

# Nevada Board of Wildlife Commissioners' Meeting Agenda

## *DRAFT Minutes*

The meeting has been videotaped and may be viewed in its entirety at [NDOW.org](http://NDOW.org)

Caliente City Hall  
100 Depot Ave.  
Caliente, NV 89008

#5

Public comment will be taken on every action item after discussion but before action on each item, and 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: County Advisory Boards to Manage Wildlife (CABMW) Members and 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 meeting and field tour:  
Chairman Brad Johnston \* Vice Chairman Paul E. Valentine \* Commissioner John AlMBERG  
Commissioner Kerstan Hubbs Commissioner David McNinch Commissioner Tiffany East

\*Commissioners Tom Barnes and Tommy Caviglia, excused absences both days

Secretary Tony Wasley Deputy Attorney General Josh Woodbury  
Recording Secretary Suzanne Scourby Management Assistant III Molly Mortimer

Nevada Department of Wildlife personnel in attendance:  
Deputy Director Jack Robb Deputy Director Liz O'Brien  
Game Division Administrator Brian Wakeling Chief Game Warden Tyler Turnipseed  
Data Technology Services Administrator Chet VanDellen Habitat Division Administrator Alan Jenne  
Fisheries Division Administrator Jon Sjöberg Game Warden John Anderson  
Wildlife Diversity Division Administrator Jennifer Newmark Wildlife Staff Specialist Jason Jones  
Conservation Administrator Chris Vasey Southern Region Game Biologist Cooper Munson

Public in Attendance for the two day meeting:  
Billie Williams, Mineral CABMW Cory Lytle, Lincoln CABMW  
Steve Marquez, White Pine CABMW Gene Green, Carson CABMW  
Joe Crim, Pershing CABMW George Rowe, Lincoln CABMW  
Craig Burnside, Douglas CABMW Steve Rowe, City of Caliente  
Dana Mathews, Lincoln County Farm Bureau Bevan Lister, Nevada Farm Bureau  
Jeanette Bessey, self Maggie Orr, NV Association of Conservation Districts  
Emilia Cargill, Nevada Ranches Bill Brown  
Tyrel Brown Mitch Strobl, Kalkomey  
Jaymie Reynolds, Kalkomey Zack Lambert, Kalkomey  
Sonja AlMBERG, self Mark DiPentino, self  
Dane Bradfield, Lincoln CABMW Damen Bradfield, self  
John Hiatt, Clark CABMW

### Friday, August 10, 2018 – 9 a.m.

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

Vice Chairman Johnston called the meeting to order at: 9 a.m. Roll call was conducted, and Commissioners present were Vice Chairman Johnston, Commissioners Valentine, AlMBERG, East, Hubbs, and McNinch. Commissioners Barnes and Caviglia excused absence both days.

Roll call was conducted of CABMW members present: Billie Williams, Mineral; Gene Green, Carson; Craig Burnside, Douglas; Steve Marquez, White Pine; Joe Crim, Pershing; Cory Lytle, Lincoln; Mark Rowe, Lincoln; Dane Bradfield, Lincoln; and John Hiatt, Clark CABMW.

- Warden of the Year and Shikar-Safari Game Warden of the Year – Chief Game Warden Tyler Turnipseed

Chief Game Warden Turnipseed presented the Shikar-Safari International Game Warden of the Year was to Game Warden John Anderson for outstanding work in Lincoln County. He cited examples of Warden Anderson's work.

Vice Chairman Johnston and Secretary Wasley congratulated Game Warden Anderson on behalf of the Commission and the Department.

- 2 Election of Officers – For Possible Action  
In accordance with Commission Policy #1, the Commission will elect a chairman and vice chairman.

**COMMISSIONER VALENTINE NOMINATED VICE CHAIRMAN JOHNSTON AS THE NEXT CHAIRMAN. COMMISSIONER EAST SECONDED THE MOTION.**

Commissioner Johnston accepted the nomination.

Public Comment – None

**COMMISSIONERS IN FAVOR: ALMBERG, EAST, HUBBS, MCNINCH AND VALENTINE. COMMISSIONERS BARNES AND CAVIGLIA WERE ABSENT. COMMISSIONER JOHNSTON ABSTAINED. VOTE WAS 5 – 0.**

**COMMISSIONER JOHNSTON NOMINATED COMMISSIONER VALENTINE AS VICE CHAIRMAN. COMMISSIONER EAST SECONDED THE MOTION.**

Commissioner Valentine accepted the nomination.

**COMMISSIONERS IN FAVOR: CHAIRMAN JOHNSTON, ALMBERG, EAST, HUBBS, AND MCNINCH. COMMISSIONER VALENTINE ABSTAINED. COMMISSIONERS BARNES AND CAVIGLIA WERE ABSENT. VOTE WAS 5 – 0.**

- 3 Approval of Agenda – Chairman – 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 MCNINCH MOVED TO APPROVE THE AGENDA. MOTION SECONDED BY COMMISSIONER HUBBS. COMMISSIONERS BARNES AND CAVIGLIA ABSENT. MOTION PASSED 6-0.**

- 4 Member Items/Announcements and Correspondence – Chairman – 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 Secretary Wasley may also be discussed.

Chairman Johnston said email sent to Department on trail camera regulation requesting more notification to the public of the new regulation requesting that additional efforts be made to notify the public about the new law. After receiving those emails the Department sent an email blast with information on the trail camera regulation. Chairman Johnston said he received an email from an individual about the location of this meeting in Caliente, and he told him with the pending CGR on landowner comp tags that this location allows the Commission to take public comment on an issue that affects them. Meetings are not moved to inconvenience anyone; rather the meetings are in locations that allow the Commission to receive feedback from people who care about the issues.

