

Nevada Board of Wildlife Commissioners' Meeting Approved Minutes

Meeting location:
Bristlecone Convention Center
150 W 6th St.
Ely, NV 89301

Public comment will be taken on every action item after discussion but before action on each item and is limited to three minutes per person. The chairman, in his discretion, may allow persons representing groups to speak for six minutes. Persons may not allocate unused time to other speakers. Persons are invited to submit written comments on items or attend and make comment during the meeting and are asked to complete a speaker card and present it to the Recording Secretary. To ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments in order to avoid the appearance of deliberation on topics not listed for action on the agenda.

Forum restrictions and orderly business: The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks that antagonize or incite others are examples of public comment that may be reasonably limited.

Please provide the Board of Wildlife Commissioners ("Commission") with the complete electronic or written copies of testimony and visual presentations to include as exhibits with the minutes. Minutes of the meeting will be produced in summary format.

Nevada Board of Wildlife Commissioners present for the two-day meeting:

Chairman Brad Johnston	Vice Chairman Tiffany East
Commissioner Jon AlMBERG	Commissioner Tommy Caviglia
Commissioner Kerstan Hubbs	Commissioner Casey Kiel
Commissioner David McNinch	Commissioner Paul E. Valentine
Commissioner Tom Barnes (not present)	

Secretary Tony Wasley	Deputy Attorney General Craig Burkett
Recording Secretary Brandy Arroyo	

Nevada Department of Wildlife personnel in attendance for the two-day meeting:

Deputy Director Liz O'Brien	Deputy Director Jack Robb
Administrative Assistant III Megan Manfredi	Management Analyst Kailey Taylor

Game Division Administrator Brian Wakeling	Conservation Education Division Administrator Chris Vasey
Habitat Division Administrator Alan Jenne	Chief Game Warden Tyler Turnipseed
Fisheries Division Administrator Jon Sjöberg	Staff Game Warden Michael Maynard
Wildlife Staff Specialist Cody Schroeder	Fisheries Staff Biologist Heath Korell
Wildlife Staff Biologist Cody McKee	Wildlife Staff Biologist Tom Donham
Habitat Staff Biologist Caleb McAdoo	Habitat Staff Biologist Moira Kolada
Wildlife Staff Biologist Kody Menghini	Wildlife Staff Biologist Mike Scott
Fisheries Staff Biologist John Elliott	

Public in Attendance in Ely for the two-day meeting:

Joel McConnell, Elko CABMW	Mike Reese, Clark CABMW
Gene Green, Carson CABMW	Joe Crim, Pershing CABMW
Steve Marquez, White Pine CABMW	Chrissy Pope, Nye CABMW
Craig Burnside, Douglas CABMW	Ramona Maestes, White Pine CABMW
Mitch McVicars, White Pine CABMW	Scott Torgersen, Lander CABMW
Jim Cooney, Elko CABMW	

Alan Arroyo, self
Jani Ahivers, self
Bill Miller, self
Mel Belding, self

Sonja Almberg, self
Senator Pete Goicoechea, Nevada Legislature
Bill Ricci, Steptoe Valley Trap Club
Rachel Buzzetti, Nevada Outfitters and Guides Association

Friday, August 9, 2019 – 8:30 a.m.

1. Call to Order, Pledge of Allegiance, Introduction and Roll Call of Commission and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Johnston

Chairman Johnston called the meeting to order at 8:30 a.m. Roll call was conducted, and the Commissioners present were: Chairman Johnston, Vice Chairman Valentine, Commissioners Almberg, Caviglia, East, Hubbs, Kiel, and McNinch. Commissioner Barnes was absent.

Chairman Johnston stated that Commissioner Barnes has an excused absence from this meeting.

CABMW members present: Mike Reese, Clark CABMW; Joel McConnell, Elko CABMW; Jim Cooney, Elko CABMW; Craig Burnside, Douglas CABMW; Gene Green, Carson CABMW; Joe Crim, Pershing CABMW; Chrissy Pope, Nye CABMW; Ramone Maestes, White Pine CABMW; Scott Torgersen, Lander CABMW; Mitch McVicars, White Pine CABMW; Steve Marquez, White Pine CABMW.

2. Election of Officers – For Possible Action
In accordance with Commission Policy #1, the Commission will elect a chairman and vice chairman.

Chairman Johnston inquired if there were any nominations for Chairman.

COMMISSIONER ALMBERG MOVED TO NOMINATE CHAIRMAN JOHNSTON TO KEEP HIS CURRENT POSITION AS CHAIRMAN. COMMISSIONER EAST SECONDED THE MOTION.

No public comment.

MOTION CARRIED 8 – 0. COMMISSIONER BARNES WAS ABSENT.

Chairman Johnston accepted the nomination.

Chairman Johnston inquired if there were any nominations for Vice Chairman.

VICE CHAIRMAN VALENTINE MOVED TO NOMINATE COMMISSIONER EAST AS VICE CHAIRMAN. CHAIRMAN JOHNSTON SECONDED THE MOTION.

No public comment.

MOTION CARRIED 8-0. COMMISSIONER BARNES WAS ABSENT.

Vice Chairman East accepted the nomination.

3. Approval of Agenda – Chairman – For Possible Action
The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.

Chairman Johnston stated that Commissioner McNinch has a family commitment and needed to depart early today. He would like to call the Western Association of Fish and Wildlife Agencies (WAFWA) 2019 Annual Conference Report and the Shed Antler Petition out of order at the discretion of the Chair to allow Commissioner McNinch to be present for both.

No public comment.

COMMISSIONER MCNINCH MOVED TO APPROVE THE AGENDA AS PRESENTED WITH ITEM #18A, THE WAFWA REPORT, AND ITEM #9, THE PETITION REGARDING THE AMENDMENT TO THE SHED ANTLER REGULATION, BEING AT THE CALL OF THE CHAIRMAN. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION CARRIED 8-0. COMMISSIONER BARNES WAS ABSENT.

4. Approval of Minutes – Chairman – For Possible Action
Commission minutes from the June 21 and 22, 2019 meeting.

Commissioner McNinch stated that on page 11, the record reflects that he had expressed concern about the Department changing their position on one of the Heritage projects. He stated that he did not intend for his comments to be critical of the Department, he was just expressing a concern that the conversation was frustrating, and he requested that to be corrected.

No public comment.

COMMISSIONER MCNINCH MOVED TO APPROVE THE JUNE 21 AND 22, 2019 MINUTES AS PRESENTED, BUT WITH HIS COMMENTS REFLECTED THAT HE WAS ONLY EXPRESSING A CONCERN. SECONDED BY COMMISSIONER HUBBS. THE MOTION CARRIED 8-0. COMMISSIONER BARNES WAS ABSENT.

5. Member Items/Announcements and Correspondence – Chairman – Informational
Commissioners 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. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.

Chairman Johnston received a letter of alleged criminal conduct and confirmed that the Department has also received the letter. Given the nature of the allegations and the fact that an investigation may be opened, he will not disclose the details of the letter.

Secretary Wasley thanked the White Pine County sportsmen and the White Pine CABMW for their hospitality; and he thanked Sportsworld as they have become a huge and valued partner in selling licenses for the Department. He further thanked Ramona Maestes for her work and the input she has given by sharing customer experiences with the Department. Secretary Wasley provided updates on the current fires burning in eastern Nevada. Secretary Wasley stated that three Commission positions expired in 2019 for the following positions: Commissioner Almberg as a sportsman's representative from a rural county; Commissioner Barnes as a ranching representative from a rural

county; and Commissioner McNinch as a conservation representative from Washoe County. It was confirmed from the Governor's office this week that all three Commissioners have been reappointed.

Secretary Wasley stated that he received the same correspondence as referenced by Chairman Johnston, a letter of alleged criminal conduct, and that information will remain confidential at this time. He also received the following correspondence: a letter dated August 1, 2019 from Rob and Michele Gelskey pertaining to the shed antler regulations, which is an item on the agenda today; an email dated August 6, 2019 from the same individuals pertaining to the same issue; and he has had ongoing correspondence with Henry Krenka, President of Nevada Outfitters and Guides, regarding the sellable lists which is an agenda item which the Department will provide an update to the status of that regulation.

Secretary Wasley presented a 30-year service plaque to Eastern Region Fisheries Supervisor John Elliott and provided his background with the Department.

Secretary Wasley provided the employment background of Chief Game Warden Tyler Turnipseed and presented a retirement plaque to him.

Chief Game Warden Tyler Turnipseed stated that he has been lucky to have this type of career.

Chairman Johnston thanked Fisheries Supervisor John Elliot for his commitment to wildlife. He stated that it has been a pleasure working with Chief Game Warden Tyler Turnipseed in the last several years and thanked him for assisting the Commission through the regulations and his committed service to the state.

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

No CABMW comment.

18. Reports – Informational

- A. Western Association of Fish and Wildlife Agencies 2019 Annual Conference – Secretary Wasley and Commissioner McNinch
Reports from the 2019 conference will be provided.

