

COMMITTEE MEMBERS:  
CHAIRMAN SHANE ROGERS  
COMMISSIONER DAVE MCNINCH  
COMMISSIONER TOMMY CAVIGLIA  
CABMW REPRESENTATIVE JOE CRIM  
CABMW REPRESENTATIVE PAUL DIXON

STAFF TO THE COMMITTEE:  
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**DRAFT MINUTES**  
NEVADA BOARD OF WILDLIFE COMMISSIONERS  
**REGULATION SIMPLIFICATION COMMITTEE**  
WEDNESDAY, MARCH 29, 2023 @ 5:30 PM

Join from a PC, Mac, iPad, iPhone or Android device:

<https://us02web.zoom.us/j/89911176499?pwd=T29Wd2FqOXNwaEc5QlpacFVNSTJKdz09>

Passcode: 729506

Nevada Department of Wildlife personnel in attendance: Management Analyst Megan Manfredi, Director Alan Jenne, Deputy Director Mike Scott, Deputy Director Jordan Goshert, Data and Technology Services Division Administrator Kim Munoz, Chief Game Warden Kristy Knight, Deputy Attorney General Craig Burkett, Wildlife Staff Specialist Jon Young

County Advisory Boards to Manage Wildlife (CABMW) Members and public in attendance: Rex Flowers, Jana Wright

1. Call to Order, Pledge and Roll Call – Committee Chairman Shane Rogers

Chairman Shane Rogers called the meeting to order at 5:32 PM and led the pledge. Management Analyst Megan Manfredi conducted the roll call. Chairman Shane Rogers, Commissioner Dave McNinch, Commissioner Tommy Caviglia, CABMW Representative Paul Dixon, and CABMW Representative Joe Crim were present.

2. Approval of Agenda – Committee Chairman Shane Rogers – For Possible Action  
The Committee will review the agenda and may take action to approve the agenda. The Committee may remove items from the agenda, continue items for consideration or take items out of order.

Commissioner McNinch noted that agenda item number six talked about regulation review of NAC 503 and in the commentary refers to Nevada Administrative Code (NAC) 504.

Deputy Attorney General (DAG) Craig Burkett stated that the public has notice on all agenda items as to what the Committee will be considering on the issues and proposed leaving the agenda as is with the recognition of the error.

No public comment.

**COMMISSIONER CAVIGLIA MOVED TO APPROVE THE AGENDA AS PRESENTED WITH THE NOTED INTENT OF AGENDA ITEM NUMBER SIX IS TO DISCUSS NAC 503, SECONDED BY CABMW REPRESENTATIVE CRIM. MOTION PASSED 5-0.**

3. \* Approval of Minutes – Committee Chairman Shane Rogers – For Possible Action  
Committee minutes may be approved from the March 10, 2023 meeting.

Chairman Rogers noted on page three in the fifth paragraph states a meeting has not been set “but” the Commission, where the “but” should be “by.” On the last page in the paragraph beginning with DAG Burkett, it states he assists with “statures” which should be “statutes.” Finally the time of the adjournment was not around 6:25 PM because it was a morning meeting.

No public comment.

**CHAIRMAN ROGERS MOVED TO APPROVE THE MINUTES AS PRESENTED WITH THE NOTED CHANGES, SECONDED BY CABMW REPRESENTATIVE DIXON. MOTION PASSED 5-0.**

4. \* Governor Lombardo’s Executive Order 2023-003, Review of Regulations for Removal – Management Analyst Megan Manfredi – For Possible Action  
The Committee will discuss the proposed regulations or sections of regulations proposed for removal per Governor Lombardo’s Executive Order 003 directive.

Management Analyst Manfredi defined Governor Lombardo’s Executive Order 003 as the reason for the regulation review and noted that the Department of Wildlife is working with the Department of Agriculture on NAC chapter 576 which are under the authority of the Department of Agriculture. These chapters relate to cervids and alternative livestock. Changes to these chapters were not provided in the current support materials but will be provided at the next meeting and in the report sent to the Governor’s Office supporting Agriculture for their removal. She began summarizing the list of regulations for full removal as found in the support materials.

