

Committee Members: Commissioner Johnston (Chair),
Commissioner Barnes, Commissioner Keil,
Commissioner Valentine, Cory Lytle, Larry Johnson, Bevan Lister

Staff to the Committee: Mike Scott
Tom Donham

**Nevada Board of Wildlife Commissioners
Landowner Compensation Tag Committee
Washoe County Commission Chambers
1001 E. 9th Street, Building A
Reno, Nevada 89512**

Friday, November 1, 2019 / 8:00 a.m.

DRAFT MINUTES

NOTE: The Chairman, in his discretion or upon request, may take items out of order; combine items for consideration by the Committee; and may remove items from the agenda at any time.

TIME LIMITS: Public Comment will be taken on every action item after discussion but before action on each item and are limited to three minutes per person. Public comment will also be taken on certain "Informational" items when indicated and at the end of the meeting for items not on the agenda. 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 complete a speaker card and present it to the Recording Secretary. To ensure the public has notice of all matters the Committee will consider, Committee members may choose to not respond to public comments in order to avoid 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 which antagonize or incite others are examples of public comment that may be reasonably limited.

1. Call to Order – Chairman Johnston

Chairman Johnston called the meeting to order at 8:07am. Roll call was conducted – Committee members present were: Chairman Johnston, Commissioner Barnes, Commissioner Valentine, Cory Lytle, Bevan Lister and Larry Johnson. Commissioner Kiel was not present. Others in attendance: Tom Donham, Mike Scott, Brian Wakeling, Doug Busselman

2. Approval of Agenda – For Possible Action

The Committee will review the agenda and may take action to approve the agenda. The Committee may remove items from the agenda, combine items for consideration or take items out of order.

Committee member Larry Johnson moved to approve agenda as presented. Committee member Cory Lytle seconded the motion. Motion carried 6-0.

3. *Approval of Minutes (August 8, 2019) – Chairman Johnston – For Possible Action

Commissioner Valentine moved to approve minutes as presented. Seconded by Committee member Cory Lytle. Motion carried 6-0.

4. *Report on Landowner Tag Program – Staff to the Committee – For Possible Action

The Committee will discuss the process for addressing landowners participating in the program who own multiple properties within single or multiple hunt units. NDOW Staff will provide a short presentation depicting various situations to be discussed. The Committee will discuss the protocol to be used by NDOW when landowners request counts for multiple properties; specifically, the timing of those counts, when those counts can be combined, and how distance between properties should be addressed when allowing counts to be combined. The Committee may take action to provide direction to staff or establish findings or recommendations to present to the Nevada Board of Wildlife Commissioners.

Staff to Committee, Tom Donham, provided a short presentation regarding possible protocols for addressing situations in which a single landowner requests counts for multiple properties and when counts may or may not be combined. Mr. Donham indicated that Staff had met with the Landowner Compensation Tag Program biologists to develop possible strategies which would

most effectively and equitably address counts on multiple properties owned by a single landowner.

Strategies discussed were:

1. Multiple properties separated by some distance which makes it unlikely that the same animals would be expected to move between properties on a regular basis.
 - a. Combine counts if properties were counted on single day/night or consecutive days/nights
 - b. Counts would not be combined if landowner requested counts to be conducted at different times
2. Multiple properties adjacent to one another, or close enough that it would be likely to have the same animals moving between properties on a regular basis, and count can feasibly be accomplished in single day/night
 - a. A single count would be scheduled with no option for multiple counts
3. Multiple properties occurring in adjacent Hunt Units
 - a. If properties are split by unit boundary, or are close enough to be counted in single day/night
 - i. Combine count and tag will be valid for both units
 - b. If properties are separated by some distance which makes it unreasonable to accomplish count in single day/night
 - i. Counts will not be combined, and tags will be valid for single unit in which count occurred

Committee member Bevan Lister inquired about the situation in which counts could be combined if properties were counted on consecutive days/nights. Is there some kind of timeframe involved or would it have to occur on consecutive nights with no exception?

