

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

**Meeting Location:**

Washoe County Commission Chambers  
1001 E 9th Street, Building A  
Reno, Nevada 89512

***Video Streaming and Teleconferencing available at:***

Nevada Department of Wildlife  
Southern Region Office  
3373 Pepper Lane  
Las Vegas, Nevada 89120

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 the two-day meeting:**

Chairman Brad Johnston	Madam Vice Chairwoman Tiffany East
Commissioner Jon Almberg	Commissioner Tom Barnes
Commissioner Tommy Caviglia	Commissioner Kerstan Hubbs
Commissioner David McNinch	Commissioner Paul E. Valentine
Commissioner Casey Kiel (not present)	

Secretary Tony Wasley	Senior Deputy Attorney General Craig Burkett
Recording Secretary Brandy Arroyo	Deputy Attorney General Paul Handy

**Nevada Department of Wildlife personnel in attendance for the two-day meeting:**

Deputy Director Liz O'Brien	Management Analyst Kailey Taylor
Administrative Assistant III Megan Manfredi	Conservation Education Division Administrator Chris Vasey
Game Division Administrator Brian Wakeling	Diversity Division Administrator Jen Newmark
Habitat Division Administrator Alan Jenne	Game Warden Captain Michael Maynard
Fisheries Division Administrator Jon Sjöberg	Game Warden Randy Lusetti
Data and Technology Services Division Administrator Kim Munoz	
Game Warden Captain Brian Eller	Staff Conservation Educator Aaron Meier
Wildlife Staff Biologist Mike Scott	Wildlife Staff Biologist Tom Donham
Wildlife Staff Specialist Russell Woolstenhulme	Fisheries Staff Biologist Kim Tisdale
Wildlife Staff Specialist Pat Jackson	Administrative Assistant III Lynda Barr
Administrative Assistant II Shelby Lawry	
US Fish and Wildlife Service Senior Executive Service Candidate Elsa Haubold	

Public in Attendance in Reno for the two-day meeting:

Jim Cooney, Elko CABMW	Gil Yanick, Carson CABMW
Gene Green, Carson CABMW	Joe Crim, Pershing CABMW
Robert Rittenhouse, Douglas CABMW	John Hiatt, Clark CABMW
Scott Torgerson, Lander CABMW	John "JT" Chevallier, Douglas CABMW
Chrissy Pope, Nye CABMW	Ray Kabisch, Washoe CABMW
Glenn Bunch, Mineral CABMW	Cory Lytle, Lincoln CABMW
Mitch McVicars, White Pine CABMW	Tom Cassinelli, Humboldt CABMW
Jim Rhea, Washoe CABMW	Steven Robinson, Washoe CABMW
Jake Musso, self	Ron Pierini, Carson Valley Chukar Club
Sonja Almberg, self	

Public in Attendance in Las Vegas for the two-day meeting:

Jana Wright, self	Stephanie Myers, self
Fred Voltz, self	

Friday, November 1, 2019 – 10:00 a.m.

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

Chairman Johnston called the meeting to order at 10:00 a.m. Roll call was conducted, and the Commissioners present were: Chairman Johnston, Madam Vice Chairwoman East, Commissioners Almberg, Barnes, Caviglia, Hubbs, McNinch, and Valentine. Commissioner Kiel was absent.

CABMW members present: Jim Cooney, Elko CABMW; Gil Yanick, Carson CABMW; Gene Green, Elko CABMW; Joe Crim, Pershing CABMW; Robert Rittenhouse, Douglas CABMW; John Hiatt, Clark CABMW; Scott Torgerson, Lander CABMW; John "JT" Chevallier, Douglas CABMW; Chrissy Pope, Nye CABMW; Ray Kabisch, Washoe CABMW; Glenn Bunch, CABMW; Cory Lytle, Lincoln CABMW; Mitch McVicars, White Pine CABMW; Tom Cassinelli, Humboldt CABMW; Jim Rhea, Washoe CABMW.

2. Approval of Agenda – Chairman Johnston – 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.

Chairman Johnston stated that the Operation Game Thief (OGT) Citizens board has requested to remove agenda item #6 from the agenda because there is no one available to present the OGT award today.

No public comment in Las Vegas.

No public comment in Reno.

**COMMISSIONER HUBBS MOVED TO APPROVE THE AGENDA AS PRESENTED WITH AGENDA ITEM #6 REMOVED. MADAM VICE CHAIRWOMAN EAST SECONDED THE MOTION. THE MOTION CARRIED 8-0. COMMISSIONER KIEL WAS ABSENT.**

- 3.\* Approval of Minutes – Chairman Johnston – For Possible Action  
Commission minutes may be approved from the September 20 and 21, 2019, meeting.

Commissioner Hubbs stated she was informed that there have been slight modifications made to the minutes in respect to the items that were on the record for Secretary Wasley.

Secretary Wasley concurred and stated that nothing substantive was changed to the minutes as far as how anything was represented, just spelling and grammatical modifications.

Commissioner Valentine stated that he will abstain from voting on the minutes since he was not present at the September Commission meeting.

No public comment in Las Vegas.

No public comment in Reno.

**MADAM VICE CHAIRWOMAN EAST MOVED TO APPROVE THE MINUTES AS PRESENTED. COMMISSIONER HUBBS SECONDED THE MOTION. MOTION CARRIED 7-0. COMMISSIONER VALENTINE ABSTAINED FROM VOTING AND COMMISSIONER KIEL WAS ABSENT.**

4. Member Items/Announcements and Correspondence – Chairman Johnston – 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 stated he received correspondence regarding the wild horses and burros' policy of this Commission and whether it is time to revisit the policy in light of recent events. He asked that this email be passed along to all members of the Commission if it has not already been shared with them. He further received correspondence regarding a potential issue, given the nature of the comments and allegations in the previous mentioned email, and that it may result in an investigation. He stated that this correspondence will be kept confidential to not jeopardize the investigation.

Commissioner McNinch stated that there was a showing of the video documentary, "Horse Rich, Dirt Poor" which was produced by The Wildlife Society, at the Nevada Museum of Art in Reno. There were about 300 people in attendance and former Commissioner Jeremy Drew moderated a panel discussion. Commissioner McNinch stated that there was a wide variety of attendees, and given the sensitive nature of the topic, everyone was well behaved and just listened to what was being said instead of raising issues. He acknowledged Karen Boeger for organizing the well-done event. He further asked that the Commission continue to educate themselves and have an involvement in the topic.

Chairman Johnston stated that based on the experience at the September Commission meeting where an update to a fishing regulation got more complicated than it needed to be, he would like the Commission to review the existing regulations to simplify or combine them. He requested to create a committee for Regulation Simplification which would consist of himself, Commissioner Caviglia and Vice Chairwoman East.

Secretary Wasley stated that regarding the regulation simplification process, the Department would welcome the opportunity and would be willing to commit staff, especially law enforcement staff. It would simplify the regulations for the customers', and it would improve the enforcement of the regulations. He suggested that this would likely involve multiple divisions to support the Committee.

Secretary Wasley referenced two items of correspondence that he has received. One being the email regarding Commission Policy 67 – Federal Horse and Burros; he stated that this policy was originally approved in 2011; that the Department will review this policy and provide a general update to the Commission to determine if there is a reason to update the policy. Secondly, he received an invitation from the Attorney General's office for a training opportunity for Board and Commission Members, Executive Directors, Administrators and Staff which will be held on Monday November 18, 2019, all day from 8:15 a.m. to 4:30 p.m. in both Carson City and Las Vegas, Nevada. The topics will cover the Open Meeting Law, Ethics in Government, Administrative Hearing Procedures, Administrative Rule-Making and Public Records Act. If there is any interest from any Commission or Board members, he has fliers and registration forms.

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.

No CABMW comment in Las Vegas.

CABMW comment in Reno:

John Hiatt, representing Clark CABMW, stated that their CABMW discussed the Wildlife Services report of feral pigs in Lincoln County, which are a problem. He stated that fish is one of the most common introduced species; that every natural body of water in Southern Nevada has one or several introduced species of fish and snails which do present a problem in terms of native species; and that the Department should continue to remind and educate the public that it is not legal or advisable to introduce non-native species to our waters or land.

Scott Torgerson, representing Lander CABMW, stated that their CABMW is trying to push a youth antelope hunt and asked that their members be noticed of when the Tag Allocation and Application Hunt Committee (TAAHC) meetings are scheduled so that they can attend to stay updated on the information.

6. Operation Game Thief Warden of the Year Award – Operation Game Thief Citizens Board (OGTCB) President Rob Boehmer  
This award is designed to recognize one Game Warden for his or her performance of duties as they relate to the mission of the OGT Citizens Board and the OGT Program in general.

This agenda item was removed by Chairman Johnston per the Motion to approve the agenda.

7. Shikar-Safari Club International Officer of the Year Award – Game Warden Captain Mike Maynard  
This award is to recognize one wildlife officer from Nevada that has shown exemplary conduct and initiative in the performance of his or her duties.

Game Warden Captain Mike Maynard introduced former President James Mitchell of the Shikar-Safari Club. James Mitchell stated that the Shikar-Safari Club is the oldest conservation hunting organization in the world today; there are members in forty (40) countries, and each year they present awards to outstanding wildlife officers in all fifty (50) states and all of the Canadian Provinces. He recognized that the state of Nevada is a big state with a small department, that the Shikar-Safari Club considers it to be a very well-run program and provided that the Shikar-Safari Club is proud to offer this award today.

Game Warden Captain Brian Eller read the following statement which was written by Chief Game Warden Tyler Turnipseed:

Randy began his career in Laughlin, Nevada in 1995. In 2000, Randy transferred to Northern Washoe County patrol area of Northwest Nevada. Randy never says "no" to any request, problem or situation that comes up. He is always eager to tackle any situation that is handed to him. He is also the "go to" warden and is held in high respect by all of the wardens. He is a critical asset and the go-to game warden for advice on complex cases and investigations of every kind. Randy is a very humble man and would be embarrassed by this letter. He has never sought the spotlight and has been not only humbled, but annoyed, when NDOW leadership has insisted on recognizing his efforts. He would rather be in Northern Washoe County patrolling his district. On the ground, Randy is knowledgeable in many areas of the work, such as firearms and ammunition, tire manufacturers, boating enforcement, vehicle problems, trapping techniques, wildlife distribution, and landowners in his patrol area. These details would be considered mundane to people outside the field, but Randy has proven the importance of details, utilizing his knowledge to track down wildlife law violators. Randy's patrol area is one of the most important in the state. It contains tremendous resources and comes with the challenges of its remoteness even by western state standards. He says he feels like he has neglected his assigned patrol area if he does not visit wide swaths weekly. His patrol area runs from the north of Reno to the Oregon border and East to Denio, Nevada. A distance of 265 miles from his office in Reno. He alone patrols nearly 4,000 square miles in some of the most remote habitat in Nevada. Randy has built a fearsome reputation in rural communities for professionalism and fairness. People know that he will not overlook a violation, nor will he treat people with disrespect. Randy has perfected the art of detecting violations and violators while maintaining a polite and respectful relationship with the sportsmen who pay our salaries. Randy knows the outlaws, ranchers and casual outdoorsman who frequent his patrol area and constantly amazes other staff at his ability to recall people's names and specific incidents. His vast area of responsibility could become a poacher's paradise under a less attentive game warden. Randy is conflicted about training courses, programs and paperwork because he would rather be in the field stopping wildlife crime. But he never complains about this important part of the job. He responds to requests from Captain Eller or the staff for clarification about laws and trends in the community; and he is always thorough and thoughtful in his input to Captain Eller and is considered indispensable to the Division and the Department.

