

Nevada Board of Wildlife Commissioners' Meeting
DRAFT MINUTES

The meeting has been videotaped and may be viewed in its entirety at www.ndow.org

Meeting Location:

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Clark County Government Center
Commission Chambers
500 S. Grand Central Parkway
Las Vegas, NV 89155

Video Streaming and Teleconferencing available at:

Nevada Department of Wildlife
Western Region Office
1100 Valley Road
Reno, NV 89512

Public comment will be taken on every action item after discussion but before action on each item, and is limited to three minutes per person. The chairman, in his discretion, may allow persons representing groups to speak for six minutes. Persons may not allocate unused time to other speakers. Persons are invited to submit written comments on items or attend and make comment during the meeting and are asked to complete a speaker card and present it to the Recording Secretary. To ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments in order to avoid the appearance of deliberation on topics not listed for action on the agenda.

Forum restrictions and orderly business: The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks that antagonize or incite others are examples of public comment that may be reasonably limited.

Please provide the Board of Wildlife Commissioners ("Commission") with the complete electronic or written copies of testimony and visual presentations to include as exhibits with the minutes. Minutes of the meeting will be produced in summary format.

NOTE: Public comment allowed on each action item and regulation workshop items and at the end of the meeting

Nevada Board of Wildlife Commissioners present for meeting:

Chairman Brad Johnston	Commissioner David McNinch
Commissioner Casey D. Kiel	Vice Chairman Paul E. Valentine
Commissioner Tiffany East	Commissioner Kerstan Hubbs
Commissioner Jon Almberg	Commissioner Tom Barnes
Commissioner Tommy Caviglia	

Secretary Tony Wasley
Senior Deputy Attorney General Bryan Stockton

Administrative Assistant III Molly Mortimer

Nevada Department of Wildlife personnel in attendance:

Deputy Director Jack Robb	Deputy Director Liz O'Brien
Management Analyst III Jordan Neubauer	Chief Game Warden Tyler Turnipseed
Game Division Administrator Brian Wakeling	Game Warden Captain Mike Maynard
Fisheries Division Administrator Jon Sjöberg	Admin Assistant IV Kathie Teligades
Wildlife Diversity Division Administrator Jennifer Newmark	Biologist III Jason Williams

Conservation Education Division Administrator Chris Vasey Wildlife Staff Specialist Cody Schroeder
Data and Technology Services Division Administrator Chet Van Dellen

Public in Attendance for the two day meeting:

Cory Lytle, Lincoln CABMW	Bevan Lister, Nevada Farm Bureau
Steve Marquez, White Pine CABMW	Ryan Bronson, Federal Premium Ammunition
Joe Crim, Pershing CABMW	Emilia Cargill, Nevada Ranches
Paul Dixon, Clark CABMW	Jana Wright, self
Gil Yanuck, Carson CABMW	Clint Bentley, Fraternity of Desert Bighorn
Steve Robinson, Washoe CABMW (present in Reno)	Kolbe Shaw, Tortoise Group
Glenn Bunch, Mineral CABMW (present in Reno)	Charlie Boon, Tortoise Group
John Hiatt, Clark CABMW	Gerald Lent, self
Worth Nelson, Lander CABMW	Mike Reese, self
Bob Cook, Douglas CABMW	Don Sefton, self

Friday, September 21, 2018 – 11 a.m.

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

Chairman Johnston called the meeting to order at 11:03 a.m. Roll call was conducted and Commissioners present were Chairman Johnston, Vice Chairman Valentine, Commissioners Almberg, East, McNinch, Barnes, Caviglia, and Kiel. Commissioner Hubbs arrived late during Agenda Item 3.

Roll call was conducted of CABMW members present: Cory Lytle, Lincoln; Steve Marquez, White Pine; Joe Crim, Pershing; Paul Dixon, Clark; Gil Yanuck, Carson; John Hiatt, Clark; Worth Nelson, Lander; and Bob Cook, Douglas. Steve Robinson, Washoe and Glenn Bunch, Mineral were present at the Reno location.

2 Approval of Agenda – Chairman Johnston – For Possible Action

The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.

The Commissioners discussed the agenda.

No public comment in Reno or Las Vegas.

COMMISSIONER MCNINCH MOVED TO APPROVE THE AGENDA AS PRESENTED BY THE DEPARTMENT WITH THE EXCEPTION OF THE REMOVAL OF AGENDA ITEM 8 AND MOVING AGENDA ITEM 16A FROM SATURDAY, SEPTEMBER 22 TO FRIDAY, SEPTEMBER 21. THE MOTION WAS SECONDED BY COMMISSIONER EAST. THE MOTION PASSED 8-0, WITH COMMISSIONER HUBBS ABSENT.

3 Member Items/Announcements and Correspondence – Chairman Johnston – Informational

Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file

(Commissioners may provide hard copies of their correspondence for the written record).
Correspondence sent or received by Secretary Wasley may also be discussed.

Commissioner Barnes received a phone call from a member of the public concerned with wildfires, specifically the Martin fire. He has met with affected ranchers who have large parts of land burned. He thinks we need to think of suppression and prevention in the future. He thinks the Department needs to support the ranching community in order to support the range and the wildlife in preparation for fires in the future.

Chairman Johnston said he received a letter from the Aquatic Nuisance Species Task Force saying that Nevada's plan had been approved. He also received a letter from Nick Buckley asking what to do when your hunt is interrupted by a fire and an email from the Lander County CABMW regarding youth antelope tags, which was discussed at the Tag Allocation Application Hunt Committee (TAAHC) meeting this morning.

Chairman Johnston also provided a synopsis of what was discussed at the TAAHC meeting prior to the Commission Meeting. He received additional emails about trap registration and the availability of the registration tag before the trapping season, the Nevada Farm Bureau asking to meet with him, Friends of Nevada Wilderness about the expansion of a test range. Finally, Chairman Johnston was forwarded email correspondence from the former vendor of the big game draw about the Kalkomey contract, which is why he has asked for an agenda item regarding a license simplification update.

Copies of correspondence sent to Chairman Johnston can be viewed in the exhibit file for this Commission Meeting.

Secretary Wasley received correspondence from many of the same people as Chairman Johnston and said the Department of Wildlife has received many public records requests, specifically one for the last five years of successful tag holders, and many inquiries about the Department's urban bear control. The Department has also received correspondence about fire closures in Areas 061 and 071, about 85 hunters affected thus far, which is an unprecedented amount compared to previous years. Secretary Wasley also talked to former Commissioner Mori who was very concerned about the devastation caused by the fires. Past Commissioner Mori said he himself turned in a bull elk tag that he drew. Secretary Wasley also wanted to address some of the points that Commissioner Barnes made about efforts to help the ranching community, he said there are some challenges in getting other agencies to recognize the value of sagebrush ecosystems.

Secretary Wasley also recognized tenured employees. Employees with 25 years of service included: Mike Cox, Tom Donham, Paula Lannen, Ed Partee, Gabe Pincolini, Ivy Santee, Terry Slatauski, Pat Sollberger, and Michele White. Employees with 30 years of service included: Vicky Martinez, Cris Tomlinson, and Dave Pfiffner.

Secretary Wasley congratulated Cris Tomlinson and Dave Pfiffner and shared some of their accomplishments over their careers with the Department of Wildlife.

Cris Tomlinson thanked the Department for being a great place to work.

Chief Game Warden Tyler Turnipseed also congratulated Dave Pfiffner and presented him with a plaque to commemorate his career with the Department.

Dave Pfiffner also thanked the Department for being a great place to work.

Secretary Wasley acknowledged Carson CABMW member Gil Yanuck for 17 years of service and his contributions made during that time and presented him with a certificate of appreciation.

Mr. Gil Yanuck thanked the Department for the honor.

