

**Approved Minutes**  
**Nevada Board of Wildlife Commissioners' Meeting**

*Amended Agenda (New Agenda Item #20, added Monday, 08/07/17)*

Douglas County Administration Building  
1616 8th Street  
Minden, NV 89423

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: County Advisory Boards to Manage Wildlife (CABMW) Members and 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 Tiffany East*	Commissioner Kerstan Hubbs
Commissioner David McNinch	Commissioner Paul E. Valentine	Commissioner Bill Young

\*Commissioner East Excused Absence Saturday, Aug. 12, 2017

Secretary Tony Wasley  
Recording Secretary Suzanne Scourby

Senior Deputy Attorney General Bryan Stockton  
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
Division Administrator Habitat Alan Jenne	Wildlife Staff Specialist Cody McKee
Wildlife Diversity Administrator Jennifer Newmark	Wildlife Staff Specialist Cody Schroeder
Administrative Assistant 4 Katie Simper	Administrative Assistant 3 Kailey Taylor
Chief Game Warden Tyler Turnipseed	Wildlife Staff Specialist Karen Vargas
Fisheries Division Administrator Jon Sjöberg	Management Analyst 3 Jordan Neubauer
Data and Technology Services Division Chet VanDellen	Program Officer I Sherrill Sundell

Others in attendance:

Steve Robinson, Washoe CABMW	Jeremy Bentz, Nevada Sportsman Unlimited
Joe Crim, Pershing CABMW	Don Molde, Nevada Wildlife Alliance
Tom Cassinelli, Humboldt CABMW	Tom Bentz, All Outdoors
Bobbie McCollum, self	Fred Voltz, Non-consumptive Public
Don Molde, self	Eric Bobrick, Lyon CABMW
Billie Williams, Mineral CABMW	Gene Green, Carson CABMW
Chrissy Pope, Nye CABMW	Mitch McVicar, White Pine CABMW
Monty Martin, Systems Consultants	Gary Woodbury, Attorney
Doug Busselman, Nevada Farm Bureau	Jim Puryear, Nevada Bighorns Unlimited, Reno (NBU)
Bevan Lister, self	Mike Turnipseed, Douglas CABMW
Paul Dixon, Clark CABMW	Robert Bentz, self
Bert Gurr, Elko CABMW	Chad Foster, Douglas CABMW
Rex Flowers	Patrick Donnelly, Center for Biological Diversity
Steve Marquez, White Pine CABMW	Gil Yanuck, Carson CABMW
Gerald Lent, Nevada Hunters' Association	Thomas L. Bentz, Silver State Reptiles
Daryl Capurro, self	Bob Rittenhouse, Douglas CABMW
Greg Smith, Nevada Bighorns Unlimited	Chris Cefalu, Nevada Bighorns Unlimited
Walter Mandeville, Lyon CABMW	Clint Bentley, Fraternity of the Desert Bighorn
Pete Mori, self	Sarah Mortimer, Tortoise Group
Maureen Hullinger, NDOW	Karen Boeger, Nevada Backcountry Hunters and Anglers

Friday, August 11, 2017 – 9:30 a.m.

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

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

Roll call of CABMW members present: Gil Yanuck, Carson; Billie Williams, Mineral; Mike Turnipseed, Douglas; Joe Crim, Pershing; Chad Foster, Douglas; Bob Rittenhouse Douglas; Bert Gurr, Elko; and Chrissy Pope, Nye.

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

**COMMISSIONER JOHNSTON NOMINATED GRANT WALLACE AS CHAIRMAN. MOTION SECONDED. MOTION CARRIED 7 – 0. COMMISSIONER YOUNG WAS ABSENT. CHAIRMAN WALLACE ABSTAINED FROM VOTE.**

**COMMISSIONER MCNINCH NOMINATED COMMISSIONER JOHNSTON AS VICE CHAIRMAN. MOTION SECONDED. MOTION CARRIED 7 – 0. COMMISSIONER YOUNG ABSENT. COMMISSIONER JOHNSTON ABSTAINED FROM VOTE.**

Public Comment – None

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

**COMMISSIONER JOHNSTON MOVED TO APPROVE THE AMENDED AGENDA. COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION CARRIED 8 - 0. COMMISSIONER YOUNG WAS ABSENT.**

- 4 Member Items/Announcements and Correspondence – Chairman – Informational  
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.

Commissioner Valentine had a request from a member of the public about status of Senate Bill 364 regarding trapping. The person was curious about the Department's plans in enforcing the new legislation.

Commissioner Johnston said he received follow-up correspondence on Commission Policy on gray wolves that had been discussed in the Commission's Administrative Procedures Regulation Committee (APRPC). The correspondence he received stated that the Department and Commission are on a path of wanting to introduce wolves to Nevada. Commissioner Johnston responded to the person that he is not aware of that intent, and review of all the Commission's policies is underway through a public process.

Chairman Wallace had the same correspondence as Commissioner Johnston on gray wolves. He said the APRPC met last night and there will be a report later.

Commissioner Hubbs said she had an in office visit with Patrick Donnelly from the Center for Biodiversity who spoke of his interest in Commission Policy #27 (gray wolves) and the agenda item for later today regarding reptiles in Nevada. She said she received correspondence on Policy #27, Protection of Nevada Wildlife Resources. Also, she received about 11 to 12 emails on reptiles from the public on the regulation of reptiles. Commissioner Hubbs said she is not sure if all Commissioners received those same emails. Commissioner Hubbs said she has a list of the person's names that sent the emails for the record.

Chairman Wallace said he received about that many emails as Commissioner Hubbs on reptile collection. He said that he can discuss the emails during the agenda item later today.

Secretary Wasley said he received an email from the Lincoln CABMW regarding the landowner tag issue. Lincoln CABMW wants to participate in the landowner discussion as they have unique challenges in their county; however, Lincoln CABMW members were not able to attend this meeting. He said their correspondence also mentioned the need for formulation of a shed antler season and they are having challenges with trail cameras in their observations.

5 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.

Paul Dixon, Clark CABMW, said his CABMW received a request from the public to propose use of muzzleloader handguns in hunting. The proposal would require a change to NAC. A handout on the request was provided to Commission.

Gil Yanuck, Carson CABMW, said NDOW staff discussed public access to Hobart Reservoir at their meeting. Public access to the reservoir is a concern as the preferred route to Hobart has a locked gate. He asked if there is a way to unlock the gate for public access.

Mitch McVicars, White Pine CABMW, said the same challenges are occurring in White Pine County as Lincoln County with shed antlers and trail cameras. His CABMW did not discuss the landowner tag issue.

Eric Bobrick, Lyon CABMW, said the Lyon County Lion's Club sponsors a kid's free fishing derby. The derby is held on ponds at Mason Valley Wildlife Management Area (WMA) with fishing only allowed on day of derby. Situation has occurred with adults arriving at sunrise to fish the pond before the derby for the kids starts. The adults have been catching all the fish before the derby starts. Only six fish were caught by children during the derby because of the adults who caught all the fish earlier. His CABMW voted to request the Commission provide

assistance, because if there is no change to the regulation, the Lion's Club will no longer sponsor the derby.

- 6 Approval of Minutes – Chairman – For Possible Action  
Commission minutes from the June 23 and 24, 2017, meeting may be approved.

Commissioner Barnes said a correction is needed to page 15 as he did not make the statement in the fourth paragraph.

The correction is changing the speaker to "Biologist Jason Jones."

**COMMISSIONER JOHNSTON MOVED TO APPROVE THE MINUTES WITH CORRECTION TO PAGE 15 CHANGING MR. BARNES TO WILDLIFE STAFF SPECIALIST JONES. MOTION PASSED 7 – 0. COMMISSIONER EAST ABSTAINED. COMMISSIONER YOUNG ABSENT.**

- 7 Appeal – Mr. Steven Frank Bennett – For Possible Action  
Mr. Bennett is appealing revocation of his license privileges. (9:57 a.m.)

Deputy Attorney General (DAG) Bryan Stockton explained the role of the Commission in the appeal process: The Commission's charge is in the plea deal and demerit points. The Department has the burden of proof. The Commission is required to take public comment, however he asked if any one does make public comment that the Commission remember to base decision on facts not public opinion. DAG Stockton said for clarification the appellant's attorney is "Gary Woodbury," and the Department's attorney is "DAG Joshua Woodbury." The Department will begin with presentation of its case. Chairman Wallace called the hearing to order. DAG Stockton read the notice of hearing which was entered into record. DAG J. Woodbury representing the Department called Chief Game Warden Tyler Turnipseed as a witness. Chief Game Warden Turnipseed was sworn in by Vice Chairman Johnston.

DAG J. Woodbury questioned Chief Turnipseed as to facts of case: NDOW game wardens witnessed the illegal killing of at least one elk resulting in the filing of a criminal complaint against Mr. Bennett in Elko Township Justice Court. DAG J. Woodbury asked him to describe a document – Amended Second Criminal Complaint in case of State of Nevada versus defendant Steven Frank Bennett, Elko County. DAG J. Woodbury moved to have the complaint entered into evidence.

DAG Stockton said since this is an administrative law hearing; both parties may stipulate that the records provided in supplemental material for the hearing and meeting be admitted into the record.

Attorney Gary Woodbury said he represents Steven Frank Bennett. Gary Woodbury spoke without a microphone at 10:05 a.m. At the microphone he said under the Commission's rules both parties are to be notified of witnesses to be called. Mr. Woodbury said he was not notified of witness Turnipseed being called by the Department. Secondly, he had no objection to the documents already provided as they are sufficient to constitute evidence.

DAG J. Woodbury said he also has no objection to documents being entered into evidence. He was advised that the preferred method was to have someone from NDOW explain their procedures and how these items were arrived at to provide more background. He agreed with Attorney Gary Woodbury that there are no factual issues to discuss. This is legal argument whether NDOW was justified in making the demerit determination and if the plea agreement

would prevent that. Chief Turnipseed is representing the issues, positions and views of NDOW. The specific notification of Mr. Turnipseed was not identified but he is representing the entity that is presenting the evidence.

DAG Stockton said Attorney Gary Woodbury is objecting to Chief Turnipseed testifying. He said the Commission must decide how to proceed. He outlined possible options: Allow continuance of hearing if unfairly surprised; or allow the witness or exclude the witness. This is procedural question for the chairman to decide, or matter can be discussed between Commission members. DAG Stockton asked Attorney Gary Woodbury if he is requesting a continuance. Attorney Gary Woodbury said "You all have a bunch of rules in place that say that each side has to notify the other side of who their witnesses will be. And you didn't do it. If you want to not abide by your rules, okay. He can accept that and let the administrative law judge decide whether you have to do that." Commissioner Johnston said it is disingenuous for Attorney Gary Woodbury to suggest surprise that someone from the Department would explain the decision that the Department made when assessing the 12 demerit points that resulted in revocation of your client's hunting and fishing privileges. Attorney Gary Woodbury said that this has nothing to do with decision made by NDOW; it has to do with a plea bargain agreement. It is a Nevada statute that governs NDOW. NDOW was precluded from making that assessment based on the plea bargain agreement based on NRS 501.030 and 501.385.

The Department decided to remove Chief Turnipseed as witness. Both attorneys agreed to accept the support material packet provided by the Department into the record.

DAG J. Woodbury proceeded with review of the exhibits: There was conviction, and a no contest plea to possession of wildlife outside of open season - a misdemeanor. NRS provides demerit system that NDOW enforces. Violation of NAC, possession of large game mammal (bull elk) by Mr. Bennett. Subsequently a plea agreement was entered, as initial complaint filed, then after plea agreement filed, resulted in the Second Amended Complaint. DAG J. Woodbury read the document (exhibit file) noting violation of NRS 501.385 that is the penalty phase. He explained the NRS statutes and proceeded through the remaining documents. To conclude he said there is a conviction, a no contest plea to unlawful possession of a big game animal, and under NRS it provides that if conviction, there is a demerit system which NDOW enforces. When someone reaches 12 points there is a license suspension of privileges for three years. With that suspension there are procedural notifications that need to be done which can be discussed if Attorney Gary Woodbury contests notification of Mr. Bennett. It is NDOW's position that the plea agreement did not mention demerit points, civil penalties (monetary fine) are not the same as demerit points, and NDOW was justified in assessing the demerit points resulting in suspension of Mr. Bennett's hunting privileges for three years.

Attorney Gary Woodbury said only two things at issue in this case: That is whether Mr. Bennett was convicted under NRS 503.030. Under 503.030 which is a "gross misdemeanor." Mr. Bennett pled guilty to a "misdemeanor." Therefore you may say as in plea agreement that he is going to plead guilty to 501.185, he probably did. The fact that the State of Nevada through the Elko County District Attorneys' Office put other stuff in there is irrelevant. You can't change a "gross" misdemeanor to a "misdemeanor" without going through the proper procedure. Mr. Bennett did not get convicted of 503.030 because that is a "gross" misdemeanor and Mr. Bennett would not have pled guilty.

Commissioner Johnston asked what supports his position that a violation of NRS 503.030 is a “gross” misdemeanor. Commissioner Johnston said he is reading NRS 503.030 and there is no penalty provided for possession of wildlife after the end of the open season. If the statute does not classify the penalty, then it falls back, that it is a violation of Title 42 and therefore should be treated as a misdemeanor under NRS 501.385.

Attorney Gary Woodbury said he has no idea which statute. Attorney Gary Woodbury disagreed with Commissioner Johnston because there is specific statute that states it is treated as “gross misdemeanor.” Commissioner Johnston said NRS 501.376 subsection (4) is a “gross misdemeanor, a person shall not willfully possess any animal killed outside of the open season.”

Attorney Gary Woodbury said every ambiguity in a plea agreement between the State of Nevada and a criminal defendant is construed against the State of Nevada. Commissioner Johnston said it is not ambiguous, it is clear the State agreed not to seek civil penalties. That would be a reference to civil penalties in NRS 501.3855, nothing to do with the assessment of demerits is stated in the plea agreement. He asked if Mr. Gary Woodbury agreed. Attorney Gary Woodbury said no. Commissioner Johnston said the plea agreement only referenced “civil penalties” which referenced one statute not both. Further discussion of the plea agreement ensued (audio difficult from Mr. Gary Woodbury).

DAG J. Woodbury said the first point is whether violation of 503.030 is a “misdemeanor” or a “gross” misdemeanor. Initially Mr. Bennett was charged with both a violation of 503.030 and 501.376. NRS 501.376 is a “gross misdemeanor” and is a specific crime. NRS 503.030 unlawful possession which is the NRS Mr. Bennett pled no contest to, does not contain that penalty element, and is not a “gross misdemeanor.” We go back to 501.385 which is a misdemeanor. The State dropped the charge of 501.376 and eventually accepted the no contest plea on 503.030. Some of the confusion whether that statute is a misdemeanor or gross misdemeanor is based on the fact that previously two counts were charged and only one was pled to, a simple misdemeanor. The second refers to civil penalty which is monetary penalty. When you get to definition of demerit system 501.1814 read demerit points for wildlife convictions. The court has no jurisdiction whether demerit points should or should not be assessed. Demerit points are purview of Commission to establish and Department to administer once there is a wildlife conviction.

Public Comment – None

Commissioner Johnston said he read all of the documents provided, and to Attorney Gary Woodbury he said Mr. Gary Woodbury served Mr. Bennett well in the proceedings pending in Elko County and the Justice Court as his counsel got him the deal that he received as the charges started as a felony. Commissioner Johnston said the issue is whether the Department rightfully assessed the 12 demerit points. He said the Department did because the charging document is the amended second criminal complaint charged possession of wildlife in a prohibited period of time as defined by NRS 501.1385 and NRS 503.030. The crime was violation of NRS 503.030 with the penalty a misdemeanor. The plea agreement is specific that he is entering a plea of no contest to one count of possession of wildlife outside of an open season, a misdemeanor. No civil penalty regarding those events. Does not believe the language is ambiguous. Clear the state did not ask for civil penalties, Mr. Bennett could have faced a huge fine. There is nothing stating the state would not impose demerits. Transcript of sentencing hearing has no mention of demerit points. Does not see any error by Department in assessing 12 demerit points as set forth in the Nevada Administrative Code in revoking Mr. Bennett’s license.

