

DRAFT MINUTES
Nevada Board of Wildlife Commissioners' Meeting

Nevada Department of Wildlife
1100 Valley Road
Reno, Nevada 89512

Friday, December 4, 2009 – 10 a.m.

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

Approval of Agenda – Action

Member Items/Announcements

County Advisory Boards to Manage Wildlife (CABMW) Member Items – CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

Public Comment Period

- 1 Approval of Minutes – Action
Commission minutes from the August 14 and 15, and September 25 and 26, 2009, meetings.
- 2 Correspondence – Chairman – Informational
The Commission will review and may discuss written items sent or received by the Commission since the last regular meeting and provide copies for the exhibit file.
- 3 Central Nevada Elk Plan Coordination and Oversight Team – Game Division Chief Mark Atkinson – Action
Mr. Ray H. Williams Lander County Commissioner has been nominated to replace Mrs. Midge Carver on the Coordination Oversight Team (COT). As directed by the Central Nevada Elk Plan, the Commission will be asked to officially appoint Mr. Williams as an official member of the COT.

Workshop - Informational

- 4 Commission General Regulation 370 – LCB File No. R082-09 – Chief of Fisheries Mark Warren
The Commission may adopt a regulation authorizing a person to take bullfrogs or crayfish without obtaining a license or permit issued by the Department under certain circumstance.
- 5 Commission General Regulation 372 – LCB File No. R115-09 – Chief Game Warden Buonamici
The Commission may adopt new language for defining certain antelope, elk, and deer physical descriptions for hunting. This includes antlered deer, antlered elk, and antelope with horns longer than ears and shorter than ears. Antler defined. Cleanup of 502.390 Section 1(validation of tag) to be consistent with other regulations. Section 2 and 3 new language for when a person must validate a tag.
- 6 Commission General Regulation 373 – LCB File No. R110-09 – Chief of Fisheries Mark Warren
The Commission may adopt a regulation relating to wildlife management areas; providing that only vessels without motors may be used during certain periods on the Dacey Reservoir in the Wayne E. Kirch Wildlife Management Area; revising certain other provisions governing the use of the Dacey Reservoir.
- 7 Commission General Regulation 376 – LCB File No. R137-09 – Chief of Fisheries Mark Warren
The Commission may adopt a regulation relating to fishing, expanding the permissible radius of a cast net used in certain waters.

- 8 Commission Policies, First Reading – Commissioner Kobrin - Informational
The Commission will conduct a first reading to review recommendations/changes from the Commission’s Administrative Procedures, Regulation Committee to Commission Policy #50, Duck Stamp Procedure; Commission Policy #51, Wayne E. Kirch Nevada Wildlife Conservation Award; and Commission Policy #22, Introduction, Transplanting and Exportation of Wildlife.
- 9 Reports – Informational
- A Application Amendment – Program Officer III Maureen Hullinger
- B Junior Hunt Eligibility – Program Officer III Maureen Hullinger
- C Nevada Waterfowl Hunting Zones – Wildlife Staff Specialist Craig Mortimore
- D Lapsed Angler Program – Marketing Coordinator Lynne Foster
- E 2011 Legislative Session – Management Analyst III Kim Jolly
- F Wild Horse and Burro Update – Chief of Habitat Dave Pulliam
- G Litigation Report – Deputy Attorney General Nhu Nguyen
- H Department Activities/Leadership Team Notes – Secretary Ken Mayer

Saturday, December 5, 2009 – 8:30 a.m.

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

Member Items/Announcements

County Advisory Boards to Manage Wildlife (CABMW) Member Items

Public Comment Period

Commission Regulations – Action

- 10 Commission Regulation 07 - 07 Amendment #5 – Chief of Habitat Dave Pulliam
The Commission may adopt amendments to recommended changes to the hunt units available for the Moapa Valley limited entry fall and spring turkey hunts as well as language pertinent to the Overton Wildlife Management area defining public hunting opportunity.
- 11 Commission General Regulation 370 – LCB File No. R082-09 – Chief of Fisheries Mark Warren
The Commission may adopt a regulation authorizing a person to take bullfrogs or crayfish without obtaining a license or permit issued by the Department under certain circumstance. Note: See agenda item #4 for support material.
- 12 Commission General Regulation 372 – LCB File No. R115-09 – Chief Game Warden Buonamici
The Commission may adopt new language of defining certain antelope, elk, and deer physical descriptions for hunting. This includes antlered deer, antlered elk, and antelope horns longer than ears and shorter than ears. Antler defined. Cleanup of 502.390 Section 1(validation of tag) to be consistent with other regulations. Section 2 and 3 new language for when a person must validate a tag.

- 13 Commission General Regulation 373 – LCB File No. R110-09 – Chief of Fisheries Mark Warren
The Commission may adopt a regulation relating to wildlife management areas; providing that only vessels without motors may be used during certain periods on the Dacey Reservoir in the Wayne E. Kirch Wildlife Management Area; revising certain other provisions governing the use of the Dacey Reservoir.
- 14 Commission General Regulation 376 – LCB File No. R137-09 – Chief of Fisheries Mark Warren
The Commission may adopt a regulation relating to fishing, expanding the permissible radius of a cast net used in certain waters.
- 15 Commission Policies, Second Reading – Commissioner Kobrin - Action
The Commission will conduct a second reading to review and possibly take action on the recommendations/changes from the Commission’s Administrative Procedures, Regulation Committee to Commission Policy #50, Duck Stamp Procedure; Commission Policy #51, Wayne E. Kirch Nevada Wildlife Conservation Award; and Commission Policy #22, Introduction, Transplanting and Exportation of Wildlife. Note: See agenda item #8 for support material.
- 16 Biennial Big Game Release Plan for Fiscal Years 2010 and 2011 – Big Game Staff Biologist Mike Cox – Action
The Commission will be asked to approve the amended biennial Big Game Release Plan for FY 2010 and 2011.
- 17 Wildlife Damage Management Committee – Commissioner Scott Raine – Action
The Commission will hear a report from its Wildlife Damage Management Committee and recommendation for Commission approval of proposed Heritage Program Predator Projects: 10-23, 10-26, and 10-27.
- 18 Western Association of Fish and Wildlife Agencies – Chairman Gerald A. Lent – Action
The Commission will designate one representative to attend the 2010 mid-winter conference of the Western Association of Fish and Wildlife Agencies in San Diego, Calif.
- 19 Future Commission Meeting – Director Ken Mayer - Action
The next Commission meeting is scheduled for February 5 and 6, 2010, in Reno; and the Commission will review potential agenda items for that meeting. The Chairman may designate and adjust committee assignments as necessary at this meeting.

Nevada Board of Wildlife Commissioners present for two day meeting:

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

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

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Conservation Education Kelly Clark	Game Division Chief Mark Atkinson
Chief of Operations Bob Haughian	Mike Cox, Big Game Staff Biologist
Chief of Fisheries Mark Warren	Chief of Habitat Dave Pulliam
Management Analyst III Kim Jolly	Program Officer III Maureen Hullinger
Chief Game Warden Rob Buonamici	Jake Sunderland, Conservation Education
Chief of Wildlife Diversity Laura Richards	Game Warden Cameron Waithman

Others in Attendance/Two Day Meeting:

Ken Wellington, Elko CABMW	Dennis Wilson, Nevada Bighorns Unlimited
Larry Johnson, NV Bighorns Unlimited/Coalition for Nevada's Wildlife	Walt Mandeville, Lyon CABMW
Marianne Denton, self	Carlos DiRomo, self
Rex Flowers, Washoe CABMW	Bill Davidor, NDOW Volunteer Angler Instructor
Pat Coulston, self	Thomas Wilson, Nevada Waterfowl Association
Tina Nappe, self	Bob Brunner, self
Joe Bennett, USDA, Wildlife Services	Greg Smith, self
Don Molde, self	Joel Blakeslee, self
Gil Yanuck, Carson CABMW	Don Sefton, Systems Consultants
Cecil Fredi, self	Kevin CK Baily, Carson City Fly-Fishers
Glenn Bunch, Mineral CABMW	Don Alt, Nevada Livestock Association
Mark Jensen, USDA-APHIS Wildlife Services	Cory Lytle, Lincoln CABMW
Bill Meyer, Lyon CABMW	Gil Yanuck, Carson CABMW
Judi Caron, self	Don Sefton, Systems Consultants Inc.
Nevada Jim Ornellas NV Big Game Restoration Group	Marshall Goldy, NV Big Game Restoration Group
Kaitlin Weeks, self	Ali Chaney, self
Cecil Fredi	Garth Elliott, self
Mike Laughlin, Predator Committee	Jeff Mackay, self
David McNinch, self	Pat Laughlin, Nevada Alliance 4 Wildlife
Glen Copeland, Washoe CABMW	Judi Caron, self
Don Klebenow, self	Doris Weber, self
Stan Zuber, Carson CABMW	Brandon Fordin, self
	Ira Hansen, self

*County Advisory Board to Manage Wildlife

Friday, December 4, 2009

Chairman Lent welcomed the public and called the meeting to order at 10 a.m.

Roll Call of Commissioners Present – Chairman Lent, Vice Chairman Scott Raine, Commissioners Capurro, Cavin, Howell, Kobrin, McBeath, Mori and Wallace.

Roll call CABMW: Ken Wellington, Elko CABMW; Gil Yanuck, Carson CABMW; Walt Mandeville, Lyon CABMW; Stan Zuber, Douglas CABMW; Bill Meyer, Lyon CABMW; Rex Flowers, Washoe CABMW; Thomas Wilson, Washoe CABMW; and Cory Lytle, Lincoln CABMW.

COMMISSIONER CAPURRO MOVED TO APPROVE THE AGENDA, MOTION SECONDED BY COMMISSIONER RAINE. MOTION CARRIED.

Member Items –

Commissioner Kobrin said constituents in Southern Nevada told him some junior and senior hunters have voiced concerns that after being drawn for tags after waiting so long, that during their hunt seeing deer was limited, and that they were looking forward to hunting in Utah after their experience in Nevada.

Commissioner Raine said the Commission passed changes to Policy #1 awhile ago and asked if donations received by NDOW since the policy was changed to review donations and acknowledge them publicly and has not heard or seen anything since.

Secretary Mayer said his understanding was not a running tally but an annual summary would be provided and need to decide if on a fiscal year basis or calendar year and would prefer fiscal year.

Commissioner Raine said in the past (June) he asked a question about budgetary questions and has asked ever since and still has not received an answer to a email he sent one and one-half months ago. He said what does it take to get budgetary information out of NDOW, do we have to sue NDOW. He said he also asked previously for scientific background information on a Wildside article written by Aaron Meier and if information does not exist he would assume it is made up and if the information does not exist he would like a retraction from the Department if no support or basis for the article.

Secretary Mayer apologized for not getting the information to Commissioner Raine and said there was no malicious intent and he will follow-up with staff and is sure no retraction will be necessary. He said Commissioner Raine has received a letter from Attorney General's Office in regard to his question and if not happy with that letter you need to provide him and her directly with specifics of information that is desired. Secretary Mayer said he did not receive an email from Commissioner Raine.

Commissioner Raine said he would provide a hardcopy of the email as he has it with him, and as to what was in Attorney General's letter, the letter was answering questions not asked and the videotape of the meeting reflects that.

Secretary Mayer said to all Commissioners that any requests from the Commission for information from the Department be put in writing as three people listened to the videotape and had different interpretations of what was requested.

