

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

**Meeting Location**

Boulder City Parks & Recreation Department (Gymnasium)  
900 Arizona Street  
Boulder City, NV 89005

**Meeting materials are available at:** [http://www.ndow.org/Public\\_Meetings/Com/Agenda/](http://www.ndow.org/Public_Meetings/Com/Agenda/)

Public comment will be taken on each action item following Committee discussion and before any action is taken. The Chair 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 prior to the meeting at [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org) or attend and make comment during the meeting. Public comment will not be restricted based on viewpoint. To ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments to avoid the appearance of deliberation on topics not listed for action on the agenda. Minutes of the meeting will be produced in summary format. All persons present are asked to sign-in using the chat, whether speaking or not.

**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 which antagonize or incite others are examples of public comment that may be reasonably limited.

**Nevada Board of Wildlife Commissioners present for the meeting:**

Chairwoman Tiffany East	Vice Chair Tommy Caviglia
Commissioner Jon AlMBERG	Commissioner David McNinch
Commissioner Shane Rogers	Commissioner Ron Pierini
Commissioner Casey Kiel	Commissioner Alana Wise

Senior Deputy Attorney General Craig Burkett	Secretary Tony Wasley
Deputy Attorney General Todd Weiss	

**Commission Guests**

Mr. Ben Cloward, Appellant Attorney	Mr. Russell James Collard, Appellant
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**Nevada Department of Wildlife personnel in attendance:**

Deputy Director Jack Robb	Deputy Director Bonnie Long
Management Analyst Kailey Musso	Executive Assistant Missy Stanford
Game Division Administrator Mike Scott	Administrative Assistant Meghan Beyer
Diversity Division Administrator Jen Newmark	Habitat Division Administrator Alan Jenne
Staff Specialist Cody McKee	Biologist Brandon Senger
Management Analyst Megan Manfredi	Wildlife Staff Specialist Pat Jackson
Staff Game Warden Jake Kreamer	Staff Game Warden Brian Bowles
Wildlife Staff Specialist Kim Tisdale	Biologist Joe Bennett
Fisheries Division Administrator Chris Crookshanks	Biologist Christie Klinger
Staff Specialist Kevin Netcher	Professional Engineer Rodd Lighthouse
Administrative Assistant Bernie Keane	Administrative Assistant Cindy Alexander
Game Warden John Anderson	Game Warden Scott Giles
Construction Coordinator Nick Collin	Staff Specialist Pat Kelly

Conservation Education Division Administrator Chris Vasey

Public in Attendance:

Paul Dixon, Clark CABMW  
Joe Crim, Pershing CABMW  
Gene Green, Carson CABMW  
Sonja Almberg, self  
Helen Foley, self  
Mark Ono, self  
Roger Hall, self

Glenn Bunch, Mineral CABMW  
John Hiatt, Clark CABMW  
Jana Wright, self  
Fred Voltz, self  
Keyton Grongruth, self  
Cobi Burnett, Attorney General's Office

**Friday, March 25, 2022 – 10:00 a.m.**

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

Chairwoman East called the meeting to order at 10:00am. Commissioner McNinch led Pledge of Allegiance. Executive Assistant Missy Stanford called the roll of the Commission. Chairwoman East made note of the CABMW members in attendance.

**2. Approval of Agenda – Chairwoman East – 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.

Chairwoman East stated agenda item 14E will be removed as the Wildlife Heritage Committee was unable to meet. She explained that the Commission is taking lunch at noon so there will be a hard stop.

*No public comment.*

**VICE CHAIR CAVIGLIA MOVED TO APPROVE THE AGENDA WITH THE NOTED REMOVAL OF AGENDA ITEM 14E. SECONDED BY COMMISSIONER WISE. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**3.\* Approval of Minutes – Chairwoman East – For Possible Action**

Commission minutes may be approved from the January 28 and 29, 2022 meeting.  
No public comment

*No changes noted.*

*No public comment.*

**COMMISSIONER ROGERS MADE A MOTION TO APPROVE THE JANUARY 28 AND 29, 2022 MEETING MINUTES AS PRESENTED. SECONDED BY COMMISSIONER PIERINI. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**4. Member Items/Announcements and Correspondence – Chairwoman East – 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.

*No member announcements.*

- 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.

Paul Dixon, Clark CABMW, thanked Department staff on their guzzler presentation at his CABMW meeting. He stated that he received correspondence asking why the guided hunt draw results are now received 72 hours after the draw rather than the eight to ten hours that it used to take. He stated that he believes that there is an underlying inference that there is something nefarious going on but believes that if the public is educated on the process, they will understand that validating takes time, and the Department is not being nefarious.

- 6.\* Draft Fiscal Year 2023 Predation Management Plan – Wildlife Staff Special Pat Jackson – For Possible Action**

The draft Fiscal Year 2023 Predation Management Plan will be presented to the Commission for review. A report from the Predatory Animal and Rodent Committee (PARC) Meeting, held on February 10<sup>th</sup> will be shared with the Commission. All comments from the Commission, PARC, County Advisory Boards to Manage Wildlife, and any other interested publics will be compiled and shared with the Wildlife Damage Management Committee (WDMC) for their consideration at the March 2022 meeting. Five proposed Mule Deer Enhancement Predator Management Projects submitted by MDEP subcommittees and approved by the MDEP Oversight Committee will be considered for inclusion in the Draft Fiscal Year 2023 Predation Management Plan.

Wildlife Staff Specialist Jackson presented the NDOW Predator Management Plan for FY 23. *[A copy of the presentation can be found on the NDOW website.]*

- 7.\* Approval for Elk Damage Payment Exceeding \$10,000 – Elk Staff Specialist Cody McKee – For Possible Action**

An assessment of elk damage on Granite Peak Ranch in White Pine County, totaling \$19,170.00, was completed by Department personnel and submitted for reimbursement by Bruce Hubbard, agent for the property. Per NAC 504.421 Section 1 (f), “A loss on one site must be limited to \$10,000, unless the Commission determines that a claimant may be paid more, and there is sufficient money to pay him or her.” The Commission will need to approve the elk damage claim so the Department can pay the claim.

Wildlife Staff Specialist McKee requested the approval for an elk damage payment of \$19,170 for the Granite Peak Ranch.

Commissioner Rogers asked what funding is used to cover the elk damage payment.

Wildlife Staff Specialist McKee answered that funding is from the five-dollar elk damage fee that is paid on every elk application.

Commissioner Rogers asked if there has been elk damage on the Granite Peak Ranch before.

Wildlife Staff Specialist McKee answered that this is the first time he has seen damage on the Granite Peal Ranch.

Commissioner Alberg stressed the benefits of fences.

Paul Dixon, Clark CABMW, explained that he heard that fences were extremely expensive and was asked how many years will the Commission pay elk damage before paying for we would pay for a fence. He stated that another question received was I just wondering if other mitigation efforts could be expounded on.

Wildlife Staff Specialist McKee answered Mr. Dixon's question regarding fencing stating that it is extremely expensive to build a fence around one pivot, let alone 11 pivots. He explained that the Granite Peak Ranch is on the Utah border, so the Department would have to work with Utah on building through or around that pivot. He explained that as a Department, we are trying to make sure that we use sportsman's dollars where they are needed rather than where its wanted and we want to make sure we exhaust all measures before going through with expensive endeavors, such as building a fence. He explained that other corrective measures discussed were offering the new antlerless depredation hunt that is going to be within two miles of the Granite Peak Ranch property, hunters that have that tag, with permission, would potentially be able to hunt on that property. He explained that there are publications that show that hunter pressure on elk helps them go where they should be. He explained that there is a private lands antlerless elk hunt and if this continues to be an ongoing issue, we will be more direct in the actions that need to be taken to remove elk from the Granite Peak Ranch property.

**COMMISSIONER ROGERS MADE A MOTION TO APPROVE THE REQUEST OF THE ELK DAMAGE PAYMENT TOTALING \$19,170.00 FOR DAMAGES ON THE GRANITE PEAK RANCH IN WHITE PINE COUNTY. SECONDED BY COMMISSIONER MCNINCH. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**8. Appeal – Mr. James Collard – Sub-Guide Denial – For Possible Action**

Mr. Collard is appealing the suspension of his guide license for a term of three years.

*Break 10:38 – 11:15am.*

*[Dictated by Dictate Express]*

EAST: Okay, is everyone ready to go? All right. We'll bring it back, uh, to the commission. Uh, we're now on agenda Item Number 8, which is an appeal for Mr. James Collard, a sub guide denial for possible action. Mr. Colla -- Collard is appealing the suspension of his guide license for a term of three years, and, um, as we did last commission meeting, we're going to be following NAC 5010.165, which is a hearing Denovo, evidence and allegations at certain hearings. Um, I'm gonna read through part of this and then I'll ask, um, our DAG, if he has anything to add. Um, number one, except as otherwise provided in subsection two, a hearing regarding a denial revocation or suspension of a license or permit order pursuant to the provisions of Chapter -- Chapters 501 to 506, inclusive of NRS and any regulations adopted pursuant to those chapters will be conducted by the commission as a hearing Denovo. Number two, the commission will use the following procedure in order to set forth in paragraphs A through E, inclusive, for a hearing regarding a denial of each of an appellant's application for a license or permit ordered pursuant to the provisions of Chapters 501 to 506, inclusive of -- of NRS and any regulation adopted pursuant to those chapters. And I will walk through the, um, procedure as we -- as we approach it. So, um, Mr. Weiss, do you have anything to add? Okay, thank you. Does anyone have questions about the procedure? Mr. Kiel?

KIEL: Uh, no questions about the procedure, but I did wanna disclose to this body that, um, I'm a friend and acquaintance of Special Investigator Giles. We've known each other for our entire lives, but at this point I'm not recusing myself from the vote.

EAST: Okay. Thank you. Anyone else have disclaimers or questions about the procedure? Okay. Thank you. So, um, procedure 2A is the appellant will present its evidence and then be cross-

examined by the department and --- and questioned by the commission. So are you ready? Can you make sure that you speak into the microphone?

CLOWARD: Got it.

EAST: There you go.

CLOWARD: Yes, thank you.

EAST: Oh, it's -- it's -- yeah, if it's green, it's -- it's on. Turn it -- yeah, you just -- there you go.

CLOWARD: Oh, there we go. Okay. Uh, Commissioner Kiel, is there a reason that you're, uh, unwilling to recuse yourself if you have a close relationship with, uh -- uh, the investigating officer in this matter?

KIEL: The last communication I think I've had with, uh, Special Investigator Giles was probably Q2 or Q3 of last year, 2022, and no discussions, obviously, on this case or for that matter, I don't think any other case over the course of, you know, our friendship, so.

CLOWARD: Okay. And in the event that it's a close call, um, fair to say, you might give a little more, uh, weight to, uh, Warden Giles than, uh, based on that relationship?

KIEL: No, I don't believe that is a fair statement. I completely believe that I can be, you know, fair and impartial.

CLOWARD: Okay.

KIEL: Any judgment re -- reached today.

CLOWARD: Okay. Fair enough. Just wanted to make sure. Okay. So, uh, good afternoon, Commissioners, uh, Director Rob. I don't see Director Rob. I wanted to shake your hand. Um -- yes.

PEIRINI: (Inaudible). (Inaudible). Uh, that comes out whatsoever, I don't know much about it or him or anything dealing with that.

CLOWARD: Sure, I appreciate that. Thank you.

EAST: Thank you, Commissioner Perini.

CLOWARD: Thank you. I mean, at the end of the day, all my client wants is -- is fair treatment, equal treatment under the law, and so I appreciate the disclosure Commissioner Kiel. I appreciate, uh, your -- your, uh, assurance that it won't influence your decision in any way and, uh, Commissioner Pierini, I appreciate your, uh, acknowledgement as well, so thank you. Uh, so again, commissioners, Director Rob, Captain Kremer, uh, Secretary Wosley (phonetic), um, Vice-Chair Caviglia -- Cavilia. Did I get that right this time? Uh, Madam Chair East and, uh, others present. Uh, my name is Ben Cloward and I represent Mr. Collard, who is here today. He's present, uh, in -- in the gym, seated behind me. And, uh, first off, I want to acknowledge Director Rob and his office. Uh, they worked very hard in -- in, uh, getting us certain documents. We submitted a FOIA request, uh, to look at suspensions over the prior 10 years, uh, so that -- so that we could provide the commission with, uh, facts and evidence so that the commission could -- could really, uh, make a decision that's based on, um, equal and fair, uh, treatment. And the way to do that is to look at other cases and other facts and other circumstances and other suspensions that took place, so that there is equal and fair, um -- uh, unbiased treatment in situation. Uh, additionally, I -- I would like to express thanks to

Captain Kreamer for answering some questions -- procedural questions along the way and thank you for that. Um, one thing just for the record, um, I did have a -- a comment or a conversation with, um, DAG Burkett off -- off the record before we started today, and I do believe there's a constitutional, uh, six amendment, um, constitutional consideration that was violated, uh, by Mr. Cloward [sic] in the prosecution of this case and prosecutorial misconduct. Um, there was some evidence, it was not turned over during the prosecution of -- of his underlying event. That information was provided just recently, about nine days ago, so I am reserving the right to, uh, challenge that, uh, plea arrangement because he didn't have that information at the time that he made that plea agreement. Um, however, I didn't want to waste everybody's time. Uh, I -- the -- the state's time is very important, each of your time is very important to me and to my client. And so, um, I elected to move forward, uh, but we have an agreement with, uh -- uh, DAG Burkett that this is not a waiver me moving forward with this hearing at this time. I wanna put that on the record. Um, now, uh, using the --

BURKETT: Can I -- can I just clarify? I wanna just stipulate to that fact and make it clear to the commission that wh -- what Mr. Cloward is representing is accurate. That has to do with the criminal matter, not this matter here. Just to be clear with (inaudible).

EAST: Okay.

BURKETT: Okay.

EAST: Okay. Thank you.

CLOWARD: Correct. Uh, but obviously this -- this, uh -- this hearing, the suspension hearing -- appeal hearing is based on the underlying conviction. So without the underlying conviction, nobody would be here today. Um, but before we -- we go through some of the documents, um -- uh, Director Rob was kind enough to provide me the link last time of, I believe his name is Troy Rob, his suspension, and that's what the transcript that I -- that I handed to each of you is. Uh, the transcript, unfortunately, wasn't available until Thursday, so I apologize for the delay. But that is a transcript of the proceedings last, uh -- last suspension hearing, and I think it's particularly relevant because the charge was identical. It was camera after season, uh, and so forth. Um, but using the format that Captain Kreamer used last time, rather than call a bunch of witnesses and, uh, cross examine folks and -- and have this be a very long process, I'm gonna use the same format that Captain Kreamer utilized in the last session, which is to simply walk through some of the relevant documents and to explain why those documents are important and -- and should be considered, uh, in this matter involving my client. So as a procedural matter, the -- the documents we have -- you should have two stacks of documents, one that's produced by Mr. Collard and that's the -- the binder and they should be numbered one approximately 170, something -- some odd, uh, pages. And then there's also a manila folder with some -- some colored tabs that was provided by the state. Rather than reprint the state's exhibits, which we have -- we are going to be using those, but rather than reprint them and making the -- the record even more voluminous and wasting resources, I just incorporate those by reference, but we'll be kind of going back and forth between -- between the two. Um, and if -- if I ever refer to a document and for some reason, the page isn't coming up for each of you commissioners, please let me know. I'm happy to get another copy. I'm happy to direct you so that you have the important information that you need, uh, in -- in making a determination in this matter. So, um, the reason that we're here today is we're here today because of an honest mistake. All right. There's a difference between an honest mistake and a purposeful, intentional, uh, disregarding of the -- of the -- the laws. And there's a -- a big difference where somebody who has made a good faith mistake versus somebody who intentionally tries to hide and tries to evade the law. So one of the exhibits that first thing I'd like the, um -- the commission to look at is the -- the map. So if the -- if commissioner would actually look at the photographs that were produced by, uh, Captain Kreamer just now, the commission can see the different boundary lines at issue. And so this is -- this is one of the unbundled documents is the photographs, and these were produced, uh, by Captain Kreamer this morning to my office. Um, I was -- I've utilized and have incorporated some of the documents -- similar

documents in the -- in the documents that I -- I produced. Um, but as the commission can see, these boundary lines are different. There are differing boundary lines, depending on the online service that's used, whether it be Onyx, whether it be Garmin, or whether it actually, uh, goes to, uh, the -- the Lincoln County Assessor. So there are actually three different boundary lines based on which information you use. Um, one of the photographs that, um, I attached to the documents that I've just produced is a photograph from Mr. Collard, um, taking a picture of his Garmin, indicating that the spring head, the big spring head, is actually on Bruce Jensen's property. Bruce Jensen was the property owner that was giving to Mr. Collard to have this -- this camera on the, uh -- the property, and that photograph is -- and again, I wish that these were numbered, I apologize that they're not. But I wanna make sure that the commission has the photograph. Okay. It's the photograph of just the -- the Garmin with, uh, an individual holding the hand, holding it out in their hand, and as the commission can see, based on this online boundary issue, um, the big springs -- spring is actually on the Jensen property. And when the photographs that were produced by the state are compared. The commission can see that there are different boundary lines, and one of the orienting factors that is helpful in reviewing this matter is the roadway. So you can see the roadway, it comes to a V and on one of the photographs, the V indicates that the roadway goes right up to BLM property. However, on another photograph, and these are contained in -- in plaintiff's exhibit on another photograph. This one, for instance, the roadway is well on pub -- private land. So in one situation, the road goes right up to private land -- or excuse me, to public land, and then in the other overhead, the road is well, well, well on private land, not even close to the -- the public. Um, Commissioner AlMBERG, may I approach, and I can show -- I can show you -- show you this? 'Cause I think it is important and I'm just gonna show a -- a comparison of these so that the commission understands the -- the different photographs that I'm talking about. However, when the -- when the commission looks at even the -- the other Onyx, uh, the -- the Garmin, the property is even different from there. And so one of the things, um, that a Prosecuting Attorney Frainer (phonetic) did, one of the witnesses that he actually was going to call was the Lincoln County Assessor to come down and give testimony about the boundary line because this was an issue. He had to call the witness to come down and testify and say, hey, look, here's the -- here -- here's the correct and true boundary line. And, uh, so there was a big dispute about that, and as a matter of fact, uh, Mr. Collard was initially charged with two camera violations, but after -- after Mr. Frainer -- Prosecuting Attorney Mr. Frainer did the research, he actually found, oh yeah, you know what, one of them actually is on private, and so one of those charges was dismissed. So again, this is a situation, this is an honest mistake. This is not him going out there and intentionally trying to evade, uh, putting a hidden camera somewhere. These cameras, you can drive right up the road, you can look directly from the road. This isn't a situation where you had to hike in three or four miles and he's placing a camera, hoping that nobody finds -- finds it. So that's the first -- the first issue that I'd like to talk about. The next issue that I would like to talk about is, uh, the report of, um -- uh, I believe it's, uh -- it was Warden Anderson's report. Warden Anderson set forth in his report and I believe that it is exhibit, uh -- Exhibit 6 of the state's exhibits. Pardon me, I believe it's actually Exhibit, uh, 9 -- or I'm sorry, Exhibit 7. I'm all over the place here. It's Exhibit 7, Page 2 of Exhibit 7. Page 2 of Exhibit 7 contains a, uh, text exchange that Mr. Collard had with Warden, uh -- with Warden -- let's see, it looks like potentially both or, uh, Warden Giles -- or potentially Warden, um, Anderson. But it's on the -- the interview took place on December 1st, 2020, but in that interview, the warden set forth, and this is a quote from the report, it says, quote, Collard had sent me a text message on July 30, 2020. The conversation read as follows, Collard, hey man, it's legal to leave a trail camera on private property, correct? Warden Anderson, they can be on private land only if you have permission from that landowner. Collard, copy that. Should you have written permission with you? I'm only asking 'cause a few of the farmers are wanting me to leave cam so they can see usage. Warden Anderson, written permission helps you in case they deny it, but not required. Collard, all right, thanks man. So this is a situation that before the, uh, violative period, the violative period would be August 1st, that's when it's violated, that's when it's illegal to have them from August 1st until December 31st. So before that time period, Mr. Collard is confirming -- confirming with the Fish and Game with the warden, hey, I wanna make sure that I understand this correctly. I wanna make sure that that my knowledge of this situation is correct. Okay. And I'm gonna compare and contrast that attitude and that -- that, uh -- the way that he handled himself with the way that, um, Mr. Rob in the last suspension handled himself. So, um, it's important to note again, he is seeking clarification. He thinks that he's on private property. There's a huge boundary line border -- border

dispute on the -- the property itself, such that the prosecuting attorney has to call the -- the, uh -- the assessor to come down and give testimony in the prosecution, and they actually end up dropping one of the -- one of the charges because it was -- was in fact on private. Now, moving along, one other thing that is -- is worth noting, just briefly, is that the -- the property in one of the photographs that I -- I provided, it shows -- and it's the -- it's actually the photograph of the deer. Um, the photograph of the deer in the camera, um, on July 24th, if -- if everyone would be, uh, so kind as to look in the far right-hand corner. Um, the far right-hand corner, there's actually a building. This photograph doesn't hardly show it, but it's actually a red building out on the property. So again, this isn't something that is off the mountains where nobody else can find. You drive down the road, there's a building, um, and there's -- the important thing is, is there's mastication around the building. So the -- the area has been cleared, which further gave Mr. Collard the belief that the cleared area was in fact, private property. It's very close to this building, it's actually on the property that's within, you know, two or three hundred yards of, uh -- of this spring. That's another, um -- another thing that Mr. Collard -- he made a mistake. He thought, hey, look, this area is cleared. This is the property I've been told by Bruce Jensen that this is the property. He made a big mistake. Um, now it's important to note that when Mr. Collard learn of these mistakes when Sergeant Giles and -- or excuse me, Warden Giles and Warden Anderson requested to speak with him, he went down to the field office. He didn't have to do that, he didn't call a lawyer, he didn't -- he didn't say, you know what, I'm not willing to talk to you. He went down and talked to them, and they told him about this, and he said, you know what, I -- I thought that was private. I -- I made a mistake and told him right off the bat. As a matter of fact, he signed a confession right there. He signed a statement and said, I did it, it was my cameras, I thought that it was on private. So this isn't a situation where he's -- he's trying to say I didn't do it, um, where -- where he's trying to point the finger at somebody else or anything along those lines. Now, I wanna talk a little bit, I want to focus next on the, uh -- the last hearing with, uh -- with Mr. Rob, Troy Rob. And the important thing with Troy Rob, uh, that I think is important for the commission to consider, there are only three violations of this camera law ever. My full year request, which I'll get to in a moment, requested any and all suspensions for the last decade, for any reason. So any reason at all that anyone has had a suspension, I'd like to know the reasons, the facts, understand why, give me the information, so that -- so that I can provide that to the commission to make an educated decision today. And a lot of those are not -- it's not like comparing apples to apples. It's, you know -- they're still fruits, it's maybe an orange to an apple, but it's not an apple to an apple, you know. Some of them, it's a -- you -- you know, you're traveling in a wilderness area. Um, others, you know, one of them was actually unlawful contact with a minor. There's was a criminal charge, um, and there are some other examples. But the two examples with respect to camera violations, I think those are the most apple to apple for comparison reasons. Commissioner Rogers, he's not here -- oh, Commissioner Rogers. I apologize. You asked a great question at the last hearing of Troy Rob, and this is the question that you asked, you said, quote, were you unaware when you place -- placed a camera on any trail camera laws in Nevada. So you were concerned, you were wondering, well, you know, were you just unaware of any sort of laws here. And his response is telling, and it says, and I quote, no, I knew what the law was. I didn't know what the ramifications of a guide license were for wildlife crime. I didn't know that they could suspend your license for up to five years. So here you have a situation where the individual is making a risk assessment. He is saying, I know that it's illegal, but I'm gonna do it anyway, and I'm upset and -- and sad after the fact when I get caught and find out that it's a three-year suspension. That's the analysis that he did. He was upset because the penalty was so severe. Uh, Commissioner, uh, McNinch, you wisely caught on to this too, and during your hear -- during the, uh -- the hearing you asked to follow up on the exact issue, you said, and I quote, if you did understand the ramifications or potential problems or the penalties with relation to your guide license, would that have impacted your use of the trail cameras? And Mr. Rob said, yes, sir. So again, that's a bad situation. That is a bad thing when you have an individual that is making their decision based on the severity of the punishment. Okay. Saying, well, I'm not gonna go out and rob a bank, um, unless it's a -- it's jail time of 15 years, but if it's only one year, I'm gonna go out and rob the bank. And that's exactly what Mr. Rob was doing. He knew that it was wrong, yet he chose to do it because he didn't understand the penalty or the severity. So it's kind of like someone that, you know -- in his situation, if the court -- or I mean, if the commission, uh, reviews the entire transcript, you'll see one thing that is -- is very common throughout is that he continues to say, well, I just didn't know what the penalty was, I didn't know what the penalty was, and

