

Draft Minutes
Nevada Board of Wildlife Commissioners' Meeting
Clark County Government Commission Chambers
500 S. Grand Central Parkway
Las Vegas, NV 89155
Agenda

[A videotape of the meeting is available for viewing on the NDOW website at ndow.org](http://ndow.org)

Friday, September 24, 2010 – 10:30 a.m.

- 1 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 2 Approval of Agenda – Action
- 3 Member Items/Announcements
- 4 County Advisory Boards to Manage Wildlife (CABMW) Member Items
- 5 Public Comment Period
- 6 Approval of Minutes – Action
Commission minutes from the August 13 and 14, 2010, meeting.
- 7 Correspondence – Chairman – Informational
The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Mayer will also be discussed.
- 8 Review of Big Game Animal Status for Wolves – State Director Bob Williams Nevada Office of U.S. Fish and Wildlife Service - Informational
- 9 The Commission May Discuss, Create, or Give Instruction to Staff to Draft Regulatory Changes to Include Status and Method of Take of Wolves – Chairman Raine - Action
- 10 License Appeal Hearing – Mr. John A. Saunders - Action Mr. John A. Saunders is appealing revocation of his license privileges.
- 11 Letter in Support of Elko County Multiple Use Efforts - Elko County Commissioner Demar Dahl and Randy Brown, Elko County Director Planning/Zoning/Natural Resource Management – Action
The Commission may adopt, modify, or take other action to develop and adopt language supporting a resolution to support Elko County in its efforts to ensure multiple uses on the Humboldt-Toiyabe National Forest and on all public lands in Elko County and the State of Nevada.
- 12 Wildlife Damage Management Account Balance – Deputy Director Patrick Cates
- 13 Presentation and Discussion of Purpose of Assembly Bill 291, Predation Management Bill – Assemblyman Jerry Claborn - Informational
- 14 Discussion and Possible Action to Rescind 2011 and 2012 Heritage Tags and or Partnership in Wildlife (PIW) Tags – Chairman Raine - Action

Possible refund of 2010, 2011, and 2012 donations and fees to successful Heritage and PIW donors pending outcome of potential court Injunction and lawsuit against Heritage tags and approved Heritage projects that has been filed by Paul Dixon, Chairman, Clark County Advisory Board to Manage Wildlife.

- 15 Review of Big Game Animal Status for Mountain Lions, Method of Take to include Incidentally Trapped Animals – Chief Game Warden Rob Buonamici and Chief of Game Larry Gilbertson - Informational
- 16 The Commission May Discuss, Create, or Give Instruction to Staff to Draft Regulatory Changes to Include Status and Method of Take of Mountain Lions – Chairman Raine - Action
- 17 Workshop - Informational
- A Commission General Regulation Number 389 – Interference with a Guzzler, LCB File No. R083-10 – Chief Game Warden Buonamici
The Commission may adopt a regulation relating to wildlife; prohibiting a person from interfering with the use of a guzzler or other water development; providing an exception.
- 18 Reports – Informational
- A The Commission May Discuss Creation of Policy on all NDOW Input, Reports, and Other Written Communications Sent to Federal and State Agencies, Including but Not Limited to the U.S. Bureau of Land Management, U.S. Forest Service, and the U.S. Fish and Wildlife Service that Affect Wildlife. The Input to Specifically Include, But Not Limited to, Impacts of Energy, Renewable Energy, Mining, and Infrastructure Effects on Wildlife – Chairman Raine
- B Lake Mead Hatchery Status and Proposed Changes to Colorado River Stocking Program – Chief of Fisheries Mark Warren
- C A Report of Itemized Costs and Expenditures of all NDOW Employees and Staff to Attend WAFWA Meeting in Anchorage 2010 - Deputy Director Cates
- D Incentive for Early Applications for the Big Game Draw – Program Officer III Maureen Hullinger
- E Gifts, Grants, Donations and Bequests – Deputy Director Cates
- F Litigation Report – Deputy Attorney General David Newton
- G Department Activities/Leadership Team Notes – Secretary Ken Mayer

Saturday, September 25, 2010 – 8:30 a.m.

- 19 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman
- 20 Member Items/Announcements
- 21 Public Comment Period
- 22 2011 Heritage Project: Request to Modify Heritage Project – Action
Heritage vendor is requesting that the Commission approve its recommendations to modify 2011 Heritage Project #11-17.

- 23 Commission Regulations – Action
- A Commission General Regulation Number 389, Interference with a Guzzler LCB File No. R083-10 – Chief Game Warden Buonamici - Action
The Commission may adopt a regulation relating to wildlife; prohibiting a person from interfering with the use of a guzzler or other water development; providing an exception.
- 24 White Pine County Elk Incentive Arbitration Panel Selection - Chief of Game Larry Gilbertson - Action
- 25 Nevada Department of Wildlife Big Game Release Plan – Chief of Game Larry Gilbertson – Action
The Department is asking the Commission for approval to amend the current biennial Big Game Release Plan to accommodate additional bighorn sheep releases.
- 26 Black Bear Potential Season Proposal to Include Hunt Units, Season Dates, Quotas, Method of Take, and Use of Hounds – Program Officer III Maureen Hullinger and Chief of Game Larry Gilbertson - Informational
- 27 The Commission May Discuss, Create, or Provide Instruction and Guidance to Staff to Create Black Bear Season Regulation – Chairman Raine - Action
- 28 Department’s Biennial Budget – Commissioner Howell – Action
The Finance Committee will report on its meeting and recommendations for the Department’s fiscal year 2012 and 2013 budget in accordance with NRS 501.337. The Commission may review and make recommendation on this budget.
- 29 Western Association of Fish and Wildlife Agencies (WAFWA) – Chairman Raine – Action
The Commission may review and take appropriate action in responding to attached letter sent to Chairman Raine from NDOW concerning Commission travel expenses to WAFWA conference and allocation of travel expense reimbursement.
- 30 NDOW Input to Federal and State Agencies – Chairman Raine – Action
The Commission may create, adopt, or provide instruction to staff to create a policy governing all NDOW input, reports, and other written communications sent to Federal and State agencies, including but not limited to the U.S. Bureau of Land Management, U.S. Forest Service, and the U.S. Fish and Wildlife Service that affect wildlife. The input to specifically include, but not limited to, impacts of energy, renewable energy, mining, and infrastructure effects on wildlife.
- 31 The Commission Will Hear a Presentation on Creating a Non-Trophy Bull Elk Season and Regulations - Cory Lytle, Lincoln County CABMW - Informational
- 32 The Commission May Discuss, Create, or Provide Instruction and Guidance to Staff to Create a Non-Trophy Bull Elk Season and Regulations – Chairman Raine – Action
- 33 Bighorn Sheep Disease Update – Chief of Game Larry Gilbertson - Informational
- 34 The Commission May Discuss Rocky Mountain Bighorn Sheep and May Consider Drafting a Policy Concerning Diseased Bighorn Sheep Populations and Future Rocky Mountain Bighorn Sheep Management – Chairman Raine - Action
- 35 Reports – Informational

- A Reports on Mule Deer Efforts Within Each County – CABMW Members
- B Guided Hunt Regulation Update – Program Officer III Maureen Hullinger
- C Wild Horse Update – Deputy Director Rich Haskins

- 36 Future Commission Meeting – Director Ken Mayer – Action
The next Commission meeting is scheduled for Dec. 3 and 4, 2010, in Reno; and the Commission will review potential agenda items for that meeting. The Chairman may designate and adjust committee assignments as necessary. The Commission meeting schedule may be revised to include a joint meeting with the Utah Commission in 2011.

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Scott Raine	Vice Chairman Gerald Lent	Commissioner Daryl E. Capurro
Commissioner Tom Cavin	Commissioner Howell	Commissioner Michael McBeath
Commissioner Hal Shrum	Commissioner Hank Vogler	Commissioner Grant Wallace

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

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Game Larry Gilbertson	Chief Game Warden Rob Buonamici
Program Officer III Maureen Hullinger	Big Game Biologist Carl Lackey
Supervising Fishers Biologist Jon Sjoberg	Administrative Assistant IV Kathleen Teligades
Conservation Educator Doug Nielsen	Administrative Assistant III Jamie Wise
Anthony Miller	

Others in Attendance/Two Day Meeting:

Paul R. Dixon, Clark CABMW	Dennis Wilson, Nevada Bighorns Unlimited-Reno
Rex Flowers, Washoe CABMW	Gil Yanuck, Carson CABMW
George Corner, Nevada Guides & Outfitters	Walter Mandeville, Lyon CABMW
John a. Saunders, Las Vegas resident	Randy Sharp, U.S. Forest Service
Glenn Bunch, Mineral CABMW	Ken Wellington, Elko CABMW
Mark Jensen, USDA-Wildlife Services	Joe Bennett, USDA-Wildlife Services
Monty Martin, Systems Consultants	Jack Sengl, USDA-Wildlife Services
Bruce Swanson, Nevada Houndsmen	Don Molde, self
Jenny Ramirez, U.S. Forest Service	Dearl Sneed, self
Karen Layne, Las Vegas Valley Humane Society	Stacia Newman, NV Political Action for Animals
John Hiatt, Red Rock Audubon Society	Paul Harris, Clark CABMW
Clint Bentley, self	Cindy Alexander, self
Tom Cassinelli, Humboldt CABMW	Marlene Bunch, self
Cory Lytle, Lincoln CABMW	Randy Lytle, Lincoln County resident

Friday, September 24, 2010

- 1 Call to order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMWs) – Chairman Raine

Chairman Raine Called the Meeting to order at 10:42

Commissioners all present for roll call: Chairman Raine, Vice Chairman Lent, Commissioner Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace.

CABMW Roll Call: Glenn Bunch, Mineral; Gil Yanuck, Carson CABMW; Rex Flowers, Washoe; Ken Wellington, Elko; Walt Mandeville, Lyon; Tom Cassinelli, Humboldt; and Paul Dixon, Clark.

2 Approval of Agenda – Action

Chairman Raine said due to pending litigation agenda item #14 is stricken from the agenda.

Deputy Director Haskins requested that agenda item #35 B be moved up.

COMMISSIONER LENT MOVED TO APPROVE THE AGENDA WITH CHANGES: STRIKING #14 AND MOVING #35 B BETWEEN #27 AND #28. COMMISSIONER CAVIN SECONDED THE MOTION. MOTION CARRIED.

3 Member Items –

Commissioner Lent said on page 37, third paragraph, of the August 13 and 14, 2010, minutes there is a statement about agreement not to exceed \$400,000 between Department of Agriculture and Nevada Department of Wildlife (NDOW) and wanted to check if that has been taken care of. Also had a question on whether NDOW is drafting a sensitive data policy to prohibit release of information.

Secretary Mayer said staff will check on the contract with Agriculture and no, there is no policy being drafted.

Commissioner Lent asked when the preliminary doe harvest necropsy results will be available, as the Commission needs that before seasons are set.

Secretary Mayer said December, and if different, he will advise the Commission.

Commissioner Lent said he received a copy of Wildlife Services' newsletter, the Trapline which had information on Project #18 in 014 Washoe County and they took 34th lion from Washoe County and their data states that each lion kills 40 large mammals per year, study initiated in 2004, and some of the statistics show in that area based on NDOW population estimates, which is being treated, had 53 percent increase, and if look at control area like the Sheldon, it had 38 percent decrease, adjacent in Unit 015 in Granite Range, untreated area, had 35 percent decrease. Also, reported that California bighorn sheep on Granite Range had 200 increase in sheep and is being treated, and is obvious that money being spent is doing good as providing opportunity for hunters.

Commissioner Lent said the other question he had is when staff went to Board of Examiners (BOE) meeting with one approved predator project from Fallon and the Commission approved three modifications and those projects did not make the BOE agenda, and one project is a study in Utah which has been changed and amendment extends termination date of project and he was not aware we were doing five year project which the Commission needs to take into consideration. He asked when the three other Heritage projects approved in Fallon that did not make it to BOE this time will.

Director Mayer said they will be heard at BOE in November. He said there are several things going on such as the Maxon contract which was approved by BOE, Game Division staff is setting up a meeting as the Maxon's requested data and staff have also sent them some information requested through the mail.

Deputy Director Cates said Risk Management is insisting that they carry worker's compensation and NDOW is in disagreement with them over that requirement. Also, resolving liability insurance issue.

Commissioner Lent said that is why the Commission voted on them, as is critical that the projects get on BOE agenda to allow the work to be done.

Secretary Mayer said BOE meets Nov. 9 and contracts are signed and that will facilitate work being done in the winter, and meanwhile project proponents should be working with Wildlife Services on contractual arrangements, so that when approved they are ready to go.

Commissioner Lent asked on \$10 application fee that during the special session it was stated fee could be used for other things. He said he believes there is \$2 million in that account and would like that the chairman put this on a future agenda as we may be over charging sportsmen and need to take a look at that and if we are over charging to reduce that. He said we need to take a look at that and see what it is actually costing to process an application.

Deputy Director Cates said he is correct that NDOW did get language change to allow for money to be used for application hunt system such as Nevada Wildlife Data Systems (NWDS) and associated business processes.

Chairman Raine requested a copy of the regulation that was passed so everyone can see it.

Commissioner Cavin said he had concern over bighorn sheep in Area 13 as we are selling them as deserts but when they are harvested they are Rocky Mountain bighorn sheep and he asked for the background on that area.

Chief of Game Larry Gilbertson said that unit had Rocky Mountain bighorn sheep that moved down from the Rubies a few years ago and they have moved in with desert sheep. When a hunter draws a tag, the area is an any ram unit, so basically when a hunter gets a tag they may be choosing to harvest the bigger Rocky Mountain sheep, which may create a problem with Boone & Crockett records, as which subspecies is the sheep genetically. He asked Chief Game Warden Buonamici to address whether legal or not, although the unit states any ram it also states desert.

Chief Game Warden Buonamici said with regard to legality that technically it is a violation but obviously will not prosecute as this is an area with more than one subspecies of sheep and is even tough for staff to tell the difference between the two as well without side by side comparison. The appropriate correction would be to amend the tag to state desert bighorn sheep or Rocky Mountain.

Commissioner Vogler said as someone who just completed his grand slam that if a hunter harvested a Rocky Mountain bighorn sheep instead of a desert they could be out some money. He suggested transferring the Rocky Mountain bighorn sheep out as for a hunter that would be heart-breaking.

Chief Gilbertson said that is an excellent point and a solution for hunters would be to put a drop down menu on the online application and the brochure notifying hunters of the mixing, and that notice could state "caution your desert ram will not qualify for Boone & Crockett records due to the mixing of the Rocky Mountain bighorn sheep with the deserts."

Chairman Raine asked that action be taken on this item at the December meeting with Game Division providing methods of notification to tag applicants.

4 CABMW Member Items –

Ken Wellington, Elko CABMW, said his board is having a severe problem with agenda items that do not have support material. He said the other item is a question for the Department as at one of their natural resource Commission meetings the U.S. Forest Service (USFS) came in talking about goshawk and travel management plan and said NDOW had a survey and asked when survey was done. He said is there a model set up for goshawk. He said they are curious because they are saying goshawk's nest can be disturbed due to vehicles but helicopters have been used for surveys.

Director Mayer said goshawks are a sensitive species which have been listed by U.S. Forest Service (USFS) and staff will look into that matter with USFS, and for surveying, need to be consistent.

Commissioner Lent said in regard to the support material that he received new material today too and they are not alone.

Gil Yanuck, chairman Carson CABMW, announced that Fuji Park's urban pond in Carson City is open for fishing and NDOW has stocked the pond with 1,500 fish and the park is already being utilized by the community. He thanked NDOW for their support as well as the other contributors.

Rex Flowers, Washoe CABMW, said at their meeting, audience members spoke of the Sheldon and predator problems there. They said in accordance with the 1997 Refuge Improvement Act there was supposed to be balance of predator/prey and they asked that the Department and the Commission work on a stance with the federal government to come up with a program to eliminate predators, or a hunting permit for predators on the Sheldon.

Paul Dixon, Clark CABMW, said following up on Wellington's issue with support material that the Kirch Award nominating material was sent to the CABMWs, but was received after their meeting, so there will be many submissions from them rather than a specific one from the Clark CABMW. He asked if the Commission is going to respond to correspondence, as he sent something over a week ago to get something on the agenda, and he still has not been answered.

Chairman Raine said sometimes there is a response, sometimes not.

Paul Dixon, Clark CABMW, said they have been told to submit items in writing to get something on the agenda rather than verbally, and he has done that, and now is being ignored and does not consider that very professional.

5 Public Comment Period –

Don Molde said he has great admiration for the great amount of support material that the Department gets out and understands that CABMWs have different requirements then he does and Recording Secretary Suzanne Scourby does a good job.

Commissioner Cavin said Fuji Park's official dedication is Oct. 23 at 8 a.m. and echoed Mr. Yanuck's comments on the amount of work involved in developing the park and what a great park this is for Carson City.

Commissioner Capurro said in the September issue of American Hunter's magazine there is an article on Montana and banning use of trail cameras during the hunting season and may be time for Nevada to put this on the agenda to deal with game cameras.

6 Approval of August 13 and 14, 2010, Minutes – Action

Commissioner Vogler said point of clarification that in his welcoming comments he said he was from “north of Denio” but that is not in Nevada, and for clarification he lived in southeastern Oregon and has lived his entire life in the Great Basin.

COMMISSIONER HOWELL MOVED TO APPROVE. COMMISSIONER LENT SECONDED THE MOTION WITH CLARIFICATION OF WHERE COMMISSIONER VOGLER IS FROM. MOTION CARRIED.

7 Correspondence –

Chairman Raine said in support material there is a letter which was from former Big Game Chief Mr. Gregg Tanner that talked about hunting bighorn sheep and is interesting and a good history of how bighorn sheep almost erased from Desert National Wildlife Refuge and also in there the same reasoning about why deer removed from range.

Commissioner McBeath said he and Commissioner Howell attended a sportsmen’s roundtable meeting in Clark County and one of the number one issues discussed was wild horses. He said we are doing things but they are not enough and thinks a subcommittee to address wild horses that met regularly should be formed to develop strategy. Also had a series of emails over controversy brewing at Overton Wildlife Management Area between sportsmen and dog trainers, and would like to know the plan, and how is the Department going to respond to this. Two groups of sportsmen in conflict and hopes there is a process to resolve the issue amicably.

Secretary Mayer said the new Habitat Chief Elmer Bull has been instructed that Wildlife Management Area’s (WMAs) number one purpose is for wildlife and number two purpose is for sport hunting and fishing and number three is to accommodate any other activities we can within concept of hunting, fishing, and wildlife. He asked Mr. Bull to look at other WMAs for dog training where there is no conflict with the main purposes, and or if something in off-season, and the reason we are here is it has been open and now with the conflict, staff need to identify where that activity can occur.

