

*Approved MINUTES Dec. 4, 2009*  
Nevada Board of Wildlife Commissioners' Meeting

Clark County Government Center  
500 S. Grand Central Parkway  
Las Vegas, Nevada 89155  
Agenda

Friday, September 25, 2009 – 10:30 a.m.

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

Approval of Agenda – Action

Member Items/Announcements

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

Public Comment Period

- 1 Approval of Minutes – Action  
Commission meeting minutes from June 26 and 27, 2009.
  - 2 Correspondence – Chairman – Informational  
The Commission will review and may discuss written items sent or received by the Commission since the last regular meeting and provide copies for the exhibit file.
  - 3 2010 Commission Meeting Schedule – Secretary Ken Mayer – Action  
In accordance with NRS 501.177 and Commission Policy #1 the Commission will be asked to approve a schedule of meetings and locations for 2010.  
  
Workshop - Informational
  - 4 Commission General Regulation Number 368 – LCB File No. R040-09 - Chief of Operations Bob Haughian  
The Commission may establish provisions pertaining to the electronic access to the 48 hour release of draw results.
  - 5 Commission General Regulation Number 369 – LCB File No. R041-09 – Chief Game Warden Rob Buonamici  
The Commission may establish provisions pertaining to defining edible portions in the case of big game mammal, other game mammals, game birds and game fish.
  - 6 Commission General Regulation Number 371 – LCB File No. R083-09 – Chief of Fisheries Mark Warren  
The proposed regulation would remove an artificial lure only regulation for Crittenden Reservoir, limit method of take at Smith Creek Reservoir to only artificial lures with single barbless hooks and limit method of take at Dacey Reservoir to artificial lures only.
  - 7 Reports – Informational
- A Biennial Big Game Release Plan for Fiscal Years 2010 and 2011 – Big Game Staff Biologist Mike Cox
- B Silver State Tag Update – Chief of Operations Bob Haughian

- C Upland Game Stamp Program Review – Chief of Habitat Dave Pulliam
- D Litigation Report – Deputy Attorney General Nhu Nguyen
- E Department Activities/Leadership Team Notes – Secretary Ken Mayer

Saturday, September 26, 2009 – 8:30 a.m.

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

Member Items/Announcements -

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

Public Comment Period

- 8 Input Concerning Methods of Restoring Nevada’s Mule Deer Population – Chairman Lent – Informational  
County Advisory Boards to Manage Wildlife’s and the public are requested to provide written recommendations for specific suggestions and actions that may be taken within their respective counties to enhance mule deer populations.
- 9 Translocation of Desert Bighorn to Utah Division of Wildlife Resources – Big Game Biologist Mike Cox – Action  
Utah Division of Natural Resources is requesting translocation of 20 desert bighorn sheep from Nevada to Utah during fall/winter field operations in FY 2010.  
  
Commission Regulations – Action
- 10 Commission General Regulation Number 368 – LCB File No. R040-09 - Chief of Operations Bob Haughian  
The Commission may establish provisions pertaining to the electronic access to the 48 hour release of draw results.
- 11 Commission General Regulation Number 369 – LCB File No. R041-09 - Chief Game Warden Rob Buonamici  
The Commission may establish provisions pertaining to defining edible portions in the case of big game mammal, other game mammals, game birds and game fish.
- 12 Commission General Regulation Number 371 – LCB File No. R083-09 - Chief of Fisheries Mark Warren  
The proposed regulation would remove an artificial lure only regulation for Crittenden Reservoir, limit method of take at Smith Creek Reservoir to only artificial lures with single barbless hooks and limit method of take at Dacey Reservoir to artificial lures only.
- 13 Commission Regulation Fishing Seasons and Bag Limits 09 – 09 – Chief of Fisheries Mark Warren - Action  
The Commission will establish fishing seasons, bag and possession limits, for the period of March 1, 2010, to February 29, 2012.
- 14 Future Commission Meeting – Director Ken Mayer - Action  
The next Commission meeting is scheduled for December 4 and 5, 2009, in Reno; and the Commission will review potential agenda items for that meeting. The Chairman may designate and adjust committee assignments as necessary at this meeting.

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Gerald Lent	Vice Chairman Scott Raine	Commissioner Daryl E. Capurro
Commissioner Tom Cavin	Commissioner Howell	
Commissioner Michael McBeath	Commissioner Mori	Commissioner Grant Wallace

\* Commissioner Bruce Kobrin – Excused Absence

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

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Kathleen Teligades, Admin. Assistant IV
Chief of Conservation Education Kelly Clark	Game Division Chief Mark Atkinson
Chief of Operations Bob Haughian	Karen Welden, Game Warden
Mike Cox, Big Game Staff Biologist	

Others in Attendance/Two Day Meeting:

Ken Wellington, Elko CABMW	Jelindo Tiberti, Fraternity of the Desert Bighorn
Paul R. Dixon, Clark CABMW	Rex Flowers, Washoe CABMW
Gil Yanuck, Carson CABMW	Paul R. Dixon, Clark CABMW
Rick Larson, Utah Division of Wildlife Resources	Buck Barber, President Trout Unlimited
Cecil Fredi, self	John Hiatt, self
Greg Smith, Nevada Bighorns Unlimited	Tom Cassinelli, Humboldt CABMW
Dearl Sneed, self	Cory Lytle, Lincoln CABMW
Gary Pratt, Clark CABMW	

\*County Advisory Board to Manage Wildlife

**Friday, September 25, 2009 – 10:30 a.m.**

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

Chairman Lent called the meeting to order at 10:35 a.m. and welcomed the audience to the meeting, and he noted that Commissioner Kobrin will be absent for the two day meeting. He asked for a roll call of the Commission members present: Chairman Lent, Commissioner Raine, Commissioner Capurro, Commissioner Cavin, Commissioner Howell, Commissioner McBeath, Commissioner Mori and Commissioner Wallace.

Chairman Lent asked for a roll call of CABMW members present: Ken Wellington, Elko CABMW; Paul Dixon, Clark CABMW; Gil Yanuck, Carson; Rex Flowers, Washoe; and Tom Cassinelli, Humboldt.

Approval of the Agenda – Chairman Lent – Action

Chairman Lent said he would like to add to the agenda the following item: Recognition of Boating Officer of the Year.

Chief Game Warden Rob Buonamici said he is pleased to present the award of the Boating Law Enforcement Officer of the Year for the third time in her career to Karen Welden which began with NDOW in 1995 and the award is presented by the Western Boating Law Administrators' Association.

**COMMISSIONER RAINE SAID HE WOULD MOVE TO APPROVE THE AGENDA AS PRESENTED AND AS AMENDED EARLIER THIS WEEK. COMMISSIONER CAPURRO SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

#### Member Items/Announcements

Commissioner Cavin said he had a couple of items and one is that he had received the Management Assistance Team (MAT) Guidebook and he thanked staff (Kim Jolly) for putting the handbook together with the customized sections for Nevada. Commissioner Cavin said he had a big email problem with his computer crashing from something to do with his provider and that he missed three weeks of email before he could get the problem fixed, and he was wondering if the Commission could get email addresses through the state system.

Director Mayer said the Department has tried twice before and was told no email addresses for non-state employees on the state backbone.

