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Nevada Board of Wildlife Commissioners' Meeting

Churchill County Commission Chambers

155 N. Taylor Street

Fallon, NV 89406-2763

Amended Agenda

Friday, August 13, 2010 – 1 p.m.

- 1 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman
- 2 Election of Officers – Chairman Lent – Action
In accordance with Commission Policy #1 the Commission will elect a chairman and vice chairman.
- 3 Approval of Agenda – Action
The Commission will review the agenda and may remove items from consideration or adjust the order of presentation. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.
- 4 Member Items/Announcements
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
- 5 County Advisory Boards to Manage Wildlife (CABMW) Member Items –
CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
- 6 Public Comment Period
Persons wishing to speak on items not on the agenda should complete a speaker's card and present it to the recording secretary. Public comment will be limited to three minutes. Persons are invited to submit comments in writing on the agenda items and or attend and make comment on the item at the Commission meeting. No action can be taken by the Commission at this time; any item requiring Commission action could be scheduled on a future Commission agenda.
- 7 Approval of Minutes – Action
Commission minutes from the May 14 and 15 and June 25 and 26, 2010, meetings.
- 8 Correspondence – Chairman – Informational
The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Mayer will also be discussed.
- 9 License Appeal Hearing – Mr. Michael J. Pratt - Action
Appeal by Mr. Michael J. Pratt of license privileges.
- 10 Upland Game Stamp Request – Game Division Biologist Shawn Espinosa and Wildlife Staff Specialist Elmer Bull – Action
The Commission will review and be asked to approve 10 projects submitted for funding from upland game stamp funds.

- Amended Item added #11-26*
- 11 2010 and 2011 Heritage Projects: Request to Modify Predator Management Projects – Secretary Ken Mayer – Action
The Department is requesting that the Commission approve its recommendations to modify 2010 Heritage Projects #10-23, #10-26, and #10-27; and 2011 Heritage Projects #11-19, #11-20 and #11-26.
- 12 Workshop - Informational
- A Commission General Regulation Number 389, LCB File No. R083-10 – Chief Game Warden Buonamici
The Commission may adopt a regulation relating to wildlife; prohibiting a person from interfering with the use of a guzzler or other water development; providing an exception.
- B Commission General Regulation Number 391 – LCB File No. Temporary – Program Officer III Maureen Hullinger
The Commission may adopt a regulation relating to revising provisions governing eligibility for the main draw if the application applied for the Restricted Nonresident Deer tag draw.
- 13 Reports – Informational
- A Application Hunt 2010 Draw Report – Don Sefton and Monty Martin, Systems Consultants
- B Western Association of Fish and Wildlife Agencies Annual Conference – Commissioner Lent, Commissioner Capurro and Secretary Mayer
- C Litigation Report – Deputy Attorney General Nhu Nguyen
- D Report on Laws Regarding Harassment of Public Officials – Deputy Attorney General Bryan L. Stockton
- E Department Activities/Leadership Team Notes – Secretary Ken Mayer
Saturday, August 14, 2010 – 8:30 a.m.
- 14 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman
- 15 Member Items/Announcements
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
- 16 County Advisory Boards to Manage Wildlife (CABMW) Member Items – CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
- 17 Public Comment Period
Persons wishing to speak on items not on the agenda should complete a speaker's card and present it to the recording secretary. Public comment will be limited to three minutes. Persons are invited to submit comments in writing on the agenda items and or attend and make comment on the item at the Commission meeting. No action can be taken by the

Commission at this time; any item requiring Commission action could be scheduled on a future Commission agenda.

- 18 Commission Regulations – Action
- A Commission General Regulation Number 389, LCB File No. R083-10 – Chief Game Warden Buonamici - Action
The Commission may adopt a regulation relating to wildlife; prohibiting a person from interfering with the use of a guzzler or other water development; providing an exception. Note: Support material sent under agenda item #12 A.
- B Commission General Regulation Number 391 – LCB File No. Temporary – Program Officer III Maureen Hullinger – Action
The Commission may adopt a regulation relating to revising provisions governing eligibility for the main draw if the application applied for the Restricted Nonresident Deer tag draw. Note: Support material sent under agenda item #12B.
- C Commission Regulation Number 10-03 – Waterfowl Seasons 2010-2011 – Game Division Chief Larry Gilbertson – Action
The Commission may establish hunting season dates and bag limits for waterfowl, snipe, falconry seasons for migratory game birds, and a youth waterfowl season for the 2010 - 2011 hunting season.
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- 19 White Pine County Elk Incentive Arbitration Panel Selection - Game Division Chief Larry Gilbertson - Action
- 20 Petition – Action
Patricia Swain for TrailSafe Nevada has petitioned the Commission to revise the current Nevada Administrative Code to prevent trapping in all Washoe County firearm congested areas. The Commission may accept and initiate regulatory action or deny the petition.
- 21 Wildlife Damage Management Committee – Commissioner Scott Raine – Action
The Commission will hear a report from its Wildlife Damage Management Committee and may take action on the committee’s draft plan recommendations that identify predator management proposals for the Predator Management Plan for Fiscal Year 2011.
- 22 Finance Committee Report and Recommendation for the Department’s Biennial Budget - Commissioner Howell – Action
The Finance Committee will report on its meeting and recommendations for the Department’s fiscal year 2012 and 2013 budget in accordance with NRS 501.337.
- 23 Reports – Informational
- A Reports on Mule Deer Efforts Within Each County – CABMW Members
- B Bighorn Sheep Disease Update – Chief of Game Larry Gilbertson
- C Black Bear Potential Season Update – Chief of Game Larry Gilbertson
- D Wild Horse Update – Habitat Staff Biologist Steve Siegel
- 24 Future Commission Meeting – Director Ken Mayer - Action
The next Commission meeting is scheduled for Sept. 24 and 25, 2010, in Las Vegas; and the Commission will review potential agenda items for that meeting. The Chairman may designate

and adjust committee assignments as necessary at this meeting. The Commission meeting schedule may be revised to include a joint meeting with the Utah Commission in 2011.

Nevada Board of Wildlife Commissioners present for two day meeting:

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

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

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Operations Bob Haughian	Chief Game Warden Rob Buonamici
Program Officer III Maureen Hullinger	Habitat Staff Biologist Elmer Bull
Administrative Assistant IV Trudi Davis	Conservation Educator Aaron Keller
Game Division Biologist Sean Espinosa	Game Division Chief Larry Gilbertson
Habitat Biologist Mark Freese	Game Division Biologist Russell Woolstenhulme

Others in Attendance/Two Day Meeting:

Paul R. Dixon, Clark CABMW	Pat Laughlin, Nevada Alliance 4 Wildlife
Rex Flowers, Washoe CABMW	Gil Yanuck, Carson CABMW
George Corner, Nevada Guides & Outfitters	Walter Mandeville, Lyon CABMW
Candido Mendive, Elko CABMW	Bill Myers, Lyon CABMW
Henry Krenka, Nevada Guides and Outfitters	Mitch Buzzetti, Nevada Guides and Outfitters
Sam Bradley, Churchill CABMW	Glenn Bunch, Mineral CABMW
Gregg Tanner, self	John Reed, Washoe CABMW
Daryl Harwell, Washoe CABMW	Mark Jensen, USDA, Wildlife Services
Mike Bertoldi, Nevada Bighorns Unlimited-Reno	Kyle Mentzer, Wild Sheep Foundation-Reno
Mel Belding, Nevada Bighorns Unlimited-Reno	Mike Laughlin, Wildlife Damage Mgt. Committee
Don Sefton, Systems Consultants	Monty Martin, Systems Consultants
Carl Erquiaga, self	Judi Caron, self
Dianna Belding, self	Bob Brunner, Coalition for Nevada's Wildlife
Chris Nicolai, USFWS, Migratory Birds	Troy Smith, Churchill CABMW
Douglas Martin, Carson CABMW	Chris Schuamberger, TrailSafe
Director Trish Swain, TrailSafe	

Friday, August 13, 2010 – 1 p.m.

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

Chairman Lent introduced the two new Wildlife Commissioners: Henry “Hank” Vogler and Commissioner Hal Shrum. He said Commissioner Raine has been reappointed and he asked each new Commissioner to provide background information.

Commissioner Vogler said he grew up in Nevada, is a 1971 graduate of University of Nevada, Reno (UNR), a lifetime member of the National Rifle Association, he completed his Grand Slam last year with two of the species taken in Nevada, and has been hunting since he could walk, also in the livestock business and very concerned about the anti-hunting movement. He said we should all band together and let's all go hunting and bury this stuff.

Commissioner Raine said he is from Eureka, also is graduate of UNR in 1992 with a bachelor's degree, is a small business owner in Eureka and has been an avid hunter since age five or six. He said he has been on the Commission for three years, and he does appreciate all the public information the Commission gets through emails and phone calls, and a lot of support he has gotten the last year, and for the public to please bring up any items they have. He agreed with Commissioner Vogler on let's all go hunting and support the wildlife in the state of Nevada the best we can.

Commissioner Shrum said he came to Nevada in 1965 from Germany, he worked at Nellis Air Force Base and after finishing his tour worked for Delta Airlines for some time, then in 1975 joined the Reno Air Guard and retired in 1990 and went into inactive reserves. He said currently he is semi-retired working for Primerica Financial Services as a district leader which allows him time to fish and hunt and hike as much as he can. He said he is a member of Elks Lodge of Las Vegas, a Mason Lodge member, is a member of Las Vegas Fly-Fishing Club, member of American Legion, and is a member of Friends of Mojave Road, which is a conservation group in Southern California working on preserving the area around Needles. Commissioner Shrum thanked everyone for all being here today.

Roll Call of Commission Members Present: Chairman Lent, Vice Chairman Raine, Commissioners Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace.

Roll Call of CABMW Members: Candido Mendive, Elko; Glenn Bunch, Mineral; Paul Dixon, Clark; Gil Yanuck, Carson; John Reed, Washoe; Rex Flowers, Washoe; Bill Meyer, Lyon; Sam Bradley, Churchill; Daryl Harwell, Washoe; and Walt Mandeville, Lyon.

2 Election of Officers – Chairman Lent – Action

COMMISSIONER HOWELL NOMINATED VICE CHAIR RAINÉ TO SERVE AS CHAIRMAN.

VOTE ON NOMINATION: COMMISSIONERS IN FAVOR COMMISSIONERS LENT, RAINÉ, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER AND WALLACE. OPPOSED: COMMISSIONER MCBEATH, MOTION CARRIED 8 - 1.

Chairman Raine asked for nominations for vice chairman.

COMMISSIONER CAPURRO NOMINATED COMMISSIONER LENT FOR VICE CHAIRMAN.

VOTE ON NOMINATION: COMMISSIONERS IN FAVOR COMMISSIONERS LENT, RAINÉ, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER AND WALLACE. OPPOSED: COMMISSIONER MCBEATH, MOTION CARRIED 8 - 1.

3 Approval of Agenda – Action

Chairman Raine said the agenda was amended to clarify agenda item #11 which added Project 11-26 to the description.

