

Draft Minutes - Nevada Board of Wildlife Commissioners' Meeting

Lovelock Community Center  
820 6<sup>th</sup> Street  
Lovelock, NV 89419  
Agenda

Friday, June 26, 2009 – 1:30 p.m.

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

Commissioner Appreciation – Secretary Mayer

Approval of Agenda – Action

Member Items/Announcements

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

Public Comment Period

- 1 Approval of Minutes – Action - Commission meeting minutes from the April 6, 2009, meeting.
- 2 Correspondence – Chairman Lent – Informational  
The Commission will review and may discuss written items sent or received by the Commission since the last regular meeting and provide copies for the exhibit file.
- 3 Commission Policies, Second Readings – Commissioner Scott Raine – Action  
In accordance with Commission Policy #1, the Commission had first readings of the following policies and subsequently may approve the following policies:
  - A Commission Policy #2, “Sale of Publications”
  - B Commission Policy #21, “Game and Furbearer Management”
  - C Commission Policy #22, “Introduction, Transplanting, and Exportation”
- 4 Duck Stamp Request – Chief of Habitat Dave Pulliam - Action  
The Commission will review and be asked to approve 22 projects submitted and one equipment request submitted for funding from duck stamp funds. The projects total \$373,969.
- 5 Upland Game Stamp Request – Chief of Habitat Dave Pulliam – Action  
The Commission will review and be asked to approve 10 project requests submitted for funding from upland game stamp funds. The projects total \$131,754 plus \$160,000 in associated salary.
- 6 Wild Horses – Commissioner McBeath – Action  
The Commission will review a draft letter to be signed and sent by Commission Chairman Gerald Lent to Nevada’s federal Congressional delegation encouraging their opposition to HR 1018.
- 7 U.S. Forest Service Northeastern Travel Management Plans – Chairman Lent - Action  
The Commission will review a draft letter to be signed and sent by Commission Chairman Gerald Lent to the U.S. Forest Service regarding the development of the Northeastern Nevada Travel Management Plans.

- 8 Muzzleloader Visual Disability Modifications – Management Analyst III Kim Jolly – Action  
The U.S. Fish and Wildlife Service has asked that the Nevada Department of Wildlife implement a process whereby reasonable modifications to the muzzleloader hunting program are available to accommodate hunters with visual disabilities, as a result of a multi-state disability complaint by the North American Muzzleloader Association.
- 9 Reports – Informational
- A 2009 Legislative Session Update – Management Analyst III Kim Jolly
- B Administrative Procedures, Regulations and Policy Committee – Commissioner Raine
- C Habitat Division Reports: Updates on Winecup Ranch, Wild Horse Federal Law and Washoe Lake Wetlands – Chief of Habitat Dave Pulliam
- D Upland Game Release Plan for Fiscal Years 2010 and 2011 – Upland Game Biologist – Shawn Espinosa
- E Fishery Division Reports: Updates on Petition to List Certain Spring Snails in Nevada and the Lake Mead Hatchery – Chief of Fisheries Mark Warren
- F Clark County Shooting Park – Vice Chairman Ron Lurie
- G Litigation Report – Deputy Attorney General Nhu Nguyen
- H Department Activities/Leadership Team Notes – Secretary Ken Mayer

Saturday, June 27, 2009 – 8:30 a.m.

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

Member Items/Announcements

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

Public Comment Period

Commission Regulations – Action

- 10 Commission Regulation 07 - 07 Amendment #3 - Game Division Staff Biologists Shawn Espinosa and Kevin Lansford – Action  
The proposed amendment to Commission Regulation 07 – 07 Amendment #3 recommends changes to the season dates for the junior wild turkey season in Lincoln County, various changes to sage grouse seasons, quotas and units for wild turkey seasons, possession limits for falconry seasons, and changes to the bobcat seasons and sealing dates.
- 11 Commission Regulation 09 - 01 Amendment #1 - Commissioner Cavin – Action  
Presentation of the Heritage Committee's Heritage tag vendor recommendations to the Commission for approval for the 2010 Heritage tags.
- 12 Northeastern Nevada Salmon Reintroduction – Secretary Mayer- Action  
The Commission will hear a report on the status of reintroduction efforts for salmon in Nevada and may adopt a position statement or resolution.

- 13 Presentation on Predator Damage Management and Protecting Natural Resources in the Western U.S. – Mike Bodenchuk State Director for Cooperative Texas Wildlife Services Program - Informational
- 14 Reports – Informational
  - A Wildlife Damage Management Committee – Commissioner Raine
  - B Elk Damage and Incentive Committee – Commissioner Wallace
  - C Finance Committee – Commissioner Ron Lurie
  - D Online Hunt Application Changes/Amendments after Application Submission – Chairman Gerald A. Lent
  - E Spike Only Elk Hunt Options – Program Officer Maureen Hullinger
  - F Wells Resource Area Elk Plan Update – Chief of Game Mark Atkinson
- 15 Future Commission Meeting – Director Ken Mayer - Action  
The next Commission meeting is scheduled for August 14 and 15, 2009, in Elko; and the Commission will review potential agenda items for that meeting. In accordance with Commission Policy #1, the Commission will elect its chairman and vice chairman at the August meeting, and may designate and adjust committee assignments as necessary at this meeting.

Inquiries or questions on the above agenda items may be sent to NBWCINFO@ndow.org

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Gerald Lent	Vice Chairman Ron Lurie	Commissioner Tom Cavin
Commissioner Mike McBeath	Commissioner Dave McNinch	Commissioner Pete Mori
Commissioner Scott Raine		Commissioner Grant Wallace

\* Commissioner Dan Swanson - Absent

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

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Waterfowl Biologist Craig Mortimore
Chief of Conservation Education Kelly Clark	Game Division Chief Mark Atkinson
Chief of Operations Bob Haughian	Chris Nicolai, NDOW
Program Officer III Maureen Hullinger	Administrative Assistant IV Trudy Davis
Administrative Assistant II Maryanna Enochson	Chief of Habitat Dave Pulliam
Management Analyst III Kim Jolly	

Others in Attendance/Two Day Meeting:

Mark Jensen, USDA/Wildlife Services	Glenn Bunch, Mineral CABMW*
Bill Meyer, Lyon CABMW	George Corner, NV Outfitters and Guide Association
Walter Mandeville, Lyon CABMW	Mike Turnipseed, Douglas CABMW
Don Sefton, Systems Consultants	Mel Belding
Mike Laughlin, Predator Committee Member	Dianna Belding
Jim Jenne, Lyon CABMW	Judi Caron, self
Ken Wellington, Elko CABMW	Mike Turnipseed, Douglas CABMW
Paul R. Dixon, Clark CABMW	Jeremy Drew, N. NV Chapter Safari Club International
Bonnie Matton, Wild Horse Preservation League	Walter Mandeville, Lyon CABMW
Fawna Gregory, Mule Deer Foundation	Gil Yanuck, Carson CABMW

Rex Flowers, Washoe CABMW	James Jurad, Pershing CABMW
Dan Heniz, Back Country Hunters and Anglers	Jim Jeffress, Wildlife Advocate/Hunter
Cory Lytle, Lincoln CABMW	Joe Bennett, USDA/Wildlife Services
Mike Bodenchuk, USDA/Wildlife Services	Joel Blakeslee, Nevada Trapper's Association
Don Molde, self	Jim Curran, Churchill CABMW/NV Trapper's Association
Trish Swain, Trail Safe	Corey Dalton, sportsmen
Caleb McAddo, NV Bighorns Unlimited-Reno	Rick Smith, Washoe CABMW
Tony Booth, Pershing CABMW	Harold Hawkins, Winnemucca, Nevada
Dan Hill, Pres. Pershing Co. Chukars Unlimited	Wes Child, Pershing County Chukars Unlimited
Michael John Jurad, Humboldt CABMW	Don Molde
Rick Smith, Washoe CABMW	Fred Shindle, Pershing County Chukars Unlimited

\*County Advisory Board to Manage Wildlife

### **Friday, June 26, 2009**

Chairman Lent called the meeting to order at 1:37 p.m. and asked the recording secretary to conduct the roll call of Commissioners.

Commissioners present for two day meeting: Chairman Gerald A. Lent, Commissioners Ron Lurie, Tom Cavin, Michael McBeath, David McNinch, Pete Mori, Scott Raine, and Grant Wallace. Commissioner Dan Swanson is absent.

Chairman Lent asked for a roll call of County Advisory Boards to Manage Wildlife: Mike Turnipseed, Douglas; Paul Dixon, Clark; Gil Yanuck, Carson; Rex Flowers, Washoe; Ken Wellington, Elko; Bill Meyer, Lyon; Walt Mandeville, Lyon; Jim Jurad, Pershing; and Glenn Bunch, Mineral.

#### Commissioner Appreciation –

Secretary Mayer said he is presenting certificates of appreciation from the Governor's Office and art work to Commissioners McNinch and Ron Lurie whose terms on the Commission will expire on July 1, 2009, and listed their achievements while on the Commission. Commissioner Lurie for service on the Finance, Legislative, the Heritage, the Wildlife Scholarship Committees, and he brought the Department to the 21<sup>st</sup> century for his requests to use "email blasts" and other technology. He thanked Commissioner Lurie for his service and attention to the wildlife resources.

Commissioner Lurie said he plans to stay involved and he thanked the CABMWs for their interest and involvement in keeping information flowing through the Commission and NDOW staff. He said he is a stickler for communication, and he thanked the staff of NDOW and said that it has been a pleasure to work with you and initially he did not understand the jobs at NDOW but he does now. People on Commission and staff should be commended as it is a difficult job taking care of different areas of state. Commissioner Lurie thanked the Commission for allowing him to serve the state and to call him if needed and will be glad to help.

Director Mayer said Commissioner McNinch has been on the Commission for nine years representing Conservation. He has served on many Commission committees: Governor's Sage Grouse Team, Wildlife Scholarship Selection, Legislative, Wildlife Damage Management, and Mule Deer Species Policy Plan. He said he also represented the Commission for eight years at the Western Association of Fish and Wildlife Agencies (WAFWA) and is going to receive a lifetime membership and a special recognition award at the upcoming conference - the Philip G. Schneider award, and he heard great things about Commissioner McNinch's work at WAFWA since becoming director of NDOW and that Commissioner McNinch has traveled several times to Washington, D.C. on his own to support wildlife grant funding. Director Mayer thanked Commissioner McNinch for all of his work for wildlife and presented him with a framed sage grouse print.

Commissioner McNinch said he has had many opportunities and lessons and learned while on the Commission, learned more about wildlife, politics, and the dynamics of wildlife management than he ever imagined and did not know what all being a Commissioner entailed when he first signed on, and he is glad that he put his name in for the job. He said there are people in the audience who were here before he came on and they will continue after he is gone and he advised the CABMWs to take care of Nevada's unique system which no other state has. NDOW staff has treated him with nothing but respect and he hopes he reciprocated and really appreciated their help and they always have worked with him and his hat is off to them as he too works in government and knows what it is like. He said one person we don't mention too often is Suzanne. He said leaving is not a problem and did not think this would bother him but if a neutral party in this, it is her, and she keeps herself in the middle but does not let emotions get in the way, and we could take a lesson from her and appreciates everything she has done while he was on the Commission.

Director Mayer said Commissioner Swanson will be at the Elko meeting.

