

DRAFT MINUTES  
Nevada Board of Wildlife Commissioners' Meeting  
Nevada Department of Wildlife  
1100 Valley Road  
Reno, NV 89512  
Amended Agenda 05/04/11 – New #30 and #37

Thursday, May 12, 2011 – 1 p.m.

- 1 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 2 Approval of Agenda – Action  
The Commission will review the agenda and may remove items from consideration or adjust the order of presentation. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.
- 3 Member Items/Announcements
- 4 County Advisory Boards to Manage Wildlife (CABMW) Member Items  
CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda.
- 5 Public Comment Period
- 6 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 Acting Secretary Mayer will also be discussed.
- 7 Petition – Action  
NoBearHuntNV.org is petitioning the Commission for Declaratory Order on the validity of the temporary regulation of the Board of Wildlife Commissioners CGR 393 (LCB File No. T004-10) establishment of a black bear hunt. The Commission will make a determination as to the propriety of the adoption process. This item involves a quasi-judicial review and no public comment may be taken
- 8 Commission Policy #28, Mule Deer Policy – Chairman Raine - Informational  
The Commission will conduct a first reading of proposed new Commission Policy #28," Mule Deer Policy."
- 9 Report and Recommendations Feral Horse Committee – Committee Chairman Mike Stremler – Informational - The Commission will hear a report from the Feral Horse Committee.
- 10 Commission Policy #67, "Horse Policy" – Committee Chairman Mike Stremler - Informational  
The Commission will conduct a first reading of new proposed Commission Policy #67 "Horse Policy."
- 11 Second Reading of Commission Policy #10, Wildlife Heritage Tags and Vendors – Commissioner Lent - Informational  
The Commission will review Policy #10 with changes from its first reading held April 16, 2011.

- 12 Second Reading of Commission Policy #50, Duck Stamp Procedure – Commissioner Lent – Informational  
The Commission will review Policy #50 with changes from its first reading held April 16, 2011.

13 Reports – Informational

- A Dream Tag Regulation – Program Officer III Hullinger
- B Sage Grouse and Upland Game Season Status Report – Chief of Game Larry Gilbertson
- C Gifts, Grants, Donations, and Bequests – Deputy Director Cates
- D Department Activities/Leadership Team Notes – Acting Secretary Kenneth E. Mayer

Friday, May 13, 2011 – 8:30 a.m.

- 14 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 15 Member Items/Announcements  
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
- 16 County Advisory Boards to Manage Wildlife (CABMW) Member Items CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda.
- 17 Public Comment Period
- 18 Petition – Action  
Mr. Fred Jackson is petitioning the Commission to amend NAC 503.540 to allow the commercial take of crayfish from Lake Tahoe. The Commission may deny the petition, or accept the petition to initiate rulemaking.
- 19 County Advisory Boards to Manage Wildlife (CABMW) Budgets – Administrative Services Officer 2 Dale Hansen – Action  
The 17 CABMWs have been polled regarding travel and operating funds needed from the state's Wildlife Account for fiscal year 2012. In accordance with NRS 501.320. The Commission will be asked to approve fiscal year 2012 Advisory Board budgets
- 20 Western Association of Fish and Wildlife Agencies (WAFWA) Annual Conference – Chairman Raine – Action  
The Commission will designate one Commissioner to attend WAFWA's annual conference in Big Sky, Montana.
- 21 2011 Heritage Project Status Update – Deputy Director Patrick Cates - Informational
- 22 Wildlife Heritage Projects – Chairman Lent – Action  
The Heritage Committee will provide their recommendations to the Commission for approval of projects submitted for funding in fiscal year 2012 and including 2011 projects extensions.

- 23 Commission Regulation 2012 Wildlife Heritage Silver State, and Partnership in Wildlife Tags CR 11 – 06, Amendment #1, Heritage Tag Vendors – Commissioner Lent – Action  
Presentation of the Heritage Committee’s vendor recommendations to the Commission for approval for the 2012 Heritage tags.
- 24 Litigation Report – Deputy Attorney General Nhu Nguyen - Informational
- 25 Hage Lawsuit Update and Resolution – Chairman Raine – Action  
The Commission will hear a report on the Hage lawsuit and may draft letters, resolutions and or policy concerning this item.
- 26 Commission Policy #28, Mule Deer Policy – Chairman Raine - Informational  
The Commission will conduct a second reading of proposed new Commission Policy #28," Mule Deer Policy." The first reading was held May 12, 2011.
- 27 Commission Policy #67, “Horse Policy” – Chairman Raine - Informational  
The Commission will conduct a second reading of new proposed Commission Policy #67 "Horse Policy." The first reading was held May 12, 2011.
- 28 Commission Policy #10, Wildlife Heritage Tags and Vendors, Final Reading – Commissioner Lent – Action  
The Commission may take action to adopt Policy #10 with changes from the first and second readings held by the Commission on April 16 and May 12, 2011.
- 29 Commission Policy #50, Duck Stamp Procedure, Final Reading – Commissioner Lent – Action  
The Commission may take action to adopt Policy #50 with changes from the first and second readings held by the Commission on April 16 and May 12, 2011.

Amend

- 30 Transference of Heritage Tags Between Parties and or Vendors – Chairman Raine - Action  
The Commission will discuss the legality of occurrences of transference of Heritage tags between parties and or vendors. The Commission may take action to recommend and or give direction concerning the transference of Heritage tags to appropriate parties for Investigation or legal action, and or the Commission may discuss initiation of regulatory or policy changes as appropriate.

Saturday, May 14, 2011 – 8 a.m.

- Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 31 Member Items/Announcements  
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
  - 32 County Advisory Boards to Manage Wildlife (CABMW) Member Items CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda.
  - 33 Public Comment Period

- 34 Commission Regulation 11- 10 Big Game Quotas 2011 and 2012 - Big Game Biologists Mike Cox and Tony Wasley – Action  
The Commission will establish regulations for the numbers of tags to be issued for mule deer, pronghorn antelope, elk, bighorn sheep and mountain goats for 2011 – 2012. Note: Support material mailed under separate cover
- 35 Commission Policy #28, Mule Deer Policy, Final Reading – Chairman Raine – Action  
The Commission may take action to make changes and adopt Commission Policy #28, " Mule Deer Policy."
- 36 Commission Policy #67, "Horse Policy," Final Reading – Chairman Raine – Action  
The Commission may take action to make changes and adopt Commission Policy #67 "Horse Policy."

AMEND

- 37 Commission Meeting Budget – Chairman Raine - Action  
The Commission will discuss the budget of Commission meetings and a document distributed by NDOW concerning the cost of the April Commission meeting. The Commission may take action and provide instruction to the Chairman and or Secretary in dealing with partial compensation for meetings or make other recommendations regarding current, past, or future Wildlife Commission meeting finances, budgets, and or Commissioner expense reimbursement.
- 38 Future Commission Meeting – Director Ken Mayer - Action  
Due to Commission budget restrictions the next Commission meeting in Eureka on June 24 and 25, 2011, has been cancelled. The Commission may review potential agenda items for the next scheduled meeting on August 12 and 13, 2011, in Fallon. The chairman may designate and adjust committee assignments as necessary at this meeting.

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

Secretary/Director Kenneth E. Mayer (May12, 2011 only) Bryan L. Stockton, Deputy Attorney General  
Suzanne Scourby, Recording Secretary Nhu Nguyen, Deputy Attorney General

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Game Larry Gilbertson	Chief Game Warden Rob Buonamici
Program Officer 3 Maureen Hullinger	Big Game Biologist Mike Cox
Chief of Operations Bob Haughian	Program Officer III Maureen Hullinger
Management Analyst 3 Kim Jolly	Chief of Conservation Chief Teresa Moiola
Big Game Biologist Tony Wasley	

Others in Attendance/Two Day Meeting:

Hal Taylor, NoBearHuntNV.org	J.J. Goicoechea, Nevada Cattleman’s Association
Eric Schwamberger, NoBearHuntNV.org	Chris Schwamberger, NoBearHuntNV.org
Candido P. Mendive, Elko CABMW	Don Molde, self
Grazie Wynous	Elaine Carrick, NoBearHuntNV.org
Judy Heinbaugh, NoBearHuntNV.org	Greg Smith, Nevada Bighorns Unlimited (NBU)
Tina Nappe, self	Joe Crim, Pershing CABMW

Cole Crim, Pershing County  
Barbara Moss, self  
Randall Harris, self  
Jim Jenne, Lyon CABMW  
Monty Martin, Systems Consultants  
Glen Copeland, Washoe CABMW  
Rex Flowers, Washoe CABMW  
Eric Scheetz, Douglas CABMW  
Shane Boren, White Pine CABMW  
Michael J. Jurad, Humboldt CABMW  
Fred Jackson, self  
Mike Strempler, self  
Kathryn Bricker, NoBearHuntNV.org  
Don Alt  
Patrick McLaughlin, US Wolf Refuge

Paul R. Dixon, Clark CABMW  
George L. Feriend, volunteer NV Humane Society  
Gil Yanuck, Carson CABMW  
Don Sefton, Systems Consultants  
Mark Jensen, USDA, Wildlife Services  
George Corner, Nevada Outfitters Guide Assoc.  
Monty Martin, Systems Consultants  
Jesse Lattin, Churchill CABMW  
Brett Jefferson, Director NBU  
Stacy Trivitt, self  
Chris Askin, Pres. Community Foundation of W. NV  
Mark Hayes, Bears and self  
Hal Taylor, NoBearHuntNV.org  
Mel Belding

Thursday, May 12, 2011 – 1 p.m.

1 Call to Order – Chairman Raine called the meeting to order at 1:08.

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

CABMW Members Present for Roll Call –

Paul Dixon, Clark; Candido Mendive, Elko; Gil Yanuck, Carson; and Joe Crim, Pershing CABMW.

2 Approval of Agenda – Action

**COMMISSIONER CAVIN MOVED TO ACCEPT THE AGENDA FOR MAY 12, 13, AND 14, 2011, AS PRESENTED. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.**

3 Member Items –

Commissioner Vogler said after all the comments made about how close we are to getting into tremendous problem with sensitive species - sage grouse - he proposed that we discuss and vote on suspending the sage grouse season until enough recovery for justification for hunting is provided.

Chairman Raine said that could be scheduled for a future agenda and he will make a note.

Commissioner McBeath said he received a letter (exhibit file) from Nevada Bighorns Unlimited (NBU) in regard to California bighorn Heritage tag and he had a conversation with sportsman with regard to landowner tag and sportsman dealing with hunting consultant who offered tag for \$5,000 and he suspects that this hunting consultant purchased this tag from rancher for substantially less than \$5,000 and was going to pocket the difference and apparently this may have been going on for a while. He is thankful that this situation involved NBU but can give fact pattern where someone purchases a tag through the bid process and goes out into the market and individuals take the tag and sell it and pocket the money. He has serious heartburn with that as our tags represent our wildlife resources and money should come back to the Wildlife Account, with landowner tags an exception made that money goes to landowners and money goes for compensation for damage to their crops and this trafficking is a concern, and would hope that the Commission would have this on a future agenda to get regulations in place and take a serious look at this as is clear that monies are supposed to come back and may be issues with federal monies.

Chairman Raine said will also discuss under agenda item #30 and can discuss initiating.

4 CABMW Member Items –

None

5 Public Comment Period

Patrick McLaughlin said he is from Verdi, Nevada, and is here about the U.S. Wolf Refuge and Commissioner Lent's comments at the March meeting and wants to correct the record. Commissioner Lent said it has been scientifically proven that wildlife/elk losses attributed to wolves, and he made a comment about Alberta's elk loss to wolves, and that statement is not true and is unknowledgeable. Alberta has elk population that is thriving. Also, disturbed about Mr. Raine calling the bear hunt opponents the "vocal minority" and he said we are the silent majority who is out there working and making money and we are against the bear hunt.

J.J. Goicoechea, of Nevada Cattleman's Association (NCA), said he won't be able to attend Friday and Saturday and is here representing the Cattleman's Association on quotas. He said the producers in northeastern portion of the state are concerned about elk plans and quotas. He said NCA would encourage raising higher elk quotas as in Ely they are near the top of the cap. He would encourage the Commission to move forward with quotas.

Chris Askin, Community Foundation of Western Nevada, said he is here to clarify comments made at a meeting last summer regarding multi-year commitment for Dream Tags. Community Foundation of Western Nevada is a grant making organization and they distribute money from grants, and from working with other groups on habitat issues they learned that most projects take more than one year, comments made in that context, and to be effective need to know

the funding stream. He did not mention requirement for period of years, and would be more effective in improving habitat.

Mike Stremmer said on the landowner tags he thinks that is capitalism when rancher or farmer market those tags to compensate for loss and with hay price fluctuates, and hay will be high.

Mark Hays said as far as bears that they live on parallel plane and two dimensional and speaks for bears as he relates to their lives and the bear is being encroached upon and if necessary to keep bears out of civilized areas, why could they not take dumpsters in desolation wilderness and do a food drop. If foraging to close then take a few out but does not see the use as he has never heard of anyone enjoying bear steak, and the beauty of the bear is that it is a majestic animal in our midst. He attended the Bear Conference held at Peppermill and funny thing about Nevada bears is they are not endangered and no emphasis on their condition and let's just give them a time out and respect them they are reaching out for a voice. Take care of the bears.

Elaine Carrick NoBearHunt.org said she went to Incline to talk to business people about the bear hunt and she went door to door, and everyone felt that they would be negatively impacted by the bear hunt as they depend on tourists. All the articles on bears in the west have put the area in a negative light and if visitors are going to stay away, the business owners will be affected. Has 16 letters stating that the businesses will be negatively affected and the letters are with their attorneys. She said they even have volunteers as far away as France and the hunt could seriously affect the number of tourists coming to Incline and having hunters with packs of dogs near hiking trails and you can see why they are concerned. She noticed on NDOW website the pie chart stating that hunter's basically provide all the money for the agency, yet wildlife watchers outnumber 2:1 the hunters.

Kathryn Bricker, NoBearHuntNV.org, said she has a few questions, since application process closed May 5, she would like to know number of applications and where they are from. She said she knows that with the exception of Commissioner Shrum all Commissioners voted for mandatory bear workshop and wants to know if anyone the workshop will be open to the public. On the use of trail cameras, she recreates in many of the areas in Tahoe and most people are not aware that when having a wildlife experience they are being watched. One sportsman claimed to have a camera on every water hole, and if state allows remote observation by camera there should be disclosure. What rules govern Mr. Lackey's use of information as is there any discretion as to information he collects and could he give that information to the sportsmen as far as aiding their hunt.

## 6 Correspondence – Chairman Raine - Informational

Chairman Raine said received bear petition exhibit file via certified mail, received around 20 bear emails with two to one-third in favor of removing bear hunt and one-third in favor of the hunt, letter from Estill Ranches (exhibit file), and an email from Tina Nappe expressing disappointment in Policy #28.

Commissioner Wallace said Esmeralda CABMW sent email that they were unable to meet and address the quotas.

Commissioner Lent said he received emails which he will enter into the record that were form letters opposing the bear hunt, and will provide them for inclusion in the record.

Commissioner McBeath said he received letter from James Mackedon president Nevada Waterfowl Association (NWA) on duck stamp policy, email from Rex Flowers with respect to Heritage funding for predator projects, the Estill Ranches, and May 3 letter from NBU on California Heritage tag.

#### 7 Petition – NoBearHuntNV.Org - Action

DAG Stockton said procedurally he met with Chris Schwamberger and Mr. Taylor and DAG Nguyen for NDOW and had one other attorney, a total of three attorneys present all with different roles that do not overlap. The challenge by NoBearHuntNV.org is under NRS 233.b.110 which allows the challenge of the validity of a regulation in court. DAG Stockton said the first step is for the agency to pass upon the validity and we went through process and enacting the regulation we passed on the validity and his recommendation to the Commission is to not to go over that again and allow this to go to the District Court and for the Board of Wildlife Commissioners to decline to hear it.

Chairman Raine said he has four volumes of material on the petition.

Chris Schwamberger said before the Commission denies the petition, she asked to be allowed to make oral arguments, and would mention to the chairman and board that she submitted to the DAG withdrawals of certain charges from the petition.

DAG Nguyen said the materials that the Department submitted only address the notice part of the petition, which is subsection A.

