

- Draft Minutes -

Nevada Board of Wildlife Commissioners' Meeting

Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512

Friday, May 15, 2009 – 10 a.m.

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

Approval of Agenda – Action

The Commission will review the agenda and may remove items from consideration or adjust the order of presentation.

Member Items/Announcements

Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

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

CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

Public Comment Period

- 1 Approval of Minutes – Action
Commission meeting minutes from the March 27 and 28, 2009, meeting.
- 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 Western Association of Fish and Wildlife Agencies Conference (WAFWA) – Chairman
Gerald A. Lent - Action
The Commission will designate one Commission representative to attend the annual WAFWA conference being held in Newport Beach, Calif., July 10 – 15, 2009.
- 4 Wildlife Heritage Projects – Commissioner Cavin – Action
The Commission's Heritage Committee will provide recommendations to the Commission for approval of projects submitted for funding in fiscal year 2009.
- 5 County Advisory Boards to Manage Wildlife Budget Requests –
Dave Prather – Action
In accordance with NRS 501.320 the Commission will be asked to approve budget requests for the 17 County Advisory Boards to Manage Wildlife.
- 6 Wildlife Related Legislation - Senate Bill 411 – Chairman Gerald A. Lent – Action
The Commission will hear a report from the Commission's Legislative Committee on Senate Bill 411, revising provisions governing the issuance of hunting, fishing and trapping licenses, and may vote to support or oppose.
- 7 Commission Policies, First Readings – Commissioner Scott Raine – Informational
In accordance with Commission Policy #1, the Commission will hear first readings of the following policies, to review the Administrative Procedures, Regulations and Policy Committee changes:
 - A. Commission Policy #2, "Sale of Publications"

- B. Commission Policy #21, "Game and Furbearer Management"
- C. Commission Policy #22, "Introduction, Transplanting, and Exportation"
- 8 U.S. Forest Service Northeastern Nevada Travel Management Plans and Staff Reports – Chief of Habitat Dave Pulliam – Action
The Commission will review Nevada Department of Wildlife staff reports on U.S. Forest Service Northeastern Nevada Travel Management Plans and may take action to direct staff to draft a letter to the U.S. Forest Service concerning travel management plans on behalf of the Wildlife Commission.
- Workshop on Regulations
- 9 Commission General Regulation 363 – LCB File No. R182-08 (Permanent) – Captain Fred Messmann
The Commission may adopt regulation relating to watercraft; defining motorboat which is used for hire. This revision places "toy share" companies under the same provisions as boat rental companies.
- 10 Commission General Regulation 368 – LCB File No. T026-09 (Temporary) – Program Officer III Maureen Hullinger
The proposed regulation change would establish language providing the general public with access to big game draw results 48 hours after the computerized system draw is complete.
- 11 Commission General Regulation - 369 – LCB File No. T027-09 (Temporary) – Chief Game Warden Rob Buonamici
The Commission may establish provisions pertaining to defining edible portion in the case of big game mammal, other game mammals, game birds and game fish.
- 12 Reports – Informational
- A Online Hunt Application Changes/Amendments after Application Submission – Chairman Gerald A. Lent
- B Nevada Wildlife Data System Electronic Duck Stamp Privilege - Chief of Operations Bob Haughian
- C Commercial Wind Energy Project in Lincoln County – Cory Lytle, Lincoln County Resource Committee Group
- D Spring Valley Stipulated Agreement – Chief of Habitat Dave Pulliam
- E Clark County Shooting Park – Vice Chairman Ron Lurie
- F 2009 Legislative Session Update – Management Analyst III Kim Jolly
- G Finance Committee – Commissioner Ron Lurie
- H Litigation Report – Deputy Attorney General Nhu Nguyen
- I Department Activities/Leadership Team Notes – Secretary Ken Mayer
- J Wolf Hybrid Ownership in Nevada – Chief Game Warden Rob Buonamici and Chief of Game Mark Atkinson
- K Big Game Herd Status, Harvest Analysis and Quota Development – Big Game Biologist Mike Cox

Saturday, May 16, 2009 – 8:30 a.m.

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

Member Items/Announcements

Commissioners may present emergent items. No action may be taken by the Commission.
Any item requiring Commission action will be scheduled on a future Commission agenda.

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

Public Comment Period

- 13 Appeal – Mr. Guy W. Rozar – Action
The Commission will hear a request from Mr. Rozar to receive a bull elk tag/and or his bonus points reinstated. (Support material sent to Commissioners only).
- 14 Future Commission Meeting – Director Ken Mayer - Action
The next Commission meeting is scheduled for June 26 and 27, 2009, in Lovelock; and the Commission will review potential agenda items for that meeting. The chairman may designate and adjust committee assignments and create new committees.

Regulations – Action

- 15 Commission General Regulation 363 (Permanent) – Chief Game Warden Rob Buonamici
The Commission may adopt regulation relating to watercraft; defining motorboat which is used for hire. This revision places “toy share” companies under the same provisions as boat rental companies.
- 16 Commission General Regulation 368 (Temporary) – Program Officer III Maureen Hullinger
The proposed regulation change would establish language providing the general public with access to big game draw results 48 hours after the computerized system draw is complete.
- 17 Commission General Regulation - 369 (Temporary) – Chief Game Warden Rob Buonamici
The Commission may establish provisions pertaining to defining edible portion in the case of big game mammal, other game mammals, game birds and game fish.
- 18 Commission Regulation 09 – 07 – Big Game Biologist Mike Cox – Action
The Commission will establish regulations for the numbers of tags to be issued for mule deer, pronghorn antelope, elk, bighorn sheep and mountain goats for 2009 – 2010.

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
Nhu Nguyen, Deputy Attorney General
Suzanne Scourby, Recording Secretary

Bryan L. Stockton, Deputy Attorney General
C. Wayne Howle, Deputy Attorney General

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Administrative Services Officer III Dave Prather
Game Division Chief Mark Atkinson	Chief of Conservation Education Kelly Clark
Chief Game Warden Rob Buonamici	Program Officer III Maureen Hullinger
Staff Conservation Educator Aaron Meier	Chief of Operations Bob Haughian
Wildlife Diversity Chief Laura Richards	Habitat Chief Dave Pulliam
Management Analyst III Kim Jolly	

Others in Attendance/Two Day Meeting:

Clint Bentley, self	Thomas Brunson, White Pine CABMW*
Tom Cassinelli, Humboldt CABMW	John Koehm, Back Country Hunters and Anglers
Craig Stevens, Elko CABMW	Glen Copeland, Washoe CABMW
Dr. Paul Dixon, Clark CABMW	Cory Lytle, Lincoln CABMW
John Capurro, self	Candido P. Mendive, Elko CABMW
John Valley, Carson CABMW	Dan Heinz, Back Country Hunters and Anglers
Bob Cook, Douglas CABMW	Mike Turnipseed, Douglas CABMW
Rex Flowers, Washoe CABMW	Daryl Harwell, Washoe CABMW
Eric Scheetz, Douglas CABMW	Mark Jensen, USDA
William Meyer, Lyon CABMW	George Corner, NV Outfitters and Guide Association
Charlie Cecchini, Nye CABMW	Glenn Bunch, Mineral CABMW
William Miller, White Pine CABMW	Walter Mandeville, Lyon CABMW
Don Molde, self	Don Sefton, Systems Consultants
Daryl Capurro, self	Donald Klebenow, Back Country Hunters and Anglers
Karen Boeger, self	Randy McNatt, BHA
Timothy Humes, self	Dean Baker, Baker Ranches Inc.
Larry Johnson, Coalition for NV's Wildlife	Ali Chaney, Lahontan Audubon Society
Wes Clyde, Carson CABMW	Mike Laughlin, Predator Committee Member
Jim Jenne, Lyon CABMW	Judi Caron, self
Ira Hansen, self	Alexis Hansen, self

*County Advisory Board to Manage Wildlife

Friday, May 15, 2009

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

Commission Roll Call: Chairman Lent, Vice Chairman Ron Lurie, Commissioners Cavin, McBeath, McNinch, Mori, Raine, Swanson, and Wallace, all present.

County Advisory Board to Manage Wildlife (CABMW) Members –
Paul Dixon, Clark; Glenn Bunch, Mineral; Wes Clyde, Carson; Glen Copeland, Washoe; Craig Stevens, Elko; Candido Mendive, Elko; Eric Scheetz, Douglas; Bill Meyer, Lyon; Cory Lytle, Lincoln; and Jim Jenne, Lyon, all present.

Approval of Agenda - Action

**COMMISSIONER LURIE MOVED TO APPROVE THE AGENDA IF NO CORRECTIONS OR CHANGES.
COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

Member Items/Announcements –

Commissioner McBeath said we have been reading a lot about wild horses in Congress and we need to get message to our Congressional delegation and we just did one letter on climate change which is great but equally need to get one out on wild horses as they are proposing to expand horses outside their normal AML and looking for new range to increase horse herd and at same time based on everything else, they are plugging up the means to deal with the excess

inventory of horses and literally the horse population will explode and he thinks it would be a good idea for the Commission to get letter put together by staff for Congressional delegation in regard to wild horses. He said another issue is an environmental group has filed a petition to list spring snails and is related to any spring that Southern Nevada Water Authority is proposing for their pipeline project and in reading the petition it is amazing how rare these spring snails are and he would not be surprised if they were listed, and that could be good for wildlife. The habitat they live in is year round springs and they are a bellwether species, which is an indication, that if they disappear we have serious problem with no water and anything listed has impacts to wildlife.

Vice Chairman Lurie said he only has one more Commission meeting and wants to make sure the Interpretive Center at Overton and the hatchery at Lake Mead with quagga mussels are not forgotten and how to get that issue resolved. He thanked Waterfowl Biologist Craig Mortimore for meeting with locals at Overton on transplant of goslings and said he now has a better understanding of the issues, and that people are willing to volunteer. Commissioner Lurie said the meeting went well and having staff present is very important.

Chairman Lent asked that Commissioners who have items for the June meeting email him with their requests.

CABMW Member Items –

Craig Stevens, Elko CABMW, said they are hearing rumors about wild horses and that the Gambel-Winecup Ranch is being purchased by Mrs. Pickens for a wild horse refuge, and the local biologist told them that there is some truth to the matter and that being said, he would like the Department to become involved as this could cause major problems on that side of the state. Mr. Stevens said his board is concerned with survey flights, Area 10 has 25 percent of deer herd and that area did not get a fall flight but got spring. He said it comes back with an extremely low fawn count, they are very concerned and trust the biologist for Area 10, but they still don't understand why those areas are not flown.

Chairman Lent said those are both good items to bring up through your board and then back to the Commission. He said horses we talked about and will have on the next agenda.

Daryl Harwell, Washoe CABMW, said he is going to bring up Washoe Lake again and that he would like to see the Commission involved and knows south end is supposed to be maintained by Nevada Department of Transportation (NDOT) and is dry, also knows well there does not affect residents, and Nevada Waterfowl Association was requested by the state to pay for pumping and no request has been made for four years, and would like the Commission to get NDOT to flood the south end and if well can be run, because there are organizations to pay for well and that would help to fill up Washoe Lake.

Chairman Lent asked that their request be put in writing or emailed to him to put on an agenda.

Daryl Harwell, Washoe CABMW, said he brought this up before representing Washoe CABMW and this is the second time, but he will put the request in writing.

Chief of Habitat Dave Pulliam said staff will look into this issue.

Cory Lytle, Lincoln CABMW, said he would like to expand on what Commissioner McBeath said and the bill is HR 1018 and the public in Lincoln County is very concerned with the federal legislation as well and he provided Commissioner McBeath with a copy.

Public Comment Period –

Ali Chaney, board member of Lahontan Audubon Society, said her organization wishes to recognize Commissioner Dave McNinch and his service on the Board of Wildlife Commission and Commission committees. Ms. Chaney said Commissioner McNinch's time on the Commission was spent protecting wildlife and she provided several examples of his contributions and special tasks accomplished by Commissioner McNinch such as serving on the Governor's Sage Grouse Team. He was presented with a plaque from Karen Kish the president of Lahontan Audubon Society and thanked for his nine years of dedicated service on the Board of Wildlife Commission.

Commissioner McNinch said he appreciates the comments and the recognition of the award and was not expecting this, and is a nice surprise.

Larry Johnson Coalition for Nevada's Wildlife said he supports opposition to HR 1108 as he is on the Wild Horse Advisory Commission for the past 10 years and we were closest to AML and now with present administration we are seeing it slip away, he said something drastic needs to be done, and recommendations have been provided for removals and gathers, and as the last resort if they can't adopt or find good homes for the horses, they are to be euthanized or sold. He said that is difficult for Bureau of Land Management and Congress to accept and if not they have to budget for long-term holding which is two-thirds of the wild horse budget. Mr. Johnson said his term ends this fall and he supports Chief of Habitat Dave Pulliam as the next member of the board. Secondly, he would like the Commission to acknowledge Director Ken Mayer who received the national Pope and Young Award Professional of the Year and the award recognized his excellence in the field and the Governor's Office issued a press release stating same. He said he has been working with Senator Reid for reintroduction of salmon in northeastern Nevada and that salmon used to be an important resource in the state, and salmon were commercially fished in Nevada and that the salmon runs ended in the 1920s with construction of dams on lower Snake River. He said Idaho has overcome those obstacles by creating put and take fishery. Mr. Johnson said Elko County passed resolution supporting the effort, and Senator Reid has placed Nevada on list for stream recovery funds. He thanked Commissioner Mori for attending the meetings in Elko County and providing valuable input on ranching concerns, and

would like a resolution from this Commission in support of reintroduction. Mr. Johnson said Nevada is officially at the table for salmon reintroduction.

Chairman Lent thanked Mr. Johnson for his work on the wild horse issues because horses are a major problem in Nevada and Commissioner McBeath will be taking the lead.

- 1 Approval of the Minutes from the March 27 and 28, 2008, Meeting – Action

COMMISSIONER MCNINCH MOVED TO APPROVE THE MINUTES WITH CHANGE TO PAGE 14 TO CORRECT THE REFERENCE TO DAVE PULLIAM AS WILDLIFE DIVERSITY CHIEF AS HE IS HABITAT CHIEF. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

- 2 Correspondence – Chairman Lent – Informational

Commissioner Lurie said he received correspondence from Mr. Porterfield and staff response.

Chairman Lent said he also received that.

Commissioner McBeath said he and other Commissioners received a packet from Mr. Christopher Gill last November challenging the mule deer recovery plan and is concerned with conclusions of the working group who put that plan together and he subscribes to grazing program that is promoted by Allen Savory (Savory Grazing Method) which is holistic approach to grazing, and Mr. Gill wants the Commission aware of that but his issue really is related to BLM and how they allow permittees to graze on public lands and is not sure of what the Department's position is. Commissioner McBeath said he has read bulk of public materials and wondered if a response has been sent to this individual.

Director Mayer said Savory Method has been around 30 to 40 years and was started in Africa, and the method is for grazing of short intensity and the method does work in some places but when you get to the utilization point you have to move them off and unless livestock operators willing to manage land with cowboys, otherwise is difficult. The Department did not receive anything from Christopher Gill, but would like to see it and could certainly respond to him.

Commissioner McBeath said he will provide the two letters to the Department.

Chairman Lent said he had letter from Laurie Carson of White Pine County supporting the CABMW recommendations, a letter from Back Country Outfitters and Anglers (Dan Heinz), and asked if any other correspondence for the record.

Commissioner McNinch said he received the letter from Back Country Outfitters and Anglers as well asking the Commission to take specific positions on motor vehicle use as that use relates to US Forest Service Travel Plans and have Department evaluate and bring back points for Commission consideration and point is to get them out on the table and recognize the issues for consideration.