Commissioner McNinch provided an update to the Western Association of Fish and Wildlife Agencies (WAFWA) 2019 Annual Conference. He provided a comparison between the prairie chicken back east to the sage grouse in Nevada along with the similar issues and challenges with maintaining the habitat and conservation of both species. He stated there were speakers who provided examples about relevancy becoming a challenge when it comes to changing mentality on how things are done with regards to wildlife. He provided information from the Climate Adaption Committee about their relevancy and significance. He provided updates to what is relevant in other states, and provided that this year Arizona addressed wildlife killing contests in their legislative session and took the position that the public cannot participate in this activity if there are cash or prizes associated with the contest; that the traditional use of Wyoming tribal lands went through the Supreme Court which could present challenges to other states; that Idaho is working to reduce the sale of the over the counter permits to non-residents; that New Mexico is without a Wild Life Commission, and at the beginning of the year the newly elected governor removed every commission member, now they are working to become relevant again; that a bill was introduced in the House on July 12, 2019 for Recovering

America's Wildlife Act (RAWA), and it has been significantly revised; and that an award was given to Eddie Pribble of Las Vegas, for his efforts and conservation work of bighorn sheep.

Secretary Wasley provided information as to the value of Department employees attending the WAFWA conference; that it is an opportunity for states to develop unified positions; that it allows the various agencies to share science and capacity through working groups; and that it provides an access to federal officials, networking opportunities, and professional development. He provided an update on the Relevancy Roadmap, a toolkit for the Department which looks at barriers to relevancy in five different areas, such as: agency capacity, agency culture, constituent capacity, constituent culture and politics; and that each state is different. Presently, a draft of the Relevancy Roadmap is out for review by people all over North America in federal, state, tribal, private, and non-governmental organizations (NGOs). It is intended to be unveiled and presented in September 2019 at the Annual Association of Fish and Wildlife Agencies meeting and should therefore be implementable and usable as a tool. The Herrera versus Wyoming legal case was discussed at the WAFWA conference, where three individuals killed elk out of season in Wyoming, they were cited and prosecuted for poaching; one individual has appealed and the case has gone to the United States Supreme Court. The result of this case could potentially be troubling for state wildlife agencies or state management of those species.

Deputy Attorney General Craig Burkett provided further information regarding the Herrera versus Wyoming legal case; that because there is threatened litigation, they cannot speak much about it but he believes that this case will have little effect on Nevada because all tribes have different treaties in place which are negotiated differently.

Secretary Wasley provided further updates on the Director's Commissioners Retreat and that there was a workshop on how to interact with legislators. There is a new working group approved by the Directors which is a wildlife movement and migration working group and is in conjunction with Secretarial Order 3362 that was established to acknowledge the importance of migration corridors specific to elk, deer and antelope in seven western states including Nevada. The Sagebrush Executive Oversight Committee that meets in conjunction with WAFWA deals primarily with sage grouse related issues and all the federal agencies that deal in land management or research. He stated that RAWA has now been introduced to Congress for the third time and has generated a tremendous amount of support; the bill will provide approximately \$26 million of federal money to the state of Nevada annually if passed, and is a way to have sustainable, dedicated, and predictable funding for state wildlife agencies to use. Secretary Wasley stated that Eddie Pribyl of Las Vegas, Nevada was awarded with the Citizen Conservationist of the Year Award, and that it was a tremendous opportunity to honor Mr. Pribyl and to have a Nevada conservationist recognized. Through the committee meetings, there are opportunities to share science and perspective, to develop unified positions and to have access to federal officials that are ultimately responsible for implementation.

Commissioner Hubbs stated that she appreciated the WAFWA updates because it helps the Commission see the national perspective. She is seeing a repeated pattern of surrounding states regulating or closing off certain activities, which tends to put more pressure on Nevada resources. The Commission is finding this out with the shed antler dialogue that will be had today.

Chairman Johnston recessed the meeting at 9:40 a.m.

Chairman Johnston reconvened the meeting at 9:50 a.m.

8. Possible Alternatives Regarding Shed Antler Collection – Chief Game Warden Tyler Turnipseed - Informational

The Department will present information regarding the seasonal closure on shed antler collection, including possible alternatives for future consideration.

Chief Game Warden Tyler Turnipseed presented a PowerPoint on the Shed Antler Update.

http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/

Discussion ensued regarding Utah's shed antler regulation which requires the public to take an online course and a test; that the individual prints a receipt for proof of taking the online course and the test; and that in 2017, Utah opened the shed hunting with no season closure date.

Discussion further ensued whether it is possible to regulate commercial antler hunters from hobby antler hunters; that the citations issued in Lincoln County were not differentiated between private and commercial hunters; that from an enforcement standpoint, it would be hard to differentiate between private and commercial hunters and hard to develop a burden of proof; and that the citations were issued for violating the Nevada Administrative Code (NAC) that establishes the shed antler hunting dates.

Chief Game Warden Tyler Turnipseed explained how the bail is set for these citations. Discussion ensued regarding the detail and demerits for this violation; whether an individual can lose their hunting license for life if twelve demerits are accumulated; that some individuals who do not hunt will not care if they can never buy a license because it does not affect them; and, that if the monetary fine and the demerit issue does not matter to people, then maybe jail time could speak to them.

Chief Game Warden Tyler Turnipseed explained that other states are setting penalties based on the weight of the shed antlers.

Discussion further ensued about whether the Department could work adaptively with the weather based on the winter Nevada just experienced; and that the Department has debated this concept internally. The issue is that the Commission may not meet enough to react to spring-time conditions and to get the information out to the public in a timely manner; and that it could be a challenge when it comes to defending the change of seasons to the court.

An inquiry was made by Vice Chairman East if the Commission could establish a non-resident commercial collection permit. Discussion ensued that, just like the paddle craft challenges the Department faces which do not have any statutory regulation to register the paddle craft, the capacity cost is limited and there are little funds to monitor this activity. Discussion ensued regarding the challenge in creating a clear definition of a commercial antler collector.

9.* Petition – Amendment to Shed Antler Regulation – Jim Cooney, Elko CABMW –
For Possible Action

Mr. Cooney, on behalf of the Elko CABMW, has submitted a petition to change regulation to Amend N.A.C. 503.172, "season closure amended read: *February 1 thru March 31, with the ability of NDOW to extend season closure based on weather or herd condition for the shed antler collection*, to replace January 1 thru April 30." The Commission may take action to deny or accept the petition and initiate rulemaking.

Chairman Johnston inquired with DAG Burkett that if the Commission accepts the Petition, then it only opens the Petition for consideration and it does not mean the Commission accepts the suggestions in the Petition.

DAG Burkett confirmed that was correct.

Jim Cooney, representing Elko CABMW, presented argument as to the history of why and how the Petition was brought to the Commission and that the reason for the Petition was to look for a solution and to increase the enforcement of the shed antler regulation. He further provided suggested changes to the shed antler regulation and requested a change to the time frames. He thanked the Commission and the Chairman for allowing them to bring this topic for discussion.

Chairman Johnston reminded the public that the action today is whether to accept or deny the petition and requested that they keep their focus during public comment.

Public comment:

Mitch McVicars, representing White Pine CABMW, stated that through their CABMW discussions, they want to see changes to this regulation and that the White Pine CABMW wanted the Commission to accept the Petition.

Gene Green, representing Carson CABMW, stated that their CABMW has also discussed this topic; that they are not fully in support of the Petition because they do not agree with the date change. He presented information as to their suggestions, such as, there needs to be a way to identify the commercial collectors by poundage and charge them so that the Departments expenses can be covered.

Craig Burnside, representing Douglas CABMW, stated that they voted for the Commission to accept the Petition and start the rule-making process.

Mike Reese, representing Clark CABMW, stated that they are in support of accepting the Petition to open the dialogue on this topic; he further suggested that the Commission set up a Committee to discuss establishing a public education course on shed antler collecting, the impacts of deer antler licensing and restricting or regulating non-resident shed antler hunters.

Chrissy Pope, representing Nye CABMW, stated that their CABMW voted to deny the Petition because they did not agree with the suggested dates; they do not agree with non-residents being allowed to hunt shed antlers; and they also considered a requirement to have a license to hunt shed antlers. She stated that she has taken the Utah shed hunting course and received a certificate; in her opinion it was a pointless course and the test was not sensible.

Scott Torgerson, representing Lander CABMW, stated that their CABMW voted for the Commission to deny the Petition.

Steve Marquez, private citizen, stated that there are individuals here who have never bought a license and are selling upwards to \$10,000 in horns. He stated that we cannot educate ethics and that he does not agree with changing the regulation.

Senator Pete Goicoechea stated that it is clear the shed antler regulation needs some adjustment; that it will take local CABMW input on this topic; that it is about enforcement of the harassment statute; and that the Commission cannot deny access to public lands.

Jani Ahivers, public citizen and wildlife artist, stated that she is in the field a lot and provided information as to what she sees in the field. When shed antler hunting is open, the animals had nowhere to go because there were people in most canyons; but the year there was an emergency closure, there was no one in the field and the animals were in their winter range as they should be.

Chairman Johnston stated that based on Lincoln County CABMW's action report, they are in support of the Petition. He further stated that the Nevada Legislature directed this Commission to adopt a regulation for the hunting of sheds. He agrees that the Commission should accept the Petition.

Commissioner McNinch presented information he obtained at the WAFWA Annual meeting; that two Commissioners at the WAFWA meeting are seeking opportunities to coordinate with Nevada on how to standardize the regulation across state lines and requested that the Commission have a conversation with them.

