

**Nevada Board of Wildlife Commissioners' Meeting Minutes**

Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, the requirement contained in NRS 241.023 (1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). Accordingly, anyone planning to participate in the meeting must participate via the web link provided below.

Friday, September 25, 2020 – 9:00 am

*The meeting will be broadcast live at the NDOW Commission YouTube page:*  
<https://www.youtube.com/channel/UCrFHgHLM0MZa2Hx7og8pFcQ>

Meeting materials are available at: [http://www.ndow.org/Public\\_Meetings/Com/Agenda/](http://www.ndow.org/Public_Meetings/Com/Agenda/)

Nevada Board of Wildlife Commissioners present for the meeting via Zoom:

Chairwoman Tiffany East	Vice Chairman Tom Barnes
Commissioner Jon Almborg	Commissioner Shane Rogers
Commissioner Tommy Caviglia	Commissioner Kerstan Hubbs
Commissioner Casey Kiel	Commissioner David McNinch
Commissioner Ron Pierini	

Secretary Tony Wasley	Senior Deputy Attorney General Craig Burkett
Deputy Attorney General Peter Handy	

Nevada Department of Wildlife personnel in attendance for the meeting via Zoom:

Management Analyst Kailey Taylor	Administrative Assistant III Megan Manfredi
Habitat Division Administrator Alan Jenne	Chief Game Warden Michael Maynard
Data and Technology Services Division Administrator Kim Munoz	
Game Division Administrator Mike Scott	Diversity Division Administrator Jen Newmark
Fisheries Division Administrator Jon Sjöberg	Deputy Director Jack Robb
Conservation Education Division Administrator Chris Vasey	
Captain Game Warden Brian Bowles	Captain Game Warden Brian Eller
Staff Game Warden John Anderson	

Public in Attendance via NDOW YouTube channel:

Craig Burnside, Douglas CABMW	Glenn Bunch, Mineral CABMW
Steve Robinson, Washoe CABMW	Rex Flowers, self
Garrett Johnson, self	

Friday, September 25, 2020 – 9:00 a.m.

1. Call to Order, Pledge of Allegiance, and Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairwoman East  
CABMW members are encouraged to email [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org) to state their attendance.

Chairwoman East called the meeting to order at 9:02 a.m. Roll call was conducted, and the Commissioners present were: Chairwoman Tiffany East, Vice Chairman Tom Barnes,

Commissioners Jon AlMBERG, Tommy Caviglia, Kerstan Hubbs, Casey Kiel, David McNinch, Ron Pierini, and Shane Rogers.

CABMW members present via YouTube: Craig Burnside, Douglas CABMW; Glenn Bunch, Mineral CABMW; Steve Robinson, Washoe CABMW.

2. Approval of Agenda – Chairwoman East – 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.

No comment or discussion from the Commission.

**COMMISSIONER ROGERS MOVED TO APPROVE THE AGENDA AS PRESENTED. VICE CHAIRMAN BARNES SECONDED THE MOTION. THE MOTION CARRIED 9-0.**

- 3.\* Approval of Minutes – Chairwoman East – For Possible Action  
Commission minutes from the August 14, 2020 meeting.

Chairwoman East requested that the typo in Vice Chairman Barnes' name be amended in agenda item two.

**CHAIRWOMAN EAST MOVED TO APPROVE THE MINUTES AS PRESENTED ALONG WITH THE NOTED CHANGE IN AGENDA ITEM TWO. COMMISSIONER ALMBERG SECONDED THE MOTION. THE MOTION CARRIED 9-0.**

4. Member Items/Announcements and Correspondence – Chairwoman East – 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.

Secretary Wasley shared that the Department received two emails regarding wildlife contests with one referencing a black bear hunt. Those emails were forwarded to the Commissioners.

Commissioner Hubbs stated that she received correspondence regarding the black bear hunt that she has forwarded to the Department and requested it to be included in the record.

5. County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational  
CABMW members may present emergent items by emailing [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org). No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

CABMW Comment:

From: Steve Robinson Washoe CABMW  
Sent: Friday, September 25, 2020 9:09 AM  
To: Wildlife Commission [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org)  
Subject: CAB Member Items

Chairwoman East and Commission,

During our last 2 CAB meetings, we have had considerable concern from residents about access to the Truckee River for fishing. The homeless camps along the river are preventing access to the river for anglers and is creating an unsafe environment for the anglers. It is also creating an environmental issue with raw human waste, litter and pollution affecting the rivers health.

We are asking the Department for help with this issue and to look into what actions can be taken to restore the Truckee River for anglers.

Thank you

6. Commission Regulations – For Possible Action/Adoption – Public Comment Allowed

- A.\* Commission Regulation 20 – 01, Amendment #1, Fishing Seasons and Regulations for January 1, 2020 through December 31, 2021 – Fisheries Division Administrator Jon Sjöberg – For Possible Action

The Commission will consider amending Commission Regulation 20 - 01 to remove the fishing season closure and modify the harvest limits for mountain whitefish and warmwater game fish other than black bass for Topaz Lake in Douglas County; to modify the game fish harvest limit for Lake Tahoe and tributaries in Douglas, Carson City and Washoe Counties to remove the reference to mackinaw or lake trout; and to adopt a limit of three game fish for Seeman Pond in Douglas County. \*Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org). Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Fisheries Administrator Jon Sjöberg presented a PowerPoint presentation that summarized the proposed changes of Commission Regulation 20-01, Amendment #1.

Commissioner Pierini asked for the status of the mackinaw in Lake Tahoe. He stated that about 30 years ago the decision was changed to only allow two mackinaw be included in the daily limit. He stated his concerns about the number of fishing guides on Lake Tahoe.