Chairman Lent said Mr. Heinz is in the audience and is sure he will bring that up.

3 Western Association Fish and Wildlife Agencies (WAFWA) Selection – Chairman Lent

Director Mayer said attendance at the WAFWA conference is well worth it, as WAFWA is the lead organization in the Association of Fish and Wildlife Agencies, which is our voice in Congress, and they work with industry. He said he and Department staff who serve on WAFWA Committees will be in attendance as well.

Chairman Lent said Commissioner Cavin has expressed interest in attending and he himself may attend as well but may have a conflict.

Commissioner Cavin was designated as the Commission representative.

4 Wildlife Heritage Projects – Commissioner Cavin - Action

Commissioner Cavin said the Heritage Committee met yesterday, and three of the projects last year need carry forward approval to continue as their field work is still underway. He summarized the three carry forwards, and the committee's recommendation to the Commission to approve the carry forward.

COMMISSIONER CAVIN MOVED TO APPROVE TO CARRY FORWARD OF THE THREE PROJECTS. COMMISSIONER RAINE SECONDED THE MOTION.

Commissioner Raine said for clarification that the carry forward money does not affect this year's funding as it is from previous years and does not affect this year's projects at all. He said basically this is housekeeping for the fiscal deadline as the field work is ongoing and cannot be done in conformance with the fiscal year.

VOTE ON MOTION: MOTION PASSED 8 - 0.

Commissioner Cavin said the main function of yesterday's meeting was to review Heritage projects and they had an extensive meeting, he thanked the project participants involved as there is a huge amount of work done, from the staff at NDOW to others such as volunteers, and he extended a very sincere thank you to everyone involved. He said the committee went through each project and had a change that came out the day of the meeting with the Department reducing their funding requests on the

projects in yellow down to \$44,000 providing an additional \$134,000 to spread the wealth. Commissioner Cavin referenced a handout provided by ASO III Dave Prather with the funding changes, see exhibit file #4.

Commissioner Cavin said he would like to provide the committee recommendations.

Chairman Lent said if everyone has read them, he would ask for questions on exceptions to save time.

Commissioner McNinch said in regard to Project 10-23, Mule Deer Enhancement, which unfortunately he does not have the exact project laid out in front of him, but understands this to be a predominantly predator removal project

Commissioner Cavin said that basically 10-23 was proposed that way; however, the Department will be tasked with complete design and focused management, and basically Department will have complete control and be in full compliance with NDOW policies and that was how it was...

Commissioner McNinch said if this project (10-23) is approved, what is the guidance to the Department and what is the process.

Commissioner Cavin said it is basically NDOW's call and basic parameters of the project brought forward and NDOW will design project with existing project in Unit 014 and basically is an expansion.

Chairman Lent said the project protects sheep.

Commissioner McNinch said the project references mule deer and he would suggest taking each project one by one for each motion as he will not be able to support some. He said the organization that proposes this project (10-23), and again he has not seen the paperwork, but the organization, in the nine years of his being on the Commission he has seen numerous newsletters from Hunters Alert browbeating NDOW and NDOW employees which he finds extremely offensive, and is concerned that we are creating... and newsletter is critical of NDOW administration. He said there is a difference in being personal and there is better way of handling this and personally believes that by approving this project we are putting NDOW in a position of conflict and position of risk and he will not be able to support the request.

Commissioner Cavin said the committee, in consideration of each project, that they did not look at personalities and heard the projects with public comment and prioritized. He said he understands his concerns...

Commissioner McNinch said we have \$213,000 in proposed predator projects, and he appreciates the time put in last night but we have a Wildlife Damage Management Program managed by sportsmen with a fee and can't help but feel that is where that money comes from and we have a sage grouse plan strategy based on population units and if we have predator issues it should be addressed through that plan run up to this document and have a Mule Deer Management Plan with structure for plans that would specifically review issues for predation and run up specifically into this. He said he feels we are putting the cart before the horse and feels it is just to kill and understands not a lot of support for these.

DAG Stockton said procedurally he understood the committee took seven hours to go over this and he would suggest that projects that members have problems with be gone through individually.

Commissioner Raine said we spent two hours on this yesterday and we should not judge projects on personalities and that is what was tried to be done yesterday and if we piecemeal this out, this in turn will take nine hours, and he said there was tremendous compromise yesterday, and he is prepared to vote today for all the projects he was opposed to, so in that manner he will make a motion.

COMMISSIONER RAINE MOVED TO APPROVE ALL THE PROJECTS AS LISTED ON THE FORM AS APPROVED BY THE COMMITTEE.

Commissioner Swanson asked to be recognized before the motion and proceed as the DAG recommended.

Commissioner Raine said it is a little late for that and restated the motion: **MOVE TO APPROVE ALL THE PROJECTS ON THE FORM AS APPROVED BY THE COMMITTEE. COMMISSIONER CAVIN SECONDED THE MOTION.**

Chairman Lent asked for discussion by the Commission.

Commissioner McBeath said he commended everyone who was at the committee as that had to be grueling, and his comments are on the projects that Commissioner McNinch mentioned, and said if someone puts forth a project along lines of mule deer enhancement or a project to increase fawn survival, are there any requirements for the group or entity, that they have the expertise to carry out projects and wherewithal to carry out the projects, and when he looks at these two groups he has no idea of qualifications, as one is a political group that has probably not done a project on the ground, and the other is from Mr. Pat Laughlin, and he received no information, and his questions is what are the requirements for the Commission to approve a project, and if someone puts forth a project, what if they don't have qualifications to carry out project, and if so, why are they not rejected outright because the proposal he is hearing is that

the Department is stepping in shoes of proponent and he asked the legal department if there are legal requirements for sponsor of project and what are qualifications of Commission to approve a project, and if we approve a project such as these, and what is to say that anybody can put forth a project and how the Commission can approve a project where proponents are not qualified.

Chairman Lent said to Commissioner McBeath that all of that was discussed yesterday, and individuals can submit according to law, they can submit projects for the committee and Commission, and can be used for a number of things and Commissioner Cavin could explain, and restated that in yesterday's discussion there was much discussion on how to transfer funds.

Commissioner Cavin said two of projects, 10-23 and 10-26, and 10-27, that those three projects we are talking about are expansions of existing NDOW projects. We have raven control in Elko County and predator management in Unit 014, and those two projects are giving NDOW direction and authority for expansion, one is for ravens and the other is mule deer, bighorn sheep and antelope. The title is not changed and scope of project had changed as all do and we found out yesterday that when projects submitted they are conceptual as discussed and details come later. All scientific projects basically evolve, and that is where the Department comes in and addresses the concerns of having focused management and all of that is under Department control. He said we discussed all of that and got past all of those concerns yesterday, and would hate to go backward, and had consensus on the votes and it was not all over the map. Commissioner Cavin said the committee did their job as the committee talked to project leaders beforehand and they made tough decisions yesterday and it was grueling and got job done and will stand by that.

Chairman Lent said on 10 – 01 the Department's trapping and transplant program plan does not have specifics and yet that was approved.

Commissioner McBeath said he understands that with plans but his question was with the sponsor of the project and never has seen this procedurally and should these groups be listed or is it an NDOW program at this point we are approving.

Commissioner Cavin said yes the program basically becomes NDOWs.

Director Mayer said it is more complicated than that, and if the Department has carte blanche to make it our program we will, but that is different than what he got, which was the Department works with proponents to do the project and make it scientifically credible and do all the work. Director Mayer said he has to be clear that employees work schedules will have to be adjusted to accomplish the projects. He said it was conceptual and now we have to put the meat on the bones.

Commissioner Cavin said that is correct that staff will work with them and put the meat on the bones.

DAG Nguyen said she would echo the Commission's DAG Stockton recommendation because NDOW has concerns to bring to the Board preliminary with respect to direction to put meat on bones, and NAC 501.340 specifies that person who proposes project supply the information not the Department. She said statute is specific that person proposing project submits requests for money, completes contract, complies with local and federal rules, and is something for project person to do, not the Department and would say that instruction to Department is in conflict with regulation.

Commissioner Swanson said point of clarification for NRS, that there is a problem because we are allocating money for a project that is not there, and asked if Commission allowed to approve funding for a possible project and point of clarification is whether we are allowed to approve funding as the item Mr. Fredi is asking for \$50,000 for a project that is forthcoming in the future and is that allowable per NRS.

DAG Nguyen said she would defer that answer to the Commission's attorney and under NAC 501.340 the requirements are specific and logical to have those requirements met before, and does not make a lot of sense to approve the project at this point.

Commissioner Raine said many of the projects that were submitted by NDOW were as vague or more vague as private projects proposed such as 10-15, wildlife habitat restoration, which we don't know where that will happen, and not to say it is a bad thing, it will come in time and if people do not complete terms of contract than the money goes back. He said the Commission has two options either the committee did a good job and support them or we don't support the committee and we need the full Commission to meet and go through this because if you vote down one project the whole funding of another project comes undone as they took funds from different ones modifying another and was a delicate balance.

DAG Nguyen said it is not uncommon for committee recommendation to be voted on piecemeal and she again reiterated Department's concern as preliminarily it appears that not all requirements met by project proponents and for the record wishes to protect the Department from any liability as not all requirements have been met, and stated that again it is not uncommon for a project list to be voted piecemeal as there are concerns.

DAG Stockton spoke on requirements of Heritage Account, and highlighted the regulations. He said the committee has done the work to make sure requirements have been met, and to address Commissioner Raine's concerns, the regulation 501.310 requires public comment and approval by the Commission at the first meeting not the committee, and his recommendation would be that the Commission accept the

committee's work on projects that are not contentious and separate and discuss the others, and that would be his recommendation, if the Commission takes it or not. He said he understands the Department's concern and not sure how this is being dropped in their lap and who is approved, and they have to make sure they are in compliance with the law.

Commissioner Swanson said we have to clarify because what if the Department does not agree and will there be liability to them if they back away from a project.

DAG Stockton said Department has independent duty to the state and wildlife that is exercised at their discretion. DAG Stockton said NDOW has independent right/duty to refuse and short answer is yes.

Commissioner McBeath said all three of the projects we talked about 10-23, 10-26, and 10-27, all three of those projects seem to him to come within predator management jurisdiction and plan, and the process there requires a contract with Wildlife Services (WS) as no way a proponent could kill a raven as they are protected and no way the group can shoot from airplanes as that authority is delegated to Wildlife Services, and seems to him that the entity that turns out projects is Wildlife Services, and when it comes to predators; therefore that implicates their process and if substantial increase in their projects because of this, and would they have to go through NEPA process again and Environmental Assessment, and just worries that somehow these particular projects, in no way can meet the requirements, and he struggles with how we are getting where we want to be. The way this is presented causes him concern.

Commissioner Cavin said he wished we had everyone here at the meeting yesterday, and issue with WS that Commissioner McBeath brought up is that WS would be entity that would handle the work, and yesterday had testimony from State Director of WS and he answered questions and you were not privy as committee assignment and those were questions asked. He said some of the legal questions today are new.

Commissioner McBeath said in response he appreciates that but projects being proposed to the Commission for Commission vote and he has to understand some of the problems inherent in approving these particular projects as a Commissioner, and if we need to take time to explain as he had list with questions about some. He said he respects the committee's decisions in those respects but has concerns with the three projects as stated and has not heard the concerns he put forth being addressed and the committee needs to come forth and layout in detail for the Commission the basis for their decision.

Commissioner Lurie said he agreed with Commissioner McBeath and won't vote on these items in one motion either on these projects and has questions for people who made the request for funds and wants to hear from Mr. Laughlin and Mr. Fredi before

he votes as the Commission needs to be fiscally responsible with projects that help manage the wildlife. Commissioner Lurie said he is not going to vote on something to give somebody money and then tell the Department that they go develop plan and see if it can be done. Commissioner Lurie said vote is going to be 5 - 4 on many of these and the outcome is already determined and that upsets him, and he has problem with how some of the money is being spent. Commissioner Lurie said if we vote individually on each item and if he loses we go on, instead of voting as one complete package, and we have two attorneys present, and respects the Commission chair having one, and respects the Department DAG because of protection of Department. He said people proposing projects need to tell us how our dollars are going to be spent.

Chairman Lent said the purpose of the committee is to streamline work for the Commission, and he reiterated the amount time spent yesterday in the committee, and we have a motion to process and Commissioners can amend the motion.

Commissioner McNinch said if we do all the work through the committees he suggested adding a third day to meetings, and we have a different opinion on how committee structure works.

Commissioner Mori said he sees it as a motion on floor to approve projects as committee recommends. He said he certainly doesn't expect the full Commission to rubber stamp what the committee comes forth with; however, he won't be able to support motion how it was stated. He said we were here a long time listening and debating and tried to come up with best solution and is not saying the committee is right. He said he can't support the motion as stated because the Commission has right to question anything the committee did, but he will support his committee in our decisions.

Commissioner Wallace said he wants clear in his head that if we vote on these and if something not legal, will it come back to Commission.

DAG Stockton said basically the money won't be spent and assumes it would be rolled over for next year.

Commissioner Wallace said the committee spent hours and has to feel they looked closely at the projects and hopes someone does not get a check for \$50,000 and the money disappears.

Chairman Lent said the Commissioners who were interested should have attended as the committee did a lot of work and that was the time to have done something and to redo the committee's nine hours would be a lot of work.

Commissioner Cavin explained disbursement of funds, and how the money is disbursed when they have submitted proof of accomplishment of project. It is not pay as you go, costs are reimbursed.

Commissioner McBeath said is there ability for us to create a project right now.

Director Mayer said no as considerable thought was put into this.

Commissioner McBeath said if he had project for Wildlife Damage Management Committee for same amount of monies and brought back to the Commission he could support that and wonders if mechanism to do that.

DAG Stockton said in NAC 501.300 does state a deadline and that would prohibit coming up with a project today.

Commissioner Cavin said we have three existing projects submitted and if you wanted to roll the three existing projects through the Predator Committee, is that the suggestion, and that seems logical that we could do that.

Commissioner McBeath said he would like these groups removed individually and if we can do that and meet their goals and get in our existing process and that way we do it in normal course through projects for Predator Committee with WS and furbearer biologist in a normal fashion, he could accept that process and approve that.

Commissioner Raine said two items, one, 10-23 specifically states within it approval by Predator Committee is necessary and the proponent of the other two project said he would like to work with that committee on final draft of his proposal. He said last year he recollected one vote on all items and does not see how you single out items to vote on it because one item affects everything, as everything was a compromise, – go with everything and if fails, have a full Commission meeting at a later date.

Chairman Lent said change motion to put those three projects through the predator committee, and add 10-01, would that be okay.

Commissioner Cavin said not adding 10-01.

Commissioner Raine said he could support that.

Commissioner Swanson said he could not support the motion unless sponsor removed completely.

Commissioner McBeath said he can support money and decision-making and go through our normal Predator Committee processes and thinks that if you want to keep names to give group's credit that he is not concerned with that, but concerned with control of funds, and decision with regard to predator management projects, and that they be handled through Predator Committee and full Commission.

Commissioner Cavin said that is acceptable to him as the committee chair.

Commissioner Raine said if motion modified that these projects must be approved by that committee that would be acceptable to him, and some asked for that, and understanding that the projects won't go forward unless through that committee.