Chairman Wallace said he agreed with Commissioner Johnston's position.

Commissioner Hubbs said she agreed with final conclusion of Commissioner Johnston, but while reviewing the plea agreement, there is statute referenced which is different than the statute NDOW used to notify Mr. Bennett of the demerits. NDOW referenced another statute. Her concern is that on the plea agreement itself the next paragraph specifically states that any other charges that were pending against Mr. Bennett were dismissed. In her opinion everything outside of NRS 501.385 were dismissed when agreement was signed. Mr. Bennett did sign to the misdemeanor to this violation, and she does not believe that the civil penalty reference speaks to demerits as not included in the agreement. With that being said Commissioner Hubbs said the only issue she has concern with is which fine for demerits should be based only on actual statute that Mr. Bennett pled to.

Commissioner Johnston read 501.385:

NRS 501.385 Unlawful acts; criminal penalties. Except as otherwise provided by specific statute:

1. Any person who:

(a) Performs an act or attempts to perform an act made unlawful or prohibited by a provision of this title; is guilty of a misdemeanor. Commissioner Johnston continued with reading:

501.385 Unlawful acts; criminal penalties. Except as otherwise provided by specific statute:

1. Any person who:

(a) Performs an act or attempts to perform an act made unlawful or prohibited by a provision of this title;

(b) Willfully fails to perform an act required of the person by a provision of this title;

(c) Obstructs, hinders, delays or otherwise interferes with any officer, employee or agent of the Department:

(1) In the performance of any duty while enforcing or attempting to enforce any provision of this title or any regulation adopted pursuant thereto; or

(2) While lawfully obtaining or attempting to obtain biological samples of wildlife, hunting, fishing or trapping data, or any other biological data or information relating to wildlife;

(d) Violates any order issued or regulation adopted by the Commission under the provisions of this title; or

(e) Having been granted a privilege or been licensed or permitted to do any act under the provisions of this title, exercises the grant, license or permit in a manner other than as specified,

is guilty of a misdemeanor. An officer, employee or agent of the Department may not obtain or attempt to obtain biological samples of wildlife, hunting, fishing or trapping data, or any other biological data or information relating to wildlife on private property without the consent of the owner of the property.

2. Every person who is guilty of a misdemeanor under this title shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

Commissioner Johnston said given that this plea agreement specifically states he is pleading “no contest” to one count of possession of wildlife outside of an open season the reference in the agreement to NRS 501.385 is simply to confirm that charge which is a misdemeanor charge, but the violation that occurred would have been the violation of 503.030, as set forth in the second amended complaint. It was to that document which Mr. Bennett entered his plea. In his mind no question that is what the plea deal was. The DA charged him as a misdemeanor. The demerits are set forth in the schedule as 12 points.

Commissioner Hubbs asked if there are deviations between demerit points for NRS 501.385 and NRS 503.030.

DAG Stockton said NAC 501.200 lists demerit points, and as DAG J. Woodbury pointed out there is a description of the violation listing a statute section number. There are differentiations in there; however the ones listed for 501.385 don’t match what the conviction was. The only one that matches is the one for unlawfully possessing big game mammals during closed season which the conviction document states.

Commissioner Hubbs said what you are saying is demerit points are the same but the description was different. DAG Stockton said where the demerit points are listed next to the statute number where the description doesn’t match are different. Commissioner Hubbs said the demerit notice should reference the correct statute. If a scaled demerit system on the statute which he pled guilty to and then it appears that was under NDOW’s purview to go with big game possession and apply 12 points. Commissioner Hubbs asked if the Commission should correct the paperwork or leave it citing NRS 503.030.

Commissioner Johnston said in his view the paperwork is correct. Mr. Bennett pled no contest and no charging document that referenced 503.030. He asked DAG Stockton if necessary for him to state “Findings of Fact, Conclusions of Law,” in the motion.

DAG Stockton said stating “Findings of Fact, Conclusions of Law” in a motion would be the cleanest. He can draft the document from that, or provide him a general outline and from the discussion and transcript he can draft the opinion of the board. Also, the Commission’s decision can be made on the record and he won’t need to write anything up. However, most boards prefer a written order.

**COMMISSIONER JOHNSTON MOVED THAT THIS COMMISSION DENY THE APPEAL OF MR. BENNETT AND AFFIRM THE DEPARTMENT’S ASSESSMENT OF 12 DEMERIT POINTS. BASED UPON THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW: THAT STEVEN FRANK BENNETT WAS CHARGED BY WAY OF AMENDED SECOND CRIMINAL COMPLAINT IN ELKO JUSTICE COURT OF VIOLATING NRS 503.030, POSSESSION OF WILDLIFE OUTSIDE OF OPEN SEASON, THE CHARGE IS A**

MISDEMEANOR PURSUANT TO NRS 501.385. CHARGING DOCUMENT SPECIFIED THAT MR. BENNETT AFTER HIS CO-DEFENDANT AMY JO SUMMERS SHOT THE BULL ELK WHICH WAS NOT IN SEASON IN NEVADA. THE DEFENDANT WHO KNEW OR SHOULD HAVE KNOWN THAT THE BULL ELK WAS TAKEN OUT OF SEASON DID ASSIST MS. SUMMERS IN THE TAKING BY ALLOWING AND ASSISTING WITH THE LOADING OF THE ELK INTO THE DEFENDANT'S TRAILER ATTACHED TO HIS FOUR-WHEELER. THE DEFENDANT POSSESSED THE ELK WHILE HE DID CARRY THE ANIMAL BACK TO CAMP IN UTAH WITH HIS FOUR-WHEELER AND OR TRAILER. MR. BENNETT ENTERED A PLEA OF NO CONTEST PURSUANT TO ALFORD IN THE ELKO JUSTICE COURT PURSUANT TO A MEMORANDUM OF PLEA AGREEMENT THAT WAS FILED IN THAT COURT ON FEB. 28, 2017. THE MEMORANDUM PRE-AGREEMENT STATES THAT STEVEN FRANK BENNETT HEREBY AGREES TO ENTER A PLEA OF NO CONTEST TO ONE COUNT OF POSSESSION OF WILDLIFE OUTSIDE OF AN OPEN SEASON, A MISDEMEANOR IN VIOLATION OF NRS 501.385. THE PLEA AGREEMENT FURTHER STATES THAT THE STATE AGREED TO NOT SEEK CIVIL PENALTIES. BASED UPON THE PLEA AGREEMENT AND RESULTING CONVICTION, THE STATE ASSESSED 12 DEMERIT POINTS UNDER THE ADMINISTRATIVE CODE SECTION 501.200. AS A RESULT OF 12 DEMERIT POINT THE DEPARTMENT REVOKED HIS HUNTING AND FISHING PRIVILEGES.

THE COMMISSION DOES NOT FIND THAT THE DEPARTMENT ERRED IN ASSESSING THE 12 DEMERIT POINTS ON MR. BENNETT BASED UPON HIS CONVICTION IN THE ELKO JUSTICE COURT REVOKING HIS HUNTING PRIVILGES. MR. BENNETT ARGUED THAT THE DEPARTMENT WAS PRECLUDED FROM ASSESSING DEMERITS BECAUSE THE MEMORANDUM OF PLEA AGREEMENT STATES THAT THE STATE AGREED TO NOT TO SEEK CIVIL PENALTIES, THAT LANGUAGE IN THE PLEA AGREEMENT IS CLEAR UNDER NRS 501.3855. SEPARATE STATUTES ADDRESS DEMERIT POINT SYSTEM, NRS 501.1814. BECAUSE THE STATUTES SPEAK TO DIFFERENT ITEMS, ONE IN WHICH CIVIL PENALTIES CAN BE SOUGHT BY THE STATE AND THE COURT. ONE IN WHICH THE COMMISSION SHALL ESTABLISH AND THE DEPARTMENT SHALL ADMINISTER DEMERIT POINT SYSTEM, THE REFERENCE IN THE PLEA AGREEMENT THAT THE STATE WILL NOT SEEK CIVIL PENALTIES IS CERTAINLY LIMITED ONLY TO THE STATE'S ABILITY TO SEEK CIVIL PENALTIES FROM THE COURT UNDER NRS 501.3855, DID NOT PRECLUDE THE DEPARTMENT FROM ADMINISTERING THE DEMERIT POINT SYSTEM ESTABLISHED PURSUANT TO A SEPARATE STATUTE UNDER NRS 501.184. IN ADDITION HE WOULD NOTE THAT THERE ARE ADDITIONAL CONSEQUENCES THAT CAN OCCUR FROM A WILDLIFE VIOLATION SET FORTH IN YET A SEPARATE STATUTE WHICH IS THE FORFEITURE STATUTE, NRS 501.3857. THE PLEA AGREEMENT IS SILENT ON ISSUE FORFEITURE. GIVEN THE FACT THAT THE PLEA AGREEMENT ONLY MENTIONS CIVIL PENALTIES, SPEAKING NOTHING TO FORFEITURE OR THE DEMERIT SYSTEM AND BECAUSE ALL THREE OF THOSE ITEMS ARE SET FORTH IN DIFFERENT STATUES, THE PLEA AGREEMENT ONLY FOCUSED/ADDRESSED CIVIL PENALTIES, WHICH DID NOT PRECLUDE THE STATE OR THE DEPARTMENT FROM ASSESSING MR. BENNETT 12 DEMERIT POINTS AS IT. MR. BENNETT ALSO ARGUES THAT HE DID NOT PLEAD GUILTY TO A VIOLATION OF NRS 503.030 AND ONLY PLEAD GUILTY TO NRS 501.385. THIS COMMISSION FINDS THAT ARGUMENT UNCONVINCING. FIRST THE PLEA AGREEMENT ON ITS FACE SAYS HE PLED GUILTY TO POSSESSION OF WILDLIFE OUTSIDE OF OPEN SEASON. THAT IS NOT INCLUDED IN NRS 501.385. NRS 501.385 SIMPLY PROVIDED THE MISDEMEANOR PENALTY OF CONSEQUENCES OF VIOLATION NRS 503.030. MORE IMPORTANTLY, MR. BENNETT PLED GUILTY TO WHAT HE WAS CHARGED IN THE CHARGING DOCUMENT:

**POSSESSION OF ELK OUTSIDE OF SEASON AFTER HIS CO-DEFENDANT SHOT IT. THAT DEMERIT IS SET FORTH UNDER THE UNLAWFUL POSSESSION SECTION 501.200, SUBSECTION 1, AND AS A RESULT THE DEPARTMENT DID NOT ERR IN ASSESSING THE 12 DEMERIT POINTS OR IN REVOKING MR. BENNETT'S HUNTING AND FISHING PRIVILEGES. FOR THOSE REASONS THE DEPARTMENT'S DECISION IS AFFIRMED. MOTION SECONDED BY CHAIRMAN WALLACE.**

DAG Stockton asked for clarification if the decision is to not prepare a written "Findings of Fact, Conclusion of Law" and to have decision "on the record."

Chairman Wallace agreed to have the Commission's decision "on the record."

Commissioner Hubbs said after reviewing NRS 501.385 and understanding that under that statute the Department still has the capability of applying up to 12 demerit points under the statute in which he pled, even though it did say possession of wildlife outside of open season, it does cite a specific statute and reference. So as it pertains to the memorandum that was submitted by NDOW, even if statute was changed to match the plea agreement she believes it would be simple error and nominal application. She still agrees with ultimate result that the Department did not err in applying the demerit points to Mr. Bennett.

**MOTION PASSED 8 – 0. COMMISSIONER YOUNG ABSENT.**

- 8 Nevada Aquatic Invasive Species (AIS) Management Plan – Fisheries Division Administrator Jon Sjöberg and Wildlife Staff Specialist Karen Vargas – For Possible Action

The Nevada Aquatic Invasive Species Management Plan (AIS Plan) is intended to provide guidance to AIS control and prevention programs in the State of Nevada and enhance coordination and effectiveness of AIS control efforts in Nevada and regionally through establishment of an inter-agency Nevada AIS Working Group. The Commission may take action to approve the final AIS Plan which will address any recommendations for modification of the draft AIS Plan from the Commission's June 23 and 24 meeting and other comments received from the public. These changes will be presented during the meeting. (Please view plan online at:

[http://www.ndow.org/Public\\_Meetings/Commission/Agenda/](http://www.ndow.org/Public_Meetings/Commission/Agenda/))

Fisheries Division Administrator Sjöberg briefly provided the Commission the background on the purpose of the AIS Plan and its development through the first public review at the August 2017 NBWC meeting. Administrator Sjöberg explained that the program was two parts: containment and prevention, with a focus on Nevada's high use waters. Ramp based inspection stations and two roadside stations strategically located on Hwy 93 and the Mountain City Hwy. Only a few comments were received from the Commission and the public and these were incorporated into the plan. The National AIS Task Force had a number of comments but these were only received about a week before this Commission meeting so could not be incorporated into the version provided as support material. Most of the AIS Task Force comments were minor and editorial. Karen Vargas gave a presentation showing minor changes to the draft plan made using the Task Force comments.

Fisheries Administrator Sjöberg said initial draft plan presented to Commission, CABMW Members, and public at the June meeting. He said comments from the National Task Force were received recently and Ms. Vargas will review those comments in her presentation.

Wildlife Staff Biologist Vargas read the PowerPoint presentation (exhibit file). Ms. Vargas said the last step for submission is Governor Sandoval approving and signing off on the plan.

Public Comment –

Paul Dixon, Clark CABMW, said his CABMW supported the plan unanimously. However, the CABMW had the following questions: Are there inspection stations for bodies of water with no known quagga mussels issues; is there a boating questionnaire that boaters must complete before entering waterways; and how do we know boats are clean entering uncontaminated waterways.

Administrator Sjöberg answered Clark CABMW's questions: Current program is two-part. One has containment component focused on waters where the mussels are (Lake Mead, Lake Mohave, Colorado River); and the second part is prevention which addresses the rest of the state. Even with limited number of water bodies for boating in Nevada, the program includes paddle craft and non-motorized watercraft. At the same time we have relatively limited resources. The focus is on high use waters where the highest risk of watercraft coming from Colorado River system or other locations. We do have a network of ramp based inspection stations around the state. Another part is regulation approved by Commission requiring drain plugs be removed from watercraft. That regulation is huge help in making sure mussels don't move around on boats.

**COMMISSIONER MCNINCH MOVED TO APPROVE THE NEVADA AIS MANAGEMENT PLAN AT THE COMMISSION LEVEL. COMMISSIONER HUBBS SECONDED THE MOTION. MOTION CARRIED 8 – 0. COMMISSIONER YOUNG WAS ABSENT.**

Secretary Wasley said recognized Ms. Vargas for her work on the plan as invasive species are a significant issue in the state. Developing the AIS Plan has been a huge effort and Ms. Vargas accomplished that while having a minimal budget.

9 Administrative Procedures Regulation Policy (APRP) Committee – Commissioner and Committee Chairman David McNinch

A APRP Committee Report – Commissioner and Committee Chairman David McNinch  
The Commission will hear a report from the committee's July 17, 2017, meeting.

Commissioner McNinch said Commission Policies 9 Americans with Disabilities Act (ADA), Policy 29 Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, and Policy 63 Protecting Wildlife from Toxic Ponds, were reviewed at the July 17 meeting. No controversy on any of the policies. Three additional policies were reviewed at yesterday's meeting.

B Commission Policy 9, ADA – First Reading – APRP Committee Chairman David McNinch – For Possible Action  
The Commission will have a first reading of Commission Policy 9, ADA, 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.

Commissioner McNinch said the committee voted to repeal Policy #9 as ADA requirements are laws.