that's like, if somebody robs a bank and then they're brought to justice and they say, well, judge, you know, yeah, I knew it was wrong to rob the bank, but geez, Louise, I didn't know that I was gonna get 15 years in prison, you know, I didn't know that, otherwise I wouldn't have done it. And for both, um, Commissioner Barnes (phonetic) and Madam Chair East, um, there was some clarification regarding the use of the cameras during the prelim at the time. Um, Commissioner Barnes asked a question, and it's Commissioner Barnes that's not here. Uh, but Chairwoman East, Madam Chair East asked him in particular, quote, so you leave the cameras out that aren't transmitting and then you go back to them. And Mr. Rob went on to say, and this is -- this is -- this is telling, he goes on to say, yeah, I guess, and so it was probably more of a lapse in judgment on my case for leaving them in there. So the commissioner, as I understand, is saying, hey, you've got these cameras, but you're not out there checking them, what -- reconcile this for me. And he says, well, yeah, it was a lapse in judgment for leaving them in there to kind of deflect, and he goes on further and he says, and he tries to make it sound like that because he runs a lot of cameras, he goes to a lot of places and there's cameras get left out every year, all over the state of Nevada from people that are just lazy or don't wanna pick them up. That's lines 1 through 11 of the transcript at Page 12. So here you have an individual that is essentially saying, well, yeah, it was just a lapse in judgment, I left it out there, kind of trying to deflect saying, well, geez, a lot of people leave cameras out. So blaming other people, a defense attribution of -- of, hey, you know, lots of people do this kind of a thing. That was his position, and Madam Chair East is very sharp listening because you followed up -- you're paying very close attention, you followed it up, you -- you didn't let him get off on that, and you said, and I quote, well, we still don't know when you place them. You're saying May or June, but we see in the statement October. So it's still not making sense to -- to you and I think to others that, uh -- uh, others followed up. So, um, Madam Chair East also asked, you know, you went back in September 'cause he responded, and he said, well, I placed him in May, and I came back in September. So I think Madam Chair, you pointed out that, um, there was some information about October, and I think you were trying to reconcile, well, if you're -- if you're saying you put them out in June, um, but there's this October date, what -- what's going on here. And his response was, well, I came back in September to check the cameras. Now that he's got busted, now that he's -- there's some turning the screws on -- on him. And, um, so your up question, Madam Chair, was, well, don't you think you should have removed them when you went back. But even then, even then he still was not truthful with the commission because later on what we learned when Captain Kreamer presented facts against Mr. Rob, Captain Kreamer showed the photograph of Mr. Rob on October 14th, 2020, checking and maintaining the cameras on that date, and that is Page 15 of the transcript where he offered that testimony. So here we have Mr. Rob admitting to checking the cameras in September. We have evidence that he checked them in October as well. And if he had never been caught, think about this, when he, uh, retrieved the cameras in January of the next year or in December of that year, that would have been a third time that he illegally checked the cameras, because he would have been able to view data between, um, October 14th of December 31. So that would have been three times that he's out there, um, checking these cameras. So -- and he admitted to Warden Anderson on Page 18 of the transcript that he had checked the cameras several times since he placed them. So he tells Warden Anderson one thing, he comes before the commission and says another thing, and then, you know, it's through the evidence of Captain Kreamer that it's testified that no, it's actually, um, you know -- he's checking several times. So -- and multiple times through the hearing, there was this, uh -- this apology, kind of like, hey, I feel really bad about this, I'm - I'm not -- I don't do this, it's not my character and so forth. And I'm not talking -- I don't know the man, okay. I don't know the man, but I do think that it's important for the commission to compare the facts of each case. But it appears from reading the transcript that the -- that the remorse was from getting caught, not breaking the law, and there were several times where he said, well, geez, Louise, if I had only known that it was gonna result in the, uh, suspension, I wouldn't have done it. But the facts and the evidence were that he knew very well what he was doing and that it was illegal. In fact, on Page 18, Lines 12 through 15, uh, this is where Mr. Rob told Warden Anderson, and this is a quote from the transcript, quote, he thought the cameras were in such a hard-to-find spot that he thought no one else knew about them. Then he got complacent about the law and that thought no one would locate the spring or the camera. So he knows it's wrong, but he thinks that they're hidden so far up in there that he's never gonna get caught. That's a conscious, willful, intentional act. So again, I would ask the commission when, uh, Mr. Collard suspension of three years, uh, whether it's fair and justified. Uh, the

commission -- I'm asking the commission to compare Mr. Rob's conduct with that of Mr. Collard, and it's important to point out, during the hearing, uh, Captain Kreamer was asked, you know, why did the commission -- or excuse me, why did (inaudible) impose three years, what was the justification for that, what was the rationale. And he said that he charged Mr. Rob with three years and said that he chose -- chose three years because Mr. Rob intentionally failed to obey the law, he willfully violated the law, and that he felt like this was a, uh, middle of the road suspension for an intentional wildlife violation. Now, Captain, uh, Kreamer explained that he did not charge a longer term because he was honest, forthcoming and cooperative. Captain Kreamer also compared past suspensions of guides for things like failing to provide current first aid, paperwork violations, and those cases, he said that guidelines since were generally reinstated once the proper documents were provided. He said that guides were suspended or denied for a year, and all of this is on Page 22 of the transcript. I would really hope that the -- that the commission believes in equal justice and equal treatment for all people and that injustice occurs when someone is singled out and treated indifferently. Our society depends on equal treatment under the law. Let's compare the goalposts that were established by Captain Kreamer when he assessed three-year suspension for Mr. Rob, with the issues of Mr. Collard. Number one, Mr. Collard did not intentionally violate the law. He did not carefully weigh the risk versus the penalty and say to himself, well, I'll take the risk. Instead, he made several honest mistakes. Um, the commission is aware that Mr. Collard thought that both of his cameras were on private property, which would have been 100 percent lawful and legal. Unfortunately with the boundary line issues that I've described, one of those cameras was not in fact lawful or legal, but that was not an intentional choice that he made trying to hide the camera. Further, it's worth noting that Mr. Collard did exactly the opposite of Mr. Rob. Mr. Collard contacted Warden Anderson before he left the cameras to clarify whether in fact it actually was legal. Warden Anderson told him that it was lawful, and this should be compared with Mr. Rob's testimony, which was that he placed cameras in a hard-to-find spot believing that no one would find them, and he knew that it was wrong. Next, I would like to turn to the suspension of Garrett Johnson. Garrett Johnson, his offense was also for a camera left out after season. His offense also had an element of bait involved. Commissioner Almberg, you asked questions in the last, uh, hearing that seemed to suggest that equal justice and equal treatment are important to you. Specifically, you asked for some details and comparison about the Rob -- or excuse me about the Johnson suspension and how that compared with the facts of Mr. Rob's case. Your question is on Page 28 of the transcript, and you were asking about, you know, will his head an element of baiting, what are the differences and so forth. Captain Kreamer responded, number one, that the recommendation was made under a different wildlife captain, and number two, it was based on a different set of facts and circumstances altogether. Well, first and foremost, the commission's decision should not be based on personal opinions or views of an individual. For there to be justice and fairness, in any system, there must be equal application of rules to specific facts on a case-by-case basis. The personal views of one person versus another person should not dictate punishment, it should not dictate what happens to anyone or anybody, um, or the system does not work. For instance, imagine if there were two people that committed the identical crime under the identical set of facts, and one goes to one judge, and the judge says, I'm gonna give you 10 years, and the other person goes to another judge and he says, probation. That's not fair, that's not a system that's fair. So with respect to this commission's decision, it must be based on the facts of the case on a case-by-case basis, and the comparison of Mr. Johnson's case with Mr. Collard is that Mr. Johnson's case was actually much more egregious than Mr. Collard's. For instance, the placement of Johnson's camera was not in an easily accessible location. In fact, it was in the middle of nowhere. There were no roads nearby, there were no buildings nearby, there were no structures nearby, it was not near any water source. In fact, it was only discovered by happenstance, by an informant. The informant indicated that he and a female acquaintance were hunting in the area when she took an easier route to where they wanted to go and stumbled upon the camera. It was not in a location that anyone would be expected to even go. This would suggest that this person knew that the camera was unlawful but was trying to avoid detection. Again, that intentional element aspect of the violation much like Mr. Rob. If the commission reviews the report of Mr. Johnson, it can see that his brother was working for a different outfitter than he was and that his brother, the outfit that he worked for, harvested a large trophy animal in the area. Based on the facts of Mr. Johnson's case, a suspension of only five months was given. Five months. And that C, Page 54 of Mr. Collard's exhibits. That's the -- the letter from Endow (phonetic) to Mr. Johnson

regarding his suspension NRS 501.181, which is Exhibit 2 or Page 3 of Mr. Color's exhibit, sets forth the duties of this commission. The very first duty that is set forth in the commission is that the commission shall establish broad policies, and under subsections -- subsection C shall promote uniformity of laws relating to policy, uh, matters. So earlier when I mentioned that there should be equal justice and equal treatment, this is not just my opinion, this is actually a duty that is set forth that is not discretionary, but the statute says the commission shall promote uniformity of laws. Based on comparing Mr. Robin and Mr. Johnson's suspensions -- I've been talking a long time, I apologize. I'm long-winded, lawyers usually are. I'll lighten the mood. Um, what's a 10,000 lawyers at the bottom of the ocean? A good start. Uh, I have more of those, see me after the meeting. I can share quite a few of them. So based on comparing Mr. Robin, Mr. Johnson suspensions with the specific facts of Mr. Collard suspension, it is clear that he is not being treated fairly by giving a three-year suspension. In fact, Prosecuting Dylan Frainer was even willing to write a letter in support of Mr. Collard. Prosecutor, uh, Frainer indicates -- and if you all would please turn there, it's Exhibit 5 of the state's exhibit. He says, and I quote, in the past, when I have prosecuted a guide or sub guide for a violation of Nevada Wildlife laws, the guide or sub guide would receive a one-year suspension of their guiding privileges. I believe that the same would happen to Mr. Collard, and I believed that to be an appropriate punishment. I have been informed that instead of a one-year suspension, Endow has imposed a three-year suspension. Based on the facts -- based upon the facts and Mr. Collard's cooperation in this case, I believe it is unjust. Unjust is the word that he used to impose a three-year suspension of Mr. Collard, Mr. Collard's guiding license. I am writing to encourage this board to reduce the three-year suspension imposed on Mr. Collard by Endow to a one-year suspension, and this is the important part that I think that the -- that the, uh -- uh, that the commission should consider. He says, uh -- he concludes by saying that the one-year suspension is more in line with other cases that have come from his jurisdiction. Why that's important again, is equal justice, uniform application of the laws pursuant to NRS 501.181. He is indicating that other cases that have come before him, it's one year. So we're comparing again. We wanna have equal justice, have everybody treated fairly. Uh, and I would just point out that this commission, on at least one occasion, has accepted the recommendation of a court and actually withdrew, not a suspension, but an -- a revocation. Much more serious to have a revocation than a suspension. Suspension takes place after the fact. Revocation is you're done right now, turn it in. You -- no longer you can't do anything. And if the commission would turn to Page 37 of Mr. Collard's exhibits, the guide here was convicted of a very serious --

EAST: Mr. Cloward?

CLOWARD: Yes.

EAST: I'm just gonna let you know, you have five minutes to wrap up before we take our lunch break --

CLOWARD: Okay.

EAST: -- or we'll continue with you after lunch. But we are gonna take a -- a lunch break at noon.

CLOWARD: I -- I appreciate that, uh --

EAST: Okay.

CLOWARD: -- Commissioner Chair -- chairwoman. I have -- I have some more time so

EAST: Okay.

CLOWARD: -- um, we can just break for lunch.

EAST: Well, we'll -- we'll give you the five minutes and then we'll break.

CLOWARD: Okay.

EAST: We have a hard stop at -- at noon.

CLOWARD: Okay.

EAST: Okay.

CLOWARD: Fair enough. I will make sure that I am promptly finished at, uh -- or I guess, we'll pause it at, uh, noon. Okay. So if -- if the commission would please turn to Page 37 of Mr. Collard's exhibits, it will see the revocation letter from the Division, uh, of Wildlife. And this individual was charged with a very serious violation, NRS 207.260, which is unlawful contact with a child, very serious stuff. Unlawful contact with a child. As such, his master guide license was not just suspended, but as mentioned, it was revoked, and Endow even suspended his sub guide's license. So not only did they revoke his license, but they suspended his sub guide's license. Couple of weeks later, the district judge that oversaw the criminal prosecution sent just an email to Endow, indicating that he never intended to have his guide's license actually revoked. As a result of that recommendation from the judge, Endow withdrew the revocation of his guide license and allowed him to continue guiding. And here's the important part, and I think that the commission should do this with Mr. Collard, the commission strongly warned him that his conviction would be considered in the future if there were any other instance of misconduct. He was very strongly warned. You're gonna get your -- your license reinstated, but if you ever have anything in the future, we're gonna consider that. And I think the commission can do that here. I think the commission can, um, reduce the -- the penalty from three years to one with a very strong admonition to Mr. Collard. If you even sneeze wrong, pal, you're gonna get more than three years, you're gonna get five and you may not even get it back after that. So -- 11:58. So here again, um, Mr. Collard is urging the commission to simply follow NRS 501.181 and administer equal justice by uniformly applying the laws as it has done in the past. Prosecutor Frainer believed that this prosecution would result in only a one-year suspension and not a three-year suspension, and his letter can and should be used as, uh -- by the commission, as it was done with the other guide. The commission can reduce from, uh, three years to one, and also again, as I mentioned, strongly warn Mr. Collard. Now, uh, Chairwoman East, I wanted to go through some of the other, um -- some of the other incidents, and I do believe that will take longer than two minutes, actually one minute now. So this would be a good time to break.

EAST: Okay. All right. We'll go ahead and break now for lunch. It's 11:58. We'll come back -- it's 1159. We'll come back, uh, at 12:30.

CLOWARD: Thank you.

EAST: Okay.

CLOWARD: Thank you very much.

EAST: Thanks. Okay. At 12:30 and we'll come back to order and, um, I believe, Mr. Cloward was still in, um, his evidentiary process so.

CLOWARD: Thank you, Chair East -- Chairwoman East.

EAST: Mm-huh.

CLOWARD: Um, just give, uh, Commissioner Wise one moment.

EAST: That's fine.

CLOWARD: Taker her seat. Very important for her to hear this information as well. Okay. Okay. Where we -- where we finished off was, uh, the recommendation of -- of Prosecuting Attorney Dylan Frainer, uh, suggesting that one year would be, uh, sufficient rather than -- than a three year. And the fact that he used the word unjust, he felt that the -- that the three-year suspension was unjust is -- is an important consideration. Now, I would like to go over some of the, uh, suspensions that, uh, have been made by this commission, or I guess, upheld by this commission and made by, uh, the di -- the division. In particular, um, as I mentioned, I requested a 10-year history, basically a decade of any and all suspensions that have -- that have been levied against any individual for the wildlife, uh, violation of any sort or a -- a crime. And that is Pages 70 through 76 of Mr. Collard's exhibits. If the commission can turn their, 70 through 76 is the FOIA request, and again, I do offer thanks to Deputy Director Rob, uh, and his staff, uh, for assisting in gathering those documents. So Pages, uh, 70 through 76, the commission can see, uh, the FOIA request that was made, and then after receiving those documents, what I did is I went through and I summarized, uh, those documents for the commissions, um, benefit, and I thought that it was important to compare a couple of things. Number one, what is the criminal penalty, if anything, for this particular violation at issue, um, and what was the suspension, and what were the facts underlying -- underlying that particular suspension? I apologize, I -- I misspoke. I believe that the summary is, uh, Page 70 through 76. Uh, the actual FOIA request itself was Pages 10 through 11, that was the letter that I sent 10 through 11, and then the documents, right after 11, I believe, uh, Pages 13 or 14 through, uh, 69. Those are the responses and those are the responsive documents from all of the suspensions that have taken place in the last decade. And at the last hearing, um, one thing that was mentioned, Captain Kreamer indicated that, uh, Mr. Rob, Kyle Rob's suspension was, quote, middle of the road, and, you know, I wanna push back on that a little bit because it actually, that's not accurate, that's not an accurate statement. A matter of fact, there's only been one other suspension for three years. One. And the suspension was for something very, very egregious. It involved, uh, Tyler Brunson (phonetic), and he actually obstructed, hindered and interfered with a wildlife, uh, investigative officer's investigation into a poaching case involving the trophy elk. So that case, Mr. Brunson obstructed, hindered and interfered with an endow officer's investigation or a poaching case, and in fact, the underlying case, the two, uh, individuals who shot the elk, Ryan Singler (phonetic) and Edwin Singler (phonetic), if the commission looks, I included documents relative to those, uh, convictions, so that the commission can review that and see the seriousness of that offense, and in fact, um, Mr. Ryan, Singler had to spend 270 days in jail. He had to pay a fine of 10,350 dollars. Edwin Singler spent 270 days in jail, and he had to pay 9,350 dollars in fines. In the decade, that is the only suspension that was a three-year term, other than, uh, Troy Rob. Now, when the commission reviews the other suspensions, it will see that other one-year suspensions that were levied for wildlife violations were even more egregious than Mr. Collards. For instance, Mr. Egg (phonetic) was suspended for one year for violating federal law and operating a vehicle in the wilderness area. Uh, Mr. Saunderman (phonetic) was given one year when he was operating as a master guide in an area where a special use permit was required. Mr. Wright (phonetic), as well as Mr. Whitney (phonetic), they had three federal violations of using motorized vehicle in wilderness area, violating BLM regulation and violating conditions of special recreation permit, yet they were only given one year. And so very respectfully, Mr. Collard requests that he received equal treatment and equal punishment under the law and ask this honorable commission to simply follow NRS 50 -- 501.181 and administer equal justice by uniformly applying the law as it has done in the past. Now, with respect to the, um -- to the baiting charge, I'm gonna reserve my discussion for that, and I'm gonna actually cross examine, uh -- uh, Captain Kreamer, because I think there are very important issues that the commission needs to review, but I'm gonna wait until after the state presents its case on that issue.

EAST: Okay. Mr. --

CLOWARD: Do I need to move my stuff? I'm sorry, Chairwoman.

EAST: Um --

CLOWARD: Okay.

EAST: You're gonna go from there? Okay. Mr. Burkett, are you -- so what -- are you cross-examining at this point or su -- submitting your evidence?

BURKETT: So, I -- uh, if you go back to the process --

EAST: The process.

BURKETT: That was the -- their opportunity to call witnesses, et cetera. I think counsel indicates that he would like to cross-examine the witnesses that we call, and so at this point, we would be at the part of the process where we will call our witnesses, and I will call, uh, Warden Giles.

EAST: Okay. Yeah.

BURKETT: And Warden Giles, you're gonna be over here.

EAST: Yeah.

BURKETT: So this'll be a little different than what we've done before. I think, uh, direct examination, a more formal direct examination is appropriate under these circumstances. So we'll just ask a few questions and walk him through a direct examination.

EAST: Okay.

BURKETT: So warden Giles, can you just advise the commission of who you are?

GILES: My name's Scott Giles, Eastern region investigator for the Nevada Department of Wildlife.

BURKETT: How long have you been an investigator for the Department of Wildlife?

GILES: Uh, January of 2018.

BURKETT: What do you do as an investigator?

GILES: Uh, I investigate the majority of my stuff underneath Title 45 for wildlife crime.

BURKETT: What were you before you were a wildlife investigator for the department?

GILES: I Was a Field Warden based out of Ely, Nevada.

BURKETT: Okay. Um, and how long were you warden?

GILES: I've been a game warden since January of 2005.

BURKETT: Okay. Um, can you just describe how you came to initiate an investigation in regard to what eventually became an investigation of Mr. Collard?

GILES: On September 8th of 2020, uh, I received an anonymous voicemail of a, uh, camera mounted in front of a blind and, uh, bait pile, a hay bale and a -- some buckets at, uh, Big Springs in Cave Valley.

BURKETT: Mr. Giles, maybe move that ma -- microphone a little closer. You, sir -- you, sir, your a light speaker. I have that same problem.

GILES: Sorry, my apologies.

BURKETT: What'd you do after you became aware of the -- through this anonymous tip of this, uh, circumstance?

GILES: Uh, September 9th, I field check the tip and, uh, confirmed that there was a, uh, camera mounted in front of the blind at Big Springs, uh, the hay bale and some red buckets in a cardboard box, snapped some photos of them. Uh, verified on the Onyx mapping system, the app on the phone, that we were on BLM ground and kind of worked my way back out, contacted Warden Anderson for some help to go back in the next day to sit on that area.

BURKETT: Okay. Let's go back because you said a lot there and I don't know that the commission fully understood all of that. Let -- let's just talk about the mapping. Did you, at some point become, uh -- later become aware that the -- well let's -- let's go back and ask a better question. How many cameras do you understand were in place, uh, that you all investigated related to Mr. Collard?

GILES: Uh, there were two. The first day I was there, I found the one. Um, we managed to find another one later in the investigation.

BURKETT: So the commission understands, relate the location of the cameras, east, west, north, south, um, and then we'll go from there. Well, let's ask a better question. Was one of the cameras west of the other one?

GILES: Yes.

BURKETT: How far?

GILES: Uh, approximately 50 to 75 yards, but --

BURKETT: Okay. Did --

GILES: -- I can't say exactly for sure.

BURKETT: Did you later become aware that one of the cameras was on private and was on public land?

GILES: I did, after the case was submitted to the Lincoln County District Attorney. Um, Lincoln District Attorney called me and said, uh, their GIS person had mapped the, uh, area on the quarter section - - township range and quarter section, quarter section down. Explained to me that the difference in the mapping between the map that Onyx had, the map that we got from the Lincoln County Tax parcel map and whatnot that, uh -- uh, private property went over to the section line, and so the section line would be in line with, uh, the wilderness boundary, as it shot north in the property. So the camera at the blind was actually on private when you, um, map it out to the quarter sections. But the one that was at the spring head on the edge of the -- to the west there on the edge of the wilderness boundary was -- was still in the area.

BURKETT: (inaudible) --

GILES: Public BLM land.

BURKETT: Okay. So to be clear, you later determine one of those, uh, cameras was on

private, and one was on public.

GILES: Yes, after the case was submitted.

BURKETT: All right. The bait, where was it located? Was it on private?

GILES: Uh, learning afterwards, yes. It was on private, um, due to the change in the mapping, um, with the Lincoln County GIS person, but based on Onyx and the map that we got from their tax people at -- at the courthouse in Lincoln County, we and -- we thought we were on BLM, so it was good faith.

BURKETT: Okay. Is it -- is it legal to place bait on private land?

GILES: No.

BURKETT: How long to your knowledge has that statute been in place regarding baiting?

GILES: 2011 or '12, somewhere in there. I can't say for a hundred percent.

BURKETT: Okay. So --

GILES: 2011, I think.

BURKETT: For at least a decade, it's been illegal to bait on private or public land.

GILES: For big game animals, yes.

BURKETT: All right. And so describe the bait that you saw.

GILES: Uh, there was, uh -- uh, alfalfa bale, so it looked like a mix grass and alfalfa mix. Uh, there was a red tub with, uh, like rolled oats and some crack corn. Uh, the cardboard box contained a, uh - - um, based on the label was a, uh, liquid supplement that you would use to, you know, livestock feeding application. It looked like it had been poured over the one bucket. Um, the other bucket had, not a hundred percent sure what they were, but they were some type of mineral chew or supplement, and then there was some type of, uh, powdered mineral in that bucket, and it looked like the Sweet N Glo mix. The stuff in the cardboard box had been poured on that, and then, um, over -- along the bank of the pond, there were these, uh -- uh, pelleted feeds, uh, that were just strewn out along, there were a quite a few of them. A lot like he cut the end off the bag and just walked with it.

BURKETT: Did you observe any livestock in the area?

GILES: No, sir.

BURKETT: Based on that, uh, did you form a conclusion as to what the bait was being used for?

GILES: It was, uh -- my training and experience will say that that was being, uh, placed there to entice wildlife to stay in the area.

BURKETT: What are your concerns with respect to use of this type of bait for wildlife when wildlife consumes it?

GILES: It's probably not the most healthy thing for them. Uh, when you think that's not their

natural diet, by any sense of the word., um, they probably shouldn't eat mineral chews and things like that. Their rumen is not designed to eat stuff that -- for wildlife that we feed our domestic animals and in a free-range situation like that, we could have some issues with animals that we get ahold of it and become ill.

BURKETT: To your knowledge, who placed the bait?

GILES: Uh, in interviewing, Mr. Collard told us that he gave the bait to the caretaker and the caretaker on the property.

BURKETT: What timeframe was it that you observed the cameras up? Um, if you were there on different days, advise of that. What -- what time frame did you see those cameras in place being used?

GILES: Uh, between September 9th, 2020, and September 16th.

BURKETT: Okay. What -- when were trail cameras supposed to be removed under regulation?

GILES: August 1st.

BURKETT: So how long were they at past regulation?

GILES: When I take my boots off. Uh, 40 -- 40 day -- 45 -- 46 days.

BURKETT: Okay. Did you come to be aware of whether the trail cameras were being used to assist in the, um -- Mr. Collards guiding?