Secretary Wasley confirmed that the Department received the email on trail cameras and after NDOW sent the email blast, he received three emails that were complimentary on the trail camera regulation. Also received email on a NDOW lifejacket ad from a person who said the ad was mortifying to see after the Missouri duck boat accident. However, the lifejacket ad just received an award. He said he also received a complaint from kayaker who was cited for not having AIS sticker. As mentioned earlier the Department is still receiving correspondence on shed antler regulation which has been copied to the Commission.

- 5 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.

Gene Green, Carson CABMW, said his CABMW would like to commend Sean Espinosa for his dedication and work which has made a big difference to Carson City.

Craig Burnside, Douglas CABMW, said every month on their agenda they have an item for the tri-counties of Douglas, Carson and Washoe. The group has not met for a while but have a meeting scheduled on Aug. 30. They will be asking for assistance from Department staff in the future.

Commissioner East asked Mr. Burnside to be notified of the meeting's location and time.

John Hiatt, Clark CABMW, asked if influx of bears in urban areas is due to the drought and wildfire.

Steve Marquez, White Pine CABMW, provided handout from his CABMW to the Commission requesting the ability to transfer tags to a youth and disabled veterans in certain circumstances. The White Pine CABMW would transfer of tags as a topic on an upcoming Commission agenda. Mr. Marquez' testimony:

A licensed Nevada tag holder can transfer his/her tag to a minor child, a qualified nonprofit organization that provides hunting opportunities to children with life-threatening medical conditions or to qualified disabled veteran. There will be a \$10 transfer fee associated with this transaction.

Several qualified nonprofit organizations are dedicated to providing hunting opportunities to children with illnesses; with a wish to go hunting. The tag transfer program can possibly give many children a chance to go on a hunt-of-a-lifetime in Nevada during a time of need. For a child that has a terminal or chronic illness, a Nevada big game hunt truly can be the hunt of a lifetime.

A veteran of the armed forces of the U.S. who has a service-connected disability. For the purposes of this paragraph: "Disability" means a permanent physical impairment that substantially limits one or more major life activities and that requires the assistance of another person or a mechanical device for physical mobility.

"Qualified organization" means a nonprofit organization that is qualified under section 501(c)(3) of the U.S. internal revenue code and that affords opportunities and experiences to children with life-threatening medical conditions or with physical disabilities or to veterans with service-connected disabilities.

Transfer to a minor child: A Nevada tag holder of a big game tag may allow the use of that tag by a minor child pursuant to the following requirements: The minor child is 12 to 17 years old on the date of transfer; the minor child has a valid hunting or combination license on the date of transfer and has no other tag for that year for that species; the minor child has satisfactorily completed a Department approved hunter education course by the beginning date of the hunt. The tag holder must accompany the minor child in the field and must be within 50 yards of the minor child when the animal is taken. Proposed requirements for transfer to a qualified nonprofit organization that provides hunting opportunities to children with life-threatening medical conditions: A Nevada tag holder of a big game tag may allow the use of that tag by a qualified nonprofit organization that provides hunting opportunities to children with life-threatening medical conditions; the minor child is 12 to 17 years old on the date of transfer; the minor child has a valid hunting or combination license on the date of transfer and has no other tag for that year for that species; the minor child has satisfactorily completed a department-approved hunter education course by the beginning date of the hunt; a qualified member of the nonprofit organization must accompany the minor child in the field and must be within 50 yards of the minor child when the animal is taken.

Transfer to a nonprofit organization for a qualified veteran: A Nevada tag holder of a big game tag may allow the use of that tag by a qualified nonprofit organization that provides hunting opportunities to qualified disabled veterans pursuant to the following requirements: The disabled veteran has a valid hunting or combination license on the date of transfer and has no other tag for that year for that species; the disabled Veteran has satisfactorily completed a Department approved hunter education course by the beginning date of the hunt. A qualified member of the nonprofit organization must accompany the disabled veteran in the field and must be within 50 yards of the disabled veteran when the animal is taken. Make a Wish, Nevadaoutdoorsmen.org and Wounded Warrior are examples of qualified nonprofit organizations that may participate in the tag transfer program. A transferred tag under any of the above describe conditions is ineligible to be returned.

Chairman Johnston said at the next Tag Allocation Application Hunt Committee (TAAHC) the issue of the youth tag transfer program could be discussed. He said TAAHC will likely meet at the September meeting

Cory Lytle, Lincoln CABMW, said Lincoln CABMW appreciates Department employees who are part of the local community.

6 Wildfire 2018 Report – Habitat Division Administrator Alan Jenne – Informational  
A report on the Martin wildfire and the 2018 wildfire season in Nevada will be provided.

Habitat Division Administrator Alan Jenne presented a PowerPoint presentation see link below and exhibit file.

<https://www.youtube.com/watch?v=5tqa6d47nIM>

Commissioner Hubbs asked if the Department knows the cause of the Martin fire yet. Commissioner Hubbs asked if the Department has a good estimate of the damage done to the sage grouse population.

Habitat Division Administrator Jenne answered he heard the fire was caused by gasoline-covered golf balls being hit on the night of the Fourth of July. Division Administrator Jenne said that they do not have an accurate mortality estimate yet because there are a lot of conditional factors that would affect the number of sage grouse lost.