Chairman Lent said he would like to send a letter to Department of Information Technology (DOIT) and make the request formally because of the need for Commissioners to receive emails without compromising their computers.

Commissioner Cavin said he had one more item and that was legislation and that the Commission be aware of legislative deadlines.

Commissioner Raine said he had seen numbers on bighorn sheep populations in the Hunt Book and would like the backup and the scientific basis for the article written by Aaron Meier.

Ken Wellington, Elko CABMW, said Pat Laughlin approached him about working with the Department on predator projects and he checked his notes and found the Predator Committee and the Commission to be the ones who have not completed the project process.

Gil Yanuck, Carson CABMW, said the Fujii Park Pond work is underway and a work order was received last Monday and within 78 days should have the pond finished, and he would like to put a Fujii Park Pond presentation on the December agenda for the Reno meeting.

Chairman Lent requested that the Carson CABMW send the request to him in writing for placement on the December agenda.

Director Mayer said at the recent Association of Fish and Wildlife Agencies (AFWA) the director's learned that the state's that keep up fishing license sales have relied on urban ponds to increase license sales.

Public Comment Period –

Ken Wellington, representing himself, said that at their CABMW meetings they always allow people to speak without a time limit and at the August Commission meeting when Mr. Vogler got up to speak he was allowed 14 minutes and Mr. Fredi spoke and he was cut-off and he would like to make the allotted public comment time to speak fair to everyone.

Chairman Lent said they really try to keep it fair up here, and we have the vice chair keeping track with a clock and that they will watch that in the future.

Cecil Fredi of Clark County read a statement into the record (Attachment A) stating that the CABMWs are trying to have more power over the Commission and that he obtained the public sign in sheets from recent Clark CABMW meetings and excluding NDOW staff and former Commissioners, the numbers of people in attendance have been low with an average of 4.2 sportsmen attending their meetings and the same in Washoe CABMW. He said who are they going to blame for this – Chairman Lent, and that Clark CABMW has seven members on their board and is more than in the audience and they are basically representing themselves.

Commissioner McBeath said the attendance at the CABMW meeting bothers him too and he usually attends their meetings as do other Commissioners and believes that the numbers are low as most people do not sign in. He said Mr. Fredi's point is well taken and wishes we could get more attendance from everyone and would like Mr. Fredi to attend the meetings as well.

Chairman Lent said that is why he would like the CABMWs to expand their agendas with guest speakers and have representatives from U.S. Forest Service and U.S. Fish and Wildlife Service, experts on wild horses, and others, and has said before that the CABMWs should make their own agenda instead of rubber stamping the Commission's agenda. At the season setting meeting in Washoe County there were only two people in attendance and he was one. He said they need to make the meetings not boring and should put notices in newspaper, sporting good stores.

Commissioner McBeath said another suggestion from last meeting in Clark County was apparently a lot of people due to local traffic cannot get to a 6 p.m. meeting and they had suggestions from public to have meetings in Henderson and another was to have a meeting in Mesquite as Las Vegas is a big city and hard to get around.

Commissioner Capurro said he wonders about possibility of securing public service announcements (PSA's) from media sources to get the word out to the public about meeting dates and times and publicize the meetings better. He also agreed that if the CABMWs had a different agenda than the Commission would also help attendance.

Chairman Lent said the local sporting good stores should be utilized for notices of meetings to target sportsmen.

Commissioner Raine said he himself is the sole public attending Eureka's CABMW meeting and lack of attendance is due to relevance of agenda items to the county. He said he would make a comment that Mr. Sefton's website has really good stuff, and is very useful, and is a great resource to have at your finger tips as he is able to help sportsmen with their questions.

Paul Dixon, Clark CABMW, said he would like to say in response to Cecil Fredi that he gets phone calls, and emails from the public prior to their meetings from public who cannot always attend. The Clark CABMW did discuss moving the meetings around and did receive from two former chairs their email list and he has sent the agenda to all of them and liked the suggestion of having Bass Pro Shops to put a board up for the agendas. He said Cecil Fredi has never attended one of their meetings and thinks that is a bit hypocritical.

Chairman Lent said statement about tally of CABMW attendance relative to importance of agenda items such as the fishing regulations and is disappointed in CABMW meeting attendance.

John Hiatt said he would like to address the use of lead shot in bullets and is aware of regulations on Wildlife Management Areas and that the Department needs to step up with banning lead shot in bullets as the more we learn, the more toxic we have found lead to be. The other item is on tomorrow's agenda but he won't be here and is agenda item #8 (Input Concerning Methods of Restoring Deer Populations), and that we have studies going back a century demonstrating that habitat is the factor behind deer populations and NDOW studies show increases in deer numbers following high precipitation. He knows the focus is on predators but if we don't focus on habitat no need to consider predators.

1 Approval of Minutes – June 26 and 27, 2009 – Action

Commissioner Raine said there are changes to page 5 last paragraph, insert "attended," and on page 6 last paragraph, the number of does should be "987."

**COMMISSIONER WALLACE MOVED TO APPROVE AS CORRECTED. COMMISSIONER RAINÉ SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

2 Correspondence - Chairman Lent – Informational

Chairman Lent said he received letter from persons in Lyon County on a quail problem they are having, and said it was on a Lyon CABMW agenda and that should have been Lyon CABMW's deal to take care of that.

Commissioner Raine said he has September letter from DAG Nguyen in response to his request to Director Mayer for a list of trips that staff had taken and organizational titles held by staff, which he asked for under budgetary authority of the Commission, and that the letter from Deputy Attorney General (DAG) Nguyen refers to NRS that does give broad authority to the Commission and he wants to know line item cost for this travel and understands that information to be of public record and the Commission has a duty to look at travel. He said he does not see the relevance of her letter as it does not provide information asked for and he wondered if every time he asks the Department a question about its budget is he going to get letter from a DAG or is staff going to refuse those requests.

Director Mayer said staff had three different interpretations of what Commissioner Raine requested, and he suggested that Commissioner Raine put his requests to the Department in writing, and if he wants something different than what was provided to put the request in writing.

Commissioner Raine said he would appreciate people calling him to clarify the request and would even be happy to stop by the office. He asked how much money is being expended by these items, and just asked a budgetary question.

Chairman Lent said he had copy of budget account of what was expended.

Commissioner McBeath said he is confused as to the actual request as well.

Commissioner Raine said he asked for a list of trips and how much money spent.

Commissioner McBeath said that you have to ask the question right, as a budget projects future spending, but if asking for historical information on transactions that have already occurred, is different, and in that respect the Commission's authority is to the budget and what NDOW is going to spend in the future. Normal financial procedure is authority to review the budget and Finance Committee learned that by the time we started looking at budget, the budget was at the end of its process, and they did look at it, but need to get involved in process sooner and budget review process should start when NDOW starts the process. He said the Commission should not delve into past history and if letter asks that he needs to understand what term "budget" means.

Chairman Lent said when the Commission reviews the budget we need to look at last year's to this year's budget and if Department given the correct guidance should not be a problem answering the request by Commissioner Raine.

3 2010 Calendar for Meeting Schedule – Secretary Ken Mayer – Action

Chairman Lent said in looking at meeting locations that we have to make sure we have support for equipment and staff.

Ken Wellington, Elko CABMW, said he has a new member on his board and he wondered about the CABMW workshop not being on the 2010 calendar.