GILES: On September 10th, I observed Mr. Collard and another man that we later determined to his hunter, uh, name of, uh, Pacore (phonetic). Uh, they came into the area, um, took a tablet, went to the camera at the blind, plugged the tablet into it, looked at the tablet for a while, um, bailed out. Mr. Collard took the truck way from the blind up to the north. Uh, Mr. Pacore got in the blind. Um, Mr. Collard came back, got in the blind and they sat the blind that evening.

BURKETT: I don't know if we inform the commissioner this back. Where was the camera that you just referenced pointed towards? Where was it directed towards?

GILES: Uh, it would be towards the bait and, uh, kind of the water going out that way, uh --

BURKETT: So --

GILES: -- out of the blind to the south.

BURKETT: In other words, the camera was pointed towards the bait. If the animals had been consuming the bait, the, um -- the camera would have captured that, theoretically.

GILES: I would assume so, yes.

BURKETT: Did you ever speak with Mr. Collard?

GILES: On December 1st of 2020.

BURKETT: Just describe what he explained to you?

GILES: Uh, we, uh -- I interviewed him with Warden Anderson, um, showed him the -- a picture, uh, in the blind and he identified himself, identified Mr. Pacore, and without prompting said that, uh, that was

at Big Springs, talked about it, and I showed him the maps and whatnot that I had, that it was on public. Uh, Mr. Collard was, uh, upset about that because he believed that, um, the Jensen's had told him, uh -- Pam and Bruce Jensen, the property owners in there, that he was on private and I should -- based on the maps I had, he wasn't, and, uh, that he -- he took responsibility for it. Uh, I then asked him about, um, the bait. Uh, first he said that was the Jensen's and then he recanted that and said, yeah, he gave it to the caretaker and had asked the caretaker to put it out and, um -- and then owned it. Um, he -- he said that, yeah, it's my responsibility. I -- I take ownership of it. And, uh, next week kind of asked him about, you know, get Onyx on his phone and -- and, uh, he said he did, but didn't always download the maps before going out and -- and all that. And, uh, it was a cordial interview. Um, I told him that I would submit a report to the Lincoln County District Attorney and the Lincoln DA would make the, uh, judgment of what would happen then.

BURKETT: Just to be clear, had Mr. Collard indicated to you that he did or did not use, I -  
- I think you just said it but I wanna clear, that he did or did not use his Onyx map to determine if the proper  
-- if the baited and the cameras were on public or private.

GILES: He stated that he had it on there but didn't always use it 'cause he didn't always  
download the maps beforehand. We did not get into the specifics of that.

BURKETT: What conclusions did you draw as to whether Mr. Collard had engaged in  
violations of Nevada Wildlife laws?

GILES: The -- at that moment in time, uh, I believe that there were two cameras on public  
property and -- and the bait on -- in -- that was being used as well, so there was an NAC for camera use after  
the 1st of August that was violated and an NAC that was violated for bait being placed out and actively hunted  
over 'cause that's a two-part regulation.

BURKETT: Okay. Thank you. No more questions.

CLOWARD: Just a couple follow up. Uh --

GILES: Yes, sir.

CLOWARD: Warden Giles, I appreciate your time here today. Uh, the spring head that you  
mentioned, uh, was on after -- after you determined it actually was on BLM. Is that accurate?

GILES: That is what Mr. Frainer told me.

CLOWARD: Okay. And have you seen the photograph, uh, this -- this printout, uh, which is  
basically a TAPO map of the, uh -- of the spring?

GILES: No, sir.

CLOWARD: Okay. May I -- may --

GILES: I never seen that photo before.

CLOWARD: -- may I approach the witness, counsel?

GILES: Sure.

CLOWARD: Okay.

GILES: Oh, (inaudible), missed it.

CLOWARD: Warden Giles, where does it appear to you that that spring head is located on public or private?

GILES: I'm making the assumption here that the black line is the property boundary (inaudible).

CLOWARD: Yes.

GILES: Well, where they marked the spring on the map would be inside. Where the originating point is, is gonna be on the boundary by the looks of it, and mark that but the (inaudible) right there so.

CLOWARD: Okay. Where -- where does the round dot that looks like it's the spring appear to be?

GILES: It's in the -- inside the black (inaudible) what evidently is private on this map.

CLOWARD: So that would be in the private, correct?

GILES: Yes, sir.

CLOWARD: Okay. Now, uh, you -- you agree at least according to that document, uh, the spring appears to be on private, true?

GILES: Yes, sir.

CLOWARD: Okay. And I wanted to ask a question about your interview with Mr. Collard. Um, you indicated that Mr. Collard was upset because he thought that, uh, he was within the law.

GILES: I wouldn't specifically say that my -- my thoughts on it were that he was upset at the Jensens for telling them things that according to the documents I had showed him were inaccurate. To me that was -- that's what I would say. He was upset at them more than he was upset at me or anything like that, based on the maps I showed him.

CLOWARD: Sure.

GILES: That's what I would say mine -- my thoughts were in there, sir.

CLOWARD: Understood. But basically, that he had relied improperly. He made a mistake in relying on what the Jensens had told him with respect to their property boundaries.

GILES: What was your question?

CLOWARD: Sure. Um, when you interviewed Mr. Collard, he -- he seemed to be upset, uh, that he had relied on information that, uh, he had received from the Jensens, true?

GILES: Yes, sir.

CLOWARD: Okay. And one of the things that he had received from the Jensen's was information about their boundary line. True?

GILES: Yes, sir.

CLOWARD: And I believe just a moment ago, you testified that, um, he was upset because he thought that he was on private property?

GILES: Yes, sir.

CLOWARD: Okay. So this wasn't a situation where he said to you, uh, you know what, I just didn't think I was gonna get caught?

GILES: We did not have those discussions, but I also apprised him that, uh, bait doesn't matter if it's private or property, sir.

CLOWARD: Understand. But the information that -- that he provided to you did not, uh, evince and knowledge that he had -- that the baiting was actually illegal, and he was trying to get around the statute. True?

GILES: He was stoic. I can't say if he was misleading me or not when --

CLOWARD: Okay. Um, in your investigation, did you ever receive any information at all that Mr. Collard knew that it was illegal to put bait out on private property?

GILES: Nothing that says that one way or the other, but it is his responsibility to know the regulations and the statutes for Title 45, which is wildlife law.

CLOWARD: One hundred percent and I agree with that. He definitely has an obligation to understand that there's no question there. We're not disputing that. We're not disputing that at all. Um, and I'll -- I'll talk about some of that in my -- in my closing. But, um, with respect to the Onyx maps and so forth, let's just say that you -- let's just say that it was judge, jury and executioner right there on the spot when you interviewed him, uh, your initial determination was that both cameras were on public, true?

GILES: Yes, sir.

CLOWARD: And that was a mistake, true?

GILES: For one, yes.

CLOWARD: Okay.

GILES: For the other one, according to the Lincoln County District Attorney, I'll still hold that he claimed that that camera was on, uh, public property. So I'll -- I'll hold with that knowledge.

CLOWARD: Sure.

GILES: I hope you understand that 'cause I --

CLOWARD: Abso --

GILES: -- have no other verification of your map or anything else. I'm going on what he told me.

CLOWARD: Understood. But at the end of the day, what it was determined was that one of those cameras was in fact on private and one was on public. True?

GILES: Yes, sir.

CLOWARD: Okay. So if at the moment that you interviewed Mr. Collard, you are the judge, jury and executioner, you would have determined that both of those should have been charged and that would have been a mistake. Is that not correct?

GILES: Yes, that would be.

CLOWARD: Okay.

GILES: That'd be a -- for -- for what you learn after the fact, yes, sir.

CLOWARD: And it's a mistake just like Mr. Collard for putting the camera out there in the first place, thinking that it was on private. True?

GILES: I'm not to say one way for other for Mr. Collard. I can speak for myself, but --

CLOWARD: Sure.

GILES: -- not him.

CLOWARD: Okay. And you agree that there was conflicting information with respect to the, uh -- the sources of information, uh, regarding the boundary lines, correct?

GILES: Yes. And I can tell you, sir, in good faith, I ran two separate maps --

CLOWARD: Okay.

GILES: -- and that's what I made my judgements on, and I submitted the case based on that, and when I was found to be incorrect on that, I owned it. I have no question to own it so.

CLOWARD: No, no, no. I'm -- I'm not criticizing your investigation at all, at all. I think you did everything above board. No complaint there.

GILES: No, thank you.

CLOWARD: Uh, no complaint there. I think you did a fine job. All I'm trying to -- to point out is -- is that the -- the boundary line, there's an issue with the boundary line.

GILES: Yes, sir.

CLOWARD: And it's a reasonable -- reasonable position that Mr. Collard, uh, thought that he was on private land. That's it. Uh, Warden, I appreciate your time. Thank you.

GILES: Uh, thank you, sir.

EAST: Excuse me. Just one moment. Does the commission have the ability to --

BURKETT: They can. Any questions that you guys have.

EAST: -- ask of -- okay. So if the commission has questions for -- for Mr. Giles, please feel free to ask at this time. Any questions for Warden Giles? No. This is your opportunity. Thank you.

MCNINCH: So, um, Mr. Giles, with -- with regards to the property ownership, um, there was some information in the -- the department packet that indicated that the Jensen's did not own the property at the time of the -- the violations. Is that right? You -- you had communicated with BLM.

GILES: Okay. I knew it. Um, the -- that is not, um, private property versus the BLM. That was for, um, the livestock grazing permit and the water rights at Big Springs, because in the trail camera law, you have the, um, exception that's built in for livestock permittees to make sure that the Rockin 13 Sunnyside ranch, which was Pam and the deceased Bruce Jensen. That was there -- um, they had had that allotment before, but I'd heard that it had passed over, so I contacted the Bureau of Land Management and received that document from them stating that the CE Racket Cab Company had purchased those allotments, and then for the water right, in the packet, I believe was provided to you, there's a -- the statement from the state water engineer's office for Big Springs that it's underneath CE Bracket Cattle Company. And so those two exceptions on the camera were ruled out to be anything on the Rocking 13 Sunnyside Ranches. That's what that is, has nothing to do with private property versus BLM. It was the grazing permits that go into some of the exceptions in that regulation.

MCNINCH: So the Jensen still owned the property?

GILES: Yes, they owned the private property.

MCNINCH: They had just -- okay. So -- so I guess I haven't seen anything that indicated, um, that -- that permission had been granted by the Jensens. Um, there was communication apparently, um, you know, saying keep this information, so in case you get questioned, um, is there any documentation anywhere that shows us that -- that there had been permission to put these cameras on private property?

GILES: I do not have any documentation I can provide to you that -- I just know through general knowledge and the hunting community that, uh, (inaudible) guides and Outfitters has worked with, um, tags, incentive elk tags with that landowner in the past, so I can say that. But the -- beyond that, I did not provide anything.

MCNINCH: So --

GILES: Mr. Collard and I never discussed that in our interview.

MCNINCH: -- so does the -- does the -- the code or -- or -- require written permission or does it require just permission? I don't -- I'm --

GILES: I think, it just has permission.

MCNINCH: Okay. So I guess we have to make some assumption (inaudible). Okay. Um -- okay. I think that was -- that was helpful. Thank you.

EAST: Any other questions for Mr. Giles? Okay. Thank you.

CLOWARD: I -- I would just ask a follow-up clarifying question, uh, that may assist, uh, Commissioner McNinch.

EAST: Mm-huh.

CLOWARD: Uh, Warden Giles, there was never any attempt to, uh, add a trespassing charge on this case. True?

GILES: Yeah, no attempt. Uh, no reasons or issues to.

CLOWARD: Okay. And, uh, to your knowledge, uh -- uh, isn't it true that Mr. Collard actually asked either you or Warden Anderson to accompany him out to -- to speak directly with, uh, Bruce Jensen, but, uh, that the response was Bruce Jensen has -- has kind of a temper issue, so we're not gonna go out and talk to him.

GILES: I remember we talked about something like that, but, uh, I can't recall it exactly.

CLOWARD: Okay. But -- but certainly, uh, Mr. Collard was -- was, uh, trying to get, uh, the commission or excuse -- yeah, uh, the state to go out and actually interview and talk to Mr. Jensen. Isn't that true?

GILES: I would not say that there was (inaudible) for that. We discussed it as I didn't have any need to speak with him and that was that.

CLOWARD: Okay. You did discuss it though. True?

GILES: He asked me if, uh, something, well, you need to go talk to Bruce or something like that, but -- sorry, sir, that was December 1 of '20 and I don't fully recall.

CLOWARD: Completely understand. Thank you.

BURKETT: Okay. The respondents will call, uh, Warden John Anderson.

EAST: Just a moment. Oh --

BURKETT: Oh, sorry.

EAST: Commissioner Almborg.

BURKETT: You're good.

EAST: You're good. He's still up. He's still on there -- on the seat.

ALMBERG: Yeah, I guess I -- I want a clarification, um, for my own understanding of who - who actually owns the -- the -- the property now and the water rights now, uh, and at the time of the violation?

GILES: The property is owned by the Jensen's, the private property. The grazing permit and the water right is the CE, uh, Bracket Cattle LLC. It's in the -- at the time of the violation in '20. Their grazing permit began March 1 of 2020, I believe, and I don't -- I wanna say the water right was recorded in August of '20, but I have to look in here to verify that for sure for you, sir. If you would like, I could.

ALMBERG: I would -- I'd like, you know, to be cre -- you know, clear in my mind on the water rights ownership of that date and who would have the right to have that camera on that water right at that day.

GILES: (inaudible) next to (inaudible).

CLOWARD: Yeah, no problem. This. Yep, a hundred percent.

CLOWARD: I can't hear what, uh, Warden Giles -- Giles is saying.

GILES: (inaudible) March 1 of 2020 is when, uh, BLM allotment went to the CE Bracket Cattle Company of Chet Kim Bracket (phonetic), and then, this page here is of the state of Nevada water resources and for (inaudible) water right for Big Springs, stock water and permit, and it was recorded -- last update, August 12th of 2022, to owners CE Bracket Cattle Company in the Cave Valley sub-basin.

CLOWARD: Understood. Thank you.

EAST: Um, okay. Commissioner McNinch?

MCNINCH: yeah. Thank you, Madam Chair. I'd like to ask another question, if I could. So was there -- during your conversations with Mr. Collard, was there any indication, um, you'd been informed that they had been, uh, asked by the Jensens to watch for the -- to see the -- monitored the use of -- on their property? I'm assuming from big game, is that right? I mean, that was in one of the -- one of the discussions that you'd -- occur, uh -- had, that had indicated that he'd been asked to, uh -- to monitor use of the property. So was there any conversation about why there was bait and why there was a blind there that Mr. Collard, and I don't know if it was a client or another individual would be in, um, at that particular site. I mean, is this part of their monitoring or was there other, um -- what else -- what was going on? Was there any conversation about that at all?

GILES: (inaudible).

MCNINCH: Well, I -- I -- it was part of a -- part of the interview, I thought.

BURKETT: Mr. Giles, can you just go back so we get you on microphone.

GILES: Uh, you know, there's -- there's an -- there's an awful lot of information here, a lot of stuff to sift through. So, um, everybody's gonna have to bear with this while we try to -- at least with me, I try to put things in perspective. I mean, you know, there's hundreds of pages of stuff up here so.

EAST: And I recall what you're asking about to, Commissioner McNinch, uh, 'cause I have the same question. But I don't recall who --

MCNINCH: (Inaudible).

EAST: Oh, it is. Okay.

BURKETT: And we'll get to that, sorry.

EAST: So we'll ask -- we'll ask, uh, Warden Anderson.

GILE: (Inaudible).

EAST: Okay. Any other questions for Warden Giles, Jiles? (Inaudible)? Giles.

GILES: Giles, like a (inaudible).

EAST: Giles, I'm sorry. Okay.

GILES: No problem.

CLOWARD: And I have some up, if that's okay, Madam Chair.

EAST: Sure.

CLOWARD: Okay. Um, I wanna clarify what this, uh -- what this watering right does, this grazing right versus private property. Okay. If a spring is located on private property, the state does not have the authority or ability to convey a water right to another individual. Is that correct?

GILES: You're beyond my knowledge, sir.

CLOWARD: Okay. Um, you agree that the private property ownership is different than a grazing permit that is allotted or allowed by the state of Nevada?

GILES: Grazing permits are not allowed by the state of Nevada. That's a federal government thing. The, um -- so I'm kind of confused on your question, sir.

CLOWARD: Sure. The -- the grazing permit is different. It allows for a rancher to use, uh, the -- the public land to have their cattle or their livestock on public land, correct?

GILES: Yes.

CLOWARD: It doesn't convey a right to go on someone's private land, correct?

GILES: I -- I still not -- you get a BLM permit to run your cattle. Okay. I'm not following.

CLOWARD: The -- the BLM permit is to run cattle on BLM land, correct?

GILES: Yes, sir.

CLOWARD: It's not, hey, I have this BLM permit and now I can go onto somebody's private land, correct?

GILES: We're a fence outstate, sir. You don't want somebody cows on your place, you need to fence your property.

CLOWARD: Well, I think we're -- we're talking about two different issues. If I have a grazing permit, that doesn't mean that I can go on to Commissioner Alberg's private property. It doesn't convey to me that right. Isn't that true?

GILES: If his properties opened and -- and it's not fenced, that's -- that's why I'm not following it 'cause I do kind of understand the cattle end of the world, I grew up in it.

CLOWARD: Yeah.

GILES: So -- so that's why I'm struggling with you.

CLOWARD: Yeah. If Mr. Alberg or Commissioner Almborg, say for instance, or Commissioner McNinch, if they -- if they fence off their property just because somebody has a, uh -- a grazing permit for BLM land, that doesn't mean that their cattle can go on those private properties. True?

GILES: If it's fenced off, that's trespass. Yes, sir.

CLOWARD: Okay. I don't have any other clarifying questions.

EAST: Okay. Thank you. Mr. Burkett?

BURKETT: No more questions. We'll call -- we'll call Warden Anderson.

EAST: Okay. Mr. Anderson, please come on up.

BURKETT: Good job with the microphones.

ANDERSON: Thank you.

BURKETT: Please state your name.

ANDERSON: My name's John Anderson.

BURKETT: Who do you work for?

ANDERSON: Nevada Department of Wildlife.

BURKETT: And what do you do for their apartment?

ANDERSON: I'm a Game Warden of 10 years stationed out of, uh, Lincoln county, Panaca.

BURKETT: Okay. Uh, have you been involved in prior investigations regarding wildlife, um, issues?

ANDERSON: Yes. Uh, throughout the last 10 years working as a Game Warden, many investigations, many -- yeah.

BURKETT: Did you receive training for that?

ANDERSON: Yes, I've received wildlife investigations classes, uh, throughout the United States, continuing an education through the Nevada Department of Wildlife.

BURKETT: Please share with the wildlife commission, how you became involved in the investigation with Mr. Collard.

ANDERSON: Um, I received a phone call from Game Warden Investigator Scott Giles on the 9th of September, and he basically laid out to me the tip that he had and knowing how he was going to investigate it through covert, watching the scene. He wanted to uniform patrol officer to be there in case contact needed to be made. And so I kind of hung back and stayed in radio contact in case I needed to come in and make contact in uniform.

BURKETT: So just -- just -- just share with the commission, if you can, what you did as part of your investigation.

ANDERSON: Um, on the 9th -- I'm gonna -- I'm gonna pause just so I can make sure I can be on track.

BURKETT: Hold -- hold on. I just wanna clarify what you're doing is reviewing your final report that you wrote as it relates to this investigation?

ANDERSON: Yes.  
BURKETT: And you're doing that to help refresh your memory?

ANDERSON: Yes, sir.

BURKETT: Okay. Go ahead.

ANDERSON: So then -- on the 9th, the phone call was made to me. He asked me to come out on the 10th. Um, I parked my patrol vehicle approximately one mile as the crow flies from Big Spring on a little side road. Um, if you were to drive it, it'd probably be about two miles. Um, hit my patrol truck. Um, after Giles did his -- Officer Giles did his investigation, we met up, he showed me what he was dealing with, he explained the situation, um, he then showed me photographs of -- that he had taken of the hunters coming in and I also knew -- personally knew Russell collard and was able to identify his truck and, um, him personally from the photographs that were taken. Um, so then the next morning, we decided to come back and do it again, expecting them to be in the blind again and see them hunting over the bait again. I remained there 'til -- about 900 hours and then I left, um, because -- because of the fact that we knew that Onyx isn't always 100 percent reliable, we wanted to get a second source of mapping. And so I went to Lincoln county, spoke with, um, the Lincoln County Tax Parcel people, um, that put out the Lincoln County Tax Parcel viewer. They showed me a bunch of maps. Every map that I saw at that point told us that -- that both of those cameras were on public land, both of the cameras in question. Um, and so I printed off one of those maps, brought it back, and -- do you want me to just keep going through my report.

BURKETT: Yeah. Let me just back up though. I wanna make sure I understand. Did you indicate you saw Mr. Collard and the hunter in the blind?

ANDERSON: Physically, no.

BURKETT: Okay.

ANDERSON: No, I -- I saw the photographs that Officer Giles had -- Game Warden Giles had presented to me.

BURKETT: How did you understand he came across those photographs?

ANDERSON: Um, by getting an advantage point, knowing that there might be hunting activity going on 'cause there was an open bull elk hunt and the evidence that he had seen and then hiding and taking photographs of the location once the people had entered the -- the location in the blind.

BURKETT: And this one over the blind that included the bait in front of it?

ANDERSON: Yes.

BURKETT: And it included the camera in front of the blind?

ANDERSON: The whole -- from his location, he could see the whole spring and -- and the blind and the trees and the -- all the bait and the -- everything.

BURKETT: Okay. Go ahead, describe what you did next.

ANDERSON: Okay. Um, so after getting the second mapping source, um, the next day on 9/13, um, at approximately 1230 hours, we went in the middle of the day expecting that there would be no - - no one there middle of the day based on how hunters hunt 'cause we really wanted to get a good look at

the bay and some different things. So I drove in, uh, to the spring, went and looked at the blind, went and looked at the cameras, could see that the Rocking 13 emblem on both cameras, um, went and looked at the -- the bait site, um, took photographs of all the different types of bait and took evidentiary samples of each one so we could definitely determine that these were in violation of the law. Um, and -- yeah, after -- after that I left the area. And the next part of my involvement in the case was when we interviewed, uh, Russell Collard in December.

BURKETT: Did you say you took photographs of the bait?

ANDERSON: Yes.

BURKETT: Can you walk through with the commission, uh -- the commission has photographs in front of them, and the -- what's the first page of that? Actually, I don't know if you have it. Well, it's documents that were provided to the commission this morning. Um, I think it says Big Spring on the front of it. Uh, I had removed a bunch of photographs from that. There it is. Yeah. So I know Ms. Wise has it there. Um, all right. Uh, so just walk with us through those photograph -- those documents and identify -- first of all, take a look at the exhibit and tell us if those were photographs taken by you.

ANDERSON: Yeah -- yes, I took each of these photographs.

BURKETT: Okay. Go to the first document if you could and describe what that is.

ANDERSON: Uh, I'm guessing that's this one, um --

BURKETT: I -- identify what it says on it.

ANDERSON: Camera placed on branch in front of blind.

BURKETT: Okay. And what is that?

ANDERSON: Um, it's a picture of a camera box, which is locked to protect the camera, a trail camera, and then the camera is pointed out at the baiting site.

BURKETT: And is this the camera that you observed, uh, onsite?

ANDERSON: Yes.

BURKETT: What's the significance of the Rocking 13 insignia?

ANDERSON: That's the brand of Bruce Jensen and the Jensen's.

BURKETT: Did you understand why Mr. Collard's name was not on the cameras?

ANDERSON: Um, trying to remember if we had that conversation and I -- off the top of my head, I can't remember whether he told me why it was Rocking 13. I can draw conclusions.

BURKETT: Okay. All right. Um, what's the next photograph?

ANDERSON: It's just a close up of the same -- same exact thing --

BURKETT: And what is it?

ANDERSON: -- camera and a box. It's a trail camera placed in a box to protect it with the Rocking 13 emblem on it. Right -- right behind this, you'll see it in subsequent photographs is the blind. So it's hidden kind of inside of a Juniper tree.

BURKETT: All right. And this was the -- the trail camera that was -- we later determined was on private?

ANDERSON: Yeah.

BURKETT: Okay.

ANDERSON: Yes.

BURKETT: Um, okay. What's the next photograph?

ANDERSON: Just whenever -- whenever we take evidentiary photos, we'd like to do three overview, mid view, and then a close up. So this is the close-up of the exact same (inaudible).

BURKETT: Okay. Next photograph.

ANDERSON: The other side showing the lock.

BURKETT: Sa -- same camera?

ANDERSON: Same camera, same spot.

BURKETT: Next photograph.

ANDERSON: You can start to see the blind in behind it.

BURKETT: Okay. Next photograph.

ANDERSON: Next photographs, me standing in front of that, so the camera would have been off to the left and then there's two chairs inside of there, inside of the blind.

BURKETT: Okay. Next photograph.

ANDERSON: Um, from the back, looking towards the water, and I think you can see my patrol truck in the background, and then just to the right of that, would have been the bait. The -- the grain that we described earlier -- that Officer Giles described earlier that was dumped out, was dumped out around that pond.

BURKETT: Okay. Thank you. Next photograph.

