

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

Meeting location:
Pitchfork Ranch at Walker River State Park
211 E. Walker Road
Yerington, NV 89447

#4

All parties in attendance at the Commission meeting must obey CDC guidance on social distancing and/or wear cloth face coverings. Do not plan to attend if you have a fever, are coughing (even from allergies), have shortness of breath, have loss of smell/taste, have been exposed to COVID-19, or if you have recently traveled from a "known area of community spread" or from out of state within fourteen (14) days. As of June 1, 2020, gatherings are limited to no more than 50 persons per the Governor's Declaration of Emergency Directive 021. We encourage the public to submit written comments unless in-person attendance is necessary.

To prevent the spread of COVID-19, support material will not be provided at the meeting. Meeting materials are available at: http://www.ndow.org/Public_Meetings/Com/Agenda/

At all times during the meeting, you must minimize touching any surfaces and to wash your hands or use hand sanitizer when leaving. We also encourage respiratory etiquette and remind you to cover any coughs or sneezes.

This is an outdoor meeting and we encourage all attendees to bring their own chair as chairs will not be provided.

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

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

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

NOTE: County Advisory Boards to Manage Wildlife (CABMW) Members and public comment allowed on each action item and regulation workshop items and at the end of the meeting.

Nevada Board of Wildlife Commissioners present for the two-day meeting:

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

Secretary Tony Wasley

Senior Deputy Attorney General Craig Burkett

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

Management Analyst Kailey Taylor	Administrative Assistant III Megan Manfredi
Habitat Division Administrator Alan Jenne	Chief Game Warden Michael Maynard
Conservation Education Division Administrator Chris Vasey	
Data and Technology Services Division Administrator Kim Munoz	
Game Division Administrator Mike Scott	Wildlife Staff Specialist Shawn Espinosa
Wildlife Staff Specialist Russell Woolstenhulme	Staff Game Warden Brian Eller

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

Rob Boehmer, Carson CABMW	Paul Dixon, Clark CABMW
Jim Cooney, Elko CABMW	Robert Jacobson, Lyon CABMW
Walt Mandeville, Lyon CABMW	Steve Robinson, Washoe CABMW
Joe Crim, Pershing CABMW	Gil Yanuck, self
Sonja Almberg, self	Grant Wallace, self
Pete Mori, self	Mel Belding, self
Virginia Valentine, self	Rex Flowers, self
Jerry Cooney, self	Ron Pierini, self
Joy Almberg, self	John V. Zenz, self
Dean Heller, Northern Nevada Safari Club International	
Jim Puryear, Nevada Bighorns Unlimited – Reno Chapter	

Friday, June 26, 2020 – 8:30 a.m.

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

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

CABMW members present: Rob Boehmer, Carson CABMW; Paul Dixon, Clark CABMW; Jim Cooney, Elko CABMW; Steve Robinson, Washoe CABMW; and Joe Crim, Pershing CABMW.

2. Approval of Agenda – Chairman Brad 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.

COMMISSIONER VALENTINE MOVED TO APPROVE THE AGENDA AS PRESENTED. MADAM VICE CHAIRWOMAN EAST SECONDED THE MOTION. THE MOTION CARRIED 9-0.

- 3.* Approval of Minutes – Chairman Brad Johnston – For Possible Action
Commission minutes may be approved from the May 1, 2020 meeting.

Commissioner McNinch stated that on page 22 he was discussing “carrying capacity” not “caring capacity”. Then on page 36, he wanted to clarify that where he made a comment about being concerned about property owners harassing Department staff, he was really concerned about radicals bothering employees and property owners.

Madam Vice Chairwoman East commented that over the last year or two some of the Minutes are paraphrased so there is not a distinction in what each Commissioner said. For the future, she would like more of a distinction of what is said for accuracy.

COMMISSIONER MCNINCH MOVED TO APPROVE THE MINUTES AS PRESENTED WITH THE EXCEPTION OF THE NOTED COMMENTS. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION CARRIED 9-0.

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

Chairman Johnston stated he received correspondence related to specific agenda items which were forwarded to the Department and the Commissioners. He received a call from Mel Belding requesting that the Commission work with the Department on Elk Management Plans to determine if they need to be updated or revised. He also received a phone call from a local in southern Lyon County on the Landowner Tag program; he suggested to the caller that their questions should be presented to the Committee. Chairman Johnston welcomed everyone to Mason Valley and he appreciates having the Commission meet there again.

Madam Vice Chairwoman East stated she received a note from Karen Boeger who provided that the working group for the Wild Horse and Burro Committee under the Wildlife Coalition is making a presentation to the Interim Public Lands Committee on Friday, July 17, 2020 at 9:00 a.m. and the committee welcomes any comment or interaction.

Commissioner McNinch provided that the Coalition for Healthy Nevada Lands, Wildlife and Free Roaming Horses is a group trying to resolve the wild horse issue and they have asked the Commission to review Policy 67. The timing is not right with the Department's workload, and personnel challenges with hiring freezes and staff retirements. He suggested that the Commission work on modifying the policy, but for now he will continue to communicate with the group. He requested that Habitat Division Administrator Alan Jenne provide an update regarding the recent Bureau of Land Management (BLM) report.

Commissioner Hubbs stated that she also received a lot of correspondence and it appears that the rest of the Commission received the information as well. She inquired about what was going on with the working group for the Wild Horse and Burro Committee.

Commissioner McNinch provided that a diverse coalition of professionals and interest groups is being developed that includes advocates for wild horses, livestock, wildlife, grazing and range management and they are being proactive in managing the situation to have a positive outcome. They are also trying to build energy to support BLM to get the funding they need to manage wild horses. He received a letter from the Chairwoman of the committee which will be shared with the Department and the Commissioners (see Exhibit File).

Madam Chairwoman East provided that the point of attending the Public Lands Committee meeting in July is to lay the groundwork for a potential resolution through the legislative session next year. The Legislative Interim Committee meeting will be video streamed for public viewing; she will forward the link to Commissioner Hubbs.

Secretary Wasley stated that the correspondence the Department received has been forwarded to the Commission. Regarding the request to reexamine Commission Policy #67, as it pertains to wild horses, the Department understands and recognizes the challenge and problems that the feral horse issue presents to the range-lands. Whether it is sage grouse, mule deer, or water availability, it is a significant issue. He stated he shared with Commissioner McNinch that he did not know how realistic it was for a Commission Policy to have a big effect on how the wild horses are currently managed. The current policy is currently not adhered to in its current form so he questions whether revising the policy would bring about the desired effect on horse management. It would be good to hear from the Habitat Division regarding

our roles and efforts on the issue. Secretary Wasley announced that Deputy Director Liz O'Brien retired in early June with 33 years of state service.

Chairman Johnston stated that arrangements have been made for dinner tonight at 6:00 p.m.; that everyone is invited to attend; and that there is a special treat at dinner from a CABMW member.

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

CABMW comment:

Paul Dixon, representing Clark County, stated that John Hiatt was not reappointed to the Clark CABMW, and Jacob Thompson from UNLV is the new appointee.

Rob Boehmer, representing Carson City CABMW, stated that the Carson City CABMW has received 93 comments either by voicemail or email regarding the Commission making decisions for setting quotas in specific areas of the state. He would be remiss to not remind each of the Commissioners that they have a duty to make sure the process is done correctly. He realizes there was some oversight in the quota setting recommendations, particularly to Units 194, 195, 196 and 192. He provided that two different CABMW's made recommendations to the Commission to have those quotas increased but their recommendations were completely disregarded. The recommendations were made because the CABMW's had the backing of the Department biologically in those units, and they were sustainable recommendations. As he responded to the calls and emails, he tried to help each person understand that the Commissioners are good people and that we all make mistakes. He asked that the Commission not get side-tracked on important conversations like this in the future.

6. Wayne E. Kirch 2019 Award Presentation – Chairman Brad Johnston
Chairman Johnston will present the 2019 Wayne E. Kirch Award that acknowledges a deserving individual, nonprofit organization, outdoor sports club or business who have achieved significant results toward the conservation, management or enhancement of wildlife in the State of Nevada during the last calendar year.

Chairman Johnston stated that the June Commission meeting is his favorite because of the announcement of the Kirch Award and, there are significant expenditures of money out of the Heritage account and the Upland Game Stamp funds. The Wayne E. Kirch Conservation Award is given annually by the Nevada Board of Wildlife Commissioners (NBWC) to recipients who have demonstrated significant results towards conservation, management, or enhancement of wildlife. It is named in the memory of Wayne E. Kirch who served on the Fish and Game Commission for more than 25 years, the longest tenure on the board since its inception in 1877. Working on the Commission for 25 years is a testament to Mr. Kirch's legacy. The Kirch Award judging panel is made up of two Commissioners, Marlene Kirch, the daughter of former Commissioner Wayne E. Kirch, and four CABMW's members or outdoor gr, and they all choose the award winner from a pool of nominees sent in from around the state. This year's recipient of the 2019 Wayne E. Kirch Wildlife Conservation Award has made significant contributions to Nevada and its wildlife, not just in the past year, but over the span of more than 40 years. He has taught hunters safety classes; educated new hunters on hunting ethics; he has been active in Operation Game Thief since its inception to stop poaching; and as we previously heard in one of our Conservation Spotlight presentations, he has actively worked in enhanced wildlife habitat through the Carson Valley Chukar Club. It is with great pleasure and an honor to recognize this year's recipient of the Wayne E. Kirch Wildlife Conservation Award, is Ron Pierini. Chairman Johnston added that Mr. Pierini did all of this work all while he was also the Douglas County Sheriff; it is a testament to his commitment to Nevada, it's wildlife and public service.

Ron Pierini stated he appreciates the award so much. He remembers as a child that he loved the outdoors. He knows he is doing what he should be for wildlife and habitat and he wants to make sure everyone else is doing the right thing. He thanked the Department for working really hard; he believes they have done a good job and is glad there are a lot of people who really care.

7. Commission General Regulations – Workshop / Public Comment Allowed

- A.* Commission General Regulation 490, Party Bonus Points and First Come First Serve, LCB File No. 103-19 – Data and Technology Services Division Administrator Kimberly Munoz and Management Analyst Kailey Taylor – For Possible Action
The Commission will hold a second workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation would allow children under 12 to purchase a bonus point if they turn 12 before the first day of the last season for that species. The regulation also addresses bonus points for sportsmen who apply as a party. Lastly, the regulation would allow a first-come-first-serve opportunity for returned tags that miss the 14-day deadline.

Data and Technology Services Division Administrator Kimberly Munoz reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public.

Madam Vice Chairwoman East inquired if the Department needs to do more education around the alternate option and would the customer be notified by text or email if there is an alternate option; Division Administrator Munoz responded that the Department does educate the sportsman if questions are posed about the alternate process; she stated that people also do not understand that when they choose to be an alternate they are only making that decision based off their first unit choice. Only 14 percent of the sportsmen chose the alternate option which tells the Department that there is not a clear understanding of what it means. She stated that there is a website within the current Kalkomey system where people can view the returned tags to know which ones are available for purchase; and once the tag is in their cart, they have a limited amount of time to check out.

Madam Vice Chairwoman East stated that she would like to talk offline about educating the sportsman about this process.

Commissioner Hubbs inquired as to where the new language speaks to the first-come-first-serve in this regulation; Division Administrator Munoz responded that the information is on page 5, in 502.4215, in the blue section.

Commissioner Hubbs stated she was looking at language on page 8, Section 5b; Division Administrator Munoz stated this particular section talks about party hunts.

Commissioner Hubbs inquired about the youth hunt and that certain youth that had not yet reached their twelfth birthday but would be excluded if this regulation was not modified; Division Administrator Munoz responded that they are currently trying to marry up bonus point rules to application rules for youth. Currently, they do not match up, so some kids miss out on bonus points.

Commissioner Caviglia stated he is concerned about having an alternate list because there are people writing applications (app's) that will retrieve the data from the Department's website; for those sportsmen who have a paid subscription to the application, they will immediately be notified if there is a tag available from the list. He knows that Colorado is currently developing a work-around to the application tools, but there is already a work-around to the work-around, and he foresees challenges with this and is unsure how the Department and Kalkomey will manage it.

Division Administrator Munoz stated that her division has talked about setting a rule that the sportsman would need to be logged into their account to put the tag in their cart.

Commissioner Hubbs inquired as to why the Department does not conduct a first-come-first-serve like it is does with party tags; Division Administrator Munoz explained that the statistics show that only 15 percent of the sportsmen have selected to be on the alternate list which tells her that the public needs to be educated. Another issue is that the sportsman might not have the ability to go on a last-minute hunt even though they are on the alternate list. Tags are just now starting to hit the sportsman's mailboxes and in the last 48 hours the Department has received 11 returned tags.

Discussion ensued between Commissioner Hubbs, Division Administrator Munoz and Management Analyst Kailey Taylor about using a waiting list for the alternate list and the amount of work it would be for the staff; that there are only 14 days before the season opens so the Department wants the sportsman to get going as soon as possible which is why the first-come-first-serve is a viable option; and that tags could be returned in 14 days or less so the Department needs to factor in the process to purchase and mail the tag to get it to the sportsman timely.

Commissioner AlMBERG commented that he is surprised that only 15 percent of the sportsmen selected to be on the alternate list, which tells him they do not understand what an alternate is. Education is enormous and could change the scope of the discussions.

Chairman Johnston inquired about the option to return a party tag and when would this change take affect; Division Administrator Munoz responded it would take effect in the 2021 hunt.

Chairman Johnston stated, if a sportsman is on the alternate list and a tag is returned within the 14 day window or less, the concern is that it is too short of a notice, but someone going online in that window of time would be looking for an alternate tag to purchase because they know they want the tag and can use it; Division Administrator Munoz stated that is what she is trying to get across and thanked Chairman Johnston for summarizing it more elegantly.

Commissioner Caviglia inquired about subsection 5 and subsection 2b that if, with the reasons given to return a tag, a person within the party incurs a disability, then that single individual gets to return the tag with proper documentation. He can see a loophole in this situation and does not put it past people to not abuse the situation; Division Administrator Munoz stated that is correct, but proof must be provided to the Department no matter the situation. Commissioner Caviglia recommended that if one person returns a tag, then the whole party must return their tag.

Chairman Johnston stated that when he was on the Tag Allocation and Hunt Committee (TAAHC), they began discussing this type of change, that if one person in a party returns a tag then the rest of the party should return the tag. He agrees with Commissioner Caviglia that they know people have used the party application to gain in the system.

Division Administrator Munoz inquired if the Commission wants the Department to remove the language "for any other reason set forth in subsection 1 and 2"; Commissioner Caviglia replied that if one person in a party returns a tag then all persons in the party must return their tag to retain the bonus points.

Management Analyst Kailey Taylor provided that the proposed language in the regulation is standard from the Legislative Counsel Bureau (LCB) and is standard operating procedure for anyone who draws a regular tag so the language can be changed.

Commissioner Hubbs commented on the different reasons to return a tag and the types of evidence to be shown for the reasons; and it seems to be a harsh penalty to pay if someone in the party passed away.

Chairman Johnston responded that it is not with the death of a tag holder, it is the death of a relative; that if a party goes into a draw, then they will stay a party through the whole process to maintain consistency; and if that is the intent of this regulation, then he believes the language needs to be modified.

Division Administrator Munoz explained that in the current tag return system, when a party is formed, and grandpa who is in the party but has no intent on hunting, returns his tag; his bonus points are restored plus one and the rest of the party still hunts that year. Next year the party takes advantage of grandpa's bonus points which are averaged out for the entire party and they get a better average for a tag again the next year. Discussion ensued between Commissioner Hubbs, Division Administrator Munoz and Commissioner McNinch regarding this scenario and this is the loophole the Department is trying to address.

Commissioner McNinch stated he agrees with Commissioner Caviglia's comment about the loophole; that people are making a choice to buy into a party tag; and that they do not have to hunt if a scenario arises for the individual; Chairman Johnston concurred and stated that the individual giving up their tag does not get their points back because the other people in the party were to benefit from those points.

Public comment:

Jim Puryear, representing Nevada Bighorns Unlimited – Reno Chapter, stated he likes the idea of a third box with a good explanation because the people who cannot figure out a box will be confused during the draw if they are not tech savvy. Regarding the party tag return, a dead person should be out of the formula because the bonus points do not matter. He knows people are taking advantage of the party tag situation and he agrees with the comments presented.

Paul Dixon, representing Clark CABMW, stated this was one of the lengthiest discussions at the Clark CABMW meeting. By a majority, they accepted the revised general regulation as written, but he wanted to review the three dissenting votes. Two of the board members felt strongly that implementation of a first-come-first-serve over the counter method would still have people gaming the system, and one board member thought that juniors who accumulated bonus points should be able to carry those points into adulthood which would allow them to be more excited about continuing to hunt. There are a fair number of sportsmen who drop off between junior and adult hunting. This information is in Nevada Administrative Code (NAC) 502.4189.

Jim Cooney, representing Elko CABMW, stated they are opposed to the first-come-first-serve based upon some things mentioned today. He stated there needs to be clarification to what is involved with the alternate tag but there was no discussion by the CABMW on this subject. The biggest issues with first-come-first-serve were sportsmen gaming the system, so they request that the Commission rethink the first-come-first-serve and utilize the alternate route.