Chairman Johnston thanked Cris Tomlinson and Dave Pfiffner for their service to the Department, the state, and its wildlife and thanked and Gil for his commitment to the Nevada wildlife. He said also spoke with former Commissioner Mori about what can be done about the damage done by wildfires in the state and if there were any plans in place. He would like the Commission to send some kind of message to those who manage Nevada's public lands to voice its concerns, even if it doesn't have an impact, but doing nothing is not acceptable.

***COMMISSIONER HUBBS ARRIVED LATE DURING THIS AGENDA ITEM**

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.

No CABMW items were presented in Reno.

Paul Dixon, Clark CABMW, asked if there has been any talk about ravens still being considered a migratory bird in the US Department of Interior's agreement with Mexico. He said the Clark CABMW is trying to figure out what the plan is with wild horses, he doesn't think it should be left to the Bureau of Land Management (BLM). He also wanted to know more about urban wildlife conflict funding and where it comes from.

Worth Nelson, Lander CABMW, said there was discussion at Lander County's CABMW meeting about changing youth tags from deer to antelope.

Chairman Johnston said that this topic has been added to TAAHC meeting agenda.

Bob Cook, Douglas CABMW, said his CABMW has talked about changing regulations regarding the bear hunt and they will be submitting an application to talk about shotguns for bears and talked about bringing the hunt from the ridge down to the lake in Douglas, Washoe and Carson counties.

5* Approval of Minutes – Chairman Johnston – For Possible Action

The Commission may approve Commission minutes from the June 29 and 30, 2018, and August 10 and 11, 2018, Commission meetings.

No public comment in Reno or Las Vegas.

VICE CHAIRMAN VALENTINE MOVED TO APPROVE THE MINUTES FROM THE JUNE 29 AND 30, 2018 AND AUGUST 10 AND 11, 2018 MEETINGS AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY COMMISSIONER ALMBERG. THE MOTION PASSED 6-0 WITH COMMISSIONERS BARNES, CAVIGLIA, AND KIEL ABSTAINING.

6 **Wayne E. Kirch 2017 Award Presentation – Chairman Johnston**

Chairman Johnston presented the Tortoise Group with the 2017 Wayne E. Kirch Award:

“For the 2017 Wayne E. Kirch Nevada Wildlife Conservation Award the Commission would like to honor Tortoise Group. Tortoise Group has been working consistently for over 30 years to assist wildlife conservation efforts in Nevada. In that time they have operated exclusively as a not for profit. In 2017, Tortoise Group recruited dozens of volunteers accruing hundreds of hours of work toward desert habitat restoration. These efforts included partnering with Springs Preserve, AmeriCorps, Great Basin Institute, US Fish and Wildlife Service, Red Rock Canyon, and Friends of Red Rock to name a few. Projects in 2017 with these organizations included native plantings in the desert and non-native species removal to help promote fire prevention and healthy desert habitat.

Tortoise Group plays an integral role in educating the public and helping to foster a positive public image for conservation efforts. This image was greatly increased in 2017 when Tortoise Group successfully adopted Carson, a desert tortoise, to Governor Brian Sandoval. Due to the efforts of Tortoise Group more than 150 desert tortoises were rehomed, adopted, or rescued, and over 100 tortoises were microchipped and sterilized. These efforts help the wild population by assuring that captive tortoises do not get accidentally introduced into the wild, by keeping the captive population healthier, and by curbing backyard breeding.

Because of Tortoise Group’s efforts in 2017 the Commission would like to present the Wayne E. Kirch Nevada Wildlife Conservation Award to Tortoise Group.”

Kolbe Shaw, Executive Director of the Tortoise Group, accepted the award on behalf of the group, especially the volunteers.

Chairman Johnston thanked the Tortoise Group again.

7 **Recovering America’s Wildlife Act (RAWA) Update – Secretary Wasley and Wildlife Diversity Administrator Jennifer Newmark – For Possible Action**

An update will be provided on the progress of the pending RAWA federal legislation. The Commission may take action in connection with the pending RAWA federal legislation.

Secretary Wasley said this agenda item is a follow up from a request from the August Commission Meeting for a more substantive update on the Recovering America’s Wildlife Act (RAWA). Three years ago, the Association of Fish and Wildlife Agencies (AFWA), the Blue Ribbon Panel, and several other representatives from other agencies and companies came up with an idea to help fund state wildlife action plans.

Wildlife Diversity Division Administrator Jennifer Newmark presented a PowerPoint presentation:

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/7-RecoveringAmericasWildlifeAct.pdf

Secretary Wasley emphasized that the revenues referenced in these pieces of legislation already exist, they don’t create new fees. The industries are already creating the royalties referenced. He also said that this Commission was the first in the country to pass a resolution in support of RAWA and since then, many other states have followed.

Commissioner Hubbs asked Wildlife Diversity Division Administrator Newmark how the state can show its support.

Wildlife Diversity Division Administrator Newmark said that State Representative Jacky Rosen is currently a co-sponsor, but it would be helpful if our other congressional delegates from Nevada supported it.

Commissioner McNinch said he wanted to appreciate the leadership of Secretary Wasley, Wildlife Diversity Division Administrator Newmark, former Chairman and Commissioner Drew and what the Commission has done to support RAWA so far.

No public comment in Reno or Las Vegas.

Commissioner Hubbs asked if the Department anticipated any obstacles with the two bills.

Wildlife Diversity Division Administrator Newmark said that we should consider that not everyone may view the two bills as complementary, like the Department does.

Commissioner McNinch thanked the Department for the clarification on the two bills being complementary and thinks that asking for Nevada representatives support is an important step in getting these bills passed.

Vice Chairman Valentine asked if the Commission could write a letter to Nevada's Congressional delegates and ask for support on this legislation.

Chairman Johnston thinks that it would be appropriate for the Commission to write a letter and ask for support. He asked the Commission if they would like to wait until the next meeting to review the letter or if they would agree to let him draft a letter and send it without review.

Commissioner McNinch said he would support a letter to the Nevada Congressional Delegation without review by the Commission.

Commissioner Almberg said he would also be willing to support the letter.

Commissioner East asked if each Commissioner should send a copy.

Senior Deputy Attorney General Bryan Stockton clarified how the Commission should avoid violating the open meeting law.

COMMISSIONER MCNINCH MOVED TO ALLOW CHAIRMAN JOHNSTON AND DEPARTMENT STAFF TO DRAFT A LETTER TO THE NEVADA CONGRESSIONAL DELEGATION TO URGE THEM TO SUPPORT THE RECOVERING AMERICA'S WILDLIFE ACT LEGISLATION. THE MOTION WAS SECONDED BY COMMISSIONER HUBBS. THE MOTION PASSED 9-0.

8 U.S. Congressman Mark Amodei Natural Resources Update — Informational

Congressman Amodei will provide updates to the Commission on federal lands bills, Yucca Mountain, and give a legislative activity update on U.S. Forest Service, Bureau of Land Management, U.S. Bureau of Reclamation, and U.S. Fish and Wildlife Services.

THIS ITEM WAS REMOVED FROM THE AGENDA DUE TO A SCHEDULING CONFLICT IN CONGRESSMAN AMODEI'S OFFICE.

16 Reports – Informational

A Conservation Partner Profile – Division Administrator Jenne – Informational

An overview of a key conservation partner program will be shared with the Commission.

Clint Bentley, representing the Fraternity of the Desert Bighorn, gave a presentation about the work that the organization does.

Mr. Bentley said the Fraternity was formed in 1964 when there were an estimated 2,000 sheep. They now work with the Department and other agencies to facilitate water development projects and help the bighorn population expand. The Fraternity meets on the first Wednesday of every month and has monthly board of directors meetings. They have dedicated volunteers that perform needed maintenance to existing projects including water projects and drinkers, as well as many other projects all over the state. Mr. Bentley also said that the Fraternity has received the Kirch Award in the past for their work. Mr. Bentley thanked the Commission for the recognition.

Commissioner Kiel asked if the Fraternity had an estimate on the sheep population today.

Mr. Bentley said they estimate around 9,000 to 10,000 sheep today.