Vice Chairman East stated that she will support the Petition for many reasons, along with pursuing a youth hunt or a non-resident hunt with date changes along with other issues that are impacting the areas.

Commissioner Valentine agrees with pursuing the Petition and more specifically wants to look at changing the dates.

Commissioner AlMBERG agrees with accepting the Petition; he sees the regulation as protecting the activity but sees room for improvement.

Commissioner Hubbs presented her thoughts on reopening the regulation and believes there are factors that the Commission may have overlooked or did not think about when the regulation was initially passed. She further stated she agrees with the need to talk to other states so the Commission can avoid issues with residents versus non-residents and making it difficult to enforce with our state.

Commissioner Caviglia stated that he supports the Petition and sees room for change; this regulation is warranted and he thinks that the general public thought they were blind-sided when the regulation was initially passed because they were not paying attention at the Commission level. He hopes the public will pay attention this time and will be more involved.

DAG Burkett suggested that when the motion is made it should include adopting the petition along with a broad scope of ideas to open the conversation.

Deputy Director Jack Robb provided that when a petition is accepted the Department goes through a formal process with the Legislative Counsel Bureau (LCB). He asked that the Commission draft the language and give the Department some leeway to work on the language a few times before it is taken to LCB for the formal process.

Chairman Johnston stated he envisions that the Petition would be accepted and that the Commission would flush out the ideas listed in the Petition along with the ideas brought by the public and the Department; then the Commission and the Department can develop proposed language before it is sent to LCB for the formal process.

Chairman Johnston stated that he received correspondence on this agenda item that included the following statement: "Jon AlMBERG has shown himself to be an arrogant bully at all of these meetings." He stated that this comment does not apply to Commissioner AlMBERG; that language like this does not advance anyone's cause; and that credibility is lost with him when those type of attacks are made.

CHAIRMAN JOHNSTON MOVED TO ACCEPT THE PETITION PRESENTED BY THE ELKO COUNTY CABMW AND TO PROCEED WITH A FUTURE AGENDA ITEM TO DISCUSS OPTIONS TO AMEND THE SHED HUNTING REGULATION AND TO GIVE DIRECTION TO THE DEPARTMENT AS TO THE AMENDED REGULATION. VICE CHAIRMAN EAST SECONDED THE MOTION. MOTION CARRIED 8-0. COMMISSIONER BARNES WAS ABSENT.

- 7*. Landowner Compensation Tag Committee Report – Committee Chair Brad Johnston – Informational
A report will be provided on the Committee’s recent meeting held on August 8, 2019.

Chairman Johnston provided an update to the Landowner Comp Tag Committee meeting which met yesterday. The Committee is focused on is how to manage the situation if the statutory cap on landowner tags is met. The Committee recommended that if the total number of landowner tags exceeds the statutory cap, all participating landowners would receive their first tag automatically. From there, the recommendation is to incrementally increase the number of animals on the private property that would be needed to get the subsequent tags. This ensures the maximum number of landowner tags under the statute is issued to the landowners. He provided multiple examples and explained the formula that will be recommended to the Commission at a future meeting. The Committee also discussed how game counts are conducted; the Committee did not find a solution to this so they have asked the Department to develop a protocol since they are aware of activities in the field. The protocol needs to work with the landowner and compensate the landowner for damage so the count would need to be done in a consistent manner.

Commissioner Valentine and Chairman Johnston both thanked Wildlife Staff Biologist Tom Donham and Wildlife Staff Biologist Mike Scott for their presentation to the Committee.

10. Information regarding “Smart Scopes” – Chief Game Warden Tyler Turnipseed - Informational
As requested by the Commission, the Department will present information regarding the current legal status of archery and rifle “smart scopes” which have an internal range finding function and compensate for target range and/or angles.

Chief Game Warden Tyler Turnipseed presented a PowerPoint on the Legalities of Smart Scopes.

http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/

Discussion ensued that there is a battery contained within the scope like in a range finder; that smart scope technology is changing; and examples were provided of how the smart scopes work with regards to yardage and the angle of the target.

Chairman Johnston recessed the meeting at 11:25 a.m.

Chairman Johnston reconvened the meeting at 11:40 a.m. Commissioner McNinch was not present.

11. Commission General Regulations – Workshop/Public Comment Allowed

- A.* Commission General Regulation 485, Tag Transfer, Deference, and Return Program, LCB File No. R022-19 – Management Analyst Kailey Taylor – For Possible Action
The Commission will hold a workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation would provide direction for allowing the transfer, deference or return of tags under certain extenuating circumstances after the passage of Assembly Bill 404 of the 80th Legislative Session.

Management Analyst Kailey Taylor presented a PowerPoint on the Tag Return, Transfer and Deference Program, Commission General Regulation (CGR) 485.

http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/

Secretary Wasley stated that this program does not change any programs that are already established. He further explained that the purpose today is for the Commission to decide what the Commission defines as extenuating circumstances and the Department is trying to assist those who have reached out to the Department with extenuating and unfortunate circumstances.

The Commission held a workshop with discussion regarding the need for the Commission to define when an individual can return their tag and the deadline for when the extenuating circumstance must occur to be applicable; the difficulty of establishing discretionary situations and how to establish the extenuating circumstances; whether the Commission should leave the regulation simple to let each individual present their case to the Department for a decision, or establish extenuating circumstances to draw a line so that the Department can administer the regulation consistently. Multiple scenarios were discussed through this process.

Commissioner Hubbs inquired as to what kind of calls and what type of extenuating circumstances the Department has received to help the Commission start the discussion of what is an extenuating circumstance.

Management Analyst Kailey Taylor suggested that today is a good time to start the thought process and that she anticipated a few workshops before the Commission comes to a resolution.

Commissioner Alberg stated that he wants to focus on the positive of this discussion and to recognize the hunters that have been committed to the system for years.

Commissioner Kiel inquired if there are examples of how other states manage this situation.

Management Analyst Kailey Taylor prefaced the examples of how other states manage this situation with the fact that Nevada has a different hunting situation than surrounding states; she presented a PowerPoint slide with the listed information.

Discussion ensued regarding the differences of other states and how it will be hard to define for Nevada given the unique hunting opportunity in Nevada.

Chairman Johnston inquired with the CABMW members and the public present if they could provide what they would like to see in the regulation regarding extenuating circumstances, and reasons to allow someone to defer or transfer a tag.

Public comment:

Mike Reese, representing Clark CABMW, stated that they have discussed this topic and are happy the door has been opened to transfer tags. He stated that there is a bill coming for the next Legislative Session to allow the transference of tags to veterans.

Arnie Pitts, representing Washoe CABMW, stated they have had discussions about this topic. He stated that there could be many loopholes and suggested that each circumstance be reviewed individually.

Steve Marquez, representing White Pine CABMW, stated they have discussed the topic and have addressed the same situations already discussed today; they would like to go forward with changing the regulation.

Senator Pete Goicoechea stated this was intended for a true hardship case and that it should be limited.

Chairman Johnston suggested ideas that should be discussed and evaluated at the next workshop, such as the option regarding timing of the tag transfer; whether the person who receives the tag, the transferee, should forfeit their bonus points if they accept the tag; and whether the Commission needs to define the process for the tag transfer for the regulation.

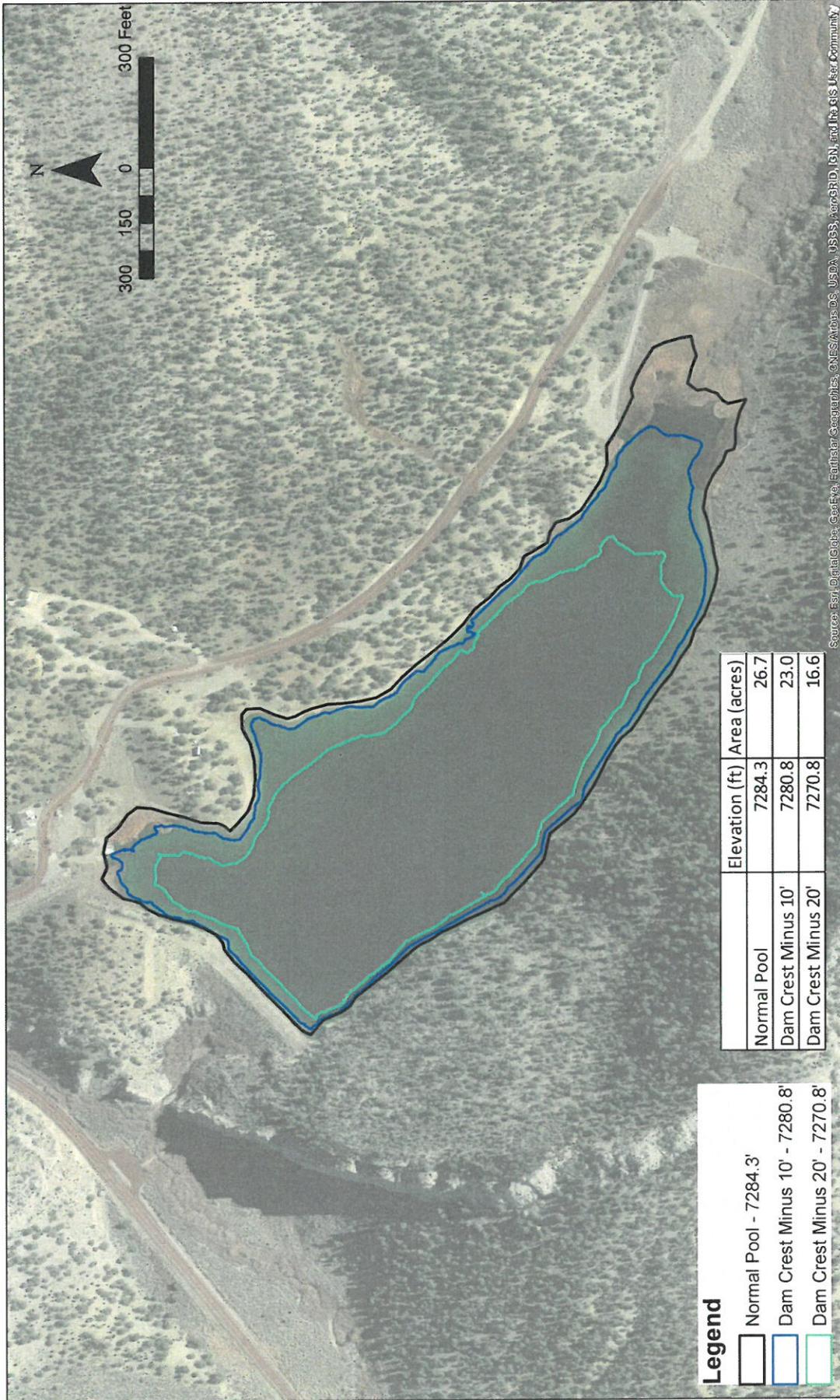
Commissioner Hubbs inquired as to the definition of family member and discussion ensued about what that means.

