

NEVADA BOARD OF WILDLIFE COMMISSIONERS

Wildlife Damage Management Committee

Eastern Region Office
60 Youth Center Road
Elko, Nevada 89801

July 24, 2009
8:30 a.m.

MINUTES

Those Committee members in attendance were:

Scott Raine – Committee Chairman
Michael McBeath – Commissioner (By Teleconference)
Pete Mori – Commissioner
Grant Wallace – Commissioner (By Teleconference)
Mike Laughlin – Member
Kevin C. Lansford – NDOW, Staff to Committee

Also in attendance were:

Mark Atkinson – NDOW	Sam Sanders – USDA-APHIS-WS
Joe Bennett – USDA-APHIS-WS	Russell Woolstenhulme - NDOW
Larry Gilbertson – NDOW	Ken Wellington – Elko CABMW

Thos attending by teleconference from the Reno office:

Gerald Lent – Commission Chairman
Tina Nappe – Self

Agenda Items #1 & #2 – Call to Order & Introductions – Chairman (Raine)

Chairman Raine called the meeting to order, introduced the committee members in attendance, and asked the audience members to please give their names and affiliations. The Chairman then stated that commission committee members participating by teleconference were Michael McBeath and Grant Wallace. Also in attendance by teleconference from the Reno office were Commission Chairman Gerald Lent, and Tina Nappe.

There was some discussion about the teleconference attendees being unable to hear the people participating in the meeting in Elko; specifically Commissioner McBeath was not able to hear

Chairman Raine. It was also an issue with the Elko participants that they were unable to hear the teleconference participants clearly. A change of phones did not resolve the issue. Feedback reverberation was also an issue with microphones being placed too close to the telephones. Throughout the electronically recorded minutes comments from the telephone are interpreted and restated by Chairman Scott Raine and Kevin C. Lansford.

Agenda Item #3 – Approval of Minutes from the July 24th, 2009 Meeting – Chairman – ACTION

Commissioner Raine asked for a motion to approve the minutes as written. It was moved and seconded to approve the minutes as amended. The motion passed by unanimous vote.

Agenda Item #4 – Public Comment (*Please limit comments to 3 minutes*)

Chairman Raine asked for public comment on items on the agenda. No public comment was recorded.

Agenda Item #5 – Review 2010 Budget, finalize 2010 projects and expenditures funded by the \$3.00 predator Fee. May include continuation of current projects and new projects – ACTION.

Chairman Raine turned the review portion of this item over to Kevin Lansford. Kevin asked committee members to look at the last page in the document provided in their support material. Kevin stated that FY 09 is only an estimate as technically the final bill from Wildlife Services is not due until the end of July or mid-August. WS charges for eleven months are included, so for the final month the total amount was divided by eleven to estimate a June bill. Kevin stated Wildlife Services and NDOW generally always come in under budget. Kevin stated the reason we come in under budget was we add in the costs for the maximum amount of aerial hunting that could be spent in an area. Also we include the field personnel per diem costs for camping every day, however they do not camp every day nor fly every hour possible, and these are some of the reasons we are always under budget.

Kevin stated that this year we will be a little more under budget. One of the reasons is (page 33 at the top); under NDOW at the bottom, there is money budgeted for a few hours for our field personnel to work on some of the predator projects; \$15,000 was allotted, but was not used. This was due to poor communication between me and the Regional Supervisors. Also Wildlife Services came in under budget. There is also an emergency fund that has \$20,000 contained in it that was not used. These are some of the reasons we were so far under budget this past fiscal year.

Chairman Raine asked if the teleconference committee members were following along. Kevin reiterated some of the information he had already presented and further stated that to date total expenditures in FY 09 are \$381,000 and we are going to carry forward \$240,000 into FY 2010. Last year were carried forward approximately \$212,000. Further down on the spreadsheet you will see that the predator program will get approximately \$395,000 from the big game draw. This amount may change, as the final figures will not be complete until September. The figures

will probably not change by more than \$5,000. Mike Laughlin asked how the rollover has built up. Kevin stated the first year of the \$3 fee we didn't spend all the money, that \$22,000 from the first budget has built into \$240,000 currently. Kevin stated last year we had a budget of over \$400,000. Kevin also stated you always want to finish a little under budget.

The beginning budget for 2010 is \$652,282.

Chairman Raine asked for any questions and there were none. Chairman Raine asked if the admin overhead amount is always taken out regardless of how much is expended. Kevin stated No, it is based on percent of the expenditures and the figure shown is the maximum Wildlife Services would charge. Chairman Raine asked about NDOW's administrative costs. Kevin stated that on page 33, under the NDOW portion, those were hours that field personnel, supervisors, and the Chief spend on predation management projects. On the phone Dr. Lent stated he thought NDOW was supposed to charge 18% overhead. Kevin responded it had not historically been charged to the \$3 dollar fee.