Jim Puryear, representing Nevada Bighorns Unlimited – Reno Chapter, suggested that the Department go down the five choices and provided an example.

Rob Jacobson, representing Lyon CABMW, stated he works in the school system and sees people doctor-shopping for a physician's note all the time.

Rob Boehmer, Carson City CABMW, provided his user experience regarding the alternate box; he knows two other people who also could not mark the alternate button. He recommended that the box be an

extra step and make the alternate option a mandatory choice, and to provide a tab with an explanation as to what an alternate is. Regarding Paul Dixon's comment about party tags, their CABMW saw the same argument that anybody can skew the system if they really want to and provided an example. This section of statute is particular and should be modified so there is no question on the process.

Rex Flowers, public citizen, stated that the first-come-first-serve is already in place, this regulation just adds tags to it and people are going to find ways to game the system. The bottom line is that the sportsman has less than 14 days to get the returned tag and most people will not be able to take that hunt on such short notice. He thinks that is a very small consideration but there is no reason not to do something that afford an opportunity to get more hunters in the field. He agrees with not using the exemptions in subsection 1 and 2; if you apply as a party, you die as a party.

Steve Robinson, representing Washoe CABMW, stated that they support the bonus point restriction, an all or nothing approach. If it could be eliminated, then it would be helpful.

Chairman Johnston understands there may be some problems with the first-come-first-serve, but the reoccurring problem is that the demand exceeds the supply in Nevada. If a tag is returned within the 14-day window and there is a process to put the tag in the hands of sportsmen, then the Commission should do it. He stated that it is a rather simple change on section 6, subsection 5. He suggests that in NAC 502.422, to striking the language "for a reason other than the reason set forth in subsection 1 or 2."

Deputy Director Jack Robb stated that a good part of this regulation revolved around teaching customers about the alternate process. Hunters are a creature of habit and they get in and get things done. He provided an example of how hard it is to get a message across to the hunters. This does not mean the Department is not going to try harder and look at different ways to educate them. But no matter what is done, people are going to game the system; this regulation is about getting the 1100 returned tags in the hands of sportsmen and getting them in the field.

Chairman Johnston stated that there are concerns with applications and technology, but he can see the positive as it can make a good user experience. It will fulfill the goal of getting unused tags in the hands of sportsmen.

Commissioner Hubbs stated she agrees with the last-minute selection for the 14 days, she has a personal issue with the removal of subsections 2(a)(b)(c) and (d) regarding the group hunts because it is assuming everyone is going to commit fraud and she does not want to penalize someone for going into the armed forces so she would not be in favor of removing this section.

Commissioner Almborg stated he fully supports the first-come-first-serve but struggles with abandoning the alternate list in the 14-day period and provided an example. He likes the idea of exhausting the alternate list, especially if it is only 15 percent of the sportsmen, before going to a first-come-first-serve option.

Discussion ensued that this does not clean up the alternate list because that is in a different NAC and cannot be changed in this current regulation; that to change the alternate process the Department would have a separate regulation to address it which would require it go back to LCB for revisions before this could be adopted.

Commissioner McNinch asked what the Department currently does with tags returned in the 14-day window; he commented that the term "alternate" could mean different things to different people and this should be marketed well.

Chairman Johnston stated that the 14-day window exists now and confirmed that if a tag is returned within the 14-days, as it stands now, then it does not go through the alternate process; Division Administrator Munoz responded that the tag is not re-issued at all; Deputy Director Jack Robb stated that if tags are returned 17 days before the season starts, they do not get reissued; but if the sportsmen checks the alternate box, then they are notified in 14 days.

Division Administrator Munoz stated it takes between three and five days to process a returned tag and for it to be issued to alternates; the Department is trying to increase the work-flow efficiency with automation.

Commissioner Hubbs reiterated that she is in agreement with the proposal as presented because it is getting more complicated than it needs to be; she is erring on the side of good human character and trusts the Department to know if someone is being fraudulent.

Chairman Johnston wants to address the goal of changing the party application process; there is a push to get to pass this regulation because of the recurring evidence of people gaming the system.

CHAIRMAN JOHNSTON MOVED TO ADVANCE COMMISSION GENERAL REGULATION 490, PARTY BONUS POINTS AND FIRST-COME-FIRST-SERVE, LCB FILE NO. R103-19, TO AN ADOPTION HEARING AT THE NEXT COMMISSION MEETING, AS PRESENTED, WITH THE FOLLOWING CHANGE: THAT IN SUBSECTION 5 OF NAC 502.422, DELETE THE LANGUAGE: "FOR A REASON OTHER THAN THE REASON SET FORTH IN SUBSECTION 1 OR 2." MADAM VICE CHAIRWOMAN EAST SECONDED THE MOTION. THE MOTION CARRIED 8-1 WITH COMMISSIONER HUBBS DISSENTING.

- B.* Commission General Regulation 491, Notification of Draw Results – Data and Technology Services Division Administrator Kimberly Munoz – For Possible Action
The Commission will hold a workshop to consider a regulation amending Nevada Administrative Code (NAC) NAC 502.4208 relating to providing notification of draw results to clients who have opted out of having their results made public.

Data and Technology Services Division Administrator Kimberly Munoz reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public and explained that this regulation is requesting to strike language that the Department must post draw results on the internet, and it is requesting the Department to notify the applicants of the results either via email, text message or another option. Right now, the sportsmen have an opportunity to opt out of having their results posted on the internet.

Public comment:

Jim Puryear, representing Nevada Bighorns Unlimited – Reno Chapter, stated he was not clear on what was presented.

Division Administrator Munoz responded that the current regulation requires the Department to post all results on the internet with an opt out feature and the Department wants the opportunity to notify the sportsman through other means.

Commissioner Hubbs commented that the notification could be somewhat vague and inquired if there is any detriment to individuals who claims they were not notified.

Chairman Johnston stated that if the individual does not get the notification, they will be contacting the Department to get their draw results; this is just a clarification that the Department can notify the applicants in lieu of posting the information online.

Division Administrator Munoz clarified that an applicant could log in to their account at any given time and see the results once the draw has been executed.

Chairman Johnston stated that no action needs to be taken and that this regulation can be moved to an adoption hearing at the next Commission meeting.

C.* Commission General Regulation 492, Thermal Imaging Optics – Chief Game Warden Mike Maynard – For Possible Action

The Commission will hold a workshop to consider a regulation to consider amending Nevada Administrative Code (NAC) 503 and NAC 503.1485 relating to wildlife; prohibiting the use of certain night-vision equipment and devices for locating, hunting and taking game mammals and game birds; revising the definition of “trail camera or similar device”; and providing other matters properly relating thereto.

Chief Game Warden Mike Maynard provided some history on this regulation, reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department’s website for the public, and shared the Department’s recommendations regarding thermal imaging optics and the realization of the need to read the definition of fair chase.

Commissioner Hubbs inquired about non-game wildlife as they seem to be overlooked and asked if they are subject to having this weapon used on them. Chief Game Warden Mike Maynard responded that it depends. This regulation only addresses NRS 501.110, NAC 503.020 and NAC 503.045, game mammals and game birds. Depending on what category the nonmentioned species fall into, they may or may not have a protection which forbids certain methods of hunting.

Commissioner Hubbs stated that if it is a fair chase issue, then she feels it should apply to every species of wildlife. If the technology is too advanced for wildlife to put up fair chase, then she does not understand why the Department is only looking at game species versus non-game species. She further inquired about limitations on the use of a sight attached to weaponry and asked what they are used for and why are they exempt.

Chief Game Warden Mike Maynard stated that is a verbatim necessitation of NAC 503.145 that already exists, and he has requested that the language be included to make sure this regulation is not confused with limiting that regulation that covers that portion.

Commissioner Hubbs inquired if those were common mechanisms that are used for game species right now; Chief Game Warden Maynard responded that it depends on who uses them; some do and some do not.

Madam Vice Chairwoman East inquired if the Department has had any issues with this to try to identify from where this may be coming.

Chief Game Warden Mike Maynard stated that the Department has had some issues with inquiries from the public over the last several years; that the Department has told them no, they cannot use the technology; and the big issue driving this is that technology is becoming more available and affordable to the hunting public instead of the military. The Department is seeking to be proactive and not waiting for an offense to occur.

Public comment:

Rex Flowers, public citizen, stated he is against the first part of the regulation regarding thermal imaging; it says it will address ethics, but ethics are not regulated, they are taught. The Department cannot keep regulating everything we do. Law Enforcement needs to spend more time enforcing laws instead of legislating and regulating. When they start down the road of thermal imaging, he worries that when the items that can be attached to your weaponry are attacked, will the weaponry be attacked by those that do not want gun ownership.

Paul Dixon, representing Clark CABMW, stated the Clark CABMW supported this regulation with a unanimous decision but have some suggestions for the language that was unclear. The Clark CABMW suggests to reword Section 1(a) to 1(e); and the CABMW inquired if a legal definition of thermal imaging devices could be referenced in that section and whether examples could be given; and in Section 2(a), 2(b) and 2(c), there are things that can be on a scope, but they enhance the shooters ability to use the weaponry but they do not enhance the shooters ability to see down field, which is unclear how the regulation is drafted now.

Steve Robinson, Washoe CABMW, stated that their CABMW unanimously rejected this proposal for the thermal imaging. Although this technology can be misused, it is a very useful tool to view wildlife and hunt predators at night. As soon as it approaches legal hunting light it is not useful. The Washoe CABMW is concerned about becoming the most restrictive and regulated hunting state in the west, which they are against.

Commissioner Valentine stated that 30 years ago, he had the opportunity to use a night vision scope for scouting. He is concerned about having a regulation if there are no current abuse issues.

Chief Game Warden Mike Maynard stated the reason this regulation came up is that the Department was getting calls from the public by people who wanted and were actively seeking to use this technology in the field. The Department does not have any current cases involving this. He provided an example of how the technology could potentially be abused, but he does not know of any instances in which this occurred.

Secretary Wasley stated the Department is seeing a continual creep in technology. The Commission has talked about loopholes, demand exceeding the supply, personal aircraft where the Commission took action on whether people can use paraplanes to scout or run animals. The Commission also took proactive steps in addressing smart weapons and tracking technology. This is about ethics and the Department would like to address it before the investment is made by the individual; as it is much harder to have that conversation once it becomes established or socially acceptable. There are concerns from the CABMW's and the public about being the most heavily regulated state in the west, but from the Departments perspective, we are one of the most ethical states in the west by proactively addressing the technology creep, and if the Department is not willing to address this before it is a problem, then he fears we will pay a bigger price in the future. The Commission has had a similar view with respect to smart triggers, smart weaponry, trail cams, and paraplanes; otherwise those actions would not have been taken. The Department sees this as another technology and wants to be the ones setting the standards for ourselves before the legislature or others tell us what they want us to do.

Commissioner Hubbs stated she finds it ironic that the Commission will regulate sportsmen because they could have fraudulent conduct with their bonus points but we will not regulate ethics in this capacity for wildlife when that is our job, to preserve wildlife. She thinks the Commission needs to focus on the mission, to protect all wildlife that belongs to the state of Nevada.

Commissioner Kiel stated that he is generally fine with the language but does take exception to the language “shall not possess” while in the field because people might want to hunt coyotes at night during their deer hunt.

Chairman Johnston stated he personally was not surprised to see this regulation proposed and Secretary Wasley has addressed some of the issues today. The Commission has addressed similar issues in the past; smart rifles are an example of technology the Commission does not want people to use while hunting in Nevada. More technology that was in the exclusive possession of the military is now becoming available to the public. He was more surprised to hear objections to the regulation. As a Commission, if we do not take proactive steps to place limits on what we think is acceptable weaponry and technology to use, then we will be subject to others policing us. He does understand Commissioner Kiel’s point of “possession” and suggested to the term “use”; and he does understand the enforcement issues.

Commissioner Valentine stated that Secretary Wasley makes great points on this topic; he believes it is wise to stay ahead of the technology curve, but it breaks his heart that ethics must be managed.

Madam Vice Chairwoman East stated that she is caught in the middle and understand both sides. She feels the Commission needs to do something so there is no mandate by the legislature; either the Commission writes the regulation as they see fit or it will be written as the legislature wants. The Commission is here to conserve wildlife, but also here to regulate ethics.

Chairman Johnston inquired about other states and what they have done.

Chief Game Warden Mike Maynard stated that Arizona’s regulation says, shall not use or possess electronic night vision, electronically enhanced light gathering devices, thermal imaging devices or laser sights projecting visible light; Washington regulation prohibits using night vision and laser sighting and other thermal imaging devices; California restricts any infrared or similar light used in conjunction with an electronic viewing device; Montana restricts projecting of artificial light and illuminating a target with infrared light visible only with specialized optics to illuminate the target; Idaho has regulations on the use thermal imaging and night vision to hunt or pursue big game; and Utah’s regulation addresses it through hunting hours. This regulation was based on similar language that worked for the other states. From an enforcement perspective, the Department regulates ethics because ethics are shown through behavior which is regulated all the time. There will always be challenges, but there is a huge technology sweep with all sorts of advances with night vision and thermal imaging and assisted shooting weaponry. To be quite honest, if the language was changed from “possession” to “use”, then it would make the regulation unenforceable; he provided examples of why this would not be enforceable.

Commissioner Hubbs reiterated that this regulation should be looked at in terms of non-game species because if this is truly a fair chase and it is going to create another loophole.

Chief Game Warden Mike Maynard stated that thermal imagery has already been used in hunting coyotes.

Commissioner Caviglia stated he fully expected this regulation to come before the Commission, he has not seen it personally, but is hearing that hunters are using thermal imaging in Nevada, especially in southeastern Nevada where the hunts are beyond competitive. He does not believe that it is fair chase either and does not have an issue with the proposed regulation.

Chairman Johnston told a personal story where he bought a trail camera to try to locate the family dog; the dog was not seen on the camera and the cameras were destroyed. He worries if the Commission says no to this regulation, then what does that say about us as a Commission. If we do not take this proactive step to set the limits, then what message are we sending. He supports the regulation as written.

Commissioner AlMBERG stated that he fully supports the regulation because there are limits that need to be set; Commissioner Barnes concurred in supporting this regulation.

Chairman Johnston commented that if someone calls a game warden to ask if they can do something, most likely they already have the answer to the question. He often feels that people who feel overwhelmed by regulation are the ones that need to be regulated.

Commissioner Hubbs stated that she supports the regulation as written, and if she had her way she would broaden the regulation; but is very pleased to have the sportsmen and the Commission on board to protect the wildlife from the technology presented today.

CHAIRMAN JOHNSTON MOVED TO ADVANCE CGR 492, THERMAL IMAGING OPTICS, LCB NO. R035-20 TO AN ADOPTION HEARING AS PRESENTED. COMMISSIONER ALMBERG SECONDED THE MOTION. THE MOTION CARRIED 9-0.

- 8.* Mandatory Indoctrination / Seminar for Bighorn Ram Tag Holders – Game Division Administrator Mike Scott – For Possible Action
Game Division Administrator Mike Scott will provide a presentation on mandatory indoctrination/ seminar for bighorn ram tag holders. The Commission may take action to require bighorn ram tag holders to complete an indoctrination class/seminar.

Game Division Administrator Mike Scott reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public.

Commissioner Valentine inquired if the classes would be tied to the issuance of the tag; Game Division Administrator Mike Scott responded that it could be, and that is up to the Commission to decide. It is not now, but in the past the tags were issued at the end of the class.

Commissioner Hubbs inquired about the overall purpose and goal of the training and what is the Department trying to get the hunters to do. She further inquired if is this about understanding the age and size of the bighorn sheep, from a hunter's perspective, or is the Department wanting the hunter to focus on a certain type of ram.

Division Administrator Scott stated that initially the indoctrination was provided to allow hunters to be able to harvest an older age class ram and to be able to identify the different horn configurations. From the Game Division standpoint now, he prefers to hold the class mandatory because of the disease issues across the state. The Department wants to educate the hunter on the importance of recognizing symptoms of a sick ram. Another point to make for the California bighorn or Rocky Mountain Goat is for meat care for better mounts and consumption because it is warmer when they are hunting.

Madam Vice Chairwoman East inquired if there are classes for other big game species and are they mandatory; she remembers going to a class years ago for an antelope tag.

Game Division Administrator Mike Scott stated that the Department currently has antelope seminars, one in Reno and one in Las Vegas that are both well attended. He provided that the Conservation Education Division assist in the seminars because they do such an excellent job with the outreach. He stated that there is also a bear indoctrination that is required and there are online classes for both bighorn ewes and mountain goats that are required.

Madam Vice Chairwoman East inquired if cost was a factor; Division Administrator Scott responded that cost is not a consideration as the Department can put on the classes inexpensively.

Discussion ensued between Commissioners Hubbs, Caviglia, and AlMBERG, Division Administrator Scott and Deputy Director Robb that this seminar is a good opportunity to educate sportsmen to recognize the symptoms of a sick sheep; that they can report the abnormalities they see in the field and this will only assist the Department in learning more about the sheep; and that the tags should be held until the class is completed.

Madam Vice Chairwoman East stated she supports the indoctrination as education and outreach are always important.