Commissioner East thanked Mr. Bentley for all that the Fraternity does for the state.

Mr. Bentley added that the Fraternity is actively working with non-governmental organizations (NGO) in other states and legislators in Washington D.C.

Commissioner McNinch wanted to note that Mr. Bentley has probably spent tens of thousands of hours volunteering for the Fraternity and thanked him for his service to Nevada's wildlife.

Secretary Wasley wanted to note that Mr. Bentley, himself, was a recipient of the Kirch Award and said that is a testament to the humility of the Fraternity.

Chairman Johnston also thanked Mr. Bentley for the work that is done by his organization for the wildlife of Nevada.

9 License Simplification Update – Chairman Johnston – Informational

The Commission will hear an update on the first eight months of license simplification and the transition to a new license vendor. The Department will review lessons learned, volume changes in license and vessel registration as well as financial impacts.

Deputy Director Jack Robb presented a PowerPoint presentation:

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/9-License-Simplification-Update-PP.pdf

Commissioner AlMBERG said he has heard that there has been an issue with the durability of the physical tags and licenses.

Deputy Director Robb said the Department will replace a worn out tag or license if needed for no additional charge.

Secretary Wasley wanted to clarify that the increase of 1.5 million dollars of revenue is in addition to the 1.4 million dollars saved by switching vendors. There is also an increase in federal funds which will come to about 3 million dollars.

Deputy Director Robb said that some of the issues arose after the Department amended their contract with Kalkomey. The contract needed to be amended to pay Kalkomey commission per transaction and to accommodate growth in the future rather than having to get this approved every year in front of the Board of Examiners.

Commissioner Hubbs thought that having a baseline from this year will be useful in the future to look at changes over the years in order to address problems that arise and make the technology more useful.

Secretary Wasley emphasized the utility of the system. It has been used to update hunters in real time with area closures due to fires instead of sending a broad closure announcement.

10 **Commission General Regulation Workshop – Public Comment Allowed**

A* **Commission General Regulation (CGR) 477, Landowner Deer and Antelope Compensation Tag Program, LCB File No. R096-18 – Game Division Administrator Brian F. Wakeling – Workshop/Public Comment Allowed**

The Commission will hold a third workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation would provide direction for allocating landowner deer and antelope compensation tags if owner applicants cumulatively qualify for compensation tags in excess of the statutory limit. The Commission considered this regulation during a workshop at their meeting on June 29, 2018. The Commission directed the Department to provide specific language to improve the clarity of the proposed regulation. The Commission also considered the regulation during a workshop on Aug. 10, 2018. The Commission directed the Department to provide a mathematical description of the process for tag allocation to improve the precision of the description.

Chairman Johnston said he wanted to begin by saying he thinks the Commission may have gotten off track with this regulation. He said the mathematical formula provided by the Department was not easy to understand and not what he had hoped it would be. Chairman Johnston reviewed some of the past discussion that the Commission had on this CGR and said that he doesn't believe any progress has been made. He thinks a committee needs to be formed and volunteered to be on the committee to address this issue if the rest of the Commission agrees that it is needed.

Commissioner McNinch said he had an opportunity to sit down with a representative from the Farm Bureau and said he agrees that a committee is an appropriate way to deal with this issue.

Commissioner Barnes also agreed with Chairman Johnston after talking with the Farm Bureau and his neighbors.

Commissioner AlMBERG said he foresees the committee becoming bogged down with so many issues and thinks it will take too long for a committee to address the issues. He thinks that we may hit the cap sooner rather than later because of the habitat loss caused by the fires as the only place for wildlife to feed may be on agricultural land.

Chairman Johnston said he understands Commissioner AlMBERG's concerns but thinks that all parties need to look at the issues collectively. He doesn't know if the committee will achieve success but still thinks the issues all need to be laid out.

Vice Chairman Valentine said he also agrees that a committee is the best way to go about trying to solve the issues.

Commissioner Hubbs said she has never felt very comfortable about where the Commission has been heading with the conversation on this regulation. She said the committee would need a diverse group of people included in it.

Commissioner East said she also thinks the idea of a committee of stakeholders would be a good idea, and is also not comfortable with what has been presented today.

Senior Deputy Attorney General Stockton said there would need to be public comment if the Commission wants to move towards forming a committee.

Secretary Wasley said Game Division Administrator Wakeling may have some background information about the number of tags and locations to address some of the concerns of the Commission.

Chairman Johnston said he would like to ask for public comment on the issue.

No public comment in Reno.

Paul Dixon, Clark County, said his group has also been frustrated. There has been concerns about counting the same herd multiple times in an agricultural valley. Wild horses have also been impacting the issue by forcing deer onto agricultural land as well as fires.

John Hiatt, Clark County, said that it is important to note that the lack of water has also forced the deer onto private land. We need to be flexible over time as the landscape changes. We need to think about private land supporting wildlife in the future. He also agrees that a committee is the only way to proceed.

Cory Lytle, Lincoln County, said he agrees with the idea of a committee. Members of his CABMW have voted against this CGR from the start and had some ideas about the regulation moving forward which were included in the action report sent to the Department, which has been posted online.

Ryan Patterson said that ranchers need to be compensated for the damage done on their property by the wildlife, no matter the size of the land. He doesn't think the formula is clear enough to use, it needs to be simplified as much as possible. He said he also supports the idea of a committee.

Bevin Lister, Nevada Farm Bureau (NFB), said he agrees that a committee is a good direction to go. He said the NFB is willing to participate on the committee.

Chairman Johnston asked Senior Deputy Attorney General Stockton if the Commission could take no action on this item.

Senior Deputy Attorney General Stockton said yes.

Chairman Johnston said he will use his discretion to create a committee to address the issue of the Landowner Compensation Tag Program. He will reach out to those he has in mind to create a committee.

B* Commission General Regulation 480, Shotgun Gauges Legal for Turkey Hunting, LCB File No. R194-18 – Game Warden Captain Mike Maynard – Workshop/Public Comment Allowed

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 503.187. This regulation would remove the prohibition against using a shotgun smaller than .20 gauge to hunt wild turkey. It would also clean up unnecessary language regarding shot size used on a wildlife management area.

Game Warden Captain Maynard said this regulation was drafted in response to a petition from Ryan Bronson of Federal Premium Ammunition. The language change doesn't change the functionality of the regulation. The Department recommended that the word "number" be removed from Section 1 of the regulation.

Chairman Johnston asked if there is a possibility of someone building a shotgun with a shot smaller than a .410 gauge, and asked if the Commission should set .410 as the minimum.

Game Warden Captain Maynard said that it may be theoretically possible, but doesn't think it would make a difference.

Secretary Wasley said he doesn't think there it is a possibility of someone creating a smaller shot. He said that Federal Premium Ammunition would most likely be aware of something smaller than a .410 if it were possible.

Chairman Johnston said he is not aware of anything smaller, but doesn't think the regulation should get rid of the minimum in its entirety.

Vice Chairman Valentine asked about tungsten shot and said he felt more comfortable maintaining the .20 gauge language.

No public comment in Reno.

Paul Dixon, Clark County, said the members of his CABMW agreed with the language as written and agreed with Chairman Johnston. He thinks that going less than a .20 gauge will not kill birds it will just injure them and that the regulation change is catering to a very few number of people.

Ryan Bronson, Federal Premium Ammunition, thanked the Commission for the language change. He said his organization doesn't think the language change will be a problem and supports the change.

Commissioner Almberg said he thinks there should be a discussion of tungsten in the language because it allows hunters to humanely harvest turkeys.

Commissioner East said she agrees with Commissioner Almberg, she was under the impression that there would be a discussion of tungsten shot in the regulation.

Chairman Johnston said he doesn't believe there is a need to do away with the .20 gauge minimum. He said he thinks that a complicated regulation will turn away hunters. Chairman Johnston said he thinks that the change came from the desires of the ammunition company to market .410 gauge, not demand from sportsmen.

