

Approved Minutes (approved 11/14/14)  
Nevada Board of Wildlife Commissioners' Meeting  
Sept. 12 and 13, 2014

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

#6

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

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

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

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

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

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Jeremy Drew	Vice Chairman Grant Wallace	Commissioner Chad Bliss
Commissioner Brad Johnston	Commissioner Karen Layne	Commissioner David McNinch
Commissioner Pete Mori	Commissioner Bill Young	

Secretary Tony Wasley	Deputy Attorney General David Newton
Recording Secretary Suzanne Scourby	

Nevada Department of Wildlife personnel:

Wildlife Staff Specialist Ken Gray	Conservation Education Division Administrator Teresa Moiola
Division Administrator Fisheries Jon Sjoberg	Game Warden Captain David Pfiffner
Administrative Assistant 4 Kathleen Teligades	Game Division Administrator Brian Wakeling
Chief Game Warden Tyler Turnipseed	Conservation Educator 3 Tim Thomas
Administrative Assistant 3 Joanne Trendler	Conservation Educator 3 Martin Olson

Others in attendance/two days:

Chairman Paul R. Dixon, Clark CABMW	Robert Gaudet, Nevada Wildlife Federation
Monty Martin, Systems Consultants	Gil Yanuck, Member Carson CABMW
Chairman Joe Crim, Pershing CABMW	Chairman Glenn Bunch, Mineral CABMW
Jana Wright, Clark County	Miles Humphreys Jr., Member Washoe CABMW
Bob Cook, Member Douglas CABMW	Stephanie Myers, Mt. Charleston
Carmen Rhoda, self	Janet Rhea Little, self
Dave Stowater, Nevada Trappers' Association (NTA)	Mary Maguire, self
John Sullivan, NTA	Bill Stanley, Member Clark County CABMW

Friday, September 12, 2014 – 2 p.m.

Commission Tour – Informational

The Commission met at Hemenway Park, located at 401 Ville Drive, Boulder City, Nev., 89005, to tour the park's new desert bighorn sheep interpretive display, and from there the Commission visited and toured the Nevada Department of Wildlife's Aquatic Invasive Species Decontamination Station at Boulder Beach.

Saturday, September 13, 2014 – 8:30 a.m.

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

Vice Chairman Drew called the meeting to order 8:36 a.m. He said “Election of Officers” had been tabled at the Fallon meeting because the Governor’s Office had not made re-appointments or new appointments to the Commission. At this time Commissioner Robb is still chair and he is vice chair; however there have been three re-appointments: Himself, Commissioner McNinch and Commissioner Wallace, and one new appointment was made that of Commissioner Johnston, and at this time we still do not know who the ninth Commissioner is. He asked the Commission if they wish to proceed with an election at this time.

Commissioner McNinch said he believes the Commission should proceed because even if a new Commissioner were appointed, that will not change his view as to who should be chairman.

Commissioner Drew concurred with Commissioner McNinch, and called for nominations for chairman.

**COMMISSIONER MORI NOMINATED VICE CHAIRMAN DREW TO BE CHAIRMAN. VICE CHAIRMAN DREW ACCEPTED THE NOMINATION AND HE ASKED IF THERE ARE ANY OTHER NOMINATIONS. THERE WERE NO OTHER NOMINATIONS, AND HE ASKED FOR PUBLIC COMMENT: NO PUBLIC COMMENT. VICE CHAIRMAN DREW CALLED FOR THE VOTE: COMMISSIONERS IN FAVOR WERE BLISS, JOHNSTON, LAYNE, MCNINCH, MORI, AND WALLACE. VOTE ON MOTION WAS 6 – 0. VICE CHAIRMAN DREW ABSTAINED AND COMMISSIONER YOUNG WAS ABSENT.**

**COMMISSIONER MORI NOMINATED COMMISSIONER WALLACE FOR VICE CHAIR. COMMISSIONER WALLACE ACCEPTED THE NOMINATION AND ASKED FOR PUBLIC COMMENT AND HEARING NONE CALLED FOR THE VOTE. COMMISSIONERS IN FAVOR: BLISS, JOHNSTON, LAYNE, MCNINCH, MORI, AND WALLACE. VOTE ON MOTION WAS 6 – 0. COMMISSIONER WALLACE ABSTAINED AND COMMISSIONER YOUNG WAS ABSENT.**

Chairman Drew called the meeting to order.

- 2 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman

Commissioners present: Chairman Drew, Vice Chairman Wallace, Commissioners Bliss, Johnston, Layne, McNinch, and Mori. Commissioner Young absent.

CABMW Roll Call: Member Gil Yanuck, Carson; Chairman Paul Dixon, Clark; Member Miles Humphreys, Washoe; Chairman Glenn Bunch, Mineral; Chairman Joe Crim, Pershing; and Member Bob Cook, Douglas.

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

**COMMISSIONER MCNINCH MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

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

Commissioner Bliss said normally the September meeting is the time that fishing regulations are discussed and although that is not on the agenda, he asked Nevada Department of Wildlife (NDOW) staff the status of Comins Lake, as persons from White Pine County have asked what the schedule is for poisoning the lake and reintroduction of fish. Commissioner Bliss asked if there had been any further discussion of Ruby Lake marsh.

Fisheries Division Administrator Sjoberg said in response to Commissioner Bliss, that this year has been set aside for planning with the hope to move ahead in 2015. He said a process will need to be worked out with U.S. Fish and Wildlife (USFWS) to address environmental compliance and a full Environmental Assessment (EA) may be needed due to the size of the project, which will have to include Bassett Lake as well.

Secretary Wasley said in regard to the Ruby Marsh that he has discussed water management with USFWS regional director and currently there is a vacancy with the manager position at the refuge. A field trip is being coordinated with USFWS to look at the water management plan and discuss the future, and when the new manager is appointed, that will be the opportunity to encourage them to implement the water management plan which is consistent with the Department's fishery goals.

Chairman Drew said, yesterday the Commission toured Hemenway Park in Boulder City to see the Department's interpretive displays for the bighorn sheep that visit the park, and then the tour continued on to Lake Mead to visit the Aquatic Invasive Species (AIS) decontamination station. He said it is important for the Commission to take time to see the context of how programs are implemented in the field, and he appreciated those who attended, and he thanked NDOW staff for their assistance with both events. Chairman Drew congratulated Commissioners Wallace and McNinch on their re-appointments to the Commission and for their willingness to serve additional three-year terms and the same to Commissioner Johnston.

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

Glenn Bunch, Mineral CABMW, said a local sportsman club approached him requesting a change to the dove opening season date from Sept. 1 to two weeks earlier in August.

Bob Cook, Douglas CABMW, said there has been concern from his board with the USFWS, NDOW, and California Fish and Game on the reintroduction in Lake Tahoe of Lahontan cutthroat trout. He said USFWS has not communicated with them as to their plans for the future and he brings this up because he wants to raise awareness and he has spoke to NDOW staff about the issue and is asking for assistance with communication from this point on, as they have requested studies over the last two years without any response.

Gil Yanuck, Carson CABMW, said at his CABMW meeting the main topic was the results of the trap trespass and demerit issues, and they appreciated the fact that Chief Game Warden Turnipseed made it clear that a citation would not be issued unless clearly provable that the land someone might be trespassing on was properly marked as private property. He said people out in the field for many years did not recognize/know the laws regarding marking of private property, and the fact that if you were cited you could take a hunter education course to abate four demerit points and that clarification made the changes more palatable.

Miles Humphreys, Washoe CABMW, said he has heard that CABMWs are discouraged that the Commission is not taking their comments into consideration. He asked if the Department could assist with getting information on the controversial subjects out to the public so that they could attend CABMW meetings to participate as many sportsmen are unaware that these issues are out there.

Paul Dixon, Clark CABMW, asked that other CABMW action reports be sent to the CABMW chairmen.

- 6 Approval of Minutes – Chairman - For Possible Action  
The Commission may approve Commission minutes from the August 2014 Commission meetings.

**COMMISSIONER YOUNG MOVED TO APPROVE THE AUGUST MINUTES. COMMISSIONER BLISS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.**

Commission Regulations - Workshop – Public Comment Allowed

- 7 Commission General Regulation (CGR) 439, Water Ski Towable Device, LCB File No. R108-14 – Game Warden Captain David Pfiffner  
The Commission will hear a regulation relating to watercraft to clarify what is considered a towed device behind a vessel or restricted areas closed to water skiing for public safety in high use areas, narrow channels or certain water bodies not large enough to accommodate the activity.

The regulation will clarify what type of device can be towed behind a vessel. It will further clarify what areas are restricted to water skiing for public safety in high use areas, narrow channels and in certain water bodies that are too small to accommodate the activity.