Chris Schwamberger said she is representing NoBearHuntNV.org in its petition for declaratory order from this Commission. She said CGR 393, the regulation, should be vacated and provisions of CR 11 - 07 that create the 2011 bear hunt illegally exceeds authority under that regulation. She said the hearing is to convince the Commission that it would be in their best interest and less expensive to vacate regulation as you still have to go through permanent regulation process and no reason to rush this hunt through. By statute the regulation adopted by the Commission in December expires Nov. 1 as a temporary regulation. However 2011 hunt approved through Dec. 31 and 2011 bear hunt season exceeds authority granted under the regulation. The regulation is invalid because it violates the Administrative and Procedures Act and she will only cover two points of that today, one is insufficient notice provided to the public and the need for statement of need for regulation and secondly lack of a statement as to economic effect of regulation on business and the public, she will not argue any violations of

the petition under NRS 501. Issue #1, regulation adopted in December is a temporary regulation and expires Nov. 1 and to have a permanent regulation and bear hunt in 2012 you have to go through the process again, and start process in August to do the process right and would only delay the process for one year. Issue #2 – all temporary regulations expire, that means Commission’s authority under the regulation expires Oct 31 of this year and she argued that Section 5 of the regulation has provisions will not be in effect due to the regulation expiring on Oct. 31. Issue #3 the public notice prior to December meeting was insufficient under NRS 233.b, there are specific and detailed requirements for public notice, purpose to insure that agency adopting rule hears from public. Public must receive enough information in advance to prepare and gather relevant and pertinent information to present to the Commission. She showed NRS 233B.063 on the screen and it is “Notice of intent to adopt a regulation” (exhibit file). The hearing in December revolved around arguments about hunting pro and con, issues involved in regulation are broader. Impact on Lake Tahoe is extreme compared to the rest of the state. She said there are many hunters against the bear hunt and they have helped NoBearHuntNV.org as not ethical as they are not a “prey” animal. Final point is that “need” and “economic effect” were not given and asked that the Commission vacate the regulation and do it right so there are no more problems.

DAG Stockton said the Commission’s options today are to decline to hear the petition or hear the petition. If the petition is heard, the Department will present its evidence concerning that it complied with NRS 233.b and the Nevada Administrative Procedures Act, and Ms. Schwamberger could continue her case and Commission would make determination as whether Department noticed the regulation correctly and if the Commission acted appropriately in adopting the regulation within its authority. If the Commission declines to review it then the requirements of NRS 233b.110 would be satisfied and NoBearHuntNV.org could request that the district court review this in a declaratory court judgment action.

**COMMISSIONER HOWELL MOVED TO DECLINE TO REVIEW THE PETITION. COMMISSIONER LENT SECONDED THE MOTION.**

Commissioner McBeath asked for statement from the Department on its position on that particular item.

DAG Nguyen answered that the Department has no statement and is prepared to address allegations on notice if you go forward, and as for the rest of the petition has no position. She said she is prepared to present documents that the Department complied with the law with notice of the meetings and workshops.

Commissioner McBeath said on Section A, the notice section, the Department is prepared to go forward. He said he read the petition with the exception of Section A he does not have many concerns but however not familiar with procedural aspects of regulation process he is wondering if we should at least go forward with that piece and agree to hear Section A and make a decision on that and then pass on the rest of it.

Chairman Raine asked why.

Commissioner McBeath said basically if there is problem with the regulatory process and noticing of the regulation he would like to know that and hear that. Ms. Schwamberger's point of temporary regulation necessitates explanation and have some record but that record will be there for justice court.

Commissioner Cavin said he did not have a chance to review all or any of this as he received all the information at 1 p.m. and does not think this is appropriate time to wade through this in one-half hour as is not enough time to go through it and does not think we have time to answer and is perfectly comfortable with that taking place with that taking place at the next step.

Commissioner Capurro said he understood from DAG Nguyen that she is satisfied with the noticing provisions brought under question and she would argue those successfully and maybe he misunderstood Commissioner McBeath, but we all knew it was a temporary regulation due to the Legislature being in session; therefore it has to be readopted.

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

DAG Stockton said one more item on this matter as Ms. Schwamberger is correct as under NRS 233.b038 Subsection 2, sub. 0, hunting seasons not subject to Administrative Procedures Act so adoption of season goes forward, and bear season will go to Dec. 31, however the protections enacted such as no hunting sows, hunting with dogs, all those items expire Nov. 1 and would recommend an agenda item for August to close if no permanent regulation enacted that will close bear season on Nov. 1 so we don't lose all those protections.

8 Commission Policy #28, Mule Deer Policy – Chairman Raine – Informational

Chairman Raine presented a revised version of Policy #28 and provided copies to the public, and said that most of the suggestions were suggested by legal counsel.

Commissioner McBeath said starting with "purpose" is statement that mule deer exist historically in populations in excess of 200,000 and believes that to be factually incorrect. Over the last 100 years the number of mule deer has been less and should insert "at times" mule deer in excess of 100,000. In #1, it appears to be inconsistent with NRS 501.337 Section 3, as clear to him that the director has the authority to make personnel changes and restructure the Department and Commission can only consent to those changes. On Section #3 has problem with closing or severely limiting deer season in areas where populations are far below historical high numbers and has a problem with this because we are cutting back deer seasons based on population level that occurred two times in last one hundred years, and there are many specific reasons why not as good as during those high population levels. He really has problem with

next sentence starting with “buck harvest” as he has listened to Department and biologists make statement that bucks could be as low as 3 percent of population and they could take care of business, and has heard that limiting buck harvest for goal of getting bucks to four points or better per direction from the CABMWs and previous Commissioners.

Chairman Raine said that sentence has been changed.

Commissioner McBeath said when he first read this he noted that we are going beyond broad policy and this has the flavor of a regulation. Section #4, he has a problem with, as Department has little to do with grazing as that authority is with federal agencies. Does this mean we write letters to federal agencies to get them to do things we know they never do. Furthermore, anybody who knows or has been involved in a ranch where term of renewal is occurring based on transfer of ranch or permit expires, is that what is happening is Western Watersheds files protest against term permit renewal and we all should know that their purpose is to eliminate grazing on public lands and will use Endangered Species Act (ESA) and other arguments, and when you put all together we have a policy in complete opposition to everything that is happening out there with regard to grazing. On Section 5, he asked if any studies on mineral supplementation and if so were they peer reviewed studies.

Chairman Raine said that was discussed a lot at the committee meeting and appeared to be promise, and thought worth-while as would be low cost program for the possible benefit. It is so area specific as to what the minerals are in a particular area that it would be tough to have a global policy for the entire state.

Acting Director Mayer said depends where you are, as in California they said herds were selenium deficient and added selenium, but no benefit shown. He said you have to assess the areas.

Commissioner McBeath said that is something that certainly should not be in a policy as not proven and should be in a Heritage project and do testing and if promising, do a policy. Section 6 is again grazing, and same thing with fire is dealing with public lands and getting BLM to allow for commercial harvest of pinyon-juniper.

Chairman Raine explained that much of this is already under way and is going on to some degree.

Commissioner McBeath said #11 calls for predator control if no science determination and goes to whole issue of why we do predator control. In his opinion we are spending lots of money on predators and the results are not there yet and he challenged that what he has heard of predator control from Commission is a pipedream and to think you can do what you want to do on a landscape scale in a state such as Nevada when the facts are Wildlife Services can't keep up. He said you would need pilots from Nellis and Fallon Air Force Base to get involved to do the scale you want to have an impact on wildlife. He said he has seen no projection from

economic standpoint that we can even do this, #12, is this really what your saying, is that we compress all of our hunts in a 60 day period.

Chairman Raine said 60 days if you want them to grow.

Commissioner McBeath said in Chairman Raine's response to WAFWA he talked of impacts of hunting on mule deer in general and that intense hunting pressure would be inconsistent and counter-productive with what was put forth for that response. He said this is a bad policy and he can't support it.

Paul Dixon, Clark CABMW, said Clark CABMW met last night, and overwhelmingly the board thought policy sounded like a regulation. He asked on the statement "sound scientific data" what is the data to close season if not near historical limits. Scientific data shows benefit of removal of does. This Commission has never had problem removing cow elk yet every year we have to cull more cow elk because populations keep growing and maybe our habitat is turning into grassland and the two species that depend on sagebrush are not thriving. You talk of intensive grazing and one species that is grazing is wild horses and why are the wild horses not improving our herds with their grazing.

Candido Mendive, Elko CABMW, said they voted in opposition as violation of Governor's Order He said he personally feels there are enough changes in the policy which should require that the policy be resent out to the CABMWs again.

Jim Jenne, Lyon CABMW, said they went through entire policy similar to Commissioner McBeath, and they thought the policy not written well and are opposed to the policy as it is written.

Don Molde said he appreciates the time and energy put into subcommittee as he himself attended several of their meetings, and is not going to say much other than that Commissioner McBeath stole his thunder and wanted to put to rest that 200,000 number of mule deer, and has information, one of which is the table of Big Game Population estimates and monograph back to 1870 - 140 years of data, and book with mule deer estimates for the nation and the west from 1950s to 1976, and putting all of that together is that if you took a 140 year time span, the years were mule deer were at 200,000 appear to be 10 years out of 140, or 7 percent of the last 140 years. He said if you drop to 150,000 or greater that totals 25 years out of 140 or 18 percent. What that means is that mule deer numbers in Nevada have been below 150,000 for 115 years out of 140 years that we can account for, 82 percent of the time which is more than one-half. Also upgraded predator cost worksheet which he provided for the Commission and the public.

Don Alt, Nevada Livestock Association, said when deer numbers were the highest the difference is ranchers were controlling predators and were allowed to use nasty stuff.

Tina Nappe said she is a former Wildlife Commissioner and she sent a letter to Commission expressing concern with Policy #28. She said she is a conservationist and agreed with Commission direction that deer are most important species as largest amount of tags for blue collar hunter, they are statewide, and provide significant amount of funding to agency, thinks it is appropriate to have policy and work hard on mule deer program but seems to her that deer are too important to be limited to a committee established with a membership comprised of a guide, rancher, Wildlife Services' employee, and a Commissioner, with no participation by federal agencies and no conservationists. She said she hopes the committee is redone similar to Greater Sage Grouse Plan as you need to include federal agencies as policy will not be important to them. Ms. Nappe said very distressed by response made to WAFWA letter as NDOW is member state of WAFWA Working Group and Mr. Cox was a member of committee that put together, "Changing Perspectives" and wonderful mule deer publication of NDOW authored by Tony Wasley is sure benefitted from everyone working together. Sportsmen have shouldered a huge part of the program, but the public lands are public lands and while sportsmen make many of the decisions here she would point out that many of us involved in public land decisions.

Gil Yanuck, Carson CABMW, speaking as private citizen said Policy #28 constantly refers to solid scientific data but does not define what that is. He said we heard comments back and forth, and we have looked up to WAFWA's Mule Deer Committee and their recommendations, but now we are constantly at odds with them, not agreeing with them about comments, about our policy ignoring solid scientific data. On Section #9, maintenance of all water sources, he is wondering why we left off leks, particularly private landowners as sage grouse sensitive species and great number of Heritage projects proposed are to improve habitat for sage grouse as we don't want a listing, yet only pick on water sources. On item #12 we are constantly reminded by CABMWs when we talk of quotas and number of tags issued how important hunter opportunity is and what they bring to communities and limiting season to 60 days, can you imagine the economic impact to the rural communities and need to take that into consideration as to what happens in the state and will be felt by an awful lot of people.

Mel Belding said he agreed with most of Ms. Nappe's testimony. He said he disagrees wholeheartedly with statement that best numbers of mule deer is when we had control of ranchers on public lands pertaining to predators and is true in 1950s but in the 1980s and other years those methods were not allowed. Section #1 should be struck entirely, and Section #5 needs to have the mineral defined. He said you need to have a working group that brings back something different.

Mike Stremmler provided BLM code of regulations to Commissioner McBeath and the rules are there and need to learn the rules and play by them. Policy is good starting point as you do need one, and Title 43 CFR 1610.3-2 that is why you need the policy. On doe harvest, knows if he kills one-half his cows, same for next year, has done fire breaks, and the BLM needs to be taught the rules.

Acting Director Mayer said Alan Savory of Rhodesia/Zimbabwe developed short duration high intensity grazing and has real benefits the trick is you have to actively manage your herd. This second draft is better and Commissioner McBeath did great job and this is a Commission Policy not the Department policy and glad to hear recognized that there other processes to answer to Section 3 on eliminating deer population, Area 6, would be an area that would be shut down. He said there is not a biologist in the world who will tell you that harvesting bucks only will change the population as it does not, that is a fallacy. Section 8 – 10 should be changed from Department to Commission and remove “shall” and Section 11 the statement “shall” consider reductions in government paid predation control. The 60 day season is arbitrary and capricious, and you heard what J.J. Goicoechea said about cow harvest and we will not meet our livestock commitments and if you start limiting seasons you will limit junior hunts and other hunts by 50 percent and that will be a slap in the face to sportsmen and he asked if that what you want to do.

DAG Nguyen said NRS states goal of Commission is to guide Department and language should be made internally consistent from “shalls.”

Chairman Raine said they had evidence at the committee meeting. Need to have goals and does not say what they are just have to have them and reach them. No way to define numbers in policy that is why wording of “far below” is used. Wording on grazing came from NDOW biologists and WAFWA documentation.

Acting Director Mayer said for Chairman Raine to bring the evidence.

Commissioner Lent said he would like proof of counting 200,000 deer and he has seen numbers tied to population and harvest. With Section 3 he agrees that population goals are needed, project underway in Unit 014 and he asked when the study would be stopped because you don’t know when you reach the goals. That is what Utah does with predator problem. He said he is embarrassed to hear a CABMW member link the season to economic reasons as is totally wrong as we have to look at the resource not the business end and is totally wrong as we need goals and are harming the resource when hunting them from June to December. The animals need a rest.

Commissioner Vogler said he has spent whole life hunting, watching or being around wildlife and we keep plowing the same furrow and can make it better but we are not using all the tools in the tool box or appropriately. We talk about habitat and had big fires in Elko County and in 1965 had big ones. He grazed sheep intensely on the checkerboard and eliminated cheatgrass and brought back mule deer as all the sagebrush was not burned. White Pine forests do not have fires and no deer there so how can you say it is habitat. When sage grouse and mule deer at their zenith according to Mr. Molde we had twice as cattle and sheep, Commissioner Vogler said anecdotally predator type animals were at the lowest ebb until 1973 and is not due habitat.

Further discussion ensued on mule deer population numbers.

Commissioner Cavin said we are hearing that mule deer problem is bigger, that it is landowners, fires, and ultimately we have to do something like sage grouse whereby we get everyone on board. Meanwhile we need a policy: Leave first and last sentence, and get rid of all language regarding personnel as not our purview as a Commission; Section 2 reasonable, Section 3 changing production goals instead of historical high, and last sentence of paragraph 3 should be eliminated. Issues with last sentence on #11, on #12 unwilling to put in 60 days into a policy as that is way too restrictive and Commission has opportunity to hear that on case by case basis and only can support first sentence and #13 change shall to should. He asked if the policy will be presented tomorrow with changes brought forth today.

Chairman Raine said many changes brought forth such as striking huge sections.

9 Report and Recommendation Feral Horse Committee – Committee Chairman Mike Stremler – Informational

Chairman Raine said agenda item #9 could be melded into agenda item #10 the policy.

Commissioner McBeath said he was told in February that he could be involved with this committee and asked if there were further meetings and if there were no meetings how can this agenda item state that it is a report and recommendations from the Feral Horse Committee.

Mike Stremler reported that the committee had its last meeting in Eureka were they decided not to send the letter to the State Engineer as legislation pending in the Legislature on water rights. He said on the policy they wrote it was too long so they cut it down, then it got misprinted, and Mr. Rathbun was here at a meeting without him and it became a rolling wreck. He then decided to write the policy himself without committee meeting as he is somewhat of an expert on wild horses issues as he has read every case that has gone to court and the policy is reflective of the Wild Horse and Burro Act and gives triggers to NDOW or the Commission to get involved. He said a new proposed strategy is out for comment that was written by Bob Abbey with new horse numbers for AML.

Candido Mendive, Elko CABMW, said the board voted to support policy although the public had concern with notifying NDOW and triggering investigation which would that in take a lot of NDOW's time.

Paul Dixon, Clark CABMW, said n concept they agree with the policy but do not support it as it needs to be rewritten.

