

Truckee Meadows Community College  
7000 Dandini Blvd  
Sierra Building - Room 108  
Reno, NV

*Videoconferencing Locations:*

College of Southern Nevada  
3200 E. Cheyenne Ave  
Main Building Room 2638  
Las Vegas, NV

Great Basin College  
1500 College Parkway  
High Tech Center Building Room 137  
Elko, NV

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

Forum restrictions and orderly business: The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech.

Irrelevant and unduly repetitious statements and personal attacks that antagonize or incite others are examples of public comment that may be reasonably limited.

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

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

Friday, March 21, 2014 – 11 a.m.

- 1 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Robb
  - Wayne E. Kirch Award Presentation – Chairman Robb
- 2 Approval of Agenda – Chairman Robb – 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.
- 3 Member Items/Announcements and Correspondence - Chairman Robb - 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 will also be discussed.
- 4 County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational  
CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
- 5 Approval of Minutes – Chairman Robb - For Possible Action

Commission minutes from the Dec. 7 and 8, 2013, meeting.

**\*\* Added Agenda Item**

*Emergency Addition of Hunt Unit 267 to Moapa Valley Turkey Hunt Due to Previous Unit Realignment that Excluded Overton WMA from the Intended Hunt Area – Wildlife Staff Specialist Shawn Espinosa – For Possible Action*

*The Commission shall consider a regulation that would keep Overton Wildlife Management Area included in the Moapa Valley turkey hunt area. Overton Wildlife Management Area has always been part of this hunt but was unintentionally excluded from the hunt units for this hunt when unit boundary realignment caused its exclusion. By adding unit 267 to the Moapa Valley turkey hunt, the original intent is met.*

- 6 Mr. Clinton L. Felton License Revocation Appeal - For Possible Action  
Mr. Felton is appealing revocation of his license.
- 7 Mr. Rich Gibbons Sub-guide License Denial Appeal - For Possible Action  
Mr. Gibbons is appealing denial of a sub-guide license.
- 8 Reports – Informational
  - A Traditional Ranching in Nevada – Boyd Spratling, DVM  
Presentation on the benefits of traditional ranching to Nevada’s wildlife.
  - B Tag Allocation and Application Hunt Committee (TAAHC) – Chairman Robb  
A report will be provided on the recent committee meeting, to include an update on the status of the Mule Deer Hunting survey being conducted by the University of Idaho on behalf of the Department.
  - C Overview of Wildlife Harassment Laws – Chief Game Warden Rob Buonamici  
The Department will provide a report pertaining to statutes and regulations regarding wildlife harassment including use of aircraft and drones.
  - D Drought Condition Update and Expected Impacts on Fisheries – Chief Jon Sjöberg  
A report will be provided to the Commission regarding Nevada’s ongoing drought conditions and potential impacts on northern and central Nevada fisheries this summer and fall.
  - E Sage-grouse Update – Secretary Wasley  
Secretary Wasley will provide an update on the status of sage-grouse.
  - F Department Activity Report – Secretary Wasley  
Director Wasley will provide a report on recent Department activities.
  - G Trapping Committee Report – Commissioner David McNinch  
A report will be provided on the recent Trapping Committee meetings.
  - H Litigation Report – Deputy Attorney General Harry Ward
  - I Bighorn Sheep Management Challenges – Game Division Staff Specialist Mike Cox and Dr. Peregrine Wolff  
A report will be provided to the Commission identifying current bighorn sheep management challenges including population densities, impacts of drought on guzzlers, vegetation and water availability, and disease pathogen tracking and documentation and the potential implications for bighorn population management actions including the highly successful bighorn sheep transplanting program.

- 9 A Commission General Regulation 416, Shed Antlers, LCB File No. R155-12 - Chief Game Warden Rob Buonamici – Workshop  
The Commission will consider the adoption of a regulation relating to shed antlers; requiring a hunting license for the taking of shed antlers from the field; providing for a shed antler collection season; and providing other matters properly relating thereto.

The need for the shed antler regulation is to reduce disturbance of big game animals, by shed antler hunters, during the critical time of year when these animals' energy reserves are at a low. The need for such a regulation was initially expressed by the White Pine County Advisory Board with support from the Lincoln County Advisory Board.

- 9 B Commission General Regulation 430, Guide License Changes, LCB File No. R053-13 – Chief Game Warden Rob Buonamici - Workshop  
The Commission will consider guides; revising provisions relating to the issuance and renewal of a license as a master guide or sub-guide; permitting a master guide to use the services of another master guide or a sub-guide licensed under another master guide in certain circumstances; removing territorial limitations imposed by the State on the operation of master guides; revising the grounds for denying an application for a license or for revoking or suspending a license; extending the period within which a master guide must notify the Department of Wildlife after terminating the employment of a sub-guide; revising provisions governing the licensure of habitual violators and the submission of records relating to the clients of a master guide; expanding the circumstances under which a client must physically accompany the master guide or sub-guide during the entire pursuit and taking of an animal; and providing other matters properly relating thereto.

The need for the guide regulation is to update the existing guide regulations that were requested by the Nevada Outfitters and Guides Association. The changes are designed to streamline the guide license application process and address other changes requested by the Nevada Outfitters and Guides Board.

- 10 Public Comment Period

Saturday, March 22, 2014 - 8:30 a. m.

- 11 Call to Order, Roll Call of Commission and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Robb
- 12 Approval of Agenda – Chairman Robb – 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.
- 13 Member Items/Announcements and Correspondence - Chairman Robb - 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 will also be discussed.
- 14 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.

- 15 2015 Legislative Session Overview – Management Analyst 3 Kim Jolly – Workshop/Public Comment Allowed  
The Department will provide an overview of the various processes required of state agencies to develop and submit Bill Draft Requests, bill positions, and explain the Wildlife Commission and the Commission’s Legislative Committee involvement in preparation for the 2015 Nevada Legislative Session.
- 16 County Advisory Board to Manage Wildlife Budgets (CABMW) – Deputy Director Cates and Finance Committee Chairman Gil Yanuck – Workshop/Public Comment Allowed  
The Department will provide an overview of the process for submission of CAB budgets and discuss any other administrative issues related to the CABMWs.
- 17 Fiscal Year 2016 and 2017 Budget Overview – Deputy Director Patrick Cates – Workshop/Public Comment Allowed  
The Department will provide an overview on the processes required of state agencies to submit its budget request to the Department of Administration, the Governor, and the Legislature, in preparation for the 2015 Nevada Legislative Session.
- 18 Fiscal Year 2015 Draft Predation Management Plan (Second Draft) – Commissioner McBeath – For Possible Action  
The second draft of the proposed Fiscal Year 2015 Predator Management Plan will be presented and the Commission may take action to provide recommendations for modification of the second draft for the May Commission meeting.
- 19 Duck Stamp Committee Report and First Reading of Commission Policy #50, Duck Stamp Procedure – Commissioner McNinch and Conservation Education Chief Teresa Moiola – For Possible Action  
The Duck Stamp Committee chairman will report on the committee’s recent meeting and actions, and the Department will conduct a first reading of Commission Policy #50 with the proposed updates.
- 20 Black Bear Committee Report – Commissioner McNinch – For Possible Action  
The Commission will hear a report from the Black Bear Committee meeting on February 21, 2014, and may take action relative to recommendations from the Committee.
- 21 A Commission General Regulation 416, Shed Antlers, LCB File No. R155-12 - Chief Game Warden Rob Buonamici – For Possible Action  
The Commission will consider the adoption of a regulation relating to shed antlers; requiring a hunting license for the taking of shed antlers from the field; providing for a shed antler collection season; and providing other matters properly relating thereto.  
  
The need for the shed antler regulation is to reduce disturbance of big game animals, by shed antler hunters, during the critical time of year when these animals’ energy reserves are at a low. The need for such a regulation was initially expressed by the White Pine County Advisory Board with support from the Lincoln County Advisory Board.
- 21B Commission General Regulation 430, Guide License Changes, LCB File No. R053-13 – Chief Game Warden Rob Buonamici – For Possible Action  
The Commission will consider guides; revising provisions relating to the issuance and renewal of a license as a master guide or sub-guide; permitting a master guide to use the services of another master guide or a sub-guide licensed under another master guide in certain circumstances; removing territorial limitations imposed by the state on the operation of master guides; revising the grounds for denying an application for a license or for revoking or suspending a license; extending the period within which a master guide must notify the Department of Wildlife after terminating the employment of a sub-guide; revising provisions governing the licensure of habitual violators and the submission of records relating to the clients of a master guide;

expanding the circumstances under which a client must physically accompany the master guide or sub-guide during the entire pursuit and taking of an animal; and providing other matters properly relating thereto.

The need for the guide regulation is to update the existing guide regulations that were requested by the Nevada Outfitters and Guides Association. The changes are designed to streamline the guide license application process and address other changes requested by the Nevada Outfitters and Guides Board.

22 Future Commission Meeting and Commission Committee Assignments - Secretary Tony Wasley - For Possible Action

The next Commission meeting is scheduled for May 9 and 10, 2014, in Reno, and the Commission will review and discuss potential agenda items for that meeting. The Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments as necessary at this meeting.

