have to have two readings.

Commissioner Cavin said the committee is requesting permission to proceed from the Commission.

Commissioner Raine said there was lots of discussion and if there is something such as a serious legal challenge, he would ask for a written explanation or finding of the Attorney General that would clarify all the questions that came up. Many reasons why perceived to be legal, and best purview would be to get a written legal opinion.

Chairman Lent said DAG Stockton offered his recommendations on language changes.

DAG Stockton said if you want a formal written opinion that is through the AG and the Commission can do that and that is an option.

Commissioner Swanson said before we get to that depth are we going to take public input and asked if we are going to resolve this should we not take input from the public in addition to this, and are we going to against the CABMWs who are not in support of this. He said "Are we going to go as a Commission against public opinion, and if so we need to get an AG's written opinion."

Chairman Lent said we make our own decisions here and take public comment on all of these items.

Commissioner Lurie asked DAG Stockton if the Commission can have a personnel session.

DAG Stockton said that personnel sessions are held under special circumstances and the Governor is the appointing authority and the Commission does not have that authority as they do not supervise the director, anything the Commission does has to be in an open meeting.

Commissioner Lurie said he does not want this to be something to micromanage the director and that is not our job.

Commissioner McNinch asked the subcommittee why they took this on and how was it started.

Commissioner Wallace said it came up at the Jan. 7, 2009, meeting during brainstorming and it came up as to how the Director is selected, and if down the road the Commission is not happy, could you go back to the Governor and try to change the Director.

Commissioner Raine said that was a large portion of it and no formal way for this body to come back to the Director and essentially have a review or whatever language you want to put it and this would give us a formal way, and gathered from their meeting that would be beneficial for all involved to have it as a formal process. Only way to have the Director know what the Commission is thinking is through an informal means is not good government.

Commissioner Swanson said it sounds to him like you want him to be responsive to you as a Commissioner, but it sounds like you don't want to be responsive to the public or take their input here on what they want done, you want to oversee him but don't want anyone overseeing you.

Chairman Lent said he could ask the Attorney General for a formal written opinion through a letter and asked the Director what he thinks.

Director Mayer said he looks at each Commission meeting as a performance evaluation and has not met a Commissioner yet who is shy about telling him what is wrong with the agency. He is open about how we do business here, and counsel suggested language changes today to the committee materials, and he said it costs the agency to obtain an AG opinion and his advice is to work something out without a formal opinion from the AG and not incur costs.

DAG Nguyen said the Commission has received legal advice on this wording from herself and DAG Stockton.

Commissioner McNinch said he would not be part of taking action on this today but thinks it would be appropriate for the Commission to provide guidance that would go back to the committee.

Chairman Lent said the DAG told us he would recommend some wording changes and would not like to go against advice of legal counsel, on #10 to strike the word "acceptance."

Commissioner Raine said we have several options: Accept as is, or send back to the committee.

Chairman Lent said or you could make/recommend changes or send it back.

Commissioner Lurie said to the committee members, are you trying to direct monies from groups because that is what it sounds like, and asked for examples where money was not spent.

Commissioner Raine said no, the intention is that if people direct money that it is spent where they wanted it or to a venue, simply a manner for Commission to assure vendors wishes are honored. He said what they got is a lot of we don't know, and is hard to say without delving into the accounts, and make sure there is transparency. The authority would still rest with the Department and the purpose is not to change the decision making process.

Commissioner Lurie cautioned that you may cut off funds and you will be micro managing.

Chairman Lent said if you do recognize people you get more donations and don't want to regulate and have them more

Director Mayer said the Commission could request a summary list of gifts, donors, and bequeaths to the Department and what the purpose is.

Chairman Lent said accepting gifts publicly would be great, and employees could pursue donations and gifts and get more recognition.

Public Comment –

George Corner, Elko, said personally on this issue he wants to see this die right here with no second hearing, and chairman of the Commission had legal counsel advise you if your proceed to change the wording if you do go forward. Believes Commission is overstepping their statutory authority.

Rick Smith, Washoe CABMW, said this came up on your agenda but from the CABMW meeting no information was provided, this is the third item today where the boards did not receive anything and you need to hear that. Mr. Smith said it is not the Commission's place to evaluate the director, and as far as acceptance of gifts, some donors don't want to be recognized because once that is out there you have other people soliciting money from you. Mr. Smith said is concerned as it does come across that the Commission is saying they can take input, but Chairman Lent said the Commission makes the policy. He said he is on a board that receives that criticism and all boards need to take into account the majority view not just a few.

Craig Stevens, Elko CABMW, said his board also got nothing up front on this and they are opposed because they don't feel that they got information until after the fact. They are opposed to this.

Judi Caron, self, said she attended Jan. 30 committee meeting and some of the public comments made there are still not available. She said minutes were not available from the Jan. 7, 2009, meeting and told they were not ready. She said at the Jan. 30 meeting there were four or five members of the public present who provided input, and today Commissioner Raine did not report on any of the public input made at that meeting. Ms. Caron said it is hard to not have public input reported at the full Commission meeting and some of the same comments were made at that meeting in regard to the word "acceptance," and the same comment Mr. Smith made about donors wanting to remain anonymous. In regard to the Director's review, she asked that the Commission reciprocate by letting the CABMWs review the Commission to insure that they are taking public input and hearing their voices and conducting business as it should Ms. Caron said she feels strongly about the minutes and that she learned that from Chairman Lent. Ms. Caron said the Commission has this item denoted as action on its agenda and very difficult for the boards to make recommendations as they did not receive the minutes from the committees.

Dennis Wilson, local vet, Nevada sportsman, co-treasurer for Nevada Bighorns Unlimited, is speaking for himself, said he has strong opposition to Policy #1 changes to section #9 and #10. He said it is not the time or the place to review NDOW director, and in regard to gifts, grants, donations, people like participating and do not want their hard earned money going somewhere else and they already designate gifts monies.

Tom Wilson, Washoe CABMW, said he was at the Jan. 30 committee meeting and nothing between the Commission and the attorney said today was not said to the subcommittee on Jan. 30, and as soon as public comment over they passed a motion. He said this is a little frustrating and made him wonder. Mr. Wilson said for the record, he asked the members of subcommittee whether the Governor asked or requested whether he wanted a review of the director done and the committee answer was "no" and creates question what is going on. There is a political aspect to be vetted, and quite a bit of input on this topic and right now difficult to offer input because language has to be changed according to the DAGs in the room, how do you want input on the new language, if not, conservation organizations are not going to donate and put a drain on the Governor at a critical time in trying to save money.

Chairman Lent asked Mr. Wilson if he has problem with gift recognition decreasing donations.

Mr. Wilson said that is difficult to say as the groups he participates are not in it for recognition rather they do for concern over a species or other personal reasons.

Larry Johnson, Coalition for Nevada's Wildlife and Nevada Bighorns Unlimited-Reno (NBU), said this policy needs to die today or go away and not go any further. He said the proposals to provide input into the Director's performance are a thinly veiled attempt to bully Director to follow Commissioners with a certain agenda and has no place. The

second part, the word "acceptance," connotes the word "denial," and the last part where Commission "shall provide input" into certain program is inappropriate. He said NBU has paid \$75,000 to vendor for helicopter review, and \$75,000 for trapping and transplanting and the money is privately raised and earmarked by them to the projects they want and by the time it goes to the Commission it is past tense. The Director is probably very willing to give a list to the Commission on what gifts, grants, donations, have been received and on where they have gone. He said by the way they do not do it for recognition but because it is the right thing to do.

Mel Belding, member of NBU and Coalition for Nevada's Wildlife, but speaking for himself, said if he wanted to evaluate Mr. Mayer he can do so at anytime, because he can send a letter or email to Governor at any time, just like they can. He said he believes the second part violates his constitutional right to spend his money on any gift or donation on how he wants. He said what they are attempting borders on unconstitutional to be told how to spend his gifts.

Gil Yanuck, Carson CABMW, said this came up and they talked about it, and on issue of review of director, they come to the meetings and tell you what we like and don't and do not need another level of government, and no purpose because they are not the supervisor. The Commission has a direct line in perspective of Advisory Boards and you can tell them your opinion, the director is charged with operations of Department and serves the public. As far as what to do with gifts, and some people just know what needs to be done, and understand the challenges and they give because they don't want recognition and would stunt the charity of many because that would not be charity when you are told what to do. These are not the things to do for the Department or the organizations here that make services possible, and if not for the largesse of these organizations a lot of things would not happen in this state.

Jim Jenne, Lyon CABMW, said he has participated off and on for 20 years and has always been able to talk to the Director or Commissioners at any meeting to provide input. Nevada is one of the best states to work with and others wish that they had sportsman organizations that give in Nevada, and we don't need any of this and hopes the Commission will listen.

Joel Blakeslee, speaking for himself, said one item not discussed is the deal with 501.C(3) and we all have different rules and if you take money from a group and do something different it could violate the group's charter. That might be worthy of consideration.

Brandon Fordin, said his biggest concern is that someone at their meeting stated that the boards are not getting information on such as Assemblyman Claborn's legislation and would like it noted again that the boards are not receiving information.

Commissioner Swanson said clear from public comments that we should save money by not asking for an opinion from the Attorney General and clear from boards that to save money we do not send it to the CABMWs again and just bring it back to the Commission.

Chairman Lent asked for the pleasure of the committee?

Commissioner Cavin said he was at both committee meetings and is a member of the committee there are a whole lot of rumors going on and whole lot of thinking that boogeyman hidden in language and the committee is not married to the language, not intent for commission to vote on this today, and the intent was to hear from counsel today and we have heard from public and counsel.

Commissioner Cavin said he would move to send back to committee take into account what we heard today, and let the committee continue and do whatever the process dictates, and send it to the boards.

Commissioner Swanson said for point of clarification is the same thing going back out that they don't want.

Commissioner Cavin moved that the policy #1 go back to the committee for rewrite with DAGs information and public information received today. Commissioner Raine seconded the motion.

Commissioner Raine said great misconception of what is going on here, there was no intent to prohibit or take away from people donating money, it was to insure that money spent the way the donors want, and to say this guys wanted this built did it get built. There is no bogeyman and just making sure that is where the money is spent.

Commissioner McNinch said with due respect to the committee he personally believes checks and balances in place for the director and has been here long enough to see organizations recognized and some not, but does not feel there is a need to address. Won't be supportive of the motion.

Commissioner Mori asked if motion defeated, then we are done with this issue completely.

Chairman Lent said yes.

COMMISSIONERS IN FAVOR OF THE MOTION: CHAIRMAN LENT, CAVIN, MCBEATH, WALLACE, AND RAINE. COMMISSIONERS OPPOSED: SWANSON, LURIE, MCNINCH, AND MORI AGAINST. MOTION CARRIED 5 – 4.

Director Mayer said we had growing pains prior to this meeting with scheduling of subcommittees, preparing agendas and minutes from the meetings, and he suggested

thinking strategically to spread these meetings out so that CABMWs and interested persons get their support material in a timely fashion.

- 7 Wildlife Damage Management Committee – Commissioner Raine – Action
Commissioner Raine said they met and had one action from their committee meeting and most of the time was spent steering to come up with ideas for predation plan, and the only action was to allow flexibility in funding for project 14 – 15. He said they spent time in giving direction to staff on how the best way to implement the new plan and where to focus.

Craig Stevens, Elko CABMW, said they were opposed as this item was denoted on the Commission agenda as an action item and they received nothing in support material.

Commissioner McNinch asked what the subcommittee discussed.

Commissioner Raine said the one item discussed 14 – 15 and utilize funding for those two projects and to allow flexibility to determine aircraft. He said they simply reviewed projects for 2009 and 2010 and staff made suggestions.

- 8 Finance Committee – Commissioner Lurie – Action
Commissioner Lurie said they have had two meetings and passed mission statement in first meeting, and next meeting they will finalize the charter. He read the charter into the record (exhibit file), and he asked that one more Commissioner be appointed to the board to prevent a quorum of the two who know each other socially. The second part of the agenda on compensation of commissioners was added in response to the chair's memorandum to save money, and possibly redirect the \$80 to other accounts such as travel for committees, and they found out that state processes make it hard to redirect money to a particular fund, other than write the check back to the NDOW for \$80 and direct where it should go. He said he donates his check to the Boys and Girls Club and his recommendation is not to accept the \$80 and have the money go to keeping somebody's job. He said they don't want to go to the Legislature to change the law. Commissioner Lurie said they are receiving information in a timely manner and in a manner that was never done before. He asked the Director to set up a workshop to go through the budget process so everyone understands.

Rex Flowers, Washoe CABMW, said there was discussion earlier about now having two attorneys at Commission meetings and wants to know why we have two attorneys and why.

Director Mayer said the money is budgeted at \$200,000 per year and not sure if we will have two attorneys at each meeting or not.

DAG Stockton answered that Commission has had two attorneys before.