Approval of Agenda - Action

**COMMISSIONER LURIE MOVED TO APPROVE THE AGENDA. COMMISSIONER RAINE SECONDED THE MOTION AND MOTION CARRIED 7 - 0.**

Member Items/Announcements -

Commissioner Raine said he has had a few people ask him about certain things going on at the agency and he did not have answer in regard to the budget, and he understands state travel cut back at many agencies due to budget constraints; therefore, he would like the director to submit to the Commission a list of trips that director and staff plan to attend out of state and a list of professional organizations that director and staff belong to. He said this request falls under the Commission's authority for budget oversight. Commissioner Raine said he would also like to bring up that something came up earlier at today's Wildlife Damage Management Committee meeting, where he was shocked into speechlessness when he was asked questions by a member of the Commission and a member of the public about his family's personal

relationships and assorted people, and last time someone asked him such a question they lost teeth. Commissioner Raine said he did not have an answer at the time, but his personal relationships are none of your business so just don't ask, thank you.

Chairman Lent said he took trip with new Chief of Fisheries to Marlette Lake for the fish spawning operation and was quite an experience, and he came away from that with a sense of the camaraderie of staff in the Fisheries Division with each other and has not seen that at the agency for some time and is clear how these folks enjoy the work they do and how well they work together. He said it is a compliment to Mr. Haskins who was just promoted to deputy director and thanked him for the groundwork he laid. Chairman Lent said he hopes the other divisions could do that, and he plans to get out with each Division to see the field work being done and would recommend that experience to each Commissioner as staff is willing to take you out and get firsthand experience out in the field and easier to make intelligent decisions after you get out with staff.

CABMW Member Items – None

Public Comment – None

- 1 Approval of Minutes - Action - Commission meeting minutes from April 6, 2009, meeting.

**COMMISSIONER LURIE MOVED TO APPROVE THE MINUTES. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

- 2 Correspondence – Chairman Lent - Informational  
Commissioner Raine said one item is NDOW's media release on "Return of Big Game Tags" that had a clear and blatant error and he would like staff/director's office to review these media releases more clearly so errors don't happen and have to be retracted. He said he had correspondence from a Mr. Pat Laughlin on his recent meeting with the director and the governor, and essentially the question came up from there, that Director Mayer told governor that the idea to slaughter 909 does originated with the Elko CABMW, and he did not hear that at any meeting, did not hear that from staff and wants to know if that is correct. Three people involved: Pat Laughlin, Director Mayer, and Elko CABMW.

Director Mayer said the discussion was that staff is working with Elko CABMW on this area and he represented that the Elko CABMW representative brought the doe tag proposal forth and that we had been working together. He asked Mr. Wellington of Elko CABMW to address the matter further. He said the minutes will reflect that CABMW made recommendation for 900 doe tags.

Mr. Wellington, Elko CABMW, said the NDOW biologist brought the doe hunt presentation to the board, and after review, and taking input from public, sportsmen, and other organizations, the board voted to support the Department proposal, and the next question the board had, was, would that be enough does.

Commissioner Lurie said he has correspondence from Chairman Paul Dixon of Clark CABMW on new ways to use hydrogen isotopes instead of bands, and he wanted to put that into the record. Commissioner Lurie thanked NDOW staff biologist Craig Mortimore for setting up meeting in Clark County for the waterfowl summit and will have that meeting in Overton and opened up new line of communication. He received letter from Christopher Gill on mule deer, and had correspondence on HR 1018 and entered that correspondence into the record.

Commissioner Cavin said he had email letter from woman in New York opposed to trapping, another email from person in Henderson who thought after first draw he should be eligible for antlerless deer draw and not turn in buck tag after successive draws, and other correspondence pertaining to Heritage Committee from Nevada Bighorns Unlimited, Safari Club Reno Chapter, Foundation for North America Wild Sheep out of Wisconsin, and this correspondence was related to supplemental information for Heritage tag vendors, and will be discussed further tomorrow.

Commissioner McBeath said he had email letter from Ira Hansen in regard to bobcats, and also Tracy Truman sent an email and he forwarded Ira Hansen's email to him to get his comments, and had response and will enter the letters into the record.

Chairman Lent said he had four letters, one from Rochelle Melcher opposed to trapping season; and another from Mary Choke Revinski with no address wanting to ban trapping of bobcats; one from Cecil Fredi of Hunter's Alert stating Director Mayer needs to pass legislation to protect hunters and sportsmen and use sound management and they did the bill on that; another from Patrick Henderson, asking if deer tags leftover why let them go to waste, we should let hunters have them even if they had a tag, before going to waste. Also, a letter from Ira Hansen with information and history of bobcat trapping and appreciates that one as Mr. Hansen has 25 years of experience, and he went to Washoe CABMW and Mr. Molde there and said season never been shorter than four months and remembers Commission cutting it back to three months around the time in the 1980s when we had the lawsuit. Mr. Hansen made recommendation on the seasons and same with Tracy Truman with graph and he basically proposes changes to gray fox than bobcat and will keep those on hand for tomorrow's discussion. Chairman Lent said he wanted to bring up another thing, and Policy #1 states that we follow Robert's Rules of Order which he has, and it defines the duties of the Secretary of the Commission, and basically to keep a record, file reports, notify officers of assignments, and that is what we go by, and he noted page 37 of the minutes approved from the April 6, 2009, meeting, and he read the motion that Commissioner McBeath made on the actions taken by the Commission at this special meeting: **COMMISSIONER MCBEATH MOVED**

**THAT WE DIRECT THE DEPT TO DRAFT LETTER FROM THE COMMISSION TO THE STATE LEGISLATURE AND PERTINENT COMMITTEES SETTING FORTH THE COMMISSION'S POSITION OF SUPPORT OR NONSUPPORT OF BILLS CONSIDERED TODAY, AND THAT THE DIRECTOR OR KIM JOLLY OR DESIGNEE ATTEND PERTINENT HEARINGS TO CONVEY THE MESSAGE FROM TODAY'S MEETING. COMMISSIONER LURIE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.** Chairman Lent said he has a problem with that, because he has a video disc of Assembly Ways and Means meeting on 5409 and testimony provided by Director Mayer on Dream Tag and Commission opposed Dream bill 6 – 3 and the videotape shows the director supporting the Dream Tag bill although the Commission had motion stating we opposed and had a motion that he was to convey this. He said he asked him and he said he forgot although Mr. Ira Hansen was present and said the Commission was opposed at the hearing and misconception with the Committee that the Commission supported it. He thinks the director should have remembered the Commission's position on this after being reminded by a sportsmen and the Commission and the director's office made an extraordinary effort to get the letters out to the Legislature that NDOW staff worked late to do that, which we all agreed to.

Commissioner McNinch said to Chairman Lent that he would like to call a point of order, as we are under the "Correspondence" #2 item of the agenda, "The Commission will review and may discuss written item sent or received by the Commission since the last regular meeting and provide copies for the exhibit file."

Chairman Lent said he is going to continue with this and he wants to ask the director for clarification of secretary's duties to this and responsibilities to the Commission because we made a motion and this is about following our directions. He said he talked to the director and he stated something to the effect that legal advice was that he couldn't say anything to represent the Commission and does not know if correct as he thinks he represents the Commission. He said we made a motion to oppose the Dream Tag bill and tell them we are opposed and did not get that done, and if that is out of order that director is not going to represent the Commission we should not have made the motion, and if the director wants to respond fine, if not fine.

Director Mayer said that there was a lot of things going on at that time and he was not planning on saying anything but asked Department position and due to length of time, he would have to review the tape and see when Ira Hansen spoke, and he was neutral on the bill as per the direction received from the governor's office. He said he apologized to Commission that it slipped his mind to note that the Commission opposed the Dream Tag bill at the committee and he did consult legal and told no obligation to make statement because of his position as an executive branch member and remaining neutral and he apologized for his misstep. The letter was in committee's hand, and he is not perfect.

Chairman Lent said the committee was not apprised of the Commission's position opposing the Dream Tag bill and he is concerned when the Commission makes a motion providing direction and not done.

Director Mayer said the committee put the Dream Bill tag and another bill onto the apprentice bill and the bill went to Senate side where Chairman Lent testified and you testified the Commission was opposed and when asked about amendments you testified that you thought the Commission would reject it as well.

Chairman Lent said the other thing was the press releases and we had one press release that was on the 48 hour deal and then had an email recalling the release and in the 48 hour release he is opposed to language used as you have a Department head taking credit for work someone else did as this change to notification of sportsmen was not instigated by the Department rather the Commission initiated it and put it in statute and from now on, he would like the releases to go through the director to insure accuracy and give credit where credit is due. Chairman Lent said the last thing is a press release about mule deer, and heard the Wildlife Damage Management Committee which is up and down with lots of controversy and thinks wrong stating mule deer numbers related to amount of summer rain, and in NDOW news release dated 11/04 it states to "pray for summer rain" and in his opinion if we need preacher position not deer biologist as it states all you need is rain and mule deer numbers affected by other issues such as habitat and predators.

Director Mayer said that you are way stretching this as research shows summer rain absolutely critical in northeast portion of state and you are a lay person and may object to that and not agree but true statement and statement is not stating nothing else important. Director Mayer said he and Deputy Director Haskins are reviewing the press releases now and cannot be perfect as people are human.

Chairman Lent said he would recommend that a book needs to be ordered for Commission members from North American Conference in 2007 and he will provide the address for the Department to order the publication which is written by persons with Ph.d.'s and is information we need.

- 3 Commission Policies, Second Readings – Commissioner Scott Raine  
Commissioner Raine said this is the second reading of the policies which were also heard in committee.

**COMMISSIONER RAINÉ MOVED TO APPROVE COMMISSION POLICY #2 AS PRESENTED, COMMISSION POLICY #21 AND COMMISSION POLICY #22 AS PRESENTED. COMMISSIONER LURIE SECONDED THE MOTION. MOTION CARRIED 8 – 0 (CHAIRMAN LENT VOTED).**

- 4 Duck Stamp Request – Chief of Habitat Dave Pulliam – Action  
Chief of Habitat Dave Pulliam said the Department is proposing 22 projects for duck stamp funding, and the process is, the Department receives Level B project proposals and a team of members from the seven divisions review and prioritize and consider the project's relationship to Department objectives. He said we do monitor the budget relative to duck stamp revenue, and current balance forward is \$570,532 with revenues varying year to year according to sales of duck stamps. He said the average is \$80,000 per year, and gives us around \$600,000, and we look for opportunity to increase hunter opportunities. We bank money for a few years when we have a large project such as the Toulon dyke project and that project is to provide water through dry cycles in Nevada as well as significantly increase hunter opportunity. Projects submitted for this year is around \$373,000 with a balance forward \$171, 000. The request is to use a significant chunk of money for the Toulon project.

Chairman Lent said he had a question about funds in Canada, and wants to make sure we are legal, as statute specifies Nevada, and another question was to waterfowl assessments and has contractor investigated banding strategy as submitted by Craig Mortimore, budget account 4458. He asked if students or NDOW staff conducting the work.

Chief Pulliam said to Chairman Lent's first question that the Department has agreements with flyways with birds that come to Nevada and we see waterfowl reproduction and significant amount of reproduction occurs in Canada and birds are hunted in Nevada and it is a positive partnership and what we are accomplishing is high quality nesting.

Craig Mortimore addressed Chairman Lent's second question and said we are achieving a bionutrition study and are seeking another contract with Dr. Nikolai to conduct analytical work and last year's project funded totally through duck stamps and also have pintail banding project which is research project that Dr. Nicolai has come up with. Chairman Lent said on page 19 under projects and under strategic planning his question is the statement that "habitat is the key to all wildlife populations" and in his opinion "habitat" is not the "only" key.

Chief Pulliam agreed that it is not the "only" key, and he said the box was taken out of the Department's strategic management plan.

