

STATE OF NEVADA
DEPARTMENT OF WILDLIFE
Data and Technology Services Division

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MEMORANDUM:

February 23, 2022

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Kailey Musso, Management Analyst 3, Director's Office

Title: **Commission Policies**

Description: The Administrative Policies, Regulations and Procedures (APRP) Committee will be reviewing all Commission Policies throughout the next year. They will be forwarded to the Commission for approval after Committee review.

Summary:

*The formatting of every policy will be updated, as they are passed, so that it is consistent in each policy.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 10 at their September meeting. Commission Policy 10 was updated to clarify the meeting date and provide for an explanation of online auctions. Commission Policy 10 was also considered for a first reading at the November Commission Meeting and a second reading at the January Commission Meeting. There was public comment regarding flexibility for vendors but that was subsequently dealt with through Commission Regulation (CR). It will now be considered for a third reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 31 at their November meeting. Commission Policy 31 was updated to reflect grammatical changes and management practices. Commission Policy 31 was also considered for a first reading at the January Commission Meeting. It will now be considered for a second reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 33 at their November meeting. Commission Policy 33 was updated to updated to reflect grammatical changes and management practices. Commission Policy 33 was also considered for a first reading at the January Commission Meeting. It will now be considered for a second reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 40 at their November meeting. Commission Policy 40 was updated to reflect grammatical changes and management practices. The term "boating" was changed to "watercraft" in order to support the Department's efforts on educating the public about paddle craft safety and the importance of wearing life vests on all watercraft. Policy 40 will be considered for a first reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 63 at their November meeting where it was determined that Commission Policy 63 did not need any changes. Commission Policy 63 was also considered for a first reading at the January Commission Meeting. It will now be considered for a second reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 64 at their November meeting where it was determined that Commission Policy 64 did not need any changes. Commission Policy 64 was also considered for a first reading at the January Commission Meeting. It will now be considered for a second reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 67 at their September and November meeting. Commission Policy 67 was updated in coordination with the Coalition For Healthy Nevada Lands, Wildlife and Free-Roaming Horses to reflect the Department and Commission needs in regards to wild horse and burro management. Commission Policy 67 was also considered for a first reading at the January Commission Meeting. It will now be considered for a second reading.

Recommendation:

Adopt

Commission Policy 10

Commission Policy 31

Commission Policy 33

Commission Policy 63

Commission Policy 64

Commission Policy 67

Move to Second

Reading Commission

Policy 40

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 10

Number: P-10
Title: Wildlife Heritage Tags and Vendors
Reference: NRS 502.250
Effective Date: April 1, 2006
Amended Date: September 23, 2016

POLICY

It is the policy of the Board of Wildlife Commissioners (Commission) to provide guidelines for the equitable distribution of Wildlife Heritage Tags to vendors to be auctioned at fundraisers for the benefit of game species.

The intent of offering Wildlife Heritage Tags is to provide for a unique hunting opportunity and for generating revenue in the Wildlife Heritage Account. This will be accomplished without deleterious impacts to Nevada's wildlife populations. To this end, it is the Commission's intention to integrate public comment with sound biological practices in the authorization of seasons and special regulations for Wildlife Heritage Tags annually.

PURPOSE

To inform the public and guide the Nevada Department of Wildlife (Department) in administering the disbursement, through an auction or sealed bid process, of not more than 15 big game tags and 5 wild turkey tags annually, to be known as "Wildlife Heritage Tags," as authorized by NRS 502.250.

"Wildlife Heritage Tag" is defined to mean a big game or wild turkey tag auctioned or awarded by sealed bid for the purpose of providing a unique hunting opportunity and for generating revenue to be deposited in the Wildlife Heritage Account.

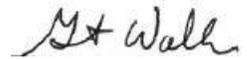
PROCEDURE

1. The Commission, at the meeting which establishes big game seasons or the first scheduled February Commission meeting of the calendar year, whichever occurs first, may authorize seasons, quotas, and special regulations, including regulations that outline procedures for the auctioning or sealed bidding of the Wildlife Heritage Tags.
2. Except for applicable administrative costs, license, Habitat Conservation Fee, application, Predator Management Fee, and tag fees, all monies derived from Wildlife Heritage Tags will be deposited into the Wildlife Heritage Account.
3. By the first Monday in March, the Department will email, mail and post on the Department website vendor solicitation packets which will include, this policy, the annual regulation regarding species, season, quotas and special regulations, vendor proposal requirements, and proposal deadline information.
4. Proposals submitted to the Department by the third Monday in April of each year will be considered. Proposals received after the deadline may be considered for award of Wildlife Heritage Tags by the Commission after the Commission has considered all other proposals received and when necessary to fulfill the purpose of this policy.
5. A vendor proposal to auction Wildlife Heritage Tag(s) must provide the following information:
 - (a) Date, time and place of auction. If the proposed date, time and place of the auction changes due to circumstances beyond the vendor's control, it is the vendor's responsibility to notify the Department in order to post the updated information.
 - (b) Type of function (banquet, convention, or other event.)