Game Warden Captain David Pfiffner said this regulation is clean-up from back when boating laws were written when boaters only towed “water skiers.” Now there are a number of different towable devices such as tubes, wakeboards and other devices. He said we need to clean-up the regulation as there are areas that cannot accommodate those towable devices. He said examples of such areas is Black Canyon in front of Hoover Dam, and the narrows in the Virgin Basin. He said this is a public safety issue in some portions of the state’s waters.

Chairman Drew asked if NDOW supports the language in the regulation stating “towing a person on water skis, a surfboard, an inflatable device or any similar device” to cover the gamut of what the Department is concerned with.

Captain Pfiffner said “similar device” covers new devices as they are developed and it is possible that NDOW will return in the future with other safety concerns, and that the purpose of this regulation is that it covers the majority of the devices because the main problem is boaters towing tubes.

Public/CABMW Comment –

Paul Dixon, Clark CABMW, said his CABMW supported the changes in the regulation, and fisherman supported the regulation as it will make them safer if fishing in the middle of the lake.

Chairman Drew concluded the workshop on CGR 439 and stated that this meeting’s support material for CGR 439 will be carried forward as written to the November meeting for action.

8 Commission General Regulation 444, Laughlin Fishermen's Access, LCB File No. R086-14 - Game Warden Captain David Pfiffner

The Commission will hear a regulation relating to watercraft that will prohibit swimming or bathing around a dock or boat ramp or using a dock or boat ramp to swim or bathe; and docking a vessel or otherwise trespassing in a prohibited area at Laughlin Fishermen's Access.

The regulation addresses safety concerns of people swimming and/or bathing in a heavily congested boating area. The regulation will reduce potential injuries which may include prop injuries, vessel collisions and trauma injuries incurred by vessel striking users in a swimming and/or bathing in the launch area and will prohibit trespassing or docking in prohibited areas, allowing the area available for emergency vessel use at Laughlin Fishermen's Access.

Captain Pfiffner showed with photos (exhibit file) the area of the boat ramp owned by NDOW that the regulation would affect in Laughlin. The area is called Fisherman's Access and is managed through an agreement with NDOW by the Riverside Casino. Improvements were made to the area three years ago when the agreement's extension was up because of NDOW's concerns with the facility such as its run-down condition, and the ramp was not long enough. The Riverside Casino agreed, and funded the improvement project, which was overseen by NDOW engineers. Subsequently, the ramp was widened into two usable public ramps and one of which is an enforcement ramp to be used exclusively by Law Enforcement to launch their boats and for emergency usage in the event of accidents. He said because this is one of the best and one of the few free ramps on the river it is heavily used, and the ramp is also in an accident prone area of the river. The problem the regulation addresses is that the ramps have made a dike area where there is flat water making it a natural swimming pool which has attracted non-boaters who are swimming there making it a public safety issue with boats in the swim area. The regulation will clearly close the area to swimming. Secondly, the regulation prohibits persons from using the enforcement dock because when law enforcement is bringing injured persons in or arresting someone, they need to leave their boat at the dock.

Commissioner Layne said currently there is no signage to prevent usage and not sure if this will help.

Captain Pfiffner said if the regulation is enacted the Department would be able to provide signage within authority of the regulation.

Commissioner Bliss asked for clarification whether regulation would affect any other docks.

Captain Pfiffner said no, this only pertains to Laughlin boating and Fisherman's access area. He said he is confident that once the regulation is enacted 75 percent of the problem should be solved. This is a dangerous area and will give staff the ability to remove people from the area.

Public Comment – None

Chairman Drew asked Commission if they had changes to language.

Commissioner Johnston asked that language be more specific and address the public safety issue more thoroughly as the wording "around" seems vague but he will defer to the Department if they want to move forward with the language.

Captain Pfiffner said "distance" could be added to the regulation, however, if they swim out the current will take them out quickly and the main issue is swimmers in the flat water by the dike that stops the current.

Commissioner Young said his experience from Law Enforcement is that it is difficult to define distance and is a judgment call because of the existing river current.

Commissioner Johnston said with the explanation provided by Captain Pfiffner that he is okay moving forward with the regulation.

Chairman Drew closed the workshop and stated that CGR 444 will be brought back to the November meeting as written for action.

- 9 Commission General Regulation 435, Archery Cleanup, LCB File No. R107-14 Conservation Education Division Administrator Teresa Moiola  
The Commission will hear a regulation relating to hunting; authorizing the Department to issue an archery disability permit to a person with a permanent disability; revising the definition of "longbow" for certain purposes; revising the circumstances under which a person may use a crossbow to hunt a big game mammal or a bow to hunt a game mammal or game bird; authorizing a person to use a scope permit during a type of hunt that is restricted to bows; and providing other matters properly relating thereto.

The regulation will allow for the use of crossbows in archery seasons for hunters with specific disabilities and clarifies archery equipment legal for any bow hunter in an archery season.

Commissioner Bliss disclosed that he is a volunteer member of the Nevada Outdoorsman Wheelchair program. The program is 100 percent volunteer and any discussions or decisions that might be made by this Commission will not benefit the organization financially nor will his affiliation with being on the board have any effect if he were to vote on this issue.

Conservation Education Division Administrator Moiola and Archery Education Coordinator Tim Thomas for NDOW presented the regulation: At the June Commission meeting she received input from the Commission on adding cross-bows as a legal weapon for the severely and permanently disabled in the archery season, and was told by the Commission to proceed and draft a regulation. During that process updates were made in the general archery regulation to clarify definitions of archery equipment that is already legal such as references to "long-bow."

### **Crossbows in Archery Seasons for Disabled Hunters and Updates for General Archery Regulations**

#### **Summary**

The Nevada Department of Wildlife (NDOW) is proposing changes to the existing regulations for archery as prescribed in Chapter 503 of NAC to address two separate and discrete issues as they relate to bow hunting.

#### **Issue 1 - Crossbows in Archery Seasons for Disabled Hunters**

Due to interest from the disabled community and following a recent Federal Civil Rights audit, NDOW is currently exploring the possibility of amending the regulations on bow hunting in archery seasons to allow for the use of crossbows and/or a bow that uses a mechanical device that can anchor a nocked arrow at full draw by individuals who have severe and permanent disabilities of the torso, arms or upper body.

#### **Issue 2 - Updates for General Archery Regulations**

NDOW is seeking to amend existing regulations describing equipment allowable in archery hunting seasons as current regulations are vague and difficult for the public to understand, the legality of equipment cannot be determined and, as written, is largely unenforceable.

#### **Background**

#### **Issue 1 - Crossbows in Archery Seasons for Disabled Hunters**

In 2006 the Nevada Board of Wildlife Commissioners accepted a petition from Ms. Dawn Nelson, a disabled bow hunter, that ultimately allowed the use of crossbows in "Any Legal Weapon" seasons for both disabled and nondisabled hunters. Since that time, individuals with permanent and severe

disabilities to the torso, arms or upper body have increased as our nation has been engaged in warfare for over a decade.

In response to the dramatic public interest in adding crossbows as legal weapons in archery seasons; 46 states have added permanent regulations for the disabled, one state has a temporary regulation and Nevada is amongst only three states including Montana and Oregon to have no provisions for disabled bow hunters to use crossbows in archery seasons. In addition, 23 states have added permanent regulations to allow crossbows in archery seasons for any hunter. (See attached chart.)

Technology has improved archery equipment in all categories including compound, recurve and crossbow. Harvest statistics for crossbows versus other types of bows currently allowed under Nevada regulation are virtually identical. There is little to no evidence that crossbows create an advantage over other types of bows.

### **Issue 2 - Updates for General Archery Regulations**

Chapter 503 of NAC currently references "longbow" as acceptable archery equipment. It goes on to further define "longbow" as longbow, recurve or compound bows. NDOW continually receives inquiries from archers regarding this definition, as recurve and compound bows are not well known as "longbows" therefore creating confusion for hunters who use these types of bows which are legal in archery seasons.

Additionally NAC 503.144 Section 2 reads "A longbow used in hunting a big game mammal must, in the hands of the user, be capable of throwing a 400 grain arrow 150 yards over level terrain." This language is vague, difficult for hunters to understand and nearly impossible for them to actually calculate therefore making this regulation virtually unenforceable.

### **Solution**

#### **Issue 1 - Crossbows in Archery Seasons for Disabled Hunters**

Following the precedent set by nearly every other state, Nevada could pass regulations allowing for the use of crossbows in archery seasons for the severely and permanently disabled. Language could be crafted that would allow NDOW to issue a archery disability permit to a person with permanent physical disability of the upper torso or who has had one or both arms, or a part thereof, amputated and the disability or amputation prevents the person from manually drawing and holding at full draw a bow that currently is allowed in archery seasons. This language could also require that a person applying for such a permit must have a certification from a licensed physician certifying that the applicant has such a disability.

