

Nevada Board of Wildlife Commissioners' Meeting Draft Minutes

Meeting Location

Washoe County Administrative Building A
Commission Chambers
1001 E. Ninth Street
Reno, NV 89512

The meeting will be broadcast live at the NDOW Commission YouTube page:

<https://www.youtube.com/channel/UCrFHgHLM0MZA2Hx7og8pFcQ>

If you wish to make public comment, please use this link for Friday, November 4, 2022.

<https://us02web.zoom.us/j/87363790379?pwd=eUQ5VmVxWnF4SWJuM0N1QUpyUVBZQT09>

Passcode: 372743

If you wish to make public comment, please use this link for Saturday, November 5, 2022

<https://us02web.zoom.us/j/82382329330?pwd=RTNUZE4yREdaRIITYWJVOWg1a0V3UT09>

Passcode: 907889

Meeting materials are available at: http://www.ndow.org/Public_Meetings/Com/Agenda/

Public comment will be taken on each action item following Commission discussion and before any action is taken. **Persons attending virtually wishing to comment are invited to raise their virtual hands in the virtual meeting forum during the appropriate time; each person offering public comment during this period will be limited to not more than three minutes.** 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 or make comment during the meeting and are asked to complete a speaker card and present it to the Recording Secretary. 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.

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:

Chair Tommy Caviglia
Commissioner Mario Walther
Commissioner David McNinch
Commissioner Casey Kiel

Vice Chair Shane Rogers
Commissioner Tom Barnes
Commissioner Tiffany East
Commissioner Alana Wise

Senior Deputy Attorney General Craig Burkett

Secretary Tony Wasley

Nevada Department of Wildlife personnel in attendance:

Management Analyst Kailey Musso	Executive Assistant Meghan Beyer
Management Analyst Megan Manfredi	Administrative Assistant IV Bernie Keane
Staff Game Warden Brian Bowles	Wildlife Staff Specialist Jess Brooks
Game Division Administrator Mike Scott	Administrative Assistant III Cindy Alexander
Biologist Cooper Munson	Wildlife Staff Specialist Cody McKee
Fisheries Division Administrator Chris Crookshanks	Wildlife Staff Specialist David Catalano
Law Enforcement Division Administrator Mike Maynard	Program Officer I Alejandra Medina
Biologist Zac Campbell	Biologist Cheyenne Acevedo
Urban Wildlife Educator Raquel Martinez	Program Officer I Chrissy Rose
Administrative Assistant Hollie Timmons	Wildlife Staff Specialist Mark Freese
Wildlife Staff Specialist, Pat Jackson	Wildlife Staff Specialist, Jasmine Kleiber
Conservation Education Division Administrator Chris Vasey	
Data and Technology Services Division Administrator Kim Munoz	

Nevada Department of Wildlife personnel in attendance via Zoom:

Biologist Pat Kelly	Administrative Assistant III Cindy Alexander
Administrative Assistant IV Bernie Keane	

Public in Attendance:

Jacob Thompson, Clark CABMW	Matt Melarkey, Washoe CABMW
Joe Crim, Pershing CABMW	Glenn Bunch, Mineral CABMW
Jim Rhea, Washoe CABMW	Caron Tayloe, private citizen
Worth Nelson, Lander CABMW	Kevin Kjer, Douglas CABMW
Steve Robinson, Washoe CABMW	Rex Flowers, private citizen
Corey Dalton, private citizen	Dr. Sean Sultaire, University of Montana
Dr. Seth Dettenmaier, US Geological Survey	Peter Iacono, Utah State University
Fauna Tomlinson, private citizen	Karen Boeger, private citizen
Joel Blakeslee, private citizen	

Public in Attendance via Zoom:

Dave Stoner, private citizen	Jana Wright, private citizen
Rick Duenas, private citizen	David Kanellis, private citizen
Carter Wildord, private citizen	Michael Clark, private citizen
Peter Iacono, private citizen	Donald Molde, private citizen
Ryan Anthony, private citizen	Anne Price, private citizen
Jennifer Berthia, private citizen	Lauren McCough, private citizen
Michael Jacobs, private citizen	Judi Caron, private citizen
Meghan Brown, private citizen	Lew Souder, private citizen
Jim Cooney, Elko CABMW	Sondra Newmark-Stephens, private citizen

Friday, November 4, 2022 – 8:00 a.m.

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<https://us02web.zoom.us/j/87363790379?pwd=eUQ5VmVxWnF4SWJuM0N1QUpyUVBZQT09>

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

Chair Caviglia called the meeting to order at 8:00am. Commissioner Walther led the Commission in the Pledge of Allegiance. Executive Assistant Meghan Beyer called the roll of the Commission. Commissioner Pierini was absent. Chair Caviglia made note of the CABMW members in attendance.

2. Approval of Agenda – Chairman Caviglia– 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.

Chair Caviglia introduced Item 2 and noted that he had two issues to address. First, he requested to move Item 7C - Policy 24 out of order, that Commission General Regulation 502 for workshop be discussed first. Second, the date in Item 16 should be corrected to read January 27 and 28, 2023.

Commissioner East asked Chair Caviglia where he would like to place Policy 24.

Chair Caviglia suggested to discuss Policy 24 after CGR 502.

No public comment.

COMMISSIONER MCNINCH MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED WITH THE NOTED CHANGES. SECONDED BY COMMISSIONER BARNES. MOTION APPROVED 8-0. COMMISSIONER PIERINI WAS ABSENT.

3.* Approval of Minutes – Chairman Caviglia – For Possible Action

Commission minutes may be approved from the September 23 and 24, 2022 meeting.

Chair Caviglia introduced Item 3.

Commissioner East pointed out that under Item 6C, the fourth sentence appeared to be missing some words and asked DAG Burkett what he thought might be missing.

DAG Burkett stated that it could be “appeal of”, rather than “to.”

Commissioner East noted that two words needed a space between them in item 7, the second sentence between “Commission” and “that”. She then pointed out page 19, under item 12A, in the first line of meeting minutes, that the word “of” should be removed to read “present this Commission” not “present of the Commission.” She then directed attention to her statements on page 21, and stated for clarity that she was advocating to educate families about doe hunts when they have a youth involved and are in a hunt unit that has a doe hunt. She was not advocating for more doe hunts.

No public comment.

VICE CHAIR ROGERS MADE A MOTION TO APPROVE THE MINUTES AS PRESENTED WITH THE NOTED CHANGES. COMMISSIONER WALTHER SECONDED THE MOTION. MOTION PASSED 8-0. COMMISSIONER PIERINI WAS ABSENT.

4. Member Items/Announcements and Correspondence – Chairman Caviglia – 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.

Chair Caviglia introduced Item 4. He stated that there was correspondence from Clark County, from an individual who was unhappy with the Department in regard to wild horses. He stated that the Department had no authority in handling wild horses.

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.

Chair Caviglia introduced Item 5.

No CABMW comment.

6. **Reports – Informational**
 - A. **Department Activity Report – Secretary Wasley and Division Administrators**
A report will be provided on Nevada Department of Wildlife activities.

Chair Caviglia introduced Item 6.

DIRECTOR'S OFFICE

Secretary Wasley delivered the Director's Office Division Activity Report. Prior to reading through it, he noted that the previous day was "One Health Day" and that organizations around the world were celebrating that. The recently requested One Health White Paper is undergoing final state provided edits and the Association of Fish and Wildlife Agencies (AFWA) will soon share the final copy when it will be provided to Commissioners. Director Wasley, along with state leadership from federal agencies, recently attended a meeting hosted by Congressmen Mark Amodei and Ranking Member of the House Natural Resources Committee Arkansas Congressman Bruce Westerman, to discuss a myriad of issues including sage grouse, Lahontan Cutthroat Trout (LCT), wild horses and burros, NEPA related processes, and drought and wildfire.

The Director's Office has been busy responding to multiple requests from the Governor's Office in preparation for the upcoming legislative session as they prepare to address the state's ongoing vacancy challenges. The Director's Office has also been keeping up with multiple public records requests.

Director Wasley gave some opening remarks at the 6th Annual International Human-Bear Conflict Workshop in Lake Tahoe. The workshop was well-attended with great engagement. More to come on that in later reports...

NDOW met with the Principal Deputy Assistant Secretary of Land and Minerals Management, Laura Daniel-Davis on the Avi Kwa Ame National Monument. The agency shared their priorities on the importance of continuing the ability to hunt, maintain guzzlers, and do wildfire or other habitat restoration activities in any area where such a designation may occur.

Deputy Director Jordan Goshert welcomed her second baby boy, Grant, on October 12. Both mom and baby are doing well! While Jordan is out on maternity leave, Nancy Camarena, Administrative Services Officer 2, will be filling in for her.

Management Analyst Kailey Musso recently returned from the National Conservation Leadership Institute joining Alan Jenne, Jen Newmark, Chris Crookshanks and Director Wasley as NCLI fellows, helping the Department share sound leadership practices especially during times of such unprecedented change.

The following regulations were approved by the Legislative Commission on consent agenda and are effective as of September 27.

R050-21, CGR 501 – Tag Transfer, A regulation revising provisions governing the transfer, return or deferral of a tag. This regulation authorizes someone to transfer their tag to an organization under certain circumstances. This regulation also removes the narrow window when it comes to extenuating circumstances occurring after the last business day before the hunt but before the hunt begins. (Contact: Megan Manfredi)

R072-21, CGR 505 – FCFS Prevention of Unfair Advantages, A regulation establishing provisions for suspension for unfair advantages. This regulation authorizes the Department to suspend an account for unfair advantages while using the FCFS program (for example: bots). (Contact: Megan Manfredi)

R045-22, CGR 507 – Petition Process, A regulation revising the provisions relating to petitions for regulations. This regulation clarifies the petition process for both the petitioner and the Department. (Contact: Kailey Musso)

GAME DIVISION

Wildlife Staff Specialist Cody McKee presented the Game Division Activity Report.

Bear Program: The 2022 Black bear season was closed October 10th due to harvest limits being met. Sixteen bears were harvested during the season prior to the early closure.

Human-bear conflicts are continuing within the Western Region with ongoing issues as the result of continued access to anthropogenic food sources.

The 6th International Human-Bear Conflict Workshop was held Oct 16-20th in South Lake Tahoe with 290 registered attendees. Presenters on Human-Bear conflicts attended from several States and internationally from Slovakia, Canada, India, and Japan, among many others. This Educational conference would not have been possible without the assistance and coordination of Carl Lackey and Heather Reich, our Nevada Bear specialists. Topics discussed were conflicts with 5 of the 8 bear species found across the globe and human interactions, with an emphasis on education and conservation.

Bighorn Program: Monsoonal precipitation receipts have improved range conditions allowing sheep to move off water sources, altering summer distribution. During fall surveys, poor lamb recruitment, likely due to drought conditions prior to monsoonal activity, was observed throughout much of the southern range varying from 10-24 lambs/100 ewes. Bighorn herds in Lincoln County experienced slightly higher production with recruitment ranging from 20-28 lambs/100 ewes.

Santa Rosa California Test and Remove Project occurred Aug 2nd-5th; this was the third round of testing in the Santa Rosas for bighorn that are actively infected with *Mycoplasma ovipneumoniae* (*M. ovi*) with the goal of restoring the bighorn population to its once abundant and healthy status. Twenty-two bighorn

were captured and tested in 5 sub herds. Funding was provided by the Bridges Trust Fund managed by Dan Cabela and NDOW's Wildlife Heritage Trust Account. None were positive for *M. ovi* and we likely only need to find and remove 2-3 remaining bighorn that are shedding *M. ovi*.

A great deal of preparation and coordination are ongoing with DOD and DOE for conducting the second round of Test and Removal in early November involving the Nevada Test and Training Range (NTTR), Nevada National Security Site (NNSS) and the adjacent Stonewall Mountain and Bare Mountain. The impacts of the disease event, first detected in 2014 on the NTTR, are one of the worst documented in Nevada for causing the most lambs to die of pneumonia during their first 2 months of life for 8 consecutive years.

Staff Specialist Mike Cox is stepping down as the chair of WAFWA's Wild Sheep Working Group. Since 2016, he has been a ½ time WAFWA and a ½ time NDOW employee. One more substantial project to complete for the west-wide Wild Sheep Initiative, but he is looking forward to refocusing on bighorn restoration efforts in Nevada.

Elk Program: Department staff completed an aerial elk survey in Unit 231 coinciding with the rut. We hoped to obtain a more accurate bull ratio and calibrate abundance estimates of elk in Nevada during the hunting season. Movements are common between Utah and Nevada and our winter survey results can be difficult to interpret due to the complex dynamics of interstate movements. As expected, elk were difficult to find due to heavy tree cover and warm daytime temperatures. A total of 114 were observed over 2 days of survey, with a bull: cow ratio of 47:100 and a calf: cow ratio of 60:100.

In cooperation with the Conservation Education Division, Game Division staff successfully launched a social media campaign highlighting elk in Nevada (aka, Elk Week). The event including several videos and photos generating a tremendous amount of interest from social media followers, a Facebook Live conversation with game biologists discussing various aspects of elk biology and management, as well as a Nevada Wild Podcast with special guest, Randy Newberg, host of Fresh Tracks Tv.

Contractors completed a 1.4-mi. exclusionary fence in northern Steptoe Valley. Elk damage fees were used to fund the construction of this new fence intended to prevent long-term elk depredation issues.

Moose Program: Department personnel have received observations of 45 moose since August. Annually, we experience an uptick in observations coinciding with hunting seasons and the moose rut. Based on distribution of observations and our understanding of movement patterns, at least 14 bulls, 9 cows, and 3 calves are likely to be unique individuals. Summer field investigations determined each of the 7 radio collared cows had calves present and 1 had twins. All metrics continue to suggest that moose numbers are increasing in Nevada.

Mule Deer Program: The oversight committee for the mule deer enhancement program met on September 21 to discuss project proposals for the upcoming fiscal year 2023. The committee reviewed approximately 140 pages of proposals and ultimately sent the ranking criteria back to the Department to re-rank and prioritize projects based on regional priorities and available funding. Department staff has met and will bring forward a new plan and set of criteria for the committee to review at the next oversight committee meeting on November 2.

Mule deer captures are anticipated later this fall to collar deer in the Northwestern portion of the state. This project is ongoing and part of the Washoe County MDEP. Fencing materials have also been placed with the use of NDOW helicopter for spring protection projects supported by the MDEP in the Western Region.

Pronghorn Program: Department personnel continue to conduct annual post season pronghorn surveys. Too early yet to determine any significant trends in population trajectories or statewide trends in recruitment. The Department is finishing up with the final phase of a large-scale migration study of two pronghorn herds in northern Washoe County and northwest Elko County (Management Area 6). Data have been collected from radio collars in the field and should be published in a final report with USGS Corridor Mapping Team sometime in late 2023.

Sage-Grouse Program: There have been some recent developments on the 2022 Greater Sage-grouse Land Use Plan Amendment, expected to be completed in June 2024. The BLM announced a schedule for completion, management issues that will be addressed and a preliminary range of alternatives. Briefly, the management issues include, but are not limited to:

1. Adjustments to habitat management areas, including Sagebrush Focal Areas;
2. Mitigation strategy;
3. Application of habitat objectives;
4. Fluid mineral prioritization objective;
5. Renewable energy development and associated transmission;
6. Disturbance caps, and;
7. Impacts of predators, livestock grazing and wild horses

There are 5 alternatives proposed including:

1. No Action
2. Alternative Adopting management actions identified in the 2015 Plan;
3. Highest degree of preservation possible to the extent consistent with the BLM mission and other laws;
4. Adjust Habitat Management Area boundaries and include Areas of Critical Environmental Concern to protect grouse habitat;
5. Alter HMA, but do not include ACECs.

Sage-grouse wings were collected during the 2022 hunting season and will be analyzed at the annual wing bee scheduled for December 13th.