- (c) Estimated attendance.
 - (d) Proposed advertising and marketing strategy.
 - (e) An explanation of any "packaging" of the game hunt; i.e., other services to be provided in addition to the authorized tag, such as guide or taxidermy services, etc.
 - (f) Except for subsection (a), no changes or alterations may occur to the proposal after the deadline for receipt of the proposals
 - ~~(f)(g)~~ An explanation of if or how the auction will take place online or via phone.
- ~~6. A vendor may not allow a Wildlife Heritage tag to be auctioned, resold, bartered, or traded at another fundraising event without the approval of the Commission.~~
 7. The Commission will review all proposals and select vendors to auction the respective tags. If no proposals are received, the Commission may authorize other organizations within or outside Nevada to auction the tag. If no acceptable organization can be found to administer an auction, the tag may be sold by sealed bid.
 8. The Commission reserves the right to refuse any proposal received for auctioning Wildlife Heritage Tags annually.
 9. All vendors who submit proposals will be notified in writing of the results by the Department.
 10. By the deadline established in annual regulation, all vendors must provide the successful bidder information on an application provided by the Department and the Wildlife Heritage donation.

This policy shall remain in effect until amended, repealed, or superseded by the Commission.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, September 23, 2016.



Grant Wallace, Chairman
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 31

Number: P-31

Title: Lahontan Cutthroat Trout Management Guidelines

Reference: NRS 501.105, 501.181

Effective Date: March 22, 1996

Reviewed Date: 2002, 2022

Amended Date: November 18, 2016, March 2022

PURPOSE

The Board of Wildlife Commissioners (the Commission) establishes policies necessary to preserve, protect, manage, and restore wildlife and its habitat. The Lahontan Cutthroat Trout is one of six native salmonids currently found in Nevada. Historically, this fish existed in eleven lacustrine populations and an estimated 400 to 600 streams and rivers. Currently it exists in about 159 streams and 6 lakes and reservoirs in Nevada, California and Oregon. The Lahontan Cutthroat Trout was federally listed as “threatened” in 1975 under the Endangered Species Act. In Nevada, the Lahontan Cutthroat Trout is classified as a “game fish” by action of the Board of Wildlife Commissioners.

POLICY

The Commission does hereby establish the following policy to provide for the preservation, protection, management, and restoration of the Lahontan Cutthroat Trout.

1. The Lahontan Cutthroat Trout Recovery Plan approved in January 1995 by the U.S. Fish and Wildlife Service, and the associated Updated Goals and Objectives for the Conservation of Lahontan Cutthroat Trout (2019), in combination with guidelines developed in cooperation with individual species Geographic Management Unit (GMU) implementation teams, will be used as the guidance for the Nevada Department of Wildlife’s species management planning and implementation with the objective of recovery and delisting of the species as rapidly as is biologically possible.
2. Distinguishable races of Lahontan Cutthroat Trout (LCT) will be managed separately within the major drainage basins of historic Lake Lahontan. The three basin population segments include the Western Lahontan basin GMU, Northwest Lahontan basin GMU, and the Upper Humboldt River basin GMU.
3. In order to accomplish recovery objectives, the Department will participate in cooperative efforts with the U. S. Fish and Wildlife Service; all land management agencies; other state agencies; willing private landowners and local/tribal governments that are working toward the recovery of LCT and their habitat.
4. Stream habitat restoration and management is a necessity on many waters before reintroductions can take place. On some streams, competing and/or hybridizing nonnative trout will need to be controlled or eliminated and/or physical barriers constructed to prevent competition or introgression with LCT.
5. Private landowner cooperation is essential to the development of connected populations needed to ensure the survival and recovery of LCT within the Northwest Lahontan basin and Upper Humboldt GMUs. To protect private landowners who currently have LCT on their property, or who through conservation efforts may attract LCT to their property, there are two Programmatic Safe Harbor Agreements (SHA) available (Northwest Lahontan basin and Upper Humboldt SHAs). The Department will actively work to enroll willing private landowners into Cooperative Agreements under the SHAs which will provide regulatory assurances that future property use restrictions will not be imposed if they improve, restore, create or maintain habitat for LCT.
6. Currently occupied and potential habitats as identified in the Lahontan Cutthroat Trout Recovery Plan

are to be dedicated to cutthroat recovery efforts. No competing salmonids will be stocked into occupied LCT recovery waters. Sterile (triploid) rainbow trout and / or Tiger Trout may be used on a short-term basis in potential LCT recovery waters to address angler use and demand until LCT reintroductions are deemed appropriate.