**COMMISSIONER JOHNSTON MOVED TO APPROVE THE COMMITTEE RECOMMENDATION TO REPEAL COMMISSION POLICY #9 BASED ON THE FACT THAT THE DEPARTMENT AND THE COMMISSION ARE OBLIGATED TO COMPLY WITH THE LAWS INCLUDING THE ADA REQUIREMENTS WHICH ARE FEDERAL LAW. COMMISSIONER MCNINCH SECONDED THE MOTION. CHAIRMAN WALLACE SAID A SECOND READING IN SEPTEMBER IS NEEDED BY THE COMMISSION TO BE CONSISTENT. MOTION PASSED 8 – 0. COMMISSIONER YOUNG ABSENT.**

C Commission Policy 29, Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, First Reading - Commissioner and APRP Committee Chairman David McNinch and Game Division Administrator Brian F. Wakeling – For Possible Action

The Commission will have a first reading of Commission Policy 29, Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, and may take action to implement the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Game Division Administrator Wakeling said this is part of the elk arbitration process that the Commission adopted last year. The policy reflects the most recent arbitration process approved by the Commission and recent changes to the Nevada Administrative Code (NAC), LCB File No. R031-15 Arbitration Panel.

Commissioner Johnston said in the “procedure” aspect of the policy it is either the committee or the Commission who makes the determination as to whether the Department’s calculation was in error. In the “Policy” section the last sentence’s word “inequitable” should be replaced with “the Department made an error.”

**COMMISSIONER MCNINCH MOVED TO ADVANCE POLICY 29 TO THE SEPTEMBER MEETING FOR A SECOND READING WITH THE CHANGE OF REMOVING “INEQUITABLE” AND REPLACE WITH “THE DEPARTMENT MADE AN ERROR.” COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION PASSED 8 – 0. COMMISSIONER YOUNG ABSENT.**

D Commission Policy 63, Protecting Wildlife from Toxic Ponds, First Reading – Commissioner and APRP Committee Chairman David McNinch and Habitat Division Administrator Alan Jenne – For Possible Action

The Commission will have a first reading of Commission Policy 63, Protecting Wildlife from Toxic Ponds, 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.

Habitat Division Administrator Jenne presented Commission Policy 63 Protecting Wildlife from Toxic Ponds He said Policy 63 is clean-up based on last year’s NAC modifications to the Industrial Artificial Pond permit program assessments. The old assessment structure had only hard rock mines paying the assessment. At that time only about 50 percent of permittees were paying the assessment. The program was short of funds with sportsman’s dollars making up the difference. Clean-up reflects that the assessment will be paid across the mining industry rather than just hard rock mines.

Public Comment –

Fred Voltz, representing himself, said he had three suggestions: Would like a specific indication of what the actual mortalities are each quarter since that reporting is being done by the individual pond operators. That information would be helpful to know what the magnitude is and if progress is being made. Secondly, on page 2 at the bottom, when talking of incidental mortality, important to have something that says “which will be defined in the regulation,” as opposed to leaving “incidental” undefined. Lastly, suggested new section numbered “6.” On page 3 that says “we are technically viable and the Department will seek to eliminate industrial ponds altogether replaced by advanced methods of handling toxic waste.” He said the Silver Peak Lithium Mine and 1,000 acres plus of ponds one-foot deep in the desert using billions of gallons of water is something that is very unsustainable going forward.

Paul Dixon, Clark CABMW, asked that “bladders” be addressed as “bladders” are used in “fracking.”

Administrator Jenne said Nevada Division of Minerals regulates fracking. NDOW did coordinate with them. Open ponds with lethal substances would require an artificial industrial pond permit.

**COMMISSIONER MCNINCH MOVED THAT POLICY 63 AS REVISED AND PRESENTED BE MOVED TO THE SEPTEMBER COMMISSION MEETING FOR A SECOND READING. COMMISSIONER SECONDED. MOTION CARRIED 8 – 0. COMMISSIONER YOUNG WAS ABSENT.**

10 Commission General Regulation – Workshop/Public Comment Allowed

Commission General Regulation 470, Miscellaneous Petitions, LCB File No. R095-16 – Commissioner and APRP Committee Chairman David McNinch – Workshop/Public Comment Allowed

The Commission will hold a workshop to consider amending Chapter 501 of the Nevada Administrative Code (NAC). The regulation was developed by the APRP Committee after several public meetings incorporating relevant suggestions from the public, legal counsel, the Department and the Committee. The amendments will simplify petition form requirements and the petition process overall.

A workshop was held on November 18, 2016. The Commission had questions regarding the 30 day limit and the timing with the Commission meetings, what initiates rulemaking, and the appeal process for a petitioner who’s petition was denied. The regulation was referred back to the APRP committee for further discussion and resolution.

The Commission will hold a workshop to consider amending Chapter 501 of the Nevada Administrative Code (NAC). The regulation was developed by the APRP Committee after several public meetings incorporating relevant suggestions from the public, legal counsel, the Department and the Committee. The amendments will simplify petition form requirements and the petition process overall.

Commissioner McNinch explained that DAG Stockton was present and provided specific thoughts and suggestions for moving forward with petition policy. There were questions on 30 day limit and what initiates rulemaking and any appeal process. All three of those were addressed in the meeting.

DAG Stockton said there is a color copy on internet (see support material), which comes from LCB. This started as a regulation change that was not adopted. It went through the Legislative Counsel Bureau Review and needed to be amended, so it will have to go through another review. There are technical changes in Section 1 to change the type of information that has to be submitted. Section 1 subsection d has language in red. The original regulation had technical material required by NRS 233B as a part of the regulation process. This regulation put the burden on people who bring forward a petition. This will try to take that off them.

Sections 2 and 3 are crossed out because they are redundant. In the current regulation, the Department gives input within 20 days on legal authority. Any administrative body has to have some sort of legislative authority to adopt a regulation process.

Under NRS 233B.135, you have 30 days from the time someone requests a change to initiate rulemaking or deny the petition. A vote to accept a petition votes to initiate rulemaking and a vote to deny it is a final agency decision. The problem is that this Board meets nine times a year. If a petition is submitted more than 30 days before, it will be automatically denied because we can't meet. Subsection D says it will be denied if the agenda has already been posted.

Commissioner McNinch asked for an explanation on the court's ability to override the Commission's decisions.

DAG Stockton clarified that if the Commission does not initiate rulemaking, the person could go to the District Court.

Public Comment –

Patrick Donnelly, Center of Biological Diversity proposed a change in Section 1, Subsection b where the petitioner is required to assign legal authorities. Secondly, the Department has 20 days to respond and it might not be enough time to make a recommendation. Finally, making the appeal process explicit would help the general public.

Commissioner Valentine asked if section 2 was supposed to be eliminated.

DAG Stockton clarified that it is not so redundant that you have to delete it, but it is repetitive.

Commissioner Johnston said that he appreciates the comments, but that the Department just has to make a recommendation to start rulemaking, which is a limited task compared to the rulemaking process. Also, there are a limited number of statutes to have to review. There are a number of items we are removing from process itself though the comments are appreciated.

Commissioner McNinch explained that we are trying to make it easier by removing those items. If you cannot find something readily, it might raise the question of whether they can do it. It is not a high bar; it is getting people to make a statement. Commissioner McNinch said he believes the Department was involved in that timeframe and that he did want to edit the word "submitted" in section 4 subsections c and d.

The workshop concluded. The policy will be returned to LCB for a rewrite and a second hearing in November.

11 Commercial Reptile Collection – Wildlife Diversity Administrator Jennifer Newmark - For Possible Action

The Department will present the Commission with background information regarding commercial collection of reptiles in Nevada along with numerous potential alternatives for consideration. The Commission may choose to provide direction to the Department regarding commercial collection of reptiles.

Division Administrator Newmark presented a PowerPoint presentation which she read (website and exhibit file).

Commissioner Young arrived at 2:21 p.m.

Public Comment –

Thomas L. Bentz, commercial collector since he was a nine-year-old, said the Department estimates the average number of reptiles taken annually by collectors to be 14,000. He said he personally collects probably one-half of that number around 7,500. He spends 200 to 300 days in the field each season all day long and has done that for the past 30 years. Mr. Bentz said he sees something new every day in the field that he has never seen before. His strongest concern about this issue over the years is that he has only been contacted by the Department for copies of data forms because they lost them.

Robert Bentz, commercial reptile collector, said the history provided is not quite accurate on the commercial reptile collecting as collecting was outlawed. He said he did not know this meeting was happening. He said they started using UTM's instead of township coordinates to identify collection sites. Mr. Bentz said he and his family have been documenting their collecting for over 30 years. He said he put the cans out and they were put out when first trying to catch scorpions.

Tom Bentz said he initiated all of this. Two items in particular - NDOW was never in favor of this, and biological degree mandates that the Department be against commercial ventures for wildlife. The Department has known about the cans for over 20 years. No data would have been collected on shovel-nose lizard if the collectors hadn't reported. He said the program is so important to them and the integrity is important that they have done everything they could for over 30 years to prove it. They promised at the beginning that there was a renewable wildlife resource that could stand a sustainable harvest without affecting the population. His family does collect same roads over and over. The numbers are uniformly steady and sustainable with the exception of wet years and drought years. He said they have kept their word and in the 30 years of collecting they have no citations. The Department has always been able to ask for information or gone in the field with them. The Department had no interest and wants to see program fail.

Jeremy Bentz, president and representative of Nevada Sportsman Unlimited, said his board has recommended that the Commission take no action and continue to allow commercial collection of reptiles. He said the data collected was not portrayed accurately, and the Department needs to come to them and ask. For instance he himself doesn't collect juveniles. The can traps are not used by him to catch lizards as that is and has been illegal. Mr. Bentz said he has no reason to use them and although he may be on the same road as the can trap, he is not using those.

Paul Dixon, Clark CABMW, said at their meeting they had over an hour of discussion on this. Mr. Dixon said there may have been a mistake by the Department by not reaching out to the collectors to include them similar to the falconers who were included when those regulations were revised as a lot could be learned by interviewing the collectors. You are left with the belief

that when somebody is collecting along a road that they are collecting hundreds of acres on either side, yet they said today they only go 100 feet off the road. Trying to determine impacts when you have animals that don't travel very far and are localized, you can deplete by roadside but not a whole basin. As a result of his CABMW's discussion they wanted to direct the Department to develop recommendations that potentially limit the harvest of certain species and or put enact season. Once we understand things we can actually collect the correct biological data. He would put some back on the Department such as why hasn't the Department asked the right question. At a minimum should interview the small number of collectors that we have. Mr. Dixon said he has seen nothing that they are specifically breaking law or doing something wrong, just seeing uncertainty at what they have done or have complete explanation at least at the CABMW and Commission level as to what the process is. Get educated first. Knows we don't want to keep going the way we are.

Bob Rittenhouse, Douglas CABMW, thanked Division Administrator Newmark for attending their meeting as many members did not understand what is at risk. There is misunderstanding on this reptile collecting and figuring out if species would be depleted. He will return back to his CABMW and suggest that they contact some of these people as we do have to preserve this natural resource.

Gil Yanuck, Carson CABMW, said he agreed with Mr. Rittenhouse because listening to three generations of collectors and how much data they have amassed shows we need to tap into that. At their CABMW they don't know much about it, and appears that there is a wealth of information that is there for the asking, need to invite them to the party to take advantage of that information. Thanked the Bentz collectors for attending the meeting. Wants to work with them.

Patrick Donnelly, Center for Biological Diversity, said he has two points: Unrestricted commercial collection of reptiles is archaic wildlife policy that is being dealt with nationwide. In particular the south has dealt with it with commercial collection of turtles. He brings that up because this issue is not unique to Nevada. The trend is toward ban of commercial collection. Secondly, there is a temptation to recommend as Clark CABMW did to have limits and seasons based upon species, etc... He said that tact may not have a biological basis as reptiles are not elk or deer as reptiles have torpor seasons and active seasons that may not be the best way to ensure a sustainable program. Sounds like there is a seemingly universal recognition that there is a lack of data and would suggest moratorium while data collected to evaluate the program and ensure that there is not sustained damage to the resource while respecting that this is an ongoing activity that needs the best possible data for evaluation.

Fred Voltz, said his comments are in response to the Department presentation and the public comment. First of all statistics and biological facts presented by the Department are a troubling picture for sustainability of the various reptile species and huge impact on predator food chain in the desert and what they depend on to survive. Secondly, population guesstimate are just that – they are very sketchy. Prudence and good stewardship would suggest a conservative approach toward eliminating or transferring through these 13,000 known collected reptiles. Also, should be a problem in everyone's mind that there is a pecuniary interest in those profiting and offering all of this information. They had the opportunity to present this multiple times for whatever reason they didn't do so, and he would really question people who are profiting and are only paying \$250 to collect every year. Trapping is same thing, a commercial activity, and is something the Commission needs to deal with in the same way as this issue. From his perspective the Commission should be directing the Department to draft regulation to prohibit collection.

Don Molde said he is not sure about comments made that there has been a shortage of data. The Department has collected data for 30 years as submitted by collectors themselves. We are not on verge of finding data that we didn't have we already have, data by thousands as shown in the PowerPoint from the Department. He said he would also remind people that the North American model tenets prohibit commercialization of wildlife. That is a violation of the North American model.

Commissioner Hubbs said as mentioned earlier she did receive multiple emails from individuals concerned about reptile populations. She read the names of persons who support protection of reptiles in the State: Stephen Stocking, Laura Eisenberg, Bob McKeever, Tom Padden, Marcia Bollea, Stephanie Myers, Jean Perry Jones, James Vanas, Lorelle Nelson, Jaina Moan, and Patrick Connelly of Center for Biodiversity. In these situations, it is difficult when we have individuals whose livelihood will be impacted, and is important that they were here to tell their story so we can take that into consideration. But at same time, looking at data, and her personally trusting our state biologists when they are saying there is a red flag and they are concerned, the Commission has a duty to listen. If they can show us what is going on the Commission is here to protect reptilian wildlife. Biologists are stating their concerns and important for the Commission to give them credence when they come to the Commission with that type of information.

Commissioner McNinch said he is concerned when he hears additive mortality and diminishing returns. There is illegal activity going on out there. He said he personally saw the pitfall traps and impact. He supports taking action to protect the resource.

Commissioner Almberg said that the biologists are concerned shows the Commission that they need to pay attention.

Commissioner Valentine said he has spent much time in the desert and the reports are enlightening to him. Commissioner Valentine said he sees this as a situation as need for control such as mandatory reporting and season setting.

Commissioner Johnston said he received the packet today with collection data and saw an entry where 40 reptiles caught in a short time which is amazing. At the cost of a permit he doesn't see how the Department could effectively manage the data.

Chairman Wallace said the do nothing approach is not working. We may need to do as Administrator Newmark suggested with a hybrid of the four suggestions at the conclusion of the PowerPoint.

Commissioner Johnston said problematic that species besides scorpions have been found in the cans.

Commissioner Young said there must be give and take. Nevada's population is changing and people need to get used to it. Perhaps grandfather the current permittees in, and have them work with the Department biologists. He doesn't want to put them out of business.

Commissioner Barnes can't support that either, perhaps a regulation.

Commissioner McNinch said he has a problem with “additive mortality.” Because that means that every day we are affecting these populations. Not convinced there isn’t permanent damage already. One of the constants is amount of time it takes to get something. The map shows something is going on. He wants a moratorium at the very least.

Commissioner Johnston said regardless the pitfall traps will still be out there. If there wasn’t ability to sell commercially the traps wouldn’t be there. Develop regulation for season/take; however what will we do about those pitfall traps?

Commissioner McNinch said the Commission does control lawful take, we can’t fix the pitfall traps which are a big problem. This is one area the Commission controls and he is concerned that damage is already done. Rather take chances down that path then regretting something.

Chairman Wallace said he would like to close the area where the pitfall traps are at the very least until removed. As far as neighboring states what do they do? Are they completely closed to collection? He asked if Nevada could mirror other states.

Administrator Newmark said all neighboring states have closed their states for collecting.

Commissioner Hubbs said we are a “sink” state that allows things to go on that are closed. The 26 species of conservation concern are subject to the free-for-all of collecting.

Commissioner Young asked if other states have data for illegal activity.

Administrator Newmark said Arizona has had illegal activity, and other states have expressed concern about Nevada. Nevada’s legality of collecting provides opportunity for illegal activities in neighboring states.

Commissioner Johnston said is this problem those with the commercial collection license or is the problem those without licenses who collect illegally both in and outside of Nevada.

