

Nevada Board of Wildlife Commissioners' Meeting
Draft Minutes

Lyon County Administrative Complex
 27 S. Main Street
 Yerington, NV 89447

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 two day meeting:

Chairman Jeremy Drew	Vice Chairman Grant Wallace	Commissioner Chad Bliss
Commissioner Kerstan Hubbs	Commissioner Brad Johnston	Commissioner David McNinch
Commissioner Pete Mori	Commissioner Paul Valentine	Commissioner Bill Young

Secretary Tony Wasley*	Deputy Attorney General Harry Ward
Recording Secretary Suzanne Scourby	Administrative Assistant III Jordan Neubauer

*Excused Absence March 24, 2016

Nevada Department of Wildlife personnel in attendance during the two day meeting:

Deputy Director Jack Robb	Deputy Director Liz O'Brien
Operations Administrator Bob Haughian	Chief Game Warden Tyler Turnipseed
Game Division Administrator Brian Wakeling	Fisheries Division Administrator Jon Sjoberg
Wildlife Diversity Administrator Jennifer Newmark	Wildlife Staff Specialist Pat Jackson
Habitat Division Administrator Alan Jenne	Wildlife Staff Specialist Mike Cox
Management Analyst 3 Kim Jolly	

Meeting Attendees in attendance during the two day meeting:

Joe Crim, Pershing CABMW	Sean Shea, Washoe CABMW
Doug Martin, Carson CABMW	Monty Martin, Systems Consultants
Josh Vittori, Nevada Bighorns Unlimited	Sheri Crim, self
Lynn Cullens, Mountain Lion Foundation	Mike Turnipseed, Douglas CABMW
Cory Lytle Lincoln CABMW	Walt Mandeville, Lyon CABMW
Bob Schweigert, Intermountain Range Consultants	Bobbie McCollum, self
Glenn Bunch, Mineral CABMW	Darin Elmore, self
Allan Souigny, self	Fred Voltz, recreationist
Gerald Lent, Nevada Hunters Association	Don Molde, Nevada Wildlife Alliance
Rob Boehmer, Carson CABMW	Glen Thieder, OroVaca Inc./Happy Creek
Carl Erquiaga, self	Eric Bobrick, Lyon CABMW
Mark Jensen, USDA – Wildlife Services	Rex Flowers, self/Coalition for Nevada's Wildlife
Paul Dixon, Clark CABMW	T. Bowman Anderson, self
Heather Anderson, self	Leland Schoff, Self
Nigel Macomber, self	Karen Boeger, Back Country Hunters and Anglers/NV
Kevin Crow, Sierra Shooters	

Thursday, March 24, 2016 – 11 a.m.

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

Chairman Drew called the meeting to order at 11:08 a.m.

Roll call of Commissioners present: Chairman Drew, Commissioners Wallace, Bliss, Hubbs, Johnston, Mori, and Young.

Commissioner McNinch is absent at roll call but will be marked present upon arrival. Commissioner Valentine is absent for the two day meeting.

CABMW Roll Call: Paul Dixon, Clark; Eric Bobrick, Lyon; Sean Shea, Washoe; Glenn Bunch, Mineral; Tom Cassinelli, Humboldt; Mike Turnipseed, Douglas; Walt Mandeville, Lyon; Joe Crim, Pershing; Rob Boehmer, Carson CABMW; and Cory Lytle, Lincoln.

- 2 Approval of Agenda – Chairman Drew – 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.

Chairman Drew requested that agenda item #6 Humboldt County Elk Plan be heard at the call of the chair as Mr. Booth may be running late.

COMMISSIONER YOUNG MOVED TO ACCEPT THE AGENDA AS WRITTEN INCLUDING CHAIRMAN DREW'S REQUEST THAT AGENDA ITEM #6, HUMBOLDT COUNTY ELK PLAN, BE AT CALL OF THE CHAIR. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS MCNINCH AND VALENTINE ABSENT.

- 3 Member Items/Announcements and Correspondence – Chairman Drew – 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 the Department may also be discussed.

Commissioner Bliss said he received correspondence pertaining to agenda item #8, Wildlife Damage Management Committee Report and Draft 2017 Predator Plan, and will read it when the item is heard.

Chairman Drew said he also has correspondence that is item specific. He said if there is general correspondence it may be read now.

Commissioner Mori said since the last Commission meeting he has met with Intermountain Range Consultants and some of their clients, pertaining to the Humboldt County Elk Plan. He said he basically answered questions as to the process of the Commission meetings, and representatives are here today for comment during that agenda item. Also, he was contacted by the Pershing County D.A. Brice Shields seeking possible support as follow-up to their victorious

lawsuit against the BLM in the wild horse law issue. He said he told Mr. Shields, that possibly that could be an agenda item for the May meeting agenda, and to contact the Pershing CABMW Chairman Joe Crim as most agenda items come up through the CABMWs.

Commissioner Young noted that he received quite an amount of correspondence regarding predator management plans.

Commissioner Johnston said he received correspondence with the majority related to the Tag Allocation Application Hunt Committee (TAAHC) regarding eligibility to purchase a bonus point for bull elk if you put in for the spike hunt. If you apply for the spike hunt you are not eligible to apply for the bull elk hunt and issue brought up by public in an email was perhaps you should still be able to apply for bonus points for the bull elk hunt. That issue will go to the TAAHC for a future possible recommendation. He received correspondence from a master guide in Lincoln County inquiring about discussion whether lion quotas will be set by geographic areas; and he received other correspondence on data received by TAAHC at the September meeting which will be discussed later today.

Chairman Drew said he also received a call from Mr. Shields regarding the wild horse and burro issue. He said NDOW Director Wasley is absent today but will be here tomorrow and may discuss it.

- 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 Drew – For Possible Action
The Commission may approve Commission minutes from the Jan. 29 and 30, 2016, meeting.

Chairman Drew asked DAG Ward to provide a letter received in correspondence regarding this action item, and for DAG Ward to be available for questions from the Commission.

DAG Ward said for the record he will address more of this subject under the Litigation Report, agenda item #10E, concerning the Open Meeting Law (OML) complaint received from Bobbie McCollum.

DAG Ward read the letter addressed to him:

Dear Mr. Ward:

Thank you for your letter dated February 23, 2016 and (1) the Audio CD of the January 29, 2016 Nevada Board of Wildlife Commissioners meeting and (2) "Draft Minutes" of the meeting. Unfortunately, based on my review of the Audio CD, the Draft Minutes do not completely reflect what actually occurred.

1. The Draft Minutes should be amended to reflect that immediately after the meeting commenced Reno NDOW staff member "Laura" sent at least one text message to someone at the Las Vegas

meeting location to notify the Wildlife Commission of the inability to hear the proceedings in Reno. The text message(s) notifications should appear in the Final Minutes as occurring immediately after the meeting commenced.

2. While listening to Agenda Item #5 on the Audio CD, when Chairman Drew asked for comments from Reno, NDOW staff member "Laura" stated that the Reno meeting attendees could not hear the proceedings. Chairman Drew verbally acknowledged "Laura's" comment but did not stop the meeting. "Laura's" verbal notification and Chairman Drew's comments should appear in the Final Minutes for Agenda Item #5.

Again, thank you for providing the Audio CD and Draft Minutes of the January 29th meeting. I appreciate the opportunity to provide you with necessary changes to the January 29th Draft Minutes.

Sincerely,

Bobbie McCollum

DAG Ward said his recommendations for the Commission regarding the minutes due to the pending litigation is: Approve as is, table the minutes, or approve the minutes excluding agenda items #1 through #6, which are part of the pending litigation. DAG Ward said the complaints stem from the satellite location in Reno where attendees claimed they could not hear agenda items (#1 through #6) at the Las Vegas meeting on Jan. 29, 2016.

Chairman Drew asked if the OML matter may be resolved prior to the May Commission meeting.

DAG Ward said he expects that DAG George Taylor will have a formal response prior to the Commission's May meeting.

Public Comment: None

Chairman Drew said his inclination would be to table the minutes until the OML matter is resolved.

Commissioner Hubbs agreed with Chairman Drew that prudent to wait on agenda item #1 - #6 being resolved, but to approve the remainder of the minutes in order to move ahead with the Commission's schedule and work.

COMMISSIONER JOHNSTON MOVED TO TABLE THE MINUTES FROM THE JAN. 29 AND JAN. 30, 2016, MEETING UNTIL INFORMATION IS RECEIVED ON THE OML COMPLAINT. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CHAIRMAN DREW, COMMISSIONERS WALLACE, BLISS, HUBBS, JOHNSTON, AND MORI. COMMISSIONER HUBBS OPPOSED. COMMISSIONERS MCNINCH AND VALENTINE WERE ABSENT. THE MOTION CARRIED 6 – 1.

6 **Agenda Item #6 was taken after agenda item #9*

- 7 Nevada Department of Wildlife Project Updates – Deputy Director Robb – 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 detail in addition to the summaries provided as part of the regular Department Report and are intended to inform the Commission and public as to the Department's ongoing duties and responsibilities.

Biologist 3 Jenni Jeffers provided a PowerPoint presentation (presentation in exhibit file and available on NDOW website) on bat conservation involving abandoned mines which have become important wildlife habitat for species such as bats. The program that Wildlife Diversity staff work under is Abandoned Mines Lands (AML) with the purpose of public safety. Agencies involved are NDOW, BLM, and Nevada Division of Minerals.

- 8 Wildlife Damage Management Committee (WDMC) Report and Fiscal Year 2017 Draft Predation Management Plan (Second Draft) – Commissioner and Committee Chairman Bliss and Wildlife Staff Biologist Pat Jackson – For Possible Action
The Commission will hear a report from the Wildlife Damage Management Committee chairman, the second draft of the proposed Fiscal Year 2017 Predator Management Plan will be presented, and the Commission may take action to provide recommendations for modification of the second draft for the May Commission meeting.

Commissioner Bliss said WDMC met last night. NDOW Biologist 3 Cody McKee provided a very informative presentation at their meeting on tracking and monitoring areas for mule deer fawn recruitment and the use of flight data. Pete Coates was also in attendance and Mr. Coates reviewed the sage-grouse work being done on predation factors from ravens, coyotes, and badgers. Commissioner Bliss said the committee reviewed the plan and had public input from the Predatory Animal and Rodent Committee (PARC), Wildlife Services, and others. Although no CABMW members attended the meeting, the committee did receive input from CABMW's on the plan in their minutes and action reports. The consensus amongst everyone was the need for more detail in the plan, and Commissioner Bliss said there is more detail in the second plan versus first plan. For example, on the California bighorn sheep project, the stated goal was to increase sustainable sheep population, but a beginning and an end were needed to justify the work and have a goal to reach. The committee approved the plan with exception of Monitor Valley, Project 22–16. There was a general lack of desire to move forward on that particular project, and there were concerns from PARC, CABMWs and the general public. They are going forward with projects approved for Commission review. The committee gave direction to staff on financial disclosure, how much money was brought in and how much money was spent, and would recommend using an excel spreadsheet so that everyone understands the plan better. Commissioner Bliss said he received email correspondence from Senator Pete Goicoechea. Senator Goicoechea was the sponsor of Assembly Bill 78, which mandated 80 percent of the money to be spent on lethal control work, and he read Senator Goicoechea's letter into the record:

Chad, I first want to apologize to you and your Committee as I intended to have a formal response to you on the 80 percent under AB78. It is my feeling and I am sure that of the Legislature that Predator project would require some levels of management and oversight as well as monitoring as to the level of success. Those costs should be considered part of the project. I am confident your Committee, the PARC, and the CABs are more than capable of determining that the oversight needed for a project is not a study and a research study is not oversight. I want to thank

everyone for working forward on predator projects that will truly assist our Wildlife. Thanks Sen Pete Goicoechea

Commissioner Bliss said this correspondence helps clarify some of the projects and the amount of money that will be utilized. He said we have to understand that when we do projects we have to monitor projects and do the projects for the right reason, and that without monitoring we would not know if projects are successful or not.

Commissioner Hubbs said the committee meeting went well, with sportsmen and conservationists both agreeing that details were missing from the draft. She said there was discussion on fine tuning the plan before submission at the May meeting. Commissioner Hubbs said we cannot forget this is also for sensitive wildlife species not just game animals, and if we remove some of those projects and there is additional funding, there may be other sensitive species that could be included by the Department in a project and that would help the general public come to terms with plan.

Commissioner Johnston said recurring comment at these meetings expressed is that more detail in the specific project goals, and greater transparency on expenditures is needed. Recommendation to provide historical data on amount of revenue, how much spent out, how much is spent in the following year, and keep that as part of the management plan so the public can understand where and how the money is spent. For more specific context, Project 22-01 in Units 011 and 013, the anticipated results, as stated in the proposed project, was to decrease predation from mountain lions for all age classes of reintroduced California bighorn sheep resulting in an established viable population. He made the comment "what is a viable population in those two units." The Department could say a number for the viable population, and he thinks they should go further once at that number, and if we continue predator management in that area/and if established population number is reached, then we may not need further predator management. Those were the recurring comments from the public and committee members as to what to include in the Predator Management Plan. Commissioner Johnston said he is confident as we move forward that the public's comments will be addressed for better transparency and identified goals, additional issue was to facilitate better communication between Wildlife Services and the Department to let them plan accordingly. He said there is a limit of detail as we don't want plan to be too long or no one will read the plan.

Chairman Drew said he received correspondence from Elaine Carrick and one letter addressed to him from Cathy Smith. The substance of the two comments requested more detailed information, particularly on long-term project results. One project specifically cited was Project 21.

Commissioner Bliss mentioned he received correspondence from Don Molde.

Commissioner Young said Cathy Smith telephoned him and sent him a personal letter, and he agreed with Ms. Smith on her comment that the plan has less meat on the bones than the 2015 plan. Her concern was the long-term, as Project 21 has been in effect since 2007, and still do not have long-term results on the populations we are trying to protect.

Commissioner Johnston said they had presentations at the committee meeting from the Department and Dr. Coates, and he wished more people had attended because the presentations provided a better understanding of the justification for projects in the Predator Management Plan.

Commissioner Hubbs said she was contacted by Lynn Cullens and this brings to mind the need for more information on sensitive species work by Pete Coates with sage-grouse. The impact of ravens on sage-grouse populations is overwhelmingly startling and his work has been instrumental, and even after all of this work, they are finding that they are only staving off this inflating population of ravens that are harmful to a sensitive species. Commissioner Hubbs said if there is a take away of projects, it may be that there is a lack of projects in Clark County and they have issues with ravens on tortoises and issues with cowbirds on populations of Southwestern willow fly-catchers.

Chairman Drew checked with WDMC member Tom Cassinelli and Wildlife Services Director Mark Jensen/PARC for additional comments, and they answered that the main points have been covered.

Public Comment –

Paul Dixon, Clark CABMW, said the Clark CABMW voted to discontinue Project 22–16; they recommended having an appendix to find information easily in the plan, use surplus of funds for program similar to that in Utah with contracted hunter harvest, and in regard to ravens in Nevada they have heard that Nevada’s raven population is stationary and does not migrate. If that is the case, he asked if recommendations could be made to take ravens out of migratory bird law for ravens, because the population appears indigenous. Also, other states have public education programs and he would like Nevada to have that too.

Gerald Lent, NV Hunters Association, said he attended the committee meeting last night and he agreed with committee recommendations mostly, and thinks you have an excellent chairman and committee. He thinks that most people called for more transparency in goals and population estimates, and we heard that today. He talked about NDOW predator staff biologist in his presentation and also on many of the plans of which the plan refers to other contractors. In the future they said they may use private contractors to reduce mountain lion populations to benefit bighorn sheep, and may use private houndsmen and or private trappers. His question at his meeting was what rules or guidelines are being followed to hire contractors to contract with a state agency like NDOW. He said there must be some type of qualifications and that they follow all state/federal rules and regulations, should the NEPA process be followed to trap on public lands. Mr. Lent said they were hoping the predator biologist would address each recommendation one by one but that did not happen, and the other item is this budget is a mess with no way to follow the budget. At his meeting they had CPAs and they could not follow it either and having one-half million leftover is debatable with no accountability. Not a good financial plan and again they had sharp CPA accountants at their meeting who could not follow the budget, and the plan is designed to be audited to find the reserves.

