

Nevada Board of Wildlife Commissioners' Meeting Agenda
Draft Minutes
The meeting has been videotaped and may be viewed in its entirety at
www.ndow.org

Washoe County Commission Chambers
1001 E 9th Street, Building A
Reno, Nevada 89512

Video Streaming and Teleconferencing available at:

Nevada Department of Wildlife
Southern Region Office
4747 Vegas Drive
Las Vegas, Nevada 89108

Public comment will be taken on every action item and regulation workshop item after discussion but before action on each item, and at the end of each day's meeting. Public comment is limited to three minutes per person. The chairman, in his discretion, may allow persons representing groups to speak for six minutes. Persons may not allocate unused time to other speakers. Persons are invited to submit written comments on items or attend and make comment during the meeting and are asked to complete a speaker card and present it to the Recording Secretary.

To ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments in order to avoid the appearance of deliberation on topics not listed for action on the agenda.

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

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

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

Nevada Board of Wildlife Commissioners present for meeting:

Chairman Brad Johnston
Commissioner David McNinch
Commissioner Tom Barnes
Commissioner Kerstan Hubbs
Commissioner Tommy Caviglia

Vice Chairman Paul E. Valentine
Commissioner Jon Almborg
Commissioner Tiffany East
Commissioner Casey Kiel

Secretary Tony Wasley
Deputy Attorney General Joshua Woodbury

Administrative Assistant III Molly Mortimer

Nevada Department of Wildlife personnel in attendance:

Deputy Director Liz O'Brien
Game Division Administrator Brian Wakeling
Fisheries Division Administrator Jon Sjöberg
Administrative Assistant IV Katie Simper
Urban Wildlife Coordinator Jessica Heitt

Management Analyst III Kailey Taylor
Game Warden Captain Mike Maynard
Habitat Division Administrator Alan Jenne
Wildlife Staff Specialist Mike Cox
Budget Analyst Zeida Albert

Accounting Assistant II Megan Manfredi
Data and Technology Services Administrator Chet Van Dellen
Conservation Education Division Administrator Chris Vasey

Wildlife Staff Specialist Pat Jackson

Public in Attendance for the two day meeting:

Cory Lytle, Lincoln CABMW
Steve Marquez, White Pine CABMW
Joe Crim, Pershing CABMW
Paul Dixon, Clark CABMW
Steve Robinson, Washoe CABMW
Glenn Bunch, Mineral CABMW
Gene Green, Carson CABMW
Craig Burnside, Douglas CABMW
Tom Cassinelli, Humboldt CABMW
Larry Johnson, Coalition for Nevada's Wildlife
Jeanette Hughes, self
Jana Wright, self (present in Las Vegas)

Chris Cefalu, Nevada Bighorns Unlimited
Matt Sweitzer, Nevada Bighorns Unlimited
Pat Reichman, Nevada Bighorns Unlimited
Sonja Almberg, self
Marlene Bunch, self
Mel Belding, self
Rex Flowers, self
Joe Crawford, self
Jonathan Lesperance, self
Jim Puryear, Nevada Bighorns Unlimited/self
Lydia Perry, Nevada Bighorns Unlimited
Joel Blakeslee, self

Friday, Nov. 2, 2018 – 11:00 a.m.

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

Chairman Johnston called the meeting to order at 11:04 a.m. Roll call was conducted and Commissioners present were Chairman Johnston, Vice Chairman Valentine, Commissioners McNinch, Almberg, Barnes, East, Hubbs, Kiel, and Caviglia.

Roll call was conducted of CABMW members present: Cory Lytle, Lincoln; Steve Marquez, White Pine; Joe Crim, Pershing; Paul Dixon, Clark; Steve Robinson, Washoe; Glenn Bunch, Mineral; Gene Green, Carson; Craig Burnside, Douglas; Tom Cassinelli, Humboldt.

2 Approval of Agenda – Chairman Johnston – 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.

The Commissioners discussed the agenda.

No public comment in Reno or Las Vegas.

VICE CHAIRMAN VALENTINE MOVED TO APPROVE THE AGENDA AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY COMMISSIONER EAST. THE MOTION PASSED 9-0.

3 Member Items/Announcements and Correspondence – Chairman Johnston – Informational

Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file

(Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.

Vice Chairman Valentine said he received some emails regarding school safety but didn't think they were appropriate for the Commission to address.

Chairman Johnston said he sent the Nevada delegation a letter of support for the Recovering America's Wildlife Act (RAWA) legislation, as the Commission discussed at the September meeting. He was also sent a newspaper article from Ely about a safe shooting distance incident and a letter from the Federal Aviation Administration (FAA) about environmental assessments at McCarran Airport, which he forwarded on to the Department to deal with. Chairman Johnston also received media contacts seeking comment about an Idaho wildlife commissioner who resigned following pictures that he posted of a hunt; he did not respond since the commissioner resigned shortly after. Finally, Chairman Johnston said he received a phone call and was sent social media screenshots from Jonathan Lesperance, who thought they were threatening. He said he thought people have the right to express their views and didn't think it was the Commission's job to police the issue but said he would share it.

Commissioner Caviglia talked to residents of White Pine County about a deer killed near town, there were concerns about safe hunting distance. He said this may need to be addressed in the future, but he has some confusion about the regulation across different counties.

Commissioner Hubbs asked if it was a gun or a bow and arrow used in the instance White Pine incident.

Commissioner AlMBERG said it happened near him, it was on public land with an archery weapon. He didn't know if it was a hunting issue or safety issue. The issue was referred to the County Advisory Board and they thought it was more of a safe hunting distance issue and chose not to do anything about the incident since it had been discussed at the Commission a few months earlier.

Secretary Wasley said the Department received an invitation from Congressman Amodei to address some Federal Emergency Management Agency (FEMA) officials relating to the significance of wildfires, including economic impacts. The Department will be participating. Secretary Wasley also received correspondence from the Nevada Outfitters and Guides Association regarding the Public and Sellable Lists regulation being workshopped at this meeting, which the Commission was copied on.

Secretary Wasley also made an announcement to honor Suzanne Scourby for her service to the Department. She served five different directors and has been missed greatly in the short time that she has been absent from the Director's Office. He also shared a message from former Commissioner Pete Mori. Secretary Wasley presented Suzanne with a plaque to commemorate her service to the state.

Scourby said the reason she was able to stay so long was because she worked with great people, a great Commission, and CABMW's. She said she is very sad to leave but it was time.

Chairman Johnston also thanked Suzanne for her service and shared a story about her.

Commissioner McNinch said he has known Suzanne for over 30 years and has enjoyed the time he has spent with her. He said she has always been dependable and shared a story.

Commissioner Hubbs echoed the words of the other Commissioners. She said Suzanne's demeanor was great and she made her feel welcome when she was first appointed to the Commission, everyone felt that way. She said she can't wait to talk about books that Suzanne is reading.

Vice Chairman Valentine said he found out he was on the Commission while he was on a hunt. Suzanne kept calling and calling to make his travel arrangements. He said she has been a great help to the Commission and she will be missed.

Commissioner Barnes also thanked Suzanne. He said he started as the Chairman of the Elko County CABMW and he appreciated everything she did for him.

Commissioner East said she has neighbors that live next door to Suzanne and had heard that she was great, she shared the same feelings once they finally met. She wished her the best in retirement.

Chairman Johnston congratulated Suzanne again and said she will be missed by everyone present, future Commissioners, and everyone at the Department.

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.

None.

5* **Approval of Minutes – Chairman Johnston – For Possible Action**

Commission minutes may be approved from the Sept. 21 and 22, 2018, meeting.

No public comment.

COMMISSIONER HUBBS MOVED TO APPROVE THE MINUTES AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY VICE CHAIRMAN VALENTINE. THE MOTION PASSED 9-0.

6 **Nevada Department of Wildlife Project Updates – Secretary Wasley – Informational**

The Commission has requested that the Department provide regular project updates for ongoing projects and programs as appropriate based on geography and timing of meetings. These updates are intended to provide additional detail in addition to the summaries provided as part of the regular Department Activity Report and are intended to educate the Commission and public as to the Department's ongoing duties and responsibilities.

Habitat Division Administrator Alan Jenne gave a presentation on the final fire update from the Department.

www.ndow.org/uploadedFiles/ndow.org/Content/Public_Meetings/Com/Archive/6-Final-Fire-Update-Presentation.pdf

Commissioner McNinch said he is more optimistic now after seeing the photos of the treatments. He asked if the treatments were specific to cheat grass.

Habitat Division Administrator Jenne said the herbicides will stop any seeds from germinating, but the Department targets areas where they know there is cheat grass or other invasive species so they are not wasting chemicals. He said it will be fallow for one year.

Secretary Wasley introduced the presentation by Urban Wildlife Coordinator Jessica Heitt on the Department's Urban Wildlife Program. The program has received money from the general fund in the past but lost a lot of key funding during the recession. In 2015, with General Fund money, the Department purchased a Wildlife Human Attack Response trailer, hired two 30-hour employees, and provided training to staff to deal with urban wildlife issues. The program is still mostly funded through general fund and the Department has had support from the governor's office. The Department tries to empower people to help themselves rather than to physically respond to every call received.

