

Draft Minutes

Nevada Board of Wildlife Commissioners' Meeting
Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512
Final Agenda

Friday, December 3, 2010 – 10 a.m.

- 1 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 2 Commissioner Appreciation – Secretary Ken Mayer
- 3 Law Enforcement Employee Appreciation – Chief Game Warden Buonamici
- 4 Approval of Agenda – Action
- 5 Member Items/Announcements
- 6 County Advisory Boards to Manage Wildlife (CABMW) - Member Items
- 7 Public Comment Period -

Note: Public comment will also be limited to three minutes per speaker on each individual agenda item.
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- 8 Approval of Minutes – Action
Commission minutes from the Sept. 24 and 25, 2010, meeting.
- 9 Correspondence – Chairman Raine – Informational
The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Mayer will also be discussed.
- 10 Petition - Action
Patricia Swain for Trailsafe Nevada is petitioning the Commission to address trapping issues relating to domestic pets and feral animals within the congested areas of Washoe County. The Commission may deny the petition, or accept the petition and put the matter on a future agenda.
- 11 Workshop – Informational
 - A Commission General Regulation Number 391, Guided Hunt Changes - T005-10 – Program Officer III Maureen Hullinger
The Commission may adopt a temporary regulation relating to revising provisions governing eligibility for the main draw if the application applied for the Restricted Nonresident Deer tag draw.
 - B Commission General Regulation Number 393, Black Bear Hunt - Temporary – T004-10 – Program Officer III Maureen Hullinger
The Commission may adopt a temporary regulation relating to revising provisions governing the establishment of a black bear hunt, eligibility waiting period requirements, bonus point program, weapons restrictions, tag fees and other matters related thereto.
- 12 Commission Regulation 11 - 01 – Raptors for Falconry – Chief of Wildlife Diversity Laura Richards – Action
The Commission will establish 2011 - 2012 season dates, species, quotas, hours, limits, closed areas, application procedures and deadlines, and take for raptors for falconry.

13 Commission Regulation 11 - 02 – Noncommercial Collection of Reptiles and Amphibians for 2011-2012 – Chief of Wildlife Diversity Laura Richards – Action
The Commission will establish 2011 and 2012 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians.

14 Workshop - Informational

A Commission General Regulation 395 – Temporary – T012-10 - Changes to Regulations Concerning Heritage Projects - Chairman Raine
The Nevada Board of Wildlife Commissioners will consider proposed changes to regulations concerning Heritage Projects. (NAC 501.300, 501.310, 501.320, 501.330, 501.340)

B Commission General Regulation 394 – Temporary-T006-10 Wolf Status–Chairman Raine
The Commission will discuss adoption of a temporary regulation revising the status of Gray Wolves (Canis Lupis) from a game mammal to unprotected mammal and other matters related thereto.

15 Report Wild Horse Update – Chief of Habitat Elmer Bull - Informational

16 Report from Feral Horse Committee, Horse Monument and Letters and /or Resolutions for Commission – Mike Stremler, chair - Action

A The Commission may approve, modify, create, or deny a letter to the Nevada State Water Engineer in reference to the issue of giving water rights meant for wildlife to wild horses - Mike Stremler – Action

B The Commission will discuss the Pickens Horse Monument in Eastern Nevada, may provide guidance to staff on the matter and may approve, modify, create, or deny a resolution and/or letter on the matter - Chairman Raine - Action

17 Reports – Informational

A Bighorn Sheep Disease Update – Dr. Peri Wolff and Chief of Game Larry Gilbertson - Informational

B Area 10 Mule Deer Body Condition Analysis – Game Biologist Tony Wasley

C Mule Deer Collaring Efforts in Elko County – Game Biologist Tony Wasley

D Trail Cameras Presentation – Chief Game Warden Rob Buonamici

E Gifts, Grants, Donations, and Bequests – Deputy Director Cates

F Litigation Report – Deputy Attorney General Nhu Nguyen

G Department Activities/Leadership Team Notes – Secretary Ken Mayer

Saturday, December 4, 2010 – 8 a.m.

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

19 Member Items/Announcements

20 Public Comment Period

Note: Public comment will also be limited to three minutes per speaker on each individual agenda item.
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21 CABMW Budget Adjustments Fiscal Year 2011 - ASO III Dale Hansen - Action
The Commission will review CABMW budget status reports and may make adjustments to CABMW budgets for Fiscal Year 2011.

- 22 Commission Regulations – Action
- A Commission General Regulation Number 391, Guided Hunt Changes - T005-10 – Program Officer III Maureen Hullinger – Action
The Commission may adopt a temporary regulation relating to revising provisions governing eligibility for the main draw if the application applied for the Restricted Nonresident Deer tag draw.
- B Commission General Regulation Number 393, Black Bear Hunt Temporary – T004-10 – Program Officer III Maureen Hullinger – Action
The Commission may adopt a temporary regulation relating to revising provisions governing the establishment of a black bear hunt, eligibility waiting period requirements, bonus point program, weapons restrictions, tag fees and other matters related thereto.
- 23 Findings of Mule Deer Restoration Committee - Chairman Raine - Action
A report will be given by the Mule Deer Restoration Committee. The Commission will be asked to accept the findings of the Mule Deer Restoration Committee and adopt some or all of them as findings and recommendations of the Nevada Board of Wildlife Commissioners.
- 24 Reports – Informational
- A Progress and Funding Report on Phase 1. Independent Scientific Data Analysis of Nevada's Mule Deer Population, funded by Wildlife Heritage Trust - Patrick Maxon Ph.D. and Ellen Maxon Ph.D
- B Discussion on the 2006 Nevada Department of Wildlife Mule Deer Management Plan and its Completion, this Plan was Slated for Revision in 2010 – Staff Biologist Tony Wasley
- C Big Game Season Setting Process - The Commission will Discuss the Process and Information Requirements for Setting Big Game Seasons and Quotas – Chairman Raine
- D Application Fee Cost Charges – Deputy Director Patrick Cates
- E Desert/Bighorn Sheep Mixing and Report on Drop Down Hunt Application Menu – Chief of Game Larry Gilbertson
- F Reports on Mule Deer Efforts within Each County – CABMW Members
- G Waterfowl Management Changes for 2011 – Game Biologist Russell Woolstenhulme
- H Review of Completed 2011 Predator Management Plan – Chief Game Division Larry Gilbertson
- 25 Incentive for Early Applications for the Big Game Draw – Chief of Operations Bob Haughian – Action
The Department, in coordination with Systems Consultants, will make final recommendation to the Commission regarding details related to the proposed incentive for early application for the big game draw, to include incentive type, milestones, limitations on participation, and other related matters.
- 26 Western Association of Fish and Wildlife Agencies (WAFWA) 2011 Mid-Winter Conference - Chairman Raine – Action
The Commission will designate a representative or representatives to attend the 2011 mid-winter conference in Tucson, Arizona.
- 27 Future Commission Meeting – Director Ken Mayer – Action
The next Commission meeting is scheduled for Feb. 4 and 5, 2011, in Las Vegas; and the Commission will review potential agenda items for that meeting. The Chairman may designate and adjust committee assignments as necessary. The Secretary of the Commission will report on the status of the requested joint meeting with the Utah Commission in 2011.

Nevada Board of Wildlife Commissioners present for two day meeting:

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

Bryan Stockton, Deputy Attorney General
Suzanne Scourby, Recording Secretary

Wayne Howle, Deputy Attorney General

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Game Larry Gilbertson	Chief Game Warden Rob Buonamico
Program Officer III Maureen Hullinger	Big Game Biologist Carl Lackey
Chief of Operations Bob Haughian	Big Game Biologist Tony Wasley
Administrative Assistant IV Trudi Davis	

Others in Attendance/Two Day Meeting:

Dr. Paul R. Dixon, Clark CABMW	Rex Flowers, Washoe CABMW
Gil Yanuck, Carson CABMW	George Corner, Nevada Guides & Outfitters
Walter Mandeville, Lyon CABMW	Glenn Bunch, Mineral CABMW
Mark Jensen, USDA-Wildlife Services	Monty Martin, Systems Consultants
Don Molde, self	Tom Cassinelli, Humboldt CABMW
Cory Lytle, Lincoln CABMW	Alexandra Brenke, self/Trail Safe
Mike Jamieson, self	Kathy Davisson, Bear League
Ann Bryant, BL	David Lange, Bear League
Teri Farley, self	Vania Revel Chion, Nevada Humane Society (NHS)
Dr. Baker, self	William Chamberlain, self
Moirhian Martin, self	Robert Field, self
Kristin Field, self	Pat McDonough, Bear League
Elaine McDonough, Bear League	Valine Martino, self
Kary Kielhofer, self	William Meyer, Lyon CABMW
Jim Jenne, Lyon CABMW	Mike Turnipseed, Douglas CABMW
Robert Satter, self	Vicki Lee Danek
Daryl Harwell, Washoe CABMW	Carrol Abel Hidden Valley Wild Horse Protection Fund
Rivka Strom, citizen	Lee Lawrence, Nevada Dept. of Agriculture
Don Sefton, Systems Consultants	Billie Williams, self
Mark Hutchison, Critter Control	Teresa Clancy, Critter Control
Trish Swain, Trail Safe	Elaine Carrick, Trail Safe
Henry Krenka, Nevada Outfitters and Guides (NOGA)	George Corner, NOGA
Walt Gardner, self	Jack Robb, self
Candido P. Mendive, Elko CABMW	Bob Brunner, Coalition for Nevada's Wildlife
Darrell Ennes, Terminix International	Kathryn Bricker, private citizen
Dan Beeler, self	Sherine Kuckhoff, self
Louie Burgarello	Nikole Nichols, NHS
Tracy Dean, NHS	Brett Jefferson, Nevada Bighorns Unlimited-Reno (NBU)
David Duffie, self	Thomas Bauer, self
Pat Coletti, MD, self	L. Tremayne, self
Priscilla Bauer, self	Madonna Dunbar, self
Fran Aperones, J.D., self	Derrek Aaron, self
Doug Busselman, Nevada Farm Bureau	Al Willa, self
Dorismae Weber, self	Jim Ornellas, NVBig Game Restoration Group
Marshall Goldy, NV Big Game Restoration Group	Brandon Miller, self
Jon Miller, self	Mike Laughlin, self
Margaret Martini, self	Leland Graves, Lyon CABMW
Cathy Reyes, NHS	Jane Buchbinder
Tom Wilson, self	Larry Latham
Bonnie Matton, Wild Horse Preservation League	Sharon Scott, Wild Horse Preservation League
Dorothy Nylen, Wild Horse Preservation League	Dr. Donald Molde, self
Mel Belding, self	Linda Thimot, NHS
Dr. Lynda Wiest, self	Willis Lamm, Lyon CABMW
Chris Schwamberger, Trail Safe	Carol Quinn, self
Pat Laughlin, Nevada Alliance 4 Wildlife (NA4W)	

Kay Fagan, self
Rachel Snyder, BL
Scott Bye, BL
Don Alt, Nevada Livestock Association (NLA)
Heston Johns
Valerie Cohen, self
Robert J. Sutter, self
Eric Scheetz, Douglas CABMW
Ken Del Bono
Brooke Ingram, Hunter
Keith Ingram, self
Cathi Colvin, resident Incline Village
Neta Baughman, North Lake Tahoe BL
Floyd Rathbun, self
Bud Sonnentag, self
Lucy Tremayne
Valerie Cohen, self
Mark David, self
Helen McBragh, self
Judi Caron, self
Mike Stremler

Kara Sullivan, self
Tim Snyder, BL
Tony Yarbrough, Nevada Paw (NP)
Julianna Jefferson
Billie Williams, self
Linda Burney, self
Bruno Bowles, SNWA
Rebecca Williams, self
Bob Nylen, WHPL
Mark Ingram, Hunter Conservationish
Al W. Lilla
Ira Hansen, self
David McNinch, self
Beverlee McGrath, Humane Society of the U.S.
Kara Sullivan, self
Joel Blakeslee, Nevada Trappers' Association
Megan Sewell, HSUS
Derrek Aaron, self
Mitch Schneider, Washoe County Regional
Animal Services

Friday, December 24, 2010

- 1 Chairman Raine called the meeting to order at 10:03 a.m., Commissioner Capurro led the Pledge of Allegiance.

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

CABMW Roll Call: Paul Dixon, Clark; Glenn Bunch, Mineral; Mike Turnipseed, Douglas; Gil Yanuck, Carson; Jim Jenne, Lyon; Bill Meyer, Lyon; Willis Lamm, Lyon; Daryl Harwell, Washoe; Candido Mendive, Elko; Rex Flowers, Washoe; Joe Crim, Pershing; Tom Cassinelli, Humboldt; Cory Lytle, Lincoln; and Walt Mandeville, Lyon.

- 2 Commissioner Appreciation – Secretary Ken Mayer

Item postponed to a later date.

- 3 Law Enforcement Employee Appreciation – Chief Game Warden Rob Buonamici

Boating Officer of the Year Presentation made by Chief Game Warden Buonamici to Warden Kristy Knight who is an outstanding six-year NDOW employee.

- 4 Approval of Agenda – Action

Chairman Raine said he has a request to move agenda items #16 A and #16 B between agenda items #22 and #23, tomorrow afternoon.

Mike Turnipseed, Douglas CABMW, said he is not sure what Mr. Stremler is proposing in his letter and he will not be present tomorrow...

COMMISSIONER HOWELL MOVED TO APPROVE THE AGENDA WITH CHANGE OF MOVING #16 A AND #16 B BETWEEN #22 AND #23. MOTION SECONDED BY COMMISSIONER LENT. MOTION PASSED UNANIMOUSLY.

5 Member Items -

Commissioner McBeath said an email was received by him and the Commission from Marlene Kirch and he asked how will that request affect the timing of the Kirch Award and the award's timeline this year.

Deputy Director Haskins said the committee will meet and the award will be presented at a future Commission meeting.

Commissioner Capurro asked if there has been a determinative vote with respect to the Kirch award.

Commissioner Howell said he is the chairman of the Kirch Committee and is confused about Ms. Kirch's letter as he wonders how the voting information got out as voting not completed by everyone. In the letter Ms. Kirch states she is upset about the voting, which is information that is not out yet.

Commissioner Capurro said his point is that in reading Ms. Kirch's letter it states that both this year and last year it appears there was a specific agenda that a certain person got the award and he wondered how there could be an agenda if no winner announced.

Commissioner Lent said he is a voting member of the committee and is here to announce he has not voted yet and he takes the letter from Mrs. Kirch as telling him how to vote and he has not done so and does not know how anybody can say how the results are in and is not sure he will vote today. He thinks there has been an alleged leak between her and staff because he has not voted. He resents being told how to vote; however, he will be turning his vote into the Department by Monday, and the results at this time are not conclusive.

Commissioner Cavin said he has two items: Email from Doug Martin of Carson CABMW who is also a member of committee for pinyon-juniper alliance and there will be a meeting in Las Vegas next week and brings that up in case Commissioners or CABMW members wish to attend. The dates are Dec. 8 and 9, 2010, and will cover major landscape pinyon-juniper treatment in Southern Nevada, NGO's and state agencies will be there and he has the information to forward by email if anyone is interested.

Commissioner Lent said he would suggest to Chairman Raine that he name a director search committee and look into hiring a "head-hunter" to search for a new director as we need a Commission committee to do that, and to put that on the next meeting's agenda.

Chairman Raine said that will be covered under agenda item #27 – Future Commission Meetings.

Commissioner Cavin said he spoke to Mr. Sefton of Systems Consultants Inc. (SCI) about posting the names of successful draw list applicants in another fashion in addition to current alpha listing especially for trophy species by unit or area so potentially a hunter in a unit would know who else is hunting in that unit. Mr. Sefton thought the cost to be reasonable and he asked this be brought up in the future on an agenda or in a committee.

Chairman Raine said that we can make a note of that for the next Commission meeting.

6 CABMW Items - None

7 Public Comment –

Deputy Attorney General (DAG) Bryan Stockton said given the high volume of emails received on some issues and given that emotions are running high, that he will read a section from the Attorney General's Opinion regarding public comment guidelines, and he reminded everyone to be careful to keep personal attacks out of the discussion, keep comments on the issue and do not personally attack people.

Gil Yanuck, Carson CABMW, said he is speaking on behalf of the Governor's Sage Grouse Conservation Team, as time to get back in action and appealed to sportspersons and interested persons to reinvigorate local workings groups as we have a unique subspecies and the goal is to prevent bi-state listing. The next meeting is Dec. 16, 2010, at Mason Valley Library at 6 p.m. with state and federal agencies to explain the situation and get the volunteers back in action to prevent the listing which would be detrimental to Nevada's economy.

Bonnie Matton, Wild Horse Preservation League, read a letter and provided copies to the Commission (exhibit file) concerned with the firing of Director Ken Mayer who pursued scientific management and she asked that Mr. Mayer be reappointed at the most earliest possible opportunity. She said she also is disturbed about agenda item #16 being moved to Saturday, as she and many others traveled to this meeting from far distances for this agenda item, and she asked how it can be arbitrarily moved to Saturday.

Kathryn Bricker, citizen of Douglas County, said this is her first meeting and knew nothing about NDOW except what she had read in the paper about the bear hunt and she looked to the NDOW website for further information and she contacted her local CABMW who were respectful of her comments and listened to her, but what bothered her is that when she first started reading about the CABMWs descriptions and regulations in the CABMW manual, and read the CABMWs purpose is gathering public opinion, that as a general member of the public she felt left out from the CABMW process, which is not fair and balanced for the public as no place for her to provide input. For herself, she said she is not anti-hunting, but is pro democracy, and system does not include the public such as herself as a voice in the process, other than the three minutes allowed during public comment. Ms. Bricker asked that the system be changed to include the

public and she and others would assist with that change.

DAG Stockton told Ms. Bricker that is a statue that the state legislature would have to change and the board does not have that authority.

Brett Jefferson, Nevada Bighorns Unlimited (NBU) Reno, said their understanding based upon Associated Press release was that this board was not aware of termination of Director Mayer and they believe his termination is unjustified and unwarranted and would suggest that it will not benefit the state and or sportsmen of the state and would recommend that any list put forth to Sandoval by this Commission include Ken Mayer's name for Governor Sandoval's evaluation and consideration for reappointment.

Bud Sonnentag, of Gabbs, said he is attending this meeting to personally thank Commissioner Lent for forming the Mule Deer Restoration Committee and Chairman Raine for chairing the committee and for all of its efforts and he asked that the Commission take action on the committee's recommendations. He provided his comments to each Commissioner and requested that the letter be included in the meeting minutes (Attachment C).

Paul Dixon, speaking for himself as the individual filer of the Heritage lawsuit, said he would like to provide an update to the public today. He said that the goal behind filing the lawsuit was the process, and he thought the discretionary process had been abused as opposed to what anybody believes. The judge decided that as an individual, he did not have standing to challenge the board, and the court did find that the board had abused its discretion at least in one case and from that perspective that is valuable lesson to the Commission to not abuse its discretionary process and to rely on the CABMWs whenever possible. The judge also said that when they reviewed the tapes and transcripts of the meetings that the judge saw that Mr. Dixon got up many times and a few others did but most others did not and he advocated that each CABMW member get up when in disagreement with the Commission to have it on the record to carry weight. He said the CABMW members need to speak, even if you are repeating what has been said, and he does not feel the lawsuit was wasteful of sportsmen's dollars as the proposed changes to the Heritage language indicates that they want to take away everybody's challenges and input and they want to have full discretion.

Mark David, said he in regard to bears, that bears are complacent at Lake Tahoe, and understands both sides of the fence but his thought is to open up hunting to limited number of bears and also would like to set up a donation system to relocate the bears.

Margaret Martini, Incline Village resident, said on bear issue with tags that most of the bears are in town and not in the wild, and to her it is unconceivable to kill for killing's sake, when they are in their natural habitat in the wild, and they are not a threat in the wild. She said if bear issues in town to go into town and kill bears is not the answer, relocation is an option as said earlier, and this is a human problem and need to regulate this so that everyone has a bear proof trash container. She said it is time for humans to step up and discourage the bears and

protect the people. Ms. Martini commended Anny Bryant and Carl Lackey for their outstanding work and is barbaric to kill for killing's sake.

Commissioner McBeath said to Ms. Bricker that there is a member on the Commission representing the general public – Commissioner Shrum and Conservation is represented by Commissioner Capurro.

Kathryn Bricker restated that her thought is to start at the CABMW level and if you read the paper, the public's main criticism of the current Commission composition, is that when speaking to this Commission, you are talking to deaf ears as their minds are all made up. She said article after article states the representation of the Commission, and when you look at the balance of power, one person representing the general public on the Commission is not that much.

8 Approval of Minutes from September Meeting -

Commissioner Lent said he would compliment the recording secretary for the completeness of the minutes as they are a pleasure to read when they are like that and he appreciates the comprehensive format.

Commissioner Howell said he had a correction to page 9 as Commissioner Shrum attended Sportsman's Expo not Commissioner Howell.

COMMISSIONER LENT MOVED TO APPROVE THE SEPTEMBER MEETING MINUTES WITH THE ONE WORD CHANGE TO PAGE 9. COMMISSIONER HOWELL SECONDED THE MOTION. MOTION APPROVED UNANIMOUSLY.

9 Correspondence – Chairman Lent - Action

Commissioner Lent said his correspondence included letters and emails: Letter from Clint Newsom opposed to hunting bears; Linda Milliron against bear hunt; correspondence from Nevada Outfitters and Guides Association (NOGA) supporting the guide proposal; letter from Kathryn Bricker on bear hunt; letter from Joel Blakeslee on Trail Safe petition; letter from Janis Hallert opposing bear hunt; letter from Director Tony Lesperance of Department of Agriculture asking to postpone action on Trail Safe petition; letter from Western Exterminator Company stating they were not contacted on Trail Safe petition; letter from National Wildlife Control Operators Association who also were not contacted on Trail Safe regulations; National Pest Management Association concerned with the Trail Safe petition as it will affect their business; and a letter from Las Vegas Valley Humane Society opposing the bear hunt.

Chairman Raine said he knows everyone had lots of emails and he himself had a letter from a big game restoration group and he will read that letter later when we get to that agenda item as it is relevant to it, letter from Nevada Humane Society and copies of the same items that Commissioner Lent just said.

Commissioner McBeath said as it has not been mentioned yet, he believes that every Commissioner also received a 43 page letter/document from the National Humane Society on the bear hunt.

10 Petition – Action

Patricia Swain, representing Trail Safe Nevada, said for clarification and to clear up any misunderstandings over their petition's proposal which is simple and modest, that on August 14 she attended the Commission meeting in Fallon and was advised to work with other parties, which they did. Their meetings were productive and included representatives from: Nevada Trappers Association, Washoe County Regional Animal Services, NDOW Law Enforcement staff, two lawyers, and one private animal control group, and the resulting language was endorsed by all parties. Ms. Swain said county, state, and federal employees can pursue their duties and the petition is not intended to interfere with those responding to pest control or depredation problems. She said true to his word, Mr. Blakeslee of Nevada Trapper's Association, attended the Washoe CABMW meeting and endorsed the petition and her understanding is that Mr. Blakeslee speaks for Nevada Trappers, and no one else has come forth to say otherwise over the last past nine months, nor in the three years since the first petition. Nevertheless two members of the Washoe CABMW did not endorse the petition, one member said he could not support it as he said ultimate goal of Trail Safe is to ban trapping per an assumption made from viewing the Trail Safe website, two members were in support and another member was absent. Ms. Swain read the "wish list" section of their website which does not have bearing on the petition today. She said someone claimed only two incidents of accidental trapping but would refer those persons to their website where there are four pages detailing incidents, and said no official records are kept, but NDOW estimates about 100 such reports annually, many within residential areas. She said regulations are needed for congested areas and tremendous amount of support and had one hour of public testimony in support of the petition at the Washoe CABMW meeting. She said she followed the advice of the Commission and feels justified in asking for support of Commission.

Commissioner Capurro said some of the information came in late and he would presume that you folks have no opposition to concerns voiced by businesses and others.

Ms. Swain said they had productive discussions and she explained that this is draft language which could be tweaked and would be happy to do so if approved to go forth.

Commissioner Vogler said the definition of congested can vary and asked what they define as congested, and he asked about other animal species and leash laws.

DAG Stockton said each county defines congested areas.

Ms. Swain said the proposed regulation states with 1,000 yards of inhabited dwellings.

Commissioner Cavin asked if this is affecting private land and how did they come up with 1,000 yards.

Ms. Swain said you have to have a trapping license to trap and they wanted this to apply the same as Washoe County firearm congested area regulation and if you can't shoot a firearm within that distance why should you be able to leave a trap, and in the spirit of compromise they agreed to the smaller distance of 1,000 yards of an inhabited home.

Commissioner Vogler asked DAG whether Washoe County has own trapping laws.

DAG Stockton said that trapping is controlled by the state.

Ms. Swain said her organization went to Washoe County first and were told by them to appear before this Commission, which is the state.

Chief Game Warden Buonamici said the trapping petition is the result of cooperation and discussion of meeting everyone's unique needs and believes that was done, although there are late comers to the game and some of their concerns are addressed through other regulations for the pest control business and the commercial permits issued to them. This petition will not affect them as wildlife control is relevant to them and if their issues not addressed that can always be done during the regulation process. He said as far as Washoe County, state jurisdiction prevails for trapping and wildlife, as the state is the steward of those resources. The county does not have jurisdiction over hunting and fishing regulations and that is what we are doing today.

Public Comment –

Kara Sullivan said she is representing herself and her dog, because as a hiker she hates that she has to worry about her dog getting caught in trap, and she asked what if it was a child caught in a trap and would we look at this different, if it were a child instead of a dog. Ms. Swain's petition is a fair compromise and she urged the Commission to vote in support of the petition.