Don Molde, Nevada Wildlife Alliance, said he was sorry to have missed the meeting which was long overdue since at this point over \$5 million has been spent killing animals and birds, and as far as he knows not a single benefit for any projects including Project 18. He said there has to be monitoring of projects with demonstration of statistical significance. He said that ravens do not make the top 10 list of threats to sage-grouse with the leading threats being livestock grazing, fires, and cheatgrass. Killing ravens is a political event to make everyone feel better as there are other predators than ravens that take sage-grouse chicks. With respect to the Utah bounty system mentioned by Dr. Dixon, killing another 10,000 to 20,000 coyotes, he would point out that no one has any idea of how many coyotes live in Nevada, and we already kill about 10,000 coyotes but somehow that is not enough. Studies by Idaho Fish and Game several years ago demonstrated that coyotes only affect deer fawns in years when there aren’t enough rabbits. He said just because an animal lives on the planet such as a coyote, does not mean it

has to be killed and that good comes of that. Mr. Molde said he is glad the committee is taking a turn for transparency.

Fred Voltz, said for the record it appears three critical material elements are missing from the proposed FY 2017 Predation Management Plan and proposed Policy 23 revisions. First, there is no accounting for any after-the-fact collateral impacts on species from any of these projects that are not specifically required to be measured, which could span several years into the future and cause ripple effect disruptions to the inter-species balance. Second, there is no provision or procedure for quantifying these impacts on wildlife species, both target and non-target. Finally, the APHIS reports, representing the largest contractor hired by the Commission for randomly killing predators, tallies the death toll of the target species impacted by the predator killing projects, but no supplemental impacts or disruptions on either the target species or non-target species. In sum, these projects are an incomplete metric of impacts on all wildlife species by the indiscriminate killing of targets.

Lynn Cullens, Mountain Lion Foundation, thanked Commissioner Hubbs for looking at projects that might more directly benefit endangered species, as that is lacking in these plans, and she expressed her concerns in writing at the prior Commission meeting and verbally about the plan at last night's meeting. She said to the extent that we are removing mountain lions with these predation control program and to extent that mountain lions are hunted species in Nevada, the fact that Nevada will make decisions about mountain lion quotas and expenditures for predation control in various areas of the state that those two processes need to be related to each other rather than treated separately. If science is behind mountain lion hunting quotas in Nevada then by removing these additional animals through predation control there should be a correspondent decrease in the number of lions removed in those areas through the hunting process. Alternatively perhaps there is no science behind the hunting quotas for mountain lions in Nevada, her guess that is more likely the case. She suggested in that regard that the state work diligently to update their Mountain Lion Management Plan which has not be reviewed since 1995.

Chairman Drew asked if PARC comments received were reviewed by the committee.

Commissioner Bliss said each of the PARC comments were reviewed with Wildlife Services State Director Mark Jensen representing PARC at the WDMC meeting.

Commissioner Johnston said in response public comment such as Clark CABMW requesting an education component to the plan, the education component was removed by AB 78 and funds cannot be used for that. In regard to Mr. Molde's statement that lethal removal of ravens is a political event, that based on information presented by Dr. Coates, he is confident that lethal take of ravens is not political and is a wise and worthwhile expenditure of predator fees.

Commissioner Hubbs said she too was concerned with monitoring of predator population that is removed, and she spent time reading Policy #23 and noted/read section that monitoring will be required to see long-term and impact on wildlife species they are trying to protect.

Chairman Drew expressed appreciation to WDMC members and asked staff if comfortable with committee recommendations.

Wildlife Staff Specialist Jackson said he does not need additional information as the motion was clear at the committee meeting.

Chairman Drew closed agenda item #8.

- 9 Wildlife Damage Management Committee Approved Revision to Existing Policy #23 on Predation Management (First Reading) – Commissioner and Committee Chairman Bliss and Game Division Administrator Brian F. Wakeling – For Possible Action
On behalf of the Wildlife Damage Management Committee (WDMC), the Department will present suggested amendments to existing Commission Policy #23 on Predation Management approved by the WDMC on Jan. 28, 2016, at their meeting in Las Vegas. The amendments suggested are generally to make the existing policy compliant with Assembly Bill 78 (adopted during the last legislative session) and to make the policy consistent with adopted practice. In accordance with Commission Policy #1, this will serve as the first reading of Policy #23. The second reading will occur at the May Commission meeting and the Commission may adopt the revised policy at that meeting.

Committee Chairman Bliss said the WDMC met Jan. 28, 2016, in Las Vegas and NDOW provided recommendations and through the committee process additions were made to language NDOW provided to get the policy in compliance with AB 78.

Game Division Administrator Wakeling said the package in support material has the process and attachments beginning with AB 78 as enrolled. Division Administrator Wakeling reviewed the documents and attachments in support material. He said further revisions may need to be made and although AB 78 removes habitat management or habitat modification just as education was removed from eligible activities there is a note that it may also include the enhancement of various wildlife habitats according to the best available science as related to predator/prey relationships, it does not allocate any expenditure of dollars though. He said the Commission and committee may want to strike that section from the policy as well.

Chairman Drew said he had the same concern with the habitat section and would agree with committee recommendation, removing item #6 and #7 from page 3 of the policy.

Commissioner Johnston commented that when this was addressed at committee meeting there was several public comments that Commission policy should not be changed because of change in law. However, when significant policy shift at the legislative level that requires us to look at policies that follow statute to make sure they are consistent with laws enacted by Nevada Legislature.

Commissioner Hubbs asked if Policy #23 will be passed as drafted today.

Chairman Drew said this is a first reading and if any changes he would like to see them made today so they are clear at the second reading. He said the only changes he heard is removal of "item six and seven from page 3." Chairman Drew said he wants the changes to be clear for the public and CABMWs

COMMISSIONER JOHNSTON MOVED TO ADVANCE POLICY #23 AS DRAFTED FOR A SECOND READING WITH FOLLOWING CHANGE: THAT ITEMS "B. 6" AND "B. 7" ON PAGES 33 AND 34 OF 37 PAGES BE REMOVED FOR SECOND READING. COMMISSIONERS IN FAVOR OF THE MOTION: CHAIRMAN DREW, COMMISSIONERS WALLACE, BLISS, HUBBS, MORI, AND YOUNG. MOTION CARRIED 7 - 0. COMMISSIONERS MCNINCH AND VALENTINE ABSENT.

- 6 Humboldt County Elk Sub-plan (First Reading) – Committee Chairman Eddie Booth and Western Region Biologist 3 Ed Partee – For Possible Action
The Commission will be presented with the draft Humboldt County Elk Sub-plan for review and possible action. Subsequent to this presentation, the draft Humboldt County Elk Sub-plan will be brought before the Humboldt County Commission for their approval

and the Nevada Board of Wildlife Commissioners for final adoption. The Commission may forward questions or needed clarifications to the local sub-plan committee for their feedback prior to final approval.

Chairman Drew said this is first reading of the Humboldt County Elk Sub-Plan of two or more readings, so long as input received gets back to County Commission and Elk Sub-plan Committee. He is fine having this on the Commission agenda in May for the second reading with potential for approval. Chairman Drew thanked everyone for their work on the plan. He said he did receive some correspondence but not all of what was sent from Mr. Schweigert and there was a request for comment. Chairman Drew said he will work with staff to have the large correspondence files put on flash drives to be sent to the Commission.

Chairman Eddie Booth of Humboldt County Elk Sub-Plan Committee and Mr. Booth along with NDOW Biologist Ed Partee are here to present the draft plan to the Commission on behalf of the Humboldt County Elk Sub-plan Committee.

Mr. Partee thanked Commissioner Mori and Chairman Drew for attending most of the eight meetings held. He said they had presentations both economic and educational for the committee, and he and Mr. Booth attended Humboldt County Commission meetings prior to this meeting to obtain input from counties. Comments he heard at those meeting, were that the numbers were low in the plan. Once they had a good draft they attended the Humboldt County Commission meeting on Jan. 4 and presented the draft plan, and the Commission asked if they would hold off bringing it back until it went before the Wildlife Commission in the event there were more changes. On Feb. 1 they attended the Humboldt CABMW meeting at which time he heard Mr. Schweigert' s presentation on behalf of the ranches he represents.

Chairman Booth commended Biologist Partee for his staff work and preparations for committee meetings, and he thanked the Commission for the opportunity to represent Humboldt County and NDOW. He said the committee met in accordance with Nevada's Open Meeting Law and provided notice of meetings in the local newspaper, providing opportunity for public comment, and when individuals came to the fifth or sixth meeting they knew the meetings were open to the entire public to voice their opinions. He said they had variation of opinion and when known throughout that NDOW was planting elk...attendance swelled at their meetings and as chairman at times he was criticized by committee members as being too lenient in allowing public opinion, and in retrospect he believes by allowing everybody to voice their opinion, they came to the conclusion that was based on information received from third party individuals, from NDOW and the plan was a compromise in making the decisions.

Commissioner Mori commended Mr. Booth and Mr. Partee for their conduct during the meeting process, and Mr. Partee who did everything asked of him in a neutral vein. Commissioner Mori said the committee got and what the public got is fair representation from NDOW. Commissioner Mori said he hoped he conveyed in his comments at those meetings that in his mind this is Humboldt County and the county decisions carry the weight. He said one question he had, was there was discussion on triggers, for when elk numbers set at 100 or 200 and there would be a trigger to ramp up control efforts or hunting before you reached that number.

Mr. Partee said that is in the draft, and it is 75 percent of the top number. Commissioner Mori asked about the process on Sheldon and when NEPA would be started. Mr. Partee answered that USFWS said they have a process on Sheldon to determine if new hunting practice would require changes, and will not start that process until elk arrive in numbers, then it would be a two year process. There is private land in association with the Sheldon and committee asked if they could take care of depredation problems occur and the answer is yes although the Sheldon would not have a hunt at that time.

Commissioner Mori said there was concern that they would have to wait two years for federal process, and if two-year process why not start now.

Mr. Partee said the Committee had that concern too, and is aware that NDOW has discussed the issue with the Sheldon/USFWS and they are firm on having a two-year process.

Mr. Booth said the Sheldon Antelope Range Refuge Manager Brian Day was on committee and is fully aware of the situation.

Commissioner Hubbs said she needed clarification on elk transplant or pioneering.

Mr. Partee said rumor got around the county that NDOW would get plan done and start elk introductions. He said the original plan had used wording - "introduction" – and plan also said the plan was for pioneering only, and does not believe NDOW has any plan to transplant elk. Mr. Partee said the plan had at least six revisions and the Committee struck all augmentations and introductions out of the plan. The plan is strictly for pioneering elk.

Chairman Drew said if Coordinated Oversight Team (COT) in place, the Commission review should be at the recommendation of the COT; rather than a rigid five or 10 year timeline.

Tom Cassinelli, Humboldt CABMW, said Humboldt County supported the plan 100 percent, and he thanked Mr. Booth and Mr. Partee for their participation and the great job they did in getting the plan through. He thanked Chairman Drew and Commissioner Mori and all who helped in process.

Bob Schweigert, owner of resource advisory business named Intermountain Range Inc., and employed by Happy Creek Inc., R.D.D. Inc., Orovada Inc., and Delong Ranches Inc. The four entities that employ him are major private landowners and grazing permittees on BLM land encompassing their private lands. The four entities became aware of the Humboldt County Elk Planning Committee process in December 2015, and have been involved constantly and consistently since that time. Their latest attempt to be involved was through email transmissions to the Commission through Ms. Scourby on March 8 and March 10. On March 8 they requested via email further information such as other elk sub-plans and the location of Policy #26. Mr. Partee provided him with all of the requested elk plans; however, they still need Commission Policy #26.

Commissioner McNinch arrived at 1:22 p.m.

Mr. Schweigert said that is important and in their letter dated March 10, they have four major issues with the elk plan: Legal, biological, enforcement and economic harm. They want to follow Commission Policy 26 but can't find it? The other legal issue is Taylor Grazing Act, FLPMA, NEPA, as these Acts provide protection of existing grazing permittees at time of passage of Act, insuring resident grazers are not impacted by out of state grazers, which resulted in allocation of forage AUMs along the process some permittees have AUMs suspended. The issue is if there is additional forage it should be allocated to those grazing permittees first. FLPMA provides that land management agencies comply with Resource Management Plans (RMPs). In this case there are no forage allocations in the Winnemucca district RMP. He said at the very least land plan amendments before land management agencies can implement any plan that evolves from this Commission and steering committee's process. Again, all hinges on Policy 26 and its effectiveness. Assuming Policy 26 exists, the policy calls for sub-plans to be constructed where elk have pioneered and established, not where there are none found. That is issue they have taken up with steering committee to no avail, and to them that is important consideration. The

correspondence that the Commission may not have received with Alternative 1 had a “track change draft” document developed by him, assuming full compliance with Policy 26, in other words no elk, no plan. He said Alternative 2 that he developed assumes that Policy 26 could be extended to other areas and is more of a wordsmithing document than anything else, with the exception of one area that the steering committee wants to have a number of elk in that area and they believe due to potential economic damage that should be kept to no animals. He realizes that the Commissioners are at a disadvantage without having for certain received the email with the documents. He is encouraged by Chairman Drew’s comment to table action. A number of other problems exist with sub-plan is triggers being implemented when population reaches 75 percent of its goal. The problem is with RMPs and sage-grouse RMP amendments which have significant restrictions on livestock. Triggers need to be developed to reflect RMP restrictions. Ultimately the BLM and Forest Service need to go back and amend their land use plans of which one alternative may be this plan.

Chairman Drew requested from Mr. Schweigert a list of documents emailed to the Commission to insure all the documents and attachments are received by the Commission to go forward.

Mr. Schweigert concluded his presentation and he asked that the subplan not be approved as written, and if the plan as written has a first reading that they want their alternatives as submitted to be considered as a first reading and or plan, go back to sub-committee for further consideration. He seconded Commissioner Mori’s on comments on conduct of Mr. Booth and Mr. Partee at meetings who were both very professional.

Rex Flowers said he would ask subcommittee to go back and look at suggested population caps as there is potential carrying capacity in Humboldt County of 2,647 animals up to 5,366, and they came in at 800. The TRT that put numbers together wanted to be conservative and recommended 1,000 which are only 38 percent of the low population cap. Conservatism is already established and does not need to be dropped to 800 and keep in mind that 400 is on the Sheldon with the rest in the county, which 9,658 square miles and 82 percent federal lands to be used by all land users.

Commissioner Mori said in view of public comment, his stance as far as us on the Wildlife Commission that we have the final vote and say with this plan, however he has made it clear from his position that local steering committee with local input is critical. He said for us as Wildlife Commission to direct the steering committee to go back such as go back and look at population numbers, is inappropriate because the steering committee has gone through their process which the public was involved in, to do that would be out of line at this time, as plan is local and plenty of opportunity for public input.

Chairman Drew said he supports Commissioner Mori’s sentiment as he attended the meetings and there was back and forth on the numbers and the committee recognized that numbers were low, and that was intentional due to composition of the COT and its ability to address changes moving forward at a local level. Secondly, we have learned from past experiences that if populations get out of hand harder to deal with. Look at expanding those in the future. Not comfortable with the Commission changing recommendations that the committee provided given the amount of work and compromise done at local level.

Commissioner Mori said to Mr. Schweigert’s issue and the group he represents that the issues are referred back to the committee to be addressed at local level.

Commissioner Johnston said another important factor is that the Humboldt CABMW supported the plan.

Chairman Drew told the committee to take as much time as needed to get the plan right, answer whatever questions there are, take as much input as needed and they have done a great job. From the Commission's standpoint he has no problem advancing the plan today with specific direction for clarification. He said the Commission will take as much time as needed.

CHAIRMAN DREW MOVED TO ADVANCE THE HUMBOLDT COUNTY ELK MANAGEMENT SUBPLAN FINAL DRAFT DATED FEB. 24, 2016, TO A SECOND READING, FOLLOWING REVIEW BY THE HUMBOLDT COUNTY COMMISSION AND THE HUMBOLDT COUNTY PLANNING COMMITTEE. FURTHER, THAT THE COMMITTEE REVIEW AND SUGGEST ANY CHANGES AS SUGGESTED BY MR. SCHWEIGERT IN THE LETTER AND CORRESPONDENCE THAT HE HAS PROVIDED TO THE NEVADA BOARD OF WILDLIFE COMMISSIONERS. FINAL THE TIMEFRAME ON PAGE 10, TO REFLECT REVISION STATING UPON RECOMMENDATION OF THE COT TEAM. CONFIRM THAT MANAGEMENT ACTIONS TO BE TAKEN ONCE THE 75 PERCENT POPULATION OBJECTIVE IS REACHED AND ALSO PROVIDE OR CONFIRM DESCRIPTION OF PROCESS THAT WAS TAKEN TO ARRIVE AT THE FINAL OBJECTIVES. COMMISSIONER HUBBS SECONDED THE MOTION.