Commissioner Lent said he had a letter from a couple in California that he read into the record regarding the bear hunt (Attachment A), and many emails regarding the bear hunt, pro and con, to include in record (exhibit file); he read a letter from Assemblyman Claborn into the record regarding Assembly Bill 291 – (Attachment B); and he read the response to an Open Meeting Law (OML) complaint against the Nevada Board of Wildlife Commissioners while he was chair filed by Dianna Belding where she complained about the Commission’s handling of Heritage projects (exhibit file) and the Attorney General’s Office found no violations of the OML; email from NDOW employees

mostly in Winnemucca that started and circulated on Aug. 5, that talked about picture of the Ford guzzler and some of the comments in the NDOW emails were “don’t let the Commission get a hold of this one” which is really embarrassing to him and “hey, Game, thought you might enjoy looking at what came into the guzzler in the Delmars.” He said his concern is that this is a misuse of state time and computers on state time and he asked if state policy pertaining to that and other question is, where is the cooperation and transparency, and saying “don’t let the Commission see this,” is that because the Commission would do something, and we did something by having Wildlife Services go in and take the lions. He said he would think the Department would tell the Commission and get something done, this is very disturbing if employees not allowed to talk to the Commission and shows how anti-predator the Department is and his questions still is why would they not want to tell the Commission about this.

DAG Stockton said state policy allows incidental personal use of email as long as no cost to the state, and agencies can tighten that up if they so choose.

Secretary Mayer said we have dealt with the issue, and employees have been talked to and advised. He said the field employees believe that the Commission is single species oriented toward predators, and employees deal with a gamut of wildlife management, and that comment was not intended to be an editorial of feelings of people in the field or of all the employees, rather it was more of a tongue in cheek and comment, and again, they have been told that their comments were inappropriate.

Commissioner Lent said Commission focus has been to enhance our game populations and bring them back and predators happen to be method where we can do that. He said he also had an email from Deputy Director Haskins on one of the Heritage projects and data available for vendor, and Mr. Haskins said first three items requested are available but the rest are not. He said he was told in the email what isn’t available: Historical mule deer data of fawn doe ratios and guide harvest data, and the vendor was told that does not exist, and the guide harvest data is available but this letter they have states otherwise, and does not think it is true. He said the two items are critical, as the historical information drives the models and historical raw field sampling data for population estimates by time and methods. These two items are basis and essential for mule deer population models, and if you don’t have this data you must be cooking the books as you need the data to drive the models and he would like Deputy Director Haskins tell us how they do calculations and come up with deer quotas. As a Commissioner on a science based Commission, we want to see the science behind every recommendation made, the aero flights, the computer models, and the assumptions as that it is critical that we get that information. He and Chairman Raine said that they would like that as an agenda item for some time.

Secretary Mayer said talking about historical data that is ancient and not in a digital format and we have not been to get that particular vendor into the office, and they are more than welcome to look through archives and boxes and find to put in a database.

Commissioner Capurro said what disturbs him about Delamar picture and the email with the lion picture is. not the issue of the public employees using it for other than official business, but the fact that the picture was taken by a game camera on June 20 and the Commission was not made aware of it and did not see the picture until August and could not notify Wildlife Services that there were three lions on a drinker, and he is not surprised to see a lion on a drinker but three lions is a problem particularly since one of the transplant plans is to put more sheep in there and the Commission has indicated in the past that we don't want to have a buffet for lions...

DAG Stockton said for clarification that the Commission develops guidelines and policy for the Department, the Commission does not control day to day operations. It is not inappropriate that the Department did not notify the Commission of this immediately, as it is the Department's responsibility to handle.

Commissioner McBeath asked if now is the appropriate time to discuss Assemblyman Claborn's letter that was read into the record and is on the agenda.

DAG Stockton said he understands Assemblyman Claborn was the bill's sponsor and Assemblyman Claborn is going to speak today, the problem is the law is, that the entire legislature enacted the bill and the opinion of one legislator, even the one sponsor of the bill, does not control the intent of the bill. Rules of statutory construction, the plain language of the bill speaks for itself and you only go to the legislative history and background if ambiguous and understands Assemblyman Claborn was sponsor of the bill with specific intent but clear language of the bill itself controls the intent. He said the bottom line is, it is not appropriate, to debate the contents of the letter.

Chairman Raine said his correspondence file contains a letter he wrote to Director Andrew Clinger of the Department of Administration (copy exhibit file) and the letter referred to was the Commission was not able to review the Department's biennial budget before submittal to the Budget Office and he read the statute NRS 501.337-6: Prepare, in consultation with the Commission, the biennial budget of the Department consistent with the provisions of this title and [chapter 488](#) of NRS and submit it to the Commission for its review and recommendation before the budget is submitted to the Chief of the Budget Division of the Department of Administration pursuant to [NRS 353.210](#). Chairman Raine said he also did receive communication from the Ethics Commission, and he said he learned back in fourth grade that if the scumbag wants to talk smack about you, they will talk about your momma. In this particular case former Commissioner David McNinch filed an ethics case against him and they came back that credible evidence does not exist to support a finding of justice sufficient of cause for an

opinion therefore the investigative panel ruled these allegations will not ..., these allegations the Commission hearing rendering a decision, basically it is done.

8 Review of Big Game Animal Status for Wolves – State Director Bob Williams, Office of U.S. Fish and Wildlife Service (USFWS) – Informational

Director Williams said he is the state director for the USFWS in Nevada and said that the status of wolves in Nevada has not changed, and he is not sure what the Commission wants to talk about, but is here to answer questions, and his understanding is that after speaking with Commissioner Lent a few weeks ago is that the Commission is thinking of changing the classification for wolves from a game species to an non-classified species and he said for the record that would be a mistake. The public would receive the wrong impression as to what they can and cannot do relative to taking a wolf in Nevada as wolves are federally protected and listed on the Endangered Species Act and are federally protected. He said what has happened in the courts in August does not change what federal enforcement agencies would do to a person if a wolf were taken for whatever reason other than protection of life and limb.

Chairman Raine asked - does the state's listing of the wolf affects the federal ruling and their interaction.

Director Williams answered not really, and the interaction between state and federal law for USFWS and law enforcement is that if you take wolves out of management by NDOW and designate as an unprotected species, you are sending the wrong message to the public as wolves have been federally listed since 1974 in the lower 48 states.

Commissioner Howell said his understanding is that the federal government delisted wolves, specifically Idaho, Montana, and Wyoming, and a judge overturned that, and wording he read, specifically stated Rocky Mountains and we don't have any in Nevada. His question is whether Nevada has the right to manage our game and if we change listing in Nevada from game mammal to unprotected, why would the feds be concerned as they have already delisted the wolf.

Director Williams said the best way to understand is to go back to the history of the listing of the wolf, as in early 2000s we set aside the Rocky Mountain Distinct Population Segment (DPS) which did not include Nevada and they worked with the other three states – Idaho, Montana, and Wyoming - on a plan for delisting of just that DPS population and the delisting has been overruled and USFWS has not made decision as to whether that will be challenged and USFWS is looking at best way to protect and delist that DPS and the look right now that USFWS is doing, could be the fix for Nevada and California. Mr. Williams said USFWS would like to fix where wolves are listed in the lower 48 state, and have wolves protected where needed and managed by the states themselves that had historical wolf populations, which is Idaho, Montana, Wyoming,

eastern Oregon and northern Utah, and USFWS is in the process of trying to fix this and may be successful this time in fixing this problem in Nevada.

Commissioner Capurro said with respect to wolves he asked if USFWS in Nevada has had any sightings since about 1999, and if none, could we say that Nevada has no wolves.

Director Williams said we have no official documented sightings but has heard of sightings.

Commissioner Capurro said if we were to change the regulations regarding how wolves are treated, since no wolves to be subject to those regulations, and is looking ahead he still does not see where USFWS can come in. If you passed regulation that changed status exempts residents from that enforcement.

Director Williams said he is not telling the Commission that they cannot do something, he is just advising the Commission of the wolf's status which in Nevada is protected under the Endangered Species Act, and if someone in Nevada shoots a wolf, they will be prosecuted. The better option is to work with NDOW and if we start to see wolves we start to develop a state management plan.

Commissioner Lent said he would comment that wolf management was discussed at WAFWA and this is a state's rights issue and states are required to manage wildlife and we can do better managing own wildlife than USFWS. He said he had a big discussion at WAFWA with Deputy Director Dan Ash of USFWS in Washington, D.C., and they are suing Wyoming Fish and Game for having it as a game animal, and it is too tight. No matter what kind of plan they will sue us and we are letting the pro-wolf people dictate our lives and destroy our wildlife. We don't manage wolves they manage us, it is a disaster in Idaho, Wyoming and Montana. He read Amendment 10 of the U.S. Constitution which means that Nevada residents have right to manage the wildlife in this state, and we are not in the DPS therefore we have the right to call them a varmint if we want. He cited that the 10J Rule applies south of I-90 and the 4D Rule that allows recreational harvest on an experimental population, and we have to have some recourse. Commissioner Lent said we can do a better job managing our wildlife without the feds telling us what to do as they don't tell us our seasons other than for migratory birds. Again it is a state's right issue, and with elk populations we will eventually have wolves and the wolves are destroying hunting in Montana, Idaho, and Wyoming. Judge Malloy's decision has messed up everything and now they are going back to inventing the wheel and going to federal government to make a law to allow states to manage game animals and that is why he thinks making them a big game animal is wrong...

Commissioner McBeath said to Director Williams that as a general proposition wildlife is under state jurisdiction.

Director Williams agreed unless it is federally listed.

Commissioner McBeath said the jurisdiction of the state has been removed with the listing and in his opinion classifying wolves as an unprotected animal would confuse and hurt the public as they would be prosecuted by the federal government if they shoot a wolf, and all you need to do is look at what happens to people who shoot a horse.

Director Williams agreed and said once the jurisdiction of a species rolls to USFWS that they have a history of working cooperatively with NDOW, and he firmly believes that leaving wolves as classified is best and to still keep working cooperatively on a plan to deal with whatever wolves may come into the Nevada, as rare as that might be. He said where Wyoming, Idaho and Montana, have been is establishing a certain population of wolves with USFWS so that the species could be delisted but leaving the animal in those states.

Commissioner McBeath said this comes down to the perception the public, USFWS, and other federal agencies has for Nevada, this Commission and NDOW with respect to wolves, and we can take this action to make wolves unprotected, but all it will do is cast the Commission and Department in a bad light.

Commissioner Cavin said frustration is with what happened with wild horses in 1972 and you are asking for cooperation with problem that came forth in 1974 and at some point USFWS should have let Nevada off the hook earlier and that should be what the feds are doing as we have seen this explode into an unbelievable problem. No one anticipated where we would be and to be asked to cooperate now is where the frustration lies, and when he came on Commission just over two years ago, the very first thing was to act on status of wolves as a game animal and he recalls during the discussions being told what would happen if someone killed a wolf and interestingly enough, nothing at that time was brought up about being federally prosecuted ever. He said he was uncomfortable making wolves a game animal and remembers specifically asking the question what are we doing and how difficult would it be to change or modify and Chief Buonamici answered that we can always change it, and we passed that change unanimously, and over the last two years what we have seen with wolves has everyone concerned and changing it back to where we were two years ago should not be that big of a deal and obviously have issues, and to feds 36 years is not a issue, but to us it is, as we have built up these elk herds particularly in northeastern part of the state. He said he had a discussion with the biologists at WAFWA two years ago and was told with elk populations it is inevitable to have wolves. He said since we never had wolves and don't plan to have wolves, the feds should be doing something about that.

Director Williams said in earlier comment he did say they are reviewing that, and for the state given what happened in August, that this is a good time to ask USFWS to not protect wolves in states with no historic no wolf population while the court decision is

underway. Director Williams said keeping wolves classified as a game mammal gives NDOW and USFWS greater opportunity to do something. He said of course they would continue cooperation but a much different message that you are sending to public.

Commissioner Vogler said he still does not understand the fine line, if we have it as a game species now and can't hunt them or set a season, and why no cooperation in working with Department if classified, as are they a myth or not at all. He said due to a wild horse lawsuit in Wyoming he is not sure if we don't have standing to protect game species in Nevada.

Commissioner Lent said feds being disingenuous here as when talking about Idaho, they agreed to 25 mating pairs, and made Idaho take more and the anti-hunters made them take even more pairs up to 200, and it started destroying the elk population and they put a season on wolves and killed 382 wolves, but you will never manage wolves with hunters, as it is impossible. He said now the wolves are destroying all the wildlife in Idaho and the feds are not telling the truth as Idaho agreed to a few pairs as part of the DPS but once you open the door there is no turning back and wolves are destroying all the wildlife in Idaho and is really bad to do that. He said what Commissioner Cavin said is that the agreement with the classification was that we could always put them back as unclassified, and that was what he understood too.

Commissioner Capurro said in the Rocky Mountain states' subject to the wolf reintroduction program, the 4 D Rule states that if a farmer or rancher is experiencing wolf depredation on livestock, they can kill problem wolves. In Nevada we don't have that protection since we don't have a wolf plan, but if we adopt a wolf plan we acknowledge that we will have wolves and is a Catch-22 as no protection if mistake made. So the question we have to say to the feds is that they have to delist Nevada from this process otherwise no good reason to unprotect wolves.

Director Williams said that goes to what he recommended earlier, that the Commission petition the USFWS right now, in this reclassification to remove Nevada from any classification of wolves down here, and then the state could manage them anyway they want if wolves do come down from Oregon or Idaho. He agreed that the problem with the original listing of endangered in the lower 48, the DPS gave the opportunity for Idaho, Wyoming and Montana, the 4 D Rule after the 10 J brought them in as an experimental population which was very successful, and the states given the opportunity to manage them as they were down listed to threatened. The problem we have here is that they are listed as endangered, and if we had the listing as threatened we could have state plan.

Public Comment –

Ken Wellington, Elko CABMW, said two years ago he and others saw a wolf in Merritt Creek, NDOW staff heard of a sighting as well as former Commissioner Mori who also reported a sighting. The Elko CABMW is asking the Commission to come up with a proactive approach so we don't get behind on this.

George Corner, Nevada Outfitters and Guide Association (NGOA), said they would like the Commission to take a proactive approach and outfitters have same concerns as well as concern that they have heard that hound hunters are getting hit hard with wolves destroying their dogs in Montana, Idaho, and Wyoming, and we don't want wolves here in Nevada and need to keep them out and if we educate public about their predator status if we went that way, that predator status won't preclude a violation of federal law, that may be the way to go.

Walt Mandeville, Lyon CABMW, said they had little attendance at their meeting and they voted to keep wolf status as is and allow USFWS to continue to develop their processes and if problems with wolves we also have Wildlife Services that can be called in. They asked to leave it alone until wolf listing is lowered or changes and he himself did research for rabies control commission and knows of a wolf killed in Elko County in 1917.

Tom Cassinelli, speaking for himself as they did not have a quorum at their meeting, said that after listening to Mr. Williams that it would be harmful to change wolves to predator at this time and should work toward delisting the state and the Commission should go to USFWS to petition for delisting of the wolf in Nevada and get that done immediately. What we are doing here will do no good, and if animal is kept listed, we will hurt sportsmen as wolves are on endangered species list and we will get nailed as we know that they will come in time. He said he hopes that board would jump on opportunity.

Paul Harris, Clark CABMW, asked the Commission to consider the confusion factor if you make the wolf a predator yet USFWS is saying they are an Endangered Species and how will you get the message to sportsmen with telling public wolves are a predator while federal government says endangered species.

Rex Flowers, Washoe CABMW, said board voted to delist the animal but again had none of this information and would suggest that these topics be informational at the first meeting then carried over to two meetings as to get the information to the full board and the board would have the full context. He said after listening to Mr. Williams he would say his board may not have voted that way, and he would like this continued so everyone has opportunity to get full gist of what is going on.

Commissioner Vogler said at a certain time need to discuss sovereignty of our state which is issue for him. If a game animal and we can't hunt it, what is the point? If we take more confrontational approach we will have an audience as once USFWS finds a breeding pair in this state it will provide employment for people to follow the pair and be our own stimulus package. He said we need to draw a line in the sand and stick by it, as they are saying we have no power to regulate wolves as they are not a migratory animal.

Commissioner McBeath said in listening to Mr. Williams we have been given opportunity to embark on process to keep wolves out of Nevada as no one wants wolves here, as that would be devastating to elk herds and seems from that discussion that Mr. Williams indicated, that if we approach USFWS to get Nevada carved out of Rocky Mountain states that have wolves, we should jump on that, and move vigorously to get plan in place. Not sure about classification of wolves for the state but would hope that would be decided in the discussions with USFWS.

Commissioner Shrum said wolves are already here, and the wolf has range from 200 to 500 square miles, and we could have wolves from Reno to Las Vegas to Wells, and we need to do make a decision to do something and do it soon, and when we do have a problem everyone is going to say why didn't we do something.

DAG Stockton said this has been discussed by previous Commissions and if you petition the USFWS that needs to be done through the Governor's Office.

Commissioner Capurro said to Rex Flowers of Washoe CABMW that today's discussion is notice to the CABMWs. He said he does not trust the federal government and does not think we can just believe that they will delist wolves in Nevada but need to put their feet to the fire.

Commissioner Wallace said he agreed with Commissioner Capurro's comment and petitioning USFWS to delist in Nevada's would be a good start. The classification status change will not help other than be on paper and would be more advantageous to Nevada to petition USFWS to delist Nevada or remove Nevada from the listing, he cannot support just changing classification status as that won't accomplish anything.

Commissioner Cavin agreed that the strategy should be to petition the USFWS to remove Nevada and to do it now.

Commissioner Howell said he is ready for a motion.

- 9 The Commission may Discuss, Create, or give Instruction to Staff to Draft Regulatory Changes to Include Status and Method of Take of Wolves – Action

COMMISSIONER HOWELL MOVED TO INSTRUCT THE DEPARTMENT TO START A DIALOGUE WITH USFWS TO DELIST THE WOLF IN NEVADA THROUGH THE GOVERNOR'S OFFICE, AND ALSO INCLUDE IN MOTION, REGARDLESS OF THE OUTCOME, THAT ON APRIL 1, 2011, THAT WE CHANGE THE STATUS FROM A GAME ANIMAL TO AN UNPROTECTED SPECIES REGARDLESS OF WHAT FEDS COME UP WITH. COMMISSIONER CAPURRO SECONDED THE MOTION.

Commissioner McBeath clarified the Commission will take up the regulation to change status on April 1 or are we doing the regulation now to change the status effective April 1.

DAG Stockton said we are in a legislative year and any regulation passed will be temporary, and the Commission could specify that effective date, but regulation must go through all the steps before date specified, you can.

Commissioner Capurro said his intent was to adopt a regulation that is two parts; draft a proposed regulation to declassify wolves to an unprotected species status as of April 1, 2011, the second part is instructions to NDOW to petition USFWS to delist the State of Nevada with respect to wolves. The regulation we would be acting on at the next meeting or whatever meeting following that would be work would be done ahead of the regulation that would take effect. His understanding is to put heat on feds to deal with this issue.

VOTE ON MOTION: MOTION PASSED UNANIMOUSLY.

COMMISSIONER LENT MOVED TO SUSPEND RULES TO MOVE AGENDA ITEM #13 NEXT ON THE AGENDA. COMMISSIONER VOGLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

- 13 Presentation and Discussion of Purpose of Assembly Bill 291, Predation Management Bill – Assemblyman Jerry Claborn – Informational

Chairman Raine said legislative intent was discussed earlier and he asked DAG Stockton to continue.

DAG Stockton said when you are interpreting statutes the intent of one legislator does not extend to the entire legislature. The clear language of the statute controls even over the intent of the proponent of the legislation.

