

Approved Minutes – *Minutes approved Nov. 3, 2017*
Nevada Board of Wildlife Commissioners' Meeting
Final Agenda

Clark County Government Center
Commission Chambers
500 S. Grand Central Parkway
Las Vegas, NV 89155

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.

NOTE: Public comment allowed on each action item and regulation workshop items and at the end of the meeting

Nevada Board of Wildlife Commissioners present for meeting:

Chairman Grant Wallace	Vice Chairman Brad Johnston	Commissioner John Almberg
Commissioner Tom Barnes		Commissioner Kerstan Hubbs
Commissioner David McNinch	Commissioner Paul E. Valentine	

*Commissioner East and Young absent Sept. 22 and 23, 2017

Secretary Tony Wasley	Senior Deputy Attorney General Bryan Stockton
Recording Secretary Suzanne Scourby	Deputy Attorney General Joshua Woodbury

Nevada Department of Wildlife personnel in attendance during the two days Reno Location:

Deputy Director Jack Robb	Game Division Administrator Brian Wakeling
Wildlife Diversity Administrator Jennifer Newmark	Wildlife Staff Specialist Matt Maples
Administrative Assistant 4 Kathleen Teligades	Administrative Assistant 3 Kailey Taylor
Chief Game Warden Tyler Turnipseed	Staff Game Warden Mike Maynard
Fisheries Division Administrator Jon Sjöberg	Management Analyst 3 Jordan Neubauer
Data and Technology Services Division Chet VanDellen	Conservation Educator 3 Martin Olson
Wildlife Staff Specialist Cris Tomlinson	Biologist 3 Jason Jones

Others in attendance:

Jeremy Bentz, Nevada Sportsman Unlimited	Glenn Bunch, Mineral CABMW
Joe Crim, Pershing CABMW	Don Molde, Nevada Wildlife Alliance
Tom Bentz, All Outdoors	Gil Yanuck, Carson CABMW
Chip Rougeaux, Nevada Sportsmen Unlimited	Jana Wright
Fred Voltz, recreationist	Mike Reese, Clark CABMW
Robert Bentz, commercial reptile collector	Brian Patterson, Clark CABMW
Chad Foster, Douglas CABMW	Stephanie Myers
Patrick Donnelly, Center for Biological Diversity	John Hiatt, self
Steve Marquez, White Pine CABMW	Annoula Wylderich
Thomas L. Bentz, Silver State Reptiles	Todd Esque
Philip A. Medica, self/wildlife biologist	Mark Transue
David D. Crisler	Josh Cowart, Save our Exotics
Scott Cumbron, senior biologist	Laura Deitsch
Cheryl Hume, Tortoise Group	Jennifer L. Taylor
Sarah Mortimer, Tortoise Group	Mike Smith
Jim Orndoff	Marilyn Benoit
Wayne Bliss	Stacia Newman, NV Political Action for Animals
Kobbe Shaw, Tortoise Group	Jeff Dixon, Humane Society of the U.S.
Jim Vanas	David Blodgett, wildlife biologist
Gerald Lewis, Tribal Council Yakama Nation	Vikki Werner

Jean Perry-Jones
Linda Faso
Lawrence Wilson, reptiles
Sonja Almberg
Jerrilee Cochran
Karen Layne
Philip Rigdon, Yakama Nation
Gerald Lewis, Yakama Nation
Jennifer Taylor
James Tracy, Wild Things LLC
Megan Rougeaux, Nevada Sportsman Unlimited
Ron Martin
Melissa Bejar, NDOW Volunteer

Alan Bernhard, reptiles
Ryan Werner
Bob McKeever
Bob Furtek, Tortoise Group
Felicia Chen
Dianne McLaw
Leroy Adams, Yakama Nation
Ruth Crisler
Teresa L. Bentz, Silver State Reptiles
John Zablocki
Kimberly Jenkins, Clark Co. Desert Conservation Program
Seth Williams, NDOW Volunteer
Bob McKeever, NDOW Volunteer

Friday, September 22, 2017 – 9:30 a.m.

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

Chairman Wallace called the meeting to order. Roll call taken of the Commissioners present on Friday, Sept. 22, 2017: Chairman Wallace, Vice Chairman Johnston, Commissioners Almberg, Barnes, Hubbs, McNinch, and Valentine. Commissioner East excused absence. Commissioner Young had an emergency and did not attend the two-day meeting

Roll call taken of CABMW members present: Chad Foster, Douglas; Glenn Bunch, Mineral; Joe Crim, Pershing; Marquez, White Pine; and John Hiatt, Clark.

- 2 Approval of Agenda – Chairman Wallace – 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.

COMMISSIONER MCNINCH MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER HUBBS SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

- 3 Member Items/Announcements and Correspondence – Chairman Wallace – 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).

Commissioner Johnston said he received individual telephone calls from persons in Florida who are members of a group named Bear Warriors United who told him of their disapproval of Nevada's bear hunt. The group's plan is to boycott Nevada due to the bear hunt. He returned their calls and explained the hunt process, and told them Nevada's bear hunt was starting. He asked them why they chose specifically to single out Nevada for a boycott or were they intending to boycott every state, country and province that allows bear hunting. There was no explanation other than the answer that they could only do one at a time. Commissioner Johnston said he received an inquiry from an individual Nevada waterfowl hunter about water delivery. Commissioner Johnston said he contacted the Department and suggested to Department staff to contact waterfowl groups and explain the situation. He said he received a

voluminous amount of correspondence for tomorrow's agenda item #25 "Commercial Collection."

Commissioner Hubbs said most of her correspondence was also for tomorrow's agenda item #25 "Commercial Collection."

Secretary Wasley said he also received considerable correspondence relative to tomorrow's agenda item #25 "Commercial Collection." The correspondence has been forwarded to the full Commission as well as printed for the exhibit file for public viewing.

Chairman Wallace said he received quite a few emails and any that were not sent to the entire Commission were forwarded to the Department to be forwarded to the full Commission. He said the Commission is aware of the public input relative to tomorrow's agenda item #25 "Commercial Collection," and the agenda item will be fully discussed tomorrow.

- 4 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.

Gil Yanuck, Carson CABMW, said Carson CABMW developed an informational brochure last year to discourage mule deer from hanging around residential areas. The brochure explained to residents how to discourage deer by not providing food or water. He said they were contacted by other counties experiencing similar problems and they provided the pamphlet along with information from Utah. He told other counties to contact them if needed.

- 5 Approval of Minutes – Chairman Wallace – For Possible Action
The Commission may approve Commission minutes from the August 11 and 12, 2017, Commission meeting.

Commissioner Johnston said he had a correction to the minutes, second paragraph: "Page 5, change from "The Commission decided to remove Chief Turnipseed as witness" to "the Department decided to remove Chief Turnipseed as witness."

COMMISSIONER JOHNSTON MOVED TO APPROVE THE MINUTES WITH THE CHANGE FROM "THE COMMISSION" TO "THE DEPARTMENT" WHERE THE REFERNECE TO THE DECISION TO REMOVE CHIEF TURNIPSEED AS A WITNESS WAS MADE. COMMISSIONER ALMBERG SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

- 6 Appeal – Royce Emett – For Possible Action – Postponed to November.
Mr. Emett is appealing the Department's denial of a subguide license application.

Mr. Emett has requested a postponement of his hearing; Mr. Emett's hearing will be moved to a future Commission Meeting.

7 Appeal – Todd E. Wright – For Possible Action
Mr. Wright is appealing the Department's denial of his 2018 master guide license.

Senior DAG Stockton explained the regulations that regulate today's appeal hearing of the denial of a Master Guide license for Mr. Todd E. Wright. DAG Stockton told the Commission that this hearing is "de novo" which means the Commission's decision is independent of the Department. DAG Stockton read part of NAC 504.671 which provides the grounds for denial of a Master Guide license, noting subsection 4.:

NAC 504.671 Grounds for denial, revocation or suspension of license. ([NRS 501.105](#), [501.181](#), [504.390](#)) The Department may deny an application for or revoke or suspend a guide's license for any of the following:

1. Fraud or deception in procuring a license.
2. Fraudulent, untruthful or misleading advertising.
3. A conviction of any:
 - (a) Felony; or
 - (b) Crime involving physical violence, theft or fraud.
4. A conviction of having violated a regulation of a federal land management agency.
5. Immoral, unethical or dishonorable conduct in the licensee's relation to his or her guest, client, patron or a member of the public while providing guide services.
6. A conviction of having violated a provision of:
 - (a) [Chapter 488](#) or title 45 of NRS, or any regulation adopted pursuant thereto, or for a conviction of having violated an equivalent provision in the

DAG Stockton said no public comment is needed for today's hearing as it is a due process matter.

DAG Joshua Woodbury said both parties stipulated to the exhibits included in the Commission packets to be entered into evidence.

COMMISSIONER JOHNSTON MOVED PURSUANT TO NAC 501.185 AND ON BEHALF OF THE COMMISSION THAT ALL WITNESSES BE EXCLUDED FROM THE ROOM UNTIL THEY ARE CALLED AS A WITNESS. CHAIRMAN WALLACE SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

Appellant, Todd Wright, was sworn in by Commissioner Johnston. Mr. Wright said he takes full responsibility for the decisions that were made on Mt. Grafton on Nov. 28, 2016. Mr. Wright said he has hunted over 40 years and guided for 20 and has never violated a game law during that time. He described the events that led to the federal citation of driving a motorized vehicle (pickup truck) in a Wilderness Area to bring his client out. After driving out of the Wilderness Area, a person, Dana Johnson, confronted his group. Later he was contacted and cited by a person from the Bureau of Land Management (BLM) for operating a motor vehicle on a road in a Wilderness Area. Mr. Wright said his client was not going to make it out and there were things he could have tried differently but he was not thinking clearly due to the conditions. He met with BLM, was fined, and he paid the citation. Subsequently, Mr. Wright said BLM placed special stipulations for guiding that he must abide by. Mr. Wright said he was not aware the citation would affect his license with Nevada Department of Wildlife (NDOW) until he received a denial letter from NDOW after submitting his license application. He called NDOW Game Warden Brian Eller and was told that due to the citation there is an automatic revocation of his Master Guide license. Mr. Wright said he asked Mr. Eller if he read any of the evidence and Mr. Eller

answered “no.” He said he feels when it comes to someone’s livelihood they need to look into it more. Mr. Wright said he depends on guiding for his livelihood. He said BLM told him that he should not lose his livelihood on this because BLM let him keep his permits. Learned after the denial happened when he read the Wilderness Act that you can drive into Wilderness to retrieve a person if it affects their health or safety and BLM told him he could have obtained permission to drive in from them.

DAG Woodbury representing NDOW conducted cross-examination of Mr. Wright. He asked Mr. Wright how long he had been a Master Guide and hunter, and if he was familiar with the area they were hunting in where the incident occurred. Mr. Wright said not sure how many years as a Master Guide, but has guided for over 20 years, hunted for 40 years, and familiar with most of that area other than where they were at. He himself had not been in the canyon before and in the dark difficult to tell how rough the terrain was. Mr. Wright said his sub-guide had been there but not him. DAG Woodbury asked if he discussed physical condition of Mr. Hall. Mr. Wright answered it was the heavy pack that broke Mr. Hall down. DAG Woodbury continued questioning Mr. Wright as to being aware of elevation, weather, and other conditions. DAG Woodbury said the individual who confronted the group was Dana Johnson. Mr. Wright knew the name but did not participate in conversation. Asked if Mr. Wright had read Mr. Johnson’s statement? Mr. Wright said yes. DAG Woodbury questioned Mr. Wright relative to Mr. Johnson’s statement, Mr. Woodbury asked if anyone in his party stated to Mr. Johnson they were in an emergency situation. Mr. Wright said he did not hear anyone say that. DAG Woodbury had him read a section of Mr. Johnson’s statement, and asked him if Mr. Hall received medical attention. Mr. Wright said his group returned Mr. Hall to his hotel and got him warmed up. DAG Woodbury continued questioning Mr. Wright’s reporting to the BLM Law Enforcement Officer Mr. Culver. DAG Woodbury asked if he contested any of the charges, and Mr. Wright said no. DAG Woodbury continued his questioning of Mr. Wright.

Commissioner Johnston asked Mr. Wright why he waited for the BLM to contact him instead of self-reporting. Mr. Wright answered that BLM has a reputation which is why he didn’t contact them. Commissioner Johnston asked why the false statement to the BLM officer? Mr. Wright admitted he did provide a false statement to the BLM officer. Mr. Wright said they wanted to make one trip because the sub-guide had to return to work and the client was leaving the state. Commissioner Johnston said they could have lightened the load. Also, snow and cold is not unexpected at that time of year.

Commissioner Almborg asked if guides are contracted to pack out the meat for client and how many trips normally does it take to pack out a bull elk. Mr. Wright said three people can pack it out if animal is boned out. He said the conditions were so miserable to trek out, that to go back would have been difficult.

Commissioner Hubbs asked if Mr. Wright had experienced clients with hypothermia before, and if so, were they treated or was Mr. Hall treated. She asked if Mr. Wright had previously refrained from harvesting an elk under conditions that would not allow game retrieval.

Mr. Wright said he never had this happen and if needed would have taken him to doctor in Caliente.

Commissioner Johnston read statement from exhibits that Mr. Wright read the Wilderness Act after learning that his license was being suspended by NDOW. Commissioner Johnston said he has problem with Mr. Wright’s denial to BLM, and after that he then read Wilderness Act, and then stated health and welfare of client was why they made the decision to drive on road.

Commissioner Johnston said he has problem with sequence of events. Commissioner Johnston asked if the client asked Mr. Wright to retrieve truck. Mr. Wright said the client did not.

Witness Ron Hall, Mr. Wright's client, was sworn in. Commissioner Johnston asked him to tell the Commission what happened. Mr. Hall said that it was Nov. 28, parked in Wilderness zone and walked in to set-up on an elk that they had been watching for days. Spotted the elk and shot him at 12:30 p.m., took quite a while to get around the mountain to get to elk. It was snowing and got elk boned out at sunset around 5 p.m. Got dark, got cold, when they headed out. Terrain was rough and steep. Mr. Hall said he did a lot of falling, fell down a lot, used gun to stabilize himself. He ran out of water and ate snow even though he knows you are not supposed to. They stopped several times to make fires to dry out, he said he was lagging behind Mr. Wright and the sub-guide, B.J. He couldn't remember how many fires they stopped and started, was sweating, lost track of time. Around 9:30 p.m. he wondered how they would get out of there as was very cold. Got to a point where decision was made by sub-guide and Master Guide to get truck. Mr. Hall said they got to a point where he and Mr. Wright waited for truck. He said they drove down and were confronted by one of the ranch hands.

Commissioner AlMBERG asked if he was accustomed to packing heavy loads, and if they had coats, spotting scope and items suitable for the day, in addition to the elk load.

Mr. Hall said he had done it before, but not quite that heavy. Mr. Hall acknowledged that they had all their gear in the packs as well. Mr. Hall said BLM contacted him afterwards and asked why he didn't drop his pack and head out. He told him the same story and honestly at the time never gave dropping his pack a thought. Looking back would dropping the pack would have been a good idea.

Chairman Wallace asked Mr. Hall if discussion occurred about how many trips it may take or a reason for making just one trip instead of making several trips with lighter loads.

Mr. Hall said with the storm going on, they just wanted to see if they could load everything in and get out, which is what they did.

Commissioner Hubbs said she is trying to understand what the risk of leaving their packs was. Was the risk having the meat taken or obviously not being able to find the packs. She asked if there was a real risk to dropping the packs.

Commissioner AlMBERG answered that many hunters take two to three days to get a single animal out. Commissioner AlMBERG said he won't say it is not doable to get single animal out with three people in one day, but will say that is a tremendous amount of work.