Fisheries Administrator Sjöberg said that the general public comment heard from both the CABMWs and guides has been either positive or neutral regarding the proposed change. Most of the changes being proposed are aligning Nevada's regulations with the current regulations of California. The Department has not heard or seen a decline in the mackinaw at Lake Tahoe and does not believe that the regulation change will drastically affect the population.

Discussion was had regarding the mackinaw population in Lake Tahoe and the past decision to set the daily limit of mackinaw at two.

Commissioner Kiel asked when the amendment would take effect if it was approved.

Fisheries Division Administrator Sjöberg responded that the regulation would go into effect January 1, 2021 to remain consistent with the regulation cycle. He explained that the additional time also gives the Department time to notify anglers and add the change to the upcoming guide book.

Break for public comment 9:35 a.m. – 9:40 a.m.

Public Comment:

From: Craig Burnside, Douglas CABMW  
Sent: Friday, September 25, 2020 9:40 a.m.

To: Wildlife Commission [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org)  
Subject: Amendment to Fishing Regulations

At the Douglas CAB meeting we unanimously supported the proposed amendment. One of our members, who lives at Lake Tahoe, has spoken with several guides, and all of them were in support of the proposed amendment as it pertains to Lake Tahoe.

**COMMISSIONER MCNINCH MOVED TO APPROVE THE COMMISSION REGULATION 20-01, AMENDMENT #1 AS PRESENTED. COMMISSIONER ALMBERG SECONDED THE MOTION. THE MOTION CARRIED 7-2 WITH PIERINI AND HUBBS IN OPPOSITION.**

Commissioner Hubbs stated that she would like additional information regarding the status of species populations when limits of those species are changed in the future.

7. Regulation Simplification Committee Report – Commissioner Tommy Caviglia - Informational  
A report will be provided on the Committee’s recent meeting held on September 10, 2020.

Commissioner Caviglia updated the Commission on the current Committee members and the new additions to the Committee. He shared that the Committee requested CGR 495 be brought back to the Committee for further discussion.

8. Commission General Regulation Workshop – Public Comment Allowed

- A.\* Commission General Regulation 494, NAC 501 Simplification – Management Analyst Kailey Taylor – For Possible Action  
The Commission will review the Regulation Simplification Committee’s recommendations regarding language updates and simplification of Nevada Administrative Code (NAC) 501 relating to the Commission. \*Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org). Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Management Analyst Kailey Taylor stated that the Regulation Simplification Committee voted to approve CGR 494 and continue working on CGR 495 as Commissioner Caviglia previously stated. She added that the Department felt that NAC 501 still needed review and that a meeting with Deputy Attorney General Craig Burkett was scheduled to discuss further guidance. She encouraged the CABMW participation and feedback as continuing work on NAC 501 and NAC 502 is needed. Management Analyst Taylor shared a PowerPoint to show the proposed changes to NAC 501 language.

Commissioner AlMBERG asked if the two-year retention of the record book as explained in NAC 501.100 would be an issue for the Department.

Management Analyst Taylor explained that the Department follows Nevada’s state retention schedule and there was a possibility that the record book would be kept longer than the two-years as stated in the regulation. She also described the different formats that the record could be obtained.

Commissioner McNinch requested the regulation reflect the state retention schedule if it differs from the two-years as stated in the regulation.

Commissioner Hubbs asked for the rationale behind the proposal to remove unlawfully possessing wildlife from the demerit schedule.

Management Analyst Taylor stated that NRS 501.1812 exempts any issues that the Department is proposing for removal from the demerit schedule to be assigned demerits. They are issues that can be regulated but are not something that should be included on the demerit schedule.

Chief Game Warden Mike Maynard added that the Department is not saying the removed issues do not deserve applied demerits but are things that NRS protects from receiving.

Commissioner Hubbs asked if violators would be prosecuted in other ways.

Chief Game Warden Maynard gave an example of people possessing wildlife that were not engaged in the act of hunting, fishing or trapping. He explained that these situations do not receive demerits since most do not possess a Department issued license. Wardens would cite or arrest a person depending on the severity of the possession and the person would be tried through the court system. The animals would either be adopted into an animal rehabilitation system or euthanized.

Commissioner McNinch clarified that NRS 501.1812 states the Department will not assign demerit points for certain actions but punishment will be handled in alternative ways.

Secretary Wasley stated that the items proposed to be removed from the demerit schedule has nothing to do with the desire of the Department to assign demerits but aligns the demerit schedule with what we can and cannot statutorily assign a demerit for. The demerit schedule is just one avenue of punishment for wildlife violations.

Break for public comment 10:07 a.m. – 10:15 a.m.

No public comment.

**COMMISSIONER HUBBS MOVED TO APPROVE THE PROPOSED CHANGES OF COMMISSION GENERAL REGULATION 494 AS PRESENTED WITH THE ADDITION OF THE STATE RETENTION SCHEDULE BE USED AS THE TIME FRAME IN NAC 501.100. COMMISSIONER ROGERS SECONDED THE MOTION.**

Management Analyst Taylor stated that the motion is accepted as long as the Commission understands that additional changes may be presented at the November Commission meeting.

**THE MOTION CARRIED 9-0.**

- B.\* Commission General Regulation 495, NAC 502 Simplification - Management Analyst Kailey Taylor – For Possible Action  
The Commission will review the Regulation Simplification Committee's recommendations regarding language updates and simplification of Nevada Administrative Code (NAC) 502 relating to licensing. \*Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org). Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Management Analyst Taylor shared a PowerPoint that presented the proposed language changes in NAC 502.

Vice Chairman Barnes recommended the use of another term instead of "canned hunt."

Chief Game Warden Maynard stated that the term is commonly used but if the Commission chose to use a different term, it would not change the functionality of the proposed language.