7. Where deemed necessary to assist in the recovery of the species, specific waters or specific areas within individual waters may be subject to restrictions or closed to angling by the Wildlife Commission. In most cases, sportfishing for Lahontan Cutthroat Trout has no negative impact on recovery progress.
8. The Truckee, Carson, and Walker rivers and Lake Tahoe are important salmonid recreational fisheries for rainbow and brown trout, both in Nevada and California. These waters support extensive angler use and are stocked annually with hatchery salmonids to support the high angler use and demand. Experimental releases of catchable size Lahontan Cutthroat Trout are encouraged to evaluate their contribution to the sport fishery and encourage angler interest and opportunity for catching native trout.
9. Because of social, economic, and environmental constraints, the Nevada Board of Wildlife Commissioners considers it impractical to fully recover in the near future, the Lahontan Cutthroat Trout in the main stems of the Truckee, Carson, Walker River systems, and Lake Tahoe, thus annual stockings of other salmonids are authorized. The use of sterile (triploid) rainbow trout is encouraged in all historic and potential recovery LCT waters. In the Truckee River, only sterile (triploid) rainbow trout and hatchery-reared LCT will be used for recreational stocking, and the use of hatchery reared LCT will be emphasized to the extent they are available for stocking in the size, quality and timing needed to maintain recreational fishing objectives.
10. The Department of Wildlife will actively pursue potential options for reestablishing suitable water levels and water quality in Walker Lake in order to restore this important Lahontan Cutthroat Trout sport fishery. Only solutions consistent with the final decree entered in United States of America, Plaintiff vs. Walker River Irrigation District, et al., Defendants in the United States District Court for the District of Nevada (C-125) will be pursued. Any proposed redistribution of water shall be on a voluntary basis.
11. The Department of Wildlife may maintain brood stocks of pure strain Lahontan Cutthroat Trout both for use as recreational sport fish and, if needed, recovery stocks of selected races of cutthroat for reintroduction into recovery waters.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,

Tiffany East, Chairwoman Nevada Board
of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 33

Number: P-33

Title: Fisheries Management Program

References: NRS 501.105, 501.181

Effective Date: July 24, 1999

Reviewed Date: 2002, 2022

Amended Date: November 18, 2016, March ?
2022

PURPOSE

The Board of Wildlife Commissioners (the Commission) is charged in Nevada Revised Statute (NRS) to provide broad level policy guidance to programs of the Department of Wildlife. This policy is designed to provide that broad policy for programs and projects of the Fisheries Division.

JUSTIFICATION

Nevada Revised Statute (NRS) 501.105 states that “the commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat.” NRS 501.181 further defines commission duties to “establish broad policies” for the “protection, propagation, restoration, transplanting, introduction and management of wildlife in this state.” In addition, the commission shall “establish policies for areas of interest including...the management of...game fish and protected and unprotected...fish...and amphibians”, including “the introduction, transplanting or exporting of wildlife.”

BACKGROUND

Fish are important to the State of Nevada. They play a vital role in the economic stability of the State. As of 2016, approximately 120,000 people fish in Nevada, expending about 1.4 million angler days of effort each year. The 2011 National survey found that each Nevada angler spends approximately \$99 per day to pursue their sport for an economic impact to the State of about \$138 million per year.

The value of fishing as a psychological and sociological therapy extends far beyond its economic benefits and has been documented in numerous studies. Fishing is a quality-of-life issue for many Nevadans in rural and urban communities alike. Fish in a desert environment are also a valuable indicator of ecological health and the persistence of native aquatic species across our arid landscape is an important part of Nevada’s natural heritage. Their presence or absence portends the existing condition of aquatic resources as well as the long-term trend. The Nevada landscape is home to 26 Endangered Species Act (ESA) listed threatened and endangered fishes, more than any other state. Climatic changes as well as human environmental impacts are seen in the extirpation of native species, as the plight of Nevada’s endemic fishes documents. The Commission supports programs to manage all fishes and aquatic wildlife with the ultimate goals of species perpetuation, improvements in status leading to eventual delisting of federally protected species, and the prevention of future Federal listing of species through proactive management strategies.

The management of Nevada’s fishery resources is a valuable endeavor and of great importance to the State. This policy direction will help guide that undertaking.

POLICIES

Aquaculture

The propagation, cultivation, and harvest of aquatic organisms for commercial or private use are considered legitimate and valuable uses of Nevada's water resources. However, the paucity of water in the State limits the distribution of aquaculture pursuits, and often forces them to compete directly with native fauna and flora.

- Aquaculture activities and the commercial collection of unprotected fish and aquatic wildlife will not be permitted where they will adversely affect native fauna and flora or nonnative fisheries of significant public value.
- The possession of prohibited species and species of potential adverse impact will be permitted only in closed water systems.
- All aquaculture pursuits will conform to regulatory requirements for fish disease certification, inspection and permitting including NAC 503.560 – 503.565.

Angler Access

Even though approximately 87 percent of Nevada is comprised of public land, access to many, if not most, of the fishable waters of the State is controlled by private land. In addition, many of the publicly accessible fishing waters of the State are in need of access facilities. To perpetuate the recreational, educational, and aesthetic value of Nevada's water resources, a proactive program to guarantee access and improve access facilities is desirable.

- Angler access, including land acquisitions, easements, conservation pools, and access agreements will be sought from willing providers using Sport Fish Restoration, wildlife, and other funding sources as appropriate.
- Angler access facilities will be developed at appropriate locations where public access is already assured when such facilities will enhance angler use and encourage the use of fishery resources. Locations owned or controlled by the State of Nevada will receive priority consideration for facility development and funding.
- Access to fishery resources will be actively publicized through signage, maps, the Internet, social media, angler guides, and other Department outreach programs.
- New access facilities and improvements to existing facilities will incorporate ADA compliant access provisions to the extent practical.
- The identification and development of new urban ponds and fisheries will be actively pursued to increase angler opportunity and reduce barriers to participation
- All management prescriptions for fisheries controlled by private interests will be developed cooperatively with affected landowners.