Chairman Lent said to Commission committee chairs that he would recommend chairs review draft minutes before NDOW posts the minutes to the website to insure that the minutes are correct. Chairs must respond promptly to staff's request to review the committee minutes because Open Meeting Law states the draft minutes have to be available for public review no later than 30 days after the meeting. Another item is the Commission's public comment period, since we don't have an adequate time clock, Vice Chairman Raine will hold up a red card to denote a 15 second warning for the end of their time of public comment. He said he has heard that there are problems with wanton waste regulation and Law Enforcement may share on that later, and if they have heard of any problems and would like a report on remote camera use during big game hunts such as guides placing cameras on water holes as he has problem with that ethically as that is as bad as camping on a water hole.

Chief Game Warden Rob Buonamici said regarding the wanton waste regulation passed recently, that comments from hunters have been that this is wasteful of the neck meat and they are asking why this was this enacted and why the Department is allowing that. In addition, wardens have received 12 or so calls stating that they ran across a poached deer or elk because most of the meat was left, and wardens doing the investigation have determined that the hunters took what was required to take and other hunters feel that is totally unacceptable. As for trail cameras on water holes and springs, that is also occurring on water developments (guzzlers) and the situation may eventually resolve itself, because on every spring and water hole in Elko and in White Pine County, it has been noted that other hunters are stealing the camera SD cards. They have also heard they are setting up artificial barriers to funnel the animals into the water hole to get better pictures and that has impact to wildlife as animals are made to go through a chute to get to the water. He said he could bring back more in depth information for the next meeting.

Chairman Lent said he will contact committee chairs to see if a regulation is necessary to correct this problem.

Commissioner McBeath asked if Bureau of Land Management or U.S. Forest Service (USFS) have a position on the cameras as the water is on public land and if the cameras would be legal on Wilderness as cameras are a mechanical device.

Chief Game Warden Buonamici said he has not discussed this matter with the federal agencies and is probably not illegal from their perspective. He said he would check on the mechanical device issue.

Commissioner Howell said we already have laws on barriers and this seems to be something we should address.

Chairman Lent said he brought this up to see if necessary for the Commission to address and will send to committee for review as this gives hunters a bad name.

Commissioner Cavin said a little bit of a split from Boone and Crockett and fair chase perspective, as they are accepting that people use trail cameras if not remotely monitored, but if you have several cameras that you are checking remotely from a personal computer, than that is a different twist which is part of the controversy.

Commissioner Kobrin asked staff how widespread the trail camera usage is.

Chief Game Warden Buonamici said the usage is statewide.

Chairman Lent said to Director Mayer that on page 16 of the minutes there is a note that Randy Stevens wrote letter stating intent of legislation and he would like a copy of that letter.

Secretary Mayer said he will provide Chairman Lent with that letter.

CABMW Members –

Ken Wellington, Elko CABMW, said he noticed there was nothing on the Commission's agenda relative to the mule deer progress, and asked if something could be put on the agenda for updates as boards have met on this. His CABMW has created a mule deer subcommittee and with a page of names of interested persons. Also as follow up his board discussed monitoring prosecution of poachers in the courts to make sure district attorneys are pursuing charges. The board also had concern with travel plans from U.S. Forest Service (USFS) and the USFS mentioned closure of roads in Elko area due to sage grouse and goshawk nesting areas and they produced Memorandum of Understanding that states that Bureau of Land Management (BLM) and USFS responsible for habitat and NDOW for wildlife and wants to make sure Department is not commenting unless with Commission, CABMW and public input, as that is contrary to what has been voted on.

Commissioner Capurro asked how many board members were at their last meeting, and how many public.

Ken Wellington, Elko CABMW, said they had five CABMW members, 24 people from the public and six NDOW staff members in attendance.

Gil Yanuck, Carson CABMW, said they have two issues. One is the Carson CABMW in conjunction with Douglas CABMW sent a letter to USFS that the gate to Spooner Summit be moved back to a second location because if weather permitted that would allow hunter access further in the forest. The initial verbal response to their request was yes, but members went up there and gate is locked and secondary gate not done, and will need to work with USFS to make them understand. The Second item is that during public comment there will be a short presentation on Fujii Park Pond in Carson City. He thanked everyone for their support of the park.

Commissioner Capurro said he is going to ask every CABMW member how many members at last meeting.

Gil Yanuck said four board members, two members of the public, and one NDOW staff person.

Cory Lytle, Lincoln CABMW, said in regard to mule deer item, that they named their mule deer group a working group, and are trying to get multiple interested persons in on the group. Secondly, he emailed a letter on the statewide mule deer tag program as they had the item on their agenda and addressed issue that Maureen Hullinger sent letter to CABMWs on statewide programs in certain units year after year and potential of degrading the resource and degrading the program itself. Mr. Lytle noted who was in attendance at their meeting: Four CABMW members, five members of the public, and no NDOW staff except by cell phone.

Deputy Attorney General (DAG) Stockton said we have had problem over the last few months with Open Meeting Law and gave an example of how you can state your issue and how not to. He said comments that are personal attacks violate the Open Meeting Law.

Chairman Lent said public comment is limited to three minutes.

Public Comment Period -

Kevin CK Baily made a brief PowerPoint presentation on the status of Fujii Park Pond for fishing.

Gil Yanuck, Carson CABMW, said Mr. Baily has raised \$20,000 for the project on his own and Mr. Baily has worked over 10 years on this project and very hard on this project. He thanked the Commission and NDOW staff, and Parks and Recreation who made this happen.

Don Alt, Nevada Livestock Association, said he is chair of board of directors, and that in regard to earlier discussion on funneling of wildlife into water developments, that if that funneling obstructs livestock from getting to the water, that is against the law, and if cameras hinder livestock that is also not good.

Brandon Fordin said to earlier comment from Commissioner Raine in regard to not getting response back from Department, as a sportsman he would like that same courtesy from the Commission, as he has never received a response from Chairman Lent to letters sent previously. He said as far as trail cameras he has contacted Boone and Crockett and does not believe that is fair chase and sportsmen should take that to Nevada Record Book and change fair chase as this comes down to money as far as selling the animal. For Policy #22 stated opinion that he is against any changes and notifying each and every person around and would be similar to notifying every sportsman that the transplant is going on, and would be like cattleman having to notify people of AUM change.

Ken Wellington, representing himself, said he had one concern over committee assignments as he considers himself an avid conservationist and noted that both the Kirch and Duck Stamp committees do not have conservation representative on those committees.

Garth Elliott said he came to talk about crawfish and frogs and has been trying to do something with Washoe County to use to catch graffiti artists and county can't use camera to catch them in real time. The cameras could be used by Law Enforcement to catch those damaging the environment or wildlife.

Bob Brunner, self, said on Policy #22, that this is a paperwork item and the Commission and NDOW will both have more work and he asked that when we do these type of things, we all need to ask ourselves is that helpful to wildlife with spending dollars on paperwork instead of working on mule deer. That applies to all items and he again said we need to question is this helping or is it just paperwork.

Ira Hansen said he appeared at the February 2009 Commission meeting about a petition and during discussion it was brought up that his son received citations, and for the record he said his son received two citations, and provided handout to the Commission that his son's citations were dismissed by the court (exhibit file and Attachment #A). When the accusations were made he conducted an investigation himself, and discovered everything was based on one individuals claim and his son was cited before an NDOW investigation was done, and he will be doing further investigation. Mr. Hansen said it is important

for this body to rein in the NDOW Law Enforcement Division when they go past their official duties to be malicious against people who are unpopular and the Department did not cooperate with his requests for information.

1 Approval of Minutes – Aug. 14 and 15, 2009, and Sept. 25 and 26, 2009, Meetings - Action

Commissioner Raine said he had a minor change to the August minutes, on page 24 after reviewing the videotape; last paragraph should be corrected to read “staff had taken out of the state to attend professional meetings.” Also in the September meeting minutes page 30, the tally on the vote on the motion should be corrected from 6 – 0 to 6 -1. Commissioner Raine asked that the vote be denoted for the future whether Chairman Lent votes, as someone who reads the minutes in the future, may not understand why only eight votes with nine Commissioners.

Chairman Lent said he had a change to page six of August meeting which was “Commissioner Raine moved to suspend the rules” and it should read “Commissioner McBeath moved to the suspend the rules” and that change has been made.

COMMISSIONER CAPURRO MOVED TO APPROVE THE MINUTES AS AMENDED. COMMISSIONER HOWELL SECONDED THE MOTION FOR THE AMENDMENTS. VOTE ON MOTION 9 – 0, CHAIRMAN LENT VOTED.

2 Correspondence – Chairman Lent – Informational

Commissioner Cavin said all the Commission received letter from Sportsman’s Channel about dinner in January, he is receiving notices from BLM Ely office on wilderness and are not really specific, they just note time of hearings and meetings, and he asked if anyone else on the Commission receives them.

Commissioner McBeath said he also receives those as a resident of White Pine County.

Commissioner Cavin said he received letter from Christopher Gill on rangeland management which is the third letter from him noting no response, and he asked that NDOW respond with a generic response.

Secretary Mayer asked the Mr. Gill’s letters be given to him and he will have staff respond with a generic response.

Commissioner Raine said he received a letter on agenda item #6 and will read the letter when that item is discussed.

Commissioner McBeath said to comment on the Christopher Gill letters that his letters address range conditions and habitat which are under jurisdiction of federal agencies and nothing is going to happen unless BLM and USFS address his concerns and asked if there is some tangential relationship with wildlife that he want us to address.

Secretary Mayer said our comments thus far with him have been that we agree on some things in his letter but BLM and USFS have the jurisdiction but does not know if Mr. Gill sends the letters to them as well.

Commissioner Howell said he would like to comment on Wilderness Area meetings, as he attended a meeting in Ely where he picked up maps and the proposed Wilderness Areas are extensive, and nothing to be done about it and wanted that on the record.

Chairman Lent said he had correspondence from the Deputy Director of BLM in Elko who said Department of the Interior Secretary Ken Salazar has asked him for the Commission’s position on a wild horse refuge on the Winecup Ranch. He told him the Commission had discussed and received a letter

that the refuge proposal for the ranch had been dropped. The Commission received the letter from the ranch owner received at its Elko meeting stating Pickens not involved but since that meeting the ranch owner may now run the operation as a for profit. He said we could put this matter on the agenda to take a position, and so the report went back that no position taken on this by the Department, Commission or sportsmen. The BLM deputy did not know why Salazar wanted this and he commented that if it did come up again it would not be proper to notify us so staff will need to track so that the Department and Commission can be notified.

Chief of Habitat Dave Pulliam said his wild horse update will cover the present situation with the Winecup Ranch.

3 Central Nevada Elk Plan Coordination and Oversight Team (COT) – Game Division Chief Mark Atkinson

Game Division Mark Atkinson said Section 8 of the Central Nevada Elk Plan describes the coordination and oversight team procedure and composition. He said Midge Carver has resigned and the Lander County Commission has nominated Ray H. Williams Jr. and he provided the Commission with further information on Mr. Williams (exhibit file).

Chairman Lent said he did receive his resume and asked whether Lander CABMW had taken a position on the nomination.

No one in the audience present from Lander CABMW.

Mr. Atkinson said the COT team recommended and nominated Mr. Williams, and NDOW staff in the region have also expressed support for Mr. Williams.