23 Public Comment Period

**DRAFT MINUTES**

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Jack Robb	Vice Chairman Jeremy Drew	Commissioner Chad Bliss
Commissioner Karen Layne	Commissioner David McNinch	Commissioner Pete Mori
Commissioner Michael McBeath	Commissioner Grant Wallace	Commissioner Bill Young

Secretary Tony Wasley	Deputy Attorney General Harry Ward
Recording Secretary Suzanne Scourby	

Nevada Department of Wildlife personnel/two days:

Chief Game Warden Rob Buonamici	Wildlife Staff Specialist Cody Schroeder
Chief of Habitat Alan Jenne	Administrative Assistant 4 Helen Gilliam
Chief of Fisheries Jon Sjoberg	Administrative Assistant 4 Katie Simper
Administrative Assistant 4 Kathleen Teligades	Conservation Educator 4 Doug Nielsen
Administrative Assistant 3 Joanne Trendler	Game Division Specialist Pete Bradley
Management Analyst 3 Kim Jolly	Staff Game Warden Paul Dankowski
Game Warden Don Klebenow	

Others in attendance/two days:

Chairman Paul R. Dixon, Clark CABMW	Chairman John Reed, Washoe CABMW
Rex Flowers, Washoe CABMW	Chairman Joe Crim, Pershing CABMW
Catherine Smith	Larry Johnson, Nevada Bighorns Unlimited/Coalition for NV's Wildlife
Jana Wright, Las Vegas, Clark County	Walt Gardner
Henry Krenka, NV Outfitters and Guide's Association	Mitch Buzzetti, Elko CABMW/Nevada Outfitters and Guide Assoc.
Gil Yanuck, Carson CABMW	Don Molde, self
Fred Voltz, general public	Stephanie Myers, Las Vegas, Mt. Charleston
Chairman Glenn Bunch, Mineral CABMW	Chairman Cory Lytle, Lincoln CABMW
Eric Clifford, Churchill CABMW	Monty Martin, SCI
Don Sefton, Systems Consultants Inc. (SCI)	Brad Johnston, Lyon CABMW
Bill Miller, Ely, Nevada	Sean Shea, self
Fred Voltz, general public	Craig Burnside, Douglas CABMW
Daryl Harwell, Nevada Waterfowl Association	Miles Humphreys, Washoe CABMW
Chairman Tom Cassinelli, Humboldt CABMW	Randall Stoeberl, Elko
Dave Gowan, Elko, VP NV Houndsmen Association	Trevor Walch, Predator Control
Rich Sandoz, Elko	Jason James, Elko
Greg Smith, Nevada Bighorns Unlimited	Cheryl Webb
Richard and Mary Bradbury, Midas Ranchers	Boyd Spratling, self
Brian Elmore	Anna Mae Shields
Theresa Elmore	Mike Elmore
Mary and Rich Stoltz	M. Jerome Wright, Attorney at Law
Clint Felton, appellant	Darin Elmore, self
Chairman Kevin Strozzi, Nye CABMW	Randy Lytle, Lincoln County
Joel Blakeslee, Nevada Trappers Association	Tina Nappe
Kelly Strain, Elko, self, trapper, hound hunter	Ben French, Elko, CDB
Kathy Kinkade, self	Harold Gilliam, self
Ron Torell, Nevada Cattleman's Association	Jason A. James, self

Friday, March 21, 2014 – 11 a.m.

- 1 Call to Order, Introduction and Roll Call of CABMW Members – Chairman Robb  
Chairman Robb called the meeting to order at 11:07 a.m.

Roll call of Commissioners present: Chairman Robb, Vice Chairman Drew, Commissioners Bliss, Layne, McBeath, Mori, Wallace and Young. Commissioner McNinch excused absence for both days.

CABMW Roll Call: Paul Dixon, Clark CABMW; Gil Yanuck, Carson; Cory Lytle, Lincoln; Joe Crim, Pershing; Glenn Bunch, Mineral; John Reed, Washoe; Brad Johnston, Lyon; Mitch Buzzetti, Elko; and Tom Cassinelli, Humboldt.

- Wayne E Kirch Award Presentation – Nevada sportsman Brian Elmore received the Wayne E. Kirch Award for 2013 for his many contributions to Nevada's wildlife.

Chairman Robb announced that the agenda was amended on today's date for the purpose of correcting a turkey hunt unit as that particular hunt's opening date is tomorrow, March 22, 2014.

- 2 Approval of Agenda – Chairman Robb – For Possible Action

Chairman Robb said the agenda was amended.

Secretary Wasley said he would encourage the Commission to add the additional agenda item between 5 and 6 which is the emergency addition of hunt unit 267 to the Moapa Valley turkey hunt based on a unit realignment that excluded Overton Wildlife Management Area from the attendant hunt unit area.

**COMMISSIONER DREW MOVED TO APPROVE AS AMENDED. MOTION SECONDED BY COMMISSIONER BLISS. MOTION CARRIED 8 – 0.**

- 3 Member Items/Announcements and Correspondence – Chairman Robb - Informational

Commissioner Mori said the deadline for the sage-grouse draft EIS was completed and Nevada Department of Wildlife (NDOW) submitted comments, and in those comments there were references made to livestock grazing. He said he spoke to Director Wasley who explained NDOW's basic approach in submitting those comments and to put it "lightly" those comments made quite a stir in his area. Consequently the Nevada Cattleman's Association (NCA) responded to those comments with a letter to Director Wasley and a media release. In his opinion the NCA is the largest voice in Nevada that represents mainstream ranching and the decision in writing the letter and sending the media release was not a knee-jerk reaction. It was made by a 23 member Board of Directors who met and voted after considerable discussion and thought. As a result Director Wasley and the NCA's Executive Committee will meet March 31 to resolve the situation and he is optimistic that solutions will be found to move forward. He said he trusts in Director Wasley to represent NDOW in a fair and honest manner and also trusts the Executive Committee of the NCA to do the same. Today on the Commission's agenda is Dr. Spratling's presentation on the benefits of ranching to wildlife that will shed light on why these comments offended the cattleman's industry.

4 County Advisory Boards to Manage Wildlife Member Items - Informational

John Reed, Washoe CABMW, said his board addressed the letter from NCA and Gerald Lent's letter published in the Reno Gazette-Journal and they concluded that there are probably more positive ways to handle this all the way around. He said they are still requesting Commission involvement on Washoe Lake as feral horses on Scripps are still there.

Joe Crim, Pershing CABMW, said Rye Patch Reservoir has 7,000 feet of water and with water conditions the lake will be dormant this year and they would like NDOW to adjust the fish limits because by the end of the summer the fish will be floating if not taken out.

Paul Dixon, Clark CABMW, said he would like to alert the Commission of future agenda items for action from Clark CABMW: Spring youth turkey hunt at Overton as denoted in their action report, and in Spring Mountains poaching activities are occurring and need discussion regarding reducing poaching near populated areas and people spotlighting at night.

Brad Johnston, Lyon CABMW, said he had sent an email to Commission and CABMW chairman addressing the controlled goose hunt at the Mason Valley WMA. He said they brought it up last year but was too late for action, and this year they want the proposal on the agenda. The proposal and concern is that there is an area being shut off to public unless you have a permit for the controlled goose hunt for approximately three months, which needs to be addressed. Secondly, they reviewed the letter from NCA at their meeting and understand the cattleman's reaction and NDOW and encouraged that a meeting will occur because discussion at the CABMW was that if miscommunication occurred it needs to be clarified and resolved and do not want a division between the Department, the public or the cattleman, on that issue.

Mitch Buzzetti, Elko CABMW, said they too had discussion over NDOW comments regarding NDOW's comments on the draft Environmental Impact Statement (EIS); however the CABMW did not make a decision to support or what to do but had good discussion out of which came a few points: Public land grazing is a valuable economic resource for their county, cattle grazing utilizes renewable resources that are extremely important for their county, and wish that NDOW would of supported Option E rather than D & B, read statement and concluded that they are hopeful that the Department and ranchers are going to meet and find some common ground.

Gil Yanuck, Carson CABMW, said Kirch award winner C.K. Bailey commented that he has 20 trout tanks in classrooms and they will soon go with the kids to release the trout in nearby waters.

5 Approval of Minutes from Dec. 7 and 8, 2013, Meeting – Chairman Robb – For Possible Action

**COMMISSIONER MCBEATH MOVED TO APPROVE. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION PASSED 8 – 0.**

**\*\*Added Agenda Item**

*Emergency Addition of Hunt Unit 267 to Moapa Valley Turkey Hunt Due to Previous Unit Realignment that Excluded Overton WMA from the Intended Hunt Area – Wildlife Staff Specialist Shawn Espinosa – For Possible Action*

*The Commission shall consider a regulation that would keep Overton Wildlife Management Area included in the Moapa Valley turkey hunt area. Overton Wildlife Management Area has always been part of this hunt but was unintentionally excluded from the hunt units for this hunt when unit boundary realignment caused its exclusion. By adding unit 267 to the Moapa Valley turkey hunt, the original intent is met.*

Wildlife Staff Specialist Shawn Espinosa said this amendment would add 267 to Unit Group designation for the Moapa Valley turkey hunt area. He said the matter is urgent because the hunt season begins tomorrow and there are three resident and one non-resident tagholder along with a Heritage tag holder that is interested in hunting that unit, and 267 now contains the only public land access within the Moapa Valley hunt unit area which is Overton WMA. The current season and bag limits are regulated under CR 12-06 which was passed June 23, 2012, which was subsequently amended twice and in between the two amendments was a unit boundary change that occurred in Sept. 2012, over the past few years it was missed that Overton was actually now in Unit 267 instead of 272.

Public comment – None

**COMMISSIONER MCBEATH MOVED TO APPROVE THE EMERGENCY ADDITION OF HUNT 267 TO MOAPA VALLEY TURKEY HUNT DUE TO PREVIOUS UNIT REALIGNMENT THAT EXCLUDED THE OVERTON WMA FROM THE INTENDED HUNT AREA. MOTION SECONDED BY COMMISSIONER WALLACE. MOTION PASSED 8 – 0.**

6 Mr. Clinton L Felton License Revocation Appeal – For Possible Action

Mr. Jerry Wright, Attorney at Law, said he is present representing Mr. Felton. He said he moved to invoke “Exclusionary Rule” as he does not know if any rebuttal witnesses are present. If so, they need to be outside the hearing room. Also, said there is a motion to dismiss, and he would stipulate and thinks it would be more effective if the Commission waited for all evidence to be heard and preliminary motion and then hear merits of appeal and motion to dismiss. Mr. Wright stipulated that the packets of material from himself and NDOW be entered as evidence.

Chairman Robb asked that the Commission’s appeal procedure be delineated.

DAG Harry Ward said NAC 501.185 sets out the procedures for the Commission to follow in this appeal which will result in the “Finding of Fact, Conclusions of Law.” 501.185 (i) Hearing procedures reviewed – 11:45 a.m.

**NAC 501.185 Procedure; burden of proof. ([NRS 501.181](#), [501.1818](#))**

1. The Commission will use the following procedure, in the order set forth in paragraphs (a) to (i), inclusive, for a hearing regarding a revocation or suspension of a license or permit ordered pursuant to the provisions of [NRS 501.1812](#) to [501.1818](#), inclusive, and any regulations adopted pursuant to those sections:

- (a) The hearing will be called to order by the Chair of the Commission.
- (b) The request for a hearing and notice of hearing will be entered into the record.
- (c) The Commission may, on its own motion or that of a party, exclude witnesses from the hearing.
- (d) The Commission will consider any:
  - (1) Preliminary motions;
  - (2) Stipulations; and
  - (3) Proposed orders that the Department and the appellant have agreed to pursuant to a settlement.
- (e) The Department will present its evidence and then be cross-examined by the appellant and questioned by the Commission.

(f) The appellant will present its evidence and then be cross-examined by the Department and questioned by the Commission.

(g) The Department and appellant will present any rebuttal evidence and then be cross-examined by the other party and questioned by the Commission on issues limited to the rebuttal evidence.