Biological Control of Aquatic Vegetation

The use of the triploid form of the grass carp, *Ctenopharyngodon idella*, also known as the White Amur, as a biological method to control aquatic vegetation in specific, closed aquatic environments is a tested and proven technique. Other less prevalent methods of biological control of aquatic vegetation require diligent scrutiny relative to potential impacts to the State's aquatic and fishery resources.

- Certified triploid grass carp may be approved for stocking only into waters where appropriate containment measures have been taken to prevent escapement or unauthorized removal and transfer of grass carp.
- Approval for the importation and possession of any aquatic vegetation control organism will be given only where it can be demonstrated that they pose no harm to existing public aquatic or fishery resources.

Boating Access

The Sport Fish Restoration Program of Federal Aid requires the expenditure of at least 15 percent of the annual appropriation on boating access related facility development. The opportunities afforded by this program are great but challenging, due to the limited water-based recreational opportunities in the state.

- Fifteen percent of the annual Sport Fish Restoration appropriation will be obligated and expended for development, maintenance, and repair of motorboat access facilities within the state.
- Close cooperation with the National Park Service at Lake Mead National Recreation Area and the Nevada Division of State Parks will be maintained to provide direct project support for development, repair, and maintenance of boating facilities under their immediate administration.
- Department owned or administered boating access facilities will receive primary consideration for use of annual appropriations.

Fisheries Management Planning

Fisheries and Species Management Plans are a primary vehicle to make management prescriptions for Nevada's waters. Plans can present a logical and scientific argument for specific management direction, as well as serve as an informational document for the public.

- Management plans will be developed to provide guidance and direction for the management of major fisheries in the state, and species management plans may be developed for important sport fish species when their populations can be managed collectively.
- All planning processes and management prescriptions for waters of the State will give due consideration to the immediate and residual effects on resident native and endemic fishes, with special attention for protected species.
- Draft fisheries and species management plans will be subjected to public review prior to being adopted, as outlined in the Fisheries Management Planning Program and Procedure.

Fishery Rehabilitation

The use of fish toxicants to control fish populations is an important fisheries management tool to control and remove undesirable nonnative fish species, for the conservation and recovery of native fish species including native sportfish, and similar management needs. Nevada Revised Statutes prohibit entities other than the Department of Wildlife from conducting fish eradication projects on waters of the State.

Environmental concerns are addressable through adequate project planning and public information.

- All fishery rehabilitation projects will comply with appropriate regulatory requirements and scoping including the National Environmental Protection Act (NEPA) as appropriate.
- Potential impacts to native aquatic species will be evaluated, justified, and/or mitigated prior to any fishery rehabilitation project.
- Prior to a fishery rehabilitation project, the harvest and/or salvage of desirable fish species may be encouraged through liberalization of regulations.
- Supervisory and technical assistance may be provided to private and public entities desiring to complete fishery rehabilitation projects if such projects benefit public purposes, however, project cost and regulatory compliance will remain the responsibility of the initiating party.

Fishing Regulations

A primary tool in fisheries management is the development of general and site-specific regulations. The regulatory authority of the Board of Wildlife Commissioners extends to setting regular and special fishing seasons, daily and possession limits, manner and means of take, emergency closing or extending of a season, emergency reductions or increases of bag or possession limits, and area closures (NRS 501.181).

- Fishing regulation recommendations will be developed to meet specific goals and objectives for various management programs and will be closely coordinated with county advisory boards to manage wildlife.

The simplification of fishing regulations is encouraged where effective implementation can still be insured, to reduce confusion, increase compliance by existing anglers, and reduce barriers to participation by new anglers.

Management of Native Nongame Aquatic Species

Nevada's native fishes and other native aquatic organisms are important indicators of ecological health and are integral components of properly functioning aquatic ecosystems. Many of these species have also been severely impacted over time by modifications to and abuse of aquatic systems. The Nevada Wildlife Action Plan (2012) identifies numerous native nongame aquatic species as Species of Conservation Priority while NAC 503.065 and 503.075, and 503.076 recognize the need for special management emphasis for threatened, endangered, and protected fish, amphibian, and mollusk species. Proactive conservation of all native aquatic wildlife including fishes, amphibians, mollusks, and crustaceans ensures the preservation of Nevada's biodiversity and is a necessary tool to preclude future species listings under the ESA.

- Programs will be emphasized which assure the security of protected native aquatic species and preclude further ESA listings.
- The use of proactive, collaborative conservation approaches such as multi-party Conservation Agreements and Strategies encouraged to insure effective, broad-based conservation of native aquatic species.
- Native fish management plans may be developed for major drainage basins, species complexes, or individual species as needed to supplement existing Recovery Plans and other management guidance.
- All planning processes and management prescriptions for waters of the State will insure the persistence of resident native and endemic fishes and amphibians.
- Commercial exploitation of amphibians shall be closely regulated and only allowed when species viability, persistence, and maintenance of historic distribution are assured.
- Due consideration will be given to the persistence of native crustaceans and mollusks in the development of management prescriptions for native and sport fish.