Urban Wildlife Coordinator Jessica Heitt gave a presentation on the Department's Urban Wildlife Program.

http://www.ndow.org/uploadedFiles/ndow.org/Content/Public_Meetings/Com/Archive/6-Urban-Wildlife-Program-Presentation.pdf

Commissioner East asked if they have talked with the Desert Research Institute (DRI) about their science in the classroom programs. Said she it may be a way to get the Urban Wildlife Program's information out there. She said she can connect Jessica with them.

Commissioner McNinch said he works at the Health Department and they were also getting calls about the botulism outbreaks. He said the Department did a good job in dealing with the issues proactively.

Chairman Johnston asked where the line is drawn between the responsibility of the homeowners and the responsibility of the Department.

Urban Wildlife Coordinator Heitt said it is mostly a misunderstanding, people don't know what the Department does or aren't familiar with the wildlife in their area. She said the people they talk to usually come away from the conversation feeling empowered.

Secretary Wasley said it is important to give people the information and knowledge to solve their wildlife issues but there are instances where information isn't enough. He added that for example there was recent construction at Lawlor Events Center last year which allowed migrating bats into the building. Guidelines from the Department about how to prevent the bats from returning was not necessarily followed.

Urban Wildlife Coordinator Heitt said she will also be giving a presentation this evening in Verdi on bears and mountain lions.

Commissioner AlMBERG commented that the urban wildlife issues will not be going away and may worsen in the future.

7* **Fiscal Year 2019-2020 Big Game Release Plan – Wildlife Staff Specialist Mike Cox – For Possible Action**

The Department will present the Fiscal Year 2019-2020 Big Game Release Plan for the Commission's consideration. The Commission may vote to approve or amend the planned big game releases for FY 2019 and 2020.

Wildlife Staff Specialist Mike Cox gave a PowerPoint presentation on the big game release plan.

http://www.ndow.org/uploadedFiles/ndow.org/Content/Public_Meetings/Com/Archive/7-Bighorn-Release-Plan-Presentation.pdf

Commissioner Kiel asked when the last time sheep were in the Bloody Runs and what caused them to die off or disperse.

Wildlife Staff Specialist Cox said it is hard to say for sure because the last known sightings were in the 1940's. He said that overharvest or disease may have contributed, and the area has been vacant since that time.

Commissioner AlMBERG asked where the stock population is coming from.

Wildlife Staff Specialist Cox said they are going to take sheep from the Double H Mountains for the Massacre Rim Wilderness Study Area transfer; they want to manage the herd to discourage ram dispersal. The translocation to the McGee Mountains will probably be coming from the south end of the Black Rocks. The stock for the Negro Creek transfer could come from the Pine Forest, but that hasn't been decided yet. The Department will also pre-sample the populations this fall to make sure the sheep are clean of mycoplasma before any transfers are done.

Commissioner Hubbs asked if the population will reach carrying capacity on its own and why we are augmenting the population.

Wildlife Staff Specialist Cox said the herd may be at risk of dying out without a certain amount of ewes, they are making the herd more sustainable. He said the population could increase on its own, but it could also decrease. He explained that 70 ewes would make for a much more sustainable population.

No public comment in Las Vegas.

Public Comment in Reno -

Chris Cefalu, Nevada Bighorns Unlimited (NBU), said NBU fully supports the release plan and that they will assist financially and provide volunteers. He thanked Staff Specialist Cox for his work. He also spoke on behalf of the Nevada Chukar Foundation, who also fully support the plan and agreed to make a financial contribution.

Tom Cassinelli, Humboldt CABMW, said his CABMW also supports the release plan.

Larry Johnson, President of the Coalition for Nevada's Wildlife, said his organization also fully supports the transfer plan. He said he hopes this is a beginning for restoring the sheep population and thanked Staff Specialist Cox and Secretary Wasley for bringing back the program. He said he has been working with sheep for the last 30 years and doesn't believe there has not been a problem with the populations due to hunting.

Mel Belding, Private Citizen, thanked the Department and Mike Cox. He said he is also glad the program is coming back and thinks it's a great start. He hopes the Commission will support it.

Rex Flowers, Private Citizen, said this is a great program, but he has some concern about predators in the Granites. He said he hopes that the Department will do predator control prior to the transfer.

Lydia Perry, Nevada Bighorns Unlimited, said she is also representing a young generation of Nevadans. She asked the Commission to keep an open mind toward the bighorn populations and consider the young Nevadans.

Jim Puryear, Nevada Bighorns Unlimited, said he supports the transfer, he thinks it will make the volunteers happy. He said his grandfather started the elk transfer program in Ely and noted that transfers spread the genetics, it's like planting crops everywhere so they don't lose the species altogether. He hopes the Commission will support the plan.

Chairman Johnston said that he will support the proposed plan. He asked if there is a plan to carry out the transfers in the Department and coordination with staff like Wildlife Staff Specialist Pat Jackson to carry out predator management.

Wildlife Staff Specialist Cox said that coordination is already occurring. They will evaluate pre-treatment efforts if they need to. He said it would not be successful without everyone working together, and they want to make sure that their investment is protected.

Commissioner Hubbs asked if moving sheep in the past may have exacerbated the spread of disease.

Wildlife Staff Specialist Cox said that states made the mistake in the past of transferring animals without knowing what pathogens they are carrying, but they have better technology now to make more informed decisions. That is why they have an internal policy to pre-sample for pathogens before any populations are used as source stock.

Chairman Johnston asked for follow up reports on the results if the Commission approves the plan.

Wildlife Staff Specialist Cox said he will provide updates before transfers are made if Commissioners would like to attend the releases.

Commissioner Hubbs asked if the smaller populations of source stock feel any stress by having some of the population taken away.

Wildlife Staff Specialist Cox said the herds that they will use as source stock, like the Pine Forest herd, are so big they will not suffer at all, they may even get better because they don't have to share as many resources. The smallest population that will be used as

source stock is from the Double H, which is about 120 sheep. He said the Department has been cognizant of the effects on the populations and hasn't seen any effects on populations when they have taken sheep in the past.

COMMISSIONER ALMBERG MOVED TO APPROVE THE BIG GAME RELEASE PLAN FOR FISCAL YEAR 2019 AND 2020 AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY COMMISSIONER EAST.

Commissioner Hubbs asked if Staff Specialist Cox would come back to report on the results of the transfers to see if they were a good idea or not.

Wildlife Staff Specialist Cox said it may be several months before they can give an update but will give one when they have data to share.

THE MOTION PASSED 9-0.

8* **Request from the State of Utah for Desert Bighorn Sheep – Wildlife Staff Specialist Mike Cox – For Possible Action**

The Utah Division of Wildlife Resources has requested desert bighorn sheep for translocation into the State of Utah. The Department will provide a briefing to the Commission of recent efforts with Utah and potential options for consideration. The Commission may consider this request for possible approval.

Wildlife Staff Specialist Mike Cox gave a presentation on the request of desert bighorn sheep from Utah.

http://www.ndow.org/uploadedFiles/ndow.org/Content/Public_Meetings/Com/Archive/8-Utah-Bighorn-Request-Presentation.pdf

Wildlife Staff Specialist Mike Cox said the Utah Division of Wildlife Resources is asking for 150 desert bighorn sheep over the next three years to the Mineral Mountains in the southeastern part of the Utah. Nevada has received more animals from Utah than we have given. Utah originally asked for sheep from the Muddy Mountains, but there is concern about the sheep freezing when transferred. The herd in Mount Jefferson, NV would be a better fit. Disease surveillance is scheduled for next week.

Commissioner Valentine asked if the possibility of the ewe hunt in Mt. Jefferson will be eliminated if the transfer occurs.

Wildlife Staff Specialist Cox said it would most likely not be eliminated, but it would drastically reduce the tag quota. He said it also depends on when Utah is ready with their Memorandum of Understanding (MOU). He said the transfers may not happen until the winter of 2019-2020, but he would always rather share sheep than introduce another ewe hunt.

Public Comment in Reno -

Mel Belding, Private Citizen, said he appreciated the question from Vice Chairman Valentine. He said he would rather see the sheep go somewhere else than introduce a hunt. He would recommend that the ewe hunt be eliminated somehow and for the sheep to come from the Muddy Mountains if it were possible.

Larry Johnson, Private Citizen, said he is also in support of the transfer. He would also prefer to see the source stock come out of the Muddy Mountains and doesn't think there will be a problem with sheep being able to re-acclimate to the colder climate in Utah. But he said that Utah deserves our sheep.

Tom Cassinelli, Humboldt CABMW, said his CABMW supports the transfer.

No public comment in Las Vegas.

Commissioner Caviglia asked if the transfer would take place over three years, not all this winter.

Wildlife Staff Specialist Cox said they will look at opportunities over the next three years and reassess how many, if any, the Department will give this year once they hear back from Utah.