9 Legislative Committee – Chairman Lent – Action

Assembly Bill 77

Chief Game Warden Buonamici said Assembly Bill (AB) 77 was to address civil penalties and be in line with other states and try to be competitive with other state's penalties, so Nevada is not seen as poacher heaven. He said it is a tool for enforcement, originally had \$5,000 as civil penalty and subcommittee wanted something lower. The minimum for trophy species would be \$500 and is consistent across the board. With regards to the edible portion not being defined well enough, he whole-heartedly agreed with that, and definition of edible portion needs to be defined. The strategy was to provide options to AB 77 to reduce civil penalty down to \$500 from \$5,000 and all four options have that, the civil penalty for wanton waste remains as written, definition of edible portion would be in regulation and that regulation when it stands alone we realize that sportsmen will look at it and not be sure they understand it, option #2 reduce civil penalty but edible portion definition is added to NRS, and that allows for correction. Option #3 minimum of \$500 and remove civil penalty for wanton waste; however, feel strongly there should be a definition for edible portions.

Public Comment -

Daryl Capurro said he is a member of the Commission's Legislative Committee and he commends the Director and staff for taking a look at this area – edible portions. He said it is a matter of whether to put it into law or regulation, and concerns him that we are putting in new fines and the point is to protect the sportsmen so they know what the minimum is that he needs to take. Mr. Capurro said he has a definition of edible meat prepared by Tim Humes and John Capurro and he passed a copy to the Commission (exhibit file). He said he has some disagreement with NDOW's proposal and ask that they rethink section of neck meat up to juncture of skull and backbone out, take out brisket and latissimus dorsi especially in smaller animals. He said rabbits were left out and shows the least meaty areas of a rabbit and suggested putting the backstrap back into the rabbit.

George Corner, Nevada Outfitters and Guides Association, said they were in agreement with initial Bill Draft Request on civil penalties and \$5,000 minimum penalty and throw the book at violators. He said he attended Legislative Committee meeting and heard discussion and personally he can live with \$500 minimum, and agreed with Mr. Capurro's suggestion on edible portions.

Gil Yanuck, Carson CABMW, said their board opted for option #1, and suggested that language be simplified so people could understand it.

Craig Stevens, Elko CABMW, said their board was supportive of option #1 as it gives latitude in NAC for some of the things we've looked at. He personally commended the Department for doing this as it has been long needed.

Timothy Humes said he has worked on this with prior Commissions and assisted drafting it with John Capurro and the brochure will get everyone on the same page. He said he supports AB 77 as long as it has a definition in it.

Bill Meyer, Lyon CABMW, said they discussed AB 77 at their meeting with a good public turnout that felt \$500 was not enough, and discussed what it might cost to take a person to court and felt \$500 better for warden to turn your back and leave them alone. He said they thought \$5,000 good and questioned a trophy versus a small animal and an illegal shoot is an illegal shoot, and they wondered who measures and determines that, and the other thing is the value of the antlers.

Tom Wilson, Washoe CABMW, said his board recommended option #1 and representing himself said comments he has had on the brochure is with game birds, and differences with ducks, and if benefit to Commission he will take that part of the question to Nevada Waterfowl Association for input and will bring it back to the Commission.

Chairman Lent closed public comment and asked status of bill, and would he amend the bill with comments heard today.

Chief Game Warden Buonamici said AB 77's first hearing is likely in front of the Natural Resource Committees but does not know a date at this time. He said the Department is okay with changes that Commission may make, and asked what the Commission's preference is and to keep in mind that NRS says any edible portion and whatever we do will be less stringent than NRS. He said we are trying to make things more lenient and use common sense.

Commissioner Raine said everything related to edible portions would be okay for NAC and he asked what the committee's recommendation was for a reduced civil penalty.

Chairman Lent said they did not have the options at the time of their meeting, and there was discussion to lower the minimum penalty and clarify definition of wanton waste.

Director Mayer said the specifics of edible portions are made for NAC and we can change it if necessary, if we do it NRS it will take two years.

CHAIRMAN LENT MOVED ON BEHALF OF LEGISLATIVE COMMITTEE TO ENDORSE BILL UNDER OPTION 1 WITH DEFINITION OF SPECIFICS BRING IT BACK SO WE CAN DO IT ON A REGULATION. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Draw Results Out Within 48 Hours

Chairman Lent said the committee voted unanimously in favor of release of draw results within 48 hours.

Director Mayer said the Department is forging ahead and not wait for anything to release draw results within 48 hours and then come to the Commission to put that in regulation for consideration by the Commission. He said we do not need NRS to do this but does want to make sure that Mr. Sefton's staff can accommodate the change.

Commissioner Lurie clarified that accepting the 48 hour the change would just be a posting of names and animals and no tags issued until all the credit cards cleared.

Director Mayer said the Commission does need to be prepared for odd items that happen.

Commissioner Raine said the website will discuss the various caveats to this.

Director Mayer said yes.

Don Sefton Systems Consultants said we are going to do it.

Chairman Lent said your going to do it, and comments from sportsmen will appreciate it.

Public Comment –

Mel Belding said for the record he will give Director Mayer his first evaluation and send the Governor a fax tonight saying good job.

Craig Stevens, Elko CABMW, said they were opposed because they thought there may be an extra charge and is concerned that people will see they drew a tag but may have a credit card issue where they don't and then those cases will come to the Commission.

Chairman Lent said as committee chair does not know if we need a motion, but the Committee wanted that in NAC, and not sure if motion necessary since Director Mayer has said that publicly and Mr. Sefton is working on it too.

Director Mayer said we are going to do it.

Mountain Lion

The committee may also request a vote to either support or oppose legislation regarding mountain lion hunting with Department staff providing suggested language for consideration by Assemblyman Claborn regarding a lion bill.

Chairman Lent said Assemblyman Claborn has drafted initial legislation and he provided a copy of the language (exhibit file). He said the goal of his legislation is to bring back mule deer herds, and he did a survey that was presented at the Legislature last session, and 83 percent said mountain lion are responsible for mule deer decline, and the bill is simply to take lion harvest to scientific maximum level designated by the Department of Wildlife. He said objective harvest is different than bounty, as a bounty has no limit. Chairman Lent said it would encourage taking lions to objective harvest, and that is the only intent. He said the Director was asked to provide language, and language Department came up with was reactive such as waiting until damage was done and Assemblyman Claborn wanted to do something proactive before deer herd deteriorates. That is why he went ahead with this, and worried about the things Director Mayer brought up because of leeway with predator money and he wanted money to go to on the ground projects, and when we heard the first bill proposal there were snares and trapping in it and may not have been a good idea and everyone gave input and Assemblyman Claborn received input and he simplified the new language.

Director Mayer read said the first thing the Department did was look at Commission Policy #21 and basically the direction is to reduce mortalities and increase recruitment, and document wildlife disease impacts and outline mitigation plans for impact of diseases. He said for the record that NDOW wants to work with Assemblyman Claborn we agree predators are a problem; however, NDOW is charged with management of mountain lions. He said with the recent availability of tags on the Internet (337) we doubled sales but have only killed 86 lions to date which is down from last year. Only one hunter killed two lions usually seven hunters kill two lions. Director Mayer said we will not control lions through sport hunting, and the only way to do that is to hire contract hunters – Wildlife Services. He said we plan to do targeted mountain lion hunting because it makes biological and business sense to conduct management where predator populations are high. Director Mayer said the Department recommended legislation stating “support legislation directing the Department to manage for healthy wildlife, conduct statewide mule deer assessment and require that when herds appear to be limited by predators, a sustained predator reduction program will be implemented. Suggested language to accomplish this directive should be added to NRS 501.” He said the plan is reactive because there are areas where predation is a problem and we would like to concentrate on those areas. Director Mayer said the second part is the loophole identified by Chairman Lent and Commissioner Cavin to “modify existing NRS 502.250 to require hunters unsuccessful in the draw and only purchasing a bonus point to pay the \$3 predator fee.” Director Mayer said that was our proposal and back to Assemblyman Claborn’s proposal, there are lots of administrative procedures to pay

people the \$500 and not sure how we would pay them through our administrative procedures and the logistics of doing that could be significant and what do we do with lion hides because something will need to be done with that, fraud will be an element and also why spend \$500 for a hide from an area where we may not have a lion problem, and the Department has offered something as alternative to that. Director Mayer said as Director he would hate to have his hands tied, and would like to use adaptive management to react to problems as they arise.

Commissioner McBeath said he agreed with everything that the Director put forth and personally wanted to be on the Wildlife Damage Management Committee to deal with lion problems as he feels strongly about that, and one thing not mentioned is the perception that if we as a Commission and a Department target a specific predator and in this day and age with the environmental groups out there that we will be putting a bulls eye on our chest. The worst case scenario is to end up like California and have it taken completely out of our hands, and thinks to pass any legislation that specifically deals with mountain lions is a mistake. Our focus should be on our prey species which is mule deer, and one obvious issue with some mule deer populations is predators and a targeted approach similar to what we have, which needs improvement in his opinion and some of the things mentioned we need to get done, and the entire state of Nevada was just declared a disaster area due to the drought. We have huge issues with mule deer, and predation is one factor along with drought, and we need to focus our direction on the mule deer and the herds being predator limited and includes all predators. Commissioner McBeath said when he says predators he includes coyotes, bobcats, and would be a big mistake to target mountain lions. He commends Mr. Claborn but wishes the committee could have opportunity to do what they are supposed to, and not sure if \$500 will do it for people as the cost to harvest mountain lions is expensive. To do a predator control project on bighorn sheep is one thing but to do it landscape wide on mule deer would be very expensive and the numbers would be high. Commissioner McBeath said he knows that although they are calling it a fee, it will be seen as a bounty and will discredit the Department and the Commission and does not think it will be a good idea.

Commissioner McNinch said he appreciates Commissioner McBeath's comments and shares some of the same thoughts. He said we have a mule deer management plan out there that requires plans be developed with certain concepts in mind and he would like that on the March agenda, and said he requested it be on November's agenda and for whatever reason it was not there. Commissioner McNinch said the Department's proposal is in line with WAFWA guidelines for mule deer management relative to predators, and for predator control to be effective it has to be the limiting factor for it to be successful or your throwing good money after bad. He said it is all part of the equation and need to be careful how we approach it. Commissioner McNinch said he was at the Legislative Committee meeting where Assemblyman Claborn's legislative proposal was discussed and they were reluctant to take a position on it and kicked it back to the Commission, and he asked for clarification whether the Commission is

considering Assemblyman Claborn's "Mule Deer Stimulus Bill" or are we discussing the Department's proposal. He said he wanted to make it clear that the Legislative Committee was not in support and asked the Department to weave things together to find a common ground.

Chairman Lent said we are considering both.

Commissioner Lurie said he looks at objectives for mountain lions over the past few years, and the average person who wants to hunt a mountain lion spends a couple of thousand dollars and then your going to under sell the hide for \$500 and then get a 1099 form from the Department and will be a can of worms. Commissioner Lurie said he had many call on this issue opposed and even calls from wives of hunters who said they will vote against cats being taken. He said the protest will be on the Las Vegas strip where they get recognition and has a problem with the Claborn proposal specifying deer only.

Public Comment –

Craig Stevens, Elko CABMW, said their board was in opposition to this, and that they had 26 sportsmen present, correspondence received from sportsmen all in opposition, except one person present supported it. Mr. Stevens said opposition for same reasons already said by Commissioners Lurie and McBeath. He said in some areas of Elko County lion populations are way down, and want other areas targeted that people are not hunting. Mr. Stevens said some spoke about going back to the area specific system as opposed to the current region wide system. They would like areas targeted that people are not hunting, and also thought of keeping a houndsmen list so that they could be notified of problem areas.

George Corner, representing Nevada Guides and Outfitters Association, read statement into record (exhibit file) and said that they have not taken a position on Assemblyman Claborn's legislation because they have not seen a BDR. He said in the last session they were opposed to his bill to remove mountain lions from game animal statues. Mr. Corner said he suggested the houndsmen list to Elko CABMW and that lion hunters like to have snow to see a track and get a trophy lion.

Mel Belding, Washoe County, thanked Commissioner McBeath for his comment. He said he was at the Legislative Committee meeting and at that meeting said the Department is doing a good job with lions and their best tool is Wildlife Services, and mountain lions need to be targeted in certain areas. Mr. Belding said this legislative procedure is a virus that keeps coming back and he for one wishes it would stop, and agree that we do not need to bring it to the Legislature and air our dirty laundry.

Joel Blakeslee, Nevada Trapper's Association, said from his own perspective he thinks mountain lions are a problem and he himself has seen six separate tracks in the last five

days and not saying we need a bounty but they are not disappearing as they come in from Oregon and California. Mr. Blakeslee said his association would support what Nevada Guides want and would comment that putting pressure on Sheldon to get lion hunting up there would help.

Mark Martindale, said he is a lion hunter from Elko, and he has problem that everyone says that deer numbers are down but biologists say deer is stable, and asked why the Commission is not asking lion hunters about lions and should they not be an expert like the others. He said the lion hunters are hunting them and they think lion populations are going down. He said the Commission has not heard from them because they have not been that organized but now lion and houndsmen groups are getting organized and the Commission will be hearing from the lion hunters in the near future and that they want to be part of solution not a voice in the wilderness because they are out there.