Mr. Hall said it was a lot of weight, and biggest thing with dropping the pack, is that you have everything in there for survival, not just meat.

DAG Woodbury asked how many days were they hunting in that area and did they use the same route that they ended up packing out of. DAG Woodbury said with packing in three days they were surveying the general area and getting familiar with the terrain, and he asked Mr. Hall if he knew the group was far into the Wilderness Area at the point you harvested the elk and that it would be pretty difficult back. DAG Woodbury said he knows this has already been asked, but asked again, if discussion held among the group about lightening the pack load.

Mr. Hall said this was third time that they walked in. He said not really because once they packed out they went around the mountain and came back a different route. He did not know they went straight down to the bottom into a drainage, and then started coming up the other side. Mr. Hall said they walked to a certain spot and could see the elk from the road down below and walked in to get on the elk three different times and date of incident was third time when they saw them out in the open. Mr. Hall said yes he knew they were far in to the Wilderness Area. Mr. Hall said in regard to lighter load, they were on side of mountain, and there was no big discussion about anything, they were just trying to get out of there. Loaded everything in and each person took X amount in their pack and headed out.

DAG Woodbury asked Mr. Hall if it is correct that he was scheduled to leave the next day. DAG Woodbury asked what the weather was like, and afternoon was when the bull elk was shot. How was the precipitation from afternoon on, and was it blizzard conditions?

Mr. Hall confirmed that he was to leave the next day. Mr. Hall said weather was stormy and they couldn't even see until noon or later. Correct that bull elk shot in afternoon when break in weather with clouds lifting. He said in the afternoon it was just snowing off and on, but not at night once they were in the canyon.

DAG Woodbury asked Mr. Hall if he was in any discussion with Mr. Thompson once they left the Wilderness Area. Mr. Hall said he doesn't know who Mr. Thompson is. DAG Woodbury said to Mr. Hall that he was confronted by an individual once you left the Wilderness Area. Mr. Hall said, "He is sitting right there." DAG Woodbury asked him if he recalled being confronted and if he had a discussion with him.

Mr. Hall said he recalls the confrontation but never spoke to him; he was ranting and raving at them.

DAG Woodbury asked if Mr. Hall heard person ask why they entered Wilderness Area with a vehicle, and if he heard someone from Mr. Hall's group say they had not taken a vehicle into a Wilderness Area. He asked if he recalled someone stating that "At least we walked in to get the elk?"

Mr. Hall said he heard him ask if they entered the Wilderness Area in a vehicle but did not hear the denial by someone in his group. Mr. Hall said he was trying not to pay attention as he was cold and freezing, they had a problem with a truck, and although it may sound bad, they just needed to leave.

DAG Woodbury asked if once they were at their lodging if medical treatment was administered to him (Mr. Hall), and asked if he left the next day.

Mr. Hall said no medical treatment was administered to him. He thinks they left the next night, but does not remember exactly. He did not get back to his cabin until 3:30 a.m.

DAG Woodbury asked if Mr. Hall asked for the truck to be retrieved or whose idea it was.

Mr. Hall said he did not ask and assumes the matter was discussed between B.J. and Mr. Wright.

DAG Woodbury asked if the two guides suggested leaving the pack behind to get down the mountain.

Mr. Hall said they did not.

DAG Woodbury said he had no further questions for Mr. Hall at this time.

Commissioner Johnston asked if Mr. Hall told the guides he could not make it out, and needed a ride out.

Mr. Hall answered Commissioner Johnston "no."

DAG Woodbury called Chief Game Warden Tyler Turnipseed as a witness. Chief Game Warden Turnipseed was sworn in. Chief Turnipseed explained the Master Guide application process, and the regulation governing applicants as well as the law for denial of a Master Guide license. Chief Turnipseed said the Department has authority to deny a Master Guide his license based on the egregiousness of the violation. Chief Turnipseed said Mr. Wright was convicted of violation of Wilderness laws, and motorized vehicles in Wilderness. Wilderness laws are held in high regard and Mr. Wright met the threshold of egregiousness. DAG Woodbury asked who made the decision. Chief Turnipseed answered that he and NDOW Guide Coordinator Captain Brian Eller the made the decision. DAG Woodbury asked if the fact that Mr. Hall could not hike out was not sufficient to not deny the renewal application. Chief Turnipseed said that fact does not constitute an emergency rather the statement stated Mr. Hall was tired, and everyone gets tired. DAG Woodbury asked if he read Mr. Johnson's statement that was given the same day as incident and if anything there constituted a true emergency. Mr. Turnipseed said the statement had no indication of urgency for medical condition rather statement by Mr. Hall stating "at least I walked in to kill it." No exigency in statement. DAG Woodbury asked why denial? Chief Turnipseed said due to conviction by land management agency and from reading the report, there was no indication of exigency or emergency. He restated that people hold Wilderness in high regard and is known that you have to work harder to get in there. DAG Woodbury said the group could have taken measures to get out safely, and after the group was out there was no mention of any emergency situation to Mr. Johnson or Mr. Culver. The position of NDOW is there was no justification for having a motor vehicle enter a Wilderness Area and his Master Guide license should be denied as Master Guides are held to a high standard and if exceptions made without a true medical event it puts at risk the Wilderness Area themselves.

Mr. Wright was asked if he had a rebuttal statement to the State of Nevada.

Mr. Wright shook his head no, and proceeded with his closing argument: Mr. Wright said he has never been cited and he would make the same decision today if in that same position again. This is his livelihood and will affect his family.

DAG Woodbury said under relevant NAC, NDOW may deny conviction under federal land management agency. Mr. Wright had three convictions. Unfortunate circumstances where things could have been planned better and different actions could have been taken in the Wilderness Area. Chief Turnipseed testified that animals are present there because they know humans cannot access them easily. Question is if there were exigent circumstances for these violations to be over looked. The fact is when the group was confronted by officials there was no mention of an emergency situation such as someone suffering from hypothermia. When confronted they denied entering Wilderness Area. Mr. Hall did not receive medical assistance, no evidence of real medical emergency. The Department's position is that no justification existed for having a vehicle enter the Wilderness Area. He said Master Guides are held to higher standard, they need to be aware of what they are getting into. If exceptions to the rules are made because a client is tired, the Department puts Wilderness Areas at risk.

Mr. Wright said he had nothing further to add.

Commissioner Hubbs said something to be said for Mr. Wright protecting client in medical situation, and that Mr. Wright stayed with his client. She said she found the testimony to be credible.

Chairman Wallace said he has sympathy with group, but they could have dropped packs and walked to vehicle. They made it to the road, client received no treatment, and everyone gets tired.

Commissioner Almberg said he understands the circumstances. Thinks Mr. Wright who has a wealth of experience jeopardized his client by not having client drop his pack and continue. With his experience he should have known better.

Commissioner McNinch said decisions should have been made earlier. He is struggling with timing of events. If Mr. Wright concerned with client something would have been done earlier. Commissioner Valentine said he is very familiar with area where they were hunting as is Commissioner Almberg. He said for them to make it as far as they did and with three miles to go he knows Mr. Hall would be hypothermic by the time he walked. He is sympathetic to the situation.

Commissioner Barnes said sympathetic and has been in same situation. Could have left pack and went back. Concerned with precedent of having motorized vehicles go in. If allowed where would exceptions stop.

Commissioner Johnston said to extent emergency arose it was because one person was going back to work, one leaving the next day. He questioned whether those decisions created that situation to retrieve vehicle to drive into Wilderness. If that is the case he does not have much heartburn with the Master Guide license being denied because the situation should not have occurred. He is sympathetic that this is someone's livelihood, but the livelihood is based on a license Mr. Wright holds. He said you have to hold yourself to a standard that you don't engage in conduct that jeopardizes the license. One concern that he has, is that Mr. Wright did not self-report to law enforcement, and when Mr. Wright was contacted by law enforcement Mr. Wright did not tell truth. Commissioner Johnston said he has a real problem with Mr. Wright being contacted by law enforcement and then falsely denying entering the Wilderness Area, as that is an egregious action for a licensed Master Guide. Mr. Wright admitted being in Wilderness Area only when confronted with evidence and said client was tired. That fact must be taken into account here under the circumstances. The BLM through their investigation viewed the trespass as serious offense per the record which is stated right there along with a stipulation of prohibition of commercial outfitting and guiding in Mt. Grafton Wilderness Area. Another condition is that a "trip plan" be filled out and turned in for every one of Mr. Wright's clients. Commissioner Johnston said the laws are there, and people who hunt in Wilderness Areas as made clear by NDOW, do so for specific reasons and when you go in a Wilderness Area, you know what you are getting into. Your responsibility is to get in and get out. A true emergency was not present, and is confident that things could have been done such as drop packs on road, get the client down, and the guide's return for packs. That was an option that could have been pursued. He has a hard time with the timeline that the emergency situation was not communicated to BLM right away in first interview and the medical emergency situation only came to light after Mr. Wright looked into the Wilderness Act.

Commissioner Johnston said he is prepared to orally issue Findings of Fact, Conclusions of Law, and made the following motion:

COMMISSIONER JOHNSTON MOVED THAT THIS COMMISSION'S DUTY, FIRST AND FOREMOST IS TO THE WILDLIFE OF THIS STATE. THAT INCLUDES WHEN WE LOOK AT ISSUES OF MASTER GUIDE LICENSING. THE FIRST DUTY IS TO WILDLIFE, AND WITH MASTER GUIDE LICENSE IS OBLIGATION TO TAKE INTO ACCOUNT THE PUBLIC, PROTECTION OF PUBLIC AND THOSE THAT HIRE MASTER GUIDES IN THIS STATE. NAC 504.671 SUBSECTION 4 STATES THE DEPARTMENT MAY DENY AN APPLICATION FOR, OR REVOKE OR SUSPEND A GUIDE'S LICENSE FOR ANY OF THE FOLLOWING: A CONVICTION FOR HAVING VIOLATED A REGULATION OF FEDERAL LAND MANAGEMENT AGENCY. MR. WRIGHT WAS CONVICTED BY A FEDERAL LAND MANAGEMENT AGENCY (BLM) FOR AN INCIDENT THAT OCCURRED NOV. 28, 2016. IN PARTICULAR MR. WRIGHT, HIS SUBGUIDE, AND HIS CLIENT WERE ALL CITED. MR. WRIGHT WAS CONVICTED FOR TAKING MOTORIZED VEHICLE INTO WILDERNESS AREA. THAT CONVICTION WAS NOT APPEALED, THE FINES WERE IMPOSED AND FINES WERE PAID. MR. WRIGHT WOULD KNOW THAT THIS CONVICTION BY A FEDERAL LAND MANAGEMENT AGENCY WAS NOT UNRELATED TO HUNTING ACTIVITIES THAT OCCURRED DURING A GUIDED HUNT, FOR THAT REASON THE QUESTION IS SHOULD THAT CONVICTION CAUSE THE SUSPENSION REVOCATION OF MR. WRIGHT'S MASTER GUIDE LICENSE. THE DEPARTMENT INDICATED IT SHOULD AND MADE THE DECISION TO SUSPEND MR. WRIGHT'S LICENSE FOR 2018 AND NOT 2017 WHICH WOULD ALLOW MR. WRIGHT TO COMPLETE HUNTS HE HAD BOOKED AND SCHEDULED FOR THIS YEAR (2017) TRYING TO SOFTEN IMPACT OF SUSPENSION ALTHOUGH ALL COGNIZANT OF IMPACT IT COULD HAVE ON MR. WRIGHT NEXT YEAR. MR. WRIGHT SAID EMERGENCY SITUATION EXISTED THAT SHOULD HAVE ALLOWED HIM ON HIS OWN INITIATIVE WITHOUT CONTACTING BLM TO TAKE A MOTORIZED VEHICLE INTO A WILDERNESS AREA, WILL ASSUME FOR SAKE OF ARGUMENT THAT LAW ALLOWED MR. WRIGHT TO TAKE A MOTORIZED VEHICLE INTO THE WILDERNESS AREA WITHOUT FIRST CONTACTING BLM, AS HIS DECISION TO MAKE UNDER THE CIRCUMSTANCES. THE FACT THOUGH, IN THE RECORD BEFORE US DOES NOT DEMONSTRATE THAT SUCH AN EMERGENCY SITUATION EXISTED: FIRST WE HAVE STATEMENT BY MR. JOHNSON WHO CONFRONTED THE THREE INDIVIDUALS AND NOWHERE IN THE STATEMENT FROM DANA JOHNSON IS ANY STATEMENT BY BJ, MR. HALL OR MR. WRIGHT THAT THE REASON THE VEHICLE ENTERED WILDERNESS AREA WAS BECAUSE OF AN EMERGENCY SITUATION. INSTEAD MR. WRIGHT CONFIRMED HE DID NOT SPEAK TO MR. JOHNSON THAT DAY. COMMISSIONER JOHNSTON SAID HE QUESTIONED IF AN EMERGENCY SITUATION TRULY EXISTED JUSTIFYING TAKING VEHICLES INTO WILDERNESS AREA WHY WAS THAT EXPLANATION NOT PROVIDED TO MR. JOHNSON AT THE TIME. SECONDLY, THE BLM INVESTIAGTION IN THIS MATTER IS IMPORTANT IN THAT WHEN MR. WRIGHT WAS FIRST CONTACTED BY BLM OFFICER CULVER, MR. WRIGHT DENIED ENTERING WILDERNESS AREA, AND MR. WRIGHT ADMITTED TODAY THAT HE MADE A FALSE STATEMENT TO THE BLM. IT IS NOT ACCEPTABLE FOR A LICENSED MASTER GUIDE HOLDING A LICENSE ISSUED BY NDOW TO PROVIDE A FALSE STATEMENT TO LAW ENFORCEMENT IN CONNECTION WITH AN INVESTIGATION BEING CONDUCTED IN CONNECTION WITH YOUR LICENSED ACTIVITIES. THE BLM'S ACTIONS ALSO INDICATE THAT THEY FELT IT WAS A SERIOUS VIOLATION. THE LETTER IN FACT STATES VERBATIM, THAT BLM TAKES VIOLATIONS OF THIS NATURE VERY SERIOUSLY, AND IMPOSED CONDITIONS. THEREFORE THE ACTIONS OF THE BLM WERE NOT CONSISTENT WITH IT FINDING SOME SORT OF EMERGENCY SITUATION TO