Upland Program:

Chukar: A podcast on the chukar forecast and general chukar hunting expectations for the 2022-2023 hunting season was conducted on October 12th and released on October 14th. The podcast had approximately 1,500 plays and the average listen time to completion of the segment was above 80%. All indications were that the opening weekend of chukar hunting was lucrative for many upland game hunters.

Quail: The Western Quail Working Group meeting was held in Pocatello, ID during the week of October 3rd and was attended by Game Biologist Matt Jeffress from the Eastern Region.

Columbian Sharp-tailed Grouse: A letter of request for a source stock of these birds was recently sent to the Colorado Division of Wildlife. The request was for 15-20 females to release in the Bull Run Basin of Elko County to inject some genetic diversity into the existing population and increase the sustainability of the population.

Wildlife Health: Wildlife Health has been focused on implementation of CWD sampling for the elk and deer hunting season. Four CWD stations have been manned during the 3 busiest weekends in October. In addition, a hunter self-sampling program is being trialed and is ongoing.

HABITAT DIVISION

Habitat Division Administrator Alan Jenne presented the Habitat Division Activity Report.

Technical Review Program: As previously reported NDOW continues to receive an unprecedented number of energy project applications under the Energy Planning and Conservation Fund and the Fund for the Recovery of Costs (2011 AB 307). In the last two years 75 energy program applications have been received accounting for approximately 39% of all energy projects since 2011. Application received in 2022 account for nearly 20% of all project applications every received under the program.

Energy Siting Tool: In order to better participate in energy project planning NEPA processes on public lands, the NDOW's Technical Review program has partnered with the Nature Conservancy and received federal funding to develop an online energy siting GIS tool, incorporating wildlife and habitat data with available energy infrastructure data.

Habitat Conservation Framework: The Department recently hosted an interagency meeting on the development of Habitat Conservation Framework and associated Sagebrush Habitat Plan. The focus of the meeting was Nevada centric threats and values and threats that should to be added to the recently released WAFWA Sagebrush Conservation Design to identify priority landscapes. NDOW and the Sagebrush Ecosystem Technical Team will be hosting local meetings across the State in early December to receive public input into relative to their thoughts on the type of information that needs to be incorporated or considered in a prioritization process.

Vegetation / Project Monitoring: NDOW's Land Health Assessment program fielded two crews for the 2022 season. Each crew is composed of one crew lead and three technicians. In total the crews collected 192 terrestrial plots and 25 riparian/wetlands plots on 13 project areas across the state. Project areas and data collection focused on wildfire restoration areas, WMAs, and wet meadows with active and/or planned restoration projects including the West Martin Fire, Izzenhood WMA, and project areas within the Middle Rock Creek and Nelson Creek areas. Stop over habitat within Area 10 was also targeted for data collection to assess habitat quality.

Drone Monitoring Pilot Project: Habitat and GIS staff recently tested a drone monitoring program to assess the feasibility of monitoring project areas utilizing these technologies. So far utilizing drones to assess recovery of riparian areas post-fencing appears to be promising and it is probable that supplementing upland monitoring with imagery will prove beneficial as well.

Sagebrush Ecosystem Technical Team: The SETT will holding its bi-monthly SEC meeting at NDOW's headquarters in Reno on November 30, 2022. Main topics for discussion will be updating the Strategic Action Plan and demonstrating the appropriate GIS layers to prioritize mitigation and guide conservation efforts. Additionally, a short-term solution to the Habitat Quantification Tool, such as adding a multiplier to account for disturbances that result in population loses, will be discussed at the upcoming SEC meeting.

Schell -Egan Acquisition (if finalized): The Department in cooperation with the Rocky Mountain Elk Foundation and Nevada Division of State Lands recently finalized the purchase of 5,500 acres of private in-holdings in the Schell and Egan Ranges near Ely, Nevada. This acquisition of the Blue Diamond ranch was facilitated by working with the willing seller and local ranchers who purchased the associated federal land grazing permits while NDOW obtained the private parcels. This purchase was supported by a \$250,000 donation from the Rocky Mountain Elk Foundation, \$250,000 of Wildlife Heritage funds from the Wildlife Commission which were matched to \$4.5 million in federal Wildlife and Sportfish Restoration funds.

Commissioner East asked if the Department was aware of Bright Line West High Speed Rail Project asking for mitigation measures for Bighorn Sheep and whether there was a re-evaluation for that.

Administrator Jenne stated that they were aware, but that they had not been contacted. He stated that the Department didn't believe any NEPA process through the Bureau of Land Management had been started, which is where the Department would typically comment.

Commissioner East requested that the Department keep the Commission apprised of the timeline.

Administrator Jenne stated that they would.

CONSERVATION EDUCATION

Conservation Education Administrator Chris Vasey presented the Conservation Education Division Activity Report.

Events: Conservation Education staff assisted with the 6th annual International Human-Bear Conflict Workshop in Stateline, NV. The Workshop brought together biologists, wildlife managers, educators, and communicators from several different countries to discuss best practices to reduce negative human-bear interactions. Our staff hosted several podcasts in conjunction with Oregon Department of Fish and Wildlife's podcast hosts. These podcasts were recorded on site with three of the event's featured speakers.

Education: Nevada Knockout, our most popular classroom program, has been rolling for the last five weeks. The program will wrap up in mid-November. We had a record number of classrooms sign up to participate this year at 188 classrooms with around 7,500 students! We'll be featuring the Knockout on social media this year as well starting the last week in October.

Southern Region Conservation Education staff teamed up with the group Blacks in Nature to provide a kayak outing on Lake Mead. The event participants had a blast and we look forward to more partnership opportunities for events like this with them in the future.

Outreach: The Nevada Wildlife Discovery trail is an effort to highlight opportunities for people discover/learn/view wildlife in Nevada. Conservation Education staff will be meeting with leaders from multiple agencies and organizations to begin the first steps of getting the Nevada Wildlife Discovery Trail in motion. This meeting will help the invited individuals learn more about the trail and what our goals are, how we can work together to achieve these goals, and plan next steps.

Recently NDOW conducted a statewide survey of Nevada's adult population to learn more about people's opinions and values as it relates to nature, wildlife, time spent outdoors, and personal health. Since its conclusion Conservation Education staff has sought opportunities to share that information with others and most recently presented some of the findings to the Nevada Office of Minority Health and Equity (NOMHE), and the Lander County Conservation District (LCCD).

A Chronic Wasting Disease (CWD) messaging campaign is currently running statewide with specific messaging to tag holders and hunters going out of state.

Media Highlights: The end of October is time to celebrate Bat Week! We'll have bat education posts up on our Facebook and Instagram throughout the week of October 24th – 31st. Bat Week is an annual, international celebration of the role of bats in the environment.

Conservation Education staff supported the University of Nevada Reno by helping broadly distribute a UNR press release highlighting their newest report outlining exactly how much hunting helps support Nevada's rural economies.

WILDLIFE DIVERSITY

Wildlife Diversity Administrator Jennifer Newmark presented the Wildlife Diversity Division Activity Report.

Staff Updates: Wildlife Diversity is pleased to announce that Jess Brooks has joined our division as our new partners staff specialist. Jess hails from Conservation Education division in the Southern Region where she served as the conservation educator for the past 7 years. Jess will bring capacity to Wildlife Diversity to develop and implement citizen science projects and new volunteer opportunities, build lasting partnerships with other state, federal and NGOs to implement State wildlife action plan goals, and will assist the division in developing division specific information and educational programming to help citizens connect with their Nevada wildlife resources. Jess comes to us with a wealth of experience and expertise to help build up this portion of our division and her infectious positive attitude and enthusiasm is a welcome addition to our team. We have one other vacant staff specialist that focuses on implementation of the state wildlife action plan that we are currently accepting applications for.

Small Mammal Trapping: In late September, biologists from Wildlife Diversity and the Habitat Division conducted a 4-night small mammal survey targeting pale kangaroo mouse at the Crescent Dunes Solar facility, located just outside of Tonopah. The goal was a preliminary assessment of project impacts approximately 10 years after the site was constructed. Three sites were surveyed inside the heliostat field and another three sites were surveyed in nearby undisturbed habitats outside the facility. A total of 56 small mammals were captured – most commonly little pocket mouse (34 total) and Merriam's kangaroo rat (21 total). One pale kangaroo mouse was captured outside the facility. At transects inside the facility, there were a total of 25 (45%) captures and transects outside the facility captured 31 (55%) individuals. A more thorough analysis will be completed this winter comparing inside vs outside the facility, as well as a comparison of preconstruction to post construction. We wish to acknowledge Crescent Dunes staff for their partnership and cooperation in allowing access to the facility so this work could be completed.

In October, staff wrapped up almost six months of small mammal surveys in the Elko area that were focused on documenting the dark kangaroo mouse, another species of burrowing desert rodent thought to be tied to sandy soils. The project is a collaboration between NDOW, BLM – Elko District, and the Great Basin Institute. The goals of the project were to better understand small mammal distributions and habitat associations in northeastern Nevada as well as to develop and test the best protocols for surveying these animals. A three-person field crew was able to trap 14 sites leading to 80 unique kangaroo mouse captures as well as several other species that are BLM Sensitive and Nevada Species of Greatest Conservation Need, including the western jumping mouse. Ear clips from the dark kangaroo mice are being provided to researchers as genetic samples for further DNA analysis and similar surveys will continue in the area in 2023.

Lahontan Wetlands: The Lahontan Valley wetlands including Carson Lake was recently featured in the Nevada Independent for the accomplishments of a National Fish & Wildlife Foundation grant. Under this grant carried out during 2021-2022, key species habitat profiles were developed and used to define and implement management objectives for shorebird populations consistent with Lahontan Valley's designation as a Hemispheric Reserve in the Western Hemisphere Shorebird Reserve Network. Opportunities and actions were assessed to improve shorebird habitat and changes to shorebird survey protocols to improve capacity for long-term tracking of habitat, shorebird populations and short-term capacity for evaluation of management actions.

Argenta Marsh Birding Trip: On October 11th, the Bristlecone Chapter of the Audubon Society and the Nevada Department of Wildlife led a birdwatching fieldtrip at the new Argenta Wildlife Management Area with participants from Elko, Winnemucca and Battle Mountain. A total of 163 birds of 23 species were seen. The field trip added a few new species to the existing list for the WMA, including ferruginous hawk and Woodhouses's scrub jay. The WMA has now been nominated to be a birdwatching "Hot Spot" on eBird, which is a valuable online birding community and database of bird observations.

FISHERIES

Fisheries Division Administrator Chris Crookshanks presented the Fisheries Division Activity Report.

Fisheries biologists statewide have been busy wrapping up 2022 field survey activities before fall kicks in and temperatures turn cold.

Aquatic Invasive Species Program: All seasonal AIS inspection stations have been closed for the season. AIS personnel have shifted duties to permanent stations in southern Nevada which will remain open for the fall and winter boating seasons at Lake Mead and Lake Mohave. AIS and Fisheries staff participated in a two-day, multi-agency and jurisdictional Rapid Response Exercise in Elko concerning a scenario if quagga mussels were discovered at Wildhorse Reservoir. Many situations and responses were discussed including increased sampling, decontamination procedures, and prevention techniques. Preventing the spread of quagga mussels in Nevada remains our primary goal.

Fish Hatcheries: Fish hatchery personnel are wrapping up the busy fall stocking season and getting mature fish off station. Most recreational fisheries throughout the state have received their fall allotment of hatchery trout. Due to ever-dropping water tables and increasing challenges in water delivery, headquarters staff has been researching efforts to move our hatchery facilities onto Partial Reuse Aquatic Systems (PRAS). These systems are used extensively throughout the west and would allow for a partial reuse of hatchery water, thus conserving water use in the future.

Native Aquatic Species / Sportfish Program: Fisheries Headquarters staff recently completed annual performance reporting requirements for all federal grants. Native Aquatics Staff is currently working with DATS personnel to convert all data collection in the Fisheries Division to a digital format. Related to this effort will be a standardized data collection protocol for field personnel as well as a Fisheries Division database tracking occurrence, distribution, and abundance for all aquatic species statewide. Our Sportfish Coordinator has recently updated the statewide Fishable Waters Maps and is in the process of updating our Nevada Native Fish Slam Program.

Eastern Region Fisheries: Recent survey activities have been completed at a number of streams and reservoirs for a multitude of species including Lahontan Cutthroat Trout, Bonneville Cutthroat Trout, and Newark Valley Tui Chub among others. A fall survey of Wildhorse Reservoir resulted in impressive numbers and sizes of Largemouth Bass, Smallmouth Bass, Wipers, and trout (Bowcutt, Tiger, and Brown). Numerous juvenile Yellow Perch were also documented which is a positive indicator after the die-off that occurred this past spring. An electroshocking survey of Comins Lake resulted in the documentation of 4-5 age classes of Northern Pike in the reservoir. Moreover, pike were recently discovered in ponds on the Steptoe Valley Wildlife Management Area which is connected to Comins Lake during high water periods. eDNA surveys are currently underway to determine the extent of the species on the management area.

Southern Region Fisheries: A partial fish kill was documented at Beatty Pond in late-September resulting from high temperatures and low oxygen. Subsequent survey work revealed Largemouth Bass and Bluegill still present. A tournament sponsored by WON Bass was held at Lake Mohave in September. Improper fish handling and transport techniques resulted in the loss of a significant number of

tournament-caught bass. An investigation by the Law Enforcement Division was initiated regarding the death and subsequent disposal of tournament fish. A recent fall count at Devils Hole resulted in 263 Devils Hole Pupfish which represents the highest single count at the Hole since 2003. Ironically, a seiche event occurred at Devils Hole the following day as a result of an earthquake in Mexico. It initially appears that damage to the algae on the shallow shelf was minimal. Spring counts should indicate if this holds true.

Western Region Fisheries: Fall electroshocking surveys were completed at many Western Region lakes and reservoirs such as Squaw Valley Reservoir, Hinkson Slough, and Hobart Reservoir. Sport fisheries revealed healthy populations of all species with little ill effects from ongoing drought conditions. Fisheries Division personnel were recently notified of a large downed tree that had punctured a hole in the water delivery ditch for Little Washoe Lake. Quick coordination with NDF ensured the tree was removed and ditch repaired prior to the October 15 start of the water season. Native aquatics species surveys were completed at Martin Creek for Western Pearlshell Mussels and Soldier Meadows for Desert Dace. Both species (Species of Conservation Priority in the SWAP) were found in abundance at each locality.

Commissioner Kiel asked Administrator Crookshanks what type of event happened at Devil's Hole.

Administrator Crookshanks explained that Devil's Hole has an underground connection to the Southern Mexico and the Yucatan Peninsula and when this area has an earthquake, Devil's Hole experiences effects from it like water sloshing back and forth. The most damage is seen at the shallow shelf at the top of Devil's Hole in very shallow water where the Pupfish perform spawning and feeding activities. This event submerged the shallow shelf and scoured it. He recommended to those that hadn't seen it to find a video on Youtube and watch it.

Commissioner Kiel recalled that he was given a presentation in the Southern Region by a Department biologist a few years ago.

Vice Chair Rogers asked in regard to Comins Lake, if the Department thought the survey numbers reflected changes in trout in relation to an increase in Northern Pike.

Administrator Crookshanks stated not yet, but that they would expect that in the future. He explained that once you have reproducing Northern Pike reaching a certain number of adults, it happens pretty quickly. However, so far they haven't seen a reduction in trout or bass numbers.

DATA AND TECHNOLOGY SERVICES (DATS)

DATS Division Administrator Kim Munoz presented the DATS Division Activity Report.

Hunts & Licensing: The Hunts & Licensing staff completed the draft of the 2023 Big Game Application dates for the Commission Regulations that will be presented to the Commission in January.

The reintroduction of a Swan draw was a success resulting in 817 total applicants, 103 NR applicants, 714 resident applicants for the 650 available permits.