Native Trout Management

Six species of salmonids are native inhabitants of the State of Nevada: Bonneville Cutthroat Trout, Bull Trout, Lahontan Cutthroat Trout, Mountain Whitefish, Redband Trout and Yellowstone Cutthroat Trout.

With the exception of Lahontan Cutthroat Trout, each has only a limited distribution in Nevada, but all are unique and deserving of special management. Given the level of environmental and anthropogenic threats, these species need active long term species management programs implemented in coordination with Federal recovery plans, rangewide conservation agreements, the Nevada Wildlife Action Plan and other conservation planning guidance.

- Native trout persistence will receive priority in management prescriptions for appropriate waters within historic distributions.
- Waters in historic ranges which support native trout populations should be designated and managed as "wild" or "native" fisheries.
- Waters or reaches or waters managed as "wild" or "native" will not be stocked with hatchery trout.
- The use of sterile (triploid) Rainbow Trout and / or Tiger Trout is encouraged for stocking in historic and potential native trout waters that are currently unoccupied by native trout species.
- Special regulatory protections such as harvest or gear restrictions may be considered for waters managed for native trout if biological information indicates such actions would assure species viability and contribute to conservation or recovery.
- Species management planning and interagency cooperation will focus on species perpetuation, improvements in status, and eventual delisting of federally protected species, and the prevention of future listing of other native trout species through proactive management strategies.

Aquatic Invasive Species

Aquatic invasive species are aquatic species which are exotic and not native to Nevada and which the Commission has determined to be detrimental to aquatic life, water resources, or infrastructure for providing water in the State. Injurious aquatic species are aquatic species which the Commission has determined to be a threat to sensitive, threatened, or endangered aquatic species or game fish or to the habitat of sensitive, threatened, or endangered aquatic species or game fish. Aquatic invasive species may be introduced or spread into waterbodies by activities such as boating, fishing, hatchery releases, and the liberation of aquarium pets.

The Commission supports programs to identify the introduction pathways and threats of aquatic invasive species and to develop strategies which will preclude or limit the introduction, impact, and spread of aquatic invasive species, including:

- Establishment and operation of watercraft inspection and decontamination stations;
- Implementation of hatchery fish release vehicle decontamination and hatchery inspections for aquatic invasive species;
- Promotion of Clean, Drain and Dry methodologies for watercraft, fishing gear, and other conveyance vectors, including the development of appropriate regulations as needed to implement those methodologies;
- Development of strategies to prevent the introduction and dumping of aquarium aquatic invasive species;
- New potential aquatic invasive species will be evaluated and incorporated into existing prohibited aquatic invasive species and/or injurious aquatic invasive species regulations;
- Evaluation of all live aquatic species importation requests will incorporate consideration of aquatic invasive species; and
- Development of strategies to provide public education to prevent the introduction and spread of aquatic invasive species.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, MARCH 2022.

Tiffany East, Chairwoman
Nevada Board
of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 40

Number: **P-40**
Title: Statewide Boating Safety
Reference: Nevada Boating Act
Effective Date: January 23, 1981
Amended Date: December 2, 1995
Reviewed Date: 2002

PURPOSE

To guide the Department of Wildlife in the development and implementation of a statewide boating safety program.

POLICY

1. The boating safety program shall include public boating and paddle craft safety education, boating law enforcement, boating accident investigations, administration, access facilities, marine pollution prevention, navigational aids, registration and titling.
2. The State shall endeavor to conform its laws and regulations with Federal law to the extent practicable. Uniformity of laws and regulations with adjacent states is a priority, particularly on boundary waters.
3. Establishment of mutual assistance agreements between the state and other governmental agencies having some boating safety responsibility are encouraged and should be implemented when necessary to ensure the most efficient utilization of resources.
4. Collision with another vessel is the most reported type of accident. The vast majority of boating-watercraft accidents are caused by the boat operator and not by the boat-watercraft or environmental factors. Wearing life jackets could have saved the lives of the majority of Nevada boating fatalities. Alcohol involvement is estimated to contribute to many of Nevada's boating accidents and over half of the nation's fatalities. The timely and accurate identification of boating accident trends plays an important role in developing boating education, law enforcement work programs and budgets. Consequently, the Department must pursue public boating accident reporting and conduct investigations of all serious boating accidents.
5. The Department recognizes that boating-watercraft safety education is essential. Further, that there exists a wide variety of needs from operating a yacht to safely handling a canoe. Nevertheless, some degree of uniformity is essential and

~~boating-watercraft~~ safety education will be provided to as many persons as possible. This should be accomplished by concentration on common factors such as respect for the marine environment, learning and observing rules of the road, knowing equipment requirements, and learning to share Nevada waters safely and courteously.

6. An effective vessel titling and registration system is a vital part of the boating program. The goal is to provide convenient, efficient service to the public while maintaining the absolute integrity of title and registration documents. Every effort should be made to minimize vessel theft.
7. Whenever possible and necessary for public safety, the Department should place and maintain appropriate aids to navigation.
8. Consideration will be given to the acquisition and development of public access sites in order to reduce congestion or other unsafe conditions. The Department will coordinate with other governmental agencies to secure such sites.
9. The Commission continues to support the Department's efforts to provide education on the importance of life vests/jackets as a life-saving measure for all boating and paddle craft users.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, JANUARY 20, ~~1999~~, 2022.