DAG Stockton said all the "shalls" should be changed to "should."

Commissioner McBeath said he talked to NDOW to see their level of involvement, and found there was no involvement from NDOW with development with policy even though it is germane to the Department. How much involvement from NDOW with HMAs and biologists need to read the Act and say that they have no authority. He said this is an important of a policy and would love to have been involved and vetted with more than the livestock industry as broad based. Letter went out from coalition in support of horses, and conservation groups on same page and for us to have limited number of people on committee was a big mistake and would have been a more credible process.

Commissioner Vogler said important for Commission and CABMWs to get involved and grazing boards have asked for status.

Commissioner Capurro asked if we clarify with policy provision that change from “shall” to “should” and be part of document we look at tomorrow and the same for E., F., G.

11 Second Reading of Commission Policy #10, Wildlife Heritage Tags and Vendors –  
Commissioner Lent - Informational

Commissioner Capurro said if given away the Heritage tag remains a Heritage tag and if resold it too remains a Heritage tag, and his reasoning is if sold in that fashion, the money should go back to Heritage Account.

Chairman Raine asked the Commission what they would like to see for the policy.

Commissioner McBeath said problem he is having is that we are not focusing on right thing, because we are talking about tags, and understands you go to auction and bid for this opportunity to get Heritage tag and 30 day period allowed to provide name of hunter, but nothing in statute or regulation that deals with Heritage that requires that person who bids be the hunter, which leaves opportunity for person who bid on tag to have almost a power of appointment. He thinks we need to be careful as already a statute stating you cannot transfer tag to anyone else, but this ability to put name of person on tag and need to deal with that. Policy needs to state that winning person at auction has to be applicant without transfer unless approved by Commission. Declaration of who the person is going to be as it could be a dad bidding for his son.

DAG Stockton said he will draft language for review and discussion at tomorrow’s meeting.

Commissioner Capurro said regardless the money received from sale or trading of Heritage tag has to go to Heritage Account.

12 Second Reading of Commission Policy #50, Duck Stamp Procedure – Commissioner Lent  
- Informational

Commissioner Cavin said he had participated on the judging of the duck stamp contest and five judges is not enough and seven judges provide better balance and does not think we need to change the make-up, need #6 and the determination that the original art is needed as had incident where no one could tell if original art.

Commissioner McBeath said he spoke to Tom Wilson who is from NWA's board and is concerned with new #4 as artists may not be able to comply with this and make the print and if the artist does not the organization steps in and pays.

Commissioner Capurro said NWA has paid twice for the prints to be made but has not this year and seems to be an ongoing problem.

MA Jolly 3 said this policy was discussed at the April meeting and when Mr. Harwell was here had the \$3,000 bond and he said NWA not supportive of paying for screen prints and regardless of how many prints it is set-up that costs so much. Since then he has spoken to other members with different opinions and he asked what California does, and they use a fee to pay for screen print. She said Hugh Judd sent a letter that was not supportive of bond or entry fee.

Commissioner McBeath said entry fee is a great idea.

Chairman Raine said strike item #4 and option of #1 returning to current language of seven judges before.

13 Reports – Informational

A Dream Tag Regulation – Program Officer III Hullinger

Program Officer III (PO III) Hullinger said staff are in process of development of regulation and are reviewing testimony and will bring forth draft language to present to the Commission, and there will be Commission Regulation for the tag. NRS for resource enhancement stamp, and that a major step will be to bring all together interested persons to determine what needs to be established, and will then bring it to the principal parties and insure that their intent is there and then return to the Commission.

B Sage Grouse and Upland Game Season Status Report – Chief of Game Larry Gilbertson

Chief of Game Gilbertson said staff entering survey information, seasons set in 2007 through 2012, with each year having an adjustment in some seasons. Presently do not anticipate any major changes in upland game seasons. Stage is set for decent nesting and most upland game

populations are sitting well and with rain may have good hunting. Every year staff count sage grouse leks, and do not have all lek data yet; however, lek counts are up this year.

Commissioner Vogler asked if there is a trigger number for federal government to take the bird off the ESA list or will that be a mill stone around our necks forever.

Chief Gilbertson said Nevada is in evaluation process and each state is to report on status until something changes for USFWS. He said we know more from monitoring sage grouse leks than we ever have with sage grouse. He said energy development is being monitored in conjunction with BLM to insure that we don't have a listing. Different seasons and closed areas as follow guidelines for acceptable harvest and do that for areas. He said the situation with sage grouse is similar to that of Lahontan Cutthroat trout which have been listed by 25 to 30 years and you can still fish for them. Chief Game Gilbertson said everything we hunt is set on premise not to impact populations. Interest in sage grouse hunting has declined and when season moved closer to October from September we have not seen increase in sage grouse hunting and the same with waterfowl.

Acting Director Mayer said decision to put sage grouse on threatened list, hunting was #12, the five factors that made the determination were habitat loss and degradation and regulatory framework to provide protection to the bird. All groups are on BLM to modify RMP. Nine out of 10 it is compensatory hunting mortality and this is not taking birds out of population. Only state not hunting is North Dakota, all directors have made statements of support to maintain the hunting tradition. Need to see if BLM will step up. He has set up meeting to meet with directors, BLM, USFWS and NRCS directors,

Chief Gilbertson said in Eureka County they we have had the Falcon to Geondor study and one year had 100 marked sage grouse birds and out of that had two to three birds harvested so there are a lot more birds than we thought.

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

Deputy Director Cates reviewed the spreadsheet submitted in support material.

D Department Activities/Leadership Team Notes – Acting Secretary Kenneth E. Mayer

Report submitted previously.

Meeting Adjourned 6:10 p.m.

Friday, May 13, 2011, - 8:30 a.m.

14 Call to Order, Pledge of Allegiance, Introduction and Roll Call of CABMW Members –

Chairman Raine called the meeting to order and asked for a roll call of Commissioners and CABMW members.

Commissioners all present: Chairman Raine, Lent, Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace

CABMW members present: Gil Yanuck, Carson; Candido Mendive, Elko; Rex Flowers, Washoe; Glenn Bunch, Mineral; Paul Dixon, Clark; Bill Meyer, Lyon; Joe Crim, Pershing; and Jim Jenne, Lyon.

15 Member Items/Announcements –

Commissioner Lent said he has a letter from Beverly Siegel asking to rescind the bear hunt.

16 CABMW Member Items –

None

17 Public Comment –

Tracy Trivitt said he was born and raised in Northern Nevada and has been active in fundraising efforts for Nevada wildlife for many, many years. This Commission was given a mandate by our former Governor to improve the mule deer numbers within our state and it's well chronicled that a majority of this Commission holds a very different view of how that mandate might be met than that of respected biologists both within and outside of our state. You have made the decision to reject the belief that habitat is the major cause of the decline of the mule deer population, even mocking the findings of field biologists in recent Reno Gazette-Journal article. I find it incredibly ironic that you reject NDOW's approach of observation management and yet the basis of your production plan is rooted in observation, in Gerald Lent's words "My plan is to listen to the people who live with the deer day to day." One is left to surmise that those who live with the deer day to day are the same people who have influenced your decisions in the past and, those people do not include the biologists who you believe are participating in a grand conspiracy to inhibit mule deer populations throughout the west. Furthermore, your plan rests heavily on predator control. I have found several references cited by members of this Commission to the fact that every lion kills one deer a week. Despite numerous studies, including an ongoing study being conducted by UNR, indicating otherwise, you maintain this belief. The truth of the matter is that, on average, a lion consumes the equivalent of one deer a week. The study currently has 25 lions that are being tracked and over 400 kills have been

confirmed. On average deer or horses make up 40 percent of their diet. The real irony here is that you do not need to rely on the observation of your friends who live with the deer day to day or the observation of respected biologists to see predator control is not the answer. You need to look no further than the results of two experiments in predator management right here in Nevada. In one study conducted by Mr. Schroeder and Mr. Lansford, entitled Coyote Removal for Deer Enhancement, 1,124 Coyotes were removed from Lincoln County during a five year span and the conclusion by the authors of this study is "The results of predator removal in GMU's 222 and 231 appear to have had minimal effects on the population structure of mule deer in those respective units." Regrettably, he was unable to ascertain how much this experiment costs the sportsman of Nevada, however, the current Granite Range Project 18 which includes the removal of both lions and coyotes has cost nearly \$500,000 through fiscal year end 2011. This project has removed a total of 31 Lions and 812 coyotes. In keeping with your assertion that aggressive predator management will yield an increase in mule deer tags we should have seen by now a dramatic increase in the allocation of tags in the Granite Range. And yet the tags in the Granite Range correlates with the tag allotment in bordering units. In other words, nearly half a million dollars has been spent without any measurable benefit to the sportsman because the deer population has failed to And if the rumor mill is indeed true, that you intend to decrease tag allotments in the Granite Range, then how can you possibly justify to the sportsman of Nevada the enormous costs of ineffective predator control? How much money do we need to flush away and how much money will you attempt to fleece from the Heritage Fund before this madness is stopped? I think it's time for this Commission to be held accountable for failing to increase the mule deer population, for continuing to push your own agenda and the agenda of your friends, and for recklessly spending sportsmen's dollars.

18      Petition - Amend NAC 503.540 to allow the commercial take of crayfish from Lake Tahoe – Action

Mr. Fred Jackson provided the Commission with a packet entitled "Proposal for Change of Commercial Harvest of Crayfish" (exhibit file). He said he is requesting the Commission to approve his petition so he may move forward a change to NAC 503.540. As it stands now you cannot sell crayfish in Nevada and that is border to border. The problem with crayfish is they are a link to food chain with illegally introduced fish species which feed on crayfish producing massive amounts of nitrates and phosphates which stimulate the growth of illegally introduced aquatic invasive plants in the lake's fragile near shore environment. Bass eat crayfish and 1967 estimated population was 57 million, in 2001 population base was 260 million if average keeps going up crayfish will be over 300 million. Law passed in 1978 and the issue was not there for overpopulation nor there for the clarity issue but in 2011 need to manage species before it gets out of control. He would like to open a business to manage the population by harvesting crayfish and sell to meat wholesaler in northern Nevada and will not sell off the dock to restaurants direct. Control factor is many restrictions and data will be returned to NDOW. He disclosed that he is an employee of NDOW but this is his own personal business deal. Mr. Jackson said if we can manage the crayfish that will assist with the clarity of Lake Tahoe.

Chairman Raine asked Dr. Chandra to chime in and tell the story as they have numbers in front of them.

Dr. Sudeep Chandra said he is a professor of limnology and fisheries conservation from the University of Nevada, Reno (UNR). He said UNR has no position on this issue – they are neither negative nor positive. He provided a white report (exhibit file) that documents crayfish introduction and issues with crayfish. He knows early studies note crayfish introduced in Lake Tahoe several times and has been a food source for fish however with shift of introduction of other species such as shrimp the fish switched and now crayfish are incidental take of mackinaw and other game fish. Crayfish population shifted from 55 million to 220 million in the lake as a result of shrimp introduction. His interest in this is impact to 11 endemic invertebrate species at Lake Tahoe and 75 percent reduction since 1960s and study underway by students if reduction is due to crayfish or clarity.

Chairman Raine asked how many crayfish will be taken.

Mr. Jackson said he is a novice at this but heard from guides and people who do this he has been told about 20 pounds a trap but can't answer until he is out on the lake. Probably thousands of pounds per year would be the seasonal take.

Deputy Director Haskins said NDOW is neutral and sees potential to work on this with Mr. Jackson to restore natural fishery but would not want this statewide.

Commissioner Howell asked size of traps and how many to put out. He said he has used nets and is concerned about safety of boaters.

Mr. Jackson said five styles of traps similar to crab trap and would put out about 40 and some traps allow native fishes to escape. Pull traps every six hours and understands navigational buoys will be needed and those are issues that will need to be worked out if the petition is approved.

Commissioner Lent said others may want to sell to the public and asked if he will bait the traps, and will the removal assist with clarity.

Mr. Jackson said that will have to be looked at by the biologists.

Dr. Chandra said that is something to be looked at.

Commissioner McBeath asked average growth and what impact will number of permits have on that growth. Who will be responsible to monitor and determine impact to crayfish and other species.

Dr. Chandra said that is the million dollar question. Size of crayfish is determined by age, driven by temperature. He said science community does monitoring at Lake Tahoe for native fishes and snorkel observations not long-term they are project by project.

Deputy Director Haskins said crayfish are non-native and there is a group of people who would like crayfish to disappear due to their environmental impact. There is interest for Lake Tahoe to be managed as native fisheries, and he would really be surprised if Mr. Jackson could impact the population. If multiple permits issued that could happen. He said Mr. Jackson will still have to deal with other issues like TRPA, State Lands, and other entities if the petition is approved. He is proposing removing the restriction on NAC that prohibits commercial take of crayfish and deal with other issues within permit of commercial collection of wildlife and many details will be worked out in that process.

Public Comment -

Rex Flowers, Washoe CABMW, said the board supported endeavor and the questions asked by the Commission today the board had too, and they recognize that there will be controls, but before going forth the petition would have to be approved.

Commissioner Shrum said he is concerned as this is Lake Tahoe, and if we open this up we have to do so for everyone and does not think this is a good idea.

Chairman Raine said many restrictions could be imposed under NAC and question is whether worthwhile to pursue or waste of time.

Commissioner McBeath asked if Lake Tahoe residents have been contacted as the Commission enacted a bear regulation effecting Tahoe and is curious to their reaction.

Mr. Jackson said local restaurants owners he spoke with were excited and see as this as potential economic boom. He does not see any negatives to allowing restaurants to serve the product. And can't say if it will assist with clarity and there will be an economic effect on Lake Tahoe as he plans to hire people to work and will also help NDOW and cleanup of the shore.

Commissioner McBeath said crayfish sound invasive and inclined to accept the petition and that is start of process and some of the items Commissioner Shrum is speaking about will have to be addressed from the local community.

Chairman Raine said overall sounds positive and many of the negatives are issues with other agencies. We need more business this does not hurt anything and may find negatives later on. He advised the Commission that if petition is approved the motion needs to include language that is subject to approval as an exception to Executive Order.

**COMMISSIONER HOWELL MOVED TO APPROVE WITH APPROVAL OF GOVERNOR'S COUNSEL. COMMISSIONER VOGLER SECONDED THE MOTION.**

Commissioner Lent said if approved almost mandate that representatives from Tahoe Regional Planning Agency and California Fish and Game be involved and on board as we share one-half the lake with them. Those two agencies should be here when this is discussed.

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

19 CABMW Budgets – Administrative Services Officer 2 Dale Hansen – Action

ASO 2 Hansen provided an updated spreadsheet (exhibit file) of the CABMW budget requests with a final number of \$38,314 recommended.

Public Comment –

Gil Yanuck, Carson CABMW, commended staff for their work on the budgets.

Paul Dixon, Clark CABMW, thanked Mr. Hansen and the standardization of the process has assisted with accurate numbers from the counties. He said this year was the best process yet.

Candido Mendive, Elko CABMW, said the amount requested from his board is what they truly need and may even need slightly more.

Glenn Bunch, Mineral CABMW, said he had been asked by Mineral CABMW treasurer to bring \$20 back as they were overdrawn and will live with the \$111 balance.

**COMMISSIONER CAVIN MOVED TO APPROVE PROJECTED CABMW PROJECT FOR FY 2012 IN THE AMOUNT OF \$38,314.01. COMMISSIONER MCBEATH SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.**

20 Western Association of Fish and Wildlife Agencies (WAFWA) Annual Conference –  
Chairman Raine

Chairman Raine said he is interested in attending.

Commissioner Capurro said he would be the alternate if necessary.

