

CHAIRMAN TOMMY CAVIGLIA
COMMISSIONER TIFFANY EAST
COMMISSIONER RON PIERNI
CABMW REP. JOE CRIM
CABMW REP. ARNIE PITTS
PUBLIC REP. MEGHAN BROWN

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APPROVED MINUTES
NEVADA BOARD OF WILDLIFE COMMISSIONERS
TAG ALLOCATION AND APPLICATION HUNT COMMITTEE

THURSDAY, AUGUST 5, 2021 @ 5:30 PM

Please click this URL to join.

<https://us02web.zoom.us/j/82967461576?pwd=WkhNRG5JRXpJcTBWczdBelVwdDkrdz09>
Passcode: 843009

Committee Members: Chairman Tommy Caviglia, Commissioner Tiffany East, Commissioner Ron Pierini, CABMW Representative Joe Crim, CABMW Representative Arnie Pitts, Public Representative Meghan Brown.

Nevada Department of Wildlife personnel in attendance: Data and Technology Services (DATS) Division Administrator Kim Muñoz, Management Analyst Megan Manfredi, Management Analyst Kailey Musso, Deputy Director Jack Robb, Game Division Administrator Mike Scott,

County advisory Boards to Manage Wildlife (CABMW) Members and public in attendance: Cory Lytle, Judi Caron, Rex Flowers, Steve Robinson

1. Call to Order, Pledge and Roll Call – Committee Chairman Tommy Caviglia

Chairman Caviglia called the meeting to order at 5:30 PM. Commissioner East led the pledge. Chairman Tommy Caviglia, Commissioner Tiffany East, CABMW Representative Joe Crim, CABMW Representative Arnie Pitts, Public Representative Meghan Brown were present. Commissioner Ron Pierini was late.

2. Approval of Agenda – Committee Chairman Tommy Caviglia – For Possible Action

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

COMMISSIONER EAST MOVED TO APPROVE THE AGENDA AS PRESENTED, SECONDED BY CABMW REPRESENTATIVE PITTS. MOTION PASSED 5-0 WITH COMMISSIONER PIERINI ABSENT.

3. Approval of Minutes – Committee Chairman Tommy Caviglia – For Possible Action

The Committee may take action to approve Committee minutes from the January 25, 2021 meeting.

Commissioner East noted changes adding “of” on page two under line item four. As well as noted, that page three should reflect “high school” activities.

No public comment.

CABMW REPRESENTATIVE CRIM MOVED TO APPROVE THE MINUTES AS PRESENTED WITH THE NOTED CHANGES, SECONDED BY COMMISSIONER EAST. MOTION PASSED 5-0 WITH COMMISSIONER PIERINI ABSENT.

4. Tag Transfer Program – Management Analyst Megan Manfredi – For Possible Action

The Committee will discuss the creation of subsections to the tag transfer program as defined in Chapter 502 of the Nevada Administrative Code (NAC). This regulation would provide direction for allowing the transfer of game tags to non-profit organizations after the passage of Assembly Bill 89 of the 81st Legislative Session.

Management Analyst Megan Manfredi explained that Assembly Bill (AB) 89 was the reasoning behind the agenda item and asked the Committee to use the proposed draft language from the support material as a starting point for discussion.

Commissioner East expressed some concern around the portion of draft regulation 501 giving the Department discretion to give the tag to another eligible hunter.

Management Analyst Manfredi clarified that the Department would not just give the tag to anyone but if a family member of the deceased tag holder approached the Department wishing to utilize the tag, the Department would have the discretion to provide them that opportunity.

Chairman Caviglia shared similar concerns as Commissioner East. He included that giving the beneficiary the ability to transfer the tag to anyone could pose potential issues.

Public Representative Brown asked what will happen to the tag if the beneficiary has a conflicting tag of the same species or time.

Data and Technology Services Division Administrator Kim Munoz stated that the beneficiary could be an additional piece to the customer's account information in addition to the customer's address and phone number.

Commissioner East confirmed that the beneficiary in the account information would be sufficient and added that if there were no beneficiary, she would like to see the tag go back to the Department for reissue but was unsure if that direction would be in line with the spirit of the bill. The Department should not be the one determining what should happen to the tag.

Chairman Caviglia agreed that he would rather see the tag go to an alternate or be made available to the public in the First Come, First Serve (FCFS) program rather than give the option for the beneficiary to give the tag to another person. You might see someone trying to sell a sheep tag and that would be the worst-case scenario but is something that the Committee and Commission will need to consider.

DATS Division Administrator Munoz read some of the language from AB 89 stating that "is a process through which a family member of a deceased big game hunter may provide documentation to the Department of the death of the big game hunter and transfer the tag of the deceased big game hunter to another person who is otherwise eligible to hunt a big game mammal in the state."

