

DRAFT Minutes
Nevada Board of Wildlife Commissioners' Meeting Agenda
Clark County Regional Government Center Laughlin
101 Civic Way
Laughlin, NV 89029

#5

Public comment will be taken on every action item and regulation workshop item after discussion but before action on each item, and at the end of each day's meeting. Public comment 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.

Nevada Board of Wildlife Commissioners present for meeting and field tour:

Chairman Grant Wallace	Vice Chairman Brad Johnston	Commissioner John Almborg
Commissioner Tom Barnes	Commissioner East	Commissioner Kerstan Hubbs
*	Commissioner Paul E. Valentine	*

*Commissioners David McNinch and Bill Young absent both days

Secretary Tony Wasley

Deputy Attorney General Joshua Woodbury

Nevada Department of Wildlife personnel in attendance:

Deputy Director Jack Robb	Deputy Director Liz O'Brien
Wildlife Diversity Administrator Jennifer Newmark	Game Division Administrator Brian Wakeling
Chief Game Warden Tyler Turnipseed	Staff Game Warden Mike Maynard
Fisheries Division Administrator Jon Sjöberg	Habitat Division Administrator Alan Jenne
Conservation Education Administrator Chris Vasey	Wildlife Staff Biologist Pat Jackson
Wildlife Staff Biologist Russell Woolstenhulme	Conservation Educator Doug Nielsen
Wildlife Staff Biologist Brandon Senger	

Public in Attendance:

Scott Torgerson, Lander CABMW	Gil Yanuck, Carson CABMW
Tom Cassinelli, Humboldt CABMW	Diana Smith
Dave Jones, Desert Sportsmen Rifle and Pistol	Emilia Cargill, Nevada Ranches/Blue Mountain Ranches/Seeno
Joe Crim, Pershing CABMW	Paul Dixon, Clark CABMW
Korin Carpenter, Nevada Bowhunters Association	Richard Kolkoski
Chad Foster, Douglas CABMW	Glenn Bunch, Mineral CABMW
Steve Marquez, White Pine CABMW	Brian Paulson, Laughlin
Jennie Britton	Darin McDaniel, Walker River Bowmen

Friday, March 16, 2018 – 8 a.m.

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

Meeting called to order by Chairman Wallace. Commissioners present for roll call on Friday, March 16, 2018, were Chairman Wallace, Vice Chairman Johnston, Commissioners Almborg, Barnes, East, Hubbs, and Valentine. Commissioners McNinch and Young absent for both days.

CABMW Roll Call: Paul Dixon, Clark; Gil Yanuck, Carson; Steve Marquez, White Pine; Chad Foster, Douglas; Joe Crim, Pershing; Glenn Bunch Mineral; and Scott Torgerson, Lander.

- 2 Approval of Agenda – Chairman Wallace – For Possible Action
The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.

COMMISSIONER VALENTINE MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER BARNES SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

- 3 Member Items/Announcements and Correspondence – Chairman Wallace – 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.

Commissioner Barnes said some people in Elko told him they heard the Department is not doing spring aerial deer surveys in the Rubies. They have been told no helicopter is available. Commissioner Barnes said his personal opinion is that this year is an important year to have the survey to see what the herd is doing as this winter has been so open and spread out.

Secretary Wasley answered Commissioner Barnes that aerial surveys for deer will be conducted. He said there may be confusion on how the surveys will be performed, as there was discussion of using a contractor for aerial services from Idaho; however, he believes it has since been determined that it may not be necessary to augment those surveys. There continues to be dialogue between headquarters and the region on maximizing efficiencies in conducting survey work.

Administrator Wakeling said in the Eastern Region there have been challenges working through unexpected weather and scheduling the surveys. The survey results are needed to prepare quota recommendations. As the schedule and units are triaged, they often look at the most robust populations. He said in the Rubies the buck to doe ratio from fall post-hunt surveys was 38 per 100 does. The population in the Rubies is doing very well. The Department's intent is to get the survey done; the deer population in the Rubies is one of the most robust in the state.

Commissioner Johnston said he received an email from Rex Flowers asking questions about private contractors as far as predator management plan. Separate from the plan which will be discussed on the agenda; he forwarded that email to Dep. Director Robb for a response. Commissioner Johnston said he received a telephone call where the person expressed concerns over new online system. He said there have been hiccups which were expected and there may be bumps in the road with the conversion to the new system.

Chairman Wallace said he also received similar calls to Vice Chairman Johnston. Chairman Wallace said his experience with the new system has been good. The Department is working hard to make the conversion a success.

Commissioner Hubbs said she along with the other Commissioners received numerous phone calls, and so much correspondence, that she lost track of it over a period of time on the proposed safe hunting distance (Agenda item 11) regulation.

Secretary Wasley said the Director's office also received significant correspondence regarding the safe hunting distance regulation.

Commissioner Hubbs added that she received an article from a Tahoe paper on the black bear hunt.

- 4 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.

Gil Yanuck, Carson CABMW, said in regard to new licensing system that he received calls from people stating their concern that after they completed application online, that if they wanted to a printed copy of the license, you have to pay \$5.

Paul Dixon, Clark CBMW, said he has heard that in Cold Creek people are feeding wild horses and as a result wild elk are eating the feed as well. Mr. Dixon said a farmer put the feed outside the horse pen and an elk got in the pen with horses. He said the bull elk gored three horses, resulting in three horses being put down. He asked if the Department was aware of that situation, and if so what education is available on feeding wild horses and elk. His second question is when would the appropriate time be to have the discussion on handguns? Also he has been asked why turkey hunts require a .20 gauge or larger shotgun as legal weapon? Some people have .28 gauges that they hand load with heavier shot and that they have as much velocity as a .20 gauge depending on distance.

Scott Torgerson, Lander CABMW, read a letter into the record (exhibit file):

The Lander County Wildlife Board has been concerned about our declining deer population for many years now. We do appreciate NDOW not issuing any doe tags for the 2018 hunt, but we would like to see more done to enhance the deer population in our county.

The deer survey shows that the bulk of the deer population is in the southern part of Lander County. As an advisory board, we recommend splitting Area 15 to a Northern/Southern area to help with this problem. We would like to establish a quality trophy hunt of 4-point bucks or better in the Northern section of Lander County.

Also, our board would like to recommend that with our antelope herds thriving like they are, that you consider issuing youth antelope tags to replace youth deer tags in Northern Unit 15.

Thank you for your time concerning these matters in Lander County.

Chad Foster, Douglas CAMBMW, said his CABMW would like the Commission to consider allowing the bear hunt into the Tahoe basin and the ability to hunt bears with a shotgun.

- 5 Approval of Minutes – Chairman Wallace – For Possible Action
Commission minutes may be approved from the Nov. 3 and 4, 2017, Jan. 26 and 27, and Feb. 9, 2018, meetings.

Commissioner Johnston said page 38 of the Jan. 26 and 27, 2018, meeting minutes has a typographical error with Unit “2013.” His motion was to add Unit 203 to that group. He asked that the minutes be corrected to reflect 203 instead of “2013.”

COMMISSIONER JOHNSTON MOVED TO APPROVE THE MINUTES AS PRESENTED, WITH THE FOLLOWING CORRECTION FOR THE JAN. 26 AND 27, 2018, MINUTES: ON PAGE 38 THAT “2013” BE CHANGED TO “203.” COMMISSIONER EAST SECONDED THE MOTION. MOTION PASSED 7 – 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

Public Comment – None

- 6 Wildlife Damage Management Committee Report and Fiscal Year 2019 Draft Predation Management Plan – Vice Chairman and Committee Chairman Johnston and Wildlife Staff Biologist Pat Jackson – For Possible Action
The Commission will hear a report from the Wildlife Damage Management Committee chairman regarding the proposed Fiscal Year 2019 Predator Management Plan, and the Commission may take action to provide recommendations for modification of the draft for the May Commission meeting.

Committee Chairman Johnston said the committee met yesterday evening in Las Vegas. The committee unanimously moved to adopt the predator management plan as drafted. Last night's committee meeting had very low public attendance In contrast to previous years; Commissioner Johnston hopes that indicates that the plan has addressed many of the comments the Commission received. One correction made to the draft is that the cover page read Fiscal Year 2019 instead of Fiscal Year 2018. He said comments from the State of Nevada's Predatory Rodent Animal Control (PARC) Committee were received as required by statute, although PARC's comments were directed at NDOW rather than the plan. PARC's two comments were that NDOW should provide more project options in the future, and for NDOW to look at other areas for new projects such as Area 154.

Wildlife Staff Biologist Pat Jackson presented a PowerPoint presentation summarizing the plan and reports.

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/6-Predator-Plan-PowerPoint-Presentation.pdf

Wildlife Staff Biologist Pat Jackson said changes to the plan since the last Commission meeting were clean-up of typos, added language “all big game” to Projects 37 and 38 instead of just “bighorn sheep,” and all predator plans and reports will be available on NDOW website.

Commissioner Hubbs provided her comments: Overall, she agreed with Commissioner Johnston, that the plan has been cleaned up and is clearer in terms of what is being measured and areas of work. She said it would be helpful for individuals not familiar with these areas to include a map of the project's area. She is aware some projects are statewide but a map near the project area in upper corner would help so that right away as you could see where projects are being implemented across the state. She is aware that maps are in back of plan but would still be helpful to see the map where the title is to see where the area is being worked and why. Commissioner Hubbs said this plan has always bothered her with its mandate that is compelling

80 percent of the funds be used for removal of predators, she would rather the plan be scientifically driven. We should be following more of a natural response to areas where there are predation problems rather than simply applying some type of killing and taking just to use all the money taken in, and that is improper from her background. She is hopeful over time that the law may change and the Department will be given flexibility for their scientists to make those decisions in real time as needed. Also, she wishes there would be more of an emphasis on sensitive species, since there is flexibility there, rather than focus primarily on all the game species. Legislation allows the Department and Commission to focus on sensitive species that may have predation problems as well. Commissioner Hubbs said she is excited about the black bear study as the study may provide better estimates of bear densities and address public concern over bear population numbers. Overall, the plan is a good improvement.