Assemblyman Claborn said he heard what DAG Stockton just said about intent, and he totally disagrees with him. He said his legislation passed in 2001 had intent and wants to clarify the intent of the bill and has received calls about fiscal year 2011 and that is why he wrote this letter to Director (exhibit file and website). He said he is here today to answer questions about the intent of the bill.

Commissioner McBeath said as an attorney he fully understands the process of passing legislation and so what he did through the Legislative Counsel Bureau is he obtained the legislative history for Assembly Bill 291 and he read quotes from minutes of Assembly Ways and Means dated April 25, 2001, of Chairman Arberry asking Assemblyman Claborn how the \$3 fee would be determined and Assemblyman Claborn answered that he was trying to generate enough money to start a program, to start a program it was necessary to have enough money to hire people, buy vehicles, and set up the program. He said that is diametrically opposed to what you just stated in your letter and would also state that testimony of NDOW Deputy Director Weller stated that the fee would supplement the current, existing predator program at approximately \$140,000 a year adding nearly \$300,000 and there already was a program in place and is sure that was fully loaded with administrative and fixed costs. Additionally, the Assembly for Natural Resources which was Assemblyman Carpenter's committee and Chairman Bradley of the Wildlife Commission at the time made statements that there is a need to fund educational programs, and asked that a portion of funds support Operation Wild program, and that research into successful techniques for predator management and educating the public would be additions. Assemblyman Carpenter asked if the funds would support existing programs and would not detract from them. Administrator Terry Crawford at the time said existing programs would be enhanced. He looked at a legislative history that is very different than what is said in your letter.

Assemblyman Claborn said he can explain that, as we all know that NDOW does not take out any predators, what they do, is have Wildlife Services do their killing of predators and why do they need uniforms or anything else. The whole program was supposed to be set up by the Department of Agriculture and that didn't happen, and NDOW was supposed to do the research and if mountain lions or predators taking too many of the adult doe ratio NDOW was supposed to do a "buck flip" to Wildlife Services and say to them in Area 19 or Area 20 you have to take out predators however many that may be and do a "buck flip" and do the killing, NDOW did not do anything they were just deceiving and what you are talking about was supposed to take place over the years and nothing ever took place. Now that funding is low and situation is nobody has any money, they start peeling money off NDOW from the predator fund, and we did everything in our power to protect trappers last session and we lost some of them though. This thing has never worked like it was supposed to be in 2001 and that was the intent and we are talking about what NDOW was supposed to do and they did nothing.

Commissioner McBeath asked why it has taken him nine years to come to this Commission as the legislation was enacted in 2001 and now you are telling the Commission the intent of the legislation.

Assemblyman Claborn said that is easy as he was chairman of the Assembly Committee on Natural Resources, Agriculture, and Mining for last three sessions, and he now is term limited out. He said if he were still in the Legislature he would pass legislation to take up the real intent and get the ratio down and start taking out some of the predators. Every hunter understands that and he has never understood NDOW's position on this. Wildlife Services has been great and he has nothing bad to say about Wildlife Services, and of course, they can only do what they do with money and that was what the money was for. He said Agricultural would set up the programs and NDOW would give the money to take predators out. He said what was read was probably right and when he introduced bill for first time he will leave that as exhibit with intent of bill. That was first time Bill Bradley knew anything and Larry Johnson introduced him, and how this came about was to protect the mule deer by taking out the coyotes and cats you save everything and protect elk and antelope, which is the trickledown effect. Wildlife Service only handles privately is your horses in your barn and no one does anything to protect our wildlife with this money. The money's intent was to bring back the mule deer and some of you know the whole intent, and you can ask him any questions you want, and he wrote the bill which passed both houses unanimously, 41 – 0 in Assembly, and 21 to 0 in the Senate.

Commissioner McBeath said most important part is Assemblyman Claborn's last statement that the legislation was passed 42 – 0 and same in the Senate and signed by the Governor and that is process to how you pass a law and very poignant with point DAG Stockton made about one legislator being one spoke in the wheel.

Assemblyman Claborn said what upset him is a state official saying that was not the intent of the bill as he knew what the intent was as everyone who signed on knew the intent.

DAG Stockton said what he said is the plain language of the bill has to be applied and cannot be contradicted.

Commissioner Capurro said the DAG is correct that the language of the signed bill is the law and if there is question then they go to the intent established through the hearing process. He said there is no question as the intent of Assembly Bill 291 is clear – for predator management and control that is central issue of the bill whether it could be used for education that is one person's proposal set forth in a committee meeting, and does not believe that provision ended up in the bill. The fact of the matter is the money has been used for predator control and he is a member of the committee, and the money has been allocated for predator control, the money has slowed down due to the

economy and other things, and is more of an issue, as like everything else we never have enough money to do all that we want. There is no question that the intent was to use the money for predator control.

Commissioner Lent said to Assembly Claborn and looking at FY 2010 where some of the money was used, and we have administrative overhead costs of \$56,100, salary in the amount of \$5,000 for big game chief, \$62,000 staff biologist, \$9,700 field biologist, administrative assistant \$856, totaling \$78,293, and costs for a predator conference, mileage, computers, and uniforms, and he asked was that the intent of the use of funds of this bill.

Assemblyman Claborn said absolutely not, and he thought the Commission would be supervising and deciding the use of the funds, as he is not privileged to that information as the Commission is. He said he is only here as he got a few calls and reiterated that he is term-limited and is just an individual speaking and he is upset as the deer herds are not back and we are not spending that money, over \$1 million went through that and understands there have been some successes. In 2005 he went to governor with survey that stated that hunters were 97 percent willing to raise the \$3 fee up to \$8 but the governor would not let him do it because it is a tax, and next governor unwilling to go there and called it a fee, although to him is unclear as to difference between tax and fee. He said all he has ever done is try to provide funding to NDOW and before he came around they had nothing. He said NDOW does not and try to provide money so NDOW would go out and do their job and here it is 2010 and does not think we have more deer than in 2001 and knows NDOW will say drought, habitat and fire, and we have had those conditions since he moved here in 1957. He said we are sick and tired of surveys and we know what is killing wildlife it is wolves and predators, while arguing, in the meantime they have devoured all of our wildlife. Assemblyman Claborn said he is extremely mad that a state official would question whether he knew the intent of his own legislation which he put his heart into.

Commissioner Vogler said he concurred with everything that Mr. Claborn said and Assemblyman Claborn is a champion of wildlife and sportsmen and his office is lined with pictures of him hunting with his family and he himself feels very important to be here for children and grandchildren to get those opportunities. He said it is clear to those who live in the hinterlands that NDOW is extremely uncomfortable with predator control, and no real connection with any enthusiasm, and asked Assemblyman Claborn if correct that he said that money was to be set up by Agriculture Department for this reason and asked if we as a Commission could just turn that money over to Agriculture and take it right there.

Assemblyman Claborn said that in original bill that was the intent and never was the intent to give money to NDOW, NDOW was to give the money to the Department of Agriculture for dispersal to Wildlife Services who make the programs instead of NDOW.

Chairman Raine asked Secretary Mayer how does the Commission implement what is clearly the intent of the bill, and we talked about this at our last meeting when the Wildlife Damage Management Committee came back with their recommendations, and the Commission did not approve any NDOW expenditures. He asked how can we all work together to get to the intent of the bill.

Director Mayer said the Commission just heard the legislative intent of the bill and the record clearly identifies the ability of the Department to utilize funds to pay for staff and operating.

Chairman Raine said did you hear what the gentleman just said.

Secretary Mayer said he is not going to argue with Chairman Raine and the intent of the legislation as based on legislative record was just heard. He said he took over a program that was ongoing and would add that we have a contract with Department of Agriculture for \$400,000, which is intent of bill to have NDOW transfer money to Department of Agriculture and they then contract with Wildlife Services for approved projects, and that is occurring. While he has been director the surplus in the account has almost been used up and we have been doing predator management. He said the Department of Agriculture's budget and Wildlife Services has been mismanaged and in fact this last year he was asked to cover the shortfall and NDOW provided \$50,000 to Agriculture and Wildlife Services to make up the deficit. He takes exception to notion that we are not living up to intent of the law as he checked to make sure we were and has followed up on the transfer of funds through that mechanism as well, we are doing everything we can. Secretary Mayer said why it was set up that way, to have sportsmen dollars go through Department of Agriculture to Wildlife Services he does not understand, but that is the way the law is and that is what we do. Also, said to Chairman Raine that he is naïve to think that you could have a program to expend funds without staff to do the work, as you need staff to manage the program as you have to have someone write contracts, develop proposals, and coordinate work on the ground, and he would be worried if we did not have staff dedicated to work on predation program and is frankly at a loss as he does not know what else we could do.

Commissioner Vogler said when you talk to folks outside on the ground and they see the number of people working at an agency with deer herd numbers down, and sage grouse on a sensitive list, they are frustrated. He said there is only so much we can control as year to year there are fires, and maybe removal of livestock has contributed to more light fuels being left to make bigger fires, and we could do something about pinyon juniper encroachment, but there is one thing we can do, as we have the capacity to eliminate a certain amount of predators. Hunters have only so many days on the calendar and is a frustration from hunters in every direction, as kids are not coming into the sport, and with the \$3 fee set aside for predator control, and with a biologist in every town can't the communication be as simple as while your down there can't they

call Wildlife Services to take coyotes or snare lions if they are hanging around. These are the frustrations and that is NDOW's job to field these and when he thinks of his \$3 going to anything other than whacking and stacking them, that infuriates him, and very hard to not have that feeling.

Commissioner Lent said should not predator and waterfowl biologists costs come out of license fees and the Wildlife Account not special fees as we are robbing the duck stamp fund to hire a duck biologist, taking habitat and guzzler fee to use and should come out of Wildlife Account from license fees, special fees should be for the projects on the ground.

Public Comment –

Paul Dixon, Clark CABMW, said he has intent of legislation and read section from the March 26, 2001, Assembly Ways and Means Committee (exhibit file) delineating the predator program. Mr. Dixon agreed with Commissioner Vogler on need for effective predator programs but part of the intent was to gather science based information (NDOW) and secondly help educate the public as we do control that and that is NDOW's role.

George Corner, NOGA, said we have belabored this at numerous meetings and their position is that the Commission's responsibility is to set broad policy and they object to the Commission determining allocation of the money to projects and should go right to Wildlife Services to kill predators and they don't see that as appropriate way to go.

Walt Mandeville, Lyon CABMW, said he is familiar with laws and law states NDOW is responsible for protection, preservation, and enhancement of all wildlife in Nevada. He worked at NDOW for over 30 years and he is aware that they concentrate and work on all issues for all of the wildlife populations that they deal with, and from research on rabies control commission he knows that huge poison drops were done across the state to kill all predators and they were unsuccessful. Mule deer are faced with many problems and predators are part of it but with the fires over the last eight years, and the human encroachment such as in Washoe County which has wiped out winter range which has affected mule deer herds, we have to consider all of the parts of the problem. He may be one sided but he knows from experience that NDOW has outstanding employees who work long hours and are not always paid for that and they care about predators and every project has that analysis going into it.

Don Molde, said odd, but he is the only person who has numbers of animals killed by Wildlife Services – number of coyotes killed by Wildlife Services since fiscal year 2000, mountain lions for same period, and mule deer numbers from NDOW census side by side, and he obtained data from Wildlife Services website and NDOW.

10 License Appeal Hearing – Mr. John A. Saunders - Action

Mr. John Saunders is present and the Department presented its evidence first.

Chief Game Warden Buonamici reviewed the five exhibits: Citation, Department revocation letter; certified letter regarding appeal hearing; NAC Chapter 501 – 501.385, and certified letter agenda and support material.

Chairman Raine said now we may have cross examination by the appellant or questions for Chief Game Warden Buonamici.

John A. Saunders said not all true and he is 80 years old and won't live long enough to get license back. Mr. Saunders said the four foot net his grandson was throwing has been made legal since the citation. He said the manner of the citation makes it so he cannot fish in other states.

Commissioner Lent asked that the offense be explained to the Commission.

Game Warden Welden said the Operation Game Thief call line received a call about three or four boats in Las Vegas Wash arm of Lake Mead using oversized shad nets for threadfin shad which is the striper bait, she went on the ridge with binoculars and saw several boats and found the oversized nets on all the boats, and documented and wrote notes. She saw on pontoon boat that Mr. Saunders had oversized nets and ended up boarding his vessel and was presented with a dry brand new net, and after questioning Mr. Saunders who repeatedly debated with her and lied about the net he ended up being cited for obstruction of an officer and impeding her investigation which is 12 demerits although others who cooperated with investigation were only cited for the net violation.

Commissioner McBeath said a legal question for the DAG is that Mr. Saunders pled guilty and are we not done from revisiting the offense and citation as if he wanted to challenge the charge he needed to do that in the proceeding where the ticket was issued.

DAG Stockton said as far as citation that cannot be changed as that is done he has due process right or has to present evidence that 12 demerits assessed improperly.

Chief Buonamici noted Exhibit 4 that NAC 501.210 Section 1 that states that the demerits are accumulated within a 42-month period.

Mr. Saunders said he only wants his fishing license back to fish as he won't be around in 2012 and he loves fishing that lake.

Commissioner Howell asked if the Commission has the authority to give him his fishing license.

DAG Stockton said since Mr. Saunders pled guilty and received 12 points he does not believe the Commission has authority for anything else. If Mr. Saunders had appealed to the District Court they have equitable power.

Commissioner Shrum asked if Mr. Saunders can appeal anywhere else.

DAG Stockton said he could have appealed at District Court.

Commissioner Howell said as district court cut the fine in one-half seems like we could cut demerits in half.

DAG Stockton said no.

Commissioner Capurro asked if period of conviction could be from date of conviction.

Chief Buonamici said that is a possibility.

Mr. Saunders said the Commission changed the rule on the legality of the net size, so the Commission could change the rules for that.

Commissioner Lent said Mr. Saunders did violate the rules at the time and he did plead guilty and that leaves the Commission with little discretion.

Closing arguments – None other than reinstatement of license for Mr. Saunders.

Commissioner Lent said he hates to take a joy away from someone but he did use something that was illegal and pled guilty.

Commissioner Raine agreed with Commissioner Lent and Chief Game Warden Buonamici and said only option is to move revocation back to date of citation.

Chairman Raine said the Commission needs Findings of Fact and follow-up with motion on Conclusions of Law.

Findings of Fact:

COMMISSIONER MCBEATH SAID FINDING ONE THAT MR. JOHN SAUNDERS ISSUED MISDEMEANDOR CITATION ON OCT. 31, 2009, AND THE VIOLATION IS NRS 501.385 BASICALLY HINDERING A GAME WARDEN, REPEATED LYING, AND WOULD NOT HAND OVER ILLEGAL SIZE NET. SECOND FINDING IS ON JAN. 4, 2010, MR. JOHN SAUNDERS

PLED GUILTY TO THAT VIOLATION. THE THIRD FINDING OF FACT IS MR. SAUNDERS WAS NOTIFIED THAT HE HAD 12 DEMERIT POINTS IN A 42 MONTH PERIOD AND HIS LICENSE PRIVILEGES WOULD BE SUSPENDED FOR A PERIOD OF THREE YEARS REINSTATEMENT MARCH 5, 2012. FOURTH FINDING IS VIOLATION CHARGE PURSUANT TO NAC 506.200 REFERENCING NRS 501.385 OBSTRUCTING, HINDERING OR OTHERWISE INTERFERING WITH AN OFFICER, EMPLOYEE OR AGENT OF THE DEPARTMENT THAT VIOLATION HAS 12 DEMERIT POINTS. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, AND WALLACE. COMMISSIONERS OPPOSED TO THE MOTION: SHRUM AND VOGLER. MOTION CARRIED 6 – 2. CHAIRMAN RAINE DID NOT VOTE.

Conclusion of Law:

COMMISSIONER MCBEATH SAID MR. SAUNDERS HAVING BEEN FOUND GUILTY OF A VIOLATION OF NRS 501.385 FOR HINDERING A GAME WARDEN WHICH CARRIES WITH IT 12 DEMERIT POINTS AND PURSUANT TO NAC 501.210 MR. SAUNDERS' HUNTING, FISHING, AND TRAPPING PRIVILEGES, ISSUED TO HIM SHALL BE REVOKED FOR A PERIOD OF THREE YEARS AS THE NUMBER OF DEMERIT POINTS ACCUMULATED WERE WITHIN THE LAST 42 MONTHS PURSUANT TO NAC 506.200 SUBSECTION 1. COMMISSIONER LENT SECONDED THE MOTION.

Commissioner Lent asked the DAG if he could appeal to the court and receive a lesser conviction and could he reappear before the Commission for another look with less than 12 points.

DAG Stockton said the appeal period is already closed although he is not a criminal attorney and District Court has equitable jurisdiction so he could appeal to them.

Chairman Raine would have added to the Conclusions of Law that would be reasonable for the three term to begin on Oct. 31, 2009, as opposed to March 5, and that would be his preference.

COMMISSIONER MCBEATH WITHDREW HIS MOTION AS DID THE SECOND.

COMMISSIONER MCBEATH MOVED THAT JOHN SAUNDERS HAVING PLED GUILTY TO NRS 501.385, HINDERING A GAME WARDEN, AND BASED ON THAT CONVICTION YOU HAVE ACCUMULATED 12 DEMERITPOINTS WITHIN A 42 MONTH PERIOD AND BASED ON LETTER SENT ON JAN. 31, 2010, YOUR PRIVILEGE WILL BE REVOKED FOR A PERIOD FROM TODAY TO MARCH 5, 2012. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAVIN, CAPURRO, HOWELL, MCBEATH, AND WALLACE. COMMISSIONER VOGLER OPPOSED. MOTION PASSED 7 – 1. CHAIRMAN RAINE DID NOT VOTE.

- 11 Letter in Support of Elko County Multiple Use Efforts – Elko County Commissioner Demar Dahl and Randy Brown, Elko County Director Planning/Zoning Natural Resource Management - Action

Elko County Director of Planning/Zoning Natural Resource Management Randy Brown said Mr. Dahl could not attend and he is here representing Elko County. He said he will explain what they are asking for, and is sure the Commission is aware that U.S. Forest Service (USFS) is beginning travel management processes in the western states and the Humboldt-Toiyabe National Forest in Elko County is up next for the travel management process. He said large game retrieval has been prohibited in some plans and Elko County has gone on the offense and are in process with USFS to negotiate some of the problems and issues out. He is here asking for Commission's support for Elko County and the entire state. He said they are looking to extend requirements or eliminate requirements for off-road game travel and game retrieval. USFS has drafted an Environmental Impact Statement (EIS) stating that motorized traffic is detrimental to health and welfare of mule deer herds and causes numerous habitat problems for wildlife, have formed a committee and are getting input from people and miners and are interested in refuting the habitat issues within Elko County. He said they will be upgrading their public use policy plans within the next six months to help USFS or reverse their motorized usage recommendation.

Public Comment –

Ken Wellington, Elko CABMW, said they had problems with bullet points #8 and #9, but after speaking to Mr. Brown he personally would support it; however he would need to have the entire board review again for Elko CABMW to have a position.

Paul Dixon, Clark CABMW, said as they did not have support material they could not discuss and their concern was what was being done as described in Elko County and how would that affect other counties in the state such as Clark but without back-up to the item they could not take a position for the board or public of Clark County and would like to bring this back. He said Clark CABMW is going to have their meetings one week later as the other CABMWs do, to try and avoid this problem for 2011.