Discussion ensued around the process of which the Department is notified of the deceased tag holder and direction as to what should happen to the tag of the deceased.

CABMW Representative Pitts asked for clarification around the extenuating circumstances and transferring a tag in the existing regulation language where the proposed changes are included.

Management Analyst Manfredi explained that the Department felt that the newly proposed language would fit best in this existing extenuating circumstances regulation that was passed by the Commission and Legislative Commission in February of 2020 and that transferring a tag is only allowed for an individual who has been diagnosed as terminally ill.

Chairman Caviglia suggested that he would like to see the cost for the hunt, including bonus point cost be applied to both the transferer of the tag and the transferee.

Public Representative Brown asked if it would be acceptable if the tag holder chose a qualifying organization or the Department as their beneficiary and if so, then direction could be added allowing the Department to then offer the tag to the public for purchase and use.

DATS Division Administrator Munoz suggested that an attestation could be put in place during the creation of the account stating that if no beneficiary is named, the Department has the discretion to provide the tag to the public in the event of the death of the tag holder.

Chairman Caviglia stated that if that direction is taken, he does not believe it would be in the spirit of the bill. The bill was written to put the responsibility of the family and does not think it needs to be more complicated than that.

Management Analyst Kailey Musso stated that when she originally spoke with the Legislative Council Bureau (LCB) when drafting the tag transfer, extenuating circumstances regulation language, they discussed the scenario of two or more members of a family wanting claim of the tag and if that scenario were to play out, the responsibility would be on the Department to resolve. The Department was cautioned that if that route was to be taken that language would need to be clear designating the order of which family member would receive first, second, and third responsibility of the tag.

Chairman Caviglia stated that after hearing Management Analyst Musso's response, he would like to hear from LCB before taking more action on this portion of the regulation. He suggested the Committee shift focus to the qualifying organization portion of the regulation.

Management Analyst Manfredi stated that transferring a tag to a qualifying organization was taken almost verbatim from the AB 89 language but did want to ask for clarification as the AB 89 language states that qualifying organizations would need to demonstrate to the Commission their qualification in their applications, if that would mean that the Commission would want to review every application or if the Commission would be ok giving that discretion to the Department to determine.

Chairman Caviglia stated that a determination would be needed to decide which organization would receive the tag over another.

Public Representative Brown asked if the Committee has thought of this process being a prequalification of an organization or if it would be a real time process where organizations apply for the tags as they come available.

Commissioner East stated that she did not recall the process being discussed in the Legislative hearings.

Management Analyst Manfredi suggested the possibility of organizations prequalifying with order of tags being determined in the same fashion as how vendors apply and qualify for the Heritage tags.

Commissioner Ron Pierini joined the meeting.

Public Representative Brown agreed that a preplanning would be better for timing and logistics as well as noting the organization's capacity of which type of potential tag holder and how many of each they represent.

Commissioner East added that the only qualification in the legislation was the organization being a recognized 501 C3 that provides opportunities to a person with a disability or a youth under specific circumstances. Having some sort of list would be nice to have and could also be provided to the public who is wishing to transfer their tag allowing them to choose.

Chairman Caviglia suggested researching what other states have done since some already have this process in place, such as Arizona.

Public comment:

Rex Flowers stated that the Committee and Commission does not need to act on the portion of the beneficiary as the bill states that the Commission "may" adopt regulations. Since the regulation does not state "shall," the Commission is not bound to act. He suggested some word smithing edits to the regulation language that would keep the language consistent with the existing language. He added that the assembly bill was a product of something the Coalition for Nevada Wildlife asked Assemblywoman Titus to bring forth and it was our understanding that the holder of the tag would choose which organization they would like to donate their tag to. He also requested that if a person transferred their tag to an organization, that they would be treated as if they never drew their tag regarding waiting periods and bonus points.

Chairman Caviglia agreed with Mr. Flowers that the bill language gives the tag holder the ability to chose which organization they would like to donate their tag to and suggested altering the draft regulation language to include that.

CABMW Representative Pitts said that a pre-approved list of qualified organizations is needed so that someone wanting to transfer a tag can not just throw out the name of an organization forcing the Department to then check and see if they are qualified or prepared to receive the tag.

Commissioner East agreed.

Commissioner Pierini asked for a background of how this proposed regulation came about.

Commissioner East explained that it was during the 2019 Legislative Session that two similar regulations were proposed, and both were combined by a political move resulting in the current tag transfer regulation that includes the extenuating circumstances.

Chairman Caviglia directed the Department to request feedback from LCB regarding the beneficiary of a tag as well as add language requiring all approved qualifying organizations be on a list stating how many people from each category they represent.

Public Representative Brown added that providing these types of opportunities to the youth is important and would like to see education provided to organization who provide that opportunity to the youth.

Chairman Caviglia closed agenda item #4 with no motion.