Public Comment –

Don Alt, Nevada Livestock Cattle Association, said Lander County has just passed land use plan and some of their legal staff members have helped them do that and that fulfills requirement of FLPMA and makes for coordination for anybody in the state or other county has to coordinate with county and places them on same level as the county and will be something that will happen in the rest of the counties.

Commissioner Raine asked if Mr. Alt knows Mr. Williams position on roads, and other issues.

Mr. Alt said Mr. Williams does not want road closures and does not like horses.

Commissioner McBeath asked what his position is on elk.

Mr. Alt said Mr. Williams does not like elk and does not want his livelihood infringed upon but if he received elk incentive tags that would help.

DAG Stockton said since Mr. Williams is not here to testify on his own behalf and this is hearsay according to the law and is not the same as testimony as allowed by the law.

DAG Nguyen said judges do not allow hearsay as those statements are unreliable.

Commissioner McBeath said information given but no sense of his position on how he feels about elk or elk plans and wildlife. He said if the Commission has a say they need to have wildlife interests and that he understands hearsay is opinion and who is this individual and how does the Commission determine whether he is pro wildlife as he has own constituency and general rule competition between elk and cattle. He would just like to know more about him.

Game Division Chief Atkinson said for clarification to the Commission's questions that there are 10 members on the COT appointed by the Commission and the other nine are recommending Mr. Williams and there are certain requirements for the position and there are livestock representatives, and this position requires that there be three county Commissioners, and he is fulfilling that appointment of being a County Commissioner.

COMMISSIONER RAINE MOVED TO APPOINT RAY H. WILLIAMS TO COT. COMMISSIONER CAVIN SECONDED THE MOTION.

Chairman Lent said the message to the Department is that the Commission would prefer be that the person be present at their meeting.

MOTION PASSED 8 - 0. CHAIRMAN LENT DID NOT VOTE.

Workshop - Informational

4 Commission General Regulation 370 – Chief of Fisheries Mark Warren - Informational

Chief of Fisheries Mark Warren said the intend of the regulation is clarification for the public as the crayfish issue was never perfectly clear as to whether you needed a fishing license to trap crayfish and the public never could find out where that was spelled out crystal clear. This regulation will make it crystal clear that you do not need a license to trap crayfish.

Garth Elliott, said he supports anything you can do to help clarify for the public as they are edible and would not force someone to buy a license if they do not need to.

5 Commission General Regulation 372 – Chief Game Warden Buonamici

Chief Game Warden Buonamici said this proposed regulation stems from the Hunt Book and this regulation clarifies horns shorter than ears tag and also addresses punching of tag and old language would read "immediately" to make that clear, and a person who kills any wildlife without sexual characteristics shall validate tag in subsection 1.

Vice Chairman Raine said on the last section there must be further clarification on the sexual characteristics and better language.

Chief Game Warden Buonamici said the reason the regulation is written that way is for individuals who have an elk tag and have mistakenly shot a buck antelope as you can't punch a tag for an antelope because it was not denoted.

Commissioner McBeath suggested language that "a person who kills any wildlife for which species, sex, or characteristics are not specified on tag or permit shall validate tag in accordance with subsection 1," and asked if that would cover all the scenarios.

Commissioner Cavin said if he was not in the room when the Commission heard the elk case he could not put pieces of puzzle together reading this regulation and the intent would not be clear to the general public.

Commissioner Raine said another option at any time with any ungulate harvested with wrong characteristics or wrong sex species you would go into they shall validate the tag,

Commissioner Cavin asked what the public should do if they mistakenly shoot the wrong animal.

Chief Game Warden Buonamici said the Hunt Book provides direction on what the public should do if they have that type of situation although there is no law stating that you must contact a game warden.

Commissioner McBeath said the word "any wildlife" troubles him because what if you shoot a coyote, and shouldn't we use a term other than "any wildlife" to make it more precise.

Chief Game Warden Buonamici clarified that the regulation states "any wildlife that you punch a tag."

Commissioner Raine said he would like staff to bring to tomorrow's meeting a few options, one of which states: If a person who kills wildlife for which a tag is required shall validate the tag in accordance with subsection 1 even if wrong sex species or wrong characteristics."

Commissioner McBeath said the Commission's concerns should be clear to staff and changes can be brought back for tomorrow's second reading.

6 Commission General Regulation 373 – Chief of Fisheries Mark Warren

Chief of Fisheries Mark Warren reviewed the regulation and said the purpose of the regulation is to protect nesting areas for waterfowl on the waterfowl management areas which is why boats with motors will be restricted at certain times and to make Dacey Reservoir a trophy fishing reservoir. Two issues, boats without motors for part of the year and opening in spring with upper part closed.

Commissioner Raine asked if this will open the area to year round fishing.

Chief of Fisheries Warren said that is correct, as currently closed for the first part of the year.

Commissioner Raine said he has a letter from a James Brittrick and read his letter into the record, (exhibit file), which supports the regulation change as long as gate at upper end of reservoir is kept unlocked.

7 Commission General Regulation 376 – Chief of Fisheries Mark Warren

Chief of Fisheries Mark Warren said the purpose of this regulation is for cast net size in certain waters as manufacturers no longer make the size for small threadfin shad in Colorado River system whereby the sportsmen use threadfin shad as bait for stripers and manufacturers are selling only large nets and this will assist the public in being in compliance with the nets that are available.

8 Commission Policies, First Reading – Commissioner Kobrin – Informational

Commissioner Kobrin said on Commission Policy #50, Duck Stamp Procedure, there are changes to the judging committee and he read the changes as denoted in support material: Judging team changed from seven members to five, with three member of the Commission and two appointed by the sponsoring committee.

Commissioner Wallace said he was one of the Commissioners on the judging contest and wanted clarification on why the changes.

Commissioner Kobrin said the change is for efficiency to cut the team from seven individuals to five.

Chairman Lent said at times hard to get Commissioners interested although judging the contest is a fun project for Commission participation.

Public Comment –

Ken Wellington, Elko CABMW, said Mr. Dixon of Clark CABMW asked him to provide their recommendation and they were in support; however, he said Elko CABMW thought that something such as up to five members from the public would still allow extra input. He said they received the changes in an email right before their meeting and again felt that was taking away public comment.

Commissioner McBeath asked staff how the Commission could effectively get these changes to CABMWs in a timely fashion for them to obtain public input.

Secretary Mayer said with deadlines we are always rushing and in theory this should be on the February agenda for action so that everything could be sent to the public in advance.

DAG Stockton said his recommendation is that if you have an idea, to draft up the language for the public in the committee, so that the public can see the ideas with the understanding that it may change as it is draft, which is the idea behind the Open Meeting Law. DAG Stockton said you can communicate your ideas to other committee members, members just can't communicate back and deliberate, especially if you are putting out for public.

Commissioner McBeath said if you are going to make changes to policies or regulations, for the notice to be meaningful, you have to state what type of changes are coming in a draft to put people on notice and make opportunity for comment. He said when we get to Policy #22 that will be more important as the changes are substantive.

Chairman Lent said he listened in on the teleconference meeting and noted that it was discussed at CABMW meetings, and had three locations for the public to attend the committee meetings. The committee did its best to get everyone involved.

Commissioner Capurro said his concern is violations of Open Meeting Law are thrown back and forth all the time and makes it difficult to provide input as not sure at times and could be a violation of Open Meeting Law. If I put specific provisions down and then say we discuss it and provisions set down are the ones adopted by the committee, but if you put something general down that should be enough notice for the public but is uncomfortable with putting specific language.

Commissioner McBeath said if committee had specific language in mind that should be in the notice.

Commissioner Raine said he considered meetings to be workshops and tried to make notes and is a refining process and is a work in progress.

Commissioner Wallace said may be what we need to do and is as Director Mayer suggested and will satisfy the opportunity to comment and he understands that you can't make everybody happy.

Commissioner Kobrin continued committee recommendations for Commission Policy #51, Wayne E. Kirch Wildlife Conservation Award, with a change from two Commissioners to three NBWC Commissioners on the Kirch Award committee and that Section 7, which states "any costs for the award are to be charged to the Commission budget", would be deleted.

Public Comment –

Ken Wellington, Elko CABMW, said concerned with deletion of CABMW judges and adding more Commissioners which would allow the Commission to control the vote for this award, and would again take away public comment from the CABMWs and the public. He said Clark CABMW had a split vote in favor of the changes, 3 to 2.

Dennis Wilson, representing himself, asked the same question as Commissioner Wallace, why the changes for all three policies and would like to know why. He said he is the author of last year's Kirch Award winner and nominated someone who was dedicated to Nevada's wildlife and truly proud. He asked if former Commissioner Marlene Kirch is aware of the proposed changes as the award is her and her father's legacy, and is concerned if the award will still include broad spectrum of participation from CABMWs and others and appears now judging down to five judges and that the deck will be stacked with Commissioners as we will no longer have the intent of the Kirch Award.

Chairman Lent said these changes will not limit anyone from making nominations.

Commissioner Raine said a letter was received from Marlene Kirch and she supported the changes as long as the award continued.

Management Analyst III Kim Jolly clarified that a letter was received from Ms. Kirch prior to the meeting but not since the changes were made.

Tom Wilson, said in regard to Commission Policy #50 he said that he represents Washoe CABMW, which recommended no action as no information as to what the changes were or why. Switching over to representing Nevada Waterfowl Association as president, many of you know Nevada Waterfowl Association has been the sponsoring organization for the Nevada Duck Stamp Contest for many years, and they have worked hard and tirelessly to make the contest fair and open to everyone. He said he talked to the contest organizer Hugh Judd to find out what the problems were and learned he had not been notified either, and he called Chairman Lent but was unable to connect with him. Mr. Wilson said he did reach Commissioner Kobrin and said if there is a problem that Nevada Waterfowl Association would be glad to work with the committee and take that information back to its committee who have been doing this for so long and provide ideas how to do this better, and Commissioner Kobrin thought that was a great idea, and would ask that the Commission table the policy and work to address the issues to make the contest better.

Chairman Lent said the committee will have to look at the whole program.

Mr. Wilson said he is not saying that his association should be the only sponsor he is only saying that they would like to participate.

Commissioner Capurro asked if his group participated at the committee meeting.

Mr. Wilson said his group was not notified of the meeting or that there were any issues. He said his group has information that may be beneficial to the committee and Commission, and that may be they had not thought of that as his association has been involved for a while, and if problems with duck stamp contest they would like to offer their assistance as the programs are dwindling nationwide, and makes the artist quite a bit of money.

Chairman Lent said that is why we have public comment as we can always change policy and change to next month and have system where you can put it on the agenda and we can discuss at any time.

Mr. Wilson said they would be happy to do that, and one of the biggest questions, is that in regard to the duck stamp and other policy questions for those of us who were judges, was there a problem, and still not have focused on what the problem was and can do that in an open and positive way.

Commissioner McBeath said he pulled up the committee agenda with notice and the agenda does not say that there would be changes or action taken at the next Commission meeting – the agenda just states "review," and it does not say changes would occur or action would be taken; it really just states "review."

Chairman Lent noted that the asterisk on the agenda denotes action for that item.

Mr. Wilson said in regard to the duck stamp contest that he is still not sure of why the changes and what the problem was and do these changes fix the problem but he can't say because he doesn't know where the problem was in the first place.

Chairman Lent said the change could make it work better and does not have to be a problem to make a change.

Mr. Wilson said personally he respectfully disagrees because if working fine why change it and it may work worse.