Commissioner AlMBERG said he would much rather see the sheep moved to a state that has cooperated with us. He also agreed that the sheep adapt very quickly. He would like to see the Department use stock from the Muddy Mountains as well.

Commissioner Hubbs asked if the Department has seen any hardship on sheep moved from low elevation to high elevation.

Wildlife Staff Specialist Cox said that wildlife can withstand hardships, bighorn sheep are the most elastic species, but sometimes the most fragile when it comes to pathogens. He said the herd in the Muddy Mountains is not the only large population in the state and if we have the opportunity to use the sheep that are already acclimated, we should do that instead of taking sheep that will have to acclimate in the middle of the winter.

Commissioner Hubbs asked if, in the past, the sheep in the Muddy Mountains carried mycoplasma.

Wildlife Staff Specialist Cox said that those sheep are clean.

Chairman Johnston said he would also like to see sheep transferred rather than introducing new ewe hunts. He said we should take this as a sign of success that we have so many sheep in the state and have multiple areas where we can send sheep from.

Commissioner Valentine said he agrees, the faster we can get rid of ewe hunts, the happier he will be.

Commissioner East asked if Commissioner Valentine would consider asking for consideration for units that have ewe hunts.

COMMISSIONER VALENTINE MOVED TO APPROVE THE TRANSFER OF UP TO 150 DESERT BIGHORN SHEEP TO THE STATE OF UTAH WITH THE CONSIDERATION THAT THE DEPARTMENT ATTEMPTS TO USE SHEEP FROM UNITS THAT HAVE

EWE HUNTS OR COULD HAVE EWE HUNTS. THE MOTION WAS SECONDED BY COMMISSIONER ALMBERG. THE MOTION PASSED 9-0.

9 **Regulation for Workshop - Public Comment Allowed**

A* **Commission General Regulation 482, Public and Sellable Lists, LCB File No. R192-18 – Data and Technology Services Division Administrator Chet Van Dellen – Workshop/Public Comment Allowed**

The Commission will hold a workshop to consider amending Chapters 488 and 502 of the Nevada Administrative Code (NAC). This regulation clarifies the authority of the Department to remove specific personal information from any list sold or distributed by the Department or the Department's licensing vendor and makes it confidential. The regulation also simplifies how a person can request that their personal information remain confidential by removing the requirement that the request be in writing.

Data and Technology Services Administrator Chet Van Dellen explained that the Department is trying to clarify the existing Nevada Administrative Code so that a person does not have to submit a handwritten request to remove their name from a list distributed by the Department. The Department is clarifying that the vendor is acting in the capacity of the Department, so any list distributed by the vendor is covered under this regulation. The Department is also clarifying the types of information that would be kept confidential.

Chairman Johnston noted that he has written responses from the Outfitters and Guides Association, Mountain Man Outfitters, Michael Gerard and Henry Krenka on behalf of Hidden Lake Outfitters. The letter was sent to Senator Goicoechea who forwarded it on. Chairman Johnston also noted that he received a call from Rachel Buzzetti and Senator Goicoechea. There was concern that this regulation is being workshopped at a time when guides are busy in the field. This proposal is clarifying information, so Chairman Johnston said he did not understand their position on the regulation.

Division Administrator Van Dellen explained that customers now can request this electronically in your account on the licensing website.

Chairman Johnston explained it is his understanding that the Outfitters and Guides Association does not even want people to have the option to opt out.

Deputy Attorney General (DAG) Woodbury clarified that there needs to be at least one workshop and then there can be an adoption.

Division Administrator Van Dellen said the confidentiality aspect of the regulation has already been in statute, the Department is trying to clarify the mechanism to comply with that statute.

Commissioner Hubbs asked how this has been dealt with in the past.

Division Administrator Van Dellen explained that historically this list has been distributed for many different reasons. This has come to head because the Department has posted the list of everyone that drew a tag. Now, the Department has the mechanism to let people request to remove their confidential information. Therefore, the list this year was significantly smaller. This was something that the Department has always had the

authority to do, but not an efficient mechanism to do. The default status is that your information will be released. The client must take action to remove your name from the list.

Chairman Johnston said that he heard there were issues with the formatting of the list this year. The outfitters and guides complained that in former years, the list was easier to use to create mailing lists.

Division Administrator Van Dellen explained that the list is posted as a PDF on the website. He also clarified that some of the contact information from the past is not on the website now, but that could be requested through a public records request.

Chairman Johnston brought up that over 75 percent of applicants opted to remove their names therefore the list was reduced dramatically. He also noted that a PDF cannot be used to create mailing labels as easily as an excel spreadsheet. The guides want a list with the name and address of people, so they can use it for mailing labels.

Commissioner McNinch asked if the confidential information includes addresses and why that has not been treated as confidential in the past. He asked what prompted the conversation to make the address confidential.

Division Administrator Van Dellen said the Department needs to define the specific information that customers are opting out of and did not want to have multiple options of what is to be opted out.

Commissioner McNinch asked why the address cannot just be posted on the website.

Division Administrator Van Dellen explained that the Department needs to track that information. By posting that on the website, we are unable to track it.

Commissioner McNinch wanted to know what happens when guides call and ask for that information.

Division Administrator Van Dellen explained that information is given to them for the customers who have not opted out. He also noted that this expands to more than just tag results.

There were more questions about what public records requests look like.

Division Administrator Van Dellen noted that the Department does not charge people for readily available lists unless there is an enormous burden on the Department. The term "distributed" was added because the Department technically does not sell every list.

Chairman Johnston asked if a public records request could incorporate people who opted out.

DAG Woodbury said that once they opt out their information is confidential and not subject to a public records request.

Commissioner McNinch wanted to make sure the Department and Commission have the ability to determine confidentiality.

DAG Woodbury mentioned that the existing regulation already has the confidentiality aspect in it and that there are other regulations within other agencies that are similar.

Chairman Johnston noted that the new regulation is now including lists distributed as well as sold by the Department.

Division Administrator Van Dellen said the Department does not want to charge people for something that can easily be given. The word distributed was added to cover for that fact that the Department is not charging for most requests.

Commissioner Caviglia clarified that the problem the guides have is that the list is significantly smaller this year than it was the previous year.

Commissioner Almberg noted that the only way to go back to the list the way it was is by eliminating the option to opt out.

Chairman Johnston suggested the main point to this is that people are used to getting something for their business and now they are not getting that.

Commissioner Valentine said that other states have this option.

No public comment in Las Vegas.

Public Comment in Reno –

Rex Flowers, Private Citizen, noted that this came around because there has always been a list distributed after the draw. He said the option presented on the licensing website only suggested saleable lists, but that it was taken as “any” list. He said many people have lost the ability to see what their friends and family drew and that this should still be available as long as the address is not listed. It should be completely different than the saleable list.

Mel Belding, Private Citizen, said that his biggest problem with this is that the public was led astray. He said that the public was told there would not be any changes to this draw, but that there were several.

Jim Puryear, Private Citizen, said he believes this issue is controversial enough to not vote on it right away. He said he is the owner of the Nevada Guide Service. He said he has been involved in wildlife for a long time. He would like the Commission to wait on this issue until they have received all the input they can. He explained that he was also led astray. He noted that he has had \$4,500 more in expenses just to reach out to customers this year. He also said he is down 40 percent in customers this year. He explained that all guides and outfitters have been counting on the lists for the last 30 or so years and they were promised nothing would change this year. He suggested an option to only opt out for predators.

Paul Dixon, Clark CABMW, agreed with Commissioner Valentine. He noted that Nevada is the only state that never gave the option to opt out when applying. Mr. Dixon asked if the Department has stopped giving the list because he had heard it was no longer given out. The CABMW supported this regulation and the one dissenting vote wanted even stronger language.

Division Administrator Van Dellen wanted to explain that the mechanisms of opting out can be discussed, but the Commission needs to decide on the authority of the agency to protect information.

Commissioner Hubbs noted that she is inclined to protect privacy, especially with everything going on this year. She also noted that there is less transparency when we give people the option of opting out of the list.

Commissioner East explained that she is torn on this topic because she understands the excitement in seeing the list, but at the same time there are identity issues. She would like to have more stakeholders in the room to discuss this. She would not want to move forward at this point.

Commissioner McNinch said he believes the sellable list stands on its own. He is concerned about the public records side of things. He would feel better if he understood the boundaries.

Chairman Johnston has a problem with the regulation because it is a big change and there will be a breakdown of trust. This can be moved to a second workshop in January.

Commissioner Barnes is in favor of being able to opt out but recognizes that there are a lot of moving parts.

Commissioner McNinch would also like to have more information from the Deputy Attorney General next workshop as well.

Chairman Johnston said this will be moved to a second workshop in January.

10 **Public Comment Period**

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

No public comment in Las Vegas.

Public Comment in Reno -

Mel Belding, Private Citizen, thanked the Commission for the meeting and asked why we need to clean up the public and sellable lists regulation.