Commissioner Young said the Bentz family can’t be the problem with all the illegal activity from his experience in law enforcement. With all due respect to the Commissioners when they talk about commercialization that all know how he feels about those out-of-state elk guides who charge \$100,000 per tag and use unlimited trail cameras. There is a parallel. He is saying lets be careful.

Commissioner Hubbs said Nevada may be a draw for nonresidents for commercialization. We can disentangle that, as we can’t take away testimony heard today that they admit to using the cans to catch scorpions. Thinks we should do it by species at least. Now is the time to do it versus fighting a petition to list.

Secretary Wasley said he would like the Commission to consider that if only eight persons buying collection license for \$250 to contemplate that enforcement of regulations will cost sportsmen.

Commissioner McNinch said he does not take this lightly. He knows there will be repercussions. He is not willing to roll the dice, and appreciates that Nevada has 26 species of conservation concern. It is significant. Not sure if fees could be raised high enough to pay for enforcement. Commissioner McNinch said he appreciates Chairman Wallace's comment to close the area where pitfall traps are. He believes that the Commission needs to go with banning commercial collection.

Commissioner Hubbs said asked if the Department knows of other areas with pitfall traps.

Administrator Newmark said NDOW was alerted by federal staff that there are other areas. She said we know of 700 but may be more.

Commissioner Hubbs said understanding that the traps are being used for scorpions but also killing other species is additive to what is being collected and sold for commercial purposes.

Tom Bentz said the Department never asks them about what they are doing in the field. It is like what they do has no value. He told the Commission to ask the Department to ask them.

Commissioner Young said in fundamental fairness there is flip side to this, as agency was not doing its job by not collecting information from the beginning like everyone else. More than one field trip to Amargosa Valley is needed.

Commissioner McNinch asked how 26 reptiles were identified in state's Wildlife Action Plan (WAP) that were conservation priority.

Administrator Newmark said during the WAP development, NDOW looked at several factors with species such as trend and threats to species. Commercial collection is an important component of those becoming species of conservation priority. Certain species are more desirable to be collected, consequently they are hit harder than other species, which factored into them becoming a species of conservation priority. She said the Department does get data from the collectors every year in their monthly reports. The Department does not have to ask, we are receiving data and is a matter of what is being seen in the data/required reports.

Robert Bentz said he already admitted to placing the cans out said he has letter from BLM stipulating removal. He said if the Commission wants to take a permit, take his.

Commissioner Hubbs said the Commission is trustees for the state's wildlife. Today we saw data and science put forth. The duty is to focus on what we need to manage.

Commissioner Johnston asked this be put on the next agenda. He would like to see at the next meeting is some of the alternatives and have discussion of potential recommendations on limitations of take.

Commissioner Valentine said willingness displayed by Bentz family to work with the Department biologists, and he hopes that happens.

**COMMISSIONER MCNINCH MOVED TO DIRECT THE DEPARTMENT TO BRING BACK INFORMATION PERTAINING TO OPTIONS 2 AND 4 TO GIVE THE COMMISSION AN IDEA WHAT EACH MIGHT LOOK LIKE. COMMISSIONER HUBBS SECONDED THE MOTION.**

Commissioner Barnes said in view of what we saw in Amargosa Valley and after hearing the discussion he would like time to consider this further. In other species we rely on the Department for big game, and this is not much different than that. Comfortable with direction we are going.

Commissioner Young said he agreed with Commissioner Barnes and said he is not supportive of Option 2, supports Option 4.

**VOTE ON MOTION WAS UNANIMOUS.**

12 Public Comment Period

Gerald Lent read his comments into the record and provided a copy:

Commission Meeting Aug. 11, 2017

MY NAME IS GERALD LENT REPRESENTING NEVADA HUNTERS ASSOCIATION

Recently I wrote an article in Mule Crazy Magazine about what happened after you discontinued a Mule Deer predation project in Northern Washoe County in unit 014. This article has been read by over 5,800 interested people.

I request my written comments along with this article be included in all the distributed minutes of this meeting IAW Nevada's Open Meeting Law.

In 2004 the Nevada Board of Wildlife Commissioners approved a predator project in the Granite Mountains of Washoe County, unit 014, which is one of the smallest deer management areas in the State.

The goal of the project was simple: keep more deer on the mountain and therefore increase hunting opportunities for Sportsmen i.e. increase the tag numbers.

All of my numbers are from WDOV's official Big Game Status Report and therefore do not need peer review.

When the project was started in 2004 there were only 850 Mule Deer in the population in this unit.

In 2013 the Mule Deer population was 1500 animals — a 76.5% increase from the origination of the project. AND

-2-

an unbelievable 345% increase in tags for Sportsmen. This was after 52 mountain lions and 1199 Coyotes had been removed from this unit.

NOW THIS IS IMPORTANT TO HEAR

you will not find anywhere in Nevada where a Mule Deer Management Unit had a 76.5% increase in deer numbers and a 345% increase in tags for Sportsmen

ALSO VERY IMPORTANT TO HEAR:

Unit 014 continued to outperform all other deer management areas in the State REGARDLESS of the drought conditions! Regardless of all other variables!

Even with the proven success of this predator project, it was shut down in June 2014 even after it finally showed an incredible 88% increase in deer in 2014.

So what happened when this predator project was discontinued? we lost 25% of our deer herd only 2 years after the project was stopped.

In such a short time of 2 years all 10 of the years we had dedicated to a successful predator control program HAD BEEN LOST!

This is an example of how quickly predators will return after walking away from a serious predator removal program

With mule deer, whatever we are doing is not working  
We have to do something different.

Jobs: Do you want more deer?  
Do you want to hunt?

Seems logical that other deer management units  
with low deer numbers should have an active  
predator plan.

The facts speak for themselves! I hope you can see that!

Also as the habitat from the recent fires diminishes,  
predator control becomes more important because  
it pushes the prey species into a smaller geographical  
area, making predation a much larger impact  
on the herd.

The answer isn't simply: since they are going to die  
anyway lets just have an emergency hunt and  
let the hunters <sup>bill</sup> them off such as your amended  
agenda item # 20, <sup>on</sup> "tomorrow" agenda says.

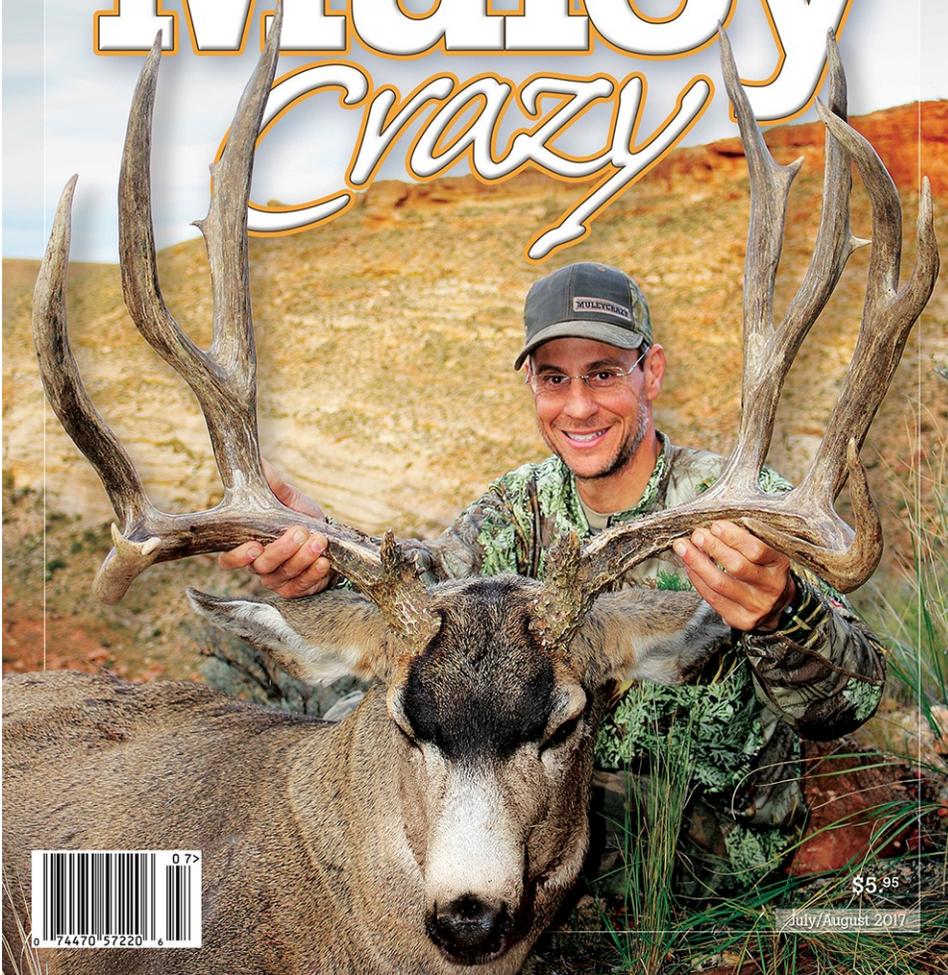
We need to try to save the remaining deer in these areas  
by protecting them to a much greater extent, not just  
have a MONEY GRAB which will be suggested by NDOW,  
so they can match the money 3 to 1. Don't do that!  
You have the money in the predator account - now you  
need to do the right thing for the deer!      thank you

Losing Control of Nevada's Mule Deer - By Dr. Gerald Lent • Steve Monk - Sig Sauer's New Kilo 2400 Rangefinder

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July/August 2017





## Nevada Predator Project Part III The Effects of a Discontinued Predator Project

Story By - **Dr. Gerald A. Lent**

*Over the last five years, MuleCrazy has followed and reported the findings of Nevada's 014 predator project. The project showed wildly positive results, as deer numbers doubled in the area after reducing coyote and mountain lions numbers drastically. This follow-up article is a reminder to ALL state agencies that manage our wildlife, that if you lose control of predators, you cannot maintain or increase mule deer populations!*

**I**n a previous issue of MuleCrazy Magazine, I detailed how a successful mule deer predator control project in one of the smallest Deer Management Hunt Units in Nevada (014) showed a huge increase in deer populations compared to other surrounding deer management areas in the State that had no predator control projects. When the predator control project in Deer Management Hunt Unit 014 started in 2004, according to Nevada Department of Wildlife's (NDOW) Big Game Status Report (BGR), NDOW estimated Hunt Unit 014 had 850 mule deer and were authorizing a paltry 44 tags. The project had one simple goal- to increase mule deer numbers in hopes of increasing hunting opportunities for sportsmen.

In NDOW's 2012 BGR, Hunt Unit 014 had 1,400 mule deer. That's a 65% increase. Plus, they issued a whopping 171 tags; a 289% increase. During this span, the USDA Wildlife Services also removed 46 mountain lions and 1158 coyotes, which also certainly helped to increase deer numbers. If you are interested, in a prior article published in the March/April 2014 issue of MuleCrazy Magazine, I visited the effects taking 52 mountain lions and 1195 coyotes had on the same area.

According to the 2013 Nevada BGR, NDOW had estimated the mule deer population in hunt unit 014 at 1,500 mule deer. That was up from 850 mule deer in 2004, and up from 1,400 in 2003. This adds up to a huge 76.5% increase in mule deer. Also in the 2013 Nevada Hunting Guide, NDOW issued 196 mule deer tags for unit 014. That was a 15% increase from the prior year and an unbelievable 345% increase in tags for sportsmen since 2004.

With a new governor and a new Wildlife Commission, the predator project in Hunt Unit 014 ended

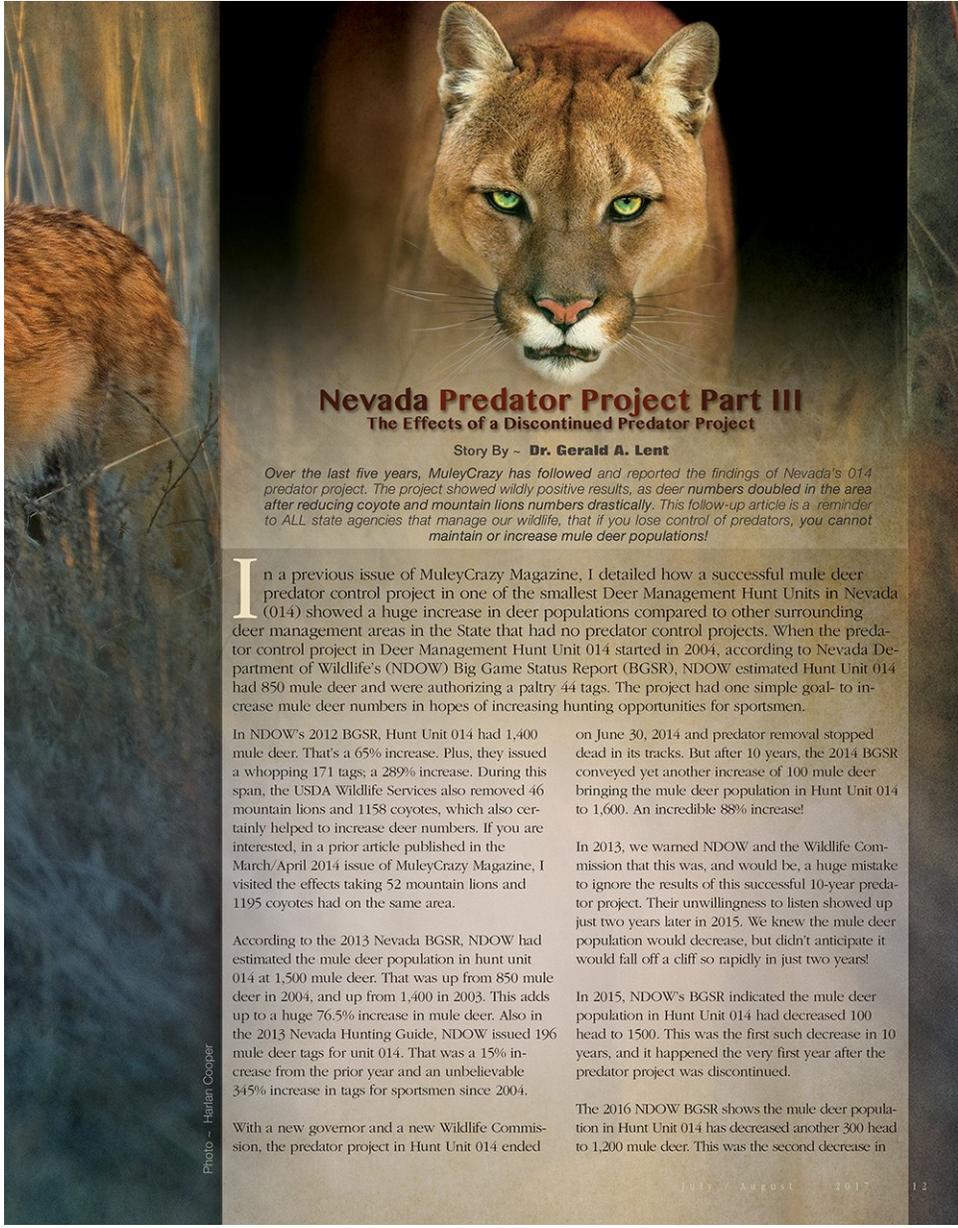
on June 30, 2014 and predator removal stopped dead in its tracks. But after 10 years, the 2014 BGR conveyed yet another increase of 100 mule deer bringing the mule deer population in Hunt Unit 014 to 1,600. An incredible 88% increase!

In 2013, we warned NDOW and the Wildlife Commission that this was, and would be, a huge mistake to ignore the results of this successful 10-year predator project. Their unwillingness to listen showed up just two years later in 2015. We knew the mule deer population would decrease, but didn't anticipate it would fall off a cliff so rapidly in just two years!

In 2015, NDOW's BGR indicated the mule deer population in Hunt Unit 014 had decreased 100 head to 1500. This was the first such decrease in 10 years, and it happened the very first year after the predator project was discontinued.