Chairman Drew asked if Mr. Booth is comfortable with the motion and direction provided, and is Mr. Schweigert comfortable and able to provide a clear list of the correspondence received so we are all on the same page.

Commissioner Mori asked what the process would be if that is considered a second reading?

Chairman Drew said his intent is second reading of plan based on any changes that come back after the committee's review, and if Commission comfortable with approving plan at that time if the committee and Commission are comfortable that all issues have been addressed. And if not, he has no issue with a third reading if necessary.

Commissioner McNinch said as he was not present during the discussion, he will abstain from vote. He said he appreciates all the work done by the committee.

COMMISSIONERS IN FAVOR OF MOTION: CHAIRMAN DREW, COMMISSIONERS WALLACE, BLISS, HUBBS, JOHNSTON, MORI, AND YOUNG. COMMISSIONER MCNINCH ABSTAINED AND COMMISSIONER VALENTINE ABSENT. MOTION CARRIED 7 - 0.

10 Reports – Informational

A Bighorn Sheep Disease Surveillance and Herd Performance from 2012 to 2015 – Wildlife Staff Specialist Mike Cox– Informational

The Department will provide a presentation depicting its bighorn sheep herd responses (lamb recruitment as primary metric) over time in relation to disease exposure, environmental factors, and other variables. This presentation will cover information developed from data collected over the last three years.

The Department provided an overview of the current state of knowledge regarding the respiratory disease in bighorn sheep, herd health descriptions and exposure within Nevada, and management alternatives currently available. Respiratory disease within bighorn sheep can be confusing for professional wildlife managers and health specialists to understand, and disease progression among herds is not consistent. Disease exposure within a herd may manifest itself in an all age die-off throughout the population with multiple years of reduced recruitment or as a very minor disease event with little to no population level affect. The

Department has identified at least four typical herd responses, which may be influenced by a variety of factors including disease strain, herd nutritional plane, bighorn sheep density, and environmental factors. Bighorn sheep that survive and outbreak of respiratory disease may become carriers and transmit the disease to lambs or other bighorn sheep herds or sub-herds that may not have yet been exposed. Nevada is participating with the WAFWA Wild Sheep Working Group on adaptive management strategies to ensure our responses and actions are consistent with recent advances in wildlife health science. (The PowerPoint presentation is in the exhibit file, and available on video at www.NDOW.org 2:51 p.m.)

B Tag Allocation and Application Hunt Committee Report – Commissioner and Committee Chairman Johnston – Informational

A report will be provided on the committee's recent meeting. This report may include potential changes to the application process that may be recommended for action at a future commission meeting.

Chairman Johnston said he put his presentation together as this committee does not come forth with a plan from the Department or anything of that nature. So he wanted to recap what the committee does and its recommendations. Commissioner provided a Power Point presentation, copy in exhibit file, and presentation available on video and NDOW website. The current recommendations are: Apprentice license/tag opportunity, change to antelope waiting period from five to three years if successful in hunt, change to bull elk waiting period to five years if you draw, and re-order Partnership in Wildlife draw sequence to occur before the main draw.

C Sage-grouse Update – Wildlife Habitat Staff Biologist Shawn Espinosa – Informational
The Department will provide an update on the status of sage-grouse.

Wildlife Habitat Staff Biologist said one of the outcomes of the Land Use Planning Process Amendment (LUPA) is that the BLM is working in coordination with state agencies to perform seasonal habitat mapping for any projects that occur within Greater Sage-grouse habitat. Staff provided a protocol to field level basically to provide habitat layers for nesting habitat, lek habitat and two layers of brood rearing habitat, which includes upland and riparian, and then winter habitat. Five layers go back to the BLM for each project. To date he has received 88 different requests from BLM for projects and they range from habitat treatments to mine expansions to spring exposures, with 17 habitat delineations having been completed for those projects. There is a backlog and he thinks that projects were on hold until record of decision was signed, which opened the floodgates. Several research crews are in the field now, one example is a research project in the Sheldon-Hart Massacre area in northwestern Nevada to determine the effects of wild horse utilization and livestock grazing on sage-grouse. The research projects are in relation to something that has happened on the landscape, and staff have participated and provided input on some of the projects submitted to Sagebrush Ecosystem Council for credit development as well as user guide for credit system. He mentioned that the Sage and Columbian Sharp-tail Grouse Conference will be in June.

D Department Activity Report – Deputy Director O'Brien – Informational
The Department will provide a report on recent Department activities.

Deputy Director Liz O'Brien provided the NDOW activity report: Game Division staff attended the Western Hunting and Conservation Expo in Salt Lake City. A variety of topics were covered. The Heritage Mule Deer tag sold for \$105,000.

Two Game Division staff and four Law Enforcement Division staff attended the Wildlife Human Attack Response Training in Phoenix, Arizona. The training provided valuable insight regarding how to deal with a serious wildlife attack.

On Jan. 20 – 22, 2016, Game Division staff captured and radio collared 20 mule deer in the southern Ruby Mountains and 25 mule deer in the southern Pequop range associated with two mining expansion projects. Another 15 GPS radio collars were deployed as part of an ongoing study in the Pine Nut-Carson Ranges associated with FY 2016 Predator Plan.

On Jan. 26, 2016, 52 pronghorn were captured in Unit 155 successfully released on the Colville Tribes Reservation in Washington state. Due to the fantastic team work, and everyone's attention to animal welfare, no pronghorn mortalities or serious injuries occurred during the operation. All adult pronghorn were radio collared.

Fifty-one Rio Grande wild turkeys were trapped in southern Utah and released on the Humboldt River outside of Battle Mountain.

On Jan. 30, 2016, NDOW staff, UNR personnel, and volunteers captured 12 sheep from Lone Mountain and sent to the Garfield Hills. On Feb. 2, 2016, another 21 sheep were captured and released back on Lone Mountain.

Recently, two mule deer were captured and radio collared as part of an ongoing public outreach project involving California Department of Fish and Wildlife and the Nevada Department of Wildlife's conservation in the classroom program administered by the Conservation Education Division. The data have been used for projects with Reno High School students and Glenshire Elementary in Truckee, California. The deer are interstate migratory animals that summer near Glenshire Road in Truckee and winter in the Verdi–Peavine regions of Nevada. The kids named the deer and tracked the collars online in class, and at the end of year, locate the deer.

Surveys were recently completed for elk in Humboldt County, and 59 elk were observed and classified as 35 bulls, 18 cows, and six calves were observed during the survey. This yields a ratio of 194 bulls: 100 cows: 33 calves. Forty-seven elk were observed in the Hot Springs Range, and three and nine bulls observed in the Osgood and Santa Rosa Mountains, respectively.

As of Feb. 15, 2016, the Game Division received 447 samples of mule deer teeth from hunters harvested during the 2015 hunting season. These were submitted to Matson's Laboratory in Montana for a complete aging analysis. We expect to have the results of this analysis posted on the NDOW website by May 2016.

Fisheries Division is working with NDEP and the EPA to collect baseline sport fish tissue samples from Lake Mead this spring related to the Gold King Mine contaminants spill that occurred last fall in the upper Colorado River basin. Although there's a very low risk to the lower Colorado River system, this will allow us to measure any change if it does become an issue in the future.

Work is continuing on development of a new urban fishing pond in Winnemucca and staff have recently acquired and installed necessary well monitoring equipment which will allow filling of the fishing pond. We are working with private donations and a number of volunteer groups to finish improvements for public access and hope to have the pond operational by summer 2016.

Even where reservoirs have been severely impacted some fisheries have survived better than expected. At the Wildhorse Reservoir Ice Fishing Derby in February, several prize-winning trout over 6.5 lbs. were caught each day.

We anticipate that the wild rainbow and brown trout fisheries in the Truckee River were set back by the continued drought through this winter but should recover rapidly with average or better flows this year. Spring surveys will give us a better idea of conditions and a full stocking schedule of both rainbow and cutthroat trout is anticipated in 2016 to support the recreational put-and-take fishery.

Working with the Conservation Education Division we have updated the delivery of fish stocking information on the NDOW web site. Hatchery managers will be entering stocking reports directly in a calendar format and information should be available to anglers on an almost real-time basis.

Fisheries Division biologists completed an initial survey of Rye Patch Reservoir last week to assess impacts from the golden algae bloom last winter. It appears that the fish kill was not total – several species were sampled in low numbers including Sacramento blackfish, channel catfish and carp. We'll be doing additional monitoring over the next month.

Thanks to good early spring runoff Jiggs Reservoir is already about 30 percent full and we plan to begin stocking rainbow trout by later April, the first stocking since the reservoir was re-constructed.

The ice is off Comins Lake and we intend to begin stocking rainbow trout as soon as we can fully evaluate water quality to make sure the low oxygen problems observed last fall have been addressed. Exact date is dependent on results from sampling and live cage testing with fish. Rye Patch, Chimney, and Jiggs reservoirs have already seen major increases in storage levels.

The Land Use Planning Amendment (LUPA) implementation is taxing our work force and resources.

The Habitat Division's water development crews have a busy construction season ahead of them, with a multitude of new build and major rebuild projects in the north and south. The program continues to be very successful due to the cooperation and support of multiple sportsmen-conservation organizations. The volunteer project season in the north is just beginning, and the first project occurred on March 19. The southern crew's first project occurred in February and they are well into their construction season.

The Nevada Partners for Conservation and Development (NPCD) held an Executive Council meeting on March 11.

The annual funding cycle of wildlife projects with Special Reserve Account funds has kicked off with the receipt of nine FY17 Heritage project proposals for the \$688,232 in available funds. NDOW staff are also expecting quite a few duck stamp, upland game bird stamp and habitat conservation cee proposals to be submitted this April and May for FY17 funding.

Construction associated with the Walker River Restoration project at the Mason Valley WMA is scheduled for late May, once run-off flows subside. This is a coordinated project with USFWS and Otis Bay Ecological Consultants will be performing the work. The project is designed to restore river sinuosity and improve riparian habitat conditions.

With a brief pause in field patrol seasons for the month of March, game wardens around the state are working on numerous investigations stemming from fall hunting seasons, including several aircraft related cases in which aircraft were seen hovering or circling big game.

Eastern Region wardens arrested an Arizona man in Elko on Jan. 31 for illegal possession and take of raptors. He had 124 eagle feathers and five whole birds. Eight charges have recently been filed with the Elko County DA's office and further charges may be pursued at the federal level.

Eastern Region wardens investigated a case in which two extra cow elk were poached by two non-resident hunters. The hunters admitted that they "party hunt" and try to help each other fill their tags. The two men split up briefly and each killed two cow elk, then met back up and realized they had killed four elk between them. Two of the elk were left to rot. Both individuals were cited for taking an over limit of big game and needless waste of a big game animal. Both men will lose all license privileges for three years.

Eastern Region wardens are working with Illinois Department of Natural Resources (DNR) on a case in which sheriff's deputies were serving a search warrant on an individual for attempted murder. While serving the warrant, officers found a bighorn sheep head reported to be from Nevada without any horn plug, tag, or documentation. Illinois DNR and sheriff's deputies also found marijuana grow and that the individual was a felon in possession of several firearms. The initial search warrant stemmed from an incident in which the suspect actually tried shoot a deputy with a handgun during an interview but the gun malfunctioned. Seven wildlife charges were filed in addition to the felony non-wildlife charges.

We are anticipating a strong fishing season at South Fork Reservoir as there were 350,000 fish stocked in it last year, which is about three times the normal planting allotment. Ice has just come off, and anglers are already taking some nice fish.

Mike Maynard and Brian Eller have accepted promotion opportunities to staff level game warden captain positions in Reno headquarters. We're also in the middle of a general hiring and recruiting process in which 119 applicants applied for five open positions.

Wildlife Education has conducted numerous education programs throughout the state, including:

- An American Beaver in the wetlands program and discovery walk at the Clark County Wetlands Park
- Installation of educational displays on bats and their role in the environment at the Clark County Wetlands Park
- Interpretative program on Ecosystems and Native Wildlife to the Boys and Girls Clubs in Las Vegas
- A guided wildlife interpretive hike at White Owl Canyon at Lake Mead
- Numerous raptor programs with Elko County schools and 4H clubs
- A raptor program and falconry demonstration at Oxbow Nature Study area
- Great Basin Outdoor School nature walks at the Oxbow Nature Study area

State wide Urban Wildlife and Conservation Education staff has been preparing for spring urban wildlife issues:

Staff has been working with the media to develop articles about the problems created when people feed wildlife.

Urban Wildlife Coordinators have been making presentations to homeowners associations, rotary groups, businesses and CABs.

Fliers and educational materials on living with wildlife have been produced and distributed.

The 2016 Big Game Seasons and Applications guide was printed and is available at all NDOW offices and license vendors as well as online.

Statewide Trout in the Classroom initiatives are wrapping up with releases scheduled through the upcoming weeks.

Southern Region Staff participated in the Feb. 17 unveiling of the Sunset Stewards Volunteer Program at Sunset Park. Staff worked with Clark County Parks and Recreation personnel to develop this program in the hope that it will help address user conflicts at the park.

The Eastern Region hosted a volunteer sagebrush seed collection effort with about 50 volunteers participating.

The Diversity Division is responsible for a large number of species, necessitating annual prioritization of species we will focus on in the coming field season. In addition to ongoing annual work such as listed species monitoring, Gila monster tracking, conducting breeding bird surveys, and road cruising surveys for reptiles, the Division will be focusing on northern goshawks, golden eagles, pond turtles, shrews, and banding bats in 2016. We will also be continuing work in partnership with the University of Nevada Reno on our small mammal project to detect climate change and our pygmy rabbit project.

Commissioner McNinch, Director Wasley and Division Administrator Newmark recently attended the Teaming with Wildlife Fly-in event in Washington, D.C. This annual event, sponsored by the Association of Fish and Wildlife Agencies, is an opportunity for states to meet with their congressional delegates to discuss the importance of state wildlife grants, the federal funding that supports the majority of the work conducted by the Diversity Division. We were able to meet with all six of our congressional delegates or their staff. In addition to discussing state wildlife grants, we shared the results of the Blue Ribbon Panel, a group of industry, sportsmen, and conservation leaders who are recommending the creation of a dedicated trust fund of \$1.3 billion to be used by states to prevent wildlife from becoming threatened or endangered. In general, we felt there was strong support for both state wildlife grants and the recommendations of the Blue Ribbon Panel.

The Nevada Annual Winter Raptor Survey was conducted in late January and February. This survey is designed to determine the distribution and status of all wintering birds of prey in the state. It has a history dating back to the 1970s and Nevada is one of the few states conducting this survey consistently from year to year. This survey relies on both agency biologists as well as a large group of volunteers. Consistent routes are driven and all birds of prey encountered are counted. Results from the 2016 surveys are still being compiled and analyzed, but in 2015, more than 100 individuals participated in the surveys and more than 8500 miles were driven, resulting in 1,663 observations of 17 different raptor species.

On March 21 the application period for the main big game tag application period opened. The tag application window will close on April 18. This will be followed by a one-week period for bonus-point-only applications. The tag drawing will take place at the end of May.

E Litigation Report –Deputy Attorney General Harry Ward – Informational
The litigation report will be presented and discussed.

DAG Ward read Section #5 of the litigation report:

Bobbie McCollum v. Nevada Board of Wildlife Commission, State of Nevada (Open Meeting Law Complaint). This matter is an Open Meeting Law Complaint filed by Bobbie McCollum against the Nevada Board of Wildlife Commissioners (NBWC). Bobbie McCollum (Complainant) asserts that she attended the January 29, 2016, NBWC meeting at the satellite location in Reno, Nevada. Complainant avers that she

was unable to hear the discussions of agenda items #1 through #6 because of audio difficulties at the Reno location. Complainant asserts that the attempt to fix the audio volume lead to “distorted” audio which faded “in-and-out” and at times was “impossible to understand.” Complainant asserts that no accommodations were offered to the Reno audience members, such as repeating the discussions of agenda items #1 through #6. Ms. McCollum forwarded her complaint to the Nevada Attorney General’s Office. The Nevada Attorney General’s Office notified the NBWC of Ms. McCollum’s Open Meeting Law complaint and requested a formal response to the complaint on or before February 22, 2016. Complainant is alleging a violation of NRS 241.010(2). A formal response to the Open Meeting Law Complaint was timely filed on behalf of the NBWS. The Attorney General’s Office has not made a determination as of this date.