Jonathan Lesperance, self, read his statement:

"Chairman Johnston and Members of the Board:

The Nevada Board of Wildlife Commissioners approved the 2018 black bear hunt quotas and season dates at two separate meetings occurring in January and May of this year after receiving and reviewing testimony from Nevada Department of Wildlife staff, County Advisory Boards, as well as private stakeholders. Recent events involving the harassment, slander, and threatening of a duly licensed participant in a legal black bear hunt during the 2018 season now compel me to address this board. Local groups opposed to the bear hunt have without consent obtained

copyrighted photos of a successful Nevada bear hunter and used these images to actively solicit and entice threats against the hunter and the hunter's guides. These include threats of physical violence, libelous statements, and sexual harassment. The images were publicly shared across two local social media platforms from which several other public and private sites then shared the images – each with ostensibly similar goals and messages.

Such behavior intends to leverage intimidation and fear of physical, social, and/or economic retaliation in order to affect these groups' stated goals. It must also be mentioned that this occurrence is neither new nor is it an isolated event, and such instances have occurred since the inception of Nevada's bear hunt. Further, this type of behavior has extended not just towards legal hunter but has also been and continues at times to be directed towards member of this Board as well as NDOW staff, including most recently the events of September 14 involving the harassment of one of the Department's biologists.

You see, I was one of the guides on the bear hunt I just described. My name, is one of the names that was broadcast by these groups under heading such as "Name and Shame these Abusers and Killers." I recognize and understand that there are consequences for our actions and I have chosen not only to be involved with the bear hunt but also to be an ambassador for it. However, what I find unacceptable is when a person is not only encouraged to write a comment about putting a bullet between my eyes so that my family can see what it feels like when I don't return home, but then that same person is in no way held accountable for these words. I do have a family – I am raising three beautiful babies and so I cannot help but be concerned about such statements. To be clear, I am not advocating that we stop debating the merits of bear hunting. We can and must examine our means and methods of take, season, and species. This is right and appropriate under the tenets of our North American Model of Wildlife Conservation. However, if we cannot get a handle on the issue of threatening rhetoric and behavior, I believe we are headed towards a tragedy.

Thank you."

Mr. Lesperance also spoke on behalf on Larry Johnson, who heard through his involvement with Nevada Outdoorsmen in Wheelchairs, from a young woman who was successful in harvesting an antelope that she received death threats within hours of posting a photo of her hunt.

Joel Blakeslee, Private Citizen, came to support Jonathan. He said the harassment has gotten worse lately and they have been unable to trace the calls that they are getting.

Jim Puryear, Private Citizen, wanted to thank the Commission for postponing the public and sellable lists regulation. He said he has also received death threats for the mounts he puts in sporting goods stores and would like to offer help to Director Wasley. He also asked Deputy Attorney General Woodbury if the Attorney General's Office has to provide written opinions.

Deputy Attorney General Woodbury said the Attorney General's Office certainly does give written opinions in certain circumstances, but not always for the advice they give to agencies. He said that you can request an opinion on the Attorney General's website.

Joe Crawford, self, said he was also on the bear hunt with Jonathan and wanted to support him. He said he realizes that the bear hunt is controversial but doesn't think that the comments they have received were called for. He said he would like the Commission to do something, thinks the mortality reports or harvest reports should be posted within 24 hours of the hunt being over to solve some of the problems.

Saturday, Nov. 3, 2018 – 8:30 a.m.

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

Chairman Johnston called the meeting to order at 8:33 a.m. Roll call was conducted and Commissioners present were Chairman Johnston, Vice Chairman Valentine, Commissioners Almberg, Barnes, Caviglia, East, Hubbs, Kiel, and McNinch.

Roll call was conducted of CABMW members present: Paul Dixon, Clark; Cory Lytle, Lincoln; Tom Cassinelli, Humboldt; Craig Burnside, Douglas; Gene Green, Carson; Glenn Bunch, Mineral; Steve Robinson, Washoe; Joe Crim, Pershing.

12 Approval of Agenda – Chairman Johnston – 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.

No public comment in Las Vegas or Reno.

VICE CHAIRMAN VALENTINE MOVED TO APPROVE THE AGENDA AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY COMMISSIONER MCNINCH. THE MOTION PASSED 9-0.

13 Member Items/Announcements and Correspondence – Chairman Johnston and Secretary Wasley – Informational

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

Commissioner McNinch said the public comment received yesterday bothered him all night, he does not condone it and hopes that the Commission can have a conversation around the issue. He also shared that he was out doing some birdwatching and talked to, Melinda Cowan, a game warden, and wanted to compliment her on her professionalism.

Commissioner Hubbs said she received correspondence about the bear hunt, and forwarded it to Secretary Wasley. She said it is easy to form conclusions from the imagery

from the bear hunts and thinks we need to address the controversial things being said on social media to prevent misinformation from spreading.

Secretary Wasley told Commissioner Hubbs that the Department has a responsibility to manage the animals and protect public safety and has tried to create connections between wildlife and people to foster a sense of stewardship. Unfortunately, the misinformation on social media is different than the agenda of the Department. He said that in his experience, the people putting out the misinformation are doing so knowingly and any effort to combat that would only validate their purpose.

Commissioner Hubbs brought up the idea of “fake news” on social media and asked if it is good to report the misinformation to the social media platform to say that things are not true.

Secretary Wasley asked at what point it is in the best interest of the wildlife or the state to get involved in those discussions. He said that weighing into discussions with extreme viewpoints and trying to address the misinformation only encourages more unproductive banter.

Commissioner Hubbs said she is trying to understand why people feel the need to take such extreme actions.

Chairman Johnston called Rachel Buzzetti to let her know that the public and sellable list regulation would be workshopped again in January. He encouraged everyone to watch the Frontline special on the Facebook dilemma. He said people need to be aware of the concept of confirmation bias, any evidence against your own viewpoint is usually rejected. He agreed with Secretary Wasley and doesn't know if there is an appetite on the Commission to address it but thinks the Commission may be able to create some kind of guidelines for social media for the Department. He said that people will express their views no matter what.

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.

Steve Robinson, Washoe CABMW, said he received correspondence regarding Secretary of the Interior Zinke's secretarial order to allow states to manage all wildlife in the state, including on wildlife refuges. He said he would like the Department to review and implement the secretarial order.

15 **Reports – Informational**

A* **Wildlife Trust Fund Semi-Annual Report – Deputy Director Liz O'Brien**

A report will be provided on the investment and expenditure of the money in the Wildlife Trust Fund for the period of July 1, 2017 to June 30, 2018, pursuant to NRS 501.3585.

Deputy Director Liz O'Brien, read a report on the Wildlife Trust Fund. We are required to submit semi-annually to the Commission a report of the money in the Wildlife Trust Fund

pursuant to NRS 501.3585. In addition to reporting to the Commission, we report to the Interim Finance Committee of the legislature. That meeting is scheduled for December 11, 2018. This report is for the period of July 1, 2017 through June 30, 2018. The Department received \$649,703.72 in donations and expended \$528,585.16. Attached to the report is a detail of every gift we have received during that period. Donations are received from a variety of conservation organizations, industry, and private citizens in support of the Department. These donations save state funds, mostly sportsmen revenue, and in many instances can be used as match for federal dollars at a rate of up to three dollars for every one dollar donated.

No questions from the Commission.

B Department Activity Report – Secretary Wasley

A report will be provided on Nevada Department of Wildlife activities.

Commission General Regulation 479, Rosy Boa Reptile, was approved by the Legislative Commission and was effective on October 25, 2018. The regulation revises the scientific name of the Rosy Boa snake. This name change was needed due to new scientific studies that have split the species into two distinct entities, one that occurs in Nevada and one that occurs outside the state.

Commission General Regulation 478, Bighorn Sheep Ewe and Mountain Goat Online Course and Questionnaire, was also approved by the Legislative Commission and was effective on October 25, 2018. The regulation requires all bighorn ewe and mountain goat tag holders to complete an online course. This regulation eliminates the need for a physical inspection for hunters that harvest a ewe. It also requires the tag holder for ram bighorn sheep, mountain goat, and mountain lion or bear to provide questionnaire information during the already required post-harvest physical inspection and eliminates the subsequent need for successful tag holders to also submit a questionnaire.

The Department hired Eide Bailly, LLC to conduct an independent audit of our 2018 big game draw process. The audit has wrapped up and we are waiting for the final report. The preliminary report contains no findings.

The Department has taken delivery of the second Bell 407 HP helicopter now known as Wildlife 2. The Department purchased the first Bell 407 two years ago and has been using it for surveys, guzzler work, and water provisioning among many other uses. The newer Bell 407 replaces the older Bell 206 B3 ships that the Department operated for decades. The new ships are more powerful and versatile and provide our staff with greater safety during operation.

Game Division staff compiled and distributed a summary of age data from mule deer teeth collected during 2014–2016. This data will identify trends in local harvest statistics and age structure of the herds throughout the state and will be used in population modeling. Overall, the statewide average age of bucks harvested was 3.5 years old from a sample of about 590 teeth collected. Some of the more conservatively managed hunt units (such as Units 194–196, 081, and 241–245) had an average age of 4.5 years or younger, and generally averaged a greater antler spread and main beam lengths. The oldest deer recorded was a 15-year-old buck harvested in Unit 231 in 2014. Average number of points from harvested deer was a three point and average outside spread was about 21 inches statewide.