Chairman Raine stated that by looking at the spreadsheet the hourly cost for a field biologist is \$43.83. Kevin stated that is the productive hourly rate. Chairman Raine further stated that with 8 hours a day and 52 weeks a year, and this works out to an annual salary for a field biologist \$112,000. Commissioner McBeath's questions was not recorded but was noted as an attempt to describe what a productive hourly rate represents. Chairman Raine asked for a deeper breakdown. Chairman Raine restated Commissioner McBeath's question about the administrative overhead in Project #18, how the \$15,438 was expended. Kevin stated that the salary and benefits is for the personnel on the ground and the WS administrative overhead is for supervision, bookkeepers, and the outside work that happens to keep the project going. (Commissioner McBeath's questions are mostly unintelligible but Kevin's responses are shown). Kevin stated that if all of the WS line items are added up and the total is multiplied by (incorrectly identified as 16.25% when it has been correctly changed to 16.15%). Kevin stated he used the wrong figures for administrative overhead and he will need to get up-to-date numbers from WS and the budget will be re-worked. Chairman Raine agreed with McBeath that there appeared to be double billing. Chairman Raine stated he also saw that. Kevin stated the Budget is a Draft and that the Admin Overhead issues would be resolved.

The Chairman asked for any more questions and one was asked over the phone about Conferences. There was discussion from Kevin about the workshops. Commissioner asked is this is for half of the conference or all of it. Kevin stated that it should be all. But I go to other ones not charged to the predator program also. The chairman asked if the \$2,400 is for the conference and workshop. Commissioner Raine asked about the in-state travel. Kevin stated he charges his travel costs when goes out in the field to look at projects with the biologists and set up new projects. Commissioner Raine stated he wanted to make sure that these costs are Kevin's mileage, in-state and fixed costs. Commissioner Raine further asked where Kevin's salary comes from. Kevin stated from W-48 grant for big game, another small portion from the same grant for furbearers; the rest of the salary source was from the predator fees. Commissioner Raines next asked about operating, additional flight surveys \$16,500, what is this? Kevin stated we are doing extra surveys in the Granite Range, project #17, and Virginia Mountains, these are areas that have projects that don't always get flown. Commissioner Raine

stated this again looks like double billing. In the Virginia Mountains, line item, flight surveys \$4,500. Commissioner Raine clarified that \$4,500 was used for the Virginias, \$6,500 for project #22 multi-species, and \$5,500 elsewhere. Kevin stated the amount in the final budget did not match the individual projects breakdown and that error would be corrected. Actual overall aerial survey totals should be \$21,000. Commissioner McBeath's comments were on the topic also of the figures did not match. Kevin stated he forgot to add the Virginia mountain survey on the back page. Commissioner Raine stated that appears to be the case. Kevin apologized for a few oversights and he will correct them then reminded the Committee that we were working with few final numbers to begin with. Commissioner Raine asked if we will have final numbers in August. Kevin stated not completely, the final will be in September when all income is tallied and all bills paid. Commissioner Raine asked what the margin of error would be, and would \$5,000 be reasonable? Kevin stated yes, that in the past the August budget is generally within \$5,000 of the final numbers.

Chairman Raine started a conversation concerning matching funds and recognized Dr. Lent. Dr. Lent asked if any predator funds have ever been matched. Kevin's response was no, not to his knowledge. There are some specific criteria; say if we are aerial hunting coyotes, those funds will not be matched by the USFWS with Grant money. To receive grant money there must be a research component, and several other aspects. Commissioner Raine stated that we have \$20,000 for aerial surveys, could that be match able? Kevin stated possibly but reminded the committee of what Ken had stated previously, that we currently match what we can now. Kevin also stated that we can have all the matching money we want but the federal government only gives us a certain amount. NDOW has stated that they are matching close to the full amount they can match and there is little new money. Kevin stated that even though we may have this money it does guarantee the government can or will match it.

We are looking into it, and there are some aspects that we think we can match, but it will depend on how much money is available, if any. All the money that Nevada receives is already matched by NDOW to utilize, and you can't say you now have more money can I match it as well. Commissioner Raine stated it seemed to him that we proportion it out in a reasonable manner for all projects, so some percentage of that could match this. Mike Laughlin stated if you go out and kill something and then study it, is that match able? Kevin stated he did not want to use the word "kill", but what he said was there are aspects of the program that potentially could be matched and some that could not. Commissioner Raine stated that we asked this question in January, and now it is six months later, are we any closer to getting it done? Will we be any closer next January than we are today? Kevin stated he hoped so. Commissioner Raine asked who needs to do what? Kevin stated that we should have brought someone from Fiscal Services to answer these questions. Commissioner Raine stated we keep asking this question in another six months if there are any matching funds, and we hear no, another six months any matching funds, I hate to get the same answer. Kevin stated he thinks some of these have been answered but you didn't like the answers. Commissioner Raine stated he would be more comfortable if the answer is the grant has been written for 2011. Commissioner Raine asked if it would be reasonable for this committee to ask you to produce a time line for the August meeting? Commissioner Raine asked Mark Atkinson if that was a reasonable request. Mark stated that as Kevin has said this is a very complicated process and a reasonable answer may not be available

at the August meeting. Commissioner McBeath made some inaudible comments but they were not repeated for the record.