Glenn Bunch, Mineral CABMW, said he has brought this problem to the board members previously and this has been coming at us from USFS and BLM as far as off-road vehicular travel and if state comes on line with this maybe other counties will come online and we could slow down onslaught of the non-sensible rules like closing down powerline roads to all but power company employees.

George Corner, NOGA, said they supported Elko County in their efforts but did have concerns with some of the language in the proclamation as sounded like they did not want to close any roads, and they feel some roads need to be closed and also from

language it appeared that we are asking to travel anywhere on public lands which was brought up at other board meetings; they completely support the intent.

Commissioner Shrum said this is an ongoing problem and he notices it more and more, and finds more areas not just in Clark but in Lincoln and Nye Counties where access roads have been blocked off from vehicular travel with gates and padlocks, signs restricting vehicular traffic, and if you have big game down and no way to get to your downed game without a vehicle. He said a committee should be formed as we are losing access to areas we had before and affects bird hunters, hikers, and fishermen, closures takes away our rights and if we don't do something we will lose and need to find the answer why the roads and trails are being blocked off and we all need to do something.

Mr. Brown said the reason in his opinion that the USFS and BLM are looking at this is a rule written in Nixon years addressed public land agencies to provide mapping as to what lands could be utilized and what is happening is prohibition of public using public lands for multiple uses and is a poor way to manage lands but prohibition is the easiest.

Commissioner Capurro said resolution before the Commission applies to all public lands in Nevada which he supports and notes that there are some trails that should not be there but the public land agencies want to close anything and supports leaving current roads that make sense open.

Commissioner McBeath said to Mr. Brown that he assumes the county drafted the resolution and asked if this is the wish list or is it to be adopted as is or can it be edited.

Mr. Brown said yes the county drafted and written as what they feel their issues are with USFS and BLM.

Commissioner McBeath said some of the Elko County residents feel it is too broad. The ATV issue has been ongoing and the amount of trails created and is there is a point we need to cut that off as there are areas with trails on every ridge and wash and while he himself is pretty mobile that is a big issue with many hunters that there have to be limits.

Mr. Brown said within the prohibition that USFS is proposing, and does agree with Commissioner McBeath, but what they see in Elko County is those trails are not as prevalent as you may think, game retrieval is a big part of the issue and they do support the tread lightly campaign. He said they feel the USFS and BLM are being a police effort as they are closing off areas instead of managing the lands for multiple use and are trying to get the Forest Service to see the issues.

Commissioner Vogler said the best government is that closest to people and on Nevada lands he will support Elko County's request.

Chairman Raine said he is glad to see this type of issue before the Commission as this is what the Department should be doing and everybody here agrees on treading lightly but we should be able to tread and what good is hunting or fishing if you can't access the land and have to ride a horse to get in or how do we maintain guzzlers if we can't get to them.

COMMISSIONER CAPURRO MOVED TO ADOPT THE RESOLUTION CHARACTERIZED AS AGENDA ITEM #11 SUPPORTING ELKO COUNTY REGARDING THE HUMBOLDT-TOIYABE NATIONAL FOREST PUBLIC LANDS IN ELKO COUNTY AND STATE OF NEVADA. COMMISSIONER VOGLER SECONDED THE MOTION.

Commissioner Cavin said word is missing in bullet #3 on page 2.

Chairman Raine clarified that motion correction is to insert word "off" between words "reasonable and off."

Commissioner Lent asked Mr. Brown if passage will make a difference.

Mr. Brown answered it will make a huge difference and do not want people limited with access as people have a right to their choice of how they utilize and access public lands and is a civil rights issue.

VOTE ON MOTION: MOTION CARRIED UNANIMOUSLY.

12 Wildlife Damage Management Account Balance – Deputy Director Cates

Deputy Director Cates said a report was submitted and the report shows the predator fee account balance since its inception. He said \$3.5 million has been collected and have a balance of about \$577,000 with \$2.9 million spent, of that \$2.4 million or 81 percent is being spent directly by Wildlife Services for predator control and 14 percent for NDOW staff. Director Mayer has spent more of the fee than ever before. In addition to that fee, NDOW provides Department of Agriculture \$40,000 per year – over this time period that is \$360,000 - of general sportsmen fees that subsidizes two lion hunters who do agricultural related predator control work which is above and beyond what is on this page.

Commissioner Vogler said for clarification agriculture interests and grazing boards also contribute to predator management and work is divided out as wildlife benefits when a lion is taken out and that \$40,000 is not a contribution as sportsmen and livestock operators are the two groups who ante up.

Commissioner Lent said he wanted to see a management plan that shows carry over balance and a plan for 2011 as he has not seen that.

Secretary Mayer said as the Commission knows the Department lost its predator biologist and we have to find a capacity from existing staff to develop the 2011 plan.

Commissioner Lent said will we able to go forward with no plan that shows fund balances as at last meeting we did not know the beginning balance.

Deputy Director Cates said the \$577,000 is the carry forward balance for Fiscal Year 2011.

Commissioner Lent said that is a \$100,000 or so difference from the last meeting.

Commissioner Capurro said as a member of the Wildlife Damage Committee he was disappointed that Mr. Lansford left as he had an excellent grasp of predator problems and real issue is we have several different projects here and some projects are ongoing...

DAG Stockton said he will have to stop Commissioner Capurro as that is beyond the scope of the agenda item, the account balance, and going into specific projects is beyond that.

Commissioner Capurro said he is not going into specific projects but wants to know how money will be plugged into Fiscal Year 2011 Predator Plan which is the Commission's responsibility.

DAG Stockton said that is the Commission's responsibility but the agenda item just says you are just looking at the spread sheet.

- 15 Review of Big Game Animal Status for Mountain Lions, Method of Take to include Incidentally Trapped Animals – Chief Game Warden Buonamici and Chief of Game Larry Gilbertson – Informational

Chief of Game Gilbertson provided a list to the Commission in support material (exhibit file) denoting the status of mountain lions in other western states and said all states have mountain lions listed as a big game animal with the exception of California where they have special status as protected mammals. Lions are called a trophy animal in Wyoming, and Texas is one state that calls them non-game. He also provided the other state's season information

Chief Game Warden Buonamici said he provided a summary sheet of options for listing options for mountain lions and he reviewed the support material (exhibit file) and a list of legal issues as well that he cautioned is not all inclusive as to what needs to be changed as far as NAC and NRS if the option to declassify to unprotected is chosen. He said if the Commission chooses the furbearer classification that would require legislative action to change NRS 501.035.

Commissioner Capurro said he was the Commissioner who requested this item be placed on the agenda and he thanked the Department for the thorough support material as to the classification of lions, and he personally looked at this and the more he looked at it he uncovered more legislative issues than we would probably want to address in the next session. He said there may be some things we can do less than that, and believes we would be biting off more than we can chew, if we went forward and does not like furbearer one at all and whatever option would be massive changes to both laws regulations and from that perspective would like to withdraw.

16 The Commission May Discuss, Create, or Give Instruction to Staff to Draft Regulatory Changes to Include Status and Method of Take of Mountain Lions – Chairman Raine - Action

Karen Layne said she is speaking for Stacy Newman and that the Nevada Political Action for Animals had many concerned citizens contact them and they are very opposed to changing mountain lion status in statute at this time. She said she is president of the Las Vegas Valley Humane Society and wants to understand the purpose of the Commission and believes the Commission is charged with responsibility of managing public resources of wildlife, for preservation, management and restoration. She said she was not very familiar with the Commission at first and now that she is, she plans to attend meeting as do other animal groups, to get their viewpoint out and other members of the public. Ms. Layne said this issue very disconcerting to them as in Clark County they are looking at trapping issue in Southern Nevada with dogs getting caught in traps. What concerns her with the Commission is that predators is the Commission's #1 mission and glad to hear from Commissioner Lent that this is a science based Commission and as a former professor it is good to hear the Commission looking at literature that is already out there. She said she will be present tomorrow and looking at literature there is a statement that the notion that predators alone control prey species numbers is not supported in scientific literature that gives her cause and they talk about so many things with the environment and disease and would say that when Commission makes considerations, know that they are concerned and they appreciate hunters and agriculture, as they know and understand that it is their fees that pay to make sure the animals are out there. In speaking of agriculture she hopes that her grandchildren and their children will be able to see black bears, lions, in addition to the elk and sheep.

Don Molde said he put together a letter opposing this nasty idea, but on a positive note as Commissioner Capurro said this issue more controversial than it appeared in the beginning and if lion placed in unprotected status the Commission would be doing away with the mountain lion management program which over the last 20 – 30 years a lot of money has been spent and the program does collect data and distributes hunter pressure. He said the plan provides some degree of conservation and reasonableness in terms of how you force the issue is called for.

George Corner, NGOA, said his group was polled and they are still adamantly opposed to any change of mountain lion status with no one in favor. He said we have a good program in place that alleviated pressure from any protectionist group to get the mountain lion removed completely and want to keep it that way.

Walt Mandeville, Lyon CABMW, said his board voted to maintain lion status as is. Mr. Mandeville said he recalls in the 1960s someone killed a mountain lion and huge outcry which was the beginning of the protection and would be nice to have lions as part of our wildlife and NDOW does the balancing act. He said he has heard horror stories of canned hunts where they sandpaper the pad on their feet to make them not able to run and hounds can get them quicker for people who paid. He said he thinks if you change the status we could lose the opportunity to manage mountain lions and he said if you are not careful you could lose the ability to have a mountain lion hunt as our neighbor to the west.

Paul Dixon, Clark CABMW, said he would assume that every one present here has a mountain lion tag that they bought with their tag and that is about 2,600 people per year, and his point is we have lion hunting 365 days 24 hours a day which is plus 2,600 tags and that brings in revenue with the lion tags sold at \$25 a piece that is a lot of revenue and a lot of interest in hunting. We are gaining and garnering information with the program but going unprotected as last speaker said would cost us our ability to control our destiny. For the first time at one of these meetings, a very nice lady, the Las Vegas Valley president of Humane Society is in attendance, someone who has never attended a meeting before of the Commission and he can guarantee that she and others will be attending future meetings, and this has opened another door to a group of people who are trying to understand what you are doing. He said the defense that you have to have for decisions will be stronger and is a dangerous path even if you say you don't want to proceed with this right now. Since mountain lions were made a game animal the make-up of the legislature and the state has changed and if you polled them all they are probably anti-mountain lion hunting which would be another dangerous reason to take in front of legislature.

Dennis Wilson, Nevada Bighorns Unlimited (NBU), said to the Commission that there is no reason to reiterate what has already been said, and that NBU is strongly in favor of leaving lions as big game mammal for all reasons previously stated.

John Hiatt, conservation chair of Red Rock Audubon, said mountain lions are a keystone predator species and only one reason to change to unprotected would be to reduce numbers significantly, which is a significant mistake. Aldo Leopold the father of game management in the country recognized the role of predators and we need to learn from information gathered over the last 100 years and to kill mountain lions just to reduce their numbers is not justifiable. He said to leave mountain lions as a managed game animal as that is the wisest decision.

Paul Harris, Clark CABMW, said he is confused that we keep going through this and everybody behind him in the room feels the same way. Leave it alone and don't mess with it and we don't want to be like California. He said to Chairman Raine to leave it alone, \$145,000 is what we made on mountain lion tags and is crazy to do this, leave it alone.

Chairman Raine said he would comment that the Commission is getting undeserved bad press in his opinion, and this is a small aspect of wildlife management. However, it is an aspect that needs to be taken care of and Commissioners asked if any Commissioner wanted new predation category. Chairman Raine said can eliminate the new predation category and he reviewed the NRS that would be affected by leaving the mountain lion as a big game mammal and incidental trapping. He said the support material was very good and commended Chief Game Warden Buonamici.

Commissioner Vogler said he has spent 26 years in the field and he himself has seen very few lions and there are things that go on out there that make the situation worse and we need to discuss and get direction and as to the person who discussed the canned hunt earlier and sandpapering the lion's paw to make them easier to catch, said if you shoot them in the paw with a .22 and they won't jump a tree and will just set there.

Chairman Raine said there are laws against that.

Commissioner Vogler said he knows there are laws against that as well as sandpapering their feet, but a trapper that has a lion in a leghold trap being used for a coyote, that is a very dangerous animal to release and if paw damaged they become a killing machine and can get worse if crippled, and certain areas no one wants to hunt with dogs such as in Southern Nevada, and need to address catching them with other methods in those areas that are not getting hunted.

Chairman Raine continued review of NRS.

Commissioner Cavin said he would be proponent of keeping regulatory procedures under review of Commission and not the Legislature. The quota is still below scientific quota and there are things the Commission could do to move the quota and should work on that in some of those areas.

Commissioner Lent asked if we get incidental trapping what do we do.

Secretary Mayer said they call NDOW and ask to release the lion and wardens will assist.

Warden Buonamici said statewide the agency receives about six calls per year about a lion in a trap and the safest method is to tranquilize the cat and release it.

Commissioner Howell asked of all options the least offensive is if trapper had a tag and made a phone call to you and can he take the lion out.

Chief Buonamici said we would have to change NAC which is doable and a NRS change to tell the trapper that he could take the lion.

Commissioner McBeath said as he sits here he finds this discussion incredible and with only six or so incidents per year, here we are kicking the sleeping dog and why would we want to raise this issue, and messing with this is beyond him and will only result in something that is negative for which we stand for. Incidental take is immaterial and so small a factor that why consider that with the potential negativity as it is not worth it and he is struggling he does not even know why we are having this discussion.

Commissioner Capurro said this issue was requested by him just as other Commissioners request something and he asked for this as this issue has not been discussed for quite some time and he requested review and research relative to mountain lions and their classification and a lot of the discussion has been way off the mark from what was asked for. The fact of the matter is you can't ignore predators nor their interaction with animals of the State of Nevada, and we all want balance and how we try to achieve a balance requires review of the law. He said he buys two tags a year and in his lifetime he has seen four lions and is more than most as they are elusive and dangerous animals. And he was looking to see if they could be treated in another fashion than they currently are and the numbers are 2,500 tags sold with take of 200 animals, that is not going to solve predator problem with animal you buy tags on, as only effective way to hunt them is with dogs in the wintertime and not many people willing to do that. Commissioner Capurro said we have had the discussion, the research and a number of excellent letters from NGOs that have not been mentioned and does not think opening issue was a bad thing. He said we receive 2.2 percent of revenue from General Fund, and so likes to see these people who are very interested in some of these issues come to table with money, so additional research can be done for predators and additional methods of management of predators and ungulates and does not think helpful to get

angry in testimony before this body when we simply asked the question on how the species should be treated and not helpful to offer advice if you aren't putting money in, would say to Chairman Raine issues that need to be handled and would be helpful to do something with animals caught in trap that are hurt you don't want to release as they may be damaged and a way to allow trapper to dispatch those animals and could be handled in a separate issue. Since he asked for this item he requested that it be tabled or postponed for discussion in future.

COMMISSIONER CAPURRO MOVED TO TABLE TO FUTURE MEETING. COMMISSIONER HOWELL SECONDED THE MOTION. VOTE ON MOTION UNANIMOUS, WITH CHAIRMAN RAINE VOTING.

- 17 A Workshop – Informational - CGR 389 – Interference with a Guzzler – Chief Game Warden Buonamici

Chairman Raine said this has been heard before and he asked for public comment.

Public Comment -

Dennis Wilson, NBU, said concerned with pipe rail fencing and barbed wire and are in favor of the regulation but want the guzzler fencing issue clarified.

Paul Harris, Clark CABMW, speaking for Fraternity of Desert Bighorn in Southern Nevada, said they support the change.

Mr. Buonamici said in regard to fencing, that was not included, as not intent, the intent was to address function of guzzler but can see by reading language how that would be interpreted with causing interference.

Chairman Raine asked if any items need to be changed before action tomorrow – none.

- 18 Reports – Informational

- A The Commission May Discuss Creation of Policy on all NDOW Input, Reports, and Other Written Communications Sent to Federal and State Agencies, Including but Not Limited to the BLM, USFS, and the USFWS that Affect Wildlife. The Input to Specifically Include, But Not Limited to, Impacts of Energy, Renewable Energy, Mining, and Infrastructure Effects on Wildlife – Chairman Raine

Chairman Raine said he discussed with staff at Governor's Office who wondered why the Commission did not have more input. Should the Commission have external communications policy, should the Commission review items like the Ruby pipeline and those type of infrastructure projects and does the Commission want input on those

items and if so in what manner. Chairman Raine said a reasonable possibility may have been to form a subcommittee or use the Policy Committee to review potential items and bring them to the Commission to discuss, and he asked if Commission wants to deal with that.

Commissioner Capurro said in his view this should be assigned to Commission's Policy Committee.

Commissioner Lent said he agreed with assigning to the Policy Committee as when the BLM is requiring ranchers to sign a cooperative agreement to provide water to wildlife and free roaming horses and burros. If they do not sign the agreement they will take away your water and the State Engineer made a ruling that wild horses and burros are wildlife. That is a policy where the Commission should direct a letter be written on that.

DAG Stockton said in order to save time he would advise that the Commission not even consider having all of the Department correspondence reviewed by the Commission as nothing in statute that would allow that and is outside the Commission's authority.

Commissioner Capurro said he thinks that was not the intent rather when NDOW brings an issue to the Commission we should have a policy to respond such as wild horse issue. He said he thinks this is putting in black and white what we are already doing.

Commissioner Vogler said goes to state law that you can't deny water to wildlife and saying horses have special status and how far away are we from being able to fence private property.

Commissioner Cavin said it would be beneficial and suggested having position papers on issues like wild horses and off-highway vehicles and if approved by the Commission would not have to meet each and every time on those issues and would allow timely responses to these issues and thought that may be where this is going.

DAG Newton said the he would request that whatever the Policy Committee comes up in terms of what requests or reports go to the Commission and what don't, reference the authority upon which that policy was created, as he has some of the same concerns that DAG Stockton outlined and wants everyone to be clear about the Commission's authority to do that.

B Lake Mead Hatchery Status and Proposed Changes to Colorado River Stocking Program – Chief of Fisheries Mark Warren and Caroline Cherry

A power point presentation was presented (exhibit file) with questions and answers.

Meeting Adjourned 5:10 p.m.

Saturday, Sept. 25, 2010, - 8:30 a.m.

19 Call to Order, Introduction and Roll Call of CABMW Members –

Chairman Raine called the meeting to order and asked for roll call of Commission members.

Commissioners all present for roll call: Chairman Raine, Vice Chairman Lent, Commissioner Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace.

CABMW Roll Call: Glenn Bunch, Mineral; Gil Yanuck, Carson; Rex Flowers, Washoe; Ken Wellington, Elko; Walt Mandeville, Lyon; Tom Cassinelli, Humboldt; and Paul Dixon, Clark.

Chairman Raine continued items from Friday's agenda beginning with agenda item #18 C.

18 C A Report of Itemized Costs and Expenditures of all NDOW Employees and Staff to Attend WAFWA Meeting in Anchorage 2010 – Deputy Director Cates

Deputy Director Cates said an email was sent to the Commission detailing the costs (exhibit file) of NDOW employees who attended WAFWA. He said for DAG Nguyen the Department paid her registration and airline costs and the rest of her expenses were paid by the Attorney General's Office and a portion of Deputy Director Haskins costs were paid by Western Nevada Trout Initiative (WINTI).