Chronic Wasting Disease (CWD) sampling is ongoing. CWD is a neurological and fatal disease of the deer family. The disease, although similar to the bovine form known as “mad cow disease,” has never been linked with any human illness. CWD has been detected in 25 states and resulted in population declines in some areas, yet it has never been detected in Nevada. Our objective is to obtain at least 300 samples annually so that we can determine the statistical probability of its detection, and we are approaching 250 samples already in 2018. The Department has been using hunter check stations, taxidermists, and meat processors to obtain the necessary samples, but all submissions have been voluntary.

The Department has been notified by the Department of the Interior (DOI) that migration studies of mule deer and pronghorn in northern Nevada have been funded by the federal government to further Secretarial Order 3362: Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors. Analysis of mule deer movements and marking and monitoring pronghorn will provide the Department and the Department of Interior with sound biological information to assist in prioritizing protection and enhancement of important corridors for wildlife migrations. The funding amount will approach \$300,000.

No fewer than 12 moose observations have been reported in September within northeastern Nevada. A single moose has been unlawfully harvested during an elk hunt during each of the last four years (three cows, one bull). Additional animals may have been taken and not reported. The moose population in Nevada appears to be growing.

With cooler fall temperatures, concerns about toxic algae developing in Northern Nevada waters have largely gone away. Because of greatly improved conditions, the Nevada Division of Environmental Protection (NDEP) lifted restrictions at Chimney Reservoir in Humboldt County in mid-October. Fisheries staff are working with NDEP and the Bureau of Public Health to develop a plan to better address these problems which will continue occur next summer and in future years.

The last round of monitoring found no evidence of quagga or zebra mussel DNA at Ruby Marsh or Wildhorse and South Fork reservoirs. This is the third year when we’ve seen DNA show up in early lab results, then disappear by fall. Fisheries staff is working with the analysis labs to try to determine the cause of these false positive detections.

A small number of northern pike continue to be found in Comins Lake, still all of a similar size (now 10-12 inches). A new technique has been identified that will determine if those fish were spawned in Comins or if they came from another water source, using stable isotope analysis. Staff will be working on that this fall to confirm if this was an illegal introduction.

However, despite the presence of a small number of pike, both largemouth bass and rainbow trout, in Comins are doing very well and showing good reproduction and growth rates. This indicates that the pike there are not having an impact yet.

Surveys of Eagle Valley Reservoir in late September found abundant largemouth bass up to 5 pounds and good growth rates on stocked rainbow trout. The treatments this spring to reduce nuisance aquatic vegetation were successful reducing milfoil growth by at least

40 percent and staff are working with the Division of State Parks to do additional treatments in 2019.

Fall surveys of Devils Hole pupfish counted 187 adult fish in Devils Hole. This is the highest fall count in at least ten years. Exact reasons are unclear, but the population is cyclical and changed algae conditions may be favoring better larval survival.

There have been two cases in recent weeks in which mine workers were bitten by coyotes at Bald Mountain Mine, south of Elko. Wildlife Services was called to remove the aggressive coyotes. It is believed that mine workers were feeding the coyotes, which always ends up leading to aggressive behavior and is a recipe for disaster for the coyotes.

Two game wardens assisted US Forest Service and many local agencies with an extremely large, illegal public land marijuana grow in Nye County. Several arrests were made.

Eastern region game wardens are investigating the killing of two deer in Hunt Unit 081 on Idaho tags. Suspect interviews were concluded October 26 in Idaho. This case also sparked a case for Idaho Fish and Game when our wardens uncovered the fact that someone was hunting with the tag of an Idaho man who had been dead for several weeks.

Several news outlets covered the sentencing of Kenneth Hines of Sparks, for various big game poaching charges that arose from an investigation into poaching incidents from prior years. Hines will pay over \$5,000 in fines and will lose his license privileges for five years.

Daniel Hetzer of Winnemucca was recently convicted in Ely Justice Court of Obstructing, Hindering, or Interfering with a Game Warden for his role in a fishing contact at Cold Creek Reservoir near Ely. The charge carries 12 demerits for license revocation and stemmed from a fisherman contact in which the father of an unlicensed fisherman hid some fish and impeded the game warden in his investigation of the case.

A Fernley man reported himself for accidentally shooting a cow moose with a cow elk tag east of Wildhorse Reservoir. This is the third time we've had this happen in the last four years. Each time, we assume it will be the last time, and yet it continues to happen. Two years ago, we posted signs all around the Jarbidge area describing the dramatic and obvious differences between elk and moose and urging hunters to be sure of their target. This man's camp was within 300 feet of one of those signs.

A southern region game warden investigated the self-reported accidental killing of a large 6x6 bull elk taken on a deer tag in the Tonopah area. Charges are pending.

Two southern region game wardens investigated a case in which three cow elk were accidentally shot on one cow elk tag in the Panaca area. Charges are pending.

In Lincoln County, wardens are investigating a case in which two men killed an antelope outside of their prescribed area. Further information revealed that at least one of the men may be legally prohibited from possessing a firearm.

The Eureka County game warden is investigating a case in which a large bull elk was shot and left to waste near Highway 50. Bull elk season was not open in the area. A press

release asking for the public's assistance on this case has been receiving widespread coverage.

On September 29 there was a boating fatality at Comins Reservoir near Ely. Two men were fishing from a small aluminum boat when it capsized. The owner of the boat, 36-year-old Ruth, a Nevada man, lost his life when he drowned.

Lake Mead game wardens assisted with two different drownings over Labor Day Weekend. CPR was attempted but was not successful.

Southern Region game wardens wrapped up the boating season with several arrests for operating vessels under the influence (OUI). Our OUI numbers were up this year compared to the last 3 to 4 years.

Western Region game wardens assisted NHP and Secret Service on October 27 for the Carson City visit of Vice President Mike Pence. Our wardens were asked to be posted near the highway in places where Washoe Lake duck hunters' park. This assignment changed in complexion when the Washoe County Sheriff's Office Raven helicopter had a wire strike on Lakeview Hill and was forced into a hard landing in the northbound lanes of I-580. The transmission lines that were cut then started a brush fire which threatened several homes on Duck Hill. All of this happened 2-3 minutes before the Vice President's motorcade arrived and passed by the chaotic scene. Thankfully, nobody was hurt in the incident and the fire was quickly suppressed.

Game wardens and the Operation Game Thief (OGT) coordinator have held several unit watches in which the OGT "wall of shame" trailer was on display with game wardens and biologists available for questions and hunt information. These public outreach events are set up at prominent roadside locations in busy hunt areas where a high volume of hunter traffic passes by. The proactive unit watches seem to cause a reduction in wildlife crime in the area.

Conservation Education Staff attended the Aquatic Education Resource Education Conference in Lake Tahoe, California. Representatives of both federal and state wildlife departments were present at the conference, as well as the sport fish industry. Some of the conference topics included: Angler Recruitment Retention, Reactivation (R3), Utilizing Partners to Engage Hispanic Audience, Best Practices in the classroom and Federal Aid Grant reporting.

Wildlife Educators from all regions and headquarters attended the week-long Certified Interpretive Guide Trainer certification in late September in Reno. The training was offered through the National Association for Interpretation (NAI). The goal of obtaining this certification is so that NDOW staff can train and certify other NDOW staff, volunteers, and offer the Certified Interpretive Guide training and certification to other organizations and agencies.

Conservation Education staff presented a session at the Regional National Science Teachers Association Conference in early October in Reno. This opportunity allows outreach opportunities with Nevada teachers to show them what programs NDOW has to offer that are aligned with the Nevada Academic Content Standards for Science and the Nevada Academic Content Standards for English Language Arts and Mathematics.

Overall, the conference was very successful for NDOW. NDOW was one of two state wildlife agencies that were in attendance at the conference.

Conservation Education personnel promoted the Youth Waterfowl Hunt at the Overton Wildlife Management Area by hosting a special event called "Ducks & Donuts." Thirty-six youth hunters showed up along with their mentors, a significant increase from previous years. As the event name implies, donuts and warm beverages were served. Thanks to support from the Las Vegas Woods and Waters Club, Sportsman's Warehouse Henderson, and Buck Gardner Calls, each hunter went home with a pair of duck calls and other hunting related gear. Armscor in Pahrump donated a shotgun. The youth hunters bagged 45 birds, including a pair of Canada geese, 36 ducks and seven coots.

Conservation Education personnel attended Fernley Outdoor Day with over 300 participants in attendance. Law enforcement brought the Operation Game Thief Trailer and Conservation Education staff worked at archery, skulls and hides stations. Another western region activity was the Duck Hunting 101 class at Capital City Gun Club in Carson City. There were several lessons including shot patterning and cleaning ducks in the field.