ANDERSON: Another photograph of the back of a blind.

BURKETT: Okay. Next photograph.

ANDERSON: So this is the trail camera that was later determined to be on public land. It's at the spring head.

BURKETT: Okay.

ANDERSON: Very top of the spring.

BURKETT: And next photograph. Oh, no, that's not. That's good. Okay. Let me ask you, um, do --did you take evidence from the scene?

ANDERSON: I did. Yeah. Yes.

BURKETT: Okay. Can you just show the commission the evidence that you took, and this is evidence related to the bait?

ANDERSON: Yeah. This is, uh, a sample from each, um, bait that was there, each type of bait. It was a very elaborate -- I've never seen another baiting site as elaborate as this one.

BURKETT: What do you mean when you say that?

ANDERSON: Just -- usually there's a salt block or just something small, maybe a little bit of, hey, this was entire bails, hundreds of pounds of -- of grain. I mean, monetarily, it would've been hundreds of dollars' worth of grain.

BURKETT: Okay.

ANDERSON: So really elaborate baiting site. Um --

BURKETT: Is this the most elaborate baiting site you've ever seen?

ANDERSON: Yes, by far.

BURKETT: Okay.

ANDERSON: Um, this is one of the apples that were there that we -- it's inside of here. I can open it up, but now it's probably leather 'cause it's been in there for two years. But this is one of the apples. Um, this one is alfalfa hay, just a sample of the alfalfa hay that was there. This one is the grain that was poured on and around the whole area. Um --

BURKETT: Wh -- what kind of grain?

ANDERSON: Um -- uh, some kind of dairy. Something that you would honestly probably feed a goat. I don't know the name of it.

BURKETT: Okay.

ANDERSON: Um, this is the big mineral chews. There was the big red -- red buckets that cattlemen and equestrian people use. I mean, they're almost half -- three-quarters of the way (inaudible) these kinds of biscuits.

BURKETT: What are those biscuits used for?

ANDERSON: Scott maybe spoke to it better. Um, I -- I didn't grow up raising cattle or anything, so some kind of treat for horses, I would think.

BURKETT: Okay.

ANDERSON: And then this one is oats with that Sweet N Glo Molasses, mineral mixture poured on top of them, so -- yeah. That's (inaudible).

BURKETT: You understand the purpose -- what's the purpose of the molasses?

ANDERSON: Uh, probably a scent attracting, um, to bring in animals to the bait site.

BURKETT: Okay. Anything else?

ANDERSON: Not on the bait. That's all the samples of the bait that I was able to collect.

BURKETT: Okay. Were you able to determine -- or how were you able to determine that the -- the -- one of the cameras was on public?

ANDERSON: Uh, like we stated before, our initial impression was that both were there. Um, it wasn't until, um, the District Attorney's Office went to their GIS people that they said, hey, wait, maybe we know that this one was probably or most definitely on private land. But we were also able to determine, even from that mapping, that the second camera was at least 25 yards on -- to public land.

BURKETT: Did you ever gather information about, um, Mr. Collard's client? Who -- who is his client?

ANDERSON: Uh, just through open source, Instagram, through their site, we were able to see, um, a man named -- I don't even know his first name -- Trey. I don't know if that is his real name, but Trey Peacore (phonetic).

BURKETT: Where was -- where is he from?

ANDERSON: From my understanding, he's from Vermont.

BURKETT: Was he successful in harvesting an animal?

ANDERSON: Uh, according to Instagram, they posted a photograph of him holding a bull elk that was killed that year under the moss back name.

BURKETT: Had you ever previously interacted with Mr. Collard?

ANDERSON: Yes.

BURKETT: How many occasions?

ANDERSON: Uh, many. I -- I couldn't give a number.

BURKETT: Did you have a discussion with Mr. Collard regarding the Garrett Johnson investigation?

ANDERSON: Yes, we spoke on the phone. I was the primary investigator on that case as well. Um, I called him to see if he knew that Garrett Johnson had been placing cameras on public land, once I determined that it was one of his sub guides, who had placed bay and cameras on public land. Um, and so I called him to ask him if he had known about it. Um, he stated to me that he did not know -- that he said we paid him to put cameras out on public land, um, before the closure, but he had no idea that he had continued to run them or that he was using bait.

BURKETT: Was he concerned about the use of bait?

ANDERSON: Yes.

BURKETT: How did he express that to you?

ANDERSON: He was said he was disappointed in Mr. Johnson.

BURKETT: In the fact that he used bait.

ANDERSON: The fact that he used cameras and bait after the time, and he said, that's not what we do.

BURKETT: Did he indicate to you -- based on that experience, did you have the understanding that he knew it was inappropriate to place bait?

ANDERSON: Yes.

BURKETT: Against the law?

ANDERSON: Yes.

BURKETT: No more questions.

CLOWARD: Yeah, just -- just really quick. Um, Warden, how are you?

ANDERSON: Good.

CLOWARD: Good. So, can you tell the commission, did you actually have a conversation with Russ Collard about, uh, Garrett Johnson placing bait and the distinction between private and public land?

ANDERSON: I can say that the distinction was made in that conversation, that this was definitely public and that it would have been leap -- that this was definitely public land, and if they would have done it on private land, that half of that issue would have been null and void, if that makes sense.

CLOWARD: Yeah. Essentially, you didn't talk about private land with Mr. Collard because the fact that Garrett Johnson put out bait, it was actually on private land -- or public land. No --

ANDERSON: Yeah, there was --

CLOWARD: -- no question about it. It was well on public land, not even close to private sources, isn't that true?

ANDERSON: That area's schoolmarm base and there's no public land in schoolmarm basin.

CLOWARD: Okay. So there's not even a private element to Mr. Johnson's prior issue. True?

ANDERSON: True.

CLOWARD: Okay. So it's fair to say, uh, you -- you didn't have a discussion with Mr. Collard about, uh, the legality of placing bait on public versus private land during that conversation because private land was not even an issue. True?

ANDERSON: True.

CLOWARD: Okay. Now, with respect to Mr. Collard's client, uh, and the photograph that you saw on Instagram, uh, it's fair to say that -- that you, as well as, uh, Warden Giles, continued to surveil, uh, Mr. Collard, uh, toward the end of the hunt. True?

ANDERSON: True.

CLOWARD: And you never saw them harvest this, uh, do anything inappropriately. True?

ANDERSON: True.

CLOWARD: Matter of fact, if you would've seen them do anything inappropriate, you would have charged them with that. True?

ANDERSON: True.

CLOWARD: Now, Warden Anderson, you know, that I like you and I -- I -- but I've got to do my job. Um --

ANDERSON: (inaudible).

CLOWARD: -- so one thing that I wanna talk about is, uh, a report that was prepared and provided to me just nine days ago. You familiar with your draft report?

ANDERSON: Yes.

CLOWARD: Okay. You agree that that was not provided to Mr. Collard during the pendency of his criminal investigation? True?

ANDERSON: Are you talking about my rough draft?

CLOWARD: Yes.

ANDERSON: Yes, that was not provided. It was not meant to be.

CLOWARD: And, uh, you -- you would agree that Mr. Collard should have the right to all of the evidence, uh, that the state may or may not have against him. True?

ANDERSON: I do not believe that Mr. Collard should have the right to my rough draft of my report.

CLOWARD: Okay. Even if your rough draft contains the name of a witness who may exonerate, uh, part of Mr. Collard's claim.

ANDERSON: That -- that was a confidential informant, and it was in my rough draft as a note for myself and that confidential informant was removed to protect him, and the fact that that report ended up being given to you guys and wasn't what was meant to happen.

CLOWARD: You -- you -- are you familiar with the sixth amendment of the constitution of the United States of America?

ANDERSON: Yes.

CLOWARD: You agree that the sixth amendment of the constitution of the United States of America guarantees the rights of an individual who've been charged with a crime, the right to an impartial jury, the right to know your accusers and most important to know the nature of charges and evidence against them.

ANDERSON: Yes. And if that would have come out in a trial, we have ways of divulging who a confidential informant is, and that would have happened, but it never went to trial.

CLOWARD: Uh, you agree that with respect to the prosecution of Garrett Johnson, the confidential informant in that case that found, uh -- that stumbled upon the bait, that name was actually provided to me. True?

ANDERSON: I don't know.

CLOWARD: It was.

ANDERSON: Okay.

CLOWARD: Lonnie Cole (phonetic). You know him, right?

ANDERSON: No.

CLOWARD: Remember, he was gonna come down to testify.  
EAST: Mr. Cloward?

CLOWARD: Yeah.

EAST: I'm not gonna tolerate that.

CLOWARD: Tolerate what?

EAST: The harassing. Let's move on.

CLOWARD: Well, I think this is very --

EAST: It's not.

CLOWARD: -- critical to the case.

EAST: It -- for us, we need to hear the evidence.

CLOWARD: Okay. This is --

EAST: This is not evidence.

CLOWARD: Yeah, understood. Understood, Madam Chair. I'll move on.

EAST: Thank you.

CLOWARD: Um, Warden Anderson, you agree that in your report, there's a name by the name -- of an individual by the name of [Confidential Informant]. True?

ANDERSON: We spoke about him earlier, not using his name.

CLOWARD: Okay.

ANDERSON: He's the caretaker of the ranch.

CLOWARD: Understood. And this individual, according to your draft report, which was not provided to the commission or to me until nine days ago, um, actually admitted that he had placed some of the bait. True?

ANDERSON: At the request of Russell Collard, yes.

CLOWARD: He indicated he had placed some of the bait. True?

ANDERSON: At the request of Russell Collard, yes.

CLOWARD: Okay. And he also indicated that there were other individuals that were hunting over that. True?

ANDERSON: Moss back sub guides, yes.

CLOWARD: Can you show me in your -- in your draft report where it says that?

ANDERSON: Where is says what? Explain that again.

CLOWARD: Moss back sub guides.

ANDERSON: That there were other moss back sub guides that were there.

CLOWARD: Yeah.

ANDERSON: It is not in my report.

CLOWARD: Okay. That would be an important detail for the commission to consider, don't you think?

ANDERSON: The crime that occurred, the individual that we saw hunting over the bait at any time was only one individual.

CLOWARD: Okay.

ANDERSON: The only reference -- I don't -- I don't know who those other people are. The -- [Confidential Informant] never gave us that information. He just said there were some other people, he didn't know who they were.

CLOWARD: Okay. So other people that he didn't know who they were that were hunting in

that area?

ANDERSON: Yes.

CLOWARD: Okay. Yet, that information was not provided to Mr. Collard to use in his criminal, uh, proceedings, correct?

ANDERSON: Correct.

CLOWARD: Okay. And, uh, do you know whether your draft report has been provided to members of the commission?

ANDERSON: It was.

CLOWARD: Okay. Um, if I could have the commission turn to page, uh -- Exhibit 7. I just wanna make sure that that draft report wasn't the -- provided.

ANDERSON: It -- it -- the last time I looked at it, which was 30 minutes ago -- it was in the information that was provided to me by Linda. That was -- she said, was given to everybody so.

CLOWARD: Is -- is there a report that is a supplemental report that is dated July 22nd, 2020?

ANDERSON: (inaudible).

CLOWARD: Okay. Perfect. Is there also a report that is dated February 1st, 2021? Okay. Just wanted to make sure the commission had both of those. Um, Warden, I appreciate your time. Thank you. Oh, one other question, in the draft report, um, it indicated that you asked the individual, uh, [Confidential Informant], if he would, uh, sign a witness statement, correct?

ANDERSON: Yes.

CLOWARD: And he told you that he would fill it out. True?

ANDERSON: True.

CLOWARD: But he never did, correct?

ANDERSON: He never did.

CLOWARD: And based on your experience, when an individual talks to you and indicates certain information, uh, but they're unwilling to fill out a report, what does that suggest?

ANDERSON: Fear of repercussions.

CLOWARD: Uh, fear of repercussions for themselves?

ANDERSON: Yes.

CLOWARD: Or potentially, uh, that what they've told you is not accurate?

ANDERSON: No. He expressed a fear of repercussions from moss back.

CLOWARD: Is there a reason why that didn't make it into your draft report?

ANDERSON: Because I'm trying to protect him and his reasonable fear.

CLOWARD: Okay. Um, in your actual report, is there a reason that you didn't even identify that you had spoken to this individual and just referenced them as a quote unquote "confidential informant"?

ANDERSON: Yes, to protect him.

CLOWARD: Okay. I understand that you want to protect him, but, uh, there was no mention of this individual in the final report, true?

ANDERSON: In the final report, no.

CLOWARD: And that information –

ANDERSON: The District Attorney was well aware of him and was willing to disclose him as an individuals if we needed him in trial.

CLOWARD: Okay. And have you -- have you seen the disclosure from Prosecuting Attorney Frainer?

ANDERSON: I have not.

CLOWARD: Okay. I've showed that to, uh, DAG Burkett. It does not list any individual that -- who is in a confidential informant as a potential witness. Were you aware of that?

ANDERSON: I was not.

CLOWARD: Okay. No further questions.

BURKETT: I -- I just have a couple of re-direct.

EAST: Okay.

BURKETT: Just to be clear for the commission's understanding. It's illegal to bait on private or public land, correct?

ANDERSON: That's correct.

BURKETT: And it's also illegal to feed wildlife, correct?

ANDERSON: It is.

BURKETT: Okay. No more questions.

EAST: Thank you. Does the commission have any questions of, uh, Warden Anderson? Vice Chair Caviglia?

CAVIGLIA: Uh, yes, uh, Warden Anderson just -- and, uh, Warden Giles brought it up as well, I just wanna confirm, you were in the -- when you guys interviewed, Russ Collard came in and -- came

in December, I believe it that year, and you guys interviewed him?

ANDERSON: Yes.

CAVIGLIA: And at that time, based upon Warden Giles, uh, testimony, he -- he admitted that he set the cameras. He admitted that he directed the -- the caretaker to place the bait. Correct?

ANDERSON: Yes.

CAVIGLIA: Okay. I just wanna confirm you -- you had the same recollection as Warden Giles, um --

ANDERSON: And we have Russell Collard admitting that he did that and then also, since his name has been brought up now, [Confidential Informant] said that he was told to put that stuff out there.

CAVIGLIA: Okay. I just wanna confirm that.

EAST: Commissioner McNinch.

MCNINCH: Thank you, Madam Chair. So kind of along those same lines. So was there any indication in your conversations with Mr. Collard on why he asked the caretaker to put out bait and or why he was using the blind to monitor usage of the field with the trail cams?

ANDERSON: Can you say that one more time?

MCNINCH: Sorry. Uh, the -- was there any indication in your conversations with Mr. Collard -- was there any, um, conversation regarding why he'd asked the caretaker to put out the bait?

ANDERSON: No, but that conversation was had with Mr. [Confidential Informant].

MCNINCH: Okay. And was there any, um -- did -- so he -- he relayed why he was asked to do it?

ANDERSON: Yes.

MCNINCH: Are you able to share that with us?

ANDERSON: I'd rather not.

MCNINCH: Okay. The, um -- the other question was, uh, you were originally told when you approached Mr. Collard about the trail cams that were placed out there, whether they're on private property or otherwise, it doesn't matter to -- in my mind at this point, that they were out there to monitor, um, use to -- to ma -- to monitor use. Was there any discussion on why, um -- why he was using a blind in that same area with bait present with -- with, uh, other people with present?

ANDERSON: I don't -- I don't remember that ever conversation being had, where it was spoke of that those cameras for -- were to monitor cattle use. Is that what I'm hearing?

MCNINCH: Yeah. Well, or -- or use, just use, um, 'cause he -- he -- he didn't -- he didn't, uh, informed in the text, uh, with you early on. Uh, this was on, uh, December 1st, 2020. Um, he had asked, uh -- I'm only asking 'cause a few of the farmers are wanting me to leave camp so they can see the usage. So I'm wondering where the, uh, you know, if he's out there monitoring usage for, uh -- of the -- the private

property, um, with the trail cams, if there was any conversation about why, uh, he and somebody else or a client possibly, I don't know (inaudible) if we know that for sure. Uh, we're in a blind, uh, watching bait, um, (inaudible) –

ANDERSON: We were able to identify the individual that was with him in the blind as a client is Trey Peacore. That was a positive identification that was made. Um, but I don't recollect that conversation being had.

MCNINCH: Trying to understand why -- how -- how that would come in to monitoring the field, the usage of the field, I guess. I'm just trying to understand that so.

CLOWARD: Commissioner, may I ask him a follow up that may provide clarification on that?

EAST: Yeah, but let's make it quick 'cause we're already way into this.

CLOWARD: Certainly.

EAST: We have -- I think we have a stop at 3.

CLOWARD: Understood. Uh, Warden Anderson, there was a photograph of, uh, an actual bow, uh, an archery bow in -- in one of the, uh, the blind photographs. True?

ANDERSON: I -- I don't recollect that. Are you talking about Officer Giles's photograph –

CLOWARD: Yes.

ANDERSON: -- that he took?

CLOWARD: Yes.

ANDERSON: I'd have to see it in front of me. I don't recollect that.

CLOWARD: Okay. Um, commissioners, I believe in one of the packets, there's a -- there's a picture of a photograph with a bow. Um, Mr. Collard never has denied that they were there for hunting. Uh, they were hunting over -- over this, uh, bait and in the blind. Uh, there's no question about that. That's no dispute there. He'll admit to that. Um, but uh, Warden Anderson, Mr. Collard never tried to deny that, correct?

ANDERSON: No.

CLOWARD: And he never said, hey, we're -- we're actually out here looking at cattle or anything like that, correct?

ANDERSON: No, he was -- I'll be the first to admit he was very cooperative, very owning up to the issues.

CLOWARD: The dispute was whether he could lawfully do that on private property. Correct?

ANDERSON: Correct.

CLOWARD: Okay. And he had a misunderstanding, uh, as to what the law provided?

ANDERSON: Uh, I -- that be up to -- you'd have to ask him. But --

CLOWARD: Well --

ANDERSON: -- he relayed to us the fact that he thought that that was legal to set cameras on private land and as was established before we did have that conversation where I told him it's legal. But I don't remember talking about bait.

CLOWARD: Understood. But as far as your interview with him and Sergeant Giles at the Pinnacle field office, uh, your understanding was that, um, he was -- he was upset because he -- he thought he was within his rights to be doing exactly what he was doing. Is that fair?

ANDERSON: Yes.

CLOWARD: And there was -- there was no attempt to conceal this information, to conceal the bait, to hide the bait? I -- I mean, I think you testified it was an elaborate bait site, correct?

ANDERSON: Yes.

CLOWARD: So they weren't trying to do this in -- in some sort of a secretive way, is that fair?

ANDERSON: The only secretive issue that we saw was, um, all the private property signs that were posted coming into the area that maybe would have deterred people from utilizing that road and ever seeing the issues.

CLOWARD: But that's -- that's a speculation on your part. He never voiced that, did he?

ANDERSON: No, he never voiced that.

CLOWARD: Okay. I have no further. I -- hopefully that clarifies, Commissioner McNinch.

EAST: Commissioner McNinch and then Commissioner Almberg.

MCNINCH: Yeah -- yeah, thank you, Madam Chair. So I guess, I -- so I guess this is -- I feel like there's information that would help us with this, and I understand is there -- I hate to walk away from it, but I'm -- I will out of respect for the -- for the process and for your informant, if you will. Um, how do we work through that? Um, it sounds like there might be some information that's relevant to this from our standpoint, you know. I'm curious at what he was told, you know, and why he was told to put that stuff there. Um, because it -- because it indicates to me, um, the term willful and, uh, knowingly was all part of the conversation earlier, and, um, you know, I -- I just wanna understand why those things were put there because it has everything to do with why those cameras -- those trail cams were there and how we are consistent egregious, um - less egregious, you know, all that kind of stuff. That's why I -- that's why I was probing as I'm trying to get to the bottom of why. Um, it's just my gut feeling, I'll throw it out, is -- it's pretty elaborate. Per -- I have a -- I have a perception of a lot of elaborate things going on here and I'm trying to work through that and beyond that and try to be fair, but I'm having a hard time with it. So I'll let the rest of this thing play out.

EAST: Um, if I can just respond really quickly to Commissioner McNinch. Um, you know, we -- we're sitting here today to hear the one count of the trail camera that was on public land and the baiting. Those are the two things that we have to determine, and I think you can assume why it was there at -- at the

time. Um, but it's illegal to bait, so regardless of whether it was elaborate or a little bit, it's illegal. Thank you. Um, Commissioner Almborg? And I didn't mean to be preaching at you, I just wanna remind everybody we're -- we're up here - it's really intense. I get that, and for all of us, and I just wanna make everybody feel reassured that we're up here for -- for two reasons. Thanks.

ALMBERG: Uh, yeah, first off, I got a couple. Um, do you mind if I answer one of your questions?

ANDERSON: Absolutely.

ALMBERG: Um, when you ask about why somebody may not, uh, sign a witness.

ANDERSON: Sure.

ALMBERG: I -- I can tell you why I didn't.

ANDERSON: Okay.

ALMBERG: It's because I got -- I've been involved twice and the first time I signed it and come out, uh, I was -- it was an afterthought. I -- I wish -- I'm glad I did, I'm glad it went through. But it's certainly made you nervous about, uh, repercussions of who your (inaudible), you know, (inaudible), the second time I didn't sign it. I did record it. I didn't sign it because of the first time, because that -- that fear of retribution.

ANDERSON: Understood.

ALMBERG: For -- for me personally. And then the question, uh, I have, uh, to -- to either you or, um -- uh, Scott, uh, Giles, is, was the question ever asked, did he have permission from the current, uh, CL Bracket Company to place those cameras there? And I'm assuming that's whose cows who would have asked him to do that, for whose cows should have been grazing. So is that question ever asked?

ANDERSON: Uh -- uh, the Seal Bracket Company could never have given permission to put cameras on private property. So there is a private property exemption written into the camera law, so if that -- if that's what you're asking, if --

ALMBERG: I am. I guess, I wanted to make myself clear. Um, so the people that have the permission on water is the water rights, that's what becomes the private property. That's why they are allowed to put the camera there. My --

ANDERSON: There's an exempts -- exemption written into the camera law for, uh, cattlemen to be able to monitor their cattle.

ALMBERG: Correct. I'm trying to recall from our discussions when we did the trail cam rule and why there was an exemption because there's a lot of times they have water rights --

ANDERSON: Yeah.

ALMBERG: -- out there in -- on BLM land. It -- they still have the ability to -- to put their cameras. They run their cattle there, they still are able to put their, uh, trail cameras up there for monitoring their cows. So I'm assuming this bracket has the ability -- is -- is the one that actually has the bill -- his cows are the ones that are supposed to be on that water, right? And he has the authority to, uh, monitor his cattle.

ANDERSON: And I can't answer the question. I did not research the Bracket Company and see if they gave permission. Maybe that's a question –

ALMBERG: I just asked you, if you ask the question of Mr. Collard.

ANDERSON: I did not ask that question to Mr. Collard.

ALMBERG: Okay.

EAST: Commissioner Peirini and then Vice-Chair Caviglia, and Commissioner Rogers.

PEIRINI: Okay. That's working, I think, now. I want to, you know -- I -- I read a lot of his stuff for a lot of time, and one of the things I feel very much for is the law enforcement people here have done an outstanding job, and I believe that, and I think some of the information they got from some of the people that were involved with, I think some of them gave information to you. I think he (inaudible) you saw some things. You believed in what actually you saw what they were doing. I'm looking at that as really that in that particular enforcement, which is something then pretty good. I think one of the things they're looking at is under the public access, we know there's a camera, right. Don't have to worry about the other one. We also have sit there and think about that is actually the -- the bait, which is there, and that's exactly why it's with the blind. And I look at that and I look at all these other people that are talking to the same things, and all the things they're doing, they worked hard for what they did, and I don't see where it's a negative. I think it's a positive that they did something to do something right, and I'm hoping it keeps on going that way, and I mean that, and that's the way I really believe it should be. Thank you.

EAST: Vice-Chair Caviglia and then Mr. Rogers.

CAVIGLIA: Uh, just Warden Anderson, you said you -- you known Mr. Collard. Uh, do you know how long Mr. Collard he -- held a guide license in Nevada?

ANDERSON: A lot longer than I've been here. I don't know the answer to that question. Needless to say, well, he's not new to guiding in Nevada.

CAVIGLIA: (Inaudible) –

ANDERSON: He's been around for many years.

EAST: Commissioner Rogers?

ROGERS: Yeah, just one. Thank you, Madam Chair. Uh, just one quick question for Warden Anderson, and that is, um, along those same lines, you'd mentioned that you had, uh, known Mr. Collard and, um, mentioned you had conversations with him during the, uh, Garrett Johnson investigation. I was just curious, if you had, um, uh, other interactions or conversations with Mr. Collard prior to the Garrett Johnson case.

ANDERSON: Yes.

ROGERS: And curious if that was just in passing or other investigations.

ANDERSON: When you can -- you can't be a guide. I mean, a Game Warden in Unit 231 or 22 and not deal with the guides that run that area. I mean, you're almost in weekly contact with them for various reasons and asking you questions or, um, running into them in the field and checking their guide paperwork. That -- it's just -- it's gonna happen. So me -- I -- I wouldn't -- over 50 interactions, I would say

probably within phone calls, texts over the years.