Secretary Wasley stated that the Department does not want to blur the line through this process and that the Department wants to be transparent and clear as possible. There does need to be an agreeance on the logistics but enough information has been heard today that the Department can start the conversation and bring scenarios back to the Commission.

12. Nevada Department of Wildlife Project Updates – Director Wasley – Informational
The Commission has requested that the Department provide regular project updates for ongoing projects and programs as appropriate based on geography and timing of meetings. These updates are intended to provide detail in addition to the summaries provided as part of the regular Department Report and are intended to inform the Commission and public as to the Department’s ongoing duties and responsibilities.

In preparation of the tour this afternoon, Habitat Supervisor Caleb McAdoo provided information on what the tour will consist of and that the Commission will learn how the Department chooses habitat projects.

Deputy Director Jack Robb provided some history as to the leak in the Cave Lake Dam; the recent developments of the dam and some future actions that the Department will be required to take going forward. He further provided information as to the recent engineering inspections of the dam; that it has been determined that the best action for the dam is to lower the lake level of the dam for safety reasons; and the goal is to maintain the dam to continue to provide recreation. He provided a map of Cave Lake that represents water levels for the “normal pool”, the “Dam Crest Minus ten feet” and the “Dam Crest Minus twenty feet”. See attached:



Legend

- Normal Pool - 7284.3'
- Dam Crest Minus 10' - 7280.8'
- Dam Crest Minus 20' - 7270.8'

	Elevation (ft)	Area (acres)
Normal Pool	7284.3	26.7
Dam Crest Minus 10'	7280.8	23.0
Dam Crest Minus 20'	7270.8	16.6

Date	8/6/2019
Cave Creek Dam	
Pool Area Exhibit	

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

13. Public Comment Period

Persons wishing to speak are requested to complete a speaker's card and present it to the recording secretary. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

Public Comment:

Rachel Buzzetti, representing the Nevada Outfitters & Guides Association, provided testimony to the Commission as follows:

Nevada Outfitters & Guides Association
Testimony for State Wildlife Commission – August 9th in Ely NV

Good afternoon, for the record, I am Rachel Buzzetti. I am here today representing the Nevada Outfitters and Guides Association as our President couldn't attend today. I wanted to make a couple of comments on behalf of our members. In June the regulation NAC 502.211 was heard by the Legislative Commission and it was the decision of the Commission to defer this regulation back to the Department to work with industry in trying to find a compromise.

Our President Henry Krenka reached out to Director Wasley after the meeting in June and asked if we could try to come to a compromise that would achieve the department's goals without negatively impacting our small businesses. To date nothing has been accomplished

Our members have met and unanimously voted to request the Commission follow the regulation NAC 502.211. It requires written notification from the sportsmen in their desire for confidentiality. We don't feel it is against the law to ask the department to follow the regulation as it reads. In fact it would be absolutely legal if the regulation was printed on the application as it reads. It would also be very simple to include on the application in asking them to send an e-mail which serves as written notification to the department. The sportsmen have to take the step and request for their privacy and by allowing them to send the e-mail you are following the law.

In January 2018, when this commission decided to place a box on the application that allowed the sportsman to remove their name from the sellable list, it had devastating economic impacts on the guide industry. I am here today also because I wanted to give you a copy of the testimonials from Guides this past year. What I have handed to you are not predictions or forecasts. This is what Outfitting businesses have experienced the last year and half. I hope you will take the time to read them.

Over the course of the last year and half of discussing ideas our members have listened and a few have said they prefer that their e-mail be given out in place of their address on the sellable list. Our members feel this could be helpful to our industry as well as consist with the department's mission to update the process.

Our Association thinks it is imperative that we don't regulate the guiding industry and limit hunting opportunities in our state. In fact our state promotes Nevada as a business friendly state and actively promotes recreational tourism. Earlier in the summer Governor Sisolak just approved and signed several landmark bills that are committed to investing in and protecting our public lands and the industries that rely on them. Guides and Outfitters are one of those industries.

Thank you for your time today and I hope you will consider giving guidance to the Department in working through this issue to achieve a solution that is fair for all. .

Western Nevada Master guide

We were down 3 elk hunts due to not being able to contact current tag holders. Our elk hunts run \$7500 each. We are also down 4 antelope hunts at \$2,000 and 3 deer hunts at \$4200. My total revenue down this year over last is upwards of \$43,000 as a direct result of not having this list

Wells, NV MasterGuide

I don't spend 750.00 a year for my guide license to target non successful hunters. If NDOW doesn't understand how this sellable list works to market our business they have missed the boat.

Reno MasterGuide

By using the successful list last year I was able to book \$45,000 worth of business from NEW customers. This year I've booked a \$7,000 hunt during the same period and it is with a past client. I had over SIX times the bookings! My overhead for LICENSES / PERMITS / LIABILITY INSURANCE / WORKMANS COMP. INSURANCE / VEHICLE INSURANCE / ADVERTISING / ECT. is well over \$15,000. Only a government agency can stay in business and keep their doors open using this business model.

Western NV Masterguide

The past three seasons in which at this time period I was 30-35,000.00 in booking fees compared to 2500.00 this year. A substantial difference and a loss I can't maintain.

North east NV sub guide

Not having the sellable list has a substantial economic effect on sub guides. The lack of the sellable list has reduced by booked hunts by 50% for this year. This is a severe economic impact for many sub guides who live in rural areas where employment opportunities are scarce.

Winnemucca Area Masterguide

My company depends upon the sellable list.

I believe this will cost my business a detrimental amount of money. To date we are down 40% in bookings. The ability to not solicit successful hunter's is impacting me severely

Elko area Masterguide

By NDOW making this decision unilaterally it will extremely hurt my business this year and for years to come. I was forced to take a \$20,000 pay-cut with no notification. It has had a negative impact on the rural community I live in and my ability to employ people in rural Nevada. This regulation is a huge dis-justice to all SPORTSMEN!!! The wildlife are a public resource and for the benefit and enjoyment of all the people

Masterguide in the Jarbidge Mtns.

The reason I belong to this guides association is to have 1 voice and were all trying to get booked for the fall. I think the list is an important part of our marketing especially for the newer operators with 5 years or less. I depend on it !

MasterGuide in Central NV

I just wanted to let you know that my business after the regular drawing is way down this year due to the fact that we can no longer contact tag holders like before. I usually book 5-6 sheep hunters and last year I had 7. This year I only booked two. I charge \$8500 for a hunt and have not raised my prices in 3 years. This has cost me somewhere between \$25,000 to \$42,000 (just for my lost revenue in sheep hunts this year, not to mention antelope, elk and deer)

Ruby Mountain Masterguide

The absence of the sellable tag list this year reduced income to my business of about \$15,000. I used the list to contact successful hunters in all varieties of game...deer, elk, antelope, and mountain goat The lack of business has a trickle effect on the State of Nevada's economy. I was not able to employ my usual number of sub-guides and this affects their livelihood also.

Northeastern NV Motel

We work with a master guide who typically brings 30 motel guests during all the hunting seasons. . Since he cannot contact tag holders, he is bringing 9 guests this fall, for a potential loss of income of over 3,200.00

Santa Rosa Mtn Guide

Without the sellable list I cannot directly solicit my target audience. I have worked the last 15 years building and growing my business and this year I stand to lose about \$40,000 if not more .

Mitch McVicars stated that everyone is invited for lunch that was prepared by the Steptoe Valley Trap and Skeet Club.