7 Commission General Regulations – Workshop/Public Comment Allowed

A Commission General Regulation 477, Landowner Deer and Antelope Compensation Tag Program, LCB File No. 096-18 – Game Division Administrator Brian F. Wakeling – For Possible Action

The Commission will hold a second workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation would provide direction for allocating landowner deer and antelope compensation tags should the statutory limit be reached. The Commission considered this regulation during a workshop at their meeting on June 29, 2018. The Commission directed the Department to provide specific language to improve the clarity of the proposed regulation.

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

Commissioner Hubbs asked about the wording in Sections 3 and 4.

Game Division Administrator Wakeling read the definition of “owner applicant” per NAC Chapter 502 and clarified wording in Section 4.

John Hiatt, Clark CABMW, said there is concern that the proposed regulation is not clear, specifically Section 3.

Cory Lytle, Lincoln CABMW, said that Lincoln County CABMW has voted against this regulation several times. He says there needs to be more involvement by stakeholders, sportsmen and landowners to address deeper issues. He also said that there are aspects of the program that need to be addressed and reviewed and would like to see that done in the simplest way possible. The other Commissioners that are not present today need to be involved in the decision.

Dan Mathews, Lincoln County Farm Bureau, said that the program has been helpful in the past. Would like to table the issue and continue to workshop it with town halls, etc. to come up with a better solution.

Amelia Cargill, Nevada Ranches and Blue Mountain Ranches of Nevada, said that there may be a better solution (banking any extra tags) and that more clarity could be added to Section 3. Change of ownership needs to be addressed (transfer of ownership, divorce, etc.). She distributed the following letter to the Commission: I have addressed the topic of landowner compensation tags previously, in public and written comment. Specifically, I provided public and written comments at the Commission meetings held on May 12, 2017 and March 16, 2018. We appreciate all of the efforts made by the Commission, NDOW staff and others, to work on regulations related to NRS 502.145(6)(a); namely a policy regarding what to do if in the future, the "cap" is reached based on current year counts. As I have previously suggested, our first request is for the Commission to implement a policy and regulation in which any reduction in tags to be awarded would result in a

BANK of those tags that would have been issued but for any such reduction. In this scenario a landowner could "bank" their "reduced tags" for up to five years, and the "bank" could zero out for any "banked tags" in the bank more than the five years. And landowners could redeem their tags out of the "bank" in any future year when the counts and issued-tags were below the maximum. The alternative, as our suggestion of a "tag bank" has not yet received much traction, I suggest modification to the proposed NAC 502.426 to reflect what I believe are necessary changes to carry out the policy behind NAC 502.426 as currently contemplated by the Commission. These revisions are attached to this letter. I encourage the Commission to consider and agree with the changes to the draft NAC 502.426 that I have proposed and attached. We also encourage the Commission to commit to having a deer biologist live and work daily out of, and in the Pioche, Panaca and Caliente region. This biologist could then be available to work with farmers and ranchers that participate in the landowner program to help address ongoing crop and property damage, and to have a constant sustainable person available to coordinate this important program. Nevada Ranches LLC and Blue Mountain Ranches LLC owns over 10,000 acres in Lincoln and White Pine County in addition to over 540,000 acres of grazing allotment rights, and our ranching and farming operations suffer because of the damage to the property, both from grass and other native feed being eaten, to fences being torn down, to crops being ruined by animals that bed-down, and trail through the crops, fields, and pastures, damaging the property and damaging the crops growing in the fields. We engage in conservation measures to support the deer and elk, and other wildlife on our ranch properties, as those animals graze, bed down, and use our fields. We enforce our property line fences and issue no-trespass warnings to unauthorized hunters; we do not allow unauthorized hunters within our property and we do not sell our tags; although this year we donated several tags for deer and elk conservation groups to assist in their fund raising efforts.

Commissioner Valentine agreed that all Commissioners (representing farming and ranching) should be present for this decision.

Commissioner McNinch said that it is important that the public reach out to the Department to help alleviate concerns and address and let them know what needs to be addressed. They should let the Department know what they are looking for from the program.

Commissioner Almberg said that banking may not be a viable option because the regulation already acknowledges that the cap per year will be exceeded. He would like to address each issue one at a time.

Commissioner Hubbs would like to note that the absent Commissioners were on board with the issues presented last meeting.

Commissioner East said she agrees that they should table the issue and continue to work on important issues but the Commission can't keep tabling action; we need to make a decision at some point.

Chairman Johnston said that it is frustrating to keep tabling the issue for more input because the Department has been asking for input for over one year. He said he would like to include the math associated with determining the statutory cap in the language of the regulation. Thinks banking the tags would be inconsistent with the statutory cap, and would like to know what happens if the statutory cap is met first. He said a goal is to keep the process as simple and fair as possible.

Game Division Administrator Wakeling said that the mathematical formula could be added to the regulation and could be discussed at the next meeting; however, the formula may not be simple. He said banking tags is not a statutory option at this time.

Commissioner AlMBERG agreed that the math will not be simple but it should be included in the regulation.

Commissioner Hubbs said that the methodology will be the same every year, even though the percentages used to calculate may not be.

Commissioner McNinch said that at some point the Commission must move forward, it is up to the public to let the Department know what they need. The attempt has been made to reach out already, there needs to be involvement by the public because the Commission needs to move forward.

Secretary Wasley said that the language will have to be edited and approved by the Legislative Council Bureau (LCB). The Commission doesn't have complete latitude with language. Wants to make sure the Commission is aware that LCB will have to approve any changes that are made.

Commissioner Hubbs asked about ownership.