Secretary Mayer said the CABMW manual has outlined that CABMW workshops are every other year and the next CABMW workshop will be in 2011.

**COMMISSIONER WALLACE MOVED TO APPROVE THE CALENDAR AS RECOMMENDED BY THE DEPARTMENT. COMMISSIONER CAVIN SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

Workshop - Regulations

4 Commission General Regulation Number 368 – Chief of Operations Bob Haughian

Chief of Operations Haughian said this regulation makes the temporary regulation passed earlier by the Commission permanent.

Monty Martin, of Systems Consultants, said the 48 hour deadline is acceptable to them.

Chairman Lent said this is one item he had heard more compliments from sportsmen than in many years.

Commissioner Raine said he is concerned with language that states “48 hours after the draw” because of the possibility that would make the Department in violation of the law if they released the results earlier than 48 hours.

Commissioner McBeath said he would add the word “within” to address Commissioner Raine's comment.

Commissioner Capurro said since this regulation was adopted as a temporary regulation why wasn't this language provided before temporary regulation put into effect.

Chief Game Warden Buonamici said temporary regulations do not get the same review as permanent regulations, and when we request permanence for a regulation, the Legislative Counsel Bureau fully reviews regulations at that time.

Commissioner Howell asked how long to post draw results as it seems it would almost be simultaneous.

Mr. Martin explained the process and the steps needed to go through with customer credit cards once the draw is conducted and they start creating hunt records.

5 Commission General Regulation 369 – Chief Game Warden Rob Buonamici

Chief Game Warden Buonamici said this regulation was initially adopted by the Commission as a temporary regulation and provides for a minimum definition of edible portions by law for preparing harvested meat.

Commissioner Mori said in definition of big game mammals in Section 1, would it be helpful to add an expanded definition to include wolverine, wolves and some other mammals.

Commissioner McBeath said when he read the regulation the only thing he thought might be added to Section 2 subsection (a) would be the addition of to “head, meat from neck.”

Commissioner Capurro said he would concur with that recommendation after going through that as these are the items required by regulation to be taken.

Commissioner Cavin said he would like clarification on wolverine and wolf issue, not sure whether we list those as big game or just game mammals.

Chief Game Warden Buonamici said wolverine is a protected mammal and wolf is currently classified as a game mammal.

Secretary Mayer said he would recommend not including wolf or wolverine in this regulation.

Ken Wellington, Elko CABMW, said under Section 2 the Elko board asked for the “neck” to be included.

Gil Yanuck, Carson CABMW, said in Section 2, they recommended adding “neck meat” as to not waste that meat.

Rex Flowers, Washoe CABMW, said they too discussed the neck meat and decided to leave the regulation as is.

Paul Dixon, Clark CABMW, said a warden was in attendance at their CABMW meeting and he advised that they be direct with language to help sportsmen.

Commissioner Raine said perhaps we should eliminate Section 2 as to what not to take.

Chief Game Warden Buonamici said because there are so many different opinions they listed what is included to allow for enforcement.

Commissioner Capurro said Mr. Buonamici is correct that there was lots of controversy and he likes the idea of being specific as he hunts with people who take part of the neck but not all of it.

Chairman Lent said staff and sportsmen worked on the temporary regulation for a long time and even though the temporary regulation did not go through LCB he would like to keep the permanent regulation similar to the temporary and sees no problem with adding "neck."

6 Commission General Regulation 371 – Chief of Fisheries Mark Warren

Chief of Fisheries Mark Warren said the background for this regulation is that Crittenden Reservoir is on private land and the landowner decided to make it a paid take reservoir and that is the rationale behind removing restriction. Smith Creek Reservoir is private and having problem with fishermen fishing on private lands has led to conflict between ranch owner and fisherman. He said the Dacey Reservoir is part of the Kirch Wildlife Management Area and for years there has been interest to create trophy fishery there and best way to accomplish that is to limit take on reservoir. The intent is to allow bass take to remain the same.

Secretary Mayer said it is compromise for a solution to the problem between a private landowner and fisherman. Secretary Mayer said staff has done a good job of meeting with landowner and have looked at easement to provide public access, and the owners seem to be upstanding people and this is a compromise that the Hendrick's ranch manager supports.

Chief Warren said this is the first step in allowing the public access to the rest of the reservoir as the Bureau of Land Management property provides a small amount of access.

Commissioner Raine said there is a similar situation with Tonkin Reservoir and the issue is signage with these areas and would ask staff to do their best with signage.

Mr. Warren said seven CABMWs supported the regulation change and Churchill did not.

Commissioner Howell said he would like to address Dacey Reservoir and bass fisherman. He said you can't fish for bass until Aug. 15 and now you will open year round and also the fishermen he spoke to support single barbless hook.

Chief Warren said that will be addressed at the December meeting when Wildlife Management Area regulations are discussed, and that is something the Commission could address. He said single barbless hook use has about a 5 percent mortality rate for fish.

Gil Yanuck, Carson CABMW, said he would add to the Hendricks Ranch and Smith Creek discussion, that several years ago he fished there in the pond and behind the dam. He talked with Mr. Hendricks and the thing he was most upset about was people going in through the BLM section and pulling out too many fish which made him upset and that is why he pulled the plug. He said he is personally pleased to see that the Department has not given up on him and is a great place to fish. He said they support this issue and hopes the Commission does too.

Paul Dixon, Clark CABMW, said he would thank NDOW and Mr. Warren for establishing this potential trophy water, and that Paul Harris of Clark CABMW was instrumental in making this happen with fisheries staff and thanked them for getting this regulation.

7 Reports – Informational

A Biennial Big Game Release Plan for Fiscal Years 2010 and 2011 – Big Game Staff Biologist Mike Cox

Mr. Cox said the 2010 and 2011 release plan was sent to the Commission and CABMW members, and he reviewed the plan as proposed.

Chairman Lent asked where the sheep come from for the proposed transplants, and are there enough desert bighorn sheep.

Mr. Cox said they have thought about including that information in the plan and we try to keep options open about source stock but try to use sheep for transplants from similar habitat, climate, terrain, as the proposed release site. Mr. Cox said Nevada has 20 desert sheep populations with over 115 sheep and said we definitely have the number of animals. He said we have density issues, and he would like to come back this winter and make presentation to the Commission on how many desert bighorn sheep and other sheep on how we can manage in a mountain range with existing water and range and determine if we are at carrying capacity. Mr. Cox said he will bring up ewe harvest this winter as a management tool. He said capture and transfer costs are high

and we have to live within our means. He said there are no deer and elk translocation projects proposed.

Commissioner McBeath said the River Mountain herd is not hunted and asked how many sheep come out of there for the transplant program and what production is gotten out of the Rivers.

Mr. Cox said he did a query a few years ago to find out which mountain range provided Nevada the most source stock, and the Rivers had. He said we have released 1,800 deserts in Nevada and have never taken any deserts from anyone else, and about 700 desert bighorn sheep have been removed from the Rivers. He said we take 20 – 30 ewes every three to five years from the Rivers. As far as mule deer, they are different than bighorn although many similarities, and used to have mule deer wherever there was habitat, and have had no extirpation but obviously have had reductions, and if population there, the population is living within their habitat's means. Capture/transplant to restore mule deer, you need good habitat first, If habitat actions taken then we would increase carrying capacity for deer herd and could that be a place to transplant deer, and we could, but one of the problems we have is that the script isn't read and deer are better than sheep at not going with the plan and mule deer could potentially go all the way back to where they were initially captured. He said it is amazing the distance that deer can travel. He said we also have to keep in mind that there is a moratorium on moving cervids due to chronic wasting disease, and that basically deer not moved because of habitat.