President James Mitchell stated that Randy's picture will be placed in the Shikar-Safari Club annual magazine, along with the fifty officers in the United States and twelve from the Canadian Provinces, which will be provided to the Commission. President James Mitchell presented the award to Randy Lusetti and thanked him for his work that supports hunters and fisherman and all of the things that are important to sportsman that come to enjoy Nevada.

Game Warden Randy Lusetti thanked the Department and stated that his partners in the field also deserve to be here. He appreciates the Department for giving him these opportunities for twenty-four (24) years. He stated that he has received the best training and lot of opportunity to go forth and do what he was hired to do, to be in the woods contacting hunters and fisherman, which is the best job in the world. He thanked the Commission and the Director's office for what they do and appreciates the opportunity to be here.

President James Mitchell stated the Shikar-Safari Club offers to each of the officers that wins this award a \$20,000 life insurance policy; and the Shikar-Safari Club just approved a \$35,000 grant for the Department for supplies to supplement the budget.

Game Warden Captain Brian Eller thanked the Commission for the time to present the award today.

Chairman Johnston thanked the Shikar-Safari Club and Mr. Mitchell for being here and supporting the award on behalf of all of the Commissioners; he congratulated Game Warden Randy Lusetti on a well-deserved award; and he echo's the sentiment for Game Warden Randy Lusetti's work and the courtesy he displays in the field.

Secretary Wasley expressed his appreciation for Mr. Mitchell and the Shikar-Safari Club for acknowledging one of our finest wardens. He thanked and congratulated Game Warden Randy Lusetti for being the recipient. He stated that from the Director's office perspective, law enforcement is often the most prominent face of the agency, and many times the only experience that many of our customers will have with Department personnel, and it gives him a great deal of comfort and confidence knowing that Game Warden Randy Lusetti is representing the Department as he interacts with customers in the field. Mr. Lusetti's report writing, interaction with District Attorneys, and the cases he builds are always top notch and Secretary Wasley is grateful and appreciative for Mr. Lusetti and the entire law enforcement division for representing the Department as professionally as they do.

- 8.\* County Advisory Boards to Manage Wildlife (CABMW) Workshop – Gil Yanuck – Informational  
A workshop will be held to discuss the roles and responsibilities of CABMW members. The two (2) hour workshop will be held during the lunch break of the NBWC meeting.

Chairman Johnston stated he will call this agenda item when the Commission breaks for lunch.

#### 9. Commission General Regulations - Workshop / Public Comment Allowed

- A.\* Commission General Regulation 485, Tag Transfer, Deference, and Return Program, LCB File No. R022-19 – Management Analyst Kailey Taylor – For Possible Action  
The Commission will hold a third workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation would provide direction for allowing the transfer, deference or return of tags under certain extenuating circumstances after the passage of Assembly Bill 404 of the 80<sup>th</sup> Legislative Session. At the first workshop, the Commission directed the Department to narrow the options for the transfer or deference of a tag. At the second workshop, the Commission directed the Department to draft changes to the regulation encompassing the description of “extenuating circumstances” and a timeline to return the tag to the Department.

Management Analyst Kailey Taylor reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public and presented a PowerPoint on the Tag Return, Transfer, and Deference Program.

[http://www.ndow.org/Public\\_Meetings/Com/Archive/2019\\_Archive/](http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/)

The Commission conducted a workshop and discussed Commission General Regulation 485 at length.

Secretary Wasley provided further information about the statistics regarding the returned tags; that the Department recognizes that opportunity is being left on the table because there is a high percentage of tags being returned in the two-week period prior to the commencement of those hunts; and that this topic has invited internal discussions about how the Department can give the customers an opportunity to turn tags in sooner so the Department can take full advantage of the recreational opportunity knowing there is a greater demand than supply. The Department has explored a first-come first-serve opportunity and looked at other regulations to determine if the Department has authority to do that independent of

legislative action and it is believed the Commission possesses the authority through regulations if the desire is there.

Management Analyst Kailey Taylor stated that the numbers gathered for this presentation were done manually as the current system does not track this information; she thanked the Licensing staff for their time spent gathering the data.

Discussion ensued between Chairman Johnston, Commissioner Hubbs, Management Analyst Kailey Taylor and Secretary Wasley regarding the tags returned before the deadline for 2018; that 1,179 were returned within the two-week deadline but those tags could not be reissued to alternate hunters due to the short time frame given; the value of the lost revenue on those tags; and that the Department is exploring ideas to utilize the opportunity for returned tags to be reissued.

Vice Chairwoman East inquired as to the top two reasons as to why people return tags.

Management Analyst Kailey Taylor provided that the Department does not have the reason for tag returns saved in the system information but that after manually reviewing tag return forms, staff concluded that reasons vary from work issues, to medical reasons and everything in between.

Discussion ensued regarding there being two deadlines to return tags, one being that the individual must return the tag two weeks before the deadline in which this tag can be reissued, and the other deadline is the last business day before the hunt begins, after which the individual does not get their bonus points restored. There were 24 individuals in 2018 who returned their tag after the last business day before the hunt. This regulation is intended to provide some relief in the event of extenuating circumstances where an individual had every intention of hunting and then after the last business day before the hunt began, was unable to hunt and returned that tag, which forfeits any and all bonus points used to obtain that tag.

The Department clarified that any tag that gets reissued are already calculated in the quota setting; that there are not additional tags being created; and that returned tags are not a layer of conservatism when calculating quotas.

The Commission further discussed how to define extenuating circumstances; that an outbreak of disease relates to the animals, not to humans and the language should be clarified; an extenuating circumstance would need to occur within the two-week time period before the hunt begins and that if it occurs before the two-week time period, the tag holder would not be able to participate in the tag return program. However, in that circumstance, the tag holder could take advantage of the existing process and not need to rely upon this particular regulation.

Secretary Tony Wasley provided some background on the genesis of the language, such as catastrophic wildfires where people are unable to access their hunt area; a federal shutdown which restricts hunters on federal land; or a disease outbreak that has occurred after someone has received their tag.

Management Analyst Kailey Taylor reminded the Commission that the burden of proof is on the tag holder and that the tag holder would need to prove that it is a real extenuating circumstance and not just an excuse, such as not being able to take vacation from work.

Commissioner Caviglia expressed his concerns about the language because it appears to be wide open when the tag is drawn, the transfer aspect is not clean, and that he can see an area of abuse in the system.

Discussion ensued regarding the language that is in the Assembly bill for this regulation.

Commissioner Hubbs expressed concern that this regulation will address a small amount of tags, specifically 24 tags in 2018 and 8 tags so far for 2019 and whether the 24 tags turned in during 2018 is worth the regulatory code change. She noted that this is a “may” statute where the Commission is to consider the statute and to potentially narrow down a situation where tags are returned within a small window of time for an extenuating circumstance because this small group of people do not have the ability to get their bonus points back.

Chairman Johnston reminded the Commission that there is the choice to eliminate the transfer option, and to defer or return the tag. The Commission discussed taking out the transfer and return options and leave “defer”. For a long-term illness, it would allow the tag holder to transfer to someone.

Vice Chairwoman East asked for an explanation of #5, “the original holder of the tag has up to fourteen (14) business days after the start of his or her hunt to return the tag to the Department; the Department has five (5) business days to process the return for bonus points or deferral or transfer”.

Management Analyst Kailey Taylor provided further explanation and that this language came out of the last Commission meeting.

Chairman Johnston mentioned he would like there to be a penalty if a tag holder falsely reported the extenuating circumstance; and that the tag holder would need to prove the extenuating circumstances along with stating that they did not use the tag.

Concerns were brought up regarding hypothetical situations where a hunter gets injured while out hunting, that the line must be drawn somewhere, that extenuating circumstances are subjective, that there is a statutory limitation to “use” the tag and that other people cannot use it because you cannot have multiple individuals using one tag in one season.

Public comment in Las Vegas:

Jana Wright, private citizen, spoke in opposition to this regulation; she feels that Assembly Bill (AB) 404 is a “may” not a “shall” directive. She suggested that Sections 3A and 3B should be eliminated and that the only option should be to return the tag to get their bonus points restored because the original regulation was about the tag holders not wanting to lose their bonus points.

Public comment in Reno:

John Hiatt, representing Clark CABMW, stated that a tag is an opportunity to hunt and is not a guarantee of success, so if something happens, then that is life and he does not see the need to establish the regulation. In Section 3(1), the change regarding “before legal hours on the first day of his or her hunt”, he stated that he sets the date for “his hunt”, but the Department sets the hours for “the hunt”, and suggested that this language needed to be cleared up. When looking at Section B, their CABMW suggests striking the entire clause “the following years tags” and agree with Jana Wright that this whole thing is not worth doing since it is so complicated. He stated it struck him that there were so many archery and muzzleloader tags returned.

Commissioner Valentine reminded the Commission that this regulation is for the Department to offer tag holders an opportunity to return, defer, or transfer tags for those who have a real serious extenuating circumstance.

Chairman Johnston provided clarity that it is “the hunt” on the first day during legal hours; at that point the regulation should defer the tag or return the tag because there will be a minimal amount of time that someone has to transfer the tag. He further stated that tag holders not only show evidence of the extenuating circumstance, but the tag holder must also attest that they did not use the tag and the Commission needs to establish the required penalty if the tag holder lies to the Department about using the tag. The extenuating circumstances must be defined, and it should also prevent the tag holder from using the tag.

Chairman Johnston suggested that the Department schedule a fourth workshop for this regulation.

Secretary Wasley stated that he appreciates Commissioner Valentine’s recognition of the comments; and that even though there were only 24 tags returned in 2018, individuals have decades of a financial investment in their points and due to an extenuating circumstance, they could lose all of those points; and the Department wants to give them an opportunity to get those points back.