He said a second OML complaint was received from Gerald Lent almost identical to that one, and also received an informal complaint from Bobbie McCollum’s husband, Allan Souigny. Mr. Souigny sent his letter to the Governor’s Office reiterating what Ms. McCollum said and is unsure if the Attorney General’s office will consider that a formal complaint. In regard to the OML complaint he will make suggestions to the Commission. There is one way to eliminate these OML complaints is eliminate satellite locations, and also there are other options but with every option there is a consequence. DAG Ward said in public comment remarks made that we should have every meeting video conferenced to a satellite facility. Historically, this Commission has had meetings over two days and because of that we are limited to facilities available on Saturday, and one way to accommodate the public with video conferencing is to have the meeting all in one day by eliminating public comment from each action item and just have public comment before and at the end. That will whittle the meeting day down to one day. He said there will be a lot of feedback on all of the options. DAG Ward said he represents other entities with the state and all have received complaints whether they are formal or informal. Complaints have been over meeting room temperature, meeting room too large/too small, video is too bright/not bright enough, as in this case not loud enough or too loud, and has been asked to redact video from upload as person thought they looked “fat” on the video. We will receive complaints no matter what, and he is asking the Commission not to comment in regard to this OML as it is pending litigation.

11 Public Comment Period

Don Molde, representing Nevada Wildlife Alliance, said bear people not happy at Tahoe with NDOW. NDOW received complaint and set a bear trap, and thinks it was at an apartment complex with unsecured trash. The trap caught a bear but was wrong bear. Residents informed NDOW that wrong bear caught, and NDOW staff not receptive to that and had to be relocated for hibernation. The residents disagreed with bear relocation and knew his hibernation den, and now quite possible a resident in Wellington will complain of big bear going through their yard. This situation reminds the residents of similar incident occurring with another bear who drowned in pond in Dayton. He cited other bear death incidents due to research and tranquilizers. He said NDOW has no protocol in administering tranquilizers. Bad things still happening to bears at Tahoe, and he said that Anne Bryant of the Bear League knows more than anyone about bear management and used to work with NDOW and not anymore. Big fuss on Facebook about this, need to do more work on bears.

Chairman Drew recessed the meeting (4:30 p.m.).

Thursday, March 24, 2016 –Tour will begin at the Close of Agenda Item #11

Commission Tour – Informational

The Commission will tour the Nevada Department of Wildlife's Mason Valley Hatchery and the Mason Valley Wildlife Management Area. Short informational presentations will be made at several sites but no action will be taken by the Commission. The public is invited to participate but will be required to provide their own transportation. The group will depart from the meeting location: Lyon County Administrative Complex, 27 S. Main St., Yerington, NV 89447.

Following completion of the Commission Tour, the Commission will be in recess until Friday, March 25, 2016 at 8 a.m.

Friday, March 25, 2016 – 8 a.m.

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

Chairman Drew called the meeting to order at 8:11 a.m. Roll call of Commissioners present: Chairman Drew, Commissioners Wallace, Bliss, Hubbs, McNinch, and Mori. Commissioners Absent for Saturday: Johnston and Valentine. Commissioner Young/arrived late/8:13 a.m.

CABMW members present: Glenn Bunch, Mineral; Tom Cassinelli, Humboldt; Mike Turnipseed, Douglas; Paul Dixon, Clark; Doug Martin, Carson; Sean Shea, Washoe; Joe Crim; Cory Lytle, Lincoln; and Walt Mandeville, Lyon.

- 13 Approval of Agenda – Chairman Drew – 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 HUBBS MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CHAIRMAN DREW, COMMISSIONERS WALLACE, BLISS, HUBBS, MCNINCH, AND MORI. MOTION CARRIED 6 – 0. COMMISSIONERS JOHNSTON, YOUNG AND VALENTINE ABSENT.

COMMISSIONER YOUNG ARRIVED AFTER THE VOTE AT 8:13 A.M.

- 14 Member Items/Announcements and Correspondence – Chairman Drew – 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 the Department may also be discussed.

Chairman Drew said he was contacted by former NDOW employee Elmer Bull who requested recognition of the work done by Mr. Compston at the Mason Valley Management Area WMA. A recent check of the records from Volunteer Coordinator Kim Toulouse's office indicates that since 2003 Dennis has recorded 704 hours of volunteer time and that doesn't cover the years prior to 2003. It's safe to say that Dennis has donated in excess of 1,000 hours of volunteer time to NDOW over the many years. NDOW and the personnel who have toiled away at the WMA over the years owe Dennis a tremendous debt of gratitude for all that he has done to further the mission of the agency and the WMA and the recognition bestowed upon him today is very much

deserved. Chairman Drew and Secretary Wasley thanked Mr. Compston for his service to the State of Nevada.

Chairman Drew and the Wildlife Commission acknowledged the passing of Joe Giomi and recognized Mr. Giomi as the longest serving active NDOW license agent in the state - 44 years.

Chairman Drew thanked the NDOW staff at the Mason Valley Hatchery and the Mason Valley Wildlife Management Area for the tour of both facilities yesterday.

- 15 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.

Doug Martin, Carson CABMW, said he wants to keep the Commission apprised of work being done in cooperation with the Cooperative Extension and NDOW on urban wildlife. He said they now have a Facebook page called Western Nevada Urban Wildlife Conflict. The page is a collaboration of Carson City, Cooperative Extension and NDOW's new urban wildlife program, as in western Nevada there is a commonality of urban wildlife issues – coyotes, mountain lions, and mule deer. He urged all in attendance to “like” the page, and if you have emerging ideas submit them.

- 16 License Simplification, Development of Harvest Management Guidelines, and America's Wildlife Value Questions –Secretary Wasley and Game Division Administrator Brian F. Wakeling – Informational

The Department will provide the Commission with three reports on ongoing processes for license simplification, development of new harvest management guidelines, and a report on the America's Wildlife Value Questions.

- A License Simplification – Secretary Wasley and Game Division Administrator Brian F. Wakeling – Informational

The Commission will hear a report on the processes being worked on with contractor Loren Chase regarding license simplification.

- B Harvest Management Guidelines – Game Division Administrator Brian F. Wakeling – Informational

The Department will update the Commission on its progress of updating harvest management guidelines for Nevada hunting seasons.

- C America's Wildlife Value Survey and Questions – Secretary Wasley and Game Division Administrator Brian F. Wakeling– Informational

A report on America's Wildlife Value Survey and Questions will be provided.

Chairman Drew said that the PowerPoint presentation will encompass agenda items 16 A, 16 B, and 16 C.

Secretary Wasley said the objective of the presentation that he and Game Division Administrator Brian Wakeling are presenting is to present these topics and make people aware of the Department's efforts. There are three ongoing items: America's Wildlife Value Survey, a license simplification effort, and harvest management guidelines. America's Wildlife Value's survey is a national effort with very broad questions and surveying all members of society. License simplification effort is Nevada specific, to look at opportunities to bundle or combine and

simplify the license process. The harvest guidelines are even more specific, specific to NDOW's Game Division, looking at consolidation of what we currently do in four or five places and consolidate to see if appropriate measure. (PowerPoint presentation is in exhibit file, and is available on NDOW website.)

Division Administrator Wakeling said the Wildlife Values survey is an inventory effort to obtain a human dimensions perspective within Nevada. The survey is part of a national effort led by the Western Association of Fish and Wildlife Agencies, providing Nevada the opportunity to poll on specific questions that are of interest to us in Nevada. Ability to look at cross-section the public and look at regional differences, the contrast between rural and urban perspectives and get a sense of how those perspectives affect processes we are trying to implement including license simplification and other items NDOW is involved in. This is the second time for the survey, first time was in 2004, and some of the questions are similar which provides the opportunity to see if the perspectives of Nevadans have changed over time. He said the raw data report should be completed at the end of June 2016; the final report will not be completed until December 2017.

Director Wasley answered questions from Commissioner Hubbs: Who is conducting the survey? Director Wasley said he believes it to be some of the same individuals who conducted the original 2004 survey Human Dimension experts from Colorado State University, Responsive Management. Game Division Administrator Wakeling added that the survey is not targeting hunters/anglers, rather the survey targets the general public.

Will the data be shared with the Commission and public? Director Wasley said the report will be publically available. He said any time the Commission would like an update or engage on the survey, that he would provide updates and share preliminary findings as well as full report.

Director Wasley said license simplification is being studied with the intent of simplifying options and processes. The complexity of Nevada's licenses is considered a barrier to participation. There are a number of efforts nationally to look at the barriers such as customer service and understanding regulations. NDOW has a consultant, Chase and Chase Consulting, who are using a three step process of comparing what Nevada has to adjacent states; qualitative has been use of focus groups statewide with open ended questions; and quantitative which is surveying actual license purchasers by phone in April. Before the June Commission meeting stakeholder group meetings/town hall meetings will begin to address public perceptions and assess if changes needed in statute due to simplification of licenses/tags and stamps as those items are defined in statute. Director Wasley reviewed the data mining and analysis of licenses that has occurred to date. He said there are no recommendations or considerations to date, truly in the research phase of trying to understand how Nevada compares in the market to adjacent and similar states primarily Colorado. Director Wasley answered questions from the Commission:

Chairman Drew asked if the Department is entertaining the idea of any fee increases as the license simplification process is discussed or staying revenue neutral. Director Wasley answered that the primary goal is simplification. There are examples from other states whereby decreasing prices of certain things increased participation which generated more revenue. Simplification will benefit customers. He said a fee increase may be needed at a future point if we look at the agency's budgets and availability of federal dollars through Pittman-Robertson which at some point in the future may be less or short, and especially as the customer base ages, coupled with lack of recruitment. Director Wasley said there would be challenges raising fees with the complexity of Nevada's license structures, and he provided examples wherein states raised fees which did not result in increased revenues and states that lowered fees resulting in increased revenues. Director Wasley said going forward there is a need for additional non-federal dollars, and he said he and Commissioner McNinch provided an update

on the Blue Ribbon Panel when they returned from mid-winter WAFWA. Since that time there have been changes, and the Blue Ribbon Panel is composed of industry representatives, NGO's, and the purpose is generating a long-term dedicated trust with sustainable funding for implementation of the state's Wildlife Action Plan. With that Blue Ribbon Panel, and the results that they are finding is that we are expecting to see federal legislation introduced or drafted at the end of April that would take what Nevada does with about \$800,000, to over \$20 million a year of federal dollars toward implementation of the Action Plan. The Action Plan identifies 256 species that includes Greater Sage-grouse, Lahontan cutthroat trout, mule deer, bighorn sheep, raptor species, and species that we think of as non-traditional game species. The money would be administered similar to Pittman-Robertson, where the state would have to come up with 25 percent in a non-federal portion, roughly to be eligible it would be \$7 million through in-kind match. Although we are not there now, this will be an exciting opportunity that may require us to examine where that money would come from.

Commissioner Young asked if that money would come from an increase in license fees. Director Wasley said possibly and would also explore a General Fund Appropriation as the Wildlife Action Plan includes a suite of game and non-game species across the landscape and would target with an ecosystem approach rather than a little bit here and there. Commissioner Young asked how the diverse populations will be targeted in Southern Nevada. He said he is concerned with younger people in his community whom have little exposure to wildlife and the issues surrounding wildlife.

Game Division Administrator Wakeling said a survey question is to ask where do they get information about wildlife and intent is to sub-divide and use the strata in sampling in Clark County to obtain information. He reviewed briefly the harvest guidelines and the first step has been identifying processes that currently exist, what we can do better and he reviewed the current activities.

Director Wasley concluded that with these efforts some aspects are moving quickly and is a challenge for the agency to stay ahead of these even internally. He said there have been challenges with how these processes are perceived by the general public, the consumptive constituents and have heard rumors that the National Wildlife Values Survey is a way to shut down trapping and that license simplification is a fee increase in sheep's clothing and that harvest guidelines are strategies to change demand/success formula. Director Wasley said that is not the case rather this is an opportunity for the agency to be transparent, engaging and try to maintain agency relevance, try to be modern and simplify and engage the public, and hear from a cross-section of the public in a meaningful way. There are people internal in the agency and external to it who resist change, and for those who hate change, they will also hate "irrelevance." He said he wanted to invite the Commission, those in attendance today, and anybody listening or watching this meeting online after the fact, that if you hear these rumors and negative portrayals to please reach out and seek clarification and give us the opportunity to address those misperceptions.

Commissioner McNinch said agencies will transform the question is under what terms, and he sees this as setting the terms, and appreciates the effort as long-time coming. He said he is convinced this is the right way to head.

17 Administrative Procedures, Regulations and Policy Committee (APRPC) Report, Recommendations, and Commission Guidance – Commissioner and Committee Chairman McNinch and Management Analyst 3 Kim Jolly

A APRPC Report – Commissioner and Committee Chairman McNinch – Informational

Commissioner and Committee Chairman McNinch will report on the committee meetings held in January and February and present an anticipated schedule for moving forward with a comprehensive Commission Policy Review.

Commissioner McNinch said there have been two meetings. They discussed three policies, mainly dealing with Commission's Rules of Practice. Some is simple clean-up and others are updating policies due to new technology. Commissioner McNinch said to they are at the point of developing a schedule and could not complete that until input received from Commission. Monthly meetings may be needed and schedule should be able to be complete with input from the Commission today. The policy schedule in support material was reviewed. Rules of Practice will be the number one priority and no associated NAC; however, with Policy #3 there is corresponding NAC for appeals and petitions.

Chairman Drew requested that the table be kept updated for committee reports, and is not concerned with meeting a specific or rigid timeline. No expectation by the Commission for all to be done by certain date, rather piece by piece. Procedure will be committee meeting, recommendations to Commission then two opportunities before the Commission adopts a policy.

B APRPC Recommendations and Request for Commission Guidance on Policy Numbering and Policy Review Delegation to Various Committees Commissioner McNinch will report the Committee's recommendation and request the Commission's guidance to retain the current policy numbering format, and to delegate the review of Commission Policy #24, "Hunting Opportunities Among Weapons and Hunter Groups" to the Tag Allocation and Application Hunt Committee, and to delegate the review of Commission Policies #60 through #67 related to habitat and publically owned lands to the Commission's Public Lands Committee – Commissioner and Committee Chairman McNinch – For Possible Action

Commissioner McNinch said the committee took action regarding the Commission Policy numbering system. He said as point of clarification, Policy #26 prompted discussion on numbering and naming of policies. Commissioner McNinch said nothing happened to Policy #26, it mutated into elk sub-planning process and what may have happened is an element of losing track of it. Policy #26 is still being utilized just in a different form. The intent of the committee will be to clean that up as part of numbering system. A recommendation will be made to bring Policy #26 back and stabilize and rectify that issue. One recommendation discussed by the committee was to do away with numbering system, and since then circled back to keep numbers system and not re-use numbers.

Chairman Drew said he is comfortable keeping the numbering system, and with Policy #26 it appears that we actually have two Policy #26s. He proposed that the committee list that on the tracking sheet so that everyone is clear that there are two and recommend that it be denoted "needs revision" as learned through the recent elk planning process. He said he thinks providing verbal direction to maintain the numbers is sufficient; however, if preference for a motion from the Commission that could be done too.

Commissioner McNinch said the committee could retract the recommendation as easiest way.

Chairman Drew said that would be best as he does not recall the Commission adopting the recommendation.

Commissioner McNinch said in regards to policies listed, there are some policies that should be delegated to other Commission committees: Policy #23 and #25 through WDMC; Policies #10 and #11 to Heritage; Policy #24 to TAAHC; and Policies #60 through #67 to Public Lands Committee.

Chairman Drew said he supports those recommendations and he spoke with Commissioner Johnston chair of TAAHC committee and they are okay with review of Policy #24 and Public Lands Committee is appropriate for review of Policies on the 60s series as well. Chairman Drew requested that if a policy is assigned to a committee that information be listed on the schedule in order to keep track of progress.

Commissioner Wallace said he plans to have the Heritage Committee review their policy at the May committee meeting.

CABMW and Public Comment – None

C Rules of Practice Review, Status, and Commission Guidance – Commissioner and Committee Chairman McNinch – For Possible Action

Commissioner McNinch will provide a status report on the Rules of Practice review, including Commission Policies #1 “General Guidelines for the Commission;” #3 “Appeals;” #4 “Petition Process and Regulatory Adoptions Policy,” and NAC 501.195 related to petitions, and NAC 501.140-190 related to appeals. The committee is seeking discussion and feedback from the Commission regarding concepts to modify the Rules of Practice that the committee has discussed.

Commissioner McNinch said for Policy #1, Rules of Practice, this policy must be reviewed every three years. When new Rules of Practice are adopted, they must be submitted to Secretary of State. The May meeting will have Policy #1 and recommended changes, in regard to Policy #3, Appeals, and #4, Petition Process, Nevada Administrative Code (NAC) changes will be required. He asked the Commission their preference, whether to proceed with housekeeping changes to the policy or to undertake the process to change the NAC.