**COMMISSIONER HOWELL MOVED TO APPROVE THE AGENDA AND MOTION
SECONDED AS PRESENTED. MOTION CARRIED UNANIMOUSLY.**

4 Member Items/Announcements –

Commissioner McBeath said in December 2009 Pat Laughlin filed an ethics complaint against him alleging a conflict of interest with his brother, who is owner of ranch Cave Valley Ranch, the complaint was loosely worded and working with the Ethics Commission and with DAG Stockton, he was able to identify all issues as a member of the Commission having a family member receive incentive elk tags. He said in effect it came down to the May 2009 Commission meeting with the vote on quotas, and yesterday the hearing was held and they approved a stipulation to dismissal of complaint. He said the Ethics Commission voted unanimously to dismiss the complaint, and ruled no conflict and that he had no obligation to disclose interest with brother because of the rules of elk incentive tag program cannot be implicated, only implication of quotas, is to set a cap. The regulations make it virtually impossible to reach the cap which was conclusion of Ethics Commission whom dismissed the complaint. Commissioner McBeath said he has never had anyone challenge his honesty, integrity, or ethics and this was very stressful to him, but got to the right answer. He said that because of this issue he immediately made the decision to resign from his business manager position at Cave Valley Ranch in January 2010. He said he is still related to brother and will be cognizant and diligent to disclose that relationship and that he also made the decision not to accept incentive tags from his brother and does that so no one will question where his heart is and his position as a representative of sportsmen in this state. Commissioner McBeath said he appreciates support of CABMW members and public.

Commissioner Lent said he had a comment to read into record: Article entitled “Ex USDA Official to Sue Blogger” Shirley Sherrod who was ousted from her job at the Department of Agriculture said she will sue the conservative blogger for posting edited video showing her making racially offensive remarks. The edited video posted by Andrew Breitbart led Agriculture Secretary Tom Vilsack to ask Sherrod to resign, a decision he reconsidered after seeing the entire video of Sherrod’s speech. Commissioner Lent said he would say that there are laws that protect public officials, and this Commission is looking into what recourse, we as Commissioners have, be it counter lawsuits against unwarranted and undocumented accusations. Facts not conjecture must be shown. People who file frivolous charges against somebody/this

honorable Commission, to smear their reputation, should beware, and have a good attorney present. These thinly veiled attempts will only smear their own reputation and credibility. He asked that his statement be in the record.

Commissioner Howell said he would request change of the wolf of designation for state of Nevada on the next agenda.

Chairman Raine said he will note that request during agenda item #24, "Future Commission Meetings."

Commissioner Vogler said he received phone call from Elko folks who want money raised for the sheep that have died in the East Humboldts and Lamoille Canyon. He said lots of sheds picked up by NDOW biologists who have those "dead heads" in their possession and the suggestion was to get on agenda that "dead heads" be auctioned to raise money to fight predators who are working twice as hard on remaining sheep.

Chairman Raine said very good and will work on language for that particular item.

5 CABMW Members -

Daryl Harwell, Washoe CABMW, said at their meeting they discussed swan hunting and would ask that swan hunting be allowed in Washoe County as there is a viable swan population.

Chairman Raine asked that the CABMW send proposed language to the Commission on that.

6 Public Comment –

Mr. Mike Laughlin said he has been a committee member for the last two years on the Wildlife Damage Management Committee and he thanked Chairman Lent for asking him to serve but this will be his last meeting as he is resigning as he is 74-years-old and has many other things going on in his life but he will leave a pup behind and the Laughlin's are not out of the picture and he thanked the Commission.

7 Approval of Minutes - Action

COMMISSIONER HOWELL MOVED TO APPROVE THE MINUTES, MOTION SECONDED BY COMMISSIONER CAPURRO TO APPROVE THE MAY 14 AND 15 AND JUNE 25 AND 26, 2010, MEETING MINUTES. MOTION CARRIED UNANIMOUSLY.

8 Correspondence – Chairman Raine – Informational

Commissioner Lent said he would enter letter to Miles Moretti, of Mule Deer Foundation (MDF) into the record, for supporting the Heritage program and seeking their assistance to insure that the MDF does not miss the Heritage proposal deadline, and a letter from Cecil Fredi on Heritage projects and his agreement with NDOW staff on revisions to the Hunter's Alert projects; email about Alaska's Supreme Court applying principles of sustained yield when establishing predatory control plans.

9 License Appeal Hearing – Mr. Michael J. Pratt – Action

DAG Stockton said as Mr. Pratt is not present, he has abandoned his appeal and the Commission may dismiss his appeal.

Chairman Raine said closed this item.

10 Upland Game Stamp Request – Game Division Biologist Shawn Espinosa and Wildlife Staff Specialist Elmer Bull – Action

Wildlife Staff Specialist Elmer Bull said after questions from last Commission meeting regarding salary, and Commission concerns with presentation, staff went back and amended the proposal list after conferring with the staff biologist to insure we understood \$160,000 for salary was appertained to, and biologist confirmed use of salary for first three projects on the list including Southern Region water development maintenance and development and the water development program in Western and Eastern Regions. Mr. Bull said the third project, Upland Game Water Development Maintenance Eastern and Western Regions, that there was a mistake with salary number being short \$12,500 and the total should have been \$46,421. He said to determine salary he went back to the original project proposals submitted by staff and looked at man-days estimated for the projects, and multiplied man-day x 8 hours per day, times \$30 per hour, and calculated salary in relation to the projects, and amended form has those salary numbers included. The salary could be incurred by a number of staff although most of the work will be done by field employees and believes this is a reasonable estimate.

Commissioner Lent said a CABMW brought this up too and he thinks where we have projects totaling \$172,010 and have \$160,000 salaries. He said he really does not think that was intent of stamp and has problem with specific projects. Budget Account 4452, the Western Region, you have sharp-tailed grouse and sharp-tailed grouse are subspecies of Idaho sharp-tail and genetically isolated from main population and therefore should be tons of federal money as they are genetically extinct or maybe

NDOW does not know how to apply for it as he has been told there is lots of money for sharp-tails.

Game Division Staff Biologist Espinosa said sharp-tailed grouse are a state managed bird and there is CRP money for some habitat projects in Utah and Idaho but not in Nevada. He said there is federal grant W-48 PR funding which we can obtain match for.

Commissioner Lent said for Budget Account 4458 the project request asks for a large sum to tag mountain quail, and mountain quail are incidental species and spending money for six month transmitters is a waste of funds. He would prefer that money be spent for sportsmen to plant Hungarian partridge or Gambel's quail in Southern Nevada or transplant species. He can tell you their migration is food to water, etc. and is a study that we don't need. Upland game stamp fund could be better used than studying migration.

Mr. Espinosa said he would like to explain that \$60,000 not just for mountain quail, \$6,000 is identified for Oregon for mountain quail we have been receiving, and he provided a graph of hunter participation and harvest for mountain quail and has one as well for ruffed grouse.

Commissioner Lent said Gambel's quail should be emphasized more in Southern Nevada.

Mr. Espinosa said we are not necessarily de-emphasizing Gambel's quail.

Chairman Raine said Mr. Lent is trying to say he would prefer to use the \$60,000 to transplant more animals rather than use it for the study.

Mr. Espinosa continued that the \$60,000 has \$6,000 for mountain quail, for ruffed grouse \$2,400 for capture and \$1,000 for trapping supplies, for Columbian sharp-tail grouse have \$25,000 identified as match written in W-48 grant, with \$75,000 coming in for Pittman-Robertson funding. He said we can also use other dollars as match and also have funding set aside for sage grouse. We have 30 ATS transmitters for \$6,000, and 65 hours of flight time to follow-up on the birds and some of the funding is being utilized to study birds in the Virginia Mountains near Reno, which is a fairly small but viable population near an urbanized area undergoing some threats right now. Actually some of the study work has subdued some of the energy development that has been talked about on that mountain particularly wind energy development. Which is a big issue throughout the state particularly on sage grouse habitat and as you get in eastern Nevada is getting to be a big issue on some of our major mountain ridges, we feel this type of information particularly in relation to our energy guidelines developed on sage grouse line out some areas that should be avoided for sage grouse.

Chairman Raine said did you say this has subdued wind energy development in the state of Nevada, on the Virginia Range.

Mr. Espinosa said yes.

Secretary Mayer said the word should be smart planning basically and we have shown where it will have the least impact on sage grouse.

Chairman Raine said he is glad this has been brought up and to see the validity of this as he has heard that NDOW has indeed made it sufficiently costly for wind developers and he has gotten a call from some companies that have said that they will not come in and develop wind energy for State of Nevada...

DAG Stockton said he will have to defer discussion on that item as not agendized.

Chairman Raine said this is part of this research that is doing this.

Commissioner Capurro asked if there is a problem releasing non-native birds as for instance Columbian sharp-tailed grouse with respect to issue with ruffed grouse that would be listing as endangered or his point is if you do it and they didn't take are we putting ourselves online with those who would close down hunting, mining, and ranching.

Mr. Espinosa said for clarification that Columbia sharp-tailed grouse are a native species to Nevada that were extirpated around World War II. He said as far as an Endangered Species listing the species has been petitioned at least once with major efforts to re-establish and the U.S. Fish and Wildlife looks at that as positive conservation effort for a species. Mountain quail also petitioned for listing and there was effort to re-establish mountain quail which have been largely successful and Nevada has populations re-established in Central Nevada. However, as for Columbian sharp-tailed grouse, that species is more imperiled then sage grouse and if we don't do something they will be listed, and cannot say whether Nevada will be identified as recovery state.

Commissioner Capurro asked where Nevada' Columbian sharp-tailed grouse population is today.

Mr. Espinosa said a population is in the Snake Mountains north of Wells, and a population exists on the Idaho border in Goose Creek which is a result of Idaho Fish and Game bird releases.

Chairman Raine asked how spending \$100,000 for this project will help bring back Nevada's sharp-tailed grouse population.

Mr. Espinosa said it is important when we release birds to follow up on the success of the birds, you can't release them and hope they establish themselves as there are release techniques that change and other methods to help the birds be successful, you really need a graduate student for the follow up on the birds as biologists do not have the time to do the study.

Chairman Raine said this project will not be putting more birds out, it is doing the research.

Mr. Espinosa said there will be more birds associated with the project as we are getting birds free from Utah and Idaho. Over three years the state will get 200 birds.

Commissioner Lent said your saying the sharp-tailed grouse in Idaho are not genetically isolated from main population in Idaho, the ones in Nevada.

Mr. Espinosa said they are Columbian sharp-tailed grouse and plain sharp-tails but thought to be a separate sub-species.

Commissioner Lent said if they are genetically isolated; therefore there is tons of federal money and he will bring back information to the Commission and Department on that. He said he would rather spend the money on trapping and transplanting the birds like fish instead of studying migration habits further as quail lifespan is 12 to 16 months and asked if we did not get results from last year.

Mr. John Steka said he is the student on the follow-up study on mountain quail and he reported: Released 98 birds of those 32 collared and as of today seven to eight alive still which is 30 percent of collared population considered success and they have spread out along the mountain ranges. The collared birds were killed by avian predators. He said the study is important to determine what the predators select for as opposed to just transplanting birds which increases survivability of the birds by 70 percent.

Secretary Mayer said in literature there is little known of mountain quail and you cannot compare this to transplanting fish in a creek. He said there is \$75,000 of federal money and if the Commission does find money available for sharp-tail the Department would be all over that, but most of the money is CRP money. Director Mayer said study on mountain quail has never been done in Nevada; however, a study has been done in California.

Chairman Raine said the question is the best way to spend the money.

Mr. Espinosa said also to consider is the fact that if Idaho was told that the Department plans no follow-up study on the birds, he doubts that they would provide birds to Nevada.

Commissioner Vogler said as is it is well known that sage grouse are already a sensitive species, and as the ranching representative this is scary for him and ranchers, to bring in another sensitive species and if not successful, will they have someone jump on them to say livestock might be at fault.