The 2016 NDOW BGR shows the mule deer population in Hunt Unit 014 has decreased another 300 head to 1,200 mule deer. This was the second decrease in

Photo - Harlan Cooper



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*Over the last five years, MuleCrazy has followed and reported the findings of Nevada's 014 predator project. The project showed wildly positive results, as deer numbers doubled in the area after reducing coyote and mountain lions numbers drastically. This follow-up article is a reminder to ALL state agencies that manage our wildlife, that if you lose control of predators, you cannot maintain or increase mule deer populations!*

**I**n a previous issue of MuleCrazy Magazine, I detailed how a successful mule deer predator control project in one of the smallest Deer Management Hunt Units in Nevada (014) showed a huge increase in deer populations compared to other surrounding deer management areas in the State that had no predator control projects. When the predator control project in Deer Management Hunt Unit 014 started in 2004, according to Nevada Department of Wildlife's (NDOW) Big Game Status Report (BGR), NDOW estimated Hunt Unit 014 had 850 mule deer and were authorizing a paltry 44 tags. The project had one simple goal- to increase mule deer numbers in hopes of increasing hunting opportunities for sportsmen.

In NDOW's 2012 BGR, Hunt Unit 014 had 1,400 mule deer. That's a 65% increase. Plus, they issued a whopping 171 tags; a 289% increase. During this span, the USDA Wildlife Services also removed 46 mountain lions and 1158 coyotes, which also certainly helped to increase deer numbers. If you are interested, in a prior article published in the March/April 2014 issue of MuleCrazy Magazine, I visited the effects taking 52 mountain lions and 1195 coyotes had on the same area.

According to the 2013 Nevada BGR, NDOW had estimated the mule deer population in hunt unit 014 at 1,500 mule deer. That was up from 850 mule deer in 2004, and up from 1,400 in 2003. This adds up to a huge 76.5% increase in mule deer. Also in the 2013 Nevada Hunting Guide, NDOW issued 196 mule deer tags for unit 014. That was a 15% increase from the prior year and an unbelievable 345% increase in tags for sportsmen since 2004.

With a new governor and a new Wildlife Commission, the predator project in Hunt Unit 014 ended

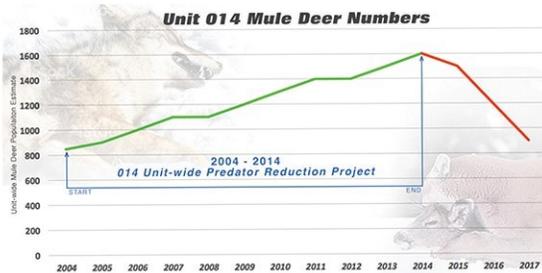
on June 30, 2014 and predator removal stopped dead in its tracks. But after 10 years, the 2014 BGR conveyed yet another increase of 100 mule deer bringing the mule deer population in Hunt Unit 014 to 1,600. An incredible 88% increase!

In 2013, we warned NDOW and the Wildlife Commission that this was, and would be, a huge mistake to ignore the results of this successful 10-year predator project. Their unwillingness to listen showed up just two years later in 2015. We knew the mule deer population would decrease, but didn't anticipate it would fall off a cliff so rapidly in just two years!

In 2015, NDOW's BGR indicated the mule deer population in Hunt Unit 014 had decreased 100 head to 1500. This was the first such decrease in 10 years, and it happened the very first year after the predator project was discontinued.

The 2016 NDOW BGR shows the mule deer population in Hunt Unit 014 has decreased another 300 head to 1,200 mule deer. This was the second decrease in

Photo - Harlan Cooper



The above graph is alarming, and shows how rapidly the deer population declined once the state of Nevada's Department of Wildlife stopped killing predators in unit 014. Despite their own facts, NDOW continues to ignore predator-related issues. In 2017, NDOW tried to change state laws to divert money set aside for lethal removal of predators. Governor Brian Sandoval vetoed the bill, after sportsmen voiced their opinions.

12 years and a 25% decrease from the high of 1600 mule deer in 2014 when the predator project was stopped! Just think, we lost 25% of the deer herd in 014 in only 2 years! In such a short time, all 10 of the years we had dedicated to a successful predator control program in Nevada has been lost.

In the recently released 2017 NDOW BGSR, the report confirmed another disaster for Nevada mule deer. Hunt Unit 014 decreased another 300 mule deer, putting the current mule deer population back at 900. This substantiates the loss of all that was gained in this unit during the years a predator control project was ongoing. This equates to a loss of 44% of the mule deer population in the unit in just the few years since the predator control program was discontinued. This pattern undoubtedly predicts that the mule deer population in this unit will continue to decline year after year with lack of predator control. This is an example of how quickly predators will return after walking away from a serious predator removal program. Even with all this proven success, NDOW still doesn't believe predator control works. In fact, Director Wasley, is quoted in a California newspaper saying predator management doesn't produce any demonstrable results for the effort.

The stunning part of all this is, nobody at NDOW seems to care. There is no emergency summit on mule deer, nothing from the Governor or the Wildlife Commission, and definitely nothing from the previous resident mule deer expert, Tony Wasley, who is now the Director of NDOW. Yet, Nevada deer herds continue to decline. The 2016 BGSR shows the statewide mule deer population at 94,000. That's a 5% decrease from 2015, a 12% decrease from the 10-year average, and a whopping 61% decline from the 240,000 mule deer estimate of 1988. Unfortunately, the 2017 BGSR shows the statewide mule deer population has continued to decrease to 92,000 – the lowest number of mule deer in Nevada in 35 years!

HUNTER'S ALERT, and Nevada Hunters Association, in 2002 sponsored a \$3.00 predator fee bill after a survey of sportsmen responded with overwhelming support for it in light of the decreasing deer herds in the state. The dollars were supposed to be utilized for on the ground re-

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*From Wasley - Mule Crazy*

## Nevada Statewide Mule Deer Population 1981 - 2016



As proven by the now-ignored 014 Predator Project, reducing predators is a key element to increasing mule deer numbers. According to Nevada's 2016 Big Game Status Report, all other species are doing well, but deer numbers statewide are the lowest they've been since 1981, and on a downward trend. NDOW leadership does not believe in widespread predator reduction, and they are quickly losing control of their mule deer herd! Photo - Cody Newman

removal of predators to protect the deer herds. It's now apparent that NDOW was sabotaging the intent of this legislation by diverting these fees to questionable studies rather than using them like they were intended, for on-the-ground predator management projects. In some years they were only using approximately 25% of the fees for viable predator projects. Because of this, sportsmen returned to the Legislature in 2015 and passed legislation mandating NDOW to use 80% of the predator fees collected for lethal predator control. In NDOW's 2016 Predator Plan they defied the law by only using 54.7% of the fees for this purpose and stating there are no consequences for NDOW disobeying the law!

In the 2017 legislature, a bill (Assembly Bill 101) was introduced that would eliminate this 80% lethal requirement. (Just a change to the law so they aren't breaking the law anymore!) The bill passed the Nevada Assembly and Senate on party-line votes, but was fortunately vetoed by Governor Brian Sandoval. Nevada sportsmen united and overwhelmingly lobbied and contacted the Governor's office requesting his veto! It is very clear, Nevada sportsmen demand predator control!

Sportsmen in Nevada want a strong predator control program to protect the decreasing mule deer herds, but NDOW is

doing everything they can do to scuttle this program as they do not believe in predator control. Predation management continues to be a disaster for sportsmen and wildlife in Nevada and will remain this way until NDOW changes directions and conforms to proven professional standards. If you do not do predator control on winter deer herds, you will soon be out of deer, and unfortunately Nevada is heading in this direction!

**Editor's notes:** While Nevada will always produce some great bucks, killing big deer is not a reflection on the health of the population in general. According to NDOW's own numbers, the statewide mule deer population in Nevada is down from 240,000 in 1988 to 94,000 in 2016 (the lowest number since 1981). The past decade has been a steady decline. In contrast, the neighboring state of Utah is seeing huge increases in both quantity and quality of mule deer state-wide! Over the past 5 years you've seen the pages of Mule Crazy Magazine featuring many giant bucks coming from every corner of the state of Utah, and many of the very best top-end bucks have been killed on Utah's easy-to-draw units. So, what's the difference?

The Utah legislature passed the Mule Deer Preservation Act in 2012, which put serious emphasis on addressing the real factors keeping mule deer from thriving - including designating for a \$50 statewide bounty on all coyotes killed. Simply put, sportsmen have been loud enough to demand that the Utah Division of Wildlife and state legislators prioritize mule deer, and we are now reaping the benefits of wildlife management based on reality and re-

sults. It's great news, and no surprise based on his tremendous success, that Greg Sheehan, the Director of the Utah Division of Wildlife Resources, has just been selected as the Acting Director of the US Fish and Wildlife Services.

Other species of wildlife are increasing in Nevada, but it's clear that mule deer and the issues they face are not a priority for the people running the show at NDOW. Left-wing politics are prevailing over common sense and sound wildlife management. If the hunters of Nevada want to have chance at stopping the mule deer landslide, they need to look toward Utah's model of organizing sportsmen's interest groups, and making their voices known at every public meeting regarding wildlife management, as well as working with the state legislators to promote policies that are focused on the perpetuation of mule deer. It's also critical to send concerns over NDOW policies and leadership to the Governor's office.

Fortunately, there are a few people leading the charge, like the author of this article, Dr. Gerald A. Lent. He has lived and hunted in Nevada for over 70 years. He has a Bachelor of Science degree in Biology. He is very active in Wildlife functions throughout the State serving on numerous Wildlife boards and organizations. He was a founding member of the Nevada Wildlife Record Book Committee for over 25 years, publishing big game records in Nevada. He is also very active in Wildlife legislation and sponsored legislation to privatize Nevada's Big Game Tag Draw System. He was appointed by the Governor to the Nevada Board of Wildlife Commissioners where he served two years as Chairman and one year as Vice Chairman representing sportsmen.

Paul Dixon, of Sportsman for Access Rights (SAR), said he has been asked to speak on behalf of a new group called Sportsman for Access Rights (SAR). This group was established to deal with sportsman's access to public lands within ranches receiving incentive and compensation tags. This issue was raised to NDOW in 2015 by Ken Wellington. Over the course of two years NDOW revised some of the 2017 landowner agreements to allow access. The SAR thanks NDOW for their efforts to date. The SAR founders feel there are still numerous issues to be addressed in the incentive program. The SAR founders decided not to try to resolve these issues with the petition process because we're not looking for NAC or NRS change, just to have NDOW to follow the statute as written. Their remaining concerns are: 1) The formula used for number of tags appears to be inconsistently applied as to landowner supplied information. 2) There is no process in place for sportsman to file complaint and have the complaint investigated unbiased, when issues occur involving NDOW. (Ranching had an arbitration board) 3) There needs to notifications for sportsman, when sportsman access restrictions have been placed on cooperating agreements. 4) Establishment of a commission accountability and review process, when adding restrictions and/or added language to cooperative agreements. 5) That there be consistency throughout the State with all participants of the program. Because the Department did not notify 2017 Elk tag holders for 061/071 of the two week notification requirements to gain access, SAR sent a letter with every Elk tag holder to Ellison Ranching registering all the tag holders as required by the agreement. In addition, informational signage will be placed at the entrance of Gold Creek Road, letting the sportsman know they were already registered with the Ranch. The signage will inform sportsman of the further requirements of the agreement with a copy of the agreement posted.

Daryl Capurro former Wildlife Commissioner read and provided a statement for the record (next page):

#12

TESTIMONY BEFORE THE BOARD OF WILDLIFE COMMISSIONERS ON AUGUST 11, 2017

DURING THE 2015 SESSION OF THE NEVADA LEGISLATURE A BILL WAS PROCESSED, AND SIGNED BY GOVERNOR SANDOVAL, THAT , AMONG OTHER THINGS, REQUIRED THE NEVADA DEPARTMENT OF WILDLIFE TO SPEND 80% OF THE \$ 3.00 PREDATOR FEE THAT NEVADA'S SPORTSMEN PAY WHEN ACQUIRING A TAG ON "LETHAL CONTROL" OF WILDLIFE PREDATORS. IN PRECEDING YEARS BEFORE THIS LEGISLATION NDOW SPENT AS LITTLE AS 30% OF THIS \$ 3.00 FEE ON THAT ACTIVITY. WHETHER DUE TO THE MINDSET OF THE DEPARTMENT THAT PREDATOR CONTROL WAS NOT NECESSARY, OR THE BELIEF THAT NDOW COULD SPEND THIS REQUIRED TAG FEE ON OTHER MORE IMPORTANT TASKS, ONLY THE DEPARTMENT CAN ANSWER THAT QUESTION. IN A PAST SURVEY, CONTRACTED BY NDOW, HUNTERS WERE ASKED VARIOUS QUESTIONS REGARDING THEIR EXPERIENCES WHILE HUNTING IN NEVADA. THE SINGLE MOST ISSUE THAT HUNTERS MENTIONED WAS THE HIGH PRESENCE OF PREDATORS INSOFAR AS THE REASON FOR A LACK OF GAME AVAILABLE TO SPORTSMEN. STILL, NDOW CONTINUED TO SPEND A MINOR PERCENTAGE OF THE "PREDATOR FEE" ON OTHER PROJECTS.

IN THE LAST FULL ACCOUNTING YEAR, NDOW, BY THEIR OWN ADMISSION, SPENT ONLY A LITTLE MORE THAN 50% OF THIS FEE FOR THE PURPOSE INTENDED BY THE 2015 LEGISLATION. DURING THE 2017 SESSION OF THE NEVADA LEGISLATURE, A BILL WAS INTRODUCED IN THE ASSEMBLY THAT WOULD VIRTUALLY UNDO MOST OF WHAT WAS CONTAINED IN THE 2015 LEGISLATION. THE DEPARTMENT INDICATED THAT THIS BILL WAS NOT INTRODUCED AT THEIR REQUEST, AND NOBODY REALLY WANTED TO TAKE CREDIT FOR THE BILL INTRODUCTION. IN THE END THE BILL WAS PASSED, ON STRICTLY DEMOCRAT VOTES, AND WAS SENT TO GOVERNOR SANDOVAL FOR HIS EXPECTED SIGNATURE. IN PROBABLY THE SHORTEST PERIOD OF CONSIDERATION BY THE GOVERNOR HE SENT A VETO MESSAGE BACK TO THE LEGISLATURE THAT HIS 2015 LEGISLATION HAD NOT BEEN GIVEN A REASONABLE OPPORTUNITY TO WORK. THE NET EFFECT OF THAT VETO IS THAT NDOW MUST COMPLY WITH THE LAW REQUIRING THAT 80% OF THE "PREDATOR FEE" BE USED FOR "LETHAL CONTROL OF PREDATORS". HOPEFULLY, THE DEPARTMENT HAS LISTENED TO THE GOVERNOR'S EDICT AND WILL SPEND THIS FEE APPROPRIATELY AS THE LAW REQUIRES. A COALITION OF SPORTSMEN FROM BOTH ENDS OF THE STATE WAS INSTRUMENTAL IN THE OUTCOME OF THIS ISSUE. THE NEVADA SPORTSMEN WERE ADAMANT IN THEIR DEMAND THAT MOST OF THE \$3.00 FEE BE SPENT AS INTENDED BY THE ORIGINAL, AND FOLLOW-UP LEGISLATION. IT APPEARS THAT LESSON HAS BEEN LEARNED WHEN YOU REVIEW THE ANNUALLY REQUIRED PREDATOR MANAGEMENT PLAN FOR FISCAL YEAR 2018. NEVADA'S SPORTSMEN WILL BE WATCHING FOR THE NDOW TO FOLLOW-THROUGH WITH THIS PLAN.

OTHER STATES, INCLUDING IDAHO AND UTAH HAVE RECOGNIZED THE NEED FOR EFFECTIVE PREDATOR CONTROL IS NECESSARY FOR THE CONTINUED GOOD HEALTH AND GROWTH OF THEIR MULE DEER POPULATIONS. THE UTAH LEGISLATURE IN 2012 ADOPTED BROAD REACHING LEGISLATION IN ORDER TO HALT THE DEMISE OF MULE DEER. ALTHOUGH IT IS UNLIKELY THAT NEVADA WOULD RETURN TO PREDATOR BOUNTIES, AS UTAH PROSCRIBED, THE TOTALITY OF THEIR LEGISLATION HAS RESULTED IN THE ACTUAL INCREASE AND HEALTH OF THEIR MULE DEER HERDS. PUT SIMPLY, UTAH SPORTSMEN MADE IT LOUD AND CLEAR THAT THIS WAS A LEGISLATIVE PRIORITY. AND, THE UTAH LEGISLATURE

Don Molde, Nevada Wildlife Alliance, wanted to make all aware of a recent Nevada Supreme Court decision regarding Ira Hansen and Jim Wheeler ethics kerfuffle. The interesting part to him was verbiage from Supreme Court which he read. He said the interesting part may be that boards have to discuss legal issues in open meetings.