JUSTIFY THE MOTORIZED VEHICLE ENTERING INTO THE WILDERNESS AREA. THE BLM CONDITIONS WERE TO PRECLUDE MR. WRIGHT FROM GUIDING AND COMMERCIAL OUTFITTING IN MT. GRAFTON WILDERNESS AREA, TO PROVIDE INDIVIDUAL TRIP PLANS FOR EVERY CLIENT, AND ALL VEHICLES CONDUCTING BUSINESS BY MR. WRIGHT TO BE OFFICIALLY MARKED WITH HIS "SPECIAL RECREATION PERMIT IDENTIFICATION." MR. HALL'S TESTIMONY ALSO INDICATED THAT MR. HALL DID NOT ASK MR. WRIGHT OR BJ TO RETRIEVE THE VEHICLE FOR A RIDE OUT OF WILDERNESS AREA. COMMISSIONER JOHNSTON SAID THE RECORD THEN INDICATES THAT BASED ON THE FOREGOING AN EMERGENCY SITUATION DID NOT EXIST TO JUSTIFY THE VIOLATION OF THE WILDERNESS ACT. MOREOVER IF AN EMERGENCY DID EXIST, THE QUESTION IS WHY DID THAT EMERGENCY SITUATION ARISE? IN THIS INSTANCE IF AN EMERGENCY AROSE, IF MR. HALL WAS TOO HYPOTHERMIC OR TOO TIRED TO WALK OUT, THAT SITUATION AROSE FROM DECISIONS MADE DURING THE COURSE OF THE HUNT, TO WALK INTO THE WILDERNESS AREA AND TO TRY TO PACK OUT A BULL ELK BY THREE PEOPLE IN ONE TRIP IN SNOWY, COLD CONDITIONS AND THAT LEADS HIM TO FACT THAT IT WAS MR. WRIGHT WHOSE RESPONSIBLE TO MAKE SURE AS THE MASTER GUIDE THAT PEOPLE GOT IN AND OUT OF THAT WILDERNESS AREA SAFELY. IN THAT SITUATION IF THAT EMERGENCY SITUATION AROSE, WHICH HE DOES NOT BELIEVE IT DID TO EXTENT IT JUSTIFIED ENTRY OF THE MOTORIZED VEHICLE, BUT IF IT DID, IT FURTHER SHOWS THE SITUATION AND WHETHER OR NOT THE SUSPENSION IS APPROPRIATE. THE DEPARTMENT CONSIDERED VARIOUS THINGS THAT COULD OCCUR. THERE ARE NO SPECIAL CONDITIONS THAT NDOW COULD PLACE ON MR. WRIGHT'S MASTER GUIDE LICENSE. THEREFORE, THE DEPARTMENT DECIDED TO SUSPEND MR. WRIGHT'S MASTER GUIDE LICENSE FOR 2018, ALLOWING HIM TO COMPLETE THE 2017 SEASON. COMMISSIONER JOHNSTON MOVED TO SUSPEND MR. WRIGHT'S MASTER GUIDE LICENSE FOR 2018 BASED ON FOREGOING FACTS AND THE PROVISIONS OF THE NEVADA ADMINISTRATIVE CODE. THIS COMMISSION CANNOT TURN A BLIND EYE TOWARDS THIS TYPE OF VIOLATION. A ONE YEAR'S SUSPENSION IS ADEQUATE. THE FACT IS MASTER GUIDES ARE HELD TO A HIGHER STANDARD AS THEY ARE BEING PAID BY CLIENTS ALSO MASTER GUIDES ARE WHO THE SUBGUIDES OPERATE UNDER. BASED ON THE FOREGOING, COMMISSIONER JOHNSTON MOVED TO SUSPEND MR. WRIGHT'S MASTER GUIDE'S LICENSE FOR 2018. CHAIRMAN WALLACE SECONDED THE MOTION.

COMMISSIONER HUBBS SAID THE AGENDA STATES "DENY" AND KNOWS THE LICENSE CAN BE DENIED, REVOKED OR SUSPENDED. SHE ASKED FOR CLARIFICATION WHETHER THE MOTION IS TO SUSPEND OR DENY THE LICENSE.

COMMISSIONER JOHNSTON SAID HE WILL MODIFY HIS MOTION TO WHATEVER WORKS ADMINISTRATIVELY TO SUSPEND OR DENY THE LICENSE FOR 2018. HE STATED: MR. WRIGHT SHOULD NOT RECEIVE HIS MASTER GUIDE LICENSE FOR 2018. MOTION PASSED 7 – 0. COMMISSIONERS EAST AND YOUNG ABSENT.

- 8 Commission Policy 9, Americans with Disabilities Act (ADA) – Second Reading – Commissioner and Administrative Procedures, Regulations, and Policy (APRP) Committee Chairman David McNinch – For Possible Action
The Commission will conduct a second reading of Commission Policy 9, Americans with Disabilities Act (ADA), and may take action to officially repeal the policy.

Commissioner McNinch said the committee determined that Commission Policy 9 is no longer needed due to federal law.

COMMISSIONER MCNINCH MOVED TO REPEAL POLICY 9 AS PROPOSED BY THE COMMITTEE. COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG ABSENT.

- 9 Commission Policy 29, Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards – Second Reading – Commissioner and APRP Committee Chairman David McNinch and Game Division Administrator Brian F. Wakeling – For Possible Action
The Commission will conduct a second reading of Commission Policy 29, Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, and may take action to officially implement the policy.

Game Division Administrator Wakeling said the Department has developed Commission Policy 29 to reflect the most recent arbitration process approved by the Commission and recent changes to the NAC. During the first reading the Commission voted to approve the policy with changing “as inequitable” to “the Department made in error.” This change has been incorporated into the policy.

COMMISSIONER MCNINCH MOVED TO ADOPT POLICY 29 AS PRESENTED. COMMISSIONER JOHNSTON SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG ABSENT.

- 10 Commission Policy 63, Protecting Wildlife from Toxic Ponds – Second Reading - Commissioner and APRP Committee Chairman David McNinch and – For Possible Action
The Commission will conduct a second reading of Commission Policy 63, Protecting Wildlife from Toxic Ponds, and may take action to officially revise the policy.

Commissioner McNinch said the committee voted to incorporate the manner in which the zero mortality is met and add verbiage as to the mandatory reporting requirement. The additions have been incorporated into the policy as presented today.

COMMISSIONER JOHNSTON MOVED TO ADOPT POLICY 63 AS PRESENTED. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG ABSENT.

- 11 Commission Policy 27, Protection of Nevada Wildlife Resources – First Reading – Commissioner and APRP Committee Chairman David McNinch and Game Division Administrator Brian F. Wakeling – For Possible Action
The Commission will conduct a first reading of Commission Policy 27 and may take action to repeal or revise the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Administrator Wakeling said the purpose of the policy is to maintain state authority for the management of wildlife species within Nevada. The focus of the rewrite was to define those situations under which the state has public trust responsibilities and to define those situations under which the federal government has that trust responsibility, as well as to affirm the Commission’s position through collaboration and cooperative work to maintain the State’s trust responsibility to the extent practicable.

Commissioner McNinch said the committee approved all of the policy except one statement on page 2 which read: "It is the policy of the Commission and the Department of Wildlife to oppose a permanent population of wolves in Nevada."

Commissioner AlMBERG asked Administrator Wakeling relative to the stricken section #6, is there scientific evidence that states that wolves were absolutely here in Nevada.

Administrator Wakeling said there is documented evidence that wolves were in Nevada historically. What is not clear is the extent to which wolves were here, and no clear evidence that wolves were ever numerous. Wolves occurred here historically, and staff confirmed a wolf sighting in November 2016 with genetic testing. Prior to that the last confirmed wolf sighting was in 1922.

Commissioner Hubbs said the committee discussed extensively whether or not to have the verbiage for the wolf in general or not. She said she wondered if having the line item for the wolf is needed as the policy is titled "Protection of Nevada Wildlife Resources." That section was irrelevant to the purpose of the policy and the committee wanted the full Commission to discuss.

Chairman Wallace said he had concern for removal of that from the policy. His thought was there is nothing wrong with the Commission having a policy of saying we do not want a permanent resident wolf population in Nevada. Not to say wolves can't come here naturally but from his perspective wants a policy stating the Commission is not open to re-introducing wolves to Nevada. That was his concern with removing the statement because striking out all sections relating to wolves entirely without being in a different policy concerned him.

Commissioner Valentine said he agreed with the reasons Chairman Wallace stated. He wants the statement to remain in the policy so there is a position in the event an outside organization wanted to reintroduce wolves because in his mind in Nevada there was not an actual viable wolf population in the state.

Administrator Wakeling said NDOW had a recommendation that the "Department position" be removed from the policy because this is a Commission policy. The whole intent is for the State to obtain authority to manage wildlife because NDOW believes that the opportunity exists to work with local communities, and the state is better able to do that than the federal agencies. Administrator Wakeling said NDOW is working with U.S. Fish and Wildlife Service currently to develop a coordination plan and delineate clear authority in the event wolves establish in Nevada. Commission Policy provides guidance to NDOW.

Commissioner AlMBERG said he agreed with Commissioner Valentine and Chairman Wallace. He said having language in the policy is relevant and important.

Public Comment –

John Hiatt, Clark CABMW, said language reading "natural habitat" in section 1 of the Policy should be looked at because chukar have been introduced to Nevada. Chukar are not in their natural habitat; therefore Nevada would not have authority to regulate chukar. That would be one argument that could be made. Need to define the terms: "Natural habitat, native habitat, and suitable habitat," as there are differences. In section 6 of the policy, the second sentence states "local communities" which needs to be defined for size. Local community may mean something different relative to size, such as Las Vegas or other areas like Beatty, does that

mean the locals would make the decision or the people of Nevada. Also, there may be an advantage to having wolves naturally recolonize as that is only predator in North America that could deal with feral horses which could be advantageous in certain parts of Nevada.

Don Molde said he objected to the language pertaining to the wolf during the committee meeting as it sounded very arrogant and was without any public support just personal preference. Mr. Molde said if intent is to speak to “re-introduction” versus “voluntary” he is in favor of that. The language in the policy should reflect that. He said review of literature about Nevada’s ungulate population 100 years ago notes that the only ungulates around at the time were pronghorn antelope and bighorns. Rarely were deer or elk seen. The same statement made by Mr. Wakeling about wolves can be made about ungulates. Nevada has ungulates by the thousands now and claiming wolves have no business being here when ungulates weren’t here either seems somewhat self-serving. He is in favor of wolf language being cleaned up with voluntary appearance of wolves being fine. Wolves have just as much of a place here as deer and elk, as all were in same situation 100 years ago.

Patrick Donnelly, Center for Biological Diversity of Las Vegas, said he appreciates NDOW’s proactive approach. He suggested that wolves be addressed in separate policy with wolf management plan. Oregon and Washington had proactive management plans done before wolves showed up. His organization will not advocate for wolf reintroduction in Nevada. Another approach would be to change the language to reflect natural migration may happen but Commission’s opposition is to active re-introductions. Mr. Donnelly said wolves poll very well in the general populace and if there were a public engagement process in Nevada many people would support natural migration of wolves into the state as would his organization. He concluded that wolves in Nevada would be best addressed in a separate and public process.

Commissioner Hubbs said at the committee meeting she suggested placing wolves in a separate policy, adding verbiage of goals of State interacting with that species along with the federal government to work out which agency has “take” authority if wolves arrive in Nevada. Having a plan would assist with avoiding issues with a listed species and not working properly with the federal government. If the Commission does not support a separate policy, she is in agreement with cleaning up language, and specifically calling out the Commission’s opposition to wolf reintroduction.

Commissioner Barnes agreed something is needed on wolves because no other policy. Wolves should be in their own policy but because there isn’t, need to leave something on the books. As far as he is concerned whether wolves come in naturally or re-introduced the same result with what they could do to Nevada’s wildlife populations and domestic livestock. He supports the statement that “a permanent wolf population in Nevada is opposed.”

Chairman Wallace suggested removing “and the Department of Wildlife” to leave it as the policy of the Commission. Commissioner Almborg said he is okay with that.

Commissioner McNinch said he agrees with that and also with a separate policy as well. He supports leaving this policy in force until that time.

Commissioner Hubbs said she thinks it odd for the Commission and Department to in general oppose a permanent population of wolves. If wolves naturally migrated to Nevada why would we target one species and oppose that population. Wolves are wildlife that need to be held in trust, managed and be taken care of, if here naturally.

Commissioner Johnston said the deletion of “and the Department of Wildlife” from paragraph 9 is appropriate. It is the Commission’s Policy. His preference would be to delete the word “permanent” if the Commission is opposed to a wolf population. He noted that there was no clear definition of what constituted a “permanent” population. He said people voicing opposition to this policy as written is a way of getting the Commission to actually support wolves in Nevada without saying it, and by adopting a policy saying if they migrate to Nevada that is okay and Commission Policy supports that. He is not certain we can say that it is a “natural migration” if wolves that migrate into Nevada were re-introduced in other states.

COMMISSIONER BARNES MOVED TO APPROVE CHANGES TO POLICY 27 AS PRESENTED WITH THE FOLLOWING CHANGES: IN LINE 9, STRIKE “AND THE DEPARTMENT OF WILDLIFE” AND THE WORD “PERMANENT.” THE POLICY WILL BE MOVED TO THE NOVEMBER MEETING FOR A SECOND READING. COMMISSIONER JOHNSTON SECONDED THE MOTION. MOTION PASSED 5 – 2. COMMISSIONERS MCNINCH AND HUBBS OPPOSED. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

- 12 Commission Policy 65, Designation of Wildlife Management Areas – First Reading
Commissioner and APRP Committee Chairman David McNinch – For Possible Action
The Commission will conduct a first reading of Commission Policy 65 and may take action to revise the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Commissioner McNinch said this policy has not been reviewed in decades. The changes are edits and clean-up language as denoted in support material.

COMMISSIONER JOHNSTON MOVED TO APPROVE POLICY 65 AS PRESENTED FOR A SECOND READING IN NOVEMBER. MOTION SECONDED. MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

- 13 Commission Policy 66, Management and Use of Wildlife Management Areas (WMA) –
First Reading – Commissioner and APRP Committee Chairman David McNinch – For
Possible Action
The Commission will conduct a first reading of Commission Policy 66 and may take action to revise the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Commissioner McNinch said the committee made proposed edits and language updates for the management and use of WMA with a few editorial changes. Committee recommendation is for a second reading “as is.”

Commissioner Johnston said he understands deleting the last portion under funding sources on the last page but he questioned whether the entire paragraph should be in the policy. The paragraph was directed at the part that is being omitted.

Commissioner McNinch said it makes sense to delete the entire paragraph because we are only talking one side of the equation.

Commissioner Hubbs said it seems like somehow someone gets more priority because they fund something and it is a little off putting to the non-consumptive users. It seems like they are second class citizens.

Commissioner Johnston said there is no policy statement when you remove the last sentence. Either it is modified to say it is the policy of the Commission to let the consumptive users to facilitate the funding and not asses the non-consumptive users or you delete the funding sources language altogether.

Commissioner Hubbs is fine removing the entire paragraph.

Chairman Wallace said he is trying to remember the discussion of this during the committee meeting.

Commissioner Hubbs said she remembers feeling the same way. Why are the non-consumptive users not paying for the area? Maybe they would want to contribute. To say one has priority over the other and not giving them the opportunity to fund and the other one funding it sounds odd. She knows birders who would pay for an area for birding.

Chairman Wallace said he feels like the discussion was along the lines of reiterating where the funding is coming from for the WMAs. Maybe it needs to be worded a little bit differently.

Commissioner McNinch said there is language in the policy that reiterates the concept that it is not cheap to maintain a WMA and a lot of the money that goes into them is coming from sportsmen revenue. Priority is given to the sportsmen because of that. There was an attempt, several years ago, to establish a system for payment by non-consumptive users. The proposal said if you hold a license then you can access the WMAs with the license, but if you are a non-consumptive you have to pay a fee. It did not get through the Commission though. It was close to the same timeframe this policy was developed. We can always look into that if you wanted.

Director Wasley said he wanted to point to what Commissioner McNinch brought up and that is the age of this policy. This language is an artifact of that era. There has been funding opportunities through Question 1, Question 5, Pittman-Robertson, Dingell-Johnson, that have allowed us to have more inclusive funding for the WMAs. If there is a desire to change the language he would recommend to stay clear of the divisive consumptive versus non-consumptive and use language affirming the benefits of broader and more inclusive funding and an encouragement to the Department to explore broad and diverse funding opportunities for the benefits of all citizens which would be consistent with our statutory charges.

Commissioner Johnston said to keep "funding sources" and the first two sentences as written, but delete the last two sentences. He would like to add a sentence to say, "It is the intent of the Commission that the Department develops broad strategies and programs to fund the WMAs from as broad of sources as possible." He said that might be too loosely written and need clean-up. He said it is expensive to manage them and he would like to not make mention of consumptive versus non-consumptive.

