

BOARD OF WILDLIFE COMMISSIONERS

Nevada Revised Statutes 501.167

***March 27, 2012
Sunset Subcommittee of the Legislative Commission***

VOLUME 1 OF 2

March 12, 2012

Ken Mayer, Director
Department of Wildlife
Board of Wildlife Commissioners
1100 Valley Road
Reno, NV 89512-2861

Dear Mr. Mayer:

I am writing to inform you that your board has been scheduled for a public hearing concerning its termination, modification, consolidation or continued operation pursuant to *Nevada Revised Statutes* (NRS) 232B.240. The Sunset Subcommittee of the Legislative Commission will meet on Tuesday, March 27, 2012, at 9:30 a.m. to conduct the public hearing. The meeting is in Room 4412 of the Grant Sawyer State Office Building at 555 East Washington Avenue in Las Vegas with a simultaneous videoconference to Room 3138 of the Legislative Building in Carson City.

We have received the materials that you sent concerning your board. In addition, the Sunset Subcommittee will be provided with any other materials submitted by members of the public, as well as copies of applicable laws and regulations. Please present any other materials to the Sunset Subcommittee that you feel would be helpful to this review. Keep in mind that pursuant to NRS 232B.240, “[a] board or commission has the burden of proving that there is a public need for its continued existence.” However, the purpose of the Sunset Subcommittee is not solely to determine whether to “sunset” an entity. The reviews conducted by the Subcommittee must also include:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

(subsection 1 of NRS 232B.220)

Ken Mayer, Director
Department of Wildlife
Board of Wildlife Commissioners
March 5, 2012
Page 2

Please feel free to contact me if you have any questions concerning the review of your board.

Sincerely,

Lorne J. Malkiewich, Director
Legislative Counsel Bureau

LJM:jp
L05-Board of Wildlife Commissioners

December 15, 2011

To Sunset Committee

In light of the recent scrutiny and pending review of our various boards and commissions, I would like to submit my thoughts as a resident with regard to the Wildlife Commission.

Despite the fact that this commission received an overwhelming number of phone calls from concerned residents opposing the recent bear hunt – far more calls than from the handful of hunters who were in favor – the commission approved the hunt. This shows a blatant disregard for residents and collusion with special interest groups.

Furthermore, an incident at Sunset Park this past summer required the requested presence of a game warden at an Advisory Committee Meeting comprised of Animal Control and local residents. The following incident outlined below warranted the request:

Two young coyote pups were both injured by vehicles when they ventured onto Sunset Rd. One pup died in the street; the other managed to drag itself by the front legs into the park area. This was reported to Animal Control who apparently did not have the authority or jurisdiction to respond. Animal Control claimed to have notified the Division of Wildlife. After many hours in the hot summer sun, with no response from either agency, the pup perished. We were informed at the Advisory meeting that coyotes are not a protected species. Nevertheless, residents questioned the kind of inhumanity that permits a pup of any species to simply perish of injuries, dehydration and heat exposure. Neither agency accepts responsibility for addressing such incidents, but I would think this should fall under the duties of the Wildlife Commission. There are at least two qualified, licensed veterinarians in this town who would have accepted this animal for rehabilitation or euthanasia, if necessary.

I don't think I need to add that citizens were outraged over this incident. Furthermore, this gave us the message that it simply lies in our own hands to take care of matters such as this since we cannot depend upon the agencies that are responsible to do the job.

We did not find fault with the warden who came to speak to us, as he seemed capable and knowledgeable. However, we do find fault with the bureaucratic system of this commission and we question who exactly they serve. If any groups should be required to justify their existence, I would think this one should be among them.

Sincerely,
Annoula Wylderich
4328 Murillo St.
Las Vegas, NV 89121

Sunset Subcommittee Review Form

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167



**Information concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

as required by section 10 of S.B. 251 of the 2011 Legislative Session



Board or Commission Name:	Nevada Board of Wildlife Commissioners
Members' Names:	Chairman Michael McBeath, Vice Chairman Jack Robb, Jeremy Drew, Charles Howell, David McNinch, Scott Raine, Hal Shrum, Grant Wallace, and Pete Mori.
Web site Address (if any):	The Wildlife Commission uses the Department of Wildlife's website www.ndow.org .
Web site Developer (if not DoIT, please indicate if DoIT approved the web site):	Website developed by NDOW. Housed on DOIT server – DOIT exception
Executive Director's Name and Contact Information:	The Secretary of the Commission is Director of NDOW Ken Mayer, kemayer@ndow.org , 775-688-1590, Department of Wildlife, 1100 Valley Road, Reno, NV 89512.
Staff Members' Names:	The Wildlife Commission does not have staff separate from the Department. The Department's Director's Office supports the Wildlife Commission.
Created by what Authority:	NRS 501.020 "Commission" defined. BOARD OF WILDLIFE COMMISSIONERS NRS 501.167 Creation; number and appointment of members. NRS 501.171 Appointment and qualifications members; officers.
Authority to adopt regulations (NRS) and citation to regulations (NAC):	Authority to adopt regulations: NRS 488, and NRS 501, 502, 503, and 504. Nevada Administrative Code Regulations include NAC Chapters 488, 501, 502, 503, 504, and 505. (See additional document for more detail.)
Any required regulations that have not been adopted:	AB167 (Aquatic Invasive Species) in NRS 488 and 503, SB102 (Shed Antler hunting) in NRS 503, SB226 (Trapping) in NRS 501.181. These are all in process for the Wildlife Commission to adopt. (details on doc)
Governing structure of the Board or Commission:	The 9-member, governor-appointed Nevada Board of Wildlife Commissioners is a separate entity from the Department of Wildlife. Wildlife Commissioners are Governor-appointed for three-year terms to represent the entire state, consisting of 5 sportsmen, 1 farmer, 1 rancher, 1 member of the general public, and 1 conservationist. The Nevada Board of Wildlife Commissioners is responsible for establishing broad policy regarding wildlife, setting annual and permanent regulations, and receiving input on wildlife and boating matters from the public and entities such as the 17 county advisory boards to manage wildlife. The Director (nonvoting Secretary of the Commission, also appointed by the Governor) carries out the policies and regulations of the Commission, directs and supervises all administrative and operational activities of the Department. The County Advisory Boards solicit and evaluate local opinion and then advise the Commission on matters relating to the management of wildlife within their respective counties.

**Information concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission (Continued)**

Duties of the Board or Commission:

Establish broad policies for: The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State and for the promotion of the safety of persons using or property used in the operation of vessels on the waters of this State. Establish regulations necessary to carry out the provisions of this title. Adopt regulations governing the provisions of the permits; Designate those portions of wildlife management areas for big game mammals that are of special concern. The Commission shall do all things necessary to obtain for the State of Nevada the benefits provided by such Act of Congress including federal aid to states in wildlife restoration, fish restoration, and management projects. Cooperation with federal, state and local agencies on wildlife and boating programs. (See document for more detail.)

Dates of the Immediately Preceding Six Meetings:

December 2-3, 2011; September 23-24, 2011; August 19, 2011; August 12-13, 2011; June 13, 2011; May 12-14, 2011.

Statement of the objectives and programs of the Board or Commission:

Board sets broad policy, Department implements programs. Objectives of the NBWC include fulfilling their statutory duties described in Chapter 501-505. The recurring and primary duties that have deadlines include setting game (land animals and fish) seasons and quotas each year prior to the license year and tag application. This must be done by balancing the Department's scientific report on the health of wildlife, Department season and quota recommendations, as well as public county advisory board to manage wildlife input.

Statutory tax exemptions, abatements, or money set aside for the Board or Commission:

There is no special funding for the operations of the NBWC. All expenses are paid with general, unrestricted reserves generated from sportsmen license and tag sales. The NBWC does administer the Wildlife Heritage Trust Fund, which is used to grant awards for wildlife projects, the revenue of which comes from the charitable auction and sale of special hunting tags.

Conclusion concerning the effectiveness of the objectives and programs of the Board or Commission:

This Nevada Board of Wildlife Commissioners is one of the more active Boards or Commissions in the state of Nevada. The Nevada Board of Wildlife Commissioners meets regularly, and works in conjunction with NDOW to provide background information for actionable items to the public and County Advisory Boards to better inform discussions at the meetings. The NWBC discusses, at length, actionable items in open forum, and they do so within their statutory requirements. Each year their key duties and programs (listed above) are completed on time. Nearly every meeting includes "informational" agenda items to keep the Nevada Board of Wildlife Commissioners and all interested parties apprised of current events and issues that pertain to management of Nevada's wildlife. In addition, pursuant to NRS 501.260 – 501.310 each county has a "County Advisory Board to Manage Wildlife" that is appointed by the respective County Commission. Each of these boards receives public comments regarding wildlife issues and in turn represents the "will of the people" of their respective County to the NBWC for consideration prior to its acting upon regulations, commission policies and other duties defined by NRS. The NWBC has established a series of committees for more in depth discussion whose findings and recommendations are reported back to the entire Nevada Board of Wildlife Commissioners for final consideration (see attached list).

**Information concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission (Continued)**

Any duplication of services with those offered by another Board or Commission or recommendation for consolidation with another Board or Commission:

No other entity fulfills the duties of the Wildlife Commission.

Any recommendations for statutory changes which are necessary for the Board or Commission to carry out its objectives and programs:

None.

If additional space is necessary, please attach additional pages and refer to the attachments on the form. Please include with this form:

- 1. The operating budget of the Board or Commission.**
- 2. A statement setting forth the income and expenses of the Board or Commission for at least 3 years immediately preceding the date on which the Board or Commission submits this form, including the balances of any fund or account maintained by or on behalf of the Board or Commission.**
- 3. The most recent legislative audit or other audit of the Board or Commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.**
- 4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.**
- 5. The minutes of any meetings of the Board or Commission in the past year, if any.**

Please forward all documents to: jeanne.peyton@lcb.state.nv.us

Support Document For Sunset Report Form

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

Support document for Sunset Report Form

This support document further answers in more detail the questions on the form from #'s 7, 8, 9, 11, and 15, as well as 3 and 4 from the last 5 questions. All electronic documents have been attached electronically.

#7 Created by what Authority

The full text of the NRS which is referenced on the form is below:

BOARD OF WILDLIFE COMMISSIONERS

NRS 501.167 Creation; number and appointment of members. The Board of Wildlife Commissioners, consisting of nine members appointed by the Governor, is hereby created.

(Added to NRS by 1969, 1557; A 1977, 1229; 1979, 891; 1989, 2191)

NRS 501.171 Appointment and qualifications of members; officers.

1. A county advisory board to manage wildlife shall submit written nominations for appointments to the Commission upon the request of the Governor and may submit nominations at any other time.

2. After consideration of the written nominations submitted by a county advisory board to manage wildlife and any additional candidates for appointment to the Commission, the Governor shall appoint to the Commission:

(a) One member who is actively engaged in and possesses experience and expertise in advocating issues relating to conservation;

(b) One member who is actively engaged in farming;

(c) One member who is actively engaged in ranching;

(d) One member who represents the interests of the general public; and

(e) Five members who during at least 3 of the 4 years immediately preceding their appointment held a resident license to fish or hunt, or both, in Nevada.

3. The Governor shall not appoint to the Commission any person who has been convicted of:

(a) A felony or gross misdemeanor for a violation of [NRS 501.376](#);

(b) A gross misdemeanor for a violation of [NRS 502.060](#);

(c) A felony or gross misdemeanor for a violation of [NRS 504.395](#); or

(d) Two or more violations of the provisions of [chapters 501](#) to [504](#), inclusive, of NRS, during the previous 10 years.

4. Not more than three members may be from the same county whose population is 400,000 or more, not more than two members may be from the same county whose population is 100,000 or more but less than 400,000, and not more than one member may be from the same county whose population is less than 100,000.

5. The Commission shall annually select a Chair and a Vice Chair from among its members. A person shall not serve more than two consecutive terms as Chair.

[Part 9:101:1947; A 1949, 292; 1943 NCL § 3035.09]—(NRS A 1969, 341, 1546; 1977, 1229; 1979, 891; 1989, 2191; 1995, 897, 2584; [2003, 2535](#); [2009, 444](#))

#8 Authority to adopt regulations (NRS) and citation to regulations (NAC):

Below are the chapter headings and relevant sections granting authorities for the NRS and NAC. Authorities gained from 2011 Session are included in the section on “Any required regulations that have not been adopted”.

NRS 488- Watercraft

NRS 488.045 - Regulations of Board of Wildlife Commissioners- The Commission may carry out the provisions of this chapter by appropriate regulations.

CHAPTER 501 - ADMINISTRATION AND ENFORCEMENT

NRS 501.105 - The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat.

CHAPTER 502 - LICENSES, TAGS AND PERMITS

NRS 502.010 License or permit required for hunting or fishing; exceptions; limitations on hunting by minors.

1. (a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(e) The Commission may adopt regulations setting forth:

(1) The species of wildlife which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

2. The Commission may provide rules and regulations requiring an applicant to exhibit proof of the applicant's identity and residence. Such information must be included on the license or permit as is deemed necessary by the Department.

NRS 502.030 Licenses and permits: Form and contents; regulations

3. The Commission may provide rules and regulations establishing a permanent licensing or permitting system. Such a system may authorize the use of applications for the issuance of temporary hunting, fishing and trapping licenses or permits for residents and the issuance of annual licenses or permits therefrom. The system may provide for the automatic renewal and validation of the annual license or permit.

4. The Commission may adopt regulations setting forth the method of applying for, the term and expiration date of any license or permit required by this title to be issued without the payment of a fee.

NRS 502.040 License agents: Regulations; duties; fees; inspections.

1. The Commission shall adopt regulations establishing:

(a) The procedures for applying to become a license agent.

(b) The standards to be met by license agents in the performance of their duties.

(c) The requirements for the furnishing of surety bonds by license agents.

(d) The manner of remitting money to the Department.

(e) The manner of accounting for licenses, tags, stamps, permits and other documents received, issued, sold or returned.

NRS 502.066 Issuance of apprentice hunting license. 7. The Commission may adopt regulations to carry out the provisions of this section.

NRS 502.142 Establishment of program for issuance of special incentive elk tags.

1. The Commission shall adopt regulations to establish a program pursuant to which the Department will issue special incentive elk tags.

NRS 502.143 Establishment of program for issuance of special incentive deer tags.

1. The Commission may adopt regulations establishing a program pursuant to which the Department may issue special incentive deer tags to owners, lessees and managers of private land in this State for use on the private land of such owners, lessees or managers.

NRS 502.145 Issuance of deer or antelope tags as compensation for damage to private property; biennial report.

1. An owner, lessee or manager of private land in this State may apply to the Department for the issuance to him or her of one or more deer or antelope tags as provided in this section. The tags must be issued as compensation for damage caused by deer or antelope to the private land or to any improvements thereon.

4. A tag issued as compensation for damage pursuant to this section:

6. Insofar as they are consistent with this section, the provisions of this title and of the regulations adopted by the Commission apply to the issuance and use of tags pursuant to this section. The Commission:

(a) Shall by regulation establish the maximum number of tags which may be issued annually by the Department pursuant to this section, which must not exceed 1.5 percent of the total number of deer and antelope tags which are authorized for issuance annually throughout the State; and

(b) May adopt any other regulations it deems necessary to carry out the provisions of this section.

NRS 502.148 Restricted nonresident deer tags: Application; fees; eligibility for other tags.

1. Except as otherwise provided in this subsection, any person who wishes to apply for a restricted nonresident deer tag pursuant to [NRS 502.147](#) must complete an application on a form prescribed and furnished by the Department. A licensed master guide may complete the application for an applicant. The application must be signed by the applicant and the master guide who will be responsible for conducting the restricted nonresident deer hunt.

2. The application must be accompanied by a fee for the tag of \$300, plus any other fees which the Department may require. The Commission shall establish the time limits and acceptable methods for submitting such applications to the Department.

NRS 502.160 Form of tags; regulations concerning tags.

1. The Department shall designate the form of the tag, requiring such numbering or other manner of identification as is necessary to designate the name or hunting license number of the person to whom it is issued. Each tag must show the game for which it may be used, the year and, whenever necessary, the management area in which it may be used.

2. The Commission may adopt any regulations necessary relative to the manner of qualifying and applying for, using, completing, attaching, filling out, punching, inspecting, validating or reporting such tags. It is unlawful for any person to fail to abide by any such regulation.

NRS 502.175 Drawings to award and issue tags or permits: Contract with private entity; procedure; regulations.

1. The Department shall contract with a private entity to conduct a drawing and to award and issue the tags or permits as established by the Commission.

4. If no private entity qualifies for the awarding of the contract specified in subsection 1, the Department shall conduct a drawing to award tags or permits in the manner set forth in the regulations adopted by the Commission pursuant to the provisions of subsection 5.

5. The Commission shall adopt regulations necessary to carry out the provisions of this section, including regulations that prescribe the manner in which the Department shall conduct a drawing specified in subsection 1 if no private entity qualifies for the awarding of the contract.

NRS 502.190 Limitations on number of tags; scope of management area; responsibilities of Commission.

1. Tags for hunting wildlife may be limited to a certain number in any management area, which management area may include all of any county, any portion of any county or any continuous area in adjacent counties.

2. Whenever a limit is placed upon the number of tags available to hunters in any management area, the Commission shall determine the manner in which the tags are issued, whether by lot or by sale to first applicants, the manner of application, the manner of delivering the tags and other necessary matters.

3. Whenever applications, money or tags and licenses are entrusted to the mails, the Commission is not responsible for loss or delay in the mails.

[Part 86:101:1947; A 1949, 292; 1951, 494; 1955, 242]—(NRS A 1971, 1539; 1981, 608; 1991, 1573; [2003, 2544](#))

NRS 502.200 Unlawful obtainment or use of tag or permit by hunter. Except as otherwise authorized pursuant to regulations adopted by the Commission, it is unlawful for any hunter:

1. To obtain tags or permits for more than one management area.
2. To use tags in any management area or at any time other than at the time and place intended.

NRS 502.215 Tagging, inspection and disposition of carcasses of certain diseased game; issuance and use of replacement tags; regulations.

4. The Commission shall adopt by regulation:
 - (a) A procedure for the inspection and verification of the condition of such a carcass;
 - (b) Requirements for the disposal of such a carcass if it is determined to be diseased and unfit for human consumption;
 - (c) Requirements for the disposition of the hide and the antlers or horns of the animal; and
 - (d) Except as otherwise provided in subsection 2, a procedure for the issuance of a replacement tag pursuant to this section.
5. For the purposes of this section, “split season” means a season which is divided into two or more periods.

NRS 502.250 Fees for tags and for processing certain applications; acceptance of sealed bids for tags or award of tags by auction or drawing; disposition of proceeds; regulations.

5. The Commission may accept sealed bids for, or award through an auction or a Silver State Tag Drawing, or any combination thereof, not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid, auction or Silver State Tag Drawing, not more than 18 percent of the total amount of money received from the bid, auction or Silver State Tag Drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid, auction or Silver State Tag Drawing that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of [NRS 501.3575](#).

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of [NRS 501.3575](#).

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

[86 1/2:101:1947; added 1949, 292; A 1951, 494; 1955, 602]—(NRS A 1957, 537; 1965, 1443; 1969, 1149; 1971, 1541; 1973, 727; 1975, 1176; 1979, 1360; 1981, 356; 1985, 1707; 1987, 556, 1452; 1989, 1475, 2019; 1991, 263, 786, 1575; 1995, 864; 1997, 785, 1108, 1109; [2003, 1540, 2546](#); [2007, 1802](#); [2009, 2061](#))

NRS 502.326 Trout stamps: Unlawful to take or possess trout without stamp or documentation; exceptions; fees; form.

1. Except as otherwise provided in subsection 2, it is unlawful for any person to take or possess trout unless at the time the person is fishing he or she carries on his or her person:

(a) An unexpired state trout stamp affixed to his or her fishing license and validated by the person’s signature in ink across the face of the stamp; or

(b) Such documentation as the Department provides as proof that the person has paid to the Department, for the licensing period that includes the time the person is fishing, the same fee as that required pursuant to subsection 3 for the purchase of a state trout stamp for that period.

2. The provisions of subsection 1 do not apply to a person who:

- (a) Is under the age of 12; or
- (b) Is fishing:

- (1) Under the authority of a valid 1-day permit to fish or during a consecutive day validly added to that permit;
- (2) Under the authority of a valid 1-day group fishing permit; or
- (3) In accordance with regulations adopted by the Commission pursuant to subparagraph (2) of paragraph (e) of subsection 1 of [NRS 502.010](#).

NRS 502.350 Safety for hunters: Fees.

1. The Commission may authorize an instructor to collect a fee of not more than \$10 from each person obtaining instruction in the responsibilities of hunters.
2. The Commission may authorize the imposition of an administrative fee of not more than \$10 for the issuance of a duplicate certificate of successful completion of the course.
3. Any person who wishes to obtain a license to practice taxidermy must apply for the license on an application form provided by the Department. The applicant must provide such information on the form as the Commission may require by regulation.
4. The Commission may adopt regulations governing the licensing of taxidermists and the practice of taxidermy, including:
 - (a) The receipt, possession, transportation, identification, purchase and sale of wildlife or parts thereof to be or which have been processed by a taxidermist;
 - (b) The maintenance and submission of written records; and
 - (c) Any other matter concerning the practice, conduct and operating procedures of taxidermists as the Commission may deem necessary.
5. A person who is authorized to enforce the provisions of this title may enter the facilities of a licensee at any reasonable hour and inspect the licensee's operations and records.
6. If a licensee is convicted of a violation of any provision of this title or the regulations adopted by the Commission, the Commission may revoke his or her license and may refuse to issue another license to him or her for a period not to exceed 5 years.
7. The provisions of this section do not apply to institutions of learning of this State or of the United States, or to research activities conducted exclusively for scientific purposes, or for the advancement of agriculture, biology or any of the sciences.

CHAPTER NRS 503- HUNTING, FISHING AND TRAPPING; MISCELLANEOUS PROTECTIVE MEASURES

NRS 503.005 Manner of hunting: Killing bird or animal while flying in aircraft prohibited; exceptions; penalty.

1. Except as otherwise provided in subsection 2, a person shall not kill or attempt to kill any birds or animals while flying in an aircraft.
2. The Commission may promulgate rules and regulations whereby the Department may issue permits authorizing the hunting, killing or nonlethal control of coyotes, bobcats or ravens from an aircraft.
3. Every person who willfully violates the provisions of subsection 1 is guilty of a misdemeanor.

NRS 503.010 Manner of hunting or trapping: Unlawful use of aircraft, helicopter, motor-driven vehicle or boat.

1. Except as otherwise provided in this section or subsection 2 of [NRS 503.005](#), it is unlawful to molest, rally, stir up or drive any game mammals or game birds with an aircraft, helicopter or motor-driven vehicle, including a motorboat or sailboat.
2. Except as otherwise provided in this subsection, it is unlawful to shoot at any game mammals or game birds with a weapon from an aircraft, helicopter or motor-driven vehicle. A person who is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking may shoot from a stopped motor vehicle which is not parked on the traveled portion of a public highway, but the person may not shoot from, over or across a highway or road specified in [NRS 503.175](#).
3. It is unlawful to spot or locate game mammals or game birds with any kind of aircraft or helicopter and communicate that information, within 24 hours after the aircraft or helicopter has landed or in violation

of a regulation of the Commission, by any means to a person on the ground for the purpose of hunting or trapping. The provisions of this subsection do not prohibit an employee or agent of the Department from providing general information to the public concerning the location of game birds or game mammals.

4. It is unlawful to use any information obtained in violation of the provisions of subsection 3 to hunt or kill game mammals or game birds.

5. It is unlawful to use a helicopter to transport game, hunters or hunting equipment, except when the cargo or passengers, or both, are loaded and unloaded at airports, airplane landing fields or heliports, which have been established by a department or agency of the Federal or State Government or by a county or municipal government or when the loading or unloading is done in the course of an emergency or search and rescue operation.

6. The provisions of subsection 1 do not apply to an employee or agent of the Department who, while carrying out his or her duties, conducts a survey of wildlife with the use of an aircraft.

7. As used in this section, "game bird" does not include a raven even if classified as a game bird pursuant to [NRS 501.110](#).

[Part 8:101:1947; A 1949, 292; 1943 NCL § 3035.08]—(NRS A 1969, 1355; 1981, 320; 1989, 731; 1991, 264, 333; [2005, 1311](#))

NRS 503.030 Possession of wildlife after end of open season; storage.

1. Except as otherwise provided in this section, it is unlawful for any person to have in his or her control any wildlife or any part thereof, the killing of which is at any time prohibited, during the time when such killing is prohibited, and the possession of such wildlife shall be prima facie evidence that it was the property of the State at the time it was caught, taken or killed in this State when the killing was unlawful, and that such taking or killing occurred in the closed season.

2. Wildlife legally taken may be stored in the home of the owner after the end of the open season for hunting or fishing for it and may be stored in a public warehouse or commercial refrigerator locker under such rules as may be adopted by the Commission, but in no case shall more than the amount designated by law as the legal possession limit be so kept or stored.

3. The Commission is authorized to make rules requiring evidence of legal taking in this State, or legal taking under the laws of the state where taken, to be provided in the case of wildlife kept or stored after the appropriate open season ends in the form of tags, certificates or otherwise, if deemed necessary or convenient for the enforcement of this title.

[87:101:1947; A 1949, 292; 1943 NCL § 3035.87]—(NRS A 1969, 1356)

NRS 503.040 Transportation of wildlife or raw furs taken within State.

1. Except as otherwise provided in this section, it is unlawful for any person at any time to transport or offer for transportation to any place within or outside of this State any game mammal, raw furs, wild mammal taken by trapping, game bird or game fish taken within this State.

2. Any person who has legally taken any game mammal, raw furs, wild mammal taken by trapping, game bird or game fish within this State may use his or her hunting license, trapping license or fishing license or tag or stamp, when required, as a permit to transport one possession limit to points within or outside the State.

3. Any person who legally acquires ownership or custody of any game mammal, raw furs, wild mammal taken by trapping, game bird or game fish not taken by the person through hunting, trapping or fishing may transport such mammal, furs, bird or fish within the State without a transportation permit if such shipment does not exceed one possession limit and if such shipment is labeled with the name, address, number and class of license of the hunter, trapper or angler who legally took such mammal, furs, bird or fish and date taken, if the mammal, furs, bird or fish is not required by law or regulation to be tagged. Unless otherwise permitted by a regulation of the Commission, when tagged shipments are involved, a transportation permit is required as provided in this section.

4. Any other person who desires to transport any game mammal, raw furs, wild mammal taken by trapping, game fish or game bird to a point within or without the State may do so only under the authority of a transportation permit as provided in this section.

5. The Department shall designate the form of the transportation permit and such permits may be issued for a fee of \$1 by any game warden or other such persons as may be specifically designated by the Department. The person legally in possession of the game mammals, raw furs, wild mammals taken by trapping, game birds or game fish to be transported must appear before the issuing agent to obtain a

transportation permit. The permit must describe the wildlife to be transported and identify by name, address, license number and class the person who legally took the furs or wildlife and by name and address the person transporting it. Whenever raw furs or wildlife is to be transported by the postal service or by common carrier, freight or express agency, such an agency may be designated by name alone.

6. Game mammals, raw furs, wild mammals taken by trapping, game birds or game fish transported to another person shall be deemed to be in the legal possession of the person making shipment until actual delivery is made.

7. Any package or container in which game birds, raw furs, wild mammals taken by trapping, game mammals or game fish are being transported by common carrier must have the name and address of the shipper and of the consignee and an accurate statement of the number and kinds of game birds, raw furs, wild mammals taken by trapping, game mammals or game fish contained therein attached to the outside thereof.

8. The Commission may limit the number of shipments by any one person in any one season of any kind of game bird, game mammal or game fish.

[32:101:1947; 1943 NCL § 3035.32]—(NRS A 1969, 1357; 1979, 347; 1989, 732; 1991, 265; 1993, 1671; [2003, 1546](#))

HUNTING

NRS 503.090 Unlawful to hunt except during open season. It is unlawful to hunt game mammals or game birds at any time during the year other than during an open season designated by the Commission pursuant to the provisions of this title.

[Part 62:101:1947; A 1949, 292; 1951, 494; 1953, 667]—(NRS A 1963, 66; 1969, 1359; 1991, 266)

NRS 503.120 Hunting game mammals: Designation of sex, age and physical characteristics of mammals which may be taken.

1. Open seasons as provided pursuant to this title for game mammals may designate the sex and age class or any obvious physical characteristic for the mammals which may be taken.

2. With regard to game mammals, the Commission may adopt regulations defining “bucks only” and “antlerless” mammals.

[61:101:1947; A 1949, 292; 1955, 86]—(NRS A 1969, 1359; 1981, 608; 1991, 266)

NRS 503.140 Hours of hunting.

1. It is unlawful for any person to hunt game mammals or game birds other than at the times of day which are set for such hunting by the Commission.

2. Where no time is set by the Commission, it is unlawful for any person at any time to hunt game mammals or game birds except between sunrise and sunset, the same to be considered according to government time reports.

[68:101:1947; A 1949, 292; 1955, 86]—(NRS A 1969, 1359; 1991, 266)

NRS 503.150 Manner of hunting game birds or mammals.

1. Unless otherwise specified by Commission regulation, it is unlawful to hunt:

(a) Any game bird or game mammal with any gun capable of firing more than one round with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number 10 gauge.

(b) Big game mammals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot-pounds of energy at 100 yards, or with a longbow and arrow which meet the specifications established by Commission regulation.

(c) Small game mammals in any manner other than with a handgun, shotgun, rifle, longbow and arrow or by means of falconry.

(d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a longbow and arrow or by means of falconry.

(e) Migratory game birds with any shotgun capable of holding more than three shells.

(f) Any game bird or game mammal with the aid of any artificial light.

(g) Any big game mammal, except mountain lions, with a dog of any breed.

2. Nothing in this section prohibits the use of dogs in the hunting of game birds or small game mammals.

[Part 2:101:1947; A 1949, 292; 1943 NCL § 3035.02]—(NRS A 1957, 175; 1959, 385; 1969, 1360; 1973, 671; 1991, 266)

NRS 503.200 Competitive field trials for hunting dogs and falconry; use of upland game birds for trials and training.

1. The Department is empowered to authorize, under permit and for such fee as may be provided in [NRS 502.240](#), competitive field trials for hunting dogs or competitive field trials for falconry. The Commission shall prescribe the rules and regulations to be followed by those in charge of such trials insofar as conduct of the field trials has any effect or bearing upon wildlife and the laws of this State respecting closed and open seasons.

2. For the purpose of permitting such field trials, the Department may authorize shooting of legally acquired upland game birds during any closed season on the species of bird or birds to be hunted.

3. All legally acquired upland game birds used in a field trial or for the purpose of training hunting dogs and for falconry training must be banded with legbands by the person in charge of such field trial or training. Such birds may only be released in an area first approved by the Department, after which the Department shall authorize, under permit and under such rules and regulations as the Commission may prescribe, the releasing of such legally acquired upland game birds for the foregoing purposes.

4. All birds killed under the provisions of this section must be accompanied by a receipt, giving the permit number, the date, the name of the person in possession, and signed by the permit holder. Birds killed and accompanied by a receipt under the provisions of this section may be legally possessed. county, counties or in any portion of a county.

[Part 50a:101:1947; added 1949, 292; A 1953, 673]—(NRS A 1965, 1178; 1969, 1355; 1979, 901)

FISHING

NRS 503.270 Open season; hours of fishing.

1. It is unlawful for any person to fish in or from any of the waters of the State of Nevada except during the open season as designated by the Commission under the provisions of this title.

2. The Commission may by regulation allow fishing for any species of fish during any hour of the day or night.

[38:101:1947; 1943 NCL § 3035.38]—(NRS A 1961, 116; 1969, 1361)

NRS 503.290 Manner and means of fishing; requirements for use of second combination of hook, line and rod; taking frogs.

1. Except as otherwise provided in subsection 2, it is unlawful for any person to fish in or from any of the waters of the State of Nevada for any fish of any species in any manner other than with hook and line attached to a rod or reel closely attended in the manner known as angling. Only one combination of hook, line and rod must be used by one person at any time, except that a second combination of hook, line and rod may be used by a person if the person:

(a) Purchases from the Department or a license agent of the Department a stamp, permit or such documentation as may be provided by the Department for a second rod;

(b) Uses the rod in the manner prescribed in this section; and

(c) Has in his or her possession a valid fishing license, combined hunting and fishing license or permit to fish issued to the person by the Department, or such documentation as the Department provides as proof that the person has paid to the Department, for the licensing period that includes the time the person is fishing, the fee required pursuant to this section.

➤ The fee for the stamp, permit or documentation is \$10, and the stamp, permit or documentation is valid only for the period for which it is issued.

2. The Commission may by regulation authorize other methods for taking fish. Frogs may be taken by spear, bow and arrow, hook and line or by other methods authorized by the Commission's regulation.

3. For the purposes of this section, "hook" includes not more than three baited hooks, not more than three fly hooks or not more than two plugs or similar lures. No more than two such plugs or lures, irrespective of the number of hooks or attractor blades attached thereto, may be attached to the line.

[Part 45:101:1947; A 1949, 125; 1953, 667]—(NRS A 1957, 175; 1959, 386; 1969, 1362; 1983, 853; 1995, 82; [2003, 1547, 2550](#))

NRS 503.300 Regulations of Commission: Types and use of bait; chumming.

1. The Commission may prescribe by regulation the types of bait and methods by which it may or may not be used in any designated water. It is unlawful for any person to use any bait prohibited by regulation.
2. The Commission may by regulation control the practice known as chumming.
[Part 45:101:1947; A 1949, 125; 1953, 667]—(NRS A 1969, 1362)

NRS 503.310 Live bait: Authority of Commission; permit required for sale.

1. The Commission may regulate or prohibit the use of live bait in fishing so that no undesirable species are introduced into the public waters of this State.
2. Any person engaged in the sale of live bait must first obtain a permit from the Department for the fee provided in [NRS 502.240](#). The permit may be revoked for any violation of regulations.
3. The Commission may prescribe the species which may be held or sold by the permittee.
[Part 43:101:1947; A 1949, 292; 1951

FUR-BEARING MAMMALS AND TRAPPING

NRS 503.440 Open season for fur-bearing mammals.

1. Except as otherwise provided in [NRS 503.470](#), it is unlawful to trap or kill fur-bearing mammals at any time during the year other than during an open season as designated by the Commission pursuant to the provisions of this title.
2. The Commission, in its sole discretion, may set the open season for fur-bearing mammals.
[73:101:1947; A 1949, 292; 1943 NCL § 3035.73]—(NRS A 1969, 1364; 1991, 267)

NRS 503.575 Sale of live beaver by Department. The Department, with the approval of the Commission, may sell live beaver.

[Part 75:101:1947; R 1953, 671; added 1953, 671]—(NRS A 1969, 1365; 1993, 1675; [2003, 1550](#))

RAPTORS

NRS 503.582 Permit required to hunt, trap, possess or sell birds of prey or parts thereof; regulations. Except as otherwise provided in this section, it is unlawful for any person to hunt, trap, possess or sell any species, native or otherwise, of owl, hawk or other birds of prey, including all raptors or the parts thereof, without first obtaining a permit from the Department. The Commission may adopt regulations:

1. Covering the hunting, trapping, possession or sale of any of those species.
2. Authorizing a person to hunt, trap, possess or sell any of those species without obtaining a permit pursuant to the provisions of this section.
(Added to NRS by 1969, 774; A 1971, 1542; 1993, 1675; 1995, 118; [2003, 1550](#))

NRS 503.583 Falconry license for practicing falconry or training birds of prey: Requirement; fee; limit; banding; limitations on capture and killing; exception in regulations.

1. Except as otherwise provided in this section, any person who practices falconry or trains birds of prey must obtain a falconry license from the Department upon payment of a license fee as provided in [NRS 502.240](#).
2. The licensee, under permit, may obtain from the wild only two birds per year. All such birds of prey must be banded in accordance with regulations adopted by the Commission.
3. Birds of prey may not be taken, captured or disturbed during the months in which they breed.
4. This section does not prohibit the capture or killing of a hawk or an owl by holders of scientific collecting permits.
5. The Commission may adopt regulations authorizing a person to practice falconry or train birds of prey without obtaining a falconry license pursuant to the provisions of subsection 1.
(Added to NRS by 1969, 774; A 1969, 1376; 1971, 1542; 1981, 608; 1993, 1675; 1995, 118; [2003, 1550](#))

PROTECTION AND PROPAGATION OF NATIVE FAUNA

NRS 503.585 Placement of animal threatened with extinction on list of fully protected species; special permit for capture, removal or destruction. A species or subspecies of native fish, wildlife and other fauna must be regarded as threatened with extinction when the Commission, after consultation with competent authorities, determines that its existence is endangered and its survival requires assistance because of overexploitation, disease or other factors or its habitat is threatened with destruction, drastic modification or severe curtailment. Any animal so declared to be threatened with extinction must be placed on the list of fully protected species, and no member of its kind may be captured, removed or destroyed at any time by any means except under special permit issued by the Department.

(Added to NRS by 1969, 774; A 1969, 1376; 1993, 1675; [2003, 1551](#))

NRS 503.587 Duties of Commission. The Commission shall use its authority to manage land to carry out a program for conserving, protecting, restoring and propagating selected species of native fish, wildlife and other vertebrates and their habitats which are threatened with extinction and destruction.

(Added to NRS by 1969, 774; A 1979, 901)

MISCELLANEOUS PROTECTIVE MEASURES

NRS 503.590 Noncommercial collections of live wildlife; regulations concerning fencing or containment of collections of wildlife; provisions inapplicable to alternative livestock.

1. Except as otherwise provided in this section, a person may maintain a noncommercial collection of legally obtained live wildlife if:

(a) Such a collection is not maintained for public display nor as a part of or adjunct to any commercial establishment; and

(b) The wildlife contained in such a collection is of a species which may be possessed in accordance with regulations adopted by the Commission pursuant to subsection 2 of [NRS 504.295](#).

2. The Commission may adopt reasonable regulations establishing minimum standards for the fencing or containment of any collection of wildlife.

3. The provisions of this section do not apply to alternative livestock and products made therefrom.

[1:72:1947; 1943 NCL § 3154.05] + [2:72:1947; 1943 NCL § 3154.06] + [3:72:1947; A 1955, 196] + [4:72:1947; 1943 NCL § 3154.08]—(NRS A 1959, 387; 1967, 1126; 1969, 1366, 1453; 1971, 1187; 1981, 609; 1993, 431)

NRS 503.595 Prevention or alleviation of damage caused by wildlife. After the owner or tenant of any land or property has made a report to the Department indicating that such land or property is being damaged or destroyed, or is in danger of being damaged or destroyed, by wildlife, the Department may, after thorough investigation and pursuant to such regulations as the Commission may promulgate, cause such action to be taken as it may deem necessary, desirable and practical to prevent or alleviate such damage or threatened damage to such land or property.

[8.5:101:1947; added 1955, 73]—(NRS A 1969, 1551; 1971, 1542; 1973, 287; 1993, 1676; [2003, 1551](#))

NRS 503.597 Introduction or removal of aquatic life or wildlife: Approval required; investigation; regulations.

1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person at anytime to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.

2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.

4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

5. The provisions of this section do not apply to alternative livestock and products made therefrom.

[Part 43:101:1947; A 1949, 292; 1951, 494]—(NRS A 1957, 175; 1969, 1358; 1993, 431, 1676; 1995, 514; [2003, 1552](#))

NRS 503.620 Protection of birds included in Migratory Bird Treaty Act. Except as otherwise provided by this title or a regulation adopted pursuant thereto, it is unlawful for any person to hunt or take any dead or alive birds, nests of birds or eggs of birds protected by that certain Act of Congress commonly known and referred to as the Migratory Bird Treaty Act of July 3, 1918, as amended, 16 U.S.C. §§ 703 et seq., or protected by a regulation of the Commission.

[67:101:1947; 1943 NCL § 3035.67] + [1911 C&P § 547; RL § 6812; NCL § 10493]—(NRS A 1969, 1367; [2005, 1312](#))

CHAPTER 504 –

NRS 504.143 Creation and maintenance by Commission; power to permit access to and use of area; regulations.

2. The Commission may permit hunting, fishing or trapping on or within, or access to, occupancy and use of, areas so created and maintained.

3. The Commission may by regulation:

PREVENTION AND MITIGATION OF DAMAGE CAUSED BY CERTAIN GAME MAMMALS

NRS 504.155 Receipt of money by Department; accounting and disbursement. All gifts, grants, fees and appropriations of money received by the Department for the prevention and mitigation of damage caused by elk or game mammals not native to this State, and the interest and income earned on the money, less any applicable charges, must be accounted for separately within the Wildlife Account and may only be disbursed as provided in the regulations adopted pursuant to [NRS 504.165](#).

(Added to NRS by 1989, 2020; A 1991, 268; 1993, 1678; [2003, 1553](#))

NRS 504.165 Disbursement of money: Regulations of Commission; proof required from claimant.

1. The Commission shall adopt regulations governing the disbursement of money to:

(a) Prevent or mitigate damage to private property and privately maintained improvements, including, without limitation, fences;

(b) Prevent or mitigate damage to fences on public lands;

(c) Construct fences around sources of water on private lands or public lands where there has been damage to the area near such sources of water; and

(d) Compensate persons for grazing reductions and the loss of stored and standing crops,

↳ caused by elk or game mammals not native to this State.

POSSESSION OF LIVE WILDLIFE

NRS 504.295 Prohibited acts; regulations; licenses; inapplicability to alternative livestock.

1. Except as otherwise provided in this section and [NRS 503.590](#), or unless otherwise specified by a regulation adopted by the Commission, no person may:

2. The Commission shall adopt regulations for the possession of live wildlife. The regulations must set forth the species of wildlife which may be possessed and propagated, and provide for the inspection by the Department of any related facilities.

3. In accordance with the regulations of the Commission, the Department may issue commercial and noncommercial licenses for the possession of live wildlife upon receipt of the applicable fee.

NRS 504.300 Establishment of commercial or private shooting preserve. Any person who owns or controls the shooting rights or privileges on an enclosed tract of land may establish a commercial or private

shooting preserve for the propagation, culture and maintenance of upland game birds pursuant to the provisions of this chapter and commission regulations.

NRS 504.320 Rules and regulations governing species that may be taken. The Commission may establish rules and regulations governing the species of upland game birds that may be taken on a commercial or private shooting preserve.

[Part 83.1:101:1947; added 1951, 443]—(NRS A 1957, 262; 1959, 86; 1969, 1373; 1993, 1679; [2003, 1556, 2552](#))

NRS 504.330 Shooting hours on preserves. Shooting hours for the areas licensed under [NRS 504.300](#) to [504.380](#), inclusive, shall be the same as those fixed by the Commission for upland game throughout the State.

[Part 83.1:101:1947; added 1951, 443]

NRS 504.370 Rules and regulations for operation and maintenance of preserves.

1. The Commission is authorized to prescribe rules and regulations for the operation and maintenance of commercial and private shooting preserves so as to provide for the manner of taking, possession and disposal of game birds therefrom, the kind and type of records to be kept by the licensee and the manner of enclosing and posting the licensed premises, not inconsistent with the provisions of [NRS 504.300](#) to [504.380](#), inclusive.

2. No rules and regulations shall be prescribed by the Commission fixing the daily bag limit on such birds.

[Part 83.1:101:1947; added 1951, 443]—(NRS A 1957, 263; 1969, 1373)

NRS 504.380 Penalties. The violation of any of the provisions of [NRS 504.300](#) to [504.370](#), inclusive, or the rules and regulations prescribed by the Commission is punishable in accordance with the provisions of [NRS 501.385](#), and in addition thereto any license issued under the provisions of [NRS 504.300](#) to [504.370](#), inclusive, may be revoked by the Commission or by a court of competent jurisdiction for the balance of the license term, and no new license may be issued during the same license year.

[Part 83.1:101:1947; added 1951, 443]

HUNTING AND FISHING GUIDES

NRS 504.390 Licensing; records; regulations. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

5. Any person who desires a master guide license must apply for the license on a form prescribed and furnished by the Department. The application must contain the social security number of the applicant and such other information as the Commission may require by regulation. If that person was not licensed as a master guide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of \$1,500.

6. Any person who desires a subguide license must apply for the license on a form prescribed and furnished by the Department. If that person was not licensed as a subguide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of \$50.

7. It is unlawful for the holder of a master guide license to operate in any area where a special use permit is required without first obtaining a permit unless the holder is employed by or providing assistance to a guide pursuant to subsection 3.

8. The holder of a master guide license shall maintain records of the number of hunters and anglers served, and any other information which the Department may require concerning fish and game taken by such persons. The information must be furnished to the Department on request.

9. If any licensee under this section, or person served by a licensee, is convicted of a violation of any provision of this title or [chapter 488](#) of NRS, the Commission may revoke the license of the licensee and may refuse issuance of another license to the licensee for a period not to exceed 5 years.

10. The Commission may adopt regulations covering the conduct and operation of a guide service.

11. The Department may issue master guide and subguide licenses that are valid only in certain management areas, management units or administrative regions in such a manner as may be determined by the regulations of the Commission.

NRS 504.390 Licensing; records; regulations. [Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

5. Any person who desires a master guide license must apply for the license on a form prescribed and furnished by the Department. The application must contain such information as the Commission may require by regulation. If that person was not licensed as a master guide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of \$1,500.

6. Any person who desires a subguide license must apply for the license on a form prescribed and furnished by the Department. If that person was not licensed as a subguide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of \$50.

7. It is unlawful for the holder of a master guide license to operate in any area where a special use permit is required without first obtaining a permit unless the holder is employed by or providing assistance to a guide pursuant to subsection 3.

8. The holder of a master guide license shall maintain records of the number of hunters and anglers served, and any other information which the Department may require concerning fish and game taken by such persons. The information must be furnished to the Department on request.

9. If any licensee under this section, or person served by a licensee, is convicted of a violation of any provision of this title or [chapter 488](#) of NRS, the Commission may revoke the license of the licensee and may refuse issuance of another license to the licensee for a period not to exceed 5 years.

10. The Commission may adopt regulations covering the conduct and operation of a guide service.

11. The Department may issue master guide and subguide licenses that are valid only in certain management areas, management units or administrative regions in such a manner as may be determined by the regulations of the Commission.

CHAPTER 505 FUR DEALERS

NRS 505.010 License required to engage in business as fur dealer; resident or nonresident dealer; regulations.

4. The Commission may adopt regulations concerning the licensing, operating and recordkeeping of fur dealers.

Corresponding Regulations are in NAC chapters 488, 501, 502, 503, 504, 505, and 506.

NAC-488	Watercraft
NAC-501	Administration and Enforcement of Wildlife Laws
NAC-502	Wildlife: Licenses, Tags and Permits
NAC-503	Hunting, Fishing and Trapping; Miscellaneous Protective Measures
NAC-504	Wildlife Management and Propagation
NAC-505	Fur Dealers

#9 Any required regulations that have not been adopted:

AB167 of the 2011 Session modified NRS 488 and 503.

Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act requiring regulations:

Sec. 6. 1. A person shall not operate a vessel on the waters of this State unless the person has:
(a) Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and

(b) Attached the aquatic invasive species decal issued pursuant to subsection 2 to the port side transom of the vessel so that the decal is distinctly visible.

2. The Department shall issue to a person who pays the fee established pursuant to subsection 4 an aquatic invasive species decal as evidence of the payment of the aquatic invasive species fee.

3. Aquatic invasive species decals expire at the end of each calendar year. Only the decal for the current year may be displayed on a vessel.

4. The Commission shall establish by regulation an aquatic invasive species fee, which:

(a) For a motorboat which is owned or operated by a person who is a resident of this State, must not exceed \$10;

(b) For a vessel, other than a motorboat, which is owned or operated by a person who is a resident of this State, must not exceed \$5;

(c) For a motorboat which is owned or operated by a nonresident of this State, must be \$20; and

(d) For a vessel, other than a motorboat, which is owned or operated by a nonresident of this State, must be \$10.

5. The aquatic invasive species fee established pursuant to subsection 4 must be paid annually for the issuance of an aquatic invasive species decal. The fee must be deposited in the Wildlife Account in the State General Fund and used by the Department for enforcement of this section, NRS 503.597 and sections 4 and 5 of this act and for education about and management of aquatic invasive species.

And Sec. 7. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

NRS 503.597 is hereby amended to read as follows:

1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person at anytime to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.

2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the

investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.

4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

SB102 of the 2011 Session modified Chapter 503 of NRS is hereby amended by adding:

thereto a new section below, and requiring regulations:

1. The Commission shall adopt regulations for the taking of shed antlers.

2. As used in this section, "shed antlers" means antlers which have been naturally shed by any big game mammal in this State.

SB226 of the 2011 Session modified Chapter 501.181 of NRS requiring regulations:

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

Sec. 3. The Board of Wildlife Commissioners shall, on or before December 31, 2012, adopt any regulations required by the amendatory provisions of this act.

#11 Duties of the Board or Commission:

The Commission's core duties are clearly established under NRS 501.181, included below. Of particular note, number 4. (a) below describes the relationship between the Commission, Department, County Advisory Boards to Manage Wildlife, and public when establishing hunting, fishing and trapping season and limits. The full text of the NRS which is referenced on the form is below:

NRS 501.181 Duties; regulations. [Effective January 1, 2013.] The Commission shall:

1. Establish broad policies for:
 - (a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.
 - (b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.
 - (c) The promotion of uniformity of laws relating to policy matters.
2. Guide the Department in its administration and enforcement of the provisions of this title and of [chapter 488](#) of NRS by the establishment of such policies.
3. Establish policies for areas of interest including:
 - (a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.
 - (b) The control of wildlife depredations.
 - (c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.
 - (d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.
 - (e) The control of nonresident hunters.
 - (f) The introduction, transplanting or exporting of wildlife.
 - (g) Cooperation with federal, state and local agencies on wildlife and boating programs.
 - (h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.
4. Establish regulations necessary to carry out the provisions of this title and of [chapter 488](#) of NRS, including:
 - (a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.
 - (b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.
 - (c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.
 - (d) The number of licenses issued for big game and, if necessary, other game species.
5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

- (a) Governing the provisions of the permit required by [NRS 502.390](#) and for the issuance, renewal and revocation of such a permit.
- (b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by [NRS 502.390](#).

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to [NRS 576.129](#).

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

(Added to NRS by 1969, 1557; A 1977, 1229; 1979, 891; 1985, 1349; 1989, 729, 1268; 1991, 259, 2283, 2289; 1993, 429, 816, 1654; 1995, 544; [1997, 2598](#); [2003, 1521, 2536](#); [2011, 1024](#), effective January 1, 2013)

Things necessary to accept federal aid for wildlife as in NRS below:

NRS 501.115 Acceptance of federal aid in projects for restoration of wildlife.

1. The State of Nevada hereby assents to the provisions of that certain Act of Congress commonly known and referred to as the Pittman-Robertson Act, being c. 899, 50 Stat. 917, approved September 2, 1937, and also designated as 16 U.S.C. §§ 669-669j, providing federal aid to states in wildlife restoration projects.

2. The Commission shall do any and all things necessary to obtain for the State of Nevada the benefits provided in the Act of Congress.

[1:92:1947] + [2:92:1947]—(NRS A 1995, 2584)

NRS 501.117 Acceptance of federal aid in projects for restoration and management of fish.

1. The State of Nevada hereby assents to the provisions of the Act of Congress known as the Dingell-Johnson Act, being c. 658, 64 Stat. 430, approved August 9, 1950, 16 U.S.C. §§ 777 to 777k, inclusive, providing federal aid to states in fish restoration and management projects.

2. The Commission shall do all things necessary to obtain for the State of Nevada the benefits provided by such Act of Congress.

(Added to NRS by 1961, 194; A 1995, 2584)

NRS 501.177 Meetings; quorum.

1. The Commission may hold not more than nine meetings regularly each year based on need and the requests submitted by the county advisory boards to manage wildlife.

2. Special meetings of the Commission may be held at such times and places as the Commission deems proper.

3. Five members of the Commission constitute a quorum for the transaction of any business which may come before the Commission.

[Part 9:101:1947; A 1949, 292; 1943 NCL § 3035.09]—(NRS A 1969, 1547; 1979, 891; 1981, 607; 1983, 1446; 1989, 2192; 1995, 2585)

#15 Conclusion concerning the effectiveness of the objectives and programs of the Board or Commission:

As mentioned on the form, the Nevada Board of Wildlife Commissioners have established Committees for more in depth review and discussion on certain topics.

Current Commission Committees include (thus far):

Finance Committee

Gil Yanuk (Carson)(Chair), Commissioner McBeath, Paul Dixon (Clark)
Staff to Committee: Patrick Cates

Duck Stamp Judging Committee

Commissioner McNinch (Chair), Commissioner Robb, Commissioner Drew
Staff to Committee: Aaron Meier

State Predatory Animal and Rodent Committee – NRS 567.01

Commissioner Wallace

Wildlife Scholarship Recipient Selection Committee

Commissioner Drew (Chair), Commissioner McBeath, [NBU appointee], [Nevada Record Book appointee],

Staff to the Committee: Russell Woolstenhulme

Wayne E. Kirch Wildlife Conservation Award Committee

Commissioner Robb (Chair), Commissioner Wallace
Staff to Committee: Kim Toulouse

Wildlife Damage Management Committee

Commissioner McBeath (Chair), Commissioner Mori, Tom Cassinelli (Humboldt)
Staff to Committee: Larry Gilbertson

Legislative Committee

Chris McKenzie (Chair), Commissioner Drew, Commissioner McBeath
Staff to Committee: Kim Jolly

Elk Damage and Incentive Committee

Commissioner Wallace (Chair), Commissioner Mori, Shane Boren (White Pine)
Staff to Committee: Larry Gilbertson

Wildlife Heritage Committee

Commissioner Wallace (Chair), Commissioner Robb, Rick Smith (Washoe), Glenn Bunch (Mineral), Clint Bentley
Staff to Committee: Gabe Pincolini

Administrative Procedures, Regulations and Policy Committee

Commissioner McBeath (Chair), Gil Yanuck (Carson), Rex Flowers (Washoe)
Staff to Committee: Kim Jolly

Trapping Committee

Commissioner McNinch (Chair), Commissioner Robb, Commissioner Drew
Staff to Committee: Russell Woolstenhulme

Bear Committee

Commissioner McNinch (Chair), Commissioner Robb, Commissioner Drew, Judi Caron, Kathryn Bricker
Staff to Committee: Mike Dobel

Public Lands Committee

Commissioner Drew (Chair), Commissioner McBeath, Commissioner Mori, Paul Dixon (Clark), Cory Lytle (Lincoln), Ken Wellington (Elko), Mike Turnipseed (Douglas)
Staff to Committee: Elmer Bull

Tag Allocation, Application, Hunt Committee

Commissioner Robb (Chair), Commissioner McBeath, Ken Wellington (Elko), Cory Lytle (Lincoln), Jim Jenne (Lyon), Mel Belding (NGO), Judi Caron (NGO)
Honorary Member: Chad Bliss (Eureka)*
Staff to Committee: Bob Haughian

* Non-voting member

If additional space is necessary, please attach additional pages and refer to the attachments on the form. Please include with this form:

1. The operating budget of the Board or Commission.

Attached electronically.

2. A statement setting forth the income and expenses of the Board or Commission for at least 3 years immediately preceding the date on which the Board or Commission submits this form, including the balances of any fund or account maintained by or on behalf of the Board or Commission.

Attached electronically.

3. The most recent legislative audit or other audit of the Board or Commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.

There have been no audits of the NBWC in the past 3 years.

4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.

The Board of Wildlife Commissioners is not required to submit any reports.

5. The minutes of any meetings of the Board or Commission in the past year, if any.

Attached electronically.

The completed form and support documents were emailed to: jeanne.peyton@lcb.state.nv.us

Wildlife Heritage Trust Fund

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

Nevada Board of Wildlife Commissioners
Wildlife Heritage Trust Fund
B/A 4457

		FY 2009	FY 2010	FY 2011
Beginning Cash		\$ 5,682,505.00	\$ 5,745,710.00	\$ 5,931,027.00
Revenue:				
4251	Gifts and Donations	\$ 480,960.78	\$ 505,126.56	\$ 676,625.78
4326	Treasurer's Interest	\$ 128,680.81	\$ 53,471.94	\$ 19,232.23
	Total Revenue	\$ 609,641.59	\$ 558,598.50	\$ 695,858.01
Expenditures:				
cat 28	Special Projects	\$ 539,919.79	\$ 366,431.86	\$ 257,403.94
cat 82	Prior Year Special Projects	\$ 6,516.43	\$ 6,849.60	\$ 198,136.79
	Total Expenditures	\$ 546,436.22	\$ 373,281.46	\$ 455,540.73
	Ending Cash	\$ 5,745,710.37	\$ 5,931,027.04	\$ 6,171,344.28

FY 2012 Legislatively Approved Budget

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

Nevada Board of Wildlife Commissioners

FY 2012 Legislatively Approved Budget

B/A 4460

REVENUE

4760 Transfer Unrestricted Revenue*	\$	78,828

EXPENDITURES

Cat 11 - Board of Wildlife Commissioners:

6100 Per Diem Out-of-State	\$	3,117
6130 Public Trans Out-of-State	\$	237
6140 Personal Vehicle Out-of-State	\$	285
6150 Comm Air Trans Out-of-State	\$	2,250
6200 Per Diem In-State	\$	10,622
6230 Personal Vehicle In-State	\$	86
6240 Public Trans In-State	\$	9,408
6250 Comm Air Trans In-State	\$	3,305
7020 Operating Supplies	\$	10
7025 Operating Supplies - E	\$	205
7040 Non-State Printing Services	\$	809
7045 State Printing Charges	\$	456
7113 Non-State Meeting Room	\$	320
7120 Advertising	\$	229
7302 Registration Fees	\$	1,350
Cat 11 Total	\$	32,689

Cat 12 - County Advisory Boards:

8501 Expenditures to Carson City Co	\$	2,221
8502 Expenditures to Churchill Co	\$	2,859
8503 Expenditures to Clark Co	\$	4,643
8504 Expenditures to Douglas Co	\$	1,882
8505 Expenditures to Elko Co	\$	5,442
8506 Expenditures to Esmeralda Co	\$	997
8507 Expenditures to Eureka Co	\$	1,838
8508 Expenditures to Humboldt Co	\$	4,409
8510 Expenditures to Lincoln Co	\$	4,006
8511 Expenditures to Lyon Co	\$	1,101
8512 Expenditures to Mineral Co	\$	4,156
8513 Expenditures to Nye Co	\$	3,236
8516 Expenditures to Washoe Co	\$	3,777
8517 Expenditures to White Pine Co	\$	5,572
Cat 12 Total	\$	46,139

NBWC FY 2012 Budget \$ 78,828

* revenue is from general, unrestricted wildlife fee reserves

MINUTES

February 4 and 5, 2011

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

APPROVED (4/16/11) MINUTES - **videotape of the meeting is available for viewing at ndow.org.**

Nevada Board of Wildlife Commissioners' Meeting
Clark County Government Commission Chambers
500 S. Grand Central Parkway
Las Vegas, NV 89155
Final Agenda

Friday, February 4, 2011 – 10:30 a.m.

- 1 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 2 Presentation of the Wayne E. Kirch Wildlife Conservation Award – Chairman Raine
- 3 Approval of Agenda – Action
The Commission will review the agenda and may remove items from consideration or adjust in the order in which they appear on the agenda.
- 4 Member Items/Announcements
- 5 County Advisory Boards to Manage Wildlife (CABMW) Member Items CABMW members 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.
- 6 Public Comment Period -

Note: Public comment will also be limited to three minutes per speaker on each individual agenda item.

- 7 Approval of Minutes – Action
Commission minutes from the Dec. 3 and 4, 2010, meeting.
- 8 Big Game Division Computer Model and Recommendation Process Report – Big Game Division Chief Larry Gilbertson and Big Game Biologist Mike Cox – Informational
 - A Big Game Division Computer Model and Recommendation Process – Chairman Raine - Action
The Commission may discuss and request information concerning the Department's computer model and recommendation process.
- 9 Wildlife Damage Management Fiscal Year 2011 Plan Report – Chief of Game Larry Gilbertson – Informational
 - A Wildlife Damage Management Committee Report – Commissioner Vogler – Informational
The Commission will hear a report from the Wildlife Damage Management Committee.
 - B Wildlife Damage Management Fiscal Year 2011 Plan – Commissioner Vogler - Action
The Commission will discuss and provide guidance to the Department concerning development and information provided in the 2011 and future Wildlife Damage Management plans.

NBWC Las Vegas Meeting
Feb. 4 and 5, 2011

- 10 Reports – Informational
 - A Wolf Regulation Status Update – Chief of Game Larry Gilbertson
 - B Wildlife Heritage Trust Fund Principal and Interest Fiscal Year 2012 – Deputy Director Patrick Cates
 - C 2011 Legislative Session Update – Management Analyst III Kim Jolly
- 11 Clark County Road Access – Commissioner Shrum, Chief of Habitat Elmer Bull and Bureau of Land Management Representative (BLM) - Action
The Commission will hear a report on the Bureau of Land Management's designated routes, restricted grazing and desert tortoise management in Clark County and may draft letters, resolutions and or policy, concerning any or all of these items.

2 p.m. Agenda Item #12

- 12 Commission Regulation 11- 07, Black Bear Hunt – Chief of Game Larry Gilbertson and Big Game Biologist Carl Lackey – Action
The Commission will consider adoption of recommendations to the 2011 - 2012 black bear hunt seasons, dates and quotas, including limits, hunting hours, special hunt eligibility, animal gender, and physical characteristics, and legal weapon requirements and manner of hunting.
- 13 Administrative Procedures, Regulations and Policy (APRC) Committee Report and Recommendations – Commissioner Lent – Action
The Commission will be asked to take action on the APRC Committee's recommendations for changes to Heritage regulations.
- 14 Report from Feral Horse Committee, Horse Monument and Letters and/or Resolutions – Committee Chairman Mike Stremmer - Action
 - A The Commission may consider approving a draft letter to the State Water Engineer in reference to the issue of giving water rights meant for wildlife to wild horses – Mike Stremmer, chair – Action
 - B The Commission will discuss the Pickens Horse Monument in Eastern Nevada, may provide guidance to the Department on the matter and may approve, modify, create, or deny a resolution and/or letter – Chairman Raine – Action
- 15 Correspondence – Chairman Raine – Informational
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 Acting Secretary Mayer will also be discussed.

Saturday, February 5, 2011 – 8:30 a.m.

- 16 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 17 Member Items/Announcements

NBWC Las Vegas Meeting
Feb. 4 and 5, 2011

18 Public Comment Period

Note: Public comment will also be limited to three minutes per speaker on each individual agenda item.

- 19 CABMW Budget Adjustments Fiscal Year 2011 – Deputy Director Patrick Cates - Action
The Commission will review CABMW budget status reports and may make adjustments to CABMW budgets for Fiscal Year 2011.
- 20 Management Bull Elk Hunt and Seasons – Action – Chairman Raine
The Department will provide a report and recommendations to the Commission on “management bull elk seasons” as described in a report from Cory Lytle of the Lincoln CABMW, and the Commission will discuss options for possible development of regulation changes for “management bull” elk seasons: Options to set all cow elk seasons after the bull seasons; convert all muzzleloader bull seasons into “management bull seasons”; convert all archery bull seasons to “management bull seasons”; create new any legal weapon “management bull seasons”; and no management bull seasons.
- 21 Nevada Waterfowl Hunt Zone and Swan Hunt Area Changes – Game Division Staff Biologist Russell Woolstenhulme – Action
The Commission will hear options for the addition of a new waterfowl hunt zone for Nevada and an expanded hunt area for tundra swan. The Commission may accept these changes and initiate action by the Department to pursue these changes with the Pacific Flyway Council.
- Commission Regulations – Action
- 22 Commission Regulation 11 – 03, Big Game Seasons 2011- 2012 – Big Game Biologists Mike Cox and Tony Wasley – Action
The Commission will consider adoption of the 2011 and 2012 hunting seasons and dates for mule deer, pronghorn antelope, elk, bighorn sheep, and mountain goat, including limits, hunting hours, special hunt eligibility, animal gender, physical characteristics and legal weapon requirements, hunt boundary restrictions, and legal weapon requirements, emergency depredation hunt structure and statewide quotas, the 2011 – 2012 nonresident restricted deer tag quotas and seasons, and dates and times for indoctrination courses. Note: Support material will be sent under separate cover.
- 23 Commission Regulation 11 – 04, Big Game Season Application Eligibility, Deadline and Remaining Tag Regulations 2011 - 2012 – Program Officer III Maureen Hullinger – Action
The Commission will consider adoption of the 2011 - 2012 big game tag draw application eligibility, deadline and return card questionnaire information including Restricted Nonresident Guided Deer Hunt draw application deadline and return card questionnaire information.
- 24 Commission Regulation 11 – 05, Silver State Tag and Partnership in Wildlife Season and Quotas 2011 – Big Game Biologist Mike Cox and Program Officer III Maureen Hullinger – Action
The Commission will consider the adoption of the 2011 Silver State Tag and Partnership in Wildlife hunt species, seasons and quotas. Note: Support material sent separately.
- 25 Commission Regulation 11 – 06, Heritage Tags, Silver State Tag and Partnership in Wildlife Season and Quotas 2012 - Program Officer III Maureen Hullinger and Big Game Biologist Mike Cox – Action
The Commission will consider the adoption of the 2012 Heritage Tag, Silver State Tag and Partnership in Wildlife hunt species, seasons and quotas.

NBWC Las Vegas Meeting
Feb. 4 and 5, 2011

- 26 Commission Regulation 11- 08, Mountain Lion Seasons 2011- 2012 and 2012 - 2013 – Staff Biologist Russell Woolstenhulme – Action
The Commission will consider adoption of recommendations to the 2011-2012 and 2012 – 2013 mountain lion seasons, dates, and harvest limits, including limits, hunting hours, animal gender, physical characteristics, hunt boundary restrictions, legal weapon requirements, method of take and manner of hunting.
-
- 27 Findings of Mule Deer Restoration Committee - Chairman Raine - Action
The Commission will have a second discussion of the report from the Mule Deer Restoration Committee. The Commission will be asked to accept the findings of the Mule Deer Restoration Committee and adopt some or all of them as findings and recommendations of the Nevada Board of Wildlife Commissioners.
-
- Commission Regulations – Action
- 28 Commission Regulation 09 – 09, Amendment #1 – Fisheries Biologist Jon Sjoberg – Action
The Commission will consider closure of a water(s) within the Clark County Wetlands in Las Vegas Wash, Clark County and a name change for the Fuji Park Pond in Carson City to the Baily Fishing Pond.
-
- 29 Reports - Informational
- A Western Association of Fish and Wildlife Agencies (WAFWA) 2011Mid-Winter Conference Report – Commissioner Capurro
 - B Elk Damage and Incentive Committee Report – Commissioner Vogler
 - C Gifts, Grants, Donations, and Bequests – Deputy Director Cates
 - D Litigation Report – Deputy Attorney General David Newton
 - E Department Activities/Leadership Team Notes – Acting Secretary Ken Mayer
- 30 Additional Application Hunt System Report Format – Chief of Operations Bob Haughian - Action
The Commission may endorse or deny a request made previously at the December 2010 Commission meeting from Commissioner Cavin to introduce an additional report format to publicly display a list of successful tag applicants by hunt unit on the huntnevada.com website.
- 31 Nevada Department of Wildlife Director Selection/Recruitment Process – Chairman Raine – Informational
In accordance with NRS 501.333 the Commission will review and discuss the selection process for recommending a new Director for the Nevada Department of Wildlife.
- 32 Future Commission Meeting – Acting Director Ken Mayer – Action
The next Commission meeting is scheduled for March 11 and 12, 2011, in Reno; and the Commission will review potential agenda items for the meeting and the biennial County Advisory Board to Manage Wildlife Workshop. The Chairman may designate and adjust committee assignments as necessary. The Acting Secretary of the Commission will report on the status of the requested joint meeting with the Utah Commission in 2011.

NBWC Las Vegas Meeting
Feb. 4 and 5, 2011

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Scott Raine	Vice Chairman Gerald Lent	Commissioner Daryl E. Capurro
Commissioner Tom Cavin	Commissioner Howell	Commissioner Michael McBeath
Commissioner Hal Shrum	Commissioner Hank Vogler	Commissioner Grant Wallace

Secretary/Director Kenneth E. Mayer
Suzanne Scourby, Recording Secretary

Robert Whitney, Deputy Attorney General
David Newton, Deputy Attorney General

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Game Larry Gilbertson	Chief Game Warden Rob Buonamici
Program Officer III Maureen Hullinger	Big Game Biologist Carl Lackey
Supervising Fishers Biologist Jon Sjoberg	Administrative Assistant IV Kathleen Teligades
Administrative Assistant III Jamie Wise	Big Game Biologist Mike Cox
Supervising Big Game Biologist Ken Gray	Big Game Biologist Tony Wasley
Big Game Biologist Russell Woolstenhulme	Management Analyst III Kim Jolly
Acting Chief of Conservation Chief John McKay	Biologist Cris Tomlinson
Big Game Biologist Patrick Cummings	Big Game Biologist Mike Scott

Others in Attendance/Two Day Meeting:

Paul R. Dixon, Clark CABMW	Keith Rogers, LV Review-Journal
Gil Yanuck, Carson CABMW	Eric Scheetz, Douglas CABMW
Glenn Bunch, Mineral CABMW	Ken Wellington, Elko CABMW
Paul Harris, Clark CABMW	Ray Sawyer, White Pine CABMW
Clint Bentley, self	Cindy Alexander, self
Cory Lytle, Lincoln CABMW	Lee Graves, Lyon CABMW
Joe Crim, Pershing CABMW	Mary Jo Rugwell, Bureau of Land Management (BLM)
Carolyn Running, BLM	Gayle Marrs-Smith, BLM
Mary JoErika Schumacher, BLM	Bol Ross, BLM
Shanna Dooman, BLM	Jessie Stegmer, BLM
Judi Carson, Coalition for Nevada's Wildlife	Brett Jefferson, Nevada Bighorns Unlimited (NBU)
Chris Steven, Southern Nevada Water Authority	Jenny Ramirez, U.S. Forest Service
Walt Gardner, self	Cliven Bundy, rancher/speaker
Carol Bundy, rancher	Dane Bradfield, Lincoln CABMW
Jennifer McCarty, self	Catherine Matz, self
John Hiatt, Red Rock Audubon Society	Amy Ogden, People Ethical Treatment of Animals PETA
Randy Ogden, PETA	Karen Layne, Las Vegas Valley Humane Society
Gina Greisen, NV Voters for Animals	Heather Spaniol, self
Billy Howard, NoBearHuntNV.org	Linda Faso, Humane Society of the U.S.
Debora Toro, self	Pamela Coburn, LV Valley Humane Society
Nancy Salazar, NV Political Action for Animals	Mac Kasraian, self
Stacia Newman, NV Political Action for Animals	Tracy Hammond, self
Megan Sewell, Humane Society of the U.S.	Kirsten Comm (illegible), BLM
Hillierie Patton, BLM	Chris Schwamberger, NoBearHuntNV.org
Martin Scholl, self	Steve Hemp, Humboldt CABMW
Monty Martin, Systems Consultants	Don Sefton, Systems Consultants
Carmen Rhoda, none	Jelindo Tiberti, self
Cindy MacDonald, resident	Kensen Lee, self
Kevin Strozzi, Nye CABMW	Jason Cork, self
Micki Jefferson, self	Kathryn Bricker, NoBearHuntNV.org
Heather Lunsford, NoBearHuntNV.org	Robin Picardo, self and animals

Friday, Feb. 4, 2011 -10:30 a.m.

Call to Order – Chairman Raine called the meeting to order at 10:39 a.m.

Roll Call of Commissioners present: Chairman Raine, Vice Chairman Lent, Commissioners Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace.

Roll Call CABMW Members: Paul Dixon, Clark; Ken Wellington, Elko; Gil Yanuck, Carson; Joe Crim, Pershing; Leland Graves, Lyon; Dane Bradfield, Lincoln; Cory Lytle, Lincoln; Eric Scheetz, Douglas; Ray Sawyer, White Pine; and Glenn Bunch, Mineral.

2 Presentation of the Wayne E. Kirch Wildlife Conservation Award – Chairman Raine

Commissioner McBeath asked for a point of order, as a letter was received from Marlene Kirch to the Department of Wildlife asking that neither her name nor her father's name be associated with any Commission award. Ms. Kirch wrote the letter to the Commission on Dec. 2 requesting the process not move forward due to her concerns that there is bias present in judging process in Policy #51 where the Wildlife Commissioners dominate the award process. He said a letter was received by Marlene Kirch from Commissioner Lent on Dec. 6 and that letter from an individual Commissioner was not authorized, as the Commission is a body, and that letter should have come back to a Commission meeting for action as an agenda item, and everyone was shocked that the award has come out anyway. Commissioner McBeath said his point is a person's name is everything to them, it is your reputation and credibility, and that is your name, and if she does not want to be associated with the award it cannot go forward. The Commission will need to amend Policy #51 and establish its own new Commission award and since it is not on the agenda that can't happen today His position is that the award cannot be issued as no Kirch award anymore as Marlene Kirch has withdrawn her family name and it cannot go forward.

Chairman Raine said the point of order is denied as the Commission has received legal counsel on this matter and been advised that no private citizen can control a public award if that happens than the award does need to go away. Chairman Raine said this award is being presented to Cecil Fredi of Hunter's Alert and he read his remarks (microphones not on for remainder of presentation).

Commissioner Howell said he is the chairman of the Wayne E. Kirch Wildlife Conservation Award Committee and that Cecil Fredi is responsible for Hunter' Alert which sponsored legislation to increase the Commission, newsletters, changing the Department back from a Division to a Department, and legislation.

Cecil Fredi said thank you to the Commission and provided a quote "If you want to make enemies try to change something."

3 Approval of Agenda - Action

Chairman Raine said to move Clark County road access #11 between #7 and #8.

Commissioner Howell said to move #13 up also if time allows before agenda item #12.

COMMISSIONER MCBEATH MOVED TO STRIKE ANY CONSIDERATION BY THE COMMISSION OF AGENDA ITEM #13 THAT DEALS WITH REGULATION OF HERITAGE FUND AS GOVERNOR INDICATED CLEARLY NOT TO TAKE ACTION ON THAT ITEM SO THE CORRECT PROCEDURE IS TO MOVE THAT IT BE STRICKEN. IF YOU VOTE YES, THAT IS A VOTE TO STRIKE IT FROM THE AGENDA, IF NO, YOU ARE VOTING TO KEEP AGENDA ITEM #13 ON THE AGENDA. COMMISSIONER WALLACE SECONDED THE MOTION.

Chairman Raine said perhaps we could do the changes one at a time instead of all at once and will deal with motion to strike item #13 from the agenda.

Commissioner Capurro said he will not vote in favor of the motion, as he believes it is inherent that we discuss this item as number of items that need to be discussed, and will be voting no.

Commissioner Lent said as chairman of the committee he thinks we should discuss the item and has motions to make on what the Commission should do, but thinks it is a discussable item, and would like to put the governor's letter into the record officially. He said he will be voting against the motion.

Chairman Raine said he made sure this item stayed on the agenda for the main reason as part of open and transparent government and if we vote an item down or take an action we should tell the CABMWs and people as to why and he will not backdoor anything as actions should be done in this forum.

COMMISSIONERS IN FAVOR OF MOTION: MCBEATH AND WALLACE. COMMISSIONERS OPPOSED: COMMISSIONER LENT, CAPURRO, CAVIN, HOWELL, SHRUM, AND VOGLER. CHAIRMAN RAINE DID NOT VOTE. MOTION FAILED 2 – 6.

Commissioner McBeath said he is concerned with agenda item #15 Correspondence which has been moved to end as anything that is an agenda item that precedes it may cause an issue as we are supposed to consider all written correspondence on agenda items and would be prudent to get those items dealt with or be dealt with on specific agenda item.

Chairman Raine said his understanding of correspondence is that it covers items not on the agenda and he likes to bring up his correspondence when on the agenda item. It is up to the Commission how we do it and have general understanding to bring it up during the item.

Commissioner McBeath said unless we have an understanding of the correspondence as the Commission receives written correspondence as the Department does not always receive the same.

COMMISSIONER MCBEATH MOVED TO MOVE #15 IN FRONT OF #7. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: MCBEATH, WALLACE, CAVIN, LENT. COMMISSIONERS OPPOSED: RAINE, CAPURRO, HOWELL, SHRUM, AND VOGLER. MOTION FAILED 4 - 5.

Commissioner McBeath said he is wondering if we need to strike #14 B as letter has already gone out and if kept on agenda will there be limited discussion of the letter and what happened to the letter.

COMMISSIONER CAPURRO MOVED TO REMOVE ITEM #14 B. COMMISSIONER VOGLER SECONDED THE MOTION.

Commissioner Capurro said voted on at December meeting, letter drafted, and sent and is a non-issue.

Chairman Raine agreed that it is non-issue and history at this point.

Commissioner Lent said no action is an action, and if we take no action, that certainly is appropriate.

Commissioner McBeath said your assumption is incorrect as the letter was not written by the Department.

Chairman Raine said no problem with striking it.

COMMISSIONERS IN FAVOR OF MOTION: CAPURRO, SHRUM, HOWELL, VOGLER. COMMISSIONERS OPPOSED: MCBEATH, CAVIN, WALLACE, LENT. CHAIRMAN RAINE BROKE THE TIE AND VOTED IN FAVOR OF THE MOTION TO STRIKE THE ITEM. MOTION PASSED 5 – 4.

Chairman Raine asked if the Commission wants to deal with #11 and #13.

COMMISSIONER HOWELL MOVED TO MOVE #13 BEFORE #12 IF WE HAVE TIME AS WE HAVE TIME CONSTRAINT WITH AGENDA ITEM #12. COMMISSIONER SHRUM SECONDED THE MOTION.

DAG Whitney said with a time specific item ahead of it, that is questionable, and his advice is not to move anything.

Commissioners Howell and Shrum withdrew the motion.

COMMISSIONER SHRUM MOVED THAT AGENDA ITEM #11 BE MOVED BACK BETWEEN #7 AND #8. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER LENT MOVED TO APPROVE THE AGENDA AS AMENDED. MOTION SECONDED. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

4 Member Items/Announcements

Chairman Raine said he himself has an item for a future meeting as he had requests involving the Wayne E. Kirch award which led him to request the committee meet and address the concerns mentioned earlier.

Commissioner Lent said the Friends of Nevada Wildlife Legislative Breakfast will be held Feb. 17 from 7 a.m. to 9:30 a.m. in Carson City and he mentions the event in interest of southern Commissioners attending as legislators have encouraged the Commission to attend. He also announced that lawsuit against Commission was dismissed with prejudice which was filed by Chairman of Clark CABMW at a great cost to sportsmen and did not know if all the Commission knew that. Also, he had a question on the NDOW deer study in the Rubies and he would like to ask questions if appropriate, such as what kind of study is going on and who is paying for it.

Chairman Raine asked Acting Secretary Mayer to provide that information to Vice Chairman Lent.

Acting Secretary Mayer said that could be on the next Commission agenda.

Commissioner Vogler asked that there be a cutoff date for Commission support material, such as two days before the meeting, as Commissioners are barraged toward the time of the meeting and is difficult to retrieve all of that information when you are already driving to the meeting.

Chairman Raine said he would refer Commissioner Vogler's question to the deputy attorney generals (DAGs) as that is a legal question.

Commissioner McBeath said in regard to agenda item #14 B that was stricken, that is basically a letter Chairman Raine wrote to Interior Secretary Ken Salazar, and he has serious concerns in regard to that letter as at the December Commission meeting a series of motions were made, the original motion was that the Commission approve the letter drafted by the Feral Horse Committee and that motion failed 2 – 5, and on the recommendation of Commissioner Howell a second motion was made that indicated that staff would draft a letter to Secretary of the Interior Ken Salazar with regard to the Pickens Horse Monument Sanctuary. He did a public information request and received an email string that led to issuance of actual letter and is clear that NDOW drafted letter which was rejected, and basically Chairman Raine inserted verbatim the items that the Commission indicated to not have go forth and he sent it off unilaterally on his own to Mr. Salazar. That is an action outside of this Commission acting as a body, and we have Commissioners doing things on their own outside in the guise of the State of Nevada through this Commission, he will be going to the governor and will request appropriate action be taken, this is an outrageous action where you have a single Commissioner taking it upon himself to write a letter when not authorized by the Commission and he has a serious problem with that and will pursue this issue vigorously.

Commissioner Lent said his comment is that any letter written going out to anybody is not giving carte blanche to the Department and he wrote letters while chairman where he changed and clarified items in the letter. The chairman has the right to make changes before it goes out and would be a big mistake to let the Department send letter out without Chair's approval and you have a right to do that.

Chairman Raine said he did receive legal counsel on the issue and no legal issues and he did check with motion makers pursuant to discussion beforehand and other motion involved that day and controversial issues were taken out and inserted what was appropriate to follow the intent of the motion.

Commissioner Capurro said as matter of information that the motion at the Dec. meeting was approved 7 – 0.

Commissioner Howell said driving here today he noticed there are people outside protesting the bear hunt and that is a moot point as we have already voted on the bear hunt and all we are doing today is setting the season and quota.

Commissioner Capurro said under agenda item #4 we will be hearing from Management Analyst III Kim Jolly later and there is already one bill scheduled for hearing next Wednesday, Senate Bill 56, Department of Information and Technology (DOiT), which is a bill that requires agency exemptions from using DOiT and puts all agencies under

control of Dolt and would urge everyone to take a look at that bill and since we don't have three days to agendaize we can't take a vote on it now and if only for the tag draw system we need to take a look at opposing that bill and testifying against it.

5 CABMW Member Items –

Ken Wellington, Elko CABMW, and is also a member of Natural Resources Commission in Elko County, said they have an issue with BLM travel plans on the border with Idaho, and there is a website for the 71 Association which is a livestock organization from Idaho promoting access for sportsmen. Secondly, has a letter from Pat Laughlin on predator project in Diamonds, and while Wildlife Services was out there, they noted over 600 horses in there, and asked BLM representative what they plan on doing and already have started Environmental Assessment (EA) to remove horses down to 161. Antelope Complex also has a horse removal project underway, BLM came forward with a restoration project and not sure if NDOW knows about that, and involves wildlife habitat and he has copy for Commission. BLM is also doing proposal for riparian issues up in Blue Bell and Goshute Wilderness where there are water structures damaged by horses which is in Madeline Pickens area and curious how they will fix it and keep horses out. The China Mountain wind project the draft Environmental Study is out. Madeline Pickens project has been reported as through and is not true as she can resubmit her prospectus. He heard the Ruby Mountain project come up, Elko CABMW working with NDOW biologist and are working on predator projects, and also directed by Natural Resource Commission to work on that and Mr. Gardner is to assist with that. For CABMWs here they had an idea for a special award for NDOW employees and one for the Commission, they are in the planning process and if other counties interested please contact him.

Commissioner Lent asked that the Commission receive a copy of the material that Mr. Wellington provided.

Paul Dixon, Clark CABMW, said for clarification that Commissioner Lent mentioned the Heritage lawsuit that he filed as a private citizen, although he is on the Clark CABMW, and that has been misrepresented here on the County level by Commissioners Howell and Shrum, and he wants the record to reflect that the lawsuit filed had nothing to do with Clark CABMW.

Gil Yanuck, Carson CABMW, said they would like to show their appreciation to Carl Lackey and the amount of time he has spent at CABMW meetings and the science behind bear management and the amount of information he has collected and the great job he is doing.

Commissioner Capurro said that Washoe CABMW will not be present at this meeting and their minutes were provided and they are some of the best minutes out there. He

said it should be on the record that they were going to come and would have presented recommendations which can be read in their minutes which are out, also an Open Meeting Law complaint has been filed on the Washoe CABMW.

Commissioner Shrum said he went through the notes of Clark CABMW the chairman states that he requested backup information from himself and Chairman Raine concerning BLM issue and for the record he did not receive any correspondence, email requests, or calls, from the chair of the Clark CABMW. Commissioner Shrum said he even contacted Chairman Raine to check and he had not been contacted. He said Mr. Dixon is in error and if he can prove him wrong he will apologize as he is responsive to constituents and if wrong, again, he will apologize.

Paul Dixon, Clark CABMW, said it is the 21st century and he can prove that he sent the emails to Commissioner Shrum and Chairman Raine and he will bring the evidence in and is appalled that would be said in public.

Chairman Raine said he went back and looked and did not see anything.

6 Public Comment –

Gil Yanuck said he is speaking for himself and as president of Friends of Nevada Wildlife he would like to use his time to recognize sponsors of the legislative breakfast planned for Feb. 17: Nevada Bighorns Unlimited; Nevada Conservation League; Nevada Muley's; Carson Valley Chukar Club; The Nature Conservancy; Pershing County Chukars Unlimited; Allison, MacKenzie, Pavlakis, Wright and Fagan; Friends of Red Rock Canyon; Red Rock Audubon Society; Nevada Trappers Association; the Toiyabe Chapter of Sierra Club; Lahontan Audubon; and Carson Fly Fishing Club. He appreciates their effort and contributions to make the breakfast happen.

Clint Bentley, former Wildlife Commissioner, said since the Commission wants to be transparent there is a letter or two that need to be vetted in public and noted Commissioner McBeath read Ms. Kirch's letter into the record at the December meeting, he will read Commissioner Lent's letter into the record (Attachment A). He said a second letter from Ms. Kirch requesting the award not be presented as not following proper protocol was sent. He said if you want to issue the award as you did, he believes the Kirch name should have been removed from the award.

Billy Howard, of Reno, Nevada, read a letter into the record detailing the email opposition to the bear hunt (Attachment B).

Chris Schwamberger said she is from Carson City and she would like her comments entered into the record. This Commission does not understand the word "public." We object to the bear hunt regulation passed in December due to deficiencies in legal and

procedural processes in its adoption. Point 1, NoBearHuntNevada.Org filed an Open Meeting Law (OML) complaint yesterday with the Attorney General's Office alleging civil and criminal violations of OML for intentional exclusion of public comment at the December meeting. At that meeting Commissioner Raine characterized the email received as spam, an amount of emails slightly over 2,000 communications, and he said emails were evenly divided as pro and con, and no one else on the Commission questioned his characterization they accepted that characterization of public comment. The public record shows over 4,800 emails received, 98 percent of which were against the hunt, her organization believes this was characterization was intentional to deny public input to the December meeting. Secondly, OML requires discussion of public comment, and majority of emails against killing bears, the option of not having a hunt was never discussed, this lack of discussion of public comments was a violation of OML. Third, the general Public not represented at the December meeting. On this Commission there is only one person who represents the general public and our general public representative is Hal Shrum. Despite 98 percent of the emails being opposed to the hunt, Commissioner Shrum still voted in favor of the hunt. NoBearHuntNevada.org considers this violation of his oath, to well and faithfully perform all duties of his office and they are considering legal action. Since the general public was not represented at the December meeting, the vote approving the hunt should be invalidated. This December vote is a slap in the face to Nevada voters and taxpayers. Finally NoBearHuntNevada.org calls on the legislature to pass legislation to permanently protect bears and to reconfigure this Commission to properly represent the public.

Meagan Sewell said she represents the Humane Society of the United States (HSUS) representing 11 million constituents including more than 95,000 in Nevada. She said she would like her comments included in the record. She would like to comment on the Commission's adoption of a bear hunt in December, HSUS opposes the first trophy bear hunt in Nevada due to the indeterminate demographics of the bear population, no full population study has been released to the public despite repeated requests and apparently will not be released for years. Ms. Sewell said according to information available to the public Nevada's bear population has not changed much in decades and is remarkably small. In 2008 a study was presented to the Commission by the Department showing majority of residents opposed to a bear hunt in Nevada, a poll in the Carson City Appeal found more than 62 percent opposed to bear hunting, in a Tahoe-Tribune story 60 percent were opposed, N. Lake Tahoe Bonanza poll showed 57 percent opposed, Mason-Dixon research and poll showed 74 to 24 percent of Nevada voters believed state should prioritize non-lethal methods of solving conflicts between people bears. According to the Department the majority of conflicts with bears obtaining access to human food and has stated that a legal harvest will not be a solution to the nuisance bears, due to the fact that new bears will move in to replace those bears. Shooting bears at random will not reduce conflict with bears and Nevada residents deserve effect solutions to human/bear conflicts.

Kathryn Bricker, of Zephyr Cove, Nevada and member of NoBearHuntNevada.org, said she would like to comment on areas that could have been helpful to her as a citizen and thinks it could of moved things along and more harmoniously. She said one thing that has been mentioned several times is that the Commission makes decisions that are science based, and the Commission seems selective in that science as we are still having that discussion and are still quoting Chairman Raine that hunting will positively impact the urban bear problem. She said all the science shows it won't and Mr. Lackey's says it won't and his work states that as well. It would be helpful as a member of the public that if we could agree that hunting won't solve that and put that to rest to discuss other issues. Science clearly shows in all the western states that linear correlation between the amount that large predator is hunted and rise in human predator interface problems rather it be ranchers taking cougars from their land and bears getting our trash and is scientifically proven and never sees mention of that. Her concern is that science being used is quite selective and supports intention to hunt the bears, rather than breadth of science. She said she brought three studies and can bring 17 more. The other area has to do with enforcement and safety as she understands that it is not your job or obligated to consider public safety or use of land, however you have discretion of good judgment and there is a risk benefit ratio to any decision you make. In looking at California, poaching has become endemic in information from Fish and Game Committee, and statistics state violations have risen and illegal sale of wildlife body parts generates \$100 million in revenue and is second to illegal drug trade, from 2005 – 2007 illegal bear kills went from nine to 49 and they say the can't control it and is attributed to dangerous methamphetamine gangs, and is your decision to open our borders. She asked if they have thought of our protection.

Stacia Newman, said she is representing Nevada Political Action for Animals and Compassion Charity for America, and is on record that both are opposed to black bear hunt and should be on hold. She said the calls and emails that she is getting which have been in the hundreds have been to halt the bear hunt.

Gina Greisen, Nevada Voters for Animals, said that she is concerned the Commission would limit public comment at this point unless people speak directly on agenda items as that is the minimum of the law and maybe legal counsel can help with that. She said she is a native Nevadan and is very disturbed we are at this point and she attended the Clark CABMW and heard a interesting comment that a board member made at that meeting was that they were not used to hearing from women and can see that here. The public is overwhelming opposed to this but you already know that and she herself was told by Deputy Chief of Staff Ann Wilkinson of the governor's office that the governor's office has heard more on this item (the bear hunt) then the state's budget and they have heard the message loud and clear. They believe there have been procedural defects in the regulation process, Open Meeting Law violations filed, and believes that board should table this agenda item today and really take into consideration the feelings of public. She does not know how public representative

Commissioner Shrum could vote in favor with so many emails against this and believes there is a vote of no confidence for him and if he can't represent the public he should step down and means that with all due respect. And she is also concerned with striking agenda item #14 and removing that and is deeply concerned about the letter, appreciates Commissioner McBeath's comments, and believes more complaints to be filed.

Heather Lunsford said she would like her comments included in the record, her issue is the science used to determine viability of the black bear hunt. Nevada statutes require basing hunts on science and scientific data and data for Nevada, Carl Lackey has stated population is robust but differing numbers provided by Mr. Lackey at different meetings. She asked why has poaching not been addressed as it is well known that hunting facilitates poaching and has been stated 20 bears could be taken in that hunt but with poaching will exceed that. Finally, she is holding up email that Carl Lackey sent soliciting emails from CABMWs to support the hunt by emailing NDOW as soon as possible. Biologists are required to approach their science with neutrality and to be unbiased and present data that is fair and unbiased; however this discovery makes them question the data and the merits of science. If you want us to trust the science then give us science to trust and would ask that the hunt be tabled until these issues are addressed and corrected.

Commissioner McBeath said he would like to respond to the statement made about the woman at the Clark CABMW meeting as he himself was there and someone from the audience made a statement to Vice Chair Truman that he had obviously never talked to a woman at one of these meetings, and Mr. Truman took immediate exception to that, because prior to Mr. Dixon being chair of Clark CABMW, Cindy Alexander, a woman, chaired the Clark CABMW, and any insinuation that sportsmen do not take women into account as part of their group is incorrect and Mr. Truman denied that immediately. He said he thinks it was an inappropriate remark made at that meeting.

Jennifer McHardy said she was at that CABMW meeting and that Gary Pratt was the one on the end who said the remark that they were not used to hearing from a woman.

7 Approval of Minutes – Action

Commissioner Howell said on page 5, the date Dec. 24 is incorrect, change to Dec. 4, 2010. Also, page 48, statement by Mr. Molde needs to be corrected to state "last 10 years."

COMMISSIONER HOWELL MOVED TO APPROVE WITH CHANGES NOTED TO PAGE 5 AND PAGE 48. COMMISSIONER VOGLER SECONDED THE MOTION. MOTION CARRIED 8 – 0.

11 Clark County Road Access – Commissioner Shrum, Chief of Habitat Elmer Bull and Bureau of Land Management (BLM) Representative

Commissioner Shrum said he has spent much time in Nevada and in the past years has been running into road closed signs and did research and he ended up at the BLM office and picked up books and spent time over there with BLM District Manager Mary Jo Rugwell who is here along with BLM staff. He also invited representatives from Clark County sheriff's office, and he prepared a small pamphlet (exhibit file) of the issues. To balance this out he went to Bunkerville, Nevada, and met with Cliven Bundy and family, and he is present today as well. He read the pamphlet (exhibit file) that he prepared for this agenda item along with questions for Ms. Rugwell.

BLM District Manager Mary Jo Rugwell addressed the questions from Commissioner Shrum's pamphlet and said authority to designate or close roads and primary legal authority is in Federal Land Policy and Management (FLPMA) Act of 1976, BLM is part of executive branch of government and their responsibility is to implement laws Congress passes and when FLPMA passed, BLM had to promulgate regulations to implement laws and manage and administer BLM public lands. Second question, who decides what roads to close, BLM has the responsibility to make the final decision but with public input. Clark County road designations were implementation action of Resource Management Plan (RMP) completed in 1998 and plan took over three years to develop with input from over 400 stakeholders and rural community assisted with documenting the roads. BLM had four public meetings and a 50 day public comment period and after the decision, the public is allowed another 30 days to appeal and BLM did not receive any appeals on road decision and then their job was to implement. Important to note that of over 906 miles of roads analyzed that BLM left 90 percent of those roads open, did not close anywhere near the majority of roads. Next question was how long will plan stay in effect, road designations in effect as long as RMP in effect. Agency continues with help of partners to monitor roads and effect on resources and changes to road decisions can be made through analysis and another public process. Another question was who decides when desert tortoise recovered, and U.S. Fish and Wildlife Service makes that decision. The criteria for delisting tortoise, is outlined in the recovery plan which was developed when the tortoise was listed. Other question, when ranchers leave who maintains water – springs, seeps, and the answer is the BLM does in conjunction with NDOW, Nature Conservancy, the folks who have water rights. Another question is when travelling on a road and you are at an intersection and take wrong road that is closed and get citation, what happens. She said when BLM puts sign up for designated road through planning process we give people time to get used to closure before citing them. The Gold Butte area is signed and folks vandalize signs which costs taxpayers, and results in confusing recreating people, and if people knowingly use closed roads they are cited. Working hard to insure signage is there for the public. Who has the authority in Gold Butte, sheriff or BLM, she said the answer depends on the situation or crime, BLM has few law enforcement rangers and are happy to help Clark County Sheriff's Office.

The violation of any federal regulation is under BLM rangers under authority of FLPMA, some examples are theft of government property, vandalism of a sign and off-road travel in a closed area. A Memorandum of Understanding in place with Las Vegas metro for search and rescue in Wilderness Area as BLM does not have that capability. Prior to the meeting a copy of the fact sheet and Gold Butte map was provided to the Commission and that information will be on the website after refinement to the map. She said that concluded the answers to the written questions from Commissioner Shrum.

Commissioner Shrum introduced Cliven Bundy who is a rancher from Bunkerville. Commissioner Shrum said there is contention between the ranching families and BLM up there and he wants people to be informed of both sides of the question.

Mr. Cliven Bundy said he is a rancher and co-partners with the resource and has great respect for the Commission. He said he is a god fearing man and believes we live in a country of choice and the resources provided are for man's use and we need to take care of them. He showed the group a slide on jurisdiction of the "proper form of government" which started with "We the People" and he reviewed the forms of government starting with 13 original colonies which formed the U.S. Constitution, 13 sovereign states, state's independence and that Nevada became a state in 1864 with the state divided up into counties. He said when talking about public lands we are talking about the public lands of Clark County that is land belonging to the people. County Commission and sheriff are government closest to the people, and when we started we were after protection of life, liberty and property, and created Constitution. We now have sheriffs paid to do that and his question is who has the authority over the land, jurisdiction and sovereignty. Federal government jurisdiction challenged and "We the People" formed proper form of government and that is not the proper authority we have now as the people are not taking care of the land.

Commissioner Shrum asked if Mr. Bundy can explain how this has affected him with wilderness designations and other items.

Mr. Bundy said he is well known for firing the BLM about 15 – 20 years ago as they don't have jurisdiction to manage his ranch in Clark County and all the 57 ranchers of Clark County are gone, he is the only one with viable livestock business. He learned BLM is only manager and when he quit signing contracts he released them from their assistance and from that time on has been able to manage and claim rights to forage, the water, the access, and range improvements. He said he claims rights to hunt, fish, and camp and enjoy public lands in Nevada.

Commissioner Shrum asked what effect a Wilderness designation would have on his ranch.

Mr. Bundy said he has presumptive rights created through beneficial use and if they designate area as National Conservation Area onto this public land, and or Wilderness, that will make it hard for him to run his cattle and harder for outdoor recreationists and he foresees that they will create a byway that you just stay on and that is where we are headed. This area in Southern Nevada that has not been designated yet and is the last piece of free land in Southern Nevada and we are about to lose our freedom there.

Public Comment on Agenda Item #11 –

Ken Wellington, Elko CABMW, said he is representing himself on this issue and that Mr. Bundy needs to move to Elko County, as everyone carries a copy of the Constitution in their pocket in Elko County. He said in Elko CABMW members are active on the Resource Management Commission and they get people involved, and the forms that he provided to the Commission's recording secretary are BLM's documents such as Environmental Assessment's and proposed closures, and they are providing their input into the plans and the Commission could comment if public comment period still open.

Commissioner McBeath said 1998 RMP was mentioned earlier which is currently in process of being revised and they are in process of putting together plan and noted road access portion of that plan and he would ask BLM staff the effect on sportsmen and NDOW, and secondly on Jan. 28 he saw in the Federal Register what appears to be a transportation plan for Clark County, and is similar to what we have dealt with up north. He said it is absolutely critical that access be maintained for sportsmen.

Ms. Rugwell said her agency is in early stages of revising the RMP and the reason for the revision is because of energy concerns in Southern Nevada and some decisions that were conflicting in old plan that needed to be resolved. Local governments are offered the opportunity to participate as cooperators and they are getting Memorandum of Understandings signed with local governments right now and the county will be very involved. RMP for Southern Nevada District is beginning and these are two efforts that are crucial for public engagement and want to hear from the public to insure this is what the public wants before the process gets too far along.

Commissioner McBeath said the Clark CABMW should assume a role such as Elko CABMW has done to weigh in and make sure wildlife stakeholder interests are heard on access issues in Clark County.

Commissioner Vogler asked Mr. Bundy if he had been told that he could not run livestock due to the desert tortoise listing.

Mr. Bundy said that is correct and there a many desert tortoises and he has data showing surveys for Kern River pipeline done by the bureaus and what happened there

is where there are cattle there are five to seven tortoises in a strip. There are higher tortoise numbers in grazing areas than areas where there is no livestock grazing.

COMMISSIONER SHRUM MOVED TO DRAFT A RESOLUTION TO SEND TO ALL CONGRESSIONAL REPRESENTATIVES, INTERIOR SECRETARY KEN SALAZAR, CLARK COUNTY COMMISSIONERS, AND APPROPRIATE PARTIES TO REMOVE THE GOLD BUTTE AREA FROM CONSIDERATION NOW OR ANY TIME IN THE FUTURE AS WILDERNESS AREA, CONSERVATORY OR ONE OF THOSE DESIGNATIONS. SUCH A DESIGNATION WOULD HAVE A NEGATIVE IMPACT ON WILDLIFE AND WOULD DENY ACCESS FOR DISABLED, ELDERLY, AND FURTHERMORE DESIGNATION NEGATIVE IMPACT ON DESERT FLORA AND WATER RESOURCE DISTRIBUTION SYSTEMS WHICH ALL WILDLIFE DEPEND. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner Shrum offered to draft the resolution for Chairman Raine's signature.

Commissioner Capurro said his concern is this should be placed on a future agenda for full discussion and have staff develop a resolution along lines mentioned, under circumstances would recommend action for a future agenda and follow-up.

COMMISSIONERS IN FAVOR OF THE MOTION: COMMISSIONER LENT, HOWELL, SHRUM, AND VOGLER. COMMISSIONERS OPPOSED: CAPURRO, CAVIN, WALLACE, AND MCBEATH. CHAIRMAN RAINE VOTED IN FAVOR OF THE MOTION TO BREAK THE 4 -4 TIE. MOTION PASSED 5 – 4 WITH CHAIRMAN RAINE'S VOTE.

MOTION AND A SECOND TO CONTINUE WITH #8 GO TO #12 THEN PICK UP #9 AND #10 AT THE END. MOTION PASSED 8 – 0.