Staff have also collected licensing equipment from six license vendors that have not been meeting the minimum sales requirements to retain selling licenses on the Department's behalf.

Preparation has begun for the 2023 vessel registration period that opens December 1st, waiting on the arrival of both the new year's Aquatic Invasive Species and Registration stickers. Staff are working in conjunction with the Con-Ed Division to get reminder postcards out by the end of the month.

Fall is typically a slower time of the year for Licensing staff and a good time to work on administrative tasks. The licensing retention schedule has been updated and is going to the State Records Committee in November. Also, internal Policy and Procedures are being updated and sent out.

Two members of the licensing staff visited Lincoln Nebraska for the annual WAFWA CBMA conference where they attended workshops with a combination of other states to discuss topics including: teleworking, licensing vendors, duplicate customer accounts, Request for Proposals (RFPs), Vendor Agents, recruitment retention and reactivation (R3), among a variety of other topics.

Geographic Information System: The Geographic Information System staff are working on a Vegetation health assessment database project with the Habitat Division. They also are updating Survey123 forms for both the Harvest Check-ins and the abandoned mining forms.

Information Technology: Finally, the Information Technology staff have ordered all the equipment and computer replacement for the year and are preparing to start the replacement cycle.

Commissioner East asked what the minimum requirements are and why they aren't being met.

Administrator Munoz referred to the Departments vendor liaison, Program Officer Alejandra Medina.

Program Officer Medina explained that the minimum record under NAC is 100 licensing items per year.

Commissioner East asked if that was not being met by some rural communities.

Program Officer Medina explained that some of our rural communities are not meeting that standard, but that she has allowed them to determine whether they find need in selling licenses. No rural office has had their selling abilities stripped. Most have been contacted and confirmed that they saw a need. More populated cities have had their equipment collected.

Commissioner East confirmed that the six locations where equipment is being confiscated is more populated cities like Las Vegas.

Program Officer Medina stated yes.

Commissioner East asked if it was easier to get licenses online.

Program Officer Medina stated yes and explained that some lack of sales were a result of defective equipment. She reassured the Commission that the Department was in search of better equipment.

Commissioner East clarified that she just wanted to ensure that these opportunities are accessible to everyone.

LAW ENFORCEMENT

Law Enforcement Division Administrator Mike Maynard presented the Law Enforcement Division Activity Report.

Wildlife Investigations: Wardens in the eastern region investigated a self-turn in wrong physical characteristics harvest, doe shot on antlered tag. Individual was cited, meat seized, and was allowed to keep tag and continue hunting, and investigated a wrong physical characteristics pronghorn self-turn in where the horn/ear length was borderline, individual issued a warning.

Game Wardens in the eastern region investigated a report of a dead bull found in unit 091. He found a bullet in the rear end of the bull. The 091-bull season had recently ended. It was likely a wounding loss with failure to adequately pursue. Wardens investigated separate reports of dead bulls in unit 078 and 077, determined to be rut mortalities. Wardens have begun investigation on a cow elk shot in 067 during closed season. Cow was found by a Game Biologist responding to a collar mortality signal.

Game wardens in the eastern region made a camp contact that turned into a large case where individuals obtained area 10 early rifle deer tags and proceeded to hunt area 6. One deer was harvested in area 6 during this time, in an incident that has been determined to be a pre-meditated act. Charges are pending.

Wardens received information of a potential unlawful kill on the Ruby Marsh Refuge. Upon information gathering it appears the deer may have also been harvested after legal hours as well. Investigation ongoing.

Eastern region wardens completed a deer decoy operation during the early area 10 rifle deer opener. No violations were observed, but it did garner attention from many hunters.

Wardens assisted Utah DWR with seizing a buck antelope in connection with a case, and Idaho Fish & Game by interviewing a suspect (who lives outside of Elko) that they are investigating for residency fraud.

All Southern region wardens conducted saturation patrols during the rifle deer opener in the Tonopah and Panaca areas. Southern region wardens patrolled the US Open fishing tournament on Lake Mojave, are investigating a claim of illegal guiding, multiple violations stemming from reports from a local meat processor, and multiple self-report issues.

Wardens in the western region have been kept busy with responding to many urban wildlife calls, with foraging activity at its highest point in the lead up to winter.

Western region wardens worked the Lahontan Valley Bird-Dog Club, with one citation issued for releasing birds without bands, investigated a landowner complaint of a hunter trespass associated with a deer hunt on a Humboldt County Hay Farm, hunters were warned, and investigated potential closed season bobcat trapping with no confirmation of illegal activity at this time.

Recreational Boating Safety: Southern Region wardens investigated a vessel incident at Lake Mead involving a swamped bass boat and responded to and assisted an individual who dislocated his shoulder while operating a PWC.

Eastern region has received its long-awaited new patrol vessel, the first modern aluminum hulled patrol boat in the region.

Western region wardens assisted Pyramid Paiute tribal police officers by putting them through NDOW's nationally certified law enforcement boat operator's course.

Public Safety: Wardens assisted NPS on a traffic stop resulting in NPS arresting for DUI, made a traffic stop and cited for high-speed driver near Battle Mountain, and stopped out on a motorist assist with a flat tire on their ATV trailer and got them back on the road.

Headquarters: Chief Game Warden and staff held a meeting with Director's Office, DPS NDI Chief Investigator, and Governor's staff officials regarding the Goshute Tribal request for law enforcement assistance on their territory in eastern Nevada.

Game Warden Captains conducted an interview for Game Warden Lieutenant – Western Region. Congratulations to new Lieutenant Jason Jackson who will be taking up his new residence in Fallon, Nevada in late January. Lt. Kristy Knight will be Jason's command mentor and retain command of the Western Region until such time as Jason is ready to transition.

Two Game Warden Captains and the Boating Education Coordinator attended the National Association of State Boating Law Administrator's (NASBLA) annual conference in Manchester, New Hampshire.

Administrator Maynard stated that he would be retiring during the week of Christmas.

Commissioner East congratulated Administrator Maynard and thanked him for his service.

Chair Caviglia ask for clarification on the individual that was cited for shooting a doe or a cow on a bull or buck tag. He asked if that individual was still able to hunt their bull or buck tag even though they shot the wrong sex.

Administrator Maynard answered that was correct. He explained that it was an internal process and largely how the Department handles enforcement. He explained that if the Department can't give the meat to someone who doesn't have a lawful tag to possess it, then they seize it. LE doesn't perform field justice or seize their tag, it's another process. The fact that they committed a wildlife violation that they'll be cited for, but not yet convicted, is not grounds to seize the tag or prevent future hunting activity. We have legal obligations to be fair to that individual. It's a pending misdemeanor not a confirmed conviction.

Chair Caviglia inquired about a hunting fatality that happened in Northeast Nevada.

Administrator Maynard stated that it was still under investigation and considered a homicide because there was a fatality. Determining that appropriate disposition falls to the County Sheriff's Department. Elko County is still investigating. There is enough information that suggests it was in the field. We are unable to release details right now.

Chair Caviglia offered congratulations on his retirement.

Vice Chair Rogers inquired about where the Department was on replacing staff that have left in recent months.

Administrator Maynard stated that there were two that will be graduating soon, which fills two of ten vacancies. He noted the recent promotion of Jason Jackson to Lieutenant also opens a vacancy, totaling nine vacancies currently. He stated that full capacity is 35 officers in the field.

Secretary Wasley thanked Administrator Maynard for his service and noted that this level of vacancies has been a standard level within the agency for years. He stated that he would like to bring awareness to the size of our agency and the average area of coverage for a Nevada Game Warden in comparison to other states in surrounding areas. Other states wardens see a ratio of 1:300-400 sq. miles versus 1:1200 sq. miles for Nevada wardens. One third of our warden positions are vacant, adding to the larger area assigned to each warden. He noted that a well-intentioned bill from the last legislative session placed significant burdens on LE in regard to road-kill and when responsibilities are added to those 35 positions already at less than full capacity, it's a difficult situation to fulfill.

- B.* Litigation Report – Deputy Attorney General Craig Burkett**
A report will be provided on Nevada Department of Wildlife litigation.

DAG Burkett expressed appreciation for Secretary Wasley's references to things like misplaced modifiers. He also made his apologies for not preparing for the discussion on water rights that he promised to discuss during the previous Commission Meeting. He stated that he had two items to discuss. He stated that the Department had received a cost award from the court in the amount \$12,000 for the defense of that case and that a hearing is scheduled for November 15th which will address our request for attorney's fees for roughly \$80,000. Secondly, he stated that they had received a brief on Mr. Russell Collard, whose sub-guide license was suspended for three years by the Department and upheld by the Board. They received his brief and are preparing an answer in brief to provide to the district court on the 17th. If anyone is interested to see the briefs, they can be shared.

Commissioner East asked to see copies of the briefs. She also asked for clarification on the items listed in the Litigation Report and whether there is movement since some appear to have dates as far back as February.

DAG Burkett explained that water law cases will take time due to the complexity of the specific cases, the number of interested parties and the assumption that these issues can take up to 20 years to litigate. The sub-files on the water law cases consist of yearly water master issues. We adjust and allocate the rights the Department has to certain water rights. He noted that the first case listed, which preceded his time with the Department, is a simple matter of finding a lawyer in Idaho and closing it.

Commissioner East agreed that the first case had been on this report since she started.

DAG Burkett assured the Commissioners that the first case should be completed shortly.

C. Predation Management Fiscal Year 2022 Report – Wildlife Staff Specialist Pat Jackson

The Game Division will present the 2022 Predation Report per Commission Policy 23, the Department shall prepare an annual Predation Management Status Report (Status Report), detailing results of the previous fiscal year's projects. This status report shall be presented at the last Commission meeting of each calendar year.

Chair Caviglia introduced Item 6C.

Wildlife Staff Specialist Pat Jackson noted that his presentation would take at least an hour and recommended that the Commission take a break before he began his presentation.

Chair Caviglia recessed at 9:11 am.

Chair Caviglia reconvened at 9:28 am.

Chair Caviglia introduced Item 6C.

Staff Specialist Jackson presented the report, with assistance from three other colleagues, who provided valuable research pertinent to different projects being carried out by the Department. Staff Specialist Jackson included information on the three-dollar Predator Fee (NRS 502.253) and how those funds could be expended, the short coming experienced this year, why it happened, and what the Department will be doing to remedy it. He described projects that had been implemented in 2022 with the help of presentations from Dr. Seth Dettenmaier from the U.S. Geological Service, Mr. Peter Iocono from Utah State University and Dr. Sean Sultaire from the University of Montana. Dr. Seth Dettenmaier presented information on ravens and their impacts on Greater Sage-grouse in Nevada. Mr. Iocono presented

information on the Delamar/Clover Mountain Lion Project. Dr. Sean Sultaire presented information on Nevada Mule deer populations.

All four PowerPoint presentations can be found at the link below:

<https://www.ndow.org/events/november-2022-commission-meeting/>

Commissioner East asked what the projected number of ravens to be removed was prior to the study being conducted in Project 21, noting that Staff Specialist Jackson stated it was lower than expected.

Staff Specialist Jackson stated that the depredation permit allows for 2,500 and the actual was 963.

Commissioner East asked how the waste can be managed with respect to the ravens and if there was a way to address it.

Dr. Seth Dettenmaier stated that there are several options available, but that involves private landowners, state and federal agencies, and the ability to perform certain actions are outside of NDOW's scope. In regard to waste facilities, where there is a higher number of depredation due to ravens, suggestions have been made to move those waste facilities to a different location to help conserve grouse populations. Studies are currently being conducted by the U.S. Fish and Wildlife Service (USFWS) in the Mojave Desert using lasers at waste facilities to harass ravens, which appears to be somewhat successful at chasing them away, increasing avoidance of the area. In regard to private landowners, it has been suggested to create narrower burial pits for livestock, which ravens tend to avoid (narrower spaces).

Commissioner East asked how long a lion would feed on a horse.

Staff Specialist Jackson stated that it depends on several things, including the size of the horse, the time of the year and the individual. In his experience the previous year, a younger, smaller female stayed on the horse until it was gone. Another example was an older male that ate on a horse, left for a week, then returned to feast on it again. A quick answer would be over a week. He also pointed out that another issue that could factor into this is what other wildlife is in the vicinity that also consumes, like coyotes, golden eagles, and spotted skunks.

Vice Chair Rogers asked whether the ravens removed were from the tier three areas.

Staff Specialist Jackson answered yes, that this was the first year working with the USGS, utilizing the smart tool to identify more specific locations when removing ravens. The Department requested to increase the number from 2,500 to 6,000 ravens under the depredation permit and the USFWS is currently completing an Environmental Assessment, but we believe they will be done in time to issue the increase. In collaboration with USFWS and Wildlife Services, we will be using that smart tool to remove within the tier three but also to reach 6,000.

Vice Chair Rogers stated that it was interesting that mountain lions were not switching to other species when less horses were available.

Staff Specialist Jackson stated that it was challenging to estimate wild horse numbers and in this particular instance, the BLM removed 400 of 800 horses and we didn't see any evidence of lions switching to other prey species.

Vice Chair Rogers asked how long the Mule deer study is and when he anticipates findings and data.

Staff Specialist Jackson stated that while the Department must bring the Predator Plan to the Commission for approval annually per Policy 23, he would like to see this project continue for five years. He anticipates having preliminary models built and some population estimates to share next year.

Commissioner McNinch stated that he appreciated the work being done and the collaborative efforts on these projects that have been in the works for some time and are finally coming to fruition. The development of models will allow a more prescriptive and efficient use of money. He pointed out the criticism that has been applied to the efforts on predator control and stated that these findings were providing evidence that our efforts are vindicated to some degree.

Chair Caviglia asked Staff Specialist Jackson when the change was implemented and if the contracted lion hunters were not allowed to be guides in that unit.

Staff Specialist Jackson stated that contracts last four years and that was a change implemented during the last rendition after discussion with LE and taking onto consideration their concerns.

Chair Caviglia pointed out that if they were having a hard time finding contractors, that many hunters who run hounds are guides so they might reconsider that in the future. Limiting the number of guides can sometimes lead to substantial increases in price. In regard to project 21, lion removal for California Bighorns, he pointed out that one lion was killed in 011 with a \$107,000 expenditure and asked if that was correct.

Staff Specialist Jackson stated that it was correct, that they pay a salary to Wildlife Services regardless of whether a lion is harvested. Some years they've seen upwards of ten mountain lions harvested. He pointed out that killing isn't cheap and that sometimes it costs quite a bit of money to capture a particular offending individual.

Chair Caviglia agreed that he thought it was a lot for one mountain lion.

Commissioner Kiel stated that he appreciated what had been presented today and that the other presenters had participated. He was impressed at the evolution of Project 44, which is important to him, and the use of cameras as a valuable tool on the landscape.

Chair Caviglia thanked Staff Specialist Jackson.

Secretary Wasley thanked Staff Specialist Jackson and the other presenters. He stated that it was important to challenge assumptions that are made. He pointed out the term maladaptive, used in one of the presentations where sage-grouse were described as a maladaptive species and he highlighted examples of this term from the presentation including:

- 1.) Mountain Lions not switching prey species when horse numbers decrease.
- 2.) Sage-grouse not seeking new habitat for nests when they've been unsuccessful in a specific area.
- 3.) Mule deer not moving on and finding new winter range after moving to burnt winter range.
- 4.) Mule deer will find ways around impediments through corridors.

He stated that these are examples of philopatric species or species with strong site fidelity. This kind of data provides evidence that our natural assumptions towards how species will react in nature are oftentimes wrong. It substantiates the Department's maintaining a balance of distributing funds to both

predator removal and the best available science, which informs decisions when spending the sportsmen's three-dollar fee. He again thanked Staff Specialist Jackson and the other presenters.

D. Tag Allocation and Application Hunt Committee (TAAHC) Report – Committee Chairman Tommy Caviglia,

A report will be provided on the recent TAAHC meeting.