Commissioner Raine stated above (referring to support material) is basically a different section, in the section proposed projects 2010, one is a \$25,000 year/predator project USU, what's that? Kevin stated that there are still a few things on the table we need to discuss. Kevin stated some figures have changed, and after discussion with Mark Jensen and other wildlife services personnel they are prepared to take whatever steps are necessary to get the aerial hunting done for the multi-species project. So they have made a commitment that no matter how big that project is or how many areas we identify, that they will "really go after it." Kevin stated the amount of money they we are planning to put in on the project has gone up from \$75,000. Kevin stated we are currently planning on \$125,000 for project #22. Kevin also stated that we should not lock into the new project numbers, because final project numbers might change. As these new projects get approved the numbers may change, but the ones that are ongoing up to 21A & B, those are already set. Chairman Raine asked if the USU proposal was a new project. Kevin stated that this project at the last meeting, you wanted to pursue some matching funds, and you thought it was a good project but the committee did not want to fund it at \$90,000. Kevin has since spoken with Dr. Conover, and \$25,000 was needed to get the project initiated, and in progressive years I will work on a match for that as I think it will stand a good chance of getting the match. Kevin is asking for "seed" money to get the project started, I will try and fund the rest with other sources. Chairman Raine asked what would be accomplished with the \$25,000. Kevin stated according to this proposal, it pays a stipend for a college student, and this money goes to the college and they pay for his paper, travel, and setting up the scientific project. Chairman Raine asked if this would cover any of the trapping components. Kevin stated for this first year no predators will be removed, densities, surveys, a lot of initial set-up, and in 2011 wildlife service technician will actively remove predators in some of the Units in Area 16. Chairman Raine stated that we had a motion at the last meeting of obtaining matching funding, so we've already discussed this and voted on it, so now we will apply for matching funds. Kevin stated we have to allot some money for this project to apply for matching funds in the coming year. Commissioner Raine stated it sounds like Commissioner McBeath on the line. McBeath asked if the \$25,000 was needed as seed money before other monies could be sought. Chairman Raine asked since we have already voted on it should it be reconsidered or should we move on?

Commissioner Raine asked Commissioner Wallace for his comments (none were recorded). Mike Laughlin (unheard comment). Commissioner Raine stated should we do a motion to approve the money if it gets matched. It was Commissioner Raine understanding that if we could get half of the money matched then the committee would approve the other half. Kevin stated that was a fair assessment and that was all he was asking for. Commissioner Raine stated we will eliminate the project numbers and call the projects by name. Chairman Raine stated how long it will be before we know if we have matching funds. Kevin stated that he hoped within the fiscal year. If the committee approves the multi-species and the USU projects then we can be assured that these projects will start. Kevin stated that some of these have been tentatively approved, Chairman Raine interrupted stating the multi-species we voted on last time, and Kevin continued that we left the ability to expand that project.

Commissioner Raine stated that we should finish USU before more discussion on the multi-species project.

Motion by Commissioner Mori and second my Commissioner Wallace to approve the USU Project for \$25,000.

Commissioner McBeath asked is this for initial data gathering. Kevin said yes sir. Commissioner McBeath stated that he would then support the motion. Commissioner Raine state he hated going against a motion but he would personally like to see, as at the last meeting, the motion to support the possibility of obtaining matching funds for the 2010-2011 year. Commissioner Wallace's comments were not well heard but Kevin restated what Commissioner Wallace was saying that the \$25,000 was seed money and it will give us the opportunity to delve into getting the match, and if at the end of 2010 we are unable to get the matching funds we will discontinue the project. Commissioner Raine stated that was fair enough. Mike Laughlin stated we should add that to the motion. Commissioner Raine stated that he would support the concept that is out there and I would further go and say if we are talking about the 25k, next year I would be very supportive of funding the whole project. The chairman asked if we could re-state the motion or add an amendment.

Commissioner Mori withdrew his earlier motion and it was seconded, we will withdraw the first motion.

A motion was proposed by Commissioner Mori to approve the USU Project for \$25,000 with the stipulation that we get the matching funds for it. Motion was seconded; motion was passed by unanimous vote.