Chairman Lent asked about genetic mixing like sheep.

Mr. Cox said certainly there are some units in Nevada with strong genetics but that just has not come up in Nevada and getting back to the release plan Mr. Cox said Mt. Grafton is a population in the 1980s that they targeted and explained the dynamics of Mt. Grafton, see comments on page 11 of the release plan.

Commissioner Howell said Mt. Grafton tried before and noticed predator control after the augmentation and he asked why not do the predator control work before the transplant, such as one month before.

Mr. Cox said that might be too soon as you don't know where the sheep are going to live and the predators may be on the south end of mountain and sheep are on the north and spatially you have wasted your money. He would rather see the sheep set up home and then do predator management.

Commissioner Howell said if you already know a lot of lions are there why not start predator control as he would not want to sacrifice the sheep

Commissioner Raine asked to what degree have the land user conflicts been addressed.

Mr. Cox said the plan was sent to land management agencies and resource agencies to obtain their input. He said when he thinks of all the sheep releases done by NDOW, he has never heard a complaint about seeing bighorn sheep.

Commissioner Raine said we have had people come to the meeting and say they have been kicked off their land and need to have contacted them to make sure they have no conflicts. He said very simple to contact private landowners and would be part of site selection. He asked how are the transplants paid for and that should be part of the proposal. He asked as to the time of year which transplants take place and is there science that states the best seasonal time for the transplant of animals, and he asked why that is not included.

Mr. Cox said today is the place for the public process, and at the CABMW meetings. He said transplant times depend on the weather at time of capture and have to be cognizant of heat with aerial net gun captures, and need air temperature down so as not to stress the animals. Mr. Cox said throughout the west biologists have learned from doing captures what the best time is. Mr. Cox said this is just the release plan.

Commissioner Capurro said he is very familiar with Virginia Mountains and knows herd augmented and knows there are many lions are in there and largest kill time of sheep is the first year of translocation, and seems to him that NDOW should do predator control ahead of time. He said he knows of areas with lion problems, and last year NDOW put 75 sheep in the Delamars and this plan calls for 50 and his and last question is, where are the animals coming from, for the Goshute release.

Game Division Chief Mark Atkinson said he would like to answer Commissioner Raine's question on science for sheep transplants, he said 1980s research and peer reviewed paper on physiology, stated it has been found that aerial net gunning is least stressful to the animal, and timing is important to take into account environmental temperature as that determines survival, and the gestation stage of females to minimize the chance for failed pregnancy or abortion. He said staff are very cognizant of disease transmission while transplanting animals and go through disease risk analysis. He noted that all of these proposed projects on the list will not be done at the same time.

Mr. Cox said to Commissioner Capurro's question that we have had predator control in the Virginias and have taken seven lions and is unfortunate to hear that we can't use Wildlife Services as much as we want and Nevada's bighorn program is highly successful and we don't want to waste our money and we want the sheep to learn their habitat to keep away from those predators. He said we are doing our best to take our resources and areas with lions and make judgment calls as to where to have Wildlife Services' involved. The Virginia Mountains are at issue but we have good lamb recruitment. Mr.

Cox said the Delamars do have a lion issue and bobcats and is a release valve and would need more time to get into population densities and the Delamars have great habitat with 400 square miles of bighorn habitat and is in the top five of contiguous habitat and would love to survey more but we can't and he thinks a extensive survey is due for the Delamars and we see animals released from the 2000s that are still alive and know there is a lion issue as great bobcat habitat. Mr. Cox said there is a threshold on any mountain range and if you get population above the threshold you will have that population move forward. He said our plans if we get everything together on the Goshutes, we would go to East Humboldt's as the source stock.

Commissioner McBeath said he asked Biologist Pat Cummings questions on Grafton and he provided him with a few documents that answer many of Commissioner Raine's questions with regard to selection of areas and specifically the livestock operators in there and documents dates in the 1990s and very clear to him that they consider all aspects and to avoid areas with domestic sheep. He said those documents should be sent to the Commission for background for the program.

Mr. Cox said that is an old assessment done by today's senior biologists and was more of a habitat assessment, and with Grafton, staff still must talk to BLM as a domestic sheep trail is nearby and need to assess our risk of disease transmission.

Commissioner McBeath said he will be on record as the owner on the west side supports bighorn sheep.

Chairman Lent asked Mr. Cox if he thinks predators part of habitat and should you survey an area for habitat and lions before transplant like you do for habitat because you would not transplant sheep without habitat.

Mr. Cox said he would say no and said beforehand that everything is intertwined and we receive an assessment and habitat is food, cover, and water. He said the biologists do an assessment on predators by talking to houndsmen, sportsmen and others, and if a question we will look at predator control once we know where the sheep are established. There is an evaluation.

Chairman Lent said lions can force behavior changes in sheep and make them go where they don't want to go, lions could change behavior of any animal and make them go to higher or lower elevations. You put the sheep in with lions and have lower survival because you push sheep where they normally would not go.

Mr. Cox said that likely occurs with Sierra Nevada bighorns and their winter range, and we know lions are out there and we would not have started bighorn sheep restoration if we did not understanding predator/prey relationships but we do what we can with the

money we have. Nevada is the most successful state with its transplant program. He said he understands the Commission's concerns but we have so many successes.

Commissioner Mori said in regard to the reintroduction to Goshute Mountains that he talked to permittee over there and he is on board from the beginning with this plan and the contingency on a number of different factors and this is an example of Department working with permittee to work out common goals and work out problems that may arise and foresee those problems ahead of time, and he would commend the Department, as this is the way to go about it when we do these reintroductions.

Tom Cassinelli, Humboldt CABMW, said first of all we need to look at the entire program as we are picking at it today and he was there from the beginning when we had nothing. There are places that have gone down and places that are highly successful and scattered around the northern part of the state to harvest, the biologists and Department are part of it and need a lot of commendation for what they have accomplished as we have three species of sheep and no other state has that. He said his board looks at these plans as they come out and we have a smooth program run with these and sheep have scattered. He also said look at elk herds and we will have losses as we are transplanting in marginal areas now and we will have losses but some sheep will make it. Mr. Cassinelli said the Humboldt CABMW supports the request of Utah to provide them with sheep.

Jelindo Tiberti, Fraternity of the Desert Bighorn, said they encourage development of this program. He said for example the Rivers have too many sheep and they are concerned with sheep interaction with public and need rams taken out to be proactive before someone is hurt. He said Sheep Range used to be Nevada's glory and it is a shame that sheep have not come back there and this year he has been all over the Delamar Range which is absolutely beautiful now and has come back from the fires which burned one million acres. The flora fauna are back and Delamars could be the Sheep Range of the future. He said for some reason lots of people from the north feel that the Delamars are not worth it, and maybe not, but it has come back. He said he encourages support of the Department's release plan and would like the Delamars to be the place to dump the sheep and does not know why the Delamars are so controversial.