CABMW Representative Dixon stated that when this process was first implemented by the Department, there was a lot of pushback from the Guide’s Association. He asked if there was a way to continue to share that list to the Guide Associations and if customer information was asked of different types of entities.

Deputy Director Mike Scott answered that an option is given to the customer to allow their information to be shared or not. Customers who opt to have their information shared is compiled and provided to the Guide’s Association should they ask. A variety of tag types received by hunters could be subject to certain harassment as their information is shared with the public and was another reason for the implementation of the customer option to share or keep their information private.

Management Analyst Manfredi continued summarizing the list of regulations for removal.

Commissioner McNinch stated that at the last meeting he mentioned recruitment, retention and reactivation (R3) efforts and thought that it was appropriate for the Committee to table the mentor and apprentice programs for the time being as was requested by the Department. They could be brought back at a later time to be examined on a broader scale for possible use in coordination with national R3 efforts.

Commissioner Caviglia added that the Tag Allocation and Application Hunt Committee (TAAHC) discussed this topic last year and the Committee decided they wanted to see it expanded and utilized more. He was in agreement to leave the program as is for the time being.

CABMW Representative Dixon stated that a lot of people don’t realize the program exists and an announcement to the public and hunters might be useful to the program.

Chairman Rogers agreed with the Department’s recommendation to leave the program intact for the time being.

Management Analyst Manfredi continued summarizing the list of regulations for removal.

CABMW Representative Dixon asked if authority would carry the same legality for enforcement as it would if the authority was included on the permit while discussing regulation NAC 503.350.

DAG Burkett clarified that the regulation states if a person is helping another person take a raptor in the field as the permit allows. Through the permit process, the Department intends to include stipulations that would allow for others to help the permit holder obtain a raptor.

Management Analyst Manfredi added that the Department could enforce any stipulations included on the permit itself and the Department planned to add similar language to the permit if this change is approved.

Discussion ensued about the authority to enforce a permit if the authority is removed from regulation.

Commissioner Caviglia suggested simplifying this regulation by combining subsections two and three opposed to removing it all together.

Management Analyst Manfredi continued summarizing the list of regulations for removal.

Commissioner McNinch asked if the Department has any legal responsibility in the area surrounding the Crittended-Dake Reservoir.

Director Alan Jenne answered that for some time, a previous transfer of ownership there was a decision of the owner was to maintain it as a private property and withdrew from the cooperative wildlife management area (WMA). Dake is also no longer a reservoir since the dam has washed out.

Management Analyst Manfredi moved on to summarizing the list of subsections of regulations for removal.

Public comment was taken on the NAC 502.370 relating to mountain lions and the collection of exact coordinates of lion harvests:

Rex Flowers stated the change to collecting hunt unit opposed to exact coordinates would keep consistency when compared to what is collected of other species. Many hounds men that he has talked to who have checked in harvested lions at locations around the state are not asked for exact coordinates but a generalized area. It is wrong to encumber the public to obtain coordinates if the Department is not consistent in asking for them.

Jana Wright asked that the Committee follow the Department staff's recommendations. More information we have on lions might be quite helpful on the management of lions. If staff is not asking for that data, they should be instructed to collect that information.

Commissioner Caviglia stated that he does not believe it is burdensome to ask hunter for coordinates since everyone now packs a cell phone in the field. From a past discussion of the Commission, he recalls the Department through the collection of exact coordinates would be a benefit. He asked what the Department's thoughts were on this.

Deputy Director Scott answered that the Department does collect exact coordinates. In the past, harvest check-ins were completed on paper forms but now have moved to digital tablets. The

hunter is asked to tap a map of harvest and the program automatically populates the coordinates for the hunter which is stored in the Department's long term database. Lions do have quotas for areas in the state that is not managed by hunt unit like other species. He gave an example that if a lactating female was brought in, the exact coordinates would help the Department locate any abandoned kittens that might be in the field or if there was any law enforcement issue that needed to be checked on.

CABMW Representative Dixon added his support to Commissioner Caviglia and Deputy Scott's comments and whenever there are studies on mountain lions, having exact location of lions could be very helpful. It is important to keep collecting that information.