Chairman Lent said on page 33, in regard to the bid for Polaris Ranger all-terrain vehicles (ATVs) that we went through this when we ordered ATVs that were over-priced a year or two ago and if you go through right channel, the government gets a discount and he went to dealer and this price is \$2,000 higher than you can get somewhere else. He suggested that the Department get government pricing before purchasing and save a couple thousand dollars because we talked about that before and get 2009 model and get them without paying sales tax.

Commissioner McBeath said he looked at all projects and they look good but on project of Toulon dike, there is an archeological survey for \$180,000 and that is a lot of money, as he is familiar with that type of survey and the price seems high. He asked that a description of what is involved in the survey for the dirt work be provided, and for the Department to work with federal government partners to get a discount if so.

Chief Pulliam said he would agree that the price is high and the Department is concerned as well with Bureau of Reclamation and the transfer on other areas, and he provided the reasons: Toulon is federally run and coordinating with federal partners, the dyking project easier in dry cycle and we are entering into third year and this looks like year to get it done. Chief Pulliam said we are perplexed as well as to the cost as this is a transfer and no disturbance of surface and knows that the survey does not include excavating, and he will find out why the price is so high.

Commissioner Raine said wood duck study project needs to be funded with funds that are not partially big game funds from Heritage Account as he was told by our immediate boss that money from one species should go back to it, and if this project funded that should be done through this source. In regard to the "Nevada Hunter's Journal" he said he mentioned this at an earlier meeting and that this is a little piece of something that has a value of zero in his opinion and result of good idea is that the public responds universally like it is a joke.

Mr. Mortimore said that comment was said before at a previous Commission meeting, and he provided the Commissioners with a Nevada Hunter's Journal and questionnaire which goes out to hunters and provided explanation that the targeted audience is small game hunters – those who hunt pygmy rabbits, blue grouse, and need to explain the status of the species and to do that we have to gather data. The tie-in is that the journal is to help hunters answer the small game questionnaire and improve data and analysis to understand the status of the species. He said it is a good program and relatively cheap and sorry to hear the program denigrated as only has heard those comments today and last year. Mr. Mortimore said hunter journal will be accompanied by a questionnaire surveying usage of the journal for three years and that you have to inquire before you decide.

Commissioner Lurie asked if journal sent to some people every year.

Mr. Mortimore said the journal is provided through license agents and were not direct mailed but this year's design can be placed in an envelope.

Commissioner Raine said he is glad there has been the change and the questions on the survey are good.

Commissioner Lurie asked why Overton did not receive more duck stamp money and more projects.

Mr. Pulliam said Toulon had been planned for several years and we banked money to start the project, and Overton is an area that he can encourage staff folks to submit projects for and Elmer Bull supervises the projects on Wildlife Management Areas and they could meet with local sportsmen and they came up with concepts.

Commissioner McBeath said he asked the same question at the CABMW meeting and noted that projects not submitted for Overton beside what is here and has the CABMW thinking that you can use the Overton facility and submit projects for funding.

Public Comment –

Rex Flowers, Washoe CABMW, said they asked that the Commission not to take a position on the projects as the CABMWs were not provided with amounts of funding available, only what is being spent in the proposed project, and the board did not take a position, as they did not know how much money we have before consider spending it. He said the same with upland game projects.

Chairman Lent said he too told that same concern of not knowing what funding is available to Mr. Pulliam; however, the projects have to be voted on. Mr. Pulliam said next year they will have that information and we will have to go forward with these projects today and hope the boards understand that.

Chairman Lent closed public comment and brought discussion back to the Commission.

**COMMISSIONER LURIE MOVED TO APPROVE 22 DUCK STAMP PROJECTS SUBMITTED. COMMISSIONER MCBEATH SECONDED THE MOTION. MOTION PASSED 7 – 0.**

Mr. Pulliam asked if that includes the request for equipment - the ATV's.

**COMMISSIONER LURIE MOVED TO AMEND THE MOTION TO INCLUDE THE EQUIPMENT REQUEST BRINGING THE TOTAL PROJECTS TO 23. COMMISSIONER MCBEATH SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

5 Upland Game Stamp Request – Chief of Habitat Dave Pulliam – Action

Mr. Pulliam said this year's proposal request for \$291,000 of upland game stamp funding be approved by the Commission which includes maintenance for Southern Region water developments which are in poor shape as well as Eastern and Western, habitat enhancement projects, food plots and pheasant introduction into Mason Valley WMA, and a portion of the Sportsmen's Journal as mentioned earlier.

Commissioner Cavin said the summary states 15 units to be built and the plan says five and if that is the case cheaper to build new than maintain an old one.

Mr. Pulliam said that is a typo and it is five projects.

Chairman Lent said he had a question about mountain quail capture project on page 5 and thought that was Heritage dollars used for banding.

Mr. Pulliam said this is amendment to 09 and that is why it is here.

Chairman Lent said he remembers and is okay with that.

Chairman Lent asked about pheasant chicks and if the Department is involved with Pheasants Forever in Mason Valley and if they are still active.

Mr. Pulliam said he is not sure if they are involved but knows local group involved.

Commissioner Raine said some of this came up at Predator Meeting and proposed project for Mason Valley and asked for \$8,000 to keep pheasant alive, and reiterated the funding should be out of the upland game source if used for pheasant protection, and if concerns of NDOW about other upland game species being killed by predators, this funding would be logical source as opposed to big game.

Upland Game Staff Biologist Shawn Espinosa said the pheasant project would benefit other species such as turkey as well as pheasant which also has the \$3 predator fee.

Commissioner McBeath said we did approve the project and in the motion at the Wildlife Damage Management Committee we agreed to look at the issue of funding next year, and wants to point out that we spend lots of money on raven control for purpose of sage hen which are also upland game and that is the piece he wants to let out in the future, and if we do this with pheasants then the funding is an issue to discuss later.

Mr. Pulliam said we are always looking for opportunities to mix funding to benefit species and accomplish priority tasks.

Chairman Lent said whether it is big game or something else it is all the same.

Paul Dixon, Clark CABMW chair, asked about balance for upland game, and in Southern Nevada former chair Cindy Alexander asked that restoration of existing water developments be done before building new ones because if you put new ones in would not be helpful in dealing with total problem. He asked Mr. Pulliam to explain budget cycle so that CABMWs could provide input to project proposals and they could then understand the lag time from getting recommendations from CABMW to get projects in.

Mr. Pulliam said in response to Mr. Dixon's questions, that there is a significant balance, and no projects allowed before the Commission outside of our ability to fund and against the law to spend more than we have. Mr. Pulliam said in the future the budget summaries will be provided for the CABMWs. Mr. Pulliam said similar process done with Mining Assessment and Conservation fee which do not require Commission approval and will have projects have the same deadline as Heritage deadlines to see if mix and match of funding can be done and next year due date will be the same as Heritage deadline which is April 1.

Gil Yanuck, Carson CABMW chair, said they thought all projects very worthwhile and noted there was breakout of salary in upland but not in duck stamp program and his other question associated with that, is with people already on salary, and NDOW already has them being paid, and asked if we are double dipping on salary.

Mr. Pulliam said when the upland stamp authorized by legislature was that we would need new staff to fix water developments especially in Southern Nevada, and it is that money used to pay salaries which was a new crew, and no double dipping, and when you see salary, that is being paid by upland game stamp.

Mr. Yanuck said if he understands correctly that those salaries for those who are working on those projects that portion of salary is coming from upland game not budgeted salaries. The other comment was relative to the Sportsman's Journal and he appreciate that it is being handled differently and they know from previous experience with questionnaires that you have such a small return.

Commissioner McBeath said in follow up to Mr. Yanuck that the Finance Committee was tasked with review of Department budget and tried to do that during last legislative session and became apparent to him we did not have time to get as involved on front end, and next budget cycle the Finance Committee will start early to get a grasp of government accounting and then we will be able to answer those types of questions.

Paul Dixon, Clark CABMW chair, said question for Commissioners Raine and McBeath, based on predator thing, are we going to get motion on how to move forward on predators, and opportunities for big game different in Southern Nevada then up here and if concerned that we are using the wrong funds he would like to see Commission come up with action for CABMW review.

Commissioner McBeath said his intent in committee meeting was with pheasants going on the ground we wanted to make sure that predator money would be on the ground to take care of those transplanted birds and to come back, and revisit funding and include the CABMWs and we all decide best way to do that.

Chairman Lent closed public comment and returned discussion to Commission.

Commissioner Raine said he would like to add to what Commissioner McBeath said, and that he is in absolute agreement with him, and would like it known that this Commission would like to see something on Upland Game Program next year exploring whether this fund should be utilized and that should go out to CABMWs to decide what funding should be utilized to protect upland game from predators and would like that discussion to occur next year.

**COMMISSIONER LURIE MOVED TO APPROVE THE 10 UPLAND GAME PROJECTS TOTALING \$291,754. COMMISSIONER MCBEATH SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

6 Wild Horses – Commissioner McBeath – Action

Commissioner McBeath said this issue has been discussed at previous Commission meetings and he has dealt with on other legislative level and this piece of legislation HR 1018 puts us with horses on road to disaster from standpoint of habitat and relating to wild horses and he described the proposed legislation in general. The Bureau of Land Management (BLM) and Forest Service manage wild horses and BLM designates area with appropriate management level (AML) for the herd on that area, and what is being proposed is expansion of areas for wild horses. BLM states there are 31,000 wild horses in the west, 21,000 of those horses are in Nevada which is a major issue for Nevada. The other astounding thing is there are 30,000 wild horses in holding facilities. The BLM budget for wild horses is \$34 million and \$27 million goes to horses in holding pens. Related legislation stopped slaughter of horses for human consumption and what is completely lacking is anything that deals with reproduction of horses. Horses breed and propagate and no predators to lessen population and we are already consumed with dealing with horses in holding facilities and no mechanism to deal with unwanted horses. A draft letter is contained in the support material for this meeting and society needs to make decisions on what to do, and he is a horse owner and is not anti-horse by any means, but his duty on this Commission is to be vocal about things detrimental to wildlife. Horses compete with wildlife for natural resources and not against increases in herd management levels but something needs to be done. Some people don't want horses to stay in holding facilities and if you capture them you will have to keep records. The letter is proposed to be sent from the Wildlife Commission, and we are committed to managing wildlife in this state and that is the Commission's job and when we see degradation of water sources especially in drought conditions and we will stand steadfast to that position and that is how we protect resources on the range. This legislation makes no sense in the context of the high desert environment of Nevada where resources are so valuable and important to all the things we hold dear.

Chairman Lent said in first paragraph of letter it state we appreciate your attention, and he added the word "immediate."

Commissioner McBeath said in general if he had wrote the letter he would be a little more direct but thinks the letter conveys everything that is important and we are sending it to our representatives and agreed with the change.

Chairman Lent said then on the fourth paragraph he had suggestion that the wording should be “in excess” which should be emphasized more.

Commissioner Cavin said on second page, third bullet point, to add word “the ability.”

Commissioner Raine said he would recommend that the letter be shortened and condensed to insure that the letter is read, and would like to bring up issue of possibility of purchase of Winecup-Gambel Ranch, between Wells and Jackpot on the Idaho border as a horse refuge and should that matter be included in the letter.

Public Comment –

President H. Bonnie Matton of Wild Horse Preservation League said they support HR 1018 and read letter into the record – Attachment A – She said the solution is to work together to manage public lands.