Daryl Capurro said he is a member of the Commission's Legislative Committee and he would suggest that the Commission approach Assemblyman Claborn with some of the language developed by NDOW. He said as a for instance, on the Sheldon, 90 percent of the problem is coyotes and wished we could shoot coyotes there, but what we are really trying to do is reduce effect of predators. The drought has an effect, and if prey animal go down, predator numbers go down as well; however, in western section of state numbers are going up due to non-hunting in Calif. and Oregon. He suggested the Commission approach Assemblyman Claborn with targeting sections of the state and healthy herds proposal, and see \$3 predator fee be charged to people just buying bonus points, and do that in same legislation and would help Claborn feel like he has done something toward the predator issue and be the right thing to do. His last point the Commission could do, and that is take number of two tags off and replace with language with no limit such as in Director Mayer's proposal and he asked for solution on coyotes on Sheldon.

Director Mayer said the Department picked up on third tag recommendation from committee meeting, and the Commission could offer third lion tag and only good in specific units that need more mountain lion harvest.

Dave Gowan, Elko, said he is a sportsmen and is an avid hunter and houndsmen and he would never take a sub-adult mountain lion as that is unethical and the current proposal is irresponsible and would have many negative effect as pointed out earlier. He said sound biological information is needed and although the Department has a mountain lion plan it does need to be revisited. Mr. Gowan cited a quote from Assemblyman Claborn stating that NDOW does not meet the mountain lion objective and he asked, where does the Department meet any objective. Mr. Gowan said the \$500 fee would inundate the state with people from other states because that is already occurring in Utah with coyote ears. Whenever you put money on something it changes, and mountain lions are just as majestic to him as any other animal that we have. He would

absolutely not support killing of juvenile lions and if we lose the right to kill mountain lions we will really be sorry.

Paul Downs, Spring Creek, said he hunts and guides and has hunted lions for the last 10 years. He is opposed to the legislation and does not feel that lions are responsible for deer declines, and believes most people blame lions when they find a kill even though it is not. He said Nevada already has a liberal mountain lion season and the harvest objective is too high and that coyotes cause more damage than lions. Mr. Downs said if this bill is passed we will lose all of our lion hunting and asked the Commission to not let this happen.

Dan Heinz, said he is from Washoe County, and has spent his life protecting habitat for hunters and is a hard-core hunter himself. He really appreciates Commissioner McBeath's comments and this legislation would make it easy to turn non-hunters into anti-hunters.

Cory Lytle, Lincoln CABMW, said he is the new member on Lincoln CABMW replacing Pat Gloeckner. He said he does not want to repeat what others said and to be proactive for mountain lions would be go back to unit harvest from current regional harvest.

Larry Johnson, Coalition for Nevada's Wildlife, said Commissioner McBeath is right on and Assemblyman Claborn's bill last session put the bulls eye on us and he opposed his legislation in the last session because it should be handled by the Commission. His concern other than his opposition to bounty situation is that those dollars would be from predator fee and know that money goes to Wildlife Services which is about 19 lions per year. Mr. Johnson said targeted areas is the approach that needs to be taken and this bill flies in the face of science and Assemblyman Claborn will be difficult to dissuade from this effort and he blames him personally for defeat last time so be it, but we have to do the right thing.

Brandon Fordin, Elko County, said he has letters and does not want to repeat what others have said. The letters state that mountain lion populations are low, and why the mule deer populations are low. Mr. Fordin said he would prefer area management for lions as in the past instead of regional numbers. He said he would like the new Commissioners re-issued the Department's Mule Deer bulletin so that they could see that killing predators is not the magic sword to solving the mule deer problem. He said he hopes the Commission is 100 percent against Assemblyman Claborn's bill and squashes it here.

Bob Brunner, said he has dealt with Assemblyman Claborn before on this issue and we are preaching to the choir here and he will still introduce a bill. Mr. Brunner suggested bring him something strong enough proposal so that he won't do legislation because if we don't we will get something else.

Chairman Lent concluded the public hearing and returned discussion back to the Committee report said we did not have the latest Claborn wording so we really can't vote on it, and he returned the discussion to the Commission.

Commissioner McNinch asked where the Mule Deer Stimulus bill come from.

Chairman Lent said that is his wording

Commissioner Mcninch said so we do have something to vote on.

Chairman Lent said we didn't discuss that.

Commissioner Raine said if he may, he knows a little bit about legislation and it is always in flux, but he has seen, this bill has gone a long ways from the first draft, and it will go along way before the end and may not resemble what it is now by the end, and furthermore the Commission has the power to squash this, pass this, or otherwise, and he asked to get ideas, and the best thing would be to gather all the information gathered here today, including the Director's proposal, the minutes of this portion of the meeting, and we have to work with him on this subject as he asked us to, and all we can do is give that it to him (Claborn) and use the Legislative Committee to assist in the evolution of this bill, and Policy #21 which essentially guides us.

Chairman Lent agreed and maybe with the Director, and not sure, he has never seen the bill, and the language can be changed and we need to work with him, and there is other legislation that he will be hearing that did not go through the CABMWs or the Commission and need to keep him in the loop, and if there is a chance for modifying it we need to take a chance at it.

Director Mayer said he will call and set up a meeting with Assemblyman Claborn and bring the information to discuss with him what we have and try to find some common ground. He said the deal breaker may be the \$500 and we could find a meeting of minds. Director Mayer said he knows he does not want a donnybrook with hate mail, and there are 85 different animal right websites that legislation was on last time, and is sure he does not want that, and wants to get something passed. That is our goal.

Chairman Lent said that would be a good way to approach it.

Commissioner McNinch said he has tried to contain himself but will throw this out on the table and let's all be grown ups, and what we are hearing today is rhetoric that is the same from page 14 of the minutes of the November meeting with key points of mule deer stimulus plan and nothing has changed. Also he noted Claborn's statement which was quoted in the minutes which were approved today, and stated Claborn's intent was to have it go to the Commission's Legislative Committee and it did go to the Legislative Committee and he said if he did not have the support of the Commission it would not go

anywhere or be changes. Commissioner McNinch said it did not even make it through the subcommittee and let's be honest, does anyone disagree with me? Who are we kidding, he thinks it is inappropriate to let this go today without a motion, and why go on, and he will make a motion, and play it from there, (applause).

COMMISSIONER MCNINCH SAID HE WILL MAKE A MOTION THAT WE DO NOT SPONSOR OR SUPPORT CLABORN'S PROPOSED MULE DEER STIMULUS BILL AS PRESENTED HERE OR AS PRESENTED IN THE NOVEMBER COMMISSION MEETING MINUTES FROM THE LAS VEGAS MEETING. COMMISSIONER LURIE SECONDED THE MOTION.

Chairman Lent said for clarification does that mean we don't support it even if it is changed and if we don't support it no point in even going down there and talking to him.

Commissioner McNinch said that is his motion, and would consider something Department has drafted in line with lawful predator guidelines and mule deer management plan, and would consider that as they tie in; however, as the mule deer stimulus plan is worded by Assemblyman Claborn his motion will be not to support that.

Chairman Lent said for clarification is the motion to not support this or any bill that he has out.

Commissioner McNinch said his motion is to not support anything with a bounty for mountain lion or anything to do with mountain lion at this point in time unless it mirrors the Department's, that's his motion.

Commissioner Mori said we've heard from the public, numerous different comments, and he tried to keep track, and basically all are against the bill. He said he would have to support that motion, because that is what we have heard from the public.

Commissioner Raine said he cannot support the motion with the vagueness of opposing anything with a mountain lion at this time, as that leaves it wide open to opposing everybody's bills.

Commissioner Swanson said the agenda stipulates Assemblyman Claborn's idea of what should be done with mountain lions and that was what the motion and second where, and the motion on the table is relative to Assemblyman Claborn's proposal, and he will support the motion and would entertain another motion.

Commissioner Cavin said he thanked everyone who had endured the meeting since this morning, and for their comments. He said when we talked about this at the committee and we did not make a motion and the reason is because we have these other bills that come before assemblyman Claborn's Committee and what Ken spoke to was working with Assemblyman Claborn to find some common ground. He said he does not know

Claborn but from his presentation in Las Vegas, and he is going to bring this forward with or without us obviously and not saying we have to be with him on the issue but is saying let's not punch him in the nose before we let our Director sit down and talk to him and see if there is wiggle room or if he would drop it and support the Department's proposal. He said he is on the fence about killing this today, and if we kill this, not sure if we will see light of day on Department's bill and even if he introduces it and portion of it goes by the wayside we will benefit from having the Department's. Commissioner Cavin said he will do it anyway, and let's work with him and try to get good language in the bill. The motion would kill that concept.

Commissioner McNinch said he understands what Commissioner Cavin is saying and this is his third/fourth time around with Assemblyman Claborn and has experienced a lot of not good faith from Claborn, and believes the Department can get it done without him in his personal opinion and is not that concerned with losing opportunities with that committee, the opportunities will still be there (applause).

Chairman Lent said if no further discussion he will call for the vote.

COMMISSIONERS IN FAVOR OF THE MOTION: LURIE, MCBEATH, MCNINCH, MORI, SWANSON AND WALLACE. COMMISSIONERS OPPOSED: CHAIRMAN LENT, RAINE AND CAVIN. VOTE ON MOTION 6 -3.

COMMISSIONER SWANSON MOVED TO GIVE AUTHORITY TO DIRECTOR MAYER TO PRESENT IDEAS AND PUBLIC'S IDEAS AND PRESENT THEM TO ASSEMBLYMAN CLABORN. COMMISSIONER MCNINCH SECONDED THE MOTION.

Mel Belding said he thinks the Commission should go with recommendation to do it right here, and we don't need Assemblyman Claborn (applause).

Brandon Fordin, Elko CABMW, said he wanted to reiterate and to thank the Commission for doing what the public wants and have the director, and just because he wants to do that bill and if he does without sportsmen's consent and the Commission's consent, he can deal with the ramifications.

VOTE ON MOTION – PASSED UNANIMOUSLY.

10 Heritage Committee – Commissioner Cavin – Action

The Commission will hear a report on the Heritage Account's interest and principal from Commission on the Heritage Committee's meeting that occurred on Feb. 5, 2009, and may ask that the Commission take action on the committee's recommendations

Commissioner Cavin reported that the committee met and reviewed their charter: Most of the language is based on NAC and some language is cumbersome. Reviewed Policy #10 as suggested by the Policy Committee and they did that and in section 4, g. of Policy

#10, to add type of species and number of tags to be auctioned. He read the change, staff was asked to review and look at it, and make sure that there are not any issues then back to Policy Committee. One other change recommended that is in relation to vendors such as if a vendor dropped out or a problem, and added to language, "sold by sealed bid or withdrawn" which provides the Department with an out. There was a recommendation to change NAC 501.320 and we wanted to clarify section 1, with three priorities under NAC that the committee worked under, priority one is to be cleaned up to say have additional funding resources to complete the project and will submit the changes to staff. Commissioner Cavin asked about the committee charter. He said they have projects coming in and will meet before the next Commission meeting.

Chairman Lent said the charter does not have to be approved by the Commission.

ASO III Prather said for the past year we collected \$582,789 and 75 percent is available which is \$631,379.

Brandon Fordin, Elko CABMW, said he contacted Commissioner Cavin about Heritage fund projects and he had a lot of response to him about an article Commissioner Raine wrote in the Nevada Rancher putting in for Heritage funding.

Commissioner Raine said he did not author an article.

Brandon Fordin said he will provide an article that was authored by Commissioner Raine.

11 Reports – Informational

Chairman Lent said due to the late hour three reports will be taken out of order.

11 B Litigation Report – DAG Nguyen said no major changes since the last report except for case #2 that the U.S. Forest Service filed a motion for the court to reconsider.

11 C Department Activities/Leadership Team Notes – Director Mayer said the reports are being sent monthly.

11 G 2009 Legislative Update – Director Mayer passed out a handout with bills and said Assembly Bill 77 is NDOW's and most others fall into category of affecting state agencies and Senate Bill 108 is the mining post legislation to eliminate bird mortalities caused by pvc pipes used to mark mining claims. Other than that the session is really just getting started.

Public Comment – None

Meeting Adjourned 7:35 p.m.

Saturday, Feb. 7, 2009

Chairman Lent called the meeting to order at 8:08 a.m. and all of the Commission is present. Roll call of CABMW members: Gil Yanuck, Carson; Craig Stevens, Elko; Mike Turnipseed, Douglas; Rick Smith, Washoe; Cory Ltyle, Lincoln; Gary Lawry, Churchill; Brandon Fordin, Elko; Jim Jenne, Lyon; Charlie Cecchini, Nye; Tom Wilson and Glen Copeland Washoe; and Steve Hemp and Tom Cassinelli Humboldt.

