

CHAIRMAN TOMMY CAVIGLIA
COMMISSIONER EDDIE BOOTH
COMMISSIONER SHANE ROGERS
COMMISSIONER PAUL YOUNG
CABMW REP. RYAN BROWNE
CABMW REP. JOE CRIM
PUBLIC REP. MEGHAN BROWN

STAFF TO THE COMMITTEE:
KIM MUNOZ, DATS DIVISION ADMINISTRATOR
kim.munoz@ndow.org, 775-688-1565
MEGAN MANFREDI, MANAGEMENT ANALYST
mmmanfredi@ndow.org, 775-688-1881

MINUTES
NEVADA BOARD OF WILDLIFE COMMISSIONERS
TAG ALLOCATION AND APPLICATION HUNT COMMITTEE

THURSDAY, NOVEMBER 2, 2023 @ 5:00 PM

Nevada Department of Wildlife
6980 Sierra Center Parkway, Suite 120
Reno, NV 89511

Or

Please click this URL to join.

<https://us02web.zoom.us/j/82889675869?pwd=b005SVBYVTBaZ1lWZXVTS25hWFcvQT09>

Passcode: 886763

Committee Members in attendance: Chairman Tommy Caviglia, Commissioner Eddie Booth, Commissioner Paul Young, CABMW Representative Joe Crim, CABMW Representative Ryan Browne, Public Representative Meghan Brown

Nevada Department of Wildlife personnel in attendance: Data and Technology Services (DATS) Division Administrator Kim Munoz, Management Analyst Megan Manfredi, Game Division Administrator Shawn Espinosa, Deputy Director Mike Scott, Director Alan Jenne, Wildlife Staff Specialist Cody McKee, Habitat Division Administrator Mark Freese, Executive Assistant Lynda Barr, Program Officer Chrissie Rose, Management Analyst Kailey Musso, Wildlife Staff Specialist Erin Wood, Law Enforcement Chief Kristy Knight, Deputy Attorney General (DAG) Craig Burkett

County advisory Boards to Manage Wildlife (CABMW) Members and public in attendance: Steve Marquez, Jana Wright

1. Call to Order, Pledge and Roll Call – Committee Chairman Tommy Caviglia

Chairman Caviglia called the meeting to order at 5:00 PM. Members and public present said the pledge. Chairman Tommy Caviglia, Commissioner Eddie Booth, Commissioner Paul Young, CABMW Representative Joe Crim, CABMW Representative Ryan Browne, Public Representative Meghan Brown were present. Commissioner Shane Rogers was absent.

2. Public Comment Period

No public comment.

3. Approval of Agenda – Committee Chairman Tommy Caviglia – 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, continue items for consideration or take items out of order.

No public comment.

CABMW REPRESENTATIVE CRIM MOVED TO APPROVE THE AGENDA AS PRESENTED, SECONDED BY COMMISSIONER YOUNG. MOTION PASSED 6-0 WITH COMMISSIONER ROGERS ABSENT.

4.* Approval of Minutes – Committee Chairman Tommy Caviglia – For Possible Action

The Committee may take action to approve Committee minutes from the September 22, 2023, meeting.

No public comment.

PUBLIC REPRESENTATIVE BROWN MOVED TO APPROVE THE MINUTES AS PRESENTED, SECONDED BY CABMW REPRESENTATIVE CRIM. MOTION PASSED 6-0 WITH COMMISSIONER ROGERS ABSENT.

5.* Deferred Tags – Management Analyst Megan Manfredi and Program Officer Chrissie Rose – For Possible Action

The Department will share concerns related to the tag deferral program and request direction of the Committee on answers to how to handle unanticipated consequences.

Management Analyst Megan Manfredi introduced herself and Program Officer Chrissie Rose along with a handful of scenarios shared regarding the deferral program. The Department was requesting guidance on how to handle certain issues and concerns related to the program. Some of the issues listed by the Department included the number of hours each deferral request has been taking Department staff to review, if the deferral requests out number the approved quota for the following year, understanding what each medical request includes, if the medical issues are chronic or acute, multiple family members requesting deferrals for the same person's medical issue, nonresident guided hunt's limit of 30 clients per guide, how to handle specialty tag quotas if a deferral is requested, and omitting certain management tool hunts from participation in the program.