Dan Heinz, Back Country Hunters and Anglers, said we wish to support letter as originally written and would mention that their Secretary hand-delivered their similar letter direct to Nevada delegation in D.C. and the letter had their attention with a wide spectrum of opposition to HR 1018. He recommends killing HR 1018 and to go with good science on top of the agenda.

Jim Jeffress, said he is a Wildlife Society certified retired wildlife biologist, and he sent his own individual letter in on this issue, and as far as HR 1018 and the Commission taking this action, that is good but he does not think the letter is strong enough or goes far enough. The letter referenced by Mr. Heinz was drafted by staff of Friends of Nevada Wilderness and Nevada Cattleman’s Association and he assisted with editing the letter. He recommended that the state organizations all send similar letter and suggested to Chairman Lent that Agriculture, Department of Conservation and Natural Resources, and Wild Horse Commission, and other appropriate agencies get together with the governor to write letter as individual letters are good but the “horsepower” is increased substantially if the letter comes from several people.

Commissioner Lurie said his copy of this letter was entered into the record under the correspondence item.

George Corner, Nevada Outfitters and Guides Association (NOGA), said they were signatory to the letter that Mr. Jeffress referenced, and that we have to let our congressional delegation know what our position is.

Mr. Walt Mandeville, Lyon CABMW, said lot of discussion at their meeting with people in audience supporting the bill and the meeting was very controversial. Everyone

recognizes need for management of horses due to the damage they cause the habitat, and plans for wind mills across mountain ranges will take up habitat that horses and wildlife use and at any point their board voted to put together a subcommittee of people concerned with wild horses and rewrite the letter. Representatives would like something more similar to take to Washington.

Cory Lytle, Lincoln CABMW, said they support the letter 100 percent and biggest question they get is how you manage an animal that is protected. If you can't, you cannot keep the resources balanced.

Paul Dixon, Clark CABMW, reiterated that Clark CABMW believes some letter had to get out and felt need for stronger letter. Personally believes we need to be aggressive with wild horse management and take action as we own the problem in Nevada and get our congressional delegation who exert fair amount of power in D.C. and to push the issue while we have the chance.

Gil Yanuck, Carson CABMW, said they too supported the letter but felt the letter was not strong enough but seemed politically correct. Contraceptive use has not been satisfactory.

Rex Flowers, Washoe CABMW, said believed modifications to letter strengthen it and hope the Commission strengthens the letter.

Bonnie Matton said the herd management maps have been changed and some areas have been moved onto larger areas.

Chairman Lent asked the Commission what is their pleasure.

Commissioner McBeath said he made comment on draft letter that it could be stronger and with time constraint we need to get something out right away and suggestions made can be incorporated and would make comment as to Lyon CABMW's suggestion about having a committee and would have loved to do draft the letter with committee in a collaborative manner but can't do that due to the time constraints. He said we could do additional things by giving CABMWs the congressional delegations address as the more we do the better.

Chairman Lent said to Mr. Flowers that this is an enhancement to the original letter and facts and meat added.

Commissioner Raine said the letter handed to us looks excellent and might consider being signatories in addition to our own letter, again if the numbers are accurate, he would suggest being signatory to the other letter as well. Commissioner Raine suggested stronger language. Commissioner Raine read language changes for Dave Pulliam – final

paragraph, in conclusion, add, “tremendous degradation” and instead of “exacerbate,” add “HR 1018 will result in widespread destruction.”

Commissioner McBeath said wildlife professionals wrote the letter and they used their skills, and in response to Commissioner Raine we could include that we support the other letter because it has already been signed and will leave changes up to Chairman Lent as he is signatory for the Commission.

Commissioner Lurie said he supports the letter and said the chair should call the congressional delegation and let them know that this letter is coming and make sure that the right person receives and reads the letter instead of a staffer.

Mr. Pulliam said in closing that we have common threads with Ms. Matton, that we both recognize the need to manage the horses and the purpose of this letter is to kill bad legislation which would make management of horses worse and one answer to the problem would be a little bit of commercialization of that resource.

**COMMISSIONER RAINE MOVED TO ACCEPT LETTER AS DRAFTED AND AMENDED AND REFERENCE SUPPORT OF THIS OTHER LETTER PROVIDED (JIM JEFFRESS LETTER). COMMISSIONER LURIE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

7 U.S. Forest Service (USFS) Northeastern Travel Management Plans – Chairman Lent – Action

Chairman Lent said the proposed letter was contained in support material.

Public Comment on USFS Letter –

Dan Heinz, Back Country Hunters and Outfitters, said they support the letter as written which was in the support material.

Ken Wellington, Elko CABMW, said they appreciate the letter, and two meetings ago USFS spoke at their CABMW meeting and USFS was advised that Las Vegas residents had not been notified of the closures. He asked that USFS be asked to advertise changes in Southern Nevada and Washoe County.

George Corner, NOGA, said USFS did put together some excursions for the public to see the areas, but no one attended, and they are making an attempt to come up with something we can live with.

Gil Yanuck, Carson CABMW, said his board supports the letter and it was a long-time coming.

Glenn Bunch, Mineral CABMW, said they have been working with Forest Service in their county for some time and took maps referenced here and several people took the GPS units and drove the roads and found some roads not needed and found roads not on map. Inyo did flyover, but with other forest district they run ads saying they want people to work with them to map other areas. He said they appreciate the letter as a good start but you need to scrutinize what you get on the map.

Chairman Lent questioned the word “recommend” on the 7 1/2 minute maps, and should add the word be “stronger.”

Commissioner McBeath said change to “strongly recommend.”

Chairman Lent said to go with “strongly recommend.”

Commissioner Cavin said staff drafted the letter and he made suggestions and changes already and would ask that the a copy of the letter be sent to Nye, Lander, and Esmeralda County Commissions, as they have signed cooperative letter and TeMok Tribe of Western Shoshone, and also copy the district rangers to so that they receive the letter direct.

Commissioner Mori said in Elko that at the CABMW meeting USFS representative attended and he relayed the message about the tours and that one tour will be in Bull Run area tomorrow. He said they have extended the comment period into August and seven of eight conservation districts that Forest Service has met with.

**COMMISSIONER CAVIN MOVED THAT WE SEND LETTER TO USFS DRAFTED BY DEPARTMENT WITH MINOR CHANGES DISCUSSED AT THIS MEETING. COMMISSIONER LURIE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

- 8 Muzzleloader Visual Disability Modifications – Management Analyst III Kim Jolly – Action Management Analyst III Jolly said she prepared the timeline provided in support material which denotes what has transpired since 2006 in regard to this muzzleloader scope issue and a matrix of the states named in the disability complaint and what they have done. Also included is a two page sample from a state named in the complaint for a non-magnifying scope. She said the Nevada Attorney General’s Office advised the Department that something should be done based on the letter to make a reasonable modification for the disability as noted in a doctor’s note. MA III Jolly reviewed the options as contained in the support material sent with this item.

Chairman Lent said this has been brought up two times before and if you have a disability like macular degeneration that they should not be hunting, and if you allow a 1 x magnifying, what value is that, and believes this is an attempt to use scopes on a primitive weapons and maybe we should set visual requirements to hunt in Nevada.

Chairman Lent said we have a safety issue for regular hunters and primitive weapons hunters have come in and said they don't want to do it, and it failed the Eureka CABMW.

MA Jolly said this is significantly different than previous efforts to allow scopes on muzzleloaders as this is coming from U.S. Fish and Wildlife Service (USFWS) and that is who we are responding to, the response is to USFWS and we are trying to meet minimum legal requirement, we are not responding individually to Toby Bridges or any other faction. She listed the three medical conditions – presbyopia, hyperopia, myopia - not allowed by other states for the disability accommodation and reiterated that the Department of Wildlife is bringing this forth at the request of USFWS and on the advice of our Deputy Attorney General.

Commissioner McNinch said this is the third or fourth time he has heard scopes on muzzleloaders discussed since being on the Commission and if not disability then it is a condition which we all have, and last time we heard this, some said not to change the rules on behalf of losing their vision, and perhaps they should get a blind permit as it could be a safety issue. The question is that the Commission has been asked to do something and they are not going to withhold funding yet as the letter states to “recommend rule-making.”

DAG Newton said the USFWS is strongly recommending action and that federal funding is at risk, and he has represented the Nevada Equal Rights Commission and is hearing comments today that they could hunt in general hunt; however, disability rules do not work that way as this is not a matter of hunting in another area as compensation, rather it is providing reasonable accommodation in the muzzleloader hunt.

Commissioner Raine said utilizing scopes will not help this and sees the accommodation as a safety issue with someone who is visually impaired being in the field.

Commissioner McBeath said does the state have public safety issues at stake here and will the American Disability Act laws trump that?

DAG Stockton said basically this is to start the regulatory process and that could be made part of the regulation, that doctor has to certify that they are safe to operate muzzleloader, but a reasonable accommodation at the expense of the public is not the intent.

Chairman Lent said Department of Motor Vehicles has form to sign for doctor verifying that they can operate motor vehicle.

Paul Dixon, Clark CABMW, said as pointed out they had lengthy discussion and went with minimum recommendation.

Rex Flowers, Washoe CABMW, said their board voted to deny any modifications to muzzleloader season as the accommodation is addressed with general rifle season.

Gil Yanuck, Carson CABMW, said they selected Option #1 and felt success rate would be skewed by using muzzleloader with scope.

Walt Mandeville, Lyon CABMW, said they decided to oppose opportunity to put a scope on a muzzleloader because they can hunt with a scope during regular rifle season and the thought was the state has right to regulate its own resources.

Dan Heinz Lakes Crossing Muzzleloaders said they met but did not have a quorum but same song second verse with the major objection being the more technology creep the higher the success and the less tags muzzleloader hunters will get.

Commissioner Raine said he sees three different alternatives such as doing nothing; put a scope in but with patch round ball; or no muzzleloader season. He said he does not like the choices but if no choice and does not want to have NDOW be excuse police.

Chairman Lent said with Option #1 you have to define visual disability and there are liability issues out there.

Commissioner Cavin asked if the crux today is to start rule-making.

MA III Jolly said the Department is asking for direction from the Commission.

DAG Newton said it is possible to start the regulation process without a regulation and schedule workshop for possible development of regulation to allow visual occuity for muzzleloaders.

Commissioner McNinch said Commissioner Lurie and DAG Newton have hit this on the head and other options discussed here and next step is to set-up a workshop to gather information.

**COMMISSIONER MCNINCH MOVED TO FOLLOW SUIT WITH SUGGESTION MADE THAT THE DEPARTMENT FACILITATE A WORKSHOP TO DEVELOP OPTIONS FOR A REGULATION IN ADDITION TO THOSE IN THE PACKET AND BRING THIS BACK TO THE COMMISSION TO SATISFY THE FEDERAL REQUEST. COMMISSIONER RAINE SECONDED THE MOTION. MOTION PASSED 7 – 0.**

9 Reports – Informational

A 2009 Legislative Session Update – Management Analyst III Kim Jolly

MA III Jolly said the report was sent in the support material for the meeting and will answer questions.

Commissioner McNinch said there has been concern over the constitutionality of statute and amendments relative to the Dream Tag and he asked if Chairman Lent is aware of anyone seeking on Attorney General's opinion on the Dream Tag.

Chairman Lent said there has been concern with the 501.3c status of the foundation when named by the Legislature and whether that violates the constitution or law, and should be questioned and does not know who would question it and there may be lawsuits. He said the Commission could ask for a legal opinion or there may be lawsuits.

DAG Stockton said the Commission could ask for an opinion from the Attorney General's Office; however, the opinion is not always binding and is not the final answer as the courts are.

