Approved Meeting Minutes
Administrative Procedures, Regulations, and Policies Committee of the Nevada Board of Wildlife Commissioners
January 13, 2016 at 2:30pm Via Teleconference
Conference Room at NDOW Headquarters, 6980 Sierra Center Parkway, Reno, NV 89511

For more information, contact Committee Staff: Kim Jolly, Management Analyst 3/Legislative Liaison, (775) 688-1510, kjolly@ndow.org.

Wednesday, January 13, 2016 – 2:30pm

1. **Call to Order**
McNinch called the meeting to order at 2:30.

Attendance: All Committee members– Chair David McNinch in Reno, Commissioner Paul Valentine and Commissioner Grant Wallace by phone. **Public present**: Elaine Carrick, Fred Voltz, Rex Flowers, and Lloyd Peak. **NDOW Staff present:** Management Analyst 3-Kim Jolly, Game Division Administrator Brian Wakeling, Deputy Directors Jack Robb and Liz O'Brien and Deputy Attorney General Harry Ward.

2. **Approval of Agenda (For Possible Action)- Chair McNinch**
The Committee will review the agenda and may take action to approve the agenda. The Committee may remove items from the agenda, continue items for consideration or take items out of order at any time.

- ***There was no comment on this item. Grant Wallace moved and Paul Valentine seconded to approve the agenda, all in favor.***

3. **Introductions and Overview (Informational) - Chair McNinch**
Committee members will introduce themselves; the Chair will provide an overview of the Committee Purpose, Background, and upcoming Charge from the Commission Chair. (1.20 sec into recording)

Committee Members introduced themselves briefly.

Chair McNinch gave an overview that Staff would be explaining the Rules of Practice, and other items which the Committee is charged with doing, including:
1) Reviewing all the rules of practice every three years which is due;
2) Evaluating the Commission Policy system, (to ensure all are accounted for, there was concern that there were some that were written over or renumbered and lost); and
3) Considering the need to edit, eliminate, or adopt new commission policies for certain issues.

McNinch -A few items that came out of the Commission Meeting include a policy for developing a legislative platform, an elk policy or finding policy 26, a Policy for wildlife contests, and review of all other policies not deferred to other committees. McNinch asked for other Comments – none.

4. **Summary of Statutorily Required 3-year "Rules of Practice Review" Report – (For Possible Action) Staff Kim Jolly.** Rules of Practice are contained within the Guidelines for the Comm. Policy #1, Appeals Policy #3, Petition Policy #4, and more broadly within Wildlife's Nevada Administrative Code (NAC) 501.140-501.190 (Hearings/Appeals) and 501.195-(Petitions). The committee may determine that there is a need to amend these Rules of Practice, and conceptually provide feedback for improvements. (at recording 5min mark)

Committee Staff Kim Jolly gave a brief overview of Rules of Practice before the Commission, the existing Rules of Practice Report, and the support material for this item, and that she was seeking feedback from this committee on ideas for changes today. The Report was filed in 2012, as the agency had conducted in 2011 a thorough regulatory review per Governor Sandoval's Executive Order, including the Rules of Practice were included. NDOW

also reviewed Commission Policies 1, 3, and 4 answering the questions on the review form, and filed that to the Secretary of State's office (page 4 of the packet).

Ms. Jolly explained that the Rules of Practice in general, are the manner in which the public is provided an opportunity to express public comment, opinion, or suggest changes to policies or regulations, and how they come before the body. The Commission has its own Petition process, and policy development process in addition to the regulations. This is the opportunity to make suggestions and changes to this conceptually.