Commissioner Lent asked if DAG Nguyen's costs were budgeted and could the Commission take their DAG, and questioned the disparity between lodging and per diem costs between some of the individual travelers.

Deputy Director Cates said her costs were within the budget. The differences for the travelers is they did not all stay the same length of time for the conference and again some of Deputy Director Haskins costs were paid for by WINTI.

18 D Incentives for Early Applications for the Big Game Draw – Program Officer III Maureen Hullinger

Program Officer III Hullinger reviewed the documents sent in support material for this item (exhibit file). She said the idea for incentives to apply early was brought up by Commissioner Capurro and she met with Chief of Operations Bob Haughian, DAG Stockton, and Don Sefton of Systems Consultants (SCI), and the support material is a synopsis from their discussions.

DAG Stockton said there are some suggestions in the proposal that he needs to finish researching.

Commissioner Capurro congratulated them on the thorough review of his suggestion. He said his comments are: Incentives should only apply to online draw clients as secondary benefit of pushing people to online application process; gift certificate offered by SCI subject to DAG opinion on whether Department or SCI should offer the incentive; selection of number of arbitrary number of applications does avoid a secondary application bump; as for restricted participation that should include NDOW employees and Wildlife Commissioners to be excluded, but not all state employees; CABMW member eligibility would leave to others to be discussed; and concept of consanguinity is going further than necessary; Silver State tag applicability should be in there as a new program; would whole-heartedly like this dealt with at December meeting; and steps outlined would be least administratively burdensome to the Department.

Commissioner Lent thanked PO III Hullinger for providing extensive support material and he agrees with concept and thinks the gift certificate and having SCI handling the incentives would be the best option as this benefits them. He also asked that this item be on the December agenda to have in place by January.

Chairman Raine said as this is SCI's idea and their donation therefore he would like little Commission involvement and facilitate or enable them to accomplish the task and let them work out the details.

Commissioner Cavin said he agreed with Chairman Raine's comments and that SCI should pick the number as they have a good feel for this and the Commission should not do that and he has confidence that they will manage the system correctly.

Chairman Raine said once the legal issues have been addressed, the Commission can discuss the number of applications and restrictions on eligibility to participate in the program.

18 E Gifts, Grants, Donations and Bequeaths – Deputy Director Cates - Informational

Commissioner Lent asked that donations from NGOs for travel be included on the list.

Commissioner Cavin said he was a proponent of having the information provided to the Commission to see the number of gifts, grants, donations, and bequeaths to the Department, as the amount of donations is impressive and gives him greater appreciation for the groups and people who donate and raise money such as the Sparks Rotary Club who donated almost \$30,000 for Free Fishing Day. He said the donors

need to be recognized and thanked all the groups such as Nevada Bighorns Unlimited who work every day for wildlife.

Chairman Raine asked if certificates being presented to the donators.

Deputy Director Cates said for Fiscal Year 2010 the certificates have been done and staff will complete the certificates for 2011.

Commissioner Howell said he had a constituent call from a man whose father passed away and the family donated \$1,500 and he asked if the man's name will be on the list as the family wanted to make sure their father was recognized on the list.

Deputy Director Haskins said he was contacted by the son and plans to work with Southern Region staff on a project in that region that has meaning.

F Litigation Report – Deputy Attorney General David Newton

DAG Newton said he had no changes or additions to the report submitted in support material.

G Department Activities/Leadership team Notes – Secretary Ken Mayer

Secretary Mayer said the report was sent and anyone who needs further information can call him.

20 Member Items/Announcements

Commissioner Lent said he brought up yesterday an item on page 37 of the minutes of last meeting. He said agreement between NDOW and Ag is not to exceed \$400,000 and if approved over amendments have to be worked out. Report yesterday had total for year of \$400,000 and thinks the Commission approved \$470,000 and have exceeded \$400,000 so that contract needs to be reworked with Ag. Balance of \$177,000 and need to add \$77,000 to \$400,000 with carryover of \$100,000. He thinks the number is wrong.

Director Mayer said we have prudent reserve to respond to emergency issues and \$70,000 might be part of that reserve and staff will need to research the account.

Chairman Raine said he recalls that the Commission did approve \$470,000 and the contract needs be redone and was mentioned at last meeting by Mark Jensen as well and asked what needs to be done.

Deputy Director Cates said when he returns he will pull the contract and check the numbers and is sufficient money and authority in the contract they can keep working.

Commissioner Capurro asked when new biologist will be hired to complete the workload of projects and fiscal year 2011 Predator Management Plan.

Director Mayer said that there were many reasons why that position will be difficult to fill however the Department will not miss a deadline and will get the work done.

Commissioner Howell said yesterday's hearing bothered him as Mr. Saunders thought he had a chance of obtaining his license and solving his problem but he did not as the Commission did not have authority and he never had a chance and he does not think anyone should be put through that.

DAG Stockton said the U.S. Constitution guarantees everyone due process which means you have notice and an opportunity to be heard and Mr. Saunders was advised by NDOW staff of the Commission's authority and he was aware of that, but he had the right to exercise his due process to be heard and ask to change the law.

Commissioner McBeath said he would follow-up on Commissioner Howell's comment on Mr. Saunders hearing and that is pattern with the hearings and what these sportsmen and guides are doing is fighting their legal issue at the Commission level when instead of at the trial court level and they do have the due process right, but once they pled guilty, they have tied our hands, and is really a matter of communicating with these individuals that if they hired an attorney or are familiar with the process and educate the courts that the demerit system may lead to revocation of their hunting and fishing privileges and maybe a plea could be worked out at the trial level. For example Mr. Saunders could have pled to a lesser citation, and efforts need to be on education and what the civil aspects will be to them after conviction. Commissioner McBeath said he is not sure if the Department can advise these people as to what they can or should be doing and is really sad as that is the problem.

DAG Stockton said the district attorneys would need to be educated.

DAG Newton said the Department cannot go beyond the citation by providing legal advice and cannot get into a discussion as to what may happen after the citation is issued.

Chief Game Warden Buonamici said that on the front of citations the officer writes the number of demerit points on the ticket and officers also try to advise defendants as to the number of demerits. He said Mr. Saunders did appear before a judge whereby the judge could have taken the opportunity to reduce the violation to something like fishing without a license or a variety of options and the judge chose not to and that is totally out of the Department's hands. He said he himself talked to Mr. Saunders several times before the hearing to advise him of the Commission's authority and as DAG Newton stated the Department cannot provide legal advice.

Commissioner Capurro said not to give too much credit to Justice of Peaces (JPs) for being forgiving and giving credence to any other penalty than criminal penalty before them as JPs not always well informed and he had to periodically make the rounds of JPs to educate them on Department of Motor Vehicles and transportation laws. Commissioner Capurro said this seems like a harsh penalty and may need to look at lessening the points for an oversize net and the hearing brings out the point that we need to review regulations if appropriate.

Commissioner McBeath said for clarification that there were two issues, as the net issue brought the warden to Mr. Saunder's boat and the citation for 12 demerits was for hindering a game warden, not the net.

Commissioner Shrum said he agreed with Commissioner Howell and this penalty of 12 demerits is an area of he said/she said and dealing with human nature and said there should be leeway in assessing the demerit points as we all have to follow the law and thinks that was excessive.

Commissioner Vogler asked Director Mayer if correct that yesterday he heard that \$3 predator fee on hunt application is to be used for salary for staff who will administer the program.

Secretary Mayer said that is absolutely correct as legislative intent is very clear that the fee was to pay for the program. Secretary Mayer said in state and federal service when you have a program like this you have to have staff to implement it and we don't have staff sitting around without a full-time job. He said especially with funding that we have, as a person has their job funded by a variety of sources and for example is inappropriate to use sportsman's money for nongame work. He said if you want contracts written, if you want predator plans written and want to facilitate coordination and cooperation with Wildlife Services you need someone dedicated to the program and that is the predator biologist. That was what was going on before he worked for the Nevada and maybe that was not Assemblyman Claborn's intent and he has looked at the legislative intent to make sure.

Commissioner Vogler asked what about duck, sage hen and trout stamps, does that mean you hire someone out of that and do the fees get absorbed by personnel and if so maybe we need to raise the fees.

Secretary Mayer said yes that is what is done. Secretary Mayer said \$2.4 million has gone to Wildlife Services to manage predators since the inception of the program.

Deputy Director Cates said staff costs were \$400,000, about 14 percent and this last year we only spent \$33,000 on staff and the rest, \$400,000, went to Wildlife Services.

Secretary Mayer said that is cheap to get a program up and running and we have to have someone available when Wildlife Services calls with a problem and again we don't have people sitting around and don't have extra capacity and that is what we are suffering under with downturn in economy and less license sales.

Commissioner Lent said to Commissioner Volger that the legislature does unfunded mandates all the time and that is what this is. He thinks it is wrong when the Deputy Director came to Fallon and told us about predators and talked about time allocation and taking out of the account any time we mention predators they charge the account when talked about and we don't do that with the duck stamp funds, and not the intent of the predator account to send a biologist to predator school as was budgeted in the account.

Secretary Mayer said that is absolutely not true and not happening.

Chairman Raine said very clear from this discussion that Mr. Mayer does not understand what was told by Mr. Claborn and that was his impression and needs to move onto the next agenda item.

21 Public Comment -

Gil Yanuck, Carson CABMW, said something that may help in the future with appeal hearing is that maybe the Department could produce brochure that explains to people the demerit system and what their rights are and not to provide legal advice but the implications of what they are involved with and then they could seek legal counsel.

Ken Wellington, Elko CABMW, said speaking for himself, that the Commission knows Madeline Pickens has bought a ranch in the Ruby Mountains and this board has been proactive and previously in the past along with the Commission defeated the idea of a wild horse sanctuary on the Winecup Gambel Ranch. He said this ranch spreads to Spruce Mountain and USFS and BLM are looking at water issues involved and he would like to see the Commission at December meeting have an informational update on the agenda so we can stay proactive instead of reactive.

Paul Dixon, Clark CABMW, said representing himself, that yesterday he received in the mail a copy of NDOW's 2010 Upland and Migratory Game Birds, Rabbits, and Furbearer Mammal Harvest Data and Status Report. He said at the last meeting we had discussion about project plans by Shawn Espinosa. Mr. Dixon said these are excellent reports that explain why we need the monitoring and transplanted program and he asked Director Mayer to give proper recognition to Mr. Espinosa for his report which is a nice piece of work.

Chairman Lent said to Mr. Wellington that yesterday he mentioned BLM is requiring before giving water permits, that the permittee provide water to wild horses in addition to livestock, based on state's Water Engineer's decision that horses and burros are wildlife, and that is something BLM contracts are requiring and he was not aware of that until he attended Board of Ag meeting.

22 2011 Heritage Project: Request to Modify Heritage Project – Action

Chairman Raine said an email was sent that everyone should have got on Wednesday and modification is similar to previous project with some differences, money is the same, study of effect of lions, reduce number of lions above mentioned mountain ranges, in accordance with policies of NBWC and basically project is study...

DAG Stockton said he reviewed the submission and the differences are that Mr. Stremmer will take 10 lions with an estimated cost of \$1,800 per lion, he is a rancher and will do 24 hour observations on wildlife and over three years, and he will provide a report to the Commission and Department, which will be a lay study on the effects of lion removal.

Chairman Raine said Mr. Floyd Rathbun will be providing assistance with the project as a range consultant, assisting the process and providing GPS locations, observations, gender..., stomach contents.

Commissioner Lent said when we approved the project there were lots of questions and this letter answers all those problems addressed with original proposal and has a hypothesis and provides data, and will be a study that we will get information out of. He said this is a better proposal than we already approved, the amendment is better than the original.

DAG Newton said from the Department perspective there are still have reservations if project meets requirements of NRS 501.300. As he still sees no map, no breakdown of costs or documentations of all hours to be worked, or legal description of property.

Public Comment -

Karen Layne, Las Vegas Valley Humane Society, said she is curious from a research standpoint, as several comments made here, such as currently the mountain lion numbers exceed appropriate number for prey base and understands that we don't have good numbers for most of areas and our information is anecdotal. She said he says mountain lion numbers need to be reduced, but we don't know what reduction is. Then he says proposal is intended supplement to existing predator contractual predator control and not a replacement of it and asked will duplicate effort be in this area and how many lions to be killed if no good indication of how much the problem is out there

right now and from research standpoint she is not sure if data or supposition that you need to be begin with, to talk about whether you will be able to prove if reduction has been made or not.

Paul Dixon, Clark CABMW, said he has a question for DAG Stockton, as this information came out Friday night to the public and he asked whether we are complying with the Open Meeting Law (OML) as not noticed properly to the public, because none of the CABMWs could have responded.

Chairman Raine said to Mr. Dixon to address questions through the chair.

Mr. Dixon, Clark CABMW, said to Chairman Raine the same exact question.

DAG Stockton said his understanding is the public notice is what is to be discussed, and the public notice was out that we would discuss these changes; however the specifics did change and that happens all the time. He believes the Commission is in compliance with OML and can delay vote until he checks. His understanding is public needs fair notice and said the project is not so different that public did know what would be discussed today.

DAG Newton agreed with DAG Stockton that there is no problem with OML as did not affect what is on the agenda unless request for support material, that would be a problem with OML, if that had been requested. DAG Newton said second concern is Commission Policy states that information is forwarded to CABMW to allow for public comment and sounds like to him one instance where support material was not forwarded to the CABMWs in timely fashion for them to provide comment on subject to the Commission.

George Corner, NOGA, said he had question mark on his card as this was not discussed at the CABMW meeting he attended. He said NOGA has same objections to project as this is an attempt to kill lions through a bounty system and Commissioners Lent and Raine pointed out sort of looks like a study to them, but to him sort of looks like a bounty.

Rex Flowers, Washoe CABMW, said his board had no support material but did vote on this anyway. He said they did not support this project in the first go round, and they felt whatever came back would still be a bounty, and were opposed.

Commissioner Capurro said he looked at minutes and the agendas for all CABMWs sent to the Commission by the Department and the fact of the matter is most CABMWs had the item on their agenda, so they were aware. He said date is Aug. 28 and he had this before the three day notification and was aware of changes being proposed and no OML violations in this case.

Commissioner McBeath said has continuing concern with Heritage projects and whether we can vote on them. The fact is this amendment is substantial and is a tacit admission that original was deficient and goes along with DAG Newton's comments on the deficiencies apparent from 501.300 and he will be abstaining from voting. He would pose the question that big issue in his mind, is that by statute NDOW delegated with authority over Nevada's wildlife and that is their jurisdiction, and when we get project like this from a proponent who has nothing to do with NDOW and is actually a rancher and he goes out and gets some consultant, and now we have individuals from outside NDOW making decisions with no statutory authority to do that. He does not see how a group could put forth a project on biological issues and impacts on an ungulate herd, and one question he would like answered, is did Mr. Stremler or Mr. Rathbun even contact the Department for any input, data, information or assistance for this project.

Secretary Mayer said to his knowledge he does not believe so and is confident there was no communication between NDOW and Mr. Stremler, only aware that staff may have talked to him this week.

Commissioner McBeath said he sees inherent conflict and realizes statute for Heritage proposals stating they can have predator component but when predator management projects goes to heart of NDOW and managing wildlife and this project comes forward he sees unwarranted delegation of this to a third party and does not see how we can do this absent regulation to bring the Department into the process.

Commissioner Lent said he does not think this is an omission to the proposal as people amend proposals all the time to improve them and no deficiencies with this amendment just making it better and that happens with every contract. As to the support material, it is not mandated that it has to be available for every agenda item and new support material comes to the Commission and any board at the actual meeting, and the public may bring something up that was not seen, which is why you have to attend the meeting. The same with CABMW material as some arrives throughout the meeting or is on his computer and hard to see in advance to make an intelligent decision. If we get support material at the actual meeting that is not an OML violation and he did get this item dated Aug. 28.

Chairman Raine said he did first see this on Wednesday not this morning although that happens hundreds of time as support material shows up here and is not even an issue.

Commissioner Howell said he receives a report every year from NDOW that the objective harvest for mountain lions has not been met and we are way below and this is a perfect example of an opportunity to meet the harvest objective.

Commissioner Wallace said he has a problem with the letter too as letter is addressed to NBWC and is dated August 28 which is almost one month ago and he did not receive it or see it until arrival at this meeting on Friday, Sept. 24, 2010, and he can see why there are issues with this and does not know if Department had it and why the Commission did not get it.

DAG Newton said that the Department did not receive the letter until either Sept. 22 or Sept. 23 of this week and the Department is not aware of why the delay between the date on the letter and actual receipt.

Commissioner Vogler said have many people in state who want to help wildlife and there always has to be balance between predator and prey and as discussed yesterday there are areas in the state with lions that the guide association does not want to go in as clients can't make it in there and their clients tend to hunt areas with roads or have other reasons why they avoid those areas and many houndsmen who avoid same areas where the Nelson bighorns are as the area is too physically demanding on dogs and this will be a tool for a volunteer who will help and supplement deer herd by removing predators. Hunters and sportsmen are frustrated with doing same thing over and over with same result. This is somebody who wants to try something different. He said he would like the program expanded into difficult areas such as Mt. Moriah or the Delamars as there is abundance of lions in some areas and if someone wants to help us even if they don't have four degrees in biology we should let them.

Commissioner Cavin said he did not look at this information until today which is his own fault even though the letter was provided to him yesterday. He does not think the Commission should have received the letter yesterday as it is dated Aug. 28 and will not vote in favor of the proposal unless it is a motion to table the item until later, and that would allow more time so it could be sent to the CABMWs to be fully vetted.

Chairman Raine said he was contacted by the individual who asked this to be put on the agenda and his understanding is it was not finalized until later, he does not know why the letter was dated Aug. 28 maybe was first draft, and he forwarded the final draft to him which he forwarded to the Department, and the recording secretary did send out the email in a timely fashion and he can only assume the proponent must have had issues.

Commissioner Capurro said the Heritage project proposal timeline as written by Mr. Pincolini states the laws and he read the paper and said it is not just the Department or Wildlife Services and if someone has a decent project that meets the criteria as set forth and contract for services, and if NBWC takes action that is the end, as the Commission administers the funds and if you meet the criteria set forth by law so be it.

COMMISSIONER CAVIN MOVED TO TABLE THIS ITEM UNTIL A FUTURE COMMISSION MEETING. COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner Lent said he thinks we have all had adequate time to look at this and impossible to have all support material to CABMW in advance all the time. He said he will be voting against the motion to table.

COMMISSIONERS IN FAVOR OF MOTION: CAVIN, WALLACE, MCBEATH. COMMISSIONERS OPPOSED: LENT, CAPURRO, HOWELL, SHRUM AND VOGLER. MOTION FAILED THREE TO FIVE. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER HOWELL MOVED TO APPROVE THE REQUEST TO MODIFY PROJECT 11-17. COMMISSIONER VOGLER SECONDED THE MOTION.

Commissioner McBeath said he will abstain as he questioned the Commission's authority to amend a heritage project without going out to rebid by all Heritage participants and as the project still does not meet NAC 500.300 it is illegal.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, SHRUM, HOWELL AND VOGLER. COMMISSIONERS WALLACE AND CAVIN OPPOSED. COMMISSIONER MCBEATH ABSTAINED. MOTION CARRIED 5 -2, ONE ABSTENTION. CHAIRMAN RAINE DID NOT VOTE.