Mr. Donham indicated that the intent would be to conduct the counts as close together as possible, but that there could be situations which came up that would require a day or two to pass between counts. There should be some flexibility to allow NDOW biologists to use their discretion in the case of logistical challenges.

Committee member Lister asked if the intention of the Department or this Committee was to amend NAC, or if this could be handled through internal guidance and policy.

Chairman Johnston indicated that unless there was a specific need to make NAC changes, his vision was that the Committee would simply provide guidance to the Department for use in internal policies and protocols.

Committee member Larry Johnson stated that in the case of properties in adjacent units, it should be limited to situations in which properties were either adjacent, or close enough to conduct a count in a single day/night. The "some distance" language might not be appropriate in that situation. Mr. Johnston asked if there was a definition of "some distance". Would 5 miles be an appropriate distance to minimize possibility of animals being displaced and moving to another property over the course of a single day?

Mr. Donham explained that during conversations with Landowner Comp Tag biologists and supervisors, it was determined that there were so many variables involved that could influence each situation, that leaving flexibility in the language would allow biologists the ability to use some level of discretion to administer the program as fairly as possible.

Committee member Larry Johnson agreed that defining a specific distance would be challenging, and that he believed allowing biologists to use some discretion was appropriate as long as the program was administered consistently statewide.

Committee member Bevan Lister asked how applications typically come in for landowners with multiple properties. For example, if a landowner has four different properties 50 miles apart, do they usually sign up each property as a separate application and then ask for those counts to be combined, or do they submit one application with multiple properties listed on it?

Mr. Donham said that typically if they are separate properties that they want counted at different times, they will submit an application or cooperative agreement for each. However, in the case of a large ranch such as the Winecup/Gamble in Elko County, it may be a single application or coop agreement for that one large ranch, but with multiple locations. Often a landowner will have purchased multiple smaller ranches or farms which still carry with them the original names in regard to legal documents, etc., and those are covered by separate applications in most cases.

Committee member Larry Johnson asked how many biologists cover the Landowner Compensation Tag Program statewide.

Mr. Donham said there were two biologists covering the program statewide. One biologist that covers the Western Region and one biologist that covers both the Eastern and Southern Regions.

Committee member Larry Johnson said the fact that there are only two biologists administering the program statewide alleviates some of the concern over consistency and as long as the biologists were communicating, there should not be an issue.

Chairman Brad Johnston asked if it would make sense to get away from the language regarding distance and focus on when the counts were conducted in order to simplify the process? If a landowner completes one application and asks for counts to be done on same day/night or consecutive days/nights then the counts are combined, but if a landowner requests counts to be done at different times, then there would be multiple applications and counts would not be combined.

Committee member Bevan Lister said he agreed with Chairman Johnston and that was probably the way to do it. He then asked about the language in NAC regarding separate applications for separate properties.

NDOW Staff Mike Scott said that the language actually says a separate application shall be made for each separate location on a landowner's property.

Committee member Bevan Lister said he thought having landowners apply as Chairman Johnston described is the way to go, but will the language in NAC create a challenge in doing that?

Chairman Johnston asked if there was an actual application and what was included on it.

Mr. Donham indicated there was an application form that asked for property location, and that people use various language in that section. From TRS to Hunt Unit.

Chairman Johnston said he feels that a landowner can just specify the properties that will be covered by a specific application and that the Department can educate landowners on how those applications should be submitted based on how they want the counts conducted.

Mr. Donham mentioned that a situation could occur in which a landowner requested separate counts on properties that were relatively close together to take advantage of animal movement due to disturbance or migration. He said that is why the language regarding properties that were close enough to feasibly be counted in a single night would not be considered for multiple counts regardless of landowner request.

Commissioner Valentine asked if this direction would be completely out of line for participants, or would it just help straighten things out once everyone understands it?

Mr. Donham said he felt it would help straighten things out. He said the majority of cases are being handled this way currently, and that there is only a single exception in the Southern Region. This would provide consistency and make sure all properties were handled the same. Committee member Cory Lytle asked if it would be beneficial to have some of these clarifications on the application itself?