The Department clarified that staff are processing the extenuating circumstances as they come in and that given the limited amount of Commission meetings, there would not be an opportunity to always bring this to the Commission, but this gives the Department the opportunity to respond to the individuals and give them the relief they are seeking. The Department would report to the Commission the results of any returned tags due to extenuating circumstances.

Vice Chairwoman East stated that she still supports the transfer of the tag with the original intent; Commissioner Valentine concurred and agrees to support the transfer of tags.

The Commission further discussed tag transfer situations, possible discriminatory situations that arise and that there needs to be a balance on both ends of the deadlines.

Chairman Johnston stated that the Commission will break for lunch and Gil Yanuck, representing Clark CABMW, will proceed with agenda item #8 to hold the CABMW workshop in this room.

Chairman Johnston recessed the meeting at 12:05 p.m.

- 8.\* County Advisory Boards to Manage Wildlife (CABMW) Workshop – Gil Yanuck – Informational  
A workshop will be held to discuss the roles and responsibilities of CABMW members. The two (2) hour workshop will be held during the lunch break of the NBWC meeting.

Gil Yanuck, representing Clark CABMW, reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department’s website for the public and reviewed the CABMW manual which is posted online.

[http://www.ndow.org/Public\\_Meetings/County\\_Advisory\\_Boards/](http://www.ndow.org/Public_Meetings/County_Advisory_Boards/).

Chairman Johnston reconvened the meeting at 1:45 p.m.

- B.\* Commission General Regulation 486, Veteran and Active Military Waterfowl Season, LCB File No. R027-19 – Game Division Administrator Brian Wakeling and Wildlife Staff Specialist Russell Woolstenhulme – For Possible Action  
The Commission will hold a second workshop to consider a regulation to amend Chapter 502 of the Nevada Administrative Code (NAC). Federal statute was adopted in 2019

which, should a state desire, would allow for veterans and active military to exclusively hunt waterfowl for a period of two days within the maximum allowable days of the existing season. If adopted, this regulation would provide authority to the Nevada Board of Wildlife Commissioners to establish such a season at some future point if they choose. The Commission held a workshop on September 20, 2019 and has requested that the Department bring the regulation back for a second workshop and provide an example of how waterfowl seasons could be structured if this NAC were adopted and if the Commission chose to implement the veteran and military waterfowl season.

Game Division Administrator Brian Wakeling and Wildlife Staff Specialist Russell Woolstenhulme reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public and presented a PowerPoint on the Veteran and Active Military Waterfowl Season.

[http://www.ndow.org/Public\\_Meetings/Com/Archive/2019\\_Archive/](http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/)

Secretary Wasley reiterated that there are two separate issues here; one is simply amending the regulation which, if amended, would then provide the Commission the authority to create such a hunt and acknowledges a new federal law that allows for the hunt. Secondly, is the actual creation of the hunt, which would need to occur at some future point in time should the Commission desire to do so. Amending the regulation today only provides the Commission the authority to act in the future to create the hunt should they desire to do so.

Discussion ensued regarding the background of the federal law that establishes this regulation; that Congress passed the Natural Resources Omnibus and it is a small part of that bill which ended all waterfowl hunts on January 31 and created the possibility for this two-day hunt for veterans.

Discussion ensued that waterfowl hunters are concerned that this regulation is the start of taking away hunting days from the mainstream hunter and giving the days to a special group; that the Department has looked at the concept of having a day within the season to not take any days away; and that having this on the books allows this Commission or any future Commission the ability to institute this hunt or not.

Chairman Johnston and Wildlife Staff Specialist Russell Woolstenhulme discussed that the purpose of the bill is to not take away from other hunters, it just gives some states the option to add days to their shorter season, but since Nevada is maxed out on waterfowl hunt days, the Department would have to take away from the general hunt under certain circumstances. Other strategies would allow the Commission to allow limited application of the veterans and active military season in such a manner as to not affect any other hunters at all.

No public comment in Las Vegas.

No public comment in Reno.

Game Division Administrator Brian Wakeling recommended to change the wording in the language to reflect that the Commission "shall have the authority to" implement a season rather than the Commission "will" implement a season and provided an explanation as to his suggestion.

Discussion ensued that the federal framework in this bill is to allow the military and veterans to exclusively hunt waterfowl for two days where no one else can hunt; but that having a season within the general

season, the federal government no longer views it as a veteran/military day; to them it is a general season day and the Commission would be selecting to exercise that day in any way deemed appropriate.

Chairman Johnston reminded the Commission that this regulation needs to be moved to an adoption hearing.

**COMMISSIONER ALMBERG MOVED TO HAVE THIS REGULATION MOVED TO AN ADOPTON HEARING WITH A CHANGE IN THE LANGUAGE IN SECTION 1 FROM “THE COMMISSION WILL” TO “THE COMMISSION MAY”. COMMISSIONER BARNES SECONDED THE MOTION. MOTION CARRIED 8-0. COMMISSIONER KIEL WAS ABSENT.**

- C.\* Commission General Regulation 487, Use of Live Bait Fish and Tackle Restrictions, LCB File No. R060-19 - Fisheries Division Administrator Jon Sjöberg – For Possible Action  
The Commission will hold a second workshop to consider and recommend amendments to Chapter 503 of the Nevada Administrative Code (NAC). This regulation is intended to update and simplify the use of live bait fish and other bait and fishing tackle in NDOW's Western Region and Southern Region.

Fisheries Division Administrator Jon Sjöberg reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public and provided some background on the regulation.

Discussion ensued that the intent of the language is that Nevada will now mirror the regulations for live bait fish use with the state of Arizona for the Colorado river system.

No public comment in Las Vegas.

No public comment in Reno.

Discussion ensued that Fisheries Division Administrator Jon Sjöberg will provide the Commission with updated text regarding the significant changes in the language.

Chairman Johnston stated that there will be no formal action at this time and that the adoption hearing will be heard tomorrow.

Secretary Wasley acknowledged to the Commission that Senior Deputy Attorney General Bryan Stockton has retired; he provided the background and history on Mr. Stockton and presented Mr. Stockton's Commission name plate, a card and a plaque for his retirement from the State of Nevada.

Senior Deputy Attorney General Bryan Stockton stated that he appreciates the opportunity to have served the Commission, working with the CABMW's and the dedicated sportsmen.

Chairman Johnston congratulated Senior Deputy Attorney General Bryan Stockton on his retirement and thanked him for his help for serving the Commission on issues and complaints over the years and stated that it has been a pleasure working with him.

10. Nevada Department of Wildlife Project Updates – Secretary Wasley – Informational  
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 additional detail in addition to the summaries provided as part of the regular Department Activity Report and are intended to educate the Commission and public as to the Department's ongoing duties and responsibilities.

Secretary Wasley and Diversity Division Administrator Jen Newmark presented a PowerPoint on Recovering America's Wildlife Act (RAWA) and North American Bird Conservation Initiative (NABCI) bird report.

[http://www.ndow.org/Public\\_Meetings/Com/Archive/2019\\_Archive/](http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/)

Discussion ensued regarding the drastic decline of common birds due to habitat loss and changes in landscape; that nationally, it is difficult to tie into specific landscape changes, but history does show that large landscapes that are converted to cities is a concern; that Nevada species are seeing a decline in the sagebrush ecosystem due to invasive grasses which increases annual fires and removes the sagebrush habitat.

Discussion further ensued regarding the annual breeding bird surveys which is the Department's best ability to monitor what is happening with the species on the landscape; that the maps show better information for some birds over others; and that the Department has a small capacity to observe the different species, but with RAWA the Department would be able to do more in depth work.

Secondly, Secretary Wasley provided that sagebrush only exists in thirteen western states, albeit most states have a small portion of sagebrush habitat; that Nevada has lost over 25% of its sagebrush habitat over the last decade; that there are over 350 species that rely upon the sagebrush ecosystem for their habitat and they have a large home range so there is not an obvious cause and effect relationship because most of these species migrate great distances to different regions of sagebrush.

Secretary Wasley provided the background to (Re) Connecting Wild, a short film documentary and presented the video to the Commission. The video can be found at: <https://youtu.be/NK-mvhPMokY>. Secretary Wasley presented further information about the history and compilation of the video and who contributed funds to pay for overpass fencing for the big game animals.

Vice Chairwoman East inquired if there are any other overpasses built or planned to be built.

Secretary Wasley stated that with the Boulder City Bypass, there is a structure built for bighorn sheep where the funds were part of an infrastructure package; however, he is unaware of what else may be planned at this time. There is now a great awareness and appreciation for the overpasses so there is a greater willingness for people to get behind it philosophically and financially.

Chairman Johnston recessed the meeting at 3:25 p.m.

Chairman Johnston reconvened the meeting at 3:40 p.m.

11. Update on the Fallon Naval Range and Training Center and Nevada Test and Training Range – Habitat Division Administrator Alan Jenne – Informational  
The Department will provide an update regarding the legislative environmental impact statements status and timelines for Commission consideration of congressional correspondence relative to wildlife impacts.

Habitat Division Administrator Alan Jenne presented a status update of the Fallon Naval Range and Training Center and Nevada Test and Training Range. He stated that on October 10 the Department provided cooperating agency comments to the proposal which were a collective effort by the cooperating agencies along with the Governor's office. The Navy stated that they would be back in touch with the Department by November 1 to reply to the Department's comments and scheduling meetings, but the Navy has not yet responded to those comments. He believes that the Department will meet with the Navy in either November or December to go through the coordinated comments. The Navy provided that they will release the public Notice of Availability in early January 2020, and based on that with a thirty day review period, there would be time for the Commission to review what came out of the cooperating agency discussions and take action at the next Commission meeting in January 2020.

12. Public Comment Period  
Persons wishing to speak are requested to complete a speaker's card and present it to the recording secretary. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

No public comment in Las Vegas.

Public comment in Reno:

Caron Tayloe, private citizen, stated that she attended the wild horse event about a week ago at the museum and she concurs with Commissioner McNinch's comments that she was very impressed with the event, thought it was a very balanced presentation, and she was impressed with the comments made by the sportsmen. She stated it was wonderful to be at this meeting today to hear talk about wildlife; she thanked the Department for their work on Recovering America's Wildlife Act (RAWA, HR3742). She stated that the needs of the people are often discussed at Commission meetings over the wildlife and it is nice to hear about the wildlife in the state. She stated that Brutus the bear died a horrible death a few weeks ago and there has been public comment about his death. She stated that if the media presentation from the Department is correct, it portrayed the Department as saying, "if you do not like the bear hunt, you need to go to the CABMW and the Commission meetings to talk about it." She further stated that is what the public has been doing for the last 10 years and that the public has been present even if it is in small numbers. It has been mentioned that the Commission meetings are a democratic process and she does not believe that is true. She said that this Board does not represent the demographics nor the values of this state, especially when it comes to the issue of the bear hunt.