Commissioner Raine restated motion for clarification:

COMMISSIONER RAINE MOVED TO APPROVE ALL PROJECTS AS SUBMITTED, AND SPECIFICALLY PROJECTS 10-23, 10-26, AND 10-27, THAT THE DETAILS OF THOSE PROJECTS MUST BE SPECIFICALLY APPROVED BY PREDATOR COMMITTEE OF THIS COMMISSION WITH FULL PRESENTATION TO THE COMMISSION FOR APPROVAL. COMMISSIONER CAVIN SECONDED THE MOTION.

Commissioner McBeath said to add with full approval by Commission.

Commissioner McNinch asked if we are taking public comment on these...and if we go this other route who will fill out and sign the contract for 10 -23, 10-26, and 10-27.

DAG Nguyen requested with respect to the three projects, 10 -23, 10-26, and 10-27, that there be clear instructions to the Department as to what their role is.

Commissioner McNinch said he does not want to lose sight of his question, please, but who is going to sign the contracts for three projects.

Unidentified voice says: the Petitioner.

DAG Stockton said we need to ask the Department who does.

Administrative Services Officer Gabe Pincolini said the contract is handled by the Department.

Commissioner McNinch said the vendors are going to sign on, and we are back where we are with project proponent, and he can't support it right now.

Commissioner Cavin said according to DAG Stockton we deal with one process today, and that other process will be taken of later, after you approve the project.

DAG Stockton said the contract is done after approval of the project.

Commissioner Lurie said the vendors may not want their contract going through the Predator Committee.

Public Comment –

George Corner, Nevada Outfitters and Guides, said he would compliment Chairman Cavin and the committee for work done, but they did not have time to go through the material as have a lot going on and a lot of information presented today. At Elko CABMW meeting the sage grouse program was supported but question raised on impact of \$50,000 as they understand predator program already in place for ravens, knows in south there was outcry with desert tortoise and ravens, and it was determined crows and ravens affecting them, with limit on number of ravens taken, and wonders who will count dead ravens to know when the limit is reached. We have been fighting all year on lion eradication and would like more information, as the information he has from Cecil Fredi states that predator control for mule deer provided by WS. Mr. Corner agreed with Commissioner McBeath that the projects should go through the normal processes and NDOW makes the determination if viable and if the project has benefits, and it was brought up at Elko CABMW that predator project still ongoing and in process at Spruce Mountain and \$300,000 spent there and have not been able to make a determination and fawn survival in control area is same as treated area.

Craig Stevens, Elko CABMW, said their gripe is not getting information in timely manner and chairman received only copy of the information packet and there were a lot of good projects. He said they focused on projects that affected Elko County and supported 10-26 and 10-27 and most important was sage grouse and mule deer, and supported all the projects and will leave it up to you guys to finance.

Clint Bentley said he commended the committee for all the time and work put in, and feels a few items not addressed by the committee and asked if input from CABMWs received and stated two of counties made recommendations; however, those recommendation were never referenced during the meeting and the committee should have taken public comment and before full vote public comment should be received..

Paul Dixon, Clark CABMW, said the CABMWs needed support material and need evidence that the Commission is using the CABMW recommendations. He said the CABMWs would like to know that there is more time to give you to use, and he is proponent of this, and believes that before predatory decisions made and one project not even heard by Kelly Stuart, who left, on study to determine if predator control needed and talked about this to Clark CABMW and get biological information otherwise you make decisions based on opinion and really appreciate committee to fund studies to make informed decisions.

Commissioner McNinch asked Clark CABMW's position.

Mr. Dixon said Clark CABMW staunchly opposed to predator control.

Commissioner McNinch said he appreciates the Commission discussing this and thinks there will be liabilities as far as the Department is concerned and he is still opposed to the motion as projects will be caught up in legal matters.

VOTE ON MOTION: COMMISSIONERS IN FAVOR OF MOTION, LENT, CAVIN, MCBEATH, MORI, RAINE, SWANSON AND WALLACE. COMMISSIONERS MCNINCH AND LURIE OPPOSED. MOTION CARRIED 7 – 2.

DAG Nguyen asked for clarification for the three projects, again, can we have instructions for the Department as to their responsibilities before the projects go before the Wildlife Damage Management Committee and the Commission again.

Chairman Lent said that was discussed yesterday.

Commissioner Cavin said that was and the applicants will get together with the Department and work together and that is where we left it, whether they have to use some of their funding to transfer money for staff time, and those type of details will be worked out.

Commissioner Swanson said the motion as he understood it, is the Department has complete control of what is going to be done, and the rest are just the name sake of the sponsors.

Director Mayer said in essence the Department will come up with the proposal and we'll share it.

Commissioner Raine said that seems not quite correct and it will be done as stated here but will have to go through that committee process...

Chairman Lent said we had a motion and a second and we are going to move on.

Commissioners McNinch and Swanson asked for guidance.

Chairman Lent said we have to move on.

Commissioner McNinch said point of order, please, and asked our DAG what our responsibility are to responding to the Department's request for guidance from its policy making board.

DAG Stockton said his opinion is, that it is time for the Commission is to move on, we have had extensive discussion, the views of the Commission and public have been made clear, and he understands the Department needs clarification, but obviously that clarification is not going to come right now. DAG Stockton said the Department has independent legal counsel and time for that has passed as the Commission has voted.

5 County Advisory Board Budgets to Manage Wildlife (CABMW) – Administrative Services Officer III Dave Prather – Action

Commissioner Lurie said the Finance Committee met this morning and approved the CABMW budgets and still need information from staff on workman's compensation and clerical assistance to the CABMWs.

Commissioner McBeath said there are differences amongst the CABMWs and locations which require different costs, and a process could be put in place for standardization of their budgets. He said the committee approved budgets as submitted.

Finance Committee member Gil Yanuck and Carson CABMW member will take the lead on developing policy to standardize budget process.

Commissioner Lurie said a Finance Committee meeting will be scheduled prior to the June Commission meeting in Lovelock.

Public Comment CABMW Budgets -

Craig Stevens, Elko CABMW, said his comment is that his budget was reduced.

Chairman Lent said he likes that CABMWs send representatives to the Commission meeting and is willing to fund that as long as they come.

Paul Dixon, Clark CABMW, said he appreciates the receipt of full budget request for Clark CABMW.

Eric Scheetz, Douglas CABMW, said their full budget included expenses for a recording secretary, and other expenses and they wanted to make sure they were funded.

COMMISSIONER LURIE MOVED TO APPROVE THE BUDGETS AS PRESENTED. COMMISSIONER MCBEATH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

ASO III Prather said one more item is a request from White Pine CABMW for a budget augmentation in the amount of \$712 to pay for this meeting and the Lovelock meeting. Staff has reviewed and recommends approval.

COMMISSIONER RAINE MOVED TO APPROVE RECOMMENDATION OF MR. PRATHER IN THE MANNER IN WHICH HE STATED. COMMISSIONER LURIE SECONDED THE MOTION. MOTION CARRIED 8 -0.

6 Wildlife Related Legislation – Senate Bill (SB) 411 – Chairman Gerald A. Lent – Action

Management Analyst (MA) Jolly III provided the mock-up of SB 411 with changes provided by Ira Hansen.

Chief Game Warden Rob Buonamici explained SB 411: Residency is somewhat ambiguous as clear to us but can see where average hunter could interpret the rules differently if living in another state. The purpose of the bill is clean-up, to make prosecution easier and if individual applies for big game tags with fictitious information and if they accumulate bonus points the only way to remove the bonus points. Law Enforcement finds out about those cases through informants and though ridiculous that dishonest hunter can obtain bonus points. Those are the original parts of SB 411, and will proceed with amendments to the bill amendment is to Section 6 to add language from Ira Hansen regarding trapping. The amendment stems from Mr. Hansen's petition to the Commission which was denied and he has gone to the State Legislature with amendment although same issues exist such as enforcement, and to make it enforceable you would have to determine who put the trap there first and define "crowd" and he spoke to a judge about the amendment and the judge stated he would not be able to rule on those violations because of enforceability. This stems from a few incidents that involved the author of this bill and as written the bill is unenforceable.

Commissioner Wallace said the amendment changes the bill.

Chief Game Warden Buonamici agreed with his comment and stated that he would like to see the bill killed.

Commissioner Lurie asked if Commission comments could be relayed at today's hearing.

Chairman Lent said when the committee heard SB 411 we did not have the amendment.

Director Mayer said Assemblyman Claborn assigned and set-up a subcommittee to hear SB 411 with amendments today.

Commissioner McBeath said we can take action on this today and point made with petition when the Commission heard this, is that it is fraught with problems and is more of an ethical issue, than regulatory. He said he feels comfortable approving what the Legislative Committee approved on SB 411 with the exception of Section 6 and take a vote on it today.

Commissioner McNinch said he finds himself in a difficult role which puts him in a tough position today as he is a resident of Washoe County and has gone to the Legislature and he has to disclose some information given to him, and that the general public has a right to know and understand everything that occurs in the public forum, and he read a letter to Mr. Ira Hansen signed by Commission Chairman Gerald A. Lent on Commission letterhead, regarding SB 411 (exhibit file). He said that it is very important to have this out on the table and he asked if any other Commissioners received a copy and is important to bring this up and this type of thing rips his gut up and does not know what it means in their mind but in his mind, the intent of the letter implies support of an amendment to a bill and a petition that was previously denied by the Commission.

Chairman Lent said that was not support that was clarification the DAG said we needed clarification.

Commissioner McNinch said he has the minutes and there was no discussion on "disturb" or in broad context of needing clarification, and there may have been extraneous comment and nothing that the Legislature was to explore.

Commissioner Raine said on latest thing he does not read "bad intent" into and sounds reasonable but what you are saying is vague and look at proposal which does not clarify and if he was to give advice to Mr. Hansen would be that he be more specific.

Commissioner McNinch said would have been prudent to have had a copy.

Commissioner Raine asked when Department drafted SB 411.

Chief Game Warden Buonamici said SB 411 was drafted by staff around last February 2008 and was brought before Legislative Committee of the Wildlife Commission.

Commissioner Raine said he would have like to have heard it before submission to Legislature.

Director Mayer said Department has to work with Governor's Office on its legislation and the BDR was submitted nine months ago, and staff did not think it was going anywhere.

Commissioner Raine said he would like opportunity in the future as a Commissioner to see this legislation before the bill draft requests are forwarded to the Governor's office.

Chairman Lent said the Commission should have got this bill before and that there were three bills out there floating and would have been nice to have heard them in the Legislative Committee.

COMMISSIONER MCBEATH MOVED THAT WE SUPPORT SB 411 WITH THE EXCEPTION OF THE AMENDMENT. COMMISSIONER LURIE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LURIE, CAVIN, MCBEATH, MCNINCH, MORI, RAINE, SWANSON AND WALLACE. MOTION CARRIED 8 - 0.

7 Commission Policies, First Reading – Commissioner Scott Raine – Informational

A Commission Policy #2, “Sale of Publications”

MA Jolly said today’s action is the first reading of Commission Policy #2, #21 and #22 with subsequent action to be taken at the next meeting. She said the change to Policy #2 is to add a supplemental page with a publication list.

Commissioner Raine said purpose was to have a policy stating certain items will be available and seemed reasonable to add as current list and as a minimum list.

B Commission Policy # 21, Game and Furbearer Management”

MA Jolly said the change is taking out the paragraph that is a duplicate on last page of policy.

Chairman Lent said the policy may change with passage of new NRS during this legislative session.

DAG Stockton said the purpose of the first reading is to see what changes.

Commissioner Raine said if NRS does change with what is written here and in conjunction with that, Policy #21 would be changed.

C Commission Policy #22, Introduction, Transplanting and Exportation”

MA Jolly said this is correction of typos in the existing policy.

8 US Forest Service Northeastern Nevada Travel Management Plans and Staff Reports – Chief of Habitat Dave Pulliam – Action

Habitat Staff Biologist Steve Siegel said copies of letters that NDOW wrote to U.S. Forest Service (USFS) were included in support material, and he delineated NDOW’s involvement in commenting on the USFS Travel Plan.

Commissioner McBeath said he read all the letters and hopes the USFS takes them into account and does not make quasi wilderness areas. He said there has to be balance between off-highway vehicle users and the public, and his comment would be the hope that USFS, NDOW, and the public can work together to get this right.

Commissioner Cavin commended staff for the work that is being done, and can see all the work done by staff through the letters. He said the other concept that he drew from the letter is the Boulder Basin comments it is mentioned that newly pioneered routes did not exist on 1985 provisional maps. The concept of going to a previous map and it was a road as that is before all-terrain vehicles (ATVs). Anything before 1985 should have to be addressed individually.

Commissioner Raine asked how conflicts and questions resolved from previous draft and those items not in these letters were resolved, and what was the general flavor of public comment.

Steve Siegel said we identified our concerns and those items that weren't in these letters were resolved.

USFS Randy Sharpe said myriad of public comment received and with comment from some who wish for more roads and some for fewer. In Elko County the predominance of comment has come from Elko County and the sentiment to keep routes open.

Commissioner Cavin said catch 20/20 is people don't realize what roads will be closed, but when maps come out, then it is usually too late. He said huge step and that bothers him.

Mr. Sharpe said that is why USFS extended their public comment period and are proposing field trips. He said it is not a blanket closure and is not how he would describe the plan. The plan is managed access to hold the public accountable to staying on roads and trails.

Commissioner Cavin said several counties have signed up asking for a full Environmental Impact Statement (EIS).

Mr. Sharpe said initially thought they would do smaller process and then will lead them to reevaluate if a full EIS is needed. Travel Management Plans are at different stage in the state, and White Pine County, moving forward, those counties are in different districts than Elko County.

Commissioner Raine said in agreement that limiting roads will be a problem and agreed that there should not be a road all over and straightening out will be full-time job for

more than 30 people. He asked that road closures be held off unless most egregiously damaged roads to make sure access can be provided.

Public Comment –

Craig Stevens, Elko CABMW, said the first meeting was ugly, but since that initial meeting many groups are working with USFS, such as Elko County, the Elko CABMW, and others. He said one problem they had was with administrative roads and understands that is being worked out. If you close the roads without enforcement there is no point and people are always calling about ATVs in Wilderness Areas and nothing is done. Mr. Stevens said the county is providing input on a regular basis on the travel plans.

Donald Klebenow said he is retired from the University of Nevada, Reno where he taught wildlife management, and major impact on wildlife from motorized vehicles is huge. As far as hunting tradition if you want to be a good hunter you leave the motorized vehicle to get to the top of the mountain.

George Corner, Nevada Outfitter and Guides, said letters from NDOW sent to their organization. The good news is process has slowed down, and the bad news is the USFS is adamant on road closures and that they can't put map together showing all the roads. He said he would ask that the Commission request a EIS be done as progress is being made and is sure it can all be worked out.

Karen Boeger said she has a handout (exhibit file) for the Commission and is representing herself, and is supportive of the USFS designation process although 25 years too late, and is here to talk on issue of game retrieval and time to have a discussion of that issue. She is supportive of non-motorized game retrieval because it would limit trails.

Dan Heinz, member Back Country Hunters and Anglers, passed out letter and read brief excerpts from it (exhibit file). He said he has objection to items in NDOW letter and notion if you can't drive to it you have no access. He said fisheries biologists used to always use horses and is a tool that has drifted away, and need to revisit the concept that you have to drive there. If you limit access by horse and foot your other vandalism problems disappear. Mr. Heinz said motorized travel displaces wildlife.

Randy McNabb, said he is a member of Back Country Hunters and Anglers, resident of Nevada, and is in support of USFS effort to manage travel. He said his favorite aspect is designated routes and that elsewhere travel is not legal, tired of continuous use of OHV's across the land such as the Sheldon. He said he would encourage the Commission if they do provide comment to USFS to be aware that there is movement to establish overall exemptions and will make that worse.