Public Comment –

Paul Dixon, Clark CABMW, said in a unanimous vote (7-0) the Clark CABMW has the following comments and recommendations for the fiscal 2019 Predator Management Plan. For each multi-year project there needs to be a running total of total funding expended on that project since inception in the plan. With over \$2.5 million invested in raven removal and studies over the past five years the Clark CABMW wants to know from the Department if they could get a report on how close we are now to generate a new NEPA analysis to go to U.S. Fish and Wildlife Service (USFWS) and increase raven removal numbers.

Commissioner Johnston said when he thinks back to when he was chair of the Lyon CABMW, and where the Predator Management Plan was compared with where we are now. He said he would thank Biologist Pat Jackson and the Department for the work and time put into this plan as they have done a good job to make it consistent with what the legislature has asked of the Commission. Commissioner Johnston said that speaks volumes as to where we are now versus where we were six years ago.

COMMISSIONER JOHNSTON MOVED THAT THE COMMISSION APPROVE THE DRAFT NEVADA DEPARTMENT OF WILDLIFE PREDATOR MANAGEMENT PLAN FOR FY 2019 AS PRESENTED. COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION PASSED 7 – 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

- 7 Commission Policy 51, Wayne E. Kirch Conservation Award, Second Reading – Commissioner and Administrative Procedures, Regulations, and Policy (APRP) Committee Chairman David McNinch and Conservation Education Administrator Chris Vasey – For Possible Action
The Commission will conduct a second reading of Commission Policy 51 and may take action to officially revise and adopt the policy.

Conservation Education Administrator Chris Vasey asked the Commission if they had recommendations for the policy. Chairman Wallace said he had none since the last meeting.

Commissioner Hubbs said she does not know the background or significance of Mr. Wayne E. Kirch as other Commissioners do. She asked that the background of Mr. Kirch be provided for the record for individuals who don't know much about that background.

Secretary Wasley said Mr. Kirch was a significant figure in conservation in Nevada for many years, and he established a record for his service on the Wildlife Commission. He said recently the chairman of the Colorado River Fish and Wildlife Council found a complete history of Wayne E. Kirch which was forwarded to him. Secretary Wasley said he does not want to disservice Mr.

Kirch by summarizing his accomplishments today in Nevada, as that would not do him justice. Rather Secretary Wasley said he will send the full compendium of his significance to conservation in Nevada to the Commission, and this can also be on a future agenda or in the correspondence section of the next Commission meeting to provide an update on Mr. Kirch's significance to Nevada.

Chairman Wallace agreed with Chairman Wasley's suggestion.

COMMISSIONER VALENTINE MOVED TO APPROVE COMMISSION POLICY 51, WAYNE E. KIRCH CONSERVATION AWARD, AS PRESENTED. COMMISSIONER BARNES SECONDED THE MOTION. MOTION PASSED 7 – 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

8 Commission Policy 50, Duck Stamp Procedure, First Reading – Commissioner and APRP Committee Chairman David McNinch and Conservation Education Administrator Chris Vasey – For Possible Action

The Commission will conduct a first reading of Commission Policy 50 and will discuss suspending the policy. The Commission may take action to revise, suspend or repeal the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Division Administrator Vasey said from the last committee meeting there was discussion of options for the duck stamp. Two options were to suspend the policy or repeal the duck stamp. Because of the agency's license simplification, a printed paper stamp is not needed as the privilege is included in the license price with the license being sold online. He said over the last several years stamp sales have been on a slow and steady decline, and at this point the Department recommendation would be to suspend the policy. Administrator Vasey said the Commission had requested vetting options such as a youth program; however there already is a USFWS nationwide yearly youth duck stamp contest that produces a junior duck stamp. Continuing the Nevada stamp at this point for the artwork is not cost effective. Currently NDOW spends \$3,700 to print the stamp but only have had 344 requests for the printed paper stamp to date, and the number of artist prints sold by the artist to collectors has dropped to 44 to date.

Chairman Wallace said unfortunately Commissioner McNinch is not present today as this particular policy is special to him. Chairman Wallace said he said he favors sending the policy back to the committee to do something. That may mean the Commission suspends the policy while the committee discusses possible options.

Commissioner East said she attended a Ducks Unlimited (DU) event where a number of duck stamp art prints were for sale in the silent auction. She asked if DU is an organization that could work with the Commission to somehow get the interest back. Commissioner East said she hates to see the program has a long tradition and would hate to see it end; however she understands why. Commissioner East would still like to explore the youth involvement option.

Secretary Wasley said this is a challenging program because of the history and the passion connected with the program. Secretary Wasley said if NDOW created a second youth art contest that contest would compete with the program administered by the USFWS which struggles now to get adequate participation. DU has not had an active role in those duck stamp programs; NDOW's program has been sponsored by the Nevada Waterfowl Association (NWA). A representative from NWA officially relayed their position to staff that they are no longer interested in sponsoring the program. Although that is NWA's official position, other waterfowl

hunters have complete sets of stamps, and have spoken to him about how they would continue. He said to go forward with a program that allows collectors to still collect results in the question of cost effectiveness of continuing. Secretary Wasley read page 2 of the Commission memo: "Oregon and California still have art contests; however, Alaska, Arizona, Colorado, Wyoming, and Utah do not. Washington's art contest is put in the hands of the Washington Waterfowl Association, the Washington Department of Fish and Wildlife is not involved." There are different models out there, the question is if there is a desire to have some form of an art contest and whether that contest would compete with USFWS' contest, and if there is someone besides the Department who would take over, what would the cost be. If the Department sponsors the contest the decision is whether that is an effective expenditure of sportsmen revenue. Director Wasley said the Department will follow the guidance and direction from the Commission.

Commissioner Hubbs said she does not fully understand the duck stamp program. Her understanding is that the stamps were used in the past but won't be used anymore due to license simplification process.

Secretary Wasley said the sale of the duck stamp generates money that goes into a restricted reserve account specific to waterfowl work. What the Department did through license simplification was to take the average percent of revenue generated from the past seven years, and took the seven year average to maintain the restricted reserve account. But, rather than require individuals to pay that additional fee and have the additional privilege, the decision was made to include the privilege in the license. As stated by Administrator Vasey the interest in having the printed paper stamp has declined steadily. He said the decision for the Commission is whether the art contest program is maintained that allows people to obtain a printed paper copy of the stamp independent of the privilege that has been taken care of in the license. The change would be to an actual art contest instead of a "stamp" program.

Commissioner Johnston said for further explanation that the duck stamp looked just like a postage stamp which the hunter signed across the stamp and affixed to their hunting license, and with online licenses you checked whether you wanted the "stamp" or not and it was just listed on the hunting license, there was no "physical" stamp. Now we are at the point where you don't even pay for the privilege as it is included. He said we are long removed from the actual sticker on your license.

Commissioner Hubbs said that this is hard, as the stamp is a tradition that may be lost, and for her, there is such a connection with youth when they get outside city limits and the connection through photography, drawing or whatever it may be, to show appreciation for wildlife. It is compelling to broaden that and have children get out and be around wildlife, and would support a youth competition to express artistic expression of Nevada's wildlife.

Secretary Wasley said the USFWS junior duck stamp contest is struggling gaining participation and awareness of that program. Any similar program created by NDOW would dilute from that program, and a better course of action would be to highlight the USFWS junior duck stamp contest at schools statewide which is something NDOW could do. Personally his opinion on Nevada's contest is that it has no bearing as far as youth engagement or involvement or appreciation because the current contest is open to any age and the number of art submissions from around the country. Currently, the contest has only 12 or so pieces of artwork submitted.

Public Comment –

Paul Dixon, Clark CABMW, said he would add to Secretary Wasley's comment on the federal junior duck stamp the question of how do we market this process. If we market the contest differently would we have a different need, as he is not aware of any existing marketing, if there was marketing that could drive a greater need and continuation of the program?

Commissioner Hubbs said along the lines of Mr. Dixon's comments, there are new programs such as "Stamps.com" where you can pick out different stamps for their business use. Maybe we are missing some opportunities and should brainstorm, and put wildlife stamps in different market, where stamps are not used for license but can be used in a different manner.

Commissioner Johnston said if we continue with state duck stamp, what would Department charge for it, as they would need a new price or will they just be handed out. Commissioner Johnston said if there is no duck stamp fee in statute, how would the Department charge for it?

Secretary Wasley said the Department would take direction from the Commission in establishing that. He said some people are very passionate about their collecting and the heritage of this program, and the numbers of those interested has declined due to availability of E-Stamps. In regard to concerns of marketing, all 50 states each had a duck stamp program, and there is a movie about the history of the duck stamp named "Million Dollar Duck" to understand the art competition and the awareness of artists have, as the program has made some artists wealthy and famous. The notion that somehow the Department could market that differently begs the question of cost benefit to sportsmen. The Department has to provide the largest return of sportsmen funds to fulfill the statutory charge of conservation. To Commissioner Johnston's question of what the stamp would cost, the process would have to make sense fiscally to generate money that would be a return on investment, and having a stamp would still be counter to the simplification process of doing away with the stamps. There would be many challenges, and he totally understands the passion and the history, but again there were only 344 who wanted to possess the stamp last year, and with the Department's limited capacity in marketing in the broader sense, have to wonder if staff energy to market an art contest would pay dividends to delivering conservation on the ground.

Commissioner East said in regard to transitioning the art to a postage stamp that the process for that is not easy. She said from her experience it is a long arduous process to get approval from the postal service.

DAG Woodbury said currently NRS provides for a price to be charged for expired duck stamps. The Commission would have authority to put a price on those.

Chairman Wallace said he understands Secretary Wasley's position fiscally. From the discussion he can feel the Commission does not want to put an end to the program. He said an option may be to suspend the policy and have the policy committee look at something such as a Commission stamp that a waterfowl group helps with so the program could continue, share the cost, market the program and keep the program alive, but run the program different.

Administrator Vasey asked for clarification from Chairman Wallace's, if his suggestion is that the Commission administer the stamp?

Chairman Wallace said potentially, but he is not sure how many groups could help with funding the printing of the stamps. He said since this is the first reading with the second reading of the policy in May, there could be further discussion of ideas that may surface.

Public Comment –

Diana Smith, Las Vegas, said she is a former educator from Clark County School District and she suggested the program expand to a “Nevada Wild” stamp program for flora and fauna to get youth involved. Kids may not see many ducks especially in larger cities but may see tortoises or photos of state birds and mammals.