Game Division Administrator Wakeling said that owner applicant is defined in the regulatory language. He also said that he has a good understanding of what the Commission wants from the regulation and will prepare another draft for consideration at the next Commission meeting.

Chairman Johnston stressed that the Commission would like to get the program right for the people affected by the regulation and for the benefit of wildlife. He said is willing to continue considering the proposed regulation.

B Commission General Regulation 478, Bighorn Sheep Ewe and Mountain Goat Online Course, LCB File No. R151-18 – Game Division Administrator Brian F. Wakeling – For Possible Action  
The Commission will hold a workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation would require all bighorn ewe and mountain goat tag holders to complete an online course. It would also require the tag holder for ram bighorn sheep, mountain goat, mountain lion or bear to provide questionnaire information during the already required post-harvest physical inspection and eliminate the subsequent need for successful tag holders to also submit a questionnaire.

Game Division Administrator Wakeling presented a Power Point (exhibit file).

Commissioner East asked when the Department expected to implement the course and what is the Department's a solution if someone does not have access to a computer.

Game Division Administrator Wakeling said the plan is to have the online course available in fall 2019, and that the applicants already had to use a computer to apply for a tag. There are computers available in most places. The Department doesn't see lack of access to technology as a big obstacle.

Commissioner Johnston asked if the successful tag applicants would be notified that they need to complete the course and if they would be issued the tag following the completion of the course.

Game Division Administrator Wakeling said the Department would inform hunters as soon as possible in order, possibly when they are applying, to be able to implement this online course for the 2019 season.

Commissioner Valentine asked what the format of the course would be.

Game Division Administrator Wakeling said that the actual course is a narrated presentation that goes through physical aspects to help identify sex. It would just be an informational course proving that you watched it, not requiring a certain passing score. Other than passing a hunter education course no other certification is required, currently anyone can hunt ewes. Error rate is low will just be helpful and useful in identifying the correct gender.

Commissioner Hubbs asked why only male sheep presented within five days. Her concern is that the Department might miss the error of a hunter who misidentifies a young male bighorn sheep for a ewe. Game Division Administrator Wakeling answered from enforcement standpoint, if hunters are required for physical inspection that is an opportunity to enforce laws. However, experience has been that hunters self-report if they make an error. If someone doesn't do that they may harvest second animal or say they did not harvest. Does not believe that eliminating physical inspection will be a compliance issue. Balance of physical inspections on ewe is less than a male, staff time and resources are saved by not requiring every sheep to be inspected. From male horns biologists can estimate age, there is not much data to be gained from inspection of female (ewe).

Public Comment - None

Chairman Johnston said the regulation will be added to the agenda for the September Commission meeting for possible adoption.

C Commission General Regulation 479, Rosy Boa Reptile, LCB File No. 152-18 – Wildlife Diversity Administrator Jennifer Newmark and Wildlife Diversity Biologist Jason Jones – For Possible Action

The Commission will hold a workshop to consider amending Chapter 503 of the Nevada Administrative Code (NAC). This amendment would revise the scientific name of the rosy boa, which is classified as a protected reptile, from *Lichanura trivirgata* to *Lichanura orcutti*. This name change is needed due to new scientific studies that have split the species into two distinct entities, one that occurs in Nevada and one that occurs outside the state. Current NAC protects the species outside Nevada rather than the species that occurs within Nevada.

Wildlife Diversity Biologist III Jason Jones presented a PowerPoint on CGR 479 (exhibit file and link).

[https://www.youtube.com/watch?v=-UI45\\_6UBPE](https://www.youtube.com/watch?v=-UI45_6UBPE)

Commissioner East asked if there were any authorities or agencies that needed to be notified of the possible name change to the rosy boa.

Wildlife Diversity Biologist III Jason Jones said the Society for the Study of Amphibians and Reptiles releases a revised guide every few years with any updates to scientific names.

Commissioner Hubbs asked if the commercialization of the species native to Nevada would have any effect on the population of the species elsewhere.

Wildlife Diversity Biologist III Jason Jones said the populations seem to be doing well in California and Arizona and introducing the rosy boa species to another species population would not likely endanger any other populations.

Public Comment - None

Chairman Johnston said the regulation will be added to the agenda for the September Commission meeting for possible action.

- 8 Commission Regulation 18 – 12 Amendment #1, 2018 - 2019 Upland Game and Furbearer Seasons and Bag Limits – Wildlife Staff Specialist Shawn Espinosa – For Possible Action  
The Commission will consider taking action to amend the season for upland game birds for the 2018 and 2019 seasons. The amendment recommends an adjustment to the open units for sage-grouse hunting due to the effects of wildfire on habitat.

Game Division Administrator Wakeling presented Commission Regulation 18-12, Amendment #1. He said the Department is requesting closing the sage-grouse season in Units 051 and 066 because of the impact of wildfires on sage-grouse leks.

Commissioner Johnston said he received telephone calls stating that some areas in Unit 066 were not impacted by the wildfire and they suggested not closing the unit entirely. He called NDOW Biologist Shawn Espinosa before the Commission meeting to ask him if this was an option, and Mr. Espinosa's answer was to keep the unit closed as the damage is not completely known at this time.

Commissioner Hubbs is concerned that the effect of the Martin fire as more than nine leks burned.

Game Division Administrator Wakeling said only nine were *not* impacted.

Commissioner Hubbs said since we can't understand impact of wildfire yet, is there a possibility of transplanting birds to other states. Are there other sites that could support a higher bird population?