Commissioner Cavin said we have \$29,000 state dollars and if we just planted birds would we lose \$88,000 as match with no research component.

Mr. Espinosa confirmed his assumption to be correct, that we would lose \$88,000 in federal monies.

Commissioner McBeath said he understands this as we get money out of upland game bird program funded by stamps and match it 3 to 1 with federal dollars, put birds on ground for benefit of sportsmen and monitor the birds to insure their success or learn from that effort to manage program better in the future and make adjustments, and that effort is for benefit of sportsmen.

Commissioner Capurro said he would like to know cost per bird to put them on the ground including research and everything involved, which he estimates to be at \$400 per bird with a 20 percent survival rate.

Mr. Espinosa said in 1950s and 1960s when we were big in the exotic bird program, the federal government and the state established the population of snowcock which is unique to Nevada, and was expensive to establish chukar as well.

Commissioner Capurro said that is his point is that snowcock are unique by being in Nevada only but mountain quail are commonplace.

Commissioner Vogler said until 1972s eagles were considered predators and other birds as well and no predator birds at that time, and chukar became almost a nuisance and today with other things going on, are we setting ourselves up for more involvement and control from U.S. Fish and Wildlife Service if we establish these minutiae populations of this bird. This is a serious issue as sage hen should have taught us all and maybe that money would be better spent for sage hen than more exotic birds.

Chairman Raine said one list denotes \$50,000 for four-wheel drive vehicles and asked if some of this equipment exists in NDOW inventory at this time.

Mr. Espinosa said if you saw our vehicle inventory it is high mileage right now with vehicles with over 158,000 and some are in the shop more than the field. The budget is all inclusive and may not cost that much and 75 percent is federal money.

Chairman Raine said have to be prudent with federal dollars as well as state monies.

Commissioner Lent said he had lots of upland game hunters come up to him and this list is great if you are a graduate student and totals \$190,000, and yes much is federal money and that money could be used in other program too. The hunters that have talked to him support the money on the ground not for studies and that is why he would be opposed to this.

Public Comment –

Paul Dixon, Clark CABMW, asked Chairman Raine for roll call on CABMW comment as to these proposals as they represent sportsmen. He said Clark CABMW supported the proposal.

Chairman Raine said he did read all the minutes received but did not compile a tally sheet.

Daryl Harwell, Washoe CABMW, said they voted to approve the request for the money to the state and also made recommendation that of \$160,000 that state show any transfers or salary.

Gil Yanuck, Carson CABMW, said they were in favor of various projects submitted by Department.

Candido Mendive, Elko CABMW, said also supported projects unanimously.

Walt Mandeville, Lyon CABMW, said they supported Department recommendations and mountain quail are a native species to Nevada and others are imported or exotic and that is an important consideration.

Gregg Tanner, representing himself, said upland game stamp different than for example predator management program as he gets to pay \$10 upland game fee every year and has done so since its inception. Unfortunately detail and emphasis has not been applied to the upland game program like the other one. USFWS rendered decision on sage grouse March 2010 as warranted but precluded, and we have species of sage grouse that could be listed within three to five years. There are prescriptions in plans such as Governor's Sage Grouse Plan and local area plans as well as the money to help and the plans are a recipe for how to spend the money. He asked why doesn't the Commission use those? As that will keep the feds away and will allow livestock to graze and sportsmen to have access to public lands and will keep the bird off the list. He said Columbia and sharp-tailed grouse were petitioned to be listed and they weren't as the states had data to fend off the listing and that data came from state dollars and they are

not listed today, that is what these guys are asking for, and that data will keep you out of the dog house and asked that they do that.

Commissioner Capurro asked Mr. Tanner if under the circumstances he described, should the money be kept toward funding sage grouse which is in danger of being listed than other species.

Mr. Tanner said a strong case could be made to do that although there may not be enough money in Nevada to keep sage grouse from being listed and is an obvious place to start.

Mr. Espinosa said for the Commission's information there is a separate grant for sage grouse and also used to fund habitat projects with Question 1 and pinyon-juniper and seeding projects are being done and we are doing things for sage grouse just out of a different grant.

Commissioner Cavin said he tabulated the response from CABMWs: Washoe, Carson, Eureka, Douglas, Clark, Humboldt, Elko, and Lyon, were all in favor of the Department's proposal.

Commissioner Vogler said if you get funding what would be amount of time for huntable population.

Mr. Espinosa said there would be a huntable population within seven to eight years if successful and Desatoya population is an example of huntable population transplanted from China Lake eight years ago.

COMMISSIONER CAVIN MOVED TO ACCEPT THE UPLAND GAME STAMP FOR FY 2011 AS PRESENTED. COMMISSIONER MCBEATH SECONDED THE MOTION.

Commissioner Lent said he will be opposed to the motion as he thinks more money should be spent on releases and enough has been spent on studying quail and to use federal money for other projects and see if viable populations for sportsmen instead of spending on a study which is a waste of money and some of the smaller projects may be okay but not the one he spoke of earlier.

Commissioner Capurro said to clarify that we are voting on the amount of \$371,852 which includes \$12,500 that was missing out of original proposal.

Commissioner Cavin and McBeath agreed on amounts and acceptable to both of them.

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

COMMISSIONER HOWELL MOVED TO TAKE ONE PROJECT AT A TIME. COMMISSIONER LENT SECONDED THE MOTION.

COMMISSIONER CAVIN ASKED TO BE ABLE TO GROUP THE PROJECTS AS WELL. COMMISSIONERS HOWELL AND LENT ACCEPTED THE AMENDMENT TO MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER CAPURRO MOVED TO APPROVE PROJECTS 1 – 3: (#1) SOUTHERN NEVADA WATER DEVELOPMENT MAINTENANCE, (#2) NEW UNITS TO BE BUILT, AND (#3) THE WESTERN AND EASTERN REGION WATER DEVELOPMENT MAINTENANCE TOTALLING SOME \$230,000 INCLUDING \$12,500. COMMISSIONER CAVIN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MCBEATH MOVED TO APPROVE MAINTENANCE OF FOOD PLOTS ON MASON VALLEY WILDLIFE MANAGEMENT AREA (MVWMA), PURCHASE OF PHEASANTS FOR MVWMA AND FOOD PLOT SEED MIX AT MVWMA. THE AMOUNTS ARE \$3,405, \$500, AND \$2,350, APPROVE AS WRITTEN. COMMISSIONER CAVIN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER CAPURRO MOVED TO APPROVE BATTLE MOUNTAIN MEADOW RESTORATION, \$6,000; THE SPORTSMAN'S JOURNAL, \$3,500; AND THE SANTA ROSA PROJECT, \$3,800. COMMISSIONER VOGLER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

COMMISSIONER MCBEATH MOVED TO APPROVE UPLAND GAME TRAP TRANSPLANT AND MONITOR PROGRAM AS WRITTEN IN THE AMOUNT OF \$60,550. COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner Capurro asked if this is the project with the federal grant monies totaling \$99,000 plus \$60,550 from upland game stamp fund as match.

Commissioner Lent asked if funding can be reallocated.

Deputy Director Cates said that Commissioner Capurro is correct and you have to amend the grants for reallocation.

Commissioner Capurro said he will vote yes with tongue in cheek as he thinks we would be better served by putting more money in ruffed and sage grouse than the projects we have and would have liked that written up as that is problem we have as not in listing

problem with mountain quail and putting that much money in species that is not in danger but does not want the grants rewritten by staff, and in future would like that information shared before this meeting as to make the Commission aware of what grants Department staff are applying for.

Commissioner Cavin said we are well beyond point where we can risk federal funding and reinvent the wheel for another project and knows some Commissioners are not happy with this particular project but will not be serving public if we don't go forward.

Chairman Raine said he is disappointed not spending more money on sage grouse and is worried about sharp-tailed grouse issue as well as wind energy projects and this should really come back to the Commission in the future before projects at this stage.

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

COMMISSIONER LENT MOVED TO NOT FUND LAST TWO PROJECTS: MOUNTAIN QUAIL STUDY (\$29,500) AND GAMBEL'S QUAIL MONITORING (\$12,000) AS NOT NEEDED. COMMISSIONER VOGLER SECONDED THE MOTION.

Commissioner McBeath said in regard to Gambel's quail monitoring that this is located in Clark and Lincoln County. BLM in conjunction with NDOW has also installed guzzlers in Lincoln County and would that not be part of monitoring equation. He said he is going to vote no, as you have linked monitoring of mountain quail with Gambel's quail, and would hope his fellow Southern Nevada Commissioners would see that and see these split.

Mr. Espinosa said that is correct.

Commissioner Lent said he said he is opposed as they are going to use information we already have and don't need another study. He said it would be better for Commissioners in Las Vegas to plant Gambel's quail which is popular upland game bird in the south and you already have. We already know their movement as to where they go and that is why he made the motion.

Commissioner Capurro asked if this involves federal grants, specifically the \$12,000 for the Gambel's quail habitat use.

Mr. Espinosa said the money could be used for match and reduce our license dollar commitment.

Commissioner Capurro said like Commissioner Lent he would prefer the \$12,000 be spent for putting birds on the ground.

Deputy Director Cates said mountain quail has \$88,000 identified in W-48 grant and money will not be available, the \$12,000 is upland game stamp and if this money is not approved, we will have to find another source of money for grant.

Commissioner Lent said his last question is we would have \$6,000 and \$29,500 from the stamp fund to plant birds if not used for these projects.

Commissioner Shrum said any study will be affected by BLM fencing off thousands of acres in Clark, Lincoln and other counties, so that they will not be accessible.

COMMISSIONERS IN FAVOR OF THE MOTION: CHAIRMAN RAINE, LENT, VOGLER, CAPURRO, SHRUM AND HOWELL. COMMISSIONERS MCBEATH, WALLACE AND CAVIN, OPPOSED. MOTION CARRIED: 6 – 3.

- 11 2010 and 2011 Heritage Projects: Requests to Modify Predator Management Projects – Secretary Ken Mayer – Action

Big Game Biologist Tony Wasley said the six projects are denoted in support material that has been provided and three projects from two proponents and his direction was to work together to meet requirements of Heritage program and maintain flexibility for Wildlife Services and the Department to strike successfully in areas that lend themselves to successful areas for predator management projects. There are three big changes in the six proposals, first is the geographic specificity and multiple areas addressed as opposed to single areas originally proposed and added a monitoring component.

Public Comment –

Daryl Harwell, Washoe CABMW, said at the time of their meeting the support material for the projects was not available and they recommended that the Commission table action until such time as the boards could review the support material.

George Corner, speaking for himself, said he has spoken against a particular project in Area 6 and sees now this is workable but still has disagreement with Mr. Laughlin philosophically and will drop his opposition as is workable now.

Paul Dixon, Clark CABMW, said in their action report Clark CABMW noted their disappointment that this was not agendaized and properly noticed so the CABMWs could give public comment and with the changes done would have liked to have taken a position but could not provide a position and since we are spending sportsmen's dollars if it had been agendaized for September the Commission would be surprised with comments as they were looking for complete proposals.

Candido Mendive, Elko CABMW, said the board voted to support unanimously.