5. Mule Deer Waiting Period – Committee Chairman Tommy Caviglia – For Possible Action
The Committee will discuss the possibility of creating a waiting period for those applicants who were successful in drawing a mule deer tag.

Chairman Caviglia gave a background of how this agenda item came about. He had heard from many disgruntled sportsmen around it becoming harder to draw a mule deer tag and one possible solution was to apply a waiting period to successful mule deer tag holders. Other states have applied this same suggestion.

Division Administrator Munoz stated that she pulled some statistics around bonus points used in the 2021 tag season as provided in the support materials. She stated that over half of the clients who drew used one point or less with 79 percent of successful applicants had three points or less. It included the number of applications over the last four years versus the number of people awarded and the percentage of that.

CABMW Representative Pitts added that applying is strategic and that applicants should know that applying for the more popular areas is going to result in a lower success rate. He voiced concerns stating that there are many units that have a higher applicant success rate while others are very low. Adding a waiting period may penalize some in the state who choose to take advantage of an area that has a lower number of deer and a lower number of people applying to hunt there.

Chairman Caviglia shared some of those concerns and added that the issue was a tough one to fix. He shared that the percentage increase to applicants after applying a waiting period is not that great of an increase.

Public Representative Brown asked if waiting periods on some areas and not others would make that solution more complicated to execute.

Chairman Caviglia thought about the same solution and said that Idaho applies waiting periods to what they consider as their trophy units. He described how that might look for Nevada applicants.

CABMW Representative Pitts asked what type of financial implications the Department would see if a waiting period was applied, and those applicants were prevented from submitting their application fees.

Commissioner East heard from the public that they wanted to have the person in a waiting period would still make a contribution to the Department. Not for acquiring a bonus point but would still need to make the donation in order to be able to apply again once the waiting period was over.

Commissioner Pierini stated that waiting periods are a disappointment to the sportsmen, especially those who are new to the system. He expressed that if a person gives money, they should still have a chance to receive a tag and disagreed with the suggestion that an applicant cannot receive a tag but would still be required to pay the Department.

DATS Division Administrator Munoz shared more data regarding the main draw where 150 mule deer tags were not awarded and went into the second draw because no one applied for those tags. She said that there are tags available to people if applicants were to expand their choices.

Chairman Caviglia added that most of those unused tags had a less than desirable weapon class.

Public comment:

Mel Belding expressed his appreciation to the Committee for hearing the subject and stated that he would like to see a two to three year waiting period applied to successful applicants who draw a mule deer tag. Many people he has spoke to were in favor of the waiting period and paying the fee while in the waiting period. He related the fee as no different than the \$50 fee for forgetting to submit a harvest questionnaire. He envisioned that those in a waiting period would be able to apply for tags that were available in the second draw, regardless of the waiting period in the main draw. Removing those successful applicants from the next year's draw gives first time applicants a better chance at drawing a tag.

Rex Flowers stated that he would support a waiting period but not the ability for an applicant to buy a bonus point while in a waiting period. Applicant numbers have grown but not the number of species available on the land. Something needs to be done to create opportunities for those who are less fortunate in their draw choices.

Chairman Caviglia stated that the number of applicants has creped up over the last few years which is good for the Department but bad for draw odds.

Public Representative Brown asked about the statistics of alternates awarded in the 2021 season.

DATS Division Administrator Munoz answered that the 2021 season is not complete and the Department normally sees more returns as the season opener gets closer.

Commissioner East asked Deputy Director Robb if he remembered discussions of this subject when he served on Commission and Committees in the past.

Deputy Director Jack Robb answered that he could not remember in depth conversations about mule deer waiting periods. He suggested that the Department take direction from the Committee to bring back data around how other states handle the mule deer draws. As well as data around the applicant's top ten most popular units and the ten least popular, how many people drew in those areas and what amount of bonus points were spent. Weapon class statistics could also be brought to the Committee for review. The burden to the Department, Kalkomey and to the public if the direction was to apply waiting periods on select would be great due to confusion to the public and difficulty in implementation by Kalkomey. He spoke to the application fees that would not be collected due to a waiting period being applied and that the lack of fees would not be of a significant impact to the Department. He agreed with what CAMBW Representative Pitts stated earlier about application strategy adding that he currently has six mule deer bonus points and knows he could have drawn a tag if he had chosen differently during his applications.

The Committee agreed to bring the agenda item back with additional data provided by the Department.

Chairman Caviglia requested from the Department the data around the five most popular units as well as the five units that are the easiest to draw in. Bonus point classes for all the applicants who applied for those units, over a five-year span. To also be separated between buck and doe.

6. Second Draw/Bonus Point Only Application Period – Management Analyst Megan Manfredi – For Possible Action

The Committee will discuss the possibility of removing the second draw, allowing all tags returned to the Department with no eligible alternate to be available in the First Come, First Served (FCFS) program and creating a bonus point only application period.