(h) Closing arguments will be presented by the Department and then by the appellant.

(i) The Commission will deliberate and then render orally its order with separately stated findings of fact and conclusions of law.

↪ The Department has the burden of proof in a hearing regarding a revocation or suspension of a license or permit ordered pursuant to the provisions of [chapters 501](#) to [506](#), inclusive, of NRS and any regulations adopted pursuant to those chapters.

2. The Commission will use the following procedure, in the order set forth in paragraphs (a) to (e), inclusive, for a hearing regarding a denial of an appellant's application for a license or permit ordered pursuant to the provisions of [chapters 501](#) to [506](#), inclusive, of NRS and any regulation adopted pursuant to those chapters:

(a) The appellant will present its evidence and then be cross-examined by the Department and questioned by the Commission.

(b) The Department will present its evidence and then be cross-examined by the appellant and questioned by the Commission.

(c) The Department and the appellant will present any rebuttal evidence and then be cross-examined by the other party and questioned by the Commission on issues limited to the rebuttal evidence.

(d) Closing arguments will be presented by the appellant and then by the Department.

(e) The Commission will deliberate and then render orally its order with separately stated findings of fact and conclusions of law.

↪ The appellant has the burden of proof in a hearing specified in this subsection.

3. The Commission may deviate from the order of procedure set forth in subsections 1 and 2 and allow or limit questioning to elicit all relevant, nonrepetitive testimony and evidence.

(Added to NAC by Bd. of Wildlife Comm'rs by R083-98, eff. 9-25-98; A by R198-05, 2-23-2006)

Chairman Robb called the hearing to order.

Chief Buonamici said as Mr. Wright had a preliminary motion, the Commission should take that first and decide on that.

Commissioner Mori recused himself from the hearing and from participating in this procedure since he knows the appellant.

Chairman Robb asked for clarification from DAG Ward on the motion to dismiss from Attorney Wright.

DAG Ward said the Commission would deliberate on the motion, and Attorney Wright asked to hold off on preliminary motion to dismiss to hear his argument at the end. Therefore, his recommendation is to proceed as the hearing was called to order, the request for the hearing and notice of hearing has been entered into the record. He said the Commission may, on its own motion or that of a party, exclude witnesses from the hearing, and will have Mr. Wright address that and has waived the preliminary motion at this point. DAG Ward asked that the

packets be stipulated into the record, and then evidence is presented and cross-examination will be allowed.

Chairman Robb said the Commission will begin with (e) of NAC 501.185: The Department will present its evidence and then be cross-examined by the appellant and questioned by the Commission.

Chief Game Warden Buonamici said reviewed the state's evidence starting with Exhibit 1 and concluding with Exhibit 11. He said Mr. Clinton Felton was found guilty for failure to visit traps wherein a bighorn sheep trapped and died, and for failure to visit traps.

DAG Ward swore in the witnesses and Chief Rob Buonamici was cross-examined by Attorney Jerry Wright.

Discussion occurred on Mr. Felton's hunter education class and the number of demerit points, NRS superseding the NAC and further discussion of law that hearing be held within 60 days.

Clinton Felton cross-examined by Attorney Jerome Wright relative to citation received for not checking traps in Churchill County.

Chief Buonamici cross-examined Mr. Felton relative to attorney/client representation.

Closing Arguments:

Chief Buonamici concluded he was convicted, appealed convictions and convictions were upheld by court. He said Mr. Felton called Chief Buonamici prior to obtaining counsel, objection from Attorney Wright and that demerit points assessed properly.

Attorney Wright said statute requires following the law and NDOW had the burden to convince board everything done properly and the demerit NRS outlines how to assess and NAC added points and that is in conflict with statute. He noted that Mr. Felton was two hours late and noted that he was not aware of matter needing to be set within 60 days or he would have not agreed to this hearing date. NRS over NAC and the 60 days merit the board allowing him to keep his license.

Agreement to re-open hearing

Commissioner McBeath said two main points raised and asked Mr. Wright to layout the first point.

Mr. Wright reviewed his exhibits – and answered questions from Commission McBeath.

Commissioner McBeath recalculated the demerit points received by Mr. Felton and that one letter sent to Mr. Felton may have been premature.

Chief Buonamici said letters were not premature as did not know that he was appealing his convictions.

Commissioner McBeath said adding 11 to the 12 that he is okay procedurally. He asked if Department had authority to extend the hearing.

Chief Buonamici said DAGs have advised the Department over the last several years that hearings may be scheduled at appellants' convenience.

DAG Ward said when agency does not have specific statute you look at NRS 233.b the statute on holding hearings, and NDOW does have the right to continue matters. DAG Ward read section on continuances of hearing.

Chairman Robb allowed re-opening the hearing for additional questions from Commissioner McBeath regarding the hearing date.

#### Commission Deliberations:

Commissioner McBeath said NDOW was procedurally correct with notice issued Nov. 14, 2013, and asked other Commissioners if they had questions with getting to that point, and he reviewed the timeline of events concerning Mr. Felton. He said counsel wrote letter on Nov. 26, 2013, received by NDOW on Dec. 4, 2013, and statute reads 60 days to accept the hearing and that could have been accommodated at the Jan. 31 and Feb. 1 meeting; however, parties communicated verbally and NAC 501.175.1 deals with continuance and states that only way a hearing may be continued is through written stipulation of the appellant and through the Secretary of Commission and the Department indicates that there were no further letters that could be construed as a stipulation and that is where we are at. The Commission's job is to see if the Department followed procedure and the Commission needs to decide that.

Commissioner Young said that the verbal communication between the attorney and the Department is common throughout law enforcement.

Commissioner Drew said in terms of license and the proceedings and whether we heard this in Las Vegas or today as we are, that the demerit points don't change, and the math to him makes sense with 23. While there may have been something in writing does not change the underlying revocation of the license which is 23 demerit points.

Commissioner Layne agreed with Commissioner Drew's assessment, and the hearing date would not be an issue if there had been something in writing agreeing on the date even if it was not signed by the director. She asked Commissioner McBeath if that would have worked.

Commissioner McBeath said as a factual matter, he thinks counsel clearly waived the period, and question is from legal standpoint as to what the Commission is able to do, and can 501.175.1 be ignored, and accept letter of Nov. 26, 2013, as a waiver of that. He said what we are doing is going beyond the law and NAC and adopting a remedy. He agrees and feels it is right but is concerned that if that position is adopted, he will assume that Mr. Wright will appeal the Commission's findings, and the basis will be that this was not followed and does not know where that will go but that is the issue as everything else is rock solid until this, and is conflicted between waiver that occurred on Nov. 26, 2013, letter and subsequent phone calls that counsel himself admitted to even though he clearly indicated he did not know what the law was, and does not think that will go far as a defense but question will be whether the Commission has the authority to not follow 501.175.1 and go with waiver of Nov. 26, 2013. (1:59:59 p.m.)

Commissioner Bliss asked what the status of Mr. Felton's acquired demerit points would be if the decision was over-turned on appeal.

Commissioner McBeath 501.181.6 states that not less than 60 days after the Department determines that a person has accumulated 12 demerit points the Department shall notify the person by certified mail that the person's privileges will be suspended or revoked except as provided in subsection (4), the Department shall suspend or revoke such privileges 30 days after it mails the notice. He said the problem is that if decision is overturned we would well beyond that 60 day period, and asked the DAG for his opinion.

DAG Ward said he would prefer not to speculate or give advice during the deliberation period, and let these deliberations be open.

Commissioner McBeath said in response to Commissioner Bliss that as he reads the statute, he is not sure if the Department would be able to do anything at that point but is not certain and would need to spend time on that and is not sure if the Department has the authority to re-issue another letter, and is concerned with that.

Chairman Robb said the demerit math adds up the same for all the Commission and the revocation was proper at the time; the only gray area is the hearing and struggles with that as it was not the Department's decision to delay rather the appellant's. He said the Department did everything right top to bottom, and again, it was the appellant's decision to hold off, and is in agreement with Commissioner Young's knowledge of law enforcement that these verbal agreements are routine events between legal counsel.

Commissioner Young moved to deny the appeal regarding revocation of his license.

Chairman Robb said the Commission will deliberate and then render orally its order with separately stated findings of fact and conclusions of law.

Commissioner McBeath said the Commission needs to vote or determine what the Commission finds to draft the Findings of Fact, Conclusions of Law.

Commissioner Young withdrew his motion.

**COMMISSIONER MCBEATH PROPOSED A MOTION TO DENY MR. FELTON'S MOTION TO DISMISS; AND SECONDLY MOVE THAT WE UPHOLD THE DEPARTMENT'S REVOCATION OF MR. FELTON'S HUNTING LICENSE. COMMISSIONER DREW SECONDED THE MOTION BASED UPON DETERMINATION OF THE COMMISSION THAT DEMERIT POINTS WERE PROPERLY APPLIED. MOTION CARRIED 7 - 0. COMMISSIONER MORI ABSTAINED, COMMISSIONER MCNINCH ABSENT.**

Commissioner McBeath stated for the record the Commission's Findings of Fact and Conclusions of Law:

1. On March 16, 2010, Clinton Felton, appellant, hereinafter referred to as Felton, was fined for a wildlife violation under NRS 503.570, failure to visit traps and was assessed three demerit points pursuant to NAC 501.200.2. See Exhibit A.
2. On August 4, 2010, Felton was fined for a wildlife violation under NRS 503.570, failure to visit traps, and was assessed three demerit points pursuant to NAC 501.200.2 and was fined for a wildlife violation under NRS 503.240, trapping on private land without permission, and was assessed six demerit points pursuant to NAC 501.200.1. Pursuant

to NRS 501.1814.2 because both violations arose out of the same event, Felton was finally assess the higher point violation. See Exhibit B.