Member Items –

Commissioner McBeath said after yesterday's meeting and saw on Larry King Live had president of Defenders of Wildlife and an actress hammering Governor Sarah Palin and Alaska Fish and Game for their wolf predator program. He said they did give Alaska credit for their science based program and praised them for being one of the best but the majority of the show was not good and adds to concern as to how we proceed on our plan and keep that on our radar screen that those groups are watching.

Chairman Lent said he also watched the show and the statistic was shown that most of the people opposed were people who do not leave downtown and same situation occurred in California with mountain lions. He commented that we heard diverse opinions on Assembly Bill 77 from CABMW members and impossible to please everyone but the Commission will do the best they can but CABMWs have to realize we can't please everyone and will do the best we can on the seasons. The Commission wants to hear from the public and CABMW and wants to hear their opinions and the Commission is dedicated to doing as much as it can but everyone can't get their wish. He welcomed everyone to the meeting and appreciates everyone being here.

Commissioner Raine said at the CABMW workshop we may want to discuss a presentation on who is responsible for producing what and when to clear up any confusion that occurred yesterday with minutes and agendas.

Chairman Lent said he received a call from a rancher in Elko that two wolves were spotted and Elko will have to deal with it when they show up not sure if valid or not. He said due to feeling ill and losing his voice he will designate the gavel and chair duties to Vice Chairman Lurie.

Vice Chair Lurie said a comment came up about information on website to vote and receive broad opinion and would like to follow-up on that. He said it would be straw poll but give more information than just what he hear today.

CABMW Member Items –

Gil Yanuck, Carson CABMW, discussed at their meeting date specific season dates and two years ago the Commission went that way and they polled people at their meeting and contacts and the opinion favored date specific because it reduced hunter congestion and they are used to it and there are advantages and they want to keep it that way.

Mike Turnipseed, Douglas CABMW, said they had similar discussions regarding season setting and the purpose of the date specific was to ease hunter congestion. He said he knows it was covered yesterday but wants to state for the record that they were opposed to the annual review of the director and as for language on gifts and donations it appears the Commission would chose.

Vice Chairman Lurie said the Commission chose not to on those items.

Mel Belding, said appreciates Chairman Lent's early comment and he believes strongly that public comment is important and some Commissioners are not listening to public comment and they are keeping a tally and they should listen to the majority but sportsmen pay the bills.

Rick Smith, Washoe CABMW, said in regard to Commissioner Raine's statement, the boards need support material to make decisions and not fair to boards because they can't take a position, and the Commission should not take a position for action either, especially if you are aware that the CABMWs don't have information don't make. Mr. Smith said Commissioners are not taking into account the public comment and they want to believe that you are here for the public but mixed message when everyone spoke against something and Commissioners voted for it. He said he would recommend when you have subcommittees that the Commission consider putting CABMW member on each subcommittee to insure that CABMWs are involved, and the Commission should consider the board's opinion.

Gary Lawry, Churchill CABMW, said at their past meetings, the repair of the Truckee Canal has been discussed at their meetings and have not heard any position by the Department or Commission.

Vice Chairman Lurie said he will get an answer to that.

12 2008 Preliminary Big Game Harvest Results – Big Game Biologist Mike Cox – Informational
Big Game Biologist Mike Cox provided a brief update on the status of big game herds (exhibit file).

13 Commission Regulation 09 – 01 Heritage Tags 2010 – Big Game Staff Biologist Mike Cox
The Commission will adopt the Heritage tag species, seasons, and quotas for 2010.

Mr. Cox said the recommended season was changed to year long to make it more attractive to potential bidders and the majority have a set season that has weeks beyond the regular hunting season. The only other difference was desert bighorn sheep hunting on Nellis and we have Stonewall, Pintwaters, Spotted, Desert Range, which are limited to their lands and they have had issues with hunters not following the rules, and we hunt at their pleasure on the lands that they manage. Southern Region staff talked with military liaisons who asked that we have clearer language for these hunts on what you have to do. The biggest change is that you must be 14 years old to access their lands

and also made it clear that Heritage tag holders can access those lands as well if they adhere to all of the rules and seasons as set by the Commission and the military rules.

Public Comment –

Tom Cassinelli, Humboldt CABMW, said the board made a recommendation to open the season with general season hunt with weapon of choice and extend season to Feb. 1 and let the Heritage tag go after. Every sportsmen they talked to has a problem with Heritage hunters being able to go in prior to the sportsmen and take the ram out of there when the sportsmen of the state may have waited a long time for the opportunity. He understands the money situation but to let someone go out before them is not fair. Mr. Cassinelli said year round season is silly because of the anti-hunters who would say you are out there while they are fawning and sounds good on paper to the guy who buys it but not practical but maybe for sheep.

Mel Belding, Washoe County, said as far as year round season for Heritage tags, Mr. Cassinelli brings up good points and he agrees that year round opportunity for Heritage tag is probably intended for two species of sheep and in 181 the access is good and you could have 15 or 20 guides and subguides looking for animals and harassment of the animal and desert bighorn sheep are lambing right now and a year round season would be criminal and hopes the Commission shoots that down.

Craig Stevens, Elko CABMW, said the board agreed with quota but did not agree with year round seasons and want it left as it is or similar to PIW tags and hunt with whatever weapon during the appropriate season. He said they had some contention and a lot of people think that year round Heritage tags would not be fair chase.

Rick Smith, chairman Washoe CABMW, said no one would be able to conduct aerial flights if it was year round seasons for Heritage tags.

Mr. Cox said that is correct that there would be no aerial scouting.

Jim Jenne, chairman Lyon CABMW, said not in favor of year round seasons, because of aspect of general non-hunting public and what it could lead into. He said we think we have a problem with lions this could really develop into something.

Commissioner Lurie said he is hearing no issue with quota rather the year round season.

Caleb McAdoo, Elko, said he would take this opportunity to voice his opposition to the season change, and the intent is good to raise more money for wildlife and his personal belief is there would be no increase in funds.

George Corner, Elko, said representing himself the association has not taken a position, said that the individuals bidding on Heritage tags already know what animal they are

after and when, and no reason for a year round season, he is not in favor of year round season but seasons that mirror PIW hunts.

Eric Scheetz said the concern he has is with the law enforcement aspect and if year round season would make a problem for game wardens knowing if an animal is being taken out of season.

Commissioner Cavin asked for the Heritage seasons as they exist today.

Mr. Cox said the Heritage tag season is the Saturday preceding the earliest date that the Commission sets for any of the draw seasons. The bighorn desert sheep tag is an exception and is Sept. 1 and the ending dates depending on species or subspecies was fairly set, and deer is the last day of Dec., pronghorn the last day of Oct., elk last day of Dec., desert Bighorn were through Jan. 1, California bighorn through Nov. 15. Arizona and another state have year round seasons and the theory was the tag holder could hunt early fall through end of year and technically in Arizona you could go back and theoretically have another shot at an animal right near the end of the season closing.

Chairman Lent said he heard from many sportsmen on this issue, and he had some notes but can't find him right now. He said he heard that a lot of problems with Governor's tags and going and shooting out an area. He said it happened in the Bears, El Doarados, and Schwabes, and hunter that had a tag had a hard time harvesting a sheep. This year in the Bears they took Governor tag, and the second Governor tag holder went in after the season closed and took one, and from the sportsmen perspective the Governor's tag holders are going from one area and shooting it out and going to another. Sportsmen would like season to open at the same time as resident hunt so they have the same opportunity, it would help the hunter and we need to take care of the sportsmen here before the nonresidents. If we get less money that is the way it goes. He said he wants to disperse the hunters from each other such as PIW, the Governor's tag, and than the regular sportsmen. Chairman Lent said the sportsmen he is hearing from as the sportsmen representative want that and he looks after the resident hunters before looking after the Governor tag holders.

Commissioner Raine said he was trying to figure out if there is room for compromise between these issues and would it satisfy, if there was a slight advantage to Governor's tag and open the season two days ahead of regular season especially with sheep. He said regardless of any other species it would close the gap on desert bighorn. Commissioner Raine said there are options of going with a Saturday.

Director Mayer said the Heritage Committee asked him to pull records for harvest PIW, Heritage, and put on GIS map to see where the animals where harvested and when, and determine where the truth lies about shooting out an area, and he committed to the committee to do that.

Commissioner Cavin said will put that on the agenda for a future item and try to get biological information and see if the rumors are true and his suggestion is we are voting on this separately. His suggestion would be to vote on this year's and air this out and forego the next agenda item until the next year.

Mr. Cox said desert bighorn sheep tag quota have been reduced by biologists because of the track record in the Bears and McColloughs because four years out of five it comes true, four extra rams killed in the Bears with resident quota of three. He said they are trying to manage overall harvest, but year in and year out, it is consistent. Combination of PIW and Heritage tag holders, three PIW deserts, and one Heritage for California, without having the Schwabes anymore, not seeing that issue in the CA bighorn hunts as there is better distribution.

Chairman Lent said Idaho recognized that and gives out Governor tag and public tag, and restrict it to alternate years in prime units but with Governor tags they recognize that they can't have both in same area. He would like to have sportsmen have easier shot at it and for sportsmen it is a once in a lifetime tag.

Commissioner Cavin said he will have the committee take a stab at this issue.

COMMISSIONER CAVIN MOVED FOR THE 2010 HERITAGE TAG QUOTA AND SEASON TO GO WITH DEPARTMENT RECOMMENDATION ON THE QUOTA AND MODIFY THE SEASON RECOMMENDATION TO REFLECT THE PREVIOUS YEAR (2009) WITH THE ADJUSTMENTS MR. COX HAS TO MAKE WITH SECOND SATURDAY AND ALL OF THOSE KINDS OF THINGS. COMMISSIONER MCNINCH SECONDED THE MOTION.

Chairman Lent said he does not understand the motion, and does that mean we will have early season for the Governor tag.

Mr. Cox said it will be the same for 2010 as 2009.

Chairman Lent said he will oppose the motion based on sportsmen not having the same openers as the Governor tags.

Commissioner Cavin asked if we have time to discuss this further.

Mr. Cox said vendors have to be selected in May.

Commissioner Raine said he has mixed feelings, and if we could make an exception for desert bighorn sheep which also is perceived to have the largest problem and would prefer something more conservative.

Chairman Lent offered amendment to motion to go with Department recommendation except Governor Heritage tag season have opening day same as resident but extend it one month after residents closed for one month only for desert bighorn sheep tags only.

Commissioner Cavin said too big of a change to make under his motion and would like to air this out for next year and will let the motion fly or die.

COMMISSIONERS IN FAVOR OF THE MOTION LURIE, CAVIN, MCNINCH, MCBEATH, AND SWANSON, OPPOSED CHAIRMAN LENT, COMMISSIONERS WALLACE, RAINE AND MORI. MOTION PASSED 5 – 4.

COMMISSIONER SWANSON MOVED TO TABLE THE AGENDA ITEM 14 TO NEXT YEAR. COMMISSIONER MCNINCH SECONDED THE MOTION.

Commissioner Raine asked to amend the motion to not put discussion off until 2010 on the 2011 season and to do it sometime this year such as November 2009.

Commissioners Swanson and McNinch accepted the amendments.

VOTE ON MOTION – MOTION APPROVED UNANIMOUSLY.

15 Commission Regulation 09 – 03– Raptors for Falconry - Chief of Wildlife Diversity Laura Richards

Chief of Wildlife Diversity said Staff Specialist Larry Neel will present the regulation for the 2009 and 2010 seasons.

Staff Specialist Larry Neel said the regulation governs the take of raptors from the wild for the purpose of converting them to falconry birds. Two seasons and one season allows take of nestlings and the second season is take of birds out of the area using trapping methods to take the raptor. Staff are not proposing changes from previous regulation the only changes are organization and wording. He said they chose to retain Elko County closure to goshawk take and have maintained the closure since completion of study in 2002 because biologists remain concerned with habitat and lack of occupancy in historic documented goshawk nests.

Mark Moglich said he is a falconer and raptor breeder and on goshawk closure in Elko County only a few permits for take per year and they are not looking for more tags but more diversity where they can take the birds, because what is happening is Eureka and Lander County, everybody is going there, and we have people hitting those nests every year and reduce the pressure. In Elko County he talked to a former biologist who told him that there are plenty of goshawks and highest population and unless conclusive recent study that shows declining population there is no reason to have it closed, need to remove stress from birds in the other open counties and impact is zero.

Commissioner McNinch said if we are hitting the Austin area too hard is it something we could do to back off and open it up to more areas.

Larry Neel said Mr. Moglich raises interesting points which need to be investigated. As far as opening Elko, we would continue to back biologists' recommendation but could upgrade survey and inventory efforts with this question in mind over the next two years, and come back with a recommendation in 2011. He said what is happening with Eureka and Lander Counties is a fairly well documented event and is a concern to staff and the falconers.

Commissioner McNinch said the Wildlife Diversity Division just took a big hit on funding and that is where this type of work would happen.