Kay Fagan said she is not against hunting but against inhumane trapping of pets and children, etc... and need to protect them within those limits. She supports the Trail Safe petition.

Lucy Tremayne, resident of Washoe County said she supports the Trail Safe petition and has a pet, and she lives in a forest area where trappers may want to trap and although she has her dog off leash due to her exercise needs, she keeps her in view, and does not her to be injured. She knows that trappers see this as curtailment of their range but is reasonable and the 1,000 foot limit is livable and she would still have to be careful with her dog's well being.

Fran Aperones said she has a law degree, but is not a lawyer, is in support of the petition as a reasonable person's standard in terms of protection of any living being that could potentially escape from their home, and in a moment's notice something terrible could happen and we owe it to public safety to have petition approved to look at it for study and not dismissed as that would be against all conscience.

Dorismae Weber said speaking for herself that she personally approves and supports this petition and hopes all of you who are interested in saving animals to prevent the horrible suffering of an animal that sits in a trap for 96 hours, and do something about this. Her dog was caught in a trap that was not 1,000 feet from a trail in the picnic area of Galena Park and asked that we do not put this off, because if we move forward we get things done.

Mark Hutchison said he is the owner of Critter Control in Reno and also is speaking on behalf of National Wildlife Control Officers Association, they are largest nuisance animal control agency and the 16th largest pest control company in the U.S. He said they are against the petition and they were not included in process. He said his company holds licenses from Department of Agriculture, Nevada Department of Wildlife and the Department of Defense. The amended language is not acceptable to them.

Darrell Ennes, director of Government Affairs for Terminix International, said they and the Nevada Pest Control Association did not know of petition either until late Wednesday night. He said he is in favor of putting off the petition and is sure people are well intended but this may well interfere with pest control and others need to be brought to the table for further consideration.

Louie Burgarello said he has a trapper's licenses to protect his property on Kevin Circle as he has an extreme marmot problem on his own property and the way the petition is worded does not allow him to protect his property from marmots. He said trapping is the only way to control that animal and overall he is not in disagreement with the idea.

Nickole Nichols, community programs manager at Nevada Humane Society (NHS), said she is here representing Nevada Humane Society officially and to make an important distinction, she is not affiliated with the Humane Society of the United States (HSUS). NHS is a local organization and supports Washoe County, and 35,000 of their supporters of which many are here today, and they are focused and concerned with Washoe County. Many of their supporters want the outright ban of trapping; however, NHS believe this proposal to restrict leghold and body crushing traps in congested areas is a reasonable way to address the safety of pets and children. According to the HSUS 67 percent of animals caught in traps are random, and this proposal is one that many animal welfare organizations, citizens, and the Nevada Trapper's Association agree with and endorse, and as such, they recommend Commission acceptance of this proposal for restriction of traps in congested areas of Washoe County.

Chris Schwamberger, Trail Safe member, said they are just asking the Commission to accept the petition with draft language to initiate process of drafting regulation to limit traps in congested areas, and any other issues can be worked out in the workshop and public hearings. She said she would like to reorient the conversation on this issue, and a lot of discussion has been on sport of trapping and would submit to Commission that how does this affect trapping because we are here to address urban problem and is an urban trend as more and more people on trails and more and more people in congested areas as defined by county ordinances, and this is a firearms congested area. The traps

are causing public concern as public is upset that traps are where pets and children can potentially be caught. She said we started this issue in August when a skunk was caught in a trap and then a cat four months later. Washoe CABMW members can attest to huge amount of public input and this resonated hugely with the public and again this is not to interfere with depredation control and is intended to address commercial trapping for fur, not pest control. She said Chief Game Warden Buonamici can address the pest issue. You are the Wildlife Commission, and the public is coming to you for a solution to this problem.

Joel Blakeslee, Nevada Trapper's Association, said this started last March when a feral cat was caught in Cottonwood Park by the river and the story was picked up in the newspaper. Trail Safe and Washoe Regional Animal control decided to take to Washoe County Commission who told them the matter is under the purview of the Nevada Board of Wildlife Commissioners not the county and his organization would prefer to keep it here with the Wildlife Commission and Nevada Trapper's Association's Board of Directors agreed with concept to move forward and most of the board does not have a dog in this fight. Obviously it is public relations and a lot of people don't like what we do and main reason he is in favor of the petition is that it sends a message to trappers to stay away from houses, but also sends a message to pet owners to keep their animals on their property under control. He heard recently about the nuisance wildlife control and pest interest in this, and those issues were addressed over the past eight months in negotiations and that notice has been in the newspapers and at least two meetings which were publically noticed.

Nevada State Assemblyman Ira Hansen, said he is representing himself, and that he is a licensed trapper in Washoe County and there is no need for this regulation, and if you check their own website there have been two instances and he talked to Game Warden Dankowski who said no problem with this. They are making something up for a problem that does not even exist. He said this will affect a huge section of Washoe County, and if you look at firearm congested areas in southern Washoe County, it is a big block of state that will be blocked from trapping. Mr. Blakeslee brought up compromise, but what are trappers getting. This is a one-sided arrangement as trappers are getting nothing and if you look at Trail Safe website they are anti-trapping as the website recommendation states they want a three mile ban from road. He said this affects only Washoe County, Washoe County trapping representative Mitch Bailey voted against it, as did Washoe CABMW, he said he had zero contact from Mr. Blakeslee and nothing out to trappers that this is even going on. He said this is actually a state issue and as a member of the Natural Resources Assembly Committee in the legislature that he thinks if huge outcry about trapping there would be a big backlash and he asked that this petition be rejected as unnecessary.

Mark Jensen, state director USDA Wildlife Services and administrator resources division for Department of Agriculture, said at the August Commission meeting he stated they were not contacted and the petition does not give proper exemption to employees of federal side and state employees at Department of Agriculture. He said he gave the ladies his contact information, and again, he was not contacted.

Tom Wilson, said he is a former member of Washoe CABMW and former president of Nevada Waterfowl Association, and he was involved with this issue and they tried to work out a compromise of language that would work. He said this is a no brainer issue with more people involved who want to work on the regulation. Other bodies may have jurisdiction and the worse thing this body can do, is to do nothing, as other political bodies will take this up and you will lose control. He worked as a neutral party and is a good start and there is more to do, and everyone has same concerns and common ground. Again, this is a no brainer.

Commissioner Capurro asked what the position was of Washoe CABMW on the petition.

Mr. Wilson said four members of Washoe CABMW present and they officially ended up with no position as they had no majority vote.

Elaine Carrick said she is in favor of the petition as the two groups, Trail Safe and Nevada Trapper's Association, worked together for a compromise solution and it makes total sense to not allow trapping in congested areas of Washoe County and this proposal will help prevent other cats and dogs from being caught in a trap. Only asking that the ban on trapping be 1,000 yards of residences and on NDOW website for 2006 – 2007 there were only 129 people with resident trapping licenses and the Commission needs to consider that there are tens and thousands of people who are residents of Washoe County and 35,000 people mentioned as supporters of NHS, and by starting these processes there are many people who will be affected and asked that the Commission approve the petition.

Lee Lawrence, State of Nevada Department of Agriculture, representing Director Tony Lesperance read a letter (exhibit file) in opposition to the petition and asking for postponement of action until the pest industries are allowed to review and comment.

Commissioner McBeath asked for Mr. Lawrence to explain if Mr. Lesperance understands this is a petition and what is to be gained from denying the petition as opposed to putting forth the regulation and participating in that process.

Lee Lawrence said he can't say they are in favor of denial but would say that the Department of Agriculture was not involved in the initial discussions and are here at the eleventh hour notice and have not been informed as well as they should be.

Commissioner McBeath asked if the Department of Agriculture would change position if they could participate in the regulation process or would they still be opposed. He said a reason has not been provided yet today from the USDA, private property owners, or business owners, as to why the Commission should not approve the petition and have it go forward.

Mr. Lawrence said his answer is that he cannot find a comment as his agency has not had a chance to review the issue.

Mr. Bill Chamberlain said he is representing himself, and agreed with Commissioner McBeath's comments as this is a no brainer issue and should go forward. He said all the entities claiming last minute notice, to them he would say there has been tremendous coverage. The proposal should go forth for the regulation process and if conditions violate regulatory issues, those items can be fixed in the regulatory process.

Dr. Stacy Baker, veterinarian, said in her practice she sees multiple cases of trapping inflicted wounds on pets. She said the trapper who spoke earlier and asked what they will get, is they will get safe practices, and need to compile numbers. She said her colleagues do not have the ability to take off work and address the Commission to describe the horrible life altering injuries to pets from traps and also injuries received by pets from fishing tackle left behind. Dr. Baker said she has treated a guide dog for the blind, caught in a trap which motivated her to drive down from Tahoe after working all night, and she urged better regulations and guidelines be put in place and stands before the Commission as a professional who can provide numbers and to find a balance between animals that may not be vermin. She said she lives on the edge of the forest and with education and safe management is able to protect her pets. She asked that they be professional and use a modern methodology as so many different things that could be used and we all know urban sprawl is a consideration. She said we want to promote ecotourism and knows people enjoy seeing animals.

Margaret Martini, Incline Village resident said she is representing parents with children, and concerned with open space, and don't always need to have a pet leashed and there are many issues with open trap being a safety issue for urban towns. She said eight states are considering legislation to ban trapping and that in itself is a huge outcry to that methodology. She urged the Commission to prioritize with human safety and pet safety and human safety needs to be addressed in methodology of trapping and again look at petition from human safety factor.

Don Molde said in answer to Ira Hansen's question as to what trappers would gain, is good will. He said he supports the petition and that he attended the Washoe County Commission meeting and spoke to Commissioner Humke privately and told him that he noted fish and game people get touchy on issues under their jurisdiction and told him that the Commission should punt and send the thing down the road. He said they have done that and he urged Commission to adopt and will tell Commissioner Humke if not passed there is no relief to be gained for the public and is not a stretch to define as a public safety issue as well as wildlife management issue and county can make regulation pertaining to public safety issues and that is point he would make to Commissioner Humke.

Unidentified speaker said she saw article on the Reno Gazette-Journal on Trail Safe and went to Trail Safe's website and saw four stories of companion animals being trapped and sees as a perimeter issue. She said this will not have a large effect on those who trap which until today she saw as fur industry, and does not know as a citizen of any trap that you could call a humane trap. She said many families have companion animals and service animals are part of family and would like to see the petition considered on basis of safety for entire family.

Children can move quickly and could move off trail and be harmed by one of these traps and someone did mention the possibility that pets disappear and are drug off by some predatory animal, and would ask how many companion animals have been kidnapped as bait dogs?

Mitch Schneider, Washoe County Regional Animal Services, said it is a no brainer that in congested areas trapping needs to be regulated which can be worked out in workshops and there has been more than one feral cat caught although not documented as it falls under welfare code and does happen more than they care to see as the veterinary earlier explained. The idea that we can stop animals from escaping from even the most responsible pet owner is unrealistic, and he would bet his entire monthly salary that if you took a poll of citizens at large that 80 percent or more would favor restricting leghold traps in congested areas of this community and hopes the Commission's vote reflects the interest of community and takes that into account over the minority and can work with pest control groups and private animal control groups as no intent to stop that and much preferable to handle here than another venue.

Paul Dixon, Clark CABMW, said his board did not have this on their agenda and although his board has two trapping members, Tracy Truman and John Sullivan. They wrote him emails that they felt they had open and honest dialogue with Trish Swain and Trail Safe and they felt process should move forward.

Commissioner Capurro said Carson CABMW did take up issue but does not know result in considering the petition, but what concerns him is that the petition deals strictly with Washoe County. NDOW and Wildlife Commission are state agencies responsible for statewide regulatory processes and ordinarily in law the only way that the legislature can make specific to an area is with a population figure such as over or under 400,000 and this restricts it to Washoe County and he asked DAG Stockton if can we deal with this set just in Washoe County and secondly with respect to firearm congested areas within that area, and would presume you have this in Clark County too, and his question is why should it be restricted just to Washoe County, if other counties have firearms congested areas and seems to him, that needs to be understood before we can proceed.

DAG Stockton said the restriction on the legislature comes from Nevada Constitution that they cannot pass any local or special laws. In this case NDOW is charged with managing wildlife, hunting, trapping, and has statewide authority for that. And there is authority to enforce those laws to local conditions and his opinion is that the Commission does have authority to regulate trapping in specific area of state and we do that with hunt areas and that is where that authority is.

Commissioner Lent said this petition was brought to the Commission a long time ago and recalls telling proponents of the petition to get involved with all parties and the trappers are not the only party they needed to reach. He said when we see a petition like this with this wording for the change proposed, the petition is not complete, there are no exceptions for the parties we heard from today, and petition is the same as brought forth then, and if you look at Commission minutes it is stated for them to contact all parties. We are hearing testimony today that no

groups were contacted, with exception of the trappers. The petition is incomplete. He himself has talked to many veterinarians and heard from them that this is not a problem and heard opposite from them with no numbers provided. There are so many big issues not resolved and the proponents did not do their homework. Commissioner Lent said he is not opposed to the concept but is opposed to petition as written as they promised they would come back with a complete petition and to work out in regulation form is not the way to do that as petition should be in finished form with all the exceptions, and we do not have a valid petition for what we want to do.

Chairman Raine said very serious issues identified, and would throw out that there are human health and safety issues on both sides of trapping issue. If worried about pets, restricting trapping may make it worse for pets with trapping restricted. He understands the concern with small children as he three in that category himself, as do the other Commissioners which is top on their minds. Human and health safety with weakening of water storage containers and goes on all sides of issue, and as a methodologist and looking at a few ways of dealing with this, we can accept the petition and follow with Washoe County ordinance, deny and drop, or deny and ask that Policy Committee agendaize topic and identify scientific evidence available on this issue and identify appropriate mitigation to deal with it, and decided whether or not issue specific to Washoe County area. Those are some of the options the Commission has.

Commissioner Vogler said when it comes to public health, safety and issues, do people in this room know in 1930s when Wildlife Services started that we had epidemic of rabies. Coyotes are always monitored for bubonic plague and on the rare occasion that a unleashed dog stumbles into a trap makes him feel very bad as he had it happen to his own dog. When it comes to terminology we talked about congestion which went from Reno all the way to Lake Tahoe and how far will congestion be when you take your dog near a trapline say in the Rubies, and is easy to remove pet from trap and he would demonstrate if Mr. Jensen had a trap. We did not define pests and this petition is vague. If you are a good trapper you will do everything not to trap a dog as no market for dog fur that he knows of. Until we define pest, congested area, the vagaries of this petition would be devastating to trappers and private property owners.

Commissioner Cavin said first of all he would applaud the efforts of Trail Safe, Mr. Wilson and NDOW, for getting this started and he did not realize how complicated this could get. Personally, he would like to see a map of congested areas and he sees as Chairman Raine alluded that if we accept the petition today then it goes to rulemaking, LCB, and if we send language to LCB that process will be long term, and really thinks this language should get worked out some more and sees no reason why Trail Safe, Mr. Wilson, Trapper's Association, Wildlife Services, Department of Agriculture and NDOW can't get together to continue to work this out. Question is whether it is done in open forum or they get together in informal meetings as in the past to work out. He asked Mr. Wilson how he feels about bringing back a better product.

Mr. Wilson said he served as the mediator in the process and is neutral in this and would be happy to continue and would say it was difficult as he had meetings at his office with many representatives, and might be easier to facilitate public discussions in workshop format with the Commission. Biggest issue is to make sure everybody can participate to ensure we have best language to submit to LCB with public participation. Mr. Wilson said he is willing to continue his services but obviously is up to the parties involved.

Chairman Raine said earlier petition was withdrawn and resubmitted and he had asked Trail Safe that they get together with Trappers and Wildlife Services and they did half of that but they missed a few such as Department of Agriculture, County Animal Control, and pest control agencies, and does need to be a unified proposal.

Commissioner McBeath said he would acknowledge Commissioner Cavin's comments which make sense, and would need Trail Safe's agreement and absent that he is leaning toward approval. The no brainer comment by Mr. Wilson, and his discussion with Department of Agriculture representative as to regulatory process and the comment by Mr. Wilson on the workshop to get all the parties together, and the comment by Commission Shrum about camel with nose in tent he disagrees with, as this is a specific request and wants everybody to know from USDA and private property owners that he will represent their interests and defend them vigorously. He said he would end that as sportsmen's representative that we need to be sensitive to public and understand our sport in context of the way the rest of society views us and their beliefs and we need to be careful how we proceed on issues that affect the public and thinks we will be making a huge mistake if we send Trail Safe to seek alternative remedies will not help as this is not going away and we will lose control. If the two groups willing he would support that but in absence of that agreement he would approve this petition to work out and likes the idea of a workshop as mechanism to do it so everyone is involved and no one is left out.

Commissioner Cavin asked if Trail Safe could be heard again to see if they want to withdraw the petition and address some of the issues or not.

Ms. Swain, Trail Safe, said she appreciates Commissioner Cavin's creativity and appreciates all the comments. She said they have been working on this for nine months already and our desire is to save measure and did make significant language changes and if a workshop will save the measure they support that and we don't want to keep coming back and getting stalled again as it is not fair to them or the public, and will do what we have to do to keep alive, but would prefer to have it approved today and want to move forward.

Commissioner Cavin said secondary question is if not approved that if he were them he would not close the door and would still get together and work out the differences, as nine months is a short stint in the wildlife area, as he has been around 40 years and wildlife ideas get batted around for a long time. He said this issue got significantly more complicated today.

Ms. Swain said she would still hope to go forward as they will operate in good faith, and have the workshop and notify all parties, and that would happen. This is not as complicated as being made out today and is not that radical and will not harm anyone's interest, it is a modest, restricted and specific proposal.

Commissioner Capurro said is it possible if we did not accept the petition today that the Commission refer the issue of congested area trapping to the Commission's Administrative Regulation Policy Committee to workshop the potential for this type of regulation and come up with language without accepting the petition.

Chairman Raine said that is possible, but regardless of the motion, he would request that Mr. Blakeslee and other trapping leaders in Nevada educate trappers about congested areas, and regardless, that is a today solution, and anything else done here is a tomorrow solution.

Commissioner Lent said he will preface his motion that he is not opposed to the concept but opposed to petition as written because the petition as written is not complete and will not vote for anything that the Department of Agriculture cannot work with and may mess with their operation and Wildlife Services said the same thing, and exceptions in petition and the petition should be complete with exceptions and feels it is a valid concept but the petition is wrong and needs to be more precise.

COMMISSIONER LENT MOVED TO DENY THE PETITION AS WRITTEN. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, SHRUM, VOGLER, CAPURRO, AND HOWELL. COMMISSIONERS OPPOSED: MCBEATH, WALLACE, CAVIN. MOTION CARRIED 5 – 3. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER CAPURRO MOVED THAT THE ISSUE OF CONGESTED AREA FIREARM BAN AREA TRAPPING BE REFERRED TO ADMINISTRATIVE PROCEDURES REGULATION AND POLICY COMMITTEE FOR WORKSHOP AND FURTHER DISCUSSION OF ISSUES BROUGHT UP TODAY. COMMISSIONER CAVIN SECONDED THE MOTION.

Commissioner Lent said as committee chair he feels strongly this is a good proposal and wants to make sure that all the interested persons and small businesses of the state are involved and can work out a better petition, and if everyone would stay informed and keep notice of the committee meetings to work this out and he totally agrees with the motion just made.

MOTION PASSED UNANIMOUSLY.

11 Workshop – Informational

A Commission General Regulation 391, Guided Hunt Changes – Program Officer
III Maureen Hullinger

PO III Hullinger reviewed the support material (exhibit file) for the guided hunt amendment regulation which delineated the background, language explanations, and programming note of implementation costs - \$500 - for the proposed regulation. She said four CABMWs supported the regulation change – Carson, Clark, Lincoln, and Washoe, and two CABMWS, Eureka and Humboldt, opposed to the regulation change. She said she knows some CABMWs had later meetings and they will probably present their positions.

Chairman Raine said he attended Eureka CABMW and they asked him to make comment on their behalf, and the CABMW basically stated the reason this was originally changed had nothing to do with the Taulman lawsuit, and the original change came from Eureka CABMW as a fairness issue, and it has been repeated at several venues that it is all about Taulman lawsuit, and it had nothing to do with that, strictly a fairness issue.

Don Sefton, Systems Consultants, said he spoke to Chad Bliss the other day and would like to clarify his remarks. He said Mr. Bliss was upset with him and he attributed that to the negative guide, negative nonresident feeling that he perceived at Commission meeting, and was not at CABMW meeting, and that was not the case, and he did not know that the change came from Eureka CABMW and honestly stands by comments in his email and he believes and remembers that meeting with the Taulman issue being heard at the same time by the Commission and believes the petition landed in fertile ground, and his comment was no aspersion on Mr. Bliss who he thinks is an honorable person and they have agreed to disagree on the issue, and he is in the minority on this issue and will be honest and stands by what he said.

Chairman Raine said fair enough, the reason originally brought forward may not be the reason it passed.

Commissioner McBeath said at the last Commission meeting a spreadsheet from Mr. Bliss was forwarded as to the fiscal impacts of this issue and they were different from Mr. Sefton's and asked if he had a chance to look at that and explain the difference in the number.

Mr. Sefton said at Mr. Corner's request he recalculated numbers and is comfortable with those numbers and if you look at impacts and lesser numbers and can't prove that lesser number is based on the rule or the economy. Personally believes the numbers will turn around if the rule is changed but also the economy is turning around.

Commissioner McBeath said while on advisory board and on the Commission that he believes Mr. Sefton has always brought a lot of credibility to the process when we talk about numbers.

Mr. Sefton said in all honesty he does not care how issue this is resolved, and Mr. Bliss noted that his company does make money from the application process, and that is true, but not a significant amount to them and again he does not care one way or another.

Public Comment CGR 391–

Mike Turnipseed, Douglas CABMW, said although they did not take a vote on this they supported CGR 391 in the past.

President Henry Krenka of Nevada Outfitters and Guides (NOGA) said he feels that they have answered all of the questions and is here for any more questions and appreciates everyone's time on this matter.

George Corner, NOGA, said this has been a long process and this has been discussed for many months with many trips around the state and has given opportunity for the issue to be discussed by the CABMWs and the time gave them the opportunity to keep presenting the facts. He said he appreciates everyone who has been involved, and Mr. Sefton's assistance in particular.

Commissioner McBeath said he appreciates Mr. Corner attending the Clark CABMW to present the issue.

Jim Jenne, Lyon CABMW, said the Lyon CABMW is opposed from a fairness standpoint as they feel that residents only get one chance and so should the nonresidents.

Candido Mendive, Elko CABMW, said his board supported the regulation and any economic help to Nevada is appreciated.

Tom Cassinelli, Humboldt CABMW, said he goes back with this 22 years to the original bill and this is a fairness issue as we give x amount of tags to guides through the legislature and those people already have a better chance of drawing a tag and you allow them into the second draw and you double dip on the general sportsmen and is really an unfair change and that is why it was changed in the first place.

Paul Dixon, Clark CABMW, said they supported the change although their position was not noted in their minutes.

Walt Gardner, representing himself said he is a guide, and passage will help him and everyone keeps bringing up fairness, and would say their clients are not eligible for Partnership in Wildlife (PIW), archery tags are reallocated into three draws and add PIW to that is four draws.

Gil Yanuck, Carson CABMW, said originally on other side of fence on this issue as well as CABMW and when they had their meeting they talked of fixed number of tags allocated to nonresidents, and if the nonresident guided hunt applicant is not drawn, that does not change number of tags allocated to nonresidents they are fixed. Just because nonresident gets opportunity but not in guided hunt and can apply in nonresident hunt does not affect or change the number of nonresident tags. The beneficiary is the Department with additional fees, it does not affect the apple as it is their apple, and will not affect the resident hunter, but will the Department realize more revenue.

Commissioner Lent asked if it is discriminatory against the nonresident hunter who does not want to hire or use a guide as they only get to apply one time.

Gil Yanuck, Carson CABMW, said no, he does not see it that way and why should the person not have the opportunity to go into a nonresident draw and if he chooses to hire a guide he can do that, and is not unfair or discriminatory. He said when we set quota and allocate tags that is fine as we agree on that and this is just internally between the nonresidents and we get more money and does not upset balance between nonresidents.

Tom Cassinelli, Humboldt CABMW, said bottom line is fairness and he disagrees with Mr. Yanuck on this. If you are going after the money you could give nonresident sportsmen two chances to make it fair, and he is not here for money, he is here for majority of general sportsmen.

Commissioner McBeath said the economic situation is not going to improve and any dollar may help and that piece is something he is looking at as well as economic impact in Elko and other towns.

B Commission General Regulation 393, Black Bear Hunt – Program Officer III Maureen Hullinger

PO III Hullinger reviewed the support material in the exhibit file outlining the background of the bear hunt, statutory and regulatory authority, language explanations, and said there is no programming cost for the addition of a bear hunt. PO III Hullinger said Carson, Clark, Douglas, Eureka, Lincoln, Humboldt, and Washoe County all supported language with exception of Washoe, who amended nonresident tag fee to \$300, and a change to Section 4 language on edible portions, and would they also like to see a management fee for black bears which would have to be established at legislature. She said she did not receive comments from any CABMWs being opposed to the language.

Commissioner Cavin asked in Section 6, having to report on bears accidentally killed within 48 hours, if that exists currently.

Chief Game Warden Rob Buonamici said the intent of the language as written is for hunting situations and also biologists track the number of bears hit by vehicles and other mortalities. He said the language requires any accidental take of a bear to be reported.

Commissioner Vogler asked Mr. Lackey how many bears are hit by cars, and is the Department still operating with the “three strikes you are out” policy.

Big Game Biologist Carl Lackey said they track all anthropogenic causes of mortalities for bears and 23 is average for all causes, with six bears hit by cars this year. For the most part, staff is following the three strikes policy; however implementation depends on each situation with the numbers varying from year to year. This year 20 bears were put down.