Senator Pete Goicoechea thanked the Commission for being in White Pine County and thanked Chief Game Warden Tyler Turnipseed for his work with the Department. He stated that during the Legislative Session, Senate Bill 275 failed to pass and that this bill would have reached a lot of middle ground of the issues heard in the last public comment. He thanked the Commission for the discussion on the tag deference. He provided that the sellable lists regulation does require written requests and he thinks the Department owes it to the industry and the public to know who is hunting what species.

Friday, August 9, 2019 – Tour will begin at the Close of Agenda Item #13

Commission Tour – Tour will begin at the end of the Agenda – Informational
The Commission will tour Cave Valley Ranch in Cave Valley, Nevada with wildlife significance. Informational presentations may be made at several sites, but no action will be taken by the Commission. The public is invited to participate but will be required to provide their transportation. The group will depart from Ridley's Family Market in Ely, NV.

Chairman Johnston suggested that the Commission meet at Ridley's Market at 2:00 p.m.

Chairman Johnston recessed the meeting at 1:15 p.m.

Saturday, August 10, 2019 – 8:30 a.m.

14. Call to Order, Pledge of Allegiance, Roll Call of Commission and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman

Chairman Johnston called the meeting to order at 8:30 a.m. Roll call was conducted, and the Commissioners present were: Chairman Johnston, Vice Chairman East, Commissioners Almberg, Caviglia, Hubbs, Kiel, and Valentine. Commissioners Barnes and McNinch were absent.

CABMW members present: Mike Reese, Clark CABMW; Joel McConnell, Elko CABMW; Jim Cooney, Elko CABMW; Craig Burnside, Douglas CABMW; Joe Crim, Pershing CABMW; Chrissy Pope, Nye CABMW; Ramone Maestes, White Pine CABMW; Scott Torgersen, Lander CABMW; Mitch McVicars, White Pine CABMW; Steve Marquez, White Pine CABMW.

15. Approval of Agenda – Chairman – For Possible Action
The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.

Chairman Johnston asked to have Public Comment, agenda item #21, now and at the end of the agenda.

No public comment.

VICE CHAIRMAN EAST MOVED TO APPROVE THE AGENDA AS PRESENTED, WITH THE EXCEPTION OF HEARING PUBLIC COMMENT NOW AND AT THE END OF THE AGENDA. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION CARRIED 7-0. COMMISSIONERS BARNES AND MCNINCH WERE ABSENT.

21. Public Comment Period

Persons wishing to speak are requested to complete a speaker's card and present it to the recording secretary. Public comment will be limited to three minutes. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

No public comment.

16. Member Items/Announcements and Correspondence – Chairman – Informational
Commissioners 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. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.

Chairman Johnston thanked the local sportsmen's groups for their hospitality; the lunch that was provided yesterday; the dinner last night at Cave Valley Ranch; the gift bag provided to the Commission; and that it has been a great opportunity to see projects on the ground.

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

Mike Reese, representing Clark CABMW, stated that the comment period for the Bureau of Land Management's (BLM) Environmental Impact Statement (EIS) ended last week which included the Great Basin, part of California and Idaho for fire retention and is a \$50 to \$100 million project. He inquired if the Department commented on this and what was the cost to maintain the project.

Mitch McVicars, representing White Pine CABMW, stated that during the tour last night the stock mills with windmills on the ranches were visible; he inquired about having a discussion between the ranchers and the Department regarding establishing agreements to install solar pumps on the ranches which would provide water for the wildlife and it would benefit everyone.

18. Reports – Informational

- B. Application Hunts 2019 Report – Scott Bonner, Kalkomey

Mitch Strobl and Zach Lambert, both of Kalkomey presented a PowerPoint for the 2019 Big Game Draw Report on behalf of Scott Bonner.

http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/

Discussion ensued regarding the bonus point process; what information is posted to the Departments website after the Big Game Draw occurs; and the 2018 numbers of the public who wanted their information kept private.

Deputy Director Robb noted that the only person from Nevada to witness the draw process at Kalkomey in Texas was Deputy Attorney General, Craig Burkett. He was present representing the sportsmen and citizens of the state of Nevada and not the Department, to ensure that the system was validated and that the business processes were applied correctly.

DAG Burkett verified that he was the only Nevada representative present during the draw process.

Discussion ensued regarding the feedback received from local businesses on the results from in store sales versus online sales for tag applications; how the Department employs many strategies to keep up with modern e-commerce; that Kalkomey can determine how many tag applications are from residents versus non-residents; and that there has been positive feedback regarding the online tag application process.

Chairman Johnston recessed the meeting at 9:20 a.m.

Chairman Johnson reconvened the meeting at 9:35 a.m.

- C. Department Activity Report – Secretary Wasley
Secretary Wasley will provide a report on recent Department activities.

Secretary Wasley read from the Department Activity Report:

DIRECTOR'S OFFICE

Director Wasley met with the Pew Charitable Trusts and the Theodore Roosevelt Conservation Partnership to discuss Secretarial Order 3362 and non-governmental organizations and their desire to leverage these policies. Secretarial Order 3362 directs the Department of Interior to partner with Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming to enhance and improve the quality of big-game winter range and migration corridor habitat on Federal lands.

Director Wasley engaged with Game Division Personnel at their annual Game Division Coordination Meeting in Yerington. He hosted an open forum encouraging staff to ask questions and offer ideas regarding the future of game management and collaboration with county advisory boards and conservation organizations.

GAME

The Game Division is working with the other Divisions to spread the word regarding a new statute, SB 85, that restricts importations of deer family carcass portions from out of state into Nevada. Essentially, the new law restricts the importation of brain, brain stem, and spinal column into Nevada. Game and Conservation Education recorded a podcast on Chronic Wasting Disease (CWD), the role the new statute plays in limiting its spread, and the use of voluntary biological check stations during our fall hunts to monitor for early detection. Nevada remains CWD free and hunters are being encouraged to reduce the risk of its spread. The Division has sent a letter to Nevada hunters that drew deer, elk, or moose tags in Wyoming to alert them of the new law. Surrounding states expressed willingness to communicate with Nevada residents who have obtained deer or elk tags in their states to help bring awareness and prevent the spread of CWD.

Game Division staff have provided all information to SpeedGoat LLC for contracted work on a new Integrated Population Model that may be used for ungulate species. We expect preliminary results from the modelling efforts and software development by late September or early October. Once obtained, the Department will have the opportunity to evaluate the models, provide feedback, and begin training sessions on its use.

HABITAT

Flooding concerns have dissipated along the Walker River especially at the Mason Valley Wildlife Management Area (WMA). The Department has avoided any major damage to buildings and infrastructure at the WMA and Fish Hatchery and the high flows were slightly below what was

experienced in 2017. Currently, flow predictions expect the volumes to remain high through most of the summer.

The recent use of water filled geo-fabric tubes to isolate and dry up cells of the Carson Lake wetlands were successful. Conditions have improved to the point where environmental clearances have been obtained and equipment are being brought in to facilitate repairs of the earthen dikes washed out during the record 2017 Carson River flows. All this effort to break up the 25,000-acre waterbody and reestablish water management cells is being conducted to avoid a repeat of the 2018 avian botulism outbreak, which led to thousands of shorebirds and waterfowl perishing despite our best intervention efforts.

The Department's Vegetation and Soil survey crews have visited approximately 400 sampling plots already this summer. This includes sampling sites on older fire treatments such as the Pinto, Strawberry, Hatchery and Hobson; and the 2018 Goshute Cave and Martin fires. Preliminary data from the Goshute Cave and Martin fires, suggest that this year's seedings and weed control projects are showing success, but follow up will occur over the coming years to verify long-term success.

The Technical Review Program continues to monitor activity related to the draft White Pine County Silver State Trail Environmental Assessment. BLM has placed the Silver State Trail project on hold until after an August 14 meeting of the White Pine County Commission. Additionally, during this meeting the Technical Review Program will be presenting wildlife concerns associated with this project. The Technical Review Program has seen an increased workload associated with BLM Oil & Gas and Geothermal leasing. The Department reviews each proposed lease parcel for potential wildlife concerns and submits permit stipulation recommendations. This year we have seen the workload associated with oil and gas go from four leasing opportunities per year for the whole state, to four lease sales per district per year, going from four review periods to approximately twenty-four.

The Sagebrush Ecosystem Technical Team has begun the process of establishing permanent regulations, as the temporary regulations are valid until November 2019. The temporary regulations that followed the Executive Order 2018-32, which was the Secretarial Order issued by Governor Sandoval, and were established and approved by the Sagebrush Ecosystem Council in April. These regulations require compensatory mitigation, using the Nevada Conservation Credit System and Habitat Quantification Tool, for new and expanding anthropogenic disturbances on State and Federal lands in Nevada within greater sage-grouse habitat.

Since February, the water development crews have completed much of the new construction planned for this season and have moved on to maintenance and planning for next year's construction season. So far this build season, the water development crews constructed three new units, performed major maintenance or complete rebuilds on twelve units, and completed inspections and minor maintenance on over 600 units. The record-setting winter of 2018-2019 generally benefited water developments and most units are completely full going into the hottest summer months. However, heavy snow loads also resulted in several damaged units at higher elevations. These units will be prioritized for repairs and maintenance in the near future.