EAST: All right. Thanks. Mr. Burkett.

BURKETT: Okay. We'll call, uh, uh, Captain Kreamer to the stand.

EAST: Okay.

BURKETT: Just make sure you're close to that microphone.

KREAMER: Can you hear me okay.

BURKETT: Wh -- what -- how did you form an opinion as to the appropriate -- what was inappropriate re -- suspension for Mr. Collard based on the information you were aware of?

KREAMER: What I do, um, is part of my -- my position as Captain over the wildlife program, um, I have to evaluate, um, some -- some things, uh, such as, uh, guide suspensions, revocations, and, uh -- and the -- I do that very simply. It's based on, uh, NRS 504390, which gives the commission the authority, in the first place, to place, uh, a suspension revocation on a guide or any administrative permit, um, up to five years. Then the commission gives the department, in my -- my case, it's my position, the authority in NAC 504370 -- I'm sorry, 504671, uh, to make those decisions and evaluations. So through the commission, um, I'm the person that then deems what is appropriate and what's not. Uh, what I do is I look at several of the circumstances that come with the case, and every case is different. I look at the totality of the specific case, the facts, the circumstances, and any -- any event aggravating circumstances that might come out, uh, concerning that case inform, uh, with what's centered opinion on the -- the time limit or the type of suspension that it would be. Some of those, uh -- oh, go ahead.

BURKETT: Go ahead. Wh -- what -- what did you -- what kind of conduct, uh, did Mr. Collard engage in that, um, was the basis for your determination that a three-year suspension was appropriate?

KREAMER: All right. Well, thank you for the question. So in this particular case, uh, some basic things I look at in guide, uh, suspensions, revocations as one, and this question just came up as to what is the experience of -- of Mr. Collard. In -- in this case, he's been a guide for the state of Nevada since 2005, minus two years, um, that's a 15-year period that he's been in Nevada guide. So the expectation in my opinion is that he should understand any and all laws of the state of Nevada in -- in relation to hunting. Um, the next is what's the violation type, um, what is it that, you know, the -- the severity of the conduct in the case, and yes, he was, uh, criminally charged with the, uh, one count of a trail camera violation. But when you look again at the totality of the circumstances related to the overall case, um, I find that, uh, there is a, uh -- not only the -- the camera that was left out, um, and -- and then being actively used to check to see if there's, uh, animals coming into this one location, but then a bait pile. And as Warden Anderson, um, stated, this was the most elaborate bait pile or baiting scheme that he's ever seen, and after viewing the photographs and discussing that, I would agree it's -- or it's one of the worst I've ever seen as well. Not only that, but then we have additional circumstances to where the cameras were pointed at -- from -- from the blind, and then from a different location were pointed at the bait. So in my interpretation, the only purpose of the cameras in the first place was to determine the success of the baiting scheme that was taking place. So that's a serious aggravated circumstance. Um, the blind that they were hunting from was set within bow range, and this was an archery tag. So again, the bait to the -- to the blind is with an archerage [sic] -- archery range, excuse me. Um, and then the final one in -- in this aggravated circumstances are the fact that the hunter was seen with Mr. Collard actually hunting at the location, which is not the case before with the Garrett Johnson case that you heard before, where he had a bait pile and cameras set up, um, for, I think it was, six days after, uh, the closure of the season. But that was more or less a scouting, uh, type mission and not an

actual hunting situation where we have proof in fact, that this was taking place at this site. In addition to that, um, you know, I also look at the cooperation that we get from, uh, the -- the suspects during the investigation. Are they continuing to, uh, mislead, are they misleading at all, or are they -- they have come forth to, uh, just basically spill what happened and take ownership of it. Um, in this case, we heard that Mr. Collard did intentionally mislead and then, uh, that was a brief, but that also happened during the Troy Rob appeal as well. He did the same thing, he misled and then recanted, and then decided to tell the truth, and that's fine. Um, so I look at a lot of difference -- a lot of different types of circumstances related to the facts and circumstances, and again, we can't say that Mr. Rob's was the same as -- as this case. Well, the violation that was, um -- that was charged and found convicted of might be the same, but the cases are completely different. The facts, the circumstances of the cases are completely different. So that's how I come up with the different determination of how I set the suspension term. And again, we have up to five years, and I know that it was argued that a middle of the road, this was in the middle of the road, but I argue that it is. I have up to five years that I can suspend or revoke or deny, and this is a three-year suspension.

BURKETT: To remind the commission, how long was Mr. Robb suspended for?

KREAMER: Mr. Rob was suspended in upheld by this commission for three years.

BURKETT: And did he place bait?

KREAMER: He did not place bait.

BURKETT: Okay. So there is an additional element of bait placement.

KREAMER: Exactly. And that's -- that's why I was describing as the, uh -- one of the aggravating circumstances in -- in my decision on this.

BURKETT: No more questions.

CLOWARD: Yes. Uh, Captain Kreamer, how are you today?

KREAMER: I'm doing well.

CLOWARD: Good. Um, you agree that in Warden Anderson's report, and this is Exhibit 7, he indicated that Russell Collard was very cooperative and forthcoming about the situation. Correct?

KREAMER: He -- I believe he did state that.

CLOWARD: And nowhere in that report, either the draft report or the final report, did he ever indicate that --- that, uh, Mr. Collard, uh, was intentionally misleading anyone, is that fair?

KREAMER: Mr. Anderson didn't. Uh, Mr. Giles report, um, does mention something to that effect.

CLOWARD: It didn't indicate that he, uh, intentionally misled. True?

KREAMER: Uh, I believe he did state that it was in -- it was misled, and then he -- he's also stated after that, that he, uh, was forthcoming and cooperative after. I'm paraphrasing.

CLOWARD: Sure. We wanna be accurate. Just one moment.

EAST: Mr. Cloward, do you have another question, maybe while you're looking?

CLOWARD: Um -- uh, I'll -- I'll just -- I'll move on with that.

EAST: Okay.

CLOWARD: I don't -- I don't believe that he ever indicated that he intentionally misled. I think that the question was when he was asked, uh, about the bait, he said, was Bruce Jensen's and then he said, no, it was mine, I'm taking responsibility. Is that a fair characterization of what took place?

KREAMER: That I believe we're on the same page. That would be a, uh -- a lie followed by the truth, either way.

CLOWARD: Understood.

KREAMER: Okay.

CLOWARD: Um, with respect to, uh, Garrett Johnson's event, uh, you agree that that was in -- out in the middle of nowhere, and there was really no way to see whether or not he was hunting over that.

KREAMER: What is your question?

CLOWARD: Garrett Johnson's event was out in the middle of nowhere.

KREAMER: I would have to review that case, but I don't see the relevance as to location.

CLOWARD: Well, you -- you've just indicated that, uh, one of the reasons that you feel that this is, uh, I guess, worse off than Mr. Johnson's, even though both of them involve a camera and both of them involve bait is that, uh, Mr. Collard was seen with a -- with a, uh, customer hunting or a hunter hunting over the bait, right?

KREAMER: That is correct.

CLOWARD: Okay. And Mr. Collards, uh, location was out in the open where anybody could see, right?

KREAMER: Well, they would be on private property to -- to do so, I believe.

CLOWARD: Um, I believe, if the commission looks at the report of Warden Giles, uh, the location that they were on was public property. Um, I don't wanna cross examine Captain Kreamer. I'm trying to be very respectful to Madam Chair, but I'm trying to also establish the record. Um, now with respect to the, uh -- the guide for 15-year period, uh, that's a factor that you've listed. You agree that, uh, Mr. Rob was a guide, has been a guide in either Nevada or neighboring state of Utah since I believe 2012.

KREAMER: Okay.

CLOWARD: You agree with that, right?

KREAMER: Uh, I would have to go back and look at his record. I don't -- I don't remember.

CLOWARD: Okay. Do you remember testifying at this commission, uh, in January?

KREAMER: I do.

CLOWARD: Remember offering testimony.

KREAMER: I remember I've heard testimony, yes.

CLOWARD: Okay. I would just ask the commission to review that as, uh, it was discussed, and it's also discussed in, uh -- um, the transcript that I provided. So as I see this, just to -- to ensure that the record is -- is -- is crystal clear, um, the aggravating factors when Mr., um, Collards is compared to Mr. Johnson's, uh, you've indicated that the only differentiating factor that I heard was that Mr. Johnson was not seen actually hunting over the bait. Is that accurate?

KREAMER: Well, there's a couple. Um, that is one. The fact that, uh, Mr. Collard had a customer, um, at the bait site, um, hunting, actively hunting. Uh, the second one is, um, Mr. Johnson had his trail camera out that we know of six days after the closure of the season and not 46 days. Um, and then, uh, of course the -- the difference -- another big difference being, um, Johnson had a, uh, mineral lick or some minerals on the ground versus an entire, uh, smorgasbord of -- of elaborate baiting going on.

CLOWARD: Okay. And as far as the location of Johnson's site, you would agree that that was in a (inaudible) place, meaning it was -- it was not visible from the road, it was not by a water source, it was not by anything along those lines. Is that fair?

KREAMER: Um, I'd have -- that wasn't my case. I didn't -- I didn't -- I don't know where that bag exactly took place.

CLOWARD: Well, if you're here to tell the commission, if you're here to tell the commission to give the commission a recommendation --

KREAMER: Mm-huh.

CLOWARD: -- I -- I guess I'm trying to reconcile now because you're giving the commission a recommendation as to what's a fair punishment, yet you're not able to talk about the facts of that case.

KREAMER: I don't know the location. You're saying it was in the -- in the middle of nowhere. I don't know exactly where that was, but I'm not gonna disagree that it was in a remote area.

CLOWARD: Okay.

KREAMER: Way more so than this.

CLOWARD: Okay. So it wasn't like right off the road, like this situation?

KREAMER: Um, I don't know, but I -- I, um -- based on what I remember the case in -- in your relo -- recollection, uh, I guess it would be probably not off the road.

CLOWARD: Okay. And then, uh, just the last comparison and I'll move on commissioner, uh, Madam -- Madam Chair. With respect to the comparison of Mr. Collards case and Mr. Rob's case, you would agree that, uh, when Mr. Rob was confronted, um, he acknowledged that he knew that it was wrong from the very beginning.

KREAMER: Yes.

CLOWARD: Whereas in this situation, Mr. Collard never indicated that he knew this was

wrong. In fact, he was mistaken as to what the law allowed.

KREAMER: Concerning the cameras, that's -- that's what the testimony says, but not concerning the bait.

CLOWARD: As we sit here today, I've not seen any evidence anywhere in either the binders or the oral testimony to suggest that Mr. Collard knew that it was illegal to place bait on private property.

KREAMER: Well, I -- it -- it's akin to this. If you go through stoplights, if you speed, you're still responsible for the outcome, even though you may be, um, utterly unaware of what the -- the traffic laws are. You're still responsible for it. Fifteen years as a guide in the state, he needs to be responsible for this information.

CLOWARD: Totally, 100 percent agree. Totally, 100 percent agree. He needs to be responsible for this information.

KREAMER: Mm-huh.

CLOWARD: Okay. But there is a distinction between willfully and intentionally violating something. Okay. Willfully and intentionally violating something versus being mistaken as to what the law allows. You would agree with that, sir?

KREAMER: Not entirely. However, I'll add this. Um, we also heard testimony today and it's in a report as well, that, uh, the year before when -- when Mr. Collard was in -- uh, interviewed, uh, by John Anderson, the -- during the -- I'm sorry. It looks like my microphone stopped. Test. All right. Test, test. There we go. Can you hear me? Nope.

EAST: I don't know what's --

BURKETT: Just speak loud.

KREAMER: All right. Can you hear me? Oh, okay. All right. Uh, I -- I kind of forgot where I was exactly. But, uh, the year before Mr. Collard, uh, was, uh, using bait on this -- in this particular case, he was interviewed, uh, concerning the Garrett Johnson case of wh -- which John Anderson -- Warden Anderson, uh, interviewed Mr. Collard and he was at that time, fully aware and then disappointed in fact that, uh, Gary Johnson was using bait in cameras at that time. So yes, he was aware, um -- I don't -- I -- which in my opinion, this is one of my aggravating circumstances, lends itself to intentionally knowing that it is wrong, it is unlawful, and it was intentional to keep doing this.

CLOWARD: Okay. And looks like mines -- well -- no, mines working. So as far as, um, using the bait in the Johnson situation, you agree that the Johnson situation has zero private element to that event. True?

KREAMER: Yeah. The -- the bait law has no distinction between private and public land. It is simply unlawful.

CLOWARD: I -- I understand that. But any discussion that Warden Anderson or Mr. Collard would have had was specifically with respect to public land. True?

KREAMER: Based on Warden Anderson's testimony, he does not recall of what his conversation was, and I wasn't there to hear it. I'm sorry.

CLOWARD: Okay. And, um, with respect to, um, Mr. Collard in this situation, you would

agree there was zero attempt. I mean, like Warden Anderson said, this was an elaborate baiting. There was zero attempt for him to hide any of that information, any of the bait, anything to make this some covert operation. True?

KREAMER: Uh, again, it -- it -- that -- that goes toward his intent and his personal knowledge of it, and I can't speak to his personal knowledge. I'm sorry.

CLOWARD: And -- and that was --that was, I guess, the point that I was trying to make, is that it does go to his intent. If he's out there in the middle of a field that everyone can see that you can drive right up to, and it's this elaborate scene, the intent would be that he's not trying to hide anything. I don't have any other questions.

EAST: Thank you.

BURKETT: We have no more witnesses. Uh, and we'll -- so we'll close our case.

EAST: I'm gonna -- I'm gonna ask the commission if they have question -- questions for Captain Kreamer. Any questions for Captain Kreamer and then we'll come right back? No. Okay. All right. So you're finished with your side.

BURKETT: Exactly.

EAST: Okay. So that moves us on to, um, C, rebuttal, or do you have -- do you have any -- are you calling witnesses?

CLOWARD: Uh, no, Madam Chair.

EAST: Mr. Cloward? Okay. So we're moving on to C. The department and appellant will present any rebuttal evidence, and then be crosses -- cross examined by the other party and questioned by the commission on issues limited to the rebuttal evidence.

BURKETT: We, uh --

EAST: Are we clear? Okay.

BURKETT: I -- I think counsel was just clarifying. They don't have rebuttal; we don't have rebuttal. We can go to closing argument.

CLOWARD: Correct.

EAST: We're moving on?

CLOWARD: Correct.

EAST: Okay.

CLOWARD: Yes. Yes, Madam Chair.

EAST: Okay. So we're on closing our arg -- arguments.

CLOWARD: Yes. So again, um, I wanted to clarify a couple of things. Uh, Commissioner McNinch, Commissioner Alberg, uh, this is never a situation where Mr. Collard has tried to hide. Okay. He

was hunting over the bait. There's no question about that, plain and simple. He was hunting over the bait. He's never tried to claim, oh, I was just out there, uh, you know, looking at cattle. His big mistake is not checking the regulation to verify that baiting is illegal on public and private. He was under the mistaken impression that he could bait as long as it was on private. And that was the conversation, uh, with respect to, um, Warden Giles and Warden Anderson was on the camera issue. Okay. It's the same thing. And logically, logically, if you think about this, if you put yourself in his shoes, if the policy consideration behind these laws is the, um, state resource, okay, if animals are a state resource, all right, the policy provision is, well, you can't bait on private because it's a state resource and you can't bait on public because it's a state resource. Well, the policy consideration is identical with respect to cameras. You shouldn't be able to use a camera on public if it's a state resource after the time, and you shouldn't be able to use it on private after the time because it's a state resource. So the big mistake that -- that Mr. Collard made was in his mind when he clarified about the camera issue, can I use the cameras on private? He was told, yes. He made the logical assumption that he could also bait on private. And that was wrong. There's no question that was wrong, he made a mistake. But again, there's a big difference between making an honest mistake and making an intentional, um, you know -- in -- in the law, when you talk about intent, intent is a mental state of mind. It's called mens rea. You want to do something that you know is illegal. That's the difference between a criminal action versus a civil action. If I get out of my car to use, uh, Captain Kremer's example, if I get out of my car and I am going 90 miles an hour, and I know, and I know that there's a stop sign ahead, but I don't care, and I'm gonna blow through the stop sign, no matter what, and I hit and kill someone, that is a crime. I'm gonna get charged for vehicular manslaughter, or potentially even some level of murder. The difference is -- is, um, if you're going along and you think that you're within the law, and you're not sure that there's a stop sign and you run the stop sign and you cause a car crash and somebody dies, you're not charged criminally, you're charged civilly. They can sue you, uh, for wrongful death. So that is the big distinction here. With respect to Mr. Rob, um, his actions, he knew that it was wrong, yet he chose to do it anyway. With respect to, um -- and you know, there's -- there's one thing called circumstantial evidence in the law, right. Direct evidence is you see something, so I see the snow falling. Circumstantial evidence is I walk outside and there's snow on the ground. I can deduce that it snowed. Right. Even though I didn't see it. Well, the circumstantial evidence in this case is that Russ Collard believed that he was within the law. I mean, my goodness, if -- if he's going out there and having this quote unquote elaborate bait site that anyone can see from anywhere, that is not evincing a state of mind that he knew that it was illegal, and he is trying to hide it. It's -- it's just -- it's -- it doesn't events that state of mind. And so, um, again, for the reasons that we've set forth, we think that the Rob case is easil -- easily distinguishable. It's -- it's way less -- or, I mean, excuse me, way more egregious because of that conscious state of mind. He knew he was doing wrong; he knew that he placed those cameras, and matter of fact, he tried to hide them. He put them up in an area that was so far away that he didn't think that he would get caught. Compare that with Mr. Collard, he's placing this out in the middle of -- of the open. And then same thing with, uh, Mr. Johnson. Mr. Johnson placed the camera, it was in a hidden place, it wasn't easily accessible. A hunter just stumbled upon it. And so, um, I certainly believe that, you know, equal treatment, um -- there should be an -- an equal application of the law, an equal application of the suspensions, and as I spent time going through all of the revocations in this case, or in this state for the past 10 years, for 10 years, there's only been one other, other than Mr. Rob, one other three-year suspension, and that was for essentially a poaching case where the individual was obstructing, uh, an investigation. That's the only other three-year case. And so when you compare those things, when you compare the apples to apples, um, I believe that it's -- it's more than adequate for a one-year suspension. I believe that the commission can send a very, very strong, very strong message to Mr. Collard that this ever happens again, it's a five-year suspension, he's done. And I -- I'll just note that, um, Mr. Collard offered through the prosecuting attorney to be on probation for 10 years, for an entire decade, an entire decade. Offered to pay double the maximum fines, offered to -- to have 50 hours of community service. None of those things are called for in the statute, but that was rejected. It was rejected because the entire purpose of -- of the state, uh, prosecuting attorney and Captain Kremer was to suspend this man for a -- a period of time, and it's his entire livelihood. It's what he does. It's not a part-time gig for him. That's why I'm here, that's why I'm making the record. I know I'm a pain in the butt and, you know -- and I apologize to the commission for that. I really sincerely do, but I would hope that each of you, if you were in my client's shoes,

you would understand the importance of this, and you would understand why I'm here doing what I'm doing. It's not to be disrespectful, it sincerely is not, it's to create a record, is to create a record. This is how this man pays for his kids' food, it's how he pays for his mortgage, it's how he pays for all of these things, and it was not a -- an intentional disregard. So with that, I, uh, throw ourselves at the mercy of the commission and respectfully request a one-year suspension.

EAST: Okay. Thank you. Mr. Burkett?

BURKETT: Thank you. Um, counsel, wanna (inaudible) --

EAST: You get closer to the mic, Mr. Burkett.

BURKETT: I want to just offer to counsel very good argument. Um, I thought that he did a great job with the argument on behalf of his client. I think the issue here is -- as it relates to this sort of knowledge versus lack of knowledge. When you have an individual who's been a guide for 15 years and you have a statute that's been in place for over a decade, a lack of knowledge is even more concerning. How could you not be aware for being a guide for 15 years and a statute that been in place for over a decade, that that statute was in existence, first of all, and that, secondly, what that statute said or what that regulation said. I wanna read the regulation and I apologized, just bear with me. Because the regulation is so abundantly clear. This is in -- on Page 71 of the -- the endowed documents to almost the last page. NAC 503.149, baiting big game mammals, a person shall not, A, bait big game mammals for the purpose of -- purpose of hunting. It's that simple. There's no private or public. There's no indication of any separation. This -- the regulation is very easily understandable; it's very easily understood. And as a guide, here's the problem that Mr. Collard has, I'm sure he's a fine gentleman. But here's the problem they have with this argument, he's supposed to know the regulations. He's a guide, he's not a hunter, and the difference between Mr. Collard's conduct and many of the others that are involved in, um, counsel's graph, is -- a lot of these are hunters or their suspend -- their denials for somebody who applied for a license and didn't do whatever they're supposed to do. There's only one direct comparative in circumstance and that's the Troy Rob one in which you just issued a three-year suspension. On top of the Troy Rob one, which you have here, is according to Mr. Anderson, the most elaborate bait scheme that he's ever seen, the same for Mr. Kreamer, to the point that Mr. Giles is concerned that wildlife is consuming all of this volume of materials is gonna get sick. We also have the fact that they purposely take that bait, use it, to then shoot a big game animal. They put a blind in -- in front of it, they put a camera in front of that blind, and they point that camera at the bait. This most elaborate bait scheme you've ever seen. If Mr. Collard doesn't know that you can't bait on private property, he should know it's illegal to feed wildlife, and what conclusion could you draw based on the circumstances of this case, other than he was illegally feeding wildlife, if he wasn't violating NAC 503.149. But I think the most crucial and unfortunate circumstance here is the impression that he gives the public by doing this. Because what he does is he brings a person in, a client in, and he uses that client or he places this client in this blind over bait, the most elaborate bait scheme you have ever seen, and then uses that to help this client secure the harvesting of a big game animal. What conclusions can we draw about that conduct that it's cheating. He's clearly cheating. And if he doesn't know that -- I mean, that's our argument, that he doesn't know that he's cheating. How could you not know, how could you not know that this kind of conduct is cheating, with all due deference to the argument. You have to know this was cheating. In addition, you have this situation where you have an individual who's left a camera up on public for over 45 days past when it should have been removed. Frankly, I don't think that's as egregious. I mean, that is problematic, he shouldn't have done it, but it's the fact that you put a client in a blind with a camera that you're using to monitor the -- the situation to make sure that you're having success for your client. And we heard testimony that they use that monitoring equipment, they downloaded the equipment to see what game was attracted. Clearly, they're using that to help them harvest in it, which is cheating. And I think it's egregious from the standpoint that he's doing it clearly with this elaborate bait scheme, clearly with a client intended to harvest a big game animal, and you have another individual member of the public that is -- has none of those advantages. Let's put it that way. Somebody who doesn't have a guide has none of those advantages. It's

cheating. You're -- you're seeking an advantage that somebody else doesn't have and guides should know better, guides should know what the law is. Thank you.

CLOWARD: Just a final closing. Madam Ch --

EAST: I -- that was closing.

BURKETT: I -- I don't know -- what -- what your process says, I can't remember.

EAST: Closing arguments will be presented by the appellant and then by the department. The commission will deliberate and then render orally its order with separately, uh, stated findings of fact, and conclusions of law. So we bring it back to the commission now.

CLOWARD: I -- I -- I think -- 'cause the -- because it's my burden, I get a rebuttal closing. (inaudible) that's --

EAST: No, we -- we passed rebuttal. I asked you if you had rebuttal and you said no.

CLOWARD: That's rebuttal evidence.

EAST: No. We're clearly --

BURKETT: That's why I asked to see if there was a rebuttal, uh -- uh, closing. I -- I don't see -- it's -- doesn't sound like there is.

EAST: Okay. So I'm bringing it back to the commission for deliberation. Does anyone have any thoughts that they'd like to share? No. Commissioner Rogers, you wanna go first?

ROGERS: (Inaudible).

EAST: Okay.

ROGERS: I don't think -- hello, Chair -- oh, mine does work. Um, I -- I -- I just wanted to, uh -- a couple of comments and -- and -- and thoughts around all of this today. Um, you know, we were given all of this material, uh, a number of days ago, and I really took it upon myself -- I think I certainly owed it to this commission, to the state, um -- uh, to Mr. Collard as well, to really read through all of that material, and I did over the course of several nights, um, to really understand, uh, the evidence, everything that was, um, talked about in the various reports and listened intently today. I know there's a lot of material covered today, but listened very intently, um, on everything that was shared. And, you know, my two cents, I guess, on the matter is I'd like to commend, uh, Captain Kreamer and, uh -- and Wardens Anderson and -- and Giles for their investigation. I think they did a complete and thorough job, uh, throughout the process. Uh, I said this in -- in the -- the previous case of Troy Robb, and I'm gonna say it again today. I think that having a guide license in the state of Nevada is a privilege and it's not a right. Mr. Collard is a non-resident of the state of Nevada, and I think has an even higher obligation to uphold standards and has an obligation to know the laws, to know the rules, to know the regulations, and especially again, given his -- his tenure as a licensed guide. I think the suspension, in my opinion of three, um, is -- is appropriate. Uh, I certainly would support nothing less than that, may even consider supporting more. Um, also, it didn't affect any of his personal hunting, only his, uh -- only his guide, uh, license, that suspension. So again, just my two cents, I would support that, uh, three years. I think that, um -- uh, gentlemen mentioned, uh, offering a one year with a very stern warning. Uh, my two cents, again, I would offer and support a three-year, if not more, with also a very stern warning to Mr. Collard and any sub guides, um, that, uh, are doing business illegally in the state of Nevada, that there are absolutely consequences for their actions, and they need to know the laws.