Commissioner Capurro said for clarification he has no problem with releases on the Delamars per se but concern is with ongoing protection project underway now which is admission that you have lion problem now, and is against that on that basis, because we need biggest bang for the buck.

Mr. Tiberti said they do not feel that big of a lion problem and support lion hunting as necessary and has gone out there with the government trapper who has had a tough time getting lions out of the west side and he does not want to feed sheep to lions and there can be lions out there and would agree with Mr. Cox that you just can't remove

every lion and are not opposed to lion hunting and feel that the lion hunters being out there for a month has helped.

Commissioner Raine said he supports transplants where reasonable to expect they will expand into a healthy population, however, the summary has inconsistencies which with more information would be clarified, and his concern is many of the areas augmented many times over the years, and if nothing changed how can we hope for different result with augmentation, and brings back thought of being nuts if we are not changing anything in these areas from previous augmentation and hopes that is addressed before the plan is brought back to the Commission at the December meeting as policy states.

Commissioner Howell said he thinks we are all on same page in regard to augmentations but some areas problems in past with problems like Grafton seems like serious predator control program prior to introduction would make sense as we don't know where the sheep will end up. We know lions are up there now and let's give them a chance and instead of 30 put 100 up there.

B Silver State Tag Update – Chief of Operations Bob Haughian

Chief of Operations Bob Haughian reviewed the timeline as included in the support material, contained in the exhibit file.

Commissioner Cavin suggested adding into the timeline the date the Commission would set the quota for the new hunt.

C Upland Game Stamp Program Review – Chief of Habitat Dave Pulliam

Chief of Habitat Pulliam said today's presentation is in response to questions from previous meeting on the upland game program. He said in March 2004 the \$10 upland game stamp was authorized by the Nevada Legislature and the program as presented to the Legislature and affirmed in the associated work program approved by the Interim Finance Committee has always included salary. The state has responsibility for water developments in Nevada and in part the Upland Game Bird Stamp Program was justified by the huge need for small game guzzler maintenance identified in Southern Nevada. The Southern Nevada crew has evaluated projects and has removed and replaced many with functional low maintenance units as well as constructed new units. The Southern Nevada crew salaries are paid for with funds from the stamp. In summary the Upland Game Bird Stamp program has completed several spring enclosures designed to enhance sage grouse habitat, and supported through fees trapping and transplant of chukar and mountain quail. He said the program has emphasized guzzler maintenance. He said the program has funded studies, supported publications such as Chukar Bulletin and Sportsman's Journal, and completed upland game bird habitat enhancement

projects such as pinyon-juniper removal projects, and with that he will answer questions about the program.

Chairman Lent said at the last meeting and in the minutes Mr. Pulliam talked about the expenditure of labor on this program but not doing that with duck stamp program and Mr. Pulliam's comment of interpretation of legislation was you could spend that on labor and his personal comment at the meeting was "where is the support for that statement." His question is, can you put your own intent in a bill. Salaries are taking up one-half of the program and next year will be up to \$160,000. Chairman Lent asked that the next time staff prepares this report that you include revenues received.

Mr. Pulliam said the work program that went to Interim Finance Committee (IFC) was approved to allow for expenditure of funds which does include salary. Mr. Pulliam read the bill which states "must be used" and part of the proposal we have put forth through authorization by IFC to accomplish those duties and salary has been part of upland game stamp program since its inception and approved by the Commission. Mr. Pulliam said the Department reports back to the Legislature every two years on all accomplishments and expenditures associated with this program. Before legislation the upland game water development program was funded through federal grants. As Pittman-Robertson (P-R) funds were limited and Upland Game fees were authorized during that 2004 legislative session, the limited P-R funds could then be used for other programs while the upland game bird stamp program could be run independent of federal aid. After being ask by Chairman Lent about Duck Stamp revenues, Mr. Pulliam said there is nothing to prohibit duck stamps funds from being used for salary but that traditionally they had not been used as Federal grants provide revenue for Wildlife Management Area salaries and operating.

Commissioner Howell asked how many guzzler books are sold to date as they are sold now for \$40.

Chief of Conservation Education Kelly Clark said we have sold about 750 books totaling about \$30,000.

Paul Dixon, Clark CABMW, said not sure why the Commission is worried about the money being used for staff as due to wildland fires and drought, that without guzzler program, locals in Clark County would not be able to hunt. The guzzlers supported bird populations in the interim with those burns and drought.

Commissioner Raine said in next version of this document he would like breakdown of where the \$160,000 is spent and asked if that could be done.

Mr. Pulliam said the answers that Commissioner Raine is seeking are in the legislative report which is sent back to the Legislature per the reporting requirement in the legislation.

Commissioner Capurro said he is a big believer in guzzler program and designs have changed over the years to withstand years without maintenance and is extremely important as some areas would not have animals without guzzlers. He said he is amazed that we have 1,500 guzzlers.

D Litigation Report – Deputy Attorney General Nhu Nguyen

DAG Nguyen said no change to the litigation report since it was sent.

Commissioner Cavin asked about E. Wayne Hage litigation.

DAG Newton said settlement discussions have broken down and not settled and moving forward into litigation – basically what it states on the page.

E Department Activities /Leadership Team Notes – Secretary Ken Mayer

Director Mayer said the Leadership Team decided to change the format of the weekly meetings, with round robin meetings one week and then an emerging issues meeting on the alternate week. He said the last meeting dealt with nuisance wildlife policy and direction to front line staff. Reported that furloughs have become a nightmare for supervisors across the state and being more productive. New deputy director, Pat Cates, will report to work on Monday and is looking forward to having someone to focus on fiscal side and Deputy Director Rich Haskins will move to the resource side. He said we have a complete fiscal shop which was an effort started three years ago.

Meeting adjourned at 3:25 p.m.

Saturday, June 26, 2009 – 8:30 a.m.

Chairman Lent called the meeting to order and welcomed the audience to the meeting, and he noted that Commissioner Kobrin will be absent. He asked for a roll call of the Commission members present: Chairman Lent, Commissioner Raine, Commissioner Capurro, Commissioner Cavin, Commissioner Howell, Commissioner McBeath, Commissioner Mori and Commissioner Wallace.

Roll call of CABMW Members - Ken Wellington, Elko CABMW; Paul Dixon, Clark; Rex Flowers, Washoe; Gil Yanuck, Carson; Cory Lytle, Lincoln; and Tom Cassinelli, Humboldt.

Member Items –

Commissioner McBeath said on Aug. 25 Clark County Shooting Park on the north end of town had its dedication ceremony, and quite a group of dignitaries were present including most of Nevada's Congressional delegation. He said the Shooting Park will be a top notch facility for Nevada and everyone is very excited that this project is nearing completion.

Commissioner Raine said he has a question and comment at the same time about yesterday's informational presentation on the Big Game Release Plan and understands that some personnel mentioned that part of the plan will be implemented before Commission approves the plan and wants to make sure the Director carries out the Commission's policies as intended.

Director Mayer said the Department has asked the DAGs to review that Commission Policy in regard to policy role of the Commission and the operational role of the Department, as other plans (Upland Game) are brought forth to the Commission that are not approved by the Commission. He said we will have that on the December agenda, and is one of the things he asked the DAG's to do, is to look at the Department's role and Commission's role, as the lines have been blurred. He said the Department plans for trout stocking are our purview not the Commission's and wants our DAG to provide discussion with the Commission's DAG.