Commissioner McNinch asked again if he is aware of any effort.

Chairman Lent said he has heard people talk about it and the Commission could bring it back as an item some time.

**B Administrative Procedures and Regulation Committee – Commissioner Raine**

Commissioner Raine said the committee met and they have final drafts almost ready of some policies and will have telephonic meeting after staff provides changes. He said the recommendation was to split Policy #1 into multiple parts and will advise the Finance Committee that the proposed change is to move the CABMW budgets into a different policy to be developed by the Finance Committee. He said also new policies for Section 7 for adoption of regulations, and for appeals process.

**C Habitat Division Reports: Updates on Wine4cup Ranch, Wild Horse Federal Law and Washoe Lake Wetlands – Chief of Habitat Dave Pulliam**

Chief of Habitat Dave Pulliam said the deal with Ms Pickens has fallen through to purchase the Winecup Ranch and the Winecup Ranch was not identified as having wild horses prior to 1971. Bureau of Land Management (BLM) declined their offer as they could not comply with sole source contract requirements and the offer expired on the ranch and no new offer submitted. He said HR 1018 was already talked about today and killing the bill is not the whole solution, but tremendous amount of work to determine the proper vehicle to manage wild horses consistent with the law. Mr. Pulliam said on the status on the Washoe wetlands issue and mitigation with Nevada Department of Transportation (NDOT), that after digging into that situation with NDOT is that they received wetland agreement based on road construction, and NDOT has agreement

with State Parks and person was there to run pump for well, which is in poor condition and needs to be reconstructed. Other issue is that Washoe Lake is below surface water to pump and they are pumping as much as well allows with a few ponds. State Parks moved position and no one there now but all of this brought to their attention by Nevada Waterfowl Association and new person should be responsive and have them do the well. The Scripps well owned by NDOW has water rights that could be transferred and would have better sustainable system to maintain those wells.

- D Upland Game Release Plan for Fiscal Years 2010 and 2011 – Upland Game Biologist Shawn Espinosa

Mr. Espinosa reviewed the plan as submitted in support material for fiscal years 2010 and 2011 and answered questions from the Commission as he preceded.

- E Fishery Division Reports: Updates on Petition to List Certain Spring Snails in Nevada and the Lake Mead Hatchery – Chief of Fisheries Mark Warren

Chief of Fisheries Mark Warren said the petition to list spring snails is 133 pages and Center for Biological Diversity and they filed petition in February with U.S. Fish and Wildlife Service which asks for 43 species of snails to be listed as threatened or endangered and the USFWS has 90 days to make a determination.

- F Lake Mead Hatchery – Chief of Fisheries Mark Warren

Mr. Warren said two years ago hatchery closed due to the discovery of quagga mussels and he reviewed the history of the closure. He said Hatchery Manager Clyde Parke said there is a three way offer on the table between Basic Management Inc. (BMI), City of Henderson, and Southern Nevada Water Authority (SNWA), and SNWA said to let BMI know this is final offer for cash and if offer goes through to purchase, SNWA would open the BMI line to the hatchery and we would receive water that is cooler and ozonated to start production, staff expect a response in 30 to 60 days.

Commissioner Lurie said yesterday an article in paper that population of quagga mussels has jumped to over a trillion, and he asked how will that affect the hatchery.

Mr. Warren said with the new pipeline providing cooler water and chlorine added to the water that should be enough to kill the mussels.

- F Clark County Shooting Park – Commissioner Lurie

Commissioner Lurie said Aug. 25 is scheduled for the shooting park's grand opening and if anyone wants to attend to let him know. He said they are looking for qualified people to the fill host program and work on site with recreational vehicle hookups. Hunter Education building is almost open and many changes to the site since the last time the Commission was there.

G Litigation Report – DAG Stockton

DAG Stockton said he would add an update to the report contained in support material that the Hardenbrook case was kicked out of the 9<sup>th</sup> Circuit.

H Department Activities – Secretary Ken Mayer

Secretary Mayer said the Department is sending the report and asked for questions, hearing none, concluded his report.

Meeting adjourned at 6:21 p.m.

Saturday, June 27, 2009 – 8:30 a.m.

Chairman Lent called the meeting to order at 8:30 a.m.

Roll Call of Commissioners Present: Chairman Lent, Vice Chairman Ron Lurie, Commissioners Cavin, McBeath, McNinch, Mori, Raine, and Wallace, present. Commissioner Swanson is absent.

CABMW Roll Call – Paul Dixon, Clark; Gil Yanuck, Carson; Jim Curran, Churchill; Tony Booth, Pershing; Bill Meyer, Lyon CABMW; Cory Lytle, Lincoln; Rick Smith, Washoe CABMW; and Jim Jenne, Lyon CABMW.

Member Items/Announcements

Commissioner Mori said he was contacted and asked to relay that Dry Creek Reservoir which is located in northern part of Elko County on the Petan Country Ranch and is having trouble with the water control device and not able to shut the water off and this reservoir is stocked by NDOW and open to the public. He wanted to notify people that there is a chance the reservoir could empty and if anything could be done to extend limits.

Chief of Fisheries Mark Warren said 2,000 fish were stocked in the reservoir and staff will stay apprised of the situation and if necessary will conduct fish salvage as time involved to change the possession limit would not be feasible and access to the reservoir is difficult due to the road.

Commissioner Raine said additional item that was sent to him that he missed in correspondence yesterday was request to read a email from Bud Sonnentag into the record (Attachment B), and to request a written reply by NDOW to article he sent on mountain lion sightings.

Commissioner Lurie said he would reiterate what was said yesterday on Clark County Shooting Park dedication and opening on Aug. 25, 2009, and would like to be on record to thank Suzanne for the work she does for the Commission and boards.

Chairman Lent said he is going to review the Commission's committee assignments and will provide them to the Department, and that he likes to rotate assignments around and put the experts where they need to be.

Rick Smith, Washoe CABMW chairman, said he wanted to thank Commissioners Lurie, Swanson, and McNinch, for giving their time and their work on the Commission as they have brought a lot of common sense and integrity to the Commission, and we will miss them and does not know how we will replace them.

Public Comment – None

#### Commission Regulations – Action

- 10 Commission Regulation 07 – 07 Amendment #3 – Game Division Staff Biologists Shawn Espinosa and Kevin Lansford – Action

Chairman Lent asked that the recommendations be presented by species.

Shawn Espinosa presented the upland game recommendations to the Commission as contained in support material.

#### Junior Wild Turkey

Mr. Espinosa said the Department is proposing to change the shooting hours from 1 p.m. to 4 p.m. to allow hunters more time in the field. The other change is to include unit in Lincoln County that is open for turkey hunting.

Commissioner McBeath asked the reason behind the change from 1 to 4 p.m., and would there be biological issues.

Mr. Espinosa said the biological reason was to allow turkeys to rest in the afternoon and now believe no negative effect on turkeys by having later closure and will provide more opportunity in the field.

Commissioner Raine asked participation and hunter success by juniors.

Mr. Espinosa said modest success by junior and later season will help them out with weather.

Paul Dixon, Clark CABMW, said he appreciates the clarification on the time change but felt better leaving it at 1 p.m. He said their other recommendation was to add a nonresident tag to the fall limited entry Moapa Valley Nov 1 – Nov. 10 hunt and adding one nonresident tag to the spring Moapa Valley hunt.

**COMMISSIONER LURIE MOVED FOR CR 07 – 07 ON JUNIOR WILD TURKEY HUNT TO FOLLOW STAFF'S RECOMMENDATION. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

#### Sage Grouse Seasons

Mr. Espinosa said the proposed change is to make Humboldt and Washoe's season structure the same as other counties with sage grouse seasons. The Department recommendation is for Sept. 25 – Oct. 9 including Humboldt and Washoe and will eliminate confusion for hunters.

**COMMISSIONER MCNINCH MOVED TO APPROVE THE CHANGE AS RECOMMENDED BY THE DEPARTMENT. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

#### Wild Turkey Fall Limited Entry

Mr. Espinosa said for Moapa Valley of Clark an amendment to number of tags issued for both seasons, from 10 to five in each season, and elimination of nonresident tag of one.

Paul Dixon, Clark CABMW, said they had avid turkey hunter at their meeting and felt still should be tag and recommendation is to have one tag for the first season even though no one has applied for it.

Michael Jurad, Humboldt CABMW, said their board voted to adopt NDOW recommendations.

Commissioner Cavin asked what if we did a nonresident tag and no one applied would the residents lose the tag as we are cutting tags in half.

Commissioner Raine asked if there is a cost to NDOW associated with one nonresident tag.

Program Officer III Maureen Hullinger said the hunt is already established and there is no cost and if no hunt it just would not be published.

Commissioner McBeath said this is a tough issue as one person attending CABMW meeting and provided input; however, as general rule and as a sportsmen rep he struggles when we give out more nonresident tags than we have to and potentially

losing an opportunity for resident hunter. This is a situation where he would deviate from Clark CABMW and would rather see the tag go to a resident hunter especially if tag not going to be used.

**COMMISSIONER LURIE MOVED TO FOLLOW STAFF RECOMMENDATION FOR MOAPA VALLEY OF CLARK COUNTY. COMMISSIONER CAVIN SECONDED THE MOTION. MOTION PASSED 7 – 0.**

Wild Turkey General Spring Hunt 0135 and 0137

Mr. Espinosa said these have a daily time change to 4 p.m., units added to describe Lyon County hunt and that helps with data entry for return questionnaires and we are recommending removing Churchill out of spring hunt and put in limited quota spring hunt because of declining population of turkeys in Churchill County.

Paul Dixon, Clark CABMW, said the board based on public opinion felt that ending at 1 p.m. instead of 4 p.m. should be maintained. Because of reduction of tags in Moapa Valley units and eliminated nonresident tag and with 90/10 split felt that there should be one tag for nonresident.

**COMMISSIONER MCBEATH MOVED TO APPROVE THE WILD TURKEY GENERAL SPRING HUNT AS PROPOSED. COMMISSIONER LURIE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

Wild Turkey 2010 – 2012 Spring Turkey Limited Entry Hunts 0131 - 0132

Mr. Espinosa reviewed the changes as contained in the support material, and asked for questions from the Commission.

Chairman Lent asked question about Churchill hunt and the declining population for the spring hunt.

Mr. Espinosa said the general spring hunt is unlimited quota, and now we are limiting to five.

Paul Dixon, Clark CABMW, said with the reduction of tags they felt that one tag should be allocated for nonresidents.

**COMMISSIONER LURIE MOVED TO FOLLOW STAFF RECOMMENDATIONS ON WILD TURKEY HUNT 2010 - 2012 HUNTS 0131 AND 0132 LIMITED ENTRY AND SPRING HUNTS. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

Falconry Seasons for Upland Game, Birds and Rabbits

Mr. Espinosa said falconry changes are for possession limits for falconers and would be the same possession limit as any weapon hunter.

Chairman Lent asked what their take is of sage grouse.

Corey Dalton, falconer, said he is the person who suggested the change, and other falconers said two to three sage grouse taken and the proposed increase is to put falconers on same playing field as regular hunters. Mr. Dalton thanked the Commission for addressing concern of small group and the staff at Valley Road and bringing forth a change that small group will be happy with the hunting season.

**COMMISSIONER MCBEATH MOVED TO APPROVE FALCONRY SEASON AS PROPOSED.  
COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

Bobcat Pelt Sealing Dates for the 2008 – 2012 Season

Big Game Staff Biologist Lansford said tooth data collected from harvested bobcats shows low juvenile production and staff recommending reduced bobcat season starting Dec. 1 and ending Feb. 19, which is a 32 percent reduction in the season.