Commissioner Lent asked if aversion training still used and is it effective.

Big Game Biologist Lackey said it can be and they have used aversion training since 1997 and have done research which is on the website, and depends on many factors.

Commissioner Cavin asked Mr. Lackey to review population dynamics that were presented to the Commission at the August meeting for the public present today.

Big Game Biologist Carl Lackey said in 1997 the Department started collecting Nevada bear data, and to date have handled 480 bears about 800 times, and have developed published population estimates for bears in that time period and the last one was in 2002 based on two and one-half years of data, the current modeled population estimate has not been published and is on data gathered over 12 years. The population is estimated at 200 – 300, male biased with a 2:1 ratio, and is a conservative estimate. He said all the areas have not been sampled where we know we have bears. We have recruitment rates for males and females, and Nevada's bear population has a 16 percent per year increase. Over the long-term the bear population will continue to grow and our Nevada bear population is artifact of much larger Sierra Nevada population, as they don't recognize state line between Nevada and California.

Commissioner McBeath said California has a bear hunt and he asked how many bear tags issued for California and what is harvest.

Big Game Biologist Lackey said bears are hunted in California and tags are unlimited with harvest limited to 1,700 bears and they do hunt bears on the California side of the Tahoe basin.

Commissioner Capurro said looking at Tahoe Basin and when you perform the aversion tactics, do you collar the bears, and secondly you have removed bears and relocated them, and are those bears collared and wanted to know rate of return, as he understands they come back.

Big Game Biologist Lackey said the NDOW and University of Nevada, Reno research project collared 90 bears which was expensive and during that project 100 percent of the relocated bears came right back.

Commissioner Howell said at last presentation you commented that there was 150 – 300 bears estimated and that was a conservative estimate and would not surprise you if you found 1,000 bears in the state. And in follow-up California issued 24,805 tags last year and took 1,700 in their quota, which is a 7 percent success rate, and where we hunt, will be bordering California where they take a lot of bears.

Commissioner Capurro said do we know where there are restricted areas in Lake Tahoe Basin where by local ordinance the discharge of firearms is prohibited and trapping of animals.

Big Game Biologist Lackey said all counties have ordinances in place restricting discharge of firearms in congested areas.

Commissioner McBeath said we have received comments on proposed spring hunt and can Mr. Lackey comment on that issue in general and NDOW proposal did not include spring hunt – defined as June 1 – and a comment we received had proposed date of June 15 to get beyond the cub issue and that is from USHS document and also had issue of identifying lactating females. He said a fact stated is that when Colorado had final spring hunt, which they no longer have, they still had 21 sows with cubs killed in their spring hunt even with a regulation prohibiting that.

Big Game Biologist Lackey said a June start date for a spring hunt is pretty late, based on our research, sows with cubs of the year start emerging in early to mid-April, and in March you would avoid that. Anything beyond mid-April you would take a chance with cubs.

Commissioner McBeath asked what if there is a warm spring and will that make the sows come out earlier.

Big Game Biologist Lackey said data does not show them emerging that early, usually mid-April and May, depending on whether they are female with cubs or males.

Commissioner Capurro said prior to spring you would be dealing with male bears.

Commissioner Vogler asked if harvested from particular den across from California would another bear from California move right in, as he thinks they are territorial with no boar to defend himself.

Big Game Biologist Lackey said bears are not territorial they have home ranges and data shows that in urban areas when we remove a bear for management purposes or if they are removed for other reasons, in as little as two weeks new bears move in. This year he handled 35 new bears that we have never seen and they are older age class bears.

Chairman Raine asked how many bear complaints this year.

Biologist Lackey said there have been 418 complaints to the end of November.

Commissioner Shrum said with the scenarios proposed by Commissioner Vogler, suppose we have a quota for a unit that you can take five bears, and close that unit, but you and he are saying once a bear is harvested a new one moves in, and we have not depleted the five bears if new bears move in correct. He said actually we are wasting time closing an area to hunting, and if we sell tags chances are a new bear will move in.

Commissioner Shrum said in theory we could keep on hunting.

Big Game Biologist Lackey said in the general sense Commissioner Shrum is correct, and can say if it is good bear habitat a new bear will move in and the

original proposal from NDOW did not include closing units rather it was the whole area once the quota was reached.

Chairman Raine said at this time he would like to have public comment on this item, would like to state the Commission received quite a few communications on this and basically spammed, received in excess of 2,000 or more communications on this issue, and a lot were pro and a lot were con and hopes everyone had time to look through them. He asked once again that everyone show respect for other person's comments.

Public Comment –

Madonna Dunbar, resource conservationist for Incline Village General Improvement District (IVGID) said she is here today speaking privately for herself as Incline resident. IVGID has not taken a formal position on the bear hunt. She would like to state to the Commission that with potential introduction of this hunt that will bring safety concerns to the 3 million recreational visitors to the Lake Tahoe Basin, who are there to hike, bike and see wildlife, and there are millions of recreational dollars including wildlife viewing spent by them. She says there is a public safety concern with bears as opposed to other hunting that is already allowed, as it is very difficult to kill a bear. You must be an expert hunter, as vital kill area on a bear is limited to the shoulder area, and you may be introducing potential for injured bears versus injured deer or other injured big game, and if you have injured bears running around while people are recreating, that needs to be taken into consideration while considering this hunt. She said law enforcement in Incline has shot bears and wounded them and they have had those injured bears travel throughout the community. The proposed hunts are during their high summer recreation use time. Bears have not attacked humans just property and hunting will not address problem bears. She said there is definitely a need to fund the bear management program and she suggested that money from trash franchise fees or a black bear license plate could be collected to assist with paying for the bear management plan.

Kathy Davisson said her greatest concern is with sows and cubs, as we will have cubs in one tree with the sow in a different tree as most hunters not able to distinguish sex and will have orphaned bear cubs. Her concern is safety of bears. She implored the Commission to think of ramifications of what you are thinking of doing at this time.

Ann Bryant said she is representing the Tahoe Bear League from California which is a 1,500 member organization with over 300 members who live in Nevada. She said she had a member of her organization who was unable to attend today due to her work and the woman went out and got 142 signatures within two days from Incline Village residents opposed to the hunt. For as long as she has been spokesperson for the Bear League she has always been proud to inform people that Nevada did not hunt their bears while California does. She said people are changing attitudes as she remembers 12 years ago and was working with Mr. Lackey then that there were about 500 bears in Nevada and guesstimate on California side of Tahoe basin is 700. Now Mr. Lackey says it is 300 bears and she would agree that the population is going down as we are

killing them with cars and depredation and if Nevada population is declining it is shocking to imagine considering opening a hunt now. She said the Commission needs to honor the fact that you represent all the residents of your state not just the few who hunt. If you line up a 1,000 people and ask who is a hunter you might have one person raise their hand, and then take that bunch them and line them up and ask of the hunters who is bear hunter, and you will need at least 50 to get one hunter who will hunt a bear. She said it is a miniscule number of hunters that hunt bears, we no longer live in the stone age, most human beings have evolved to a higher state of consciousness which includes compassion for all living beings and do not need to kill bears to eat anymore and killing bears in the back country won't solve problems as hunters can't hunt in residential areas. She said the theory that hunting bears establishes a fear of humans is not true as a dead bear can't be afraid of people or tell its friends to be afraid. In California they have had a hunt for over 100 years and we have many more problems than Nevada and would not tamper with that, and hunting brings people to neighborhoods, and contrary to what you think these animals were not born for you to kill.

David Lange said he handles the phones for the Bear League and takes complaints on a daily basis and over the last two to three weeks he has taken hundreds of calls on this issue and calls from people who could not be here today. He said when you are hounding a bear and the female is up a tree, the hunter won't see the cubs, and that is not right. He does not have a problem with hunting but this is trophy hunting when you have 300 bears and killing that many between hunting and depredation that is a big percentage of your population and the hunt should be reconsidered and the people who called in wanted you to know that.

Meagan Sewell of the HSUS said she represents 11 million constituents including more than 92,000 in Nevada read a letter (exhibit file) and urged the Commission to reject the plan to initiate a black bear trophy hunt. HSUS opposed to the spring hunt and use of hounds, NDOW has not demonstrated science based need for trophy hunt, and she cited study showing residents did not support a bear hunt, the Department is clear that bear hunt will not solve nuisance bear problem. She said data shows shooting bears at random fails to target problem bears, and if bear hunt is approved today, the Commission should vote down the spring hunt as spring hunt is inhumane and unnecessary and few states allow spring hunts as public and hunters oppose it, and use of dogs is highly controversial and number of states have restricted their use or will. As participation in sport of hunting declines, the gap between hunters and non-hunters widens, and hunters need to consider their actions in view of that change in perception by the public.

Beverly McGrath, Nevada state director for HSUS, said that in 2009 complaints decreased and of those complaints 95 percent were directly related to bears having access to human food in Washoe County, and she would be happy to propose ordinance in Washoe County requiring bear proof trash containers.

Kay Fagan, former Zephyr Cove resident, said she is not aware of one incident where a black bear has hurt a human. She said she feels our responsibility

before we start hunting the bears is to resolve the trash container issue, although there are the constant urban bears, but the trash is why so many bears in residential areas as they get their food the easiest way. She said there is no ordinance stating that you have to have a bear proof trash container which are expensive. Ms. Fagan said some out of town tourists are not aware of the bear problem and also need to educate them and address that before shooting bears.

Executive Vice President Doug Busselman of Nevada Farm Bureau said he is in support of bear hunting proposal and encourages Department of Wildlife and Wildlife Commission to have an effective management program which could include a hunting season managed scientifically.

Margaret Martini of Incline Village said wild bears no threat to humans, no threat to garbage, or anything, and in the wild they are fine, we have problem bears in urban areas due to garbage which is an urban food source. Having the county regulate the trash issue is the answer, not going out to the wild and killing the bears, which from the statistics heard today are declining. She would challenge any hunter to determine the bear's gender, just no way to determine sex of bears. She has bears at her office and is not a problem. Ms. Martini said relocation funding for Mr. Lackey needs to be provided and look at budget and give them more money to deal with predatory bears coming in and not one incident of a bear attacking anyone they are just a problem as they make messes with the trash.

Derek Aaron, resident of Incline Village, said he is opposed to the bear hunt and has questions he would like answered and would like to know motivation for the hunt and asked if it is for license fees to help their organization, is it population control, or is it to protect people, as it is known that black bears are not aggressive, or is it motivation for sport to get their trophy. He is a very active hiker and biker and uses the Tahoe Rim trail which is very busy and is concerned about folks who meander off the trail and their safety, mentioned that hunting will be restricted to non-congested areas, but still a concern if you are off trail. Lake Tahoe relies on tourism and what kind of message are we sending out to people across the world if we tell them when they visit Tahoe that there is bear hunting and their safety could be at risk. He said he knows that compromise is important and hopes we are able to come to a compromise.

Kathryn Bricker said she is resubmitting a petition for 500 people opposed to the hunt that she submitted earlier and did not hear acknowledged. She said she would request that the Commission postpone a decision for one year, and that the Commission consider public opinion as this plays out. She provided a cartoon to Chairman Raine and said the public outcry and attitude toward this hunt is massively negative and feels that the Commission has no idea and is out of touch with Northern Nevada's vision for the future. She said this year Chamber of Commerces and tourism agencies of north and South Lake Tahoe have united the public and private sector in a vision for Lake Tahoe for economic future and prosperity. Lake Tahoe is being promoted as an international stage and destination for ecotourism, sustainability, and green innovation and bear advocates are playing a large part, and next exposition occurs at Lake Tahoe next summer. Please consider how this hunt will make the Commission look like

a rogue group and is counter to what the private public is trying to accomplish and would like to join together to have more time to try something new and put on world stage as bear management. Secondly what happens to Tahoe bears is not just a statistic, Nevada bears have become an icon, and will submit to the Commission that there was an article in the August issue of the Wall Street Journal which read like a Wild West story, which was the story of Bubba the bear, who is equivalent of fast food nation, and Carl Lackey...and do we want to be known for thinking two wrongs making a right.

Linda Weist said she is a professor of mathematics at UNR and feels strongly about the proposal and that the Commission have compassion for all living things, as we are stewards of the earth and to care for the welfare of all living things. Hope that you are fact based in all that you decide and you look at the facts not isolated random events. Her research background has borne that the best approach is research to be proactive and what is the most effective way to address the problem and hopes that is considered.

Dan Beehler resident of Reno said he is an outdoorsman and photographer and used to be a hunter and does not believe we need to cull a few bears to claim to keep them out of urban areas and if you need a trophy hunt make it knives only.

Walter Mandeville, Lyon CABMW, said the Lyon CABMW supports the idea of a bear hunt and they know it will not solve problems in Tahoe Basin. He said he used to work in Mr. Lackey's position, and handled wildlife, and animals are very unpredictable and he is surprised we have not had an incident with black bears. NDOW is responsible to manage all wildlife in state of Nevada and black bear has received no management as all the agency has done has been to respond to problems. He said many ranges along the Carson front that bears can be hunted and may reduce problems in communities, although it won't solve the problem but could certainly help.

Scott Bye from South Lake Tahoe said he is here as another voice against the bear hunt, and as mentioned before what is the motivation for the hunt. This is the 21st Century and we could do something for population control other than a bowhunt, and if human bear conflict that is more of an education issue with people and garage containers as heard earlier. He himself has a bear proof trash container himself and sees those who don't with their trash strewn about and the tourists need to be educated when they visit and rent cabins in the basin. If this is just about allowing a trophy hunt understands hunters like largest most mature animal and thinks those are the animals that educate the younger ones to stay away from people and they need to be killed the least, and not sure if that is true but that is what he has heard.

Rachel Snyder said she is the administrative assistant for the Bear League and has seen many bears and she does not oppose hunting but opposes bear hunting in Nevada as she sees many cubs without mothers and will create more problems with orphans even when cub rehabbed they are different and even if you remove bear from population another might come in but still removing a bear. She said she does not feel we need hunting to survive as we have grocery

stores. If you choose to hunt she supports that but not where the population is so small and to please take that into consideration.

Pat McDonagh, member of Bear League, said we are talking of a couple of hundred bears and knows majority live in Tahoe basin and as mentioned by other speakers tourists come from all over the world to visit Lake Tahoe and they hike all over and allowing bear hunting will put tourists at risk and ecotourism brings people from all over the world which is a public safety risk. He said he is aware that California allows bear hunting in the Lake Tahoe basin and his group will be working to stop that as it is totally ridiculous with hunters setting up near trash.

Kary Klelhofer said he is from Truckee and has seen countless bears and he had many bears at his house and they are very scared of people and the idea of killing bears because they are dangerous is ridiculous to him and since being at the meeting he has heard 20 to 30 reasons not to have a bear hunt but has not heard one telling why to have a bear hunt and he knows one himself and that is that bear meat tastes like hell. He said obviously he is opposed to the bear hunt.

Kristin Field, said she is a Reno resident and is opposed to the bear hunt and sees no reason for it, she lived in Tahoe and managed her bird and pet food and did not have a problem. She pointed at trophy animals on the wall and said she has a problem with that - trophy animals, for the pleasure of someone who wants to kill them - and if the issue is bears breaking into people's houses, the way to deal with that is not to kill the bear, we need to educate the people.

Robert Field said he is a Reno resident and is confused about motivation for the bear hunt, is it to help with problem bears, reduce the population or keep the population at status quo. He said it seems like bears being managed already with depredation and accidents, and is strongly opposed to the bear hunt as the hunt won't affect problem bears. Humans live in bear habitat and need to educate the humans. Mr. Field said this is the Department of Wildlife and he sees heads nodding and questions asked as to the motivation of the board. He asked is it to support hunting or wildlife. What is motivation for hunt and if to support wildlife, then with such a small number of bears in Nevada and such large numbers in California, if you want to kill a bear go to California and get a tag. He said we need to spend more money teaching humans about living in bear habitat. He suggested educating people living in bear habitat, and if this is about collecting revenue for all of your jobs, does not sound like the bear hunt will increase coffers that much. Property damage could be solved different way

Tim Snyder said he strongly opposes bear hunt and as a resident of Lake Tahoe that is one of the beautiful things that he enjoys living there and can't believe you would put the price of a bear at \$100 or \$200 and with the spring hunt will you capture and rehab the cubs, will you educate the tourists who come and don't take care of their trash and invite bears into their house to have that encounter. How ironic is it that a lot of Lake Tahoe souvenirs have bears on them. He said lastly the audience has been told to be quiet and not applaud speakers and he said he has been watching the whole time and everytime anyone says anything

positive you are shaking your head and raising your eyebrows and seems like you already have an opinion and a bias.

Pricscilla Bauer said she is against the bear hunt and agrees with the two gentleman who spoke before her and said it seems like you already have your mind made up. Three years ago she had a bear in a tree and it took wildlife officials six attempts to tranquilize a two-year-old bear 250 pound bear out of her tree. It was ridiculous and when Wildlife finally came out after two and one-half hours they put the tranquilized hog-tied bear in a red-hot truck bed that had been sitting in the sun for three hours. Seems ridiculous that everybody wants to kill the bears but not educate the people and she is definitely against the bear hunt.

Elaine Carrick said she is opposed to the bear hunt and knows the Commission has been listening all day and needs to say and the Commission needs to hear it to understand how serious they are that they are against the hunt. NDOW website for 2010 states 200 bears in Nevada, not 200 – 300 and that fact is that the population has been stable for last decade and bears protected in Nevada since 1929. She said there are two questions that have not been answered today, what is the reason or justification for the bear hunt and what will the hunt accomplish. The hunters will not be in the congested areas where the nuisance bears are, they will be in the woods killing the bears who are not a problem, and again what will that accomplish. It has been accepted premise that if garbage stored properly bear problem goes away, on the other hand when nuisance bear killed another takes it place, so killing of the bear is not solving anything. Having people responsible for garbage would help, and comments made about meat and bear carcass removed from field to alleviate public perception when the reality of the hunt is they are trying to disguise it as safety issue and it is not. Bear hunt is simply a trophy hunt for a bear skin, lots of discussion as to hunting bears with dogs and the sight of a bear treed and having a hunter shoot it is not a sportsmanlike picture. If 200 number of bears on website in population is correct and proposal is for 45 tags over the different seasons, that would be killing almost 25 percent of bear population, and you add that to the high mortality of bear cubs which is 50 percent and add to that number hit by cars and 20 nuisance bears taken out, is there enough room in those numbers to have a bear hunt.

Dorismae Weber said speaking for herself that what she says may be a duplicate of what others had said preceding her and she too is opposed to the bear hunt, and wants to know the scientific facts used by the Commission to propose such a terrible thing. Every person on the board took an oath to protect the wildlife of Nevada and she asked that they honor that commitment.

Lloyd Peak said he is opposed to the bear hunt and is a hiker in Mount Rose area and everyone has pointed out question of money and understands NDOW under lots of pressure and knows Mr. Lackey is a leading state biologist. He read a quote from the Reno Gazette-Journal that having a hunt will not solve human/bear conflict and if so, the key issue is back to money, and would strongly urge for this Commission to come up with specific facts and if implemented how will it be enforced and how will it be paid for.

Thomas Bower, of south suburban Reno, said he is here to speak for the bears. We have a people problem with trash and need laws to enforce that, and the answer to all wildlife programs is not to kill, and you can call it what you want, it is killing. Please let nature take its course and would rather encounter a bear in the woods then see it mounted on the wall.

Gil Yanuck, Carson CABMW, said the hunt is not a safety issue, a money maker, or a proposed solution to the urban bear conflict problem. He said the hunt was brought about as licensed hunters have asked for this and those comments were brought forward to the Wildlife Commission which resulted in the proposed regulation. Spring bear hunt is out of the picture and the hunt will be in September and is a total of 45 tags with estimated success rate of 50 percent which is 20 something bears, you heard the regeneration rate, this numbers we are talking about will not decimate the bear population and he hears that people in the woods are recreating and he asked if they realize that we hunt deer in the same area - hunters with guns in the same woods that you are hiking and recreating, and we have not killed anyone and have not had wardens approached about hunters and hikers conflicts. He is hearing anti-gun and anti-hunting.

Don Molde said he has not done the numbers but would guess the program will be a loss leader and will be subsidized by other hunters program's funding. He said he is very concerned about the archery hunt and will discuss that later. Mr. Lackey's report states that the largest male bears are in the urban interface area, and as we all know the hunter's passion is to kill males and the biggest bears and that is where the hunters will go and he is interested to see what the Commission will do to restrict that and he is opposed to dogs being unleashed and in a pack in the Tahoe Basin and is opposed to use of dogs to hunt bears.

Paul Dixon, Clark CABMW, said Clark CABMW recommendation is asking that the population number be defined, and would like a number for the public. Secondly we should do nothing to affect sows with cubs in a spring time hunt even if the pelts are in good condition and would strongly recommend that when you set season limits you set them conservatively and determine if objectives met. He said he read the HSUS document which included many things he does not agree with.

Rob Brunner said we already heard biologist testify that California bear population is 35,000 and part of that population is in Nevada. If you want to look at problems in hunting at the Tahoe Basin you can look at California side and we have not seen any and where is our problem, if you are going to defend wildlife you have to pay for these people and you do that by raising tag money. There are many volunteer groups that don't raise money and don't protect wildlife and Mr. Lackey's pay is from hunters. Additional revenue is additional revenue and knows the hunt won't pay for itself.

Candido Mendive, Elko CABMW, said they voted to support the proposal.

Moirhian Martin, South Lake Tahoe resident, said the bear on her flag is no longer a resident in her state and would hate to have that in Nevada. Another

comment is to the misconception of aggressiveness of bears as she does bear aversion work as most in the Bear League do and has never encountered an aggressive bear in her work with the League.

Mike Turnipseed, Douglas, CABMW, said they had one member absent and voted 3 – 1 in favor of the proposal and no public opposed to the bear hunt.

Jim Jenne, Lyon CABMW, speaking for himself, said years ago in Yellowstone bears all over, and now is rare to see bears in Yellowstone. He said if you do away with garbage issue you will have the bears leave as they do not want to live with people and they will be gone and bear hunt will be valuable as we have more wild game than 70 years ago because they are protected by the Department of Wildlife. People have opinions but problem is the garbage and many of the bear proponents said, that but nothing has been done.

Daryl Harwell, Washoe CABMW, said at their meeting they approved the hunt but did make recommendation to increase the nonresident fee to \$300 and a \$10 management fee for the bears and they did support the bear hunt.

Helen McCreagh, said she is the oldest member of the Bear League and has gone on a number of bear calls and the bears smile back. She loves them and the cubs are gorgeous four-legged animals just like children.

Walt Gardner said he feels if huntable population and opportunity for sportsmen to harvest some of these animals we would be fools not to take advantage of that.

Commissioner Shrum said a comment made about declining bear population and he cited Outdoor Life article that states supposedly there are 350,000 black bears in the U.S. and 187,000 west of the Mississippi. And he hears all of these people talk about how great it is to be around bears but if you have a wild animal from 150 to more pounds, that he does not care how cute they are if they take your head off, they will come to the Commission as to why we did not do something, and if someone were hurt by a bear they would blame the board for not doing something. He said that is the board's responsibility.

Chairman Raine asked Mr. Lackey to explain movement between urban and wild land bear.

Biologist Lackey said a paper was published in 2002 showing the bears were either urban or wild land over the years research has continued with some bears collared and depending on climatic conditions those wild land bears will go to urban interface areas and take advantage of the food sources.

Commissioner Howell said he sees nothing wrong with taking Washoe CABMW recommendation to increase fee to \$300 for nonresident tag.

Chairman Raine said we have heard a bunch of questions from the audience as to the motivation for the hunt and number one reason he heard from attending these meetings is reduction of human bear interaction and to gather hard data, and Commissioner McBeath will enlighten us on others. He said a lot of great

comments heard and he appreciates them, and on ordinances, he will support ordinances for trash as determined necessary by local agency and leaders and needs to be developed at the local level.

Commissioner McBeath said today many of you have asked the question as to the reason for the hunt, and Chairman Raine just gave his answer, and he will say he does not agree with Chairman Raine's. He said he does not think justification for this hunt has anything to do with urban bear conflicts, he thinks that is a completely separate issue that the communities need to deal with. He said he does not think it has anything to do with population control or safety, and where does that leave us. Commissioner McBeath said that leaves with us a core difference with how we think about wildlife, and how you, the public thinks about wildlife. He said he is happy they came as he can see their passion and that you care about wildlife and the bears, and will tell them that us as sportsmen, have that same passion and realizes that is difficult to understand from where we come from and can tell you people in this room who are sportsmen are the most committed wildlife advocates he has ever seen, and he has been doing this on the CABMW level for three years and on the Commission for two and one-half years and cannot begin to tell you how passionate we are, and can tell you that he may disagree with another sportsmen, but knows his passion and this man sitting in front in the shorts, Mel Belding is a Kirch Award winner and doubts that anyone in this room has more commitment to wildlife than Mr. Belding including himself, and the question as to why we are doing this hunt, is we have a huntable population and it fits within wildlife management of this Department which is its purpose. And if we hunt an animal, we will commit resources to that animal and make sure it survives, and his firm belief is that if an animal is designated a game animal and hunted that guarantees its survival. He knows that is difficult to understand but that is the basis of their core beliefs. He said to answer the question, is we hunt them because we can, and if we have a sustainable harvest we will put biological resources on them and will have game wardens protecting these resources and all of the infrastructure of NDOW weighing in, and will be no different from other game animals, which is to protect them. The answer is we have a huntable population. We feel as strongly about the bears as you do, and knows that you can't fathom killing an animal, and it does not matter that this is about bears as you have same feelings for deer, and elk, and you may not agree but he wants them to leave this meeting understanding our passion, and he does not necessarily agree with their position but respects them, and asks for that same respect for our beliefs and how we manage wildlife.