Management Analyst Manfredi requested Committee discussion and consideration around decoupling the bonus point only application period from the hunt application period to potentially conduct the draw and release the results to the public sooner after the close of the application period while creating a separate bonus point only application period as its own entity. Consideration was also requested of the Committee to remove the second draw and have all leftover tags from the main draw made available in the FCFS program.

Chairman Caviglia asked if a person could obtain multiple bonus points in a year if the bonus point only application period was created.

Management Analyst Manfredi answered that regulation states a person is only allow one bonus point per license year regardless of what application period the bonus point was obtained.

Discussion was had around the FCFS program and if the second draw was removed, when those unused tags from the main draw would be available to the public. If the Department had data around who from the public or a guide and outfitter group was purchasing the tags. How quickly the FCFS tags were being added to the carts of other customers and a background of how the FCFS program is meant to function.

Public comment:

Mel Belding stated that he would like to see the second draw remain and was against the unused tags going into the FCFS program as his vision of the mule deer waiting period was reliant upon use of the second draw.

Deputy Director Robb stated that the soft launch of the FCFS program is call "soft" due to the Department not publicizing it but within the first hour of its launch, Huntin Fool posted its existence to their subscribers and the word quickly got out. He spoke to public frustration of the unused tags from the main draw being left over mainly from the nonresident quota while residents had applied for the same hunt, but the resident quota was full. This shows as disingenuous of the Department and looked at as a way for the Department to make additional money by charging application fees. The Department is looking at ways to automatically fill unused tags with the opposing quota if there are people who have applied for the same hunt. If that idea can be implemented, in theory, that would leave very few opportunities in the second draw.

Chairman Caviglia asked how onerous it was on the Department to conduct the second draw.

Management Analyst Manfredi answered that it takes approximately 225 hours to conduct the second draw and that is a combined total of Department staff time as well as Kalkomey configuration and development time.

CABMW Representative Pitts expressed concerns around the average person not having the time to watch a computer for a tag to come available in the FCFS system. Even though it might be work for not a lot of tags, he was in support of keeping the second draw as an option for customers.

Deputy Director Robb stated that the Department is not trying to get out of the work that is needed to run the second draw but reiterated that having an additional application period that takes more

money from the public in the form of application fees does not sit well and is looked at as the Department trying to squeeze more money out of the public.

Multiple Committee members expressed their agreement to continue with the second draw.

Discussion was had around at what point would the number of tags be low enough that the cost per odds to the public cease to be worth application and that it would vary between the area and tag type.

CABMW Representative Crim suggested that the Committee find out what is the most convenient method for the public and move forward after knowing that information so as to best represent public opinion.

Chairman Caviglia stated that it is the first year of the FCFS program and other states have similar programs that receive public complaints with every enhancement. He foresees that Nevada's program will receive public feedback and will need future enhancements as well.

Deputy Director Robb added that the Department can monitor the trend of the second draw and FCFS program and if needed, bring the subject back to the Committee in a year or two.

CHAIRMAN CAVIGLIA MOVED TO DIRECT THE DEPARTMENT TO DRAFT LANGUAGE THAT WOULD CREATE A SEPARATE BONUS POINT ONLY APPLICATION PERIOD AND TAKE NO ACTION ON THE REMOVAL OF THE SECOND DRAW, SECONDED BY COMMISSIONER EAST. MOTION PASSED 6-0.

7. Future Committee Meeting – Committee Chairman Tommy Caviglia – For Possible Action
The committee will discuss possible future agenda topics set a date and time for the next committee meeting.

Chairman Caviglia stated he would like to see the tag transfer regulation, mule deer waiting period, junior hunts, and bonus point only application period all come back during the next meeting.

Division Administrator Munoz added that the Department would like to hear the specialty tag unit closures discussed again.

Public Representative Brown added that she would like to hear a report on how the FCFS program has been running for a future meeting, even if it would not be at the next scheduled meeting.

Discussion was had around the length of the next meeting with all of the proposed items and how most listed were time sensitive.

Public comment:

Rex Flowers stated that he would like the Committee to review the junior and novice program that was initiated in 2012 and hear from individuals or organizations about new ideas to improve the program.

The Committee agreed to plan for a longer meeting that coincides with the September Commission meeting.

8. Public Comment Period

This period is for general comment on anything not on the agenda. No committee action will be taken but may be scheduled on a future committee agenda. The 3- and 6-minute time limits still apply.

Rex Flowers stated that he felt the tag transfer regulation was misplaced by being heard at the Committee level before the Commission. The previous tag transfer regulation set a precedent as it was heard straight at the Commission level and since it is a regulatory change, it should be heard at the Commission first as to not slow down the process of the regulation's approval.

The meeting was adjourned at 7:50 PM.