Commissioner Hubbs inquired if it would still be called the indoctrination program, or if there is a better name for the class; Game Division Administrator Mike Scott responded that former Game Division Administrator Wakeling also did not like the term indoctrination and it was changed to "seminar".

Public comment:

Jim Puryear, representing Nevada Bighorns Unlimited – Reno Chapter, stated that he called Wildlife Staff Specialist Mike Cox for the taking of too many ram lambs in the ewe hunt. He inquired if the seminar help make a difference in the ewe hunt. He thinks everything else about the program is good because of the education received and the student can ask questions about population dynamics during scouting and the hunt.

Rob Jacobson, representing Lyon CABMW, stated their CABMW supports this seminar as sometimes those who think they need the least help, need it the most help. He suggested that the Department provide post hunt survey with the tag, the hunters could probably track better data knowing the questions going into the hunt.

Rob Boehmer, representing Carson CABMW, stated they are in favor of the seminar. He inquired if the seminar is going to be mandatory, then can the tag be issued at or after the training so there is a good check and balance.

Paul Dixon, representing Clark CABMW, stated that they had a unanimous support during the discussion of the concept of the seminar, but their vote was 5 – 2. One of the two dissenting votes was because the CABMW member felt the seminar should not only be for rams, but for ewes as well, as they can be misidentified in the field. The other dissenting voter has an issue with this being an online class which is not as useful as an in-person class especially when it comes to age classification of the bighorn sheep, and he knows of two people that had their wives watch the video for them.

Chairman Johnston inquired if the Department already has a seminar for sportsmen with ewe tags and can the two seminars be combined so anyone with a sheep tag goes to the same seminar to hear the same information about rams, ewes and the disease issues. He stated that Mr. Jacobson had a good point about giving hunters the hunt questionnaire before they go hunting so they know what to look for while in the field.

Game Division Administrator Mike Scott stated that regarding the ewe seminar, the Department does not know if it has made a big difference; the seminar did not exist when the Department was checking in ewes. The Department no longer checks in ewes but is educating people that they were not before. Regarding having a combined seminar for rams and ewes, it would be possible, but it would extend the length of the class to educate both groups.

Commissioner Hubbs inquired if the Commission recently went over the reporting of the bighorns and decided not to report the ewes. If so, her concern was that there could be valuable information that needs to be known but is not being reported.

Chairman Johnston inquired as to what the Department is looking for as far as a recommendation; Game Division Administrator Mike Scott responded that the Department is looking to make the seminar mandatory.

VICE CHAIRWOMAN EAST MOVED TO APPROVE THE MANDATORY SEMINAR FOR BIGHORN RAM TAG HOLDERS AS PRESENTED WITH THE EXCEPTION OF ADDING THE ISSUANCE OF TAGS TO THE COMPLETION OF THE SEMINAR. COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION CARRIED 9-0.

Chairman Johnston recessed the meeting at 11:40 a.m.

Chairman Johnston reconvened the meeting at 12:30 p.m.

9. Wildlife Heritage Committee – Commissioner and Committee Chairman Paul Valentine
 - A. Wildlife Heritage Committee Report – Chairman Paul Valentine – Informational
The Commission will hear a report on the Committee’s recent meeting.

Commissioner Valentine presented a report on the Wildlife Heritage Committee that met via zoom on May 15, 2020. The committee made recommendations for 2021 tag vendors and the committee funding was discussed. Projects funded for 2021 will be recommended to the Commission in Agenda Item 9 E. The Committee did not discuss or take action on item 9C or 9D and Project 21-22 was not discussed by the Committee.

- B.* Commission Regulation 20-04 Amendment #1, Heritage Tag Vendor Proposals – Chairman Paul Valentine – For Possible Action
The Commission will review the Wildlife Heritage Committee’s recommendations regarding Heritage Tag Vendor proposals for Fiscal Year 2021 and may take action on the proposals.

Commissioner Valentine reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department’s website for the public.

Public comment:

Rex Flowers, public citizen, stated he would ask that there be consideration given on pronghorn antelope, and that a tag be taken away from the Wild Sheep Foundation and given to Nevada Bighorns Unlimited (NBU) - Fallon instead. He stated that they are a growing non-governmental organization (NGO) and are trying to re-establish so this would allow for more excitement at their fundraising dinner. He further stated he would like these tags to go to in-state NGOs.

Dean Heller, representing Northern Nevada Safari Club International (NNSCI), stated he wanted to thank everyone for the work that they do and that he cannot thank everyone enough for what they have done for the state of Nevada. He is aware of how difficult some of these decisions are, but the NNSCI has sold these tags for the last two cycles and have brought in nearly \$1 million. The president sent a letter to the Commission because they feel like NNSCI was shut out of the process this year. They put millions into the economy each year and the amount of money that a heritage tag could bring in partnerships with thousands of people, would allow NNSCI to bring in the most money possible. He urged the Commission to reconsider the recommendations and give NNSCI one of the tags. With the problems in the economy

right now, they need to make sure these projects can be funded the best way possible. He requested that the Committee and the Commission ensures more fairness to other conservation organizations, SCI in particular.

Madam Vice Chairwoman East stated clarified that NNSCI contacted her asking when the applications were due for vendor proposals, so she reached out to Deputy Director Robb and he explained the process. She stated that NNSCI's application was considered even if it was late, but unfortunately this particular NGO may have been given wrong information and she apologized for it.

Discussion ensued between Chairman Johnston and Commissioners Hubbs and Valentine that the committee gave full consideration to NNSCI during the meeting and they were not rejected due to timeliness; that NNSCI has had the tag for two years in a row and the committee was trying to be fair by giving it to another NGO.

Further discussion ensued that all vendors were selected based upon the application information; that there are more vendors than tags so the Committee does their best to allocate them accordingly; that there is conversation about the north region versus the south region; and that the ultimate question is, how can the committee get the most money for the most tags.

Madam Vice Chairwoman East asked Deputy Director Robb about the application process; he responded that this year the deadline was in the middle of the COVID shutdown, so the Department sent out emails to all addresses on record for the NGO's; some have dedicated emails but some go to an individual. The reason for the deadline is so that it can go into the support material. When Madam Vice Chairwoman East contacted him, and he told her have the NNSCI application submitted. They were given the same opportunity as everyone else; even though they did not meet the deadline, they have been given ample opportunities in other ways. We are all about making the most money for wildlife, so we support any Commission decision.

Chairman Johnston stated that this is not an easy decision, any club could feel slighted.

Commissioner Almborg stated that when people are looking for these tags, they look for the event regardless of who is holding it. The committee started getting away from vendors that hold dinners out of state.

Commissioner Kiel stated that the selection committee did not disregard anyone, and he is comfortable moving forward with the vendor proposals.

Chairman Johnston stated that choosing a vendor does not mean one vendor is better than another.

COMMISSIONER KIEL MOVED TO APPROVE COMMISSION REGULATION 20-04 AMENDMENT #1, HERITAGE TAG VENDOR PROPOSALS AS PRESENTED. COMMISSIONER VALENTINE SECONDED THE MOTION.

Chairman Johnston clarified vendor names for Wildlife Habitat Improvement of Nevada (WHIN) and Nevada Bighorns Unlimited – Reno and confirmed that the Movant the Second are fine with the clerical corrections.

THE MOTION CARRIED 9-0.

- C.* Heritage Project Extension Requests – Chairman Paul Valentine – For Possible Action
The Commission will review Committee recommendations and may approve extension requests from projects approved in previous fiscal years. *Note: Support material for this agenda item will be provided one to two weeks in advance of the Commission meeting.

Commissioner Valentine stated that this agenda item was not discussed by the committee so he will look to Mr. Jenne for help on the review.

Habitat Division Administrator Alan Jenne stated that there were a number of project extensions and that it is all in the support material. Chairman Johnston concurred that Mr. Jenne did not need to read through the support material.

No public comment.

Commissioner Hubbs stated she does not have any issues with extension requests but wanted to inquire about why there is money returned to some accounts; are those projects completed or were those projects found to not be pertinent to the state anymore.

Habitat Division Administrator Alan Jenne stated each project has its own specific reason; and gave examples of why funds were returned for each of the projects. The returned funds can be re-allocated within that fiscal year to other projects that are still open.

COMMISSIONER KIEL MOVED TO APPROVE THE HERITAGE PROJECT EXTENSION REQUESTS AS PRESENTED. COMMISSIONER BARNES SECONDED THE MOTION. THE MOTION CARRIED 9-0.

- D.* Heritage Funding Reallocation – Chairman Paul Valentine – For Possible Action
The Commission will review Committee recommendations and may approve reallocation of any unused Heritage funds from previously approved projects to other previously approved projects from the same fiscal year. *Note: Support material for this agenda item will be provided one to two weeks in advance of the Commission meeting.

Discussion ensued between Commissioner Valentine Habitat Division Administrator Alan Jenne that if there are no open projects within a fiscal year that could take a relocation, then those funds go back into the Heritage account principal balance; and that if there is a situation on any of the projects where funds can be reallocated, they have not yet been identified.

COMMISSIONER KIEL MOVED TO APPROVE THE HERITAGE FUNDING REALLOCATION AS PRESENTED. COMMISSIONER HUBBS SECONDED THE MOTION.

Habitat Division Administrator Alan Jenne stated the Commission needs to identify where to allocate the funds; that he can identify which projects are still open and which are available for possible refunding for reallocations to other programs.

COMMISSIONER HUBBS WITHDREW THE SECOND TO THE MOTION AND COMMISSIONER KIEL WITHDREW THE MOTION.

Habitat Division Administrator Alan Jenne reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public and shared projects that were open to receive money extensions.

No public comment.

Commissioner Hubbs asked if the Commission should look at projects that were not impacted with COVID-19 delays and move forward with those; Chairman Johnston responded that the projects seeking reallocation were not affected by COVID-19.

Madam Vice Chairwoman East asked if funds can be moved across fiscal years or do they need to allocate within the same year; Division Administrator Jenne responded that the money needs to stay within the same year.

Commissioner Almborg stated he assumed that instead of reallocating, the Commission could have the funds go back into the Heritage account; Division Administrator Jenne stated they could, and it would add to the principal balance that is now above \$5 million.

Commissioner McNinch inquired about the \$75,000 available for fiscal year (FY) 2018, and if the Overland Pass Pinyon and Juniper Thinning, Project #18-05 could use all of it the funds or if Project #18-06 and #18-11 could use the funds as well; Division Administrator Jenne responded that Project #18-06 and #18-11 are much more limited in their scope and well-funded right now, but that Project #18-05 could use the funds.

Commissioner Kiel inquired if Mr. Jenne could provide the totals for FY18 and FY19 to be reallocated; Division Administrator Jenne stated that for FY18, \$75,000 can be reallocated; for FY19, \$168.80 can be reallocated and for FY20, \$74,729.08 can be reallocated.

COMMISSIONER MCNINCH MOVED TO APPROVE THE HERITAGE FUNDING REALLOCATION AS PRESENTED, BUT WITH THE EXCEPTION OF THE FOLLOWING REALLOCATIONS: \$75,000 FOR FISCAL YEAR 2018 GO TO PROJECT #18-05; \$168.80 FOR FISCAL YEAR 2019 GO TO PROJECT #19-14; AND \$74,729.08 FOR FISCAL YEAR 2020 BE REALLOCATED EQUALLY TO PROJECTS #20-03, #20-05 AND #20-06. MADAM VICE CHAIRWOMAN EAST SECONDED THE MOTION. THE MOTION CARRIED 9-0.

E.* Fiscal Year 2021 Heritage Project Proposals – Chairman Paul Valentine – For Possible Action

The Commission will hear recommendations from the Committee and may take action to approve \$1,268,276.61 in fiscal year 2021 Heritage funding plus additional funds from the Heritage account balance above 5 million for projects submitted for FY 2021 (NRS 501.3575) . The preliminary funding recommendations from the Committee are listed below and may be approved by the Commission.

- Bighorn Sheep and Mountain Goat Capture, Transplant and Monitoring – Project # 21-01 (\$68,900)
- Rocky Mountain Elk Population Monitoring and Harvest Validation – Project # 21-02 (\$61,000)
- Marlette Lake Broodstock Facilities/Passage Improvement Project, Phase 2 – Project # 21-03 (\$100,000)
- Wildfire Related Restoration and Seed Purchase – Project #21-04 (\$100,000)
- Desert Creek Conservation Easement – Project # 21-05 (\$100,000)
- Middle Rock Creek Habitat Improvement – Project # 21-06 (\$125,000)
- Continued Monitoring of Moose Expansion in Nevada – Project # 21-07 (\$20,000)
- Snake Range Aspen Habitat Restoration – Project # 21-08 (\$30,000)
- Toano Mountain Restoration – Project #21-09 (\$66,000)
- Egan and Johnson Basin Restoration – Project #21-10 (\$75,000)

- Area 10 Mule Deer Migration Corridor Habitat Enhancement – Project # 21-11 (\$50,000)
- Toiyabe PMU (Bates, Hickison, and Wolf Ranches) Pinyon Juniper Thinning – Project # 21-12 (\$75,000)
- SE Schell Habitat Enhancement – Project # 21-13 (\$75,000)
- Enhancement of Crucial Habitat for Antelope and Mule Deer in Washoe County, Nevada – Project # 21-14 (\$100,000)
- A New Population Model for Antelope to Improve Accuracy, Identify Limiting Factors, and Improve Management Decisions – Project # 21-15 (\$37,500)
- Investigating Potential Limiting Factors Impacting Mule Deer in Northwest Nevada – Project # 21-16 (\$65,000)
- East Walker River Fish Habitat Enhancement – Project # 21-17 (\$11,191)
- The Interaction Between Restoration, Foraging Ecology, and Mating Behavior in Greater Sage-grouse – Project # 21-18 (\$65,855)
- Survey and Maintenance of Existing Big Game Water Developments – Project # 21-19 (\$36,000)
- Diet Quality and Composition of Mule Deer in the Toiyabe Mountains Following Removal of Pinyon-Juniper – Project # 21-20 (\$32,000)
- Cave Valley Collaboration – Project # 21-21 (\$50,000)
- **Dissemination of Results from Delineation of Lambing Habitat, Population demographics, Resource Selection, and Movement Patterns of Desert Bighorn Sheep – Project # 21-22 (\$46,000)

**Not discussed by Heritage committee

Chairman Johnston stated he will abstain from voting on the Desert Creek Conservation Easement, Project #21-05, as he has worked on it both personally and professionally.

Commissioner Valentine reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. He stated that the committee deliberated extensively on the list of projects and it was determined that they would fund all of the projects with the ability to utilize the principal balance above the \$5 million with the exception of Project #21-21. They did not feel the fencing portion was appropriate for Heritage fund utilization. The Committee did not have time to discuss Project #21-22 and the Commission could further discuss if needed.

Madam Vice Chairwoman East inquired if the Commission previously discussed Project #21-22 a couple of years ago but decided not to fund it.

Commissioner Barnes stated that he questioned whether Project #21-22 was something that should come out of the Heritage funds and if the project falls into the intentions of the Heritage account. He stated that he would rather see that money be directed towards the purchase of seed.

Commissioner Hubbs inquired if where there were more specifics to the projects regarding what was proposed to the committee and what was accepted; Chairman Johnston initially said he thought the details were provided in the support material, but later realized the details he has were notes from the committee meeting.

Chairman Johnston provided that the committee approved all projects except what was noted earlier on the fencing and decided to approve all projects given the new flexibility to spend the funds.

Discussion ensued between Commissioners McNinch and Valentine about what the fence proposal was for and was it going to benefit a private landowner more or was there a benefit to the agency.

Commissioner Valentine stated that in his opinion, the fencing material would be utilized more for private use for cattle and that is why he felt it was not appropriate for Heritage funding.

Commissioner McNinch stated that if the numbers in the agenda item are what was requested, then he is fine with spending an additional \$100,000 to fulfill the projects.

Chairman Johnston inquired as to how much of the principal did the committee agree to spend; Division Administrator Jenne stated that with the funding proposals, the committee proposed \$1,389,446, with \$50,000 going to the Cave Valley Collaboration, Project #21-21, and not including Project #21-22 which was not heard by the committee, which would exceed this year's annual funding by \$121,169.

Discussion ensued between Commissioner McNinch and Division Administrator Jenne regarding the original request for Project #21-21 was \$102,200, and \$52,200 was taken off for the fence.

Public comment:

Rex Flowers, public citizen, stated he hopes the Commission does not fund Project #21-22. He stated they should have gotten all the results of the Heritage project out of the original monies that were given. The money that is being asked for now is \$46,000, and they are asking for money to employ a graduate student for a year and pay his tuition, and he has a real problem with taking care of an individual for that money. He stated that there is a lack of transparency, it is highlighted that there are other monies being put into this project and the University of Nevada – Reno (UNR) will not allow them to state what funds go where.

Paul Dixon, representing Clark CABMW, stated that regarding Project # 21-22, the Clark CABMW had the same comment as Mr. Flowers; why would the Heritage account pay for a graduate student to generate the results of the study. Secondly, regarding the Pinyon Juniper (PJ) Thinning, they have had trouble this last year getting a vendor to do PJ thinning within the amount of money they were allocating. The proposals came back almost triple what was allocated. And, in the upland game bird request, there is a PJ thinning proposal that needs funded; he thought the Heritage account handled all the PJ thinning and inquired why was it in the upland game bird project.