Chairman Drew’s said his inclination to Committee Chair McNinch is to undertake the process to change NAC first and adopt the Commission policy to reflect the NAC.

Chairman Drew asked if committee comfortable to move forward on Policy #1 as recommended by the committee and file with Secretary of State’s Office, that Policy #3 and #4 address NAC.

DAG Ward agreed with Chairman Drew as that would be logical as you are trying to comply with directive to review your policies.

Commissioner McNinch said for example, on the petition process, the NAC is very specific about the process, and discussion came up to change policy which closely reflects NAC; hence the need to change the NAC. Much discussion will be needed to undertake changes to the NAC.

Chairman Drew said as guidance to Committee Chair McNinch that his thought is to really focus on Commission Policies #1, and the NACs related to Policies #3, Appeals, and Policy #4, Petitions, and get the process rolling before the temporary regulation period begins in June.

CABMW and Public Comment - None

Allowed Persons Wishing to Provide Comment on Regulations are Requested to Complete a Regulation Speaker's Card and Present it to the Recording Secretary

- 18 Commission Regulation 14-11 Amendment #3, 2015 – 2016 Upland Game, Migratory Upland Game and Furbearer Seasons and Limits Amendment – Wildlife Staff Specialist Shawn Espinosa and Game Division Administrator Brian F. Wakeling – For Possible Action
The Commission will consider amendment #3 to the 2015 – 2016 season dates and length for the third Mason Valley Wildlife Management Area wild turkey hunt period. Amendment #3 would extend the wild turkey hunt for this period from two days to its original, intended 9-day length extending from April 23 through May 1, 2016 rather than the current two day hunt period of April 30 through May 1, 2016.

Wildlife Staff Specialist Shawn Espinosa said the Department is seeking the third amendment to Commission Regulation 14-11 to modify the season for Hunt Unit 203 for wild turkey. The season structure worked for the last 4 or 5 years; however, this year there are five Saturdays in April and the fifth Saturday butted up against the first Sunday in May, which created an unintentional two day season. The proposed language changes the last Saturday in April to the fourth Saturday in April. It will have a 9 day season length and will allow for a week in between seasons.

CABMW Comment – None

Public Comment – None

COMMISSIONER YOUNG MOVED TO APPROVE COMMISSION REGULATION 14-11 AMENDMENT #3 AS PRESENTED BY THE DEPARTMENT. COMMISSIONER BLISS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. COMMISSIONERS VALENTINE AND JOHNSTON WERE ABSENT.

- 19 Commission Regulation 16-11 Migratory Game Bird Seasons, Bag Limits, and Special Regulations for Waterfowl and Webless Migratory Game Birds; Public Hunting Limited on Wildlife Management Areas and Designated State Lands 2016 – 2017 Season – Wildlife Staff Specialist Russell Woolstenhulme – For Possible Action
The Commission will consider recommendations for seasons, bag limits, and special regulations for migratory game birds for the 2016–2017 seasons and adopt regulations that comply with the proposed regulations framework for the 2016–2017 hunting seasons on certain migratory game birds established by the U.S. Fish and Wildlife Service. The Commission will also consider rules regulating public hunting on Wildlife Management Areas and designated state lands.

Wildlife Staff Specialist Russell Woolstenhulme explained the reason we are hearing this Commission Regulation in March. He said the Department is recommending only one change to waterfowl and migratory bird seasons from those adopted by the Commission last year in August. New Federal frameworks allow for youth waterfowl participants to be those individuals 17 years of age and younger as opposed to the old framework that limited youth hunters to 15 years of age and younger. The Department is not recommending any changes to rules regulating public hunting on Wildlife Management Areas.

Season regulations for hunting migratory waterfowl, doves, and crows differ from some other common species, like mule deer, that are not governed by the Migratory Bird Treaty Act. The U.S. Fish and Wildlife Service works with the states within designated flyways, and Nevada

resides within the Pacific Flyway. Collectively, the Pacific Flyway develops regulatory sideboards known as the Federal Frameworks within which each state may promulgate seasons for hunting. These frameworks were historically adopted during late summer, but recent changes to the process now adopt the frameworks during fall and allow season adoption by the states earlier in the year. Consequently, this is the first year that Nevada will be setting seasons for migratory birds in March.

Continent-wide, waterfowl abundance is similar to last year. The total 2015 duck population estimate (excluding scoters, eiders, long-tailed ducks, mergansers, and wood ducks) is 49.5 million birds. This population estimate is similar to the 2014 estimate of 49.2 million and is 43 percent higher than the long-term average. Mallards, gadwalls, widgeons, canvasbacks, and green-winged teal are all above their long-term average, although mallards experienced a minor decrease in the West. Pintails and greater and lesser scaup saw minor reductions from their long-term average abundance. Federal Frameworks for most species fall into the liberal season category, although scaup fall into the standard season category.

Western Canada Geese numbers continue to increase and are currently over population objectives as are Pacific Greater White-fronted Geese and Western Canadian Arctic Snow Geese.

Most waterfowl from the Pacific Flyway nest north of Nevada. Following a relatively mild winter and an early spring last year, precipitation in the U.S. prairies since last summer has been average to mostly below average. Habitat conditions declined from 2014 in Montana and the Dakotas despite significant rainfall in May, which came too late to benefit most nesting waterfowl. Annual winter precipitation was lower in the northern part of their range; portions do continue to benefit from hold-over water. The boreal region and Alaska exhibited drier conditions, but an early spring and lack of flooding should aid waterfowl production. Most of the Canadian portion of the traditional area was rated as fair or good this year with areas of excellent conditions that received greater annual precipitation.

The predicted abundance of mourning doves for September 2015 in the Western Management Unit were 52.64 million, which results in a standard regulatory alternative as prescribed by the harvest strategy.

Mid-Winter waterfowl surveys for Nevada in 2016 show a slight decline in over-winter bird use when compared with 2015. Given cold weather and drought conditions these declines are to be expected.

Breeding Bird Population Survey surveys for Nevada show little variation between recent years in Nevada habitats, yet these numbers are also associated with dry marsh conditions state wide.

In Nevada, 2015 winter precipitation and run-off was well below normal for the fourth consecutive year. Most wetlands in northern Nevada including the Carson Sink area (Stillwater National Wildlife Refuge, Carson Lake Wildlife Management Area) were at 0 to 20 percent coverage. Reservoir storage for this area was at only 18 percent of capacity. Northern Nevada Great Basin reservoirs and runoff were similarly below average. Snowpack conditions across the state were non-existent following poor winter precipitation region wide. Marsh conditions survey wide were poor, with many marshes completely dry.

As of February 1, 2016, year-to-date precipitation (Oct 1 – Feb 1) is looking favorable for Nevada. Lake Tahoe Basin precipitation was reported as 129 percent of normal, Walker River and Carson River Basins (including Lahontan Basin) was reported at 118 percent of normal, and Eastern Nevada (Ruby Marshes) was reported at 159 percent of normal. If wetter than normal precipitation persists into the spring nesting season, habitat conditions should see the best water year since 2011.

He looked up the precipitation report for March and they are all above normal. February was dry. Most of the recommendations are unchanged from last year. A framework change allows the youth hunt to allow 17 and younger to participate. The other change is because of the fact that we are approaching these seasons much earlier in the year the license office felt that it would be appropriate to make changes to the deadline and the over the counter sales start date for the swan applications. The Department is recommending an application deadline of August 22, which is 20 days earlier than it was last year. For the over the counter sales, the Department is recommending September 16, which is 23 days earlier than last year. The extra time would be beneficial to the license office and to the hunters.

Chairman Drew wants to review the regulation page by page.

Wildlife Staff Specialist Russell Woolstenhulme reviewed page 1 of CR 16-11 – Mourning & White-Winged Dove and American Crow.

CABMW Comment – None

Public Comment – None

COMMISSIONER WALLACE MOVED TO APPROVE PAGE 1 OF COMMISSION REGULATION 16-11 MOURNING & WHITE-WINGED DOVE AND AMERICAN CROW AS PRESENTED BY THE DEPARTMENT. COMMISSIONER BLISS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. COMMISSIONERS VALENTINE AND JOHNSTON WERE ABSENT.

Wildlife Staff Specialist Russell Woolstenhulme reviewed page 2 of CR 16-11 – Special Youth Waterfowl Hunt.

Wildlife Staff Specialist Russell Woolstenhulme corrected a date for the Northwest Zone, September 24, 2015 should be September 24, 2016.

Chairman Drew asked what the age for the state duck stamp is.

Wildlife Staff Specialist Russell Woolstenhulme said 12 years and older have to have a state duck stamp.

Chairman Drew asked to add that, so it is clear since it is different than the federal duck stamp age. There was a recommendation from the Eureka CABMW. They wanted to be added to the Northeast Zone. He said he does not believe we have the ability to do that today.

Wildlife Staff Specialist Russell Woolstenhulme said the Flyway allows changes to the zones every five years, therefore changes will not be allowed until 2021.

Deputy Attorney General Harry Ward said if it is not on the agenda it should not be addressed.

CABMW Comment – None

Public Comment – None

COMMISSIONER MCNINCH MOVED TO APPROVE PAGE 2 OF COMMISSION REGULATION 16-11 SPECIAL YOUTH WATERFOWL HUNT AS PROPOSED BY THE DEPARTMENT WITH THE 2 CHANGES DISCUSSED: CHANGE SEPTEMBER 24, 2015 TO SEPTEMBER 24, 2016 AND ADD THAT THE STATE DUCK STAMP MUST BE PURCHASED AND POSSESSED FOR ANYONE 12 YEARS AND OLDER. COMMISSIONER BLISS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. COMMISSIONERS VALENTINE AND JOHNSTON WERE ABSENT.

Wildlife Staff Specialist Russell Woolstenhulme reviewed page 3 of CR 16-11 – Ducks and Mergansers and Scaup (Lesser and Greater).

Chairman Drew asked about the scaup season, are those the maximum days allowed under the federal framework?

Wildlife Staff Specialist Russell Woolstenhulme said the ducks and mergansers are on the liberal package, which allows 107 days and the scaup are on the moderate package, which allows 86 days.

Chairman Drew would like that noted. He said one of the days falls on Nevada Day in the Northwest Zone, everything is open that day except scaup.

CABMW Comment – None

Public Comment –

Josh Vittori asked about the Northeast Zone, they freeze up earlier than the western part of the state. He wants clarification. He is trying to maximize opportunity in the Northeast Zone.

Chairman Drew did not recall White Pine CABMW or Elko CABMW making a different recommendation.

Wildlife Staff Specialist Russell Woolstenhulme said he does not recall.

Chairman Drew asked if the dates are in fact later then they have been in the past.

Wildlife Staff Specialist Russell Woolstenhulme said for the Northeast Zone the October date is a week later. The schedule gives each zone 105 days and 2 youth days, for a total of 107 days. It is the total allowable under the federal framework.

COMMISSIONER BLISS MOVED TO APPROVE PAGE 3 OF COMMISSION REGULATION 16-11 DUCKS AND MERGANSERS AND SCAUP AS PRESENTED BY THE DEPARTMENT. COMMISSIONER WALLACE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. COMMISSIONERS VALENTINE AND JOHNSTON WERE ABSENT.

Wildlife Staff Specialist Russell Woolstenhulme said the dates are the same on pages 4 (Coots and Common Moorhens (Common Gallinules) and Snipe) and page 5 (Canada Geese and Brant and White-Fronted Geese) as on page 3.

CABMW Comment – None

Public Comment – None

COMMISSIONER YOUNG MOVED TO APPROVE PAGE 4 COOTS AND COMMON MOORHENS (COMMON GALLINULES) AND SNIPE AND PAGE 5 CANADA GEESE AND BRANT AND WHITE-FRONTED GEESE OF COMMISSION REGULATION 16-11 AS PRESENTED BY THE DEPARTMENT. COMMISSIONER BLISS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. COMMISSIONERS VALENTINE AND JOHNSTON WERE ABSENT.

Wildlife Staff Specialist Russell Woolstenhulme reviewed page 6 of CR 16-11 – Snow and Ross' Geese and Falconry Seasons for Migratory Game Birds.

Wildlife Staff Specialist Russell Woolstenhulme said there is a date change. The special regulations for Snow and Ross' Geese for Kirch WMA, Mason Valley WMA and Scripps WMA/Washoe State Park is closed during February 25, 2017 – March 10, 2017, not as it reads: February 20, 2016 – March 9, 2016.

Chairman Drew asked why the WMAs are closed for Snow and Ross' Geese.

Wildlife Staff Specialist Russell Woolstenhulme said the WMAs have a special regulation closing them for the breeding season and the Department wanted to make it clear to the hunters.

CABMW Comment – None

Public Comment – None

COMMISSIONER MCNINCH MOVED TO APPROVE PAGE 6 OF COMMISSION REGULATION 16-11 SNOW AND ROSS' GEESE AND FALCONRY SEASONS FOR MIGRATORY GAME BIRDS WITH ONE CHANGE: CLOSURE FOR SNOW AND ROSS' GEESE FOR KIRCH WMA, MASON VALLEY WMA, AND SCRIPPS WMA/WASHOE STATE PARK IS FEBRUARY 25, 2017 THROUGH MARCH 10, 2017. COMMISSIONER WALLACE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. COMMISSIONERS VALENTINE AND JOHNSTON WERE ABSENT.

Wildlife Staff Specialist Russell Woolstenhulme reviewed page 7 of CR 16-11 – Swan.

CABMW Comment –

Doug Martin, Carson City CABMW, asked about the closure date for swan and if it is set by the Pacific Flyway. He said the swans do not get here until Thanksgiving. He would like the date of closure of January 8, 2017 to be pushed back a week.

Public Comment – None

Wildlife Staff Specialist Russell Woolstenhulme said the Pacific Flyway framework states that the seasons must be between specific dates. The dates are set to match the general waterfowl opener for the Zone and closing on the last possible date.

Chairman Drew said there is no way to move the January 8, 2017 date any later and stay within the framework.

COMMISSIONER HUBBS MOVED TO APPROVE PAGE 7 OF COMMISSION REGULATION 16-11 SWAN AS PRESENTED BY THE DEPARTMENT. COMMISSIONER YOUNG SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. COMMISSIONERS VALENTINE AND JOHNSTON WERE ABSENT.

Wildlife Staff Specialist Russell Woolstenhulme reviewed pages 8 through 10 of CR 16-11 – Public Hunting Limited on Wildlife Management Areas and Designated State Lands. He said there are not any changes from last year.

CABMW Comment – None

Public Comment – None

COMMISSIONER MCNINCH MOVED TO APPROVE PAGES 8, 9, AND 10 OF COMMISSION REGULATION 16-11 PUBLIC HUNTING LIMITED ON WILDLIFE MANAGEMENT AREAS AND DESIGNATED STATE LANDS AS PRESENTED BY THE DEPARTMENT. COMMISSIONER WALLACE SECONDED THE MOTION. THE MOTION MARRIED UNANIMOUSLY. COMMISSIONERS VALENTINE AND JOHNSTON WERE ABSENT.

20 Commission General Regulations – Workshop/Informational – Public Comment Allowed – Persons Wishing to Provide Comment on Regulations are Requested to Complete a Regulation Speaker’s Card and Present it to the Recording Secretary

A Commission General Regulation 456, Special Incentive Elk Arbitration Panel, LCB File No. R031-15 – Game Division Administrator Brian F. Wakeling – Workshop/Public Comment Allowed

The Commission will hold a workshop on the temporary regulation which expired Nov. 1, 2015, relating to amending Nevada Administrative Code (NAC) 502.42283 by which the Commission may facilitate decisions by appointing or serving as the arbitration panel should arbitration of elk incentive tag awards become necessary.

During adoption of the permanent NAC, the Legislative Counsel Bureau (LCB) and the Legislative Commission have questioned specific language choices recommended by the Department that directly influence the application of the Administrative Procedures Act (APA). The primary concern expressed by the Legislative Commission deals with the ability of an arbitration panel to issue a final and binding decision without providing a means for appeal. In short, an appointed panel may be able to provide such a decision, yet when the Commission acts in this capacity it may be deemed an administrative act that must be consistent with the provisions of the APA. The attempts by the Department to recommend acceptable language to adequately describe this nuance have thus far been unclear.

Deputy Director Jack Robb explained that the Department has not received any suggested language back from the LCB to go forward with.

Chairman Drew wants to table this agenda item.