~~B. Mahlon Brown, Tiffany East~~ Chairman
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 63

Number: P-63

Title: Protecting Wildlife from Toxic Ponds

Reference: NRS 501.181, 502.390, 502.475

Effective Date: September 22, 1989

Reviewed Date: 2022

Amended Date: December 2, 1995 and
September 22, 2017

POLICY

Policy statement pertaining to programs necessary to ensure the protection of wildlife from industrial operations using or creating chemicals or other potentially lethal substances.

AUTHORITY

Nevada Revised Statutes (NRS) 501.181 provides that the Commission shall adopt regulations governing the provisions for a permit which is required for any person who develops or maintains an artificial or man-made body of water, other than a body of water maintained for agricultural or recreational purposes, containing chemicals or substances in quantities which, with the normal use of the body of water, causes the death of any wildlife.

INTENT

The intent of the legislation was and will continue to be focused specifically on the development and implementation of protective measures to ensure that wildlife mortalities do not occur as a result of cyanide or other substance poisoning in industrial ponds. The legislation was not intended to address other equally important environmental matters or to replace or usurp the legislative authorities of other agencies.

BACKGROUND

During the 1980s, the advancement of mining technology coupled with favorable economic conditions for mining created significant problems related to direct wildlife loss caused by cyanide poisoning. As a result, the statute referenced above was developed by the Department of Wildlife in cooperation with the Nevada Mining Association and other permitting agencies to address problems associated with the development and maintenance of ponds containing cyanide or other chemicals that are potentially lethal or harmful to wildlife.

The creation of the Departments' Industrial Artificial Pond (IAP) program established agency direction and developed potential solutions for reducing or eliminating direct wildlife mortalities at mining projects. The program is based on a permitting process that requires permittees to either exclude wildlife from accessing potentially toxic solutions through fencing and pond covering or by neutralizing solutions to ensure they are non-lethal to wildlife. Monitoring is accomplished through periodic site inspections and mandatory quarterly reporting of wildlife mortalities. Cooperation and coordination with permittees to develop site-specific solutions is integral to the success of the program.

Since the development of the IAP program, the Department has increased its understanding of

how to apply both proactive and reactive measures to preclude wildlife from accessing potentially toxic ponds and minimize wildlife mortality associated with those ponds. Additionally, the increased use of potentially toxic ponds in other industrial development projects has led to a modernized permitting program that also incorporates the energy (coal, natural gas, solar, and geothermal) and manufacturing industries where wildlife is at risk of contacting toxic solutions.

The Department continues to move forward under the legislatively authorized regulatory process to ensure that wildlife receive adequate protection from direct losses associated with industrial activity in Nevada.

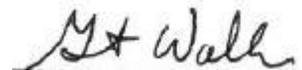
POLICIES

In order to ensure that the Commission's role and direction in developing regulations pertaining to this issue are fully understood, the following policies are hereby established:

1. It shall be the policy of the Commission to maintain a zero mortality objective by implementing protective measures based on the latest technology; recognizing, however, that incidental mortality may occur notwithstanding this objective.
2. It shall be the policy of the Commission to implement necessary wildlife protective measures through the regulation process in a reasonable and prudent and yet prompt and effective manner.
3. It shall be the continuing policy of the Board of Wildlife Commissioners to work cooperatively with industry and environmental interest groups as a means of identifying and resolving problems relating to wildlife which are of mutual interest and concern.
4. It shall be the policy of the Commission to continue working in a cooperative fashion with other regulatory agencies as a means of avoiding duplication of efforts and to ensure that permit requirements are consistent among individual permits.
5. It shall be the policy of the Commission to support agency efforts in distributing information and acting as a clearinghouse for wildlife mortality data collected via mandatory reporting, as well as, a conduit of technology transfer, passing along successful protective measure techniques, materials and all other matters pertaining industrial artificial ponds.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
SEPTEMBER 22, 2017.



Grant Wallace, Chairman
Nevada Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 64

Number: P-64
Title: Input on Land, Sales, Transfers,
and Exchanges
Reference: NRS 501.181
Effective Date: March 23, 1990
Reviewed Date: 2002, 2022
Amended Date: December 2, 1995,
March ? 2022

PURPOSE

The purpose of this policy is to guide the Department of Wildlife in matters relating to the sale, transfer and/or exchange of public lands in Nevada

BACKGROUND

Although the Federal Land Policy and Management Act of 1976 specifically states that “The Congress declares that it is the policy of the United States that (1) The public lands be retained in Federal ownership...,” there are numerous Congressional Acts and attendant Federal programs that provide for land transaction activities. These land transactions often have implications for resident wildlife species and attendant public use. Examples of such activities include direct land sales, land withdrawals, land exchanges, desert land entries, land acquired for recreation and public purposes, land attendant to the Mining Law of 1872, and easements as provided for in the Food Securities Act of 1985. State agency involvement in these activities is provided for under the 1969 National Environmental Policy Act (NEPA) and attendant land use planning processes.