Conservation Education staff partnered with our Fisheries Division on the grand opening of Winnemucca's first urban pond. On October 13, NDOW opened James Kenny Pond to the public. Free food and raffle prizes were available and over 150 people participated. Everyone caught fish and enjoyed a wonderful day on the water. Development of the new urban fishing pond was truly a partnership effort with major contributions and assistance from multiple NDOW Divisions, Humboldt County and several private and corporate donors.

Conservation Education staff presented at the Chukar Chasers Foundation Youth Chukar Hunt in Paradise Valley. The event was free for all 50 youth students who attended. Instruction included hunter safety, Upland Game Hunting 101, game care and one-on-one instruction in the field.

State wide education activities have been vast, including: CAST for Kids; Osprey Walk at the Clark County Wetlands Park; Desert Shores Fishing Derby; Wildlife Conservation Workshop; Fall Harvest Outreach Event at Spring Mountain Ranch State Park; Girl Scouts' Leave No Trace Camp at the Oxbow outdoor education center with 105 participants; Urban Wildlife Coordinator engaged the public in multiple speaking opportunities, focusing on urban bears and coyotes.

The water development crews have completed most of the new construction planned for this season and are starting the planning process for next year's construction season. This build season, the water development crews constructed two new units, performed major maintenance or complete rebuilds on 27 units, completed inspections and minor maintenance on 927 units and hauled water to 19 units (68,000 gallons). Crews have installed exclusionary fencing around eight natural springs so far this year and have up to 10 more planned for planned over the next two years in a growing effort to protect natural spring systems.

In an effort to reduce vehicle collisions with bighorn sheep near Walker Lake on Highway 95, the Department will be installing two temporary water tanks in the Wassuk Mountain Range while locating and obtaining authorization for one or two permanent locations. This is one of several strategies the Department of Wildlife and Department of Transportation

are using to reduce the frequency of bighorn sheep crossing Highway 95 and being struck on the highway.

The Technical Review Program has been providing wildlife recommendations/National Environmental Protection Act review for: Greater Sage-Grouse RMP revision, I-11 Alternatives Analysis, US Fish and Wildlife Service Candidate Conservation Agreement with Assurances (CCAA), Naval Air Station Fallon Baseline Biologic Reports, and proposed policy changes to the Endangered Species Act. Other activities within the program include working with the BLM to expand NDOW's ability to manage wildlife and habitat restoration activities in wilderness areas.

The botulism outbreak that started late summer at the Carson Lake Wetlands near Fallon, Nevada subsided in early October with the cooler temperatures. This outbreak resulted in Greenhead Hunting Club and NDOW closing the area to hunting prior to the youth waterfowl hunt on September 22 and continuing into the general waterfowl opener on October 6. The area was opened to hunting on October 13.

The License Office continues to support ongoing hunts in the field by providing customer assistance for reporting harvest return cards, coordinating with the Conservation Education and Game Divisions to provide updated field condition and disease monitoring information, and process tag return and alternate tag allocations.

License Office staff met with Kalkomey at our Headquarters Office last month to plan for the upcoming vessel registration and big game application season and is working closely with all Department staff and our contractor to bring additional improvements to the licensing system for upcoming year.

Wildlife Diversity biologists continue to track eight Ferruginous Hawks that were outfitted with satellite radio trackers earlier this year. All successfully fledged from the nest and all left Nevada shortly after, potentially due to low ground squirrel abundance. Most went to Idaho or Montana, but one did go into Utah. That particular individual returned to Nevada fairly quickly and was subsequently predated on by a Golden Eagle. Another bird died from rodenticide poisoning in Idaho, and a third died of unknown causes. The movement patterns of these birds has been very interesting, with one bird even traveling to San Francisco before heading to Fresno where it has been for some time now.

In conjunction with Clark County and Nevada Division of Minerals, 50 bat gates were installed in the Gold Butte area and the Virgin Mountains. A number of other abandoned mines were permanently closed. Three gates were specially designed to allow desert tortoise access to the mine and coincidentally, when the construction crew was leaving the area, they observed a tortoise leaving one of these mines. Over the next several months, the Division will be working with these same partners, in addition to Nevada State Parks, to install bat gates at two sites within the Valley of Fire State Park. One of these sites houses a significant maternity colony of Yuma myotis.

Nine Gila monsters and 13 tortoises are tracked weekly or semi-weekly at Red Rock National Conservation Area. This is a collaborative effort with the BLM and should help inform land management decisions as well as help us understand habitat use at a finer scale.

Staff compiled and summarized 18 years of yellow-billed cuckoo survey data, which was provided to the Fish and Wildlife Service. The Service is reviewing this species for possible de-listing.

In the western region, Wildlife Diversity biologists have been assisting Nevada Division of Forestry with implementation of the Spooner Landscape Resilience Project at Lake Tahoe Nevada State Park. Conifer was hand-thinned and removed by helicopter across a 300-acre area near Spooner Lake. NDOW conducted wildlife surveys and provided wildlife management recommendations prior to the project, and eight days were spent assisting with project implementation and oversight. In addition, 60 Spotted Owl pellets were collected in the park. Pellets will be dissected and analyzed this winter for the first diet analysis of spotted owls in Nevada.

C* Litigation Report – Deputy Attorney General Joshua Woodbury

A report will be provided on Nevada Department of Wildlife litigation.

Ridgetop Holdings LLC v. Wakeling, a defamation suit, has been dismissed in full.

Smith v. Wakeling, is another defamation suit and an alleged First Amendment violation case. Discovery for the case is starting and the trial date has been set for July 2019.

Chairman Johnston said he wanted to mention the Walker River water rights case because he is becoming involved on behalf of his clients, who are aligned with the Department of Wildlife. He doesn't believe that there will be any conflict of interest but wanted to disclose his involvement to the Commission.

D* Tag Allocation and Application Hunt Committee (TAAHC) Report – Commissioner and Committee Chairman Brad Johnston

The Commission will hear a report on the committee's recent meetings.

Chairman Johnston said the Tag Allocation and Application Hunt Committee (TAAHC) met yesterday morning prior to the Commission meeting. They discussed the issue of tag transfer and whether or not it would require statutory change. He said a commission regulation may be possible but asked the Attorney General's Office to look at the regulations to see if the Commission has the ability to create a tag transfer program. He said they don't want a free for all, it would be under very limited circumstances if it is possible.

Chairman Johnston said there are a number of items coming out of the TAAHC to the Commission including: party bonus points (have asked the Department to come up with a regulatory proposal to be consistent pre and post draw with distributing bonus points), active military being able to keep their bonus points, opening the possibility to nonresidents to apply for bonus points where a hunt is not available to them if it were to become open in the future, being able to transfer a tag to an apprentice or youth hunter, junior hunters being able to put in for certain hunts if they will turn 12 years old by the start of the hunt but not for bonus points if they are not 12 by the earliest hunt, junior hunter being able to apply for a hunt on more occasions (was moved to the closed topic list). Topics moved to closed list are: landowner tag issues will be sent to Landowner Compensation Tag Committee that will be established today, potential of rut hunts (didn't need to be pursued – White Pine and Lincoln in favor of no change), whether or not the

Commission's quota setting could occur before application period, some species could present a problem and could take up the entire March meeting.

E* Predation Management Fiscal Year 2018 Report – Wildlife Staff Specialist Pat Jackson and Game Division Administrator Brian F. Wakeling

The Game Division will present the 2018 Predation Management Report. Per Commission Policy 23, the Department shall prepare an annual Predation Management Status Report (Status Report) detailing results of the previous fiscal year's projects. This status report shall be presented at the last Commission meeting of each calendar year.

Wildlife Staff Specialist Pat Jackson gave a presentation on the predator report.

http://www.ndow.org/uploadedFiles/ndow.org/Content/Public_Meetings/Com/Archive/15-E-Predator-Report-Presentation.pdf

Wildlife Staff Specialist Pat Jackson said some numbers in the presentation have changed since the support material went out, balances are now accurate.

Commissioner East asked if the ending balance in Fiscal Year 2019 will roll over to the next year. She also asked if there are a sustainable number of predators per number of big game animals.

Wildlife Staff Specialist Jackson said yes, the ending balance will roll over and they do not have an ideal number or predators per prey.

Commissioner East said this may not be enough. She asked what they would do if they had all the budget they wanted.

Secretary Wasley said the ratio of predators and prey is so highly variable that it is probably not possible to get to a perfect ratio. He also said that predator control can help a population respond more quickly to favorable habitat conditions, they want to be strategic in the money they are spending and use it where it will be the most beneficial.

Commissioner East mentioned the presentation yesterday on the translocation of bighorn sheep where Wildlife Staff Specialist Mike Cox said he was working with predator management, she said that was very important to her.

Commissioner Hubbs said she believes that in natural systems, predator and prey ratios will balance each other out if left alone.

Secretary Wasley said equilibrium is dynamic, it is not stable. He said that the climate and the habitat conditions in Nevada would not lend itself to a stable equilibrium.

Commissioner Hubbs asked if left alone, the two would balance each other out. She said what she is understanding from Secretary Wasley is that there is not just a single predator and prey and that we don't know what a natural system would look like at this point.