Chairman Johnston adjourned the meeting at 3:50 p.m.

Saturday, November 2, 2019 – 8:30 a.m.

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

Chairman Johnston called the meeting to order at 8:30 a.m. Roll call was conducted, and the Commissioners present were: Chairman Johnston, Madam Vice Chairwoman East, Commissioners Almberg, Barnes, Caviglia, Hubbs, McNinch, and Valentine. Commissioner Kiel was absent.

CABMW members present: Joe Crim, Pershing CABMW; Chrissy Pope, Nye CABMW; Glenn Bunch, CABMW; Gene Green, Carson CABMW; Mitch McVicars, White Pine CABMW; Scott Torgerson, Lander CABMW; Cory Lytle, Lincoln CABMW; Steven Robinson, Washoe CABMW; Tom Cassinelli, Humboldt CABMW; Jim Cooney, Elko CABMW.

14. Approval of Agenda – Chairman Johnston – 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.

Chairman Johnston stated that the Department has not received the regulations for agenda items #18B and #18C from the Legislative Council Bureau (LCB); that those agenda items will be removed from the agenda and will be moved to a future Commission meeting.

No public comment in Las Vegas.

No public comment in Reno.

**VICE CHAIRWOMAN EAST MOVED TO APPROVE THE AGENDA AS PRESENTED WITH THE EXCEPTION OF REMOVING AGENDA ITEMS #18B AND #18C WHICH WILL BE ADDED TO A FUTURE AGENDA. COMMISSIONER VALENTINE SECONDED THE MOTION. THE MOTION CARRIED 8-0. COMMISSIONER KIEL WAS ABSENT.**

15. Member Items/Announcements and Correspondence – Chairman Johnston – 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 stated that he has no announcements or correspondence to share at this time.

Secretary Wasley stated that he has no announcements or correspondence to share at this time.

16. 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.

CABMW comment in Reno:

Mitch McVicars, representing White Pine CABMW, stated their CABMW recently put a lot of fish in Kennecott properties and Basset Lake. He inquired as to the status of the work being done on the dam at Cave Lake.

No CABMW comment in Las Vegas.

17. Landowner Compensation Tag Committee Report – Committee Chair Brad Johnston – Informational

A report will be provided on the Committee’s recent meeting held on November 1, 2019.

Chairman Johnston provided that the Landowner Compensation Tag Committee Report met on November 1, 2019. He stated that the Department is developing a protocol on how the deer and antelope counts are conducted, and that this will address the situation when landowners have multiple properties. The Committee members and the Department agree that if there are multiple properties that are close together, the properties can be counted at one time, then those counts would be combined; and that the goal is for the animal counts to be consistent for the landowner compensation tags. Or, if properties are not near one another then the property would be counted on a separate day. This protocol will first be presented to the Committee by the Department and then to the Commission; and it would give the property owner some involvement in the process on how the animals are counted.

Chairman Johnston thanked Supervising Game Biologists Tom Donham and Mike Scott and Game Division Administrator Brian Wakeling for their work on this project and for educating the Committee on the issues.

18. Commission General Regulations – For Possible Adoption / Public Comment Allowed

A.\* Commission General Regulation 487, Use of Live Bait Fish and Tackle Restrictions, LCB File No. R060-19 - Fisheries Division Administrator Jon Sjöberg – For Possible Action

The Commission will consider adopting a regulation relating to amending Chapter 503 of the Nevada Administrative Code (NAC). This regulation would update and simplify the use of live bait fish and other bait and fishing tackle in NDOW’s Western and Southern regions. The Commission held a workshop on the proposed regulation on September 20, 2019 and the Commission directed the Department to revise language for proposed changes in NAC 503.504 regarding areas of use for live bait fish in the Western Region and other minor cleanup changes. A second workshop on the proposed regulation was held on November 1, 2019.

Fisheries Division Administrator Jon Sjöberg reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department’s website for the public.

No public comment in Las Vegas.

Public comment in Reno:

John Hiatt, representing the Carson CABMW, stated that in Section 503.504, there is a reference to the Southern Pacific Railroad bridge; he stated that the Southern Pacific Railroad no longer exists and it was bought out by Union Pacific; he requested that the language read “railroad bridge” with no reference to ownership or “Union Pacific Railroad bridge”.

Fisheries Division Administrator Jon Sjöberg stated that the Department will research the name of the railroad and will update the regulation as necessary before it is submitted back to LCB.

**COMMISSIONER HUBBS MOVED TO APPROVE COMMISSION GENERAL REGULATION 487, USE OF LIVE BAIT FISH AND TACKLE RESTRICTIONS, LCB FILE NO. R060-19 AS PRESENTED,**

**EXCEPT FOR THE CHANGES THAT WERE NOTICED YESTERDAY AND THE NAME CHANGE OF THE BRIDGE IF IT IS KNOWN AS ANOTHER BRIDGE, OR IF IT CAN BE DESCRIBED ACCORDINGLY. COMMISSIONER MCNINCH SECONDED THE MOTION. THE MOTION CARRIED 8-0. COMMISSIONER KIEL WAS ABSENT.**

- B.\* Commission General Regulation 488, Landowner Compensation Tags, LCB File No. R083-19 – Game Division Administrator Brian 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 provide direction for allocating landowner deer and antelope compensation tags if owner applicants cumulatively qualify for compensation tags in excess of the statutory limit.

This agenda item was removed by Chairman Johnston per the Motion to approve the agenda.

- C.\* Commission General Regulation 489, Shed Antler Regulation, LCB File No. R082-19 – Game Warden Captain Mike Maynard – For Possible Action  
The Commission will hold a workshop to consider a regulation amending Chapter 503 of the Nevada Administrative Code (NAC). This regulation would amend the current shed antler regulation to increase penalties, change season dates, and provide for an educational program for shed antler hunters.

This agenda item was removed by Chairman Johnston per the Motion to approve the agenda.

#### 19. Reports – Informational

- A. Wildlife Overpass Educational Informational Video – Secretary Wasley and Habitat Division Administrator Alan Jenne  
The “(Re)connecting Wild – Restoring Safe Passage” video will be presented to the Commission.

On Friday, November 1, 2019, Secretary Wasley provided the background to (Re) Connecting Wild, a short film documentary, and presented the video to the Commission. The video can be found at: <https://youtu.be/NK-mvhPMokY> by searching the phrase “(Re)Connecting Wild”. Secretary Wasley stated that he can show the video again if the Commission chooses to do so.

Discussion ensued that the video documentary is a production paid by the Nevada Department of Transportation (NDOT); that NDOT has also conducted press releases and it was shown at the Transportation Summit; and that it has been shared through the Department and NDOT social media channels.

Secretary Wasley provided that there is not a single campaign that is geared toward this video production; however, with Secretarial Order 3362 from the Department of Interior which highlights the importance of seasonal ranges and migrations, there is a new awareness and appreciation for the importance of connectivity to the habitats. The topic is much broader than just this video.

- B. Department Activity Report – Secretary Wasley  
A report will be provided on Nevada Department of Wildlife activities.

Secretary Wasley asked Deputy Director Robb to provide an update on the Cave Lake Dam.

Deputy Director Jack Robb stated that the engineering portion of the syphon has been completed. The Department looked at multiple alternatives on how to syphon the water and decided on syphoning the water from the spillway which included more piping in this location, but the engineers determined that this was the best option. Due to the instability of the dam, there has been no equipment put on the dam face. Over Nevada Day weekend, the pump for the syphon was turned on and off several times allowing it to run about 48 hours which lowered the lake by twelve inches. He explained that a pipe was floated on the water and that one section of the pipe is high density polyethylene (HDPE) plastic which was fused together. There was a lot of erosion at the end of the pipe, so the pump was turned off to allow for the addition of geofabric and riprap (rocks), but there is still erosion. He stated that if the water is pulled down too fast, it creates a soupy material in the lake, so the goal is to lower the water level by four inches per day. By the time the reservoir is lowered, the banks will be frozen so they will need time to dry out next spring. The project cost about \$185,000 for the contractor to do the work but the work they are doing is making the dam safe, even though it is more expensive. The reservoir will eventually be down by ten feet which allow for maintaining about two-thirds capacity of the reservoir. The locals seem to be concerned but Sports World in Ely is helping the Department get the right message out to the public.

Secretary Wasley read from the Department Activity Report:

### **DIRECTOR'S OFFICE**

House Resolution (HR) 3742, Recovering America's Wildlife Act, now has 145 co-sponsors, including Nevada representatives, Congressmen Steven Horsford and Mark Amodei. This House Resolution would provide \$1.4 billion in dedicated funding to state and tribal fish and wildlife agencies for conservation and monitoring at-risk species. This bill was first heard in the House Natural Resources Committee on October 17, 2019.

The Director attended the Association of Fish and Wildlife Agency Conference in Saint Paul, Minnesota where he helped unveil and present the Relevancy Roadmap. The Department will have this item on a future agenda and will do a deeper dive on what this means along with a report subsequent to the Department Activity Report from both Director Wasley and Senior Deputy Attorney General Burkett.

The Department hosted the American Fisheries Society and the Wildlife Society Joint Annual Meeting this year in Reno. The Director provided the welcoming address at the plenary session to approximately 4500 attendees highlighting the uniqueness of Nevada. The Director also presented Professor Emeritus Jim Sedinger with a plaque of appreciation for his work on waterfowl, bears, and sage grouse as he is recently retired.

The Director attended the Transportation Summit at the Governor's Mansion where the Department along with the Department of Transportation received the 2019 Environmental Excellence Award from the Federal Highway's Administration for the overpass work.

The Department finalized the agency's update on our funding request relative to Secretarial Order (SO) 3362, on migration corridors and seasonal habitat use. This SO has directed the Department of Interior to work closely with Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming to enhance and improve the quality of big-game winter range and migration corridor habitat on Federal lands.

Director Wasley presented on Nevada conservation and wildlife migrations to a small group of conservation minded Non-Governmental Organizations (NGO's) that included Trout Unlimited, Theodore Roosevelt Conservation Partnership, Backcountry Hunters and Anglers, National Wildlife Federation, and others at the Reno-Sparks Chamber of Commerce.

The Director's Office attended the Interim Finance Committee meeting on Thursday, October 24, where additional grant money was approved to continue fish production activities, support habitat projects in burned areas, and improve wildlife management area activities and structures.