Commissioner Raine stated perhaps we should review what we have approved so far. Kevin stated that technically we already approved the multi-species project but at a lower level. Commissioner Raine asked to state what we have approved so far and what the expansion is.

Kevin stated so far \$70,000 was approved and now this number is \$125,000. Commissioner Raine stated this was previously labeled as #23. Commissioner Raine read the motion from the previous meeting which was, "Motion the approved Project #23 as written with some additions of year minimums, committee involvement, we will see a new version of the project at the next meeting. Motion seconded, motion passed unanimously", this is not what we have here. Commissioner Raine asked for the reason of the expansion. Kevin stated after conversations with Mark Jensen and other WS personnel, they are back at full aerial force and they have a new contract for a helicopter, and could now support an increased effort. Commissioner Raine asked WS personnel in attendance if they had sufficient confidence that this is a functional project and will have good results. Joe Bennett responded yes and that WS was willing to do what it took. Commissioner Raine asked if in his professional opinion this will be effective in re-establishing our game populations. Mr. Bennett deferred the question to NDOW. Kevin stated number one we want to look at mule deer herds below carrying capacity, below long-term averages for post-season fawn/doe ratios, and areas where recruitment is below long-term averages. Secondly, identify areas where multi big game species exist. There are many areas with the same criteria as deer, areas where long-term habitat improvement has been going on, areas where there have been

recent augmentations or reintroductions, and where other big game species are below carrying capacity. Chairman Raine stated the committee has expressed an interest in being regularly updated on these things. Kevin stated that he will sit down and go through the numbers and the Department has hired a new deer staff specialist. This will enable us to go through data for a starting point.

Chairman Raine asked if it would be asking too much as this continues to keep the committee and commission updates of what is going on. Kevin stated that they could do it in future agendas as informational items. Chairman Raine stated as things happen let us know what the developments are. Chairman Raine stated that this was tentatively approved at the last meeting, but we really do not need a motion unless someone is uncomfortable with the \$125,000 figure. There was a discussion amongst the committee members regarding the \$125,000 (but details were not recorded). Chairman Raine stated that we will let this stand at \$125,000 as listed if there are not additional motions. There being none the meeting moved on.

Kevin stated that we have one more topic and that is with some of this increased work, and he will leave the staffing, requirements and recommendations up to wildlife services, but the potential to do that study and if the project is matched we will need a "ground guy" year-round. With the increase in sage-grouse work, multi-species and the ground crew he left it up to WS to determine another full-time person or whatever they need.

Kevin asked Joe Bennett to come and speak about what kind of staffing would be required. Chairman Raine stated we deferred that last time (everyone speaks at once unintelligible). Chairman Raine stated this was a different position and where was the lion position as it was not on the budget. Kevin stated he removed it from topics for conversation as it was felt it wasn't going anywhere, but he would like to keep it on the table and we will revisit for FY 2011. The committee discussed this and decided to go ahead and table the lion specialist for this year

Joe Bennett spoke next. He commented on the need for additional help including ground crew, raven control and ground trapping. Commissioner McBeath asked a question that he thought they had some field positions on other projects. Joe stated that in the past they have had projects when where we had a specialist, but we discontinued that ground work and will no longer have a specialist on the ground or a ground crew on a daily basis. We are required to have a person on the ground for aerial hunting and it is much more effective from a safety aspect. Our aircraft have to check in on a regular basis in case something happens. That is what this would cover when we are going into new areas or we don't have existing personnel. Joe then asked if he had answered Commissioner McBeath question. Commissioner McBeath responded (many of Commissioner McBeath and Wallace comments throughout these minutes were only notable if repeated by Scott or Kevin). Commissioner Raine stated that we could just as easily put under multi-species project line item \$125,000, ground crew \$85,000, Kevin interrupted stating there will also be some raven work. Commissioner Raine said that is ground crew will need to be broken down. Kevin suggested a line item that states seasonal wildlife or field specialist help. Commissioner Raine stated he is not too worried about it as long as we (Committee) know what they are doing. Kevin stated that his first thought was that he was not going to tell WS to spend a hour here or 14 hours there, that there will be flexibility for WS to use him as they need.

Commissioner Raine stated after the work is done that it is reported back to the committee exactly how it was expended and to make sure it was acceptable for continuation of that project.

Joe Bennett stated that working with Kevin on sage grouse work, he had that written down as a 5-month job that comes out to \$31,000. Kevin and Joe were discussing not hiring a full-time and only have a person work five to seven months on sage grouse. Commissioner Raine stated maybe what we are looking for is not in NDOW's budget, and we might want to look at a picture of WS budget, how they are budgeting our money. Mike Laughlin's question was does WS want to provide a breakdown of expended funds. Joe answered he guessed they could provide whatever they were asked to provide.