Game Warden Captain Maynard said that the Law Enforcement Division within the Department doesn't have the ability to check the material of the shot if it's not steel. There would be enforcement issues if the Commission were to recommend adding that a shot be of a certain material.

Commissioner Hubbs asked for clarification about the different gauges and materials.

Commissioner McNinch and Chairman Johnston explained the different kinds of shot to Commissioner Hubbs.

Commissioner Hubbs asked if there would be any harm to wildlife by the current language proposed.

Chairman Johnston said he thinks different people will have different opinions. Some might argue that a .410 will not be as lethal.

Game Warden Captain Maynard said there will be very few hunters impacted by the regulation change.

Commissioner Almberg said he thinks if a child wants to use a .410 gauge gun handed down to them, they should be able to. He said he also thinks there needs to be language about tungsten.

Vice Chairman Valentine said that if law enforcement can't enforce it then there is no need to include it. He said that if the other Commissioners feel that a .410 gauge is adequate, then that is their opinion but he can't support the regulation as written.

Commissioner Hubbs thinks that the regulation shouldn't be changed if there is not something wrong with it.

Chairman Johnston asked if there was a tungsten load for a .28 gauge, but he wouldn't use a .28 gauge for a turkey hunt. He said the regulation would open up that weapon class as well.

Commissioner Hubbs said that last time the Commission talked about this, they thought the .410 gauge might encourage more youth to get out and hunt but doesn't know if they discussed the inability to test the material of the shot out in the field.

Chairman Johnston said he didn't recall if that was discussed.

Chairman Johnston asked Captain Maynard if you have to be 12 years old to have a turkey tag.

Game Warden Captain Maynard said yes.

Commissioner McNinch said he shares the same concerns. He said he agrees with Chairman Johnston, he doesn't feel comfortable moving forward either.

Commissioner McNinch asked if this was a workshop or if the Commission was taking action on the regulation.

Chairman Johnston said that this is a workshop, this is only the first reading of the regulation. He said that the Commission can move it forward to a second reading.

Senior Deputy Attorney General Stockton said it wouldn't be a second reading, it would be an adoption hearing.

Chairman Johnston asked if the adoption hearing is the same thing as a second reading.

Senior Deputy Attorney General Stockton said yes, but that isn't what the law calls it. He said that this item is not listed as an action item, so no motion is needed, the Commission should just talk about what they want to see in the final version.

Commissioner McNinch would like to remove the word "number," reinsert "no smaller than .20 gauge" and keep the changes in subsection 2.

Game Warden Captain Maynard asked if the Commission wanted to get rid of the changes in subsection 1 and keep the changes in subsection 2.

Chairman Johnston said yes.

11 **Public Comment Period**

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

No public comment in Reno.

Mike Reese, Las Vegas, said he received a proclamation from the Governor that September 22, 2018, will be National Hunting and Fishing Day.

John Hiatt, Clark County, said he has asked Paul Dixon to discuss lead ammunition for hunting due to new studies as a human health issue.

Don Sefton, Fallon, said he has issues with the Kalkomey contract, specifically, he claims that the Department added over 1 million dollars to the contract in the first year. He said the programming fee was not the annual fee charged. He also said that the prices listed in the presentation by Deputy Director Robb were not the prices bid by his company, they were the

prices from the last year of the contract. He asked the public to look at what the Department actually pays, not what they say they are going to pay.

Bevin Lister, Nevada Farm Bureau, said he appreciated Secretary Wasley's comments about the lack of understanding about sagebrush habitat and added that agriculture provides a benefit to Nevada wildlife.

Gerald Lent, Nevada Hunters Association, read the following statement:

"Because of my diligent research and presentations to the Legislature, I was instrumental in seeing that the Bill was passed to take away the Big Game Tag Draw (BGTD) from the Department of Wildlife due to illegal acts and potential fraud by the Department of Wildlife.

If you review the Legislative Audit from 1989 of the BGTD which precipitated the Legislature to privatize the BGTD, you will see a parallel what they did then with what they are doing now.

The drawing this year was just a DOG AND PONY SHOW.

For 18 years the BGTD has been open for the public to attend and many members of the public and sportsmen have attended. On November 4, 2017 at a public meeting of the Board of Wildlife Commission in Carson City, NDOW testified: "We assure everybody that the draw process has not changed. It will still be a public event. It will be hosted at an official building that is not related to the department so that the public can attend and view the process and provide the transparency that they have been accustomed to."

Refusing the public from attending the drawing is dishonest and a deception to the public by the Director and his agency and is a grave injustice to the sportsmen and citizens of Nevada. Citizens of Nevada consequently cannot believe anything NDOW says in a public meeting to be true!

Allowing an unqualified representative from the Attorney General's office to observe the draw who has never attended a BGTD and with no knowledge of computer programming or what to look for in the draw is only a farce.

NDOW claims that it was put on u-tube, but no sportsmen or public members were notified of this and not everyone can access u-tube.

Staring at a blank computer screen is of zero value to observers and does not show how the tag draw was being processed.

NDOW claims "SECURITY RISK" the reason why nobody was allowed to attend the tag draw. This was just NDOW's unwillingness to tell the truth – they did not want anyone to observe the drawing so possibly they could still have their hands in the draw like 1989.

How could NDOW prove they didn't already do the draw but with the public attending, they had to prove the drawing had not occurred and how can you prove that on u-tube?

The prior vendor had protection so that the public could not affect the draw process. Is the new vendor not capable of this?

You don't give Kalkomey the benefit of the doubt as they should have built that into their bid to account for this as it has been done in the previous 12 years.

Again, NDOW did not want any public members to see the drawing process!

NDOW in 1989 tried to derail the privatization process at every step of the way and in every legislative hearing. They were unsuccessful. They will be unsuccessful again. NDOW called the audit "an oversimplification of a much more complex system."

This abusive and potential fraudulent system has returned – that is why NDOW does not want any witnesses by refusing to allow transparency of the tag draw which is funded by public and federal dollars.

NDOW claims to have picked their own auditor for the draw. This is disingenuous as any auditor should NOT be at the choice of the Department but by the Legislature or Board of Examiners.

A NATION of SHEEP BREEDS a GOVERNMENT of WOLVES – Sportsmen, you had better stand up for your rights and be counted!! Thank you."

Worth Nelson, Lander County, echoed some of the Commissioner's concerns about the .410 gauge in CGR 480. He said adding this kind of shot will open up the possibility of a lot of other kinds of shot. He said by catering to the small number of people with this regulation, there could be more niches in the future that want to be catered to.

MEETING ADJOURNED AT 3:05 p.m.

Saturday, September 22, 2018 – 8:30 a.m.

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

Chairman Johnston called the meeting to order at 8:30 a.m.

Roll call was conducted and all nine Commissioners were present: Chairman Johnston, Vice Chairman Valentine, Commissioners Almberg, Barnes, Caviglia, East, Hubbs, Kiel, and McNinch.

Roll call was conducted of CABMW members present: Paul Dixon, Clark; Joe Crim Pershing; Steve Marquez White Pine; Worth Nelson Lander; John Hiatt, Clark; Gil Yanuck, Carson; and Bob Cook, Douglas. Steve Robinson, Washoe; and Glenn Bunch, Mineral were present at the Reno location.

13 Approval of Agenda – Chairman Johnston – For Possible Action

The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.

No public comment in Reno or Las Vegas.

COMMISSIONER MCNINCH MOVED TO APPROVE THE AGENDA AS PRESENTED BY THE DEPARTMENT WITH 16F AT THE CALL OF THE CHAIR. THE MOTION WAS SECONDED BY COMMISSIONER EAST. THE MOTION PASSED 9-0.

14 Member Items/Announcements and Correspondence – Chairman Johnston – Informational

Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.

Chairman Johnston wanted to announce that today, September 22, 2018, is National Hunting and Fishing Day.