- 8 Big Game Division Computer Model and Recommendation Process Report – Big Game Division Chief Larry Gilbertson and Big Game Biologist Mike Cox – Informational

Chief of Game Gilbertson said the model was shown to the Commission a few years ago when there was intense interest in the elk population relative to NDOW's modeling. He said since that time there are new Commissioners and CABMW members and the Department is pleased to present this item. He provided background on evolution of the modeling process: Before 1975 not as much need to conduct deer population estimates due to the hunt structure and in the old days the population estimates used were simply harvest representing a percentage of the population. He said in 1975 Nevada switched to total quotas for the entire state, and at that point the Department either needed population estimates for real numbers to use to calculate quotas commensurate with the ability of the population to provide that harvest, or one method that may be used still is to look at long-term average harvest. In the mid-1970s we could have looked at average harvest and applied hunter success and could have started that way. Instead the Department decided as we collect data and implement helicopter surveys that we

would use population estimates. The first population technique used was the Selleck-Hart change-in-ratio population estimate technique. Basically solving for “x” to figure how many bucks there are by using harvest and buck ratios. There are other factors included so it is more complicated than that. He said as computers arrived at work and in the 1980s the biologists used Quattro Pro for spread sheets and later used a program developed by Mr. Bartholomew named “Pop 2.” The technique evolved from algebra to a “life table.” There were problems with the model such as the winter of 1992 – 1993 when we had a deer die-off due to that extreme winter weather. That model had one place for mortality rates, and if you put the data in it knocked the deer herd down to show that decrease, the biologists called it a “killing model”. Once you got to that point you could not turn it around. NDOW even worked with Mr. Bartholomew to try to fix the problems but still staff could not get the model to work in all situations and instances. As a result of that frustration with Pop 2, Big Game Biologist Mike Cox developed the current Department model which he will explain today to show how population modeling estimation has evolved.

Big Game Biologist Tony Wasley said the overall process is we start with the survey and inventory to the population model with the data from surveying and inventory, to develop arrays and recommended quotas that undergo scrutiny of public process. Harvest data is entered directly into the model and harvest data used in developing arrays and quota recommendations. He focused on survey and inventory of big game except mountain lions as lions are not surveyed (power point presentation in exhibit file) and answered questions from the Commission.

Big Game Biologist Mike Cox made a power point presentation (exhibit file) explaining the population model he uses to estimate populations and answered questions from the Commission.

Public Comment – None

Commissioner Lent said he had an article on the “Art and Science of Counting Deer” and the various ways to count deer and the part politics play deer counts. He said on the computer part of it he said many wildlife agencies have turned to population modeling such as Pop 2 and the other problem is hunters tend to believe anything that comes out of a computer. He said he is doing work on this and the Department has helped him out and the question sportspersons need to ask is how initial population number obtained. Computer algorithms are based on assumptions and you need to be careful of algorithms as they can bring a population down. The question is if the models incorporate enough biology and use algorithms for anything you want and knows when he checked the NDOW model that you have variable in there called a “survivor rate” and he has read documents from Dr. Charles Kay’s and would put his resume against anyone’s and you can learn from them and he would suggest that we need review of the model by a computer specialist as right now we are in a declining deer herd population

and as a Commissioner he would like to see if anything we can do and modeling is start. Commissioner Lent said he hears all the time that there are no deer out there and would like to have the model looked at by a professional as we may not be taking advantage of all the science.

Commissioner Vogler said to Chief Gilbertson that we have conflicting ways of doing some things and in private enterprise you have to have solutions and if he wander offs to far he has to readjust, and if Mr. Gilbertson could do anything he wanted to increase a population in an area with declining herds what would it be? As every hunter he knows wants hunter opportunity and the Commission is to provide that opportunity based on the model, so should we not hunt does or forked horn deer?

Chief Gilbertson said there are many things to evaluate and much to look at such as pinyon-juniper encroachment and other impacts. We have been most protective with deer in Nevada in not hunting does and he will contrast that with the harvest of cow elk which we have been doing. A good example is in the Jarbidge which had a initial population objective of only 300. We started cow hunts with only eight tags and then went to 50 the next year, and then to 200 cow elk tags the third year with a total population of only 300 elk in order to stay within the caps of the plan. In contrast during those years we also had doe hunt recommendations. Often the same CABMW that would approve those cow elk tags for a small herd of 300 elk would not approve hardly any doe tags. Another species to take a look at is antelope, where we harvest female antelope aggressively and they continue to perform and produce well and the population maintains itself or grows. In the River Mountains we transplant a lot of female bighorn sheep with the trapping and transplanting program and that population continues to thrive. Deer is the one species that does not show a recent increase in numbers even though we have eliminated most doe hunts. This suggests most deer herds might be at carrying capacity and we need o actively manage them with doe hunting to stimulate production like in some of the other big game populations mentioned. As far as collecting data and population models, if Commissioner Lent can buy a population model that increases deer, we would buy that. He said staff has read the paper written by Dr. Kay who is a sociologist and found it interesting, he does not have a biological background and makes interesting comments not necessarily supported by data. All the biologists study their areas and make recommendations and submit Heritage project proposals to improve deer herds such as, in Area 6 working to increase deer winter range and fence removal in Area 7, building overpasses in Area 7 that are the first in the state, and with UNR researchers monitoring the use, have documented more than 3,000 deer using it. These deer were not hit by motorists. He said he hears all the time that deer herds have crashed and the deer disappeared, but people are comparing 1980s deer estimates with today's. We use a completely different model from that used in the 1980s, which was very robust and had increased harvest built into it with its much higher crippling loss. There has to be a bigger population to sustain that higher harvest and that is what was done then. We had higher mortalities

built into the population model than now so you can't compare the two. If we used the 1980s model today we would have a higher deer estimate than current published estimates based on the conservative model we are using. Over the long term, if you look at deer populations back to 1950, today's deer estimates are probably not tremendously under average for Nevada, probably just a little below average, since some herds are performing well now. He is tired of hearing there are no deer in Area 10 as Area 10. Area 10 is performing extremely well with record helicopter samples exceeding that of the 1980s. The only thing we don't have is the high fawn ratios of the 1980s but the Area 10 population has potential to have huge increases if we have a few wet back-to-back years. Finally, many factors vary by area.

Chairman Raine asked if the model could be released to the public as the model is an equation. He would like to see the variables and post them on the website as to be the most careful government, we could be, we need transparency and he has been told that. He asked that data on here be sent to Commission as difficult to view on the screen. He would like a better explanation of the "value" and possible error factors in the equation.

Commissioner Capurro said he attended the mid-winter WAFWA conference and an issue discussed was using "UAVs/drones" to survey and inventory instead of paying for helicopters which would be an alternative which would reduce the cost of personnel and provide more accurate counts. He asked if the Department looked at possibility of securing UAVs and he can send more information to the Department on it. Commissioner Capurro said in regard to Dr. Kay not sure about the sociology degree but he knows from information he has, that he has a PhD in wildlife ecology.

Biologist Cox said unmanned aircraft was evaluated eight to nine years ago.

Commissioner Lent said we as a Commission are looking at everything from counting to validity of the model as they just want to improve the system and asked Chief Gilbertson if model has been reviewed by a professional modeling specialist as he knows a good one, better than Dr. Kay.

Big Game Biologist Cox said the model has not been formally reviewed. He said we welcome review and models do not kill animals and are not the cause of the decline of deer and instead we should focus on what that is.

Commissioner Lent agreed that models do not kill deer but results of the model do and if not modeling right or doing the seasons or quotas rights the humans do kill as they are a predator and that is a factor in everything that goes on.

Chief Gilbertson said that is why he went through the history of the model as methodology makes a difference and what is unique about our model is NDOW collects

data and adjusts numbers in the model so that the model reflects real data. That is the difference between theoretical and predictive models. The other thing is the history behind and reason for hunting of any species is we use adaptive management to insure harvests do not negatively impact populations that we are trying to maintain or improve. When we do population estimates, we have other checks in the model and in our data to look at such as point class of the harvest, point class of bucks classified in helicopter surveys, hunter success, and buck ratios. Biologists have flown many areas for over 20 years and anything unusual in the surveys is accounted for. Consecutively, if we overestimate, hunters will see a shift to forkies and less bucks observed. All of these checks make sure we are in the ballpark with our estimates and that is the best you can do with animals that you cannot put in a pen and count one at a time through a chute.

Commissioner McBeath said he would point out that by doing trend analysis that if errors are being made, they will pop out somewhere, and they will eventually be known through counts being down or harvest figures that show something is wrong. Eventually, it and will come out in the wash and the biologist will note it.

Acting Secretary Mayer said as a former deer biologist, one part of the discussion that we did not have is that a bucks-only harvest, does not affect total population. What we are discussing is the number of males in a population, not the population crashing because we issued too many buck tags, as last time he checked bucks don't make other deer, you need a doe, which is why we are careful with antlerless harvest. Clearly if we were overharvesting the buck segment, we would be hearing from sportsmen. Instead, we kill many four point bucks. He agreed with Commissioner McBeath that it is long-term trend analysis and if you start making mistakes you would see it in field and that is adaptive management. He said we could have the Commission come to Reno and go through the model.

Chairman Raine asked that in interest of transparency that this model be posted to the NDOW website and asked if an issue.

Acting Secretary Mayer said he does not think so but will check on that and would also like to see the model published in a peer reviewed journal and what is in the model from a mathematical perspective.

Commissioner Capurro commented regarding predators – microphone not on.

Acting Secretary Mayer said absolutely and Nevada is second or third in the nation for what is spent for predators. The Department has never been anti-predator management and he does not know where that comes from as the facts since he has been here is money expended on predators has doubled.

- A Big Game Computer Model and Recommendation Process – Chairman Raine – Action
- Chairman Raine asked for a motion and he would like to see posting of equation and whatever else the Commission has.

COMMISSIONER LENT MOVED THAT WE HAVE A LIVE DEMONSTRATION OF “A TO Z” IN ACTUAL AREA AND RUN THROUGH TO THE END OF DEMONSTRATION OF THE MODEL FOR COMMISSION AND ANY PUBLIC TO LOOK AT AND IF YOU WANT TRANSPARENCY TO HAVE ON THE INTERNET OR WEBSITE FOR EVERYONE TO SEE AT THE MARCH OR APRIL COMMISSION MEETING. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Commissioner Vogler requested that the presentation be sent to the Commission as the information was not viewable on the screens.

- 12 Commission Regulation 11 – 07 2011 Black Bear Season and Harvest Objectives – Chief of Game Larry Gilbertson and Big Game Biologist Carl Lackey

Chief Gilbertson said the Department was charged by the Commission to bring forth regulations to implement a bear season and in response they have brought forth a conservative approach to a bear hunt to insure consumptive use of bears will not result in a negative impact to the bear population in Nevada.

Commissioner Cavin said Big Game Biologist Lackey provided an overview presentation at the two CABMW meetings he attended and he requested that Mr. Lackey provide the basic population structure and a brief history.

Biologist Lackey said numbers they came up with are from a dataset analysis started in 1997 through 2008, and still are collecting data. With over 700 occurrences in data set, and an occurrence is a handling of a bear, we had a professional population ecologist analyze the dataset from the University of Nevada, Reno (UNR) and he used “Program Mark” which is a complex mathematical analysis. He said they met and discussed parameters by which the analysis would work and looked at individuals bears. They combined the study into three-month seasonal capture periods and briefly removed 223 bears from the analysis out of 420 in final analysis because they did not fit the criteria. He said 161 untagged bears were taken out of the analysis. There were 197 bears in final analysis, which gives demographics such as annual survival rates and global population size for that study area. He said some of the data was called into question with suggestions of insufficient data or not having data available for the public. To clarify, Mr. Lackey said NDOW data was collected in collaboration with Jon Beckmann of UNR, and we have a letter from him attesting to the quality of the data which was

collected in a rigorous and scientific manner. He said he has been extremely transparent over the years with bear data and information and he has written an annual status report since 1988. That status report documents the number of complaints received, from where, time of year, county location, sex cohorts, average age of adults, capture sites, and kill and release rates, which have all been available to the public.

Chairman Raine said next is public comment and first of all on public comment the Department has forwarded the emails and letters and a digital log of those emails has been kept.

Commissioner Capurro said can we establish how we got to point of having a bear hunt, and it was not done in a vacuum as we had three to four meetings on this issue, and came from a request from hunter or hunters group or CABMW to have a black bear hunt as other western states do and the Commission asked the Department to gather information on that. This was not initiated by the Department to establish a bear hunt, again, the request went to the Department to gather information and even people opposed have stated on the record that Carl Lackey is the expert in Nevada and we have to rely on expertise of people who know what they are doing. He resents negative comments to Carl Lackey, as Mr. Lackey has done what he was asked to do and his conclusion has been that Nevada has huntable population and he provided information as requested. He realizes this is an emotional issue and he has not seen 4,800 emails he has seen about 200 emails with two variations of a form letter, he respects their position and the Commission adopted a bear hunt in December and today we are looking at season setting and would hope comments today will not be of personal nature as they do not belong in the discussion, and at no time is he aware of anyone on this Commission saying we are having a hunt to get rid of problem bears, and the quote attributed to Commissioner McBeath sounded bad but the basis of the comment is that we have a sustainable population. Commissioner Capurro said it is important to set the record straight before starting the discussion.

Public Comment –

Chris Schwamberger said she would like her comments entered into the record (Exhibit File). This regulation should be tabled as the process of the regulation is riddled with legal and procedural deficiencies. She said it is one thing to hunt an animal for food and kill it quickly and painlessly, and another to terrorize and brutalize animal for hours and days which is being proposed in this regulation, by allowing hunting with dogs and bows and arrows. Let's talk about dogs chase and terrorize bear to exhaustion for hours and hours. This regulation stipulates only six females should be killed but extremely difficult if not impossible to determine sex of bear and heard Mr. Lackey say over and over in every hearing that dogs are appropriate because by chasing them up a tree you can tell sex and if our number of bears is so low that important that only six females allowed to be killed and the way to tell sex is to allow them to be terrorized by uncontrolled packs

of dogs and brutalize it in process, we have no business allowing bear hunt in state. Let's talk about bows and arrows, bears are big and muscular with thick skin fat layers and is very hard to kill a bear with a gun and typical practice with bow and arrow is to wound the bear and then track the blood trail and finally people do not eat bears. Statute says wildlife belong to people of the State of Nevada not just hunters. NobearhuntNevada.org supports ethical hunting but hunting with dogs or using a bow and arrows and chasing them with packs of dogs in terror and brutality is not ethical hunting. Ethical hunting is not required by NDOW nor the Wildlife Commission, it is rarely if ever discussed and if it and when it is, it is optional, ancillary and by choice and she has been told by hunters that most hunters when they see unethical behavior turn and look the other way. Until the legal, ethical, and procedural issues in this regulation are resolved, this regulation should be tabled. NobearhuntNevada.org will not be going away.

Kathryn Bricker, Zephyr Cove, Nevada, said she would like her comments included for the record - Attachment D.

Megan Sewell, Humane Society of the United States (HSUS), representing 95,000 Nevada residents would like her comments included in the record. The Commission should reconsider proposal for bear hunting as specific methods are unnecessary and should be tabled. Establishing a season with archery for bears is inhumane as higher wounding rate is associated with bow hunting than other types of hunting and use of hounds should also be prohibited as using packs of dogs to pursue bears for hours and miles is not sporting. In many states dog's collars are fitted with high tech GPS collars and remotely monitored by hunters and dogs bite bears and bears wound and kill dogs while defending themselves, information on this controversial practice was previously provided, and is being restricted in other states. They thank the Commission for withdrawing the spring hunt proposal and would emphasize that spring hunting should not be considered at this time or in the future as hunters cannot tell the bear's sex unless cubs are present and killing of sows leaves cubs to starve. She thanked the Commission for opportunity to comment.

Karen Layne, Las Vegas Valley Humane Society, said to the Commission when this was originally brought up and at a previous meeting that she does not recall discussion of there "not being a hunt" and what has occurred has been toned down. She said she agreed that staff should not be called to task but when staff urges pro hunters to send in comments that steps over the limit. In looking at the regulation she would suggest that tag quota be zero, zero hours and zero time.

Stacia Newman, representing Nevada Political Action for Animals and Compassion Charity of America, said to Commissioner Capurro's comment about not attending earlier, that they did not know about this in the beginning and know they do, also if small number of hunter requesting the bear hunt, is evident at this point that there are

thousands asking that the bear hunt not be continued and is requesting a zero season, zero quota.

Gina Grayson, Nevada Voters for Animals, said she is confused about testimony today as on last agenda item Biologist Mike Cox gave all his report and provided information and many questions from the Commission on information from that particular biologist, and when she attended the Clark CABMW meeting it was accepted at the Clark CABMW that whatever Biologist Lackey said was accepted, but today we have seen another biologist questioned and needs clarification on that. Is Mike Cox not an expert in his area, and Chairman Raine also said we need to create transparency and post all the variables and models online to clarify and make sure everything done correctly as may be errors. She is in total agreement with a lot that has been said as well as agreeing with Commissioner Capurro who said we need to step back and in the great words of Commissioner Lent, who is now her favorite, said may be it is ego, may be not up to date with latest science and philosophy and need to think outside the box, she is in agreement with him too. She said nine Commissioners are making decisions that impact all Nevadans and she asked them to reconsider as they did in the last agenda item on all of the science submitted. She is recommending zero bears, zero days, and again to reconsider the issue and live by your own words.

Jelindo Tiberti said comments are for the record or not, he is very interested on this debate as north/south issue and he is from southern Nevada and would love to go up north and whack a bear. He does not understand comments on archery equipment as arrows very efficient cutting machine with four razor blades and is a proven method of take. He said this sounds like a great hunt and he would be the first one to apply and sounds like a great hunt.

Gil Yanuck, Carson CABMW, said his board voted to support season proposed by the Department with much discussion at their meeting pro and con. He said their audience was mostly made up of people not in favor of the hunt but at the same time the people who came previously from hunting groups were looking forward to the hunt. Whether it is humane to use dogs needs to be looked at. He said when you look at mountain lion hunting, the use of dogs is the most efficient way to take a mountain lion, and at least we have a method that works and is employed in Nevada. Recently New Jersey had over 7,000 people apply for bear tags in a state less than one-third the size of Nevada. Mr. Yanuck said we are starting off with a conservative quota and will gather data from the hunts.

Walt Gardner said he agreed with Commissioner Capurro that this is an emotional issue and believes the decision should be based on scientific basis and the science is there. Hunters will hunt humanely and as ethically possible.

Paul Dixon, Clark CABMW, asked for clarification on whether archery will be allowed, as at their meeting, were told it was rifle only. Mr. Dixon said recommendation from Clark CABMW was for a rifle or muzzleloader only and to stay away from controversial issues in the beginning.

Commissioner McBeath said he brought up at last meeting were earlier discussions were that it would be only a rifle season but regulation season definition is for any legal weapon hunt.

Commissioner Capurro (microphone not on).

Leland Graves, Lyon CABMW, voted to support the hunt with recommendation of elimination of spring hunt to protect the sows.

Eric Scheetz, Douglas CABMW, said their focus was the regulation, and they allowed liberal public comment which lasted about two hours, with comment from about 20 to 30 people. They had two motions and neither against the concept of the hunt, but vote was tied with no tie breaker and did not pass a motion. He relayed the failed motions, and said Mr. Lackey made a great presentation and his feeling is that he understood from the groups opposed to the hunt is that the groups could work cooperatively with the CABMW with focus groups and use money toward bear management and work on local ordinances for garbage and education for human interaction. His understanding from the meeting was a desire to work together on the issue.

Commissioner Lent said he is the sportsman rep and would remind the Commission and the audience that hunters involved and he provided numbers of licensed hunters; and as far as money goes, the Department gets \$22 million, one-third from licenses and one-third federal funds tied to license sales which all come from hunters. General Fund is \$300,000 and probably won't get any and without hunters and fisherman we would have no wildlife programs and we need management and will never let a species deteriorate or disappear and the Department does a good job.

Commissioner Capurro said question by Douglas CABMW which also came up at Washoe CABMW meeting and answer is the season proposed matches the California season. With respect to hunting with dogs they don't know the state line and if you go into California or Nevada is prima facie evidence you are hunting.

Commissioner Cavin said he had two letters of correspondence against the bear hunt addressed to him personally and entered the letters into the record. He knows we have spent a lot of time on this and he attended local CABMW meetings and is ready for a motion.

Commissioner McBeath said for the record that he is comfortable with the science, has great confidence in the Department and its partner UNR. He would emphasize that with the numbers thrown around, that this bear hunt in the Sierra Nevada's is limited by our jurisdiction that ends at the state line and that the bear population in the Sierra Nevada range is 15,000 bears, and we have heard today that many people don't want hunt in Tahoe Basin, and more of Tahoe Basin is in California than Nevada where they already hunt bears, and there have been a whole parade of problems state by bear advocates if a hunt is allowed there, but we already hunt there and feels comfortable with allowing the hunt.

Commissioner Howell said he would like to discuss season recommendation with Mr. Lackey.

Mr. Lackey said the recommended quota is conservative for reasons given in the past, and the recommended quota is one-half what could be taken out of population to keep it stable. Bear populations will continue to increase with or without recommended quota and that is on top of bears killed for other anthropogenic reasons. When we establish maximum sustained yield on conservative estimate and when we looked at 20 bear quota we had to look at success rates. Utah highest success rate and doubts Nevada will have that.

Commissioner Howell said Utah's is high as they allow baiting within their four and one-half month season. He said he hates to mention this but would bet a lot of people may buy a license and tag who have no intent of hunting and may be some in this audience.

COMMISSIONER CAVIN MOVED THAT THE BOARD ADOPT CR 11 – 07 FOR 2011 BLACK BEAR SEASON AS PROPOSED BY THE DEPARTMENT WITH FOLLOWING: UNDER SEASON DATES CURRENTLY STATES THIRD SATURDAY IN AUGUST CLOSES LAST SATURDAY OF DECEMBER 2011, AND WOULD LIKE TO ADD OR UNTIL HARVEST OBJECTIVE IS MET. COMMISSIONER CAPURRO SECONDED THE MOTION.

COMMISSIONER MCBEATH OFFERED AMENDMENT THAT INDOCTRINATION COURSE SOUNDS WISHY WASHY AND WOULD LIKE THE INDOCTRINATION COURSE TO BE MANDATORY WITH IDENTIFICATION OF BEARS AS MAIN ISSUE. COMMISSIONER WALLACE SECONDED THE AMENDMENT. COMMISSIONERS IN FAVOR OF AMENDMENT: COMMISSIONERS LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, VOGLER, AND WALLACE. COMMISSIONER SHRUM OPPOSED. MOTION CARRIED 7 – 1.

Chairman Raine restated main motion, and added mandatory indoctrination course.

COMMISSIONERS IN FAVOR OF MAIN MOTION: LENT, CAPURRO, CAVIN, MCBEATH, SHRUM, VOGLER, AND WALLACE. COMMISSIONER HOWELL OPPOSED. MOTION CARRIED 7 – 1.

13 Administrative Procedures, Regulations and Policy Committee Report and Recommendations – Commissioner Lent – Action

Chairman Raine said for the record the Commission received a letter from Lucas Folleta General Counsel to Governor Sandoval regarding the Governor's freeze on state regulations. Chairman Raine said the letter is confusing as nothing done today would change a regulation and as we would be forwarding this to a committee. Regulation is housekeeping to him.

Commissioner Lent said he would read into the record the Executive Order establishing the freeze and that its intent was for businesses. Commissioner Lent said he would like the board to consider that this regulation falls within the exceptions and is essential to board or Commission at issue. He said the Commission's Deputy Attorney General provided this as clean-up to an existing regulation and will not hurt any business. He said even the Department says this section needs to be cleaned up for submission of Heritage projects. Commissioner Lent said we spent up to \$100,000 of sportsmen money for a lawsuit filed by sportsmen and the Commission's DAG was trying to insure we are within the law and regulation is clean-up and is not new and again this will not hurt businesses. He said he has two motions to make one is not to vote on this today, and secondly, that we have a constituency of Chairman Raine and Commissioner Capurro take these concerns and who meet with Governor staff to explain that this meets the exception.

Paul Dixon said as a private citizen he would like to request under Freedom of Information Act as Commissioner Lent has claimed at several meetings about spending hundreds of thousands of dollars for defense of the lawsuit he filed against this Commission for them not following the NAC rules related to Heritage project process and he knows what it cost him and he would like proof of what sportsmen spent of public funds on this, on the record. He added that Commissioner Lent is stating this is housekeeping and was brought up by DAG that if in order not to have lawsuits in the future that if you soften Heritage language and allow "shalls and wills" you would have more discretion as a Commission and he believes NAC written in the fashion to hold the Commission accountable. In December every CABMW supported no changes and most CABMWs did not respond to this based on Governor's letter and in December majority of CABMWs were against changes here and back to point that public is telling you not to change it and the only thing is you don't want to be held accountable to how you do your business up there.

Commissioner Capurro said most of language written in this was recommended by DAG Stockton and other things came up with respect to conclusions made by Deputy Director Cates who made extensive review and suggested change and there is inappropriate language in there for any project to meet and intent was to make it understandable in King's English for anyone applying for funds be it a private organization or the

Department and from that standpoint it is clean-up and covers those areas told to us by the DAG that we needed to look at to prevent questions that came up due to the lawsuit that was filed.

COMMISSIONER LENT MOVED THAT WE NOT TAKE A VOTE ON THIS AGENDA ITEM. MOTION SECONDED (MICROPHONE NOT ON).

COMMISSIONER HOWELL MOVED TO AMEND THE MOTION TO TABLE UNTIL MARCH. COMMISSIONER CAPURRO SECONDED THE AMENDMENT (MICROPHONE NOT ON).

Commissioner Lent said he did not include in motion as legislative year and what if we don't confer with Governor by then and as soon as we do we could put back on agenda and would recommend we not be so specific as we may not have the answer.

Commissioner Capurro said by putting in revision for March meeting, that necessitates us pushing the Governor for an answer, and could always take off.

IN FAVOR OF VOTE ON AMENDMENT: COMMISSIONERS CAPURRO, HOWELL AND SHRUM. COMMISSIONERS OPPOSED CAVIN, LENT, VOGLER, AND RAINE. COMMISSIONERS MCBEATH AND WALLACE ABSTAINED. MOTION TO AMEND FAILED 3 - 4. CHAIRMAN RAINE VOTED.

BACK TO MAIN MOTION "NOT TO VOTE ON THIS ITEM" COMMISSIONERS IN FAVOR OF NOT VOTING: COMMISSIONERS HOWELL, SHRUM, VOGLER, CAPURRO, CAVIN, AND LENT. COMMISSIONERS MCBEATH AND WALLACE ABSTAINED. MOTION PASSED 6 - 0. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER LENT MOVED TO SEND DELEGATION COMPRISED OF CHAIRMAN RAINE AND COMMISSIONER CAPURRO TO MEET WITH GOVERNOR TO EXPLAIN CONCERNS AND IF THIS FALLS UNDER EXCEPTION TO EXECUTIVE ORDER. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: HOWELL, SHRUM, VOGLER, CAPURRO, CAVIN, AND LENT. COMMISSIONERS MCBEATH AND WALLACE ABSTAINED. MOTION PASSED 6 - 0. CHAIRMAN RAINE DID NOT VOTE.

- 14 Report from Feral Horse Committee, Horse Monument and Letters and/or Resolutions – Committee Chairman Mike Stremler – Action

Chairman Raine said Mr. Stremler is not here today, Commissioner Vogler will report on the meeting, they sent forth paperwork for recommendations on these items.

Commissioner Vogler reported on the committee meetings in Reno and Eureka and they roughed out some items on what the policy (exhibit file) for the Feral Horse Committee should be and he started to read...

Commissioner McBeath said he does not see the policy on the agenda.

Chairman Raine said this is part of the general report from the Feral Horse Committee and the Commission will not be voting on it today, that is for a future meeting.

Commissioner Vogler continued read the draft policy, read a draft letter (exhibit file) addressed to State of Nevada Water Engineer Jason King, and read a letter from Department of Agriculture Director Lesperance to State Water Engineer Jason King. Commissioner Vogler said those are conclusions they came to based on material presented and this will not go easily as this affects many people with water issues in Southern Nevada. Designating horses as wildlife is a slippery slope especially when the 1971 Act did not include that in it and this issue will take much discussion.

Chairman Raine said we are running short of time and on policy draft third paragraph last sentence there is an omission from his notes and wording should be corrected to "Any use of water as wildlife" and in interest of time this will be brought back to the committee for further discussion. Chairman Raine said correspondence was received in emails and letters and he will provide those to the recording secretary.

Public Comment –

Cindy MacDonald said she has two questions and asked why this issue was on the agenda as to the Commission's authority and secondly she asked if the Commission has authority to directly manage or remove wild horses or burros or to discuss this issue.

Chairman Raine said this is not a question and answer period.

Ms. MacDonald said she is asking as everyone else asked questions and got answers today. She said the first time she attended a Commission meeting was in 2007 where she watched Commissioners laugh and joke with BLM representatives about why wild horses and burros could not be slaughtered, and if the public had a problem with that they should start adopting. As a result of that meeting she received a protest that NDOW filed against BLM application for water for Red Rock wild horses and burros basically using same argument the Feral Horse Committee has. Within the argument it states that the proposed site fails to benefit Nevada's wildlife as bighorn sheep and mule deer were not located within the area therefore the insects, reptiles, bats, small mammals and birds that could have benefitted from this water development were denied water. She said she would like to point out it was not Nevada's wild horses that caused Nevada's wildlife to go without a drink, was due to NDOW. Secondly, she has

reviewed dozens of Environmental Assessments (EAs) with NDOW constantly on BLM trying to reduce and remove wild horses and burros and in her files she has an email from NDOW employee Game Chief Russ Mason who said that most appropriate management for wild horses and burros was to shoot them as the National Park Service did. She said trying to show a trend here, and in 2004 Biologist Tony Wasley produced a report on mule deer dynamics which she read a quote from that little work done to examine competition between mule deer and wild horses. She said the Mule Deer Restoration Committee adopted two things in November to look for and document the habitat destruction from feral horses. The Feral Horse Committee is looking at ways to take water away from wild horses and she would like to remind the Wildlife Commission these are federally protected animals and given the trend would like to open record with an investigation of NDOW for failure to comply with NRS 504.490 and CFR ...

Chairman Raine used the gavel and said her time was finished.

Arlene Gawne, said she is a semi-retired photographer from Africa where visitors pay high prices to see zebra stallions fight for dominance and herd pictures. Our wild mustangs do the same in the west and having done safaris on three continents over 20 years, she can assure you the thrill of seeing horses and burros running free will attract people from all over the world. The benefit is this will provide jobs and local revenue for ecotourism. The mustangs in America are equivalent to Africa's elephants and zebras, and third world countries save their wildlife we should do the same here.

Carmen Rhoda, asked when the committee meeting will meet next as the draft letter has been deferred to that committee.

Chairman Raine referred her to ndow.org for committee information.

Carmen Rhoda said she is appalled as she has sat here for four and one-half hours listening to people's harangues for hours and when coming to this issue it is three minutes and that is it. She asked if a bias is showing by any chance.

Paul Dixon, Clark CABMW, said he understands where they are going with the wording of the letter on water rights but not sure if strong enough. This issue has polarized people as they see it as taking water rights away from horses, and is not clear to the people reading the letter. Mr. Dixon suggested that when the committee meets next that they use a professional to write letter to clarify the water issues for ranchers.

Chairman Raine said he is sure the committee would appreciate comments.

Commissioner McBeath said he wants on the record that he does not think this letter is a good idea and does not think a lot of good things going on. He said when he got on Commission first issue he wanted to deal with was wild horses and in fact he pushed for

a committee in place to deal with wild horses and when he saw how the committee was formed he was disappointed, with all due respect, as the Commission has delegated the issue to the livestock industry as every member on the committee is from the livestock industry which is a bad idea. The committee is not balanced and not dealing with all the issues on wild horse and have selected one. It almost looks like going back to Sagebrush Rebellion for livestock industry and is a terrible message. Second matter is letter assumes that horses are not wildlife, and NRS 504.430 deals with preservation of wild horses in our own NRS Chapters. Any assumption that horses not wildlife is a bad idea and makes no difference because if you know and understand water rights and allocation between users it is a public interest and will be balancing of water rights. Willis Lamm sent letter and material on federal reserve water rights which is another hornet's nest and question has not been answered. What did legislature mean in context of water law and can assume that they look over NRS on wildlife but we don't know in this letter or analysis to find the definition of wildlife. He said this is a good issue and should explore it and work with Water Resources and the Commission should not send letters that will be perceived to be sent on behalf of livestock industry and the matter should be handled in a behind scene fashion until we get a better handle on it.

Chairman Raine said the committee has two members who are not ranchers and is sure they would be happy to hear comments and will have a teleconference site in Las Vegas if possible. He said the committee people are open minded and will listen.

Commissioner Vogler said the Virginia Range horses came from ranchers in Washoe Valley and the Nevada Department of Agriculture wound up with care of the horses as they are crossing the highway and that is a liability for the state, and that BLM walked away from the issue. The 1971 Act does not call them wildlife and for us to call them wildlife opens us to liability if someone is hurt on the road and those are the reasons the committee drafted the letters and any input from anybody is welcome.

Commissioner Capurro said Virginia herd is not under the 1971 Act they are wards of the state and considered feral horses and there is a difference. That is what causes us some of these problems and would suggest that if you say livestock in one place and then domestic livestock in another to be consistent, and on page 3, where it states "legislative declaration regarding wildlife" that should be "legislative declaration *of intent* regarding wildlife" and needs to be cleared up on last page that we are not denying them but not classified either by feds or the state, as wildlife.

Meeting Adjourned at 5:30 p.m.

Saturday, Feb. 5, 2011 – 8:30 a.m.

- 16 Chairman Raine called the meeting to order at 8:32 a.m., Pledge of Allegiance, Introduction and Roll Call of CABMW Members Present.

All nine Commissioners present.

Roll Call of CABMWs present (no microphone): Ken Wellington, Elko; Gil Yanuck, Carson; Cory Lytle, Lincoln; Paul Harris, Clark; Leland Graves, Lander; Glenn Bunch, Mineral; Ray Sawyer, White Pine; Paul Dixon, Clark; Dahl Bradfield, Lincoln; Kevin Strozzi, Nye; Eric Scheetz, Douglas.

- 17 Member Items/Announcements –

Commissioner Lent reminded staff that he would like a copy of Mr. Cox and Mr. Wasley's presentation from yesterday as the screen was blurry.

Commissioner McBeath said at the December meeting we tabled Trail Safe's petition and promised them we would have them on the agenda for the Administrative Procedures Regulation Committee agenda to work on a solution to trapping in congested areas up north. A letter was received from Trish Swain, and the item was not on the agenda, and he would like Trail Safe to be accommodated before there is a lawsuit or the issue is solved to our detriment.

Commissioner Vogler said again he would like to talk to the DAGs about cut-off date for support material as Commissioners are receiving emails and information up to the last minute at the meeting, even while traveling to the meeting.

- 18 Public Comment Period –

Paul Dixon, Clark CABMW, said yesterday two issues discussed and he would like to submit evident of those issues. One is Commissioner Lent mentioned that Paul Dixon chair of the Clark CABMW filed a lawsuit and he provided judicial court documentation to the Commission that shows Paul Dixon "an individual plaintiff" filed the lawsuit, and secondly Commissioner Shrum questioned whether he had corresponded with him and he has the correspondence requests to Commissioners Shrum and McBeath and the Clark CABMW members on agenda item #11. Thirdly, he has sent an email to Deputy Director Haskins asking for accounting of the Department's costs of the lawsuit in response to Commissioner Lent's comments yesterday that hundreds of thousands of dollars spent.

Glenn Bunch, Mineral CABMW, said in response to yesterday's agenda item #11, Clark County road access, that he would advise everyone that you need to get involved with public planning processes and be wary of open space designations in your county as that is back door wilderness. He said we need to run a parallel course with land agencies to prevent them from shutting us down and again he advised persons to stay involved.

Commissioner Capurro asked that a future agenda have discussion of federal requirement to keep wolves on the endangered species list as information received today that attempt made to pass a bill in federal Congress to delist the wolf and that was defeated with Democratic objections. He said Nevada is on the cusp of having wolves and would like this issue on the agenda, preferably next month's.

Chairman Raine advised that if other counties have issues such as Mr. Bunch mentioned to bring them to the Commission as the Commission assisted Elko County with a letter and they could do that for other counties. He returned to agenda item #15 from Friday.

15 Correspondence – Chairman Raine - Informational

Chairman Raine said he had several items of correspondence which have been provided to the file, one was the Marlene Kirch item, Judi Caron sent in a letter, and mostly bear items and several letters on the seasons and waterfowl, and will bring those up when at the agenda item.

Commissioner Lent said he had the same one from Judi Caron, most of the others were bear and horse letters, and those were covered yesterday.

Commissioner McBeath said just for a general understanding when the Department receives emails through normal channels and they are addressed and forwarded to him, he relies on them being entered in the correspondence file and entered into the exhibit file. The ones he needs to be concerned about is emails from constituent and or advocate and group and would like to make sure he is clear on that as far as obligation to bring forth as correspondence.

Acting Secretary Mayer said his office adds them to the official record. He said there is a letter to the Commission from Chair Jim Heffelfinger of the Western Association of Fish and Wildlife Agencies Mule Deer Working Group that will need to be read into the record when we reach that agenda item (#27, Findings of Mule Deer Restoration Committee).

19 CABMW Budget Adjustments Fiscal Year 2011 – Deputy Director Patrick Cates – Action

Deputy Director Cates said a report was submitted similar to the one provided at the last meeting to allow CABMW members an opportunity to request additional funding if needed.

Paul Dixon, Clark CABMW, said they had two items on the agenda at their meeting that were controversial, wild horses and bears, and as yet the Commission will not support a recorder for them as required by Clark County who limits their meeting to three hours and does not allow them special meetings, and with the long agenda that has 20 action items, he is unable to complete their meeting or address all the items as they cannot accommodate public comment. It would go a long way if he could extend his meeting by one hour and he requested respectfully that since the Open Meeting Law complaint filed by Mr. Cecil Fredi, that he get the recording support to insure there be a recorded version. And secondly he asked about the Utah meeting as the CABMWs have not budgeted for that and if the additional Legislative Commission meeting in April was budgeted for. He said he provided an estimate.

Chairman Raine said his understanding is that the Utah meeting will not happen as the dates did not work out.

(MIRCOPHONE NOT ON) COMMISSIONER CAPURRO MOVED TO ADOPT REPORT ON CABMW BUDGET STATUS FROM DEPUTY DIRECTOR CATES FOR. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0.

20 Management Bull Elk Hunt and Seasons – Action – Chairman Raine

Biologist Cox said over the last few years we have had concerns from Lincoln CABMW that they are seeing more five-point elk in field and larger more mature bulls becoming scarce, and there are lots of reasons for that. He said we have to maintain that herd under a fairly small population objective of 350 in Area 23. Along with that we have issued many bull tags to manage the bull ratio. This population is very unique, as we have a large herd in Utah that has a huge influence on the Area 23 herd. NDOW works cooperatively with Utah as we have a small portion of that shared herd. He said we had a conference call this past fall with local biologists and heard local sportsmen concerns with excessive mature bull harvest and he compiled data and highlights are: Surveys showed many bulls in January over last five years, 80 bulls per 100 cows in aerial surveys; Utah has much different management strategy than Nevada as they are more conservative on bull harvest and they have tried a management bull hunt and had the last one in 2008; in 2009 Utah tried spike hunt statewide in most of their limited entry units, in 2010 13,000 spike tags available for sportsmen anywhere a season was open and the success rate was 10 percent for rifle hunters, harvested 60 spikes, that same

year Nevada harvested 82 bulls; and they are continuing the hunt this year. He said Utah has been killing more mature bulls and now are taking spike bulls, and Nevada's success rate going down about 60 percent in Area 23 -24, 46 percent in 2010. A lot may be due to hunter choice and selection. Certainly different dynamics happening and Nevada is dependent on those bulls coming over into Nevada and if we are killing more and so are we with a population objective that has not changed and he does not think it will change that much more as people select mature bulls out of the population.

Commissioner McBeath said you talked of Area 23 and would seem to him this issue is present in other areas of the state with high number of bull tags issued such as in Area 11 22, and would hope CABMWs can relate their experiences and what he is seeing is older age class bulls being reduced in those areas as hunters with those tags concentrate on those big bulls. Question is if we consider management type hunts should we only concentrate on Area 23 or incorporate other areas.

Biologist Cox said with population objective over 1,000 in Area 11 and 22, the situation is not as severe or as similar as Area 23. He looked at point class in other units and in 11 – 22 we have 20 percent of bulls harvested at five points or less in last five years. Mr. Cox said he would suggest focusing on one unit as a pilot program if we need to do that.

Acting Secretary Mayer said from Department's perspective we should learn from other states as the states who implemented the management bull system have backed away and may be a matter of pay me now or pay me later. He said staff looked at numbers and down the road this may not work. Also there is an enforcement issue as well, and will end up with fewer bigger bulls down the road in a few years.

Biologist Cox said he spoke to Mr. Lytle yesterday and proposed what-ifs in the elk model for Area 23 and with deer, the maturity is different, as it averages five years and with bull elk, the maturity is eight to 10 years, and have to keep the bulls alive the entire time and need to have a freshman class coming in. What could occur in Nevada is when you kill younger bulls that plays a big role in the next two to three years and will have a hole or depression in that class as they age from one to two, three to five, and we may not see it for a few years unless huge dispersal from other units. He said could be an issue of tapping into those bulls early and they won't be available to grow old and may be a point where you target lesser bulls but it could be pay me now or pay me later.

(Mr. Cox's Microphone not on)

Commissioner Lent said when he proposed this as we have interstate problems with Utah and earlier we heard that we won't be meeting with Utah. He would propose that a few Commissioners meet with Utah Commissioners along with Lincoln CABMW members to discuss these concerns on a fact finding meeting under a quorum and also

he has problems with the Pilot Peak sheep which he will discuss later. That is a solution he would propose.

Cory Lytle, Lincoln CABMW, said he appreciates Mr. Cox and Mr. Scott for the work they have done on this as it has been ongoing for many years. He said he would like to this to be tried in Lincoln County as the pilot area. He said they understand this is micromanagement and this is a small herd, hunter strategy has manifested with hunters taking five or so people on their hunts and they are being more selective. He appreciates all the CABMWs weighing in on the matter and something needs to happen for more than one year to collect data as it may need to be tried in other units. If you hunt Utah the unit is three times the size of Nevada's and they are not equal.

Chairman Raine said first step is to make the NAC changes before this summer to allow the hunt to happen in the future and have that as a tool for next year.

Commissioner Lent asked Mr. Lytle if brainstorming session with Utah and others would be a good idea, and with freeze on regulations that could be a problem with the Department, if they are not behind it.

Cory Lytle, Lincoln CABMW, said the Utah meeting would be a good idea, and to the second part with the Department, they have to look at all aspects. Atlanta Farms is not included in season setting as a depredation hunt as the hunt was not working the way it was intended and a management hunt would apply to that situation. He was hopeful that pilot project would work to learn more science.

Acting Secretary Mayer said the Department could craft a management bull elk regulation. He said we need to address the law enforcement issue of identification of points and if we had to do this staff could come up with a workable solution. As to the regulation freeze, certainly the intent of the Executive Order from the governor's office is for businesses and believes it applies to necessary regulations not those that would be "nice to do."

Chairman Raine said looking at biology now is "cart before the horse" as in certain situations a form of this may work and before meeting with Utah need to do the regulation and then meet with them once that is in place as he is concerned about spending time on biological end that might be wasted time if we cannot do the regulation, and Mr. Cox has the solution.

Biologist Mike Cox said we do have "cart before the horse" as fundamentals have been brewing for a long time and goes back to state elk plan and tiering off that into elk subplans. We have population objectives which is why we are here along with a bull ratio that some think is moveable, and have built perceptions and thoughts regarding bull management in Nevada as hunt opportunity or trophy hunt. Have bull management

plan that has not been complied with and situation in Area 23 would go against it even worse, in trying to increase the bull ratio and the bull numbers. The bigger picture should be to question how we manage bulls with limitations on landscape, social arena, and expectations of hunters. Remind everyone that we need to go back to plan and follow it.

Commissioner Vogler said in 113, landowners receive tags and the value has slipped due to the economy, and now seeing elk where you only saw antelope and bulls being hunted since August and is the situation that the mature bulls are in the trees. Limited resource with so much feed, is it viable to increase cow elk tags.

Cory Lytle, Lincoln CABMW, said they are in a sea of pinion-juniper and have discussed taking more cows. He said they are recommending splitting the season with 20 – 30 tags which is a small amount and bigger success rate small in scheme of things. He said if that does not work and we will know in 10 years or so, he would be the first to admit it and apologize.

Commissioner Lent said we need to think outside of the box and biology is driving this new model and as far as Mr. Cox's remarks, he recalls quality as what sportsmen want when surveyed, and if you have doubts re-survey sportsmen.

Jelindo Tiberti said his comment from hunter perspective is that people pass up broken tined bulls all the time, and the bull still breeds and has a function in life; however, hunter's choice and is one option. People would see larger bulls before the rut and he is not suggesting a rut hunt and nothing wrong with study groups or units and will know in 10 years if right or wrong.

Gil Yanuck, Carson CABMW, said they picked Lincoln County and a multi-year study would be good as so many variables year to year. He also said a meeting with Utah is a good idea, and that this may not be the right year to go forth with new regulations with the Governor's Executive order in place.

Ken Wellington, Elko CABMW, said his board tabled this and speaking for himself, he said Mr. Lent's suggestion for a meeting could be accommodated in Elko County with the Utah representatives. He said when the season starts in Utah the elk move to Idaho as no season there, and would invite Idaho to participate too. As a hunter he supports the idea of doing this in Lincoln County first.

Ray Sawyer, White Pine CABMW, said they addressed the issue at their meeting but did not realize it was not statewide which they did not agree with, but support the idea of Lincoln County trying it.

Paul Harris, Clark CABMW, said speaking for himself that meeting with Utah is a good idea and he has many elk preference points but he won't put in for Lincoln County as no quality bulls and agreed with Mr. Lytle's proposal.

Commissioner Lent agreed with Mr. Wellington that Idaho could be included as same issues.

Chairman Raine said much CABMW support and should try to bring forward, the biology could be discussed later, and is looking for motion to have on future agenda to determine if allowed under the rules.

Commissioner Howell said for a motion he would go as staff recommended and with Mr. Lytle's suggestion

COMMISSIONER HOWELL MOVED TO DRAFT A REGULATION TO HAVE A MANAGEMENT BULL ELK HUNT. MOTION SECONDED BY (MICROPHONE NOT ON).

Commissioner Cavin asked to amend the motion to request approval from Governor's office before expending staff time to move forward as order is no new regulations and does not think we should be proposing new regulations without securing that permission otherwise we are wasting time.

Commissioner Capurro said for the record there is no legislative action as this is NAC issue, and he would disagree with Commissioner Cavin's assessment, and does not think we need to ask Governor, as agenda will be presented to the governor's office each and every month and they will make the decision at that point in time. If Commission has a concern we can request a meeting.

COMMISSIONER CAVIN RESTATED AMENDMENT: IF WE MOVE FORWARD WE ASK THE GOVERNOR ABOUT MOVING FORWARD WITH NEW REGULATION WITH EXECUTIVE ORDER. COMMISSIONER WALLACE SECONDED THE MOTION TO AMEND.

Director Mayer said he can send an email to governor's office; however, he needs clarification as to a definition of what a "management bull elk is."

Commissioner Capurro said in the amended order from governor's office is that the section Dr. Lent brought up yesterday is apropos in regard to regulation of the Commission and ongoing effort to do their job and he will vote no on the amendment.

Commissioner Vogler said he will be voting no as there are three branches of government and are we going to have the governor's counsel make all of our decisions if so why are we even set up, as Legislature has input and cabinet level position, this is beyond the scope of their reach and will be voting no.

CHAIRMAN RAINE ASKED FOR THE VOTE FOR THOSE IN FAVOR OF AMENDMENT: COMMISSIONERS MCBEATH, CAVIN, WALLACE. COMMISSIONERS OPPOSED: LENT, CAPURRO, HOWELL, MCBEATH, SHRUM, AND VOGLER. CHAIRMAN RAINE DID NOT VOTE. MOTION TO AMEND FAILED 3 -5.

Chairman Raine returned to the main motion to bring forth management bull elk hunt to Commission at next meeting for action.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. CHAIRMAN RAINE DID NOT VOTE MOTION PASSED 8 – 0.

Commissioner Capurro requested that background information be provided to the governor's staff.

Commissioner McBeath said he voted in favor of the motion with check in place that governor's office review the agenda and he requested that it be pointed out to governor's staff that this is a continuance.

- 21 Nevada Waterfowl Hunt Zone and Swan Hunt Area Changes – Game Division Staff
Russell Woolstenhulme – Action

Waterfowl Biologist Russell Woolstenhulme said support material for agenda item #21 (exhibit file) and said the first issue is there are four proposals for changes to Nevada's waterfowl hunt zone and 2011 is the year that the framework can be changed. The request to change the hunt zone initially came from Elko and White Pine Counties. Mr. Woolstenhulme said the change would allow them more opportunity to hunt waterfowl as they have early freezes that the rest of the state does not. Second issue is changes to swan hunt area.

Commissioner Lent said four options provided but does not know what they are based on.

Mr. Woolstenhulme said the state's current zones are Clark and Lincoln are Southern Zone and the rest of the state is Northern Zone; new proposal #1 is the current Eastern Region - Elko, Lander, White Pine and Eureka; Alternative #2 is Elko and White Pine; and Alternative #3 is Elko, Eureka, Lander, Lincoln, Nye and White Pine Counties. He said originally Elko and White Pine asked for the new zone and he has sent this information out to the CABMWs at least three times and did not receive much feedback from the counties to date and has spoken to a handful of waterfowl hunters as well and Alternative #3 which includes Lincoln and Nye County to increase opportunity for dwindling numbers of waterfowl hunters.

Commissioner Lent said the weather issues are not in Lander or Eureka and they could be put in Alternative #1, and Lincoln and Clark are similar weather-wise and should be in same zone. He said based on weather, the original Alternative #2 includes Elko and White Pine, and Alternative #3 has Eureka and Lander Counties in the other which seems to make sense as to the original purpose.

Chairman Raine said letter received from Jeff Mackay of Ruby Valley and he was in favor of Alternative #1.

Commissioner McBeath said some input from Southern Nevada sportsmen preferred Alternative #3 and knows many hunters who hunt Key-Pittman and Pharangat Valley which is on southern edge of Lincoln County and really is like Clark County and we have had Clark and Lincoln together and does not want to give that up. When he looks at the youth issue, Option #1 or #2, Nye is in first zone and gives youth ability to go up to southern White Pine County for new project on 3-C Ranch and Sunnyside and they would have three days to hunt and is not sure or aware of duck hunting activity in northern Lincoln.

Public Comment –

Ken Wellington, Elko CABMW, said his board brought the request from Mr. Mackay in August 2009 at the Elko meeting. This proposal means that their season will end earlier in those areas. He said in December Elko is frozen over which is why they wanted this and other counties will be taken out earlier and folks from Elko go to those counties. Mr. Mackay requested alternative #1 and he is original author and the board supported his request for alternative #1.

Paul Dixon, Clark CABMW, said this is an item that they were unable to discuss due to three hour time constraint. He said he had personal correspondence and is speaking for himself, and in general they supported #3, but after hearing discussion Option #2 would be better. He again said they did not get to discuss or vet these ideas and other Clark CABMW members will address this as well.

Chad Bliss, Eureka CABMW, said the waterfowl hunters at his meeting chose option #3.

Gil Yanuck, Carson CABMW, said when discussed thought great idea, and ranked the Options as #1 or #2 and did not consider Option #3.

Paul Harris, Clark CABMW, said due to proximity to Overton Management Area, they have had meetings and hunters preferred #3 but did not have option #2 before them and #2 would provide more options. He said he prefers Option #2.

Dane Bradfield, Lincoln CABMW, said along Commissioner McBeath's statement that there is not a lot of waterfowl hunting in northern part of Lincoln County as most waterfowl hunting is in southern Lincoln County which mirrors Clark County weather and would agree with keeping Lincoln in with Clark.

Ray Sawyer, White Pine CABMW, said they voted for #1 as best option for their situation.

Chairman Raine said he likes all options but his preference would be for Option #1.

Commissioner Capurro said this was weather related due to free over and suddenly grew to "topsy" here and should keep to the weather related issue which is alternative #2.

Commissioner Cavin said Elko, White Pine, Humboldt and Carson all prefer Option #1 and since dealing with close neighbor Humboldt and due to CABMW input he prefers Option #1.

Commissioner Capurro said not sure about options that shorten the season as issue was weather and others may not realize that.

COMMISSIONER LENT MOVED FOR ALTERNATIVE #2 WHICH HAS ELKO AND WHITE PINE IN ONE ZONE, LINCOLN AND CLARK IN ONE ZONE, AND THE REST OF THE STATE IN ANOTHER. COMMISSIONER CAPURRO SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER, AND WALLACE. COMMISSIONER MCBEATH OPPOSED. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 - 1.

Biologist Woolstenhulme reminded the Commission and audience that although Option #2 was approved today by the Commission, the Pacific Flyway Council still must approve the changes before implementation.

Tundra Swan

COMMISSIONER HOWELL MOVED TO APPROVE EXPANDED TUNDRA SWAN AS PRESENTED BY THE DEPARTMENT. COMMISSIONER MCBEATH SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. CHAIRMAN RAINE DID NOT VOTE MOTION PASSED 8 - 0.

Commission Regulations – Action

- 22 Commission Regulation 11 – 03, Big Game Seasons 2011 – 2012 – Big Game Biologists Mike Cox and Tony Wasley – Action

CABMWs submitted recommendations (exhibit file) and Biologist Mike Cox reviewed the hunts for antelope.

Antelope

(Microphone not on) Big Game Biologist Mike Cox said the muzzleloader season had units added in Washoe, Humboldt and Churchill, and no nonresident hunts for that yet as many are five to six tags and need more interest per unit from nonresidents. Archery for nonresidents Hunt 2161, the only difference is adding nonresident units where we had poaching or exceeding 10 tags for residents. The season for horns shorter than ears is same as last year.

Kevin Strozzi, Nye CABMW, said they would like to add Units 161 – 162, 171 - 173 in Unit 251 to muzzleloader resident antelope horns longer than ears hunt to provide extra opportunity for hunters that can't hunt during the August any legal weapon season.

Steve Hemp, Humboldt CABMW, said they voted against the muzzleloader hunt as they thought during the prime of the rut for the antelope.

Commissioner Lent said he agreed as antelope in late September are in the rut and is opposed to the seven new muzzleloader hunts during the rut as that has been really expanded. Essentially, adding all the muzzleloader hunts we could put throw them in any legal weapon hunt and is opposed to the new muzzleloader season and hunting in the rut.

Biologist Cox said if you recall muzzleloader season was suggested by sportsmen, there is an interest and people buying the tags and utilizing the opportunity. The peak of the rut is about Sept. 10 and is post-rut all the other western states except Oregon and Nevada harvest their bucks in September and October and is post rut. Washoe CABMW supported it as they felt there is hunter congestion with rifle hunt and will spread hunter pressure out.

Commissioner McBeath said he will go on the record that he is less concerned with rut for antelope and more apt to give hunter opportunity and so he will be supporting this as proposed by the Department.

Commissioner Capurro asked what the Department will recommend as far as quotas for these new additional muzzleloader hunts, and asked if rifle tags will be taken to put in these muzzleloader hunts.

Biologist Cox said probably a few tags, last year had demand two to seven tags and demand value which is 90 percent rifle, 4 percent muzzleloader, and 5 - 10 percent archery and would be slicing off 5 percent off demand which would be very conservative and no more than three to four tags for those units. Mr. Cox said they are not add on tags, a 100 percent of the tags are accounted for and gave example of demand/success, and that was part of the reason counties wanted to spread the tags among weapons classes from high rifle quotas.

COMMISSIONER LENT MOVED THAT GO ALONG WITH HUNTS 2151 AS RECOMMENDED BY THE DEPARTMENT, 2152 AS RECOMMENDED; FOR HUNT 2171 ELIMINATE NEW HUNTS IN UNIT 011, 012 – 014, 015, 021, 022, 031, 032, 034, 035, 041, 042, AND 181 – 184 AS SUGGESTED BY THE DEPARTMENT TO GO ALONG WITH HUNT 2161, TO GO ALONG WITH HUNT 2261, TO GO ALONG WITH HUNT 2181, AS RECOMMENDED BY THE DEPARTMENT. COMMISSIONER HOWELL SECONDED THE MOTION.

COMMISSIONER MCBEATH OFFERED AN AMENDMENT TO MOTION, TO APPROVE THE DEPARTMENT'S RECOMMENDATION AS IS WITH ADDITION OF NYE COUNTY PROPOSAL TO ADD 161 – 162, 171 – 173, AND UNIT 251. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS' VOTE IN FAVOR OF AMENDMENT: MCBEATH, SHRUM, AND WALLACE IN FAVOR. COMMISSIONERS OPPOSED: VOGLER, LENT, CAVIN, HOWELL AND CAPURRO. CHAIRMAN RAINE DID NOT VOTE. MOTION FAILED 3– 5.

COMMISSIONERS IN FAVOR OF ORIGINAL MOTION: VOGLER, LENT, CAVIN, HOWELL AND CAPURRO. COMMISSIONERS OPPOSED: MCBEATH, SHRUM, WALLACE. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 5 – 3.

Elk Hunts

Biologist Cox provided background on changes to elk hunts starting with Hunt 4102 a depredation hunt on Atlanta Farms where objectives were not met and in Rubies and East Humboldts had suggested bull hunters who don't see a bull to kill a cow at the end and did not take eligibility restrictions into account, primarily bonus points, and are specific to a hunt number. For 4106 they recommend switching back to Hunt 4102 an antlered bull hunt in the Rubies and East Humboldts as in the past so those who acquired bonus points in the past can still use them. He said for Hunt 4151 there are several changes, and he did provide the two-page rationale sheet (exhibit file) explaining the focus on Western and Northern Elko county where we have access issues

in some winters, and have a need to harvest more elk and be more successful in the field. Much history with cow seasons as increasing tags does not always increase harvest, looking at split seasons for cows and bulls, want success rate to climb for cow hunts and for bulls responding to complaints of congestion in some unit groups. Issue of access later in the year as a couple of unit groups have historic movement into Idaho and the later we go the less chances for hunters. He said we added a couple of units as herds expand and split Unit 108 north/south; added Area 17 onto Area 16 bull elk hunt and will start slow with opportunity to hunt Area 17; Unit 223 being added to adjoining Area 22 hunts. In addition to adding those units adopted early late/split season in Area 11; nonresidents expanded unit groups that did not have tags; Hunt 4156 shifting those Northern and Western Elko County dates to accommodate split rifle season; added nonresident muzzleloader added 061, 071; for archery bull hunt 4161, no season date changes just adding same units as earlier; cow antlerless seasons starting with rifle hunt 4181, Areas 6 and 7 are split seasons into early October and later October, and we know if you keep pouring tags into cow season there is diminishing return on success rate and splitting season will assist with managing herds and success rates; added new cow hunts to a few elk herds, one is Spruce Mountain herd and the Cherry Creeks; expanded cow season in Areas 11 and 22 and adding late season to all the same unit groups that have an early October season, for example 111 -112; Atlanta Farms instead of two long seasons will be four shorter seasons; and Areas 16 and 22 cow season is two weeks later to avoid overlap with rifle hunters; muzzleloader cow same season dates and companion weapon class hunt in Spruce Mountain and Cherry Creek; same season dates for cow archery with addition of Spruce Mountain and Cherry Creek herds.

Public Comment –

Paul Harris, Clark CABMW, said his concern is on Area 23 and bull quality and if you get archery tag you need a ton of points and now we will have two full months of rifle hunters pounding the cow elk and for archers to follow the rifle hunters with an overlap in the archery season for first five days.

Biologist Cox said that is only on Atlanta Farms area and is what we have had for the last four or five years.

Gil Yanuck, Carson CABMW, said they don't know what to do about problems or conflicts but in Area 16 archery hunt would like any legal weapon hunt, muzzleloader or archery hunt to be a rut hunt. Also, he has a board member concerned with the potential of something happening with the cow elk overlapping the archery mule deer hunt on Atlanta Farms, to date nothing has happened, but member is concerned something could happen. He said they also talked of overlap areas in Units 061 and 071 for cow and muzzleloader bull antlered Hunt 4156 and crowding and conflict with guided archery hunts.

Kevin Strozzi, Nye CABMW, said for Hunt 4151 any legal weapon antlered elk, Nye County would like to see a hunt for Units 161 – 164 Sept. 16 – 23 the same early season rifle hunt traditionally had in Nye County, and do not want to get rid of later split rifle hunts to prevent congestion, and don't want that hunt to go away, as that is a great opportunity even if just three or four tags and would like that same season for nonresident 4251 too. They talked to Biologist Tom Donham and biologically not a problem and when quota recommendations are made this will eliminate eight tags from later rifle hunts which is a 50 percent success rate.

Dane Bradfield, Lincoln CABMW, said as stated in the minutes they sent in and as Mr. Cox said, for antlered elk hunts they added Unit 223 in with 231, 241, and 242 and would like 223 in with the antlerless hunts to eliminate confusion. In regard to statements about congestion and conflicting weapons around the Atlanta Farms hunt, he said if you look at geographic area of the farm it is within five mile radius of cultivated fields at bottom of valley and at time of year when archery hunt underway there are very minimal deer that low, and as Mr. Yanuck said, they do not know of problems at that time, and would like to stay with that area and for Lincoln County they don't want to see rifle rut hunts for elk.

Chad Bliss, Eureka CABMW, said in favor of Department season dates with exception of depredation hunt with bonus points. As far as early rifle bull hunts they are not against them but would like to see them moved around as they were supposed to be done. He understands the issue of incentive tags and maybe something to work on in the future to rotate that hunt.

Commissioner Lent said he has heard more controversy from hunters on this lack of having early rifle bull hunts and increasing the 4156 muzzleloader hunt and moving five early seasons for them and moving all the rifle early hunts. He said he would like 4181 antlerless hunts to start later at the same time and is ready to make a motion.

COMMISSIONER LENT MOVED FOR HUNT 4106 AS DEPARTMENT RECOMMENDED WHICH IS CHANGED TO 4102 AND IS ANTLERED ONLY. COMMISSIONER CAPURRO SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER LENT MOVED HUNT 4151 TO GO BACK TO LAST YEAR, THINKS WE NEED EARLY RIFLE AND INSTEAD OF TRYING TO CHANGE WITH ALTERNATE HUNTS, BE EASIER TO PUT ONE ARCHERY AND ONE RIFLE HUNT TO CHANGE 072, 074, AND LAST YEAR IT WAS SEPT. 16 – 23, CHANGE TO SEPT. 16 – 23; AND UNIT 091 LEAVE AT SEPT. 17 TO STAY IN AGREEMENT WITH UTAH FOR 2011 AND FOR 2012 MOVE TO SEPT. 15 – OCT. 7; AND 108, 131, AND 132 CHANGE THE SEASON TO SEPT. 16 – 23, RETURNING TO LAST YEAR'S DATE; REINSTATING EARLY RIFLE HUNTS LIKE LAST YEAR, 161 – 164,

EARLY AND LATE ADD HUNT SEPT. 16 – SEPT. 23 INCLUDING 171 – 173 AND LEAVE LATER SPLIT HUNT. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner Capurro said he had the most calls and emails from hunters on the issue of early hunts and is in favor of restoring those early hunts, Area 7, 13, and 16, and that was the motion and with respect to Unit 13 under 131 and 132.

Chairman Raine said that would be 108 E portion thereof.

Commissioner Capurro said that would be early hunt and wants the record is clear that there were many requests to go back to early hunts on 4151.

Commissioner Lent said the seasons are set every two years and a policy should be in place that we rotate and set three areas as early rifle hunts. There is a tremendous demand for early rifle hunts.

Commissioner McBeath said he will support the motion and to put the Department on notice that he has an issue for next year as he had discussions with CABMW members today and the issue of the 11, 22 units being split, the eleven units in one group and the 22 units possibly with adding new Unit of 23 to that group, and many CABMWs want this completely vetted and try to get the Department look at this and split the biggest hunt area in half as may be time to do that and CABMWs indicated we have had discussion in the past about it and the Department has not wanted to do it, and realizes we can't do it now as no discussion on it but is something sportsmen want and would like the Department to bring back all the issues for discussion next year.

Biologist Cox said if we could have early season in Central Nevada just for Area 16 units because there is limited cow season in 17.

Chairman Raine asked for the vote on the motion.

COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Nonresident Elk Hunt 4251

Commissioner Lent asked why we need the new seven split hunts for the nonresidents.

Biologist Cox answered (microphone not on).

COMMISSIONER LENT MOVED THAT WE ACCEPT HUNT 4251 AS THE DEPARTMENT RECOMMENDED. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner Shrum asked question can we add Units 161, 162, and 163 and hunt from Sept. 16 – Sept. 23 add that to our unit groups in Hunt 4251.

Chairman Raine said yes if motion made to that effect that passed.

Commissioner Capurro said we could amend the motion as for the record this is another one he has received letters and phone calls from nonresidents, and if we make change for resident to do the same for nonresidents.

Chairman Raine said if you could not hear that since we added early rifle seasons to residents there should be an opportunity for nonresidents to have another rifle season for 161 - 164, 171 – 173. It should be consistent and was not a motion.

COMMISSIONER WALLACE MOVED TO AMEND HUNT 4251 MOTION TO ADD A HUNT ON 161, 164, 171 - 173 WITH SEASON DATE SEPT. 16 TO SEPT. 23. COMMISSIONER MCBEATH SECONDED THE AMENDMENT. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

VOTE ON MAIN MOTION AS AMENDED: COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Resident Elk – Antlered 4156 Muzzleloader

COMMISSIONER LENT SAID WE TOOK AWAY ALL EARLY RIFLE SEASON AND ADDED FIVE EARLY MUZZLELOADER HUNTS PLUS THE OTHER UNIT AND CALIFORNIA DOES NOT HAVE MUZZLELOADER HUNTS AND DOES NOT THINK WE NEED THEM AND HE WILL MAKE MOTION TO ACCEPT DEPARTMENT RECOMMENDATION FOR HUNT 4156 EXCEPT 061, 071, 062, 064, 066, 068, 072, 074, 073, AND 075, NOT HAVE THE LATE HUNT AND PUT THEM AT OCT. 20 TO NOV. 2. COMMISSIONER HOWELL SECONDED THE MOTION.

Biologist Mike Cox said for clarification for Hunt 4251 the Commission approved as is plus Area 16 and 17, Sept. 16 – 23, which means you approved the nonresidents to hunt with a rifle in Elko County from Oct. 22 to Nov. 4. In 4151 motion the Commission approved both early and late in Oct. and Nov. and added the September hunt in Areas 16, 17, in White Pine Range and the Jarbidge.

Commissioner McBeath said Mr. Cox is saying if we change the dates from Oct. 22 to Nov. 4....

Chairman Raine said there will be overlap between muzzleloader and rifle seasons, and that was the motion.

COMMISSIONER MCBEATH MOVED TO AMEND THE MOTION AS HE HAS GENERAL HEARTBURN WITH ANY WEAPON CLASS IN THE RUT BUT DOES WANT TO GIVE OPPORTUNITY TO MUZZLELOADERS, AND GIVE TO THEM WHERE THEY DON'T HAVE COMPETITION WITH THE RIFLE HUNTERS. HE WOULD LIKE TO SEE SEASON STOPS OCT. 21 AND IS 14 DAYS BEFORE THAT, AND THAT WOULD BE TO CHANGE THE SEASON DATES FOR ALL THE ONES INDICATED HERE FROM SEPT. 16 TO SEPT. 30 CHANGE TO OCT. 8 TO OCT. 21.

Commissioner Lent said basically that was what they were last year and were similar dates to last year and that was his motion to put back as last year.

COMMISSIONER WALLACE SECONDED AMENDMENT. VOTE IN FAVOR OF AMENDMENT: CAPURRO, CAVIN, MCBEATH, SHRUM, VOGLER AND WALLACE. COMMISSIONERS HOWELL AND LENT OPPOSED. AMENDMENT PASSED 6 - 2. CHAIRMAN RAINE DID NOT VOTE.

VOTE ON MAIN MOTION: OCT. 8 TO OCT. 21. VOTE ON MAIN MOTION AS AMENDED: COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 - 0. CHAIRMAN RAINE DID NOT VOTE.

Nonresident Elk – Antlered Muzzleloader Hunt – 4256

COMMISSIONER LENT MOVED FOR HUNTS 061, 071, 072, 074, TO CHANGE DATES TO MATCH RESIDENT HUNT OCT. 8 TO OCT. 21. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 - 0. CHAIRMAN RAINE DID NOT VOTE.

Resident Elk – Antlered – Longbow Archery Hunt 4161

COMMISSIONER LENT MOVED TO APPROVE 4161 AS RECOMMENDED BY THE DEPARTMENT COMMISSIONER CAPURRO SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 - 0. CHAIRMAN RAINE DID NOT VOTE.

Nonresident Elk – Antlered – Longbow Archery Hunt 4261

COMMISSIONER LENT MOVED TO ACCEPT HUNT 4261 AS RECOMMENDED BY THE DEPARTMENT WITH REMINDER THAT THE QUOTAS ARE WITHIN THE 10 PERCENT RULE AS WE HAVE NEW HUNTS. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Resident Elk – Antlerless – Any Legal Weapon Hunt 4181

Chairman Raine said his comment is we are throwing out a lot of seasons within the deer season and as far as hearing from hunters, it is having antlerless elk hunters out stirring things up before the rifle elk season and also stirring things up during deer season, and then having a split season too is bad PR. He said he agrees we need additional areas and in Lincoln County adding 223 onto the bottom of page 8 is a great idea.

Commissioner Lent said he agreed with all the new areas and split seasons.

COMMISSIONER LENT MOVED FOR HUNT 4181 THE SEASON DATES FOR ALL OF THEM TO BE DEC. 5 TO JAN. 5 AND NEW AREAS AS RECOMMENDED BY THE DEPARTMENT.

Chairman Raine said he would like discussion on addition of Area 223 to 231, 241, 242, Early, as per Lincoln recommendation, and consideration of 101 – 103 separately as well as Atlanta Farms, as possibly they should have different season dates.

COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner Volger said both of those are dealing with private landowners, and also 101 hunts is to limit number of elk moving into the Rubies, and prefers Chairman Raine's suggestion.

COMMISSIONER VOGLER AMENDED MAIN MOTION TO STATE THE 101 – 103 ALL FOUR HUNTS WOULD REMAIN AS PRESENTED BY DEPARTMENT UNITS 221 – 231 WOULD STAY AS PROPOSED BY THE DEPARTMENT (MICROPHONES NOT ON) COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner McBeath said he can only speak to areas he has hunted in but can say you are not giving cow hunters an option as you are throwing them all into late season and could have weather issues and the snow melts with bad roads. He said as a result success may go down which could impact staying within the elk plans and would love to hear from the Department.

Chairman Raine said we will definitely hear on that when quotas show up, first we have an amendment on the motion, and if this happens fast we'll hear all about it from the Department.

Biologist Cox said how about now?

Chairman Raine said we have an amendment to the motion.

COMMISSIONERS IN FAVOR OF THE AMENDMENT: LENT, CAPURRO, HOWELL, SHRUM, VOGLER AND WALLACE. COMMISSIONERS OPPOSED TO AMENDMENT: CAVIN AND MCBEATH. MOTION PASSED 6 – 2. CHAIRMAN RAINE DID NOT VOTE.

Chairman Raine said main motion as amended is on the floor for vote, and discussion. He said on the antlerless hunt he has run into late as generally good as that gets a number of hunters out there and early season the quality of meat is compromised even when brought in on same day. Bow hunters are prepared and cow elk hunters for the most part are but hates to see waste of game, and with a late season you have more time.

Commissioner Cavin said this proposal is too far off base as to what has been presented to CABMWs and public. The cow hunts are timed by the Department to reduce cow herds and has issues with overcrowding and overlapping hunts, in the old days you could hunt mule deer in Elko County and not see anyone but now we have elk there. The hunters and sportsmen who apply need to be more selective where they put in and that would be his recommendation that we put notice in application hunt book that we will have these issues and for hunters to do research. He said he cannot support this.

Commissioner Capurro said his biggest concern with Hunt 4181 is that he likes early and late seasons but to split a season into three parts is problematic on the other hand not sure if making all Dec. 5 through Jan. 5 will help. All hunts split into three parts could have been presented as or amended into early and mid with no late.

Commissioner Wallace said he voted in favor of the amendment for protection of depredation hunt and agrees with the other Commissioners on the late seasons and there will be weather issues and cannot supported it.

Commissioner Vogler said the areas he deals with the most is 111, 112, and 113, the biggest gripes are the conflicts, and for 113 no easy solutions with Utah Goshute Reservation in 113. If we have what we had last four years with mild Octobers where all the hunters are upset, and is a zoo no matter what. For 113 he would recommend a hunt from Dec. 5 until March 1, as depending on weather. He is for taking cow elk out, and no matter what we do will be wrong somewhere.

Commissioner Lent said he agrees and by this season we should have cow elk down where they are more accessible, and does not see reason for early to start in Oct. 1 to Oct. 19 than have the late hunt two months later Dec. 5 – Jan. 10. The cow elk are down and the harvest will go up with access and will simplify all these two month between seasons.

Commissioner McBeath said the more he looks at this the more the Department proposal strikes the proper balance. He said he has not heard many complaints from cow elk hunters, and a few from deer hunters, and thinks that pushing everything to the late season will eliminate some hunters who don't go out in those weather conditions and by having a later and early season strikes the proper balance and is ready to amend the amendment.

COMMISSIONER MCBEATH MOVED TO AMEND MOTION TO TAKE IT BACK TO THE PROPOSAL OF THE DEPARTMENT AND WHICH WOULD TAKE INTO ACCOUNT THE PREVIOUS AMENDMENT, AND IF NECESSARY TO TAKE IN TO ACCOUNT 223. COMMISSIONER CAVIN SECONDED THE AMENDMENT TO THE MOTION.

Commissioner Shrum asked if we could compromise and instead of Dec. 5 say Nov. 5 as he said he hunted that country and that country can be miserable even in early Oct. as he has been snowed on, if we took Nov. 5 to Jan. 1 would allow the meat to cool properly.

Chairman Raine said we are voting on amendment to the amendment of the main motion.

COMMISSIONERS IN FAVOR OF THE AMENDMENT TO THE AMENDMENT: CAVIN, WALLACE, MCBEATH, SHRUM. OPPOSED TO AMENDMENT HOWELL, CAPURRO, LENT, VOGLER, RAINE. MOTION FAILED 4 – 5.

COMMISSIONER SHRUM MOVED FOR AN AMENDMENT TO THE MAIN MOTION AND TO MOVE THE DATE OF DEC. 5 BACK TO NOV. 5.

Commissioner Vogler is opposed as there is a rifle hunt for bull elk would be a catastrophe and either go back amendment we just voted down, or go the Dec. 5 date.

COMMISSIONER SHRUM WITHDREW THE MOTION.

Acting Secretary Mayer said he is surprised that Commissioner Vogler has not commented as the way this is going you may have to issue thousands of tags to accomplish population objective that we have committed to the livestock industry and this is going to create havoc and the Department will have something to say after this all said and done and this is a very complex issue.

Commissioner Vogler said back to conflicts with agriculture and Ruby Mountains as we have already taken care of those in 223 and Atlanta, and Area 10. In most of units having elk closer to winter ranges takes them off tops of mountain and that is why he thought Dec. 5 to Jan. was more acceptable and question he has is when it comes to numbers are we talking 300 cow tags or, and that is where it gets tough as you have conflict between livestock and conflict with hunters with overlap of bull seasons, and obviously not an easy decision and is willing to experiment for two years and can always change it back.

Commissioner Lent said if you look at last year's 4181 some areas had 106 tags, and different numbers, but average is 40 tags per unit, some with 195 tags and does not know if that justifies a split season or not.

CHAIRMAN RAINE SAID THE MAIN MOTION AS AMENDED FOR A VOTE IS AS FOLLOWS: THE FOLLOWING AREAS WILL REMAIN AS DEPARTMENT RECOMMENDED ALL FOUR OF THE 101 – 103 HUNTS, ALL FOUR OF THE 222 – 231 HUNTS, THAT 231, 241, 242, WILL ALSO INCLUDE UNIT 223, BUT THAT AND ALL OF THE OTHER SEASON WITH THOSE EXCEPTIONS HAVE DATES OF DEC. 5 TO JAN. 5. COMMISSIONERS IN FAVOR: VOGLER, LENT, AND HOWELL. COMMISSIONERS OPPOSED: MCBEATH, WALLACE CAVIN, SHRUM CAPURRO. CHAIRMAN RAINE DID NOT VOTE. MOTION FAILED 3 – 5.

Chairman Raine asked for new new motion for Hunt 4181. He said the worst offenders for causing problems is the multiple new October seasons, and to make it simpler he made suggestion to breakout and approve 101 – 103, all four seasons of those as presented, and 222 – 231, all four of those seasons, and then deal with the rest.

(MICROPHONE NOT ON) COMMISSIONER CAVIN MOVED TO APPROVE 101 – 103 AND 222 – 231, ALL FOUR SEASONS AS PROPOSED BY THE DEPARTMENT FOR TWO YEARS. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. COMMISSIONER LENT OPPOSED. MOTION CARRIED 7 – 1. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER CAPURRO MOVED THAT WE ELIMINATE THE MID SEASON FROM 072, 073, 074, AND 075, AND EXTEND THE EARLY SEASONS ACCORDINGLY IN ALL FOUR FROM OCT. 1 TO OCT. 10 TO OCT. 20 AND EARLY SEASON IN ALL FIVE FOR ALL OF THEM WOULD BE OCT. 1 TO OCT. 20. COMMISSIONER CAVIN SECONDED THE MOTION.

Commissioner Lent said he will be against the motion as what will that accomplish as seasons are continuous as some that are early and late are two months apart but just eliminating a few mid seasons he does not understand what that will accomplish.

COMMISSIONERS WHO VOTED IN FAVOR OF MOTION: CAPURRO, CAVIN, MCBEATH, SHRUM, VOGLER, AND WALLACE. COMMISSIONER LENT OPPOSED. COMMISSIONER HOWELL ABSTAINED. MOTION CARRIED 6 – 1. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER VOGLER MOVED FOR HUNTS UP ALONG THE IDAHO BORDER WHERE ELK MOVE INTO IDAHO AND ELIMINATED MID HUNT IN 072 – 075 MOVED THAT THE EARLY AND THE LATE HUNTS IN THOSE UNITS BE THE SAME AND LATES REMAIN THE SAME. IN 061, 071, EARLY/LATE 062, REMAIN 064, 066, 068, EARLY/LATE AS PROPOSED BY DEPARTMENT. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Chairman Raine said continuing down the list we have 072 – 075 late.

Commissioner Vogler said he thought we had late.

COMMISSIONER VOGLER MOVED 072, 075 LATE, AND 076, 077, AND 079 REMAIN THE SAME. (MICROPHONE NOT ON FOR COMMISSIONER WHO SECONDED THE MOTION). COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER VOGLER MOVED THAT AS RECOMMENDED WE DO 078, 104, 105, AND 107. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER VOGLER MOVED FOR UNIT 081 AS RECOMMENDED. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

(MIRCOPHONE NOT ON) COMMISSIONER CAVIN MOVED TO APPROVE AS IS 104 C, 108 D, 121 STARTING THERE ALL THE WAY DOWN TO 222 LATE. COMMISSIONER MCBEATH SECONDED THE MOTION.

Commissioner Vogler said he has heartburn with early hunts on those because if we do have open weather and usually do they are brushed up.

COMMISSIONER VOGLER MOVED TO AMEND THE MOTION THAT WE REMAIN WITH LATE HUNTS IN THOSE UNITS AS PROPOSED AND ELIMINATE EARLY HUNTS IN 111, 112 EARLY; 113 EARLY; 114, 115 EARLY; AND 161, 164 EARLY; AND PUT THEM ALL IN LATE.

Commissioner Lent said we just talked about that on the other ones saying Dec. 5 and Jan. is too late and now we are putting them back.

Commissioner Vogler said in favor of late hunts, the opposite problem in Elko as the elk are high and they go into Idaho. In White Pine County they are brushed up and tight and high and on early hunt with warm weather you have to practically step on them to shoot them.

CHAIRMAN RAINE SAID FOR CLARIFICATION OF THE MOTION ON THE LATE SEASON THE DATES ARE DEC. 5 TO JAN. 1. (MICROPHONE NOT ON) COMMISSIONER HOWELL SECONDED THE MOTION.

Chairman Raine said we are striking 111, 112, Early; 113, 114, 115, Early; 161, 164 Early, and leaving as late.

Chairman Raine said that is a motion for amendment of motion.

Commissioner Howell asked on the amendment if 108 and 131 Early were left out as he believes part of motion.

Commissioner Vogler said it was.

Commissioner Howell said he is just going down through to 222 Late.

Chairman Raine said the main motion was to go through 222 Late, and deal with the others later. Amending the main motion reads to approve in brackets starting at 104 C down through 222 Late and striking 108 Early, Early 111, 112, 113, 114, 115, and 161, 164 Early. He said we need a second to the amendment to the motion to discuss.

COMMISSIONER HOWELL SECONDED THE MOTION TO AMEND.

Commissioner McBeath asked if 161, 164 were part of Commissioner Vogler's main motion.

Commissioner Vogler said 161, 164 were not as he does not know those areas.

Chairman Raine said then that is his mistake and not part of his, four units stricken for early seasons, and the four are: 108, 111, 113 and 114.

Commissioner Capurro said if we approve down to 222 Late, and adopt the amendment and main motion, do we preclude going back to 221 Early and 222 Early.

Chairman Raine said if you like the amendment we can approve and then another amendment can be made to deal with 221, 222 before voting on main motion.

COMMISSIONERS IN FAVOR OF MOTION TO AMEND: LENT, CAPURRO, HOWELL, SHRUM, VOGLER AND WALLACE. COMMISSIONERS OPPOSED MCBEATH, WALLACE, CAVIN. MOTION PASSED 5 - 3. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER CAPURRO MOVED TO AMEND FOR 161, 164 EARLY, AND 221, 222 EARLY TO BE STRICKEN. CHAIRMAN RAINE SAID THAT IS A MOTION TO AMEND THE MAIN MOTION TO STRIKE THOSE THREE EARLY HUNTS 161, 164, 221 EARLY AND 222 EARLY.

Commissioner McBeath said he is familiar with that country and 221 and 222 are both in wilderness and the cows are on benches of Grafton on 222 side and all over the mountain and most successful piece for the hunters will be on the benches and on 221 the same thing probably and is not sure if this will accomplish your goal.

COMMISSIONERS IN FAVOR OF MOTION TO AMEND: LENT, CAPURRO, HOWELL, SHRUM, VOGLER AND WALLACE. COMMISSIONERS OPPOSED MCBEATH, WALLACE, CAVIN. MOTION PASSED 5 - 3. CHAIRMAN RAINE DID NOT VOTE. AMENDMENT PASSED.

CHAIRMAN RAINE RETURNED TO THE MAIN MOTION WITH TWO AMENDMENTS WHICH BASICALLY APPROVES EVERYTHING FROM 104 C, 108 D, 121, APPROVES THAT AS STATED, AND ALL OF THE LATE SEASONS BETWEEN THERE AND 222 LATE, ONLY APPROVING THOSE LATE. COMMISSIONERS IN FAVOR OF MAIN MOTION: LENT, HOWELL, CAPURRO, VOGLER, CAVIN, OPPOSED COMMISSIONER SHRUM, WALLACE, AND MCBEATH. MOTION PASSED 5 -3. CHAIRMAN RAINE DID NOT VOTE.

Chairman Raine said two units left, 231, 241, and 242, and suggestion to add 223 to that unit grouping.

(MICROPHONE NOT ON) CHAIRMAN RAINE SAID MOTION MADE TO APPROVE THAT AS PRESENTED BY DEPARTMENT WITH ADDITION TO 223. COMMISSIONER WALLACE SECONDED WITH. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 - 0. CHAIRMAN RAINE DID NOT VOTE.

Resident Elk – Antlerless Muzzleloader Hunt 4176

COMMISSIONER WALLACE MOVED TO APPROVE HUNT 4176 AS THE DEPARTMENT RECOMMENDED WITH THE EXCEPTION OF ADDING 223 TO 231, 241, 242, HUNT. COMMISSIONER MCBEATH SECONDED THE MOTION.

Commissioner Lent said he is opposed as we added three units as it is.

COMMISSIONERS IN FAVOR: VOGLER, MCBEATH, WALLACE, CAVIN, AND SHRUM. COMMISSIONERS OPPOSED LENT, CAPURRO AND HOWELL. MOTION PASSED 5 - 3. CHAIRMAN RAINE DID NOT VOTE.

Resident Elk Antlerless Longbow Archery Hunt 4111

COMMISSIONER WALLACE MOVED TO APPROVE HUNT 4111 AS PRESENTED WITH ADDITION OF 223 ADDED TO UNITS 231, 241, 242. COMMISSIONER MCBEATH SECONDED THE MOTION.

COMMISSIONER MCBEATH, WALLACE, VOGLER, CAVIN. COMMISSIONERS OPPOSED LENT, HOWELL CAPURRO. COMMISSIONER SHRUM DECLINED TO VOTE. MOTION PASSED 4 - 3. CHAIRMAN RAINE DID NOT VOTE.

Biologist Cox provided background on sheep hunts (exhibit file) and answered questions from the Commission.

Resident Nelson Desert Bighorn Sheep Any Ram – Any Legal Weapon Hunt 3151

Glenn Bunch, Mineral CABMW, said they disagree with closing 205 south.

Jelindo Tiberti said in all hunts coming up need to consider the nonresidents as he likes to hunt in other states and round up not give less tags and welcome them to Nevada as they welcome us in their state.

COMMISSIONER CAPURRO MOVED THAT WE APPROVE BOTH HUNTS 3151 AS PROPOSED BY THE DEPARTMENT. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Nonresident Nelson (Desert) Bighorn Sheep Any Ram – Any Legal Weapon Hunt 3251

Commissioner Capurro said that was the first as both have hunt number - 3251.

Chairman Raine said his assumption that the motion was for both.

Commissioner Capurro said his concern with 3251 there is not a lot of numbers if you take number of sheep tags and 10 percent are for nonresidents, but in this case seven new hunts with 11 previous hunts and questions distribution you will get and if it warrants adding that many new hunts. He asked if anyone else has same concerns.

Commissioner Wallace said if looking at distributing 20 nonresident tags, he has same concerns, as 211 is split in two, and if you put nonresident in each of the areas he has concern. But if you knock out seven areas, where do you put them, and due to his explanation does not know how else we will do it.

Commissioner Cavin said speaking for the hunters when they get out there and end up with a unit with few tags in it and if we don't have enough units to go around and we put two nonresidents in with three residents, those residents will not be happy. He said doing this and putting one nonresident in each unit seems to make more sense and spreads nonresidents around.

Commissioner Lent said he agreed that we don't need new areas.

COMMISSIONER LENT MOVED FOR HUNT 3251 AS DEPARTMENT RECOMMENDED EXCEPT ELIMINATE 173, 181, 184, 211 NORTH AND SOUTH, 261 AND 262. COMMISSIONER CAPURRO SECONDED THE MOTION.

Commissioner McBeath asked why are we doing that and are we going to put the same amount of nonresident tags in the other units.

Chairman Raine said the motion stated it and still following the 10 percent rule.

(MICROPHONE NOT ON) COMMISSIONER WALLACE MOVED TO AMEND THE MOTION TO APPROVE HUNT 3251 AS PRESENTED BY THE DEPARTMENT EXCEPT REMOVING 205 SOUTH, AND 211 SOUTH, AND PUTTING NONRESIDENT IN EACH. COMMISSIONER MCBEATH SECONDED THE MOTION. COMMISSIONERS IN FAVOR: MCBEATH, WALLACE CAVIN. COMMISSIONERS OPPOSED:. AMENDMENT FAILED 3 - 5. CHAIRMAN RAINE DID NOT VOTE.

VOTE ON MAIN MOTION - COMMISSIONERS IN FAVOR: LENT, CAPURRO, HOWELL, SHRUM AND VOGLER. OPPOSED CAVIN, WALLACE, MCBEATH. MOTION PASSED 5 – 3. CHAIRMAN RAINE DID NOT VOTE.

Resident California Bighorn Sheep Any Ram – Any Legal Weapon Hunt 8151

COMMISSIONER LENT MOVED TO APPROVE HUNT 8151 AS PROPOSED BY DEPARTMENT. COMMISSIONER WALLACE SECONDED. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Resident California Bighorn Sheep Any Ram – Any Legal Weapon Hunt 8251

COMMISSIONER LENT MOVED TO APPROVE 8251 AS PRESENTED BY THE DEPARTMENT. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Resident Rocky Mountain Bighorn Sheep Any Ram Any Legal Weapon Hunt 9151, Resident Mountain Goat Any Goat Any Legal Weapon Hunt 7151, Nonresident Mountain Goat Any Goat Any Legal Weapon Hunt 7251

COMMISSIONER LENT MOVED TO APPROVE HUNTS 9151, 7151 7251. COMMISSIONER CAPURRO SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Resident Junior Mule Deer – Antlered or Antlerless – Longbow Archery, Muzzleloader, or Any Legal Weapon Hunt 1107

Biologist Tony Wasley said he will present mule deer seasons and said the only change is slight adjustment for any legal weapon to incorporate Nevada Day holiday into recommendation Oct. 5 – Oct. 31 which includes Sunday of Nevada Day holiday. For the 1181 any legal weapon antlerless the Department is recommending dropping doe hunt from Areas 6, 114, 115 and also from 114 and recommending an antlerless hunt in 034 – 036. In 01 any legal weapon depredation hunt no changes, in 1235 some slight changes, a split in 043 – 046, to an early and late hunt this year, a change in Area 10 hunt structure, previously early and late now divided into early, mid and late, the objective by biologist is to address hunter conflict and access issues. Change in 181 -184 season date, to hunt later to increase success, change in 192 along with 194 and 196 to eliminate late season due to conflicts with homeowners in developed areas, change in 241 – 245 eliminate late hunt, previously early and late split, and are now recommending single season Oct. 5 to Oct. 31 to address county concerns over late hunt. Changes in 1331 mimic those changes he just articulated for 1235, skipping to 1371, antlered muzzleloader resident and nonresident, no changes, 1441 resident/nonresident archery hunt has a few changes, increased 192 late season by 10 days and 194, 196, the same to

compensate for loss of late rifle hunts, in 201 – 202, 204 - 206 Early has been combined for a new early hunt.

Public Comment –

Cory Lytle, Lincoln CABMW, said their recommendations mirror the 1341 recommendations. In 221 – 223, 231 – 245, they would like to start the archery hunt on Aug. 8. Particularly in 231 in Areas 23 and 24 as there is lots of congestion with cow elk hunters, gives deer another week to grow antlers more. In Areas 23 and 24 they have between 50 to 60 landowner tags sold and a good percentage of hunters hunt archery to and adds that many more deer hunters in on those units and would be a good balance for the cow hunt and the archery deer.

Eric Scheetz, Douglas CABMW, said they agreed with all the NDOW recommendations except for on Hunt 1341 we want to eliminate the archery hunt in Units 192, 194, and 196 Late, to be consistent with rationale on page 2 (exhibit file) as denoted by NDOW relating to hunter congestion in urban areas.

Ray Sawyer, White Pine CABMW, said he is here to ask that they would like late hunts changed to a seven day hunt instead of 16 day hunt for bows in units only in White Pine as lot of pressure in late hunts and quality of animals is decreasing. For clarification he would state 111 - 113, Late; 111 – 114; Unit 21, and Units 221 and 223.

Chairman Raine said season dates beginning Oct. 30 and ending Nov. 5.

Ray Sawyer, White Pine CABMW, said correct and further to go along with that they would like for hunter opportunity that Area 10 late archery season has not had great success but would like to extend it to Unit 121 as well with a few tags available for a late archery season.

Joe Crim, Pershing CABMW, he said they are opposed to special doe hunt in 043, 046 as Commission position that high number of predators and if we have excess does they would prefer to keep them as seed material. The other recommendation was to support doe hunt.

Steve Hemp, Humboldt CABMW, said they agreed with Department recommendations except for 192, 194 and 196 Late, rifle hunt as some wanted that opportunity for that late hunt.

Ken Wellington, Elko CABMW, said debate at meeting and some concern with extra tags being given out because of this and assured that won't happen. He said this is critical as they received emails and probably the Commissioners did too on hunter congestion in Ruby Mountain and problems with no areas to camp and believes this is a proactive

approach by Department to make an effort on this and cautiously in favor but want to make sure no additional tags and board supports this 100 percent.

Walt Gardner, representing himself, said he does not have a major problem with three seasons as long as the split is 40/40 with a 20 percent split going into late season, and low success rate in Area 10, and he is opposed to the doe hunt.

Ray Sawyer said his concern as a citizen that when doing the elk dates you have overlapped muzzleloader deer hunts and he would like the Commission to consider the dates as you need to consider rifle and muzzleloaders hunters in the field hunting two different animals.

Commissioner Lent said on Hunt 1331 last year we had Area 194 and 196 as late and was most popular hunt we had and he will make motion to bring those late hunts back and also in Washoe County in the past we split up 011, 013 and 014, and everybody liked it and lot of comments on that. He said these are trophy areas that worked in the past. He said if one board wanted to eliminate 1341 hunts in 192, 194, and 196, Late; he has no problem with that.

Chairman Raine provided his comments, that first week of archery it is hot in August and sees lots of deer that are soft on top and is not a good thing to start the season on Aug. 1, is just too early for deer as antlers not grown and again not good for meat at that time of year, just an observation and gives them 29 days. Also, not in favor of doe hunts, and not a fan in any form, for junior hunt cutting a few days off and does not have a problem as gives a chance to find a decent buck.

COMMISSIONER HOWELL MOVED TO APPROVE JUNIOR HUNT 1107 TO APPROVE ALL DATES, SEASONS, UNITS AND CHANGE TITLE TO RESIDENT MULE DEER ANTLERED AND ELIMINATE TWO WORDS "OR ANTLERLESS" TO BUCK ONLY HUNT. MOTION SECONDED BY COMMISSIONER SHRUM.

COMMISSIONER WALLACE MOVED TO AMEND THE MOTION TO ACCEPT AS DEPARTMENT PRESENTED WITH EXCEPTION OF ARCHERY TO AUG. 8 AND BE ANTLERED AND ANTLERLESS. COMMISSIONER MCBEATH SECONDED.

Commissioner Lent asked Mr. Cox how many does killed by junior hunters.

Chairman Raine said as to the antlerless what are we teaching our kids, he is the father of five young boys not quite deer hunting age, what you teach is what you preach, and if you are talking about deer management you don't teach your kids to shoot an antlerless deer in an area where problems occur and will have to go with original motion but does like the Aug. 8 starting date for archery.

Commissioner McBeath said his response to Chairman Rain is that his is a minority position and if we want to impact youth and teach them something is to go with majority position which is the opposite.

Biologist Wasley said youth hunters harvested approximately 300 does.

Acting Director Mayer said the Commissioners need to get out and do a ride along with a warden and talk to hunters as most will say looking for a buck but looking forward to shooting a doe. Need to be in touch with constituency and would be a travesty to switch roles right now and to do so with no input from the CABMWs.

COMMISSIONERS IN FAVOR OF AMENDMENT: MCBEATH, CAVIN, VOGLER, WALLACE, AND CAPURRO. COMMISSIONERS OPPOSED: HOWELL, SHRUM, LENT. MOTION PASSED 5 -3. CHAIRMAN RAINE DID NOT VOTE.

Chairman Raine restated the main motion as amended which now reads "Antlered or Antlerless" starting archery with Aug. 8 as start date.

Chairman Raine said nothing like teaching your children bad things, and some people like to do that and that is their prerogative.

Comment made (Microphone not on).

COMMISSIONERS IN FAVOR OF MOTION AS AMENDED: COMMISSIONERS VOGLER, MCBEATH, WALLACE, CAVIN, AND CAPURRO. OPPOSED: SHRUM, LENT, AND HOWELL. MOTION PASSED 5 – 3. CHAIRMAN RAINE DID NOT VOTE.

Resident Mule Deer – Antlerless – Any Legal Weapon Hunt 1181

COMMISSIONER LENT MOVED THAT WE DON'T APPROVE HUNT 1181 AS RECOMMENDED BY THE DEPARTMENT, NO ANTLERLESS HUNTS. COMMISSIONER HOWELL SECONDED THE MOTION.

COMMISSIONER MCBEATH MOVED TO AMEND THE MOTION TO ACCEPT THE HUNT AS PROPOSED BY THE DEPARTMENT. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: MCBEATH, WALLACE, AND CAVIN. COMMISSIONERS OPPOSED: LENT, CAPURRO, HOWELL, SHRUM, AND VOGLER. AMENDMENT FAILED 3 - 5. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER CAVIN MOVED TO AMEND THE MOTION TO ACCEPT 101, 102, 104, AND NOT ACCEPT 043 – 046. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: MCBEATH, WALLACE, SHRUM, AND CAVIN.

COMMISSIONERS OPPOSED: LENT, CAPURRO, HOWELL, RAINE, AND VOGLER. AMENDMENT FAILED 4 - 5. CHAIRMAN RAINE VOTED.

CHAIRMAN RAINE SAID WE ARE BACK TO MAIN MOTION WHICH IS TO APPROVE NO HUNT DATES UNDER HUNT 1181. COMMISSIONERS IN FAVOR OF MAIN MOTION: VOGLER, LENT, RAINE, HOWELL, CAPURRO IN FAVOR. COMMISSIONERS OPPOSED: SHRUM, MCBEATH, WALLACE, CAVIN. MOTION PASSED 5 - 4, CHAIRMAN RAINE VOTED.

Resident Mule Deer – Antlerless Any Legal Weapon Hunt 1101

COMMISSIONER LENT MOVED TO APPROVE HUNT 1101 AS RECOMMENDED BY THE DEPARTMENT. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 - 0, CHAIRMAN RAINE DID NOT VOTE.

Restricted Nonresident Mule Deer – Antlered Any Legal Weapon Hunt 1235

COMMISSIONER LENT SAID HE WILL RECOMMEND THE SAME FOR RESIDENT AND MOVED TO ACCEPT 1235 WITH EXCEPTION OF 194 - 196 MAKE THAT LATE SEASON THE SAME FOR RESIDENTS WITH DATE OF DEC. 21 TO JAN. 1. COMMISSIONER HOWELL SECONDED THE MOTION.

COMMISSIONER MCBEATH MOVED TO AMEND MOTION AS PROPOSED BY WHITE PINE COUNTY TO SHORTEN SEASON IN UNITS THEY MENTIONED, 111 - 115, 221 -223, 131-134,121, 114 - 115 AND BEGIN ON OCT. 30 AND END NOV. 5.

Commissioner Cavin asked Storey CABMW recommendations be incorporated as well (microphone not on).

COMMISSIONERS MCBEATH AND WALLACE ACCEPTED STOREY CABMWS REQUEST AS PART OF THE AMENDMENT TO MAIN MOTION, UNIT 195 TO CHANGE SEASON DATES TO OCT. 5 TO OCT. 31, AND ALL OF THE WHITE PINE CABMW CHANGES 111 - 115, 221 -223, 131-134,121, 114 - 115. COMMISSIONER IN FAVOR OF AMENDMENT: CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. COMMISSIONER LENT OPPOSED. MOTION CARRIED 7 - 1. CHAIRMAN RAINE DID NOT VOTE.

Chairman Raine said we are back to the main motion as amended.

COMMISSIONERS IN FAVOR OF AMENDED MAIN MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, WALLACE, AND VOGLER. MOTION PASSED 8 - 0. CHAIRMAN RAINE DID NOT VOTE.

Resident and Nonresident Mule Deer Antlered Any Legal Weapon Hunt 1331

COMMISSIONER LENT MOVED TO ACCEPT DEPARTMENT RECOMMENDATIONS ON 1331 WITH EXCEPTION 011 - 013, AND 014, WE HAVE SPLIT SEASON EARLY SEASON OCT. 5 TO OCT. 20 WITH 80 PERCENT OF TAGS; AND SECOND PART OCT. 21 TO NOV. 5 WITH 20 PERCENT OF THE TAGS. ALSO CHANGE 194 AND 196 DATES FROM DEC. 21 TO JAN. 1 AS IT WAS LAST YEAR. COMMISSIONER CAPURRO SECONDED THE MOTION.

Chairman Raine said we are only voting on three groups of units in this motion, 011 – 013, and 014 to reflect dates of Oct. 5 to Oct. 20 and Oct. 21 to Nov. 5 with 80 and 20 split. Dec. 21 to Jan. 1 for 194 and 196.

COMMISSIONERS IN FAVOR of MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, WALLACE, AND VOGLER. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Commissioner Capurro said he has had several people suggest that the same situation in Unit 24 Units 241 – 245 to provide a split season, early and late.

COMMISSIONER CAPURRO MOVED TO SPLIT UNITS 241 AND 245 TO REFLECT DATES OF OCT 5 TO OCT 20 AND OCT. 21 TO NOV. 5. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER. COMMISSIONERS OPPOSED MCBEATH AND WALLCE. MOTION PASSED 6 – 2. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER HOWELL MOVED TO APPROVE ANY LEGAL WEAPON HUNT 1331 AND 1235 THE BALANCE OF CHANGES AS MADE BY THE DEPARTMENT EXCEPTING THE UNITS ALREADY VOTED ON. MOTION SECONDED (MICROPHONE NOT ON).

Commissioner Cavin asked if Storey County included in motion.

(Commissioner Howell's microphone not on).