Commissioner Capurro said going back to remarks earlier on the meeting notice that policy would be acted upon, he said it is disrespectful to committee chair to not provide input when he has had meeting that is noticed. The notice provides enough outline to provide input, and the public could come to this meeting as well.

DAG Stockton said he appreciates Commissioner Capurro's comment and hopes that the comment is not intended to discourage public comment at this meeting.

Commissioner Capurro said he did make that intent in his comment he is saying that the public could come to the regular Commission meeting for comment but is disrespectful to committee chair.

Mr. Wilson said he is not saying that there was not notice of the meeting, what he is saying is that his organization has been doing the duck stamp contest for a long time and they have experience and expertise that would benefit the Committee in their deliberation, and that he had discussed tabling this item with the committee chair and their suggestions can be acted on or not but would serve the best interest of the Commission to hear these ideas and they would be delighted to help.

Commissioner Kobrin said he wished we could have discussed this issue earlier and would have been more fruitful for the Commission and himself but comments did come at a later time.

Judi Caron said she is speaking on agenda item #8 for the policies. On Nov. 24 she lives in Reno and had the opportunity to come to the meeting and had been looking at posting on website and downloaded the support material and having served on CABMW before, she decided not to attend the meeting because there was no language with changes of what would be reviewed in the support material. She said she did attend the Predator Committee meeting as their support material was on the website. That is one concern and support material should provide the committee's ideas, and on Policy #50 duck stamp procedures, and policies are subject to 10 year review and this policy was last reviewed on March 27, 2009, and what would transpire since March to November, and two or three things came to her mind, and what had changed other than the committee appointments to the Duck and Kirch Committees, and may be their thoughts changed since last time discussed. She said when we have new Commissioners such as Commissioner Capurro, who asked how many people at the CABMW meeting, public, etc... and would love to ask how many Commissioners at the CABMW meetings, and asked Commissioner Kobrin and his committee since this was a teleconference and she attended the one meeting later and we had terrible phone connections and she asked how many Commissioners were there, how many CABMW members, and could it have been because the public did not have the language for the changes. Ms. Caron said for Policy 51, the Kirch Award, is presented annually, and she said read language, and would like to see more diversity because when you change the composition, and one question as to staff to the Committee as are they assigned by Secretary Mayer. She said the deadline date for the award was changed to Jan. 15 and asked why.

Chairman Lent said he extended the deadline in an executive decision due to problems with notification and in the past we had a Commission that forgot about it or didn't have time.

Ms. Caron said she would like more diversity on the panel and would like this sent back out to the boards with the changes for input for the reasons stated earlier.

Tom Smith, Coalition of Nevada's Wildlife, said his concern with judging is that it takes away CABMW input and eliminates sportsman input and stacks the award toward what the Commission is looking for, and people statewide know who is doing the work and would like that kept the same, as that was working. He asked if the Commission is trying to make the CABMWs irrelevant. Mr. Smith said the change will detract from who is receiving the award.

Chairman Lent said this does not take anything away from the public or the CABMWs for they will still be able to nominate. He said you cannot say how it will be judged as the rules state how the nominations will be judged.

Commissioner Kobrin reviewed the changes to Commission Policy #22, Introduction, Transplanting and Exportation of Wildlife.

Commissioner Raine said he brought forth the language for the new section numbered #12 and on the advice of DAG Stockton that section must return to committee to be reworded and the rest is good.

Commissioner McBeath said he has a problem with new #7 wording, from standpoint that it assumes predator problem in all areas where we transplant and would make more sense to him, if provisions stated that all transplant locations will be evaluated by Wildlife Services and if problem determined than predator control will be put in place. He said he almost would assume that NDOW biologists have probably done that for these transplants and the Commission could be notified of evaluation and we should not spend money if not necessary.

Director Mayer said that Nevada's bighorn trapping and transplant program is the most successful in North America without a policy like this. He said staff evaluate each release site and to enact this policy would be impossible to do because we do not have the funding and the committee and Commission need to reflect on that.

Public Comment –

Ken Wellington, Elko CABMW, said he is taken aback because comments of Commissioner Capurro that this is already done and in a hurried manner and this is a workshop and not getting feedback from Board that he expected. He said speaking for Clark and Elko CABMWs both are opposed. He said they had agenda item about this Commission taking stance against the CABMWs and brought that up at his board where we fought the battle in the Legislature to keep the Commission from micromanaging the Department and had an agenda item on his agenda to have the Commission tell the CABMWs the reason for going against the CABMW and saw the similarity of the CABMW micromanaging the Commission and pulled that item off. But with the new section #5 we are back to micromanaging the Department and taking the tools out of the Department's hand, and like Director Mayer said, this is the most successful program. He is proactive toward predator management and NDOW staff is evaluating sites. He said new #6 may be difficult and had further questions as they are more for workshop and would like to be heard and considered and to use this time as workshop time and if necessary have this on the February agenda to receive more input. He said he was unable to make the committee meeting and the teleconference helps with participation although he too noted bad phone connections with the committee meetings. Mr. Wellington said he does not want to see the Commission rush into decisions when we could seek more input as a group.

Rex Flowers, Washoe CABMW, said the Board did not take action because of no support material on the policies. Mr. Flowers said speaking for himself that he read Commission Policy #1 and that having the first reading on Friday and the second on Saturday does not really comply with Policy #1's intent of plural meetings to hear policies and he asked that the matter be tabled.

Bob Brunner said he does not support the changes for the three policies and does not support the changes either as a sportsman or member of the public. These changes do not help wildlife and handcuffs the Department and takes away predator funding, and does not move anything forward. He remembers Chairman Lent being on this side of the podium stating that the Commission should keep administrative costs down and asking how this helps wildlife and this only adds paperwork.

Larry Johnson, Nevada Bighorns Unlimited-Reno, expressed their discontent with changes to Policy #22 and is glad that #12 is not being added at this time as it would effectively shut down the most successful program in North America. There have been discussions on attendance of subcommittee meetings and Friday workshop with action on Saturday. He said #12 gives someone with one acre parcel in the Rubies with more input than this whole room of sportsmen; #5, is an operational issue, same as #6, and Nevada is blessed with more bighorn sheep than any other state in the union than Alaska and have our own internal nursery; #7, most transplants have been successful without predator control and present policy is that biologists analyze predator control and has worked magnificently and 800 animals transplanted without predator control, and advised that the Commission needs to ask the Department for input and need to table this, this needs to be sent out to CABMWs for sportsmen input and the public like it is supposed to.

Don Alt, Nevada Livestock Association, said this is the item why he is attending this meeting due to transplanting animals. He said he is sure everyone is familiar with the Hage court decision which started with elk on a Table Mountain allotment. He said he doesn't like saying this but if animals are put on range allotment or patented lands without compensation they will hold the Board of Directors (sic) liable and if Board of Directors can't, then they will hold the Department head or whomever who acted in authority, and there will be lawsuits and doesn't like that but that is his charge to say that.

Dennis Wilson, Nevada Bighorns Unlimited, said he is in opposition to changes to Policy #22 for reasons previously outlined by previous speakers and is particularly concerned with new sections: #5, #6, and #7 with the word "must" for predator control and thanked Commissioner Raine for deleting #12.

Tom Smith, Coalition for Nevada's Wildlife, said the new #6 should be eliminated because if native species eliminated from that range and need to be reintroduced this section would interfere with that. He said the new #7 on case by case basis may be necessary but to make it mandatory would also be detrimental to our budget; and would say that some language ambiguous from standpoint of mentioning animals and he would like reassurance that this would not affect native fish reintroductions such as salmon and cutthroat trout and would like clarification that it would not impact fisheries.

Chairman Lent said this is the big game release plan and would not affect fishery programs.

Commissioner Raine read the NRS.

DAG Stockton said that is broader than he initially thought.

Mr. Smith said he would like this item tabled for further discussion.

DAG Nguyen said in regard to new #7, the language may be too specific and requires that the Department perform an action that may not be necessary, and would like the language to be modified to give the Department flexibility.

Chairman Lent concluded the workshops on the policies.

9 Reports – Informational

A Application Amendment – Program Officer III Maureen Hullinger

Maureen Hullinger said staff was directed by the Commission to go forth with option #6, to withdraw an electronic hunt application before the draw and resubmit. Staff submitted draft regulation language to Legislative Counsel Bureau (LCB). Subsequently the regulation returned from LCB and the intent was not right. Randy Stephenson of LCB agreed with her and they are redoing the language and it has been returned to LCB. The regulation could be ready for action at the February meeting; however, implementation could not take effect until the fall turkey hunts or the 2011 hunts. The programming costs are estimated at \$12,250.

B Junior Hunt Eligibility – Program Officer III Maureen Hullinger

Maureen Hullinger said this was brought up at September Commission meeting by Commissioner Capurro to expand youth hunt age eligibility. The age expansion would allow eligibility for 17 year olds provided they do not turn 18 by close of the season, and expand youth age structure to allow them to apply for five years instead of current four years. She said there is impact to bonus point system and a “transitory note” may be needed for the hunters who are affected. The programming estimate is \$1,000 and she will be meeting with Systems Consultants to discuss transition language to meet the Commission’s intent.

Commissioner Capurro said he suggested the change for the youth hunt as he is concerned with the age structure because seniors in high school can’t apply and would afford them the chance to get a tag.

Maureen Hullinger said this year we had 100 leftover tags, the same as the previous year, and perhaps the expansion of the age would promote selling those leftover tags and would be small fiscal benefit.

Chairman Lent said another benefit would be to provide opportunity.

Commissioner Kobrin asked the current rate of junior hunts.

Maureen Hullinger said 2,400 to 2,500 youth apply and also have chance for remaining tags.

C Nevada Waterfowl Hunting Zones – Wildlife Staff Specialist Craig Mortimore

Mr. Mortimore said his report was submitted in the support material packet and is available on the NDOW website too. He said Elko CABMW requested a new zone for the northeast portion of the state because of different weather conditions in that part of the state. Mr. Mortimore advised that no zones can be changed until 2011 hunting season, and the reason is that anything having to do with migratory bird hunting has to be in conjunction with the Migratory Bird Act and flyway councils. He said this is not a proposal by NDOW; however, staff intend to gather input from stakeholders in northeastern Nevada, and the timeline in the packet shows the intent of the Department. He said we are a year away due to guidelines for establishing a zone. The necessity for a zone change is not there if we open a duck season on the first and second weekend of October.

Commissioner McBeath asked if Lincoln and Clark issue had been resolved.

Mr. Mortimore said a request was received to take Lincoln County out of Southern Zone.

Commissioner Cavin noted the Commission received three emails in support of the new zone.

Mr. Mortimore said he will include the correspondence in his August report.

Public Comment -

Jeff Mackay said he is from Ruby Valley and supports NDOW's effort to establish a zone in northeastern zone and looks forward to working with Commissions and CABMWs on a solution.

Josh Pretori said he is a Elko County resident and sees no negatives and would be a win-win situation, with a lot of hunters willing to travel and would like to stay close home. He said he W would like this to go through and be a good thing for the rest of the state.

D Lapsed Angler Program – Marketing Coordinator Lynne Foster

Marketing Coordinator Lynne Foster presented a PowerPoint presentation to the Commission on marketing efforts to target lapsed anglers (exhibit file).