Ms. Jolly -there have been a handful of petitions come before the Wildlife Commission in the last 4-5 years, and if there is anything in that process or the regulation (no in conflict with the Petition NAC 501.195) For example, on page 16 of packets is the petition process in NAC, this is our process within the wildlife commission. If there's anything in here conceptually that you would like me to bring back and if you have ideas for changing that, and appeals process, we can do that first and then make changes to the Commission policy. (recording 8:35sec)

Chair David McNinch - In developing the agenda, Kim and I had a pretty lengthy discussion about what comes first, "the chicken or the egg" type of concept. Do we handle all the commission policies the same and move forward with them as a package, where we're putting it in front of the public and setting our priorities for the whole inclusive policy-set? Or, do we make the decision to bring forward the policies that dictate that process first as a separate packet, and then consider all the others for timeframes and priority.

McNinch- We decided to bring these forward first, and establish or reaffirm those (the appeals process the elections, the meetings, compensation, policies and gifts, petition process) and establish those, and then, secondly review the rest of the remaining policies and spend our time on those more establishing prioritization and what our goals are with those. The intent today is to discuss Commission Policy 1, 3-Appeals, and 4-Petitions, and bring forward at future meetings, and the remaining ones on a broader scale when we will we hear those.

Chair McNinch asked for Commissioner comments or questions?

Commissioner Paul Valentine- I really don't have anything to add to these policies.

No other questions of comments, McNinch asked staff to lead the overview of each policy and any suggestions for purpose of the public. (at 12:26 of recording)

DISCUSSION ON COMMISSION POLICY 1 – GENERAL GUIDELINES FOR THE COMMISSION

Ms. Jolly said the support material is just the policy "as is" without any staff suggestions to test them verbally first, though we do have suggested changes since the Director's Office primarily implements this. This is in the template for all policies. The first part is on selection of the chair and vice chair. Policy 1 was first developed in 1980 and only been slightly edited since then. Some of it doesn't really need to be in Policy because it's just administrative functioning.

Under #1 it reads "Selection of Chair and Vice Chair: Terms of Office"; oftentimes the elections do not usually occur as listed in the policy "at the first regularly scheduled meeting following July 1 of each year as the first order of business," because the replacement Commissioners aren't always appointed until August or September.

Under the Meetings Section – we by Law already have to comply with Open Meeting Law, and by law there can been no more than 9 meetings a year and can hold special meetings.

Chair McNinch asked for public comment, and then staff to continue going through the policy and Department suggestions.

Ms. Jolly - Under 2. Meetings, meeting calendar for a meeting for the next year will be developed at the meeting closest to October 1," should be changed.

Jolly said that now the Department develops a whole biennial meeting schedule for 2-years' worth of meetings for approval, due to the biennial budget cycle. This helps budget for Commission meeting and CAB travel expenses more accurately.

Jolly also suggested on page 2 of the Policy, removing the outdated "Month and Action Items list" with a reference to the Wildlife Commission Planning Calendar that she shared a few Commission Meetings ago. That Planning Calendar shows the reports, the committees, the action items, regulations, seasons and bags, typical locations and months. This planning Calendar would be a separate Appendix so it can be dynamic.

Under 5b (2) Reimbursement for transportation, Jolly pointed out that the policy is outdated in listing that it would be at "the rate prescribed in the State Administrative Manual (SAM) 0200 Travel nor air coach service". More specifically we follow the NDOW Travel Policy not just the SAM.

She also noted in 6.a items are required to be mailed; while that has been updated that the Open Meeting Law requirements are more flexible in allowing email and posting to the website such support material if individuals will accept that way. No changes were proposed to the minimum of two readings of policies.

Under section 6. Adoption of Commission Policies requires two readings; letter 6C- our headquarters address says Valley Road and now needs an update there. On last page of policy 1 Item 7. Gifts, Grants, Donations, Bequests - this whole section has been replaced with the Wildlife Trust Fund Report which is reported on twice a year or so. That is a general overview of thoughts for changes.

(Continued Agenda item 4 -DISCUSSION ON COMMISSION POLICY 1 – GENERAL GUIDELINES FOR THE COMMISSION)

The committee held discussion of the delay in chair election to wait on all Commission appointments, the fact that most outgoing or resigning commissioners stay on until the next replacement is appointed, the political history of it, but ultimately determined staff did not need to make the delay to the chair selection in a draft update.