Secretary Wasley said 29 known active leks destroyed with possible 12 other leks at a minimum. Four percent of statewide population was affected, and the main issue is suitable habitat after fire for birds. The question as to if it could be re-populated remains to be seen, and for transplant would be whether there is suitable habitat. Main issues are poor habitat and loss of habitat, not that there is unoccupied habitat. Too early to know the effect of the fire at this point. Secretary Wasley explained the purpose of currently hunting the one to two percent of sage grouse is because the hunt provides data although they are a potential species for listing under the ESA. Hunting is viewed as compensatory as set number of birds that land can carry, additive is that hunting kills additional birds to predators and weather. Western Association of Fish and Wildlife Agencies (WAFWA) guidelines are followed and the hunt is considered compensatory.

Chairman Johnston said public outreach needs to be done that the area is closed and that game wardens are aware, hopes that more effort undertaken than the printed brochure, because hunters know the season and units and would not be intentional they just would not be aware. More effort must be done to let hunters know.

Game Division Administrator Wakeling said that the Department has not yet printed the Small Game Guide pending today's decision by the Commission. The guide will reflect the decision and the Department will let hunters know which units are open or closed.

Public Comment - None

Chairman Johnston said reading the CABMW reports received; CABMWs were in favor of the amendment.

**COMMISSIONER MCNINCH MOVED TO APPROVE COMMISSION REGULATION 18-12, AMENDMENT #1 AS PROPOSED BY THE DEPARTMENT. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION CARRIED 6-0. COMMISSIONERS BARNES AND CAVIGLIA WERE ABSENT.**

9 Public Comment Period

Maggie Orr, President of Nevada Association of Conservation Districts, read statement. Ms. Orr said that Nevada Association of Conservation Districts has been working with Administrator Jenne who has graciously made \$10,000 available for the survey being developed by UNR/UNCE to get broad input; her thanks to the Department for contributing. She wanted to make the Commission aware of what the Resource Needs Assessments Conservation Districts work and encourage the Commission, Department Staff, and all the CABMWs to participate in the process so they get the best wildlife input to the documents to get the benefit to Nevada's wildlife. Ms. Orr suggested involving the Paradise/Sonoma and Owyhee Conservation Districts in the rehabilitation efforts for the Martin Fire.

John Hiatt, Clark CABMW, said at every one of their CABMW meetings, the question arises about the current status of mule deer. He requested a Department presentation on mule deer at one of their meetings.

Recess for lunch, and Commission tour

Commission Tour – Tour will begin at the end of the Agenda – Informational  
The Commission will tour an area in southeast Nevada with wildlife significance. 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 transportation. The group will depart from the meeting location.

Saturday, August 11, 2018 – 8:30 a.m.

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

Chairman Johnston called the meeting to order. Roll call was conducted and all six Commissioners were present: Chairman Johnston, Commissioners Valentine, Almberg, East, Hubbs, and McNinch. Commissioners Barnes and Caviglia were absent.

Roll call was conducted of CABMW members present: Billie Williams, Mineral; Gene Green, Carson; Craig Burnside, Douglas; Cory Lytle, Lincoln, Steve Marquez, White Pine; and Dane Bradfield, Lincoln.

11 Approval of Agenda – Chairman – 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 MCNINCH MOVED TO APPROVE THE AGENDA WITH THE EXCEPTION OF AGENDA ITEM #14 E, TO BE MOVED TO BE THE FIRST INFORMATIONAL ITEM. COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION CARRIED 6-0. COMMISSIONERS BARNES AND CAVIGLIA ABSENT.**

- 12 Member Items/Announcements and Correspondence – Chairman – 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 Secretary Wasley may also be discussed.

Chairman Johnston thanked Lincoln County and Meadow Valley Sportsmen’s Unlimited for the hospitality at the dinner. Commissioner Valentine seconded the thanks to Lincoln County.

- 13 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

- 14 Reports – Informational

- E Public Works Contracts – Deputy Director O’Brien  
A report will be provided on public work contracts awarded by the Department in the previous year.

Deputy Director O’Brien said NDOW administers its own public work contracts which per SAM 0326 and SAM 0338 which is a change in the building requirements for contract, and are not required to be submitted for approval before the State Board of Examiners. In order to be transparent, we report to the Commission once a year the contracts awarded for projects worked on. Each of you received in your packet a list of 13 new NDOW Public Works contracts awarded through June 30, 2018, which have not previously been reported to the Commission.

- A Western Association of Fish and Wildlife Agencies (WAFWA) 2018 Annual Conference – Secretary Tony Wasley and Commissioner David McNinch  
Reports from the 2018 conference will be provided.

Commissioner McNinch reported interesting updates from other states, Oregon, Idaho, and Arizona, in attendance at the conference. He asked Deputy Attorney Woodbury to comment on the hunting rights issue with Native Americans because the issue may come up in Nevada.

Deputy Attorney General Woodbury said it was a Wyoming case involving hunting on native land, Herrera vs. Wyoming. The same issue may come up in Nevada and would have a potentially significant impact.

Commissioner McNinch said discussion was held on animal welfare versus animal rights in the Human Dimensions Committee.

Secretary Wasley said that there is great value to attending the WAFWA Conference, as states share problems and solutions. He would encourage the Commission to continue to send representatives to the WAFWA conference.

Commissioner McNinch said there are plans to move mountain goat populations due to disease, there were discussions of moving from allowing lead to non-lead ammunition; and discussion on Recovering America’s Wildlife Act (RAWA) which Secretary Wasley has put in much effort.

Commissioner Hubbs asked if the money generated from royalties from oil companies is new for RAWA, and about transferring the funds available to the Department of the Interior.