Chairman Raine said this reflects all changes made 1235 as far as season dates and the only exception is the unit groups we voted on in 1331, Units 241 – 245, 194 – 196, 111 – 113, and 014.

Commissioner Lent said the Commission received a letter from Storey CABMW out of the blue and did not take their letter as a recommendation as the board is not funded by the Commission, has not met a member of the board nor seen a member at a meeting; therefore did not take the letter as a recommendation.

CHAIRMAN RAINE SAID WE ARE VOTING ON MOTION: COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, WALLACE, AND VOGLER. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Biologist Wasley asked Chairman Raine to restate the dates for Units 241 – 245.

Chairman Raine said Oct. 1 to Oct. 20 and Oct. 21 to Nov. 5.

Resident and Nonresident Mule Deer Antlered Muzzleloader Hunt 1371

COMMISSIONER LENT MOVED TO ACCEPT HUNT 1371 AS PRESENTED BY DEPARTMENT. COMMISSIONER CAVIN SECONDED THE MOTION TO APPROVE MUZZLELOADER SEASON 1371. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, WALLACE, AND VOGLER. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Resident and Nonresident Mule Deer Antlered Longbow Archery Hunt 1341

COMMISSIONER VOGLER MOVED FOR HUNT 1341 THAT WE CHANGE THE AUG. 1 DATE TO AUG. 8 THAT WE INCLUDE A LATE ARCHERY HUNT IN UNIT 121 TO COINCIDE WITH DATES OF 101 – 108 LATE ARCHERY NOV. 10 – NOV 30. COMMISSIONER MCBEATH SECONDED THE MOTION.

(MICROPHONE NOT ON) COMMISSIONER CAVIN SAID AS AMENDMENT NEED TO ELIMINATE 192, 194, 196.

Commissioner Vogler said Douglas CABMW had a request too.

Eric Scheetz, Douglas CABMW, said the reason to remove archery hunt and keep consistent with removal of other weapons and we put those back so to make consistent need to keep archery in.

Chairman Raine said wherever Aug. 1 in Hunt 1341 that needs to be changed to Aug. 8 and create late archery hunt in Unit 121 and move hunt to Nov. 10 to Nov. 30.

COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, WALLACE, AND VOGLER. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 8 – 0.

COMMISSIONER LENT MOVED TO APPROVE 2011 AND 2012 EMERGENCY HUNTS AS PRESENTED BY THE DEPARTMENT. COMMISSIONER CAPURRO SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL,

MCBEATH, SHRUM, WALLACE, AND VOGLER. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER LENT MOVED TO APPROVE BIGHORN INDOCTRINATION COURSES FOR 2011 AND 2012 AS RECOMMENDED BY THE DEPARTMENT. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, WALLACE, AND VOGLER. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

- 23 Commission Regulation 11 – 04, Big Game Season Application Eligibility Deadline and Remaining Tag Regulations 2011 – 2012 – Program Officer III Maureen Hullinger - Action

PO III Hullinger said format is same as previous years and what is new is Silver State tag coming online and eligibility for a client. She said if they apply and eligible in main draw they can apply for both. Bear added as a season and hunt and eligibility language added for that. Silver State and bear are both online only applications. She said no recommendations against this were received.

Commissioner Lent said he noticed there is no reference to the 48 hour draw results and that language needs to be added that draw results will be available no later than 48 hours after main draw occurs.

COMMISSIONER LENT MOVED TO APPROVE CR 11 – 04 WITH INCLUSION OF LANGUAGE STATING THAT DRAW RESULTS ARE AVAILABLE ONLINE WITHIN 48 HOURS. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, WALLACE, AND VOGLER. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

- 24 Commission Regulation 11 – 05, Silver State Tag and Partnership in Wildlife (PIW) Season and Quotas 2011 – Program Officer III Maureen Hullinger

POIII Hullinger provided background and the CABMW recommendations (exhibit file).

Biologist Mike Cox said a few units to clarify and remove from PIW hunt, for the elk exclude Unit 019 have agreement with Utah on interstate herd; and mountain goats to exclude Unit 103 as such a small population.

Public Comment -

Ray Sawyer, White Pine CABMW, said they may have an error as under impression there was no Heritage tag for California bighorn and therefore recommended no Silver State tag for that and is now understanding that there is from previous speaker and if that is

the case he will withdraw that part of their recommendations. He said four is too many and they want one Heritage, one Silver State, and the other to go in the PIW.

Chad Bliss, Eureka CABMW, said his board discussed and thought for the first year to have one elk, antelope, Nelson desert bighorn sheep, and deer tag/one tag per species and see what people are interested in and as for 2012 wait and see what happens with 2011.

Clint Bentley, former Wildlife Commissioner, said he would like recommended that the Commission follow the Eureka CABMW recommendation of one per species due to the removal of Nelson bighorn tag from the Heritage which is a loss of \$100,000 to that program and need to have all of these animals in this draw to sell as many tags as we can to offset the loss of removal of the desert bighorn sheep.

Paul Harris, Clark CABMW, said he agrees with Eureka CABMW and their recommendation and Mr. Bliss.

Chairman Raine said he is personally hesitant to throw out a bucket of tags the first year and would like what started at the beginning, a premium tag and another tag as well, and definitely something that will develop over time and last year specified nine to split between Silver State and Heritage and keep at nine as conservative instead of going to the 15.

Commissioner Cavin said felt initially that we should have one or two tags in Silver State but looking overall that if we do one or two tags what will we learn, and if we stay with Eureka CABMW's recommendation we will find out where our interest is.

Commissioner Lent said he disagrees here as plan was to start easy and have to be careful here as unproven system and talking about resources being taken away from resident hunters. After first year we will know what the demand is and how much money we will make, but to sell a desert bighorn tag for \$10,000 is a disgrace as we can auction it for \$50,000. He said if we start with a couple trophies like elk, antelope and a deer and see what happens, we know what we get for those animals through auction process. Also, what is status of Dream Tag as that could come online as that was mandated by law.

Acting Secretary Mayer said he heard legislation was introduced for the Dream tag and to change the composition of the Commission but to date has not seen the text of the legislation.

Commissioner McBeath said each of these tags will have a different demand, and the only way to know how these tags perform is to put it out there at least once. His distinct recollection is that when dealing with Heritage tags we promised to put that tag in Silver

State, and that was promise to sportsmen and wants the Commission to keep that promise

Commissioner Capurro said he likes the idea of compromise set forth by Commissioner Lent with one tag for first year for one elk, antelope, and mule deer and then evaluate it. The rest we adopted for two years and assumes we will make motions separately and when it comes to Heritage he wants to take a look at adding California back into Heritage.

Commissioner Cavin said the Commission committed to the desert sheep tag last year and made major changes in the quotas for Heritage and committed to save a desert bighorn sheep tag for this hunt and if we are willing to throw in an elk tag and with the status of mule deer and antelope that won't hurt anything and we need to honor our commitment at least for desert bighorn sheep tag and not diluting that resource. He said he understands the Commission has been hung up on this for 15 or 20 years, and it is today.

Commissioner Capurro said he remembers with respect to desert bighorn sheep there was problem in Bares and had three desert sheep tags, PIW, and regular tag holder who was at end of line for hunting. The concern has been that those premium tags over the last few years have been used in Bares and that was major reason for reduction from three to one.

COMMISSIONER LENT MOVED FOR SILVER STATE TAG THAT WE ALLOCATE ONE MULE DEER, ONE PRONGHORN, ONE ROCKY MOUNTAIN ELK. COMMISSIONER CAPURRO SECONDED THE MOTION.

COMMISSIONER CAVIN MOVED TO AMEND THE MOTION AND HONOR COMMITMENT TO DESERT SHEEP TAG THAT THE COMMISSION MADE LAST YEAR AND INCLUDE THAT IN THE MOTION. COMMISSIONER MCBEATH SECONDED AMENDMENT.

COMMISSIONERS IN FAVOR OF AMENDMENT: WALLACE, MCBEATH, CAVIN. OPPOSED: LENT, CAPURRO, HOWELL, SHRUM, AND VOGLER. AMENDMENT FAILED 3 – 5. CHAIRMAN RAINE DID NOT VOTE.

CHAIRMAN RAINE RETURNED TO MAIN MOTION AND COMMISSIONERS IN FAVOR: CAPURRO, HOWELL, SHRUM, VOGLER, LENT, MCBEATH, CAVIN. COMMISSIONER WALLACE OPPOSED. MOTION CARRIED 7 -1. CHAIRMAN RAINE DID NOT VOTE.

PIW

COMMISSIONER CAPURRO MOVED FOR 2011 TO RESIDENT MULE DEER GO TO 22 AND NONRESIDENT THREE, RESIDENT PRONGHORN ANTELOPE FIVE, DESERT NELSON ONE, ROCKY MOUNTAIN ELK TWO, ROCKY MOUNTAIN GOAT ONE, AND THE CALIFORNIA BIGHORN SHEEP ONE. COMMISSIONER SECONDED MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, WALLACE, AND VOGLER. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

- 25 Commission Regulation 11 – 06, Heritage Tags, Silver State, and PIW - PO III Hullinger and Biologist Mike Cox

PO III Hullinger said CR 11 – 06 is all three programs are together for the first time and there is a limit of 15 for Heritage and Silver State and limits for PIW as well. She also reminded the Commission that Silver State has to have a concurrent Heritage tag to have a Silver State and current recommendation for 2012 that concurrence is not there. She reviewed the CABMW recommendations received.

Jelindo Tiberti, former Wildlife Commissioner, asked how much money was raised by PIW last year and was it less than a \$100,000, need to have that information today and taking the California out, where is the math and need a spreadsheet to show how much we are gaining or losing doing these accounts.

Paul Harris, Clark CABMW, said in response to what Commissioner Cavin said, it is different times, we have ability to put 15 tags out there and the state needs money and seems crazy. Past season we harvested 158 desert bighorns and there were about 200 resident tags, and 200 resident tags bring in \$24,000 and will take six years to make up for one tag. He said last year there were 17 rams that exceeded 170 inches and Mr. Capurro was absolutely wrong, as 10 units that had bighorn sheep over 170 inches, Unit 262 ...

Commissioner Capurro said you didn't get that from me.

Paul Harris, Clark CABMW, said you said that all of the hunters are going into one unit to kill the big rams that is not the case and issue resolved by not allowing that. Mr. Harris said his point is we killed 17 rams that were 170 plus and trophy hunters who bid on Heritage tags and that one tag could go for \$130,000 to \$150,000 and you are throwing that out. He understands the Commission has not gone beyond the nine tags in the past, but has the flexibility to go to 15. He said it is unrealistic to do that today and is not 2005 with money falling out of the sky. Mr. Harris said it seems like a personal vendetta by some of the Commission to not have that tag and that is crazy.

Chairman Raine said he would say that it appears exceedingly greedy to have 15 tags and that is how sportsmen will see it as making hunting a rich man's sport and again if we throw out 15 tags that looks exceedingly greedy and that is the public perception that he foresees, and that is the word used to him.

Commissioner Capurro said for the record that is exactly the testimony we had last year when we dealt with this issue, that all premium tags had gone to the Bares and taken as easy hunt and has big rams, Commission concerned that they would be hunted out. He said he does not know where Mr. Harris got his information but not the case as he was the person who made the motion to increase tags he thinks are important such as PIW tags that are for ordinary hunter and they increased it to 35.

COMMISSIONER CAPURRO SAID HE IS PREPARED TO MAKE A MOTION RELATIVE TO HERITAGE TAGS, RECOMMENDING TWO MULE DEER, TWO PRONGHORN, TWO ROCKY MOUNTAIN ELK, ONE DESERT BIGHORN, ONE CALIFORNIA BIGHORN AND FIVE TURKEYS, A TOTAL OF 11, INCREASE OVER LAST YEAR'S EIGHT, AS TURKEYS ARE SEPARATE ISSUE, HIS MOTIONS RESULTED IN INCREASE OF PREMIUM TAGS TO 11, AND THAT IS MORE THAN WE EVER HAD.

Chairman Raine said that was a motion on 2011...

Commissioner Capurro said 2012.

Chairman Raine said 2012 Heritage tags and asked for a second.

COMMISSIONER HOWELL SECONDED THE MOTION.

Chairman Raine said the motion is basically to accept as Department recommended with the additional California on 2012 Heritage tags.

Commissioner Vogler asked if too late to add a black bear tag.

Chairman Raine asked if that is an amendment to the motion.

COMMISSIONER VOGLER SAID HE WILL AMEND THE MOTION TO ADD BLACK BEAR IF LEGAL. COMMISSIONER HOWELL SECONDED THE AMENDMENT.

PO III Hullinger said the notice for the public for this agenda item did not include black bears.

DAG Whitney said he would agree that the public was not noticed as to the black bear.

COMMISSIONER VOLGER AND COMMISSIONER HOWELL WITHDREW THE AMENDMENT.

Chairman Raine said a good point and in the future may want to add black bear for consideration.

Commissioner McBeath asked if previously there had been California bighorn Heritage tags.

PO III Hullinger said yes and the sold for in 2010 for \$55,000, in 2009 \$45,000, and in 2008 \$60,000.

COMMISSIONER MCBEATH MOVED TO AMEND THE 2012 HERITAGE TAGS TO ADD ONE ADDITIONAL NELSON BIGHORN SHEEP TAG TO THE LIST. COMMISSIONER WALLACE SECONDED THE AMENDMENT.

Commissioner Lent said we've been accused of having a personal vendetta and would like that gentleman who stood up and said that he said we got \$140,000 and does not think we got that and he could make up the difference, and as is hearing that the tag prices have gone down and does not support adding tags just for money. The value of the tag is not raising as much and there are other things in the world beside money and sportsmen have a better right to them then selling our resources that belong to every citizen so a group can have a function that celebrates their function and we are getting more and more tags and getting way past what he thinks what we should do, and if you want to make it a rich man's sport we could auction all the California tags off instead of drawing them if that is what you want to do. He said he does not support going to two desert bighorn because of that.

Chairman Raine said absolutely, that is quite greedy, and that is what the public will see.

Commissioner Vogler said the biggest comment he gets is from elk hunters who say he gets rich off wildlife, and he only gets one elk tag and he does support them, and if we need to make it a rich man's sport let's sell them and do it by incentive, or let's make it a sport for general public.

CHAIRMAN RAINE RESTATED MOTION TO AMEND WHICH IS TO CHANGE MAIN MOTION TO TWO NELSON. COMMISSIONERS IN FAVOR: WALLACE, MCBEATH, CAVIN. COMMISSIONERS OPPOSED: LENT, CAPURRO, HOWELL, SHRUM, AND VOGLER. MOTION TO AMEND FAILED 3 - 5. CHAIRMAN RAINE DID NOT VOTE.

CHAIRMAN RAINE RESTATED MAIN MOTION: AS DEPARTMENT PRESENTED WITH ADDITIONAL CALIFORNIA BIGHORN SHEEP FOR 2012 WILDLIFE HERITAGE TAGS.

COMMISSIONER CAVIN (MICROPHONE NOT ON). COMMISSIONER CAVIN SAID TO INCLUDE IN THE MOTION A UNIT WHERE THE HERITAGE TAG HARVESTED THAT UNIT WOULD BE CLOSED ONLY FOR DESERT BIGHORN SHEEP. COMMISSIONER HOWELL AS SECOND TO MAIN MOTION AGREED. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0.

Silver State Tag 2012

COMMISSIONER CAVIN MOVED TO DEFER ACTION ON THE SILVER STATE TAG FOR 2012 UNTIL WE HAVE RESULTS WE CAN LOOK AT AND RESET THE QUOTA ACCORDINGLY.

Chairman Raine said originally he thought of only handling 2011 but was convinced otherwise to consider 2012 with a quota and would like a quota same as last year that could be amended if necessary to satisfy the expectation that this is an ongoing hunt.

COMMISSIONER LENT SAID HE WOULD AMEND THE MOTION TO MAKE THE 2012 SILVER STATE TAG THE SAME AS PREVIOUSLY VOTED ON FOR 2011, ONE MULE DEER, ONE PRONGHORN, AND ONE ROCKY MOUNTAIN ELK. COMMISSIONER SHRUM SECONDED THE AMENDMENT. COMMISSIONERS IN FAVOR OF AMENDMENT: RAINE, VOGLER, LENT, HOWELL, SHRUM. OPPOSED: CAVIN, CAPURRO, MCBEATH, WALLACE. AMENDMENT PASSED 5 – 4. CHAIRMAN RAINE VOTED.

Chairman Raine said main motion states 2012 Silver State tags for one mule deer, one antelope and one Rocky Mountain elk, identical to 2011.

PIW 2012

COMMISSIONER CAPURRO MOVED THAT THE 2012 PIW HUNT NUMBERS FOR 2012 BE THE SAME AS 2011, TOTAL OF 35 TAGS - 22 DEER FOR RESIDENTS AND THREE FOR NONRESIDENTS; FIVE PRONGHORN ANTELOPE; ONE DESERT BIGHORN; TWO ROCKY MOUNTAIN ELK, TWO ROCKY MOUNTAIN GOATS AND ONE CALIFORNIA. COMMISSIONER LENT SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

- 26 Commission Regulation 11 – 08, Mountain Lion Seasons 2011 – 2012 and 2012 – 2013 –
Staff Biologist Russell Woolstenhulme

Biologist Woolstenhulme said no change with exception to Unit 091 which was changed from four lions to two due to an agreement between Utah that agreed four lions would be harvested between the two states.

Chairman Raine asked if NDOW have any numbers of the mountain lion population statewide.

Biologist Woolstenhulme said adult lions number was between 1,200 and 1,300 according to the model and plan.

Chairman Raine said his comment is that previously only science was Altman study that came out that you can harvest 30 percent of the lion population and not affect main population and is exceedingly conservative estimate and other states have come out and said number is far higher that you can harvest above that and not affect the population.

COMMISSIONER HOWELL MOVED TO APPROVE CR 11 – 08 WITH FOLLOWING CHANGES TO RAISE QUOTA TO 500, ELIMINATE THE LIMIT ON THE TAGS COMPLETELY AND THE METHOD OF TAKE CHANGED TO INCLUDE INCIDENTAL TRAPPING DURING THE TRAPPING SEASON TO GET A HANDLE ON HOW MANY TRAPPERS TAKING LIONS AND THIS WAY WE WOULD HAVE A NUMBER.

(Speaker - Microphone not on until Acting Secretary Mayer speaks)

Chairman Raine how to break up the quota among the units.

Commissioner Howell said identical distribution.

COMMISSIONER SHRUM SECONDED THE MOTION.

Acting Secretary Mayer said as a former third generation Californian he would advise the Commission that we have become California and we will see legal scrutiny on this. In California he saw it and they lost it. He said he believes that this will take a NAC change on trapping and is surprised the Commission's DAG did not address this as the trapping issue is completely separate. He said the other thing is when you throw out a number such as 500 he is not sure how that fits in our biological analysis and if beyond what we modeled as that is the avenue for anti hunters to come in. He said he believes in lion hunting and that the Commission have a measured approach to this and he suggested a workshop where the model could be discussed as we should understand what we are doing.

Chairman Raine according to only science provided by NDOW the number is 700 and this is 200 under that so we are being conservative.

Commissioner Capurro asked Acting Director Mayer why there is no lion hunting on Sheldon or the Desert National Wildlife Refuge.

Acting Secretary Mayer said that is due to the federal government regulations.

COMMISSIONER MCBEATH MOVED TO AMEND THE MOTION TO ACCEPT THE 2011 – 2012 AND 2012 – 2013 UNDER CR 11 - 08 AS SET FORTH BY THE DEPARTMENT. COMMISSIONER WALLACE SECONDED THE MOTION.

COMMISSIONER CAPURRO MOVED TO AMEND MOTION TO AMEND THE MOTION AND NOT DEAL WITH NUMBERS BUT TO REMOVE TWO TAG MAXIMUM PER PERSON AND THAT THERE BE NO LIMIT WITHIN CONFINES OF NUMBERS ADOPTED.

PO III Hullinger said that is NAC change for two tag maximum per person.

Commissioner Vogler asked staff for the number of lions harvested.

Big Game Biologist Russell Woolstenhulme said this year 130 lions taken so far this year.

(Microphones not on until Acting Director Mayer speaks)

Acting Secretary Mayer said very few people take two lions and his experience has been perception and this is a quota we don't need to reach.

Chairman Raine conferred with DAG Whitney and advised the Commission that DAG Whitney said to strike all amendments and amendments to the motion and heed his advice to start over. Chairman Raine said all motions have been stricken and basically cannot deal with incidental take or tag maximums, as those are set in NAC and today's agenda is Commission Regulation.

Commissioner Howell said he conducted research and method of take is in the regulation. He said someone had to do that to begin with and let's do it.

Chairman Raine said that is a different process and we can deal with the quota.

COMMISSIONER HOWELL MOVED TO APPROVE COMMISSION REGULATION 11 – 08 MOUNTAIN LION SEASONS FOR 2011 TO 2012 AND 2012 - 2013 WITH THE CHANGE OF THE LIMIT TO 500.

PO III Hullinger said for clarification that the quota is unlimited with a two tag limit per person, and actually through the draw process actually issue a couple thousand. Numbers in the CR are for harvest objective.

COMMISSIONER VOGLER SECONDED THE MOTION.

COMMISSIONER MCBEATH MOVED TO AMEND THE MOTION TO RETAIN HARVEST OBJECTIVES SET BY DEPARTMENT FOR 2011 – 2012 AND 2012 - 2013, AND IS VERY OBVIOUS TO HIM THAT THIS IS JUST A GESTURE AT THIS POINT AS WITH TWO TAG LIMIT YOU WILL NEVER GET THIS TO WHAT YOU PROPOSED HERE. THE ONLY THING THAT WILL OCCUR IS TO INFLAME THE PUBLIC AND THE ADVOCATES FOR ANTI-HUNTERS AND ANTI-LION PEOPLE AND OTHERS AND JUST DOES NOT SEE PURPOSE THE PURPOSE NOW THAT IT IS GUTTED BY THE NAC. COMMISSIONER WALLACE SECONDED THE MOTION. PUT BACK TO NDOW RECOMMENDATIONS. COMMISSIONERS IN FAVOR: CAVIN, MCBEATH, WALLACE. OPPOSED: LENT, CAPURRO, HOWELL, SHRUM, AND VOGLER. AMENDMENT FAILED 3 – 5.

COMMISSIONERS IN FAVOR OF MAIN MOTION: LENT, CAPURRO, HOWELL, SHRUM, VOGLER. OPPOSED CAVIN, WALLACE, MCBEATH. MOTION PASSED 5 - 3. CHAIRMAN RAINE DID NOT VOTE.

27 Findings of Mule Deer Restoration Committee – Chairman Raine – Action

Chairman Raine said a letter was sent on this item from Western Association of Fish and Wildlife Agencies (WAFWA) and this issue was discussed at great length at the last meeting.

DAG Newton said there was a request in the letter that WAFWA's letter be read into the record.

Chairman Raine said we will in the next two seconds have public comment and if they don't read it he will, he said he will just read it now...but does not know why we need to read it as everybody on the Commission has read and has been entered into the record. If someone wants to use their three minutes to read it go ahead.

Paul Dixon, Clark CABMW, said Commissioner Lent spent one and one-half hour yesterday reading into the records items that had no meaning to what we were talking about, and this letter is directly important to our mule deer herds, and is astonished that Chairman Raine will not read something as important as this with science in it that basically challenges the science your group worked on for almost two years with the mule deer working group, and the letter concludes that you did not do your homework, or talk to the right people, and that you had predetermined notion of where you wanted to go. In the report they did not take on the attacks made on NDOW, WAFWA

did not deal with that. He said the letter should be read into the record and you know that no one can read the whole letter in three minutes unless each person here takes a segment. Mr. Dixon said the letter should have been read into the record.

Steve Kemp, Humboldt CABMW, said as a board they made a motion to not accept the document as no scientific basis behind it and needs to be looked at a little more.

Cory Lytle, Lincoln CABMW, said his board voted it down across the board too many loose ends and structure did not give clear detailed approach. He said relative to legalities requiring personnel to come up with numbers that are not determined and managing animals owned by the people of the state, cannot compare wildlife to private animals and this will get us bogged down in legal battles. Same for scientific data and he is a proponent that you don't have to do everything 100 percent of the time and we can go against or skirt scientific data in a lot of areas but some are under federal rules and policies, which have to be followed. Mr. Bunch mentioned that yesterday that you need to work with the feds and figure out better sources to channel our energy into other avenues and figure out better ways. Mr. Lytle said we need to work this in the right direction to make things better.

Ken Wellington, Elko CABMW, said his motion and intent was to support the concept of the Mule Deer Restoration Committee's report when it came to habitat, grazing, pinyon-juniper encroachment, weather, drought, predation, invasive weeds, feral horses, and wild fire, however; wanted to make sure when reviewed and looked at it further that the committee works with the Department and uses science for their next report.

Walt Gardner said representing himself that he read through the plan and though was a tremendous piece of work could find no flaws, is overdue as the Department has been running without a rudder for a while. Also the guides' association has asked him to relay that they believe in the plan and concept and is a great step in the right direction.

Paul Dixon, Clark CABMW, read summary of WAFWA letter into the record (support material/exhibit file).

Commissioner Lent said he read the document and noted this letter was not on official WAFWA stationery and you are not getting the full story here. Arizona had a 10 year study and chair of WAFWA Mule Deer Working group that was headed by Jim DeVoss who Mr. Heffelfinger replaced. Mr. Lent cited and read a section from a study written by Eric Rominger from New Mexico and another one and the bottom line is WAFWA is generalizations and WAFWA will not become involved in state issues and a director can get anyone in WAFWA to write a letter. He said members of WAFWA have never set forth in Elko County and does not think WAFWA knows more than ranchers or Cliff Gardner and ranchers spent more time in the field than biologists. Before we decide how we get there imperative to know where we want to go. This committee report

needs to be accepted and is a start and road map of how we are going to get there. He said this will go back to the committee to start the road map and that is a motion.

(Microphone not on until Jon Sjoberg speaks)

COMMISSIONER LENT SAID HE WILL MAKE MOTION TO ACCEPT FINDINGS NBWC AND GET THIS ROAD MAP GOING. COMMISSIONER HOWELL SECONDED THE MOTION.

Chairman Raine said set game production goals and need to do that to bring back mule deer populations and design organization to accomplish those goals. Bad science read letter from WAFWA and studies behind their documentation of findings based on fact. May be a few errors but has not found them.

COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, HOWELL, SHRUM, VOGLER. OPPOSED CAVIN, WALLACE AND MCBEATH. MOTION CARRIED 5 – 3.

Commission Regulation (CR)

- 28 CR 09 – 09 Amendment #1, - Fisheries Biologist Jon Sjoberg – Action

(Microphone On)

Fisheries Biologist Sjoberg said the CR renames Carson City's Fujii Park Pond to Baily Fishing Pond. Part II of the CR is to close part of Clark County Wash to conform to Clark County park regulations that have been in effect since 2003.

COMMISSIONER MCBEATH MOVED TO ACCEPT AS PROPOSED. COMMISSIONER CAPURRO SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION CARRIED 8 – 0.

(Microphone not on)

Chairman Raine said the informational reports on this agenda are deferred to the March meeting, and agenda items #9 and #10.

- 31 Nevada Department of Wildlife Director Selection/Recruitment Process – Chairman Raine – Informational

Chairman Raine said notice is out with deadline for applications in mid-March.

- 32 Future Commission Meeting – Acting Director Ken Mayer – Action

Acting Director Ken Mayer said the CABMW workshop is scheduled for March meeting.
Meeting Adjourned at 4:40 p.m.

A videotape of the meeting is available for viewing on the NDOW website at ndow.org.

Note: The minutes are a summary of the meeting. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request for review.

MINUTES

March 11 and 12, 2011

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

**A videotape of the meeting is available for viewing on the NDOW website
at ndow.org**

Approved Minutes

Nevada Board of Wildlife Commissioners' Meeting
Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512
Amended Agenda – 3/1/11

Friday, March 11, 2011 – 9:30 a.m.

- 1 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 2 Commissioner Appreciation – Acting Secretary Ken Mayer
- 3 Approval of Agenda – Action
- 4 Member Items/Announcements
- 5 County Advisory Boards to Manage Wildlife (CABMW) Member Items
- 6 Public Comment Period
- 7 Correspondence – Chairman Raine – Informational
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 Acting Secretary Mayer will also be discussed.
- 8 Master Guide License Appeals – Chief Game Warden Rob Buonomici - Action
The Commission will hear appeals from six Master Guides requesting reinstatement by the Commission of their Master Guide licenses which have been suspended by the Department.

Amended A Richard A. Hankins
 B Ken W. Mallory
 C Charles F. Marques
 D Ervin W. Cronister
- 9 Wildlife Damage Management Fiscal Year 2011 Plan Report – Chief of Game Larry Gilbertson – Informational

A Wildlife Damage Management Committee Report – Commissioner Vogler – Informational
The Commission will hear a report from the Wildlife Damage Management Committee.

- B Wildlife Damage Management Fiscal Year 2011 Plan – Commissioner Vogler - Action
The Commission will discuss and provide guidance to the Department concerning development and information provided in the 2011 and future Wildlife Damage Management plans.
- 10 Additional Application Hunt System Report Format – Chief of Operations Bob Haughian - Action
The Commission may endorse or deny a request made previously at the December 2010 Commission meeting from Commissioner Cavin to introduce an additional report format to publicly display a list of successful tag applicants by hunt unit on the huntnevada.com website.
- 11 Legislative Committee Report and Actions - Commissioner Capurro
- A The Commission will hear a report from the Legislative Committee - Commissioner Capurro – Informational
- B The Commission may take action to support, not support, or take no action on bills reviewed at the Legislative Committee meeting - Commissioner Capurro - Action
- 12 Consideration of Disbanding *de facto* Committee to Meet with Governor Sandoval - Chairman Raine - Action
At a prior meeting the Nevada Board of Wildlife Commissioners voted to send a two-member delegation to meet with Governor Sandoval concerning regulation changes being brought before the Board. Counsel advised that it is possible the previous vote technically created a *de facto* public body subject to the Nevada's Open Meeting Law. The Board will consider taking action to disband the delegation.
- 13 Administrative Procedures, Regulations and Policy (APRC) Committee Report and Recommendations – Vice Chairman Lent – Action
The Commission will hear a report from the APRC Committee and conduct a first reading of proposed changes to Commission Policy #10, "Wildlife Heritage Tags and Vendors"; and first readings on two new proposed Commission Policies, "Transparency" (policy number pending) and "Wolves" (policy number pending).
- 14 Commission General Regulation 394 Wolf Status, Temporary-T006-10 – Chairman Raine – Informational
The Commission will discuss the concept of a temporary regulation revising the status of gray wolves (*Canis Lupis*) from a game mammal to unprotected mammal and other matters related thereto, however, no regulatory language will be proposed.
- 15 Management Bull Elk Definition – Chief of Game Larry Gilbertson - Informational
The Department will report to the Commission on the concept of "management bull elk seasons," however, no regulatory language will be proposed.
- A The Commission may give guidance, and provide guidelines to NDOW concerning, development of language for regulation establishing a management bull elk season – Chairman Raine – Action
- 16 Wayne E. Kirch Wildlife Conservation Award Judging Committee Report and Recommendations – Commissioner Howell – Informational
The Commission will hear a report from the Wayne E. Kirch Wildlife Conservation Award Judging Committee on changes to Commission Policy #51, Wayne E. Kirch Nevada Wildlife Conservation Award, and the Commission will hear a first reading of those changes.

- 17 Report from Feral Horse Committee – Committee Member Floyd Rathbun –
Amended Informational

Commission Regulation – Action

- 18 Commission Regulation Number 11- 09 – Black Bear Draw Application Deadline – Program Officer III Maureen Hullinger
The Commission will consider adoption of the 2011 and 2012 black bear hunt online application deadline of the second Friday in May until 5 p.m. except as provided in LCB file R155-09, and the Wildlife Administrative Services Office will accept applications for the black bear hunt online only at www.huntnevada.com.

19 Reports – Informational

- A Western Association of Fish and Wildlife Agencies (WAFWA) 2011 Mid-Winter Conference Report – Commissioner Capurro
- B Elk Damage and Incentive Committee Report – Commissioner Vogler
- C Ruby Mountain Deer Study – Chief of Game Larry Gilbertson
- D Wildlife Heritage Trust Fund Principal and Interest Fiscal Year 2012 – Deputy Director Patrick Cates
- E 2011 Legislative Session Update – Management Analyst III Kim Jolly
- F Local Bear Ordinances Update – Management Analyst III Kim Jolly
- G Gifts, Grants, Donations, and Bequests – Deputy Director Cates
- H Litigation Report – Deputy Attorney General David Newton
- I Department Activities/Leadership Team Notes – Acting Secretary Ken Mayer

Saturday, March 12, 2011 – 8 a.m.

- 20 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 21 Member Items/Announcements
- 22 Public Comment Period
- 23 Second Readings of Commission Policies – Vice Chairman Lent – Informational
The Commission will conduct second readings of proposed changes to Commission Policy #10, “Wildlife Heritage Tags and Vendors”; and second readings on two new proposed Commission Policies, “Transparency” (policy number pending) and “Wolves” (policy number pending).
- 24 Revisions to Commission Policy #51 Wayne E. Kirch Nevada Wildlife Conservation Award – Commissioner Howell – Informational
The Commission will hear a second reading of revisions to Commission Policy #51 Wayne E. Kirch Nevada Wildlife Conservation Award.

- 25 Future Commission Meeting – Acting Director Ken Mayer – Action
The next Commission meeting is scheduled for April 15 and 16, 2011, in Reno. The Commission will review potential agenda items for the meeting. The Chairman may designate and adjust committee assignments as necessary.

2011 Biennial County Advisory Boards to Manage Wildlife Workshop
The Boards and Commission will meet in a facilitated session for brief presentations and discussions. The Commission will not take formal action on any workshop items. However, the purpose of the workshop is that a common understanding of Board and Commission processes is achieved. The public is encouraged to attend and observe.

- Welcome and Opening Comments – Chairman Raine and Acting Secretary Ken Mayer
- CABMW Budgeting – Deputy Director Patrick Cates and Administrative Officers III
- Big Game Division Computer Model Process Demonstration – Big Game Division Chief Larry Gilbertson and Big Game Biologist Mike Cox
- Frequently Asked Questions for CABMW Manual – Management Analyst III Kim Jolly
- NDOW Website Demonstration – Website Coordinator Jake Sunderland
- The Regulatory Process – Chief Game Warden Rob Buonamici

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Scott Raine	Vice Chairman Gerald Lent	Commissioner Daryl E. Capurro
Commissioner Tom Cavin	Commissioner Howell	Commissioner Michael McBeath
Commissioner Hal Shrum	Commissioner Hank Vogler	Commissioner Grant Wallace

Secretary/Director Kenneth E. Mayer	Bryan L. Stockton, Deputy Attorney General
Suzanne Scourby, Recording Secretary	David Newton, Deputy Attorney General

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Game Larry Gilbertson	Chief Game Warden Rob Buonamici
Program Officer III Maureen Hullinger	Game Warden Joe Maslach
Big Game Biologist Mike Cox	Chief of Operations Bob Haughian
Management Analyst III Kim Jolly	Program Officer III Maureen Hullinger
Acting Chief of Conservation Chief John McKay	

Others in Attendance/Two Day Meeting:

William S. Meyer, Lyon CABMW	Jim Jenne, Lyon CABMW
Walter Mandeville, Lyon CABMW	Glenn Bunch, Mineral CABMW
Joe Crim, Pershing CABMW	Justin Fricke, Nevada Subguide
Kevin Strozzi, Nye CABMW	Tom Cassinelli, Humboldt CABMW
John Reed, Washoe CABMW	Matt Deal, Deputy Attorney General – AG Office
Gil Yanuck, Carson CABMW	Don Sefton, Systems Consultants
Tom Reed, Systems Consultants	Wayne Whitten, Churchill CABMW
Randy Lytle, Lincoln County	Cory Lytle, Lincoln CABMW
Scott Torgerson, Lander CABMW	Philip Gray, Lander CABMW
Gary Sweeney, Lander CABMW	George Corner, Nevada Outfitters and Guides
Rex Flowers, Washoe CABMW	Floyd Rathbun, Feral Horse Committee
Frank Ely, Falconry	Lew Souder, Nevada Falconry
Corey Dalton, Nevada Falconers	

Friday, March 11, 2011 – 9:30 a.m.

- 1 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine

The meeting was called to order at 9:36 a.m. by Chairman Raine.

Commissioners Present for Roll Call: Chairman Scott Raine, Commissioners Lent, Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace.

CABMW Roll Call: Jim Jenne, Lyon; Walt Mandeville, Lyon; Bill Meyer, Lyon; Kevin Strozzi, Nye; Don Hanks, Elko; Gil Yanuck, Carson; John Reed, Washoe; Gary Sweeney, Lander; Scott Torgerson, Lander; Bill Gray, Lander; Tom Cassinelli, Humboldt; Glenn Bunch, Mineral; and Joe Crim, Pershing.

- 2 Commissioner Appreciation – Acting Secretary Ken Mayer

Chairman Raine said the Commissioner for the award is not present.

- 3 Approval of Agenda – Action

Commissioner Vogler said several issues of the Elk Damage and Incentive Committee and Wildlife Damage Management Committee are quite similar and as both are informational he would like to combine those two under agenda item #9, #19 B will be combined with #9 A.

Commissioner Cavin said for agenda item #13, Administrative Procedures, Regulations and Policy, is denoted as “action” and should be informational.

Chairman Raine agreed with Commissioner Cavin.

COMMISSIONER HOWELL MOVED TO ACCEPT THE CHANGES. COMMISSIONER VOGLER SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

- 4 Member Items/Announcements

Commissioner Shrum said he has two items: He has a friend from White Pine County, Mr. Bob Trombley who is well known in Nevada and White Pine County, who is in hospice now and if anyone needs his daughter’s email address to send a card he will provide it. Secondly, the letter to Secretary Ken Salazar that was discussed at the last meeting was written, and has been signed by Chairman Raine. He read the letter (Attachment A). Commissioner Shrum said last week he and Commissioner Howell

attended a Bureau of Land Management (BLM) meeting in Las Vegas and learned a three year plan is underway that deals with travel management plans which will affect 3.4 million acres in Clark County. Clark is scheduled first, then Nye and Lincoln. He said what troubles him is that they have signage for road closures, and will have vast areas of land that they are trying to tell us how to use and they are taking away more by adding new program to old program. He said these problems started with the Taylor Grazing Act of 1933 when we invited the federal government to manage our lands.

Commissioner McBeath said that letter just read by Commissioner Shrum has not been before the Commission to date.

Chairman Raine said for clarification the Commission voted on and approved a letter at the last meeting based on guidelines expressed by Commissioner Shrum and that is what the final letter was based on and was drafted by Commissioner Shrum. That was the motion made and passed.

Commissioner McBeath said the actual letter never came before the whole Commission or NDOW for comment, and that is a problem he has with letter representing this body, and that the actual Commission had not seen the letter or voted on whether or not the letter should go out. This Commission acts as a board and matters out of this board need to be authorized and giving direction to one Commissioner to draft a letter and for that letter to be signed by chair without rest of board seeing the letter without Commission or CABMW comment is problematic to him. The Board needs to be involved as a Commission with these matters so when we have a communication that is represented to be from the Commission it must be certain that the Commission has actually seen the letter and voted on it before sending out. He said his question to the Deputy Attorney Generals (DAG), is whether the Commission is overstepping its bounds by sending out this particular letter, under these facts.

Deputy Attorney General (DAG) Stockton said he was not present at that meeting, but if Commission voted on concept and for Commissioner Shrum to draft the letter, the Commission has that discretion to let someone draft the letter. If that was voted on and approved, it is not illegal to have one member draft the letter, whether wiser to draft letter and have it come back is another issue.

DAG Newton said he would need to review the minutes.

Commissioner Lent said at the last Commission meeting in Las Vegas when the big game computer model agenda item was presented he had requested a live demonstration of the deer model in action with certain areas, and to date has not been notified of that. He would like the demonstration before the deer quota meeting, and also requested that all modeling information be given to the Commission with instructions and tapes from Wasley and Cox's presentations. Secondly for the April agenda he would like a work session before the quota setting meeting like Utah has and the information he

would like there, is to have the buck doe ratio for every unit in the state for last 10 years, and fawn doe ratio for every unit for 10 years, so they can look at trends so action can be taken if downward or upward trends. This will help the CABMWs and the Commission make good decisions, as deer are back bone of the budget, and want to be as active as we can. Thirdly, as chairman of the Heritage Committee he requested number of Heritage projects submitted and talked to NDOW staff to the Heritage Committee and was told by staff that no projects were submitted by mid-February and they would have the numbers by March 2, and he needs to have his committee meeting prior to May meeting and needs to get information to the CABMWs as soon as possible. He called staff on March 2 and he received email from staff which he read and will provide for the record telling him to go to the Deputy Directors. The email he received back which is for the record was a nasty response and he will read part of it, and would have liked a more friendly response as this response offended him. By law the Commission has time tables and last year the CABMWs did not get the projects timely and that may happen this year too. He ended up requesting the information under public records law. He said we may have to have a two day meeting in May as last time we had a lawsuit. He wants time to scrutinize the projects with a fine tooth comb as should the CABMWs. Commissioner Lent said due to his complaint he should receive the information within five days and will then schedule a Heritage Committee meeting.

Commissioner Vogler asked why in the world a Commissioner would need to do that and is the Commission that far apart from NDOW, and asked for an explanation.

Chairman Raine said there is a NRS stating that the reports will be provided by the Department.

Commissioner Lent said he is aware that the Department has an internal policy on interactions between the Commission and the Department and maybe we could get a copy of that by noon to review. They have a policy on how they react and support the Commission and knows that they have had it since a few years ago. It is critical to get the Heritage information out and we have to be careful due to the lawsuit and in his opinion the Committee will not accept projects that do not meet the legal requirements.

Chairman Raine said related to Heritage, he tried to schedule a meeting with Governor Sandoval as voted on at the last meeting and there is an agenda item to disband the de facto committee, and he and Commissioner Capurro spoke with the Governor's General Counsel, Lucas Folletta yesterday, and Mr. Folletta suggested that all communication with NDOW staff be copied specifically to the Director. He said he will attempt to do that and if he fails that is simply an oversight and would ask that staff correct his secretarial error and forward on to Acting Director Mayer.

Acting Director Mayer said he would appreciate being copied and that he objects to Commissioner Lent's abuse of staff over the last three years as that has created a hostile work environment, and that is why he is asking Chairman Raine to send communications

directly to him or Deputy Directors and staff have been instructed not to drop the things they have ongoing, and is dramatic and disingenuous to talk of delaying information to CABMWs when the deadline was March 1 and you asked for that information on March 2. He said we have legislation and other work and we want to make sure information provided is timely and accurate and last thing he wants is staff scurrying around as that makes it hard for staff to accomplish their work and provide accurate information. He thinks Commissioner Lent will have the information he needs by the end of this week, and staff is not Commissioner Lent's to direct.

Commissioner Capurro said additionally in meeting with Mr. Foletta they asked about Heritage language changes by regulation and their concerns as a result of the lawsuit that was basically thrown out which brought up issues which were reviewed by Deputy Director Cates and DAG Stockton who were concerned with Heritage projects. This year's deadline has passed and we will be dealing with the projects using old regulations and that was the purpose of having that agenda item on the last agenda. Mr. Foletta indicated accommodation that could be made and that he would talk to DAG Stockton about what he drafted. We did have Administrative Procedures Regulation Committee meeting, where Deputy Director Cates gave suggestions relative to the process, and believes his changes were incorporated, but need to take this up again.

Chairman Raine said good to hear opinion from Governor's staff regarding changes to regulations. Basically, the Department and Commission are tasked with reviewing all regulations, question is that anybody that has a regulation to change, the Governor's office is interested and wants to see obsolete adverse regulation changes eliminated. If CABMWs know of any that can be place on an agendas so long as you don't have proposed new language. He asked if the Department has a timeline to complete that or a list.

Acting Director Mayer said the Department has one year to do that, and probably sometime after the legislative session is done.

Commissioner Raine said he would like to see a list as soon as reasonably possible. Commissioner McBeath said we are still on Heritage list, and he had a recollection and he read NAC 501.310 that explains the Heritage Trust Account. The Department deadline is April 15 to submit to Heritage Trust Committee and the CABMWs. It is not a matter of this Commission or the Committee giving the packet to CABMWs and again the deadline is April 15.

Acting Director Mayer said that is correct.

Commissioner McBeath said why are we talking about this as we are one month from April 15.

Chairman Raine said we will be developing the Commission's April agenda in the coming week and that is why we are talking about it and the original question was how many projects.

Commissioner Capurro said his comment is this was a minimal request to request how many projects submitted and would like that request answered before April 15.

Deputy Attorney General (DAG) Stockton said he needs to stop the discussion here as we are starting debate.

Chairman Raine said at the last Commission there was a vote to post all the equations, the spread sheets, the deer models and variables on the NDOW website. He said he would like an email sent to the Commission with the link.

Acting Director Mayer said the information went up on Tuesday.

5 CABMW Member Items –

Gil Yanuck, Carson CABMW, said the Carson CABMW and Carson Parks and Recreation thank the Department for completing the first stocking of Baily Pond in Carson City which has much angler use already. The first kids fishing derby on Baily Pond is scheduled for Oct. 8. The Carson CABMW was somewhat concerned during the bear hearings here as some of the public had maligned the reputation of Biologist Carl Lackey and felt unfair comments made about Mr. Lackey and he read letter Carson CABMW sent to Acting Director Mayer denoting their support for Mr. Lackey and the information he has provided to their Board and others.

Commissioner Lent said he agrees with their commendation of Mr. Lackey and was interesting to see how bear people praised Carl Lackey at first and as we got closer to setting a season and as seen at yesterday's hearing they would hang him if they could. Thank you for your comments.

John Reed, Washoe CABMW, said his CABMW received a briefing from Mark Freese of NDOW and the Ruby Pipeline mitigation fund and opportunity to propose projects as they have five years to spend that money. He said the board discussed baiting regulations and would like to take that issue up, and lastly under agenda item #9, he and others spent hours looking for the Wildlife Damage Management Report and was found as Predator Management Report, and name of the report does not reflect the name of the committee's report.

Commissioner Lent said years ago "predator" was a bad name for some of the public and the Commission changed the name to "Wildlife Damage Management Committee" and 10 years ago was the Predator Committee.

Chairman Raine said he chaired the Wildlife Damage Management Committee and name change came up and focus of committee was damage done to wildlife whether by predation and the committee deals with predation management plan which is NDOWs plan.

Jim Jenne, Lyon CABMW, said this is just a comment and is not trying to start anything and he was not able to attend the last meeting and he tried to watch the video of the meeting and there is blank audio when Commissioners don't turn on their microphones and also the video would not proceed at certain points.

6 Public Comment –

George Corner of Nevada Outfitters and Guides Association (NOGA) said NOGA has been dealing with problems with the Nevada Administrative Code as it applies to guides and outfitters and these problems can be said to be brought on by selves as they did in 2004 convene a Commission Guide Committee who worked to make changes in Nevada Administrative Code and they will be coming back to the Commission to make changes in administrative code as issue has culminated with 10 master guides having their licenses suspended which for them is of significant economic impact to them. Those 10 guides could not put their clients in for the nonresident guided hunt draw and majority of deer hunting clients for a guide come through the nonresident guided hunt draw, for Ruby Mountain guides 100 percent of their clients last year and for many years allowed 30 clients for example, and individual outfitters financially affected by about \$75,000 on their gross income. He said hopefully will get started on this to rectify the problem.

Justin Fricke said his comments are a prelude to agenda item that is coming up. He said guidebook issues, all guides and subguides are required to have client record book, and he does not believe that book should be required or overseen by NDOW. NDOW has required return card questionnaires and guides have license and private contract and that should not be governed by NDOW with taking client record books. Also, on behalf of guides and outfitters issued citations and suspensions...

DAG Stockton said to Mr. Fricke that he would caution him from continuing comments as the Commission is the "trier" of facts for those appeals and do not comment on specific appeals before the board.

Mr. Fricke restated that guidebooks should not be required.

Chairman Raine said Deputy Director Cates may comment now.

Deputy Director Cates said he would like to respond to Commissioner Lent's comments and what he did not mention in his comments is that they had a phone conversation prior to his email and he told him the information would be sent today, and that was not good enough for him, and subsequently they both got animated and upset, and he called for removal of his staff and accused people of not doing things properly, that was

basis of context of that. He has report and there were 52 Heritage project proposals received which is a month before statutory deadline. He did state at end of that conversation that the information would be provided today, and Freedom of Information Act request unnecessary.

Commissioner Vogler said if you have 52 projects that is many projects to allow study if you have that type of interest and time is of the essence in receiving the projects for review.

Commissioner McBeath said in regard to the issue Mr. Corner brought up, he holds two professional licenses in Nevada, one is for accounting and is subjected to reporting requirements as a CPA, and the other as an attorney, and he can tell you that structure set-up for license reporting requirements and the potential for license suspension is not as draconian as what the guides have set up for themselves and would hope that guides look at that when they come back.

Chairman Raine said the petition process is available for changes.

7 Correspondence – Chairman Raine – Informational

Commissioner Howell said he has two sets of correspondence but will present them under agenda item #9.

Chairman Raine said he has received comments from the Western Association of Wildlife Agencies (WAFWA) Mule Deer Working Group regarding the findings by the Nevada Board of Wildlife Commissioners Mule Deer Committee and has list of responses to those particular items from that document, as he was approached by people in wildlife profession, and was interesting as they brought up good points and he summarized them as his comments, and while he finalized the draft they are not his ideas, and is interesting how many people are worried about the mule deer populations, which also occurred at the legislature yesterday.

Acting Director Mayer said for clarification is the letter you are referencing from WAFWA dated Feb. 21 as that letter was resent on letterhead due to comments made by Commissioner Lent that the original was not from WAFWA.

Commissioner Capurro said we all received email from Wildlife Services with a report on their projects – Heritage and predation management - and that should be part of the record as is a comprehensive report.

8 Master Guide License Appeals - Chief of Game Warden Rob Buonamici - Action

A Richard A. Hankins

Commissioner Vogler disclosed that he knows Mr. Marques and Mr. Hankins as he resides in a very small community in Eastern Nevada and has no financial business with them and he does not believe that knowing them will affect his vote in this matter.

DAG Stockton swore the appellants and witnesses in as a group.

Chief Game Warden Rob Buonamici said the matter before the Commission is suspension of Richard Hankin's license. He said he will review the exhibit file containing the Department's evidence and that he will demonstrate that the Department's actions were reasonable. He started with Exhibit #1, NRS 501.385 which under (D) states that you are guilty of a misdemeanor if you violate provisions of Commission regulation unless otherwise specified, and wanted that information on the record. NAC 504.688 under (3) defines that guides enter records into record book and (4) that all master guides will submit to the Department original records and forms and those of subguide employed no later than Dec. 31. Dec. 31 is the delineated deadline by this board. Exhibit #2 NAC 504.671 is the Department's authority to suspend and lists the reasons. Chief Game Warden Buonamici said Exhibit #3 is the letter sent to Mr. Hankins on Jan. 6, 2010, regarding his 2009 master guide records which were late and this is an incident were this happened once before and he was warned and given an extension which he met at that time. On Jan. 8, 2010, is Exhibit #4 a letter sent to Mr. Hankins, on page 2 of the letter it is stated in (4) that master guide will submit to the Department all the original record forms for master guide and subguides no later than Dec. 31 of the year for which he is licensed. He said there was also verbal authorization extended by Captain Maslach to the guides that he would extend the deadline to Jan. 31, 2011. Exhibit #8 is certified letter suspending Mr. Hankins and confirmation that he received that letter on Feb. 8, 2011. Exhibit #9 is Mr. Hankins request for a stay of master guide license suspension. Exhibit 11 shows partial stay and not able to do full stay due to guided draw being in process and was a timing issue not intended as a punishment. Exhibit 12 is letter from Mr. Hankins to Acting Director Mayer stating he did not receive anything in writing until Feb. 8 and the last exhibit is the citation for non-submittal of client records. Chief Game Warden concluded review of NDOW exhibits.

Chairman Raine asked if Chief Buonamici had any witnesses.

Chief Buonamici called Captain Maslach to confirm verbal authorization of deadline.

Captain Maslach said the extension that he granted in his Dec. 1 letter was continued until Jan. 31, 2011, unfortunately the letter he sent on Jan. 31, 2011, stated wrong year - Jan. 31, 2010 - and if you read the letter in its entirety you would have seen letter applied to Dec. 31, 2010 deadline - Exhibit #6, clerical error.

Cross-Examine by Mr. Hankins of Captain Maslach and Chief Game Warden Buonamici.

Mr. Richard Hankins said he is an outfitter from Ely and asked Chief Buonamici that dealing with citation for failure to submit client record books on Dec. 31, where there other guides who submitted client records after Dec. 31 in Jan. who did not receive citations or were suspended. He asked why they were not cited or suspended until Jan. 31.

Chief Game Warden Buonamici said he believes so as told them they were granted grace period and extended deadline until Jan. 31, 2011, and would not charge or penalize anyone who honored the extension.

Mr. Hankins said he never was notified of the verbal extension to January and that is where he has the problem.

Commissioner Vogler asked if provision or law to extend deadline.

Chief Buonamici said no provision to extend deadline and the extension was a courtesy and may be should not have not been done.

Commissioner Vogler asked since not known who did not submit records were letters sent, and when Captain Maslach reviewed he noticed clerical error and how do you figure out from that.

Chief Buonamici said in 2009 had nine master guides who missed Dec. 31 deadline and we extended deadline and they all met that extension. In 2010 license year with 96 licensed master guides, 10 failed to meet the extension of Jan. 31, of the 10 all were treated identical and issued citations. Seven of the 10 contacted him and stated to the effect that was their fault and they apologized and acknowledged their mistake and staff reinstated them.

Commissioner Vogler cited NAC 501.385 (2) and asked if the fine is paid what does that have to do with putting in for draw.

Chief Buonamici said there are two parts one is administrative and the other is criminal. If you go back to Exhibit #2 under NAC 504.671 (6) the Department may deny or revoke for the following under (6), and that tells us that anyone involved or familiar with legal system, knows there are plea deals as part of the system. He said they can plead however they want, but from practical standpoint the Department does not know and how people take care of it is their business and those that did were reinstated.

Commissioner Vogler asked if Mr. Hankins had on Feb. 4 paid his fine, he could have participated in the nonresident guided hunt draw.

Chief Buonamici said potentially he could have.

Commissioner Capurro asked about the extensions, and if Mr. Hankins was one of the persons who did not file his report previously.

Chief Buonamici said yes he was one of the guides.

Commissioner Lent asked if other issues with Mr. Hankins then being late two times, and in NAC 504.671, the Department may deny which means discretionary and asked if "may" used where you did not take license for this same type of offense.

Chief Buonamici said these are the only issues with Mr. Hankins, and he believes this is the first time we have taken the license for this offense and the reason is this is an ongoing problem and staff sent several letters to remind them of the deadline and feel staff went above and beyond and the Commission may disagree that the Department is heavy-handed.

Commissioner Lent said could have used wording instead of "forced" it could have been "cause for revocation." His notes state exhibit 6 was for a one month extension even though the date was off and Exhibit 7 that letter was mailed Feb. 2 two days after, and on Exhibit 11 the "restricted stay," he asked if the Department has authority to do that.

DAG Stockton confirmed the Department does.

Chief Buonamici clarified the "restricted stay" and said that if we had allowed these guides to enter into the nonresident guided deer hunt draw that would have jeopardized the draw clients from out of state that applied as would have been reasonable for those nonresidents to assume that NDOW had given its stamp of approval to guides, and had we not done this, they would then have come to Commission and if they had been suspended or revoked we would have had successful applicants in guided draw. Than we would be between a rock and hard spot with them looking at NDOW as the authority of the guide list and that would have been bad.

Commissioner Lent said in Exhibit 12 the letter to Acting Director Mayer from Mr. Hankins stating the deadline for their book is not realistic as you cannot complete book if your are still hunting until the end of December and he also noted that Mr. Hankins stated he did not receive any notifications prior to the one letter.

Chief Buonamici said that is one reason Captain Maslach had the extension and his statement that he did not receive notification is wrong.

DAG Stockton said the Commission set the deadline of Dec. 31 not the Department per NAC.

Chief Buonamici said that would be an incorrect statement as to no notification.

Commissioner McBeath said the Jan. 31 deadline in the Dec. 1 letter was missed by 10 guides, and he asked approximately how many guides missed the Dec. 31 deadline. and an approximate number.

Captain Maslach said we don't know, the Administrative Assistant Feliz does that, and since we did the exception she did not note those until Jan. 31 deadline.

Ms. Laura Feliz was asked if she knew how many and she answered no.

Commissioner McBeath said with regard to the 10 who missed the Jan. 31 deadline and were cited, did any of those 10 guides immediately deal with the Department, and do anything to get their license back to meet the deadline for the guided draw.

Chief Buonamici said all 10 missed the guided draw, and of the 10, eight were fully reinstated.

Commissioner Cavin said in relation to this Dec. 31 deadline was 2009 the first year.

Chief Buonamici said 2005 was first year of the Dec. 31 deadline.

Commissioner Capurro said perhaps this was covered but he wants to make sure he is straight on this and asked if any of the eight made the draw and if there is anything Mr. Hankins could have done, to have his license restored, or avoided not being able to participate.

Chief Buonamici said because of the timing all eight missed the deadline and to avoid the situation Mr. Hankins could have turned his records in.

Chairman Raine asked the Department for an explanation as to why such a high percentage of guides missed the deadline.

Chief Buonamici said 86 guides got it right and the Department went to bat for them on this regulation which is theirs and he understands in the real world things don't always work out and he understands that the guides now want to change the regulation, and NDOW has no problem with that. NDOW does as much as we can to stretch deadlines and have to draw a line in the sand at some point.

Commissioner Vogler asked citation issued Feb. 1 and deadline was Jan. 31, and then NDOW received Hankins documents Feb. 4 which is same day letter issued, NDOW must have received it and Mr. Hankins had until Feb. 15 and would have made him okay for the guide draw.

Captain Maslach said the citation was written on Feb. 1 the guides live all over the state, and citation mailed to warden to be served. Although written on Feb. 1 may not have been signed until Feb. 7 or 8.

Chief Buonamici said the NDOW letter went out that morning, and Mr. Hankins letter came in that afternoon. Commissioner Vogler is right that he could have been okay for the draw.

Commissioner McBeath asked directly if there is anyway Mr. Hankins could get in guided draw today.

Chief Buonamici said no.

Mr. Hankins provided a copy to each Commissioner of the documentation sent to him. He said he is a full-time outfitter in Nevada and Idaho, he takes 40 to 80 clients per year on all types of trips. Spends 300 and some days in the field, and is not the best guy with paperwork, and he is not an attorney or CPA and has to keep up with BLM/USFS regulations and has not had time to read every document that comes to him. In regard to the verbal extension of Jan. 31 to get our stuff in, he never heard of that from Maslach or Buonamici or anyone from the Department. What he had was one mailing that came with suspension, page 1 of his exhibits, received Feb. 8. He had sent his stuff in and it was ready and he did not know deadline was Jan. 31. He attended sport shows and left mailing with wife to mail with subguides books while at sport shows and had hunts booked. He said last year it was stated by Chief Buonamici that he missed the deadline too and to explain said he had clients booked through Jan. 4 and he can't complete the book on Dec. 31 due to the way the hunts cross deadlines. He said in the past the Department allowed guides to send books whenever we had a chance to send them in. He said since 2004 different dates for renewals and many other changes to the system and some of the deadlines have put people out of business. He admitted his paperwork was not in and apologized for taking up the Commission's time. Subguides also have to turn in books and he is responsible for them as the master guide and causes him to have a wildlife violation for a clerical mistake. This will probably hurt him the most with not being allowed to participate as he has between 30 to 40 applicants per year which brings in tourists to Nevada. It has been a real burden as a business person. His exhibit with the wrong date may have caused him to believe it was for last year which may be why he did not. Cited email from Captain Maslach and nowhere in that communication did it lead him to believe that he would be cited or suspended and even uses wording "soon after." Mr. Hankins said he spoke to other guides who said they sent their book in January and they were not cited and is unfair and he feels this sets you up to fail. Constant changes, and for 2011 guide books are due Dec. 1 now, has been hard to follow and may be a poor excuse and he apologized. Citation issued Feb. 1 and is separate issue from this and he still has to deal with that. Felt that NDOW was to help them with their business and would not have put himself or the Commission through this.

Cross Examination by Department:

Chief Game Warden Buonamici said to Mr. Hankins you stated in your verbal testimony that you did not receive the Dec. 1 letter.

Mr. Hankins stated in his letter that he did not receive letter stating Jan. 31, 2011, as the letter he has states 2010, and looks old like from 2009. He received that letter with his suspension packet.

Chief Buonamici said during your testimony you stated that letter confused you, but if you did not receive the letter how could you be confused unless you received it.

Mr. Hankins said he may have received it and can't honestly say if he did or did not, or if he read them.

Chief Buonamici said NDOW sends you mail and you don't read it and your contention is that NDOW is who failed to notify you.

Mr. Hankins said a citation on a clerical error, that he is not a machine and he made an error as did the Department and apologized, and deadlines confusing and cannot find anywhere that it is written that punishment is not participating in the guided draw hunt for missing the Dec. 31 deadline.

Chief Buonamici asked Mr. Hankins of the four letters sent in 2010 how many did you read.

Mr. Hankins said he does not know that he read any of them to his fullest.

Commissioner Vogler said that a whole bunch about timelines here and first of all, the ticket written on Feb. 1 and Captain Maslach testified that you may have received it around Feb 7 and you sent your information on Feb. 4 the same day they sent the citation. None of these letters were certified. Chief Buonamici said if you had paid your ticket in the amount of \$192 before the 15th you would have been able to participate in the draw.

Mr. Hankins said that was not conveyed to him he was told to appear before the Commission and be reinstated.

DAG Stockton said need to keep this separate as citation in district court and out of NDOW hands. Chief Buonamici's testimony was speculative as dependent on District Court decision.

Commissioner Capurro brought up the point that this has happened to Mr. Hankins before. He asked Mr Hankins if were aware of the possible consequences and if he had paid or taken care of the citation.

Mr. Hankins said the date is March 16 and he asked that if he could have paid it and was not addressed back by the Department until Feb. 14 or 15 which was too late for internal deadline.

Commissioner McBeath said that he wanted to make sure that Mr. Hankins was aware of the deadline and licensing requires knowledge of regulations. Main position is that in the past Department was lax with deadline and did not get those calls this time.

Mr. Hankins said that he expected courtesy calls and did send stuff without anyone asking or sending a mailing.

Commissioner Lent asked again about the Dec. 1 deadline?

Mr. Hankins said there is a Dec. 1 deadline and now is aware and this is very confusing.

Chairman Raine said to Mr. Hankins that from that you felt the punishment of being late did not fit the crime.

Mr. Hankins said keeping him out of the nonguided draw has hurt him substantially not counting the demerits.

Chairman Raine asked how much money would Mr. Hankins lose due to this suspension.

Mr. Hankins said he would lose gross revenues of \$20,000 to \$30,000 which is close to one-half of yearly income in some years. Mr. Hankins called Mr. Justin Fricke as a witness, and said he is an employee who is a top guide.

Mr. Fricke said he was told by Rick Hankins that his book was needed fairly soon but gone on hunting trips and was unaware of any actual deadline and did not see as a grave concern and turned his book in late at the end of January. The book arrived at Mr. Hankin's house on Feb. 2.

Mr. Hankins said he did not notify his subguides of the deadline.

Commissioner Shrum asked Mr. Fricke how many subguides will be affected monetarily by this and if they have families.

Mr. Fricke said about five or six of them and most have families.

Closing Arguments from NDOW:

Chief Buonamici said in closing to let's not forget that the regulations are a result of working with the Guide's Association and adoption by the Commission with assistance from the Department, and is clear per NAC that the deadline is Dec. 31, 2011, and feel that was reasonable with the extensions which were the right thing to do. He said the confusing part here to some extent is confusion with punishment and time frames. Being precluded from nonresident guided draw is not a punishment rather a time frame issue caused by Mr. Hankins who openly admitted he does not read his mail. NDOW went the extra mile and again 86 master guides got it right. The licensed master guides take following the rules as serious as their business and you have someone who did not follow the rules for whatever reason and the other guides who complied will believe that to be unfair. Ten individuals were suspended, seven openly stated it was their fault and apologized for their lateness. Sent out notice to Hankins in 2009 that records were late, and was not the first time, it is not NDOW's fault that Mr. Hankins did not read his mail. Letters were also attached to books and he states he did not get letter but he got the books, another letter. We heard earlier that there is a Heritage deadline that needs to be abided with and same with license agents and there are provisions to deal with license agents if they do not comply. He would submit to the Commission that Cabela's, Wal-Mart, etc... do a tremendous amount of business and they are not treated differently. Heard argument about clerical error and we are all human and make mistakes and we understand that but after multiple notifications that goes beyond clerical error, and could be compared to not punching deer tag as clerical error. Constant change of regulations was cited by Mr. Hankins and we already heard that they want a deadline change and will hear the same again. In closing the Department did its part reasonably and guide business is a serious industry and they should take it as such, this is not a matter of agreeing with the regulation as Law Enforcement is charged with enforcing regulations and would challenge anyone to do that better as four warning letters were provided. Chief Buonamici concluded his closing arguments.

Closing Argument Mr. Hankins:

Mr. Hankins said thinks it unfair to say everyone had verbal extension to Jan. 31 and does not know where that came from. As far as new regulations, new this year was subguides carrying their own book and that set-up master guide to potentially have more violations has been very confusing and difficult to keep up with paperwork without getting caught. The system has set them up to fail. He said portions from email from Captain Maslach was saying okay to get paperwork in and understand you are all still hunting, and stated 86 other guys got stuff in, but he himself is one six to eight guides active through lion season. He said he is not making excuses but he probably spends more time in the field than those that were able to comply. Mr. Hankins said new license for 2011 license states deadline of Dec. 1 which he will have to ask about. Will need clarification on that and apologized for taking up the Commission's time and does not want to go through this again, just wants to stay in business and keep his family going.

Commission Questions, Deliberations, Findings of Fact and Conclusions of Law:

Chairman Raine said one finding of fact, is due notice was given to Mr. Hankins; determination of fault, is it the Commission's fault for having NAC to get someone in this situation for a reason this questionable. A clerical error should not result in suspension or revocation of his license, and yes, the Department should penalize him. However, is Commission's fault for NAC, while allowable under NAC, it is not mandatory. He was cited is just and that is fair but taking away one-half of his income and of many sub-guides, may not be equitable. To him a fine is equitable but taking away his license is not just. After Jan. 31, 2011, deadline no way he could have gotten back in nonresident guided draw from testimony he heard, and that is his interpretation of equity.

DAG Stockton said the Commission has no authority to enact a fine rather a late fee, and that is the difference.

Commissioner Vogler said to Chief Buonamici that he may have misunderstood his comment, but if Mr. Hankins had paid \$192 fine by Feb. 15, could he have been in draw.

Chief Buonamici said for clarification and context that he could not and is not willing to call people and tell them how to handle the citation as that could be seen as coercion.

Commissioner Capurro said the issue of whether there is an administrative penalty we cannot consider as that is not in the regulation. Rather we have to consider what is in regulation and how it should apply to the problems it is causing guides and their families. He said it is up to us to follow laws. Troubled by fact Mr. Hankins indicated he did not read letters and letter with clerical error troubles him and that there is more than one clerical error and is clear it applies to year of 2010. Does not know if Maslach email was to every guide in the state and reads it as forewarning to all guides and the fact of the matter is emailed Dec. 15, 2010, and therefore with understanding that deadline was and is in regulation of Dec. 31. Mr. Hankins admitted guilt that he did not do what he was supposed to and problem with severity of punishment and caveat that we all need to take under NAC that the Dept. may deny....for the following. Says "may" and there was room within regulation for something less than suspension.

Commissioner Lent said tough issue and problem with guides and regulations. Looks like presentencing before going to a judge, and his impression is he is an honest guide trying to make a living, and do have recourse with a late fee not a fine. As far as subguides you cannot delegate responsibility as license is in your name. Sees law enforcement as doing a good job here and you are both right here as there is a lot of confusion and mistakes. Any recourse we can do at this time he is for doing that as governor stated he does not want us to do anything that deters or loses business from Nevada. Always extenuating situations and hate to see someone lose their livelihood but same token as a guide you need to get forms in and still leaning toward not taking away livelihood but need to get

their attention to not ignore the law. Really bothers him that you would let these important dates go.

Commissioner McBeath said NDOW has made case and more than substantial evidence for what NDOW has done in this case with all of the notices not required by statute and has no problem with license suspension and absolutely agreed with Commission comments made so far to possibly enact new regulations in the future. He said we need to work for remedy here and would like to see same thing happen here as for other eight guides and would like the Commission to approve suspension from date of suspension of license through today and reinstate license effective today. All of the consequences whether we call them a penalty or not have already occurred and is more than enough, need to move forward, and let Mr. Hankins get back to his business, and hope he learned what is important in a business such as having record keeping in order. Ultimate reason and clear from evidence that violation occurred and Department acted in accordance with regulation. And everyone made big deal that Department can "deny" an application at their discretion and had just cause and is the end of that, and the "may" allows them to move forward when they have just cause. Remedy of reinstatement for today but acknowledge period of suspension from Feb 4 and all of the consequences from that suspension are validated and in the future move forward to take a look at changing the regulations.

Commissioner Wallace said he agreed with Commissioner McBeath as obvious there were errors and on the Dec. 1, 2010, letter has a statement at the bottom of the letter stating to give a call if confused and this could have all been avoided. He said it is a clear case presented by the Department.

Commissioner Cavin said clear by time spent on this how complex this is and is everybody's fault as we make rules and something like this happens. We had a deadline, we extended it, and Department trying to work with guides, this has been in place for five years. The case made by Department was well done and agreed with Commissioner McBeath that case came forward and the Department may revoke or suspend and that is what they did. Mr. Hankins has his sympathy for being two days late but that does not change the law and does not know remedy as can't fix what happened since suspension and that stands, and would agree with reinstatement, as we can't do anything about the citation.

Commissioner Shrum concurred with Commissioner McBeath's comments to get him back to work as soon as we can.

Commissioner Capurro could go with recommendation Commissioner McBeath provided if tied to fact that if pays fine he will be reinstated.

DAG Stockton advised Commissioner Capurro that this is administrative/civil matter and can't as that is criminal and extortion.

Commissioner Capurro said he brought that up so when he goes to court he could say Commission did not see as serious and lifted suspension and citation should not be processed.

DAG Stockton said he has never done criminal cases and cannot answer.

DAG Newton said you are recognizing the suspension up through today and not matter of dismissing citation or consequences you are setting limit on penalty that should be invoked on penalty if you find one.

DAG Stockton said you can't premise your findings on a case based on what might happen with those findings.

COMMISSIONER HOWELL MOVED TO REINSTATE HIS LICENSE EFFECTIVE TODAY WITH FINDING OF FACT THAT NDOW ACTED 100 PERCENT PROPERLY; THE MAN ADMITTED GUILT. COMMISSIONER CAPURRO SECONDED. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 8 – 0.

B Ken W. Mallory – Withdrew Appeal

C Charles F. Marques –

THE COMMISSION STIPULATED SAME FINDING OF FACT AND CONCLUSION OF LAW FOR MR. MARQUES AS MR. HANKINS.

D Ervin W. Cronister – Withdrew Appeal

9 Wildlife Damage Management Fiscal Year 2011 Plan report – Chief of Game Larry Gilbertson – Informational

Chief of Game Larry Gilbertson said the subcommittee met recently and found that the table in the plan on the last page had math errors on Department budget and that has been updated. The table is accurate but the predictions are not as the Wildlife Damage Management position has been vacant for a while and the Department will probably not expend funds as projected.

Commissioner Capurro asked Chief Gilbertson if he had received and reviewed a copy of Wildlife Services' project update for Heritage and the predator fee projects (exhibit file) that was submitted by Mark Jensen.

Chief Gilbertson said he reviewed the document and activities, and Wildlife Services also reported to the subcommittee that work is ongoing with predator management and looks like they are active and doing well.

Commissioner Lent said on Project 18, page 16, we don't have any of Wildlife Services data on here, and is astonishing to him that data isn't there and no mention or credit to Wildlife Services or predation problems. As numbers from Wildlife Services note 53 percent increase in mule deer herd since wildlife management control initiated in 2004 for Project 18 and in adjacent hunt unit with no treatment had 35 percent loss attributed to wildfire and that can't be substantiated, and again no credit given to Wildlife Services. He is not saying all due to predation, but all of the numbers from Wildlife Services' predation results were omitted and should have been included as a possible factor in conclusion section of the report as to bringing the deer back.

Chief Gilbertson said the authors of the plan are not present today and he did read in the plan that Mr. Wasley mentioned predator control as being definitely a causative factor.

Acting Director Mayer said Mr. Wasley has an analysis of some of the documents written by Wildlife Services, and he will provide an example of why we have a problem with their biological analysis, and frankly they are not biologists. He said for example in Unit 015 those deer spend most of their life in California and when you survey Nevada and the deer did not come across the border as is the case in many years and then say that the decline is attributed to lack of predator management is not on this planet. He said there are problems with their biological analysis, and we are not going to carte blanche move their information into this, and he is drafting a letter to State Director Jensen outlining the problems NDOW has with Wildlife Services analysis.

Commissioner Lent said last year Mr. Wasley said it was weather, and he still does not buy that, and might be migration but that was not brought up at that time. Need to bring up statistics of 014 which is a treated area and asked how you explain some of the numbers in 014, and migration could be a contributing factor and if so that should be in this report.

Chairman Raine said personally if he were to comment that Wildlife Services biologists are not wildlife biologists and did not have their degrees he would have them laughing at him and showing him their degrees, as the four he has talked about all have titles such as supervising wildlife biologist and some have advanced degrees.

Commissioner Capurro said he would agree with the comments about 015 as that unit is heavily influenced by the Susanville herd migration but decrease noted in 033 which is not a herd impacted by migration, and that decrease was 33 percent, and in 014 which is influenced by California migration increased. Other factors involved are wildfire and lack of water and 014 has been impacted by Wildlife Services work.

Acting Director Mayer said staff agree that predator control work in 014 has had an effect.

Chief Gilbertson said in the report Mr. Wasley mentioned on page 22 Project 18 which has had ongoing predator control since 2004, that since then the population of 014 has increased by 53 percent however 30 percent of that increase occurred before appreciable predator removal and predators removed is noted on page 16.

Commissioner Lent read sentences from "Predation and the Ecology of Fear" authored by Charles Kay, and said you can have the best habitat in the world but if animals are afraid of being killed or having their young killed they won't use it, and that habitat is of little practical value. Most biologists do not realize what is happening or what it means. The landscape of fear can on the surface, manifest itself as habitat problem when real issue is predation. He said when someone tells him it is habitat, habitat, habitat, it may not always be.

Chairman Raine asked the question for 2012's report and assumes this is developmental stage of next report and what is the timeline for that and how will this transition into following report.

Game Division Chief Larry Gilbertson said he understands that in the past in late spring and early summer that a draft was prepared for status of existing projects and the report was provided in August as numbers are finalized by Fiscal Services Staff. He said previous plans had projections and if we hold off longer should be able to have final numbers.

9 A Wildlife Damage Management Committee Report – Commissioner Vogler

19 B Chairman Raine said we will have this report and have also combined with agenda item #19 B, Elk Damage and Incentive Committee Report.

Commissioner Vogler reported both committees met on the same day. He said they discussed at length a plan for contingency spending to allow that when we have a year like this, with certain areas of the state receiving large amounts of snow, and to have more bang for the buck to go after coyotes as snow pushes wildlife down. Another item talked about was other people have been saying they can complete fly and do flights for one-half the cost that Wildlife Services can. He said they talked about predator issues and interest in crows, as U.S. Fish and Wildlife Service has warned that if sage grouse are listed they will be dictating agriculture and hunting and everything else in state. The NDOW permit for ravens is a low number, 1,500 and Wildlife Services permit is for 1,500 too, which is a total of 3,000 which does not do much to affect the raven population and that needs to be addressed.

Chief Gilbertson said that NDOW can ask Wildlife Services to increase the permit if needed and he plans to ask Mr. Jensen to keep the Department apprized and if needed will ask.

Acting Director Mayer said to the chairman that a change this year is that Wildlife Services has lost their wildlife raven permit for 1,500, and NDOW has the permit for wildlife. They have a permit for agriculture/livestock.

Chairman Raine reported that he, Commissioners Capurro and Lent, attended a hearing of the subcommittee of the legislature and they expressed interest in sage grouse and why protecting the raven and that the Commission had no authority to “unprotect” the raven. He said they expressed the desire to protect sage grouse and prevent a listing.

Commissioner Howell said at the meeting they discussed Heritage projects and has a report from Mike Stremmer who is doing lion control. He read letter from Mr. Stremmer (exhibit file) reporting on status of lion control – 11 lions taken in control area, and additionally four lions killed in 046. Seeing more lions in project area and are confident that they will complete project by June deadline as stated in contract.

19 B Elk Damage and Incentive Committee Report – Commissioner Vogler

Commissioner Vogler said to the CABMW members to listen carefully and that he is trying to be proactive instead of reactive on this situation and he provided copies of his elk incentive worksheets for the last few years and gave examples of elk usage. He said there is no money left to build fences as it has been spent and the elk herds have really expanded. In Elko County ranchers may qualify for 20 tags; however, the CABMWs voted to not give two bull tags on those projects as they did not want the big bulls taken, and animals need to move back and forth. His solution is to start a NAC. He disclosed that he does receive one tag, and that somehow need to keep the value of individual bull elk tags and may have to placate with one valuable tag instead of one-half of the available tags for a unit. As is in mule deer and antelope this may or may not help value of the tags and would like the value of the tags increased by allowing hunters to hunt any season. He said he does not know how to solve the problem. Commissioner Vogler said he would like to work with Chief Gilbertson on a formula that is more workable and he reviewed information as to how his tags were issued and the elk numbers as the tags are for incentive for improving your lands by cutting timber, developing springs and planting grass for elk use, and the ranchers where they have big numbers will not do this and will want fencing. He said for the CABMWs to help and try to get value up of the single elk tag. If hunters buy that tag they have to declare which season they are going to hunt. Asking for CABMW members to help with definition of incentive and if ranches don't have incentive the ranches could be divided up into ranchettes which no one wants to see.

Chairman Raine asked Chief Gilbertson to provide an overview on how tags are distributed.

Chief Gilbertson said specifically to Commissioner Vogler who did state he received one tag, Commissioner Vogler has six parcels that were evaluated and Commissioner Vogler has qualified for a tag every year. He said six parcels were evaluated and on one elk use lower but due to use on others he still qualified for tags. He has completed habitat improvement projects and north of that parcel was a fire in the P-J that created grasses, and elk are in there but not the whole time. He said we go out to evaluate elk use on the land, and they try to figure out elk use per month and a baseline number of usage by the elk, and after several years you sort of know. The landowners are supposed to call the Department when the elk leave and if it increases by 50 percent staff would like to come out and evaluate that, and if count is challenged they want to be able to be accurate and in agreement, as sportsmen also have to trust the program because they see someone getting elk tags every year, which is why biologists insure accuracy in the counts. They can also use pellet counts to determine elk use accurately.

9 B Wildlife Damage Management Fiscal Year 2011 Plan – Commissioner Vogler – Action

Chairman Raine said we have already discussed this somewhat and will ask for public comment at this time on 2011 plan and upcoming 2012 plan.

Public Comment - None

Commissioner Lent asked what is the population goal for Project 18 in 014 and when will the project be finished. We have taken 50 lions out and increasing deer population and have the objectives for the unit been met. He asked if anyone can answer that.

Chief Gilbertson said basically he is not familiar with that country but as close as it is to the California border we will probably always have lions moving in so you could continually remove lions in there because as you remove one a new one comes in. From standpoint of desert bighorn sheep removing lions is good and maybe should call it a desert bighorn sheep project. He said we do not have population objectives for any species except elk.

Chairman Raine asked Chief Gilbertson why there are no population goals for mule deer, and we need to know when is when, and that is the quantative portion.

Chief Gilbertson and Acting Director Mayer both said they know of no western state that has population goals for mule deer rather target goals are buck and fawn ratios. Commissioner Shrum said it doesn't matter if other states have goals what matters to us is our deer herds. We do need to set up goals as you don't get anyplace, the deer herd is our bread and butter and pay for other programs, we can look to other states for guidance or reference but we need to have goals.

Commissioner McBeath said Clark County had a question on a specific project of \$90,000 being spent by dedicated specialist on one project and wanted to know if continual or if a goal. The other was on Overton Wildlife Management Area they noted only \$2,000 allocated for ravens and wondered if that would be enough.

Chief Gilbertson said they received the numbers from Wildlife Services and they thought that would be enough. The Delamar control effort is an ongoing project and every year staff evaluate projects on case by case basis and received a report that they removed a lion and 50 coyotes.

10 Additional Application Hunt System Report Format – Chief of Operations Bob Haughian – Action

Chief of Operations Bob Haughian said in December Commissioner Cavin requested that the alphabetical list of successful draw applicants also list hunt units. Staff received a cost estimate from Systems Consultants for \$1,700.

Public Comment - None

Commissioner Cavin said the idea is to be more user friendly and that for example when he drew an elk tag years ago he reviewed the alphabetical list to find who the other hunters were and to be friendly and work together on sharing information and that is where the request is coming from. There is money in the account to make the change which is not expensive at \$1,700.

Commissioner Capurro said he and Commissioner Lent attended the Washoe CABMW meeting and discussed this with them and from CABMW reports he read he believes some CABMWs did not understand the item. As basically the list would show who else is in your unit and you could contact them to exchange information and also information could be used for law enforcement purposes if someone hunting that is in that unit not on the list.

Commissioner Lent said he thinks it will help catch poachers as you will know who is in the unit.

Commissioner Cavin said he does not think it is necessary to post this list within 48 hours and could be posted after true deadline date.

COMMISSIONER CAVIN MOVED THAT IN ADDITION TO ALPHA LISTING ON WEBSITE THAT APPLICANTS BE LISTED BY UNIT NUMBER. COMMISSIONER LENT SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION CARRIED 8 – 0.

11 Legislative Committee Report and Actions – Commissioner Capurro

Management Assistant (MA) 3 Jolly said that committee met in February and the results of the committee's action were sent to the CABMWs. Since that meeting only one Bill Draft Request became a bill, which was significant and that was the trapping bill. The Department is in line with the positions taken by the committee. She said she also has the report to distribute in conjunction with agenda item #19 E.

COMMISSIONER CAPURRO MOVED TO SUSPEND RULES TO MOVE AGENDA ITEM #19 E 2011 LEGISLATIVE SESSION UPDATE AND MOVED THAT TO BE DONE IN CONJUNCTION WITH 11 A. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0.

19 E 2011 Legislative Session Update – Management Analyst 3 Kim Jolly

MA Jolly updated the Commission on status of legislation that the Legislative Committee had a position on and the Department's tracking for the 2011 Legislative Session (exhibit file). She said a hearing is scheduled tentatively for March 30 at 3:30 p.m. for Senate Bill (SB) 226, the trapping bill, in Senate Natural Resources.

Chairman Raine said when the Commission takes action on this item to keep in mind that SB 102 and 108 have been changed since the committee voted. He concluded the report.

11 B The Commission May Take Action to Support, Not Support, or Take No Action on Bills Reviewed at the Legislative Committee Meeting – Commissioner Capurro – Action

COMMISSIONER CAPURRO MOVED TO ACCEPT THE REPORT. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner Lent said he can't support the motion due to SB 56.

COMMISSIONERS IN FAVOR: CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 7 – 0. COMMISSIONER LENT ABSTAINED. MOTION PASSED 7 – 0. CHAIRMAN RAINE DID NOT VOTE AND ONE ABSTENTION.

11 A Reopened Agenda Item at Commissioner McBeath's Request – The Commission will Hear a Report from the Legislative Committee – Commissioner Capurro – Informational

Commissioner McBeath said instead of a regulation that we can change, we now have SB 226 legislation, which will substantially impact trapping. He said we have no one to blame but this Commission. He said this shows what can happen because of not listening to public. He said even the trappers supported it and after promising Trail Safe

to bring it back and get something in place, we did not do that, and if that is the strategy of the Commission we can expect an erosion of our base. And he is most worried, that in effect we are teaching these groups how to deal with an unreasonable Commission, and that is something we need to deal with.

- 12 Consideration of Disbanding *de facto* Committee to meet with Governor Sandoval – Chairman Raine – Action

Chairman Raine said this item was suggested by DAG Stockton.

Public Comment – None

COMMISSIONER CAPURRO MOVED TO DISBAND THE DEFACTO COMMITTEE. COMMISSIONER LENT SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION CARRIED 8 – 0.

- 13 Administrative Procedures, Regulations and Policy (APRC) Committee Report and Recommendations – Vice Chairman Lent – Action

Commissioner Lent said he is the chair of the APRC committee, they met and discussed three policies: One policy will assist for the time when wolves come into Nevada; the second policy is a transparency policy to insure that the CABMWs have as much information as they need to make recommendations for game seasons which ultimately will help the Commission in their decision-making process; and the third policy “Wildlife Heritage Tags and Vendors” was pulled from consideration. He said Pat McLaughlin attended the committee meeting and he provided data and he was opposed to the wolf policy.

Commissioner Capurro said he understands the Heritage policy was removed because DAG Stockton’s office indicated that was not something the Commission could act on.

DAG Stockton said the proposal was to put in policy that when they auction their tag there was a buyer’s premium, and the Commission does not have the authority as what they do between themselves is none of our business, the full bid price must go into the Heritage Account.

DAG Newton subsequent to that discussion he is reviewing the legislative intent behind the buyer’s premium and if he finds anything different he will advise DAG Stockton.

Chairman Raine provided edits to staff on the policies: It states policy of this Commission, when it should state policy of the “Department of Wildlife and the Commission” as that is who we set policy for.

DAG Stockton said this is a Commission Policy and you set policy by writing regulations, and policies are not laws, and that would not be appropriate.

Chairman Raine provided clean-up edits to the Transparency Policy.

Commissioner Cavin said on Wolf Policy on #1 there is language in the Constitution that all wildlife belongs to the people of the state of Nevada and that should be inserted instead of creating our own language. Another change is for the Transparency Policy on #1, we have the Department will post on website all survey data without modifications and thinks we need to remove "without modifications" as that is already covered under #2 and is redundant.

Commissioner McBeath said with respect to transparency, the data that includes geographical information should not go on the website as that can be too much, and has no problem with transparency but need to use common sense. Commissioner McBeath said on #7 in the Wolf Policy he would like to hear comment from the Department on its position.

Acting Director Mayer said the USFWS is not going to support introducing wolves in Nevada as wolves were never present in Nevada. His professional opinion is that by removing wolves from the protected list just inflames the situation with the Center for Biological Diversity and the letter he sent to USFWS asked for a separate Distinct Population Segment for Nevada, and we could manage accordingly, but that will not happen if wolves are unprotected. He said that USFWS State Director Bob Williams told the Commission it is a disservice to the public to tell them that they can take a wolf with no consequences as the fact of the matter is they will go to jail. Acting Director Mayer said they are still on Endangered Species list and he will be seeing USFWS officials next week at the North American and will press them to respond to the letter sent.

Commissioner McBeath said his comment is we are going down this path again with animal rights groups and is not good policy as we are inflaming the public, and at Clark CABMW's meeting they had comments and representatives from the Humane Society in attendance. He said the sentence should end after Nevada and not list anything. Commissioner McBeath said to #4 he would add after "people" add "and businesses."

Commissioner Capurro said he would suggest placing a period after #7 on Nevada, and strike the sentence "by listing them as unprotected species."

Commissioner Vogler read an article from Western Livestock journal.

Commissioner Howell said at a previous Commission meeting the Commission already voted to list the wolf as unprotected effective April 1, and directed staff to bring forth regulatory changes and wants to know why that has not been done.

DAG Stockton answered Commissioner Howell that when the Commission voted on this last September it was to start the regulatory process and subsequently the governor issued his directive for a freeze on regulations. Because they are in unprotected status, there is no way to justify this as you cannot take one, because they are federally protected. His advice is not to move forward and the next item states no regulatory action can be taken.

14 Commission General Regulation 394 Wolf Status, Temporary – Chairman Raine – Informational

Commissioner Capurro said discussion of this agenda item #14 is moot as the Commission has been told by Governor Sandoval that no regulatory language can be proposed.

Chairman Raine said only thing that can be done is a Commissioner can get all the information to support the idea and present the information to the Governor's Office for an exception.

15 Management Bull Elk Definition – Chief of Game Larry Gilbertson – Informational

Chairman Raine said this issue had been discussed before and the Commission is asking for the Department's opinion.

Chief Gilbertson said he has information and graphs provided by Big Game Biologist Mike Cox which have distribution of point class. The spike bull hunt was discussed years ago and he took an area and put in data to have spikes killed instead of mature bulls and can run an exercise with the model. Mr. Cox did that with the management bull elk hunt which is a pay me now or pay me later, as you don't know if that spike will be your next 300 point bull as you cannot tell. Six to nine years later you will reduce older age cohorts. Original model you might have 80 bulls left but if you shifted harvest earlier you would have 30 or 40 as that cuts number of bulls down considerably. People will complain that there are no big elk again as we reduced the number of bulls carried through the age classes. That is how a bell curve works in a population and if you change harvest they won't be there eight or nine years later.

Chairman Raine asked if this could be used later as it takes time to get a regulation done, and need to get regulation in effect, as biology will change by time, and asked if Mr. Gilbertson sees this as a valuable tool, and if so pass a regulation which could be useful in certain circumstances in the future.

Chief Gilbertson said that is only the biology part and there is a law enforcement component to this as well.

Chief Buonomici said they have many instances of hunters harvesting wrong animals and that will happen with the point restriction and he is concerned with having to cite law abiding citizens.

Cory Lytle, Lincoln CABMW, said what is happening is age class of bulls being harvested is getting younger and if we let this happen three or four more years it will get worse and currently have an out of whack bull to cow ratio which makes hunt quality go down. Commissioner Vogler mentioned that landowner tags worth less and there are many reasons. He knows science is lacking and would suggest doing this type of hunt for a few years in one unit as a guinea pig to get data.

Chairman Raine said Mr. Lytle can be in charge of the committee for the regulatory change and obtain consent from the Governor's office.

16 Wayne E. Kirch Wildlife Conservation Award Judging Committee Report and Recommendations – Commissioner Howell - Informational

Commissioner Howell said the award name needs to be changed and the language changed in the award will be to remove Wayne E. Kirch name, and the new award will be the Commission Lifetime Commitment to Wildlife award, and he read the recommendations for the policy (exhibit file) for its first reading.

17 Report from Feral Horse Committee – Committee Member Floyd Rathbun – Informational

Mr. Floyd Rathbun said he is a committee member and he provided a Feral Committee Horse Committee Report (exhibit file). He said the committee needs clear direction from the Commission on the policy relative to horses and may need to meet one more time to finish up on letter to State Water Engineer. The Wild Horse and Burro Act has been amended and the amendments has specific language as to roles state wildlife agencies play in relation to federal government. Mr. Rathbun suggested that an opinion from the Attorney General's Office be obtained on the recent allocation of water to BLM for water rights for these horses is lawful which is gist of their letter or is the committee completely in left field and would like that discussed. He suspects that we are at a point where if we need to we could build a case for thriving ecological balance, is multiple use and horses that deprive access to springs and water or access to forage by different species of wildlife, and should be strong partnership of wildlife agency and ranchers.

Commission Regulation – Action

- 18 CR 11 -09 - Black Bear Draw Application Deadline – Program Officer III Maureen Hullinger

Chief of Operations Haughian said in February the Commission approved the Commission Regulation 11 – 04 for the application deadline period and his office and Systems Consultants had different challenges with the new hunt and therefore the Department is requesting to move the application period for the black bear hunt out of the big game draw.

Commissioner Lent said he wants pop-up tag lines to come up and remind applicants to apply for bear hunt.

Commissioner Cavin said he would like to see this change just for this year as he wants the bear hunt to be in the main draw.

COMMISSIONER LENT MOVED TO APPROVE CR 11 -09 AS PRESENTED BY THE DEPARTMENT. COMMISSIONER HOWELL SECONDED THE MOTION.

COMMISSIONER CAVIN MOVED TO AMEND THE MOTION TO HAVE IT JUST THIS YEAR FOR 2011. COMMISSIONER CAPURRO SECONDED THE AMENDMENT TO STRIKE 2012. COMMISSIONERS IN FAVOR OF AMENDMENT: CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM AND WALLACE. OPPOSED COMMISSIONERS LENT AND VOGLER. AMENDMENT CARRIED 6 – 2. CHAIRMAN RAINE DID NOT VOTE.

VOTE ON AMENDMENT MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

DAG Stockton departed the meeting.

- 19 **Reports – Informational**

- A Western Association of Fish and Wildlife Agencies (WAFWA) Mid-Winter Report – Commissioner Capurro

Commissioner Capurro reported that the WAFWA meeting for the mid-winter is a shorter meeting than the summer meeting. He said there was discussion by himself and other state commissions about bear hunts; the Rocky Mountain DPS regarding wolves and wolf management and federal delisting legislation; and networked with other Commissioners on other issues.

Meeting Adjourned at 6:10 p.m.

Saturday, March 12, 2011 – 8 a.m.

- 20 Call to Order, Pledge of Allegiance, Introduction and Roll Call of CABMW Members –
Chairman Raine

Chairman Raine called the meeting to order at 8:09 a.m. and asked for roll call of the Commission - all nine Commission members are present: Raine, Lent, Capurro, Cavin, Howell, McBeath, Shrum, Wallace and Vogler.

CABMW Roll Call: John Reed, Washoe CABMW; Elko CABMW; Glenn Bunch, Mineral; Joe Crim, Pershing; Mike Turnipseed, Douglas; Bill Meyer, Lyon; Willis Lamm, Lyon; Jim Jenne, Lyon; Rex Flowers, Washoe; Eric Scheetz, Douglas; Walt Mandeville, Lyon; and Gil Yanuck, Carson.

- 21 Member Items/Announcements –

Commissioner Lent requested a copy on tape or cd of Big Game Biologist Mike Cox's presentation and formulas that were presented at the February Commission meeting. He said he would also like the buck/doe fawn ratio for the last 10 years before the May Commission meeting to look at trends.

Commissioner Cavin said last year the Heritage projects support material was sent in binders to the chairs of the CABMWs and the Commission, and he would like to request a binder be sent to him.

Deputy Director Cates said the information will be available online too.

Commissioner Lent said for CABMW members not present yesterday, 42 Heritage projects were submitted which is over \$2.5 million requested.

- 22 Public Comment Period –

Mr. Corey Dalton said he loosely represents falconers in Nevada, and at a previous Commission meeting last December, NDOW staff discussed raptor take and then one-half way through the agenda item, staff started to talk about changes to the falconry federal framework. Mr. Dalton said if the falconers had known that discussion was occurring the meeting room would have been packed with falconers as that is a big topic among falconers - the adoption of federal falconry laws before 2014. He said falconers have been reaching out to NDOW since early 2009 to participate in the NDOW/federal regulatory change project and asked to be included to provide input at the outset. They have been told in various emails from NDOW that they would be included in the process and workshops would be held but to date they have not been notified of any workshop. He said he was under that impression until two weeks ago that no update had been done and then he watched the video of that previous meeting online and was shocked

to hear that there is a proposed framework that NDOW had since June 2010, and just wanted to be part of the process as federal laws are forever. He said they were wondering how the framework was put together as the falconers were in the dark for the last two years. Staff said that project goal of 2010 of community outreach to the stakeholders failed and he is confused by that statement as his group tried to reach out to NDOW for last two years to participate. He said the falconers were upset as a group that framework coming out in May and are asking to be part of framework before it is sent out for public comment. He said he and Frank Ely sent information regarding this matter to 65 falconers in the state, and 42 falconers responded back to survey he sent out, and they were in favor of simplification and items such as five year license instead of three year license. Mr. Dalton requested this item to be on the April agenda and want to see the proposed framework before these meetings in May.

Commissioner McBeath asked for comment from NDOW, as sounds like federal government is backing out of regulating falconry, and he asked what is the Department doing.

Deputy Director Haskins said he spoke to Chief of Wildlife Diversity Richards and confirmed what Mr. Dalton has said and that Chief Richards said they had intended to hold workshops and due to workload issues and with a deadline of 2014 they have not yet engaged with stakeholders. Deputy Director Haskins said Chief Richards can make a presentation at the next meeting and the whole idea was to have transparency in the process. The Director's office will work with Chief Richards to get started.

Chief Game Warden Buonamici said Mr. Dalton is correct that the federal government is turning over the regulatory process to the states and process has been slow and where we are at now in the process is we have formed a committee of staff from the License Office, Law Enforcement, and Wildlife Diversity, and are looking at current regulations and have come up with a mock-up of a starting point which was needed before starting to meet with falconers. A draft has been put together and staff will be scheduling a meeting before month's end so that they may comment and be involved.

Mr. Dalton said they have also been in communication with other states that adopted federal laws and even though they are pulling out, the federal government still needs to approve the regulations. The first of the states that started out used 14 months for federal approval, and to be safe you need to take off five months for finalization and that 2014 is not realistically the deadline. If you miss that deadline you are done. He talked to Chief Richards and she was unaware that was going on at federal level.

Rex Flowers, Washoe CABMW, said speaking as a member of the public, that Policy 51 has so many changes, that he would suggest that Policy 51 be deleted or held back, as Wayne E. Kirch award is very prestigious award that has been bestowed on many people who put in much volunteer time and would not like the award deleted. He asked that new policy be written, rename the committee to allow Marlene Kirch to still have the

award named for her father and the rich heritage of the Kirch Award would be preserved.

Mr. Willis Lamm, Lyon CABMW, said Kevin Baily was at their last meeting and he presented information to board on trout in classroom, Mr. Baily is a recipient of the Kirch award and he stated how prestigious the award is and everyone with an opinion asked that the Kirch award be restored and need to solve problems and fix items that divide us and hang onto what unites us.

Commissioner Vogler said we are still at same problem and would like to keep on front burner changing elk regulation to where you can hunt any season same as deer and elk and he requested that the regulation be changed if an action item could be done.

Chairman Raine agreed that the idea is worth discussing.

19 C Ruby Mountain Deer Study – Chief of Game Larry Gilbertson

Chief of Game Gilbertson said the mule deer staff specialist position was created to put emphasis and attention on mule deer management, options, and opportunities and Tony Wasley is in that position and due to other obligations could not attend today. He covered deer activities associated with the position, and noted that the projects are ongoing throughout the state and are funded by Pittman-Robertson monies matched by non-federal funds such as donations from NGOs and Nevada Mining Association. He reviewed the statewide projects.

19 D Wildlife Heritage Trust Fund Principal and Interest Fiscal Year 2012 – Deputy Director Cates

Deputy Director Cates said this item is a carryover from the February Commission meeting and the spreadsheet from that meeting is the same for this meeting (exhibit file).

19 F Local Bear Ordinances Update – MA III Jolly

MA III Jolly reviewed the support material submitted for this item (exhibit file).

19 G Gifts, Grants, Donations, and Bequests – Deputy Director Cates

Deputy Director Cates this is a carryover item from the February meeting and he reviewed the support material (exhibit file) from the February meeting.

19 H Litigation Report – DAG Newton

DAG Newton - report was sent (exhibit file).

23 Second Readings of Commission Policies – Vice Chairman Lent – Informational

The Commission had second readings of revisions to two new policies, “Transparency” and “Wolves.” Management Assistant III Jolly inserted the changes on the screen for review at the next reading.

24 Revisions to Commission Policy #51 Wayne E. Kirch Nevada Wildlife Conservation Award - Commissioner Howell – Informational

Commissioner Howell said the award will be the new Commission Lifetime Commitment to Wildlife Award and he read the changes to the policy (exhibit file).

Chairman Raine said one change may be regarding the award being made of “wood and bronze.”

Commissioner Cavin said he would like the policy number of Kirch left in place for historical purposes as Washoe CABMW suggested and create new policy.

25 Future Commission Meeting – Acting Director Mayer – Action

Chairman Raine changed committee name of Kirch Committee to Commission Lifetime Commitment to Wildlife Award Committee.

Chairman Raine adjourned the regular meeting, and commenced the workshop. Chairman Raine welcomed the CABMW members to the workshop and Commissioner Lent made the opening remarks.

County Advisory Boards to Manage Wildlife Workshop

The Boards and Commission met in a facilitated session for brief presentations and discussions. The Commission did not take formal action on any workshop items. The purpose of the workshop is that a common understanding of Board and Commission processes is achieved. The public was encouraged to attend and observe.

- Welcome and Opening Comments – Chairman Raine and Acting Secretary Ken Mayer
- CABMW Budgeting – Deputy Director Patrick Cates and Administrative Officers III
- Big Game Division Computer Model Process Demonstration – Big Game Division Chief Larry Gilbertson and Big Game Biologist Mike Cox
- Frequently Asked Questions for CABMW Manual – Management Analyst III Kim Jolly
- NDOW Website Demonstration – Website Coordinator Jake Sunderland
- The Regulatory Process – Chief Game Warden Rob Buonamici

A videotape of the meeting is available for viewing on the NDOW website at ndow.org.

Note: The minutes are a summary of the meeting. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request for review.

MINUTES

April 15 and 16, 2011

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

**A videotape of the meeting is available for viewing on the NDOW website at
ndow.org.**

Approved - MINUTES
Nevada Board of Wildlife Commissioners' Meeting

Telephonic Commission Meeting Agenda

The public is invited to participate in the telephonic meeting at the following locations:

Nevada Department of Wildlife – Headquarters/Western Region Office
1100 Valley Road
Reno, NV 89512

Nevada Department of Wildlife
Eastern Region - Elko Office
60 Youth Center Road
Elko, NV 89801

Nevada Department of Wildlife
Southern Region – Las Vegas
4747 Vegas Dr.
Las Vegas, NV 89108

Final Agenda – 3/20/11

Friday, April 15, 2011 – 8 a.m.