Commissioner Hubbs asked for clarification on the definition of canned hunt.

Examples of what would be considered a canned hunt was discussed along with how the definition could be interpreted and why the definition was being proposed by the Department. Public safety circumstances were also discussed regarding the release of animals not relating to hunting.

Commissioner McNinch and Commissioner Hubbs expressed concerns about interpretation of the definition. Examples of alternative language were presented.

Commissioner Kiel asked the reasoning behind the addition of NAC 502.370 subsection 1. (b) a mountain lion tag must be purchased by the tag holder.

Chief Game Warden Maynard stating the addition was to prevent potential for fraud in a situation that involves someone taking a lion in the field and sending another individual to the closest town to purchase a tag to cover the illegal taking of the lion. The change is not preventing a person buying tags for a family member or guardians purchasing for children. In those circumstances, the tag is being purchased in the tag holder's account but with a credit card of another.

Commissioner AlMBERG inquired about the change to five business days in NAC 502.370. He stated that it was not consistent with NAC 502.345 regarding other animal check-in times not stating "business days."

Chairwoman East answered that the Committee discussed that "business days" gives the sportsmen and Department staff additional time to connect and complete the check-in.

Discussion was had regarding when and how a person would unintentionally harm or transport an animal. The reasoning behind the removal of "accidental" or "intentional" verbiage. The process a citizen is supposed to follow if they do accidentally injure wildlife. What happens if a person accidentally traps an animal and the amount of harm an animal can sustain when being released from a trap.

Commissioner Rogers asked if Law Enforcement has seen any issues regarding master guides receiving non-resident guided tags for immediate family members reflected in the change of NAC 502.4235.

Game Warden Captain Brien Eller stated that they have seen a few guides putting in for non-resident guided tags for family member use. That was not the intent of the non-resident guided tag hunts.

Commissioner Rogers agreed and asked if the non-resident applicants are required to have a contract with a master guide before applying for the tag.

Game Warden Captain Eller stated there were no restrictions other than sub-guides are not able to apply for the restricted guided tags and master guides need the proper permits for the areas being applied for.

Deputy Director Jack Robb stated that he has been contacted multiple times about this proposed change and added this change holds some concerns for the public. The term "immediate family" may pose a potential issue in the public eye.

Commissioner AlMBERG asked if the Commission and the Department were setting themselves up for future discrimination lawsuits if this change was adopted.

Deputy Attorney General Craig Burkett answered that the Commission and Department has discretionary right to create these types of changes but would suggest discussing it further and bringing it back to the Commission for another deliberation.

Commissioner McNinch agreed that there was an intent in the creation of the non-resident guided tags and that creating a freeway for immediate family use was an abuse of the system. He inquired if this abuse could fall under a current subject on the demerit schedule.

Game Warden Captain Eller answered that it would not be assigned demerit points but that the master guides have their own penalties for similar abuses that are currently in NRS and NAC.

Break for public comment 11:37 a.m. – 11:45 a.m.

Public Comment:

From: Steve Robinson, Washoe CABMW  
Sent: Friday, September 25, 2020 11:36 a.m.  
To: Wildlife Commission <wildlifecommission@ndow.org>  
Subject: Commission general regulation 495

Washoe was opposed to Commission General Regulation as proposed. While we support the simplification process, we do not feel it is appropriate to introduce new NAC during this.

NAC 502.1175 should go through the CAB process per NRS 501.105. Does the hunter have to get to the treed lion the same time as hounds man? It is a rare sportsman that can keep up with a hounds man running up the mountain to secure his dogs and ensure their safety. We would like clarification on this as we don't want hunters fined for not being in the same physical shape as the hounds man and lagging behind during a hunt.

NAC 502.370 4 (e) The terms possess or in any way harm needs to be changed. Does this mean Nevadans can no longer hold a lion as a pet or in a zoo? Where is the permit process for possessing a mountain lion in Nevada as a pet?

The term "or in any way harm" needs to be removed since that would completely stop all hunting and management of lions. The shooting of a lion with gun or bow is certainly harming it no matter how humanly it is done.

NAC 502.4235 subsection 6. Why is the nonresident family of a licensed guide being discriminated against in the guide draw? The nonresident family of guides should not be treated differently than any other nonresident under the law.

From: Rex Flowers  
Sent: Friday, September 25, 2020 11:47 a.m.  
To: Wildlife Commission <wildlifecommission@ndow.org>  
Subject: NAC 502

I am opposed to any regulation changes with 502.1175, 502.370 #3, #4, & #5, 502.4235, and 502,42273 as these are all new regulation language. The Simplification committee was intended to review NAC that were outdated, antiquated, no longer relevant or to make language changes that would make the regulation more understandable. To go forward with the changes is to circumvent the normal regulatory processes already in place and does not give for proper vetting by our public. For this reason, I would ask these items to be rejected and brought through the proper channels. This in no way means I am opposed to the changes, but I do reject the way they are being presented.

Management Analyst Taylor stated that the Department has asked the CABMWs for comment on multiple occasions and have consistently not received any since the Regulation Simplification

Committee was created. The regulations are going through the regular regulation change process. The proposed and heard changes from Regulation Simplification Committee must go through same process as any other regulation change and are receiving more discussion time because they are being discussed at a committee level. Most regulations come from the Department and presented straight to the Commission for workshop and adoption. She encouraged public participation in the process at Committee, CABMW and Commission levels.

Chairwoman East asked if the Department was clear on the requested changes and suggestions of the Commission.

Management Analyst Taylor confirmed that and stated that the language will be revised and brought to the Committee before again being brought back to the Commission.