Chair Caviglia introduced Item 6D. He stated they had two items on the agenda. The first was adding a Junior Antelope Hunt. After viewing some data provided by the Department, the TAAHC Committee had no desire to proceed with that at this time. The second item discussed was proposed changes to the Junior Hunt in Policy 24. The Committee agreed that if changes were to happen, Policy 24 would need to be approved today or at a future meeting and that changes wouldn't be implemented any earlier than the beginning of 2024.

E. Mule Deer Enhancement Oversight Committee – Chairman Kiel, Game Division Administrator Mike Scott, Habitat Division Administrator Alan Jenne

A report will be provided on the Mule Deer Enhancement Program.

Chair Caviglia introduced Item 6E.

Commissioner Kiel stated that it was a fairly short meeting, but that many good suggestions from Habitat staff came out of the previous meeting, allowing the Committee members to prioritize those projects and move forward. There were more positive comments from the public at the most recent meeting and we have been able to create a framework for the program. He is looking forward to a successful implementation of these projects.

Administrator Scott stated that there were six investigation projects moving forward that will cost \$285,000 from the Game Division budget. They include camera projects in the Spring Mountains, collaring projects in area one, 12, 13, and 22 and an age and tooth collection. He pointed out that there may be instances where certain projects encounter impediments and that it's possible that other projects could be brought forward, making it a somewhat fluid process. In regard to habitat projects, it was decided that 40 percent of the higher-ranking projects would move forward, however they would also be subject to the same process, should impediments arise, and higher priority projects are delayed. Roughly two million dollars in habitat projects were approved. Several wild horse studies were requested, however, the Department will attempt to go through the Bureau of Land Management with a proposal for those. There were four predator projects proposed, two coyote and two mountain lion, that are included in Project 37 and 38 for about \$40,000 each. Additionally, in Northern Washoe, the Department is using Projects 37 and 38 for lion removal and potentially coyote removal.

Commissioner Barnes stated that he appreciated the effort by Department staff that went into this process prior to the most recent meeting and he looks forward to seeing the results of this hard work and the projects moving forward.

Administrator Scott acknowledged Administrator Jenne, Wildlife Staff Specialist Mark Freese, and Wildlife Staff Specialist Cody Schroeder and their efforts that helped the advancement of these projects and enabled an easier process this year.

Vice Chair Rogers agreed with Commissioner Barnes, noting that it had been a huge undertaking for the Committee and support from Administrator Scott and Department staff had been unbelievable. He stated that they were headed in the right direction and was comfortable with moving forward.

Commissioner East acknowledged that when she brought this to Administrator Scott there was no design for it and that she applauded his efforts and leadership in this process. She thanked the Committee and Department for all the hard work that went into this and looks forward to seeing results and utilizing those results to create more innovative ways to tackle issues in the future.

Secretary Wasley stated that the Interim Finance Committee approved two new positions in the Habitat Division. One is at headquarters to assist in technical review and the other a habitat field position that will be in the Winnemucca office. This will give the Department added capacity to address some of those habitat projects.

Chair Caviglia recessed at 10:57 am.

Chair Caviglia reconvened at 11:11 am.

7. Administrative Procedures, Regulations and Policy (APRP) Committee – Committee Chairman McNinch

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

Chair Caviglia introduced Item 7.

A.* Commission Policy 11- Heritage Grants – First Reading – APRP Committee Chairman David McNinch – For Possible Action

The Commission will review Commission Policy 11 and may make any necessary changes and may decide to move it to a second reading.

Commissioner McNinch stated that the APRP Committee met last week to discuss Policy 11, 23, and 62. All policies will be brought forward for the first meeting. There are seven policies remaining that need to be approved.

Management Analyst Kailey Musso stated that the APRP Committee had completed its work as a committee after going over the last three policies. Analyst Musso presented Policy 11. She noted that the APRP Committee had reviewed it twice and the Heritage Committee also reviewed it, deciding to make updates to the Heritage Grant Manual.

No public comment.

COMMISSIONER MCNINCH MADE A MOTION TO MOVE POLICY 11 FORWARD TO A SECOND READING. COMMISSIONER EAST SECONDED THE MOTION. MOTION PASSED 8-0. COMMISSIONER PIERINI WAS ABSENT.

B.* Commission Policy 23 – Predation Management – First Reading – APRP Committee Chairman David McNinch – For Possible Action

The Commission will review Commission Policy 23 and may make any necessary changes and may decide to move it to a second reading.

Chair Caviglia introduced Policy 23.

Management Analyst Musso stated that she noticed three different versions of this policy, the current version, a clean version of what is being proposed, and a tracked changes version. She apologized for any confusion, but her intention was to make it clear for everyone. This policy had been thoroughly reviewed by both the Department and the APRP Committee with Commissioner McNinch. She reviewed

the portions taken out of Policy 25 that were also in Policy 23. The APRP Committee made several changes to include:

- 1.) Under Predation Management Policies, section B, subsection one – replaced “medium sized carnivores” with “predators.”
- 2.) Under Predation Management Plan and Report Procedures, section one U – added language stating “a status update of the previous years plan, by project: cost expenditures, amount leftover, how many years it has been ongoing, status of the project over the lifespan.”
- 3.) Need – removed the words “public expectations”

No public comment.

COMMISSIONER EAST MADE A MOTION TO MOVE POLICY 23 TO A SECOND READING. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION PASSED 8-0. COMMISSIONER PIERINI WAS ABSENT.

Commissioner McNinch acknowledged that he had asked Management Analyst Musso to post the tracked changes for the sake of transparency.

C.* Commission Policy 24 – Hunting Opportunities Among Various Weapons Classes and Hunter Groups – Third Reading – APRP Committee Chairman David McNinch – For Possible Action

The Commission will have a third reading of Commission Policy 24, Hunting Opportunities Among Various Weapons Classes and Hunter Groups, and may decide to repeal, revise, or adopt the policy.

Chair Caviglia skipped Policy 24, to be discussed after CGR 502.

D.* Commission Policy 60 – Water Application Guidelines – Second Reading – APRP Committee Chairman David McNinch – For Possible Action

The Commission will have a second reading of Commission Policy 60, Water Application Guidelines, and may make any necessary changes and may decide to repeal, revise, or adopt the policy.

Chair Caviglia introduced Policy 60.

Management Analyst Musso presented Policy 60.

No public comment.

COMMISSIONER KIEL MOVED TO ADOPT POLICY 60 AS PRESENTED. COMMISSIONER EAST SECONDED THE MOTION. MOTION PASSED 8-0. COMMISSIONER PIERINI WAS ABSENT.

E.* Commission Policy 61 – Water Rights – Second Reading – APRP Committee Chairman David McNinch – For Possible Action

The Commission will have a second reading of Commission Policy 61, Water Rights, and may make any necessary changes and may decide to repeal, revise, or adopt the policy.

Chair Caviglia introduced Policy 61.

Management Analyst Musso presented Policy 61. She noted that the Department had received input from Commissioner Barnes, both of which offered changes to include:

- 1.) Under Purpose, second paragraph – add to the end of the last sentence, here forward “wildlife.”
- 2.) Under Policy, section one, second sentence - reads “whenever waters with significant wildlife values is identified, and a willing water seller is identified, the Department shall, subject to available staff and financial resources apply for and or purchase such waters for the benefit of fish and wildlife.”
- 3.) Page two, section two, second sentence - reads “the Department shall collaborate with private reservoir owners, whenever possible, to secure cooperative agreements for public access, angling, and minimum pools.” In the last line, change the word “is” to “are”.
- 4.) Page two, section three, second sentence - starting with “Whenever waters possessing significant wildlife and wetland values are identified and a willing seller is identified the Department shall, subject to available staff and financial resources apply for and or purchase such waters as are necessary to support wetlands to the benefit of fish and wildlife.” Add “are pursued” to the end.
- 5.) Page two, section four, first sentence - remove the term “all available means”
- 6.) Page three, section e, first sentence - reads The Department will evaluate filing” instead of file and “deny wildlife access or accessibility.” Remove the words “of the water.”

Secretary Wasley stated that there was one other change on the first page, under number one in Stream Flow, the second sentence that begins with the word whenever, “whenever waters with significant wildlife values are identified, we changed “is” to “are”.

Commissioner Barnes stated that water is an invaluable resource and will remain so. It was important to include language that will keep water in the ground and available to wildlife.

Habitat Administrator Jenne expressed his appreciation for Commissioner Barnes input and advice on this policy. They made necessary changes to outdated language and moving forward it will allow the Department to work with those partners on the landscape that possess the same values, most importantly, keeping water in the ground for wildlife.

No public comment.

Commissioner McNinch stated that he wasn’t opposed to bringing the policy back one more time for consideration in January.

COMMISSIONER MCNINCH MADE A MOTION TO MOVE POLICY 61 TO A THIRD READING. SECONDED BY COMMISSIONER BARNES. MOTION PASSED 8-0. COMMISSIONER PIERINI WAS ABSENT.

F.* Commission Policy 62 - Mitigation Policy- First Reading – APRP Committee Chairman David McNinch – For Possible Action

The Commission will review Commission Policy 62 and may make any necessary changes and may decide to move it to a second reading.

Commissioner Caviglia introduced Policy 62.

Management Analyst Musso stated that the only change made by the APRP Committee was an editorial change to NRS 701.610 – 701.640. The Department made the following changes:

- 1.) Editorial changes in the policy background section and throughout the policy.
- 2.) Reference to the Department participating in the NEPA planning for development projects
- 3.) Identification of indirect and cumulative impacts in addition to direct impacts to wildlife and habitats
- 4.) Simplification of the mitigation hierarchy to include avoid, minimize and mitigate to emphasize avoidance and mitigation efforts prior to mitigation
- 5.) A clearer objective statement
- 6.) Development of best management practices
- 7.) Required design features and other avoidance in minimization measures for use in planning
- 8.) Addition of reference to the Federal Land and Policy Management Act regulations that guide BLM public land administration
- 9.) General clean-up of the policy section and clarification of procedures implementing this policy specifically to the mitigation hierarchy.

Commissioner East stated that she needed to abstain from voting on Policy 62.

No public comment.

Commissioner McNinch admitted that the track changes version is somewhat overwhelming and asked whether the Board would like to see the cleaner version at the next Commission meeting.

Commissioner Barnes stated that he would like to see a cleaner version.

Commissioner McNinch stated that they would provide that at the next meeting and asked if there were any changes recommended.

COMMISSIONER MCNINCH MADE A MOTION TO MOVE POLICY 62 TO A SECOND READING. SECONDED BY VICE CHAIR ROGERS. MOTION PASSED 7-0. COMMISSIONER PIERINI WAS ABSENT. COMMISSIONER EAST ABSTAINED.

- G.* Commission Policy 66 – Management and Use of Wildlife Management Areas – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 66, Management and Use of Wildlife Management Areas, and may make any necessary changes and may decide to repeal, revise, or adopt the policy.

Chair Caviglia introduced Policy 66.

Management Analyst Musso presented Policy 66.

No public comment.

COMMISSIONER MCNINCH MADE A MOTION TO ADOPT POLICY 66 AS PRESENTED. SECONDED BY COMMISSIONER EAST. MOTION PASSED 8-0. COMMISSIONER PIERINI WAS ABSENT.

Commissioner McNinch thanked Management Analyst Musso for her hard work and for coordinating this effort to revise the outdated policies.

8. Commission General Regulations – Workshop - Public Comment Allowed

A.* Commission General Regulation 500, Subdivision Map Review – Wildlife Staff Specialist Jasmine Kleiber – For Possible Action

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 502 to provide for the Department review of tentative subdivision map(s) and inclusion of recommendations for methods to avoid or minimize impacts to wildlife, mitigation measures, best management practices or required design features, and provide for collection of associated fees to the Department for carrying out such reviews.

Chair Caviglia introduced Commission General Regulation 500.

Wildlife Staff Specialist Kleiber presented CGR 500. She stated that in the last legislative session, Assembly Bill 211 amended NRS 278, which is on planning and zoning. It included provisions for the Department of Wildlife to review tentative maps for subdivision development. The Department is currently working with the Commission to develop regulations implementing this subdivision review as outlined in Assembly Bill 211 under NRS 278. The proposed regulation does several things:

1. Relates to land use planning; specifically, subdivision development;
2. Defines and interprets several terms relating to the review of tentative subdivision maps;
3. Sets forth requirements of certain information to be submitted to the Department;
4. Provides that the Department will provide written comments on a tentative map;
5. Establishes certain fees for the review of a tentative map;
6. Provides for other matters related to review.

The PowerPoint presentation can be found at the following link:

<https://www.ndow.org/events/november-2022-commission-meeting/>

Commissioner McNinch asked whether the \$250 fee was set in NRS.

Staff Specialist Kleiber stated that it was established in the Assembly Bill and added to NRS 278. Commissioner McNinch asked if it was a specific amount of \$250.

Staff Specialist Kleiber answered yes.

Commissioner McNinch explained that that amount was less than two hours' time. In his experience he knows how complicated and how much time these processes can take and recognizes that fee won't cover the resources required for the Department to perform those tasks. He explained that many entities have a concept of one stop shop and it may be more difficult to add another entity.

Staff Specialist Kleiber stated that the issue had come up at the CABMW meetings, most notably with Washoe County. The tentative map would be submitted to the governing body or planning commission and they would forward that to NDOW, which they do for other government agencies across the state as well. The idea here was not to circumvent that process or increase the burden on the developer, it made it more streamlined to ask developers to provide this information to us for tracking purposes and to better understand what's going on with the development, rather than wait to be hit by the planning commission with a map that has no other accompanying information and be receiving payments from a developer directly, but not knowing what it's for. This was an attempt to gather everything in one place. Submission of that tentative map is required to go to the planning commission still for distribution from the other entities. It's not changing the way the planning commission is conducting business, it's asking developers to submit a fee and submission form.

Commissioner McNinch stated that he knows that the City of Sparks had a "quick start process" that would bring developers to NDOW to get a jump start on the process. He asked if there were any enforcement provisions. Is this a requirement or recommendation once NDOW makes a decision.

Staff Specialist Kleiber state that these are recommendations and it's consistent in how NDOW participates in all development that occurs across the state. We have no authority to require developers to do anything. This allows us to provide recommendations to the planning commission or other governing body. What they decide is enforceable and can include that as a condition of approval for the permitting process. Typically, authorization won't be granted if a developer is out of compliance with state law.

Commissioner McNinch appreciated the clarification. He noted the development in Somerset and Verdi.

Staff Specialist Kleiber stated that they have had success with developers in Washoe County to establish funds for mitigation, specifically used for wildlife restoration north of Peavine. She noted a provision that is currently in the proposed language that provides developers the option to come to NDOW before they are required to submit to uncover any red flags that might be addressed ahead of time to prevent any delays down the road.

Vice Chair Rogers asked whether the fee was recommended by the Department or by those who authored the bill.

Administrator Jenne read from the language that the fee was not to exceed \$250 plus an additional fee of no more than \$5 per acre. It was in the bill language and in NRS 278.330 and we did have conversations explaining our perspective and how that effects the Department and it was still passed.

Secretary Wasley stated that prior to this bill the Department didn't have a consistent opportunity to provide comment on potential impacts of development on wildlife. Comments made from multiple parties about having more teeth are well intentioned comments, however they are beyond the purview of the Department. When this legislation was introduced, the Department saw it as an opportunity to accomplish two things:

- 1.) Have a consistent voice for wildlife analogous to the voice we have in NEPA

2.) Cost Recovery - should developers who have potential impacts to wildlife be responsible.

Secretary Wasley made the point that if the \$250 were too large it may have been a deterrent to getting any cost recovery and any kind of consistent process to provide input. At a minimum it helps to subsidize sportsmen and women fees to help with recovery of costs.