**COMMISSIONER HOWELL MOVED TO SEND CHAIRMAN RAINE AND COMMISSIONER CAPURRO AS THE ALTERNATE. COMMISSIONER LENT SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.**

21 2011 Heritage Project Status Update – Deputy Director Patrick Cates – Informational

ASO III Pincolini said the Heritage vendors have 90 days to turn in their project completion reports. He reviewed the completed 2011 Heritage Projects: 11 – 25, Fraternity of the Desert Bighorn, rebuild of Monte Cristo water development done; 11 – 21, survey and maintenance, Fraternity of the Desert Bighorn, completed; 11 – 22, Fraternity of the Desert Bighorn; 11 – 23 survey and maintenance another Fraternity project is completed; 11 – 25, survey and maintenance with limited access is completed; 11 - 07 regional tracking collars of mountain lions by NDOW is completed with report received; and 11 – 03 disease monitoring of conservation of terrestrial big game species in Nevada by NDOW staff will be completed by FY 2011. Status of projects with extensions approved from fiscal year 2010/2011 are: 10 – 09, China Camp sage grouse habitat enhancement by NDOW staff will be done by June; 10 – 27, sage grouse nesting survival Wildlife Management Units 6 and 7 by Nevada Alliance 4 Wildlife will be completed by the end of June; 10 – 23 Mule Deer Enhancement by Hunter’s Alert, will be done by end of fiscal year; 10 – 26 Mule Deer Fawn Survival by Nevada Alliance 4 Wildlife will be completed by the end of fiscal year 11; and 10 - 30 Wood Ducks in Lahontan Valley by Nevada Waterfowl Association is completed.

Commissioner Lent requested that Mr. Pincolini furnish a report of all the projects after 90 days. He said a report of the science obtained should be furnished to the Commission to determine if projects are worth spending money before funding or extending projects.

22 Wildlife Heritage Projects – Chairman Lent

Commissioner Howell requested that the projects with extensions be acted on first.

Chairman Raine said after public comment is taken, action could be taken on the extensions.

Public Comment –

Don Molde said a general comment about privatization of predator control which is ongoing and thinks that is a bad idea that he is opposed to. He said he attended a mountain lion conference in Montana which was also attended by NDOW staff and others and it appears that interesting developments in mountain lion research that he has not heard here yet at a Commission meeting. Time to find out as is something to be considered for future lion management as a Heritage Project funded by the Commission by Allison and Andreason project has DNA analysis from lion samples, and appears to show Nevada is a sink for lions not a source, the source in Nevada has reduced genetic diversity compared to those in California. Not

sure it is sensible to have Nevada's situation viewed that way. Washington also doing research showing random unplanned killing of mountain lion does nothing to reduce lion populations, or reduce livestock depredation, and may be something the Commission may need to consider to have sensible lion management.

Commissioner Lent said the Allison/Andreason project was not funded by the Commission.

Rex Flowers, Washoe CABMW, provided his board's recommendations on Heritage projects asking that 12 – 01, 12 – 02, 12 – 03, 12 – 05, 12 – 06, 12 – 10, 12 – 19 through 22 all fully, and 12 - 32 be one-half funded at \$41,000 and 12 - 37 funded at \$53,098.

Candido Mendive, Elko CABMW, said their motion was to send a letter to the Wildlife Commission, the Elko County Commission, and Governor Sandoval, expressing their disapproval of the Wildlife Commission's Heritage Committee meeting which was being held prior to the Elko CABMW meeting. That being said he asked board for recommendation for five projects that they could agree on - those projects were: 12 – 01, 12 – 03, 12 – 04, 12 – 26, and 12 - 33.

Paul Dixon, Clark CABMW, said he personally is pleased with Heritage Committee recommendations, however, one project that was selected for funding that he disagrees with, Project 12 – 26, and due to statement of Commissioner Lent as wanting to see results, yet that project extended and we heard clearly that they needed NDOW input to continue and this year state they don't need NDOW input and thinks we are throwing money away. He said he does not agree with funding Maxon Technology.

Commissioner Lent reported to the Commission that the committee met for two one-half day meetings, had public comment on every project, 80.5 projects not funded and 19.5 percent of the projects funded and had \$20,000 left over and also had extensions requested which were accepted, one exception was Dr. Thain's which was not on the agenda and it will drop off and the money will be lost.

Commissioner McBeath asked about extensions for projects 11 – 19 and 11 -20 if full amounts needed or if even started.

Deputy Director Cates said FY 11 projects have not started as still working on FY 10 project and they expect to be billed out at end of fiscal year and they won't be started until next fiscal year.

Commissioner Capurro said projects through Wildlife Services (WS) and extension requested by WS.

**COMMISSIONER HOWELL MOVED TO ACCEPT THE COMMITTEE RECOMMENDATION (EXHIBIT FILE) FOR HERITAGE PROJECT EXTENSIONS. COMMISSIONER CAPURRO SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, WALLACE. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 8 – 0.**

**COMMISSIONER LENT MOVED TO APPROVE THE FY 12 COMMITTEE LIST AS PRESENTED BY THE COMMITTEE. COMMISSIONER HOWELL SECONDED THE MOTION.**

Commissioner McBeath said overall he is pleased with selections of the committee. His comments on three projects: Still has heartburn with Project 12 – 25 Jersey Valley Project on mountain lions, as he killed seven lions and is to take 15 total and will be going into the fall and he has a problem with private person doing that project; Project 12 - 29 Alliance Wildlife, and we just heard on the extension that he has not started FY 11 project, and also heard that it will take all of 2012 to complete the 2011 project and has a problem with approving 12- 29, because in effect we are approving 2013 project as we already know these dollars will not be spent in next fiscal year and should wait until then; Project 12 – 27 as all are aware he has major concerns, as he wonders if will ever have utility for the Department and has problem moving ahead until we get what was promised in 2011. He said we still have no idea what we will get and would like to get that first and have it peer reviewed and until we get something from the Maxon's on this project he has a problem spending an additional \$40,000 to analyze the data. He suggested waiting on that as this Commission does not have capability of understanding what is going with science and analysis of what Maxons are doing and when we have the product the Department and outside interests can review and comment.

Commissioner Howell said he would respond to Commissioner McBeath's remarks on Project 12 – 25, he asked originally for \$21,600 which meant 12 lions, but he started late because of legislature and getting everything approved he had \$3,000 left with the extension so what they did instead of giving him the entire \$21,600 considered money left over subtracted from that and arrived at \$18,000 which is 10 lions. Then Project 12 -27 the way he read and discussed it is the money requested is to pay for peer review. Project 12 – 29 has an extension and why it was not done was again the trouble getting it approved by the Legislature. Now the 2010 money is going to be spent and these are all time sensitive projects due to the weather and he has talked to Wildlife Services about these projects and does not think for a minute that they won't spend all the money, it is a possibility, but thinks they will use it and that is why they approved it.

Commissioner Vogler asked if any specific projects under Project 12 – 01 or is it a blank check as will affect multiple use and effects the livestock industry and will the Commission have other chances to opine. He asked for an explanation.

Chief Gilbertson said the Department brings forth the biennial trap and transplant plan to the Commission for approval.

Commissioner Lent said on 12 – 01 he had concerns as is it is like a blank check with no controls and that project is not finished with no results or report from last year and the Commission approved money as well as an extension. He said he received a letter this morning for the record from Patrick and Ellen Maxon on 12 – 27 (exhibit file), sage grouse protection and WS has made commitment to spend last year and this year's money. The committee felt the need to protect sage grouse. He is going to request an audit of Nevada deer model by experts in the country as our model is linear progressive model and should be reviewed like tag draw system periodically.

Commissioner Wallace said Commissioner McBeath's comments covered the same that he would make, and he has heard from some Commissioners about results and not funding studies and obtaining results, and he has a problem adding on to projects that are not completed. He cannot support the motion due to Projects 12 – 25 and 12 – 27 as no results and does not think we should extend those projects, if you have not finished previous project should not approve new ones. Keeps hearing we need results and here we are handing out over \$100,000 and do not have results from first go round.

Commissioner Cavin said he does not agree with every project however committee did good job of balancing, with selection of projects on the ground and research, and is not going to nit-pick the recommendation and sees projects he likes better but personal preferences. He said he has issues with same projects that Commissioner McBeath talked about but not particularly fatal.

Commissioner Capurro said it is tough job to allocate \$400,000 with \$2.1 million in project requests, using the same line Commissioners McBeath and Wallace used, could be applied to 12 – 01 and to extension to 11 – 01 as we don't have report and Chief Gilbertson indicated we would not have a report until August, yet allocating \$90,000. He did not attend the meeting and does not know details of the transplant, and thinks there is a transparency issue, but is unfair to pick on private projects while the Department has not done some of their reports.

Commissioner McBeath said in response to Commissioner Howell's statement that \$47,000 for Project 12 -27 was to pay for peer review. His understanding is that peer reviews have no costs and is a scientific process and to pay for that service raises ethical questions as built in conflict. He said he cannot support that \$47,000 without seeing initial project and are throwing money away.

Commissioner Vogler said if he had his way we would not have funded WAFWA and does not understand that with the state broke and should we not be more fiscally responsible, and knows we could get a water truck a lot cheaper than \$43,000.

**COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, SHRUM AND VOGLER. COMMISSIONERS OPPOSED: MCBEATH AND WALLACE. MOTION PASSED 6 - 2. CHAIRMAN RAINE DID NOT VOTE.**

23 Commission Regulation 2012 Wildlife Heritage Silver State and Partnerships in Wildlife Tags CR 11 – 06, Amendment #1 Heritage Vendors – Commissioner Lent – Action

Commissioner Lent said the Heritage Committee met and reviewed requests for tags with one late application from the Midwest Chapter of the Wild Sheep Foundation which was not accepted. He reviewed the committee recommendation as contained in the exhibit file.

Paul Dixon, Clark CABMW had one recommendation that based on meeting attendance of NBU's dinner versus 300 in attendance at California Wild sheep they thought that switching the Rocky Mountain Elk Tag for antelope to maximize profitability to the Heritage Fund.

Rex Flowers, Washoe CABMW, said they understand that Nevada Waterfowl Association have not had their banquet yet to see what the antelope tag will yield and did vote to support them again, felt Rocky Mountain elk tag should go to NBU as they do such a fantastic job every year with banquet and advertising and that tag has averaged \$50,000 which is what they brought in and would like a sheep tag for NBU but definitely reconsider the elk tag for NBU.

Commissioner Lent said he attended the Wild Sheep meeting in Reno and he read the organizations statistics for what tags were sold for during their one night banquet which is why he felt that organization should have the sheep tag and that the Department should develop a video to show at the banquet.

Commissioner Capurro said because bids are now allowed to be phoned in the attendance at the event is not always indicative of the prices you will obtain for the tags.

Commissioner McBeath said the recommendation to flip the antelope and elk between NBU and California Chapter of Wild Sheep Foundation is a good recommendation for the Commission. He said we do not have data on California Chapter of Wild Sheep Foundation and wanted to know what information the committee used to select them over NBU for the elk tag.

Commissioner Lent said he talked to the man in charge and they run 300 to 400 every year and they auction 50 to 60 tags every year and are a highly successful convention and did talk to him and got numbers on vendors and he would welcome this and would do a real good job on this which is why the committee recommended them.

**COMMISSIONER HOWELL MOVED THAT WE APPROVE THE COMMITTEE'S RECOMMENDATION FOR HERITAGE TAG VENDORS THIS YEAR. COMMISSIONER LENT SECONDED THE MOTION.**

**COMMISSIONER CAPURRO MOVED TO AMEND THE MOTION THAT THE PRONGHORN ANTELOPE TAG BE MOVED FROM NBU TO THE MULE DEER FOUNDATION. COMMISSIONER SHRUM SECONDED THE MOTION.**

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

**VOTE ON AMENDED MOTION TO APPROVE COMMITTEE RECOMMENDATION WITH EXCEPTION THAT PRONGHORN ANTELOPE TAGS WOULD GO TO MULE DEER FOUNDATION AND PERSHING COUNTY CHUKARS UNLIMITED. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER. COMMISSIONERS OPPOSED: MCBEATH AND WALLACE. MOTION PASSED 6 – 2. CHAIRMAN RAINE DID NOT VOTE.**

24 Litigation Report – DAG Nguyen – Informational

DAG Nguyen reviewed the report (exhibit file), provided updates and answered questions from the Commission.

25 Hage Lawsuit Update and Resolution – Chairman Raine – Action

Chairman Raine said he has gotten calls saying why did you do this and why, and he answers the Commission had no say in the matter and nothing we could do in way of policy, but resolutions, and for clarification what power of law does resolution or limitations of law on a resolution, just so we know where we are at.

DAG Stockton said a resolution is a statement of your opinion and no force of law and are limited to good taste.

Chairman Raine said he took notes for a resolution which he handed out to the Commission (exhibit file).

Commissioner Capurro said people have called him on this also and as far as amicus, highly suspect for the state's Attorney General to get involved with NGO that have the history they do and lending your name to that activity, even if you agree on some or all parts of the amicus should have been filed separately by state not as part of trio of groups that are highly questionable.

Chairman Raine said main point is this was done without knowledge or authorization of Nevada Board of Wildlife Commissioners, and the Commission does not like it and would like the Department withdrawn from it, considering the company they are keeping. He asked if anyone else had something scratched out on this.

Public Comment –

Rex Flowers, Washoe CABMW, said they did not act on this at their meeting and speaking personally, that he sees stuff in there that makes no sense such as statement of “Hage’s Table Mountain” as he does not own that mountain, and has problem with it being action item and today is the first time the public has seen the resolution, and you are not giving the public notice. He said he has a real problem as the Commission wants input from the public and the CABMW but you don’t give us the material and we cannot do our part.

Candido Mendive, Elko CABMW, said he is speaking for himself as this was not sent to us and also has heartburn with several items and asked that it be sent to the CABMWs.

Don Molde said he was hoping for a concise legal explanation as he recalls this starting as a “taking” issue with a ruling going against the feds which they are appealing.

Chairman Raine said legal advice from DAG Stockton is that page 1, second to last paragraph be stricken, that the name, “Joseph Feller, a senior attorney for” be stricken, page 2, third whereas, that paragraph be stricken. Also, from legal counsel, paragraph five, page 2, strike sentence, “apparently without notice or hearing as required by law, creating a potential liability for the Department and taxpayers of the State of Nevada.”

Commissioner Shrum said having done research on BLM and their activities that he has been cautioned as to what he says lest he be headed for court, and his intention is not to give anybody heartburn but thinks the resolution is not strong enough, and should rework the resolution and resend to the CABMWs for input.

Commissioner Lent said he is in agreement with Chairman Raine’s changes.

Commissioner Vogler said he read judge’s ruling which asked both sides to come up with dollar figure on takings issue and whether elk involved or not has been solved. All this brief is designed to let the judge decide did they have right to graze livestock more than right of way around the ditches and springs. All these things were done and not in question, that is why his industry that he represents are so upset as all issues solved, only issue for judge is deciding how far a cow, a sheep or a domestic horse, will go to water in those allotments to determine the takings. He said he cannot imagine as a rancher why NDOW was involved as this is only the takings, a 50 foot right of way or the edge of the allotment. Many people see this as proof positive that NDOW does not want to cooperate with agriculture and there has to be fence mending between the groups. He said timing is everything and the timing on this was ugly.

Commissioner McBeath said he cannot support this as this is another instance of the Commission putting an action item on agenda and bringing a document forth without input from the public and this should go back to the CABMWs for comment and input. He is curious on 7, as to how do you know that is true.

Chairman Raine said that happened the 14<sup>th</sup> of this year.

Commissioner McBeath said the amicus status was filed in the 1990s well before this Commission's time and the Department has been involved for a long time. He said that raises issue of this may be operational to the Department and the question of is this something the Commission should be talking about.

Commissioner Cavin said as someone active in wildlife in Nevada for the last 30 years, he said when something like this came to the Commission without going to the CABMWs or public, he would be someone in the audience who would be jumping up and down and even though he is a Commissioner he thinks it should go back to the CABMWs for discussion.

Commissioner Capurro said in #7 paragraph, page 1, should remove in next to last line remove "the authorization."

Chairman Raine agreed that is an option.

Commissioner Wallace agreed with Commissioner Cavin's comment as everyone in the room received the resolution today and all need to return home read it and understand it better.

Commissioner Lent said he has been around as long as Commissioner Cavin and knows the Department makes decisions that don't go to the CABMWs but sometimes the Commission has something in front of them and needs to make the decision. This does not have anything to do with game in the counties which is major function of CABMWs and is an administrative procedure of the Commission.

Chairman Raine said to correct the word amici to amicus throughout the resolution.

Commissioner Howell asked for the DAG opinion on discussion of word "authorization" in seventh paragraphs whereas on page 1.

DAG Stockton said his preference would be to strike "authorization."

Commissioner Vogler said he received email from other parties as to why he would go along with this as a Commissioner representing livestock and would ask CABMWs if they were informed of this lawsuit, and thought it went back to original filing or something but this is Feb. of 2011, and matter of compensation but wants to distance himself from the brief and wants this on the record and thinks out of courtesy something this inflammatory should have been discussed with the Commission.