9. Nevada Department of Wildlife Project Updates – Secretary Tony Wasley

The Commission has requested that the Department provide regular project updates for ongoing projects and programs as appropriate based on geography and timing of meetings. These updates are intended to provide detail in addition to summaries provided as part of the regular Department report and are intended to inform the Commission and public as to the Department's ongoing duties and responsibilities.

Secretary Wasley gave a background as to why the agenda item relating to project updates was created and due to the recent virtual format of the Commission meetings, they have recently been omitted from the Commission agendas.

Habitat Division Administrator Alan Jenne presented a PowerPoint presentation relating to the Department's wildfire rehabilitation work over the past four years.

Chairwoman East asked for an explanation of scheduling and prioritizing the Habitat improvement projects.

Habitat Division Administrator Jenne explained that each region is directed to work with biologists in all of the resource divisions to prioritize projects and as the wildfire season winds down, the lists of priorities are discussed as a whole at a statewide level to create one list.

Commissioner Pierini asked if they waited on weather conditions before they began reseeding.

Habitat Division Administrator Jenne stated that it is difficult to obtain a long-term weather forecast in Nevada to know if the year's seeding will be successful. When the Department seeds a burnt area, occasionally luck will find us, and snow falls will cover that area. Most times it is a gamble if enough moisture will fall on the seed. Droughts have hit and the Department does not see results as soon as anticipated and sometimes seeds lay dormant for years before sprouting.

Commissioner Pierini asked if seed donations are still being received by the Department.

Habitat Division Administrator Jenne answered that the Department continues contact and communication from organizations and partners who have donated funds for seed and wildfire restoration.

Commissioner Hubbs asked if the nonnative kochia plant used to compete with cheatgrass was aggressive towards our native plant species and if it responds to fire.

Habitat Division Administrator Jenne stated that kochia can be burned but resprout on its own. It does not take advantage of the land within our climates. It is a species that does very well in tough climates

and gave examples of harsh areas in Nevada where kochia thrives over other native species that was originally burned and unable to reestablish. Kochia and sagebrush are seeded at the same time in the same sites and the Department has seen success with this treatment. Since kochia is not invasive, it allows for the growth of the sagebrush while keeping other invasive plants at bay.

Secretary Wasley added that the Department is presently involved in multiple projects with the help of fund contributions and cooperation from partners. Kochia is a fire-resistant plant, noninvasive, has forage value to wildlife and livestock and allows for other native species to take hold at the same time in the same areas. It is used as a stopgap measure and a valuable tool that allows space for native plants. When we see the accomplishments of what the Habitat division is doing, it benefits all other divisions, species and people of Nevada. These are the types of investments that benefit all of Nevada and are a tremendous effort and success.

Commissioner Hubbs related a personal story regarding wildfire and her brother's property. She asked as a homeowner, if there are programs for people who have been affected by fires to reseed their properties or learn how to seed and rehabilitate in a positive way to help the habitat around those areas. She stressed the importance of public knowledge on what can be done to prevent future fires or to reseed after fires to benefit the habitat.

Habitat Division Administrator Jenne stated that the Nevada Department of Forestry, Bureau of Land Management and the Department of Wildlife all offer advice and assistance for individuals dealing with wildfire issues. Cal Fire might have opportunity as well considering that the Loyaltan acres that have burned in California have an important impact on Nevada wildlife.

Deputy Director Robb added that the Department works with numerous non-governmental organizations (NGOs). The Dream Tag Committee's number one goal has been wildfire restoration. When the Dream Tag Committee provides the Department funds for wildfire rehabilitation, it allows for other NGOs to use funds to benefit wildlife in other aspects. Dream Tag brought in \$550,000 just this year. Due to the COVID-19 government shutdown, we were prevented from spending funds in the field but, the Dream Tag Committee funds allowed the Department to continue with seeding projects during the times crucial for seeding. Programs like these benefit all other programs such as the Mule Deer Enhancement Program.

10. Reports – Informational

- A. Department Activity Report – Secretary Tony Wasley  
Director Wasley will provide a report on recent Department activities.

Secretary Wasley read from the Department Activity Report.

**DIRECTOR'S OFFICE**

Director Wasley represented the state on regional and national issues during the annual Association of Fish and Wildlife Agencies (AFWA) Virtual Meeting and interacted with federal agencies on topics such as feral cat management, relevancy, education, outreach, and diversity.

Director's Office staff have represented the Department in the Interim Finance Committee (IFC) meetings as well as Board of Examiners (BOE) to approve various contracts, budget issues and vehicles and attended the Legislative Committee Meetings to approve a recent regulation.

Commission General Regulation 485, Tag Transfer and Deference Program was passed by the Legislative Commission on Tuesday, August 25 with no questions. As a reminder, this program will establish options for sportsmen and women who experience an extenuating circumstance after the

last day before the hunt but before legal shooting hours on the first day of the hunt. This program is now in effect for customers with extreme circumstances during this hunting season.

September 26, 2020 is Public Lands Day. On this day the entrance, camping and boating fees on state parks will be waived.

## **GAME**

Department dispatchers and staff continue to respond to complaints about black bears. Lack of food in wildland areas combined with heavy fruit tree crops and continuing failure of people to store garbage responsibly in urban areas is resulting in increased bear conflicts in throughout 2020.

Cooper Munson has been selected to fill the Western Region Supervising Game Biologist position. Cooper has been the game biologist in Lincoln County for the past five years. He will be filling the position part-time on September 21, 2020 and beginning full-time in late October.

Game Staff have been providing review and comments on the organization of the Mule Deer Enhancement Program (MDEP). Direction is being prepared for supervising game and habitat biologists to begin working with the County Advisory Board Chairs to invite participation in each team.

Game Division staff assisted Habitat staff as pilots used Department helicopters to fill two water developments in the Gabbs Valley Range recently. The two units that were filled were the Butte and Volcano guzzlers in Unit 207. An approximate total of 3000 gallons were flown into each unit.