Additionally, the regulations can be amended to allow for a bow that uses a mechanical device that can anchor a nocked arrow at full draw.

These regulation changes would address the desire of the disabled community to continue the sport of archery hunting in archery seasons as well as aid NDOW in ensuring that the Civil Rights of the disabled are being regarded.

#### **Issue 2 - Updates for General Archery Regulations**

Where Chapter 503 of NAC references "longbow" the language can be changed to simply read bow and bow can be earlier defined as longbow, recurve or compound bow.

NAC 503.144 Section 2 can be amended to require that a bow used in hunting a big game mammal must have a minimum draw weight of 40 pounds and a maximum let-off of 80% which is both easily understandable by an archer and enforceable by game wardens in the field.

### **Conclusion**

This draft regulation address both the issues of enabling disabled archers to pursue bow hunting with crossbows or mechanical devices in archery seasons as well as the needed clarification of existing regulations for archery under Chapter 503 of NAC.

Commissioner Layne asked what regulations California and Arizona have as to what is being proposed here, and asked what will prevent persons from “doctor shopping” for this exception as she heard a discussion about that. She asked what will be the determination for a disability.

Administrator Moiola said Nevada is one of three states (Oregon, New York and Nevada) that do not allow crossbow usage for the disabled. Both California and Arizona allow crossbows for the disabled. The person will need a certificate issued by a licensed physician certifying that the applicant has a permanent disability. She said she understands the concern about “doctor shopping” but NDOW staff are not physicians, and if a licensed physician provided documentation, that would be accepted.

Commissioner Johnston had a question from Section 1 subsection 5 where permanent disability is defined, his concern is whether or not limiting permanent disability to upper torso or amputation, and if that could be simplified to read: “As used in this section, permanent disability means a disability which prohibits the person from manually drawing and holding at full draw a bow in compliance with provisions of subsection 2 of NAC 503.144.” He said there may be a disability that affects their ability to hold a bow at full draw, but does not know and wants to address the issue of having a more extensive definition of a permanent disability to encompass.

Administrator Moiola said that could be considered as the intent is to look at disabilities that prevent a person from manually drawing and holding at full draw equipment that is currently allowed in an archery season.

Chairman Drew asked staff, if outside of Commissioner Johnston’s question if the language in the regulation is acceptable and to be clear Commissioner Johnston’s recommendation is on page 3, Section 1 subsection 5, to read “As used in this section, permanent disability means a disability...” and then strike the wording: of the upper torso or the amputation of one or both arms of a person, or any part thereof...”

Administrator Moiola said yes the language is acceptable, and the second part is clean-up which came from the Department.

Commissioner Bliss said he is not as concerned with doctor shopping as others may be because the amount of people that will benefit from the change outweighs the person who may construe this to benefit himself. He supports the wording change suggested by Commissioner Johnston.

Public Comment –

Paul Dixon, Clark CABMW, said Commissioner Johnston’s definition of a disability is a good one, and the question was asked at the CABMW meeting as to the definition of being disabled to issue a permit. He recalled that the Commission has previously done that with the muzzleloader sights and they did not have anything to define what you need to do to be disabled or how you qualify would be an answer that would assist them.

Administrator Moiola said if language amended as Commissioner Johnston suggested, the person would need licensed physician certification that they can’t complete the activity of a full draw, and the document would be submitted to license office and determination would be made, and then they would carry that document into the field.

Chairman Drew closed the workshop and stated that CGR 435 will be on the November agenda for action with this language on page 3, Section 1, subsection 5: Remove wording “after means a disability ~~of the upper torso or the amputation of one or both arms of a person, or any part thereof,~~ which prohibits the person from manually drawing and holding at full draw a bow that complies with the provisions of subsection 2 of NAC 503.144.”

10 Commission General Regulation 449 – LCB File No. R111-14 - Tannery/Taxidermist – Chief Game Warden Tyler Turnipseed

The Commission will hear a regulation relating to taxidermy; authorizing a taxidermist who receives a taxidermic item from another taxidermist to maintain certain records in lieu of maintaining a record of the number of the tag, seal or permit for the taxidermic item; and providing other matters properly relating thereto.

The regulation clarifies the licensing requirements for tanneries by including the activities licensed as a taxidermist and will reduce the amount of record keeping taxidermists must complete when receiving hides, pelts or other wildlife parts from another taxidermist. The regulation was requested through a petition accepted by the Commission.

Chief Game Warden Turnipseed said the regulation CGR 449 regulates taxidermist record keeping, and he read NAC 502.455: In lieu of maintaining a record of a tag, seal or permit pursuant to paragraph (d) of subsection 1, a taxidermist who receives a taxidermic item from another taxidermist may maintain a record setting forth the name and address of the taxidermist from whom the taxidermic item was received and the punch number or other identification number assigned to that taxidermist by the taxidermist who received the taxidermic item. The punch number or other identification number must be attached to the taxidermic item during the entire period in which the taxidermist who received the taxidermic item remains in possession of the taxidermic item.

Chief Turnipseed said the regulation is a result of a petition submitted to the Commission from a tannery and affects how one taxidermist sends work to another taxidermist such as sending the cape of an animal to the tannery for tanning and the regulation allows ease of record-keeping for the tannery. The tannery will not have to include the hunter's name, license number or tag number. Most taxidermists punch holes in the cape and that denotes in their system who the cape belongs to, and also affects skulls, as the skull process can be sent to someone who specifically does skull work.

Chairman Drew asked Chief Turnipseed if the Department supports the language as drafted.

Chief Turnipseed said the regulation is wordy but is comfortable with the intent and how it reads.

Public Comment -

Bob Cook, Douglas CABMW, said his board supports the regulation.

Chairman Drew closed the workshop on CGR 449 and stated that the regulation as written will be returned for action at the November Commission meeting as presented today.

11 Commission General Regulation 452, Trail Closures, LCB File No. R112-14 - Chief Game Warden Tyler Turnipseed - Informational – Public Comment Allowed

The Commission will hear a regulation relating to trapping, other than with a box or cage trap, within 1,000 feet of certain trails and campgrounds and within one-half mile of certain residences; and providing other matters properly relating thereto. The Department was directed to develop this draft regulation by the Commission at the June 20 and 21, 2014, meeting in Tonopah.

The regulation will prohibit trapping within 1,000 feet or each side of certain designated hiking trails, campgrounds, picnic areas and recreation areas located in a portion of the Humboldt-Toiyabe National Forest in the Spring Mountains National Recreation Area. The regulation expands that prohibition to include the Bonanza Trail, Cold Creek Campground and Willow Creek Campground located within that portion of the Humboldt-Toiyabe National Forest.

Chairman Drew said before Chief Turnipseed presents the regulation that he would like to provide background on CGR 452, trail closures. He said originally the Commission discussed trail and campground offsets in the Mt. Charleston area, and Cold Creek was an area that was not discussed

much during the initial Trapping Committee meetings as he recalls, but in the recent series of committee meetings dealing with trap visitation, there was discussion on extending some visitation up into the Cold Creek area, and the Commission directed the Department rather than have separate visitation times to actually look at potential offsets. He said he believes the direction the Department got was vague as to looking at offsets around residences and any campground in the area. Chairman Drew said he got out to Cold Creek yesterday and saw what is there, which is residential area that is on edge of recreational area, and is not sure where that line falls in relation to the houses. He said he does not know if there are designated campgrounds anywhere but knows there is dispersed camping and trails which has been a concern that has come back. Today he said we will have this discussion and with the expectation that this is purely a workshop based on what he saw, and the direction that the Commission provided, and thinks we may need to look at some more detailed maps coming out of this and even have another workshop when we have better information. Chairman Drew said he appreciates the Department's attempt to draft a regulation, and knows many public are in attendance today to discuss this matter and the Commission will have public comment. However, keep in mind, that we will take our time on this to figure out the best regulation moving forward.

Chief Game Warden Turnipseed said as he stated at the August meeting he was not directly involved in all of the Trapping Committee meetings and is getting himself caught up on that, this regulation amends NAC 504.340, and he read subsection c, page 4:

(c) Trapping is prohibited, other than with a box or cage trap, within 1,000 feet of each side of the following designated hiking trails, campgrounds, picnic areas and recreation areas established within that portion of the Humboldt-Toiyabe National Forest that is located west of U.S. Highway No. 95 and north and east of State Route No. 160 in the Spring Mountains National Recreation Area. He said the three new items included are Bonanza trail, mapped U.S. Forest Service (USFS) trail USFS, USFS 151, Cold Creek and Willow Creek Campgrounds. Cold Creek and Willow Creek are not official campgrounds they are over-flow primitive campgrounds. Chief Turnipseed said law enforcement would enforce the regulation but foresees difficulty with language in Section 3 and measuring the 1,000 feet where there is no specific structure or boundary.