Eric Scheetz, Douglas CABMW, said his board was concerned with practicality of obtaining map and breaking the law if you did not have a map.

COMMISSIONER CAVIN MOVED THE COMMISSION WRITE TWO LETTERS TO USFS AND CONGRESSIONAL DELEGATION SPECIFICALLY, ASK STAFF TO COMPOSE LETTER ON GENERAL COMMENTS IN EXISTING LETTERS. GENERAL COMMENTS ON ROADS TO BE CLOSED, ACCESS TO PUBLIC LAND THROUGH PRIVATE, AND LOOKING AT 7 1/2 MINUTE MAPS FROM 1985 AND REQUESTING FULL EIS ON TRAVEL MANAGEMENT PLAN. COMMISSIONER LURIE SECONDED THE MOTION.

Commissioner McNinch said we have talked about this before with game retrieval and can you carry a weapon on your OHV. He said to the Commission that they need to prepare for that and many issues and have barely scratched the surface and reason why it was not done in the past.

COMMISSIONERS IN FAVOR OF THE MOTION: LURIE, CAVIN, MCBEATH, MCNINCH, MORI, RAINE, SWANSON AND WALLACE. MOTION PASSED 8 - 0.

Chairman Lent asked that the drafts of the letters be sent to the Commission for input and review.

Workshop on Regulations

- 9 Commission General Regulation 363 – Captain Fred Messmann
Captain Fred Messmann said “toy share” refers to a company that calls itself a “toy” company for adults with big boy and girl toys. He said the business is determined to be a livery and they were willing to be classified as livery and felt that it should be codified if more of these types of companies proliferate.
- 10 Commission General Regulation 368 – Program Officer III Maureen Hullinger
Program Officer III Hullinger said the regulation is four sentences long and the intent of the regulation is to release draw results within 48 hours. Ms. Hullinger said she heard from three CABMWs, Clark, Washoe, and White Pine, and White Pine CABMW is opposed.

Commissioner McBeath said he had an email from Bill Miller of White Pine CABMW and they voted no because of fiscal impact to the Department.

Chairman Lent said the money is there in application fee and asked Ms. Hullinger for an explanation.

Ms. Hullinger said contracting cost is \$14,000 and money in contract to cover that expense of \$5.29 per application.

Public Comment CGR 368 -

Daryl Capurro said with respect to 48 hour rule that at last two meetings when Mr. Sefton of SCI was asked about this he said no problem in complying with 48 hour notification; however, he indicated you would not receive the tag and nobody cares about having tag in hand, but need to know if you drew to plan for vacations well ahead of time. Mr. Capurro brought up that we pay \$10 application fee and he was a member of original application hunt committee and that is why fee was established at \$10 to make the tweaks such as these which have happened every year.

Director Mayer said the draw is scheduled for May 27, 2009, and the Commission is invited.

11 Commission General Regulation 369 – Chief Game Warden Rob Buonamici

Captain Game Warden Cameron Waithman provided a new brochure with changes discussed at previous Commission meetings such as minimums and removing neck meat, removing thigh meat from game birds and the back strap for small game such as rabbits.

Craig Stevens, Elko CABMW said his board was in support but were concerned about neck meat in an elk.

Chairman Lent said this is the minimum and he would hope that a hunter would know to take the neck meat if not shot out.

Daryl Capurro said he would congratulate the Department for putting this together and is a minimum regulation and most people will take neck meat if deemed good. They wanted to make sure if a hunter is stopped at a checkpoint that they took enough meat out and provides consistency.

Commissioner Raine said should it state interior tenderloin and asked if that should be in the brochure and the regulation.

Captain Waithman said that could be spelled out further but he is fully comfortable with the information as written and to take to court.

DAG Stockton said that could be done.

Commissioner Cavin said to leave the regulation as is.

12 Reports – Informational

A Online Hunt Application Changes/Amendments after Application Submission – Chairman Gerald A. Lent

Chairman Lent said this change is proposed because he received calls from sportsmen such as putting in for the wrong area, and a call from another person who was unemployed and just got a job but was told by his boss that there is no way for him to take a vacation, and other instances of people who wish to amend their application. He said this would only be for online applications and you would lose your \$10 fee because you would be charged again for the change, and can only do the change until the deadline.

Chief of Operations Bob Haughian said he provided talking points to the Commission and this change can be done as he has talked to staff and the contractor. The programming costs for the amendment process is estimated to be \$6,700 and to introduce the added bonus point would be \$5,400 with the total under \$12,000 and this is a potential revenue source.

Chairman Lent said he would like to have the information go out to the CABMWs and put this item again on the next Commission agenda.

Public Comment –

George Corner, Nevada Outfitter and Guide's Association, said please do this.

Paul Harris, Clark CABMW, said if idiot proofing than the Department should look at this as a revenue source.

Commissioner McBeath said there are two pieces and we should move forward with the part that we can.

B Nevada Wildlife Data System Electronic Duck Stamp Privilege – Chief of Operations Bob Haughian

Chief of Operations Bob Haughian reviewed the support material (exhibit file) which explained the proposal in detail, listing pros and cons.

Commissioner Raine said a small amount of people want this and he does not see this as worth it although he is all for being hunter friendly.

Chairman Lent said it should be sent to the CABMWs and see the response and if this idea would be worthwhile.

C Commercial Wind Energy Project in Lincoln County – Cory Lytle, Lincoln County Resource Committee Group

Cory Lytle of Lincoln CABMW presented a power point presentation on commercial wind energy projects in Lincoln County (copy in exhibit file). Mr. Lytle said the action that he would like the Commission to take is to take a position opposing the project as the board is concerned with the potential impacts of the projects to wildlife and its habitat.

Chairman Lent said that it could be placed on a future agenda.

Commissioner McBeath asked Director Mayer has the Governor's Office provided directives toward the Department's involvement with these types of projects as they are national in scope.

Director Mayer said the Governor's Cabinet was told to make renewable energy a high priority as the development of alternative energy is seen as a way out of the current economic situation. Director Mayer said the agency participates on the Governor's RETAAC and mainly has a cooperative relationship with the energy industry as providing information to the industry as sites are identified and would want them to pick different site if site is detrimental to wildlife and there is a better alternative. He said the agency is walking thin line as supporting green energy development but protecting wildlife as well.

Commissioner McBeath said he sees a conflicting policy with Western Governor's Association which we are a part of and their wildlife corridors with purpose to not deter projects but direct them to sites without impact to wildlife, and given the Governor's directive to his Cabinet he asked if there is any way to draft letters as Mr. Lytle suggested without saying we are opposed to these projects but provide alternative sites which may be better because of impact to sage grouse and possibly the spring snail with Endangered Species Act, basically any way or room to have letters drafted without having the agency be in hot water.

Director Mayer said there may be an opportunity and he heard that Lincoln County has alternative site proposed and believes they would be open to that.

Mr. Lytle said the alternative site has a political problem with the Department of Defense and the mountain range that would be a better site, or they would propose solar energy, as solar energy is a better fit for Lincoln County.

Chairman Lent said the Governor sees alternative energy as a way out of the recession and is adamant that this is the state's salvation, and the Department has to be careful and obtain his permission.

Director Mayer said he and the chairman could have that discussion about green energy with the Governor that we support alternative energy but just in the right places.

Mr. Lytle says they prefer solar energy and he has a petition with him for signatures supporting his presentation.

Chairman Lent thanked him for the presentation.

D Spring Valley Stipulated Agreement – Chief of Habitat Dave Pulliam

Staff Specialist Steve Siegel said NDOW is not a party to the protests of water rights applied for by Southern Nevada Water Authority for their pipeline, and that support material was provided for this item and he asked for questions from Commission relative to the agreement.

Commissioner McBeath said issue that he brought up to the Commission and Department was that the stipulated agreement, mitigation, and monitoring plans were the result of withdraw of protests by federal agencies and the agreements talk about federal interest and things of interest to the federal government, what is missing is from there is specific state interests. He said there is overlap with respect to the federal interests as opposed to state interests and is concerned that no one has taken time to determine what the state interests are. He asked if we have determined if mitigation and monitoring plans sufficiently cover the state's interests and being at the table as a technical advisor but his point is that is a one way information flow and have we taken the time to do an inventory of everything that is important to Nevada's wildlife and its impact. Commissioner McBeath said his biggest question still is, what is the Department of Wildlife's concern with these massive projects, and their implication to Nevada's wildlife that are not being addressed by the agreements.

Steve Siegel said the stipulations talk to the concern and interest of parties who signed the protests, and at the same time the Environmental Impact Assessment is underway and we are involved with that process as to areas being monitored and will be able to identify concerns we have and have field people looking at springs and seeps, and we will be observing construction ourselves to ensure compliance.

Dean Baker, of Baker Ranches Inc., worked on project that started in Oct. 17, 1989, and noted that the majority of retired state water engineers now work for Southern Nevada Authority. He said the stipulated agreement allows you to look at things, and he has been involved and the monitoring and hydrology of the system and what the Commission is interested in is what it does to wildlife. He would invite the Commission to come to the valley and see the pumping and pivots and all around are dried up springs and impacts that come with it. He said his ranch is home to wildlife and he used to have sage grouse and pygmy rabbits on the ranch but do not anymore. He said the

interbasin transfers with a pipeline is not something you go into without impacts and all the water laws put together over the years, and did not relate it to surface water. Mr. Baker said grazing boards are opposing the pipeline and the political way it is done. The Board of Agriculture was created to protect agriculture and would think that the Board of Wildlife Commissioners was created to protect wildlife.

Commissioner McBeath asked Mr. Baker if he will be asking the board to draft letter similar to what Mr. Lytle was asking for on wind.

Mr. Baker said yes that would be his intent as water is the limiting factor in this state for wildlife and agriculture, and water is important for western states metropolitan areas area to grow, which we live off. He said to say you have to take all the resources to grow a metropolitan area needs to be looked at but the growth has left some things behind and if the general population looked at it they would say control growth and the downturn has given us the time to look at something else, and may be more logical to buy the water at Imperial Valley and many other alternatives without drying the rest of the state up. He asked that the Commission consider a resolution.

Commissioner McBeath said he would commit to ask that this item be placed on a future agenda.

E Clark County Shooting Park – Vice Chairman Lurie
Commissioner Lurie said the project is 50 percent complete and that the lawsuit against the county filed by homeowners has been dismissed.

F 2009 Legislative Session Update – Management Analyst III Kim Jolly

MA III Jolly said the report in support material was the status of legislation and provided an update on the following legislation discussed at the April 6 meeting: Senate Bill (SB) 42, the public works bill, is in the Assembly on the chief clerk's desk and opportunity to fix what they have issues with; SB 108, mining claim marker bill, passed out of Senate and is in Assembly on chief clerk's desk; SB 146, "War on Cheatgrass" position, passed with amendments on its way to the Senate; SB 280, Carson Lake bill was amended and awaits going to governor; SB 394, off-highway vehicle registration bill was amended to address DMV concerns and authors plan to delay effective date of bill; SB 411, Department's law enforcement bill, is in the assembly subcommittee; and SB 267 is in Assembly after passing out of senate, and this bill is administrative and requires all state agencies to wait for final Legislative Counsel Bureau copies of regulations before they can be agendized; Assembly Bill (AB) 18 funding for Tahoe EIP is in Assembly Ways and Means and is exempt; AB 73, NDOW's boating bill passed both sides with amendments, and the age is 16 with exceptions and shifted everything up; AB 194, the guide bill passed and awaits Governor's signature; AB 77, Department's anti-poaching bill prohibiting wanton waste bill died but may have a chance in the next session; AB 171

fish pedicures died due to lack of hearing; AB 241 died as well; AB 246, apprentice hunting bill, was referred to Ways and Means to address fiscal costs; AB 183, Silver State Tag and AB 437, the Dream Tag, both previously died and have been added as amendments to AB 246 and Ways and Means voted to pass, and the Department has provided input as asked for by the Governor's Office; AB 362, the \$3 fee issue, was further amended with language to read "under guidance by the Commission" and has been sent after passage to the Governor; and AB 516, the partner bill passed and awaits Governor's signature.

Commissioner McNinch said after the Commission's special session on April 6, letters were generated by chairman notifying committee of our position and somewhere along the way a copy of letter was presented but not to all members of Assembly Ways and Means and on that, relative to amendment, AB 437 which it referenced, did not exist anymore, but language slightly modified from AB 437 attached to 246 and somewhere our letter was modified to imply that the Commission was opposed to AB 437 as presented but with amended language and wanted the Commission aware of that.

Commissioner Swanson asked who authored the letter.

Commissioner McNinch said Chairman Lent authored the letter per the motion made that day and that somewhere along the way the letter was presented to Assembly Ways and Means and has AB 437 and has a notation that Commission not supportive of amendment which is not true because three of the people who voted "nay" on the record said they would reconsider with new language and that concerned him greatly.

Public Comment -

Daryl Capurro said he is representing himself, and this is the time in the Legislature when they do combinations of bills to make them pass. He said they took AB 246 and jammed everything in it, and the two bills in there were supported by the Commission – the Silver State tag and apprentice bill, however, they put in AB 437 as well which made it worse. He said some Commissioners had concerns with AB 437 at the April 6 meeting, and original bill provided that funds would be handled by a 501.31c organization which is fine by state policy. The bill is worse from standpoint of questions brought up and names 501.3c and creates five member governing board with no sportsmen and Commission will be required to issue five tags every year and not specific where money to be spent. He said it reinvents the wheel with procedures and guidelines already in place and what bothers him the most is the method how it was handled.

MA Jolly said the Governor's Office will be fixing the bill language as they recognize too that some things are wrong.

G Finance Committee – Commissioner Lurie

Commissioner Lurie said in regard to the Finance Committee activities that it is a large task. He said in this morning's meeting they spent a lot of time on CABMW budgets and noted that questions arose to differences in CABMW budget requests and need to work on a policy on staffing of CABMW's and the fiscal note for AB 183, and also discussed the Reserve Account.

H Litigation Report – Deputy Attorney General Nguyen said she has nothing further to add to the report.

I Department Activities/Leadership Team Notes –Secretary Mayer

Secretary Mayer reported that the Department was successful in obtaining a second deputy director position in the last session, and the gap for the agency is in planning besides fiscal work. He said the plan for the two deputies is to have one on the fiscal side and the other deputy on planning and program development. Director Mayer said when he first started with the Department we had the audit findings and that required focus by the deputy director on that issue.

J Wolf Hybrid Ownership in Nevada – Chief Game Warden Rob Buonamici and Chief of Game Mark Atkinson

Game Division Chief Mark Atkinson said he would refresh everyone on status of wolves: With captive wolves the concern is accidental release of those animals in the wild, and he reiterated that NDOW does not foresee establishment of Rocky Mountain or Mexico wolves in the state. He said the petition to U.S. Fish and Wildlife Service (USFWS) was denied and find ourselves in same situation with no jurisdictional ability to manage wolves in Nevada. He said we need to be very clear on defining what a wild wolf is and the difference between a wild and captive wolf. Debated the issues on hybrids and genetic questions so complicated and not simple to run DNA and basically if it looks like a wolf it is a wolf. Bottom line is we do not want wolves and we do not have a wolf management plan and unlikely we will and would take a lot of time and effort to put something together and right now the USFWS will work with us and if we have questions on wolves they would be happy to answer.

Commissioner Raine said on regulation for hybrids do we have a plan.

Game Division Chief Mark Atkinson said Chief Game Warden Buonamici had planned to to address the regulation portion today and unfortunately he is not here as he to be in Carson City to be present at the hearing for SB 411.