Game staff in the Eastern Region followed-up on the four recently collared cow moose. Two of the four had current season calves with them. At the time of collaring, three of the four had calves and one had twins. August was an active month for moose observations. Eighteen observations were added to the database, which included 25 moose. Two were from Area 6, one from Area 10, and the remainder were from Area 7. Most of these were hunter observations and they reported seeing 10 cows with four calves during the August time frame. The Animal Planet film crew was able to participate in the moose follow up and filmed a cow and a bull, east of Elk Mountain.

The contract with Environmental Systems Research Institute (ESRI) for the development of an application for data collection during aerial survey has been finalized and was approved by BOE on September 8, 2020. A scoping meeting was subsequently held to schedule a project kickoff meeting with ESRI representatives, and a working group comprised of Game Division field biologists. The kickoff meeting is preliminary planned for the week of September 28, 2020. While administrative delays have postponed the initiation of this project, software development at ESRI for other projects may result in cost-savings that would allow for additional functionality not anticipated when the idea was conceived.

## **HABITAT**

Habitat Division and Engineering staff completed a project to repair the Muddy River Diversion Structure located on the Overton Wildlife Management Area (WMA). The structure was heavily damaged during a flood back in 2005 when debris strikes rendered the gates non-functional. The project included replacement of a radial gate and installation of a new catwalk to provide safe access to the controls. The hoisting mechanism for the gates is motor driven using solar power and the gates can be controlled remotely during emergency situations.

The WMA crews have been working on road repairs out at the Scripps WMA recently. Boggy areas of the road that runs along the east side of the WMA have been built up and culverts installed to facilitate drainage.

In the last month the Habitat Division has received 14 Energy Planning and Conservation Fund (Assembly Bill 307) applications were submitted for the following energy development projects in Nevada: one large-scale energy transmission line, two solar facilities, one electric substation upgrade, and nine geothermal facilities. The Department is also aware of three additional projects that will be submitting applications under the AB307 program in the next several weeks. Since January 2019, the AB 307 program has received 40 energy project applications.

Department staff and volunteers from a variety of sportsmen-conservation groups continue to coordinate and complete volunteer guzzler inspections. The Department provides inspection checklists that volunteers can use when they are either purposefully checking on guzzlers or out scouting/hunting and come across a guzzler. With enough support, this will be a valuable way for the Department to better understand maintenance needs on big and small game guzzlers. It also provides an opportunity for volunteers to continue participating in the guzzler program as large-scale volunteer builds were cancelled earlier this year. Additionally, since the water development program's federal match is largely funded by volunteer time and miles, this will hopefully provide a reasonable way to make up some of the lost volunteer match from cancelled guzzler builds.

### **CONSERVATION EDUCATION**

The Wildlife Education Team has been adapting their education programming to a virtual platform for K-12 education for the 2020 school year. Staff across the state are offering virtual programming that can be adapted for students in the classroom as well as classes that are on a full distance-learning schedule. Educators connect with students through interactive wildlife programming and virtually facilitate in-class activities and discussions. All education programs are aligned with Next Generation Science Standards (NGSS) and cover a variety of topics from Nevada's wildlife and Nevada state symbols. Staff have seen a great response from teachers and have successfully conducted multiple virtual lessons. The virtual platform will enable staff to reach far and wide with unlimited capacity to reach more K-12 students especially in rural areas.

Staff assisted with several other educators from other states on updating The Conservation Education Toolkits. These toolkits are a series of 16 guides that were developed by AFWA to support conservation educators who offer fish and wildlife-based programs. The Toolkits were developed before NGSS were implemented. The goals are to have new and improved resources but also ensure the educational resources meet NGSS standards.

Channel 4 in Reno interviewed Conservation Education staff on the impacts of wildfires on wildlife. There will be an increase of interviews anticipated due to the current fire situation. The Multiple local and statewide news outlets have reached out to our Public Information Officers about increased bear activity in northern Nevada. Conservation Education staff is also working with an inter-agency communications group on a campaign focusing on bears and hyperphagia, which will target visitors and residents in the Tahoe Basin.

### **DIVERSITY**

Tahoe's east shore had three successful peregrine falcon nests for the first time in recent history. Peregrine falcons were an endangered species only two decades ago and were absent from the Tahoe Basin until 2009. Now there are three nesting pairs on the Nevada side alone. The most high-profile nest, Castle Rock, is a collaborative monitoring effort between the Department, the United States Forest Service (USFS), Tahoe Regional Planning Agency, and Tahoe Institute for Natural Science. The group spent two years researching the effects of hikers and climbers on the nesting falcons before posting hiking closure signs the past two years to reduce disturbance to the nest. These hiking closures have been successful, and the story recently gained attention in several media outlets, including KOLO-TV, KTVN-TV, SF Gate, Tahoe Daily Tribune, and Adventure Sports Journal.

The Lahontan Valley is an important migration stopover for shorebirds during the fall and spring migration seasons. The Valley wetlands were designated in 1988 as an important site in the Western Hemisphere Shorebird Reserve Network. The Department has monitored and surveyed the Lahontan Valley wetlands for shorebirds since 1986. This fall, a total of 28,297 shorebirds were observed in the Lahontan Valley and 70 percent of these staged at Stillwater National Wildlife Refuge. Carson Lake was relatively dry this year with only the Sprig unit at 30 percent capacity.

The Wildlife Diversity biologist in Tonopah completed a pika survey training for the Bureau of Land Management (BLM) Battle Mountain and Carson City staff. As part of the training, eight new sites were surveyed, and occupancy confirmed at five of those sites. Additional surveys are anticipated to be conducted this fall by BLM Battle Mountain.