Commissioner McBeath said the Commission received correspondence on bobcat and gray fox and correspondence from Ira Hansen and his concern with bobcat seasons. He said we will probably hear from Nevada Trapping Association that they support Department recommendation. He said we are relying on Department for sound biological decisions and having seen Mr. Hansen's input and others we would feel comfortable with this season length and he also asked for explanation of pelt prices and interplay with demand.

Mr. Lansford said pelt prices are higher in recent years and demand fluctuates on fur prices. Biologically we collect data from tooth data and two year cycle which happens with cats and have had a couple of years of low juvenile recruitment. He discussed shorter reduction and speaking with biologists made sure season adjustment would meet our goals. Mr. Lansford also said under guidance from the Attorney General's Office the gray fox season is not being adjusted today.

DAG Stockton said gray fox was not noticed and that is the reason that the Attorney General's Office is advising that the Commission can only discuss the bobcat season but can take no action on gray fox as that action was not identified on the agenda and is an Open Meeting Law issue.

Joel Blakeslee, president NV Trapper's Association, said at the Trapping Association's Board of Directors meeting they agreed to support NDOW's recommendation on

bobcats. He said his first Commission meeting regarding bobcats was 32 years ago, and he provided brief history of bobcat management starting with CITIES and fur management. Bobcats became of interest as spotted cats for import were eliminated, and bobcats became of interest by being a spotted cat. Bobcats are a very common species and are abundant. The federal government came to the states to tell them how to manage bobcats using quotas, and we ended up with Congressional decision that we do not manage with quotas and other tools but with trend information and limits. One of the things that came from this is that we have the best biological information in the country and we have even given NDOW money to study bobcats and coming up with tremendous information. He said bobcats do what bobcats do, and he had a graph showing that when you have rabbits you have bobcats and when you don't you don't have bobcats and is predictable natural cycle. He said three or four years ago was the highest production we have ever seen. Environmental conditions affect bobcats and based on what is happening right now they agree with Department recommendation. He said right now we have the best precipitation data and young rabbits are abundant and also hearing anecdotal information from people in the field. He is not concerned in the least about bobcats and shortening season based on data is justified as we agreed to live with the data.

Jim Curran, fur sale manager for Nevada Trapper's Association, said his job is to predict and analyze the market and spends time with merchants, manufacturers, and international auction houses from Canada. Fur is commodity and many factors influence demand and over last 30 years supply is constant but demand affected by popularity and worldwide fur market. This is worst recession and demand has changed from European market to Pacific Rim countries. Only sold 55 percent of 17,000 pelts and rest are sitting in storage. He said in answer to question asked earlier, supply far exceeds demand with 60 percent drop in price of bobcat fur pelt. Mr. Curran said internationally fur demand is a 50 percent drop, and similar to 1990s. Forecast is that we are looking at lowest value bobcat pelt price in 30 years.

Commissioner McBeath asked if we have data on fur sales and to make that part of the record.

Mr. Lansford said that furbearer information is on the website in the status report that was compiled by staff.

Don Molde said he has 32 years experience doing this as Mr. Blakeslee does, but a totally different perspective. He would suggest that the Commission allow one-half hour on an agenda to discuss this issue as this is complicated. He provided a chart for Commission and said he would like to discuss this in the future. In regard to the Department recommendation he would agree and added that juvenile recruitment has been 15 per 100 females and heard yesterday concerns about 40 does per 100 bucks and is cause for concern and bobcats have been running at 15. He reviewed his

statistical sheet (exhibit file), and commented that adjusting the season length is absurd and does not agree with the season length.

Walter Mandeville, Lyon CABMW, said they met earlier and Lyon CABMW supports the Department recommendation and agency had bobcat and gray season run concurrently.

Rick Smith, Washoe CABMW, said his board voted to support Department recommendation and asked if bobcat population number known?

*Unintelligible voices*

Paul Dixon, Clark CABMW, said Tracy Truman's letter part of the record and he represented his opinions to Clark CABMW and agreed with following staff recommendations.

Michael Jurad, Humboldt CABMW, said the board decided to adopt NDOW recommendations and support shorter season.

Commissioner McBeath said as follow up on the population question, harvesting bobcats by trappers does seem to be a activity that is in remote areas and there is access issue with harvest and given that with Wilderness Areas and inaccessible areas of bobcat habitat is it fair to say impacted that inaccessibility protects from harvest.

Mr. Lansford said the term is "refugia" and that is areas where cats go where no one is around. Mr. Lansford said anytime you reduce season you reduce take and few states estimate bobcat populations because of expense and surveying and have found out bobcats are fairly common and intended effect is to reduce harvest.

Commissioner McNinch said difficult for him because we do same graph about predator prey and believes data correct from NDOW and can understand Mr. Molde's graph and have no quotas to work with and inclination is to leave it as is or shorten the season. Message is that symptom of broader problem and will need to address these from population standpoint and will this ultimately play out in court. Feels our hands tied and at some point that will have to have happen and we will probably be forced to evaluate population in different manner.

**COMMISSIONER RAINE MOVED TO CHANGE THE BOBCAT SEASON TO DEC. 1 THROUGH FEB. 19 FOR 2009 – 2010 YEAR. COMMISSIONER LURIE SECONDED THE MOTION FOR DISCUSSION.**

Commissioner Raine said for one year at this juncture we are looking at variability and history shows up and down and this may be a dip as opposed to decline and can't predict trend and would like to bring back for next year.

Deputy Director Haskins said this is an amendment to the Commission Regulation going through 2012.

Commissioner Raine withdrew his motion and the second withdrew as well.

**COMMISSIONER RAINE MOVED TO APPROVE BOBCAT SEASON FROM DEC. 1 TO FEB. 19 FOR 2010 – 2011 AND 2011 AND 2012 AS RECOMMENDED. COMMISSIONER LURIE SECONDED THE MOTION.**

Commissioner McBeath proposed amendment to motion to add the requirement that we automatically come back and revisit the season.

**COMMISSIONERS RAINE AND LURIE ACCEPTED THE CHANGE TO THE MOTION AS STATED BY COMMISSIONER MCBEATH TO COME BACK TO THIS IN ONE YEAR. VOTE ON MOTION: 7 – 0.**

Chairman Lent said he would like to reagendize the gray fox for the next Commission meeting so that action can be taken on that season and designate as gray fox. Chief of Conservation Education Kelly Clark said that publication of the pamphlet has to occur and the seasons have been set for five year.

Commissioner McBeath asked for clarification on gray fox and if problem with five year season then it may need to be brought back.

Commissioner McNinch said that gray fox should be left alone and move on.

Secretary Mayer said the Department is clear on its instructions to come back within one year on bobcats and to leave gray fox as is.

Paul Dixon, Clark CABMW, said 2012 is a leap year and sealing date must be changed.

Mr. Lansford said staff will come back and insure that no one in violation and adjust the sealing dates.

Jim Curran, Fur Sale Manager for Nevada Fur Trapping, said their original draft support material did not show dates for Nye and some other counties and supports the sealing dates as presented.

**COMMISSIONER LURIE MOVED THAT WE FOLLOW STAFF RECOMMENDATION ON SEALING DATES AS RECOMMENDED. COMMISSIONER RAINE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

11 Commission Regulation 09 – 01 Amendment #1 – Commissioner Cavin – Action

Commissioner Cavin chairman of the Commission’s Heritage Tag Committee said the Heritage Committee has been charged with working on the Zenz petition and the committee plans to meet the first week of August. Commissioner Cavin said vendors attended the committee and some had 10 percent fee and staff contacted to see if they would withdraw the fee and one declined and the other was Foundation for North American Wild Sheep (FNAWS) of Wisconsin and they responded that they would not collect the fee on desert sheep tag if selected. Commissioner Cavin reviewed the vendor proposals.

Gil Yanuck, Carson CABMW, said he would like to know amount of money raised at last year’s auction.

Maureen Hullinger referred to spreadsheet with the amounts the tags sold for (exhibit file).

Public Comment –

Pershing County Chukar’s representative thanked the Commission for the previous tags and would be happy to sell the tag again.

Rick Smith, Washoe CABMW, said for the two mule deer tags - one to Mule Deer Foundation (MDF) one to Wildlife Habitat Improvement of Nevada (WHIN); pronghorn antelope one to Safari Club International (SCI) of Northern Nevada and one to Pershing County Chukars; for Rocky Mountain elk they recommend one to Nevada Bighorns Unlimited and one to FNAWS; Nelson bighorn one to Nevada Bighorns Unlimited (NBU) one to FNAWS; the California bighorn sheep to NBU; and on turkeys they recommended one to Silver Sage Turkey and two to Las Vegas Strutters and one to SCI.

Commissioner Cavin asked for clarification on recommendation and name change of group called FNAWS, which they thought was for Wild Sheep Foundation and because of name change there was confusion, and they thought that they meant Wild Sheep Foundation, not FNAWS of Wisconsin, Minnesota.

Mr. Smith said can’t speak for all of their board but their intent was not to give the tag to Minnesota but to the Wild Sheep Foundation. He asked for in the future to know what the tags sold for previously and who requested them. He said they recommended giving three to NBU as they are in Nevada and they put a lot of money on the ground in Nevada and support groups that support Nevada the most.

Caleb McAdoo, Nevada Bighorns Unlimited (NBU), thanked the subcommittee for their work on Thursday and apologized for missing the meeting. He highlighted why NBU requested three tags, and primarily this year is special, as this is NBU’s 30<sup>th</sup> anniversary

year and they would like to mark the occasion with three tags. The tag sale energizes the banquet crowd and they had over 2,000 people at their last banquet and have earmarked money for advertising the sale of the tags. Mr. McAdoo said it is a privilege to receive the tags and there is a responsibility to go along with the tags and over the last 10 years NBU has contributed over \$1.3 million through the auction of these tags.

Chairman Lent asked if Mr. McAdoo is the official rep for NBU.

Mr. McAdoo said yes at this meeting.

Chairman Lent said this pertains to philosophy and he asked how is it when Commission's APRC Committee wanted transparent policy and NBU representative opposed that and said they are not in it for recognition.

Mr. McAdoo said the intent today is to show what we sold tags for the intent is to earn money for wildlife.

President Jeremy Drew of Northern Nevada Chapter for the Safari Club said for the record that they sold the mule deer tag for over \$50,000 and attributed the high price to aggressive marketing.

Fawna Gregory, regional director of MDF, thanked the Commission for considering MDF and said if awarded tags, that MDF plans to advertise in all their publications and the websites and have great representation with great attendance at their dinners.

Commissioner McNinch said he appreciates Fawna Gregory's effort and Miles Moretti for getting the MDF back on their feet.

Chairman Lent closed public comment and said he went to Heritage Committee and that some things need explaining that happened in the committee, and how we got the results. Comment from committee that representatives not present, when the application form states they do not have to be present, and that does not show they are not interested. He said Commissioner Mori mentioned he did not like sheep group FNAWS for changing preference to Nelson and dropped 10 percent fee, and they recognized our program and does not think that is a valid reason for denial, and he is not affiliated with any of them, and the FNAWS organization is a tremendous group. He explained how the bid tags work and he read the names of people who bought the tags, and noted that the bidders make arrangements to bid and they go anywhere and the organizations cater to them. He said you do not have to be physically present to bid so it does not matter where the banquets are geographically, and FNAWS is going to be in Reno and they did not get tags. He said there was a lawsuit with FNAWS and original chapter started in Minnesota, Wis., and FNAWS had to change their name to Wild Sheep Foundation and they are big and look at their support of Nevada and get premium price for tags, they will have their conference in Reno and we are not giving tags to them. He

said another point to bring up at this public meeting as everyone should know, that sometimes games are played at these auctions, and last year one of the big group's leaders refused to sell a ticket to a Wildlife Commissioner for their banquet because his wildlife philosophy did not match theirs, and that is in the minutes, and he asked Commissioner Raine to reiterate what happened and is discriminatory and no apology ever given.