Commissioner McNinch said he appreciates the conversation. There are two headings on page 3 that are specific to consumptive versus non-consumptive. The funding source portion stood out more today than before. There are some discussions on the consumptive and non-consumptive and he is wondering if we should just bring this policy back to the Committee to look at that aspect too.

Commissioner Hubbs said as long as Mr. Jenne can help in writing this he might be able to provide a second draft for the committee to review.

Chairman Wallace said to bring the policy back through the committee and have Administrator Jenne present it would be easier to have a better discussion on this.

Commissioner McNinch said it does not read badly as far as what the laws say. He said it reflects what the laws say about WMAs. Hunters and anglers take precedent.

Chairman Wallace said to return the policy to the committee. Commissioner Johnston said he also would like to see the policy returned to the committee as there might be some additional clean up. Chairman Wallace agreed to have Policy 66 return to committee for clean-up.

14 Reports – Informational

- A Department Activity Report – Secretary Tony Wasley
Director Wasley will provide a report on recent Department activities.

Game Division was represented and attended committee and working group meetings at the Association of Fish and Wildlife Agencies (AFWA) held in Sandy, Utah, on Sept. 11 - 13, 2017. The Game Division Administrator chaired the Human Wildlife Conflict Working Group, and represented the Department at meetings of the Science and Research Committee, Sustainable Use of Wildlife Committee, Wildlife Resources Policy Committee, and Harvest Information Program Working Group.

Wildlife Health staff are preparing for hunting season by requesting samples from taxidermists as well as hunters, for samples from bighorn sheep for respiratory disease (pneumonia and sinus tumor) and from deer and elk for chronic wasting disease surveillance. Secretary Wasley said Chronic Wasting Disease (CWD) is transmittable to primates now, and perhaps at the November meeting staff may make a presentation. CWD has not been detected in Nevada to date.

Wildlife Health and other Game Division staff have been collecting and testing DNA from homes where any bear has entered in search of food. These samples are compared with any bears trapped in the neighborhood to ensure identification of any offending bear that may be captured subsequently.

Wildlife Health staff assisted in the response to a die-off of waterfowl and other water birds which occurred on Carson Lake. Mortalities were recovered and submitted for diagnostic testing. Botulism was the cause of the die-off which involved approximately 100 waterfowl.

Wildlife Health Specialist co-organized the third captive pet desert tortoise sterilization clinic which held Aug. 29 - 30, 2017, in Las Vegas. Veterinarians from many states participated in this training effort and 103 pet tortoises from Nevada, including one of the Governor's "first tortoises" were sterilized. All animals received health exams and permanent identification. The clinic is a collaborative effort by Clark County, the Department, and the U.S. Fish and Wildlife Service (USFWS) to prevent uncontrolled captive breeding and potential release of unwanted surplus pets into the wild.

Wildlife Health staff conducted a capture class for biologists and Law Enforcement Officers on Sept. 14, 2017 in Las Vegas.

The Nevada Aquatic Invasive Species Plan approved by the Commission was finalized plan and presented to Governor Sandoval for review and signature.

Fisheries Division is trying to resolve a potential shortage of rainbow trout eggs for 2018 production. In anticipation that the egg take from Marlette Lake would be limited because of conditions last winter, we had secured 250,000 eggs from Ennis National Fish Hatchery in May. When the eggs arrived at Gallagher Hatchery the shipping containers had been damaged by FedEx and almost all of the eggs were lost.

Staff is working with National Park Service for approval of plans to resolve the problems with the fire suppression system at Lake Mead Hatchery. The current system is contaminated with quagga mussels from the raw water supply. This will bring the hatchery in compliance with fire codes and possibly allow reopening of the visitor's center.

Several reports were received of localized fish kills in Lahontan Reservoir, mostly juvenile carp but also white bass, crappie and wiper. We are monitoring water quality in the reservoir but the problem may be in part because of vegetation that grew up the past few years and is now submerged and decaying resulting in local areas of anoxic water.

Below the spillway at South Fork Reservoir a fish salvage operation confirmed several age classes of yellow Perch along with Channel Catfish, Largemouth Bass, Smallmouth Bass, Bluegill Sunfish, and Wipers. Yellow Perch were first found below the spillway in 2016.

Several important genetics projects for native fish species are progressing, including a range-wide assessment of Alvord chub in northwestern Nevada and Oregon and an evaluation of range-wide genetics of relict dace in northeastern Nevada through UC Davis. The relict dace work is important relative to an existing petition to USFWS to list the dace in Goshute Valley under the ESA.

A petition from the Center for Biological Diversity to emergency list the Dixie Valley toad under the ESA was received by USFWS. This was not unexpected. The primary threat identified is construction of a geothermal plant in Dixie Valley. Fisheries staff has been working with the USFWS to insure they have all available information on the toad to use in evaluating the petition for the initial 90-day finding.

Fisheries staff with assistance from USFWS and the Forest Service has completed a major treatment project to remove nonnative trout from about 24 miles of the North Fork Humboldt River and tributaries. This will allow re-establishment of native Lahontan cutthroat trout to almost the entire North Fork sub basin.

Through the end of August we have documented at least six northern pike from Comins Lake, all in the same 6-9 inch size range. Anglers have reported to our creel clerk catching several other pike that weren't turned in but were disposed of and not released. Staff will continue intensive boat electrofishing surveys in September and October to see if additional pike can be located and removed.

Given this million acre plus wildfire season, regional staff are working with BLM to address fire rehabilitation needs associated with 2017 fires. Although we are currently waiting on BLM to provide indication of funding approvals for the various ESR plans, we have already started our seed purchase process. NDOW, in cooperation with many sportsman groups has pooled monies and resources to try to meet priority wildlife habitat rehabilitation needs on public, private and state owned property. Nevada lost 934,000 acres of sage-grouse habitat. Nevada had the largest acreage loss in the west in 2017 to date.

NDOW is in contract on a property acquisition adjacent to the Overton WMA. The 13 acre property includes two ponds, totaling approximately four acres in size plus a residence. The ponds currently serve as important resting habitat for waterfowl and will be maintained through use of some previously purchased water rights.

As part of the Sentinel Landscapes Partnership Collaborative the Habitat Division continues to investigate possible conservation easement opportunities. During the time since application submission, the Habitat Division has provided updates including monthly inter-agency meetings, and an NRCS Conservation Easement Workshop held in Reno on Sept. 12, 2017.

Through the Habitat Division's Private Lands 4 Wildlife Program, work continues with the DCNR State Conservation Commission the Conservation Districts Program, and the USFWS Partners for Fish and Wildlife (PFW) to develop and implement habitat restoration projects on private lands across the state. NDOW recently provided financial match for conservation district projects in Elko, Washoe, and Lyon counties, complementing funds provided by the Nevada Division of Environmental Protection, BLM, and NRCS."

Construction has begun on a wetland enhancement project at the Key Pittman WMA. NDOW has partnered with Ducks Unlimited on this project to rehabilitate portions of the north ponds resulting in more uniform wetlands that eliminate overly deep areas and spreads water to areas that in the present state do not support shallow ponded conditions. The project will also replace water control structures to improve water delivery and drainage providing improved overall habitat management ability. Eagle View Contractors out of Moapa was awarded the construction contract and the project is expected to be completed before the Oct. 14 waterfowl opener.

Habitat Division staff continue to work with Nevada Division of Water Resources and USFWS staff on a temporary water transfer to send water purchased for Carson Lake to the Stillwater NWR to benefit wildlife and waterfowl hunting on the refuge. Due to the amount of runoff from last winter, NDOW does not have a need to send water out to Carson Lake since most of the levees and roads remain under water on the area.

Conflicts between bears and humans continue to escalate along the Sierra Front and in the Tahoe Basin. An Incline Village man confronted a bear in his kitchen in the early morning hours of Sept. 6. The bear reportedly charged the man, who shot it with a 9 mm handgun. The bear then turned and fled from the house, leaving blood evidence in the house and down the street. NDOW game wardens tracked the bear for several hours, but eventually lost the trail. A California man was severely injured by a bear in a similar incident in Tahoe City in late August. This attack also happened inside the man's residence and is the most severe attack in the Tahoe Basin in recent years.

Southern Region game wardens investigated a boating fatality near Sentinel Island at Lake Mead when a 63-year-old male drowned after jumping in the water to swim with no flotation device on Sept. 6, 2017.

Lake Mead game wardens conducted an OUI checkpoint at Callville Bay Marina on Aug. 19 that netted one arrest for boating under the influence. Following this checkpoint was a busy Labor Day Holiday on southern Nevada waters signaling the tail end of the 2017 boating season.

Eastern Region game wardens recently filed charges against two Utah guides for guiding without a license. This case is one of several that stemmed from a flurry of elk poaching cases investigated in 2015 and 2016 in extreme northeast Nevada.

Charges are pending in several other guide cases from around the state, including two unrelated cases of guiding on Forest Service land without a Forest Service permit, and a third case for taking payment for a hunt without a contract in place and then reneging on the hunt arrangement without refunding the hunt money.

Western Region game wardens noted the issuance of several unplugged shotgun citations in early September for the dove season opener, but dove numbers seemed low.

Several concentrated patrol efforts are scheduled for the busiest hunt locations this fall. These include saturation patrols, highway checkpoints, and "unit watches." With a small staff of game wardens, huge patrol areas to cover, and greatly increased tag numbers compared to 10 years ago, these concentrated patrol efforts may net more "bang for the buck" than routine patrols.

Two personal watercraft patrol courses are scheduled in the Southern Region. One is a two-day operator's course and the other is a three-day instructor's course, for boating safety patrols conducted on jet skis.

Edwin Lyngar has retired from state service to pursue such noble interests such as a radio show, teaching English at the community college, and raising children, after 15 years of service to the Law Enforcement Division. Ed was the boating education coordinator and public information officer for the Law Enforcement Division at NDOW.

This past August found the Diversity Division participating in the annual Bat Blitz. This year's survey effort was focused on the Toquima and Monitor Ranges in Central Nevada. There were 37 participants representing five agencies, bat researchers, consultants and volunteers who spent four nights surveying a total of 10 sites in six different habitat types. Surveys were conducted using a combination of mist nets and recording of bat echolocation calls with acoustic bat detectors.

Despite a week of thunder storms that hampered the study at times, survey crews managed to trap 11 species totaling 398 bats. Pending analysis of the acoustic data, the total number of species detected will likely increase, because usually there are a few species that are difficult or impossible to capture in nets, but which are easily detected acoustically. Of bats caught, the most excitement came from capture of a spotted bat (*Euderma maculatum*) and a western red bat (*Lasiurus blossevillii*). These two species are notoriously difficult to trap and while we have detected these species acoustically, we had yet to catch them. It took 150 meters of net to catch the spotted bat and it turned out to be a lactating female which provides conclusive evidence that there is a breeding population in this area.

In addition to the bats, one survey crew caught a Flammulated owl, a designated Species of Conservation Priority in the Wildlife Action Plan. This represents the first time this species was observed within the Monitor Range despite surveys being conducted in 2005.

In the Western and Eastern Regions, biologists are conducting fall pika surveys along the Ruby Pipeline and within the Black Rock/High Rock areas; working on analyzing summer bat acoustic data from several NDOW water development sites; tracking satellite tagged Northern

Goshawks, continuing surveys on western pond turtles, and collaborating with two universities on genetic analysis of several species of shrews.

Conservation Education staff attended AFWA held in Sandy, Utah. Staff participated in the committee and Working Groups of Education Outreach and Diversity, Hunting and Shooting Sports Participation, Education, Angling, Boating Participation Committees.

Staff attended the Governor's tour of the Walker River State Recreational Area, Nevada's Newest State Park. Education staff coordinated and began the planning process to include angling, shotgun, archery, and interpretive tours. NDOW plans on taking a significant role in planning activities for this park.

Conservation Education Staff held interviews for the Western Region conservation education supervisor and statewide volunteer program and wildlife education coordinator positions both located in Reno.

Desert Wildlife Outreach activity was conducted by the Wildlife Education Coordinator at the Lake Mead Visitor Center, as well as scheduling the first osprey walk of the year at the Wells Trailhead for Sept. 17. This will be a joint effort with staff from the Clark County Wetlands Park.

Conservation Education staff has combined resources with other Nevada Department of Wildlife Divisions in several ways including: Coordinating a bitterbrush seed planning with the Habitat Division along with Great Basin Institute, Keep Truckee Meadows Beautiful, AmeriCorps, and Nevada Conservation Corps for National Community Service Day on Sept. 11, 2017.

Staff worked with local TV, radio, and newspaper outlets in cooperation with Diversity Division and Nevada Department of Agriculture, on a presentation given to teachers at Grammar #2 (Elko) on bats and rabies.

Living with Urban Coyotes seminars were held in Reno and Las Vegas. These seminars are a joint effort involving representatives from Conservation Education & Game Divisions and Wildlife Services. They were attended by 16 and 57 people respectively. The animal rights community was well represented as were those who would like to see more aggressive management by the agencies.

NDOW continues to work with Kalkomey Enterprises, LLC to develop the new Agency Management System (AMS) that will manage our customer database, internal and license agent point-of-sale platform, and volunteer tracking system. All License Office and regional counter staff are engaged and eager to implement the new platform.

Regional counter staff are preparing for more direct license agent support, both in implementing the new AWS and license simplification changes coming in 2018 and improving and maintaining relationships with the Department.

The GIS Program staff is working to QA/QC all guzzler locations for the new third edition of the Water Development Atlas to be printed this fall.

Winter raptor survey data for 2016-2017 is being QA/QC'd from last year's survey effort and new mobile data collection tools are being developed to test for this year's effort.

Mapping projects include updated maps for WMA's, habitat restoration project maps, mapping recent wildfires in the context of NDOW projects, and analyzing greater sage-grouse movement patterns in the vicinity of the McGuinness Hills.

The Division is finalizing the deployment of Microsoft Office 365 that supports cloud-hosted document sharing and collaboration.

The license office has issued approximately 300 deer and pronghorn damage compensation tags, 75 elk incentive tags, 200 swan permits, and are processing approximately 1,000 returned big game tags to date.

B AFWA Conference Report – Secretary Wasley and Deputy Attorney General Joshua Woodbury

Secretary Wasley said as reported in the Department Activity Report that the AFWA annual meeting was held in Sandy, Utah, with representatives from all 50 states, Canadian provinces, and others in attendance. The conference theme, "Through the Looking Glass," was chosen to provide business and industries' perspective to wildlife professionals on collaborative conservation. A major topic discussed by state leaders was modernization of Pittman-Robertson (PR). The modernization would be to allow 25 percent of a state's PR to be used for marketing, recruitment and education. He said there was a strong sense of optimism that Congress will pass the change. Secretary Wasley said another topic discussed was reform of the Endangered Species Act (ESA). He said Nevada had very strong representation at the conference with most division administrators attending along with DAG Woodbury. Also, the meeting was attended by the Deputy Secretary of Department of Interior David Bernhardt and USFWS Director Greg Sheehan who attended the Executive Committee meetings. Recommendations were provided for the Alliance for America's Fish and Wildlife which is the brand for the Blue Ribbon Panel and they received updates on Recovering America's Wildlife Act.

DAG Woodbury said he attended the Legal Committee meetings and that he was able to connect with other attorneys from the west. His committee discussed correspondence received from the Northwest Band of Shoshone Tribes who are claiming exclusive hunting and fishing rights across five states, and the filing of Amicus Briefs for litigation that affects western states.

Deputy Director Robb said Director Wasley's participation and attendance has elevated Nevada's voice nationally with his work at these national and regional conferences. Director Wasley ensures that Nevada's voice is heard and he has their respect, which is a tribute to what Director Wasley has done for Nevada, and the state's wildlife.

Chairman Wallace thanked Director Wasley for his efforts.