Commissioner McBeath said to DAG Stockton and DAG Nguyen that he is concerned and address the point that whether he agrees with amendments or not. He disclosed that he has a relationship with owner of Cave Valley Ranch. He said isn't this a tacit admission or direct admission that original projects were not valid or complete at time of Heritage meeting and approval by the Commission and if that is the case what is procedure by the Commission to go back and modify, and other project proponents that were shut out of projects at time of these project's approval, and now they come back modified and do we have authority to approve or do they have to go back out to bid and everyone have a chance or be redone regardless of merit of project as proposed here outside of the established process and legal counsel needs to address that.

DAG Stockton said the standard for the Heritage projects is when they go in front of the Commission the first time is whether they are in substantial compliance with regulations and statues, not whether they are perfect. He said he does not believe that there is any authority that says Commission could not modify project, and he is hesitant to say anything more as that goes to lawsuit filed by Mr. Dixon. Again, the standard for the projects the first time is whether in substantial compliance then within board's authority to approve them and if the Commission needs to make changes later, it is within board's authority to make those changes.

Commissioner Capurro said Deputy Director Cates and staff conducted a review of the projects following this issue and system reviewed...and Commission found in substantial compliance.

Commissioner Howell said not only the project proponents but NDOW too has spent a lot of time on the projects and we have it as good as it gets and is ready for a motion.

Commissioner Lent said he would thank Game Division Biologist Tony Wasley for diligently pursuing compromises to projects with the proponents. The project proponents said it has been a pleasure working with Department especially Mr. Wasley and would commend the Department for getting together to do that. He said he has been advised by Director Mayer that there are time intervals here with the projects which is why they are on the agenda now and also he thought that some of the projects were online earlier for the CABMWs to review.

Mr. Wasley said Heritage Projects #10-23 and #11-26 were both sent out as support material for the Wildlife Damage Management Committee meeting on Friday, August 6, and on Tuesday morning they were sent out again with other four projects.

Secretary Mayer said there are a lot of moving parts with the Commission and what we have to do on our end with contracts and if we do not start by October to get projects on the ground and our determination was that putting on September agenda would push staff to the max as far as getting on Board of Examiners meeting agenda which is why the Department is asking for approval at this meeting.

Chairman Raine thanked Mr. Wasley, Mr. Gilbertson, Secretary Mayer, Deputy Director Haskins, Hunter's Alert, and Nevada Alliance 4 Wildlife for working together as diligently as they have to get this done in a timely fashion.

Commissioner Wallace asked if Department is 100 percent behind these proposals.

Secretary Mayer said yes and added monitoring component to have information especially in the event of a challenge as we have to do good science because as Director he wants to make sure we are spending money wisely and pass the red face test. If we do a prescription and it does not work, that does not mean we are against predator management, and at this point the Department is comfortable with the way put together by staff and the project proponents.

Mr. Wasley said he would add that some of the changes implemented were the two key changes of one which was monitoring component and the flexibility that we have in projects now as historically some of the areas identified in the proposals have been in 014 with #18 that is ongoing project and believes that last year Wildlife Service's did not augment budget, and instead of single area there are multiple areas and allows us to react, such as in 015 in #10-23. He said increasing flexibility and tools to use for the projects increases potential success of the projects.

COMMISSIONER HOWELL MOVED TO APPROVE 2010 AND 2011 HERITAGE PROJECTS AS REQUESTED BY DEPARTMENT PROJECTS 10-23, 10-26, 10-27, 11-19, 11-20. AND 11-26 AS PRESENTED. CHAIRMAN LENT SECONDED THE MOTION.

Commissioner McBeath said for the record he will be abstaining, and that he abstained in May from 2011 projects for not meeting regulations or statutory requirements at that time and is still uncomfortable and will extend his abstention from the vote on projects 10-23, 10-26 and 10-27 on basis that explanation for meeting project requirements does not get him there either.

COMMISSIONERS IN FAVOR OF THE MOTION: CHAIRMAN RAINE, LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGEL AND WALLACE. COMMISSIONER MCBEATH ABSTAINED. MOTION CARRIED WITH EIGHT VOTES AND ONE ABSTENSION (MCBEATH).

Workshop – Informational

12 A CGR 389 – Chief Game Warden Buonamici – Informational

Chief Game Warden Buonamici said CGR 389 was heard in Ely with suggestions and he reviewed changes made since that meeting. The changes were made in conjunction with Legislative Counsel Bureau: Section 1. (a) after “obstruct” insert “contaminate,” after “or other” insert “wildlife;” Section 1. (b) after “with the” and delete “use” insert function, and after “or other” insert “wildlife” before water development; Section 2 after Department insert “or federal land management agency;” Section 3 after or other insert “wildlife” before water development and after “designed” insert “and constructed” delete “water” and insert “precipitation.” (See exhibit file for mark-up)

Commissioner Vogler said there is state water law that no water even on private land can be restricted from wildlife. A guzzler is supposed to be for exclusive use of wildlife and the way this is worded, to a purist, rancher, or owner of a water right, that if he went out and cleaned a water hole on private or public land, that there are things he could not do such as putting up netting wire to keep ducks off, which is a matter of semantics. Right now the Attorney General’s Office is working on a ruling out of White Pine County, and he will disclose that he was asked by a White Pine County rancher to bring this before the Agriculture Board to investigate the total legality of guzzlers. He said guzzlers are a huge issue in eastern Nevada. He said permittees are not entitled to notification before guzzlers are installed. He said it is a giant can of worms. This is a bad deal for people who use public lands for livestock production who do not restrict water from wildlife. Commissioner Vogler said the way this regulation is worded is overreaching on private land and on people with water rights on public land.

Chief Game Warden Buonamici said the regulation’s intent is designed for guzzlers and wildlife water development only and we all agree on that. He said a wildlife water development, guzzler and other wildlife water development, and with the words “constructed for that purpose” covers that issue. He said the regulation has no intent to infringe on rancher’s water.

Commissioner Vogler said he knows that there are people who tamper with the water pipelines and or pour Clorox in the troughs so nothing will drink the water and those are law enforcement issues and appreciates trying to clarify and clean that up, but this wording between you and I on the record is okay but down the road, someone could read this and go to Attorney General, and without clarity will be a mess.

Commissioner Capurro said, will this cause concern as he mentioned, if a person went in to clean or remove silt or other things preventing flow, would they be in violation of this, as they are in effect altering the flow to perform maintenance.

Chief Game Warden Buonamici said not in his estimation especially if you look at language in its entirety as we all want the same end, see Section 1 (a) as if you are cleaning, you are enhancing.

Commissioner Vogler said you also have inserted federal land management agency and what would be wrong with inserting permittee or owner of the water right.

Chief Game Warden Buonamici said that falls under “agent of Department” wording.

Chairman Raine asked Commissioner Vogler whether he could come up with specific language changes to work out today.

Commissioner Vogler said perhaps adding wording to Section 2 “or water right holder.”

Secretary Mayer said from his experience doing this type of change on the fly, is you don’t get it right, and he would like staff to have time to work with Commissioner Vogler on the best wording of the language.

Chief Game Warden Buonamici said the regulation is not time sensitive and there is time to work on it.

Commissioner McBeath said he has concerns too and we inserted word “precipitation” at last meeting to get out of context of a “water right” and in addition to water right holder, have that word defined such as certificated, permitted or vested “water right holder.”

Chairman Raine asked DAG Stockton if no action could be taken tomorrow to direct Commissioners McBeath and Vogler to work with staff on appropriate language.

DAG Stockton said Chairman Raine may do that as administrative function of the Commission.

12 B CGR 391 – Program Officer III Maureen Hullinger – Informational

PO III Hullinger said she was asked to present CGR 391 for the workshop and the temporary regulation is the result of a petition submitted by Nevada Outfitters and Guide Association (NOGA) and the petition was approved by the Commission at their June meeting. She said she was tasked with drafting the regulation to implement what the petition requested, which is to allow nonresident hunters that apply in the guided draw the ability to apply in the main draw if unsuccessful or rejected in the guided draw.

NAC 502.4237 must be amended with elimination of Section 3 and that would allow those guided hunt applicants to apply in the main draw for deer. PO III Hullinger said of responses that she reviewed, Elko CABMW supported the change and Eureka, Carson, White Pine, Humboldt, Washoe, Lincoln and Clark were opposed. NOGA also submitted a letter in support of the regulation.

Public Comment -

Henry Krenka, NOGA, said his organization provided information at the June meeting and is present for questions from the Commission.

George Corner, NOGA, said this was brought into law in 1989 legislative session and intent was to benefit guides, have a viable business and worked great, and only controversy they heard was nonresidents could carry a bonus point into the main draw and that is one issue needed to be addressed in the amendment. He said the controversy started in 2004 with Taulman lawsuit which generated a lot of anti-nonresident sentiment and guide sentiment. Mr. Corner said the Commission action that took away their client's ability to apply in the main draw was not known to his organization and he recalls one guide, Thomas Brunson, who knew it was happening. The rest of the guides did not learn of change until 2006 and they waited to see financial impact which was why they waited. He said statistics brought forth at the Ely meeting show that NDOW has lost revenue and guides are estimated to have lost one-half million dollars.

Mitch Buzzetti, said he is a guide and outfitter as well as a NOGA member, and he wanted to make sure everyone understands what guide business offers Nevada's rural communities and the state economy, as every opportunity for revenue helps support rural economies and families and businesses. Also any quota for nonresident guided hunt comes out of nonresident quota and no resident is affected by this regulation change.

Gil Yanuck, self, said the question he hears here, is that yes guide had client who did not draw, and the client would not be able to go back in main draw and he loses that potential revenue, but we also heard that there has never been nonresident tags left after main draw, so yes, the Department got less money for standard nonresident but other nonresidents who buy the tags and have opportunity for trophy animal, he wonders how many go to these same guides because they have opportunity of a lifetime and he does not see data from guides for total number of clients they see because he would like to know how many clients they pick up afterwards, and if they could help us with that, maybe that would help clear up picture.

Commissioner McBeath said when he was on the Clark CABMW Eureka CABMW submitted the petition for the current law, and is a matter of nonresident hunter going

into the guided draw getting a second bite of the apple, and the second issue is that this is unfair to the regular “joe” nonresident hunter. He said he has seen two estimations of the financial impact of this to the Department and would like that addressed by Systems Consultants.

Don Sefton, Systems Consultants Inc., said statistics he provided were upon request by involved persons and the statistics took a life of their own, in the sense that others inputted their value such as economic impact to the state, which was not his number. He was asked again this year to look at this and provided numbers that he could quantify but he cannot speak to the economic impact numbers so he looked at the application fees where the applications went from 1,600 to 900, and there is \$7,000 you can put your finger on. He looked at predator control fee and that is a specific number too, looked at PIW draw, and also looked at selling the tag in the guided draw versus the main draw and that is a \$150 swing there. One of the things with the declining numbers is that all of the 400 tags are not being sold and that appears to be a result of a change in the rules although that did happen before the rule change too. He came up with a number of \$12,000 as the loss to the Department in fees and for his company the draw is a money loser.

Chairman Raine asked for comments from the Commission if there is a change to the language of the regulation.

Commissioner Howell asked if at the present time if it is possible to get more than one bonus points.

PO III Hullinger said correct, you are only entitled to one bonus point at this time.

13 Reports – Informational

A Application Hunt 2010 Draw Report – Don Sefton and Monty Martin, Systems Consultants

Mr. Sefton and Mr. Martin made a power point presentation see exhibit file.

Saturday, August 14, 2010 – 8:30 a.m.

14 Chairman Raine called the meeting to order and a roll call of Commissioners made:

Roll Call of Commission Members Present: Chairman Lent, Vice Chairman Raine, Commissioners Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace.