E 2011 Legislative Session – Management Analyst III Kim Jolly

Management Analyst III (MA III) Kim Jolly said the 76th Legislative begins on February 7, 2011. You may be wondering why we're talking about this in 2009. Here is the Process: The Leadership Team assists the Director's Office in developing ideas and more comprehensive bill draft language, and then we prioritize those by February 2010 (NDOW's internal deadline). Why so early? Because by April 2010, the high priority drafts must be submitted for approval by the Budget Office and Governor to become bill drafts divided into two categories: clean-up or substantive. Every year prior to the Legislative Session each executive agency must submit BDR ideas this far in advance. While there is no maximum number that may be submitted, typically only a few make it past the Department of Administration, Budget Office and Governor's office. The Premise for Agency Bill Draft Requests is for the NDOW Leadership Team to provide ideas that will: 1) Simplify statutory language, 2) further protect wildlife via strengthened penalties, or 3) improve opportunity, while not decreasing Department revenue. As was mentioned earlier, we are dependent on hunting and fishing licenses for the majority of our revenue, so we must gauge how all BDR ideas impact the Department's revenue prior to moving forward. NDOW is just in the formative stages and do not have all the details regarding these brainstormed BDR ideas. However, there are Division Chiefs in the room who may be able to elaborate afterwards. The following is a rough draft list of legislative ideas for NDOW-sponsorship for the 2011 Legislative Session. As I mentioned, these are separated into substantive and clean-up, as that is how we must submit them. The following are clean-up or non-substantive BDR ideas for the agency to sponsor: 1) NRS wildlife law cleanup/felony wanton waste -Make it poaching a felony instead of a misdemeanor to waste big game under certain circumstances; 2) Felony for release of unauthorized wildlife and invasive species -like pike, horned frogs, etc. These are already illegal, but are not felonies; 3) Regulate Collection of wildlife fluids - Due to the dollar value involved with deer semen it will likely create an additional market for the poaching of trophy deer; 4) Misdemeanor penalty structure to be compatible with other misdemeanors. (\$) - Fish & game violations are currently at a \$500 max, while all other general misdemeanors are at \$1,000 max; and finally 5) Simplify state hunting and boating laws - Change the boat accident reporting requirement from \$500 to \$2,000 to be compatible with federal regulation. Repeal "30 feet of rope to type 4 PFD. The following are substantive BDR ideas that would affect policy level: 1) Human Wildlife funding (\$) - money and staffing to address human-wildlife conflicts in the urban interfaces of Nevada, primarily in Washoe, Douglas, Carson City and Clark Counties. Public safety is at risk due to increased numbers of black bears in N.NV, mountain lions, bobcats, and coyotes in other areas of the state. We'd like funding to include a toll-free telephone line for all Nevadans to access so that human-wildlife conflicts are resolved promptly; and 2) Right to Hunt/Fish on public land– to preserve the heritage of hunting, fishing and shooting on our federal public lands. Modeled after the Congressional Sportsmen's Caucus Legislation Recreational

Fishing and Hunting Heritage and Opportunities Act. This would be a joint resolution of some kind. In conclusion, all Agency BDRs are due April 2010 to the Governor's Office and the Dept. of Administration. NDOW has an internal deadline of February 2010, so that is our target date to have finalized the ideas on BDR forms.

Commissioner Capurro asked when the Commission's Legislative Committee should meet.

MA III Jolly said probably in January 2010.

Commissioner Raine said he would like the Commission to see the legislative proposals from the Department.

Commissioner Capurro said in the last session the Commission was not made aware of all of the Department BDRs and would not want a repeat of that.

F Wild Horse and Burro Update – Chief of Habitat Dave Pulliam

Secretary Mayer asked Larry Johnson to provide the legislative update.

Mr. Larry Johnson said he is a member of the Coalition for Nevada's Wildlife and also is the wildlife representative on the National Wild Horse and Burro Advisory Board for BLM. He said a lawsuit was filed in federal court in Washington D.C. and later a request filed for an injunction to stop a large horse gather in Nevada in the Calico Complex, encompassing five horse units including High Black Rock and north end of the Granites, located in northern Washoe County with low Appropriate Management Level (AML) set at 500 and 900 high AML, and a direct count showed over 3,000 wild horses. BLM issued draft Environmental Assessment (EA) and asked to remove 2,800 animals with the final EA not to be issued until next week. The lawsuit was filed by "In Defense of Animals" to stop gather on basis of using a helicopter to round up animals is inhumane. He would request that Commissioners with good relations with the Governor ask the state to intervene on behalf of BLM and time is short as BLM has only until next week to file final brief on matter. December 16 is actual hearing, and Coalition is intervening in the case on behalf of BLM to support the gather as well as various wildlife groups such as Woolgrower's Association, Nevada Cattleman's Association, Friends of Nevada Wilderness and others, and he said it would be helpful if Governor's Office directed the Attorney General to file amicus brief as well.

Commissioner Capurro asked if the Commission could get a copy of what Mr. Johnson files.

Mr. Johnson said final EA is not out yet and will forward document to the chairman and other filings as well.

Commissioner Raine said NDOW notes the wild horses as they perform surveys and that NDOW should have good data which would be useful for this direction.

Secretary Mayer said we share those numbers with BLM.

Mr. Johnson said that at BLM their bureaucracy is based on their numbers and data.

Chief of Habitat Dave Pulliam said the last update on the Winecup Ranch was that the sale to Pickens had fallen through since and then the Winecup Ranch itself is proposing that the ranch consisting of 250,000 acres of private land 750,000 acres of public land become a wild horse sanctuary, starting with 8,000 up to 10,000 horses to be run on the private land during growing season and on public during non growing season. The plan to increase horses by one-third after a few years focusing on irrigated pastures. BLM has identified that they need a change in the Wild Horse and Burro Act and a NEPA process for the change. The proposal was presented to

the Elko Commission and they had concerns with impact to wildlife and keeping the horses off highways as a public safety issue and inability to manage horses in that manner. The Elko County Commission passed resolution to not support with caveat that they would reevaluate decision if circumstances change. He initiated communication with Eastern Region and data we have and in his view this is an unmanageable situation with that many horses and will severely impair habitat. He said staff will put together information and will communicate with Department of Interior director and BLM and leave it open to the Commission if they want to respond.

Chairman Lent asked staff to put on the Commission agenda as everything forwarded to Salazar by the BLM.

Secretary Mayer said the Department will be sending a letter.

Ken Wellington said the August minutes stated that a letter would be done and that is what the Elko County Commission did and noted the direction in the minutes.

G Litigation Report – Deputy Attorney General (DAG) Nhu Nguyen

Chairman Lent asked DAG Nguyen for an update on the items in the report.

DAG Nguyen said for the first case nothing has changed, the case of Hage vs. United States is ongoing with the U.S. asking for reconsideration of the order; Carson Lake and Pasture the briefing is completed and are waiting for the court to make a decision; the Hardenbrook and Les Smith cases may both be deleted from the report as they are both completed.

Chairman Lent said he had an update on Hage that they were awarded an additional \$150,000 to the original \$4.2 million judgment as the original decision underestimated the value of the ditches and pipelines taken by the government.

DAG Nguyen said that was a modification of the original order and are asking for reconsideration prior to their appeal and she checked their website and does not show that motion as being resolved. She also will follow-up on the last sentence of the report that states a stipulation was reached with settlement as that is incorrect.

H Department Activities Report/Leadership Team Notes – Secretary Ken Mayer

Secretary Mayer said as an update to the report that unfortunately the ADA Muzzleloader Regulation that was drafted by the Nevada Department of Wildlife has not been released by the Nevada Legislative Counsel Bureau (LCB). Although NDOW staff submitted the regulation several months ago, we were recently informed that due to a processing backlog at the LCB because of staffing issues as a result of state mandated furloughs, our regulation (along with many others) would not be reviewed until later. Thus, the ADA Muzzleloader Regulation had to be delayed for the next scheduled Wildlife Commission meeting on February 4 and 5, 2010 in Reno, Nevada. Another issue is Carson Lake Transfer to the state from Bureau of Reclamation that under federal law they cannot guarantee even if the state takes ownership that the archeological sites will be protected therefore the surveys and also hope to have the EA done within the year before the transfer in 2012.

Commissioner Raine said the Department needs to purchase new phones to allow teleconferences to be more effective for committee meetings that have been held over the last two years and perhaps the Leadership Team could work on this issue.

Secretary Mayer said we know we are in the stone age which is why he encourages meetings to be in places with appropriate technology and staff is looking at different possibilities. He

introduced newly appointed Deputy Director Patrick Cates. Deputy Director Cates said staff are looking at the lines in the Southern Region office and working with Department of Information Technology (DOIT) as well.

Friday's Meeting adjourned at 4:09 p.m.

Saturday, Dec. 5, 2009 – 8:30 a.m.

Chairman Lent called the meeting to order at 8:33 a.m. and welcomed the public and CABMW members to the meeting.

Roll Call of Commissioners Present – Chairman Lent, Vice Chairman Scott Raine, Commissioners Capurro, Cavin, Howell, Kobrin, McBeath, Mori and Wallace.

Roll call CABMW: Ken Wellington, Elko CABMW; Bill Meyer, Lyon CABMW; Glen Copeland, Washoe CABMW; and Glenn Bunch, Mineral CABMW.

Member Items/Announcements – None

CABMW Member Items - None

Public Comment –

Mr. Pat Laughlin, Nevada Alliance 4 Wildlife, said that NRS 281(a) 440 specifies that a public officer shall not disapprove or vote or act on a matter of pecuniary interest and must inform public of potential effect and disclose when matter considered. He said an ethics complaint has been filed with the Ethics Commission on Commissioner McBeath over incentive tags he has applied for as a ranch owner.

Mary Anne Denton said in regard to the enhancement projects that they require more investigation based on applied science in mule deer and sage grouse populations, and there is a great wealth of biologists to look into this.

Judi Caron said in regard to yesterday's discussion, she read Policy #1, Section 4, page 2, conduct of meetings, that Robert's Rules of Orders states that chair votes and chair may vote on all actions and Chairman Lent stated he does not vote, and she asked that as a citizen of Washoe County that Chairman Lent use his vote.

Commission Regulations – Action

- 10 Commission Regulation 07 – 07 Amendment #5 – Chief of Habitat Dave Pulliam

Chief of Habitat Dave Pulliam reviewed the support material as contained in the exhibit file.

COMMISSIONER RAINE MOVED TO APPROVE CGR 07 – 07 AMENDMENT #5 WITH MOTION SECONDED BY COMMISSIONER MCBEATH. MOTION CARRIED UNANIMOUSLY WITH CHAIRMAN LENT VOTING IN FAVOR, 9 - 0.

- 11 Commission General Regulation (CGR) 370 – Chief of Fisheries Mark Warren

COMMISSIONER HOWELL MOVED TO APPROVE CGR 370 AS WRITTEN. COMMISSIONER KOBRIIN SECONDED THE MOTION. MOTION APPROVED UNANIMOUSLY.

12 Commission General Regulation 372 – Chief Game Warden Rob Buonamici

Chief Game Warden Rob Buonamici said in yesterday's workshop several issues within the regulation were discussed: Negligence, and due process issue for mistaken take of the wrong species, and he provided a new handout to the Commission with five options denoted (exhibit file). He said everyone in agreement to section 10, and after that was discussion in question for section 12 – five options. He said the first option is preferred by NDOW. Option #2, option #3, and Option #4, and Option #5 keep everything as is with regards to punching of tag for wrong sex or different characteristics.

