

LANDOWNER COMPENSATION TAG COMMITTEE

MINUTES

August 8, 2019

Bristlecone Convention Center

Ely, NV 89301

1. The meeting was called to order at 6:43pm by Commission Chairman Johnston. All members and staff present with the exception of Commissioner Barnes and Larry Johnson.
2. Approval of Agenda: Motion to accept by Commissioner Valentine and second by Commissioner Kiel. Vote 5 – 0 to approve.
3. Approval of Minutes: Commissioner Kiel made a motion with Commissioner Valentine second. Vote 5 – 0 to approve the minutes from the previous meeting.
4. Report on Landowner Tag Program: Tom Donham and Mike Scott provided presentations discussing:
 - A) the method to reduce tags issued to landowners who qualified for tags if the number of tags being issued would exceed the statutory limit. Mike Scott provided a short presentation showing a spreadsheet depicting how NDOW would reduce tags if the total number of tags exceeded the statutory limit and how NDOW would reduce tags in the instance that when issuing the first tag to landowners the statutory limit was exceeded. The accompanying language change was also shown.
 - Commission Johnston asked clarifying questions about the two varying spreadsheets.
 - Bevan Lister asked what the total number of tags available for the year you are looking at. He stated that he pictured the formula differently instead of using the spreadsheet. There was some discussion about the formula. Mike Scott explained that we essentially used the same formula but used a spreadsheet rather than a mathematical formula. Tom Donham explained that when using rounding conventions, the formula method may take away more tags than necessary while the spreadsheet method can be more precise on the number of tags removed. Mr. Lister also asked if we were still considering splitting the deer and antelope. Tom Donham responded that if or when we ever reached the cap, that would be the time to consider splitting the deer and antelope so that landowners would not lose tags. It might be that if we split them today, antelope applicants might lose tags even though we are some 200 tags short of reaching the cap. Mr. Lister also asked if we were going to split the deer and antelope, would we need to go back to the legislature to which staff responded that we would not.
 - Cory Lytle asked for clarification about staff saying that antelope may be currently reaching their cap. Staff responded if antelope were split right now the number of compensation tags for antelope that we currently issue would exceed the 2.5% cap if we only considered the antelope quota.
 - Chairman Johnston said he particularly liked the way the spreadsheet method would not leave tags left on the table and that this method is fair.
 - Commissioner Valentine agreed and said he likes the spreadsheet method because it is simple and it's fair.
 - Chairman Johnston stated that it may be that if the statutory cap is reached, and we did the split, that the deer tag applicants may see no reduction, but the antelope applicants may feel the brunt of the reduction. Tom Donham responded that if we had the option to split the deer and antelope, it might be up to the Commission to decide that splitting may result

in a larger loss of tags, especially to antelope applicants, and that if they decided not to split them, more people may actually retain their tags.

- Cory Lytle asked if we should think about the process of how a split may affect landowners and asked if we need to describe the formula on the spreadsheet in the statute. Mike Scott responded that it would be up to the committee, but that it likely could be done.
- Commissioner Kiel asked if we have the language in the statute under 3B do we need to carry forward or actually need 3C. Mike Scott responded that the language in 3C would only be used under the ‘Armageddon’ scenario where issuing the first tag to landowners would result in exceeding the statutory cap.
- Bevan Lister said that he likes that the language describes the process and if we come up with something better, we would not have to use a particular method. He then made a motion to accept the NDOW’s suggested method of reducing tags if the total number of tags exceeds the statutory limit. Commissioner Valentine seconded. Motion passed 5 – 0.

B) How NDOW will address landowners having counts completed on multiple properties within single or multiple hunt units. Tom Donham gave a short PowerPoint presentation depicting examples of multiple properties within single and multiple units in order to provide the committee with information in order to have the committee provide NDOW with direction on how to conduct counts on properties in these instances. Either way we want to be consistent.

- Bevan Lister asked if there are any other clarifying language in NAC because it isn’t very clear.
- Cory Lytle asked about the timing of the counts. Timing and distance are his main concerns.
- Chairman Johnston asked how this is being done now. Staff responded that there are only a few situations like these, but we need direction on how to handle them going forward. Should they be done on one night, or multiple nights? Discussion followed.
- Cory Lytle mentioned that there are situations where there are multiple landowners in one area where issues can be created by having counts completed on different nights while counting the same animals. This allows multiple landowners to get tags for the same animals.
- Commissioner Kiel said the language states that damage occurs on his or her property and doesn’t refer to requiring multiple cooperative agreements for separate land in separate locations and separate counts at different times. He is leaning toward combined counts for individual landowners.
- Commissioner Valentine suggested that regarding separate properties that the distances between properties needs to be better defined - what the separation distance should be.
- Commissioner Johnston stated that what concerns him is that the definition of contiguous may not be the same to everyone. A landowner may have two pivots separated by a short distance that may be looked at differently.
- Tom Donham gave some examples of situations and said that we need to be consistent between landowners in all situations.
- Chairman Johnston suggested that in his mind, a landowner should be able to combine counts for their benefit. If we are trying to compensate landowners and buy tolerance that landowners should be able to receive the most tags possible. Combining counts makes the most sense.
- Cory Lytle agreed with Chairman Johnston as long as the count occurs at the same time on separate properties owned by the same person.
- Bevan Lister asked if the example provided for the Western Region was completed under one cooperative agreement or multiple agreements. Mike Scott responded that he believed it was one agreement. Mr. Lister asked if the example from the Southern Region was

completed under one agreement of multiple agreements. Tom Donham responded that it uses multiple cooperative agreements. Mike Scott clarified that the example in the Western Region uses multiple cooperative agreements for deer and antelope and different units.

- Commissioner Johnston spoke about the timing of the counts.
- Bevan Lister asked if the solution needs to be described in regulation or simply in the NDOW counting protocol. Tom Donham said that NDOW is asking for direction from the committee for the counting protocol. We do not think it needs to be in regulation.
- Chairman Johnston suggested that the Committee might be best served that NDOW should probably come up with a draft protocol and bring it back to the Committee for further discussion.
- Bevan Lister said that he doesn't want to make the regulation more complicated than it already is.
- Chairman Johnston suggested that combining counts makes sense, even if it is at different times. Mike Scott asked if it would be appropriate for NDOW to come up with a draft protocol for these situations and to bring it back to the Committee. Chairman Johnston responded that would be good.

5. Public Comment:

Mike Reese: The Clark County CAB discussed this extensively. He agreed with the direction that Chairman Johnston provided.

6. The meeting was adjourned at 7:55 pm.