- 1 Chairman Raine - Call to Order
- 2 Approval of Agenda – Action
- 3 Public Comment Period -
- 4 Approval of Search Committee Meeting Minutes - Action
The Commission will review the meeting minutes from the March 25, 2011, meeting and may take action to approve.
- 5 Report from the Commissioners' Search Committee Meeting – Chairman Raine – Action
The Commissioners' Search Committee met on March 25, 2011, and Chairman Raine will report on the actions recommended by the committee for the Commission to take.
- 6 Interviews for Director, Nevada Department of Wildlife – Information
The Commission will conduct interviews of applicants for the position of director of the Nevada Department of Wildlife. Designated times are approximate – interviews will not be conducted prior to the listed time for that individual.
 - A Robert Beach (8:30 a.m.)
 - B Gary Bertellotti (9:30 a.m.)
 - C Steve Ferrell (10:30 a.m.)
 - D Kevin Lansford (1:15 p.m.)

E Kenneth E. Mayer (2:15 p.m.)

F Jeremy Rakowicz (3:15 p.m.)

- 7 Deliberations for Director, Nevada Department of Wildlife – Action
The Commission will deliberate on the interviews conducted on applicants for the director position of the Nevada Department of Wildlife and may take action to recommend the names of three or more candidates to the Governor for consideration and appointment to the director position.

Saturday, April 16, 2011 – 8 a.m.

- 8 Call to Order – Chairman Raine

- 9 Member Items/Announcements

- 10 Public Comment Period

- 11 Approval of Minutes – Chairman Raine – Action
Commission minutes from the Feb. 4 and 5, 2011, meeting

- 12 Correspondence – Chairman Raine – Informational
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 Acting Secretary Mayer will also be discussed.

- 13 Review and Discussion Fawn/Doe and Buck/Doe Ratios in Each Game Management Unit for the Past 10 Years as Provided by NDOW – Big Game Chief Gilbertson – Informational
The Commission will review ratios and population trends in big game and may request staff to provide further information necessary to develop big game quotas.

- 14 Review of Ruby Mountain Research Project – Big Game Chief Gilbertson - Informational
The Commission will review language of all project contracts and research goals of the Ruby Mountain Research Projects.

- 15 Discussion, History, and Explanation of Development of Dream Tag Regulation- Program Officer III Maureen Hullinger - Informational
Staff will provide a brief update on development of Dream Tag regulation.

A Systems Consultant Involvement in Dream Tag Development and Use of NDOW Programming- Don Sefton
System Consultants will provide a brief report on their involvement in Dream Tag development.

- 16 Legislative Committee Report and Actions - Commissioner Capurro
The Commission will hear a report from the Legislative Committee - Commissioner Capurro.

- 17 2011 Legislative Session Update and Commission Bill Positions – Commissioner Capurro – Action
The Commission will hear a report from staff and Legislative Committee chair, and may take action to support, not support, oppose, or be neutral on tracked bills.

- 18 Commission Policy #26, “Transparency” Final Reading – Commissioner Lent– Action

The Commission may take action to make changes and adopt Commission Policy #26, "Transparency." In accordance with Commission Policy #1, the first and second readings of this new Commission policy were held at the March 11 and 12, 2011, Commission meeting and subsequently may approve the policy.

- 19 Commission Policy #27, "Wolves/Protection of Nevada Resources" Final Reading –
Commissioner Lent - Action
The Commission may take action to make changes and adopt Commission Policy #27, "Wolves/Protection of Nevada Resources." In accordance with Commission Policy #1, the first and second readings of this new Commission policy were held at the March 11 and 12, 2011, Commission meeting and subsequently may approve the policy.
- 20 Commission Policy # 51, Wayne E. Kirch Nevada Wildlife Conservation Award – Commissioner Howell – Action
The Commission may take action to make changes and adopt Commission Policy #51, Commission Lifetime Commitment to Wildlife Award. In accordance with Commission Policy #1, the first and second readings of this new Commission policy were held at the March 11 and 12, 2011, Commission meeting and subsequently may approve the policy.
- 21 Administrative Procedures, Regulations and Policy (APRC) Committee – Commissioner Lent - Informational
The Administrative Procedures, Regulations and Policy Committee will report on their meeting.
 - A First Reading of Proposed Changes to Commission Policy #10, Wildlife Heritage Tags and Vendors – Commissioner Lent - Informational
 - B First Reading of Proposed changes to Policy #50, Duck Stamp Procedure – Commissioner Lent – Informational
- 22 Falconry Regulation Process Update – Chief of Wildlife Diversity Laura Richards – Informational
The Chief of Wildlife Diversity will provide the Commission with an update on the process and timeline to align state falconry regulations with federal falconry regulations
 - A Falconers Report - Corey Dalton - Informational
A report will be provided by Corey Dalton on behalf of the falconers in Nevada concerning Falconry Regulation outlining suggestions from the falconers on state compliance with federal regulation
 - B Falconry Regulation Process- Chairman Raine - Action
The Commission may discuss falconry regulation and give instruction to staff on development of such regulations
- 23 Future Commission Meeting – Acting Director Ken Mayer – Action
The next Commission meeting is scheduled for May 13 and 14, 2011, in Reno. The Commission will review potential agenda items for the meeting. The Chairman may designate and adjust committee assignments as necessary.

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Scott Raine	Vice Chairman Gerald Lent	Commissioner Daryl E. Capurro
Commissioner Tom Cavin	Commissioner Howell	Commissioner Michael McBeath
Commissioner Hal Shrum	Commissioner Hank Vogler	Commissioner Grant Wallace

Secretary/Director Kenneth E. Mayer
Suzanne Scourby, Recording Secretary

Matt Deal, Deputy Attorney General
Nhu Nguyen, Deputy Attorney General

NDOW Staff Attending:

John McKay, Acting Chief Conservation Education
Kris Ross, Human Resources NDOW
Kim Jolly, Management Analyst 3

Aaron Keller, Conservation Education
Katie Simper, Administrative Assistant III
Chief Game Warden Rob Buonamici

Others Attending

Jack Spencer, self
Jim Jenne, Lyon CABMW
Rex Flowers, Washoe CABMW
Daryl Harwell, Washoe CABMW
Paul Dixon, Clark CABMW
Don Molde
Paul Dixon, Clark CABMW
Dennis Wilson, Nevada Bighorns Unlimited (NBU)
Bill Meyer, Lyon CABMW
Greg Smith, NBU
Jessica Brown, Nevada Falconers
Frank Ely, Nevada Falconers
Brian Evans, Nevada Falconers
David Kanellis, Nevada Falconers
Vinnie Macchirella, falconry

Dianna Belding, self
John Reed, Washoe CABMW
Gil Yanuck, Carson CABMW
Candido Mendive, Elko CABMW
Eric Feltman, falconry
Ken Wellington, Elko CABMW
Glenn Bunch, Mineral CABMW
Monty Martin, Systems Consultants
Bob Cook, Douglas CABMW
Patrick Maxon, self
Karen Yates, Nevada Falconers
Dustin Hollenbaugh, Nevada Falconers
Corey Dalton, Nevada Falconers
Alfonso Uceda, Nevada Falconers
Everett Ballew, falconry

Friday, April 15, 2011 – 8 a.m.

- 1 Chairman Raine called the meeting to order.

Commissioners present: Chairman Raine, Vice Chairman Lent, Commissioners Capurro, Cavin, Howell, Shum and Wallace. Commissioner McBeath participated via telephone and was present at the Southern Region Office and Commissioner Vogler present although he joined the meeting late.

Eastern Region attendees: Ken Wellington, Elko CABMW, and NDOW Staff Joe Doucette and Trudy Davis.

Southern Region attendees Present: Commissioner McBeath, and Paul Dixon, Clark CABMW. NDOW staff Doug Nielsen and Kathleen Teligades

- 2 Approval of Agenda –

Chairman Raine said to strike #6 C as Mr. Ferrell has withdrawn his candidacy.

COMMISSIONER CAVIN MOVED TO ACCEPT THE AGENDA WITH THE CHANGE OF STRIKING #6 C, MOTION SECONDED BY COMMISSIONER WALLACE. MOTION PASSED 7 – 0. CHAIRMAN RAINE DID NOT VOTE AND COMMISSIONER VOGLER ABSENT.

- 3 Public Comment -

Chairman Raine said this is the only time for public comment on today's agenda.

Ken Wellington, Elko CABMW, said his comments are for himself, he is disappointed that the agenda did not have a place for CABMW input to express the public's concerns which they took at their meetings. He spoke to Governor's Office and they stated that they did not direct this Commission to conduct these interviews and he would like the Department to supply the costs of the interview with the accounts the money came from to him, and provide that to the Governor's Office too. Also, each Commissioner disclose if any financials or anything used to obtain or costs to interview the candidates.

Chairman Raine said this is the time for CABMW input and public comment.

Ken Wellington said he does not think three minutes is sufficient and the chair of Elko CABMW is present at the Reno meeting.

Paul Dixon, Clark CABMW, said he appreciated Mr. Wellington's comments, and they supplied to the public in the Southern Region the resumes of the candidates, and he gave a brief summary of the resumes at the beginning of the meeting. He said the discussion was around qualifications and unanimous from Clark CABMW, the public and those outside groups not considered to be wildlife friendly, was that Acting Director Mayer was the strongest candidate and had worked the best with the outside groups and wanted that to continue and Mr. Mayer's name should be submitted.

Commissioner Vogler joined the conference call and roll call all of nine Commissioners was taken by Chairman Raine. Commissioners present: Capurro, Cavin, Howell, Lent, McBeath, Raine, Shrum, Vogler and Wallace.

Rex Flowers, Washoe CABMW, said he is representing himself, all he would ask of this board that in regard to agenda item #7 deliberations to create list for the governor to pick from on director's search, he asked the Commission that when they create the list that the list be sent back to the CABMWs for input as does not think there is a big rush to have a new director as several months until end of fiscal year to accomplish this. Assembly Bill (AB) 322 is a bill being heard in the legislature which will conceivably cut out the CABMWs and Commission from the process to select the director and if the Commission proceeds with this you have done what they are looking to do with AB 322.

Daryl Harwell, Washoe CABMW, said on agenda item #7 after Commission deliberation that Washoe County would like nominations resubmitted to CABMW for public input on candidates before recommendations are sent to the governor.

Jim Jenne, Lyon CABMW, said he is speaking for himself as his CABMW did not meet this month. He said he wanted to discuss Commission Policy #51 as he went through all comments from different CABMWs and saw the majority were in favor of holding Policy #51 as is and his suggestion is to renumber the new one and then we will have two awards out there for people and that will give us time to rework Policy #51.

Candido Mendive, Elko CABMW, said with the information that they had available at their meeting, their motion was to support Ken Mayer as director of Nevada Department of Wildlife.

Gil Yanuck, Carson CABMW, said their CABMW felt to go forward with the interviews as planned, but hold off on recommendations until there is CABMW input and to find out status of Assembly Bill 322 as that may change things and would be moot to make decisions now until legislation is decided upon.

Chairman Raine said this is the time and place for CABMW input and he keeps hearing people say that they want CABMW input and now is that time.

4 Search Committee Minutes – Chairman Raine - Action

Commissioner Lent had correction to minutes, on page 1, Dana Carvin is not NDOW staff she is from Department of Personnel. Conflict as in the support material on the Internet, candidate Ken Mayer, lists three references – Lynn Hettrick, Steve Robinson and Senator Raggio, yet in the material for the Commission there are only two references. Something changed and does not make sense, there are two sets for resumes and he asked for an explanation.

Kris Ross NDOW Human Resource officer said Senator Raggio's name and input was removed after input from the Governor's Office.

Commissioner Lent said this resume changed then.

Ms. Ross said correct.

Commissioner Cavin said in the minutes, it states the committee members are five Commissioners, and he asked who were the voting Commissioners on the committee.

Chairman Raine said there were three only three voting committee members, himself, and Commissioners Lent and Capurro.

Commissioner Cavin said that is not very clear in the minutes and needs to be separated out.

Chairman Raine agreed.

Jim Jenne, Lyon CABMW, said he had a correction as at the end it was Rex Flowers who spoke instead of him and he was in agreement with him but just a technicality/correction.

COMMISSIONER LENT MOVED TO APPROVE MINUTES OF SEARCH COMMITTEE WITH AMENDMENTS AS PRESENTED: COMMITTEE MEMBERS PRESENT SEPARATE FROM OTHER COMMISSIONERS; CHANGE DANA CARVIN TO STATE OF NEVADA DEPARTMENT OF PERSONNEL, THIRD PARAGRAPH CORRECTION FROM JIM JENNE TO REX FLOWERS. COMMISSIONER CAPURRO SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. VOTE ON MOTION 8 - 0. CHAIRMAN RAINE DID NOT VOTE.

5 Report from Commissioners Search Committee Meeting – Chairman Raine – Action

Chairman Raine said the committee met over the phone and had original list of 11 candidates and based on staff and Department of Personnel recommendations some of the applicants did not meet the minimum NRS requirements, and the remaining candidates went forward to the next step.

Commissioner McBeath said in reading the minutes and reviewing the resumes he is surprised the committee recommended Jeremy Rakowicz as it appears to him he did not meet the minimum qualifications and he would like an explanation of why he was allowed to move forward and why.

Chairman Raine said the committee's intention was to be more inclusive rather than exclusive and did not want at this committee meeting to exclude a candidate who might prove to be qualified.

Commissioner Capurro said he has nothing to add to what Chairman Raine said.

Commissioner McBeath said it would seem to him that committee had to make findings and point to specific experience that this particular candidate had that meets the NRS statute and does not see that factually or developed in the committee meeting, and fears that if put this person is put forth as candidate recommended to governor he would be an invalid candidate. Seems to him the committee needed to make factual findings to support their decision and allow this candidate to move forward and from the minutes and discussion he heard so far, this candidate does not meet the minimum qualifications.

Chairman Raine interrupted Commissioner McBeath and said this is only the committee report and that he needs to stop Commissioner McBeath as he is ahead of himself as this will be discussed under #7 and the determination will be made by the full Commission.

6 Interviews for Director, Nevada Department of Wildlife – Information

Chairman Raine said the guideline for the upcoming interviews is that each Commissioner will ask one question of each candidate from an approved list of

questions as reviewed by the Commissions' Deputy Attorney General Bryan Stockton. Follow-up questions are strictly limited to the Commissioner who asked their original question and may only be asked for candidate response clarification. He asked that if any of the potential candidates are present that they leave the room and that no one relay the questions to any of the other candidates to keep the process fair. Below is the list of candidates interviewed by the Commission.

- A Robert Beach (8:30 a.m.) –
- B Gary Bertellotti (9:30 a.m.) -
- ~~C Steve Ferrell (10:30 a.m.) –~~
- D Kevin Lansford (1:15 p.m.)
- E Kenneth E. Mayer (2:15 p.m.)
- F Jeremy Rakowicz (3:15 p.m.)

Each applicant was asked to introduce themselves and explain their qualifications to be director and each Commissioner asked one question as denoted below:

1. Commissioner Capurro asked describe your management style and philosophy of holding people accountable with consequences for their actions or inactions.
 2. Commissioner Cavin asked if you are appointed to lead this Department, what is the one issue that you would give highest priority, and what would be your approach for resolving that issue?
 3. Commissioner Howell asked what do you feel has been your best accomplishment in regards to wildlife, and the area where you have been most frustrated in advancing your goals.
 4. Commissioner Lent asked to describe how you would relate and work with the Commission on long range goals between the Commission and the Department and describe how you would cooperate with the Commission regarding their budget requests and policies even if you didn't agree with some of their concepts and also give us your definition of the role of the Commission.
 5. Commissioner McBeath asked given that the Nevada Department of Wildlife involves multiple divisions (Operations, Conservation Education, Fisheries, Game, Habitat, Law Enforcement, and Wildlife Diversity), and that the Director is responsible for representing the Department before multiple sportsmen, conservation, and public groups, please explain to the Commission how you will meet the challenges of managing the Department and responding to the multiple consumptive and non-consumptive users of Nevada's wildlife resources?
 6. Chairman Raine asked for an explanation in as much detail as possible how you, as director of NDOW, would respond when given direction by the Commission to enact a policy for NDOW that you personally disagree with.
 7. Commissioner Shrum asked do you feel that the current low numbers of deer is due to the loss of habitat or failure to do predator control, and what needs to be done by whom and how long will it?
 8. Commissioner Vogler asked what is your opinion of the multiple use mandate in the Taylor Grazing Act?
 9. Commissioner Wallace asked that considering the current statewide budget crisis, and the loss or reduction in general fund revenue. How would you propose funding nongame and other programs, without the use of sportsmen's dollars?
-

7 Deliberations for Director, Nevada Department of Wildlife – Action

Chairman Raine said he previously cut Commissioner McBeath off on agenda item #5 and that this would be the appropriate time and asked if he wanted to continue his comments.

Commissioner McBeath said he is troubled by the fact that State Personnel Office as well as NDOW's Human Resources staff made recommendation that they found that one candidate was not qualified and an invitation was extended to him to be interviewed, as their charge was to insure candidates met statutory minimum requirement as set forth in NRS, and he is very uncomfortable going against our state staff that make those recommendations and thinks that won't look good for the Commission to do that, and is unfortunate that it got to this level but we are here, and thinks we need to be cognizant of that and careful in who we make recommendation to the governor.

Chairman Raine said Commissioner McBeath's point is well taken.

Commissioner Howell asked if appropriate to make a motion at this time.

Chairman Raine said he supposes as we've read all...and that is your prerogative.

COMMISSIONER HOWELL SAID HIS MOTION FOR THE DIRECTOR POSITION WOULD INCLUDE THREE OF THE PARTICIPANTS TODAY AND HE WOULD RANK THEM IN THIS FASHION: MR. BEACH THIRD PLACE, MR. BERTELLOTTI SECOND PLACE, AND MR. LANSFORD IN FIRST PLACE. COMMISSIONER VOGLER SECONDED THE MOTION.

Chairman Raine said he has spent a lot of time looking over the qualifications of these people, their resumes and got good information from them today and has ultimately spent hours on this issue.

Commissioner Lent said reviewing his notes, he likes that Mr. Beach worked in Nevada for nine years and has Nevada experience and history of that and history in resource protection. Mr. Bertellotti was also in Reno as he started his fishery career, experience in mitigation with dams for fisheries, budgeting fisheries and hatcheries, federal aid, and has worked with many federal agencies, solved problems with fishery groups and responded to public needs and lots of coordination qualities. The next candidate, Mr. Lansford has also worked in Nevada, lots of Nevada experience which he was impressed with. Mr. Mayer worked in California, deer supervisor program coordinator, he was assistant deputy director in California and has worked in Nevada as director for the last four years, and some of the questions he had of looking up hard data and collecting data and some of his priorities. The other candidate Rakowicz had strong skills in pulling people together, enjoys team work and is a team player, but he did question his minimum of experience and he thinks he did not have enough experience for this job,

and that is his impression and that is his opinion of candidates and would probably agree with the motion.

Commissioner McBeath said the statute does not require us to rank the candidates or forbid ranking, and he may not be comfortable with ranking and do not have to be limited to three either.

COMMISSIONER MCBEATH MOVED TO AMEND THE MOTION, TO NOMINATE ALPHABETICALLY WITH NO PREFERENCE IN ORDER, ROBERT BEACH, GARY BERTELLOTTI, KEVIN LANSFORD AND KENNETH MAYER. COMMISSIONER WALLACE SECONDED THE AMENDMENT.

Chairman Raine said his comment on the candidates: Mr. Rakowicz, good personal style, and undoubtedly in a few years with more experience he will be ready to lead a department and he liked that he gave honest reply when he did not know the answer to Taylor Grazing Act question, and liked that on fiscal note he was much better than other candidates; Mr. Lansford had some ideas about better utilization of funding and expounded on that and fiscal responsibility and same from Mr. Bertellotti. Mr. Bertellotti had superior negotiation skills, and also Mr. Beach's superior ability was to work with federal government and actually to some degree Mr. Lansford as well.

Commissioner Cavin said his comments on the candidates are: Mr. Beach is qualified and has administrative skills; Mr. Bertellotti is very well qualified and would put him very high on the list. Mr. Lansford is qualified but would put him lower on the list as far as total experience, Acting Director Mayer obviously qualified, as he has been here doing the job, and Mr. Rakowicz he thinks probably met very minimum of qualifications and is really not director material at this time. He said if we put personalities aside, his order is Mr. Mayer and Mr. Bertellotti at top and Mr. Lansford and Mr. Beach coming in after that. He thinks we should send all four of those names to the governor.

Commissioner Capurro said he would agree with comments on Mr. Rakowicz as believes he met minimum standards and that was his position in the committee and thinks he will at some point in time make an excellent director in the future and his answers were good. It is unfortunate that he was not aware of Taylor Grazing Act but important to understand from his explanation that he understood need for multiple use and non-consumptive and consumptive uses of natural resources in this state. He said he is glad we invited him to speak and admires him for his answer and was refreshing for his candor; however, he should be dropped from consideration on this list. The rest had strong points, and impressed with list and background, experience, broad knowledge and philosophy they had and how they would deal with the Commission, and the fact of the matter is there are some that are more qualified than others that need to be included on list going up and is finished with his comments and all the rest have qualifications necessary to be considered.

Commissioner Lent said this is third director selection process he has been through, although not as a Commissioner, and he will say the Commission has never submitted more than three names and the Commission does not have a history of submitting more than three names to the governor.

CHAIRMAN RAINE ASKED FOR THE VOTE IN FAVOR OF AMENDING THE MAIN MOTION. COMMISSIONERS IN FAVOR: MCBEATH, WALLACE, CAVIN. COMMISSIONERS OPPOSED: CAPURRO, SHRUM, HOWELL, LENT AND VOGLER. MOTION TO AMEND FAILED 5 – 3. CHAIRMAN RAINE DID NOT VOTE.

CHAIRMAN RAINE SAID BACK TO THE MAIN MOTION: WE WILL VOTE ON MAIN MOTION TO SEND THREE CANDIDATES TO THE GOVERNOR - KEVIN LANSFORD, GARY BERTELLOTTI AND ROBERT BEACH IN THAT PARTICULAR ORDER.

Commissioner Capurro asked if the Commission could possibly submit names without designation of ranking because if we find the candidates qualified ranking is unnecessary and that would give the governor more leeway who he selects and he would move amend the main motion.

COMMISSIONER CAPURRO MOVED TO AMEND THE MOTION TO SEND THREE CANDIDATES NAMES WITHOUT RANKING THEM. COMMISSIONER CAVIN SECONDED THE MOTION TO AMEND THE MOTION.

Commissioner Vogler asked if the language should be in Commissioner Howell's motion to give three names to Deputy Attorney General (DAG) Bryan Stockton or whomever to present to governor.

Chairman Raine said perhaps we could have that in a separate motion after this amendment.

Commissioner Lent said he is not against the amendment, but two directors ago, the successful applicants were ranked one, two, and three, and the resource director's pick was number three and is not sure if ranking makes difference as he will picks who he wants.

Chairman Raine said he could argue both ways too.

Commissioner Cavin said his comment on the amendment, is that if we rank them, we are going to argue about the ranking for a while and that is one argument not to rank them.

VOTE ON AMENDMENT TO MAIN MOTION THAT WE SEND THE THREE CANDIDATE NAMES, ROBERT BEACH, GARY BERTELLOTTI, AND KEVIN LANSFORD, WITH NO RANKING. COMMISSIONERS IN FAVOR: MCBEATH, CAPURRO, WALLACE, CAVIN, AND CHAIRMAN RAINE. COMMISSIONERS OPPOSED: VOGLER, SHRUM, HOWELL, AND LENT. MOTION PASSED 5 -4.

CHAIRMAN RAINE RESTATED THE MAIN MOTION WHICH NOW READS AS AMENDED TO SEND THREE NAMES TO THE GOVERNOR: ROBERT BEACH, GARY BERTELLOTTI, AND KEVIN LANSFORD, WITHOUT ANY PARTICULAR ORDER. COMMISSIONERS IN FAVOR: VOGLER, CAPURRO, SHRUM, HOWELL, LENT, AND RAINE. COMMISSIONERS OPPOSED: CAVIN, WALLACE, AND MCBEATH. MOTION PASSED 6 – 3.

Commissioners McBeath said he voted against the process as he supported four names.

COMMISSIONER VOGLER MOVED THAT PROPER PROTOCOL BE USED AND WOULD ASSUME TO GIVE THE THREE NAMES TO DAG STOCKTON TO PRESENT A FORMAL LETTER OF OUR THREE CHOICES TO BE GIVEN TO THE GOVERNOR. COMMISSIONER CAPURRO SECONDED THE MOTION.

COMMISSIONER CAPURRO SAID FAIR WAY IS TO SEND THE NAMES ALPHABETICALLY TO ELIMINATE SPECIFICITY.

CHAIRMAN RAINE ASKED IF THAT IS ACCEPTABLE TO THE PERSON WHO MADE THE MOTION THAT THE NAMES BE SENT ALPHABETICALLY.

COMMISSIONER VOGLER SAID THAT IS ACCEPTABLE TO HIM.

Commissioner Cavin said the question is whether the letter to the governor goes through DAG Stockton or State Personnel, as State Personnel conducted the recruitment process, and he is just asking about the process.

NDOW Human Resources Officer Kristina Ross said State Personnel is not typically involved in sending the Commission's recommendation to the governor.

Commissioner McBeath read the statute which states the Commission is to make the nomination and his reading is the DAG is not authorized, and how this should work in his opinion is that the Chairman should write the letter and communicate to governor.

Commissioner Lent said in the past the Commission has directed the DAG to write the letter on the Commission's behalf and he thinks the DAG Stockton could write the letter in Chairman Raine's behalf and that is what they did last time.

COMMISSIONER HOWELL SAID RATHER THAN PUT THE NAMES IN ALPHABETICAL ORDER AS THAT COULD BE MISLEADING HIS SUGGESTION IS THAT THE LETTER

INCLUDE STATEMENT THAT NAMES ARE LISTED IN NO PARTICULAR ORDER IN THE LETTER.

Chairman Raine asked if that is acceptable to the motion maker.

COMMISSIONER SHRUM SECONDED THE AMENDMENT. THE SECOND TO THE MOTION, COMMISSIONER CAPURRO AGREED.

Chairman Raine restated the motion which is the Commission's request that DAG Stockton write letter in name of Commission that three candidates have been determined and are in no particular order.

Commissioner Capurro said due to the statutory language, he does not care who drafts the letter; the letter should be on Commission letterhead and signed by Chairman Raine.

Commissioner Vogler said he agreed and his concern was the mechanics to move this to the next level.

COMMISSIONERS IN FAVOR OF THE MOTION: VOGLER, CAPURRO, HOWELL, SHRUM, LENT. COMMISSIONERS OPPOSED: CAVIN, WALLACE, AND MCBEATH. MOTION PASSED 5 – 3. CHAIRMAN RAINE DID NOT VOTE.

Commissioner Cavin said for the record he opposed the vote due to content of letter not the procedure of sending the letter.

Meeting Adjourned at 4:40 p.m.

Saturday, April 16, 2011 – 8 a.m.

8 Called to order – Chairman Raine

Chairman Raine called the meeting to order at 8:05 a.m. and said that Commissioner Vogler will be joining the meeting later.

9 Member Items/Announcement

Commissioner Lent read excerpts from an article from "Muley Crazy" magazine about predation and wildlife and provided a copy for the exhibit file. Also had a report from Wildlife Services who is about to complete in 015 a predator project and as sheep people were losing sheep (68) and they called Wildlife Services who removed 13 lions from 015 as of yesterday. He said we tried to put a predator project in there and were turned down, and there were two toms and they were big lions. He did calculations that if you took three lions and multiply that out, taking so 13 lions saved 320 deer. He said lions have a tremendous impact on sheep industry. He said Washoe CABMW should look at this and does this make the game management and agency

people 'look bad and have drastic deer decline there and we leave it up to sheep growers to take care of the problem, obviously does not think our people are on top of this as we have a big decline in that area. This was also noted in Wildlife Services Trapline newsletter. We should be doing deer protection all up and down the state line as the lions are coming from California and that herd is migratory. Face reality here and the CABMWs need to get the biologists involved. Brought that up for all the CABMWs here and the total with Mr. Mike Stremmer who is doing a predator project in Fish Creek Mountains, and were told no lion problem there but he caught seven lions in 151, and that shows picture of predator kills from someone who is out on the range 360 days per year. He thinks we protected a lot of game animals in 151 by doing that project in there. He said regarding the White Pine CABMW agenda that the agenda is not legal and the CABMWs need to be mindful of the Open Meeting Law as several boards such as Washoe CABMW have had Open Meeting Law complaints filed.

Chairman Raine said he recalled the project being proposed by a Heritage vendor in 015 being turned down and quite an interesting development.

Commissioner Capurro said President Obama signed the budget bill with a compromise and rider that delisted wolves from the ESA in five western states with verified populations, the Commission of course received a response letter to the Commission's Nov. 16 letter from U.S. Fish and Wildlife Service Rowan Gould, and the letter from the Department of Interior makes no mention of rider included in the budget bill and must have known on the eighth when letter was dated. The other issue with respect to budget item is that money to implement the wildlands initiative was removed from the budget and recognition that there is a problem and one of the wildlife resolutions removed from budget. Recognition from Congress that problem and eliminated possibility of judicial review. The situation he presumes is that wolves are delisted.

10 Public Comment –

Rex Flowers, Washoe CABMW, said in response to 015 and mountain lions hard to fathom and as he stated at their meeting, he will be following up to retrieve answers for the public and will follow through as this is taken very seriously. As far as Washoe CABMW's Open Meeting Law complaint, a complaint was filed and Attorney General Office found that there was no violation. The person who filed complaint was happy with response and the board is intact with no blemish and the Commission was copied with a letter stating such.

Daryl Harwell, Washoe CABMW, representing himself said he knows later on today's agenda will be discussion of a transparency policy and what he saw here yesterday was not very transparent. The questions for the interviews yesterday were not provided to all of the Commissioners before starting the interviews and then the Commission picked the director without the CABMWs and CABMWs told to provide input. On their board they could not select anyone until the interviews were done. As soon as last

speaker was heard Commissioner Howell made a motion before deliberations could be started and he asked how transparent was that.

Chairman Raine said the questions came from DAG Stockton and were approved by him and the Commission was told by him to be confidential and the Commission has to do what lawyers advise.

Jim Jenne, Lyon CABMW, said what Mr. Lent said about agendas there has been minor problem and has been addressed in the last four years when the Commission agenda is put out and there have been changes/amendment to the Wildlife Commission agenda almost every meeting and they have a problem as those amended items are usually what the public wants to discuss, and is the reason we need to work together, as the 17 CABMWs are voice of the sportsmen and he was criticized last night by two callers for not providing input to selection of director as they are the ones getting chewed on.

Ken Wellington, representing himself and public sportsmen, said the vice chair misspoke about 015 when he made the comment that deer herd at lowest point, when in fact they are up 1,000 percent and that support material information is in the packet. Yesterday, he did not hear any disclosure by vice chairman of financial recruiting of candidates, and if he could be told or does he need to do that in writing.

Paul Dixon, representing himself and callers from sportspersons in Southern Nevada, who heard about yesterday's meeting were concerned that the Commission did not have a valid reason for choosing three instead of four candidates because not enough difference not to recommend four and he would recommend that all people submit four names from the CABMWs and the name that was excluded (Ken Mayer) was included in almost every CABMW recommendation.

11 Approval of Minutes – Chairman Raine – Action

Chairman Raine said extensive minutes with fairly nothing but very extensive minutes were taken.

Commissioner Howell said on page 19, typo, as it shows Commissioner Capurro voting twice, change to Commissioner Cavin.

COMMISSIONER LENT MOVED TO APPROVE THE MINUTES WITH CORRECTION TO PAGE 19. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. MOTION PASSED 7 – 0. CHAIRMAN RAINE DID NOT VOTE AND COMMISSIONER VOGLER ABSENT.

12 Correspondence – Chairman Raine - Informational

Acting Director Mayer said the letter was sent to the Commission which does not say more than expected as Nevada not part of DPS and they are moving forward with delisting and would be in contact with us. He was told in a personal conversation with director of USFWS that he wondered what is up in Nevada and taking away game mammal status and wanted to remind the Commission that killing a wolf is a felony and USFWS agents will enforce regulations and to bring message back when and if delisted will have to deal with wolf advocates. He said another letter was sent to BLM Director Bob Abbey with our concerns on wild horses and he talked to deputy director and expressed our concerns with wild horses and took our concerns under advisement.

Commissioner Lent said received letter from Rick Hallert opposed to bear hunting but signed by Janice Hallert, and another letter that is anti-bear hunting from Janice Hallert as well. He provided his correspondence for the exhibit file.

Commissioner Howell said last meeting he was volunteered to write letter to Governor on the Commission's request to get exceptions to Governor's Order for regulations which he did and responded right away with question as to type of exceptions. And he answered back and gave examples of what is apropos and will provide copy for exhibit file. He has not heard back from the governor's office since answering back and also has a question about NDOW signing on to an amicus brief for Hage lawsuit and asked if appropriate time to ask why this did not come through the Commission and should not the Commission have been consulted before signing on with these environmental groups such as National Wildlife Federation, Nevada wildlife Federation and Natural Resources Defense Council.

DAG Nguyen said NDOW has been involved in this case since 1991 as an amicus party. The Department is the amicus party not the Commission, and if any more briefs are filed because of the Commission statements, the Commission could be copied as a courtesy but again the Commission is not a party to the case.

Commissioner Howell said would seem to him this is something that sportsmen would not support the appeal as the man has won twice.

Commissioner Shrum said his concern is are we putting this off to another day to address as he is uncomfortable with this and would like on the agenda for discussion. He said we should be supporting Wayne Hage in his own personal opinion.

Chairman Raine said we are discussing correspondence received and we could put this on a future agenda.

DAG Nguyen said for clarification the brief was not pro or anti Wayne Hage it was simply pro-wildlife and if you read the brief there is nothing that is anti-grazing or anti-Hage.

Chairman Raine said at the last meeting (February) he provided correspondence which was the response he wrote to the Western Association of Fish and Wildlife Agencies Mule Deer Working Group and since it was not in this packet he would like it included in the next packet as it is something he sent out and should be a portion of the public record.

- 13 Review and Discussion Fawn/Doe and Buck/Doe Ratios in Each Game Management Unit for the Past 10 Years as Provided by NDOW – Big Game Chief Gilbertson – Informational

Big Game Chief Larry Gilbertson reviewed the fall and spring mule deer survey composition tables (exhibit file) and answered questions from the Commission.

- 14 Review of Ruby Mountain Research Project – Big Game Chief Gilbertson – Informational

Big Game Chief Gilbertson reviewed the grant as mailed in support material (exhibit file) and answered questions from the Commission.

- 15 Discussion, History, and Explanation of Development of Dream Tag Regulation – Program Officer III Maureen Hullinger – Informational

PO III Hullinger said she will provide a brief update on development of the Dream Tag and answered questions from the Commission. Staff has not initiated development of regulation for the Dream Tag, and she said in 2009 there were three statutes put in place for the Dream Tag program: NRS 502.219, 502.222 and 502.225. The following needs to be accomplished to implement the Dream Tag program: NRS 502.219 provides for the issuance of one Dream tag for each species of big game for which 50 or more tags were available in the previous year. This would be one mule deer tag, one elk tag, one antelope tag and one Nelson bighorn sheep tag. Also, in statute is NRS 502.225 stating an Advisory Board on Dream Tags must be created, if it hasn't been already. The current Board terms expire June 30, 2011. The governor, majority leader of the senate, Speaker of the Assembly, the Advisory Board of Natural Resources and the vice chair of the Wildlife Commission each must appoint a member to the Advisory Board on Dream Tags. There is a contract between the non-profit organization and the private entity approved by the Department that will act as the agent and sell the chances to win the Dream Tags, which will need to be developed and finalized. The framework for the Dream Tag raffle process would need to be determined via the testimony from the legislative sessions and meeting with the principle parties. Pursuant to NRS 502.222 the Department must determine the form of the Resource Enhancement Stamp and implementation of the Resource Enhancement Stamp at \$10 in the Nevada Wildlife Data System, to be sold by the Department and agents. Annual regulation regarding eligibility, method of take, unit groups and the application period and deadline for purchase of the raffle tickets would need to be presented to the Commission. Pursuant to NRS 502.225 staff will need to be provided by the Department to the Advisory Board on Dream Tags to the extent that is allowed by legislative appropriation. Pursuant to

NRS 502.225.7 the Advisory Board on Dream Tags will determine the appropriate use of the funds held by the non-profit as a result of the raffle.

A Systems Consultants Involvement in Dream Tag Development and Use of NDOW Programming - Don Sefton

Mr. Sefton provided a brief history and background of his involvement with Dream Tag: He was contacted by Judi Caron in 2009 and told she was exploring Dream Tag, basically unlimited number of chances for individual similar to a lottery. She believed software for draw would go to bid and she needed to collect information as to feasibility and the costs for the legislative bill and also was told 501.3c would be associated and no start-up money yet wanted first year effort and she asked if he or his competitors would do the work upfront, and he told her coincidentally that is becoming the norm in his business as opposed to exception to recover fees after building the system. He was asked again this year if he would be willing to develop software upfront and recover costs later, and he agreed, as to him it is competitive issue for his business and has nothing to do how he feels about the bill, rather this is what he does as that is his business.

(Agenda Item #16 and 17 Concurrent)

16 Legislative Committee Report and Actions – Commissioner Capurro

Commissioner Capurro said yesterday was the deadline for bills without a fiscal exemption to move from initiating house. He asked that MA 3 Jolly provide the report.

MA Jolly 3 reviewed the bill tracking list and status (exhibit file):

AB 13 – NDOW, Child firearm statute and juvenile poaching suggestions - amended and approved

AB 19 – NDOW, interstate waters fishing license, etc. - approved

AB 37 – Hours of agency operation, passed

AB 64 – Truancy bill, dead, did not leave committee

AB 159 – Public records, dead, did not leave committee

AB 167 – Aquatic Invasive Species bill is exempt and moved from Assembly Natural Resources Committee, amended and referred to Ways and Means

AB 217 – Clean up on gun sales across state lines, passed and approved by Assembly

AB 307 – Energy bill, amended without recommendation and referred to Ways and Means

AB 322 – Commission and Dream Tag bill passed out of Assembly

AB 329 – Definition of wildlife and water law passed out of committee

AB 342 – Newspaper notices not required, dead, did not pass out of committee

AB 347 – Deer Tag bill, no action

AB 378 – Carcass bill, dead, no action
AB 402 – Credit cards must be accepted, amended and passed
AB 403 – Temporary regulations such as the bear hunt that were approved would not need to be reheard by Legislative Commission, no status given
AB 419 – Ground water bill, amended and passed
AB 474 – Sunset Commission, amended and passed
AB 479 – Four/10 work days, added since exhibits posted
AB 503 – Conservation fee bill, amended and passed eligible for exemption
AB 522 – Question 1 bond reauthorization, added to list and this affects wildlife, exempt
AB 525 – Wildlife Trust Fund Account, exempt and first hearing is Tuesday
AB 560- State employees, exempt
ACR3 – Sage Grouse Protection Resolution, approved referred to Senate Natural Resources
SB 40 – Public Works bill, substantially amended and passed
SB 56 – Department of Information Technology, no action, dead
SB 102 – Amended and approved, remove all the fees per Governor's office and increase civil penalties for big game poaching
SB 108 – Boat fee bill, no action, dead
SB 226 – Trapping bill, was substantially amended and passed, and became a resolution type bill
SB 287 – Resolution opposing Mt. Wilson and Table Mountain wind projects
SB 359 – Contracting bill, exempt
SB 438 – Tahoe Environmental Impact Project, exempt and passed
SB 446 – DCNR consolidation and Dream Tag Advisory Board, exempt
SCR 1 – Working Group Resolution, scheduled for a hearing April 20
SJR4 – Multiple Use bill, passed out of Senate
SJR 5 – Opposition to Wild Horse Management, amended and adopted
SJR 12 – Expresses Opposition to Designation of Public Lands as Wildlands projects,

MA 3 Jolly said the Commission supported AB 13, AB 19, and AB 167, the Legislative Committee voted to support AB 64 with amendments; and Legislative Committee voted to oppose AB 322 with no Commission position yet; AB 347 Legislative Committee voted to support but to add use of money for protection of sage grouse against their predators and sunset provision of four years; ACR 3, Commission support; SB 56 opposed by Commission, SB 102 Commission voted to support before amendments; SB 108 Commission no position, Commission voted to support SJR4 and 5 support. The committee did not take action on any other bills and voted to oppose 226 until Department is exempted.

Commissioner Capurro said there are several bills that Legislative Committee took action on and were provided to the public through email process, such as AB 64, and would propose that we take Commission action to oppose AB 64 even though it may be dead, the problem with AB 64 are Sections 22 and 32 which takes away parent's hunting license for actions of youth. Other parts we have no interest in and would support amending AB 64 to eliminate Section 22 as related to parent's hunting license.

Public Comment –

Daryl Harwell, Washoe CABMW, said for AB 64 opposed to Section 22, Paragraph 5 Subsection A which calls for removal of parent's hunting license; AB 167 support; AB 322, approve as written but removal of Section 2 which negates input of Wildlife Commission; AB 347, oppose; SB 102, oppose as written; and SB 226 oppose as written

Candido Mendive, Elko CABMW, said for AB 322, they support the portions related to Dream Tag and conservation requirement, and voted to ask the Governor to consider input of the public and Commission for selection of the director of the Nevada Department of Wildlife. On 347 they opposed that, and addressed almost everything listed as denoted on their CABMW action sheet.

Paul Dixon, Clark CABMW, said similar to Elko they sent a list with their position on the bills to the Commission and would highlight two: AB 347 is ill conceived and although it may be dead his Board was displeased that Legislative Committee would support it with changes as it makes no sense to have over the counter as we have the draw system; AB 322, they had split recommendation, believe in conservationist requirements and rules, opposed to change on appointment of Director as the board believes the public should have input and the Dream tag should remain administered by the Commission and should not be removed to NDOW for administration; and SB 226 support change in language.

Commissioner Capurro said he would like to summarize the CABMW's positions on legislation: AB 167 – Carson, Clark, Douglas, Elko, Washoe, Eureka support; AB 347 – Commission took action but dead and oppose as written

COMMISSIONER CAPURRO MOVED FOR AB 64, TRUANCY BILL, AMEND THE BILL IF IT CONTINUES, AND ELIMINATE SECTIONS 22 AND 32 THAT DEAL WITH LICENSE OF ADULT. COMMISSIONER LENT SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. MOTION PASSED 7 – 0. COMMISSIONER VOGLER IS ABSENT, CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER CAPURRO MOVED TO ACCEPT AND SUPPORT THE AMENDMENT FOR AB 167 THAT WOULD CAP THE FEES FOR THE STICKER AT \$10 AND MAKES THE FELONY APPLY ONLY TO SECOND CONVICTION OR VIOLATION OF THE ACT, FIRST VIOLATION WOULD BE MISDEMEANOR. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, AND WALLACE. MOTION PASSED 6 – 0. COMMISSIONER SHRUM ABSENT FROM THE ROOM/COMMISSIONER VOGLER ABSENT, CHARIMAN RAINE DID NOT VOTE.

COMMISSIONER CAPURRO MOVED SUPPORT AND BE NEUTRAL ON FEES AT CURRENT TIME FOR AB 307. COMMISSIONER CAVIN SECONDED THE MOTION.

Commissioner McBeath said the Commission should think about not being neutral on the fees, as Acting Director Mayer said as the Department is spending one million dollars per year of sportsmen money on NEPA (National Environmental Policy Act) processes and he feels strongly that sportsmen should be compensated for it, as these are large projects with large impact on habitat, the developers need the information from NDOW and that information does not come cheaply. His position is that this is a diversion of sportsmen funds to benefit energy projects and his position is they should have pay just like any other developer for government processes. This is something to think about.

Deputy Director Caters said the Departments spends about \$600,000 on project review, and \$280,000 is related to energy projects, and is a combination of sportsmen dollars, PR and SWG dollars.

Commissioner Capurro said he completely agrees with Commissioner McBeath's comments and his personal belief is to support the fees for people paying the bill, our concern is that the Administration has made it painfully clear that there are issues they will not bend on, and relative to this fee they will not bend. His suggestion is to support in concept and remain neutral at the current time on the fees and address this later through Legislative Committee before bill is finalized.

COMMISSIONER MCBEATH SAID HE WOULD AMEND THE MOTION TO SUPPORT THE FEES AS ORIGINALLY PROPOSED. COMMISSIONER LENT SECONDED THE MOTION.

Chairman Raine said on the fees, neutral smart way to go.

Commissioner Lent said on the amendment that this is an unfunded mandate and is too much for us to bear and support the fee and somewhere down the road the governor may make an exception and will support the fees as proposed.

Commissioner Cavin said need to get the bill and does not think sportsmen should pay for this and need to convey that to the governor, and his concern is that if we pass the first motion that ties the Commission's hands and committee chairs hands as neutral on fees, and is inclined to support the fees.

COMMISSIONERS IN FAVOR OF AMENDMENT: RAINE, LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM AND WALLACE. MOTION PASSED 8 – 0. COMMISSIONER VOGLER ABSENT.

VOTE ON MAIN MOTION TO SUPPORT AB 307 IN CONCEPT INCLUDING FEES. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM AND WALLACE. MOTION PASSED 7 – 0. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE.

AB 322

COMMISSIONER CAPURRO MOVED TO OPPOSE AB 322 AS THE LEGISLATIVE COMMITTEE DID AS IT IS CURRENTLY WRITTEN. COMMISSIONER SHRUM SECONDED THE MOTION.

Commissioner McBeath said his position is that we should support Section 1 as important to have a true conservation position on the Commission active in conservation and the argument that a sportsman is also conservationist should be rejected as that does not qualify as you just have a sixth sportsmen. In regard to Section 2, he is on the fence, as the way it is written now with the Commission nominating three and the governor picks one and fires him the next day, and is crazy the way it is written now and he heard comments from CABMW members and others, were we don't have situation now with this governor but could have a governor who makes appointment of a director who is not in best interest of sportsmen. As to Section 3 the Dream Tag should stay with Commission.

COMMISSIONER MCBEATH MOVED TO AMEND MOTION TO RECOMMEND SECTION 1 AND NOT RECOMMEND SECTIONS 2 AND 3 AND ACCEPT SECTIONS 4 AND 5 AS WRITTEN. COMMISSIONER WALLACE SECONDED THE AMENDMENT.

Commissioner McBeath asked legal counsel as to propriety of Commissioner Capurro voting on Sections 1, 4 and 5 of AB 322. Commissioner McBeath clarified that AB 322 deals with Commissioner Capurro conservation seat and asked if there is conflict of interest with him voting on bill directed at his seat.

DAG Nguyen said she believes there is no conflict as just another bill like any other bill.

Commissioner Lent said he is opposed to amendment as it is superfluous as defining one position. As sportsmen reps he and Commissioner McBeath should be redefined too, as bear group members could buy license and say they are a sportsmen and ask for a seat on the Commission, too.

COMMISSIONERS IN FAVOR OF AMENDMENT: MCBEATH WALLACE. COMMISSIONERS OPPOSED: LENT, CAPURRO, CAVIN, HOWELL, AND SHRUM. COMMISSIONER VOGLER ABSENT. AMENDMENT FAILED 2 – 5. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONERS IN FAVOR OF MAIN MOTION TO OPPOSE AB 322 AS WRITTEN: LENT, CAPURRO, CAVIN, HOWELL, SHRUM AND WALLACE. OPPOSED COMMISSIONER MCBEATH. MOTION PASSED 6 -1. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE.

AB 329

COMMISSIONER CAPURRO MOVED TO SUPPORT AB 329. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND COMMISSIONER LENT OUT OF THE ROOM, CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 6 – 0.

AB 347

COMMISSIONER CAPURRO MOVED TO OPPOSE AB 347 AS WRITTEN. COMMISSIONER SHRUM SECONDED. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. CHAIRMAN RAINE DID NOT VOTE, COMMISSIONER VOGLER ABSENT. MOTION PASSED 7 – 0.

AB 403

COMMISSIONER CAPRURRO MOVED TO SUPPORT AB 403. HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. CHAIRMAN RAINE DID NOT VOTE, COMMISSIONER VOGLER ABSENT. MOTION PASSED 7 – 0.

AB 503

Daryl Harwell, Washoe CABMW, reported that at their meeting Mel Belding noted that this type of legislative proposal needs to be opposed to AB 503 and he had sent an email with his comments.

Rex Flowers, Washoe CABMW, said the bill is bad at this time as it is a fee increase on a segment of population- sportsmen - that is economically struggling right now. Also, adding fee for non-sportsmen user groups for use of the areas allows them the right to demand how certain areas will be used. Stillwater Wildlife Refuge has area set aside for bird watching not hunting, and this is his fear, better off to charge a day use fee for usage rather than make people get a license and there is no way to enforce the fee.

Commissioner Lent said that he heard the bill was amended to allow for not more than 25 percent of the obligated reserve account could be used for monitoring.

MA 3 Jolly said that is correct the bill was amended from 25 to 18 percent. All the money from habitat conservation fee will go into obligated reserve and that will not change but up to 18 percent of the fee could be used for monitoring related to certain projects. She said the Department is neutral on the fee but supports expanded use of the fee without the restriction on use.

COMMISSIONER HOWELL MOVED TO OPPOSE AB 503. COMMISSIONER SHRUM SECONDED THE MOTION.

Commissioner Cavin said there are good parts and bad parts to this bill and not big on reallocating money and sees a need for that and the fees on our wildlife management areas is a whole another issue and no solution as can't rewrite or redo at this point and he is on the fence.

Commissioner Lent said testimony at the legislature stated that wardens will not be able to enforce the fees on the wildlife management areas, and thinks there are other ways for non-consumptive users to pay as they say they want to. He does not want to increase fees on sportsmen for something that is ineffective.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

AB 525

Commissioner Capurro said the Legislative Committee did not take a position on this as it came up after their meeting and no position could be taken but has been out for discussion by everyone and would suggest an amendment before it is heard. This bill would allow gifts, grants and endowments for the Department and would set the fund up without being directly tied to the agency. In Section 1, subsection 4, it reads each year the director will submit an itemized statement of income and expenditures from the Wildlife Trust Fund to the Chief of Budget Department of Administration along with other required budget submissions of the Department pursuant to NRS and to the Legislature if in session or Interim Finance Committee and would suggest a subsection that a report on the accumulation and disposition of revenue be provided to the Wildlife Commission.

COMMISSIONER CAPURRO MOVED TO APPROVE AB 525 IF AMENDED AS HE STATED ADDING A SECTION C TO SUBSECTION 4 OF SECTION 1, ADDING BOARD OF WILDLIFE COMMISSIONERS AS SAME BASIS AS OTHERS. MOTION SECONDED BY COMMISSIONER SHRUM. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

SB 102

COMMISSIONER CAPURRO MOVED TO SUPPORT SB 102 AS AMENDED. COMMISSIONER LENT SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

SB 226

Commissioner Capurro said as MA 3 Jolly mentioned earlier this bill has more or less been turned into a resolution and the Commission had offered to proceed with referral to the Administrative Procedures and Regulations Committee (APRC) although the offer was rejected by TrailSafe and are willing to work with them and would recommend leaving this alone with no action.

Commissioner Lent said he has three emails from proponents of trapping bill asking that it be taken off the APRC agenda, and they did not have a hearing although the committee was ready, willing and able to have heard it if they had tied up all the loose ends and had met with all interested persons to address their concerns.

COMMISSIONER CAPURRO MOVED TO TAKE NO ACTION ON SB 226. COMMISSIONER LENT SECONDED THE MOTION.

Commissioner McBeath said he is concerned with having no action, if something else happens down the line and is concerned that if it does come back up during the Legislative Session and we did not take a position and would provide statement that is plain we want this at the Commission level.

Commissioner Capurro said he has no trouble with Commissioner McBeath's proposition and provides escape valve for another manner to deal with this if it does come back.

COMMISSIONER CAPURRO WITHDREW HIS MOTION AND THE SECOND, COMMISSIONER LENT WITHDREW HIS SECOND.

COMMISSIONER MCBEATH MOVED WHAT HE STATED TAKE POSITION TO OPPOSE SB 226 AS PROPOSED AND EVEN SUBSEQUENT AMENDMENTS BUT THE RESOLUTION BY SENATE NATURAL RESOURCES IS ACCEPTABLE TO THE COMMISSION AS THE COMMISSION WANTS THIS BACK TO DEAL WITH IN ITS REGULATORY PROCESS. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

SB 287

Commissioner Capurro recommended support of SB 287 as intent is to make sure wind projects do not interfere with wildlife.

Acting Secretary Mayer noted that the legislation had sage grouse removed and NDOW will lobby to have sage grouse included.

COMMISSIONER CAPURRO MOVED TO SUPPORT SB 287 WITH ORIGINAL LANGUAGE OF RETURNING SAGE GROUSE. AS CLARK AND CARSON CABMWS SUPPORT SB 287 WHETHER RESOLUTION OR BILL IMMATERIAL AT THIS TIME AND IS INTENDED TO MAKE SURE THAT THE WIND FARMS DON'T INTERFER WITH WILDLIFE. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

AB 522

MA 3 Jolly said NDOW is amenable to the language as it reauthorizes Question 1 bonds, which is about \$20 million.

Commissioner Capurro said that the Legislative Committee did not take a position on it.

COMMISSIONER CAPURRO MOVED TO SUPPORT AB 522. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

SB 359

Commissioner said this relates to revising contracts with governmental entities, and is a new set of requirements in situation of sole source contractor and heard other explanations that we have in AB 322 a sole source contractor and these provisions of SB 359 would apply and in his opinion not a bad idea as concerned with sole source contracts as potential for misuse. This requires of them to agree to a code of conduct, disclosure of information relating to contract and not to exceed two years.

COMMISSIONER CAPURRO MOVED TO APPROVE SB 359. MOTION SECONDED BY COMMISSIONER LENT TO SUPPORT SB 359 IN CONCEPT. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

SJR 12

Commissioner Capurro said SJR 12 imposed wild lands designations on public lands in Nevada and urges Secretary of Interior to rescind order, meantime Congress adopted the new budget resolution with \$38 billion in savings, two senators, added a rider that eliminated funding for implementation of wildland initiative and may not be necessary but should go on record as supporting SJR 12.

COMMISSIONER CAPURRO MOVED TO SUPPORT SJR 12. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

18 Commission Policy #26 Transparency Final Reading – Commissioner Lent – Action

Commissioner Lent read the policy as contained in support material, and noted that no changes to the policy since reading on March 12, 2011.

Greg Smith representing Nevada Bighorns Unlimited said to the full Commission that they believe compliance of this policy is a waste of valuable staff time for biologists to post complex datasets that only individuals who specialize in that field can understand as biologists time needs to be spent enhancing species not doing this.

Candido Mendive said Elko CABMW voted to oppose Policy #26 as written.

Daryl Harwell, Washoe CABMW, said they are in support and for himself he asked if that by posting the model are we giving the model free to other states.

Paul Dixon said Clark CABMW supports transparency policy in concept and the idea of sharing information as to how things are done, however some of the specifics need to be worked out. He said as a federal employee in his experience he sees using the word “all” all over the place in a policy as being unenforceable and difficult to define.

Commissioner Capurro said not sure if taking word “all” out would change the policy.

Commissioner Lent said if you take the word “all” out then you don’t know if you are getting part, half, or all of the survey information and becomes superficial, as “all” means you want all the data and is very apropos.

Commissioner Howell said the title of Policy #26 is “Transparency” and can’t see where removing the word “all” will benefit the definition of transparency and does not assist the policy.

COMMISSIONER LENT MOVED THAT THE COMMISSION APPROVE POLICY #26 AS PRESENTED BY THE COMMITTEE. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND WALLACE. COMMISSIONER VOGLER ABSENT AND CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 7 – 0.

19 Commission Policy #27, "Wolves/Protection of Nevada Resources" Final Reading – Commissioner Lent – Action

Commissioner Lent said refinements made and used CABMW suggestions to the policy and he read statements demonstrating the need for the wolf policy: Congress intervened in ESA by adding a rider to federal budget stating wolves be taken off ESA list and be managed by the state.

Rex Flowers, Washoe CABMW speaking for himself, suggested taking out "unprotected" part at the end as conflict with Nevada listing them as big game mammal. He said right now we have conflict with governor's order with wolf's status and he fully supports policy against wolves.

Candido Mendive, Elko CABMW, said they fully support the policy.

Paul Dixon, Clark CABMW, said the Clark CABMW supports the policy. Commissioners Shrum and McBeath asked the CABMW to look at language in brackets and they believe that language in brackets, [and the Department of Wildlife] should be included in this policy should be removed and [by listing them as unprotected species] should be removed for reasons provided by Mr. Flowers.

Commissioner Cavin said bracketed language at the bottom of policy is in conflict with regulation in NAC and does not make sense to him.

Commissioner Lent said he is not in agreement and as our intent is stated that when we have control that this is what we want to do.

Commissioner Cavin said that also limits what we can do and gives more authority if that is left out and we can change it in our NAC we can. To put in here and limit what we can do does not make sense.

Commissioner McBeath said he agreed with Commissioner Cavin's statement and that is what we should do.

Commissioner Capurro said more important to establish policy and say to federal government that we have a wolf policy and will address status in regulatory hearing. Most comments from CABMWs and others is that they want wolves treated as unprotected species. Really do think that no damage to policy if period after Nevada and remove bracketed language.

Commissioner Lent said two things to do with them and that is list as unprotected or as a game animal, and when a game animal and we can change policy later and list as unprotected like coyotes.

COMMISSIONER LENT MOVED THAT WE ACCEPT POLICY #27 WITH THE FOLLOWING CHANGES: UNDER PURPOSE IN THE FIRST SENTENCE CHANGE FROM "POLICY" TO "DUTY", REMOVE BRACKETS [AND THE DEPARTMENT OF WILDLIFE], #3 ADD THE WORDS "NEVADA DEPARTMENT OF WILDLIFE IN CONJUNCTION WITH," REMOVE BRACKETS OF FIRST LINE ON #7 AND REMOVE BRACKETS FROM LAST SENTENCE IN #7 AND CHANGE DATE ON POLICY FROM APRIL 15, 2011, TO APRIL 16, 2011. COMMISSIONER HOWELL SECONDED THE MOTION.

COMMISSIONER WALLACE MOVED TO ACCEPT THE INITIAL MOTION WITH EXCEPTION OF REMOVING LAST BRACKETED SECTION [BY LISTING THEM AS UNPROTECTED SPECIES]. COMMISSIONER MCBEATH SECONDED THE AMENDMENT.

Commissioner Capurro said he will vote in favor of the amended motion as the status of wolves will not change until we change the NAC and it makes no difference if this language is in here or not.

COMMISSIONERS IN FAVOR OF AMENDMENT: CAPURRO, CAVIN WALLACE AND MCBEATH. COMMISSIONERS OPPOSED RAINE, LENT, SHRUM AND HOWELL. VOTE 4 – 4, MOTION FAILS DUE TO LACK OF MAJORITY. COMMISSIONER VOGLER ABSENT.

Commissioner Cavin said the vote was 4 -3 as it was not a tie and the chair does not get to vote.

Chairman Raine said voting is at the discretion of the chair.

Commissioner Cavin said he wants the record to reflect that there were numerous issues today and Chairman Raine did not vote on anything all day until this vote.

CHAIRMAN RAINE RESTATED THAT AMENDMENT TO THE MOTION FAILED.

COMMISSIONERS IN FAVOR OF MAIN MOTION: RAINE, LENT, HOWELL, AND SHRUM. OPPOSED CAPURRO, CAVIN, WALLACE, MCBEATH. MAIN MOTION FAILED 4 - 4. COMMISSIONER VOGLER ABSENT.

COMMISSIONER CAVIN MOVED TO ACCEPT POLICY #27 WITH ALL THE AMENDMENTS AND DELETING BRACKETS AROUND #7 BY LISTING THEM AS AN UNPROTECTED SPECIES. COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner Howell said he would like to amend the motion to carry this over until May agenda as chance he may have answer from governor's staff and then bring forth the regulation.

Chairman Raine said that Commissioner Howell's request to amend should be dealt as a separate motion as not really an amendment to motion.

Commissioner Shrum said if necessary to get this done, he will change his vote.

COMMISSIONERS IN FAVOR OF MOTION: CAVIN, WALLACE, MCBEATH, CAPURRO AND SHRUM. COMMISSIONERS OPPOSED LENT AND HOWELL. MOTION CARRIED 5 – 2. CHAIRMAN RAINE DID NOT VOTE. COMMISSIONER VOGLER ABSENT.

- 20 Commission Policy #51, Wayne E. Kirch Nevada Wildlife Conservation Award – Commissioner Howell – Action

Commissioner Howell read the mockup of the policy with the proposed changes.

Chairman Raine said date at the end of the policy needs to be changed and this is as presented other than under paragraph #1 under policy added in words “the wildlife commission...lifetime commitment to wildlife” those words not in draft and is clarification of what award.

Daryl Harwell, Washoe CABMW, said to leave Policy #51, Wayne E. Kirch Award as is, as you are defacing the Kirch Award. The lifetime achievement award is wonderful and should be continued but under a different number. Their recommendation was to do nothing to Policy #51.

Greg Smith, Nevada Bighorns Unlimited, said they are opposed to the proposed changes to Policy #51 as Kirch Award long history of distinguished recipients; it is a dishonor to eliminate this award. The Commission needs to work out issues as raised with Ms. Kirch rather than scrap this prestigious award.

Jim Jenne, Lyon CABMW, said speaking for himself the CABMWs were unanimous in asking that Policy #51 be left as the Kirch Award, the policy here is good and would ask that the Commission change the policy number for this award to the next Policy # as there is nothing wrong with having two awards.

Rex Flowers, Washoe CABMW, representing himself said Policy #51 was only heard once on Saturday at the March meeting not twice as denoted on the agenda. He said with so many changes he asked that it be referred back to committee and given a new number. He said that the Kirch Award should be separate to honor the previous recipient and again that the new award have a new policy number.

Paul Dixon, Clark CABMW, speaking as an individual, he would personally say that Policy #51 should remain as the Kirch Award as that signifies something and also supports the Commission Lifetime Award that Commissioner Howell put together and would not want to lose the Kirch award due to disagreement between Ms. Kirch and some commissioners.

Chairman Raine said some of the comments are confusing to him as not this Commission getting rid of the Kirch award in so much as we are enacting this policy change if this passes, this is at the express multiple written consent of Ms. Kirch. It is in writing at three times and due to legal advice that a private individual cannot control an award and it had severe issues and that is why we are at this point.

Commissioner Wallace said he has not seen the legal advice and he asked when the Commission received the legal advice.

Chairman Raine said advice provided by DAG Stockton at the December Commission meeting.

Commissioner Cavin said he does not recall that being discussed in a public forum either.

Commissioner Shrum said letters read in the record and was quite clear what she wanted.

Commissioner Lent said he heard the NBU comments where they implied that this is special award for Commission and implies that Commission is biased. He said he wants to learn what happened in the past as NBU recipient of this award in the past and much corruption in the way the award was done before, as he had not voted yet and Ms. Kirch knew the results of the vote, the results were always leaked ahead of time before voting completed and who opened the ballot. He resents anyone who says the Commission not biased and see how decisions made in the past. CABMWs not involved before and would not say that if they knew. Commissioners were unbiased and there were good applicants and they just did not like who got the award and sorry.

Chairman Raine said reason is an issue and legal staff characterized as a beauty contest and this is nothing beyond that as far as judging is done. This is not besmirching the Kirch award by going ahead.

Commissioner Wallace said he has letter addressed to Commissioner Howell from Ms. Kirch wanting to continue the award and stating that she is open to remedy. He said he would rather leave it on the books as changing it completely destroys what it stands for and nobody wants to work on the remedy. Commissioner Wallace said he would like to leave as Policy # and if we don't award it that is fine but destroying what it means.

COMMISSIONER HOWELL MOVED TO ADOPT CHANGES TO POLICY #51 AS PRESENTED AND READ. COMMISSIONER LENT SECONDED THE MOTION.

COMMISSIONER WALLACE MOVED TO AMEND THE MOTION TO ACCEPT AS WRITTEN WITH EXCEPTION OF CHANGING NUMBER TO POLICY #52 IF NUMBER NOT TAKEN. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF

AMENDMENT: CAVIN, WALLACE, MCBEATH. COMMISSIONERS OPPOSED: LENT, HOWELL, CAPURRO, AND SHRUM. MOTION FAILED 3 - 4.

COMMISSIONERS IN FAVOR OF ORIGINAL MOTION: LENT, SHRUM, CAPURRO, HOWELL. COMMISSIONERS OPPOSED, MCBEATH, CAVIN AND WALLACE. MOTION CARRIED 4 – 3. CHAIRMAN RAINE DID NOT VOTE. COMMISSIONER VOGLER ABSENT.

21 Administrative Procedures, Regulations and Policy (APRC) Committee – Commissioner Lent – Informational

A First Reading of Proposed Changes to Commission Policy #10, Wildlife Heritage Tags and Vendors – Commissioner Lent – Informational

Commissioner Lent said Policy #10 had line #5 wording added: Big game Heritage tags are non-transferable from the successful bidder unless approved by the Commission. He said the purpose is to prevent scalping of the tag and this year a tag was bought and resold and profit of \$28,000 made and that is not the purpose of Heritage tags for someone to make money on the tags.

Commissioner McBeath said definitely need regulation as to how tags are transferred, as he is concerned about someone buying the tag, and then selling the tag whereby the funds do not come back to the state.

Commissioner Capurro said the intent of the current wording “unless approved by the Commission” was meant to be a catch all. The problem is there are times when we do not meet for two months and that could interfere with the season.

Acting Secretary Mayer said right now we have flexibility as the hunter who wins the bid has 30 days to put tag holders name on the tag and that is good thing. What you are talking about is someone putting on ebay before 30 days, and reselling is intent. Leave flexibility but concern is with it being resold.

Chairman Raine suggested wording such as “Big game Heritage tags may not be resold bartered or traded by the successful bidder without the approval of the Commission.” He said at the next meeting we will have the two versions of #5 as options.

B First Reading of Proposed Changes to Policy #50, Duck Stamp Procedure – Commissioner Lent

Commissioner Lent said changes made and additional changes needed. He said they had changes to judging team, addition of language that all entries must be original work of artist would be apropos and add that as “F” or a new #4 or new #5.

Commissioner Capurro said artist needs to provide the screening of the prints, and he is not sure if three Commissioners as judges is necessary as difficult to get Commissioners to attend.

Commissioner Lent said he had letter from Tom Wilson dated one year ago recommending this be sent back to the Policy Committee and nobody is here from Nevada Waterfowl Association and he read the letter Mr. Wilson stating printing the prints is lucrative and that is not correct. He said sending this back to committee is not an option and the artist should pay for the prints.

Daryl Harwell, Nevada Waterfowl Association, explained the procedures and stated that this year the artist is not printing the print and NWA has printed the prints twice before but not resolved at this time if they will print them this year or not.

Commissioner Capurro said under current rules winning artist has to pay for prints and if not willing to do that they should not enter the contest.

Chairman Raine said additional changes can be brought up at second reading and he asked for suggestions on policy from NWA before second reading at the May meeting. There will be a new #4 and #5.

22 Falconry Regulation Process Update – Chief of Wildlife Diversity Laura Richards - Informational

Chief of Wildlife Diversity Laura Richards said process for the state to align falconry regulations with federal regulations is underway with the states having until 2014 approved by U.S. Fish and Wildlife Service to continue to license falconers. In Nevada draft regulations are being formatted and first draft is almost ready for release to falconers and two introductory meetings have been scheduled – May 18 in Reno and May 19 in Las Vegas, letter included in support material. A copy of the state draft regulation will be posted on May 4 after regulation is approved by Legislative Counsel Bureau the regulation will be back to the Commission this fall for workshop and possible approval. She said Nevada plans to have its regulations approved well before the 2014 deadline, and Nevada's falconry database and falconry exam needs to be updated as well and anticipate input and assistance from the falconry community in this process.

Chairman Raine said hopefully the state regulation will be exempted by governor's office.

A Falconers Report – Corey Dalton – Informational

Corey Dalton representing numerous falconers said he agreed with Chief Richards on the deadlines and packets for the regulations. The falconers have sped up analysis of NAC with identification of impacts. He said the falconers are here to be part of the process and get through this, and they look forward to meeting with everybody.

Falconers have gone through federal regulations and did not see any impacts to how falconry practiced in the state.

B Falconry Regulation Process – Chairman Raine – Action

Chairman Raine said he is looking at this if NDOW staff and falconers get together with a regulation that they all are happy with he will use his big rubber stamp, and he asked for public comment.

Eric Feltman in Las Vegas said he agreed with Corey Dalton's comments.

David Kanellis in Las Vegas falconer said he concurred with Mr. Dalton and thanked the Commission for their time and would like this done fast with limited financial obligation from NDOW.

23 Future Commission Meeting – Acting Director Ken Mayer – Action

Commissioner Capurro asked for data regarding population figures for each unit, type of hunt, and harvest data for each of those units for last five to 10 years. He said he would like the information for the Commission's deliberations in setting the quota.

Acting Secretary Mayer said the first priority is to get through the quota setting process and if time allows, staff will certainly try to do that.

Commissioner Lent said it looks like next meeting will have quotas and Heritage and on the Heritage he will set up a one and one-half day meeting and he is requesting of staff that we get the recommendation books ASAP and likes the idea of the information requested by Commission Capurro as the process is complicated and we also have Heritage.

Commissioner Wallace said he is hearing discussion that the May meeting will be two and one-half day meetings and asked for confirmation.

Chairman Raine said trying to see where we are at, Saturday will be the quota setting and policies that need to be completed, and need significant time for Heritage.

Acting Director Mayer cautioned the Commission that the Commission's budget is up for augmentation at Interim Finance Committee on Monday and at that point we will know the financial situation for the May and June meetings.

Commissioner Wallace asked for information on status of Heritage projects underway.

COMMISSIONER CAVIN MOVED TO HOLD THE COMMISSION MEETING ON MAY 13 AND 14 AS SCHEDULED AND AS STATED IN THE AGENDA. COMMISSIONER WALLACE SECONDED THE MOTION.

COMMISSIONER LENT MOVED TO AMEND THE MOTION THAT WE NOT DECIDE ON THE EXACT DAYS OF COMMISSION MEETING UNTIL MONDAY AND CHAIRMAN'S CALL IF WE HAVE TO GO TWO AND ONE-HALF DAYS, AND IT IS NOT THE EXTRA DAY THAT ADDS UP IT IS THE TRAVEL COST. LEAVE THE DATES UNTIL MONDAY AND THEN NOTIFY THE COMMISSION. COMMISSIONER HOWELL SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, HOWELL, MCBEATH, SHRUM. COMMISSIONERS WALLACE AND CAVIN OPPOSED. MOTION AS AMENDED CARRIED 5 – 2. CHAIRMAN RAINE DID NOT VOTE. COMMISSIONER VOGLER ABSENT.

Meeting adjourned at 5:05 p.m.

A videotape of the meeting is available for viewing on the NDOW website at ndow.org.

Note: The minutes are a summary of the meeting. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request for review.

BOARD OF WILDLIFE COMMISSIONERS

Nevada Revised Statutes 501.167

*March 27, 2012
Sunset Subcommittee of the Legislative Commission*

VOLUME 2 OF 2

MINUTES

May 12, 13, and 14, 2011

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

Approved MINUTES
Nevada Board of Wildlife Commissioners' Meeting
Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512
Amended Agenda 05/04/11 – New #30 and #37

Thursday, May 12, 2011 – 1 p.m.

- 1 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 2 Approval of Agenda – Action
The Commission will review the agenda and may remove items from consideration or adjust the order of presentation. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.
- 3 Member Items/Announcements
- 4 County Advisory Boards to Manage Wildlife (CABMW) Member Items
CABMW members 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.
- 5 Public Comment Period
- 6 Correspondence – Chairman Raine – Informational
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 Acting Secretary Mayer will also be discussed.
- 7 Petition – Action
NoBearHuntNV.org is petitioning the Commission for Declaratory Order on the validity of the temporary regulation of the Board of Wildlife Commissioners CGR 393 (LCB File No. T004-10) establishment of a black bear hunt. The Commission will make a determination as to the propriety of the adoption process. This item involves a quasi-judicial review and no public comment may be taken
- 8 Commission Policy #28, Mule Deer Policy – Chairman Raine - Informational
The Commission will conduct a first reading of proposed new Commission Policy #28," Mule Deer Policy."
- 9 Report and Recommendations Feral Horse Committee – Committee Chairman Mike Stremler – Informational - The Commission will hear a report from the Feral Horse Committee.
- 10 Commission Policy #67, "Horse Policy" – Committee Chairman Mike Stremler - Informational
The Commission will conduct a first reading of new proposed Commission Policy #67 "Horse Policy."
- 11 Second Reading of Commission Policy #10, Wildlife Heritage Tags and Vendors – Commissioner Lent - Informational
The Commission will review Policy #10 with changes from its first reading held April 16, 2011.

- 12 Second Reading of Commission Policy #50, Duck Stamp Procedure – Commissioner Lent – Informational
The Commission will review Policy #50 with changes from its first reading held April 16, 2011.

13 Reports – Informational

- A Dream Tag Regulation – Program Officer III Hullinger
- B Sage Grouse and Upland Game Season Status Report – Chief of Game Larry Gilbertson
- C Gifts, Grants, Donations, and Bequests – Deputy Director Cates
- D Department Activities/Leadership Team Notes – Acting Secretary Kenneth E. Mayer

Friday, May 13, 2011 – 8:30 a.m.

- 14 Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 15 Member Items/Announcements
Commissioners 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.
- 16 County Advisory Boards to Manage Wildlife (CABMW) Member Items CABMW members 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.
- 17 Public Comment Period
- 18 Petition – Action
Mr. Fred Jackson is petitioning the Commission to amend NAC 503.540 to allow the commercial take of crayfish from Lake Tahoe. The Commission may deny the petition, or accept the petition to initiate rulemaking.
- 19 County Advisory Boards to Manage Wildlife (CABMW) Budgets – Administrative Services Officer 2 Dale Hansen – Action
The 17 CABMWs have been polled regarding travel and operating funds needed from the state's Wildlife Account for fiscal year 2012. In accordance with NRS 501.320. The Commission will be asked to approve fiscal year 2012 Advisory Board budgets
- 20 Western Association of Fish and Wildlife Agencies (WAFWA) Annual Conference – Chairman Raine – Action
The Commission will designate one Commissioner to attend WAFWA's annual conference in Big Sky, Montana.
- 21 2011 Heritage Project Status Update – Deputy Director Patrick Cates - Informational
- 22 Wildlife Heritage Projects – Chairman Lent – Action
The Heritage Committee will provide their recommendations to the Commission for approval of projects submitted for funding in fiscal year 2012 and including 2011 projects extensions.

- 23 Commission Regulation 2012 Wildlife Heritage Silver State, and Partnership in Wildlife Tags CR 11 – 06, Amendment #1, Heritage Tag Vendors – Commissioner Lent – Action
Presentation of the Heritage Committee's vendor recommendations to the Commission for approval for the 2012 Heritage tags.
 - 24 Litigation Report – Deputy Attorney General Nhu Nguyen - Informational
 - 25 Hage Lawsuit Update and Resolution – Chairman Raine – Action
The Commission will hear a report on the Hage lawsuit and may draft letters, resolutions and or policy concerning this item.
 - 26 Commission Policy #28, Mule Deer Policy – Chairman Raine - Informational
The Commission will conduct a second reading of proposed new Commission Policy #28," Mule Deer Policy." The first reading was held May 12, 2011.
 - 27 Commission Policy #67, "Horse Policy" – Chairman Raine - Informational
The Commission will conduct a second reading of new proposed Commission Policy #67 "Horse Policy." The first reading was held May 12, 2011.
 - 28 Commission Policy #10, Wildlife Heritage Tags and Vendors, Final Reading – Commissioner Lent – Action
The Commission may take action to adopt Policy #10 with changes from the first and second readings held by the Commission on April 16 and May 12, 2011.
 - 29 Commission Policy #50, Duck Stamp Procedure, Final Reading – Commissioner Lent – Action
The Commission may take action to adopt Policy #50 with changes from the first and second readings held by the Commission on April 16 and May 12, 2011.
- Amend
- 30 Transference of Heritage Tags Between Parties and or Vendors – Chairman Raine - Action
The Commission will discuss the legality of occurrences of transference of Heritage tags between parties and or vendors. The Commission may take action to recommend and or give direction concerning the transference of Heritage tags to appropriate parties for Investigation or legal action, and or the Commission may discuss initiation of regulatory or policy changes as appropriate.

Saturday, May 14, 2011 – 8 a.m.

- Call to Order, Pledge of Allegiance, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
- 31 Member Items/Announcements
Commissioners 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.
 - 32 County Advisory Boards to Manage Wildlife (CABMW) Member Items CABMW members 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.
 - 33 Public Comment Period

- 34 Commission Regulation 11- 10 Big Game Quotas 2011 and 2012 - Big Game Biologists Mike Cox and Tony Wasley – Action
The Commission will establish regulations for the numbers of tags to be issued for mule deer, pronghorn antelope, elk, bighorn sheep and mountain goats for 2011 – 2012. Note: Support material mailed under separate cover
- 35 Commission Policy #28, Mule Deer Policy, Final Reading – Chairman Raine – Action
The Commission may take action to make changes and adopt Commission Policy #28," Mule Deer Policy."
- 36 Commission Policy #67, "Horse Policy," Final Reading – Chairman Raine – Action
The Commission may take action to make changes and adopt Commission Policy #67 "Horse Policy."

AMEND

- 37 Commission Meeting Budget – Chairman Raine - Action
The Commission will discuss the budget of Commission meetings and a document distributed by NDOW concerning the cost of the April Commission meeting. The Commission may take action and provide instruction to the Chairman and or Secretary in dealing with partial compensation for meetings or make other recommendations regarding current, past, or future Wildlife Commission meeting finances, budgets, and or Commissioner expense reimbursement.
- 38 Future Commission Meeting – Director Ken Mayer - Action
Due to Commission budget restrictions the next Commission meeting in Eureka on June 24 and 25, 2011, has been cancelled. The Commission may review potential agenda items for the next scheduled meeting on August 12 and 13, 2011, in Fallon. The chairman may designate and adjust committee assignments as necessary at this meeting.

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Scott Raine	Vice Chairman Gerald Lent	Commissioner Daryl E. Capurro
Commissioner Tom Cavin	Commissioner Howell	Commissioner Michael McBeath
Commissioner Hal Shrum	Commissioner Hank Vogler	Commissioner Grant Wallace

Secretary/Director Kenneth E. Mayer (May12, 2011 only) Bryan L. Stockton, Deputy Attorney General
Suzanne Scourby, Recording Secretary Nhu Nguyen, Deputy Attorney General

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Game Larry Gilbertson	Chief Game Warden Rob Buonamici
Program Officer 3 Maureen Hullinger	Big Game Biologist Mike Cox
Chief of Operations Bob Haughian	Program Officer III Maureen Hullinger
Management Analyst 3 Kim Jolly	Chief of Conservation Chief Teresa Moiola
Big Game Biologist Tony Wasley	

Others in Attendance/Two Day Meeting:

Hal Taylor, NoBearHuntNV.org	J.J. Goicoechea, Nevada Cattleman's Association
Eric Schwamberger, NoBearHuntNV.org	Chris Schwamberger, NoBearHuntNV.org
Candido P. Mendive, Elko CABMW	Don Molde, self
Grazie Wynous	Elaine Carrick, NoBearHuntNV.org
Judy Heinbaugh, NoBearHuntNV.org	Greg Smith, Nevada Bighorns Unlimited (NBU)
Tina Nappe, self	Joe Crim, Pershing CABMW

Cole Crim, Pershing County
Barbara Moss, self
Randall Harris, self
Jim Jenne, Lyon CABMW
Monty Martin, Systems Consultants
Glen Copeland, Washoe CABMW
Rex Flowers, Washoe CABMW
Eric Scheetz, Douglas CABMW
Shane Boren, White Pine CABMW
Michael J. Jurad, Humboldt CABMW
Fred Jackson, self
Mike Stremler, self
Kathryn Bricker, NoBearHuntNV.org
Don Alt
Patrick McLaughlin, US Wolf Refuge

Paul R. Dixon, Clark CABMW
George L. Feriend, volunteer NV Humane Society
Gil Yanuck, Carson CABMW
Don Sefton, Systems Consultants
Mark Jensen, USDA, Wildlife Services
George Corner, Nevada Outfitters Guide Assoc.
Monty Martin, Systems Consultants
Jesse Lattin, Churchill CABMW
Brett Jefferson, Director NBU
Stacy Trivitt, self
Chris Askin, Pres. Community Foundation of W. NV
Mark Hayes, Bears and self
Hal Taylor, NoBearHuntNV.org
Mel Belding

Thursday, May 12, 2011 – 1 p.m.

- 1 Call to Order – Chairman Raine called the meeting to order at 1:08.

Roll Call of Commissioners Present: Chairman Raine, Commissioner Lent, Capurro, Cavin, Howell, McBeath, Shrum, and Vogler.

CABMW Members Present for Roll Call –

Paul Dixon, Clark; Candido Mendive, Elko; Gil Yanuck, Carson; and Joe Crim, Pershing CABMW.

- 2 Approval of Agenda – Action

COMMISSIONER CAVIN MOVED TO ACCEPT THE AGENDA FOR MAY 12, 13, AND 14, 2011, AS PRESENTED. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

- 3 Member Items –

Commissioner Vogler said after all the comments made about how close we are to getting into tremendous problem with sensitive species - sage grouse - he proposed that we discuss and vote on suspending the sage grouse season until enough recovery for justification for hunting is provided.

Chairman Raine said that could be scheduled for a future agenda and he will make a note.

Commissioner McBeath said he received a letter (exhibit file) from Nevada Bighorns Unlimited (NBU) in regard to California bighorn Heritage tag and he had a conversation with sportsman with regard to landowner tag and sportsman dealing with hunting consultant who offered tag for \$5,000 and he suspects that this hunting consultant purchased this tag from rancher for substantially less than \$5,000 and was going to pocket the difference and apparently this may have been going on for a while. He is thankful that this situation involved NBU but can give fact pattern where someone purchases a tag through the bid process and goes out into the market and individuals take the tag and sell it and pocket the money. He has serious heartburn with that as our tags represent our wildlife resources and money should come back to the Wildlife Account, with landowner tags an exception made that money goes to landowners and money goes for compensation for damage to their crops and this trafficking is a concern, and would hope that the Commission would have this on a future agenda to get regulations in place and take a serious look at this as is clear that monies are supposed to come back and may be issues with federal monies.

Chairman Raine said will also discuss under agenda item #30 and can discuss initiating.

4 CABMW Member Items –

None

5 Public Comment Period

Patrick McLaughlin said he is from Verdi, Nevada, and is here about the U.S. Wolf Refuge and Commissioner Lent's comments at the March meeting and wants to correct the record. Commissioner Lent said it has been scientifically proven that wildlife/elk losses attributed to wolves, and he made a comment about Alberta's elk loss to wolves, and that statement is not true and is unknowledgeable. Alberta has elk population that is thriving. Also, disturbed about Mr. Raine calling the bear hunt opponents the "vocal minority" and he said we are the silent majority who is out there working and making money and we are against the bear hunt.

J.J. Goicoechea, of Nevada Cattleman's Association (NCA), said he won't be able to attend Friday and Saturday and is here representing the Cattleman's Association on quotas. He said the producers in northeastern portion of the state are concerned about elk plans and quotas. He said NCA would encourage raising higher elk quotas as in Ely they are near the top of the cap. He would encourage the Commission to move forward with quotas.

Chris Askin, Community Foundation of Western Nevada, said he is here to clarify comments made at a meeting last summer regarding multi-year commitment for Dream Tags. Community Foundation of Western Nevada is a grant making organization and they distribute money from grants, and from working with other groups on habitat issues they learned that most projects take more than one year, comments made in that context, and to be effective need to know

the funding stream. He did not mention requirement for period of years, and would be more effective in improving habitat.

Mike Stremmer said on the landowner tags he thinks that is capitalism when rancher or farmer market those tags to compensate for loss and with hay price fluctuates, and hay will be high.

Mark Hays said as far as bears that they live on parallel plane and two dimensional and speaks for bears as he relates to their lives and the bear is being encroached upon and if necessary to keep bears out of civilized areas, why could they not take dumpsters in desolation wilderness and do a food drop. If foraging to close then take a few out but does not see the use as he has never heard of anyone enjoying bear steak, and the beauty of the bear is that it is a majestic animal in our midst. He attended the Bear Conference held at Peppermill and funny thing about Nevada bears is they are not endangered and no emphasis on their condition and let's just give them a time out and respect them they are reaching out for a voice. Take care of the bears.

Elaine Carrick NoBearHunt.org said she went to Incline to talk to business people about the bear hunt and she went door to door, and everyone felt that they would be negatively impacted by the bear hunt as they depend on tourists. All the articles on bears in the west have put the area in a negative light and if visitors are going to stay away, the business owners will be affected. Has 16 letters stating that the businesses will be negatively affected and the letters are with their attorneys. She said they even have volunteers as far away as France and the hunt could seriously affect the number of tourists coming to Incline and having hunters with packs of dogs near hiking trails and you can see why they are concerned. She noticed on NDOW website the pie chart stating that hunter's basically provide all the money for the agency, yet wildlife watchers outnumber 2:1 the hunters.

Kathryn Bricker, NoBearHuntNV.org, said she has a few questions, since application process closed May 5, she would like to know number of applications and where they are from. She said she knows that with the exception of Commissioner Shrum all Commissioners voted for mandatory bear workshop and wants to know if anyone the workshop will be open to the public. On the use of trail cameras, she recreates in many of the areas in Tahoe and most people are not aware that when having a wildlife experience they are being watched. One sportsman claimed to have a camera on every water hole, and if state allows remote observation by camera there should be disclosure. What rules govern Mr. Lackey's use of information as is there any discretion as to information he collects and could he give that information to the sportsmen as far as aiding their hunt.

6 Correspondence – Chairman Raine - Informational

Chairman Raine said received bear petition exhibit file via certified mail, received around 20 bear emails with two to one-third in favor of removing bear hunt and one-third in favor of the hunt, letter from Estill Ranches (exhibit file), and an email from Tina Nappe expressing disappointment in Policy #28.

Commissioner Wallace said Esmeralda CABMW sent email that they were unable to meet and address the quotas.

Commissioner Lent said he received emails which he will enter into the record that were form letters opposing the bear hunt, and will provide them for inclusion in the record.

Commissioner McBeath said he received letter from James Mackedon president Nevada Waterfowl Association (NWA) on duck stamp policy, email from Rex Flowers with respect to Heritage funding for predator projects, the Estill Ranches, and May 3 letter from NBU on California Heritage tag.

7 Petition – NoBearHuntNV.Org - Action

DAG Stockton said procedurally he met with Chris Schwamberger and Mr. Taylor and DAG Nguyen for NDOW and had one other attorney, a total of three attorneys present all with different roles that do not overlap. The challenge by NoBearHuntNV.org is under NRS 233.b.110 which allows the challenge of the validity of a regulation in court. DAG Stockton said the first step is for the agency to pass upon the validity and we went through process and enacting the regulation we passed on the validity and his recommendation to the Commission is to not to go over that again and allow this to go to the District Court and for the Board of Wildlife Commissioners to decline to hear it.

Chairman Raine said he has four volumes of material on the petition.

Chris Schwamberger said before the Commission denies the petition, she asked to be allowed to make oral arguments, and would mention to the chairman and board that she submitted to the DAG withdrawals of certain charges from the petition.

DAG Nguyen said the materials that the Department submitted only address the notice part of the petition, which is subsection A.

Chris Schwamberger said she is representing NoBearHuntNV.org in its petition for declaratory order from this Commission. She said CGR 393, the regulation, should be vacated and provisions of CR 11 - 07 that create the 2011 bear hunt illegally exceeds authority under that regulation. She said the hearing is to convince the Commission that it would be in their best interest and less expensive to vacate regulation as you still have to go through permanent regulation process and no reason to rush this hunt through. By statute the regulation adopted by the Commission in December expires Nov. 1 as a temporary regulation. However 2011 hunt approved through Dec. 31 and 2011 bear hunt season exceeds authority granted under the regulation. The regulation is invalid because it violates the Administrative and Procedures Act and she will only cover two points of that today, one is insufficient notice provided to the public and the need for statement of need for regulation and secondly lack of a statement as to economic effect of regulation on business and the public, she will not argue any violations of

the petition under NRS 501. Issue #1, regulation adopted in December is a temporary regulation and expires Nov. 1 and to have a permanent regulation and bear hunt in 2012 you have to go through the process again, and start process in August to do the process right and would only delay the process for one year. Issue #2 – all temporary regulations expire, that means Commission's authority under the regulation expires Oct 31 of this year and she argued that Section 5 of the regulation has provisions will not be in effect due to the regulation expiring on Oct. 31. Issue #3 the public notice prior to December meeting was insufficient under NRS 233.b, there are specific and detailed requirements for public notice, purpose to insure that agency adopting rule hears from public. Public must receive enough information in advance to prepare and gather relevant and pertinent information to present to the Commission. She showed NRS 233B.063 on the screen and it is "Notice of intent to adopt a regulation" (exhibit file). The hearing in December revolved around arguments about hunting pro and con, issues involved in regulation are broader. Impact on Lake Tahoe is extreme compared to the rest of the state. She said there are many hunters against the bear hunt and they have helped NoBearHuntNV.org as not ethical as they are not a "prey" animal. Final point is that "need" and "economic effect" were not given and asked that the Commission vacate the regulation and do it right so there are no more problems.

DAG Stockton said the Commission's options today are to decline to hear the petition or hear the petition. If the petition is heard, the Department will present its evidence concerning that it complied with NRS 233.b and the Nevada Administrative Procedures Act, and Ms. Schwamberger could continue her case and Commission would make determination as whether Department noticed the regulation correctly and if the Commission acted appropriately in adopting the regulation within its authority. If the Commission declines to review it then the requirements of NRS 233b.110 would be satisfied and NoBearHuntNV.org could request that the district court review this in a declaratory court judgment action.

COMMISSIONER HOWELL MOVED TO DECLINE TO REVIEW THE PETITION. COMMISSIONER LENT SECONDED THE MOTION.

Commissioner McBeath asked for statement from the Department on its position on that particular item.

DAG Nguyen answered that the Department has no statement and is prepared to address allegations on notice if you go forward, and as for the rest of the petition has no position. She said she is prepared to present documents that the Department complied with the law with notice of the meetings and workshops.

Commissioner McBeath said on Section A, the notice section, the Department is prepared to go forward. He said he read the petition with the exception of Section A he does not have many concerns but however not familiar with procedural aspects of regulation process he is wondering if we should at least go forward with that piece and agree to hear Section A and make a decision on that and then pass on the rest of it.

Chairman Raine asked why.

Commissioner McBeath said basically if there is problem with the regulatory process and noticing of the regulation he would like to know that and hear that. Ms. Schwamberger's point of temporary regulation necessitates explanation and have some record but that record will be there for justice court.

Commissioner Cavin said he did not have a chance to review all or any of this as he received all the information at 1 p.m. and does not think this is appropriate time to wade through this in one-half hour as is not enough time to go through it and does not think we have time to answer and is perfectly comfortable with that taking place with that taking place at the next step.

Commissioner Capurro said he understood from DAG Nguyen that she is satisfied with the noticing provisions brought under question and she would argue those successfully and maybe he misunderstood Commissioner McBeath, but we all knew it was a temporary regulation due to the Legislature being in session; therefore it has to be readopted.

COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER AND WALLACE. COMMISSIONER MCBEATH OPPOSED. MOTION PASSED 7 – 1. CHAIRMAN RAINE DID NOT VOTE.

DAG Stockton said one more item on this matter as Ms. Schwamberger is correct as under NRS 233.b038 Subsection 2, sub. 0, hunting seasons not subject to Administrative Procedures Act so adoption of season goes forward, and bear season will go to Dec. 31, however the protections enacted such as no hunting sows, hunting with dogs, all those items expire Nov. 1 and would recommend an agenda item for August to close if no permanent regulation enacted that will close bear season on Nov. 1 so we don't lose all those protections.

8 Commission Policy #28, Mule Deer Policy – Chairman Raine – Informational

Chairman Raine presented a revised version of Policy #28 and provided copies to the public, and said that most of the suggestions were suggested by legal counsel.

Commissioner McBeath said starting with "purpose" is statement that mule deer exist historically in populations in excess of 200,000 and believes that to be factually incorrect. Over the last 100 years the number of mule deer has been less and should insert "at times" mule deer in excess of 100,000. In #1, it appears to be inconsistent with NRS 501.337 Section 3, as clear to him that the director has the authority to make personnel changes and restructure the Department and Commission can only consent to those changes. On Section #3 has problem with closing or severely limiting deer season in areas where populations are far below historical high numbers and has a problem with this because we are cutting back deer seasons based on population level that occurred two times in last one hundred years, and there are many specific reasons why not as good as during those high population levels. He really has problem with

next sentence starting with “buck harvest” as he has listened to Department and biologists make statement that bucks could be as low as 3 percent of population and they could take care of business, and has heard that limiting buck harvest for goal of getting bucks to four points or better per direction from the CABMWs and previous Commissioners.

Chairman Raine said that sentence has been changed.

Commissioner McBeath said when he first read this he noted that we are going beyond broad policy and this has the flavor of a regulation. Section #4, he has a problem with, as Department has little to do with grazing as that authority is with federal agencies. Does this mean we write letters to federal agencies to get them to do things we know they never do. Furthermore, anybody who knows or has been involved in a ranch where term of renewal is occurring based on transfer of ranch or permit expires, is that what is happening is Western Watersheds files protest against term permit renewal and we all should know that their purpose is to eliminate grazing on public lands and will use Endangered Species Act (ESA) and other arguments, and when you put all together we have a policy in complete opposition to everything that is happening out there with regard to grazing. On Section 5, he asked if any studies on mineral supplementation and if so were they peer reviewed studies.

Chairman Raine said that was discussed a lot at the committee meeting and appeared to be promise, and thought worth-while as would be low cost program for the possible benefit. It is so area specific as to what the minerals are in a particular area that it would be tough to have a global policy for the entire state.

Acting Director Mayer said depends where you are, as in California they said herds were selenium deficient and added selenium, but no benefit shown. He said you have to assess the areas.

Commissioner McBeath said that is something that certainly should not be in a policy as not proven and should be in a Heritage project and do testing and if promising, do a policy. Section 6 is again grazing, and same thing with fire is dealing with public lands and getting BLM to allow for commercial harvest of pinyon-juniper.

Chairman Raine explained that much of this is already under way and is going on to some degree.

Commissioner McBeath said #11 calls for predator control if no science determination and goes to whole issue of why we do predator control. In his opinion we are spending lots of money on predators and the results are not there yet and he challenged that what he has heard of predator control from Commission is a pipedream and to think you can do what you want to do on a landscape scale in a state such as Nevada when the facts are Wildlife Services can't keep up. He said you would need pilots from Nellis and Fallon Air Force Base to get involved to do the scale you want to have an impact on wildlife. He said he has seen no projection from

economic standpoint that we can even do this, #12, is this really what your saying, is that we compress all of our hunts in a 60 day period.

Chairman Raine said 60 days if you want them to grow.

Commissioner McBeath said in Chairman Raine's response to WAFWA he talked of impacts of hunting on mule deer in general and that intense hunting pressure would be inconsistent and counter-productive with what was put forth for that response. He said this is a bad policy and he can't support it.

Paul Dixon, Clark CABMW, said Clark CABMW met last night, and overwhelmingly the board thought policy sounded like a regulation. He asked on the statement "sound scientific data" what is the data to close season if not near historical limits. Scientific data shows benefit of removal of does. This Commission has never had problem removing cow elk yet every year we have to cull more cow elk because populations keep growing and maybe our habitat is turning into grassland and the two species that depend on sagebrush are not thriving. You talk of intensive grazing and one species that is grazing is wild horses and why are the wild horses not improving our herds with their grazing.

Candido Mendive, Elko CABMW, said they voted in opposition as violation of Governor's Order. He said he personally feels there are enough changes in the policy which should require that the policy be resent out to the CABMWs again.

Jim Jenne, Lyon CABMW, said they went through entire policy similar to Commissioner McBeath, and they thought the policy not written well and are opposed to the policy as it is written.

Don Molde said he appreciates the time and energy put into subcommittee as he himself attended several of their meetings, and is not going to say much other than that Commissioner McBeath stole his thunder and wanted to put to rest that 200,000 number of mule deer, and has information, one of which is the table of Big Game Population estimates and monograph back to 1870 - 140 years of data, and book with mule deer estimates for the nation and the west from 1950s to 1976, and putting all of that together is that if you took a 140 year time span, the years where mule deer were at 200,000 appear to be 10 years out of 140, or 7 percent of the last 140 years. He said if you drop to 150,000 or greater that totals 25 years out of 140 or 18 percent. What that means is that mule deer numbers in Nevada have been below 150,000 for 115 years out of 140 years that we can account for, 82 percent of the time which is more than one-half. Also upgraded predator cost worksheet which he provided for the Commission and the public.

Don Alt, Nevada Livestock Association, said when deer numbers were the highest the difference is ranchers were controlling predators and were allowed to use nasty stuff.

Tina Nappe said she is a former Wildlife Commissioner and she sent a letter to Commission expressing concern with Policy #28. She said she is a conservationist and agreed with Commission direction that deer are most important species as largest amount of tags for blue collar hunter, they are statewide, and provide significant amount of funding to agency, thinks it is appropriate to have policy and work hard on mule deer program but seems to her that deer are too important to be limited to a committee established with a membership comprised of a guide, rancher, Wildlife Services' employee, and a Commissioner, with no participation by federal agencies and no conservationists. She said she hopes the committee is redone similar to Greater Sage Grouse Plan as you need to include federal agencies as policy will not be important to them. Ms. Nappe said very distressed by response made to WAFWA letter as NDOW is member state of WAFWA Working Group and Mr. Cox was a member of committee that put together, "Changing Perspectives" and wonderful mule deer publication of NDOW authored by Tony Wasley is sure benefitted from everyone working together. Sportsmen have shouldered a huge part of the program, but the public lands are public lands and while sportsmen make many of the decisions here she would point out that many of us involved in public land decisions.

Gil Yanuck, Carson CABMW, speaking as private citizen said Policy #28 constantly refers to solid scientific data but does not define what that is. He said we heard comments back and forth, and we have looked up to WAFWA's Mule Deer Committee and their recommendations, but now we are constantly at odds with them, not agreeing with them about comments, about our policy ignoring solid scientific data. On Section #9, maintenance of all water sources, he is wondering why we left off leks, particularly private landowners as sage grouse sensitive species and great number of Heritage projects proposed are to improve habitat for sage grouse as we don't want a listing, yet only pick on water sources. On item #12 we are constantly reminded by CABMWs when we talk of quotas and number of tags issued how important hunter opportunity is and what they bring to communities and limiting season to 60 days, can you imagine the economic impact to the rural communities and need to take that into consideration as to what happens in the state and will be felt by an awful lot of people.

Mel Belding said he agreed with most of Ms. Nappe's testimony. He said he disagrees wholeheartedly with statement that best numbers of mule deer is when we had control of ranchers on public lands pertaining to predators and is true in 1950s but in the 1980s and other years those methods were not allowed. Section #1 should be struck entirely, and Section #5 needs to have the mineral defined. He said you need to have a working group that brings back something different.

Mike Stremmer provided BLM code of regulations to Commissioner McBeath and the rules are there and need to learn the rules and play by them. Policy is good starting point as you do need one, and Title 43 CFR 1610.3-2 that is why you need the policy. On doe harvest, knows if he kills one-half his cows, same for next year, has done fire breaks, and the BLM needs to be taught the rules.

Acting Director Mayer said Alan Savory of Rhodesia/Zimbabwe developed short duration high intensity grazing and has real benefits the trick is you have to actively manage your herd. This second draft is better and Commissioner McBeath did great job and this is a Commission Policy not the Department policy and glad to hear recognized that there other processes to answer to Section 3 on eliminating deer population, Area 6, would be an area that would be shut down. He said there is not a biologist in the world who will tell you that harvesting bucks only will change the population as it does not, that is a fallacy. Section 8 – 10 should be changed from Department to Commission and remove “shall” and Section 11 the statement “shall” consider reductions in government paid predation control. The 60 day season is arbitrary and capricious, and you heard what J.J. Goicoechea said about cow harvest and we will not meet our livestock commitments and if you start limiting seasons you will limit junior hunts and other hunts by 50 percent and that will be a slap in the face to sportsmen and he asked if that what you want to do.

DAG Nguyen said NRS states goal of Commission is to guide Department and language should be made internally consistent from “shalls.”

Chairman Raine said they had evidence at the committee meeting. Need to have goals and does not say what they are just have to have them and reach them. No way to define numbers in policy that is why wording of “far below” is used. Wording on grazing came from NDOW biologists and WAFWA documentation.

Acting Director Mayer said for Chairman Raine to bring the evidence.

Commissioner Lent said he would like proof of counting 200,000 deer and he has seen numbers tied to population and harvest. With Section 3 he agrees that population goals are needed, project underway in Unit 014 and he asked when the study would be stopped because you don’t know when you reach the goals. That is what Utah does with predator problem. He said he is embarrassed to hear a CABMW member link the season to economic reasons as is totally wrong as we have to look at the resource not the business end and is totally wrong as we need goals and are harming the resource when hunting them from June to December. The animals need a rest.