15 Roll call CABMW Members: Rex Flowers, Washoe; Daryl Harwell, Washoe; John Reed, Washoe; Troy Smith, Churchill; Sam Bradley, Churchill; Bill Meyer, Lyon; Glenn Bunch,

Mineral; Candido Mendive, Elko; Walt Mandeville, Lyon; Gil Yanuck, Carson; and Paul Dixon, Clark CABMW.

Chairman Raine said the Commission will proceed with Member, CABMW Items and Public Comment and then take up the items from yesterday's agenda that were not heard.

Member Items -

Commissioner McBeath said BLM extended the period for comment on managing wild horses on public lands. He said sportsmen or anybody with an interest can go on website and make a comment on the process and the website address is BLM.gov.

Commissioner Capurro said the preliminary draft alternatives for the Sheldon is on website and there are three alternatives: Do nothing, intensive management, and lesser intensive management, and these alternatives along with wild horses are the two most important items facing the Sheldon.

Chairman Lent said he received email about helicopter crash on Angel Lake and would like more information as this was a helicopter that NDOW had used.

Chief of Game Larry Gilbertson said El Aero helicopter engaged in rescue mission for a female hiker stuck on a cliff, and after rescuing her they went back to get the rest of the people the ship crashed into a camp ground but fortunately everybody survived. He said the pilot is an excellent pilot who has flown NDOW survey missions and crash cause has not been determined to his knowledge, and he noted a video of the incident is on the internet.

CABMW Member Items – None

Public Comment Period –

Bill Brunner, Coalition of Nevada's Wildlife member who is representing himself today, congratulated the new Commissioners on their appointments. He said regarding the Sheldon CCP that he would ask that the Commission contact Sheldon managers and tell them the state has the right and responsibility for wildlife management on the Sheldon or have the Governor call in regard to management, as antelope numbers are the lowest in the state. He also asked that the board put together a predator program for the Sheldon and it does not need to be anything different then we are doing in the rest of the state.

Commissioner Vogler asked the chair if the state can trump federal law.

Mr. Brunner said it is state right and we control deer and sheep and just have not stepped forward in saying this is ours.

Mel Belding, representing himself, said he remembers that the Sheldon National Wildlife Refuge under Michael Nunn's management in the 1990s had a study after the Hart Mountain burned up and an antelope study showed 90 percent of fawns that died was due to predators. He said Manager Michael Nunn tried coyote shoots but was shut down. Mr. Belding said to Mr. Brunner's comments that sportsmen responded during scoping process with comments, and had lots of letters on predators, and they still refuse to listen to the comments on predator control. The Sheldon should be no different than any other unit. He suggested using the Refuge Act as the guideline for action and for state's rights.

Commissioner Lent said he agreed with Mr. Belding's comments and has the study done on antelope and Mr. Nunn did try to institute predator control but was shut down by the Portland Office, and sportsmen and the Commission should do everything we can.

13 B WAFWA – Chairman Lent, Commissioner Capurro and Secretary Mayer - Informational

Chairman Lent said he attended WAFWA as did Commissioner Capurro. He said one of the big topics discussed was state's rights to control wildlife versus the feds. He met and had discussions with Dan Ash who is the Deputy Director of U.S. Fish and Wildlife Service with other western state's Commissioners and he said they act as a friend of state but they are not really. In Yellowstone in Wyoming the elk are going to be gone due to wolves. He said outside of Yellowstone, for the first time in Wyoming they had limited entry elk tags as before it was unlimited, and Mr. Ash flat out said too restrictive and said you need to put more of the state into a controlled hunt and take less predators with more area for wolves to roam. He said there was much discussion on state rights as we have the right to manage wildlife in our state, and yet we have federal government coming in and telling states what they can and cannot do. He said there are many lawsuits and Commissioners from various other states have to get together and work out a plan and thinks this Commission will be active as if you need to do a lawsuit you need to do it , and will be talking to the director as we cannot regulate wildlife in our state. Another item that was big is wolves, and predator issues discussed at WAFWA along with wind generation. Wind generation's problem is that they need transmission lines from windmill sites and that allows predation as predators perch on the lines. He said he and Commissioner Capurro split attendance of meetings as there are many meetings at the conference.

Commissioner Capurro said good experience to attend from standpoint as it reinforced to him that all states have similar problems except for wolves although we should be prepared. He attended Commission Committee sessions where he learned only state without a Commission is North Dakota, and the idea surfaced of having joint meeting

with Utah Wildlife Commission at some point in time. Central issue was all states have a problem with the feds, and trying to delineate the authority of the state to manage our state wildlife. There was a survey of all WAFWA Commissioners and result was to petition Congress to address the issues and give state's straight answer as to our rights and responsibilities. Attended Commission Committee which met twice and energy production discussed which is a huge issue in Wyoming. He said California with their huge need for energy does not want to defile their own state so they look to other states to produce their energy, and problem with so called alternative energy is that they are intermittent power sources such as wind. Wind can't be stored, and wind is produced at high production time and that is when they can't use it in California, and you have the attendant environmental issues. There is a problem with windmills and interaction with birds and interference with leks as you disturb the earth to build the windmills. He said there are many problems to work out and need to convince feds that we can address our own issues. How other states deal with problem wildlife, is no second chance, and no transplanting, as studies show it does not matter how far you take them as they come back. Commissioner Capurro said he thoroughly enjoyed the meeting and would definitely go back.

Secretary Mayer said very good reports from the Commission and that is why he has always supported Commission participation at WAFWA and Association of Fish and Wildlife Agencies. The difference between the two groups is that WAFWA gets much work done for the states such as the Bird Committee and Mule Deer Working Group Committee. States impose assessment to hire person to coordinate projects such as for sage grouse and director's have a retreat and for example discussed problem wildlife and as a result, problem wildlife policy at the Department has been rewritten as previous policy was woefully inadequate. BLM informed the directors that there are to be cuts to budget of 1 percent for sage grouse, and was disheartening to hear and states need to find funding on their own.

Commissioner Capurro said Alaska did outstanding job and best run convention he attended. He said as to bears Nevada has a problem with Lake Tahoe and with California who does nothing and having the Bear League involved, doing the best for bears mixed with people who idealize bears, and no state probably has same problem as us with bears.

Commissioner Lent said Secretary Mayer omitted DAG Nguyen's presentation on wild horse litigation, and he sat through symposium on Alaska predator control which is in their legislature, Alaska's plan has triggers to determine cause and effect of the response. Very complicated issue and they don't go out and kill predators just to kill them, they only kill them when they need to and he will bring the material to the Wildlife Damage Management Committee.

13 C Litigation Report – Deputy Attorney General Nhu Nguyen

DAG Nguyen provided background on the litigation report for the new Commissioners and report is in exhibit file.

13 D Report on Laws Regarding Harassment of Public Officials – DAG Bryan Stockton

DAG Stockton said he has not had time to prepare the answer for this request and noted that there are administrative remedies or hiring a lawyer.

13 E Department Activities/Leadership Team Notes – Secretary Mayer

Secretary Mayer said meetings held weekly on Mondays and if anyone has questions or need more information from staff to contact him.

Commission Regulations – Action

18 A Commission General Regulation – DAG Stockton said this was removed yesterday.

18 B Commissioner General Regulation 391 – Program Officer III Maureen Hullinger

Gil Yanuck, Carson CABMW, said had lots of discussion, and have tried to weigh loss of funds to Department, guides and other entities, and tried to take that all into consideration and understand their plight but believe changes that gave group of nonresidents hunters two opportunities, to be unfair.

Paul Dixon, Clark CABMW, said like Carson CABMW they had fair amount of discussion and believes from perspective of residents the loss of two or three opportunities does not have that big of impact, and comes back to salient point, is that people feel there should not be two opportunities for same tag and only way to change that feeling may be to have resident guided draw and allowed tags to be pulled out, and as the representative for the public of Clark CABMW, their vote was not to change the regulation.

Henry Krenka, NOGA, said he would refer the Commission back to letter from Governor Gibbons asking the Commission to support the return to the original regulation as Governor Gibbons was in the Assembly when this legislation was passed. Residents have more opportunity through PIW and other draws to get a chance at a tag.

Mitch Buzzetti, NOGA, said they appreciate the opportunity to operate in Nevada and since 2006 statistics show that there has been 700 person decline of applicants into the guided draw which is significant loss to industry. He said numbers going down and steady decline while everything else increases. He said they have lost revenue which has been substantial and rural America has lost out too. NOGA is the voice of nonresident

hunter of the U.S. who come to Nevada, maybe not solely but is a large part of that, and would like to see this go back to original language.

George Corner, NOGA, said he brought up one change if we adopt this temporary regulation that will cause a problem with bonus point awarded to unsuccessful applicants and need to insert clarification that bonus point would not be applied until after the main draw and would resolve complaints. He said although he was unable to obtain a copy of information submitted by Chad Bliss of Eureka CABMW he has information from Don Sefton and Maureen Hullinger and he thanked them both for the information they have put out and all have a copy of the email where Mr. Sefton points out that figures are from top of his head and he would point out that those figures are from one year and both Mr. Sefton and Ms. Hullinger are right. Mr. Corner said we can agree that guides have lost significant amount of money. On the second bite of the apple issue we heard from Mr. Krenka as to the Governor's position and he supports the change, and he can show many other instances of unfairness in draws and how the bonus point system could be construed as unfair. Not meant to be fair, was meant to support guide industry. Nonresidents contribute 81 percent of revenue realized from application and tag fees. Mr. Corner thanked the Commission for their consideration and asked for support.

Daryl Harwell, Washoe CABMW, said at their meeting they voted to not support the regulation with one member abstaining and one comment was why not give the nonresidents opportunity for PIW.

Rex Flowers, representing himself, said they did vote against the regulation and would like to see this go back out and keep fairness in place and after main draw and nonresident guide draw let the unsuccessful applicants apply for anything after that such as PIW or remaining tag draw. But let all nonresidents have same opportunity, and if you look at minutes from the CABMWs, seven CABMWs voted against this, and part of the numbers against the guides are due to the bad economies.

Candido Mendive, Elko CABMW, said board voted to support. For himself he was against this initially and with the economy new things are being tried to help people get through this and this is something they had before and in the smaller communities it could help the guides and outfitters.

Mel Belding speaking for himself, said he could support letter that guides wrote, and is not adding tags and agrees it affects smaller communities and need to look at the bonus point, and the Commission should support the letter.

Glenn Bunch, Mineral CABMW, said if he remembers right he was at the meeting and the NOGA came to the Department who said this is what they want and if memory serves him right, if we do it this way there is more opportunity for people to get tags,

and did not go that way. He said he has no problem with it going either way and now it does not work and they want to change it.

Commissioner Cavin disclosed that he will be accompanying a friend on a guided hunt who is a proponent of this action and as a prudent person that will not affect his vote.

Commissioner Vogler said if he understands this, if the removal of bonus point is taken off table, and out of state folks could still participate in the guided draw then the regular draw, the heartburn with the issue would disappear. He asked if we could do that or do we have to come back with it.

PO III Hullinger answered that she would have to return with that language for the bonus point regulation to create language that they are excluded from the draw.

Secretary Mayer said that would not be a problem with bringing the regulation back as the draw would not occur until next year.