Secretary Wasley said that they are existing royalties. He said the Association of Fish and Wildlife Agencies (AFWA) commissioned a panel to find a guaranteed, permanent source of funding for conservation. Settled on the model to take royalties from oil and gas (10 percent of \$13 billion generated a year) plus a state match. Currently, the Department of the Interior is now competing for that money to help provide maintenance to national parks.

Commissioner McNinch said there is movement to combine issues in legislation

Commissioner Hubbs asked about the stance the Executive branch would have on the issue if it were to take effect.

Secretary Wasley said it will likely be determined by the Executive branch, not the Legislative branch. Executive branch would still be responsible for administering the funds.

B Application Hunts 2018 Report – Data and Technology Administrator Chet Van Dellen

Representatives from Kalkomey provided a PowerPoint presentation on the 2018 draw (exhibit file and website). They answered questions from Commissioners as they proceeded. Chairman Johnston thanked the Department staff and the staff from Kalkomey for all of their hard work during the transition to the new draw system.

Commissioner Valentine requested that Kalkomey include a printed presentation next year in the Commission's and CABMW's support material packets in advance of this meeting.

Commissioner East thought the draw application process was much easier than in past years, and she asked how the applications by gender in Nevada would compare to other states.

Mitch Strobl, Kalkomey, said that information would have to be acquired through a data request as he doesn't have access to other states' application information.

Secretary Wasley said he didn't think it would be easy to compare the data from one state to another, as other states have different processes to acquire tags, with different tags and hunts available than Nevada.

Commissioner East asked if they have seen the same rate of increase in the first year in other states.

Mitch Strobl, Kalkomey, said they have not done this kind of program in other states so data is not available.

Commissioner East asked if they had thought about surveying women especially to see what they could do to increase application numbers.

Mitch Strobl, Kalkomey, said they have been planning to survey people once they got the program rolled out.

Commissioner McNinch asked if Nevada has done marketing on the 30-40 age range and why there was such a large increase.

Secretary Wasley said there has been a lot of outreach but it hasn't been targeted. But they will look into the data more.

Commissioner Hubbs asked if the Department is providing online support for applicants who don't prefer to use technology.

Data and Technology Administrator Van Dellen said that the offices have set up kiosks to assist applicants with the draw but they have to be careful when assisting because the Department cannot submit an application on behalf of someone and they have to be careful about having unsupervised use of state devices. They had supervised devices but that takes up a lot of manpower to operate.

Deputy Director Robb said that in rural parts of the state that didn't have staffed offices, some local officials assisted people they knew in applying online for the draw.

Commissioner Hubbs asked about "unique clients" from 2017 to 2018 and if there was more opportunity for tags in 2018 or if there were just more customers.

Data and Technology Administrator Van Dellen said that they are not all new clients, the charts represent the entire client base and that there were not more tags available, just more customers applying due to outreach, accessibility, etc.

Commissioner Hubbs thought it would be useful to include population of the counties on the maps presented to make the data more meaningful. Thinks they might be missing some people in Clark County.

Mitch Strobl said they might be able to go back and look at populations.

Deputy Director Robb said that Clark County's numbers have grown in the past 10 years or so.

Commissioner Almberg wanted to thank everyone for the great results. Asked if it was possible to include the history of the number of applications in the different counties.

Chairman Johnston would like a slide with total applications per species. Asked if cost of the application a barrier.

Data and Technology Administrator Van Dellen said that waiting periods may be more of a deterrent than cost.

Deputy Director Robb reiterated that what the Department and Kalkomey achieved is not the norm with a brand new system. The process was successful because of teamwork.

C Department Activity Report – Secretary Wasley  
Secretary Wasley will provide a report on recent Department activities:

Commission General Regulation 474 Trap Registration is scheduled for the Aug. 30 Legislative Commission Meeting.

The Governor has appointed Commissioner Tommy Caviglia of Henderson representing sportsmen and replacing Commissioner Bill Young who served six years. The Governor also appointed Commissioner Mike Laca of Fallon representing farming and replacing former Chairman Grant Wallace who served 10 years; however, Mike Laca has since resigned.

The Department has had two recent court appearances. One regarding a Smith/Molde lawsuit and another regarding a First Amendment violation lawsuit.

Game Division staff attended the Western Association of Fish and Wildlife Agencies annual meeting in Eugene, Oregon during July 13–17, 2018. Staff Specialist Mike Cox chairs the Wild Sheep Working Group, and the Division had representation at the Mule Deer Working Group, Wildlife Chief's, Western Quail Working Group, Human Wildlife Conflicts Committee, and the Cougar Management Guidelines Working Group. A substantial amount of work is being undertaken by these committees and working groups, including compilation of available knowledge on particular topics in peer-reviewed books and articles, fact sheets, and best management practices.

The Department continues monitoring and providing support for two ongoing botulism outbreaks which started during July 2018. First, a suspected botulism outbreak occurred at Carson Lake and Pasture near Fallon, NV. The lake and pasture area was flooded by an extremely high runoff event during summer 2017. Levees on the area were breached to accommodate flood water movement. At that time, the area was inundated with about double normal water coverage. As water levels declined with high daily temperatures in 2018, the area became a botulism hotspot. To date, 1,439 duck and water bird mortalities have been recorded and cleaned from the area. Recent levee repairs have allowed fresh water charges reduced the outbreak. Lab results for botulism confirmation are pending.