## **FISHERIES**

Knott Creek Reservoir in Humboldt County experienced a significant fish kill in early September resulting in over 1,000 fish observed. Staff are working with Nevada Department of Environmental Protection (NDEP) to determine if there were causes other than the visible algae bloom on the reservoir.

Phase one of the Shoshone Ponds restoration for the endangered Pahrump Poolfish has been completed. This reconstructed refuge ponds for the rare fish that were originally built in the 1970s.

The Xerces Society filed a petition on August 18, 2020 to list the Western ridged mussel as an endangered species under the Endangered Species Act (ESA). The mussel occurs in the upper Humboldt River and possible other systems in northeastern Nevada, but there is very little information on its distribution and status throughout the state.

Southern Region staff have completed analysis of the annual threadfin shad production on Lake Mead. Low production in the Boulder Basin suggests that this fall and winter will likely be a poor year for striped bass condition and the quality of the striper fishery.

Staff, working with our contractor and partners, recently completed the Conservation Strategy for Springsnails in Nevada and Utah. This will be a key effort to conserve spring systems in the Great Basin and over 100 of these rare species, several of which have been petitioned for ESA listing.

Fisheries Division assisted Wildlife Services on our first ever report of nuisance fish at the Reno-Tahoe Airport. Apparently, some fish trapped in a ditch on the airport perimeter were attracting fish-eating birds and creating an aircraft hazard.

## **DATA & TECHNOLOGY SERVICES**

The Data and Technology Services successfully conducted the 2020 Sage Grouse Draw with a 232 percent increase in applications from 2019. This year's Swan permits went on sale on August 24, 2020 and 82 percent of the allotted permits were sold in the first three weeks. Licensing staff have been busy with the issuance of landowner tags and assisting clients with their harvest return cards. Counter staff are seeing an increase in the number of office walk-ins since we reopened in June.

Licensing staff got a new license agent registered that bought the Tilly's in Pioche. Staff are also actively processing new agent paperwork for the following three new locations, Sagebrush Dreams in Tonopah, Cal Ranch in Ely, and Laughlin Chamber of Commerce.

After a collaborative effort between Kalkomey, Licensing, Fiscal and Game staff, the U.S. Fish and Wildlife Services (USFWS) annual License Certification and Federal Aid Report was submitted for the 2018 license year. The submission of this report officially documents that hunting license sales were up 28 percent and fishing license sales were up 35 percent from 2017.

The Geographic Information System (GIS) staff completed updates to the Survey123 mobile device application to allow for the 2020 Harvest Check-in to be performed.

The Information Technology staff have started the new computer replacements for the new fiscal year.

### **LAW ENFORCEMENT**

Game Wardens began hunt unit patrols starting August 1, 2020 for opening season of archery for multiple species as well as depredation antlered and antlerless elk. Wardens patrolled opening day of dove season at several Wildlife Management Areas and other parts of the state, which included over 143 contacts and multiple citations and warnings.

There have been multiple incidents of unlawfully placed trail cameras in the Eastern Region. In one case the cameras were pulled, reported and turned into the Department by a property owner. Another case included a Game Warden locating a trail camera near the Utah border. That case is under investigation. Game wardens in the Southern Region are investigating several cases involving trail cameras. Investigations have already resulted in identification of stolen cameras and additional "spinoff" investigations.

In the Western Region, two bobcat kittens that were taken out of the wild and kept by a member of the public were handed over to Safe Haven. In a separate case, a game warden investigated a subject that had a pet bobcat in the Silver Springs area. The bobcat was tied up outside the enclosure and escaped. The subject had a permit that expired in June 2019 but was never renewed. A citation was issued as a result of the investigation.

A Southern Region game warden spent three days assisting Lincoln County Sheriff's Office with the search and rescue of a missing local person. The game warden assisted in the search efforts, coordinating for wildlife issue response, and assisting in coordination of approximately 170 volunteer searchers. The search covered over 30 square miles and involved multiple aircraft from varying jurisdictions as well. Separate cases involved several game wardens in the Southern Region assisting in the search and recovery of a drowning subject on Boulder Beach. A Western Region game warden assisted with a search for boaters on Tahoe. A vessel was overdue and found adrift with no persons on board. Southern Region wardens assisted in the investigation and attempted location of a 6-month-old after the child was reported kidnapped at Lake Mead.

The Eastern Region received judgement of conviction on an unlawful killing of big game case with a civil penalty was just over \$10,000.

Game wardens have been responding to several urban wildlife calls in both the Eastern and Southern Region concerning rattlesnakes on premises.

A game warden in the Western Region investigated an Operation Game Thief (OGT) call at Lahontan Reservoir. Three suspects were fishing and had a combined total of 98 fish. The game warden cited one individual for over limit of game fish. One of the suspects owns a restaurant. The Department has been receiving complaints about this group for a while, suspecting they are selling to markets.

Southern Region Wardens investigated numerous boat accidents including a felony case in which the suspect was booked on multiple charges including Operating Under the Influence (OUI) resulting in death and involuntary manslaughter. Including this case, game wardens statewide made four OUI and two Driving Under the Influence (DUI) cases over the last month.

Over Labor Day Weekend, game wardens contacted 274 boats, conducted 11 vessel assists, gave 108 warnings, and wrote 53 citations for boating violations.

Chairwoman East asked for an explanation on how guzzlers were filled and how priority to fill them is determined.

Secretary Wasley answered that it is determined by how dependent the animals are on those water sources.

Habitat Division Administrator Jenne agreed with Secretary Wasley and added that the Habitat and Game Divisions collaborate to evaluate the risk of empty guzzlers and if there are any other water sources nearby that could provide opportunity for animals. The Department tries not to build isolated water sources to deter dependency on them for this reason.