Chair Caviglia stated he had several points to discuss. He pointed out an error under section six, number four, which should read section eight. In his experience in southern Nevada and land development the \$250 fee is nothing, and he had no issue with that. He stated that the Commission was sent an email from a coalition of counties making the point that it was not on the developer to submit information. He wanted to make sure that we were not misinterpreting what the language said.

Staff Specialist Kleiber agreed that the bill needed additional review, but that it was understood that the developer needed to provide the tentative map to the planning commission and then they in turn would provide that to the Department. The information required to be submitted in NRS is mostly geared toward water transport and effluent, which isn't applicable to the Department, so we outlined what is applicable and that is wildlife.

Management Analyst Musso made the point that the Department added the provision using the word may, an encouragement to builders to submit information ahead of time and more information that might be required by the bill, which might put them in a better place. Legislative Counsel Bureau had approved this language so there is no conflict in this regulation with the Department.

Commissioner Walther stated that his interpretation of the statute, NRS 278.335 together with its accompanying statute 278.337, specifically subsection three, is that the Department is not prohibited from asking for additional documentation from a developer, that the county is required to send a tentative map.

Chair Caviglia stated that when he read the bill, it was not placing responsibility on the developer. He would like to ensure that the Commission is completely covered.

Commissioner Wise asked whether the extra \$5 per acre was for the whole resubmitted project or just for the additional few acres.

Staff Specialist Kleiber explained that the intent is to capture any additional review.

Commissioner Wise inquired about GIS information in this process.

Staff Specialist Kleiber stated that paper maps or pdfs have been submitted, but the Department has requested developers submit GIS information so that we can plot it on a map and dig deeper into what resources may be affected. The Department is not trying to avoid that in this language.

Commissioner East has client conflict and will be abstaining from the vote.

Joe Crim representing Pershing CABMW, stated that they had two items of discussion. The developers would need to be provided an exact place to submit these forms. Second, he stated that there should be a response time provided to the developer.

Staff Specialist Kleiber stated that the turnaround time is established in statute at 15 days and that is applicable to all entities reviewing tentative maps. The Department put it in the regulation initially, however, they removed it due to it being already established in NRS. The 15-day period begins once the planning commission or governing body submits the map.

Jacob Thompson representing Clark County, stated that agreed with the overall purpose and intent of the regulation and are happy that NDOW is working to ensure it has a voice in the development process but wanted to clarify several things:

- 1.) What size property is included in this proposal
- 2.) Is the intention to regulate the creation of a literal subdivision as in Henderson, NV or the subdivision of any land like the 500-acre ranch divided into 50-acre ranchettes. Does this cover all types of subdivisions or does it target the creation of subdivisions.
- 3.) Would there be any property excluded from NDOW review
- 4.) We believe there should be a statement of purpose for this that would help make the point of the general regulation clearer, why we are doing it and how it benefits the state of Nevada.
- 5.) In section seven, subsection three, why best management practices are required, which stipulates that something must be done rather than recommended.
- 6.) We would like clarification on existing environmental assessments that are being done and how NDOW will collaborate with other environmental organizations, state agencies, and planning commissions.
- 7.) In section six, subsection six – It appears to impose an unfunded mandate on NDOW that should possibly be compensated for.

Jennifer Berthiaume representing Nevada Association of Counties, highlighted concerns that the regulation extends beyond the requirements of AB 211 in the following ways:

- 1.) Allowing NDOW to review infill development if there is any wildlife regardless of surrounding by development.
- 2.) Requiring the developer, not the local government, to submit maps with required items directly to NDOW within five days after submitting to a county.
- 3.) Going directly to the maximum map review fee of \$5 per acre and imposing an additional fee of \$5 to review modifications.

Commissioner McNinch asked the DAG if there had been any boundaries crossed, considering LCB's approval of the language.

DAG Burkett stated that he didn't receive the formal letter and would not provide a formal opinion. He would review the letter and provide his opinion then. He asked for clarification on what Chair Caviglia had concerns about.

Chair Caviglia stated that his concern was outlined in the letter provided by the Nevada Association of Counties. Their concern was that the bill stated that the responsibility was on the governing body that was receiving the tentative map, not the developer.

Commissioner Walther stated that the concern that would need to be addressed was the first sentence in 278.335 and then the subsection in 278.337 and whether or not that requires only the county to send those maps or if NDOW has the authority to request additional information from the developer.

Chair Caviglia stated that overall, he believes this regulation is a positive, but he wanted to make sure everything was on the up and up.

Commissioner McNinch stated that he believed the question is who is making the determination of infill development, vacant and substantially vacant and the Department's language is trying to establish that.

Chair Caviglia stated that there could be major acreage that is infill development that has wildlife benefit. He stated that he has no problem with the language and that someone has to define what is infill and what isn't.

Commissioner McNinch asked if a motion was necessary to have the DAG write a review.

DAG Burkett stated that they didn't need to make a motion, that they could ask for an opinion. He stated that he would provide one prior to the next Commission Meeting.

Commissioner McNinch acknowledged that's all that is necessary.

Chair Caviglia acknowledged that DAG Burkett has a direction and will report back to us.

Administrator Jenne stated that the Department had met with industry while developing this regulation and will be meeting with them again prior to the next Commission Meeting and performing a Small Business Impact Statement as well.

Chair Caviglia recessed at 12:24 pm.

Chair Caviglia reconvened at 1:35 pm.

B.* Commission General Regulation 502, Junior Hunt and Turkey Program – Management Analyst Megan Manfredi – For Possible Action

The Commission will hold a second workshop to consider amending Nevada Administrative Code (NAC) 502 to limit the number of successfully awarded tags in the junior hunt program. The regulation also removes hard close dates for submitting a turkey harvest return card and allows for junior turkey bonus points to convert to the adult point category once a junior is ineligible to participate in the junior hunt turkey program.

Chair Caviglia introduced CGR 502.

Management Analyst Manfredi presented CGR 502.

Administrator Munoz presented the Junior Data that was presented to the TAAHC Committee when they were deciding on what to do with the junior program. The goal was to get more juniors in the field or to "spread the wealth" amongst the juniors. She stated that the data is divided between the old NDWS system and the new Kalkomey system. She acknowledged that there was missing 2017 harvest data due to that turnover of systems. Data has been pulled from three different places, noted in the slide presentation. She also noted that there is not 100 percent participation with return cards. The power point presentation can be found at the following link:

<https://www.ndow.org/events/november-2022-commission-meeting/>

Vice Chair Rogers asked based on what is being proposed by the Department, had it been implemented this year, 421 juniors would not what exactly?

Administrator Munoz 421 juniors would have aged out if the change was in place this year.

Vice Chair Rogers added that would open up that many more opportunities.

Administrator Munoz answered correct.

Management Analyst Manfredi stated that these represent the juniors that would have drawn the fourth or fifth tag this year.

Commissioner McNinch asked if there were tags not being awarded.

Administrator stated that all junior tags had been awarded this year. Six went to First Come First Serve (FCFS).

Commissioner McNinch asked how many juniors put in for just one or two areas.

Management Analyst Manfredi stated that 28 percent selected only one choice and 23 percent selected only two choices.

Commissioner McNinch asked how many of those put in for the second draw.

Administrator Munoz clarified that he meant how many juniors put in for both the main and second draws.

Commissioner McNinch stated that he wasn't sure how many of these juniors picking only one or two choices are going to put in for a second draw knowing they will get a tag in area ten since it's a 100 percent success rate.

Management Analyst Manfredi agreed that those filling out all five choices would know they could get an area ten tag in the second draw, but it's not likely that those filling out one or two choices have the same mindset.

Commissioner McNinch stated that what was said proves his point. He asked what additional opportunity was being provided to those juniors. Those willing to go wherever are taking advantage of that opportunity. He stated that he struggled with this whole idea. He appreciated the effort to make more opportunity, but he doesn't see how we are improving it. He pointed out that the 421 no longer have the opportunity on the flip side.

Commissioner Wise asked whether the junior actually filled out the survey or the parents.

Administrator Munoz stated that they were assuming the parents filled it out.

Chair Caviglia acknowledged it was a difficult issue. Geography was the main reason in the survey. Units near Reno and Las Vegas are hard to draw a tag in.

Commissioner McNinch asked who we were providing opportunity to that doesn't have it.

Commissioner East stated that she could relate and that her own family experienced a similar situation with distance and sports. She made the point that there were 421 kids that didn't get the opportunity to hunt, while some youth hunters were on their fourth buck. She was looking for ways to make this more equitable.

Commissioner McNinch asked who is backfilling those 421 tags.

Management Analyst Manfredi stated that there were 1,647 juniors who weren't awarded, so those tags would have gone to those in that pool.

Commissioner McNinch asked if it was possible that some of those who put in for only one or two choices picked up some of the 421 tags.

Management Analyst Manfredi stated that it was possible.

Commissioner McNinch stated that we have kids in the field, which is the point and where it stands right now. He pointed out that that was the goal and that no one new was being recruited into the system.

Commissioner Wise asked if there was any data on juniors who were putting in but had never actually drawn a tag.

Administrator Munoz stated that she didn't pull any data on that.

Chair Caviglia stated that there was data pulled on juniors who have drawn multiple tags, with 35 percent of those having only drawn one tag. Another hope was to allow those individuals to draw more than one tag and providing that individual the opportunity to draw more than one tag by pulling those other two groups out of the system within that five-year period.

Commissioner McNinch asked how many juniors that put in for all four options didn't draw a tag. We know if they put in for area ten they got a tag.

Jacob Thompson representing Clark CABMW, stated that the CAB had three concerns. First, we hoped that second chance and over the counter tags wouldn't count towards the three tag limits. Second, we hoped that the number of tags would be species dependent. Third, we hoped that the program would consider grandfathering in existing youth and we felt strongly about this. In depth decisions had been made by parents and youth in recent years and believed this should apply for new youth.

Rex Flowers, private citizen, stated that he had no children or grandchildren that this would effect. He's in favor of limiting youth to three tags. He would like to bring more people into the sport. The 421 can still apply for the main draw and if not there, they can apply in the second draw or from FCFS.

Commissioner Wise asked for clarification on how over the counter tags and the second draw would be affected by the limits.

Management Analyst Manfredi stated that CGR 499 defined "awarded." It doesn't matter how you were awarded the tag, you were awarded the tag. If FCFS and second draw were excluded from the three-tag limit, then we would be affecting other regulations and it would prove to be a bigger challenge to implement.

Commissioner Barnes stated that he has struggled with this regulation change. He would trust the TAAHC Committee knowing it had been discussed extensively. He offered support for what the Committee has produced.

Commissioner McNinch asked again who they were providing the opportunity to. We are not bringing in new kids to the system.

Chair Caviglia stated that 37 percent of the pie is unsuccessful.

Commissioner McNinch stated that the 421 were willing to whatever they needed to get a tag, but the 37 percent were not. If someone only wishes to draw a tag in a specific area close by, they are unlikely to draw one in five years, but we shouldn't limit those kids, part of the 421, if they are willing to go further to get a tag.

Secretary Wasley stated he appreciated the ability to pull this data from the current system and provide rapid analysis. We could most likely query by zip code to ascertain demand geographically. He asked if it would appreciably increase the opportunity. The rural areas have the greatest supply for youth hunting opportunities and they are the hardest to get to. Two reasons provided for not putting in for more areas were conflicts with school schedules and distance. This will not change where the supply is and where the demand is coming from. The same exact hurdles will still exist unless people are willing to drive further and go to those places. He didn't believe there would be an appreciable increase in the five percent draw rate in 194 and 196 just by cutting that from four to three.

Chair Caviglia stated that it would be impossible to get to the numbers we would like to get to.

Commissioner McNinch stated that he appreciated the time and effort the TAAHC Committee has put in to this discussion. He doesn't see the benefit of making the change. He would like to let them be kids for a few more rounds.

Commissioner East stated that this issue was brought to her attention a few years ago, possibly from the Humboldt CABMW. She stated she was in favor of the recommendation made from the Clark CABMW to grandfather in current youth participants. She stood by the changes made by the TAAHC Committee.

Commissioner McNinch stated he appreciated her stance, but he still didn't understand what benefit it provides.

Commissioner East offered that kids might get introduced to hunting at a later age and they only have one or two more years to try it before they age out. The data showed that the youth in the 13, 14, 15, 16 age group have the highest numbers, so it would only exclude a small number.

Commissioner McNinch stated that he understood what she was saying.

Chair Caviglia stated that the draw process gets convoluted when you begin spreading out five choices. He stated he liked the language and would be willing to try it.

Commissioner Wise agreed she would be willing to try. She acknowledged that it may not help the kids that are only putting in for one unit where there are low draw numbers, but it might help create lifelong hunters out of some of the kids who want more opportunities as a youth who are only drawing one tag, that might now draw two or three, who will continue because they have experienced this increased success with tags. We may not be helping everybody, but we may help some. She stated she would also be in favor of grandfathering in existing youth.

Chair Caviglia asked in regard to business rules, how would the process of grandfathering in work.

Administrator Munoz stated that the challenge would be when the Department changes systems from Kalkomey. We wouldn't make a change for three more years because those in 2023 wouldn't have this happen until 2026. At that point the Department will be off the Kalkomey system. How difficult it would be is an unknown at this point.

Commissioner East asked DAG Burkett if language could simply be added noting that it will take effect in the 2026 season.

DAG Burkett answered that they could.

Administrator Munoz stated that the Department would be splitting, so we would have different rules for different youth. Until we reach 2026 there will be one group with one rule applied to them and another group with a different rule applied to them. The difficulty in that is unknown.

Chair Caviglia agreed that it would be difficult. He suggested to keep it clean and pick a start date.

COMMISSIONER EAST MADE A MOTION TO APPROVE COMMISSION GENERAL REGULATION 502 JUNIOR HUNT AND TURKEY PROGRAM AS PRESENTED. SECONDED BY VICE CHAIR ROGERS. MOTION PASSED 7-1. COMMISSIONER MCNINCH DISSENTED. COMMISSIONER PIERINI WAS ABSENT.

**C.* Commission General Regulation 510, FCFS Exchange to Obtain a Tag-
Management Analyst Megan Manfredi – For Possible Action.**

The Commission will hold a workshop to consider a temporary regulation amending Nevada Administrative Code (NAC) 502 that would include any money, goods, or services exchanged for procurement of a tag through the FCFS program as grounds for suspension from the program.

Chair Caviglia introduced CGR 510.

Secretary Wasley explained that Items 8C(CGR 510) and 8E (CGR 509) were both temporary regulations and reminded the Commission that they will need to be revisited at a future date to become permanent regulations. These regulations will expire in November 2023.

Management Analyst Manfredi presented CGR 510 and stated that “the change you see today is proposed to help remove any additional incentives for a person to create that unfair advantage and then to profit in any way from its use and also discourage any individuals from seeking out the use of the unfair advantage to obtain a tag.” She continued, “Included in the change is the addition of the language ‘and all involved parties’ allowing the Department to suspend the individuals account that is offering the service instead of just the individual utilizing the service.”

Secretary Wasley pointed out that the previous vote was for the workshop of CGR 502, therefore, the possible adoption of the CGR will occur at the next Commission Meeting.

Chair Caviglia asked if the LCB needed to look at this CGR again before it goes into effect, if adopted on the next day of Commission.

Management Analyst Manfredi stated that she was being told no.

Management Analyst Musso stated that a temporary regulation, if passed by the Commission, will go into effect upon approval. Once LCB notifies legislators, they have the opportunity to ask a question or bring it forward. If there are no comments, then it stands until November 2023. At that point we will bring the CGR back through the process to make a permanent regulation.

Chair Caviglia asked what the time-period was for the legislator to ask a question.

Management Analyst Musso stated that she needed to verify the answer to that question.

Chair Caviglia asked if there was any reason to rush if this would not go into effect in time for tags.