Since Nevada is compromised of some 87% Federal land, much of which supports a wide variety of wildlife and attendant outdoor public recreational use, and in view of the Commission’s responsibilities under state law to establish policies for the acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife...this policy is intended to provide policy guidance to the Department for commenting on public land transactions through the NEPA process.

POLICY

It shall be the policy of the Board of Wildlife Commissioners (the Commission) to support those land transactions or other activities attendant to public land which will either directly or indirectly preserve, protect and/or enhance wildlife habitat in addition to maintaining and/or improving public access to the public lands. In order to accomplish these objectives, the Department should consider the following listed criteria in providing written or verbal comment on public land transactions:

1. Public lands providing high wildlife values should remain in public ownership to insure the future protection of these values unless higher values for wildlife can be attained through a sale, transfer, or exchange.

2. Land exchanges should be supported only when the wildlife values on selected lands are equal to or greater than those wildlife values or potential wildlife values on offered lands.
3. Input on all public land transactions should consider the need for public access to and through both the offered and selected lands.
4. All land transactions must be in the public interest from a wildlife habitat protection and wildlife use standpoint.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
MARCH 2022 .

Tiffany East, Chairwoman
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 65

**Number: P-65
Title: Designation of Wildlife
Management Areas
Reference: NRS 504.140 and 504.143
Effective Date: March 28, 1980
Amended Date: July 29, 2000 and
~~November 3, 2017~~ and 2022**

PURPOSE

To establish guidelines for the designation of cooperative wildlife management areas and state-owned or controlled wildlife management areas and to list same.

POLICY

Cooperative Wildlife Management Areas

Any area shall be so designated when the Department, subject to the approval by the Commission, enters into an agreement to establish areas and to enforce regulations thereby providing a greater opportunity for the public to hunt, fish, camp, boat or participate in other compatible recreational activity on private lands and to protect the landowner or lessee from damage due to trespass or excessive pressure. The following areas have been designated:

1. Fort Churchill Cooling Pond Cooperative Wildlife Management Area.

Wildlife Management Areas

Any areas shall be designated when the Nevada Board of Wildlife Commissioners (the Commission) acquires lands and waters to effectuate a coordinated and balanced program resulting in the maximum revival of fish and wildlife and in the maximum recreational advantages to the people of the State. The following areas have been so designated and are identified by NDOW administrative region:

Western Region

1. Mason Valley Wildlife Management Area.
2. Scripps Wildlife Management Area.
3. Fernley Wildlife Management Area.
4. Humboldt Wildlife Management Area.
5. Alkali Lake Wildlife Management Area.
6. Carson Lake and Pasture Wildlife Management Area
7. Argenta Wildlife Management Area

Eastern Region

1. Franklin Lake Wildlife Management Area.
2. Bruneau River Wildlife Management Area.
3. Steptoe Valley Wildlife Management Area.

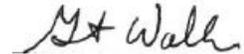
Southern Region

1. Overton Wildlife Management Area.
2. Wayne E. Kirch Wildlife Management Area.
3. Key Pittman Wildlife Management Area.

The lands and waters designated as wildlife management areas under the provisions of this policy are subject to any Commission regulations established pursuant to Chapter 504 of the Nevada Revised Statutes.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE NEVADA BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, ~~JANUARY 28, 2022~~ ~~NOVEMBER 3, 2017~~.



~~Grant Wallace~~ Tiffany East, Chair ~~woman~~ ~~man~~
Nevada Board of Wildlife Commissioners

STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS

Commission Policy Number 67

Number: P-67

Title: Feral Horses and Burros

References: NRS 561.025, 561.218,
569.008, 504.030, 533.367, 533.695,
533.460, NRS 321, Public Law 92-195(1971)
Presidential Executive Order: 12630.

Effective Date:

Reviewed Date: 2002, 2022

Amended Date: November 18, 2016, March ?
2022

BACKGROUND

The Nevada Board of Wildlife Commissioners (NBWC) shall establish and implement policies necessary for the preservation, protection, restoration and management of Nevada's wildlife.

Wild horses and burros are managed by the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) according to the Wild Free-Roaming Horses and Burros Act of 1971(Act), as amended by the Federal Land Policy and Management Act of 1976, the Public Rangeland Improvement Act of 1978, the Omnibus Parks and Public Lands Management Act of 1996, and the Fiscal Year 2005 Omnibus Appropriations Act. (<https://westgov.org/resolutions/article/wga-policy-resolution-202105-wild-horse-and-burro-management>)

Expanding populations of free-roaming horses and burros (FRHB) on private, public, federal, state, and military lands are impacting the future of Nevada's wildlife. Additionally, increasing numbers of fires, expansion of exotic grasses, tree encroachment into sagebrush habitats, loss of riparian functions and a warming climate all impact water sources and plant survival. These ever-increasing threats not only challenge populations of FRHB but also the multitude of wildlife species that depend upon healthy Nevada landscapes to survive.