Commissioner Lent said he spent much time on this, he reviewed the petition, reviewed the testimony, the relevant NAC and transcripts from the legislature, and former chairman of the White Pine CABMW member Wade Robison's testimony stating this was a loophole in law, reviewed email from Mike Montelly that stated this would increase his odds, and reviewed the petition from NOGA. He said he is sort of offended by letter from guides that stated that original intent was to allow applicants to apply as that was not the intent of the legislation and summary by guide association stated they explained the original intent of the legislation and his review did not substantiate that. He said Wade Robison said loophole and was never intent of legislation and CABMWs against this 7 -1 and will support CABMWs. His solution is we have passed the 48 hour notification and we do not need special guide draw as it costs money and with the 48 hour notification they have adequate time now to notify clients. Commissioner Lent said, the intent was never to give them second chance in draw, therefore he will be supporting CABMWs who voted 7 – 1 against this.

Commissioner Capurro said that the bar charts show downturn in 2007 which unfortunately parallels the downturn in the entire economy and has big part to play in spending of discretionary income and not sure from looking at statistics if it reduced the number of out of state applicants overall that much, but has obviously reduced the number under the nonresident guide system. Commissioner Capurro said important for record to show minutes presented by Eureka CABMW and Lincoln CABMW, that both touch on issue of bonus points. Read excerpt from their minutes: Language provisions give the guide draw applicant, the opportunity to nonresidents to use a bonus point in the general draw. They concluded and recommend to the Commission that if language change accepted with the petition, the guides would have to agree to language of bonus points being awarded after the general big game draw – meaning you could not use it

until next year. With respect to the nonresident there is a disparity between the person using a guide and not and the economy has had an impact as some hunters not able to financially do that.

Commissioner McBeath said he will not support the regulation and NOGA has done great job of presenting their side and does believe there are impacts to their industry. When it comes to the issue and take away bonus points he is on the fence and when he is in that position, he goes to the CABMW positions whose meeting attendance is sportsmen. The bonus point issue really bothers him and if majority of Commission approves this, he requests that it be conditioned on bringing forth something to resolve the bonus point issue.

Commissioner Howell asked if when the guided hunt happens are bonus points in play and lot of people confused that second chance takes away from residents and it does not as it is nonresident quota.

PO III Hullinger confirmed that yes their bonus points are utilized.

Chairman Raine said tough issue as greatest proponent of hunting is guides and wants to help, and guides provide services that is invaluable as some persons could not hunt Nevada without services of guide, and Mr. Corner and Mr. Buzzetti brought up that this was related to Taulman lawsuit and that statement is not accurate as he was at those meetings and this had nothing to do with that. Also, he got back from last meeting, and he too went through legislative transcripts and nothing there. And no matter how this goes this follows the intent of the law and nothing related remotely to that. He has to support the law and the intent. Chairman Raine said he is on the fence on this as is Commissioner McBeath, and the economy has affected him too, but will not affect his vote as a prudent person, feels the pain, but is a fairness issue.

Commissioner Capurro said he spent 40 years as a lobbyist and he is good at counting votes and if Commission is prepared for motion he is certain this will fail today and he would move that action be postponed until next time.

COMMISSIONER CAPURRO MOVED TO POSTPONE TO ANOTHER MEETING AND BOTH PARTIES WORK WITH STAFF RELATIVE TO ANY CHANGES. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner Vogler said he is agreement with motion as not something urgent and at White Pine CABMW meeting after they determined that it was not giving more tags to the nonresidents and if we can get around the loophole for the bonus point which was a sticking point for White Pine CABMW this might get passed.

COMMISSIONERS IN FAVOR OF MOTION: CHAIRMAN RAINE, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. OPPOSED: COMMISSIONER LENT. MOTION CARRIED 8 – 1.

- 18 C Commission Regulation 10 – 03 – Waterfowl Seasons 2010 – 2011 – Game Division Chief Larry Gilbertson – Action

Game Division Chief Larry Gilbertson said he is pleased to bring forth the waterfowl regulations and inform the Commission that while working on the draft regulations, that the Game Division's Waterfowl Biologist Craig Mortimore retired and that Big Game Biologist Russell Woolstenhulme was appointed to his position. He said he attended the Pacific Flyway Council meeting that was held in Reno this year to get up to speed on the issues. He said staff held waterfowl summit meetings in each region and there are recommendations to incorporate into the regulation with staff's concerns that the recommendations fit into the federal framework which was recently finalized.

Public Comment -

Daryl Harwell, Washoe CABMW and Nevada Waterfowl Association, said the CABMW supported state's recommendation as far as season dates and bag quotas. As Nevada Waterfowl representative, they recommend going with the Department recommendation except for the youth date in the north should be Oct. 2 and youth day in south should be Feb. 5 and 6, Saturday/Sunday as the Department has Sunday/Monday as their recommendation.

Doug Martin said he is on the Carson CABMW and Board of Director's of the Canvasback Gun Club and they also support Oct. 2 for the youth hunt in the north and would ask the Department to petition the flyway council for second youth hunt date and support the rest of the recommendations of the Department.

Paul Dixon, Clark CABMW, said they had the largest turnout as meeting was held in Overton and hunters were adamant that they wanted two days and would guess they would support Feb. 5 and 6 as that is Saturday and Sunday. Also recommending that Moapa Valley portion of the Overton Wildlife Management Area open the first weekend of November, which would be Nov. 6.

Commissioner McBeath said the turnout reflects the importance of Overton Wildlife Management Area (OWMA) to the southern Nevada sportsmen as Overton affords the only real opportunity and Key-Pittman is further and if we do this that gives them the ability to maintain the alternating rule day.

Gil Yanuck, Carson CABMW, said they accepted Department dates, bag limits with exception of youth hunt, and wanting that date changed to Oct. 2 in the north.

Candido Mendive, Elko CABMW, said they support with change to Oct. 2 for the youth hunt as Elko County is frozen sold on Feb. 6, 2011.

Gib Mackedon, Churchill CABMW and Greenhead Hunt Club, said they support Department recommendation with exception to change youth hunt to Oct. 2.

Commissioner Capurro asked about adding a third zone for eastern Nevada.

Waterfowl Biologist Russell Woolstenhulme said flyways have process that zone can be added every five years and that occurs in 2011 and if so desired staff will recommend addition of zone.

Commissioner McBeath said in Clark County they had their waterfowl summit meeting but did not have as good a turnout as last year and would recommend combining that waterfowl meeting with the Advisory Board meeting to maximize input and attendance.

Chairman Raine summarized the two changes from the discussion, one to change the youth hunt opening date in the northern zone to Oct. 2 and to change the opening date of the Moapa Valley portion of the Overton Wildlife Management Area to Nov. 6.

Mr. Gilbertson clarified that the suggested change of the Moapa portion of the Overton Wildlife Management Area that refers to ducks, coots, and common moorhens, and does not include geese and snipe.

Commissioner McBeath answered that folks in south wanted both ducks and geese to be included like last year and have opener include all waterfowl.

COMMISSIONER CAVIN MOVED TO ADOPT THE SPECIAL YOUTH WATERFOWL HUNT WITH THE CHANGE OF OCT. 2 FOR NORTHERN ZONE, AND FEB 5 AND 6 FOR SOUTHERN ZONE. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MCBEATH MOVED TO APPROVE WATERFOWL SEASON FOR DUCKS AND MERGANSERS, SCAUP, COOTS AND COMMON MOORHENS, SNIPE, CANADA AND WHITE-FRONTED GEESE, SNOW AND ROSS' GEESE, AND FALCONRY SEASON, AS PROPOSED WITH THE FOLLOWING CHANGES FOR THE MOAPA VALLY PORTION OF OVERTON WILDLIFE MANAGEMENT AREA THAT THE START DATE BE NOV. 6. COMMISSIONER CAPURRO SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Swan

Commissioner Cavin asked if the Commission has the authority for the change requested by Washoe CABMW relative to a swan season in Washoe Valley.

Secretary Mayer said under the federal framework that areas delineated for swan hunting in Nevada does not include that area Washoe CABMW wants included and the request would have to be taken back to the Pacific Flyway and there are a number of hoops to jump through before the Commission could approve. He said this is not a new issue and retired Waterfowl Biologist Mortimore had a white paper on this and once we kill a number of trumpeter swans which is five we are done and federal government would require information through SRC process and he will make commitment to look into this and pursue and expand swan hunting.

Commissioner Cavin said he would ask that we also include a possible season in Mineral County.

COMMISSIONER HOWELL MOVED TO APPROVE SWAN SEASON AS PRESENTED. COMMISSIONER VOGLER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

19 White Pine CABMW Arbitration Panel Selection – Game Division Chief Larry Gilbertson

Game Chief Gilbertson said the Department has a cooperative program with the landowners to collect data for the elk incentive program as the incentive for landowners with elk on their native rangelands are eligible to qualify for elk tags and this program helps the biologists with elk distribution patterns or elk using new areas and staff want the landowners to call if numbers change and the biologist will go out and determine number of elk using the land with participation of landowner which varies by individual. He said to date we have not used the Arbitration Panel to settle a difference in opinion. In support material the NAC for the Arbitration Panel was provided which he reviewed and said for this year there was a disagreement with a landowner in White Pine County as to when the elk were there, which requires the panel to decide the dispute between the landowner and the Department. Paperwork has been completed to issue one elk tag to the landowner that he qualified for and if the result is more tags that will be done later.

Chairman Raine asked if anything sent by White Pine CABMW as to the names for the panel.

Commissioner Vogler said as of Tuesday White Pine CABMW was asking for people from the business community and is not sure if finalized at this point. Commissioner Vogler said this is probably the most divisive issue on that side of the state and something is definitely wrong with the program. He said the man has 90 parcels of private land and

he gets one elk tag and this is not incentive to cooperate. This issue needs to be resolved and incentive tags not as valuable as they used to be. He said he cleared 800 acres of dark timber that had little use to him other than it has permits, fences, and water, and he himself is now down to one tag but he has 90 parcels of land with a herd that went from zero to 500 head, and the man needs relief.

DAG Stockton said he needs to correct Commissioner Vogler as we need to set-up a panel that looks at facts impartially not prejudge the issue.

Commissioner Vogler said he stands corrected and apologized.

Commissioner Lent said we need names from local community, business and agriculture industry, and need recommendation from someone or somebody.

Commissioner McBeath made disclosure that his brother owns Cave Valley Ranch and receives elk incentive tags, and maybe Commissioner Vogler needs to disclose as he said earlier that he receives a tag.

Chief Gilbertson said he had a question for DAG Stockton and in light of Commissioner McBeath's disclosure, there are people on both sides of this issue, and even have sportsmen who don't believe in the program and the Department is watched closely, and he instructs the biologists to always be impartial in the event that it goes to the panel. He asked DAG Stockton if agriculture person appointed to panel could they be someone who receives tag.

DAG Stockton said cannot make a blanket statement other than depends on person and their ability to look at facts.

Chairman Raine asked if Commissioner Vogler knows of unbiased persons for panel.

Commissioner Vogler said problem in White Pine County is that water draws wildlife and hard to find rancher who does not participate in programs. He said he himself served on the panel for three terms although the panel was never convened.

Commissioner Wallace understands Mr. Gilbertson's concern with agricultural interest and asked how do you make each industry unbiased, and the point that they receive tags may mean that they will understand the program.

Commissioner McBeath said regulation does not address this issue and therefore no requirement and as long as they disclose their interest will be okay. The representation on the panel insures that no one industry dominates the panel is how the regulation is written.