Commissioner Howell asked if all five options end the hunt.

Chief Game Warden Buonamici said no, Option #5, is to stay as is, and what has been happening is individual kills doe on buck tag, wardens have told them hunt is over if gross negligence, but if purely accidental have let them keep hunting. The Department would be most comfortable with Option #1.

Commissioner McBeath said he would like the DAGs to weigh in because we issue the tag as a license to do a specific thing and why does that not cover shooting the wrong species and not get in a due process issue.

DAG Stockton said the problem in the past is the bull elk tag where you kill a cow and have not completed hunt or you have been convicted and taking the tag is taking the property and Chief Game Warden Buonamici is saying once you validate your tag the hunt is done. The due process issue is not to incriminate yourself under the Fifth Amendment and he noted that criminal law is not his area of expertise.

Commissioner McBeath said he understands the due process issue and that bothers him as he feels that hunt should be over regardless if an accident or not.

Chief Game Warden Buonamici said a separate regulation would address just what he said and if you kill a big game species by mistake you are done, but to do that in this regulation is convoluted and would be wrong wording.

Commissioner Capurro said he is uncomfortable with wording in each one of these. In Option #1 he would like added to first line in section 1 that after hunting, be added "a species of wildlife" and same change for Option #2 and add to section 2 of Option #2 the word "with" to first sentence to read, "A person who kills any wildlife with..." Option #3 needs to be cleaned up, note Section 2. Option #4 is the most clear and on line 2, Section 2, it is redundant to use "killed animal."

Chairman Lent said the Rozar appeal case showed that you should be done with your hunt once you harvest an animal even if it is the wrong animal, and that is what the board wanted.

Commissioner Raine said he would agree with that, and his question is on a different section, one is that we talked earlier this year about spike bull elk hunt and did not see that in here.

Commissioner Raine said as for the rest of it he was more comfortable with it yesterday and is worried the language will not resolve the problem and would be prudent of the Commission to have committee meeting and discuss as it does not resolve issue of separate species. He said he would like a solution to dual problem and does not really like any of them.

Chief Game Warden Buonamici said he would have to check the spike hunt section. Sections 2 – 10 would still be adopted if we use option 5. He said on different species he would recommend we take our time and develop regulation that addresses that specific issue to make sure Fifth Amendment issues are resolved.

Commissioner McBeath said he would be fine with that suggestion and he clarified again that the Department supports Option #1 and the regulation would not have to be returned to LCB.

Commissioner Cavin said Option #1 in case of complete accident that closes the door and hunter would have to punch tag.

Chief Game Warden Buonamici said that does give the Department option of letting them keep the doe in event of an accident.

Commissioner Raine said what if reverse situation what if shot buck instead of doe.

Chief Game Warden Buonamici said the situation would be investigated to determine if the claim is fraudulent.

Commissioner Kobrin asked if a hunter has an antelope tag and shoots an animal and can't find the wounded animal, and if another hunter sees the wounded animal do they report it, or are they free to continue the hunt.

Chief Game Warden Buonamici said would like to see regulation that they make effort to retrieve the game as that happens and we understand that but if someone is wounding multiple elk and retrieving only the animal closest to the pickup most people have a problem with that.

Chairman Lent said CABMWs did not get these options as they were developed last night after the meeting so will be hard for CABMWs to provide input.

Ken Wellington said he agreed with Commissioner Raine and would like that they forfeit the head in the event that they harvest a buck instead of a doe.

Chairman Lent said he did not like idea where they still can hunt.

Commissioner Mori said it seems to him that CABMWs have seen other part and if we go for Option #5 as we would not be changing anything that CABMWs have not reviewed.

COMMISSIONER MORI MOVED TO GO WITH OPTION #5 AND BRING BACK ANOTHER REGULATION TO COVER THE SPECIES. COMMISSIONER CAPURRO SECONDED THE MOTION.

Commissioner Raine said if we brought this back to clean up at the February meeting and had committee meeting on it or bring up again at the next Commission meeting how would that affect the 2010 hunting season.

Chief Game Warden Buonamici said that it may or may not make it through the process; however, with Option #5 it could be in effect for 2010.

Commissioner Raine said he would like something at next meeting to clean these items up such as turning in the head.

Chairman Lent said that is part of the motion.

Commissioner Capurro said he is not pleased we can't address the issue because of potential issues and his reason to go with Option #5 is because it says you must validate your tag immediately.

MOTION CARRIED UNANIMOUSLY.

- 13 Commission General Regulation (CGR) 373 – Chief of Fisheries Mark Warren

Chief of Fisheries Mark Warren said that CGR 373 was presented in yesterday's workshop.

COMMISSIONER MCBEATH MOVED TO APPROVE CGR 373 AS WRITTEN. COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner Raine said he supports the motion and to follow up on comments he made yesterday he would ask that the Department keep a close watch on the change and its effect and report back to the Commission whether positive or detrimental effect on the reservoir.

MOTION CARRIED UNANIMOUSLY 9 - 0.

- 14 Commission General Regulation 376 – Mark Warren

Chief of Fisheries Mark Warren said net size was the issue and Arizona also allows them to use four foot nets.

COMMISSIONER CAVIN MOVED TO APPROVE CGR 376 AS PRESENTED. COMMISSIONER MCBEATH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY 9 - 0.

- 15 Commission Policies, Second Reading – Commissioner Kobrin

Commissioner Kobrin asked to take action on each policy separately beginning with Commission Policy #50.

Commissioner McBeath said that he had heard the concern CABMWs had not got to see all the changes, and he would propose a motion to table Policies #50, #51 and #22, to allow the CABMWs to participate in the revisions.

Commissioner Mori said he would second the motion.

Chairman Lent said he would like to take public comment before processing a motion.

Public Comment –

Rick Furhman, Nevada Bighorns Unlimited, said he is representing himself and is opposed to the proposed changes to the Kirch judging committee.

Bob Brunner said he is opposed to the changes and the Commission is not following due process getting the changes out to CABMWs and you are opening door to bribery and corruption for future Commissions, and this is not financially responsible use of staff time.

Dennis Wilson, Nevada Bighorns Unlimited, said he is opposed to changes to Policy #50 and important for CABMW input.

Greg Smith, representing himself, said he is opposed to changes in Policy #50 and has issues with all three policies.

Tom Smith said his objections to Policies #50 and #51 are tied together as it helps make game boards irrelevant, and would like to see judging continued as the way it was through the Game Boards.

Judi Caron, said she would reiterate Commissioner McBeath's motion and would like any changes to the duck stamp to have those changes come through the duck stamp committee.

Tom Wilson, President Nevada Waterfowl Association, said he wants to be clear that his organization in particular has always had a good working relationship with the Commission and was not his intent yesterday to be disrespectful in any way to the Commission. He said he was not questioning Open Meeting Law or timeline of the way things are done, what he was saying was no rush to get this done, as they just finished judging of this year's contest and they would like opportunity to be involved and his association could be a great asset in providing their experience to the Commission committee.

Commissioner Kobrin read Policy #51 changes as noted in support material

Public Comment Policy 51 -

Judi Caron said that on Policy #51 that this is a very prestigious award and rather than extend the deadline said she would rather not have an award this year and get the judging aligned with the policy.

Dennis Wilson, Nevada Bighorns Unlimited, said he was the author of the nomination for the past Kirch Award winner and is proud of that and seeing Mel Belding receive the award as a champion for Nevada's wildlife. His question yesterday has still not been answered as to why the change, as the Kirch Award has broad support and by adjusting the judges you are taking out the CABMWs and the wildlife groups and stacking the deck with Commission members and probably not a problem but will take out the broad base to the award.

Bob Brunner said he is opposed to changes to Policy #51 as timeliness of information to CABMWs, and that is a waste of money and time.

Rick Furhman, Nevada Bighorns Unlimited, said he is representing himself and would oppose the changes for reasons stated ahead of him and unless compelling evidence for the change he is opposed.

Commissioner McBeath said after hearing the comments, he thinks the Kirch Award should be awarded, and he sees three groups involved - the Department, the Commission, and sportsmen groups - and if a vote were set up so no one of the groups could control the award, the award would be a consensus. He said he is not comfortable with three Commissioners controlling the vote and may have a situation where it comes back to the Commission and we have put our interests ahead of whom receives this prestigious award and does not want to be in that position.

Commissioner Kobrin said assumptions made that the Commission would not be objective and takes issue with that.

Commissioner McBeath said his comment is that the perception that if vote comes down with three Commissioners approving a person and the other two in the minority, the perception could be placed or have appearance of cronyism, and is not that he does not trust the Commission, he just does not want the Commission put in that position.

Chairman Lent said he had heard from others who have been nominated and heard that sportsmen groups have dominated the award and other deserving individuals did not receive the award, and it is a Commission award and the Commission does have a role in judging the award.

Commissioner Kobrin reviewed Policy #22 and the changes to the policy.

DAG Nguyen said the Department also has language to be considered for this policy and asked if this would be the appropriate time.

Chairman Lent said after public comment.

Public Comment Policy #22 -

Ken Wellington, Elko CABMW, said their board opposed this to have more time to look the changes over, and the private property was a huge concern but has been removed. He said he is all for predator control and has concerns with the how, when and where, and needs to be in the policy.

Greg Smith said he is representing himself, said under "transplant" changing word to "currently" and striking "previously" how will you expand the species. Item #5, does not believe should be in the policy as operational issue not policy. Item #6, again the source population, and how would you legislate that. Analysis in #7 is currently done, and thinks you are tying your hands by saying you whack everything and is overkill. Believes this will further restrict transplants or eliminate altogether and would be expensive. He supports postponement of action on the policy to get opinion of sportsmen through the CABMWs.

Tom Smith said he is representing himself and is very concerned about cutthroat trout and reintroduction of salmon and would impact that as it states "put and take" which is fish. He feels that source populations and if we have animals that have been relegated to area because of fire and without source population we could not reintroduce where they were. For #7, the predator control is currently provided by Wildlife Services, and making it mandatory with follow-up is a little redundant and is a budget breaking initiative and Wildlife Services provides a publication that you would see many of these predator measures are unnecessary.

Don Molde said he agrees with comments before him on mandatory predator control aspect as the word mandatory makes everything a "must." He said Policy #25 is the Commission's predator management policy and all animals in Nevada but mule deer are at all time highs.

Don Alt, Nevada Livestock Association, said in regard to predator work if you are worried about costs and what good it would do, go buy 10 female ewes for \$10 and put them out there and see how many are left, than you will know if you have predator problem. As far as transplanting, water in the ranges belongs to the ranchers and if anything planted on his range allotment that is a taking of private property without due compensation. He said quite a few years ago when Tony Lesperance used to be in charge of Gun Ranch and ran cattle on someone else's range and he was sent a bill for water and grass and took it to the State Engineer who said it is his water and he can charge whatever he wants.

Commissioner McBeath read statement from Rex Flowers, Washoe CABMW, as he is unable to attend today – asking to postpone action on this policy so that CABMWs could take action, because the CABMWs could not review and to comply with the two readings at two meetings in the plural, not per day of each meeting as that is not in keeping with the intent of the two readings.

Bob Brunner said we have problems with procedure wording and execution. The way it is written, is that with stocked trout, we would have to do predator control, still need to know why we are doing this, and policy is for Commission, and operations for Department, and no benefit to sportsmen.