Discussion ensued between Commissioner McNinch, Commissioner Kiel and Division Administrator Jenne regarding reallocating the \$46,000 to the Wildfire Related Restoration and Seed Purchase, Project #21-04

Commissioner McNinch stated he is fine with reallocating the money to purchase seed; and inquired if the Commission needs to address the \$75,000 or just go with what is proposed.

Commissioner Barnes stated that he is partial to rehabilitation and inquired if there was another project that could benefit more with the \$46,000 than the need for buying seed.

Division Administrator Jenne stated that at this time with the trends in wildfire, and that the committee funded all other proposals except for Cave Valley, he would recommend rehabilitation unless Division Administrator Scott had an opinion.

Commissioner Hubbs inquired about the Moose Monitoring project and what was going on with that project; Division Administrator Scott stated that it is an ongoing project. That last year the Department

only caught and collared 4 moose. They did not use the helicopter time that had planned for because they could not find more moose, but they would like to continue that project and get more moose collared.

COMMISSIONER BARNES MOVED TO APPROVE THE FISCAL YEAR 2021 HERITAGE PROJECT PROPOSALS EXCEPT FOR PROJECT #21-05 AND PROJECT #21-22, AND TO INCREASE PROJECT #21-04 BY \$46,000. MADAM VICE CHAIRWOMAN EAST SECONDED THE MOTION.

Commissioner Hubbs said she has concerns with Dissemination of Results from Delineation of Lambing Habitat, Population demographics, Resource Selection, and Movement Patterns of Desert Bighorn Sheep, Project # 21-22 which she thinks is important; she inquired if the Commission wants to exclude that project because the data should have been analyzed under a prior commitment and did the Department have someone doing the study say that they would disseminate the results. She is afraid the Department is going to regret not having the data again if they are throwing out a project.

Secretary Wasley stated that the first time he saw this project was in his support material; the ultimate question for all of the Heritage proposals, is how will the information be shared. The public comment today was suggesting this being a continuation of a project and how the results would be shared; and is now coming back at a subsequent time and asking for additional money to share it in a way that it had already been articulated which will include publication costs and additional analysis. He would invite staff to shed light on this if they can. The Department has access to the data from this project, and the publication costs are not consistent with the intent of the Heritage program in getting tangible benefits on the ground.

Chairman Johnston said the public comment eluded to the problem, which is the budget request with the justification, if data collected from projects like this are not published in outlets that have been through the peer review process which increases the rigors associated with it and gives the information more credence. It may have been right to use Heritage funds to fund the study, but he cannot reconcile that with the purpose of the Heritage account.

Further discussion ensued between Commissioner Hubbs, Secretary Wasley and Division Administrator Scott regarding Project #21-22 and that the Department is not turning their back on the data; they are working hand in hand with the student. If money was being left and the Department was walking away from the data to answer questions, then that would be an important consideration, but the Department does not feel the project has not been valuable. Taking it to the next step for peer review stage, has been determined that the benefit is not worth the cost in this project.

Commissioner Hubbs inquired as to what the Department learned from the data; Chairman Johnston suggested that this is out of the scope of the agenda item and this could be discussed at a later meeting.

THE MOTION CARRIED 8-1 WITH COMMISSIONER HUBBS DISSENTING.

COMMISSIONER BARNES MOVED TO APPROVE THE FISCAL YEAR 2021 HERITAGE PROJECT PROPOSALS FOR PROJECT #21-05 AS PRESENTED. COMMISSIONER KIEL SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH CHAIRMAN JOHNSTON ABSTAINING.

10.* Duck Stamp Request – Wildlife Staff Specialist Mike Zahradka and Habitat Division Administrator Alan Jenne - For Possible Action

The Commission will review and may take action to approve up to \$50,100 for projects submitted for FY 2021 funding from the Duck Stamp account. The specific Duck Stamp projects that may be approved are listed below:

- Ducks Unlimited Wetlands Conservation Support (\$10,000)
- Eastern WMA Complex Weed Control (\$10,000)
- Key Pittman WMA Wildlife Food Plots (\$2,600)
- Ducks Unlimited Wetland Enhancement Support at Mason Valley WMA (\$5,000)
- Mason Valley WMA Habitat Improvements (\$10,000)
- Mason Valley WMA Water Control Structure Replacement (\$12,500)

Habitat Division Administrator Alan Jenne reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public.

Chairman Johnston inquired if the Commission needs to rename this request since there is no longer a state duck stamp; Division Administrator Jenne responded that there is a specific allocation within every license towards Duck Stamp.

No public comment.

MADAM VICE CHAIRWOMAN EAST MOVED TO APPROVE THE DUCK STAMP REQUEST AS PRESENTED. COMMISSIONER ALMBERG SECONDED THE MOTION. THE MOTION CARRIED 9-0.

11. Public Comment Period

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

Public comment:

Jim Puryear, representing Nevada Bighorns Unlimited (NBU) – Reno Chapter, thanked the Commission on behalf of NBU - Reno Chapter for getting the Heritage Tags to them. They are hoping to have a dinner next year and reported that this year's online auction was successful.

Chairman Johnson recessed the meeting at 2:00 p.m.

Saturday, June 27, 2020 – 8:30 a.m.

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

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

CABMW members present: Rob Boehmer, Carson CABMW; Paul Dixon, Clark CABMW; Jim Cooney, Elko CABMW; Robert Jacobson, Lyon CABMW; Walt Mandeville, Lyon CABMW; Steve Robinson, Washoe CABMW.

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

Chairman Johnston stated that the Conservation Partner Spotlight, item #22C will be removed from the agenda.

No public comment.

COMMISSIONER MCNINCH MOVED TO APPROVE THE AGENDA AS PRESENTED WITH THE EXCEPTION OF THE REMOVAL OF AGENDA ITEM #22C. COMMISSIONER VALENTINE SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

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

Chairman Johnston stated he received three emails last night regarding the Mr. Zenz's petition and the emails were forwarded to the Department and the Commissioners were copied on the emails.

Secretary Wasley stated that all correspondence received by the Department has been forwarded to the Commission. He stated that Chairman Johnston and Commissioner Valentine have reached the end of their second term on the Commission. The Commission model is diverse with it being represented by nine members, who represent the public through farming, ranching, conservation, the public, sportsmen, urban versus rural, and multiple counties. He provided the different backgrounds of each of the Commissioners to show that the Commission as a whole, is better. Commissioner Valentine and Chairman Johnston are defined by doing right by sportsmen and right by the future of conservation, hunting and fishing. Secretary Wasley commented about Commissioner Valentine and his tenure on the Commission. He identified Commissioner Valentine as passionate, purposeful, patient, soft spoken, respectful and always the constant professional in representing the wildlife, the sportsmen and he stands for his purpose and presented him with a plaque and a photo frame for his service on the Commission from July 2014 – June 30, 2020.

Commissioner Valentine thanked Secretary Wasley for the kind words; he stated that serving on the Commission has been a true privilege and honor. He is going to miss the comradery of the Commissioners, all the Department, the CABMW's, and the sacrifices everyone makes for this job. He recognized his wife, Virginia, as she has been a major support to him as a Commissioner.

Secretary Wasley commented about Chairman Johnston and his tenure on the Commission. He stated that he has done an excellent job at leading the meetings, particularly with the appeals process, deciphering statutes and distilling complicated issues down to a basic and practical perspective. He thanked Chairman Johnston for how he has represented the Commission and the Department, and his willingness to take on challenging issues for the betterment of hunting and fishing. Chairman Johnston was presented with a plaque and a photo frame for his service on the Commission from July 2014 – June 30, 2020.

Chairman Johnston stated he grew up Southwest Ohio and came to Nevada for an opportunity to clerk for a federal judge which is when he fell in love with Nevada. He is the happiest in Yerington, Nevada with his wife Stephanie and their three boys. He thanked them for being present today to share this with him. After six years on the Commission, he realized that his three boys are the biggest reason he wanted to serve on the Commission along with the next generations to come. This has been one of the most rewarding things of his professional life. The CABMW members, other Commission members and the Department staff has made it a tremendous experience and he thanks everyone for it. He will also miss the comradery of the Commission. He thanked his wife, Stephanie for her support during his service on the Commission.

Secretary Wasley stated, we do not remember the outcome of the individual contests in life, but we do remember how we felt. And similarly with all of the issues this Commission has taken on, they do not remember the votes, Commissioners are not looked at where they were on the issues, but we do know how we feel and how the experiences make us feel. We know how you made us feel about conservation, and the future of hunting and fishing. He is proud to call Brad Johnston and Paul Valentine friends and thanked them both for their service.

Pete Mori, public citizen, stated he views life as the Lord blessing each of us with different talents and different skills and abilities. That comes to light with this Commission; each one of you have your niche to your contribution to this Commission. The word that best describes Commissioner Valentine is genuine. Director Wasley described him as soft-spoken and that fits but being soft-spoken does not mean we did not know what you were thinking. You were always clear as to your opinion. It is not how much a person speaks it is what they say when they do speak. He is happy to have served on this board with him. To Chairman Johnston, there are people in this world that are comfortable with public speaking and are very adept at doing that, but they may not have the voice to convey their message well, and others have an excellent speaking voice, but are not comfortable with using their voice. Rarely do you find someone who has it all, but you have a way of conveying your message, it is from your heart, true to your beliefs, honest in your dealings and dedicated to your mission. The Commission is losing the master link to the chain with Brad Johnston, and with Paul Valentine, they are losing the balanced wheel weight. This is a diverse Commission and you have the support of the Department.

Grant Wallace, public citizen and previous Commissioner, stated he wanted to say thank you for continuing on with your dedication. Thank you to Stephanie and Virginia for your support to Brad Johnston and Paul Valentine. Thank you both for your service and leadership.

Deputy Director Jack Robb stated he trusts both of their opinions on a lot of topics and will continue to look to them for their advice. If he could sum Commissioner Valentine up in one word, it is a gentleman; he respects and learns from that because his approach is fantastic, and Deputy Director Robb appreciates it. A lot of people see Chairman Johnston as fearless, but Deputy Director Robb had the opportunity to find that fear – standing over the Colorado River on the bridge looking at the dam, and Chairman Johnston would not even leave the furthest wall from the dam to take a picture. He appreciates all that both of you have done.

Commissioner McNinch stated he appreciates both Chairman Johnston and Commissioner Valentine; the friendships are real, and it is wonderful meeting their families. Both of you have made difficult decisions and you both stand for what you believe.

Commissioner Barnes stated that he was trying to put his thoughts together, he was overwhelmed by the emotions he felt, which describes how he feels about both Chairman Johnston and Commissioner Valentine and what they have brought to the Commission. He has appreciated what Commissioner Valentine has to say about certain issues and what he brought to the discussion. He also sees Commissioner Valentine as a gentleman, but more than that, a humble gentleman. He appreciates

Chairman Johnston's knowledge and skill that he brought to the Commission, and his ability to communicate how he felt and how the Commission felt. It will be difficult to replace you. He appreciates all they have done.

Madam Vice Chairwoman East thanked both Chairman Johnston and Commissioner Valentine for their confidence in her, their leadership, knowledge, the comradery, the thoughtfulness, how they approach every agenda item, and how they guide new people through the process.

Commissioner Almborg thanked both Chairman Johnston and Commissioner Valentine, he stated that both have been accurately described. Commissioner Valentine always takes the high road and is a true gentleman; Chairman Johnston has been a fearless leader. He thanked both of their families for their sacrifices.

Commissioner Hubbs stated she has learned so much from both Chairman Johnston and Commissioner Valentine. This can be a male-dominated atmosphere but to see a kind gentle soul in Commissioner Valentine who often talks about his daughter and hunting and recreating. In Chairman Johnston, she sees his "spice and dice" as they are both attorneys, but he has taken the time to educate her on the things that are important to him. He has helped her see issues from a sportsman's perspective and what is important to them. At the end of the day, he is really concerned about wildlife and conservation. She really appreciates their gentleness and passion for what they do.

Commissioner Kiel stated that the one word that rang true for him was "leadership"; for him, both Chairman Johnston and Commissioner Valentine have been excellent leaders to teach him the process, and he really appreciates that.

Chairman Johnston thanked everyone for the kind words. He thanked Deputy Director Jack Robb, Grant Wallace, and Jeremy Drew for setting the example for him to follow in running the Commission meetings.

Chairman Johnston recessed the meeting at 9:20 a.m.

Chairman Johnston reconvened the meeting at 9:40 a.m.

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.

CABMW comment:

Jim Cooney, representing Elko CABMW, stated their CABMW would like to have an update on the status of the shed antler regulation.

- 16.* Commission Regulation 20-12, 2020 - 2021 Upland Game and Furbearer Seasons and Bag Limits – Wildlife Staff Specialists Shawn Espinosa and Russell Woolstenhulme – For Possible Action
The Commission will consider and may vote to amend regulations for upland game birds and mammals as well as furbearers for the 2020 season. This regulation will also include fall wild turkey seasons for 2020 and spring wild turkey seasons for 2021.

Wildlife Staff Specialist Shawn Espinosa requested that the Commission approve this regulation in sections. He reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public regarding youth seasons.

Madam Vice Chairwoman East inquired if the support material represented any changes for the youth seasons; Wildlife Staff Specialist Shawn Espinosa answered that there are no changes other than the date change to coincide with the days of the week.

Chairman Johnston inquired about license requirements that apply to NRS 502.010; he stated that if you are over the age of twelve, you need a hunting license, and if you are under twelve you do not need a hunting license. He suggested using a parenthetical to the NRS that says, "youth hunters age twelve and older must have a license" so it is clear and the public does not need to search the statutes; Commissioner Hubbs concurred that this would make it simple for the public.

No public comment.

COMMISSIONER MCNINCH MOVED TO APPROVE THAT PORTION OF COMMISSION REGULATION 20-12, 2020-2021 UPLAND GAME AND FURBEARER SEASONS AND BAG LIMITS, WITH RESPECT TO YOUTH CHUKAR AND HUNGARIAN PARTRIDGE SEASON, YOUTH CALIFORNIA AND GAMBEL'S QUAILS SEASON, AND YOUTH RABBIT SEASON AS PRESENTED, WITH THE FOLLOWING CHANGE: THAT THE EXPLANATION WILL BE PROVIDED THAT "HUNTERS TWELVE YEARS OF AGE AND OLDER REQUIRE A LICENSE" IN REFERENCE TO THE LICENSE REQUIREMENTS THAT ARE ALREADY PRESENTED IN THE REGULATION. COMMISSIONER MCNINCH SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

Wildlife Staff Specialist Shawn Espinosa reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public regarding sage grouse seasons.

Commissioner Hubbs inquired if there were areas where no sage grouse observed at all in the hunt areas and if so, what hunt areas should the Commission be concerned about; Wildlife Staff Specialist Shawn Espinosa concurred that a lot of survey was not completed due to the pandemic; but some survey was conducted early on. There were several consultants for mining projects, United States Geological Service (USGS) consultants and others in the field that provided data; data was also received from various research projects that provides the Department with how populations are performing. For the populations where no birds are observed, the Department does not recommend a hunting season for those units. There is a stringent list of stipulations the Department utilizes to determine if a hunting season is appropriate for a population or not. Wildlife Staff Specialist Shawn Espinosa reviewed the Departments guidelines that are followed.

Commissioner Hubbs stated this was insightful information to know and requested the source he is using for the recommendations. Wildlife Staff Specialist Shawn Espinosa stated it is the Greater Sage Grouse Hunting Season Strategies which is an internal guidance document for the Department.

Public comment:

Lynda Linton, public citizen, inquired if the Department takes into consideration predators, such as raven sightings.

Wildlife Staff Specialist Shawn Espinosa stated the Department does take in raven densities in certain areas when they exceed certain thresholds, which can lead to recruitment issues with sage grouse. The Department attempts to address that with raven removal projects but with the vast landscape in Nevada and the limitations with permits, it can be difficult. The USGS does monitor raven populations rigorously

in their studies; if the raven numbers approach a certain threshold or exceed that level, then the Department considers that as well.

COMMISSIONER MCNINCH MOVED TO APPROVE THAT PORTION OF COMMISSION REGULATION 20-12, 2020-2021 UPLAND GAME AND FURBEARER SEASONS AND BAG LIMITS, WITH RESPECT TO THE MULTIPLE SAGE-GROUSE SEASONS AS PRESENTED. COMMISSIONER VALENTINE SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

Wildlife Staff Specialist Shawn Espinosa reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public regarding other upland game.

Commissioner AlMBERG inquired about an email received from the Department about a disease going through the rabbit population; he asked if influences the recommendations and how does that relate to this regulation.

Wildlife Staff Specialist Shawn Espinosa stated the disease is called rabbit hemorrhagic disease type 2; it is a foreign-born disease and can be compared to coronavirus. The outcomes for rabbit populations can be more drastic but they are still learning about the spread of the disease. It has really moved across the southwest portion of the United States, moving from Texas to southern California, and Nevada has just seen its first confirmed case in a cottontail rabbit. The Department is gearing up to do surveillance surveys to determine its spread through the mortalities they find. The disease spreads quickly and easily, hot temperatures do not affect it as they do coronavirus and it stays on the landscape for a long time, to the point that Department staff need to address their vehicles and personal protective equipment.