Chairman Caviglia stated that the creation of the original extenuating circumstance regulation was heard at the Commission, it took a year and a half to decide on set language which was a very tight window to allow for a deferral. Two years ago, the Department came to the Commission and requested that small window of time be opened for more people to qualify and after that change, it opened the flood gates of deferrals with barely any discussion as to how that would affect the agency. We are seeing the effects of that change play out now. Many of the concerns brought up in this agenda item were discussed in that two years this original regulation was being heard at Commission. He suggested that his initial fix to the issues brought up was to revert the language back to what the Commission originally approved. From there the Committee could add or amend language around what to do with specialty tags and management hunts.

Commissioner Booth asked the Department if they had any recommendations that they would like to see added to this program.

Deputy Director Mike Scott answered that the Department does have some suggestions that have come from various places throughout agency staff. Specialty tags should not be allowed for deferral due to them being fundraising specific tags. Limit the timeframe that the extenuating circumstances could happen which could be like the original language approved by the Commission. Do not allow first come first served (FCFS) tags to be deferred due to the short window of the tag's purchases. The Department prefers that this program be more black and white but is unsure how to do that in respect to reviewing the medical reasoning as to why the deferral is being requested.

Chairman Caviglia added that a major discussion of the Commission was that if something were to happen three or four months before the hunt began a tag holder still had the option to return the tag. Returning the tag would allow the customer to keep their bonus points even though they do not still get to keep the tag.

Public Representative Brown asked if the Committee had the old language, would each segment need to be broken out and specificity given around the desire and intent.

Management Analyst Manfredi stated that some of the items listed could be handled if it were included in the Department's standard operating procedure but excluding some hunts, such as the management hunts, it would be better if those items were included in the regulation.

DAG Craig Burkett stated that he could provide some guidance and thoughts from a legal perspective since he has been working with the Department on this program. He stated that some thoughts around the nonresident guided hunt and if a guide had three deferrals for example, those would carry over to the following year. Speaking with the Department, only a few guide businesses would be affected and in his perspective those guides should have those deferrals subtracted from the 30 clients allowed. Specialty tags might give people a feeling of inequity if a person paid a hundred thousand dollars for a tag that was not eligible for participation in the deferral program. The FCFS program is excluded in the operating procedure now so those tags can continue to be excluded from participation. He began to work with the Department with some language that will help the Department with which medical issues would be eligible and which would be excluded. He reiterated that the desire of the original request to allow for extenuating circumstances was to those who had experienced and unanticipated injury or illness and only those would qualify. Language that excludes chronic conditions such as hypertension, high cholesterol, obesity, and similar types of conditions as those are not unanticipated conditions. He offered help to the Department to step in and review a request whenever the Department expressed some doubt about a request. The Department has authority to request additional medical information that would show the date of onset of the specific injury or illness to help determine if the condition was known before the time the tag was awarded. He shared that his concern is someone will come to the Department and say they were denied a deferral request, yet someone was approved for something similar the year prior and will begin picking apart the program and the way the Department makes decisions on what does and does not qualify. For this reason, he is against the Department continuing to administer the deferral program.

Commissioner Young appreciated DAG Burkett's willingness to take on assisting the Department on investigating an individual's validity of health but expressed concerns with the need for the Department to do so. He shared his desires to review what the language was that was originally approved by the Commission. He would also be interested in eliminating some of the other hunts or tags from the program as necessary.

CABMW Representative Crim suggested combining both the old and new language to develop something that is not so strict but not so lenient to create a program that would work for everyone.

Public Representative Brown stated that it sounds like some of the issues could be handled through a policy and others through the Commission level.

DAG Burkett confirmed what Public Representative Brown summarized. He added that it would be a good interpretation of the regulation to create a long laundry list of what conditions do not meet the definition of an unanticipated injury or illness and define it better to give Department staff additional guidance. At some point the Department staff will need to make a judgement call on a medical condition that would need additional information. Cutting the timeframe to qualify for a deferral would be the best way to cut down on the number that would possibly qualify for a deferral.

Public Representative Brown stated she would like to see some of the updated standard operating procedure language as that would be helpful to have some additional guidance. Also, some review as to where the policy needs to be from the Commission perspective to give the Department more support. She did not think that specialty tags would cause issues with the tag buyers. If the Commission and Department was transparent that they were not eligible for the program, a person does not have to bid on those tags.

Discussion continued regarding specialty tags being assigned to people other than the buyers and potential policy or regulation changes.

No public comment.