Commissioner Raine said you mean that this policy is not going to be followed - Commission Policy, is clear to him that NRS regarding Director's duties, says you carry out Commission policies and that the Department needs to follow this precedent.

Chairman Lent said the Commission can also ask for a DAG opinion too.

Director Mayer said he can assure the Commission that all the DAGs are working on this, and the Department's purpose is to be consistent with all Department plans.

Public Comment –

Buck Barber, president of Trout Unlimited of Southern Nevada and Las Vegas Fly Fishing Club, said he is commenting on CGR 371, to let the Commission know his organizations support this opportunity for blue ribbon fisheries. He said Kirch Wildlife Management Area is of high importance because it is close to Las Vegas and many public from Clark County fish those waters and do projects as well such as clean up. As Clark County's population grows and as Coyote Springs is developed the potential for increased fishing pressure will increase and fish size has gone down and most locals go to Utah to catch big fish and would be nice to have something close by to fish.

8 Input Concerning Methods of Restoring Nevada's Mule Deer Population – Chairman Lent – Informational

Chairman Lent said he put this on the agenda because he wants to talk to CABMWs and make some comments. He said he had a set of questions for the CABMW members present and wants their answer to be quick and concise: How is deer population perceived in your county by your CAB, how many deer management areas in their county, what is your deer/fawn ratio in each management unit, are you concerned and is your public concerned, are they acceptable to you and have you talked to your deer biologist, and have you any suggestions for the Commission, what have you tried to do and what would you like to do, as we are here to help and need suggestions from the CABMWs as to which way to go, we will do anything we can to help you and we want help from the CABMWs as mule deer are our cash crop whether you know it or not. He said three counties had this on their agenda.

Clark County – Paul Dixon said declining deer populations from the 1980s; talked to Mr. Cox and he provided the book from WAFWA deer study to his CABMW members and they will come up with suggestions for Southern Nevada and will provide recommendations to the Commission.

Washoe County – Rex Flowers said they know populations are low and urbanization has contributed to that; management areas in Washoe County are about 11; fawn/doe ratios are at state average of 38 or 39; and they had the local deer biologist (Tony Wasley) present at their meeting and plan to utilize the Department to spearhead their efforts. He said in the plan they are tackling habitat and riparian areas – wild horses, drought, global warming and not addressing predators as there already are predator projects in Washoe County which are covered in another plan.

Elko – Ken Wellington said decline in mule deer in Elko County; over 15 deer management units; fawn/doe ratio is up in some areas and down in others; biologists attend every Elko CABMW meeting. He said they have started projects already and set-up a lion subcommittee made of sportsmen and houndsmen, and would also like to create a subcommittee for the deer task force. Mr. Wellington said a timeline from the Commission would be helpful, and said they have about 22 public in attendance at their meetings not counting staff.

Carson – Gil Yanuck said in contrast from other CABMW members they come prepared to discuss the large increase in their urban deer population in Carson County which is a big problem is Carson City and are worried about people running into them. Several of our advisory board members have made suggestions and member Doug Martin is to provide ideas to the Commission. One idea is for clearing of forest to have them move back up in the hills, and another is that Carson and Douglas who have signed a joint letter to U.S. Forest Service to ask that gates be open at Spooner Summit to allow access

for hunters during the winter. One management unit; low fawn/doe ratio and affected by migration to California; and they do work with area biologist.

Chairman Lent said Carson's plan could be presented to the Commission later, and may need to look at a highway overpass near Lakeview.

Humboldt – Tom Cassinelli said they have a low deer population, seven management units, some of which are shared; does not know the ratio right now but at the quota meeting they get that; have lots of local sportsmen groups that are doing a lot of work with the Department such as having a nursery to grow sagebrush, and need to get more precipitation.

Lincoln – Cory Lytle said their deer population appears stable and they want that to stay that way and stay ahead of the curve. He said they have a great working relationship with NDOW biologist and BLM representatives. Mr. Lytle provided the chairman with Lincoln CABMW's proposal (exhibit file).

Chairman Lent said the Commission does not have the answer but asking everyone for help and ideas can be from "a to z" and could be transplanting deer from within and getting some deer from Utah. He said his message is that we have to do something in regard to deer declines and the CABMWs need to get on board or step aside and the Commission will be working with the Department on this shortage of deer. Chairman Lent said the Commission wants any help we can get from boards and if we start coming up with programs you don't like now is the time to say. He said he appreciates the CABMWs who gave positive results and are having meetings, and this should be on your agenda as there are good comments. He thanked the CABMWs for doing that and that is the reason for this being on the agenda.

Paul Dixon, Clark CABMW, said one thing they have worked with their Clark County liaisons and have been advised that they should not take action on Commission informational items. He said that you asked that all the counties agenda have this item, and his point is that you feel they should give recommendations for their individual county and for his county deer hunting is not the priority of the public of Clark as it may be of other counties. Mr. Dixon asked for clarification if the Commission wants recommendation for a statewide solution or county specific as the habitat is different in Clark County than other counties.

Chairman Lent said he does not plan to put on agenda as action yet and at some point will start making decisions. Just giving the CABMWs the message to put on their own agenda and help solve the problem for us. He said interested in solutions for the state as people from Clark County hunt up north.

Commissioner McBeath said this is an excellent process for collaboration with the CABMWs and will get excellent ideas and BEST practices; however, the solutions will probably not work in every county as noted with the differences between Clark and Elko County.

9 Translocation of Desert Bighorn to Utah Division of Wildlife Resources – Big Game Biologist Mike Cox – Action

Big Game Biologist Mike Cox said a Utah representative is present to explain their request for desert bighorn sheep and knows the agenda item states 20 sheep but is comfortable with 30 sheep as the population warrants that and asked that the Commission consider that when they take action.

Chief Rick Larson of Wildlife Division, Utah Division of Wildlife Resources, said they revised their desert bighorn plan and this sheep augmentation unit is proposed for the Grand Staircase of the Escalante Monument which is managed by the BLM with good habitat and predator management objective with a mountain lion quota. He said this transplant request has been approved by their board and the Resource Advisory Council process in Utah. He said the permittee who runs cattle and is also on Utah's Resource Advisory Council supports the transplant as does the Foundation for North American Wild Sheep representative. Mr. Larson said Utah has the funds lined up to pay for the transplant.

Chairman Lent said we don't want the sheep to be lion bait and asked Mr. Larson their predator control, and he noted that the number stated is 20 for the augmentation.

Mr. Larson said we base target on predator management, and this unit has a quota.

Commissioner Capurro said 20 is the number stated, and does not want to change that without notice.

Chairman Lent said if another request comes in the matter could be placed on the Commission's agenda again.

Commissioner Cavin asked if hunting is allowed in the Grand Staircase.

Mr. Larson said that hunting is allowed and that BLM manages the area and is primarily public land.

Commissioner Howell asked what the herd population is now.

Mr. Larson said about 150.

Public Comment –

Paul Dixon, Clark CABMW, said NDOW Biologist Pat Cummings attended their meeting and educated them about the benefits of this program. He said this is the right thing to do.

Tom Cassinelli, Humboldt CABMW, said Humboldt CABMW is 100 percent behind the program and request.