Secretary Wasley said that is accurate. He said there are peaks and troughs in all populations and there are higher highs and lower lows in the absence of management. Our role as managers is to lower the peaks and raise the troughs so it is more stable through time.

Vice Chairman Valentine asked if there has been any traction on changing the number of take for ravens in Nevada.

Secretary Wasley said Wildlife Services was sued relative to inadequate National Environmental Policy Act (NEPA) in wilderness areas. They have tried to redo environmental review in compliance with NEPA, which is in draft form. It will acknowledge that the population of ravens has increased and raises the number of take. If approved, it will increase the number of take from 5,000 to close to 15,000. Yes, there has been traction, they are waiting on the decision of the environmental review.

Commissioner Hubbs asked if the Department was still implementing predator control on an as-needed basis and if those were separate from the \$3 fee.

Wildlife Staff Specialist Jackson said removals due to health and human safety are not funded by the \$3 fee and therefore not included.

Commissioner Hubbs asked if those instances were rare.

Wildlife Staff Specialist Jackson said it depends on what your definition of "rare" is, but it is not common.

Secretary Wasley said that there are maybe half a dozen coyotes that have been removed due to aggressive behavior due to feeding. A similar number of bears have also been euthanized for similar reasons, it is not a significant number over the year, statewide.

Game Division Administrator Wakeling provided an update on a project that was started related to the predator plan.

Game Division Administrator Wakeling and Wildlife Staff Specialist Jackson started a program in the 2016 Predator Plan to address mountain lions being caught in foothold traps. This project was withdrawn from the Predator Plan but the Department has continued with the research and investigation. There had been concern that mountain lions caught in these traps resulted in a much higher rate of mortality. The Department then did research on the survival of lions caught in these traps, which has been ongoing for the last two years. They have not used any predator fee dollars in this research investigation. To date, they have investigated 24 lions, 16 in the first year. They have radio-marked seven animals in the first year and six in the second year, of those 13 animals; only three have died, two were harvested and one died of injuries from the trap. At this point in time, there is not enough data to reach any conclusions but wanted the Commission to be aware of the research that was being done and the reasons why they were doing it.

Commissioner Hubbs asked if those were all the lions recorded or if there were more.

Game Division Administrator Wakeling said they don't have the data on every single trap but they think they have representative sample of data. They try to sedate and bring the lions into the health lab to evaluate them. They have also acquired a portable x-ray in the last year to evaluate in the field. Wakeling said it will take a couple years to have enough data to say with confidence what the effects are and their objective is to come up with a set of best-management practices.

Commissioner Hubbs asked if most lions have damaged limbs due to being caught in the traps or what the most common injury is.

Game Division Administrator Wakeling said the types of injuries range widely, from dislocated joint, broken bones, or lacerations. Something they are trying to accomplish by coming up with the best-management practices is train staff to determine if they can recover from their injuries.

F Importance of Sagebrush Ecosystems Report – Habitat Division Administrator Alan Jenne

The Department will share recently developed regional campaigns designed to increase awareness and elevate the importance of the sagebrush ecosystem.

Secretary Wasley introduced the presentation. At the last meeting in Las Vegas, Chairman Johnston asked if there was something being done about the sagebrush ecosystem, this presentation is a response to last meeting's fire update given by Habitat Division Administrator Jenne.

Habitat Division Administrator Alan Jenne gave a presentation on sagebrush ecosystems. http://www.ndow.org/uploadedFiles/ndow.org/Content/Public_Meetings/Com/Archive/15_F-Sagebrush-Conservation-Presentation.pdf

Secretary Wasley gave background on SageWest, an organization that has been trying to provide outreach and education on the importance of the sagebrush ecosystem in a two-year-old campaign in western sagebrush states.

Commissioner East asked if there is a way to evaluate and monitor any change in behavior on social media.

Secretary Wasley said there is some testing on the front end of messaging, there are also some national conservation outreach strategies and individuals that are testing slogans. He said he thinks it is hard to measure gradual change in behavior. One of the ways it is being measured right now is through social media metrics including visits, like, or hits. If anyone is interested they can add to SageWest listserv email list to get regular updates and be directed to social media.

Commissioner Hubbs asked what the limiting factors are in fire rehabilitation.

Habitat Division Administrator Jenne said resources, people, equipment, competition for resources (seed), and funds all limit rehabilitation. He said chemically following helps extend the timeline for rehabilitation but then you have to follow up the next year with seeding, and when there are two big fire years in a row it puts a strain on resources. Proposals submitted to the Bureau of Land Management are not always fully funded and if they aren't, it comes back to the Department to come up with funds to cover priority habitats.

Commissioner McNinch said the local Audubon group has recently gone out and planted sagebrush in burn areas. The message is filtering down in small areas but not in significant areas. The people involved in these initiatives are getting the message but they need to

spread the message to those who aren't. He said he appreciates the work that is being done.

Habitat Division Administrator Jenne said that the biologists and fire rehab people got involved in the work because they like being in the field and not having to talk to people but working with SageWest, People of the Sage, and Conservation Education staff helps get the message out and helps so much. He believes that we are seeing a shift in trend and acknowledgement.

Chairman Johnston said he appreciated the presentation. He said the people in this room know what's at stake but the people of Nevada in urban areas often don't know. He said fires don't make news if not many structures are lost, people don't know what else is out there and he thinks if the fires were somewhere else people would care a lot more. He said the perception that nothing is out there has to change and he is happy that efforts are underway. He asked what the Commission can do to deliver the message to the Legislature or Congressional delegation, we need to advance the message to the people not in this room.

Commissioner Hubbs agreed with Chairman Johnston but said that she believes, after living in an urban area, that people may surprise you but they just don't know how to help. If there were something on the ballot, she thinks a lot of people would vote 'yes' because they want to do something for wildlife, they just don't know what. She thinks that the public generally understands that we are having more and more fires, if there was a way to provide a rainy day fund for the state, she said she would be surprised if they didn't elect to do so.

16 **Commission General Regulation for Possible Adoption – Public Comment Allowed**

A* **Commission General Regulation 480, Shotgun Gauges Legal for Turkey Hunting, LCB File No. R194-18 – Game Warden Captain Mike Maynard – For Possible Action/Public Comment Allowed**

The Commission will consider adopting a regulation relating to amending Chapter 503 of the Nevada Administrative Code (NAC). This regulation would remove the prohibition against using a shotgun smaller than 20 gauge to hunt wild turkey. It would also clean up unnecessary language regarding shot size used on a wildlife management area. The Commission held a workshop on September 21, 2018 and the Commission directed the Department to reverse the changes on page 1, keeping the prohibition against using a shotgun smaller than a 20 gauge and retaining the cleanup language on page 2 relating to shot size used on a wildlife management area.

Game Warden Captain Maynard said regulation was in response to a petition from a representative of Federal Ammunition. At the last meeting, changes were contemplated, and the Commission went back to something similar to the original regulation with some cleanup. This regulation also removes

No public comment in Las Vegas or Reno.

COMMISSIONER MCNINCH MOVED TO ADOPT COMMISSION GENERAL REGULATION 480, LCB FILE NO. R194-18 AS PRESENTED BY THE DEPARTMENT.

THE MOTION WAS SECONDED BY VICE CHAIRMAN VALENTINE. THE MOTION PASSED 9-0.

17 **Commission Regulations - For Possible Adoption/Public Comment Allowed**

A* Commission Regulation 19-01, Taking of Raptors for Falconry for 2019-2020 – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action

The Commission will consider and may take action to approve the 2019-2020 season dates, species, quotas, limits, closed areas, application procedures and deadlines, and take of raptors for falconry.

Wildlife Diversity Administrator Jennifer Newmark explained the set limits and seasons for falconry for the 2019-2020 season. The Department proposed no changes from the prior regulation. A person may take another raptor of the same species to replace a bird captured in that same year which has been lost or died. Northern goshawks are opened statewide except in Elko County. The Department recommends the same seasons and continued take restriction. The Department recommends no entry into a nest area to prevent forced fledging of young.

No public comment in Las Vegas or Reno.

COMMISSIONER MCNINCH MOVED TO APPROVE ADOPT COMMISSION REGULATION 19-01 AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY COMMISSIONER HUBBS. THE MOTION PASSED 9-0.

B* Commission Regulation 19-02, Noncommercial Collection of Reptiles and Amphibians for 2019-2020 – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action

The Commission will consider and may take action to approve 2019-2020 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians.

Wildlife Diversity Administrator Newmark said the Department recommends the same limits as previous years, as well as the same seasons from January 1 to December 31, and the same bag and possession limits as past years. She said species not listed in the regulation are recommended to remain closed to any collection.

No public comment in Las Vegas.

Paul Dixon, Clark CABMW, said two members of CABMW were vocal about their dissent of Commission Regulation. They said the collection is not monitored in any way and feel that we are underestimating the non-commercial collection. He said the NDOW biologist at the CABMW meeting defended the Department.

Commissioner McNinch asked if there is any concern with non-commercial collection.