PUBLIC REPRESENTATIVE BROWN MOVED TO DIRECT THE DEPARTMENT TO BRING BACK TO THE COMMITTEE THE SIGNED PROCEDURE BY DIRECTORRR WASLEY, THE UPDATED DRAFT PROCEDURE, THE ORIGINAL REGULATION LANGUAGE AND THE EXISTING REGULATION LANGUAGE FOR DISCUSSION AND POSSIBLE ACTION AT A FUTURE MEETING. SECONDED BY COMMISSIONER YOUNG. MOTION PASSED 6-0 WITH COMMISSIONER ROGERS ABSENT.

6.* Junior Tag Transfer – Management Analyst Megan Manfredi – For Possible Action

The Committee will discuss possible options for establishing a junior tag transfer program as authority to establish such a program was given from SB 311 out of the 2023 Legislative Session.

Management Analyst Manfredi shared a PowerPoint presentation that reviewed drafted regulation language and potential concerns of the Department depending on which direction the program will go. The Department's purpose in sharing their concerns is that the concerns be considered as the program moves forward with its establishment. Some concerns of the Department include the administrative burden the program might put on agency staff and the lack of staff currently available, how to treat customer's who return the transferred tag in relation to bonus points, Department liability if a parent or legal guardian does not approve the transfer or the Department getting caught in the middle of a family dispute, the black market risk, and disadvantaged minors would be less likely to benefit from the program. She shared the development time the licensing vendor would need to implement a change if one was needed to the Agency Management Solutions (AMS) system.

Included in the support materials was seven different options for the Committee and public to consider as the program moves forward.

Commissioner Booth stated that keeping the transfers family specific could cause some issues with blended families and trying to provide verification might be an issue for the Department.

Commissioner Caviglia asked when the Department discussed the regulation with Arizona, how did their agency go about determining familiar ties.

Management Analyst Manfredi answered that Arizona did not investigate family lineage. A person could write a letter expressing their desire to transfer their tag and include in that letter the relationship to the minor which would be used as an affidavit.

Chairman Caviglia stated by looking at the presentation it seems as if the Department does not want to move forward with a junior tag transfer program but stated that the public has a desire to see one and if a program is not established now, it might be forced on the Commission to establish one in the future. He agreed that it would be a big lift to establish and provide the public with a program that transfers tags to juniors.

Management Analyst Manfredi answered that it is not the Department's intent to discourage from establishing a junior tag transfer program, but the desire is to do it right the first time instead of having to circle back in future years to amend part of the program that is not working. Sharing Department concerns is a way to help the public and Committee understand that there is more to think about than just allowing tags to be transferred.

Director Alan Jenne added that the Department is trying to find a way to establish a program and prevent the instance where the program creates an unfair advantage for people who are longstanding customers and does not create a market where individuals can personally profit from selling an awarded Nevada big game tag. As soon as this bill was introduced in the legislature and before it was even passed, we saw on social media someone trying to solicit another person to sell their tag to be given to their child. The Department wants to create a system that does not leave a loophole for the black market, that preserves the bonus points of our longstanding constituents and a fair system where hunting in Nevada is not fully reliant upon a person's economic status. Looking back at the deferral program in the last agenda item, how many times is the Department going to touch a tag between the time it is originally awarded until the start of the hunt season? The Department is contemplating the worst-case scenarios, but it is where the Department must live because the consequences of past decisions are very fresh in the minds of agency staff.

Chairman Caviglia agreed and shared that he has had conversations with individuals explaining that Nevada must regulate to the lowest common denominator based on the behavior of past people in past programs. He does believe that at some point a program like this will need to be established.

Commissioner Young asked if a grandpa transferred his tag, would he lose his bonus points.

Management Analyst Manfredi answered that as the program is currently written, both parties would lose their bonus points and have applied waiting periods. That language is consistent with other currently established tag transfer programs.

Chairman Caviglia suggested striking the language in the draft that allows for the original tag holder to designate a replacement to accompany the junior in the field as that would be a big restriction and would make the program more difficult to game the system.

Director Jenne requested the Committee to consider, as the program is drafted, the law enforcement standpoint of defining what it is to be in the field. For those individuals who physically cannot be with the junior on the hill, what does in the field mean, in the unit, found within camp or at the bottom of the hill in the truck.

Discussion continued around how strict the regulation should be, incorporating a combination of the Department's suggestions into the regulation, and allowing access to the program for people who are not growing up in a hunting family. Limiting the program to a specific species and the number of times a person could transfer their tag in their lifetimes was also discussed.