3. On November 10, 2010, Felton obtained a Nevada Hunter Education Certificate making Felton eligible to reduce his demerit points by four points. See Exhibit C.
4. On December 7, 2012, Felton was convicted of two counts under NRS 503.570, failure to visit traps that were separate events and pursuant to NAC 501.200.2 was assessed three demerit points for each count. See Exhibit D.
5. On December 12, 2012, NDOW sent by certified mail a letter to Felton notifying him he had been assessed 11 demerit points. Based on the following violations:

August 5, 2010	Fine	NRS 503.240
August 5, 2010	Fine	NRS 503.570
March 16, 2010	BF	NRS 503.570
December 7, 2012	Fine	NRS 503.570
December 7, 2012	Fine	NRS 503.570

See Exhibit E

6. On January 8, 2013, NDOW sent by certified mail a letter to Felton notifying him he had been assessed 23 demerit points for all of the violations set forth in (5.) above, less four demerit point credits, plus 12 demerit points, pursuant to NAC 501.200.4. See Exhibit F.
7. On January 23, 2013, the Justice Court of New River Township, County of Churchill, issued an Order of Stay of Entry of Judgment on Convictions pending Felton's appeal. See Exhibit G.
8. On November 5, 2013, the Tenth Judicial District Court entered an order affirming judgment on counts 1 and 3 of the Complaint, such judgment which was not appealed and became final. See Exhibit H.
9. On November 14, 2013, NDOW sent by certified mail, a letter to Felton notifying him his hunting, fishing, and other license and permit privileges will be suspended for a period of three years, and notifying him of his right to appeal the suspension to the Commission. See Exhibit I.
10. By letter dated November 26, 2013, Counsel for Felton sent a Notice of Appeal and requesting his schedule be accommodated in setting the hearing date. See Exhibit J.
11. NDOW received the November 26, 2013, letter from Counsel on December 4, 2013. See Exhibit K.
12. Representatives of NDOW and Counsel for Felton agreed orally to a hearing date at the Commission's March 21, 2014, Commission meeting and such agreement was conceded in the open Commission meeting and is memorialized in writing in Counsel's Motion to Dismiss dated march 7, 2014. See Exhibit L, page 2 of Felton's Memorandum and Exhibits History.

## Conclusion of Law

Pursuant to NRS 501.1816.3, NDOW, not less than 60 days after NDOW determined that Felton had accumulated more than 12 demerit points properly notified Felton that his privileges were suspended for three years on November 14, 2013.

Pursuant to NRS 501.1816.4, Felton submitted to NDOW a timely written request for an appeal hearing before the Commission.

Pursuant to NAC 501.150.3, the Commission properly included the hearing in the Felton matter on the Commission agenda for March 21, 2014, having concluded that Felton had waived the holding of the hearing within 60 days pursuant to NRS 501.1816.4(b).

Pursuant to a unanimous vote, the Commission denied Felton's motion to dismiss and upheld NDOW's suspension of Felton's privileges.

**COMMISSIONER DREW MOVED TO ACCEPT TO THE FINDINGS OF FACT AND CONCLUSION OF LAW. MOTION SECONDED BY COMMISSIONER WALLACE. MOTION CARRIED 7 – 0. COMMISSIONER MORI ABSTAINED AND COMMISSIONER MCNINCH ABSENT.**

7 Mr. Rich Gibbons Sub-guide License Denial Appeal – For Possible Action

Chairman Robb called the hearing to order.

Commissioner Wallace recused himself from the appeal as he knows Mr. Gibbons.

Mr. Rich Gibbons said he blew through the application to get them in and has no excuses, and omitted the violations through an oversight, and he takes full responsibility. He answered questions from the Commission.

Chief Buonamici reviewed the exhibits as contained in the support material noting that he did not check the boxes denoting previous convictions on his sub-guide application. He said although these incidents occurred in 1979 it seems unlikely that you would forget that you were cited and violated probation and had a warrant issued for arrest. He said NDOW is not saying he never has a chance of being a subguide; however if he applies in a year or so and states the convictions the Department may be agreeable to licensing him.

Mr. Gibbons said on the application he did not see a place for California violations; the application stated Nevada convictions.

Rebuttal – none

Closing arguments:

Mr. Gibbons said he made mistakes and has paid for most recent and he is a grown up, knows right from wrong and if has opportunity to guide he would like to and will not deny any of the violations, and is moving on.

Chief Buonamici said it is important to note that the Department denied the application because when a guide is licensed it is putting the Department's stamp of approval on that person and the public has an expectation that they are of good moral character and he is not saying Mr. Gibbons is not of good character but if you fill out an application and don't correct it, that goes toward responsibility and we want responsible people out there, and he is recommending denial however next year don't have to deny, can approve it.

#### Commission Deliberations:

Chairman Robb said Mr. Gibbons can resubmit; the season is over for this year and suggested he complete a new application and resubmit.

Commissioner McBeath said the Commission needs to deliberate on this item and the Department has put forth the case and Mr. Gibbons has admitted to everything. There is no dispute here, and in his opinion, the Findings of Fact are simple as all allegations made by the Department were admitted by Mr. Gibbons as found by the Commission, and find that the Department acted within their discretion to deny his license on basic facts.

Commissioner McBeath stated the Finding of Fact, and Conclusion of Law: Mr. Gibbons admitted to not placing the convictions on the application and is simple for the Commission to conclude in its Findings of Fact that he did fail to properly fill out the application with omitting his past convictions, and pursuant to Conclusions of Law NAC 504.671.6, the Department had grounds to deny the application based on such failures and therefore the Commission upholds the denial of the application.

**COMMISSIONERS IN FAVOR: ROBB, DREW, BLISS, LAYNE, MCBEATH, MORI, AND YOUNG. MOTION PASSED 7 – 0. COMMISSIONER WALLACE ABSTAINED. COMMISSIONER MCNINCH WAS ABSENT.**

#### 8 Reports – Informational

##### A Traditional Ranching in Nevada – Boyd Spratling, DVM

Dr. Spratling, former Wildlife Commission Chairman and Nevada ranch owner, presented a power point presentation on traditional ranching and the benefits of ranching – see video.

Chairman Robb noted that Dr. Spratling is a cattleman who has the honor of also being a former chairman of the Wildlife Commission meeting and his work and efforts are much appreciated.

##### B Tag Allocation and Application Hunt Committee (TAAHC) – Chairman Robb

Chairman Robb said the committee met and the preliminary survey results were discussed and an early finding was hunters want to hunt every year, they want to see 30" bucks, and they don't like congestion. He said there has been no "ah ha" moment out of it. The survey results are preliminary and he asked Chief Haughian to take lead on discussion with CABMWs on specialty tag's process especially in sheep units and deer units in Lincoln County, and the impact on the resource. He said in years past the problem recognized and previous remedy taken by a former Commission to reduce bighorn sheep units from being shot out was closing the unit the following year. Chairman Robb said they are looking for the right ideas such as having a quota in the smaller units with rules similar to lion and bear hunts where you call in to make sure the

unit is still open and have to report harvest to close unit down so you don't have the risk of five animals being taken from one unit.

C Overview of Wildlife Harassment Laws – Chief Game Warden Buonamici

Power Point – Exhibit File

D Drought Condition Update and Expected Impacts on Fisheries – Chief Jon Sjoberg

Power Point – Exhibit File

E Sage-grouse Update – Secretary Wasley

Secretary Wasley thanked Dr. Spratling for his presentation and sharing his perspectives and said he has a great deal of respect for him and his family for the work they have done for ranching and wildlife, and the same respect for the Mori family. He said he is optimistic that we can work together as more can be accomplished when working together than separately. Sage-grouse comments were due late January on BLM sub-regional draft EIS and NDOW provided comment specific to the draft EIS which stirred up controversy and believes that was partly due to complexity of planning process. He said he will meet with Nevada Cattleman's Association's Board of Directors on March 31. He said the state's current primary task is development of Conservation Credit System (CCS) and the key is development of habitat quantification tool to determine baseline status of habitat on the range and determine benefits. He recently attended the North American Conference and part of that conference had an Sage-grouse Executive Oversight Committee meeting that had standing room only as many groups paying attention to sage-grouse as a very divisive issue. The Service is paying close attention to what the states are doing, and feel positive about the mechanisms in place to address threats, and he believes it will ultimately come down to confidence of U.S. Fish and Wildlife Service (USFWS) in those mechanisms and regulatory process to protect and conserve sage-grouse. He said today as a co-chair of the Executive Oversight Committee of the Bi-State he submitted a letter to USFWS regional director in Sacramento requesting comment period be re-opened to provide opportunity for more comment, and USGS provided new analytical techniques which have been used to re-evaluate four PMUs and have determined them to be stable and want the comment period re-opened to share that new science shared and are requesting delayed decision, as currently scheduled for October, and if approved the extension would go to April allowing time to address criteria and if we can demonstrate effectiveness could preclude listing of bi-state, and threats to bi-state are different than those to the Greater Sage-grouse.

Commissioner Drew said there is huge push to have review of BLM proposals and comments, and in regard to the state's plan at last meeting they finished bolstering the wild horse portion and although comment period closed, work continues on the plan. The livestock grazing portion was completed after comments due, and have been in major state of catch up. Conservation credit system framework has been approved but will be delving into mitigation, next meeting is April 8, in Carson City and need folks from different sides to express their position. Senators Reid and Heller have introduced "discussion draft of legislation" to potentially benefit sage-grouse and is formatted as lands bill with potential public land sales and is another component in play and have requested that be on future Sagebrush Ecosystem Council meeting agenda.

## F Department Activity Report – Secretary Wasley

Secretary Wasley said he will note the highlights: Incline Village General Improvement District (IVGID) put off action on trash ordinance until new manager hired. Game Division personnel attended banquets promoting auction tags - Nevada Heritage elk tag sold for \$125,000 at Rocky Mountain Elk Foundation banquet, sold deer tag for \$85,000, \$115,000 for bighorn sheep tag; and the elk tag went for \$155,000 at Safari Club International. Biologists have conducted helicopter surveys for elk, deer and pronghorn, and production of young is below last year but sufficient to maintain populations of big game and allow for some growth; Southern Region biologists reported successful transplant of 49 wild Rio Grande turkeys from Utah to Lincoln County. Eastern Region biologists coordinated with contractor to mark bighorn sheep and mountain goats and collect biological samples in Rubies and in East Humboldts, continuing multiple year disease surveillance study. Habitat staff have completed this winter's fire rehab efforts with over 17,000 acres being seeded in 2013 – 2014; staff are working with BLM on transfer of 62,000 acres of public land to state adding to Steptoe Valley; habitat staff updating CMP for Overton to minimize user group conflicts and expand opportunity; statewide water coordination efforts pending compliance with signage and fencing; working on meadow restoration efforts in Humboldt County; landowner incentive program LIP coordinator working on various restoration projects; mandatory AIS decal program began in January and currently 85 percent compliance for residents – nonresident compliance remains problematic. On the ground construction to improve Jiggs Reservoir with deepening and resealing work scheduled to be done by 2014; Boulder Reservoir in Washoe Valley improvements underway with completion fall 2014; work continues on improvement in Lake Mohave; water conditions have improved at Sparks Marina with studies indicating the oxygen levels have resumed to normal and the suspected fish die-offs cause was sudden temperature drop as lake turned over; Sheldon NWR coordination meeting attended and Sheldon will close roads if drought continues and waiver did not work for hunters; collaring bighorn sheep and staff are work with USFWS and others on unwanted pet tortoises in Clark County; domestic sheep are in with wild sheep in Santa Rosas; Eastern Region private land reseeded after fire and funding acquired due to mule deer and sage-grouse values 56,000 acres reseeded; tri-state elk meeting attended in Eastern Region; NDOW processing payments for OGT cases; NDOW moving forward with law enforcement's reserve program; warnings issued to persons feeding big game in Carson County; and the Department has many vacant game warden positions.