Commissioner Layne said Bonanza trail is a numbered U.S. Forest Service (USFS) trail, and wants to make sure the Commission understands that and Bonanza trail was never brought up and was overlooked as not part of the interior part of Mt. Charleston area.

Chief Turnipseed said that is his mistake as that is correct, Bonanza trail is official trail and no problem with enforcement of set-back, it would be the Cold Creek Campground and Willow Creek Campground that are not designated by USFS.

Commissioner Bliss asked for clarification on Section 2 "placing or setting of a trap or snare inside a fence on private property" on inside the fence and does that mean you can only place a trap within the fence. He does not believe you have to have a fence around your property and that you cannot tell people what they can and cannot do. He said he does not know if that would hold up or not.

Chief Turnipseed said that is correct that it is written to specify behind the fence to show the public that they are crossing from public land to private, and if that is an issue, the wording could be changed during the workshop as that does limit private property rights.

Chairman Drew said he believes those discussions were under SB 226 and was discussed before the foray into all of the NRS regulations regarding marking of private property and at the time were not versed in the trespass and marking of private property. Chairman Drew said on page 6 subsection D the wording "within one-half mile of any residence" that is cosmetic and has not changed the area from what was previously had.

CABMW Comments –

Paul Dixon, Clark CABMW, said they had discussion on the topic and their action report has been submitted:

In a split vote (4:1) the Clark CABMW did not support the trails closure regulation as presented. There was a lively yet respectful discussion that lasted over an hour on this topic. There were several members of the public from Cold Creek that testified on this topic and gave their perspective of the issues.

The board voted to not support this regulation for several reasons:

- a. There was no documented evidence that trapping was causing a safety issue (lots of emotional testimony though).
- b. Trapping season occurs during the lowest visitor use time of these areas so conflict is already minimized.
- c. The majority of the public testimony centered around concerns of other recreational users of the area (atv use, hunters, camping, fishermen, outdoor clubs, photographers, dust concerns and other large groups of people escaping LV)" It was noted that this area is designated the Spring Mountain National Recreation Area, all the activities mentioned fall into those allowed in a recreation area.
- d. There was also the issue of setting a precedence that every wide spot in the road were camping has occurred in the past may be called a "campground" this could escalate to thousands of locations across the state being classified as congested/high use and require special regulations or setbacks.
- e. Law enforcement present said that since Cold Creek and Willow Creek are not designated camp grounds (although people do camp there). Therefore any regulation based on them being camp grounds was unenforceable.

The dissenting opinion felt that even if unenforceable as written, the regulation could be easily modified to allow enforcement by using the centerline location of the forest service designated roads as the boundary for the 1000 ft proposed setback. In addition the dissenting opinion felt that the social and moral values of the people using the area were more urban rather than rural, and there for the majority of the users would want trapping restricted to not have themselves or their children see a trapped animal or to have unknown safety issues related to a set trap.

Mr. Dixon, said the other issue discussed was when you have unofficial campgrounds on USFS land or BLM and there are usually congregations of people and concern is with precedence of designating those areas that they become a permanent offset across the state – reiterated unenforceable campgrounds and setting precedence for something we probably don't want statewide.

Mile Humphreys, Washoe CABMW, said the Washoe CABMW was against this and had questions as to what designates a campground, and they felt there is too much gray area with regulation and were totally against it. He said they felt it will be micromanagement of something that will become a big problem.

William Stanley, Clark CABMW, said he as Mr. Dixon said, is cognitive of issue and feels that southern Nevada's problem should not be projected on the rest of the state. He said Lee, Kyle and Cold Creek have residents that have chosen to live there and does not feel should impose regulation on them as they have rights and should not impose his views on those three canyons on Mt. Charleston. He urged the board to have further workshops and they had trappers from trapping community at their meeting saying that more meetings are needed to discuss.

Bob Cook, Douglas CABMW, said his CABMW discussed and didn't think this applied to them but after listening to the comments here, believes this is bigger issue which needs more discussion in the future.

Public Comment –

Stephanie Myers, Lee Canyon resident and representing Trail Safe, said in regard to Commissioner Bliss comments regarding private property and fences, that the public do not know where trapping is happening as no signs nor flags, as not required. On private property if there is no fence how would you know trapping is going on, and hopes if discussion continues that problem will be discussed. She said secondly, the areas in Cold Creek where there would be offsets, these areas in Cold Creek are not just wide spots in the road and she showed photographs of signage, and Cold Creek Ranch is a historic site

and USFS denotes Cold Creek as off-highway vehicle (OHV) staging area and trailhead for OHV use. It is primitive camping area with no fees or improvements. She said trappers are the first to say they do not want to trap in congested areas with people and pets but those are the conditions in Willow and Cold Creek. Ms. Myers said previous Commission regulation designated 25 trails, and Bonanza trail was inadvertently left off.

Carmen Rhoda said she sent an email to the Commission which they acknowledged receipt of and folks camp and are unaware that trapping is underway. She said at the Clark CABMW meeting the decision was that this regulation is so insignificant, why pass it, and she has a friend whose dog was caught in trap and is in favor of stricter trapping regulations and concluded her rights being infringed on.

Jana Wright appreciates Chairman Drew stating that the cosmetic change to language not right as motion denoted in September 2012. She said she supports adding Bonanza trail as it is designated trail as SB 226. As far as Cold Creek and Willow Creek Campgrounds she thinks they need to be included and understands that will be discussed later with a better map. She showed a handout that designates both as campgrounds, and as the Commission continues to workshop this regulation, perhaps trapping should be prohibited within one-half mile of any residence including Cold Creek in the cosmetic language that she mentioned earlier and appreciated the Commission being thoughtful in their deliberations.

Janet Rhea Little said the 1,000 ft setback should occur due to the amount of visitors to Cold Creek from metropolitan Las Vegas, and she showed several examples of USFS signage to visitors and that Bureau of Land Management (BLM) has blocked off some roads. She asked that traps have signage to warn people.

Edna C\_\_\_ said she is from Cold Creek and that the growth of the town has been significant and that large influx of people into the area to camp and higher use has occurred due to the Kyle Canyon fire. She said that many people use the area from the metropolitan area of Las Vegas and they are not aware that trapping is going on. At CABMW meeting they stated trapping is recreation and only recreation she knows of that has suffering and a monetary gain. Read article authored by Stephanie Myers stating price of fur and removing natural predators. She concluded that she would like trapping reduced to have balance of nature.

Dave Stowater, Nevada Trapping Association, said he has attended the majority of meetings, and during the summer there probably is the amount of people they are saying, but not in winter. He said trappers assist with predator control and does not want Nevada to have a bounty and a child has not been caught in a trap as far as he knows, and does not want any more changes. They have tried to be nice.

Miles Humphreys representing himself said as one person mentioned they say people heading up to camp and that they need to be aware that trapping season is not open. He himself had his dog caught in a trap but his agenda is not to hate trapping and he would like to see signage and educate the people to let the public know trapping is occurring.

Commission discussion –

Chairman Drew said need to get better mapping, figure out what the current regulation already covers and what it does not, and his intent would be that anything that went forward would be heard in another workshop in Las Vegas, and would like to keep the discussion at the Commission level and as chair he is not willing to move the regulation out of workshop toward action today as there are too many questions. Chairman Drew said he will commit himself to work with staff to get better information to see where we are at.

Commissioner Layne said she agreed with Commissioner Drew as this would not be in effect for this year's trapping season.

Commissioner McNinch requested a map that shows the delineation of Cold Creek and residential area.

Commissioner Johnston said when the map is done, if there is ability to get information as to number of pets caught in traps in this area, as that would be helpful for the Commission to know, as have heard from public that is a concern. He would like to know if it occurred, if so how often, as the more information the better off we will be in taking a look at this.

Commissioner Bliss said signage was brought up with photos and that persons did not know trapping going on until last few years and wondered if sign with NDOW information could be provided so that people could familiarize themselves with hunting and trapping information and people can educate themselves as to what is goes on public lands at certain times of the year.

Chairman Drew closed the workshop and stated the clear intent is to get better information on CGR 452 for a future workshop in Las Vegas.

12 Special Incentive Elk Tag Arbitration Issues – Eastern Region Biologist Ken Gray – For Possible Action

An overview of private land elk programs and discussion of issues and problems encountered with the special elk incentive tag arbitration process was provided at the August meeting. Recommendations to improve the system may be selected.