Director Mayer said there were problems with what surfaced and want to get it right and do it once.

K Big Game Herd Status, Harvest Analysis and Quota Development – Big Game Biologist Mike Cox

Big Game Biologist Mike said instead of reviewing herd status he would like to show the Commission information collected with satellite collars on deer and elk throughout the entire state, and wanted to highlight information collected and how the biologists will use that information to manage the herd and share the data with land management agencies as well. He said 120 animals marked with satellite or GPS collar and most are mule deer and he showed the migration route of a doe deer by showing its migration route with Google Earth near the proposed highway overpass by Wells and he overlaid on the map areas that had been burned.

Paul Dixon, Clark CABMW, said earlier with discussion of Heritage projects that this is what we need to spend more time on, is this type of work rather than predator control as this type of information will enable the Commission and CABMWs to make solid management wildlife management decisions.

Meeting adjourned at 6:12 p.m.

Saturday, May 16, 2009 – 8:30 a.m.

Chairman Lent called the meeting to order at 8:37 a.m.

Roll Call Commission all present: Chairman Lent, Vice Chairman Lurie, Commissioners Cavin, McBeath, McNinch, Mori, Raine, Swanson, and Wallace.

CABMW Roll Call: Tom Cassinelli, Humboldt; Charlie Cecchini, Nye; Gary Coleman, Pershing; Glen Copeland, Washoe; Candido Mendive, Elko CABMW; Greg Smith; Washoe, CABMW; Craig Stevenson, Elko CABMW; Rex Flowers, Washoe; Jim Jenne, Lyon; Bill Meyer, Lyon; Walt Mandeville, Lyon; Cory Lytle, Lincoln; Paul Dixon, Clark; and John Valley, Carson.

Commissioner McNinch said the Lathrop/Capurro scholarship committee met and offered two scholarships to Nevada students and the scholarship is funded by Nevada Bighorns Unlimited and the Nevada Record Book to provide an opportunity for students to work for the Department.

Chairman Lent said for the record that we thank Dr. Molde for bringing doughnuts for yesterday's meeting. Chairman Lent said he has a copy of the note that he passed to the Legislature regarding AB 437, and Assembly Committee and Senate Ways and Means. He said the note was sent and he truly represented the Commission and he wanted the note entered

into the record as they were not told that the Commission opposed AB 437 and wanted it on the record that he represented the Commission officially.

Commissioner McNinch noted the letter mentioned yesterday and entered into the record is different than the one he provided yesterday with a handwritten note on it.

CABMW Member Items -

Cory Lytle, Lincoln CABMW, said he wanted to clarify that Lincoln CABMW is not opposed to alternative energy projects, rather that they are opposed to the proposed site.

Paul Dixon, Clark CABMW, said for fiscal conservatism that as per discussions in workshops that he would like to see the Commission recommend to the CABMWs that they get as much of the mailout support material via email as possible to save costs to the Department.

Public Comment - None

13 Appeal – Guy W. Rozar – Action

Chairman Lent called the hearing to order.

DAG Howle asked for identification of parties involved in hearing and said for the record that Mr. Guy Rozar is present as well as Chief Game Warden Rob Buonamici, and DAG Nhu Nguyen who is legal counsel for the Department of Wildlife.

DAG Nguyen said Chief Game Warden Buonamici will present the Department's case.

DAG Howle swore in Chief Game Warden Buonamici. Chief Game Warden Buonamici said Mr. Rozar is appealing for another elk tag and bonus points. Mr. Rozar had a bull elk tag, and with his tag legally shot and wounded a bull elk, and subsequently shots fired and he killed a cow elk. With his subguide Mr. Rozar trailed the wounded animal for five hours before he went back to the cow elk he had killed and they both discussed and then called a game warden. The game warden told Mr. Rozar and the subguide to process the cow elk and they were comfortable with that, and then basically the game warden cited Mr. Rozar with a misdemeanor citation, agreeing that shooting the cow elk was a mistake; however the degree of negligence with the rapid shots fired and haste taken in not identifying the correct animal. The warden assessed the situation for circumstances to determine negligence and determined the situation does not rise to level of felony or gross misdemeanor. The misdemeanor citation was heard in Wells Justice Court and the court dismissed the charges through the Elko County Attorney's office and Mr. Rozar is here to ask for another elk tag as his tag was seized. Game Warden Buonamici read NAC 501 which states that when a person reaches any wildlife killed their tag must be punched and tag is invalid at that point even if not punched. Mr.

Rozar's tag was seized and his hunt terminated and he believes the warden acted appropriately and will continue to evaluate situation and could have attempted to prosecute as gross misdemeanor and may have been a more successful prosecution. He said the incident was an accident but there was negligence and does not believe Mr. Rozar should be allocated another tag.

DAG Howle said Mr. Rozar is allowed to cross –examine Mr. Buonamici and Mr. Rozar was sworn in.

Mr. Rozar said he had two attorneys look at the statutes and two exceptions is being attacked by an animal and or unintentional and he did not see other elk run in front. He said the situation was totally unintentional. He said he disagreed with Game Warden Buonamici's statement that there is negligence.

Commissioner McBeath said to Game Warden Buonamici that determination made that there was negligence and at same time cited statute on punching of tag and interpretation of statute does it make difference that there is negligence. If a person kills an animal by mistake is he required to punch his tag irrespective of negligence. He asked DAG Howle if the D AG agrees with that interpretation.

Game Warden Buonamici said yes.

DAG Howle said yes.

Commissioner Raine provided scenario that in all cases where someone hunting with big game tag and they kill an animal and in all cases he must punch his tag and asked if exceptions and see if case falls under those exceptions.

Game Warden Buonamici said wardens will seize tag for evidence, such as when a hunter has elk tag and shoots deer, which is fairly common, and will determine if accident that is intentional, negligence, or other circumstances. Tag seized and person has right to go to court and court may or may not return the tag and courts like two to three weeks notice and seasons end before court date. He said wardens will explain to individual that you have to appear and nothing precludes person from going to court and asking.

Commissioner Raine said in all circumstances where big game animal killed are tags seized.

Chief Game Warden Buonamici said some exceptions where clearly accidental and person not even cited. He said those cases are handled as accidents as unforeseeable by hunter and punishing hunter not appropriate in those cases and that has happened. However, if negligence is determined we seize the tag.

Commissioner McBeath said negligence determination is whether you charge a person with a crime under criminal part of NRS/NAC and that determination is separate from this hearing and the negligence is irrelevant and we need to focus on the relief that he is asking which is issuing tag or grant a bonus point and rules he is hearing is that tag was issued, animal killed and tag required to be punched and that to him is end of story.

Commissioner Lurie agreed with Commissioner McBeath that we are not here to talk about issuing another tag because animal should have been tagged, and the attorney needs to tell us options available. He would like to hear what Mr. Rozar wants for relief.

Chairman Lent said Mr. Rozar is next to provide his testimony.

Mr. Rozar said he did kill a cow elk that ran in front of the bull elk and trailed the wounded animal, and they did follow all the instructions by game warden. He said he wished the game warden would have come to the scene to investigate further as that would have cleared up many of the issues and seen as unintentional. Has been putting in for 16 years for tags and thought the penalty was excessive for an unintentional accident.

Chairman Lent asked for detailed explanation of what happened and how the animals were shot.

Mr. Rozar described the shooting of the two animals and reiterated that he wished a warden would have investigated.

Commissioner McBeath said after meeting with NDOW wardens they issued a citation and you went to court and the misdemeanor charge was dismissed without prejudice and in his mind the court agreed with him and dismissed the case but for this proceeding he is going to absolutely agree with everything Mr. Rozar has said with respect that you did not intend to kill the cow but at the same you admitted you killed the cow elk with your second shot.

Mr. Rozar said he agreed with the fine but not seizing his tag.

Commissioner McBeath said all facts admitted by both parties, and he said NDOW has to make decisions in the field that are difficult, and that is why we have courts to make factual determinations, and that is the criminal side. Now the point is with respect to seizing the tag and the question whether that was correct by the Department. If you killed an animal and did not punch the tag, and was it correct for the Department to seize the tag. It appears in his mind to be correct.

Commissioner Swanson said to Mr. Rozar is the reason you did not get charged with a gross misdemeanor is that the Department was trying to cut you a break and was he aware at the scene that they could have proceeded with more severe charges.

Mr. Rozar said he did not know that, and if he knew that the warden was taking tag he would have went to court, and from attorney's advice was told he should have went with the felony although he does not think like most lawyers.

Commissioner Mori said on citation issued, was it for violation for negligence or was the citation issued for not punching the tag.

Mr. Rozar said the citation was issued for shooting animal with wrong characteristics.

Chairman Lent said he would like to make sure that the packet is stipulated into the record, and asked Mr. Buonamici if he wanted to cross-examine Mr. Rozar.

Game Warden Buonamici asked Mr. Rozar in regard to earlier question from Commissioner Swanson whether or not he was aware of the possibility of being charged with a felony and Mr. Rozar responded "no" although earlier testified that game warden had advised him that he could be charged with a felony. He asked in his honest opinion was he treated fairly.

Mr. Rozar said that is correct but he was not reading the statute, and still does not agree with taking his tag as it was an accident. Mr. Rozar said yes and that is why he took misdemeanor.

Game Warden Buonamici said the statue Mr. Rozar cited was not the statute he was cited for and in an effort to provide minimum of demerit points to Mr. Rozar, officer issued citation for different statute and is a gamble as they don't always directly apply but is indirectly related and allows for lesser demerit permits in this case six. His hunting privileges were not taken as the officer felt this was not warranted. The only other evidence is in regard to bonus points, the NAC is clear on bonus points which reads if applicant successful in drawing a tag, that he loses bonus points for that species. NDOW contends that all bonus points are lost as he did obtain a tag. He said this case did not ever reach court as it was dismissed by the district attorney's office and a judge never heard the case.

Mr. Rozar's stated that he had no other witnesses.

Chairman Lent asked for Mr. Rozar's closing statement.

Mr. Rozar said he wished the warden would have come to the scene as the opinion would be different on how it all went down. Mr. Rozar asked if there are ever exceptions such as accidental death, and the tag is given back.

Game Warden Buonamici said in response to his question those are Commission issues and not up to wardens to determine issuance of tag or bonus points that is the Commission's purview.

Chairman Lent asked Game Warden Buonamici for his closing argument.

Game Warden Buonamici said in closing this is a fairness issue and we contact hundreds of sportsmen and the majority do it right and they take steps to insure this type of thing does not happen so in fairness to all who do it right this is appropriate, yet we understand there are accidents and sees no reason that Mr. Rozar is entitled to bonus points or a tag.

Chairman Lent closed the hearing portion and returned the discussion to the Commission to issue their Finding of Fact, Conclusion of Law. Chairman Lent said as far as what we are able to do, doubtful that the Commission can provide an elk tag, probably able to reinstate bonus points, or waive the waiting period, those are some of the things we could do.

Commissioner Swanson said first let Commission know where Chief Game Warden Buonamici coming from, and if he proceeded with felony would have had strong case for that, and wants Commission to know misdemeanor issued as a result of discretion and compassion by officer and they knew the risk and officer used discretion that we hope all warden's use. He said he does not want Commission to get caught up in what they do on the scene and the officer already provided relief at the scene. Commissioner Swanson cautioned that all district attorney's do plea bargaining and wanted that pointed out. Citation was issued because they did not want to proceed with what he does have as a felony.

Commissioner Raine said he does not see a felony at all occurring and we are talking about a mistake and with deference can't bring that in here. He said not charging anybody who makes a mistake with felony, fine line walked by NDOW and do not encourage people to take shots...unintelligible, do not occur and need to insure we don't overly punish people as they will not turn themselves in. Clearly no intent to make mistake and can't overly punish but can't let killing the wrong animal go as that would be unreasonable. He reiterated that we can't have killing of wrong animal be punished too heavily.

Commissioner McBeath said there is another side to Commissioner Raine's policy argument and that is facts are clear that animal shot and tag needed to be attached and that is factual hurdle and remedy have to ask from policy standpoint, and fact pattern that could come up and mistake made where someone does not get what they wanted, we could have parade of people come before Commission to have points reinstated, tag issued, etc... and Commission should not go down the path. Animal shot and resources of Nevada taken and admission second animal hit and expired and the two animals are a valuable resource of state and to turn around and send message that because person made a mistake and granted bonus points, or waiving waiting period. The mistake made and chips fall and it is what it is. The policy we have to decide is today, is do we want to open Pandora's box with parade of people coming in with story of not getting what they want with their tag, and struggles with going down that path.

Chairman Lent said it is clear for Finding of Fact that two animals were lost, and in Canada you wound an animal, your hunt is over.

Commissioner Lurie said biggest problem is that Mr. Rozar said he wounded the animal, then killed one animal, and left when you knew where the elk was bedded down, and then went back to killed cow. In his opinion he should have continued with tracking and found the wounded animal.

Commissioner Swanson said in the past when considered enhancing wildlife laws to felonies and we were concerned about these situations and he is excited to see warden did the right thing and did not pursue the strong felony, and used discretion. Justice court dismissed and personally Mr. Rozar should feel vindicated with no citation and pushing it too far for Commission to give relief when a mistake was made.

Commissioner Raine said time is 9 a.m. when this occurred and statements made in the evening. He said he is somewhat worried about the statute and law and exceptions, and thousands of people wander around with multiple big game tags in their pockets, and is disturbed with talk of felony.

Chairman Lent said as we discuss we all realize Mr. Rozar did the right thing and admitted the mistake to extent he could and heard testimony that it was negligence and have to decide what we want to do and does not mean he should receive relief.

Commissioner Swanson said the Department also did the right thing and we should not start scrutinizing misdemeanors and pick them apart and as they had a strong felony cause, and he advised that the Commission be cautious about breaks otherwise law enforcement will stick with strong cases regardless and will not give break as they do not want scrutiny by boards or courts, they cited him, and used discretion in this manner and cut him a break, and he commends the wardens for that.

Chairman Lent asked for a motion in order to prepare the Findings of Fact, Conclusions of Law.

COMMISSIONER SWANSON MOVED ON FINDINGS OF FACT THAT MR. ROZAR DID ADMIT TO COMMITTING VIOLATION OF SHOOTING ANOTHER ANIMAL WITHOUT A TAG THAT WE SIDE WITH DEPARTMENT FINDINGS AND DENY HIM HIS REQUEST FOR RELIEF FOR EITHER A BONUS POINT, NEW TAG, OR REDUCE WAITING PERIOD TO FIVE YEARS. COMMISSIONER LURIE SECONDED THE MOTION. COMMISSION VOTE IN FAVOR OF MOTION: LURIE, CAVIN, MCBEATH, MCNINCH, MORI, RAINE, SWANSON, AND WALLACE. MOTION CARRIED 8 - 0.

- 14 Future Commission Meeting – Director Mayer - Action
Director Mayer said we are all set for the June 26 and 27, 2009, meeting and staff will be bringing agenda items forth at this Monday's staff meeting.

Regulations – Action

- 15 Commission General Regulation (Toy Share) 363 – Chief Game Warden Rob Buonamici - Action

Chief Game Warden Buonamici said the regulation incorporates toy share into existing NAC.

Commissioner Raine said he did not hear any negativity or downside regarding this change.

COMMISSIONER RAINE SAID HE WOULD MOVE TO APPROVE CGR 363 AS PRESENTED. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED 8 - 0.

- 16 Commission General Regulation (48 hours) 368 Temporary – Chief Game Warden Rob Buonamici

Maureen Hullinger said CGR 368 was discussed in yesterday's workshop.