CABMW Comment – None

Public Comment – None

Chairman Drew tabled this item.

- B Commission General Regulation 460, Definition of "Spike Elk," LCB File No. R013-16 – Game Division Administrator Brian F. Wakeling – Workshop/Public Comment Allowed
The Commission will consider amending NAC 502.104 and 502.1045 to define "Spike Elk" in a manner that limits inadvertent errors in the field. The intent is to consider and possibly broaden the definition of spike in a manner that is consistent with the management objective of defining a spike while reducing the likelihood of errors in harvest identification.

Game Division Administrator Brian Wakeling presented a PowerPoint (exhibit file).

Game Division Administrator Brian Wakeling said for management purposes, NAC 502.104 and 502.1045 have been promulgated to provide for a designation of antlered elk defined as "spike elk," which means any antlered elk without branching on either antler. This designation is useful in developing hunts that reduce bull to cow ratios or reduce population size to meet management objectives established in elk plans and herd sub-plans. However, because the definition is narrow, hunters have inadvertently harvested antlered elk that have small, branched antlers that are obscured by their ears. In addition to the unfortunate error, ensuing citation, and confiscation of harvested animal, the harvest of these animals is consistent with the objectives for harvest of the hunt in which they were taken.

To reduce the likelihood for inadvertent error and increase the effectiveness of the hunt designation, the Department is recommending an amendment to existing NAC defining "spike elk" and "spike elk only" to include any antlered elk that possesses antlers that do not branch above the ear. In addition to the compliance and efficacy issues, the proposed definition is also consistent with that currently in place within the neighboring state of Utah.

Chairman Drew received some correspondence on this regulation. A gentleman who has taken part in this hunt for a couple of years has suggested an alternate definition of no more than two branches on either antler.

Game Division Administrator Brian Wakeling said that was the first time he has heard that definition. It is a legitimate consideration. If the Department was to go with an alternative definition of that type he would recommend that rather than identifying the number of branches identify the number of points.

Commissioner Young asked how many cases are reported or cited.

Chief Game Warden Tyler Turnipseed said he does not know off the top of his head. Sometimes people report the accident. They see a handful a year.

Commissioner Young asked if the hunters are cited when they report the accident.

Chief Game Warden Tyler Turnipseed said they do issue citations for the accidents. The citations are usually dismissed in court.

Commissioner Young said if they voluntarily report the accident they should not be cited.

Commissioner Bliss asked about broken antlers on mature bulls. What defines a point?

Game Division Administrator Brian Wakeling said if an animal broke the antler then yes, they qualify, but those are rare. Hunt success is low on these hunts. Meeting the management objectives can be challenging.

CABMW Comment –

Sean Shea, Washoe CABMW, said they recommended that a spike elk be any elk with two or fewer branches.

Chairman Drew asked if they discussed branches or points.

Sean Shea said they did not discuss points, they went with branches. He said they would need a definition of a point.

Paul Dixon, Clark CABMW, asked what age class is trying to be managed by the Department.

Public Comment –

Darin Elmore said he participates in spike hunting. The definition was narrow and limiting, which creates low success rates, unfortunate citations, and overall difficulty in the hunt. Spike hunts are unique to hunt areas 6 and 7. The goal is to target young elk. It is clear from the harvest data from the last two years that an antlered tag holder is not targeting these animals. Three points or less have accounted for less than three percent of the antlered tag holders. It would be a three point or less bull. There is a chance that someone could find a 400 inch 3 point and they would be able to kill it under the definition he proposed, it would be an interesting anomaly to see. By having the either antler limitation removes the possibility of a 7 point on one side and some sort of non-typical cub spike on the other. If it were to have more than 3 points on either side it would be eliminated. He still believes that 3 points or less still falls within the targeted age class. The reality in the field is hoping that hunters can see a branch below the ear from several hundred yards away is not very realistic. He handed out some information to the Commission (exhibit file).

Chairman Drew asked if he is more comfortable with the definition proposed, or should it be no more than 3 points on either antler?

Darin Elmore is concerned that branching is not defined in NAC. He does not know if points are clearly defined either. The goal is to get the definition to a point where hunters can understand the definition, target the proper age class, and have a higher rate of success.

Josh Vittori, Nevada Bighorns Unlimited Reno, said he is concerned about branching above ears and below ears. They were not confident that someone would not be cited. They think the Department is on the right track and support amendment that reduce chance of error.

Chairman Drew asked what age class the Department is managing for.

Game Division Administrator Brian Wakeling said few small antlered elk, 3 points or less, are harvested with antlered tags. Resident rifle hunters on average 55 percent are successful, of the 55 percent that are successful 71 percent harvest a 6 point or greater. The Department manages for a very conservative bull to cow ratio. In many cases in reality there are 80 to 90 bulls per 100 cows in a lot of areas. It is male skewed when compared to other states. The

spike harvest is a management tool to reduce the bull to cow ratio. Elk do tend to live a long time if they are not harvested through a hunt, up to 20 years of age is not uncommon. He said they are managing the younger age class; it could be a three year old. There is a definition of an antlered point in the law. He read the definition. There is not a definition for branching. Three points or less would be consistent with the intent of the Department.

Chairman Drew asked about law enforcement having a preference of branching or points.

Chief Game Warden Tyler Turnipseed said the definition of an antlered point was passed in 1988 and he assumes it was just dealing with mule deer. He would prefer to go with branching.

Chairman Drew asked if he was more comfortable with the definition proposed.

Chief Game Warden Tyler Turnipseed said yes, he is more comfortable with the language as proposed.

Commissioner Young asked what the optimum bull to cow ratio is and if it matters if they are a spike or not.

Game Division Administrator Brian Wakeling said it is a reflection of what they see in recruitment. Colorado did some research and found that with low bull to cow ratios you will see recruitment fall off. Similarly, high bull to cow ratios you will see decline in recruitment as well. The Department is trying to get a true representation of what the bull to cow ratio is. The surveys are conducted during the winter months and it can be very difficult to get a true representation. Most of the measured units are in the high 30s to low 40s. In order for that to be an issue, from a biological standpoint, it would have to be low on most of the objectives for most of the elk plans. In many places they are not below the objectives. It does not present a biological problem. It gives you some of the parameters. What the Department is proposing is very similar to the language in Utah.

Chairman Drew can see both sides. He is struggling with what way to go. Maybe the Department can contact Utah and see if they have had any issues.

Commissioner Mori is struggling too. He asked about a regulation with no brow tines. Most of the age class, as soon as they get older than 3, most of the time they are going to start having brow tines.

Game Division Administrator Brian Wakeling said the brow tine is what is obscured. They will have a short or small brow tine. The intent is to try to remove some of that confusion.

Chairman Drew said Montana might have a regulation stating no brow tine.

Commissioner Mori said the mistake might still be made.

Game Division Administrator Brian Wakeling said a brow tine below the ear is legal because it branches below the ear.

Commissioner Hubbs said she is listening. She likes that the Department is erring on the side of caution.

Chairman Drew asked if there was a desire to change the definition.

Commissioner Young wants to wait for the information from Utah.

Chairman Drew wants to move it out of workshop and ask the Department to contact Utah. We will bring it back in May for action.

C Commission General Regulation 458, Electronic Rifle Triggers, Caliber and Cartridge Length, and Smokeless Powder Restrictions, LCB File No. R144-15 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed

The Commission will hold a second workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code. The proposed regulation amendment contains two changes. The first change will clarify the use of black powder substitutes that are considered smokeless powder. The second change would make it unlawful to hunt a big game mammal with a rifle using a centerfire cartridge of caliber .46 or larger or an overall loaded cartridge length of 3.8 inches or longer. The amendment would also make it unlawful to hunt a big game mammal with any firearm equipped with an electronic or computer-controlled trigger.

A workshop was held in Las Vegas on January 29, 2016. The Commission directed the Department to hold a second workshop to consider additional changes, including: changing the term “big game mammal” to “any game animal” and either adjusting the “overall loaded cartridge length” to something that wouldn’t impact custom reloads for popular hunting cartridges or changing the terminology to account for casing length rather than overall loaded length. Additional information was requested to show which rifles may be prohibited under either scenario.

Chief Game Warden Tyler Turnipseed explained the three parts of the regulation. He reviewed the PowerPoint presentation (exhibit file) for Commission General Regulation 458. He explained the smokeless powder and electronic trigger portion of the regulation.

Chief Game Warden Tyler Turnipseed said most triggers used for the severely disabled to hunt are mechanical or hydraulic, not electronic. Recently, someone pointed out that there is an electronic trigger marketed for severely disabled hunters.

Commissioner Bliss did some research on severely disabled hunters and the electronic trigger. He wants to adopt something for severely disabled hunters. He does not want to create a law that would stop them. He would like to see an exemption for the severely disabled hunters.

Commissioner Young agreed with Chief Game Warden Tyler Turnipseed and the recommendation from Commissioner Bliss.

Commissioner Hubbs said there is gray area and a lot of argument over what is considered a disability. She is worried that it could lead to arguments that do not need to be made out in the field. Can the gun be approved by the Department?

Chief Game Warden Tyler Turnipseed said there are exemptions for paraplegics, amputees and paralysis. An exemption for this would be different. He will get with Commissioner Bliss and try to figure out some language.

Commissioner Hubbs said we are talking about the weapon in this regulation. She wants to be much more cautious with exemptions.

Commissioner Bliss said their disability impedes them to operate a trigger safely. A lot of times they have severe paralysis in their hands and they are not able to put their finger into a trigger

guard to operate the gun safely. This is a safety issue. There is always the fear of someone taking advantage of it. He does not worry about the one or two people that would try to take advantage of the system, because it would benefit hundreds. Hunting is therapeutic for some people with disabilities.

Chief Game Warden Tyler Turnipseed agrees with Commissioner Bliss. He will get with him to come up with language.

Chief Game Warden Tyler Turnipseed continued to review the PowerPoint presentation (exhibit file) for Commission General Regulation 458. He explained the caliber/cartridge portion of the regulation.

CABMW Comment –

Sean Shea, Washoe CABMW, said they did not vote on this because they thought that it was still coming back from LCB. In their previous meetings they didn't mind the smokeless powder portion or the electronic trigger portion of the regulation.

Walt Mandeville, Lyon CABMW, said they talked about this regulation at length. He remembers when the black powder group first started gathering to try to get a special season. The object behind the season was that it was a primitive weapons hunt. They got a special season and they would like to see the regulation remain as it is including the black powder restriction. Technology changes overtime. Lyon CABMW is opposed to all three changes in the regulation. There are many regulations that help the disabled already.

Cory Lytle, Lincoln CABMW, said they are in support of the regulation, the exception being a case length of 3 inches.

Paul Dixon, Clark CABMW, said they are in support of the electronic trigger portion of the regulation. They agreed with the smokeless powder portion. They did not discuss the cartridge and case length, they were wondering what would come out of the Commission because it has been circling around with so many different options. He uses the term want and waste because if you hit an animal with a bullet that big you won't have anything. It is like hitting a squirrel with a 300 short mag.

Tom Cassinelli, Humboldt CABMW, said they voted for everything except the bullet length and it was a split vote.

Doug Martin, Carson City CABMW, said they are in favor of the smokeless powder portion, they are in favor of banning electronic triggers, and they went with 4 inches and less on the cartridge length.

Glenn Bunch, Mineral CABMW, said they supported the Department's recommendations.

Public Comment –

Kevin Crow, President of Sierra Shooters and Author of *The Shooters and Reloaders Record Book*, said they fully support banning the use of electronic triggers, but the way it is worded is ineffective. The picture that was showed in the PowerPoint (exhibit file) was a sighting device, which controls the firing mechanism, which is above the trigger. The human actually pulls the trigger and then it fires. There is nothing computer electronic controlled about these triggers but the sighting systems. Any litigator could easily get someone off by demonstrating that it is not the trigger that is electronic, it is the firing mechanism. The sighting systems have been

banned from competition shooting use for many years. The language used by the National Rifle Association is, "any sighting system using a computer or electronically controlled firing mechanism is prohibited." The main basis everyone is against is the sighting system, not the electronic triggers that would be used by the disabled. He said his group discussed the caliber and cartridge length. They do not understand the motivation and justification for this regulation. There are already regulations on wasting game meat. Most of the highly disruptive military rounds are full metal jacket military rounds and there are already regulations against full metal jacket rounds for hunting big game. He thinks it is a non-issue. People who are going to take irresponsibly and unethically long shots will do it regardless of caliber. It seems that we are saying that we do not want people using military rifles or sniper rifles and it is playing into the syntax and the verbiage that the anti's use. If we really get down to it, all rifles are military rifles. Since Vietnam the military's go to sniper rifle has been the M40, which has the civilian name of a Remington 700. There are over 5 million in circulation and it is by far the most popular hunting rifle in the country. We need to use correct terminology. We should be basing our decision off of data, not images.

Josh Vittori, Nevada Bighorns Unlimited Reno, said they did not have any opposition to the portion on smokeless powder. They echoed some of the same concerns over the disabled hunters with the electronic trigger. They wondered if we should be considering any game animal or just big game. If it comes down to the ethics of it, it should be any game animal. He echoed the ethics behind the caliber and cartridge length issue. They did not feel that certain large rounds were ethical.

Leland Schoff said that he wanted to echo the comments about the non-necessity of the 50 caliber limits. He has hunted elk in Colorado and he has seen the effects of a shot taken with a .30-06 caliber at an elk that was only wounded. The larger caliber bullets do make a bigger hole by definition but they also allow for a cleaner kill at a longer range shot. He has also seen a lot of bad shots taken at long ranges, which do result in wounding and unnecessary death because ultimately the animal dies in the back wilderness by loss of blood. He does not see any unethical problem what-so-ever with a larger caliber bullet. The 45 caliber is a minimum for the older rifles right now and the Commission is proposing a 46 caliber as a maximum. The reality is those bullets are expensive and people are not shooting wantonly. He has never seen a 50 BMG in the field. It would be an effective killing round for the large animals. He does not see an ethical problem.

Rex Flowers, the Coalition for Nevada's Wildlife, said they took a position to support the electronic trigger and smokeless powder portions of the regulation and they are neutral on the caliber length.

Rex Flowers said he does not see a reason to regulate the maximum size of a bullet. There are plenty of guns that shoot long distance. A lot of foundations put on seminars about long range shooting and they raffle off long range shooting weapons. The whole thing behind long range shooting is optics. A simple solution would be to reduce optics, but the Commission is not going to do that. When it comes to shooting, it is all about shot placement. There is no reason to have this regulation.

Sean Shea said there are issues with page 3, subsection 4. He thinks subsection 4 should read, "A person may hunt big game mammals with a handgun if the handgun uses a centerfire cartridge, has a barrel length of 4 inches or more and: (a) Uses a cartridge of caliber .22 or larger." The way it is written right now, it is confusing. This would clean it up.

Kevin Crow said he would like to point out the absurdity of discussing regulations on limiting maximum caliber when we are the only big western state that allows people to hunt big game

with a .22 caliber rifle; Montana and Wyoming are .23 and Colorado is .24. It is silly when he hears story's that people have shot deer with a .22 caliber rifle. With the way the regulation is worded, anyone can take a shot at a bull elk with a .22 rifle. He does not think that a single person would agree that it is right to take a shot at an animal that size with a 40 caliber varmint round.

Chairman Drew wants to provide guidance to the Department. He asked the Department about the definition provided by Kevin Crow. He thinks the definition is cleaner. If it makes sense to use the definition provided or provide an exemption to the disabled hunters.

Chief Game Warden Tyler Turnipseed said he likes the language provided by Kevin Crow.

Chairman Drew said he is comfortable with the smart trigger aspect of it but he is not sure about the disabled hunters.

Chief Game Warden Tyler Turnipseed asked if it provides an adequate exemption for the trigger guard straw trigger.

Commissioner Bliss said he thinks it provides for the exception. He is concerned about one thing; the link between the sighting mechanism and the trigger. He told a hunting story about a quadriplegic and how he was able to hunt.

Chairman Drew said the trigger control was mechanical.

Commissioner Bliss asked if it would be the link between the sighting mechanism and the trigger.

Chief Game Warden Tyler Turnipseed said the language links the sighting system to the electronically controlled firing system.

Commissioner Bliss asked for the Department to check with LCB.

Chief Game Warden Tyler Turnipseed said a few have raised the point that we already have a law against waste, but you have to look at an edible portion not wasting game meat. He read the definition of an edible portion. He explained the waste violation.

Chairman Drew asked if the Commission was comfortable with the new language for the definition.