Rex Flowers, Washoe CABMW, said they are supportive with approval of NDOW biologist.

Jelindo Tiberti, Fraternity of the Desert Bighorn, said they are supportive and would like the Commission to know that they offer their volunteer support for this operation.

Greg Smith, Nevada Bighorns Unlimited, said they support the transplant.

**COMMISSIONER MCBEATH MOVED TO APPROVE THE TRANSLOCATION OF DESERT BIGHORN SHEEP TO UTAH AND WITH THE UNDERSTANDING THAT WE ARE OFFERING 20 DESERT BIGHORN SHEEP AND THAT UTAH DIVISION OF NATURAL RESOURCES IS RESPONSIBLE FOR THE TRANSLOCATION EFFORT AND THAT THE NEVADA DEPARTMENT OF WILDLIFE HAVE ONE BIOLOGIST ON SITE TO PROTECT OUR INTEREST. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

Regulations – Action

- 10 Commission General 368 – Chief of Operations – Bob Haughian - Action

Chief of Operations Bob Haughian read the language requested to be included to the regulation from yesterday's workshop which was in Section 1, the addition of the word "within" 48 hours.

Public Comment – none

**COMMISSIONER RAINE MOVED TO APPROVE CGR 368 WITH THE ADDITION OF THE WORD "WITHIN" AS READ BY MR. HAUGHIAN. COMMISSIONER MCBEATH SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

- 11 Commission General Regulation 369 – Chief Game Warden Rob Buonamici - Action

Chief Buonamici said language added to Section 2 (a), adding the word "and neck" to sentence stating "Meat from the head."

**COMMISSIONER RAINE MOVED TO APPROVE CGR 369 WITH ADDITION OF WORD TO SECTION 2 (A) "MEAT FROM THE HEAD AND NECK." COMMISSIONER CAPURRO SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

- 12 Commission General Regulation 371 – Chief of Fisheries Mark Warren - Action

Chief of Fisheries Mark Warren said he talked to the Commission about artificial lures and spoke to Commissioner Howell about treble hooks and he would add that if we are managing fishery and go for trout that we go for single barbless hook. He said Dacey Reservoir is a two tier fishery with trout and bass, and if we don't harvest a self-perpetuating species there is competition; therefore we support the treble hook section of the regulation.

Bob Barber, Trout Unlimited, said he understands comment on treble hook and they support the Department recommendation as bass population would take off. In the future they would support a slot limit to get bigger fish.

**COMMISSIONER MCBEATH MOVED TO APPROVE CGR 371 AS PRESENTED WITH NO CHANGES. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION PASSED 7 – 0.**

- 13 Commission Regulation Fishing Seasons and Bag Limits 09 – 09 – Chief of Fisheries Mark Warren - Action

Chief of Fisheries Mark Warren said comments received from eight CABMWs and all in favor of regulation changes. He said Lyon CABMW had comment concerning Mason Valley Ponds and want them to open Aug. 15 and the reason why the Department does not support their recommendation is because of nesting birds on Mason Valley Wildlife Management Area. Mr. Warren reviewed the recommendations as contained in the regulation and answered questions from the Commission.

**COMMISSIONER MCBEATH MOVED TO APPROVE CR 09 – 09 AS PRESENTED. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

- 14 Commission Regulation 07 – 07 Amendment #3, (2009 Fall Wild Turkey Season) and Commission Regulation 09 – 08 (Canada and White Fronted Geese Season), Southern Zone, Overton Wildlife Management Area and Designated State Lands – Director Ken Mayer – Action

Commissioner Raine said last time we changed an agenda item we had large packet of correspondence protesting the change before the meeting and he is wondering why no huge out cry from the CABMWs and maybe there is, but he has not heard, and

difference between this change and last one has no difference and is wondering why no huge outcry.

Commissioner McBeath said the former agenda item change was of huge interest to the CABMWs and public and the response was appropriate to the concerns the CABMWs had. This agenda item change is nothing more than administrative change. He said the substance of this agenda item is to get things cleaned up and assist the public.

Chairman Lent said at the last meeting in Elko they made a big issue and said we have a policy not to change the agenda after two weeks prior to the meeting because the CABMWs would not be able to take comment. He asked Commissioner McBeath if he should have added the item without input from the CABMWs because you were the one who objected in Elko, and wants everyone to know that he amended the agenda to act in the best interest of the Commission, which is exactly why the chairman needs that flexibility as the law allows and is the prerogative of the chairman to change the agenda, and has exercised that authority, and is not the chairman's fault and wishes the CABMWs could have added input.

Commissioner Wallace asked Chairman Lent if the Commission is allowing public comment on this item, as that is the difference between the item today, and the agenda item in Elko.

Chairman Lent said the CABMW's did not have time to agendize this or take public comment and therefore they can only represent themselves today not their county.

Commissioner McBeath said his comments in Elko were relative to Commission Policy #1 as stated and accepted that Open Meeting Law overrides Commission policy and for today's item that the agenda was amended and is acceptable to him.

Secretary Mayer said a handout was provided to the Commission. First there was a clerical error on turkey hunting on Overton Wildlife Management Area, and secondly, need to clarify goose hunting season on Overton Wildlife Management Area. He said the need for today's action is to clarify direction on the Commission's intent. Secretary Mayer said six Commissioners present today who were at the June meeting: McBeath, Mori, Raine, Wallace, Lent, and Cavin. Secretary Mayer noted that Chairman Lent did not vote as reflected in the minutes. Secretary Mayer said the intent was to include the Moapa Valley portion of the Overton Wildlife Management Area.

Chairman Lent said his DAG told him that if he did not vote then he should not vote and asked that be part of the record.

Commissioner Wallace said he needs clarification on the action being asked of the Commission.

DAG Newton said the Department brought this back to Commission to correct as a "scribner's error," and could have done correction based on understanding that motion included all four units as the Department recommended, but did not want to do it that way.

Commissioner Cavin asked for units again and to know if that is what was presented.

Secretary Mayer said the regulations printed were 243 and 271 and the board voted for 268, 272, 243 and 271, and those units were not presented in the regulation.

DAG Newton said units were included in the Department's regulation for use in processing harvest return card information.

Commissioner McBeath said the way regulations have been presented to us with wording Moapa Valley of Overton Wildlife Management Area and can say the intent was to limit to Moapa Valley portion which is solely Moapa Valley of Clark County.

Commissioner Cavin said he is relying on Commissioner McBeath's experience and did say that general description includes those four units.

Commissioner McBeath said portions of all four units and feels purpose of amendment is to make the regulation more precise.

Public Comment –

Paul Dixon, Clark CABMW, stated two things: He called all of his board members after notified of error by Secretary Mayer, and all of his board favored the correction, and appreciated NDOW working with Commission to fix this for the 10 turkey hunters to hunt those units. Mr. Dixon said in regard to comments on agenda changes made by Chairman Lent and backed by Commissioner Raine, that he contacted his board and did make a point to call those present at their meeting, and this was where you solve that. CABMW chair should do that and agrees that chairman has prerogative to change agenda, but does not agree with the chair not taking public comment on an agenda item, and that was the problem.