CONSERVATION EDUCATION

Conservation Education recently attended the National Association Conservation Information Conference. The Department received five National awards including 1st place for the Publication category with the Department's Small Game Guide regulations; 1st place for the Podcast category for staff's Nevada Wild Podcast; 1st place for the Communication Campaign category for the Department's License Simplification campaign; 2nd place for Video Short category for the animated license simplification video; and 2nd place for the One-Time Publication category for the Department's

Strategic Plan. During the conference one of the Conservation Education Public Information Officers, Ashley Sanchez, was elected to the Association of Conservation Information Board of Directors.

A Staff Conservation Educator received a partial scholarship to the Cornell Lab of Ornithology's Summer Educator Retreat. Staff Conservation Educators and the Southern Nevada Wildlife Educators attended this retreat in early July to learn new teaching techniques so they may improve existing programming and create new programming.

The Department hosted our annual Antelope Hunting Seminars at the Washoe County Commission Chambers and the Clark County Shooting Complex. The seminars were well attended as Conservation Education staff along with game biologists, game wardens, and local taxidermists discussed all aspects of antelope hunting, game care and trophy care.

Department staff hosted the annual Angel Lake Kids Fishing Derby in eastern Nevada. There was a great turnout of kids and parents.

Staff participated in the Mason Ortiz Camp at the Winnemucca Ranch. Conservation Education provided instructors as well as equipment needed to make this event a success. This year, the Camp hosted campers who participated in everything ranging from shooting/safety, archery, walking sticks, fishing, campfires, rock wall climbing, and career presentations.

DIVERSITY

Wildlife Diversity and the Fisheries Division held the annual Columbia Spotted Frog survey in Indian Valley in central Nevada. This survey is part of a long-term mark-recapture study that the Department and our partners have been conducting for the past fourteen years as part of the implementation of the Conservation Agreement. This year we had 40 participants from multiple federal and state agencies and conservation groups. Fifteen sites were surveyed, more than 1800 frogs were captured, of which 500 had never been caught before. Due to the wet winter and continuing snowpack on the peaks of the Toiyabe Range, water was abundant this year and we are likely to see large dispersals of frogs from site to site.

There has been an increase in the number of Yellow-billed cuckoos this year in the state. The Department and partners have confirmed a nesting pair of cuckoos along the Virgin River near Mesquite. This is the first nesting pair anywhere in southern Nevada outside of the Warm Springs Natural Area since 2001. In total, cuckoos have been detected at twelve sites, likely representing at least eighteen birds. It is speculated that the relatively high number of cuckoos in southern Nevada might be associated with the very large influx of grasshoppers in the Las Vegas area. In addition to southern Nevada, cuckoos were detected on the Walker River and at the Lahontan Delta in the northern part of the state.

Diversity biologists trapped and color banded eight burrowing owl nestlings from five territories in Nellis Air Force Base. This is done in collaboration with the US Air Force to gather information about site fidelity, survival, patterns of seasonal use, and dispersal.

From May through July, with the help of numerous Department and BLM staff, a total of 23 historic goshawk territories in the Elko area were surveyed for nest occupancy. Only two territories were confirmed active with chicks, suggesting a poor year for goshawk nesting and recruitment in northeastern Nevada. These results are similar to reports from other areas in the West and may be partially due to the late spring cold wet weather. The two occupied nests were targeted for trapping and transmitter deployment but by the time the trapping could occur, both nests had failed with chick remains found at the base of each nest. Consequently, no transmitters were deployed in the Elko area in 2019; however, three transmitters deployed in previous years are still providing valuable data for our goshawk movement and habitat use study.

In the Tahoe Basin, a peregrine falcon nest was monitored at Castle Rock as part of an interagency study on the effects of recreational hikers and climbers on falcon nesting. This is the third year of a collaborative effort between multiple agencies. After two years of observing disturbance caused by hikers who access the cliff-top, a decision was made in May to post closure notices on ten access points that lead hikers to the top of the cliff. The signs included information on peregrine falcons, the risks posed to the nesting birds by hikers, and a request that hikers refrain from hiking to the top. As a result, two juveniles successfully fledged from the nest this season, marking the first successful instance since 2016. Once the young left the nest, the area was reopened to hikers.

FISHERIES

Fisheries staff visited Knott Creek Reservoir in Humboldt County on August 7 to follow up on reports of an algae bloom and fish kill. Staff observed an ongoing moderate algae bloom and about 175 dead fish of a variety of species, which is similar to events that have occurred occasionally in the past. The water surface temperature was close to 70° which has contributed to the problem. The fish die off and bloom is ongoing but cooler temperatures forecast for next week may help reduce the event.

Department Staff are working with NDEP to address Harmful Algae Blooms (HAB) which are likely to continue and increase as an issue in reservoirs across Nevada. It's unclear if HAB's are increasing or if increased monitoring has made for easier detection. HAB's in northern Nevada required the posting or closure of two fisheries last year. This is primarily a public health issue but severe HAB's can impact shoreline fishing and access to boat ramps and fishing piers with recent reports of algae blooms at Knott Creek, Chimney reservoirs and Blue Lakes. NDEP is sampling those and other waters this week to determine if these are hazardous blooms that contain toxic cyanobacteria.

The Department's Aquatic Invasive Species (AIS) program is currently operating stations at five locations on the Colorado River system, focusing on quagga mussel containment, and nine stations in northern Nevada including two highway stations on US 93 in Alamo and on SR 225 north of Elko. Through July 1 the AIS program statewide had conducted approximately 9,000 watercraft inspections and 180 full vessel decontaminations, which is tracking at similar levels to 2018. About 55 percent of the inspections and most of the decontaminations were conducted at Lakes Mead and Mohave.

In late July a watercraft was inspected at the Myers inspection station in the Lake Tahoe Basin and it was found to contain numerous live quagga mussels. The boat came from Lake Pleasant, Arizona which is a known source for invasive mussels. The Department is working with Tahoe Regional Planning Agency (TRPA), California Department of Fish and Wildlife and the State of Arizona to determine how the boat avoided decontamination at the water source and the pathway it followed to reach Lake Tahoe. Full decontamination of the vessel was not possible, and it was sent back to Arizona where the owner is expected to be cited for violation of Arizona AIS regulations.

The Department's spawning station at Marlette Lake above Lake Tahoe is normally in operation by mid-May but could not be accessed until late June this year because of the extreme snowpack. As a result, Fisheries staff was unable to obtain Tahoe strain rainbow eggs for the Department's fish production program and eggs had to be ordered from a private supplier. Department biologists were able to produce some hybrid Bowcutt eggs from a small number of late spawning fish.

Southern Region staff have completed a project to enhance and restore the fishery at Cold Creek Pond in the Spring Mountains. This is a popular urban fishery, but it has been impacted by the illegal release of goldfish and other exotic species which had expanded their populations and dominated the entire pond. The nuisance fish species were removed using the chemical rotenone and the pond is being restocked with rainbow trout and other sport fish.

The Boulder Reservoir Renovation Project in Washoe County that started in 2011 is finally complete with installation by BLM of a new vault toilet. This was a multi-agency project to improve the fishery and visitor facilities including dredging of the reservoir in 2014.

Warmwater fish stocking for this summer in northern Nevada is now largely completed including an additional 6,000 tiger muskie fingerlings for Chimney Reservoir from Wyoming; translocation of white bass to Rye Patch and Washoe Lake; smallmouth bass from Wall Canyon to Sparks Marina; and additional bluegill and largemouth bass stocked at Trout Creek Reservoir in Humboldt County.

Fisheries Staff are working with the United States Fish and Wildlife Services (USFWS) to revise and update the section 4(d) rule for the ESA listed threatened bull trout. The bull trout occurs in the Jarbidge River system in northeastern Nevada. The 4(d) rules allow exceptions to ESA prohibitions of take for listed species and are intended to allow regulated sport harvest of listed game fish like bull trout. However, the rule for the Jarbidge population of bull trout is outdated and inconsistent with the rule for other bull trout populations in the Columbia River system and unnecessarily restricts angling opportunities so we are trying to update that like we do for Lahontan Cutthroat Trout.

The Southern Nevada Water Authority's Springs Preserve has been working with the Department and the USFWS to develop a series of refuge ponds for the endangered Pahrump poolfish and the relict leopard frog. This has proved very successful with reproduction and recruitment this year for both the poolfish and the frogs, working through a Safe Harbor Agreement with USFWS and a Conservation Agreement with the Department. Conservation actions to create additional populations like this is one of the reasons ESA listing for the frog was determined to be not warranted in 2017.

BLM has finished environmental reviews for the restoration work at Shoshone Ponds in White Pine County and work can begin to improve the multiple refuge ponds for Pahrump poolfish. This is one of only three locations that support a significant population of the endangered poolfish that was extirpated from Pahrump Valley in the 1970s.

DATA & TECHNOLOGY SERVICES

The Data and Technology Services Division continues to register motorized and non-motorized vessels this summer. Boat registrations are up 5.3 percent over this time last year. However, though registrations are up, the sustainability of this program is diminishing as boating registration fees are minimal and paddle craft registration and enforcement activities are presently operating without paying fees to the Department yet requiring significant resources to address and maintain public safety. We have hired a new Division Administrator for Data & Technology Services who is scheduled to start with the Department on August 19, and as she comes on board, we will share more information about her and her background.