Dennis Wilson said he is in opposition to Policy #22 and has particular concerns with change #5, #6, and #7.

Rick Furhman said he sees the changes as attempt to micromanage the Department and not responsibility of Commission.

Judi Caron thanked the subcommittee for reviewing the policies, and said on Policy #1 and the Procedures section states how the Commission is to change policy. She said when this came up for review at the committee there was no language for review and does not recall anything being mailed, and she again asked for the Commission policies that action be postponed.

Glenn Bunch, Mineral CABMW, said some things the Commission might not realize that in Mineral County there would be no bighorn sheep today as none were present when introduced and now have sheep being moved from lower part of county to other herds as they are doing so well, and there are a lot of areas in Nevada with elk and there would be no elk as they were not currently there as the word change under "transplant" on page 1.

Chairman Lent asked DAG Nguyen for Department presentation.

Game Division Chief Mark Atkinson said following yesterday's discussion of Policy #22 staff looked at language and what had been recommended and tried to craft language more consistent with Commission developing broad policy to guide the Commission. The word translocation used but not in definitions and word transplant is widely used but correct word is "translocation." He defined translocation and in item #6 would add word "potential" and have concerns with density issues and until we identify those issues can't identify sources. New #7 add wording that when the Department determines is necessary.

Commissioner McBeath said in regard to #5 the word "any changes" such as material changes and may need to rethink word "any."

Secretary Mayer said letter written by DAG Stockton which stated that "any" would not mean administrative changes.

DAG Stockton agreed with Commissioner McBeath's suggestion.

Chairman Lent said Mr. Cox has testified that Game Division said they would like to see where the sheep go before doing predator control and in the past the Division did not have good control of predator control and feel never a need for predator control.

Game Division Chief Atkinson said in big game plan areas are identified that need predation management and work with Wildlife Services.

Secretary Mayer said Mr. Cox said we would release animals in location x, the animals move, then what. He said we have a wildly successful program and would hate to see us tie our hands.

Chairman Lent closed public comment and returned discussion to the Commission

Commissioner Kobrin said he would recommend on Policy #50 that after talking to Tom Wilson and others, that he wants all to know that they are being listened to and his recommendation is to table action and have further discussion on duck stamp and take action later.

Commissioner Wallace said as a participant he does not have a problem with seven judges and would like to see opportunity with Commissioners who are selected to work with the organization to discuss potential dates for the judging. He said no input from the Commissioner and the three Commissioners on the committee is a good idea as if you have conflicts with the date that the judging occurs. The only people you cut is the volunteers.

Chairman Lent said he would agree on the date coordination because it does make problems and would like to keep three Commissioners, and have them attend and likes the "pecuniary" statement because the artist makes money of this. He said he tells all committee chairs to check with committee members on meeting dates before scheduling, then work with staff on logistics.

Commissioner Capurro said he would second the motion for discussion, agrees with language that no connection between judge and artist, and he has no problem with taking another look and has been discussed today and no problems with changes either.

Commissioner Cavin said no issue with three Commissioners on judging committee and also has no problem with the five other individuals either. The process goes smoothly even though seem to have conflicts with the date and is in favor of waiting to take action.

Commissioner Howell said as noted yesterday, Clark CABMW approved the change.

COMMISSIONER KOBRIN'S MOVED TO TABLE POLICY #50. COMMISSIONER CAPURRO SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Commissioner McBeath said he would reiterate his comments on the composition of the panel.

Commissioner Raine said composition of judging panel always subject to ridicule and Mr. Wayne E. Kirch may be the most famous Commissioners and the Board should have responsibility for the award as Commissioners, and although he did not come up with the idea he can support the Commission deciding.

Commissioner Howell said he is in favor of the change as is Marlene Kirch.

Commissioner Capurro said as pointed out yesterday this does not change nominating process and is unfortunate perception that we are less likely to make fair and balanced decision than someone else and is in favor of the changes.

Commissioner Mori said he is not sure that Marlene Kirch was privy to the changes made.

MA III Jolly said Marlene Kirch did not know of the exact changes however she did state that she hoped the award continues.

Commissioner Cavin said in accordance with Commission Policy #1 are we violating spirit of that policy by not having these looked at and if no public comment would be one thing but there has been and he is having heartburn with that.

Commissioner Wallace said in spirit of compromise have three Commissioners, Marlene Kirch, and three CABMW members. Ms. Kirch could be the tie breaker and it would still be a Commission award but she would have the choice.

Commissioner Capurro said the record needs to reflect that clarification on hearing over two days is legal – and to complain now is irrelevant.

DAG Stockton said the policies are guidelines to the Department and as long as he has been involved the one reading on Friday and action on Saturday has been satisfactory. Commission has interpreted it that way and cannot give legal definitive answer and cannot say more than that as he has not reviewed Policy #1 recently.

COMMISSIONER MCBEATH MOVED TO TABLE POLICIES #51 AND #22. MOTION SECONDED BY COMMISSIONER MORI. VOTE ON MOTION: COMMISSIONERS CAVIN,

WALLACE, MCBEATH, AND MORI. COMMISSIONERS OPPOSED: CHAIRMAN LENT, RAINE, CAPURRO, HOWELL, AND KOBRIN. VOTE ON MOTION: 4 TO 5, FAILED.

COMMISSIONER RAINE MOVED TO APPROVE POLICY #51 AS PRESENTED BY THE COMMITTEE. COMMISSIONER HOWELL SECONDED THE MOTION. VOTE ON MOTION: CHAIRMAN LENT, RAINE, CAPURRO, HOWELL, AND KOBRIN. COMMISSIONERS OPPOSED CAVIN, MCBEATH, WALLACE AND MORI. MOTION CARRIED 5 - 4.

Commission Policy #22 –

Commissioner Capurro said in regard to proposed changes that the plan already goes to Commission for approval and to changes brought back he would add wording of “material changes” to #6, to insure that the Commission is advised of necessary or substantial changes. Has heard the common theme that it is expensive to control predators and his question is how expensive is it to put sheep in an area as that is a substantial cost. He said it makes no sense to him to serve up a banquet to predators in an area they are unfamiliar with and first month is critical for survival of animals. He said we are not doing our job unless we give them the best opportunity to survive.

Commissioner Howell said he attended the last CABMW meeting in Las Vegas and Biologist Pat Cummings gave good argument for the Department not having the ability to give us the identity of source population and would like to change the wording to “proposed” or “potential” with addition of Commissioner Capurro’s wording.

Commissioner McBeath said if the transplant program was not successful it would be easier to deal with these changes but Nevada has the most successful program in North America. With all issues that can occur with a transplant we are dealing with operational issues of transplant and thinks there is a line between policy and operations and by giving the Commission direction that predator control be considered in the transplant can be construed as policy but when we require it that makes it necessary and does not think that is our position.

Commissioner Raine said one word appropriate in #5 is “to” but transplants are dangerous to personnel and need to make sure they succeed once done and need to do everything to make more successful and everybody wants to be successful.

Commissioner Cavin said in regard to original comments as to making decision on something just presented as earlier discussion on Chief Game Warden Buonamici’s regulation. He said the Department provided good language and this is not flexible enough to let them do their work and noticed in big game release plan that there are predator projects proposed and senses that staff looked at those very closely this year. He said he personally would like to see this go back out for review and allow time to digest the language and get the best possible language we could.

Commissioner Howell said he would disagree as this is time sensitive and nothing mentioned in the plan as pre predator control it was all post predator control.

Commissioner Mori said he agreed with Commissioner Cavin as to the changes and as to the issue on private property rights that was struck he is not thoroughly convinced that all affected parties are notified. He knows that language was stricken due to legal advice, and we have NDOW proposal which they could live with and have gotten enough information and CABMWs have not seen and would do better job if tabled.

Commissioner Wallace said he agreed with both Commissioners Mori and Howell but just as important to get it right and needs to go back to the committee and then bring back to Commission with Commissioner Capurro's added wording and would like to get this right.

Chairman Lent said he will be voting on this item and he keeps hearing we have most successful program, and this Commission is trying to make this better as we put sheep out and lose them and sheep groups help us, and we as a Commission are trying to make the program better. As far as property rights, the Department takes care of that through Memorandums of Understanding (MOU) with land managers and some are controversial and they look after private property rights of permittee and if they don't do that they are liable. From a scientific basis this is a management tool and has data on deer/fawn ratios highest areas are where we do predator control as long as habitat is there. We can make the program more successful and many states have this policy. He said he reads scientific articles and he read excerpts from literature and provided scenarios from other states relative to predator control. Chairman Lent said he would hope that CABMW members read the scientific articles and know the Commission is trying to make something better and you have to be knowledgeable of these studies in other states. Humans are predators and we have a duty to control other predators. One solution to funding problem is to use Heritage funds, and has seen transplants go bad, and we make lion food and need more science and he asked Big Game Biologist Mike Cox at the Las Vegas meeting to do that, that is why he had Mr. Bodenchuk come to the meeting and educate the CABMWs on what other states are doing and that this is an effort to make our state better. He said he does not want to see sportsmen have blinders on and not know what is going on in other states and likes to bring experts in to educate everyone as we can always use different perspective and hopes sheep people understand that. There is big controversy on transmission of disease between domestic and wild sheep and need to look beyond Nevada and digest this and this went out to the Board and wants to make sure the Department can live with this. Chairman Lent said that offends him when people say this change will bankrupt sheep program as they are trying to get more sheep, higher survival, and opportunity. He hopes CABMWs are looking at this from scientific studies not just information from one biologist and to say not effective they are not doing their homework. He said he is stating his position as he will be voting.

Director Mayer said he is troubled by comments that Department is against predator control and Department is active and take biological approach not emotional. He said on the trapping and transplanting program we have protocol and does not disagree with Chairman Lent as pre and post does work and the Department is proposing to evaluate each site. He said if you vote in favor of this, you have effectively shut down the transplant program for this year, as the funding is not there. Also he had been advised by DAG that the Commission may have overstepped boundaries and may need opinion and have to have a possible Attorney General request that we are in the right place in regard to policies and operations. He said the Department cannot move forward this year and live up to what you are asking

Chairman Lent said the Department has reserves.

Director Mayer said the reserves were used for payroll and other financial commitments. Heritage proposals would need to include pre and post so that the funding could be used.

DAG Stockton said #7 is close to the line or may be over but is not prepared to say today.

Commissioner McBeath said #7 is operational and would say that #7 steps over the line.

Commissioner Raine said it allows the Department a broad scope.

COMMISSIONER RAINE MOVED TO APPROVE POLICY #22 WITH CHANGES AS PROPOSED AND IN ITEM #5, CORRECTION "TO," ITEM #6 ADD "PROPOSED" AND ITEM #12 WAS DELETED. COMMISSIONER KOBRIN SECONDED THE MOTION.

Commissioner Capurro asked if the motion could be amended to include "material" to be added to item #5.

Commissioner Raine and Commissioner Kobrin accepted the change.

Commissioner Cavin asked that Director Mayer clarify his statement that big game transplant program be shut down.

Secretary Mayer said in the plan up for approval he is not sure how it would be implemented with the changes to the policy in item #7.

Commissioner Cavin suggested rewording and postponement of action.

Commissioner Wallace said he will bring up, that as presented this policy, has the statement on endemic species and wondered if that means nothing can be introduced.

Chairman Lent reread the motion for action on Policy #22 as amended with following language to #5 add "material," changes to" #6 must include "proposed" and Commission must be advised of substantial changes, and #12 has been deleted.