Chairman Raine said he very much agrees with Commissioner McBeath on some things and disagrees on some and has slightly different motivations but all on same path, and the Wildlife Commission is filled with conservationists, and we all have great passion and want to see propagation and continuance of wildlife, although methodology for that is often debated. We all share passion and commitment to preserve and protect wildlife.

Commissioner Vogler said this regulation is temporary and if we find out we are hurting the huntable population then we can change it. As to hunting it is called hunting because of the blisters you get and you don't always get what you are hunting for and as to the comments on the mounted heads, all those animals

have stories that live on forever, and if left they become maggots or bear or coyote scat, and maybe you don't understand that. His people have hunted this country for 10,000 years and is part of his tradition and history as anything else and let's do something with them.

- 12 Commission Regulation 11 – 01 - Raptors for Falconry - Chief of Wildlife Diversity Laura Richards

Wildlife Diversity Staff Biologist Larry Neel presented the regulation which contains no changes to the limits, season or quota from 2009 the only changes are wording and organization. He said NDOW promised nesting surveys would be done and in 2009 conducted surveys and followed up with ground surveys, and compared to Boise State goshawk territories and as many as 25 were active within those years. Staff is recommending closure of Elko County for goshawk take and he reminded the Commission that federal falconry regulations revised and converts U.S. Fish and Wildlife Service (USFWS) away from licensure from federal government to states and have until 2014 and in Nevada we began drafting new regulations and are on track to have that done before 2014.

Commissioner Vogler said for the record it is important to continue falconry and several groups trying to use these birds to eliminate grazing and need to show that we don't need as much federal help as they want to give us.

Paul Dixon, Clark CABMW, said his board unanimously supported falconry regulations and is a good regulation.

Jim Jenne, Lyon CABMW, said his board supported CR 11 - 01.

Chairman Raine said good policy and heard no issues.

COMMISSIONER WALLACE MOVED TO APPROVE CR 11 – 01 2011 AND 2012 SEASONS AND QUOTAS FOR TAKING RAPTORS FOR FALCONRY. COMMISSIONER CAVIN SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

- 13 Commission Regulation 11 – 02 – Noncommercial Collection of Reptiles and Amphibians for 2011 – 2012 – Chief of Wildlife Diversity Laura Richards

Chief Laura Richards of Wildlife Diversity Division said the only change was to scientific names.

Commissioner Cavin asked who the regulation applied to, and how do they know it applies to them.

Chief Richards said hobby collectors and schools and the purpose of the regulation is to allow that.

Chief Buonamici said few violations and if juveniles are in violation we have a chat with them.

COMMISSIONER HOWELL MOVED TO APPROVE CR 11 – 02. COMMISSIONER VOGLER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

14 Workshop - Informational

- A Commission General Regulation 395 – Changes to Regulations Concerning Heritage Projects – Chairman Raine

COMMISSIONER LENT MOVED TO SUSPEND THE RULES AND SEND THE NEXT ITEM #14 A TO THE ADMINISTRATIVE PROCEDURE AND REGULATIONS COMMITTEE. COMMISSIONER CAPURRO SECONDED THE MOTION. MOTION TO SUSPEND RULES AND SEND TO COMMITTEE PASSED UNANIMOUSLY. TWO-THIRDS VOTE REQUIRED.

- B Commission General Regulation 394 – Wolf Status – Chairman Raine

Chairman Raine said the regulation would be to change status from protected and this was requested to be on the agenda from the last meeting. He said he does not have a summary of CABMW action but most did not take action.

Public Comment -

Don Molde said in his view this proposed change is moot as the federal Endangered Species Act (ESA) will require full prosecution of anyone by the U.S. Fish and Wildlife Service (USFWS) who kills a wolf. He said he sat through wolf hysteria at the Washoe CABMW meeting where well meaning sportsmen alleged there is a huge ungulate wolf problem in the western U.S. and ungulates are being destroyed to detriment of sportsmen. He said he perused other western states websites and in Wyoming hunters killed 23,000 elk in 2009 and he reviewed other state's statistics on sportsmen harvest. He said he will leave those numbers with the Commission.

Mel Belding thanked Commissioner McBeath for his kind words and Dr. Molde too, and said he has problem with wolves being on game mammal list. He said he has stated this to NDOW and at the CABMW meeting and believes when you limit yourself with negotiations that is exactly what you are doing and when the feds tell us the only way to control the animals is by hunting with a tag and if the Department follows that suit, he believes the Department is wrong and the Commission would be wrong to limit their power as to how to control the wolf population. He said we only have to look at Idaho's governor and see how frustrating the states are becoming because of the feds. He said as much as he loves bighorn sheep and mule deer he can't stand to see the feds chip away at the state's right and is a state's right to manage wildlife and he strongly supports the Commission's effort to make the wolf an unprotected mammal. Mr. Belding said he knows wolves are in Nevada even though Department employees may not have have seen them but they are here we are not going to take wolves with tags and a hunting license or calling them. The way to control them is with aerial gunning which is the only thing that works in Alaska and that comes from a guy

who loves all wildlife and we need to protect those animals that we reintroduced in the 1970s, and we have literally thrown our wildlife to the wolves.

Walt Mandeville, Lyon CABMW, said they discussed this at their last two meeting and their vote was to not deal with this regulation as wolves are a federally protected species and would suggest that we deal with this through the federal government until they are no longer a federally protected. Until then is fruitless, because if you kill a wolf you go to jail.

Commissioner Capurro said as to the tri-state agreement that the feds turned down Wyoming's management plan and Judge Malloy ruled wolves were to be put back on protected list and now have no allowed hunting in Idaho, Montana or Wyoming, and the federal court has rules that rejection of wolf management plan which had some trophy hunting and predator, was a good plan but had been rejected by USFWS.

Trish Swain said she is speaking for herself said in regard to wolf issue that she has heard the presentation by Mr. Chamberlin of U.S. Wolf Refuge and he is the go to person with a tremendous background in wolves and the philosophical divide as described by Commissioner McBeath earlier, she would say that she is on the side of the animal and her understanding of wolves is that 80 percent of livestock deaths have nothing to do with predators that get all the blame, and heard that .11 percent of livestock killed is due to wolves which is almost negligible. Ms. Swain said she does not see wolves as a problem rather wolves are an iconic symbol of the west.

Daryl Harwell, Washoe CABMW, said they would recommend that the Commission change wolf's status to unprotected.

Bill Chamberlin said he is curator and director of operations for U.S. Wolf Refuge and he said he has been actively involved in wolf recovery and wolf conservation for over 20 years and has seen all sides of issue – politically, scientifically and biologically. The wolf is an icon of wildlife conservation efforts in this country and its restoration has been the most controversial and one of the most successful programs in this country. He said you are probably aware that wolves are a protected species under the ESA and wolf populations in those states without a listing such as Michigan, Minnesota, and Wisconsin, have thriving populations, and do not have animosity or hostility toward wolves. He said there have been no verifiable wolves in Nevada for last 80 years; however, there have been alleged sightings but he would bet they are wolf hybrids let go in the wild. The possibility of wolves migrating down from Idaho, Wyoming and Yellowstone, could happen in five to 10 years and dealing with them before they get here is a moot point. He said wolves are endangered and if there is take in Nevada they will be prosecuted and if the person uses the excuse of being unprotected species that makes the state and the Department culpable and would not think you would want to be in that position. He said of all wildlife livestock losses .11 percent is attributed to wolves, coyotes kill 22 times more livestock, lions kill 10 times and domestic and feral dogs take five times more and wolves are not the viscous beasts in the basic public mentality.

Don Alt, Nevada Livestock Association, said he is very concerned with wolves coming into Nevada and as far he understands there is a state law on the books that the federal government has to follow state law and does not know of any ranchers who will stand around and watch his sheep or cattle be killed and would be a taking if wolves came in and run someone out of business.

Henry Krenka, NOGA, said he took a poll of the board of directors and we are not sure if they want to go with unprotected mammal as don't have enough information but are sure they don't want wolves.

Candido Mendive, Elko CABMW, said they support the Commission's instructions to staff to work with USFWS to delist the wolf in Nevada through the Governor's Office.

Tom Cassinelli, Humboldt CABMW, said we had an olive branch thrown to us by the USFWS at the last meeting with the native range as they admitted they made a mistake in reintroduction plans and need to pursue that with USFWS. He said he thinks we need to get Nevada out of plan for native habitat and needs to be done as we heard today the ESA will trump anything we do. Eventually the lawsuits will get thrown out, and what we really don't want them put in this state as we don't have wildlife resources that the other states have. He said look what wolves have done in Yellowstone with no hunting pressure, and he said he has no heartburn with them being unprotected but do the other thing first.

Paul Dixon, Clark CABMW, said he agreed with Mel Belding that this is a state's rights issue and he had received information from Humane Society that there is a U.S. Senate Bill out there to remove wolves from ESA and thinks the Commission should figure out to get letters to the Congressional delegation for the delisting would help with Nevada's problem and for the short-term need to get behind that bill and make sure it passes.

Walt Gardner commends Commission for taking on huge issue and attacking it before we have wolves here and is glad we are taking this on.

Commissioner Capurro said he is responsible for this being on the agenda. He said he received an article a few days ago that Oregon has identified two separate wolf packs that reside in Southern Oregon, and have also verified spotting of wolves in the Warners near Cedarville and information was that wolves had migrated out of Idaho across Oregon into the Warners. Those wolves are already responsible for attacking animals in Surprise Valley, and so they are coming, and we were trying to be tip of spear before becomes issue and no one disagrees that Nevada is not wolf type habitat state, but if wolves were established Nevada and we are under coverage of ESA rule then we can kiss the best elk inventory and habitat in the west goodbye along with others, and we are the wildlife agency. Some of the testimony was on livestock but we are looking at wildlife inventory and the time and money spent on bighorn sheep, elk and goats, and none of us are prepared to see that go away due to a predator such as wolves. There are 1,500 pairs of wolves from the recovery effort and they will be here. He commends letter and action agreed to at last meeting as that was recommendation of Bob Williams to request to take Nevada out and backup plan

was to prepare regulation to remove wolves from protected mammal list to unprotected but the whole idea was to put this on the books and make Nevada proactive on issue of wolves, and that is why he asked for item to be put on agenda and the letter was excellent.

Commissioner Lent said he has talked to other states with wolves and he was quoted in newspaper today that federal government should be involved less and the states who are afraid to tackle federal government are being lost, and as to the Senate Bill referenced by Mr. Dixon that bill does not include Nevada. Idaho is a disaster with wolves and Governor Otter asked for role in wolf management from the federal government and was told no, and the governor stated not one dollar is to be spent on wolf management and resolution passed by Idaho Fish and Game with 23 points, and one county has a disaster declaration and Idaho is being proactive. He said there is a scientific paper entitled "The Effect of Wolves on Elk and Cattle Behaviors, Implications for Livestock Production and Wolf Conservation" and if you read it, it tells you what animals do when wolves are around, they change their entire life. Commissioner Lent read parts of an article from today's Reno Gazette-Journal story on wolves and what happened in Wyoming and if we have to tackle the feds we should because wolves are an ungulate eating machine. There used to be tremendous elk herds outside of Yellowstone and now elk hunt is permit only and no hunting next year due to the losses due to wolves. Wyoming tackled the feds and they won and overturned Malloy decision and turned it back over and you can win decisions but you can't be afraid of being sued and need to make wolves unprotected. Distinct Population Segments applies to north of I-90 and 10J Rule and Nevada falls under that and we are obligated to protect Nevada and that is why he wanted joint meeting with Utah. He would like this on the next agenda as an action to make them unprotected.

Commissioner McBeath said he does not necessarily disagree with putting them on unprotected list but agrees with what Mr. Cassinelli said and would support that. He said the other issue is, this creates confusion as coyotes are not protected and don't have to worry now, but if we pass the regulation and a wolf is taken we need to disclose to the public that if wolves become unprotected in Nevada there are still severe criminal penalties.

Commissioner Cavin asked staff if initial letter to USFWS is sufficient to get review process going or will they even respond.

Deputy Director Haskins said he understands from conversations with Mr. Williams that he is working on a response.

Chairman Raine said we have iconic animals in Nevada such as the mule deer and pronghorn antelope and those are the species we need to propagate and need to be at the top of the list.

Commissioner Capurro said he has a question for DAG Stockton whether Mexican wolf is included in ESA.

DAG Stockton said last time he looked Mexican wolves still protected.

Commissioner Capurro said we may need to include Mexican wolves and secondly is not opposed to a note on the regulation that makes reference to wolves being unprotected mammal in Nevada and is a state rule at the present time and when or if the wolf is removed from ESA than this provision becomes operative.

Chairman Raine said as option from the workshop we could include Mexican wolf. He said he not sure of that language note and that could be deferred to the next meeting.

Commissioner Lent said he hopes NOGA supports this as this will affect game animals in the state and everyone as well.

Commissioner Cavin said since this will be on next agenda he would request that if there is a response from USFWS by then, that the agenda be broad enough for the Commission to deal with it.

Chairman Raine said the only additions we would like to see for the regulation is addition of Mexican wolf and its scientific name. He said he would like to have that option included.

15 Wild Horse Update Report – Chief of Habitat Elmer Bull – Informational

Chief of Habitat Elmer Bull said an update was provided in support material on Bureau of Land Management (BLM) horse gathers completed in the past and scheduled for near future. He said for the Antelope Complex gather the BLM intended to take 1,200 to 1,600 horses out of four horse management units and the Environmental Assessment (EA) was put out for comment and BLM received 2,800 comments and consequently put that EA back out for another 15 day comment period and included in the amended EA another alternative which would call for inoculation of mares with fertility control drugs. He said staff have generated a letter supporting intent of original gather and strongly opposed to alternative proposed in EA as that will not lead to reduction in herd number to appropriate management level (AML).

Commissioner Vogler asked how current is NDOW information as he heard different from his range con yesterday who handles that herd, and he said they are proceeding and upping the number taken off. He said they are adjusting ratio of studs to mares and in addition will give the mare's birth control shots.

Chief of Habitat Bull said he heard the update yesterday from the Elko biologist and is not sure why the discrepancy and he will look into that.

Chairman Raine asked if Wildlife Commission can help with furthering the cause with letters or additional comments. If the opportunity is there he would ask that it be on the agenda.

Commissioner Cavin said that is why he asked for standard policy or position statement to respond with although it may be generic but the Commission could at least respond in a more timely fashion to these situations.

Commissioner McBeath said his position is if that is what they put out in EA, that is simply illegal and does not comply with the Wild Horse Act, and they need to be at AML and no authority for that action. That is serious if they are putting horses back on the range which will impact the habitat. Commissioner McBeath said part of process of Western Watersheds litigation is you can protest a decision at the Public Board of Land Appeals to appeal a decision by the BLM and get that before their administrative agency and a court, as that is terrible precedent, and if this is their direction he is very concerned, and the Commission should have a game plan and they need to get the horses to AML.

Chief of Habitat Bull said NDOW's response to amended EA was that we are strongly opposed to the proposed alternative and sticking to position that horses need to be taken off to be at AML.

Commissioner Vogler said for everyone's information those 2,800 letters are the same thing with bears, as the letters are form letters that all say same thing and may not have weight, and we have skin in the game, and they are in violation of own rules and regulations to manage horses and the range, and everybody should write a letter stating you want the gather to go forward.

Chairman Raine said we have a horse committee and when we talk of a standard policy statement, hopefully they are all over that.

17 Reports – Informational

A Bighorn Sheep Disease Update – Dr. Peri Wolff and Chief of Game Larry Gilbertson

Big Game Chief Gilbertson said since the last Commission meeting the Elko biologist reported that two collared sheep have died, with only 15 known sheep left in East Humboldts in Unit 101, and in Unit 102 17 known sheep. He said at the last Commission meeting there were specific questions and Dr. Wolff is here to answer the Commission's questions.

Commissioner Cavin asked if there were sick goats.

Big Game Chief Gilbertson said none are known to have died lately, but last year we found a few goat carcasses and estimated a potential 20 percent loss.

Commissioner Capurro said the known sheep are left from a herd population of 300 or so bighorns.

Chief of Game Gilbertson said last population estimate was 180 in Unit 101 and 160 in Unit 102, and it is a 90 percent loss.

Dr. Wolff said there have been nine individual die-offs in five states in the west and all the states sent data and samples to Washington Animal Disease Diagnostic Laboratory and what they found were a number of different organisms which she described. She said 100 percent of the lung tissue that was submitted from Nevada that was cultured showed DNA evidence that *Mannhemia*

hemolytica was present and supports the theory that *Mannheimia hemolytica* probably is causing death of the animals but that the *Mycoplasma ovipneumoniae* weakens the cilia in the trachea and allows the Pasteurella bacteria to go in and colonize the lungs. She said our die-off started in mid-December last year and animals were still dying in March. Tests indicated that our *Mannheimia hemolytica* had low leukotoxin activity. The leukotoxins in the Pasteurella secrete leukotoxins in the lung these cause the host tissue to raise a big alarm and the white blood cells rush in and then the bacterial leukotoxins kill the white blood cells and these dying cells release enzymes, etc. that can cause severe damage to the lung tissue. Bighorn sheep as compared to domestic sheep just don't have the antibodies to fight leukotoxins. Scientists have looked at colostrum from BHS that were exposed to leukotoxins and their antibody levels are not as high as those in domestic sheep that are exposed to the same leukotoxins. This is one of the reasons why bighorn sheep are so susceptible to leukotoxins. All the Nevada sheep that died had low leukotoxins level and that is why we think that the die-off went on for a long time

Chairman Raine asked if anything viral or is it all bacterial and if source is found will there be recommendation as to what can be done in future to prevent die-offs.

Dr. Wolff said they looked at three viruses but could not find a virus component to the die-off and we believe it is bacterial in conjunction with Mycoplasma as a predisposing factor. She said they have not been able to determine source because sheep not handled and when we do a collaring project or capture we handle them but these sheep have not been handled to obtain samples. Dr. Wolff said the recommendation from Western Association of Fish and Wildlife Agencies, Department of Agriculture, veterinarians and U.S. Animal Health Association, is to maintain separation between wild sheep and domestic sheep and goats.

Commissioner Howell said at Clark CABMW it was said to be irrefutable that domestic sheep caused it and what does the separation need to be.

Dr. Wolff said no that is the million dollar question and hard to say without going into more science and she explained a recent landmark study. She said it is safe to say if kept apart by 10 meters that might be okay but fence line contact which allows nose to nose is too much.

Commissioner McBeath said he was at the Clark CABMW and no linkage between the discussion you just had and the Rubies and Humboldts and they were basically discussing the email from Department with this study confirming transmission of *Mannheimia hemolytica* from domestic sheep to wild sheep based on fence line contact which has been a bone of contention between livestock operators.

Commissioner Vogler said he understands that these are present in all animals.

Dr. Wolff said the family is but there are certainly strains and knows he has followed this his whole career, and there are different strains for different animals and there are sub strains and bio types within them.

Commissioner Vogler said used to be different types of blue tongue and they would get all stressed out and ended up dying of pneumonia.

Dr. Wolff said for her it comes down to domestic and bighorn sheep are different and that is why she would say maintain separation.

Commissioner Vogler said some study has to be done on risk management and if 30 feet is the acid test. Commissioner Vogler said there has to be a solution.

Dr. Wolff said just need a degree of separation and to determine the greatest risk of contact and if we can't minimize that.

Commissioner McBeath asked what will we do to take the next step.

Commissioner Vogler said we have a plan and a Memorandum of Understanding with NDOW that if there was a mixing of sheep that both sides would be addressed and brought to the table and unfortunately when told of existence of Chin Chin they euthanized him before discussing and have to come up with some type of mechanism.

B Area 10 Mule Deer Body Condition Analysis – Big Game Biologist Tony Wasley

C Mule Deer Collaring Efforts in Elko County – Big Game Biologist Tony Wasley

COMMISSIONER SHRUM MADE A MOTION SUSPEND RULES TO MOVE AGENDA ITEM #17B AND #17C TO SATURDAY BETWEEN #20 AND #21. COMMISSIONER CAPURRO SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

E Gifts, Grants and Bequeaths – Deputy Director Patrick Cates

Deputy Director Cates said a report was presented in the support material (exhibit file), and for the year have taken in nearly \$158,000 from private sources. The largest donation was from Round Mountain Gold Mine for a bat gate. Gifts have been included for travel for state employees and \$900 from WAFWA for staff to travel and are in process of working on procedures to capture those dollars on the report in the future.

F Litigation Report – DAG Wayne Howle

DAG Howle said DAG Nguyen's report was sent in support material (exhibit file).

D Trail Cameras Presentation – Chief Game Warden Rob Buonamici

Chief Game Warden Buonamici made a power point presentation on trail cameras (exhibit file).

G Department Activities /Leadership Team Notes – Deputy Directors Haskins/Cates

Deputy Director Haskins said the Department is current on the NDOW Leadership Team notes with one more set ready to go and asked if the Commission wanted an update on Heritage project contracts.

Chairman Raine said please provide the update.

Deputy Director Cates said fiscal year 2010 projects proposed by Nevada Alliance 4 Wildlife and Hunter's Alert had project scopes changed, both were approved by the Commission and have been approved and processed. For fiscal year 2011 all have been approved with the exceptions of Mike Stremmer's contract (lion depredation) which has been processed and had a change of scope as well and has been forwarded to the Budget Office and should be on January agenda of Board of Examiners (BOE). Hunter's Alert and Nevada Alliance 4 Wildlife projects for fiscal year 2011 were pulled at the last meeting by Attorney General for review and should be on January BOE agenda too.

DAG Stockton said they will be on BOE's Dec. 14 agenda.

Meeting adjourned at 7 p.m.

Saturday, Dec. 4, 2010 – 8 a.m.

- 18 Call to Order – Chairman Raine called the meeting to order at 8:03 a.m., pledge of allegiance, and roll call of Commissioners who are all present: Chairman Raine, Commissioners Lent, Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace.

CABMW Roll Call: Glenn Bunch, Mineral; Paul Dixon, Clark; Rex Flowers, Washoe; Gil Yanuck, Carson; Daryl Harwell, Washoe, Willis Lamm, Lyon; Bill Meyer, Lyon; Jim Jenne, Lyon; Candido Mendive, Elko; Eric Scheetz, Douglas; Joe Crim, Pershing; Tom Cassinelli, Humboldt; and Cory Lytle, Lincoln.

- 19 Member Items/Announcements –

Commissioner McBeath said he brought up point at end of meeting about discussion for Heritage Projects that are going forward and specifically Area 6 referenced in the judge's order and would caution everybody that while the judge ruled that Mr. Dixon had no standing in the case he did rule that the one project was not in compliance with the regulation and that the Commission had abused their discretion in approving the project and thinks is problematic for the Department in moving forward and would recommend that the Department seek legal opinion and asked DAG Howle to look into that and irrespective of lack of injunction the finding of the court was problematic and cautioned with going forward with project that is not legal.

20 Public Comment –

Willis Lamm, Lyon CABMW, said issue brought to him from public citizens and he contacted George Taylor of the Attorney General's Office to discuss and falls back on agenda item #4 of the Feral Horse Committee and he read a section from the Open Meeting Law (OML) and that agenda item indicates an "instrument" of letter and it affects today's agenda item #16A continuance of Feral Horse Committee agenda item #4, the document being presented here today was not properly agendized and also according to some people here that complained about not being given an opportunity to view let alone get copies of support material presented at that meeting. Mr. Taylor suggested the matter be redirected back to the committee to be properly agendized and then brought forward so that anybody concerned about the items could view it on the website on the new agenda and attend.

Paul Dixon, Clark CABMW, said yesterday the Commission brought up interesting material with gray wolves, and since we will have gray wolves on next agenda, he would recommend that the material cited yesterday by Vice Chairman Lent be posted to CABMWs for early dispersal so that they can work on it and have meaningful discussions and not wait the usual time as we already know that will be on the February agenda.

Carol Able, president of the Hidden Valley Wild Horse Protection Fund, asked if feral horse committee purpose could be defined publically, so public knows the purpose of the committee. Secondly, the announcement of committee members did not state the qualifications of committee members as wild horse experts and hopes that information is forthcoming from the committee. In addition to that she has done research herself and she found that all but one of them was quoted in articles as preferring to go back to a time before 1971 and that seems that the committee membership is lopsided and void of representation of general public and the horses themselves. One individual to be considered is Mike Holmes who was manager for nine years of stray horses in the Virginia Range for the Department of Agriculture and is an expert and she is hopeful these voids will be addressed.

17 Reports – Informational – Postponed from Friday

B Area 10 Mule Deer Body Condition Analysis – Game Biologist Tony Wasley

Big Game Biologist Wasley presented a power point presentation on the Area 10 mule deer herd (exhibit file). He said at a minimum we have good baseline data and learned what and what not to do as we assess the conditions of the populations and the Department has not done anything like this since the Ruby Butte study in the 1960s.

Commissioner Howell said the way he understands it and looks like that their body condition is okay. In the fall it seems they would already be hit hard by predators so you would have fewer fawns and if body condition is good it would seem we did not reach carrying capacity there.

Biologist Wasley said could be problem with fall assessment as fall body condition is at its peak and is problematic and to take advantage of obtaining data from hunters it has to be in the fall, as not palatable to take them in spring when you would see the difference. As far as carrying capacity he would ask why you think we only have 20 percent of two-year-olds reproducing and is reason for concern and why would that be, and this independent of predators.

Commissioner Vogler said is no different than calf or lamb and when they are young and they have their first animal they are dumb, and don't know what they are doing.

Biologist Wasley said your assumption is that all those animals had fawns and due to poor maternal care the young were taken by predators. If we look at uterus and document if the animals conceived but did not have fawn that would support that or if no sign of conception could indicate poor body condition.