Commissioner Raine asked how to put this in a motion. Kevin suggested some of the wording as up to \$85,000 a year for WS to use on seasonal help for projects.

Mike Laughlin wanted to motion that WS be granted up to \$85,000 to utilize on personnel to work on multiple projects as they see fit. Commissioner Raine stated that is has been properly moved and seconded to approve the expenditure of \$85,000 on field personnel to do work as stated by Mr. Laughlin. The Chairman asked for any further discussion. The motion was passed by unanimous vote.

Chairman Raine asked how much money have we expended up to now. Kevin stated that with the \$25,000 and the \$85,000, depending on the WS end of it, *approximately* \$412,000. Kevin also stated that this is the biggest contract we have ever had with wildlife services. Commissioner Raine stated that with the Department's portion it is \$537,000 *roughly*. Commissioner Raine stated our balance is about \$110,000 left in the budget. Kevin stated that Mike made a good point, if it is not doing anything for us on the ground we have the potential to use this money more effectively in the future. We still have \$213,000 on the table in heritage that we haven't discussed yet. It seems to Kevin like we are just looking for a way to spend this \$110,000. Mike Laughlin agreed with the statement.

Commissioner Raine stated the one project he noted that was particularly effective in FY09 was not included for continuation was referred to project #19 – Marble Canyon Emergency Wildlife project, and things have changed to the range in that area with respect to fire, but still that appeared to be an effective project. Kevin stated that project 19 has been rolled into the multi-species project; therefore it will continue to get fly time. Projects are (unintelligible recording) winter range, fawning grounds.

Commissioner Raine asked if there are any other areas in the state where this money can be used. If WS goes into an area and has a good day aerial hunting, they will want to go back until you are no longer productive and then move to other designated areas. Ken Wellington (Elko CABMW) stated (the comments did not record, too soft). Commissioner McBeath cautioned that NDOW has to be involved with biological data... (cannot hear the remainder of the comments). Commissioner Raine also stated that there are some other proposals he saw such as Area 15 from a different funding source that might be interesting to discuss, but at this point he asked the committee what to do with the rest of this funding? Commissioner Mori stated he agreed with Wellington in relation to the \$110,000, sending out request to the CAB's for

projects, however you want to be careful that NDOW is fully involved when it comes forth as a project and that way coordination with NDOW is achieved. Commissioner Raine asked Commissioner Wallace for any comments before we move on. Comments were in agreement with requiring NDOW involvement in the planning.

The Chairman called for a ten minute break leaving the teleconference lines open.

Agenda Item #6 – Review process for, and progress on, finalizing details of heritage projects 10-13, 10-26, and 10-27 – INFORMATIONAL

Chairman Raine began the meeting by recognizing Mike Laughlin. Mike stated he was not commenting on heritage proposals concerning Pat Laughlin but would on ones concerning Cecil Fredi.

Mark Atkinson stated that with understanding of the amount of money that was approved by the heritage committee, we gathered personnel from the game division and came up with a couple of proposals and we made recommendations for them that equal the amount of money approved by the heritage committee. Mark stated that to answer the question about how much input has been received from the proponents, we have had input from Mr. Laughlin but none from Mr. Fredi. We have proceeded with comments from (Pat) Mr. Laughlin and further discussion, and developed a second set of proposals. As you will see in your packet our first set of proposal is our preferred alternative from a biological perspective and we offer a second set of proposals for consideration by the committee.

Chairman Raine stated we have the heritage proposals for Units 155 and 143 Sage grouse and one in 031, are NDOW's proposals and the proposals for Areas 6 and 7 for sage grouse, and project area 6 for mule deer, those were in conjunction with Mr. Laughlin? Mark wanted to correct that all of these projects were submitted to Mr. Laughlin, and the only response we got was to alternative two. Chairman Raine asked what he said about it. Mark said he made a couple of comments which we incorporated. Mark stated that Mr. Laughlin indicated that Mr. Fredi preferred Area 14 but we never heard from him. Chairman Raine if we have tried to contact him? Mark stated that we have tried. Mike Laughlin stated has (Mr. Fredi?) involvement in any discussion concerning a project he has put forth. Mark also clarified that apart from the original 10-26 and 10-27 we haven't seen an additional proposal from Mr. Pat Laughlin, so we are assuming that remains his proposal as he did provide some comments on our alternative, but did not state whether or not he approved it. Commissioner Raine stated that the motion was that these proposals had to come before this committee to get some more detail and back before the full commission, and he is worried about some of the wording. Kevin stated that the committee should be using proposal dated June 23, 2009 Alternative Heritage Trust Fund Proposal #1 in the upper left hand corner, and the other one should be the same but with proposal #2. Kevin indicated that number one was the preferred by NDOW, and number two were alternative proposals. Chairman Raine stated that there was only one version of proposal two. Kevin stated yes.