Chairman Johnston also received online correspondence via social media by Ryan Bronson of Federal Premium Ammunition about the turkey gauge hunting regulation.

15 County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational

CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

None.

16 Reports – Informational

F Mule Deer Population Status Update – Wildlife Staff Specialist Cody Schroeder – Informational

A presentation will be provided on the current status of Nevada's mule deer population.

Wildlife Staff Specialist Cody Schroeder presented a PowerPoint presentation:

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/16-F-Mule-Deer-Population-Status-Update1.pdf

Commissioner Hubbs asked if competition between pronghorn and mule deer had any effect on the mule deer population, specifically, if the competition causes the mule deer populations to decrease at all.

Wildlife Staff Specialist Schroeder said competition is more likely between mule deer and elk or cattle. He said the decrease in mule deer population is more likely due to habitat changes.

Chairman Johnston thanked Wildlife Staff Specialist Schroeder for his presentation and appreciated the time spent putting the presentation together.

Chairman Johnston asked if the wild horse population increasing has had any effect on the mule deer population decreasing.

Wildlife Staff Specialist Schroeder said there have not been studies on the connection between the two populations. He said that specifically surrounding water sources, wild horses can have an effect on other species also competing for the same water, although there have not been formal studies on this. Schroeder said that correlation of one population increasing while the other decreases is not necessarily causation; there are also areas that have declining mule deer populations where there are no wild horses.

Chairman Johnston said he would like to see some studies on this in the future and again thanked Wildlife Staff Specialist Schroeder for his presentation.

Wildlife Staff Specialist Schroeder said that the Commission will probably see some studies on wild horses and the effect they have on other wildlife populations in the near future.

Commissioner Barnes also thanked Wildlife Staff Specialist Schroeder and said that his presentation proved that we may need to focus their range management on the uplands and that they need to look at the whole range system.

Commissioner McNinch said he thought that the disturbance caused by fires helped the mule deer population. He asked if there was anything to look forward to after the recent fires since the mule deer population has been in decline.

Wildlife Staff Specialist Schroeder said he may have put too much of a negative spin on the fires. He said that yes, fire can sometimes be good in creating better forage for mule deer, they have often seen their populations thrive after disturbances like fires and some states even prescribe fire treatment to help the mule deer populations. He agreed that they should be thinking about the upper elevation fires and said cheat grass doesn't allow for fire treatments. He said he agreed with Commissioner Barnes' point that we do need to focus on the upper range.

Commissioner McNinch said Wildlife Staff Specialist Schroeder did a good job of illustrating how selective mule deer are with their diets.

Secretary Wasley wanted to address where to go next. He said other states have launched mule deer initiatives. The Department has been having discussions about what to do about some of the factors affecting mule deer population that Wildlife Staff Specialist Schroeder identified. He also sees an opportunity to amend the language surrounding the use of Heritage Fund account money, which could be made specific to mule deer or broader. He said there have also been conversations with sportsmen's groups and legislators.

Commissioner Hubbs asked if there was any federal plan to address the fires nationwide.

Wildlife Staff Specialist Schroeder said there are some federal efforts to thin forests in California, but that is not as much of an option for range fires in Nevada. He said there are options like green-stripping but he doesn't believe there is a coordinated effort at the federal level. He said there is also the issue of budgets at the federal level because firefighting takes a huge amount of resources.

Secretary Wasley said it is important to acknowledge that 95 percent of the fires are stopped at a very small size, maybe even 99 percent; only a small percentage get to a large size. He said that climate change and the type of fuel, specifically, more pinyon-juniper than there has been in the past due to increased carbon levels, which increases fuel for fires. He also pointed out that a disturbance today doesn't have the same effect as a disturbance 100 years ago, to Commissioner McNinch's point.

B* Tag Allocation and Application Hunt Committee Report – Committee Chairman Johnston – Informational

A report will be provided on the committee's recent meeting.

Chairman Johnston said the Tag Allocation and Application Hunt Committee (TAAHC) meeting was held yesterday before the Commission meeting. They hadn't met since the end of 2016. Several things on the TAAHC agenda have come through the Commission already. They had put things on hold to let Department staff get through the license simplification process.

Chairman Johnston said a draft regulation of clean up language of the Nevada Administrative Code will be coming forward to the Commission soon.

The TAAHC will also be bringing the topic of applying for bonus points if a hunt is closed to the Commission. They are also going to bring the issue of active military personnel who are deployed restoring bonus points.

They also have several new issues: the recurring issue of transferring big game tags (new hunters, medical issues, donate tag to nonprofit organization, etc.), expanding the youth hunt, returning hunting licenses, and extending the time to apply for bonus points.

C Department Activity Report – Secretary Tony Wasley

Secretary Wasley will provide a report on recent Department activities.

Commission General Regulation 474 Trap Registration was approved by the Legislative Commission and was effective on August 30, 2018. The regulation revises provisions relating to the registration of traps as mandated by Senate Bill (SB) 364 of the 79th Legislative Session. SB 364 states that with certain exceptions, each trap, snare, or similar device used by a person in the taking of wild mammals must be registered with the Department before it is used. It also states that for each trap, snare, or similar device registered with the Department, the person registering the device shall pay a registration fee of \$5. This proposed regulation provides a mechanism for the Department to register traps and charge \$5 per trap registered.

The Department had a significant presence at the Association of Fish & Wildlife Agencies (AFWA) Conference in Tampa, Florida. During the Conference several resolutions were adopted.

Secretary Wasley also included resolutions adopted during the Association of Fish and Wildlife Agencies Conference in this agenda item. A Fish and Wildlife Agency Relevancy resolution was adopted. The Blue Ribbon Panel had two recommendations: they recommended that permanent funding be found for implementation of state action plans and the second was regarding relevancy. There were also resolutions passed to continue funding for the Council to Advance Hunting and Shooting Sports through 2020, a partnership resolution passed between the Fish and Wildlife Agencies and the Diversity Joint Venture, and a resolution to encourage

participation by the Association Members in the 2019 joint conference of the American Fisheries Society and the Wildlife Society (the first ever joint conference, expected to have over 5,000 attendees, held in Reno), and a resolution passed pertaining to fish and wildlife landscape scales.

The Director's Office continues to track wildlife related Bill Draft Requests (BDR).

The 2020-2021 budget was submitted on time for the 2019 Legislative Session.

The Department hosted the Western Association of Fish and Wildlife Agencies/Conservation Business Managers Association (WAFWA/CBMA) Conference September 17-20, 2018 at Harrah's Lake Tahoe.

The recent Smith-Molde lawsuit ended in a summary judgement. The judge weighed the evidence and ruled on the case before trial in the Department's favor. The Court clarified that its review would be limited to whether the regulation was within the statutory authority granted to the Commission and found that the regulation was valid.

On September 12, 2018 the House passed H.R. 2591, the Pittman-Robertson Fund modernization bill. The bill would increase flexibility for state wildlife agencies by allowing the use of Pittman-Robertson funds for the recruitment of hunters and recreational shooters. This added flexibility is critical to ensuring the long-term viability of revenue sources that fund state-based fish and wildlife conservation across the country. The Senate companion bill awaits a hearing in the Environment and Public Works Committee.

On August 18, 2018, an El Aero Bell Jet Ranger on contract with the Department and carrying game biologists Jeremy Lutz and Matt Jeffress crashed about 15 miles north of Battle Mountain while conducting chukar surveys. Thankfully, both biologists and the contract pilot survived and are recovering. Both the Federal Aviation Administration and the National Transportation Safety Board are investigating the accident, and the Department has limited information regarding any details. Additional information will become available after the investigations are completed.

The botulism outbreak at Carson Lake continues to linger. The current mortality has reached in excess of 8,000 waterfowl and shore birds. Multiple divisions within the Department and staff from the US Fish and Wildlife Service are working on monitoring, removing dead birds, and rehabilitating surviving birds in a makeshift "duck hospital" where food and fresh water are provided. Volunteers from the Green Head Hunt Club, several rehabilitation clinics, students at the University of Nevada Reno, and local residents continue to support the effort. Challenges remain due to high daytime temperatures, the inability to introduce sufficient fresh water, damaged levees that direct and regulate water distribution, and retreating water levels make the management of the outbreak difficult.