Management Analyst Kailey Taylor has attended Nevada Gaming Control Board and Nevada Gaming Commission meetings regarding Regulation 4A which puts restrictions on charitable gaming and charitable lotteries. Many conservation organizations have submitted letters in opposition and attended meetings as well to voice their concerns about their annual events. The Department was originally contacted by Ducks Unlimited who had expressed their concerns and what this regulation would do to their opportunity to conduct their fundraising activities and administer their Green Wing Program for youth. Ducks Unlimited, Nevada Waterfowl Association, Nevada Bighorns Unlimited, Rocky Mountain Elk Foundation had all expressed concerns about the language in this regulation which we had interpreted as a significant impediment to the many conservation funding activities of NGO's that encourage conservation ethics in youth. Subsequent to the failure of this regulation to pass, there was an article that sighted the Department's language as this regulation was intended to limit coyote killing contests and that article depicted the Department's position and our comments specific to the killing contests context. Director Wasley will share this article with the Commission. This was not a regulation that was on the Department's radar and it did not see its nexus to killing contests. The Department's comments were based solely on trying to preserve the opportunity for youth to participate in conservation and NGO fundraising activities.

### **GAME**

In October, the Department provided the Utah Division of Wildlife Resources with 51 bighorn sheep from the East Range and Stillwater Range in Nevada. Utah released these animals in the Mineral Mountains just east of Beaver, Utah. This was a significant management action for Utah, and a great deal of coordination between Nevada and Utah staff. As is often the case with our translocation efforts, there was a good deal of cooperation and coordination from within the Department and that of the volunteers who assisted as well. Staff from the Department approached Director Wasley and commented that they appreciated Commissioners Kiel and Almberg for helping with the project which was a huge help to the agency.

The Department continues to coordinate with Pyramid Lake Paiute Tribe on planning for bighorn sheep restoration efforts that is scheduled for January 2020. The Tribe received a large grant from the United States Fish and Wildlife Service (USFWS) to support the initial bighorn sheep reintroduction as well as building the staff to support monitoring and management of bighorn sheep into the future.

The documentary film "Horse Rich, Dirt Poor" was shown during an evening event at the Nevada Museum of Art on October 23, 2019. Over 300 people attended, and a panel of five subject matter experts provided perspectives and addressed questions from the audience following the showing. Former Commissioner Jeremy Drew served as the moderator for the event and past Commissioner Tina Nappe was also very involved in the event.

The Department participated as a sponsor and presenter at the Wildlife Considerations in Transportation and Planning Summit held on October 15, 2019 at the Governor's Mansion in Carson City, Nevada. Opening comments were shared by both the Director of the Department of Transportation (NDOT) and the Department of Wildlife. Presentations followed including information on wildlife migrations provided by Staff Specialist Cody Schroeder. About 95 people attended representing 47 different organizations. Several favorable news stories followed focusing on the ongoing collaborative efforts between NDOT and the Department of Wildlife.

Chronic Wasting Disease surveillance continues with check stations, collections at Department offices, and collections from taxidermists and meat processors. Currently, the Department has collected about 200 samples from targeted locations primarily in eastern Nevada.

Department staff will be providing assistance to Department of Energy on a mule deer and pronghorn capture on the Nevada National Security Site near Mercury, Nevada in November. The purpose of the study is to capture approximately twenty pronghorn and twenty mule deer to test for gamma radiation levels and to learn more about movements of these unique populations that reside on or near highly radiated military test sites in Nevada.

The Department is working with the Bureau of Land Management (BLM) Applegate Field Office to plan a capture of up to 30 additional pronghorn in January 2020 from northern Washoe County and possibly portions of Lake County, Oregon and Modoc County, California to increase sample size and expand the scope of an existing project in this region. The Department has been coordinating with Oregon and California biologists as well as staff at the BLM to fund, plan, and coordinate this capture effort. The data will be used to augment existing data being collected on pronghorn to delineate migration corridors and use of winter range in Nevada and California.

The Department is working to develop a new aerial survey application that will allow real time data collection, rapid analysis, and data storage. An initial meeting with the successful vendor that was awarded the contract will occur later this fall, and project development will probably require over a year to complete. The Department eagerly anticipates the completion of this application as it should improve aerial data collection.

Several new property owners have enrolled in the Elk Incentive Tag Program in the Eastern Region. Eastern Region biologists are coordinating with potential new enrollees and evaluating properties. Three properties have instituted Landowner Antlerless Elk Hunts in 2019 to discourage elk use on private lands, with a fourth property owner in discussions with the local biologist to initiate a hunt this fall. This program is designed to focus harvest pressure on specific animals affecting private lands in a manner that is more easily and quickly initiated than a typical depredation hunt or general hunt. The intent is to use this program in instances where there is a high likelihood that a limited tag quota may solve the private land issues.

The Department's monitoring efforts for botulism in water birds this year has not detected any substantial outbreaks so far this year. The addition of water management features at Carson Lake substantially improved the ability to address conditions there. With the weather turning cooler, we may not experience a large botulism event this year, other than the minor cases reported in ponds around the Reno area.

The Department updated the Nevada Sage-grouse Lek Database to include all Bi-State leks, all California leks and their lek count observation history. This added about 4,000 records to this dataset and represents the first time that all Bi-State lek count data are in one database.

The Department recently requested 150 mountain quail from the Oregon Department of Fish and Wildlife for translocation to Nevada this winter.

The Department is involved with a dusky grouse research project in White Pine County. This past year eighteen new grouse were captured, and twelve hens were radio tagged. Eleven birds survived the summer, although 20 percent of nests successfully hatched broods. Eight hens with broods were followed for almost two months with high survival rates.

## **HABITAT**

Water Development Crews recently hauled water to guzzlers in the Gabbs Valley Range and Muddy Mountains. An unusually dry summer and high sheep populations in these areas resulted in several guzzlers being drank dry, despite recent upgrades to increase water storage capacity. Water hauling was completed in part with the use of a Nevada Division of Forestry water tender truck, which the Department was able to borrow.

In July, 28 projects were awarded a total of \$529,741 from the Habitat Conservation Fee account to support conservation activities ranging from habitat restoration to species conservation research. Habitat staff announced the Wildlife Heritage Fund project proposal period on November 1 and look forward to working with the Commission and Heritage Committee over the coming months.

The Sagebrush Ecosystem Technical Team, which includes Department staff, was involved in the establishment and passage of permanent regulations (P006-18A) to require compensatory mitigation for anthropogenic disturbances in sage-grouse habitat by the Sagebrush Ecosystem Council (SEC) on October 3, 2019. The Legislative Commission regulation hearing was held on October 30, 2019 in Las Vegas.

The Department's Vegetation and Soil survey crews surveyed over 450 sampling plots over the summer. This included sampling sites on the several 2018 fire seeding projects and analyses suggest that there has been a high level of success with Department and Bureau of Land Management's (BLM) post-fire restoration work. The Department contributed funding, seeds, herbicide and manpower to treatment of 2018 fires that lead to approximately 155,000 acres being treated.

The 2019 wildfire season was considerably lighter with respect to acreage burned than in recent years, however the fires that did burn had significant impacts to wildlife, specifically mule deer and sage grouse. Coordination of wildfire seeding started with federal agencies late this summer to apply seed in the near future on the Goose, Corta, and Cherry fires. Additionally, staff spent considerable time this fall managing aerial pre-emergent treatments targeting winter annual control on over 9,000 acres of 2019 and 2018 wildfires.

Pinyon Juniper thinning season has started with multiple projects initiating implementation across Northern Nevada. Currently, we have greater than 17,000 acres of pinyon juniper contracted for completion by early Spring of 2020. Notable projects include Overland Pass, South Steptoe, Patterson Pass, Spruce Mountain, and Toole Springs in the Eastern Region, as well as, Edwards Creek and Baldwin Canyon in the Western Region.

The Technical Review Program in the Habitat Division continues to work with Federal agency partners on several on-going state-wide endeavors including amending the Wildlife Management in Wilderness Memorandum of Understandings (MOU) and development of wildlife survey best practices and methodologies. The Department is also part of a multi-agency Shared Stewardship Agreement with United States Forest Service (USFS), BLM and the Nevada Department of Agriculture (NDA) to collectively prioritize and coordinate wildfire, fuels and restoration implementation across the State. Additionally, regional staff are providing technical review and comment on following notable projects on public lands: Ruby/Long Valley Restoration, Long Canyon Phase Two Expansion, Thacker Pass lithium mine, Washoe County Economic Development and Conservation bill and on-going quarterly oil and gas lease sales analyses.

## **CONSERVATION EDUCATION**

Chronic Wasting Disease (CWD) has been making national headlines. Conservation Education staff worked with many national news outlets and local stations to spread education and awareness of CWD.

Department staff partnered with Chukar Chasers Foundation and River Bend Hunting Club for two youth chukar hunt events. One was held at the Bullhead Hunting Club in Paradise Valley and the other was at the Bent River Ranch in Yerington, Nevada. The day started with hunter safety and upland game hunting 101 (one-oh-one) demonstrations. The young hunters then gained confidence shooting clays at the trap station before they moved on to pursue live birds in the field. Successful hunters learned to clean their birds at the cleaning station with lunch served and a prize raffle held.

The 2<sup>nd</sup> Annual Youth Ducks and Donuts event at the Overton Wildlife Management Area (WMA) was a great success. Event sponsors included Wildlife Habitat Improvement of Nevada (WHIN), the Las Vegas Woods and Waters Club, Sportsman's Warehouse of Henderson and Armscorp USA. Las Vegas Woods and Waters Club donated \$500 for the event.

The Department and the Hispanic Access Foundation held two final events in October during Hispanic Conservation Week. The events took place at Lake Mead and were a great success.

Department staff partnered with Nevada State Parks to celebrate the one-year anniversary of the opening of Nevada's newest state park at the Pitchfork Ranch. The event was well attended with nearly 300 participants. The Department stocked fish for the event and ran a fishing derby at the property pond. State Parks staff tagged 80 fish and kids that caught a tagged fish received a prize. Department staff also ran a backyard bass casting range and a wildlife education skulls and hides table.

The Department's Facebook page reached more than 40,000 followers this month with our Instagram following hitting more than 8,170 followers and growing.

### **DIVERSITY**

Wildlife Diversity has conducted bi-monthly radio tracking of thirteen desert tortoises in Red Rock National Conservation Area. This is a collaborative effort with BLM looking at tortoise home range sizes and population connectivity in an area adjacent to high urban development. Red Rock tortoises are spending their time in steep talus slopes and have been routinely observed on or adjacent to steep cliffs. These are areas that were previously considered poor habitat. Two other studies conducted by partners are also finding tortoises in steep/rocky terrain. It's unclear if tortoises have always been found in these areas but were overlooked based on erroneous assumptions, or if we are documenting changes in habitat use away from flatter terrain due to developmental pressures.