Eastern Region Supervisor Ken Gray said the Department believes that the incentive tag program is very successful and has provided connectivity to the ranchers and the Department biologists. He said we have seen elk issues resolved because of the program and would like the program to continue as it has although the program is under extreme scrutiny at times by outside entities such as Western Watershed. He said the three proposals that the Department needs consideration from the Commission are: The Wildlife Commission could act as the arbitration panel much like it does with license revocation; the existing Elk Damage Committee could act as the arbitration panel; the Commission could create a new sub-committee that is specific to elk incentive tag arbitration. It is possible that all elk incentive hearings could be associated with the June Commission meeting. These meetings are held at rural locations. NAC 502.42283 would have to be modified to accommodate changes to the elk incentive tag arbitration process. All of the proposed recommendations would be consistent with NRS.

Chairman Drew said his initial thought is that the arbitration meetings should be subject to the Open Meeting Law to provide transparency and would alleviate confrontational aspects, consideration of keeping the arbitration at the local level, and possibly as a back-up to that a committee could hear appeals and not the full Commission. He said he has no problem with designating the June Commission meeting as the time.

Commissioner Mori said at the last commission meeting he voiced concerns with keeping it at the local level, and he asked Mr. Gray's opinion as to the best route to correct the problems and move forward.

Mr. Gray said he is sensitive to having local level input and his recommendation is to keep arbitration with the Commission's Elk Damage Incentive Committee as there is accurate representation and if you added a Game Board member from Elko and White Pine the committee meetings could be scheduled to be held in conjunction with the June Commission meeting.

Chairman Drew said his concern with keeping it in existing committee may be that those committee members may have an existing conflict of interest and says that from a devil's advocate position.

Mr. Gray said he appreciates the concern with conflict of interest at the local level as that is valid.

Commissioner Wallace said having the whole Commission involved would be easier as there would be nine people in place which would alleviate the issue with conflicts of interest.

Commissioner Bliss said he agreed with Vice Chairman Wallace and if matter in front of nine-member Commission and there was conflict of interest, that person could abstain or recuse themselves to avoid the problem the smaller panel has had with finding members.

Commissioner Layne disagreed on that as she said the Commission is dealing with petitions and court cases and would like to not be involved in those specific issues and would prefer to keep in the committee format.

Commissioner Johnston asked how long the arbitration proceedings last.

Mr. Gray answered they last on average 35 to 40 minutes at the most.

Commissioner Johnston said with that being said, he could see it coming to the Commission and not taking up too much time, also thinks when arbitration demand is filed you could appoint panel at that time rather than have it pre-existing. He said he has no strong feelings one way or the other just that it be an open and public process.

Chairman Drew said he does not disagree, and that another model, if multiple arbitration at one meeting that the chair could set up a committee to listen to discussion and committee recommendation comes to the Commission, and the Commission would be the final say.

DAG Newton said other boards do that with the board being the final arbitrator.

Commissioner Bliss asked with that idea would it all be done at June meeting, and cautioned that if it goes back and then has another process then we might get too close to seasons which start in August, and important to have it done at June meeting.

Chairman Drew said the committee may have to meet a day or two prior to the June meeting with action taken on a Saturday.

CABMW Comment –

Paul Dixon, Clark CABMW, said impartiality should be at Commission level to get away from personality issues and agreed totally with the process being under the Open Meeting Law.

Bob Cook, Douglas CABMW, said good idea for Commission to make the final arbitration decision especially with the issues occurring in White Pine County. He said his CABMW felt the Commission should take on that role.

Commissioner Wallace made a motion directing NDOW to draft regulation to have the Commission act as arbitration panel at the June meeting; the motion was withdrawn as not clear that specifying June would provide the flexibility needed.

DAG Newton said the NAC will need to be redone as Sections 2, 3 and 4, will need to be eliminated if it goes back to the Commission and a subcommittee is appointed.

Chairman Drew requested the motion be withdrawn and asked for a new motion from Commissioner Johnston.

**COMMISSIONER JOHNSTON MOVED TO ASK THE DEPARTMENT TO DRAFT A NEW VERSION OF NAC 502.42283 THAT PROVIDES PURSUANT TO AUTHORITY SET FORTH IN NRS 502.142 THAT THE COMMISSION SHALL APPOINT OR SERVE AS THE ARBITRATION PANEL AND HAVE THE DISCRETION TO SET THE PROCEDURE IN WHICH THE ARBITRATION PROCEEDS UNDER THE COMMISSION'S AUTHORITY. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

- 13 Trapper Education – Chief of Conservation Education Teresa Moiola – For Possible Action  
The Commission will hear a follow up presentation on options for trapper education. Items for consideration may include among others; regulatory authority, course content development and objectives, course delivery, and associated costs and budget. The Commission may take action to provide guidance on the development of related regulations.

Division Administrator Moiola presented information on trapper education:

### **Trapper Education Options and Considerations**

#### **Authority/Mandate**

- Trapper Education could be mandatory or voluntary.
- A mandatory trapper education program would require the creation of regulations to establish the authority for such a program. This could be established through NAC.
- NDOW does not have the statutory authority to create mandatory education programs for the general public or constituencies over which it has no other regulatory authority.

#### **Mandate Options**

1. Trapper Education could be made completely voluntary, not required to obtain a trapping license
2. Trapper Education could be made totally mandatory, required for a trapping license
3. Trapper Education could be required one time only or require recertification over a designated period of time
4. Trapper Education could be exempted for certain criteria. For example:
  - a. Trappers holding a license for a designated number of years during the past designated number of years (i.e. 2 of the last 5 years)
  - b. Trappers born before a certain date

#### **Course Objectives:**

Is the objective to teach students how to trap or simply inform them of Nevada's trapping regulations?

#### **Objective Options**

Trapper Education could consist of a variety of topics, some options could include, but not be limited to:

1. General trapping practices
2. Trapping safety
3. Trapping ethics and responsibilities
4. Knowing and preparing trapping equipment
5. Knowing furbearing species
6. Handling the catch

## 7. Nevada specific regulations

### Course Delivery

- Delivering trapper education can be completed by a variety of methods
- Each method has specific strengths
- Trapper education targets a limited number of students and maintaining a viable program is necessary with limited resources

### Course Delivery Options

Possible models of trapper education course delivery include:

1. Proctored exam - This model could consist of an exam proctored by staff or certified volunteers
  - a. Limited availability, exam dates would be limited by the number of students and the availability of proctors
  - b. No formal educational component, student studies on their own
  - c. Pass/fail determined by established percentage correct answers
  - d. Limitation on number of times exam can be failed would need consideration
2. Online only – Provided by a vendor this model consists of monitored course material and passage of online exam
  - a. Courses on basic trapper education already exist
  - b. Method reaches the largest number of students
  - c. Available on demand at any time
  - d. Can be customized for Nevada specific content
3. Instructor led – Independent study, followed by instructor lead classroom education and final exam
  - a. Limited availability based on number of students and availability of certified instructors
  - b. New program would need developed
  - c. Not available on demand
  - d. Can be fully customized

### Course Costs

- Creating a cost effective program is vital for long term viability
- Small number of students increases the per student cost of any education program

### Course Cost Potential

1. Proctored exam –
  - a. Low cost to agency and student
  - b. Staff time for initial exam development
  - c. Staff time for training exam proctors
  - d. Staff time for administering test or serving as proctors
2. Online only –
  - a. Low cost to agency, minimal cost to student
  - b. Student pays vendor directly to take the course and test (approximately \$35)
  - c. Initial course customization at a cost to agency
  - d. Staff time for content development
  - e. Minimal ongoing cost to agency

3. Instructor led –
  - a. High cost to agency, minimal cost to student
  - b. Using Hunter Ed model student would pay up to \$10 to instructor
  - c. Staff time for initial content development
  - d. Ongoing volunteer recruitment and training
    - i. Maintaining a corps of volunteers may be difficult with limited number of class dates
  - e. State mandated background checks for volunteers
    - i. Using the Hunter Ed model, potential instructors with wildlife violations are typically ineligible to become instructors

Commission Comments –

Commissioner Young asked Administrator Moiola if the online course is the cheapest and most efficient.

Administrator Moiola said online is lowest cost if course content and can be provided with a proctored exam where the student is on their own.

Commissioner Bliss asked if trapper education could be incorporated into existing hunter education courses as core volunteers are already there and the content could reach more people. Also, if someone received violation and wanted to remove demerits they would be attending hunter education.