Commissioner Wallace said he did not receive any emails and asked if any other Commissioners received those emails and if they were put in the public record.

Commissioner Vogler said he was on a issue with Taxation Commission where an Open Meeting Law issue cost \$9 million and when he gets an email he is scared to death and does not forward the email or call anyone as that could potentially violating the law if forwarded to four people.

Commissioner Wallace said if important enough to have this in front of us today it could have been presented under correspondence in April.

Chairman Raine said this did come up which is why he added it to the agenda, people like to criticize when somebody comes up and if you have problem bring it up, he has had lots of people calling him up about this item from different associations and Cattleman groups have contacted him and asked him if we lost our gourd and that is the general context of it. He told them it wasn't him.

**COMMISSIONER LENT MOVED TO CORRECT AMICI TO AMICUS, EIGHT WHEREAS FROM TOP ELIMINATE COMPLETELY, NINTH WHEREAS FROM TOP ELIMINATE JOSEPH FELLER A SENIOR ATTORNEY, ON SECOND PAGE, ON THIRD WHEREAS ELIMINATE THAT COMPLETELY, ON FIFTH WHEREAS END ON SECOND LINE WITH PERIOD AFTER TABLE MOUNTAIN ALLOTMENT, THE LAST SENTENCE CHANGE AMICI TO AMICUS, NEXT LINE THAT STARTS FURTHERMORE CORRECT AMICI TO AMICUS AND SIGNATURE LINE. MOTION SECONDED BY COMMISSIONER HOWELL.**

Chairman Raine read the resolution in full with changes.

**COMMISSIONER CAPURRO MOVED TO AMEND SEVENTH WHEREAS NEXT TO LAST LINE REMOVE "AUTHORIZATION OR." COMMISSIONER VOLGER SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF AMENDMENT: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER. COMMISSIONERS OPPOSED WALLACE AND MCBEATH. AMENDMENT PASSED 6 - 2. CHAIRMAN RAINE DID NOT VOTE. MAIN MOTION ON FLOOR AS AMENDED.**

Commissioner McBeath said it is disingenuous for this Commission to state that this agenda item disclosed what would be discussed here today, as the agenda item states:

"Hage Lawsuit Update and Resolution - Chairman Raine – Action

The Commission will hear a report on the Hage lawsuit and may draft letters, resolutions and or policy concerning this item."

He said it says nothing about amicus brief and very misleading as projecting "may write letters" in the future and what happened here is another staged event, is a cookbook, laid out in advance of meeting by the Commission, as the agenda item does not even denote discussion of amicus brief. He has not been able to look into this and neither have the CABMWs or anyone else in the public. He asked the Commission DAG to explain how we could move forward with this resolution.

DAG Stockton said he has said to the Commission many times before that if support material presented to the Commission as same time as public that is not a violation of the Open Meeting Law, and if you chose not to act for that reason, that is fine. To say that this violates the Open Meeting Law is incorrect, that amicus brief is part of the Hage lawsuit and you can vote on this and would fully support taking more time, but the characterization made that this violates the Open Meeting Law is not correct.

Commissioner Lent takes offense to Commissioner McBeath's comment that this item was orchestrated, or cook booked, he did not talk to anybody, just because something does not go a certain Commissioners' way they say it was orchestrated. He made his decision today.

Chairman Raine said he had hoped every Commissioner and Commissioner McBeath would have brought something forward on this item and documentation.

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

26 Commission Policy #28, Mule Deer Policy, Second Reading – Chairman Raine - Informational

Chairman Raine said MA 3 Jolly denoted the changes to the policy and she projected the policy onto the screen.

Commissioner Cavin provided his previous edits: Section 1, "shall" to "should," second sentence same paragraph, to remove sentence starting with "Existence and ending with requirements." He said he had requested that sentence to be deleted.

Chairman Raine said that is an option for tomorrow.

Commissioner Capurro said next line in Section 1 should have change to third sentence, change "Department" to "Commission" possibility. He had same note as Commissioner Cavin relative to entire section.

Chairman Raine said that is a possibility and "in accordance with state law" is there still.

DAG Stockton said with Section 1 "in accordance with state law" requires the director to initiate paperwork and is a long drawn out process. He said he will need to think that through further.

MA 3 Jolly showed the changes on the screen and noted she will fix the formatting and dates upon adoption.

Commissioner Cavin continued, Section 3, first paragraph, last sentence, was possible deletion.

Section 12, propose delete entire second sentence.

Chairman Raine concluded the second reading.

27 Commission Policy #67, "Federal Horses and Burros," Second Reading – Chairman Raine - Informational

Chairman Raine said change is the "shalls" replaced with "should" and "will" on first page under Policy A. changed to "should" and concluded the second reading.

28 Commission Policy #10, Wildlife Heritage Tags and Vendors, Final Reading – Commissioner Lent - Action

Chairman Raine said the Commission may take action to adopt Policy #10 with changes from the first and second readings held by the Commission on April 16 and May 12, 2011.

DAG Stockton said yesterday two options suggested and purpose is to address Heritage tags being resold and control the resource and not sell tags for private profit. He came up with language and provided the section and MA 3 Jolly displayed that on the screen (exhibit file). DAG Stockton said the first paragraph deals with conclusion of bid and designating name on the big game Heritage tag; second paragraph allows buyer to designate someone to have tag and for some reason they don't want it they contact NDOW and can change name on tag for use by someone else, and NDOW would confirm that person is eligible and not a second vendor; third paragraph is where he is interpreting the law to accomplish the goals of the Commission, and that states that the Commission may sell tags by sealed bid or auction and bootstrapping that language to saying who will be a vendor of these tags. Lastly, the last statement that a vendor may not allow a big game Heritage tag to be auctioned a second time.

Rex Flowers, Washoe CABMW, said board opposed to any changes to policy as written now.

Paul Dixon, Clark CABMW, asked DAG Stockton for clarification of definition of meetings and is this considered three meetings or one meeting.

DAG Stockton said position of Attorney General's office even though part of same meeting each day is a separate meeting for purpose of first, second readings.

Jim Jenne, Lyon CABMW, said they discussed this at length and their recommendation was to leave policy as originally written.

PO III Hullinger said to DAG Stockton that Commission Regulation has language in the special regulation section that organization shall submit full amount of bid and name of hunter within 30 days after auction is held and draft language states at conclusion of bid shall designate eligible hunter, and that would be a conflict with policy versus regulation.

DAG Stockton said if policy passed that regulation would need to be changed to match.

Candido Mendive, Elko CABMW, said they voted to oppose any changes to the policy. Commissioner Howell said to DAG Stockton that any three suggestions could be used.

DAG Stockton said correct but totally up to the board.

Commissioner Capurro said likes to keep it simple and provided a sample of language: A vendor may not allow a tag to be auctioned, resold, bartered or traded a second time.

Commissioner Vogler understands purpose is to plug a loophole and 30 days allows tomfoolery.

DAG Stockton said NBU explained that 30 days is needed to allow time for purchaser's funds to clear the bank.

Commissioner McBeath said seems to him what is happening here is the Department gives blank tag to the vendor and what happens is the auction occurs and there is 30 days to put name of hunter on that tag and until that happens there is no tag. In effect, what is transferred is power of appointment and ability of person's name to go on the tag. Not sure that the language get us there, and have a statute that states you can't even transfer a tag, and if you agree with that distinction we may need to tweak that still.

DAG Stockton said we discussed that yesterday and best he could do with concept with limited time he had.

Commissioner McBeath proposed "Buyer may thereafter designate an alternative person, and changed buyer to bidder."

DAG Stockton showed the proposed language on the screen.

Commissioner Lent said why can't we make it simpler and state, a vendor for big game heritage tags, may not barter, trade or resell a tag for a second time, which is what we are trying to do.

**COMMISSIONER LENT MOVED TO AMEND COMMISSION POLICY #10 TO READ A NEW #5 TO READ A VENDOR FOR BIG GAME HERITAGE TAGS MAY NOT RESELL, AUCTION, BARTER, OR TRADE A SECOND TIME WITHOUT APPROVAL OF THE BOARD OF WILDLIFE COMMISSIONERS, AS RECOMMENDED BY COMMISSIONER MCBEATH TO BE MADE A FUTURE COMMISSION AGENDA ITEM OR COMMISSION REGULATION: AT THE CONCLUSION OF A SUCCESSFUL BID FOR A BIG GAME HERITAGE TAG THE BIDDER OR BIDDER'S AGENT MAY DESIGNATE THE NAME OF THE HUNTER TO APPEAR ON THE BIG GAME HERITAGE TAG, A BUYER MAY NOT TRANSFER A BIG GAME HERITAGE TAG TO A THIRD PARTY WITHOUT THE APPROVAL OF THE NEVADA BOARD OF WILDLIFE COMMISSIONERS AS REQUIRED BY NRS 502.250 (5). COMMISSIONER CAPURRO SECONDED THE MOTION**

Commissioner McBeath said the problem with striking second paragraph is to take into account a different scenario than third paragraph. Second paragraph deals with someone putting another name on there, and have Department oversight. Third paragraph is to deal with vendors selling or pocketing the difference from another transaction.

Commissioner McBeath said all of the language shown on power point should be shown in the policy and have to change the regulation to conform.

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

29 Commission Policy Duck Stamp Procedure, Final Reading – Commissioner Lent – Action

Chairman Raine said we had suggestions last time and asked for public comment.

Rex Flowers, Chairman Washoe CABMW, said they are opposed to the changes and want to keep the policy the same. He said the Nevada Waterfowl Association representatives attended their meeting and they are opposed as well as wanted seven individuals instead of five and two instead of three Commissioners, and the \$3,000 bonding will not be accepted.

Commissioner Howell said he has no heartburn with the number of judges either way.

**COMMISSIONER CAVIN MOVED THAT WE ADOPT COMMISSION POLICY #50, NO CHANGES IN #1 NO CHANGES KEEPING THE ORIGINAL, #2 NUMBER CHANGE, #3 ALL ENTRIES MUST BE ORIGINAL ARTWORK, NO #4, AND GREEN #5 WILL BE #4 AND GREEN #6 NEW LANGUAGE WILL BE NEW #5 NO JUDGE WILL HAVE INTEREST OR CONTACT WITH ENTRANT PRIOR TO JUDGING, AND GREEN #7 BECOMES #6. COMMISSIONER MCBEATH SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0.**

30 Transference of Heritage Tags Between Parties and or Vendors – Chairman Raine – Action

Commissioner Lent provided the background: A tag was sold for \$37,000 by the Wild Sheep Foundation and bought by member of NBU and then was called a Nevada Heritage tag and was re-auctioned for \$55,000 which is a difference of \$18,000 and he wants to know why the money is not back in the Heritage account for the Heritage Committee and Commission to approve how it is spent the letter states that the money will be spent on wildlife but don't know that for sure.

Mike Bertoldi, President of NBU, he said he was advised by their legal counsel not to answer question as to where money is going, they voted to direct the money be spent on NDOW projects and that is where they stand on it. He said a few comments regarding vendors, they

have been a vendor and over last nine years that he personally knows of, have auctioned at least 25 tags and had two times where the high bidder had buyer's remorse and did not buy the tag, and you may have to go to the next bidder and the policy needs to address that, and the other thing is once the vendor collects money they have no control over what happens with the hunter and that tag. As once they transfer the tag to the buyer and get the money they are done.

DAG Stockton said in process of development of Policy 10 he stated his position on this. The language in statute is not as clear as it could be which is why we are adopting Policy 10 and should fix by adopting Policy #10. NBU open with what happened here, and personally, with no offense to NBU but if they did not use it for wildlife they could be in trouble as special benefit for hunters created by the legislature and not a threat just troubling from a policy perspective. In his opinion again the statute not as clear as it should be, and his opinion is money from auction should go to Heritage Trust Fund Account and that is what should be done through Policy 10. The remedy is to go forward with legal process.

Commissioner McBeath said he is happy that this occurred with NBU as they are an organization that will make sure this is done right. Heard of someone purchasing elk tag and reselling it with money going in their pocket, and that is disturbing. As to the statute, he talked to many people and came down to the statute being vague and talked of tags and ability to transfer application, NBU transaction really is not the transfer of the tag but the ability to put someone's name on the tag and takes it out of statute and viable position. He said he would be troubled with saying illegal what they did and to truly fix this it needs to be NRS change and to get there via Commission regulation he would be happy with that.

Commissioner Capurro said the Commission should send letter to NBU that whatever revenue derived should be returned to Heritage Account as there no question that is Heritage Account money.

Commissioner Lent said heard testimony not our business and heard they are getting legal advice and we should too and get legal opinion on how to get the money back.

**COMMISSIONER LENT MOVED THAT WE SEND A INQUIRY OR REQUEST FROM EITHER OUR DAG OR AG OF LEGALITY OF RESELLING HERITAGE TAG WITH THIS LETTER TO GO ALONG WITH IT AND AT THE SAME TIME SEND LETTER SIGNED BY CHAIRMAN TO NBU THAT WE FEEL AND DRAFTED BY CHAIR TO NBU REQUESTING THAT THE PROFITS OF RESALE OF HERITAGE TAG BE SENT TO THE HERITAGE ACCOUNT. COMMISSIONER SHRUM SECONDED THE MOTION.**

Commissioner Cavin asked for clarification of motion and is the request to send the difference to the Heritage Account in the amount of \$18,000.

Commissioner Lent clarified it is the profit, \$18,000.

Chairman Raine clarified that one letter be sent to NBU for \$18,000 for return of funds to the Heritage Account, stipulated review by DAG on his letter.

Commissioner McBeath said he will not vote for this as vagueness in the statute and feels this is a wasted effort and is comfortable with NBU doing what they say with the funds, and he will not be supporting the motion.

Chairman Raine stated two letters to be sent.

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

Meeting adjourned 3:50 p.m.

May 14, 2011 – Saturday – 8 a.m.

Call to Order – Chairman Raine called the meeting to order and asked for roll call of the Commission.

Commissioners present for Roll Call: Raine, Lent, Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace.

Roll Call of CABMW Members: Gil Yanuck, Carson; Candido Mendive, Elko; Paul Dixon, Clark; Bill Meyer, Lyon; Glenn Bunch, Mineral; Jim Jenne, Lyon; Eric Scheetz, Douglas; Jesse Lattin, Churchill; Glen Copeland, Washoe; Joe Crim, Pershing; Rex Flowers, Washoe; and Shane Boren, White Pine.

Chairman Raine said a Commissioner asked to move the two policies ahead of agenda item #34, in essence move #35 and #36 ahead of #34. In order to do so we need to suspend the rules.

**COMMISSIONER CAPURRO MOVED TO SUSPEND THE RULES. COMMISSIONER VOGLER SECONDED THE MOTION.**

Commissioner Cavin said he is not in favor of moving them as the Commission approved the agenda as is yesterday.

Commissioner Capurro said the reason to change the agenda is to get the two policies out of the way before big game discussion.

**COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, HOWELL, SHRUM, AND VOGLER. COMMISSIONERS OPPOSED: CAVIN, MCBEATH, WALLACE. TWO-THIRDS REQUIRED FOR SUSPENSION OF THE RULES, MOTION FAILED. CHAIRMAN RAINE DID NOT VOTE.**

31 Member Items/Announcements –

Commissioner Howell provided an email (exhibit file) regarding the harm ravens do to sage grouse.

Commissioner Lent provided an email from BLM Ely District (exhibit file) supporting the Department's antlerless cow elk hunts.

Commissioner Cavin said just a comment that he had to four to five calls with folks upset with us moving the cow elk season hunts later, biggest concern from sportsmen.

32 CABMW Member Items -

Paul Dixon, Clark CABMW, said public at their meeting said years ago NDOW recommended an 80/20 split for early late seasons and now we are running 90/5 split with the late seasons a trophy hunt and they wanted him to ask Commission to think as we go through quota setting whether the split is stressing deer, or should we go back to NDOW's recommendations

33 Public Comment Period

Rex Flowers, Washoe CABMW, said we heard yesterday from Commissioner Vogler regarding email that he received with some concerns and he was afraid to pass the email on to other Commissioners, and Commissioner Lent said he received emails asking to go back to split season and he even attended their quota setting meeting, and they had not heard that. If you get these comments and emails and forward to Department you would not be contacting other Commissioners and the Department could forward those emails to the CABMWs so that they could make informed and better decisions, would be helpful for them to receive that correspondence.