C Litigation Report – Deputy Attorney General Bryan Stockton
A status report on litigation will be provided.

DAG Stockton said the only two updates to the report submitted are: Truckee Carson Irrigation District (TCID) litigation mediation failed and panel decided that TCID has to recoup water diverted in 1985 and 1986. Panel ordered to provide 8,300 acre feet of water to tribe to make up for illegal diversions. Second update is for Smith vs. Wakeling. A motion was filed to quash service of process, based on the Nevada versus California venue, as case was filed in Truckee. Argument on that motion is scheduled for Oct. 23, in Truckee, California.

- 15 Nevada Department of Wildlife Project Updates – Secretary Tony Wasley
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 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.

Secretary Wasley said today’s presentation are NDOW’s Bighorn Sheep Program and NDOW’s Water Development Program. Game Division Administrator Brian Wakeling and Habitat Staff Specialist Matt Maples each presented a PowerPoint presentation both presentations are available in the exhibit file and on the NDOW website.

Commission General Regulation Workshop – Public Comment Allowed

- 16 Commission General Regulation 472, License Simplification, LCB File No. R029-17 – Data and Technology Services Division Administrator Chet Van Dellen – Workshop/Public Comment Allowed

The Commission will hold a workshop to consider and recommend amendments to Chapters 488, 501, 502, and 504 of the Nevada Administrative Code (NAC). This regulation is designed to implement the hunting and fishing license simplification structure approved during the 79th Legislative Session in Senate Bill 511.

Data and Technology Services Division Administrator Chet Van Dellen explained that this was a workshop on a Nevada Administrative Code (NAC) that will implement the license simplification structure drafted in Senate Bill 511 of the 79th Session of the Nevada Legislature. The support material summarizes each change to the NAC as it was proposed by the Department and drafted by the Legislative Counsel Bureau.

Chairman Wallace thanked the Department for putting in a tremendous amount of time into this. He would like to use what the Department has unless anyone had specific questions.

Commissioner Johnston reiterated that this is a final product from numerous prior public meetings on license simplification. It is not something new.

Administrator Van Dellen noted that some of the things are addressed in statute, which would not be part of the workshop.

Commissioner Hubbs wanted to know if each code section listed are areas slated for updating verbiage to reflect the new licensing program that has been discussed several times.

Chairman Wallace said that was correct.

Deputy Director Robb explained that everything in this regulation is a result of license simplification, even though there are other things the Department would like to take care of.

Chairman Wallace asked if there were any other questions and there were not. He opened public comment.

Jana Wright, Clark County, said that during the many discussions on license simplification, she heard the Department talk of reducing the number of licenses to make things easier for the client. The change would be revenue neutral and the goal was to make licensing simpler, more

efficient, and modern. She said she believes that this regulation does that and that she supports those changes. However, she did not hear about adding moose to the list of animals that require a tag. She explained that she was disappointed in the Department for not bringing this up in the spirit of transparency. She said the ultimate blame is on her for not going through Senate Bill 511 of the 79th Session with a fine-tooth comb. In her opinion, this is a perfect time to remove the black bear from the list of big game mammals. She asked the Commission to consider this request.

Chairman Wallace noted that there was no further public comment and asked if the Commission had questions or comments.

Administrator Van Dellen noted that the timeline is very compressed and it is not usual to do a workshop and adoption back to back but the Department is trying to meet the Legislative Commission's calendar in order to implement the changes in January.

Commissioner Johnston explained that the County Advisory Boards have expressed concern on that issue. However, he is comfortable with the timeline given the amount of prior discussions and public meetings about this before it was taken to the Legislature.

Chairman Wallace agreed and asked for further questions.

Commissioner Hubbs asked if the moose was added under Nevada Revised Statutes and if it was reflected in this regulation.

Director Wasley recognized that there are pioneering moose moving into the area. At the time that the bill was assembled for the legislature, there were not as many moose as we presently have. This winter, the biologists conducting elk surveys in those areas classified an excess of 30 moose which made it clear there was a growing population. This was never intended to lack transparency and was not an underhanded effort to not disclose a future effort to hunt moose. At some future point, they may be abundant enough to provide a hunting opportunity but it would be more efficient to address that when the opportunity presents itself.

Deputy Director Robb explained that listing it as a big game mammal gives us more laws when accidents occur. During the past two years, during cow elk season, there were cow moose harvested. They are not classified as any type of animal in Nevada so it was difficult to write something on the citation.

Commissioner Johnston reiterated that this would give protection to the moose because it is unlawful to take a big game mammal without a tag.

Deputy Director Robb said that was correct and that it has become an issue so the Department has been proactive this year with the presence of wolves and the presence of moose. The hunting guides explain the differences between a cow elk and a cow moose and between a coyote and a wolf.

Chairman Wallace asked if there were any other questions. There were none. He thanked the Department and closed the agenda item.

17 Public Comment Period –

Stephanie Myers from Las Vegas said this is another Wildlife Commission meeting without videoconferencing between north and south. The number of people showing up should not be considered when deciding whether to videoconference. A low turn-out should prompt discussion of how to get attendance. She asked why the Commission has not been able to do something. Tomorrow there would have been a big turnout in the north but no facility, and she wants the Wildlife Commission to put the public's needs first as a priority.

Fred Voltz said USFWS released preliminary results from the 2016 National Survey of Fishing, Hunting, and Wildlife Associated Recreation study. As with the last survey, the chasm between wildlife watching activities such as observing, feeding and photographing wildlife versus hunting has grown in the five years (2011 to 2016). Expenditures for hunting activities fell off a cliff statistically, dropped from \$36 million/billion in change in 2011 to only \$25 billion in change, for a decline of 29 percent. Conversely wildlife watching expenditures rose 28 percent from \$59 billion in 2011 to almost \$75 billion in 2016. Thus there is a 3:1 advantage in economic activity and spending for wildlife watching contingent versus hunting segment. Wildlife watching had 86 million participants versus only 11.5 million for hunting on national basis. Times are changing as more and more people vote with their wallets to respect wildlife in its natural setting rather than kill as much of it as they can for amusement and self-aggrandizement. State Wildlife Commission's around the country including this one, have still not respected this societal shift in policies and practices they adopt. Failure to do so in the future will increasingly lead to such Commission's irrelevance and removal from not reflecting the majorities will and best interests of wildlife species.

Meeting recessed 4 p.m.

Saturday, September 23, 2017 – 8:30 a.m.

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

Chairman Wallace called the meeting to order. Roll call of the Commissioners present: Chairman Wallace, Vice Chairman Johnston, Commissioners Almberg, Barnes, Hubbs, McNinch, and Valentine. Commissioners East and Young were absent.

Roll call of CABMW members present: Glenn Bunch, Mineral; Joe Crim, Pershing; Gil Yanuck, Carson; John Hiatt, Clark, Chad Foster, Douglas; Mike Reese, Clark; and Steve Marquez, White Pine.

- 19 Approval of Agenda – Chairman Wallace – 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.

COMMISSIONER VALENTINE MOVED TO APPROVE THE AGENDA. COMMISSIONER BARNES SECONDED THE MOTION. MOTION CARRIED 7 - 0. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

20 Member Items/Announcements and Correspondence – Chairman Wallace – Informational – Commissioners may present emergent items. No action may be taken by the Commission

Commissioner Hubbs said she had ample communication regarding today's agenda item #25, Commercial Collection. She said she had so much that she provided the Recording Secretary the list of names to be added to the record in the event that all Commissioners were not copied so there is a comprehensive list. Commissioner Hubbs said she also received a telephone call from Thomas Bentz who spoke to her about his interest in commercial collection of reptiles. Also, spoke with Patrick Donnelly of Center for Biological Diversity.

Commissioner Valentine said he too received a substantial number of emails. Also, he received a phone call from Robert Bentz on Sept. 1 in which Mr. Bentz indicated that the pitfall traps that he had placed in the desert had been removed.

Commissioner AlMBERG said he received correspondence, verbal communications, and a presentation sent to the Commission from Thomas L. Bentz which he read and discussed with Mr. Bentz in a follow-up conversation. He also had correspondence from Joel Blakeslee of Trappers Association and a follow-up conversation too.

Commissioner Johnston said he also spoke to Thomas Bentz via telephone, Joel Blakeslee via telephone and had discussion with both related to commercial collection of reptiles. Also, received numerous emails that all Commissioners and Department had received, in addition additional informational packages on commercial collection were sent to his home – one with a book and a letter, and additional information from Mr. Bentz that the Department received too.

Chairman Wallace said he received the same items including call from Mr. Bentz, but no call from Mr. Blakeslee, as well as numerous emails received.

Commissioner Barnes said he received the same correspondence and same two phone calls.

Commissioner McNinch said the same for him as well.

Secretary Wasley said he too received significant email correspondence on commercial collection that have been cataloged as well as forwarded to the full Commission. Secretary Wasley said another item of note is today, Sept. 23, 2017, is National Hunting and Fishing Day. He said Congress passed a bill in 1972 that the fourth Saturday in September shall be recognized as National Hunting and Fishing Day. He read the following section from the National Hunting and Fishing Day organization to acknowledge of the past conservation efforts by sportsmen and women:

How a Good Idea Became a Great Tradition: Over 100 years ago, hunters and anglers were the earliest and most vocal supporters of conservation and scientific wildlife management. They were the first to recognize that rapid development and unregulated uses of wildlife were threatening the future of many species.



Led by fellow sportsman President Theodore Roosevelt, these early conservationists called for the first laws restricting the commercial slaughter of wildlife. They urged sustainable use of fish and game, created hunting and fishing licenses, and lobbied for taxes on sporting equipment to provide funds for state conservation agencies. These actions were the foundation of the North American wildlife conservation model, a science-based, user-pay system that would foster the most dramatic conservation successes of all time. Populations of white-tailed deer, elk, antelope, wild turkey, wood ducks and many other species began to recover from decades of unregulated exploitation.

- 21 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, Clark CABMW, said to add onto Secretary Wasley's comment, Governor Sandoval proclaimed Sept. 19 as Nevada's Hunting and Fishing Day.

John Hiatt, Clark CABMW, said lead based ammunition and fishing tackle needs to be re-visited by the Commission. Lead ammunition is banned on the State's WMA's and other areas. Need to address how bullets that have lead fragment in large animals as x-rays have shown that they fragment in the meat and can be deadly to children. Lead has been banned in many industries and needs to be looked at by the Commission at a future meeting.

Commission Regulations – For Possible Action/Adoption – Public Comment Allowed

- 22 Commission General Regulation 472, License Simplification, LCB File No. R029-17 – Data and Technology Services Division Administrator Chet Van Dellen – For Possible Action
The Commission will consider adopting amendments to Chapters 488, 501, 502, and 504 of the Nevada Administrative Code (NAC). This regulation is designed to implement the hunting and fishing license simplification structure approved during the 79th Legislative Session in Senate Bill 511.

Administrator Van Dellen said he would answer any questions before the vote to adopt the NAC changes.

Chairman Wallace asked if there were any questions. There were none. He asked for public comment and there was none.

COMMISSIONER JOHNSTON MOVED TO APPROVE CGR 472 AS PRESENTED. COMMISSIONER ALMBERG SECONDED THE MOTION.

Commissioner Hubbs asked what would happen if slight adjustments or changes were needed. She asked if there was a way to give the Department the ability to amend the regulation.

Administrator Van Dellen explained that changes to NAC would go through a similar process where the Department would draft those changes, submit it to the Legislative Counsel Bureau and then present it for another workshop and adoption. If the Commission voted to accept the language as presented, this language would go into NAC pending Legislative Commission approval and the Department could make adjustments down the road.

Chairman Wallace called for the vote.

MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

- 23 Commission Regulation (CR) 18 - 01 Fishing Seasons and Bag Limits for 2018 - 2020 – Division Administrator Jon Sjöberg – For Possible Action
The Commission will establish fishing seasons, bag and possession limits for the period of March 1, 2018 through Feb. 29, 2020.

Fisheries Division Administrator Jon Sjöberg explained that the Department is not recommending any substantive changes for the fishing seasons. There were a number of changes in the last CR for the current two years. The Department is still evaluating those changes so they will stay in place. The only recommended change is a technical change for Churchill County. Waters within the Stillwater National Wildlife Refuge have actually been closed to fishing by federal regulation since 2004 or 2005. That closed water designation was never corrected in subsequent CRs which is why a change is recommended for Churchill County. That is the only change in the CR as presented.

At the last Commission meeting, Lyon CABMW members told the Commission that a local children's fishing derby at the Mason Valley WMA is being compromised, because the adults have been fishing the ponds heavily before the start of the youth derby. Those ponds, Kuenzli Pond and Hatchery Outponds 1, 2 and 3, are within the immediate area of the fish hatchery and are normally closed to public access. There is a one day season for that fishing derby from sunrise to sunset for that day. This has been discussed with representatives from the Lyon County Game Board and has been discussed with the Lions Club. There are a couple of options to change the regulation if the Commission chooses to provide solutions. One option is to modify the open hours for that one day season to begin at 8 a.m. or 8:30 a.m. rather than sunrise to correspond with the start time of the fishing derby. The alternative is to put an age restriction on that one day season. The age restriction could be problematic. The U.S. Fish and Wildlife Service does not see a conflict with using fish produced using federal aid funds to stock the pond even with age restrictions. A Nevada Attorney General's opinion dating to 1958 was found by staff which states that fishing derbies conducted by a county game management board to manage wildlife exclusively for children using fish propagated hatcheries supported from public funds are illegal. This situation is slightly different but the opinion could create problems relative to an age restriction. If the Commission chooses to make a change to the CR changing the open hours would be effective and less controversial.

Commissioner Johnston thanked Administrator Sjöberg for paying attention to that issue and coming up with alternative solutions. He said this may not seem like a big deal, but for the Lions Club and the kids in Mason Valley, it is.

Chairman Wallace asked if there were further comments or questions. There were none. He asked for public comment. There was none.

Commissioner Johnston said he would like to see a 9 a.m. start time for the ponds for the first Saturday in May to give the kids enough time to get there and get set up.

Administrator Sjöberg explained that the derby starts at 8:30 a.m. and the opening time was suggested to be 8 a.m.

COMMISSIONER JOHNSTON MOVED TO APPROVE THE FISHING SEASONS SET FORTH IN CR 18-01 AS PRESENTED WITH ONE CHANGE: THAT THE HOURS FOR THE FIRST SATURDAY IN MAY AT THE MASON VALLEY WMA FOR THE KUENZLI POND AND HATCHERY OUTPONDS 1, 2, AND 3 BE FROM 8 A.M. TO SUNSET. COMMISSIONER ALMBERG SECONDED THE MOTION. THE MOTION CARRIED 7 - 0. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

- 24 Memorandum of Understanding (MOU) for Reciprocal Fishing and Watercraft Registration Requirements on the Waters of the Colorado River in Common to the States of Nevada and Arizona – Fisheries Division Administrator Jon Sjöberg – For Possible Action

The Commission may consider changes to the Memorandum of Understanding for Reciprocal Fishing and Watercraft Registration Requirements on the Waters of the Colorado River in Common to the States of Nevada and Arizona (MOU) between the Nevada Department of Wildlife and the Arizona Game and Fish Department. The MOU currently identifies a requirement for Nevada anglers to possess a Colorado River Special Use Stamp when fishing on common waters of the Colorado River or on the Arizona shoreline. That language is no longer needed as the Colorado River Special Use Stamp will be eliminated on January 1, 2018 as part of proposed Nevada fishing license changes.

Administrator Sjöberg said the revised MOU was provided in support material. The language in the MOU needs to be updated because the Colorado River Special Use stamp will be eliminated due to license simplification. There are no other changes to the MOU. This was approved in a first reading by the Arizona Fish and Game Commission on Sept. 9, with final approval at their December Commission meeting.