Commissioner Valentine said he has no problem suspending the policy and have the APRC committee review again. Traditions are hard to give up but sometimes traditions need to be given up.

COMMISSIONER VALENTINE MOVED TO HAVE A SECOND READING OF COMMISSION POLICY 50 TO SUSPEND POLICY 50 AND AT THE SAME TIME SEND THE POLICY TO THE APRP COMMITTEE FOR FURTHER DISCUSSION ON OPTIONS. MOTION SECONDED BY COMMISSIONER BARNES. MOTION PASSED 7 - 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

9 Status of Commission Policy Review – Commissioner and APRP Committee Chairman David McNinch – For Possible Action

The status of the Commission’s policy review will be discussed and items may be prioritized.

Commissioner Hubbs said status of the policies was discussed at the last meeting and at that time no one from the committee had major input. The table shows the status of the policies and a recommendation. Commissioner Hubbs said individuals brought up the Public Lands Committee, Policy 64, Input on Land, Sales, Transfers and Exchanges and Policy 67, Federal Horses and Burros. She said some of the concern with the wild horses and burros is environmental impact in different areas of Nevada. People are not sure how the populations are being managed, and are fearful that they are impacting wildlife in a negative manner.

Chairman Wallace said he agreed with Commissioner Hubbs’ account of the policies status.

Public Comment – None

Chairman Wallace asked if the Commission wants the APRP Committee or the Public Lands Committee to review Policy 64 and 67.

Commissioner Hubbs said Commissioner McNinch said the Commission’s Public Lands Committee staff should be contacted as Policy 67 was one that was designated for review and possible updating. She said Policy 64, Input on Land, Sales, Transfers and Exchanges, is interesting too because the Commission provides input on land sales, transfers, and exchanges. She said the Commission could look at both Policies 64 and 67 and see the last time they were reviewed.

Secretary Wasley said Policy 64 was last reviewed in 2002, and Policy 67 was last reviewed in 2011.

Commissioner Hubbs said Mr. Dixon's comment about muzzleloader handguns earlier brings up having possible review of Policy 24, Opportunities among Weapons and Groups.

Commissioner Barnes said without review of Commission Policy 64 and 67 he could not say whether they need to be updated or not as just seeing the title does not help understand if relevant or not.

Chairman Wallace said he would like the Commission to read the two policies for discussion at the next meeting. Move this agenda item again for hearing at the May meeting.

Commissioner Hubbs added that there is a requirement that the Commission undertake periodic review of its policies every six years. She said from the table it is hard to discern when policy was last reviewed as there is no date associated with it. The 2002 date alone makes a case for review.

Secretary Wasley said this process and generation of this table was generated as that review criteria. He said the review has thus far revealed that the policy is still relevant to keep, and if there is a desire through this process to have further review of a policy or amendment. The Department record will reflect that the policy relevance was reviewed even though there may not be a date change on the policy.

Chairman Wallace said the color key on the table indicates no anticipated changes at this time, and in his opinion he does not see a need at this time to review Policy 64 and 67. He asked if there is a need to move this forward to next Commission meeting.

Commissioner Johnston said issues of potential land transfer were discussed one year ago and it was felt no further review was needed. He is comfortable with that one. Commissioner Johnston said he has not read Policy 67 in some time but does not recall issues there. His suggestion would be for everyone on the Commission to take the opportunity to read through those policies and have them on agenda for the Commission to decide if further review is needed.

Chairman Wallace said that sounds reasonable, no motion is needed. Commissioner Hubbs asked if the policies to consider are Policies 24, 64, and 67. Chairman Wallace said that was a typo that reads Policy 24, the two are Policies 64 and 67; agenda item concluded.

10 Reports – Informational

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

Secretary Wasley said in response to public comment he will make a few comments relative to the new license system and to CABMW comments made. He said government rules do not allow the building or having overlapping contracts. There is a public perception that NDOW there was adequate time to have kept the old system contract to overlap with the new system and perform system testing. Secretary Wasley said staff did as much as they could; however, when we moved to the new system it was not expected to be an instantaneous smooth transition to a brand new system. Staff has been dedicated to working and overseeing this transition of migrating all data into one system. He said the agency recognized what a huge undertaking it has been get to simplification and modernization of the process. He said this first year with the data transformation will not occur in the following years. In regard to the \$5 fee added to the hunting license and wants everyone to know that part of the simplification process was the ability to put your license on your smartphone free of charge. Also, sportsmen can print unlimited

copies free of charge at home, you can take your receipt from the purchase to any NDOW office or license vendor and have a durable copy printed for free one time. The only time you pay \$5 is if you chose to have the durable license processed and mailed to your residence. As a result of the comments heard today, those options will be made clearer on the system's interface. Problems are being resolved and staff and the contractor continue to refine and work on the system. Secretary Wasley said for the record he was not aware of the elk goring three horses at Cold Creek. He said the Department received a petition yesterday from an ammunition manufacturer for the Commission to consider reducing the gauge restriction to a .410.

Earlier this fall, the remains of two bighorn sheep were discovered in a vertical cave in the Fish Creek Range, Cave Canyon near Prospect Peak in Unit 145. Several samples were taken from the bottom of the cave for carbon dating thru Beta Analytic. Results showed that two young ewe carcasses found on the surface of the ground fell into the cave around 1955. Mandible and carpal bone samples excavated 10 inches below the surface from one or two other bighorn sheep date back to 1875. This investigation has been conducted in cooperation and coordination with BLM, Great Basin National Park, and the Department. There is no current documentation of native bighorn in the Fish Creek Range and we have contacted Dr. Marjorie Matocq for gathering DNA on the bighorn sheep for comparison with the statewide genetics research project NDOW is funding. This finding adds to the historical record of bighorn sheep persistence in portions of Nevada.

Eastern Region post-season mule deer surveys were accomplished during November and December. Classification of 17,095 mule deer resulted in buck to doe ratios above objective at 32.4 bucks: 100 does. Management Area 7 was low for fawn recruitment. Statewide, buck to doe ratios are about 33:100, and some units have ratios as high as 38:100.

Mule deer captures are nearing completion for this year. Thus far, the Department has captured and collared 168 mule deer across the state. One final capture was planned for March 1, 2018, to capture and collar about 20 mule deer in the Toiyabe Bench winter range study area. Due to the mild winter that central Nevada is experiencing, mule deer were late moving to winter range.

As part of the ongoing capture work, the Department completed big game captures for State Route 160 monitoring on Jan. 26. Two bull elk, five buck deer, and three female deer were captured during the effort. Ongoing data collection will continue to assist in understanding the effects of SR160 on ungulates in the Spring Mountains of southern Nevada.

The Department sent three staff members to the Western Hunting and Conservation Expo in Salt Lake City, Feb. 2018. Staff also represented the Department at the Mule Deer Working Group held in conjunction with this event on Feb. 7. Secretary Zinke attended where he announced the Secretarial Order highlighting the significance of migratory corridors for ungulates and the importance of big game winter range. All agencies were encouraged to have a heightened awareness in planning efforts, and resources will be dedicated to those areas.

The Yakama Tribe has provided the Department with an updated report on the movements of pronghorn following the translocation of 52 animals in October 2017. As of Jan. 30, 2018 only two mortalities have been recorded from radio-marked pronghorn that were released on the Yakama tribal lands. Both mortalities occurred within two weeks of the release date. This is a very low rate of mortality in translocated pronghorn compared to past efforts in Nevada and other states, and is similar to that observed by the Colville Confederated Tribes from the same capture period. Other significant findings from the report were that many of the newly translocated pronghorn are already mixing with the resident pronghorn that were translocated in 2013 from Nevada. Most of the pronghorn have remained within about 10 miles of the original release site.

Southern Region staff is working with the Division of State Parks to treat excess aquatic vegetation at Eagle Valley Reservoir in Lincoln County this spring. Weed growth has been limiting angler access for several years.

With good reservoir storage carrying over from last year we will continue warm water fish stocking of catfish and wipers this spring in northern Nevada at multiple waters, including urban ponds, Chimney, Rye Patch, and Lahontan reservoirs. In the Eastern Region, Wildhorse, Jakes Creek and South Fork reservoirs will receive catfish and Comins Lake will receive largemouth bass.

We are currently struggling to find a supplier for catchable channel catfish for urban ponds in Clark County after the existing vendor didn't renew their contract. We have contacted suppliers in Arizona, Utah and California without success. We will continue to pursue options to try to secure fish before the summer stocking season begins in late April.

The Western Region is working with the City of Minden and Douglas County to develop a new urban fishing site at Seaman Pond in Minden. This site was acquired from the Seaman Ranch using Question 1 funding; the City has resources for park development but the site will need to be transferred from Douglas County ownership first. We will continue to work with City of Minden staff to provide technical consultation for the development of the new park and fishing pond.

Western Region biologists have installed a PIT tag reader in Third Creek in Incline Village on Lake Tahoe. This is part of a long term study to better understand how both stocked rainbow and cutthroat trout use tributaries to Lake Tahoe for spawning and seasonal habitat. The new reader has already detected tagged rainbows and should provide us with some very interesting information on how these fish use the tributary streams.

Fisheries and Habitat staff continue to coordinate with Barrick Goldstrike representatives on repairs to the dam at Willow Creek Reservoir. We're continuing discussions on future reservoir management and the possibility of a cooperative agreement with Barrick to maintain the fishery. Repairs to the dam should be completed this spring but filling of the reservoir this year will be dependent on available runoff.

Fisheries and Habitat staff are evaluating the Sutter Ranch which is a 900 acre conservation property owned by the Walker Basin Conservancy along the West Fork Walker River in Smith Valley. The Conservancy is looking for an agency to take over and manage the property. The property would provide fishing access to up to two miles of the river and there is also the potential to develop a small reservoir on the property.

Efforts to update the recovery process for Lahontan cutthroat trout (LCT) are ongoing. Several geographic Recovery Implementation Teams have developed new recovery "vision" documents for their portions of LCT range and the new Recovery Coordination Committee which includes NDOW and other partners is evaluating those as part of developing new recovery goals and objectives for the listed species.

With the closure of the Reid Gardner Power Plant near Moapa in Clark County staff is working with NV Energy to treat the plant cooling ponds to remove exotic and invasive tilapia. The presence of the tilapia, which can escape into the adjacent Muddy River, has been a long time impediment to the Endangered Species Act (ESA) listed and native fish recovery in the lower river system.