Management Analyst Manfredi continued summarizing the list of subsections of regulations for removal. She made the Committee aware of Senate Bill (SB) 312 that is currently being heard this legislative session. This bill, as it is currently written, would remove the authority of the Commission to establish any regulations on shed hunting and repeal any existing regulations in place.

Director Jenne added that there was a proposed amendment to this bill heard recently that gave authority back to the Commission but kept the language allowing for the collection of sheds for noncommercial use.

CABMW Representative Dixon asked how the Department would monitor what would be considered commercial use or personal use of the collection of shed antlers. The Department might see many people claiming collection for personal use but in reality plan to use them otherwise. He asked how shed collection would be monitored by the Department and how many sheds would be considered personal use. He gave an example of people he knew who has about 40 sets of elk antlers for personal use but other who have 40 sets have sold them over the years.

Commissioner McNinch added that there was an extension of the deadline for bills to be introduced to the Legislature and this bill was brought forward just last week for a hearing. The language in the regulations did not represent what the submitter was trying to accomplish that on a basic level, if someone found a shed, it could be donated to a nongovernmental organization (NGO) to be used to earn money for conservation efforts. The Legislative Committee has not had a meeting since this bill was brought forward and has not had time to discuss it. He suggested the Committee not act on changing this regulation while the current bill is being heard at the Legislature.

Management Analyst Manfredi continued summarizing the list of subsections of regulations for removal.

Commissioner McNinch stated that he had an opportunity to in the past to sit on an examination committee and one of the reasons for the limit to the attempts is to maintain the integrity of the test by preventing people from documenting the questions rather than fully understanding and retaining the information. Part of the course is to establish a level of confidence with the public. If a person is not competent to pass the test, maybe we do not want them to be a guide.

CABMW Representative Dixon asked the Department if the same test is taken or if there is a variety of versions of the test.

Chief Game Warden Kristy Knight answered that there was only one version of the test given.

Management Analyst Manfredi circled back to NAC 504.486 relating to exhibitions of wildlife as it was unintentionally missed in the review of regulations.

Commissioner McNinch asked for clarification on the coordination with the Department of Agriculture and how that would replace this regulation.

DAG Burkett stated that the regulation only gave authority for a person who his exhibiting wildlife in the state for no more than 90 days. The removal of this regulation removes the authority without an interaction with the Department of Wildlife.

Management Analyst Manfredi added that if this regulation was removed, a person would need to obtain a permit from the Department in order to have that animal in the state. Currently a person does not need to seek a Department permit if the animal will stay in the state for 90 or less days.

Chief Game Warden Knight added that NAC 503.110 are animals prohibited from possessing in the state of Nevada without a special permit. NAC 503.140 are animals that are exempt which do not need a permit. Any animal not on either list will require a permit to obtain within the state.

Commissioner McNinch voiced his understanding that this regulation proposed for removal was an exception to an existing regulation that mandating a person to obtain a permit from the Department.

Public Comment:

Rex Flowers stated that the guide exam regulation might have been created at a time with the Department and the guides worked together to create some stiff requirements in order for a person who could get a guide's license. They might want to voice an opinion on the subject where they don't want to tell people they cannot guide but to control the quality of the individuals who do.

Commissioner McNinch asked for clarification from DAG Burkett on the intent of the Governor's Executive Order.

DAG Burkett answered that as he interprets the Governor's Executive Order, it requires the Department to provide a report to the Governor's Office of ten regulations, with his interpretation including subsections thereof, that the Commission would recommend for removal from regulation. The Order also references clarification with the intent that regulations be updated for clarity to the public. That report is to be submitted to the Governor for review and approval. His expectation would be that following the submission of the report, the Governor will give some clarification of actions he would like the Commission to take at that point.

The Committee clarified actions to be taken in the motion regarding the regulations in this agenda item.