Chairwoman East asked if public education was needed to help spread the word and prevent the misuse of trail cameras.

Secretary Wasley answered that with knowing what exists in Department publications and social media pages and monitoring the comments and feedback on social media, it is safe to determine that many people know what they are doing is a violation and are trying to push regulation boundaries.

Deputy Director Robb added that if the Department is aware of a update to the regulations, an insert is added to the mail out with tags that state what is new and what has been an issue for the Department in the past so customers cannot state that they were unaware of the change.

Chief Game Warden Maynard stated that this year is not the first season of the regulation change. The Department is generous during the first year of a change and wardens use that time to educate the public while being conservative with enforcing the new policies. We are past that education phase and accept that by now the public should be well aware of that change. Typically, the individuals who have been cited are people violating that regulation for a reason other than un-education.

Commissioner Hubbs asked about the increase in bear activity and what that means for the public and the bear populations.

Secretary Wasley gave examples of how good native forage allows for bears to forage in the mountains, away from the public. The recent droughts have cause bears to travel down into the towns to forage and if the public are not addressing the subsidies for the bear diet, those bears get into trouble by breaking into homes, garages and dumpsters looking for food. Even downtown Reno has recently reported a high number of bear activity.

Commissioner Hubbs asked if the bear activity was due to urban sprawl or if it was a carrying capacity issue related to water, vegetation and resources that are driving the bears into public areas.

Secretary Wasley stated that many animals are collared, and the Department can monitor their activity and compare wet versus dry years. Dryer years push bears to find alternative sources of food. Other states experience the exact same thing. Animals will choose native forage over urban dumpsters if the forage is provided.

B.\*      Litigation Report – Deputy Attorney General Craig Burkett  
            A status report on litigation will be provided.

Deputy Attorney General Craig Burkett gave an update on the current litigation as well as one that has completed. Item four on the litigation report was a trapping case that was affirmed and dismissed

by the Nevada Supreme Court. After two reconsiderations were filed for that case, both were dismissed. Item six on the report is regarding the Department's defense related to a predator management suit that Secretary Wasley is named in. He thanked Secretary Wasley for his assistance in the defense and after hours preparing and filling motions and dispositions, the Department has developed its case significantly with the help and knowledge provided by Secretary Wasley. He stated that Secretary Wasley's disposition was one of the best he had ever seen in his 25-year career.

Commissioner Kiel asked about a headline he read regarding a ruling on the Walker River case and a public trust doctrine.

Deputy Attorney General Burkett apologized about not being able to provide an update due to him not being assigned to handle that particular case.

Secretary Wasley stated that he read the same article and shared that the plaintiffs in the case were trying to use the public trust doctrine to claim that the water is of use for the public. The court ruled that there is no standing of water management or re-judication of the water based on that public trust. The ruling was viewed as a loss for the environmentalists as they cannot use the public trust doctrine for the re-judication of the water.

- C. Association of Fish and Wildlife Agencies 2020 Annual Meeting Update – Secretary Wasley  
Reports from the 2020 conference will be provided.

Secretary Wasley gave an update on the 2020 Association of Fish and Wildlife Agencies (AFWA) annual conference that was held in a virtual platform that allowed for a much higher participation rate. He shared the wide variety of events and topics that were discussed at the conference, such as; transition planning, outdoor recreation, incidental take, land management, wild horses, the Endangered Species Act, and continual discussion regarding the relevancy roadmap. States showed a desire to leverage and utilize a widely recognized brand for bear awareness. He offered to share the Silver Linings document that was collected and combined input from all states surrounding the COVID-19 government shutdown to the Commission. He expressed the magnitude and value of the conference and shared his appreciation for the opportunity to share.

Chairwoman East stated she liked receiving updates on the many conferences and to hear what other people in other states are talking about.

- D. Mule Deer Enhancement Program – Game Division Administrator Mike Scott – Informational  
The Department will provide an update on the Mule Deer Enhancement Program that was approved by the Commission during the August 2020 meeting.

Chairwoman East shared her excitement for the unique approach to this type of program and stated that she had the pleasure to reach out to the committee members. She announced the members of the Mule Deer Enhancement Oversight Committee and encouraged public input for outcomes and solutions to issues regarding the mule deer population. She asked for interested public to reach out to their local CABMW and participate in their meetings.

Game Division Administrator Mike Scott shared that he recently gave direction to biologists to work with field staff and CABMW members to determine potential members for the regional groups. He listed the number of teams that each region will have and stated November 1, 2020 was the target date for the creation of the teams. Each team will be made up with five to seven members and were limited to avoid voting complexities. The Open Meeting Law allows for only two members of the CABMWs to be on a team. The Department's vision is to create a list of potential members and

compare our list to that of the CABMW recommendations. The Department is looking for diverse experiences regarding resources and that once teams are established; project information will be provided. The Habitat division has been doing mule deer enhancement for many years now and he praised the work and success of the division and expressed his desire to see that work continue. He envisions future field trips to problematic areas to see firsthand the potential problems and to possibly spark inspiration. Continual updates on the progress of the program will be brought to the Commission in the upcoming year.

Commissioner Pierini gave praise for the idea of the program and expressed his desire to sit in on some of the team discussions.

Game Division Administrator Scott invited Commission participation throughout the process to keep everyone educated on the program's recent findings and decisions.

Chairwoman East expressed her desire to participate as well and added that the creation of the Committee was a big task and stressed the importance for all to understand reasonings behind the decisions.

Deputy Director Robb added that limiting the number of CABMW members on a team was not something the Department wanted to do by design but would be a violation of established law if the number of CABMW members per team was not regulated. He stressed the desire of the Department to work with the CABMWs and involve them as much as possible. He said that once the teams bring ideas to the Committee, the CABMWs will have the same opportunity to discuss and suggest ideas.