Patrick Donnelly, Center for Biological Diversity, said they support the letter drafted for agenda item #18. Regarding Commercial Collection would suggest that this matter be discussed in Southern Nevada as many persons who live there who are concerned about reptiles. The same for wolves, and strongly suggests to have video conferencing. That promotes robust public involvement that we should have.

Thomas L. Bentz asked for clarification of when the commercial collection discussion will be held. If September that will be difficult for him as he will be in northern Nevada. He asked if they will be asked about the season.

Chairman Wallace said that decision will be between Commission and Department. He suggested that they attend the September meeting.

Friday, August 11, 2017 – The Tour Will Begin at the Close of Agenda Item #12, but no Earlier Than 4:30 p.m.

Commission Tour – Informational

The Commission toured the Department's Air Operation's Hangar. The public is invited to participate but will be required to provide their own transportation. The hangar is located at the Sierra Front Interagency Dispatch Center, 2311 Firebrand Circle, Minden, Nevada. The facility is located at the northwest end of the Minden airport. The recommended access to the hangar is from Highway 395 via Airport Road. Signs are present to direct tour participants to the hangar. The Commission will depart from Douglas County Administration Building, 1616 8th Street, Minden. Following completion of the Commission tour, the Commission will be in recess until Saturday, August 12, 2017, at 8:30 a.m.

Saturday, August 12, 2017 – 8:30 a.m.

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

Chairman Wallace called the meeting to order. Roll call of Commissioners present: Chairman Wallace, Commissioners Johnston, Almberg, Barnes, Hubbs, McNinch, and Valentine. Commissioner Young absent at roll call. Commissioner East excused absence.

Roll call of CABMW members present: Chad Foster, Douglas; Mike Turnipseed, Douglas; Bob Rittenhouse, Douglas; Steve Marquez, White Pine; Chrissy Pope, Nye; Steve Robinson, Washoe; Billie Williams, Mineral; Mitch McVicars, White Pine; Walt Mandeville, Lyon; Joe Crim, Pershing; Tom Cassinelli, Humboldt; Bert Gurr, Elko; Gene Green, Carson; and Gil Yanuck, Carson.

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

**COMMISSIONER VALENTINE MOVED TO APPROVE THE AGENDA. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS EAST AND YOUNG ABSENT.**

- 15 Member Items/Announcements and Correspondence – Chairman – Informational  
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.

None

- 16 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.

Paul Dixon, Clark CABMW, appreciated the brochure that was provided to his CABMW on urban coyotes. Mr. Dixon asked NDOW if they could prepare a document comparing harvest of reptiles back to 10 years to see trends, and the issue of golf courses.

Commissioner Young arrived at 8:35 a.m.

Walt Mandeville, Lyon CABMW, reiterated the problem at Mason Valley WMA ponds that Mr. Bobrick mentioned Friday.

Steve Marquez, White Pine CABMW, said yesterday Commissioner Hubbs mentioned during the commercial collection agenda item that Nevada is a sink for activities that other states have prohibited and said that is happening with shed antler collection. He requested that the Commission look into that.

- 17 Recognition and Appreciation – Chairman and Secretary Wasley  
Commissioner Jeremy Drew - Commissioner Drew will be recognized by the Commission and the Department of Wildlife for his six-year commitment of service to the Nevada Board of Wildlife Commissioners and the State of Nevada. Commissioner Drew was on the Commission for two three-year-terms beginning July 1, 2011 and concluding June 30, 2017.

Secretary Wasley, the Commission and the audience recognized Commissioner Drew for outstanding service to the State of Nevada while serving on the Nevada Board of Wildlife Commissioners. Mr. Drew received a standing ovation in the room.

Chairman Wallace, the Commission and public from the audience shared their thoughts and appreciation for Commissioner Drew and his many efforts for the state and wildlife .

Wayne E. Kirch Award - The Wayne E. Kirch Nevada Wildlife Conservation Award is given annually to recipients who have demonstrated significant results towards conservation, management or enhancement of wildlife. An individual, nonprofit organization, outdoor sport club, or business can be nominated for the award. This award is named in memory of Wayne E. Kirch, who served on the Fish and Game Commission for over 25 years, the longest tenure on the board since its inception in 1877.

Deputy Director Robb said the award is to be granted to someone who does a one year project but the award is also used to recognize recipients for a lifetime award. This year's recipient has done two things for wildlife, the Silver State Tag, which gives an ordinary person the same opportunity as a millionaire who buys a Heritage tag. Also, has gone out and got donations of hunting equipment for the tag recipient. Raises millions of dollars for Nevada's wildlife. Has put back into the State of Nevada through the Silver State tag. Chad will give credit to others not for himself. Another thing is at a Commission meeting there was someone who wanted to get a hunt or tag for a disabled person. He had a tag that he gave the person, and that started another program "Outdoorsman in Wheelchairs." Although nominated for the last year, it is actually a lifetime.

Chairman Wallace said he can't think of another person more deserving of this award for wildlife. There is probably not a day that he does not think of wildlife or other people. The recipient is Chad Bliss. Chairman Wallace thanked Chad for everything he has done for the state's wildlife. Chairman Wallace, the Commission and the public shared their appreciation for former Wildlife Commissioner Chad Bliss and all that he has done for the state and its wildlife.

- 18 Bureau of Land Management (BLM) Public Land Parcel Disposal – Habitat Division Administrator Alan Jenne – For Possible Action  
The Commission will receive comment on maps depicting lands identified by the Bureau of Land Management (BLM) as potentially suitable for disposal in BLM's existing Resource Management Plans (RMPs) across various BLM districts in Northern Nevada. Critical habitat or important hunting areas will be identified as conflicts with any future land transfer proposals. The Commission will review and finalize correspondence to provide its position on the land transfer/disposal proposals. (Please view maps online at: [http://www.ndow.org/Public\\_Meetings/Commission/Agenda/](http://www.ndow.org/Public_Meetings/Commission/Agenda/))

Division Administrator Alan Jenne invited Jeremy Drew to address this agenda item as Mr. Drew authored the letter while on the Commission.

Jeremy Drew said the letter which he drafted was to be consistent with previous input provided in existing Commission Policy on land transfers and was included in the support material for this meeting. He said correspondence was received from Backcountry Hunters and Anglers and Tina Nappe in support. Ms. Nappe asked whether the letter pertained to all wildlife and that was the intent. If clarification needed, the Crucial Habitat Assessment Tool (CHAT) program includes all wildlife, including species of conservation priorities. Eureka County also provided some input which was sound as far as specific examples of items that go on and nuances between a lands bill and lands already marked for disposal through a Resource Management Process (RMP). He is comfortable including their letter and or suggestions with exception of item 1) which is critical of CHAT because in the Commission letter, CHAT's limitations were noted. Their last bullet

point addressed the goal of no net loss of public lands or access. He supports that but may not be feasible in all scenarios and has been supported by the Commission in the past. He and Division Administrator Jenne have spoken to Amodei's staff that are new to this item as Mr. Jason Reiderer is no longer there. He said he is comfortable with the letter and would suggest a few minor revisions that the Commission is comfortable with and attaching correspondence so Congressman Amodei has the full package.

Commissioner Hubbs said at last Commission meeting and initial correspondence did not mention sensitive species and after review of maps those areas and habitat enveloped other wildlife of concern. She is comfortable with that, but Tina Nappe's idea if this includes sensitive species also came to her mind while reviewing this draft as one comment in the letter states "hunting areas." Commissioner Hubbs knows it is all types of areas with "hunting" included.

Jeremy Drew said that quote was actually from an email request that was made to Commission, but certainly the input the Commission is providing back is much broader than that. He said he is fine incorporating that into the narrative to make sure the Commission's letter and maps actually represent more than what they asked for, which is basically all wildlife habitat.

Administrator Jenne said to address the CHAT concern, and the Department did provide the CHAT methodology to Congressman Amodei's office.

Chairman Wallace said he has no changes to the letter and asked if the Commission had any edits.

Commissioner Barnes said in his area there is a lot of checkerboard ground. Some ranches have been blocking it up, and in some cases that makes management easier. He said we don't want to stop some of that as it is a benefit. The way the letter is written would still allow for that, and he asked Mr. Drew's opinion on that.

Jeremy Drew said for the record he does, and thinks Eureka County's point was in a lot of those cases hard to have no net loss of public lands, especially when you talk of individual parcels. He said the way to state that is to say it is a goal of this Commission and blocking things from his standpoint makes sense such as block up private ownership around towns and Interstate 80 corridor, but maybe instead of direct transfer you complete an exchange, to pick up some of those private lands that are on a cliff and put them back in public domain to balance that out. From his standpoint he is comfortable with the letter, and if other points needed to be added he is okay with that or further clarification.

Commissioner Almborg said the letter address both Eureka and Commissioner Barnes concerns as encourages involvement with local stakeholders. He approves the letter as written.

Public Comment –

Paul Dixon, Clark CABMW, said they supported the letter but CABMW had question, as we block up land or parcelization for no net loss. He asked Jeremy if in his mind if there is wording where there is no net loss of access to public lands as you block things up. In other words we block up a zigzag path where people used to be able to go through now have access, and he did not have enough knowledge of all to answer that. (Microphone not working in parts of statement).

Jeremy Drew said we do talk specifically both to wildlife habitat as well as access to public lands especially surrounding these parcels. Eureka did have a question, if a parcel goes into private ownership obviously you will lose access to that parcel, but many times in these land deals you can convey ownership subject to existing and valid rights which leaves public easements in those parcels or you can make arrangements in the process to provide public access around the parcel. In a lot of cases there are multiple public access points in that area. There are ways to work around those access issues, and as stated in the letter it takes input and creativity at the local level to make sure those items are addressed.

Walter Mandeville, Lyon CABMW, need to be cautious with government giving up land. Development is good for economy but persons need to be able to have opportunity to be on the land. State does not have the ability or resources to manage all these lands. Recommends proceeding cautiously.

Bert Gurr, Elko CABMW, said his CABMW reviewed the letter and maps although they were hard to read. They support the draft letter with no net loss, sees access as being the issue.

Karen Boeger, Backcountry Hunters and Anglers, tried to get corner crossing legislation passed but failed. That Congressman Amodei came to them is a good sign that he heard sportsman's collective voice.

Bevan Lister representing himself said he reviewed the draft letter and only issue he had is the concept of what is really trying to be accomplished. From his perspective the very best wildlife habitat in the State of Nevada is that wildlife habitat that is immediately around private property where water is flowing and things are being grown. The concept that government is trying to get rid of land is false, the public land base throughout the nation consistently increases. The drive to limit public land disposal may sound good in Clark and Washoe Counties. But in Lincoln County were 1.8 percent of the county is private land, and 98.2 percent is public. That has been a challenge for local government and the local economy as public land is non-managed. BLM only manages uses. No net loss means you lose it all as there needs to be ownership and stewardship, and private ownership is far better for the land and wildlife resources. In 2002 the Recreation and Development Act designated 90,000 acres in Lincoln County for disposal, so far with the work done only 400 acres has been designated over 15 year period.

Commissioner Valentine said he supports the letter, important that rural and local communities are involved in the process.

Commissioner Hubbs said she is in support of the letter. Again, her only concern is addressing that we provided more information to the Congressman, and however you want to incorporate that unless you think it is going to be harmful. She thinks it would let individuals know that there is a general concern not only for hunting, habitat, but also for sensitive species long-term, and that any type of land transfer would take that into account. She sees a couple of areas, but will leave that to the letter drafter. With that addition to the letter she would be fine.

Commissioner Johnston said he received correspondence which was uniformly in support of the message the letter is conveying. He said it is not that the Commission believes public lands are currently being managed well, and the loss of public lands does not necessarily mean that will be an improvement from what we have now. There is a lot of concern as to what disposal will look like, how will it occur, and who the recipients would be.

Commissioner Young supports the letter but not the selling of water rights so that out of state people can move to his county.

**COMMISSIONER MCNINCH MOVED TO APPROVE THE DRAFT CORRESPONDENCE TO CONGRESSMAN AMODEI'S OFFICE AS PRESENTED. COMMISSIONER ALMBERG SECONDED THE MOTION. MOTION PASSED 8 – 0. COMMISSIONER EAST WAS ABSENT.**

19 County Advisory Boards to Manage Wildlife Workshop Opening Comments – Informational – Chairman and Secretary Wasley

Secretary Wasley said the CABMW workshop was held one year ago with minimal participation. He heard earlier today a request for wild horse and burro presentation which was done at that workshop and would update the group that a wild horse and burro meeting will be held in Utah. With change in administration and desire to explore options that were off the table previously. Staff will report back on that meeting at a future meeting.

A Mule Deer Management – Game Division Administrator Brian F. Wakeling and Wildlife Staff Specialist Cody Schroeder – Informational  
The Department will provide an in depth briefing concerning the processes used to monitor herds and derive quotas. The Department will share feedback received through a recent professional peer-review evaluation. The Department will provide a description of how scientific data is used to meet harvest objectives.

Wildlife Staff Specialists Cody Schroeder, Cody McKee, and Joe Bennet presented the process used for quota setting and the innovations being explored in modeling and survey. Eastern Region Wildlife Biologist 3 Caleb McAdoo was in the audience, but was pressed into service and provided valuable insights from his perspective as well. Administrator Wakeling reiterated the targets that the Department is attempting to achieve following two years of discussion on the harvest guidelines. He offered to bring those harvest objectives back to the Commission should they wish to see those changed. Staff answered questions from the Commission and the audience.

B Evaluation and Review of the Landowner Deer and Antelope Compensation Tag Program – Game Division Administrator Brian F. Wakeling – For Possible Action  
The Department will provide an overview concerning the current Landowner Deer and Antelope Compensation Program, recent updates to statutes, share current practices, identify areas of necessary improvement, and provide a potential revision process for the Commission's consideration. The Commission may provide the Department with direction following consideration of this proposal.

The Department provided an overview of the analysis of the recent challenges that led to hitting the statutory cap of 1.5 percent of the quota in landowner compensation tags. The Department is changing the approval process to require the Game Supervising Biologist to approve the voucher, and the form to come to Game Division for Administrator approval as well. This will ensure centralized and accurate counting of voucher awards. All participants will need to be informed of the cap and the need to reduce total award if the cap is reached again this year. The Department will be hosting three stakeholder meetings in coordination with Nevada Farm Bureau to solicit possible methods to reduce the award in the future. These ideas and an evaluation of their merit will be presented to the Commission at a future date for possible development of regulation should a reduction in the future become necessary. The cap went from 301 to 502 for the cap next year if no other tags are issued. This year 360 tags were

issued which is a record. Through the process Administrator Wakeling said the problem was not seen soon enough and no method to address reduction in tags issued. Also, good documentation was not available of mitigating actions that the landowner mutually agreed upon with the Department. His recommended course of action for the Commission is to direct the Department to host stakeholder meetings in each region, noticing the landowners, the CABMWs, the Farm Bureau, and sportsmen, to solicit solutions. Develop a list and solicit further input from stakeholders as to which concepts they prefer and that could be presented at a subsequent Commission meeting for evaluation.

Chairman Wallace asked how the problem mentioned would be corrected.

Administrator Wakeling said current internal approval process does not go through Headquarters (HQ) that will change to going through Game Division's Administrative office at HQ to tabulate. He said the Commission also adopted a cap in May 2017 for upcoming year so we knowing what the cap is at this time and staff will be able to monitor how close we are getting.

Commissioner Barnes disclosed for the record that his family ranch in various years has participated in this landowner program in the past.