Administrator Moiola said she had not considered that when the support material for the item was developed; however, when reviewing CABMW reports she saw that, and her concern with adding trapper education to current hunter education would be whether you would be able to do trapper education justice within the time frames of hunter education as current trend nationwide is a move toward lessening class time, and most of the 5,000 people who attend hunter education will not go on to be trappers because they are attending the class to hunt and buy hunting licenses and tags.

Commissioner Bliss said in Eureka several of the hunter education volunteer instructors are trappers and may be willing to travel to southern Nevada to add the trapping component to classes.

Administrator Moiola said she is not currently aware of any state that incorporates trapper education into basic hunter education and she asked Conservation Educator 3 Martin Olson to provide input regarding the hunter education classes.

Southern Region Conservation Educator 3 Martin Olson said the International Hunter Education Association has done a study on the barriers for why people do not get into hunting and one barrier is time constraints. He said there is a move across the nation to go bare bones and get them out hunting, and after that, there can be specialty classes offered such as muzzleloading, or trapping, to allow them to expand their knowledge. He said they are looking at reducing the hours of hunter education to get people to get their minimum core value to go out hunting and receive their license.

Secretary Wasley said Nevada is unique as Nevada has more demand for its resources than we have supply. Many states in the Midwest and south have the reverse situation where they leave opportunity. He said that one limitation in maximizing the opportunity has been the education requirement, and to reduce that limitation they have taken amount of time required down, and again the national trend has been to streamline. He said that essentially has forced Nevada hunters to go online and take Tennessee's online class, which they can do in one hour, and with reciprocity they can buy a license in Nevada. He understands what Commissioner Bliss is saying that the infrastructure is there, but two issues, one is national trend to make hunter education course completion easier and just like school systems believe that issues can be addressed such as ethics, fair chase, and covering all the topics leaves no time, and not enough volunteers. He said it is probably over-simplified to think we could automatically incorporate trapper education into hunter education although the resources there.

Commissioner Drew said online makes the most sense as trapping is specialized, and in an ideal world an in-person course would make more sense and there is no reason if we went to online system with Nevada specific content that there is nothing to prevent some of those volunteers to help mentor or tutor a student through the online course, and in the interest of getting something up and out, he thinks that is way to go.

Commissioner McNinch said he has thought of trapper education quite a bit and he is not in favor of the mandatory requirement. He said he is on board with outreach to trappers and the public regarding trapping, but the bottom line is trapping is a business and a commercial activity due to the sale of hides. He does not think NDOW should be in the business of teaching how to run good, lawful ethical businesses, and from his personal experience, he knows that running a certification process is burdensome and time consuming. Commissioner McNinch said if you start with an online course you set the curriculum and then someone will come in with a better online course that you have to evaluate and it will go on and on, with no end, and not sure what it will accomplish.

Chairman Drew said he respectfully disagrees to some extent as although much of this is law, as we go forward the laws are getting more and more complex, and we need to make the laws clear to the people whether doing it for recreational activity or otherwise. This is gives them the tool and opportunity to have a better understanding of what the laws are. He said as a board member he himself has been immersed in this, and it is sometimes complex for him to digest, and he sees value in setting expectation and value of having Nevada specific content so they better understand the regulations even though they are already in law.

Commissioner McNinch said he may not have been clear as we have talked of combining trapper education with hunter education which is mandatory, and his concern is he is not ready for that – having to take a course to get a trapper's license. By virtue of having a trapping license you are virtually attesting to having knowledge of the laws that apply which is a condition of trapping. If it were about outreach that is fine, but not sure if online is the way to get the message across. Commissioner McNinch said he supports outreach but is not in favor or requiring a class or course to get there.

Commissioner Layne said she does not think trapper education should be part of hunter education as will create another set of problems. She said she agreed with Commissioner McNinch in some respects as she sees trapping as different from hunting or fishing, as it is a business. She said she is at a loss with the areas the Department has proposed because she would assume trappers would know this before they start trapping and asked if it is up to "us" to teach them. She said she is not convinced and does not really want them to be better trappers and has some of same concerns. She said trapper education came up at the committee meetings and was discussed but she is still not sure what the purpose or goal is in providing this training.

Commissioner Johnston said he has no hesitation in looking at alternatives for trapper education as all types of personal and professional activities that require education and licensing as a prerequisite to doing it. He said you have to almost look at two components to trapper education, with one being educational component to trappers and another would be public outreach education to non-trapping general public to provide information as to when trapping occurs and other items of that nature. He said the first thing is to define the objective with what you want to achieve with any education program otherwise you are spinning your wheels talking about concepts. He said the Commission needs to determine the objective of the educational program.

Chairman Drew said he would not disagree with Commissioner Johnston and the agenda items is described as talking of one component today, which is for person who wants to be a trapper or is a trapper, and whether that be mandatory or voluntary. He said he is not advocating for someone to be a better trapper rather a better informed trapper, and that would be his objective in Commissioner Johnston's context.

Commissioner Layne said in terms of reviewing each of the areas as provided in the support material, trapping safety is important as are ethics and responsibilities, and Nevada specific regulations are important to educate the trapper, knowing and preparing trapping equipment, handling the catch, and if we do this we need to separate out what we are doing and not duplicate what is already being done by the NTA.

Commissioner Johnston said thinking back to hunter education that does not teach you how to hunt rather ethics, safety, fair chase, etc. are taught and you could model trapper education after hunter education.

Chairman Drew said relative to those comments, 2) trapping safety, 3) trapping ethics and responsibilities, and 7) Nevada specific regulations, are his highest priorities from the objective page, as well as, needing to address avoiding conflicts. He said he knows NTA handles some of the other issues listed and is comfortable with the input as this is what is needed to go forward.

Commissioner Bliss said as Commissioner Johnston said that the reason why he thought it could be brought into hunter education is that there could be one section related to trapping. He said he did not mean an eight hour course rather a section like the existing muzzleloader or pistol section.

Commissioner McNinch said again, that he has no problem with the outreach aspect to trappers, rather in how we get the message to them because correspondence received on what should be included in course from the public. He said it will be perpetual and concerned with getting message out.

Commissioner Layne asked how many new trapper licenses issued yearly as that will make a determination as big difference in numbers between this and hunter education. She said the options such as do they take the class once has to be figured in.

Commissioner Bliss said just a thought would be to put together a brochure with some of these topics such as current laws, trapping ethics and other information, and then that information is mailed when a trapping license is purchased.

#### CABMW Public Comment –

Bob Cook, Douglas CABMW, said he needs to make it clear that his comments today are his, as they did not have official meeting as did not have a quorum and all of his comments are from unofficial discussion. Mr. Cook said they felt they wanted cheapest option which would be online course, and as far as objective options denoted in support material, they agreed with what Commissioner Drew and Johnston's comments were and did not want education to be mandatory.

Paul Dixon, Clark CABMW, said they felt very important to have more general education for everybody and in addition the non-consumptive attendees wanted to know more about trapping. He said whatever is done should cover consumptive and non-consumptive user.

Gil Yanuck, Carson CABMW, because trapping has received so much attention over the last few years they felt important that some of items on list, such as awareness – which NTA has made very apparent to their membership about interaction with public and has been sensitized to it. He said it would definitely not hurt to add something to hunter education with regard to trapping as they may become trappers.

Glenn Bunch said if trapping brought into hunter education there may be new trappers as a result because historically it was a tradition passed down in families.

Miles Humphreys, Washoe CABMW, said they supported trapper education but did not get into more detail. His personal opinion is that it needs to be dovetailed with hunter education because at some point a hunter will come across a trap and thinks that trapping ethics and responsibilities should be mentioned, and knowing and preparing trapping equipment. He said he has hunted for years and never came across

a trap with an animal then had it happen to himself. He suggested that something be sent to trappers which must be read, signed and returned to the Department to educate them further.

Public Comment –

Edna C\_\_\_, Cold Creek, said for public education a pamphlet could be put out instructing removal of a dog or child from a trap and also have the trappers put their phone number on the trap so that they can get right out.

Jana Wright said after listening to Commission discussion, she said if you move ahead with trapper education she thinks it would have to be online and would like to see example of current course content from vendors that promote trapper education online and thinks trapper safety, ethics, and Nevada specific regulations, are critical and certainly do not want to teach people how to trap other than safely and removing animals from a trap. She said she would like to take such a course just to make sure the content is giving her view of trapping as a business and that people make money from trapping.

Dave Stowater, NTA, said he agreed with Commissioners Bliss and Johnston, and the public needs to be aware of what is going on. He said you are talking online trapper education which sounds good but so many things you can miss such as maps, diseases, and all kind of things that he does not know if they would be covered. NTA has Education Day for the NTA with people coming out to learn, and education can't stop everything as things will happen. He said the Commission can't make a decision today as you could put 20 intelligent trappers in a room and they would not be able to cover everything and the other side may come up with idea they missed, and he is more concerned that the public be educated, and is also concerned with 200,000 feral cats in Clark County that have diseases.