Commissioner Young stated he liked the option where a person needed to designate their intended transferee at the time they submitted their application. The option would still allow for a bit of a black market but the odds of drawing the tag are then reliant upon regular draw odds. He expressed concerns about familiar ties and shared his experience of being in the legislative room when this bill was being discussed and his understanding of the difficulties of the Department managing that.

Public Representative Brown asked what the business process would be if a customer needed to designate an individual at the time they submitted their application.

Management Analyst Manfredi answered that it was envisioned that a customer would notify the Department their desire to transfer their tag and would be limited to the juniors noted with their submitted application. If the customer wished to transfer their tag to a different junior, the request would be denied based on the request that was provided by the original tag holder at the time of application.

Public Representative Brown stated that she agreed with Commissioner Young and liked the idea of designating a person as a potential candidate to receive the transfer even if it would be an additional item in the Gordon Darby backlog.

Commissioner Young summarized that if there was a family affidavit, a designation of intended transferee at the time the application was submitted and limiting the program to mule deer only would limit the scope of the concerns.

Chairman Caviglia added that he would like to see that a transferee would only be eligible if they were not awarded any other tag and transfers through this program should be limited to awarded tags through the main draw which would disqualify alternate awarded tags, tags awarded through FCFS or the deferral programs and tags awarded through the second draw.

Public Comment:

Steve Marquez from White Pine CABMW stated that a few years ago a similar option was brought forward by his CABMW which included almost every suggestion provided by the Department. It was only intended to be used with deer tags and family ties were strict to parent or grandparent of the child. He stated he understood the desire to designate an individual during the application process but that it should raise a red flag if a single child has multiple adults claiming them as a transferee. If the kid drew a tag, they would not be eligible to receive a transfer and all bonus points from all parties would be used. He expressed that the White Pine CABMW is very interested in this program and the conversations that the Committee will have regarding its creation.

Commissioner Booth asked if the Department had a copy of White Pine's suggested program as that might be beneficial to use in the future. He also asked if the one-time transfer would be the individual transferring or the junior receiving the transfer.

Management Analyst Manfredi confirmed that the Department should have a record of White Pine's proposal but was not positive. The one-time transfer would be up to the Committee and Commission to decide if would be limited to the transferer or transferee.

The Department and Committee reviewed the desired changes of the Committee to the draft junior tag transfer draft regulation language.

CHAIRMAN CAVIGLIA MOVED TO DIRECT THE DEPARTMENT TO INCORPORATE CHANGES THAT WOULD LIMIT THE PROGRAM FOR USE ONLY ON MULE DEER TAGS, LIMIT THE NUMBER OF TRANSFERS BY AN ADULT TO ONE PER LIFETIME, AND ALLOW FOR AN APPLICANT TO DESIGNATE A TRANSFEE AT THE TIME THEIR APPLICATION IS SUBMITTED. SECONDED BY COMMISSIONER BOOTH. MOTION PASSED 6-0 WITH COMMISSIONER ROGERS ABSENT.

7.* Limiting the Number of Hunt Choices Made by an Applicant – Data and Technology Division

Administrator Kim Munoz – For Possible Action

The Committee will discuss changing NAC 502.4175 which allows an applicant to submit no more than five hunt choices per application.

DATS Division Administrator Munoz shared a PowerPoint presentation that included data around the number of tags drawn by a single customer, and possible tags that would have not been issued in the

first draw but offered in the second draw for Area ten (10) due to the tags being awarded by a customer's third, fourth or fifth choice.

Commissioner Caviglia stated that this agenda item was requested because the public brings up this option often and the change would do nothing but to change the draw odds. It could possibly force a person to apply for a lower demand unit over shooting for the fences with their first or second choices. Nevada is one of the only states that offer up to five hunt choices when applying. Most states offer two.

Commissioner Young added that limiting the premier species to one per customer would be another way to shake up the draw odds if that is the intent of the conversation.

Chairman Caviglia mentioned that there might be no desire for the Committee to move forward with this change but hearing it as an agenda item at a meeting can be a way to share with the public that the item has been discussed.

CABMW Representative Crim asked if there was a reason to limit the hunt choices as he referred to the data shared in the presentation.

Chairman Caviglia answered that the reason for the change would solely be to change up draw odds. Some units might see odds get a bit better as applicants who would be happy drawing the units with lesser demand would stop applying for the higher demand units. It would really change the way an applicant strategizes and applies.

Commissioner Booth stated that he liked the fact that applicants can draw a tag out of their lower choices.