COMMISSIONERS IN FAVOR OF THE MOTION: CHAIRMAN LENT, RAINE, HOWELL, CAPURRO, KOBRIN. COMMISSIONERS OPPOSED TO THE MOTION: CAVIN, MCBEATH, MORI, AND WALLACE. MOTION CARRIED 5 – 4.

16 Big Game Release Plan for FY 20 and 2010 and 2011 – Big Game Staff Biologist Mike Cox

Big Game Biologist Mike Cox presented the second reading of the Big Game Release Plan for FY 2010 and 2011 and answered questions from the Commission as to how the changes to Policy #22 would affect the plan.

Public Comment -

Mike Laughlin said he has heard no money for this and he asked why you can't match federal money for the predator program. Mr. Laughlin said the difference between a good and bad program is money and can't understand why the connotation between killing and studying and we have talked about this and he asked if the match could be done with a study.

Secretary Mayer said you can't use federal funds unless in conjunction with a study project. The federal guidelines for Pittman-Robertson are specific as to what the federal match can be used for.

Mr. Laughlin said he has heard that there is much money available in Pittman-Robertson because of ammunition sales. He said he understands killing is not popular but we should not miss out.

Cory Lytle, Lincoln CABMW, said many of the plans augmentations are in Lincoln County and they had minor changes and wanted to make sure that where some augmentations are planned that the water developments be done before transplant occurs. He said NDOW is right on the money and access is limited.

Don Molde, representing himself, said following up on matching funds from Pittman-Robertson and possible availability of funds and he was told Pittman-Robertson is distributed on sales of licenses and other factors, and he understands that Nevada's pool of Pittman-Robertson is fully used in grants and no extra money is available. He said if you wanted to do predator killing or management spree you would have to write new grant run by regional USFWS office and would be funded at expense of other grants for other projects.

Commissioner Capurro said due to budgetary problems NDOW cut down on funding to APHIS (Wildlife Services) and that cut positions and having opposition from unusual sources and they are trying to give money to APHIS to restore positions. During their Legislative Committee meeting he recalls \$25,000 left in that account and can only say what he thought was testified to and that concludes his comment regarding that issue.

COMMISSIONER CAPURRO MOVED THAT WE PASS THE BIG GAME RELEASE PLAN AND IN EACH OF THE PROPOSED BIG GAME RELEASE SITE SUMMARIES THAT LANGUAGE IN PREDATOR EVALUATION MATCH WHAT THE COMMISSION PASSED IN SECTION 7 OF POLICY #22 REPLACE WHAT IS CURRENTLY IN PREDATOR EVALUATIONS. COMMISSIONER RAINE SECONDED THE MOTION.

Commissioner Cavin said in regard to the policy being over the line, and his question to DAG Stockton is whether we get resolution of that between the Commission and Department DAGs.

DAG Stockton said he would not be comfortable with issuing an opinion as he is not sure of Commissioner Capurro's language.

COMMISSIONERS IN FAVOR OF MOTION: CHAIRMAN LENT, RAINE, CAPURRO, KOBRIN, AND HOWELL. COMMISSIONERS OPPOSED: CAVIN, WALLACE, AND MORI, AND COMMISSIONER MCBEATH WAS ABSENT FROM THE ROOM. MOTION CARRIED 5 - 3.

17 Wildlife Damage Management Committee – Commissioner Scott Raine – Action

Commissioner Raine chair of the Wildlife Damage Management Committee (WDMC) reviewed the committee actions and recommendations.

Commissioner McBeath said his question is for the proponents to say how the flow of funds is and dealing with Wildlife Services.

Commissioner Capurro said member of committee and that the committee felt better projects to begin with and have already been discussed.

Secretary Mayer said the Commission has the authority to designate the funds not the committee and the committee makes recommendations to the full Commission.

Commissioner McBeath said he still does not understand how it will work and what NDOW's place is.

Secretary Mayer said NDOW could write contract between Wildlife Services and the project proponent but the scope of work and project implementation would be between the project initiator and Wildlife Services.

Commissioner McBeath said he understood that the contract is between NDOW and Wildlife Services and NEPA.

Wildlife Services Director Mark Jensen said if Commission approved that would meet spirit of NEPA with the Commission approving.

Commissioner McBeath said not sure if this will bridge the NEPA requirement and advised Mr. Jensen to obtain legal counsel from his agency to make sure.

Mr. Jensen said will take that advice under advisement.

Commissioner Capurro said solution may be that proponent is the Nevada Wildlife Commission.

Secretary Mayer said never under history of program has the agency taken on responsibility of project completion.

Commissioner Raine said at meeting he was told to drop position that Commission could be a proponent.

DAG Stockton said because of project deadlines it would not be fair to transfer that responsibility to the Department and Department would have to say we would do that.

Secretary Mayer said the Department will be glad to write the project contracts but ethically the proponents need to write.

Commissioner Capurro said he would like contract to state that proponents will not benefit monetarily from the contracts.

DAG Stockton said he is concerned about authority of state to write contract for Nevada Alliance 4 Wildlife and he is counsel to state as well as DAG Nguyen.

DAG Nguyen said only offering standard contract form as with legal counsel and as far as responsibility and Department is not counsel to proponent.

Chairman Lent said they all want projects to succeed.

DAG Nguyen said Department cannot give advice.

Commissioner Raine said all the money would go to Wildlife Services.

Public Comment -

Don Molde said he will submit project to Heritage Committee and these projects are to kill animals totally aside from state responsibility and believes it to be a crazy idea.

Tom Smith said earlier this year we had a contentious Legislative Session and there was a similar proposal defeated in the State Legislature and another fee as well was defeated. He said the 40 percent was not taken for wildlife damage and feels they are now going through the back door and that this is overstepping by taking funds from the Heritage Account and is taking from Heritage account and not appropriate use of Heritage funds. He said predator management should be done through the Department, and wonders why projects being approved by outside proponents and not the Department

Tina Nappe, former Wildlife Commissioner, said she is representing herself. She said there is no outcome and predators are in danger and recalls that Mr. Jensen said never kill enough predators to require a NEPA or EA. Previous comment from Smith these are dollars paid by sportsmen and sportsmen need to think twice if it is worth investing in this process.

Judi Caron said she attended the Wildlife Damage Management Committee meeting and heard the review of how they projects got this far, and Elko CABMW supported the author's proposals..

Don Klebenow said he is a retired University of Nevada Reno professor and said he served on sage grouse technical committee and had worked on nesting birds related to predator control and ravens destroyed the nests and based on research that difference in habitat and nesting quality. He still counts sage grouse in lek and would state that there are fewer ravens now than there used to be, and jump in nesting success at first but in fall no change in chick production although nesting successful. His conclusion is problem in habitat. Based on that he is leery of predator control and need to know what result is of predator control and what help provide data.

Allen Moss, native Nevada from Reno, said sage grouse with raven control, and with deer and mountain lions. He said a mountain lion eats one deer a week and that is 52 a year and once a mountain lion eats deer that is what they eat. He said there used to be a great deer herd in Nevada and also had management units for deer to breed and that is why it was good back then.

Commissioner Howell said he would like to quote numbers from Heritage Committee - \$212,000 is total approved from Heritage Trust Account.

Commissioner Capurro said two organizations put forth by two groups and if we came in with and one of the bills Mr. Smith talked about was withdrawn by the author. Hate to have his name on project if not the person recommending.

Commissioner Mori said his perspective is that as a former Heritage Committee member that originally passed the proposals and since that time this has been huge can of worms. At the time he did not know that would be the result and sees his vote in favor as a big mistake and since that time we went along lines it would be turned over to NDOW and that triggered NDOW to come up with their own proposals, and like Commissioner Capurro said if project had name on it, and now today NDOW is out of it, and then had committee meeting Nov. 24 and committee chose to go forth with individual projects with some changes, and one change was in reference to monitoring and that stated monitoring had to be independent from project funding and if project between proponent and Wildlife Service then no monitoring component. This thing is really confusing and he will take responsibility but not too late and can't support this now and is ready for the vote and put this behind us.

Commissioner Raine said he would ask original project proponents to give a summary, as their name is on the projects.

Pat Laughlin, Nevada Alliance 4 Wildlife, said his group wants to work with biologists and have assigned biologist and never wanted anyone to believe that they would take it over. He said he has correspondence from Game Division Chief Mark Atkinson that states no monitoring.

Commissioner Raine asked Mr. Laughlin if his group will profit from the project.

Mr. Laughlin said no.

Commissioner McBeath asked if Nevada Alliance 4 Wildlife has a biologist.

Mr. Laughlin answered no.

Commissioner Capurro said in Congress if you adopt plan and it is 180 from how it is proposed would you still want your name on the project.

Commissioner Wallace asked Mr. Laughlin who will pay for the monitoring.

Commissioner Raine said the monitoring was discussed at the committee meeting and they know they have no direct authority to issue instructions to NDOW and in many of these areas there is rotational monitoring we can ask but can't tell them to monitor.

Cecil Fredi, Hunter's Alert, said he supports committee recommendation and felt committee could design the project and insure that it would not fail.

Commissioner Cavin said sounds like interaction between NDOW and project proponents.

Secretary Mayer said the Department has provided support per NRS and NAC but will not be providing oversight to projects. Secretary Mayer said the Department has to be able to stand behind the projects and the Department would target predator work

COMMISSIONER RAINE MOVED TO APPROVE 10-23 AND 10-26 AND 10-27 AS APPROVED AT THE COMMITTEE MEETING. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner Raine disclosed that slanderous lies have been made at committee meeting and at the Las Vegas meeting and made disclosure that he has no relationship with proponent that would affect vote he makes today.

Commissioner Wallace said that he is a former committee member when this first was heard and voted to support on fact that Dept would help design the projects and we are right back where we were and with the monitoring stuff and feels no straight answer on that.

Commissioner McBeath said he has serious concerns of terrible precedent and will receive negative press on this and is concerned with Department not being involved and would like this tabled.

Commissioner Cavin said difficult spot as he was chair of Heritage Committee and thought projects reasonably well conceived and wanted to fill in details which seem to not have changed since beginning and as much as he would like to see projects go forward he can't support in current form. He said he would like the Department to have oversight and can't see giving funds to groups with no professional background especially when Department not involved.

Chairman Lent said he would like to see Department proposals for predator projects through the Heritage account but lacking Department submission somebody has stepped up and hopefully Department will take note of how these projects go and may be able to work these through the Department in the next year as now is the time for submission.

COMMISSIONERS IN FAVOR VOTE OF THE MOTION: CHAIRMAN LENT, HOWELL, CAPURRO, KOBRIN, AND RAINE. COMMISSIONERS OPPOSED: CAVIN, MCBEATH, MORI AND WALLACE. MOTION CARRIED 5 -4.

18 Western Association of Fish and Wildlife Agencies – Chairman Gerald A. Lent - Action

Chairman Lent appointed Commissioner Raine to attend the mid-winter WAFWA Conference in San Diego, Calif., in January 2010.

19 Future Commission Meeting – Director Ken Mayer – Action

Secretary Mayer said the next Commission meeting is in February in Reno.

Commissioner Capurro said he will be working with Kim Jolly to have a Legislative Committee meeting in the beginning of January.

Chairman Lent said that he will also be holding a Heritage Committee meeting too in January.

Meeting adjourned at 2:03 p.m.

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

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