Chair McNinch said you hit on other areas I was thinking too. He asked Commissioner Valentine and Wallace for any questions or comments? No comments.

McNinch made notes and said he was open to many of those modifications to reflect the biennial budget; the appendix for reports in lieu of locking it into a policy, and the wildlife trust account.

McNinch asked DAG Ward Under 6a on policy to clarify about the two readings of Commission Policies in P-1, and if Friday and Saturday Commission Meeting was considered one meeting or two. We work hard to get these out at 2 separate locations, but sometimes we have read it on a Friday and adopted on a Saturday. Is that two separate meetings or a meeting that occurs over two days?

- DAG Ward said he wore the two hats today- as regards to when Open Meeting Law applies, and as an advisor to the Committee but this isn't an official Attorney Generals' Opinion. Based on your question, we have 2 separate meetings. If you look at the Open Meeting Law (NRS 241) you have public comment at the beginning, public comment at the end, and this Commission uses public comment before each action item, and then is adjourned to the next day. So those are two separate meeting. And as long as you follow 233B Rulemaking, and likewise as long as you follow the Open Meeting Law you are fine. I suggest you keep it the same until a court tells us otherwise.

McNinch – Thank you for that clarification. That's been out there a long time. We do have an adjournment and we comply with OML both days.

DAG Ward – Also, you have Commissioners which travel long distances so you do that for economy and sometimes you have committee meeting that happen after adjournment since each day had a call to order, and adjournment and separate public comment periods.

Chair asked for Public Comment:

PUBLIC COMMENTS ON COMMISSION POLICY 1 – GENERAL GUIDELINES FOR THE COMMISSION)

Fred Voltz –Commented on Item #2 on first page of Policy 1. There's been an issue festering for 3 years now since the 77th Legislature appropriated money for videoconferencing. It would seem prudent for the Commission to change this regulation to make a requirement that all Commission and Committee meetings of the Commission be held in either Reno, Elko, or Las Vegas with videoconferencing to the other two sites. Having these meetings in backwater sites such as Tonopah, Yerington, Fallon, and Eureka, etcetera really does not serve the public interest and needs to stop. Those folks are used to driving for conveniences and this is a convenience where the meeting sites need to be accessible economically for the public to attend, and they need to be close to where the people are in this State.

Also would suggest that Commissioners or their Committees be required to attend these meetings at the site one of those three I just mentioned, closest their residence to minimize state travel costs, and that would also apply to any County Advisory Boards. Right now you have a 19th century construct where they are making a long trip unnecessarily if there is videoconferencing. For instance if they're from Mineral County there is no need for them to attend in Las Vegas - it would be closer for them to come to Reno. Similarly for Commissioner Mori – he should be attending from Elko, and any staff members should be attending at the site closest to where they are. This really needs to be memorialized in this Policy in my opinion on both of those issues.

We shouldn't be giving out excuses that there are no sites available when there are, but up until now NDOW has been very unwilling to pay a private party to create a site if there wasn't a governmental one available. That needs to cease as well in the interest of people attending these meetings and commissioners as well or board members or staff.

Rex Flowers – I would like a mockup of Policy 1 changes. Also, under number on "Month and Action Items" August is outdated that shouldn't even be in there; that is split now between September and March. Has that been updated in that schedule you are referencing? If you do go with an Appendix it should still be referred to under # 2. of the Policy, with a list of what we do on the meeting dates and where to find it.

There was no further more public comment.

ADDITIONAL COMMISSION DISCUSSION

Chair McNinch asked for Commission discussion, clarified that the idea there is no hurry to push things through, that wasn't the intent. We certainly will bring it back and forth. We aren't even ready to recommend changes to the Commission. Down the road whatever we propose will go through the CAB process, before decisions are made.

Commissioner Valentine – I thank Mr. Flowers for bringing up the mockup. We would also like a mockup relative to the suggestions just to relate.