In Northern Nevada fisheries staff is working with the Fish and Wildlife Service and U.S. Geological Survey (USGS) to develop a comprehensive monitoring plan for three populations of western toads, in Dixie Valley, Railroad Valley, and Hot Creek. This will substantially increase our knowledge of the status and distribution of these toad populations. The Dixie Valley toad has been petitioned for listing under the ESA and we anticipate that other researchers may be proposing the other two populations as unique species in the near future.

At Lake Mead NDOW biologists sonic tagged 10 razorback suckers and stocked them into Vegas Bay as part of a study to identify genetic augmentation needs for this population in January. Lake Mead has the only self-recruiting population of this ESA listed native fish in the lower Colorado River Basin.

Various improvements and upgrades are ongoing for NDOW Fish Hatcheries on multiple fronts. At Gallagher, the new UV sterilization system is now fully on line for the domestic water system and we are continuing to solicit bids for a new alarm and monitoring system. We are currently working on rewiring the residences at Spring Creek Rearing Station, and we have received approval from National Park Service to upgrade and repair the fire suppression system at Lake Mead Hatchery.

The FY19 Wildlife Heritage Program year is on track to set records for: the most funds available for Heritage projects, the largest sum of requested funds by proposed Heritage projects, and the greatest amount of matching funds leveraged from other sources. Specifically, \$887,474.01 of Heritage funding is available for FY19 projects and NDOW has received eighteen proposals requesting a total of around \$1.2 million.

Collaborative endeavors include the participation of NDOW habitat staff in the establishment of a Nevada Collaborative Conservation Network (NCCN), aimed at providing networking opportunities and conservation resources across the state. The Habitat Division's Private Lands 4 Wildlife Program, will participate in the NCCN through the continuation of work with NRCS, the State of Nevada Conservation Districts Program, and the U.S. Fish & Wildlife Service Partners for Fish and Wildlife to develop and implement habitat restoration projects on private lands across Nevada.

WMA's have received early water allocation numbers from the associated irrigation companies.

- Mason Valley WMA-Walker River Irrigation District (WRID) does not expect to hit full decree this year with deliveries likely in the 70-75 percent allocation range.
- Truckee-Carson Irrigation District expects full allocation (100 percent) for Carson Lake and Pasture. Water deliveries could start as soon as March 15 from Lahontan Reservoir. Given the high water levels on the area, NDOW doesn't expect to take deliveries early. NDOW's allocation will be saved until needed for fall migration and hunting or in the unlikely event that we see botulism or other disease outbreaks this summer.
- Pershing County Water Conservation District for Humboldt WMA does not have early allocation numbers yet but they are expecting 100 percent allocation from Rye Patch Reservoir. Deliveries aren't expected to start until April 1.

The water development crew is starting another construction season and crews in the north and south have been busy planning and constructing projects with the help of our sportsmen volunteer groups. The northern crew completed their first project of the year in the Sand Springs Range and will construct volunteer projects every two to three weeks for the next several months. The southern crew is well into their construction cycle and has volunteer projects scheduled for the next several months. The southern crew also recently completed their annual inspection and maintenance aerial surveys, with the help of the Fraternity of the Desert Bighorn. The observed dry trend in southern Nevada may necessitate water hauls to several critical guzzlers over the next few months.

NDOW has provided technical review and comment to a number of proposed projects or land exchange proposals in development. Most significantly comments were provided to the Nevada Test and Training Range Withdrawal Renewal and Expansion Draft Legislative EIS (DLEIS), the developing Washoe County Lands Bill, and scoping input into the Bureau of Land Management Fuel Breaks across the Great Basin Regions and Fuels Treatments and Habitat Restoration Programmatic Environmental Impact Statements.

Two Wisconsin men were sentenced on March 12 in Seventh Judicial District Court for their roles in the illegal killing of a large bull elk near Ely during the 2016 season. Ed Singlar received a fine of \$1,000 plus \$6,000 in civil penalties. His son, Ryan Singlar, received a fine of \$2,000 and \$6,000 in civil penalties. The men also received jail sentences of 270 days in White Pine County Jail which were suspended for a one year probation period. However, both men were ordered to serve 10 days in the White Pine County Jail and were remanded to custody right from the court room. The Singlars will also face 40 hours of community service to be performed in their hometown in Wisconsin, loss of hunting privileges, and forfeiture of their rifle, scope, and the elk.

Two regulations from this commission went into effect at the end of February when the Legislative Commission approved them. The first changed the definition of what firearms are legal for big game hunting. This regulation liberalized what handgun cartridges and muzzleloader powders could be used for big game, set a maximum on caliber and cartridge length for big game, and prohibited the use of electronic "smart rifles" for big game hunting. The second regulation placed a season closure on shed antler gathering in Nevada's six eastern counties from Jan. 1 through April 30. The Law Enforcement Division will work out enforcement of the regulation since it became effective in the middle of the season closure.

The weekend immediately preceding the shed antler regulation going into effect, our Lincoln County Game Warden checked 24 camps in Lincoln County representing five different states. Shed antler pressure has remained high in eastern Nevada even since the regulation went into effect as game wardens attempt to educate the public about the new rules. A large portion of the pressure is coming from Utah shed hunters who came to Nevada last spring in response to Utah's shed antler closure. Many Nevada shed hunters have raised concern about the new regulation, especially inquiring about why the closure will go through the month of April when wintering big game is gone from their winter ranges.

In 2017, NDOW (with contributions from several NGOs such as NBU, NV Chukar Foundation, NV Muleys, Carson Valley Chukar Club, Barrick and Newmont) purchased \$1.2 million worth of seed, spent \$360,000 in seed application costs (aerial or drill seeded) and spent \$289K on herbicide. Over the last two months, seed and herbicide application was spread across approximately 12 major wildfires across the state.

Staff estimated that 275,706 acres of priority habitat burned and 311,493 acres of general habitat burned during 2017 for a total of 587,199 acres (an area larger than the Sheldon National Wildlife Refuge).

Staff reported on the Annual Sage-grouse Wing-Bee and provided a preliminary recruitment value of 1.05 chicks per hen. Once all wings were analyzed, the final statewide recruitment value was actually 0.98 when accounting for Sheldon, Tuscarora and Desatoya wings. The long-term average recruitment value for Nevada is 1.6 chicks per hen. In 2017, Wyoming reported a recruitment value of 1.2 chicks per hen and Idaho reported 1.13 chicks per hen so recruitment value across the range is considered low.

Annual data summaries for each of the sage-grouse study sites across Nevada (12 study areas) were provided by the USGS in January. Some of the metrics provided in these reports that are used as indicators of population health include things like annual survival, nest survival and brood survival. Overall, annual survival dipped to 51 percent in 2017, down from 68 percent and 69 percent in 2015 and 2016 respectively. Nest survival was estimated at 31 percent in 2017, which is consistent with the short-term average of 29 percent and brood survival was estimated at 46 percent which is almost 10 percent lower than the long term average of 55 percent. These figures, along with low recruitment rates in 2017 lead to concern regarding the short-term prognosis for sage-grouse populations.

NDOW held its annual volunteer sage-grouse lek survey training session March 10; 12 volunteers were in attendance for the early morning lek viewing and subsequent classroom training and presentation. Volunteers are currently being assigned leks for survey and will be counting soon.

NDOW has developed a new sage-grouse lek count app that can be downloaded onto phones and tablets. The app was introduced to volunteers at the training session and was viewed positively. Biologists will also be using this app this year and will allow for more a more efficient download of data into the statewide lek database.

Staff have coordinated with the U.S. Forest Service (USFS) and Owyhee Air to conduct approximately 10 mornings worth of aerial infrared lek surveys across the state. The U.S. Forest Service (USFS) is providing additional funding for these flights and we will once again concentrate surveys on high elevation mountain ranges in central Nevada, but will also be including the north Schell Creek and Snake Range in White Pine County this year. Most other sage-grouse lek surveys will begin next week and continue through the end of April.

Wildlife Diversity biologists continue to monitor Golden Eagles. We've assessed occupancy at 15 eagle territories in the Lincoln County study area and 18 territories in northern Humboldt County near the Hycroft mine. Both study areas are 100 percent occupied. Staff confirmed breeding at a subset of six territories in Lincoln County, with potentially three additional sites showing breeding activity. There was also a collaborative effort partnering with USFWS and Hycroft to deploy cellular transmitters on two adult Golden Eagles. One adult male and one adult female from two separate territories were captured in mid-January and had collars attached. So far, the adult female does not appear to be on eggs yet as her movement patterns show her spending a fair amount of time away from the primary nesting cliff. The male eagle is also spending time both at his primary nesting cliff, but also the south east so breeding activity is not clear at this time.

The Diversity Division is continuing to work with several agencies, including the Bureau of Land Management, the USFS, and the National Park Service to update the Nevada Bat Conservation Plan. The annual meeting of the Nevada Bat Working Group was held last December and portions of the plan were assigned to various groups. The first chapters are due in April on habitat use, including recommendations on survey needs and conservation actions.

In partnership with the University of Nevada Reno, the Diversity Division has completed a multi-year project on small mammals. Over the course of three years, small mammals were trapped at six mountain ranges at multiple elevations and in multiple habitat types. Results showed that Nevada harbors unusually high small mammal richness, among the highest of any state, with 42 different species caught. This is due in part to the breadth of environmental conditions present along the dramatic elevational gradients associated with Nevada mountain ranges. This baseline survey effort makes recommendations for continued monitoring of small mammal communities as a way to detect environmental changes.

In February the Diversity Division held its annual coordination meeting in Las Vegas. At this meeting, the Division set survey priorities for the coming year, based on the Wildlife Action Plan. Many of the projects the Division is currently engaged in will continue through the next year. These include: Satellite tracking multiple raptor species including Northern Goshawks and Golden Eagles; monitoring and surveying mine sites throughout the state for multi-seasonal bat use as well as disease monitoring; continuing annual breeding bird, short-eared owl, nightjar and flammulated owl surveys; monitoring select species in the Tahoe basin, including the California spotted owl which is the only area in the state that this species occurs in; surveying for pond turtles in both the Carson and Truckee rivers, in partnership with The Nature Conservancy; and continuing reptile road surveys and Gila monster tracking.