Commissioner Hubbs said the overall purpose is compensation to landowners purely for damage. What we found is there is not a very thorough measurement of damage reported and when site visit occurs, it is typically to perform count and then the number of tags is prescribed per count. Some of the data does not make sense because if you have statewide deer populations going down and antelope numbers are stable with a rise in landowner compensation tags. There seems to something going on with increase in need for landowner incentive tags and would like to go into that and to be careful of creating system whereby people can buy land, claim damage and get private tags that you can issue. She said she is not saying that is what people do, rather be careful of creating a system where that can take place. Commissioner Hubbs said lastly does the landowner report back to the state as to what they earned from the tag.

Administrator Wakeling said assessing damage can be incorporated into the assessment by the investigating biologist. Regardless of the state population total, wildlife have a tendency to concentrate in wetter cultivated habitats during a drought and pressure may increase during those years despite the fact of fewer animals existing on the landscape. Wakeling expressed a perspective that some people may try to acquire land to engage in this program because some people have contacted his office asking questions about how to do so. As to the question of reporting of sold tags to agency; currently there is no responsibility to do that nor is it required as those are private transactions.

Commissioner Young asked if possible to establish one value for compensation tags rather than what is done now. What is difference between commercialization of reptiles and this? Knows ranching is hard life, and there is true rancher who needs this. It is the person who specifically buys land to get a tag, greed versus need.

Administrator Wakeling said other states have differing programs.

Chairman Wallace said he takes exception to Commissioner Young's statement as you don't know the damages that one rancher may have experienced. He reiterated the need for photos of damage to understand because ordinary person does not understand.

Commissioner Young said his objection is to wealthy people who buy land for tags. He apologized to Chairman Wallace. He is addressing those that game the system.

Commissioner Johnston said he too has heard of scenarios of people who may be gaming the system, but does not know if it is true. He asked if we are identifying the damage for which the landowner is being compensated.

Secretary Wasley said damage is defined as any decrease in quantity or quality of forage. The idea was if there are 50 animals documented on that property it would be difficult for them to be present without a decrease in quantity/quality of forage. As far as the burden to quantify that damage, he would say the same caution, as provided yesterday during the agenda item on commercial collection of reptiles when he noted how small NDOW is and the cost of enforcing possible regulations. He said the Department is a very small wildlife agency this program was designed to be implemented to reduce human resource commitment. To address Commissioner Hubbs question about participation, you can see a decrease in herds, but we are seeing an increase in distribution of antelope but also seeing an increase with participation in the program. The program is lucrative and our current program is administered more simply than other states in the west. There are trade-offs in quantifying the actual damage versus ease of administration.

Commissioner Johnston said he was not speaking about quantifying the damages, just saying there should be some element of damage. The system of counts seems to simplistic.

Administrator Wakeling said some of the concerns being discussed are what have been brought up by the cooperators and sportsmen. He agreed with Director Wasley that this program is less of a demand on personnel than the Elk Incentive Tag program. He said the biologists do verify the damage before they even agree to conduct a count, and if they are aware of the landowners hazing animals into a certain area they deny tags for that year.

Commissioner Johnston said he is not certain there is a real need for major revisions to the program, and questioned if program were administered differently, if that wouldn't address some of the problems. He appreciates that there is only so much resources that the Department has but if seeing inconsistencies in the application of program that would be the first step to have consistency across the state.

Commissioner Barnes said from his perspective as a landowner, you have developed a relationship with the area biologist, the biologist knows what is there before they get there and there is a discussion with the landowner. It has to be animals on cultivated field. There is communication that occurs well before the count.

Commissioner Johnston said if no push from participants in the program he does not want to jeopardize tolerance of participants.

Public Comment –

Paul Dixon, Clark CABMW, said these comments are from himself not the CABMW. Mr. Dixon said in response to Director Wasley's comment on NDOW's limited resources and that much of what we are asking about the program could be answered by submitting one or two Heritage projects to fund hiring a student to do a master thesis or something to come up with factual evidence to obtain real science about usage and damage. Another idea is put a cap on what the tags can be sold for.

Doug Busselman, Nevada Farm Bureau, very interested in working with everyone, offered Farm Bureau's assistance to help promote regional meetings for stakeholders to participate on how to improve the program.

Bevan Lister, vice president of Nevada Farm Bureau, said Nevada law defines a fence and current fences can't keep out mule deer or elk. The current program does not cost the Department that much except a few hours for counts; however it buys tremendous tolerance and habitat for the building and strengthening of herds. He said his ranch produces somewhere between 150 – 200 fawns per year with prime feed not available on the range. The program has worked well, if you dig into the numbers and research you will find that most of the problems are one hunt unit, which he lives in. Greatest impact the Commission could have is to look at hunt quotas, in that unit the draw quota is for 160 tags, and if that trajectory is followed in 10 years there will be more landowner tags than draw tags. He said he has a hard time making sense of that and has counted 120 bucks on his property three days ago. The program works and purchases tolerance, providing a tremendous resource for wildlife.

Chrissy Pope, Nye CABMW, said it is a good program. Where she lives in Central Nevada there are not that many ranches. One of the two ranches there have generously donated their antelope tag to her for the Rocky Mountain Elko Foundation who auctioned the tag and in turn used the money on the ground for a juniper cut in Central Nevada. The man who donates knows the damage being done to his field but he enjoys seeing them and to give back. She supports giving back to the ranchers and they help support the animals.

Tom Cassinelli, Humboldt CABMW, disclosed that he participates in the program. He said the elk incentive tags are a totally different program, and this is a tolerance program not compensation. If we did what Mr. Dixon said with a student and they saw what ranchers lose, no one would like the outcome. Mr. Cassinelli said 50 deer a rancher can live with, when it starts getting up to one hundred with damage doubling, and timing of how long they are in the field hurts ranchers. He suggested the Commission come out and tour a ranch. The program we have is good and suggested NDOW be tougher on counting. If caps are hit again, suggested first come first serve program.

Gil Yanuck, Carson CABMW, asked if IRS knows that these landowners got tags and are selling them. They need to claim them.

Gene Green, Carson CABMW, said program not harming anyone. He asked with ranchers not complaining, why is this an issue as no one being harmed.

Chris Cefalu, NBU, said the system works well, the system is not broke. We are in that situation if not broke no need to fix it. It is capitalism, have something that someone wants, and if they want to pay for it, so be it. That does not hurt anyone, if someone willing to pay for it that is their choice.

Pete Mori said he has never participated in the program, and wants to commend all the people behind the scenes for getting the cap from 1.5 cap to 2.5 because the landowners were already qualified for those tags as based on 2016 counts. Have to ask what is best for wildlife. Vast majority of landowners don't use the program, but could, as he himself has wildlife on his ranch. The program buys tolerance, more important than monetary value of tags. Knows issues and aware that there may be some gaming of program, but vast majority of landowners are utilizing the program with a clear conscience.

Commissioner Valentine said he supports stakeholders, who are the people here, to come up with a solution.

Chairman Wallace said he supports stakeholder meetings, and to take the Nevada Farm Bureau's offer of assistance with getting the message out for the meetings.

Commissioner Johnston explained why the Commission is discussing the matter – commitment from Commission to do so after the cap was increased to 2.5 percent. The Commission wants stakeholder suggestions.

Commissioner Barnes said to also reach out to Nevada Cattleman's Association.

Commissioner Hubbs said is it time to notice on the form the deviation for new applicants to the program if the cap is reached.

Commissioner Johnston said we can calculate the number now as we know the number of tags issued this year.

**COMMISSIONER JOHNSTON MOVED TO DIRECT THE DEPARTMENT TO GET INPUT FROM STAKEHOLDERS, NEVADA CATTLEMAN'S ASSOCIATION, NEVADA FARM BUREAU AND IN PARTICULAR FROM THE PUBLIC, AND THE PARTICIPANTS IN THE LANDOWNER COMPENSATION PROGRAM AS TO OPTIONS FOR DEALING WITH THE PROGRAM IF STATUTORY CAP IS EXCEEDED BY NUMBER OF LANDOWNERS THAT QUALIFY FOR TAGS. COMMISSIONER VALENTINE SECONDED THE MOTION.**

Motion discussed and Commissioner Johnston added:

**DIRECTION TO DEPARTMENT IS COMMUNICATION TO PARTICIPANTS MUST OCCUR NOW AS TO WHAT STATUTORY CAP IS AND THAT THERE MAY NOT BE SUFFICIENT LANDOWNER TAGS TO FILL TOTAL NUMBER QUALIFIED FOR. COMMISSIONER VALENTINE AGREED WITH THE ADDITION TO THE MOTION.**

Administrator Wakeling said the Department will amend the forms and for current year some old forms are out there; NDOW will contact each of the landowners and make sure they are informed on the quota cap and process if exceeded.

**MOTION CARRIED 8 – 0. COMMISSIONER EAST WAS ABSENT.**

C Wildfire Update – Habitat Division Administrator Alan Jenne and Game Division Administrator Brian Wakeling – For Possible Action  
Administrator Jenne will provide an update on wildfires that have occurred in Nevada this fire season. The Department will provide an update on the need for emergency deer and antelope hunts.

Habitat Administrator Jenne said this has been a terrible year. Everyone knew with the precipitation received this winter that there would be excess vegetation turning into fuel and fire. He presented a PowerPoint presentation denoting fires in Nevada and total acreage burned has been to date 933,578 acres (website and exhibit file).

Administrator Wakeling presented a PowerPoint presentation of the effects of wildfire on game and to ask for the Commission's endorsement of proposed emergency seasons in response to the cumulative effect of fires from last year and this year (website and exhibit file).

- Pronghorn follow existing seasons, four day overlap with existing any legal weapon mule deer seasons
  - 071, 073 horns shorter than ears antelope Sept. 25 - Oct. 9
    - About 300 tags
  - 062, 067, 068 horns shorter than ears antelope Sept. 25 - Oct. 9
    - About 400 tags
- Mule deer overlap existing antlerless seasons (160 tags in each hunt) and portions of depredation elk hunts
  - 062, 067, 068 antlerless deer Oct. 10 - 31
    - About 350 tags
  - 062, 067, 068 antlerless deer Nov. 6 - 20
    - About 350 tags

Secretary Wasley said he would add that this is an incredibly unfortunate situation. Last year when the Department brought up an emergency hunt, some characterized the hunt as a "money grab" and would dispel that notion. This is the responsible thing to do in this situation for animals that depend on those winter ranges. This is not about revenue.

Public Comment – None

**COMMISSIONER HUBBS MOVED TO VOTE TO ENDORSE THE PROPOSED PLAN FOR THE WILDLIFE PURSUANT TO THE RECENT BURNS AS PRESENTED BY THE DEPARTMENT. COMMISSIONER ALMBERG SECONDED THE MOTION. MOTION CARRIED 8 – 0. COMMISSIONER EAST WAS ABSENT.**

## 21 Reports – Informational

- A Western Association of Fish and Wildlife Agencies 2017 Annual Conference – Secretary Tony Wasley and Commissioner David McNinch Reports from the 2017 conference hosted by Colorado Parks and Wildlife will be provided.

Secretary Wasley said WAFWA was well attended and he appreciates strong presence that Nevada made. With the federal transition occurring there were many conversations with Department of Interior staff, U.S. Fish and Wildlife Service, BLM, Forest Service officials, and others. Meetings held with western directors, updates on Migratory Bird Treaty Act modernization as related to incidental take, Endangered Species Act modernization to formalize states' role through consultation, number of updates on Alliance for America's Fish and Wildlife (brand name for Blue Ribbon Panel), discussions on wildlife management in Wilderness specific to challenges Nevada has had, reviewed Secretarial Order 3353 for sage-grouse Land Use Plans, attended Wild Sheep Working group and discussions on disease management venture for bighorn sheep. The conference theme was "Ascending to New Heights."

Commissioner McNinch said highlights from his meetings: Utah is taking up shed antler issue; new program to buy insurance for keeping hunting points – tapping into impulse buying; issues with tribes exercising tribal rights under Treaties; Theodore Roosevelt Conservation Partnership is conducting sportsman mapping, mapping areas most valuable to sportsmen to protect areas

as when Forest Service proposes roadless mapping; presentation as to how much target shooters are contributing to the Pittman-Robertson fund, movement for them to have more say. He had a conversation with a Colorado conservation education videographer and learned they are not wildlife managers so everything they do is a learning experience and challenge at times.

- B Department of Wildlife License Simplification and Vendor Request for Proposal Process Update – Data and Technology Services (DATS) Division Administrator Chet VanDellen  
An update will be provided to the Commission on the status of amendments to the Nevada Administrative Code (NAC) to comply with Senate Bill 511 of the 2017 Legislative Session.

DATS Administrator VanDellen said that the regulation to enact provisions of Senate Bill 511 is underway. NAC has been drafted to enact regulations for new licensing options. The draft regulation is at LCB. The Request For Proposal (RFP) for the new vendor was written for an open and competitive bid process. The bids were reviewed by four persons and after scoring and ranking the panel ultimately selected Kalkomey from Dallas, Texas. Kalkomey has provided hunter education materials to all 50 states. Senate Bill 511 is expected to be implemented when the new license system goes live in January 2018.

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

Commission General Regulation 466 Partnership in Wildlife and 471 Closure of the Truckee River to Motorized Vessels have both been submitted to the Legislative Commission and will be heard at their next meeting, which has not yet been scheduled.

The Department is in the midst of evaluating language and current relevance of all policies and procedures. Some of the policies that are currently being updated are the: Employee Exit Survey and Policy, Administrative Investigations and Complaints against Department Personnel Policy, Equipment Use Policy, Life Jacket Policy, and Uniforms Policy. Several other policies are in the pipeline for revision.

The Director's Office has been extremely busy handling a couple enormous public records requests, some litigation issues.

The Director's Office is excited to announce that Kailey Taylor has been selected as the new Administrative Assistant III in the Director's Office. She has replaced Lynn Walker, who has transferred over to our Fisheries Division. Kailey is the first point of contact for the Director's Office and she will be helping with Commission travel and regulations.

With the departing of DAG Harry Ward the Department is excited to announce the assignment of a new DAG, Joshua Woodbury. Joshua grew up in Sparks and attended law school at UNLV. After nine years of practicing law in the private sector at a law firm in Reno, he joined the Office of the Attorney General this summer. He currently resides in Sparks with his wife and three children. In his spare time, he enjoys playing sports, hiking, and kayaking. He will be attending the Association of Fish and Wildlife Agencies (AFWA) conference in September to learn more about wildlife agencies.

With the passage of Senate Bill 511, the Department has been working on updates to the Nevada Administrative Code (NAC). The regulation will be heard at a workshop on September 22 and at an adoption hearing on Sept. 23. The goal is to get it approved by the Legislative Commission this year for implementation in January 2018.

The Department is excited to announce that Kalkomey has been selected for our licensing and vessel registration system, and our tag application and draw system. Kalkomey was founded in 1995 and is based in Dallas, Texas. They provide products and solutions for all 50 states, work with 210 government agencies and organizations, manage more than 150 websites, produce 300 national, state, and region publications and print more than 4 million publications per year. They have great familiarity with hunting, fishing, and boating safety. Many hours have been spent working with Kalkomey. New and exciting features will be coming that simplify and add advanced technology such as mobile aps.

The Division of Internal Audits has completed a post audit review of our Department. All findings were very minimal and we will be placed on the low risk list for future post audit reviews.

The new fleet manager position was filled. This position was a result of an audit finding in 2014. The fleet manager will be responsible for managing the Departments entire fleet of vehicles.

Question 1 bonds add approximately \$1.9 million in bond funding to the Department. Several projects have been assigned funding over the next biennium. Some of the projects are: Sage-Grouse Habitat Restoration, Cave Lake Dam Safety Improvements, Bilk Creek Reservoir Enhancement, Overton Wildlife Management Area Waterfowl Habitat Improvement, and Bat Gate Construction and Installation.

In Management Area 6 during 2017, three of nine radio collared elk that winter on the Owyhee Desert and summers in the Independence and Bull Run Mountains have died of unknown causes between May 11 and June 15. This seems to be an annual phenomenon with a substantial proportion of radio-marked elk being affected. Currently, it seems probable that the causative agent may be adenovirus, after ruling out anthrax and evaluating several other possibilities, which include toxic plants, Epizootic Hemorrhagic Disease, clostridium, and hemorrhagic septicemia. These mortalities generally occur during May – June with no outward signs of trauma or obvious cause of death. The animals are generally in good body condition.