Carmen Rhoda said she is in favor of trapper education and feels that in the whole arena of hunters and trappers that rules don't seem to apply across the board, for hunters and fisherman there are harvest limits that you can take, and does not seem to be a limit for trappers. Hunters can't make profit of their kill, but trappers can. If hunters required having hunter education she feels that trappers should have to and she would be interested in attending these classes herself.

Janet Little said she is a fly-fisherwoman herself and knows that when you buy a fishing license you get book and if you are an adult your responsibility to know the rules. Trapper education should be more public education so that they know the activity is occurring and what you will do. She said we need more education such bulletins that are used in national parks.

Stephanie Myers from Lee Canyon and because no video conferencing she is representing Trail Safe. She said the major input for trapper education course should arise from NRS and NAC that govern the activities of people who choose to use leghold traps and snares for their recreation and profit. Hunters and fisherman have strict laws and regulations but for trappers few restrictions, and why are there no limits on the number of traps you can use. She said the education program should include all laws from all countries and neighboring states and all sides of the issue. Less than 1,300 people are trappers in the state and the other side should be represented, and difference with trapping is traps have indiscriminate ability to hurt. She attended NTA Education Day whose purpose is to indoctrinate people into this cruel sport. Ms. Myers cited the old guard trappers who have recently gotten into trouble and the course could be modeled on current hunter education course, and trappers should pay for complete budget as others pay for courses in their profession. She asked why trappers are exempt, and that Trish Swain of Trail Safe could assist with setting the curriculum. (See Attachment from Trail Safe).

Commissioner Young requested to know what the adjacent states of Idaho, Utah, California, Oregon and Arizona, have done in regard to trapper education

Commissioner Drew said those discussions have been had and unless something has changed in the course of CABMW and public comment, he feels that where this board is at is that we are comfortable with a voluntary outreach program and beyond that does not think we have gotten much further down the

road. He said he is not looking for action today and with the issue framed up would like to meet with staff and see what is doable.

14 Reports – Informational

- A Sage-grouse and Sagebrush Ecosystem Council Update - Secretary Tony Wasley and Commissioner Drew  
An update on the status of the sage-grouse will be provided as well as an update on the Sagebrush Ecosystem Council.

Secretary Wasley provided an update on the status of sage-grouse: USFWS meeting held in Denver for evaluation of all the states' plans to discuss the shortcomings and merits of each state plan; November an international sage-grouse symposium in Salt Lake will be held focusing on local area working groups, private landowners and educational opportunity to proactively address habitat needs. Also, at the past Commission meeting he presented preliminary data on lek attendance and production and will expound on it at this time to correct the record. Lek count data obtained from trend leks provides the best representation of population trends, and leks have been counted multiple times each year, and there is an extended record of data over several years. The average male attendance obtained from subset of leks which was 221 leks in 2014 was 22.5 males per lek, representing a 21 percent increase from 2013. Still 18 percent below the long-term average measured from 1965 to 2013 which had an average of 27.3 males per lek. Production measured at the number of chicks per hen was estimated at 1.6 in 2013, and was a substantial improvement over the 2012 production which was .73. He said although we are in the third year of the drought, there was a doubling of chicks per hen, between 2012 and 2013. Early observations this summer indicate that production will be improved and recruitment will hopefully reflect that.

Commissioner Drew said as he mentioned at a previous meeting Chris MacKenzie is the Commission's official appointee to the Sagebrush Ecosystem Council and if there is any information the Commission needs, to please let him know and he will obtain it.

- B Litigation Report – Senior Deputy Attorney General David Newton

Report as submitted in support material.

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

Secretary Wasley introduced new Game Division Administrator Brian Wakeling; attended Tahoe Regional Planning Association meeting which had an agenda item to discuss trash ordinances where they expressed reservations about addressing the trash issue Tahoe basin wide. He said the Department handled 21 bears in July, 14 captured and released, four were killed by cars, one euthanized for killing livestock and one euthanized for being a threat to public safety. During August, 12 bears handled, 11 captured and released, one was hit and killed by car, and to date in September, seven bears handled, six captured and released, and one vehicle mortality. In summary from July 1 to Sept. 11, 40 bears handled by NDOW. On the eve of hibernation bears eat 25,000 calories in preparation and he anticipates an increase with conflict bears. For Conservation Education Division the Western Region (WR) teamed up with the Wild Sheep Foundation and the Rocky Mountain Elk Foundation over the weekend at the Youth Outdoor Experience/Calf Camp in Carson City; Aquatic Invasive Species (AIS) re-sampling of South Fork Reservoir near Elko identified possible quagga DNA in four of five veliger (larval) samples but no veligers or adult mussels have been found. WR staff received multiple reports of dead and dying trout at Squaw Creek Reservoir, the reservoir is at capacity and die-offs have been experienced in the past due to high temperature and low dissolved oxygen. Northern Nevada reservoir renovation projects are proceeding benefitting by the dry conditions this year. Work at Boulder Reservoir in northern Washoe County has been completed and it should refill with water this fall. The reconstruction of Jiggs Reservoir to deepen and repair the dam is ongoing with completion next spring. Law Enforcement: Northern Washoe County had two doe antelope killed on "horns longer than ears" tags with misdemeanor citations issued and fines

and civil penalties kept to a minimum as both self-reported. Bear calls are being handled by seasonal which has lessened pressure on Sierra Front game wardens to allow other patrols. Eastern Region game wardens completed a successful prosecution for an antelope killed in the wrong unit during the 2013 season. Sentencing included sizeable fines and forfeitures. Southern Region game wardens were busy with boating season accidents. Six accidents resulted in eight fatalities with drownings that occurred after they voluntarily left their vessels without a flotation device. Nevada wardens have also assisted with three fatal accidents in Arizona, one a trauma fatality and two drowning after voluntarily leaving vessels without a flotation device. The Operation Game Thief (OGT) board paid \$800 to three citizens for their part in obtaining convictions on two individuals that were convicted of the unlawful killing of mule deer and one individual for an over limit of fish. Progress has been made filling vacancies in Law Enforcement Division with offers made to candidates and further warden position recruitments are underway. Wildlife Diversity staff are working with the USFWS, BLM, Clark County and the Animal Foundation for proper disposition and responsible management of unwanted pet desert tortoises in Clark County. NDOW, USFWS, and the local adoption groups in southern Nevada (the Tortoise Group) are holding sterilization clinics in Las Vegas in late August to help curtail backyard breeding amount captive tortoises. In cooperation with partners, NDOW is also assisting with pet desert tortoise adoptions in northern Nevada. Staff continues to coordinate with the BLM and USFWS through the Technical Advisory Committee that oversees wildlife issues related to the operation of the Spring Valley Wind Project east of Ely. This project includes 66 wind turbines and is in close proximity to Rose Cave, which supports over 1 million migrating bats during the late summer period. No golden eagle mortalities have been recorded this year to date. Construction has begun on the new Steptoe Wildlife Management Area residence. The fire season has not taken off yet, fire rehabilitation coordination has already begun on those fires that occurred, the monsoonal moisture received the Southern Region precluded the need for emergency water hauls to desert bighorn sheep water developments in the Muddy and Bare Mountains. Water development crews are on track to be in full compliance with SB 134 signing requirements by October of this year. To date, 10 new big game water developments have been constructed in the WR in cooperation with sportsman's organizations (NBU and Pershing County Chukar Club). In conclusion, for the upcoming legislation session, there are three bill draft requests (BDR) pertaining to sage-grouse filed, and four BDRs specific to trapping.

Commissioner McNinch said he also attended the TRPA meeting and their response was lukewarm at best and clear that no desire to get involved. The problem will get worse and believes there are things that can be done to make that better,

- D Commission Meeting Videoconferencing – Deputy Director Patrick Cates  
A report will be provided on Commission videoconferencing.

Secretary Wasley said he will present the item on behalf of Deputy Director Cates:

- Video conferencing planned for the Nov 14-15 meeting in Reno
- Video conferencing not being offered at today's Las Vegas meeting due to limited meeting room size anywhere but UNLV, where parking is a problem, especially with school in session
- Commission voted at May meeting to continue rural meetings and expressed support and value for traveling to different parts of the state to solicit public participation
- Video conferencing public attendance is sparse and less than anticipated:
  - March Meeting: 7 Elko, 4 Las Vegas
  - May Meeting: 2 Elko, 3 Las Vegas
  - Note – May meeting was preceded by press release and email blasts to constituents to make them aware of video conferencing and encourage participation. Five people total for the two locations, most people not there for both days or all day.