Commissioner Vogler said he has spent whole life hunting, watching or being around wildlife and we keep plowing the same furrow and can make it better but we are not using all the tools in the tool box or appropriately. We talk about habitat and had big fires in Elko County and in 1965 had big ones. He grazed sheep intensely on the checkerboard and eliminated cheatgrass and brought back mule deer as all the sagebrush was not burned. White Pine forests do not have fires and no deer there so how can you say it is habitat. When sage grouse and mule deer at their zenith according to Mr. Molde we had twice as cattle and sheep, Commissioner Vogler said anecdotally predator type animals were at the lowest ebb until 1973 and is not due habitat.

Further discussion ensued on mule deer population numbers.

Commissioner Cavin said we are hearing that mule deer problem is bigger, that it is landowners, fires, and ultimately we have to do something like sage grouse whereby we get everyone on board. Meanwhile we need a policy: Leave first and last sentence, and get rid of all language regarding personnel as not our purview as a Commission; Section 2 reasonable, Section 3 changing production goals instead of historical high, and last sentence of paragraph 3 should be eliminated. Issues with last sentence on #11, on #12 unwilling to put in 60 days into a policy as that is way too restrictive and Commission has opportunity to hear that on case by case basis and only can support first sentence and #13 change shall to should. He asked if the policy will be presented tomorrow with changes brought forth today.

Chairman Raine said many changes brought forth such as striking huge sections.

9 Report and Recommendation Feral Horse Committee – Committee Chairman Mike Stremmer – Informational

Chairman Raine said agenda item #9 could be melded into agenda item #10 the policy.

Commissioner McBeath said he was told in February that he could be involved with this committee and asked if there were further meetings and if there were no meetings how can this agenda item state that it is a report and recommendations from the Feral Horse Committee.

Mike Stremmer reported that the committee had its last meeting in Eureka where they decided not to send the letter to the State Engineer as legislation pending in the Legislature on water rights. He said on the policy they wrote it was too long so they cut it down, then it got misprinted, and Mr. Rathbun was here at a meeting without him and it became a rolling wreck. He then decided to write the policy himself without committee meeting as he is somewhat of an expert on wild horses issues as he has read every case that has gone to court and the policy is reflective of the Wild Horse and Burro Act and gives triggers to NDOW or the Commission to get involved. He said a new proposed strategy is out for comment that was written by Bob Abbey with new horse numbers for AML.

Candido Mendive, Elko CABMW, said the board voted to support policy although the public had concern with notifying NDOW and triggering investigation which would take a lot of NDOW's time.

Paul Dixon, Clark CABMW, said in concept they agree with the policy but do not support it as it needs to be rewritten.

DAG Stockton said all the "shalls" should be changed to "should."

Commissioner McBeath said he talked to NDOW to see their level of involvement, and found there was no involvement from NDOW with development with policy even though it is germane to the Department. How much involvement from NDOW with HMAs and biologists need to read the Act and say that they have no authority. He said this is an important of a policy and would love to have been involved and vetted with more than the livestock industry as broad based. Letter went out from coalition in support of horses, and conservation groups on same page and for us to have limited number of people on committee was a big mistake and would have been a more credible process.

Commissioner Vogler said important for Commission and CABMWs to get involved and grazing boards have asked for status.

Commissioner Capurro asked if we clarify with policy provision that change from “shall” to “should” and be part of document we look at tomorrow and the same for E., F., G.

11 Second Reading of Commission Policy #10, Wildlife Heritage Tags and Vendors –
Commissioner Lent - Informational

Commissioner Capurro said if given away the Heritage tag remains a Heritage tag and if resold it too remains a Heritage tag, and his reasoning is if sold in that fashion, the money should go back to Heritage Account.

Chairman Raine asked the Commission what they would like to see for the policy.

Commissioner McBeath said problem he is having is that we are not focusing on right thing, because we are talking about tags, and understands you go to auction and bid for this opportunity to get Heritage tag and 30 day period allowed to provide name of hunter, but nothing in statute or regulation that deals with Heritage that requires that person who bids be the hunter, which leaves opportunity for person who bid on tag to have almost a power of appointment. He thinks we need to be careful as already a statute stating you cannot transfer tag to anyone else, but this ability to put name of person on tag and need to deal with that. Policy needs to state that winning person at auction has to be applicant without transfer unless approved by Commission. Declaration of who the person is going to be as it could be a dad bidding for his son.

DAG Stockton said he will draft language for review and discussion at tomorrow’s meeting.

Commissioner Capurro said regardless the money received from sale or trading of Heritage tag has to go to Heritage Account.

12 Second Reading of Commission Policy #50, Duck Stamp Procedure – Commissioner Lent
 - Informational

Commissioner Cavin said he had participated on the judging of the duck stamp contest and five judges is not enough and seven judges provide better balance and does not think we need to change the make-up, need #6 and the determination that the original art is needed as had incident where no one could tell if original art.

Commissioner McBeath said he spoke to Tom Wilson who is from NWA's board and is concerned with new #4 as artists may not be able to comply with this and make the print and if the artist does not the organization steps in and pays.

Commissioner Capurro said NWA has paid twice for the prints to be made but has not this year and seems to be an ongoing problem.

MA Jolly 3 said this policy was discussed at the April meeting and when Mr. Harwell was here had the \$3,000 bond and he said NWA not supportive of paying for screen prints and regardless of how many prints it is set-up that costs so much. Since then he has spoken to other members with different opinions and he asked what California does, and they use a fee to pay for screen print. She said Hugh Judd sent a letter that was not supportive of bond or entry fee.

Commissioner McBeath said entry fee is a great idea.

Chairman Raine said strike item #4 and option of #1 returning to current language of seven judges before.

13 Reports – Informational

A Dream Tag Regulation – Program Officer III Hullinger

Program Officer III (PO III) Hullinger said staff are in process of development of regulation and are reviewing testimony and will bring forth draft language to present to the Commission, and there will be Commission Regulation for the tag. NRS for resource enhancement stamp, and that a major step will be to bring all together interested persons to determine what needs to be established, and will then bring it to the principal parties and insure that their intent is there and then return to the Commission.

B Sage Grouse and Upland Game Season Status Report – Chief of Game Larry Gilbertson

Chief of Game Gilbertson said staff entering survey information, seasons set in 2007 through 2012, with each year having an adjustment in some seasons. Presently do not anticipate any major changes in upland game seasons. Stage is set for decent nesting and most upland game

populations are sitting well and with rain may have good hunting. Every year staff count sage grouse leks, and do not have all lek data yet; however, lek counts are up this year.

Commissioner Vogler asked if there is a trigger number for federal government to take the bird off the ESA list or will that be a mill stone around our necks forever.

Chief Gilbertson said Nevada is in evaluation process and each state is to report on status until something changes for USFWS. He said we know more from monitoring sage grouse leks than we ever have with sage grouse. He said energy development is being monitored in conjunction with BLM to insure that we don't have a listing. Different seasons and closed areas as follow guidelines for acceptable harvest and do that for areas. He said the situation with sage grouse is similar to that of Lahontan Cutthroat trout which have been listed by 25 to 30 years and you can still fish for them. Chief Game Gilbertson said everything we hunt is set on premise not to impact populations. Interest in sage grouse hunting has declined and when season moved closer to October from September we have not seen increase in sage grouse hunting and the same with waterfowl.

Acting Director Mayer said decision to put sage grouse on threatened list, hunting was #12, the five factors that made the determination were habitat loss and degradation and regulatory framework to provide protection to the bird. All groups are on BLM to modify RMP. Nine out of 10 it is compensatory hunting mortality and this is not taking birds out of population. Only state not hunting is North Dakota, all directors have made statements of support to maintain the hunting tradition. Need to see if BLM will step up. He has set up meeting to meet with directors, BLM, USFWS and NRCS directors,

Chief Gilbertson said in Eureka County they we have had the Falcon to Geondor study and one year had 100 marked sage grouse birds and out of that had two to three birds harvested so there are a lot more birds than we thought.

C Gifts, Grants, Donations, and Bequests – Deputy Director Cates

Deputy Director Cates reviewed the spreadsheet submitted in support material.

D Department Activities/Leadership Team Notes – Acting Secretary Kenneth E. Mayer

Report submitted previously.

Meeting Adjourned 6:10 p.m.

Friday, May 13, 2011, - 8:30 a.m.

14 Call to Order, Pledge of Allegiance, Introduction and Roll Call of CABMW Members –

Chairman Raine called the meeting to order and asked for a roll call of Commissioners and CABMW members.

Commissioners all present: Chairman Raine, Lent, Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace

CABMW members present: Gil Yanuck, Carson; Candido Mendive, Elko; Rex Flowers, Washoe; Glenn Bunch, Mineral; Paul Dixon, Clark; Bill Meyer, Lyon; Joe Crim, Pershing; and Jim Jenne, Lyon.

15 Member Items/Announcements –

Commissioner Lent said he has a letter from Beverly Siegel asking to rescind the bear hunt.

16 CABMW Member Items –

None

17 Public Comment –

Tracy Trivitt said he was born and raised in Northern Nevada and has been active in fundraising efforts for Nevada wildlife for many, many years. This Commission was given a mandate by our former Governor to improve the mule deer numbers within our state and it's well chronicled that a majority of this Commission holds a very different view of how that mandate might be met than that of respected biologists both within and outside of our state. You have made the decision to reject the belief that habitat is the major cause of the decline of the mule deer population, even mocking the findings of field biologists in recent Reno Gazette-Journal article. I find it incredibly ironic that you reject NDOW's approach of observation management and yet the basis of your production plan is rooted in observation, in Gerald Lent's words "My plan is to listen to the people who live with the deer day to day." One is left to surmise that those who live with the deer day to day are the same people who have influenced your decisions in the past and, those people do not include the biologists who you believe are participating in a grand conspiracy to inhibit mule deer populations throughout the west. Furthermore, your plan rests heavily on predator control. I have found several references cited by members of this Commission to the fact that every lion kills one deer a week. Despite numerous studies, including an ongoing study being conducted by UNR, indicating otherwise, you maintain this belief. The truth of the matter is that, on average, a lion consumes the equivalent of one deer a week. The study currently has 25 lions that are being tracked and over 400 kills have been

confirmed. On average deer or horses make up 40 percent of their diet. The real irony here is that you do not need to rely on the observation of your friends who live with the deer day to day or the observation of respected biologists to see predator control is not the answer. You need to look no further than the results of two experiments in predator management right here in Nevada. In one study conducted by Mr. Schroeder and Mr. Lansford, entitled Coyote Removal for Deer Enhancement, 1,124 Coyotes were removed from Lincoln County during a five year span and the conclusion by the authors of this study is "The results of predator removal in GMU's 222 and 231 appear to have had minimal effects on the population structure of mule deer in those respective units." Regrettably, he was unable to ascertain how much this experiment costs the sportsman of Nevada, however, the current Granite Range Project 18 which includes the removal of both lions and coyotes has cost nearly \$500,000 through fiscal year end 2011. This project has removed a total of 31 Lions and 812 coyotes. In keeping with your assertion that aggressive predator management will yield an increase in mule deer tags we should have seen by now a dramatic increase in the allocation of tags in the Granite Range. And yet the tags in the Granite Range correlates with the tag allotment in bordering units. In other words, nearly half a million dollars has been spent without any measurable benefit to the sportsman because the deer population has failed to And if the rumor mill is indeed true, that you intend to decrease tag allotments in the Granite Range, then how can you possibly justify to the sportsman of Nevada the enormous costs of ineffective predator control? How much money do we need to flush away and how much money will you attempt to fleece from the Heritage Fund before this madness is stopped? I think it's time for this Commission to be held accountable for failing to increase the mule deer population, for continuing to push your own agenda and the agenda of your friends, and for recklessly spending sportsmen's dollars.

18 Petition - Amend NAC 503.540 to allow the commercial take of crayfish from Lake Tahoe – Action

Mr. Fred Jackson provided the Commission with a packet entitled "Proposal for Change of Commercial Harvest of Crayfish" (exhibit file). He said he is requesting the Commission to approve his petition so he may move forward a change to NAC 503.540. As it stands now you cannot sell crayfish in Nevada and that is border to border. The problem with crayfish is they are a link to food chain with illegally introduced fish species which feed on crayfish producing massive amounts of nitrates and phosphates which stimulate the growth of illegally introduced aquatic invasive plants in the lake's fragile near shore environment. Bass eat crayfish and 1967 estimated population was 57 million, in 2001 population base was 260 million if average keeps going up crayfish will be over 300 million. Law passed in 1978 and the issue was not there for overpopulation nor there for the clarity issue but in 2011 need to manage species before it gets out of control. He would like to open a business to manage the population by harvesting crayfish and sell to meat wholesaler in northern Nevada and will not sell off the dock to restaurants direct. Control factor is many restrictions and data will be returned to NDOW. He disclosed that he is an employee of NDOW but this is his own personal business deal. Mr. Jackson said if we can manage the crayfish that will assist with the clarity of Lake Tahoe.

Chairman Raine asked Dr. Chandra to chime in and tell the story as they have numbers in front of them.

Dr. Sudeep Chandra said he is a professor of limnology and fisheries conservation from the University of Nevada, Reno (UNR). He said UNR has no position on this issue – they are neither negative nor positive. He provided a white report (exhibit file) that documents crayfish introduction and issues with crayfish. He knows early studies note crayfish introduced in Lake Tahoe several times and has been a food source for fish however with shift of introduction of other species such as shrimp the fish switched and now crayfish are incidental take of mackinaw and other game fish. Crayfish population shifted from 55 million to 220 million in the lake as a result of shrimp introduction. His interest in this is impact to 11 endemic invertebrate species at Lake Tahoe and 75 percent reduction since 1960s and study underway by students if reduction is due to crayfish or clarity.

Chairman Raine asked how many crayfish will be taken.

Mr. Jackson said he is a novice at this but heard from guides and people who do this he has been told about 20 pounds a trap but can't answer until he is out on the lake. Probably thousands of pounds per year would be the seasonal take.

Deputy Director Haskins said NDOW is neutral and sees potential to work on this with Mr. Jackson to restore natural fishery but would not want this statewide.

Commissioner Howell asked size of traps and how many to put out. He said he has used nets and is concerned about safety of boaters.

Mr. Jackson said five styles of traps similar to crab trap and would put out about 40 and some traps allow native fishes to escape. Pull traps every six hours and understands navigational buoys will be needed and those are issues that will need to be worked out if the petition is approved.

Commissioner Lent said others may want to sell to the public and asked if he will bait the traps, and will the removal assist with clarity.

Mr. Jackson said that will have to be looked at by the biologists.

Dr. Chandra said that is something to be looked at.

Commissioner McBeath asked average growth and what impact will number of permits have on that growth. Who will be responsible to monitor and determine impact to crayfish and other species.

Dr. Chandra said that is the million dollar question. Size of crayfish is determined by age, driven by temperature. He said science community does monitoring at Lake Tahoe for native fishes and snorkel observations not long-term they are project by project.

Deputy Director Haskins said crayfish are non-native and there is a group of people who would like crayfish to disappear due to their environmental impact. There is interest for Lake Tahoe to be managed as native fisheries, and he would really be surprised if Mr. Jackson could impact the population. If multiple permits issued that could happen. He said Mr. Jackson will still have to deal with other issues like TRPA, State Lands, and other entities if the petition is approved. He is proposing removing the restriction on NAC that prohibits commercial take of crayfish and deal with other issues within permit of commercial collection of wildlife and many details will be worked out in that process.

Public Comment -

Rex Flowers, Washoe CABMW, said the board supported endeavor and the questions asked by the Commission today the board had too, and they recognize that there will be controls, but before going forth the petition would have to be approved.

Commissioner Shrum said he is concerned as this is Lake Tahoe, and if we open this up we have to do so for everyone and does not think this is a good idea.

Chairman Raine said many restrictions could be imposed under NAC and question is whether worthwhile to pursue or waste of time.

Commissioner McBeath asked if Lake Tahoe residents have been contacted as the Commission enacted a bear regulation affecting Tahoe and is curious to their reaction.

Mr. Jackson said local restaurants owners he spoke with were excited and see as this as potential economic boom. He does not see any negatives to allowing restaurants to serve the product. And can't say if it will assist with clarity and there will be an economic effect on Lake Tahoe as he plans to hire people to work and will also help NDOW and cleanup of the shore.

Commissioner McBeath said crayfish sound invasive and inclined to accept the petition and that is start of process and some of the items Commissioner Shrum is speaking about will have to be addressed from the local community.

Chairman Raine said overall sounds positive and many of the negatives are issues with other agencies. We need more business this does not hurt anything and may find negatives later on. He advised the Commission that if petition is approved the motion needs to include language that is subject to approval as an exception to Executive Order.

COMMISSIONER HOWELL MOVED TO APPROVE WITH APPROVAL OF GOVERNOR'S COUNSEL. COMMISSIONER VOGLER SECONDED THE MOTION.

Commissioner Lent said if approved almost mandate that representatives from Tahoe Regional Planning Agency and California Fish and Game be involved and on board as we share one-half the lake with them. Those two agencies should be here when this is discussed.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, VOGLER AND WALLACE. MOTION CARRIED 7- 1. COMMISSIONER SHRUM OPPOSED. CHAIRMAN RAINE DID NOT VOTE.

19 CABMW Budgets – Administrative Services Officer 2 Dale Hansen – Action

ASO 2 Hansen provided an updated spreadsheet (exhibit file) of the CABMW budget requests with a final number of \$38,314 recommended.

Public Comment –

Gil Yanuck, Carson CABMW, commended staff for their work on the budgets.

Paul Dixon, Clark CABMW, thanked Mr. Hansen and the standardization of the process has assisted with accurate numbers from the counties. He said this year was the best process yet.

Candido Mendive, Elko CABMW, said the amount requested from his board is what they truly need and may even need slightly more.

Glenn Bunch, Mineral CABMW, said he had been asked by Mineral CABMW treasurer to bring \$20 back as they were overdrawn and will live with the \$111 balance.

COMMISSIONER CAVIN MOVED TO APPROVE PROJECTED CABMW PROJECT FOR FY 2012 IN THE AMOUNT OF \$38,314.01. COMMISSIONER MCBEATH SECONDED THE MOTION.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

20 Western Association of Fish and Wildlife Agencies (WAFWA) Annual Conference –
Chairman Raine

Chairman Raine said he is interested in attending.

Commissioner Capurro said he would be the alternate if necessary.

COMMISSIONER HOWELL MOVED TO SEND CHAIRMAN RAINE AND COMMISSIONER CAPURRO AS THE ALTERNATE. COMMISSIONER LENT SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

21 2011 Heritage Project Status Update – Deputy Director Patrick Cates – Informational

ASO III Pincolini said the Heritage vendors have 90 days to turn in their project completion reports. He reviewed the completed 2011 Heritage Projects: 11 – 25, Fraternity of the Desert Bighorn, rebuild of Monte Cristo water development done; 11 – 21, survey and maintenance, Fraternity of the Desert Bighorn, completed; 11 – 22, Fraternity of the Desert Bighorn; 11 – 23 survey and maintenance another Fraternity project is completed; 11 – 25, survey and maintenance with limited access is completed; 11 - 07 regional tracking collars of mountain lions by NDOW is completed with report received; and 11 – 03 disease monitoring of conservation of terrestrial big game species in Nevada by NDOW staff will be completed by FY 2011. Status of projects with extensions approved from fiscal year 2010/2011 are: 10 – 09, China Camp sage grouse habitat enhancement by NDOW staff will be done by June; 10 – 27, sage grouse nesting survival Wildlife Management Units 6 and 7 by Nevada Alliance 4 Wildlife will be completed by the end of June; 10 – 23 Mule Deer Enhancement by Hunter's Alert, will be done by end of fiscal year; 10 – 26 Mule Deer Fawn Survival by Nevada Alliance 4 Wildlife will be completed by the end of fiscal year 11; and 10 - 30 Wood Ducks in Lahontan Valley by Nevada Waterfowl Association is completed.

Commissioner Lent requested that Mr. Pincolini furnish a report of all the projects after 90 days. He said a report of the science obtained should be furnished to the Commission to determine if projects are worth spending money before funding or extending projects.

22 Wildlife Heritage Projects – Chairman Lent

Commissioner Howell requested that the projects with extensions be acted on first.

Chairman Raine said after public comment is taken, action could be taken on the extensions.

Public Comment –

Don Molde said a general comment about privatization of predator control which is ongoing and thinks that is a bad idea that he is opposed to. He said he attended a mountain lion conference in Montana which was also attended by NDOW staff and others and it appears that interesting developments in mountain lion research that he has not heard here yet at a Commission meeting. Time to find out as is something to be considered for future lion management as a Heritage Project funded by the Commission by Allison and Andreason project has DNA analysis from lion samples, and appears to show Nevada is a sink for lions not a source, the source in Nevada has reduced genetic diversity compared to those in California. Not

sure it is sensible to have Nevada's situation viewed that way. Washington also doing research showing random unplanned killing of mountain lion does nothing to reduce lion populations, or reduce livestock depredation, and may be something the Commission may need to consider to have sensible lion management.

Commissioner Lent said the Allison/Andreason project was not funded by the Commission.

Rex Flowers, Washoe CABMW, provided his board's recommendations on Heritage projects asking that 12 – 01, 12 – 02, 12 – 03, 12 – 05, 12 – 06, 12 – 10, 12 – 19 through 22 all fully, and 12 - 32 be one-half funded at \$41,000 and 12 - 37 funded at \$53,098.

Candido Mendive, Elko CABMW, said their motion was to send a letter to the Wildlife Commission, the Elko County Commission, and Governor Sandoval, expressing their disapproval of the Wildlife Commission's Heritage Committee meeting which was being held prior to the Elko CABMW meeting. That being said he asked board for recommendation for five projects that they could agree on - those projects were: 12 – 01, 12 – 03, 12 – 04, 12 – 26, and 12 - 33.

Paul Dixon, Clark CABMW, said he personally is pleased with Heritage Committee recommendations, however, one project that was selected for funding that he disagrees with, Project 12 – 26, and due to statement of Commissioner Lent as wanting to see results, yet that project extended and we heard clearly that they needed NDOW input to continue and this year state they don't need NDOW input and thinks we are throwing money away. He said he does not agree with funding Maxon Technology.

Commissioner Lent reported to the Commission that the committee met for two one-half day meetings, had public comment on every project, 80.5 projects not funded and 19.5 percent of the projects funded and had \$20,000 left over and also had extensions requested which were accepted, one exception was Dr. Thain's which was not on the agenda and it will drop off and the money will be lost.

Commissioner McBeath asked about extensions for projects 11 – 19 and 11 -20 if full amounts needed or if even started.

Deputy Director Cates said FY 11 projects have not started as still working on FY 10 project and they expect to be billed out at end of fiscal year and they won't be started until next fiscal year.

Commissioner Capurro said projects through Wildlife Services (WS) and extension requested by WS.

COMMISSIONER HOWELL MOVED TO ACCEPT THE COMMITTEE RECOMMENDATION (EXHIBIT FILE) FOR HERITAGE PROJECT EXTENSIONS. COMMISSIONER CAPURRO SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, WALLACE. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 8 – 0.

COMMISSIONER LENT MOVED TO APPROVE THE FY 12 COMMITTEE LIST AS PRESENTED BY THE COMMITTEE. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner McBeath said overall he is pleased with selections of the committee. His comments on three projects: Still has heartburn with Project 12 – 25 Jersey Valley Project on mountain lions, as he killed seven lions and is to take 15 total and will be going into the fall and he has a problem with private person doing that project; Project 12 - 29 Alliance Wildlife, and we just heard on the extension that he has not started FY 11 project, and also heard that it will take all of 2012 to complete the 2011 project and has a problem with approving 12- 29, because in effect we are approving 2013 project as we already know these dollars will not be spent in next fiscal year and should wait until then; Project 12 – 27 as all are aware he has major concerns, as he wonders if will ever have utility for the Department and has problem moving ahead until we get what was promised in 2011. He said we still have no idea what we will get and would like to get that first and have it peer reviewed and until we get something from the Maxon's on this project he has a problem spending an additional \$40,000 to analyze the data. He suggested waiting on that as this Commission does not have capability of understanding what is going with science and analysis of what Maxons are doing and when we have the product the Department and outside interests can review and comment.

Commissioner Howell said he would respond to Commissioner McBeath's remarks on Project 12 – 25, he asked originally for \$21,600 which meant 12 lions, but he started late because of legislature and getting everything approved he had \$3,000 left with the extension so what they did instead of giving him the entire \$21,600 considered money left over subtracted from that and arrived at \$18,000 which is 10 lions. Then Project 12 -27 the way he read and discussed it is the money requested is to pay for peer review. Project 12 – 29 has an extension and why it was not done was again the trouble getting it approved by the Legislature. Now the 2010 money is going to be spent and these are all time sensitive projects due to the weather and he has talked to Wildlife Services about these projects and does not think for a minute that they won't spend all the money, it is a possibility, but thinks they will use it and that is why they approved it.

Commissioner Vogler asked if any specific projects under Project 12 – 01 or is it a blank check as will affect multiple use and effects the livestock industry and will the Commission have other chances to opine. He asked for an explanation.

Chief Gilbertson said the Department brings forth the biennial trap and transplant plan to the Commission for approval.

Commissioner Lent said on 12 – 01 he had concerns as is it is like a blank check with no controls and that project is not finished with no results or report from last year and the Commission approved money as well as an extension. He said he received a letter this morning for the record from Patrick and Ellen Maxon on 12 – 27 (exhibit file), sage grouse protection and WS has made commitment to spend last year and this year's money. The committee felt the need to protect sage grouse. He is going to request an audit of Nevada deer model by experts in the country as our model is linear progressive model and should be reviewed like tag draw system periodically.

Commissioner Wallace said Commissioner McBeath's comments covered the same that he would make, and he has heard from some Commissioners about results and not funding studies and obtaining results, and he has a problem adding on to projects that are not completed. He cannot support the motion due to Projects 12 – 25 and 12 – 27 as no results and does not think we should extend those projects, if you have not finished previous project should not approve new ones. Keeps hearing we need results and here we are handing out over \$100,000 and do not have results from first go round.

Commissioner Cavin said he does not agree with every project however committee did good job of balancing, with selection of projects on the ground and research, and is not going to nit-pick the recommendation and sees projects he likes better but personal preferences. He said he has issues with same projects that Commissioner McBeath talked about but not particularly fatal.

Commissioner Capurro said it is tough job to allocate \$400,000 with \$2.1 million in project requests, using the same line Commissioners McBeath and Wallace used, could be applied to 12 – 01 and to extension to 11 – 01 as we don't have report and Chief Gilbertson indicated we would not have a report until August, yet allocating \$90,000. He did not attend the meeting and does not know details of the transplant, and thinks there is a transparency issue, but is unfair to pick on private projects while the Department has not done some of their reports.

Commissioner McBeath said in response to Commissioner Howell's statement that \$47,000 for Project 12 -27 was to pay for peer review. His understanding is that peer reviews have no costs and is a scientific process and to pay for that service raises ethical questions as built in conflict. He said he cannot support that \$47,000 without seeing initial project and are throwing money away.

Commissioner Vogler said if he had his way we would not have funded WAFWA and does not understand that with the state broke and should we not be more fiscally responsible, and knows we could get a water truck a lot cheaper than \$43,000.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, SHRUM AND VOGLER. COMMISSIONERS OPPOSED: MCBEATH AND WALLACE. MOTION PASSED 6 - 2. CHAIRMAN RAINE DID NOT VOTE.

23 Commission Regulation 2012 Wildlife Heritage Silver State and Partnerships in Wildlife Tags CR 11 – 06, Amendment #1 Heritage Vendors – Commissioner Lent – Action

Commissioner Lent said the Heritage Committee met and reviewed requests for tags with one late application from the Midwest Chapter of the Wild Sheep Foundation which was not accepted. He reviewed the committee recommendation as contained in the exhibit file.

Paul Dixon, Clark CABMW had one recommendation that based on meeting attendance of NBU's dinner versus 300 in attendance at California Wild sheep they thought that switching the Rocky Mountain Elk Tag for antelope to maximize profitability to the Heritage Fund.

Rex Flowers, Washoe CABMW, said they understand that Nevada Waterfowl Association have not had their banquet yet to see what the antelope tag will yield and did vote to support them again, felt Rocky Mountain elk tag should go to NBU as they do such a fantastic job every year with banquet and advertising and that tag has averaged \$50,000 which is what they brought in and would like a sheep tag for NBU but definitely reconsider the elk tag for NBU.

Commissioner Lent said he attended the Wild Sheep meeting in Reno and he read the organizations statistics for what tags were sold for during their one night banquet which is why he felt that organization should have the sheep tag and that the Department should develop a video to show at the banquet.

Commissioner Capurro said because bids are now allowed to be phoned in the attendance at the event is not always indicative of the prices you will obtain for the tags.

Commissioner McBeath said the recommendation to flip the antelope and elk between NBU and California Chapter of Wild Sheep Foundation is a good recommendation for the Commission. He said we do not have data on California Chapter of Wild Sheep Foundation and wanted to know what information the committee used to select them over NBU for the elk tag.

Commissioner Lent said he talked to the man in charge and they run 300 to 400 every year and they auction 50 to 60 tags every year and are a highly successful convention and did talk to him and got numbers on vendors and he would welcome this and would do a real good job on this which is why the committee recommended them.

COMMISSIONER HOWELL MOVED THAT WE APPROVE THE COMMITTEE'S RECOMMENDATION FOR HERITAGE TAG VENDORS THIS YEAR. COMMISSIONER LENT SECONDED THE MOTION.

COMMISSIONER CAPURRO MOVED TO AMEND THE MOTION THAT THE PRONGHORN ANTELOPE TAG BE MOVED FROM NBU TO THE MULE DEER FOUNDATION. COMMISSIONER SHRUM SECONDED THE MOTION.

COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, HOWELL, SHRUM, VOGLER. OPPOSED: COMMISSIONERS MCBEATH, CAVIN, WALLACE. MOTION CARRIED 5 – 3. CHAIRMAN RAINE DID NOT VOTE. AMENDMENT PASSED.

VOTE ON AMENDED MOTION TO APPROVE COMMITTEE RECOMMENDATION WITH EXCEPTION THAT PRONGHORN ANTELOPE TAGS WOULD GO TO MULE DEER FOUNDATION AND PERSHING COUNTY CHUKARS UNLIMITED. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER. COMMISSIONERS OPPOSED: MCBEATH AND WALLACE. MOTION PASSED 6 – 2. CHAIRMAN RAINE DID NOT VOTE.

24 Litigation Report – DAG Nguyen – Informational

DAG Nguyen reviewed the report (exhibit file), provided updates and answered questions from the Commission.

25 Hage Lawsuit Update and Resolution – Chairman Raine – Action

Chairman Raine said he has gotten calls saying why did you do this and why, and he answers the Commission had no say in the matter and nothing we could do in way of policy, but resolutions, and for clarification what power of law does resolution or limitations of law on a resolution, just so we know where we are at.

DAG Stockton said a resolution is a statement of your opinion and no force of law and are limited to good taste.

Chairman Raine said he took notes for a resolution which he handed out to the Commission (exhibit file).

Commissioner Capurro said people have called him on this also and as far as amicus, highly suspect for the state's Attorney General to get involved with NGO that have the history they do and lending your name to that activity, even if you agree on some or all parts of the amicus should have been filed separately by state not as part of trio of groups that are highly questionable.

Chairman Raine said main point is this was done without knowledge or authorization of Nevada Board of Wildlife Commissioners, and the Commission does not like it and would like the Department withdrawn from it, considering the company they are keeping. He asked if anyone else had something scratched out on this.

Public Comment –

Rex Flowers, Washoe CABMW, said they did not act on this at their meeting and speaking personally, that he sees stuff in there that makes no sense such as statement of “Hage’s Table Mountain” as he does not own that mountain, and has problem with it being action item and today is the first time the public has seen the resolution, and you are not giving the public notice. He said he has a real problem as the Commission wants input from the public and the CABMW but you don’t give us the material and we cannot do our part.

Candido Mendive, Elko CABMW, said he is speaking for himself as this was not sent to us and also has heartburn with several items and asked that it be sent to the CABMWs.

Don Molde said he was hoping for a concise legal explanation as he recalls this starting as a “taking” issue with a ruling going against the feds which they are appealing.

Chairman Raine said legal advice from DAG Stockton is that page 1, second to last paragraph be stricken, that the name, “Joseph Feller, a senior attorney for” be stricken, page 2, third whereas, that paragraph be stricken. Also, from legal counsel, paragraph five, page 2, strike sentence, “apparently without notice or hearing as required by law, creating a potential liability for the Department and taxpayers of the State of Nevada.”

Commissioner Shrum said having done research on BLM and their activities that he has been cautioned as to what he says lest he be headed for court, and his intention is not to give anybody heartburn but thinks the resolution is not strong enough, and should rework the resolution and resend to the CABMWs for input.

Commissioner Lent said he is in agreement with Chairman Raine’s changes.

Commissioner Vogler said he read judge’s ruling which asked both sides to come up with dollar figure on takings issue and whether elk involved or not has been solved. All this brief is designed to let the judge decide did they have right to graze livestock more than right of way around the ditches and springs. All these things were done and not in question, that is why his industry that he represents are so upset as all issues solved, only issue for judge is deciding how far a cow, a sheep or a domestic horse, will go to water in those allotments to determine the takings. He said he cannot imagine as a rancher why NDOW was involved as this is only the takings, a 50 foot right of way or the edge of the allotment. Many people see this as proof positive that NDOW does not want to cooperate with agriculture and there has to be fence mending between the groups. He said timing is everything and the timing on this was ugly.

Commissioner McBeath said he cannot support this as this is another instance of the Commission putting an action item on agenda and bringing a document forth without input from the public and this should go back to the CABMWs for comment and input. He is curious on 7, as to how do you know that is true.

Chairman Raine said that happened the 14th of this year.

Commissioner McBeath said the amicus status was filed in the 1990s well before this Commission's time and the Department has been involved for a long time. He said that raises issue of this may be operational to the Department and the question of is this something the Commission should be talking about.

Commissioner Cavin said as someone active in wildlife in Nevada for the last 30 years, he said when something like this came to the Commission without going to the CABMWs or public, he would be someone in the audience who would be jumping up and down and even though he is a Commissioner he thinks it should go back to the CABMWs for discussion.

Commissioner Capurro said in #7 paragraph, page 1, should remove in next to last line remove "the authorization."

Chairman Raine agreed that is an option.

Commissioner Wallace agreed with Commissioner Cavin's comment as everyone in the room received the resolution today and all need to return home read it and understand it better.

Commissioner Lent said he has been around as long as Commissioner Cavin and knows the Department makes decisions that don't go to the CABMWs but sometimes the Commission has something in front of them and needs to make the decision. This does not have anything to do with game in the counties which is major function of CABMWs and is an administrative procedure of the Commission.

Chairman Raine said to correct the word amici to amicus throughout the resolution.

Commissioner Howell asked for the DAG opinion on discussion of word "authorization" in seventh paragraphs whereas on page 1.

DAG Stockton said his preference would be to strike "authorization."

Commissioner Vogler said he received email from other parties as to why he would go along with this as a Commissioner representing livestock and would ask CABMWs if they were informed of this lawsuit, and thought it went back to original filing or something but this is Feb. of 2011, and matter of compensation but wants to distance himself from the brief and wants this on the record and thinks out of courtesy something this inflammatory should have been discussed with the Commission.

Commissioner Wallace said he did not receive any emails and asked if any other Commissioners received those emails and if they were put in the public record.

Commissioner Vogler said he was on a issue with Taxation Commission where an Open Meeting Law issue cost \$9 million and when he gets an email he is scared to death and does not forward the email or call anyone as that could potentially violating the law if forwarded to four people.

Commissioner Wallace said if important enough to have this in front of us today it could have been presented under correspondence in April.

Chairman Raine said this did come up which is why he added it to the agenda, people like to criticize when somebody comes up and if you have problem bring it up, he has had lots of people calling him up about this item from different associations and Cattleman groups have contacted him and asked him if we lost our gourd and that is the general context of it. He told them it wasn't him.

COMMISSIONER LENT MOVED TO CORRECT AMICI TO AMICUS, EIGHT WHEREAS FROM TOP ELIMINATE COMPLETELY, NINTH WHEREAS FROM TOP ELIMINATE JOSEPH FELLER A SENIOR ATTORNEY, ON SECOND PAGE, ON THIRD WHEREAS ELIMINATE THAT COMPLETELY, ON FIFTH WHEREAS END ON SECOND LINE WITH PERIOD AFTER TABLE MOUNTAIN ALLOTMENT, THE LAST SENTENCE CHANGE AMICI TO AMICUS, NEXT LINE THAT STARTS FURTHERMORE CORRECT AMICI TO AMICUS AND SIGNATURE LINE. MOTION SECONDED BY COMMISSIONER HOWELL.

Chairman Raine read the resolution in full with changes.

COMMISSIONER CAPURRO MOVED TO AMEND SEVENTH WHEREAS NEXT TO LAST LINE REMOVE "AUTHORIZATION OR." COMMISSIONER VOLGER SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF AMENDMENT: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER. COMMISSIONERS OPPOSED WALLACE AND MCBEATH. AMENDMENT PASSED 6 - 2. CHAIRMAN RAINE DID NOT VOTE. MAIN MOTION ON FLOOR AS AMENDED.

Commissioner McBeath said it is disingenuous for this Commission to state that this agenda item disclosed what would be discussed here today, as the agenda item states:

"Hage Lawsuit Update and Resolution - Chairman Raine – Action

The Commission will hear a report on the Hage lawsuit and may draft letters, resolutions and or policy concerning this item."

He said it says nothing about amicus brief and very misleading as projecting "may write letters" in the future and what happened here is another staged event, is a cookbook, laid out in advance of meeting by the Commission, as the agenda item does not even denote discussion of amicus brief. He has not been able to look into this and neither have the CABMWs or anyone else in the public. He asked the Commission DAG to explain how we could move forward with this resolution.

DAG Stockton said he has said to the Commission many times before that if support material presented to the Commission as same time as public that is not a violation of the Open Meeting Law, and if you chose not to act for that reason, that is fine. To say that this violates the Open Meeting Law is incorrect, that amicus brief is part of the Hage lawsuit and you can vote on this and would fully support taking more time, but the characterization made that this violates the Open Meeting Law is not correct.

Commissioner Lent takes offense to Commissioner McBeath's comment that this item was orchestrated, or cook booked, he did not talk to anybody, just because something does not go a certain Commissioners' way they say it was orchestrated. He made his decision today.

Chairman Raine said he had hoped every Commissioner and Commissioner McBeath would have brought something forward on this item and documentation.

COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, HOWELL, SHRUM AND VOGLER. COMMISSIONERS OPPOSED: MCBEATH, CAVIN, AND WALLACE. MOTION CARRIED 5 – 3, CHAIRMAN RAINE DID NOT VOTE.

26 Commission Policy #28, Mule Deer Policy, Second Reading – Chairman Raine - Informational

Chairman Raine said MA 3 Jolly denoted the changes to the policy and she projected the policy onto the screen.

Commissioner Cavin provided his previous edits: Section 1, "shall" to "should," second sentence same paragraph, to remove sentence starting with "Existence and ending with requirements." He said he had requested that sentence to be deleted.

Chairman Raine said that is an option for tomorrow.

Commissioner Capurro said next line in Section 1 should have change to third sentence, change "Department" to "Commission" possibility. He had same note as Commissioner Cavin relative to entire section.

Chairman Raine said that is a possibility and "in accordance with state law" is there still.

DAG Stockton said with Section 1 "in accordance with state law" requires the director to initiate paperwork and is a long drawn out process. He said he will need to think that through further.

MA 3 Jolly showed the changes on the screen and noted she will fix the formatting and dates upon adoption.

Commissioner Cavin continued, Section 3, first paragraph, last sentence, was possible deletion.

Section 12, propose delete entire second sentence.

Chairman Raine concluded the second reading.

27 Commission Policy #67, "Federal Horses and Burros," Second Reading – Chairman Raine
- Informational

Chairman Raine said change is the "shalls" replaced with "should" and "will" on first page under Policy A. changed to "should" and concluded the second reading.

28 Commission Policy #10, Wildlife Heritage Tags and Vendors, Final Reading –
Commissioner Lent - Action

Chairman Raine said the Commission may take action to adopt Policy #10 with changes from the first and second readings held by the Commission on April 16 and May 12, 2011.

DAG Stockton said yesterday two options suggested and purpose is to address Heritage tags being resold and control the resource and not sell tags for private profit. He came up with language and provided the section and MA 3 Jolly displayed that on the screen (exhibit file). DAG Stockton said the first paragraph deals with conclusion of bid and designating name on the big game Heritage tag; second paragraph allows buyer to designate someone to have tag and for some reason they don't want it they contact NDOW and can change name on tag for use by someone else, and NDOW would confirm that person is eligible and not a second vendor; third paragraph is where he is interpreting the law to accomplish the goals of the Commission, and that states that the Commission may sell tags by sealed bid or auction and bootstrapping that language to saying who will be a vendor of these tags. Lastly, the last statement that a vendor may not allow a big game Heritage tag to be auctioned a second time.

Rex Flowers, Washoe CABMW, said board opposed to any changes to policy as written now.

Paul Dixon, Clark CABMW, asked DAG Stockton for clarification of definition of meetings and is this considered three meetings or one meeting.

DAG Stockton said position of Attorney General's office even though part of same meeting each day is a separate meeting for purpose of first, second readings.

Jim Jenne, Lyon CABMW, said they discussed this at length and their recommendation was to leave policy as originally written.

PO III Hullinger said to DAG Stockton that Commission Regulation has language in the special regulation section that organization shall submit full amount of bid and name of hunter within 30 days after auction is held and draft language states at conclusion of bid shall designate eligible hunter, and that would be a conflict with policy versus regulation.

DAG Stockton said if policy passed that regulation would need to be changed to match.

Candido Mendive, Elko CABMW, said they voted to oppose any changes to the policy.
Commissioner Howell said to DAG Stockton that any three suggestions could be used.

DAG Stockton said correct but totally up to the board.

Commissioner Capurro said likes to keep it simple and provided a sample of language: A vendor may not allow a tag to be auctioned, resold, bartered or traded a second time.

Commissioner Vogler understands purpose is to plug a loophole and 30 days allows tomfoolery.

DAG Stockton said NBU explained that 30 days is needed to allow time for purchaser's funds to clear the bank.

Commissioner McBeath said seems to him what is happening here is the Department gives blank tag to the vendor and what happens is the auction occurs and there is 30 days to put name of hunter on that tag and until that happens there is no tag. In effect, what is transferred is power of appointment and ability of person's name to go on the tag. Not sure that the language get us there, and have a statute that states you can't even transfer a tag, and if you agree with that distinction we may need to tweak that still.

DAG Stockton said we discussed that yesterday and best he could do with concept with limited time he had.

Commissioner McBeath proposed "Buyer may thereafter designate an alternative person, and changed buyer to bidder."

DAG Stockton showed the proposed language on the screen.

Commissioner Lent said why can't we make it simpler and state, a vendor for big game heritage tags, may not barter, trade or resell a tag for a second time, which is what we are trying to do.

COMMISSIONER LENT MOVED TO AMEND COMMISSION POLICY #10 TO READ A NEW #5 TO READ A VENDOR FOR BIG GAME HERITAGE TAGS MAY NOT RESELL, AUCTION, BARTER, OR TRADE A SECOND TIME WITHOUT APPROVAL OF THE BOARD OF WILDLIFE COMMISSIONERS, AS RECOMMENDED BY COMMISSIONER MCBEATH TO BE MADE A FUTURE COMMISSION AGENDA ITEM OR COMMISSION REGULATION: AT THE CONCLUSION OF A SUCCESSFUL BID FOR A BIG GAME HERITAGE TAG THE BIDDER OR BIDDER'S AGENT MAY DESIGNATE THE NAME OF THE HUNTER TO APPEAR ON THE BIG GAME HERITAGE TAG, A BUYER MAY NOT TRANSFER A BIG GAME HERITAGE TAG TO A THIRD PARTY WITHOUT THE APPROVAL OF THE NEVADA BOARD OF WILDLIFE COMMISSIONERS AS REQUIRED BY NRS 502.250 (5). COMMISSIONER CAPURRO SECONDED THE MOTION

Commissioner McBeath said the problem with striking second paragraph is to take into account a different scenario than third paragraph. Second paragraph deals with someone putting another name on there, and have Department oversight. Third paragraph is to deal with vendors selling or pocketing the difference from another transaction.

Commissioner McBeath said all of the language shown on power point should be shown in the policy and have to change the regulation to conform.

COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

29 Commission Policy Duck Stamp Procedure, Final Reading – Commissioner Lent – Action

Chairman Raine said we had suggestions last time and asked for public comment.

Rex Flowers, Chairman Washoe CABMW, said they are opposed to the changes and want to keep the policy the same. He said the Nevada Waterfowl Association representatives attended their meeting and they are opposed as well as wanted seven individuals instead of five and two instead of three Commissioners, and the \$3,000 bonding will not be accepted.

Commissioner Howell said he has no heartburn with the number of judges either way.

COMMISSIONER CAVIN MOVED THAT WE ADOPT COMMISSION POLICY #50, NO CHANGES IN #1 NO CHANGES KEEPING THE ORIGINAL, #2 NUMBER CHANGE, #3 ALL ENTRIES MUST BE ORIGINAL ARTWORK, NO #4, AND GREEN #5 WILL BE #4 AND GREEN #6 NEW LANGUAGE WILL BE NEW #5 NO JUDGE WILL HAVE INTEREST OR CONTACT WITH ENTRANT PRIOR TO JUDGING, AND GREEN #7 BECOMES #6. COMMISSIONER MCBEATH SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0.

30 Transference of Heritage Tags Between Parties and or Vendors – Chairman Raine – Action

Commissioner Lent provided the background: A tag was sold for \$37,000 by the Wild Sheep Foundation and bought by member of NBU and then was called a Nevada Heritage tag and was re-auctioned for \$55,000 which is a difference of \$18,000 and he wants to know why the money is not back in the Heritage account for the Heritage Committee and Commission to approve how it is spent the letter states that the money will be spent on wildlife but don't know that for sure.

Mike Bertoldi, President of NBU, he said he was advised by their legal counsel not to answer question as to where money is going, they voted to direct the money be spent on NDOW projects and that is where they stand on it. He said a few comments regarding vendors, they

have been a vendor and over last nine years that he personally knows of, have auctioned at least 25 tags and had two times where the high bidder had buyer's remorse and did not buy the tag, and you may have to go to the next bidder and the policy needs to address that, and the other thing is once the vendor collects money they have no control over what happens with the hunter and that tag. As once they transfer the tag to the buyer and get the money they are done.

DAG Stockton said in process of development of Policy 10 he stated his position on this. The language in statute is not as clear as it could be which is why we are adopting Policy 10 and should fix by adopting Policy #10. NBU open with what happened here, and personally, with no offense to NBU but if they did not use it for wildlife they could be in trouble as special benefit for hunters created by the legislature and not a threat just troubling from a policy perspective. In his opinion again the statute not as clear as it should be, and his opinion is money from auction should go to Heritage Trust Fund Account and that is what should be done through Policy 10. The remedy is to go forward with legal process.

Commissioner McBeath said he is happy that this occurred with NBU as they are an organization that will make sure this is done right. Heard of someone purchasing elk tag and reselling it with money going in their pocket, and that is disturbing. As to the statute, he talked to many people and came down to the statute being vague and talked of tags and ability to transfer application, NBU transaction really is not the transfer of the tag but the ability to put someone's name on the tag and takes it out of statute and viable position. He said he would be troubled with saying illegal what they did and to truly fix this it needs to be NRS change and to get there via Commission regulation he would be happy with that.

Commissioner Capurro said the Commission should send letter to NBU that whatever revenue derived should be returned to Heritage Account as there no question that is Heritage Account money.

Commissioner Lent said heard testimony not our business and heard they are getting legal advice and we should too and get legal opinion on how to get the money back.

COMMISSIONER LENT MOVED THAT WE SEND A INQUIRY OR REQUEST FROM EITHER OUR DAG OR AG OF LEGALITY OF RESELLING HERITAGE TAG WITH THIS LETTER TO GO ALONG WITH IT AND AT THE SAME TIME SEND LETTER SIGNED BY CHAIRMAN TO NBU THAT WE FEEL AND DRAFTED BY CHAIR TO NBU REQUESTING THAT THE PROFITS OF RESALE OF HERITAGE TAG BE SENT TO THE HERITAGE ACCOUNT. COMMISSIONER SHRUM SECONDED THE MOTION.

Commissioner Cavin asked for clarification of motion and is the request to send the difference to the Heritage Account in the amount of \$18,000.

Commissioner Lent clarified it is the profit, \$18,000.

Chairman Raine clarified that one letter be sent to NBU for \$18,000 for return of funds to the Heritage Account, stipulated review by DAG on his letter.

Commissioner McBeath said he will not vote for this as vagueness in the statute and feels this is a wasted effort and is comfortable with NBU doing what they say with the funds, and he will not be supporting the motion.

Chairman Raine stated two letters to be sent.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, HOWELL, SHRUM AND VOGLER. COMMISSIONERS OPPOSED: CAVIN, MCBEATH, AND WALLACE. MOTION PASSED 5-3. CHAIRMAN RAINE DID NOT VOTE.

Meeting adjourned 3:50 p.m.

May 14, 2011 – Saturday – 8 a.m.

Call to Order – Chairman Raine called the meeting to order and asked for roll call of the Commission.

Commissioners present for Roll Call: Raine, Lent, Capurro, Cavin, Howell, McBeath, Shrum, Vogler and Wallace.

Roll Call of CABMW Members: Gil Yanuck, Carson; Candido Mendive, Elko; Paul Dixon, Clark; Bill Meyer, Lyon; Glenn Bunch, Mineral; Jim Jenne, Lyon; Eric Scheetz, Douglas; Jesse Lattin, Churchill; Glen Copeland, Washoe; Joe Crim, Pershing; Rex Flowers, Washoe; and Shane Boren, White Pine.

Chairman Raine said a Commissioner asked to move the two policies ahead of agenda item #34, in essence move #35 and #36 ahead of #34. In order to do so we need to suspend the rules.

COMMISSIONER CAPURRO MOVED TO SUSPEND THE RULES. COMMISSIONER VOGLER SECONDED THE MOTION.

Commissioner Cavin said he is not in favor of moving them as the Commission approved the agenda as is yesterday.

Commissioner Capurro said the reason to change the agenda is to get the two policies out of the way before big game discussion.

COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, HOWELL, SHRUM, AND VOGLER. COMMISSIONERS OPPOSED: CAVIN, MCBEATH, WALLACE. TWO-THIRDS REQUIRED FOR SUSPENSION OF THE RULES, MOTION FAILED. CHAIRMAN RAINE DID NOT VOTE.

31 Member Items/Announcements –

Commissioner Howell provided an email (exhibit file) regarding the harm ravens do to sage grouse.

Commissioner Lent provided an email from BLM Ely District (exhibit file) supporting the Department's antlerless cow elk hunts.

Commissioner Cavin said just a comment that he had to four to five calls with folks upset with us moving the cow elk season hunts later, biggest concern from sportsmen.

32 CABMW Member Items -

Paul Dixon, Clark CABMW, said public at their meeting said years ago NDOW recommended an 80/20 split for early late seasons and now we are running 90/5 split with the late seasons a trophy hunt and they wanted him to ask Commission to think as we go through quota setting whether the split is stressing deer, or should we go back to NDOW's recommendations

33 Public Comment Period

Rex Flowers, Washoe CABMW, said we heard yesterday from Commissioner Vogler regarding email that he received with some concerns and he was afraid to pass the email on to other Commissioners, and Commissioner Lent said he received emails asking to go back to split season and he even attended their quota setting meeting, and they had not heard that. If you get these comments and emails and forward to Department you would not be contacting other Commissioners and the Department could forward those emails to the CABMWs so that they could make informed and better decisions, would be helpful for them to receive that correspondence.

DAG Stockton said Mr. Flowers suggestion would be fine under the Open Meeting Law, you can forward emails, but if you reply "to all" with comments that is where you violate the Open Meeting Law.

Paul Dixon, Clark CABMW, suggested that the Commission forward emails to the CABMWs through the Department staff to allow meaningful discussion on the item as when it is presented at the meeting that does not allow them to provide meaningful input.

- 34 Commission Regulation 11 – 10 Big Game Quotas 2011 and 2012 – Big Game Biologists
Mike Cox and Tony Wasley – Action

**2011 COUNTY WILDLIFE ADVISORY BOARD
BIG GAME QUOTA RECOMMENDATIONS**

Only Alternative Recommendations to Those Proposed by NDOW are Listed

Counties that forwarded recommendations to NDOW were: CC, CH, CL, EL, EU, HU, LA, LN, LY, MN, NY, PE, WA and WP

Resident Antelope - Horns longer than ears - Any Legal Weapon Hunt 2151

HU – Unit Group 041, 042 to be 97 tags 1st hunt, 57 for the 2nd hunt totaling 154 resident tags.
WP – Due to the population decline in Units 078, 105-107, 121 recommend 39 rifle tags.

Resident Antelope - Horns longer than ears - Muzzleloader Hunt 2171

WA – Return to 2010 numbers. 111-114, 5 to 7; 115, 231, 242, 2 to 3; 131, 145, 163, 164, 3 to 4; equals 24 muzzleloader tags.

Resident Antelope - Horns longer than ears - Any Legal Weapon Hunt 2161

LN – Units 221-223, 241, increase quota from 6 to 9, (2010 quota). Small increase in hunter opportunity. Low success on this hunt.

Resident Antelope – Horns shorter than ears – Any Legal Weapon Hunt 2181

Nonresident Antelope - Horns shorter than ears -Any Legal Weapons Hunt 2251

Nonresident Antelope - Horns longer than ears - Any Legal Weapon Hunt 2261

HU – Unit Group 041, 042 have 15 tags 1st hunt and 5 tags 2nd hunt totaling 20 for nonresident tags.

Resident Elk - Antlered - Any Legal Weapon Depredation Hunt 4102

Resident Elk - Antlered - Any Legal Weapon Hunt 4151

CH – Unit Group 161-164, 171-173 Early, the same quota (12) as in 2010.
NY – Unit Group 161-164, 171-173 Early, set at 4 tags, and the Mid and Late seasons to have a quota of 30 tags each. By raising the early season by 3 and decreasing mid and late seasons to 30 each, the same amount of bulls NDOW recommended should be harvested.
WA – Unit Groups 161-164, 171-173 Early, add 6 tags for a total of 7.
WP – Unit Group 104, 108, 121 reduce quota from 28 to 24. In Unit Group 108, 131, 132 Early reduce the quota from 3 to 1.

Resident Elk - Antlered - Muzzleloader Hunt 4156

CH – Unit Group 161-164 the same quota (5) as 2010

Resident Elk - Antlered - Archery Hunts 4161

CH – Unit Group 161-164, the same quota (6) as 2010.

MN – Why is there such a large reduction in tags for Units 223, 231, 241, 242 from 25 to 13?

Resident Elk - Antlerless - Any Legal Weapon Hunt 4181

LN – Units 223, 231, 241, 242 early, (Oct 1-16), decrease quota from 84 to 76 (2010 quota). Good success on this hunt. High hunter congestion, this hunt runs during the Any Legal Weapon Mule Deer Hunt. Reducing quotas will reduce congestion and provide a better quality hunt for both the Cow Elk and Mule Deer. In Units 223, 231, 241, 242 Late, (Dec 5-Jan 1). Increase quota from 164 to 184. Longer season allows more opportunity.

WP – Unit Group 111-112 is a new season and the unknown weather conditions the Board feels that we should reduce the quota from 442 to 300. Unit 113 reduce quota to 38. Unit 221, reduce the quota to 44 and in Unit 222 reduce the quota from 362 to 230.

Resident Elk - Antlerless - Muzzleloader Hunt 4176

LN – Units 223, 231, 241, 242, (Sept 16-30), decrease quota from 56 to 26, (2010 quota was 55). Reduce the amount of pressure during the peak of the rut. Increase hunts quality.

Resident Elk - Antlerless - Archery Hunt 4111

Nonresident Elk - Antlered - Any Legal Weapon Hunt 4251

Nonresident Elk - Antlered - Muzzleloader Hunt 4256

Nonresident Elk - Antlered - Archery Hunt 4261

Resident Nelson (Desert) Bighorn Sheep-Any Ram-Any Legal Weapon Hunt 3151

Nonresident Nelson (Desert) Bighorn Sheep-Any Ram-Any Legal Weapon Hunt 3251

Resident California Bighorn Sheep - Any Ram - Any Legal Weapon Hunt 8151

Nonresident California Bighorn Sheep - Any Ram - Any Legal Weapon Hunt 8251

Resident Rocky Mountain Bighorn Sheep - Any Ram - Any Legal Weapon Hunt 9151

Resident Mountain Goat - Any Goat - Any Legal Weapon Hunt 7151

WA – Units 101 add 1 goat tag for a total of 3, grand total 9.

Nonresident Mountain Goat - Any Goat - Any Legal Weapon Hunt 7251

WA – Unit 101 reduce 1 tag to zero, grand total of 1.

Resident Junior Mule Deer - Antlered or Antlerless – Archery, Muzzleloader or Any Legal Weapon Hunt 1107

EU –10% reduction in the proposed quota for all mule deer hunts in Area 14.

Resident Mule Deer - Antlered - Any Legal Weapon Hunt 1331

CH – Unit Group 181-184 quota should be the same as 2010 (184).

HU – Unit 035 to return to last year's quota for all seasons.

LN – Unit Group 221-223 early, reduce quota from 490 to 450. Unit Group 221-223 late, reduce quota from 24 to 23 (95%-5% split). Unable to do Fall flight surveys for accurate B-D ratios, relatively low success.

Unit 231, reduce quota from 158 to 128, (2010 level). Unable to do Fall flight surveys for accurate B-D ratios.

Junior Hunt has increased quota. Unit 231 also has approximately 60 landowner compensation tags within the area. Landowner tag hunter success is high and account for approximately 40% of the total tag quota.

PE – Units 041 and 042 do not increase the tag amount to 38 leave a 34.

WA – Unit 014 Early, add 3 tags, for a total of 68, and in Unit 014 Late, subtract 3 tags for a total of 17, grand total remains unchanged. This changes % split to 80/20.

WP – Unit Group 111-113 Early reduce the quota from 425 to 400; in Unit Group 111-113 Late reduce the quota from 48 to 40; Units 114-115 Late reduce the quota from 16 to 7; Unit 121 Early reduce the quota from 199 to 171; Unit 121 Late reduce the quota to 9; Unit Group 131-134 Early reduce the quota from 234 to 200; Unit Group 221-223 Late reduce the quota to 19.

Resident Mule Deer - Antlered - Muzzleloader Hunt 1371

MN – In Units 202, 205, 206 from 2 to 4 tags.

Resident Mule Deer – Antlered – Archery Hunt 1341

CH - Unit Group 181-184, quota should be the same as 2010 (40), 13% harvest ratio in 2010.

MN – In Units 202, 205, 206 from 7 to 9 tags

Resident Mule Deer - Antlerless - Any Legal Weapon Depredation Hunt 1101

Nonresident Mule Deer - Antlered - Any Legal Weapon Hunt 1331

LN – Unit Group 221-223, reduce quota to 32, reflecting resident reduction stated above. Unit 231, reduce quota to 9, reflecting resident reduction stated above.

WP – Units 114-115 do a 90/10 split.

Nonresident Mule Deer - Antlered - Muzzleloader Hunt 1371

Nonresident Mule Deer – Antlered – Archery Hunt 1341

Resident & Nonresident Deer and Antelope Landowner Compensation – Either Sex – Hunts 1115, 1215, 2115, 2215

Other Recommendations:

CH – The Churchill County Advisory Board would like to receive the support material for this task in a more timely manner as it causes problems to perform this task in the short amount of time with the proper consideration to the support materials and meet the requirements considering the state meeting dates.

CL – The Clark CABMW was concerned about what the Commission might do to mule deer quotas based on the new policy wording. As a CABMW we felt strongly that the NDOW quota recommendations should be honored as the Buck/Doe and Doe/Fawn ratios presented at the last Commission meeting provided the scientific data to support the presented quotas. Finally, the Clark CABMW asks that there be a Commission discussion on the percentage splits between the early and late season mule deer hunts. The NDOW recommendation several years

ago was that the split should be 80% early tags and 20% late tags. The ratios this year are now more like $\pm 90\%$ early. An open discussion on this topic during quota setting is warranted.

Antelope

Big Game Biologist Cox said antelope numbers up statewide with good hunter success.

Public Comment –

Glen Copeland, Washoe CABMW, said on 2171 that they wanted to go back to 2010 season numbers and is only four tags. Units 111 -114, five to seven; 131, 242, two to three; 145 163, 164 from two to four.

Michael Jurad, Humboldt CABMW, provided his recommendation for Hunts 2151/2152 as per the summary provided by the Department (exhibit file). He said the reason for their recommendation is because it was one solid season and then the season was split and instead of two circuses, put more tags in the first season, and less in the second so those hunters can have a quality hunt. Personally in his opinion he believes too many tags and should not have more than 100 tags.

Shane Boren, White Pine CABMW, said for Unit 078 the book shows a population decline and quota is increasing from 35 to 53 and they were concerned with population decline. Units 078, 105 – 107, 121 recommended.

Commissioner Capurro said the estimated antelope population for the state is 27,000 animals an all time high with increase of 4 percent in population from last year, 35 per 100 does split is what provided for the increase, NDOW has matched the increase in population with increase in tags.

Big Game Biologist Cox said this is why a model is used as in this case last year's fawns not as good as 2009 crop and provides for growth and those fawns are yearling bucks this year and yearling bucks cannot legally be harvested.

COMMISSIONER CAVIN MOVED FOR HUNT 2151 CHANGE UNIT 041, 042 EARLY TO 97; 041 042 LATE TO 57; 078, 105 – 107, FROM 121 TO 39. HUNT 2171 UNIT 111 – 114, FROM FIVE TO SEVEN, 115 – 231, 242, GO FROM TWO TO THREE; UNIT 131, 145, 163, 164, FROM THREE TO FOUR; PAGE 3, 2251, 041, 042 EARLY FROM TEN TO 15; 041. 042, FROM 10 TO FIVE; 2161 UNIT 221 – 223, 241, GO FROM SIX TO NINE; LEAVE ALL OTHER HUNTS AND RECOMMENDATIONS AS RECOMMENDED. COMMISSIONER MCBEATH SECONDED THE MOTION.

Commissioner Lent said on the recommendation wants to keep this within demand/success for muzzleloader Hunt 2171.

COMMISSIONER LENT MOVED TO AMEND ON HUNT 2171 UNITS 111 – 114 TO GO BACK TO PROPOSED QUOTA OF DEPARTMENT WHICH IS FIVE. UNITS 115, 231, 242 AS DEPARTMENT RECOMMENDED TWO; UNITS 131, 145, 163 AND 164 TO BACK TO THREE. COMMISSIONER HOWELL SECONDED THE AMENDMENT TO THE MOTION. COMMISSIONERS IN FAVOR: RAINE, LENT, CAPURRO, HOWELL, AND SHRUM. COMMISSIONERS OPPOSED: CAVIN, WALLACE, MCBEATH, AND VOGLER. MOTION TO AMEND PASSED 5 – 4. CHAIRMAN RAINE VOTED.

COMMISSIONERS IN FAVOR OF MOTION: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, MCBEATH, VOGLER, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Elk

Shane Boren, White Pine CABMW, said they presumed 10 percent for nonresidents and did not get into nonresident issue. Hunt 4151 they had a problem with 121 as elk numbers increasing and doing well, has small problem as did not want bull quota increased by 55 percent they would rather take it over a period of time, and are recommending 24 instead of 28. Units 131, 132, and 108 Early hoping to have hunt switched to another area to give it a rest as they have a concern with all the special tags such as PIW and believe that the trophy component of the unit will be harmed and do not want an early hunt, recommending one instead of three. For Hunt 4181 antlerless elk, they are concerned 111, 112, is with removal of early Oct. cow hunt, they are worried about that big of a quota and you end up with December snowfall like this year a week earlier and end up with three feet of snow on Schells and concerned with level of kill and without data on this unit for that late hunt that is their concern with 111, 221 and 222, those three cow elk seasons. For 113 they bumped that up early as recognize majority of cows you are hunting are off the reservation.

Glen Copeland, Washoe CABMW, said on Hunt 4151, units 161 – 164, 171 - 173, they really do not agree with one tag as most sought after hunt in the state and they want to keep as a trophy hunt and increase the tags to seven. Also, in same unit there is one nonresident tag that was not there last year.

Biologist Cox said the recommendation for one tag is NDOW wanted to expose hunting to Area 17 and still do not have a population that they believe is over 75 animals in there, and biologist suggested as we sometimes do, to attach to another unit group, 171, 173, with 161 – 164, and recommendation had no early season established. In hindsight may have needed to take that separately.

Glenn Bunch, Mineral CABMW, said they had questions on Hunt 4161, Units 223, 231, 241, 242, why the large drop in that area and is an archery hunt and not that big of a threat.

Biologist Cox said demand/success is what was used to get the 13 tags. Over the years we have had interesting quota meetings on elk and what has happened a lot is Lincoln CABMW would propose to reduce rifle tags and shift those tags into muzzleloader and archery and historically if you go back a few years you will see that bartering was a way to reduce rifle quotas and that is why that number is different.

Paul Dixon, Clark CABMW, said a question from their CABMW meeting, is if we have a higher success rates than in demand/success ratios, what will that do to overall cow population that you are giving tags, and if success rate goes up with late season and is concerned that will make major population shifts assuming lower success rate.

Biologist Cox said we won't know until it happens, and every unit group is different and no one is alike, and our experience with heavy snow, is that elk do not care; however, vehicles have a difficult time and is just not one-sided approach there is a lot of country between mountain and valley and hunters may not be able to get to them.

Commissioner McBeath said in 222 and 221 you have three Wilderness Areas within those units and if we have December snow that will be a difficult hunt and he made that comment at season setting that hunters will not be able to get around and after looking at this was shocked at the numbers but would agree after hearing what the success rate is.

COMMISSIONER LENT MOVED ON ELK HUNT 4102 AS DEPARTMENT RECOMMENDES, INCLUDE HUNT 4151, UNIT 161 -164, 171 -173 EARLY, TO BRING BACK TO ALIGN WHAT DEPARTMENT RECOMMENDED INCREASE FROM ONE TO 10 AS DID NOT REDUCE THE ARCHERY; HUNT 4156 AS DEPARTMENT RECOMMENDE; HUNT 4161 AS DEPARTMENT RECOMMENDS; ON NONRESIDENT 4251 AS DEPARTMENT RECOMMENDS WITH THE TOTAL BEING 104 INSTEAD OF 98; HUNT 4256 MUZZLELOADER TOTAL QUOTA OF 11 INSTEAD OF 9; NONRESIDENT ARCHERY HUNT 4261 CHANGE TO 18 FROM 14. COMMISSIONER CAPURRO SECONDED THE MOTION.

Commissioner Capurro asked if for all three hunts in 161 if he intended to reduce the quota in the other hunts with that increase to accommodate demand/success.

Chairman Raine clarified that the motion include that 161 late be 27, and 161 middle to be 27.

COMMISSIONER MCBEATH MOVED TO AMEND TO ADD TO HUNT 4151 THE UNIT GROUP 104, 108, 121, FROM 28 TO 24; AND THE NEXT UNIT GROUP 108, 131, 132, TO CHANGE FROM THREE TO ONE (WHITE PINE CABMW RECOMMENDATIONS); CHURCHILL CABMW HUNT 4156 161 - 164, 171 - 173 TO GO FROM THREE TO FIVE AND 4161, 161 – 164, 171 – 173 FROM THREE TO SIX. MOTION TO AMEND FAILED FOR LACK OF SECOND.

Commissioner Capurro said he could go along with some of the changes but not all of them.

COMMISSIONER CAPURRO MOVED TO AMEND MOTION ON HUNT 4151 104, 108, 121, QUOTA FROM 28 TO 24. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE AMENDMENT: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

VOTE ON AMENDED MAIN MOTION AS SHOWN ON SCREEN - COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 8 – 0.

Antlerless Elk

COMMISSIONER VOGLER MOVED FOR HUNT 4181 TO ACCEPT THE NUMBERS PRESENTED BY NDOW EXCEPT 113 GO TO 48 INSTEAD OF 39. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE. MOTION PASSED 8 – 0.

COMMISSIONER MCBEATH MOVED TO APPROVE ANTLERLESS HUNTS 4176 AND 4111 AS PRESENTED BY NDOW. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER, AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Bighorn Sheep and Mountain Goat

Biologist Cox provided an overview of the population status of bighorn sheep and mountain goat.

Glen Copeland, Washoe CABMW, voted on Resident Hunt 7151 in comparison to Nonresident Hunt 7251 that the decrease in tags was from 17 to eight, but the two nonresidents stayed at two and concerned about the 10 percent. Their suggestion was to move 101 to resident from two to three and change 7251 from one to zero and nine tags for residents as very difficult tag to obtain. He said they understand a zero quota is not an issue.

Walt Gardner said on goat he would rather have nonresident out of 102 than 101, thinks the herd on Rubies has been hurt worse than the herd on the East Humboldts.

George Corner, Nevada Outfitters and Guides Association (NOGA), said they got numbers from NDOW biologist on the goat populations, 126 in 102, and 93 in 101. He said they believe that the Department is justified in reducing number of tags and may be even more and had reports that animals had diseased lungs and support taking the nonresident quota in 102 and not add it to the resident tags.

Biologist Cox said this goes back to the season setting process and biologists flew both units in Aug 2010 and did not see adults that normally are seen where we normally see them in 101 and 102, and did not fly again until February and early March when season already set. Staff is concerned about interaction between mountain goat and bighorn sheep although have not seen mountain goats succumb to the same pathogens as bighorn sheep. He said they did see adults but did not see any kids so biologists are nervous about tag numbers and may have been the nanny hunt and take and probably should have taken one of the units off the table in February.

Discussion ensued over having a hunt unit with zero quota.

Commissioner Lent said responsibility to protect the resource and he remembers last year it was due to the agenda not denoting closure of a unit. If staff tells us there is a problem than we should close the unit and too many nonresident tags and we should not be afraid to eliminate the nonresident.

Commissioner Cavin said the resource is okay it is not perfect and we do not have an emergency and thinks we have an obligation to people who apply to have the chance to draw. Problem with a bonus point is next year will be no nonresident hunt and giving them a bonus point is giving them nothing, obligation to proceed and suffer through one year. Next year could be closing the season.

Big Game Chief Gilbertson said biologically there is no concern. In the winter flight we observed 93 goats in 101 and did see kids. When the goats were planted the population started with only six goats. We will never say we see all the goats. If three nannies were taken in 101, we still have 90 goats, which is a far cry from the six we started with. In the other Unit 102, 126 goats surveyed, 113 adults and six kids, and with six tags there we would only be down to 120 goats. He said it is not a biological issue and for next year we will act accordingly in 103 with the die-off to make appropriate recommendations.

Commissioner Howell said you were to address the 10 percent and how you got around that with two when only eight tags.

Biologist Wasley said historically when goat tags increased and we had result of Taulman lawsuit and opened up a nonresident hunt. Out of concern with exact situation we are facing and the Department did not want to appear discriminatory against guides and outfitters to have areas of geographic responsibility and we allowed nonresidents to hunt either 101 or 102 allowing us to take quota to one in event of disease issue and allow them to choose guides fairly. There is a perception perhaps by sportsmen that unfair to be allowed advantage to be allowed to hunt both and now we have the separate units with minimum quota of one. He said we decreased resident quota commensurate with concern with increased nanny harvest and disease and that increased percentage from what we are required to provide to 20.

Commissioner Lent said not 10 percent and if we stay with 10 percent let's give them one. Chairman Raine switched discussion to bighorn sheep and asked why tags cut back in 262 by one tag and 271 by one tag, and asked if the reason was a population issue.

Biologist Cox said NDOW follows the state Bighorn Sheep Management Plan, and entails collecting data and using population models and known harvest and all that information is an attempt to track the population and for the hunt, the age structure of the rams so when we see our criteria for establishing the quota at 50 percent of the model rams that are six year or older or 8 percent not to exceed 50 percent, and these rams being killed from three to 12 years of age born years ago and tracking those cohorts through time, and account for known harvest and it happens we are below the 50 percent of six years or older with six tags and that is why reduced to five.

Commissioner Wallace said several emails received (exhibit file) from Esmeralda CABMW members and although they were not able to meet they are very concerned about jump to nine and seven in 211 north and south. They feel that is a huge number as there is hunter congestion, and 211 is a small area for that number of hunters. He asked if staff would oppose a recommendation seven in the north seven and four in south.

Big Game Biologist Cox said page A31 tells average age of rams for 2010, longer term A35 the average age of all rams killed since 1992 is 5.7, no trend showing that we are below 6.0 if that was the case last year and poor lamb recruitment for five or six years, reduction would be warranted, Biologist Donham would have seen the data and NDOW comfortable with recommendation.

COMMISSIONER LENT MOVED FOR HUNT 3151 (DESERT BIGHORN SHEEP) TO TAKE NDOW RECOMMENDATIONS AND NONRESIDENT HUNT 3251 AS NDOW RECOMMENDED. COMMISSIONER VOGLER SECONDED THE MOTION.

Commissioner Capurro said our resident quota shows 201 and nonresident 22 why not 20.

Biologist Cox said we had it combined 221 and 10 percent is 22.

COMMISSIONER WALLACE MOVED TO AMEND THE NELSON DESERT BIGHORN SHEEP HUNT FOR 211 NORTH TO EIGHT AND 211 SOUTH TO SIX WHICH ARE THE 2010 QUOTAS, AND THE NONRESIDENT AS PRESENTED. COMMISSIONER MCBEATH SECONDED THE AMENDMENT MOTION. COMMISSIONERS IN FAVOR OF THE AMENDMENT: CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM AND VOLGER. OPPOSED: COMMISSIONER LENT. MOTION PASSED 7 – 1. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER CAPURRO MOVED TO AMEND THE MOTION TO REDUCE NONRESIDENT NELSON BIGHORN HUNT 3251 UNIT 268 BACK TO LAST YEAR'S QUOTA OF THREE, JUSTIFICATION IS THE SAME UNIT FOR RESIDENT IS SAME AS LAST YEAR NO REASON TO NOT

INCREASE. COMMISSIONER VOGLER SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONERS IN FAVOR OF MAIN MOTION AS AMENDED: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

California Bighorn Sheep Hunts 8151, 8251 and Rocky Mountain Bighorn Sheep 9151

COMMISSIONER CAPURRO MOVED TO APPROVE THE DEPARTMENT RECOMMENDATIONS FOR HUNTS 8151, 8251, AND 9151. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

Mountain Goat Hunt 7151 Hunt 7251

COMMISSIONER LENT MOVED ON HUNT 7151 TO INCREASE 101 TO THREE TAGS AND LEAVE THE REST THE SAME; HUNT 7251 REMOVE ONE TAG FROM 101 AND MAKE THAT A QUOTA OF ZERO. COMMISSIONER HOWELL SECONDED THE MOTION.

COMMISSIONER CAPURRO MOVED TO AMEND THE MOTION, THE NONRESIDENT PORTION TO ONE TAG TO ALLOW THE SUCCESSFUL HUNTER TO HUNT IN EITHER UNIT GROUP. COMMISSIONER MCBEATH SECONDED THE MOTION.

Chairman Raine asked Mr. Sefton if passes as amended is this something that will take a minor amount of time to resolve.

Don Sefton, Systems Consultants, said he understands that people who applied as nonresidents for 101 or 102 will be treated the same, and this new choice will specify both units for draw and notify on tag that they have Units 101 and 102, and if legal that would cost under \$1,000.

Chairman Raine said in regard to the amendment is that cost necessary and not worth the headache of time or money.

Commissioner Cavin said we don't need to spend money, but \$1,000 is well spent to take care of hunters who applied.

COMMISSIONERS IN FAVOR OF THE AMENDMENT: LENT, CAPURRO, CAVIN, MCBEATH, SHRUM, VOGLER AND WALLACE. COMMISSIONER HOWELL OPPOSED. MOTION PASSED 7 -1. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONERS IN FAVOR OF AMENDED MAIN MOTION: LENT, CAPURRO, CAVIN, MCBEATH, SHRUM, VOGLER AND WALLACE. COMMISSIONER HOWELL OPPOSED. MOTION PASSED 7 -1. CHAIRMAN RAINE DID NOT VOTE.

Mule Deer

Big Game Biologist Tony Wasley provided an overview on status of mule deer populations.

Public Comment -

Shane Boren, White Pine CABMW, said his figures and statistics are from the Big Game Status and Recommendation book on page 8 and their recommendations are denoted in the exhibit file: WP – Unit Group 111-113 Early reduce the quota from 425 to 400; in Unit Group 111-113 Late reduce the quota from 48 to 40; Units 114-115 Late reduce the quota from 16 to 7; Unit 121 Early reduce the quota from 199 to 171; Unit 121 Late reduce the quota to 9; Unit Group 131-134 Early reduce the quota from 234 to 200; Unit Group 221-223 Late reduce the quota to 19.

Rex Flowers, Washoe CABMW, said this year the hunts split in Northern Washoe and caveat at the season setting was that it was requested for an 80/20 split for quotas on 014 early and 014 late make it an 80/20 split, from 65 tags to 68 tags , late season 20 tags to 17 tags.

Joe Crim, Pershing CABMW, their concern was 041, 042 and want that dropped to four tags from 38 to 34.

Glenn Bunch, Mineral CABMW, Resident Muzzleloader Hunt 1371 they would like increase in Units 202, 205, 206, from two to four tags and Resident Mule Deer Hunt 1341 increase Late Units 202, 205, 206, from seven to nine.

Walt Gardner said glad to hear someone acknowledging low deer numbers in Rubies and in the 1980s more deer and NDOW gave out hundreds and need to cut it by 50 percent. Need to be serious and drastic.

Brett Jefferson, director Nevada Bighorns Unlimited, said this Commission has followed mantra that lions eat deer and 015 should have dramatically increased deer numbers, as one-half million dollars has been spent on predator control, with numbers provided it is about \$600 per dead animal. He asked where are the deer these lions clearly did not kill, yet current estimates for that unit is 1,400 deer, and the rumor today is that the Commission wants to decrease tags below NDOW recommendations and that does not justify the expense of hard earned sportsmen's dollars. Project 14 and 15, in a study done by Kevin Lansford, the Commission's top choice for director, has conclusion that despite heavy killing of coyotes, coyote's pup ratios tripled. Biologists have long known that when coyotes killed litter size increase in surviving females. Lansford's final analysis state that predator removal has had minimal effect on mule

deer population structure in those units. Time for Commission to consider that college educated biologists may know more about managing our wildlife than appointed board and sportsmen if you decrease deer tags beyond NDOW recommendations you are further penalizing sportsmen and urge the Commission to allow biologists to set quotas.

Michael Jurad, Humboldt CABMW, said in 035 for antlered hunts they would like to keep the quotas same as last year.

Paul Dixon, Clark CABMW, said like to state for this Commission as you talk of mule deer that for four Commissioners this potentially may be your last meeting and they want to leave a legacy and strongly urge you to judiciously listen to recommendations of CABMWs who overall made minor changes to recommendations of biologists. All eyes on these decisions and will impact decision who gets replaced and who stays on this Commission.

Biologist Wasley said he provided Commission with graphs that show increasing buck ratio trends. Important to recognize graphs are not linear or 1:1 relationship. He said you start with post buck ratio and that continues to climb as we introduce conservatism. Population may decrease and quota may go up to keep buck ratio within a healthy relationship.

Commissioner Lent said estimating number of does and taking fall percentage and using in spring of next year, and you have error as you assume equal winter mortality.

Biologist Wasley said mathematical models have verified the model and have 250 deer collared to study survivability.

Biologist Wasley said graphs show buck ratios climb and no dips, look at sources of mortality.

Commissioner McBeath said an estimate.

Biologist Wasley agreed estimate.

Commissioner Capurro asked if conditions of deer population changed in seven years.

Biologist Wasley said static last seven years

Commissioner Capurro read NDOW document from May 13, 2004, stating mule deer herd has flat lined and that we are bumbling along. The past decade has been static. He said he thinks we have to reduce quotas.

Biologist Cox said people may never understand that killing males who can't birth a fawn is not doing anything to the herd population. He said Nevada has ample number of animals and that Utah manages 15 does to 100 buck.

Chairman Raine said it is troubling how to justify this, it is troubling, deer numbers lowest in decades and hears that from many people who are out there every day.

Commissioner Cavin said he has not talked to anyone concerned about quotas although they are concerned about deer herd and like more deer, but does not hear a cry from the public that some of the Commissioners are talking about to reduce the number of bucks we kill. If there is a cry, it should have come from the public through the process of CABMWs and we heard that and thinks it is minor and he will consider that cry and that the people who go to the CABMWs and their comment should be considered. The biggest is for Unit 035 and sees no reason to throw up the alarm bells. If you remove bucks that could make room for does and leaving bucks in does not do anything and could lose bucks through a hard winter. If we bank them we are not doing our job.

Chairman Raine said a suggestion from Eureka CABMW to reduce tag quotas proposed for all deer hunts in 014 by 10 percent. He said for Mike Cox that is a hint for what we are talking about.

Commissioner Vogler said to Biologist Cox and those who say no one is complaining his unscientific observation is forked horns and three points are stupid and four points in good condition are quality animals. He said they say they see little deer and when not down in the rut they are not there. He will do his best to get you good study on the Rubies.

Commissioner McBeath said facts are over seven to 10 years mule deer population is stable and accepts the explanation and understands why you can harvest more bucks and seems like short term opportunity to take advantage of older bucks. All about protecting the resource and not close to even impacting this resource, and when he looks at what is presented he wants to maximize sportsmen opportunity and would assume all sportsmen's representatives would do the same and qualify that the CABMWs will be supported and anything beyond that he will not support.

Commissioner Lent asked how NDOW determines quotas for Units 241 – 244, 251 – 253, 261 – 268, 271, 272 and 291 as those units have not been aerially surveyed for 10 years.

Biologist Cox said NDOW like most states we use harvest success data and if holding its own will add tags, and if dropping, they will reduce tags. Really nothing else we can do as takes days to classify 50 deer.

Commissioner Lent said that is bad science until you can make an inventory. He would comment that he had a Heritage project, that NDOW was against, which was scientific analysis by Maxon's and he read the statement from NDOW. Yet you are saying we can do these five areas and defend it and do that and if doing it we should not have quota in there.

Biologist Wasley said two issues, how data is used and to generate quota where it is not cost effective to survey for 50 animals, and the other is to extrapolate harvest data as sole source on statewide basis. It applies to oranges.

Commissioner Lent said he asked for data on population estimates from the Department and he went back to 1976 to present and did population trends and will show the map and he tried to get data from NDOW and just to show the trouble he had he received an email with seven files stating that was the information he needed which it wasn't.

Commissioner Lent provided a map (exhibit file) the green area is where mule deer populations are thriving, red is declining, and this is data from the NDOW Hunt book. He also provided a series of graphs (exhibit file).

Commissioner Cavin said we have a high buck population that is why NDOW is recommending high buck quota it is not overall population.

COMMISSIONER HOWELL MOVED TO APPROVE RESIDENT JUNIOR HUNT 1107 AND DEPREDAATION HUNT 1101 AS PROPOSED BY DEPARTMENT. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONER VOGLER MOVED THAT ON UNITS 101 – 108 EARLY, 101 – 108 MID, 101 – 108 LATE WHERE COMPREHENSIVE DEER STUDY IS THAT WE ISSUE ZERO TAGS AND REDUCE THE REST OF THE STATE BY 50 PERCENT. COMMISSIONER SHRUM SECONDED THE MOTION.

Commissioner Vogler said legal counsel advised that his motion is not defensible, and would state that he did not make the motion flippantly. He has listened to the science and let's look at facts and if we are doing a comprehensive study, that he thought he was doing a favor to Tony Wasley by taking out as many variables as he could. DAG Stockton said he can't do that and he has to give a sound reason as to the large reduction in the rest of the hunts that he and scientists have showed us on graphs that success rate has inverse relationship to number of tags listed, i.e. the more tags list the lower percentage of take. The hunter who gets a tag will be guaranteed an animal. He said right now they shoot the first buck they see as they know they will not see another buck or draw another tag for many years, and if you cut the tags you will raise hunter success and will be happy.

COMMISSIONER VOGLER WITHDREW HIS MOTION AND COMMISSIONER SHRUM WITHDREW THE SECOND.

COMMISSIONER VOGLER MOVED ON HUNT 1331, 1371, 1341 AND NONRESIDENT 1331, 1371 AND 1341, MOVE TO REDUCE ALL BY 50 PERCENT. COMMISSIONER SHRUM SECONDED THE MOTION.

COMMISSIONER LENT AMENDED THE MOTION TO REDUCE THE QUOTAS FOR HUNT 1331, 1371, AND 1341, INCLUDING NONRESIDENT SEASONS, IN AREA 4 BY 30 PERCENT AND UNITS 051, AREA 15, AREA 18, AND AREA 23 BY 40 PERCENT AND REDUCE ALL OTHER AREAS BY 50 PERCENT. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner McBeath said no basis for motion as Commissioner Lent stated in own statement that population is flat, and green on map represents area where populations are stable or increasing, the red is slightly declining populations and has absolutely nothing to do with buck populations and harvest objectives. This is arbitrary and capricious motion as no basis in science and fact and cannot simply happen.

Chairman Raine said he thinks three parts to the reduction and asked if 40 percent needed in second stage.

Commissioner Lent cited examples in Utah where closing a season works to improve deer herds. It has worked in other states and he has absolute testimony that supports his statement.

Commissioner Cavin said he understands the concepts that came up today but they should have been discussed sooner and to Commissioner Vogler he said the CABMWs over a long period of time have come up with what they want for hunting quality and numbers but for someone to come in and change something that people have been generally happy with is beyond today's purview. If these quotas are cut drastically the landowner tags will be cut drastically too and that needs to be considered. Commissioner Cavin said Commissioner Lent said the green does not to be reduced but he reduced it and things need to be cleaned up.

Commissioner Vogler said he knows five landowners who no longer receive tags and nobody wants to buy the tags as no quality bucks. He said he talks to White Pine CABMW and guides and they say they are not seeing deer and they were not scattered in little groups on south faces. He said reduce number of tags and success rate will go up and people will have better quality hunt.

Chairman Raine said one argument is quality of hunt and will improve age structure.

Commissioner Cavin said if all this uproar is out there, those people need to go to their CABMW meetings. He knows Commissioners hear conversations and understands we get input but the input from the Commissioner to those folks should be to get involved with the CABMW so we know their concerns. If White Pine CABMW came to us and asked for change he is in favor but not to go carte blanche off the map.

Commissioner Lent said in Washoe County if we shut down the season in 015 they would be the happiest people in the world as 015 has no deer and Washoe CABMW members agree with that. He is willing to redo the amendment to a lesser amount if that is what the Commission wants.

Commissioner Lent said his redo of the amendment would be to add total season closure of the red areas as zero science to support the quotas.

Commissioner Capurro said he asked about the increase in population equal to increase in tags which worked in every species but deer and he does not agree to the drastic cut as proposed here but need to do something to rebuild herd in Nevada and is prepared for another amendment.

Commissioner McBeath agrees with Commissioner Cavin on everything he said, but Commissioner Lent indicated that Washoe CABMW wants to close 015 and he read their recommendation, absolute change is to move three tags, and is at a loss of that representation by Commissioner Lent for closing 015 because it is not in their recommendation.

COMMISSIONERS IN FAVOR OF AMENDMENT: RAINE, VOGLER, SHRUM HOWELL, AND LENT, COMMISSIONERS OPPOSED: CAPURRO, MCBEATH, WALLACE, AND CAVIN. AMENDMENT PASSED 5 – 4.

Commissioner Capurro said we need to work on process but do not need to shock the system so bad, but start on the process and even if we reduce by 10 percent or to last year's quota. He would propose a decrease of 15 percent.

COMMISSIONER CAPURRO MOVED TO AMEND THE MOTION TO DECREASE QUOTA IN ALL UNITS BY 15 PERCENT (DOES NOT INCLUDE JUNIOR HUNT OR DEPREDATION HUNT). COMMISSIONER CAVIN SECONDED THE MOTION.

Commissioner McBeath asked basis for 15 percent.

Commissioner Capurro said to find compromise, as he believes mule deer population is flat and fairest way is to reduce by percentage and picked 15 as increase requested by NDOW is 10 percent with static population and to get a start to increase herds he said 15 percent.

Commissioner McBeath said how is taking 15 percent less bucks going to result in increase in population.

Commissioner Capurro said that will be 15 percent less bucks that are not shot.

Commissioner Vogler said we are not talking of dead animals on the ground we are talking of cutting tags and enhancing hunt for people and animals taken will go up, and will accomplish

better hunts. He said this is what everyone in White Pine County tells him including White Pine CABMW.

Commissioner McBeath said White Pine CABMW recommendation which he is willing to accept and he read their recommendation (exhibit file) which is nothing near what has been stated.

Commissioner Vogler said there is intimidation factor from hell here and he talked to CABMW member who mentioned names of people out in the field who state that there are no deer in 111 – 112 and if shut down, everyone would be happy. He said the Commission has their necks on the lines, and he talked to others who are guides and intimidation factor here and they don't say anything and the CABMW recommendations were not made in good faith and he was there.

Commissioner Howell asked when we will process the amendment.

Commissioner McBeath said we have to make our decision on what is put forth before the Commission and all the other stuff from guides and others is not before this Commission and cannot be basis of the Commission's decision.

COMMISSIONERS IN FAVOR OF AMENDMENT TO MAIN MOTION: CAPURRO, WALLACE, CAVIN, AND MCBEATH. OPPOSED FIVE: VOGLER, LENT, HOWELL, SHRUM, RAINE. AMENDMENT FAILED 4 – 5. CHAIRMAN RAINE VOTED.

COMMISSIONER WALLACE MOVED TO AMEND THE MOTION TO CHANGES ON SAME HUNT NUMBERS TO 2010 QUOTA LEVELS. COMMISSIONER MCBEATH SECONDED THE MOTION.

Chairman Raine said won't work with new hunts and such.

Commissioner Shrum that is ridiculous.

Commissioner Wallace said we did that earlier on mountain goat where we combined units and we may have to go through on each unit.

COMMISSIONERS IN FAVOR OF AMENDMENT: CAPURRO, WALLACE, CAVIN, AND MCBEATH. COMMISSIONERS OPPOSED: VOGLER, LENT, HOWELL, SHRUM, AND RAINE. AMENDMENT FAILED 4 – 5. CHAIRMAN RAINE VOTED.

COMMISSIONER VOGLER MOVED TO AMEND MAIN MOTION TO REDUCE ALL HUNT UNITS NOT APPROVED YET BY 25 PERCENT OVER THE PROPOSED 2011 QUOTAS. COMMISSIONER LENT SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, AND VOGLER. AMENDMENT CARRIED 8 – 0. CHAIRMAN RAINE DID NOT VOTE.

CHAIRMAN RAINE SAID NEW MAIN MOTION IS: ACROSS THE BOARD CUT BY 25 PERCENT FROM 2011 QUOTA LEVELS WHICH ARE A DECREASE FROM LAST YEARS.

COMMISSIONER LENT SAID HE WILL AMEND THE MOTION TO REDUCE QUOTAS ON HUNTS 1331, 1371, AND 1341 AT 40 PERCENT BECAUSE OF 20 PERCENT SAMPLING ERROR.

Commissioner Shrum asked if the amendment includes Area 4.

CHAIRMAN RAINE SAID NO SECOND TO AMENDMENT AND IT DIED FOR LACK OF SECOND.

COMMISSIONER WALLACE MOVED TO AMEND MAIN MOTION AS IT CURRENTLY STANDS AND COMMISSIONER LENT MENTIONED GREEN AREAS PROPOSE 10 PERCENT DECREASE AND 25 PERCENT IN THE REST, AREAS 4, 5, 15, 18, AND 23, WOULD BE 10 PERCENT DECREASE AND THE REST WOULD BE 25 PERCENT. COMMISSIONER CAPURRO SECONDED THE MOTION.

Commissioner Lent said motion does not carry water as with a 20 percent sampling rate and has no meaning you are not increasing you are just treading water. He said when tags go up the buck harvest goes down.

Commissioner McBeath said he will state again that with respect to current motion and all prior motions forward from Commissioner Vogler's that none are based in fact or rational basis and is just bartering and whatever decision or amendment that comes out of this is and based on this bartering are arbitrary and capricious and could be overturned in court

Chairman Raine said personally many facts provided today and hard thinking in decisions and has not ever seen anyone on the Commission act arbitrarily or capricious.

COMMISSIONERS IN FAVOR OF MOTION: CAPURRO, CAVIN, MCBEATH, WALLACE AND VOGLER. COMMISSIONERS OPPOSED: SHRUM, HOWELL, AND LENT OPPOSED. MOTION PASSED 5 – 3.

COMMISSIONER CAPURRO MOVED TO AMEND THE AMENDED MOTION TO RETAIN THE 10 PERCENT DECREASE IN THE FIVE LISTED AREAS 4, 5, 15, 18 AND 23, AND REDUCE REMAINING UNITS BY 20 PERCENT. COMMISSIONER MCBEATH SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CAPURRO, CAVIN, WALLACE AND MCBEATH IN FAVOR. COMMISSIONERS OPPOSED: RAINE, LENT, HOWELL, SHRUM AND VOGLER. MOTION FAILED 4 - 5.

Commissioner McBeath asked Department staff as to what the fiscal impact of the 25 percent reduction in red and white, and 10 percent in green will be as to matching federal funds and direct tag sales.

Commissioner Vogler said if we lower the number of tags we will increase the number of bucks and they won't shoot the first buck they see so some of those forked horns will grow up. He said with the bear hunt we has 1,100 put in for the hunt and we are only issuing 45 tags only 25 bears can be taken, so what did we do there.

Chairman Raine said he dislikes the line where this discussion is going as we are here to protect the resource not sell tags, and if that is what we are reduced to we have even touched on the real problems.

Deputy Director Cates said in response to Commissioner McBeath and based on a brief discussion with Don Sefton it would be about \$150,000 in tag fees and the match would be in neighborhood of \$600,000.

Commissioner Lent said we have these guys saying this is not science and if we are basing motion on science, and it is as this is directly from the Hunt Book. He said there are areas doing better and if you call it science, look at rest of state has some huge decreases in population estimates, such as Area 6.

Biologist Wasley said with respect to the graph, that he looked at this year's population estimate compared to last year, and currently have 19 areas with no change, eight reflect decrease, and 14 reflect increase. Obviously time interval where the red and green is being applied as some are 1983, some are 1991 and inconsistent interval and that is not a scientific application of these ideas or concepts. That is part of his statement that it is not scientific.

COMMISSIONERS IN FAVOR OF AMENDED MAIN MOTION: HOWELL, VOGLER, CAPURRO, RAINE AND WALLACE. COMMISSIONERS OPPOSED SHRUM, MCBEATH, LENT, AND CAVIN. MOTION PASSED 5 – 4.

35 Commission Policy #28, Mule deer Policy, Final Reading – Chairman Raine – Action

Chairman Raine reviewed the proposed changes from the two workshops: On line one under policy, possible replacement of "shall" to "should" and the sentence in brackets for deletion, under third portion of policy delete sentence in brackets beginning with "mule deer," eliminate "production goals" and delete second paragraph of #3 beginning "with all doe harvests." He excused Commissioner McBeath who needed to depart for his flight. He said there is a proposal to delete most of #12 after first sentence.

Rex Flowers, Washoe CABMW, said again his board was opposed no science or foundation to support this and out of the realm of the Commission.

George Corner, NOGA, said his organization does not represent all the guides and majority of guides who got back to them do support this policy.

Jim Jenne, Lyon CABMW, said they are on record from the start as opposing and even if changed still opposed.

Chairman Raine said other than portions in red he does not support the suggestions for the new deletions to the policy.

Commissioner Lent said he did not agree with all the deletions either or to #3.

COMMISSIONER LENT MOVED ON POLICY #28 AS PRESENTED TO ACCEPT THE CHANGES IN GREEN AND DELETE ITEMS IN RED WITH THE EXCEPTION OF #3 ON PAGE 2 THE LAST SENTENCE DO NOT DELETE THAT SENTENCE, NEXT PARAGRAPH DO NOT DELETE, SHALL TO SHOULD IN FIRST PARAGRAPH, #12 WOULD REMAIN INTACT AS WELL. COMMISSIONER HOWELL SECONDED THE MOTION.

COMMISSIONER CAPURRO MOVED TO AMEND SECTION 1 TO LEAVE THE WORD "SHALL" ON FIRST LINE AND DELETE FROM THE LANGUAGE "EXISTENCE OF POSITIONS DOWN TO COMMISSION POLICY IS TO FOCUS EFFORTS ON ACTIVE GAME PRODUCTION;" #3 WOULD BE TO REMOVE ON TOP OF PAGE OF 2 "MULE DEER HARVEST SHOULD BE REDUCED OR ELIMINATED WHEN MULE DEER BELOW POPULATION GOALS" WOULD BE DELETED; PROPOSE IN #12 TO ELIMINATE EVERYTHING AFTER FIRST SENTENCE. COMMISSIONER CAVIN SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CAVIN, WALLACE AND CAPURRO.COMMISSIONERS OPPOSED: SHRUM, HOWELL, VOGLER AND LENT. COMMISSIONER MCBEATH ABSENT. MOTION FAILED 3 – 4. CHAIRMAN RAINE DID NOT VOTE.

COMMISSIONERS IN FAVOR OF MAIN MOTION: LENT, HOWELL, SHRUM, AND VOGLER. COMMISSIONERS OPPOSED, CAVIN, WALLACE, AND CAPURRO. MOTION PASSED 4 – 3. CHAIRMAN RAINE DID NOT VOTE. COMMISSIONER MCBEATH ABSENT.

36 Commission Policy #67, "Horse Policy," Final Reading – Chairman Raine

COMMISSIONER VOLGER MOVED TO ACCEPT POLICY #67 AS REVISED. COMMISSIONER CAPURRO SECONDED THE MOTION.

George Corner, NOGA, said they support the policy with the changes.

COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER AND WALLACE. MOTION PASSED TO 7 – 0. CHAIRMAN RAINE DID NOT VOTE. COMMISSIONER MCBEATH ABSENT.

37 Commission Meeting Budget – Chairman Raine – Action

Chairman Raine said email sent to Commission about April Commission meeting costs and he was disturbed by letter as it implies stuff that is not correct and no basis on fact although some of the things probably correct.

Commissioner Shrum said he has problem with expenses on April meeting as he understands Ken Wellington sent email to Acting Director Mayer and he read the email which stated that they did not budget to attend the April meeting due to governor's directive and he is requesting a document of all total costs for that April meeting. He told Deputy Director Cates that he has the expense sheet and does not see how his travel costs total \$659 as normal weekend meeting is \$598 including salary. April meeting was unscheduled and has the 2011 calendar that he received last June denoting the April meeting. Someone went to governor and told them the April meeting was unscheduled and total expenses was \$191 as he and Commissioner Howell shared a room and rode together. He said if he accepts the money NDOW pays him that is over and above his costs he will be guilty of fraud, and asked Deputy Director Cates for an explanation.

Deputy Director Cates said numbers are estimates as did not know they ride shared and shared lodgings, everything based on GSA and per diem, estimating two nights of lodging. Deputy Director Cates said after this meeting he will know the remaining balance to possibly reimburse them for the April meeting.

COMMISSIONER HOWELL MOVED TO ACCEPT WHAT THEY GIVE US. COMMISSIONER SHRUM SECONDED THE MOTION. COMMISSIONERS IN FAVOR: LENT, CAPURRO, CAVIN, HOWELL, SHRUM, VOGLER AND WALLACE. MOTION PASSED TO 7 – 0. CHAIRMAN RAINE DID NOT VOTE. COMMISSIONER MCBEATH ABSENT.

Commissioner Capurro asked to revisit Policy #28 before adjourning as DAG Stockton indicated that second sentence in the first paragraph of policy was problematic as far as State of Nevada is concerned.

DAG Stockton said the wording is not illegal rather it just can't be done and as a practical matter should not be part of policy.

Commissioner Capurro restated that it should not be part of the policy,

38 Future Commission Meeting – Acting Director Mayer – Action

Meeting Adjourned 5:30 p.m.

A videotape of the meeting is available for viewing on the NDOW website at ndow.org. Note: At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request for review.

MINUTES

June 13, 2011

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

Approved Minutes
Nevada Board of Wildlife Commissioners'

Telephonic Commission Meeting
at
Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512
AGENDA

Monday, June 13, 2011 – 8:30 a.m.

- 1 Call to Order and Roll Call of the Commission – Chairman Raine
- 2 Public Comment Period
Persons wishing to speak on items not on the agenda should complete a speaker's card and present it to the recording secretary. Public comment will be limited to three minutes. Persons are invited to submit comments in writing on the agenda items and or attend and make comment on the item at the Commission meeting. No action can be taken by the Commission at this time; any item requiring Commission action could be scheduled on a future Commission agenda. In addition to this Public Comment Period, Public Comment limited to three minutes per speaker will also be allowed on each agenda action item, but not on reports or informational items.
- 3 Commission Regulation 11- 10 Big Game Quotas 2011 and 2012, Amendment #1 - Big Game Biologists Mike Cox and Tony Wasley – Action
The Commission will establish tag quotas for the resident and nonresident deer and antelope landowner compensation tags either sex hunts 1115, 1215, 2115, and 2215.
- 4 Adjournment

Nevada Board of Wildlife Commissioners present for telephonic conference meeting:

Commissioner Tom Cavin	Vice Chairman Gerald Lent	Commissioner Daryl E. Capurro
Commissioner Hal Shrum	Commissioner Howell	Commissioner Michael McBeath
	Commissioner Hank Vogler	Commissioner Grant Wallace

*Excused Absence Chairman Scott Raine

Acting Director Kenneth E. Mayer
Suzanne Scourby, Recording Secretary

Bryan L. Stockton, Deputy Attorney General
Nhu Nguyen, Deputy Attorney General

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins

Chief of Game Larry Gilbertson

Monday, June 13, 2011

- 1 Call to Order and Roll Call of the Commission – Chairman Raine

Commissioner Lent called the meeting to order at 8:38 a.m. and asked for a roll call of the Commission.