DAG Stockton said Mr. Flowers suggestion would be fine under the Open Meeting Law, you can forward emails, but if you reply "to all" with comments that is where you violate the Open Meeting Law.

Paul Dixon, Clark CABMW, suggested that the Commission forward emails to the CABMWs through the Department staff to allow meaningful discussion on the item as when it is presented at the meeting that does not allow them to provide meaningful input.

- 34 Commission Regulation 11 – 10 Big Game Quotas 2011 and 2012 – Big Game Biologists  
Mike Cox and Tony Wasley – Action

**2011 COUNTY WILDLIFE ADVISORY BOARD  
BIG GAME QUOTA RECOMMENDATIONS**

*Only Alternative Recommendations to Those Proposed by NDOW are Listed*

Counties that forwarded recommendations to NDOW were: CC, CH, CL, EL, EU, HU, LA, LN, LY, MN, NY, PE, WA and WP

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**Resident Antelope - Horns longer than ears - Any Legal Weapon Hunt 2151**

HU – Unit Group 041, 042 to be 97 tags 1st hunt, 57 for the 2nd hunt totaling 154 resident tags.  
WP – Due to the population decline in Units 078,105-107,121 recommend 39 rifle tags.

**Resident Antelope - Horns longer than ears - Muzzleloader Hunt 2171**

WA – Return to 2010 numbers. 111-114, 5 to 7; 115, 231, 242, 2 to 3; 131, 145, 163, 164, 3 to 4; equals 24 muzzleloader tags.

**Resident Antelope - Horns longer than ears - Any Legal Weapon Hunt 2161**

LN – Units 221-223, 241, increase quota from 6 to 9, (2010 quota). Small increase in hunter opportunity. Low success on this hunt.

**Resident Antelope – Horns shorter than ears – Any Legal Weapon Hunt 2181**

**Nonresident Antelope - Horns shorter than ears -Any Legal Weapons Hunt 2251**

**Nonresident Antelope - Horns longer than ears - Any Legal Weapon Hunt 2261**

HU – Unit Group 041,042 have 15 tags 1st hunt and 5 tags 2nd hunt totaling 20 for nonresident tags.

**Resident Elk - Antlered - Any Legal Weapon Depredation Hunt 4102**

**Resident Elk - Antlered - Any Legal Weapon Hunt 4151**

CH – Unit Group 161-164, 171-173 Early, the same quota (12) as in 2010.

NY – Unit Group 161-164, 171-173 Early, set at 4 tags, and the Mid and Late seasons to have a quota of 30 tags each. By raising the early season by 3 and decreasing mid and late seasons to 30 each, the same amount of bulls NDOW recommended should be harvested.

WA – Unit Groups 161-164, 171-173 Early, add 6 tags for a total of 7.

WP – Unit Group 104, 108, 121 reduce quota from 28 to 24. In Unit Group 108, 131, 132 Early reduce the quota from 3 to 1.

**Resident Elk - Antlered - Muzzleloader Hunt 4156**

CH – Unit Group 161-164 the same quota (5) as 2010

**Resident Elk - Antlered - Archery Hunts 4161**

CH – Unit Group 161-164, the same quota (6) as 2010.

MN – Why is there such a large reduction in tags for Units 223, 231, 241, 242 from 25 to 13?

**Resident Elk - Antlerless - Any Legal Weapon Hunt 4181**

LN – Units 223, 231, 241, 242 early, (Oct 1-16), decrease quota from 84 to 76 (2010 quota). Good success on this hunt. High hunter congestion, this hunt runs during the Any Legal Weapon Mule Deer Hunt. Reducing quotas will reduce congestion and provide a better quality hunt for both the Cow Elk and Mule Deer. In Units 223, 231, 241, 242 Late, (Dec 5-Jan 1). Increase quota from 164 to 184. Longer season allows more opportunity.

WP – Unit Group 111-112 is a new season and the unknown weather conditions the Board feels that we should reduce the quota from 442 to 300. Unit 113 reduce quota to 38. Unit 221, reduce the quota to 44 and in Unit 222 reduce the quota from 362 to 230.

**Resident Elk - Antlerless - Muzzleloader Hunt 4176**

LN – Units 223, 231, 241, 242, (Sept 16-30), decrease quota from 56 to 26, (2010 quota was 55). Reduce the amount of pressure during the peak of the rut. Increase hunts quality.

**Resident Elk - Antlerless - Archery Hunt 4111**

**Nonresident Elk - Antlered - Any Legal Weapon Hunt 4251**

**Nonresident Elk - Antlered - Muzzleloader Hunt 4256**

**Nonresident Elk - Antlered - Archery Hunt 4261**

**Resident Nelson (Desert) Bighorn Sheep-Any Ram-Any Legal Weapon Hunt 3151**

**Nonresident Nelson (Desert) Bighorn Sheep-Any Ram-Any Legal Weapon Hunt 3251**

**Resident California Bighorn Sheep - Any Ram - Any Legal Weapon Hunt 8151**

**Nonresident California Bighorn Sheep - Any Ram - Any Legal Weapon Hunt 8251**

**Resident Rocky Mountain Bighorn Sheep - Any Ram - Any Legal Weapon Hunt 9151**

**Resident Mountain Goat - Any Goat - Any Legal Weapon Hunt 7151**

WA – Units 101 add 1 goat tag for a total of 3, grand total 9.

**Nonresident Mountain Goat - Any Goat - Any Legal Weapon Hunt 7251**

WA – Unit 101 reduce 1 tag to zero, grand total of 1.

**Resident Junior Mule Deer - Antlered or Antlerless – Archery, Muzzleloader or Any Legal Weapon Hunt 1107**

EU –10% reduction in the proposed quota for all mule deer hunts in Area 14.

### **Resident Mule Deer - Antlered - Any Legal Weapon Hunt 1331**

CH – Unit Group 181-184 quota should be the same as 2010 (184).

HU – Unit 035 to return to last year's quota for all seasons.

LN – Unit Group 221-223 early, reduce quota from 490 to 450. Unit Group 221-223 late, reduce quota from 24 to 23 (95%-5% split). Unable to do Fall flight surveys for accurate B-D ratios, relatively low success.

Unit 231, reduce quota from 158 to 128, (2010 level). Unable to do Fall flight surveys for accurate B-D ratios.

Junior Hunt has increased quota. Unit 231 also has approximately 60 landowner compensation tags within the area. Landowner tag hunter success is high and account for approximately 40% of the total tag quota.

PE – Units 041 and 042 do not increase the tag amount to 38 leave a 34.

WA – Unit 014 Early, add 3 tags, for a total of 68, and in Unit 014 Late, subtract 3 tags for a total of 17, grand total remains unchanged. This changes % split to 80/20.

WP – Unit Group 111-113 Early reduce the quota from 425 to 400; in Unit Group 111-113 Late reduce the quota from 48 to 40; Units 114-115 Late reduce the quota from 16 to 7; Unit 121 Early reduce the quota from 199 to 171; Unit 121 Late reduce the quota to 9; Unit Group 131-134 Early reduce the quota from 234 to 200; Unit Group 221-223 Late reduce the quota to 19.

### **Resident Mule Deer - Antlered - Muzzleloader Hunt 1371**

MN – In Units 202, 205, 206 from 2 to 4 tags.

### **Resident Mule Deer – Antlered – Archery Hunt 1341**

CH - Unit Group 181-184, quota should be the same as 2010 (40), 13% harvest ratio in 2010.

MN – In Units 202, 205, 206 from 7 to 9 tags

### **Resident Mule Deer - Antlerless - Any Legal Weapon Depredation Hunt 1101**

### **Nonresident Mule Deer - Antlered - Any Legal Weapon Hunt 1331**

LN – Unit Group 221-223, reduce quota to 32, reflecting resident reduction stated above. Unit 231, reduce quota to 9, reflecting resident reduction stated above.

WP – Units 114-115 do a 90/10 split.

### **Nonresident Mule Deer - Antlered - Muzzleloader Hunt 1371**

### **Nonresident Mule Deer – Antlered – Archery Hunt 1341**

### **Resident & Nonresident Deer and Antelope Landowner Compensation – Either Sex – Hunts 1115, 1215, 2115, 2215**

#### **Other Recommendations:**

CH – The Churchill County Advisory Board would like to receive the support material for this task in a more timely manner as it causes problems to perform this task in the short amount of time with the proper consideration to the support materials and meet the requirements considering the state meeting dates.

CL – The Clark CABMW was concerned about what the Commission might do to mule deer quotas based on the new policy wording. As a CABMW we felt strongly that the NDOW quota recommendations should be honored as the Buck/Doe and Doe/Fawn ratios presented at the last Commission meeting provided the scientific data to support the presented quotas. Finally, the Clark CABMW asks that there be a Commission discussion on the percentage splits between the early and late season mule deer hunts. The NDOW recommendation several years

ago was that the split should be 80% early tags and 20% late tags. The ratios this year are now more like  $\pm 90\%$  early. An open discussion on this topic during quota setting is warranted.

### Antelope

Big Game Biologist Cox said antelope numbers up statewide with good hunter success.

#### Public Comment –

Glen Copeland, Washoe CABMW, said on 2171 that they wanted to go back to 2010 season numbers and is only four tags. Units 111 -114, five to seven; 131, 242, two to three; 145 163, 164 from two to four.

Michael Jurad, Humboldt CABMW, provided his recommendation for Hunts 2151/2152 as per the summary provided by the Department (exhibit file). He said the reason for their recommendation is because it was one solid season and then the season was split and instead of two circuses, put more tags in the first season, and less in the second so those hunters can have a quality hunt. Personally in his opinion he believes too many tags and should not have more than 100 tags.

Shane Boren, White Pine CABMW, said for Unit 078 the book shows a population decline and quota is increasing from 35 to 53 and they were concerned with population decline. Units 078, 105 – 107, 121 recommended.

Commissioner Capurro said the estimated antelope population for the state is 27,000 animals an all time high with increase of 4 percent in population from last year, 35 per 100 does split is what provided for the increase, NDOW has matched the increase in population with increase in tags.

Big Game Biologist Cox said this is why a model is used as in this case last year's fawns not as good as 2009 crop and provides for growth and those fawns are yearling bucks this year and yearling bucks cannot legally be harvested.

**COMMISSIONER CAVIN MOVED FOR HUNT 2151 CHANGE UNIT 041, 042 EARLY TO 97; 041 042 LATE TO 57; 078, 105 – 107, FROM 121 TO 39. HUNT 2171 UNIT 111 – 114, FROM FIVE TO SEVEN, 115 – 231, 242, GO FROM TWO TO THREE; UNIT 131, 145, 163, 164, FROM THREE TO FOUR; PAGE 3, 2251, 041, 042 EARLY FROM TEN TO 15; 041. 042, FROM 10 TO FIVE; 2161 UNIT 221 – 223, 241, GO FROM SIX TO NINE; LEAVE ALL OTHER HUNTS AND RECOMMENDATIONS AS RECOMMENDED. COMMISSIONER MCBEATH SECONDED THE MOTION.**

Commissioner Lent said on the recommendation wants to keep this within demand/success for muzzleloader Hunt 2171.

**COMMISSIONER LENT MOVED TO AMEND ON HUNT 2171 UNITS 111 – 114 TO GO BACK TO PROPOSED QUOTA OF DEPARTMENT WHICH IS FIVE. UNITS 115, 231, 242 AS DEPARTMENT RECOMMENDED TWO; UNITS 131, 145, 163 AND 164 TO BACK TO THREE. COMMISSIONER HOWELL SECONDED THE AMENDMENT TO THE MOTION. COMMISSIONERS IN FAVOR: RAINE, LENT, CAPURRO, HOWELL, AND SHRUM. COMMISSIONERS OPPOSED: CAVIN, WALLACE, MCBEATH, AND VOGLER. MOTION TO AMEND PASSED 5 – 4. CHAIRMAN RAINE VOTED.**

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

### Elk

Shane Boren, White Pine CABMW, said they presumed 10 percent for nonresidents and did not get into nonresident issue. Hunt 4151 they had a problem with 121 as elk numbers increasing and doing well, has small problem as did not want bull quota increased by 55 percent they would rather take it over a period of time, and are recommending 24 instead of 28. Units 131, 132, and 108 Early hoping to have hunt switched to another area to give it a rest as they have a concern with all the special tags such as PIW and believe that the trophy component of the unit will be harmed and do not want an early hunt, recommending one instead of three. For Hunt 4181 antlerless elk, they are concerned 111, 112, is with removal of early Oct. cow hunt, they are worried about that big of a quota and you end up with December snowfall like this year a week earlier and end up with three feet of snow on Schells and concerned with level of kill and without data on this unit for that late hunt that is their concern with 111, 221 and 222, those three cow elk seasons. For 113 they bumped that up early as recognize majority of cows you are hunting are off the reservation.

Glen Copeland, Washoe CABMW, said on Hunt 4151, units 161 – 164, 171 - 173, they really do not agree with one tag as most sought after hunt in the state and they want to keep as a trophy hunt and increase the tags to seven. Also, in same unit there is one nonresident tag that was not there last year.

Biologist Cox said the recommendation for one tag is NDOW wanted to expose hunting to Area 17 and still do not have a population that they believe is over 75 animals in there, and biologist suggested as we sometimes do, to attach to another unit group, 171, 173, with 161 – 164, and recommendation had no early season established. In hindsight may have needed to take that separately.

Glenn Bunch, Mineral CABMW, said they had questions on Hunt 4161, Units 223, 231, 241, 242, why the large drop in that area and is an archery hunt and not that big of a threat.

Biologist Cox said demand/success is what was used to get the 13 tags. Over the years we have had interesting quota meetings on elk and what has happened a lot is Lincoln CABMW would propose to reduce rifle tags and shift those tags into muzzleloader and archery and historically if you go back a few years you will see that bartering was a way to reduce rifle quotas and that is why that number is different.

Paul Dixon, Clark CABMW, said a question from their CABMW meeting, is if we have a higher success rates than in demand/success ratios, what will that do to overall cow population that you are giving tags, and if success rate goes up with late season and is concerned that will make major population shifts assuming lower success rate.

Biologist Cox said we won't know until it happens, and every unit group is different and no one is alike, and our experience with heavy snow, is that elk do not care; however, vehicles have a difficult time and is just not one-sided approach there is a lot of country between mountain and valley and hunters may not be able to get to them.

Commissioner McBeath said in 222 and 221 you have three Wilderness Areas within those units and if we have December snow that will be a difficult hunt and he made that comment at season setting that hunters will not be able to get around and after looking at this was shocked at the numbers but would agree after hearing what the success rate is.

**COMMISSIONER LENT MOVED ON ELK HUNT 4102 AS DEPARTMENT RECOMMENDES, INCLUDE HUNT 4151, UNIT 161 -164, 171 -173 EARLY, TO BRING BACK TO ALIGN WHAT DEPARTMENT RECOMMENDED INCREASE FROM ONE TO 10 AS DID NOT REDUCE THE ARCHERY; HUNT 4156 AS DEPARTMENT RECOMMENDE; HUNT 4161 AS DEPARTMENT RECOMMENDS; ON NONRESIDENT 4251 AS DEPARTMENT RECOMMENDS WITH THE TOTAL BEING 104 INSTEAD OF 98; HUNT 4256 MUZZLELOADER TOTAL QUOTA OF 11 INSTEAD OF 9; NONRESIDENT ARCHERY HUNT 4261 CHANGE TO 18 FROM 14. COMMISSIONER CAPURRO SECONDED THE MOTION.**

Commissioner Capurro asked if for all three hunts in 161 if he intended to reduce the quota in the other hunts with that increase to accommodate demand/success.

Chairman Raine clarified that the motion include that 161 late be 27, and 161 middle to be 27.

**COMMISSIONER MCBEATH MOVED TO AMEND TO ADD TO HUNT 4151 THE UNIT GROUP 104, 108, 121, FROM 28 TO 24; AND THE NEXT UNIT GROUP 108, 131, 132, TO CHANGE FROM THREE TO ONE (WHITE PINE CABMW RECOMMENDATIONS); CHURCHILL CABMW HUNT 4156 161 - 164, 171 - 173 TO GO FROM THREE TO FIVE AND 4161, 161 – 164, 171 – 173 FROM THREE TO SIX. MOTION TO AMEND FAILED FOR LACK OF SECOND.**

Commissioner Capurro said he could go along with some of the changes but not all of them.