Deputy Director Jack Robb stated that there were coveted elk and sheep tags coming up, among other things, that the Department would like to cover. He explained that previously, the Commission workshopped on Friday and adopted on Saturday, that only recently it had not been conducted that way. Presenting this regulation in this way allows us to keep our commitment to creating a fair and legitimate process.

Management Analyst Manfredi stated that we have passed the 14-business day threshold for the bull elk and sheep, Any Legal Weapon, late seasons. Many seasons start November 20th. Those returned tags will be going to FCFS and we wanted to get this regulation in place prior to that.

Chair Caviglia stated that he would like verification that the Department will be able to use the authority provided if they needed to rush through the process.

Management Analyst Musso stated that it was a 35-day period and this would be in effect for seasons opening in December and January.

Chair Caviglia stated that it would not affect bull Elk or sheep tags.

Management Analyst Megan Manfredi stated that it wouldn't affect November 20th tags.

Commissioner Walther stated that he understood the Department was trying to address a serious issue in a short amount of time. Have there been any additional notifications beyond what is required by statute or are there plans to publicize this in any way.

Secretary Wasley asked if he meant publicize to mean a broader awareness within the interested community using FCFS or the short turnaround between the workshop and the possible adoption.

Commissioner Walther stated that it was in regard to the former and asked if the Department had provided this information to those utilizing FCFS prior to use of the program.

Secretary Wasley stated that the Department may have been remiss and underestimated the extent to which people might go and with this regulation change are now trying to close possible avenues where people might exploit certain opportunities.

Commissioner Wise asked if the regulation change would go into effect after the 35-day period or would it be retroactive to the date approved by the Commission.

Deputy Director Robb explained that the CGR process takes time and is dependent on LCB. He would like to see this regulation change in place so that the Department can cover multiple situations from now to November. The Department and the DAG have discussed putting deterrents in place like demerits and possibly fines.

Management Analyst Musso stated that it would go into effect 35 days after it is adopted at the Commission Meeting.

Commissioner Wise stated that it made sense to have something in place, especially if a permanent solution would not be applicable until November 2023.

Chair Caviglia reiterated his concern about workshopping one day and adopting the next and acknowledged that many people are opposed to such a quick process. He stated that if they brought it

back at the January Commission Meeting, it could be in effect as soon as the end of February. He reiterated his warning that FCFS would be problematic and that we would need to continuously piece-meal this program. He stated that it doesn't sit well and asked if others would like to ask the Department to bring back all requests for the program at one time prior to August.

Deputy Director Robb stated that there are multiple instances where the language needs attention, and understands that piecemealing can be tedious, but this program got 1,000 more people into the field both this year and last year. He acknowledged that it would take a lot of work by the Commission, but that the public was promised a fair and honest program that gets them in the field.

Vice Chair Rogers acknowledged Deputy Director Robb's point, but asked in regard to a timeline, if the Commission would be better served waiting until a later date and submitting additional language to give it teeth.

Commissioner Kiel stated that if the Department needs the tool and it's truly necessary now, then we should put it in place, understanding that there will be additional changes in the future.

Chair Caviglia reiterated that this change would still only effect cow tags if we rush through in two days, which has minimal impact.

Commissioner McNinch asked for clarification that if this regulation is approved tomorrow, it will not be in place until 35 days after approval by the Commission. He stated that he understood the concern with the quick approval process, however he offered that spreading the process over two meetings was to reassure the public that there were no "shenanigans" going on, as had been the case in the past. He explained that everything had been noticed and proper procedures had been followed and he was comfortable with adopting the next day.

Vice Chair Rogers asked if the Commission would have the opportunity to add additional language to this temporary regulation at a future Commission meeting.

Management Analyst Manfredi stated that it would need to be separate regulation. She noted that when the Department brings a permanent regulation to LCB for drafting, there will be additional language included that would encompass a broader and more substantial discussion. The Commission could then provide additional language.

Vice Chair Rogers clarified that any additional discussion or content to be considered under a permanent regulation would be workshopped and take effect in the 2024 season.

Management Analyst Manfredi answered correct.

Commissioner McNinch clarified that it wouldn't need to be 2024, that it would apply to FCFS for the 2023 year.

Management Analyst Manfredi stated that it would depend on when the Commission adopts and when the Leg Commission could approve.

Commissioner Wise suggested to discuss the language of the regulation, noting that the timeline was the only thing that had been discussed and that it might help to make a decision on adopting the next day.

Vice Chair Rogers stated that he wanted to make sure of his understanding of the regulation and clarified that it was a two-strike rule. With the first offense you would be suspended for the season and the second offense prohibited from any tags in any future hunting season.

Management Analyst Manfredi stated that it was only for the FCFS program, it doesn't limit the individual from applying in the main draw, but as mentioned earlier, in the future, if it becomes a demerit it may warrant a license suspension.

DAG Burkett stated that this regulation change was born out of actual instances that have occurred where individuals violated the FCFS program. Management Analyst Manfredi and I have gone over this language on multiple occasions. The Department already has authority to utilize a broad range of tools. This regulation change adds an additional tool to stop this kind of conduct. It says you can't exchange money for access to the FCFS program. In the first portion of the language, the word exchange prohibits individuals from offering money and offering services for money. The second portion provides that an individual can't offer to get someone access to the system for money. This gives the Department the opportunity to do this now. The Commission is following a process that allows you to consider this one day and adopt the next. The value of this is that you are providing the Department one more tool to stop this kind of behavior.

No public comment.

Commissioner East agreed with Chair Caviglia that they have been addressing these in a piecemeal fashion, however, she sees the value in providing the Department the tools they need quickly. She would be in favor of supporting this temporary regulation change.

Chair Caviglia stated that he had no issue with the language, just the quick passage of it.

COMMISSIONER EAST MADE A MOTION TO MOVE FORWARD FOR ADOPTION CGR 510 FCFS EXCHANGE TO OBTAIN A TAG AS PRESENTED. SECONDED BY COMMISSIONER BARNES. MOTION PASSED 8-0. COMMISSIONER PIERINI WAS ABSENT.

Chair Caviglia stated that he would like to bring forward Policy 24 for discussion as noted when approving the agenda.

7C. Commission Policy 24 – Hunting Opportunities Among Various Weapons Classes and Hunter Groups – Third Reading – APRP Committee Chairman David McNinch – For Possible Action

The Commission will have a third reading of Commission Policy 24, Hunting Opportunities Among Various Weapons Classes and Hunter Groups, and may decide to repeal, revise, or adopt the policy.

Chair Caviglia introduced Policy 24.

Management Analyst Musso presented Policy 24 and reiterated that any changes would not be in effect until 2024 season. She noted that the Commission made changes at the September meeting clarifying the party hunt quota minimum section and the spike elk definition. Additionally, the Committee is agreeable to moving forward on section three c, on page six, "juniors can apply for five years and be awarded a maximum of three junior tags before the age of 18." The Committee needs clarification on whether the Commission would like to move forward with sections three a and three b.

Game Administrator Mike Scott stated that three A was discussed in the TAAHC Committee. It splits the hunt into Any Legal Weapon and Muzzleloader/Archery/Primitive combination, which would increase opportunity or the number of tags for juniors. He stated that section three b, which allows junior deer tags to be either-sex tags anywhere there is an open antlerless deer hunt, was added at the direction of the Commission. Included in the arrays used to create quotas is the percentage of does harvested by

youth. Four areas have doe hunts that wouldn't be affected, but all the other areas would be affected by limiting juniors to antlered harvest only. If I decrease the percentage to zero percent harvested does, the number of quotas drops and will do this in every area that currently has no antlerless deer hunts. The number of does on the landscape will increase which will then affect buck to doe ratios, lowering the ratio. However, this might be mitigated by a drop in success rates. We will not see any increases in tags.

Chair Caviglia asked if he had any additional items to discuss.

Administrator Scott said no.

Chair Caviglia stated that FCFS has conflicting NAC's regarding days required prior to submitting the tag.

Commissioner McNinch stated that he has struggled on where to find his position on different parts of this discussion and that there have been different levels of consensus. He is willing to support things he may not agree with, and everyone knows where I stand on section three c. With regard to doe hunts, it really doesn't sit well with me. He asked if we wanted to give opportunity for kids or not. I wouldn't support the policy the way it's written. He asked if recruitment was important or not. He asked what we are addressing by getting rid of doe tags in these areas. Is there any biological concern with having these doe hunts in those units.

Administrator Scott answered no.

Chair Caviglia stated that with regard to the doe hunt, that is solely sportsmen perception. Many sportsmen don't like the junior hunt at all and that they get 25 percent of the tags. One of the most numerous complaints is that youth can kill does in units where there aren't doe hunts. For clarification a tag does not necessarily mean they will harvest a doe, it means that they will have the opportunity to hunt. I've had experience where, even though our herds are struggling, hunters will kill a doe on the last day just to kill something. I don't like that they do this.

Commissioner McNinch asked if there were so many people against this youth hunt, why are we not talking about getting rid of it. I think it will be the beginning of the end for sportsmen. I think there is a lot of support for the youth hunt, but if it is such a bad thing, let's direct the discussion towards that. We have had many conversations on how we can get tags to kids. When Deputy Director Robb was a Commissioner, they were constantly increasing the quota numbers. Let's have the conversation if the pendulum is swinging the other direction.

Commissioner Barnes stated we are at a point in time where we have constricting mule deer numbers. Hopefully we'll turn that around and start increasing and that opportunity will be there. The constricting herds will cause a reduced opportunity for all sportsmen no matter the hunt. Where will we be a few years from now.

Commissioner Caviglia asked what the Commission's thoughts were on three a. Mike Scott brought this up to the TAAHC Committee. It would put more tags into the junior program. I'm curious where everyone else's thoughts are on that.

Commissioner Kiel asked Administrator Scott what his thoughts were on the primitive weapon hunt. He said though the success rate is quite a bit lower, it would allow more tags to be issued.

Administrator Scott stated that there would be more juniors participating, a decrease in Any Legal Weapon hunt, but a potentially sizable increase in Primitive, along with a lower success rate. Without killing more deer, we would put more youth in the field.

Commissioner Kiel clarified, it's not a one for one primitive to All Weapon, you would simply get more youth in the field.

Commissioner McNinch confirmed that he does approve of section three a.

Secretary Wasley stated that the data Administrator Munoz presented reflected the overwhelming percentage of harvest that occurs with a rifle. This conversation between Commissioner Kiel and Administrator Scott is predicated on the assumption that there would be the demand. We have data on youth using a rifle, but we have no idea how many of the youth would be willing to limit themselves to only primitive weapons. We would need to know that before we could speculate with any accuracy, that it would put more youth in the field. It's possible that it would do the opposite.

Chair Caviglia agreed and stated that he wasn't sure if younger juniors could even pull back a legal bow at 12 or 13. I'm also not sure how many would shoot a muzzleloader. The policy states that it is a "may," which allows us to do more in the future, as well as a survey. Or we may just not pursue it at all.

Commissioner Barnes stated that Chair Caviglia had an important point about three A. The "may" means that we have flexibility.

Chair Caviglia asked if we could do this in a couple units as a trial.

Administrator Scott stated that we could ask Administrator Munoz if it's possible to do a trial run.

Administrator Munoz stated yes.

Commissioner Walther stated that he appreciated that as an option, however, how successful were the surveys you've distributed in the past and how easy would it be to get feedback from people who are interested.

Secretary Wasley stated that it was a good question and that he would suggest to start with five percent to test what that demand might be. Data shows that 92 percent of youth are using rifles currently and the question would be would the muzzleloader hunters be willing to limit their ability to harvest with a rifle and would the rifle hunters be willing to exchange a lower possibility of success with a higher possibility drawing a different area. Starting with a small percentage and testing demand would give us that answer.

Commissioner Walther asked how easy it would be for the department to survey youth hunters to get ahead of that opinion.

Administrator Munoz asked Commissioner Walther to repeat the question.

Commissioner Walther asked if the survey was sent to those with applications.

Administrator Munoz stated that they looked at two years' worth of junior applications and sent them to those emails associated with them, including linked accounts. It was sent to roughly 2,000 and we only received 651 responses, having left the response time open for one month. We also sent two reminder emails.

Commissioner Walther stated that he was suggesting it would be good data to have.

Joe Crim representing Pershing CABMW, stated that breaking up weapon classes wouldn't necessarily deter youth hunters, but that it also wouldn't necessarily add any. From his own experience, he hunted with youth in three different weapon classes and he knows what the youth will never hunt with again, and

it's not rifle. He wasn't successful. We believed keeping weapon classes together would help the youth because they now have three options and can test each one. He stated that his grandson carried a muzzleloader for two days and decided it was too heavy to carry so he gave it up. He knew he would wait to hunt archery and muzzleloader for when he was older. He believes that youth hunters need those options for the purposes of retention. The CABMW had no issue with the rest of the policy, just three A.

Rex Flowers, private citizen, stated that he was in favor of limiting the doe harvest to those areas that have doe seasons. He appreciated Mike Scott's material presented earlier, however he presented area six, which gave 350 tags out. We don't have 350 deer in 014, 022, or 021. In a large area it might work, but in areas with minimal deer herds where sportsmen have been fighting for what little resource we have left we do not approve. We have no issues with opportunities for youth hunts, as long as herds can afford does to be taken.

Chair Caviglia asked to discuss the 14 "business" days language that conflicts with 14 "calendar" days language.

Management Analyst Musso explained that she put "business" days in this policy and after reviewing NAC 502.421 which is the Alternate List procedure, it also stated "business" days, and is the right language to use in this policy. She was unsure of what Deputy Director Robb was referencing.

Chair Caviglia stated that he and Deputy Director Robb had discussed this previously and there was conflicting language.

Management Analyst Manfredi clarified that the "14 business days" is found in the Alternate List program and the "14 calendar days" is found in the FCFS program, which are conflicting.

Chair Caviglia stated that it will be brought up on a future agenda which has been confirmed by Deputy Director Robb. In his opinion, 14 days is a multiple of seven, which is not a business day, that's a calendar week.

Commissioner Wise asked what the most appropriate term is that should be used in this language.

Deputy Director Robb stated that 14 days was a guess due to the fact the Department had never done a reissuance of tags, and was predicated on the fact that the past vendor had no knowledge of what the flow would be. He stated that there should be a new discussion with current vendors, utilizing updated data. He stated that he preferred to look at the data and make informed decisions rather than guess right now.

Chair Caviglia reiterated that there had been a discussion and it will be brought up at a later Commission meeting. He offered to pass the policy and bring it back up at a later date, depending on where the Commission was at.

Commissioner McNinch stated that he would support moving it forward without adopting due to it being incomplete, not to delay its adoption, but also that it is a simple process to open it back up at a later date if adopted today.

Commissioner East noted how outdated the policy was and that she had no issue addressing the "14 business days" at a later date. She deferred to the Department and what they believe the most appropriate timeframe should be. She shifted attention to section three and noted that it is understood that the majority of juniors will be in the rifle category. She stated that she would prefer to see what the data shows and was not ready to add new hunts. With regard to agenda item three B, she acknowledged that she had gone back and forth on doe hunts in general and didn't like them for personal reasons a

preference handed down in her family. She would prefer to see this left alone due to the fact that it's a management only in certain units.

Commissioner McNinch asked if there would be a large reduction in tags and referenced what Administrator Scott stated earlier.

Administrator Scott stated that was in area six which has a doe hunt and it wouldn't be affected. Areas like 11, 14, 17 that still have a good number of tags, but aren't like areas six, seven, and ten, will still have some reductions but less than those big areas. He reiterated that it could be mitigated by lower success rates.

Commissioner McNinch pointed out that the reason some areas aren't producing isn't necessarily due to not having does. It is more likely that there are other issues going on. We feel good mentally leaving does alone, however we might "be killing them with kindness" and that's a concern to him.

Commissioner East stated that at that point we would institute a management tool to address that situation. She pointed out that the youth harvested 3,200 does and roughly 14,000 bucks.