Commissioner Wallace – I agree, but I also agree with Commissioner McNinch's strategy where we just put some ideas together, get it out to the CABs. These are not going to be an action item to the Commission meeting; at this point it's just a report to the Commission Meeting. And then we would have another (Committee) meeting before the next (March) Commission Meeting to put something together for the Commission.

Commissioner Wallace noted that there are many other great places in Nevada worth having meetings besides Elko, Reno, and Vegas. And I think we should continue to go to the rural areas.

Comm Valentine said that it is much easier to discuss things face to face than any other way, phone or videoconference. **Wallace -** The all discussed sometimes the teleconference or videoconferencing work,

sometimes it doesn't. It is a lot easier to work with my colleagues face to face. McNinch noted that Wallace was seriously debating coming up from Esmeralda County for this committee meeting because working with each other is easier in person. **McNinch** – it gives us a chance to get to the rurals to hear from people who aren't going to make the trip, and to see things in our state that we aren't going to see in our local areas. We don't do it very often – out of the 9 meetings a year, I believe about 5 are spent in the urban areas Reno or Las Vegas. We tend to hit Elko and Ely at least every other year. I think they The rural areas were as well attended as any.

McNinch – Unless anybody has anything else, we're going to move on to the next issue. Under section 2, we have this Planning Calendar that the Department is proposing would replace the meeting list, and Kim could you clarify where the Appendix would be. Would that be in a policy booklet or to this particular policy, or where? What's your vision?

Kim Jolly – the reason I say Appendix is because the Planning Calendar did not fit on 8 ½ x 11 paper to include the entire fiscal year, and all the Commission action items, regulations, and reports and activities on it. It would be at the end of Policy 1, as well as on the website as it has traditionally been, under the meeting section independently, and then also in Policy 1 as a reference. It is easier just like with Department Policies as well to put them in an Appendix, for items that either don't fit or change depending on other factors. That was the idea.

McNinch – I don't have any issues with removing the portion in the policy and using an appendix that is routinely updated, but putting a statement that its updated an appropriate level.

Commissioners – said they did not have a problem with doing that, me either. It would be more dynamic
Than something we have in the policy like we have here. This would provide more flexibility with how things operate these days. NO suggested changes for section 3, 4, or 5 – let's jump to #6-Adoption of Commission Policies.

Kim Jolly – The mailing language on 6a- says shall be mailed. Perhaps we could include emailing instead since often times we will post it to the website and then email to people that its there. If the public says they want the agenda and they won't consent to email, we mail it, but if they will accept email then we don't have to print it and mail it.

McNinch – to be more environmentally friendly, we should recognize email as an acceptable method. 6a – incorporate the clarification in the adoption at two readings – that each day is treated as a separate meeting, with open meeting law is met and we adjourn each day. And under 6c- the change to the Valley Road address. Asked for other suggestions.

Jolly introduced the idea of cleaning up the travel section. Although The Director's Office schedules and processes the travel claims for Commissioners, we should make it current to the State requirements in this language. In section 5(b)(2)- There are needed changes to the Travel section. Where it says, "the allowance for private conveyance will be at the rate…." Should be replace the State Administrative Manual Chapter 2, be more specific to per the "NDOW Travel Policy" because all state officers and employees have to go by the GSA rates and the paperwork requirements, using SWABIZ, the mileage, etc. there are a lot of details, that we have cleanup referencing the right documents.

Committee Chair McNinch – And I'm sure if anyone wanted to see those documents, they would be too long to include in here, like the public they would be made available.

McNinch asked Commissioners –Both were thought the suggested changes on item 5 and 6 are fine.

Moving to section 7 – Acceptance of Gifts section. The Department was talking about replacing this or removing it because they report on those already with the Wildlife Trust Fund. Kim could you clarify?