Commissioner Vogler said if you wait six to eight months to check if egg shed you do not have much, and his biggest problem is the report states that 1998 was the biggest deer herd and yet in 1932 311 were taken and in 1956 32,000 deer tags were issued in Elko County. And had hay lifts in the 1950s and to him in same time frame had five times the livestock (sheep and cattle) we had and forage for wildlife available is huge. He said he is out there all the time and is rare to see dry does and asked what other explanation could there be as you don't find dead does rotting. He said nutrition is a factor as the better nutrition you have a better reproductive rate but there has to be something else going on, and cannot get his hands around that.

Commissioner Shrum said in Area 10 we increased doe hunt and NDOW sold 1,000 tags, and out of that 400 people were successful and out of the 400 he asked how many necropsies, and in 2010 did it affect the quota. He asked if instead of killing the additional 500 does could we have used the junior hunt doe tags. He said we killed 500 extra does and seems like something is wrong.

Biologist Wasley said out of the 454 they did about 140 – 150 necropsies, requesting 10 items, and from the head five samples taken, and some were eight. He said they used the hunt to understand factors influencing production and survival. Biologist Wasley said the junior hunt question came out as they harvest females anyways and several factors and one is there are not as many does harvested in the junior hunt as you may think, and there is not enough in the age class for a statistical study. Some opportunities NDOW is missing is not taking advantage of hunter harvest, the population increased 6 percent and the harvest was 2 percent. Value in antlerless harvest and opportunity to assess condition of 500 animals was valuable and for us to sit and debate top down without data and is incumbent upon the Department to investigate for science.

Commissioner Lent asked how many actual deer bodies were autopsied and he asked that the power point be sent to the Commission.

Biologist Wasley said he does not know the approximate number and most of the samples were brought in by hunters and had 150 sets of deer portions/samples from hunters with two to 10 items sampled.

Chairman Raine said this whole thing is disturbing to him as doe hunt sold to Commission as we were at carrying capacity and then threw in the study and now being said that whole idea was for a study and he argued against the doe hunt with the carrying capacity motive argument and now it is because of the study.

Commissioner McBeath said does not know what was going on in Elko County, but can tell you that in Cave Valley they had a very good rain year. Body condition of deer from 2008 which was a dry year when the doe hunt was decided, that by fall of 2009 with the good conditions, is it any surprise that body condition is a little bit better than it would have been.

Biologist Wasley said Commissioner McBeath could be right as quota approved in May and in June we had the wettest year in over 100 years in Elko County, and you never know what weather is going to do, and was incredible moisture year with good antler growth and was not a surprise. He said we have a snapshot of a picture in time and there is value and a lot more in having comparative data, and we learn that in drier years you don't see production in three year olds and he failed to point that out.

Chairman Raine said he would like to participate with the Department on a spring survey flight and maybe someone else on the Commission would too.

C Mule Deer Collaring Efforts in Elko County – Game Biologist Tony Wasley

Biologist Wasley said in the absence of any specific knowledge or request for any information here he put together a table which he showed on the screen showing areas and satellite collars. Objective is to learn migration corridors with impacts from mining, and deer use of burned areas in southern portions of Area 6 and how that affects their movement and patterns. One observation is that in 2010 we had deer further north (20 miles) in winter of 2009 – 2010 than 2008 – 2009 due to less harsh winter and better forage with huge fawn ratios, higher by 10. Learning the corridors where deer move around the mining pits is helpful in maintaining the corridors. Collars purchased by the mines, and he explained the satellite collars and the data which is almost real-time to see where animals are. Another collared study involves the deer crossing Highway 93 where there is one overpass and three underpasses with more under construction and to delineate between the deer in Area 7 and Area 10 on the winter range. Some of the deer from Area 7 that cross 93 and then in the south in the Pequops go down the border between 078 and 105 in south where Hogan tunnel is and there is intermingling and they want to use collars to see where seven deer ended up and began. Learned that length of migration is in excess of 100 miles and doe deer return to birth their fawns in same place year after year, learned migratory corridor width which is important for protection and use of mine site as a new mine is starting in 078 south of I-80 and learning where deer move before it is built should help protect those corridors. Migratory path from winter area is

different and saving one corridor may not be adequate to accommodate movement north and south. Thirty-seven deer are collared in Elko County and to measure survival values in our models based on knowledge and would be prudent to measure those values directly and have the numbers and monitor to determine mortality and that is something for the future.

Chairman Raine said he will reopen public comment and no public information on informational reports, we generally don't, only the action items but will reopen public comment for anyone on items that were informational: Agenda items #24, 17, 16, one of 16, all the different items in #24.

Public Comment -

Pat Laughlin, president of Alliance for Nevada Wildlife, said he served on the Mule Deer Restoration Committee established last year by Chairman Lent. He said in regard to Area 10 he has been involved since the start with CABMW and because of Project 17 as stated in meeting it was determined not to be working and the last year of the project the Rubies did not get a fall flight and 25 percent of the mule deer in the Rubies. He said in conversation with Wildlife Services and with his father, who pioneered protection methods, the core of the mountain is not taken care of. The helicopter was never used to take out mountain coyotes and these mountain coyotes are different as they live like wolves and when the fawns drop the coyotes take them and deer is their primary food. They are deer eating mountain coyotes, and for this project that method was never used and high percentage of deer killed by coyotes on winter range were yearlings and that explains why doe rate can stay low in the Rubies.

Heston Johns, rancher in Clover Valley, said from Clover Valley south of Wells is the heart of Area 10 Project 17 and he is a sixth generation Nevadan running 50 percent of cattle on that private and federal land and is not a habitat issue on E. Humboldts, domestic sheep gone, and the deer never have to go more than one-half mile for water and no competition for feed. He said there is no reason why mountain does not support more deer and gene pool is decreasing and predator Project 17 was working and they believe has effect on huge amount of tags and you can't kill your deer factories, the does. He said they would like to have the units made into sub units and reduce tags to set quotas and try different management techniques.

Mike Laughlin said he has been around this thing quite a while and he lives on west slope of the Rubies and is a cow puncher now and is a retired wildlife biologist and he really can't grasp the fact that deer in his area have almost disappeared from Secret Pass which splits the E. Humboldts and Rubies and there is one access point Soldier Pass and for all practical purposes should be similar to a national park and at one time in 1973 there were 50,000 domestic sheep run on the Rubies and there was a deer behind every bush, and knows the Rubies as well as a guide, and does not understand how area can be at capacity as far as deer habitat when there are no deer or sheep left and no livestock and mountain is dead for all practical purposes. Laughlin family are hunters and have taught his kids, and has taken grandsons deer hunting and had unbelievable hunt but did not kill deer and can't believe this habitat issue and he

thinks the deer no longer migrate and big migration factor is over from north to south as in the past, and deer get cut off and predators take them.

Paul Dixon, Clark CABMW, said from the collared deer study presentation he picked up on something the board has brought up before is migration corridors and energy transmission corridors (wind, solar, geothermal and coal fire) and one thing he looked at and did not see details in as far as recommendation in report is that we start asking energy companies that build projects that in their EIS they do pre and post impact collar studies and see what happens and would strongly recommend that that they include that in the Mule Deer Restoration report.

Don Molde said he did not know we were going to get into predator issues again today and would say repetition can be virtuous and would remind the Commission that in the last year in this state we killed 90,000 coyotes and now finds out that they are the wrong 90,000 coyotes, and also that we have killed 2,000 mountain lions in last decade, and Department spent \$3 million on predator management projects and he asked the Commission chairman where are the deer.

Walt Gardner lived in Rubies and has watched the deer herd decline since being a little kid and the predators are the biggest issue, not the feed, and on E. Humboldts saw multiple deer twins but on Rubies hardly any fawns and George Corner says on other side, Smith Creek it is good. The only difference is sheep are on one side and predator control is done. He read his brother's letter (Charley Gardner) into the record Attachment B.

Ira Hansen said he missed the earlier public comment period however would comment that the USFWS is preparing a Comprehensive Conservation Plan and EA for the Ruby Lake National Wildlife Refuge which encompasses the huge area of the Ruby Marshes and is interested because from 1938 until 10 years ago they used to have a sustained yield harvest for furbearers which was discontinued by bureaucratic edict and he contacted the managers and they wanted to make sure that the Commission received that information and was just told by the chair that he had no knowledge of it. The comment period closes Dec. 28 and not sure if that can be an action item and all they are asking is for comments to have them added to the plan. Historically that was highest area in the state for furbearer harvest and for a decade has been completely closed without any comment from that Department and federal managers said that unless they received feedback the policy will stand.

Chairman Raine asked staff if they had notice and would request that the Commission be notified in the future in the event that they wish to comment.

Deputy Director Haskins said staff are working on that and he will check on the furbearer issue.

21 CABMW Budget Adjustments Fiscal year 2011 – Deputy Director Patrick Cates

Deputy Director Cates said this report shows what each CABMW spent last year. The amounts approved previously by the Commission have been transferred to all the counties. Lyon CABMW is due for an augmentation in the amount of \$908 and he would recommend bringing this back as an agenda item to the Commission at the next meeting as well to allow CABMW members time to digest the information provided today and come back to the next meeting in case they have more need.

Commissioner Lent asked if they are at zero balance and that the CABMW forms need to be standardized so that the Commission can make an informed decision.

Jim Jenne, chairman of the Lyon CABMW, said on the amount of \$908 that will not do it, as they are short now, with a bill outstanding for travel to Las Vegas, and for the February through June meetings, they will need \$4,000. He said they are getting no information from their county controller.

Deputy Director Cates said he discussed Lyon CABMW's budget yesterday with Mr. Jenne and his request is reasonable and in line with other CABMWs. He noted the \$908 was based on last year and when the board did not claim all of their trips. He said this will need to be on the next agenda for further discussion.

COMMISSIONER LENT MOVED TO SEND THIS OVER TO THE NEXT MEETING AFTER DEPUTY DIRECTOR CATES WORKS OUT THE NUMBERS. MOTION DIED FOR LACK OF SECOND.

COMMISSIONER CAPURRO MOVED TO ADOPT RECOMMENDED AUGMENTATION FOR LYON CABMW. COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner McBeath asked for clarification of the amount.

Chairman Raine said the amount is \$908.

Commissioner Lent said that is why he made his motion as the Commission will have to hear this again to discuss the \$4,000.

Commissioner Cavin said the question is whether the \$908 will get them through.

Jim Jenne, Lyon CABMW, said the \$908 will do it.

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

22 Commission Regulations - Action

A Commission General Regulation 391, Guided Hunt Changes – Program Officer III Maureen Hullinger

Chairman Raine said both regulations were discussed in yesterday's workshop and he suggested that if you commented yesterday that you allow new speakers to comment today and he asked for public comment after Program Officer III Hullinger speaks.

Program Officer III Maureen Hullinger said the regulation's language was discussed in yesterday's workshop – revise and adopt provisions governing eligibility for the main draw if the application applied for the Restricted Nonresident deer tag draw - nothing was recommended for change today from the workshop.

Tom Cassinelli, Humboldt CABMW, said one thing he did not bring up yesterday was that when we changed this the first time, he had people come to him to get a guide license which they would pay for and then put in for the draw twice and that told him that was not fair to general public. Yesterday, the PIW tag issue was discussed, and if this does not go through should be resolved by changing that to be fair to nonresidents too by allowing them in the PIW and to look at the PIW as there are more ways to get money out of the PIW tags but that discussion is for another day.

Chairman Raine said he sees benefit of both ways, it is just the coin has to fall left or right, can't stay in the center.

Commissioner Cavin said he feels the same way and we have discussed this at three meetings.

COMMISSIONER CAVIN MOVED THAT WE NOT ACCEPT PROPOSED CHANGES TO CGR 391. COMMISSIONER LENT SECONDED THE MOTION.

Commissioner Lent said he agreed that from nonresident hunters he knows that they only get one chance and does agree with guides that they don't get second chance and knows it can be done and would like to see them petition Commission to make the system fair and let them have unsuccessful nonresident guided hunters put in for PIW and can do that if put in for one draw. The purpose of this draw for guides to go early is because they needed time to notify clients and now with 48 hour draw they know earlier and can go in one draw and then develop PIW for nonresident unsuccessful guided draw. He thinks that is doable and they can petition Commission to do that and go into the PIW.

Chairman Raine said he appreciates the suggestion and can discuss that further and maybe in the Policy Committee.

Commissioner Capurro asked if PIW would be part of 400 tags or outside of that.

PO III Hullinger said PIW quotas are set separately.

DAG Stockton said he needs to stop the PIW discussion for another time when it is agendized as the only item before the Commission now is the guide's petition.

Commissioner Vogler said the guides that hunt in this state buy extra licenses and their clientele spends money in the state and does not affect resident hunters whose quotas are already set and the same guy who fails and draws in general hunt still may hire a guide and that is better for entire system than worrying if they got one more bite of the apple. He would support a different motion.

Commissioner McBeath said he was convinced he would support the guides by weighing the fairness versus finances and the revenues we should not walk away, and is a little perplexed why it came up in such a late fashion and questioned why can't we approve the regulation, and deal with PIW as separate issue.

DAG Stockton said for clarification the PIW issue is not part of this and is not on the agenda and is not part of the vote.

Commissioner McBeath said that the PIW has become the justification for denying the regulation and or is he missing something.

Chairman Raine said everybody understands what is going on.

Commissioner Cavin said his justification is on fairness as he has been advocate of system since privatized 20 years ago, if we do not have the fairest draw that we can possibly have, we have a problem. Everybody says we are protecting residents and who is protecting normal nonresident guy who has a portion of tags gone and same guy gets to come in and take tag away again and that is not fair and does not support that. We have other issues with the tag draw that appear to be unfair and will be dealt with later.

COMMISSIONERS IN FAVOR: LENT, HOWELL, CAVIN, WALLACE, AND SHRUM. COMMISSIONERS OPPOSED: MCBEATH, VOGLER, AND CAPURRO. MOTION PASSED 5 – 3. CHAIRMAN RAINE DID NOT VOTE.

B Commission General Regulation 393, Black Bear Hunt – Bears

PO III Hullinger said yesterday she presented draft language for CGR 393 to establish a black bear hunt along with eligibility waiting period requirements, bonus point program, weapons restrictions, and tag fees. She said the only request yesterday for changes to the language was from Washoe CABMW, to change the nonresident tag fee to \$300.

Chairman Raine said yesterday had extensive public comment period and asked that those who did have opportunity to speak yesterday to allow others to comment today and he asked that everyone be respectful of each other.

Public Comment -

Rebecca Williams said she is a Nevada homeowner and she lives in front country of Mount Rose highway and has frequent interaction with problem bears and does not support bear hunt for reasons stated of trash removal and revenue generation which are white washing the truth as is just a trophy hunt. She said she is concerned with technical difficulty of the bear hunt and potential for injured bear in her neighborhood and has seen documented difficulty of officials taking down bears. Baiting bears is also a common method and is concerned even though not part of the regulation, knows that will occur as she has had experience in California with a hunter who was baiting bears. She said she would ask the Board that they accurately represent the public and be honest as who is opposed or supportive of the bear hunt with a count, as the majority of Nevadans may not support a bear hunt, and the Commission may not have just been spammed. She said she is against this hunt as the reasons seem misplaced.

Linda Burney homeowner of home at Lake Tahoe said when she first purchased home there were bear problems but since that time 90 percent have put in bear containers and no problem with bears. She said she has seen one bear in three years and bear ran away and is not problem bears but problem people. You are only going to be killing the good bears up in the woods not the ones down in the neighborhoods.

Robert Satter said concerned about poaching as when there is a hunt there is poaching and his problem is whether does Nevada has the personnel to enforce and investigate. Will bear hunt have adverse effect on non-nuisance bears in the back country and make them go to more urban areas, and would like that explained.

Valerie Cohen, said she is a resident of Reno and is a professional artist and has expertise to the problem of bear management as in 1970s and 1980s she was first female law enforcement ranger at Yosemite and Grand Tetons, and had much law enforcement experience and bear management experience, and way back in the day you trapped and transplanted them which is not done anymore. As far as the trophy bear hunt being, sport, it is not a challenge as shooting a front country or back country bear is similar to shooting kittens and feeding it to our dogs.

Ann Bryant, Bear League, said she will not address the same things she spoke of yesterday. Instead she would say that witnessing and watching the Commission at yesterday's meeting was extremely disturbing as you could see that the Commission's minds are made up and public comment is just a ritual and numbers of people opposed exceed the number in favor. She said some of the comments made by the Commission at the end of the day were shocking as one Commissioner said something about it being hunting, not the killing, it is about the hunt and she is a hunter too as she likes to hike and hunt but takes pictures instead and can't you do the same thing and take your camera and you can leave your gun at home. She said Commissioner Raine's comment about the bear hunt stopping the bear problems, and then Commissioner McBeath, saying no it isn't, and the discourse between the two of you, and your all not even on the

same page. She said she appreciates Commissioner McBeath's honesty when he said we want to do this because we can, and that is so wrong, as who do you represent – hunters only, or citizens of Nevada. As who owns these animals, the animals own themselves. She said in your book it states that residents of the State of Nevada own them and you are listening to a tiny minority and she used to have a huge amount of respect for this board, and did not have that for California's board, does not for this board anymore. She said she would close with comment that what she saw yesterday and what you are doing is similar to putting nursery schools in charge of pedophiles.

Mark Ingram said he is a lifelong native Nevada resident and has hunted and fished the state as long as he remembers and this year he spent \$150 as a licensed hunter and has done that for as long as he can remember. Also, this year he spent \$5,000 on room, board, and gear, which goes into communities and on the ground. He said he finds it insulting to hear emotional Winnie the Pooh arguments from well meaning but uninformed individuals. Heart strings are rarely tied to reality and asked that be kept in mind.

Fran Aperones, said she heard what happened yesterday second-hand, and her impression was that as Ann Bryant just mentioned but who did not specify how she got her impression, but said there were lots of facial expressions, boredom and eye rolling of eyes, for speakers who are anti-hunting. She said that procedurally and in democracy the Commission is held to a higher standard and regardless of how distasteful the testimony of anti-hunters the Commission has a duty to be respectful and not have an appearance of being arbitrary and capricious. Secondly, she is against the black bear hunt and actually is against all trophy hunting and that is her personal stance and she has a right to that stance as do all the other people who have a right to their stance and opinions, thirdly given that this Commission is most likely to vote for the hunt regardless of the majority of people being against it, she would plead and ask for at the very least a motion to eliminate the spring season and move that to at least a very late fall hunt of the black bears in order to mitigate the impact on the general population numbers of black bears. In a spring season hunt it has been proven nationally that hunters cannot determine sex and no way to determine whether the bear is lactating or has cubs; therefore, if the female is killed that leaves cubs behind who will starve to death and will diminish the populations and you are all about populations and numbers. At the very minimum according to your own mentality, regulations and numbers, she requested of the Commission that one of them make the motion that they eliminate the spring season aspect and move it down to late summer or early fall.

Brooke Ingram said she is 20 years old and lives in Nevada and grown up around hunting and hunting is not about the trophy it is the scenery and having fun. On the bear hunt issue, the hunt should be held because of overpopulation and for the sport, and the bears are killing other animals and hopes they make the right choice.

Keith Ingram said he is from Reno and as a hunter he supports the Department and he thanked Commissioner Lent and thinks that hunter opinions should be considered stronger than non and anti-hunting people. He said he has lived here

since 1955 and almost every state in the U.S. has a bear hunt except a few and supports the bear hunt and they don't want any hunting and you guys need to find a backbone and speak against the anti hunters and get this bear hunt going.

Thomas Bauer said he is from southwest Reno and spoke yesterday and some things were said yesterday after he left that he would like to address and he provided letter for the record which he read aloud: I have come here again to speak out against the proposed hunt. Other than the personal satisfaction of the individual hunter, I can see no redeeming social value to this endeavor. Several of the Commissioners have tried to reach out to us, the opposition, by telling us that we "don't understand." It's as if the hunting community has some sort of ethic that we, who don't hunt, will never be able to grasp. Well, I submit that we do understand. We understand the good works that some hunters perform in order to establish, proliferate, and protect wildlife. What we don't understand is the need to "cull" or kill these animals that are not a major threat or desirable food source. As one Commissioner pointed out 'every one of these animals stuffed and mounted on a wall has a story.' And therein lies the crux of the matter, the camaraderie of the hunters as they replay the story of the hunted animal which, of course has no rebuttal.

Kathy Colvin, 32 year resident of Incline Village, lived formerly in major cities and has lived at Lake Tahoe as is a wonderful place, and is speaking in absolute opposition to the proposal and has bears in her backyard, a mother and cub, and would be appalled as her neighbors would be to have something happen to those bears just because someone thinks they should be hunted. She said we live in an area where we are all environmentalists at Lake Tahoe which is why they live there and all residents are incredibly conscious of all animals, the bear and cub in her yard were there for 10 days than they ambled off and they have been at Tahoe longer than we have and 200 – 300 bears is not overpopulation. She said animals being wounded is a concern and treed animals too, and she herself encounters bears all the time and leaves them alone. No one feeds bears and they take care of their trash and she wants the bears to stay.

Julianna Jefferson, sportswoman of Nevada, said she has never personally been on a bear hunt but her aunt has and keeps hearing just a trophy hunt and personally she has eaten bear and was the best meat she ever had. She would like to spend her own money on a bear hunt and comments that you have to be extra skilled to shoot a bear and she has taken two big game animals and shot a rifle twice.

George Corner, NOGA, said you heard testimony from Mr. Gardner and President Henry Krenka that they support the bear hunt and he has concerns and is a bear hunter and hound hunter and he supports firearms only fall hunt and does not support the spring bear hunt. NDOW has not presented that this is to resolve problem bear issue rather it is to give the opportunity to Nevada hunters the same opportunity as California has. NDOW has put forth that we have huntable bear population and hopes that people who spoke in opposition and take that same drive that they brought here to local governments to solve the trash problem.

Mike Stremmer, said he is a libertarian by nature and would not force anyone to hunt and would not want anyone to force him not to and would rather base this on sound scientific principles and management and as far as wounded animal, he is a guide and has never has seen a wounded lion get away from dogs. Personally he is against the spring hunt and prefers fall hunt.

Floyd Rathbun of Fallon said knows secondhand story of two shearers injured by bears, one severely, and because these animals are protected the way they are, he is in favor of any activity that keeps bears wild and away from people. He said injuries to sheep and people are expensive and necessary to just have an animal for recreational purposes.

Jim Jenne, Lyon CABMW, said he keeps hearing question from back of the room and there is a forgetting period in here and there are anti people speaking against this and no one has pointed out that there are 64,000 hunters out there who are hunters and they call the CABMWs and the Commission with their position and they don't feel that they have to show up to these meetings. He said he has been up here for 27 years and makes it hard to explain that these people are here and if as a CABMW members you go against what they want they start calling.

Beverlee McGrath of USHS said their organization has some 92,980 members in Nevada alone and they are all opposed to hunt and she realizes you will pass the hunt and knows that after talking to Commissioner Lent that he will not support a spring hunt, she asked that there not be an archery hunt, and as to the hound hunting and wounded animals maybe only the humane organizations hear about the abandoned dogs left to die because injured or abandoned, and asked again to just have firearms only season, and hopefully not a city slicker from New York City who just got a rifle for Christmas.

Gil Yanuck, representing himself said for the record he is a dues paying member of Nevada Humane Society, and supports the bear hunt and the Humane Society representative is incorrect in saying that all their members are opposed.

Unidentified speaker said there is a black market for bear parts and that is her feeling that hunter would kill the bears for that and is all about the money, and not about ... are there really enough, is 300 bears enough and how will that affect the population in long-run and after hearing about the mule deer this morning you are not about protecting wildlife and what happened to them. All the bears in her neighborhood have names and families and are our wildlife and she cares deeply about them and scares her and makes her sad that you don't realize that they really matter to us.

Willis Lamm, Lyon CABMW, said quick point is Mr. Yanuck explained he is a member of both U.S. and State Humane Society in response to question in back, and over the last few weeks Lyon CABMW has had much public comment and prevailing attitude from their constituency was any hunt has to be accurately managed and based on range biologists who are specialists and if this hunt is passed the people in Incline need to be aware of where bear hunting can take place and the county and municipal ordinances. The Incline Village residents

need to talk to county as to where hunts will occur as some issues may be addressed by local ordinances so that some of the neighborhood animals are not part of the hunt.

Paul Dixon, Clark CABMW, said he appreciates everyone who spoke as to not having a black bear hunt yesterday and Commissioner McBeath pointed out as did Mr. Yanuck that sportsmen are conservationists and as he said our goal is to maintain the species for perpetuity and bighorn sheep populations are an example and black bears will be handled the same way. The recommendation from Clark CABMW is that when quotas set for the first few years that they be conservative and also work with groups today and could suspend hunt if not going well and believes will show positive impact on black bear populations.

Chairman Raine closed public comment and said he would address the observations made by members today and yesterday and allegations made observing illegal activity which may have been in other states and harvesting of parts if regulation passed would be illegal as part of the regulation. If you see illegal activity you need to contact law enforcement. He said historically hunters have funded game production and the reason animals exist throughout the U.S. is because every hunter is an environmentalist preserving and propagating wildlife and we may have different methodology and is not a matter of differing goals we are here to help the animals.

Commissioner Capurro said to gentleman who indicated that there will be poaching, we have poaching now even with no hunting and comment made yesterday that hunters are the people who game wardens depend on for contacting them when they see illegal acts in the field. The very act of hunting puts people out there, who report violators. You are right that you all have right to opinion which has been exercised here over the past two days, and so were others with differing opinions, and some of you mentioned Carl Lackey as the bear expert and as the biologist he has recommended that there is a huntable population out there. Commissioner Capurro said he knows houndsmen and does not know of one who would leave a dog out in the field for any reason. He also has concerns about spring hunt but that is not in this regulation and has to be set during season setting. Secondly, heard from quite a few in favor that they prefer fall hunt and would concur with idea of restricting the hunt to rifle only not archery. Fact is the hunt will allow gathering of data and can make adjustments from there. All of us on the board have probably come across a bear and they are a wild animal and trying to feed or pet them or encourage them as part of your family is not a good idea and bears should not be treated as a pet.