Commissioner McNinch stated that he appreciated what she was saying but that the numbers were low and that he preferred to provide kids more opportunity to hunt.

Administrator Scott pointed out that the numbers mentioned by Commissioner East were over a ten-year period.

Commissioner East asked for clarification on that data.

Administrator Munoz stated yes that it was over a ten-year period.

Commissioner Caviglia stated that the TAAHC Committee left that option open, to allow juniors to kill does in areas with a management need, rather than having no doe hunts at all. I am in agreement with Commissioner East in that area.

Commissioner McNinch stated that he appreciated that thought process, but he pointed to the recruitment aspect, that those who had been unsuccessful will be able to take a doe the last day of a hunt which could be a reason for them returning to hunt in upcoming seasons. He stated that for a program that is very important to recruitment, it was taking heat. He had been struggling to understand what opportunities are being made available with these changes to policy. He stated that he appreciated this being brought back because there was more discussion to be had.

Chair Caviglia stated that he would make a motion to adopt Policy 24, with the understanding that it would be brought back to reconcile the issue with "business day" versus "calendar day" language.

CHAIR CAVIGLIA MADE A MOTION TO APPROVE POLICY 24 AS PRESENTED. COMMISSIONER EAST SECONDED THE MOTION. MOTION PASSED 7-1. COMMISSIONER MCNINCH DISSENTED. COMMISSIONER PIERINI WAS ABSENT.

Chair Caviglia recessed at 3:27 pm.

Chair Caviglia reconvened at 3:39 pm.

D.* Commission General Regulation 506, Possession of Golden Eagles Under Certain Circumstances – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 503 to allow for possession of a golden eagle under certain circumstances.

Chair Caviglia introduced CGR 506.

Wildlife Diversity Division Administrator Jennifer Newmark presented CGR 506. This regulation is a result of the passage of Senate Bill 125, during the last legislative session, which changed NRS to allow possession of a Golden eagle under certain circumstances. The PowerPoint presentation can be accessed at the link below:

<https://www.ndow.org/events/november-2022-commission-meeting/>

Vice Chair Rogers asked how many master falconer licenses the Department issues every year.

Administrator Newmark answered that there were 63 currently licensed master falconers.

Commissioner East agreed that the 60-day period after becoming a resident was too long. She asked if the license states where the eagle will be housed. The address of the applicant is available, however not specifically where the eagle will live.

Administrator Newmark answered that it doesn't state where, only that you must prove that it has adequate housing.

Commissioner East stated that she would like to add the residence of the eagle. Additionally, she asked whether there should be an earlier check-in period that six months for those eagles in poor condition.

Administrator Newmark stated that depending on the circumstances an eagle may need to go through a molt cycle to recover, which would be a longer process. To be able to see progression, it might require a longer period than three months if you are waiting for a full molt cycle.

Commissioner East asked if the two-year period under section eight was typical.

Administrator Newmark stated that two years is a typical rehabilitation period that allows a falconer to not only rehabilitate but to have time to teach the eagle to hunt, which is a lengthy process in and of itself.

Commissioner East asked about the release of the eagle in the same place it was found.

Administrator Newmark stated that the reason they created the language "as close as possible" is for those situations. We want to release them as close as possible to where they were taken.

Commissioner McNinch asked whether they should require an applicant already in the system to go back through the process of providing two more letters of reference during the renewal process.

Administrator Newmark stated that they wouldn't need two new references, that they could use the same two letters of reference, but that they would clarify that in the language.

Commissioner McNinch stated that under section four, subsection J, one, to add the word "and" to read "and contain a concise history of the author's experience," connecting the two sentences.

Administrator Newmark deferred to DAG Burkett.

DAG Burkett stated yes, a semicolon and the word “and.”

Commissioner McNinch noted that one recommendation was addressed by Administrator Newmark in regard to section 3.3. In section 12, subsection two, referring to section seven, which refers to the housing unit but is also specific to Golden eagles. He asked if this language should read to say “and the facility requirements outlined in section seven of this regulation.”

Administrator Newmark stated the language should read “and section seven of this regulation if it’s a Golden eagle.”

Commissioner McNinch clarified that section 12 was referencing raptors in general, not Golden eagles.

Administrator Newmark confirmed that statement.

Commissioner McNinch clarified that section seven is specific to Golden eagles and their housing requirements, so if we refer back to section seven, our intent is to only refer back to the facility requirements of that section, not to Golden eagles.

Administrator Newmark stated that LCB added this language and that if it states “if this is a Golden eagle and section seven of this regulation” that should solve the issue.

Commissioner McNinch asked if the Department wanted the section to be specific to Golden eagles or all raptors.

Administrator Newmark clarified that it was conforming language for all. This is back to the language that includes the original housing requirements plus the section seven for Golden eagles. If it’s a Golden eagle, they must meet that extra requirement of the larger enclosure, but if it’s another raptor, they don’t need to meet that requirement.

Commissioner McNinch stated that he understood. He referenced language under section twelve, subsection 6(b)(1), on page 12, and asked if this language limits master falconry licensees with eagle permits.

Administrator Newmark stated that if it is specifying that “if you have an eagle permit and you have an eagle in your possession you are only allowed to retain the primary wing feathers and not more than twelve tail feathers as its currently written” and this provision also allows that if they are in possession of a Goshawk, then “they can have as many feathers from that Goshawk.”

Commissioner McNinch stated that the language “of a Golden eagle” settles that down for me. Section 14, pg. 17, should there be an “or” in place of “and.”

Administrator Newmark stated this was conforming language added by LCB and she would assume “and” is correct, however she would need to verify.

Commissioner McNinch stated that he read it to say the applicant must be in violation of both of those.

Management Analyst Musso stated that she interprets the language to say that “the Department can deny the issuance of any falconry license if they’ve been found to have not adhered to sections two through ten, so essentially the Golden eagle permits, as well as any of the provisions in NAC 503.200 to 503.470.” She believed that it could be more restrictive, it could be an “or” but she’d need to clarify that

with LCB. It does provide more authority in that the Department could deny any Falconry license if we found that they mistreated eagles in the past.

Commissioner McNinch stated that he interpreted it as saying it has to be both in order to apply. He suggested if the Department wanted more power it would need to be an or so it could be one situation or the other.

DAG Burkett stated that he read it as Commissioner McNinch read it.

Management Analyst Musso stated that she would like to clarify it with LCB.

Commissioner McNinch stated that was fine and wondered if this language could be streamlined.

Commissioner Wise asked in regard to where it states that the two letters of reference need to come from people who lawfully possess a Golden eagle, whether they need to actually have a Golden eagle in their possession to qualify as a reference.

Administrator Newmark stated that this language mirrors federal language and that she was unsure whether they needed to be in possession of an eagle currently or simply that they had in the past, showing they have had experience with them.

Commissioner Wise stated that in section seven, there is a very specific size requirement for housing and would like to know if that is dependent on the size of the bird.

Administrator Newmark stated they added the larger size because Golden eagles are a huge bird and much more powerful than the typical falconry bird. This larger size allows for more adequate space for it to be housed humanely.

Commissioner Wise stated that section 12, subsection 6(b)(1), discusses limiting primary wing and tail feathers of Golden eagles and questioned whether that was a proper limitation to set.

Administrator Newmark stated that there was room to consider either increasing the number or not specifying an amount.

Commissioner Wise thanked Administrator Newmark.

Commissioner East asked why someone would possess feathers.

Administrator Newmark stated that it was for imping purposes, in the case of a broken feather during hunting for example, you would take a feather from a previous molt or one from another bird, closely matched, and glue it to the broken feather which allows the bird to fly. Broken feathers will naturally molt out and heal itself eventually, but it is a long process. This imping process allows falconers to still use their birds even if they break a feather.

Commissioner East thanked Administrator Newmark.

Jacob Thompson representing Clark CABMW, stated that it would be helpful to define the phrase imping in the proposed regulation.

Corey Dalton, a master falconer, stated that he would like to provide some suggestions given to him by the organization North American Falconers Association.

- 1.) Under section seven, a 12x12 enclosure can actually be too big due to the fact that a Golden Eagle is powerful enough to generate enough momentum to collide into a wall and die. They would like to see the regulation passed with language applied to a normal falconer stating that it is either a chamber large enough for the bird to fly in or if it's tethered that it can't touch the walls and is unable to generate enough momentum to injure itself further.
- 2.) Under section five, number one, in their opinion requiring a master falconer to provide dates of a visit with a Golden Eagle causes an undue burden on NDOW game wardens .
- 3.) Under section eight, number four, he suggested to reduce language pertaining to the releasing location to include only where a falconer would like to release it where appropriate and whether NDOW approves it or not. He added that there could be a number of reasons of why they would not release it where it was captured such as the presence of power lines, wind farms, disease and starvation
- 4.) He stated that he was pleased Administrator Newmark discussed imping, then microphone was cut due to public comment time limit.

Commissioner McNinch stated that he would like to allow Mr. Dalton more time to speak.

Chair Caviglia agreed.

Corey Dalton, a master falconer, stated that other falconers wanted to offer help by accepting eagles from other states when those that rehabilitate run out of falconers that can assist. He suggested to make sure this regulation is in concurrence with federal guidelines for rehabilitation. This is a process that will include modifications as we move forward, considering Nevada has never had Golden Eagles previously. The process to obtain a Golden Eagle permit is extensive, especially for those master falconers in Nevada. Very few of the 61 master falconers have large bird experience and would not meet the criteria presented in the regulation. He stated that they had a very good relationship with NDOW and had recently taken a game warden into the field to show them what a master falconer does. He thanked the Commission for the opportunity to speak and noted that they are happy to help with both depredation and rehabilitation of Golden Eagles. He stated that he appreciated Administrator Newmark's time as well.

Chair Caviglia asked to bring CGR 506 back to a second workshop.

E.* Commission General Regulation 509, License and Vessel Product Refunds – Program Officer Alejandra Medina – For Possible Action

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 502 and 488 to allow the Department authority to provide refunds on licenses and vessel products.

Chair Caviglia introduced CGR 509.

Program Analyst Alejandra Medina presented CGR 509.

Jacob Thompson representing Clark CABMW, asked what conditions would warrant a partial refund.

Program Analyst Medina stated that partial refunds could be issued in many instances and are due to non-refundable fees in regulation, for example, the one-dollar processing fee the state is entitled to in NRS 353.1465.

No public comment.

COMMISSIONER KIEL MADE A MOTION TO MOVE FORWARD FOR ADOPTION COMMISSION GENERAL REGULATION 509 LICENSE AND VESSEL PRODUCT REFUNDS. SECONDED BY COMMISSIONER MCNINCH. MOTION PASSED 8-0. COMMISSIONER PIERINI WAS ABSENT.

9. 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.

Chair Caviglia introduced item nine.

No public comment.

Friday, November 4, 2022 – Tour will begin at the close of Agenda Item #9

The Commission will tour Lennar Pond. An informational presentation will be made, but no action will be taken by the Commission. The public is invited to participate and will be required to provide their own transportation. The group will depart from the meeting location.

Chair Caviglia introduced the tour to Lennar Pond.

Deputy Director Jack Robb suggested that the tour should be delayed until the following day, once the Commission has adjourned on November 5th, 2022.

Chair Caviglia asked what the other commissioners would like to do. He agreed that it would be a good decision.

DAG Burkett stated that they could take an agenda item out of order and move it.

Commissioner McNinch asked whether it needed to be done today or the next day.

DAG Burkett stated it could be done now.

Commissioner McNinch asked if they needed to take it out for public comment.

Chair Caviglia asked if there was any public comment.

No public comment.

COMMISSIONER MCNINCH MADE A MOTION TO PLACE THE TOUR OF LENNAR POND TO BE AT THE CALL OF THE CHAIR. SECONDED BY COMMISSIONER EAST. MOTION PASSED 8-0. COMMISSIONER PIERINI WAS ABSENT.

Chair Caviglia adjourned at 4:25 pm.

Saturday, November 5, 2022 – 9:00 a.m.

If you wish to make public comment via Zoom, please use this link:

<https://us02web.zoom.us/j/82382329330?pwd=RTNUZE4yREdaRIITYWJVOWg1a0V3UT09>

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

Chair Caviglia called the meeting to order at 9:00 am. Commissioner Wise led the Commission in the Pledge of Allegiance. Executive Assistant Meghan Beyer called the roll of the Commission. Commissioner Pierini and Commissioner Barnes were absent. Chair Caviglia made note of the CABMW members in attendance.

11. Approval of Agenda – Chairman Caviglia– 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.

Chair Caviglia introduced Item 11. He reminded the Commission that due to running out of time the previous day, the tour of Lennar Pond would take place after ending the Commission meeting today.

No public comment.

VICE CHAIR ROGERS MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED WITH THE NOTED CHANGE. SECONDED BY COMMISSIONER EAST. MOTION APPROVED 7-0. COMMISSIONER PIERINI AND COMMISSIONER BARNES WERE ABSENT.

12. Member Items/Announcements and Correspondence – Chairman Caviglia – 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.

Chair Caviglia introduced Item 12. He provided a follow-up from the previous day’s discussion about the fatality in Elko County. It was reported that this occurred while securing a loaded gun in a vehicle. It was an accidental discharge.

Commissioner East stated that she received correspondence from Karen Boeger, who shared the wild horse white paper authored by Alan Jenne. She asked if the Department could provide the Commission a copy of this paper.

13. 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.

Chair Caviglia introduced Item 13.

No CABMW comment.

14. Commission Regulation – For Possible Action/Adoption – Public Comment Allowed

A.* Commission Regulation 23-02, Taking of Raptors for Falconry for 2023-2024 – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action

The Commission will consider and may take action to approve the 2023-2024 season dates, species, quotas, limits, closed areas, application procedures and deadlines, and take of raptors for falconry.

Chair Caviglia introduced Item 14.

Wildlife Diversity Administrator Jennifer Newmark presented CR 23-02. There are 18 regular occurring diurnal (active during daylight hours) raptors, 15 breeding species, and three additional migrants. We have 11 species of nocturnal raptors/owls in Nevada. This CR proposes eight diurnal and 1 nocturnal species to be used for Falconry. There is only one change proposed in this CR. American Kestrel quota limit has been decreased from 50 to 15. To access the PowerPoint presentation click on the following link:

<https://www.ndow.org/events/november-2022-commission-meeting/>

Commissioner East asked whether it was healthy to remove an eyas from a nest.

Administrator Newmark stated that raptors typically have multiple nestlings. Due to asynchronous growth, one nestling will kick out the smaller nestling. The taking of a nestling is compensatory. We require there to be one nestling left in the nest for reproduction.

Commissioner East stated that she would love to see the member of the public, who commented the previous day, return for Conservation Spotlight.

Vice Chair Rogers asked what effects drought conditions and habitat challenges had on birds.

Administrator Newmark stated that it has had effects on certain species like the Golden eagle, which is a concern. Their prey base is shrinking, for example, jackrabbits, whose populations have been very low largely because of drought and disease. Goshawks, especially in northeastern Nevada, are highly dependent on riparian and aspen areas, which are wet areas, so drought can have a big impact on them. We close that area north of I-80 to limit any additional stress. In regard to Falconry and it having an effect, the take is so low and more compensatory, rather than additive.

Commissioner McNinch stated that climate change is having an effect on some species, for example Rough Legged Hawks, who are not wintering as far south as they have done historically.

Secretary Wasley stated that some raptor species mortality rates can be as high as 80 percent in those offspring, so in some instances we are securing these populations by increasing survivorship of the remaining eyas. In wildlife sometimes less is more and by removing some of those animals we can increase the health and survivorship of the remaining animals.

Steve Robinson representing Washoe CABMW, stated that a falconer named Rick Lund was hoping to change the closure north of I-80 for the Northern Goshawk. We proposed the language under brief explanation of proposed regulation, to say "Northern Goshawks statewide except Elko County north of I-80, which eyasNorthern Goshawk is closed." He would like the Passage Northern Goshawk could be taken since it is a migratory route and have no negative consequences. A second recommended change under Areas would read "The take of eyas Northern Goshawk is closed in Elko County north of I-80.