Commissioner Raine said it was in the minutes twice, that he tried to purchase a ticket and the leader of the group told him that he could not purchase a ticket, and he referred him to the president and was told no, and told that he was not invited to any function of their organization, and that is the type of organizations that we are dealing with here and who are asking for our support, and he did not know the man. He said that is in the minutes a few times and is a sad state.

Chairman Lent said it appears we have a problem and he knows they do a lot for wildlife but that does not excuse the behavior and the tag has no bearing on sale and attendance at the convention because most bidders are from out of town and does not like this discrimination and is never a good public policy and is inexcusable; and therefore they should be denied. He told Secretary Mayer to add, and will direct the Department that on Heritage application form that they will not discriminate, and if they do that will be basis for denial. He said WHIN of Las Vegas plays games too, and Commissioner Cavin knows about it and has documentation too, as WHIN does not list any phone numbers on their website, and knows of an instance where a person called to advise that he wanted to bid on an antelope tag for \$4,500 and received no response from WHIN. The tag was then auctioned, and they never got back to the man, so they only got \$2,000 from a businessman in Las Vegas, and maybe they did not want any bidders in there and with the addition of tags by legislation, this is a big dollar deal and we need to tighten the rules up and redo the form and make sure no discrimination and no hanky pank and because of discrimination we had he does not think we should reward them and give one agency with three tags. Because of discrimination we had we should not reward them and give them three tags (NBU) and to give FNAWS that raised \$115,000 then deny them a tag is ludicrous.

DAG Stockton said he would break in to caution the Commission that he understands calling it discrimination; however that might just be a personal affront and someone may not like you, but when voting on public issues, the Commission's duty is to the Department, the wildlife of the state, and the public, and he would remind the Commission to be cautious of voting on your personal views of the people, and to separate your personal feelings from duty to the public.

Chairman Lent said bottom line is on basis of money whether the banquet is in Nevada, Salt Lake City, Las Vegas, or somewhere else, the money is the same when they bid as the geographic location does not matter to the bidders. He said he would hate to see some of these groups not have the benefit of our tags as some have always supported

us and we need to give everyone a chance and see where the dollars come from and not leave one group out.

Commissioner McBeath said he understands the position of the bidder not being at the events and they will bid on tags no matter who the organization is and would not necessarily agree that it does not matter what group gets the bid tag because of collateral aspect of what the tags do as they market their event. The organizations that are selling the tag and one consideration the Commission should have what is the organization doing for the state of Nevada and how much money they are putting on the ground, and or are they having their event here, and we should take those things into account. He said he is looking for overall benefit to the State of Nevada as being relevant and would make his decisions based on that.

Chairman Lent said FNAWS has donated quite a bit and outlined their donations.

Commissioner McBeath said real confusion with the name of the organization and the split, and is still not clear to him.

Chairman Lent said there was a lawsuit and Minnesota, Wisconsin, had legal right to name and kept it, and other group branched off with name of Wild Sheep Foundation. The court said they could keep the name and their history shows how much money they have auctioned the tags for, they donated a trailer and \$5,000 and does not think they should be denied a tag.

Commissioner McBeath said Washoe CABMW also noted the confusion with the name as well.

Commissioner Raine said he was interested why big national organizations do not ask for tags from Nevada and he contacted the big organization FNAWS and they said Nevada is a good ole boy club and they just give the tags to the same people, and there is a perception that Nevada is premium area with bighorn sheep, but even with that, they would not go for it. He said one reason he expounded on this at the committee meeting is that they should receive the tag as they have a good history, the mathematics say they are the best or really close to it, and national recognition.

Commissioner Lurie said he is confused, and he asked for clarification whether Chairman Lent is recommending not giving sheep tag to Wild Sheep Foundation but give tag to FNAWS.

Chairman Lent said he is not saying that, but we are giving three tags to Nevada Bighorns Unlimited, and thinks we should split that up and give a tag to FNAWS because we are not giving them anything and they said they would not charge the 10 percent. He said we are giving one organization a lot of sheep tags and the other one none, and the

one organization not receiving a tag has done a lot for Nevada, \$5,000 for a sheep transplant and given us a trailer, and their tags usually sell for over \$100,000.

Commissioner Lurie asked if we could go to 11 tags.

Commissioner Cavin said the quota already has been previously set at 10 and some of the confusion is that Dr. Lent is comparing the old FNAWs when they were this big group and now we have fragment groups and not sure relevant as to whether we are comparing to old FNAWS to now is not sure, and that is one issue, and the other issue is he sat up here and took heavy criticism when appointed to this board and watched things on television and did not appreciate them but when we met on Thursday he came in with a clean slate and did not discriminate against any name and he just looked at numbers, their track record, and what they are doing for Nevada, and he did not care about the names. He said this may not be perfect, but show him perfect and he will accept that.

Commissioner Mori said in reference to comments that Chairman Lent said he made during the committee meeting he would like to clarify his position: We heard a couple of times today that if someone wants to purchase the tag that it does not matter the location of convention as they will bid, and he is of opinion that these groups that apply for these tags that they have membership all over and in his view they have the ability to have someone at the committee meeting and knows that is not a requirement but they can contact someone to attend the meeting, and that is his opinion. With FNAWS deal he saw that and way he stated that was their original proposal was to ask for 10 percent of all five tags they applied for and got response back that we were not allowed to do that they responded back that they would not ask for 10 percent for desert bighorn and in his view that made him question their dedication to the program because they were only willing to take it off the 10 percent of one tag, and that put weight on his decision.

Commissioner Raine said it was interesting that we have one small organization that had numbers that outweigh the big ones with Pershing County Chukar's getting the most for an antelope tag and rather interesting as they compete against the national organizations. He told the Pershing County Chukar representatives good job and that was why he recommended they also receive the mule deer.

Commissioner Cavin said one thing he gleaned from this process is that we got \$47,500 last year for mule deer and \$60,000 last year for a mule deer so when we look at these quotas in the future the mule deer section is obviously a place to expand and there was flavor to give WHIN the deer tag and not sure if they could get more than \$20,000 and not willing to flip the coin there.

Chairman Lent said we need to get involved with Dallas SCI as they would be an awesome vendor as they draw big dollars but need to get around 10 percent and

auction fees as they would beat everyone here. He said he likes to see everyone participate, and that is his opinion. He would like to everyone to participate and be treated fairly and not leave anyone in the dark.

**COMMISSIONER MCNINCH THANKED THE COMMITTEE FOR THEIR WORK AND KNOWS TOUGH AND DIFFICULT TO DO AND YOU WISH TO DO MORE, AND HIS MOTION IS TO APPROVE THE HERITAGE TAG VENDOR PROPOSAL PURSUANT TO THE COMMITTEE'S RECOMMENDATION. COMMISSIONER MCBEATH SECONDED THE MOTION.**

Chairman Lent said he will be voting against the motion as he likes to spread it around.

Commissioner Mori said he appreciates Chairman Lent's point and would say this is not an easy job and he did the best that he could and what he thought was right and that is his view and would expect each Commissioner to vote as he feels.

Commissioner Raine said he was on the committee and several were hard choices but giving three of the most premium tags to one organization where one or two would be sufficient in that category and would allow a much larger intake into the Heritage program through FNAWS and that would be the reason he would go against the motion.

Commissioner Lurie reiterated to committee that they did good job and will support the motion.

Commissioner McBeath said divisive issues decided in committee with issues brought up today addressed in the committee and that makes him comfortable and they made tough choice and he supports committee recommendation and will rely on committees work as he was not present at the committee meeting and commends them for that.

Commissioner Wallace reiterated what Commissioner McBeath said that he was there for part of the meeting and that the committee worked through the issues discussed and appreciates that and will support the motion as well.

**COMMISSIONERS IN FAVOR OF THE MOTION: LURIE, CAVIN, MCBEATH, MCNINCH, MORI, AND WALLACE. COMMISSIONERS OPPOSED: CHAIRMAN LENT AND RAINE. MOTION CARRIED 6 – 2.**

12 Northeastern Nevada Salmon River Reintroduction Resolution – Secretary Mayer – Action

Director Mayer said he has asked Fisheries Chief Mark Warren to explain the history of salmon in Nevada, the Memorandum of Understanding (MOU), and conclude with review and action on the draft resolution.

Fisheries Chief Mark Warren explained the history of salmon in Nevada: There are five river systems above Elko which had salmon running and spawning, and the last recorded run was in 1913, as salmon unable to migrate because of dam obstructions on the Snake River system. Today the interest is by different entities to reintroduce salmon in Nevada with interest and support from sportsmen, the Elko County Commission, the U.S. Fish and Wildlife Service Elko office. NDOW has entered into MOU with National Marine Fisheries Service, which means their program has \$80 million for salmon recovery and we have ability to put in for funds for that and to broker other entities to work with us and help with funding and study such as the University of Nevada, Reno. He said if we do this we would start slowly, and Idaho program is to get adult salmon and put in Boise River for take, and the area we would think about is Owhyee River below Wild Horse dam. He said there would be concern with Jarbidge River system with threatened bull trout and would not put salmon there, but this is what we are thinking of for the future.

Chairman Lent asked if this would be successful or do they need to blow up dams.

Mr. Warren said the dams are mostly in Idaho and does not think anyone would be sent to do that, rather they would accommodate the fish with passage or eliminate the dam when it comes up for relicensing.

Deputy Director Haskins said that is what is happening with FERC relicensing underway and efforts are underway to modify the license to accommodate fish passage. He said this is a feel good resolution as actual reintroduction of salmon is decades and possibly a century away.

Chairman Lent said sportsmen groups probably support this.

Mr. Warren agreed that Trout Unlimited, fly-fishing groups, and Wild Salmon support the effort as do the agencies named earlier.

Commissioner Raine said one thing he worries about, that although this may be a dream, the dams on the Snake River provide flood control, irrigation and power generation, and he lived where we do not have dams and you have floods, and taking down dams is not good as there are so many benefits to dams, and does not have problem with put and take, but there is financial cost to this and is that cost reasonable. Dams have so many benefits and can't get into that here as you have to take into account the lives downstream.

Mr. Warren said the dam issue is more Idaho's problem than ours and agreed there are many issues.

Chairman Lent asked Deputy Director Haskins the best approach.

Deputy Director Haskins said the resolution is to show support by the Commission for the idea and concept and to assist the people who are excited about the idea. He said FERC licensing and dam passage will be negotiated with Idaho.

Commissioner Mori said Eric Petlock of Wild Salmon is the front guy and he is in the audience today and Mr. Petlock visited with local landowners and Elko CABMW, with Elko residents who may be concerned with this and consequently we had a meeting of a diverse group that included Larry Johnson, Eric Petlock, USFWS staff, a rep from Senator Harry Reid's staff, Elko County Commissioners, private property owners, and at the meeting the proposal was hatchery fish with marked fins would be removed from below the Hells Canyon Dam and placed at points above the dam and that is already taking place in Idaho and this would be to expand that; however, with lifecycle of salmon being what it is, that is a one way ticket as they spawn and die and once past the dam it was a hatchery fish and that any offspring would be considered hatchery salmon for sportfishing intentions only and that was how it was presented, and as far as salmon runs referenced in the resolution that was not an issue at that time and that could come up but that was how it would be handled.