In the Carson Range and the Lake Tahoe Basin, biologists have been surveying for pikas annually for the last five years. To date, more than 40 sites have been surveyed. Some of these sites are active while others only show signs of historic pika use. Preliminary analyses indicate that pika have disappeared from areas of the Carson Range that are below 9,000 feet elevation, including the entire east shore of the Lake Tahoe Basin. Pikas are still found in many areas around Mt. Rose and in other parts of the Sierra Nevada's, but these populations are no longer connected to each other; the Mt. Rose complex of high elevation peaks will likely remain the only part of the Carson Range with persistent pika populations in the future.

A second round of surveys has been conducted in sandy areas just west of Tonopah to trap pale kangaroo mice. This mouse is a sand obligate with very fragmented populations. Despite being endemic to Nevada, they are rarely encountered. A single pale kangaroo mouse was trapped after four nights of trapping and a DNA sample was collected before release. A total of 57 small mammals

of five species were trapped. Merriam's kangaroo rat was the most common species captured. This effort has been designed to follow up on historical samples collected in 1931 and is an effort to re-evaluate pale kangaroo mice distribution, better understand their habitat requirements, and contribute to genetic studies attempting to understand gene flow between isolated populations.

Another genetics study Diversity has been conducting is focused on differentiating various shrew species. This project has been ongoing for the past several years in partnership with the University of Idaho genetics lab. We have analyzed 26 samples from ten species of shrews that were either wild caught or were from museum specimens. We used mitochondrial DNA as well as nuclear DNA to distinguish similar looking species from each other as well as look at species distribution and relatedness. The genetic markers were difficult to isolate, but now that sampling is complete, it is possible that species-specific diagnostic tests can be developed.

## **FISHERIES**

With the end of the major boating season in northern Nevada, most watercraft inspection stations for Aquatic Invasive Species (AIS) have closed for the winter, with the exception of the highway AIS station in Lincoln County and AIS stations at Lakes Mead and Mohave. The AIS stations on the Colorado River waters have remained busy with over 600 inspections and 99 watercraft decontaminations in the first two weeks of October. AIS staff also provided services at the large Western Outdoor News (WON) Bass fishing tournament at Callville Bay on Lake Mead with over 70 exiting boats decontaminated in one afternoon.

Phase One of the Habitat Conservation Fee project to improve fisheries habitat at North, Bass and Crappie ponds at Mason Valley WMA was completed in September with the aerial application of herbicide to reduce emergent vegetation. The project will be completed this winter with removal and burning of the vegetation with the intent of having the ponds renovated and ready for warm water fish re-stocking by the spring of 2020.

The Fisheries Division is continuing to work with USFWS and the states of Idaho, Oregon, Washington and Montana to update the "4(d)" rule for the Endangered Species Act (ESA) listed bull trout. Nevada and the other states are developing revised language for the USFWS to include in a proposed revised rule that will better support state regulations for catch and release sport fishing for this species. Redband trout from the Bruneau River drainage are being tested for possible whirling disease based on angler reports of trout with unusual cysts and other possible symptoms. Whirling disease has not been reported before in wild redband trout and the possible cause of this is still unknown.

A damaged outlet valve at Willow Creek Reservoir that caused a significant drop in water level was repaired in October with the assistance of Nevada Gold Mines/Barrack. The valves were all replaced last winter but one of the new valves was damaged during maintenance activities. Fisheries staff conducted a salvage operation below the dam, but it appears no game fish were lost from the reservoir.

While Southern Region biologists conducted surveys this summer in Lake Mead for the endangered razorback sucker, they collected several wild, unmarked adult fish in Bonelli Bay that has not been previously surveyed. This has almost doubled the number of wild-spawned fish found in the lake over the past few years. Lake Mead supports the largest self-sustaining population of the ESA-listed native sucker in the Colorado River Basin.

The BLM has finally finished environmental reviews for the restoration work at Shoshone Ponds in White Pine County and work can begin to improve the multiple refuge ponds for Pahrump poolfish. Funding to rebuild the ponds, which were originally constructed in the 1970s, was provided to the Department by

BLM through the Southern Nevada Public Lands Management Act. This is one of only three locations that support a significant population of the endangered poolfish that was extirpated from Pahrump Valley in the 1970s.

### **DATA & TECHNOLOGY SERVICES**

The License Office continues to support customers with harvest return cards, processing tag return and alternate tag allocations. They have been coordinating with the Conservation Education and Game Divisions to provide updated field condition and disease monitoring information.

Staff, along with employees from Kalkomey, our licensing vendor, held three days of workshops at our Headquarters office to determine future enhancements to the system.

The 2020 AIS decals and boat registration decals have been ordered and we are currently awaiting their arrival as online boat registrations open December 1, 2019.

The Tag Office got a new cooperative agreement for an Antlerless Elk private lands hunt, which includes three seasons having five tags, each with the first season beginning November 6, 2019. They also have 132 Swan permits remaining of the 650 authorized to be issued.

The Geographical Information System (GIS) Program completed the Sage-grouse telemetry data updates and is in the process of updating the Urban Wildlife Log. This log is intended to capture information about any complaint or report the Department receives from the public regarding wildlife. The information gathered provides support for the Conservation Education Division's two Urban Wildlife Coordinators. Collection of that data is also essential in the Department being able to make requests at the legislature and specifically articulate the call volume and the amount of resources and money that that the Department directs towards urban wildlife. The Department receives general fund to assist with urban wildlife calls and complaints rather than taking sportsman revenue to conduct those activities. The GIS program is also in the final stages of program development for the Habitat Division that will allow easier tracking and comment on the Oil and Gas land leases that they review. This tool will create a large efficiency in their current workflow and save many hours of work.

### **LAW ENFORCEMENT**

Four Southern Region game wardens spent two days surveilling hunters that were advised to be hunting out of area. At the end of day, the two hunters were contacted following a male shooting a deer. It was determined that a female had a valid tag, but the male who pulled the trigger did not. Felony charges will be submitted to the District Attorney.

The Southern and Western Region has had investigations on two antelope, three deer, and one bull elk self-reported by various hunters for the violation of wrong sex of animal harvested. Citations were issued in these incidents and the meat was confiscated. In three of the cases, the meat was donated to local non-profits to be shared with needy families.

Seven Southern Region game wardens patrolled the Nevada-California border in an effort to identify California hunters who were hunting unlawfully across the border.

Game wardens assisted Wyoming Game and Fish by interviewing subjects in Las Vegas concerning an elk poaching case.

A Southern Region game warden assisted the United States Fish and Wildlife Service (USFWS) and other agencies with a marijuana grow eradication and takedown operation. This operation resulted in the

identification of one unlawfully killed mule deer.

Two Southern Region game wardens assisted Lincoln County Sheriff's Office with security during the Storm Area 51 event.

A Southern Region game warden arrested a felon in possession when he was returning from a hunt which resulted in his parole being revoked. An arrest was also made after an investigation of a self-reported antelope poaching near Round Mountain on a hemp farm. This subject had no lawful tag or license to hunt and killed the antelope while on the farm. Charges are being submitted to the District Attorney for prosecution.

Three game wardens assigned to Laughlin, Las Vegas, and Battle Mountain successfully completed their field training and evaluation phases and are now on full patrol status.

Southern Region Game Warden Chris Walther received two commendations for Life Saving while on boating patrol.

Game wardens in the Eastern and Western Region investigated several cases involving double kills on one tag for both deer and elk, with four deer and three elk unlawfully killed.

An Eastern Region game warden assisted in finding and recovering a hunter who had died in Hunt Unit 062. Eastern region wardens also investigated two hunters shooting deer on private property in Ruby Valley without permission; both hunters were charged.

Game wardens conducted a second plain clothes operation on the Nevada-Idaho state line and found no violators. During that operation a western region warden investigated a junior hunter who shot three elk on one tag.

Several private property issues were dealt with in Hunt Area 14. This included people trying to push deer off of private lands and private land access issues.

In Elko, the Law Enforcement Division has received over twenty calls regarding public lands access issues directly related to SB316 legislation since its passage.

Game wardens are investigating an issue at Franklin Lake in Ruby Valley where several complaints have been filed about people accessing the marsh by vehicle; they are coordinating with the Habitat Division on what access the Department will allow in the future.

Investigations are ongoing into a report of a drone flying in the Maggie Creek area.

Western Region game wardens are investigating trapping violations involving the unlawful use of bait and failure to visit a trap along with an investigation of mountain lions feasting on pets and livestock in the Red Rock area.

Game wardens investigated two fallow deer carcasses without heads that were dumped in the Red Rock area. The investigation led back to a local zoo who dumped the animals after they died or were euthanized. A citation is pending for littering.

There is an active investigation into the illegal killing of a mountain lion without a tag in the Western Region.

Game wardens in the Western Region did a search and rescue at Lahontan Reservoir for a paddle boat that was stranded on the east side of the lake in high winds. By the time game wardens rescued the two subjects, they were severely hypothermic but refused medical care.

Vice Chairwoman East inquired about the numbers for the swan tag.

Secretary Wasley stated that there were 650 total tags available and that there are 132 that remain available. He stated that the total tags have never been fully subscribed.

- C.\* Litigation Report – Deputy Attorney General  
A report will be provided on Nevada Department of Wildlife litigation.

Senior Deputy Attorney General Craig Burkett reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. He stated that since the retirement of Senior DAG Bryan, the Attorney General's office reviewed the case load and Senior DAG Bryan Stockton consented to oversee the Walker River water rights case due to his extensive involvement and knowledge. Outside of that, Senior DAG Burkett will handle all of the litigation for the Department. Senior DAG Burkett stated that he and Mr. Stockton agreed that the *E. Wayne Hage v. United States* case will be removed from the Litigation Report as it appears to be a dead case, and the California litigation case which involves the Mark Smith defamation will be removed because it will eventually be dismissed.

- D. Conservation Partner Spotlight – Secretary Wasley – Informational  
An overview of a key conservation partner program will be shared with the Commission.

Secretary Wasley thanked Vice Chairman East for creating this standing agenda item to hear from our partners in the conservation community. He introduced Ron Pierini of the Carson Valley Chukar Club.

Ron Pierini provided that their club started in 1985. The locals wanted there to be more chukars in the area, so the first year they started a fundraising event and raised \$11,000 which was donated to the Department. As their club grew, they have continued to raise more money, which they have been able donate about 90% of the money raised; and the annual fundraiser has continued for 33 years. In 2019, they raised \$126,000. Their goal is to make it possible for all hunters to participate in the fundraising event no matter their level of donation. Mr. Pierini provided a handout to the Commission with a list of their auction items along with their 33<sup>rd</sup> Annual Fundraiser flyer; the annual fundraiser will be held on March 7, 2020 in Gardnerville, NV.