Public Comment – None

COMMISSIONER VALENTINE MOVED TO APPROVE THE MOU AS PRESENTED. COMMISSIONER ALMBERG SECONDED THE MOTION. MOTION CARRIED 7 - 0. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

- 25 Commercial Collection of Reptiles – Draft Regulations for Commission Consideration – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action

The Commission will consider at least two potential regulations for commercial collection of reptiles. One regulation could prohibit all collection of reptiles for commercial purposes, either temporarily or permanently. The other regulation could limit collection of reptiles for commercial purposes based on season, species, collection area and/or take. Options will be discussed and the Commission may choose to direct the Department to advance a recommendation to a future Commission meeting.

Wildlife Diversity Division Administrator Jennifer Newmark and Biologist Jason Jones presented a PowerPoint presentation (exhibit file). Division Administrator Newmark said the North American model is the foundation for how we manage wildlife in Nevada. In the early 20th

Century wildlife was removed in huge amounts to serve commercial markets and that unsustainable almost drove to extinction some of America's most iconic species, from that the North American model was born. Wildlife is managed as a public trust for now and future generations, policies are based in science and use is sustainable. The data analysis by the both the Department as well as independent analysis from the university shows that commercial collection is unsustainable and that market demand has driven harvest. She said the Department is not in the position it was 30 years ago with no data on location of reptiles. NDOW has a reptile program in the Wildlife Diversity Division with Biologist 3 Jason Jones as the program manager, volunteers and citizen scientist program started to gather data using the app named "iNaturalist" where photos can be taken of reptiles seen and upload the information. Already have over 1,000 of records to provide the reptile species distribution across the state. Biologist Jones has galvanized the volunteer work force to help us understand reptile populations, tracking Gila monsters, running repeatable road survey crews which help address management needs. NDOW uses peer reviewed studies and literature to help provide the context for life history traits, fecundity, and understanding densities on the landscape for reptiles. NDOW also collaborates with other agencies, surrounding states, and researchers in other states. With an absence of commercial data NDOW will still be able to manage its reptiles, and the data that has shown population declines, the amount of information we get from commercial data does not justify the impact to the resource. Administrator Newmark reminded the Commission that today's discussion is limited to commercial collection and not hobby collection. Commission Regulation (CR) 17-02 provides the season and limits for non-commercial/hobby collecting of reptiles. CR 17-02 is among the most restrictive in the west, allowing persons (hobbyists) to only take two to five animals of each native species per year. In regard to the pitfall traps and for the record NDOW through stipulations of its permit, prohibits collecting reptiles out of pitfall traps. The installation of a pitfall trap is addressed by the BLM which is a violation of BLM policy for those pitfalls traps to be installed without NEPA analysis and permit. As heard during a public comment period at a previous meeting to this Commission a current collector has taken responsibility for the traps and uses them to collect scorpions and not reptiles, if pitfall traps are not used for collecting reptiles, then all of the mortality documented associated with those pitfall traps is additive to impacts to what is being seen as collected. The mortality associated with pitfall traps is very high, and in the analysis used by NDOW and the university that only the dataset provided by the collectors was used, no impact included from pitfall trapping. NDOW is aware the pitfall traps are in the process of being removed by the collector; however not all have been removed and NDOW continues to find pitfall traps. BLM is addressing the issue with a crew dedicated to removal of pitfall traps and monitor areas to insure removal. At the last Commission meeting it was asked how Nevada's neighboring states manage reptiles, and she reached out to those states for their perspective and some have provided the Commission with their written comments and history of commercial collection. Utah and Arizona have never allowed commercial collection, Idaho has restricted collection in the 1990s to one collector collecting one species on private property, and Oregon prohibits collection, and in 1979 California eliminated collection due to problems with enforcement of the limits. Two exceptions in the west are New Mexico with a season and limits, and Texas allows some commercial collection restricted to private land with only 33 percent of Texas reptiles allowed for collecting. The most important piece is that all surrounding states on Nevada's border all restrict commercial collection, and many of Nevada's most collected species only have ranges that occur in Nevada and immediate surrounding states. NRS 503.380 allows the Department to permit commercial taking of unprotected wildlife and authorizes wildlife to be sold, and NAC 503.095 allows the Department to issue a permit authorizing collection if after an investigation is conducted it is proved to the Department that the collecting is not detrimental to wildlife, that permit may be cancelled by the Department for a violation, or if the permit is found to be detrimental to wildlife.

Administrator Newmark said the actions the Commission could choose to do are: Enact a CGR to prohibit commercial collection either temporarily or permanently; or the Commission could discuss looking at limiting commercial collection. She reviewed each option, and said Chief Game Warden Turnipseed will address the law enforcement piece.

Chief Game Warden Tyler Turnipseed said he spoke to neighboring states about collection regulations. Surrounding states that prohibit commercial collection had concerns due to Nevada allowing commercial collection. On internet chat sites there is much discussion of trading of native species from home state to another state where they are not native and a concern with those reptiles being introduced to the pet trade. Regulation concerns are that limits would be difficult for law enforcement. Possession limits would pose problem as live animals are shipped on regular basis. The annual possession quota would never be reached. Seasons would be enforceable but not possession. Funding source would be challenging as license fee is source of law enforcement funding. Challenge that peak of collecting season coincides with peak water enforcement. People want to draw connection between reptile collecting and trapping. He said that is a weak connection as bobcat records are comprehensive whereas reptile collection is not. Bobcats have larger home range and the ability to avoid pressure than reptiles.

Administrator Newmark said at this point she is ready for questions from the Commission.

Commissioner Johnston said he wants to make sure he is clear that the two most common reptiles in Nevada constitute about less than 2 percent of commercial collection, and that eight species of 53 reptiles amount to 98 percent of collection.

Division Administrator Newmark confirmed he is correct.

Commissioner Johnston said to Chief Turnipseed, that the collector's data that denotes collection sites coincided with same locations of the two pitfall traps on the landscape.

Chief Turnipseed answered that is correct. Oftentimes there was a direct correlation between the collection points that collectors reported and the pitfall traps. GPS points of collection were near the road, and when you get out there are usually two pitfall traps nearby.

Commissioner Johnston asked if it has been proven to NDOW that commercial collection of reptiles will not be detrimental to wildlife because that is what the code says. What he is hearing today is that right now what is being shown to the Department is that the unregulated unlimited commercial collection is detrimental to wildlife.

Division Administrator Newmark said his assessment is correct. The data provided to the Department with collection points showed the wildlife resource is being impacted with declines.

Commissioner Johnston said the Commission received a lot of information on this topic. During NDOW presentation the collector's data was addressed and shown in a different analysis. He said he cannot profess to understand all the data and arguments in the statistics that have been received. There have been statements that NDOW is misinterpreting data and the Commission has received conflicting analysis. Commissioner Johnston asked if NDOW received the same information from Mr. Bentz as the Commission did, and if so what is the Department's response.

Biologist Jones said NDOW did receive Mr. Bentz's information. Mr. Jones said he provided his analysis to Administrator Newmark and can provide that to the Commission, and that was the basis of looking at data provided to the Commission and plotting the data on graphs to show trends. The data provided to the Commission shows statistically significant declines.

Administrator Newmark said they looked through information provided by Mr. Bentz to Commission in August and looked through the packet prior to this meeting. She said raw data provided was used in data analysis and was shown on graph reptiles per catch over day. There was consistent over estimation of harvest numbers from 2010 on and under-estimation according to NDOW records from 2003 through 2009. Either way, if you take data provided by collectors, or use data from NDOW records, both show statistical significant declines. Administrator Newmark said prior information presented to the Commission of visiting area several times a year, in one instance claiming 23 times per year yet NDOW data records show it is eight times a year. One year the highest of all the collectors was 18 times. She said we are just seeing differences in data provided to NDOW and what NDOW is using.

Commissioner Johnston said is the Department confident that the proposal with respect to seasons and limits would not be detrimental to wildlife.

Administrator Newmark said the proposal would provide some relief from commercial collection pressure which is a step in the right direction. NDOW still would want careful analysis of how the long it actually takes these populations to recover. If we have same amount of collection permitted collectors there could be some relief but if number permittees increased that would not alleviate the pressure on the populations.

Commissioner Hubbs said to Ms. Newmark and Mr. Jones that both did a wonderful job of putting together complicated data and makes it clear to an average person as to what is going on with some of these numbers. She said her question is to the criminal component with Nevada as being a source or spot for unverifiable captures in other states. Has a trend been noticed with persons saying that they captured reptile in Nevada which makes possession okay in states where collection is prohibited.

Administrator Newmark said data cannot speak to whether there is illegal activity. Anecdotally from neighboring states we hear that. There is always the opportunity when you have commercial profit of something.

Chief Turnipseed said there is concern that is happening but no way to detect it. Hard to get a handle on what is being shipped hard to detect who is shipping and trading what is represented as a "Nevada reptile." He said, if the reptile is a species that only existed in Great Basin easier, but if species overlaps in other states harder to detect if Nevada reptile. Some states allow captive breeding and propagation.

Commissioner Hubbs asked if captive breeding is tracked.

Chief Turnipseed said NRS prohibits captive breeding and propagation in Nevada for commercial purposes.

Commissioner Valentine asked how difficult would it be for NDOW to enforce a ban or regulation on commercial collecting to not have a black market open up in the state.

Chief Turnipseed said parts would be enforceable such as season or unit closure, but limits difficult as stated earlier. A quota would be impossible to enforce with shipping. Chief Turnipseed said prohibition would be the easiest to enforce.

Commissioner Hubbs said she received correspondence from Phillip Medica that stated something that was not brought up in the presentation was the fact that these species sometimes take years to reproduce, and after they reproduce they go into another phase of adding fat for hibernation. She did not hear that mentioned.

Biologist Jones said that was not mentioned, and that is accurate, especially for larger bodied reptiles that are targeted for collection.

Commissioner McNinch asked for definition of “species of concern” from NDOW’s Wildlife Action Plan (WAP).

Administrator Newmark said when the WAP was developed a rigorous analysis of all of Nevada’s species was conducted to prioritize species of conservation concern. She said factors taken into account are species distribution in Nevada and globally; species trends such as population stable, declining, or increasing; input from partners; and most importantly species stewardship responsibility. If global bulk of species population is in Nevada, there is a greater stewardship responsibility for Nevada to maintain that species for future generations. As stated previously 26 reptile species were added to the WAP as species of conservation priority.

Commissioner McNinch said Commission asked NDOW to bring back two scenarios. Today, he is hearing the preferred method to deal with commercial collection of reptiles is prohibition. Because a season would be a de facto prohibition and important to point out that is what the agency believes needs to be done to properly provide stewardship.

Commissioner Johnston asked if market prices are known for reptiles.

Staff Biologist Jones said he checks European markets and usually those prices are three times what the price for reptiles are in the states. The site he used is Backwater Reptiles.

Chairman Wallace said due to the number of the public present to speak on this item; all speakers will be limited to three minutes.

Public Comment –

Marilyn Benoit, Las Vegas resident, said she is a desert tortoise keeper with one tortoise. Ms. Benoit is appalled that it is allowed to capture any reptile to send to a teenager in Brazil, does not support animals being trapped. Reptiles are wonderful and for the Commission to consider reptiles is important and surprised nothing about conservation on reptiles on the NDOW website.

Jana Wright, Clark County, said she heard NDOW’s presentation which was very balanced and appreciates NDOW’s effort in presenting the data to the Commission and the public. Ms. Wright said doing nothing and maintaining status quo is not an option and will not work. She supports total ban.

Bob McKeever, said he is a retired park ranger, and one of the citizen scientist volunteers that help NDOW gather data on reptile populations. His comment today is to reaffirm the email he sent to the Commission before the Minden meeting in August. His point is that he would prefer to see a more equitable access to Nevada's wildlife by all citizens than a select group being granted greater access to larger numbers than anyone else. Also for the record he would like to see Commission address a permit requirement for hobbyists as well as collectors.

Mike Reese, Clark CABMW, said CABMW voted to create regulation for quota and seasons. Due to time constraints they did not go beyond that. He said their meeting was long and took time to get to that vote. Speaking for himself he said at the CABMW they did not have data that the Commission has today. Data is on collector's behavior, he would like to see data on reptiles itself. He said reptiles breed all the time, and is preposterous to tell them to collect them when they are hibernating. Do it while they are out and about the same we do with big game. He is appalled at the amount of time associated with reptiles when we have the largest decline of mule deer in our state and not even on our radar screen. Mule deer have higher decline rate than reptiles and our meetings are being taken up by the reptile, doesn't mean reptiles are not important what is important to sportsman stuff of the state is putting the food on the table. He would like agenda item on what we can do about the mule deer decline as it has been going on for decades in Nevada.

Linda Fasso asked the Commission to permanently ban the commercial collection of reptiles from our desert. Our neighboring states do not allow unlimited collecting of these fragile reptiles and neither should we. Soon our desert will be stripped of most of these beings that have a right to live there as nature intended. It not only disrupts the food chain but severely impacts our ecosystem as well. Fewer than 10 individuals are licensed to take these reptiles from our desert. It has been reported that over 420,000 reptiles have been captured since 1986. We can only imagine how many more were actually taken. There are plenty of breeders who deal in the reptile trade to keep this industry going. There is no logical reason to let this practice continue. These reptiles belong to all of us and I am asking you to do what the public expects of you – to protect them.

Kobbe Shaw, Clark County, said he represents Tortoise Group. While the focus is on the desert tortoise, our mission involves protection of the Mojave desert as a whole. I am a resident of Clark County for 12 years. Not so long ago, the exact spot on which I live was populated by desert flora and fauna. It is too easy to say that commercial development in any form or any collection method is wrong altogether, and arguably a false statement given that most of us in this room live on areas that were open Mojave desert 50 years ago. However, it is incumbent upon us as the new comers to this area to retain some semblance of sustainability. Reptile and animal depletion is a bad thing. Species populations in decline are a bad thing. Tortoise Group was formed in 1982 to bring awareness to the issues surrounding the desert tortoise. By 1991 the desert tortoise had been listed as a threatened species federally, and the numerous laws within the state surrounding pet tortoises began to take shape. While habitats in the wild have been studied and monitored for over 30 years, in 2017 the desert tortoise remains on the threatened species list, in other words, we've fought to keep just status quo on one species. Why because of collection, people went to the desert and picked up desert tortoises to bring them home. The Tortoise Group urges the Commission to take active role in native species protection and not allow us to find ourselves in similar situation with countless other species within our lifetimes. He asked the Commission to not allow the unlimited commercial collection of any species in the Mojave Desert.

Wayne Bliss, representing himself, said the dataset is inadequate to make a scientific conclusion as the sample is too small. He asked the curator of reptiles of the Detroit zoo, who is also the species coordinator for U.S. zoos, if he was in favor of commercial collection of reptiles. The man's opinion was "no" because desert species of reptiles are in decline, and based on that opinion, Mr. Bliss supports the ban.

Vicki Werner said she is frustrated with attending CABMW meeting and hearing data is good from collectors than hearing it is not good. She said she sends information to NDOW for what she does and knows used for betterment of state. However sounds like okay for the hobbyist to collect, and has called NDOW to ask what hobbyist collecting is? The answers varied from staff at NDOW, and heard today that it is a two limit per day. She asked is the limit per species, per person, it is not clear. Ms. Warner said she supports limitations all around, for hobbyists and collectors. If that is important and really looking at animals limits should be for both, supports stronger limitations.

Mark Transue, Las Vegas Woods and Waters member, said reptiles should be allowed to collected, as to him not really a lot of official data there is speculating. Spending all this time like Mr. Reese said and we don't know how many there are. No one regulates for hobbyists, and no one says anything about it. He said keep it the way it is otherwise you are putting people out of business.