Chairwoman East thanked everyone who has agreed to sit on the Committee.

Break 1:35 p.m. – 1:50 p.m.

11. License Appeal – Garret M. Johnson – For Possible Action  
Mr. Johnson is appealing his sub-guide license suspension.

Administrative Assistant Manfredi shared with the Commission that the appellant, Mr. Garret Johnson, was currently not in attendance. She spoke with him over the phone prior to the meeting and confirmed that he was in attendance when the meeting began but has since logged off. She stated that she called him and left a message regarding the status of the meeting, stating that the appeal was the next item on the agenda but has not heard anything since.

Deputy Attorney General Burkett stated what the Commission could do if the appellant chose not to attend the hearing. He wanted on the record that the Department did attempt to reach him regarding his attendance and stating that it was fine for the Commission wait for him to appear but requested the dismissal of the appeal if he did not appear.

Deputy Director Robb confirmed that the appellant did call this morning regarding some confusion on when the suspension would conclude. He requested a confirmation of the suspension term for the record.

Game Warden Captain Eller stated the suspension began July 10, 2020 and would continue through December 31, 2020 as stated in the letter the Department sent to the appellant.

Commissioner McNinch suggested skipping onto the next agenda item and revisit this one once the next agenda item was complete.

Deputy Attorney General Burkett stated his agreement to allow as much time as possible for the appellant to attend the appeal.

Deputy Attorney General Peter Handy confirmed that was an ability of the Commission to take agenda items out of order.

12. Future Commission Meetings and Commission Committee Assignments – Secretary Tony Wasley and Chairwoman East – For Possible Action

The next Commission meeting is scheduled for November 6 and 7, 2020, in Reno. 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. \*Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org). Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Chairwoman East stated that the new Committee assignments were sent out to the Commission and added that she tried not to burden any one individual with multiple Committee tasks.

Secretary Wasley stated that the next Commission meeting is scheduled for November 6 and 7, 2020 to be located in Reno, Nevada or in a virtual format. He shared that the standard items for the November meeting include a Commission Regulation for falconry seasons and quotas, a Commission Regulation for non-commercial collection of reptiles and a predator management status report. The Wildlife Trust Fund report will be given along with the second workshops for CGR 494 and 495. The first workshop will be heard for NAC 503. The Mule Deer Enhancement Program will provide an update and a report will be given on the application of the hunt draw.

Commissioner McNinch stated that Washoe CABMW brought up an important point regarding the homeless encampments along the river. Personal experience has shown him that some recreators are running into issues. He is not without empathy but said some spaces are occupied and causing discomfort for the public, people are being ran off, there is a human waste issue that include garbage and syringes. It is a bad situation that is worth a conversation.

Commissioner East agreed and asked for that to be added as a future agenda item to discuss guidance and what the Department and Commission can do to protect our anglers.

Secretary Wasley shared that this is not the first-time issues like this has been brought to the Department. This issue carries more weight if it remains within the realm of public safety and health over the hinderance of recreational activities. The pandemic also complicates the issue. He stated that the Department will discuss the matter and will provide and update to the Commission.

Commissioner Hubbs asked for the jurisdiction the Department has regarding the homeless by the river and the boundaries of the river that are Department controlled.

Secretary Wasley stated he struggled to see where the Department as a state wildlife agency would have any jurisdiction in this area. Many of the issues being discussed fall outside of the wildlife regulation chapters.

Deputy Attorney General Burkett added that the Department has limited legal capabilities to deal with issues similar to the one being discussed. He did not know how much the Department would be able to do to remedy the situation.

Commissioner Hubbs expressed her desire to confirm that the Commission and Department are doing everything possible for the protection of the habitat and our sportsmen.

Public comment period 2:09 p.m. – 2:12 p.m.

No public comment.

11. License Appeal – Garret M. Johnson – For Possible Action  
Mr. Johnson is appealing his sub-guide license suspension.

Revisited at 2:12 p.m.

Administrative Assistant Manfredi stated the appellant was not in attendance and that the Department has had no communication with him regarding connectivity issues.

Chairwoman East stated that she believes the Commission has given him ample time to appear or communicate with the Department.

Deputy Attorney General Burkett asked that if a motion was to be made, that the Commission dismiss the appeal with prejudice which would deny the appellant the ability to appeal the same issue at a future meeting.

Chairwoman East stated that Deputy Attorney General Handy was present to represent the Commission as Deputy Attorney General Burkett is present to represent the Department.

**COMMISSIONER MCNINCH MOVED UNDER NAC 501.179 TO DISMISS WITH PREJUDICE MR. GARRET JOHNSON'S SUSPENSION APPEAL FOR TO FAILURE TO APPEAR. MR. JOHNSON DID NOT PROVIDE ADEQUATE EVIDENCE THAT THE DEPARTMENT DID NOT PROVIDE ADEQUATE NOTICE OF THE HEARING, NOR DID HE SHOW GOOD CAUSE FOR FAILING TO APPEAR. THE SUSPENSION WILL STAND FROM JULY 10, 2020 THROUGH DECEMBER 31, 2020. THE MOTION WAS SECONDED BY COMMISSIONER HUBBS. THE MOTION CARRIED 9-0.**

13. Public Comment Period

Persons wishing to speak are requested to complete a speaker's card and present it to the recording secretary. Public comment will be limited to three minutes. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda. \*A recess of a specific duration will be taken in order for the public to provide input at the following email address: [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org). Before reconvening the meeting, public comments will be shared with the Commission.

Break for public comment 2:16 p.m. – 2:20 p.m.

No public comment.

Chairwoman East adjourned the meeting at 2:21 p.m.