Chairman Raine stated we would work on proposal #1 entitled, "Sage Grouse Enhancement Project in Areas 14 and 15. The proposed budget is \$50,000. The chairman noted that the

proposal included some monitoring. Kevin said UNR currently has a long-term study on the Falcon-Condor transmission line and they were not receptive to adding raven removal to the study because they have three years left on the ten year study, but what they were OK with was going into adjacent areas and putting together a project in those areas where they aren't conducting a current study. The chairman asked for comments and then stated maybe we should go through all of the projects first and then take comments.

Ken Wellington stated that at their meeting they had agenda topic #7 as an action item, and the board sent forth the recommendation to the Nevada Board of Wildlife Commissioners that there were eleven project proposals that would affect Elko County at that time, and two of those project have been submitted by Mr. Laughlin. Our board felt all of the projects that were recommended from the heritage committee have a direct impact on Elko County, Mr. Laughlin summarized his proposal to the Board and the projects were supported in concept. There were two conditions from the board requested of Mr. Laughlin, and they were to have Mr. Laughlin work with NDOW staff and monitor them to evaluate the projects. Our board did not discuss any financial costs of the proposed projects, and they felt that was the responsibility of the heritage committee. Mr. Wellington wanted this committee to know that the Elko CABMW stood in support of Mr. Laughlin's proposals with those two conditions. The chairman stated that these projects as they are here are substantially different from the original proposal.

Chairman Raine asked for comments on the second version projects six and seven. Mark stated that this is the one that we had comments on but there were no substantial changes, and Kevin inserted that it was the Mule Deer Enhancement project Area six number two 10-26. Kevin stated that #2 had a typo in it that was fixed, and Mark stated that #3 had a comment to include Area 14. The chairman stated if these are approved as they are now how would the money flow? Mark stated that we would like to have some feedback from wildlife services. Mark further stated that if wildlife services said they could achieve the objective in the project for the amount of money proposed then he assumed the same similar contractual basis presently to perform the \$3 work would be utilized, and they would submit invoices for work performed. The chairman stated he had some questions for wildlife services. Is it reasonable to work together with NDOW, as I see under project description it states "under the direction of and cooperation with the Department of Wildlife." Joe Bennett stated that this is the way they operate on all of these projects now, we communicate back and forth, and they would prefer to keep it this way. Chairman Raine stated that he compared this back to the original project and he noted a significant difference of the target species as was written in the original proposal, it was not specific species, it was simply protect sage grouse from predation. The proposal did not state, raven, coyote, or badger, it was left that open, and this simply states only raven. The chairman gathered from the conversation we had earlier in the meeting that the reason for that was to leave it open, that was deliberate, leave it open to wildlife services if they determine that raven was not the problem and some other species, then they could take care of it. The chairman then stated that this would be a limiting factor, and is that reasonable? Marks stated as he said earlier Mr. Laughlin did not have any comment. The chairman stated he just looked at the original proposal and it did not say raven, it did not say anything, it said predation on sage grouse. Kevin stated that literature strongly suggests its raven and badgers. The chairman he would hate to see anything that hand cuffed WS in doing their work. Ken Wellington had a comment that the original one that his board voted on said ravens.

The chairman stated that he is asking everyone sitting here, would that be reasonable to NDOW, to leave it a little bit, shall we say sage grouse protection from sage grouse predators, and then list primarily raven and just other sage grouse predators. Kevin suggested no need to carte blanche a project for predators, they are not going to be aerial hunting rabbits or feral horses, they will generally take ravens, badgers, coyotes. Kevin stated he does not have a problem with listing them, and I won't speak for wildlife services, but I don't think they have a problem either. Chairman stated we should hash this over with the proponents and see where we are at. Joe Bennett stated that Kevin and other biologists tell him that it would be nice to have coyotes on there, and he would be comfortable with adding a couple of species, leaving the primary as ravens.

Commissioner McBeath had some questions concerning the evolution of the projects. Mark answered, the genesis of these projects, alternative #1 was what we came up with as our biological preferred alternative recommendation. We received feedback from a number of different sources that those would not be acceptable, and therefore, we should come up with an alternative set of recommendations that could be considered if the first set of recommendations were not approved, or considered suitable. Mark also stated that we came up with a proposal to more closely fit what the original applications to the heritage fund had been, and we offer them up to the committee for consideration. Chairman Raine stated that you and your staff wrote everything here. Mark stated yes we, NDOW, and stated they were reviewed by Pat Laughlin and he provided some minor comments but not substantive changes. Commissioner McBeath what was the timeline of the projects (paraphrased due to not audible). Mark stated from a timeline perspective, proposal #1 was what was developed first, and the reason it was developed because at the time we were under the understanding the while the budget had been approved for these heritage projects the specifics of the projects were to be determined by NDOW. Mark stated that knowing what money was available; we got together with the biologists from the different areas and discussed what be the most useful to us from a biological perspective. Following these discussions, we came up with proposal #2 as an alternative for the use of that money from the heritage fund. Commissioner McBeath asked what the involvement of the NDOW biologists was. Kevin stated we developed our proposals based on feedback we got from some of the area biologist, then we took our preferred projects and adapted it into those areas the applicants wanted them applied.