**COMMISSIONER CAPURRO MOVED TO AMEND MOTION ON HUNT 4151 104, 108, 121, QUOTA FROM 28 TO 24. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE AMENDMENT: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.**

**VOTE ON AMENDED MAIN MOTION AS SHOWN ON SCREEN - COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 8 – 0.**

Antlerless Elk

**COMMISSIONER VOGLER MOVED FOR HUNT 4181 TO ACCEPT THE NUMBERS PRESENTED BY NDOW EXCEPT 113 GO TO 48 INSTEAD OF 39. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 8 – 0.**

**COMMISSIONER MCBEATH MOVED TO APPROVE ANTLERLESS HUNTS 4176 AND 4111 AS PRESENTED BY NDOW. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.**

Bighorn Sheep and Mountain Goat

Biologist Cox provided an overview of the population status of bighorn sheep and mountain goat.

Glen Copeland, Washoe CABMW, voted on Resident Hunt 7151 in comparison to Nonresident Hunt 7251 that the decrease in tags was from 17 to eight, but the two nonresidents stayed at two and concerned about the 10 percent. Their suggestion was to move 101 to resident from two to three and change 7251 from one to zero and nine tags for residents as very difficult tag to obtain. He said they understand a zero quota is not an issue.

Walt Gardner said on goat he would rather have nonresident out of 102 than 101, thinks the herd on Rubies has been hurt worse than the herd on the East Humboldts.

George Corner, Nevada Outfitters and Guides Association (NOGA), said they got numbers from NDOW biologist on the goat populations, 126 in 102, and 93 in 101. He said they believe that the Department is justified in reducing number of tags and may be even more and had reports that animals had diseased lungs and support taking the nonresident quota in 102 and not add it to the resident tags.

Biologist Cox said this goes back to the season setting process and biologists flew both units in Aug 2010 and did not see adults that normally are seen where we normally see them in 101 and 102, and did not fly again until February and early March when season already set. Staff is concerned about interaction between mountain goat and bighorn sheep although have not seen mountain goats succumb to the same pathogens as bighorn sheep. He said they did see adults but did not see any kids so biologists are nervous about tag numbers and may have been the nanny hunt and take and probably should have taken one of the units off the table in February.

Discussion ensued over having a hunt unit with zero quota.

Commissioner Lent said responsibility to protect the resource and he remembers last year it was due to the agenda not denoting closure of a unit. If staff tells us there is a problem than we should close the unit and too many nonresident tags and we should not be afraid to eliminate the nonresident.

Commissioner Cavin said the resource is okay it is not perfect and we do not have an emergency and thinks we have an obligation to people who apply to have the chance to draw. Problem with a bonus point is next year will be no nonresident hunt and giving them a bonus point is giving them nothing, obligation to proceed and suffer through one year. Next year could be closing the season.

Big Game Chief Gilbertson said biologically there is no concern. In the winter flight we observed 93 goats in 101 and did see kids. When the goats were planted the population started with only six goats. We will never say we see all the goats. If three nannies were taken in 101, we still have 90 goats, which is a far cry from the six we started with. In the other Unit 102, 126 goats surveyed, 113 adults and six kids, and with six tags there we would only be down to 120 goats. He said it is not a biological issue and for next year we will act accordingly in 103 with the die-off to make appropriate recommendations.

Commissioner Howell said you were to address the 10 percent and how you got around that with two when only eight tags.

Biologist Wasley said historically when goat tags increased and we had result of Taulman lawsuit and opened up a nonresident hunt. Out of concern with exact situation we are facing and the Department did not want to appear discriminatory against guides and outfitters to have areas of geographic responsibility and we allowed nonresidents to hunt either 101 or 102 allowing us to take quota to one in event of disease issue and allow them to choose guides fairly. There is a perception perhaps by sportsmen that unfair to be allowed advantage to be allowed to hunt both and now we have the separate units with minimum quota of one. He said we decreased resident quota commensurate with concern with increased nanny harvest and disease and that increased percentage from what we are required to provide to 20.

Commissioner Lent said not 10 percent and if we stay with 10 percent let's give them one. Chairman Raine switched discussion to bighorn sheep and asked why tags cut back in 262 by one tag and 271 by one tag, and asked if the reason was a population issue.

Biologist Cox said NDOW follows the state Bighorn Sheep Management Plan, and entails collecting data and using population models and known harvest and all that information is an attempt to track the population and for the hunt, the age structure of the rams so when we see our criteria for establishing the quota at 50 percent of the model rams that are six year or older or 8 percent not to exceed 50 percent, and these rams being killed from three to 12 years of age born years ago and tracking those cohorts through time, and account for known harvest and it happens we are below the 50 percent of six years or older with six tags and that is why reduced to five.

Commissioner Wallace said several emails received (exhibit file) from Esmeralda CABMW members and although they were not able to meet they are very concerned about jump to nine and seven in 211 north and south. They feel that is a huge number as there is hunter congestion, and 211 is a small area for that number of hunters. He asked if staff would oppose a recommendation seven in the north seven and four in south.

Big Game Biologist Cox said page A31 tells average age of rams for 2010, longer term A35 the average age of all rams killed since 1992 is 5.7, no trend showing that we are below 6.0 if that was the case last year and poor lamb recruitment for five or six years, reduction would be warranted, Biologist Donham would have seen the data and NDOW comfortable with recommendation.

**COMMISSIONER LENT MOVED FOR HUNT 3151 (DESERT BIGHORN SHEEP) TO TAKE NDOW RECOMMENDATIONS AND NONRESIDENT HUNT 3251 AS NDOW RECOMMENDED. COMMISSIONER VOGLER SECONDED THE MOTION.**

Commissioner Capurro said our resident quota shows 201 and nonresident 22 why not 20.

Biologist Cox said we had it combined 221 and 10 percent is 22.

**COMMISSIONER WALLACE MOVED TO AMEND THE NELSON DESERT BIGHORN SHEEP HUNT FOR 211 NORTH TO EIGHT AND 211 SOUTH TO SIX WHICH ARE THE 2010 QUOTAS, AND THE NONRESIDENT AS PRESENTED. COMMISSIONER MCBEATH SECONDED THE AMENDMENT MOTION. COMMISSIONERS IN FAVOR OF THE AMENDMENT: CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM AND VOLGER. OPPOSED: COMMISSIONER LENT. MOTION PASSED 7 – 1. CHAIRMAN RAINE DID NOT VOTE.**

**COMMISSIONER CAPURRO MOVED TO AMEND THE MOTION TO REDUCE NONRESIDENT NELSON BIGHORN HUNT 3251 UNIT 268 BACK TO LAST YEAR'S QUOTA OF THREE, JUSTIFICATION IS THE SAME UNIT FOR RESIDENT IS SAME AS LAST YEAR NO REASON TO NOT**

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

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

California Bighorn Sheep Hunts 8151, 8251 and Rocky Mountain Bighorn Sheep 9151

**COMMISSIONER CAPURRO MOVED TO APPROVE THE DEPARTMENT RECOMMENDATIONS FOR HUNTS 8151, 8251, AND 9151. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.**

Mountain Goat Hunt 7151 Hunt 7251

**COMMISSIONER LENT MOVED ON HUNT 7151 TO INCREASE 101 TO THREE TAGS AND LEAVE THE REST THE SAME; HUNT 7251 REMOVE ONE TAG FROM 101 AND MAKE THAT A QUOTA OF ZERO. COMMISSIONER HOWELL SECONDED THE MOTION.**

**COMMISSIONER CAPURRO MOVED TO AMEND THE MOTION, THE NONRESIDENT PORTION TO ONE TAG TO ALLOW THE SUCCESSFUL HUNTER TO HUNT IN EITHER UNIT GROUP. COMMISSIONER MCBEATH SECONDED THE MOTION.**

Chairman Raine asked Mr. Sefton if passes as amended is this something that will take a minor amount of time to resolve.

Don Sefton, Systems Consultants, said he understands that people who applied as nonresidents for 101 or 102 will be treated the same, and this new choice will specify both units for draw and notify on tag that they have Units 101 and 102, and if legal that would cost under \$1,000.

Chairman Raine said in regard to the amendment is that cost necessary and not worth the headache of time or money.

Commissioner Cavin said we don't need to spend money, but \$1,000 is well spent to take care of hunters who applied.

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

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

### Mule Deer

Big Game Biologist Tony Wasley provided an overview on status of mule deer populations.

Public Comment -

Shane Boren, White Pine CABMW, said his figures and statistics are from the Big Game Status and Recommendation book on page 8 and their recommendations are denoted in the exhibit file: WP – Unit Group 111-113 Early reduce the quota from 425 to 400; in Unit Group 111-113 Late reduce the quota from 48 to 40; Units 114-115 Late reduce the quota from 16 to 7; Unit 121 Early reduce the quota from 199 to 171; Unit 121 Late reduce the quota to 9; Unit Group 131-134 Early reduce the quota from 234 to 200; Unit Group 221-223 Late reduce the quota to 19.

Rex Flowers, Washoe CABMW, said this year the hunts split in Northern Washoe and caveat at the season setting was that it was requested for an 80/20 split for quotas on 014 early and 014 late make it an 80/20 split, from 65 tags to 68 tags , late season 20 tags to 17 tags.

Joe Crim, Pershing CABMW, their concern was 041, 042 and want that dropped to four tags from 38 to 34.

Glenn Bunch, Mineral CABMW, Resident Muzzleloader Hunt 1371 they would like increase in Units 202, 205, 206, from two to four tags and Resident Mule Deer Hunt 1341 increase Late Units 202, 205, 206, from seven to nine.

Walt Gardner said glad to hear someone acknowledging low deer numbers in Rubies and in the 1980s more deer and NDOW gave out hundreds and need to cut it by 50 percent. Need to be serious and drastic.

Brett Jefferson, director Nevada Bighorns Unlimited, said this Commission has followed mantra that lions eat deer and 015 should have dramatically increased deer numbers, as one-half million dollars has been spent on predator control, with numbers provided it is about \$600 per dead animal. He asked where are the deer these lions clearly did not kill, yet current estimates for that unit is 1,400 deer, and the rumor today is that the Commission wants to decrease tags below NDOW recommendations and that does not justify the expense of hard earned sportsmen's dollars. Project 14 and 15, in a study done by Kevin Lansford, the Commission's top choice for director, has conclusion that despite heavy killing of coyotes, coyote's pup ratios tripled. Biologists have long known that when coyotes killed litter size increase in surviving females. Lansford's final analysis state that predator removal has had minimal effect on mule

deer population structure in those units. Time for Commission to consider that college educated biologists may know more about managing our wildlife than appointed board and sportsmen if you decrease deer tags beyond NDOW recommendations you are further penalizing sportsmen and urge the Commission to allow biologists to set quotas.

Michael Jurad, Humboldt CABMW, said in 035 for antlered hunts they would like to keep the quotas same as last year.

Paul Dixon, Clark CABMW, said like to state for this Commission as you talk of mule deer that for four Commissioners this potentially may be your last meeting and they want to leave a legacy and strongly urge you to judiciously listen to recommendations of CABMWs who overall made minor changes to recommendations of biologists. All eyes on these decisions and will impact decision who gets replaced and who stays on this Commission.

Biologist Wasley said he provided Commission with graphs that show increasing buck ratio trends. Important to recognize graphs are not linear or 1:1 relationship. He said you start with post buck ratio and that continues to climb as we introduce conservatism. Population may decrease and quota may go up to keep buck ratio within a healthy relationship.

Commissioner Lent said estimating number of does and taking fall percentage and using in spring of next year, and you have error as you assume equal winter mortality.

Biologist Wasley said mathematical models have verified the model and have 250 deer collared to study survivability.

Biologist Wasley said graphs show buck ratios climb and no dips, look at sources of mortality.

Commissioner McBeath said an estimate.

Biologist Wasley agreed estimate.

Commissioner Capurro asked if conditions of deer population changed in seven years.

Biologist Wasley said static last seven years

Commissioner Capurro read NDOW document from May 13, 2004, stating mule deer herd has flat lined and that we are bumbling along. The past decade has been static. He said he thinks we have to reduce quotas.

Biologist Cox said people may never understand that killing males who can't birth a fawn is not doing anything to the herd population. He said Nevada has ample number of animals and that Utah manages 15 does to 100 buck.

Chairman Raine said it is troubling how to justify this, it is troubling, deer numbers lowest in decades and hears that from many people who are out there every day.

Commissioner Cavin said he has not talked to anyone concerned about quotas although they are concerned about deer herd and like more deer, but does not hear a cry from the public that some of the Commissioners are talking about to reduce the number of bucks we kill. If there is a cry, it should have come from the public through the process of CABMWs and we heard that and thinks it is minor and he will consider that cry and that the people who go to the CABMWs and their comment should be considered. The biggest is for Unit 035 and sees no reason to throw up the alarm bells. If you remove bucks that could make room for does and leaving bucks in does not do anything and could lose bucks through a hard winter. If we bank them we are not doing our job.

Chairman Raine said a suggestion from Eureka CABMW to reduce tag quotas proposed for all deer hunts in 014 by 10 percent. He said for Mike Cox that is a hint for what we are talking about.

Commissioner Vogler said to Biologist Cox and those who say no one is complaining his unscientific observation is forked horns and three points are stupid and four points in good condition are quality animals. He said they say they see little deer and when not down in the rut they are not there. He will do his best to get you good study on the Rubies.

Commissioner McBeath said facts are over seven to 10 years mule deer population is stable and accepts the explanation and understands why you can harvest more bucks and seems like short term opportunity to take advantage of older bucks. All about protecting the resource and not close to even impacting this resource, and when he looks at what is presented he wants to maximize sportsmen opportunity and would assume all sportsmen's representatives would do the same and qualify that the CABMWs will be supported and anything beyond that he will not support.

Commissioner Lent asked how NDOW determines quotas for Units 241 – 244, 251 – 253, 261 – 268, 271, 272 and 291 as those units have not been aerially surveyed for 10 years.

Biologist Cox said NDOW like most states we use harvest success data and if holding its own will add tags, and if dropping, they will reduce tags. Really nothing else we can do as takes days to classify 50 deer.

Commissioner Lent said that is bad science until you can make an inventory. He would comment that he had a Heritage project, that NDOW was against, which was scientific analysis by Maxon's and he read the statement from NDOW. Yet you are saying we can do these five areas and defend it and do that and if doing it we should not have quota in there.

Biologist Wasley said two issues, how data is used and to generate quota where it is not cost effective to survey for 50 animals, and the other is to extrapolate harvest data as sole source on statewide basis. It is apples to oranges.

Commissioner Lent said he asked for data on population estimates from the Department and he went back to 1976 to present and did population trends and will show the map and he tried to get data from NDOW and just to show the trouble he had he received an email with seven files stating that was the information he needed which it wasn't.

Commissioner Lent provided a map (exhibit file) the green area is where mule deer populations are thriving, red is declining, and this is data from the NDOW Hunt book. He also provided a series of graphs (exhibit file).

Commissioner Cavin said we have a high buck population that is why NDOW is recommending high buck quota it is not overall population.

**COMMISSIONER HOWELL MOVED TO APPROVE RESIDENT JUNIOR HUNT 1107 AND DEPREDAATION HUNT 1101 AS PROPOSED BY DEPARTMENT. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.**

**COMMISSIONER VOGLER MOVED THAT ON UNITS 101 – 108 EARLY, 101 – 108 MID, 101 – 108 LATE WHERE COMPREHENSIVE DEER STUDY IS THAT WE ISSUE ZERO TAGS AND REDUCE THE REST OF THE STATE BY 50 PERCENT. COMMISSIONER SHRUM SECONDED THE MOTION.**

Commissioner Vogler said legal counsel advised that his motion is not defensible, and would state that he did not make the motion flippantly. He has listened to the science and let's look at facts and if we are doing a comprehensive study, that he thought he was doing a favor to Tony Wasley by taking out as many variables as he could. DAG Stockton said he can't do that and he has to give a sound reason as to the large reduction in the rest of the hunts that he and scientists have showed us on graphs that success rate has inverse relationship to number of tags listed, i.e. the more tags list the lower percentage of take. The hunter who gets a tag will be guaranteed an animal. He said right now they shoot the first buck they see as they know they will not see another buck or draw another tag for many years, and if you cut the tags you will raise hunter success and will be happy.