Mr. Donham said he didn't think it would need to be included on the application but would be explained to the landowners and put into formal internal direction in the form of protocols.

Committee member Cory Lytle said he thinks the clarification regarding timing of counts and when they can be combined or not ensures consistency and is a positive situation for everyone involved in the program. This is a good thing for the program and landowners.

Commissioner Tom Barnes said he appreciates the way the Department has presented this. It is straightforward and provides consistency. As someone who participates in the program, and currently is in a situation where he owns multiple properties, the process and language provided by the Department regarding properties with some distance between, and when counts can and can't be combined is very clear to him. He did not have any questions regarding how it would work. He thinks it makes a lot of sense. He didn't believe the "some distance" between language was confusing at all.

Chairman Johnston brought up the hypothetical situation which had been discussed previously about a landowner that might request counts at different times on pivots that were relatively close together. He said if that landowner submitted multiple applications for those multiple pivots, there could be room for abuse. However, if the biologist could get those counts done in a single night and get it all done, that's what we'd want. It seems that the biologist could take that up the chain and it could be easily resolved. Hopefully there isn't much chance of that type of abuse. It seems if that type of situation arises, it can be dealt with then, and we shouldn't have to worry about coming up with solutions to every hypothetical situation during this process.

Committee member Larry Johnson stated he thought the Department should have the authority and discretion to determine when it was feasible and appropriate to conduct counts in a single day/night or on consecutive days/nights. He also believes the Department should create an information sheet explaining the how these cases will be handled that can be provided to program participants.

Mr. Donham said the Department could create a document of that type. He also said that in most cases, it would be very intuitive which situations would be addressed by the language that states "if properties are close enough that they can be feasibly counted in a single day/night"

Committee Bevan Lister said that in his experience, anyone who would try something like described in Chairman Johnston's hypothetical situation would be gambling, and it would probably not work anyway.

Chairman Johnston asked Mr. Donham if the Department was clear on the direction the Committee was going.

Mr. Donham indicated they were clear on direction.

Chairman Johnston directed the Department to draft protocols consistent with the presentation and what was discussed by the Committee to be reviewed at the next LCTC meeting. If the Committee is satisfied with the protocols, they would be presented to the Commission as part of the Committee report. If it goes that way, the next Committee meeting may be the last.

5. Public Comment Period

Persons wishing to speak on items not on the agenda should complete a speaker's card and present it to the recording secretary. Public comment will be limited to three minutes. No action can be taken by the Committee at this time; any item requiring Committee action may be scheduled on a future Committee agenda. In addition to this Public Comment Period, Public Comment limited to three minutes per speaker will also be allowed on each agenda action item, but not, unless otherwise noted, on reports or informational items.

No public comment

Game Division Administrator Brian Wakeling informed the Committee that the Commission Agenda Item regarding the adoption of General Regulation 488, which is related to the statutory cap of Landowner Compensation Tags, had to be removed from the agenda. The Commission took the direction from the Landowner Comp Tag Committee regarding that item, acted on it at the last Commission meeting and asked that it come forward for adoption at this meeting. Unfortunately, LCB was not able to get the approved wording back to NDOW in time to be properly noticed on this Commission agenda. That General Regulation will be brought back to the Commission at a later date.

Meeting was adjourned at 9:05am

*Support material provided and posted to the NDOW website (ndow.org), and updates to support material will be posted at ndow.org. Support material for this meeting is available for the public at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, NV 89511 or may be requested from Cassandra Grieve at 775-688-1529. In accordance with NRS 241.020, this agenda closes three working days prior to the meeting date and has been posted at the following Department of Wildlife offices: Headquarters: 6980 Sierra Center Parkway, Suite 120, Reno, NV, 89511; Western Region Office: 1100 Valley Road, Reno, NV 89512; Eastern Region Office: 60 Youth Center Road, Elko, NV 89801; Southern Region Office: 4747 Vegas Drive, Las Vegas, NV 89108.

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