- Staff time demands for video conferencing via NSHE
  - Six or more staff spread over three locations just for AV support and to keep the room open for two days per meeting
  - Video Processing takes weeks – One week to receive from TMCC, 40+ hours to edit video into segments and format small enough to upload to YouTube. (compares to a couple of days with our traditional recording process)
  
- Creates a bifurcated process – one for video conferencing in Reno and one for rural travel.
  - Two systems is very costly in staff time – straining our resources, not sustainable
  - Multiple recording formats make consolidated processes for tools such as Granicus impossible to implement (recording, streaming, and agenda posting system used by Legislature and Elko County among others)
  
- A Potential Solution:
  - Continue meetings around the state
  - Cease video conferencing so multiple locations don't have to be maintained
  - Film all meetings with the old system of NDOW staff and manually run video cameras since it requires far less back end processing
  - Facilitate timely posting of videos
  - Seek a Granicus type solution that will allow streaming of video via the internet. Though we are looking at specific options, we should be able to live stream any meeting at any location so long as a high speed internet connection is available.
  - Facilitate online public comment prior to meetings

Commissioner Layne requested that videoconferencing be continued at least from the Reno, Las Vegas meeting locations and with Elko, as another location.

Secretary Wasley said the Commission has seven meetings with at least four of the meetings in Reno with videoconferencing.

Commissioner Layne requested that CABMWs announce the videoconferencing, and would like the meetings to be video-streamed and believes videoconferencing will increase the ability of people to see what is going on. She said the low participation at the two meetings may be because the people decided to attend the meeting itself due to the importance of those issues. She said she knows it is a hassle and would like the meetings streamed to other areas on the internet and for this Commission it will help as others will be able to see what the Commission is doing.

Commissioner McNinch said he understands Commissioner Layne's point and noted with today's meeting agenda which is dry, here in Las Vegas that right now, there are two members of the public present. He said the issue does matter but will not know which issue will trigger the broad interest, and he understands the Department's concern with the staffing levels, and from here where do you go because once you advertise the meeting, you have to keep the facility open all day even if no one is there. Commissioner McNinch agreed that webcasting is interesting concept that should be explored as may offer something that is better than nothing.

- 15 Future Commission Meetings and Commission Committee Assignments - Secretary Tony Wasley and Chairman - For Possible Action  
The next Commission meeting is scheduled for Nov. 14 and 15, 2014, in Reno, and the Commission will review and discuss potential agenda items for that meeting. The Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments as necessary at this meeting.

Secretary Wasley said the next meeting is scheduled Nov. 14 and 15 in Reno. Today five regulations were heard in workshop with direction to the Department to bring back three as presented today, and the fourth regulation with minor changes and the fifth regulation regarding trail closures will return. Also, the Commission directed the Department to draft or rewrite regulation specific to the elk arbitration process and revising 502.42283 to bring process back to the Commission and gives Commission adequate flexibility to deal with that consistently. One other item he noted was poll adjacent states relative to trapper education.

Chairman Drew said for another meeting would be an informational report on trapper education and public education of trapping, and there were several CABMW items that could be taken care of offline; however, CABMWs have had questions on Lahontan cutthroat trout in Lake Tahoe. He said that might be an informational presentation or invitation to USFWS, and should be kept on the radar. Chairman Drew said he would like to proceed with videoconferencing for the November meeting. Chairman Drew said yesterday was a good field tour and if others have ideas on field trips while in a region to let him know to work out logistics as believes that helps the Commission interface with the staff and see what the Commission does in regard to implementation. He said in regard to Commission committee assignments that he will review the Commission committee list and see immediate needs as still waiting for the remaining Commission appointment. He said there is still the issue of the outstanding black bear report requested by the legislature which is due prior to the session and he and Commissioner McNinch will work with Department staff to set a meeting date. A meeting may be scheduled in October and objective is to have the report prior to the February Commission meeting.

Commissioner Layne said as a member of the Wildlife Damage Management Committee that deadlines are forth coming and would not want to see the review get behind.

Public Comment –

Jana Wright, Clark County, said at one time there has been Commission discussion of not having public members or CABMW members with the committee consisting of just three Commissioners, and she hopes that is still on the table.

Stephanie Myers, Lee Canyon, agreed with Jana Wright and said especially Trapping Committee members as that should be the Commission not public citizens.

16 Public Comment Period

Jana Wright, Clark County, said she did attend the March and May Commission meetings and plans to continue attending any videoconferencing that is available, and she said she learned a lot and real time is better. She said if the Commission decides to 86 videoconferencing for them to please look at live video-streaming and complimented the Department for uploading the videos quicker than in the past. She said in regard to Commission Policy #23 that a lot of work was put into that policy with deadlines and at this September meeting we were to have a meeting and a report to the Commission and understands why we don't, but is curious on page 6 of Policy #23 that there was a deadline for reports to be sent to the Department and hopes those reports are at the Department and the public is just not seeing them yet.

Stephanie Myers seconded what Ms. Wright stated about videoconferencing as she said she knows that there were several persons from the north who wanted to speak today but could not travel. She said she herself cannot go up to Reno any old time either, and supports any effort to continue videoconferencing. She said she thought she heard Director Wasley say that trapper education would only have to do with new trappers and hopes that what she heard was mistaken.

Chairman Drew said he believed Director Wasley said "obtaining numbers on new trapper licensees."

Director Wasley said with the purpose of providing information to the discussion as we are talking of objectives, and that it would be important to know how many new trappers in the system annually versus existing trappers, which may change the education objectives.

Meeting adjourned 2:23 p.m.

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

**Attachment A:**

Trish Swain, Director Trail Safe Nevada  
[info@trailsafe.org](mailto:info@trailsafe.org)

**RE: #13 Saturday Sept. 13, 2014-Trapper Education**

Dear Commissioner:

I regret that I cannot be there to present Trail Safe's comments on the Trapper Education plan. Repeated visits to Las Vegas and other cities for meetings have been too expensive, time consuming and stressful for me. We hoped there would be videoconferencing, but evidently there is not, which I do find inexplicable given all the discussion about it that has gone on. Therefore I rely upon trusted Clark County colleagues to argue our position, and I will do my best to introduce our concept to you: It is essential that Trail Safe and our allies in the animal advocacy world have input into any proposed Trapper Education. For too long trappers have essentially run the show in Nevada. No bag limits, no limits upon number of traps, only grudgingly- recently some common sense geographical limits were approved, such as not trapping in public city parks! If you take the time to read our carefully vetted Incident Reports, <http://trailsafe.org/incidentreports.htm> - 18 online pages - you will see that conflicts with trappers arise throughout the state and in a variety of circumstances. It is essential that the non-trapping public have the opportunity to explain to both new and experienced trappers how they are perceived, why opposition exists, what they can do about it. As an essential part of the Trapper Education program, these points will be delivered in a spirit of helpful education, not blame or antagonism. It's time for all Nevadans to co-operate to keep our public lands safe for all recreationists who deserve equal opportunity to enjoy our singular state. You have our proposed topic outline and our brochure about freeing animals from traps. Please take time from your busy schedule to read our materials. We do not need materials from other states. Trail Safe has worked many years to develop effective, informative materials.

Thank you for your attention to this matter and for inclusion of animal advocacy point of view in Trapper Education.  
Sincerely,  
Trish Swain

September 7, 2014

**TRAPPER EDUCATION FROM THE TRAILS SAFE POINT OF VIEW:**

*Can be an outline for public education or included in education for trappers to give them a complete picture. Should be presented by representative of humane animal activists or by impartial instructor- NOT by trappers.*

1. Trapping is banned or severely curtailed in other states and many countries. - History of these laws and rationale.
2. History of the humane movement. A revered "tradition" and "culture" in our civilization. Philosophy.
3. Present status and influence of the humane movement. Current issues being pursued. Understanding which organization does what.
4. Focus on Nevada:
  - a. Comparison Nevada laws and regulations with other states.
  - b. Comparison tight regulation of hunting and, from our perspective, amazingly lax and permissive regulation of trapping.
  - c. Complaints from citizens throughout the state. Trapping is both an urban AND rural issue.
  - d. Pets trapped, injured and killed by trappers. Trail Safe data and trapper self report data. Leash laws are not the answer. Pets and their owners deserve carefree recreation in a vast, thinly populated state.
  - e. Rationale for legislation: trap registration, warnings to the public, shorter trap visitation, consideration of the public.
  - f. Financial picture. Trapper fees are less than 1% of fees collected by NDOW. Fur sales do not benefit the state, etc.
  - g. What is **really** "wildlife management" ? "Predator management"?
  - h. Rationale for ending the war on wildlife, coyotes in particular.
  - i. About trapping rodents.