Jolly - #7 was added under a totally different commission, and for different purposes. The third paragraph – all gifts, grants, and donations- are already reported in the Wildlife Trust Fund. The first two paragraphs – there is

no need to restate NRS in a Commission Policy. They don't really fit there. We do account for all monies separately, we have to because of state accounting and federal grant reporting.

I had a thought for this section of P1, after this last Legislative Session, when we talked about diversion of funds, diversion of Sportsman's Dollars and Federal aid and things like that. Maybe we could use the opportunity to talk about that in a Commission Policy, so that Commissioners and the public could understand what that means, because it is beyond just the State of Nevada laws. We're governed by Pittman-Roberston, Sportfish Restoration, and all the different Federal Aid acts. That whole conversation that occurred at the Legislature; there might be a nice little paragraph that our Federal Aid Coordinator could help us come up with to explain it., because it is not widely understood.

McNinch – I did have a note on one of these three paragraphs of do we even need this. I never have felt we've not heard about the gifts, I am not sure in a policy is the place for it. I understand what you're saying and am open to it. **Wallace** – I suggest we remove the entire section 7. **Valentine** – I Concur. Are we done with Commission Policy 1?

McNinch said he was opening up to public comment again because there was more discussion. But go ahead Commissioner Valentine.

Valentine – I suggest that we go ahead and let Ms. Jolly make her changes to that also, if that is acceptable to the Committee. Wallace agreed. McNinch agreed, and said he had no problem with the Department doing that for any of the policies. While this committee didn't have any burning need to discuss something, just because we haven't discussed it no problem having the Department include things they see needing to be addressed, and drafting some language for us to take a better look at.

ADDITIONAL PUBLIC COMMENT P-1:

Elaine Carrick *– I have a question or clarification, on 6a, where the commission will have a minimum of two readings of a proposed policy. The agenda comes out about two weeks before, and it will be say on Friday that there will be a discussion, so the public will know and be aware, will they simply be stating that there will be another reading? OR is that stated in the agenda when the second reading is?*

Chair McNinch *– Most of the timer in the agenda, it will say the proposed first reading of ____, and then will say "second reading" and "for action". The attempt is made to notify the public. Any more comment?*

Rex Flowers*- Speaking for myself, again on 6a, normally it says "workshop" on Friday and Saturday it will say "reading". The problem with having a first reading on Friday and second reading on Saturday, while it might meet the open meeting law, it doesn't allow any changes made from the first reading on Friday, it doesn't give the public notice in a decent manner of time to evaluate and come back with their feelings. That's the problem. That situation was from a prior Commission that needed to push their own personal agendas and not those of the State. I do want to say on #1, having to do with the election of officers, I like having the July 1st in there, only because when we had the Gerald Lent regime, we did have all our Commissioners immediately, and when that regime was replaced, we immediately had all of our commissioners for the first meeting in August. Since then, we've been left with one or two Commissioners not being appointed yet. IN fact this last September the newest Commissioner couldn't attend on Friday because of a mix-up. So we are extending out that election of chair and vice chair.*

Fred Voltz *– One quick response, it would be interesting to look back at the sign-in sheets from the rural meetings such as Ely, Eureka, Tonopah and Fallon, because my recollection since I was at those meetings, was that there were very few locals that actually showed up. And weighing that against the total number of people who had to travel both staff Commissioners as well as the public.*

End of public comment.

The Committee had discussion about the Staff suggestions, and provided direction to Committee Staff to draft the administrative edits to P-1-Guidelines for the Commission. McNinch said we don't necessarily need action at this point we can wait until things come back. He asked the Deputy Attorney General if there was anything to add?

DAG Harry Ward – as far OML, you are correct. You've offered one public comment and graciously offered another one, and no you don't need to take any action.