A few new studies to highlight beginning this year include: Radio tracking desert tortoises at Red Rock Canyon National Conservation Area; capturing and deploying satellite tracking collars on ferruginous hawks in association with habitat treatment projects; and monitoring northern pika sites in northwestern Nevada as well as surveying for presence/absence in select ranges statewide.

Trout in the Classroom is underway statewide. Trout eggs are beginning to hatch in schools across the State. Releases have begun and will continue over the next couple of weeks.

Southern Nevada media provided extensive news coverage of a growing feral rabbit issue at the State Mental Health facility at Charleston and Jones in Las Vegas. A reporter from KTNV 13 inquired about state regulations governing both feral and wild rabbits.

Western Region Hunter Education staff hosted a Wild Game Cooking Class at Nothing to It! Culinary Center featuring Tim Torrell, Lara Ritchie, and Kristy Crabtree of Nevada Foodies.

Conservation Education Staff held their semi-annual coordination meeting in Laughlin. Staff worked together to contribute to NDOW's Strategic Plan. During this meeting staff refined a consistent message feeding a modern marketing plan for the Nevada Department of Wildlife.

NDOW's social media platforms have been a successful tool for distribution of information. NDOW's Facebook page has reached more than 28,000 followers and engagement with those followers has increased. Conservation Education staff's goal for the next quarter is to increase engagement within our YouTube channel.

Preparation is underway for NDOW's participation at the 2018 Clark County Fair and Rodeo in Logandale. The agency exhibit will include a catch and release fish tank, an archery range, a live reptile display, the Operation Game Thief and Boating Education trailers, and booths highlighting various management activities and education programs. State Parks and the Division of Forestry will also be located in the NDOW area.

The Southern Region wildlife education coordinator provided educational workshops to a total of 153 people at the Lake Mead National Recreation Area Visitor Center, Clark County Wetlands Park, Mt. Charleston and the Doral Academy.

Eastern Region staff hosted the Elko Sportsman's Expo in February. The Expo brought over 40 vendors to the event and provided accommodations for a large youth activity room offering archery, skins and skulls, laser shot, fly tying and a wildlife coloring station. Over 6000 people attended the event at the Elko Conference Center.

NDOW continues to work around the clock with our contractor, Kalkomey, to ensure the new licensing system operates correctly. The 2018 spring wild turkey draw was successfully conducted with an increase in applications from last year. The total number of applications was also higher for the 2018 nonresident guided mule deer draw from last year. The big game application period will open March 19.

NDOW has leveraged existing staff across several Divisions to cover the phone and email customer service system that supports the new licensing system. The Department has worked hard to get all phone hold and call back times to less than 10 minutes, and is responding to all incoming email requests for support within 24 hours. The Department is also keeping up customer service efforts across social media and traditional Department phone and email systems.

GIS staff attended the WAFWA Crucial Habitat Assessment Tool (CHAT) coordination meeting in January and continues to be a leader in the western states effort to map and manage crucial wildlife habitat data. GIS staff is also working to deploy mobile technology for wildlife field surveys, including this year's sage-grouse lek surveys and mountain lion harvest check-ins.

Changes to the NRS signed by the Governor from the 2017 Legislative Session have not been codified yet. The Legislative Counsel hopes to have them complete and online by the end of this month.

The 2019 Legislative Session is already less than a year away. Session will start on Feb. 4, 2019, and end June 3, 2019. Deadlines are already approaching quickly. Staff is working on budget preparation, compiling biennial performance measure data, and preparing bill draft concepts for approval by the Governor.

The Interim Legislative Committee on Public Lands was scheduled to meet on March 2 in Battle Mountain. The Department was prepared to make a presentation on programs and activities on public lands in Northern Nevada, including activities in the Ruby Mountains. This meeting was cancelled due to weather and was rescheduled to April 6.

The Community Foundation of Western Nevada and NDOW contracted with Go Hunt to sell Dream Tag raffle tickets and Resource Enhancement Stamps. Tickets will be available for purchase March 19.

The Department will continue to hold coordination meetings with partner agencies. Department staff met yesterday with leadership and staff from USFWS Southern Nevada Field Office. Upcoming meetings include the USFS and California Department of Fish and Wildlife. Key topics include Lahontan cutthroat trout recovery, interstate deer herds and urban wildlife response in the Tahoe Basin.

B Litigation Report – Deputy Attorney General Josh Woodbury

Deputy Attorney General Josh Woodbury said there are five items listed on the report (exhibit file and website). As mentioned previously the Smith vs. NDOW case was (Item 5 on litigation report) was filed in Truckee, Calif., the case alleges defamation. As noted on the report the court stayed that portion of the case pending resolution of all issues in Nevada. The recent update is that there was another portion of case that the Nevada Attorney General's Office has decided to appeal which was whether California has the ability to bring Nevada into their state courts to rule against them which is a sovereign immunity issue. The matter has been appealed to the appellate court in California, which ruled that California did in fact have authority, and Nevada Attorney General's Office has requested that the California Supreme Court take the issue under review, and the California Supreme Court denied Nevada's petition to review the appellate court decision.

Commissioner Johnston requested an attorney client meeting be scheduled in connection with the May meeting in accordance with the Open Meeting Law relative to the Molde and Smith case (Item 4 on litigation report). The case has been scheduled for trial Aug. 13 - Aug. 24, 2018,

11 Workshop Commission General Regulation – For Possible Action Public Comment Allowed: Persons Wishing to Provide Comment on Regulations are Requested to Complete a Speaker's Card and Present it to the Recording Secretary

A Commission General Regulation 473, Safe Hunting Distance, LCB File No. R111-17 – Chief Game Warden Tyler Turnipseed – Workshop/Public Comment Allowed
The Commission will hold a workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code (NAC). This regulation would make it unlawful for a person to discharge a firearm, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow within a certain distance of any occupied dwelling without the consent of the owner or occupant of the dwelling.

Chief Game Warden Tyler Turnipseed said both the Department and Commission received phone calls in the fall/early winter of 2016 after someone with an archery tag shot a buck on side of road in Genoa, Douglas County. The buck was wounded and after the shot was taken, the archery tag holder went knocking on doors asking for permission from residents to finish off the deer. Chief Turnipseed said current Nevada law does not have any charges that fit this incident. Douglas County Sherriff Perini asked the Department to enact a regulation in regards to safe hunting distance from a dwelling. Correspondence received from the public stated that this is a solution looking for a problem. There are already some counties with ordinances regarding this (included in support material). However, Douglas County did not specifically address archery. Currently, calls received by NDOW dispatch are referred to the local jurisdiction and then the call is referred back to the Department. Chief Game Warden Turnipseed read through a list of incidents encountered by game wardens around the state relative to safe hunting distances. Initially language was taken from the ordinances in Douglas, Carson and Washoe Counties. For the purposes of hunting it would be illegal to discharge a firearm within 5,000 feet of an occupied dwelling without the consent of the owner or occupant, or within 1,000 feet for archery, crossbow or shotgun. The Department subsequently amended those distances because it was noted that 1,000 and 5,000 feet would have too many unintended consequences in certain parts of the state where there is quite a bit of hunting within a mile of homes. Now, the Department recommendation is 500 feet and 1,500 feet, with those distances up for discussion. Chief Game Warden Turnipseed also spoke about the authorities the Commission has to deal with these issues.

Chairman Wallace brought up private property exemptions for ranchers.

Chief Game Warden Turnipseed offered to give an agricultural exemption clause.

Commissioner East asked which laws would take precedence between state and county.

Chief Turnipseed said State Peace Officer doesn't enforce local regulations only the Department's, however; deputies can enforce state regulation as well.

Commissioner East noted how much opposition she received on the regulation.

Commissioner Johnston asked if the emails were individually typed or if an NGO sent out platform emails which went to a spam folder. He said it is much better for the public to write individual emails to him. He said he does not know if this blanket rule is needed statewide because of a few hunters made poor decisions. He also brought up other unintended consequences of this regulation.

Chief Turnipseed said he agreed with several points.

Secretary Wasley shared some thoughts. There are examples from other states where counties can take away from recreational opportunities if given that power. If there is a consistent approach, some of that confusion would be reduced. There is an element of ethics to keep the broad public support that hunting currently has. There were three areas of unintended consequences mentioned which the Department could accommodate.

Commissioner Hubbs asked if specific weaponry could be addressed.

Chief Turnipseed said the weapon used in Genoa was a bow (archery) and that is why the county could not pursue the case. There is room for exemptions and specificity when it comes to weapons.

Commissioner Valentine asked if this regulation would shut down the management areas.

Chief Turnipseed said he believes it would be implied that the residents on the management area are giving their permission. Commissioner Barnes believes the local governments need to weigh in on the issue. There was continued discussion regarding local government authorities.

Public Comment –

Paul Dixon, Clark CABMW, said that the Clark CABMW had many discussions about this regulation. He also noted that Overton duck hunting occurs within 60 yards of a dwelling. If the Commission were to go through with this, an exception to WMA residences would need to be included. He also believes that a statewide law for this is going to be difficult.

Gil Yanuck, Carson CABMW, said they would like to leave this to local regulations because local authorities know about the safety and welfare of their communities. He suggested having the county advisory boards speak to their local county commissioners to see if there could be a regulation there.

Korin Carpenter of Nevada Bowhunters Association said their request is for the Commission to oppose the regulation as written. The Association also would oppose a regulation specific to archery. Archery is safe, the gentleman in Genoa made a very poor choice, and does not represent archery hunters. She said this regulation will not fix this problem and that ethics cannot be regulated.

Richard Kolkoski, Clark County resident, said he submitted a letter from which he read a list of objections (letter in exhibit file).

Scott Torgerson, Lander CABMW, feels that the county commissioners and law enforcement should know the needs of their own counties.

Chad Foster, Douglas CABMW, said he is very familiar with what happened in Genoa. He suggested putting a blanket law across the state that says no discharge of any firearm or hunting apparatus from a right of way.

Steve Marquez, White Pine CABMW, said that White Pine CABMW was opposed to this as written. They would just like to continue to support county regulations that are already in place. They received letters from their district attorney who is very opposed to the regulation. White Pine County Commissioners were are also opposed.