Game, Habitat, and Conservation Education staff participated in an aerial water haul in the Volcanic Hills to recharge both the Robb and Beko Guzzlers. Eighty-two buckets were dropped between the Robb and Beko guzzlers over a 2-day period. Each bucket hauled between 180–210 gallons. Water was obtained from the Grefco mine. Conservation Education staff captured the process on film and conducted interviews with Game and Habitat staff.

The Department is currently working with Bureau of Land Management for approval to rebuild two guzzlers and build another in central Nevada. National Environmental Policy Act (NEPA)

compliance will be completed in the upcoming weeks and the construction should begin in spring or early summer. These projects should limit the need for water hauls in the future by expanding the capacity of the existing guzzlers.

An experimental approach to verifying bighorn sheep population estimates from models is being investigated in Unit 212. Because of the number of marked bighorn sheep on Lone Mountain, Game Division staff will explore a mark-resight aerial survey. Game Division staff has coordinated with the University of Nevada Reno graduate student on data locations that will be recorded every 30 minutes prior to and during the survey flight so that observations made be coordinated after the survey. This is an experimental approach that may be used for up to two years.

The Department has received photos of two apparent wolves in northern Washoe County in late August. The color variations indicate more than a single wolf; one may be the same that we received photos of last year.

Game Division, Conservation Education, and Law Enforcement staff hosted seminars on hunting pronghorn, bighorn sheep, and black bears. Each event is popular and well attended. The focus of these seminars are ecology, management programs, laws, and ethical hunting scenarios.

Game Division staff attended the International Deer Biology Congress in Estes Park, Colorado during August 5th through the 9th. Staff Specialist Schroeder presented an interim analysis of mule deer survival rates in Nevada in relation to body condition, migration status, and human disturbances.

The new James Kinney community fishing pond in Winnemucca is scheduled to open to the public on October 13th. We've stocked the pond with bluegill and largemouth bass in anticipation of the opening day events.

The Aquatic Invasive Species (AIS) decontamination units maintained by National Parks Service at Lake Mead are back online and NDOW crews are continuing to see a high number of watercraft inspections and decontaminations. In the last two weeks staff inspected almost 800 vessels and completed 24 full boat decontaminations, plus one float plane. Most northern Nevada stations will close at the end of September but crews are still busy with 362 vessel inspections completed.

As a result of extended very warm temperatures and a complete lack of rain we've seen several incidents of toxic algae blooms in waters in the northern part of the state. Chimney Reservoir in Humboldt County was closed to water contact by the Nevada Division of Environmental Protection (NDEP) and the Division of Health because of very high levels of *Mycrosystis* algae. Monitoring is being done weekly and the reservoir will be re-opened when NDEP indicates algae levels are safe. California also posted a warning on Topaz Lake for Anatoxin-a, but this was at very low level and there are no use restrictions. Sampling by NDEP on the Nevada side of Topaz found no problems.

In mid-August anglers reported a large number of dead trout in the Colorado River near Laughlin. After some investigation we learned that Bullhead City had stocked 80,000 fingerling trout, allegedly for caddis fly control. The State of Arizona had issued them a permit but we were never notified.

In August the outlet valve for Knott Creek Reservoir broke in the open position when the ranch manager was testing it. We were able to work with the landowner and the Division of Water Resources to make an emergency repair and the dam is now operational but the reservoir lost several feet of storage.

Last week NDOW was notified that we have been awarded a Competitive State Wildlife Grant (CSWG) for conservation implementation for the relict leopard frog in Clark County. The frog was determined to be not warranted for ESA listing by the Fish and Wildlife Service in 2017, and continued conservation is critical to prevent efforts to relist the frog. CSWG grants are awarded in a national level competition.

Semi-annual surveys for the endangered Moapa dace in the upper Muddy River were completed in late August. The count was 1,519 and nearly identical to the count last August, which indicates some stability in the populations and that ongoing efforts to improve and secure dace habitat in the Muddy River headwaters are showing success.

On September 12, Western Region game wardens went to Round Hill Pines for the scenario presentation that the District Attorney requested NDOW to put on. The class went very well. The Conservation Education Division took pictures and video of the entire presentation. The District Attorneys that showed up were very interested in the presentation and actively participated and asked many questions.

Along with patrolling several ongoing hunts Eastern Region game wardens are investigating several cases which include:

- Several deer allegedly being shot illegally in Area 7, one of trophy quality
- Several cow elk that were allegedly shot illegally in Area 072, two were left to rot
- An Area 10 case where a person shot a deer with a rifle instead of a muzzleloader
- An Area 11 case where two antelope doe were killed illegally. The individuals were arrested in Lincoln County for unlawful possession of illegally taken antelope
- An Area 081 deer case where a trophy deer was harvested illegally by an Idaho archery hunter
- An Eastern Region game warden also assisted in the prosecution of a Winnemucca man for obstructing a game warden while investigating an over limit of fish
- A unit watch project was also slated for this last weekend in the Eastern Region

In the Southern Region, game wardens conducted a boat accident investigation about an overturned sailboat with a missing and presumed deceased operator on Lake Mead. The operator is still missing following extensive searches being conducted by National Parks Service. The investigation is ongoing.

A game warden on Lake Mead investigated a sunken vessel near Calville Bay Marina and an explosion on a vessel at the fuel dock at Las Vegas Boat Harbor.

There was a fatal vessel collision on the Colorado River near Laughlin which was investigated by Southern Region game Wardens.

A roadside stop resulting in identification of two illegally harvested antelope and resulting with three arrests in Lincoln County, being investigated by the game warden in Panaca.

Southern Region Game Wardens are also conducting an investigation into harassment of wildlife and hunters in the field by an airplane.

Cooperation with many Nevada agencies and federal agencies on a marijuana grow takedown operation. State wildlife and land use violations charges are currently being considered by a game warden in Panaca.

A game warden is investigating a failure to pursue and wanton waste on an archery deer hunt.

Southern Region game wardens followed up on a wakeboarder incident taken by National Parks Service resulting in a vessel collision investigation for a broken femur.

The Southern Region has had four boat accidents involving broken femurs this year that have been investigated by game wardens. A fifth may have occurred this past weekend with a kite boarder, investigated by National Parks Service. This is an oddly exaggerated number of this type of injury over other years where fewer of these types of injuries are typically seen.

Game Warden Brady Phillips has been promoted to fill the Southern Region Game Warden Lieutenant position in Las Vegas.

It's been a busy month for the Conservation Education staff. The media featured Conservation Education staff in: avian botulism rehabilitation efforts, the wildlife bypass project on Interstate 11, wildland fires, boating accidents, bear awareness educational stories, and mountain lion sighting segments. Media outlets include: Lake Tahoe Television, Nevada Public Radio, News Talk KOH, Reno News and Review, the Record-Courier, Channel 2, 4, and 8 in Reno, the Reno Gazette Journal, and southern region media. Community outreach efforts addressing the botulism outbreak within the Truckee Meadows have been a high priority; Conservation Education staff has sent out several press releases and has continued to coordinate volunteer efforts.

On social media, the Conservation Education staff is starting a weekly video series, offering tips about living with wildlife and NDOW programs. The series is very new, with only two videos produced so far. Two of NDOW's Wildlife Wednesday videos series reached almost fifty-thousand views. The first featured bighorn sheep at Hemenway Park and made more than eighty-two thousand impressions and was shared almost 500 times. The second featured a hunter, Lizzy Pritchett who took part in the Nevada Outdoorsmen in Wheelchair event. It made almost sixty-thousand impressions and was shared almost 200 times.