Annoula Wylderich, resident of Clark County, said we have determined that some of the species indigenous to Nevada need protection rather than exploited. As mentioned by experts there are long term consequences to ongoing exportation of Nevada reptiles. According to a local reptile rescue group that has over 25 years of collective experience says the exportation is also wasteful use of life as most sold reptiles kept as pets often do not do well or survive as majority of pet owners are unfamiliar with their unique needs and proper care protocols. Unfortunately we have not done the best job of responsible wildlife resource management compared to neighboring states. Restrictions are not enforceable or honored as seen with use of illegal pitfall traps. She supports prohibition of commercial collection of reptiles and asked that the Commission do so too.

Philip Medica, retired wildlife/herpetologist biologist, said he has done field studies to document density, reproduction, and seasonal activity. He said someone said reptiles breed all the time. Not true, they mainly breed in March through July, than put on fat for winter which insures reproduction next spring. Collecting adult reptiles at the same time in spring and summer before they breed is counter-productive to reproduction. Some reptiles are long-lived from seven to eight years. He said in his email that he sent he noted that horned lizards are infected with parasites, and may be against the law in certain states. Roads are a sink and easy to collect from, but once collected from the habitat around there they fill back in depleting native populations. In the long run commercial collection has detrimental population dynamic to the animals that survive in the desert.

Lawrence Wilson, Las Vegas, said commercial collectors should try to repopulate the reptiles from where they collected. Earlier mentioned law against propagation in Nevada, but if collecting commercially end result should be domestication of the animal and repopulate the areas with those animals. He said in past 30 years no protection except for desert tortoise. Collection should be limited.

Mike Swink, professional herpetologist works in reptile biology from Las Vegas, suggested to Commission consideration of ending of commercial collection. He said review of data in Nevada and other states you see declines in reptiles across ranges and is compelling. Collecting is additive effect to development such as occurs in Clark County. Reptiles are vulnerable, and when collected on roads that is a lot of land. Statement made if you ban collection you cannot go back. The same can be said if population decimated you can't enjoy it either.

Jean Parry-Jones, resident of Nevada, urged the Commission to prohibit commercial collection of all reptiles. She said the Commission is the gatekeepers and stewards, and all have to be responsible. She said the limited Nevada collection has already resulted in significant declines. A reptile removed is death sentence for the reptile and its progeny as will not be allowed to reproduce. Be part of solution as once a species is extinct you cannot go back. No verifiable reporting of what is removed. Removal affects ecosystem let's help natural environment. Also, invasive species when importing and exporting species, all states and countries affected. Don't take away joy of seeing reptiles in Nevada. Prohibit commercial collection of reptiles.

Kimberly Jenkins of Clark County ESA Compliance provided written comments. She is Members of the Wildlife Commission, thank you for your time today. My name is Kimberley Jenkins and I am here representing the Clark County Desert Conservation Program. The reason why our organization is interested in this issue today, is because we are responsible for overseeing regional compliance with the federal Endangered Species Act for all private-land development activities in Clark County, and we believe that without a significant revision of current commercial collection regulations, that further declines in reptile populations will result in the listing of a species under the federal Endangered Species Act. Today, we are respectfully urging the Commission members to adopt regulations that would establish annual limits on the number of reptiles that may be collected by commercial and hobbyist collectors. We also ask that the Commission institute an immediate ban on the use of pitfall traps for the collection of any wildlife species in Nevada, including invertebrate species. Overexploitation of species is a well-documented cause of population declines across a broad range of taxa and environments, and reptiles can be particularly vulnerable to localized population extinctions. Once depleted, these same life history factors mean that populations may be very slow to recover, if at all. Species population declines can have significant economic consequences for communities, and Clark County understands very well what a potential listing under the Endangered Species Act could mean for our community. The 1989 emergency listing of the desert tortoise under the Endangered Species Act provides an excellent example of the disastrous economic consequences of a federal listing. When the desert tortoise was listed in 1989, a complete moratorium on nearly all new construction was instituted immediately because it was now illegal for construction to impact desert tortoise habitat without a permit from the U.S. Fish and Wildlife Service. Clark County and the municipalities began work to obtain a region-wide permit that would allow construction activities to resume shortly after the listing. However, it was nearly two years before this permit was issued. During this time, developers were required to consult with the U.S. Fish and Wildlife Service on a project-by-project basis and also comply with a lengthy and costly list of mitigation requirements. Construction is a pivotal industry in southern Nevada, accounting for as much as 12 percent of the local economy at its peak. But it could be critically threatened by another species listing, which would bring construction to a crawl. We understand that the humane use of animals has been an essential part of many cultures for our collective history, but the harvesting of species must also be ecologically sustainable if it can persist. This is why we also urge the Commission to institute an immediate ban on the use of pitfall traps for the collection of any species. We acknowledge that pitfall traps are currently banned for the collection of reptiles. However, they are still allowed for the collection of invertebrate species, such as scorpions - another popular pet trade species. These traps must be checked on a daily

basis, and under some conditions, multiple times per day, in order to avoid mortalities due to overheating, dehydration, or starvation. But too often these traps are not checked with the necessary frequency to ensure the welfare of the animals that fall in them. After recently discovering thousands of pitfall traps in use around southern Nevada, staff with the Nevada Department of Wildlife documented hundreds of dead lizards, rodents, and even desert tortoises inside some of these pitfall traps. These kinds of practices cannot be sustained without consequences to local populations and further, they are inhumane and cruel to the hundreds of animals left to die in these traps. I would also like to address a few comments we heard earlier this week at the Clark County Wildlife Advisory Board meeting from opponents of limits on commercial collection. At that meeting, we heard from several individuals who argued that commercial collectors are by and large a lazy group who will not generally venture more than 100 feet from the edge of a road to collect specimens. They argued that because commercial collectors are remaining close to roads, that they could not possibly be having a large effect on reptile populations. I would like to show a couple of maps that demonstrate the falseness of these claims. This first map shows the extent of roads that were inventoried on SLM-administered lands around the Ivanpah Valley. This second map depicts the extent of roads around the Valley of Fire State Park. As you can see, the potential to heavily impact wildlife populations exists, even if collectors rarely stray more than 100 feet from a road. I have one last map I would like to show the Commission. This map shows the Boulder City Conservation Easement, which is an 86,000 acre reserve area managed by the Desert Conservation Program for the protection of species. This easement was established in 1995, and since then, it has been illegal to collect wildlife from the easement. Shown on this map are all the commercial reptile collections that have been reported to Nevada Department of Wildlife. I think this demonstrates a lack of proper education and outreach to commercial collectors on where reptile collection activities are permitted. Education and outreach is an important component of any regulatory program, and must be given significant consideration if commercial collection activities are allowed to continue. Another frequent comment that was heard at this week's Advisory Board meeting is that habitat loss plays a larger role in population declines than commercial collection activities. And this is likely true. However, habitat loss is largely the direct result of development - so this is habitat that will never be restored and will never be available for use by wildlife again. Commercial collection activities however, can affect reptile populations in areas that are not subject to development pressure - specifically in areas that are meant to provide habitat that will allow species to persist into the future. While the Wildlife Commission does not have the power to affect the rate of development, or to determine where it should occur, you do have the power to affect how commercial collection activities will impact populations in undeveloped areas. The Department of Wildlife and the Wildlife Commission have a responsibility to the citizens of this state to manage reptile collection activities in a manner that prevents the need for a future listing under the Endangered Species Act. The current proposal being advanced by commercial collectors would not reduce the number of reptiles being collected in Nevada. They have proposed daily and annual bag limits that are so high, there would effectively be no change in current practices. The proposal put forth by NDOW however, is scientifically sound and proposes modest reductions to the number of specimens currently being collected. Therefore we support the adoption of the proposal advanced by NDOW with some recommended additions as follows: Establish a licensing program with daily and annual collection limits for hobbyist collectors. Convene a panel of experts to develop a science-based population monitoring protocols that can assess the relative abundance of reptiles across the landscape. Population monitoring should not be based on self-reported data from collectors who have a financial and personal conflict of interest. Increase enforcement and monitoring activities. Some additional forms of monitoring could include conducting periodic ride-alongs and spot-checks with commercial collectors to ensure the accuracy of self-reported data. Develop outreach and education materials to educate collectors on revised regulations,

appropriate locations for collection activities, and the importance of sustainable collection practices. Take measures to ensure that the Department of Wildlife has adequate staffing and resources to monitor and enforce a commercial collection program. We suggest that this could be paid for in part through the establishment of a licensing program for hobbyist collectors and by raising the fees for commercial collection licenses.

Chip Rougeaux, Nevada Sportsman Unlimited, provided his organizations written comments: They are fully against any type of banning of commercial reptile collection. We believe in keeping long standing traditions when it comes to outdoor recreation and the banning of any of these activities is unacceptable. If the reptile population is decreasing as dramatically as NDOW is claiming we would like to know why we are not looking at the big picture of this cause. To claim that nine collectors in the state are the cause of this decrease is insane at best. There are other areas to look closer at that play a role in this so called decreasing population including habitat loss and predation. There are many animals that prey on reptiles including birds of prey like hawks and ravens, and predators like coyotes and foxes. Predation on reptiles is a big enough problem that money is spent studying and finding ways to prevent this at places like the Boulder City Conservation Easement. Every year trapping is becoming harder and more restrictive from different laws passed. Trappers are giving up in places like Clark County because of the restrictions which are letting predators like coyotes thrive. There is an even bigger threat to reptiles out there and it's not the native predators. The biggest threat comes from the domestic predators, the feral and free ranging cats. Many studies have been done over the years on the impact that feral cats have on wildlife and it doesn't paint a pretty picture. In the United States alone billions of wildlife is eliminated by feral cats every year. There is an estimated 1.4 to 3.7 billion birds, 6.9 to 20.7 billion mammals, and 258 to 822 million reptiles killed every year. In the U.S. there are estimated 70 million feral cats running around causing this destruction on wildlife. When you do the math you have the potential of 122 to 360 animals killed per cat per year. When looking at reptiles you have an estimated 3 to 11 reptiles killed by feral cats alone per cat per year. In Clark County we seem to do the opposite of what's good for native wildlife. We now have an ordinance code 10.06 that protects these feral cats and give them a nice name and call them community cats. According to the Las Vegas Valley Humane Society website there are an estimated 200,000 feral cats in Clark County alone. With that many feral cats running around you have the potential of 600,000 to 2.2 million reptiles killed per year in Clark County alone. That's more in one year than the last 30 years of commercial reptile collecting, but the blame is being put on the nine collectors. The ordinance code 10.06 was placed to reduce the number of euthanized cats and instead use the trap-neuter-release (TNR) program. This TNR program is supposed to help reduce the number of feral cats over time, but studies from the American Veterinary Medical Association show this doesn't happen. These human supported cat colonies are actually a greater harm to wildlife populations because of not only the greater numbers in a small area but also the higher risk of diseases that can be transmitted to wildlife. Why are we not doing something about this instead of blaming the nine commercial collectors? Habitat loss is an even greater threat to wildlife, especially reptile populations. Habitat loss comes from things like land development, pollution, and off road vehicle use. Habitat loss causes declines in both population levels and species diversity. Things like roads get in between important habitat features and cause a high mortality rate of reptiles being hit by vehicles. Thousands of acres of land can be wiped out for development. Here in Clark County we have the Desert Conservation Program which is supposed to help with these things. A disturbance fee of \$550 per acre is collected from the developer for projects that the DCP do. Once this disturbance fee is paid the developer is granted an incidental take permit for the development site. This permit for incidental take is for those times the developer might run over a protected reptile like the desert tortoise and doesn't have to worry about being prosecuted. At the last Clark County Advisory Board to Manage Wildlife meeting a

representative was asked is any part of that fee was used to relocate wildlife and the answer was no. Looking at their project list a lot of money is used for monitoring and surveying projects. They will come and pick up a desert tortoise from the job site if you come across one, but the rest of the wildlife is on their own. Don't get me wrong, the DCP does do important work like rehabilitating habitat loss from off road vehicles, and projects like the Boulder City Conservation Easement. Why isn't the money collected being used to relocate animals, especially ones that need the protection? I'm sure you could find enough volunteers or the reptile hobbyist to help with this. You could even use some of the money and pay the collectors to relocate. This seems like a better solution that would have a positive impact instead of a negative one. Blaming the nine commercial collectors who to some are how they make a small living will not solve the problem. There really doesn't seem to be a problem at this time with the information being shown with reptiles collected per permit holder per year. The amount of reptiles being collected has been a sustainable amount in the last 30 years with the average of 1,000 reptiles per year per permit holder. Placing a ban of commercial collecting of reptiles seems like an easy way out that will affect the way of life of some collectors. This tradition needs to be left alone. Instead of blaming nine people let's take a look at the other areas that really can cause harm to reptile populations and do something about them.

Patrick Donnelly, state director Center for Biological Diversity, said they support a permanent ban on the commercial collection of reptiles. He said he presented the Commission with a letter from 48 scientists with degrees in wildlife and herpetology who were all unanimous in support of a permanent ban. Consequences for not acting are potential listings under the Endangered Species Act (ESA). His organization files petitions for ESA listings, and we are seeing early warning sign of species decline that could lead to a scenario in 10 to 20 years down the line where those species need to be protected. The Commission has a chance to stop that right now with preventing species decline. Wildlife managers agree as does scientific community, along with hundreds of Nevadans. Consensus and remedy is a permanent ban.

Ryan Werner, sportsman, does not support any type of ban. Does not feel commercial collectors are problem. The collectors care and have helped build guzzlers. Because of them is why he sees reptiles. Hasn't seen a solution, and not fair to punish them. Mr. Werner supports a ban on collecting as bigger issue is cats and hobbyist collectors. A committee is needed for both sides to work together.

Jim Dennis, Las Vegas, works as NDOW volunteer tracking Gila monsters, reptiles are his passion. At Tuesday CABMW meeting, collectors said they are meeting commercial demand. That does not mean it is right. Horned lizards do not breed or do well in captivity. Throughout history many groups had to reinvent themselves such as whalers, trappers and others. Removing large numbers of reptiles affects prey groups. Mr. Dennis said although commercial collectors provided valuable data over the years, citizen scientists are catching up fast with collector data, by reporting on "i Naturalist." NDOW has a phone app that he and other volunteers use to record sightings of mammals, birds, reptiles and amphibians that is sent directly to NDOW's Reno office.

Scott Cameron, senior biologist for Clark County's Desert Conservation Program, said he will finish where Ms. Jenkins left off. Another frequent comment that was heard at this week's Advisory Board meeting is that habitat loss plays a larger role in population declines than commercial collection activities. And this is likely true. However, habitat loss is largely the direct result of development - so this is habitat that will never be restored and will never be available for use by wildlife again. Commercial collection activities however, can affect reptile populations in areas that are not subject to development pressure - specifically in areas that are meant to

allow species to persist into the future. While the Wildlife Commission does not have the power to affect the rate of development, or to determine where it should occur, you do have the power to affect how commercial collection activities will impact populations in undeveloped areas. The Department of Wildlife and the Wildlife Commission have a responsibility to the citizens of this state to manage reptile collection activities in a manner that prevents the need for a future listing under the Endangered Species Act. The current proposal being advanced by commercial collectors would not reduce the number of reptiles being collected in Nevada. They have proposed daily and annual bag limits that are so high there would effectively be no change in current practices. The proposal put forth by the Department of Wildlife however, is scientifically sound and proposes modest reductions to the number of specimens currently being collected. Therefore we support the adoption of the ban or NDOW's second proposal to reduce the numbers. There should be a panel of experts convened to develop a science-based population monitoring protocols that can assess the relative abundance of reptiles across the landscape. Population monitoring should not be based on self-reported data from collectors who have a financial and personal conflict of interest. Increase enforcement and monitoring activities. Some additional forms of monitoring could include conducting periodic ride alongs and spot-checks with commercial collectors to ensure the accuracy of self-reported data. Develop outreach and education materials to educate collectors, take measure to ensure that NDOW has adequate staff to monitor commercial collection program paid for by raising fees.