Commissioner McBeath asked what wildlife services involvement was; what I have heard is that they have had no involvement so far. Mark stated at the same time the proposal #2 was emailed to Pat Laughlin it was emailed to Mark Jensen as well, and as I stated we received comments from Pat Laughlin but we have not received anything from wildlife services. Mark stated his understanding that they have seen these, but they have either not had the time or chose not to make any comments. Chairman Raine asked if there were any comments from wildlife services to answer that question. Joe stated he knows Mark Jensen had seen them but was not sure if he provided input. Kevin stated that sometimes you have to work backwards. You first have to have a sound project and money to support it, then it goes to wildlife services and at that point they provide critical input and review. While we would like input throughout the planning process right about now is when it is most important. If we cannot decide upon a project, WS

cannot decide on what to do. Commissioner McBeath stated he would have to agree with Kevin on the development of a sound project is first.

Commissioner Raine asked if he would be correct in stating that once this has been approved by the full commission that is when WS input is most necessary. Commissioner McBeath spoke about the biological qualifications of any of the staff of the Alliance. Chairman Raine stated that he did not think anyone could answer that question. McBeath also asked about coordinating plans with the governors sage grouse plan. Mark stated that the one thing we could say was that Pat Laughlin did submit a request for sage grouse lek data from Areas 6 and 7, which was provided to him by Shawn Espinosa. Mark stated his understanding based on what he read of the emails was that the specific question asked by Pat Laughlin was lek location data, but he doesn't believe that they had a discussion regarding the governor's plan. (McBeath's comments could not be heard and were not repeated.)

Continuing, Chairman Raine stated the Mule Deer Enhancement Project in Area 6 was developed in the same manner as previously discussed, simply stated, to protect mule deer from predators. Again discussion ensued concerning listing the species to be removed. Chairman Raine stated that a paragraph should cover it without handcuffing them. Chairman Raine did have a question on monitoring. His understanding of monitoring is whether or not we have higher ratios and whether or not we have more deer at the end of the project. Mark stated that is why it states comprehensive post and pre treatment monitoring will not be feasible, we will continue to do our aerial counts, but we don't consider that comprehensive. Chairman Raine stated the ultimate judge of success or failure of a project is monitoring. Mark stated yes, but we do not believe that we can determine that without increased monitoring. Chairman Raine stated that everything takes three years (much of this statement was missed by the recorder). Chairman Raine asked for further comments, there were none.

Chairman Raine stated #3 Mule Deer Enhancement Statewide, and it looks like we are limiting deer in Unit 031, 141-145 (not all unit numbers were picked up by the recorder) where do we get these units from? Kevin stated these numbers are based on areas where we have low fawn ratios. We look for that criteria we set forth in the plan, and we are at that point now where we have to choose areas that don't already have a project. Chairman Raine said he noticed the correlation between the book's low fawn number areas and these project areas. Kevin stated that was the basis for this project. Mark stated they were then based on what the proponents wrote in their original proposals. (There was a question about mountain lions that was not fully recorded). Mark stated he believed so, and in fact not one of the three projects mentioned mountain lions.

Chairman Raine again stated his preference was to not list species and allow WS just to identify the problems and remove them (paraphrase). Kevin stated that there is some structure and science to this or we could basically make this really easy in one sentence and say any species statewide, Idaho to Arizona, and California to Utah, and just give them a great pool of money to do that. Kevin stated we are almost at the point where you are almost trying to explain that kind program, and that's not scientific at all. Chairman Raine asked for thoughts from all committee members. (Comments from Mr. McBeath and Mr. Wallace were not recorded). (Ken Wellington also had a comment that did not record.)

The Chairman stated we were done with these items and asked for any more input from any of the proponents, or the next step in this, at the next meeting have a vote on these. Mark stated that if the committee would like to put these up for a vote at their next meeting that would be appropriate, but if the committee requires different language or request changes, then you would have to bring that back for review. Chairman Raine stated that the requests he has had is to allow a little more flexibility than in current language. Chairman Raine asked the committee if there are any general comments on the projects or leave them as specific as they are here. Commissioner Mori he felt that was a difficult call on all those projects, so he can't really answer that. Chairman Raine stated we need to inform the proponents of the date, time and location of our next meeting and request in writing and by phone that they be there.