Chairman Raine said since no list received although the notes from White Pine County denote that the list was sent separately, he asked staff to try to contact White Pine CABMW members to determine if list was sent, and action will have to be taken later on the agenda.

20 Petition – Patricia Swain – Action

Patricia Swain said she represents TrailSafe and there were two versions of their petition, one submitted in June and the next one revised Aug. 9 and that was too late to be considered by Washoe CABMW and they asked her to continue the petition over to a later meeting to work out issues that came up with petition and another version will be submitted in the future and this will probably be continued or we can talk about what the issues are. She said at the Washoe CABMW's meeting on Monday they had over an hour of testimony almost all in favor of their request. Ms. Swain said the newspaper article that covers the meeting was accurate and summarized highlights of the article. She said withdrawing the petition will allow time to work out differences with Nevada Trappers Association.

Chairman Raine said today's choices are for Ms. Swain to withdraw or discuss original petition.

Ms. Swain asked that the Commission continue this item to the December Commission agenda.

Secretary Mayer said he appreciates the work that Ms. Swain and TrailSafe are doing in conjunction with Nevada Trapper's Association.

Vice Chairman Lent said one suggestion is that Washoe and White Pine and Clark had questions on definition of "congested areas" and to make sure not an anti-trapping measure. Those are ideas he heard from county boards and those were questions he saw from the CABMWs.

Chairman Raine also suggested that Ms. Swain work with Wildlife Services as they use traps in Washoe County for problem wildlife.

Commissioner Vogler also noted the public health component with animals carrying diseases such as rabies and bubonic plague and Wildlife Services can fill in the blanks.

Chairman Raine asked Ms. Swain if she is withdrawing the petition.

Ms. Swain said she would like to continue the petition to December and acknowledged she is withdrawing the petition.

21 Wildlife Damage Management Committee – Chairman Raine – Action

Chairman Raine said the committee met and approved the FY 2011 projects as denoted in support material with exception of changes to project 6 A, with change in amount to \$90,000. He said everything else was approved and noted there was a line causing confusion for administrative overhead costs for Wildlife Services as that money is already contained within the project proposals.

Gil Yanuck, speaking for himself, said where is the difference coming as that is a large difference between \$34,000 and \$90,000.

Chairman Raine said the fund had more money than expended and total budget amount of \$552,449 and add up rest of projects and after money budgeted that leaves \$48,000 for other purposes.

Mel Belding, representing himself, said he attended yesterday's meeting and \$175 per hour for fixed wing aircraft seems high, and through the chairman, he would like to know what other people pay for that aircraft and who use Wildlife Services.

State Director Mark Jensen Wildlife Services said there are two rates with the \$175 used for NDOW and the rate for the grazing boards \$70 per hour which goes back to a long-term history. He said his main function with Department of Agriculture is to protect agriculture and he uses federal appropriation as a supplement for \$70 per hour and that is why the different rate.

Mel Belding, said as a sportsmen paying \$3 fee, he does not think we should have to pay twice as much as other people have to pay and biggest thing yesterday was how expensive these project are and we should get same rate as them and sportsmen have spent a substantial amount of money on these predator projects.

Chairman Raine said basically in regard to flight ideas the Commission does not have a say over those federal dollars and rates, and great idea if we could get Congress to have that passed, but is beyond the Commission's scope today.

Commissioner Lent said he attended the meeting too and has two comments: On Project 25, the \$25,000 was contingent on match which was assured and he wants on record that \$25,000 match is guaranteed; and on Wildlife Services' specialist, of the \$85,000 was that ever broken down as that money was not all salary and wanted to know if that includes attending seminars.

Chairman Raine said as far as the match that is what they heard and that the Ph.d. candidate has been selected.

Director Jensen said money in there for Wildlife Services' specialist is all for work on the ground and other money is within Department of Wildlife's portion as they do not send anybody to seminars.

Chairman Raine said if approval of budget goes through there will be changes in appropriations within the state.

Director Jensen said the current agreement between NDOW and Department of Agriculture is not to exceed \$400,000, and if approved budget exceeds \$400,000, NDOW and Agriculture will have to work out amendment to agreement and have the number approved reflected.

Commissioner Capurro asked Director Jensen to explain difference between Project 26, of \$85,000 which was last year's amount and the \$98,727.50 for the Wildlife Services specialist.

Director Jensen said can't remember the history of the numbers but the position gives flexibility to ground crew and whatever the Commission decides they will make it fit.

Commissioner Capurro said his other comment is that he believes that we made an adjustment on Project 18 as on other, indicated that we did not need to add \$102,000 and could get by with the \$93,564 for Project 18 which included flying in Project 22.

Director Jensen said that in effect would be reducing flying but agreed that they could use money from Project 22.

Commissioner Capurro said given \$15,000 to do partial work and restricted from doing as much as needed and that was shown in Ford guzzler with picture of three lions at the water hole waiting for sheep or other animals and few days later at another water structure there was a lion on a bighorn sheep kill and his point is that their belief that increasing amount would allow full-time person similar to Washoe County on Project 18.

Director Jensen said that is his understanding too.

Commissioner McBeath said he received contacts from constituents about the Delamar's and the photo of guzzler with three lions, and his question is how will Wildlife Services deal with that, as you can't run dogs in heat and are there other methods to deal with lions in the summertime.

Director Jensen said they will have to be flexible with what they are doing down there and when funding is available will need to change up what we are doing down there and probably use call boxes and snares and right now he has two people down there looking

for those lions. Director Jensen restated the need to be flexible and they readily admit that.

Commissioner Capurro said one other thing they talked about and the pictures brings it up, is that the picture was taken with a trail camera that had been monitoring the Ford water site and that shows the trail camera as a tool to monitor things and we will have to question using trail cameras during hunting season and for our purposes would be useful to have technology that gives you instant information.

Commissioner Wallace said he has gone through and added up all projects and they total \$496,290.28. The NDOW budget is around \$90,379 and together that is \$586,669.28 and an estimated budget of \$552,449 with a shortfall of \$34,220.28, unless he is missing something in this budget. He said he will qualify that he is not against Project 6 A and increasing the money, but is still not sure where extra money is coming from. If we don't budget for their money who puts projects together and who does the work.

Chairman Raine said covered in yesterday's discussion as money is coming out of NDOW's budget and some money should not be coming out of \$3 fee, basically \$56,000 and if not sufficient...basically all are continuances of previous projects and with changes and should be sufficient funding or we have real issue.

Commissioner Vogler asked Mr. Jensen about federal money and real cost per hour, and commented that with sales of ranches to Southern Nevada Water Authority that appropriation for predator control from grazing boards has been reduced.

Director Jensen said real costs for aircraft are really \$225 to \$250 per hour and is correct that appropriation is federal and feels that they are being a good partner with charging \$175 per hour.

Commissioner Capurro said issue brought up by Commissioner Wallace was discussed and crux is dealing with \$3 fee and have obligation to put as much of that \$3 into predator control effort and Wildlife Services has to by law apply administrative fee of 16.15 percent for agreements/contracts. He said Wildlife Services under contract with NDOW and you have bulk of responsibility of carrying forth and providing updates on how money is spent and the results, he understands cost to Department for monitoring but by his figures that amount is over 15 percent and our point is that as much of this money should go to projects, and that 15 to 16 percent to monitor on their part what you are doing with this money is excessive and was simply the committee feeling that they could administer the funds available and should be as much of an impact on issue of predation and instead of spending all for administrative costs.

Commissioner McBeath said following up with Commissioners Wallace and Capurro are the materials he has as far as numbers not correct? And if that is the case...

Chairman Raine said some money not denoted in the support material such as the \$90,000.

Commissioner Capurro said what Department assigns as costs are not in here.

Commissioner McBeath said the administrative overhead of 16.15 of Wildlife Services.

Chairman Raine said that is contained within the proposals.

Director Jensen said the 16.15 is only applied to what they actually spend.

Chairman Raine reviewed the project totals which total \$496,291.

Commissioner McBeath asked where the Department is on the budget with regard to Predator Management. Director Jensen said he understands that \$24,000 of their budget rolled from 2010 to 2011.

Commissioner Lent said last year a report was given with data and did not receive one for 2011 but FY 2010's carryover numbers do not match and would like to know were additional funds went and does not believe staff provided a complete synopsis for this year. Looks like \$100,000 of carryover disappeared.

Commissioner McBeath said as he needs to understand what Department is saying as NDOW's budget is being cut about \$34,000 and would like to hear comment from the Department.

Secretary Mayer said this is news to him as budgeted out of predator fee and will need to talk to counsel and Deputy Director Cates over what flexibility we have.

Chief Gilbertson said Wildlife Damage Management Staff Specialist Kevin Lansford recently resigned and before he left they had a meeting with Director Jensen and one problem he saw is the report the Commission had been getting which was referenced by Commissioner Lent, is that report was written before that fiscal year was completed and staff specialist would estimate carryovers; therefore the report is not accurate. Staff met with Wildlife Services and after we took out what Mr. Lansford thought the Department would spend then the dollars that were left, the money was distributed accordingly, and Project 22 has flexibility to move money around. This year's budget was based on staff specialist's best estimate on what would be carry forwarded, then taking out expected Department expenses, then meeting with Director Jensen and working out numbers he

needed to have for the projects as he identified, and that is where the numbers came from that you are looking at to approve.

Commissioner Lent said he can't believe that is a way of doing business and does not see how you can do that, you have to come up with a financial sheet at the end of year to show where money transferred. If you transfer funds you need to show on paper, and just to estimate and without numbers or financial report he does not know how you know where the dollars are with transferring money, your team is in the dark.

Deputy Director Cates said he does not know the balance of predator fee account today but can tell you that up until last two weeks we did not have even have final disposition of FY 10 revenue. He himself has not seen fund balances of special fees, and for committee the numbers were estimates.

Commissioner Lent said this is like having a checking account and not knowing the balance and these are numbers that need to be close to allocate for projects and how do you do that.

Deputy Director Cates said with the draw the final reconciliation is not done and generally don't know fiscal year numbers until end of July or early August.

Commissioner McBeath said back to his original question and based on what Commissioner Wallace brought up, it looks like \$56,000 in this budget for Department to run the program and will that be enough, if the program is estimated at \$90,000 and if not enough, will everything come to a screeching halt.

Secretary Mayer said he will fund predator position at the Department at \$90,000 and will use the Reserve Fund if necessary and will talk to legal counsel to see what can be done.

Commissioner Cavin said he still sees us as \$34,000 dollars short and understands the philosophical differences but if we don't fund position won't have much of a program and not sure if we had position before predator fee.

Russell Woolstenhulme said position created after passage of Assembly Bill 291.

COMMISSIONER HOWELL MOVED TO APPROVE THE COMMITTEE RECOMMENDATIONS FOR PREDATOR PROJECTS FOR 2011: PROJECT 6 A \$90,000; PROJECT 18 \$93,564; PROJECT 20, \$17,678.03; PROJECT 21 A \$16,261; PROJECT 21 B INCLUDED IN THAT NUMBER; PROJECT 22 \$145,187 ; PROJECT 23 \$9,872.75; PROJECT 26 \$98,727.50; PROJECT 25 \$25,000 AND ADD IN WORDING CONTIGENT ON MATCH AND SELECTION OF THE PH.D (WHO HAS BEEN SELECTED). MOTION SECONDED BY VICE CHAIRMAN LENT.

Commissioner McBeath asked if motion will include money for the Department, and he supports the projects but in context not being done with the Department's budget.