Commissioner Hubbs commented about disease in general, and that the public is now dealing with it personally. She inquired if the agency should look at what is potentially life threatening to humans; have there been any studies done on what is carried in the animal populations; and is the Department adequately educating the hunters on how to test for contaminated meat. This is important, and she does not want to overlook the topic.

Secretary Wasley responded that all wildlife and human health professionals have recognized that there is no high risk or even a moderate risk of rabbit hemorrhagic disease to humans. Regarding whether people are talking about this, he is on weekly national calls to address much of this. These are not state issues, they are global; the Center for Disease Control (CDC) has a One Health Initiative (OHI); and the Department is working through Association of Fish and Wildlife Agencies (AFWA) to integrate what state wildlife agencies do with the CDC under the OHI. The Department is providing guidance to the rehabbers who have scientific collection permits who are handling bats, but going down this rabbit trail, he will provide more information in the Department Activity Report.

Commissioner Hubbs stated she looks forward to discussing this further because it is really important based on what has transpired, that we acknowledge that this can occur and to be very aware of where there may be a risk.

No public comment.

MADAM VICE CHAIRWOMAN EAST MOVED TO APPROVE THAT PORTION OF COMMISSION REGULATION 20-12, 2020-2021 UPLAND GAME AND FURBEARER SEASONS AND BAG LIMITS, WITH RESPECT TO BLUE (DUSKY AND SOOTY) AND RUFFED GROUSE, SNOWCOCK, CHUKAR AND HUNGARIAN PARTRIDGE, CALIFORNIA GAMBEL'S AND MOUNTAIN QUAIL, PHEASANT, COTTONTAIL, PYGMY AND WHITE-TAILED JACK RABBITS AS PRESENTED. COMMISSIONER

ALMBERG SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

Wildlife Staff Specialist Shawn Espinosa reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public regarding wild turkey and falconry seasons.

Commissioner McNinch inquired if on page 8 of the support material, should it read "2021" instead of "2020"; Wildlife Staff Specialist Shawn Espinosa concurred that was correct.

No public comment.

Commissioner Hubbs inquired if wild turkeys were native to Nevada; Wildlife Staff Specialist Shawn Espinosa responded that they were not native to Nevada. He further stated that Nevada has two types of turkey species; the Merriam turkeys which occupy the forested habitat and then there are Rio Grande turkeys which occupy areas with river bottom habitats with large cottonwood galleries.

Commissioner Hubbs inquired if there are self-perpetuating populations now that they have been introduced; Wildlife Staff Specialist Shawn Espinosa stated yes that there are several populations across the state where birds have not been introduced because the populations are self-sustaining. There seems to be an adaptation to the Merriam turkeys that is somewhat more suited to Nevada's higher elevation habitats, so with the right source, the Department is looking to use some of those sources in the state. The Department believes turkeys will do well in the Walker River Recreation Area.

MADAM VICE CHAIRWOMAN EAST MOVED TO APPROVE THAT PORTION OF COMMISSION REGULATION 20-12, 2020-2021 UPLAND GAME AND FURBEARER SEASONS AND BAG LIMITS, WITH RESPECT TO WILD TURKEY SEASONS AND BAG LIMITS AND FALCONRY SEASON AND BAG LIMITS AS PRESENTED, WITH THE FOLLOWING REVISION: THE WILD TURKEY "2020" SPRING - LIMITED ENTRY - HUNTS 0131 AND 0132, BE CHANGED TO "2021" SPRING - LIMITED ENTRY. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

Chairman Johnston recessed the meeting at 10:00 a.m.

Chairman Johnston reconvened the meeting at 10:30 a.m.

Wildlife Staff Specialist Russell Woolstenhulme reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public regarding furbearer season.

Chairman Johnston stated the Commission received correspondence regarding the bobcat data in the support material and that there were specific questions related to the ratio between the number of kittens to 100 adult population. He inquired if this single data point should require adjustment to the bobcat seasons. Wildlife Staff Specialist Russell Woolstenhulme reviewed the Department's protocol for bobcat season setting and bag limits.

Discussion ensued between Commissioner Hubbs, Wildlife Staff Specialist Russell Woolstenhulme and Secretary Wasley regarding the how the management areas were identified and which areas are included in the Great Basin region and the Mojave region; how the statewide totals are used to get better statistics; why the Great Basin region has a higher adult take; and how the bobcat ratio data is calculated.

Discussion further ensued regarding the desired bobcat male to female ratio; that as long as more males are caught than females, then there are a lot of males on the landscape and it is not impacting the population; and that a males territory is larger so they are more susceptible to being harvested.

Madam Vice Chairwoman East inquired as to how the Department arrives at the total trap days; Wildlife Staff Specialist Russell Woolstenhulme responded that Nevada Law requires that for every bobcat that is harvested, the data must be submitted so the Department gets 100 percent of harvest data on bobcats. Per state and federal law, before the tag is given, the Department must be given the harvest data, where and what was caught, the sex of the animal, the lower jaw from each bobcat, how many traps were ran in the trap line and how many days it took, and the Department uses that information to derive these numbers in the support material.

Commissioner McNinch inquired if the trapper harvest data is what is driving the reduction in harvest numbers; Wildlife Staff Specialist Russell Woolstenhulme responded that it is being driven by production. If all of the numbers were down, then the protocol would push this to a more restrictive season.

Discussion ensued between Commissioner McNinch and Wildlife Staff Specialist Russell Woolstenhulme that the last two seasons were liberal and had the second high production years back to back ever recorded; before that there was a year of a standard season and before that it was a restricted season. Discussion further ensued regarding what was driving those seasons; that during the restrictive season, production was below the standard as was the adult male/female ratio dropped below the standard, and effort and harvest were both above the standard; and that the seasons have not been closed since the 1980's for a few days and the Department's records go back to 1976 when bobcats became a furbearer.

Public comment:

Catherine Smith, public citizen, provided the following statement which was read aloud at the meeting: she first wanted to commend Commissioner Hubbs on discussing a topic that is acutely relevant to humans and to wildlife. There is no need for me to comment on bag limits and seasons as there is nothing I can do or say to alter the outcome of the vote given the lack of a true participatory process. But I would like to say a few words regarding zoonotic diseases. I understand trapping can be helpful in times of outbreak, but not at all without specific targeting. Depletion of fox populations has been correlated with higher prevalence of Lyme disease. There is a confirmed transmission of coronavirus from a mink to human this year that did result in a symptomatic infection. Bird flu that began in Minnesota in 2015 resulted in the death of millions of birds. Some bird flus have a higher than 50 percent mortality in humans. We have had outbreaks of bubonic plague in the area requiring signage. Given this, as you can image, trapping small predators might not be the best for us since rodent populations could increase, and we have no idea if this is happening, and as a result and rodents are more likely to spread disease to humans. Additionally, our small predators are needed to help control the outbreak of wildlife disease, who would be better to control an outbreak of disease in rabbits than coyotes and bobcats and other predators. We cannot do it, it will spread like chronic wasting disease has and it is really too late there. To close I am appreciative that the Department is having discussions on these issues, but I am extremely concerned that trapper's rights will continue to supersede those of public health and Nevada's wildlife.

Joel Blakeslee, representing Nevada Trappers Association (NTA), thanked Commissioners Johnston and Valentine for their service. The NTA supports the furbearer seasons as recommended by the Department. Nevada has the best data in the world and the best management systems regarding bobcats. Wildlife populations come and go but regarding the reproduction rate, there was record reproduction in the last five years. Those that are now adult animals have brought the populations up to carrying capacity. A biological factor that occurs with young bobcats, is that the old toms will take over the primary habitat and force the young into the secondary and tertiary areas which incurs stress. There is also an interspecific competition with the toms killing the kittens which is common in the feline species.

The male to female ratios is extremely high right now and fall outside of the normal average. The male to female ratio is how the exploitation of the resource is measured, so this data shows that the hunter is not exploiting the resource hardly at all. He stated that the pelt prices for bobcats are a half to a third of what they were a few years ago, and they are not expected to go up because the market for these animals goes to the Russian and Ukrainian oligarchs, which can be measured by the price of oil and the market will likely be suppressed for a number of years. The last point is, if the season is shortened too far to where enough data is not gathered to have a statistically significant data set, then the Department will lose what has been gained for the last several years. Regarding hemorrhagic disease, it has been dealt with for muskrats for a million years and he is certain it has been going on for a long time.

Commissioner Hubbs stated she thinks it is lovely that the state has that many bobcat's, but she does not like the idea of commercialization of trapping. It is a market, but she does not like to compare bobcats to crude oil, and she hopes the Commission is making decisions on what is best for the bobcat populations. She would rather look at what the populations are saying and if the data shows that populations are well managed then she is okay with that.

MADAM VICE CHAIRWOMAN EAST MOVED TO APPROVE THAT PORTION OF COMMISSION REGULATION 20-12, 2020-2021 UPLAND GAME AND FURBEARER SEASONS AND BAG LIMITS, WITH RESPECT TO FURBEARING ANIMALS AS PRESENTED. COMMISSIONER BARNES SECONDED THE MOTION.

Chairman Johnston stated he heard that this was not a truly participatory process. He wanted a specific answer to a specific question before he voted in favor of the regulation and he was able to get that. This was in response to correspondence he received from those who were opposed to this regulation. The notion that he ignores it and not listen to it is false. It was because of the correspondence he received that prompted him to ask a question that resulted in the discussion that was had today. Participatory and listening does not equal agreement. He finds it offensive for people to stand before the Commission and say that it is not a participatory process when it is the public participation that resulted in the questions that were posed to the Department before this motion was made.

Commissioner McNinch stated that when there is a discussion about things that go from liberal to standard to restrictive, there is a thought process. He does not feel comfortable with the bear issue but is thankful to Mr. Woolstenhulme for the explanations regarding bobcats. He feels the Department is following the data so he will support the motion.

THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

17.* Upland Game Bird Stamp Request – Wildlife Staff Specialist Shawn Espinosa and Division Administrator Alan Jenne – For Possible Action

The Commission will review and may take action to approve up to \$264,840 for projects submitted for FY 2021 funding from the Upland Game Bird Stamp account. The specific Upland Game Bird Stamp projects that may be approved are listed below:

- Bi-State Sage-grouse Coordinator (\$5,000)
- Dusky Grouse Ecology and Management in Nevada (\$22,003)
- Eastern Complex WMA Weed Control (\$10,000)
- Estimating Greater Sage-grouse Vital Rates within Nevada's Novel Habitats (\$21,250)
- Estimating the Effects of Large Ungulate Grazing on Greater Sage-grouse in Northwestern Nevada (\$18,397)
- Greater Sage-grouse Statewide Monitoring (\$47,640)
- Key Pittman WMA Wildlife Food Plots (\$3,900)
- Monitoring Greater Sage-grouse Response to the Martin Fire (\$12,750)

- Monitoring the Effects of Landscape Level Treatments on Greater Sage-grouse in the Desatoya Mountains (\$19,500)
- Soil Health Restoration on WMAs (\$10,000)
- Upland Game Translocation and Monitoring (\$12,400)
- Using Hunter and Population Survey Data to Investigate Drivers of Upland Game Bird Populations and Forecast Harvest in Nevada (\$24,600)
- Genette Creek Conservation Easement (\$30,000)
- Toiyabe PMU (Bakes, Hickison, and Wolf Ranch) pinyon Juniper Thinning (\$25,000)
- A Multi-scale Resilience-based Framework for Restoring and Conserving Great Basin Wet Meadows and Riparian Ecosystems (\$2,400)

Wildlife Staff Specialist Shawn Espinosa reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. He provided that the Genette Creek Conservation Easement project has been withdrawn because it has been fully funded so the match amount is no longer required. This brings the total request down to \$234,840; and that allows access to \$776,298 of other matching sources of funds.

Commissioner McNinch inquired as to the project that was pulled and what was Fallon Naval Air Station's (NAS) involvement; Habitat Division Administrator Alan Jenne responded that the Fallon NAS was involved because they had a funding program for military influenced lands. They can fund projects in the areas that are influenced by their aircraft. That area extends clear out to the Ruby Mountains; they had some funding and were kicking in to help fund the conservation easement for the benefit of sage grouse.

Commissioner Hubbs inquired if most sage grouse surveys were done in April for 2020; Wildlife Staff Specialist Shawn Espinosa stated most of the greater sage grouse surveys occurred in March 2020; a lot of the field crews left the field on April 1, 2020 for the Departments research projects; but some continued into April which allowed the Department to get some lek data.

Commissioner Hubbs inquired if speakers can be heard through the speakers due to the extreme amount of wind; Secretary Wasley requested that all speakers place their mouths closer to the microphones and speak up.

Commissioner Hubbs expressed her concerns for the sage grouse; and inquired if gathering data for the survey's has been difficult; Wildlife Staff Specialist Shawn Espinosa concurred that it was difficult and that different sources of data was acquired. This year, the Department had about 60 lek surveys when normally they get about 2,270 lek observations.

Commissioner Hubbs noted that this is concerning to her, but what is interesting is the movement of leks. There seems to be an interest in where future leks might occur but under the circumstances the Department cannot do the probing. She inquired as to the Department thoughts on how the sage grouse is doing.

Wildlife Staff Specialist Shawn Espinosa stated there is no doubt that the sage grouse populations are declining in Nevada, due to anything from wildfire to anthropogenic disturbance in the state to climate. When things are introduced into the landscape for a species, it needs vast amounts of habitat to carry out its lifecycle. When the habitat is interrupted it has a cascading effect through the population. Sage grouse populations are declining, but he does not see a lot on the landscape that will change that right now. An extreme amount of work has been done with the Habitat Division to restore the burned areas; but that is part and parcel to the immense amount of habitat that has been lost. There is no doubt that will have a long-term impact. Some of that habitat will recover naturally, but this is having an effect that the landscape will not recover from.

Commissioner Hubbs stated she is very concerned because Espinosa has always been optimistic and straightforward. She stated it seems like the Department is standing by their guidelines. She inquired as to what the Department is going to do moving forward.

Wildlife Staff Specialist Shawn Espinosa stated that the state now has a conservation credit system in place; it is a mandatory mitigation program by law where any industrial development must follow. There is a habitat quantification tool that estimates the acres of disturbance and loss which must be offset with acres preserved and enhanced elsewhere. The issue for the west is whether these mitigation programs are going to be effective at sustaining sage grouse projects in the long term; are they going to generate a lift for sage grouse populations. They are early in the phases of mitigation for the species; in some cases, it could help, but the jury is still out on how effective the mitigation practices will be.

Chairman Johnston stated he appreciates the broad discussion as it is worthwhile, but the Commission needs to stay focused on the agenda and what is presented for consideration.

Madam Vice Chairwoman East inquired if Mr. Espinosa has a recommendation of where he would allocate the money that has been removed for the Genette Creek Conservation Easement and could it be put towards another project; Wildlife Staff Specialist Shawn Espinosa stated he just learned today of the withdrawal of Genette Creek Conservation Easement project and has not thought that far yet.

Division Administrator Jenne stated that the Commission does not have to spend into the balance, it could accumulate within the account and be available for future funding awards. He stated that there is another pinyon juniper project, and there is the ability to add to another treatment.

Commissioner Hubbs commented about whether leks are moving, if there new leks or are the old leks being abandoned. She inquired if there is movement of this population of sage grouse, if old birds are being found in new leks.

Wildlife Staff Specialist Shawn Espinosa stated that several years ago the Department developed a model of lekking habitat across the state and provided information to back this up and how the Department does count leks. As far as population trends, the Department uses the trend leks which have long term activity to estimate trends and track how birds are doing. He stated that old birds are found at new leks, but it is the exception rather than the rule. There is a small percentage of movement that is documented where there are inter-lek movements; females tend to move more than males and less than 10 percent of males move between leks.

Commissioner Hubbs further inquired if tracking methodology through pinpoint tech should be changed as they all seem to be lost; Wildlife Staff Specialist Shawn Espinosa stated that might be a question related to the dusky grouse research project; there have been some problems with that particular brand of transmitter and the Department has ceased use of those transmitters.

Commissioner Hubbs inquired about the technology being used to monitor the bird bodies; how does the Department know they are sage grouse or could other bird species or mammals be measured on the ground; Wildlife Staff Specialist Shawn Espinosa stated that the bird can be seen strutting in the video so there is compelling evidence that it is a sage grouse.

Public comment:

Walt Mandeville, Lyon CABMW, stated that he has watched the sage grouse populations disappear over the years and commented that the wind farms have a large impact on sage grouse.

COMMISSIONER MCNINCH MOVED TO APPROVE THE UPLAND GAME BIRD STAMP PROJECT REQUESTS AS PRESENTED, WITH THE EXCEPTION THAT THE \$30,000 FROM THE GENNETTE CREEK CONSERVATION EASEMENT, WHICH HAS BEEN FULLY FUNDED, WILL BE ROLLED INTO THE TOIYABE PMU (BATES, HICKISON, AND WOLF RANCH) PINYON JUNIPER THINNING PROJECT. COMMISSIONER VALENTINE SECONDED THE MOTION.

Commissioner Barnes stated that he is directly involved with the Genette Creek project, but since the project has been removed, he will support the motion.