Commissioner Johnston noted that he could not support this regulation as drafted, especially after hearing there is no public support. He suggested the Department see what other states have done.

Chairman Wallace agreed. The discussion shows there are too many problems down the road. He is supportive of doing something but there is no clear path at this point.

Commissioner Valentine agreed.

Commissioner Hubbs mentioned that she is concerned that in the future kids may be playing outside and will be subject to weapons that could have been stopped by the Commission. There are two different issues in the Genoa incident: the weaponry and the other suggestion could be to regulate the direction of aiming/shooting.

Commissioner Almberg said he could not support the regulation as written.

Commissioner Wallace suggested that if hunters don't want to be regulated they need to have a conversation with friends who shouldn't be doing this. It is obvious that there should never be shooting towards a house but it still happens.

Commissioner Hubbs said that person should not have a hunting license and there is no way to take it away currently. It would be shameful if this escalated and there was something this Commission could have done.

Secretary Wasley said a means to adjust and dictate the social narrative around consequences would be ideal. The preservation of a heritage is significant. Everyone agrees on the solution, there just needs to be a better way to address the concerns and accomplish the goal.

Commissioner Johnston said he does want there to be negative consequences for bad decisions, but the proposed regulation is not the way to do that at this point.

Commissioner Hubbs said she agreed with Director Wasley and would like to work on this, not just set this aside.

Chairman Wallace said the Commission has no directions for the Department at this point and will need to discuss further.

- B Commission General Regulation 470, Miscellaneous Petitions, LCB File No. R095 16 – Commissioner and APRP Committee Chairman David McNinch – Workshop/Public Comment Allowed
The Commission will hold a workshop to consider amending Chapter 501 of the Nevada Administrative Code (NAC). The regulation was developed by the Administrative Procedures, Regulations, and Policy Committee after several public meetings incorporating relevant suggestions from the public, legal counsel, the Department and the Committee. The amendments will simplify petition form requirements and the petition process overall. Two workshops have been held on this regulation, Nov.18, 2016, and Aug. 11, 2017.

Deputy Director Robb noted that on page 3 there is a change to strike subsection 4 which would then change subsection 5 to subsection 4. He said the Department tried to model other boards, but those boards ended up having problems as well. The Department brought this to the attention of the Director of the Department of Administration because of the problems with the 30-day requirement for a board that does not meet on a regular basis. Hopefully those boards can work together to get a Nevada Revised Statute (NRS) change. The regulation in front of you simplifies it as much as can legally be simplified under current NRS. The Department always works with the petitioner based on where the next meeting is held.

Public Comment – None

COMMISSIONER VALENTINE MOVED TO SEND CGR 470, MISCELLANEOUS PETITIONS, R095-16 FORWARD TO THE MAY 2018 COMMISSION MEETING. THE MOTION WAS SECONDED BY COMMISSIONER JOHNSTON. MOTION PASSED 7 - 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

- 12 Commission Regulation 18-10, Migratory Game Bird Seasons, Bag Limits, and Special Regulations for Waterfowl and Webless Migratory Game Birds; Public Hunting Limited on Wildlife Management Areas and Designated State Lands – 2018 - 2019 Season – Wildlife Staff Specialist Russell Woolstenhulme – For Possible Action
The Commission will consider recommendations for seasons, bag limits, and special regulations for migratory game birds for the 2018 - 2019 season and adopt regulations that comply with the proposed regulations framework for the 2018 - 2019 hunting seasons on certain migratory game birds established by the U.S. Fish and Wildlife Service. The Commission will also consider rules regulating public hunting on Wildlife Management Areas and designated state lands.

Wildlife Staff Specialist Woolstenhulme suggested the Commission begin with seasons and limits for ducks and mergansers as there were a number of public comments in addition to CABMW comments on those dates. Chairman Wallace agreed.

Ducks and Mergansers

Wildlife Staff Specialist Woolstenhulme provided the season date recommendations for the three Zones from the Department as written in the CR in the support material; all Zones close for two days.

Commissioner East asked Mr. Woolstenhulme to explain the dates and why the two day closure.

Wildlife Staff Specialist Woolstenhulme said the federal framework regulation that dictates state seasons only allows 107 days of hunting. Nevada has two youth days which have to be subtracted from the 107.

Commissioner Barnes said Eureka County submitted correspondence to the Commission and Department requesting a Zone change. He asked the Department's position on Eureka County's request that the Northeastern Waterfowl Management Zone include Elko, Eureka and White Pine Counties with the following hunting seasons for ducks and geese; Sept. 29, to Oct. 21, 2018, and Oct. 24, 2018 to Jan. 13, 2019.

Wildlife Staff Specialist Woolstenhulme said the addition of Eureka to the Zone can be considered by the Flyway. He said a few CABMWs sent in differing recommendations for season dates. A few CABMWs requested the Northeast Zone be moved back one week primarily because they are thinking of goose seasons and being able to hunt in that part of the state later into spring. He said this year the same opening weekends have been proposed as last year accommodating calendar shift for days. He said Carson CABMW proposed moving the Northwest season back. For the Northeast Zone is that he uses the first earliest date allowed by the framework to avoid freeze-out. The goal is to provide opportunity and is not biological. For the Northwest Zone he does not support the suggestion to move back one week not for a biological reason but moving opening date to Oct. 13 puts the opener on the same opening date as chukar opener, some prefer those dates to disperse hunters between the two hunts to reduce congestion. At all the AFWA, WAFWA and other meetings staff attend they usually discuss the three R's – Recruitment, Retention, and Reactivation of Hunters. He said 40 years ago Nevada had 18,000 waterfowl hunters, and now there are less than 3,000 waterfowl hunters. When considering regulations he considers opportunity. Having the same opening date for both hunters makes hunters have to choose which opener to go to. Opening day is the most favorable day to go bird hunting.

Public Comment -

Gil Yanuck, Carson CABMW, said Mr. Woolstenhulme attended their CABMW meeting and brought forth that suggestion he just made about "splitting the dates" and thinks that was well received as you don't have to decide. He said they liked the suggestion that was made of moving the date forward to the 13th for the Northwest Zone and the other changes so that we gives people the opportunity to do both. Both sets of hunters can have opening day.

Steve Marquez, White Pine CABMW, said White Pine CABMW was contacted by Eureka CABMW. He said it is a two-part request. Eureka CABMW wants to integrate into the Northeast Zone as they are now included in the Northwest Zone as long as Elko, White Pine and Eureka agreed, and Mr. Woolstenhulme said the Department would support that but could not occur until 2020. Mr. Marquez said Eureka CABMW also proposed to move the duck season back one

week, to start Sept. 29 rather than Sept. 22, closing Jan. 13, 2019, with the two-day breaks between.

Commissioner East said she received an email from Darin Elmore regarding the dates for the Northwest Zone requesting the opening date be moved from Oct. 6 to Oct. 13 due to more water allocation. She read the email: The current water allocation in the Lahontan Valley is 100 percent for the 2018 irrigation water delivery season, given such, wetland water managers of Carson Sink and Stillwater where Canvasback NWR will reserve as much of their allocations for the latest possible delivery in order to minimize evaporative loss and maximize the wetland footprint for the fall migration. An extra week in October allows for the increased water coverage and benefits hunters and migratory birds.”

Wildlife Staff Specialist Woolstenhulme said it is hard to address that as everyone has a different opinion. He said there was public comment that the mosquitos are terrible earlier. He pulled data from National Weather Service and average temperatures during that week change a degree and one-half between those two weeks, from Oct. 6 to Oct. 13. He knows late water delivery is favorable and currently the marshes are at or above 100 percent of coverage. Many years all of the water deliveries to Carson Lake are done by mid-September and later provided more water deliveries were made. The private clubs have the option of waiting one week to have their opener if they desire.

Commissioner Barnes said he is concerned about changing dates unless absolutely necessary as they are all connected. He understands Eureka CABMW’s recommendation and is good with the dates.

Commissioner Johnston said he received correspondence from many people in the northwest who wanted the date pushed back. He received the email from Darin Elmore who is an avid chukar hunter, and there was also the issue of pushing the date back later due to getting more weather which would increase the number of ducks for the opening day. Rather than Oct. 6 when it is still quite warm, and still may be warm on Oct. 13. He said there is no biological reason to not push the date back, it is really the matter of having the chukar and waterfowl open to people.

Wildlife Staff Specialist Woolstenhulme said that is the primary factor for requests to push it back which is not a huge give up, as birds really are not here. We do give up a week of the swan hunt and we will lose some days on the snow goose hunt.

Commissioner Barnes said the Department dates are a compromise between those who want to push it back and Eureka CABMW who want to move it up.

Wildlife Staff Specialist Woolstenhulme agreed as the Northwest Zone has more counties than just Churchill County where the majority of duck hunting occurs. The big push is coming from Carson CABMW whose CABMW has members of the duck clubs in Fallon, and wants to provide opportunity to other northern counties that could have a freeze-out. He said a possible solution may be to move some counties into a different zone.

COMMISSIONER BARNES MOVED TO ACCEPT THE SEASONS PRESENTED BY THE DEPARTMENT FOR DUCKS AND MERGANSERS. MOTION SECONDED BY CHAIRMAN WALLACE SECONDED THE MOTION. MOTION CARRIED 7 – 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

Mourning and White-Winged Dove, American Crow, and Special Youth Waterfowl Hunt
American Crow, Special Youth Waterfowl Hunt (Pages 1 – 2)

Biologist Woolstenhulme read the Department's proposed hunt dates on pages 1 - 2. He said the Department has a correction/change to the CR to remove the statement on page 2 stating that "Youth hunters 12 years of age and older must possess a state duck stamp."

Public Comment - None

COMMISSIONER JOHNSTON MOVED TO APPROVE THAT PORTION OF CR 18-10 2018-2019 SEASONS, BAG LIMITS AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS COVERING MOURNING AND WHITE-WINGED DOVE, AMERICAN CROW, AND SPECIAL YOUTH WATERFOWL HUNT, AMERICAN CROW, SPECIAL YOUTH WATERFOWL HUNT (PAGES 1 – 2) AS PRESENTED/EXCEPT WITH THE LANGUAGE REQUIRING A YOUTH HUNTER TO POSSESS A STATE DUCK STAMP DELETED. COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION PASSED 7 - 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

Coots and Common Moorhens (Common Gallinules), Snipe , Canada Geese and Brant,
Canada Geese and Brant, White-Fronted Geese, Swan, Falconry Seasons for Migratory
Game Birds (Pages 4, 5, and 6)

Wildlife Staff Specialist Woolstenhulme said all of the above season dates are identical to duck and merganser season that the Commission approved already. His recommendation is to bundle all of those seasons in one motion. Biologist Woolstenhulme said a change is recommended by the Department to eliminate the draw for swan tags because the average number of applicants for the 650 swan tags/permits is 140; the remainder of tags are sold at the counter or online.