Wildlife Diversity Administrator Newmark said she doesn't believe there is any concern. She said only 4 percent of households have reptiles as pets and about 15 percent of reptiles in captivity were caught in the wild. She believes it is an opportunity for youth to interact with wildlife.

Commissioner McNinch said he feels comfortable moving forward.

Commissioner Hubbs asked if reptiles not included in the list were protected in any way.

Wildlife Diversity Administrator Newmark said that is correct, they are protected if not listed.

COMMISSIONER MCNINCH MOVED TO ADOPT COMMISSION REGULATION 19-02 AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY COMMISSIONER EAST. THE MOTION PASSED 9-0.

18 **2019 Legislative Session – Chairman Johnston – For Possible Action**

The Commission will consider legislative platforms and proposals. The Commission may vote to adopt legislative platforms and take action with respect to legislative proposals.

Secretary Wasley said that the Department's approach this session will be more housekeeping in nature (clarification, etc.). They are mostly trying to address discrepancies in regulations. There was another that was trying to address the removal of animals for the purpose of public safety.

Chairman Johnston said that he wanted to have this agenda item because in past years they have started later in the game and given the open meeting law requirements and the Commission's ability to set a Legislative Committee meeting or a Commission meeting, he was hoping to start the discussion now with the hopes that they will think about a Legislative Committee meeting in January to get an update from the Department. He said one of the issues he had going into the legislative session given public input is the transfer of tags under certain circumstances. He also received a call from Larry Johnson about legislative issues that would be part of the Coalition going into the session and one of them dovetails into one of the presentations yesterday about more general fund reimbursement or allocation for the management of urban wildlife conflict. He said they also talked about the return or transfer of big game tags for certain circumstances. One thing that has come up in the past at this Commission is the possibility of spending down some of the Heritage Fund principle for certain projects. He said he thinks there may be some concern in the community that as the Heritage Fund continues to grow, it may be susceptible to be taken for other things than what was originally intended. Chairman Johnston said he wanted to raise those issues now so we can start looking at them in connection with the Commission meeting in January.

Commissioner McNinch said he knows the Department is struggling with the trapping of bears for public safety purposes and there has been an increase in tampering with traps. He thinks the consequences of interfering with the Department need to be more severe to encourage voluntary compliance and that they need to strengthen existing laws to specifically include the Department. He said the other item that he would like to include is the Recovering America's Wildlife Act (RAWA) when and how that progresses to find a way to get the funding. He said he thinks having those discussions with the legislature is appropriate, we should take advantage of the opportunity we have right now.

Commissioner AlMBERG said he wasn't sure where we were at with expanding the language on handicapped on the retrieval of animals in the field.

Public Comment in Las Vegas -

Jana Wright, Private Citizen, there was legislation last session that was vetoed, but it would broaden the use of the \$3 fee to non-lethal efforts to remove wildlife.

Public Comment in Reno -

Mel Belding, Private Citizen, said he likes the proactive approach the Commission is taking and agrees that there are legislators that are after the Heritage Fund money. He would like to see the money be taken down to a minimum and the money be used so it will not be taken.

Paul Dixon, Private Citizen, said there were some discussions when Chairman Lent was on the Commission about it being nearly impossible for someone to take the Heritage Fund money based on the language. He would like an updated opinion from the Attorney General's Office on that again. He said that the interest they will make on the balance of the fund will be significant and if the money is safe, they should try to keep it in the fund rather than spending it down to a certain point.

Chairman Johnston would like to have a legislative sub-committee meeting in January in preparation for the legislative session. He said he would expect some proposed changes to the predator fee and he understands the concerns with the Heritage Fund. He thinks there was a good discussion today and he would like to start getting feedback from the public on these issues.

19 **Future Commission Meetings and Commission Committee Assignments – Secretary Tony Wasley and Chairman Johnston – For Possible Action**

The next Commission meeting is scheduled for January 25 and 26, 2019, 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 and add or dissolve committees, as necessary at this time. Any anticipated committee meetings that may occur prior to the next Commission meeting may be discussed.

Chairman Johnston read the list of committee assignments for the upcoming year.

Chairman Brad Johnston Committee Assignments

November 3, 2018

Administrative Procedures, Regulations and Policy Committee

Commissioner McNinch (Chair), Commissioners Valentine, Hubbs and Caviglia
Staff to the Committee: Management Analyst 3 Kailey Taylor

Elk Damage and Incentive Committee

Commissioner Barnes (Chair), Commissioners Kiel, Valentine, and Lincoln CABMW Member Cory Lytle
Staff to the Committee: Wildlife Staff Specialist Cody McKee

Finance Committee

Public Representative Gil Yanuck (Chair), Commissioner Johnston and Clark CABMW Member Paul Dixon
Staff to the Committee: Administrative Services Officer 3 Katie Jameson

Legislative Committee

Commissioner East (Chair), Commissioners Johnston and Valentine and Public Representative Greg Smith
Staff to the Committee: Management Analyst 3 Kailey Taylor

Public Lands Committee

Commissioner Barnes (Chair), Commissioners Almborg, McNinch, and Hubbs, and Clark CABMW Member Paul Dixon
Staff to the Committee: Habitat Division Administrator Alan Jenne

State Predatory Animal and Rodent Committee – NRS 567.01

Commissioners Kiel and Barnes

Tag Allocation and Application Hunt Committee

Commissioner Valentine (Chair), Commissioners Barnes and Caviglia, Pershing CABMW Member Joe Crim, and Public Representative Meghan Brown
Staff to the Committee: Data and Technology Services Division Administrator Chet Van Dellen

Wayne E. Kirch Wildlife Conservation Award Committee

Commissioner Johnston (Chair) and Commissioner Valentine
Staff to the Committee: Staff Conservation Educator Julie Watson

Wildlife Damage Management Committee

Commissioner Almborg (Chair), Commissioners Caviglia, Barnes and Hubbs, and Humboldt CABMW Member Tom Cassinelli
Staff to the Committee: Wildlife Staff Specialist Pat Jackson

Wildlife Heritage Committee

Commissioner Valentine (Chair), Commissioners Johnston, Almborg and Caviglia, Mineral CABMW Member Glenn Bunch and Pershing CABMW Member Joe Crim
Staff to the Committee: Wildlife Staff Specialist Mark Farman

Wildlife Scholarship Recipient Selection Committee

Chairman Johnston (Chair), and alternate Commissioner East, [NBU appointee], [Nevada Record Book appointee]
Staff to the Committee: Wildlife Staff Specialist Russell Woolstenhulme

Landowner Compensation Tag Committee

Chairman Johnston (Chair), Commissioners Kiel, Barnes, and Valentine, Lincoln CABMW Member Cory Lytle, and Public Representatives Larry Johnson and Bevan Lister
Staff to the Committee: Biologist 4 Mike Scott and Tom Donham

Chairman Johnston said Commissioner East will be setting up a Legislative Committee meeting prior to the January Commission meeting.

Vice Chairman Valentine said he will schedule a TAAHC meeting prior to the January meeting as well.

Commission Barnes said he will consider a Public Lands Committee meeting, it has been a while since they met.

Chairman Johnston said he doesn't know if it is possible for January but would like to get the Landowner Compensation Tag Committee started.

Secretary Wasley listed the potential agenda items for the January Commission meeting: Commission Regulations for big game seasons, Heritage Tag seasons and quotas, Dream Tag seasons and quotas, Partnership in Wildlife seasons and quotas, Silver State Tag seasons and quotas, big game application deadline and tag eligibility. In addition: workshops for CGR 482 and CGR 483, a presentation of the draft Predation Management Plan, Wildlife Heritage Account report, reports from sub-committees, a report from WAFWA mid-winter conference. Secretary Wasley asked for direction from the Commission on the following items: the American Wildlife Values survey results, any Department project updates, a Conservation Partner spotlight, species spotlights, pros and cons of combined season and quota setting, a report on the botulism outbreaks over the summer, and a Recovering America's Wildlife Act update.

Chairman Johnston said he would like to see all of it including an update on the legislative session. He said he can think of a number of possible conservation partners in the north including NBU Reno or the Carson Valley Chukar Club.

No public comment in Las Vegas or Reno.

20 **Public Comment Period**

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

No public comment in Las Vegas or Reno.

Chairman Johnston wished everyone a safe and happy holiday season and said he was thankful to serve on this Commission.

Meeting adjourned at 11:52 a.m.

*Support material provided and posted to the NDOW website, and updates to support material will be posted at ndow.org

*Support material for this meeting may be requested from the Director's Office at (775) 688-1597; support material for this meeting is available for the public at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Reno, NV, 89511. In accordance with NRS 241.020 this agenda closes three days prior to the meeting date and has been posted on the NDOW website at www.ndow.org and at the following Department of Wildlife offices: 1100 Valley Road, Reno, NV, 89512; 380 W. "B" Street, Fallon, NV, 89406; 815 E. Fourth Street, Winnemucca, NV 89445; 60 Youth Center, Elko, NV, 89801; 1218 N. Alpha Street, Ely, NV 89301; and 4747 W. Vegas Dr., Las Vegas, NV, 89108.

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