COMMISSIONER LURIE MOVED TO APPROVE CGR 368. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 8 - 0.

- 17 Commission General Regulation 369 (Edible Portions) – Chief Game Warden Rob Buonamici

Chairman Lent said CGR 369 was discussed in a workshop yesterday and defines edible portions of game animals.

Craig Stevens, Elko CABMW, reiterated his comments from yesterday regarding neck meat.

John Capurro said he and Tim Humes worked on drafting the language with Department staff and support passage of what is being presented and he thanked Rob Buonamici for his assistance.

COMMISSIONER SWANSON MOVED TO APPROVE. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED 8 – 0.

- 18 Commission Regulation 09 – 07 - Big Game Biologist Mike Cox - Action
Big Game Biologist Mike Cox said Commission Regulation 09 – 07 is the quota recommendations for 2009 – 2010 seasons. Fifteen CABMW's provided recommendations which are summarized on one sheet with their alternative recommendations:

**2009 COUNTY WILDLIFE ADVISORY BOARD
BIG GAME QUOTA RECOMMENDATIONS**

Only Alternative Recommendations to Those Proposed by NDOW are Listed

Counties that forwarded recommendations to NDOW were: Carson City, Clark, Churchill, Elko, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Washoe and White Pine.

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

MN – Same as last year with a quota of 10.

Resident Antelope - Horns longer than ears - Muzzleloader Hunt 2171

Resident Antelope - Horns longer than ears - Any Legal Weapon Hunt 2161

MN – Same as last year with a quota of 10.

NY – We recommend 3 tags in Units 161-162, 3 tags in Units 171-172, and 3 tags in Unit 251.

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

Nonresident Antelope - Horns shorter than ears -Any Legal Weapons Hunt 2251

Nonresident Antelope - Horns longer than ears - Any Legal Weapon Hunt 2261

WA – Adding three more tags, Unit 011 from 3 to 4, and Unit 033 from 2 to 4.

Resident Elk – Antlered – Any Legal Weapon Depredation Hunt 4102

Resident Elk – Antlered - Any Legal Weapon Hunt 4151

CH – Recommend in Units 161-164 a minimum of 6 tags or to go along with Nye County's whichever is more.

LN – Set quota to 60 tags. Recommend an emergency spike depredation hunt of 40 tags, November 20-January 1. (See NBWC meeting minutes of February 6 and 7, 2009, page 64.) Bull to cow ratio 97:100. Sixty-two percent of

bulls observed in aerial survey were spikes to 4-point. Herd numbers continue to be high, (approximately 500).
Maintain a quality hunt.

NY – We recommend 5 tags in Units 161-164 Early.

WP – Units 131, 132 Early change to one tag.

Resident Elk - Antlered - Muzzleloader Hunt 4156

NY – We recommend 4 tags in Units 161-164.

Resident Elk - Antlered - Archery Hunts 4161

LN – Set quota to 16 tags. The remaining 4 “recommended” tags to be addressed with the emergency spike depredation hunt. Hunt quality will remain high and herd numbers addressed with the spike hunt.

Resident Elk - Antlerless - Any Legal Weapon Hunt 4181

LY – Our Board is concerned that NDOW does not start a trend of carrying too many bulls for the number of cows.

Resident Elk - Antlerless - Muzzleloader Hunt 4176

Resident Elk - Antlerless - Archery Hunt 4111

Nonresident Elk – Antlered - Any Legal Weapon Hunt 4251

Nonresident Elk - Antlered - Muzzleloader Hunt 4256

Nonresident Elk - Antlered - Archery Hunt 4261

Resident Nelson (Desert) Bighorn Sheep-Any Ram-Any Legal Weapon Hunt 3151

NY – Recommend 5 tags in Unit 164 Late.

WA – Adding two more tags, Unit 161 Late from 4 to 5, and Unit 253 from 7 to 8.

Nonresident Nelson (Desert) Bighorn Sheep-Any Ram-Any Legal Weapon Hunt 3251

CL – Change Unit 263 to one tag, and change Unit 267 to one tag.

NY – Unit 161 one tag, Unit 134 two tags. Move one tag from 161 to 134

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

WA – Adding one more tag, Unit 101 from 4 to 5.

Nonresident California Bighorn Sheep - Any Ram - Any Legal Weapon Hunt 8251

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

Nonresident Rocky Mountain Bighorn Sheep - Any Ram - Any Legal Weapon Hunt 9251

Resident Mountain Goat - Any Goat - Any Legal Weapon Hunt 7151

EL – Unit 102 to 17 goats.

Nonresident Mountain Goat - Any Goat - Any Legal Weapon Hunt 7251

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

CC – We recommend the statewide quota to approximate the 2008 total Hunt 1107 tag sales of about 2,600 tags, but if the current Hunt 1107 application numbers are available and show a decline compared to 2008, make a reasonable adjustment based on current 2009 application numbers.

CL – The total quota recommendations should not be below the established sidebars set at 2,800 to 3,200. We cannot approve this recommendation as presented.

WA – Change back to 2,600 tags.
WP – Units 221-233 change to 146 tags.

Resident Mule Deer – Antlered - Any Legal Weapon Hunt 1331

CC- Units 194, 196 Late – 26 tags.

HU – Agree with NDOW recommendation with the exceptions, would like a 90%-10% split in 051 Early/Late 1331 hunt and a drop from 49 tags to 30 tags in 035, 1331 hunt with the other hunts quotas to coincide.

LN – Concern over quota for Units 221-223 Early. Question the future fawn recruitment numbers and aerial survey time for data. Discussion on possible quota reduction would be welcomed.

WP – Units 221-223 Early change to 421 tags, and Units 221-223 Late change to 22 tags.

Resident Mule Deer - Antlered - Muzzleloader Hunt 1371

LA – Units 151-155 recommend using the model quota for this hunt of 14 tags.

WP – Units 114, 155 change to 38 tags, and Units 221-223 change to 34 tags.

Resident Mule Deer – Antlered – Archery Hunt 1341

CC – Unit 192 Early – 7 tags, Late – 4 tags; 194-196 Early – 7 tags.

LA – Units 151-155 recommend using the model quota for this hunt of 34 tags.

LN – Set quota to 29 tags in Unit 231. Increase of 6 tags (2008 quota). More hunter opportunity.

PE – Increase demand to generate tag numbers similar to last years numbers. More hunter opportunity.

WP – Units 221-223 change to 58 tags.

Resident Mule Deer – Antlerless - Any Legal Weapon Hunt 1181

Resident Mule Deer - Antlerless - Any Legal Weapon Depredation Hunt 1101

Nonresident Mule Deer – Antlered - Any Legal Weapon Hunt 1331

Nonresident Mule Deer - Antlered - Muzzleloader Hunt 1371

Nonresident Mule Deer – Antlered – Archery Hunt 1341

Resident & Nonresident Deer and Antelope Landowner Compensation – Either Sex – Hunts 1115, 1215, 2115, 2215

Other Recommendations

LN – To address the increasing complexity of elk management in Units 111-115, 221, 222, it is recommended that the unit be split in

Resident Antelope – Horns Longer Than Ears Any Legal Weapon Hunt 2151

Mineral CABMW – Units 202, 204, same as last year with quota of 10.

Chairman Lent asked Mr. Cox the biological reason for the reduction.

Mr. Cox said 87 animals were classified, low fawn rate, and some staying in California but they have no hunt and we had 40 percent success last year. He said he does not have a problem with adding the tags.

COMMISSIONER SWANSON MOVED TO APPROVE HUNT 2151 WITH THE EXCEPTION OF UNITS 202, 204, TO MOVE TO 10. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIED 8 – 0.

Resident Antelope – Horns Longer Than Ears Muzzleloader Hunt 2171

Mr. Cox said no alternative recommendations were received.

COMMISSIONER SWANSON MOVED TO APPROVE HUNT 2171. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED 8 – 0.

Resident Antelope – Horns Longer Than Ears Longbow Archery Hunt 2161

Mineral CABMW Units 205, 206, same as last year with quota of 10.

Nye CABMW recommended three tags in Units 161 – 162, three tags in Units 171 – 172 and three tags in Unit 251.

Mr. Cox said demand/success provides the most fair tag allocation but because demands/success rates fluctuate which can account for the difference, and staff do not have a problem with the additional tags.

Charlie Cecchini, Nye CABMW, agreed with Mr. Cox on demand/success formula and would like to give hunters more opportunity without affecting the herd biologically.

COMMISSIONER MCBEATH MOVED TO APPROVE HUNT 2161 AS PRESENTED WITH THE FOLLOWING EXCEPTIONS: UNIT 161 – 162 FROM TWO TO THREE, UNIT 171 – 173 FROM TWO TO THREE, UNIT 205 - 206 FROM NINE TO 10, AND UNIT 251 FROM TWO TO THREE. MOTION SECONDED AND PASSED 8 – 0.

Resident Antelope – Horns Shorter Than Ears Any Legal Weapon Hunt 2181

Commissioner McBeath said he will assume that transplant program must be exhausted to consider shooting does.

Chairman Lent said we have a successful antelope translocation program with some of our best herds in central Nevada such as Pershing County and any time we take females he is concerned.

Mr. Cox said the first tool is to transplant animals to habitat that has not reached carrying capacity and do not have viable opportunity at this time. He said biologists felt time to take a fair number of does out of these herds, and for the first time this year, it is legal to shoot an antelope with horns shorter than ears which will include fawns of

both sexes and most yearling bucks. He said the purpose is that this may increase populations by harvesting antelope and mule deer does. The age structure optimizes productivity and not every animal geared to survive the winter and harvest is not always one to one reduction. Pronghorns very productive and we have winter range issues as well.

COMMISSIONER SWANSON MOVED TO APPROVE HUNTS 2181 AND 2251 AS PRESENTED. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIED 8 - 0.

Nonresident Antelope Horns Longer Than Ears Longbow Archery Hunt 2261

Glen Copeland, Washoe CABMW, said the Washoe CABMW felt with success ratio that they wanted to add three tags to Unit 011 from three to four, and in Unit 033 from two to four. Mr. Copeland said his board consulted the NDOW biologists on the issue of increasing tags and they had no problem with the increases.

Commissioner Raine said as proposed by Department we are right at 10 percent number for nonresidents and we should increase residents as well.

COMMISSIONER RAINE MOVED TO APPROVE HUNT 2261 AS PROPOSED BY THE DEPARTMENT. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION PASSED 8 - 0.

Resident Elk Antlered Any Legal Weapon Hunt 4102

Mr. Cox said no alternative recommendations proposed from the CABMWs.

COMMISSIONER LURIE MOVED TO APPROVE HUNT 4102. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIED 8 - 0.

Resident Elk Antlered Any Legal Weapon Hunt 4151

Charlie Cecchini, Nye CABMW, said in 161 – 164 on early hunt used to have more tags and dropped when success was 100 percent. The Commission needs to consider that there are almost 1,300 first choice tag requests, and would like to keep the tags at five due to popularity and quality.

Cory Lytle, Lincoln CABMW, said their recommendation for this hunt was his board's most important issue. He said basically in Unit 231 population estimated over 500 and cow ratio and as a credit to the hunters who are more efficient at killing large percent of bulls and they fear that with more hunters waiting longer to draw tags that people will

be more selective and wait for top end bull. He said aerial survey showed 62 percent of elk were spikes and they are trying to balance the recommended quota and elk management plan states that we need to be at 350 and we are at 500 with a very high bull to cow ratio. He said what they want to do is with number of trophy tags allocated at 60 which allows those who waited for opportunity for a hunt of a lifetime, and others will have an emergency depredation hunt to address animals over what was set. He said at their meeting local hunters showed up and said they would like a spike hunt if they did not draw a regular elk tag and are worried that some will hunt all season without harvesting and even with 40 tags, they used that as a percentage, and even 30 percent harvest would yield same elk kill. Mr. Lytle said they think we could meet in the middle if it can be done, they feel a very proactive and conservative approach and would like to try it to see if it works.

Commissioner Swanson asked how many landowner incentive tags in the area and he said he does not want increase in incentive tags and cut sportsmen tags. Commissioner Swanson said we did that a few years ago and Commission took a beating.

Mr. Lytle said they want to meet everyone's needs.

Mr. Cox said this is the most complex herd the agency deals with and alternative management could be done and thinks Mr. Lytle and Lincoln CABMW are onto things. Mr. Cox said Utah has helped with extra elk that come across the border and challenged anyone that number of tags and people we put in the field, and have not focused on entire herd. He said this herd is a meta population and they know no boundaries and Utah has population objective not being met, and have herd of 2,000 elk that go back and forth, we have idea of migration timing and when we generate estimate of 500 he believes it is over estimate. Utah only surveys two to three years, and has pushed NDOW biologists to work with them and share survey duties in both sides to get comprehensive survey of those animals. We have created huge expectations in Nevada and that is why some CABMWs such as White Pine are so passionate. Many bulls like to be in Nevada in winter rather than Utah. He said Utah is more conservative than Nevada and actually admits it, and we should not be overly critical on this elk herd of 2,000 and is not just our elk and should not feel held that we have to put the hurt on the bull ratio as we don't know where the elk are for the 12 month period. Mr. Cox discussed age structure and said that Utah is so conservative on bull hunts that with their alternative hunts they maintain the age structure, and in Nevada if we kill young bulls we will dip into quality of bulls in the future, and spike hunt would be interesting test as we have definition. Mr. Cox explained emergency hunts and thought we had the capability for a spike hunt but Ms. Hullinger indicated that we do not at this time and he said that could be added. He said Utah has many spike hunts in open management areas and have pretty small success rate of 17 percent and is a very select group of elk you are hunting. In 2009 they are going to initiate unlimited spike hunt in southwest desert and harvest estimated at 20 to 30 spike, and as stated at last meeting staff should get together with

Lincoln CABMW and local biologists to look at season structure, do split rifle season, and discuss spike hunts, and really be mindful of what Utah is doing as we receive their elk. He said we need more information into season structure and does not know if we want to get into that.

Mr. Lytle, Lincoln CABMW, said that is why they went down to 60 on regular bull hunt and are balancing everything, and he reiterated what Mr. Cox said but noted livestock and agricultural interests say otherwise that we need to stick with this.

Chairman Lent asked if we could raise spike tags from 40 to 50 for landowners andcan we do that spike depredation hunt or do we have to make regulation changes.

Mr. Lytle said they discussed that but already 190 tags when the late hunt is and concerned about success of that hunt and tried to pick an in between number.

Mr. Cox said to do the change we need to amend the seasons, first and then would be at the discretion of agency of when and how many emergency tags, but would like to meet with Utah and biologists. The more spikes you kill the less big bulls later and cautioned to be careful what you wish for.

Commissioner McBeath asked what is the possibility of extending into other units and thinks White Pine would have the same concerns.

Mr. Cox said you have to be careful of dipping into the young bulls and future recruitment and he personally does not agree with 82.

Commissioner Raine said he would like motion specifically for Hunt 4151 on this unit group and then go on to discussion of other areas.

Thomas Brunson, White Pine CABMW, said they support Lincoln CABMW's recommendation and White Pine CABMW has discussed for years keeping quality while adhering to elk plan. He said this is a trial run and want to see it lower but can live with it.

Commissioner McBeath said look at spike hunts as management tool and understands the use and could apply anywhere in any unit.

Craig Stevens, Elko CABMW, said they support the Department's recommendation in their area and is good news as more opportunity this year and they want to stay within their agreements and upside will be getting to harvest more elk this year.

Chairman Lent said with Mr. Lytle's suggestion it would be 100 tags instead of 82 and would increase opportunity.