Public Comment –

Paul Dixon, Clark CABMW, said years ago the CABMW requested a swan season in the south. He asked if a swan season in Southern Nevada is feasible.

Biologist Woolstenhulme said because swan hunting is regulated through the federal government an Environmental Assessment would need to be done before a hunt could be considered, and U.S. Fish and Wildlife Service has choose not to.

Steve Marquez, White Pine CABMW, said his CABMW was in favor of framework and NDOW recommendation. They were just looking at pushing everything back a week.

Chairman Wallace said the motion will include scaup, coots and common moorhens, snipe, Snow and Ross' geese, falconry seasons for migratory game birds, Canada geese and brant, white-fronted geese and swan.

COMMISSIONER JOHNSTON MOVED TO APPROVE THAT PORTION OF CR 18 – 10, 2018 – 2019 SEASONS, BAG LIMITS AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS COVERING SCAUP, COOTS AND COMMON MOORHENS, SNIPE, SNOW AND ROSS' GEESE, FALCONRY SEASONS FOR MIGRATORY GAME BIRDS, CANADA GEESE AND BRANT, WHITE-FRONTED GEESE AND SWAN AS PRESENTED. COMMISSIONER

EAST SECONDED THE MOTION. MOTION PASSED 7 – 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

Public Hunting Limited on Wildlife Management Areas (WMA) and Designated State Lands

Biologist Woolstenhulme said there is a change adding the following statement to each WMA that makes clear what is allowable as was uncertain in the past: “Before or after any waterfowl season, hunting is allowed every day for wildlife species upon which there is an established season.” He said on page 9 verbiage concerning WMA hunting reservation processes have been cleaned up and placed online in conjunction with the license simplification.

Public Comment - None

COMMISSIONER VALENTINE MOVED TO APPROVE THAT PORTION OF CR 18-10 2018 RELATING TO WILDLIFE MANAGEMENT AREAS: KEY-PITTMAN, OVERTON/KEY-PITTMAN RESERVATION SYSTEM AND DESIGNATED STATE LANDS AS PRESENTED BY THE DEPARTMENT. COMMISSIONER BARNES SECONDED THE MOTION. MOTION PASSED 7 - 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

- 13 Landowner Deer and Antelope Compensation Tag Program – Game Division Administrator Brian F. Wakeling – For Possible Action
The Commission will consider stakeholder input on the proposal to promulgate regulation to equitably distribute deer and antelope compensation tags if the statutory limit is reached in the future. The Commission directed the Department to inform stakeholders of the intent to develop a regulation that would ensure each cooperator would receive at least one compensation tag and then use a mathematical formula that consider counts of deer and antelope present and the length of time that cooperators had been participating in the program. The Commission may vote to provide the Department with direction to initiate rulemaking.

Game Division Administrator Wakeling presented a PowerPoint presentation reviewing the background on the landowner damage compensation program. The Department provided suggested wording in the support material to possibly start rule-making.

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/13-PowerPoint-Presentation-Landowner-Compensation-Tag-Program.pdf

Administrator Wakeling said virtually everyone participating likes the program and last year there was a challenge as the statutory cap was reached. Senate Bill 511 allowed a change to the cap of the quota established for deer and antelope, but did not provide a regulatory mechanism to address this should we reach that cap again. NDOW has been working on this for a year now. At the January Commission meeting the Commission directed the Department to seek additional feedback which was done. Only received one contact and that was from Emilia Cargill and she is here today. He said the Commission wanted to use a type of mathematical formula and to provide some form of favoritism to participants who had been in the program the longest. Currently, the cooperator registers for the program with the Department. Once enrolled in the program there is an agreed upon count day, and one tag is awarded for every 50 animals counted by the NDOW biologist. Administrator Wakeling said the Department staff drafted language for the Commission’s use in beginning discussion about potential NAC language:

NAC 502.426. A new subsection 3 could be added stating, with subsequent paragraphs renumbered with a new #3: "3. Damage compensation tags cannot be issued in excess of the limit established pursuant to subsection 6 (a) of NRS 502.145. If the cumulative number of damage compensation tags for which all applicants qualified through counts in a single year exceeds the limit established pursuant to subsection 6 (a) of NRS 502.145, the Department will proportionally reduce all damage compensation tag awards until the total is less than the statutory limit. If this proportional reduction results in the issuance of less than all damage compensation tags that could be issued, the remaining damage compensation tags will be issued in increments of one to cooperators with the longest continuous history of cooperative agreements with the Department until all tags are issued." Administrator Wakeling showed slides in the PowerPoint with examples of how the formula would work.

Public Comment -

Emilia Cargill said she is here on behalf of Nevada Ranches LLC and Blue Mountain Ranches of Nevada in Lincoln County Nevada, owned by Albert D. Seeno, a long time Nevada casino owner, real estate developer, and businessman. I am here today to address agenda item #13. I have also previously addressed this topic at the May 2017 commission meeting. We appreciate all of the efforts made by the Commission, NDOW staff and others, to see the amendment that was made last legislative session so that tags were not reduced; so for that, thank you. We also appreciate the efforts the Commission is engaging in to address a new policy regarding what to do if in the future, the "cap," is reached based on the current year counts. I respectfully request that this item and topic be left open until the end of 2018, to allow further public discussion of a very important topic. This will allow more individuals to appear and address their concerns and comments to you in person. It is not necessarily possible for all ranchers, farmers, and hunters in the rural counties to come to a meeting in Carson City or Laughlin, for instance. It is our opinion that any policy that addresses a future possibility of a reduction in tags should include consideration of not only the deer count on property, but also number of acres owned, years of participation in the program, and efforts that are made to foster deer habitat on their property. In addition, and as I have previously suggested, any policy that "reduces" the number of tags issued in any given year, should BANK the tags *that would have been issued but for any such reduction*, for the next successive year. In this scenario a landowner could "bank" their "reduced tags" for five years, and then the "bank" could zero out for any "banked tags" that had been in the bank more than the five years, assuming that the counts were short for such an extended period of time. And landowners could redeem their tags out of the "bank" in any future year when the counts and issued-tags were below the maximum. As I have described to you before, we do not sell our tags, Mr. Seeno and his children and grandchildren use them personally. Although we do not sell any tags, Mr. Seeno has, in the past, donated a tag to the Nevada Bighorns Unlimited annual fundraiser dinner. This year we also donated an area 231 deer tag to tomorrow night's Lincoln County Meadow Valley Wildlife Unlimited fundraiser event. Respectfully we request that you hold this item open, allowing further comment from the local regions, and to consider our suggestion of banking tags, and if a policy regarding tag reduction needs to be made that any such policy should include a variety of metrics, not just the number of deer on property.

Paul Dixon, Clark CABMW, said his CABMW discussed options raised at last Commission meeting. One of the suggestions from his CABMW was at the end, a reduction could be done with a lottery, rather than a mathematical formula as that would be less complicated. He asked if other states' compensation programs such as Utah's were looked at to see how they run their programs as Nevada does try to mirror other states' programs such as reptile collecting or bear

hunting. In regard to carryover of tags, he provided a scenario where the landowner has 49 deer and does not get a tag; however, over years even 49 deer can do quite a bit of damage. Their recommendation is consider having carryover of the number of animals below 50 to the next year so a landowner with 35 animals two years in a row can get a tag in year two even though they don't qualify in year one.

Commissioner Johnston has concerns about banking of tags as issuing tags may be in violation of the statutory cap for use in later years. Also, when he heard comments taking into consideration the care of the land, not opposed but the concept is too subjective and complicates the process too much. Commissioner Johnston said he does not like the idea of the lottery as the math can be easily explained, and not so certain how go up to statutory cap based on longevity as good of a reason as any to address that issue. He has no problem pushing this issue out to future meetings to obtain more input. Likes the direction the Department is headed as is consistent with what he have talked about before. Those who qualify for at least one tag will get at least one tag and just do the pro-rata reduction if that statutory becomes an issue. The process is fair and objective, transparent and can be done within the current count process, as applying more resources to the program was an issue for the Department.

Commissioner Valentine said he likes what the Department has brought forth; but is bothered that there has not been much feedback from landowners. That makes him think the participants must be favor themselves.

Administrator Wakeling said the lack of involvement and feedback is probably due to the amount of communication the Department has done on this as letters have been sent since last February one year ago and the shortcoming of communicating frequently may make them not take notice. Also, last May there was a lot of involvement due to a possible immediate effect and right now we have more time, we are not approaching the limit, so there may be no feeling of immediacy. NDOW has reached out numerous times to the involved stakeholders, and to some degree when you don't receive a lot of feedback that may mean you are probably not going in a distasteful direction.

Commissioner Barnes said he agreed with Administrator Wakeling on receiving stakeholder input. After last meeting he reached out to landowners in northeastern Nevada who were cooperators and of course they had not seen this yet. The overwhelming response he received is they are feeding the animals, they should get a tag, regardless if there is a cap or not. Also, brought this up at the Cattleman's meeting in February and 98 percent of people there are not participants but overwhelmingly they said the same thing, if animals are there you should qualify for a tag regardless of a cap. They said maybe we don't even need the cap. Commissioner Barnes asked Director Wasley if that is a direction that can be taken.