- 23 A CGR 389 - Interference with a Guzzler LCB file No. R083-10 – Chief Game Warden Buonamici

COMMISSIONER HOWELL MOVED TO APPROVE CGR 389 AS PRESENTED. COMMISSIONER LENT SECONDED THE MOTION WHICH WAS CARRIED UNANIMOUSLY. CHAIRMAN RAINE VOTED.

- 24 White Pine County Elk Incentive Arbitration Panel Selection – Chief of Game Larry Gilbertson - Action

Chief of Game Gilbertson said White Pine CABMW forwarded three names for the elk arbitration panel: Mike Simon representing sportsmen; Charlie Brown, agriculture; and Lance Gale, the business representative.

Commissioner Lent said last time we had this on the agenda he asked for resumes to be submitted prior to action as he does not know anything about these people and he cannot vote without further information such as a resume.

Chief Gilbertson said he is familiar with the three people and he can provide background as can Commissioner Vogler. He said Mr. Simon is retired from the Nevada highway

patrol, is a member of the Rocky Mountain Elk Foundation, and is very active at the local White Pine CABMW meetings and his son is on the White Pine CABMW; Mr. Charlie Brown had a construction company in Las Vegas and bought a ranch in White Pine County and is active in the White Pine Community, active in agricultural; and Mr. Gale is longtime local businessmen owning Gale Tire and Oil.

Commissioner Vogler said Lance Gale's office is filled with animals that he has hunted and Mr. Brown is an excellent choice, as all three are. He will be abstaining from the vote as he receives one incentive tag himself. Commissioner Vogler said time is of the essence on this panel convening as there has been a huge drop in value of tags, and relief is requested for the person requesting the mediation.

Chief Gilbertson said if the members are approved a tentative meeting has already been scheduled for Tuesday at 7:30 p.m.

Commissioner McBeath said he will be abstaining from the vote as his brother receives those tags and he also would vouch for the three persons, although he does not know Mr. Brown personally, as they are all excellent choices.

Commissioner Lent asked if any of the three had received an elk incentive tag.

Commissioner Vogler said he knows Mr. Brown had received fencing on his ranch but his problems are more with deer.

Commissioner Capurro said he knows Mr. Brown and Mr. Simon although he does not know Mr. Gale and is sure if he is like the other two that he knows the panel will work.

Commissioner Howell said he only knows Mr. Brown and he has known Mr. Charlie Brown for 60 years and happy to vouch for him too.

COMMISSIONER CAPURRO MOVED TO APPROVE PANEL WITH THREE NOMINEES FROM ELY: MR. MIKE SIMON, MR. CHARLIE BROWN AND MR. LANCE GALE. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CHAIRMAN RAINE, LENT, CAPURRO, CAVIN, HOWELL, SHRUM, AND WALLACE. COMMISSIONERS MCBEATH AND VOGLER ABSTAINED. MOTION PASSED 7 – 0, TWO ABSTENTIONS. CHAIRMAN RAINE VOTED.

- 25 Nevada Department of Wildlife Big Game Release Plan – Chief of Game Larry Gilbertson – Action

Chief Gilbertson said the amendment is brought forth for consideration by the Commission and Biologist Carl Lackey is present to discuss.

Public Comment –

Dennis Wilson, NBU, said the release plan was presented to NBU's board of directors by Big Game Biologists Carl Lackey and Mike Dobel. He said this is a tremendous opportunity to introduce sheep into the Virginia Range which is close to a major metropolitan area to allow for photographers, conservation groups, school groups, and others to see desert bighorn sheep. The chance for wildlife lovers and students to visualize and participate by seeing a desert bighorn sheep population is an opportunity not to be missed. NBU will be donating materials and manpower for the two water developments. He asked that the Commission provide strong support to this amendment.

Paul Dixon, Clark CABMW, said they enthusiastically supported the proposal and liked the proposal, as last year Commission asked that regulation that was changed include predator program evaluation before transplant, and is a well designed proposal and had unanimous support of the Clark CABMW and public in attendance at their meetings.

Rex Flowers, Washoe CABMW, said the board whole-heartedly supported the project as large number of sheep (40) will be transplanted and as stated already have ongoing predator control project in that range and have a good handle on what is occurring there and a baseline.

Walt Mandeville, Lyon CABMW, said this release will overlap Lyon CABMW and when he worked for the agency they discussed this area and there were difficult issues which must have been overcome such as allowing management of animal once established, and other problem is concern with highway corridor that may be developed in the midst of the range. He said Lyon CABMW strongly supports the proposal.

Commissioner Vogler asked the NDOW biologists how the horses on the Virginia Range will be managed and kept out of the water developments, and if there are permittees in there, maybe a Mr. Ault, and have the permittees been notified. He said a huge chunk of country is private and will that be an issue.

Biologist Lackey said the water developments will be fenced to exclude horses and there are water sources there already which will be fenced. He said there are two BLM sheep allotments at the southern end of the range and has spoken with owner of Gold Hill allotment who is in favor, and the second allotment owner is being notified by BLM. The private landowners have agreed to hunting and do not have a problem with tags being issued.

Chairman Raine asked on access if there is a written agreement.

Biologist Lackey said a cooperative agreement that allows access for management and survey purposes and includes allowing school children to view the sheep and public access to Clark Mountain is fenced and controlled, but public viewing on USA Parkway would be available for the public.

Commissioner Cavin said great opportunity to get bighorn sheep viewing and wanted to communicate that he has been contacted by Tom Hess of Virginia City who is a proponent of this process and told him he would get him a letter on this but did not receive it yet; however, this amendment has strong local support from Virginia City residents.

Commissioner Capurro said a couple of issues and wanted to make sure that in writing in the contract that hunting is allowed with access if season established, release contract should also include access for scouting. The corridor problem is north/south area of Tahoe/Pyramid link and understands that has been eliminated and instead will use two or three different locales at the base of Virginias. His question is from Policy 22 that any release requires predator work done to evaluate and sees in proposal that there will be prerelease predator work done by Wildlife Services he would presume and is disappointed that area biologist said current mountain lion harvest data indicates that predator work is not needed. He said harvest data does not tell us anything and he personally knows for a fact that there are lions in there as he knows that area well and collared lions in there that need to be avoided and that needs to be watched carefully. He said since this is a supplemental release, prerelease predator evaluation needs to be done, and he asked where the money will come from as that was not in the budget.

Chief Gilbertson said Biologist Mike Cox will be talking to Jack Spencer of Wildlife Services about pretreatment and post-treatment; however; Mr. Jensen is not here and thinks work could be covered under Project 22 which gives us flexibility to do predator control based on big game needs.

Biologist Lackey said he developed Cooperative Agreement in conjunction with DAG and was signed by both parties and covers an array of issues such as hunting and allowing access to NDOW employees for survey and removal, allows tags for hunting, protects bighorn sheep and no domestics. The landowner is only requesting a release of liability similar to Department of Defense and no charge for access included as that never came up.

Commissioner Howell asked how near domestic sheep are and how large does the bighorn herd have to be to be hunted.

Biologist Lackey said nine miles is nearest domestic sheep and most of the distance through unsuitable habitat between, and other than Truckee River not much water

available other than what is put in and should keep sheep north, and the plan is to put 40 sheep in and hunting is allowed for some sheep herds with 60 or so sheep.

Secretary Mayer said WAFWA guidelines request nine miles and part of the problem is we are running out of areas to establish sheep and we would hold harmless the livestock industry as suitable places for sheep have potential interactions with livestock and Mr. Lackey has done a great job digging in and finding out the probability.

Commissioner Lent said he is seeing a lack of scientific evidence to support these assertions as can't discount genetics and ____ factors and have problem transplanting sheep until we know what caused the die-off and what if sheep are carrying disease with the die-off ongoing. Also a big freeway will go through the area with warehousing and area is flat in the middle and is a poor place to put sheep, there are some cliffs, but not that rugged and he does not see enough scientific evidence to support these assertions.

Chief Gilbertson said NDOW wildlife veterinary will take blood samples. The sheep will be coming out of known herds which is a challenge as biologists have identified populations with densities that need to be reduced and not popular to hunt bighorn ewes and we are always looking for opportunity to transplant bighorn sheep and as Director Mayer pointed out we have already picked the easy areas to put sheep and now looking at more difficult and challenging areas.

Chairman Raine asked source stock and timeline.

Biologist Lackey said looking at populations from Monte Cristos and south central Nevada. He said if release approved by Commission may be able to transfer by December.

Commissioner Vogler said sheep possess lung worm and would it not be prudent to give them a worm shot and be vaccinated for hemoletica.

Biologist Lackey said that is an option and has been done in the past depending on where the sheep come from.

Commissioner Vogler said the other concern is heterosis and when you have a small transfer will you select rams and ewes from different areas for genetic diversity to prevent inbreeding which helps fight off disease. He asked if there is agreement with permittees that their livelihood will not be in jeopardy in 10 years if these animals do spread throughout that range. He said he knows both of the landowners and we have been a tool to eliminate livestock grazing on public lands and recent study showing that little as 10 meters is as large as buffer zone needs to get yet propaganda continues to state nine miles in either direction, which is a long ways on mountain and he is not in favor of that, he favors the 10 meter. He said because of increased predation they have

guard dogs and stock dogs and to have a ram on a walkabout enter the herd, have there been risk assessments done on that, as these animals are very valuable and proactive. He said he would hope that Nevada is different than Arizona where Payette decision caused sheepherders to lose 15,000 sheep from USFS land for 13 wild sheep, and hopes that Nevada with more wild sheep that we forget about this junk science and no die-offs until miners hunted for food, and still need to address.

Biologist Lackey said a release of liability for allotment owners.

Secretary Mayer said important to point out that NDOW has a top-notch vet that works for the Department who is recognized nationally. Nevada has most successful bighorn sheep program in the country and have a good track record and we have taken those things into consideration and are staying on top of the science and maybe the new Commissioners don't know that, as we take science and management very seriously.

Chief Gilbertson said our intent is not to displace domestic sheep from public lands. He said for example, in the South Egans, to the chagrin of the BLM, after proposing to enforce the BLM guideline of a nine-mile separation between bighorn and domestic sheep, NDOW staff informed them that we could not support the action. This created a somewhat stressful situation since the BLM biologist made the recommendation to accommodate wild bighorn that were wintering near the Gap and domestic sheep commonly trail and winter in that same area. He said we have put sheep on various mountain ranges in the 1980s with known risks, as we knew the domestic sheep allotments were on the mountain, such as on Mt. Wheeler. It was a risk we took knowingly. Again, we wanted to see where we could manage sheep in concert with existing uses that were already there.

Commissioner Lent said the issue is to present a scientific plan in writing to the Commission, and does not see that here, nothing in writing or what is being put in with genetics and should be here in writing, as this is a bunch of guesswork as far as he is concerned without the specifics.

COMMISSIONER LENT MOVED NOT TO APPROVE UNTIL THEY BRING BACK SOME MORE DATA ON HEALTH OF SHEEP AND WHERE THEY WILL GET THEM WHAT MOUNTAIN RANGES, NEED SOME ____ INFORMATION, NEED MORE SCIENTIFIC EVIDENCE AND NOT AGAINST TRANSPLANT OF SHEEP BUT NEED MORE SCIENCE AND THEY COULD BRING BACK AS TO WHERE THEY ARE GOING TO GET THE SHEEP AND NOT ENOUGH SCIENCE AND WOULD SUPPORT IT THEN. CHAIRMAN RAINE RESTATED MOTION: TABLE UNTIL FURTHER INFORMATION TO GO FORTH. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner Vogler said he wants to see sheep on every mountain range in this state, and the Virginia Range is good area for bighorn sheep and will take Director Mayer at his

word. He said he is concerned that we have to have healthy sheep put up there and not just with blood sampling but with a shot for worms and put out selenium salt near water developments. He said we do this correctly we have opportunity to show other states and detractors that we are positive and will move forward and will be voting to table and like to see included in this good vaccination of animals and nasal sprays of hemolitica A as transplanting is stressful on the animal and wants it done right and thinks we are putting cart before horse here.

Commissioner Cavin said beyond scope of Commission to dive in details of what Department is doing as they have vet and have transplanted sheep all over the state with maybe one or two missteps and we are talking about wild sheep not domestics. He said he sees no reason to not go forward today.

Commissioner Capurro said his concerns are with issues he already discussed and that agreement allow for hunting and scouting and the prerelease predator review. He said it sounds like you have revenue sources to cover that prerelease work and to him this is a good project as long as issues discussed and Commissioner Vogler's suggestion as the selenium and if Department and vet are comfortable with prerelease he will support the release.

Chairman Raine said whether motion carries to table this or not, everyone on the Commission is dedicated to seeing bighorn sheep herd expanded in every possible location and this is nothing more than a request for more information, and does not mean anything more than gathering more scientific information. In general is a reasonable proposal.

COMMISSIONERS IN FAVOR OF MOTION: RAINE, LENT, HOWELL, SHRUM AND VOGLER. COMMISSIONERS OPPOSED: CAVIN, CAPURRO, MCBEATH, AND WALLACE. MOTION CARRIED 5 – 4. CHAIRMAN RAINE VOTED.

- 26 Black Bear Potential Season Proposal to Include Hunt Units, Season Dates, Quotas, Method of Take, and Use of Hounds – Program Officer III Maureen Hullinger and Chief of Game Larry Gilbertson – Informational

Chief of Game Larry Gilbertson said at the direction of the Commission staff brought forth recommendations for a potential bear season with biological guidelines that have been evaluated and assessed decisions on what type of season would be a fit for the type of bear population that Nevada has. At the end of the handout License Office and Law Enforcement staff provided a list for revisions to regulations to add a bear hunt and all are doable as they are NACs.

Chairman Raine said Biologist Lackey made a comprehensive presentation to the Commission at the Fallon meeting and much of that presentation is repeated in the support material.

Commissioner Vogler asked if hunting opportunity for different weapon types will be offered.

Chief Gilbertson said the outline in support material has a proposal that addresses those types of issues and includes an archery only season from June 1 – Sept. 4, followed with an any legal weapon season Sept. 15 – Dec. 15 with use of dogs. He said NDOW's proposals were developed by Mr. Lackey based on bear removal times, and the thought to direct some of that archery use in that area, and also have a conservative limit on take of females which will dictate when the season closes. The female take has been identified as one-half and that is six and probably down the road have three females in archery and still have three bears for the any-legal weapon season. He said he anticipates there would be a lot of discussion between the weapon user groups.

Chairman Raine asked for an explanation of the management objectives.

Biologist Lackey said management objectives are from NDOW's Black Bear Management Plan, and 44 percent of females in harvest is considered safe amount for sustainable population. He said NDOW's numbers are conservative.

Commissioner Howell asked about spring as the way to protect sows with cubs is to have a spring hunt as they are always with their cubs.

Biologist Lackey said that is true if the season is early and short enough, however there are social issues with spring hunt and the bear hides in the spring are not as good as they are in the fall.

Commissioner Lent asked if in Mr. Lackey's opinion is a bear hunt biologically sound.

Mr. Lackey said absolutely the hunt is biologically sound and all the data indicates Nevada can sustain a bear hunt.

Chairman Raine said to follow up on previous comment if a spring bear hunt is proposed, the recommendation for the season would be March 1 to early April, to protect sows with newborn cubs.

Commissioner McBeath said a comment was received from a representative of Nevada houndsmen who was worried that too many tags would be used up during the archery season before the rifle season, and as Mr. Gilbertson said we are talking about splitting

the quota, and if sow quota reached at three, the season would be closed, and will that be the case.

Biologist Lackey said NDOW's original proposal was for a stratified season not a split season.

Commissioner Capurro asked about weapons and (microphone not on). He said saying rather than stratified hunt make it any legal weapon hunt throughout and specify the period of time, such as fall, that you can use dogs.

Biologist Lackey said the purpose of the summer archery only season was to target conflict bears that are in proximity to urban areas and during that time of year sows with cubs have been emerging. With an archery only season you are pretty safe in not shooting a bear with cubs.

Secretary Mayer said with archery equipment hunt the hunter will get in closer and be able to tell if the bear has cubs.

Commissioner Cavin said he and Mr. Lackey attended the Carson CABMW meeting and had similar discussion at their meeting. He said a question from that meeting was the one-half hour after sunset close and the use of dogs as would be hard to call them off at sunset and maybe would pertain to archery and then we liberalize that for the rifle season any legal weapon; and the other thing that came up was, that although California may not have same season it is open and you may cross the state line and would be safe if you had California bear tag, but not sure of their hunting hours in California, and maybe necessary to coordinate with California's hunting hours.

Public Comment –

Paul Dixon, Clark CABMW, said he wanted to say that for sportsmen of Nevada who may not be able to travel that opportunity for black bear hunt and to hunt a new big game species in Nevada is why Clark CABMW supported the hunt. He said the board had same concerns that Commissioner Cavin with the state line, and need to coordinate seasons and times as crossing over the state line into California is a real possibility while hunting a bear and we need to make sure hunters have opportunity to have tag in both states to pursue the animal to its conclusion if using dogs.

George Corner, NOGA, said they support this proposal and would like 24 hours for any legal weapon hunt if using dogs, as dogs don't know time or state lines, and also would add being able to use headlamp with battery pack and for lion hunts too instead of a flashlight.

Don Molde representing himself said he is opposed to this proposal. He said he has a letter for the record giving specifics and his apologies if he is saying things covered at Fallon meeting which he was not able to attend. He said he has no data as to biological soundness of this issue and what concerns him is that the hunt is in the Tahoe Basin, an area cluttered with problems and knows Tahoe residents have been opposed to a lethal control method for problem bears and he knows that is why Department has been successful the last 15 years in working with residents in handling these bear problems which are garbage related and a hunt could jeopardize that good will. And the thought of hunters roaming around for six months with dogs, guns, and bows and arrows is nutty. With respect to dogs, as many times he has heard sportsmen complaints about dogs being leashed on public land and now to allow dogs to run around while they try to catch a bear is contradictory, and seems to him dogs should be under physical control. He said he is also concerned that nothing, in proposal addresses law enforcement, and nothing as to poachers, who don't go through the process. Mr. Molde said it seems to him many complexities to this thing that don't serve the public well or frankly the bears either.

Ken Wellington, Elko CABMW, said the board supported the hunt and important for the public to understand that NDOW euthanizes about 20 bears per year. He said to go along with Commissioner Vogler's comment, that archery and muzzleloader requests could be covered under any legal weapon hunt. He said some comments brought up at their meeting were not being able to use bait, use of dogs, and another concern that the 24 hour hunting hours with use of hounds, and people also mentioned a pursuit hunt without take which could maybe assist NDOW with pushing bears away.

Karen Layne, Las Vegas Valley Humane Society, said they are totally opposed to the hunt proposal, and the fees proposed for the hunt are very minimal and after listening to the Commission meeting over the last two days and hearing NDOW state that they don't have enforcement staff or other staff to do what they are currently tasked with and this is an urban area, that she does not understand how administratively the fees collected will allow you to do this. How and where will enforcement people come from if NDOW does not have people and do you think you want that message to the public, as seems opposite with existing personnel. The other issue is when you implement this, she does not see any where in the proposal an evaluation of the program such as within one year, to see how effective the program is, as when you have a new program there is usually an evaluation. She said she totally understands that the NBWC is geared toward and represents hunting population but would point out that hunters are a small portion of the population and the rest (90 percent are not hunter related) look at this as actually liking black bears and don't want this done and she is in the population segment that has a conflict with this, and thinks the Commission is creating more of a problem than you are solving.