Jacob Thompson representing Clark CABMW, stated that one of the CAB members suggested that Merlin Hawks are rare and only winter here, therefore would recommend reducing the quota from 50 to 15.

Karen Taylor, private citizen, stated that she appreciated the inquiry of whether or not there is research to support the removal of birds increasing populations. She also asked if there was research on whether removal would disturb the nest, reducing populations. She had read that going near the nest can disturb the nest possibly causing the adult to leave. She continued, asking what the penalties were for those falconers that do not care properly for birds and if there were inspections.

Chair Caviglia asked Administrator Newmark to please answer the questions raised.

Administrator Newmark stated that in her opinion the Department was more comfortable keeping the area closed due to the populations being in worse shape than other areas. We can take a look in the next couple of years but there has been no evidence confirming that what was requested wouldn't have impacts.

Chair Caviglia asked about the Merlin.

Administrator Newmark stated that over the last four years there had only been four Merlins taken and she agreed that they were not as common due to not breeding in Nevada. She stated that the level of take in the regulation will not impact population numbers.

Commission McNinch agreed with Administrator Newmark's assessment.

COMMISSIONER MCNINCH MADE A MOTION TO APPROVE COMMISSION REGULATION 23-02 2023-2024 SEASONS AND PERMIT QUOTAS FOR TAKING RAPTORS FOR FALCONRY. SECONDED BY VICE CHAIR ROGERS. MOTION PASSED 7-0. COMMISSIONER PIERINI AND COMMISSIONER BARNES WERE ABSENT.

B.* Commission Regulation 23-03, Noncommercial Collection of Reptiles and Amphibians for 2023-2024 – Wildlife Diversity Administrator Jennifer Newmark – For Possible Action

The Commission will consider and may take action to approve 2023-2024 season and limits for noncommercial hobby collecting of live, unprotected reptiles and amphibians

Chair Caviglia introduced CR 23-03.

Administrator Newmark presented CR 23-03. There were no changes from the previous two years. There are 56 native species of reptiles that occur in Nevada. Thirty-nine species are allowed for noncommercial collection and seven species total are protected in NAC. The PowerPoint presentation can be accessed at the following link:

<https://www.ndow.org/events/november-2022-commission-meeting/>

Jacob Thompson representing Clark CABMW, stated that one of the CAB members had suggested that in southern Nevada, the Common Chuckwalla numbers had steeply declined, therefore we recommend they be removed from the list of lizard species that can be collected in that region.

No public comment.

Chair Caviglia asked if there was any concern with the Common Chuckwalla.

Administrator Newmark stated that she asked the Department herpetologist to begin analyzing and creating some kind of work to determine if that is happening. The Department has no evidence of that,

however, she suspected that it was a possibility. There is not enough data currently available to suggest that change in the regulation, but it is being addressed.

Commissioner East asked what the lizard is that she sees at her house.

Administrator Newmark stated that it was a Fence lizard.

Commissioner East asked if it was on the list.

Administrator Newmark stated that they were the ones with the blue bellies and really accessible to kids.

Commissioner East thanked Administrator Newmark.

COMMISSIONER KIEL MADE A MOTION TO APPROVE COMMISSION REGULATION 23-03 NONCOMMERCIAL COLLECTION OF REPTILES AND AMPHIBIANS FOR 2023-2024 AS PRESENTED. SECONDED BY COMMISSIONER EAST. MOTION PASSED 7-0. COMMISSIONER PIERINI AND COMMISSIONER BARNES WERE ABSENT.

C.* Commission Regulation 22-12 Amendment #1, Upland and Furbearer Seasons – Management Analyst Megan Manfredi – For Possible Action.

The Commission will consider and may take action to approve the proposed changes amending the spring turkey application period and draw dates for the 2023 season.

Chair Caviglia introduced CR 22-12 Amendment #1.

Management Analyst Megan Manfredi presented CR 22-12 A#1. The proposed change would allow the Department to schedule the spring turkey application period and draw dates earlier than what was originally approved. A second change would direct those looking for 2024 application and draw dates to refer to a CR 23-01, which will be presented at the next Commission Meeting.

Jacob Thompson representing Clark CABMW, stated two recommendations. One was based on a public comment made at the CABMW meeting by an individual who commonly hunts in the Moapa Valley for wild turkey. They suggested that the 2024 hunts would all be moved back one week from what is suggested in the regulation. The second suggestion was that due to the declining Sage grouse numbers, the total season limit should be set at two birds.

Commissioner East asked if we could get an opinion on the Moapa Valley suggestion.

Commissioner Kiel asked if we were able to change quotas or dates.

Commissioner East agreed that we could only approve the recommended change.

Chair Caviglia stated that the approved agenda only allows for the approval of the recommended change.

COMMISSIONER EAST MOVED TO APPROVE COMMISSION REGULATION 22-12 AMENDMENT #1 UPLAND AND FURBEARER SEASONS AS PRESENTED AS PRESENTED. MOTION CARRIED 7-0. COMMISSIONER PIERINI AND COMMISSIONER BARNES WERE ABSENT.

15. Commission General Regulation – For Possible Action/Adoption – Public Comment Allowed

A.* Commission General Regulation 508, Antler Points and Spike Elk Defined – Wildlife Staff Specialist Cody McKee

The Commission will consider adopting NAC 502 that would clarify definitions pertaining to “antler point” and “spike elk” for certain big game mammals and reduce the potential occurrence of inadvertent infractions.

Chair Caviglia introduced CGR 508.

Wildlife Staff Specialist Cody McKee presented CGR 508. He provided examples (photos) of anomalies that have occurred to illustrate instances that might cause confusion to the hunter. He explained that there was good intent when the current spike elk definition was proposed as a result of these anomalies that project from the base of the elk’s antler, but that the original definition, established in 2014, was a true spike, two unicorn horns, one on each side of the head. Public comment in 2016 was the basis for the definition change currently used. He explained that he had been on hunts where it was difficult to determine whether these anomalies were above the ear or below the ear and that language presented was intended to minimize inadvertent infractions. Staff Specialist McKee addressed Commissioner Walther’s question from the previous Commission meeting, providing the breakdown in spike harvest by antler points. He explained that from harvest data from 2019-2021, it showed 88 percent had true spikes, two points or less were nine percent, three points or less one percent, and four points or less also one percent. Six bulls out of 286 bulls killed in Spike Only hunts had three or more antler points. He showed an additional picture of an elk sent to him from a hunter that showed two projections at the base and one just above the ear as an example of when even NDOW personnel are unsure.

Vice Chair Rogers expressed appreciation for the photos and pointed out that he believed the confusion stemmed from the language “above the ear” not the number of spikes. He asked if it was better to leave the “two points” language and remove “above the ear.”

Staff Specialist McKee pointed out that the “three-point” language would better address the anomalies mentioned previously. From an agency standpoint, when we set more restrictions, there will be a little less success, and in turn we can issue more tags and still hit the desired harvest level. He added that the hunters might think the two points is more restrictive, but the conversation should be focused around the fact that we are still reaching our harvest goals and adding additional opportunity in an increased number of tags.

Chair Caviglia stated that he preferred the “two-point” language and that White Pine CABMW had offered that suggestion previously. He added that the “two-point” language mirrored several other state definitions. He agreed that he would like to remove “above the ear” language. He pointed out that we would still be getting 97 percent of the harvest with the two points.

Commissioner Kiel agreed with getting rid of the “above the ear” language and he could support the “three point” language. The area of concern for him is whether it’s a spike or a management hunt, preferring to call it a management hunt.

Jacob Thompson representing Clark CABMW, expressed support for the regulation change and asked that there be illustrations added to the Nevada Hunt Book to assist hunters with the three-point on either side definition, as other states have in their books.

Joe Crimm representing Pershing CABMW, reiterated his previous comments from the last Commission Meeting, that it is “confusing to call it a spike hunt, but it can still have branched antlers.” The overall concern from those he has discussed this issue with is that the definition is misleading. He stated that it should be called a management hunt.

Steve Robinson representing Washoe CABMW, stated that they had similar discussions at meetings. He didn't agree with calling a raghorn a spike and suggested to reduce the confusion, to call it a management hunt, three points or less. Spike should be defined as a non-branched main beam.

No public comment.

Chair Caviglia agreed that changing the hunt to a management hunt would be a sizable undertaking.

Staff Specialist McKee stated that DAG Burkett noted there were over one dozen times that spike hunt was used in NAC and that it would need a more concentrated effort.

Chair Caviglia stated that if we kept the two points, it would be closer to what the public generally believes spike to mean.

Commissioner Wise acknowledged that the word spike typically refers to a single spike, but questioned the evolution of the definition. She understood that the two points above the ear excluded anything not visible, like protrusions too small to see below the ear. She asked if leaving it at "two points" but taking away "above the ears" would still provide protection from inadvertent infractions. She asked for clarification on whether the original intent was to be a single spike, that would allow for a small variance.

Staff Specialist McKee stated she was on point, that the original definition was one spike, unbranched, as Washoe CABMW pointed out. In public comment, a hunter pointed out that they saw spike bulls that didn't meet that criteria and the Commission voted to include the current language. In 2021, we added more spike hunts, double the tag quotas, resulting in greater number of instances creating doubt. He stated that three points are fine, but that two points is the majority of harvested bulls. He allowed that there would be careful consideration by law enforcement should hunters inadvertently harvest bulls with these anomalies/projections that could meet the definition of an antler point, that were not visible at the time of taking the animal.

Commissioner Kiel asked Staff Specialist McKee to bring up the first picture he showed, clarifying that the bull would be illegal under the "two-point" language, and legal under the three point language.

Staff Specialist McKee agreed.

Chair Caviglia noted that the picture was "cherry-picked", showing a bull that is definitely an anomaly, not a typical example.

Staff Specialist McKee acknowledged that it does occur, albeit infrequently, but that the language was designed to address this situation. The ear language references the length of the horn to the ear, which is a more black and white issue, versus the presence of a branch on a bull elk and where that falls within the ear length.

Vice Chair Rogers verified the percentages on the slides and stated that he believed they were splitting hairs with the language. With two points being closer to what is perceived as a spike hunt, he would support the "two point" language and getting rid of the ear language.

Commissioner Walther stated that he appreciated the CABMW providing comments on this issue and questioned whether the board was making it more difficult when arguing over 2 or 3 points. He would like to focus on what is needed in the field right now.

Staff Specialist McKee clarified the purpose of the spike hunts, to remove one year old bulls from the population.

Chair Caviglia stated that the discussion was “splitting hairs” and that the “two point” language is closer to the general perception of what a spike hunt is.

VICE CHAIR ROGERS MADE A MOTION TO APPROVE COMMISSION GENERAL REGULATION 508 ANTLER POINT AND SPIKE ELK DEFINED AS PRESENTED WITH THE NOTED CHANGE TO KEEP THE “TWO POINT” LANGUAGE IN PLACE. COMMISSIONER WALTHER SECONDED THE MOTION. MOTION PASSED 7-0. COMMISSIONER PIERINI AND COMMISSIONER BARNES WERE ABSENT.

Staff Specialist McKee reassured the Commission that the department would provide illustrations in the hunt guides to assist hunters in the field.

Chair Caviglia stated that it would be appreciated.

B.* Commission General Regulation 510, FCFS Exchange to Obtain a Tag – Management Analyst Megan Manfredi – For Possible Action.

The Commission will hold an adoption hearing to consider a temporary regulation amending Nevada Administrative Code (NAC) 502 that would include any money, goods, or services exchanged for procurement of a tag through the FCFS program as grounds for suspension from the program.

Chair Caviglia introduced CGR 510.

Management Analyst Megan Manfredi presented CGR 510. She reminded the Commission that it was a temporary regulation.

No public comment.

COMMISSIONER EAST MADE A MOTION TO APPROVE COMMISSION GENERAL REGULATION 510 FCFS EXCHANGE TO OBTAIN A TAG AS PRESENTED. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION PASSED 7-0. COMMISSIONER PIERINI AND COMMISSIONER BARNES WERE ABSENT.

16. Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairman Caviglia – For Possible Action

The next Commission meeting is scheduled for [January 27 and 28, 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 chairman 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.

Chair Caviglia presented agenda Item 16.

Secretary Wasley proposed changes to upcoming Commission Meeting dates. He suggested to change the March meeting to the 10th and 11th instead of the 17th and 18th, due to the difficulty in finding hotel accommodations as a result of March Madness. The week after the original dates would coincide with Department staff attending the North American Conference of Natural Resource Management. He also proposed to combine the August and September meeting, but to push the date of the meeting to occur towards the end of August and recommended to keep the location of this meeting in Fallon, NV. Similar issues would apply to the September meeting, coinciding events and challenges that would prohibit staff

from attending on the current scheduled dates. He noted that the next Commission meeting would be in Reno and the items presented would include:

- Draft Predation Management Plan
- Big Game Seasons and Regulations
- Black Bear Seasons
- Mountain Lion Limits and Quotas
- Heritage Tag Seasons and Quotas (set a year in advance)
- Dream Tag Partnership in Wildlife
- Silver State Tags Seasons and Quotas
- Big Game Application Deadline
- Big Game Tag Eligibility
- WAFWA Winter Meeting Report
- Wildlife Heritage Account Report
- Legislative Committee Reports
- Possible Adoption of CGR 502 and CGR 509

Chair Caviglia asked if the Department would like to present a date for the August meeting at a later meeting.

Secretary Wasley stated that it would be best to confirm that the Department can secure a venue and suitable lodging for everyone and could present that date to the Board at the January Commission Meeting.

Chair Caviglia asked if the Commission could wait until the January Commission meeting to consider dates proposed by the Department for the combined meeting of August and September.

Secretary Wasley answered that it could be decided on then, but that it was preferable to solidify the March meeting dates now.

Commissioner McNinch stated that he appreciated moving the date in March and would make a motion to approve when the Commission was ready.

Chair Caviglia asked if there were any additional comments.

No public comment.

COMMISSIONER MCNINCH MADE A MOTION TO CHANGE THE UPCOMING MARCH COMMISSION MEETING TO MARCH 10 AND 11, 2023 AND TO COMBINE THE AUGUST AND SEPTEMBER COMMISSION MEETINGS TO A DATE TO BE DETERMINED. COMMISSIONER KIEL SECONDED THE MOTION. THE MOTION CARRIED 7-0. COMMISSIONER PIERINI AND COMMISSIONER BARNES WERE ABSENT.

17. 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.

Craig Burnside representing Douglas CABMW, stated that he questioned whether the anomaly from Staff Specialist McKee's first photograph met the criteria of the language that was passed earlier, since the

first point on an elk doesn't count as an antler point and he didn't know if the Commission had "taken away the confusion or not."

Rick Lund, a private citizen, stated that he had comments about the raptor capture permits in the state of Nevada. He stated that there had been no trapping of Goshawks allowed in northern Elko County for years and explained that there was no biological reason to prohibit citizens from trapping passage Goshawks, those that are migrating. He stated that he understood that Elko County didn't want los Goshawks taken from the canyon, but expressed support for serious consideration to legalize trapping passage Goshawks anywhere in the state, where available. He stated that he believed the law to be interpreted incorrectly to include all Goshawks north of Interstate 80, that it was originally intended only for los Goshawks.

Chair Caviglia adjourned the meeting at 10:20am.

*Support material provided and posted to the NDOW website, and updates to support material will be posted at http://www.ndow.org/Public_Meetings/Com/Agenda/. Support material for this meeting may be requested from the Recording Secretary at (775) 688-1599 or wildlifecommission@ndow.org. In accordance with NRS 241.020 this agenda closes three days prior to the meeting date and has been posted on the NDOW website at http://www.ndow.org/Public_Meetings/Com/Agenda/.

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