**COMMISSIONER VOGLER WITHDREW HIS MOTION AND COMMISSIONER SHRUM WITHDREW THE SECOND.**

**COMMISSIONER VOGLER MOVED ON HUNT 1331, 1371, 1341 AND NONRESIDENT 1331, 1371 AND 1341, MOVE TO REDUCE ALL BY 50 PERCENT. COMMISSIONER SHRUM SECONDED THE MOTION.**

**COMMISSIONER LENT AMENDED THE MOTION TO REDUCE THE QUOTAS FOR HUNT 1331, 1371, AND 1341, INCLUDING NONRESIDENT SEASONS, IN AREA 4 BY 30 PERCENT AND UNITS 051, AREA 15, AREA 18, AND AREA 23 BY 40 PERCENT AND REDUCE ALL OTHER AREAS BY 50 PERCENT. COMMISSIONER HOWELL SECONDED THE MOTION.**

Commissioner McBeath said no basis for motion as Commissioner Lent stated in own statement that population is flat, and green on map represents area where populations are stable or increasing, the red is slightly declining populations and has absolutely nothing to do with buck populations and harvest objectives. This is arbitrary and capricious motion as no basis in science and fact and cannot simply happen.

Chairman Raine said he thinks three parts to the reduction and asked if 40 percent needed in second stage.

Commissioner Lent cited examples in Utah where closing a season works to improve deer herds. It has worked in other states and he has absolute testimony that supports his statement.

Commissioner Cavin said he understands the concepts that came up today but they should have been discussed sooner and to Commissioner Vogler he said the CABMWs over a long period of time have come up with what they want for hunting quality and numbers but for someone to come in and change something that people have been generally happy with is beyond today's purview. If these quotas are cut drastically the landowner tags will be cut drastically too and that needs to be considered. Commissioner Cavin said Commissioner Lent said the green does not to be reduced but he reduced it and things need to be cleaned up.

Commissioner Vogler said he knows five landowners who no longer receive tags and nobody wants to buy the tags as no quality bucks. He said he talks to White Pine CABMW and guides and they say they are not seeing deer and they were not scattered in little groups on south faces. He said reduce number of tags and success rate will go up and people will have better quality hunt.

Chairman Raine said one argument is quality of hunt and will improve age structure.

Commissioner Cavin said if all this uproar is out there, those people need to go to their CABMW meetings. He knows Commissioners hear conversations and understands we get input but the input from the Commissioner to those folks should be to get involved with the CABMW so we know their concerns. If White Pine CABMW came to us and asked for change he is in favor but not to go carte blanche off the map.

Commissioner Lent said in Washoe County if we shut down the season in 015 they would be the happiest people in the world as 015 has no deer and Washoe CABMW members agree with that. He is willing to redo the amendment to a lesser amount if that is what the Commission wants.

Commissioner Lent said his redo of the amendment would be to add total season closure of the red areas as zero science to support the quotas.

Commissioner Capurro said he asked about the increase in population equal to increase in tags which worked in every species but deer and he does not agree to the drastic cut as proposed here but need to do something to rebuild herd in Nevada and is prepared for another amendment.

Commissioner McBeath agrees with Commissioner Cavin on everything he said, but Commissioner Lent indicated that Washoe CABMW wants to close 015 and he read their recommendation, absolute change is to move three tags, and is at a loss of that representation by Commissioner Lent for closing 015 because it is not in their recommendation.

**COMMISSIONERS IN FAVOR OF AMENDMENT: RAINE, VOGLER, SHRUM HOWELL, AND LENT, COMMISSIONERS OPPOSED: CAPURRO, MCBEATH, WALLACE, AND CAVIN. AMENDMENT PASSED 5 – 4.**

Commissioner Capurro said we need to work on process but do not need to shock the system so bad, but start on the process and even if we reduce by 10 percent or to last year's quota. He would propose a decrease of 15 percent.

**COMMISSIONER CAPURRO MOVED TO AMEND THE MOTION TO DECREASE QUOTA IN ALL UNITS BY 15 PERCENT (DOES NOT INCLUDE JUNIOR HUNT OR DEPREDATION HUNT). COMMISSIONER CAVIN SECONDED THE MOTION.**

Commissioner McBeath asked basis for 15 percent.

Commissioner Capurro said to find compromise, as he believes mule deer population is flat and fairest way is to reduce by percentage and picked 15 as increase requested by NDOW is 10 percent with static population and to get a start to increase herds he said 15 percent.

Commissioner McBeath said how is taking 15 percent less bucks going to result in increase in population.

Commissioner Capurro said that will be 15 percent less bucks that are not shot.

Commissioner Vogler said we are not talking of dead animals on the ground we are talking of cutting tags and enhancing hunt for people and animals taken will go up, and will accomplish

better hunts. He said this is what everyone in White Pine County tells him including White Pine CABMW.

Commissioner McBeath said White Pine CABMW recommendation which he is willing to accept and he read their recommendation (exhibit file) which is nothing near what has been stated.

Commissioner Vogler said there is intimidation factor from hell here and he talked to CABMW member who mentioned names of people out in the field who state that there are no deer in 111 – 112 and if shut down, everyone would be happy. He said the Commission has their necks on the lines, and he talked to others who are guides and intimidation factor here and they don't say anything and the CABMW recommendations were not made in good faith and he was there.

Commissioner Howell asked when we will process the amendment.

Commissioner McBeath said we have to make our decision on what is put forth before the Commission and all the other stuff from guides and others is not before this Commission and cannot be basis of the Commission's decision.

**COMMISSIONERS IN FAVOR OF AMENDMENT TO MAIN MOTION: CAPURRO, WALLACE, CAVIN, AND MCBEATH. OPPOSED FIVE: VOGLER, LENT, HOWELL, SHRUM, RAINE. AMENDMENT FAILED 4 – 5. CHAIRMAN RAINE VOTED.**

**COMMISSIONER WALLACE MOVED TO AMEND THE MOTION TO CHANGES ON SAME HUNT NUMBERS TO 2010 QUOTA LEVELS. COMMISSIONER MCBEATH SECONDED THE MOTION.**

Chairman Raine said won't work with new hunts and such.

Commissioner Shrum that is ridiculous.

Commissioner Wallace said we did that earlier on mountain goat where we combined units and we may have to go through on each unit.

**COMMISSIONERS IN FAVOR OF AMENDMENT: CAPURRO, WALLACE, CAVIN, AND MCBEATH. COMMISSIONERS OPPOSED: VOGLER, LENT, HOWELL, SHRUM, AND RAINE. AMENDMENT FAILED 4 – 5. CHAIRMAN RAINE VOTED.**

**COMMISSIONER VOGLER MOVED TO AMEND MAIN MOTION TO REDUCE ALL HUNT UNITS NOT APPROVED YET BY 25 PERCENT OVER THE PROPOSED 2011 QUOTAS. COMMISSIONER LENT SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND VOGLER. AMENDMENT CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.**

**CHAIRMAN RAINE SAID NEW MAIN MOTION IS: ACROSS THE BOARD CUT BY 25 PERCENT FROM 2011 QUOTA LEVELS WHICH ARE A DECREASE FROM LAST YEARS.**

**COMMISSIONER LENT SAID HE WILL AMEND THE MOTION TO REDUCE QUOTAS ON HUNTS 1331, 1371, AND 1341 AT 40 PERCENT BECAUSE OF 20 PERCENT SAMPLING ERROR.**

Commissioner Shrum asked if the amendment includes Area 4.

**CHAIRMAN RAINE SAID NO SECOND TO AMENDMENT AND IT DIED FOR LACK OF SECOND.**

**COMMISSIONER WALLACE MOVED TO AMEND MAIN MOTION AS IT CURRENTLY STANDS AND COMMISSIONER LENT MENTIONED GREEN AREAS PROPOSE 10 PERCENT DECREASE AND 25 PERCENT IN THE REST, AREAS 4, 5, 15, 18, AND 23, WOULD BE 10 PERCENT DECREASE AND THE REST WOULD BE 25 PERCENT. COMMISSIONER CAPURRO SECONDED THE MOTION.**

Commissioner Lent said motion does not carry water as with a 20 percent sampling rate and has no meaning you are not increasing you are just treading water. He said when tags go up the buck harvest goes down.

Commissioner McBeath said he will state again that with respect to current motion and all prior motions forward from Commissioner Vogler's that none are based in fact or rational basis and is just bartering and whatever decision or amendment that comes out of this is and based on this bartering are arbitrary and capricious and could be overturned in court

Chairman Raine said personally many facts provided today and hard thinking in decisions and has not ever seen anyone on the Commission act arbitrarily or capricious.

**COMMISSIONERS IN FAVOR OF MOTION: CAPURRO, CAVIN, MCBEATH, WALLACE AND VOGLER. COMMISSIONERS OPPOSED: SHRUM, HOWELL, AND LENT OPPOSED. MOTION PASSED 5 – 3.**

**COMMISSIONER CAPURRO MOVED TO AMEND THE AMENDED MOTION TO RETAIN THE 10 PERCENT DECREASE IN THE FIVE LISTED AREAS 4, 5, 15, 18 AND 23, AND REDUCE REMAINING UNITS BY 20 PERCENT. COMMISSIONER MCBEATH SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CAPURRO, CAVIN, WALLACE AND MCBEATH IN FAVOR. COMMISSIONERS OPPOSED: RAINE, LENT, HOWELL, SHRUM AND VOGLER. MOTION FAILED 4 - 5.**

Commissioner McBeath asked Department staff as to what the fiscal impact of the 25 percent reduction in red and white, and 10 percent in green will be as to matching federal funds and direct tag sales.

Commissioner Vogler said if we lower the number of tags we will increase the number of bucks and they won't shoot the first buck they see so some of those forked horns will grow up. He said with the bear hunt we has 1,100 put in for the hunt and we are only issuing 45 tags only 25 bears can be taken, so what did we do there.

Chairman Raine said he dislikes the line where this discussion is going as we are here to protect the resource not sell tags, and if that is what we are reduced to we have even touched on the real problems.

Deputy Director Cates said in response to Commissioner McBeath and based on a brief discussion with Don Sefton it would be about \$150,000 in tag fees and the match would be in neighborhood of \$600,000.

Commissioner Lent said we have these guys saying this is not science and if we are basing motion on science, and it is as this is directly from the Hunt Book. He said there are areas doing better and if you call it science, look at rest of state has some huge decreases in population estimates, such as Area 6.

Biologist Wasley said with respect to the graph, that he looked at this year's population estimate compared to last year, and currently have 19 areas with no change, eight reflect decrease, and 14 reflect increase. Obviously time interval where the red and green is being applied as some are 1983, some are 1991 and inconsistent interval and that is not a scientific application of these ideas or concepts. That is part of his statement that it is not scientific.

**COMMISSIONERS IN FAVOR OF AMENDED MAIN MOTION: HOWELL, VOGLER, CAPURRO, RAINE AND WALLACE. COMMISSIONERS OPPOSED SHRUM, MCBEATH, LENT, AND CAVIN. MOTION PASSED 5 – 4.**

35 Commission Policy #28, Mule deer Policy, Final Reading – Chairman Raine – Action

Chairman Raine reviewed the proposed changes from the two workshops: On line one under policy, possible replacement of "shall" to "should" and the sentence in brackets for deletion, under third portion of policy delete sentence in brackets beginning with "mule deer," eliminate "production goals" and delete second paragraph of #3 beginning "with all doe harvests." He excused Commissioner McBeath who needed to depart for his flight. He said there is a proposal to delete most of #12 after first sentence.

Rex Flowers, Washoe CABMW, said again his board was opposed no science or foundation to support this and out of the realm of the Commission.

George Corner, NOGA, said his organization does not represent all the guides and majority of guides who got back to them do support this policy.

Jim Jenne, Lyon CABMW, said they are on record from the start as opposing and even if changed still opposed.

Chairman Raine said other than portions in red he does not support the suggestions for the new deletions to the policy.

Commissioner Lent said he did not agree with all the deletions either or to #3.

**COMMISSIONER LENT MOVED ON POLICY #28 AS PRESENTED TO ACCEPT THE CHANGES IN GREEN AND DELETE ITEMS IN RED WITH THE EXCEPTION OF #3 ON PAGE 2 THE LAST SENTENCE DO NOT DELETE THAT SENTENCE, NEXT PARAGRAPH DO NOT DELETE, SHALL TO SHOULD IN FIRST PARAGRAPH, #12 WOULD REMAIN INTACT AS WELL. COMMISSIONER HOWELL SECONDED THE MOTION.**

**COMMISSIONER CAPURRO MOVED TO AMEND SECTION 1 TO LEAVE THE WORD "SHALL" ON FIRST LINE AND DELETE FROM THE LANGUAGE "EXISTENCE OF POSITIONS DOWN TO COMMISSION POLICY IS TO FOCUS EFFORTS ON ACTIVE GAME PRODUCTION;" #3 WOULD BE TO REMOVE ON TOP OF PAGE OF 2 "MULE DEER HARVEST SHOULD BE REDUCED OR ELIMINATED WHEN MULE DEER BELOW POPULATION GOALS" WOULD BE DELETED; PROPOSE IN #12 TO ELIMINATE EVERYTHING AFTER FIRST SENTENCE. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CAVIN, WALLACE AND CAPURRO.COMMISSIONERS OPPOSED: SHRUM, HOWELL, VOGLER AND LENT. COMMISSIONER MCBEATH ABSENT. MOTION FAILED 3 – 4. CHAIRMAN RAINE DID NOT VOTE.**

**COMMISSIONERS IN FAVOR OF MAIN MOTION: LENT, HOWELL, SHRUM, AND VOGLER. COMMISSIONERS OPPOSED, CAVIN, WALLACE, AND CAPURRO. MOTION PASSED 4 – 3. CHAIRMAN RAINE DID NOT VOTE. COMMISSIONER MCBEATH ABSENT.**

36 Commission Policy #67, "Horse Policy," Final Reading – Chairman Raine

**COMMISSIONER VOLGER MOVED TO ACCEPT POLICY #67 AS REVISED. COMMISSIONER CAPURRO SECONDED THE MOTION.**

George Corner, NOGA, said they support the policy with the changes.

**COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER AND WALLACE. MOTION PASSED TO 7 – 0. CHAIRMAN RAINE DID NOT VOTE. COMMISSIONER MCBEATH ABSENT.**

37 Commission Meeting Budget – Chairman Raine – Action

Chairman Raine said email sent to Commission about April Commission meeting costs and he was disturbed by letter as it implies stuff that is not correct and no basis on fact although some of the things probably correct.

Commissioner Shrum said he has problem with expenses on April meeting as he understands Ken Wellington sent email to Acting Director Mayer and he read the email which stated that they did not budget to attend the April meeting due to governor's directive and he is requesting a document of all total costs for that April meeting. He told Deputy Director Cates that he has the expense sheet and does not see how his travel costs total \$659 as normal weekend meeting is \$598 including salary. April meeting was unscheduled and has the 2011 calendar that he received last June denoting the April meeting. Someone went to governor and told them the April meeting was unscheduled and total expenses was \$191 as he and Commissioner Howell shared a room and rode together. He said if he accepts the money NDOW pays him that is over and above his costs he will be guilty of fraud, and asked Deputy Director Cates for an explanation.

Deputy Director Cates said numbers are estimates as did not know they ride shared and shared lodgings, everything based on GSA and per deim, estimating two nights of lodging. Deputy Director Cates said after this meeting he will know the remaining balance to possibly reimburse them for the April meeting.

**COMMISSIONER HOWELL MOVED TO ACCEPT WHAT THEY GIVE US. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER AND WALLACE. MOTION PASSED TO 7 – 0. CHAIRMAN RAINE DID NOT VOTE. COMMISSIONER MCBEATH ABSENT.**

Commissioner Capurro asked to revisit Policy #28 before adjourning as DAG Stockton indicated that second sentence in the first paragraph of policy was problematic as far as State of Nevada is concerned.

DAG Stockton said the wording is not illegal rather it just can't be done and as a practical matter should not be part of policy.

Commissioner Capurro restated that it should not be part of the policy,

38 Future Commission Meeting – Acting Director Mayer – Action

Meeting Adjourned 5:30 p.m.

**A videotape of the meeting is available for viewing on the NDOW website at [ndow.org](http://ndow.org).**Note: 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.