## G Trapping Committee Report – Commissioner David McNinch

Chairman Robb said Elko meeting well attended with about 70 people, the committee had 3 - 2 vote to keep 96 hour trap visitation in rural areas due to distribution of trappers; Reno meeting well attended and had another 3 – 2 vote on calendar day trap check period in conjunction with associated map of western Nevada. Anything west of 395 was covered on map with shorter duration of trap check time. New people attended expressing concern with dogs trapped on private land without permission to trap, very concerned.

Commissioner Drew said the committee plans to deliver recommendations to Commission all at one time and will hold one more meeting in Las Vegas April 5.

Chairman Robb said maps will be discussed there and that is a starting point and due to conflicts that have come to his attention the Reno map may grow. He spoke to Chief Buonamici that with number of pets being caught on private lands, he does not like that activity, and will have review of demerit points to consider adding that action to demerit points. Another is increasing demerits for trap visitation with a new graduated system for that.

Commissioner Layne said she received comments and the maps will probably change.

Chairman Robb said the committee plans to come from Las Vegas meeting to provide staff with direction to draft regulation and noticing/posting regulation to have ready for the June Commission meeting.

H Litigation Report – Deputy Attorney General Harry Ward

Exhibit file

I Bighorn Sheep Management Challenges – Game Division Staff Specialist Mike Cox and Dr. Peregrine Wolff

Powerpoint – Exhibit file and video

9 Commission General Regulation – Workshop – Public Comment

A Commission General Regulation 416, Shed Antlers, LCB File No. R155-12 – Chief Game Warden Buonamici

Chief Game Warden Buonamici said the regulation provides a season for removing shed antlers from the field and would suggest to the Commission a wording change, instead of “removing from the field” to put “collecting.” Which will address stockpiling issues out in the field, and the regulation as written requires a hunting license.

Public Comment -

Randall Stoeberl, Elko, said he supports having a late winter season as herds are pressured during the wintertime, and elk and deer need to keep fat reserves and not be pushed around by shed antler hunters. He favors a season on taking shed antlers.

Jason James, Elko, said he agrees with Mr. Stoeberl especially in years with late winters.

B Commission General Regulation 430, Guide License Changes , LCB File No. R053-13 - Chief Game Warden Buonamici

Chief Buonamici said the regulation was heard yesterday and in a workshop in Las Vegas where suggestions were made for due dates for documents be consistent which was addressed along with the habitual violator with the time changed to three or more convictions within a seven year period. He said the Nevada Outfitters and Guide’s Association (NOGA) representatives are present to offer their comments.

Public Comment -

Henry Krenka, President NOGA, said they have nothing to add and are good with how the regulation reads.

Shannon Ireland, of Clark County, said she is a licensed trapper who has had many problems with people tampering with her traps. She is a victim and scared for her life since trapping incident where both parties involved had weapons and since then a criminal investigation is underway. She said she feels targeted and knew nothing of this political part of trapping.

Jason James, of Elko County, said with the map, that he is against proposed areas for closure of trapping as will create financial burden for landowners and financial burden will fall on the state as many trappers volunteer and the alternative will be to pay federal trappers. He said the maps are the start of banning trapping in the state. He said it is very important for the trappers to ethically trap for the benefit of future generations.

Randall Stoeberl, of Elko, said basically on the map the red areas are off limit to trappers, and in his opinion private land in the red areas should be exempt from 24 hour check and should be left alone as no one from the city should dictate what a rancher does on his land. He said in Damonte Ranch area in Reno you have more coyotes then out in rural areas due to many food sources and he feels personally that is discrimination due to seasons and if locked off that is discrimination as they are part of the public usage and compromise with no pets allowed on trails unless they are hunting dogs. Responsible trappers should be able to utilize public grounds the same as others and asked judgment not be passed on trappers due to poor actions of a few.

Chairman Robb said private property will be exempted from rules for reasons expressed.

Greg Smith, Reno, Nevada Bighorns Unlimited, said Nevada Bighorns Unlimited is pleased NDOW and NCA working to resolve their issues and support NDOW in sound science.

Bill Miller, of White Pine County, representing himself said he has been dealing with shed antler issue in White Pine County and attended the recent CABMW meeting and although the CABMW approved Department regulation, the consensus of the crowd of 40 – 50 people was different. He said he and a White Pine county commissioner request that more time be allowed to go over the issues. Lack of law enforcement is number one cause of habitat degradation and there is no BLM law enforcement in White Pine and Lincoln.

Trevor Walch said in regard to presentation on ranching and NDOW with livestock producers and the mycoplasma, that it is imperative that someone from Nevada Woolgrowers be involved in these issues.

Meeting Adjourned 7:38 p.m.

Saturday, March 22, 2014 – 8:30 a.m.

11 Call to Order, Roll Call of Commission and CABMW Members – Chairman Robb

Chairman Robb called the meeting to order at 8:51 a.m. Eight Commissioners present: Robb, Drew, Bliss, Layne, McBeath, Mori, Wallace and Young. Commissioner McNinch excused absence.

CABMW Members present: Kevin Strozzi, Nye; Glenn Bunch, Mineral; Gil Yanuck, Carson; Sean Shea, Washoe; John Reed, Washoe; Rex Flowers, Washoe; Mitch Buzzetti, Elko; Miles Humphreys, Washoe; and Joe Crim, Pershing; Cory Lytle, Lincoln; Paul Dixon, Clark; Brad Johnston, Lyon; and Craig Burnside, Douglas.

12 Approval of Agenda – For Possible Action

Public Comment –

Darrell Harwell advised that this is supposed to be the meeting where the Commission selects the duck stamp contest sponsor.

**COMMISSIONER MCBEATH MOVED TO APPROVE THE AGENDA. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 8 – 0, MCNINCH ABSENT.**

13 Member Items/Announcements

Commissioner Wallace said that the Predatory Animal and Rodent Committee (PARC) meeting ended up being an informational meeting with another meeting scheduled later.

Commissioner McBeath said yesterday the Commission dealt with two appeals and he was frustrated with the amount of time that the appeals took causing the Commission to not have enough time to deal with its other agenda items. He said he heard other departments have a dedicated hearing master and he suggested some mechanism be looked into to allow sufficient time for the other agenda items.

Commissioner Young and Chairman Robb agreed that way too much time was spent on the appeals.

DAG Ward said NRS and NAC would have to be changed to have a hearing office.

Chairman Robb thanked Truckee Meadows Community College for the meeting facility and the videoconferencing capability.

14 CABMW Member Items –

Paul Dixon, Clark CABMW, said he would like to acknowledge that in Clark County Jana Wright and Stephanie Myers have also advocated for videoconferencing and he asked for a future update on Overton Wildlife Management Area Conceptual Management Plan.

Brad Johnston, Lyon CABMW, said he was present for yesterday's hearing and as an attorney he had great sympathy for all parties and the different roles involved and he urged that a second DAG be present for the hearing so that there is an advocate for the Department.

Mitch Buzzetti, Elko CABMW, thanked the Trapping Committee for meeting in Elko and at last advisory board meeting the board moved to leave trapping regulations as is. Many trappers wanted all parties to have a meeting and maybe have something on a website to show what to do if a dog is caught in a trap, provide education for the trappers and the public.

Commissioner Drew said there has been a request to the Trapping Committee to have an education item on its agenda and believes that will be done at the Las Vegas meeting.

Miles Humphreys, Washoe CABMW, said it has been brought up before that wild horses are on the Scripps Wildlife Management Area and the Washoe CABMW wants the issue on an agenda for action before wildlife nesting season begins.

15 2015 Legislative Session Overview – Management Analyst 3 Kim Jolly – Workshop/Public Comment Allowed

MA 3 Jolly presented a PowerPoint presentation on the legislative process for NDOW, agency prepared bill draft request conceptual summaries, and examples of forms used. MA 3 Jolly said at the May meeting she hopes to have bill draft request (BDR) information available (material reviewed and shown available in support material exhibit file).

Commissioner Layne asked who will handle the trapping legislation as Trail Safe brought Senate Bill 213 forward.

Chairman Robb said he is not sure of the answer as everyone expects trap registration issue to be in the next session but is up in the air who will be the bill sponsor.

Commissioner Layne said during the last session she had been appointed to the Commission and at that time it seemed that the Commission was behind on legislation. She said in Southern Nevada there is a Southern Nevada forum that has already started meeting in anticipation of the 2015 session and with the timeframe laid out here. She asked if Legislative Committee should be meeting sooner.

Chairman Robb answered Commissioner Layne that Commission members do attend Natural Resource Committee meetings but are not able to provide a formal position by the Commission because no time to vote and that will occur in every session as the Commission does not meet often enough.

Public Comment –

Jana Wright said she would like the Department to be proactive on a BDR to clean up trapping regulations such as trapping identification which would be a good-will gesture on behalf of the Department.

Stephanie Myers, Lee Canyon, said Senate Bill 213 passed except for one clarification of not including mice and gophers and that is perfect vehicle for the Commission to act proactively.

Fred Voltz said in regard to the length of the appeal hearing, that a template that may work is the Public Utilities Commission, as they have hearing officer and he noted that four hours were spent on re-determining facts and trapping has been more trouble than it is worth.

16 County Advisory Board to Manage Wildlife Budgets – Deputy Director Cates and Finance Committee Chairman Gil Yanuck

Deputy Director Patrick Cates and Finance Committee Chairman Gil Yanuck reviewed the CABMW budgeting process (material reviewed and shown available in exhibit file).

## **County Advisory Board Budgeting Process**

### **Authority**

**NRS 501.310 Fund for advisory board.** There is hereby created in each of the counties of this State a fund for the advisory board. The fund must be kept in the county treasury, and all money received from the Department must be placed in the fund.

### **NRS 501.320 Budgets.**

1. Annually, not later than May 1, each board shall prepare a budget for the period ending June 30 of the following year, setting forth in detail its proposed expenditures for carrying out its duties as specified in this title within its county, and submit the budget to the Commission accompanied by a statement of the previous year's expenditures, certified by the county auditor.