Commissioner Raine said he would ask for population estimate.

Mr. Neel said there are 300 nesting pairs in northern Nevada and the number of permits for take is constant with 10 resident and three nonresident.

COMMISSIONER MCNINCH MOVED TO APPROVE CR 09 – 03 AS DEPARTMENT RECOMMENDED. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

- 16 Commission Regulation 09 – 04 Noncommercial Collection of Reptiles and Amphibians for 2009 and 2010 – Chief of Wildlife Diversity Laura Richards

Chief of Wildlife Diversity Laura Richards said the regulations establish the 2009 and 2010 for hobby and noncommercial for live unprotected reptiles and amphibians. She said we have bag limits for hobby collectors to take and the only change is under turtles for shiny soft sided and have moved it from unlimited collection to two turtles per year.

COMMISSIONER SWANSON MOVED TO ACCEPT CR 09 - 04. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

- 17 Commission Regulation 09 – 06 Big Game Biologist Kevin Lansford – Action
The Commission will adopt mountain lion harvest objectives for the 2009 – 2010 and 2010 – 2011 seasons.

Commissioner McBeath said in committee discussions the group discussed population estimates and he asked Mr. Lansford to explain.

Mr. Lansford said they have a live table model based on harvest, incidental take, and ADC lions, and biological information from biologists in each region. He said they take into account the mountain lion plan and reassess the data we have and believes we

have a good picture and confidence level that our numbers are accurate. Mr. Lansford said in 2003 the Department went to a quota system by region and substantial bump that year in harvest and it served its purpose as the harvest went up. Most people do not have capability to hunt in the summer and increased harvest marginally.

Chairman Lent asked Mr. Lansford to explain biology between harvest reduction this year and last year and about trends in the model.

Mr. Lansford said the Department had not changed quota objectives since 2003 and according to management plan we are supposed to set the objectives every two years. He said there are less than favorable conditions out there and reassessment of data at this time objectives need to come down because they are unrealistic and can't support the old numbers but can support the new numbers as we have the data. He said part of the model is matrix and breakdown by region on harvest status, trends, and all is taken into consideration.

Commissioner Mori said is there any limitation as to the age, size, sex, of what can be harvested. Does that have any impact on the fact that we don't ever meet harvest objectives. Is the trophy aspect making some lions not harvested and does that reflect what the true lion population is.

Mr. Lansford said the limits are no spotted kittens or lactating female. He knows that is the best although 45 percent of the harvest is female, the harvest selectivity is that there is some for large toms and always skewed toward toms. We work off the best data we have and we can't fly lions like other species and the information is gleaned from harvest data.

Commissioner Raine said study done by NDOW on mountain lions in Nevada, and is the only comprehensive study done on mountain lions in Nevada. The average range was 224 square miles, and 100 miles is average, when lions removed others move in. On harvest quota he read statement on page 57, and said the estimated recruitment for lions in 30 percent; however, objective tempered on conservative side using 25 percent. Only science done by state, and last estimate is 2,400 double what past year's quota has been.

Mr. Lansford said he does not know of any state that targets 30 percent, and have other documents that you base population information. He said we don't do that with other species, and trying to break out data better.

Commissioner Cavin said we are also approving tag quotas and had fair amount of discussion on this yesterday and at the committee and one of the things the Department proposed was a third lion tag and designating area for third tag so the Department could focus on areas with excess lions and bring that in for this

conversation today and came as a result of those discussion and may be houndmen who may want to do that.

Mr. Lansford said that is a good alternative to Assemblyman Claborn's proposal and if we could use private hunters where predation is a problem.

Chairman Lent said he has seen studies on how many deer are killed a day by lion on a weekly or yearly basis and asked Mr. Lansford what he thought it is.

Mr. Lansford said big killers are female lions with cubs and they kill every four to seven days. Dispersing females and males kill up to nine to 15 days and in arid regions it varies as areas affected by weather. Mountain lions are effective prey switchers and once he started delving into it and you can find ranges and one-third of the lion population is kittens and dispersers and he would like to know winter kill and natural mortality.

Commissioner McBeath said yesterday we talked about management plan dealing with specific areas and herds and Director is going to make the pitch and corollary is that if we analyze other species by unit that we manage the predators by units as well.

Public Comment -

Glenn Bunch, Mineral CABMW, said at their CABMW meeting they had good attendance and usually means doing something wrong but the problem was other things, and they discussed mountain lions and they agree with Department actions and can't support taking the seasons off.

Tom Cassinelli, Humboldt CABMW, said they also had a good showing at their meeting and supported Department recommendations.

Mel Belding, said he appreciates work that is being done and listening to all sides of the story, and real difficulties in some areas and because of egress of lions and talked to lion hunters in the Vya Rim and seems like the dogs hit the flats they pull off and the influx of lions in 012 are seeing effect of that and mule deer study in the Sheldon and data we are seeing going to marginal country during December/January timeframe will be a problem. He said there are major problem with migration route and horses, and pushing horses into other areas. The mule deer study will be a great tool for us and need to go in during December and January and collar deer and find out where they go and what is happening.

Craig Stevens, Elko CABMW, said they approved Department recommendation and much discussion yesterday, and is something to look at and have more alternatives than this is how it is.

Charlie Cecchini, Nye CABMW, said people who have handle on lions is trappers and he knows where the lions are in his area and have seen the population go up and down,

and would suggest incorporating a survey for trappers to add to the data. His board was concerned about acting hasty with a bounty and want more thought before changing regulations.

George Corner, Nevada Guides and Outfitters Association, said they support the Department efforts. He said personally, wide diversity among mountain lion hunters. The department went to region wide and the lion hunters and the Department knows that in winter is when the hunting occurs and higher objectives need to be in units with wintering deer. The study Commissioner Raine cited was done from the 1960s and 1970s. Hounds can hunt on dry land but you have to have the right dogs to hunt on dry ground.

Jim Jenne, Lyon CVABMW, said the board voted to go along with NDOW recommendations. He said we need to give biologists a chance to get the data and see what they come up with and he is working on it.

Pat Laughlin, Elko, said he hunted lions his whole life and hunted with many and biggest problem is that we need to get back to the unit where are taking lions and sees the guys going to same easy places year after year but what they do causes the age class to go down and the population can't recover when you are taking them. He said he ran into four different lion hunters and they can't find big toms and he thinks that if separate unit included and move to other areas such as the Diamonds. He would like to see when you can notify someone that there is a lion problem somewhere. And as far as the quota like Kevin said they have not done an evaluation for the last five years and taking same.

Brandon Fordin, said to Mr. Laughlin's comment about the Diamonds is two lions who have been caught in a trap, like he said the people in the field are the ones who know about lions. You can't look at the whole state and is in favor of units to force people to go to different units that may have a lion problem. Do we manage elk year round or just by a season, and the lion objective is here. He said he hopes the Commission looks at biology behind it and think that get rid of predators deer numbers will come up.

Mr. Mike Laughlin said he was involved in the study Commissioner Raine quoted and the study quoted population of lions of 722 was the start of the unit system and he worked with NDOW employees as an ADC employee to develop the system. He said he was selected by Chairman Lent to serve on the Wildlife Damage Management Committee and lot of conjecture that there is a hidden agenda and would urge people who have concerns or ideas to bring them forward to the committee to bring ideas back to the Commission. He thanked the Commission for being on the committee to serve.

Commissioner Lurie said he appreciates the discussion today and asked if they could raise the quota.

Commissioner Raine said in reviewing data here and what was given a few years ago, and does not see how there could be statistical difference of any sort. Sustainable yields of what we had last year was far less than half of what was referred to as sustainable yield does not see scientific data where the number would be lowered.

COMMISSIONER RAINE MOVED TO SET QUOTA AT EXACT SAME LEVELS AS 2008 AND 2009. CHAIRMAN LENT SECONDED THE MOTION.

Commissioner McNinch said he won't be supporting the motion, the Department is doing the best they can with best available data and lions hard to gather information on, and we don't use past deer quotas to set today's quotas.

Commissioner McBeath asked Commissioner Raine if we have quota numbers from last year.

Commissioner Raine said the total was 346 divided by regions. Statistically the data is identical to what is was a couple of years ago.

Director Mayer said with due respect that is not accurate look at the Western Region female age is down and harvest is down and the Department provided the biological analysis.

Commissioner Lurie said the reduction is about 40.

Commissioner McBeath said he hesitates as a layman, not a biologist to try to interpret data when not his area of expertise, does not think actual harvest will approach any of this. He will oppose the current motion with all due respect.

CHAIRMAN LENT AND COMMISSIONER RAINE IN FAVOR OF MOTION, OPPOSED:
COMMISSIONERS LURIE, CAVIN, MCBEATH, MCNINCH, MORI, SWANSON AND WALLACE.
MOTION FAILED 2 – 7.

COMMISSIONER LURIE MOVED TO FOLLOW STAFF'S RECOMMENDATION FOR MOUNTAIN LION TAG QUOTA. COMMISSIONER SWANSON SECONDED THE MOTION.

Commissioner Wallace asked if we could bring the third tag online for change to the harvest objective and allow more opportunity to do that. He said that he wants it looked into as a unit by unit process.

Commissioner Lurie said that is a good idea.

Director Mayer said we know that not many people harvest two lions but would be interesting to see what happens.

Mr. Sefton said in regard to third tag a matter of anyone getting second tag is online, but if third tag is conditional that would require some programming changes, but just simply a third tag could be done.

COMMISSIONER CAVIN ASKED THAT WE AMEND THE MOTION TO ALLOW THIRD TAG THIS YEAR AND ASSES THE RESULTS THIS YEAR AND ADDRESS THE FINER DETAILS NEXT YEAR OR SOMETIME DURING THIS YEAR. HE SAID WE DO NOT WANT TO CLOSE THE DOOR ON OPPORTUNITY, AND DOES NOT SEE A DOWNSIDE AS WE HAVE ROOM IN THE HARVEST AND OPPORTUNITY FOR PEOPLE TO RUN THEIR DOGS. COMMISSIONERS LURIE AND SWANSON ACCEPTED THE AMENDMENTS AS THE SECOND TO THE MOTION. MOTION APPROVED UNANIMOUSLY.

18 Commission Regulation 09 – 05 Proposed Big Game Season Dates – Big Game Biologist Mike Cox

Vice Chairman Lurie said we should discuss the date specific issue as that will affect the Commission's decisions.

Game Division Chief Mark Atkinson said this is his first time being involved in the season setting process which is very complicated and was impressed with the seriousness that the Game Division used while approaching the process. He said they listened to many opinions and the recommendations were developed objectively and with input from many people, and he turned discussion to Mr. Cox.

Mr. Cox said we should have the discussion upfront as it will determine the season setting process, and will begin with antelope.

Commissioner Cavin said he has had numerous conversations with sportsmen over last two years over weekend versus date specific and asked Game Division to give options and be flexible and we did not get that. They sent memo with standard dates and did not give reasons for not going with weekend dates. He agrees with a standard framework but comments he has had it is a personal preference. Commissioner Cavin said for instance antelope season opens and closes on a Saturday and believes that causes missed opportunity, and it would be reasonable to consider changing seasons such as that one.

Commissioner McBeath said he has talked to people and they are split 50/50 on the openers.

Commissioner Swanson said he has heard the same comments but most of the people who want the weekend openers have not been through the process.

Chairman Lent said that Mr. Cox said at the Washoe CABMW meeting that if you have a trophy tag you will hunt anytime and he agrees with that. The other aspect he likes about date specific is taking pressure off opening date. He read a letter from Robert Gaudet of

Nevada Wildlife Federation (exhibit file) and continuing date specific. He said preference is split as far as sportsmen are concerned.

Commissioner McNinch said many of his friends who are big game hunters are ambivalent toward that date as they go. From a personal standpoint he has a youth hunter and the weekends are helpful.

Commissioner Mori said he sees everybody being mixed on this and what has changed is the number of seasons we have, and that is one reason and we would get more days in the field. Commissioner Mori said many people in Elko County work in mining industry and the date specifics work well with and he lives in an area where they see hunters 365 days a year and every hunter plans on hunting on opening day.

Commissioner Wallace said he has heard both as well and you will plan for the hunt. He said hunters have plenty of time to plan to go on the date or the weekend of the opener.

Commissioner Raine agreed with Commissioner Swanson said it is better than it has been but if you are involved in the process you get swayed.

Commissioner Lurie said he heard support for both and the breakdown was very interesting.

Public Comment –

Eric Scheetz, Douglas CABMW, said they wanted to make sure the youth were able to go on weekends. On the tag questionnaire it was suggested that people be polled on this to get input.

Brandon Fordin said the people he knows would prefer date specific and taking away from congestion.

Jim Jenne, Lyon CABMW, said they put through recommendation was that they worked on this over 20 years where they went back and forth. He can sympathize where people work on weekends, and he had a cow elk tag when this started and it was great because of reduced congestion, and we need to stay with it and stop debating it.

Craig Stevens, Elko CABMW, said they recommended date specific and carried that through the seasons that they recommended.