Vice Chairwoman East and Chairman Johnston both thanked Mr. Pierini for presenting the information today and appreciate the work they do.

Chairman Johnston recessed the meeting at 9:55 a.m.

Chairman Johnston reconvened the meeting at 10:10 a.m.

- E.\* Predation Management Fiscal Year 2019 Report – Wildlife Staff Specialist Pat Jackson – Informational  
The Game Division will present the 2019 Predation Management Report. Per Commission Policy 23, the Department shall prepare an annual Predation Management Status Report

(Status Report) detailing results of the previous fiscal year's projects. This status report shall be presented at the last Commission meeting of each calendar year.

Wildlife Staff Specialist Pat Jackson reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public and presented a PowerPoint on Predator Management Status Report Fiscal Year 2019.

[http://www.ndow.org/Public\\_Meetings/Com/Archive/2019\\_Archive/](http://www.ndow.org/Public_Meetings/Com/Archive/2019_Archive/)

Commissioner Hubbs commented about information in the support material regarding the spring fawn to adult ratios in response to the removal of coyotes, and the coyote removal and the population management unit (PMU) lek survey total; and inquired as to why precipitation is not being tracked for the coyote removal in the Diamond PMU but in the mule deer graph the precipitation is tracked. She stated that there appears to be a negative correlation with one and a positive correlation with the other and is trying to understand if the predation removal is impacting the figure that is being monitored. Since there are so many other variables it is difficult to track everything with habitat loss and precipitation; but if the data was on hand the Commission could see if it truly is the predation removal that is causing the changes or if there is another reason.

Wildlife Staff Specialist Pat Jackson stated that each area biologist tracks their information differently and he is unsure why there is a difference but sees that the information should be consistent.

Commissioner Valentine inquired if the Department is getting closer to increasing the take numbers of ravens in the state of Nevada.

Wildlife Staff Specialist Pat Jackson stated that wildlife services should be completing their environmental assessment (EA) soon and the findings will determine the outcome.

Chairman Johnston inquired for a brief overview of the report on Project 32, the Mountain Lion, Black Bear and Mule Deer Interactions; and further inquired, if bears continue to expand in Nevada and they consume what a lion has killed, then could there be an increase in predation by lions to compensate what they lose to the bears.

Wildlife Staff Specialist Pat Jackson reviewed the information provided in the support material; he stated that mountain lions do lose their prey to bears. He stated that upon settlement in Nevada, there were likely more bears than mountain lions; and now there are more groceries on the landscape, and his opinion, as bears grow in the state, we would likely see less mountain lions in the same amount of space because of an increase in the bear population on the landscape.

Vice Chairwoman East inquired if a bear would take down a deer on its own or would it take what has already been taken down.

Wildlife Staff Specialist Pat Jackson stated that bears will consume fawns at a notable level, but if a black bear consumes an adult animal, it would most likely be killed by something else.

Commissioner Hubbs congratulated Wildlife Staff Specialist Pat Jackson for the information that has been collected regarding the raven biology, impact of ravens on the sage grouse and for publishing the articles.

Chairman Johnston commented that based on where the Department was years ago on the Predation Management plan compared to now in terms of the Predator Management Status Report, the bar has

been advanced. He thanked the Department, Wildlife Staff Specialist Pat Jackson and the Commission for their work as they have come a long way in a short period of time in getting beneficial information.

- F. Association of Fish and Wildlife Agencies Conference Report – Secretary Wasley and Deputy Attorney General Craig Burkett  
A report on the 2019 conference will be provided.

Secretary Wasley stated that there are several regional and national Association of Fish and Wildlife Agency (AFWA) meetings throughout the year which occur once per quarter. This year was the 109<sup>th</sup> annual meeting of the AFWA 2019 conference in St. Paul, Minnesota. He stated that as a field biologist he did not understand the value of regional and national association meetings, but now as a political appointee and an agency director, he now understands and values the opportunity to continually keep Nevada and the state's issues front and center at the meeting. This is a great opportunity for professional networking, to develop unified positions on key and emerging issues and to have access to high level federal officials. He stated that five years ago the blue-ribbon panel in conjunction with Recovering America's Wildlife Act, made two recommendations. One was to recommend funding and the second was to recommend that the conservation community address relevancy. In September, the Relevancy Roadmap was unveiled; it was a one-year process that took 60 individuals from state, federal, tribal, industry, NGO, provincial territory and the states who looked at the barriers of relevance of conservation. They divided relevance barriers into five unique theme areas that include agency culture, agency capacity, constituent culture, constituent capacity and legal and political. These areas were fleshed out with specific strategies to address the barriers. He provided a list as to the many committees associated with AFWA.

Senior Deputy Attorney General Craig Burkett thanked the Department for allowing him to attend this conference. He stated that the advantages he gained from the conference was first, the ability to meet Attorney's General from the western states and, secondly, to see a framework for how to look at legal exposure issues for Nevada. He shared information he gained from the state of Utah who presented information about the issue of technology by wildlife agencies, both the advantages and the liability and exposure issues that result from use of technology. He stated that Utah presented a deer collar study of deer migration corridors from north to south and they showed how the deer were migrating; they were using the data to determine how they would manage corridors in the future development of a city. Based on the technology, there was a case where Utah had knowledge of a known bear in a campground; they did not warn future campers and a young boy was taken by the bear in the campground and later killed. This case went to the Utah District Court who stated there was no liability on the wildlife agency; then it went to the Utah Supreme Court who ruled that there is a liability on the wildlife agency. This case has now created a framework for the Department to look at liability issues differently.

- G.\* Wildlife Trust Fund Annual Report – Deputy Director Liz O'Brien  
A report will be provided on the investment and expenditure of the money in the Wildlife Trust Fund for the period of July 1, 2018 to June 30, 2019, pursuant to NRS 501.3585.

Deputy Director Liz O'Brien reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public.

She stated that the packet includes the report on the status of the Wildlife Trust Fund for the period of July 1, 2018 through June 30, 2019. The Department received \$1,029,608.57 in donations and expended \$1,009,940.57. Attached to the report is a detailed list of every gift the Department has received during the time period. This includes donations from the Carson Valley Chukar Club. Donations are received from a variety of conservation organizations, industry, and private citizens in support of the Department.

These donations save state funds, mostly sportsmen revenue, and in many instances can be used as match for federal dollars at a rate of up to three dollars for every one dollar donated. In the biennium 2017–2019, there were changes made to NRS 501.3585 which requires this report to the Commission which used to be reported semiannually to the Commission. The language was changed to read as follows: The Director shall annually post on the internet website maintained by the Department a statement setting forth the investment and expenditures of the money in the Wildlife Trust Fund. As such, it is recommended that this report be presented to the Commission annually instead of semiannually which means that Commission Policy No. 1 (7) will need to be updated to match the statute.

Chairman Johnston stated that the Department should add this for future agenda items.

20. License Appeal – Todd Bradley - For Possible Action

Mr. Bradley is appealing the suspension of his fishing license in twenty (20) states.

Chairman Johnston stated that Senior Deputy Attorney General Burkett will represent the Department and Deputy Attorney General Peter Handy will represent the Commission, and that the procedures to follow are set out in Nevada Administrative Code (NAC) 501.185.

Chairman Johnston called to order the appeal hearing which was requested by Mr. Todd Bradley and requested to enter into the record the request for hearing and the notice for hearing. (see Exhibit File).

Chairman Johnston inquired if Mr. Bradley or the Department plan to have any witnesses.

Mr. Bradley said no, he will not have any witnesses.

Senior DAG Burkett stated that the Department will have witnesses and that they will not request the rule of exclusion.

Chairman Johnston explained to Mr. Bradley what the rule of exclusion means and asked if he wanted to use the rule.

Mr. Bradley stated that he does not.

Chairman Johnston stated that the Department will present its evidence and then be cross examined by the appellant. Then Mr. Bradley will have an opportunity to present evidence on his behalf to substantiate his appeal. He warned the parties that this is not a *de novo* hearing; and he does not want to hear about the underlying crime. He stated that the reason for the appeal is to determine whether or not the Department properly suspended Mr. Bradley's hunting and fishing privileges under the laws as they exist. Chairman Johnston opened the floor for the Department to present their case.

Senior DAG Burkett called Game Warden Captain Brian Eller to the stand to present evidence in support of the case. Captain Brian Eller presented evidence as to the regulatory process by the Department when a license is revoked.

Chairman Johnston inquired if Mr. Bradley had any questions of Captain Eller.

Mr. Bradley stated he does not have any questions and provided that he received the mailed documents.

Senior DAG Burkett moved to admit Tabs 1-7 of the packet provided to the Commission, into evidence;

Chairman Johnston stated that Tabs 1-6 would be admitted into evidence (see Exhibit File).

Chairman Johnston inquired with Mr. Bradley if had any evidence to submit.

Mr. Bradley stated he does not have any evidence.

Chairman Johnston inquired about the supplement letter that was submitted to the Commission by Mr. Bradley dated October 19, 2019 and stated that it included the Waiver of Preliminary Examination; he asked Mr. Bradley if he wanted to admit the letter and the waiver into evidence.

Mr. Bradley stated yes; no objection by Senior DAG Burkett. Chairman Johnston entered the hand-written letter dated October 19, 2019 and the Waiver of Preliminary Examination into evidence (see Exhibit File).

Mr. Bradley has no further evidence to present; appellant rests his case.

Senior DAG Burkett walked the Commission through the process that was followed by the Department up to setting the appeal hearing. He stated that the Commission's obligation today is to review the process, and not a review of the facts of the investigation, the Judgement or what was or was not communicated to the appellant through the process. It is the Department's contention that all of the duties were complied with in this process.

Commissioner Hubbs stated it appears that Mr. Bradley's appeal was timely submitted; however, there was a third party who signed for the notice, but that Mr. Bradley's appeal came in timely.

Senior DAG Burkett stated that is the Department's argument; that if Mr. Bradley did not get the notice at all, he would not have appealed.

Mr. Bradley stated that he cooperated with the Department from the beginning; that he was shocked that the District Attorney presented the case as a felony because it was represented to him that it was a gross misdemeanor; and that nothing was mentioned to him that there was a possibility to lose his license. The first letter he received from the Department was his first notice of his license being revoked. The fishing is what is important to him, not the hunting. He does not agree that the hunting violation should affect the fishing license. He stated that the State of Nevada plea agreement states that no further repercussions would be taken.

Chairman Johnston stated that the document Mr. Bradley is referring to is not the plea agreement; the written guilty plea agreement should have been signed by Mr. Bradley and filed into the District Court case; the document Mr. Bradley is referring to is the Waiver of Preliminary Examination. He further explained the language in the Waiver of Preliminary Examination and that the plea agreement would not say that the law would not be followed in terms of the collateral consequences of a conviction. He further stated that there are consequences of a criminal conviction that exist as a matter of law outside of the criminal proceeding.