2. The Commission shall examine the budget in conjunction with the Director or a person designated by the Director, and may increase, decrease, alter or amend the budget.

3. Upon approval of the budget, the Department shall transmit a copy of the approved budget to the board, and at the same time withdraw from the Wildlife Fund Account within the State General Fund and transmit to the board the money required under the approved budget for disposition by the board in accordance with the approved budget. All money so received must be placed in the fund for the advisory board.

**NRS 501.325 Duties of county auditor and county treasurer.** The county auditors and county treasurers in the respective counties are responsible for the safety and preservation of the fund for the advisory board in their county to the same extent as they are in respect to all other money in the county treasury. They shall observe and are bound by the approved budget governing the disposition of the money and shall report their actions currently in connection therewith.

### **Purpose**

- Fund travel for CABMW chair or substitute to travel to NBWC meetings
- Fund workers comp insurance for CABMW chair for attending NBWC meetings
- Fund any other necessary operating expenses for the CABMW where applicable

### **Timeline**

- Mid -March – NDOW distributes notices and worksheets to CABMW chairs and counties for reporting (done)
- March 22 – CABMW Workshop
- May 1 – CABMW budget requests due to NDOW
- May 30 – County expenditure reports due to NDOW
- June ? – Finance Committee CAB budget review
- June 20-21 – Commission approval of CABMW budgets for FY 2015
- July 1 (start of FY 2015) – Distribution of funds to counties pending final reconciliation of county expenditures for FY 2014

Public Comment - None

- 17 Fiscal Year 2016 and 2017 Budget Overview – Deputy Director Patrick Cates – Workshop/Public Comment Allowed

Deputy Director Cates reviewed the Department's preliminary budget concepts and budget processes (material reviewed and shown available in exhibit file).

## **NDOW FY16-17 BUDGET REQUEST PRELIMINARY BUDGET CONCEPTS**

1. **Urban Bear Management & Education** – Enhance bear education and provide additional resources for urban bear management, particularly in the Tahoe basin. This was pursued in FY14-15 with a request for General Fund, but was cut by the Budget Office. As a general public issue, General Fund allocations would be appropriate for this initiative.
2. **Licensing Process Streamlining** – Develop phone apps and enhance online sales. Replace license agents with kiosks. Improve efficiency, enhance sales, and generate fiscal savings.
3. **NDOW Scientific Database** – Provides funding to create an IT and science infrastructure within NDOW to digitize NDOW historic data and create a database for ongoing updates via the web and analysis of NDOW science based data – big game surveys, collar data, habitat surveys, hunter surveys, and other geospatial data – into a unified, queryable database. Costs would include IT equipment, professional contract services, and staffing and can be funded with existing NDOW funds. TIR would be required.
4. **NDOW Headquarters Consolidation** – Fulfills need to bring together all NDOW headquarters staff to one location. One option is to seek funding for a minimum of \$400,000 in facilities improvements to UNR CABNR building at 1000 Valley. Another option is to lease private office space in Reno for all of NDOW headquarters personnel and repurpose 1100 Valley Road as solely the Western Region office and utilize the space for additional meeting rooms, reallocate western region personal and provide overflow space for seasonals and personnel visiting from other regions.
5. **Non-Motorized Water Craft Registration** – Charge registration fees for in-state non-motorized water craft (canoes, kayaks, paddle boards, etc) to provide funding for Boating Safety activities already being performed by NDOW for this growing group of water users. Requires BDR.
6. **Spanish Outreach & Marketing** – Translate existing materials/signage, developing marketing campaigns using print, radio, and possibly television advertising on Spanish language channels in an effort to recruit new license holders.
7. **Mining Program** – expand mining fee beyond gold mines (can be done through NAC). Ensure cost recovery for NDOW mining related project review. Provide continuing funding for mining industry supported wildlife projects. Potential to provide on-going funding for SEC. BDR needed to clarify use of fees, make clear to whom it applies
8. **Elk Damage Program** – Review program for effectiveness and sustainability
9. **Restricted Funds Enhancements** – technical change to fully fund potential expenditures of restricted funds such as Habitat Conservation Fees, Duck Stamp, Upland Game Stamp.

10. **Capital Improvement Projects** – Las Vegas Multi-Agency Building, Ely Office Expansion, Reno Headquarters/Western Region building
11. **Question 1 Reauthorization** – Both authority to sell remaining \$3 million in bonds under current law and a new law to authorize more bond sales in the future. Some possible uses – CIPs, Cave Lake and other dam repairs, lands acquisitions, easements, and habitat projects. Requires BDR.
12. **NDOW NRS Cleanup** – Several technical changes necessary to clean up language clarifying the disposition of NDOW funds and their uses. As the result of implementation of NDOW’s budget split last biennium, several changes were made to NRS regarding the referencing of fees, their uses and to which accounts they are deposited. Some errors and inconsistency in language resulted. This BDR would correct those issues.

Commissioner McBeath said the Commission needs to keep on revenues in mind, as the Department has not had a fee increase since 2003. He said we have had increases in Pittman-Robertson funds due to the Obama “bump” and if we did not have that we would be in tough situation. He said the Department should get a handle on those funds and the impact, in case fee increases are needed in the future and to be prepared to go to the legislature as our constituency would probably support it as would possibly the Governor’s Office as they may have different view if end users are in support.

Commissioner Layne asked that the web interface be a priority as the Department needs to do better and have phone apps for electronic devices. She said she is interested in Spanish outreach and marketing, and suggested that focus groups be set up before you try marketing to the Spanish language segments and see what other states such as California have done in terms of reaching out to that community before you market to them. She said looking 20 years down the road this will be a huge issue for the agency.

Secretary Wasley said following up to Commissioner Layne, that specific to the scientific database, he agreed with what Commissioner Layne spoke to and the problem with putting it in a web interface, is that it does not exist in that format currently and this would be focused in making it added to a web interface for education and outreach but for comment on documents and for industry to use as a decision-making tool similar to NV CHAT. As far as Spanish outreach and marketing she is exactly right on the focus as there are national groups such as WAFWA and AFWA where a number of efforts underway and is common theme throughout the associations’ meetings who are working on the Spanish language issue and implementation.

Chairman Robb supports NDOW headquarters consolidation and although \$400,000 is a large expenditure the money will be well spent to insure communication and interaction between staff.

Commissioner Layne said as far as urban bear management which is a critically important issue, and that on the issue of trash and how we handle all this human waste product in terms of dealing with wildlife, and have similar issues in Southern Nevada with people feeding coyotes and bringing them in the urban core, and need to figure out how to broaden that issue to deal with people feeding wildlife and how we handle trash and the impacts on wildlife.

Public Comment -

Mr. Fred Voltz said item #10 on the list concerns him as so many vacant commercial buildings in Las Vegas and Reno that before any consideration be given to building something new, there

needs to be exhaustive look at what is available and how it can be retrofitted and whether or not it is a single agency or shared building.

Cathy Smith, Reno, said it is great that the Department is looking forward to broadening their base of support, and wants to remind everyone that all agencies want to do the same and change with values of public and until the public who is interested believes that you are doing what is best, does not know if the agency will get a lot of support. She said hounding is widely shown to be disapproved of by the general public and most hunters actually, and will have to reach decision to anger the 5 percent of the hunters or less to come more aligned with values of general public before you gain that support.

18 Fiscal Year 2015 Draft Predation Management Plan (Second Draft) - Commissioner McBeath – For Possible Action

Commissioner McBeath reported on yesterday's meeting: Four new projects added to the plan, which were three sub-projects under Project 22. The committee recommendation was to approve all the projects but allocated different amounts to allow the Department to possibly reallocate funds of 22 – 074; the committee recommended that the form come back to the May Committee/Commission meeting for revision along with funding amounts. He said no one from Wildlife Services was present at their meeting, and they spent considerable time discussing plan format and information in the plan, and determined NDOW biologist responsible for particular project design and important to review projects at the beginning and then when the report is submitted so it can be determined if the project performed, and that would increase the details of the plan and the size of the document.

Commissioner Bliss said at the meeting in May the committee recommendation will be brought to the Commission and CABMWs, and the Department will have the month of June to prepare the final document for the June meeting.

Commissioner Layne said the policy states funding for education and there is really no education project per se, and that is something we will have to look at, as that is important part of this. She said the other issue is are we looking at what the goal of the project is and did it accomplish what was set out, to look beyond number of predators killed to see if desired result was obtained. Those were important discussions that took place.

Commissioner Bliss said he would add as far as educational program, is that in the landfill project, education was tied into those projects already and funding available to do that and this leads right back to what Mr. Buzzetti said about education and this could be similar to what he said.

Commissioner McBeath said there are two education projects in the wings and with reconsideration of Project 22-074, that is a consideration when spending to see if that is ready, and with new plan structure that we will be seeing in May he believes there will be a substantial education process going on for a while.

Chairman Robb said compared to one year ago where we were broke with this issue and he feels a whole lot better than what occurred one year ago.

Secretary Wasley said for the record that he had several meetings with Wildlife Services and they were invited to yesterday's meeting and today's, and he expects that they will provide input to budgets and will ultimately sign off on this.

Public Comment -

Jana Wright, Las Vegas, said she will reserve comment until the plan is out in May, but would comment on Project 22 - 01, 22 - 074, 22 - 205 and 207, that she objects to the language on predator removal of lions in close proximity to bighorn sheep populations, as we don't know according to this back-up that there is a problem, and has no problem with spending money to collar a bighorn sheep but just to remove lions that may be a problem is something she objects to.

Randall Stoeberl, Elko, said he has comments on Project 35, "Using Genetic Testing to Identify Origin of Red Fox," page 32, in the second paragraph there is a study by Utah Biologist Ken Bunnell mentioned, and he has trapped red fox for NDOW and has been doing that for the past five years, and is hoping the study will help with that as well. Red fox population has increased, and may be of non-native origin and his opinion is a "red fox" is a "red fox" and that they are genetically the same.

Dave Gowan, Elko, asked to pose the question, is the red fox study and intention of it, to identify isolated species so we have another threatened species on our hands, or is it something useful to help us maintain their livelihood in rural Nevada because of sage-grouse issue which is what the question Mr. Stoeberl is trying to pose, and he is asking himself as well.