A suspected second botulism outbreak at an urban pond within Reno occurred during July 2018. The pond located near Double R Boulevard and South Meadows Parkway has a history of botulism problems as fresh water flows to the impoundment cease during late summer. The Department has coordinated with property management to increase use of in-pond aerators and cleanup of infected birds. No mortality count has been made as multiple crews from both property management and the Department have made daily sweeps of the area. Aerator use, bird cleanup, and lower daily temperatures should soon reduce the severity of this outbreak. Lab results for botulism confirmation are pending.

Monitoring is continuing at Comins Lake in White Pine County where a major project to eradicate illegally introduced northern pike was completed in 2016. Multiple pike were captured in 2017 and an additional three pike were found this spring after ice-off. No additional pike have been captured by Nevada Department of Wildlife (NDOW) this year after extensive sampling but one angler caught pike was turned in to NDOW in June. All of the pike found have been a similar small size suggesting an illegal introduction from an unknown source.

Efforts at Eagle Valley Reservoir in Lincoln County to control invasive water milfoil with the assistance of the Nevada Division of State Parks conducted this spring appear to have been successful, with an estimated 50 percent reduction in the aquatic weed which will significantly improve access for anglers and boaters. Monitoring will continue to determine if additional treatments are needed in 2019.

Marlette Lake spawning efforts this year provided about 400,000 Tahoe rainbow eggs plus a smaller number of cutbow and bowcut trout. This was slightly below average but much better than 2017 when we had access problems due to the severe winter and spring conditions. We have secured funding to improve poor fish access to the spawning stream because of sediment deposition.

A new contractor has been found for catfish deliveries for Las Vegas urban pond stocking. This vendor is in Arizona and should be able to provide a better and more reliable product for summer urban anglers.

The new Winnemucca community fishing pond is finished and filled with water, and will be open to the public later this summer. The pond is stocked with 500 bluegill and staff will be stocking largemouth bass also later this month.

July 1 and August 1 saw the rollout of the new trail camera regulation. Voluntary compliance seems high so far, but we're only a few days into the time period for the closure.

Game Warden Captain Brian Eller recently attended the International Wildlife Crimestoppers Conference in Ohio and was elected president of that organization. Nevada is hosting the conference in 2019.

Two NDOW informational items recently won awards at the Association of Conservation Information Conference in Missouri. One of our safe boating TV ads stressing the importance of wearing life jackets won first place in the category of public service announcement and our small game regulations brochure won second place in its category. This competition spans all 50 states, including many with 10 times the personnel as NDOW, making our awards that much more impressive.

Conservation Education staff filmed and edited video of NDOW's new helicopter being used for an emergency aerial water haul to fill guzzlers in the Volcanic Hills. The video included a "thank you" to all of the partner agencies who helped NDOW fund the helicopter. The video received more than 22,000 views and 305 shares.

Conservation Education staff shared pictures of a young bull moose in Spring Creek, just outside of Elko. The pictures got more than 14,000 shares and 290 comments.

Conservation Education staff has participated in multiple education and outreach events, including the Clark County School District New Teacher Kick-off event for approximately 1,500 teachers.

Wildlife Education convened for a program planning retreat in Ely in July. During the retreat, two classroom programs were created with timelines, goals, and launch dates set. 'Nevada Knockout' is a distance learning program that will be taking place on NDOW's social media and will be launching in October.

"Know Your Nevada" is a fourth grade classroom program that focuses on the animal and plant state symbols. Know Your Nevada will be piloted next fall. Work right now is being done to round out lessons plans, finalize classroom extensions, recruit teachers for the pilot year of the programs, and align everything to Next Generation Science Standards (NGSS). Two teacher recruitment events happened at the end of July in the South and West to show teachers what NDOW can offer for their classrooms. An initial response from 100+ teachers about new programming has been very positive. Nevada Knockout is also a program that the public can follow along with and learn more about some of Nevada's wildlife.

Field staff continue working with fire management teams on active fires to assist in access identification, as well as highlighting priority resource concerns. As the fires are contained we quickly shift into rehabilitation planning to assist in the federal land management agencies in developing Burned Area Emergency Response (BAER) plans, which must be submitted within a 21 day timeline to be considered for federal funds. An update of the current year wildfires and NDOW's activities was provided yesterday but will be reported on again at the next Commission meeting.

NDOW is working with Ducks Unlimited on a wetland enhancement project at the Overton Wildlife Management Area (WMA). Pre-bid meetings took place Aug. 3 with the project expected to be completed later this fall on Pintail and Wilson Ponds. The leveling of the ponds will be a cut and fill balance to eliminate overly deep areas and spread water to areas that in the present state do not support shallow ponded conditions. The project will also improve water delivery and drainage allowing WMA staff to better manage waterfowl habitat at the WMA. With this project less water will be required to manage the units and it will provide optimal habitats for waterfowl along with improving access for hunters.

The water development construction season is wrapping-up for the crews and our sportsmen volunteers. With the help of volunteers, the southern crew has rebuilt or completed major maintenance on 12 guzzlers and the north crew built two new guzzlers and rebuilt or completed major maintenance on seven guzzlers. Statewide, crews have hauled water to at least 19 guzzlers this year and 11 of those occurred in the last two months. Water hauls have been conducted in the Gabbs Valley Range, Pahrangat Range, Gillis Range, Pintwater Range, Volcanic Hills, Arrows, Bare Mountains, and Silver Peak Range, Monte Cristos, Bullfrog Hills. Approximately 54,000 gallons of water have been distributed to dry or nearly dry guzzlers in the past several months.

Staff conducted the second draw for remaining tags and successfully awarded 788 deer and elk tags. Only 19 junior deer tags were remaining after the second draw, which became available on a first-come first-served basis. As of Monday, only four of these tags are yet to be sold.