Jim Jenne, Lyon CABMW, said on their recommendation which they put under 4181 and their concern was that we start carrying too many bulls and you will start having bulls all busted up. Lyon CABMW and public in attendance at their meeting were concerned that we are carrying too many bulls and wants the Department to watch herd structure.

Commissioner Cavin said Mr. Cox is saying that the proposal to adjust season structure is about one year out after talking with Utah.

Mr. Cox agreed with implementation in 2010 and could have discussion with Utah and look at everything before then.

Commissioner Raine said he would discuss Units 111 – 115 with rather dramatic drop in quotas, and total tags is in excess of 270 tags and is a huge shift downward for a minor estimate difference in population and is worried of yo-yo effect and concern with breakage and will force us to jack up the quota later. He said the concern is with development in White Pine and is worried about dropping the quota so drastically.

Mr. Cox said population has had the hurt on the herd over the last five years and the area biologist is comfortable that we are meeting the quotas/caps. Information gathering techniques have improved which makes population estimates more accurate. Population may have been over estimated over the last five years and he agreed with Commissioner Raine.

Commissioner McBeath said his experience is that herd quality is going down and older class bulls have been hammered and knows this from personal experience hunting and from listening to hunters out there. People draw trophy tag and have high expectations and are very discouraged when done and need to address issue of quality and complicated with elk management plans and feels that what the biologist is saying with regard to this particular herd and large number of bull tags we are seeing the impact on older age bull class and that is his perception.

Mr. Cox said teeth samples from the bulls collected and the average bull age went up again and bias correction analysis done and 99 percent of bulls and has been going up from 5.0 to higher. You can't have your cake and eat it too, there has to be a give, and if we had endless space with no population objectives, we could do all what you want but we can't.

Commissioner Raine said one basic thing with survey data and population estimates and saw all the elk and in some areas why is data in game book not matched with estimates of flight survey data and he cited examples from the book.

Mr. Cox said Units 061 and 071 that population was higher over the last few years than what we estimated, and what occurred was the Murphy Complex fire, and elk shifted

and we can see aurally 60 to 80 percent of the herd. He said biologists were underestimating that herd by 200 to 300 hundred and that is why the book shows the different number and have Idaho to deal with and meet with them as they are on the border and very similar to Area 23 and biologists can see to Idaho from the ridges. In 073 we classified 609 and 155 are calves and those calves are not part of the population. All our population estimates are based on yearlings and above and is DMZ of elk and not sure if elk will stay put the entire year and with all the fires that occurred and perhaps we should have flew Area 6 and 7 and less in 11 and we are not perfect and are making adjustments. The more data we can feed back into the system the better the system will be next year.

COMMISSIONER SWANSON MOVED TO APPROVE THE DEPARTMENT RECOMMENDATION FOR HUNT 4151 EXCEPT UNIT 161 -164 EARLY FROM FOUR TO FIVE. COMMISSIONER MCNINCH SECONDED THE MOTION.

Chairman Lent asked about the spike hunt and if Commissioner Swanson was going to include that.

Commissioner Swanson said he hopes that they do that on their own.

MOTION PASSED 8 - 0.

Resident Elk – Antlered – Muzzleloader Hunt 4156

Charlie Cecchini, Nye CABMW, stated reasons as before, four tags in Units 161 – 164.

Mr. Cox said the Department supports Nye CABMW's recommendation.

COMMISSIONER MCNINCH MOVED TO APPROVE HUNT 4156 AS DEPARTMENT RECOMMENDED WITH EXCEPTION OF UNITS 161 – 164 FROM TWO TO FOUR. COMMISSIONER LURIE SECONDED THE MOTION. MOTION PASSED 8 - 0.

Resident Elk –Antlered – Longbow Archery Hunt 4161

Cory Lytle, Lincoln CABMW, said primary reason for their recommendation was spike hunt and hunt quality and they feel that archers who get tags should get that. Compromise with demand/success driving it and wanted to drop it.

COMMISSIONER SWANSON MOVED TO APPROVE HUNT 4161 AS DEPARTMENT RECOMMENDED. COMMISSIONER LURIE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY 8 - 0.

Revisit of Resident Elk Antlered Any Legal Weapon Hunt 4151

Mr. Cox said he needs to go back to Hunt 4151 and if we do as stated and out of respect for Lincoln CABMW, and if we can get together this summer, and come up with strategy to alter type of bulls we harvest. If we don't make change today it is all for naught. He said he wants to make sure the Commission is aware of that, if we come up with other season structure and could accommodate lesser bull elk tag.

Chairman Lent said would that require amendment of the motion.

Mr. Cox said no if we come up with another season structure we could accommodate a lesser antlered bull quota.

Commissioner Swanson explained that his motion would allow the Department to do that through "Department recommendation which would have that quota be reduced to 60."

Commissioner Cavin clarified that we are closing door on benefit of a spike hunt today.

Chairman Lent said we could do that and based on agreement that could or could not happen.

Commissioner Raine said he has heard sufficient population for the Department to come back with limited number of spike tags and that would not adversely affect the population.

Resident Elk Antlerless Any Legal Weapon Hunt 4181

COMMISSIONER LURIE MOVED TO APPROVE HUNT 4181 AS DEPARTMENT PROPOSED. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED 8 - 0.

Resident Elk Antlerless – Muzzleloader Hunt 4176

Commissioner Raine said quota went up in 4162 as opposed to other areas and does not make sense as crashing everywhere else and four seems appropriate to reflect 10 percent.

Mr. Cox said since Taulman lawsuit asked to keep a 90/10 split nonresident/resident split based on unit group and just like bighorn sheep not all units open.

COMMISSIONER RAINE MOVED TO APPROVE ALL REMAINING ELK HUNTS: HUNT 4111, 4251, 4256, 4261, AND 4176, AS PROPOSED BY THE DEPARTMENT. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION PASSED 8 - 0.

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

Charlie Cecchini, Nye CABMW, said board is recommending on Mt. Jefferson five tags and would rather have residents have the opportunity than nonresidents.

Glen Copeland, Washoe CABMW, support unanimously Unit 161 late from four to five, and Unit 263 from seven to eight.

Mr. Cox said we have extra nonresident tag in Unit 263 and putting lot of pressure on mature rams and starting to see age structure not keep up with recruitment and starting to back off on tags due to slight reduction in age structure of mature rams. Mr. Cox said the Department had no alternative recommendations for the Bares.

Paul Dixon, Clark CABMW, said on 3251 split tags and question they wanted to change Unit 263 to one tag and Unit 267 to two tags and asked biologically if that would be bad or good.

Mr. Cox said we want to see reduction in the McColloughs and they want to go from three to two and reduce 263 to one tag. He said we may want to change resident tags too.

Clint Bentley said he discussed this matter with NDOW Biologist Pat Cummings and he did not want to impact resident sportsmen and give additional tag to nonresidents. Biologist felt accommodating more in the long run.

Mr. Cox said on Nye CABMW recommendation if considered and in 134 not sure if we want to see extra tag total if you shift nonresident and put extra tag in. He said we have enough mature rams for five tags but Pancakes are not doing to great.

Commissioner Cavin asked Mr. Cox what other unit to shift to.

Mr. Cox said if you shift in Pancakes do one less for resident.

COMMISSIONER RAINE MOVED TO APPROVE HUNT FOR 3151 WITH EXCEPTION OF 161 LATE TO FIVE; 263 FROM SEVEN TO EIGHT; AND 3251 AS PROPOSED BY THE DEPARTMENT. MOTION FAILED DUE TO LACK OF A SECOND.

COMMISSIONER LURIE MOVED FOR HUNT 3151 161 LATE FIVE; 263 TO EIGHT; 3251, AREA 161 ONE; 263 ONE; AND 267 TWO. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION PASSED 8 - 0.

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

8151

Glen Copeland, Washoe CABMW, said they voted unanimously for 012 to go from eight tags to nine.

Mr. Cox said the Department has no biological problem with their recommendation.

COMMISSIONER LURIE MOVED FOR HUNT 8151 TO APPROVE WITH 012 FROM EIGHT TO NINE; AND 8251 APPROVE AS RECOMMENDED. COMMISSIONER CAVIN SECONDED THE MOTION. MOTION PASSED 8 - 0.

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

Glen Copeland, Washoe CABMW, said their recommendation stemmed from the season setting date and we removed nonresident tag from 101 and put it in 074 and their recommendation is to put it back as last year to residents in 101 and discussion was very controversial and they were not unanimous.

Mr. Cox explained last year initial recommendation was added over what biologist recommended and the quota of four is going back to what the biologists thought was in synch with mature rams and thinks we are a year off and that is why left it at four and no nonresident tag in 101.

Craig Stevens, Elko CABMW, said they asked biologist specifically and every year someone wants more Rocky Mountain Bighorn and they asked how much heartburn and the biologist said quotas set on 8 percent of total quota not to exceed 50 percent of mature rams. They know how many mature rams there are and question is do you want to keep quality or opportunity. If you add more tags less quality. The biologist concerned about nonresident tag being moved there and moving nonresident tag the option would be to suspend hunt or have two tags and this year's recommendation is okay but does not know about next year.

Tom Cassinelli, Humboldt CABMW, said they discussed the nonresident tag at length at their meeting and should think about it in the future maybe we should rotate the nonresident hunt through the units and give nonresidents chance at drawing tags in other units.

George Corner, Nevada Outfitters and Guides, said the biologist agreed that the tag could be okay but genetics of herd is not as good as 101 and 102 and would also suggest rotating tag but not in 074 as that is a small herd.

COMMISSIONER SWANSON MOVED TO ACCEPT DEPARTMENT RECOMMENDATION FOR HUNTS 9151 AND 9251 AS RECOMMENDED. COMMISSIONER LURIE SECONDED THE MOTION. MOTION PASSED 8 - 0.

Resident Mountain Goat – Any Goat – Any Legal Weapon Hunt 7151/7251

Elko CABMW – Unit 102 to 17 goats.

Candido Mendive, Elko CABMW, said they asked biologist if long term if there is anything they should know, and biologist advised the CABMW that Unit 102 age down and hunter days doubled, and several nannies taken which is why they recommended taking the tags down but not sure on nonresident.

George Corner, Nevada Outfitters and Guides Association, said the guides asked for reduction and statistic of more hunter days in the field and contributing factor to this is hunters not getting back there in permitted areas.

COMMISSIONER LURIE MOVED FOR HUNT 7151 TO BE APPROVED EXCEPT UNIT 102 FROM 20 TO 17; HUNT 7251 TO LEAVE AS RECOMMENDED BY THE DEPARTMENT. COMMISSIONER SWANSON SECONDED THE MOTION.

Commissioner Raine said population is growing consistently every year so hard to support that with population significantly growing.

COMMISSIONERS IN FAVOR OF THE MOTION: LURIE, CAVIN, MCBEATH, MCNINCH, MORI, SWANSON, WALLACE. MOTION CARRIED 7 – 1. COMMISSIONER RAINE OPPOSED.

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

Carson CABMW – We recommend the statewide quota to approximate the 2008 total Hunt 1107 tag sales of about 2,600 tags, but if the current Hunt 1107 application numbers are available and show a decline compared to 2008, make a reasonable adjustment based on current 2009 application numbers.

Clark CABMW – The total quota recommendations should not be below the established sidebars set at 2,800 to 3,200. We cannot approve this recommendation as presented.

Washoe CABMW – Change back to 2,600 tags.

White Pine CABMW – Units 221-233 change to 146 tags.

Mr. Cox asked Monte Martin of Systems Consultants to review preliminary application figures for the 2009 hunt and he said nonresident numbers are down with resident applications up at this point.

Mr. Cox said he would add that for the junior hunt that this year we have 2,736 juniors who have applied and is very close to last year's numbers with no decline in interest.

Commissioner Swanson asked if same number of applicants for the junior hunt why the decision for the reduction in numbers recommendation from the Department.

Mr. Cox said that NDOW had a statewide biologists meeting where he was beat up and decision made to reduce the juniors by a similar amount that adults would be reduced; and perhaps it is time to reduce tags maybe not.

Former Wildlife Commissioner Clint Bentley said he would like to bring to everyone's attention that in February 2008 a power point presentation was made by Mr. Cox to the Commission to convince the Commission to go from the flat number of tags of 3,000 per year and make junior hunt a regular weapons class hunt to differentiate the tags. He said after the presentation the Commission voted and accepted changing the junior hunt to another weapons class and also as part of that made a motion which passed unanimously of having sideboards with a minimum of 2,800 to max of 3,200 when established as weapon class if slow period such as this.

Paul Dixon, Clark CABMW, said they had discussion and based on number of applicants they thought it is important to maintain youth recruitment and if we have to do that based on adults and nonresidents it is worth making the difference up even with depressed overall herd population. The junior hunt builds future hunters and sportsmen.

Chairman Lent asked if these are add-ons

Mr. Cox said when we got to 2,800 tags last year some tags were add-ons and with new process agreed to they are being accommodated if we see tag increase and with conservative quotas statewide we could increase tag quota by 150 to 300 tags and not change the allocation of the weapons class, and could sprinkle the addition throughout the units.

John Valley, Carson CABMW, recommendation to have as many youths in the field and if tags not used by the youth have them revert to adults

Thomas Brunson, White Pine CABMW, said recommendation to reduce and keep 221 - 223 change to 146 out as far as youth tags go.

Eric Scheetz, Douglas CABMW, said they agreed with Department recommendations they had concerns with reductions to junior hunt and they want hunter recruitment to go up.

Chairman Lent closed public comment and returned discussion to Commission.

Commissioner Raine said what would be Mr. Cox's suggestion to maintain the spirit of proposed quota and move the quota up 100 or so tags.

Mr. Cox said proportionately he could allocate tags in the unit groups where total statewide would be the 22 percent.

Commissioner Raine said he would like to come up with tag number and see how the tags would be distributed in the unit groups before voting.

Commissioner McBeath said he would like to see the tag number at 2,800 and if no additional impact to adding 300 tags.

Mr. Cox said with same amount of applicants as last year, probably only sell 2,600 tags which is 130 above what the Department is recommending. Mr. Cox said he sees no measurable difference in allowable buck harvest or some units with small amounts of tags.

Commissioner McBeath said he wants to insure that every kid who wants to hunt has the opportunity to hunt and wants to maximize goal of recruiting hunters.

Commissioner Lurie said important for youth to get opportunity and to stay at 2,800 as decided last year.

COMMISSIONER SWANSON MOVED FOR 2,800 FOR HUNT 1107. COMMISSIONER LURIE SECONDED THE MOTION.

Commissioner McNinch disclosed that he has a youth hunter who has applied for tags in for the last two years and this year as well.

Mr. Cox displayed the numbers on the screen and read them aloud.

MOTION CARRIED 8 - 0.

Resident Mule Deer – Antlerless – Any Legal Weapon Depredation Hunt

COMMISSIONER SWANSON MOVED TO APPROVE. COMMISSIONER LURIE SECONDED THE MOTION. MOTION PASSED 8 - 0.

Resident Mule Deer – Antlered – Any Legal Weapon Hunt 1331

John Valley, Carson CABMW, Units 194, 196 Late 26 tags.

Tom Cassinelli, Humboldt CABMW, said they agree with NDOW recommendation with the following exceptions, would like a 90-10 percent split in 051 early/late 1331 hunt and a drop from 49 tags to 30 tags in 035, 1331 hunt with the other hunts quotas to coincide.

Cory Lytle, Lincoln CABMW, concern with over quota for Units 221-223 early and question the future fawn recruitment numbers and aerial survey time for data. Discussion on possible quota reduction would be welcomed.