Discussion ensued that the Genette Creek project is a Conservation Easement in the Ruby Mountains.

Commissioner McNinch stated he would like to have this on a future agenda to get a broader look at the project.

THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

Chairman Johnston recessed the meeting at 11:40 a.m.

Chairman Johnston reconvened the meeting at 12:00 p.m.

- 18.* Biennial Upland Game Release Plan for Fiscal Years 2020 and 2021, Amendment #1 – Wildlife Staff Specialist Shawn Espinosa – For Possible Action
The Commission will review and may take action to approve the Department's proposed biennial upland game release plan for fiscal years 2020 and 2021.

Wildlife Staff Specialists Shawn Espinosa reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public.

No public comment.

COMMISSIONER MCNINCH MOVED TO APPROVE THE BIENNIAL UPLAND GAME RELEASE PLAN FOR FISCAL YEARS 2020 AND 2021, AMENDMENT #1 AS PRESENTED. MADAM VICE CHAIRWOMAN EAST SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

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

Habitat Division Administrator Alan Jenne gave an update on the Fallon Naval Range and Training Center and Nevada Test and Training Range. He stated that the Legislative Environmental Impact Statement (EIS) process, the public input, has already passed. Now, it is at the Congressional level; for it to take effect they need to be incorporated into the National Defense Authorization Act. A few weeks ago, the Senate Armed Services Committee did a mark-up to the National Defense Authorization Act; at that time, they only recommended the extension of the time period for the training centers in that language and did not authorize the expansion. In their proposal, Fallon Naval Range and Training Center would have closed approximately 770,000 acres and Nellis would have added an additional 260,000 acres to their area, but

neither of these were referenced in the Senate Armed Services Committee mark-up. There is a hearing on July 1, 2020 for the House of Representative Armed Services Committee.

Chairman Johnston inquired about the timeline; with the July 1 Committee hearing in the House and potential mark-up, and that the Department will not know what will happen between now and the August Commission meeting. Habitat Division Administrator Alan Jenne concurred that the Department would not know. He further responded that when both the Air Force and the Navy were proposing their timelines, they had an expectation that the Defense Authorization Act would be passed in Fall 2020 or early winter of 2021, but the timeline is unclear at this point.

Chairman Johnston inquired if the Senate Committee give an explanation as to why their mark-up was an extension but no expansion. Habitat Division Administrator Alan Jenne responded that there was no true reporting as to what the rationale was behind it.

Commissioner McNinch inquired if there was anything the Commission needs to do to support the Department. Habitat Division Administrator Alan Jenne responded that it is a congressional game. If there was an opportunity as a department to have discussions with congressional delegates to make them aware of the values and the costs so that they can convey the message to the Senate Armed Services Committee members.

No public comment.

Chairman Johnston inquired if it would be appropriate for the Commission to re-iterate its position, that it has concerns over the expansions that were proposed, that it appears the concerns of the Commission were received but not addressed by the Air Force or the Navy; and, that until those concerns are taken into account and there are adequate consultation with Nevada's Delegation, the requested expansion should not occur.

Habitat Division Administrator Alan Jenne stated that there could be benefit to that, but with the timeline of July 1, it would be a quick push to get that letter out, considered and incorporated into the House discussions but it could help in the long-term. Discussion ensued between Chairman Johnston and Habitat Division Administrator Alan Jenne that the Commission could ask Madam Vice Chairwoman East to draft and send a letter; and that there is a previous letter with the needed information.

Madam Vice Chairwoman East stated that she would be happy to address that.

Chairman Johnston stated that this is not an opposition of wanting to meet the needs of the military but as Wildlife Commissioners, there are a lot of concerns over these issues.

CHAIRMAN JOHNSTON MOVED TO DIRECT MADAM VICE CHAIRWOMAN EAST TO DRAFT A LETTER FOR SUBMITTAL TO THE HOUSE ARMED SERVICES COMMITTEE BEFORE JULY 1, 2020, WITH A COPY TO THE NEVADA DELEGATION EXPRESSING THIS COMMISSION'S VIEW ON THE FALLON NAVAL RANGE AND TRAINING CENTER AND NEVADA TEST AND TRAINING RANGE POTENTIAL EXPANSIONS.

Discussion ensued between Commissioner Hubbs, Secretary Wasley, and Chairman Johnston that since the Commission did not receive a response to the first letter, it does not mean they are being ignored; and that they receive all of the public comment and then issue a decision.

Senior Deputy Attorney General Craig Burkett stated that Mr. Jenne knows a lot about this topic; and since he has not been engaged in the process, he is not going to provide any information on the issue.

Secretary Wasley that there are a lot of different players and pieces to this; since the National Defense Authorization Act (NDAA) is out, the letter can be specific to the Commission's support of the absence of expansion of lands in the NDAA and encouragement for continuance of that position from the delegation.

Habitat Division Administrator Alan Jenne stated it was part of the Legislative EIS process, it went through a range of alternatives, the Air Force did not did not engage and provide their alternatives to the same degree the Navy did; the Navy and many state agencies have come together with the support of both recent governors administrations. They did come back with some tweaks to their alternative, which did not address everything everyone was hoping for, but there still remains concerns as far as impacts to wildlife and to the communities that surround. The alternatives are being taken to the NDAA from the military standpoint. We knew this would be the game, and that there is still a difference in what they accepted and what we want and that is why it is a Legislative EIS; there is still the opportunity to work with Congress to incorporate additional concerns from local communities into that bill. He stated Churchill County continues to be active and continues to work with the Navy to address their concerns. He further stated that sending a letter is just another opportunity to let them know the Department and the Commission still has concerns and both would like to see measures incorporated for wildlife and community concerns.

Commissioner Hubbs inquired if pressure on Nevada Congressional Members or Nevada Senators would be beneficial for our wildlife constituency to write letters as well; Secretary Wasley responded that our delegation is very well aware, very engaged and very supportive of our position; and sending a courtesy copy of our correspondence to them has continued to reiterate our support for their position and he does not see any members of our delegation changing their positions; they have done an outstanding job of staying informed and active in the Department's best interest.

Habitat Division Administrator Alan Jenne added to Secretary Wasley's comments that the conservation organizations have been very active, and our sportsman and delegation have been very involved. This is a great opportunity to spread the word to the conservation partners to work with the delegation to push a conversation within the House on the Defense Authorization wording.

THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

- 20.* Commission General Regulation 485, Tag Transfer, Deference and Return Program, LCB File No. R022-19 - Management Analyst Kailey Taylor – For Possible Action
The Commission will consider adopting a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation would provide direction for allowing the transfer, deference or return of tags under certain extenuating circumstances after the passage of Assembly Bill 404 of the 80th Legislative Session.

Management Analyst Kailey Taylor reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. She stated that this regulation was first presented to the Commission in July 2019 and that this is now the fifth time the Commission has seen this regulation. The Legislative Counsel Bureau (LCB) included the Commission's requested changes in the language from the third workshop and this is now ready for a vote by the Commission. She provided that the Department has already had seven tags returned this year for medical reasons.

No public comment.

COMMISSIONER MCNINCH MOVED TO APPROVE COMMISSION GENERAL REGULATION 485, TAG TRANSFER, DEFERENCE AND RETURN PROGRAM, LCB FILE NO. R022-19 AS PRESENTED. MADAM VICE CHAIRWOMAN EAST SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

21.* Review and Consideration of Possible Changes to Waterfowl Hunt Zones for 2021 - 2025 – Wildlife Staff Specialist Russell Woolstenhulme – For Possible Action

The Commission will consider recommendations and may choose to provide direction to the Department on possible changes to waterfowl hunting zones. The Pacific Flyway entertains changes to waterfowl hunting zones every five years, and potential changes must be noticed by July 1, 2020 to receive consideration. Any changes accepted by the Pacific Flyway will not take effect until the 2021 waterfowl seasons and would remain in effect until 2025.

Wildlife Staff Specialist Russell Woolstenhulme reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. He stated that the Law Enforcement Division was concerned because some of their areas are bisected by two different waterfowl seasons which is confusing. Based on that, he took the current waterfowl zones and included the suggested changes from the CABMW and law enforcement concerns and proposed that the waterfowl hunt zones mirror the Department's regional boundaries.

No public comment.

Chairman Johnston concluded that the Department is asking the Commission to endorse the change by adding Lander and Eureka County to the northeast zone; Wildlife Staff Specialist Russell Woolstenhulme responded that it also allows for Esmerelda and Nye County to be included in the south zone.

MADAM VICE CHAIRWOMAN EAST MOVED TO APPROVE THE WATERFOWL HUNT ZONES FOR 2021-2025 AS PRESENTED. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

22. Reports – Informational

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

Secretary Wasley read from the Department Activity Report:

DIRECTOR'S OFFICE

The Governor announced recently that state employees would be expected to furlough one day a month, twelve days for fiscal year 2021, which begins July 1, 2020 and is approximately a four percent pay decrease and any merit adjustments would be frozen. The younger staff earlier in their careers that start relatively low typically see a five percent merit increase assuming they have satisfactory job progress reports. This is a challenging issue with morale and for those who had furloughs and merit freezes because they are just climbing out of that hole. We are not sure what the Fiscal year 2022 and 2023 may bring in terms as the budget. The Department has been looking for how it will offset the loss of our general fund programs.

Commissioner Hubbs had brought up how we treat our wildlife and pandemics and diseases. He is on two or three weekly calls with national groups to talk about how we navigate this challenging time as it relates to people's view of wildlife. There is a real risk now that people are beginning to demonize wildlife, bats in particular, due to misconceptions about their role in COVID-19. If anyone is interested in how the Center for Disease Control (CDC) One Health Initiative, is approaching the ecosystem health and ecology,

he would encourage anyone to look at the CDC's webpage for this. There is a host of diseases that the animal world poses. It is suspected that because a child picked up an infected bat in a yard, and the bat's habitat was in disarray, the absence of that habitat forever changed the interaction dynamic between animals and humans, and Ebola is born. With swine flu, bird flu, COVID, there are books and movies that have anticipated what we are presently forced to endure for a long period of time. To Commissioner Hubbs question of what does this look like going forward, the Chronic Wasting Disease (CWD) has a potential to decrease the participation in hunting which is how we fund conservation in this country. If we lose hunting because we have legitimate risks or perceived risks, or otherwise discourage people from participating, we are going to have real challenges in funding conservation. The national efforts right now are geared towards how we shape our human wildlife interaction, how we shape the narrative around that, and there are a number of issues underway with the Relevancy Roadmap that recognized a lot of these challenges. Coronavirus just brought it to the forefront, but most of these issues are bigger than the state of Nevada and the United States and are even continental or global. We will hear and see more about this but do not think that the Department is remiss in our responsibility to shape that narrative. There will be messages in the hunt book that talk about food security in a time of a pandemic. There are challenges with the processing of cows or hogs. Those who have a freezer full of lean organic wild harvested protein are not having as many challenges in getting meat as those who do not. There is a whole host of messages and the Department is being adaptive and incorporating those messages into the Department's social media platforms and elsewhere. The Department could speak to the national efforts and the Department efforts to wildlife conservation

The Department has developed a back to work plan; there was a soft opening of some of the offices this week with plexiglass at the counters; 6 foot spacing tape on the floors; hand sanitizer and wipes; all of the vehicles have been equipped with cleaning supplies. There is an opportunity through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and we have been documenting the COVID-19 associated purchases, which could be an update on a future agenda.

The Department's Deputy Director of Administrative Services, Liz O'Brien, retired early in June.

GAME

The Game Division has had some challenges with the Stay-At-Home order, especially for individuals who are independent, motivated, ambitious self-starters who are told not to do their job in areas in which they are passionate. The Department shifted a lot of the capacity to data entry and revisions. The Eastern

Eastern Region biologists got into the field just in time to accomplish some ruffed grouse drum surveys. The drumming is when they beat their feathers and indicates breeding behavior. Most drum routes in the Eastern Region had successful detections of breeding ruffed grouse.

On March 27, 2020, two Rocky Mountain bighorn ewes were reported grazing with a farm flock of domestic sheep in the bottom of Harrison Pass area. Eastern Region Game and Habitat biologists euthanized the two yearling ewes that had mixed with a flock of domestic sheep. Samples were collected from the two bighorns and sent to the Wildlife Health Specialist for analysis.

Eastern Region Game and Habitat biologists have been investigating reported observations of three bighorn rams in the Richmond Mountain area of Unit 068. These rams likely dispersed from the core herd on east side of Sheep Creek Range. The current plan is to monitor the situation and determine the exact number of sheep that may be in the Richmond area, as well as assess any risk of contact with domestic sheep or goats.

Eastern Region biologists have been investigating reports of unauthorized domestic sheep use on USFS lands near Rocky Mountain bighorn and Mountain Goat habitats in the Ruby Mountains in Unit 102. The large number of domestic sheep and goat farm flocks on private lands at the foot of the Rubies and East

Humboldt's continue to pose a risk to the long-term viability of the Rocky Mountain bighorn and mountain goat populations in those ranges.

Game biologists in all three regions have been busy recovering radio collars that have accumulated on the landscape over the winter and during the field work stoppage related to COVID-19. A lot of these radio collars drop off of the animal or there are mortalities and they accumulated during the Stay At Home Order related to multiple studies and monitoring efforts for multiple species across the region.

Game Division personnel have been responding to numerous bear complaints in many parts of Nevada. The Department had some interesting bear observations in several unusual places including Spring Creek, Carlin, Vya and Kings River Valley.

Game biologists took advantage of the inability to conduct field work during the COVID-19 closure by working on many things they do not have time to focus on, including reviewing scientific literature, organizing databases, and catching up on reports and data analysis. Biologists have also used the opportunity to complete both mandatory state employee training, as well as special trainings offered through webinar platforms such as Bureau of Land Management (BLM) hosted Fire Training, Wet Meadow Restoration.

Hunter inquiries have started to pick up following completion of the big game tag draw. With office closures, biologists are now processing the inquiries that have piled up due to the inability of staff to access the state phone system on a regular basis.

Game Division personnel have been participating in weekly videoconference meetings discussing big game corridor mapping challenges and opportunities with western agency colleagues and hosted by the University of Wyoming's Cooperative Fish and Wildlife Research Unit. The purpose of the meetings is to provide agency representatives with a platform to discuss the various techniques for mapping migration corridors, ask questions, and provide progress updates.

Department personnel, in cooperation with Nevada Department of Agriculture, are continuing to monitor the spread of Rabbit Hemorrhagic Disease Virus (RHDV2). The virus is now in a border county in San Bernadino, California and inches closer to Clark County. Wildlife Staff Specialist Espinosa spoke about a cotton tail in Boulder City that was confirmed positive. Several meetings have been held to discuss how we move forward if the need arises to coordinate with the Department of Agriculture about potential feral rabbit removals in several parks around Las Vegas.

The final version of the bat risk assessment is out and shows estimated substantial risk to bat species of North America. The risks can be mostly mitigated by the use of proper Personal Protective Equipment (PPE), including N95 masks. The risk is the Coronavirus; there is a whole suite of coronavirus' that have evolved on various bat species, which is one of the challenges with the virus as it is resistant to fevers because bats have highly variable body temperatures which makes the virus resistant to the elevated temperatures. It is important to point out that the risk relative to bats is not bats transmitting it to humans, it is humans transmitting it to bats where bats can be a reservoir for the virus and suffer significant losses.

HABITAT

The Department's Special Reserve Account projects are being evaluated for funding support with Duck, Upland and Heritage program projects have been reviewed and voted on during this Commission meeting. This year there are a total of 43 projects seeking approximately \$1,756,586 in funding. Six Duck Stamp applications totaling \$50,100 were received with an additional \$109,000 in other matching funds supporting these applications. Fifteen Upland Game Bird Stamp applications totaling \$264,840 were received with an additional \$1,711,548 in other matching funds supporting these applications. Twenty-two

Wildlife Heritage proposals totaling \$1,441,646 were received with an \$6,525,207 in other matching funds supporting these applications.

The Nevada Native Seed Partnership has finalized the Nevada Seed Strategy which is focused on increasing the availability and use of native seed for rehabilitation, reclamation, and restoration treatments.

The water development program is engaging volunteer sportsman to help with guzzler inspections over the coming months. Many volunteers are participating in 'outdoor social distancing' when camping, hiking, or scouting for upcoming hunts. Many of these trips include visits to water development projects and the Department is setting up a process by which volunteers can share information regarding maintenance issues at guzzlers. Time or miles spent accessing the guzzlers for inspections can be counted as in-kind match for the water development grant and will help off-set the loss of in-kind match traditionally gained at large volunteer projects that have been cancelled due to COVID-19 precautions.

In the first quarter of 2020, the Technical Review program spent significant time assessing the implications of proposed changes to the National Environmental Policy Act, under which the Department provides significant feedback and coordination with federal partners on public lands projects impacting wildlife across the state. Additionally, we have reviewed many BLM projects including their grazing regulation changes, the categorical exclusion for range restoration and habitat improvement, the Yellow Pine Solar Project in Clark County, and the Fuels Reduction and Range Restoration programmatic EIS.