Commissioner McBeath said the Elko Commission did support it and curious to what concerns are for those who were not in support.

Commissioner Mori said the concerns were whether they would be asked to or required by managing agencies to do or have different management of riparian areas to accommodate a threatened or endangered species. He said that Elko County Commission at that meeting backed that although he has not seen what they sent in.

Deputy Director Haskins said they clarified that condition of support was hatchery raised fish not threatened and endangered and that is what we tried to capture in this resolution. He said there is a lot of work downstream to be done first and the reality of establishing salmon run is decades away.

Commissioner McBeath said he mentioned funding potential of the \$80 million and will that funding be right now and what would the benefits to Nevada be.

Mr. Warren said we have missed the funding for this year as the deadline was January, and we get a piece of that pie and would be 50/50 with state and federal dollars, and would be 2010 for project proposals submitted by us or others and NDOW would screen proposals first.

Commissioner McBeath asked if putting forth support that we will get funding for riparian and wetland projects.

Mr. Warren said yes and we will have projects submitted and will not be just putting fish but repairing riparian system and the money would benefit everything in water system.

Mr. Eric Petlock, Fisheries Groups, said important aspect of support is to reestablish Nevada as stakeholder in Pacific Northwest Fisheries. He said the Columbia basin was once the largest salmon producing basin, and part of this is putting Nevada at the table and Nevada lost salmon runs because of decisions made by people in other states without Nevada input. Nevada passed law that any diversion on river that fish passage must be provided and dams built downstream in Idaho and Oregon extirpated fish out of Nevada, and restated again that was done with no input from Nevada. He said passage of resolution is Nevada's voice to include Nevada in funding.

Gil Yanuck, Carson CABMW, said the resolution is proactive and know it will take time and effort but this is a step in the right direction.

Chairman Lent asked he is okay as long as it does not cost the agency money.

Mr. Warren restated that the match is 50/50.

Commissioner Raine said resolution should explicitly state no removal of dam because of public safety concerns, and suggested putting off action until the next Commission meeting in Elko.

Commissioner McBeath said FERC process mentioned earlier and assumes that all public safety concerns would be considered.

Deputy Director Haskins said fish passage is what is being proposed and dam removal is a process beyond scope of this Commission.

Commissioner McNinch said idea is in its infancy and he is supportive of the idea.

**COMMISSIONER MCNINCH MOVED TO ADOPT THE RESOLUTION FOR CHAIRMAN LENT'S SIGNATURE. COMMISSIONER LURIE SECONDED THE MOTION.**

Commissioner Lurie said this is a seat at table, and as far as match that would be his biggest concern as to where those dollars come from, and is the start of something for the reintroduction and if ever done will be of benefit to sportsmen.

Commissioner Raine said he sees this as the start of a disastrous situation with potential consequences far and beyond what the Commission has control of and if there were mitigating statements included regarding infrastructure he could support but not as written and not with just having saw the resolution.

**COMMISSIONERS IN FAVOR OF MOTION: LURIE, CAVIN, MCBEATH, MCNINCH, MORI, AND WALLACE. COMMISSIONER RAINE OPPOSED. MOTION CARRIED 6 -1.**

- 13 Presentation on Predator Damage Management and Protecting Natural Resources in the Western U.S. – Mike Bodenchuk, State Director for Cooperative Texas Wildlife Services Program – Informational

Mr. Bodenchuk made a power point presentation (exhibit file) and answered questions from the Commission and the public.

Reports Informational

- 14 A Wildlife Damage Management Committee – Commissioner Raine

Commissioner Raine said the committee met yesterday and will need to meet again before the August meeting to conclude their agenda. He listed the projects the committee will continue with: Projects 6 A, 18, 20, 21 A and B, are to be continued, and will come up with new areas next. He said they did approve money to protect pheasant and continue on and have approval at the August Commission meeting.

Big Game Biologist Kevin Lansford said Project 22 was Area 16 and still a good project and can go forward the study portion is to go one year to get match and write a grant for the study portion. He said Project 23 was a multi-species project with maps which we never got to, and have decided to work with Wildlife Services on Project 24, Project 25 was explore if the Heritage fund could cover the pheasant project and the brochure to be developed with Conservation Education and Wildlife Service's was approved with review and edit by the committee.

- B Elk Damage and Incentive Committee – Game Division Chief Mark Atkinson

Commissioner Wallace said the committee met yesterday and they reviewed the program and how it works, and most of the meeting was spent with proposed changes to NAC pertaining to the payments and plan to meet prior to the August meeting and the plan is to bring the regulation back for approval by the Commission at the August meeting.

- C Finance Committee – Commissioner Lurie

Commissioner Lurie chair of Finance Committee said they met via telephone and discussed workman's comp for CABMWs and the differences between the boards and concluded that they may need opinion from Attorney General as to who is responsible and they also discussed reimbursement for the CABMW such as how they are paid for and reimbursing one CABMW member who travels to meetings. He said the Commission wants participation from the CABMWs; however, policy states only one person is to attend and they suggest if other members attend meetings to car pool and share expenses. He said they also discussed the Department's Reserve Account analysis on Department's projections of \$4 to \$5 million in reserve at the end of fiscal year, and

what is driving the projection is deferred spending and increased application hunt revenues, and the committee asked for list of expenditures. The committee discussed legislative impact of SB 411 and AB 246 and next meeting of the Finance Committee should be discussion of the Silver State Tag and the impacts to the Department.

Commissioner Raine asked how far along is the Finance Committee on taking on the CABMW budget process.

Commissioner McBeath said it was just identified.

Commissioner Lurie said there are commitments on the Reserve and there are things that the Department is purchasing which they need to operate.

D Online Applications Changes/Addendums after Application Submission – Chief of Operations Bob Haughian

Chairman Lent said support material sent for this item and is at the request of sportsmen and already have policies to return the tag for any reason and these are for people who make a mistake while applying and will be user friendly. He asked Monte Martin of Systems Consultants to present what Utah is doing.

Monte Martin of Systems Consultants said been doing this in Utah for two years and have had good response from sportsmen in Utah to essentially remove application and resubmit for a fee if they made a mistake, in addition in Utah have given them the ability to apply for bonus point for one week after application period closed. He said that alone eliminated many complaints by giving someone the opportunity to get a bonus point.

Chairman Lent said he would like to moved forward and like failure to return card in your were not eligible and decided would you pay \$50 assessment to get back in draw, and his thought is if someone does make a mistake have a penalty fee to get back in the draw, and these are just ideas, but is reluctant to go after deadline date to apply and that would be an option to bring back to the Commission. Chairman Lent said he has not heard anything but positive comments on the 48 hour change and would like to move forward as we have time.

Chief Bob Haughian of Operations Division said this is a very user friendly change. He said this is also one step closer to only being online for applications, and two counties commented favorably on this in their minutes.

Commissioner Raine said he heard positive comments and everybody knows someone who would have liked doing this and to have the options out there for hunter friendly change, how could we go wrong.

Gil Yanuck, Carson CABMW, mentioned scenario where sportsmen could have needed this tool, as options are slim to none right now if you make an error because you cannot apply twice, and having the ability to back in before the tag draw to correct mistakes would be utopia for our sportsmen and hopes the Commission would go forward on this.

Rick Smith, Washoe CABMW, said Chairman Lent attended their meeting and he explained this thoroughly and they heard nothing but positive comments on 48 hours and ability to make changes is all positive. He is not sure about the bonus point and if done the sportsmen needs to pay at least \$50 or \$100.

Chairman Lent said the Commission could direct the Department to bring forth more information and send to CABMWs with options for comment before the next meeting.

E Spike Only Elk Hunt Options –Program Officer III Maureen Hullinger

Maureen Hullinger said currently the Department has authority for an emergency spike bull hunt which was approved in February with a 60 tag limit set at the May meeting. Other options in the future would be to establish another hunt for draw for 2009 would be significant process however for 2010 with a draw process could be done at the February 2010 meeting.

Chairman Lent said the emergency hunt which we do now but would like to see the spike hunt in regulation for a type of a junior hunt. This year we did 60 and 40 for the elk.

Ms. Hullinger said that could be brought forth through as a recommendation if interested.

Secretary Mayer said we could do emergency elk hunt with 40 tags.

Chairman Lent said we could go forward at the February meeting for a separate hunt and he asked Ms. Hullinger to do that.

F Wells Resource Area Elk Hunt – Game Division Chief Mark Atkinson

Game Division Chief Atkinson said Chairman Lent asked for update on Wells Resource Area Management Plan (RMP) elk amendment, but before he does that he will provide brief history. In 1996 the BLM approved the Wells RMP amendment established management areas for six areas within Wells Resource area to support 2,200 elk minus or plus 10 percent, the document states the elk amendment will be monitored and evaluated at five year intervals and the evaluation is to see if adjustments warranted. The Commission's policy on elk subplan revision states that any revision be submitted in accordance with Nevada State Elk Species Management Plan, and if NDOW wants to

revise the plan, they have to collaborate with partners such as public land managers. In May 2007 a report entitled "Resource Use by Elk, Deer and Cattle on Goose Creek Elk Management Allotment" published by independent consultant stated the Wells Area could support increased number of elk and the population objective for Goose Creek is 1,170 elk and estimated published population for this herd is 1,100. In 2007 additional component relative use of shrubs, grasses by ungulates this was to be done with analysis of fecal pellets picked up in certain areas and analyzing the species they came from and use of vegetation. At the time of the report the analysis of the fecal matter was not completed. He said last year in March, NDOW reps attended Coalition meeting where a revision of the Wells RMP was proposed, and subsequently the Elko CABMW submitted request to Commission to start the revision process. At March 2008 meeting the Commission denied the request to open the subplan because of wildfire concerns and pending results of the study. Here we are one year later, 2,000 elk are estimated to be in Wells Resource Area and in Goose Creek elk are estimated at 1,100 and March 2008 meeting NDOW did not receive any charge from the Commission and Department is managing the herd the same. If Commission charges Department with managing due to revision, and since then the fecal analysis results were received and have since been incorporated into the report and did not change range conditions according to NDOW staff. Range condition right now is excellent and cattle should be able to return to several allotments that were closed because of previous fires. NDOW is planning to work with livestock operators and emphasizing intensive management of elk in those areas. He learned recently that Elko CABMW are putting together a subcommittee and the chair is here as well.

Ken Wellington, Elko CABMW, said the CABMW after requesting to have this on Commission agenda last August, that he met with Elko County County and they discussed making a subcommittee to reach out to the livestock industry and did make a committee composed of former Wildlife Commissioner and former Chairman of Nevada Cattleman's Association Boyd Spratling, Wildlife Commissioner Pete Mori, Charlie Myers, and himself, and they met recently and plan to have town hall meetings with permittees input, and with that our partnership with ranching industry and ask for early release of allotments for grazing. He said he would ask that the Commission take no action on this matter until the subcommittee makes recommendation to the Elko County Commission and then bring that back to the Wildlife Commission.

Chairman Lent said that is a reasonable request and will wait to hear from Elko CABMW.

Secretary Mayer said relative to grazing the Department sees no problem with cattle being on those allotments that have recovered from wildfires.

15 Future Commission Meeting – Director Ken Mayer – Action

Director Mayer said the next Commission meeting is scheduled for Elko.

Commissioner Raine asked the Commission and audience if anything relative to the Elko area that they would like to see on the agenda while in Elko for the next meeting.

Meeting Adjourned at 2:29

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