Don Molde, Reno, said last time he checked, trappers caught 68 red fox in the last decade, and does not think we have been inundated with red foxes. He appreciated Commissioner McBeath's comments about wondering whether any of these projects work, and he reminded the Commission of examples: Project 18 in Granite Range cost over \$800,000 over the last 10 years, and killing a coyote on that project costs about \$650 an animal, the same cost as transplanting one bighorn sheep from one place to another, and the project produced nothing in terms of increased deer populations. Another project was the East Humboldt's Secret Pass Project around \$1.5 million dollars producing no benefit to mule deer, and Project 14 and 15 Pioche/Panaca was another \$1.5 million dollars that successfully tripled coyote litters, with no results for deer, and you all already know that. He said by the way mule deer numbers have been flat over the last decade. In respect to raven poisoning no evidence that works, and USFWS estimates Nevada raven population to be at 190,000 and makes him wonder if poisoning is worth doing. In conclusion, it concerns him that Wildlife Services is back in good graces of Department and he recently sent information to the Commission that Wildlife Services performance on Project 18 in Granite Range on mountain lion check-in was disgraceful and hopes that if Wildlife Services comes back that they will make effort to follow rules and regulations.

Mitch Buzzetti, Elko CABMW, said he had a question on Project 22 - 074. He understood that disease event but did not understand why issue suddenly came up, and asked for clarification from Director Wasley. They had concern at meeting due to red fox not sure if hunting another endangered species and does not think we need to search out and find another.

Secretary Wasley said overall justification for project is that we have migratory herd out of Jarbidge that moves east for winter and the lions follow them and deer then go back in the summer range in spring and idea is we have depressed sheep population in there and we are trying to look at the lion predation as a threat to that bighorn population which is already depressed due to previous pathogen issues and with diseased herd and if lion stays that is posing a significant threat to an already depressed bighorn sheep population. He said he

attended the WDMC meeting yesterday which was the first time he was made aware of this and not sure if it was specific to 205 or 074.

Sean Shea, Washoe CABMW, said the plan is much improved from last year and they approved the plan but had problems with a few of the projects. Wording should be “problem” lion instead of “close proximity” as there has not been one lion taken near bighorn sheep herds in Virginia City.

Trevor Walch said he attended the WDMC and is grateful for amount of time spent to get Policy 23 done and the plan to where the sportsmen will see an appreciable benefit. He said when it comes to Predation Management the main purpose was to increase opportunity and would impress on the Commission that value of project is weighted against benefit – not number killed.

Walt Gardner, NOGA, said overall happy with plan but would not spend money to scrape rabbits off the road but commends the commission.

Brad Johnston, Lyon CABMW, approved plan as proposed, and had discussion on sage-grouse projects and they particularly like Project 33. Public input taken was that going forward they would like habitat restoration in conjunction with raven control. He said it could be denoted in plan of other efforts underway in project area so that the public is aware – education.

Secretary Wasley said considerable discussion on this as it relates to sage-grouse last week and the USFWS is currently in process of developing a conservation effort database with respect to sage-grouse to look at everything being done in terms of conservation easements on private land, habitat manipulation, predator control, and they can have it all in a spatially attributed database to evaluate the listing process based on all of those conservation actions.

Paul Dixon, Clark CABMW, said they approved the plan 6 – 1. Mike Reese did not support the motion due to the fact that Project 25 was continuing to be funded, and Mr. Reese’s written comment was sent to Commission. His personal comment as private citizen is that we heard today that we need more plan detail, and although that is good, he thinks we are missing the boat by stating we want to educate here, as when Department starts to build the plan they should bring in people like Karen Layne and others at the beginning rather than the end, so you would have grassroots buy-in from the ground up. Dr. Molde mentioned no point in poisoning ravens and his point is that the project is surgical in where eggs deployed as known predation and there is benefit to sage-grouse.

Henry Krenka speaking for himself said he supports Mr. Walch’s comments,

Commissioner McBeath said in response to comments that in the past he questioned a lot of the projects and much had to do with not understanding and having to see how the projects were designed, and goals set and project itself being analyzed. He said he has withheld all of his comments on project specifics, and has worked over last year to create the process by which the projects will be designed and report on to provide the ability to objectively analyze them and open it up to show accountability for expenditure of sportsmen’s dollars on this program. Commissioner McBeath said he hopes the result is either a prescription for a successful project to show benefit or ultimately conclude that a type of project does not work, and will take time such as years before those conclusions reached. His goal is that what has been put in place gets us there.

Commissioner Mori agreed that the process is further along and he does see concern for the first time that we would lose sight of what this fund was intended for and they went through the NRS as to what the money could be used for and today it was obvious that there was confusion as to what we were doing with this money and that is why he thought good idea when developing the policy at that meeting to put a percentage as target as to how we spend these funds as we have other funding sources but this fund is to take care of a specific portion of our goals in the big picture. If we have a habitat project where in certain cases predation could be an influencing factor that is what this money is used for, and is the only thing in the process that we have taken a step back away from that.

**COMMISSIONER MCBEATH MOVED TO ACCEPT THE RECOMMENDATIONS OF THE PREDATION MANAGEMENT COMMITTEE THAT HE PREVIOUSLY OUTLINED AND ALL KNOW WHAT THOSE ARE: BASICALLY TO INCREASE THE DETAIL OF REPORTING IN THE PLAN AND TAKE INTO ACCOUNT FROM COMMENTS ON THE PROJECT REPORTING AND WON'T GO INTO ALL THE DETAIL BUT TO TAKE INTO ACCOUNT THE RECOMMENDATIONS OF THE COMMITTEE AND WOULD LIKE TO ADD TO THAT IN PUTTING TOGETHER THE PLAN THAT WE MAKE AN ATTEMPT TO DISCLOSE AND IDENTIFY ANY RELATED PLANS, PROJECTS THAT ARE RELATED AND MAY HAVE AN IMPACT OR RELEVANT TO ANY PARTICULAR PROJECTS. COMMISSIONER LAYNE SECONDED THE MOTION. MOTION CARRIED 8 – 0 WITH COMMISSIONER MCNINCH ABSENT.**

19 Duck Stamp Committee Report and First Reading of Commission Policy #50, Duck Stamp Procedure – Commissioner McNinch and Conservation Education Chief Teresa Moiola – For Possible Action

MA 3 Kim Jolly presented the first reading of Commission Policy #50 Duck Stamp Procedure and reviewed the changes (exhibit file).

Public Comment -

Vice President Daryl Harwell Nevada Waterfowl Association (NWA) said his organization worked with the Department and support Policy 50 as written.

Commissioner Drew said the committee discussed the contest sponsorship at their meeting and he understood that no other sponsorship request was received and under existing policy the state can actually find an organization and with NWA doing such a great job it has defaulted to them and whether it needs to be on a future agenda should be discussed at some point.

**COMMISSIONER DREW MOVED TO APPROVE THE FIRST READING OF AMENDED POLICY 50 BASED ON THE HANDOUT THAT WAS PROVIDED LABELED P-50 PROPOSED CHANGES WITH DUCK STAMP COMMITTEE CHANGES FROM MARCH 7, 2014, MEETING. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 8 – 0, COMMISSIONER MCNINCH ABSENT.**

20 Bear Committee Report – Commissioner McNinch – For Possible Action

Commissioner Drew reported that the Bear Committee met Feb. 21 and stated the agenda items from the Bear Committee agenda and said the next Bear Committee meeting is scheduled for April 11 in Reno where the NACs will be discussed and that nothing from the committee was slated for action today.

Chairman Robb said the committee has four members and currently the committee has many 2 – 2 votes but he will not reappoint another member at this point so late in the game and the plan is to bring the topics with the 2 – 2 votes back to the full Commission. He said the 2 – 2 votes portray accurately the discussions the committee has had, and the record reflects that.

Public Comment –

Randall Stoeberl, said bears need to mortally fear people as the alternative lets them become nuisances. He cited an article, Predator Extreme, read statement and cited article from Valerius Geist (exhibit file) and provided written statement (exhibit file).

Cathy Smith said there were inaccuracies in statement data as it does not show hunt has effect on bear/human conflicts as there are several studies such as one in Wisconsin where 40 percent of bears removed and no effect on bear/human conflict. We kill bears that are not disturbed by humans and with wild animals we kill docile animals and the question is whether we will eventually get more aggressive bears in the wild.

Rich Sandoz said he supports committee actions and on the 2 – 2 votes it should stay as no action and if action taken on those 2 – 2 items notice should be given as to where that will be so comment can be provided.

Don Molde said no human/bear incident in Nevada/California and previous speaker (Stoeberl) mentioned in article he cited a Professor Herrero from Canada as the premiere expert and he recalls that study work was in Jasper National Park dump, and he looked at 762 human bear interactions and Herrero did not see one adverse bear human event at Jasper dump.

Paul Dixon, Clark CABMW, asked if Bear Committee meeting minutes could be prepared sooner because the CABMWs need to know actions taken to provide their comment.

#### 21 Commission Regulation – Adoption – For Possible Action – Public Comment Allowed

Chief Buonamici said the regulation sets a season for taking sheds from the field, and the season is April 15 to December 31.

Public Comment -

Jana Wright thanked the Department for putting welfare of animals foremost and hopes that mindset continues as 96 hour trapping visitation and hounding bears as they prepare for winter are discussed.

John Reed, Washoe CABMW, said the Washoe CABMW was unanimously opposed, and he read a statement with his own position opposing the regulation (exhibit file).

Sean Shea, Washoe CABMW, representing himself, said the Commission should vote this down, because if situation is about harassment, law enforcement needs to enforce the laws, and situation is different in Washoe County then Elko. He asked what the state's biologists will do when they come across a shed in the field. He said he is totally against the regulation.

Kevin Strozzi, Nye CABMW, said the Nye CABMW was unanimously in support due to harassment of wildlife in Nye County and collection season for antlers is a good idea.

Walt Gardner said he has several problems with this, as anyone who finds antlers is breaking the law and are denying them the ability to pick up sheds. The horn is a mineral deposit like a rock. He could see a season but not a hunting license.

Mitch Buzzetti, Elko CABMW, said had great debate at their meeting and they supported Department recommendation with change of requiring a license for nonresident shed hunters as it is the commercial collectors from out of state who are picking up the most sheds for money.

Cory Lytle, Lincoln CABMW, said they voted to support the regulation and appreciate change from take to collect and would like a comprehensive review in two years. He said times have changed and need to adapt to change and although this may not be occurring in the whole state, it is occurring in Eastern Nevada as a recreational activity. Horns are valuable and a marketable commodity and are a product of the resource. Shed antler hunters are out there every day and he invites anyone to come down and will show them. Hunting license is first step to harness the nonresidents as they are the majority of the shed antler hunters in Lincoln County. He feels the majority of collectors are already big game hunters who have their hunting license and this is a good start somewhere. The wildlife resource is being affected and need to take a serious look.