**COMMISSIONER MCNINCH MOVED TO FORWARD TO THE COMMISSION NAC REGULATIONS 502.015, 502.211, 503.390, 504.320, 504.486, 503.110, 503.405, 503.445. TO REMOVE FROM CONSIDERATION NAC REGULATIONS 502.0097, 502.083, 502.264, 502.265, 502.266, 503.610, 502.370, 503.172, 504.608. TO HOLD OFF ON AN ACTION OF NAC 502.282. TO BRING BACK TO THE COMMITTEE AS A CLARIFIED NAC REGULATION 503.350. SECONDED BY COMMISSIONER CAVIGLIA. MOTION PASSED 5-0.**

5. \* Governor Lombardo's Executive Order 2023-003, Regulation Review of NAC 501 & 502 – Management Analyst Megan Manfredi – For Possible Action

The Committee will discuss the proposed clarifications to regulations or sections of regulations from Nevada Administrative Code 501 and 502 per Governor Lombardo's Executive Order 003 directive.

Management Analyst Manfredi introduced the following regulations for cleanup and clarifications of NAC chapters 501 and 502. She began summarizing the list of regulations as found in the support materials.

Discussion was had around special use permits, how they relate to the swan permit regulation NAC 502.380, and the authority of the Department if the change was to be accepted.

Management Analyst Manfredi continued summarizing the list of regulations for clarification.

No public comment.

Commissioner Caviglia asked the Department's preference on adding language to the special use and swan permit regulations.

Management Analyst Manfredi answered that changes adding language to the regulation might be going against the intent of the Executive Order but if the Committee does not accept the changes proposed in NAC 502.380, she requested the Committee not accept the proposed removal of NAC 502.282 as authority to hold a drawing for permits is used by the Department.

DAG Burkett added that the Committee is achieving a lot in the amount of work currently being done but he shared concerns when discussing language that is not clear or around language that could be interpreted in different ways. He guided the Committee to exercise caution on this regulation change.

Chairman Rogers stated that there were many questions relating to these two regulations and he was leaning towards not approving the proposed change to either regulation relating to the drawing of permits.

**COMMISSIONER CAVIGLIA MOVED TO FORWARD TO THE COMMISSION THE RECOMMENDATIONS OF NAC 501 AND 502 AS PRESENTED WITH THE EXCEPTION OF NAC 502.380 WHICH WILL BE LEFT AS CURRENTLY WRITTEN, SECONDED BY CABMW REPRESENTATIVE DIXON. MOTION PASSED 5-0.**

6. \* Governor Lombardo's Executive Order 2023-003, Regulation Review of NAC 503 – Management Analyst Megan Manfredi – For Possible Action  
The Committee will discuss the proposed clarifications to regulations or sections of regulations from Nevada Administrative Code 503 per Governor Lombardo's Executive Order 003 directive.

Management Analyst Manfredi introduced the following regulations for cleanup and clarifications of NAC chapter 503. She began summarizing the list of regulations as found in the support materials.

Chairman Rogers stated that he was a part of many conversations around suitcase style traps during the simplification of NAC 503 that was approved in 2022. There was a lot of public input and comment on that item during that time. He shared his support with the Department to leave the regulation as it is currently written.

Commissioner Caviglia added that he was a member of the Committee during that time and had massive discussions on this particular issue at Committee and Commission level. He expressed his desire to leave the language as written.

Management Analyst Manfredi continued summarizing the list of regulations for clarification.

Commissioner McNinch asked DAG Burkett if the change to the archery disability permit regulation would violate someone's American's with Disabilities Act (ADA) rights by requiring them to request a permit every year. He expressed his concern that this change might leave the Department liable for the requirement.

DAG Burkett stated he worked on employment law issues in private practice but never dealt with an issue that required a person with a permanent disability to continuously apply. There are two ways to argue the regulation. First is the change increases access to those who would otherwise not qualify for the permit which is part of the Executive Order as it makes a program better for the people of the state. Second is the change would now require a yearly permit which makes for additional bureaucracy which is contrary to the simplification of the Executive Order.

Discussion was had on the archery disability permit regulation change and how the requirement to renew every year could be viewed as discriminatory.

Management Analyst Manfredi shared that the NAC 503.146 allows a permit for a scope to a person with a visual disability which expires after one year of issuance and the change to the archery disability permit would keep the Department consistent with other disability regulations.

Deputy Director Scott added that there are currently 295 people who have requested the archery disability permit. He shared concerns that the Department has about potential abuse of the lifetime permit.