Commissioner Young wants to support the Department's language with changing 3.8 inches to 4 inches. He told a story when he was working as the sheriff in Clark County. He is not for military rifles. Police are becoming military style and he does not like it. When you can kill an animal a mile away, what kind of fair chase is that?

Chairman Drew said to specifically list the two calibers or go with a 50 caliber or larger, 4 inch overall loaded length, or 3.25 case length. Those are his thoughts and a couple options.

Commissioner Hubbs is in agreeance with Commissioner Young. She thinks the Commission should make a stand with a mark, but she does not know what that would be.

Commissioner Bliss is a big second amendment guy. There is a purpose for these calibers and hunting is not one. He does not think that it happens that much. As a sportsman, he would

never want to use a weapon like that to harvest an animal. He believes supporting the 3 inch case length limit would be simple.

Commissioner McNinch agrees with Commissioner Bliss. People have perceptions and in some ways the Commission is condoning it by not addressing it. It causes harm in the future. There will be bigger guns developed. Under this scenario right now it would be accepted. He likes the 3 inch case length.

Chairman Drew asked if all of the Commissioners liked going with the case length no more than 3 inches.

Commissioner Young asked if the Department was in support of 3 inches or 4 inches.

Chief Game Warden Tyler Turnipseed said there were two different things. One was the overall loaded length of 4 inches and the other was the 3 inch case length limit.

Commissioner Young said he is not a hand loader.

Chief Game Warden Tyler Turnipseed said he is not man enough to shoot a .505 Gibbs.

Chairman Drew asked about changing the maximum caliber from 46 to 50. It only drops a handful of cartridges. The change would be "larger than caliber 50 or a centerfire cartridge with a case length more than 3 inches." He listed the guns that would be included and prohibited. The Commission received a handful of form letters, in excess of 300 emails and many letters specific to this portion of the regulation. He also received a letter from the National Rifle Association that made a similar comment in terms of the larger calibers being more lethal in the field.

Chief Game Warden Tyler Turnipseed clarified the change.

Chairman Drew asked about simplifying another portion of the regulation while it is in front of the Commission. He gave the suggestion that was provided during CABMW comment by Sean Shea.

Chief Game Warden Tyler Turnipseed said he has always felt that a portion of subsection 4 was a bit confusing. He reviewed some history about subsection 4. He thinks the proposed change is simpler. It is easier to understand and enforce. There could be an issue with someone who might want to shoot a 9mm or a 40 caliber at an elk. That would be legalized if this change was made. A lot of people will use a handgun to kill a mountain lion that is treed.

Chairman Drew said it becomes self-regulating. He is not a big handgun guy.

Commissioner Bliss asked if there is a restriction on kinetic energy at a certain yardage.

Chief Game Warden Tyler Turnipseed said yes there is a regulation.

Commissioner Hubbs needed clarification on where in the regulation this change is being made.

Chairman Drew went over the new strikeout on page 3, subsection 4 (a) and (b).

Chief Game Warden Tyler Turnipseed provided the NRS to answer Commissioner Bliss's question on kinetic energy. He read it.

Commissioner Bliss said to look at different tables for elk, deer, antelope, et cetera; he believes there is information on the kinetic energy for harvest.

Chairman Drew said some of it sets the sideboards. It has to be understandable. It is self-limiting because he is not going to shoot a handgun. He would like to see the strikeout in subsection 4 as a proposed change to consider coming out of the workshop.

Chief Game Warden Tyler Turnipseed asked if it should be an action item at the next meeting.

Chairman Drew asked the Commission. He thinks there has been a good discussion and thinks it can be for action at the next meeting. If the Commission is not comfortable and still has questions they do not have to take action. He offered a third workshop as well.

Commissioner Bliss asked for clarification on the change on page 3.

Chairman Drew reviewed the changes.

Chief Game Warden Tyler Turnipseed said time is limited because of the short time in between meetings and the regulation may need to be sent back to LCB for revision.

Chairman Drew said yes, they might have to do a redraft. He asked the Commissioners if they wanted to move this regulation forward for possible action.

Commissioner Hubbs asked about the definition change on the electronic trigger. What about his research? If there is a change can the Commission not take action?

Chairman Drew said the Commission does not have to take action on an action item. It gives more flexibility.

Commissioner Young asked for a workshop in the morning and adoption in the afternoon.

Chairman Drew said he would prefer not to do that.

Commissioner Hubbs is fine with it being an action item.

Chairman Drew said it is more flexibility. If the Commission is comfortable making a final decision they can, if not, they can table it and ask for more information. He said to move this regulation forward for adoption at the May meeting.

- D Commission General Regulation 459, Unmanned Aerial Vehicles (Drones), LCB File No. R145-15 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed
The Commission will hold a second workshop to consider a regulation relating to amending Chapters 501 and 503 of the Nevada Administrative Code. The proposed regulation amendment contains two changes. The first change would make the prohibition of using aerial devices for the purpose of hunting year-round rather than the current prohibition of 48-hours prior to any open season and during any open season. The second change is to clarify existing language that prohibits the use of unmanned aerial vehicles for the purpose of hunting, locating, or observing big game animals. The changes would extend aerial scouting prohibitions and clarify the existing regulation by explicitly listing unmanned aerial vehicles.

A workshop was held in Las Vegas on January 29, 2016. The Commission directed the Department to hold a second workshop to consider additional changes, including: changing the term “big game mammal” to “any game animal” and adding terminology to Section 2 to clarify that the regulation is specific to “real time” satellite imagery rather than commercially available imagery products such as Google Earth.

Chief Game Warden Tyler Turnipseed described the regulation changes. He went over a PowerPoint presentation (exhibit file). He provided an example of people not understanding the law and the reason for the changes.

Chairman Drew said he would like to see “any big game mammal, game bird, or furbearer” added. He thinks it is much cleaner with the season dates. The recommendation was July 1 or July 15 until February 28 and he thinks it will be cleaner. He does want “real time” to be inserted. Ask LCB for a definition of real time. He thinks it would be something like “live streaming or still images updated more frequently than once per calendar day.”

Commissioner Hubbs received comments on this regulation. The preference would be for all wildlife in general. A lot of individuals in the general public are concerned about wildlife of all types.

Commissioner Mori has been back and forth on this regulation. He doesn't know if he can support it at all. He said that the Department mentioned that we are already covered on this issue. In trying to make things crystal clear we might be making more problems. Perception was mentioned earlier and he does not support unethical use of drones for the use of hunting purposes. There are exceptions listed on page 18. He thinks one of the exceptions should be the management of private property. He would not want to provide the perception that landowners would want to use drones unethically. He provided a couple examples. He is anxious to hear what the rest of the Commission thinks. He wants an exemption for private land owners.

Commissioner Wallace agrees with Commissioner Mori. He would like to see an exemption for conducting management activities on private land.

Commissioner Young agrees with Commissioner Mori and Commissioner Wallace. The Commission could over legislate things very easy. He would add predation management studies. He thinks there is reasonable justification. He asked if we are already covered, and why do we need this. Maybe we should rethink the whole thing.

Chairman Drew said multiple people feel it is already included in the regulation. This will just make it clear. A lot of people ask. Now that drones are prevalent it doesn't hurt to explicitly list it.

Commissioner McNinch knows the Department has had problems with private land owners flying prior to seasons for scouting. If the Commission is not careful we might open the door for some very significant misuse or abuse. If there are concerns with private land owners he would like to go back to the way it is covered now and add the concept that it includes drones. He knows there are issues in Lincoln County. He can see where making the exceptions would cause unintended consequences.

Chief Game Warden Tyler Turnipseed said it is hard to draw the line. There could be instances where a land owner is trying to do an inventory of wildlife species on their private land. Flying for cows is already exempt. It does get muddy when you are looking specifically for wildlife. Commissioner McNinch is right; it is hard to make an allowance for legitimate use without

opening up a loophole. Right now some landowners have aerial depredation permits and sometimes the Department questions if the permits are being used for aerial depredation of predators or to scout and/or hunt with.

Chairman Drew asked if we have had an issue with a private land owner inventorying cattle under the current regulation.

Chief Game Warden Tyler Turnipseed said the Department has had suspicions of misuse.

Commissioner Hubbs said we want to protect all wildlife. She said we have to think about everything we are trying to protect. The general public wants the protection of all wildlife.

Chief Game Warden Tyler Turnipseed said there is a definition of wildlife in statute. He read the definition.

CABMW Comment –

Paul Dixon, Clark CABMW, said they discussed this in their January meeting. He said in his current job at Los Alamos National Laboratory he is in charge of the robotics and drone program oversight for use within their complex. There are fully autonomous drones that do construction monitoring. They have a launch pad and it flies every day. It tells what is changing in the field or what the water conditions are. They do fields in the Midwest and they look at the water conditions of the crops. They are designed to collect any kind of information. If it is a private company, what stops them from collecting information on wildlife? They are not hunting or fishing, but they can collect it and relay it to anyone they wanted. This technology is off the shelf and it has the resolution. He is wondering how to say someone is only surveying. He does not know how to regulate this. The U.S. Government is having a hard time dealing with it. He is more concerned about the non-hunting public and their ability to do things that will impact the hunting environment.

Tom Cassinelli, Humboldt CABMW, said he flies drones and he goes beyond private land. He said they use planes now to fly and gather cattle. They fly right in the heart of hunting season. He said using drones would be a lot cheaper. He thinks there should be protection for permit holders and private landowners.

Sean Shea, Washoe CABMW, said they wanted two changes. They wanted it to be for any game animal and they wanted to set a specific date; July 1 to February 28. He told a story about hearing an advertisement for drones on the radio. The non-hunters are using drones too. This is a tough subject.

Walt Mandeville, Lyon County, said they had quite the discussion about this regulation. Drones are everywhere. Their CABMW thought the regulation already existed. They are against the change. The way technology is moving is unbelievable.

Cory Lytle, Lincoln CABMW, said they supported this. They supported the year round calendar restriction because of what is going on with shed antlers. He said this has been on their list for several years. Nevada has good quality animals and people want to find them. People will figure out a way to do it. He said we are on the right track.

Glenn Bunch, Mineral County, said he has a camera system called live view.

Public Comment –

Rex Flowers, the Coalition for Nevada's Wildlife, said they supported the inclusion of the drone. They would ask that the Department put the mountain lion portion back in as an exception. They would like date specific such as July 1 to the last day of February.

Josh Vittori, Nevada Bighorns Unlimited Reno, said they supported using the term "unmanned aerial vehicle" to assist the current language.

Josh Vittori said that we need to do more research on the FAA regulations.

Karen Boeger, Nevada Chapter of Backcountry Hunters and Anglers, said she wanted to thank the Commission for tackling the difficult regulations. Her organization has been founded on the concepts of fair chase as a means to carry their traditions into the future. There are so many unintended consequences from technology. She provided comments from the Chapter and the Coalition (exhibit file). What she said is without any hat. With the exponential increase of technology every day and how drones are morphing into being affordable for retired school teachers, she wishes we could put a halt on new technology until the Department can figure out the consequences. There is a regulation on harassment of wildlife and she would like the Commission to consider how that will cover some of this.

Commissioner McNinch is concerned. There were comments implying that this may be a hunter versus non-hunter type of thing. There are two issues. One issue is the harassment of wildlife, which could be done by anybody and he agrees with Karen Boeger's comments. There are regulations to address that and we are not talking about it today. The other issue is fair chase and that is what he thinks this is about. He does not want to highlight potential loophole areas. He thinks we should take existing language and just include an unmanned aircraft instead of coming up with the list of exceptions. The intent was for the Commission to provide a level of clarification. He is leaning towards working with what we already have.

Chairman Drew said this is a hunting regulation, it says specifically for the purposes of hunting. It is within the Commission's purview to regulate hunting and wildlife. If this had a year round ban he is not sure it would have anything to do with shed antlers. He does not believe the collection of shed antlers is defined as hunting. Shed antlers is another subject. This regulation is about hunting and that is why he is comfortable using big game mammal, game bird, or furbearer and if putting in a season is clearer he is fine with that. He wants to clean up the satellite portion too.

Commissioner Bliss said he is torn on this. He agrees with Cory Lytle from the Lincoln CABMW as far as shed antlers and he is a fan of a shed antler season. He said the animals need to recoup what they lost from the rut and through winter and he thinks they should be left alone during that time. He agrees with Commissioner McNinch and Chairman Drew.

Commissioner Hubbs looked at the harassment regulations for wildlife. She agrees with Chairman Drew on big game mammals, game birds, and furbearers, it would be a good way to meet in the middle. She would like to keep it simple in all other areas.

Commissioner Mori is unclear. He wanted Commissioner McNinch to verify what he prefers.

Commissioner McNinch wants "unmanned aerial device" included in the concept. That is the way it is understood now by law enforcement that it would be included already, so it should just be in there. He knows it does not alleviate the concerns expressed by Commissioner Mori. He is having a hard time articulating his thought about it. It has created a discussion, if this had not

been brought up would it still have been an issue? He does not think it would have been an issue. There are a lot of issues coming up that create more problems.

Commissioner Mori appreciates the explanation. He does not know where we start and where we stop. He said the can has been opened. There is not a private property exemption. That was something that stuck out in his mind. He asked where this ends.

Chairman Drew said technology has passed by a regulation. He said they are doing two things. One is clarifying things that have been confusing. He thinks the 48 hours before a big game hunting season is confusing. He thinks setting a date or making it year round makes it very clear. This is very specific to hunting. He thinks that is why there was not a private land exemption originally. These regulation changes are cleaning up existing regulations, updating it, and it is creating a good discussion.

Commissioner Mori agrees that technology has passed the regulation by. Not everyone can own a full size airplane or helicopter. Technology has provided drones to be affordable to almost anyone. That may warrant a private land exemption.

Chairman Drew said after everyone tells their initial comments the Board will step through each change.

Commissioner Young said this is a complicated issue all around the United States. Drones are not regulated right now. The FAA has thrown out a stop gap as they continue to study this. In uncontrolled airspace the attitude is to just go and do whatever. He told a few mishaps with drones. It is a struggle. He said the Commission is on the right path.

Commissioner Wallace said technology has passed and there needs to be a private property exemption. Not everyone can own an airplane. It does not take much to own a drone.

Chairman Drew stepped through the changes. He proposed a change on page 17, any big game mammal should be changed to any big game mammal, game bird or fur-bearing mammal. The next change would be the date. Given that it is specific to hunting he would prefer July 1 to the last day in February.

Commissioner Hubbs is wondering what the long term impact would be on the animals. There is a possibility in the summer that there would be quite a few drones in the area of wildlife.

Chairman Drew said if the Commission chooses a season or year round it is a significant expansion of what is currently in the regulation.

Commissioner Mori is comfortable with the dates.

Chairman Drew said to go with the dates of July 1 to the last day in February. This way the CABMWs can have a discussion about it. This does not cover turkey season.

Commissioner Hubbs asked if it should be different for drones and aircraft.

Chairman Drew said to keep it the same. He said the 48 hour strikeout would remain and add in the dates. The next change is to add real time or a better term if LCB has one. This change is in (d) and it would read, "A satellite or any other device that orbits the earth and is equipped to produce real time images." He provided a quick definition of real time for LCB. He asked if the Commission wanted to consider a private property exemption. He thought the exemption could read, "conducting surveying and management activities on private land."

Chief Game Warden Tyler Turnipseed said he sees both sides in that. The burden of proof would still be on Law Enforcement, but he does understand Commissioner Mori's concerns because it talks about the limitations. Amend those limitations or just put in a private land exemption?

Chairman Drew asked if under section 2, subsection 2 it would say private land is exempt.

Chief Game Warden Tyler Turnipseed said or just amend some of the things that are now considered evidence of the act. He assumes they were put in to help prove a case against someone. Maybe that is where the discomfort is coming from.

Commissioner Mori said there are some exemptions already. He thinks the private land exemption is valid. Maybe the exemptions need to be taken out.

Commissioner McNinch said he is still trying to articulate his thoughts. He went through a scenario from an enforcement standpoint. The burden of proof goes way up for Law Enforcement with a specific exemption.

Chairman Drew said the LCB might question an exemption on private property.

Commissioner Mori wants to get rid of all the exemption language.

Commissioner McNinch said he understands.

Chairman Drew said either way it is going back to LCB for an update. We can add it and get their opinion, leave it out, or strike everything.

Chief Game Warden Tyler Turnipseed said he will wordsmith a private land exemption to add in and ask the LCB.

Chairman Drew said he would like to ask LCB. He read the language he would like added for the exemption.

Commissioner Hubbs wants it to say something about a non-hunting survey and management of a private owners land just to be clear. It is surveying of personal property not wildlife, correct?