Moved to Policy 3 the appeals policy (still agenda item #4)

Commission Policy 3 – Appeals

Chair McNinch said this policy is closely tied to the Nevada Administrative Code on Appeals, so ultimately the NAC would have to change if we want something to change in this Appeals process. So first of all are there any questions about the Appeals process Commissioners? We've lived it enough to where we are comfortable with it. There is very specific language in the NAC for the appeals process. The Policy just says that we aren't going to engage in discussion with folks about that appeal. (McNinch went through reading the policy). Is there much we need to do here?

Management Analyst 3 Jolly – said Policy 3 I got to write to clarify things when we had a lot of confusion. What we used to do is mail out all of the appellant information to the CAB and public, until we got direction from our DAG that was not proper. So we changed it and developed this, and I think it is fine.

Commissioner Wallace – My only question on Policy 3, some appeals the DAG feels unable to help us because they are representing the Department and we as a Commission are kind of in the middle. Is there anything they could do? I don't know have our own DAG, but when we have a legal question or need assistance, the DAG doesn't feel they can help. Is there anything in the policy we could clarify that? Or if anyone else has felt that way?

DAG Ward – I've represented many board and agencies and what normally happens is another DAG is called in.
At one time, the Commission had its own Dag and the Department had its own DAG. But if you don't have DAGs for each entity you can call in another one. Because I cannot wear two hats for the prosecuting the case, and then likewise respond to questions of the Commission who are acting as judge in the matter. So in the past for other Commissions, we've brought in specifically another DAG to represent or advise the Commission, and then one who would prosecute the case. My suggestion would be that when we do have whenever we do have an appeal, we would have a separate DAG for each.

Comm. Wallace - That's what I was getting at, that maybe we could work that into a policy because that doesn't always come to light and we don't always think about that, when we're sitting in the situation. And while now I might think about that in the future because now we've been own that road, long after I'm gone who haven't yet been through these, maybe this would help.

Comm. Valentine - I agree, we can have the option in there that Commissioners have th option for legal representation.

DAG Ward – and just for the public, this would not be an additional cost because of the allocation considered general funding. It's not billable hours, because this is considered general fund. [*There are already two DAGs assigned for NDOW/Commission: Harry and David -is this why?]*

Comm. Valentine lost on the phone. Committee took a Break at 3:40pm back at 3:45pm. Called back to order – all present or on the phone.

There was discussion with staff about also how much time appeals cost the commission meeting, especially when an appellant brings legal representation. The thought might be to hold appeals on separate days to facilitate other meetings where we're developing policy, to be respectful of those in attendance for the main meeting. Not sure how interested people are in hearing appeals. Commissioners thoughts?

Wallace - I think that's a pretty good idea. We've spent 3-4 hours on these appeals per meeting, and your exactly right if these were on a separate day or something, there' s no way to judge how long an appeal will take.

Valentine – Are we talking about put appeals on a separate day, in addition to the 9 meetings we have a year?

McNinch- There are a few scenarios going through my mind. And we don't have any coming up that I know of. But, most of our business and reports could be handled on one day , and the appeal on the other. Or, if we have 2 days worth of meetings, there is an additional day added to that. Or if there is a way for it to be kept separate from the regularly scheduled meetings, and handled more as a special meeting. I think that is the thought that is being thrown out.

Commissioner Valentine - I can understand how a special meeting could work well.

Chair McNinch - Because there is no public comment involved, CABs are involved, designated people can attend and it just has to be in a public forum.

DAG Ward – Public comment cannot be accepted before a hearing because whatever they would sway would influence the fact finder; it is prohibited beforehand. Yes they can comment afterwards, but not before. With a separate meeting also, if we are going to have separate DAGs one for the Commission and one to prosecute the case it would probably help the AGs office getting two there.

Committee staff asked how other Boards have scheduled appeals – and if they are like ours in conjunction with a regular meeting, and the DAG described some of the variations. One way some of the larger licensing boards do it is, for example the real estate board. They lump several appeals across 2-3 days and schedule one in morning, one in afternoon, and are agendized for a time certain. That gives attorneys who are flying in the opportunity and time to travel in from Reno to Vegas or the other way. Likewise they'd have two DAGs one advising the Commission, one prosecuting the case.