Gil Yanuck, Carson CABMW, said board voted in favor and their locale is the largest bear area of the state. Carson City County enacted bear ordinance last year which has worked pretty effectively and has seen bear proof containers go up where we had problem but bears accustomed to food wagon of trash cans, the cubs learn early, and is very difficult, and understands the concerns of people as bears are beautiful and no one looking to do away with bears but we have conflict bears who have learned wrong things. Trying to correct and stratified season with archery would pin-point those conflict bears whom do not hibernate as they have a good food source in Tahoe. Some areas of Tahoe have enacted regulations, and until we get everyone to do that, we will have problems. This will not hurt bear population as over 10,000 bears in the Sierra.

Gil Yanuck, private citizen, said he has been two inches away from bear personally and until you have been in that position your attitude will be totally different as you can write from your computer how great bears are but if we don't do something we will have bear-human conflicts. We have been lucky not to have had a human-bear conflict and we need to ask ourselves if we can do something to prevent that and feels this regulation would do that.

Rex Flowers, Washoe CABMW, said the Washoe CABMW was in favor of this, only had request that stratified season be changed to archery only and separately all legal weapon season, hours be changed to 24/7, bear hunt seminar mandatory, all edible parts be removed from the field, and harvest validation be mandatory. He does not believe hunt will end bear-human conflicts going on but will reduce to a smaller percentage. And we all love animals and viewing in the wild and people have some pre-conceived ideas are not true such as that they will see people running up and down with weapons as we hunt deer there and we don't see that.

Walt Mandeville, Lyon CABMW, said the board was in agreement that NDOW can establish a season with Commission approval as it makes sense. He said he was in bear biologist position himself when he worked at NDOW and the black bear is a dangerous animal to handle and considers them one of the most dangerous animals. He agrees the season will not solve all the problems but may help alleviate some of them. Thrilled to death to see a hunt as the bear is one animal that we have not been able to manage and this would be a tool to manage them.

Chairman Raine said the trash ordinances need to be conducted at the local level as the Commission does not have that authority and all laws of that nature need to be implemented closest to the people in their city and county and level.

Commissioner Capurro said had many interesting emails on this and many people do not understand bears as bears are wild animals with unpredictable behaviors. He said having a season is necessary to gather information which we can do with a season and provide follow-up as necessary which we do as we will watch the season like a hawk to

see what develops and what to do in the future. Idea of stratified hunt is fine but believes to avoid conflicts between weapon users, he will only support as long as only legal weapon hunt during whatever portion of time. Does not think dogs should be allowed in early and but allowed in other portion, no baiting of bears allowed at any time. He said no problem with 24 hour situation as set forth by Mr. Corner and others during public comment, thinks \$50 fee is too low and should be \$100 or more as suggested at Washoe CABMW meeting. Otherwise knows that Department staff and Mr. Lackey did a lot of work on bringing this forth and is a conservative approach to adding a new hunt season which many sportsmen will be interested in supporting.

Commissioner Lent said support material has been put together well and as this is experimental season he thinks it needs to be reevaluated after one year; likes idea of all edible portions to be taken out; should be any legal weapon as Commissioner Capurro said; should be indoctrination as new hunt in state; should have good hunter return to monitor results; disagree with 24 hours and not hunt all night as not appropriate; decide on validation of hide or skull and may include any other biological parts the biologists need for biological data; thinks we should have shorter season, as hunting nine months of the year for the first to err on shorter side as the hunt starts and would support spring season; and fee should be \$100 instead of \$50 as this is a premium hunt and won't be a problem selling to sportsmen from interest he has seen.

Chairman Raine said his comment is #7 regulatory considerations and calling black bear hotline, and did not state within how many hours you call, and should you not be able to look it up on internet instead of calling and has that been considered and needs to be spelled out; and for initial year some concerns with use of dogs – specific units 192, 294, and 296, be separated out with no dogs, if conflict and see how the first hunt goes. One item required change in NRS for program costs and not interested at this point in changing NRS for program associated costs.

Secretary Mayer said all that takes is money and we could move to the internet or phone and is a detail to be worked out and is operational; and the reason for the \$50 fee was suggested because of application fee is where the money is made and want to promote as many applicants as possible to have revenue base for program but certainly up to the Commission. California season is one-half hour before sunrise and one-half hour after sunset, California has archery season with no dogs, and NDOW will do everything we could to let hunters know season closed. Secretary Mayer said the Department put the change in NRS in as NDOW has used general fund to support current bear program and that funding is gone. Our thought was to add depredation fee to help fund that.

Commissioner Capurro said all tags will be sold and easier to come down from price than raise the fee and we know the fee will not pay for program. The tag in his view is worth more than \$50 and does not want to come back and try and raise the fee.

Commissioner Raine said number of months hunted does seem excessive for the first year and that may need to be evaluated and changed and thinks the Sept. 15 – Dec. 15 may be more appropriate with small spring hunt with limited quota.

Commissioner McBeath said in regard to tag fee he recollects that when the drop of price in Partnership in Wildlife (PIW) tag changed, that increased the number of applicants, and he asked if research had been done and if so where did you see the break.

Monty Martin of Systems Consultants said fee dropped to \$10 and every year dramatic increase in revenue and participation.

PO III Hullinger said the \$50 tag fee was arrived at as a starting point after surveying others states and their tag fees which were on average \$50 for a resident hunter and \$200 for a nonresident hunter.

Commissioner Capurro said the problem with that is the surveyed states have larger bear populations than Nevada and any number of nonresidents tags will be sold quickly and still does not think \$50 is correct and PIW is totally different than this.

Secretary Mayer said it is anybody's guess what will go over and staff will provide a range in the proposal.

Chairman Raine said have some consensus that dogs are a good idea but maybe with restrictions, talking of possibility spring hunt with approximate dates of March 1 to April 5 or 10th, and personally not supportive of summer hunt as concern with temperature relative to the meat.

COMMISSIONER HOWELL MOVED TO HAVE A SPRING BEAR HUNT COMMENCING NEXT YEAR 2011 FOR THE FULL MONTH OF MARCH, ANY LEGAL WEAPON; WITH THE HOURS SUGGESTED BY NDOW, FOR ONE-HALF BEFORE SUNRISE, ONE-HALF HOUR AFTER SUNSET; THE CLASS REQUIRED TO TAKE EFFECT; \$100 TAG FEE; WITH THE HUNT A QUOTA OF 50 TOTAL WITH THE HUNT ENDING WHEN 10 FEMALES TAKEN AND FROM THE FIRST OF ...

DAG Stockton said he is going to have to stop Commissioner Howell as the agenda item is to draft a regulation to create a black bear season, you cannot set the quota, as that is done at the quota setting meeting.

COMMISSIONER HOWELL SAID HE THINKS WE SHOULD HAVE A SEPARATE BOW SEASON IMMEDIATELY FOLLOWING THE ANY LEGAL WEAPON SEASON FOR ONE WEEK COMMENCING APRIL 1.

DAG Stockton said season setting is for season setting meeting too, right now we are drafting regulation to have a bear hunting season.

Commissioner Howell said to Chairman Raine...

Chairman Raine said the agenda states create and provide instruction.

Commissioner Capurro said to DAG Stockton that Commissioner Howell is dealing with the specific issue of archery and the dates could be plugged in, and is trying to say portion should be archery.

DAG Stockton said that is fine but specifying setting the dates should be done in season setting meeting and that is done every year with data NDOW brings to us, right now we are setting up the regulation that will allow people to hunt bears. At the season setting meeting you will set the dates they can hunt bear and in the quota setting meeting you will set how many bears they can hunt.

Commissioner Capurro asked DAG Stockton if it could not be stated that there will be an archery hunt for a short period of time sometime in the timeframe.

DAG Stockton said that would be okay as long as it is general, as you don't want to box yourselves in because if the data says bears aren't out until end of March you would not want the season to start at the beginning of March.

Chairman Raine said we have a motion on the floor for a spring rifle season approximately one month in length; any legal weapon; followed by a one week archery season, one-half hour before sunrise and one-half hour after sunset; class required; \$100 fee; no baiting.

COMMISSIONER HOWELL SAID SEPARATE BOW SEASON FOLLOWING REGULAR SEASON; REEVALUATION OF ONE YEAR. COMMISSIONER CAPURRO SECONDED THE MOTION.

Commissioner Cavin requested that motion maker Commissioner Howell possibly consider other recommendations from Department be included to rule on at a separate time, like some of the proposals which they had, so we do not close the door on those issues today and evaluate those proposals as they come through, and not have such a specific motion that ties our hands.

Commissioner Howell said he does not understand the request as we can't set seasons and dates right now anyway.

Commissioner Cavin said he does not want to close the door on a fall season today.

Commissioner Howell said he was not allowed by the DAG to put that in anyway, and does not think we closed the door on that.

DAG Stockton said remember we are going to create a regulation, have it drafted, heard in workshop, and then have a meeting where you take the vote on the regulation. That is what the agenda item states, "guidance to staff to create a black bear regulation."

Commissioner Lent said all we need is a motion to establish a bear season and we will do a regulation, and the Department will come with suggestions and bring it back and when the Commission hears the regulation at that time we can add or subtract items and right now we are just giving parameters to the Department as to what we wanted. He said we can't put everything in motion as would not be appropriate.

DAG Stockton said another thing to reconsider is that the regulation will be temporary due to the legislature being in session so the regulation will expire and the regulation will have to be heard again in order to make it permanent.

Chairman Raine said if anything missed in this motion we can always have another motion following as long as not contradictory to the motion so we could address dogs or whatever else.

CHAIRMAN RAINE RESTATED THE MOTION: ASK STAFF TO DRAFT REGULATION FOR A BEAR HUNT FOR APPROXIMATELY ONE MONTH IN LENGTH IN SPRING, FOLLOWED WITH APPROXIMATELY ONE WEEK BOW SEASON TO FOLLOW, REQUIRED INDOCTRINATION CLASS, \$100 FEE, NO BAITING, REEVALUATION AFTER ONE YEAR, ONE-HALF HOUR BEFORE SUNRISE AND SUNSET.

Commissioner Vogler said to Chairman Raine and Commissioner Howell that he is concerned with this making everyone with hounds a criminal as if you tree a bear and it gets dark, it will be difficult as if you are in hot pursuit, he has no problem with it going longer than the one-half hour after sunset, although he will support the motion as we have to get it started.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAVIN, CAPURRO, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0, CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER CAPURRO MOVED TO CONSIDER HAVING A FALL HUNT SEASON TO BE DETERMINED IN TALKS WITH STAFF WITH SAME IDENTICAL REQUIREMENTS AS SPRING HUNT EXCEPT DOGS WOULD BE ALLOWED. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAVIN, CAPURRO,

HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0, CHAIRMAN RAINE DID NOT VOTE.

Commissioner Cavin said we are closing door on one component and part of the proposal is to discourage the urban bear problem and without the archery component we may be missing the opportunity and thinks we should have that.

COMMISSIONER CAVIN MOVED THAT WE NOT ABANDON THE ARCHERY COMPONENT AT THIS POINT IN TIME AND ASK THE DEPARTMENT FOR A RECOMMENDATION FOR THE ARCHERY HUNT AS WELL AS THE OTHER HUNTS WE ASKED FOR.

Big Game Biologist Lackey said regarding the archery hunt or summer season, that this year (2010) he had to kill 19 conflict bears between June 1 and the end of August, and that was the reason behind NDOW's summertime season recommendation.

COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: MCBEATH, VOGLER, CAVIN, WALLACE. COMMISSIONERS OPPOSED: LENT, CAPURRO, SHRUM, AND HOWELL. VOTE SPLIT 4 – 4, CHAIRMAN RAINE OPPOSED, MOTION FAILED 5 - 4.

35 B Guided Hunt Regulation Update – Program Officer III Maureen Hullinger

PO III Hullinger said at the June Commission meeting a petition was approved from NOGA by the Commission to reinstate eligibility for unsuccessful clients for the main draw, and she provided draft language at the August meeting, where action was tabled by the Commission to allow her to return with language that insures that those unsuccessful applicants would not earn a bonus point to be used in the main draw. She said she was unable to comply with noticing requirements for this meeting, thus today's presentation is informational only. Implementation for the requirement on bonus points is estimated to cost \$500 and she has draft language to notice for workshop and action at the December Commission meeting.

George Corner, NOGA, said NOGA requested the change and they are satisfied, and throughout the process they have tried to show intent of original language and basis is from legislators involved and committee members, and at last meeting there was discussion of that and have a letter for this meeting from primary sponsor of legislation, Assemblyman Carpenter, and minutes from the Nevada Board of Wildlife Commission when language was adopted which is supported.

Commissioner Lent said at this meeting we heard from DAG Stockton and Secretary Mayer while Assemblyman Claborn was here that intent is in committee meetings and if you make a statement that the intent was to have two chances you need to obtain the proof and minutes from the legislative committees not just one legislator.

DAG Stockton said for clarification the standard is that the testimony of one legislator cannot be used, if intent of statute is clear on face, and in this one it states nonresident guided hunt and does not contradict, the language of the statute is vague as it does not state you can't be in the main draw. He is not saying that Assemblyman Carpenter's letter controls rather that this is just a different situation.

Mr. Corner said this was brought up during testimony in front of the Commission that this was a loophole and what he has just shown the Commission is that this is not a loophole and has been in the legislation since day one.

28 Department's Biennial Budget – Commissioner Howell – Action

Commissioner Howell said the Finance Committee met on Thursday and that the committee was able to see the budget and that was to be an action item on the committee's agenda but he cancelled the item as they did not have time to review the budget between Tuesday and Thursday. He said he also had a conference call on Wednesday with Chairman Raine, Deputy Director Cates, and Secretary Mayer, to discuss the budget which was very informative and they took him right through everything and he will have Deputy Director Cates elaborate further today. The next thing that has to be done through the Legislative Committee is to change the timeframe for review of the agency budget as we have to comply with the deadlines or change the law. That was the main point and the fact that there is no time for review and it really is nobody's fault just the time constraint and he asked Deputy Director Cates to continue.

Deputy Director Cates reviewed the budget spreadsheets that he handed out during the meeting and said from now on budget will be in "Governor Recommends" stage and will be presented to the public in January, then onto the legislature. He said this proposed budget would not be effective until July 1, 2011, and remains draft with internal review ongoing. He said the Department faces revenue challenges and proposals included in the budget to increase revenue are: Commercial shed antler permit fee \$1,500, gradual increase in boat registration fees, require hunting license to hunt varmints, and raising habitat conservation fee by \$2 for residents and \$7 for nonresidents including a \$2 fee on all temporary licenses.

Public Comment – None

Commissioner Lent said he was the only public at the Finance Committee meeting and would suggest a letter to Attorney General on legality of the Commission not being able to review the budget and be able to complete the Commission's statutory duty of review and recommend, and in the future with the new system the Commission may be able to complete the review and keep within legal requirements.

Deputy Director Cates said part of the difficulty this cycle was the budget splits which made it very difficult to create anything early on to be meaningful and staff did bring forth the budget split plan to several Finance Committee meetings and the Fiscal Year 10 expenditures which are the basis for fiscal years 12 and 13. The problem was creating new budgets and showing what they look like with the numbers. If we were not making all those changes and preparing a normal budget he is confident that staff could get that information to this body for review and recommendation.

Secretary Mayer said he too is confident with the new budget structure that it should allow the Department to provide 90 percent of the numbers to the Commission and at that point we could get the Commission's ideas to dovetail in.

Commissioner Capurro said he on the Finance Committee and everything heard so far they went through at the meeting and is an arduous process and in the end this new process may provide more transparency of what the budget really is instead of one massive account. He is confident that by next cycle the committee will have enough information to see where we are going. He said he knows numbers change right up to point of submission to the legislature and is disappointed we did not meet statutory requirement this time but is convinced staff worked hard to do so and switching to new system will be better in the long-run and congratulated staff on the hard work that went into the budget. The caveat is that some of the suggestions for revenue increases will require sportsmen to weigh in on them however today is not the day for that but this is giving notice that these increases are in here and as for boat registration increases are due with quagga mussels and so forth, as the Department's responsibilities have expanded and registration has gone down.

Commissioner Howell said for the record that we do not need to change the regulation as the Commission will be able to review the budget from here on out; therefore no need to change the regulation.

Secretary Mayer affirmed that the Department will make every effort to provide the budget to the Commission.

Commissioner Cavin asked about the downward trend of the mining assessment fee paid to the Department.

Secretary Mayer said there is a limit of \$10,000 per company and the fee is based on how much ore you process and back in the day there were lots of companies and now a number of mining companies has been consolidated and have fewer people paying the assessment and the fee has been capped out. He said the mining industry is aware of that and they will be bringing forth legislation to increase the amount paid to the Department.

Chairman Raine said his comments on the proposals to add revenue: The shed antler fee is a broad issue with many factors and appears to have bypassed the traditional Commission and CABMW process and not sure right solution but not in favor of throwing it out without going through the committee process; in regard to boat registration he believes registrations will continue to drop with continuation of the recession and if you raise the fee that may cause more people to drop out from registering and may be worse adding additional fee as it will probably keep dropping; hunting license for all species is something he can't see at all and until he sees the pros and cons that is contrary to best interests of wildlife and if we were having a problem with a population we would reclassify them and charge a fee, and if anything there is an overabundance of these species and the best way to maximize harvest is to not require a license as they are doing us a favor and their activity allows us to sell tags and have a game population and is worth discussing further.

Secretary Mayer said this begins the process whereby the Department will bring the BDR proposals to the Legislative Committee as we said we did and the public process will begin and the Commission and CABMWs will have opportunity for their opinion.

Chairman Raine asked the Departments best recommendation for the best way for Commission and CABMWs to weigh in on the proposals.

Secretary Mayer said staff will submit support material to Legislative subcommittee and will have in support material. He said we will have opportunity in the Legislature if the proposals make it that far. He said these are Executive Branch proposals that will be submitted, and to date the Department has been given no instruction on revenue type legislation and operating on what we have heard in the past and also will depend on who is elected in November as the governor elect will work on the budget. We had to come up with mixture of savings, cutbacks that included personnel and also had to include revenue ideas, and these ideas seemed the most reasonable. In a few years the Department will be coming to the Commission for general fee increases to expand programs, these revenue ideas are not for program expansion, rather they are addressing the fee shortages.

Commissioner Capurro said staff included the suggestions to get discussion started, and we will have these items on the Legislative Committee agendas for hearings, and hopefully before the legislature convenes all will be on the same page. He said these are comfortable parameters to work with are here and can discuss the details in the Legislative Committee.

Commissioner Lent said if you bring these up to sportsmen, NDOW should put something on the web page for hunt applications to ask if sportsmen wish to donate to the Department, similar to what the Governor did for teachers, and could see if sportsmen support fee increases.

Secretary Mayer said he challenged Chief Laura Richards of Wildlife Diversity who is on the nongame side to look into a Bill Draft Request (BDR) to produce revenue from non-resource users and they have taken that to heart and are working on it and sportsmen are number one conservationists and we need a program to have non-consumptive users pay and staff are working on that and is a good faith effort on their part.

Commissioner Vogler asked about federal funding and if Secretary Mayer had a feel for what would happen if NDOW's federal funding were to drop in the future.