Chairman Lent read into the record the names of the 10 successful turkey tag holders: Paul Allen, Ronald Allison, Brian Crowel, Charles Freimanis, John Hurley, Steven Kirsch, John Labate, Michael Stamm, John Tumminello, Jonathan Worek. He asked if Overton is that all in Moapa Valley as he is not familiar with south.

Commissioner McBeath said Moapa, Overton, and Logandale, are all part of Overton in Moapa Valley.

Commissioner Mori asked for the Department recommendation is it to add unit or to strike the units out of the regulation.

Secretary Mayer said the Department is asking the Commission to reaffirm direction and would prefer to put units in so we do we get better harvest information.

Commissioner Mori said in his mind the way he voted was to approve those changes for Moapa Valley portion of Clark County and as long as 268 and 272 within that covers the intent of what was passed unanimously.

Commissioner Wallace said we know the names of the individuals and asked if 10 hunters had been informed yet.

Secretary Mayer said the hunters have not been notified pending action by the Commission today, and they would have two choices, obtain a refund or keep tag to hunt those two units without turkeys. He said the Commission passed the regulation for the entire area and the Department made an error with putting two units on the published regulation brochure.

Commissioner Cavin said he is comfortable with Commission's intent on not leaving out Overton and we are being told that those areas were included and does not think we even have to vote but can do that as well as we are not expanding.

Secretary Mayer said he could have made a unilateral decision but with a Commission coming up prior to the opening of the season, thought more prudent to bring the matter back to the Commission.

**COMMISSIONER CAVIN MOVED THAT WE REAFFIRM COMMISSION DECISION AT THE LOVELOCK MEETING 07 – 07 AMENDMENT #3 TO INCLUDE MOAPA VALLEY AND THE PORTIONS OF OVERTON WILDLIFE MANAGEMENT AREA AND ANYTHING WE HAVE DONE TRADITIONALLY. COMMISSIONER MCBEATH SECONDED THE MOTION.**

Commissioner Raine said he is confused as voted for Moapa Valley portion of Clark County would be happy to just leave it at that and fix it later, as that was what was voted on and presented.

Commissioner Cavin said he does not want to change anything, just reaffirm, and he and the second (Commissioner McBeath) withdrew their motion and second.

Commissioner McBeath said if we do as Commissioner Raine said that is what we already did at the previous meeting through the motion and we can leave as is and fix

the rest of the regulation at the next meeting and notify the hunters that they are legal for the units.

DAG Newton said the Department is fine as they understand the Commission's intent.

Commissioner Raine said it is actually five units, and asked if the Commission needs to reaffirm through a motion.

Chairman Lent said a motion is not necessary.

Secretary Mayer said the second issue is to clarify what was approved by the Commission regarding the Overton goose season. At the last Commission meeting, Mr. Mortimore presented to the Commission draft CR 09 – 08 (waterfowl seasons) and on page 9, it describes the Canada and white-fronted goose seasons in northern zone and southern zone with an opening of Oct. 17. In the old days the Overton season started with duck season followed by the goose season. As a result of a waterfowl meeting in the Las Vegas area, the Overton folks wanted to delay duck season for two weeks and start goose season on Oct. 17 and then every other day until duck season opened on Oct. 31. This is similar to last year; however, the separation was one week, this year it will be two weeks. If you turn to page 11, you will see the cross-reference to the wildlife management area regulations. On page 13 you will find the description of what is legal on Overton Wildlife Management Area. It states that during the waterfowl season, hunting is permitted only on opening day of duck season and every other day thereafter. There are two interpretations of this wording. First, if goose season starts hunting will be open every other day from that point on, this is a literal interpretation. The other interpretation is that the goose season opens for one day and then no hunting until duck season opens on Oct. 31. The Department is bringing this back to the Commission to clarify that goose season opens on Oct. 17 and then hunting will be allowed every other day; thereafter. On page 15 we provide an example of language to make the issue more clear. We will propose this clarification at the December Commission meeting. The example states that waterfowl season is open on Overton on the earliest opening date of earliest waterfowl season. Director Mayer decided to bring this to the Commission instead of making a unilateral decision since we have this perfect opportunity for the Commission at this meeting to clarify the motion and provide direction to the Department.

Chairman Lent said he had comments from DAG Stockton and he said he had problems such as not presented with CR 07 - 07, Wildlife Management Area regulations and yet we were not presented with them and trying to discuss them, and if intent is to discuss something you did not get, and no notification as brochures printed and how will we notify the public of this with the brochures printed. He said Clark CABMW asked for different regulations on waterfowl then the seasons in the north, and recalls that they were willing to take time off the end to put on the front of the season but does not

remember exactly, and DAG Stockton said that if we did not get CR 07 – 07 in the packet that is a big problem and if we don't understand to table; however, he is not voting.

Secretary Mayer said that is why he read CR 07 – 07.

Commissioner McBeath said he would agree with DAG Stockton's statement that if regulation not brought forth during the motion should not vote; however, if you read CR 07 – 07 can easily be read to cover our situation. He said first sentence states hunt on alternate days thereafter throughout the season and question is which season – "during waterfowl season" and second states "opening date of duck season" and question is what season is the third phrase discussing – the duck season or the waterfowl. His position is that it is referring to the waterfowl season and start date for duck or goose this regulation states that hunt season dates are alternate dates thereafter. The proposed amendment will clarify and make that absolutely clear.

Commissioner Raine said he reads this as opening date of duck season and alternate dates thereafter and no general waterfowl season as waterfowl season is a grouping of many subspecies, and is clear that date is duck season.

Public Comment – None

Commissioner Cavin said Biologist Mortimore made it clear that it clear it was seven days and no intent for one day. He said his intention was for seven days, every other day.

Commissioner Raine said his intent was to put exactly as stated because nothing else was presented.

**COMMISSIONER RAINE MOVED THAT THE INTENT OF THE COMMISSION WAS TO PROVIDE OPENING DAY OF DUCK SEASON AND ALTERNATE DAYS THEREAFTER AND THAT DOES NOT SAY GOOSE SEASON. MOTION DIED FOR LACK OF SECOND.**

**COMMISSIONER MCBEATH MOVED THAT MAJORITY OF COMMISSION REAFFIRM THEIR INTENT FROM ELKO COMMISSION MEETING THAT CANADA AND WHITE-FRONTED GEESE REGULATION SEASON STARTS ON OCT. 17 AND INCLUDES ALTERNATE HUNT DAYS THEREAFTER UNTIL OPENING OF DUCK SEASON WHICH STARTS OCT. 31. COMMISSIONER MORI SECONDED THE MOTION.**

Commissioner Raine said he can't vote in favor of the motion as presented.

Commissioner Mori said the intent was clear that it was presented to start goose hunting two weeks before duck hunters.

**COMMISSIONERS IN FAVOR OF THE MOTION: CAPURRO, CAVIN, HOWELL, MCBEATH, MORI, AND WALLACE. COMMISSIONER RAINE OPPOSED. MOTION CARRIED 6 – 1.**

15 Future Commission Meeting – Director Ken Mayer – Action

Commissioner Capurro said he would like the youth hunt and increasing the age of eligibility on the next agenda (December).

Commissioner Cavin said there will be a request for a Heritage agenda item to discuss Silver State tag as that will need to be discussed in December to not miss the window.

Chairman Lent said Commission committee assignments will be handed out later.

Meeting adjourned at 11:50 a.m.

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