LAW ENFORCEMENT

A 43-year-old Carson City man lost his life on July 17, 2019 when his kayak capsized in Washoe Lake. The kayaker was alone and not wearing a life jacket. This brings the total to five fatalities in the Reno-Carson area for 2019 with paddle craft users. Four out of the five were neither wearing, nor in possession of any flotation devices. Notably, there is no funding model for warden time spent on paddle craft enforcement, accident investigation, search and rescue, or body recovery, as non-motorized craft are not required to be registered in Nevada.

Southern region game wardens investigated fourteen vessel accidents during the first three weeks of July. Most of these were vessel collisions, but also included a vessel fire and a man who dove into shallow water and became paralyzed from the incident.

Operation Dry Water, a nationwide “boating sober” initiative, was promoted by the Law Enforcement Division boating education personnel with a campaign that included social media and digital outreach. The campaign received good coverage including five television interviews, two radio interviews and a podcast.

Western region game wardens completed a complex residency case that began in August 2018. The investigation showed Todd Ryan Bradley of Concord, California fraudulently obtaining Nevada Resident Licenses and multiple big game tags. Bradley pled guilty to two felony charges: unlawful possession of a firearm by a convicted felon and unlawful killing of a pronghorn antelope, he was sentenced to two consecutive 34-month prison sentences. Bradley will be placed on probation and the sentences will be suspended.

Game wardens were involved in two different use-of-force incidents over the Independence Day Holiday. One was the primary suspect in a vessel collision and was trying to instigate a fight with the opposing party. The other was suspected of operating under the influence and was aboard a patrol boat for field sobriety tests. Both suspects tried to escape detention and were forcibly restrained by game wardens.

Two game warden cadets began the Southern Desert Regional Police Academy in July and three Southern region game wardens began the Field Training and Evaluation Program in August.

Boating Education Coordinator Aaron Meier coordinated with Arizona Game and Fish Department to train members of Law Enforcement and Conservation Education on how to initiate a paddle sports program in Nevada.

Commissioner Hubbs inquired about the status of the burrowing owls and peregrine falcons in Nevada which was provided by Secretary Wasley; he also provided that the peregrine falcons are protected under the Federal Migratory Bird Treaty Act; the Department is learning more about the species nesting success and requirements to ensure that Nevada is not a source of mortality or decline to the overall distribution of the population.

Commissioner Hubbs inquired about the non-motorized crafts and the numerous fatalities; and asked if there is a way to monitor the non-motorized crafts to see if they require registration training. She suggested a regulation that provides for a sticker be part of the life vest, similar to the stickers for vehicle registration, so those that do not have the proper registration identification on the life vest would result in a violation; and because people have multiple paddle crafts, the enforcement should come through the life vest and not the craft. She inquired as to how the Commission could advocate for the enforcement of the paddle craft laws.

Secretary Wasley responded to her question and provided that this is a national discussion right now. Nevada is not unique in not having the funding model tied to the enforcement and investigation that they require. The Association of Fish and Wildlife Agencies have recently sent out a nationwide survey to learn if there are states with a mechanism where they can offset their costs associated with safety and enforcement of the new users on the non-motorized craft. This will likely require legislative action and statute to provide the agency authority to generate revenue.

Discussion ensued that people are unconscious of the risk of being on paddle craft without a life vest in the eastern sierras and cold water alpine lakes; that the law says an individual only has to be in possession of the life jacket, and not wearing it; that this issue is a growing concern with the coast guard; that people overestimate their capabilities while on a paddle craft, especially with the significant risk of high winds; that the public should be mandated to wear the life vest; and that there is currently no funding source to pay for these investigations.

Secretary Wasley stated this topic is on the Departments list to possibly look for ways to bring to the next Legislative Session along with increasing vessel registration fees.

D.* Litigation Report – Deputy Attorney General Craig Burkett

DAG Burkett thanked the Commission for the opportunity to have this position. He reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. He provided that #5 and #7 in the report are identical cases of litigation which were both filed by Mark Smith regarding bear conflict issues. Item #5 is the California litigation and item #7 is the Nevada litigation. Since the Litigation Report was provided, there has been a loose agreement to dismiss the California litigation. He expects that by the next Commission meeting he will have the Order to Dismiss for the California litigation.

E.* Public Works Contracts – Deputy Director O'Brien

A report will be provided on public work contracts awarded by the Department in the previous year.

Deputy Director Liz O'Brien reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. She provided that the packet includes the list of sixteen contracts received through June 30, 2019, along with their descriptions, and all have been awarded.

F. Update on Commission Regulation 482, Public and Sellable Lists – Secretary Tony Wasley

A report will be given on the statute CGR 482 after the hearing at Legislative Commission.

Secretary Wasley provided this agenda item is an amendment to the original agenda that had been sent out. He provided the legislative background which goes back to May of 2018, as to Commission General Regulation (CGR) 482; and provided who testified in opposition to this regulation. The Legislature provided the Department with the rules in which the Department would have to follow to comply with state law.

Management Analyst Kailey Taylor, Secretary Wasley, and Deputy Director Robb provided that they met with the Legislative Commission on June 25, 2019, as recommended by the Attorney General's Office to seek clarification on the next steps as an agency regarding the amendment to the regulation and whether the Department was in compliance. They were advised that the Department was in compliance with the regulation that had been implemented in 2004 and that it was appropriate to bring it forward to the Commission. During the last Legislative Session, Senate Bill 388 was put into place which says, "if a governmental entity collects customer information over an electronic collection database, the governmental entity can determine that information confidential if the governmental entity believes that the disclosure of personally identifiable information could potentially create negative consequences including, without limitation, financial loss, stigmatization, harm to reputation, anxiety, embarrassment, fear or other physical or emotional harm for the person to whom the information pertains." Public Records Deputy Attorney General Sarah Bradley and Senior Deputy Attorney General Bryan Stockton both confirmed that SB 388 further strengthens the Department's need to protect customers information.

Chairman Johnston stated that the statistics reveal what the applicants wanted in terms of their names and addresses not being sellable to third parties, and he must support that.

Commissioner Hubbs commented that one component is the transparency argument; that having just a name can be used to investigate where someone works or lives and can be a threat due to the shaming and threats on social media.

Management Analyst Kailey Taylor stated that our agency, more than any another agency, has the information to back up SB 388 because the Department has proof of individuals who have been harassed on social media and have received physical and emotional harm.

Deputy Director Jack Robb provided clarification that the Department sends out the private information of the eight percent of people who have chosen to have their information shared, to the Master Guides at no charge. He also stated that there is currently no “sellable” list; this is old terminology that was used with the previous tag draw vendor.

Discussion ensued regarding the Commission needing more information as to what might have deferred the regulation; that the outfitters and guides who are opposed to this regulation pushed the issue to elected officials, and that the intention was to find compromise with the Department; that the Department should default to the current regulation and stand on the regulation as drafted. If the amendments are passed, it will be a more transparent and efficient implementation of the regulation, not a change in the regulation,

DAG Burkett reminded the Commission that this is an Informational item and that the merits should not be argued.

Chairman Johnston recessed the meeting at 10:47 a.m.

Chairman Johnston reconvened the meeting at 11:00 a.m.

- G. Conservation Partner Spotlight – Secretary Wasley – Informational
An overview of a key conservation partner program will be shared with the Commission.

Secretary Wasley thanked White Pine County for their hospitality and introduced Mitch McVicars, a local individual who is involved in many conservation partnership activities in this part of this state.

Mitch McVicars thanked the Department for the work being done in White Pine County. He provided history to when the White Pine County Archery Club was established; the location of the shooting range; and that he would like to increase the shooting activity moving forward. He provided information as to how the Steptoe Valley Trap, Skeet & Target Club began, who uses the facility and information about the long-range shooters and the competitions held. He thanked the Commission for the 2017 grant to build the shooting facility. He provided there are a variety of local lakes and facilities in Ely that have a lot of activity and opportunity for the public.

Vice Chairman East, Chairman Johnston and Secretary Wasley thanked Mitch McVicars for providing the information, for sharing the activities that is provided to the kids, for providing opportunities to the public to get out to shoot, and that all of this lends to the purchasing of supplies with a federal tax which supports the projects and pays for conservation.

Deputy Director Jack Robb stated that Sportsworld has a been a great ally for the Department; that a former game warden works there who reported that since the trap club opened, the sales on shot guns and supplies is up over twenty percent; and, this is a great opportunity for young people to be introduced to other activities in the field, which is a direct relation to the trap club in Ely.

19. County Advisory Boards to Manage Wildlife Workshop Session – Informational

- A. Welcome and Opening Comments – Chairman and Secretary Wasley – Informational
The Department will provide an overview of the quota and tag setting process, beginning with the collection of field data and concluding with the draw process, using mule deer as the primary example.

Secretary Wasley provided an overview of the quota and tag setting process; provided that the mule deer survey will be used today since there is more data collected for this species. He invited conversation and questions by the Commission as the information is being presented.

Chairman Johnston provided that the public can ask questions through this presentation.

- B. Mule Deer Survey and Inventory – Wildlife Staff Specialist Cody Schroeder – Informational
The Department will provide an overview of methods and strategies used to inventory mule deer abundance, distribution, and herd composition.

Wildlife Staff Specialist Cody McKee presented a PowerPoint on the Aerial Survey of Mule Deer.

http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/

Discussion ensued regarding the polygon survey strategy; the randomization process; cost-effective survey strategies; how often the Department flies over the hunt units; that some units are managed by harvest data only; and that data collected during the flights is later presented for the tag allocation discussion.