A company called US Outdoors is working with Conservation Education staff on a partnership, in which videos produced by NDOW will be featured on an outdoor channel that can be viewed on a Roku device.

Conservation Education cooperated with state, local, federal, and private agencies during the Sheep Creek Fire by participating in conference calls, arranging communication between stakeholders, and representing NDOW during a community meeting which was well received by both command staff and general public. The Sugarloaf Fire closures impacted hunt units 061, 062, 071 and 072 due to safety issues surrounding the fire.

The Small Game Hunting Guide was successfully produced and available online and in stores state wide, prior to opening day.

Conservation Education staff partnered with Nevada State Parks during the Governor's ribbon cutting ceremony at Pitchfork State Park. The ceremony symbolized the opening of Nevada's newest state park. The Conservation Education staff conducted education programs throughout the day. Today we will be at Pitchfork State Park for the grand opening. Conservation Education staff will have fishing, archery, and a skulls and hides education program for the public to enjoy on opening day.

Today staff will be teaching a youth waterfowl clinic at Mason Valley. Ducks Unlimited will be in attendance and will have plenty of prizes for the young hunters.

Conservation Education staff have continued their efforts to introduce residents to Nevada's wildlife resources and associated recreation opportunities. Education events have included wildlife hikes in the Spring Mountains, fishing and fly-tying workshops, a basic archery instructor class, and an introductory muzzleloading class. A waterfowl hunting seminar that covered hunting tactics, regulations and ethics, shotgun performance, waterfowl identification, and hunting opportunities in the Southern Region was also a big success.

Plans continue for the "Ducks and Donuts" event associated with the October youth waterfowl hunt at the Overton WMA.

Construction has started on the Overton Wildlife Management Area wetland enhancement project. We are working with Ducks Unlimited and Eagle View Contractors on leveling Pintail and Wilson ponds to improve waterfowl habitat. The project will also upgrade water delivery and drainage structures along with improving access for hunters. The project is expected to be completed prior to the waterfowl opener on October 27.

NDOW staff, along with Eagle Lake Bureau of Land Management (BLM) recently slung approximately 10,500 linear feet worth of fencing materials and troughs to 13 different spring sites in the Buffalo Hills. These springs are highly valuable to a host of wildlife species most notably greater sage-grouse, mule deer, and antelope. BLM and NDOW have completed work at Porcupine and Wilcox springs and are approximately 70 percent complete at Horse Spring. Work will continue over the next couple of years to complete all 13 projects.

Post-construction monitoring started last month on the Boulder City Bypass portion of Interstate 11 to see how desert bighorn sheep respond to the dedicated overpass and multiple underpasses. One goal of the study underway will look at human activity on the overpass and how those disturbances impact use by bighorn sheep and other wildlife.

The NDOW license office is working to support tag returns and alternate hunters getting into the field. We have been working closely with the Conservation Education Division to keep hunters informed of changing fire conditions and related public lands impacts.

The license office had also been working closely with Law Enforcement to implement the new trap registration regulations recently approved by the Legislative Commission. We expect to have the new trap registration tags available by the opening day of trapping season on October 1.

GIS staff demonstrated a prototype of the new wildlife data management system we have been developing. We hope to release a version to Department biologists this spring as we move into a more robust testing phase of the project. This system will house and manage all of the wildlife

observation, capture and tracking data the Department collects for our various projects and management objectives.

Wildlife Diversity biologists spent eight days surveying the Carson and Truckee River watersheds in August and September for pond turtles, using 20 new traps that were purchased for NDOW by The Nature Conservancy. We had participants from state, federal, and private agencies, as well as volunteers. We successfully captured and obtained genetic samples from 20 western pond turtles in the Carson River watershed, and we now have a total of 47 genetic samples covering 27 river miles in the Carson Valley. We were unsuccessful in capturing turtles on the Truckee River, but will be continuing to survey in September and October in order to obtain additional samples for an in-depth genetic analysis of western pond turtles in Nevada. NDOW will also be attending an interagency coordination meeting in Sacramento with attendance from various agencies, university researchers, and additional conservation partners.

The Department, along with agency partners and volunteers, have been conducting winter raptor surveys for more than 20 years. Last year, we contracted with the Intermountain Bird Observatory at Boise State University to conduct an in-depth data analysis and provide recommendations on ways to improve our survey methodology. A final report, including a webinar, was provided to the Department this past August. Some interesting results about birds of prey wintering in Nevada include:

- Bald Eagles appear to have a stable or slightly increasing population over the long-term
- Golden Eagles show population growth in recent years after a fairly stable population over recent decades
- Many raptor species exhibit what appears to be a cyclical pattern, with density estimates cycling every three to six years, probably based on prey cycles
- For seven species of raptors, there was a positive correlation with cropland
- Bald eagles and peregrine falcons were largely aligned with habitat related to the large reservoirs
- Only golden eagles showed no strong response to either cropland or lakes
- Three species (Cooper's Hawk, red-tailed hawk, and Kestrels) showed moderate levels of association with developed areas while the majority of other analyzed species showed a strong negative association with all levels of development

D Association of Fish and Wildlife Agencies Conference Report – Secretary Wasley and Deputy Attorney General Bryan Stockton

A report on the 2018 conference will be provided.

Secretary Wasley covered this item within the Department Activity Report and had nothing more to add.

E* Litigation Report – Senior Deputy Attorney General Bryan Stockton

A status report on litigation will be provided.

Senior Deputy Attorney General Bryan Stockton presented the litigation report:

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/16-E-Litigation-Report.pdf

In *United States, et al. v. Truckee-Carson Irrigation District, et al.* there has been a change in the judge presiding over the case.

In *United States and Walker River Paiute Tribe v. Walker River Irrigation Dist., et al.* the Court accepted the second certified question, which is: if the state decides to rededicate water rights to public trust uses, is that a taking of vested water rights under Nevada water law?

In *Mark Smith, Donald A. Molde & Smith Foundation v. State of Nevada Board of Wildlife Commissioners & NDOW* a summary judgement was granted, a motion to reconsider was filed following the decision, it is still pending.

In *Nevada Wildlife Alliance v. Nevada* is challenging 80 percent rule on predator fees, movement to dismiss has been completed and submitted to the Court for decision.

In *Ridgetop Holdings LLC v. Wakeling* a final dismissal was received.

17 **Nevada Department of Wildlife Project Updates – Secretary Tony Wasley**

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

Game Division Administrator Brian Wakeling presented a PowerPoint presentation:
http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/Update-2018-Wildfire-Season-PP.pdf

Secretary Wasley added that there has been discussion about what can and should be done about the damage from fires. The Department doesn't have flexibility under Nevada law to provide the relief that hunters would like. Secretary Wasley said that the Department can use the new system to reach out to hunters in affected areas, such as the rifle deer hunt. They can make these hunters aware that they can turn in tags for any reason and get their bonus points back two weeks prior to the opening of the hunt, outside of two weeks the Department must reissue the tag. The Department is going to continue having discussions about this and will send out emails to hunters.

Chairman Johnston asked if there has been an increase in the number of tags returned.

Secretary Wasley said he doesn't know if the tags have been returned for that reason, except for one or two individuals. If the Department gets the tag back at least two weeks before the start of the hunt, we are statutorily required to reissue it.

Biologist III Jason Williams presented a PowerPoint presentation:
http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/17-Nevada-Cave-Inventories.pdf

Commissioner Kiel asked if there have been any adverse effects on the bats from the commercial windfarm.

Biologist III Williams said there have not been any adverse effects on the bats. The first year they started studying the bats in that particular cave, they didn't do any mitigation to find out

what the baseline mortality was. After the first year, they started mitigation efforts and the bats haven't reached the mortality threshold since.

Secretary Wasley asked Biologist III Williams to explain the mitigation efforts and what technology is used to determine the out-flight of the bats from the cave.

Biologist III Williams said that the cave next to the windfarm is an important stop in the migration pattern for bats. The Department biologists use technology to log bat activity coming in and out of the cave to let the windfarm know when to turn the turbines off. Since using the technology bat mortalities have been reduced by 70 percent.