Commissioner Cavin said he has been relatively quiet and trying to listen to all parties involved and everyone in the room assesses two issues wild land bears combined with hunting season, and urban bears which is really an unrelated topic. He moved to Carson City in 1975 and lived there 10 years and never heard a word about bears, and if he had, he would have looked for it as he would have liked to see it. In 1985 he bought on west side and still never heard of bears. There was poaching incident in Little Valley that generated news story and still never heard of bears in Carson City or a sighting. Six or seven years ago that changed and not sure why maybe bears being fed at the lake and filling up the

habitat, and he saw his first bear seven years ago as it was a novelty and since that time persistent increase in bears on west side of Carson City and now has seen more bears during the day and they are very much a presence at night. Two and one-half years ago he came on this board and people started with bear complaints once they heard he was on the Commission and they had different perspective on bears. Fast forward to last year Gil Yanuck worked very hard on bear problem in his Lakeview neighborhood and he had close quarter contact with a bear himself and diligently came up with garbage ordinance and public awareness and the bears moved down the hill to his neighborhood and they have lots of bears now. He now has a routine on Tuesday which is garbage day to look for people who put trash out early, and does not see many leaving trash out and if trash disturbed, contacts people to make sure. This year neighbors changed lifestyle as they have bears there constantly and they are no longer able to leave doors open or windows at night because of bears. Knows of person in middle of Carson who cannot go outside due to bears and is a public safety issue and the bears do not belong in town. Urban bears are a separate issue and would plead with those who care about urban bears to get ordinances in place to take care of the garbage but does not see that as a fix, as Mr. Yanuck's neighborhood did that. On Trail Safe issue we heard about protecting children and dogs but he does not hear that for this issue. The biggest issue for him from people since being on the Commission has been bear problem calls and since the Legislature took away urban bear funding and NDOW only responds to aggressive bears which is not acceptable. His neighbors in Carson City do not view bears as welcome residents. He does not have solution for urban bears but what has worked in the past when sportsmen wanted bighorn sheep and NDOW did not have the money, sportsmen went and raised the money. Nevada now has more bighorn sheep and would ask bear advocates to go out and raise money to increase bear awareness and the Bear Aware program and help people purchase bear proof trash container and be proactive about things that could be done.

Commissioner McBeath said he made most of his comments yesterday and he will be supporting the hunt but wanted to acknowledge a few items and thanked everyone for their input especially the bear activists, and their effect on him has been, as at prior meetings he thought he knew what he was going to do and when he got all the information from them he actually changed his position and their input has been very valuable and caused him to advocate the nonsupport of a spring bear hunt as we don't need to have those issues and is happy to hear NOGA supports that as do other Commissioners. The second issue is the use of archery equipment and will need more information on that from archers as to congested areas and wounding rates. The participation has been good as it changed his view on certain aspects of the hunt. The issue of gall bladders is covered in the regulation and no commercialization of parts is allowed. He would advocate that we go slow with a conservative quota and will be really looking at that and also keen as to how monitoring the population will be done. He would ask this Commission to explore the Commission's jurisdiction on the urban bear problem and may be a legislative issue and wants to explore what the Commission can do at our level. Finally say something mentioned at earlier meeting and Director Mayer mentioned possibility of exploring propagation of bears in Nevada and what they talked about is the possibility of bears in other

areas of Nevada that may be historical range and not sure if realistic but would like that explored.

Chairman Raine said one possible change to the regulation was tag fee increase to \$300 for nonresidents.

COMMISSIONER HOWELL MOVED TO APPROVE CGR 393 WITH CAVEAT THAT WE CHANGE THE NONRESIDENT FEE TO \$300. COMMISSIONER SHRUM SECONDED THE MOTION.

Commissioner Lent said for the people in the audience he did not have a definite position on this until hearing testimony from the audience, contrary to what was said yesterday and in the paper. His mind was not made up and he will be voting for the motion because he thinks we are doing this for the bears and not for money as the money is a miniscule amount that will come into the Department it is for the bears. Gunshots scare bears and has been proven by aversion techniques that when you transplant bears that technique scares them, and many bears die by car accidents, and thinks it is better to hunt them then have them killed by cars and thinks the hunt will put bears back in the wild where they belong. Trash is not the hunter's fault, and if this passes, he made comment yesterday that in no way will he agree to a spring hunt only a fall season. He agrees with them as shooting cubs is bad, bad, bad, and should not be tolerated. Again, he will not support a spring hunt and agreed with NOGA to keep as rifle hunt only and may not support archery hunt after information presented on wounding and such. In New Jersey because they quit the bear season, and their problems increased and had to reopen their season, and wants to see if the hunt decreases bear mortalities from road kill and we can learn from New Jersey and will get information and he is not going to do anything as sportsman's rep to jeopardize the bear population and if that happens will shut it down as no one wants the species to diminish. When we open a hunting season we take care of those animals by monitoring them and ensuring that they survive and thrive. He said we always will have bears if we have a season if this passes and that is his position as to where he is coming from.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, MCBEATH, WALLACE AND VOGLER. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 8 – 0.

- 16 A Report from Feral Horse Committee, Horse Monument and Letters and/or Resolutions for Commission – Mike Stremler, Chair - Action

Chairman Raine read the agenda item description for #16 A: The Commission may approve, modify, create or deny a letter to the Nevada State Water Engineer in reference to the issue of giving water rights meant for wildlife to wild horses, and he said DAG Stockton has a statement to make.

DAG Stockton said a concern was raised earlier this morning about the proposed letter and not sure what proposed letter the person was talking about and the OML requires that the public get any support material at the same time as Commission does and his understanding from talking to the Commission is that

none of them have the letter, even though he has a copy himself, and as the public is getting the letter at the same time as the Commission is, that is not a violation of the OML in his opinion to discuss the letter.

Chairman Raine said this item is an action item, and he called Mike Stremmer and Flyod Rathbun for their report.

Mike Stremmer said he is chairman of the Nevada Board of Wildlife Commissioners' Feral Horse Committee and they had a meeting in Fallon with quite a bit of public comment from wild horse advocates who attended the meeting. There is much misinformation about what Nevada is - Nevada is not California - and does not have unlimited resources. That is one of the things public comments addressed as to why we gather horses. He said the difference between feral and free roaming horses and burros is that feral horses are under state jurisdiction and the state is not doing a good job and is not the solution. Free roaming horses and burros are animals protected under the 1971 Act, and in the Act, horses have to be maintained in thriving ecological balance, and Joe Fellini of Rachel, has taken the issue up on the thriving ecological balance issue and beaten the federal government on it based on water issue as limiting natural resource. He said the federal government is applying for water rights under wildlife for free roaming horses and burros. The letter presented to you is an overview of the water rights in their opinion and if you look under code of federal regulations Title 43 under range improvements...

DAG Stockton said is that the letter you just handed out?

Mr. Stremmer said he did not get the letter you just handed out and if it is to Mr. Jason King that is the letter he is talking about.

Mr. Stremmer said in the code of federal regulations, the federal government identifies under range improvement that there is such a thing as domestic livestock, free roaming wild horses and burros, wildlife, and fish. Three separate things, and right now Division of Water Resources is giving water rights to federal government under the guise of wildlife to these wild horses and burros even though no beneficial use declared by Nevada law. That is the Achilles heel of federal government. In New Mexico versus U.S. resolved in Supreme Court with state the highest authority on water rights, and the feds have to apply for water rights just like anyone else, and with no declared beneficial use they can't use supremacy clause against us. Lot of issues discussed, cattle and sheep are far less right now and wild horses far greater in numbers, of what they used to be, 10 percent less sheep and cattle are 50 percent less and wild horses at the highest AML from 1971 when they set how many horses could be on federally managed lands and horses are above that by 12,000 – 14,000. Lot of misinformation that letting cow and sheep eat the feed, and is just the opposite. We have water resources being damaged by wild horses to the detriment of wildlife. This is where Jason King needs to step in and protect those water rights. Because his understanding is wildlife has vested water rights and DAG Stockton could address that.

DAG Stockton said the language is that whenever you develop a water source you have to insure that wildlife have historical access to it.

Mr. Stremler said what is happening now is feds mandating ranchers give them a water right if you develop a water source for free roaming horses and is on range improvement agreement, item 12 or 13, and he disagrees with both, and won't sign those agreements and he is a thorn in the side of the Winnemucca District. So that is something where the state can actually do something to protect water sources for wildlife and ranchers have always been an advocate for wildlife and have always shared. He had several calls from different people on the just compensation clause of the Constitution for Fifth Amendment and Wayne Hage is on this committee and he has won on just compensation for water and it has not been brought up for wildlife though. He said he has a list of solutions, and the next meeting of the Feral Horse Committee meeting is in Eureka in February. Some of the solutions are to put pressure on the state water engineer to protect water rights from the federal government, and that is in the letter that we presented to you. Second solution, is identify HMAs not in thriving ecological balance, and wildlife groups can do this (64,000 hunters) and put pressure on federal government. He hears stories from hunters all the time about horses displacing wildlife from water, and that is not thriving ecological balance, and we can work with the language in the 1971 Act and ask AMLs be reduced. He said in Pershing County he is working as the natural resources chairman for Pershing County, to get ranchers to file their vested water rights, so the State Engineer can protect them when the federal government is filing on the water rights. Mr. Stremler said Mr. Floyd Rathbun authored the letter and is the brains behind that and can answer questions regarding the letter.

Commissioner Vogler apologized to Mr. Stremler for not being able to attend the Feral Horse Committee, and asked if they thought of doing as Wyoming did and hold the BLM's feet to the fire by suing them on behalf of the wildlife in the state, in Wyoming that forced them to get their horse numbers to AML, and would that be feasible in this state.

Mr. Stremler said he thinks that would be good and in fact they are getting in contact with different wildlife organizations like NBU and Mule Deer Foundation and Rocky Mountain Elk Foundation to put the brain power and money power together to do that exact thing, and is one of the strategies they will be pursuing to hold their feet to the fire.

Commissioner McBeath said he did not have a chance to read the letter as it is lengthy, and seems from what he has read, is that you are advocating that wild horses have no right to water.

Mr. Stremler said that is the Achilles heel of the federal government as they assume that they have rights to water and they did when ranchers owned them before 1971, and as soon as they classified them other than wildlife and livestock, and if they had been classified as wildlife, maybe you would have been voting on a season for wild horses, then you would have some comments. But they are not and they are not under state jurisdiction, the only time they are is when they are gathered, and the brand inspector has to be there to brand inspect

them and they transition from wild and free roaming horses to becoming livestock. He said if he adopted a horse and if he brought it back to his ranch and turned it loose, he would receive a ticket for livestock at large and trespass. They have transitioned them from one thing to another.

Commissioner McBeath said in another Supreme Court case, and may have to defer to DAG Stockton, is the concept of federal reservation of water rights, and this does go outside the state's purview over water, and is rather limited. Concept of federal reservation of water rights, and the Supreme Court Case was in Armagosa Valley spring with the pupfish and his recollection of the case is that when they created the National Monument for the pupfish there was federal reservation with no discussion of water rights and had alfalfa farmers there pumping the water table down and the USFWS came in and said stop. Case went to U. S. Supreme Court and they ruled when Monument created it had deemed reservation of water rights for the purpose of that Monument.

Mr. Stremmer said he is aware of that case as well and he would say as a rancher, we have the U.S. Constitution with Fifth Amendment with just compensation, and a water right is a property right, and that was not argued, and he is due just compensation as a water rights holder.

Commissioner McBeath said two points in an analogy to that and will be interesting to see what the federal government position will be as when 1971 Act was created it was deemed reservation of water rights at least to AML and they would be limited to and are over AML, and obviously going well over that with insufficient water for wildlife and livestock. Much more complex issue and wondering if sending letter to Jason King is best way, and wondered if Commission should not ask for legal opinion from Attorney General's office on the issue as an alternative to the letter and if we do that we would have participation by State Engineer and at least at that point have decision from Attorney General as to what the issue is and maybe the two DAGs can discuss. He said he thinks it is a good issue not sure that the way being presented here, as all or nothing, is way to go and maybe have a more reasonable stance that is palatable and more forceful to BLM and anything over AML, they are lacking in water rights, and is a great argument, and gives the state some control over this issue whereas before we have been frustrated in the past over lack of control.

DAG Stockton said for everyone's information that he also represents the State Engineer putting him in an awkward position. He said you are right about the federal reservation of water rights doctrine, that is it in a nutshell, but it has a lot of nuances, and he has spent hours arguing them in Supreme Court. In regard to an opinion, his initial reaction is each one of these will be fact specific, as one of the sticks in your bundle is your priority right, and in the Caper case as the federal government reserved the Devil's Hole in the 1930s and Caper appropriated their ground water rights in 1950s and 1960s and that was junior right to the senior water right of Devil's Hole, as you take your water right by priority and when you get a water right you have the right to pump but have to satisfy the senior water rights holders. He said it will be fact specific and complex and he is not sure how much it will help as case by case on who has priorities.

He said your right that the rights need to be adjudicated and those priorities established.

Chairman Raine said to DAG Howle if he had anything to add as far as legality.

DAG Howle said he had nothing to add.

Commissioner Capurro said if a Monument were established as proposed like the Pickens situation and he owned water rights that predate that set-up if it exceeded the needs of the horses put in that Monument and AML as described by Commissioner McBeath than they the feds would not have rights to certificated water.

DAG Stockton said he had not looked at applications being made for the Monument but understands they are just claiming rights with what they bought and he has not seen the applications.

Commissioner Capurro said the water rights that would go with the ranch unless specifically withheld as water rights go attendant with property and those rights would be available for a person to use for livestock, horses, or wildlife, or whatever, to the limits of AML.

DAG Stockton said they can use up to the limit of the right and beneficial use, very few restrictions on transferring private water rights.

Commissioner Vogler said that is already established, and Monument status of Monument for Devil's Hole pupfish a long time ago changed the status of the land and BLM operates under multiple use concept and technically belongs to State of Nevada and was not legislatively reserved and is another issue, the issue of water in Nevada does not run interstate so a little shadow of legal federal controlling authority and has been tested in Southeastern Oregon with water in Great Basin and individual and USFWS got in fight over water and USFWS lost and State Engineer made that exception. Our skinny thread of hold on that water is paramount to getting BLM to comply with the Act. When it comes to the Monument he has already said that, and here is what needs to happen, and this is from BLM meeting, that those horses will have to be brand inspected before they go to Ms. Pickens and she will have to identify them and they will be gathered with transfer of ownership to her and then she will be allowed to put so many horses out according to the project and if she chooses to use that they become livestock and if she chooses to use water rights on springs and do watering and will be able to irrigate a number of horses and adjudicate them and he has that adjudication and is specific in each water right for time of use and tons of things she does not have a grip on.

Commissioner Capurro said assuming everything went by the books and has the water rights and title to the horses and fences the whole place off which would maybe cut off access to wildlife, that cannot be done can it? As you cannot prevent wildlife from using sources of wildlife that they had previously utilized.

DAG Stockton said surface water rights.

Chairman Raine said his question for staff on this issue of the horses and water rights and asked history of NDOW in regard to this.

Deputy Director Haskins said NDOW interactions with BLM on horses is based on AML and ecological position and try to not take a pro or anti horse position rather manage the land appropriately with AML.

Chairman Raine said looking at something that is not anti-horse but pro-wildlife and talking about water rights that should be going to wildlife.

Mr. Stremmler said the letter is to point out Commission's position that wildlife has priority water right position in Nevada and Nevada water law trumps federal government. When they took horses from ranchers they established the priority date of 1971. He said on his ranch he can go back to 1872 and knows they don't trump him and most of Nevada was settled by 1864, and the loose cannon or silver bullet for wildlife is water rights and they have priority right horses don't. He said NRS states that if you water more than 50 livestock that belongs to another for more than one day in a season on the second day you are guilty of misdemeanor, and you have to have proprietary interest in the livestock for you to make beneficial use of your water. The water law has lots to do with livestock, and wildlife and livestock have compatible relationship, and horses are not taken by coyotes and the loose cannon is horses, that force wildlife off the water.

Commissioner Cavin said as far as beneficial use for wildlife it seem like that was changed in NRS and not sure if that predates 1971 as he thinks that may have been in the 1980s.

DAG Stockton said he thinks he is right but still applies today.

Commissioner McBeath said we have Commission Policy #66 which has water rights and he asked if the committee looked at Commission Policy.

Mr. Floyd Rathbun said in preparing for this they looked at what they could find easily and in preparation for next meeting will have that available.

Public Comment -

Beverlee McGrath, HSUS, said we have certainly disagreed on some things but thinks we can all probably agree that BLM has done a horrible job of managing wild horses and is disgraceful and feels BLM should compensate ranchers for waters. Checkerboard and fencing have forced and made ranchers have to provide water to stray, feral and BLM horses, which is a travesty that Nevada ranchers take the brunt. Midwest ranchers receiving millions of dollars as compensation while Nevada ranchers don't and she named ranchers in the Midwest that receive millions of dollars having horses, and thanked the Commission for raising the issue and thinks you need opinion from Attorney General and legislature.

Dorothy Nylen, from Lyon County and a director of the Board of Wild Horse Preservation League, said she attended the Feral Horse Committee where this letter was an item there but not available to the public and lots of reasons why they would not give it to her and she said she even had a camera to take a picture of the letter if they would have let her. She said there was good participation at that meeting and many of them are not here today and may be fed up. She said she is the daughter of a cattle rancher and does not have problem with cattle ranchers and is a proponent of spreading underground water resources to spread games, horses, cattle whatever over larger area so they don't impact the environment as much in one area. She said Mr. Hage who is not here today, personally told her all kinds of solutions and it shouldn't be hard and he made statement that with more water everything is better, although he is not able to keep things up on Pine Creek Ranch and when they were kept up lots more wildlife around. She thinks this is an issue that needs to be looked at and lots of solutions. She said she just now received a copy of letter and can't respond at this time.

Walt Gardner said he is not an attorney like Mr. Stockton but what he has read is wildlife rights preempt all other rights on ground water and is an argument that needs to be strongly followed and see how far we can take it and protect those rights as many instances were horses run wildlife off the water.

Don Alt, Nevada Livestock Association, said there is a question on ownership of those horses actually, as when he came to Nevada he brought two truckloads of cattle and right away here was a brand inspection and got title to cows, and two weeks later bought bulls and brand inspector did same and gave him title. BLM cannot produce title for these horses and does not know how they claim them. Brand inspector in Eastern Nevada questioned that and the BLM reduced his AUMs to zero and put him out of business and point is don't argue with them and thinks they are stray horses.

Willis Lamm, Lyon CABMW, said this is important issue to get focus, as far as specific letter is concerned with respect to Mr. Stockton he would recommend that this be taken as informational and not run with it as letter not provided at committee meeting to people nor properly agendized. He said he believes there will be people at Mr. Taylor's office on Monday. However, there are concepts that are valid such as preserve water rights for wildlife, and also talked about what federal government has reserved. On Friday he had a chat with the former water rights specialist for BLM and there are also some Executive Orders that could apply to situations such as ownership of horses which speaks to Madeline Pickens' ideas. There is plenty of precedent and probably legal support that if you only watered horses that belonged to you that would shut down livestock operations where they actually hold animals for others. So if Ms. Pickens may create a giant boarding operation that makes that commercial operation and not sure what legal water rights she has legally acquired and will probably talk about it under agenda item #16 B is how water rights will be used on property if project gets going and how to mitigate impact to deer herd on Spruce Mountain and discuss how that will help the herd not hinder it, very valid issue. In the meantime his recommendation is do research as to how all the players fit with respect to BLM their reservations, such as what they can do with rising and falling springs

on federal property and AML and does not think you can spawn that from this letter for the technical reason.

Doug Busselman, Executive Vice President of Nevada Farm Bureau, said he is here today to speak on letter to approve, create, or deny a letter to the State Engineer. He said today was first opportunity to review the letter, so there may be additional thoughts they may have, but on the surface question is not priority, it is beneficial use and whether or not wild horses qualify as wildlife, under the beneficial use statute. He said that to them that is a legitimate question and the Commission has purview to inquire as to whether a federal agency can file for wildlife use and use that to water wild horses given the fact wild horses are not wildlife and whether or not the agency filing has legitimate cause to be granted that right as Commission is state agency responsible for wildlife management and from their perspective they believe the Commission has the responsibility to forward the question and want to make sure you do so in a orderly fashion not to weaken position down the road and encourage the Commission to ask the question well formatted that fits legitimacy of the situation.

Glenn Bunch, Mineral CABMW, said Mineral County has been in an endeavor for quite some time to save Walker Lake for fish wildlife purpose and property purchased with water rights and found out at their last meeting when water rights person and federal water master advised them that water was decreed delivered to that property and nothing mattered until a judge would say the water right could be moved from Mason Valley to Walker Lake. He said he is seeing things here that sound real great until they encountered what they did for their admission and different things rolling around.

DAG Stockton said that is special provision in the federal decree and not part of Nevada law.

Cory Lytle, Lincoln CABMW, his CABMW recommended approval before seeing anything as they are just happy something happening and that they are working on it. BLM has been a joke and happy people working on it. AML issue is huge and something that is talked about a lot and needs to be targeted and never gets done on the ground, happy when they do a gather, and happy when horse populations close to what they are supposed to be even though they never are and voted in favor to get whatever can be done as horses are a huge problem.

Daryl Harwell, Washoe CABMW, said he is here again with no recommendation from his board as they had no support material.

Carrol Able, Hidden Valley Wild Horse Protection Fund, requested that this be delayed with the letter just coming out as no way for anyone on the Commission or the public to look at information and decide if true or false. She said there is a claim that wild horses prevent wildlife from watering and as many individuals that claim it, she has pictures of wildlife watering next to wild horses. She said there is information in here that is incorrect and rather than state her opinion she would like to show facts and another issue brought up is AML and in her opinion AML is not appropriately set, it may be higher or lower but science has to show that, not

this Board or the audience. She would like to ask that this be held over to make sure whether statements are correct or not.

Commissioner Capurro asked DAG Stockton, if he had certificated water rights that are tied to a basin and if you want to move them from one basin to another, do you have to go back to State Engineer to reallocate.

DAG Stockton said you can't move water from one basin to another they are specific to each basin and there are lists to comply with and are a huge undertaking.

Chairman Raine said in respect to this letter we have options, can adopt as presented, we can postpone to another meeting. If motion made to adopt add something that it be placed on Commission stationary.

Commissioner Cavin said thinks we need time to look at this and is complex issue and can't read and comprehend the letter while trying to listen to the discussion, he asked that the letter be brought back to a later meeting to make sure direction we want to go.

Commissioner McBeath said he would really like the Commission to pursue this and have something good and may give solid leverage against the BLM and horses, and he too has not read it and would like to digest it and will have further comments

Commissioner Capurro concurred and said he is very familiar with Sheldon and goes there every year and has seen horses run antelope off Round Mountain Lake and Smith Lake and other water sites and has seen the evidence and there have been no cattle for 15 – 20 years and damage to riparian areas is being done by horses. There is a question of how do we do our stewardship in providing for wildlife including their water needs and thinks we do need to pursue this further and is a little concerned with wording and commends them for bringing it here and necessary to continue your work and see if we can come up with something more and probably no one on board would disagree with intent that you indicated.

Commissioner Vogler said to Mr. Stremmer that his understanding is State Engineer has issued permits to BLM and asked DAG Stockton if the Commission would have time to make protests and do all those things for misuse of water right, time is of the essence and needs to be dealt with as soon as possible.

Mr. Stremmer said multiple permits have been issued and knows of neighbor with spring in Dixie Valley that they filed on and Nevada Cattlemen Association has identified quite a few places and is still in permit stage not certificated.

DAG Stockton said NRS states anyone aggrieved may file appeal but is too late as you only have 90 days after final publication to file protest but may be too late to file protest on original application but not too late to file an appeal on final certificate although courts have not decided that issue.

Chairman Raine said whether this meeting or the next it needs to be dealt with.

Commissioner Wallace said he too agrees this is extremely important issue but only just got this letter one-half hour ago he would like to insure we are in the right direction so we don't have to start over.

Commissioner Lent asked what kind of time interval are we worried about.

Mr. Stremmer said when they applied for the permit you have 90 days, and most of this has already been done and he would recommend postponement to prevent OML violation too, otherwise a lot of monkey wrenches thrown in, and they have been doing this for a few years.

Chairman Raine asked if the committee's next meeting is scheduled before the February meeting.

Mr. Stremmer said the end of February but could be moved up.

Chairman Raine said the Commission needs to decide whether to send letter back to committee or keep at the Commission level and whatever motion is made hopefully reflects that.

COMMISSIONER WALLACE MOVED TO POSTPONE DISCUSSION ON THIS UNTIL THE NEXT MEETING AND ALLOW THE COMMITTEE TO GO OVER THIS AGAIN AND MAKE SURE EVERYTHING IS RIGHT AND GET OUT TO THE CABMWS AND PUBLIC. COMMISSIONER SHRUM SECONDED THE MOTION. MOTION PASSED 8 – 0 WITH CHAIRMAN RAINE NOT VOTING.

Chairman Raine asked to move the Maxon item next as they have a time conflict.

Commissioner Vogler is absent from this point on from the meeting.

- B The Commission will discuss the Pickens Horse Monument in Eastern Nevada, May Provide Guidance to Staff on the Matter and May Approve, Modify, Create or Deny a Resolution and/or Letter on the Matter – Chairman Raine – Action

Chairman Raine said he provided a letter on this issue which is along the lines of a resolution with questions the Commission is asking about the Pickens Horse Monument.