Paul Dixon, Clark CABMW, said the board supported the license and the season, and had concerns with persons being cited for picking up sheds while on a walk, and they believe although there will be leniency and officer discretion in the beginning, then over time you hone that in. Keep regulation as simple as possible and will learn more as time progresses and as stated earlier you need to have officers present.

Craig Burnside, Douglas CABMW, said during their discussion concerns and questions on whether the goal of the regulation is for protection of wildlife and they had questions on requiring a license. They concluded that the hunter education requirement when buying a license was good as wildlife ethics are taught and the Douglas CABMW supported the regulation.

Brad Johnston, Lyon CABMW, said similar discussion at their board, and thought the regulation could be simplified with prohibition of collecting shed antlers from Jan. 1 to April 14. He said they did think a hunting license should be required and had much comment on off-road vehicles being used off of roads to collect shed antlers and thought that needed to be examined in context of regulation if goal is protection from harassment and laws already exist. He said they were concerned with officer discretion in the future.

Cathy Smith, Reno, said Ebay lists a shed elk antler for \$600 and collecting shed antlers is a big business and people who collect the wildlife should have to give something back.

Tom Cassinelli, Humboldt CABMW, said they had split vote and everyone in audience realized problem and one-half felt current harassment laws could be used; and one-half thought season could be Feb. 1 instead of the January date.

Joe Crim, Pershing CABMW, said they voted to go with Department recommendation on season but do not support requiring a hunting license.

Bill Miller, White Pine, said during Coordinated Resource Management Steering Committee meeting BLM and USFS thought this was a issue and thought the only way to handle it was to keep the public completely off winter ranges. Many felt that was not right thing to do and they asked that sportsmen be allowed to come up with something better. He attended White Pine CABMW meeting and consensus in the room was to continue to allow us to do it and a way to fund it. The majority of shed hunters probably have a hunting license and a warden stated 85 percent do have a hunting license. He said if voted to push through, it won't work as no money will be generated to enforce the law.

Public Comment Concluded –

Commissioner McBeath asked questions of Chief Buonamici regarding requiring a hunting license in a situation that is not the hunting of wildlife.

Chief Warden Buonamici read NRS 502.010 which covers the hunting license requirement with the nexus being shed antlers fall under jurisdiction of Department/Commission and can a hunting license be required.

Commissioner McBeath said he sees conflict with the definition and shed antlers being needed to be pulled into definition to synch and or add language "part thereof."

Chairman Robb said years ago when he was on the Commission this issue was brought up and in the past shed hunting was a legitimate family activity and since then we have moved away from that, with it becoming a commercial enterprise that has driven families away as the sheds are gone due to the commercial pickers and he has heard anecdotally that there will be increased family activity again if this regulation is put in place, as it will put people on an even playing field and he will support the regulation.

Commissioner Drew asked if Humboldt CABMW recommendation could be incorporated as it states "inclusive, of the calendar year in which the Department issues the hunting license." He said he understands the need for a season and is uncomfortable with hunting license requirement, and suggested wording change to "a person may collect..." Lastly, any time there is a regulation change, education needs to be included, and he asked what type of plan will be in place to educate the public.

Chief Buonamici said the plan will be similar to what was put in place in 2008 to advise persons of the new regulation and that effort cost \$28,000; however we do not have the money for that today.

Commissioner Bliss wanted to make it clear as Mr. Miller stated the consensus in White Pine County was not to require license but the White Pine CABMW did support the document as written. He said he would support this document as is because the wildlife are in those places at that time because it is the best feed conditions and when an animal sheds antlers and when collectors collect it that runs the animals out of that spot. He said that creates two conditions as they are pushed to area with less feed and have added stress as these animals have just went through a rut, survived the winter and are trying to build up their body condition and they need to be left alone for a certain time of the year as that is crucial. As far as hunting license, the hunting license does require education and believes we could allow word to get out in hunter safety course and understands the other Commissioner's concerns and would like it to be clean

and make sure no issues down the road as the regulation is needed as he has seen it and is good starting point.

Commissioner Wallace shared Commissioners' Drew and McBeath's concerns with requiring a license and said the season is prudent and needed.

Commissioner Young said not sure we are ready factually and supports season but hung up on licensing and does not want Utah folks to take anything commercially. May need to work on this and believes comments that have been made, but needs more information on law enforcement aspect.

Commissioner Mori asked if it would create problem in enforcement to insert word "hunt," as it is ironic that people we want to target are those that are "hunting" sheds not those "picking up." He said he has members of his family that don't hunt on his ranch and have on occasion picked up sheds before running farm equipment which could be viewed as collecting antlers which happens during the prohibitive period but could happen. Chief Buonamici read the definition of "hunt."

Further Discussion on shed collection permit (audiotape 2:38 p.m.) and a motion was made and withdrawn by Commissioner Layne.

Commissioner McBeath suggested this possibly be pushed to June meeting because he believes many good comments made and would like to explore commercial aspect. He supports the regulation minus the license issue.

Commissioner Drew said previously removed commercial collection and he sees this as a small step starting with a season and he does not support requiring a license.

Chief Buonamici suggested with word "collect," he would suggest removing words "from the field" as that puts us back in same dilemma as element of crime has to be removal from the field.

**COMMISSIONER LAYNE MOVED THAT WE ACCEPT THE REVISED PROPOSED REGULATION LCB FILE NO. R-155-12 TO READ IN SECTION 1 TO READ AS EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION A PERSON SHALL NOT COLLECT SHED ANTLERS. SECTION 2 WOULD READ A PERSON MAY COLLECT SHED ANTLERS FROM THE FIELD FROM APRIL 15 TO DECEMBER 31 INCLUSIVE OF THE CALENDAR YEAR. COMMISSIONER MORI SECONDED THE MOTION. MOTION PASSED 8 - 0, COMMISSIONER MCNINCH ABSENT.**

21 B Commission General Regulation (CGR) 430, Guide License Changes, LCB File No. R053-13 – Chief Game Warden

Chief Buonamici said CGR 430 was discussed during a workshop at the January/February Commission meeting and yesterday, and of the public comment received 100 percent was in support of regulation as written.

Henry Krenka, NOGA, thanked the Commission for their time and said we are on the right track.

Public Comment –

Sean Shea, Washoe CABMW, said the only problem they had was date conflicts as some stated “end of May” and others stated “May 31” and asked that the dates be consistent, such as “last day of the month.”

Tom Cassinelli, Humboldt CABMW, said they supported the regulation in a 5 – 0 vote.

**COMMISSIONER WALLACE MOVED TO APPROVE COMMISSION GENERAL REGULATION (CGR) 430, GUIDE LICENSE CHANGES, LCB FILE NO. R053 - 13. COMMISSIONER MCBEATH SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY, COMMISSIONER MCNINCH ABSENT.**

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

Secretary Wasley said the agenda items for the May meeting are: Big game status report and quota setting process, Predator Plan for finalization of funding and possibly an update on Project 25, and some of the CABMW items are: Wild horses on Scripps, youth turkey hunt at Overton, Rye Patch fishing regulations, and Overton CMP.

Commissioner Drew said in addition to the items listed by Secretary Wasley he had on his list the Lyon County controlled goose hunt although that may be appropriate for the August meeting.

23 Public Comment

Jana Wright thanked the Commission for videoconferencing the meeting and asked that in the future that the agenda designate the location’s room buildings for easier access in finding the videoconferencing site. She appreciated the comments made about yesterday’s lengthy appeal hearings and suggested that in the future the appeals be placed at the end of the agenda.

Stephanie Myers, Lee Canyon, thanked the Commission for the videoconferencing as she really appreciates it. She said she is concerned about trapping incident last month in Cold Creek and allegations that were made by trapper Shannon Ireland yesterday that were not accurate about Rhea Little’s dog “not really being caught in her leghold trap” which is not true. Ms. Myers said intimidation tactics are being used by trappers. She said she understands that NDOW has conducted an investigation of these unbased allegations and requested that Chief Game Warden Buonamici comment since Ms. Ireland made such a huge issue of this.

Dave Gowan, Nevada Houndsmen, said he would like to address the Bear Committee as he has article from California that anti-groups keep pushing radical agenda and in California the removal of hunting with dogs is on the table. Mr. Gowan said before considering removing hounds from the bear hunt is the question whether hounding is any different than bird hunting. He asked the Commission what is the purpose of 24 hour trap check and reducing conflict with public as that is a question that needs to be answered. He thanked the Commission for videoconferencing.

Fred Voltz said congratulations on videoconferencing and hopes that contentious committee meetings would be included in videoconferencing. He said he wants to address science and education and the concepts as it would seem that balance is appropriate in Commission

Policies and regarding yesterday's ranching presentation on cattle did not really cover the subject in its entirety. He said there are issues of land disturbed and eroded by cattle that were not covered and he explained why and said we need to encourage informational presentations to give a full and balanced look at the issue in relationship to wildlife in the state.

Cathy Smith said she would like to reassure the group that she does not believe California will disallow hounds for bird hunting as there are other states that have disallowed hound hunting of bears who have not disallowed hounds for birds hunting.

Don Molde said he take issues with two opinion pieces in Reno Gazette Journal written by Ira Hansen and Gerald Lent that unfairly criticized a member of the Department. He said the comments were not correct and embarrassing to read in the paper and he is in opposition to the comments and while won't agree with biologist on sage-grouse hunting he is a fine biologist. He also would back-up what Mr. Voltz said, as for years as a hobby he used to go around state photographing livestock damage to public land. He said he has hundreds of photographs of damage from cattle and domestic sheep and now livestock industry is presenting picture that their activity has no impact on sage-grouse preservation going forward, and nothing is further from the truth as this is a significant land-use issue on public lands, and the other side should be presented as Mr. Voltz said.

John Reed, Washoe CABMW, thanked Secretary Wasley and NDOW staff for providing presentations to his board such as the presentation made at their March meeting by Biologist David Catalano on bats.

Sean Shea, Washoe CABMW, speaking for himself said person got a deer that he harvested on a landowner compensation tag and the person was told he could not hunt the ranch from which tag was given, and that is something that needs to be looked at because if you cannot hunt the ranch from which the tag came from then you are not addressing the problem on the ranch.

Bill Miller said last June, at Ely Commission meeting he told the Commission an ad hoc committee was formed to discuss Comins Lake and they applied for grant for \$114 million which was denied, and the committee plans to resubmit the grant application this year. He will keep the Commission abreast of what takes place this summer.

Meeting adjourned at 3:30 p.m.

**NOTE:** The meeting has been videotaped and is available for viewing at [ndow.org](http://ndow.org), and the minutes are a summary of the meeting. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request.