Chair McNinch –biggest pitfalls we have occurs before we ever get to the appeals process, and we have people out there who have gotten themselves in hot water, they enter a plea, they are convicted of a crime in the local court. And then they want to come to us and seek relief. By that time, it's too late. They've already established their guilt and there is no relief. We can't discuss things.

And I think it's more of an educational component I don't know if including something in this policy, a way to reach out to those folks before they walk in here. I don't have a lot of empathy for people who are violating wildlife laws, but I think there is a level of process so that they can make an educated decision and right now, I'm not sure that's occurring. I fall into the category of if you didn't get yourself into trouble you wouldn't have this problem, very little empathy - but they come to us and say they look I didn't know that was what would happen to me. If anybody has other thoughts on that?

Commissioner Wallace – I agree with you. I don't have a running count but can't think of too many times that we've been able to offer any relief to the people who have come before us.

McNinch - The cases I'm thinking of, say maybe somebody might have been on the back of a quad and were properly cited. And then say they were just along for the ride and they pled guilty because it wasn't going to cost them any money to get it taken care of. But in a lot of ways uninformed. Maybe extenuating circumstances warrant education. I don't even know where to begin.

Valentine –So you're thinking of putting in a statement to the effect, if someone has been found guilty of a wildlife crime, that the appeal cannot be heard before this Commission? **McNinch** – no, well they could still bring it here, but some of the things that they ask for may not be possible. I'll let the DAG articulate it.
DAG Ward – You cannot change the NAC through policy. Without changing the NAC. When the issue comes up that cannot be tried on a trial De Novo, new issue, the Commission should be advised by their DAG that this Commission has no jurisdiction to make that decision.

This Commission does have jurisdiction to, for example, calculate the demerits, alleging the Department did not calculate their demerit points correctly because of this or this. So the Commission has that type of review of some things under the NAC, but the Commission does NOT have trial De Novo to give that person a whole new trial on those issues. So that should be brought up at the time of the hearing. A lot of times people just get something off their chest and ask for mercy of the Commission and then we can't do anything.

Maybe a tag was mailed and you didn't get to use it, and they want their points back or something like that, the Commission's hands are tied by NAC of what they can and cannot do unless we changed the NAC. The DAG should be advising the Commission at that time. Does this help clarify?

McNinch- I think it's a variety of things. Educating the Commission, and the advising appellants of what we can and cannot do. By the time they get to us its already too late. I don't see how it can be addressed. If they go to court, and entered a plea of guilty and they're convicted of something, nolo entendere, what you're asking for I don't even know if the procedure applies?

DAG Ward – It depends . If its contesting demerit points, or on previous points, they cannot give a trial de novo on the initial criminal issue.

No further commission comment.

PUBLIC COMMENT

Fred Voltz – Several things in the policy really need a sharper point put to them for everybody concerned. The quasi-judicial function of an agency typically requires a court reporter, verbatim transcripts, cross examination and expert witnesses. We don't know if any of those things have happened, and none of those things will be presented in in a Commission meeting with regards to a license revocation. Another thing that comes to mind, how can the Commission act quasi-judicially when only one of its nine members is a lawyer. We saw this play out about a 1 ½ ago in Reno contesting his license. He brought in an attorney and they spent about 3 ½ hours of time, and the former commissioner basically retried the case.

There was other general public comment about the need for improving the appeals process to make it more clear to Commissioners and appellants what they had jurisdiction to do, shortening or predicting the time so as not to interfere with other regular business and not to burden the public waiting for general items. There was also comment regarding changes to reflect these in NAC, as that is what the Commission has to abide by.

Commission discussion

- Provided direction to draft edits to P-3-Appeals to clarify the limitations of the Commission to provide remedies for appellants, to request separate DAGs to represent the Commission and Department during appeals, and possibility of lumping appeals at a time certain (or end of business) for Commission only action, so as to be considerate of public and CABs time. (And to consider possible review of the regulations associated)

Staff presentation of the existing Petition Policy-4 and associated NACs. Staff identified that the policy seemed fine, it was perhaps the NAC that was more significant.