Mr. Stremmer said they discussed the Monument and that the commercial water rights issue was brought up and he would agree that there are real stumbling blocks for Ms. Pickens as once she takes possession of the horses and they are branded and brand inspected they are no longer free roaming horses and cannot intermingle with free roaming horses. The Taylor Grazing Act and 1971 Wild Horse and Burro Act would have to be amended. He said his group plans to meet with the governor elect to discuss the issue.

Chairman Raine said the document he handed out (exhibit file) has 13 items that are questions that the Commission had been asking, and questions must be answered by the proposal. He said if there are items that the Commission does not want, it can be edited, this is something coming up hard and fast, and he will adjourn for a lunch break to allow reading of the document. After the break, Chairman Raine said we will finish this item, and the Maxon's have informed him of a time conflict, and he suspended the rules to move #23 behind #24 A and B.

COMMISSIONER CAPURRO MOVED AND COMMISSIONER LENT SECONDED THE MOTION TO MOVE AGENDA ITEM #23 INTO SLOT BETWEEN #24 A AND B. MOTION CARRIED 7 – 0. CHAIRMAN RAINE DID NOT VOTE AND COMMISSIONER VOGLER ABSENT.

16 B Public Comment -

Willis Lamm, Lyon CABMW, said he has been involved with the wild horses and has worked with BLM since 1992, and last year as requested by Bob Abbey he participated in discussions about the Pickens's proposal and when the refuge idea surfaced initially it is usually received with skepticism but over time as questions brought forward and answers provided it appears that this is a rational model that seems like it may work. He said there were issues brought forward from Nevada and for the most part Ms. Pickens' answers were responsible and respectful of understanding our needs and to not have the refuge be detrimental. He said Senator Reid and others are interested in making this happen. Mr. Lamm said this is likely to happen and his concern here and advice is that Ms. Pickens put the best model together as that model is going to be reflective of what other groups do on other private lands. His advice to the board is think how letter worded and make it more of an invitation.

Candido Mendive, Elko CABMW, said this looks like it is in our backyard and his board is opposed to it and submitted a three page resolution submitted to the Board of Wildlife Commission yesterday.

Daryl Harwell, Washoe CABMW, said at their board meeting they wanted to give permission to the Commission to have the State Department of Fish and Game get the Pickens' business plan and find out everything you can and bring it back to the CABMWs so that they can form opinion as only a small portion of the land is private and much of it is BLM land and how is she going to close that off, he said these are just questions, let's make it official and find out more information.

Paul Dixon, Clark CABMW, said he does not want to repeat what Mr. Harwell said as he agrees with it and he has learned that she is trying to obtain 1 million acres, whether public or private you can obtain Monument status, and that gives her ability to do whatever they want on that land and need to restrict them from getting that much land, and need to learn lots more to activate our public (sportsmen) as the public was for the Trail Safe and bear issue today.

George Corner, NOGA, representing himself, said we have been told by BLM District manager that the Environmental Assessment (EA) is first step and the next step is Environmental Impact Statement (EIS) and only way these questions

will be asked or answered. His concern as a sportsman is we have established elk and antelope herds there and is major wintering area with migration corridors and if turned into big mustang reserve it won't matter who has the water rights as the horses will have them.

Henry Krenka speaking for himself said he is a lifelong resident of Ruby Valley, and his family has seen much change in that area as they homesteaded in their ranch in the 1870s and he himself is old enough to remember his ranch having horses and being able to run horses on the ranch and some ideas she has don't work and will be difficult to move the horses when needed. The only way to do this is to fence everything with fencing that holds wild horses and that fencing will keep out all wildlife. Horses gang up on springs and keep wildlife off.

Mike Laughlin said he attended the Elko Commission meeting when Ms. Pickens was there with her husband when they requested the sanctuary and when T. Boone Pickens was there all he mentioned was his water holdings across the county, and he never mentioned horses, and not far to determine that you could pipe the water to Southern Nevada. He knows of Prior Mountain Preserve in Billings, Montana, where the horses ate everything and idea of fencing wild horses won't work and never has. He knows the country well that she bought and is tough country and is not fertile to run lots of AUMs for livestock and he came away with feeling that more to the issue and whole scam that has not come out yet.

Chairman Raine said hopefully everyone glanced over this at lunch and said many of the public comments are covered in the letter in some format and asked if any questions that need to be asked or done if we are talking of making a resolution out of this.

Commissioner Howell said his feeling is we need to totally oppose all aspects of the Monument on public lands, he said she can do whatever she wants on her 1,000 acres of private land but oppose the rest 100 percent on public lands and send appropriate letter to whomever.

Chairman Raine said this is an attempt for a resolution and if better wording could also write additional documents and have this as a beginning document.

Commissioner Howell said we need to oppose the proposal in its entirety except for her 1,000 acres, but the rest of that is no.

Commissioner Capurro said looking through the questions and the EIS provisions and the like that he does not see how project could get through that test and perhaps this is a resolution.

Chairman Raine said if all the items are covered maybe wildlife would not be impacted so bad.

DAG Stockton said one suggestion is that wherever the word "feral" is used, that needs to be changed to "wild" as he doubts she would have feral horses as there

is legal definition defining feral as belonging to the state and wild horses belong to the federal government.

Commissioner Cavin said this is a great start and covers a great amount of ground but would be able to improve on this if we spent more time on it, and would like to read through it and send comments, and who is the resolution going to, is it BLM or Ms. Pickens, or is it just our position.

Chairman Raine said his preference would be to approve this now with changes and always can come back later and change it and maybe in February, but need to take a stand on this issue and not citing legal cases rather is a philosophical stand and those item and if substantially close, is that close enough. He said this would be our position and it can go to whomever you want.

Commissioner Howell said if we oppose it we send a letter stating that to Mr. Salazar as he is the main person and there is no need to send the letter to anyone else.

Commissioner McBeath said his position is that the Commission needs to do something as far as wild horse sanctuary as with letter on water rights would like time to digest and would hope we would do same as other letter and take action on February to allow reading of the items.

Commissioner Wallace said he would reiterate the same comment and he would like documents such as this in advance because to read it over during lunch and determine if this covers everything is difficult in addition to making sure there is nothing to add to it. He said the CABMWs and others may come up with more that needs to be included and again he would like to get items such as these sooner.

COMMISSIONER CAPURRO MOVED TO ADOPT THE RESOLUTION WITH THE WORDING IN THE PROPOSAL AS WE HAVE BEEN LOOKING AT TODAY AND TO CHANGE FERAL TO WILD AND THAT IT BE ON THE FEBRUARY AGENDA FOR REVIEW AND THIS SHOULD BE DONE AS SOON AS POSSIBLE. COMMISSIONER LENT SECONDED THE MOTION.

Commissioner McBeath said for clarification are we adopting this now and approving without all the input that it would make more sense to approve for comment and then adopt at the February Commission meeting.

Commissioner Capurro said purpose of motion was to allow review of the resolution in interim and bring it back for review and change at February meeting.

Chairman Raine said in the meantime there would be some position statement and asked if everyone understands the motion.

Commissioner McBeath said he does not understand the motion still, as using the word "adopt" that means it is an official act and Commission agreed that this is our position and his point is that without additional time to look at this he cannot do that but can agree to changes in letter with understanding it is to go

out to everybody and CABMWs to get input, but can't do approval of document that he has had insufficient time to digest.

COMMISSIONERS IN FAVOR: LENT AND CAPURRO. COMMISSIONERS OPPOSED: CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. MOTION FAILED 2 – 5. CHAIRMAN RAINE DID NOT VOTE AND COMMISSIONER VOGLER ABSENT.

Commissioner Howell said because of the way this is written he can't make motion he would like to and would like to move to send letter to Salazar stating we oppose this Pickens Horse Monument, and if we want to discuss further at another time is a different matter and asked if we can do that.

Chairman Raine said as part of the motion who will draft the letter.

Commissioner Howell said staff would write it.

COMMISSIONER HOWELL MOVED TO OPPOSE THE MONUMENT AND STAFF IS TO WRITE THE LETTER FOR CHAIRMAN'S SIGNATURE TO SALAZAR STATING WILDLIFE COMMISSION OPPOSES CREATION OF THE MONUMENT. COMMISSIONER SHRUM SECONDED THE MOTION.

Commissioner Howell said similar to what Elko CABMW did and thinks the more public bodies that send him letters is important and will carry more weight.

Commissioner Lent asked will that water down the effect of getting these questions answered once we send the letter opposing the Monument.

Deputy Director Haskins said the response you will hear back is that they appreciate the concern and will carry more weight going on the record as opposed to the concept in general as the questions in the document will be answered in the EA and EIS.

DAG Stockton asked for the motion to be restated.

COMMISSIONER HOWELL MOVED THAT THE COMMISSION INSTRUCT STAFF TO WRITE LETTER TO SALAZAR STATING FACT THAT NEVADA BOARD OF WILDLIFE COMMISSION IS OPPOSED TO THE PICKENS HORSE MONUMENT AND NEEDS TO BE SIGNED BY THE CHAIRMAN. COMMISSIONER SHRUM SECONDED THE MOTION AGAIN. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. CHAIRMAN RAINE DID NOT VOTE, COMMISSIONER VOGLER ABSENT. MOTION PASSED 7 – 0.

24 Reports –Informational

- A Progress and Funding Report on Phase 1. Independent Scientific Data Analysis of Nevada's Mule Deer Population Funded by Wildlife Heritage Trust – Patrick Maxon, Ph.D. and Ellen Maxon Ph.D.

Dr. Maxon said he appreciates the Commission asking for a status update of their Heritage Project which is critical to accountability of projects. He said today he and Dr. Ellen Maxon will be providing a status update. In introduction of the project, he said it is composed of two phases. The first phase is a typical approach and is getting a handle on "sources of variations as it relates to mule deer" where scientists and data collectors go out to get as much data in an electronic format as possible to help manage decisions. Data is then put in a data miner to stimulate data that would help in management decisions. Data is driver here, and junk in is junk out, and have to be careful on type of data we get and that is main focus of first phase. The second phase will take data after good analysis of critical components of it, and then start statistical data mining analysis from various sources. NDOW is an extremely important source of data. He said this project is geared toward mule deer population trends and we will take other data sources from BLM, USFS, NASA, Desert Research Institute and anybody who has good critical data that we can put into the mix, to begin data mining process, the intent is to develop data base to manage and make better decisions on what is really happening. Basically we are dealing with a black box as the Great Basin is extremely delicate diverse environment so what might apply in one area won't apply in another. He said the idea is to take the data and put in data miner and try and reduce it down to ground/decision level to help resource managers. The idea is to get information on populations and what affects populations. He said the main focus of the second phase is to identify the biotic and abiotic factors. Biotic factors would for example include horses, bears, and elk competition, and abiotic factors would include fires and water resources. He said they will take as much data that relates to that, and again, we analyze that, and the key to all data is analyzing good data, in Phase II is critical how accurate the data is from Phase I and he introduced Dr. Ellen Maxon who has been collecting the data for Phase I.

Dr. Ellen Maxon showed a power point slide with the extensive list of data requested since July 2010 from NDOW and have added a few more requests and the chart shows if information received from NDOW or not. Her impression of NDOW data is that it is fragmented, some data is not here in central office but scattered in regional offices with the supervisors or the biologists in the field, a lot of it is not electronic and usually analysis are done at NDOW a year at a time and they are trying to do a retrospective over all the years where data is available and NDOW has no central repository for this information and that is why it is important for them to develop a data base that will cross all the years. A lot of NDOW data given to them is from the Hunt Book which is an annual publication that summarizes the data they collect and population estimates they produce and that data will have to be key punched by them which will be time consuming. From NDOW side the most difficult pieces of data pieces are from field where they do aerial surveys of mule deer in spring and fall, and that data is on sheets of paper and has not been entered into any electronic format and they have asked for it and does not appear that they will be getting it, unless they go out themselves to the regions and copy it and enter it. She said she will say that NDOW has done a great job in the Eastern Region to pull this historical raw sample field data which from 1975 to 2004 has been pulled together for a study and that is an example of the kind of information they want to collect for their project for the entire state of Nevada and for NDOW to do that was time

consuming and due to staff limitations are not able to do that. From her experience with other companies data use, she would say that the quality of the NDOW data effort is not what she expected, and this will take longer than thought. She said they have also asked for a demonstration of the population model numerous times, and have been met with resistance, and thinks NDOW may provide that, to see the inputs and outputs of current population model being used today. She said they need to find out how the current population is being estimated, with the hard inputs and hard outputs and then go back to raw data that feeds those models to understand the data that is being used and how much is really available to build today's estimates.

Dr. Patrick Maxon said we have shared this slide with NDOW and they are cooperative and are trying to answer our questions in a timely manner but they are in the year end time crunching now. Hopefully in first quarter of next year will start seeing more interest in this from them. He said the first phase involved a learning curve on NDOW's part as this is new to them, and he said they have received permission from NDOW to contact Systems Consultants directly and they are a great repository of data and information and they are extremely cooperative, and NDOW's cooperation has improved dramatically over the past few weeks. He said as far as progress they are in the data entry phase with Hunt Books from 1959 on and the problem is the permutations here as unit changes, seasons have changed, added hunts on, and are trying to develop data base that if you query it, will have those relationships. The data gathering from other state agencies and federal agencies has been cooperative especially with wild horses and fires, trying to get acreage reseeded after fires. One of the biggest things they will be wrestling with is carrying capacity and species competition and factors that influence carrying capacity such as fires and domestic animals such as wild horses and elk which are both introduced species. Dr. Maxon said they will also be looking at native species competing with introduced species. He said they know enough of flora of state to make an assessment on carrying capacity and they believe there is an abundance of carrying capacity out there and could have an abundance of ungulates out there.

Dr. Ellen Maxon continued review of the powerpoint slide.

Commissioner Lent said Dr. Maxon requested data and he sent it to NDOW and received an email from Deputy Director Haskins and needs clarification as a piece of data requested was guide harvest data and response from NDOW was it does not exist. He said as he stated at the last Commission meeting that he knows the nonresident guided harvest report exist and he asked Mr. Sefton if he records nonresident guided harvest reports.

Mr. Sefton said yes.

Deputy Director Haskins clarified that Mr. Sefton records for the guided hunt not all hunters who used a guide.

Mr. Sefton said correct, they do not record if someone used a guide in Hunt 1331 or other hunts.

Deputy Director Haskins said that is where there was a breakdown in communications.

Commissioner Lent said he sees as he was not sure what they wanted, if it was all the guided hunts or nonguided hunts.

Dr. Maxon said they need data and one of the hunts is guided nonresident and they can get that from SCI as Mr. Sefton just answered.

Commissioner Lent said to Dr. Maxon you also requested the mule deer population model.

Dr. Ellen Maxon said they requested several times a demonstration of the population model and have discussed verbally the inputs and outputs and needs something more concrete than that.

Commissioner Lent asked Mr. Sefton how many nonresident guided harvest reports are not filed each year.

Mr. Sefton said with all hunts there is a percentage of guided hunts where the client draws and does not file a report and normally have two sets of numbers, one is number of tags issued, and the other is the number of harvest reports which is people filing. Generally noncompliance rate is 5 percent for all hunts.

Commissioner Lent said asked if NDOW can change actual record of the harvest reports.

Mr. Sefton said this has been a point of confusion as when originally contracted to build harvest data base SCI staff was only enterers of data and the biologist would send them the paper reports and they would enter them and turn over to NDOW, and when biologist retired it was pointed out that some reports could be automated and they were asked for a quote on the report and programmed the reports and NDOW biologist noticed that to produce a report for hunter success by units that they had to contact hunters as some information provided was incorrect or confusing. Mr. Sefton said they suggested companion shadow set of fields next to NDOW adjudicated fields to identify and modify. That field gets used for the reports and the number of changes were not material and the changes were in the dozens not hundreds.

Commissioner Lent said one more question for Dr. Patrick Maxon, and he said this at the last Commission meeting, that without field survey data, how can you do population estimates.

Dr. Maxon said we cannot do populations estimates without it and we need to understand how the model takes the input and gives you an output. Without seeing or understanding assumptions that go into it we cannot estimate populations and need to estimate populations to understand the factors that influence that up or down. Because of not seeing population model running makes difficult to see how precip or horse removal would affect populations. He said they have not received that from NDOW.

Chairman Raine said the deer survey data is still in paper form and of that you received photocopies of the flight data sheets.

Dr. Maxon said the raw data or lab notes have not been received and the raw notes have not been received as there may be issues with GPS and want to understand NDOW's sampling technology.

Chairman Raine asked if raw data was seen in data base and given to Maxons.

Dr. Ellen Maxon said for the Eastern Region they actually had Excel spreadsheet that listed flight information and deer counts, and what is provided in Hunt Book is a summarized set of numbers of deer to fawn ratios.

Dr. Patrick Maxon said the issue is if you make errors from raw data to electronic format can skew your populations off significantly and from first Phase are trying to determine where sources of error might occur and that is why seeing the raw data is important and is called variance.

Chairman Raine said another piece of confusion to him is access to the population mode and is assuming that they have open access to the computers here or they download a copy of the model to you so you can review it. Question to staff is, can't...

DAG Stockton said the agenda item is progress review and that is a different agenda item.

Chairman Raine said he is trying to figure out how they can complete their project if they don't have any of their information and maybe he is just confused.

Commissioner Lent asked Big Game Chief Gilbertson if historical survey data for aerial flights for mule deer is stored somewhere or is it not available.

Chief Gilbertson said the answer is the same as he provided the Maxon's, the data is in the regional offices and much of the data goes back to the 1950s and is in paper format and a certain amount has been entered electronically such as in the Eastern Region (mid-1970s) but other regional offices do not.

Commissioner McBeath said to Dr. Patrick Maxon that all the Heritage Projects were approved as a batch from the committee although attempts made to look at them one by one and his point is that he did not get to look at each project individually or in detail, and he asked the Maxon's to describe the nature of the project as to what are we doing.

Dr. Maxon said first phase is to collect data, and second phase is to take data and analyze it in a statistical format and data mine it to see what might be going on with populations in various areas and time series analysis/cross time.

Commissioner McBeath said are we reviewing NDOW's population modeling.

Dr. Maxon said yes as there are two parts to the equation, the NDOW side and the SCI side, and BLM too.

Commissioner McBeath asked Dr. Patrick Maxon what are we to do with final product.

Dr. Patrick Maxon said it will be a tool for management and will be a rear view mirror as to what is happening with mule deer as NDOW has no data base or anything to query.

Commissioner McBeath said it is a population modeling analysis in comparison with BLM.

Dr. Maxon said no it is not a population assessment, as the population modeling is one part of the equation and how they arrive at assumptions and have to get your arms around source of errors because if errors so big you cannot analyze it.

Dr. Ellen Maxon said we are not here to rebuild a population model or tear it apart in any other way, only here to understand what the inputs and outputs are, and try to understand across time when they used different population models if estimates are comparable as cannot compare across years what the deer was doing unless we understand the different models used. She said we are not here to build a better model for NDOW.

Commissioner McBeath asked if we are auditing NDOW's population modeling to see how accurate it is.

Dr. Patrick Maxon said not sure about word audit, but yes need to see if the herd declines are real or not, as we think a serious decline is occurring, but need to see if real or not.

Commissioner McBeath said population modeling is part and then bring in information like precip statistics and BLM data such as grazing and forage.

Dr. Patrick Maxon said yes it could be and will go through same process but only talking today about NDOW.

Commissioner McBeath asked Dr. Maxon his professional background and if they are geneticist.

Dr. Pat Maxon said he has a Ph.d. in population biometrics from Purdue University and Arizona and are geneticists in training.

Commissioner McBeath asked him to state his experience in regard to populations.

Dr. Patrick Maxon said genetics, number crunching.

Commissioner McBeath asked if same as population modeling.

Dr. Patrick Maxon said yes quite a bit of modeling.

Commissioner McBeath said are you a big game ecologist, and trying to determine how much big game modeling they have done, has he published anything as far as modeling, and do you have any experience as a big game biologist.

Dr. Patrick Maxon said he does not know what a big game ecologist is, and has not done a whole lot of modeling and does not really understand what he meant, and has not done what NDOW does and has not published anything in area of big game modeling, and would say he is a big game biologist.

DAG Stockton said he needs to stop this portion as have gone off agenda.

Commissioner McBeath said he is concerned with purpose of study and if the Maxon's are qualified.

Dr. Patrick Maxon said we will have to wait until results come out, they have no hidden agenda, and they know how to analyze data and are quantitative biologists by background not descriptive biologists as most of NDOW's biologists are.

Commissioner Howell said to Dr. Maxon at the end of the day when the project is done the Commission will obtain a report which they will be able to evaluate and hopefully be better able to make better decisions to assist with quotas, and asked when completion will be.

Dr. Maxon said that is not the intent of the report and the report is to give data compiled which will be passed through their own experts and verify their approach and when they all come together they will present their report and what the Commission does with it is beyond them. He said the idea is to get data, analyze it and present to the Commission. If they get the data which depends on NDOW and even though they are coming around the Commission will probably see the final report in June 2011 and will withstand litigation if necessary.

Deputy Director Haskins said NDOW has in good faith tried to communicate with the Maxons and there have been communication difficulties between NDOW and the Maxons as we speak a different language than them and it has been an education process on both sides. Where we are is a sum total over years with different collection techniques and today there is only a handful of staff left that know how data was collected. He said we don't have a central data base which we would like and that the data the Maxon's asked for is not in the format that the Maxon's want, and there never has been a need to do that before and this is a complicated issue and we could go on for hours discussing this. The Maxons may have went into this project not knowing what is available and what is not and that is a fatal flaw in their study design.

Chairman Raine asked if there will be resolution.

Deputy Director Haskins said he believes progress is being made step by step, but once again Mr. Cox has a busy schedule and staff as well, and we are doing the best to gather the information that we can and there is a cost to our existing programs.

Chairman Raine thanked the Maxon's for coming out and he appreciates the update and he asked that the power point slide be emailed to the Commission.

- 24 B Discussion on the 2006 Nevada Department of Wildlife Mule Deer Management Plan and its Completion. This Plan was Slated for Revision in 2010 – Big Game Biologist Tony Wasley – Informational

Big Game Biologist Tony Wasley said he would first off apologize to the board as the first he learned of this agenda item as he was reading the agenda and he has brought a copy of the plan but does not really know what is expected and discussion can go in whatever direction that the Commission decides.

Chairman Raine said generally this plan came up a couple of times and showed it was slated for revision which was brought to his attention. He wanted to see where we were on a few of the items: Page 6, what stage have the strategies been completed and some was reviewed at the committee meeting; and has each been accomplished.

Biologist Tony Wasley said he can provide a general answer but would be better to have specifics to address.

Chairman Raine asked if it is slated for revision.

Biologist Wasley said the general issue in the plan of accurate survey and inventory strategies has been a broad topic west wide. Colorado has spent time in court defending their methodology and as a result a lot of political pressure on directors testing veracity of data and the divide between opportunity and trophy hunting. Directors have been challenged on the data, and the Mule Deer Working Group of WAFWA has been tasked with survey and monitoring guideline document for mule deer and outlines using Best Management Practices to that end and addresses each of these areas including post survey monitoring and hunter success. He said that is a document out for review that he could provide to the Commission for discussion.

Chairman Raine said a few items, trying to figure out what has been done or a brief overview, read a statement about strategies and cooperation with land management agencies, and trying to correlate that with the committee.

Biologist Wasley said statements of strategies is simply a formalization of what biologists do on a day to day basis and gave examples and is not to suggest Department is remiss in performing that strategy prior to plan it formalizes those actions.

Chairman Raine said large scale disturbances bring to his mind, the pipeline and powerlines, or freeways, and asked if correct.

Biologist Wasley said his guess is that it is directed at fires with the statement of large scale.

Chairman Raine said page 2 states that there is Departmental coordination and annual updates from Game Division Chiefs of area management plans derived from guidance in this plan to the Commission and he asked if this is something that happened before he got on the Commission and has this fallen off from practice.

Biologist Wasley said yes, that there are a number of planning processes that are artifacts of previous Commissions and prior to change in membership, and that this plan is product of previous Commission and with change in personnel they have fallen off with different direction. He said that language should be modified to be more flexible, and if a plan is working no need to address it every three years, and would prefer wording such "as on a needed basis."

Chairman Raine said on the basis of organizational changes at the agency that should warrant review of the plan.

Biologist Wasley said he would agree and that would accommodate change.

Commissioner Lent asked if this plan was developed to assist Wildlife Commission in establishing statewide policies and regulations, page 2. His question is it has been five years and on page 6 it says reputable survey methods for deer management and lists these things, and is yes or no answer as to whether you are doing those things. The plan is to help us make better decisions using science based study on deer and has been five years and wonders if it is being done.

Big Game Biologist Wasley said he did not write the document and if stated in the plan, that is correct. He said we are moving in that direction and agreed that it is to help us have better data. He said he could say that strategy 6 monitoring winter fawn survival in key areas to maintain accurate index of recruitment and knows that this month, biologists are undertaking a project with VHF collars to monitor survival of fawns.

23 Findings of Mule Deer Restoration Committee – Chairman Raine – Action

Chairman Raine said the report was forwarded by the committee after holding a series of meetings with much public comment and study of documents. He said in the report is a wide variety of items from a wide variety of sources such as NDOW documents and employees directly quoted as well as ideas from committee members and all have been collated into one unified document. He said there is a gamut and variety of ideas and the goal was findings, and the committee felt if findings are followed, it will go far to restore mule deer population ranges to prime conditions throughout the state of Nevada. Chairman Raine said to address the complaints and negative statements about the document and a lot of them are on page 2 of document. He said not to perceive as accusations that things are not being done and some are observations and no

plan should go any further in detail as a lot of the details are administrative. He said the committee had feeling that they were broad in scope and should be no more specific than here and any more specific on those subjects is beyond the scope of Commission and that is how the committee felt. He said there should be agreement on other items as a lot of items is what happens at NDOW today and every day, and some are small tweaks, others large and some are philosophical. He said as you go further in the document less controversial and some items have been implemented already. Chairman Raine said as everyone has had a chance to look the document over that for this agenda item the committee is asking the Commission to accept the findings of the committee and or adopt this as general findings of the Board of Wildlife Commissioners, and then the next question is where does it go from there, and on some of the items the Commission could make policies or restructure into policy format if they thought that was necessary. For instance, if the Commission saw fit and at a later meeting, the Commission wants a policy on pinyon-juniper encroachment, and you would take that page and form into a policy.