Agenda Item #7 – Discuss possible changes to Policy #25 and review amendment crafted by Department of Wildlife to Policy #25 – ACTION

Kevin wanted to remind the committee that Tina Nappe had a comment at the beginning of the meeting on Policy #25, and that was to define other qualified people through the Department of Wildlife. Chairman Rain asked for a further definition also. Kevin stated that neither the Department of Wildlife nor Wildlife Services has a definition of what a qualified person is.

Commissioner Mori stated would go along with a little further proof by the Department of Wildlife that a person is qualified. Kevin stated that we do not have a list of qualifications defined. This is stemming from an incident of lion and wildlife services not being called, but rather the local area biologist calling in a well known local lion hunter who could track the lion immediately prior to an impending storm. Chairman Raine stated he would like to make it extremely clear in this language that specifically in the case of threats to human health or safety that wildlife services only are the people that are immediately contacted, and if they are not available, Option B. But as we have clearly spelled out in this policy the commission recognizes the US Department of Agriculture is the authority in predatory and nuisance wildlife damage management. Chairman Raine continued, since we recognize they are the authority we are talking on health and safety, somebody getting attacked by a lion, if we do not call the authority and we call some other qualified person, we are liable for leaving an animal out there that they will have had a good taste of human flesh. Chairman Raine continued, therefore we should recognize, as we stated in our policy, they are the authority and they should be contacted immediately, first, without any question, nobody else should be called first except them.

Chairman Raine also had an issue with the qualifications, qualified entity if we can come up with a definition for that. Then the Chairman asked that we insert a new paragraph A that specifically states rather than what it is “Any and all threats to human health or safety received by the Department of Wildlife shall be forwarded immediately to wildlife services for action in accordance with subsection C of this section. Only if it is determined that wildlife services cannot respond in a timely fashion other qualified can be called to respond in the case of human health or safety.” Kevin asked if that was something he had developed. Chairman Raine stated he essentially took item A and removed health or safety and separated that from livestock, because it is its own thing.

Chairman Raine asked if we have another meeting would we be able to come up with an answer to the qualified entity question? Kevin stated that the intent of the NDOW portion of this is to give us enough options, so we want to always have another option in there. Kevin also stated we want to strongly suggest that “only if wildlife services is not readily available in the cases of health and safety” we have other options is all we are really trying to get at. Chairman Raine stated if we, as we have in this policy, if we say wildlife services are the experts nobody get killed, or maimed by a lion, and we call “Joe” hunter and that same lion comes back and killed somebody next week, we have an issue. Kevin stated we are not trying to take away from wildlife services all we are trying to do is have a Plan B. Mike Laughlin made a comment about WS being the best first call and it should be mandated. Chairman Raine stated in other cases there should be a lot more latitude.

Commissioner Mori asked Kevin if he felt, first of all I understand that NDOW needs a solution if something happens to get someone in their quickly, do you think that through the committee process it is possible to have that application refined as criteria in order to be permitted, and then you would have those people you could contact as they had already met the criteria to be qualified. Kevin stated yes that is possible. Commissioner Mori then asked wildlife services their opinion on this option. Joe Bennett commented that in California they had problems defining what other qualified people meant also. Chairman Raine stated it should be handled like an investigation. Chairman asked the committee if they wanted to make a motion or table it to the next meeting. Commissioner Mori though we needed more information from WS. Kevin stated in that case he has no problem with identifying wildlife services as the first call, as that is who they are and what they do. Chairman Raine stated he had one suggestion, under policy #9 the last sentence that currently reads; “in the event that any of the aforementioned predators pose a legitimate and immediate threat to human health and safety based on judgment of the Department of Wildlife or wildlife services personnel those animals shall be killed.” Chairman Raine said it should be simply state that predators pose a legitimate threat. The Chairman stated if they pose a threat to human health and safety whether it is immediate or not, I do not know why there is any reason to have the word immediate in the statement. Further, if it is determined that they pose a legitimate threat to human health and safety, it’s time to go.

Kevin stated that just because you see a bear, the bear is a legitimate threat, just not an immediate one. That is why legitimate and immediate are used. The Chairman asked for any further comments from the committee, and there were none.

Commissioner Mori motioned to put Policy #25 on the agenda for the next meeting of this committee. The motion was seconded, motion carried by unanimous vote.

Agenda Item #8 - Establish Date, Time and Location of the Next Meeting – Chairman Raine – ACTION

Kevin stated that Friday afternoon is booked so Friday morning is open. Commissioner Raine stated the date will be at 8:00 a.m. on Friday the 14th of August just prior to the Commission meeting.

Agenda Item #9 - Adjourn.

There being no further business the meeting was adjourned at 12:26 p.m.

Respectfully Submitted
Dawn Carter