EAST: Thank you, Commissioner Rogers. Anybody else have -- comm -- uh, Commissioner Wise?

WISE: Um, I agree, um, wholeheartedly, uh, with everything you just said. Um, we talked last at the last case about how ignorance of the law wasn't an excuse, and we talked about how the guidelines were meant to have teeth so that we would stop these types of behaviors. Um, I appreciate everything that was put forth today. Um, I think that there -- with the questions surrounding the blind and the camera and the property, um, all of that should be taken into account. But even when you look at these and the property boundaries, it seems pretty clear to me that the western most camera was absolutely on public land, and even if we're not talking about the camera that baiting and hunting abated area were all done, um, and should the knowledge that baiting an area, uh, was illegal should have been known by somebody who has been guiding for that long. So I would also support maintaining the sentence or even, um, something higher.

EAST: Okay. Thank you, Commissioner Wise. Anyone else have thoughts? (inaudible), no. Vice Chair Caviglia?

CAVIGLIA: I'm kind of on same page, and I -- I have got license (inaudible), but I -- guides are held to a higher standard (inaudible). With our mapping software, we have nowadays, in my opinion, there is -- there isn't an excuse, um, to have an issue like this, and then to be -- to be frank, um, the outfit that Mr. Collard guides for, they have the biggest spotlight on them in Nevada. They just do, that's -- everybody knows it, you know, and so -- I mean, with that -- without spotlight on you, I mean, in my -- in my mind, you would have thought you had even been more cognizant to everything you were doing, you know, if that makes sense. Um, as far as law -- knowing the laws and paying attention to property boundaries and whatnot, 'cause they do -- they -- they have the biggest spotlight on them in this state, there's no doubt. Um, so I -- I'm kind of on the same lines as -- as everyone else up here. I -- I don't -- the three years to me seems -- it seems reasonable. Yeah. I don't -- I don't see anything less than that.

MALE: Thank you, Madam Chair. I'll make it quick. I appreciate the comments from the commissioners that have already spoken, and I do agree with them at this point.

EAST: Okay. Anybody else? Um, for me, I -- I've got lots of thoughts running through my head, but for me, the, um, egregiousness of this, the -- the baiting is just unacceptable to me. And we do hold guides to a higher standard, we have to. Um, people rely on them to -- to follow the law. We rely on them to follow the law. I think, you know, you kept comparing this case to others and the case with Mr. Rob, we actually got to talk to Mr. Rob. We've not heard a peep out of this -- this gentleman, and I -- and I think, unfortunately, that -- that was a hindrance. He -- he could have come up and talked to us and told us he was sorry, and all the things that Mr. Rob tried to -- to explain to us. But we haven't heard anything from him today, and that to me is -- is kind of unacceptable. Um, I get it that he hired you to be his -- his spokesperson, but, um, I just would've liked to have heard from him. Um, so I -- I met -- I met a minimum of three years and quite possibly five, depending on where everybody else sits on this, and that's just where I come. I -- I too have looked through all this material, and, um, it's -- it's a lot for us. The -- we don't do these every day, but we do have to (inaudible). Sorry, we do have to uphold the law. Commissioner Almborg?

ALMBERG: Yeah, I guess for me, um, I had asked him the previous case about if there was a hunter with him. Uh, and the reason I asked that is because they're -- they -- they subject that hunter. If the hunter does something they know is wrong, that hunter is now in trouble and it's -- it's their duty to keep them out of trouble and safe. There's all kinds of obligations when it comes to having that hunter with you. And so for me, that -- that, that's very important. It validates why he -- the need to know. So, uh, that -- that's an extenuating circumstance for me, uh, for sure. Uh, and you know, I -- I -- I -- if the communication world, in the hunting world, and -- and people -- when you put yourself out there, it -- it -- there, uh -- it's -- it's -- it's such a small world, the communications there. It's hard for me to believe that everybody doesn't know,

because we -- there -- it's talked about and talked about, especially in the hunting -- this -- the community here. Um, and I -- I'm okay with not going to five years. I'm not gonna be anything less than three years because I think that the message is gonna be out there that look, it's -- it's significant, and you know, I -- I don't wanna go to the next step of having to ratchet up. I hope that the communication is so good, everybody's following this, the three years, they're saying, hey, look, this was put in place by the sportsman. The sportsman was a part of this case and the sportsman, uh, wanted it, this regulation. It was -- there was lots of discussion for it, and the sooner -- I mean, it's been very good compliance. The sooner it's total compliance and everybody's on the -- it's -- the better, you know, so we don't have to ratchet up. I don't wanna ratchet it up. I just want people that comply.

EAST: Okay. Anybody else? Do I have a motion? I don't have a motion. I'll make a motion that we suspend Mr. Collards guideline license for three years, based on the findings that he placed a trail camera on public land, past the season date, and that he illegally baited, uh, wildlife against the NAC -- NRS, whatever it is. Let me look. The NAC 503.145 and 503.149. Do I have a second? I have a second by Commissioner Pierini. All in favor of the motion, please say, aye.

MALE: Aye.

WISE: Aye.

EAST: Opposed? Motion carries. Eight to zero with Commissioner Barnes absent. So please enter the decision into the record. Uh, let's see. I think we're moving on. Thank you, Mr. --

CLOWARD: Madam Chair, thank you. Commissioners, thank you. I know it's been a long day. I sincerely appreciate, uh, all of your attention. Uh, I know it has been a -- a long day, so thank you.

Lunch Break 12:00pm – 12:30pm

**9. Nevada Department of Wildlife Project Updates – Secretary Wasley – Informational**

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

Fisheries Biologist Brandon Senger gave a presentation on the Lake Mead Hatchery and the visitors center. *[A copy of the presentation can be found on the NDOW website.]*

**Friday, March 25, 2022 – Tour will begin at the close of Agenda Item #9**

The Commission will tour the new Lake Mead Fish Hatchery in Boulder City. An informational presentation will be made, but no action will be taken by the Commission. The public is invited to participate but will be required to provide their own transportation. The group will depart from the meeting location.

**Saturday, March 26, 2022 – 9:00 a.m.**

**10. Call to Order, Pledge of Allegiance, Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairwoman East**

Chairwoman East called the meeting to order at 9:00am. Commissioner Rogers led the Pledge of Allegiance. Executive Assistant Missy Stanford called the roll of the Commission. Chairwoman East made note of the CABMW members in attendance.

**11. Approval of Agenda – Chairwoman East – 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.

Chairwoman East reiterated the removal of agenda item 14E, as the Wildlife Heritage Committee was unable to meeting.

**VICE CHAIR CAVIGLIA MOVED TO APPROVE THE AGENDA WITH THE NOTED REMOVAL OF AGENDA ITEM 14E. SECONDED BY COMMISSIONER ALMBERG. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**12. Member Items/Announcements and Correspondence – Chairwoman East – 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.

Chairwoman East noted that she has received a considerable number of emails regarding Commission Policy 67. She complimented the Department on the Lake Mead Hatchery visitor’s center, she stated she enjoyed the field trip.

Commissioner Kiel complimented the Department on the Lake Mead Hatchery visitor’s center and the NDOW Las Vegas Pepper Lane office.

Secretary Wasley introduced Bernie Keane as the new Administrative Assistant at the NDOW Pepper Lane office, replacing Kathie Teligades. He introduced Meghan Beyer as the new Administrative Assistant in the Director’s Office.

**13. County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational**

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

*No CABMW member items.*

**14. Reports – Informational**

**A. Department Activity Report – Secretary Wasley and Division Administrators**

A report will be provided on Nevada Department of Wildlife activities.

**DIRECTORS OFFICE**

On February 28, the Legislative Commission approved the three remaining regulations from our Regulation Simplification effort. Those regulations included:

NAC 502 Changes: Clarifies Mountain lion check-in requirements, addresses canned hunts, makes it unlawful for master guides to submit a nonresident hunt application for a family member, requires guides to have all necessary permits before guiding, makes a clarification on damage compensation property counts, and clarifies taxidermy requirements.

NAC 503 Changes: Clarifies what is needed to hunt furbearers, updates taxonomic classifications, officially makes it unlawful to collect reptiles for commercial purposes (will no longer need to be done through CR), updates the definition of “aquarium fish”, clarifies aircraft use under permits and in regard to trap visitation, and updates the definition of “suitcase-style traps”.

NAC 504 Changes: Updates the description of WMAs, changes trap permits on WMAs to a first come first serve basis, requires claimants keep a record of damage for 1 year, updates requirements for permits and commercial and noncommercial licenses, addresses the importation and enclosures for ungulates to prevent the spread of CWD, and clarifies and updates guide requirements.

Deputy Director Bonnie Long, Management Analyst Kailey Musso and ASO Jordan Goshert attended the Budget Kickoff meeting with other fiscal staff to start preparing for the next legislative session.

### **GAME DIVISION**

**Bighorn Herd Test and Remove Projects:** Previous disease events have severe and long-term impacts to bighorn populations. WAFWA’s Wild Sheep Working Group along with key wild sheep professionals developed guidelines for conducting “Test and Remove”. The concept is that chronic carriers exist in a herd after they have been exposed to a novel strain of *Mycoplasma ovipneumoniae* (M. ovi). Most bighorns mount an immune response and clear the active M. ovi. infection but a small percent of the adults will continue to carry an active M. ovi infection. A single chronic shedder ewe in a nursery group can infect lambs with most of them dying because their immune system is not yet fully developed until 4 months of age. Research has shown that the removal of chronic shedders through capture and testing can increase lamb survival, allowing for herd recovery.

Test and removal projects are underway in the Snowstorm Mountain and Santa Rosa Range. A total of 57 ewes and rams were tested with six confirmed to be M. ovi positive.

Complicating our efforts, several collared Santa Rosa bighorn, negative for M. ovi, were killed by mountain lions and with prompt support from Wildlife Services, four mountain lions were lethally removed to help protect the remaining bighorn in the Santa Rosa Range.

Another Test and Remove was initiated in November 2021 on the Nevada Test and Training Range. With tremendous collaboration from Department of Defense, 29 desert bighorn were captured with two testing positive for active M. ovi infection. Both were lethally removed. This Test and Remove project will cover the broad metapopulation that spans from Stonewall Mountain on the northwest edge to Bare Mountain to the southeast

**Bighorn Disease Surveillance:** Through Fall 2021 aerial surveys and hunter harvest testing, a broad spread of an existing M. ovi strain that has impacted Churchill County bighorn herds in recent years, has likely spread south into Mineral and Esmeralda County herds. To help identify the geographic extent of the M. ovi spread by bighorn foray movements, captures, testing, and collaring was conducted in six bighorn herds involving 28 animals. Follow up lamb surveys will be conducted to assess where M. ovi may be impacting lamb survival and help inform future management decisions. Several Nevada bighorn conservation organizations graciously donated critical funding for the various bighorn captures and testing conducted from November 2021 through February 2022

**Stray Domestic Sheep:** Three domestic sheep events occurred associated with local bighorn herds in March: mature ram from Virginia Range commingled with small domestic sheep farm flock in Dayton, single stray domestic ewe commingled with a young California bighorn ram on the Lake Range on Pyramid Lake Paiute Tribal Lands, and seven stray domestic sheep got separated from a large domestic sheep band in close proximity to desert bighorn ewes about to lamb in the Duckwater Hills. All were

investigated with woolgrowers and owners contacted with potential for pathogen spread and no animals were able to be captured or removed.

**Winter Captures:** Wildlife health participated in several captures during January and February of 2022. This included a continuation of the Santa Rosa test and cull operation with 19 captured and tested, a continuation of a Washoe Mule Deer health and nutrition study where storms and low-density limited captures to eight animals, and the capture of six elk in Area six with placement of rumen transmitted for mortality monitoring.

**Vertebrate Pest Conference:** An update was given on wildlife diseases in Nevada to the Vertebrate Pest Conference held in Reno in March.

**Rabbits:** Data compiled from the last two years of rabbit route surveys has shown a precipitous drop in the population of rabbits in the state, most notable among black-tailed Jackrabbits. Eight of nine county surveilled showed declines with a statewide decline between 2020 and 2021 of 52 percent. The county most affected was Clark County with a drop of 94 percent. It is unclear whether this is due to drought, RHDV2, or a combination of both.

Additionally, the first preliminary case of RDHV2 in a pygmy rabbit was detected in southern Elko County. The results are awaiting confirmation at Federal lab, but anecdotal report suggests a large drop in population at the site of detection.

**White Nose Surveillance:** The wildlife health program participated in surveillance for White Nose Syndrome in bats. All results returned this year have been negative.

**Elk Surveys:** Game division staff conducted elk surveys in MA's 16 and 23 from February 10 - 15. The MA 16 elk survey covered portions of 161, 162 and, 163. The MA 16 survey yielded a sample size 461 elk with a ratio of 24 bulls:100 cows and a calf ratio of 12 calves:100 cows. The MA 23 survey yielded a sample size of 143 elk with a ratio of 79 bulls:100 cows and a calf ratio of 19 calves:100 cows. The MA 23 surveys were completed concurrently with Utah's aerial surveys. Approximately 250 elk were observed in proximity to the Stateline during Utah's surveys. These elk can easily be available in Nevada during the hunt season. Discussion are being had on what inferences can be drawn due to these elk being observed in proximity to the Stateline Unprecedented drought conditions experienced in 2020 and 2021 and concurrent poor habitat conditions are two reasons that explain the depressed calf recruitment observed while on survey. These data are depicting population level contractions which will have implications on the quota process.

**Spring Mule Deer Surveys:** Southern region staff conducted spring mule deer surveys in MA's 22 and 23. Surveys were conducted the week of March 7. Surveys yielded a sample size of 960 deer in MA 22 with a ratio of 21 fawns:100 adults and 1145 deer in MA 23 with a ratio of 22 fawns:100 adults. Unprecedented drought conditions experienced in 2020 and 2021 and concurrent poor habitat conditions are two reasons that explain the depressed fawn recruitment observed while on survey. These data are depicting population level contractions which will have implications on the quota process.

**Lek Counts:** Southern region staff have conducted Lek counts on 15 Leks to date in Central Nevada and Lincoln County. To date, seven of the 15 Leks have been active, and numbers have been relatively low. This is to be expected in the early parts of the Lekking season. Inclement weather has precluded additional surveys being completed.

**Bobcat Sealing:** Game Division staff have completed multiple bobcat sealings. Jaws were collected from each individual bobcat along with pertinent harvest data. These jaws will be boiled within the next couple of months and inferences will be drawn based on recruitment numbers, trapping effort, and sex ratios.

**Interviews:** Game and habitat staff are conducting a second round of interviews for the Las Vegas game biologist position. The first round of interviews provided a qualified candidate who eventually turned down the position due to cost of living and financial compensation.

**Quota Process:** Game Division staff are fully immersed in the quota process. Finishing spring mule deer surveys, modeling populations, completing quota recommendation forms, and writing status and trend reports for all species are being completed. Each biologist is also compiling precipitation, habitat, and harvest data for reporting purposes.

**Moose Management:** NDOW has nearly 500 individual observations of moose in our ongoing database. Recently, NDOW biologists classified a total of 34 moose encountered during post-season deer and elk flights in Elko County. The resulting ratios were 63 bulls: 100 cows: 50 calves. Most of the moose observed in Unit 081, are summering in Idaho and wintering in Nevada. The rest appear to be yearlong Nevada residents.

Of the 34 moose

- 16 were in Unit 081
- 8 were in Unit 072
- 3 were in Unit 071
- 3 were in Unit 075
- 2 were in Unit 074
- 2 were in Unit 061

Currently, there are 10 moose collars deployed on 7 cows and 3 bulls. We have been closely monitoring the collared cows and have documented at least 10 calves in the past 3 years. We have documented one cow that has had 2 sets of twins, with a year off in between. The collared moose are helping locate additional moose as well as showing us what habitat types they prefer. Willows, aspen, and mahogany seem to be the front runners.

### **HABITAT DIVISION**

**Argenta WMA:** On March 7<sup>th</sup>, NDOW closed on the purchase of the Licking Ranch which is ~1,560 acres along the Humboldt River northeast of Battle Mountain, Lander County, NV along with ~895 acre-feet of water rights. The property contains wet-meadow habitat that supports numerous species of migratory birds along with mule deer, wild turkeys, California quail and pronghorn antelope. In addition to the wildlife values, the public will benefit from opportunities for hunting, fishing, trapping, camping, nature study and wildlife viewing on the area. The purchase of this property is vital to NDOW's mission of managing, protecting, and restoring habitat in the state and will be added to NDOW's WMA System.

**BLM Sage-Grouse Approved Resource Management Plan Amendment (ARMPA) comments:** NDOW recently coordinated and provided feedback on our concerns regarding the BLM Greater Sage-Grouse land use plans. The plans are being reopened for amendment and the Department has accepted BLM's invitation to participate as a Cooperating Agency. NDOW worked with the land use plan over the last 6+ years and understands the numerous challenges that have resulted in weakened protections and constrained avoidance, minimization, and mitigation measures.

**Sagebrush Health Mapping:** - NDOW GIS and Habitat Staff have recently finished a sagebrush ecosystem threats map to determine the relative health of sage systems in the State. Maps outline a time series from 1986-2020 and show the cover of shrub, pinyon-juniper, perennial grasses, as well as annual grasses and forbs in sites that historically supported sagebrush. The maps can be summarized by hunt units or other areas of interest to show changing habitat health over time.

Loss of sagebrush habitat due to multiple stressors and impacts has been far reaching at the state level over the last several decades. From 1986 to 2020, good and intermediate quality sagebrush habitat within Nevada declined from an estimated 70.2 percent of potential habitat to 35.5 percent of potential habitat. Roughly 31,704,818 acres, or 44.81 percent of the State is estimated to historically have supported sagebrush ecosystems and associated wildlife.

**Restoration and Rehabilitation:** Nevada's 2021 wildfire season was less severe than past years consuming only 123,427 acres. Although less severe, NDOW implemented approximately 26,118 acres of aerial herbicide application, 35,434 acres of aerial seeding, and 1,310 acres of drill seeding for a total of 62,862 acres of wildfire rehabilitation treatments. Since 2015, NDOW has implemented more than 500,000 acres of treatments at a cost of nearly \$9.5 million.

**Water Development Program:** The Water Development build season has kicked off with the Southern Region already completing the Quail Spring, Desert 6, Woody, and Falcon projects. While the Northern Crew recently finished their first build of the season in the Kamma Mountains and is scheduled build North Valley #1 on April 23.

**Sagebrush Ecosystem Technical Team:** The Sagebrush Ecosystem Technical Team (SETT) is currently examining a strategic approach to developing an effective method to analyze and mitigate for debit projects that are anticipated to cause lek extirpation from direct and indirect effects of operation.

The SETT is also reviewing incorporating a Bi-State HSI into the HQT tool to account for debit projects within the Bi-State sage-grouse PHMAs, GHMAs and OHMAs. To date, the Conservation Credit System has only been leveraged to mitigate disturbances for greater sage-grouse.

### **CONSERVATION EDUCATION DIVISION**

**Classroom Programming:** Trout in the Classroom programming has been ongoing and is starting to wrap up with trout releases in the next couple weeks. Many virtual options are still in place for teachers to participate, as well as an increase in in-person field trips for their trout releases. We have more than 5,000 students participating this year.

Our first classrooms have completed badges for the Wildlife Badges pilot. This program is aligned to K-12 standards and offers three different badges that classrooms can earn: flora, reptiles, and the adventure badge. Teachers are required to attend training for the program and then facilitate it in their classrooms at their own pace.

Classrooms participating in our Know Your Nevada fourth-grade state symbols program have started to wrap up in time for state testing and spring break. The program is a series of three lessons focusing on where in Nevada our state symbols are found, how they're adapted to live there, and what conservation issues surround them. This program is being facilitated virtually and occasionally in-classroom as COVID restrictions continue to lift.

We're also ramping up excitement for our annual Free Fishing Day Poster Contest. The contest is open to all 4th and 5th grade students in Nevada and allows the Department to connect directly with the younger generations of outdoor enthusiasts. The winner of the contest will have their artwork printed on posters that will be hung in schools and government offices across the state reminding the public of this year's free fishing day, Saturday, June 11.

**Events:** Preparation is ongoing for the upcoming Clark County Fair in April, and the Volunteer Academy in May.

**Outreach:** Conservation Education staff has planned a variety of promotions for later this month including email campaigns, website content, and social media posts to promote the upcoming big game application period and provide hunters with resources. There will also be content explaining how hunters can use those resources and the new NDOW.org website to prepare for the application period.

The Department's Nevada Wild podcast has been selected as a finalist by a distinguished panel of judges for the Golden Post Awards associated with the Government Social Media Conference. A wide variety of local, state, and federal government agencies across the nation submit awards for this conference, so to be selected as a finalist is a big accomplishment.

In February, Public Information Officers worked with Nevada Division of Forestry and Department of Conservation and Natural Resources to set up a media visit and visit by Governor Steve Sisolak to the Tamarack fire burn scar, where the Department has organized restoration work. The visit was a success, and generated stories from all three news stations in Reno, and several in Las Vegas.

**Media Highlights:** Women's Month social media posts and podcasts have been rolling out this month with lots of great reception. Chairwoman East has been highlighted with lots of positive feedback. We have a lot greater content planned for March.

This month, Conservation Education staff has focused on promoting fishing across the state as urban ponds are stocked. Public information Officers planned a media event when the Department stocked the Sparks Marina with trout for the first time this year, kicking off western Nevada's fish stocking season. The event had a good turn out and positive coverage. Reporters from KOH radio, Reno Gazette-Journal, KOLO 8 News, KRNV News 4, and KTVN were there to cover the event.

NDOW's social media following has been steadily increasing for the past few years but hovering right under 50,000. In mid-February, Conservation Education staff made a target of engaging 224 more followers on Facebook by the end of the month. Staff surpassed their goal and engaged 356 new followers. That pushed the Department's following on Facebook to more than 50,000 followers in total! Twitter also saw a 33 percent increase in followers and Instagram had 55 percent growth.

According to the service staff uses to track mentions in the news, in February, the Department reached an audience of 300,000 on TV, 17,000 on radio, and 37,587,000 in online and print news. So far in March, the Department has had a TV audience of 39,000, a radio audience of 220,000 and an online and print audience of close to 1,864,000.

The Big Game Applications book arrived to applicants starting March 14, with plenty of time to spare before the application period opened. In addition to the publication, ndow.org and eregs.com have been updated with all pertinent 2022 application information. Con Ed also mailed a postcard to 100,000 potential applicants reminding them to apply for the 2022 season.

The Conservation Education division worked with Rocky Mountain Elk Foundation, Department of Conservation and Natural Resources, and Nevada State Lands to produce a press release on the acquisition of the Licking Ranch near Battle Mountain. Under the management of NDOW, the area will continue to provide vital habitat for mule deer, antelope, and other high-priority native species. In addition, more than 90 different bird species have been documented on the property, including rare and sensitive species like willow flycatchers, tundra swans, sandhill cranes, and wild turkey.

## **WILDLIFE DIVERSITY**

**Winter Raptor Survey:** The 2022 NDOW-coordinated Nevada Winter Raptor Survey was completed in January. The survey currently covers 68 driving routes across the state, providing information on the distribution, status, trend, and habitat use for most of the state's raptor species, several of which are

Species of Conservation Priority and BLM Sensitive. It is an annual effort that dates back to the 1990s, with an in-depth analysis of the dataset published in 2019. Annual surveys continue to be conducted by NDOW staff as well as federal agency biologists, NGOs, and volunteers, and route coverage continues to be high, with more than 95 percent of the routes surveyed this year. Excluding the 10 surveys that remain to be entered into the database at the time of this update, over 750 raptor observations were reported, including 122 golden eagles, 22 bald eagles, 141 rough-legged hawks, and 25 ferruginous hawks. Over 1600 miles of roads were surveyed with over 500 hours of survey time reported. This effort is expected to continue in a similar fashion indefinitely, with another five-year trend analysis scheduled for 2024.

**Disease Surveillance Surveys for White-nose Syndrome in Hibernating Bats:** Another annual survey effort Wildlife Diversity conducts each winter is checking and swabbing hibernating bats for the disease white-nose syndrome. This fungal disease impacts hibernating bats by waking them up and causing bats to burn through winter fat energy that results in starvation. We have been surveying bats each winter since the 2014-2015 winter and so far, all results have been negative. This year we surveyed 13 sites across five Nevada counties. We have received negative results for one site, with pending results on the remaining sites. We also plan to conduct additional samplings this spring as bats emerge from hibernation sites.