Commissioner McNinch said that technology is amazing and he appreciated the coordination of that technology. He encouraged everyone to visit the caves.

Secretary Wasley added that the Department will include relevant topics at the November meeting.

***COMMISSIONER EAST LEFT DURING THIS AGENDA ITEM.**

18 **Commission Regulations – For Possible Action/Adoption – Public Comment Allowed**

A* **Commission General Regulation 478, Bighorn Sheep Ewe and Mountain Goat Online Course, LCB File No. R151-18 – Game Division Administrator Brian F. Wakeling – For Possible Action**

The Commission will consider adopting a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation would require all bighorn ewe and mountain goat tag holders to complete an online course. This regulation would eliminate the need for a physical inspection for hunters that harvest a ewe. It would also require the tag holder for ram bighorn sheep, mountain goat, and mountain lion or bear to provide questionnaire information during the already required post-harvest physical inspection and eliminate the subsequent need for successful tag holders to also submit a questionnaire. The Commission held a workshop on Aug. 10, 2018, and the Commission directed the Department to move forward with an adoption hearing.

Game Division Administrator Wakeling said there are no changes to the suggested language and the online course will be available to anyone, whether they have a sheep tag or not. The regulation will eliminate the need for a physical inspection of ewes. The Department does not get much biological information from the inspections and they are an undue burden on the hunter and the Department staff. There will also be no harvest questionnaire needed.

Commissioner McNinch asked if Section 3, subsection 1 needed clarification.

Chairman Johnston said he does not think so.

Game Division Administrator Wakeling clarified that there is a time limit on when an inspection must take place.

Commissioner AlMBERG said there was discussion in multiple CABMW meetings that wanted language in the regulation stating that the video would be available online to the general public as well as the hunters that draw a bighorn ewe or mountain goat tag.

Chairman Johnston said he did not think there is a need to include those not affected by the regulation.

No public comment in Reno or Las Vegas.

COMMISSIONER HUBBS MOVED TO ADOPT COMMISSION GENERAL REGULATION 478, LCB FILE NO. R151-18 AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY VICE CHAIRMAN VALENTINE. THE MOTION PASSED 8-0 WITH COMMISSIONER EAST ABSENT.

B* Commission General Regulation 479, Rosy Boa Reptile, LCB File No. R152-18 – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action

The Commission will consider adopting a regulation relating to amending Chapter 503 of the Nevada Administrative Code (NAC). This amendment would revise the scientific name of the rosy boa, which is classified as a protected reptile, from *Lichanura trivirgata* to *Lichanura orcutti*. This name change is needed due to new scientific studies that have split the species into two distinct entities, one that occurs in Nevada and one that occurs outside the state. Current NAC protects the species outside Nevada rather than the species that occurs within Nevada. The Commission held a workshop on Aug. 10, 2018, and the Commission directed the Department to move forward with an adoption hearing.

Wildlife Diversity Administrator Newmark said there were no changes made since the last Commission meeting and recommended adopting the regulation. She recapped the need for the regulation.

No public comment in Reno or Las Vegas.

COMMISSIONER MCNINCH MOVED TO ADOPT COMMISSION GENERAL REGULATION 479, LCB FILE NO. R152-18 AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY COMMISSIONER HUBBS. THE MOTION PASSED 8-0 WITH COMMISSIONER EAST ABSENT.

C* Commission Regulation 18 - 01, Amendment #2, Fishing Seasons, Bag and Possession Limits, and Regulations for March 1, 2018, through Feb. 29, 2020 – Fisheries Division Administrator Jon Sjöberg – For Possible Action

The Commission will consider amending Commission Regulation 18-01 to modify the harvest limits for Lahontan Reservoir to allow the harvest of white bass or white bass hybrids under 15 inches to be included in the 15 game fish limit, in Churchill and Lyon Counties; to modify the general harvest limit for Pershing County to remove the reference to white bass and white bass hybrids; and to adopt a limit of three game fish for the James Kinney Pond in Humboldt County.

Fisheries Division Administrator Jon Sjöberg said the Department is requesting three minor changes to Commission Regulation 18-01. The language has also been clarified since the last Commission meeting to include fish 15 inches, not just greater than or less than 15 inches.

No public comment in Reno or Las Vegas.

COMMISSIONER MCNINCH MOVED TO ADOPT COMMISSION REGULATION 18-01 AMENDMENT 2 AS PRESENTED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY COMMISSIONER HUBBS. THE MOTION PASSED 8-0 WITH COMMISSIONER EAST ABSENT.

19* Yakama Tribe Pronghorn Translocation Update – Wildlife Staff Specialist Cody Schroeder – For Possible Action

The Department will provide an update regarding the translocation of pronghorn to fulfill the original request from the Yakama Tribe in Washington for 100 pronghorn originally approved by the Commission for Fiscal Year 2018. In Fiscal Year 2018, only 50 of the original 100 were provided to the Yakama Tribe in Washington.

Wildlife Staff Specialist Cody Schroeder presented a PowerPoint presentation:
http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Com/19-Pronghorn-Translocation-PP.pdf

Commissioner Hubbs asked if there were any concerns about taking additional pronghorn since the population has been increasing recently.

Wildlife Staff Specialist Schroeder said there is no concern about the pronghorn population, there is even an over-abundance of pronghorn in some areas.

No public comment in Reno or Las Vegas.

Senior Deputy Attorney General Stockton clarified that the transfer is not for an additional 50 pronghorn, but just to fulfill the rest of the original 100.

COMMISSIONER HUBBS MOVED TO APPROVE THE TRANSFER OF 50 PRONGHORN ANTELOPE TO THE YAKAMA TRIBE AS PROPOSED BY THE DEPARTMENT. THE MOTION WAS SECONDED BY VICE CHAIRMAN VALENTINE. MOTION PASSED 8-0 WITH COMMISSIONER EAST ABSENT.

20 Future Commission Meetings and Commission Committee Assignments – Secretary Tony Wasley and Chairman Johnston – For Possible Action

The next Commission meeting is scheduled for November 2-3, 2018, in Reno. The Commission will review and discuss potential agenda items for that meeting; the Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments as necessary at this meeting.

Secretary Wasley said the calendar for Commission meetings indicates that the main issues at the November meeting will be quotas for taking raptors for falconry seasons and the noncommercial collection seasons for live, unprotected reptiles and amphibians. There will also be a predation management status report, a Wildlife Trust Fund semi-annual report and an adoption hearing for CGR 480. Secretary Wasley said other possible regulations for workshop

include the swan permit regulation and public and sellable lists regulation. There will also be a standing agenda item for the wildlife project updates, specifically the importance of sage habitats and the Commission will need to determine what Commissioners will attend the mid-winter WAFWA meeting.

Chairman Johnston said there will be a TAAHC committee meeting prior to the Commission meeting and asked where the mid-winter WAFWA meeting will be held.

Secretary Wasley said it will be held in Tucson, Arizona.

Chairman Johnston said he will be announcing committee assignments at the next Commission meeting.

No public comment in Reno or Las Vegas

21 Public Comment Period

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

No public comment in Reno

Mike Reese distributed a copies of the proclamation by the Governor. He also distributed a statement about the appointment of CABMW members, which he says is not being adhered to and an article about the amount of money contributed by hunters and fishers nationwide.

Copies of the documents distributed by Mr. Reese can be viewed in the exhibit file for this Commission Meeting.

Paul Dixon wanted to personally thank Suzanne Scourby for her 28 years of service to the Department of Wildlife.

Bob Cook echoed Mr. Dixon's comments about Suzanne Scourby.

Meeting adjourned at 12:14 pm.

Note: The meeting has been videotaped and is available for viewing at www.ndow.org. The minutes are a summary of the meeting. At the Department of Wildlife Headquarters in Reno is a complete record of the meeting.