CONSERVATION EDUCATION

Conservation Education programming has had to make a huge pivot to continue to offer educational programming to our constituents and keep them engaged in wildlife. To accomplish this our educators worked fast to learn as much as they could and prepare online webinar programs. These programs have covered all sorts of different topics from hunting and fishing to birding, reptiles, and coyotes. Conservation educators have been facilitating these programs since early April and have hosted 44 programs to an audience of 3,214 people. In addition to offering live webinar programs we also record these programs and post them on our YouTube channel. Our webinar playlist currently has 12 videos available with more than 1900 views. With this new way of facilitating programming, our audiences have given us some great feedback and are liking the format. We are also planning on incorporating the format into classroom programming for the 2020-2021 school year.

We also promoted two campaigns including 30 second videos in the southern and northern regions encouraging people to find their 'Stacycation' and discover Nevada's fishing.

The 2020 Big Game Hunting Guide will be at vendors and offices the beginning the first week of July.

Staff is working with our vendor to create a user-friendly, more accessible website that matches the branding of the agency's licensing site. With this new website, staff aims to make purchasing licenses a more seamless process and allow users to find information regarding conservation and wildlife.

Hunter Education Staff converted the annual Antelope Hunting Seminar into a virtual formatted webinar. The date for this year's seminar is scheduled for July 8, 2020. The Department will have education staff, game biologists and a local meat processor presenting and mediating the chat.

In early May, the Department announced on social media that the big game draw results would be posted around midnight. The campaign was called Midnight Madness. The Facebook post alone reached nearly 97,000 people and received more than 300 comments and 700 shares.

Staff worked on a press release with other agencies in the Tahoe Basin encouraging visitors and residents to be responsible in bear country. The release resulted in stories in multiple Tahoe Basin and western Nevada newspaper's including Carson Now, the Sierra Sun, and South Tahoe Now.

DIVERSITY

In November 2019, a previously unknown cave was discovered in the Muddy Mountains and anonymously reported to the Department. Wildlife Diversity biologists visited the cave in January 2020 and realized the cave had major significance because it contained intact pre-Columbian Anasazi Indian artifacts, had significant and possibly undescribed geologic cave formations including crystals and massive translucent gypsum deposits, and has a large roosting colony of California leaf-nosed bats. After visiting the cave, the Department reported the site to BLM and began working with paleontologists, archeologists, and a BLM law enforcement special agent to protect the artifacts and secure the cave. This past March the cultural artifacts on the surface within the cave were removed and transferred to the Las Vegas Natural History Museum. In May 2020, a bat gate was constructed and installed over three days with funding from the Nevada BLM. The bat gate design includes removable bars for future access, surveys, and research. The discovery of this cave marks only the fourth known roost site for this uncommon bat species in southern Nevada.

The public alerted the Department to a bald eagle nest that had been blown out of its tree during a recent windstorm. Department staff responded during Memorial Day weekend to find one dead nestling as well as a healthy nestling who had survived the fall. Department staff had constructed a make-shift nest, placed the nestling in the nest which has since fledged and is doing well.

The Diversity Division has initiated revision of the Nevada Wildlife Action Plan. The plan is required to be updated every ten years and will be due in December 2022.

Wildlife Diversity has been working with Nevada State Parks and the USFWS on an upcoming Environmental Assessment for the Rafter Seven Ranch at Walker River State Recreation Area. State Parks is looking to implement development plans to turn Rafter Seven Ranch into a publicly accessible state park. Federally threatened yellow-billed cuckoos have been found at the ranch. Wildlife Diversity is providing data, survey time, and technical expertise to ensure that development plans avoid impacts to yellow-billed cuckoos and their habitat.

Together with the Fisheries Division and several federal partners, staff have been working to develop a COVID-19 mitigation plan for the annual Columbia spotted frog surveys. Surveys that have occurred over the past 17 years provide valuable data that is used to continue to keep Columbian spotted frogs off the endangered species list.

Recently Wildlife Diversity staff were able to initiate late breeding season surveys for southwestern willow flycatchers. Multiple territories and several nests were identified.

FISHERIES

The Fisheries Division has been able to operate the spawning station at Marlette Lake following specific COVID-19 protocols to ensure the safety of field staff. Approximately 270,000 Tahoe strain rainbow trout eggs have been collected and 138,000 cutbow and bowcut eggs collected. Because of logistical problems related to COVID-19 we were unable to produce triploid (sterile) rainbow eggs at the spawning station but can obtain those from the Ennis National Fish Hatchery in Montana.

Southern Region staff are working with the USFWS to develop a project that will captively produce endangered Moapa Dace at Lake Mead Hatchery for release back to the wild in the upper Muddy River.

In the Eastern Region, staff are continuing to work with Nevada Gold Mines, the USFWS and other partners to finalize a conservation plan for the Johnson Springs Wetlands Complex that would be significantly impacted by the Long Canyon Mine phase two expansion. Relict dace in the wetlands have been petitioned for Endangered Species Act (ESA) listing by a third party.

We are continuing to work with the states of Idaho, Oregon, and Washington and the USFWS to develop a revised special 4(d) rule for threatened bull trout, which allows us to fish for those species primarily in the Jarbidge River. This will assist us in developing future management actions and angling regulations.

DATA & TECHNOLOGY SERVICES

The biggest challenge in this division is administering the big game draw second chance draw and beginning to open offices. A lot of the challenges have been with customer service, the counter staff and ensuring that the Department has the precautions in place to protect employees and ensuring the customers feel safe when conducting business at those offices.

Also new this year, was the implementation of the Resource Fund Donation, previously known as Resource Enhancement Stamps, as a new feature to the storefront. This ten-dollar donation option presented at a customer's check-out, has collected over \$80,000 since it went live in March 2020.

The Department has seen an increase in sales across all products during the COVID-19 crisis. Hunt Licenses have increased ten percent with combo licenses up another ten percent. Fishing license sales are up 52 percent and boat registrations are up almost seven percent.

LAW ENFORCEMENT

With boating season activity increasing, Law Enforcement officers have been busy with boating patrols including one boating Operating Under the Influence (OUI) arrest, a boating accident with a laceration injury; there was another boating accident due to weather conditions where the boat grounded and swamped, and it all occurred on Lake Lahontan.

Southern Region wardens assisted in a multi-person water rescue; some individuals were on a nearby reef, others on the shoreline, and a three-year-old girl was trapped under the vessel, bringing the total to 15 persons rescued. Wardens also responded to and assisted with a stranded vessel near Middle Point on Lake Mead. Southern Region game wardens identified an individual on a pool float with no Protective Floating Device (PFD), who was past the no wake buoys on Boulder Beach, panicked and struggling and had known medical issues.

Over the Memorial Day weekend game wardens patrolled Nevada waters with the following interactions: 230 vessels contacted, 64 fishermen contacted, 35 vessels rescued, 67 citations issued, and 190 warnings issued.

A Southern Region game warden responded to a call regarding a deer that was stuck in a fence while on wildlife patrol. The warden remedied the situation with no injury to the animal. Nine Southern Region wardens were involved in the service call response, identification, scene security and ultimate transportation for a double homicide/suicide event.

While investigating residency cases, two citations have been issued; one to a California man and one to an Oregon man for residency fraud. Another felony level residency case in Elko county was settled where a Utah resident pled guilty to misdemeanors that involved providing false information to obtain a tag; the individual was fined \$3000 and forfeited the harvested animal. Game warden investigators were involved with a search warrant and follow up investigation for a big game poaching case. Trapping violations were investigated in Esmeralda County, and reports are being submitted to the District Attorney.

Over 20 game wardens participated in the man hunt and crime scene security of the killing of Nevada Highway Patrol Sergeant Ben Jenkins. Department personnel were in charge of various parts of the incident including searching for the suspect at large, incident command of certain road blocks, command at residences that were sealed prior to administering a search warrant, sealing a large number of crime scenes and the escort of Sgt. Jenkins to and from the medical examiner's office in Las Vegas. Seven Eastern Region game wardens assisted in Overwatch duty for Sgt. Jenkin's family residence. He was a close supporter of the Department.

Commissioner McNinch asked for an update on Recovering America's Wildlife Act (RAWA).

Secretary Wasley stated that he received notice yesterday that RAWA is alive and well and may be scheduled for action in the House as soon as Monday. As it exists right now, it would bring about \$31 million dollars to the state of Nevada for conservation and as previously introduced would require a three to one match just like Pittman-Robertson and Dingle-Johnson. The current version of RAWA waives the match requirement which would be more beneficial and easier to use if there is action on that.

Commissioner McNinch stated that it sounds like a good opportunity to pump money into the local and state governments.

Secretary Wasley stated that the conversation around it has shifted to one of economic stimulation and jobs; he thinks this has been a strategic benefit. The implementation of the relevancy roadmap continues to be front and center in many discussions. The Association of Fish and Wildlife Agencies is undertaking an effort with academic universities looking for ways to facilitate implementation, and some barriers identified in that are more relevant now than they have ever been.

B.* Litigation Report – Senior Deputy Attorney General Craig Burkett

Senior DAG Craig Burkett reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. He stated that with item #7 in the report, *Smith v. Wakeling*, CV 18-01389, he has prepared two motions to dismiss claims against the Department of Wildlife, a Motion for Summary Judgment seeking dismissal of the case, and a motion to dismiss the case for discovery abuses in the case. He expects the motions to be filed by the middle of July to allow for them to be properly heard by the Court. The trial was scheduled for August 10, 2020, and he requested to move the trial date so the Court could properly hear the motions and rule in our favor and avoid the trial, or at least pair down the lawsuit. He provided that the Court will not give another trial date until 2021.

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

This agenda item was removed with the amendment of the agenda under agenda item #13.

23. Committee Reports

A. Finance Committee Report – Committee Chairman Gil Yanuck – Informational
The Commission will hear a report on the committee's recent meeting.

Finance Committee Chairman Gil Yanuck stated that Finance Committee was held at 9:00 a.m. on May 13, 2020 via Zoom. He provided the members present for the meeting, that no public was in attendance and reviewed the meeting format and agenda. The members of the committee reviewed data submitted by the Department's Management Analyst, Nancy Camarena. After discussion and a motion, the CABMW

budget request recommendation was approved in the amount of \$36,526. There are no future meetings set at this time. He stated that people are getting much better at putting their budgets together.

- B.* Fiscal Year 2021 County Advisory Board Budget Requests – Committee Chairman Gil Yanuck – For Possible Action
The Commission may approve an estimated amount of \$36,526 to be added to the reported cash balance on hand for County Advisory Boards, as requested, to Manage Wildlife budgets for fiscal year 2021.

Finance Committee Chairman Gil Yanuck reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. He stated that the numbers were in line with what the Committee felt were appropriate with the various counties.

No public comment.

CHAIRMAN JOHNSTON MOVED TO APPROVE THE FISCAL YEAR 2021 COUNTY ADVISORY BOARD BUDGET REQUESTS AS PRESENTED. COMMISSIONER MCNINCH SECONDED THE MOTION. THE MOTION CARRIED 7-0 WITH COMMISSIONERS HUBBS AND CAVIGLIA ABSENT.

Chairman Johnston thanked Chairman Gil Yanuck for his hard work on this Committee.

- C.* Landowner Compensation Tag Committee Report – Eastern Region Supervising Game Biologist Tom Donham – For Possible Action
A report will be provided on the Committee's recent meeting held on January 24, 2020. The Commission may take action to modify or endorse the protocol the Department will use in conducting counts for the Landowner Compensation Tag program.

Game Division Administrator Mike Scott reviewed the support material sent in advance to the Commissioners, CABMW Chairmen and posted on the Department's website for the public. He stated there have been two focuses of this committee; the first was to find an equitable way to reduce tags to landowners if they had reached the 2.5 percent cap. The language for this regulation has not been returned to the Department yet. The second focus of the committee was to provide direction to the Department and the landowner tag biologists to come up with a consistent protocol between the regions if a landowner has properties that are either separated in one unit or separated in adjacent units, then the committee could find a way to combine the counts or have them sign cooperative agreements for different counts. He provided information as to why they would have separate agreements. The Committee is now seeking approval from the Commission of the protocol.

Chairman Johnston stated that when the Committee met to discuss the protocol, they all thought the protocol was very straight forward and did not need a lot of discussion. It addressed landowner requests to meet their unique needs. The timing of the presentation of this report has been delayed in terms of timing from when the committee met to bring it to the Commission.

No public comment.

CHAIRMAN JOHNSTON MOVED TO APPROVE THE LANDOWNER COMPENSATION TAG COMMITTEE RECOMMENDED PROTOCOL AS PRESENTED. COMMISSIONER BARNES SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVILGIA ABSENT.

Chairman Johnston recessed the meeting at 1:30 p.m.

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

- D.* Wildlife Damage Management Committee Report and Fiscal Year 2021 Draft Predation Management Plan (Final Draft) – Commissioner and Committee Chairman Jon Almberg and Wildlife Staff Biologist Pat Jackson – For Possible Action
The Commission will hear a report from the Wildlife Damage Management Committee chairman and the Commission will review the final draft of the Fiscal Year 2021 Predator Management Plan with the Department. The Commission may take action to modify or endorse the plan.

Commissioner Almberg reviewed the information discussed at the Wildlife Damage Management Committee and provided that the information on the projects have been reviewed many times. He stated there were comments received on Project 26, and it expands the project to a bigger geographical area. It is difficult to expand an area because they have to distribute the efforts of the study to a larger area instead of having a concentrated area. He provided that it was approved as written.

Game Division Administrator Mike Scott stated he could review the support material sent in advance or he can answer questions.

Chairman Johnston stated that his preference would be for Mr. Scott to answer questions since everyone has had an opportunity to review the material.

Commissioner Hubbs inquired if the Commission has already seen this draft; and stated she feels confident in what is proposed and is ready to move on it; Game Division Administrator Mike Scott responded that yes, the Commission has seen it twice and it has gone before the Predatory Animal and Rodent Control (PARC) Committee and the Wildlife Damage Management Committee.

Public comment:

Joe Crim, representing Pershing CABMW, stated that at a previous meeting, he had asked that Unit 041, 042 to be added into Project 46 since Pershing County sits in the middle of the project.

Madam Vice Chairman East inquired if Pershing County could be added or, are they not in that position right now; Division Administrator Scott responded that this project is experimental, and it is his preference to learn how this works before expanding it. He certainly supports expanding this project in the future assuming it works and that can work through the challenges.

Madam Vice Chairman East is good with that but does not want to forget about it and asked to revisit this project next year; Game Division Administrator Mike Scott concurred as he would like to see it expanded as long as it is proven to be valuable.

Commissioner Kiel inquired if the Department is bound to these scopes once it is approved, and then the Commission could expand with more funding within the current scope to not have to create another project; Division Administrator Scott responded that he preferred that Deputy Director Robb or Director Wasley to make that determination.

COMMISSIONER BARNES MOVED TO APPROVE THE FISCAL YEAR 2021 DRAFT PREDATION MANAGEMENT PLAN (FINAL DRAFT) AS PRESENTED. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVILGIA ABSENT.

- 24.* Petition – Mr. John V. Zenz - Big Game Tag Drawing Changes – For Possible Action
Mr. Zenz has submitted a petition to change the Big Game Tag Drawing to (1) give twenty-five percent of the overall tags to the max point holders; (2) reduce the number of choices to only three; and (3) allow only up to fifty percent of the tags in any unit to be issued to max point holders. The Commission may take action to deny or accept the petition and initiate rulemaking.

Chairman Johnston stated that Commissioner Caviglia prepared a written comment to this item and it was distributed to the Commissioners.

John Zenz provided the history of the tag system for the elk, bighorn sheep and antelope; that the Commission established a max bonus point system in 1976; and presented argument in support of the petition.

Chairman Johnston inquired as to why 25 percent of tags; Mr. Zenz responded that it just seems fair and equitable and provided statistics from other states; and stated it leaves 75 percent of the tags for everyone else and it helps the people who have supported the Department over the years.

Discussion ensued regarding the math of the petition; that Mr. Zenz wants 25 percent of the total tags for each individual hunt to go to the max bonus point holders; Mr. Zenz presented further argument in support of the petition.

Commissioner Almberg stated he does remember the program in the late 1970's and early 1980's when the system was changed to a preference points and card system; he inquired if Mr. Zenz knew if 25 percent was taken off the top back then; Mr. Zenz provided that all tags went to max bonus point holders before anyone could have a chance at a tag. It took multiple years for anyone else to have a chance at a tag until the preferential people were out of the system.

Commissioner Almberg stated that he was a benefactor of the program, that he was young and not a dedicated sportsman, and does not believe it was fair.

Mr. Zenz presented further argument in support of his petition and presented a document for the Commission to review (see Exhibit File).

Commissioner McNinch stated he respects Mr. Zenz for the time and effort he has put into this petition. He commented that as the proposed system goes, there is a wave of people that are not being removed from the system will get into the high group of max bonus point holders; some of those might resolve but others will persist and there will be a wave and the percentage would have to be increased to 50 percent to clear the list. Discussion ensued regarding the process by which people will move from the lower group to the max bonus point holder and how long it could take to remove people from the top end of the spectrum.

Commissioner McNinch stated that he is struggling with the concept and needs to think more about it.