Commissioners present: Lent, Capurro, Howell, Wallace, Cavin, McBeath, Vogler, and Shrum. Chairman Raine is absent.

Commissioner Lent said he will waive the three minute public comment rule and said there no members of the public present and that Commissioners may speak during the public comment period.

Commissioner Capurro said if commissioners make public comment you have to make it clear that you are speaking as yourself not a commissioner.

DAG Stockton said that if not on agenda and not a commission agenda item, but speaking in public comment period, that would be good but not sure if absolutely required.

2 Public Comment Period –

Commissioner Lent said he wants an item on the August agenda that we draft letter to Attorney General Catherine Cortez Masto on reselling big game tags. Commissioner Lent also said he wants on that agenda Heritage tag vendors and asked that the process be sped up to get contracts out. He read deer tags statistics and said we are looking at long-term trend since 1988 and need to ask yourself why deer herds are not growing and need a stimulus such as decrease hunting pressure and decrease tags. He said you can't prove deer are increasing and is hypothetical and he does not buy that just because we are biologists and upset how many CABMWs and sportsmen out there drank the kool-aid, and he read email sent to him by Coalition who sent questions out to sportsmen that asked sportsmen five questions which he read. Some guides and sportsmen looking at the money and that is a bad way and no proof of actual deer population. Still needs to challenge NDOW to give proof and some have chosen to benefit for personal gain and stands behind what the Commission did. Remembers when NDOW and sportsmen said tag draw above reproach and as a person who substantiated the audit of NDOW believes we will prove them wrong again. His last point is for the record, on SB 322 he read about it in the newspaper and big mistake for CABMWs and sportsmen to have supported the bill and he is not worried about current governor, but down the road if we get anti-hunter elected like Dina Titus, and too many sportsmen and CABMWs supported the bill and we have lost input as to who director will be and the governor may consider CABMW input, but he has been doing this for 40 years and wants on the record that if this happens that all sportsmen and CABMWs who supported SB 322, that for supporting this legislation you won't have any say and that is why 10 years ago they put that together to have say. He is putting this on everyone's back that they have no one to blame but themselves.

Commissioner Vogler said along similar lines if you go back far enough there were over 100,000 tags in Nevada and study done by UNR in early 1990s about \$600 per person spent hunting, which is \$60 million and if the money goes through the rural county five times which is multiplier used, that means rural counties lost over the years \$3 billion not \$600,000 as alluded to in several emails that he received and also like that in the

record. Also in record that we need to discuss with Attorney General's Office if there is even a need for CABMWs if the governor and future governors will now micromanage the director and NDOW, it seems to him like the CABMWs were thrown under the bus by SB 322 as now at least now they have a role, recommendations, and input and now they won't, that is a valid question to ask and should be an action item at the next meeting.

Commissioner Lent said he will pass that item on to the chairman to do that and like he said the economic impact if we don't do what we can to save our deer herds we will lost economic impact to the outlying areas which is important but will lose a lot more if we eliminate deer seasons down the road which will cost more.

Commissioner Shrum said we have a problem that needs to be discussed and put on the agenda for the August meeting in Fallon. Back in November he has received emails about this event which is three games wardens were bighorn sheep hunting in Unit 252 and one shot two sheep...

DAG Stockton said he will caution Commissioner Shrum as he has discussed with the Commission previously the rule to give a person notice and to keep comments within the Open Meeting Law. He said he reviewed the case and it is not a case the Commission needs to be looking at.

Commissioner Shrum said as a private party his suggestion would be to discuss this by the Commission before it gets in the newspapers.

Commissioner Lent said for Commissioner Shrum that he would like this on the August agenda for discussion and a report and if Attorney General says we can't discuss it then we cannot do it, fine. He will make that recommendation. Commissioner Lent closed public comment as no one from the public is present.

2 Commissioner Regulation 11 – 10 Big Game Quotas 2011 – 2012, Amendment #1 – Big Game Biologists Mike Cox and Tony Wasley – Action

Commissioner Lent said neither Mike Cox nor Tony Wasley are present and asked who will present this item from the Department.

Big Game Chief Gilbertson said he will and the purpose of the item to pass the number of tags for the deer and antelope compensation tag program. Calculations based on 17,793 total deer and antelope tags issued this year times 01.5 equals 267 tags.

Commissioner Vogler asked how much were compensation tags were reduced as people are upset where he lives with the counting method, and they will probably be at the August meeting. How much were antelope cut.

Commissioner Gilbertson said this is total number of tags available for mule deer and antelope and the 267 is meant to include all compensation tags, which is why the multiplier is times 1.5 and that is how many tags can be issued for both types of depredation hunts.

COMMISSIONER WALLACE MOVED TO APPROVE CR 11 – 10 AMENDMENT #1 AT 1.5 PERCENT FOR TOTAL OF 267 TAGS. COMMISSIONER CAPURRO SECONDED THE MOTION.

Commissioner Lent said discussion and then will have an email with the mathematics to all the Commissioners.

COMMISSIONERS IN FAVOR OF THE MOTION: LENT, CAPURRO, CAVIN, HOWELL, MCBEATH, SHRUM, VOGLER AND WALLACE. MOTION PASSED 7 – 0. COMMISSIONER LENT DID NOT VOTE.

COMMISSINER CAPURRO MOVED TO ADJOURN. COMMISSIONER WALLACE SECONDED THE MOTION.

Meeting adjourned at 9 a.m.

Note: The minutes are a summary of the meeting. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request for review.

MINUTES

August 12 and 13, 2011

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

Draft Minutes – The meeting has been Videotaped – ndow.org
Nevada Board of Wildlife Commissioners' Meeting
Churchill County Commission Chambers
155 N. Taylor Street
Fallon, NV 89406-2763

Amended Agenda

See Changes to Agenda Item #14, #15 G, and #20

Friday, August 12, 2011 – 11 a.m.

- 1 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Raine
 - 2 Election of Officers – Chairman Raine – Action
In accordance with Commission Policy #1 the Commission will elect a chairman and vice chairman.
 - 3 Approval of Agenda – Action
 - 4 Boating Officer of the Year Award – Chief Game Warden Rob Buonamici
 - 5 Member Items/Announcements
 - 6 County Advisory Boards to Manage Wildlife (CABMW) Member Items –
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.
 - 7 Approval of Minutes – Action
Commission minutes from the March 11 and 12, meeting; April 15 and 16, 2011, meeting; the May 12, 13 and 14, 2011, and June 13, 2011, meeting.
 - 8 Correspondence – Chairman – Informational
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 Mayer will also be discussed.
 - 9 Duck Stamp Request – Chief of Habitat Elmer Bull - Action
The Commission will review and be asked to approve 21 projects submitted for funding from duck stamp funds. The total cost of the projects is \$139,407.
 - 10 Upland Game Stamp Request – Chief of Habitat Elmer Bull – Action
The Commission will review and be asked to approve 15 projects submitted for funding from upland game stamp funds. The total cost of the projects is \$406,383.
 - 11 Federal/State Falconry Regulation Update – Chief of Wildlife Diversity Laura Richards and Corey Dalton Nevada Falconers - Informational
The Chief of Wildlife Diversity will provide the Commission with an update on the process and timeline to align state falconry regulations with federal falconry regulations.
- A* Falconer's Report – Corey Dalton – Informational
A report will be provided by Corey Dalton on behalf of the falconers in Nevada concerning falconry regulations outlining suggestions from the falconers on state compliance with the federal regulations.

- B Falconry Regulation Process – Chairman – Action
The Commission may discuss falconry regulations and give instructions to staff on development of such regulations.
- 12 Predation Management Plan FY11 Report and Project Proposals Update - Chief of Game Larry Gilbertson and Game Division Staff – Informational
- 13 Wildlife Damage Management Committee – Commissioner Hank Vogler – Action
Commissioner Vogler will report on the actions of the Wildlife Damage Management Committee's recent meeting and the Commission will be asked to review and approve the committee's draft plan recommendations that identify predator management proposals for the Predator Management Plan for Fiscal Year 2012.

***Agenda Item #14 Deleted – This item will be added to the September agenda.*
~~Workshop – Informational~~

- ~~14* Commission General Regulation Number 393 – R002-11 – Bear Hunt – Program Officer III Maureen Hullinger
The Commission may adopt from the temporary regulation which expires Nov. 1, 2011, permanent regulations relating to revising provisions governing the establishment of a black bear hunt, eligibility waiting period requirements, bonus point program, weapons restrictions, tag fees and other matters related thereto.~~

- 15 Reports – Informational
- A 2011 Nevada State Legislature Session Report – Management Analyst 3 Kim Jolly
- B Finance Committee Report – Commissioner Howell
- C Western Association of Fish and Wildlife Agencies Annual Conference – Chairman Raine and Secretary Mayer
- D Law Enforcement Practices in Incidents Involving Accidental Killing of Big Game Animals, Overview of Process for Determination of Penalties - Chief Buonamici - Public Comment Will be Allowed on this Item.
- E Heritage Project Update – Deputy Director Patrick Cates
- F Litigation Report – Deputy Attorney General Nhu Nguyen

***Deleted Agenda Item #15 G – This item will be added to the September agenda.*

- ~~G 2011 Open Meeting Law Legislative Changes – Deputy Attorney General Nhu Nguyen~~

- H Churchill County Wood Duck Harvest Experiment – U.S. Fish and Wildlife Service Biologist Chris Nicolai
- I Wolf Listing Status in Nevada – Chief of Game Larry Gilbertson
- J Area 10 Mule Deer Research Findings – Tony Wasley, Wildlife Staff Specialist
- K Department Activities/Leadership Team Notes – Secretary Ken Mayer

- 16 Public Comment

Saturday, August 13, 2011 – 8 a.m.

- 17 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman
- 18 Member Items/Announcements
- 19 County Advisory Boards to Manage Wildlife (CABMW) Member Items – 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.

Commission Regulations – Action

***Agenda Item #20 Deleted – This item will be added to the September agenda.*

- 20* ~~Commission General Regulation Number 393 – R002-11 – Bear Hunt – Possible modification of Commission Regulation 11-07 – Bear Season Program Officer III Maureen Hullinger~~
~~The Commission may adopt from the temporary regulation which expires Nov. 1, 2011, permanent regulations relating to revising provisions governing the establishment of a black bear hunt, eligibility waiting period requirements, bonus point program, weapons restrictions, tag fees and other matters related thereto. If the Commission does not approve CGR 393-R002-11, the Commission will consider amending CR 11-07 to close the bear hunt on November 1, 2011 to coincide with the expiration of the temporary regulation.~~
- 21 Commission Regulation 07 - 07 Amendment #7 – Wildlife Staff Specialists Russell Woolstenhulme and Shawn Espinosa – Action
The Commission may adopt amendments to recommend changes to bobcat, gray fox, mourning and white-winged dove season dates and Public Hunting Limited on Wildlife Management Areas and Designated State Lands for Scripps Wildlife Management Area and Washoe Lake State Park, and Overton Wildlife Management Area (hunting days).
- 22 Commission Regulation 11 - 11 – Migratory Waterfowl - Wildlife Staff Specialist Russell Woolstenhulme – Action
The Commission may adopt the following regulations for the management of migratory waterfowl. These recommendations comply with the proposed regulations frameworks for 2011-12 late hunting season on certain migratory game birds established by the U.S. Fish and Wildlife Service.
- 23 Sage Grouse Hunting – Commissioner Vogler – Informational
The Commission will consider and may take action to close the 2011 sage grouse season.
 - A Report on all NDOW actions in past year and actions planned for current year to prevent Endangered Species listing of sage grouse. Report of Department opinion on effects of hunting on sage grouse population, and effects of hunting on possible Endangered Species Act listing - Staff
 - B Discussion of sage grouse seasons and hunting effects on sage grouse pending listing under the Endangered Species Act, and possible action to, close some or all sage grouse hunting seasons if the Commission determines such action to be beneficial - Commissioner Vogler – Action

- 24 History of Bighorn in the Great Basin, Facts and Fiction - Historian Cliff Gardner - Informational
- 25 Biennial Upland Game Release Plan for Fiscal Year 2012 and Fiscal Year 2013 – Wildlife Staff Specialist Shawn Espinosa – Action
The Commission will review and be asked to approve the Department's proposed biennial upland game release plan for fiscal years 2012 and 2013.
- 26 Biennial Big Game Release Plan for Fiscal Year 2012 and Fiscal Year 2013 – Wildlife Staff Specialist Mike Cox
The Commission will review and be asked to approve the Department's proposed biennial big game release plan for fiscal years 2012 and 2013.
- 27 Future Commission Meeting – Director Ken Mayer and Commission Chairman - Action
The next Commission meeting is scheduled for Sept. 23 and 24, 2011, in Las Vegas; and the Commission will review potential agenda items for that meeting.
The Chairman may designate and adjust committee assignments as necessary at this meeting.
- 28 2012 Commission Calendar Change – Secretary Mayer– Action
Secretary Mayer will ask the Commission to consider changing the location of the February Commission meeting from Reno to Las Vegas to allow attendance and Commission support of the International Sportsmen's Expo and Rocky Mountain Elk Foundation Annual Elk Camp and Convention in Las Vegas on Feb. 3 and 4, 2012.
- 29 Public Comment

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Michael McBeath	Vice Chairman Jack Robb	Commissioner Jeremy Drew
Commissioner Charles Howell	Commissioner David McNinch	Commissioner Scott Raine
Commissioner Hal Shrum	Commissioner Hank Vogler	Commissioner Grant Wallace

Secretary/Director Kenneth E. Mayer	Cassandra Joseph, Deputy Attorney General
Suzanne Scourby, Recording Secretary	Nhu Nguyen, Deputy Attorney General

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Game Larry Gilbertson	Chief Game Warden Rob Buonamici
Program Officer 3 Maureen Hullinger	Wildlife Staff Specialist Mike Cox
Chief of Operations Bob Haughian	Wildlife Staff Specialist Tony Wasley
Chief of Conservation Chief Teresa Moiola	Wildlife Staff Specialist Shawn Espinosa
Chief of Habitat Elmer Bull	Chief of Wildlife Diversity Laura Richards
Wildlife Staff Specialist Russell Woolstenhulme	Management Analyst 3 Kim Jolly
Wildlife Staff Specialist Carl Lackey	

Others in Attendance/Two Day Meeting:

Gil Yanuck, Carson CABMW	Mel Belding, self
Brett Jefferson, Nevada Bighorns Unlimited	Daryl Harwell, Washoe CABMW
Hal Taylor, NoBearHuntNV.org	Joe Crim, Pershing CABMW
Rex Flowers, Washoe CABMW	Mike Turnipseed, Douglas CABMW
Ken Wellington, Elko CABMW	Tom Cassinelli, Humboldt CABMW
Bill Meyer, Lyon CABMW	Sam Bradley, Churchill CABMW
Paul R. Dixon, Clark CABMW	Billie Williams, Mineral CABMW
Don Molde, self	Walter Mandeville, Lyon CABMW

Mike Bertoldi, Nevada Bighorns Unlimited
Gregg Tanner, self
Doug Busselman, Nevada Farm Bureau
Tony Yarbrough, NV PAW
Chris Nicolai, U.S. Fish and Wildlife Service
Sheila Schoadel, self
Troy Smith, Churchill CABMW
Kathryn Bricker, NoBearHuntNV.org
Tim Miller, NoBearHuntNV.org
Sherine Kuckhoff, NoBearHuntNV.org
Margaret Martini, self
Rex Flowers, Washoe CABMW
Joe Crim, Pershing CABMW
Floyd Rathbun, sportsman
Michael Smith, self
Scott Carone, Safari Club International
Cheri Hamilton
Anthony Kalbfus
Mark Hayes
Tim Miller, NoBearHuntNV.org

Monty Martin, Systems Consultants
Josh Vittori, self
Dave Drew, NNSCI
George Corner, Nevada Outfitters Guides Association
Corey Dalton, Nevada Falconers
Buck Sampson, self
Merlyn Dixon, self
Misty Buttner, NoBearHuntNV.org
Madonna Dunbar, NoBearHuntNV.org
Toree Warfield, self
Kat Simmons, self
Joel Blakeslee, Nevada Trappers Association
Doug Martin, Carson CABMW and Canvasback
Troy Smith, Churchill CABMW
Catherine Smith, self
Jesse Lattin, Churchill CABMW
Derrek Aaron
Cliff Gardner
Merlyn D. Dixon
Billy Howard, NoBearHuntNV.org

Friday, August 12, 2011 – 11 a.m.

Chairman Raine called the meeting to order and introduced new Commissioners Robb, Drew and McNinch, who thanked the CABMWs and others for supporting their nominations to the Commission. Commissioners McBeath and Wallace thanked the CABMWs and others for support of their re-appointment to the Commission. The Commission's new Deputy Attorney General (DAG) Cassandra Joseph was also introduced.

DAG Joseph said for Agenda Items #16 and #20 that the public comment period has been changed to allow public comment on anything not on the agenda.

CABMW Roll Call: Ken Wellington, Elko; Paul Dixon, Clark; Daryl Harwell, Washoe; Gil Yanuck, Carson; Tom Cassinelli, Humboldt; Rex Flowers, Washoe; Walt Mandeville, Lyon; Bill Meyer, Lyon; Sam Bradley, Churchill; Mike Turnipseed, Douglas; Billie Williams, Mineral; and Joe Crim, Pershing.

2 Election of Officers –

COMMISSIONER HOWELL NOMINATED COMMISSIONER RAINE AS CHAIRMAN.

COMMISSIONER WALLACE NOMINATED COMMISSIONER MCBEATH FOR CHAIRMAN

Public Comment –

Mel Belding, of Washoe County said he is representing himself and other sportsmen, and that he throws full support behind Commissioner McBeath for him being a “rock” since he has been here and has much respect for him and he is worthy of the position and deserves it.

Don Molde, representing himself, said he does support Commissioner McBeath, and thanked Chairman Raine for the consideration and courtesy shown to him over the past years and has greatly enjoyed the contact he has had with him.

COMMISSIONERS IN FAVOR OF COMMISSIONER RAINE’S NOMINATION: VOGLER, SHRUM, HOWELL, AND RAINE. COMMISSIONERS OPPOSED: DREW, MCBEATH, ROBB, MCNINCH, AND WALLACE. NOMINATION FAILED 4 – 5.

COMMISSIONERS IN FAVOR OF COMMISSIONER MCBEATH’S NOMINATION: DREW, MCBEATH, ROBB, MCNINCH, AND WALLACE. COMMISSIONERS OPPOSED: VOGLER, SHRUM, HOWELL, AND RAINE. NOMINATION PASSED 5 – 4.

Chairman McBeath asked for nominations for vice chairman.

COMMISSIONER HOWELL NOMINATED HANK VOGLER AS VICE CHAIR.

COMMISSIONER MCNINCH NOMINATED JACK ROBB AS VICE CHAIR.

Public comment on vice chair nominations: None

COMMISSIONERS IN FAVOR OF COMMISSIONER VOGLER’S NOMINATION: VOGLER, SHRUM, HOWELL, AND RAINE. COMMISSIONERS OPPOSED: DREW, MCBEATH, ROBB, MCNINCH, AND WALLACE. NOMINATION FAILED 4 – 5.

COMMISSIONERS IN FAVOR OF COMMISSIONER ROBB’S NOMINATION: DREW, MCBEATH, ROBB, MCNINCH, AND WALLACE. COMMISSIONERS OPPOSED: VOGLER, SHRUM, HOWELL, AND RAINE. NOMINATION PASSED 5 – 4.

3 Approval of Agenda –

Commissioner Drew commented that agenda items #13 and #23 B are slated for action and no support material accompanied the two items and he would like to obtain as much CABMW and public comment as possible, and that without support material, the Commission does not get adequate input. He also heard the same comment at the two CABMW meetings that he attended and saw in the minutes of the CABMWs that there was no support material supporting the two items. He asked that the availability of support material be considered when approving the agenda.

DAG Nguyen requested agenda item #15 F be moved to Saturday as she will not be present all day on Aug. 12.

COMMISSIONER DREW MOVED TO TABLE AGENDA ITEMS #13 AND #23 B. COMMISSIONER ROBB SECONDED THE MOTION.

Commissioner Raine asked for public comment and procedurally how to proceed.

Chairman McBeath said the public can speak on each motion specifically.

Commissioner Raine said his style as chairman was to allow Commissioners to add items to the agenda and be discussed and if they think strongly about something, it should be on the agenda, and that was case with #23 B, and that is how that came about. Commissioner Vogler can explain #13.

Commissioner McNinch said he would add to this discussion, agenda item #11 B, the falconry regulation, because as he understands it, the regulation is not due until 2014 and would be premature to take action at this time. He said this item should be brought back to a future meeting and he will amend the original motion.

COMMISSIONERS DREW AND ROBB AS THE MOTION MAKER AND SECOND AGREED WITH THE AMENDMENT TO THE ORIGINAL MOTION.

Commissioner Drew understands Commissioner Raine's point and does not disagree and that is why he did not move to include #23 A removed as it is informational but before this Commission takes action, it needs to know where the CABMWs stand on these issues, and they need the support material to provide input, and due to lack of support material is why he made that motion.

Commissioner Raine said he knows we are talking of falconry, agenda item #11 B, and if you noticed this was put here so the Commission could discuss and give instructions to staff. He envisioned discussion and is not creating a regulation, the reason for action was if the Commission chose to, they could give input on the process and rather than discussing as informational, it could be discussed by public and the Commission.

Commissioner McNinch said although we have that as an informational item does not preclude us from taking action.

Chairman McBeath restated the motion as amended, is to table items #13, #11 B, #23 B.

Public Comment -

Chairman Paul Dixon, Clark CABMW, said when his agenda was compiled he had hoped he would see from the Commission information related to sage grouse hunting and Wildlife Damage Management Committee and as no meaningful information provided in the mail-out they took no action and advised that if Commission proceeds with those items there will no meaningful CABMW input.

Tom Cassinelli, Humboldt CABMW, said he is the rancher representative for Humboldt CABMW and that he would like more input on #23 as Nevada Cattlemen's and Nevada Farm Bureau are both opposed. He said Commissioner Vogler is supposed to be rancher representative and the Commission should go it alone on this as he knows not many ranchers are in favor of this. He said we are getting great wing data and to cutoff the hunt would hurt the effort to keep sage-grouse off the ESA list. For those two reasons he would like it put into record that Nevada Cattlemen's Association is not behind this and Reno Gazette-Journal article states ranching rep Commissioner Vogler as the ranching representative and not sure about that, as two major ranching interests in the state are opposed, and majority of people he spoke to are opposed and would like this taken off.

Mel Belding, Washoe County resident, said "ditto" to what Mr. Cassinelli just said. Cooperation between sportsmen and sage-grouse, on this particular issue is second to none. He counts sage-grouse and is constantly invited to stay with ranchers who expressed how important to save grazing and not get a bird listed. He feels that partnership between sportsmen, ranchers, and farmers that has been formed should continue anyway we can.

Daryl Harwell, Washoe CABMW, said at their meeting they tabled #13 as no support material for it, and his board probably sent last email with minutes. On #23 B, their motion was to recommend that Commission approve any 2011 sage grouse hunt but take no action or recommendation of closure without going to the CABMWs.

Vice Chairman Walt Mandeville, Lyon CABMW, said he would echo everything said so far as no support material for these items and at their meeting no opportunity to discuss those issues. Sage grouse season allows NDOW to collect data from the bird and if you close season, there is no other way to monitor the population unless it does become endangered. They would like more support material to discuss those issues.

Doug Busselman, Nevada Farm Bureau, said for the record it needs to be clarified that Nevada Farm Bureau would probably be opposed to closing sage-grouse season and agenda item being discussed is whether to have the item on the agenda and from that point of view they do not have problem with discussion or deliberation but want to clarify that position would likely be that they are not in favor of closing the season.

Discussion Returned to Commission -

Commissioner Vogler said he has everyone's attention, which was his intention with this agenda item. He said Judge Winmill shut down allotments in northern Elko County and

Fallon

received \$15 million in extortion money from Ruby Pipeline, and rural communities of Nevada are extremely dependent on ranching and mining. He lived in southeast Oregon for the first 35 years of his life and watched the spotted owl destroy an industry, ranching and other things. No one paid attention and waited for someone else to do something. The intention shows that proactive action needs to be taken not reactive. Whether he represents woolgrowers who unanimously support this and wants attention to this industry and we have done 10 or 12 years of wing studies and state needs to tell the federal government that we can manage and wanted Nevada to step up and be the first. Director Mayer has close relationship with Governor and can bring this up with them. He did talk to Nevada Cattleman's Association and provided his position and to Nevada Farm Bureau who he does not represent. He had a group of people who were going to come in and put their case on with fencing of properties, and whomever they dealt with, made them feel betrayed so they did not come today. As far as the rest of the predator control, he understands with new makeup of Commission there is a paradigm shift, that now everything is habitat and knows we will have a complete reversal of direction, and just did not want to hand out information that would be invalidated as soon as we had an election of officers.

Commissioner Drew said he agrees with Commissioner Vogler on some of his points but to move forward, this is a communication issue between the Department, the Commission, and the CABMWs, and that needs to change and that is the reason for his motion but this board cannot make decisions without sufficient input of CABMWs who cannot do that without adequate support material.

COMMISSIONERS IN FAVOR: MCBEATH, MCNINCH, ROBB, DREW, AND WALLACE. COMMISSIONERS OPPOSED: RAINE, VOGLER, HOWELL, AND SHRUM. MOTION AS AMENDED PASSED 5 – 4.

Chairman McBeath said he has a point in regard to #23 A – which he discussed with Director Mayer, and understands this is an issue that needs to be discussed, but in the proper way, and understands that U.S. Fish and Wildlife Service will not be here to discuss this item and the discussion needs to be complete and therefore need to table #23 A and bring back as informational item before next year's June meeting.

CHAIRMAN MCBEATH MOVED TO TABLE #23 A.

Commissioner Wallace asked for clarification whether this would be on the September agenda.

Chairman McBeath said he will amend his motion to include hearing it at the September meeting if representatives from the federal agencies are available.

Director Mayer said the Bureau of Land Management's (BLM) new director Amy Lueders and BLM State Deputy Director Raul Morales need to be included and he can invite them. He said for clarification that the bi-state Nevada and California population is not hunted by Nevadans, and there are many issues worthy of discussion.

CHAIRMAN MCBEATH AMENDED HIS MOTION TO HAVE THE ITEM ON THE SEPTEMBER AGENDA. COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner Drew said he thinks sage-grouse is biggest issue this Commission will deal with and sage-grouse may need to be on every agenda and is interested in how the public wants this handled going forward.

Commissioner McNinch said he would support motion, and would ask to include in that motion, an update on statewide conservation plan efforts as there are a number of working groups and upland game stamp proposals include proposals for sage-grouse.

Public Comment –

Mike Turnipseed, Douglas CABMW, said at one point in his career he used to be the director of the Department of Conservation and Natural Resources and at that time the Department of Wildlife was under him and the Governor's Sage Grouse Task Force was created and a lot of man-time hours and effort were put into that sage-grouse plan by multiple state and federal agencies, environmental groups, and multiple local groups who came up with sage-grouse plans and folded them into the state plan. He said to not take that lightly as much time and effort was put into the plan.

Gil Yanuck, Carson CABMW, said he has been participating on the Governor's Sage Grouse Task since 2002 and the issue was not forgotten after state conservation plans created. He said it is being brought back to life by court decisions and the level of priority for listing of Greater Sage-grouse and the subspecies in the bi-state area. Commissioner Vogler is correct that this is serious because if listing goes into effect it will affect the economy of the state in ways no one realizes. Mr. Yanuck said it is too bad the minutes of various meetings are not widely published and distributed so that the Commission could get up to date. The big concern was the bi-state area and they were told by Steve Able at the last meeting that one decision is to give bi-state areas a priority rating which is going to happen if we don't do something real soon. One issue brought up is that in Nevada we lack regulatory control to protect the bird in that area. Your plan should be to bring people from federal agencies here to give us an education as everyone needs to understand the role they play in this giant problem that is facing Nevada and all the western states in regard to sage-grouse.

Doug Busselman, Nevada Farm Bureau, said he was a member of the original Governor's Sage Grouse Team in 2000 to develop the plan and he would encourage the Commission to go forward with the report on agenda item #23 A as there is value to have the Department discuss the conservation plan that needs updating and Commissioner Volger's intent to have this at the forefront for discussion should be followed.

Fallon

Don Molde said he was quite excited when he saw this item on the agenda as you never see the value of hunting discussed by this agency that controls hunting, and from general public viewpoint this is a dramatic addition. It is important and general public does not understand how you have to kill an animal to save it. He thanked Shawn Espinosa for sending him information and would suggest that Professor Don Klebenow's name be included at the September meeting as he did research on sage-grouse in Nevada.

Paul Dixon, Clark CABMW, said for clarity for new board members, is that when Clark CABMW, crafts their agenda they are limited by time and only agendizes action items and when they tabled this they tabled the informational portion and the Commission will see that in their action report.

Commissioner Vogler said we have 10 to 12 years of information and if we wait for U.S. Fish and Wildlife Service, Judge Winmill will say it needs to be done by 2013 or 2015 and if we sit and wait for that will we be like miners and ranchers, or will we be reactive as our Governor can approach the federal government. He personally is involved in two NRCS projects and as a result NDOW conducts sage hen studies in his meadows. He wants to make sure the 16 rural counties are not the dumping ground for Clark County.

COMMISSIONER WALLACE SAID HE SECONDED THE MOTION FOR DISCUSSION AND AFTER THE DISCUSSION, HE WITHDREW HIS SECOND. CHAIRMAN MCBEATH WITHDREW MOTION.

Commissioner Robb said on the agenda he agrees with Commissioner Drew that all action items should have support material but also believes the same for informational items. He tried to find out more on agenda item #24 to try to have a meaningful discussion, as previously he served on the Commission's Bighorn Sheep Committee, but he could not prepare for today's discussion without support material. It is important not to just have presentations but to have active discussion.

Commissioner Raine said he added #24 to the agenda as it is good historical information and Mr. Gardner's database is available online at "gardnerfiles.com."

Chairman McBeath said his comment on this is, that for the past three years we have sat here and had agenda items forced on us with no support material and he is here to say from now on those days are over, and if a Commissioner wants to put an item on the agenda, there will be support material, and we will get CABMW input to have meaningful discussions on those items. There will be no springing of items to put people on the spot or make them look bad, that will not happen on his watch. This agenda item was placed on the agenda for this meeting knowing full well that on July 1 there would be a changing of the guard and that was done knowing the risk, that there would be a new chair and vice chair and new Commissioners, and that maybe the new Commission would not agree. In fairness to Mr. Gardner he believes he should come back and have a say and that is why he seconded the motion.

Fallon

Commissioner Robb said this really is not about bighorn sheep rather it is about information going to CABMWs and nothing more and that is his biggest heartburn with this item.

Commissioner Drew asked if Commissioner Robb would amend his motion to bring Mr. Gardner back to the September meeting.

COMMISSIONER DREW AMENDED THE MOTION TO HAVE MR. GARDNER BACK IN SEPTEMBER. CHAIRMAN MCBEATH SECONDED THE AMENDMENT TO THE MOTION.

Judi Caron, from Washoe County, said she attends her local CABMW meetings and without support material you cannot discern the direction the discussion will go and that you do need support material to actively engage.

COMMISSIONER ROBB RESTATED THE MOTION: TABLE AND BRING MR. GARDNER BACK TO SEPTEMBER MEETING AND REQUIREMENT FOR SEPTEMBER IS THAT INFORMATION HE WILL DISCUSS IS PROVIDED TO CABMW AND DEPARTMENT. CHAIRMAN MCBEATH SECONDED THE MOTION.

Chairman McBeath said DAG Joseph is indicating that he must withdraw previous motion and have all discussion prior to Commissioner Robb's statement withdrawn and have a motion as restated.

COMMISSIONERS IN FAVOR: MCBEATH, MCNINCH, ROBB, DREW, AND WALLACE. COMMISSIONERS OPPOSED: RAINE, VOGLER, HOWELL, AND SHRUM. MOTION PASSED 5 – 4.

Chairman McBeath said only one more item – the Commission has received a tremendous amount of correspondence in emails with respect to the bear regulation. The bear regulation had been scheduled for this meeting, and unfortunately received intervening decision from the court that caused procedural issue affecting permanent regulation and deemed prudent to take in judge's order, and subsequently had to move bear regulation to September meeting. The problem with that is that meeting is in Las Vegas. With regard to agenda items #27 and #28, also had proposal to move those items from Reno to Las Vegas to take advantage of Rocky Mountain Elk Foundation being there. Original discussion from agenda item was to basically flip those two meeting. He said emails are asking to move meeting to Reno and he asked Department to check if office could be available for participation from the public for the bear agenda items.

Secretary Mayer said he will have staff check on possibilities for teleconferencing from the Las Vegas office.

CHAIRMAN MCBEATH SAID THE NEXT ITEM IS TO INSERT ANOTHER AGENDA ITEM - A PUBLIC COMMENT AGENDA ITEM FOLLOWING THIS ITEM, #3, APPROVAL OF THE AGENDA. COMMISSIONER DREW SECONDED.

Commissioner Raine asked whether the motion could be amended to include approval of the agenda.

Commissioner Drew said there is one outstanding request from counsel.

Chairman McBeath and Commissioner Drew withdrew the motion and the second.

CHAIRMAN MCBEATH MOVED TO CREATE THE NEW PUBLIC COMMENT PERIOD FOLLOWING THIS AGENDA ITEM AND MOVE THE LITIGATION REPORT AGENDA ITEM #15 F TO SATURDAY AT END OF INFORMATIONAL ITEMS AND APPROVE AGENDA AS AMENDED. COMMISSIONER DREW SECONDED THE MOTION.

Public Comment – None

Commissioner McNinch said he wants to make sure with the DAG that it is okay to add this agenda item that he does not believe is necessary and last thing he wants to see is a complaint that we added something that did not need to be there.

DAG Joseph said the Commission is fine in adding an additional public comment period.

VOTE WAS UNANIMOUS, MOTION CARRIED 9 – 0.

*Additional Public Comment Period

Hal Taylor said he is the attorney who lost the bear litigation case and is representing himself and has gone to many administrative meetings however these meeting have been exciting. He asked the DAG to explain why the Commission cannot take action to change the meeting location at this time.

DAG Joseph said Commission cannot take action to move the meeting location as that has not been agendized or properly noticed.

Mr. Taylor said at the September meeting he would ask board to take consideration of public interest in the issue and suggest when permanent regulation is considered whether you even need to take action on the permanent regulation as you can consider the 2011 status of the hunt. He asked that the Commission address level of discomfort with allowing hunting bears with a dog. He said he shares office space with Tom Papez in Ely and Mr. Papez asked Mr. Taylor to read his statement opposing the bear hunt authorized by the Commission.

Fallon

Sheila Shawdwill, said she is a real estate broker since 1984 at Lake Tahoe stated that the pending regulation to allow bear hunting will present problem for homeowners whose land borders the U.S. Forest Service, as those people actually think hunting is banned in basin, there may be a possible decrease in property values and sellers may have to disclose hunting. Most second home buyers buy and invest in Tahoe for the outdoor recreational values and do not buy to hunt and property owners place value on bordering federal lands. She said her comments were left out of Douglas CABMW minutes. The amount of money spent by hunters is nothing compared to what is generated by real estate transactions.

Don Molde said he is providing a guide for comments for people to comment on draft Environmental Impact Statement (EIS) for Las Vegas water importation and pipeline right-of-way being processed by BLM for Southern Nevada. He said this project will change eastern Nevada as we know it, due to proposed pumping activity and if sportsmen are not aware, that is why he brought them and a meeting will be held in Reno next week as well.

Chairman Paul Dixon, Clark CABMW, said he brought up issue at CABMW meeting that relates to Mr. Molde and water rights, is that former Nevada Test Site now Nevada Security Site has EIS document for review and if you are concerned with activities on site he recommends that you check that site as this will impact residents in Nye County.

Walt Mandeville, Lyon CABMW, said in regard to Policy #51 which was changed this past year, his board heard numerous complaints and they voted to recommend that the Wildlife Commission consider repealing Policy #51 and reverting back to the original policy that honored Commissioner Kirch.

Buck Sampson, said bear hunt is illegal in his eyes and to Native Americans as no consultation with any of the tribes nearest to the bear hunt. Secondly, they use bear parts in traditional bear dance ceremonies, and some have ability to communicate with bears and use bears to help in their survival and they do not hunt bears for fun rather to use bear parts for sacred and traditional ways and medicinal needs. They see the hunt as eradicating the bear as populations of Native Americans were and bears are sacred. He is against the bear hunt.

4 Boating Officer of the Year Award – Chief Game Warden Rob Buonamici

Chief Game Warden Buonamici presented the Boating Officer of the Year Award to John Swisher who started with the Department as a fishery technician and has brought law and order to Lahontan Reservoir and as a result Lahontan is a safer water for boating activities. Game Warden Swisher is also known for his teamwork approach and Navigational Aid maintenance; and is a Defensive Tactics Instructor.

5 Member Items/Announcements

Commissioner Drew said we need better and timely support material for CABMW meetings, reinstate original Kirch Award, review of Policy #28 at future meeting, and receive an update on disallowing of certain powder during muzzleloader seasons.

Commissioner Wallace said need more information provided on sage-grouse at September meeting and would like that continued on agendas.

Commissioner Robb said for Policy #51 he would like the same language from the policy in 2003, and also would like information on depredation hunt around Atlanta Farms as that issue seems to be blowing up in Lincoln County and White Pine County.

6 CABMW Member Items

Chairman Paul Dixon, Clark CABMW, said they would ask for Policy #51, Kirch Award, reinstatement as Clark CABMW unanimously recommended with no public dissension that policy be reopened for public comment and possibly revise wording to get back to original award, or decide whether we take existing Lifetime Achievement Award which is not bad as an award as it looks at different things then Kirch Award and look to see if we can have both. Secondly, the Clark CABMW and public at the meeting, have received fairly large amounts of email over last six months, as recommended that mule deer policy be reopened as numerous items ignored during development and during public debate at Commission meetings, and think current policy is flawed and would ask to cancel policy until it can be repaired as is broad policy and needs to reflect how we care for mule deer in Nevada and do it in fashion that engages everyone.

Chairman Rex Flowers, Washoe CABMW, said Policy #51 was an action item on their agenda and they recommended that it be brought back by the Commission in its original format, as they were very vocal in that, as they were when it was done away with.

Chairman Gil Yanuck, Carson CABMW, said on behalf of residents of Carson City they want to thank the Commission and all involved for Baily Pond in Carson City which was completed and the pond has heavy usage and every time you drive by you see people fishing.

7 Approval of Minutes from the March, April, May and June meetings.

Commissioners Drew, McNinch and Robb abstained from the vote on approval of the minutes as they were not on the Commission during those meetings.

COMMISSIONER HOWELL MOVED TO APPROVE THE MINUTES. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: MCBEATH, HOWELL, RAINE, SHRUM, VOGLER AND WALLACE. MOTION CARRIED 6 – 0. COMMISSIONERS DREW, MCNINCH, AND ROBB ABSTAINED.

8 Correspondence –

Commissioner McNinch said he had significant amounts of email addressing the bear hunt, and that he had email correspondence from Tina Nappe requesting clarification that at the Sept. 23, 2010, Finance Committee meeting, former Commissioner Lent had a conversation with her about non-sportsmen's groups not contributing. Commissioner Lent said Ms. Nappe responded that they would never contribute to the Nevada Department of Wildlife. She asked that the minutes reflect that she does not recall that conversation and her email outlines strategies she has been involved in to engage non-sportsmen in legislative funding, and again she wanted that included in the record, and does not recall that conversation.

Commissioner Raine said he had correspondence from someone requesting that there be more bear indoctrination classes and possibly allowing guides to attend in their stead; a letter from him to Nevada Bighorns Unlimited (NBU) requesting they give back the difference in funding of \$18,000 and their response (exhibit file); email concerning dead lions on falconry (sic); letter on extension of deadline for bonus points and making regulations more hunter friendly.

Commissioner Drew also received bear correspondence; and had concerns with letter from Department disallowing blackhorn 209 powder for muzzleloading hunts mostly because of late notification, and whether or not youth hunters had been notified.

Commissioner Raine added correspondence received regarding whether a vehicle can be used as a rest for a weapon.

Chief Game Warden said in response to Commissioner Raine that using a vehicle as a rest is unlawful and is prohibited by NRS as have had accidents with folks using vehicles as a rest.

Chairman McBeath said letter sent by Department to Tracy Hammond who was mistakenly issued a Partnership in Wildlife Rocky Mountain goat tag in a Department error, and that at the Clark CABMW meeting Mr. Hammond expressed his displeasure that no letter received by him from the Department and on Aug. 11 he received letter stating bonus points reinstated. He said he received Part I of Hunting History as submitted by Assemblyman Ira Hansen, and correspondence between himself and Marlene Kirch relative to Policy #51.

Commissioner Vogler said David Lytle of Nevada Woolgrowers Association and other members contacted him on bighorn sheep augmentation and introduction of wild sheep in Goshute Range which is largest concentration of winter sheep range in Nevada in the winter and would be an instant conflict and as NDOW handles the wildlife it would only be minutes before Western Watersheds would want sue over their close proximity, are people aware that in Colorado now that sheep gone they are connecting, the die-off to hemolytica A with cattle.

*** Commissioner Vogler Absent from meeting from this point through adjournment on Sat., August 13, 2011.*

9 Duck Stamp Request – Chief of Habitat Elmer Bull – Action

Chief Elmer Bull of the Habitat Division said as noted he will present list of proposals submitted by field personnel for funding from the duck stamp. The proposed 21 projects are detailed in the support material and the request for funding is in the amount of \$139,407.

Commissioner Raine said the wood duck study has been underway for nine years and asked why so long and what are the anticipated results.

Chief Bull said Dr. Chris Nicolai is here today for questions and the project proposal was submitted by Department of Wildlife Biologist Russell Woolstenhulme.

Mr. Nicolai explained the project and provided a document entitled “The Fallon Wood Duck Project” (document in support material, exhibit #9).

Commissioner Shrum said he has an aversion to funding the nine-year project any further.

Public Comment –

Daryl Harwell representing himself said project helps the state as wood duck banding project assists the state with meeting federal guidelines to hunt migratory birds in Nevada. He said the study put Nevada on the map.

Chairman Gil Yanuck, Carson CABMW, said general consensus is that all willing to sacrifice ability to hunt to gather information as information brought back far more valuable than ability to take waterfowl.

Mike Turnipseed, Douglas CABMW, said he would return to waterfowl hunting if not so gender specific.

Chairman Paul Dixon, Clark CABMW, commended staff for putting together a report that was intelligible and only thing missing was the answer to why the account balance was so high. Overton WMA has deteriorated and had many waterfowl hunters in attendance, and wanted to determine needed projects.

COMMISSIONER DREW MOVED TO SUPPORT (DUCK STAMP REQUEST) AS PROPOSED. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: MCBEATH, ROBB, DREW, HOWELL, MCNINCH, RAINE, AND WALLACE. COMMISSIONER SHRUM OPPOSED. MOTION PASSED 7 – 1. COMMISSIONER VOGLER ABSENT.

10 Upland Game Stamp Request – Chief of Habitat Elmer Bull – Action

Chief Elmer Bull reviewed the projects in the support material and noted the total cost of the projects to be \$406,383.

Commissioner McNinch said this is a good time to point out that a lot of these projects are beneficial to local sage-grouse projects and are leveraging federal money with the funds being requested.

Commissioner Drew said he appreciates the sage-grouse emphasis and the partnerships and collaboration with the projects and would suggest that there is a large reserve in this account and would like that to be considered for sage-grouse projects.

Public Comment -

Walt Mandeville, Lyon CAMBW, said his board discussed the projects and had one issue, which is they are against the expenditures for the Surrogator for raising quail and pheasant as past efforts to raise this type of upland game did not work and it was expensive and not a good way to raise upland game. Survival rates were only 3 percent at the end of the year.

Chief Elmer Bull said in response to Mr. Mandeville he understands his concerns, and the Surragator program is simply a box and theory behind it is to minimize the exposure of birds to humans. They have proven fairly effective in other areas and are seeing increase in counts at Mason Valley. Expense wise is a little expensive but they are very durable and last for years. Pheasants are cheap, total cost not high.

Chairman Paul Dixon, Clark CABMW, said Clark CABMW supports all of these projects and they appreciate survey of guzzlers in Southern Nevada.

Commissioner Howell said at Kirch there are no pheasants around there anymore but they do have quail in private 40 acres. He said he could see augmenting quail but pheasants would be hard.

Chief Bull agreed that enhancing pheasants anywhere in the state would be a hard thing to do, feels that for this project we do have pretty good habitat that could support pheasants, and is worth the effort and not too costly to try.

COMMISSIONER WALLACE MOVED TO APPROVE THE 15 PROJECTS UNDER THE UPLAND GAME STAMP REQUEST IN THE AMOUNT OF \$406,383. COMMISSIONER DREW SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: MCBEATH, ROBB, DREW, HOWELL, MCNINCH, RAINE, SHRUM, AND WALLACE. MOTION CARRIED 8 – 0. COMMISSIONER VOGLER WAS NOT PRESENT.

11 Federal/State Falconry Regulation Update – Chief of Wildlife Diversity Laura Richards and Corey Dalton Nevada Falconers – Informational

Chief of Wildlife Diversity Laura Richards presented an informational update on the process and timeline to align state falconry regulations with federal falconry regulations. The U.S. Fish and Wildlife Service (USFWS) revised the federal regulations regarding falconry. The Nevada Department of Wildlife is currently drafting amendment language to Nevada Administrative Code governing the practice of falconry in Nevada. This effort is required to align the state regulations with the revised Federal regulations completed in 2008. The states have until 2014 to have their new regulations approved by the USFWS for the continued licensing of falconry. In Nevada, we have been formatting a set of draft state regulations incorporating the federal text. We have conducted our first round of falconers' meetings to present the draft regulation language for review and input. The meetings were held in Reno on May 18, at NDOW's HQ and in Las Vegas at NDOW's office May 19, 2011. All letters were sent to all licensed falconers inviting them to these meetings. There were 18 attendees at the Reno meeting and 17 attendees at the Las Vegas meeting. A copy of the state draft regulation language was posted online on NDOW's website and we accepted written comments from those that are not able to attend a meeting. Following the May scoping meetings, the NDOW team of License office staff, Law Enforcement Division staff and Wildlife Diversity Division Staff began revising the draft regulations revised based on feedback received. Some of the major changes we agreed to based on falconers input included:

- Moving the minimum apprentice falconer age back to 12 from 14
- Moving the minimum age for General falconer from 18 to 16
- We are incorporating CFR banding requirements and dropping the state requirements for all species to be banded.
- We have also incorporated CFR language on the species that may be possessed by an apprentice falconer.
- Others

Those revised regulations will be sent to LCB for review. Once the regulation is approved by LCB, we will submit this regulation for an agenda item for Commission approval this winter. This will allow for further public input. Following Commission approval, the regulation will be sent to the Legislative Regulations Committee for approval. The goal is to have the final approved regulation submitted to the USFWS in early 2012. We remain on track to have our state falconry regulations aligned to the new federal regulations well before the 2014 deadline. Also will update falconry database and the exam for falconers and submit them to the USFWS. They would greatly appreciate the assistance of the falconry community in developing that updated test. We appreciate the input we have received to date. They look forward to working with the falconry community over the next several months as these revised regulations are finalized. Together, we must ensure that the revised regulations are both in keeping with the needs of Nevada's falconers and the responsible conservation of the falconry resource.

A. Falconer's Report – Corey Dalton – Informational

Corey Dalton who represents a large percentage of the falconers in Nevada said to date they have provided input to the Department and staff have been more receptive and have been working together progressively. He said the falconers were concerned that their issue would fade away with all the changes in the Commission and the bear issue, and as a small group they appreciate the assistance from Department and Commission, and hope the sport will be done with the federal regulations and that both sides agree.

Chairman McBeath asked if the early 2012 time frame is doable.

Corey Dalton said the 2012 September cut-off is in three weeks which is fine as they knew they wouldn't make the new Federal Register as a state that adopted regulations, but are confident that they will make the December deadline. He said the main goal of his group is to reduce the complexity and keep regulations that the state tracks minimal so that funds are used in a meaningful way. Mr. Dalton said the process is moving in a positive direction.

Commissioner Raine asked Mr. Dalton to provide background on the support material developed by Mr. Dalton and he would also like NDOW's comments on it.

Chief of Wildlife Diversity Laura Richards said several months ago the NDOW team got together to investigate on how to revise falconry regulations and decided for ease of use by the public to pull federal language into NAC and that was sent out for review in May at public meetings.

Corey Dalton said their document was a secondary option for the Commission to decide if they want to go in that direction and was an exception document. He said the exception document had the premise to leave the federal regulation to reduce complexity and lessen number of NAC. He said a majority of the states have chosen to go in that direction.

Commissioner McNinch asked for clarification as to whether the support material the Commission received was the falconer's version or the NDOW version.

Chief Richards said draft regulations prior to scoping meetings were on the website but have not been posted yet with the revisions. Chief Richards said most of the content here represents the NDOW's document.

Chairman McBeath said the exception document is basically to incorporate federal regulations by reference, and he asked if amendment document will reflect changes to federal regulations.

Corey Dalton said that is correct as they felt that would be easier to maintain, and federal regulations are not going to change because in 2014 the federal government will not be regulating falconry and there will be no more changes but they had to establish base level nationwide.

12 Predation Management Plan FY 11 Report and Project Proposals Updates –
Chief of Game Larry Gilbertson – Informational

Chief Gilbertson said this is the draft plan and to date have not had the committee meeting to review predator project proposals, and that the budget detail has been updated in the plan. He said he hopes to finalize the plan at the Commission's next meeting.

Chairman McBeath said he will be reassigning the Commission's committees in the future.

15 Reports – Informational

A 2011 Nevada State Legislature Session Report – Management Analyst 3 Kim Jolly

MA 3 Jolly reviewed the matrix of legislation prepared for this meeting which was submitted in support material and is available online at ndow.org. She said that Bill Draft Requests are due to the Governor's Office in February 2012.

B Finance Committee – Commissioner Howell

Commissioner Howell said the committee reviewed position vacancies; overtime; and out-of-state travel.

C Western Association of Fish and Wildlife Agencies (WAFWA) Annual Conference – Chairman Raine and Secretary Mayer

Commissioner Raine said he attended WAFWA's Commission Committees and the two main topics were wolves and mule deer. He said the worst part of WAFWA is the special interest groups that sponsor invitation only events for the directors as that "looks bad." The good part is when all the Commissioners met and there was huge amount of unanimity between the Commissioners as all have similar frustration despite the fact that the states are all run differently. He said he heard from Commissioners there who had read the Nevada Department of Wildlife press release that talked "smack" about the Nevada Board of Wildlife Commission and the quota reduction, and their comments were, that they would have fired the people who wrote the press release and the director. Mule deer science is really interesting, and top three items of mule deer management that Commissions put forward is that number one is predation, carrying capacity issue, and deer modeling processes in other states. He said his suggestion is to run the deer model with different assumptions and bring that to the Commission. He recapped conversations with other Commissioners and his recommendation for the future is to send a different Commissioner every year.

Director Mayer said to clarify the record, as Commissioner Raine alluded to corruption with sponsoring organizations at WAFWA, is that the groups that sponsor the director functions are Ducks Unlimited, Intermountain West Joint Venture, Recreational Boating and Fish Foundation, and the National Wild Turkey Foundation, and all are groups that contribute to state agencies nationwide. He said at the Plenary Session the focus was social media and large-scale conservation. Media mogul Ted Turner was the speaker and he owns one-half million acres of land and he personally deals with conservation on a large scale. The social media is the wave of the future and getting our message out for recruiting hunters, getting information out, and agency legacy, also discussion with directors and Commissioners of the ESA and how the federal government is addressing that and also how they are ignoring state's rights. He chaired the National Greater Sage-grouse Executive Oversight Bird Committee which had standing room only and the BLM unveiled framework for their strategy for the first time to address regulatory framework for sage-grouse which has been the problem all along and now it is in their shop to modify Resource Management Plans across the west to provide that framework. Next WAFWA meeting is Jan. 5 – 8 in San Diego, the annual meeting is July 20 – 25, 2012, in Kona, Hawaii. He attended many subcommittees meetings and also in conjunction with WAFWA he attended the Colorado River Fish and Wildlife Council meeting and the Pacific Flyway Council meeting.

Commissioner Robb said from Commissioner Raine's comment about attendance at WAFWA, it sounded like he spent a lot of time on hiring director, and that is not Commission's purview as Governor hires the director. Also, all the comments on mule deer and mule deer and understands he did not make attend the first meeting of the mule deer committee meeting at WAFWA. He said attending WAFWA is an expenditure of sportsmen's dollars and he wonders whether we got our money's worth this year.

Commissioner Raine said in rebuttal to Commissioner Robb that the Commissioner Committee ran concurrently with the first day of the Mule Deer Committee and you try to attend everything you can. He said during the Commissioner Committee's meeting they discussed state's plans in depth for mule deer and some states to raise money are raising nonresident fees to the outer limits until demand meets supply for nonresident tags.

D Law Enforcement Practices in Incidents Involving Accidental Killing of Big Game Animals, Overview of Process for Determination of Penalties – Chief Game Warden Buonamici

Chairman McBeath said this item is to describe Law Enforcement's protocols for handling the accidental killing of a big game animal.

Chief Buonamici said accidental kills happen and the question is how to handle those accidents. Wardens are not robots and he provided scenarios of incidents and described how Law Enforcement handles accidents that are as identical as possible within the reality that there are different courts, jurisdictions, etc., and that through warden training sessions the Department has evolved with a philosophy of handling

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accidents derived from years of experience. He also reviewed the protocols for a Department employee and wardens involved in an accidental killing of a big game animal.

Chairman McBeath said the DAG is recommending that public comment be moved up to insure that the public has adequate time to comment. He said he would like to move public comment up and then return to informational items until 6 p.m. which is the time the doors lock.

CHAIRMAN MCBEATH MOVED TO MOVE AGENDA ITEM #16 TO FOLLOW #15 D. COMMISSIONER DREW SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY 8 - 0. COMMISSIONER VOGLER ABSENT.

16 Public Comment –

Cliff Gardner representing Rural Heritage Preservation Project which is a small number of elderly persons concerned with what is going on in America said he is here to ask to enter data into record as NDOW in past has published and disseminated data that is incorrect. Their greatest concern is data on page 4 of Nevada Division's of Wildlife Bighorn Sheep Management Plan. He provided a packet of documents for the record – Rural Heritage Preservation Finding of Fact, Assemblyman Ira Hansen History document, and an article authored by Wayne Burkhart on sage-grouse.

Kat Simmons said she is from a third generation Nevada family a family that fishes, hunts, and is a ranching family, and that this bear hunt that has been allowed to happen has devastated her family. She has a petition and has gotten over 200 signatures with only two in favor of the hunt. She watched a video of houndsmen releasing dogs on bears and was the most savage scene she has seen and that does not represent sportsmen in Nevada. She was saddened, and took her own children to Tahoe rehab open house and saw bears and learned those bears will be released in time for hunt. Hunting for sake of trophy has nothing to do with being a sportsmen, not a hunt is a slaughter. She and children opposed to hunt.

Sherine Kuckhoff, member of NoBearHuntNV.org said she lives in Incline Village and is a realtor. She has grave concern this hunt will impact tourism summer and winter. Tahoe prime destination resort. Incline Village is in Hunt Unit 194, Mt. Rose is Unit 196, Spooner and Marlette 192. Nevada has no requirements regarding public safety and this should have been addressed by this Commission before authorizing bear hunt and how will rules of no hunting be enforced within 1,000 feet of dwellings and trails. Ms. Kuckhoff said the lack of safety net invites terrible incident that could happen, and will be a disaster. Hunt should not happen. (Statement attached – Public Comment #16)

Kathryn Bricker, NoBearHuntNV.org provided statement. (Statement attached – Public Comment #16).

Misty Buttner, said she is a Native American and is speaking for herself, provided statement. (Statement attached – Public Comment #16).

Madonna Dunbar, said she is a resource conservation professional in Nevada and is addressing the Commission as a voter. The public is concerned with public safety and economy of Lake Tahoe, bear hunt is a financial drain of agency resources and public funds, and is basically being done so as few as six or up to as many as 20 hunters have a trophy hunt, the hunt won't address human/wildlife conflicts and the hunt has the potential for exacerbating the current situation. Ms. Dunbar asked that a working group be formed to address a non-lethal bear management plan. She strongly recommended closing discussion on permanent bear hunt, because on June 29 Governor Sandoval signed Assembly Bill (AB) 169 requiring the Commission to implement an Aquatic Invasive Species (AIS) plan to control and prevent invasive species such as quagga mussels invading Nevada waters and also inspect boats. Nevada is only western state without AIS plan and is a huge task with a deadline over six months away, recently invasive species found in Lahontan and Rye Patch. Water most precious resource and if mussels introduced could be costly as they destroy fisheries and recreational opportunities. She suggested the Commission concentrate on bigger picture and focus on AB 167.

Margaret Martini, said she is a native Nevada citizen and would like her statement in the record. (Statement attached – Public Comment #16).

Brett Jefferson, said he is a Washoe County resident and is speaking for himself. He said he is a member of the 1 percent who hunts bears. He and his family eat bear and hunt bear in Idaho and hunting is part of what we do in our family. NDOW has decided there is sustainable population of bears to hunt and now Nevadans do not have to travel to California or other states to hunt bears, unfair to deny him that opportunity. Idea that population is not growing is not accurate as number of bears in urban areas has grown and indication of bear population growing as bears are pressured to going into urban areas, and he would urge the Commission to continue on path of hunting bears in Nevada so that sportsmen do not have to go out of state.

Mark Hays, said he is a long-time native Nevadan, the bear is not a prey animal and has sacred spirits attached to it. He said this is like breaking a treaty, and why fix something that is not broken. If you only knew how powerful bear presence is in bear heaven equation. There is so much gun activity, wars, and street violence and more across the border. If you are playing God with nature to kill a bear is wrong. Go Bears!

Mike Bertoldi, said he is past president of Nevada Bighorns Unlimited (NBU) representing 4,000 sportsmen, and they support the bear hunt as it is based on sound science, is supported by bear biologist Carl Lackey who cares more about bears than some people in this room. Secondly, hunting is a management tool used by state agencies and the bear is only big game mammal not being managed by a hunt and that is why NBU supports this hunt.

Merlyn D. Dixon, said he is a Shoshone reservation resident, statement provided. (Statement attached – Public Comment #16).

Billy Howard, said he is an organizer for NoBearHuntNV.org from Reno, and provided an update on campaign to gather signatures from residents in Nevada and California. He provided a jump drive for the exhibit file. (Statement attached – Public Comment #16).

Tim Miller, NoBearHuntNV.org, said hunt area map 192, 194, 196, in Tahoe Basin are included in bear hunt area, also are multi-use recreational areas used by hikers and other outdoor recreationists. He said it seem that the Commission has ignored the large opposition to this thing, the Washoe CABMW voted against it, Incline voted against it, and thousands of signatures obtained by NoBearHunt.NV.org. Also, large batch of emails sent, and don't seem to be doing that.

Judi Caron said she is a member of conservation community in Nevada and has had a hunting license since 1973 and is proud of the Department of Wildlife, she trusts the Department and enjoys reading the Department's species' biological reports and hunters have never impacted to extinction a huntable species and she supports the bear hunt.

Mel Belding said he is a life-long resident of Nevada, and believes 1 percent of 19,000 is wrong and believes the number to be more like 60,000. As to the bear hunt he did not apply to hunt but supports it and NDOW. At the Washoe CABMW meeting they did not vote against the bear hunt rather they voted against the process of how the hunt was implemented. The fact is as many as 50 bears a year get euthanized and now a sportsmen wants to take a bear. He did not hear an outcry when bears got whacked for third time in garbage and can't believe we can't reach agreement on managing bears in a civil way. Mr. Belding suggested having a working group formed rather than discussing the issue in public comment. He said he respects Native American concerns.

Josh Vittori Washoe County said he agreed with Mr. Belding's comments and others and is supportive of bear hunting and he applied for a tag. He said on agenda item #22 that over two years ago a group of waterfowl hunters requested creating in eastern Nevada a third waterfowl zone. He was involved from the beginning with that and wants the season to open Oct. 1. He said there are not that many waterfowl hunters so they appreciate being heard on their request for a third waterfowl zone and if any amendments to season dates that favors youth hunters is a very good idea as he supports increased hunting opportunity.

Don Molde said he is opposed to the bear hunt not due to biology issue rather because every decision made by the Commission is two parts - can we do it and should we do it. He thinks "the should" part is clear as the public does not want the hunt and from that standpoint alone, the hunt is a bad idea.

Meeting recessed at 5:40 p.m.

17 Call to Order, Introduction and Roll Call of CABMWs to Manage Wildlife –
Chairman McBeath

Chairman McBeath called the meeting to order at 8:06 a.m. and said Friday's agenda was not fully completed; therefore he reordered the agenda for beginning with agenda item #21, #22 and then jump to #25 and #26 come back to #23, and finish with informational items.

CHAIRMAN MCBEATH MOVED TO CHANGE THE ORDER OF THE AGENDA, HAVE CALL TO ORDER, MEMBER ITEMS, CABMW ITEMS, PUBLIC COMMENT, THEN COMMISSIONER REGULATION (CR) 07 – 07, AMENDMENT #7, CR 11 – 11, THEN BIENNIAL UPLAND GAME RELEASE PLAN AND THEN BIENNIAL BIG GAME RELEASE TO SAGE GROUSE THEN FINISH WITH INFORMATIONAL REPORTS. COMMISSIONER MCNINCH SECONDED THE MOTION.

USFWS Biologist Chris Nicolai suggested the Commission hear his presentation on wood duck restrictions prior to taking action on the waterfowl seasons.

CHAIRMAN MCBEATH AMENDED HIS MOTION TO CHANGE AND INSERT AGENDA ITEM #15 H BETWEEN #21 AND #22. COMMISSIONER MCNINCH AS THE SECOND TO THE MOTION AGREED WITH THE CHANGE. MOTION CARRIED 8 – 0.COMMISSIONER VOGLER ABSENT.

CABMW Roll Call: Paul Dixon, Clark; Ken Wellington, Elko; Daryl Harwell, Washoe; Rex Flowers, Washoe; Doug Martin, Carson; Joe Crim, Pershing; Bill Myer, Lyon; Billie Williams, Mineral; Jesse Lattin, Churchill; Tom Cassinelli, Humboldt; and Daryl Harwell, Washoe CABMW.

18 Member Items/Announcements

Commissioner McNinch said Dr. Molde asked him to read a few letters into the record the first one was on ending the sage grouse season (exhibit file).

Commissioner Shrum received: A letter from a California resident in favor of the bear hunt; a letter from Assemblyman Ira Hansen concerning bobcat hunt asking for variation to season dates; and a letter from a man who reported a swan hunter and mailed statement to Elko office to make sure man was rewarded for reporting swan hunter to Operation Game Thief and having him arrested.

Chief Game Warden Buonamici said he will follow-up with Eastern Region staff in regard to conviction.

19 CABMW Member Items -

Daryl Harwell, Washoe CABMW, suggested that the Commission's Wildlife Damage Management Committee be actually called the "Predator Committee" as support material is denoted as predator management.

Chairman Ken Wellington, Elko CABMW, said he wanted to address Commissioner Vogler's statement in regard to a bighorn sheep transplant in Goshute area where he said people that lived there were not notified, as that is false and could be addressed by Mr. Cox. As far as committees, he would like the Tag Allocation Committee recreated and allow CABMW members the opportunity to participate on committees. Lastly, Nevada Outfitters and Guides came to their meeting and presented a program on "Wounded Warriors." He said that is program which takes wounded soldiers hunting on donated tags.

Chairman Paul Dixon, Clark CABMW, said in the past he requested, and it states under NRS that draft agenda be out four weeks and two weeks that support material is posted to the website, and believe if CABMWs had meetings two weeks in advance that would allow time for the Commission to understand their issues. He requested that be considered by the Commission and secondly important for Commissioners to attend their nearby and local CABMW meetings as that would help narrow focus at the Commission meeting.

*Public Comment –

Daryl Harwell, Nevada Waterfowl Association, said the court ruling received denying transfer of water right for wildlife and his organization will proceed with trying to get transfer and paid attorney to proceed with obtaining higher rate for wildlife.

Roll Call of Commissioners Present – Chairman McBeath, Commissioners Robb, Drew, Howell, McNinch, Raine, Shrum, and Wallace.

Chairman McBeath said Commissioner Vogler is absent and that Commissioner Vogler did not request to chair to be excused and part of reason he moved agenda item #23 to the end was to give him a chance to get here and may be contacting Secretary of Commission with action for Commissioner Vogler's unexcused absence.

21 Commission Regulation 07 - 07 Amendment #7 – Wildlife Staff Specialists
Russell Woolstenhulme and Shawn Espinosa - Action

Wildlife Staff Specialist Woolstenhulme said in regard to the bobcat season that the public and CABMWs had many questions and he showed a PowerPoint presentation on the Department's process and he answered questions from Commissioners as he proceeded.

Public Comment –

Joel Blakeslee, Nevada Trapper's Association (NTA), commended Mr. Woolstenhulme on excellent presentation and said there has been confusion over trapping data over the years, and Nevada has best bobcat management and data of anywhere in the world which he knows from personal experience and has 35 years of good data. NDOW needs to be commended for that. Four years ago poor recruitment data and shortened season and they agreed to that and since then two year trend of excellent recruitment and prey bases are rebounding. First of season is for eastern guys and end of season is for chukar hunters. He said fur prices are not predictable and what drives the price is the value of dollar and oil prices assist in determining price of pelts. NTA's recommendation (exhibit file) was provided in a letter dated Aug. 2, 2011, which is to return to the 120 plus season.

Commissioner Drew said the NTA dates are in conflict with some CABMW recommendations and would support NTA proposal but is concerned with that conflict.

Joel Blakeslee said he used to attend the CABMW meetings to discuss NTA proposals but did not do that this year.

Chairman McBeath said he recalls that the shortening of the season was to be temporary.

Mr. Blakeslee said at the time we had different furbearer biologist.

Mel Belding, Washoe County, said at the Washoe CABMW meeting he spoke in favor of Department recommendation and would withdraw that support as he did not know that biologists are predicting pelt prices down the road and has read that oil prices coming down, and 120 day season makes sense as that should assist with obtaining more data.

Chairman Ken Wellington, Elko CABMW, said they supported Department recommendation, but after hearing today's testimony has no problem supporting earlier season and the full length of the season.

Chairman Paul Dixon, Clark CABMW, said on his board they discussed this and as they have several trapping members on the Clark CABMW and from their perspective in southern Nevada they stopped trapping last year as they lost days to snow. He said they support Mr. Blakeslee and thanked him and Mr. Woolstenhulme as Mr. Woolstenhulme attended their meeting and having a biologist present at the meeting made a difference.

Rex Flowers, Washoe CABMW, said they too went with Department recommendation but after hearing presentation today he could support NTA.

Walt Mandeville, Lyon CABMW, said supported Department recommendation and also do not disagree with 120 day season. Recommend an effort to educate trapping public so that they are cautious as to where they set their traps.

Jesse Lattin, Churchill CABMW, said the public at their meeting recommended 120 day season and the board supported that recommendation from data provided.

Commissioner McNinch said he has another letter from Don Molde with the suggestion to tailor mule deer season similar to bobcat season (exhibit file) with no management areas statewide.

Commissioner Drew said two general comments, one he would like the Department to finish the Bobcat Bulletin and next time this season is set, the information provided today should also in the future be provided to the CABMW.

Biologist Caleb McAdoo said for clarification as it was alluded that biologists had speculated on high fur prices as a reason for the season adjustment and he said the biologists do not speculate on prices, rather they are looking at what was in conversations with fur buyers, was a decrease in supply and our opinion was effort would increase.

Chairman McBeath said the Commission's concern is always the resource and question to ask is population going to be impacted – the Commission considers all the factors.

Commissioner McNinch said he is concerned with Washoe Lake State Park and seven days a week of hunting as he knows many people use area during the week, and seemed to be a reasonable balance there and that seven days concerns him, and that is one area of the regulation he will not be able to support.

Mr. Woolstenhulme said he had extensive communication with State Parks and they submitted the change for public comment on their part and comment was received from bird watchers who use the park and their feelings were that during dead of winter there may not be that much bird watching opportunity and talked of times of year marshes are closed which is almost six months of year area closed due to bird nesting and they want to make usage equitable between user groups. Again, he said he worked with Washoe Park State Manager and they are in full support.

Commissioner McNinch said there is much information as to the biology but struggles with putting in discussion on economics and fuel. He appreciates NDOW looking at models for furbearers as to determine baselines and evaluations of data.

COMMISSIONER RAINE MOVED TO APPROVE BOBCAT PELT SEALING DATES AND MIGRATORY UPLAND GAME BIRD CHANGES AS PRESENTED BY DEPARTMENT. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner McNinch said he can't support the motion due to the change in Washoe State Park.

COMMISSIONERS IN FAVOR: CHAIRMAN MCBEATH, ROBB, DREW, HOWELL, RAINE, SHRUM, AND WALLACE. COMMISSIONERS OPPOSED: MCNINCH. COMMISSIONER VOGLER ABSENT. MOTION CARRIED 7 – 1.

COMMISSIONER RAINE MOVED TO OPEN BOTH SEASONS BOBCAT AND GRAY FOX TO RUN CONCURRENTLY ON NOV. 7 AND CLOSE ON LAST DAY OF FEBRUARY. COMMISSIONER HOWELL SECONDED THE MOTION.

Commissioner Robb said after everything he heard he can't support NDOW recommendation as believes we should go to the full 120 day season.

Chairman McBeath said he also can't support the motion as presented and the 120 day season seems reasonable.

COMMISSIONERS IN FAVOR OF THE MOTION: RAINE, HOWELL, AND SHRUM. COMMISSIONERS OPPOSED: CHAIRMAN MCBEATH, ROBB, DREW, MCNINCH, AND WALLACE. MOTION FAILED 3 – 5.

COMMISSIONER ROBB MOVED FOR BOBCAT AND GRAY FOX TO OPEN NOVEMBER 1 THROUGH LAST DAY OF FEBRUARY. COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner McNinch said he hopes we come up with a good model and get on the same page.

Commissioner Drew said he would support the Department recommendation however with the information presented and no biological impact he can support the 120 days.

COMMISSIONERS UNANIMOUSLY IN FAVOR OF THE MOTION, MOTION CARRIED 8 - 0. COMMISSIONER VOGLER ABSENT.

15 H Churchill County Wood Duck Harvest Experiment – U.S. Fish and Wildlife Service Biologist Chris Nicolai

Dr. Nicolai presented a PowerPoint presentation: Fallon Wood Duck Project, Effects of Harvest on Population Dynamics" (exhibit file). He said currently waterfowl regulations are conducted on series of surveys and can change annually and we are in the 17th year of liberal regulations which means hunters are shooting ducks at the highest rates ever and this year is the highest reported count of ducks since surveys began – an interesting enigma.

Director Mayer said Dr. Nicolai is to be commended and thanked him for his study as he is a passionate duck biologist and duck hunter and wished he worked for NDOW.

22 Commission Regulation 11 – 11 – Migratory Waterfowl – Wildlife Staff Specialist
Russell Woolstenhulme

Wildlife Staff Specialist Woolstenhulme reviewed the proposed regulation and answered questions from the Commission. He said if there are season date changes he will check to make sure it fits in the framework.

Public Comment -

Chairman Ken Wellington, Elko CABMW, said they would like was to have the youth hunt start in the Northeast Zone to begin Sept. 17, 2011, and end Jan. 14, 2012; for the adult Northeastern Zone for ducks to start on Sept. 24, 2011, and end Jan. 6, 2012, same with coots, snipe, both snow and Canadian geese and falconry; and for scaup they requested to stay with Department recommendation Oct. 1 – Dec. 23.

Daryl Harwell, Nevada Waterfowl Association, said his board made direct recommendation to endorse Department recommendation. The Washoe CABMW proposal was to keep youth hunt as is but move dates of youth hunt one day ahead and later but that does not conform with federal framework.

Chairman Paul Dixon, Clark CABMW, said they reviewed the recommendations and agreed with everything. He asked about the youth season in the Southern Zone and how it will work in Moapa Valley, as general hunting starts later.

Wildlife Staff Specialist Woolstenhulme said the youth would have to be closed in Moapa Valley to address that as can't add third day and puts youth and rest of zone within regular season.

Chairman Paul Dixon, Clark CABMW, said this is a housekeeping issue that needs to be taken care of, and need to add that youth hunting closed in Moapa Valley as the conditions are no water.

Wildlife Staff Specialist Woolstenhulme said need to add verbiage that early season Moapa Valley is closed as it cannot be outside of the federal framework.

Wildlife Staff Specialist Woolstenhulme said Chief Gilbertson mentioned that we translocate geese to Overton from Reno specifically for youth to hunt and either have to make Southern Zone an early youth day specific to Overton, or the opening needs to be within framework – Oct. 29 or Oct. 22.

Chairman McBeath said Oct. 22 would be preferred for Southern Zone.

Doug Martin, represents Carson CABMW, Canvasback Gun Club, and himself a 42 year veteran duck hunter. He said for clarification that at their meeting they had two guidelines with different youth days and his board acted on the proposal with one youth

hunt which was Oct. 1 date and other has two youth days Oct. 1 and Feb. 4, 2012. Mr. Martin said he is totally supportive of the youth hunt.

Wildlife Staff Specialist Woolstenhulme said the paperwork with one date was an informal email and the official recommendation had two youth dates.

Doug Martin, Carson CABMW, said they will change some of the CABMW recommendation as they voted to put the youth hunt at the end of the season. The Canvasback recommends the youth hunt be at the end of the hunt out of concern for water usage and putting water on marshes earlier than general open, would like it at the end, whether it is one or two days. He said they definitely support the youth hunt.

Jesse Lattin, Churchill CABMW, said they voted for Department recommendation of a youth day at the beginning and at the end and had public express that recommendation support and also voted to support Chris Nicolai's wood duck project.

Wildlife Staff Specialist Woolstenhulme said he had a comment for the Elko CABMW recommendation and that having scaup open a week later may cause them to miss opportunity as scaup pass through earlier and if scaup matched their general season recommendation they may have better opportunity to harvest scaup.

Ken Wellington, Elko CABMW, said they would support that.

COMMISSIONER HOWELL MOVED TO APPROVE CR 11 – 11, SEASONS, BAG LIMITS AND SPECIAL REGULATIONS FOR MIGRATORY WATERFOWL WITH FOLLOWING CHANGES: NORTHEAST ZONE SPECIAL YOUTH HUNT SEPT. 17 AND JAN. 14; NORTHWEST ZONE FEB. 4 AND 5; SOUTHERN ZONE OCT. 22 AND FEB. 4; AND NORTHEAST ZONE WANTED TO CHANGE THEIR OPEN SEASONS FOR DUCKS AND MERGANSERS FROM SEPT. 24 TO JAN. 6 AND EVERYTHING ELSE AS DEPARTMENT RECOMMENDED. COMMISSIONER SHRUM SECONDED THE MOTION.

CHAIRMAN MCBEATH MOVED TO AMEND THE MOTION WITH REGARD TO SPECIAL YOUTH WATERFOWL HUNT NORTHWEST ZONE, BASED ON CARSON CABMW AND CANVASBACK, KEEP OCT. 1, 2011, AND FEB. 4, 2012, ON YOUTH; DUCKS AND MERGANSERS IS CORRECT; SCAUP NORTHEAST ZONE START SEPT. 24 AND END DATE DEC. 16, AND CORRECTION IT IS NORTHWEST ZONE RATHER THAN NORTHERN ZONE (TYPO); COOTS AND COMMON MOORHENS THE DATE IS SEPT 24 – JAN. 6 NORTHEAST ZONE; COMMON SNIPES SEPT. 24 – JAN. 6; GEESSE, CANADA WHITE-FRONTED, SNOW, AND ROSS, SEPT. 24 – JAN. 6 FOR NORTHEAST ZONE; FALCONRY SEPT. 24 – JAN. 6. COMMISSIONER WALLACE SECONDED THE MOTION TO AMEND. SWAN SEASON AS PROPOSED. VOTE ON AMENDMENT UNANIMOUS. MOTION CARRIED 8 – 0. COMMISSIONER VOGLER ABSENT.

VOTE ON MAIN MOTION AS AMENDED: UNANIMOUS 8 – 0, COMMISSIONER VOGLER ABSENT.

COMMISSIONER RAINE MOVED THAT ALL ADDITIONAL ITEMS NOT COVERED BY ORIGINAL MOTION AS PASSED ARE PASSED AS PRESENTED BY DEPARTMENT IN SUPPORT MATERIAL. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY 8 – 0. COMMISSIONER VOGLER ABSENT.

- 25 Biennial Upland Game Release Plan for Fiscal Year 2012 and Fiscal Year 2013
– Wildlife Staff Specialist Shawn Espinosa – Action

Wildlife Staff Specialist Shawn Espinosa said the Biennial Upland Game Release Plan was sent in support material for this item and the Department developed the plan in accordance with Commission Policy #22 for Commission approval. He summarized highlights from the plan.

COMMISSIONER DREW MOVED TO APPROVE THE UPLAND GAME RELEASE PLAN AS PRESENTED. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY 8 – 0. COMMISSIONER VOGLER ABSENT.

- 26 Biennial Big Game Release Plan for Fiscal Year 2012 and Fiscal Year 2013 –
Wildlife Staff Specialist Mike Cox – Action

Wildlife Staff Specialist Cox said the plan was provided in support material for this meeting and he reviewed proposed augmentations as described in the plan for the next two fiscal years (exhibit file) and answered questions as he proceeded.

Public Comment –

Chairman Paul Dixon, Clark CABMW, said at their meeting they discussed with the Department biologist that all sheep transplanted from Nevada carry the diseases already that caused the die-off in the North Rubies, and looking back to the 1990s the die-off was associated with extremely cold weather and there is supposition that there may be a tie with being a carrier and the extreme cold to succumbing to the disease. He has a veterinarian on his CABMW and they felt that the information obtained is worth the 50 bighorn sheep as you will study them from start to finish.

Floyd Rathbun, provided a handout (exhibit file), and said discussion he heard was encouraging as easy to transplant animals but you are transplanting all the parasites and pathogens and you do need careful veterinary oversight. He said Mr. Fulstone's concern is hold harmless agreements which they support and the idea of separation of domestic sheep and bighorn sheep is noted also and the control of predators on the domestic sheep benefitted the bighorn.

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Brett Jefferson, NBU, said in 2009 NDOW released 25 bighorn in the Stillwaters, in 2010 they released 40 bighorns in five different ranges and they believe the proposed plan is based on sound science and conservative biologist approach. The proposed translocation experiment is essential to understanding the disease over the long-term. NBU supports translocation of 740 animals proposed by the Department and has budgeted one-quarter of \$1 million of sportsmen's dollars to support the plan - \$100,000 is to habitat and water development and \$150,000 for the capture and release of bighorn sheep and pronghorn antelope. NBU sees this plan as an essential first step for increased opportunity for sportsmen and asked that the Commission approve and support the plan.

Rex Flowers, Washoe CABMW, said they supported the Department's release last year and again this year. Last year when the Virginia release came up it was shot down, and at they viewed it as an opportunity for the citizens of an urban area to have the chance to view bighorn sheep.

George Corner, Nevada Outfitters and Guides Association, said they received little feedback on this item and in regard to the plan, can conclusively say that the majority of the outfitters in Rubies and East Humboldt's support this plan. At the Elko CABMW meeting it was brought up that five rams out of East Humboldts, and Department was concerned that the rams would migrate back to the East Humboldts, and the Department wanted to remove them and provide them to a research facility.

Gil Yanuck, Carson CABMW, said they had a NDOW biologist at their meeting who presented the transplant in the Virginia Range and they saw the benefit to the public of having the bighorn sheep that are viewable and accessible.

Tom Cassinelli, Humboldt CABMW, said Humboldt County has been a recipient of many transplants and they support the Department recommendations. They had concerns with Virginia Range and he reiterated that you don't have to do everything for the act of hunting, as the species itself is more important, as the more bighorns established is a good thing, and if you can hunt them that is a plus. They had much discussion on Ruby herd and would love to see Alberta sheep brought back to the East Humboldts as those genetics were in there in the past.

Don Alt, said he has range land in the Virginia Range where that transplant will take place and that he was never notified of the transplant and if he has any loss or restricted grazing, he will consider that a "taking."

Walt Mandeville, Lyon CABMW, his board approved it and would like an opportunity along the line for viewing sites for educational trips to be developed and for safety.

Director Mel Belding, NBU, said this is exciting, and in regard to Virginia Range he said they will build water developments right away and have discussed the viewing areas with one of the guzzlers viewable from Interstate 80. Also, talked of cool-off for Unit 181 as to how long will we have to wait as 70 to 85 percent were in the die-off. He hunted

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that area two years later and stock was reintroduced from an area that had poor lamb recruitment and biologist may not have wanted those sheep, and it went from 19 in 1992 or 1993 to 257 in 2005. On the cool-off, now he is in that area constantly and almost back to numbers before die-off, and the cool-off is a guess, and may not be needed. He said same concerns and questions for the Delamars.

Commissioner Drew disclosed that the firm he is employed by, Resource Concepts in Carson City has several clients in Lincoln and one in Storey that could be impacted by the plan and on advice of counsel he will abstain from the vote on transplants in Lincoln and Storey Counties.

Commissioner Robb said he has been contacted by the superintendent of Storey County Schools in regard to the Virginia Range transplant and they are in great support of the transplant and will take students to view the bighorn sheep, the Storey County Commission supports it and are working with Lance Gilman the property owner, and basically everyone from Storey County who has contacted him asked for Commission support to go forward as they were disappointed that it did not go forward last year.

Commissioner Raine said he really likes one of the proposed projects, the idea of transplanting remaining sheep from the East Humboldts into the Rubies. The corollary to that is East Humboldts and is worried that it may be too soon for a transplant, as much work needs to be done to make sure clear of bighorn sheep that are in there, also need additional season to make sure that they don't wander back in. It would be prudent to put off one year, and make sure sheep don't go back in. Good idea to have study but pushing the timeframe, there is no imperative reason to do that. The Goshute is adjacent to Indian Reservation and sheep will wander and would be a concern. The Virginia Range will get approved, but need to think about the probability that the sheep won't stay on top of the mountain, as they will go down to river and residential area, and in the long-range a concern to him is using hunter's money to transplant sheep for non-hunting purposes and access is checkerboard which is another concern to him. For the Delamars his question is he would like to see whether this is the last transplant or should it be continual and would like something on paper as to the Department's plan.

Commissioner Howell said Mr. Alt should have been contacted and maybe there are others who were not contacted, and also Commission has policy that includes predator control prior to the transplant and that should not be forgotten especially for a reintroduction.

Commissioner Drew said his comments are towards Elko County projects and is pleased with permittee and NDOW working together in developing hold harmless agreements which needs to happen because in broader sense that demonstrates collaboration which should alleviate some of these discussions in the future, and in terms of support material, the more he receives to read the better. He said he knows there are risks with these projects and as a sportsmen representative he looks at the CABMWs and nine of the CABMWs are in favor and they understand the risks and are willing to put their dollars up for the projects. In regard to desert sheep, he understands

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there may be excess animals, and that should not be left out. He thinks there should be a caveat that all projects will move ahead with approval from the federal land management agencies as most of the projects occur on public lands.

Chairman McBeath asked Commissioner Drew to identify the projects that he had conflicts with.

Commissioner Drew said his conflict is with any project in Storey and Lincoln County.

COMMISSIONER DREW MOVED TO APPROVE THE DEPARTMENT'S BIENNIAL BIG GAME RELEASE PLAN FOR FISCAL YEAR 2012 AND FISCAL YEAR 2013 WITH THE EXCEPTION OF ANY PROJECT IN LINCOLN OR STOREY COUNTY. COMMISSIONER ROBB SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CHAIRMAN MCBEATH, DREW, ROBB, HOWELL, MCNINCH, SHRUM, AND WALLACE. OPPOSED: COMMISSIONER RAINE. MOTION CARRIED 7 – 1. COMMISSIONER VOGLER ABSENT.

Commissioner Robb asked Mr. Alt for clarification on his statement that he owned property in Storey County as to where the property is.

Mr. Alt said Lyon and small portion in Storey and is no longer a grazing allotment – no microphone.

COMMISSIONER ROBB MOVED TO APPROVE THE BIG GAME RELEASE PLAN FOR LINCOLN AND STOREY COUNTIES AS SUBMITTED ACROSS ALL SPECIES. MOTION SECONDED. COMMISSIONERS IN FAVOR OF THE MOTION: CHAIRMAN MCBEATH, ROBB, HOWELL, MCNINCH, RAINE, SHRUM, WALLACE. COMMISSIONER DREW ABSTAINED AND COMMISSIONER VOGLER ABSENT.

23 Sage Grouse Hunting – Commissioner Vogler – Informational

Chairman McBeath said item #23 B has been tabled and will deal with #23 and #23 A with Wildlife Staff Specialist Shawn Espinosa presenting these items. Biologist Espinosa made a PowerPoint presentation for this item (exhibit file) and answered questions from the Commission.

- A Report on all NDOW Actions in the Past Year and Actions Planned for current year to prevent Endangered Species Listing of Sage Grouse. Report of Department Opinion on Effects of Hunting on Sage Grouse Population, and Effects of Hunting on Possible Endangered Species Act Listing – Staff – Action

Biologist Espinosa made a PowerPoint presentation for this item (exhibit file) and answered questions from the Commission.

Public Comment –

Tom Cassinelli, Humboldt CABMW, said he is the ranching representative and they (ranchers and others) had concerns with the agenda item #23 B that was tabled yesterday - closure of sage grouse seasons. He said the Department has in place protection methods as we just heard with counts and the benefit of the open units outweighs the closure as the data gathered is important and we would have none of that without the hunt. He said historically sage hen were not that prolific in Nevada and sportsmen and ranchers have expanded the country which allowed wildlife to expand. He said sportsmen are out there trying to propagate animals. The point is that from hunting we gather information and it comes back to each species that is hunted and that comes from sportsmen money which is used to expand their habitat, as well as ranching. He has two sage grouse projects on his ranch as does Commissioner Vogler. We need the data to go along with it.

Doug Busselman, Nevada Farm Bureau, said he is an original member of the Governor's Sage Grouse Team and has worked for eight or nine years on the bi-state plan and supports hunting as a necessary tool that needs to be used as a sound management activity. He said he would bring forth to the Commission the need to go forward to re-evaluate the statewide plan, update it and efforts underway locally to revisit the plans and update them as well. He said we need sound conservation planning taking place that evaluate current threats and opportunities for restoration. He said they are committed to being involved at state and local level. He said they have concerns in rural Nevada that relate to certain activities such as BLM starting a top-down planning activity that has and Conservation Plan Process since 2000 involved private sector participation and getting to a point where we are seeing agency cooperation but are not bringing in the private sector as before and that needs to be addressed.

Chairman Paul Dixon, Clark CABMW, asked how successful the restoration efforts for habitat which were done after the drought in Nevada were.

Biologist Espinosa answered that restoration was met with variable success across the state. Fire rehab depended on slope and elevation, so mixed results, but some areas of the state, such as east of Midas and Tuscarora looks better than if we had done nothing. Kudos to BLM for seed mixes and was successful where used.

Daryl Harwell, Washoe CABMW, said this was moved to September meeting and as previously stated Washoe CABMW did not receive these PowerPoints and would be difficult for him to relay, and asked if PowerPoints could be sent by the Department to the CABMWs so that they can have the same information.

Rex Flowers, Washoe CABMW, said from the historical data, he would comment that for example the season in the 1960s was earlier and limits and possession were different than today and harvest numbers are affected by those factors which would account for the variance and that should be noted.

Fallon

Walt Mandeville, Lyon CABMW, said positive things are happening and closing the season because of its threatened status would be a mistake at this time, we need to continue efforts and have to remember that nothing happens overnight, and improvements in habitat can take a lifetime. The Lyon CABMW supports continuing the season.

Chairman McBeath asked the Department if the Commission or state should be doing anything in response to the USFWS.

Director Mayer said Mr. Espinosa will continue his work with the Governor's Sage Grouse Team and the Department is embedded in many different aspects of sage-grouse conservation and would suggest a standing agenda item on Commission agendas to keep apprised of conservation of the bird.

15 E Heritage Project Update – Deputy Director Patrick Cates

Deputy Director Cates provided a status report (exhibit file) of Heritage projects. He said projects extended from last year have contracts approved and extended. Fiscal Year 12 contracts are in various stages of completion and are denoted on the spreadsheet he provided.

15 F Litigation Report – Deputy Attorney General Nhu Nguyen

DAG Nguyen reviewed the report as submitted in support material.

15 I Wolf Listing Status in Nevada – Chief of Game Larry Gilbertson

Chief Gilbertson said status of wolves has not changed since the 1800s as wolves were occasionally seen and taken in Nevada. He said Nevada has been excluded from the Rocky Mountain Distinct Population Segment (DPS) by the USFWS; however, now that wolves have moved into Oregon and Washington the Service is looking at a Northwest DPS and one of the proposed maps includes the Central Valley of California and are looking at corridors through Nevada, and staff are participating in that process and hope to have same result with that DPS as the Rocky Mountain, and at this point in time, wolves are protected and listed as a big game species in Nevada and are managed by the federal government.

15 K Department Activities/Leadership Team Notes – Secretary Ken Mayer

Secretary Mayer said the format of the notes has been changed to bullet statements to hasten production and reading of the notes.

27 Future Commission Meeting – Director Ken Mayer and Chairman McBeath - Action

Director Mayer said that it has been suggested by DAG Howle that the Commission could have a teleconference to discuss moving the location of the September Commission to Reno as the Department does not have the videoconference facilities to tie the Las Vegas meeting to the Reno office for public participation.

Chairman McBeath said his preference would be to move the meeting to Reno and requested that the Department initiate a teleconference meeting with one agenda item – discussion of the change to the September meeting.

Commissioner Howell said he had two items for the next agenda, one being to budget for nine Commission meetings, and to make the wolf an unprotected species in Nevada.

Chairman McBeath said may have that on the agenda to see how the CABMWs feel about that.

Commissioner Drew said wants the update on sage-grouse on the agenda from federal agencies, and action items for Commission Policy #51 and possibility of suspending Commission Policy #28.

29 Public Comment –

Mike Smith, resident of Southwest Reno, said he is here to request the September meeting be moved to Reno.

Catherine Smith, Galena resident, also is requesting that the September meeting be in Reno as they are more affected than anyone else in the state by the bear hunt.

Chairman Paul Dixon, Clark CABMW, said the September meeting is the fishing regulation meeting and has two items he would like information on: When will Lake Mead be reopened to raise fish, and the status of the AIS legislative deadlines and if CABMW assistance is needed. Lastly, he would like to know the status of wild horse round-ups and pending legal action.

Commissioner Robb asked for a Walker Lake status report as to water quality analysis and the lake's prognosis on a future agenda.

28 2012 Commission Calendar Change – Secretary Mayer – Action

Deputy Director Haskins said the change is requested as the Sportsman's Expo and Rocky Mountain Elk Foundation Conventions will be in Las Vegas on Feb. 3 and 4, 2012, which would allow sportsmen and the Commission to attend.

COMMISSIONER MCNINCH MOVED TO APPROVE SWITCHING THE FEB. 3 AND 4, 2012, MEETING FROM RENO TO LAS VEGAS. COMMISSIONER DREW SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY 8 – 0. COMMISSIONER VOGLER ABSENT.

29 Public Comment –

Derrek Aaron, resident of Incline Village, said he is opposed to the bear hunt regulation. He read a passage from “Sagebrush and Slot Machines,” and the reason he read the passage as ultimately the decision by the Commission on the bear hunt affects state of Nevada and visitors to Lake Tahoe Basin. Decision must be made with respect to those who signed petitions and sent emails, and spent time and effort organizing opposition to the bear hunt. He said there are many organizations at Lake Tahoe that provide education on being “Bear Aware” and appropriately handling trash. Opposed to the hunt due to sheer number of persons opposed, which is estimated at 14,000; versus the small amount of number of hunters awarded a tag and is a gross disservice to the community and does not reflect voice of community. He said there is inconsistent data about bear population from Mr. Lackey and the Department.

Anthony Kalbeus, said he is a part-time resident of Incline Village, and is opposed to the bear hunt as it conflicts with other well established outdoor activities such as hiking and snow-shoeing. He said there are many hikers and on Aug. 20 he will stop hiking and is sure that most hunters are careful but only takes one or two accidents, and wants the Commission to know this interferes with outdoor hiking.

Cheri Hamilton, resident of Incline Village, said she has a vacation home in Incline Village and for the record is against the bear hunt. Her concern is safety of hikers and bikers and does not want to share the trail with hunters, as she does not want to be mistaken for a bear. After Aug. 20 she will not be hiking, and the Commission should listen to people. The people she has talked to will not continue to go outside once the hunt starts. A four month long bear season will have a definite impact on this well established recreational area, and urged the Commission to get out and talk and listen to people.

Mike Smith, Washoe County, said he reviewed the firearm congested area maps, and it seems they have failed to look at congested areas, and asked the Commission to really consider the area and the economic impact to the basin if tourists stay away and already could be a public relations problem and if the boundaries were changed would alleviate fear of people.

Meeting Adjourned at 4:16 p.m.

Note: The meeting was videotaped and is viewable on ndow.org. The minutes are a summary of the meeting. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request for review.

MINUTES

September 23 and 24, 2011

BOARD OF WILDLIFE COMMISSIONERS
Nevada Revised Statutes 501.167

Draft Minutes - Videotape of this meeting available for viewing at ndow.org

**Nevada Board of Wildlife Commissioners' Meeting
Nevada Department of Wildlife
1100 Valley Road
Reno, NV 89512**

Amended Agenda – 09/19/11
See Changes to Agenda Items #17, #18, and #22

Note: Public comment allowed on each action item and regulation workshop items and at the end of the meeting for items not on the agenda

Friday, September 23, 2011 – 9 a.m.

- 1 Call to Order, Roll Call of Commission and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman McBeath
- 2 Approval of Agenda – 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, combine items for consideration or take items out of order.
- 3 Member Items/Announcements and Correspondence – Chairman McBeath - 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 Mayer will also be discussed.
- 4 County Advisory Boards to Manage Wildlife (CABMW) Member Items –
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.
- 5 Commission General Regulation Number 393 - R002-11 - Bear Hunt - Program Officer III
Maureen Hullinger and Game Biologist Carl Lackey

Regulation Workshop – Informational – Public Comment Allowed

The Department will present biological information relative to Nevada's black bear and status of the hunt to date, and will present Commission General Regulation 393, Bear Hunt, for workshop discussion. The Commission will consider adoption of permanent regulations relating to a black bear hunt. The need for and purpose of the proposed regulation is: Regulate aspects of the bear hunt, including, without limitation, the eligibility and application process for a bear tag, inclusion in the bonus point program, weapons restrictions, the fee for a bear tag, reporting requirements, and prohibitions regarding baiting big game animals, sale of bear gall bladders, use of dogs to hunt and the killing of bear cubs.

- 6 Senate Bill (SB) 226 Nevada Trapping Regulations for Clark and Washoe Counties – Chief Game Warden Rob Buonomici and Management Analyst 3 Kim Jolly – For Possible Action
SB 226 was passed in the 2011 Legislative Session which requires the Nevada Board of Wildlife Commissioners to adopt regulations by December 31, 2012, governing the trapping of furbearing mammals in residential areas of a county whose population is 100,000 or more. Department staff is asking for Commission recommendations in drafting regulations to meet this requirement.
- 7 Reports – Informational
- A Review of Bureau of Land Management (BLM) Range Wide Sage Grouse Initiative – BLM Nevada State Deputy Director Raul Morales
- B History of Bighorn in the Great Basin, Facts and Fiction – Historian Cliff Gardner
- C Muzzleloader Black Powder Legal Issues – Chief Game Warden Rob Buonomici
The Department shall present information on legal black powder and black powder substitutes per regulatory language in NAC 503.142 for muzzleloader only hunts and its notification to muzzleloader tag holders that Blackhorn 209 is not a lawful powder to be used during the Nevada muzzleloader only hunt.
- D Atlanta Farms Depredation Hunt – Chief of Game Larry Gilbertson
The Department shall provide the history and background of events leading up to current management strategies for handling elk depredation at the Atlanta Farms.
- E Lake Mead Hatchery Update – Chief of Fisheries Mark Warren
A brief update will be presented on the status of the Lake Mead Hatchery including current activities.
- F Aquatic Invasive Species Update – Chief of Fisheries Mark Warren
A brief update on what is going on in the world of aquatic invasive species in Nevada in the past six months.
- 8 Public Comment Period

Saturday, September 24, 2011 – 8 a.m.

- 9 Call to Order, Roll Call of Commission and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman McBeath
- 10 Member Items/Announcements and Correspondence – Chairman McBeath - 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 Mayer will also be discussed.
- 11 County Advisory Boards to Manage Wildlife (CABMW) Member Items –
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.
- 12 Commission General Regulation Number 393 – R002-11 - Bear Hunt – Program Officer III Maureen Hullinger – For Possible Action
The Commission may adopt permanent regulations relating to revising provisions governing a black bear hunt. The need for and purpose of the proposed regulation is: Regulate aspects of the

bear hunt, including, without limitation, the eligibility and application process for a bear tag, inclusion in the bonus point program, weapons restrictions, the fee for a bear tag, reporting requirements, and prohibitions regarding baiting big game animals, sale of bear gall bladders, use of dogs to hunt and the killing of bear cubs. If the Commission does not approve CGR 393-R002-11, the Commission will consider amending CR 11-07 to close the bear hunt on Nov. 1, 2011 to coincide with the expiration of the temporary regulation.

- 13 Commission Regulation Fishing Seasons and Bag Limits 11 - 12 - Chief of Fisheries Mark Warren – For Possible Action
The Commission will establish fishing seasons, bag and possession limits for the period of March 1, 2012, to February 28, 2014.
- 14 Commission Regulation 07 - 07 Amendment #8 – Chief of Habitat Elmer Bull - For Possible Action
The Commission may adopt amendments to recommend changes to Public Hunting Limited on Wildlife Management Areas and Designated State Lands for Key Pittman Management Area (youth hunting days).
- 15 First Reading, Commission Policy #51, Commission Lifetime Commitment to Wildlife Award – Commissioners Robb and Drew – For Possible Action
The Commission will have a first reading for proposed changes to Commission Policy #51. The Commission shall consider whether to retain the “Commission Lifetime Commitment to Wildlife Award” as currently set forth in Policy 51 or to reinstate the “Wayne E. Kirch Nevada Wildlife Conservation Award” of the former version of Policy 51 (August 8, 2003). The Commission may make changes to either version or may eliminate the “Commission Lifetime Commitment to Wildlife Award” in its entirety. The Commission may also take the steps to create a new policy for either award.
- 16 First Reading, Commission Policy #28, Mule Deer Management Guidelines - Commissioners Robb and Drew – For Possible Action
The Commission will have a first reading for proposed changes to Commission Policy #28. The Commission may choose to retain Policy 28, modify all or part of Policy 28, or to eliminate Policy 28 in its entirety. The Commission may also take action to immediately suspend Policy 28 pending final action on revisions to Policy 28.