Commissioner Capurro said in past we approved project list and then the explanation on the other pages is where they put the \$90,000 and the Department will review with fiscal staff and counsel.

COMMISSIONERS IN FAVOR OF MOTION: CHAIRMAN RAINE, LENT, CAPURRO, HOWELL, SHRUM, AND VOGLER. OPPOSED: COMMISSIONERS WALLACE, MCBEATH, AND CAVIN. MOTION PASSED 6 – 3.

22 Finance Committee Report and Recommendation for the Department's Biennial Budget – Commissioner Howell

Commissioner Howell said the committee met and has not yet received the Department's budget which the Commission by statute is to review before submission. He was told it has never been on time and with the state's budget timelines the Commission is unable to meet its statutory requirements and that needs to be reviewed. He said the committee asked for reports which were provided in timely fashion by staff. On status of the Department's personnel there has been a 20 percent change in personnel; for the Department it's out of state travel totaled nearly \$50,000 for one year and he expects that to be reviewed and will certainly change with the state's budget restraints; committee took action on Commission's budget to increase it by \$2,413 to send two Commissioners to summer meeting of WAFWA and one Commissioner to the winter conference; and also would like to see video conferencing for Commission meetings to save on travel and other expenses for a meeting.

Chairman Raine said the video conferencing is especially interesting and thinks we should be able to come up with something.

Commissioner Capurro said video conferencing set-up is roughly \$50,000 per room and in private businesses where you are paid \$200,000 per year those businesses are going to video conferencing and realizes now is a tough time to discuss investing \$150,000, but that this is how business is doing things now. He said there was something that stood out in time of saving money and the committee had questions on a cave diving trip that was out of state and need to take serious look at what we fund in the future such as communications, and is necessary to fund two Commissioners to attend annual WAFWA and the mid-winter meeting.

Commissioner Vogler said he has experienced cuts to the Department of Agriculture where they swept accounts and hole is bigger this next biennium and Department of Wildlife is flush with money compared to other agencies. Board of Agriculture has capability for videoconferencing and many places will lease their facilities and could

save money. He said he is astonished that with \$3 fee that as we already have someone like Mr. Jensen to administer and design projects in conjunction with local biologists as not to be redundant. He said \$90,000 of salary would put a lot of coyotes on ice. Commissioner Lent said budget not lawful as needs to be reviewed with recommendations before submission to budget office. There has to be something done to make the Commission comply with law before sent to budget office and Commission is in violation and not in compliance with NRS. Something has to be done to help Commission be in compliance such as preliminary budget that Commission could review and make recommendations. The Commission has never approved the Department's budget before submission.

Deputy Director Cates said staff have looked into video conferencing, and have a current set-up for small group meetings but for Commission meetings would be \$60,000 per site and staff are working on infrastructure. He said as to the out of state travel for cave diving, that was for the biologist assigned to Devil's Hole pupfish and was appropriate and necessary training for safety. He said we did spend \$50,000 for the last half of last year on out of state travel, and have reduced out of state by \$30,000 for remainder of 2010 and for 2011 out of state travel has been reduced by \$40,000 and anything not core to mission was cut. Reductions will be made for 2012 and 2013 budgets. As to personnel and the vacancy rate, it seems high but with the fiscal circumstances of the state many are choosing to retire and some vacancies are being held open for savings or other reasons and we have a process to fill positions. CABMW and Commission budget are the action item for this item.

Chairman Raine asked if reductions have been submitted to the committee.

Deputy Director Cates said he will provide that information.

COMMISSIONER CAPURRO MOVED TO ACCEPT COMMITTEE RECOMMENDATION FOR FINANCIAL INFORMATION GIVEN WHICH WAS CABMW'S AND COMMISSION BUDGET FOR 2012 AND 2013. COMMISSIONER HOWELL SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

23 Reports – Informational

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

Daryl Harwell, Washoe CABMW, said they had discussion and tabled action. He said at the meeting he said that the Commission asked each CABMW for suggestions as to provide proposals on how to better manage deer herds in their county, then the Mule Deer Restoration Committee was created with participation from the eastern part of the state, excluding the rest of the state, and here again we have never heard a report from that committee as to what they think and it seems like "Ring Around the Posies" as you

brought it to us, then the committee and back to us. He asked if they want the CABMWs to report on their effort, or have the Mule Deer Committee bring it forth, again with no representation from the rest of the state.

Paul Dixon, Clark CABMW, said for the new Commissioners that Clark CABMW has worked with other counties as most residents of Clark County do not pick Clark as their first choice. He said the situation in southern Nevada has been drought, population growth, and the wild horses. Mr. Dixon said he has same frustrations as Mr. Harwell as they are not hearing what has come up in the subcommittee. He would like them to come back with what they have identified then the counties could return with their recommendations.

Rex Flowers, Washoe CABMW, said they had tri-county meeting with Carson and Douglas with participation from NDOW staff and looked at areas on Sierra Front to enhance habitat and need information as how many deer are resident and how many are migratory. He agreed that the mule deer committee has identified some of the things in the mule deer management plan and would be nice to see something from subcommittee to go forward with.

Walt Mandeville, Lyon CABMW, said encroachment of housing development has really cut off migration corridors with many mule deer deaths and he has lobbied to get an overpass in Washoe Valley, and they submitted outline of things that could be done for Lyon County and sage grouse habitat work will benefit mule deer. Mr. Mandeville said he has not seen anything come back to the counties from the committee and would be nice to see something.

Commissioner Lent said for county boards still here he gave charge to each CABMW to bring back recommendations that this Commission could do, and an overpass was an example, and wanted ideas. He said he mentioned lots of things and should have been reported to the committee and hopefully this Commission will do something if there is a proposal. Charge was provided to CABMWs at Las Vegas meeting.

Chairman Raine said to date the committee has received little but general recommendations and would like to see specific recommendations to bring back the deer herds. Next Friday is the next meeting of the committee and agenda should be out Monday. Sooner is better for recommendations.

23 B Bighorn Sheep Disease Update – Big Game Chief Larry Gilbertson

Chief Gilbertson said in Unit 101, East Humboldt Range, they had a good goat survey and thought an estimated 30 percent loss in goats and biologist surveyed about 100 goats about two days ago with 77 adults and 22 kids in sample size; Unit 102 we did not do as well this winter or now, and 71 adults and there are eight kids, although they could be scattered and maybe reasons for not as big of a sample such as new pilot, and

may have been bigger goat death in Rubies than East Humboldts, and will continue to monitor. In Unit 102, saw nine ewes with two radio collared and two rams; Unit 101 three rams, five ewes, two ewes with radio collars and no new groups found. He said there has been a 90 percent plus mortality of bighorn sheep and next look will be during the winter and will have good idea of what is left. He said absolutely no lambs seen in Units 101 or 102.

Commissioner Vogler asked if after die-off is there increased predator control as predators that are in there will put additional pressure on what is left.

Chief Gilbertson said the biologists observed lions in Unit 101 and they contacted guides and also Wildlife Services right away.

23 C Black Bear Potential Season Update – Chief of Game Larry Gilbertson

Chief Gilbertson said staff provided NRS and NAC and black bears are identified as big game mammal and regulations in place to have a season, and charge a fee. He said one issue that would need to be decided is hunting with dogs which would have to be defined.

Game Division Biologist Carl Lackey said in June the Commission asked for specific information on establishing a bear hunt and he presented a power point presentation providing biological information on bears (exhibit file).

Commissioner Howell said for the record he has data he compiled and said due to nuisance complaints it is time to have a bear season, all the states surrounding Nevada have a bear season, and he provided statistics from California, Oregon, Idaho, Utah, Arizona, and has a list of suggestions that need to be discussed, and that based on numbers which Mr. Lackey substantiated, he would recommend starting with a quota of 100 bears and the possible affected counties are Washoe, Carson, Storey, Douglas, Lyon and Mineral. Units would be recommended by NDOW, a resident tag fee of \$50 and nonresident \$150, season in April any legal weapon, and he would add no baiting or dogs.

In response to Commission questions, Mr. Lackey said he included dogs as use of dogs adds to the success rate and Game Warden Buonamici clarified that the Commission has authority to allow dogs, and as to the quota, Mr. Lackey said he would urge a conservative stance with monitoring to see how population responds.

23 D Wild Horse Update – Secretary Ken Mayer

Secretary Mayer said a summary was provided relative to what is going on with wild horses and would add that letter was sent by the Department to Interior Secretary Ken

Salazar supporting round-ups and the long-term holding facilities that they were taken to task, and the letter was also provided to the livestock community who used letter to launch off with other constituents that support us. He said he heard from Nevada Cattleman representative that Madeline Pickens bought Sorenson's Ranch in White Pine County and includes grazing on Spruce Mountain.

Commissioner Vogler said that ranch is a neighbor to him and according to BLM she will have to identify her horses and there will be public comment as that is already a herd management area, and Ms. Pickens will have to switch cow and sheep AUMs and she will have a rough road to hoe but everyone who cares about hunting in that area needs to get their comments in.

Paul Dixon, Clark CABMW, said he would recommend the Commission form a subcommittee as we need to get specific things to the CABMWs and we need to push that we do something with wild horses, and he has had his wife monitoring Las Vegas television news for the last month and at least five minutes is segmented toward wild horse round-ups, which is a lot. Mr. Dixon said we need to mobilize ourselves against this and make it a tough road and minimize where she goes with this ranch.

19 White Pine County Elk Arbitration Panel – Chief of Game Larry Gilbertson - Action

Chairman Raine said this item was tabled from earlier on and he asked if any word received from White Pine County.

Secretary Mayer said Bill Miller of White Pine was contacted and he said they are waiting for agriculture community recommendation as they have the business and sportsmen selections and they asked that this be held over to the September meeting.

COMMISSIONER LENT MOVED TO TABLE AGENDA ITEM #19 UNTIL THE NEXT COMMISSION MEETING. MOTION SECONDED.

Commissioner Vogler said before the vote, this could be someone surviving in business or not. He asked if possible to use committee already set up and he would recuse himself and find someone else, or is that illegal.

DAG Stockton said that would not be conforming with the statute.

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

24 Future Commission Meeting – Director Ken Mayer – Action

The next meeting is Sept. 24 and 25, 2010, in Las Vegas.

Commissioner Lent asked for proposed agenda item that Department come up with quota and regulation at next meeting for proposed bear hunt, tag fees, utilization of dogs, areas and quotas to Commission; also put on agenda discussion of wolf reclassification from a game animal back to unclassified and unprotected.

Secretary Mayer said suggested that he invite Bob Williams from U.S. Fish and Wildlife Services to tell the Commission what they can and cannot do.

Commissioner Capurro asked to also have on the agenda moving mountain lions into unprotected mammal category; and to discuss for providing for an incentive program for early application of tags.

Commissioner Vogler said Utah has bounty on coyotes and would like discussion to have an incentivized hunt for coyote hunters, such as bring in 150 coyote hides you get an elk tag or something like that which would help with coyote hunt.

Secretary Ken Mayer will call Director Karpowitz of Utah to see what is a possible meeting date for a joint Utah/Nevada meeting.

Commissioner Lent said he talked to Utah's Commission while at WAFWA and possible site for the joint meeting is Wendover, and suggested topics of concern to both states are the Pilot Peak sheep hunt, the spike elk hunt that they do that we instigated with the joint elk plan, their predator plans, and any other topics of joint interest to the two states, and added Unit 113 elk and any other items of concern.

Chairman Raine adjourned the meeting at 2:45 p.m.

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

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