**NABat Results for 2021:** Wildlife Diversity recently received a report analyzing the results of our first full year of participation in NABat, a national effort to monitor North American bats. In summer of 2021, we deployed acoustic bat detectors at 20 sites across Nevada and collected recordings from 4-13 nights per site. 17 species of bats were identified. Several sites had between 10 and 12 species identified, and all sites had at least two species recorded. Small-footed myotis were found at the majority of sites, while the big free-tailed bat and the red bat were only recorded at a single site. We plan to continue and hopefully expand this survey effort in the coming years as it provides excellent data on an often difficult, and labor-intensive group of mammals to inventory.

**Spotted Owl Habitat Mapping:** NDOW collaborated with UNR and USFS to produce a high-resolution habitat map for California spotted owls (CSO) covering the entire Carson Range, the first of its kind. We used decades of field survey data and LIDAR imagery to examine species-environment relationships for foraging and nesting owls. We were able to accurately identify the most important habitat characteristics for this species on the dry end of its range and identify intact habitat patches on the landscape. CA spotted owls are utilizing areas with the tallest trees, greatest amounts of canopy cover, and greatest distance from forest openings, especially for nesting. The entire Carson Range covers approximately 78,700 ha, and we learned that only 6,099 ha (7.7 percent) of all available land area is highly suitable for spotted owl foraging and only 1,491 ha (1.9 percent) is highly suitable for nesting. Furthermore, the distribution of owl habitat is highly fragmented, which underscores the rarity of a species that is only found within a single mountain range in. The threat of catastrophic wildfire, increasing recreation pressure, and development all pose a challenge to spotted owl conservation, and this habitat map will be an important tool for wildlife and land managers as we conserve and protect this very rare species and enhance the habitats it uses.

## **FISHERIES DIVISION**

Most of our Fisheries Division personnel have been busy writing annual job progress reports and preparing for the 2022 field season. This includes the preparation and submission of Federal grants that fund most of our programs. Staffing changes are a continuing theme in the Fisheries Division as filling some positions has led to additional vacancies. We are proud to announce that Sam Sedillo has recently accepted the position of Western Region Fisheries Biologist (Tahoe / Truckee / Washoe County) while Colter Feuerstein recently assumed the position of Fisheries Biologist responsible for Lahontan Cutthroat Trout recovery in Humboldt County. In addition, we are also excited to announce the addition of two new Administrative Assistants at Reno Headquarters overseeing the Fisheries, Habitat, and Wildlife Diversity

divisions. We are certain they will all excel in their new roles and excited to add them as members of the Fisheries team.

**Aquatic Invasive Species Program:** In January, we received reports that a number of Petco stores nationwide had Blue Tilapia, Green Sunfish, and White River Crayfish present. These species were apparently all by-catch from a goldfish farm in Arkansas that serves as a supplier for Petco. Investigations revealed that Nevada stores did receive shipments from the Arkansas fish farm in question and did have some species present. Fisheries personnel worked cooperatively with our Law Enforcement Division to ensure all invasive species were disposed of and the source was notified.

**Fish Hatcheries:** Position vacancies at both Gallagher Hatchery and Spring Creek Rearing Station are anticipated to be filled soon. Regional fisheries biologists have provided much needed help at our hatcheries with vacancies during a very busy time of the year. We have expanded our position announcements for hatchery job in an effort to attract a much wider pool of applicants. YY Brook trout have been doing exceptionally well at Mason Valley hatchery exceeding our growth expectations and will be ready to plant this spring / early-summer.

**Native Aquatic Species Program:** The Center for Biological Diversity and U.S. Fish and Wildlife Service reached an agreement in February requiring the FWS to decide by April 4 whether the Dixie Valley Toad warrants protection under the Endangered Species Act. This comes after a number of court decisions and reversals related to the construction of a nearby geothermal power plant. A petition to list the Railroad Valley Toad as Threatened or Endangered was filed by the Center for Biological Diversity in March. NDOW was notified that plans for Phase II of Nevada Gold Mine's Long Canyon Mine project in Elko County have been cancelled. The project posed a serious threat to a population of Relict Dace adjacent to the mine.

**Water Conditions:** After roaring to life in December, the winter of 2021 / 2022 has sputtered considerably with no appreciable snowpack realized in January and February. A wet and snowy spring is crucially needed to alleviate ongoing drought concerns.

**Eastern Region Fisheries:** We are happy to wish Chris Drake a happy retirement after more than 30 years with NDOW and hope he can spend more time catching the fish he used to manage. Mr. Drake served as a large reservoir biologist in Elko County for the majority of his career and his official last day was February 2. The annual Ely Rotary Club's ice fishing derby was well attended at Comins Lake with over 600 registered participants. The derby was moved from its normal venue of Cave Lake while dam repairs are completed and the reservoir refills.

**Southern Region Fisheries:** Moapa Dace surveys were conducted in mid-February and resulted in a total just shy of 2000 fish which is a slight decrease from 2021 survey results. A juvenile Razorback Sucker was captured during the Lake Mead Razorback Roundup in February. Juveniles are always a rare treat as Lake Mead is one, if not the only place juveniles can be captured in the Colorado River Basin. Southern Region Fisheries personnel have contributed a considerable amount of time and effort into the renovation of the Lake Mead Hatchery visitor's center. The results are impressive to say the least.

**Western Region Fisheries:** The Lockwood Access Project was completed in February. This project was a joint effort that has opened up nearly a half mile of new access to the Truckee River that the public can utilize for a number of recreational activities. The project came together incredibly quickly with the direction of NDOW, a large donation from Granite Construction, and assistance from Nevada Division of State Lands, the Tahoe Pyramid Trail Group, Wonderhaven LLC, and Washoe County Parks. This section of the Truckee River is located minutes from Sparks and offers exceptional angling opportunities,

bird watching, a graded and improved trail with constructed bridges, and the potential to see bighorn sheep.

### **DATA AND TECHNOLOGY SERVICES DIVISION**

**2022 Hunt Applications** - The Data and Technology Services Licensing & Hunt Application units kicked off the 2022 Hunt Application Seasons with a successful Spring Turkey draw even though we saw a 12 percent decrease in the number of turkey applications from 2021.

The Non-resident Restricted Guided Mule Deer Hunt applications closed on March 7<sup>th</sup> and the draw was conducted on March 16<sup>th</sup>. We saw a 0.6 percent reduction in the overall number of applications from 2021, but it's worth noting that we did remove the last week of bonus point only applications for this draw.

The division is ready for the 2022 Big Game application period which opened on Monday, March 21<sup>st</sup> and closes on May 11<sup>th</sup>. A couple changes for this year is the removal of the Bonus Point only applications the week after the hunt applications closes; the failure to pay for an awarded tag will still result in bonus points being removed and waiting periods being applied (when applicable); and the new One-horn Ram Management hunt. Also, we updated the hold message for our 855 call center number to showcase projects the Department completed last year with the proceeds from the sale of hunting and fishing licenses.

Lastly, we are pleased to announce the Nevada Board of Examiners approved the rehire of three NDOW retirees: Maureen Hullinger, Lynn Walker, and Kathie Teligades. These women will be hired back through the Manpower agency temporarily to assist with the call center during the big game application period.

**2022 Heritage Auction Tag Sales Update:** The following is a recap of the 2022 Heritage Auction Tag sales so far:

- Turkey Tag #2 auctioned by Safari Club International sold for \$1,700 vs. \$2,500 in 2021 at the online auction sponsored by Nevada Bighorn Unlimited
- Antelope Tag #1 auctioned by Wild Sheep Foundation sold for \$32,500 vs. \$27,500 in 2021
- Antelope Tag #2 auctioned by Safari Club International sold for \$25,000 vs. \$28,500 in 2021 auctioned by the Mule Deer Foundation
- Nelson Big Horn Sheep Ram Tag #2 auctioned by Wild Sheep Foundation sold for \$175,000 vs. \$160,000 in 2021 at the online auction sponsored by Nevada Bighorn Unlimited
- California Big Horn Sheep Ram auctioned by Nevada Bighorn Unlimited sold for \$55,000 vs. \$135,000 in 2021 at the online auction sponsored by Nevada Bighorn Unlimited
- Mule Deer Tag #2 auctioned by Wildlife & Habitat Improvement of Nevada sold for \$75,000 vs. \$142,000 in 2021 at the online auction sponsored by Nevada Bighorn Unlimited
- The overall sales year-to-do for the Heritage Auction Tags have a reduction of \$131,300 in sale prices as compared to what the same auction tags were sold for last year.

The Heritage Committee is now accepting Vendor proposals the 2023 Heritage Auction Tags. The deadline for submission is April 18, 2022.

**Geographic Information System:** The Geographic Information System (GIS) staff released a Non-emergency Wildlife Mortality form to help the Department's veterinarian, Nate LaHue, collect information from the public on dead, sick, or injured wildlife. They have also made significant enhancements to the HuntNV app that added in the harvest maturity, median bonus points of successful applications, draw rate difficulty, as well as the difficulty ranking. They updated the Lek Count collection and form that will be used this year volunteers and built a Survey123 form for the Diversity division to track their volunteer and outreach efforts and update the hunt unit map for 2022.

**Information Technology** - Finally, the Information Technology staff has installed new internet and wireless connections at the Tonopah office. They updated the server and network storage for the Head Quarters location and have been working on distributing the remainder of the new computers to staff.

## **LAW ENFORCEMENT**

**Wildlife Investigations:** Eastern Region game wardens were involved in coordination with Nebraska game wardens regarding an interview, worked predator hunting contests, worked the Commins Lake Ice Fishing Derby in Ely with over 600 people entered the one-day event, an event at Wildhorse State Park for the Annual Ice Fishing Derby with over 800 total entrants both days of the event, received information about a stolen trap, continued shed antler closure patrols, a stolen trap case that was reported in unit 078, and interviewed a suspect in a trail camera, property damage, and potential trespass case.

Western Region game wardens investigated and cited a trapping no license, fail to register, and beaver in possession on the Truckee River, investigated a Coopers Hawk that was shot and killed in Lyon County with an eyewitness.

Southern Region game wardens continue to investigate additional trapping issues within the LV city limits including an illegal trap set that resulted in a dog being trapped, investigated an illegal trap set where the suspect was identified, and a citation was issued. A Southern Region game warden is investigating multiple trapping issues and assisted with the first bobcat sealing in Tonopah.

Game wardens received two Judgement of Convictions (JOC), one on a case that started in 2017 without a suspect, then developed leads from a case in White Pine County that led to a successful prosecution of a suspect named Higbee, in Lincoln County for illegally killing a deer. The conviction was for Wanton Waste and Hunting Private Property resulting in a \$2000 fine which was suspended in place of 200 hours of community service at Key Pittman Wildlife Management Area.

The second was a JOC from Elko County relating to an unlawful take case from 2020. Both subjects plead to Gross Misdemeanors. One subject received a \$1500 fine, \$1500 civil penalty and forfeited his rifle. The second subject received 364 days in jail, which was suspended for 12 months' probation with all the standard clauses of no alcohol, drugs, gambling, and a search clause. He received 250 hours of community service, a \$2000 fine and \$2000 civil penalty.

**Public Safety:** Game wardens throughout the state investigated a mountain lion in a neighborhood, a possible wildlife attack by a racoon on a human, a bobcat in a chicken coop, two injured deer calls in Spring Creek, and multiple calls with mountain lions being captured on Ring doorbell cameras.

Game wardens assisted National Park Service on a Hit and Run, Operating Under the Influence, a motorcycle accident requiring med-evac, and a barricaded subject.

A game warden was also first on scene of a vehicle accident where the subjects were ejected from a car near Fort Churchill. A Western Region game warden was first on scene of a head on collision on Pyramid Hwy. The game warden realized the subject of the vehicle that caused the accident was in a diabetic situation, went to his truck to find sugar food and the subject rebounded quickly after eating sugar. Game wardens in the Southern Region assisted Nevada Highway Patrol, Boulder City PD, and Henderson Fire Department with traffic control on an 11-car collision due to high winds and blowing dust on US-95 south bound.

Game wardens at the NDOW Headquarters apprehended a person suspected of alleged Assault with a Deadly Weapon on a NDOW employee. No one was injured.

**Boating Investigations and Education:** A Western Region game warden investigated a non-injury boat accident on Lahontan that turned into a possible altered hull identification number (HIN) investigation.

The Southern Region Boating Educator, Nick Duhe, taught the Nevada portion of ABC boat class for LV Power Squadron, entered boat education tests, prepared for a UNLV Career fair, spoke with Clark County about Colorado River issues in Laughlin and is working on a Paddle sport presentation video with AZ for NASBLA Paddle sport Committee.

Aaron Meier attended and presented at the Recreational Boating and Fishing Foundation (RBFF) State Marketing Workshop in Dallas, attended the NASBLA State RBS Workshop and the Education & Outreach Committee Meetings, continued work as the awards chair for Association for Conservation Information, and helped to review the Big Game Application Book.

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

A report will be provided on Nevada Department of Wildlife litigation.

Deputy Attorney General Burkett explained that the Department and DAGs office were in trial for a defamation case that was alleged and pursued by a gentleman in the Lake Tahoe Basin against multiple Department employees, after a weeklong jury trial, the jury returned a defense verdict on all the claims. [A copy of the report can be found on the NDOW website.]

**C. Mule Deer Enhancement Program Oversight Committee Update – Committee Chairman Casey Kiel and Division Administrator Mike Scott**

A report will be provided on the recent Mule Deer Enhancement Oversight committee and the Department will provide an update on the approved projects from 2021.

Committee Chairman Casey Kiel and Game Division Administrator Mike Scott provided a report on the recent Mule Deer Enhancement Program Oversight Committee.

**D. Tag Allocation and Application Hunt Committee (TAAHC) Report - Committee Chairman Tommy Caviglia**

A report will be provided on the recent TAAHC meeting.

TAAHC Chairman Tommy Caviglia provided a report on the March 23, 2022 TAAHC meeting.

~~**E. Wildlife Heritage Committee – Committee Chairman Tom Barnes – Informational**~~

~~A report will be provided on the recent Wildlife Heritage Committee meeting.~~

**F. Wildlife Damage Management Committee Report – Committee Chairman Jon Alberg – Informational**

A report will be provided on the recent Wildlife Damage Management Committee Meeting.

Wildlife Damage Management Committee (WDMC) Chairman Jon Alberg provided a report on the March 24, 2022 WDMC meeting.

*Break 10:15 – 10:30*

**15. Administrative Procedures, Regulations and Policy (APRP) Committee Report – Chairman McNinch**

A report will be provided on the recent APRP Committee meeting.

APRP Committee Chairman David McNinch provided a report on the March 25, 2022 APRP Committee meeting.

**A.\* Commission Policy 10, Heritage Tags and Vendors – Third Reading – APRP Committee Chairman David McNinch – For Possible Action**

The Commission will have a third reading of Commission Policy 10, Heritage Tags and Vendors, and may take action to repeal, revise or adopt the policy.

Management Analyst Kailey Musso explained that the policies will be reformatted as reviewed so that there is consistent formatting throughout the policies, as well as a reviewed date on each policy. She explained that this policy provides flexibility for vendors that was in a Commission Regulation that was also heard at that January commission meeting. We are going to bring a regulation forth to the Commission so that it is in statute as well. She explained that there were no additional changes to the policy from the January meeting.

*No public comment.*

**COMMISSIONER MCNINCH MADE A MOTION TO APPROVE COMMISSION POLICY 10, HERITAGE TAGS AND VENDORS AS PRESENTED. SECONDED BY VICE CHAIR CAVIGLIA. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**B.\* Commission Policy 31, Lahontan Cutthroat Trout Management – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**

The Commission will have a second reading of Commission Policy 31, Lahontan Cutthroat Trout Management, and may take action to repeal, revise or adopt the policy.

Management Analyst Musso explained that there were grammatical and management practice changes made to the policy. She stated that the Commission reviewed this policy at the January 2022 meeting and the Department is asking for the Commission to adopt this policy.

*No public comment.*

**COMMISSIONER MCNINCH MADE A MOTION TO ADOPT COMMISSION POLICY 31, LAHONTAN CUTTHROAT TROUT MANAGEMENT AS PRESENTED. SECONDED BY COMMISSIONER PIERINI. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**C.\* Commission Policy 33, Fisheries Management Program – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**

The Commission will have a second reading of Commission Policy 33, Fisheries Management Program, and may take action to repeal, revise or adopt the policy.

Management Analyst Musso explained that there were grammatical and management practice changes made to the policy. She stated that the Department is requesting the Commission's approval and adoption of Commission Policy 33.

*No public comment.*

**COMMISSIONER MCNINCH MADE A MOTION TO ADOPT COMMISSION POLICY 33, FISHERIES MANAGEMENT PROGRAM AS PRESENTED. SECONDED BY COMMISSIONER ROGERS. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**D.\* Commission Policy 40, Statewide Boating Safety – First Reading – APRP Committee Chairman David McNinch – For Possible Action**

The Commission will have a first reading of Commission Policy 40, Statewide Boating Safety, and may make any necessary changes and may decide to move it to a second reading.

Management Analyst Musso explained that the Department updated the policy to include “watercraft” as the term instead of “boating”. She explained that the Committee added number 9 that states, “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.”

Commissioner Rogers asked about the use of watercraft versus paddle craft.

Management Analyst Musso answered that she was unsure why the use of paddle craft was used in number one but explained that the point of number one is addressing boating and paddle craft. She explained that “watercraft” incorporates both of those terms.

Commissioner Wise asked if “watercraft” can be put into parenthesis to indicate that it will be what’s used going forward.

Management Analyst Musso agreed and thanked Commissioner Wise.

*No public comment.*

**COMMISSIONER MCNINCH MADE A MOTION TO ADVANCE COMMISSION POLICY 40, STATEWIDE BOATING SAFETY TO A SECOND READING TO INCORPORATE CHANGES AND CLARIFICATIONS AS NECESSARY. SECONDED BY VICE CHAIR CAVIGLIA. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**E.\* Commission Policy 63, Protecting Wildlife from Toxic Ponds – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**

The Commission will have a second reading of Commission Policy 63, Protecting Wildlife from Toxic Ponds, and may take action to repeal, revise or adopt the policy.

Management Analyst Musso explained that the Department nor the Committee had additional changes to Commission Policy 63.

*No public comment.*

Commissioner McNinch stated that he had a noted that he was supposed to discuss with the Department the idea of regular reporting of wildlife impacted by the ponds. He explained that this had not happened.

Habitat Divisions Administrator Jenne stated that there are quarterly mortality reports, and that the Department does have the information and a summarized report can be made to the Commission if they wish. He explained that the Department is working on getting the reporting done electronically so that that information is more available and transparent.

Commissioner McNinch stated that if it’s easy enough, he would like to see a mortality report given to the Commission to create awareness and transparency.

*No public comment.*

**THE COMMISSION DECIDED TO REVISE COMMISSION POLICY 63, PROTECTING WILDLIFE FROM TOXIC PONDS TO INCORPORATE AN ANNUAL MORTALITY REPORT THAT WILL BE PREPARED FOR THE COMMISSION AND WILL ADVANCE COMMISSION POLICY 63 TO A THIRD READING.**

**F.\* Commission Policy 64, Input on Land Sales, Transfers, and Exchanges – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**

The Commission will have a second reading of Commission Policy 64, Input on Land Sales, Transfers, and Exchanges, and may take action to repeal, revise or adopt the policy.

Management Analyst Musso explained that there were no changes proposed to Commission Policy 64.

*No public comment.*

**COMMISSIONER MCNINCH MADE A MOTION TO APPROVE COMMISSION POLICY 64, INPUT ON LAND SALES, TRANSFERS, AND EXCHANGES AS PRESENTED. SECONDED BY VICE CHAIR CAVIGLIA. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**G.\* Commission Policy 65, Designation of Wildlife Management Areas – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**

The Commission will have a second reading of Commission Policy 65, Designation of Wildlife Management Areas, and may take action to repeal, revise or adopt the policy.

Management Analyst Musso explained that she added number 7. Argenta Wildlife Management Area, also known as the Licking Ranch under the Western Region but needs to be listed under the Eastern Region.

*No public comment.*

**COMMISSIONER MCNINCH MADE A MOTION TO ADOPT COMMISSION POLICY 65, DESIGNATION OF WILDLIFE MANAGEMENT AREAS AS PRESENTED. SECONDED BY COMMISSIONER ROGERS. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

**H.\* Commission Policy 67, Feral Horses and Burros – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**

The Commission will have a second reading of Commission Policy 67, Feral Horses and Burros, and may take action to repeal, revise or adopt the policy.

Management Analyst Musso explained that the title of the policy was changed to “Feral” from “Federal”, the highlighted section under the background “as amended act of 1971”, and that “free roaming” was added throughout the document. She explained that under background, in the fourth paragraph, it reads “3,000 (check)” she will remove the word “check” and wanted to add the words “great than” in front of 3,000.

Commissioner McNinch noted to need to change “for” to “four” in at the bottom of page two of the policy.

*[Chairwoman East read a letter into the record from Karen Boeger with the Coalition for Nevada Healthy Lands.]*

*March 24, 2022*

*To: NV Wildlife Commission*

*From: Karen Boeger*

*Re: Policy 67: 3/26 Agenda item 15 H*

Dear Chairwoman East and Nevada Wildlife Commissioners,

*For the record: This note is intended as an expression my gratitude to you, to the Administrative Procedures, Regulations & Policy (APRP) Committee and to NDOW biologists for the last several months of time you have spent considering and editing the draft revision of Policy 67 to it's current form. I write to you as an individual, as I lack time to get permission to speak for our Coalition for Healthy Nevada Lands, Wildlife & Free Roaming Horses & Burros (CHNL) of which I am a "founding mother" :-). Our CHNL put significant time, thought & science expertise into the draft we sent to you last year with a request to consider it as a Policy 67 draft revision. Considering the improvements, refinements and clarifications made over that time, resulting in the final draft you will consider this Saturday, it is my sincere wish that you will approve it in this current form.*

*It is my understanding that the APRP Committee has directed you to discuss a proposal to add an additional item: an ability to direct NDOW to initiate legal action against a management agency should it be deemed necessary. Our CHNL has expressed our opposition to such an addition in past discussions with several organizations and gave several factors as our rationale in opposition. I am hoping what I list below will be reflective of our group rationale, but without their OK, please note these are my personal opinions. The following are reasons why I hope you will, after discussion, come to conclusion not to add such a provision to Policy 67:*

*\* A lawsuit is not a viable solution & questionably legal, even if understandably therapeutic. It is counter-productive at this moment in time when for the past few years each Congressional budget for the BLM Wild Horse/Burro (WHB) program has been increased, in turn increasing management capabilities. Granted, it is still insufficient to the current increasing need.*

*\* BLM is not the obstruction to adequate funding and effective management. Congress holds the decision-making power to enable long term adequate funding for BLM to achieve reduction of WHB to the appropriate management levels (AML) speedily in order to arrest the current dire situation of accelerating land health deterioration. They are moving in the right direction, granted not yet with adequate speed and funds, but not for lack of action to do what they can with what they are provided.*

*\* A lawsuit would be counterproductive to our CHNL goal to work collaboratively with BLM & others toward education of the public (Congress) re: adequate funding for swift action, but also toward ensuring the \$\$ appropriated are distributed in a just (ie. NV gets it's fair share) & cost effective way (ie. \$\$ to fertility control is not cost effective, nor humane given the extra gathers required, until numbers are at AML). Beyond gathering to AML swiftly, the ancillary need for funds are toward essential long term pastures & short term holding for the WHB removed. It would be most humane and productive for those particular horse advocates who currently sue BLM to step up to partner in acquiring these essential facilities, instead of the obstruction of lawsuits, leading to diversion of taxpayer \$\$ away from essential WHB management needs.*

*Thank you for your consideration of my comments,  
Karen Boeger*

Helen Foley, American Wild Horse Campaign, explained that they oppose the proposed Commission Policy 67. She explained that like the bald eagles, wild horses and burros are protected under federal law as important symbols of the nation. She explained that 86 percent of Nevadans want them protected and humanely managed on our public lands rather than subjecting horses and burros to cruel, costly, and ineffective removals. She stated that NDOW should focus on effective strategies to manage wild horse populations by working with nonprofit organizations to immediately implement fertility control

vaccine programs in conflict areas and to focus on habitat restoration and water source development measures that will better allow and achieve NDOW's stated goals of conserving wildlife, which includes fire rehabilitation seedings and protection of riparian zones and water sources while still allowing access to water for all species who use the area. She stated that Commission Policy 67 supports an inhumane ineffective, costly, and unscientific approach to wild horse and burro. She stated the Commission Policy 67 supports a practice that will inevitably result in the slaughter of Nevada's cherished wild horses and burros. She explained that overseas, there is a more humane cost effective and scientifically recommended methods for managing wild horse populations where fertility control vaccines are effective and humane. She explained that those vaccines are also noted by the National Academy of Sciences as the best strategy for managing wild horses in its report using science to improve the BLM wild horse and burro program. She explained that in 2021, falling rates have been reduced by 43 percent using the PZP vaccine delivered remotely by dart to wild mares. She stated that Congressional members need to require BLM to fund fertility control programs as the BLM spends less than 1 percent of its wild horse budget on fertility control while, 70 percent is for round up, removal, and warehousing horses. She stated that the handling of wild horses prominent during this last legislative session and was the number one public concern the Senate Natural Resources Committee declined to pass Senate Joint Resolution (SJR) 3, resolution that included much of the same language that is presented in Commission Policy 67 prioritizing mass removals of wild horses. She explained that the American Wild Horse Campaign recommends having Commission Policy 67 amended to endorse immediate implementation of fertility control in conflict areas, making Nevada a leader in humane, effective wild horses management that is in line with public values. She stated that they also recommended prioritizing habitat restoration and water source development and protection for fire rehabilitation seeding and riparian zones and water sources while still allowing access to water for all species who use the area.