Discussion further ensued that the petition provided that draw numbers are reduced to each applicant's lowest number; that each and every applicant has one of 6,838 numbers in the drawing and max applicants have 1.09 percent of the numbers issued; that the max bonus point holder may only have 1 percent of the numbers, but they are a small percentage of applicants. Mr. Zenz presented further argument in support of the petition.

Commissioner Hubbs inquired if this petition is for all big game or a specific species; Mr. Zenz responded that his proposal is for all big game draws.

Commissioner Hubbs commented that the Commission has always been big on hunter opportunity for youth. If there is a pool of people who have accumulated points over time, and we are ensuring that they have a higher likelihood of a draw, then this will reduce the likelihood of the youth. Mr. Zenz responded that he does want the youth tags to go away and his proposal gives 75 percent of the tags to everyone.

Chairman Johnston commented he wants all of the tags available for everyone that goes into the draw and that the current bonus point system gives a better chance to those who have more bonus points.

Mr. Zenz stated the odds are very miniscule no matter what you do the odds are bad for everyone; he is trying to make it so that it is slight and give the max point holders a better chance; Chairman Johnston responded that he does not think the draw is unfair when he has been unsuccessful.

Commissioner Almborg stated that when he first joined the Commission, they were discussing waiting periods, and argued to retain the ten-year wait period. He believes the system works very well for the dedicated sportsman.

Mr. Zenz stated that he has applied for every hunt the Department has ever had and has been waiting many years for certain tags assuming he would eventually draw one of them.

Commissioner Almborg reiterated he believes that Nevada has a very good system and there is success in the silver state tags. He thinks that the proposed petition will take 25 percent away from the rest of the tag holders. Mr. Zenz responded that he is trying to concentrate on the most applied for tags.

Madam Vice Chairwoman East inquired if the Department knows the number of hunters that apply for bonus points only. Mr. Zenz responded that in the 2019 statistics, for Mountain Goat tags - 4,356 people; for Rocky Mountain bighorn sheep - 4,760 people; for California bighorn sheep – 4,575 people; for Nelson Desert bighorn sheep – 5,160 people; and for Bull elk tags - 7,092 people.

Madam Vice Chairwoman East stated that she agrees with Chairman Johnston about bonus points. You do not go into the draw by racking up points and expecting to draw at some point, and you are not really in the game. She has thought a lot about the three choices versus five choices and provided a personal story about getting a deer tag on her fifth choice. In the alternative, her son finally drew a sheep tag after applying for twelve years on his fifth choice. Based on this, she does not agree with concentrating all of these into three choices. There will be areas that are not the best choice for people, and they will not apply for those. Mr. Zenz responded with statistics to support the petition. He inquired if there were any costs with Kalkomey to changing the draw process.

Deputy Director Jack Robb responded that it depends on what change comes forward, that all changes are covered in base contract but it could take substantial work to get it done which could take away from other work the Department is trying to get done and it could complicate validation and create problems.

Chairman Johnston stated that roughly there were 40 California bighorn sheep tags that were set for this year and 25 percent would allow 12 tags for max point holders; he inquired if the max point holders were eligible for the remaining 75 percent; Mr. Zenz responded no, but they would be if they did not draw in the max pool and would be eligible like anyone else. Further discussion ensued.

Commissioner Almborg stated that in the correspondence received from the public, there are examples of other states that allow that pool of people to come back into the draw and they do get a double dip. He stated he does not understand how you cannot have this as a separate pool when going down the list and provided argument in support of this being a second pool of people.

Public Comment:

Steve Robinson, representing Washoe CABMW, stated that at first this proposal did not make sense to him until he sat down to discuss it with Mr. Zenz. If there is going to be a max bonus point process, then this makes the most sense, but it would not work for a species with low tags. The Washoe CABMW recommends that this proposal go to the Tag Allocation and Hunt Committee (TAAHC) and work it out before it is brought back to the Commission.

Jim Puryear, representing Nevada Bighorns Unlimited, stated this petition is confusing to him but it is important enough that it should be tabled to allow the CABMW's time to discuss it further. He does like the option of five choices to give people better odds. The reason the number one preference point is not drawn is because there are 30 to 40 more people that have 12 to 18 bonus points which is another part of the formula that needs to be reviewed.

Mel Belding, private citizen, stated he agrees that something needs to be done for max bonus point holders. The game was started 29 years ago when there were 132 tags for Desert bighorn sheep and now there are over 300 tags. He does not agree with Mr. Zenz proposal, but a person getting into the game now has a better chance of getting a tag than when he first started applying for tags.

Rex Flowers, private citizen, stated one of his biggest concerns is that this proposal worked for three species but not for three additional species, and he does not think the system takes care of all species across the board. He does not favor this system but has been very fortunate in his lifetime with drawing tags.

Rob Jacobsen, representing Lyon CABMW, stated the public input received at their CABMW meeting was not in favor of this petition.

Chairman Johnston read Commissioner Tommy Caviglia's statement into the record and it is as follows:
"Fellow Commissioners,

I am going to be absent during Agenda Item #24, the Petition for Big Game Drawing Changes, and will not be involved in the discussion on this item, I would like to at least note my concerns with the petition. I will attempt to keep it brief.

To put it bluntly, I am completely against the petition. I personally believe Nevada's current draw system is one of the fairest in all Western states. When reviewing the bonus point data on deer, elk, antelope, and even the Desert bighorn sheep it is apparent that the current system works. Attempting to utilizing the data on California bighorn, Rocky Mountain bighorn, and Mountain Goats as an example does a disservice to the current system. The demand for these three species far outweighs the minimal number of tags that are issued yearly. Due to the large number of max point holders, and the point holders at the levels immediately below them, this proposal would benefit very few while becoming a deterrent for many due to the years or decades it would take to clear out those high point holder levels in the draw. As is seen in other states that have the max point pass, new applicants are deterred from applying as they don't believe they ever stand a chance of catching up to the point game.

Lastly, the accumulation of bonus points does not guarantee a tag, and never has in Nevada. I think the people need to remember that. Even if a 25% max bonus point pass were incorporated, there will still be individuals that will never draw certain tags within their lifetimes. As unfortunate as that is, the demand on certain tags far exceeds the supply and that is a fact will not change.

Thank you. Tommy Caviglia"

Chairman Johnston stated that this topic has been before the TAAHC and has been discussed at that level in different ways and never went anywhere because the Committee felt that it was a category 3 item. In the future, this can be brought back to the TAAHC if they wish. He does not think people are referring to antelope, deer and elk; the motivating factor are the three species that have a very limited number of tags and those with the max bonus points think if they get the max system in, they will finally get one of the limited species tags. He gave an example provided by an economist about shopping in a crowded mall and seeking a parking spot. AUDIO RECORDING ENDS HERE. It is really a segment that is motivating the 25 percent and he cannot understand that. He initially misunderstood the petition, but it was later clarified. If only the tags that go to max point holders then you are denying the rest of the applicants a bigger opportunity to draw.

Commissioner Barnes stated he has to consider where the system is now and how can it be made better. He agrees with what Commissioner Caviglia wrote; the system may not be perfect, but it is working and he does not believe this proposal is going to make the current system any better and for that reason he cannot support the petition.

Commissioner Almborg stated the Commission received a lot of correspondence regarding the petition and he does not recall any CABMWs supporting it, though there were some that did not comment. Discussion that interested him was the option for a lifetime tag and suggested that maybe the Mountain Goat and Rocky bighorn sheep tags should be considered life-time tags. Once you draw it you are no longer in the pool. This idea tells him that there are parts of the system that could be improved. He likes the thought of rewarding the dedicated sportsman but does not think this petition is how to do it.

Commissioner Hubbs stated the draw system she has seen is for "chance" and when that opportunity is drawn down from chance, then people become disinterested. Nevada is a gambling state and people are aware they are putting in for a "chance". She would rather bank on the fact that the Commission is not giving it all away to individuals who have invested longer as it will cause disinterest to a younger population, which is her concern with the petition.

Commissioner Valentine stated that this topic did come before the TAAHC and it was considered a number 3 priority. He would not be against the TAAHC having another opportunity to look at it with some numbers and then bring it back to the Commission.

Chairman Johnston stated there would be nothing to keep the TAAHC from looking at the system again. If the Commission accepts the petition today, then they must proceed into rulemaking to adopt the change. He stated that he reviewed the discussion board on goHUNT.com which contained negative comments and the people who sent correspondence to the Commission were against the petition. There was one well-written comment from Seth Montes stating, Mr. Zenz's heart is in the right place in trying to do something for max bonus point holders but that allotting 25 percent of the tags was not the right way to go about it. Mr. Montes summed it up and Commissioner Barnes summed it up well, by asking if this change would make the draw better. He cannot say yes to that question so it is his position to deny the petition as he will not support it.

Commissioner McNinch stated he does understand where Mr. Zenz is coming from but is not sure it gets the Department where it ultimately wants to be. He agrees with all the comments made and he will not be able to support the petition. If there is an appetite to discuss this further, the TAAHC would be a better venue.

Chairman Johnston stated that the TAAHC does receive public comment and a proposal could be made there. Mr. Zenz responded that he was unaware of the process and he will take it to the TAAHC.

CHAIRMAN JOHNSTON MOVED TO DENY THE PETITION FOR CHANGES TO THE BIG GAME TAG DRAW AS PRESENTED. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

25. License Appeal – Wade James Asher – For Possible Action

Mr. Asher is appealing the suspension and revocation of his license for a period of five (5) years.

Chairman Johnston stated that Mr. Asher was not present for the meeting and was told that Mr. Asher verbally indicated to the Department that he would not attend; the Commission did not receive written confirmation of Mr. Asher's intentions. He stated that Mr. Asher's hunting and fishing privileges were suspended for five years by the Department of Wildlife and he is appealing the suspension. Procedurally, the appeal can be denied based on Mr. Asher's failure to appear at the hearing.

Discussion ensued on the procedure to deny the appeal.

Chairman Johnston stated that Mr. Asher lives in Idaho and he is not sure of the travel restrictions of that state at this time with the current circumstances of COVID-19. He would suggest denying the appeal for the appellants failure to appear and note that the Commission could entertain the merits of the appeal. He stated that Mr. Asher plead guilty to 2 gross Misdemeanors in the Fourth Judicial District of the State of Nevada, Elko County. He plead guilty to count 1 - unlawful possession of a big game animal; count 2 - conspiracy to steal or destroy evidence. A Judgment and Conviction was entered into the case on March 10, 2020. In Nevada Administrative Code (NAC) 501.200, the demerit point schedule identifies 12 demerit points for any gross misdemeanor conviction under Nevada Revised Statute (NRS) 501.376, which is part of the Judgement and Conviction in the packet received by the Commission. NAC 501.210(4) states that there is an immediate five-year suspension for any gross misdemeanor conviction under NRS 501.376. With the Judgment and Conviction filed into the Court on March 10, 2020, and in the appellant record, and on April 29, 2020, a Notice of Suspension was issued by the Department as a notice of that conviction. He inquired if the documents need to be admitted into the record.

Senior DAG Burkett stated he would like to call Captain Brian Eller to confirm his conversations with Mr. Asher as to why he did not attend, and to obtain clarity if it was due to COVID-19 or other issues.

Captain Brian Eller stated that three days ago he talked to Wade Asher's wife who called to ask about the appeal. Captain Eller explained the appeal process to her, and she said that she could not argue with the process that was followed and did not see them driving all the way to Nevada from Idaho. He only wanted his fishing license back. He noted that the appeal form did not state that the Department made any error in the process.

Chairman Johnston noted from the appeal form that Mr. Asher does not state the Department made any error in revoking his license, Mr. Asher feels the lengthy suspension was excessive, he understands what he did was illegal, but in the situation he found himself in, he became a victim of circumstance. It seems Mr. Asher's position in the appeal form is that he agrees he did something illegal, but he does not want to be suspended for five years for it. Chairman Johnston stated that the Commission does not have the authority to reverse the suspension, as have been discussed in past appeals, and the NAC and NRS are written as they are.

Senior DAG Burkett stated that the Commission could proceed by denying the appeal or they could dismiss it based on the appellants failure to appear.

CHAIRMAN JOHNSTON MOVED TO DENY THE APPEAL OF WADE JAMES ASHER FOR THE FOLLOWING: 1) MR. ASHER FAILED TO APPEAR FOR THE HEARING; AND, 2) AS PREVIOUSLY STATED, MR. ASHER PLEAD GUILTY TO A GROSS MISDEMEANOR IN VIOLATION OF NRS 501.376, AND UNDER THE NAC 501.200 HE HAS BEEN ASSESSED 12 DEMERIT POINTS. ACCORDING TO NAC 501.210(4), THAT REQUIRES A 5-YEAR SUSPENSION; THEREFORE, THE DEPARTMENT DID NOT MAKE ANY ERROR IN REVOKING MR. ASHER'S HUNTING AND FISHING PRIVILEGES FOR A 5-YEAR PERIOD UNDER THE CURRENT LAW. THIS COMMISSION HAS NO AUTHORITY TO LESSEN THE PENALTY. MADAM VICE CHAIRWOMAN EAST SECONDED THE MOTION. THE MOTION CARRIED 8-0 WITH COMMISSIONER CAVIGLIA ABSENT.

26. Future Commission Meetings and Commission Committee Assignments – Secretary Tony Wasley and Chairman Brad Johnston – For Possible Action

The next Commission meeting is scheduled for August 14 and 15, 2020, in Elko. 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 stated that the next Commission meeting will be held on August 14 & 15, 2020, in Elko, NV with the location to be determined. If this is an in-person meeting, the Department will not video stream or teleconference since it will be held in a rural location. The action items will contain the election of the Chairman and Vice Chairman. There is a possible workshop of a Commission General Regulation for the Regulation Simplification of NAC 488 pending a committee meeting in July; there are three Commission General Regulations for possible adoption: CGR 490, Party Bonus Points and First-Come-First-Serve; CGR 491, Notification of Draw Results; and CGR 492, Thermal Imaging Optics. The Committees and Reports are as follows: Status Report on application hunt system from Kalkomey; Regulation Simplification Committee and Report; Public Works Contracts Report; WAFWA Annual Conference Report; the WAFWA conference will be held virtually this year and the Department is getting a bulk registration rate if any Commissioners are interested in attending; and the CABMW Workshop will be held depending on the venue, the weather and interest. Now would be a good time to solicit some topics from the CABMW's since we have the time to put things together. The informational items are as follows: a desire has been expressed by the President of the Nevada Operation Game Thief (OGT) Citizens Board to present Nevada Operation Game Thief Law Enforcement Professional of the Year Award as the recipient is a game warden in Elko; update on the Fallon Naval Range and Training Center and Nevada Test and Training Range; Conservation Partner Spotlight suggestions for Elko is a long standing NGO, Elko Bighorns Unlimited, or the Bristlecone Audubon Society, which is a new chapter to the Audubon Society; update on Recovering America's Wildlife Act (RAWA); national narratives around human and wildlife interactions and updates; and the Legislative Counsel Bureau (LCB) status on landowner/sheds regulations.

Chairman Johnston inquired if there were any committee items or meetings to note; no response.

27. Public Comment Period

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

Public comment:

Catherine Smith, public citizen, provided the following statement which was read aloud at the meeting: First, I apologize for poking the bear one last time. It truly is a coincidence I am here today. I understand it is difficult to hear a board or commission you are a part of is biased. There is ample evidence to support

my assertion. It should in no way minimize the work you do on the board, but it is a comment on the process. And if it is any consolation, I would be happy to trade places with you. I hope you all appreciate how difficult it is for me to sit here and express my views on different matters understanding the odds I am up against. As there are two lawyers on the commission, think if every case you tried required 7 members of the jury to have core beliefs different than your client virtually guaranteeing a negative verdict from your perspective. That is what we have here. Despite the mention of science, science, science, most, if not all, of the decisions made by this commission are social or we could just defer 100% to the department. Wildlife in this state has huge challenges. We desperately need more funding, unless you all truly feel increased license sales will solve all of your problems. NDOW and this commission need to broaden their diversity. If you do not believe me, look around. Wildlife needs a broader coalition. To paraphrase Jon Meacham, in our finest hour, we open our arms instead of clench our fists, we look out rather than in, we accept rather than reject. True leaders are not remembered for defending their base but bringing their base to a place unexpected. And on a lighter note, to quote President Lyndon Johnson, "it is better to have your enemies inside the tent peeing out than outside the tent peeing in".

Jim Puryear, representing Nevada Bighorns Unlimited – Reno Chapter, stated that at their last meeting they discussed the guzzler crew, the lack of volunteer hours and the issue with getting matching funds to help pay for that crew. He wants to make sure to discuss how to get people to check guzzlers without having to gather in groups in order to get the matching funds.

Chairman Johnston stated that it has been a pleasure welcoming everyone to Yerington, Nevada and a pleasure serving on the Commission.

Chairman Johnston recessed the meeting at 3:10 p.m.

*Support material will be posted to the NDOW website, and updates to support material will be posted at http://www.ndow.org/Public_Meetings/Com/Agenda/. Additionally, support material for this meeting may be requested from the Recording Secretary Brandy Arroyo at wildlifecommission@ndow.org. In accordance with NRS 241.020 this agenda closes three days prior to the meeting date and has been posted on the NDOW website at: http://www.ndow.org/Public_Meetings/Com/Agenda/.

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