Secretary Mayer said Nevada belongs to the Association of Fish and Wildlife Agencies and they are paid lobbyists who represent state wildlife agencies and they keep close watch on the federal government and word is a possible decline of 10 to 15 percent in Pittman-Robertson and believes there will be a contraction although we did receive the bump when President Obama was elected. He sees a slow decline in the federal funding.

Commissioner Vogler said for nonresident hunters who come over to hunt varmints the nonresident license cost is prohibitive and may need to offer a three day license or an alternative as he does not want to have hunting turn into sport of kings.

COMMISSIONER HOWELL MOVED THAT THE COMMISSION ADOPT THE STAND OF COMMITTEE TO TAKE NO ACTION. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM AND WALLACE. COMMISSIONER VOGLER OPPOSED. MOTION CARRIED 7 – 1. CHAIRMAN RAINE DID NOT VOTE.

29 Western Association of Fish and Wildlife Agencies (WAFWA) – Chairman Raine – Action

Chairman Raine referenced that a letter pertaining to this item was sent in support material (exhibit file).

Commissioner Lent reported that he and Commissioner Capurro attended WAFWA and had \$4,000 allocated for travel. Commissioner Capurro had travel costs of \$2,237.91 plus his airfare and he received \$1,568 for compensation as they agreed they would equalize the costs. Commissioner Lent's raw costs were \$2,597. Both had a loss between themselves as neither he nor Commission Capurro received total compensation as the rest of the agency did, again they took a loss, and no one from the agency or others did.

Ken Wellington, Elko CABMW, said he saw this item on the agenda and has the May minutes and he said the motion by Commissioner Cavin stated that \$4,000 was to be allocated for one Commissioner and another Commissioner if they wanted to kick-in, but only \$4,000 allocated. This is Commission and CABMW monies and he had concerns

and sent a letter on Sept. 15 requesting records and travel vouchers, and believes the registration paid by NDOW.

Deputy Director Cates said Commissioner Lent's registration was paid by NDOW Commissioner Capurro paid his own.

Commissioner Lent said the registration was deducted from the net proceeds.

Mr. Wellington said when he looked at the claims he received from DAG Stockton there were additional luggage charges by Commissioner Lent and understands Mr. Lent took a fishing pole and brought back fish and charged it on the bill and is assuming that was what that was. He said his stand on this as a CABMW member and a sportsman is that \$4,000 was approved and that is what should be reimbursed and has no problem with that split.

Paul Dixon, Clark CABMW, said he recollects that there was much discussion of this at the May meeting as that is when the CABMW budgets are determined, and the Commissioners knew at the time that it would be a loss leader if two members were sent, and as it was a 7 – 1 vote, he supports staying with that \$4,000 allocation.

Commissioner Capurro said no one has heard him ask for compensation beyond what was expended and he has received his compensation and Commissioner Lent has not and he is not complaining and if anyone thinks they are getting rich they are dead wrong. He and his wife are staying in Las Vegas on this trip and is no cost to the Department and he was extremely careful with his expenses and scrupulous in what he claimed. He said that the WAFWA conference was totally worthwhile for the Commission to attend.

Commissioner Lent said the CABMWs need to look at the full picture as it is sportsman's dollars and he knows that the Department employees took their fishing poles as well.

31 The Commission Will Hear a Presentation on Creating a Non-Trophy Bull Elk Season and Regulations – Cory Lytle, Lincoln CABMW

Cory Lytle, Lincoln CABMW, handed out a newer handout to supersede the support material in the packet (exhibit file). He reviewed the handout, and said they want to maintain herd management objectives, hunter opportunity and the other items that have compiled themselves into elk management and have a definition of a management elk – five points or less.

Commissioner Lent asked whether proposal is based on science such as peer reviewed or papers as that is what they are asked on their proposals as the Department denies projects that are not science based.

Mr. Lytle said he does not have that information although other states use restricted antler hunts but in a different way, the number one goal, is fiscal and reduces landowner conflict and will maintain quality. Fiscally, the nonresident population that hunts in Nevada are tuned into the harvest quality and if it does not stay high the nonresident hunters will go elsewhere which will drop application numbers; as to landowners, the price has of the tags has gone down; will help with high bull/cow ratio of 90 to 100 cows; harvest will go down; agricultural situations in certain units where elk are would be helped; and scientifically who knows.

Commissioner Cavin said all this would do is create the “category” then the science and actual proposal would come from the Department, all we are doing here, is creating a hunt category that the biologist could then use at their discretion.

Mr. Lytle agreed with Commissioner Cavin’s statement and said they are working with their local biologist and his board was in agreement to use Unit 231 as the guinea pig for the proposal.

Director Mayer said he has noticed that over the years that there is a reluctance to take the quota recommendation as sportsmen concerned that all the older age class bulls will be taken and this would be an option to manage the bull elk ratio to manageable and have to look at herd survey data point class and see how to take the pressure of the big bulls and still provide elk hunting to others.

32 The Commission May Discuss, Create or Provide Instruction and Guidance to Staff to Create a Non-Trophy Bull Elk Season and Regulations –

Paul Dixon, Clark CABMW, said they did not have support material for this item in time to discuss as action item but did discuss as informational item. He said a game warden was present at their meeting and his concern was with setting point limits that some animals with damaged or broken antlers may contribute to abuse and from a law enforcement perspective this regulation would be hard to monitor or enforce. He said we also already have a spike elk hunt and why that could not be modified up to three or four points and just expand the use of that hunt to target that age class.

Ken Wellington, Elko CABMW, said the board supported this; however public present concerned with the five points or fewer and their preference would be four points or fewer; being allowed to put in for only one elk hunt and not being able to pull bonus points from this; concerned numbers out of this would affect their quotas; concerned with hunter congestion in elk areas with numbers of tags in 061 and 071; will season be stacked on top of others; similar concern like Clark CABMW with damaged and broken antlers and how will law enforcement enforce; and the spike hunt is in place and could that hunt be modified.

Randy Lytle from Pioche said he drew his bull elk tag after 15 years and this program will help as you can put in for this without waiting 10 years. He said down there we have a class of five point bulls that will never be anything else and is chance to get rid of them. In his opinion does not see the problem with this hunt as will make a quality hunt for Unit 231.

George Corner, NOGA, said they provided input at the Elko CABMW meeting, but if as Chairman Raine suggested it is a depredation hunt and he would suggest four points or less and if does not affect bonus points you would have more participants and then guides brought up 061 where we don't want any more pressure which could be covered in season setting.

Chairman Raine thanked Mr. Lytle for the comprehensive material he provided to the Commission on this issue may tweak one or two things and sees the possibility of helping with genetic composition of herds and doesn't know about the science but the Department will help with that.

Commissioner McBeath said from his experience in hunting elk in Units 221 and 222 extensively over the last seven years, that he has seen decline in older age class bulls and also seen a proliferation of large five point bulls and seems to be a genetic trait in that area and this is the first proposal that makes sense as getting pressure on those big five points and get them out of the gene pool and deal with bull ratio. He thinks this makes sense and would like to support it.

Commissioner Lent said he would reiterate an email from Director Mayer dated March 7 that states we need science as our base in our approach to wildlife management from a biological aspect and he needs to see the science that this really will work as he is not opposed to it but unless they bring science or technical papers to base this proposal on other than "thinking" this is going to work.

Commissioner Vogler said ranchers are obviously paying the price as they ranch or grow hay and if we make the science we cover our bases and believes Mr. Lytle is cognizant of that situation as Commissioner Lent stated and we will be diligent in keeping good records.

COMMISSIONER HOWELL MOVED THAT WE ASK THE STAFF TO CREATE A NONTROPHY BULL ELK SEASON WITH DEPARTMENT REGULATIONS STARTING NEXT YEAR. COMMISSIONER MCBEATH SECONDED THE MOTION.

Chairman Raine asked procedurally what is the Department's timeline if the regulation were passed.

Director Mayer said if we can do this in December and January to have established, and then at season/bag/quota setting the hunts that met scientific criteria would be populated. He said the situation is a result of managing for five points while six points have been taken and you basically mine the resource and don't have quota low enough to be productive and staff need to take a look at this and make sure this can work. He said we could in December return with definition for framework and that is off the top of his head.

Commissioner Lent said for the record with nothing to substantiate at this time he cannot support the motion.

Director Mayer said the science could be discussed at the December meeting and the next meeting staff could bring forth the definition.

COMMISSIONERS IN FAVOR OF THE MOTION: CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. COMMISSIONERS OPPOSED: CHAIRMAN LENT. MOTION CARRIED 7 – 1. CHAIRMAN RAINE DID NOT VOTE.

33 Bighorn Sheep Disease Update – Chief of Game Larry Gilbertson - Informational

Chief of Game Larry Gilbertson said in regard to the bighorn sheep die-off that the seven radio collared sheep are still active which is good news and no recent reports of sheep dying.

Chairman Raine asked if preliminary results on cause and cost of die-off are known.

Secretary Mayer said he will have Dr. Wolff provide a more detailed status report at the December meeting.

34 The Commission May Discuss Rocky Mountain Bighorn Sheep and may consider Drafting a Policy Concerning Diseased Bighorn Sheep Populations and Future Rocky Mountain Bighorn Sheep Management – Chairman Action

Tom Cassinelli, Humboldt CABMW, said he would not advocate bringing in different bighorn sheep genetics in to the area of the die-off as we have had a die-off in 1975 and have a quality of rams and sheep that he would hate to mix with lesser quality and should let them come back on their own and should not mess with that.

Commissioner Lent said he would like a strain of bighorn sheep from New Mexico or Arizona that is a super strain. He said two problems trying to stockpile and need new genetic make-up with other strains. He said he knows sheep experts and will ask them about the bighorn sheep make-up.

Tom Cassinelli, Humboldt CABMW, said he has been told that bighorn sheep species genetic make-up is so close already that it takes quite a bit to break it down and see the differences.

Commissioner Vogler agreed that the bighorn sheep need to come back naturally and if introduced they must be healthy sheep that have had a battery of shots before being transplanted and use management tools that will work.

Mr. Cassinelli said he agreed with that and would like the Commission to know the Department's protocol on vaccines as that is only a one year solution and we should make them healthy and that is probably what is being done anyway when sheep are transplanted.

Ken Wellington, Elko CABMW, said in June his board approved emergency plan with predator control and selenium blocks as all the animals that passed we know what they are deficient in from the samples and would like to put supplemental selenium and cobalt blocks for the sheep to make them healthier. Also added in plan, a way to address lion predation on the sick sheep, and his board wants to work with the Department and also have similar deal with the mule deer.

Dennis Wilson, Nevada Bighorns Unlimited (NBU), read a letter into record from Mel Belding (exhibit file) recognizing the work of the professionals employed at NDOW who have made the bighorn sheep program what it is. He said he asks the same as Mr. Belding and that is to trust the biologists at NDOW and the veterinary at NDOW to let them help us through this crisis. He asked that the Commission consider the utilization of the scientific method and recognized scientific protocol, especially evidence-based studies, to arrive at scientific conclusions. It is understood that evidence changes with time and therefore scientific conclusions may change with time. Peer reviewed and accepted studies and studies representing majority opinion of scientific leaders in any give field will be given special (but not exclusive) consideration. Anecdotal reports and filed reports should be collected and monitored over time but should not be utilized solely for the basis of decision making. NBU wrote a letter to Dr. Annette Rink who asked for their input on bighorn sheep disease and paraphrasing from the letter which asked that researchers and wildlife managers develop and use standardized protocols for dealing with disease outbreak in wild bighorn sheep populations in bighorn sheep populations in a timely and efficient manner. We would like this to include isolation strategies to reduce disease propagation, sampling criteria and lab selection protocols to maximize sample value and ensure useful data is obtained and available to all researchers and managers, as well as consideration to a first response team that would be available to guide all bighorn sheep managers when faced with a disease crisis. We would hope this would develop into a cooperative system enabling all wildlife managers access to vital information and past effort results and conclusions in a timely manner.

This would set guidelines and protocols to ensure that disease events are treated in a consistent and efficient manner and allow good information from each event to be collaboratively reviewed by key members of the team, as well as interested researchers. He said he is saying this as they were not sure of the intent of this agenda item and would state that they ask that science be followed, follow the recommendations of the expert and let all the western states work together to solve these problems.

Commissioner Lent said at a WAFWA bighorn sheep meeting last January it was recommended that all the states pool their data so everyone could benefit; however it was decided not to do that, as the group was not sure what they did worked, and that surprised him greatly, that they did want to do that and we should put information together to share especially for states as this could occur in their future too.

Chairman Raine said for this item he wants the Commission to know the cause of the die-off before we transplant sheep again as senseless to re-populate the herd with transplants until that is known.

Commissioner Lent said he would echo the comments of the Chairman in finding the cause and how long do you wait before you repopulate, and until you find the cause how do you put sheep back in there. He said he is not sure if you can breed it out and he asked if veterinary on staff at NDOW is still working on the cause or has she given up.

Chairman Raine said a report on the die-off status will be on the next agenda.

35 Reports - Informational

A Reports on Mule Deer Efforts within Each County – CABMW Members

Ken Wellington, Elko CABMW, said the highway overpass and underpasses are almost done. He said the second part of sheep plan as he mentioned earlier and submitted, is emergency predator projects and will try to bring plan to management board which is to target Ruby Mountains with selenium and cobalt blocks as when the does were taken off two years ago, the data showed they were missing those and not in deer diet. Submitted generic plan for Green Mountain/Harrison Pass wintering area and added collaring to monitor over one or two years and determine predator control and is open at this point.

Commissioner Lent said would behoove your group to get as much education as possible as research out there shows that acid rain is causing plants not to take uptake of selenium and that is why they are deficient.

Cory Lytle, Lincoln CABMW, said draft management plan was presented to Commission and are already looking at revisions to plan and would like to coincide finalization with

the Mule Deer Committee work. He said locally working on water projects and opposing wind project on Table Mountain and Wilson; and working on support of all wild horse gathers.

Commissioner Lent thanked Lincoln CABMW for all of their work as they are a premium CABMW.

Paul Dixon, Clark CABMW, asked Chairman Raine when the Mule Deer Management Committee will have a final report as the committee has been working over one year. At the August meeting in Fallon he was told by Chairman Raine that drafts would be out in August.

Chairman Raine said that the final product is scheduled to be released in the next few months.

Commissioner Lent said when he set up the committee the direction to the CABMWs was to provide input from and some have elected not to do that and the intent was that we wanted input from the CABMWs not vice versa.

C Wild Horse Update – Deputy Director Rich Haskins

Deputy Director Haskins said a report was provided to the Commission in support material.

Commissioner Vogler said he was concerned that wild gather in Antelope Valley was not included in the report and is scheduled for sometime in December.

Deputy Director Haskins said he will check on that gather with staff and report later.

Commissioner Vogler updated the board on the status of the wild horse refuge that Madeline Pickens has purchased: Ms. Pickens has website with plan; has options to buy Sorenson and Warm Springs Ranches provided the BLM AUMs transfer which will give her an area of several hundred thousand acres, which is a huge mule deer wintering area and anecdotal information of bighorn sheep sightings; Taylor Act for grazing will needed to be changed and will be opportunities for public comment; 30,000 horses to be brought in immediately and assumes horses under same regulation as far as damage to range and 2,000 horses in the area already; horses will be subject to branding laws to identify horses there from those already there from those brought in; and good news is all the ranchers want to be treated the same as her. He said a ways to go on this and will have to address other permittees and he said to the group do not despair as this will not happen in an instance.

Commissioner Lent reiterated that on horses and burros that the State Engineer's decision considers them wildlife and when you develop any allotment you must have water developed for horses and burros and would like on the agenda to write letter to State Engineer to determine if they are wildlife and would like that on the agenda for the next meeting.

Commissioner Vogler said according to the law even when they have a gather the horses are brand inspected and technically the state owns unbranded animals and Department of Agriculture makes final decision as to who the horses belong to and fine line between wild horse and feral horse and for the State Engineer to make that type of a ruling is something that should be protested and this may be avenue to have their numbers limited.

Commissioner Shrum said we are all aware that over the past few years that SNWA has purchased several complete ranches on the border of Nevada and Utah and wondered if any way to make deal to move wild horses to vacant ranches rather than lose grass and water that is being wasted, and what would be ramifications of making a deal.

DAG Stockton said all the problems that apply to Ms. Pickens would apply to SNWA as well.

36 Future Commission Meeting – Director Ken Mayer

Chairman Raine said next Commission meeting is scheduled for Dec. 3 and 4, 2010, in Reno, and he asked that status of joint Utah/Nevada meeting.

Director Mayer said in regard to the joint meeting with Utah, that he received two emails from Utah Director Karpowitz and they are checking on Utah's open meeting law, Utah meets March 12 and 13 and those dates can't be changed. Mr. Karpowitz is to talk to his board and see if he can change the dates. Secretary Mayer will report back in December on progress.

Chairman Raine said potential agenda items for December are water rights and status of horses and burros; trail cameras; acceptable methods for counting animals for landowner tags; Ethics Commission presentation; application cost charges; desert and rocky mountain bighorn sheep mixing; bighorn sheep die-off update; Sheldon predation management and options available; and wolves. He said if anyone has anything else to contact him.

Committee assignments are as follows:

Finance Committee

Commissioners Howell (chair), Capurro, Shrum
Staff to Committee: Patrick Cates

Mule Deer Restoration Committee

Commissioner Raine (chair), Wilde Brough, Cory Lytle, Pat Laughlin and John Carpenter
Staff to Committee: Tony Wasley

Duck Stamp Judging Committee

Commissioners Capurro (chair), Cavin, Wallace
Staff to Committee: Aaron Meier

State Predatory Animal and Rodent Committee – NRS 567.01

Commissioner Wallace

Wildlife Scholarship Recipient Selection Committee

Commissioners Cavin (chair), McBeath, Shrum
Staff to Committee: Russell Woolstenhulme

Wayne E. Kirch Wildlife Conservation Award Judging Committee

Commissioners Howell (chair), Shrum, Lent
Staff to Committee: Kim Toulouse

Wildlife Damage Management Committee

Commissioners Vogler (chair), Howell, Capurro, Members Cliff Gardner, Mike Simon
Staff to Committee: Larry Gilbertson

Legislative Committee

Commissioners Capurro (chair), Lent, Howell
Staff to Committee: Kim Jolly

Elk Damage and Incentive Committee

Commissioners Vogler (chair), Wallace, Shrum
Staff to Committee: Larry Gilbertson

Wildlife Heritage Committee

Commissioners Lent (chair), Shrum, Howell
Staff to Committee: Gabe Pincolini

Administrative Procedures, Regulations and Policy Committee

Commissioners Lent (chair), Vogler, Howell
Staff to Committee: Kim Jolly

Feral Horse Committee

Mike Stremmer (chair), Commissioner Vogler, Members Wayne Hage, George Parman, and Floyd Rathbun
Staff to Committee: Elmer Bull

(Assigned Sept. 26, 2009, Revised April 9, 2010, Revised June 8, 2010, Revised Aug. 31, 2010)

(Mule Deer Restoration Committee added March 2010, Revised 10/3/10 per Chairman Raine, Feral Horse Committee added Oct. 20, 2010)

Meeting adjourned at 4:25 p.m.

A videotape of the meeting is available for viewing on the NDOW website at ndow.org.

Note: The minutes are a summary 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.