Secretary Wasley said part of the challenge has been to address the problem with a solution. He said we don't want to create a welfare program where people take advantage of it. The program intent is to truly be damage compensation but not at the expense of the animals or opportunity for the sportsmen. Secretary Wasley said we are seeing pathogen sinks and animals that are not in the best condition despite quality food that would be high value for livestock but does not translate to high quality for wildlife depending on the time of year. Some of these properties are invaluable for wildlife species at certain times of the year, we have chronic situations that are not helpful to wildlife that have created pathogen sinks but also an unbalance between where the animals from the wild uplands once where and the animals can now benefit from predator protection and more favorable climatic conditions because around irrigated alfalfa it is 20 degrees cooler and there is water. Secretary Wasley said some of the

discussions when this program was initiated had to do with trying to find a solution that would allow for generation of revenue from some of these tags to address the problem in the long-term we are not creating the scenario we have right now where we are seeing increased participation in the program, and increased residency of animals as they become habituated to certain areas and having challenges with loss of browse component for mule deer due to wildfires. Now we see stable to declining mule deer populations so that the opportunity for the general sportsmen is shrinking for mule deer, plus larger percentage of deer tags to youth at same time there is increasing participation in the landowner damage compensation program. All of that underscores the importance of having a long-term solution, not simply compensating without regard to what the solution may look like. He said he understands the perspective of feeding the wildlife/animals and that they should be compensated for it. NDOW would like a long-term solution and part of the problem is the legislature has not equipped the Department with the same tools that the elk program has to construct fences. There has also been pushback from participants who have said they like the opportunity for tags as they generate significant revenue for a landowner sometimes that revenue exceeds the value of the crop damage. Not the case everywhere, if we work toward a common understanding that not always in the animals best interest and if we could have a long-term solution, we would all be better off and there would be less resentment around it on either side. He said it is important to have a cap just to control the potential for resentment for perception of the loss of opportunity.

Commissioner Barnes said he understands what Secretary Wasley said and thinks the 2.5 percent cap will work for quite some time. He would like the formula sent out saying this is what is going to happen which would result in more feedback. As Mr. Cassinelli from the Humboldt CABMW said, the simpler this program is, the better off the program will be. He said it needs to be kept fair and simple.

Chairman Wallace said if the Department sends something out and another workshop is held that will be on their radar.

Commissioner Barnes said a deadline needs to be added as that will create urgency to take action.

Commissioner Johnston said for clarification that there would be a minimum of two more meetings - a meeting to initiate the rule-making process with a workshop on the regulation at one meeting and if the regulation advanced out of workshop to a final reading.

Chairman Wallace said the sooner to get information out and may have two workshops in May (Reno) and June (Dyer), and if acted on at the August (Caliente) meeting, those are three different meetings which would allow many of the program participants to attend one of the meetings nearest their geographical location. That is the heart of where these tags are.

Secretary Wasley said he is concerned about getting language to Legislative Counsel Bureau (LCB) and meet the posting requirements for regulations for the May meeting.

Chairman Wallace said may be more of a discussion telling them the direction we are heading and include the mathematical formula.

Commissioner Hubbs said she always has the same concern with the compensation tag program as she doesn't believe we are applying the law. When she reviewed the statute her concern is we mumble that this is a tolerance issue. The mandate under NRS states "the tags

must be issued as compensation for damages caused by deer or antelope to the private land or to any improvements thereon.” This is completely about compensation for damage, if you go further into regulatory code, regulatory codes backs up statute. If you go to ineligible persons or have insurance policy back them for damage, a covered loss pursuant to a policy of insurance. There has to be harm to land and cannot be compensated by another method, they don't get the tag. She read further from the statute and the statement that landowners are to mitigate the damage and put together a plan to stop it. None of this speaks or fits to our law or the regulation. She said we may need to change the regulation which should back the statute, or we lose sight of that, if we give them tags for damage.

Secretary Wasley said to Commissioner Hubbs that the use of the word damage is defined as any “any decrease in quantity or quality of forage.” There are other damages such as damage to fencing and other types of infrastructure. He said he has experience in having administered the program on the ground for 10 years as a biologist, he would disagree that we are not compensating people for damage, as he believes we meet that standard. The damage piece is not at an issue of debate. However, he would agree with Commissioner Hubbs that the mitigation plan has not been enforced of landowners. Secretary Wasley said that may be why the program has been viewed by some as an opportunity to get tags or continue that compensation, not that the compensation is not deserved at some point in the process, but goes back to the solution piece and the mitigation plan/requirement is intended to stop the runaway participation and potential abuse whether it is financial or the opportunity at the potential expense of others. The definition of damage and standard is being met consistent with the statutes and regulations.

Commissioner Johnston said NAC defines damage “a change caused by deer or antelope in the quality or quantity in private property.” At the time the Department expects the private property is planted, irrigated, or otherwise cultivated to produce a harvestable crop.” He said the statutory number of not more than one tag per 50 animals has a built-in presumption that if you have more than 50 deer and antelope in an irrigated planted or harvestable crop you are suffering some damage, it is there.

Commissioner Hubbs said the program is compensating the landowner, but also attempting to keep the wildlife off their property. We are all buying into the fact that we don't worry about the “mitigation arm” of this because we kind of like this...as we don't that the wildlife is doing this but the whole purpose is to curtail it.

Secretary Wasley said in the formulation and implementation of the plan to prevent or mitigate damage in NAC 502.4258 lists potential items including but not limited to “hazing and scaring.” That tactic has been used along with erecting exclusionary devices when we have the opportunity to do that for example a haystack. He said, the other sections such as “issuing a special depredation or emergency depredation hunt or tags” are more difficult. Secretary Wasley said a landowner could tell the Department to get rid of the animals and remove them, and that becomes a costly mitigation plan and will not be an effective long-term solution. Because of the challenges in deriving successful long-term solutions in a mitigation plan such as an exclusionary eight-foot-high fence are often not favorable solutions. In some instances it is better for wildlife to come and go freely, and the Department and the sportsmen and the landowner to compensate for those damages. He knows that is talking out of both sides, but many of the mitigation plans would have to be suggested or at least accepted by those landowners. Oftentimes those plans are not often beneficial or favorable to the animals.

Commissioner Hubbs said she understands that but in the past we heard that we essentially do a rote prescription. A de facto strategy and the whole regulatory code speaks to these other measurements that we don't do, and it leads to the idea that "we feed them" we should get our tags. She understands that mentality too, not sure if we should not be curtailing that mindset. What are we doing to stop that?

Secretary Wasley said that is an excellent question. That mindset exists in the Department now as much as it does by some of the participants, and we have had significant turnover in the persons that we have administering this program in a way that he does not know if there is adequate familiarity with these NACs in particular the mitigation planning and the mitigation piece. He said he and Administrator Wakeling need to have that conversation internally about the mitigation piece and planning to make sure staff are aware of the NACs and seek solutions instead of seeing it as a de facto tag program, need to look at this so we can fix some of these problems when the opportunity exists, and discourage runaway participation where it may not always involve legitimate compensation for damage.

Commissioner AlMBERG said a comment on "tolerance." The tolerance is actually by those landowners who feel they are not getting compensated enough for their damage. Not all areas are the same we are not compensating all landowners for their damage.

Commissioner Johnston said he thinks if there are ways to mitigate the issue that fit within a farmers' operation they would rather mitigate the damage then go through the landowner tag program. Because what they get from the tags does not recoup the amount lost to damage. In his experience you will never be able to quantify the damage to a crop as it is an extremely difficult process.

COMMISSIONER JOHNSTON MOVED THAT THE COMMISSION GIVE DIRECTION TO THE DEPARTMENT TO START THE RULE-MAKING PROCESS THAT WOULD FOLLOW THE PROPOSAL BY THE COMMISSION THAT USES THE PRO-RATA REDUCTION IF THE NUMBER OF QUALIFYING TAGS EXCEEDS THE STATUTORY CAP. AS PART OF INITIATING RULE-MAKING PROCESS THIS MATHEMATICAL FORMULA WILL BE SENT TO THE STAKEHOLDERS, CABMW'S, NGO'S, THE PUBLIC AND PARTICIPANTS IN THE PROGRAM SO THEY UNDERSTAND HOW THE MATH WILL WORK IF THE STATUTORY CAP BECOMES AN ISSUE. COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION PASSED 7 – 0. COMMISSIONERS MCNINCH AND YOUNG WERE ABSENT.

- 14 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.

Three PowerPoint presentations were made on NDOW projects: Removal of pitfall traps, study of mountain lions caught in traps, and boating safety.

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/14-Study-of-mountain-lions.pdf

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/14-PowerPoint-Presentation-for-NDOW-Project-Updates.pdf

http://www.ndow.org/Public_Meetings/Com/Archive/2018_Archive/

- 15 Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairman Wallace – For Possible Action
The next Commission meeting is scheduled for May 4 and 5, 2018, in Reno with video streaming to Las Vegas. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments 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.

Secretary Wasley said the May 4 and 5 Commission meeting will be in Reno. The location is Washoe County Commission chambers. He listed the primary agenda items for the May meeting: Big Game Status Report and quotas; and other items are presentation of Fiscal Year 2019 Draft Predation Management Plan (Final Draft); report on history and background of Wayne E. Kirch, the namesake of the Kirch award; CGR 470 Petitions Regulation for Possible Action; individual Commission exploration of Commission Policies 64 and 67, and possible review at that meeting; options for Policy 50; possible report on big game main draw at that point in time; Heritage Committee report; language for discussion purposes on landowner damage compensation program; attorney-client meeting relative to Smith Molde lawsuit; and petition addressing minimum gauge allowable for turkey hunt.

Commissioner Johnston suggested if possible scheduling a Tag Allocation and Application Hunt Committee meeting as he has been contacted about the remaining issues from the committee. He asked that Chief Turnipseed provide what other states' turkey hunting regulations are.

Secretary Wasley said the petitioner noted that Nevada is one of 13 other states that do not allow a .410 gauge shotgun for turkey hunting. He said he would also ask for Commission direction on Policy 50 for the duck stamp. Chairman Grant said he will think that over more.

- 16 Public Comment Period - None

Meeting Adjourned at 3:37 p.m.

Saturday, March 17, 2018 – 8 a.m. – Commission Field Trip

Commission Field Trip – Informational

The Commission will tour an area in southern Nevada with wildlife significance. Informational presentations will be made at several sites but no action will be taken by the Commission. The public is invited to participate but is required to provide their own transportation. The group will depart from the meeting location shortly after 8 a.m. from Clark County Regional Government Center Laughlin, 101 Civic Way, Laughlin, Nevada.

Note: The meeting has been videotaped and is available for viewing at www.ndow.org. The minutes are only a summary of the meeting. A complete record of the meeting can be obtained at the Nevada Department of Wildlife Headquarters Office in Reno.