Amended Item – New Wording in Italics

- 17 NDOW Comment on the Future Draft Environmental Impact Statement (DEIS) for the Comprehensive Conservation Plan (CCP) for the Sheldon National Wildlife Refuge – Commissioner Drew – For Possible Action
The DEIS for the Comprehensive Conservation Plan (CCP) for the Sheldon National Wildlife Refuge is scheduled to be announced in the Federal Register on Sept. 9 which will trigger a 60 day comment period. The Department shall give the Commission an update on the CCP for the Sheldon National Wildlife Refuge and the potential impact on wildlife natural resources. The Commission may provide policy direction to the Nevada Department of Wildlife (NDOW) on all such matters and may take action to direct the Department to provide written comment to the U.S. Fish and Wildlife Service DEIS. *The Commission may also decide to write a letter of its own in support of the comments of the Nevada Department of Wildlife.*

Amended Item – New Wording in Italics

- 18 NDOW Comment on the Draft Environmental Impact Statement (DEIS) for the Southern Nevada Water Authority (SNWA) Groundwater Development and Conveyance Project – Chairman McBeath – For Possible Action

The Department shall give the Commission an update on the SNWA Groundwater Development and Conveyance Project and the potential impact to wildlife water resources in the vicinity of the Project. The Department shall also give the Commission an update on its status in SNWA's pending hearings before the Nevada State Engineer – Nevada Division of Water Resources – including the Department's status as a protestant to SNWA's pending applications in Spring Valley, Cave Valley, Dry Lake Valley, and Delamar Valley. The Commission may provide policy direction to Nevada Department of Wildlife (NDOW) on all such matters and may take action to direct NDOW to provide written comment to the BLM DEIS. The Commission may also provide policy direction to NDOW on NDOW's protests to SNWA's pending applications including any settlements to withdraw such protests. *The Commission may also decide to write a letter of its own in support of the comments of the Nevada Department of Wildlife.*

19 Reports – Informational

- A Application Hunt 2011 Draw Report – Don Sefton, Systems Consultants
Systems Consultants will present an interim annual report of the 2011 Big Game Draw. Information is presented in tables and charts and includes interim application, license and tag fees and counts as well as bonus point and client statistics for the five draws already completed this year.
 - B Outdoor Marijuana Grows Update – Chief Game Warden Rob Buonamici
The Department will present information on the growing trend of illegal Mexican Cartel outdoor marijuana grows in Nevada and game wardens as integral Nevada task force team members. Presentation includes information on detrimental impacts to the environment, wildlife and associated dangers for the outdoor recreating public.
 - C Donations Report – Deputy Director Cates
The Commissioners will review a report of donations to both NDOW and the NBWC through the end of fiscal year 2011.
 - D Litigation Report – Deputy Attorney General Nhu Nguyen
 - E Department Activities/Leadership Team Notes – Secretary Ken Mayer
 - F Wild Horse Gather Status – Wildlife Staff Biologist Steve Siegel
Habitat Division Staff will deliver a report covering recent, on- going and planned wild horse gathers being implemented in Nevada by the Bureau of Land Management.
 - G Walker Lake Status Update – Chief of Fisheries Mark Warren
A brief update on Walker Lake including water quality, lake levels and fish.
- 20 Request for Opinion from Nevada Attorney General – Chairman McBeath – For Possible Action
The Commission will consider the July 25, 2011, letter request for opinion made by former Chairman Raine, to the Nevada Attorney General as well as Chairman McBeath's August 19, 2011, letter to the Nevada Attorney General requesting withdrawal of the request for opinion. The Commission will take action to either approve or not approve the request for opinion of the matters set forth in former Chairman Raine's July 25, 2011, letter.
- 21 Request for Opinion from Nevada Attorney General – Chairman McBeath – For Possible Action
The Commission will consider the undated letter request for opinion made by former Chairman Raine, to the Nevada Attorney General, as well as current Chairman McBeath's September 2, 2011, letter to the Nevada Attorney General requesting withdrawal of the request for opinion. The Commission will take action to either approve or not approve the request for opinion of the matters set forth in former Chairman Raine's undated letter.

Amended Item – New Wording in Italics

- 22 Nevada Board of Wildlife Commissioner's Committee Assignments – Chairman McBeath – For Possible Action
The Commission will authorize the creation of new committees, will decide on whether to discharge certain committees, and will authorize the Chairman to appoint members to committees including non-commission members.
- 23 Future Commission Meeting – Director Ken Mayer - For Possible Action
The next Commission meeting is currently scheduled for Dec. 2 and 3, 2011, at NDOW in Reno, Nevada. The Commission may change the time and meeting location at this time. The Commission will review and discuss potential agenda items for that meeting.
- 24 Public Comment Period
Persons wishing to speak on items not on the agenda should complete a speaker's card and present it to the recording secretary. 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. In addition to this Public Comment Period, Public Comment limited to three minutes per speaker will also be allowed on each agenda action item, but not on reports or informational items.

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Michael McBeath	Vice Chairman Jack Robb	Commissioner Jeremy Drew
Commissioner Charles Howell	Commissioner David McNinch	Commissioner Scott Raine
Commissioner Hal Shrum		Commissioner Grant Wallace

* Commissioner Hank Vogler – Absent both days

Secretary/Director Kenneth E. Mayer	Cassandra Joseph, Deputy Attorney General
Suzanne Scourby, Recording Secretary	Nhu Nguyen, Deputy Attorney General

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Game Larry Gilbertson	Chief Game Warden Rob Buonamici
Program Officer 3 Maureen Hullinger	Mike Scott, NDOW Biologist
Chief of Operations Bob Haughian	Wildlife Staff Specialist Carl Lackey
Chief of Conservation Chief Teresa Moiola	Wildlife Staff Specialist Shawn Espinosa
Chief of Habitat Elmer Bull	Chief of Wildlife Diversity Laura Richards
Wildlife Staff Specialist Russell Woolstenhulme	Management Analyst 3 Kim Jolly

Others in Attendance/Two Day Meeting:

Elaine Carrick, NoBearHuntNV.org	Timothy Miller, NoBearHuntNV.org
Terry Melby, N. Nevada Safari Club International	John Reed, Washoe CABMW
Mike Smith, self	Holly Haley, Humane Society of the U.S. (HSUS)
Christine Schwamberger, NoBearHuntNV.org	Paul Downs, Nevada Houndsmen Association
Scott Carone, N. Nevada chapter of SCI	Mark Hayes, self
Ann Bryan, Bear League of California	Traci Losee, Bear League
Bea Epstein, Incline Village Resident	Kathryn Bricker, NoBearHuntNV.org
Thomas Papez, self	Eric Schwamberger, NoBearHuntNV.org
Rachel Flower, self	Mark Smith, self
Dan Lavach, self	Barbara Moss, NoBearHuntNV.org

Sherine Kuckhoff, NoBearHuntNV.org	Kat Simmons, NoBearHuntNV.org
Billy Howard, NoBearHuntNV.org	Lyn Karol, the bears
Kary Kielhofer, self	Hal Taylor, NoBearHuntNV.org
Geraldine Rueger, Guardians for Animals	Larry Johnson, Coalition for Nevada's Wildlife
Ray Frazer, self	Will Frazer, Hunters for Bear Hunting
Joel Blakeslee, Coalition for Nevada's Wildlife	Tom Smith, Coalition for Nevada's Wildlife
Mel Belding, self	Lloyd Peake, self
Patrick McLaughlin, NoBearHuntNV.org	Rebecca Williams
Les Smith, Rocky Mountain Elk Foundation	Gerry Lent, sportsmen
Donald Drake	Brandon Weise, sportsmen, ranchers, landowners
Kim Rhodemyre, self	Alan Preissler, self
Laura Larson, local hunter	Diane Blankenburg, NV Humane Society
Doug Busselman, Nevada Farm Bureau	Trish Swain, Trailsafe Nevada
Harvey Logan, Western Exterminator Company	Heather Lackey, Carson Creature Catchers
Dawn Gann	Glen Copeland, self
William Wilke, self	Dennis Wilson, Nevada Bighorns Unlimited (NBU)
Floyd Rathbun, self	Jeanne Gribbin
Catherine Smith, self	Dane Bradfield, Lincoln CABMW
Darin M. Elmore	Dan Slider
Karen Eberlin	Susan Hughes
Molly Kingston	Jane Hunt
Pamela Garjin	Cole Crim, sportsman
Keith Ingram, self	Jessica McDonald, NoBearHuntNV.org
Dianna Belding, self	Judi Caron, Coalition of Nevada's Wildlife
Jim Jenne, Lyon CABMW	Paul Harris, Clark CABMW
Rick Smith, Washoe CABMW	Rex Flowers, Washoe CABMW
Tom Cassinelli, Humboldt CABMW	Gil Yanuck, Carson CABMW
Ken Wellington, Elko CABMW	Mike McBeath, self
Beverlee McGrath, NoBearHuntNV.org, SPCA,	Joan Hulbert, citizen
Nevada Political for Animals	Jim Jenne, Lyon CABMW
Karen Jackson, Trailsafe/NHS	Kimberly Chcancka, NV Humane Society
Trisha Hildenbrand, interested	Laura Larson, local hunter
Larry Lackey, bear control	Traci Losee, Bear League of California
Richard Long, interested	Heather Lackey, nuisance wildlife
Louise Rodgers, Trailsafe/BL	Kelly (illegible), hunter
Fred (illegible) hunter	Bea Espstein, Iv/CB
Michael Gowan, Nevada Houndsmen	Claudia Patrau, NoBearHuntNV.org
Marshall Goldy, Big Game Restoration	Glenn Bunch, Mineral CABMW
Shane Rosecrans	Dawn Gann
Timothy Miller, NoBearHuntNV.org	Kevin Libby, Nevada sportsmen
Jim Curran, Churchill CABMW	Jeff Cercek, hunter
John Eads, hunter	Craig Burnside, Douglas CABMW
Helen Hagen, NoBearHuntNV.org	Arlene Sttavers, NoBearHuntNV.org
Barbara Moss, NoBearHuntNV.org	Randy Haiz, NoBearHuntNV.org
William J. Lynch, NoBearHuntNV.org	Nancy A. Bechtold, NoBearHuntNV.org
Jason Brown, Hunt em'	Rebecca Williams, TWSA/IVGID
Tom Wilson	Jim Nelson, NBU
Ira Hansen, self	Dave Drew, self
Tony Yarbrough, NV PAW	Debora McEachi, NoBearHuntNV.org
Melody McEachi, NoBearHuntNV.org	Heather Hall, NoBearHuntNV.org
Lyn Karol, NoBearHuntNV.org	Floyd Rathbun, self
William Meyer, Lyon CABMW	Keith Ingram, sportsman
Jessica McDonald, NoBearHuntNV.org	Don Sefton, Systems Consultants Inc.
Bruno Bowles, Southern Nevada Water Authority	

Friday, September 23, 2011

1 Call to Order, Roll Call of Commission and CABMW Members - Chairman McBeath

Chairman McBeath called the meeting to order at 9:07 a.m.

Roll Call of Commission – Commissioners present were: Chairman McBeath, Vice Chairman Robb, Drew, Howell, McNinch, Raine, Shrum, and Wallace. Commissioner Vogler excused absence for Friday and Saturday - Sept. 23 and 24, 2011.

CABMW Members present – John Reed, Washoe; Jim Curran, Churchill; Ken Wellington, Elko; Rex Flowers, Washoe; Gil Yanuck, Carson; Joe Crim, Pershing; Bill Meyer, Lyon; Jim Jenne, Lyon; Paul Harris, Clark; Dane Bradfield, Lincoln; and Glenn Bunch, Mineral.

2 Approval of Agenda – For Possible Action

Chairman McBeath said the agenda was amended with the addition of a sentence to agenda item #17 and #18 to allow Commissioners to write letters pertaining to Environmental Impact Statements (EIS) being heard tomorrow and a change to agenda item #22.

Chris Schwamberger, (no microphone) NoBearHuntNV.org, said point of order, she is disappointed that the venue for the meeting was not changed to a larger venue as some of the public has to stand outside while one-half of the room is reserved for Nevada Department of Wildlife (NDOW) employees and the public has to stand outside to listen.

Gerald Lent said, point of order as he is representing sportsmen, and that all boards and Commissions exist to do the public business and does not think it is right or fair for hunters to wait outside in hot sun who support the bear hunt regulation and this matter should be postponed as Commission knew that there would be a large crowd, and to have people outside waiting is against the purpose of the Open Meeting Law.

COMMISSIONER DREW MOVED TO APPROVE AGENDA AS WRITTEN. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 8 – 0 UNANIMOUSLY. COMMISSIONER VOGLER ABSENT.

3 Member Items/Announcements and Correspondence – Chairman McBeath

Commissioner Raine said for tomorrow would ask for review of Policy #1 for action on items such as agenda item #15 and #16 as Policy #1 states two readings and the agenda states action may be taken without the two readings. He said he is hearing anecdotal stories from sportsmen and guides and their general observation is that there are too many tags issued for deer hunts, although they are happy with elk hunts.

Commissioner Howell said he supplied support material from Outdoor Life for agenda item #3 (exhibit file) and a statement – “people in NDOW, county advisory boards and some members of the Commission flat out deny that we have a predator problem in this state. I am quoting an article that just appeared in this month’s Outdoor Life. I’m sure this science will not have any impact on the aforementioned people.”

MR Howell For Record

#3
9/23/11

~~My name is Charlie Howell. Thirty seconds ago I was Commissioner Howell. Now I am private citizen Howell. I have furnished support material to the Wildlife Commission and county advisory boards so I believe I am now allowed to address this commission.~~

People in NDOW, county advisory boards and some members of this Commission flat out deny that we have a predator problem in this state. I am quoting an article that just appeared in this month's Outdoor Life. I'm sure this science will not have any impact on the aforementioned people.

~~As I only have three minutes, I am only citing excerpts from the article:~~

"Mountain lions in Connecticut, bears in Florida, wolves in Michigan, coyotes everywhere. WE PROBABLY HAVE MORE PREDATORS roaming America now than at any time since Daniel Boone blazed the Wilderness Trace."

A Southeastern study indicates that coyotes are taking more deer than hunters are. A FIVE YEAR STUDY on fawn survival on the restricted, 198,000 acre Savannah River federal nuclear reservation in South Carolina suggests that less than a quarter of whitetail fawns born in the spring survive until autumn. Coyotes kill the vast majority of the three quarters that die, often within hours of their birth.

Lead researcher John Kilgo determined that about 80% of fawn mortality was from predators. Of that, 80% of the predation was by coyotes.

"Any prey base can only take so much mortality before it starts to decline"
says Kilgo.

That is exactly what has happened to Nevada's mule deer.

The article stated: *"We didn't have any coyotes in South Carolina twenty years ago. Not only are they established now, but they are abundant."*

Well, Nevada has had an abundance of not only coyotes but mountain lions for decades.

I want to emphasize that this was a five year study and I believe that should qualify it as science. Of course, this science will not be considered by the "we don't have a predator problem" group. By the way, the article also stated that a nursing female mountain lion will eat one whitetail every three to five days.

In closing, I can just hear the naysayers now. This study was done on whitetail deer, so coyotes and lions have no effect on Nevada mule deer. I believe you could classify that as selective science used quite frequently by the naysayers. If these naysayers truly wanted to educate

themselves, which they don't, I would suggest they get Wildlife Services monthly newsletter, **The Trapline** just to see how bad the predator problem is in this state.

I am requesting that my comments and support data be included in the minutes of this meeting.

BIOLOGISTS AWARE

360 STUDY

MAKE WAFWA QUALIFIES AS SCIENCE

Commissioner Drew said there is a letter in support material for this item from Rew Goodenow regarding his status with Safari Club prior to his appointment to the Commission and he will address that under agenda item #5.

Get copy to Suzanne
Commissioner Draw

Black Bear Disclosure

Chairman McBeath, NRS 281A.420 requires me to disclose a conflict of interest. The matter before this body may affect my pecuniary interest as it relates to my involvement in Safari Club International (SCI). SCI has taken an interest in this matter as evident by their involvement in recent litigation, and the extensive comment that they have provided to this Commission. Prior to my appointed to this Commission, I served as the Chapter President of the Northern Nevada Chapter of SCI and as such I was required to maintain a paid membership to SCI. Prior to the start of my term as a member of this Board, I resigned my position as Chapter President and Board Member; however, my paid membership to SCI has not yet lapsed. Due to this I believe it is important to disclose my current membership. The letter prepared by Mr. Rew Goodenow (included under the "Commission Correspondence" item) documents my role, or lack thereof, in this particular issue both as a Chapter President and member of SCI. When I applied to this Commission as a sportsmen's representative I disclosed my leadership role and membership in SCI. My membership in SCI does not mean that I agree with or support all of their positions, nor am I required to. I believe that the criteria dictating our decision today are clearly defined by NRS 501.181.4.a. Therefore I conclude that the independence of judgment of a reasonable person in my situation would not be materially affected by this relationship, and because this is not a clear case of a disqualifying conflict of interest, I am going to be voting in this matter.

Commissioner Raine said he received tremendous amount of correspondence in emails which have been posted to NDOW website and he had the opportunity to review all of it up to this point except for those while traveling.

4 CABMW Member Items –

Chairman Ken Wellington Elko CABMW said the U.S. Forest Service (USFS) is ready to set forth their Record of Decision on Travel Management Plan. He said the board fought for game retrieval but that looks like it was removed, there will be about 200 miles of roads closed within Elko County, and the Elko County Commission plans to file litigation against USFS and Elko County Sheriff's Office does not plan to enforce any travel management rules. He said he is a sportsman and Mr. Lent does not represent him as a sportsman, and has not heard any comments in Elko County similar to what Commissioner Raine heard. Mr. Wellington said received letter from the Department in regard to Chronic Wasting Disease in Utah and letter to sportsmen talks of precautions such as wearing rubber gloves and a letter needs to be sent that it is okay to consume the meat as letter reads as if you should not consume the meat. Lastly, Commissioner Howell's comments offend him as he has not heard anyone from Department, the Commission or CABMWs state that we don't have predator issues, thinks everyone believes we do, there is a balance.

Gil Yanuck, Carson CABMW, said we have talked much of sage grouse issues and will hear informational report today from Bureau of Land Management (BLM) that will be enlightening, and back in 2000 with push to get public involved and Governor Guinn sent letter to CABMWs and County Commissions, he would like the Commission to write letter to Governor Sandoval to send similar letter to get CABMWs involved again and need to get public behind this with volunteers assisting in bird counts and lek surveys.

5 Commission General Regulation (CGR) 393 – Workshop Informational – Public Comment Allowed

Secretary Mayer said the Department will begin this agenda item with a PowerPoint presentation by Western Region Biologist Carl Lackey with Dr. Beckmann on the telephone for questions, followed by Program Officer III Maureen Hullinger.

Commissioner Drew read a disclosure statement in accordance with NRS 281 A.420 - Attachment B.

NDOW Wildlife Biologist Carl Lackey made a PowerPoint Presentation (exhibit file) and he answered questions from the Commission.

Commissioner Drew asked Mr. Lackey and Dr. Beckmann if anything observed in this season that would result in the current bear season to be cancelled, and the age structure of bears harvested. He complimented Mr. Lackey and Dr. Beckmann in the amount of data gathered and their passion for their work.

Mr. Lackey said no, and would be the opposite as number of hunters in the Pine Nunts, Pine Groves, and Sweetwaters, which is where the bears to date have been harvested and none have been marked by him although some were garbage bears. He provided a sheet with age structure to the Commission noting all were adults with estimated ages.

Commissioner Howell said for the record last year Mr. Lackey stated sows with cubs emerge from dens in mid-April.

Mr. Lackey said mid-April to mid-May.

Commissioner Raine asked how many marked bears in the population in the field. He said no marked bears have been taken.

Mr. Lackey said 310 bears are marked and staff have come across one-third of the bears again, but as to how many are alive would be impossible to say. Eight bears killed to date and none have been marked.

Program Officer III (POIII) Hullinger reviewed the support material (exhibit file) provided on CGR 393 Black Bear Hunt Regulations and answered questions from the Commission.

Commissioner Raine said someone with a bear tag asked why the proposed current regulation does not allow guides to take the indoctrination class for their clients, and he asked that be incorporated into regulation.

PO III Hullinger said when indoctrination case presented to the Commission by the Department it was not mandatory and then the Commission added language to make the class mandatory. At that time the language similar to the bighorn sheep was not added; however, that could be added.

Chairman McBeath said he would prefer to do that later under season setting.

Secretary Mayer said other changes will be brought forth by the Department at that time.

CABMW Comment –

Ken Wellington, Elko CABMW, said they have had the regulation on their agenda at least five times and have not once received a letter in opposition to the hunt however have several letters in support. He said the board feels the groups have bypassed the CABMW process by going straight to the Commission and they feel that they should use the CABMW process. They received comment about removing the meat from the bear and not being left and pursuit issues. Nevada Outfitters and Guides' Association supports the regulation and had comment about multiple indoctrination classes rather than one.

Gil Yanuck, Carson CABMW, said they received quite a few emails in favor and against the bear hunt which became part of the record. At the meeting the vote to support the permanent regulation was unanimous.

Rex Flowers, Washoe CABMW, said the vote was unanimous to make the regulation permanent and had much input from the public, and they based their decision on science in materials supplied by NDOW.

Craig Burnside, Douglas CABMW, said received many emails positive and negative and had excellent public comment in favor and against, and voted to advise the Commission to make the regulation permanent.

Jim Jenne, Lyon CABMW, said they had numerous emails, both pro and con, and their discussion went the direction that this regulation is for a permanent regulation that is not saying we will have a hunt every year. This puts the bear hunt in the same status of other hunts. He said Lyon CABMW voted in favor the permanent regulation.

Joe Crim, Pershing CABMW, said his board supported the Department recommendations to make bear hunt permanent.

Paul Harris, Clark CABMW, said they had much public input and had this on their agendas numerous times and in the end they voted to make the regulation permanent and using wildlife management as a tool to manage the black bear population in Nevada.

Public Comment – 11:20 a.m.

Elaine Carrick said before beginning would state that NoBearHuntNV asked for information from the Department which was not provided, and were just informed that if representing a group you could speak for six minutes rather than three.

Chairman McBeath clarified that six minutes is for the representative from the organization.

Elaine Carrick statement

My name is Elaine Carrick, from Reno, NV, and I am a member of NoBearHuntNV.org. I oppose making the bear hunt permanent based on the scientific reports and evidence presented by the Wildlife and Endangered Species Committee of the National Sierra Club, Dr. Rick Hopkins and Big Wildlife. The Sierra Club committee is comprised of wildlife and conservation biologists, professors, researchers & other wildlife experts. Our organization submitted for review from these three independent groups, all background materials that NDOW had including reports from 1998 to the present on Black Bear population data. All three groups came to the same conclusion. Nevada's Black Bear population is not large enough to sustain a hunt and a hunt can negatively affect the population in the coming years. This particular information was from a study done in Wisconsin where the bear population, subjected to hunting, declined by almost 40% in seven years. (Details on pg. 2 of letter.) The following are some conclusions the biologists in the National Sierra Club submitted in their letter of which you have a copy.

The NV Dept. of Wildlife did not satisfactorily meet the burden of proof that an annual bear hunt is sustainable. There is no reliable statistics regarding the current size of the population. NDOW's website has said there is currently between 200-300 black bears in NV. In research done by Carl Lackey in Dec. 2004, it states the bear population was 150-300 and this upper limit was the same as in 1990 in a report by Goodrich. Twenty-one years later, the population is at the same approximate number as it was in 1990 and has been stable. There is certainly a need for further study by independent biologists on the size, health, population structure on NV Black Bears before hunting bears with a population that has a very low to zero growth rate. Our bear population is so small that the biologists have serious questions as to whether it has any resistance to inbreeding, as well as other uncontrollable event that could wipe out most or the entire population. The research on this population has not been done and without baseline information, a hunt should not be continued. On Page 29 of the 2004 year report, it states "NDOW does not have a specific policy for the management of Black Bears." A management policy with sound scientific research has not been established; yet, NDOW has proceeded with a hunt. With a bear population that has not increased since 1990, hunting bears does not seem like sound management policy.

The Sierra Club letter was completed by highly regarded biologists & wildlife experts. This scientific research and data cannot be ignored or dismissed. As appointees to preserve, protect and manage our wildlife for all Nevadans, you must not let this hunt become permanent.

Tom Papez is a lifelong Ely, Nevada, resident and avid sportsman, and said Commission is moving quickly on this bear hunt and as hunter of other Nevada game he thinks that he along with other sportsmen of Nevada are against the bear hunt as overwhelming public outcry against the hunt. In line with previous speaker and study needs further public comment. He said the various CABMWs have voiced their opinion with letters received on both sides of issues and hunting bears with dogs is an issue that strikes to the core of a lot of people. He urged the Commission to look at the public comment and proceed carefully.

Jim Miller, Reno, said he is opposed to the bear hunt as are many that live in the Lake Tahoe Basin. He said Incline Village voted against the hunt and Washoe CABMW initially voted against the hunt then voted for it. Many signatures from citizens against the bear hunt, and also thousands of emails sent opposed to bear hunt with 2 percent of those in favor of the hunt. Also the idea that slaughtering the bears protects them is ludicrous to him, population is being degraded by human actions and process has led to nuisance bears and decrease in wildland bear population. Bears hunted will result in reduction of wildland bear population. Estimated size of population of bears in Nevada is highly suspect as data for estimate is questionable.

Jim Miller
#5
9/25/11

I would like to make four points in opposition to the bear hunt. These are not the only arguments that can be made against the hunt, but I think are among the most significant.

1 • **OPPOSITION TO THE BEAR HUNT IN THE LAKE TAHOE BASIN AND ELSEWHERE IN NEVADA IS WIDESPREAD.**

Incline Village voted against the bear hunt. Washoe County Advisory Board also voted against making the bear hunt permanent before they realized which way the political winds were blowing and voting for it. Thousands of signatures have been obtained from citizens against the bear hunt. The WLC also ignored thousands of emails sent to it with about 98% opposing the hunt.

2 • **THE LAKE TAHOE BASIN AND CARSON RANGE SHOULD BE OFF LIMITS FOR HUNTING.**

The likelihood of foreseeable tragic conflicts between hunters and the many users of popular multi-use recreational areas for hiking, biking, horseback riding and winter sports activities must be avoided.

3 • **THE IDEA THAT TO PROTECT THE BEAR POPULATION, THEY MUST BE SLAUGHTERED IS LUDICROUS.**

Bear habitat is continuously being reduced and degraded by increasing human development and by fire and drought. This process has led to more instances of "nuisance" bears and a likely decrease of wild land bear populations. Allowing bears to be hunted will most likely cause a further reduction in the wild land bear population and a corresponding increase in "nuisance" bear incidents. There are non-lethal methods for controlling the bear population. Among them are relocation to suitable habitats that could support a larger bear population. This is a viable solution for so-called "nuisance" bears.

4 • THE ESTIMATED SIZE OF THE BEAR
POPULATION IN NEVADA IS HIGHLY SUSPECT.

While the formula for estimation of animal populations is apparently a valid one, the data used to provide the estimate of bear population and growth rate is questionable. Previous studies cited by the WLC to justify the bear hunt do not support the assumption of an increasing bear population. Any plan for future bear hunts at the very least should be suspended at least until verifiably valid population data can be obtained. I would prefer that future bear hunts be stopped permanently for this and other reasons I have previously stated. The WLC seems to have forgotten that it works for the citizens of Nevada and not for a narrow group of special interests with financial and political influence. It also exists to protect wildlife and habitat, not to destroy it.

Terry Melbey, local sportsmen and director of local chapter of Safari Club International, and they support adoption of permanent regulation for bear hunt.

Dawn Gann, said she has lived in Nevada for 15 years and is from Wyoming, and both states have much in common. She has known many hunters including family members and they respect the land and care for the animal they hunt and do not hunt just for a trophy as some lead you to believe. They hunt solely to provide food for their family and she does not know people who hunt for that purpose alone. In ideal world there would be plenty of room for all wildlife however in our world their areas is being reduced by housing and shopping centers. Money generated by license and tag sales help with wildlife management costs and when biologists say the bear population is high they should be believed as that is what they do for a living. She said they attended the bear indoctrination and family retrieved a bear and felt will not waste any of the bear meat.

Holley Haley, state director of Nevada for the Humane Society of the United States, commented: Good afternoon chairman and commissioners. My name is Holly Haley and I am the state director of Nevada for The Humane Society of the United States, representing our more than 105,000 supporters in the state. The HSUS remains opposed to the trophy hunt of black bears in Nevada. This hunt is proceeding in the face of tremendous public opposition. In 2008, the Commission heard from staff that a majority of state residents do not support black bear hunting. A 2011 poll of Nevada voters by Mason-Dixon Polling & Research, Inc revealed that voters strongly agree, by 74 to 20 percent, that the state should prioritize non-lethal methods of solving conflicts between people and bears. As the Commission might once again vote to continue with bear hunting in Nevada, please consider these additional comments related to permanently adopting regulations related to spring bear hunting, hounding, baiting and the trade in bear parts. The use of dogs to pursue and harass bears is highly controversial among hunters and non-hunters alike. It is inhumane to chase down exhausted wildlife with dogs. This manner of pursuit also violates fair chase principles. Dogs also run down and harm non-target wildlife. Furthermore, hounding leads to trespassing concerns and tense conflicts with property owners and others using the woods, like hikers and other hunters. The proposed regulations do not prohibit the possibility of a spring bear hunt in the future. Although a regulation prohibiting killing a cub or a sow with cubs is admirable, studies are clear that these regulations do not prevent orphaning of cubs. Bears often leave cubs alone for a time, and even experienced hunters wishing to avoid killing a bear with cubs, cannot reliably identify a lactating sow at any distance. The HSUS supports the regulation prohibiting baiting of bears, as baiting is unsportsmanlike, exacerbates conflicts between bears and communities, and contributes to the spread of wildlife disease. Finally, The HSUS strongly supports the portion of the rule prohibiting the trade in state and out-of-state bear gall bladders. We would recommend that Nevada follow regulations like those of neighboring state California and put into regulation that possession of more than one gallbladder (as opposed to two gallbladders) serves as evidence of trade in violation of section 503.174. We strongly encourage the commission to expand this portion of the regulations to include bear paws, the trade in which

can also fuel bear poaching due to market demand for paws, particularly overseas. Thank you for the opportunity to comment.

Mike Smith, Reno, said he first got involved in this issue from the safety standpoint as hunt zones in Tahoe meadow and hundreds of people are recreating in the basin, and now science in question. He has spoken to Mr. Lackey and would have been beneficial to have the information presented today sooner. He said he has an issue with bear population estimates, urban and wildland. Mr. Smith said he still sees no compelling reason for this hunt especially with inability to determine sex and need to think of alternatives that are non-lethal especially with urban bears. Funding was eliminated for urban bears and many people do not know how to deal with trash and he will be taking that issue on where he lives. He asked that the Commission take their time with the decision, knows regulation different than the hunt, and asked to work together. He has lived in three other regions in the country, has hunted himself, and is not here to take anybody's right to hunt rather this is about Nevada black bears.

Christine Schwamberger of NoBearHuntNevada.org said she would like to address Mr. Lackey's one hour presentation and that his credibility would be enhanced if he stopped advocating for hunting, he is a biologist; therefore, NDOW and the Commission suffer credibility issues because of that. She said Mr. Lackey goes on about data collection and they are not questioning validity of data, rather the interpretation, modeling, and analysis of that data. Mr. Lackey has not proven to them there is a 16 percent increase in bears. They will be asking for an independent analysis due to his credibility problem. She said it sounds like we are hunting to study and studying to hunt the bears, and like we are drowning in California bears. That is not the case, because the habitat is limited, and California says its hunting regulations are based on their population and if Nevada is including California bears, than they are doubly hunted, and California would object to that. She said they submitted their position paper to the Commission supported by Dr. Beckmann dissertation, case study co-authored by Beckmann and Lackey and Dr. Tavis' report on nuisance bears and has only heard one comment repeated, and will submit all for exhibit file, that looks like it got a lot of attention is the Commission does not address serious habitat degradation issues in those papers which contribute to nuisance bears and Commission's job is not just hunting, as you are a wildlife Commission. The current hunt was based on Lackey's previous population numbers that he now refutes and were presented as the basis for current hunt and was set in stone and now seeing backpedaling by Mr. Lackey and Dr. Beckmann on population numbers and therefore it has not been proven that there is a 16 percent increase, the nuisance bear is depopulating wildland bears, and this hunt is a serious threat to those bears and asking for independent review because you have no credibility.

Paul Downs, Nevada Houndsmen, statement:

9/23/11

Hello, my name is Paul Downs, President of the Nevada Houndsmen Association (NHA).

The NHA was created in 2009 in order to give houndsmen a voice in our state. It serves to educate, protect, and promote the responsible use of hounds for hunting and game management. The Association currently has forty-seven members and gaining.

As an organization, the NHA supports the bear hunt in Nevada for several reasons. We believe the Nevada Division of Wildlife (NDOW) has used sound science concerning bear populations with at least fifteen years of data to support the initiation of the hunt.

The issues that urban areas are facing with problem bears are a direct result of human expansion into bear habitat. The Reno-Carson-Tahoe area has experienced a large increase in development in the past ten years; at least 80,000 people. This consumption of bear habitat, coupled with an increasing bear population, results in more and more dangerous human-bear encounters.

The Nevada Houndsmen believe that with the use of hounds in the bear hunt the bears will learn to fear humans, thus being educated to stay away from residential areas. This 'bear education' could be enhanced with the creation of a Pursuit-only season.

(That is, a hunting season where bears are only pursued and no harvest is allowed.) In our research we found a study by the Washington Dept. of Fish and Wildlife in 2007 that shows that the number of bear /human conflicts is dramatically lower in the areas that allow hound hunting. Idaho and Montana made a great comparison in this study. Montana has around 16,500 bears and does not allow hunting bears with hounds while Idaho has 20,000 bears and does allow hound hunting. Montana has 4 bear complaints per 10,000 people, whereas Idaho has less than 1 complaint per 10,000 people.

Another misconception by many, that bears are harmed by the use of hounds, is one we would like to change. The responsible employment of well trained hounds is the most effective management and hunting method available. Hunters with hounds can selectively harvest a bear after information about the bear such as age, sex, and size are considered. A bear that doesn't meet NDOW's requirements is easily released. Obviously this is very difficult with any other hunting methods.

I believe most houndsmen would agree that treeing a bear with hounds is all about the chase and the working of the dogs. Killing bears is secondary since most houndsmen release the majority of the animals that are treed.

The *freedom* of enjoying the tradition of hunting with hounds or sport dogs is very important to the hunting public.

The NHA would like to propose a Pursuit-only season be added to the bear hunting agenda. We also encourage NDOW to continue research of bear populations in Nevada while considering the transplanting of bears into other regions of Nevada such as the Elko and White Pine Counties.

Thank you for your time and thank you for using science as the way to manage wildlife, Not Emotion.

Don Drake, Reno resident, statement

Don Drake

Friday, September 23, 2011

#5

9/23/11

I have lived off Holcomb Ranch Road for 30 years. I my kids and I raise 4-H sheep and enjoy living in a quiet country area.

Yes, we have bears in our area, but I will never complain about the bears coming in to raid our fruit trees and tip over our garbage cans and scatter trash – I will never complain because I don't want to be required to have a bear-proof garbage can!

City people still come to our neighborhoods and dump unwanted pets. This is a real problem. Abandoned pets attract coyotes. My plea to these city people **YOU DON'T NEED TO FEED OUR COYOTES**, they are getting fat on our livestock. Leaving your abandoned pets in our area is not a kind thing to do for them, or us.

Some say that we are living in the area that wildlife used to roam. That is a correct statement, however, when the county requires 18" culverts along roads and at intersections, these culverts become dens for coyotes and bobcats, right among the houses and in our neighborhoods.

Raccoons living in culverts and storm drains are a rabies threat to our community.

I have some very graphic photos of unborn lamb parts scattered around my fields, scraps and skeletons left by packs of depredating coyotes. Last winter I lost four pregnant ewes to coyotes.

My son and I shear sheep and talk to many sheep-owners. There two families off Foothill Road that lost a total of twelve sheep last winter.

We live in a “congested area.” We can only use firearms to protect our property against “two-legged” coyotes.

When you outlaw suburban trapping you tie our hands. Animal control only comes out only to cite for barking dogs – our dogs that bark to keep coyotes, bears and mountain lions away.

Don't ban trapping!

President Scott Carone, Northern Nevada Chapter of Safari Club International, said their stance is to support the hunt and have reviewed the science and believe it is “spot-on.” He said the permanent regulation does not mean a bear hunt every year.

Mark Hays, of Reno, Nevada, and represents spiritual bear that is a friend in our forest and lives on parallel dimension in our universe. Chart shows how few bears there are and wants to know how many people would be shown on that chart as bears declining and people increasing. Bears belong to city residents not just rural and wildlife agency. Saw ad for dumpster with bear whose pride is hurt and why can't bears be fed or devise habitat for them. World is changing, and need to give back security and peace back to bears. Bear is a predator not prey friend in forest.

Ann Bryant, Executive Director the Bear League, statement:

I know full well that anyone who is here to speak in opposition to the bear hunt will be ignored by this Commission, especially someone from California, such as me. I take a great deal of offence to this...allow me to explain why.

At the Commission meetings held here last December when discussions were underway prior to voting on the obviously pre-determined hunt, mention was made by several commissioners as well as the NDoW biologist that although the bear population in Nevada was admittedly very small... no one need worry about killing several of these animals because bears eliminated in this hunt would eventually be replaced by California bears. We already have a bear hunt in California, even though many of us are not proud of this fact we do admit our hunt can be supported by an extremely healthy bear population which numbers roughly 25 to 30 thousand animals. You very probably only have 2 to 300 bears in all of Nevada and therefore you need to understand why your neighbors in California have lost all respect for a Commission who justifies a killing spree that is so obviously dependant on luring bears from across the stateline... as was stated numerous times, on record, by you yourselves as well as by your biologist.

This is extremely disturbing....However!

It is encouraging to see several new members on this Commission, it gives us hope that this organization will now, finally, step up and at last be recognized as respectable stewards of Nevada's wildlife. It will be commendable if you can proudly stand beside California's **honorable** Fish and Game Commission and state, honestly that you also paid attention to sound science and immense public input, rather than basing your decisions on your own personal desires and on one man's faulty interpretations of data and his own self-serving opinions.

For now, I'm proud to live and be fairly governed in California. But I sincerely wish you the best of luck. For the sake of your conscience and the Citizens and Wildlife who depend on you.

Tracy Lucy, said she is representing the Bear League and herself, and is opposed to the bear hunt, as the numbers don't support it.

Kathryn Bricker, representing NoBearHuntNV.org, statement:

Commissioners:

My name is Kathryn Bricker. I am resident of Zephyr Cove, NV and am representing NoBearHuntNV.org.

I request that you do not pass the bear hunt into permanent regulation ~~because of the lack of sound science supporting doing so.~~

One of the tenants of sound science is that conclusions are put through a process of independent peer review. NoBearHuntNV submitted all background materials available from the Dept of Wildlife to three separate groups of wildlife biologists. Each group independently and unanimously agreed that the analysis of the data was flawed and that hunting Nevada's black bears was not advised.

I would like to read excerpts from one of those opinions given by Dr Rick Hopkins. I have supplied you a copy of his letter, as well as his resume. Dr. Hopkins has a Ph.D. in Wildlands Resource Science from the University of California, Berkeley. He is a nationally recognized wildlife ecologist whose training and research have focused on population ecology, particularly mammalian carnivores.

Dr. Hopkins states:

I have reviewed the proposed Black Bear Hunt Regulations...and all of the background material you have received from the Nevada Department of Wildlife. These include ~~annual summary reports from 1998 to present, (to include) bear capture data from July 1997 to November 2010 and "Black Bear Population Assessment Methodology and Data Analysis in Nevada: A Review" published 2011.~~ Based on this review, it is my professional opinion that the Nevada Department of Wildlife fails to provide the detailed information about the unpublished population estimate as noted in the "Black Bear Population Assessment Methodology and Data Analysis In Nevada: A Review" published 2011, and what information it does provide, it greatly exceeds the inference space of the available data and estimates and the analysis fails to incorporate the spatial and social complexity that truly represents the majority of the black bear population in Nevada...

The summary of the unpublished data analysis...also concluded that the rate of population increase was estimated to be approximately 16 percent annually...The modeled 16 percent rate of annual increase is simply unremarkable, as short-term fluctuations in bear populations are common...~~In no way should one assume that the rate of increase would remain positive.~~

In summary, NDOW has provided absolutely no information that would lead one to believe that bear populations have increased in the core area of Nevada in the last decade...Harvesting small populations is inherently risky. ~~Particularly given uncertainty in the current population estimates or normal population fluctuations, and the lack of integration of the unique population dynamics (e.g. spatial complexity) of this population into the proposed rule.~~ The uncertainty around these factors has not been suitably integrated and does not follow the precautionary rule that should govern management decisions related to small populations."

Commissioner Shuman -
you are my public representative

I am counting on you.

Eric Schwamberger, NoBearHuntNV.org, provided credentials and statement:

9/23/11

Eric C. Schwamberger, Ph.D., member NoBearHuntNV

A large part of my professional career has been spent modeling, analyzing, and interpreting large biological data sets.

The justification for this hunt comes from modeled estimates of population and population increase, based on data collected from 1997 to 2008. NDOW has provided an incomplete summary of the modeling methodology, and an incomplete summary of the modeling results. I do not necessarily question the validity of the data, it is the validity of the modeling results, and NDOW's interpretation of the modeling results that I am challenging.

1. NDOW's modeling estimates that the bear population was between 200 and 300 at the end of 2008. This does NOT indicate any population increase. In fact, this supports previous NDOW statements going back to 1990 that the population is stable and is not increasing. This population range is comparable to population ranges previously estimated by NDOW and others.
2. At the same time, NDOW's modeling estimates that the rate of population increase is 16% annually. These are incompatible results. How can the estimated population for 2008 be the same as 1990, yet still be increasing 16% every year? If the population is not increasing 16% every year, then for what period of time has it been increasing? One year? Three years? Five years? Are there years in which the population decreases? If so, by how much? These are critical questions. NDOW does not provide any answers beyond their simple statement that the rate of population increase is 16% annually.
3. If we look at a 16% increase year on year, for the period 1997 to 2011, an initial population of 200 bears would have increased to about 1,600 bears. Clearly, an annual population increase of 16% is in conflict with current reality, and in conflict with previous published research.
4. Nowhere has NDOW proposed or explained any mechanisms that would cause a 16% increase. Nowhere is there any explanation that might lend credence to this purported explosion of the bear population. No place is there any evidence for the validity of this estimated 16% yearly increase in population.
5. NDOW does not state whether this estimated population increase is statistically significant. NDOW makes no statements on probability levels for statistical significance of the modeled results. NDOW also does not present Confidence Intervals for their estimates of the population. All of these statistics are essential in interpreting the modeled results, yet none are presented in NDOW's documentation.

NDOW bases its recommendation for a bear hunt based on this estimated 16% annual population increase. However, NDOW fails to demonstrate that the modeling used to generate this estimate is valid, or that the estimate itself is valid.

The present, and future, credibility of this Commission and of NDOW is at risk if a decision is made to make this hunt permanent based on flawed, inconsistent, and incomplete modeled

results. Nevada's bear population may also be at risk. On behalf of NoBearHuntNV, I ask that NDOWs modeling, results, and the interpretation of those results be subject to independent peer review. I also call for an independent panel to review all of the available bear literature to resolve the questions on the population estimates, population dynamics, and whether there is any evidence, other than NDOWs modeling, to support whether this population is anything other than stable.

Although a full list of questions is not possible given the incompleteness of NDOS modeling summary, I am submitting a partial list of questions that need to be answered regarding the modeling and interpretation.

Dan Lavach, said he is a veterinary and provided his credentials, and has reviewed Mr. Lackey's data and Mr. Beckmann's and found their work to be valid, important, and good scientific data and the hunt will allow continued research. Mr. Lackey and his co-worker should be commended.

Sherine Kuckhoff, board member of NoBearHuntNV.org, said she had conversation with a hunter and wants to make the following points about NoBearHuntNV.org: Never propounded that they are opposed to hunting; however, within their group there are members opposed to hunting. A disturbing fact is a pro hunting group accused them of being against hunting and maligning her organization, a lie and untruth. They are not against hunting and welcome them to protest the bear hunt and the permanent hunt. In their hearts shooting a bear is like shooting a cow in the field. Never said opposed to hunting, bottom line is total opposition to bear hunt, but not hunting.

NBHN IS NOT OPPOSED TO HUNTING.
WE HAVE NEVER PROPOUNDED THAT. HOWEVER,
I AM SURE WITHIN OUR GROUP OF APPX.
20,000 MEMBERS, ^{ENOUGH} THERE ^{ARE} SOME OPPOSED TO
HUNTING. A VERY DISTURBING FACT TO US
IS THE FACT THAT RECENTLY A PRO HUNTING
GROUP ACCUSING ACCUSED US OF BEING AGAINST
HUNTING, MALICIOUS NBHN. VERY SIMPLY, THIS IS
A TOTAL UNTRUTH & A LIE. WE HAVE NEVER
MADE ANY REFERENCE TO BEING OPPOSED TO
HUNTING BECAUSE WE ARE NOT. WE
HAVE WELCOMED HUNTERS WHO JOIN US IN
PROTESTING THE BEAR HUNT & CERTAINLY
AGAINST A PERMANENT HUNT. OUR BOTTOM
LINE IS & HAS ALWAYS BEEN A CONTINUING
TOTAL OPPOSITION TO THE BEAR HUNT, NOT
HUNTING (MUCH AKIN TO SHOOTING A COW IN A
FIELD) -

SHERINE KUCKHOFF 9/23/11

Kat Simmons, from Gardnerville, she thanked everyone for being here, truly an issue that brings passion on both sides and won't extinguish that today and will present today why she is adamantly opposed to bear hunt. She said three of the most important people in her life are hunters, and is not against hunting, she understands that hunting is a big part of family order, and used to be families perished if you did not hunt but we are past that as it too used to be okay to own people, but not okay today. She is a single mother and the greatest compliment is to be called a "mama bear" and is not a scientist but in her research for this group has found that if you kill six sows you are killing about three bears at once as she probably is pregnant with cubs or has cubs in the den and we are one-half to quota on sows. She asked if the course taught them to identify sex, and when killed are their cubs, and will NDOW fix the mess. This is not science and is about integrity and trophy hunting has no permanent place on Nevada's hunting docket.

Billy Howard, statement:

I'm here to speak for the 18750 people who couldn't make it today who continue to communicate to you their strident objection to this regulation.

Our organization is a broad coalition of groups and individuals opposed to the bear hunt, including hunters such as yourselves. You can read their comments on the submitted flash drive and you will hear from some today.

These many months we would have hoped to hear strong, fact-based, intelligent and compelling evidence as to why the public, who is against this hunt, on no uncertain terms must accept it.

Instead, the deck is stacked against us. You, hunters to the person, hold all the votes. We would rather hope the dialogue happening from here to there would occur instead laterally amongst yourselves: If indeed we can have a hunt is it truly in the best interest of hunters that we ****should**** have the hunt.

Our majority is not anti-hunting. But the bear hunt supporters may be spawning what they most dread: More and more people who were fine with the wildlife situation one year ago are now questioning, due to the controversy stirred by what they see as an unnecessary bear hunt, the motives of all of Nevada's hunting industry, which is chartered by the public through the Legislature, and are now asking if this Commission and the agency are truly dedicated to ***protecting*** all our wildlife as we had previously trusted.

I admonish you once again to heed the state law by which you are bound, NRS 233B.061The agency shall consider ***fully*** all written and oral submissions respecting the proposed regulation.

I am submitting 18750 communications against the hunt. As Chris Healy said last January on Bay Area television, "The majority of input has been, 'don't hunt the bears.'" Since, there has been a cavalcade of signatures, emails, comments, articles and letters to the editor in umpteen publications, the overwhelming majority against the hunt.

If the people cannot control their government, if what is done in our name is done despite our objection, it will be nobearhuntnv.org's duty to continue to work with the people of Nevada to turn this wrong into right. Government must be responsible and accountable to all the people equally.

Respectfully,

Billy Howard
Reno

Lyn Karol, Incline Village resident, has been to other government meeting agencies such as TRPA for decades and one thing learned at the meetings is people are for or against, and she believes you are looking for alternative solutions and looking for consensus to solve this for all parties. Her “tongue in cheek” thoughts for a solution are: Established hunting community, why can’t the rules be changed and have guns that fire vegetable dye, and scopes are cameras for proof that they shot a bear, and bears won’t have to die. That would allow bear hunt but nothing would die. Other creative solutions are the suggestion that if we have a bear hunt, the hunter has to use a knife or a spear as a Commissioner suggested, just wants to make this a fair situation. Increase fees to \$10,000 for each tag, and would generate \$400,000 to actually have bear personnel with specialized dogs to deal with nuisance bears.

Kary Kielhofer said he is mystified as to why meeting being held this summer, why not wait and have meeting after hunt, to analyze data and see if you want to have one next year. As to fairness, should outlaw use of dogs, as nothing more cowardly than shooting exhausted bear with radio collar out of a tree.

Hal Taylor, NoBearHuntNV.org, wants to provide options in regard to permanent regulation and suggested tabling the regulation. Data is a moving target as we have seen today and with the questions about data you don’t have to decide today and tabling the regulation gives additional time to determine what you really want to do, which is consistent with what was originally proposed as it was stated experimental hunting period and due deference to CAB members it states in permanent regulation that you will determine harvestable population and the word “will” often becomes “shall” suggesting that permanent regulation lead to another hunt. Another suggestion if you do not adopt the permanent regulation and you have the lapsing regulation you could truncate current hunt to Nov. 1 you would still have 30 days and gives hunters the opportunity to fill tag and temporary regulation could lapse.

Geraldine Ruger, Guardians for Animals, said biologist told us habitat in Nevada is being degraded at alarming rate especially along the Carson front, protection of habitat and travel corridors, should be a priority they say and give them some place to go if and when trash becomes inaccessible. The data provided is vague and nebulous as Mr. Lackey is not giving us an exact figure for the population. She believes the number is 200 and that is small. According to International Hunter Education Association approximately 1,000 people in U.S. and Canada are accidentally shot every year and under 100 are fatalities and we have hunting accidents in Nevada yet Mr. Lackey said no accidents reported in Nevada and knows from husband and his friends that hunters have accidents they just don’t report it due to their machismo image. Fewer than two humans a year are killed by non-captive black bears. There was an article in the paper today about hunter and is misleading as it states he mistakenly shot the grizzly bear and unfortunately they don’t tell you is he left the bear for dead and the bear was in pain and suffering and attacked them. Never been a documented unprovoked attack by a black bear in Nevada. Idea is when they lose their fear of people they attack, but studies show that not to be accurate, thinks it sad and does not say much for biologist if only way to address the problem is by killing them.

Larry Johnson, president Coalition for Nevada's Wildlife, said a letter is provided for the exhibit file supporting the hunt that was submitted to Washoe CABMW and pertinent to Wildlife Commission. Statement:

9/23/11
#5 Larry Johnson

Coalition for Nevada's Wildlife

**P. O. Box 70143
Reno, Nevada 89570**

September 15, 2011

Mr. Rex Flowers – Chairman
Washoe County Advisory Board to Manage Wildlife

Dear Chairman Flowers:

The Coalition for Nevada's Wildlife strongly urges the Washoe County Advisory Board to Manage Wildlife to support adoption of permanent bear hunt regulations by the Nevada State Wildlife Commission.

The Nevada Department of Wildlife has collected more scientific data on black bears than any other game animal in this state. The science is clear and irrefutable in justifying the proposed bear hunt. State statutes mandate the management of our wildlife resources on "scientific principles". To deny this hunt would be a blatant disregard of state law. We cannot succumb to attempts by opponents to manage wildlife based upon emotion and misconception.

The on-going bear hunt has not precipitated the heinous results or conflicts prophesized by opponents. This should have been obvious to all rational citizens, since hunting activities for other species have been successfully performed for decades throughout the county involving much greater numbers of hunters.

We feel it is your duty to uphold scientific management of wildlife in spite of the sensationalism and misinformation spread by opponents. As sportsmen have insisted many times in the past, if science concludes insufficient numbers of a species are present at any point in time, quotas will be zeroed out for as long as it takes for populations to recover. Management unit closures for sage grouse and bighorn sheep are examples of such closures.

You must vote to support the formulation of permanent regulations.

Thank you for your consideration.

Sincerely,

The Coalition for Nevada's Wildlife

Larry J. Johnson – President (also Director, Nevada Bighorns Unlimited – Reno)
Tom Smith – Vice President (also Director, Trout Unlimited)
Jim Jackson – Treasurer
Scott Carone – Director (also President of Safari Club International, Northern Nevada Chapter)
Ed Wagner – Director (also Director, Nevada Wildlife Federation)
Joel Blakeslee – Director (also President, Nevada Trapper's Association)
Judi Caron – Director (also Director, Safari Club International, Northern Nevada Chapter)
Bodie Monroe – Director (also Director, Trout Unlimited)
Jim Puryear - Director (also Member, Nevada Guides and Outfitters Association)
Bob Brunner – Director
Willie Molini – Director (also Director of Nevada Waterfowl Coalition)
Mike Bertoldi – Director (also Director of Nevada Bighorns Unlimited – Reno)

**NEVADA SPORTSMEN AND CONSERVATIONISTS WORKING FOR
THE ENHANCEMENT OF WILDLIFE AND HABITAT**

Mr. Johnson also said in regard to Native Americans being against the hunt, he himself is a Native American and would dispel that notion, and cited Smithsonian Volume 8, that specifically his ancestors rejoiced in hunting bears for the skin and meat, and trophies, as they danced around the campfire celebrating surviving the hunt. He said we have decades of records of hunting small populations and bighorn sheep are a good example as sportsmen brought back bighorn sheep from extinction in Nevada paid for by sportsmen dollars and science provided by the Department. Have more elk and antelope in this state since the coming of white man. Biologists from NDOW are professionals. Science is clear and there are experts who have differing opinions and unfortunately these days science is for sale and asked people to look at NDOW's performance and records.

Beverlee McGrath, said she represents Northern Nevada SPCA, Actions for Animals, Nevada PAC for Animals, Compassion Charity for Animals, PawPack, and Animal Switchboard. She quoted NRS 501.297 and reminded the Commission that they are to solicit local opinion regarding wildlife and purpose of Commission is obligation to preserve and protect wildlife. Wildlife belongs to people and hopes they consider the will and desire of people of Nevada. Majority are concerned with the economy and realtors focus on safe neighborhoods for relocation and when someone is hiking they don't want to encounter bear that is wounded, and want to be assured they are safe. The documents from Clark CABMW state that hunters comprise 1 percent of population in Nevada, and bear hunters are 1 percent of that 1 percent, and asked how many are opposed as she sent newspaper poll showing that majority do not want a bear hunt. Keep hearing of nuisance bears and 65 percent of complaints were in Washoe County where there is no trash ordinance and compared to Douglas County that has an ordinance in place there are few complaints. She discussed capture statistics, and that statistics can be tweaked and is a consideration. Another consideration is public opinion and groups heard from today are opposed to the bear hunt.

Ray Fraser said he supports the bear hunt and was recently a successful bear hunter.

Will Fraser said he is a hunter and applauded board for having the hunt and allowing it to continue. He said they keep citing polls and he as a hunter has not been contacted for a poll and wonders who was, and he noted that the television cameras are gone when the pro-hunters are speaking and the stations will air the anti-hunting footage, not of them. Mr. Fraser also said if it was any other animal, such as a wild hog, none of these people would be here, it is because it is a bear. He commended Mr. Lackey for his great presentation as his stats were very sound.

Joel Blakeslee, speaking for Coalition of Nevada's Wildlife, thanked NDOW and Mr. Lackey for an excellent presentation and to be on record to make the hunt permanent.

Tom Smith, said he is reading his statement in its entirety due to the attacks on Mr. Lackey.

Tom Smith

9/23/11
#5

Many are accusing NDOW of not managing bears at all.

Issuing permits for no more than 20 bears when there are more than 400, and stopping all hunting for them when six sows are harvested, that would sound like management to any reasonable person.

The licensing and tags that are issued brings money into a department, that gets little money from the general public or the general fund. These sportsmen dollars allow them to manage the bears. Annual hunting will probably bring in around \$100,000.

Carl Lackey, and other NDOW employees, spends a lot of his time responding to the general public asking for help with troublesome bears. His salary is paid by funds generated by the hunting of other species. These are sportsmen's dollars that are being diverted from management of other game species.

Carl has asked every county commission to pass laws that prevent bears from getting into the garbage containers and only one county has passed laws making this mandatory.

Carl also spends time relocating problem bears from peoples trash cans and yards back to the forests and mountains where they belong, after having been displaced by those who took their habitat for homes. He has relocated many bears back to the wild. He has also captured orphan bears that need care. All of this takes money that hunters and fishermen provide. When bears cannot be controlled in any other way and become a danger to the public, he has to put them down. This is heartbreaking work for any wildlife manager.

It would be wonderful if all those who fought hunting would put up the amount of money to support NDOW that hunters and fishermen do. Currently hunters and fishermen provide nearly every penny of the money that NDOW needs to manage wildlife, including bears, through licensing fees and tags. Non hunters and fishermen contribute nothing to the approximately twenty million dollars needed every year.

NDOW manages non game species as well, including many birds, reptiles and mammals that are not hunted, and again it is sportsmen dollars that are spent. Wouldn't it be great if those who find hunting distasteful provided NDOW with funds as well.

And those that don't want to see problem bears put down should be at asking the county commissioners to make bear proof containers the law.

In the meantime hunting is a viable management tool that makes money available for other types of bear management as well, the permanent regulation of hunting them should be approved.

In a position paper put out by NoBearHuntNV and Chris Schwamberger, she used only a portion of NRS 501.105 to show that the Wildlife Commission is in direct violation of their statutory duties. When in fact the statute says quite the opposite.

The use of only a portion of the wording in NRS 501.105 shows that they will twist and spin the regulations to serve their personal agenda.

The entire text of NRS 501.105 is as follows. AS it pertains the Nevada Wildlife Commission.

Commission to establish policies and adopt regulations. The Commission shall establish policies and adopt regulations necessary to the preservation, protection, **management and restoration of wildlife** and its habitat.

This is the same regulation that is used to manage, deer, elk, sheep, antelope, rabbits, fish, game birds and every other huntable species in Nevada.

If we buy into **only the preserve and protect** language that NoBearHuntNV is promoting as the entire regulation then you can assume that they would think the regulation should be applied to all of the game animals and fish in Nevada. So in essence, if they are touting only a portion of the regulation to preserve and protect, are they going to go after all of our hunting and fishing in the future, is this just the toe in the door that will lead to a fight over every species in the future?

Once again the regulations for a permanent bear hunt should be approved, it is the statute that says they have to be managed. Not just protected and preserved.

Tom Smith

Mel Belding said Mr. Lackey's presentation was the most professional and best one he has seen by NDOW and Mr. Lackey should be commended. He said he just spent 14 hours hauling water to a guzzler in Mineral County, and wants to say that Carl Lackey is honest and his credibility and character are impeccable, and hurts him to hear people say that he is not honest because he is. Also would say hunting is most widely recognized and accepted control of big game population management, and in 2007 the number of mortalities could be related directly to the number of cars.

Lloyd Peak, said he lives in South Reno, two things clear, that in several respects the science regarding the hunt is in dispute and with that in mind and the significant attention by the nation to this issue he would strongly urge Commission to use extreme care and due diligence to at very least look at data for current hunt and solicit independent review before approving a permanent hunt. Secondly, this Commission as a matter of law is obliged to preserve and protect wildlife in Nevada including bears.

Patrick MacLaughlin said he is a 45 year resident and has hunted since he was 16, he is against current bear hunt and wants it stopped, and asked not make it a permanent hunt. He said he is one of thousands of people who signed the petition to not have the bear hunt.

Rebecca Williams said she is against the adoption of the bear hunt for many reasons discussed today and Mr. Lackey spoke of revenue that could be generated and should be expectation that NDOW puts significant amount of that money back and to protect bear and install bear proof garbage containers as the local governments cannot, and two years ago IVGID received a grant of USFWS money for protection of black bear habitat and installed the containers to protect bears from being tempted in urban interface. She asked that habitat protection be written in to protect the bears.

Les Smith, Nevada Regional Director Nevada Rocky Mountain Elk Foundation, said he is here representing his membership of 5,000 in Nevada and 180,000 members nationwide who were recently surveyed and the result was that they want to see a balance in wildlife management. He said it is really easy to get 18,000 signatures in front of a grocery store and really easy to sign a petition as you are headed home, but that does not mean support that is just a signature. He expects the Commission not to be bullied by this, as support is hours and hours of time and the millions of dollars spent in the state by sportsmen. However the hunt is here, and his membership feels the bear hunt is a legitimate wildlife management tool that should be kept in place for purpose of managing wildlife, especially bears. He said a lot has been made that this is a stressed population of bears but a stressed bear population does not have triplets or huge boars, and they would ask that the hunt continue as a way of adding balance to this management plan. Also, the Department should bill municipalities for nuisance bear control until they take care of their garbage, and the criticism of Carl Lackey is not deserved as he is well respected, scientific and deserves respect of Commission and members of the audience.

Brandon Wise said he is a landowner/rancher and sportsman and in 26 years he has personally lived and ranched the lands here and can say in last 10 years on a property he owns on east slope of Sierra they have had 10 encounters with black bears, one encounter in their house. Mr. Lackey came to deal with it every time and he was always professional and humane and has heard lots of numbers thrown out today such as 18,000 and supporters but not once has anyone said where those signatures came from are they Nevadans or Californians and have any of them put money into preserving the wildlife and have any of their dollars actually done something for wildlife such as build a guzzler and not just looking up numbers on a computer, and no telling where numbers came from and you can't come up here and belittle people and say they are full of garbage but until you have done the work such as fixing a wetland you have no room to speak.

Alan Pressler, Carson City, resident for almost 40 years and is a on again off again sportsman and said would take issue with numbers as he is a member of the silent majority of Nevadans and is not against hunting or regulated hunt based on solid wildlife biology.

Barbara Moss, said she is here to support the bears as not verifiably established how hunting bears will increase their population, if humans used bear safe containers and controlled own footprint urban bears would not be a problem that would be a long-term solution not just a quick fix. If the number of bears became a real problem as minor right now, there are efficient and humane ways to resolve this issue.

Commissioner Raine said an individual name Kelly Strang could not stay and wanted to relay support for bear hunt and is a humane way to take care of the bear.

Commissioner Howell commended Mr. Lackey for his presentation.

Commissioner Drew thanked the audience for attending and their interest and engagement in this issue.

Chairman McBeath concluded the informational workshop and made a statement for the record in regard to Carl Lackey: He said he is one of the Commissioners who has been here since the beginning and Mr. Lackey has been professional in every respect in dealing with his questions and dealing with the entire process. Mr. Lackey had a lack of judgment in sending out an email, and has now been attacked, he feels unfairly, and the credibility of the science was put at issue by that, and finds that just lacking in support in his mind because it has not just been Carl Lackey, as he has had two PhD doctors, side by side him the entire time doing the studies and would have to assert a conspiracy between the three men to sway the data and analysis of the science of this program to convince him there is any bias and credibility with anyone, and feels it is unfortunate that his single one act has risen to the top and caused people to doubt what the Department is doing and what the two doctors have done in conjunction with the University of Nevada, Reno. In his mind Carl Lackey and the work he has

done and the presentations to the Commission he has made are rock solid and is 100 percent behind the science on this and has no doubts in his mind.

Chairman McBeath returned to agenda item #2, "Approval of Agenda" and said the Commission has never taken public comment on the agenda however in retrospect as it was an action item, he will return to that agenda item for further public comment if needed – No public comment received.

- 6 Senate Bill (SB) 226 Nevada Trapping Regulations for Clark and Washoe Counties – Chief Game Warden Buonamici and Management Analyst 3 (MA 3) Kim Jolly – For Possible Action

MA 3 Jolly reviewed the benchmarks and support material mailed – information on the website and in the exhibit file.

Chairman McBeath said members of public and Trail Safe have asked to be part of process and the Commission wants to be cognizant of its budget in regard to committees and is ready to layout a program framework as how to proceed and have the Commission provide comment before taking out to the public. He reviewed what the Department suggested: The Commission ask the Department to develop a draft trapping regulation proposal; appoint a three member Commission committee to consider that proposal, and he selected Vice Chairman Robb, Commissioners Drew and McNinch; and the committee would hold two workshops, one in the south and one in the north for vetting of the proposed regulation. The proposed regulation will have gone through substantial public comment and have disputed issues worked out and the committee will return to the Commission with the proposal.

Commissioner Raine said there were very many interested parties when this was discussed before and would ask that any regulation that is developed have their blessing.

Director Mayer confirmed that the groups would be notified.

Chairman McBeath said his expectation is that those persons show up at the meeting and the Department has the information to notify the industry representatives.

Public Comment SB 226 –

Beverlee McGrath said for this item she is representing Northern Nevada SPCA, Action for Animals, Animal Switchboard, and Pawpack. She said she has seen the congested area maps for Washoe County (provided for exhibit file), but not Clark County, and initially as legislative specialist she attended the hearings at the legislature and is very familiar with the intent of the bill and is concerned that the discussion today was on general regulations as actual intent was public safety and hopes the Commission does not ignore that key element of SB 226. She said initially she and Trish Swain met with the pest control people and they reached agreement and

they were in support of final version of SB 226 that passed. She hopes public safety is addressed.

Billy Howard said interesting when he talks to people they think leghold traps were banned in 1683 as public perception is that trapping does not exist and will be interesting to learn about and understand history of trapping. He said that he supports the goals of Trailsafe and supports that the Trailsafe Coalition be fully involved in regulation writing and resulting regulations are meaningful and effective and result in protected public congested areas so that the public can feel safe while recreating in county parks.

Joel Blakeslee, President of Nevada Trapping Association, said they look forward to participating in the process with everything they got in drafting regulations and do not want to be left out, and appreciate them taking this on.

Diane Blankenburg said she represents Nevada Humane Society and they totally support TrailSafe and Southern Nevada Coalition and participation in process to create regulations and that support their goals and believe their participations will protect unintended animals in trapping situations.

Doug Bussleman, Nevada Farm Bureau, said they appreciate recognition of being involved in issue and will notify the county Farm Bureau in Clark County of opportunity to participate in the south and they are very interested in participating in process and have question in terms of process as you go to meld southern into northern and the statewide regulation as they are two unique geographic areas and believes that can be resolved as you go forward in the process.

Trish Swain, TrailSafe Nevada and Coalition of Southern Nevada, thanked the chairman and members of Commission for taking on this issue and is pleased in general with outline as explained by Chairman McBeath. Ms. Swain commented that they moved forward quite a bit with the pest control agencies after last February as Ms. McGrath stated. She stated that they are in agreement with the proposal and has letters stating such and a letter from Mark Jensen of Wildlife Services too. She said she likes the three person committee and also no one mentioned including the humane groups and those groups are where most of their support comes from and she has over 600 separate emails supporting their position in the legislature and also their message goes out to their 800 members as well as national organizations who forward their message – Nevada Humane Society, Born Free USA, and Best Friends - and all the organizations as well as those that Ms. McGrath represents need to be included as they are part of Trail Safe's support. She said this is reflective of society being involved in decisions of this board and having their say and is not the traditional way this board is used to and looks forward to that conversation among all.

Chairman McBeath said dealing with one person may be better than multiple organizations as the process could get out of hand.

Larry Johnson, Coalition for Nevada's Wildlife, said he looks forward to reviewing the proposed regulations as that is a monumental task with affected parties. He was raised on a ranch and everyone used leghold traps to protect livestock and they were in congested areas, and you won't be able to notify them, but inappropriate to take away their right to protect their property. This will have to be studied carefully, and will you write regulations broad enough to exempt private property. Personally, he thanked Nevada Trapper's Association and trappers in general for their service in protecting pets, as many domestic dogs and pets are attacked by coyotes and if you don't put fear into these predators they are brazen in congested areas.

Rex Flowers, Washoe CABMW, said they voted unanimously to form a subcommittee and looked for representation from Washoe, Clark, Trail Safe, and Trapping Association, and this looks about right.

Gil Yanuck, Carson CABMW, said they know this applies to Clark and Washoe Counties, however they believe this may be needed in smaller communities eventually, and this will lay the ground work for an all encompassing definition such as congested areas.

Dane Bradfield, Lincoln CABMW, said they are long way before hitting the 100,000 population mark however it was brought up that this regulation could affect areas along the Silver State Trail which they have a large part of in their county and would ask the committee to be mindful of those types of issues as people set traps near trails.

Mike Smith of Reno said as an avid user of trails in and around the basin all the way to California border on both sides and that when this is all worked through to take personal responsibility of people involved into consideration as plays out in everything we do. He heard someone say that if my dog is attacked by a coyote that is my responsibility as the owner but we should not have to worry about our pets getting caught in a trap put there by third party individual that we will not know and would ask that regulation that gets put in place keep the public safe as they don't know what is there.

Chairman McBeath said he sees this as balancing acting between two recreational user groups who both have right to be on public land, recreating equally, and need to take into account public safety and trappers know what the issue is and is confident that they know that.

COMMISSIONER MCNINCH MOVED TO DIRECT THE DEPARTMENT TO DEVELOP A TRAPPING REGULATION PROPOSAL AND TO GET INPUT FROM THOSE INVOLVED IN THE PAST, APPOINT A THREE MEMBER COMMISSION SUBCOMMITTEE AND HOLD TWO WORKSHOPS ONE IN NORTH AND ONE IN SOUTH, AND MODIFY PROPOSAL ACCORDINGLY AND BRING BACK TO COMMISSION FOR CONSIDERATION. COMMISSIONER DREW SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY 8 – 0. COMMISSIONER VOGLER ABSENT.

7 Reports – Informational

A Review of Bureau of Land Management (BLM) Range Wide Sage Grouse Initiative – BLM Nevada State Deputy Director Raul Morales

Director Mayer introduced BLM State Deputy Director Raul Morales who came to Nevada from Washington, D.C. He said Mr. Morales was a stalwart person while in D.C. who he could always go to for assistance. Since coming to Nevada it is a new day for the relationship between the Department and BLM in working together cooperatively. Mr. Morales and Amy Lueders have both stepped in making sage-grouse a priority in the state and nationally, and this is on the agenda per the Commission's request to keep updated on sage-grouse issues.

Deputy Director Morales said for sage-grouse the BLM has embarked in a monumental effort as they are amending land use plans in much of the western states. He said the timeframe is short due to the lawsuit filed against the UFSWS over their candidate species program of which sage-grouse were a part of. The deadline is September 2014, and what USFWS has told them is that what they are doing on the ground for habitat is great, but one area deficient is regulatory mechanisms. Their concern is that BLM policies to manage the landscape have been inconsistent across the west and they need certainty that those measures applied to enhance and conserve sage-grouse habitat are formalized which is being done in land use planning documents. The BLM has created a structure to do that and is comprised of: National Greater Sage-grouse Policy Team of which Director Mayer is the state game agency representative, two state BLM directors, U.S. Fish and Wildlife Service (USFWS) representation, Natural Resource Conservation Service representation and USFS as well as Washington, D.C., program leads. The overall design is to insure consistency in applying regulatory mechanisms across the west, and make sure addressing conservation measures to keep the bird of the ESA list, and develop recommended conservation measures and obtain public comment on conservation measures to insure the measures are enough to keep the bird from being listed. The two critical priorities are the conservation measures, and developing priority sage-grouse habitat across the west. He said they are playing catch-up and many people are involved, they are moving fast due to the upcoming deadline and by 2014 hope to have maps, conservation measures applied to priority areas, and that USFWS will rule favorably to have the bird off the list and still maintain multiple uses on landscape but no doubt multiple use will be different as their director has told them that this effort will change how BLM does multiple use on landscape than ever in the past although goal is to preserve multiple use.

Commissioner Drew asked how the Commission can assist as the Commission is policy-making arm of the Department.

State Deputy Director Morales said to let your stakeholders know and participate with the process and first public meetings should be held in November.

Commissioner Raine said in reference to fire he asked that local rural communities be provided with maps from BLM to focus fire suppression efforts.

Chairman McBeath asked if Resource Management Plans will be amended.

State Deputy Director Morales said by 2014 all plans will be done and the work that is underway now will be included in those plans.

B History of Bighorn in the Great Basin Facts and Fiction – Historian Cliff Gardner

Chairman McBeath said the support material for this item is lengthy and is on the website and 20 minutes is allocated for his history of bighorn.

Historian Cliff Gardner said he is representing the Rural Heritage Preservation Project which is a small group of “old” people who are disgruntled with things going on in Nevada and the western U.S. He reviewed the support material (exhibit file) and answered questions from the Commission.

C Muzzleloader Black Powder Legal Issues – Chief Game Warden Rob Buonamici

Chief Buonamici said prior to this year’s hunting season his Division received calls from the public as to whether or not the Blackhorn 209 powder is legal in the muzzleloader season and as staff did not know they researched this issue starting with NAC which specifically states smokeless powder is prohibited. He said they had to determine whether it was smokeless or not, and Blackhorn powder’s ingredients were smokeless and not carbon based. Chief Buonamici said all muzzleloaders were notified by letter on July 26 explaining that it is illegal to use Blackhorn 209 during the muzzleloader season. The letter generated more phone calls and questions as they believe it is a carbon substitute and the transportation codes says it is, and there are two codes – and the North American transportation code defines it as a smokeless powder.

Chairman McBeath said at this point its use is illegal and someone could file a petition to change it.

D Atlanta Farms Depredation Hunt – Chief of Game Larry Gilbertson

Chief Gilbertson said Biologist Mike Scott from Lincoln County will provide a PowerPoint presentation on the history of the Atlantic Farms and handling of landowner depredation problems.

The presentation is in the exhibit file and on the NDOW website.

E Lake Mead Hatchery Update – Chief of Fisheries Mark Warren

Chief of Fisheries Mark Warren said the Lake Mead Hatchery closed down in 2007 following discovery of quagga mussels and after that the hatchery was disinfected and shut down. Fish are raised at the nearby federal hatchery – Willow Beach – and those fish are stocked in Lake Mead with supplements of fish from Mason Valley Hatchery. Trout stocking was stopped at Lake Mead and Lake Mohave last year however Lake Mohave is stocked by the federal hatchery and other Southern Region waters are stocked by the Department with fish from Reno. The level of Lake Mead dropped 100 feet in 10 years, and the water intakes at that time the water intakes for the hatchery were 35 feet below the surface while the hatchery was still operating with the water temperature at 70 degrees which is not optimum for fish. The lake has come up 20 feet and is predicted to keep rising and may soon be at a point where the temperature will allow fish raising, and the plan will be use to filters (\$700,000) to keep quagga mussels out and we will only be able to stock certain areas to not move quaggas around the state. Southern Nevada Water Authority (SNWA) is building a new pipeline which would provide for cooler water but would cost around \$4 million total to hook into. The hatchery has four academic studies underway such as a study of razorback suckers. The \$16 million bond to refurbish hatcheries will be paid off in 2040.

F Aquatic Invasive Species (AIS) Update – Chief of Fisheries Mark Warren

Chief of Fisheries Mark Warren said the Department is a member of task force working with other agencies on this issue and staff will be writing a statewide management plan. Staff samples water in the state for aquatic invasive species and in 2007 quaggas found in Colorado River and have had positive samples in Lahontan and Rye Patch and Lahontan is considered a positive reservoir and Rye Patch is suspect with only one positive sample. That those waters are infected is a concern as the Truckee River is upstream, and the latest Task Force meeting and Tahoe Regional Planning Agency (TRPA) has 55 persons working seasonally and five full-time with a budget of \$1.8 million to keep quaggas out of Lake Tahoe. The public is being educated with the message of clean, drain, and dry. Statewide plan should be ready in December for review, and this is a tough issue and the only way to stop them is to eliminate access with checks of everyone but that is not practical financially.

Deputy Director Richard Haskins said Assembly Bill 167 passed in the last session was supported by various groups and gives the Department the legal authority to have an AIS program, sets forth definitions of injurious aquatic wildlife and penalties associated with that, provides authority for fees for a sticker program established by the Commission. A key component is education and this is just not the Department of Wildlife's problem however the Department took the lead, and many agencies such as State Parks and Bureau of Reclamation and interested persons involved who have stepped up, and that is the only way the program can work as the Department is too small to handle alone, and the sticker fee won't generate enough funding. The plan is to return with Commission General Regulations to begin the sticker program and implement the program and the boating portion of the program will not be implemented until

2013 as it is too late for this year. The plan is to make the program user friendly without confusion and glitches and the Department will be back to the Commission to establish the regulatory authority.

8 Public Comment Period –

Glen Copeland said he is a member of Washoe CABMW but is representing himself and said he disagrees with NDOW on prohibiting Blackhorn 209. He read a section from the manual of his muzzleloader stating not to use smokeless powder and he has used the powder for several years. He emailed several muzzleloader manufacturers with the response from them that Blackhorn 209 is a substitute and safe to shoot, and his conclusion is how it was classified as smokeless powder as manufacturers consider it a substitute. He has a muzzleloader that can shoot both, and personally would like it removed.

William Wilke said lives at the top of Kingsbury for 18 years and has heard many pros and cons for the bear hunt and he has not heard this issue brought up in regard to the bear hunt and the one item never discussed is that as a frequent hiker he has encountered bears, and documented that bears not that dangerous, unless extenuating circumstances such as being wounded. A wounded bear is likely to happen with this hunt and has a feeling that a wounded bear will be quite dangerous and if a wounded bear ends up in populated area will cause havoc.

Floyd Rathbun of Fallon said he is representing himself and came to the meeting to speak on bighorn sheep and sage grouse, and last month he presented testimony from Fred Fulstone and said one other issue involving sage grouse that BLM person did not understand and that is 10 years ago sage-grouse plans developed with ways to measure habitat and issue discussed was using USDA Ecological sites as a way to describe plant community along with state transitional models and built that in. Also discussed that our greatest sage grouse populations were in the 1960s and a lot more sage grouse habitat when we have more ranches, if the goal is more sage grouse the objective of plans should be to do what we did when we had more sage-grouse. Goal of this group should be less meetings and more sage-grouse throughout Nevada. He is disappointed to find out that an example of thoroughly studied population of bighorn sheep population near Bishop, Calif., was not brought up as that is a good example of the correlation between bighorn sheep and domestic livestock.

Jean Gribbin said she is a property owner and resident of Virginia Highlands, and commented on Mr. Gardner's discussion on historical documents which show negligible documentation of bighorn sheep in the Ruby Mountains and can find nothing historically that bighorn sheep were in the Virginia Range and is confused as to why a private hunting group would be allowed to release sheep there as they will have no beneficial purpose and compete for food and water with wild horses. The sheep will only benefit hunters, and as they are being released in area on private land in TRI, which allows no hunting, that means all hunting will be done in Virginia City Highlands and they stopped a subdivision she believes there will be a huge fight if bighorn sheep are allowed to be released in her neighborhood.

Cathy Smith of Reno, statement on bear hunt:

9/23/11

8

Commission 9-11

As I have stated in several prior letters, I am very concerned that this bear hunt is not sustainable. I have never questioned the data or its collection. I have only questioned the analysis of the data and its conclusions. The density of wildland bears has decreased from 20-41 individuals per 100 km squared in Dr. Goodrich's 1990 study to 3.2 individuals per 100 km squared in the 2003 study. Between the 1990 and 2003 studies, Dr. Beckmann noted that despite a greater trapping effort for the 2003 study (600 versus 301), they captured fewer wildland bears in 5 years than Goodrich did in 3 years. We do not know the current density of wildland bears. I have asked several times. To use Dr. Beckmann's own words, there has been "a spectacular depopulation of wildland bears." I understand more information was presented today regarding the average 16% increase per year and I look forward to evaluating it after the meeting. It would have been very helpful if this information was made available to the public prior to today's meeting as requested.

There are no studies on the movement of bears from California to Nevada. Bears could just as easily have net movement into California. Additionally, the Nevada black bear is on the edge of their range. The first line of Beckmann's dissertation states, "Populations at the edge of their range are more extinction prone". The bear has a low reproductive rate, especially the wildland bear, making it much more vulnerable to errors in management. Part of the reason hunters are harvesting such a high percentage of sows is that there are more female wildland bears. Urban bears are much more likely to be male. Cubs will be orphaned and pregnant sows will be killed. When cubs are orphaned, it puts a black mark on all responsible sport hunting. One of the bears harvested the first weekend was even treed and she was still taken.

Again, I am using Mr. Lackey and Dr. Beckmann's data to question the interpretation. Now if the urban bear population is saturated, I can see how potentially the wildland bear population may begin to increase. However, given the lower reproductive rates of the wildland bears, the lower number of males in the wildlands, and the fact that the department of wildlife still euthanizes nuisance bears creating a sink, wouldn't it have been prudent to give the bears a few years to recover, to see if they would recover. Of note, from what I understand Dr. Beckmann did not say he supported the hunt or that it could even be sustained. I would think you would have wanted those

words from his lips if he had been willing to say them. He did not say the numbers were increasing enough to sustain a hunt. Please re-evaluate this bear hunt. I have great hopes for this new commission. This bear hunt is not what is best for the bear. This bear hunt is not what is best for Nevada.

Catherine Smith

Dane Bradfield, Lincoln CABMW, said he is speaking on agenda item #7, the Atlantic Farms Depredation issue. He said they support the actions of the Department as it is hard area to manage, he was on the Arbitration Panel and has seen elk damage and the design of the hunt has not targeted the problem bulls as the biologist showed. He said going to the smaller hunts and emergency hunts should allow hunting of problem bull elk, and tried a management hunt that did not go to not harvest large bulls, and have low success with cows. He said it is a tricky task to complete and solve problems on Atlanta Farms and they work closely with NDOW, know will be a continuing issue to work with NDOW and the Commission. He said they wanted to express that they are in favor of the actions of the Department with what has been done, and realize loopholes with changing hunt that were unforeseen such as loss of bonus points with 4102 hunt and things will have to be worked out.

Darrin Elmore said he has a comment for fishing regulation for tomorrow and would ask for approval of an exception to Truckee River as the current regulations allows five fish below Verdi and urban ponds are limited to three fish and would ask that the trout limit from below the bridge, the trophy section be changed to three trout, to bring consistency to the regulation. He said the Truckee River is the third most popular state fishery and urban ponds protected and the same protection should be given to the river.

Chief of Fisheries Mark Warren said years ago Truckee River limit was 10 and trend in Nevada is to reduce the limit and heard of this a few days ago along with a proposal to limit the brown trout catch to one fish 20 inches or over and those things are considered. He cannot provide an opinion on that right now without discussing with Western Region staff to obtain biological reasons for recommendation and for something like this would suggest returning with the proposal to the Game Boards.

Dan Slider said he lives in Stateline on Kingsbury Grade, and at recent Douglas CABMW meeting, one member voted against the hunt and Tahoe being included in the bear hunt, as that is a recreational area and does not feel that is a good mix with guns, and hopes we make the right choice and don't have a bear hunt.

Karen Apriland, said she lives on Kingsbury Grade and feels there should be no hunting in Lake Tahoe and provides money for the economy. Their house overlooks the Rim Trail which is the new hunting area, and they walk their dogs down there, and wants the Commission to understand it is something they don't want in their backyard.

Sue Hughes, said she is a resident of Incline Village, and agreed with previous two speakers and would add that she lives adjacent to public lands and is concerned about safety in her immediate neighborhood with hunters as she is a hiker and also very concerned with effect of hunting of bears will have on nuisance bears which they have problems with and does not expect the hunt to have an effect on nuisance bears but may make it worse with pressure forcing them down. As an avid recreationalist she does think the hunt is compatible, and is opposed to the hunt, and particularly opposed to the hunt in Lake Tahoe Basin.

Molly Kingston, said she is an Incline Village resident, and no one on her street has had nuisance bear incident and lived there 14 years and has seen less and less bears over the years. She and family and friends on street are all against the hunt. Nothing compelling to allow hunt and comes down to preference and majority are against the hunt and safety issue in Lake Tahoe.

Jane Hunt, Incline Village, said she is opposed to hunt and collected 400 signatures. She knows that it is misinformed people who think this hunt will solve the problem bears, and human beings need to be better trained. She is a cross-country skier and is worried about coming across hunting parties or wounded animals, and is from a country that hunted bears to extinction and believes that bears are beautiful majestic animals that should be revered she asked for a vote of no on making the hunt permanent.

Pamela Gartin, Incline Village, provided statement and is opposed to the bear hunt and does not think the hunt is sustainable:

My name is Pamela Gartin and I am a resident of Incline Village. I strongly oppose the bear hunt in Nevada.

According to the NDOW's publication Nevada's Black Bear Ecology & Conservation of a Charismatic Omnivore (p.22), from 1990 to 2004 the bear population was estimated to have remained static between 150-300 bears. It strains credulity to accept as fact that the bear population remained relatively constant for 14 years yet inexplicably doubled in the past 6 years. To date, I do not believe adequate research has been done to determine the current bear population. (The 2002 black bear population estimate for Nevada was 150-300 animals ($180 \pm 95\%$ CI) (Beckmann 2002), probably the lowest of any western state. This number has not changed significantly since Goodrich's estimate (1990).

And without reliable knowledge of the bear population, introducing a hunt on an already stressed population is irresponsible. The publication quoted above states:

"...from a population viability perspective the increased mortality rates sustained by urban-interface bears could be very **counter productive**."

So, if increased mortality from urban-interface threatens the bear population how does introducing a hunt represent responsible management policy?

According to Statute **501.181 Duties; regulations.**

The commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this state.

So how does this hunt protect, propagate, restore, or effectively manage Nevada's black bears? Three more quotes from biologist Carl Lackey:

1. "A legal harvest season would not seem to be a solution to the nuisance bear problem..."

2. "The public often demands a non-lethal management option when dealing with nuisance wildlife. NDOW is sensitive to these issues and has been investigating different ways to manage nuisance bears exoterically since 1997."

3. "Wildlife managers deal with the human population as much as the bear population, and often times must weigh the consequences of management decisions that can have a polarizing affect on the community. Some solutions have appeared in recent years, such as aversive conditioning, and although its effectiveness is debatable, the **alternatives** are even more so."

So I respectfully ask the commission, how is this hunt good for the bears you are duty

bound to protect?

The last paragraph of Nevada's Black Bears ends with:

"Nevada is not unique in its nuisance bear problem, nor is it unique in the way that problem is managed. We do however, have the ability to steer our management practices in such a direction so that our future generations may be able to continue telling stories about bears that will *improve with age*."

Well, unfortunately I now know the story of a Nevada Black Bear, chased up a tree by dogs, shot out of the street and while still alive, then finished off by the dogs. This is a story that literally makes me sick.

Please do the right thing. This hunt makes no sense. The commission is obligated to heed public opinion in these matters and there has been a huge public outcry in opposition to the bear hunt.

Rex Flowers, Washoe CABMW, said he wanted to clarify his board's vote on the regulation, which was they voted against the regulation in August and the four individuals stated they were never against bear hunting rather they wanted to get more public input and wanted more public comments and wanted to see the science in relation to the statements that the science was "bad," and to receive suggestions from the public such as not having the hunt on the west side of the Rim Trail and hearing no positive input they went with where they originally were said they were at which was to support the permanent regulation. The other issue was habitat degradation which has been brought up and everyone says that is up to the Department to fix, and the Department fixes wildlife, the federal agencies such as BLM and U.S. Forest Service are in habitat business. Loss of habitat is city and counties where they sit as they allow people to move into those areas, and those are land-use changes. Those are issues that cannot be handled by the Department.

Gerald Lent said he wants to talk of mule deer in 1988 had 240,000 deer and 2009 had 106,000 deer, in over 20 years lost 70 percent, NDOW numbers, unless you Commissioners step up to the plate and do something about the decline the deer herd the herds are doomed, provided graphs showing long-term trend is down and will put in the record again, again from NDOW figures as he got the figures from the hunt book, no one has ever doubted the data as it is NDOW's data, and left a copy for the exhibit file. We are losing our deer herd plain and simple, urged peer review of deer model to question the model, good experts out there to question the model which has not been reviewed. They say plus or minus 20 percent off, 20 percent is a wild guess, no plus or minus in tags issued, can't take back the 20 percent of deer we might have over-harvested. Other news from website has a statement that "Commission Denies Sportsmen Access to Deer Hunt" and should have stated that "Commission Denies NDOW Funds from Deer Hunt" because we cut it back as first question from CABMWs and Commissions was how much money did we lose, and he remembers the previous PIO telling him and another Commission that all press releases in the 1970s, state that the tag draw is above reproach and ludicrous to question that, and Chairman McBeath's comments about Mr. Lackey are similar and they proved them wrong with an audit of the draw system that exposed flaws, fraud, abuse, and illegal actions. Tough to be lone voice and hopes you are retired when you are proven wrong, and need peer review of the deer draw and model.

Billy Howard, NoBearHuntNV.org, said for clarification the signatures on the petition are composed of: 75 percent of 7,600 signatures were Nevadans, 25 percent Californians, and petitions were handed person to person; petition to Governor had 78 percent Nevadans. He said regardless of that NDOW's mission is to citizens of Nevada and U.S. as tag application is open to all across the country and feels it is fine for people from across the country to weigh in.

Saturday, Sept. 24, 2011 – 8 a.m.

9 Call to Order, Roll Call of Commission and CABMW Members -

Chairman McBeath called the meeting to order at 8:10 a.m. and the roll of the Commission and CABMW members.

Commissioners present: Chairman McBeath, Vice Chairman Robb, Drew, Howell, McNinch, Raine, Shrum, and Wallace. Commissioner Vogler excused absence for Friday and Saturday - Sept. 23 and 24, 2011

CABMW members present: Ken Wellington, Elko; Paul Harris, Clark; Glenn Bunch, Mineral; Gil Yanuck, Carson; Rex Flowers, Washoe; Joe Crim, Pershing; Jim Jenne, Lyon; Jesse Lattin, Churchill; Tom Cassinelli, Humboldt; Dane Bradfield, Lincoln; Walt Mandeville, Lyon; and Bill Meyer, Lyon.

10 Member Items/Announcements and Correspondence – Chairman McBeath

Commissioner Drew said all correspondence received he sent to the NDOW information site, and an item for consideration at the next meeting in response to yesterday's BLM presentation on sage-grouse would be a update on interim guidance and the scoping processes on the new plan going forward, and would stress the importance of local input and integration of PMU's moving forward.

Commissioner Raine letter for record from Assemblyman Ira Hansen –

IRA HANSEN
ASSEMBLYMAN
District No. 32



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State of Nevada Assembly

September 23, 2011

Dear Commissioners:

I tried to get into the room to testify but was unsuccessful. If possible please read this into the record.

In light of the bear hunt controversy, please list me as a strong supporter of making the bear hunt permanent. As Governor Sandoval's official press release said, "The Governor believes the bear hunt regulation was adopted according to scientific standards and the Commissioners normal process for introducing a new tag of this kind. He supports the Commission on this regulation and expects the information this hunt will yield can ultimately aid in the conservation of wildlife populations, including bears."

While there has been a very vocal group in opposition, I believe 95% of the people do not care one way or the other. It is vital the Wildlife Commission **NOT** give into political pressure but maintain its tradition of decision making based on the best scientific information available.

You need to turn up your collar and weather the storm and with time you will be fully exonerated as the hysterical claims of the opponents are shown to be wildly exaggerated. Making it a permanent season is fully within safe biological parameters and needs to be done.

Sincerely

A handwritten signature in black ink that reads "Ira Hansen".

Ira Hansen,
Assemblyman District 32
Assembly Natural Resources Committee
Legislative Commission on Public Lands

Chairman McBeath said his items of correspondence are: Letter from Karen Layne of Las Vegas Valley Humane Society with regard to opposing bear hunt; and received emails as did Clark CABMW regarding draw and assignment of hunting opportunity at Overton Wildlife Management Area dove hunt.

11 CABMW Member Items – None

12 CGR 393 – Bear Hunt – Program Officer III Maureen Hullinger – For Possible Action

PO III Hullinger said she presented the regulation language in yesterday's workshop and there were no changes to the wording of the regulation.

Chairman McBeath said yesterday had substantial amount of discussion yesterday but none of the comment was related to the regulation language and would assume everyone is happy with temporary regulation language and have noted forthcoming changes to regulation due to issues raised but will keep it as is for today.

Commissioner Drew made a disclosure statement –

Black Bear Disclosure

Chairman McBeath, NRS 281A.420 requires me to disclose a conflict of interest. The matter before this body may affect my pecuniary interest as it relates to my involvement in Safari Club International (SCI). SCI has taken an interest in this matter as evident by their involvement in recent litigation, and the extensive comment that they have provided to this Commission. Prior to my appointed to this Commission, I served as the Chapter President of the Northern Nevada Chapter of SCI and as such I was required to maintain a paid membership to SCI. Prior to the start of my term as a member of this Board, I resigned my position as Chapter President and Board Member; however, my paid membership to SCI has not yet lapsed. Due to this I believe it is important to disclose my current membership. The letter prepared by Mr. Rew Goodenow (included under the "Commission Correspondence" item) documents my role, or lack thereof, in this particular issue both as a Chapter President and member of SCI. When I applied to this Commission as a sportsmen's representative I disclosed my leadership role and membership in SCI. My membership in SCI does not mean that I agree with or support all of their positions, nor am I required to. I believe that the criteria dictating our decision today are clearly defined by NRS 501.181.4.a. Therefore I conclude that the independence of judgment of a reasonable person in my situation would not be materially affected by this relationship, and because this is not a clear case of a disqualifying conflict of interest, I am going to be voting in this matter.

Public Comment –

Kat Simmons said yesterday she shared how she felt emotionally from the heart, today she will share intellectually as she listened yesterday about the hunt as a management tool, she said Chairman McBeath was quoted as saying that justification for bear hunt has nothing to do with urban bear conflicts, population control, or safety, we hunt them because “we can.” She said she is totally confused, and the Commission should pick a reason, because if it is management then stop with that. Ms. Simmons said she is new to the Commission meeting process but from this point on she will be involved, and appreciates that if the bears had to give their live for that to happen, she is grateful, as this is not just your wildlife and this is not an exclusive club and hears “that they paid for all this wildlife,” and appreciates that but there needs to be equal representation. There must be a balance for those who choose to enjoy wildlife while it is alive.

Chairman McBeath said his concluding statements should address everything Ms. Simmons just asked.

Terry Melbey, Safari Club International (SCI) member and local sportsmen, said his group supports the permanent bear regulation.

Dennis Wilson, Nevada Bighorns Unlimited is a group composed of over 4,000 sportspersons is in support of the permanent bear hunt regulation.

Hal Taylor, NoBearHuntNV.org, said for the Commission to vote for permanent regulation if you really understand all the issues and believe bear hunt should go forward, not because you feel you are under pressure from a particular group, you are independent agents and represent industries, that is what you are tasked with. Mr. Lackey’s presentation yesterday was beautiful and question is whether you understand or have academic concerns. Mr. Lackey’s work will be tested when peer review is done and asked if the Commission understood all of it to make a fully informed decision then do that, and he pointed out yesterday that there is no rush to approve permanent regulation. Tabling this item would provide more time to do that and suggests the Commission do that and truncate the season to Oct. 31 and that is still 37 days to complete the hunt and tag holders knew the hunt could end when quota filled. Vote on best information.

Scott Carone, president Northern Nevada Chapter SCI, reiterated they support the permanent regulation and regulation does not require a hunt every year would be similar to other big game species and to keep it on the books even if no hunt held due to population issues.

Cathy Smith, of Reno, provided statement:

Cathy
Smith
9/24/17

Commission meeting 9-11

How will this hunt benefit the bear? We know it will not help the nuisance bear situation. We do not need to hunt it for population control. There are other sources of funding, if that is what NDOW is after. Has animal management at the department of wildlife gotten to the point that you can't study an animal unless you hunt it? The only benefit I see is to the hunter—bear fur and possibly some very fatty bear meat, likely only for the novelty of it. Like when I tried squirrel once when I was younger. ONCE!

Now the downside.

1. Huge safety concerns persist. Hunting with dogs and bows and arrows in highly populated recreational areas does not mix. We have all seen that a wounded bear can easily kill a human.

2. The scientific conclusions are unsubstantiated. I will not go into further detail after my discussion yesterday, except to say I heard that someone who spoke yesterday said that the sows were have triplets and therefore the bear population is healthy. The data I have from the Carson and Sweetwater ranges had a reproductive rate from 1.55 to 1.75. The urban bears had an increased reproductive rate 2.25 (+0.89) (83% mortality), The wildland bears reproductive rate was decreased at 1.5 (+0.58). If someone has data suggesting that the wildland bears are having triplets and this somehow makes a healthy population, I would love to see it. We can not look at one or two sets of triplets and consider it a safe assumption that the wildland bear population is healthy.

3. The hunt may negatively impact the economy of the Tahoe basin, especially if a hunting accident occurs. Despite the comments of several hunters, it is totally irrelevant that no fatalities have occurred in NV recently. Fatalities have occurred in several other states, about 80-100 a year, and NV has never had a bear hunt in highly populated recreational areas like they do now.

4. Poaching will increase with a bear hunt. In one article, NDoW estimated they caught approximately 5% of poachers. According to the division of wildlife 2010 annual report, There were 15 game wardens with the primary responsibility of

game patrol in 1986 with 276 big game hunts and a population of 903,000. In 2010, the number increased to only 22 with more than double the number of big game hunts at 578 and a population increase to 2.6 million. From the state assembly Natural Resources Committee from February 2011, in Nevada, there is 1 officer/3437 Sq. Miles, more than twice the average for the western states. (The Average for Western US is 1 officer/1453 Sq. Miles.)

5. Finally, it is very difficult to tell the difference between male and female bears. It is difficult to determine if a bear is lactating according to some studies. Cubs will be orphaned.

--Given all of these reasons, it seems prudent to only hunt bears when you absolutely need to do so and not just to appease a fraction of hunters. This hunt is not what is best for NV. Again, this is not an anti-hunting movement, this is an anti-bear hunt movement. You guys are too smart to buy what some of the hunting organizations are trying to sell. Keep your mule deer hunt, your bighorn sheep hunt, your elk hunt, your chucker hunt, your sage grouse hunt, and all of the others. Give us back the bear. This hunt is not what is best for NV.

Mike Smith, Reno, said one question needed to have been asked of Dr. Beckmann by the Commission to put the science issue to bed, and that would have been "Do you believe these studies and conclusions would support a sustainable bear hunt." He read the letter from last August that he wrote which was very noncommittal, and he did not commit to Mr. Lackey's conclusion, as he worked with Mr. Lackey and he is the PhD and that was an important item that needed to be considered along with the PhDs on the other side.

Chairman McBeath said Dr. Beckmann was asked specific questions from Mr. Lackey in regard to the studies.

Keith Ingram said he lives in Reno and has hunted since 1954 and the Commission has taken heat in Reno Gazette-Journal editorial with statements such as overwhelming opposition to hunt and if one looks at number of those who support compared to those who don't the support is overwhelming, and other editorial support the hunt. He would like the hunt to be permanent with tags adjusted according to unit population the same as other big game tags, and would recommend a later season to reduce the chance of taking injured bears.

Eric Schwamberger, NoBearHuntNV.org, statement:

Eric Schwamberger, Ph.D., member NoBearHuntNV

Submitted: September 23, 2011

Good morning Mr. Chairman.

It is unfortunate that much of the information presented by Mr. Lackey yesterday was not available at a much earlier date. Contrary to Mr. Lackey's statements, NoBearHuntNV had not been provided much of the information. Although NDOW had provided a brief and incomplete summary of the modeling, it did not include much of the detailed information presented yesterday, such as confidence limits for the model estimates

It is unfortunate not only because it leaves no time to rigorously examine the information and ask meaningful questions, but it also leaves no time for critical questions to be answered if they are raised.

Let me give you an example.

Yesterday, Mr. Lackey stated that the Pradel formulation of the Jolly-Seber model was used to estimate several of the summary statistics for the data. According to the manual for Program Mark, a critical assumption in using the Jolly-Seber Model is that "Catchability is the same for all animals (marked and unmarked) at each sampling occasion (homogeneous catchability). This is the most crucial assumption for JS models." (*Program Mark: A Gentle Introduction. Evan Cooch and Gary White, eds. 10th Edition*). The Program Mark manual also states that "This assumption of equal catchability for marked and unmarked animals is needed to estimate abundance or recruitment or population growth and is required for the Pradel, Link-Barker, POPAN, and Burnham JS formulations in MARK"

However, in the brief and incomplete summary of the modeling that No Bear Hunt was provided, NDOW specifically stated "*not all bears had an equal chance of being captured*". Since much of the data results from events such as nuisance complaints NDOW does not always collect all bear data in a random fashion, , so that not all bears had an equal chance of being captured. The "catchability" of urban bears is different than that of "non-urban" bears. This violates a required and "most crucial" assumption of the model that was used to produce the estimates of population and of population increase.

Does violation of this critical assumption make a difference in the modeling results and interpretation? It probably does, violations of critical assumptions and model requirements usually do. Does it invalidate the results? Maybe. Can we answer the question confidently before you vote? Absolutely not. Even if we could it is just one example of many questions that have been raised regarding the bear population information.

As I said yesterday, NoBearHuntNV requests that NDOWs modeling of bear data, the modeled results, and the interpretation of those results be subject to independent peer review. NoBearHuntNV calls for an independent panel to review all available bear data, including the modeling, and modeled results, to resolve outstanding questions including the questions on the modeling, population estimates and population dynamics

Although a full list of questions is not possible given the incompleteness of NDOW modeling summary, Following is a partial list of questions regarding the modeling and interpretation that need to be answered before a decision is made on the bear hunt.

and the short time since yesterday's information was presented.

Christine Schwamberger, NoBearHuntNV.org –

9-24-11

CHRS 9/24/11
Schwamberger

MR CHAIRMAN, COMMISSIONERS
CHRISTINE SCHWAMBERGER
NOBEACHWAT. OR

① NOBEACHWAT.ORG APPRECIATES ~~THE~~ THE
DISCLOSURE YESTERDAY OF MR AREN'S
INVOLVEMENT IN SAFARI CLUB INTL ^{AN ORGANIZATION}
WHICH INTERVIEWED IN OUR LAWSUIT TO
STOP THE BEAR HUNT, ~~AND~~ ~~AND~~ AND
WHICH CONTINUES TO HAVE A GREAT INTEREST
IN THIS MATTER

② NOBEACHWAT.ORG APPRECIATES THE FULL
DISCLOSURE OF REAL, POTENTIAL, OR
PERCEIVED CONFLICTS INVOLVING WILDLIFE.

③ IN THE INTEREST OF ~~THE~~ ~~THE~~ SUCH ^{REQUEST}
DISCLOSURE. ~~THE~~ NOBEACHWAT.ORG ~~REQUESTS~~ REQUESTS
THAT BOTH MR LARLEY AND MSOW,
AS A STATE AGENCY, SHOULD ALSO
DISCLOSE THEIR SPONSORSHIP OF
THE ~~NORTHERN NEVADA CHAPTER OF~~
SAFARI CLUB INTL. ~~IT IS~~
AND ^{WHAT} ^{COMPLETE} A SUBSEQUENT OF THAT SPONSORSHIP
COMPLIES.