Tom Cassinelli, Humboldt CABMW, said they agreed with majority and had concerns with youth hunt and weekends and will address that later. He said Law Enforcement side it is easier and we should keep going with it.

Mel Belding, Washoe County, said he does not favor specific date because he works in construction as most of the clientele of the Department probably does and he can't get away in the middle of the week.

John Valley, Carson CABMW, said they decided to go with Department recommendations.

Troy Lane, said when he was on the CABMW biggest thing was hunter recruitment and his kids can't be taken out during the middle of the week because of school.

Cory Lytle, Lincoln CABMW, said they favor date specific and the number of hunts in their county and without split seasons will have congestion.

Tom Smith, Washoe, said state is becoming urbanized and need to grow the youth like wildlife and taking away weekend hunts there will be a loss of future hunters who are potential voters.

Rick Smith, Washoe CABMW, said it is important to give youth the weekend hunts. Youth hunts only get rid of split and go date specific and go any hunt in Oct 5 after Nevada day.

Caleb McAdoo, said he would like to see date specific seasons set.

Mr. Cox said there is a lot of passion on the youth hunt and he received five to six emails as a result of Mr. Lane's email request. He asked for direction from the Commission on those hunts.

CHAIRMAN LENT SAID HE WOULD RECOMMEND/MOVE THAT LEAVE DATES AS THE WAY IT IS BUT FOR JUNIOR HUNTS MAKE THEM OPEN ON SATURDAY. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY

Resident Antelope – Horns longer than ears – Any Legal Weapon 2151

Mr. Cox said the CABMWs have provided alternative recommendations, and the Department recommended to split the Sheldon 033, in 041, 042, in Western Pershing County. He said Humboldt CABMW commented.

Glenn Bunch, Mineral CABMW, said their recommendation is for 205 and 206 because there is an off-road race that happens and if we move it back one week that is the rut, so in discussing this at their meeting with biologists they tentatively penciled the dates submitted in handout and their idea is to get away from the off-road race and also would be dates for a muzzleloader hunt.

Mr. Cox said we are set for eligibility for muzzleloader hunt for antelope and could have rifle season during that time too.

Tom Cassinelli, Humboldt CABMW, said their recommendation is to take split season out 041 – 042, and for the youth and everybody in favor of it and want to keep it unsplit and make it a solid season.

Glen Copeland, Washoe CABMW, said supported NDOW in their recommendation and a muzzleloader season with areas to be determined by NDOW.

Craig Stevens, Elko CABMW, said they agreed with all seasons set by Department for antelope but want to see what happens with White Pine's muzzleloader hunt before any others.

COMMISSIONER RAINE MOVED THAT ALL SEASON RECOMMENDATIONS AS PRESENTED WITH EXCEPTIONS, OF AREA 041 AND 042 TO MAKE THAT A SINGLE SEASON AUG. 22 TO SEPT. 5; IN 205 206 CHANGE FROM SEPT 25 TO OCT. 4. COMMISSIONER LENT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Nonresident Antelope – Horns longer than ears Any Legal Weapon Hunt 2251

CHAIRMAN LENT MOVED FOR HUNT 2251 THAT WE CHANGE THE SAME DATES AS HUNT 2151 COMBINING 041 AND 042 TO AUG. 22 TO SEPT. 5 AND SAME FOR 205, 206 TO COINCIDE WITH HUNT 2151. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident Antelope – Horns longer than ears Muzzleloader Hunt 2171

Big Game Biologist Mike Cox said new Hunt 2171 Muzzleloader is proposed at the request of two game boards, Washoe and White Pine, and asked the Commission's preference.

Glen Copeland, Washoe CABMW, said they were unanimous in supporting this new hunt because we are date specific it would give more opportunity for hunters for a muzzleloader antelope hunt and with such a small quota to go with the residents, try it and see what the demand is.

Craig Stevens, Elko, said he knows that White Pine CABMW is in favor of this and would like to hear from them although they are not here today.

Tom Cassinelli, Humboldt CABMW, said he is speaking for himself as they did not discuss the issue, but he personally thinks that adding another hunt adds to the pressure on animals as we have so many hunts.

Cory Lytle, Lincoln CABMW, said they discussed this and did not have a strong position but thought would be an opportunity and to try it.

Rick Smith, Washoe CABMW, said at their meeting there were four to five public in attendance at their meeting. Personally, he is not a muzzleloader hunter but is a fair assessment to entertain the hunt in the counties that are in favor of the hunt and Washoe and White Pine are in favor and have the antelope.

COMMISSIONER SWANSON MOVED TO IMPLEMENT HUNT 2171 THIS YEAR, AND IN THE AREAS IDENTIFIED BY WHITE PINE. CHAIRMAN LENT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident Antelope – Horns longer than ears Longbow Archery Hunt 2161

COMMISSIONER SWANSON MOVED TO APPROVE HUNT 2161. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Nonresident Antelope – Horns longer than ears Longbow Archery Hunt 2261

CHAIRMAN LENT MOVED TO APPROVE. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident Antelope – Horns shorter than ears Any Legal Weapon Hunt 2181

Commissioner McBeath asked if we are doing transplants out of any of these groups.

Mr. Cox said yes we have done capture out of 131 and release site fell through and actually going to go out of state but recipient not ready.

Chairman Lent said Mr. Gaudet wrote in his letter does that he does not like antelope does taken (exhibit file).

Commissioner Cavin said at the antelope indoctrination a question came up and evidently there is confusion among hunters about definition of horns shorter than ears and if that means doe/female or horns shorter than ears.

Mr. Cox agreed that is confusing.

COMMISSIONER RAINE MOVED HUNT 2181 BE RENAMED DOE/FEMALE OR HORNS SHORTER THAN EARS, AS DEPARTMENT RECOMMENDED BUT ELIMINATE 041 AND 042. COMMISSIONER SWANSON SECONDED THE MOTION.

Commissioner McNinch asked why no hunt in 041 and 042.

Mr. Cox said Pershing CABMW just stated no hunt with no reason why.

COMMISSIONERS IN FAVOR: CHAIRMAN LENT, LURIE, CAVIN, MCBEATH, MORI, RAINE, SWANSON, AND WALLACE. COMMISSIONER MCNINCH OPPOSED. MOTION CARRIED 8 - 1.

Resident Elk – Antlered Any Legal Weapon Depredation Hunt 4102

Cory Lytle, Lincoln CABMW, provided background on hunt and that it is centered on Atlantic Farms. It has become a trophy hunt in the rut although the intent was to take care of the elk causing damage to the farm. They want the hunt tailored to the animals doing the damage, not the big bulls as that takes them out of the genetic pool and will affect the local elk. He said they want in the future to look at a management type hunt such as five points or less bull hunt that targets younger, resident elk that do the damage and address the “trophy hunt” that this particular hunt has become.

Commissioner Swanson asked if the landowner is satisfied with this depredation hunt.

Mr. Lytle said according to NDOW biologist Mike Scott said the cow hunt was successful and have a 75 percent success rate and believe it is working and will work if tailored to a management style hunt.

Mr. Cox suggested identifying early hunt with limited boundary and the applicants for this hunt have already killed their so called “Nevada bull” and we don’t care who kills them but have a 4151 hunt not focused on Atlanta Farms and want to get people in there.

Brandon Fordin, Elko CABMW, said he hunted for six weeks and there are very few elk and the manager is satisfied with the pressure being removed and you would not see elk taken out. The way it is, is working.

Rick Smith, Washoe CABMW, said he knows the area pretty well and an early season is a good idea.

COMMISSIONER RAINE MOVED THAT WE APPROVE HUNT 4102 EXCLUDING UNITS 222, AND 231. COMMISSIONER MCBEATH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident Elk Hunts 4151/ 4251

Mr. Cox said there are a few changes from a couple of years ago due to shifting in Elko County of the herd, and staff from Region II looked at herd distributions and are recommending separate hunt. He reviewed CABMW changes.

Craig Stevens, Elko CABMW, said they want the dates changed from Nov. 4 openers to Nov. 6 and the closing to the 20th from the 18th, and the reason being is the Nov. 4 opening date overlaps the late deer hunt seasons.

Cory Lytle, Lincoln CABMW, said biologists see the tag quota going up in 231 although quality is going down, and would like to see 231, 241, 242, the trophy hunt be Nov. 4 – Nov. 18 or 6th to the 20th and run a spike only hunt that parallels the cow hunt to address the management issues he spoke of earlier. Mr. Lytle said the quality has really tapered off and if we start conservative management plan with a spike only and see what the success is and that would be really positive.

Craig Stevens, Elko CABMW, said they did not discuss the rut hunt this year but beat it to death in the past and reason we are opposed to the rut hunt and people are scared of quality going down.

Chairman Lent said he would reiterate what Washoe County said and there was a policy where the rut hunt was rotated and would like Mike Cox to pick out an area for that with fewer amount of tags. Look out for resident hunters and apply to it, and get back to that because it is a lifetime experience.

Jim Jenne, Lyon CABMW, said they want to push for a rotating rut hunt as some folks like to do that as it is exciting and understands why people want it.

Charlie Cecchini, Nye CABMW, recommended that season dates be moved up two days to Nov. 6 – Nov. 20 to avoid overlap of rifle buck season and they recommend early season hunt in Area 16 and board was unanimous as it provides a great hunting experience.

Tom Wilson, Washoe CABMW, said they voted to accept the Department recommendations with the exception of retaining a rut hunt as in previous years.

Timothy Humes, self, said he supports a rut hunt as in the past and he was able to do it once and it is a special hunt.

Craig Stevens, Elko CABMW, said they did not discuss the rut hunt but have in the past. He said they are opposed to rut hunts because of landowner tags. Those hunters will want to hunt the rut even if you put a small quota in there in areas with landowner tags you will have a bunch of hunters hunting the rut hunt.

Chairman Lent said he would reiterate what Washoe CABMW said and that he received a letter in support of a rut hunt.

Mr. Cox said biologically no sword to fall on, just want parity among people who sell tags, and if we can properly manage where incentive tag holders can hunt would give parity amongst landowners in the program and staff would not have a problem with it.

Commissioner Raine said on the rut hunt, hunter demand demands we have something, demand is overwhelmingly there. Personally he is against rut hunts. Area 16 is one area without landowner tags that he can think of.

COMMISSIONER RAINE MOVED TO INCLUDE WHAT WAS PREVIOUSLY ON 4101 IN 221, 231 (A). COMMISSIONER MCNINCH SECONDED THE MOTION.

CHAIRMAN LENT SAID HE WOULD LIKE TO AMEND THE MOTION TO HAVE EARLY RIFLE IN 072 AND 131. COMMISSIONER RAINE AND MCNINCH ACCEPTED THE AMENDMENT TO THE MOTION. MOTION CARRIED UNANIMOUSLY.

Commissioner McNinch said we need to address the rest of Hunt 4151 as we addressed the rut hunts.

CHAIRMAN LENT MOVED THAT WE HAVE THE REST OF 4151/4251 AS THE DEPARTMENT RECOMMENDED. COMMISSIONER SWANSON SECONDED THE MOTION.

Commissioner Cavin asked if we could make the changes to avoid the overlap – across the board for that particular date change Nov. 6 to Nov. 20.

COMMISSIONER MCBEATH SAID HE WOULD LIKE A FOUR DAY BREAK. COMMISSIONERS SWANSON AND LENT ACCEPTED THE CHANGE.

MR. COX ENCAPSULATED THE MOTION AND APPROVED AS PER THE SCREEN.

Resident Elk – Antlered Muzzleloader Hunt 4156

COMMISSIONER RAINE MOVED TO APPROVE HUNT 4156 AND 4256 AS PROPOSED. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED.

Resident Elk – Antlered Longbow Archery Hunt 4161

COMMISSIONER SWANSON MOVED TO APPROVE 4161 AS RECOMMENDED. COMMISSIONER WALLACE SECONDED THE MOTION.

Nonresident Elk – Antlered Hunt 4261 Longbow Archery

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

Resident Elk - Antlerless – Any Legal Weapon Hunt 4181

Mr. Cox said the game boards said no break between the cow elk rifle and beginning of bull muzzleloader and will leave that to the Commission.

Cory Lytle, Lincoln CABMW, said in 231, 241, 242, the year's previous season was a two week cow hunt. Harvest objectives were met and their biggest issue is it overlaps a trophy mule deer hunt in that area and the quality of the hunt goes down.

Commissioner McNinch said proposal from Lincoln County is Oct. 1 through Oct. 14.

Mr. Cox said in other units we could go to the 16th and give us a gap with bull muzzleloader and pleasure of Commission on 23 and we definitely need to look at stepping it up.