Thomas Brunson, White Pine CABMW, agree with Department except Units 221-223 early change to 421 tags, and Units 221-223 late change to 22 tags.

George Corner, Nevada Outfitters and Guides, said most contentious item on Elko CABMW and in Units 101 – 108, three outfitters adamant quota needed to be dropped and seeing less quality in bucks and seeing smaller deer and lots more bucks with smaller antlers. CABMW recommended following NDOW recommendation.

Eric Scheetz, Douglas CABMW, agreed with Department formulas and want to make sure that the impacts to archery season coming up and changes there will they be discussed with 1331 versus 1341.

Glen Copeland, Washoe CABMW, said they supported Department recommendation's but Carson CABMW wants increase in tags in 194, 196 and wants to know how Department feels about that.

Mr. Cox said the Department still is working with California on this interstate deer herd and wanting to improve on percents on interstate components of that herd and putting a few more tags out there on resident herd and in grand scheme 21 versus 26 is social and up to the Commission to decide.

COMMISSIONER RAINE MOVED TO ACCEPT ALL RECOMMENDATIONS EXCEPT 035, 30; 051 EARLY 370; 051 LATE 41; 194 – 196 LATE 26; 221-223 EARLY 421 AND 22 LATE. COMMISSIONER LURIE SECONDED THE MOTION. MOTION PASSED.

Resident Mule Deer – Antlered - Muzzleloader Hunt 1371

Lander CABMW, Units 151-155 recommend using the model quota for this hunt of 14 tags.

Thomas Brunson, White Pine, said in Units 114, 155 change to 38 tags, and Units 221-223 change to 34 tags.

Tom Cassinelli, Humboldt CABMW, asked if that changed the rest of the hunts as they would like to follow that with the 1331 hunt, and that is what their board recommended.

Chairman Lent said could you drop the tag number proportionately

Mr. Cox said six or seven tags will make no significant difference, and he said Lander CABMW is asking for the same number of tags as last year.

COMMISSIONER SWANSON MOVED TO ACCEPT THE DEPARTMENT RECOMMENDATION FOR HUNT 1371 WITH THE EXCEPTION OF UNITS 114 - 115 FROM 58 TO 38; 151 TO 155 EIGHT TO 14; 221-223 FROM 37 TO 34. COMMISSIONER LURIE SECONDED THE MOTION. MOTION PASSED.

Resident Mule Deer – Antlered - Archery Hunt 1341

John Valley, Carson CABMW, said Unit 192 early seven tags, late four tags; 194-196 early seven tags and three late, and the reason is snow pack and access.

Lander CABMW - Units 151-155 recommend using the model quota for this hunt of 34 tags.

Cory Lytle, Lincoln CABMW, set quota to 29 tags in Unit 231. Increase of 6 tags (2008 quota). He said more hunter opportunity they figured demand/success with 33 percent success.

Gary Coleman, Pershing CABMW, said in 43 – 46 the deer doing well, but archery tags dropped and archers want to get the tag number back up to the 70s. He said they would like to increase demand to generate tag numbers similar to last year's numbers.

Thomas Brunson, White Pine CABMW, following 9 percent Units 221-223 change to 58 tags, and in name of opportunity area 11 from 34 to 42.

Glen Copeland, Washoe CABMW, said on Carson CABMW recommendation for 194 – 196 they agreed with their recommendation of three and want to go to seven, muzzleloader they want to leave the same, and bow tags to four with success rate same as rifle and for muzzleloader leave the same?

Eric Scheetz, Douglas CABMW, said went with Department recommendation but concern with perception in Units 192, 194, 195, 196 and numbers from last year, about 50 percent decrease and appearance of an affront and he hopes the Commission could consider Carson CABMW's proposal.

COMMISSIONER LURIE MOVED FOR HUNT 1341 TO GO WITH THE RECOMMENDATION WITH FOLLOWING CHANGES 043 - 046 TO 70; 151 – 155, 34; 192 EARLY SEVEN, 192 LATE FOUR; 194 – 196 EARLY SEVEN; 221, 223, 58; AND 231, 29. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION PASSED 8 - 0.

Resident Mule Deer – Antlerless – Any Legal Weapon Hunt 1181

Note: No alternative recommendations from the CABMWs.

Craig Stevens, Elko CABMW, said 101, 102, and 104, stands out and is hard to swallow; however, the Elko CABMW supported the area biologist on this, and he asked that Mr. Cox explain this.

Mr. Cox said we should have doe hunts in every herd with 1,000 deer or more, and the reason has to do with carrying capacity and changes with habitat conditions occurring over the last several decades, and as he said earlier today, not every deer not shot by a bullet will live, and with age structure that we likely have, and the habitat not supporting deer that it used to, there is a lot of good information supporting the Commission's ability to support harvesting does and keep a stable population. He said we had the lowest fawn recruitment rate in the Rubies last spring with 19 fawns per 100 adults, the tag quota with wounding loss is 640 does out of 17,000, and if we really wanted to see an increase in ability for compensatory mortality and density dependent reproduction to kick in on a population that is approaching habitat carrying capacity you would want to kill about 15,000 does this year.

Chairman Lent asked what changed in 101, 102, and 104.

Mr. Cox said Area 10 has reached carrying capacity and thinks by doing this and thinning the herd, and by doing this we will have compensatory mortality on those does not killed and recruitment of fawns could actually be better than if you had all those does reproducing. Mr. Cox referenced presentation by NDOW Biologist Tony Wasley on benefits of applying harvest strategy when you are at "k."

Commissioner Raine said he finds this argument terrible and this mountain range used to support so many more deer then there is now without major traumas and used to support cattle and domestic sheep populations and a more convincing argument would be nothing grazing those shrubs and nothing adding to leader growth on shrubs and area needs to be manipulated by grazing and looked like a vineyard, and he asked where

are the deer. He said if you go out and slaughter all the does and will not be effective to make more deer in there. The last big slaughter of does a few years ago did not result in increase in fawn production the following year, it took three years, this will destroy this population, and you are whacking them, that is your increase. If there was an area with good food this is it and there is the food and he can't support the number.

George Corner, Nevada Outfitters and Guides, said the Association did not have any objections to this, and wanted to bring buck quotas down because not seeing quality bucks in their areas. He said the largest permitted area in the Rubies has not had an outfitter in it for four years, and applications are 40 per guide. Hunting areas not hard and biggest area sees way too many deer and when in there snowmobiling and lion hunting. He said he can tell some horror stories with cattle and sheep overgrazing, and went into area overgrazed horribly on his own hunt and U.S. Forest Service dealing with it but still overgrazed. Mr. Corner said he supports Wildlife Department contention that the area is at carrying capacity.

COMMISSIONER SWANSON MOVED TO SUPPORT 1181. COMMISSION MCNINCH SECONDED THE MOTION.

Commissioner McNinch said he understands this is a big jump and but is not a leap of faith for him and although he is not a biologist he has background from college and understands the concept and at last meeting we had a presentation on "K" and bottom line is when you have compromised animals that results in reduced horn growth and compromised does when they try to survive in the winter in poor condition with carrying capacity maxed out, and if lucky if they do have babies they won't be able to support them and the number is a big number. He said this is a tough call but he supports the Department.

Commissioner Raine said you can't have it both ways and read from hunt book on Rocky Mountain sheep and having high quality forage for them but not for deer.

Mr. Cox said they eat different food.

Commissioner Raine said this theory or hypothesis is not science this is an arbitrary postulate perhaps based on anecdotal evidence and has nothing to do with science. He said it is slaughtering deer for no apparent reason, and on a slightly different issue on 144 they recommended same as last year and should be 10.

Commissioner Mori said he was contacted by an individual who attended the Elko CABMW who was against the proposal and he asked him to throw out a proposal of compromise if the biologist thought that would work and that person thought one-half of the tags, and Mitch Buzzetti is the person who called.

Craig Stevens, Elko CABMW, said the biologists explained the proposal and showed them the material and they were assured by the biologist that the numbers will not hurt and admitted this may not work and his concern is that this number may not be enough, and they believe and trust their biologists who show them stuff which makes sense. Mr. Stevens said we don't want to fight anymore with the Commission and we are very concerned about deer herds as the Commission is and in his opinion let's throw every idea out there, and some people don't believe predators are doing it while some do, and recruitment not there and by getting rid of does is the way to increase recruitment then let's try that. He said let us stop fighting about staff and fix the problem and that is where we stand and the board supports the proposal.

Commissioner McBeath said when it comes to habitat carrying capacity he has learned from staff that there is habitat with summer and winter range, and this herd migrates out of Rubies into Spruce Mountains into Rubies.

Mr. Cox said no this is a very complex herd like Area 6, some deer migrate and some go east all the way to Antelope Summit, and we use different strategies for different subherds.

Commissioner McBeath asked if safe to say that the majority move out of Rubies when the snow comes.

Mr. Cox said there are some and those that migrate have lots of energy expended and easy to go to mountain range in summer and see all the habitat and you could have winter be less carrying capacity.

Commissioner McBeath said situation is winter habitat is more limited than summer.

Mr. Cox said it is both and depends on where they live.

Candido Mendive, Elko CABMW, said he lives in the Rubies right next to them and Mr. Wasley commented at their meeting that carrying capacity is a moving object. He said his wife's family in the 1960s chained the junipers in the Rubies for winter feed and the junipers are growing and lost the feed, and when you say there has not been a fire in the Rubies not necessarily a good thing as the bitterbrush grows it become decadent when it is older with no leaders and we had larger deer numbers in the 1950s and 1960s and chaining done to promote deer growth and he is familiar with the Pequop's chaining and when he first went in there nothing but open country but now closed up and land where prime deer habitat is not the case now. He said you have to think of carrying capacity in the moving object context as from the standpoint of living there, and something causing the fawns not to make it through winter, and does and fawns are telling you that something is wrong. If biologist said that carrying capacity is met and

deer appear to have smaller bodies now. He said these are all indicators and the people who went to college to study this are telling you something.

Chairman Lent asked how they determine carrying capacity.

Mr. Cox said hard to say, and commented that he is a primary author of a document named "Intermountain West Guidelines on Mule Deer" relative to mule deer and habitat, and said we do not know everything but we are collaborating with the best biologists in the west and the report discussed why deer habitat changed and why is it changing today. He would admit that between our agency and land agencies we are not doing a good job of mule deer habitat as it is toughest habitat to manage as mule deer are the pickiest ungulate in North America and are browsers. All other wildlife in Nevada that are thriving are grazers. He said Commissioner Raine made statement that is true that leader growth is not what it used to be and is a vineyard. The ultimate management effort that needs to be done is to restore middle aged plants, huge landscape changes that caused rejuvenation and lots of it was overgrazing by domestic livestock and there was a time when habitat was not looking good and what came of that huge disturbance was huge number of seedlings such as mountain brush, serviceberry, buck brush, etc...and not to simplify but when you set plant back you make more seeds and that was a boon to mule deer and the big booms in the 1950s and 1960s and the big bump in the 1980s. Mountain brush communities are getting old and when they get to 50 – 60 years old their seed production goes down, and instead of killing does, treat habitat in mosaic pattern and can we be effective in doing that today. Chief of Habitat Pulliam and staff are working to duplicate habitat initiative similar to Utah and that is what we need to be doing. Biologist Wasley and he agree slow change occurs and look at what is really growing and it really has changed. Summer range has the most problems in the state and until we get a tool or mechanism and collaborative effort from agencies to work on this until that time we have to manage the animals and carrying capacity. Mr. Cox said two decades at least to get decent mountain brush community back from a fire but below 6,500 feet you get too many exotics. In Area 10 it is the aging of the plants and if we don't keep the populations lean and mean that we will be in trouble, and he said we need to keep the herds managed.

Chairman Lent said we heard testimony stating it could be something else.

Mr. Cox agreed and said many problems interfacing and we had predator program in Area 10 and made no difference, and started putting all the information together we learned while compiling report and the proposal is not a theory rather the proposal is based on sound science.

COMMISSIONERS IN FAVOR OF THE MOTION: LURIE, CAVIN, MCBEATH, MCNINCH, MORI, SWANSON, WALLACE. COMMISSION RAINÉ OPPOSED. MOTION CARRIED 7 - 1.

Nonresident Mule Deer – Antlered – Any Legal Weapon Hunt 1331

Mr. Cox said for Hunt 1331 we need to think of going back and double check the resident tags and make slight modification to get close to 90/10 split. He said there may be specific adjustments to certain units and will make 90/10 split in Area 5, and don't think tag quota change in 19 will make a difference, and 9 percent drop in 22 and could make 9 percent drop there. In 035 there was 40 percent decline and drops to 203, and could leave that.

COMMISSIONER SWANSON MOVED TO PASS 1331 WITH CHANGES THAT MR. COX MADE WITH ADJUSTMENTS. MOTION SECONDED. MOTION PASSED 8 - 0.

Nonresident Mule Deer – Antlered – Muzzleloader Hunt 1371

Mr. Cox compared the unit quotas to residents for the split, and made adjustments.

COMMISSIONER RAINE MOVED TO APPROVE HUNT 1371 114 -115 TO FOUR; 221, 222, AND 223 TO TWO. COMMISSIONER LURIE SECONDED THE MOTION. MOTION PASSED 8 - 0.

Nonresident Mule Deer – Antlered – Archery Hunt 1341

Mr. Cox compared the unit quotas to residents for the split, and made adjustments.

COMMISSIONER LURIE MOVED TO APPROVE 1341 AS RECOMMENDED WITH EXCEPTION TO 043 - 046 TO SEVEN; 221 - 223 TO SIX. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED 8 – 0.

Compensation Tags

Mr. Cox said compensation tags are 1.5 percent of deer and antelope tags including special tags and equates to 283.

COMMISSIONER RAINE MOVED TO APPROVE COMPENSATION TAGS. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 8 - 0.

Chairman Lent moved to reconsider Hunt 4151 Area 231 with Mr. Lytle's solution in Lincoln CABMW were we drop quota to 60 and have an emergency spike elk hunt.

Commissioner Swanson seconded the motion.

Vice Chairman Lurie said he can't make the motion as he has not voted.

COMMISSIONER RAINE MOVED TO OPEN HUNT 4151 AS STATED BY CHAIRMAN LENT TO RECONSIDER. COMMISSIONER SWANSON SECONDED THE MOTION. MOTION CARRIED 8 – 0.

Reconsideration of Hunt 4151 – Resident Elk – Antlered – Any Legal Weapon Hunt

COMMISSIONER RAINE MOVED PREVIOUSLY STATED MOTION. COMMISSIONER SWANSON SECONDED THE MOTION.

Chairman Lent asked Program Officer III Maureen Hullinger to explain how that would be done.

Ms. Hullinger said in order to go forward with this that the steps would be to amend CR 09 - 05 to include elk portion to include a spike hunt and the agency would have to bring the issue back at a future meeting before the season in November to work off alternate list. She said part of the recommendation and would ask where the units specifically would be and Lincoln CABMW asked for similar change with bull elk archery hunt.

CHAIRMAN LENT SAID THE UNITS WERE 231, 241, 242 AND THE SECOND AND MOTION MAKER AGREED. MOTION CARRIED 8 - 0.

Tom Cassinelli, Humboldt CABMW, said he has been attending quota meetings for over 20 years and over the last few years the meeting are going smooth and would attribute that to the biologists such as Mr. Cox, and to Director Mayer, and the differences are being worked out at CABMW meetings, and the CABMWs are getting involved and the process has been improved and is nothing like the old days.

Chairman Lent said many attributes to the CABMW system.

Meeting adjourned at 2:43 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.