John Hiatt, Clark CABMW member, stated that he supported Commission Policy 67. He stated that in the past, he was Chair of the BLM Southern Great Basin rack, Wild Horse and Burro Subcommittee and he had recently reviewed a letter he wrote in 2011, the letter was address to the state Director of BLM requesting to reduce the number of wild horses to AML. At that time, in 2011, we were a little more than 100 percent over AML, we are now more over 400 percent AML. He pointed out the numbers cited in the policy are a significant under count. The BLM, at the advice of their attorneys, only count the horses that they see on aerial surveys. He stated that there is usually a correction factors for surveys to give an estimate, he pointed out that the BLM has zeroed out, so of the heard management areas in the state as unsuitable for wild horses, but there are still horses in those areas despite the lack of water and food sources. As a matter of humane treatments, its not in anyone's interest to see thousands of starved horses. He explained that when those horses starve, they will take the range with them, and it will not be able to recover. It is vitally important to reduce horses on the range in a humane fashion, to get down to a sustainable level and then implement birth control. He stated that the policy is not enough, the Department is going to need funds to manage these populations.

Paul Dixon, Clark CABMW, stated that this is why he became a CABMW member. He explained that he saw impacts to the horses 14 years ago in the state. He stated that when he hears people say that birth control is the solution, he does not believe that there is a complete understanding of the status of the horses removed from the range. He emphasized the importance of supporting the Department in being aggressive to obtain funding to get AMLs numbers down before implementing birth control efforts. He stated that horses are suffering to the degree that he has seen wild horses forage on hay meant for domestic horses and shared a scenario of watching bull elk fight and kill wild horses over hay meant for domestic horses.

Fred Voltz, private citizen, stated that there are several problems with the current wording in this proposed policy that continue to deny hard realities. Demonizing wildlife species because of human-created problems is not good stewardship of the land or wildlife, both of which are statutory responsibilities of this Commission. If the Nevada guesstimated numbers of wild horses and burros are even close to accurate,

then there are still roughly 10 times the number of cattle and sheep destroying scarce forage, consuming water-guzzling hay and drawing down intermittent surface water resources across much of our state. All these problems were cited to the Commission at last July's meeting in Winnemucca but were consciously avoided by the two research groups during their official presentations and in subsequent deliberations about the proposed policy's wording. Despite all the official demonizing of wild horses and burros, they are allowed on only one-third of Nevada's BLM land while exponentially larger numbers of cattle and sheep are allowed to negatively impact virtually all of BLM land through indiscriminate grazing at bargain-basement lease rates. He explained that in the last 18 years, Federal taxpayers have spent over \$420 million to bait, then incarcerate, innocent wild horses and burros, while spending a microscopic amount on humane fertility control to prevent the presence of excess animals. He stated that the policy, as written, fails to emphasize and prioritize fertility control as a much more cost-effective and permanent solution than locking up wild horses and burros in unhealthy conditions for the rest of their lives. Paying people to take them away only so they end up at slaughterhouses in other countries, then still complaining about the cost of incarceration even though the horses and burros have committed no crime but to exist, does nothing to implement logical solutions or bring numbers down. He stated that an interesting conflict of interest is not only that the cattlemen want to have exclusive use of public lands for destructive grazing practices, but that those same cattlemen have received over 89 percent of Federal government contracts for wild horse and burro 'control' services, such as helicopter roundups, that lead to frequent injuries and deaths. He stated that he believes Commission Policy 67 needs considerable reworking to emphasize more constructive solutions, such as humane birth control programs and substantially reducing the scope and size of livestock herds destroying drought-ravaged public lands.

**COMMISSIONER MCNINCH MOVED TO ADOPT COMMISSION POLICY 67, FERAL HORSES AND BURROS WITH THE NOTED CHANGES. SECONDED BY COMMISSIONER KIEL. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

Chairwoman East stated that last year the Commission was asked by the Coalition for Healthy Nevada Lands to sign onto a letter for their efforts regarding feral horses and burros. She explained that the Commission signed onto the Coalition for Healthy Nevada Land's letter, but she asked the Commission for their support in preparing two letters; one to Congress asking for the appropriations to support the BLM and their goals, and the other is sending a letter to the BLM, supporting their goals and their roundup schedule and efforts.

*No public comment.*

**CHAIRWOMAN EAST MADE A MOTION TO SEND LETTERS TO CONGRESSIONAL REPRESENTATIVES AND TO THE BLM IN SUPPORT OF REDUCING THE NUMBER OF FERAL HORSES AND BURROS ON NEVADA LANDS. SECONDED BY COMMISSIONER ALMBERG. MOTION PASSED 8-0, COMMISSIONER BARNES ABSENT.**

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

**A.\* Commission Regulation 22-10, Migratory Game Bird Seasons, Bag Limits, and Special Regulations for Waterfowl and Webless Migratory Game Birds Public Hunting Limited on Wildlife Management Areas and Designated State Lands – 2022 – 2023 Season – Wildlife Staff Specialist Russell Woolstenhulme – For Possible Action**

The Commission will consider recommendations for seasons, bag limits and special regulations for migratory game birds for the 2022-2023 season and adopt regulations consistent with proposed regulations framework for the 2022-2023 hunting seasons on certain migratory game birds established by the U.S. Fish and Wildlife Service. The

Commission will also consider rules regulating public hunting on Wildlife Management Areas and designated state lands.

Wildlife Staff Specialist Russel Woolstenhulme recommended to progress through and adopt the regulation in segments. Chairwoman East agreed.

Wildlife Staff Specialist Woolstenhulme began with the sections of the regulation titled Mourning and White-Winged Dove and American Crow.

*No public comment.*

**VICE CHAIR CAVIGLIA MADE A MOTION TO APPROVE THE COMMISSION REGULATION 22-10, 2022-2023 SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS SECTIONS TITLED MOURNING AND WHITE-WINGED DOVE AND AMERICAN CROW, AS PRESENTED. SECONDED BY COMMISSIONER PIERINI. MOTION PASSED 8-0. COMMISSIONER BARNES ABSENT.**

Wildlife Staff Specialist Woolstenhulme proceeded to the section of the regulation titled Ducks and Mergansers. He noted that these waterfowl tend to be the driver for waterfowl season and that Waterfowl Zone designations were unchanged from last year. He also noted one change from the year before. Under the South Zone section (Moapa Valley to the confluence of the Muddy and Virgin Rivers), under Limits, Mexican ducks had been added to the Hen Mallards bag limit. He explained that they are primarily a Southeastern species, but have been moving farther North, with increasing numbers found in Nevada, mostly in Southern portions but had been documented as far North as Churchill County and the Stillwater Area. He pointed out that Mexican ducks, both drakes and hens, look almost identical to hen mallards, slightly darker, and with slight differences on wings. He recommended this change because they look so similar.

Commissioner Pierini asked if there was any change from last year other than the shifting of calendar dates.

Wildlife Staff Specialist Woolstenhulme replied no.

Commissioner Perini asked if the season was kept at 107 days long.

Wildlife Staff Specialist Woolstenhulme replied that they had. He explained further that the Migratory Bird Treaty Act limits the season to 107 days at most. He mentioned that he did see a couple recommendations that came out of CABMW's that differed from what was in this regulation.

Commissioner McNinch asked about an Avian Flu event coming out of the East Coast and if Wildlife Staff Specialist Woolstenhulme could speak to those rumors and how that might impact populations that would be harvested.

Wildlife Staff Specialist Woolstenhulme explained that there are two types of Avian Flu, Low Pathogenic Avian Influenza (LPAI) and High Pathogenic Avian Influenza (HPAI). He said there were no concerns with LPAI, but some concern with HPAI. He explained further that the biggest concern was that it's very contagious, especially to those with Cage-Free and Free-Range operations, and almost always lethal to gallinaceous birds. These types of operations are of concern because wild birds visit domestic poultry establishments, oftentimes utilizing their water sources. He further explained that wild populations of waterfowl tend to test positive with no physical signs or symptoms. Late December and early January cases started to appear in Canada and moved south to the U.S. coast, in Florida, then began moving westward. They had documented cases that had moved to the Midwest, including Vancouver, British

Columbia, as well as, in Snow and White Geese in Colorado. He mentioned that there was another outbreak in 2014 and that symptoms seen included heads turned backwards, swimming in circles, uncoordinated movements, an inability to fly, and after death, stained vents from digestive issues.

Wildlife Staff Specialist Woolstenhulme went on to explain that Nevada tested in cooperation with the U.S. Department of Agriculture (DOA) last summer and the DOA continued testing hunter harvested samples through-out the season and no cases were detected in the state. There had been discussions within the Department about how to proceed and it was determined that even if there was only one positive case, the whole flock would be euthanized. The Department had been asked not to use bait trapping for banding operations and not to work with geese in certain capacities. His example of this was the Geese Round-up in Washoe County, where they trap geese and move them to other areas. There was an additional request that no volunteers be allowed to participate in any bird banding or handling operations of birds. He further explained that since 2003, first detected outbreak, worldwide, 700 humans had contracted the flu after handling domestic fowl operations. Of the 700 cases, all but one had occurred in Eastern Europe and Asia. The flu was responsible for a 60 percent death rate in humans. Hunters had been asked that when handling birds, not to pick up sick ones, and when harvesting or processing, not to touch their mouth or face. It was also suggested to use gloves, thoroughly clean tools, and make sure meat was cooked to 165 internal temp.

Commissioner McNinch asked what the strategy of the Department was and what the education component might be for hunters.

Wildlife Staff Specialist Woolstenhulme replied that it'd easy to provide an education program and to monitor it in the state, however, not using bait trapping for banding operations would be difficult. He noted that this was a smaller outbreak than in previous years and that like human influenza, numbers in winter seemed to be more prevalent and less in the summer. The Department would decide when there was a case of infected birds.

Commissioner Rogers asked about a comment made earlier by Wildlife Staff Specialist Woolstenhulme pertaining to a couple of CABMW's having an issue with bag limits.

Wildlife Staff Specialist Woolstenhulme stated that Elko County had asked for a nine-day closure in the middle of the season to be shifted to a later date, from an October closure to a late November, early December closure, and from nine days to ten days. The final day of the season would be a holiday, January 16<sup>th</sup>, 2023 to accommodate a three-day weekend instead of ending on Sunday, January 15<sup>th</sup>, 2023. He went on to say that Carson City County asked for a shift in the Northeast Zone, from an opening date of October 15<sup>th</sup>, 2022, to January 22<sup>nd</sup>, 2023. October 15<sup>th</sup> being the latest possible date to capture 107 days for hunting. He ended stating that they would have given up days in their hunt.

Commissioner Rogers asked what the reservation was for Elko County on their recommended dates. Wildlife Staff Specialist Woolstenhulme stated that they recommended in the Northeast Zone an opening date of September 24<sup>th</sup>, 2022 through November 29<sup>th</sup>, 2022 and December 10<sup>th</sup>, 2022 through January 16<sup>th</sup> 2023 season which fits within the framework and that he had no opposition.

Chairwoman East asked Wildlife Staff Specialist Woolstenhulme to read the dates for the Northwest Zone.

Wildlife Staff Specialist Woolstenhulme explained the two available options. The first option consisted of opening October 22<sup>nd</sup>, 2022 and extending without a closure until January 29<sup>th</sup>, 2023 which would provide them a season of 102 days, including the two youth days, and a total loss of five days. The second option was to close January 31<sup>st</sup>, 2023 with the same opening day, giving them a 104-day season, including the two youth days, and a total loss of three days.

Glenn Bunch, Mineral County CABMW, stated that the sportsmen were happy with the recommendation and that one of them was a teacher who was able to go hunting with these dates because it fit with school closures. He further explained, that earlier in the year, there were different packages presented and it was decided that this was good for their zone.

*No public comment.*

Chairwoman East directed attention to a letter from Willie Molini, President of the Nevada Waterfowl Association. It stated full support of the Department's recommendations for CR 22-09 2022-2023 Seasons, Bag Limits, and Special Regulations for Migratory Game Birds and requested the Commission's full support of this regulation.

Commissioner Pierini recalled last year's hunting season discussion. He pointed out that people had to stop for ten days but wanted to keep on going to the end of January. He further explained that during this 10-day period in January when birds were flying over the Northeast zone, residents of the Northeast Zone didn't want to hunt Monday, Tuesday, and Wednesday because they weren't as important. He added that sometimes in October ponds weren't full and that he was also worried about chukar and quail hunts being open on different days than other birds like duck and geese. He made the point that hunters should go at the same time to limit the number of people in an area, distributing hunters more evenly, and reducing the chances of people getting shot.

**COMMISSIONER PIERINI MADE A MOTION TO APPROVE THE COMMISSION REGULATION 22-10, 2022-2023 SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS SECTION TITLED DUCKS AND MERGANSERS AS PROPOSED. NO SECOND. MOTION DIED.**

**COMMISSIONER KIEL MADE A MOTION TO APPROVE THE COMMISSION REGULATION 22-10, 2022-2023 SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS SECTION TITLED DUCKS AND MERGANSERS, AS PRESENTED WITH THE NOTED CHANGE TO THE NORTHEAST ZONE DATES TO READ SEPTEMBER 24<sup>TH</sup>, 2022 THROUGH NOVEMBER 29<sup>TH</sup>, 2022 AND DECEMBER 10<sup>TH</sup>, 2022 THROUGH JANUARY 16<sup>TH</sup>, 2023. SECONDED BY COMMISSIONER ROGERS. MOTION PASSED 8-0. COMMISSIONER BARNES ABSENT.**

Wildlife Staff Specialist Woolstenhulme proceeded to the section of the regulation titled Scaup. He stated that they would need to adjust the Northeast Zone dates to mirror Ducks and Mergansers with one difference. The Northeast Zone dates would be September 24<sup>th</sup>, 2022 through November 29<sup>th</sup>, 2022 and December 10<sup>th</sup>, 2022 through December 28<sup>th</sup>, 2022. He pointed out that Scaup have a shorter season and the remainder of the dates would be unchanged.

*No public comment.*

**CHAIRWOMAN EAST MADE A MOTION TO APPROVE THE COMMISSION REGULATION 22-10, 2022-2023 SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS SECTION TITLED SCAUP, AS PRESENTED, WITH THE NOTED CHANGE TO THE NORTHEAST ZONE DATES TO READ SEPTEMBER 24<sup>TH</sup>, 2022 THROUGH NOVEMBER 29<sup>TH</sup>, 2022 AND DECEMBER 10<sup>TH</sup>, 2022 THROUGH DECEMBER 28<sup>TH</sup>, 2023. SECONDED BY COMMISSIONER PIERINI. MOTION PASSED 8-0. COMMISSIONER BARNES ABSENT.**

Wildlife Staff Specialist Woolstenhulme proceeded to the section titled Special Youth Waterfowl Hunt. Commissioner Pierini asked why we would put the youth hunt in the South Zone together on February 11<sup>th</sup> and 12<sup>th</sup>. He continued, asking why we wouldn't provide one early in October, on a Saturday, and then the second one on February 11<sup>th</sup>. He pointed out that sometimes parents were unable to bring them

on one weekend, missing both days. He wanted to see them during two different months, further explaining that when on February 11th and 12th, there may be more ice and less waterfowl and in October it may be too warm. His desire was for the kids to have more opportunity.

Chairwoman East mentioned that there was a parent that raised the same concern.

Wildlife Staff Specialist Woolstenhulme explained that the rationale for the Northeast dates is that late in the season everything ices over and for the Northwest, conditions are favorable at both times of the year. He further explained that until last year, the South Zone consisted of Clark and Lincoln Counties and would be quite warm in October with some of the management areas having no water. When two additional counties were added to the South zone, including Kirch, dates were modified to accommodate an earlier date that was more favorable. He added that he did send inquiries out to CABMW's for feedback.

Paul Dixon, Clark CABMW, confirmed that Wildlife Staff Specialist Woolstenhulme did send out an inquiry about splitting the dates. He explained that an organization called Battleborn Duckers, who had been spending a lot of time with the youth, agreed with their perspective, that hunter opportunity most important and that it was a good idea to keep the two days at the end. He then said that he did speak with the individual that wanted it split those days and explained to him that numbers just weren't as high with the early hunt days. He ended his remarks by stating that Clark CABMW supports what had been presented by Wildlife Staff Specialist Woolstenhulme.

*No public comment.*

Commissioner Rogers recognized Commissioner Pierini's concern.

**COMMISSIONER ROGERS MADE A MOTION TO APPROVE THE COMMISSION REGULATION 22-10, 2022-2023 SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS SECTION TITLED SPECIAL YOUTH WATERFOWL HUNT AS PRESENTED. SECONDED BY COMMISSIONER PIERINI. MOTION PASSED 8-0. COMMISSIONER BARNES ABSENT.**

Wildlife Staff Specialist Woolstenhulme pointed out that moving forward, certain sections could be grouped together to approve and that each of the following sections would all need to have dates changed due to changes to the Northeast Zone in the Ducks and Mergansers section. Those sections included Coots and Gallinules, Snipe, Canada Geese and Brant, White Fronted Geese, and Falconry Seasons for Migratory Game Birds. He noted one change in the Canada Geese and Brant section from last year. The daily limit from last year had increased from four to five.

*No public comment.*

**COMMISSIONER ROGERS MADE A MOTION TO APPROVE THE COMMISSION REGULATION 22-10, 2022-2023 SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS SECTIONS TITLED COOTS AND GALLINULES, SNIPE, CANADA GEESE AND BRANT, WHITE-FRONTED GEESE, AND FALCONRY SEASONS FOR MIGRATORY GAME BIRDS AS PRESENTED, WITH THE NOTED CHANGE TO THE NORTHEAST ZONE DATES TO READ SEPTEMBER 24<sup>TH</sup>, 2022 THROUGH NOVEMBER 29<sup>TH</sup>, 2022 AND DECEMBER 10<sup>TH</sup>, 2022 THROUGH JANUARY 16<sup>TH</sup>, 2023. SECONDED BY COMMISSIONER PIERINI. MOTION PASSED 8-0. COMMISSIONER BARNES ABSENT.**

Wildlife Staff Specialist Woolstenhulme proceeded to the section titled Snow and Ross' Geese and recommended the same changes to the Northeast Zone to mirror the dates of Ducks and Mergansers.

He also pointed out an error under the second special regulation. It stated the dates of February 19<sup>th</sup>, 2023 through March 9<sup>th</sup>, 2023. It should have read February 18<sup>th</sup>, 2023 through March 10<sup>th</sup>, 2023.

*No public comment.*

**CHAIRWOMAN EAST MADE A MOTION TO APPROVE THE COMMISSION REGULATION 22-10, 2022-2023 SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS SECTION TITLED SNOW AND ROSS' GEESE AS PRESENTED, WITH THE NOTED CHANGE TO THE NORTHEAST ZONE DATES TO READ SEPTEMBER 24<sup>TH</sup>, 2022 THROUGH NOVEMBER 29<sup>TH</sup>, 2022 AND DECEMBER 10<sup>TH</sup>, 2022 THROUGH JANUARY 16<sup>TH</sup>, 2023 AND THE CORRECTED DATES UNDER THE SECOND SPECIAL REGULATION TO READ FEBRUARY 18<sup>TH</sup>, 2023 THROUGH MARCH 10<sup>TH</sup>, 2023. SECONDED BY VICE CHAIR CAVIGLIA. MOTION PASSED 8-0. COMMISSIONER BARNES ABSENT.**

Wildlife Staff Specialist Woolstenhulme proceeded to the section titled Swan. He pointed out a change from past years. He recommended we return to a draw for swan permits, which is in an NAC that we have. He stated that the Department had not been compliant for the last couple of years based on complications they had with a change in vendors. He said it was apparent that we need to re-instate the draw.

Commissioner McNinch asked if more swans were being seen and if that was the reason for the change, in reference to the increase in total harvest number of trumpeter swans under Special Regulations, from five to ten.

Wildlife Staff Specialist Woolstenhulme referenced a 1995 environmental assessment that limited states' ability to acquire permits until certain swan populations increased in numbers. He further explained that adjustments were made by states over the years to help population numbers. Nevada had harvested a total of 17 Trumpeter swans since 1995.

Commissioner McNinch pointed out the success and applauded conservation efforts for this species. He remarked that he had seen them in Christmas bird counts he was involved in, where he'd never seen them before.

*No public comment.*

**VICE CHAIR CAVIGLIA MADE A MOTION TO APPROVE THE COMMISSION REGULATION 22-10, 2022-2023 SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS SECTION TITLED SWAN, AS PRESENTED. SECONDED BY COMMISSIONER KIEL. MOTION PASSED 8-0. COMMISSIONER BARNES WAS ABSENT.**

Wildlife Staff Specialist Woolstenhulme proceeded to the section titled Public Hunting Limited on Wildlife Management Areas and Designated State Lands. He requested two corrections in the first section. First, after Alkali Lake Wildlife Management Area (WMA), we needed to add Argenta WMA. Second, after Bruneau River WMA, it should read Carson Lake WMA, rather than Carson Lake & Pasture.

*No public comment.*

**COMMISSIONER MCNINCH MADE A MOTION TO APPROVE THE COMMISSION REGULATION 22-10, 2022-2023 SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR MIGRATORY GAME BIRDS SECTION TITLED PUBLIC HUNTING LIMITED ON WILDLIFE MANAGEMENT AREAS AND DESIGNATED STATE LANDS, AS PRESENTED, WITH THE FOLLOWING TWO NOTED CORRECTIONS: TO ADD ARGENTA WMA AFTER ALKALAI LAKE WILDLIFE MANAGEMENT AREA (WMA) AND TO REPLACE THE NAME CARSON LAKE AND PASTURE WITH CARSON LAKE**

**WMA. SECONDED BY VICE CHAIR CAVIGLIA. MOTION PASSED 8-0. COMMISSIONER BARNES ABSENT.**

**17. Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairwoman East – For Possible Action**

The next Commission meeting is scheduled for May 6 and 7, 2022. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the date, time, and meeting location at this time. The chairwoman may designate and adjust committee assignments and add or dissolve committees, as necessary at this time. Any anticipated committee meetings that may occur prior to the next Commission meeting may be discussed.

- May Commission meeting: May 6 and 7, 2022, Washoe County Chambers
- Big Game Quotas
- Predation Management Plan
- Big Game Status Report
- Wildlife Heritage Committee and Report
- APRP Committee and Report, Commission Policies to be brought to the Commission for their first reading: 3, 4, 21, 22, 25, 26, 26A (now 28), 29 and 51
- TAAHC Committee and Report
- RAWA Update
- SWAP Update/Review Process
- Conservation Partner Spotlight

June meeting Elko 24<sup>th</sup> and 25<sup>th</sup> hopeful to do meet with Commission members/CABMW at the Lander County Chambers to discuss the Lithium Ranch acquisition.

**18. Public Comment Period**

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.

Fred Voltz, private citizen, stated that this Commission meeting may have hit a new low in terms of public participation and CABMW attendance. Two to four members of the public in attendance at this Commission meeting and three CABMW representatives present out of 17 counties both days suggests the abject irrelevancy of both entities to 3.1 million Nevadans. The claim, without any concrete action, has often been made that the Department and Commission want to engage the public in greater numbers. Yet as has happened numerous times before, these meetings are held in remote locations with no consistent Zoom or teleconferencing access. Boulder City has multiple broadband connections, even in the adjacent building to this meeting, yet those responsible for choosing meeting locations did not make an electronic connection available or have the meeting at one of many Las Vegas Valley sites. The excuse of being close to the Lake Mead Fish Hatchery is negated when the Commission met at the Clark County Shooting Range, then traveled over 100 miles to the Amargosa Valley for inspection of active pit fall traps. Most other state and local agencies, even during the pandemic, managed to permanently create remote meeting access for Nevadans. Why does this Commission think it is appropriate to hide out in locations that require the public to spend considerable money and time on out-of-pocket travel expenses, while staff and commissioners have their travel costs covered in full by the public treasury? This problem of unacceptable meeting access and opportunities for public participation has festered for years. Now that the pandemic strictures have officially subsided, it is back to the same old, same old of making it difficult, expensive, and time-consuming to attend Commission meetings if prospective attendees are not local. If the Commission and Department won't acknowledge their obligations to be open, transparent, and easily accessible as a public body on their own, perhaps we need legislation to force the issue toward

a satisfactory resolution? Or just abolish both the Commission and CABMWs since the Department does most of the administrative and field work on a day-to-day basis.

*Adjourned 2:18pm*

\*Support material provided and posted to the NDOW website, and updates to support material will be posted at <https://nvboardofwildlife.org/>. Support material for this meeting may be requested from the Recording Secretary at (775) 688-1599 or [wildlifecommission@ndow.org](mailto: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 <https://nvboardofwildlife.org/>.

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