License Office staff is working diligently with our contractor to process and manage big game tag returns. Tag return volume is nearly 100 tags per week and the Department is committed to ensure any eligible alternate is awarded the chance to get in the field.

This week the Department is conducting a workshop with our contractor to plan improvements to the upcoming vessel registration season and 2019 big game application process. We are excited to be working with Kalkomey and look forward to the many proposed enhancements to our licensing system they have in development.

After reviewing the working conditions at our Henderson office, the Department has concluded that keeping that location open is no longer in the best interest of maintaining public and staff safety. We have initiated the process to vacate the building and move our license office staff to our Las Vegas office in the short term. The Department will cease licensing and vessel registration operations at the Henderson location at the close of business on Aug. 31. A public awareness campaign will target Henderson specific customers to ensure they are aware of the change.

Pika surveys have begun and Wildlife Diversity biologists are focusing efforts in northwestern Nevada. Currently staff have surveyed pika in Hanging Rock Canyon, Grassy Canyon, Badger Mountain, Cottonwood Canyon and Red Mountain in the Granite Range. There are several sites in this area that have pika sign at lower elevations than expected. Staff are also monitoring pika populations in Lamoille Canyon in the Ruby Mountains and plan to survey several mountain ranges in central Nevada later this fall.

Summer reptile work continues with tracking of desert tortoise and Gila monster movements at sites in southern Nevada. Night driving reptile surveys are being conducted on nine different routes by volunteers.

All data from statewide short-eared owl surveys has been received. In total, nine short-eared owls were detected in the 49 routes surveyed. Each route was surveyed two times, with volunteers and federal and state employees travelling close to 10,000 miles on the surveys. A summary of the surveys among all of the states (WA, OR, ID, CA, UT, MT, WY, and NV) will be provided in the near future.

Senators Risch (R-ID), Manchin (D-WV), Alexander (R-TN) and Heitkamp (D-ND) introduced the Recovering America's Wildlife Act (S.3223) in the Senate on July 17. The Senate bill that was introduced differs from the House version in one distinct way in that it includes language that would make funds subject to annual appropriations, whereas the House bill includes the original permanent mandatory funding language. The House bill (HR 4647) continues to build support and now has 81 cosponsors, 37 Republicans and 44 Democrats. The Department sent out a press release highlighting the introduction of the Senate bill this past week.

#### D Litigation Report – Deputy Attorney General Joshua Woodbury

DAG Woodbury reported that yesterday the judge granted the Department's request for summary judgement in the Mark Smith/Molde case regarding Commission's authority to adopt trap check regulations. The case had been scheduled for trial next week; plaintiffs may file an appeal if they wish. Two new items of litigation since the last Commission meeting: Mark Smith v. Wakeling et al., a previous case was filed in Truckee, Calif., and was based on defamation claims that NDOW employee made statements about Mark Smith in a presentation given in Truckee. A motion was filed to have the case dismissed or transferred to Nevada, and the court found in Nevada's favor and stayed the California litigation, pending the filing of a lawsuit in Nevada. Subsequently that case was filed in Washoe County by Mark Smith and several business entities alleging those same defamation claims. In addition in that claim Mr. Smith was blocked from the Department's Facebook page for violating its Facebook policy. Mr. Smith claimed infringement of First Amendment rights in addition to defamation claims. Attorney General's office has not yet been served a copy of the complaint and will await that service before starting on the case. The last case filed was by Ridgetop Holdings LLC of which Mark Smith is an owner, these entities filed suit in Nevada City, Nevada County, the case alleges that the entities suffered harm on the same defamation claim of Mark Smith. A motion has been filed to quash service similar to previous case in Truckee stating that we already have a Nevada case where the judge determined that Nevada was the proper location for lawsuit. A hearing will be coming up next month on those issues. Several other litigation items have been on the report for quite some time, but no recent action has occurred on those cases.

#### 15 Future Commission Meetings and Commission Committee Assignments – Secretary Tony Wasley and Chairman – For Possible Action

The next Commission meeting is scheduled for Sept. 21 and 22, 2018, in Las Vegas. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments as necessary at this meeting.

Secretary Wasley read the list of possible agenda items for the next Commission meeting: Wayne E. Kirch Award presentation; Commissioner appreciation, Bill Young; tenure recognition for NDOW employees; Fishing Season Regulation Amendments; Association of Fish and Wildlife Agencies' conference report; CGR 477 Landowner Deer and Antelope Compensation, second workshop; CGR 478 Bighorn Sheep Ewe and Mountain Goat Online Course and CGR Rosy Boa Reptile for second hearing/for possible adoption; Congressman Amodei has requested to have a spot on the September agenda; another wildfire update; NDOW Wildlife Project relevant to Southern Nevada; TAAHC meeting; and mule deer update/report.

Chairman Johnston said he would like more specific details from the landowner compensation tag program presented next time, such as how many landowners participate, where the landowners who participate are geographically, and how many tags the landowner receives. He also requested that a mule deer update report be fitted in if time allows. He will make committee assignments at the next meeting.

Deputy Director Robb said that the September Commission meeting will be live streamed to NDOW's Western Region office with a call-in option available at that location.

#### 16 Public Comment Period

Bevan Lister, president of the Nevada Farm Bureau Federation, said they are disappointed with the language in landowner tag regulation. Would like the Department to work with their organization more.

Meeting adjourned 11 a.m.

Note: The meeting has been videotaped and is available for viewing at [www.ndow.org](http://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.