Commissioner Young agreed that draw odds would become better in the top end rifle units due to archery hunters choosing that weapon class over the any legal weapon (ALW) class and removing themselves from the pool of applicants applying for some rifle hunts.

Director Jenne added that there was no guarantee of what the new application behavior would be. The Department could see behavior change to applying for the hard units in the main draw and betting that there will be a larger amount of left over tags in the second draw where they could get a tag by applying for the lesser desired hunts.

No public comment.

Public Representative Brown asked if there has been communication as to the number of hunt choices that is desired if they were to change away from the five.

Commissioner Caviglia said that the number he hears is two which would align Nevada similar to other states.

THE COMMITTEE DECIDED TO TAKE NO FURTHER ACTION. NO MOTION WAS MADE.

8. Junior Weapon Classes Broken Out – Game Division Administrator Shawn Espinosa – For Possible action

The Committee will discuss the possibility of breaking the junior mule deer tags out into individual weapon classes, similar to the general mule deer hunts.

Game Division Administrator Shawn Espinosa opened the agenda item by stating the Department is requesting direction from the Committee on if there was desire to see the junior mule deer tags broken out into different weapon classes. He suggested that the option could be tested on alternative units to

begin with. Twenty-five percent of the total quota for mule deer tags go to the junior mule deer program but suggested of that 25 percent, having 80 percent go towards ALW, ten percent go towards archery and ten percent go towards muzzleloader.

Deputy Director Scott added that 92 percent of junior tags are harvested with rifles and most of these juniors do not participate in the other weapon class seasons which leave a lot of opportunity unutilized. This option would allow for the Department to offer more junior mule deer tags for the primitive weapon classes especially when considering that the harvest success rate would be significantly lower due to the inexperience. This was an idea that would allow the Department to better meet some of that demand while testing it out on some units and expanding it to more units in the future depending on the popularity.

CABMW Representative Crim asked if the intent was to split the primitive weapons into their own weapon class or offering them together as one tag with both primitive weapon types.

Deputy Director Scott stated that the option would be up to the Committee and Commission to choose but the Department could do either.

Chairman Caviglia stated that Commission Policy 24 has already been amended to allow for this option.

Discussion continued around the potential law enforcement challenges the weapon class bundle might cause, clarification that weapons used would need to stay within the season dates that weapon class is offered, Commission Policy 24 and the status of that policy currently being heard at the Commission level.

Chairman Caviglia asked if the Committee would act today on the agenda item, what would the Department want to see in that action.

Game Division Administrator Espinosa answered that the Department is looking for direction on if the weapon breakout would be applied statewide or only certain units and what the Committee would like the weapon class breakout to look like.

Public Representative Brown asked if the Department had an idea of what numbers they would plan to offer in each weapon class if they were broken out individually.

Deputy Director Scott answered that without the harvest success data the Department would be taking an educated guess as to what that success rate would be by using the previous years' rates and assuming that success would be down on the primitive weapon classes. Until it is tried, and harvest success is recorded, it is difficult to have a set number that would not be an educated guess.

Director Jenne added that the Department offered the multiple weapon class option on junior tags to allow for new juniors to try all classes and see which they liked the best while still allowing for an opportunity if one weapon class should go unsuccessful.

Commissioner Young stated he would support trying the option within the premier units.

Public comment:

Steve Marquez from White Pine CABMW stated that this option was discussed a lot during the CABMW meetings and the CABMW agrees with the way the Committee is leaning. He asked if the Committee had decided to separate the weapon classes that they keep 80 percent allocated to the ALW class.

CHAIRMAN CAVIGLIA MOVED TO DIRECT THE DEPARTMENT TO PROPOSE TO THE COMMISSION IN JANUARY'S MEETING BREAKING OUT THE JUNIOR MULE DEER TAGS INTO

AN ALW TAG OR ARCHERY AND MUZZLELOADER BUNDLE IN THE ALTERNATIVE UNITS. SECONDED BY PUBLIC REPRESENTATIVE BROWN. MOTION PASSED 6-0 WITH COMMISSIONER ROGERS ABSENT.

9. Future Committee Meeting – Committee Chairman Tommy Caviglia – For Possible Action
The committee will discuss possible future agenda topics and set a date and time for the next committee meeting.

Chairman Caviglia stated that he has listed the junior tag transfer program, and the deferral program would come back at a future meeting coordinated around January's Commission meeting.

No public comment.

10. Public Comment Period

No public comment.

The meeting was adjourned at 6:53 PM.