As of March 2021, the nationwide total estimated FRHB population on Bureau of Land Management (BLM) lands was 86,189 with 53,741 residing in Nevada (including Nevada Herd Management Areas managed out of California BLM offices), representing approximately 62% of the total FRHB BLM manages. These current numbers exceed the nationwide Appropriate Management Level (AML) of 26,770 by 310 percent and Nevada's AML of 14,331 by 375 percent. These population estimates do not include another 2,100 FRHB reside on U.S. Forest Service lands, 3,000 (check) on private lands (managed by Nevada Department of Agriculture), and over 1,000 on Department of Energy and Department of Defense lands, or any horses found on Nevada tribal lands.

The Wild Free-Roaming Horses and Burros Act of 1971, as amended, (Public Law 92-195)

requires the BLM to protect wild horses and burros from harassment and be managed as components of the public lands. The 1971 Act also requires multiple use management including wildlife and wildlife habitat, recognizing the jurisdiction and authority of State Law and requires consultation and coordination with State agencies such as the Nevada Department of Wildlife and the NBWC (PL92-195 Section 1333 (a)).

Congress declared in 1971 that Wild and Free-Roaming Horses and Burros (WFRHB) would be kept at the level to achieve "thriving natural ecological balance" within the areas in which they would exist. Failure to limit WFRHB numbers to thriving natural ecological balance must trigger specific actions to reduce herd numbers in accordance with the law (PL92-195 1332(f)(2)).

The tools available to federal agencies are limited for removing excess FRHB. Agencies are restricted to the tools of adoption, short and long-term care, and fertility control. In areas where sufficient forage and water exists, these FRHB populations can double every three to five years. For these and a variety of other reasons, BLM has been unable to achieve Appropriate Management Level (AML) of 14,331 in Nevada necessary to sustain the thriving **natural** ecological balance, set by the Act of '71.

The result has been exponential growth, doubling FRHB populations every 3 to 5 years, with Nevada's current population of 53,741 being 375 percent above AML. FRHB graze rangelands 365 days a year, can dominate and exhaust water sources, overgraze rangelands and degrade riparian habitat and springs all at fish and wildlife's expense. This current reality is unsustainable for horses, rangeland ecosystems, wildlife and habitats.

PURPOSE

The purpose of this policy is to provide guidance and direction ~~and guidance for the~~ to the Nevada Department of Wildlife (NDOW) to see FRHB properly managed to ensure that Nevada's diversity of 895 species of wildlife continue to thrive within our vulnerable Great Basin desert ecosystems with their extremely limited water sources.

POLICY

1. The Nevada Board of Wildlife Commissioners (NBWC) recognizes that the exponential growth of **free-roaming** horse and burro (FRHB) populations in Nevada pose a problem for the current and future health and viability of wildlife and FRHB.
2. The NBWC supports compliance with the Act of 1971, **as amended**, and the policies established by BLM for ensuring healthy landscapes and humane management of FRHB.
3. The NBWC supports the intent of the Path Forward (<https://www.energy.senate.gov/services/files/0869B02B-E9C5-4F0B-9AE8-9A8A1C85293E>) developed and approved in April 2019 by humane, livestock, and range management interests, acknowledging that increasing population of FRHB requires immediate management actions. The NBWC supports the Path Forward's **for** three main precepts

of targeted gathers and removals, increased adoptions, leased pastures, and use of fertility inhibitors based on efficacy. The NBWC believes that the 20-year time frame to reach AML as specified in the Path Forward will allow the continued degradation of wildlife habitat. The NBWC supports any opportunities for a FRHB gather program to achieve AML in a much shorter time frame.

4. The NBWC supports management actions based on scientific research: on FRHB, on use of public land resources and on development of best management practices.
5. The NBWC supports collaboration of stakeholders and agency managers to develop best practices in managing FRHB within a thriving **natural** ecological balance with wildlife, plants, and pollinators.
6. The NBWC and NDOW shall provide letters of support for projects or plans proposed by BLM or other agencies managing FRHB that propose actions to achieve AML in agreement with objectives of this policy.
7. NDOW shall provide to NBWC, on an annual basis and in concert with the BLM and other agencies managing free-roaming horses and burros, a listing of those areas where FRHB are having the most significant **negative** impact on wildlife habitat. Prioritization is focused on those habitats critical for Lahontan Cutthroat Trout, Sage Grouse and other threatened or sensitive wildlife. Upon NBWC approval, the report will accompany a NBWC request to those agencies for the removal of excess horses and burros to AML on HMA lands and be totally removed from non HMA lands.
8. The NBWC supports and recognizes the urgency of removal of FRHB outside HMA's and reduction of horses within HMA's to their **AML Appropriate Management Level** to provide critical resources to wildlife in maintaining a "thriving natural ecological balance".
9. Because of Nevada's limited water sources, the NBWC asks NDOW, together with BLM, The Sagebrush Ecosystem Council, other public land agencies and water right holders, to identify and invest in efforts to ensure that these water sources remain available to wildlife, fish and invertebrates and to keep or restore riparian functions, **while ensuring the water remains available to holders of the water right.**

This policy shall remain in effect until amended, repealed or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
January, ?? 2022

Chairwoman, Board of Wildlife Commissioners
Tiffany East