Chairman Rogers shared his appreciation on the dialogue and expressed his support of the change as it would remain consistent with other areas around medical permits.

Management Analyst Manfredi continued summarizing the list of regulations for clarification.

CABMW Representative Dixon asked if a person was restricted on the type of species stocked on private property and waters.

Director Jenne confirmed that the Department does have regulations around what species can be stocked on private ponds as some species are prohibited.

No public comment.

**COMMISSIONER CAVIGLIA MOVED TO FORWARD TO THE COMMISSION THE RECOMMENDATIONS OF NAC 503 AS PRESENTED WITH THE EXCEPTION OF NAC 503.165 WHICH WILL BE LEFT AS CURRENTLY WRITTEN, SECONDED BY COMMISSIONER MCNINCH. MOTION PASSED 5-0.**

7. \* Governor Lombardo's Executive Order 2023-003, Regulation Review of NAC 504 – Management Analyst Megan Manfredi – For Possible Action  
The Committee will discuss the proposed clarifications to regulations or sections of regulations from Nevada Administrative Code 504 per Governor Lombardo's Executive Order 003 directive.

Management Analyst Manfredi introduced the following regulation for cleanup and clarifications of NAC chapter 504. She summarized the lone regulation found in the support materials.

Commissioner McNinch asked if progeny of the animals be handled as individuals and if this change would require a permit for them as well.

Management Analyst Manfredi answered that the regulation change is intended to phase out the grandfathered exception to hold a prohibited species within the state as the currently held animals and their progeny die off. It would also prevent those prohibited species from reproducing.

Commissioner Caviglia asked how many people this change could affect since the regulation was established around 1994.

Deputy Director Scott stated he was unsure if the Department has a total count based on the age of the regulation but added that there are people within the state who have access and fallow deer. The Department's challenges include these species escaping from their captivities and gave examples of area within the state that escapes have recently happened and Department staff is made to chase the species. The Department's intent is not to euthanize the existing animals but to not allow procreation to continue.

DAG Burkett added that the Attorney General's Office is currently working on a Chronic Wasting Disease (CWD) surveillance plan with the help of the Department's wildlife veterinarian Nate LaHue. As part of that project was an investigation on how many of these prohibited cervids were still within the state and his impression was that it was less than ten.

No public comment.

**COMMISSIONER CAVIGLIA MOVED TO FORWARD TO THE COMMISSION THE RECOMMENDATIONS OF NAC 504 AS PRESENTED, SECONDED BY CABMW REPRESENTATIVE CRIM. MOTION PASSED 5-0.**

8. Future Committee Meetings – Committee Chairman Shane Rogers – For Possible Action  
The Committee will discuss potential agenda items for future committee meetings. The Committee may schedule its next meeting and may choose to recommend a meeting date or timeframe that corresponds with the next Board of Wildlife Commissioners meeting.

The Committee members discussed availability and the short timeline to meet before the Commission meeting that has been scheduled for April 11, 2023.

No public comment.

Chairman Rogers agreed to work with the Department on setting a date for a Committee meeting before the April Commission meeting for a final review of the regulation list that will be provided as support materials to the Commission.

9. Public Comment Period  
Persons wishing to speak are requested to sign in. Public comment will be limited to three minutes. No action can be taken by the Committee at this time; any item requiring Committee action may be scheduled on a future Committee agenda.



Rex Flowers stated that there was no good spot for members of the public to access updated wildlife regulations and that some of the links to CGRs found on the website provide the incorrect support materials than what the links are noting.

Management Analyst Manfredi stated that the Department can update the regulation links on the website as they were unaware of the mistake. She added that Department staff is sharing a similar struggle when it comes to searching updated regulations and the Legislative Council Bureau (LCB) has not codified the online versions of the wildlife regulations since 2018.

DAG Burkett added that Mr. Flowers makes a valid point and that LCB has stated they will not update online regulations because they are in a legislative session but they have not been updated in a very long time. He shares a similar issue when finding updated regulations and visits Cornell University to find the most up-to-date versions.

The meeting was adjourned at 8:01 PM.

DRAFT