COMMISSIONER SWANSON MOVED TO ACCEPT WITH EXCEPTION OF EARLY HUNT 231, 241, 242, THAT IT CLOSE ON OCT. 16. COMMISSIONER CAVIN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident Elk – Antlerless Muzzleloader Hunt 4176

COMMISSIONER SWANSON MOVED TO APPROVE HUNT 4176. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident Elk – Antlerless – Longbow Archery Hunt 4111

COMMISSIONER MCNINCH MOVED TO APPROVE HUNT 4111. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident Nelson Desert Bighorn Sheep Any Ram – Any Legal Weapon Hunt 3151

Mr. Cox said the Department is recommending a 10 day later season for most units to conduct captures and minimize conflicts. New unit in the Tobins, and he said they shifted season to Oct 15 to Nov. 5 to keep a window for captures. Mr. Cox said he is concerned about the Stonewall hunt as he never received 100 percent confirmation from Nellis as to the dates for 252 but did get dates for southern range units 280 – 282. He said they may decide something different than he recommended.

Chairman Lent said worst case scenario reluctant to guess on 2010 date if that is a valid date.

COMMISSIONER SWANSON MOVED TO APPROVE HUNT 3151/3251 AS RECOMMENDED BY THE DEPARTMENT. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Commissioner Raine said he wanted to clarify that by moving hunt 231, 232, into regular antlered season he wanted to make sure that would not open the hunt to landowners in a fashion not intended by the motion and wanted to make sure as audience members asked him that during the break.

Mr. Cox said he does not have the NAC language memorized but incentive tag for landowner is allowed to be used within unit group that landowner's property is within. If someone pushed it tags may be allowed within Atlanta Farms and if that is the concern maybe we can get a DAG opinion, but possibly you could make amendment that

interpretation does not include this unit group for incentive tags but general enough it would allow them to hunt within the five mile radius.

Commissioner McBeath said you have incentive tags in 22 and 23 and you will have incentive tags going into both. The issue is that people need to be aware of this issue and disclose it. Fairness issue and we could note it in the application brochure.

Mr. Cox said Commissioner McBeath is probably correct.

Mr. Cory Lytle, Lincoln CABMW, said a quick solution is to take it out and you would be fine.

Commissioner Mori asked what the problem is and the original intent is.

Mr. Cox said you could have 50 hunters in there and the purpose is depredation. Technically the landowners tags could go to the Rubies if land within that unit group and within 231 and we would have to issue a tag for that season. There is no exception to the 4102 hunt with the incentive tags.

Vice Chairman Lurie said if Mr. Cox can think of something before the end of the day to bring it up and they will revisit this issue.

Resident California Bighorn Sheep Any Ram – Any Legal Weapon Hunt 8151

Commissioner Cavin said Oct. 31 is Nevada Day and should we make the close that date.

Mr. Cox said Nevada Day is Friday now.

COMMISSIONER SWANSON MOVED TO APPROVE 8151 / 8251 COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident Rocky Mountain Bighorn Sheep Any Ram – Any Legal Weapon Hunt 9151

Chairman Lent asked Mr. Sefton to come on up and said on this Rocky Mountain nonresident hunt and doesn't know if we can change it, but if you move outside the state and come back and transfer your bonus points you can draw the tag. He would like so you can only acquire the max number of bonus points that anyone else has.

Mr. Sefton said flip side to it as nonresidents could have more bonus points.

Glen Copeland, self, said he wants no nonresidents eligible for this hunt but you could let them buy bonus points in case if it changed back.

Tom Cassinelli said you need to remember that these sheep came from out of state, and once you put that in you cannot take it away.

Chairman Lent asked Mr. Cassinelli if it would be okay to take it from 101 and put it in 114 or 74.

Mr. Cassinelli said that would be okay.

Commissioner McBeath said he would agree with Chairman Lent on having them not in the one unit such as 101 as that is the premiere are for Rocky Mountain bighorn.

Mel Belding, said once we first started we were giving 20 percent away to nonresidents and Commission gave it away during the Taulman lawsuit, and he agreed with Chairman Lent to take it out of 101 and put it in the 114 unit.

Commissioner McNinch said to remember Taulman lawsuit and it could be a lot worse with 50 percent to nonresidents is better than 10 percent.

George Corner, speaking for self, said the point of the Taulman suit was no retaliation against nonresidents and that is what we are talking about right now.

COMMISSIONER SWANSON MOVED TO APPROVE HUNT 9151/9251 AS RECOMMENDED.

COMMISSIONER MCNINCH SECONDED THE MOTION.

CHAIRMAN LENT ASKED THAT THE MOVER AND SECOND AMEND MOTION FOR HUNT 9251 NONRESIDENT TO MOVE THAT AREA FROM 101 TO 74.

Commissioner Swanson asked Mr. Cox if there is any biological reason that would affect the change.

Mr. Cox said there are two tags in there and one resident and nonresident would be okay.

COMMISSIONERS SWANSON AND MCNINCH AGREED TO THE AMENDMENT.

Commissioner McNinch said with notation that it is quality of unit not opportunity to hunt.

MOTION CARRIED UNANIMOUSLY.

Commissioner Swanson said he was just advised by Mr. Cox that the Commission needs to revisit 4151/4251 and Atlanta Farm area and that we take 222 and 231 out.

COMMISSIONER SWANSON MOVED TO RECONSIDER PREVIOUS MOTION FOR HUNT 4151/4251. COMMISSIONER RAINE SECONDED THE MOTION.

Commissioner Mori asked the reasoning behind it.

Mr. Cox said not sure on NAC to guide the incentive tag holder on unit groups, which hunt, and in order to not create a huge problem, let's eliminate it this year until we get final clarification and we know who is allowed to use that hunt.

VOTE ON MOTION – UNANIMOUS.

COMMISSIONER SWANSON MOVED TO ELIMINATE 222 AND 231 FROM HUNT 4151.
COMMISSIONER RAINE SECONDED THE MOTION.

Mr. Cox said we could have 30 to 40 hunters that could chose that hunt without having clarification to the language.

Commissioner McNinch said we should just go back the way it was.

Commissioner Wallace said he agreed because in the long run we will probably revisit this with an emergency hunt.

VOTE ON MOTION 8 -1 WITH ONE ABSTENTION: COMMISSIONER MCBEATH.

COMMISSIONER SWANSON MOVED TO RECONSIDER HUNT 4102. MOTION SECONDED WITH COMMISSIONER MCBEATH ABSTAINING. MOTION CARRIED.

COMMISSIONER SWANSON MOVED TO PUT 222 AND 231 BACK IN 4102 WITH DATES OF AUG. 1 TO SEPT. 30. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CHAIRMAN LENT, COMMISSIONERS LURIE, CAVIN, MCNINCH, MORI, RAINE, SWANSON AND WALLACE. COMMISSIONER MCBEATH ABSTAINED. MOTION CARRIED.

Commissioner McBeath abstained because he is manager of Cave Valley Ranch that receives incentive tags in Unit 222 and does not feel comfortable voting on this issue.

Nonresident Mountain Goat – Any Goat Any Legal Weapon Hunt 7151

COMMISSIONER SWANSON MOVED TO APPROVE. CHAIRMAN LENT SECONDED THE MOTION.
MOTION CARRIED UNANIMOUSLY.

Nonresident Mountain Goat – Any Goat Any Legal Weapon Hunt 7251

CHAIRMAN LENT MOVED TO ACCEPT HUNT 7251 AS OUTLINED BY THE DEPARTMENT.
COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident Junior Mule Deer – Antlered – or – Antlerless – Longbow Archery, Muzzleloader, or Any Legal Weapon Hunt 1107

Mr. Cox said they had disagreement about split seasons and CABMWs have recommended alternate seasons in general seeing 50 to 60 percent of junior harvest on weekends and 30 to 35 of harvest occurred in the last three days of the season.

Glenn Bunch, Mineral CABMW, said what we institute in Area 20 will reflect in the 1331 hunt as well, and asked that opener be moved to Saturday however probably not going to happen. One thing looking at is a muzzleloader season lasting longer than 10 days, and are requesting 1st to 15th and 16th through Jan. 5 for archery and would give them 2 weekends for muzzleloader.

Mr. Cox said anytime you go past Jan. 1 you have droppage.

Craig Stevens, Elko CABMW, said the board recommended that the mule deer season be same as last year do not agree with split season.

Steve Hemp, Humboldt CABMW, recommended not to split the youth hunt and want to keep them in the hunting business. He said Commissioner McNinch noted the letters yesterday received from youth hunters of Humboldt County.

Tom Cassinelli said they had good turnout at their board meeting and were supportive of the youth having the same as adults.

COMMISSIONER RAINE MOVED THAT ALL 2009 - 2010 1107 HUNTS EXACTLY MIRROR THE DATES OF 2008 AS THAT SEEMS TO BE THE WILL OF THE PEOPLE. COMMISSIONER SWANSON SECONDED THE MOTION.

Mr. Cox said that is a good recommendation and one issue we had is that if we do that could we have the junior hunt for all unit groups be the same that are occurring in October.

COMMISSIONERS RAINE AND SWANSON ACCEPTED MR. COX'S SUGGESTION, AND COMMISSIONER RAINE MOVED WITH STIPULATION THAT ALL 1107 HUNTS FOR 2009 – 2010, THAT ALL HUNTS LISTED IN OCTOBER THAT BEGIN ON OCT. 5 END NOV. 2 AND REST OF SEASON DATES EXACTLY MIRROR 2008 AND SEASONS IN DECEMBER TO MIRROR 2008. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED.

Resident Mule Deer – Antlerless – Any Legal Weapon Hunt 1181

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

Resident Mule Deer – Antlerless – Any Legal Weapon Hunt 1101

COMMISSIONER MCNINCH MOVED TO APPROVE HUNT 1101 AS RECOMMENDED.
COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Restricted Nonresident Mule Deer – Antlered – Any Legal Weapon Hunt 1235 - Guided Hunt

Mr. Cox said the split seasons that occur for 1331 need to be split for this hunt, there were errors on list for 194, 196 and should have been Dec. 21 through Jan. 1. He said quotas are set by statute for this hunt.

Tom Cassinelli, Humboldt CABMW, said the split season forced on them in last season setting to give up quality hunt for quantity tags and willing but don't want to do that in any other units. He said they feel that for 031, 032, 034, 035, 036, 043 - 046, and have the season be Oct. 5 to Nov. 5 with one season format and no splits.

Mr. Cox said the split seasons were recommended to meet hunter expectations and felt split season would accommodate both and allow opportunity.

Mel Belding said he was someone who stood up for two years in a row and would like same opportunity in 014 and get rid of split season in 011 – 013 as 031.

COMMISSIONER SWANSON MOVED TO APPROVE FOR HUNT 1235 ELIMINATE EARLY HUNTS 011 - 013 SEASON OCT. 5 TO OCT. 31, ELIMINATE LATE SEASON IN 014 OCT. 5 TO OCT. 31, ELIMINATE EARLY AND LATE IN 031, 033 AND MAKE ONE SEASON 031, 032, 033, 034, 035, REFLECTING DATES OF OCT. 5 – OCT. 31 AND IN 181 – 184 ELIMINATE EARLY AND LATE MAKE IT OCT. 5 THROUGH OCT. 31 SEASON DATES. **HE ADDED TO KEEP 033 SPLIT.** COMMISSIONER CAVIN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident and Nonresident Mule Deer – Antlered Any Legal Weapon Hunt 1331

COMMISSIONER SWANSON MOVED TO APPROVE HUNT 1331 SAME AS CORRECTIONS TO 1235.
COMMISSIONER CAVIN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Resident and Nonresident Mule Deer – Antlered Muzzleloader Hunt 1371

Commissioner Wallace said Esmeralda CABMW contacted him to request for 211, 212 hunt to have a 30 day muzzleloader season.

Mr. Cox said he did receive that request from Esmeralda CABMW and understands they are asking to extend the season to Oct. 9.

Glenn Bunch, Mineral CABMW, said they would like their hunts, 202, 205, and 206, Dec. 1 through Dec. 15 to increase the days to allow another weekend.

COMMISSIONER WALLACE MOVED TO APPROVE HUNT 1371 WITH CHANGE OF UNIT 211, 212 TO BE SEPT. 10 THROUGH OCT. 9 AND FOR 202, 205, 206, DEC. 1 – DEC. 15. COMMISSIONER SWANSON SECONDED THE MOTION.

Mr. Cox said the Commission did not accept Mineral CABMW's recommendation for the junior hunt and should include this in the junior hunt as well.

COMMISSIONERS WALLACE AND SWANSON AGREED TO INCLUDE THAT IN THEIR MOTION. MOTION CARRIED UNANIMOUSLY.

Vice Chairman Lurie said after Hunt 1341 we will go back to the junior hunt.

Resident and Nonresident Mule Deer Antlered – Longbow Archery Hunt 1341

Glenn Bunch, Mineral CABMW, said like season to start Dec. 16 and end Jan. 1 to eliminate the overlap.

Cory Lytle, Lincoln CABMW, said they would like to extend season for Units 221 – 223, 231, 241 – 245, have it open a week later – Aug. 8 to Sept. 5.

Fred Church, NV Bowhunter's Association, opposed to date change. He said the Commission already approved youth hunt that will reflect on archery season.