Cheryl Hume of Las Vegas said at first there were many reptiles and animals when they moved to Las Vegas when they left that property hardly any reptiles. It is wrong to sell or commercialize reptiles as they won't recover. It has to be stopped.

Robert Bentz, commercial collector, thanked Commission for addressing this. Thanked past Commission and NDOW, it has been a pleasure for the 31 years. Mr. Bentz asked that collecting not be shut down until the whole Commission comes out to see what they do. Base the decision on that. Mr. Bentz offered to NDOW and the volunteers to come out and see what they do before shutting them down.

Dr. Laura Deitsch, Tortoise Group board chair, implored the Commission for a complete ban of commercial collection in Nevada. If other states have banned it, there is reason to believe it is a flawed practice. Self-reporting is dangerous policy. Species extinction is global, not sure why Clark County wants to be in company of that.

Brian Patterson, Clark CABMW, said NDOW staff attended their CABMW meeting, listened and addressed 99 percent of issues brought up that evening. Staff did a great job, but with anything there was a lot of information to review and with numbers you can always make that flow your way or against you. An easy one is when they point out that nearby states have banned commercial collection of reptiles. However 41 states do allow commercial collection as only focusing on states around us. NDOW staff admitted they did not take into account pitfall traps, hobbyists, and math can be manipulated their way. Thinks season limits and quotas is responsible action as opposed to prohibition. Global warming can benefit reptiles by expanding their range.

Jennifer Taylor, resident of Clark County, said as a citizen she supports ban on commercial collection of reptiles. Supports ban. Pitfall traps are true deathtraps. Emphasized that ecosystem is fragile, and knows the Commission knows that which is why they are on the board.

Stephanie Myers, Clark County, said to ban or to regulate. Listening to NDOW biologists their message was heard that evidence shows that collectors are taking more wildlife than is sustainable. She asked why would the Commission have biologists and not listen to them. She asked that the Commission prohibit commercial collection of reptiles.

John Zablocki, Mojave Desert program director for the Nature Conservancy. The Nature Conservancy is by the numbers Nevada's largest conservation organization. Their position is support of NDOW's regulation for general prohibition of commercial collection for reasons that NDOW described: Cost of enforcement and implementation of alternative regulations, the evidence of native species' population decline, and consistency with other states. He would encourage the Commission to evaluate the factuality of previous statement regarding collection in the U.S., as the Nature Conservancy submitted in their comments a detailed report on that. In consideration of collectors, they would request a form of a grace period for permit holders not longer than one year to allow adjustment for current permit holders. Lastly would urge the Commission to address hobby collection as studying the issue has merit.

Todd Esque, Clark County resident and research scientist for U.S. Geological Survey. He said he wants wildlife managed under good stewardship. Science is a process, and with the analysis done so far has us 90 percent done to determine if it is good science. There is one more step and would encourage NDOW and staff to publish the information. He is the editor of a scientific journal and could be submitted for peer review. Declines strong and only other animal that declined that way was the desert tortoise.

Jeremy Bentz, commercial collector, said Nevada is unique with the amount of public lands that exist and are undeveloped. Please consider that they can't touch all of the land available.

Tom Bentz, said he has been collecting reptiles for 70 years; had largest reptile collection in state of Nevada. In the 1980s he and sons assisted in developing program. Have tremendous knowledge of Nevada's reptiles and always willing to share information and still are. Hopes program continues to study reptile population. He asked that the Commissioners join them on a collection. Mr. Bentz said they never asked for unlimited quantity, have always considered quotas important. He thanked the state for allowing them 31 years.

Thomas L. Bentz said not one other individual has crossed his path while collecting. He said he has even taught wardens how to inspect their operation. He asked that the Commission please consider compromise and move forward with permit and regulation to go ahead.

Jeff Dixon, State Director for Nevada of the U.S. Humane Society, said allowing collection of Nevada's reptiles feeds into the global, unregulated, unsustainable, and inhumane reptile trade. He urged the Commission to prohibit all collection of reptiles, and support conservationist values reflected in NAC 503.95. He said there is no other feasible way to full uphold these values than prohibit collection.

Don Molde said, in regard to enforcement, that the U.S. runs on concept of voluntary compliance with the law. If regulations passed that impose limits, reasonable to expect that those subjected to it will voluntarily compile. However if unenforceable you cannot allow the activity. He hopes the Commission reviewed the Nevada Supreme Court decision of 1990, collectors had a nice run of 30 years. The Bentz's recognize that in their comments that times have changed, are well taken.

Fred Voltz asked if the mass reselling of wildlife violates the North American model of wildlife management that is frequently cited as the bible for hunter's to follow during their activities. During the last Commission meeting on this subject there was great concern for the family extracting the reptiles, that concern would be appropriate if the Commission were the Chamber of Commerce, but the Commission's core responsibility is to manage and protect wildlife not insure its extinction. Economic obsolescence has occurred with horse wagon makers and Betamax videotape makers. Wise policy making does not accommodate the pecuniary needs of one family to the exclusion of 2.9 million other Nevadans. The other option is to regulate extraction and resale. Mr. Voltz asked how NDOW could enforce any new commercial regulations. Nevada needs to bring its practices in-line with surrounding states and ban the commercial extraction of reptiles rather than being sink-hole for reptile destruction.

Joshua Cowart said he is in favor of responsible collecting, and is against a ban.

John Hiatt, Clark CABMW, said there is history of commercialization and collection of wildlife and it is not pretty with extirpation of some species. Need system to regulate this as present system not sustainable over time. Biologically cannot support regulation because by logical standpoint it needs to be banned. Web of life is that these creatures are eating and being eaten, and when you take reptiles out of the equation there is further follow-up effect. Biologically, the decision is simple, politically is something else, which is the Commission's job to phase out commercial collection of reptiles and he would be happy to see the same with hobbyists. Also, remind Commission that NRS and NAC specific about responsibilities there is another point of law to be considered is public trust doctrine.

Stacia Newman, president of Nevada's Political Action for Animals said they are in favor of ban. Feral cats are contained in large cities due to food source as many times as she visits the desert she has seen few feral cats out there. Collectors should not be able to pillage the desert. Many animals die in transport and rescue organizations receive calls on reptiles, many do not make it. You can add regulations but won't change that it is unenforceable.

David Crisler, Las Vegas Citizen, understands that when solar farm put in, they can pay fee and not have to clear the indigenous species from the land, they can just clear it. Currently they cannot do that if there are commercial animals, if this is banned and no commercial collection, will that mean they don't have to look for those animals anymore. He said we have seen huge degradation of areas that reptiles live in, and that means fewer animals in those areas. The only people with records are commercial collectors. He is in favor of regulations and collectors could be used to get more data.

Jim Tracy, Clark County resident, said he is a former collector. As far as any of the animals, none are threatened or endangered at this point, problem not what they are making it out to be. Many miles of open land as stated earlier that you never get to collect.

Public comment concluded, discussion returned to the Commission.

Commissioner Valentine said he is leaning toward regulation, but enforcement is a concern. He asked if the Commission has the authority to freeze commercial permits, with no new permits issued.

DAG Stockton said that for commercial collection, the burden is on the applicant that the activity is not detrimental to the species. Not issuing the permits because the data does not support issuance would be well within NDOW's authority. The reason that is not being done now is the Commission's prior decision to allow unlimited collection.

Commissioner McNinch said if NDOW denying a permit application based on scientific concerns with wildlife population, than we are saying we have a problem and to allow it to continue is problematic as well.

Commissioner Johnston thanked everyone who provided public comment, and who sent in correspondence prior to this meeting. Commissioner Johnston said he struggled with this issue and he is solidly convinced where he is at now. He absolutely rejects the assertion that Ms. Newmark and Mr. Jones put their professional reputation on the line and tried to mislead us that there is a problem if science didn't support it. Also heard people say we are wasting our time, and he rejects the comments that spending time on reptiles is waste of time. The Commission went out north of Las Vegas and saw the waste of not only reptiles but mammals in a series of pitfall traps, and the Commission knew it had an issue where the status quo is unacceptable. Then the question was whether to regulate by season, quota, and with limits, and then heard NDOW was not convinced that would solve the issue. It may help, but will not solve the issue. He said because of what he saw in the field he does not believe it would either, as commercial collecting was occurring in the same location where the pitfall traps were. He does not believe the argument that the pitfall traps were put in the ground to collect scorpions. Because if passionate about reptiles and that is their livelihood, the traps would not have been put in the ground to the detriment of those reptiles simply so they could collect scorpions. Over the course of the meetings he is convinced that the only appropriate solution is to ban commercial collection of reptiles based upon specific facts presented today and what the Commission saw. The way to do that is whatever permits exist now will be valid until expiration. That way there is no revoking licenses and creating legal issues. Going forward does not believe NDOW should issue permits for commercial collection. Commissioner Johnston said he will keep his mind open throughout the discussion.

Commissioner AlMBERG said he is in complete alignment with NDOW and Commissioner Johnston's comment. He said what NDOW presented was not disingenuous at all. Regulation leaves too many doors open with enforcement for him.

Commissioner Barnes said at the start he was in favor with regulation but as the process continued was not sure what the regulation would look like, and then concerns with enforcement were problematic. He said with numbers provided that reptiles are declining, he can only make sense of having a ban on collecting.

Commissioner Hubbs said as a trustee for wildlife, we have heard grim story about reptiles for some time. As a Commissioner representing the public, the public have been resoundingly against unlimited commercial collection. The public wants some type of regulation or an outright ban. Commissioner Hubbs said for her the discussion about data, and the explanation made by Todd Esque about the data being an index on pressures on these populations is real. Lastly, she could not be happier to hear her fellow Commissioners are as concerned as she is about these populations. For her an outright ban is the way to move forward due to the reasons presented about enforcement and other issues.

Commissioner McNinch said he appreciates Commissioner Johnston's reasons as we have had a lot of meetings. He said this particular issue crosses many of the tenets of the North American model, and is very responsive of the Commission to address this. With all due respect to the reptile collectors he believes a ban is the only way to go. A ban reinforces the Commission's support and intent and sends a message that the North American Model of Wildlife Management is important and actions speak louder than words.

Commissioner Valentine said he was considering a time limit to the permits, but is hearing the direction the Commission is heading and does not disagree with that direction.

Chairman Wallace said that public comment went great today which he appreciates. He thanked the public for the courteous public comment. Also, to him the pitfall traps were a major factor. Anything moving forward must have an absolute ban on pitfall traps. He said today the Commission looked only at commercial operations and not at hobbyist aspect, the Commission will need to look at that later as that may be a big impact on populations as well. Chairman Wallace said he is supportive of a ban after testimony heard today.

Commissioner McNinch asked Commissioner Johnston if NAC will be revised to impose a ban or to leave the decision up to NDOW based on biology.

Commissioner Johnston said there are two options. The permits currently issued will expire with no revocation or due process considerations. Ultimately the Commission could change the regulation or direction can be provided to the Department to cease issuance of commercial reptile collection permits. He said after reading the statute he sees that the Department can actually do that now. As a Commission we need to affirm that NDOW has the Commission's support as the Commission does not want permits issued for commercial collection of reptiles.

Commissioner McNinch said the Commission should also revise the NAC at some point.

COMMISSIONER JOHNSTON MOVED THAT THIS COMMISSION REQUEST AND SUPPORT NDOW IN CEASING THE ISSUANCE OF PERMITS FOR THE COMMERCIAL COLLECTION OF REPTILES AND THAT THE COMMISSION INITIATES THE REGULATORY PROCESS TO ADOPT A REGULATION THAT BANS COMMERCIAL COLLECTION OF REPTILES IN THE STATE OF NEVADA. COMMISSIONER HUBBS SECONDED THE MOTION. MOTION PASSED 6 – 1. COMMISSIONER VALENTINE OPPOSED. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

26 Pronghorn Antelope Translocation – Game Division Administrator Brian Wakeling – For Possible Action

A request for up to 200 pronghorn has been received by the Department from the Yakama and Colville Tribes in Washington. The Department will provide an update on the status of Nevada's pronghorn population and potential source herds for translocations. The Commission may approve the translocation requests for 2017 and 2018, as well as provide direction to the Department for fulfilling these requests.

Game Division Administrator Brian Wakeling said Yakama Tribal Council member Gerald Lewis is present to support the Yakama Tribe request for the translocation of pronghorn antelope as denoted in the support material for this agenda item.

Commissioner McNinch said at summer WAFWA Colville Tribe representatives mentioned to him their appreciation to the State of Nevada for the translocation of antelope.

Commissioner Almberg asked what will the composition of the animals be that will be translocated.

Administrator Wakeling said usually younger age class bucks are captured for translocation as they transport better. The translocation will not diminish the existing buck to doe ratio on the landscape.

Public Comment – None

COMMISSIONER MCNINCH MOVED TO APPROVE THE PRONGHORN ANTELOPE TRANSLOCATION TO YAKAMA COLEVILLE TRIBES AS PROPOSED BY THE DEPARTMENT. COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG WERE ABSENT.

- 27 Future Commission Meetings and Commission Committee Assignments – Secretary Tony Wasley and Chairman Wallace – For Possible Action – The next Commission meeting is scheduled for Nov. 3 and 4, 2017, in Carson City, and 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.

Secretary Wasley read his list of potential November agenda items: Sub-guide License Appeal, Royce Ematt, postponed from this meeting; First Reading Commission Policy 26 – Re-establishing, Introducing, Transplanting and Managing Pioneering Rocky Mountain Elk, and First Reading Commission Policy 3 – Appeals; Second Reading of Policies 27, Protection of Nevada Wildlife Resources; Commission Policy 65, Designation of Wildlife Management Areas; and Commission Policy 66, Management and Use of Wildlife Management Areas, referred back to committee for clean-up; Wildlife Trust Fund Semi-Annual Report; Public Works Board Contracts Report; Trail Cameras and Petitions Regulations for workshop; Application Hunt 2017 Draw Report; and Predation Management FY 2017 Report. After the November 2017 meeting the next Commission meeting is Jan. 26 and 27, 2018, in Reno/Carson with the purpose of big game season setting and regulations. Secretary Wasley said other potential agenda items are a report on chronic wasting disease and shed antler regulation, and Commissioner Johnston had brought up water delivery and management around Toulon/Stillwater.

Chairman Wallace said he would like an agenda item to discuss the June Commission 2018 meeting.

DAG Stockton said the Commission may also need an agenda item for the Smith/Molde lawsuit after the mediation meeting if a settlement is reached. The item would need to be for possible action.

Commissioner Almberg said we will be missing the window of opportunity for the sheds to have an impact this spring, need to get something sooner than later.

Chairman Wallace said that is his intent to have something, not sure which direction, but will discuss with Chief Turnipseed.

Public Comment -

Steve Marquez, White Pine CABMW, said on the shed antler issue, that he heard from a Lincoln County Commissioner while at his job, who expressed concern that they want something done. The Lincoln County commissioner was not satisfied with process or how long it has taken, and that the Lincoln County Commission is discussing enacting a county ordinance on shed antler collection and use of trail cameras. He asked the Commission to move forward on a regulation.

28 Public Comment Period – None

Meeting Adjourned

Note: The meeting has been videotaped and is available for viewing at www.ndow.org. The minutes are only a summary of the meeting. A complete record of the meeting can be obtained at the Nevada Department of Wildlife Headquarters Office in Reno.