The commission discussed about the need to change the NAC otherwise any substantive changes could not occur.

Commission Policy 4- Petitions - Public Comment:

There was public comment regarding the need to simplify the petition process for petitioners, and the need for more feedback from the Department regarding the "deficiencies" of the petition (Policy-4 Petitions, Number #3).

There was discussion by the Commission about what was meant by "deficiencies", and how much assistance should be provided to writing a petition.

Ms. Jolly explained that in the drafting of P-4, the word deficiencies simply meant incomplete, or missing, not going as far as to determine conflicting NRS or such. Additionally, while this was in the Policy, the NAC still says petitions must be scheduled for the next regularly scheduled meeting regardless of recommended edits by anyone.

The Committee did not take action and deferred to the full Commission any revisions to the Petition Policy #4 and its need for improvements, because there are regulations associated with Petition Process and more input there.

5. **Set Priorities and Order of Commission Policy Review and Timeline, Delegate Review to Committees, Revise Numbering System (For Possible Action) - Chair McNinch**
   a) Staff will present revised Comm. Policy Chart based on Commission actions, including new policy topics, delegation to other committees, and options for order and timeline.

The Committee first reviewed the recommendations to delegate additional commission policies beyond what the Commission Chair did as identified in the support material.

There was brief Commission discussion, and public comment. Everyone was in general agreement that those polices should be reviewed by the Committee's with more subject matter interest, ie., Habitat and Public Land related policies by the Public Lands committee.

First the Committee took up a vote of delegating Policy Review of some:

- *The Committee voted to delegate the Review of Commission Policy #24 "Hunter Opportunities and Weapon Groups" to the Commission's Tag Allocation Application Hunt Committee, and Policies #60-67 related to Habitat and Public Lands to the Commission's Public Lands Committee. All in favor.*

Then, the Committee will took up review of the Chart and work schedule options and take action on order of review and prioritizing policies to review in an order. After presentation by staff and Commissioner McNinch,

Public Comment:

Elaine Carrick – Read into the record her comments (see appendix) about the desire for a new policy to address Fair Chase, Hunting Ethics, harassment of wildlife with new technologies including bears hunted by hounds with GPS collars, as it was similar to the recently passed bill SB417 prohibiting wildlife location data for harassment or hunting of any wildlife. New technologies such as trail cameras, laser sights, drones, are not in the spirit of fair chase or the hunting heritage tradition; these should be addressed in Policy. Ms. Carrick also wanted a Policy on Human Dimensions.

Fred Voltz – Supported Ms. Carrick's suggestions, and suggested adding a Commission Policy on non-target species.

There was Commission discussion in support of the proposed schedule.

The Committee voted to accept the Staff suggested prioritization/order/schedule for the APRP Committee to review Commission Policies. (see Committee support material 5a-s Commission Policy Review Table on webpage). All in favor.

b) The Committee will discuss the numbering scheme for Policies and (pro and con for numbering system), the Committee may choose to keep, eliminate and/or revise number filing system.

The Committee discussed the Commission eliminating the numbering system of Commission Policies replacing it with Titles / topics. As it's more logical, helps public understand, and helps agency preserve policy language over numbers. The committee will recommend a path, but it will be up to the Commission.

There was no Public comment.

The committee voted to recommend eliminating the numbering system to the Commission, all in favor.

6. **Public Comment Period – Chair McNinch**
Persons wishing to speak on items not on the agenda may do so in the Public Comment Period. Testimony is limited to no longer than 3 minutes for each speaker. No action may be taken by the Committee. However, the Committee may consider items brought up in the Public Comment Period to be scheduled on a future Committee agenda.

- There was no Public Comment.

7. **Adjourned** at 5:30pm