Secretary Wasley stated that the mule deer survey and inventory is a constant process of refinement; and he provided the history of different models that the Department has used over the last several decades to manage population estimates of mule deer. He provided that there are challenges with when the draw process can occur based on the data collection constraints.

Discussion ensued regarding how the biologists determine deer densities, how that affects the tag allocation, and how the polygon sample approach compares to the fly over approach.

Chairman Johnston recessed the meeting at 12:05 p.m.

Chairman Johnston reconvened the meeting at 1:15 p.m.

- C. Models and Population Estimates – Wildlife Staff Specialist Cody Schroeder – Informational
The Department will provide an overview of how survey and inventory data, along with other statistical parameters like age-specific survival estimates and information on migration, are used to estimate population size and trend.

Wildlife Staff Specialist Cody Schroeder presented a PowerPoint on the Models and Population Estimates.

http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/

Discussion ensued that roadkill data is not incorporated into the model.

Discussion ensued between Commissioner Hubbs, Commissioner Kiel, Wildlife Staff Specialist Cody Schroeder and Secretary Wasley regarding the challenges in achieving fawn ratio objectives; the survival rate for fawns; and the fawn to doe ratio versus the spring fawn to doe ratio.

Discussion ensued regarding the deer herds having higher populations in the 1980's; that the buck to doe ratio then was 20:100; and that there was a higher quality buck in the 1980's due to a higher forage quality and surplus nutrients which provide a heavier antler. Now that the herds are smaller the ratio is 30:100. Discussion further ensued as to why this might be happening; that the environment has contributed to the decline of habitat and to the population; and that there is less habitat available to a higher population which will result in a lower harvest.

Discussion ensued that caring capacity is one of the most difficult things to quantify because it can change at any time with changes in weather patterns; and, upon inquiry Wildlife Staff Specialist Cody Schroeder commented on the rate of return for the money spent on sage brush and habitat restoration through the Heritage program.

Discussion ensued whether the growth of feral horses correlates to the decrease in deer herds in southern Nevada; that it is hard to survey that data; and that the Department continually asks the Bureau of Land Management to manage the feral horses. There are multiple committees and groups who have discussions nationally but the agencies cannot keep up with the production of the horses.

Discussion ensued that the average age of bucks is at 3.4 years old, which is the bottom third of the age of the bucks, and that the older the bucks get, the fewer and fewer there are.

Discussion ensued regarding the difference between Utah and Nevada's buck to doe ratios and that there is no comparison between the deer herds due to the differences in habitat. The Department is trying to maximize population because Nevada has more demand than supply along with trying to provide a higher experience.

Chairman Johnston explained what he is seeking when setting quotas and suggested a format for a more transparent quota recommendation.

Wildlife Staff Specialist Cody Schroeder stated that the Department has a similar document that could be presented to the CABMW's and the Commission during the quota setting meeting.

Commissioner Hubbs stated that she needs to leave early and thanked both Wildlife Staff Specialist Cody Schroeder and Wildlife Staff Biologist Cody McKee for their informative presentations.

Chairman Johnston recessed the meeting at 2:58 p.m.

Chairman Johnston reconvened the meeting at 3:08 p.m.

- D. Development of Quotas from Survey and Population Data – Wildlife Staff Specialist Cody Schroeder – Informational
The Department will provide an overview of how quota recommendations are developed based on a targeted management objective, like a post-season mule deer buck to doe ratio, using data on harvest success and hunter demand (often referred to as the demand-success formula).

Division Administrator Brian Wakeling introduced the development of quotas from survey and population data; how the minerals of the area, the nutrition, and genetics of the animal allows for an

older class of animal to exist within the population; and that overall, this model is an objective series of algorithms.

Wildlife Staff Specialist Cody Schroeder presented a PowerPoint on the Development of Quotas from Survey and Population Data.

http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/

Chairman Johnston stated he would like to see the desired buck harvest versus the reported buck harvest per unit in advance of the quota setting meeting.

Discussion ensued regarding the model and the formulas that are used by the Department for quota setting; how the wounding rate is calculated; and that the Department does not use the wounded animal data that is collected from the harvest questionnaire.

Chrissy Pope inquired if the quota setting could be combined with the season setting since all of the information would be presented at once. Discussion ensued regarding season dates must be posted when the public completes their tag applications, and the challenges that would come along with combining the quota setting with the season setting.

- E. The Draw Process – Mitch Strobl, Kalkomey – Informational
The Department's vendor that accepts hunt applications and conducts the random draw for hunting tags will provide an overview of the process involved in accepting applications, managing bonus point accrual, assigning random numbers, and conducting the random draw.

Zach Lambert acknowledged an error in the bear tag draw allocation report that was presented earlier, it is only reflective of resident tag numbers and that he will provide an amendment to the PowerPoint presentation.

Zach Lambert of Kalkomey presented a PowerPoint on the Draw Process.

http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/

Discussion ensued that the order of the applications is by the lowest random number; that there is no draw order between the different animals; and that the one exception is the Silver State tag which is pulled first.

Joel McConnell explained that there is a discretion from what is posted in the Big Game Status Book and what is allowed for online applications; that while online, if you apply for a particular tag, the system blocks the individual from applying for the depredation tag. He also provided that this is the second year this has happened and because of that, any accrued bonus points for the depredation hunt have been purged because the individuals have not applied for two years.

Deputy Director Jack Robb stated that this was discovered after the tag application began; that Kalkomey did as they were directed by the Department; and that the Department will re-evaluate the process to correct any errors made by the Department, even if it means restoring the lost bonus points. He further provided that bonus points are no longer accrued on depredation hunts and it has not been in effect for a while.

Discussion ensued regarding how party applications are calculated; that the numbers are averaged between the individuals in the party; and an explanation of the formula was provided.

20. Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairman – For Possible Action

The next Commission meeting is scheduled for September 20 and 21, 2019, in Las Vegas. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments as necessary at this meeting.

Chairman Johnston stated that he would like to see the following topics on the next agenda: the shed hunting regulation; extenuating circumstances that could allow a person to transfer, return or defer a tag; a workshop on the draft regulation for the statutory cap on landowner compensation tags for deer and antelope; and a follow up informational item on the management objectives by unit for bucks and does.

Secretary Wasley stated that the Commission will be meeting at the Clark County Government Center which will be video streamed and teleconferenced to Reno; and he is unsure if the Department will teleconference to Elko due to the logistics. The main order of business are the following topics: the Department will review fishing regulations; the Wildlife Trust Fund Report will be presented; a presentation on the Pittman Robertson Act and the funding derived from it; a presentation on the background of ewe hunts, and where, when, and why they began, along with alternatives to those hunts and limitations to those options; the Commission will present the Kirch Award; employee tenure recognitions; project updates on the Muddy River and Warm Springs Natural Area restoration work with an update and field trip, but the Department is open to suggestions from the Commission; the Department will find a Conservation Partner to spotlight; and an update will be provided on the Fallon and Nellis Air Force Base projects.

Deputy Director Jack Robb requested that the Commissioners travel to Las Vegas on Thursday September 19, 2019, and that there be no evening committee meetings; the Commissioners along with Legislative and Congressional members will be invited to the open house and ribbon cutting ceremony of the new Department of Wildlife building on Pepper Lane, which will be held on Thursday, September 19, 2019 at 6:00 p.m.

Secretary Wasley stated that the Department will share more information regarding the new building soon. He stated that he has had a conversation with people that deal with non-toxic ammunition who said they would be available in Las Vegas if the Commission desired a brief informational on the product performance and availability for the ammunition.

Game Division Administrator Brian Wakeling provided that the goal of the non-toxic ammunition presentation is to bring awareness and effectiveness to the use of non-toxic ammunition due of the proximity to the shooting range in Las Vegas and they extended the offer to give a live demonstration at the shooting range.

21. Public Comment Period

Persons wishing to speak are requested to complete a speaker's card and present it to the recording secretary. Public comment will be limited to three minutes. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

No public comment.

Chairman Johnston adjourned the meeting at 4:30 p.m.

*Support material provided and posted to the NDOW website, and updates to support material will be posted at ndow.org. Support material for this meeting may be requested from Recording Secretary Brandy Arroyo at (775) 688-1599; supporting material for this meeting is available for the public at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Ste 120, Reno, NV, 89511. In accordance with NRS 241.020 this agenda closes three days prior to the meeting date and has been posted on the NDOW website at NDOW.org and at the following Department of Wildlife offices: 1100 Valley Road, Reno, NV, 89512; 380 W. "B" Street, Fallon, NV, 89406; 815 E. Fourth Street, Winnemucca, NV 89445; 60 Youth Center, Elko, NV, 89801; 1218 N. Alpha Street, Ely, NV 89301; 3373 Pepper Lane, Las Vegas, NV 89120.

Notice to the Public: Nevada Department of Wildlife receives Federal Aid in Fish and/or Wildlife Restoration. The U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, sex, or disability. Individuals with hearing impairment may contact the Department at 775-688-1500 via a text telephone (TTY) telecommunications device by first calling the State of Nevada Relay Operator at 1-800-326-6868. Disabled individuals in need of special services should contact the Department prior to the meeting at (775) 688-1599.