CHAIRMAN LENT MOVED THAT HUNT 1341 TO ACCEPT DEPARTMENT RECOMMENDATION WITH EXCEPTION: 202, 205, 206, DEC. 16 TO JAN. 1, 221, 223, 241, 245, CHANGE TO AUG. 8 TO SEPT. 5 COMMISSIONER RAINE SECONDED THE MOTION.

Mr. Church said he does not see why archery season would have overlap with muzzleloaders as other weapon classes don't and does not see why you would cut-off the archery season by four or five days. He said the Bowhunter's Association is opposed.

CHAIRMAN LENT MOVED FOR HUNT 1341 TO ACCEPT DEPARTMENT RECOMMENDATION WITH EXCEPTION 201, 202, 204, 205, 206, THAT IT START DEC. 16 TO JAN. 1 AND IN 241, 245, 231, 221, 223, START AUG. 8 TO SEPT. 5. COMMISSIONER RAINE SECONDED THE MOTION.

Commissioner McNinch asked Mr. Church if there is opposition to overlap.

Mr. Church said there should be no problem but with other weapon groups and does not want a rifle or muzzleloader season overlap. He said why make an exception for one county without running it by the other counties.

Cory Lytle, Lincoln CABMW, said main reason is antler growth not complete, and secondly, it would give cow hunters a chance to get out of the way you alleviate conflicts between hunters.

Commissioner Swanson said his concern if antler growth is reason for change, and going with date specific then we need to do that in all the areas. He said to stick with Aug. 1 to be consistent.

Chairman Lent said he only made the motion for the CABMWs.

CHAIRMAN LURIE CALLED FOR VOTE ON THE MOTION, COMMISSIONERS IN FAVOR CHAIRMAN LENT AND COMMISSIONER RAINE. COMMISSIONERS OPPOSED TO THE MOTION: LURIE, CAVIN, MCBEATH, MCNINCH, MORI, SWANSON AND WALLACE. MOTION FAILED 2 – 7.

VICE CHAIRMAN LURIE MOVED TO APPROVE HUNT 1341 WITH CHANGE OF 202, 205, 206, TO DEC. 16 TO JAN. 1 AND EVERYTHING ELSE REMAINS THE SAME. COMMISSIONER SWANSON SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LURIE, CAVIN, MCBEATH, MCNINCH, MORI, RAINE, SWANSON AND WALLACE. CHAIRMAN LENT OPPOSED. MOTION CARRIED 8 - 1.

COMMISSIONER SWANSON MOVED TO RE-ENTERTAIN HUNT 1107. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Revisit Junior Hunt 1107

Mr. Cox said the corrections he is asking for 071, the late seasons the muzzleloader season for both years should be Sept 10 through Sept 30, the any legal weapon season should be Oct. 21 thru Nov. 5 and archery should be Nov. 10 through Nov. 30, the exact same error is for Area 10 late and same corrections, and 114, 115, late the archery is correct, the any legal weapon Oct. 21 to Nov. 5 both years, muzzleloader is Nov. 10 through Nov. 30. In addition to 202, 205, 206, to mirror those dates in 1371 and 1341, page 15, muzzleloader for 202, 205, 206, would change for both years Dec. 1 through Dec. 15, archery Dec. 16 through Jan. 1.

VICE CHAIRMAN LURIE MOVED TO ACCEPT THE CHANGES THAT MR. COX OUTLINED ENTERTAINING ORIGINAL LANGUAGE FOR HUNT 1107. COMMISSIONER SWANSON SECONDED THE MOTION.

Commissioner Raine said we've got to go back and not split the seasons for the junior season, and part of motion is to entertain the original language with those modifications. Suggestion accepted by motion maker and second.

Rick Smith, Washoe CABMW, said did he hear right on any legal weapon from Oct. 21 to Nov. 5 for Area 7 and 10 late season only. He asked did we not split the seasons for the youth.

Mr. Cox said he stands corrected that the only change for Area 7 and 10 late is the muzzleloader and archery as only legal weapon was already decided.

Commissioner Raine asked that Mr. Cox put this information up on the powerpoint screen to check the motion visually.

Mr. Cox said he will plug the numbers in while the Commission continues.

Partnership in Wildlife Hunts

COMMISSIONER SWANSON MOVED TO APPROVE DEPARTMENT RECOMMENDATION ON QUOTAS AND SEASON DATES FOR PIW HUNTS. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Emergency Hunts 2009 – 2010

Cory Lytle, Lincoln CABMW, said their proposal includes spike depredation hunt in 231 and quotas determined via Department recommendation.

Mr. Cox said that can be worked on during the summer and come up with recommendation later as we can set that at anytime and today we can set the hunt number so it exists for a draw.

COMMISSIONER CAVIN MOVED TO APPROVE 2009 - 2010 EMERGENCY HUNTS WITH THE DEPARTMENT RECOMMENDATION AND ADD A HUNT NUMBER TO BE DETERMINED BY DEPARTMENT INCLUDE A SPIKE ELK HUNT. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

2009 Bighorn Sheep Indoctrination Courses

Mr. Atkinson said there is a correction to Elko date, changed from Thurs. Aug. 27, to Monday, Aug 31, 2009.

Craig Stevens, Elko CABMW, said the CABMW requested that the meeting be changed to July 25, 2009, and July 24 in 2010.

VICE CHAIRMAN LURIE MOVED TO APPROVE INDOCTRINATION COURSE DATES WITH CHANGES ELKO CABMW REQUESTED. MOTION SECONDED BY COMMISSIONER SWANSON. MOTION CARRIED UNANIMOUSLY.

2009 – 2010 Application Rules

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

Revisit Hunt 1107

Mr. Cox finished checking the 1107 hunt, and said good thing we looked because in Area 10, we have decision to make as in Area 7 you will want archery season Aug. 1 to Sept. 5, and the only would be 114, 115, again the muzzleloader season would be Sept. 10 – Sept. 30, or does the Commission want it to be Nov. 10 – 30 the actual muzzleloader season.

COMMISSIONERS RAINE AND SWANSON SAID BE CONSISTENT WITH THE OTHER MUZZLELOADER SEASONS IN THAT AREA.

Reports – Informational

11 A Western Association of Fish and Wildlife Agencies Report – Chairman Lent, Commissioner McNinch and Secretary Mayer

Commissioner McNinch reported that he attended the conference along with Director Mayer and Chairman Lent. He said they discussed alternative funding and creating a broad base, being innovative, develop coalitions with groups you would not think of such cultural groups; General Fund appropriations and the fact that Nevada does not give much to NDOW and other states hurting but they are still getting money from General Fund, economic stimulus projects and shovel ready projects; mitigation conservation banking system states leading the way, with California and Wyoming all ahead of the curve in regard to wind and solar energy; lead bullets have moved from public health issue to non target species issue; mule deer working group habitat guidelines completed and approved and coalitions being built interstate for large scale habitat projects; putting framework in place for mule deer conservation and continue to move forward; research and planning and if you don't have that, no federal monies piped in.

Director Mayer said a quagga/zebra mussel summit held prior to the meeting and representatives from all western states attended in conjunction with Colorado River Fish and Wildlife Council (CRFWC). Director Mayer is chair right now of CRFWC and recommended that Directors establish a standing committee with chair picked out from Arizona and encouraged Association of Fish and Wildlife Agencies to work with Obama administration and be on the front burner with federal agencies. He said there was discussion of lead in meat and myriad of things and had quorum of 14 of 23 states because of budget cuts. The summer WAFWA conference will be in Newport Beach, Calif. He said attendance is important as WAFWA states looked are looked at as a leader and he is on Executive Committee to make sure Nevada is at the forefront, and he concluded report with statement that Chief of Habitat Dave Pulliam is on WAFWA's wild horse committee and will be presenting the next agenda item.

Chairman Lent added that all states having money worries but Wyoming, and if we could get sales tax percentage that would help. The Missouri folks sent him the book on their sales tax.

Director Mayer said nationally the issue is climate change and for nongame species not game issues or species and need to get those dollars.

- H Update on Wild Horse Issues and Legislation – Chief of Habitat Dave Pulliam said he is here to discuss issues the Department has had with managing wild horses. He said habitat degradation is significant especially for springs and seeps as some springs have been completely eliminated. Horse problems have been on Nellis also with horses dying due to lack of water and forage. The other issue is that research has shown that behavioral and competitive nature of horses leads to horses keeping wildlife away from water especially in drought conditions. Appropriate Management Levels (AML) are set by BLM with little real information from the field. Nevada's pattern of drought is another example of why AML do not meet the law and every time we get into a drought we have to have emergency gathers because the population is not managed to AML. Mr. Pulliam said the Wild Horse and Burro Act requires that the BLM management actions be done in conjunction with state agencies. He said that rarely happens with any BLM action. BLM population estimates are lower than what is actually out there which they admitted and hopefully they get better estimates. He said at one point NDOW considered litigation against BLM stimulated by lawsuit in Wyoming which resulted in shift of funding within BLM to handle the problem. Right now federal House of Representatives bill 503 referred to federal Committee on Judiciary Equine Cruelty Act of 2009 and basically strengthens inability to use slaughter of horses for human consumption. Mr. Pulliam said this legislation is it lessens the opportunity for people to take horses past their prime and dispose of them. Those are the highlights and he concluded his report.

Revisit Hunt 1107

Mr. Cox said for clarification for 114, 115 do you want to go with the standard muzzleloader season or the late muzzleloader season. Need a decision on which season to go with for junior season.

The Commission decided to go with Sept. 10 – Sept 30. As the rest of the state, and he reviewed the changes on the screen.

COMMISSIONER SWANSON MOVED TO APPROVE WHAT IS PRESENTED ON THE SCREEN AS AMENDED. COMMISSIONER CAVIN SECONDED THE MOTION. MOTION CARRIED.

Mr. Cox said he needs clarification of Humboldt County season dates that were given Oct. 1.

COMMISSIONER SWANSON MOVED FOR HUNTS 1331, 1235, AND 1107 THAT 031, 032, 043, 046, 011 – 013, 114 181 - 184 SUPPOSED TO BE IN THE MOTION, AND SHOULD HAVE BEEN IN THERE. COMMISSIONER SWANSON SAID IT ELIMINATES EARLY/LATE AND MIRRORS OTHER HUNTS. COMMISSIONER LURIE SECONDED THE MOTION. MOTION CARRIED.

- D Department Budget – Director Mayer highlighted the budget since last meeting and provided the Department’s budget presentation to the Commission. He said what the Commission got was the Governor’s Recommended Budget for the Department and noted that the newspaper reports were wrong about the agency budget. Director Mayer said we have not cut positions but are redirecting staff as needed, and the reserve is \$3.5 million. He said there are enhancements units included which are items that we requested and still having problem being treated as General Fund agency when we are not.

- 19 Future Commission Meeting – Director Mayer – Action
Chairman Lurie suggested that any committees that plan to meet in advance of the March meeting notify staff of their intent to prepare agendas and minutes in sufficient time for the CABMWs to have it. He said if you cannot do that do not put it on the agenda and that it is very frustrating to meet and not have the materials to discuss.

Vice Chairman Lurie thanked everyone for their participation and providing public comment.

Public Comment –

Pat Laughlin, Elko County, asked Mr. Cox and Mr. Atkinson about sheep on the Pilots, and was wondering if they could identify sheep in a picture and where they come from. He asked where mule deer are at in the state.

Mr. Cox said he would guess Rockies and typical sheep population in the 1990s had dispersal from Utah and may have always been there and may not have been observed until they had herd growth. Mr. Cox said in regard to mule deer they are accumulating data and information.

Judi Caron, thanked the Commission, and Director Mayer for explaining the mail process. She complimented the Department for the website information on CABMWs and asked that a calendar for committees be posted on the website. She thanked Commissioner McNinch, Swanson, Mori, and Lurie, for hearing the sportsmen’s needs yesterday on Policy #1 and although there are five sportsmen representatives on the board who don’t always hear sportsmen’s needs.

Mr. Sefton said he had a correction on percentage of people who file harvest report online, and paper is not quite 40 percent but 60 percent that apply online. Had it backwards.

Tom Cassinelli, Humboldt CABMW, thanked the Commission and he has sat through 20 or 30 years of these and it sure runs smoother than it used.

Bob Brunner thanked Vice Chair Lurie for a well run meeting and said he wanted to express concern over yesterday on item #9 and #10 when all the public input, and nobody supported it, not the DAGs, speakers to asking if anyone supported it, no one did, yet five Commissioners: Wallace, Raine, Lent, McBeath, and Cavin supported that. He is concerned about their consensus when all comment written and verbal was not in favor and reminded them it is supposed to be a democracy and about the wildlife.

Cory Lytle, Lincoln CABMW, thanked the Commission as it was his first meeting, and said he would like to revisit the split hunts and get science and public opinion on it.

Commissioner McNinch said this weekend we covered many issues and this went smooth as compared to past meetings and appreciates that too.

Meeting Adjourned at 4:35 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.