More moose sightings have been observed in eastern Nevada this spring. One sighting was as far south as Barrick Goldstrike Mine just north of Carlin in the Tuscarora Mountains in Unit 068. Biologists and game wardens are posting newly developed "Know Your Target" signs in Elko County Units to advise hunters that moose are now relatively common in many areas, and care needs to be taken to avoid cases of mistaken identity. Several additions to the big game hunting guide also help hunters become aware of these animals and help to identify species as well.

In Washoe County 384 Canada geese were captured and released in four locations including Kirch, Key Pittman, and Overton Wildlife Management Areas and at Wildhorse Reservoir. The overall return rate of geese to the capture sites among years is 4 percent and similar to what was observed in 2016. This represents the lowest recorded rates of return for Canada geese to the Truckee Meadows.

Wildlife health and regional staff continue planning to evaluate 20 Nevada bighorn sheep herds for their demographic response to pathogen exposure and disease events as part of the west-wide Disease Management Venture.

Reports regarding activity under the FY 2017 Predator Management Plan are being collected. Initial indications are that the 80 percent statutory target on spending from FY 2016 revenues on lethal management will be met under this plan. The Commission will be provided a full report in November.

Project 32 under the FY 2017 Predator Management Plan addressed interactions among mountain lions, bears, and mule deer. Due to several variables that include contracting, human resources, and wildlife management, the Wildlife Conservation Society has determined that sufficient data had been collected to develop a final report and the contract will not be extended. The Department intends to evaluate the next investigation relative to this long term research in partnership with the Department.

The final combined Small Game Hunting Guide new for fall 2017 was sent to the printer on Aug. 14, 2017. Distribution of the publication should be complete by Aug. 21, 2017. The information for each of the seasons is already posted on the Department website.

The Department is working with the U.S. Fish and Wildlife Service and USDA Wildlife Services to develop a Wolf Coordination Plan spelling out each agencies authorities and common interests in managing any future wolves that may be encountered in Nevada.

The AIS program is currently evaluating a possible detection of zebra mussels at the South Fork and Wildhorse reservoirs. At this point the detection is inconclusive and we are waiting further lab results from sampling. We've had multiple hits for zebra mussel DNA but larval veliger sampling (microscopy) has all been negative. This is similar to an incident in 2014. We are working with other states to keep them informed and reminding all watercraft users to use full decontamination procedures, particularly if they've been out-of-state.

Otherwise all AIS stations are all operating normally. Lake Mead stations are seeing up to 450 inspections and 30-35 decontaminations per week. We have seen some incidents of drive-byes for the AIS roadside inspection stations, mostly at Alamo. Most of the incidents have been paddle craft such as canoes and kayaks. We are working on outreach and additional station signage to help with the problem.

An angler reported catching a small (5.5") northern pike from Comins Lake in late July which was confirmed by our local biologist. We immediately followed up with electroshocking and net surveys and captured three more pike, plus an additional fish was caught by an angler and turned in. All of these fish are about the same size (5'-9") and first appeared in late July, suggesting that they were released illegally and were not reproduction from adult fish possibly missed during the 2015 treatment.

Staff will continue regular electrofishing and other surveys to see if any other pike can be located in Comins. As yet we have not found any adult fish capable of reproduction. We are working with the LE Division to develop an investigation on possible sources of the likely illegal introduction and OGT and NBU Reno have offered a \$10,000 reward for information.

We observed a fish kill at Knott Creek Reservoir of about 200 fish, probably related to a blue green algae bloom that wasn't entirely unexpected given conditions this year. We will continue to monitor the situation, but this occurs fairly regularly at this reservoir in July and August and we just have to let the algae bloom run its course. A similar fish kill also occurred at Adams-McGill Reservoir at Kirch WMA last week. This followed several cloudy days and unusual weather, and we believe it was a temporary low dissolved oxygen issue that has resolved itself.

Eastern Region biologists will be working to transplant smallmouth bass from two of the Cortez Mine pits into the Humboldt River. The mine is draining the pits which were an important local fishery but the salvage operation will allow us to transfer some of this opportunity to the river.

Annual shad trawl surveys have been completed in the Overton Arm and Boulder Basin of Lake Mead. Shad typically show a three or four year boom/bust cycle and 2017 was a peak year particularly for the Boulder Basin. This should yield very good conditions for Lake Mead game fish this year, particularly for striped bass.

Staff also reported the catch of a walleye near South Cove in upper Lake Mead. This is unusual but not unheard of. Walleye can occasionally come downstream from Lake Powell through the Grand Canyon and one shows up every few years.

Multiple reservoirs around the state are showing very weedy conditions or unusual algae growth this summer, which is not unexpected given high spring runoff in many areas this spring which increased nutrient loading. Eagle Valley and Echo Canyon reservoirs and Nesbitt Lake have been showing excess plant growth and South Fork, Wildhorse, and other reservoirs in Northern Nevada are suffering from some extreme algae blooms.

Southern Region staff also worked with Utah DWR to translocate about 500 Virgin spinedace into Nevada reaches of Beaver Dam Wash in Lincoln County. This endemic native fish was previously petitioned for ESA listing and is managed under a multi-state conservation agreement.

Eastern Region staff completed a range-wide survey of relict dace in northeastern Nevada which included collecting samples for a new genetic analysis of the species. Newmont provided funding for this study through UC Davis which is associated with information needs for an ESA listing petition for the species in Goshute Valley.

The proposed listing petition for the Dixie Valley toad is expected. The petition will be sent to the USFWS at any time.

Habitat Division continues to work with BLM and contractors on multiple fronts to remove PJ from important sagebrush habitats key to seasonal use by mule deer and sage grouse. At present we are using For the Good of the State contracts to hire contractors to work on projects in White Pine, Elko, Lander, Nye and Douglas counties encompassing approximately 20,000 acres. These projects are jointly funded by BLM and the NDOW Partners in Conservation and Development Program.

The Eastern Region seems to be the center for continued mineral development, expansion at existing mine sites, and expansion at existing geothermal facilities. Currently, the Habitat Division is reviewing over eight Environmental Impact Statements and 12 Environmental Assessments in various stages of development. Through these processes we work with federal

land management agencies and proponents to ensure that wildlife resource and habitat needs are addressed with impacts minimized and, if necessary, that appropriate mitigation is in place.

Coordination continues with Ducks Unlimited on a wetland enhancement project at the Key Pittman WMA. This project will 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. A mandatory pre-bid meeting with potential contractors was scheduled for Aug. 9. The project is expected to be completed before the Oct. 14 waterfowl opener.

Western Region game wardens are keeping busy assisting the Game Division with bear conflicts along the Sierra Front. This seems to be an ever-growing situation with calls and conflicts continuing to escalate every year, despite the wet winter and spring.

We are also answering large numbers of calls related to human-coyote conflicts in urban areas both in Northern Nevada and the Las Vegas Valley. Many of these calls involve fatal encounters for pets.

A Western Region game warden contacted a California hunter scouting for an upcoming Nevada hunt in unit 033 last month who mentioned that he may not be allowed to have the firearm that he had with him. Initially, the warden assumed the hunter was referring to the fact that he was on the Sheldon Refuge, but a later records check revealed that the hunter was a felon in possession of a firearm. This led to the service of a search warrant by California officials in Sacramento on Aug. 3. The search warrant netted the seizure of 14 firearms and the subsequent arrest of the hunter. He is currently awaiting extradition from Sacramento to Washoe County.

Boating season has been busy in the southern region with an alarming number of drownings. Our game wardens have assisted in several of these incidents, attempted rescues, and body recoveries.

Big game seasons have been going for exactly one week as of this writing, and eastern region game wardens have already initiated multiple investigations. These include waste of elk meat, a mountain lion possibly killed without a tag, spotlighting, and possible guiding violations.

Two new game wardens recently graduated from the academy and are now in our NDOW mini-academy. Zach Bowman will be stationed in Laughlin, and Brittany Frolick will be stationed in Henderson/Boulder City. Frolick was the salutatorian of her graduating class of over 60 recruits from several other agencies. More new hire testing took place Aug. 9 with interviews to come later in the month.

Diversity biologists spent two weeks trapping and monitoring pond turtles. Staff surveyed five locations on the Carson River, three locations on the West Walker River, and two locations on the Truckee River. We trapped and marked 40 turtles this year. Approximately one-third of the captured turtles were recaptures from 2016.

Nightjar surveys (nighthawks and poorwills) and seasonal breeding bird surveys wrapped up, as well as nest monitoring of Bald Eagles and Peregrine Falcons in the Lake Tahoe region. Yellow-billed Cuckoo surveys were conducted at the Pitchfork Ranch on the East Walker River and in the Lahontan Basin. A cuckoo was detected at the Pitchfork Ranch.

Three nest cameras were retrieved from the Golden Eagle tracking project in Dry Lake Valley SEZ. These cameras will provide important diet and behavior data from nest sites. In addition, we continue to collect movement patterns from 10 eagles that are outfitted with satellite transmitters.

For a third year, Diversity biologists are continuing the Rose Cave Bat Banding Project. Two biologists banded approximately 1,400 Mexican free-tailed bats in White Pine County for a long-distance migration study. Over 27,000 have been banded over the past two years. An Outdoor Nevada-PBS film crew joined the event and gathered footage of the trapping and banding.

We are continuing with conducting wildlife surveys at abandoned mines throughout the state in partnership with the Bureau of Land Management and the Nevada Division of Minerals. More than 100 mines have been evaluated for potential bat use, and recommendations are being provided to the BLM and NDOM regarding which mines can be permanently closed and which mines should have wildlife-friendly gates installed.

The Diversity Division was recently notified that a multi-state competitive State Wildlife Grant to study Short-eared Owls was approved. We will be working with seven other western states to conduct extensive owl surveys focused on population size, distribution, and habitat use within a changing climate. The project is targeted to begin on October 1, 2017. In anticipation of a successful grant, Diversity biologists and volunteers conducted preliminary surveys this spring to test both survey methodologies and site selection methods. We are now set up to conduct more extensive surveys in the coming years and plan to use volunteers to help supplement the limited time Diversity biologists can dedicate to the project.

Conservation Education Staff have been working with local media on the fire impacts on wildlife and the upcoming hunting seasons. Focus has been on Roosters' Comb Fire, Snowstorm Fire, Long Valley Fire, Earthstone Fire, Truckee Fire, Winnemucca Ranch Fire and Limerick Fire.

Conservation Education Staff held interviews for the Public Information Officer position stationed in Reno.

Due to the close proximity of the Long Valley Fire, the 7<sup>th</sup> Annual Maison T. Ortiz Youth Outdoor Skills Camp was cancelled. Staff spent an extensive amount of time working on the logistics, planning and set-up for the camp only to have it cancelled the day before.

Conservation Education staff put a real effort into building NDOW's social media platforms and have had some real successes. NDOW Facebook followers have grown to over 25,000, Twitter to over 3,500 followers and Instagram has seen a 73,000 percent increase in post engagement.

Conservation Education personnel are working with representatives from the Game, Law Enforcement and Habitat Divisions, and the USFWS to organize "Learn how to hunt waterfowl in Nevada" workshops in Las Vegas and Carson City. The workshops are slated for Sept. 16 and 24. These classes start from the beginning and are tailored to those who are new to waterfowl hunting.

Work is moving forward on a "Living with Urban Coyotes" seminar scheduled for Aug. 14 and 16 in Reno and Las Vegas respectively. The seminar is a joint effort involving personnel from the Conservation Education and Game Divisions, and Wildlife Services.

Angel Lake Kids Annual Fishing Derby was attended by 130 children plus families for almost 300 people.

Conservation Education supported bear outreach with the Community Collaborative for Bears, (CCB) in Tahoe at the Independence Day Fair celebration in Incline Village.

Conservation Education hunter education staff held annual antelope hunting workshops in both Las Vegas and Reno. Invitations were sent via email to each antelope tag recipient for 2017, resulting in over 150 attendees.

NDOW has successfully awarded a contract to Kalkomey Enterprises, LLC to update and improve our business support system that manages our customer database, internal and license agent point-of-sale platform, and volunteer tracking system. This new contract creates a partnership between the Department and Kalkomey for the next 6-10 years. Kalkomey's Agency Management System (AMS) is a modern, web-based software platform that integrates all of NDOW's business needs under one solution. Customers will enjoy a highly intuitive, mobile friendly user interface that facilitates smooth transactions and easy access to account information. License agents will also benefit from an all new point-of-sale system that includes dual touch screens for both agent and customer, easy to use printers, and bar code scanners that easily scan and identify customers based on driver's license or other government ID cards. This hardware, combined with the new license agent web interface will enhance transaction efficiency and minimize data errors in the system. Finally, NDOW will also be able to leverage Kalkomey's expertise in hunter recruitment, retention, and reactivation to provide more targeted and effective customer outreach and marketing. NDOW is excited to implement AMS in January 2018.

The Department has drafted and submitted all license simplification changes to NAC 501, 502, 503, 504, 505, and 488 to the LCB for review and finalization. NDOW expects to fully implement the results of SB511 when we deploy our new business support system with Kalkomey in January 2018.

The Department is undergoing a software modernization effort that includes deploying Microsoft Office 365 that supports cloud-hosted document sharing and collaboration, PowerDMS to track human resources, training, policies, and other internal needs, and a new digital document archiving platform in partnership with the State Archives office. These solutions are expected to be implemented over the next three to six months.

The Division is finalizing a draft report from the Timmons Group on a Comprehensive Data Management Strategic RoadMap that provides recommendations and best practices for improving data management across the Department. A final version of the RoadMap should be distributed in early September.

#### D Litigation Report – Deputy Attorney General Joshua Woodbury

DAG Joshua Woodbury said movement on three cases: Walker River Paiute Tribe vs. Walker River Irrigation District will have an oral argument in Pasadena, Calif., on Aug. 30, 2017; Mark Smith, Donald Molde & Smith Foundation vs. Commissioners & NDOW, disputing NDOW's authority to enact regulations regarding trapping case has been appealed to Nevada Supreme Court and all parties have agreed to "stay the discovery and other issues" until the ruling is

issued by Supreme Court; and for the Mark Smith vs. Wakeling et al., the parties were served and have until Aug. 30, 2017, to respond.

22 Future Commission Meetings and Commission Committee Assignments – Secretary Tony Wasley and Chairman – For Possible Action

The next Commission meeting is scheduled for Sept. 22 and 23, 2017, in Las Vegas. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments as necessary at this meeting.

Secretary Wasley said the primary task is to set revise biennial fishing regulations; workshop and possible action on license simplification regulation; CGR 470, Miscellaneous Petitions, could be moved forward for possible action on the September agenda; second policy readings for Commission Policy 9, 29, and 63, and first readings for Policies 27, 65, and 66; commercial reptile collection scenarios; conference report from Association of Fish and Wildlife Agencies meeting; and a request for update of Senate Bill 364 from one of the CABMWs.

Chairman Wallace said he is aware the September agenda may be too busy but shed antlers and trail cameras need to be on the Commission's "to do list." He said he wants the commercial collection on the September agenda if possible.

Secretary Wasley noted that he knows of one committee meeting on Friday evening the Administrative Procedures Regulation Policy Committee meeting. Chairman Wallace confirmed that he is correct.

Commissioner Hubbs asked NDOW the status of the cartridge regulation.

Deputy Director Robb said prioritizing license simplification – will check on status.

23 Public Comment Period -

Fred Voltz said the Commission needs to agendize the issue of videoconferencing. This is the third Commission meeting this year without videoconferencing. The Legislative Counsel Bureau allows use of their facilities as long as agency is willing to pay the overtime.

Karen Boeger, of Backcountry Hunters and Anglers, thanked Commissioner Hubbs for bringing up the cartridge regulation as they are highly concerned. She hopes that gets going but understands the priorities due to fee simplification.

Note: The meeting has been videotaped and is available for viewing at [www.ndow.org](http://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.