Mr. Bradley stated that if he had known anything about this, he would have initially fought the charge and not let it get this far. He stated that the Department is always sending emails to the public about events, but they are not educating the public about the laws and regulations.

Chairman Johnston stated this is not relevant to the issues here. He confirmed that Mr. Bradley wants his fishing license reinstated; Mr. Bradley concurred.

Deputy Attorney General Peter Handy stated that the Department bears the burden of proof.

Chairman Johnston stated that it is unfortunate that Mr. Bradley plead guilty to two felonies without knowing the other penalties that go along with the conviction, but that is not something that this Commission can remedy. Mr. Bradley plead guilty to two felonies, one of those felonies was a violation of NRS 501.3763. Nevada Administrative Code (NAC) 501.200, says that twelve demerit points will be assessed if someone is convicted of unlawfully killing a big game mammal, a Category E felony in violation of Nevada Revised Statutes (NRS) 501.3763 (3) and that is one of the charges in which Mr. Bradley plead guilty. He does not see where any room exists for the Department to do anything other than assess the twelve demerit points. This is confirmed in the Judgment entered into the criminal case out of the Second Judicial District Court on July 31, 2019. Upon the assessment of twelve demerit points, the NAC and the NRS says that both hunting and fishing privileges are to be revoked for ten years. That is the law in this state and this Commission does not have the ability to bend that law or to excuse it for any reason other than if the Department erred in assessing the twelve demerit points. In this case, all of the proper notices were submitted.

Commissioner Hubbs concurs with Chairman Johnston based on the evidence presented. She is conflicted by individuals who do not know the entire consequences. The Commission cannot remedy what advice is received at that time; there a lot of ramifications or collateral consequences for entering a criminal plea. She stated that the 10-year requirement is obligatory so the Commission must apply the 10-year standard.

Chairman Johnston reiterated that Mr. Bradley plead guilty to two felonies and that the Commission must issue the twelve demerit points. He concurred that the Commission is obligated to issue the 10-year standard.

Mr. Bradley inquired if he could return to the District Court to withdraw his plea and get another attorney. He also asked if the Department would automatically be made aware of his plea if it was changed to dismiss his sentence.

Chairman Johnston stated he does not know the process but assumes the Court would notify the Department if a Judgment was vacated; and, that it is not appropriate for him to give legal advice at this time.

**CHAIRMAN JOHNSTON MOVED TO DENY THE APPEAL OF MR. TODD BRADLEY PURSUANT TO THE JUDGMENT THAT WAS ENTERED IN THE STATE OF NEVADA VS. MR. TODD RYAN BRADLEY ON AUGUST 1, 2019, IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE, CASE NO. CR 19-0438. MR. BRADLEY PLEAD GUILTY TO THE CRIME OF UNLAWFUL KILLING OF PRONGHORN ANTELOPE, A VIOLATION OF NRS 501.3763, A CATEGORY E FELONY. THE DEPARTMENT PROPERLY ASSESSED TWELVE DEMERIT POINTS TO MR. BRADLEY BASED UPON THAT CONVICTION AND JUDGMENT ENTERED PURSUANT TO NAC 501.210. IF SOMEONE IS TO ACCUMULATE TWELVE POINTS FOR THE VIOLATION OF NRS 501.376, THEIR HUNTING, FISHING, TRAPPING LICENSES, PERMITS AND PRIVELEGES ARE TO BE REVOKED FOR A PERIOD OF TEN YEARS. THE DEPARTMENT PROVIDED TIMELY NOTICE TO MR. BRADLEY WHO TIMELY APPEALED. MR. BRADLEY HAS NOT DEMONSTRATED ANY ERROR BY THE DEPARTMENT AND THE DEPARTMENT HAS PRESENTED SUFFICIENT EVIDENCE TO SHOW THAT ALL APPLICABLE ADMINISTRATIVE CODE SECTIONS AND STATUTES WERE FOLLOWED IN BOTH ASSESSING MR. BRADLEY THE TWELVE DEMERIT POINTS AND REVOKING HIS HUNTING, FISHING AND**

**TRAPPING LICENSES, PERMITS AND PRIVILEGES FOR TEN YEARS. COMMISSIONER MCNINCH SECONDED THE MOTION. THE MOTION CARRIED 8-0. COMMISSIONER KIEL WAS ABSENT.**

21. Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairman Johnston – For Possible Action  
The next Commission meeting is scheduled for January 24 and 25, 2020, in Las Vegas and 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 and add or dissolve committees, as necessary at this time. Any anticipated committee meetings that may occur prior to the next Commission meeting may be discussed.

Chairman Johnston stated that there would be a Landowner Compensation Tag Committee meeting to review the protocol for the counts that were discussed in the report today. He stated that the Regulation Simplification Committee should be started with a discussion on how to move forward.

Chairman Johnston has potential agenda items as follows: Commission Policy No. 67; reissuing tags that currently cannot be reissued in the two week window; potential adoption of the veteran waterfowl season; update on the Fallon Naval Air Station withdrawal; Commission General Regulation (CGR) 488 - the Landowner Compensation Tags Regulation; and, CGR 489 - Shed Antler Regulation that were both taken off of this agenda; potential revision of Commission Policy No. 1; potential item for Heritage Funds and to start discussions on framework as to changes in law for guidance on expenditures.

Secretary Wasley stated that because it is the Big Game Season Setting meeting that the Department will teleconference and video stream on YouTube to Reno and will also make every attempt to do so to Elko. The potential agenda items are as follows: Draft Predation Management Plan; Big Game Seasons and Regulations which are amended in even number years; Black Bear Seasons (set annually); Mountain Lion Limits and Quotas (set annually); Heritage Tag Seasons and Quotas (set annually, a year in advance); Dream Tag, Partnership in Wildlife & Silver State Tag Seasons & Quotas (set annually); Big Game Application Deadline and Big Game Tag Eligibility (set annually). The standing agenda items are as follows: with the Department Project Update, the Department is exploring an opportunity to get an update on the Muddy River and Warm Springs Natural Areas, with a possible field trip. The Reports will include: a WAFWA Mid-Winter Conference Report which occurs in early January 2020; potential Commission guidance on future spending of the Wildlife Heritage Account Report. With the Commission's blessing, the Department would like to share the Relevancy Roadmap and the Department will accept any ideas the Commission may have for the Conservation Spotlight of an organization or individual in Southern Nevada.

Commissioner Valentine stated he would request an agenda item to discuss the bonus point tag return situation for the party hunt that came out of the Tag Allocation and Application Hunt Committee.

No public comment in Las Vegas.

No public comment in Reno.

Secretary Wasley stated that regarding the potential agenda item that Commissioner Valentine just referenced, if there is a desire by the Commission to address that issue before the next meeting, the Department could present it as a workshop.

Chairman Johnston said there was a consensus to hear it and that it should be a workshop instead of a report to get it moving forward.

22. 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.

Public comment in Las Vegas:

Fred Voltz, public citizen, provided the following comments:

Final Public Comment Period-NV Wildlife Commission-November 2, 2019-Fred Voltz

Although over a month has passed since the last Wildlife Commission meeting, there has been no progress in bringing forward deliberations about a ban on wildlife killing contests in Nevada, as Arizona and other states have already implemented.

Wildlife killing contests have nothing to do with ethical hunting or following the precepts of the North American Model for Wildlife Conservation. These contests are no more than mass, indiscriminate slaughter tests of as many animals as possible in a relatively small area, all for trophies, prizes and bragging rights over winning the biggest amount of money and stacking up the highest body count mausoleum style. These unregulated contests are as foolish as claiming genocide helps with human overpopulation management. Wildlife killing contests are as destructive to the landscape as a flash flood, wildfire, strip mining, clear cutting vast swaths of mature trees or excessively farming and grazing land to the point where it is completely inert. And biologically speaking, wildlife killing contests create an incredible vacuum in a given area's balance between wildlife species, whose numbers, at best, are a guesstimate, and at their worst, completely unknown.

For those Commissioners who claim they are representing 'their people' when they ignore the destructive nature of these contests, let's remember when the Commission took action to ban commercial pit fall trapping of reptiles after seeing the carnage on a field trip to the Amargosa Valley a few years ago. Wildlife killing contests are just as destructive as the mass roundup of reptiles that has already been banned by the Commission for any given part of Nevada.

Lest you think it is a small fraction of the population that finds trophy hunting abhorrent, you might wish to read a study conducted by the very pro-hunting groups Responsive Management and the National Shooting Sports Foundation earlier this year. They found that only 29% of over 3,000 telephone survey takers nationwide approve of hunting solely for a trophy or prize, 5% had no opinion or were indifferent, and an overwhelming 66% disapproved.

The negative optics created by the Cecil episode in Africa are not a good image for the hunting brethren or for a wildlife department staffed by biologists who are trained and tasked to concern themselves with conservation of our wildlife species. Staff's responsibilities, of course, do not mean a focus only on artificially setting wildlife up for the next hunting season, but perpetuating wildlife's existence into the future.

Mass killing of any species creates a huge vacuum on the land, which can be filled in very undesirable ways that further disrupt the remaining species.

Good stewards of Nevada's wildlife species and their future viability need to expressly 1delete reckless wildlife killing contests from lawful hunting activities. Nevada needs initiative from its Wildlife Commission and Department on this subject without further delay or indifference.

No public comment in Reno.

Chairman Johnston recessed the meeting at 11:48 a.m.

\*Support material provided and posted to the NDOW website, and updates to support material will be posted at ndow.org. Support material for this meeting may be requested from Recording Secretary Brandy Arroyo at (775) 688-1599; supporting material for this meeting is available for the public at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Ste 120, Reno, NV, 89511. In accordance with NRS 241.020 this agenda closes three days prior to the meeting date and has been posted on the NDOW website at NDOW.org and at the following Department of Wildlife offices: 1100 Valley Road, Reno, NV, 89512; 380 W. "B" Street, Fallon, NV, 89406; 815 E. Fourth Street, Winnemucca, NV 89445; 60 Youth Center, Elko, NV, 89801; 1218 N. Alpha Street, Ely, NV 89301; 3373 Pepper Lane, Las Vegas, NV 89120.

Notice to the Public: Nevada Department of Wildlife receives Federal Aid in Fish and/or Wildlife Restoration. The U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, sex, or disability. Individuals with hearing impairment may contact the Department at 775-688-1500 via a text telephone (TTY) telecommunications device by first calling the State of Nevada Relay Operator at 1-800-326-6868. Disabled individuals in need of special services should contact the Department prior to the meeting at (775) 688-1599.