Commissioner Capurro asked how long have the committee findings been out for public review.

Chairman Raine said his understanding is that it was sent 10:24 a.m. on Nov. 24, 2010.

Commissioner Howell read a letter (Attachment A) into the record from Nevada Jim Ornellas and Marshall W. Goldy of the Nevada Big Game Restoration Group which was sent to all Commissioners agreeing with and supporting the committee findings for implementation.

Public Comment -

Cory Lytle, Lincoln CABMW, said he served as a committee member and he thanked the committee members for all the input and was a lot of work and also would like to thank Big Game Biologist Tony Wasley for his assistance to the committee. He said Mr. Wasley was a wealth of knowledge, and he personally feels it was great to have him in attendance to answer questions and provide information. Mr. Lytle said his first request from his CABMW is that this is not a plan, it is a bunch of findings and recommendations in a loose format, and they do not feel this plan is a complete plan. He said the recommendation from his CABMW was for the document to go out to CABMWs and the public for further review and legalities be worked out. He said we have existing plans and why not take it out and bring back to mesh the new input into this document. Mr. Lytle said personally great to have a plan to bring back the mule deer herd and 99 percent of the things in the plan won't happen without means to get the work done whether that be funding, staffing or ability to go on BLM land to work to get mule deer back, there has to be connectivity and a means to the end which has to be factored in. He said one of idea he had which he mentioned in committee meetings, is that sportsmen always step up and should look at a mule deer restoration fee to work some of these projects with boots on the ground and work on projects that are successful and that is his recommendation for public

comment and if we revisit the fee structure a mule deer fee should be put on there and is a viable option.

Commissioner Lent said the Commission is required to set policy and for deer only, he has notes and Idaho, has a bill/law, "Intensive Management of Game Species When Game Numbers Have Been Depleted" and that is what he worries about and some of his philosophy is when NDOW biologist documents a decline in deer or fawn doe ratio of less than 20, and responsible biologist must study all the causes for the decline and must undertake action that most likely increase deer numbers or documents reasons for the decline, and then NDOW submit the report to the Commission who have the authority to change seasons, and that will trigger the Wildlife Commission and if no cause determined, the Commission could do things such as reducing or eliminating nonresident hunting, reducing or eliminating resident hunting and or closing the season. He said that is intensive management and is action plan and if the actions do not result in higher populations, the Commission may consider predator control or other things. Those are general ideas to find out the reason, and that is what Idaho has and now when we have decline we don't do those things. Commissioner Lent said maybe instead of losing this valuable document that the committee spent all this time creating he would like to see some of the ideas sent to Policy Committee.

Mr. Lytle agreed and the emergency action plan could be included in current plans, and if policy set to undertake emergency action, this would be a way with a small fee to tap into emergency action plan. He said the monetary solution can't come from the regional level and would agree to work those ideas in to keep the document functional and fantastic.

Commissioner McBeath said he received the plan during the holiday and he wished he had more time to review something this extensive and would concur with the findings going back to the CABMWs. The first finding and the "Problems with NDOW Structure" he said it sounds like Commission will completely change NDOW organization and he read aloud the portion.

Chairman Raine said this means NDOW needs to be set around production goals, and number two says study the structure and lots of questions on verbiage and does it mean change one job description or 93 percent and the committee could not make determination. They had no hidden agenda as they threw it right out there in the open. The director would have to do any reorganization in cooperation with the Commission.

Commissioner McBeath read the NRS which states the director shall have that authority not the Commission and he can do that with consent of the Commission.

Chairman Raine said Commission would recommend that the director do that around the set production goals.

Commissioner McBeath said the other one he had trouble with is on habitat, and seems to be emphasis on livestock and getting livestock out to disturb the forage and get better range conditions, and has a ton of questions, and talked of

substantial increase in AUMs and good ideas on rotation of grazing but not sure how practicable that is on public lands. His knowledge of this is that ranchers in general had substantial cut in AUMs and if you look at a permit and in the 1990s they made substantial cut in BLM AUMs and so a rancher has actual and suspended. He said it is very unlikely that suspended AUMs would ever come back and also knows that BLM is currently in extensive litigation with Western Watersheds and stated goal of removing public livestock from public lands, and looks at this recommendation and this really goes against that and will be an uphill battle, and asked if we went to BLM or USFS to see if there is a likelihood that this would ever happen. He really struggles with the reality of what we could possibly expect from BLM.

Mr. Lytle said the federal agencies were invited and they showed up once, and his experience with grazing, AUMs, and public land use, is that most of on the ground decisions on public grazing are with local office. Grazing practices are tailored to their land use plan and agreed is very difficult to increase any kind of use from what has been allocated, certain practices can be modified. He said we need to engage them as to benefits grazing provides and try to get them on board such as with NDOW's Lee Turner's work and will be an uphill battle and will be difficult to see the end just need the means to get there.

Commissioner McBeath said in general there are good ideas in here but these two portions stuck out.

Commissioner Capurro asked Mr. Lytle's recommendation in respect to the document.

Mr. Lytle said immense amount of information in findings and recommendations and would recommend the plan go back to the CABMWs and allow the plan to be revisited and incorporate and if we have to move it back two or three months for formal adoption, to figure out a path to get more mule deer and resources.

Commissioner Howell said when findings sent to CABMWs please include names of all who contributed to plan as a lot of other people contributed.

Chairman Raine said much of the document's data such as that on livestock disturbances was derived from NDOW.

Public Comment -

Tom Cassinelli, Humboldt CABMW, said his board also made a motion to postpone to next Commission meeting. We get these committees that come to Commission with all this information and our constituents have no time for input as it at their meetings. He said this should go further and every committee that is established should provide findings to the Commission and action should happen at the following meeting. It is terrible to give sportsmen one to three days.

Paul Dixon, Clark CABMW, thanked the chairman of the committee and members who provided and worked on the findings and agreed with Commissioner Lytle's position and his CABMW came down with not having

enough time to look at it. He thanked Commissioner McBeath for clarification as they had questions.

Rex Flowers, Washoe CABMW, said they were not able to take action due to timing as produced on Nov. 18 and they received it on Nov. 22 and could not agendaize the item in time for their meeting, and would like this referred back to the CABMWs for review.

Chairman Raine said he stands corrected on his earlier statement of the findings being sent out on Nov. 24, as the date actually was Nov. 22.

Daryl Harwell, Washoe CABMW, said speaking for himself said, one thing brought up at their meeting was NDOW staff, Mark Freese, said at their meeting that there is a mitigation account for Ruby Pipeline with \$8.8 million in it and is an interest bearing account, and granted the projects must be for pygmy rabbits and sage grouse, but what we put out for sagebrush will improve the habitat and asked if we have projects going on for mule deer.

Walt Mandeville, Lyon CABMW, said this issue was discussed at their meeting and they were in agreement with Commissioner McBeath's comments on parts of plan and they agreed it should be sent back to CABMWs for further comment and work, although there are some good things in there. He said as far as population numbers for mule deer that he knows as a biologist that there have been disease problems in the Sierra for many years and biologists are aware of that with the deer dying on summer range and is not a predator problem, and in the past have asked the Commission for emergency reductions and season closures from previous Commissions.

Jim Jenne, Lyon CABMW, speaking for himself, said a lot of effort has gone into the plan and is really happy with it, but he received lots of calls on firing of biologists, and is the first one they came up against, and that needs to be reworked and wording changed as cannot do some of that, and same for the public lands that we can't do it, and if we put this out he would like more groups like NBU and chukar groups involved, and the CABMWs who could provide input, and would be better plan.

Candido Mendive, representing himself, said he did not have this item on their agenda as there was no support material and with the holiday they were up against the OML; however, they sat down as board members and agreed that there were good items in the plan and would ask that it be sent back to CABMWs as lots of material and suggestions. Mr. Mendive said he could live without the first two pages, yet the plan does have some good ideas and is a start.

Walt Gardner, said he would commend the people on the committee, and heard people say that you should not be able to remove a biologist if they can't maintain high herd numbers, and that is something that is well over due because as a rancher, if he cannot maintain high cow numbers he is removed and is a part of life and your responsibility.

Chairman Raine said after going through process, they had so much input especially at the first few meetings with 30 people or more at those early meetings and have had a report on the Commission agenda for CABMW input, and some of today's recommendations to have the findings go back out to CABMWs for rewording that is agreeable to all is a process that could take another six years. He said this took a long time and we have to have a product at some point. He said this could be accepted as is, as findings of Commission, and then sent out to see if you can make policies and that would be the fine tuning of the different parts. He said it would be better to send to Policy Committee and they could take the findings section by section and that is his suggestion, as you don't want to deal with this process again. Chairman Raine said they had so much input from the CABMWs, and Elko County, as the meetings were in their town, and they even invited members of Elko CABMW to provide reports.

Commissioner Capurro said he understands where Chairman Raine is coming from but he thinks the document that goes to Policy Committee should be clean and he would like this sent back to CABMWs and take final action at February meeting.

Commissioner Howell agreed with Commissioner Capurro.

Chairman Raine said that is an idea and asked how long do you want to deal with it, as the committee hit it and hit it.

Commissioner Cavin said his comment is that obviously there was a huge amount of work involved in this and when he got it the majority of plan is well written and well presented and he did feel the report was heavy on the livestock side but they were all valid points and he is wondering where we would go with this and he wanted to but did not have time to make a point to point comparison with Department mule deer plan as there is a lot of mesh there and he would like that time and thinks we should table this or wait until next meeting whatever the wording is, but would like to make a motion.

COMMISSIONER CAVIN MOVED TO DEFER ACTION ON THIS ITEM UNTIL THE FEBRUARY MEETING. COMMISSIONER WALLACE SECONDED THE MOTION.

Chairman Raine asked if motion with word "defer" means "table."

Commissioner Capurro asked if Commissioner Cavin would amend motion to include agreeing to send back out to CABMWs and put back on the agenda in February.

Commissioner Cavin said that is basically his motion, and give us more time.

Commissioner Capurro said no it is not if you defer action.

Commissioner Cavin said he will restate the motion:

COMMISSIONER CAVIN MOVED TO DEFER ACTION ON THIS ITEM THE MULE DEER RESTORATION COMMITTEE REPORT AND SEND BACK TO CABMWS FOR FURTHER INPUT AND BACK TO COMMISSION IN FEBRUARY. COMMISSIONER WALLACE AS THE SECOND AGREED WITH THE CLARIFICATION.

Chairman Raine said he is interpreting “defer” to mean no action will be taken today.

Commissioner Cavin said his intent is to take no action today.

DAG Stockton said the definition of the word “defer” is “expression to be avoided.”

Chairman Raine said the CABMWs already have the plan and for the record no committee member to his knowledge asked for compensation for their travel or time or any spending whatsoever, and nor did NDOW staff spend time on production of the document as instructed by the NDOW Director and in writing from Department’s Deputy Attorney General, and that there would be no cooperation in processing this document, so no NDOW staff time or money spent on the document.

Commissioner Howell asked if for example we approved the findings today and put it back on agenda for February to take recommendations of CABMWs and send to policy committee, would that have any bearing.

Chairman Raine said of course, as that would say that we adopted findings of committee and let’s send to Policy Committee and CABMWs to turn into policies, and would be an acceptable methodology.

Commissioner Cavin said no to the suggestion for amendment of the motion.

Chairman Raine asked for a break before the vote.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, MCBEATH, SHRUM AND WALLACE. COMMISSIONER HOWELL OPPOSED. MOTION CARRIED 6 – 1. COMMISSIONER VOGLER ABSENT, AND CHAIRMAN RAINE DID NOT VOTE.

C Big Game Season Setting Process – Chairman Raine

Chairman Raine said this came to his attention as the Commission wanted to see several items, and he asked the Commission what they will need as seasons and quotas are coming up and what will we need at this point in time.

Commissioner Lent said this is follow-up to some of the correspondence from the August Commission meeting where we talked of having good science in the event we are challenged, and make sure we are spending money wisely. When we come up with a deer season before the Commission can make a decision, the Commission needs to see all the counts, such as what goes in the computer, the

assumptions because all population estimates contain assumptions as well as sampling errors and statistical variations, and the Commission needs to see all the raw data that goes into that for all areas that we make decisions on before setting any seasons based on science, because in the past projects have been refused for lack of science. He has heard from sportsmen, especially justification about the doe season, as we never had raw data or computer assumptions and would like the science behind the recommendations before he makes a decision.

Chairman Raine said going down the specific list we would like to see population model and how it works, and all the raw data involved.

Deputy Director Haskins said he needs clarification such as what level of data in regard to raw data.

Commissioner Lent said how many deer you count before you make any adjustment on it.

Deputy Director Haskins said that is not raw data that is compiled data.

Chairman Raine asked about survey data.

Deputy Director Haskins said you are asking for the data that goes in the model.

Commissioner Lent said he wants to see what you survey before you expand the raw data, the actual count, and then is put in computer and you make assumptions. He would like to see the assumptions so the Commission can interpret that.

Commissioner Capurro said when you put compiled data in, the program makes the assumptions based on the program you have adopted, and that gives you the compiled data that you input.

Deputy Director Haskins said a presentation on the model is being asked for and staff have done that before.

Chairman Raine said he would like the model presentation to include real data that comes out for a specific unit that someone would be interested in and see real data going in and what comes out.

Commissioner Lent said the Game Division people know that, and you can change algorithms anyway you want and is not saying they are, but he would like to see what their thought process is in setting quotas, as algorithms can be used to predict anything, as you can't count every deer and again would like to see what the thought process is and what goes in the computer before the recommendation comes out for the Commission and CABMWs.

Chairman Raine said for season setting what process does staff go through to give the recommendations for changes on seasons to the Commission. He said the internal processes.

Deputy Director Haskins said a presentation can also be given on season changes.

Chairman Raine said a question came up on data and how many steps before raw data is available and why is that not published on the website in the interest of transparency.

DAG Stockton said that question is beyond scope of agenda item.

Chairman Raine said for transparency and a lot of questions as to the process and would it be problematic and is at some point in a digital format and as we don't work for the CIA can't see the problem.

Deputy Director Haskins said some of the flights include GPS coordinates on large bucks and that could be one of the problems and he said does not see a problem if what type of data is wanted is clarified.

Chairman Raine said for example the openness of the data for the tag draw shows the transparency of that process and would like similar process to maximum level possible posted to a page on the website to facilitate the same good will.

Deputy Director Haskins said much of that data is included in the Hunt Book which is already provided to the public and need to figure out beyond that what data is being requested.

Chairman Raine said the maximum level reasonably possible the first collation of the data in a computer, not the adjusted data.

Deputy Director Haskins said when the Commission receives the presentation on the raw data going in at that time we may be able to identify the data you are talking about.

Chairman Raine agreed, and asked the Commission if there are any other items in the manner of process and information requirements beyond what we have seen in the past that you would like to see.

Commissioner McBeath said after listening to everything today and going back to Dr. Maxon's item, he asked if a problem has been identified with NDOW and setting quotas, that we have identified as a problem.

Chairman Raine said if there were, transparency that would be the best, as there are always naysayers on every item, and best tool is maximum transparency to combat that. He understands that everything out there is not sensitive and could be out there and then it would be hard to come up with conspiracy theory, and why not, as all factors involved should be there. He asked that this be an agenda item with some of this wording collated into an agenda item.

D Application Fee Cost Charges – Deputy Director Patrick Cates

Deputy Director Cates said he passed out a handout this morning for this item and copies are in the back as well and he reviewed the sheet (exhibit file). The spreadsheet shows the \$10 application fee, how much collected and the reserve for the last four years. During FY 2010 during the Legislature's Special Session the NRS for the fee was changed, and prior to that change the fee was only used for application hunt system itself and costs administering it. In FY 2009 and prior that under expenditures small amount of personnel costs as most costs are application hunt contract payments to SCI for administering the draw. During the special session they expanded scope of fee to include the database for Nevada Wildlife Data System (NWDS) NWDS, activities associated with sale of license and tags, boat titling and registration of vessels. In FY 10 you can see more expenditures charged against the fee and charges for personnel costs for Operations Division staff working on application hunts and development of NWDS. He understands that no counter staff costs were charged to it although that is permissible. The reserve has grown and the increased usage brought that reserve down. Deputy Director Cates said the Budget Office and Governor's Office were aware that NDOW had accounts with reserve balances in different categories and many indications that we might lose General Fund so we put options forward for them to consider, and if we had not done that, we would have used general sportsmen license dollars to cover NWDS and staff time, the merits of either can be argued either way. Deputy Director Cates said this piece passed and that is the history.

Commissioner Cavin asked if NDOW had funds swept.

Deputy Director Cates said sweeping some accounts was talked of but did not come to pass and there was concern with federal funds and diversion of monies and a letter was submitted by federal agencies stating loss of funding to NDOW if that diversion occurred.

Commissioner Lent said on here it says SCI got paid \$872,000 and there is 100,000 applications and their bid was under \$5 per application and that does not pencil out, and on personnel, costs changed tremendously. He asked why NWDS is being charged to application hunt.

Deputy Director Cates said he would have to check the invoices on the SCI payment as that includes a base payment. Category 80 also includes payment for NWDS and much staff time devoted toward that and that uptick is not more staff working on application hunts rather working on NWDS. The change in law allowed it to cover application hunt and NWDS and any activities associated with the sale of license and tags.

Commissioner Lent said before Mr. Cates' time the Commission approved the \$10 fee with the condition that it stays for modification of the computer draw, and that was the intent. He said that may need to be looked at as sportsmen think the fee is going into application hunt fee and understands the law change.

Deputy Director Cates said we provided a suite of proposals and this is what they choose.

Commissioner Howell asked what Mr. Cates mentioned about taking the federal funds would apply to the Heritage Account too.

Deputy Director Cates said that was the argument used successfully and sought clarification from the federal agencies exactly when they gave us the letter and they said yes.

Commissioner Capurro said theoretically anything to do with federal funds would be covered by prohibition.

Deputy Director Haskins said for Nevada to receive federal aid such as Wallop-Breaux and Pittman-Robertson, Nevada had to pass legislation and any proceeds generated from sales of license or sales have to be reserved for use of wildlife agency and if we did not pass those laws we would not be eligible for those federal funds. If we divert that money for some other purpose we lose the federal funding.

Commissioner Capurro said part of the problem is that the ending balance is \$450,000 less and with the change to this will the balance decline further over the next two to four years.

Deputy Director Cates said to the degree we charge costs to that and do not want to do that and under statute could have charged more and been in compliance with the law and did not in interest of being prudent.

Deputy Director Haskins said NWDS costs should be declining as the project development phase is ending and costs associated should go down.

Commissioner Cavin asked that the Commission be kept apprised if there are increases in the expenditures from that account as that is a sensitive issue and knows things may happen with budgets being so tight.

E Desert Bighorn Sheep Mixing and Report on Drop Down Hunt Application Menu – Chief of Game Larry Gilbertson

Chief of Game Larry Gilbertson said he looked up the drop down box as requested by Commissioner Volger and provided the wording to the Commission (exhibit file): This unit includes wilderness which restricts vehicle access and harvested rams may not be accepted into formal trophy record books due to the possible presence of Rocky Mountain bighorn sheep. He said if anyone has additions or changes to wording to clarify to let him know before the season setting process and will make sure in Hunt Application book too.

Commissioner Cavin suggested referencing that there are desert and Rocky Mountain bighorn sheep and is any ram.

Chief Gilbertson said at the February meeting they would like to clarify that hunters are allowed to take a Rocky Mountain bighorn sheep.

G Waterfowl Management Changes for 2011 – Game Biologist Russell Woolstenhulme

Waterfowl Biologist Woolstenhulme said three items for 2011 season and they were included in the support material, and one was “Proposed Northeast Hunt Zone” which would provide opportunity for northeastern counties to set their own season dates and allow better hunting opportunities taking into account their early freeze up.

Chairman Raine asked the reason behind the county line boundary as opposed to hunt units or roads.

Waterfowl Biologist Woolstenhulme said that the Pacific Flyway Council requires that the descriptions of the zones and boundaries be identifiable on a map and NDOW has always used counties as easy for individuals to see the county boundaries and are used in unit group boundaries now.

Mr. Woolstenhulme said the next proposal is to expand hunting of tundra swans and would like to include entire state with the exception of White Pine and Elko Counties because they have trumpeter swans and requires exclusion. He said Washoe CABMW requested this expansion as have Lincoln and Nye Counties in the past.

Mr. Woolstenhulme said the final proposal will be clean up of regulations on Overton Wildlife Management Area (WMA) the original intent between Overton and Key-Pittman was that they would be open on alternating days, and proposing to change to even numbered days so that they are open on opposing dates and will bring back to the February Commission meeting.

Chairman Raine said he appreciates the clean-up of these waterfowl issues as these items have been complained about at previous meetings.

H Review of Completed 2011 Predator Management Plan – Game Division Chief Larry Gilbertson

Game Division Chief Gilbertson said the Commission is aware that his Division is short-handed as the predator biologist position is still vacant and he said they had to rely on other staff to work on this which is later than usual and one advantage is that in the past reports they contained estimated expenditures and this report has final numbers except the final table which has forecasts for 2011. He said everyone who participated was included and Wildlife Services assisted with data and that is denoted in the report by person’s name.

Commissioner Lent said at a previous meeting he mentioned the \$400,000 limit and asked if that had been corrected.

Chief Gilbertson and Deputy Director Cates said to implement that we will need to do a work program in March to increase the category and the contract will be amended and that will be Interim Finance Committee in March.

Chairman Raine asked that a report on that be provided at the February meeting to make sure where we are at as far as work program and contract. He asked that staff mail a hard copy of the report to Commissioner Vogler and the Wildlife Damage Management Committee.

Commissioner Capurro said that the report is an excellent product.

25 Incentive for Early Applications for the Big Game Draw – Chief of Operations Bob Haughian – Action

Operations Chief Haughian said Program Officer III Hullinger presented this initially at the September meeting to encourage early online application and she identified the issues that needed further work and legal issues. He provided the final recommendation (exhibit file) which had legal review from DAG Stockton and determined no statute changes; eligibility to participate is denied to SCI employees, the Commission, NDOW employees and the DAGs; and determined that not a lottery. He reviewed the support material and summarized the points: Cutoff for the incentive draw would be 60,000 application; online applications only for residents and nonresidents; \$1,000 gift certificate; incentive draw would occur at end of May; list of unsuccessful applicants; and final step of announcing winner through a news release.

Commissioner Capurro thanked everyone who worked on this and said intent is to spread out applications numbers to not have the bump that occurs three to five days prior to the deadline and will save NDOW and SCI from crashing the system and picking the 60,000 is to not create another bump someplace else such as a date would. He said this is an excellent opportunity to spread out and save money and give someone an opportunity to win a prize.

Mr. Sefton said if approved they will create a number for each applicant and will be similar to how the PIW draw is done.

DAG Stockton advised the Commission that in their motion from a legal perspective that they need to include support of Mr. Sefton who is funding this out of his own pocket and secondly the motion should establish the eligibility criteria for the draw.

Chairman Raine said every CABMW was in favor except Washoe CABMW voted against it.

COMMISSIONER LENT MOVED TO SUPPORT THE INCENTIVE FOR EARLY APPLICATION OF BIG GAME DRAW AS DETERMINED BY SCI WITH THE ADDED RESTRICTION OF ELIGIBILITY THAT THE DAGS CANNOT BE ELIGIBLE, NDOW EMPLOYEES, AND SCI EMPLOYEES NOT ELIGIBLE, AND COMMISSIONERS NOT ELIGIBLE. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION:

LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

- 26 Western Association of Fish and Wildlife Agencies 2011 Mid-Winter Conference – Chairman Raine – Action

Commissioner Capurro said he would like to attend the conference as he attended last conference and is familiar with the issues and will pay for his own airfare. He said two Commissioners would assist with covering all the committees.

Deputy Director Haskins said the mid-winter is shorter than the summer annual meeting and has less agenda items.

Deputy Director Cates said in the next biennial budget the Commission approved two Commissioners to summer and one to winter. The current budget has been expended 40 percent and knows we will be augmenting the Commission budget and his counsel would be to be conservative but the choice is the Commissions.

Chairman Raine said he is interested in attending the summer meeting, and Commissioner Lent said he is interested in this one if not over-budgeted.

COMMISSIONER HOWELL MOVED TO SEND COMMISSIONER CAPURRO. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM AND WALLACE. COMMISSIONER VOGLER ABSENT, AND CHAIRMAN RAINE DID NOT VOTE. MOTION CARRIED 7 - 0.

- 27 Future Commission meeting – Action

Chairman Raine said he is announcing creation of a Director Search Committee composed of himself as chair and Commissioners Lent and Capurro. He said the first meeting will occur post haste.

Commissioner Lent asked Deputy Director Haskins about the possible date for a joint meeting with the Utah Commission.

Deputy Director Haskins said he knows we had contact with Utah and the March date did not work for the Utah Commission and their preference was May which does not work for Nevada as that is the quota setting meeting.

Chairman Raine said the proposed Utah location was Wendover on the state line.

Commissioner Cavin suggested September as a possible date.

Deputy Director Haskins said he will see the Utah director at the WAFWA meeting at the beginning of January and will try to determine a date that is sooner rather than later.

Chairman Raine said March would be ideal and that is where we are at on that. He said the next Commission meeting is Feb. 4 and 5, 2011, in Las Vegas.

Meeting Adjourned at 5:16 p.m.

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