Commissioner Mori said possibly wildlife.

Commissioner Hubbs ask why he would be surveying wildlife.

Commissioner Mori explained that he has wildlife on his private property, but this could hypothetically be anyone. He explained incentive and landowner tags and disagreeing with the Department about how many animals he has on his property. He wants to be sure of what is there. A drone might be the most efficient way to do that.

Commissioner Young said Commissioner Mori does not put in for landowner tags while on the Commission. He has strong ethics.

Chief Game Warden Tyler Turnipseed said there are more and more landowners who want to manage for wildlife.

Commissioner Hubbs said it is clear and she understands more. Is it contrary to the regulation? If so, consider something else.

Chairman Drew said LCB will give feedback.

Chief Game Warden Tyler Turnipseed clarified the language about private land.

Chairman Drew said to put this regulation on for action at the next meeting.

Chief Game Warden Tyler Turnipseed said this might take longer with LCB. It might be back for the May meeting, but June is probably a better bet.

Chairman Drew said we could put it on the agenda for possible action with the flexibility of not taking action if needed.

E Commission General Regulation 440, Trail Cameras and Other Devices, LCB File No. R012-16 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed
The Commission will hold a workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code. The proposed regulation change is intended to restrict the use of motion and heat sensing cameras that are left for a period of time, and not held in the hand. The proposed language would prohibit the use of trail cameras to locate or observe big game mammals for the purpose of hunting from August 1 to December 31. The Commission directed the Department to develop this regulation at the September 2013 meeting.

Chairman Drew reviewed the history of the regulation.

Chief Game Warden Tyler Turnipseed also discussed some history and went over a PowerPoint presentation (exhibit file). He reviewed the regulation language. He said he has heard a lot from the public regarding this regulation. He said enforcing this regulation the way it is written is challenging. The burden of proof is huge and he discussed why. It might be better to change the burden of proof and say that it is illegal to place the camera rather than saying it is used to locate wildlife. He has heard heated discussions from the public on this from both sides.

Chairman Drew talked about subsection 2 which talks about placing a camera within 200 feet of a water source. He discussed what happened in the past on this particular item. He said it was meant to be any time of the year, but it was a split vote. A lot of the input he received has distinguished between the cameras. He received a lot of correspondence, even today.

Chief Game Warden Tyler Turnipseed said people have asked how other states handle trail cameras. He explained what other western states have done.

Chairman Drew said one of the Northeastern states had a prohibition on camera use.

Chief Game Warden Tyler Turnipseed said there are some east coast states that have sideboards on using cameras. They are probably more tied to using a feeding station or tree stand.

Commissioner Bliss said he is curious to know if this is an ethics or harassment concern. If there is a harassment concern no one should be placing cameras, including the exceptions.

What about the Bureau of Land Management (BLM)? Do they have to follow this regulation? Employees of these agencies may be hunters and now they have the information.

Chief Game Warden Tyler Turnipseed said it is a great point. Yes, the BLM would be exempt with how the regulation is written now. He thinks it does relate to ethics and harassment and explained the concerns.

Commissioner Bliss asked if with the way it is written now, it will reduce the amount of cameras used in the field today.

Chief Game Warden Tyler Turnipseed said yes, even though the burden of proof is hard. He believes that the vast majority of hunters want to comply with the law.

Commissioner Bliss said he disagrees with Chief Game Warden Tyler Turnipseed. He thinks if an individual had a tag in area 22 they would still have a trail camera in area 13 or area 11 to view wildlife. He thinks the amount of cameras in the field would reduce a little bit, but not enough to make a difference.

Chairman Drew said the Commission talked about that in the past because Montana did something similar. There was an issue in Montana during the first year or two, but there was compliance after that.

Chief Game Warden Tyler Turnipseed said it is hard to predict what the compliance rate would be.

Commissioner Hubbs asked if the Commission should change "big game mammal" to include more game animals. She also wondered if something should be added to help shift the burden.

Chief Game Warden Tyler Turnipseed said possibly, especially if they had a tag for that unit. He gave a few scenarios of how this would be hard to enforce and the possible limitations. There are legal questions.

Commissioner Bliss mentioned the private property issue. He asked about someone who owns a water right on public land, would they be allowed to have a camera.

Chief Game Warden Tyler Turnipseed said it is a good question. It would be a strange intersection of water law and wildlife law. In Nevada where the homesteads went is where the water was.

Commissioner Bliss said he is dedicated to disabled people. He gave an example of a disabled person using a trail camera.

Commissioner Hubbs asked about the timeframe for subsection 2.

Chief Game Warden Tyler Turnipseed said subsection 2 is standalone and not connected to subsection 1; however, LCB felt different.

Commissioner Hubbs said an easy way to clarify is just to add year round to subsection 2.

Chief Game Warden Tyler Turnipseed said we do need clarification one way or the other.

Commissioner Mori said this regulation has similarities to the last regulation the Commission just heard. He struggles with where to draw the line. He talked about harassing the wildlife and the transmitting camera might be the best one because you go in to set the camera once and do not need to return to it until months later.

Chief Game Warden Tyler Turnipseed said he agrees on a lot of levels. He said 20 years ago there was a rest period for big game mammals. Now, year round disturbance is happening. The transmitting cameras may be less disturbing and that was the point of the industry representative.

Secretary Wasley said there are two unique aspects in Nevada. First, we are the driest state in the union. We have built over 1,700 artificial water developments just to meet the needs. We have 1/5 of the number of deer that Wyoming and Idaho have, we have 1/3 the amount of deer that Utah has, and we have 1/10 of the amount of elk Colorado has. Second, Nevada has 85 percent federally administered land. Those two aspects combined elevate the need to address this in some way. He does not know what the solution looks like, but he thinks there needs to be a unique solution. The point was made that the transmitting camera creates less impact. He explained the complaints he has heard. It is a legitimate subject and issue.

Chief Game Warden Tyler Turnipseed explained what the transmitting cameras versus the memory storing cameras.

CABMW Comment –

Mike Turnipseed, Douglas CABMW, told a story about what people do with the pictures from their trail cameras.

Paul Dixon, Clark CABMW, said in Clark County most people who use trail cameras are not hunters, they are put out by private citizens. How many resources are we going to put out to show the burden of proof on this? He said he finds it very hard to regulate. He thinks it is an ethics issue and it is something that needs to be dealt with. Trap visitation is a huge issue. Maybe some trappers will have a transmitting trail camera and they check their traps with the trail camera. Where does this stop? Some trappers will take it down that path.

Doug Martin, Carson CABMW, said they support some type of regulation like this. There is an organization that has some guidance on this, Boone and Crockett, regarding fair chase ethics.

Sean Shea, Washoe CABMW, said they do not see the trail cameras like Lincoln County does. He said they approved the regulation to only prohibit real time cameras. He would like to move the dates to July 1 to the last day in February to match the drone regulation.

Cory Lytle, Lincoln CABMW, said they supported this regulation. He asked for clarification on the artificial water basins. With the transmitting cameras you have to have a cell signal. Leave it open for part of the year, it is easier to tie it to hunting. They do not want to burden law enforcement. He said they appreciate the conversation.

Public Comment –

Rex Flowers, the Coalition for Nevada's Wildlife, said they supported the regulation for transmitting devices only.

Darin Elmore said this is a unique Nevada situation. It needs to be addressed. Sportsmen have always said their first concern is the health, care, and wellbeing of the resource and they use it as a pillar to point to in the face of the people who want to take away their sporting heritage. Other states will look at Nevada the way we are looking at them.

Nigel Macomber said there was a study done by the Department and it said that trail cameras were acceptable. Is there a definition of fair chase or ethics in hunting? He read a definition he found. We need to bring in more youth and teach them ethics.

Carl Erquiaga said the definition of the purpose of hunting is key. He does not think that hunters have the means with collecting data on a camera. He is concerned about subsection 3 and what is evidence. His big concern is where the limit is. What is next? He wants to know if subsection 2 is part of subsection 1. If it is year round it is taken well beyond hunting.

Karen Boeger, Nevada Chapter of Backcountry Hunters and Anglers, she read a piece from Boone and Crockett. They did not take a position on this because they wanted to hear what came out of this workshop first. Personally, trail cameras are a grounded drone. She would like to see the trail camera regulation mirror the drone regulation language.

Chairman Drew said the Commission will have another workshop on this regulation. He said there are questions that need to be clarified. One question is whether the Commission has the ability to place a year round prohibition or any prohibition at all on offsets from waterholes. Also, it needs to be clarified if subsection 1 and subsection 2 are tied together. He is hearing a prohibition of the use of the live transmission cameras during the hunting seasons. He does not know that he is comfortable asking for specific language changes. There is more homework to do.

Commissioner McNinch said he understands. It is an interesting technology. He is not sure that the Commission or the Department has identified what they are trying to fix. Is it a harassment issue? He is concerned about harassment. He said the Commissioners have an obligation to the wildlife. On the fair chase side, he thinks the transmitting cameras are out of bounds. He agrees with Boone and Crockett. He thinks the Commission needs to evaluate where we are on the harassment scale.

Chief Game Warden Tyler Turnipseed clarified the two questions from Chairman Drew.

Chairman Drew asked for the language that would be more enforceable.

Chief Game Warden Tyler Turnipseed said he surveyed a couple game wardens. The regulation would need to be rewritten and the burden of proof would be put on the placement of the camera near the waterhole, not the viewing of wildlife or big game mammals. Combine subsections 1 and 2.

Chairman Drew is not comfortable proposing specific language. He will work with Chief Game Warden Tyler Turnipseed and LCB on new language. He does not think it will be ready for the May Commission meeting, but hopefully in time for the June Commission meeting.

Commissioner Bliss mentioned comments he has heard. He said he saw an email blast from the Department about cameras in the field that have helped the Department catch poachers. Trail cameras would be helpful to law enforcement. He thinks that setting cameras 200 feet back might not work. They may still walk to the spring to check it out. He said it has no merit in his mind.

Commissioner Young said he looked at the Commission Memo Chief Game Warden Tyler Turnipseed provided in the support material and he read from it. He talked about his own personal ethics. He talked about some friends hunting at a ranch. He agrees with Commissioner Bliss on the disabled.

Commissioner Hubbs said that she received a letter from the FAA saying that drones needed to be registered. There will be some type of registration for all drones. She is wondering if it matters if it is an ethics issue or a harassment issue. She thinks it is both. She thinks it comes down to the development of technology. She thinks barriers will have to be inserted as technology changes.

Chairman Drew said he will work with Chief Game Warden Tyler Turnipseed to bring options back to another future meeting.

Commissioner McNinch said he appreciates Chief Game Warden Tyler Turnipseed and the stuff he put together.

Chief Game Warden Tyler Turnipseed said this one hits home for him. He was raised with hunting ethics too. He will work with Chairman Drew on creating a few options for the next workshop.

Chairman Drew thanked Chief Game Warden Tyler Turnipseed.

- 21 Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairman Drew – For Possible Action
The next Commission meeting is scheduled for May 13 and 14, 2016, in Reno and the Commission will review and discuss potential agenda items for that meeting. The Commission may change the date 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 Drew said he had a few agenda items: Commissioner Mori brought up wild horse issue in Pershing County and pending settlement.

Commissioner Mori said he will have Pershing County District Attorney Mr. Shields contact Chairman Drew as to what Pershing County had in mind.

Chairman Drew said it came up a few times that Pete Coates made sage-grouse presentation to WDMC and interest expressed to having him on agenda for May; USFWS potential input on ravens; tabled January minutes and they will need to be on next meeting agenda; when it makes sense Blue Ribbon Panel update; two regulations heard in workshop today; elk arbitration CGR; and policies.

Commissioner Wallace said the Heritage Committee will meet to look over policies and review projects; and will report to the Commission with action at the June Commission meeting. The plan is to have the Heritage meeting on Thursday afternoon/evening before the Commission meeting.

Commissioner McNinch said he plans to have an APRC report, and the committee will be meeting April 13, 2016.

Commissioner Bliss said the May agenda will have final version of Policy #23 for approval.

Secretary Wasley said the big game quota setting will be on the May agenda; and he asked if the Commission had ideas for NDOW project updates? He suggested that the Blue Ribbon Panel would suffice for the NDOW Project update and Chairman Drew agreed. Director Wasley said as far as regulations, staff is hopeful to have the Industrial Artificial Pond Permit regulation ready for the May agenda; and for clarification, hopeful to have elk arbitration and understands we are to wait on trail cameras and drones, but may have LCB language relative to spike elk, and electronic triggers, calibers, and smokeless powder.

Chairman Drew said those may come back if we don't need substantive changes from LCB and we have the appropriate timelines.

Secretary Wasley said, also to the Commission that NDOW is aware of language in AB 278 requiring Commission to provide written explanation to the CABMWs anytime Commission decision is counter to input received from CABMW, which was the case for bear season. We are aware of that and await approval of the January minutes.

Chairman Drew said he owes everyone two letters; and Commissioner Hubbs reminded him to contact Utah.

Commissioner Young said he discussed this matter briefly with Secretary Wasley, and would like an opportunity to discuss change in rules for resale of landowner tags regulation and fee increase for out of state guides to operate in Nevada. Commissioner Young is to email those points to Chairman Drew.

CABMW and Public Comment -

Rex Flowers, TAAHC committee member, said Commissioner Johnston brought four items to go to the Commission. Two are NAC and one can be handled internally and the last would need NRS changes.

Tom Cassinelli said the Humboldt County Subcommittee will meet on April 12 at 2 p.m. at the Winnemucca Inn.

22 Public Comment Period

Alan Souigny, said he is commenting on DAG Ward's Litigation Report #10 E, and that DAG Ward named him in OML complaint as being involved in OML complaint filed by others in response to botched audio feed of Jan. 29, 2016, meeting. Actually he did not file complaint but did share his experience with the Governor's Office in a letter. He is disappointed that DAG Ward compared his complaint he gives him credit for with other silly complaints received in years representing this body. His letter had nothing to do with that. Mr. Souigny said his letter focused on specifics of his Jan. 29 experience with the audience being unable to hear or participate at that meeting. He did not hear DAG Ward take any helpful action to advise the Commission of possible OML issue at that time. His characterization of his letter yesterday is inaccurate. He thinks Governor Sandoval believes in legislative intent and spirit of OML as does he.

Darin Elmore said he is excited about NDOW's effort at license simplification as he sold licenses previously, and is excited to hear about this. One aspect that needs to be changed is presenting

entering physical hunter education number to get entered into Nevada's system. He thinks that is antiquated and wants statute, NRS 502.3550, requiring a physical copy to be changed to be similar to other states.

Fred Voltz said the Commission's choice of remote Yerington location for this Commission meeting did not generate significant local attendance. He said at Thursday's meeting, only two Lyon CABMW members attended and no one from general public. Today's attendance is similar in its underwhelming response, as at past other remote sites. Conversely we have over three dozen staff, CABMW members, and Commissioners travelling long-distances on the public nickel for no compelling business purpose. Current Yerington meeting costs tens of thousands of public dollars in travel costs and wasted travel time. He said this ongoing drain on the public treasury needs to cease. The larger problem with selecting meeting places without videoconferencing capabilities is the lack of access for the public this Commission is supposed to be serving, while superimposing unreimbursed travel costs on that public. When most public that attend these meetings are approximate to urban areas, those locations need consistent video conference access and should be selected for Commission meetings. Public officials should be required to attend at the site closest to their homes, numerous other state agencies, the Legislature, and private businesses have managed to figure out the long-settled logistics behind the video conference process. This Commission has consistently failed to do so for over three years with the most dramatic failure at the last Commission meeting. Clear dismissal of public interest fails to fulfill the letter, spirit and intent of the State's OML. While the OML allows alternative for public comment at the beginning and end of meetings, it is state agency's and boards and Commissions fearing the public that choose this more restrictive option than accepting public comment during each action item on the agenda. If economy of time is higher priority than allowing adequate public input into decision-making process, then oral CABMW input should be reduced as well, since they offer no science or evidence to support their subjective preferences and fail to report any minority opinions. In addition DAG suggestion that the meeting be compressed into one day is unrealistic short of holding a 14 hour meeting.

Bobbie McCollum said her comments relate to agenda item #10 from yesterday, about investigation of OML complaint. The first option offered by DAG Ward was to consider removing public's ability to comment on agenda items and hopes that option is rejected, as what options would the public have. Other issue is comparing OML complaint to complaints about room temperature, vending machine, and someone looking fat, those comments do not belong in a meeting such as this. She said those comments are probably the result of frustration and would hope the Commission would reject that.

Meeting adjourned 4:55 p.m.

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