THIS INVOLVEMENT ~~ON THE PART~~ BY
NDAW AND ITS EMPLOYEES WITH
A GROUP WHICH HAS LEANED ITS
FAVOR OF THE BEARHUT AND WHICH
CONTINUES TO BE INVOLVED IN THE
PROMOTION OF THE ~~BEARHUT~~ BEARHUT
~~CONTRARY TO THE EXPRESSED OPPOSITION~~
~~TO THE BEAR HUNT BY THE~~
~~OVERSIGHTED MANDATE OF NEAOW~~
~~CAPITALS;~~
SHOULD ALSO BE DISCLOSED;
WHETHER IT IS A LEAD REQUIREMENT
OR NOT.

IS
THIS RELATIONSHIP ~~ANOTHER~~ JUST
ANOTHER EXAMPLE OF WHY THE
COMMISSION AND NDAW CONTINUE TO
LOSE CREDIBILITY IN THE EYES
OF THE GENERAL PUBLIC.

THIS RELATIONSHIP IS ALSO ~~NOT~~ ^{credibility} ^{OF} ^{provided}
~~NO BEARHUT~~ ^{also} ^{QUESTIONS THE INFO} ^{and CALLS FOR}
AN INDEPENDANT PANEL TO
REVIEW ALL INFORMATION USED AS
A BASIS TO ~~SUPPORT~~ THE BEAR
HUNT, INCLUDING DATA, MODELING
RESULTS AND PREVIOUSLY PUBLISHED AND

Unpublished information

~~I am submitting for a~~
AS A NEJADA-BASED ~~NONPROFIT~~
ROBEARANT, ~~IS THE AS AN ORGANIZATION~~
~~INTERESTED IN~~ ~~CONC~~ ORGANIZATION
INTERESTED IN CONSERVATION AND WILDLIFE
~~LIFE~~ ~~AT~~ MANAGEMENT

Just like THE SAFARI CLUB,
~~THE~~ ~~BOOK~~ IS INTERESTED IN
ALSO SEEKING SPONSORSHIP BY
NDOW AND WOMEN LIKE
~~THE~~ A COPY OF THE
APPLICATION FOR SUCH SPONSORSHIP.

I AM SUBMITTING ~~A~~ ~~PRINT~~
FOR THE RECORD A PRINT-OUT
FROM SCI'S WEBSITE, PRINTED
THIS MORNING, REFLECTING
NDOW'S T MR LACKY!
PERSONAL SPONSORSHIP OF
SCI.

IN THE IMPACT OF Full
Disclosure, CAN YOU DESCRIBE
THE FULL EXTENT OF SUCH
RELATIONSHIP WITH SCI?

Jessica McDonald said she is against the bear hunt not hunting if done properly to control high animal populations. She collected over 1,000 signatures from people who are upset about the bear hunt, and thinks she speaks for that 1,000 to table the hunt until more information and to not find out later that we should not have had the hunt.

Billy Howard, NoBearHuntNV.org, asked that the Commission entertain the idea of not making the hunt permanent now in favor of having workshops over the next year, and the process followed whereby the public is allowed three minutes and yet the Department scientists present for a long time, is creating a Division that does not need to be there. On their Facebook page questions were posed on Mr. Lackey's presentation asked for them to be asked today but no time to ask. If had workshops he is willing to volunteer to assist with the workshops and talk about the science as he realizes NDOW staff is overstretched and if workshops held could find that more of us on the same side than not and will make the hunt more palatable.

Mel Belding said there are misconceptions as this is to make this a permanent regulation for the hunt, and this is not about the money it is a love of wildlife and enjoys the debate and thinks that is great and let's help the bear out.

Diane Belding said she is in full support of making the bear hunt regulation permanent.

Judi Caron, disclosed that she is involved with SCI and supporter of wildlife, and the way she volunteers is time outside of hunting area and volunteers in projects, through memberships and dues to organizations, and purchasing her hunting license. She is proud to say she served on the board of the Northern Nevada Chapter of SCI when Commissioner Drew was president for three years, and he is of the highest morals and ethics.

Judi Caron's statement -

September 21, 2011

Re: Nevada Board of Wildlife Commissioners (NBWC) - Agenda September 23 - 24, 2011
Item 12 CGR 393 – R002-11 - Bear Hunt – For Possible Action

Secretary to Commission Ken Mayer, Director NDOW, ndowinfo@ndow.org kemayer@ndow.org

And

Chairman Michael McBeath, Nevada Board of Wildlife Commissioners, michaelkmbeath@cox.net

I write (e-mail) to you today to offer my opinions and comments regarding Agenda Item 12, CGR 393 – R002-11 - Bear Hunt. Please include my thoughts and opinions into the record as per Agenda Topic Item during the meeting.

First I would like to thank all the Commissioners for their dedicated time, efforts, passion and commitment to Wildlife and its Management and for soliciting Public Opinion in the Decision Making Process of the Board.

Agenda Item

**12 Commission General Regulation Number 393 – R002-11 - Bear Hunt – Program Officer III
Maureen Hullinger – For Possible Action**

I know you are well aware of the magnitude of proposed “permanent regulations” for Bear that is before this Board, so I will not take your time with a presentation of supporting data in this letter other than to highlight my personal reasons for requesting your vote to Approve CGR 393 – R002-11.

This is the next step in our State’s Legislative process during a Legislative Session year (2011) that Temporary Regulation(s) must be approved a second time to go forward as “Permanent” changes to NAC. Without establishing/adopting "Permanent Regulations" for individual species, Antelope, Elk, Mountain Goat, Mule Deer, Big Horn Sheep, Mountain Lion, Furbearers, and now BEAR, WE WOULD NOT BE ALLOWED TO HUNT or TRAP in OUR STATE.

I personally think one item needs clarification - a PERMANENT Regulation for any Game Species, Deer, Elk, Sheep, Chukar, Lion, Furbearers etc.... IN NO WAY mandates/guarantees a hunt will be conducted or continued every year. We have in place a CHECKS AND BALANCE system known as SEASON SETTING. Usually Game Seasons are structured and approved on a 2 year basic with review and ADJUSTMENTS in the off year, so as to allow for CHANGES AS deemed necessary. Every year we openly discuss through the “Public INPUT Process” if a species designated in Permanent Regulation, big and small game alike along with Furbearers, has a sustainable population and Habitat Arrangement to warrant continuation of a Hunt or Trapping. In years past we have had “disease die offs” within a specific species and unit area(s) (BH Sheep, Turkey) and or habitat degradation that have impacted isolated areas. In turn we, The Conservation Hunting Community, have recommended to CAB and Wildlife Commission that a “Season/Hunt” be Closed, based on annual data reports and Sound Science assessments presented from our Wildlife Biologists and along with viewpoints considered from Hunters, Stakeholders and Public Opinion.

And lastly No North American animal has become extinct because of hunting activities. The North American Model of Wildlife Conservation established seven guiding principles that provided the foundation for the success of fish and wildlife conservation in North America. THE SYSTEM WORKS.

I support adopting "Permanent Regulations" of "BLACK BEAR Hunt" CGR 393 R002-11 and request your VOTE TO SUPPORT as well.

Respectfully submitted for your consideration,

Judi Caron

11865 Juniper Street
Reno, NV 89506
c243270@wildblue.net

Cc:

NBWC Members:

Chairman Mike McBeath michaelkmcbeath@cox.net

Jack Robb jrobb@pacificmeters.com

Dave McNinch davidmcninch@att.net

Grant Wallace hay4you@veawb.coop

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Suzanne Scourby Executive Assistant to Director Mayer sscourby@ndow.org

Honorable Governor Sandoval info@sandovaltransition.com

Mr. Dale Erquiaga derquiaga@gov.nv.gov

Ken Wellington said he is speaking for himself today as a sportsman representative to correct previous misstatements that taxpayers pay for NDOW as that is not correct sportsmen do. He represents thousands of sportsmen who come to him as a member of the Elko CABMW. He complimented Mr. Lackey and Dr. Beckmann who conducted studies for 10 years which sportsmen paid for and they want these committees and groups to meet, who will pay for that?

Jim Jenne, Lyon CABMW, said he has been active on game boards and this process since 1964, and many people do not realize that if you do not have a regulation or send something back to get looked it does not get done. He said he would like this to be a permanent regulation which is not the same as a permanent hunt and this has to be looked at and if we make this a permanent regulation that allows the boards' time and chance to review the issue.

Paul Harris said he is speaking for himself said he wants to address Chris Schwamberger's comment on conservation and wildlife management as sportsmen like to hear that a group like NoBearHuntNV.org would do that as sportsmen conservation groups in the state raise millions of dollars every year and those groups work directly with NDOW, USFWS, and BLM, for wildlife management. If you want to help with bear management he suggested that NoBearHuntNV.org assist with paying for bear satellite tracking collars which cost \$4,000 each. They could also fund a bear biologist and game wardens as the Department would love that yet there is limited money from the General Fund the rest comes from sportsman dollars. He said for them to get involved and put your money where your mouth is and raise money for wildlife.

Kathryn Bricker, NoBearHuntNV.org, said as she is representing the group she has extra time and will address the comments made. She said regarding money, they certainly agree and understand point of view expressed by sportsmen today on funding. She wrote Deputy Director Cates for a spreadsheet on all money spent by the Department on bears, and he gave her 10 years of information and she looked at that and checked with Ann Bryant of the California Bear League and was told that there was no year were the private donations from Lake Tahoe citizens to fund the Bear League did not surpass NDOW's expenditures in any one year on handling bears. For the record the public is willing to step up, to date they have not been integrated into system because no democratic representation. Billy Howard's comments are backed up by science, she submitted to Commissioner McNinch three or four scientific studies that show when there is democratic participation in wildlife management decision it not only increases cooperation and understanding between the different stakeholders but outcome to wildlife on decisions is far superior. She said she encourages what previous speakers have suggested which is to table the decision for one year. Your decision to hunt Nevada's bears will be a defining moment in the Nevada public's relationship to the Nevada sportsmen. The decision to hunt bears will go against what we consider the very ilk of democratic process, the will of the people; it will break ranks with sound judgment of 82 years of Nevada sportsmen's leadership in thinking that not hunting bears is the right thing to do; it will ignore the results produced by one of the basic tenants of sound science – which is independent peer review which NoBearHuntNV.org provided, from three different groups of biologists of equal stature to NDOW's. In passing the bear hunt today, because you can, you will have lost the confidence of

the public, who for 82 years have allowed currently 2 percent of Nevada's population to control 100 percent of the decisions regarding our wildlife. You could table the decision for a year and engage public in a meaningful versus marginalized way. If instead your decision is to hunt bears, this will result in we the people fully demonstrating to you how they feel a democracy is supposed to work, because we can. They saw in the legislature this year how the public felt when sportsmen manipulated certain seats. To borrow a Japanese parable, "What began a year ago as the gentle moment of a single butterfly's wing, has now built into the force of the greatest of tsunamis." Commissioners that wave is just off your shores, the will of the people. NoBearHuntNV.org, representing the vast majority of the Nevada public who have spoke on this issue, respectfully request you do not pass the bear hunt into permanent regulation. Commission Shrum as our public representative, many a fallen angel has found his way home. Please support the public in your decision.

Commissioner McNinch asked Ms. Bricker if NoBearNV.org is in a position to consider alternatives to the hunt rather than just no hunt.

Ms. Bricker said yes to Commissioner McNinch.

Tom Cassinelli, Humboldt CABMW, said they support the permanent regulation and feels as others have stated that this is probably best thing to happen to bears and as permanent regulation means bears will be studied to eternity. Again, Humboldt CABMW recommends approval of the permanent regulation.

Judi Caron, Coalition for Nevada's Wildlife, said yesterday the Coalition's president spoke in favor of making the regulation permanent and wanted to say as a representative from that group, from all testimony heard yesterday, the guiding principles of North American Wildlife Management Conservation that they stand by those principals, and support making this permanent regulation.

Rex Flowers, Washoe CABMW, said the board voted unanimously to have this made into a permanent regulation. Other side of coin is heard now through testimony that they are willing to compromise and asked where were these people all of last year, as his board specifically asked in August they voted 4 - 1 against the regulation requesting compromise and in September when they voted again they did vote to make it permanent as no one would come forward to compromise. Too late now, and the tweaking can be done after it is a regulation.

Gil Yanuck, Carson CABMW, said heard lots of talk in public comment with specific issues regarding bear hunting, and whole issue before the Commission is to make this permanent regulation, and is not a hunt and does not understand why people don't understand the difference between authorizing a hunt and a permanent regulation. As the Commission has separate issues such as tags, season length or other issues, that will be discussed in February. This deliberation is to make bear hunt a permanent regulation.

Jesse Lattin, Churchill CABMW, said CABMW voted to make the bear hunt a permanent regulation and did not receive any correspondence from anyone in Churchill County that was opposed.

Bob Cook, Douglas CABMW, said the majority of board voted to support the bear hunt.

Glenn Bunch, Mineral CABMW, said they have a few bears in Mineral County and all three bears physically observed all three have twins, and did not have a quorum, however in past meetings the board reached conclusion that whatever decision Commission arrived at they could live with.

Sherine Kuckhoff read statement from Margaret Martini -

SOME ONE PERSON OR PERSONS ARE RESPONSIBLE FOR SPREADING A VICIOUS UNTRUTH THAT NOBUN IS AGAINST HUNTING ~~AND~~ PROBABLY IN THIS HUNTING ROOM TODAY AS A HUNTER/ HUNTERS, CAN'T YOU LEAST BE HONORABLE?

Submission to Nevada Department of Wildlife Commission meeting 9-24 & 25, 2011
From: Margaret Martini, Incline Village, NV.

Members of the Commission:

The only issue relevant to continuing the Bear Hunt is THE BEAR HUNT. There has been much discussion and correspondence from hunters and the Coalition for Nevada's Wildlife regarding the conception that we, the public who do not support the bear hunt, are against hunting and guns. Nothing could be further from the TRUTH. Many who strongly oppose the bear hunt are gun owners and hunters ourselves. The ONLY issue that this commission should be addressing is the science before you in considering having this hunt be a permanent one. The science says NO. Therefore an overwhelming number of the population says NO. Please re-study Beckman's dissertation and his findings that the hunt will do nothing to solve the urban bear issues. He also clearly states that the population is stable. You are basing your votes on pressure, misconception and lack of using the expert knowledge available to you and not on the science. It is your fiduciary duty in your position of managing the wildlife of Nevada to put down your preconceptions and study the experts findings. To continue as you have been in disregarding the science presented to you by more than one source is to fail to do the job you were appointed to do. This is about the bear hunt and ONLY the bear hunt. Leave the rest out of the equation.

Margaret Martini

Discussion returned to Commission on CGR 393 –

Commissioner Robb said he has done his homework, read the emails, talked to the biologists, phone calls, on this issue so that he can make an informed decision, and he had to look at his own core values as to what is being presented and considers himself a conservationist but is a sportsmen representative on the Commission and his position is maximum opportunity for sportsmen which does not mean taking maximum animals, it is giving opportunity for quality hunt and quality animals and not having an impact on that species. He said there is passion on both sides of this issue, and NDOW staff very well respected, and peer review has been done. His decision today will be based on science that he believes in and in regard to public safety he would not make a decision that endangers the citizens of Nevada. He will be voting in favor of the permanent regulation for a bear hunt.

Commissioner Raine said this body has different reasons for supporting the regulation and he supports the hunt on basis of biology which is far more than sufficient and secondly public safety will be enhanced with the hunt.

Commissioner Drew said his decision today will not be based on money for the Department, precedent or protection of individual or group, or intimidation, rather his decision will be based on what he said in his disclosure statement and the NRS definition of Commission duties and the biology. He heard the call for third party review and the model and analysis was done with Dr. Sedinger of UNR, and while he was a student at UNR studying wildlife he studied under Dr. Sedinger and learned the program “MARK” and Dr. Sedinger is one of the most respected population dynamic professional in the country, and there is an element of third party review and at same time the Department has done a good job of collecting data. He said due to the expanding bear population it is exciting to consider a management option, and one of the management issues not discussed is potential problem with limited habitat and an expanding bear population which is why we need to look at all of our management tools. Much has been made of wildlife belonging to people of the state, and every CABMW represents the people of Nevada and are responsible and accountable to the constituents in their county. Every county that has spoken is in support of the regulation. He hopes the public remains engaged in this process as it helps the Commission make better decisions and better adaptive management decisions moving forward. As to safety concerns, he attended the bear indoctrination and Department staff read every regulation involving public safety while hunting, reviewed maps of hunting and non-hunting areas. He said the Department took the necessary steps to insure safety. Approval and support of the CGR does not mean he will support every hunt thereafter and following hunts may be radically different than what is being proposed today.

Commissioner McNinch said his message to NoBearHuntNV.org is that they have been heard, and relay to the Commission that he met with representatives from the group and was a cordial and respectful meeting where he learned a lot about the group and organization and their concerns. He said he has concerns and there is no doubt that are things we can do to develop our database and he trusts the data but there are information gaps such as wildland bears

versus urban interface. He told them and is true today that he is likely to support the permanent hunt regulation and not as endorsement of hunt and things will be different for him if they stay the same between now and in February, right now he would be inclined to not support the bear hunt in February as part of the season setting process. Voting against the permanent regulations today would limit opportunities that we may have between now and February. As various interest groups that have convictions, and we will need to cut into those convictions to make something happen and we are there on this issue. He said there may be opportunity to discuss not hunting in the Lake Tahoe Basin, season length, quota reductions, and something more collaborative.

Commissioner Wallace said the decision should not be based on money and does not think it ever was, when the temporary regulation enacted quotas conservative and by making this a permanent regulation that allows the Commission the opportunity to raise or lower quotas based on science, and he trusts the Department's science and numbers. Commissioner Wallace said he has not seen the numbers move around in Mr. Lackey's bear presentations, and Mr. Lackey stated that he had marked 310 bears, and that tells him that the population is large enough to support the hunt, because if it was a small population, of the bears taken some would have been marked. He said the hunt will be looked at year to year and always a need for more information and will be an ongoing process. He supports the permanent regulation and the Department and its science.

Commissioner Shrum said his concern is public safety as people have moved into black bear habitat and sooner or later there will be an accident and when the accident or incident happens they will question how it was allowed to happen. He supports the regulation as something needs to be done before a disaster.

Chairman McBeath's statement: Commissioner McNinch mentioned going forward and having both sides come together in a collaborative process of some kind to deal with issues and over the last two days of the meeting he jotted down notes for the two groups to discuss later - no kill pursuit season for hounds; transplant of bears into historical range and which will be a huge issue with a lot of issues and has seen a map which would increase populations in Nevada and as has been done with bighorn sheep and would need to discuss with agricultural representatives if that is ever done and should be talked about; the urban bear problem, feels urban bears are in a killing zone and whatever the Commission can do at the state level to get the communities that have not done what they need to do to solve the bear problem in urban areas resulting in killed bears in urban areas is honestly worse than what the hunt could do in those areas and should be the highest priority for the Commission to get something in place; add bear paws and gall bladders to the regulation; congested areas in Tahoe Basin, the highest priority and conflict between recreational users on public lands; another big one is continued study of wildlife corridors between Nevada and California and what we can do to limit and manage development and maybe acquire private lands to protect corridors; pushing the season date back after Labor Day mentioned; and probably more items to put on for discussion, and obviously his base decision is on science and population estimates and whether we have a

sustainable population whether it is growing. Chairman McBeath said Mr. Taylor commented that we need to look at everything, and we all have to weigh the facts and science and his principal reliance is on the study and that the people involved in the study, Carl Lackey, Dr. Sedinger, Dr. Beckmann and the man who predated them, who gathered the data for the model and made the MARK program and has a certain amount of trust in their professionalism and has weighted the additional information from the other side and that does not tip him. For instance a letter received from the Sierra Club citing study information and then a letter comes from SCI with five exhibits which put into conflict the study done by Tavss, as SCI had been involved in the process in New Jersey and dealt with the individual's study cited by Sierra Club, and when he read that the man was out of the chemistry department and read the response written by their bear biologist, who is the premiere bear biologist in the country retained by SCI, he came away that the more credible study is from the man with SCI. On the science end he is absolutely confident that what we have here and Dr. Beckmann's letter lays out a road map for the Department to take on the science to continue to do this hunt. In the future he hopes we continue to move down that road for further support of science behind the hunt. Now, moving into the what he considers the Commission's obligation behind the hunt as set forth in NRS, and where we need to begin is with the legislative directives that the Commission has been given, and the Commission is a body created by NRS legislative statute, and gives us our charge as what we are supposed to do, and first section that comes to mind is NRS 501.100, that has been cited many times by lots of parties including bear advocates: NRS 501.100, Section 1. Wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada, and this natural resource is a public resource, for all people. He said the Commission gets that and understands that. NRS 501.100, Section 2. The preservation, protection, management and restoration of wildlife within the State contribute measurable to the aesthetic, recreational and economic aspects of these natural resources. He asked, in effect what is that - basically it is embodying the public trust doctrine as cited in the Martin vs. Wadell Supreme Court case going back to the late 1800s and 1900s and involved a waterway that people were fishing with no controls and they felt the states that bordered that waterway should have no involvement. The U.S. Supreme Court issued a decision stating that wildlife belongs in trust to the people of the state, and that has been eroded with the Endangered Species Act, Migratory Bird Act, or anything federal that involves multiple jurisdictions. There have been erosions of the Public Trust Doctrine for purposes of state law all for the good. One thing he wants to point out that in addition to NRS 501.100 that NoBearHuntNV.org has cited NRS 501.105 which has same language and critical language is "preservation, protection, management and restoration." What he finds when he reads the position paper of NoBearHuntNV.org is the emphasis on the first two, preservation and protection, and they stop, and that is not what the statute says. The statute says all four – "preservation, protection, management and restoration" not two, all four. Right after NRS 501.100 is 501.102 - "Legislative declaration regarding hunting. The Legislature declares that hunting permitted by law in this State. Is a valuable activity in the management of game mammals and game birds;" and he will not read the rest of it but the linkage is direct between NRS 501.100 to 501.102, basically says for purposes of preservation and protection, management and restoration, as to management component as legislative directive, that

hunting, is a valuable activity in the management of big game mammals. Moving on NRS 501.110 basically requires that all animals be classified, and the statute reads “for purposes of this title, wildlife must be classified as follows, wild mammals, which must be further classified as either game mammals, fur-bearing mammals, protected mammals or unprotected mammals” by regulation the former Commission NAC 503.022 have classified black bears as game mammals, that was done in 2002 and the reason they did it then was for the protection component and to make sure that anybody who illegally took a black bear received the stiffest penalty and that was done by classifying them as a game mammal. Now, when NoBearHuntNV.org looks at our statute, whether it be NRS 501.100 or 501.105 which have same language and same areas to be concerned with on wildlife management, what you need to understand is that when any court of law looks at interpreting the meaning of the statute, is they look at entire statutory scheme, and what we have here is five NRS Chapters –101 through 506, NAC 501 and 505 and in effect what those statutes and regulations do is implement the North American wildlife model. In other words our Legislature has told us that to meet this legislative directive and going back to preservation, protection, management and restoration, is the way we do that through implementation of the North American wildlife model. Is important that we look at that model, and he is going to look at it and he made his statement and concluded with the phrase that made him famous, and still stands by that statement. He said let’s look at the North American wildlife model in a broad stroke, we view wildlife as a sustainable natural resource, and look at entire population as a resource to manage, and not necessarily thinking of that from the standpoint of the welfare of a individual animal. If you think you want to kill an individual animal in the State of Nevada, Law Enforcement will have something to say. However, the key component of the wildlife management of this resource is through sport hunting and that is our model, practicing a concept called sustainable yield and what we are doing is determining is there a sustainable yield portion that we can harvest to support our conservation program that we have. As many people have said that is not the issue involved with this permanent regulation but that is the process we do every spring that involves taking in a tremendous amount of information, surveys, modeling that are done on all of big game populations before the Commission makes a decision on the quotas. Sport hunting supports NDOW, we have had a number of Commissioners state it is not about money, overall it is about use of wildlife and sustainable and harvesting the animals and harnessing the demand of sportsmen for these animals to run an engine of a program that supports everything we do and meets all four of those requirements, that we are talking about. Provides funding source through license sales, tag application fees, tag fees, special fees paid by sportsmen such as habitat fees and funding through Pittman-Robertson Act which is excise fee on ammunition and firearms for game animals and separate act for Fisheries. NDOW’s operating budget for 2011 was \$36 million, and total budget is higher. Sportsmen’s portion of that is 98 percent, and NDOW’s budget from the General Fund is \$720,000 or 2 percent, which is why you hear sportsmen say they fund this program. As has been pointed out sportsman organizations, sch as Nevada Bighorns Unlimited, Fraternity of the Nevada Bighorn, Safari Club, Mule Deer Foundation, Rocky Mountain Elk Foundation, Wildlife Habitat Improvement of Nevada, and many more, all provide additional support for wildlife resources as Mr. Harris pointed out there is an incredible amount of hours put in by individuals who donate time and direct materials in

support of wildlife and it goes beyond the licenses and excise taxes, and all that. Bottom line is NDOW through the support of sportsmen are the stewards of Nevada's wildlife resources. He would love to see conservationists get more involved with money and time with actual on the ground projects that benefit wildlife. When he looks at the Commission's statutory mandate, preservation, protection, management, and restoration, let's see how NDOW, sportsmen and the North American Wildlife model stack up: Protection, NDOW law enforcement, game wardens, and statutory scheme for fines and penalties for persons who violate laws, for protection of wildlife. Monitoring the species under the ESA, management of state and federal public agencies for land use planning and development, NDOW is there in these public forums, basically advocating for wildlife interests. Development and protection strategies for wildlife habitat, overall wildlife plan, and management plans for every single species, protection, is a big part of what the agency does. Preservation is development of Wildlife Management Areas (WMAs), through bonds and other sources, and donations, NDOW has acquired land usually ranches that are turned into WMAs that support wildlife and viewing, not just hunting and for other non-consumptive uses that people want to use them for, preservation and advocating for preservation of wildland corridors and the ESA component. Management - NDOW Game Division, wildlife biologists, commit a tremendous resource of scientists to the management of wildlife. Habitat Division is devoted to habitat issues on WMA and public lands, in this group are experts that anytime a project is considered on public lands, and have two items on today's agenda for water project in Southern Nevada, SNWA, as well as action on the Sheldon, they are involved. Management also involves Fisheries Divisions, trap and transplant is a management function as is sport hunting and the biggest one we are talking of today, to manage populations through sustainable harvest over time. Management through data obtained through sport harvest. As said many times, not just about taking animals and that is the end of it, we get feedback on almost every hunt through requirements that hunters complete hunter questionnaires to obtain data used in modeling process and specifically for bears, hunters have to bring in the hide and skull, and we are gaining data for the management arm. Restoration component, NDOW Game Division's trap and transplant program is taking excess animals and repopulating in historic ranges and non-historical range to maximize game populations. The habitat fees help fund restoration projects. When it comes to meeting the charge of the State Legislature, this agency and the sportsmen of the State, they meet it, overwhelmingly without a doubt in his mind. Honestly when he analyzes this, he is now going to compare that with the model that NoBearHuntNV.org is proposing, what he calls the individual animal welfare model. His analysis of that model is it focuses on the welfare of an individual animal and advocates not killing animals and other non-lethal methods with little regard to sustainability of population, based on emotional and often-times irrational attachment to the individual animal at the expense of population viability. Advocates and emphasizes non-consumptive uses of the wildlife resource. Understand our model allows that as well but does not emphasize it, and increases those opportunities, has no funding at state or federal level. The organization seeks funding from public to oppose any action they believe harms individual animals with no investment in habitat conservation or management. Funding used to oppose sport hunting through legal and legislative action. Focus on ideological versus ecological principles. He said ultimately he rejects that model as it does not meet the NRS direction under 501.100,

protection – none; preservation – only by not killing individual animals but nothing to sustain total populations, it fails preservation in his mind and knows they won't agree with that; management – none; and restoration – none. By eliminating sport hunting, this model and the people who support it, assume killing will stop, and he finds that an incredibly naïve assumption, if you think killing will stop and our model goes away, think long and hard what really will happen. As he believes when you look at two models it is clear which one we should follow at state level. He said he wants to move on as to what the Commission needs to do today, and when we talk of public trust doctrine, and when we talk of trust in law, it means we have "trustees," and "trustees" have fiduciary obligation to the trust's principle, in our case our trust principal is the wildlife resources of the State of Nevada, the Commission has fiduciary responsibility to determine which one of these models is in the best interest of the wildlife resource, that is what we need to determine as to which model will best protect the wildlife resource and meets the statutory charge under NRS 501.100 and NRS 501.105 which is preservation, protection, management, and restoration. Specifically which model conserves our "bear" natural resources, in his mind the answer is absolutely clear. He said he wants to answer some of the questions as did Mr. Lackey such as, "how can killing bears, conserve them?" He said he laid out the North American model and believes that question is answered, harvest plus or minus sustainable yield, depending on objectives, drives objectives to meet specifically 501.100 which is our definition of conservation. So how can we conserve bears, we hunt them, because they are part of an overall wildlife management program and process, the North American Wildlife model, but in long-term will protect the resource without a doubt. Another question, is that many of the bear advocates have made big effort to get signatures and came to the Commission to say that the public is mandating we not do this bear hunt, making it a popularity contest, or in other words something democratic, that basically says the most people who want something to happen or are vocal enough to bring it to the Commission's attention and the majority rules. He would submit to that the Commission's fiduciary responsibility and what we must base our decision is on facts including science in support of population estimates that best meets our statutory and legislatively directed charge under NRS 501.100 and 105 to preserve, protect, manage, and restore. We should not succumb to pressure from certain persons in the public if to do so would mean that we do not meet our fiduciary trust obligation to the bear natural resource and the people of the State of Nevada. He asked how should each individual Commissioner vote, and he will pick on the two Commissioners, who are in the most relevant seats to this decision today - the Conservationist and the General Public representatives. The Conservation representative should support the bear hunt and glad to see he did on the regulation. Because of this part of conservation plan, and does not believe other model is. Commissioner Shrum has taken a lot of heat because he is the general public rep and in his opinion he should support it as the rational "John Q. Public" should realize that of these two models, the preferred model to best conserve the bear public resource and which provides the most wildlife opportunity for the general public is the North American Wildlife model, as to the rest of us, the principles apply to us whether we are a sportsmen rep, ranching rep, or farming rep. He said he hopes he answered the question posed as to the Commission's legal obligation and based on that, the science and everything he has heard today and yesterday, and over the last year the Commission has dealt with this issue, he has become more convinced

that we need to support the permanent regulation and the current bear hunt, and will be a year by year process as we go forward from here. Chairman McBeath said he will be supporting the bear hunt.

Commissioner Robb said this is a two step process and no one discussed how the quotas will be set now that we may have a regulation, that is the second step, and he believes in that as much as the science. NDOW in their science on a regular basis is conservative and we see that conservative approach by NDOW for all species hunted. There are three groups who oversee their approach, that is the hunting public which is conservative in their approach and proved by nonresident applicants, the conservative approach makes Nevada a coveted hunt. The conservative hunting public provides input to their local CABMWs who in turn report to the Commission. If you are here during season and quota setting you will see that conservative approach and the often-times more conservative approach by hunting public. The hunting public is not pro-harvest rather preserve, and quality and the future. He is not basing his decision on just believing the science, rather he believes in the process, the hunters, the CABMWs, and the ability of the Commission to listen to hunters, the CABMWs, and his job as a Commissioner is to weigh what the public wants with what NDOW tells us the science says, and their task is to balance the expectations of the public, with the biology of the Department. He said because of that he is comfortable with going forward with the permanent regulation and the process is just as important as the science.

COMMISSIONER HOWELL MOVED THAT THE NEVADA BOARD OF WILDLIFE COMMISSIONERS PERMANENTLY ADOPT CGR 393 - BEAR HUNT. COMMISSIONER WALLACE SECONDED THE MOTION. VOTE ON MOTION: 8 – 0. MOTION CARRIED UNANIMOUSLY.

13 Commission Regulation Fishing Seasons and Bag Limits 11 – 12 – Chief of Fisheries Mark Warren - For Possible Action

Chief of Fisheries Mark Warren read through the proposed regulation highlighting the changes starting with Douglas County and took questions from the Commission as he proceeded.

Public Comment -

Chairman Rex Flowers, Washoe CABMW, said the board voted to accept the regulations but would like a clarification on hours Rancho San Rafael Park is open as it has different hours for vehicles and pedestrians.

Chief Warren answered staff heard that concern at the meeting, and some parks whenever they close is when the fishing closes. He said some parks this is a problem as for example Sparks Marina has people in there at midnight, and anglers can go in too.

Commissioner Drew asked Chairman Rex Flowers of the Washoe CABMW if they discussed changes to the Truckee River limits as suggested by Darin Elmore yesterday.

Chairman Flowers, Washoe CABMW, responded to Commissioner Drew that Mr. Elmore did not attend their meeting so his suggestion was not discussed; however, that comment was brought by own member a few years ago with the inconsistency of catching three fish in a pond then switch over to the river and can catch five.

Tom Cassinelli, Humboldt CABMW, said there were many changes in Humboldt County but they did vote to support the Department recommendation. He personally has concerns when we change small streams from 10 to five that there will be quite a few people out there for a year or two catching 10 fish and not sure how that will be handled as they have been doing that forever.

Chief Warren said the regulations are not in effect until March and he will work with the Conservation Education Division to get the regulation change from 10 to five in the newspapers.

Paul Harris, Clark CABMW, said his board voted to approve the Department recommendation as recommended. In regard to Dacey Reservoir, and the regulation of a one trout limit, as he was active in bringing that to the Clark CABMW that was after multiple fly-fishermen came to him and he is a fly-fisherman too, and he met with the Las Vegas Fly-Fishing Club that had tried unsuccessfully for fly-fishing only barbless hook regulation, and he met with NDOW and came to middle ground of one fish limit. He said he has heard positive comments and that is closest quality fly-fishing water to Las Vegas and they appreciate Chief Warren's effort in working with them. He said they also support a possible minimum size for black bass for next year's regulation and hope Nye CABMW has no objections.

Walt Mandeville, Lyon CABMW, said they are in agreement with all of the regulations except one and that is season for eastside waterfowl series, it opens Aug. 20 something, and originally was set late to protect waterfowl resource, but majority of waterfowl are hatched and reared by June early July and would like the season moved up to July 15 to allow, summer fishing as the ponds get overgrown with weeds as the summer progresses and becomes impossible to fish. Excellent fishing opportunity there at that time of the year.

Chief Warren said they support sport fishing but would need to discuss with Mason Valley, the Game Division and the CABMW, to see what they think of that.

COMMISSIONER DREW MOVED TO ACCEPT THE DEPARTMENT RECOMMENDATIONS CR 11 - 12 WITH EXCEPTION OF CHANGE FOR DACEY RESERVOIR IN NYE COUNTY. COMMISSIONER MCNINCH SECONDED THE MOTION.

Commissioner Raine asked for clarification of change to Dacey Reservoir.

Commissioner Drew said there would be no change to Dacey Reservoir.

MOTION CARRIED UNANIMOUSLY 8 – 0. COMMISSIONER VOGLER ABSENT.

- 14 Commission Regulation 07 – 07, Amendment #8, Chief of Habitat Elmer Bull – For Possible Action

Chief of Habitat Bull said this item was added to the agenda as there was a situation came to light that this regulation would preclude youth hunters from using the Key-Pittman WMA during a hunt day in October. He said the regulation read this way for many years and should have been fixed, and usually the youth waterfowl days are at the end of the regular season, however, this year when the Commission approved the youth waterfowl season dates they were split days and one ended up on an even day in October at Key Pittman WMA and that would have made youth hunting illegal as it was not an odd day and that was not the intent.

COMMISSIONER WALLACE MOVED TO APPROVE AS PRESENTED BY THE DEPARTMENT. MOTION SECONDED. MOTION CARRIED UNANIMOUSLY 8 -0. COMMISSIONER VOGLER ABSENT.

- 15 First Reading, Commission Policy #51, Commission Lifetime Commitment to Wildlife Award – Commissioners Robb and Drew – For Possible Action

Chairman McBeath said adding Commission Policy #51 to the agenda was probably the most requested item.

Commissioner Robb said he attended Commission meetings for the last 14 years and seeing the recipients receive the award he understands the honor given to them and the commitment that they put in to get that award and events over the last few years have taken away some of that and he wants to restore award to former prestige and this is first step in doing that.

Commissioner Drew said he brought this up as a Commission item at the request of CABMW members and members of the public asked him too, and in regard to Commissioner Raine's comments whereby he objected to the process at looking or amending the policy, his statement to that is the difference this was asked for by the CABMWs and supported by the CABMWs, rather than what happened in the past where this Board made previous decisions in spite or in the face of the CABMWs, and wanted that on the record.

Commissioner Raine said he would like clarification on the process you are intending to follow, as Commission policy states first reading, and would assume it will be on next agenda, and that Commission Policy #1 will be adhered to with this item, i.e. minimum of two readings of public policy unless declared an emergency.

Chairman McBeath said he would like the CABMWs and public to weigh in as this is a sportsmen issue and will let them make the decision.

Commissioner Robb said he appreciates Commissioner Raine's comment and believes in following policy whenever we can; however, this is an emergency as there are deadlines to be met such as a Nov. 15 deadline for the award. He said it is important to the CABMWs that this be right.

Commissioner Shrum said in no way does this constitute an emergency.

Chairman McBeath said the Commission will weigh in on that and his comment is noted.

Commissioner Howell said before a motion as to whether this is an emergency or not, we should review why the Kirch Award was changed: He was on committee and sent folder to vote on nominees, and he voted and returned ballot then contacted by NDOW rep as to whether he understood process, and he told NDOW rep that he understood there would be one winner for the award. He told him he voted for guy that he wanted to win, and was told he was entitled to do that. Commissioner Howell said because of the recipient of that year's award there was animosity, and the gentleman selected for the award is someone he never met and the other Commissioners never met him and believed he deserved the award. The award system is a point system and he awarded 100 points to him, and did not tell anyone else how he voted. The NDOW rep who opened the ballot told others how he voted even though the voting was still open. The guy got the award anyway, and the following year he voted the same way as before as he found guy he wanted to win and he knew him, and he read letter into the record when the award was presented as to why he deserved the award. Obviously, NDOW and Ms. Kirch did not like the way the voting went and as it turned out she voted the same way he did but for someone else. As it is a Commission award, it should only be Commissioner's voting, no one from NDOW especially if they broadcast how the votes are going before everyone has voted. The ballots should be sent to the chair of the Commission, not the Department. If you change it back to the Kirch Award that is fine, but the voting process is dead wrong with NDOW opening ballots and relaying how they voted. Basically a certain group does not like the last two winners, so they want to change it back and fine to change it back to Kirch Award as he was a fine person, however again, the voting process needs to be changed.

Commissioner Drew asked who recommended the changes to from Kirch Award and how many CABMWs supported the changes.

Commissioner Raine said the specific recommendation to change the name came from Marlene Kirch. He said that came about in an email to the Commission as she did not like who was winning the award, and a member of the panel noted that he had not even voted yet, and she knew the results as communicated to her by staff. At that point in time the NDOW staff member had not voted yet. The process was corrupted as the chairman should be opening the ballots and you don't show the results, and process was cleared up in the next award. As to the emergency, the dates can be changed by the chairman, or have a telephonic meeting if that important, but we are excluding the public from the process who know there are two readings. All previous Commissions have adhered to that process.

Chairman McBeath said he himself was on the Commission while this was being considered and what Commissioner Raine failed to mention was that the Commission amended the policy for the first time is the Commission changed the voting process to take the voting out of a broad group of individuals and put into the Commission's sole control and at the time he raised the issue that this is bad and would allow Commission to control the award, take it away from the public's broad support, and would be abused and that is what happened and that is why everyone is outraged with what happened. Chairman McBeath said as to Commissioner Raine's comment with respect to CABMWs and second reading, and if any CABMW gets up and says that we need a second reading, we will consider that, but doubts that is going to happen. The real issue here is hijacking of Kirch Award by this Commission to gain control to detriment of the broad support it had in the past, and that is what the public, the sportsmen's groups, and the CABMWs have all said.

Commissioner Drew said this is an important issue because the people he was elected to represent as a sportsman representative and the chair were elected to represent asked that this be on the agenda at the last meeting and a big part of his decision to act on this today will be based on what CABMW's say and his question as to how many CABMW supported this, was not answered.

Commissioner Wallace answered that to his recollection no CABMWs supported the changes and had emails from CABMWs requesting it be kept as the Kirch Award, and he even suggested that the Kirch Award be kept with a different number, and he has a problem with how the Kirch Award was treated, and is in full support of bringing it back, and does not believe that any CABMW would not be in support as they have weighed in over the past 12 months.

Commissioner Howell said again it should not be known how the voting is going and chair should open the ballots, and if you change title to Kirch Award it is still Commission award, and does not think Ms. Kirch would object to that and the Department should not vote.

Commissioner Wallace said if that award had his name or his family's he would want to have a say and a vote as to who gets the award and that is where the issue lies, and the other award, the Commission Lifetime Commitment to Wildlife Award is for that, and he himself never heard from a staff member as to how the voting went but he like everyone else in the room knew how the voting would go, it was known what would happen immediately and how it could be just a Commission award is something he does not agree with and Ms. Kirch has every right to vote as does an NDOW staff member.

Public Comment -

Ken Wellington, Elko CABMW, said they opposed proposed changes when it started and believe it is urgent and imperative for the Commission to take immediate action on this before the deadline of the next meeting. The committees make-up needs to allow CABMW and

Department input as well as Ms. Kirch. The board stated that if the Commission wants to keep an award create the second award, the Commission's Lifetime Commitment to Wildlife Award.

Paul Harris, Clark CABMW, said the Clark CABMW was unanimous in asking Policy #51 be reinstated as written in 2003, in addition they supported revising current Policy #51 to add a number for a Lifetime Award.

Tom Cassinelli, chairman Humboldt CABMW, said this has been an issue for three years and they felt that the award was hijacked by the Commission from the recipients who have received the award in the past and the future ones, and Humboldt CABMW nominated Bob Unger and he won and it was more of a lifetime award to him for lifelong accomplishments for wildlife. To him when it got changed it was personal to him and does not recall a CABMW supporting the change, it was the Commission with an agenda to change the award, and it upset them and thank God there is clarity on the Commission now and statements made have been right on the money. No problem with the Commission adding another award but did not approve the change to the award and was a slap in the face to the Kirch family by this Commission. He said they don't feel another reading is necessary unless Commission feels another policy is needed for another award.

Rex Flowers, chairman Washoe CABMW, said when this was going around before, they asked that Policy #51 be suspended and a new policy number be added to Lifetime Commission Award and never in favor of changing the Wayne E. Kirch Award. He said as to needing a second reading, he read draft minutes of their meeting, which stated their unanimous vote on a motion for reinstating the Kirch Award and eliminated the Commission's Lifetime Achievement Award effective Sept. 24, 2011.

Gil Yanuck, chairman Carson CABMW, said he had the honor of being on the selection committee one year, and was great how it was done. What happened subsequently to the award demeaned the previous recipients of the award and he spoke to some of them and they were emotionally hurt as obvious the Lifetime Award would be controlled by the Commission Committee. The CABMWs all felt that was totally wrong and was not the intent and Ms. Kirch's feeling as he talked to her too was that was not the purpose of the award sponsored by her family, and because nominations came from the public and judges were members of the public who recognized the contributions made by the ultimate winner, and that was what the CABMWs were upset about as it undermined and changed the award. He said his board had benefit of a recipient present and they voted unanimously to restore the Kirch Award to its original intent of 2003, and his board does not need a second review as indicated by them two years ago, and from meeting last Monday of his board, no doubt as to which way this should go. If Commission feels another award is needed, that is up to the Commission, but let's get the award back to the way the Kirch Award was meant and awarded.

Glenn Bunch, Mineral CABMW, said he participated on the selection committee for the Kirch Award and received big box of material and there was a nominee he knew and set that aside,

and he reviewed their resumes and then he reviewed the scoring system and as he knew that person, several of the items to award points were not valid as they were "his job" and if he went beyond his job, then he awarded points. At the end of scoring, the person he knew did not win, and he did not know who won until the Friday before the meeting when he asked who won, and was curious as to how the ranking went, and knows that the person a lot of people wanted to win, did not win that year, and that is when the push came to change the judging and the public and CABMWs like the way it was.

Bob Cook, chairman Douglas CABMW, said his board voted unanimously to reinstate the Kirch Awards back to 2003 and had much discussion and felt the Commission over the last few years did not listen to CABMWs and thankful the Commission put it back on the agenda. He said they did not discuss a second reading.

Jim Jenne, chairman Lyon CABMW, said he was there when they made the first change and knew there was a problem, and biggest problem was not what they did but the fact that 17 CABMWs were not listened to, and next year the same thing and mentioned to a Commissioner and was told by a commissioner that they do not have to listen to the CABMWs. He said glad we are back to even keel, and they voted to go back to original Policy #51 and do away with the current one. He said the CABMW also recommend possibility of two awards and Policy #51 is the Kirch Award, and they did not discuss a second reading but Lyon CABMW is ready to go.

Dane Bradfield, Lincoln CABMW, they supported returning to the Kirch Award and had no discussion on second reading but personal opinion with the swiftness of their action, he doubts that there would be an objection.

Rick Smith said he is representing himself and we heard same comments from everyone over and over, and if the Commission wanted to give award to a certain person they should have created new award, the way it was done that anybody who was nominated should have had validity of getting a score unless doing "their job" as doing it for your job is not above and beyond. You need to be putting your own hours and money in and going above and beyond. In his opinion the award was clearly rerouted so the end result was what was desired, the intention of the award, was to have multiple people across multiple areas weigh in so you could see from independent group who deserved the award the most. He said Commissioner Howell said one person received 100 points from him and the others received nothing, and that is his prerogative, but did the others really not deserve any score for all the work they did and they get a big fat zero that is wrong too. His opinion is to revert the award back to Wayne E. Kirch Award, and independent body for judging and bring it back to the way it was intended to be.

Judi Caron, Coalition for Nevada's Wildlife, said they recommend that Policy #51, the Wayne E. Kirch Award, be reinstated as an emergency item on Sept. 24, 2011, back to August 2003 language. She said in regard to Policy #1 and two readings and what is declared an emergency, she would bring up that they were told as well as the public and CABMWs that Commission Policy is guidance and was used as emergency during Heritage of awarding vendor tags, and it

was the discretion of the chairman to accept late applications, policy was not changed prior to accepting late applications, and did not require two readings before public or CABMWs. Think the award is prestigious and never meant to be Commission award from the original language or Kirch family, it was the public's award and the conservation hunting community or anyone who supports and enjoys wildlife. The award should not be lost for the 2011 year and ask the Commission to reinstate as an emergency. As to the Lifetime Award they do not feel that award was vetted enough through the public process to deem if it is needed and would recommend the award be suspended today and sent back to the Commission's Administrative Regulations and Policy Committee for further review.

Dennis Wilson, NBU, thanked Commissioners Drew and Robb for bringing this forward. He said he actively participated in the award in 2008, 2009, and 2010, and that he nominated the 2008 winner - Mel Belding who exemplified the type of person the Kirch Award is meant to honor. In 2009 he made a nomination on behalf of NBU who did not win the award and he did not know the winner and assumed a fair process followed; however, he did pay attention to the 2010 contest as he nominated two persons on behalf of NBU, and Commissioner Howell made a point that NBU is behind this and would not be happy unless their people win, and nothing is further from the truth. NBU wants a true hunter and conservationist to win, who participates in Nevada's wildlife regardless if involved with NBU. The 2010 process was embarrassing and a travesty and NBU will not support the Wayne E. Kirch Award the way it currently is and recommends bringing it back to the 2003 policy to allow the CABMWs and the public access to this nomination and awarding of this very prestigious award.

Gerald Lent said no disrespect to Wayne Kirch, and the chair as well as NGO's made comment that they disliked the winner and thinks there is personality conflict causing this. He was a judge and feels compelled to set record straight. Do you want to know how rigged the award was, here is how until the Commission straightened it out – Marlene Kirch sent letter to him stating “the voting process is terribly flawed, both this year and last year it appears that there was an agenda to make sure a specific individual won the award. This went to the extent that most of the nominees received no consideration from the judges with the exception of the ultimate award winner.” How did she know this – director's staff opened the ballots and gave Marlene Kirch the results. The director didn't supervise his staff correctly and two on the committee had not even voted yet and Ms. Kirch knew the results and winner and that is the corruption of this. She also said since she provided the actual award, she asked for it to be withdrawn. She asked to be withdrawn for Jeremy Drew that was her deal. Essentially saying blackmail, as she is saying she provides the award, so she gets to say who gets it. Ms. Kirch gave zero votes to the winner and that is what someone said about giving zero votes, she did the same, and she was very upset someone got the award she did not vote for and is saying, “My way or the highway” what a conflict, and has a conflict of interest with an award in her dad's name, and he was a good individual and she should let others decide who gives the award to keep credibility of award and this Commission, she should not be on there, she is prejudiced. The judging that went out with the Department needs to be changed, and have Washoe CABMW saying that previous Commission altered Policy #51 to award an individual that they chose, and tainted the

process, he will say what tainted the process is Marlene Kirch and the Department opening the ballots before he even voted, and saying here is a winner and that is "wrong, wrong, wrong." The CABMWs don't even know this stuff, he was a judge on it and is not against the Kirch Award but totally against the way it was done and the ballots opened. The ballots should be opened by the chairman in a public meeting like the duck stamp, and you better keep this above board and change it or you desecrate the whole Commission and the award.

Discussion returned to Commission

Commissioner McNinch said supports moving forward and call it an emergency if necessary as this is of significant interest for the CABMWs and people associated with wildlife and there are time sensitive issues with the award, and in regard to a second award first thought is that may devalue the Kirch Award.

COMMISSIONER DREW MOVED TO REINSTATE COMMISSION POLICY #51 TO WAYNE E. KIRCH AWARD NEVADA WILDLIFE CONSERVATION AWARD AS EFFECTIVE AND WRITTEN AUG. 8, 2003, EFFECTIVE IMMEDIATELY. COMMISSIONER ROBB MOTION SECONDED.

Commissioner Raine said as a point of order, this is directly in violation of Commission Policy as not declared an emergency, and if you would like to do are we plainly violating it or the spirit of it.

Chairman McBeath said he understands Commissioner Drew that his intent is it is an emergency and is to be done immediately.

DAG Joseph said not necessary of Commissioner Drew but welcome to restate motion that his comments intent is an emergency.

COMMISSIONER DREW RETRACTED PREVIOUS MOTION AND OFFERED NEW ONE:

COMMISSIONER DREW MOVED THAT COMMISSION POLICY #51, THE WAYNE E. KIRCH BE REINSTATED TO THE WAYNE E. KIRCH NEVADA WILDLIFE CONSERVATION AWARD EFFECTIVE DATE OF AUGUST 8, 2003, EFFECTIVE IMMEDIATELY UPON EMERGENCY PROVISION OF POLICY #1. COMMISSIONER ROBB WITHDREW ORIGINAL SECOND, AND SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF MOTION: MCBEATH, ROBB, DREW, MCNINCH, AND WALLACE. COMMISSIONERS HOWELL AND RAINE OPPOSED. COMMISSIONER SHRUM ABSTAINED. MOTION CARRIED 5 – 2, 1 ABSTENTION. COMMISSIONER VOGLER ABSENT.

Chairman McBeath said the Commission still has to deal with the Commission Lifetime Commitment to Wildlife Award and as we have restored the Kirch Award, in his mind that eliminates this Commission Lifetime award, unless we do something here and asked for discussion.

Commissioner Robb suggested sending back to CABMWs to see if they want to go forward, and echoed Commissioner McNinch's comment that too many awards may devalue and detract from the Kirch Award and would rather have one award on a pedestal.

COMMISSIONER MCNINCH MOVED TO TAKE THE CONCEPT OF LIFETIME COMMISSION COMMITMENT TO WILDLIFE AWARD SENT TO CABMWS FOR INPUT AND REVIEW AND RETURNED TO COMMISSION FOR CONSIDERATION. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR: CHAIRMAN MCBEATH, ROBB, DREW, MCNINCH, AND WALLACE. COMMISSIONERS OPPOSED SHRUM, HOWELL, AND RAINE. MOTION CARRIED 5 – 3. COMMISSIONER VOGLER ABSENT.

17 First Reading, Commission Policy #28, Mule Deer Management Guidelines – Commissioners Robb and Drew

Commissioner Drew said this agenda item was brought forth at the request of several CABMWs, and the comments received that again the CABMW process not followed with no time to comment or address the policy and adopted despite the majority wishes of the CABMWs, and instead of reviewing line by line and spelling out fatal flaws that he personally sees he would like to hear from the CABMWs as to their position on the policy.

Commissioner Raine said before go into that in detail he has similar question as to whether the Commission will ignore Policy #1 or will we have second reading as committee members had planned to attend the second reading when it took place.

Chairman McBeath said if his argument is the same as for Kirch Award, he would say they got that, and would point out that on this particular agenda item the wording specifically stated that the Commission could take action to immediately suspend Policy #28 pending final action on revision of Policy #28 and could have second reading but could also suspend immediately without a second reading.

Commissioner Raine said he will continue his statement, and provided the background on the policy and creation of the Mule Deer Policy Committee by then Chairman Gerald Lent, and said the committee received the most comment from Lincoln CABMW as one of the committee members, Cory Lytle was from that county and CABMW and also had a former assemblyman serve on the committee too, and he outlined the meetings and research. He said NDOW Biologist Tony Wasley staffed the committee, and he reviewed statements and goals in the policy that focused on items that the committee believed were doable and none of the work was done in a vacuum it was the result of a huge process. He said this is not a perfect policy and does not know of any, and there may be items in it that need to be changed but there are no grounds to immediately suspend the policy because you want to change certain aspects. He said those changes can be discussed at the first reading in the next meeting. Alternative ideas should be discussed as no good alternatives were brought forward to the Commission and they asked over and over and the item was on every single agenda.

Commissioner Drew said for clarification he is not here to belittle the persons who contributed to the policy, he thinks there are good and bad ideas, and is not going to debate the merit of every single line today, as the concern he has and the reason it was brought to him as sportsmen rep is that they felt the process was flawed. He had questions from them such as who wrote the plan, how long did the committee and CABMWs have to review the final policy. He said if that is answered and CABMWs want to keep it in place that is fine.

Commissioner Raine said the members of the committee wrote the final plan as they divided the plan up amongst them as they first talked to director and were told staff did not have time to write or draft the document; the portions were consolidated and a meeting was held and they had several weeks to review as did the CABMWs; then had two meetings and came up for approval at the Commission meeting, at least a month plus before finally approved. The findings of the committee came up and that was consolidated into policy.

Commissioner Drew said each committee member had a few weeks for review of final draft, and each CABMW had a few weeks also. Those were the main questions and is interested in what the CABMWs have to say and will go from there.

Public Comment -

Tom Cassinelli, Humboldt CABMW, said for the record Humboldt CABMW did not put anything into this, we were asked but they knew from the beginning what would happen, as agendized Commission and they would take what they wanted and you can look through this and nothing in there from Humboldt CABMW as they did not send anything, and felt we had a good process going into this and did not want to change at that point especially with the sitting Commission. There were good ideas brought up but picked and chosen from that Commission and committee and that is why they voted to abolish Policy #28 and would state that when it did come to the CABMWs there was not a county that did not go against this and he may be wrong but he recalls that all counties were opposed to this policy and it got rammed through again, for those reasons they voted to abolish it but it could be started over and utilize some of the things in it after sportsmen and CABMWs are involved, but feel existing mule deer plans are plenty fine.

Ken Wellington, Elko CABMW, said for clarification John Carpenter is not an assemblyman he is a business owner as he is, and can't recall him recently having held a hunting license. The committee was established with four members of it from ranching families and one sportsmen rep, and he did file a complaint with the Attorney General's Office, as when the initial copy came out from the Commission as they received it on Wednesday which was the day of their meeting, and were told to comment on it. He said he attended all but two of the meeting and another CABMW member attended those meetings, however, when he provided input and told a committee member that they might want to work with Department to look at information already put forward, and his comment was "why would we do that." Obvious the direction of the committee at that time, and where it was going, and his CABMW was not part of process,

they tried to be and gave input at Commission meetings and had created their own Mule Deer Committee but disbanded due to lack of working relationship with the Commission's Committee.

Jim Jenne, chairman Lyon CABMW, said few exceptions as he met Commissioner Raine in Winnemucca and he asked him what he thought of Mule Deer Policy, and he told him he was not fully aware of problems and at that time Commissioner Raine told him you were going to change. One thing you did not know was that he was a member of a CABMW and he asked him what he thought of the CABMWs and told him that he thought they did a fair job, and then Commissioner Raine said we don't have to listen to everything they put out, and they will probably be a lot less before he (Raine) is out of office. Mr. Jenne said well they are not a lot less, they are still here, and Mr. Jenne was here when first mule deer report was sent and it had points in it that were unenforceable in everything and states passed unanimously Nov. 18, 2010, and this came to him the day after their meeting and he knew Mr. Wasley was part of it and he asked Mr. Wasley what is going on as this is garbage, and was told by Mr. Wasley that he recommended against it and they would not listen. At that time they weren't listening to CABMWs, they had passed Policy #51, and were not listening and paid no attention and override. This came up on the floor and there was one member from one CABMW who was a member of the committee who did not vote against it, the rest of the CABMWs asked for it to be done away with and let's do something else, and absolutely nobody listened. This went on and you are saying there was no CABMW input, of course you had no CABMW input as you were not listening, and you voted against everything the CABMWs sent up as a group, and was not one CABMW, it was all the CABMWs that were represented and you are not going to get input when you don't listen. Lyon CABMW asked that this be done away with, and are all in favor of going through it and yes we need deer policy but needs CABMW and sportsmen input, not just a few ranchers. When the committee is stacked you will not get the results you want.

Rex Flowers, chairman Washoe CABMW, said as the member assigned to the committee by Washoe CABMW he followed the committee started in 2009 and they held five or six meetings and he attended telephonically as all meetings held in northeast Nevada, there was little input, and he was allowed to speak but whole thing was there were many disparaging remarks against NDOW at that time and management practices of NDOW and lots of talk of what used to be not what is, talk of practices to institute that are used raising livestock, and cattle are raised in controlled environment, when you raise deer it is not controlled environment. Too many flaws and made statement that policy was vendetta against NDOW and no reason for this policy, as we have mule deer plan in place written in 2000 which should have been updated in 2010. Instead they chose to bring forth Policy #28 and done as a replacement to not follow NDOW's mule deer plan which could have easily been updated. Washoe CABMW voted to suspend Policy #28 effective immediately and personally would ask that it be removed and go back to NDOW Mule Deer Plan and update that.

Bob Cook, Douglas CABMW, said his board was adamantly opposed to accepting it, and felt it should be revoked and would recommend the Commission work with Mr. Wasley to form a professional new mule deer plan or update the one we have. They felt there were several things missing and was not what was intended in the initial mule deer report as too many components missing and did not discuss predator control enough. For those reasons Douglas CABMW voted to revoke it.

Jesse Lattin, chairman Churchill CABMW, said his board discussed and they unanimously voted to suspend Policy #28 and start over.

Paul Harris, Clark CABMW, said his board also voted to suspend the current Mule Deer Plan and recommendation was to have all CABMW and public comment in revising this. There are good aspects such as free wood cutting to remove pinyon-juniper, and development of water resources on private and public lands, and NDOW involved in energy development. But would point out to Commissioner Raine that one item that was opposed by everyone at their meeting was Section 4, which is all doe harvest should cease, and removing either sex mule deer for the junior hunt, and they were 1,000 percent against that.

Dane Bradfield, Lincoln CABMW, said as stated before their Chairman Cory Lytle was on the committee to rewrite Policy #28 and he does not recall his CABMW voting to accept the policy rather they denied it every time because how it was written. Their comments on this for today is are is a more broad policy to be adopted with specific management guidelines are taken from Policy #28 and brought into Mule Deer Plan of 2006.

Gil Yanuck, chairman Carson CABMW, his board voted unanimously to allow Commission to take action to immediately suspend Policy #28 pending final action on revisions of Policy #28.

Rick Smith said speaking for himself that he listened to Commissioner Raine's comment about little CABMW input and has to disagree with that he said the Commission just heard how much input the CABMWs tried to provide and how much it was ignored. He said two years ago at Commission meeting in Elko we had discussion and CABMWs tried to emphasize that they were not heard, and during a break he went to then Chairman Lent and advised that if the Commission really wanted CABMW input to put a CABMW member on each Commission subcommittee and his comment was that he would not put a CABMW member on anything but "maybe the rodent committee" that is the type of input the Commission was looking at then. To say CABMWs always in opposition to the Commission is not true as when CABMWs agreed with the Commission it was rosy and fine, just not when they disagreed. He said it should be suspended.

Judi Caron, Coalition for Nevada's Wildlife, said they want the policy suspended immediately and suggested going out to the public, CABMWs, and sports groups to be vetted correctly. She said they support what the CABMWs have said and will not repeat it, and said we have a Mule Deer Policy Plan in place that Department worked on and that support material was not made

available to the public in a timely manner to go forward, to give opinions, and ask questions. They feel it was circumvented, held back, and some draft minutes, and support material policy can be available to public the same as committee and there were times material changed hands at Commission meetings which was the first time the public saw it on different policies. She thinks it should be suspended and allow further input and go from there.

Mel Belding, said there a couple of sayings applicable here, such as what comes around goes around, and this reminds him of a scene from a movie "Comes a Horseman" with James Caan and is old cowboy who gets killed in the end, and says "You know, when a dog bites a bull on the nose he might bite to hard and bull might turn around and kill him," and that is what he sees hear today. He hears about water development and has had nothing but a fight from this last Commission the last three years over water developments and bighorn sheep transplant. He said he will listen to the biologists every time and it is a lot about habitat and predators too, but how can anyone tell the biologist that if they did not meet their goals they could be fired, and that did get changed, and thought how could they fire the biologist for that and how can we expect those goals to be met. There is a new sheriff in town and is glad to see that.

Glenn Bunch, Mineral CABMW, said as they did not have a quorum they did not meet the last time but if he remembers correctly they were asked what they feel they could to enhance the mule deer population. In Mineral County two studies from doctors of State of Nevada, and had one copy and turned that into Mr. Wasley to see if he had seen it, and he said no but is working with the two doctors on another study in California and was glad to get that. He said what he gave them was all habitat because Mineral County's deer herd is so small it was range habitat which needed to be improved as only have desert and desert canyons. He said they have done a deer collection done, which was physically harvesting does in February and March, and at that time he learned the difference between bucks and does without antlers, and they harvested 30 does and board was almost lynched and the result from the study that it was range habitat, and everyone of the does had twins and some had triplets. It all came back to range habitat and that is what kept coming back and there is a slight recommendation for range habitat but most of it was setting goals and did not make sense to him at the time and they didn't do anything, sorry.

Gerald Lent said because of deer loss which he talked of yesterday, and we have lost 70 percent of deer in last 20 years, in 1988 we had 240,000 deer, and in 2009 had 106,000 by NDOW's own estimate, and he put it on the agenda for input from CABMWs for over one year and can look at the minutes and asked what they wanted, and only a few CABMWs did and appointed a committee because we have to do something with our deer. Judi Caron was a private citizen and she was appointed by the Washoe CABMW as a rep to this tri-county deer group of Carson, Douglas, and Washoe Counties, because no CABMW member wanted to do it and he was at that meeting. Had a private citizen do that and at the CABMW meeting they kept saying, no report as they did not have a meeting, so Tri-County Deer Task Force had no meetings and no input and nothing was done, and so we passed this as a starting point. He said there are a lot of things he did not agree with but let's get something going and has something here. He asked if

any of the Commission has read the Mule Deer Management Plan or Mule Deer Population dynamics. Very few people have read it recently, one is 2006 plan, and the other is 2004, and both are antiquated, NDOW would not update plans, and that is why he established the committee as NDOW would not update their plans. Without that the deer are doomed and that is the reason for the Mule Deer Committee, and 17 members of CABMWs, with no money would not have worked, would be the same as each member being on the Commission. You cannot function with that big of a committee and could not travel and would have been impossible situation. By abolishing the deer committee and taking no action shows this new Commission has no interest in bringing deer herds back absolutely and quite apparent that in two decades this Department has not had a successful deer plan the only successful plan has been the retirement and pension plan.

Commissioner Robb said we just heard from Commissioner Raine and former Commissioner Lent that NDOW did not have a plan, and the time he has been around the Commission, plans such as the Bighorn Management Sheep Plan and Central Nevada Elk Plan, and Mule Deer Plan were all Commission generated plans, and Commissioners participated and that is how they came into being, and if they did not have a plan and that expired, the only person to blame would be the Commission because if it was a good plan they could have looked at it and made updates. Instead the mule deer biologist Tony Wasley was hijacked by the committee and what we are trying to get rid of today so instead of being productive and addressing the Mule Deer Management Plan he spent his time fighting to get sanity instilled in this policy.

Commissioner Raine disagreed with Commissioner Robb's comment that Mr. Wasley was hijacked as many quotes in the plan are from Mr. Wasley.

Commissioner Drew asked the status of the Department's Mule Deer Plan.

Secretary Mayer said it is due for update and there is an action component in the plan too that needs to be done, and if the Commission chooses to suspend the policy, he would suggest go back to what we had and improve it and start there from a professional aspect.

Commissioner McNinch said he was involved in original development of plan developed in 2006 and the plan was left vague as we are not biologists and established framework and plan was vetted by the CABMWs statewide. He said there did need to be follow-up to the plan which has not occurred and maybe place for a combination but would hate to give up on individual plans as each is specific to each area.

COMMISSIONER ROBB MOVED TO IMMEDIATELY SUSPEND POLICY #28 EFFECTIVE TODAY AND HAVE ON FUTURE AGENDA FOR A SECOND READING. COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner Raine said it is a travesty to suspend one of the better policies out there. He said everyone should be focused on this issue and should be a mild framework to get started on bringing back mule deer populations, and that is why plan focused on actionable items. However, due to politics of matter, the policy not implemented and might as well suspend, as Department not focused on growing the population. Political views are disguised as biology using “bio-speak” to confuse matters, we need to focus on biology of the matter.

Commissioner Drew said to Commissioner Raine, he agreed that action is needed, but must be done in the right way.

COMMISSIONER HOWELL ASKED TO AMEND MOTION TO SEND WHOLE POLICY BACK TO CABMWS INTACT AND HAVE CABMWS VET IT AND BRING IT BACK TO COMMISSION, IN OTHER WORDS EACH SAID POLICY HAD PARTS THAT THEY AGREED WITH AND SEE WHAT THEY DISAGREED WITH BUT TO THROW THE WHOLE POLICY AWAY IS RIDICULOUS. COMMISSIONER RAINE SECONDED THE AMENDMENT.

Commissioner McNinch asked what was intent of original motion.

Commissioner Robb said the motion was to suspend Policy #28 immediately and bring back for second reading to make Policy #28 go away, and can't put in the record the rest of what he wants as it was not agendized.

Commissioner McNinch said in theory the policy will end up back to CABMWs at that point of time.

Commissioner Robb said cannot support amendment as his motion has it going back to the CABMWs and if CABMWs want it to go away they can or vote to keep it, and can't support the amendment the way it was stated.

COMMISSIONERS IN FAVOR OF AMENDMENT: SHRUM, HOWELL, AND RAINE. OPPOSED: CHAIRMAN MCBEATH, ROBB, DREW, MCNINCH, AND WALLACE. AMENDMENT FAILED 3 - 5. COMMISSIONER VOGLER ABSENT.

COMMISSIONERS IN FAVOR OF MOTION: CHAIRMAN MCBEATH, ROBB, DREW, MCNINCH, AND WALLACE. COMMISSIONERS OPPOSED HOWELL, RAINE, AND SHRUM. MOTION PASSED 5 - 3.

- 17 NDOW Comment on the Future Draft Environmental Impact Statement (DEIS) for the Comprehensive Conservation Plan (CCP) for the Sheldon National Wildlife Refuge – Commissioner Drew – For Possible Action

Commissioner Drew said the Commission as the policy arm of wildlife management in the State, it is necessary for the Commission to comment on policy that dictates public land management

which has direct impact on wildlife for plans that dictate that use for the next 15 – 20 years. The Sheldon CCP does that. There is a 60 day comment period that would close before our next meeting and the way the agenda item was originally written made it sound like staff would be writing the letter, his intent is to see what staff developed and support their technical input and if specific policy issues the Commission can weigh in. He reviewed NDOW's letter which identified technical issues and with original CCP and reviewed as a cooperator in that plan. The other part of his intent is to put on these type of items on the Commission agenda so that the CABMWs and involved sportsmen can know how to comment on these plans.

Chief of Habitat Elmore Bull said he has highlights from NDOW's comment letter that was sent to USFWS on Feb. 14 in response to administrative draft that was out, and now the draft document is out with comments due Nov. 9, 2011. Also, with him is the Supervising Biologist for the Western Region Mark Freese. He reviewed the highlights submitted in February to administrative draft: Feral horse and burro issue, and NDOW supports removal of all feral horses; NDOW supports sport fishing dredging projects and dam repair on Catnip Reservoir, and support Lahontan cutthroat trout (LCT) in Catnip; supports maintaining Big Springs for LCT and or redband trout and stocking, and cold water fishery plan; in regard to wilderness area, NDOW discourages wilderness designation due to limitations in fire suppression and fuel loads and to implement habitat improvement projects that benefit wildlife, and decreases NDOW ability to survey and augment wildlife populations; NDOW supports managing for wilderness characteristics as opposed to wilderness designations through other means such as transportation plans; habitat management, NDOW has concerns with fire and encourages partnership to restore habitat burned; NDOW asks for specific analysis of removal of water developments to insure warranted; NDOW disagrees with decision to limit water development and support control of invasive weeds; NDOW manages hunting populations not the refuge; transportation plan and opening and closing of roads, would like to be involved and further analysis before OHV registration; for camps NDOW recommends relocating campgrounds from sensitive wildlife areas and increasing number of sites; favors West Nile abatement to protect sage-grouse; and recommend investigate Columbian sharp-tail grouse introductions. He said a number have been incorporated in document out for review, and are optimistic.

Commissioner Robb said Washoe CABMW had discussion concerning camping and that wildlife on refuge managed by State of Nevada, but big game animal on refuge - mountain lions – that are illegal to take on the Sheldon and Washoe CABMW had question as to why wildlife belongs to state but cannot manage or take on the Sheldon.

Chief of Habitat Bull said he does not have the answer.

Secretary Mayer said at WAFWA Conference there is a committee entitled "State's Right Committee" and state's laws are trumped by Congressional Acts. Unclear as to what domain the U.S. Fish and Wildlife Service has and will be a legal battle and all states are looking at it.

Chairman McBeath said to Commissioner Drew if he feels drafting a letter will assist in the process for the Department and delegate to Commissioner Drew that task.

Secretary Mayer said as we get closer to November deadline, the Commission will receive the Department's letter and the Commission could have a companion letter.

Commissioner Raine said the Commission needs to give certain guidelines to give to Commissioner Drew so he has authority of the Commission.

Commissioner Drew said he would like to hear from CABMWs and public as to what issues are important to them – as all items listed by Chief Bull are all of critical importance, and the Department position as stated are spot on is his assessment.

Commissioner Raine said his comment is limiting public access as already limited and the camp sites should not be further limited as already need to share camp sites, and eliminate access and camp sites, that would be a major sportsmen issue, need to maintain as many camp sites as possible.

Public Comment -

Tom Cassinelli, chairman Humboldt CABMW, said Sheldon is mostly in Pershing County and they discussed extensively and felt Department did an excellent job in their EIS comments and voted unanimously to support the comments as all are important and need to accept all of them.

Rex Flowers, chairman Washoe CABMW, recommended approval of NDOW recommendations with emphasis on removal of wild horses and burros, more camping areas, and open up the area to lion hunting and predator removal.

Ken Wellington, Elko CABMW, said would like report on 10 year study to have documentation on progress of removal of horses and predation allowances within that area. Personally, he agreed with Commissioner Raine on camping and travel with wilderness areas, as they take a stand against that in Elko County.

Paul Harris, Clark CABMW, said they unanimously supported NDOW and agrees with other CABMWs on lion hunting and predator management.

Jim Jenne, Lyon CABMW, said his board support what was presented and in favor of horse and predator control.

Bob Cook, chairman Douglas CABMW, said they support unanimously the plan and many items liked and opportunity to control feral horses and burros like possibility of fences, concerned with wilderness and OHV travel. Fisheries component looked good and want NDOW to keep track of wilderness concerns.

Gil Yanuck, chairman Carson CABMW, said they fully support Department's efforts especially on feral horses, and want to get something done.

Doug Busselman, Nevada Farm Bureau, said supportive of Commission having companion letter to agency. He said they would like emphasized in discussions on wild horse removal, that if BLM is involved in horse removal, we don't want the horses gathered off Sheldon to be counted against the overall management numbers that BLM would remove from the range over a year's time. As we are on a small allotment as almost a zero sum gain, where if you take horses from one area, it reduces the ability for horses to be removed from other areas and have range-wide over-population of horses in other areas that need to be addressed. So if a way to incorporate into your comments that horses from Sheldon not be counted in overall total would be helpful to other areas in the west.

Mel Belding, Washoe County, said BLM has no jurisdiction on feral horses on Sheldon, as it is strictly managed by USFWS. He said when we remove feral horses which he is in favor of and to have predator hunting as will be prey switch. There are as many as 2,500 horses on Sheldon, the only thing removed has been offspring of horses. He believes the Refuge Act of 1985 gives the State the jurisdiction and the right to say what is and what is not hunted on Refuge, and that question was brought to Paul Steblin and he argued against it and the Refuge Act spells that out, and is a state's right. Happy to see NDOW recommending no wilderness, and hopes not all futile and believes Mr. Steblin will get his way, and wants controlled burns addressed and existing roads are in Washoe County and they are not adequate for controlled burns. The camp sites need to be moved away from riparian areas and that is where every site is and need to get off the meadow.

Judi Caron, Coalition for Nevada's Wildlife, said they had commented in Sept. 1, 2010, and had Mr. Paul Steblin come and answer a few questions to CCP and have not written formal opinion yet, but have key points. She said to zero out the horses, 85 percent of the budget on the Sheldon is used for management of horses and would like that money used for sage grouse, rehabilitate riparian areas, expansion of campgrounds, and zero Wilderness as that cuts down on sportsmen access and opportunity and hunter retention. Had great discussion with Mr. Steblin and the 1997 Refuge Improvement Act, gave the State authority in Section M. which she read, and to maximize hunter opportunity, all big, small game, that we are able to hunt in our state, they would like that ability on the Sheldon, but see mountain lions that can't be hunted, rabbit hunting. If horses removed there will be a predator switch as Mr. Belding mentioned, and suppression of wild fires would be affected by Wilderness designations, and would like all species to be accessible to maximize hunter opportunity.

Gerald Lent said everyone is sensitive and value the Sheldon, and all of NDOW's items are outstanding and they covered just about everything. He has received emails advocating voting for Option #2, and thinks addressing who controls the animals there, that when he was on the Washoe CABMW, the Department recommended 100 antelope in early and same in late season, and the director of the Sheldon came up and we told him that you can't control the wildlife we do, and he said you control the wildlife but I control the refuge and I can shut down the refuge and camp sites, and there are ways that they can restrict hunter access and need to be careful if they don't agree. In the past we agreed with them but they do their own survey and they take their own survey data not NDOWs.

COMMISSIONER DREW MOVED TO DESIGNATE HIMSELF TO DRAFT A LETTER ON BEHALF OF THE COMMISSION GENERALLY IN SUPPORT OF FEB. 14, 2011, TECHNICAL COMMENTS PROVIDED BY NDOW WITH SPECIAL EMPHASIS ON ANY ITEMS THAT WERE NOT INCORPORATED IN THAT LETTER INTO DRAFT PLAN, IN PARTICULAR DISCOURAGING OF WILDERNESS DESIGNATIONS, ROUND UP OF WILD HORSES AND BURROS AS LONG AS NO IMPACT TO BLM GATHERS AND PROGRAMS, PROVIDE PREDATOR HUNTING CONSISTENT WITH NDOW POLICIES STATEWIDE; MAINTAIN ACCESS FOR HUNTING; INCREASE CAMPING OPPORTUNITIES OUTSIDE OF RIPARIAN AREAS AND INCREASE EMPHASIS ON SAGE GROUSE HABITAT. COMMISSIONER RAINE SECONDED THE MOTION.

Commissioner Raine said on the first part of the motion how Commissioner Drew will incorporate all of NDOW's comments as NDOW provided the meat.

Commissioner Drew said his concept would be to state the Commission's support for the technical comment provided on Feb. 14, 2011, by the Department and include that letter as an enclosure.

Commissioner Howell said if BLM has no jurisdiction over the horses why do we need to mention it.

Commissioner Drew said the jurisdiction falls under USFWS because it is a refuge and USFWS in their plan out for 15 years says they are going to gather wild horses and burros within five year period, and Mr. Busselman's concern is because USFWS and BLM are both Department of Interior agencies and if money is budgeted to USFWS to gather horses on the refuge that it not hamper BLM's effort throughout the state or adjacent Herd Management Areas. He said in his motion as stated it would be removal of all horses and burros with the caveat that it does not impact BLM gathers and programs.

Commissioner Howell said his point is with that caveat you are saying if it does affect it is you will leave the horses.

Commissioner McNinch said he understands what Commissioner Howell is stating and leaving the stone unturned and would prefer to have it written in.

Commissioner Drew said it is valuable and was suggested by the public.

Discussion ensued over letter and signature on letter.

COMMISSIONER MCNINCH SAID HE WOULD PROPOSE AN AMENDMENT TO ORIGINAL MOTION THAT CLARIFIES LETTER IS WRITTEN FOR CHAIRMAN'S SIGNATURE. COMMISSIONER DREW SECONDED THE AMENDMENT TO THE MOTION.

Commissioner Robb said knows why Commissioner Drew added that as Mr. Busselman came to podium and requested that, and he heard the CABMWs say they want horses off and requested that and if we leave BLM language in they will say you said if this happens we can do this and would just assume to not put the BLM language in there as we have input from others that we want the horses off.

Secretary Mayer said he is aware that USFWS refuge horses are separate from BLM and does not affect AML, and USFWS has all the tools in their toolbox to deal with horses such as send them to slaughter, but they are not willing to utilize.

Biologist Freese agreed and main point is to get the horses off.

Commissioner McNinch said he would withdraw his amendment to the motion to go back to original motion. Commissioner Wallace withdrew the second, and Commissioner Drew withdrew his original motion.

New restated motion:

COMMISSIONER DREW MOVED TO DEVELOP LETTER ON BEHALF OF COMMISSION FOR CHAIRMAN'S SIGNATURE TO PROVIDE COMMENT TO SHELDON CCP THAT WOULD SUPPORT NDOW'S TECHNICAL COMMENTS AS PROVIDED FEB. 14, 2011, AND FURTHER EMPHASIZE ANY PORTIONS OF THAT LETTER THAT DID NOT GET INCORPORATED INTO DRAFT PLAN, AND TO ENCOURAGE THE FOLLOWING SPECIFIC ITEMS: DISCOURAGING WILDERNESS DESIGNATIONS, REMOVAL OF ALL HORSES AND BURRO AS THEIR PREFERRED ALTERNATIVE; INCREASE CAMPING OUTSIDE OF RIPARIAN AREAS; TO PROVIDE FOR PREDATOR HUNTING CONSISTENT WITH STATEWIDE POLICIES OF NDOW; MAINTAIN ACCESS FOR HUNTING; AND EMPHASIS ON IMPROVING SAGE GROUSE HABITAT. COMMISSIONER RAINE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY 8 – 0. COMMISSIONER VOGLER ABSENT.

- 18 NDOW Comment on the Draft Environmental Impact Statement (DEIS) for the Southern Nevada Water Authority (SNWA) Groundwater Development and Conveyance Project – Chairman McBeath – For Possible Action

Chairman McBeath turned the proceedings over to Vice Chairman Robb and Vice Chairman Robb excused Commissioner Drew.

Commissioner Raine asked what would be the most appropriate content of a letter from the Commission in support as Commission has previously weighed in and should that be included and is thinking if formal action was taken.

Chief of Habitat Bull said the content would most likely mirror the language in the Department's formal protest generated by the Department's engineer which DAG Nguyen has. He said as far he knows the Commission has not done anything on this particular issue.

DAG Nguyen said she does not think there will be harm but as far value or usefulness there are many protests other than NDOW, and we have presented our protest. She will be at the hearing and knows that the State Water Engineer's Office has been inundated with protest documents and although no harm in sending a letter there is really no value and is not necessary.

Commissioner McNinch said this is a complex issue and NDOW protest filed.

Chief Bull said in 1989 NDOW not allowed to file as at that time the agency was under the Department of Conservation and Natural Resources (DCNR) and at that time DCNR's director said the Division of Water Resources would represent NDOW's interests and not sure if true, but knows NDOW did not file protests until this second round.

Commissioner McNinch said we are headed into stipulated agreement type issues and NDOW has decided from its standpoint to submit to stipulated agreements.

Chief Bull said additional discussions need to reoccur with SNWA after NDOW Leadership Team made the decision that was what they wanted to pursue.

Commissioner McNinch said we are not there, but starting process to see what progress can be made. The conservation community struggles because they just generally want to say no, and this is difficult. He said SNWA has more money than the entire state, and supports concept and to get a feel where we are at in stipulated agreement process, and if we do partake in stipulation when does that have to occur

Director Mayer said SNWA asked NDOW to withdraw protests and in return we would enter into stipulated agreement with you to get your wildlife needs into an agreement like they did with the federal government. He said we are interested in taking care of wildlife in State of Nevada, and the question is do we take chance that protest prevails, and everyone he has spoken to says the chance of that happening is very low and would rather get something in an agreement. The hearings will go on for quite a period of time, and depends on how motivated they are. He said he also needs to speak to State Water Engineer as in his ruling there will be a monitoring aspect to what he does, and that may be better. He said we want to make sure that pumping does not dry up riparian springs or affect our hatcheries and wildlife. That is what we are strongly considering and will give a final answer and getting into contact with them.

Chief Bull said when the State Engineer issued his ruling in 2007 and 2008 relative to these application packages, the first item under the stipulated agreement to grant water, was a monitoring and mitigation plan consisting of biological and hydrological parameters would be approved by the State Engineer, and just stumbled onto that over the last couple of days after reading the ruling, and thinking the opportunity may present that NDOW could maybe petition the State Engineer to enter into that process. As he suspects SNWA will be required to present what they worked out with Department of Interior agencies with monitoring and mitigation and perhaps would be a better point for NDOW to enter the process. If the State Engineer gets a monitoring and mitigation plan without trained biologists on staff does not how to determine if what is being presented to them is adequate and that may present an opportunity for NDOW to get involved and not go with other stipulated agreement. It would make sense if we could do that.

Commissioner McNinch said the timing is tough for us as Commission won't have another shot at it until December, but at same time may be premature to take strong position either way, as need to let things settle out. He asked if we are facing a deadline.

Chief Bull said he does not know of any deadline and need to find out; however, a discussion with State Engineer soon would be wise.

Secretary Mayer said if Mr. King said that is a great idea and would work with us that would be a great idea. Timing will be negotiation as SNWA will assess whether in their best interest to enter into an agreement with us to move along if they can take care of our needs and then deal with the other persons lined up. He said he thinks it is an untenable situation for us to say all or nothing and does not want to do that as he does not think we will win.

Commissioner McNinch said that is what the Commission will need to discuss that concept, and may be that we prefer this and may have to deal with hand that is dealt to us.

Director Mayer said he learned since being here is that wildlife was not looked after in this State when it came to water, and look at the Humboldt Sink as that water is gobbled up so that none gets to the sink, and in today's world is surprised that no water was provided for wildlife. He said a statement from the Commission that water for wildlife is essential and we have a societal responsibility to provide water at some level and would support the Department of Wildlife's request for consideration and would be useful. He said the Commission has until December 2 to submit written comments.

Commissioner Robb said he does not like an all or nothing approach, and has dealt with water in 1987 and has not been associated with any parties involved with this, and all or nothing approach will not work for us. He said with them coming to us, that puts us in a better spot and from negotiation position that is better, and need to use that to our advantage.

Chief Bull said there are other waters we are interested in that are not in that stipulated agreement as that focuses on federal owned lands and protection of sensitive species, and there other things we would want to monitor.

Public Comment -

Bob Cook, chairman Douglas CABMW, said they are in support of NDOW's protests to SNWA pending applications and they felt any water being removed would be detrimental to the wildlife in every way you can think of – ground water, springs and seeps. His personal opinion is he is opposed as feels if Las Vegas does not have the water they should not build it. He also does not want Nevada to turn into Owens Valley.

Commissioner Robb asked if they discussed the mitigating factors at your meeting.

Bob Cook said no, that only came up here just now, and did not have opportunity to discuss as a board.

Dane Bradfield, Lincoln CABMW, said for the record his board is in support of the Commission directing NDOW and the Commission to write a letter. For the record his personal thought is that Lincoln County entered into a stipulated agreement and feels we rolled over and let them scratch our bellies, then we piss out these stipulations, that the probably won't listen to. Maybe that is the best decision here, but does not know. They are going to suck our water out and that water does not come back, and is a very emotional issue. Nevada is most arid state in nation and when you suck out water to take it someplace where it gets bigger and bigger as urban areas of Clark County are and then use it for water fountains, and in the meantime we are losing our sage-grouse, deer, elk, bobcat and elk, and everything else that relies on water to get a drink. He thinks it is harmful all the way around and supports the Department or Commission directing Department to stay with protesting the applications and you can do it through the State Engineer or the BLM for the pipeline and public comment closes on October 11.

Ken Wellington, Elko CABMW, said he knows the power of SNWA, personally knows Pat Mulroy and knows their intent and what they are coming after. He said his board discussed both the opposition and looking at stipulation. He has Elko County Commissioners, Nevada Cattlemen's Association representation and Nevada Outfitters and Guides and houndsmen in addition to the public at his meeting. He said several things thrown out, no one wanted the stipulated agreement but see that as the best option at this point. Had major concerns, wanted two year pre-pumping data prior to it, concerned about guidelines and triggers that would stop the flow if something were to happen in an area that were depleted. BLM and NDOW ultimately responsible for protecting resources and if those resources are not damage or depleted for our wildlife and the habitat, we were insistent that there should be monitoring guidelines written in stone and enforcement laid out if stipulation was to take place. The county commissioner said Elko County Commission had already spoke and major concerns that water would pull off the aquifers in Ruby Valley and Antelope Valley up above and with that and being realistic as much

as would like it to stand will have to put his trust in their hands as to what they feel will benefit wildlife and our habitat enhancement.

Paul Harris, Clark CABMW, said they unanimously support NDOW and the Commission in their efforts to come up with workable solution with SNWA and are concerned with pulling water from Northern Nevada, and the effect on wildlife, as you take water out and pump it out of the ground that will hurt springs, and support NDOW to come up with alternatives that are acceptable to everyone.

Gil Yanuk, Carson City CABMW chairman, said they unanimously voted to support NDOW and their submittal, but same time when 90 percent of state's population is in Clark County and their need for water, and he thinks the idea to try to work out some stipulations so we may get a piece of the pie is better than nothing, as so much of the state's economy depends on Clark County a lot of these esoteric issues we talk about with wildlife, and it is if and when the aquifer is drawn down, and only have so much water and when they compare wildlife to humans, you know who wins that race. He said Director Mayer's comment about working out something amicable and do something for wildlife is this group's focus.

Rex Flowers, Washoe CABMW chairman, said they voted unanimously to support any effort NDOW involvement in the mitigation and litigation and any or all negative effects on wildlife and opposition to the project.

Jim Jenne, Lyon CABMW chairman, said they voted along same lines to support NDOW as do not want to see water transfer but know what we are up against.

Mel Belding, Washoe County, said he wanted clarification as to what the CABMWs voted on, was it the continuance of the protest letter, or was it something else. As he would say he is all for nothing and that is where we ought to be and we should not negotiate with someone and not with a half-sack of marbles, and what about the little guy as we are not the only one in the game, and sad when a big metropolitan can run over the rest of the country and we should stand our ground.

Mike McBeath, said speaking for himself, let's talk of water resources relevant to this as issue with regard to Cave, Dry Lake and Delamar, more complex not only do you have creeks and have mountain bloc springs at the base of mountains and springs in valleys, and more important the aquifer at issue here encompasses other valleys and most important is the White River Valley which is adjacent and west of Cave, Dry and Delamar, is part of underground aquifer that eventually comes out of the Overton arm of Lake Mead, and he went through two and one-half years of hearings and dealing with all of the litigation in the Cave, Dry, and Delamar, one thing to understand is that water from Cave Valley discharges at a series of springs like Flag, Emigrant, and Sunnyside including Hot Springs, and two of those springs are on the Kirch WMA in White River Valley, and in addition White River Valley goes into Pharanagat Valley where Key-Pittman WMA is with another series of springs and water rights of

Key-Pittman, and continues to Lake Mead with the Overton WMA is effected and less issue there as not as many water rights. He would strongly suggest a letter on the Draft Environmental Impact Statement and would also suggest a letter on the protest and would concentrate on stipulated agreement and would not go with all or nothing.

DAG Nguyen said she asked to expand on previous comment as she has been looking at previous notice sent out, and according to notice, it looks like it would be helpful for the Commission to submit some kind of letter to hearing officer, Susan Joseph Taylor, and the State Engineer is inviting comment and deadline for written comments is 5 p.m. Friday, Dec. 2, 2011.

COMMISSIONER MCNINCH MOVED TO TAKE A GENERAL STANCE TO SUPPORT DEPARTMENT'S EFFORTS WITH REGARDS TO COMPRISING AND AGREEING TO A STIPULATED AGREEMENT WITH REGARDS TO THE POTENTIAL TO WITHDRAW THEIR PROTEST, AS DESCRIBED IN OUR AGENDA – IN SPRING VALLEY, CAVE VALLEY, DRY LAKE VALLEY AND DELAMAR VALLEY. COMMISSIONER WALLACE SECONDED THE MOTION.

Commissioner Raine said he worries that there is no stipulated agreement that could bring back one thousand of the value of what will happen to this area. Basically a stipulated agreement would be nothing in comparison to hundreds of thousands of years needed to bring back this water and this will destroy wildlife habitat for thousands of years and generations to come, what kind of money and stipulated agreement would be a pimple on that. He said the stipulated agreement part does not make sense, and this is not Owens Valley, as this will be gone forever, and the untold consequences of sucking that water out will affect a large section of Nevada in other counties in Lander, White Pine, and others, and likely will be devastating and there will be other side effect that we don't know and can't stipulate for that.

Commissioner Howell said he feels same as Commissioner Raine and can't see this happening soon if enough people protest it and knows SNWA needs the water but sure as heck does not want to take it from where he likes to fish and hunt, and not fair to the people that live up there. We have water in Lake Mead.

Commissioner McNinch asked the status of the pipeline.

Chief Bull said the pipeline's draft Environmental Statement is just out now, and has not made it to the National Environmental Protection Act (NEPA) process yet.

Commissioner McNinch said he shares concerns and what is really concerning to him is that if we think that we will be able to stop this we are being ignorant as we are not going to stop it. The question becomes do we put our resources into stopping it and to what end, and what are the alternatives. If we say we take a position where we hold firm on our convictions and just say, no, basically we are conceding that what happens to us happens to us and that is end. If we lose, that is last shot, as you don't get second chance if you lose the protest. The decision is to protest or enter stipulated agreement.

Chief Bull said he shares Commissioner Raine's anxiety and one thing that helped him was to read through stipulated agreement and the engineer's ruling when he approved water right extraction out of those valleys, there was a tremendous amount of calculation and science; however at end of the day the State Engineer stated that we won't know what happens until the pumping starts, and definite requirement for pre-pumping data collection that has to occur for baseline data before pumping starts and tremendous amount of monitoring that will go on afterwards, and he would not compare to Owens Valley much science being applied through stipulated strategies. It is unnerving as it is unknown and nobody can tell for sure what will happen and looking at power of Las Vegas area we don't feel it can be stopped.

Commissioner McNinch said out of consideration to the Commissioners he made the earlier motion, and is prepared to remove his motion, and would like to continue the discussion to see if alternative ways to go. He said we have stipulated agreement and another action is to take no action, or take a position to continue with the protests. He said he has to be honest as much as you are not in favor of the stipulated agreement he is in the same boat as supporting the protest outright.

Commissioner Wallace said his understanding is that the Commission has until Dec. 2 at 5 p.m. to submit a comment, and the Commission could actually do something the morning of Dec. 2 at that meeting and would be able to know some of the fallout between now and then.

Commissioner Raine said before accepting a motion he would like a commitment from the Department that the Commission's letter could be delivered.

Chief Bull said if a letter was generated that morning staff could get a letter to Carson City.

Commissioner Raine said there is no sustainable yield and ultimately will cause a worsening crisis in Las Vegas as it is not forever, it allows the growth but tomorrow will be a losing cause.

Commissioner McNinch removed original motion, Commissioner Wallace removed his second and Commissioner McNinch proposed a new motion:

New motion -

COMMISSIONER MCNINCH SAID HE WOULD MOVE TO TABLE THIS MATTER TO DEC. 2 AND 3 MEETING IN RENO AND REQUEST OF THE CHAIRMAN THAT THIS ITEM BE PLACED AS #1 ON THE AGENDA ON DEC. 2 SO THE COMMISSION CAN DELIBERATE AND POSSIBLY DRAFT A POSITION STATEMENT OR LETTER PERTINENT TO PROTEST THE STIPULATED AGREEMENTS THAT COULD BE FORWARDED TO STATE ENGINEERS OFFICE. COMMISSIONER RAINE SECONDED THE MOTION. COMMISSIONER RAINE SAID IF WE COULD ADD THAT THE COMMISSION DRAFT THE LETTERS FIRST BEFORE THE MEETING SO WE COULD HAVE PUBLIC

INPUT AND COMMISSION COULD REVIEW. COMMISSIONER MCNINCH AGREED WITH ADDING THAT TO THE MOTION.

Commissioner Robb said now the CABMWs have heard all of the Commission comments and they can now go back to their Advisory Boards and present what we talked about today and can then provide comment as to where to go on Dec. 2.

COMMISSIONERS IN FAVOR OF THE MOTION: ROBB, DREW, HOWELL, MCNINCH, SHRUM AND WALLACE. MOTION CARRIED 6 – 0. COMMISSIONERS MCBEATH AND DREW DID NOT VOTE. COMMISSIONER VOGLER ABSENT.

Chairman McBeath asked for a motion to reorder the agenda to take agenda items #20, #21, and #22, and the reports if we have time.

19 Reports - Informational

19 A Application Hunt 2011 Draw Report – Don Sefton, Systems Consultants

Due to time limitations Mr. Sefton only highlighted errata and the Silver State tag. The complete report is in the (exhibit file) and was provided in support material to the Commission and CABMW members.

Chairman McBeath asked Mr. Sefton to return to the December meeting to complete his presentation.

Chairman McBeath said due to the time he would like to change the order of the agenda, and go to: #20, #21, and #22, and then return to the informational items if time permits.

CHAIRMAN MCBEATH MOVED TO SUSPEND THE RULES TO CHANGE THE ORDER OF THE AGENDA, SKIP ITEMS # 19 B THROUGH #19 G AND GO TO #20, #21, AND #22, AND THEN TO THE EXTENT THAT TIMES ALLOWS RETURN TO #19 B THROUGH #19 G. COMMISSIONER ROBB SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF THE MOTION: MCBEATH, ROBB, DREW, MCNINCH, AND WALLACE. COMMISSIONERS OPPOSED: RAINE, SHRUM, AND HOWELL.

Commissioner Raine said that is not the required two-thirds to suspend the rules.

Commissioner McNinch said the solution is to continue with the agenda's informational reports, and keep the reports brief in the interest of time.

19 B Outdoor Marijuana Grow Update – Chief Game Warden Buonamici

Postponed to December meeting

19 C Donations Report – Deputy Director Cates

Deputy Director Cates reviewed the two page report as submitted in support material (exhibit file).

19 D Litigation Report – Deputy Attorney General Nhu Nguyen

DAG Nguyen said Litigation Report in support material (exhibit file) and the wild horse case is proceeding with NDOW as intervener.

E Department Activity Report/Leadership Team Notes – Secretary Ken Mayer

Secretary Mayer said no additions to report that was previously submitted.

F Wild Horse Gather Status – Chief of Habitat Elmer Bull for Steve Siegel

Chief Bull reported that High Rock Complex gather due to start and will remove permanently 1,094 wild horses; seeing a trend with BLM to gather horses and do fertility treatments then release them; Calico Complex gather scheduled for Dec. 1 and will take 1,030 horses and burros; three gathers scheduled for Carson District – Flanagan, Dogskins, and Granite Peak; Sheldon 1,100 horses and had gather done on horseback removed 158; Ely District – Triple B is done with 1,269 horses gathered and removed from Cherry Springs as well; Battle Mountain District – Stone Cabin gathers in Jan. 2012; Salisbury treat and release mares and getting near AML.

19 G Walker Lake Status Update – Chief of Fisheries Mark Warren

Secretary Mayer reported lake levels up but no change all that much to TDS.

20 Request for Opinion from Attorney General – Chairman McBeath – For Possible Action

Commissioner McNinch said as this matter is relevant to his position on the Commission he recused himself from the discussion.

Chairman McBeath said on July 25, 2011, Commissioner Raine who was still at that point chairman of the Commission even though three new Commissioners were appointed July 1, 2011, wrote a letter on letterhead to the Attorney General, and the letterhead was altered to remove Commissioners who were no longer on the Commission with the exception of Daryl Capurro, the former conservationist remained on the letterhead, and three new Commissioners – Drew, McNinch, and Robb - appointed July 1 were not on the letterhead. A letter was received by him from DAG Wayne Howle dated Aug. 15, 2011, which he read requesting an

Attorney General's Opinion which was denied (Howle letter in exhibit file). On Aug. 19, 2011, and he wrote a letter to Attorney General (exhibit file) requesting that Commissioner Raine's request for an Opinion be withdrawn and expressed his concerns with the letterhead issue and that he would place this on the agenda. He said Commissioner Raine was questioning ability of the Legislature to remove the conservation seat and set forth a position with regard to that. The agenda item is for the Commission to decide whether we approve or withdraw the request for an Opinion.

Commissioner Raine said a phone call could have resolved most of this: As to letterhead, he did not know new Commissioners name and was notified on July 27 that Mr. Capurro was not on Commission but not on letterhead and not official and on the letterhead and he left the ones on there that he knew for sure. Law clearly stated and this letter was written with assistance from two legal people with 70 plus years of legal experience and was properly done, clear and appropriate. He said the law is clear that the chair can request an Opinion and nothing that requires a formal vote of the Commission.

Commissioner Howell said for life of him can't understand this and if Commissioner Capurro removed mistakenly or illegally by the Legislature, why would we (the Commission) not want a legal opinion from the Attorney General, and Commissioner Raine was still chairman at the time.

Public Comment -

Judi Caron speaking for herself said that she has served as a member of a CABMW and as a chairman of a CABMW and that she takes offense, and gets emotional, as Mr. Raine is a sportsman representative, and we told the people here on the bear issue that we take our trust on what the Department brings us, and she takes this as a trust issue and is thoroughly disgusted and appalled with how Commissioner Raine presents things to the Commission.

CHAIRMAN MCBEATH MOVED TO NOT APPROVE COMMISSIONER RAINE'S REQUEST FOR AN OPINION IN HIS LETTER DATED JULY 25, 2011. MOTION SECONDED BY COMMISSIONER ROBB

Commissioner Raine said the motion has no relevance unless the motion included to bring something else, as the Commission here today has no authority over this matter at this point of time, unless to consider something. Commissioner Raine said he had a concern that there were 10 Commissioners, and wanted to make certain what was happening and was contacted by legal parties who said the law was broken, and if went to court could win and only fair to ask the question, letter was legitimate.

Commissioner Wallace said today the Commission adopted letter to be drafted by Commissioner Drew and has no problem, but this letter did not come to him, it was not voted on or discussed by the Commission. Commission letterhead should not be used unless voted on by the Commission, and letters have been written in past three years that he did not always

agree with, but they were voted on and the letters went out. Commissioner Wallace said no reason for correspondence to be out there that he did not vote on and will support the motion. Commissioner Shrum asked considering a motion due to the lateness of hour to postpone this to the next meeting.

COMMISSIONER SHRUM MOVED TO AMEND MAIN MOTION AND POSTPONE THE SUBJECT TO THE DECEMBER MEETING. COMMISSIONER HOWELL SECONDED THE MOTION TO AMEND. COMMISSIONERS IN FAVOR: HOWELL, RAINE, AND SHRUM. COMMISSIONERS OPPOSED: CHAIRMAN MCBEATH, ROBB, DREW, AND WALLACE. COMMISSIONER MCNINCH ABSTAINED. MOTION TO AMEND FAILED 3 - 4 - ONE ABSTENTION.

COMMISSIONERS IN FAVOR OF MOTION: MCBEATH, ROBB, DREW, AND WALLACE. COMMISSIONERS OPPOSED: HOWELL, RAINE, AND SHRUM. MOTION CARRIED 4 – 3, ONE ABSTENTION, COMMISSIONER MCNINCH.

21 Request for Opinion from Attorney General – Chairman McBeath – For Possible Action

Commissioner Robb disclosed that he was the person who placed the bid for the person who was the successful bidder therefore he will abstain from the vote.

Chairman McBeath said letter from Commissioner Raine is undated, and is regarding Heritage tag purchased at an auction than donated by the buyer to NBU who then resold the tag at their banquet. Commissioner Raine's letter to the Attorney General (AG) is requesting an opinion whether that is legal. The letter hand delivered to AG's Office and is undated. Letter was received on Aug. 15 with no U.S. postmark, received a letter from the AG Office as chair of Wildlife Commission dated Aug. 23 stating they had received that letter requesting to see what he wanted to do and he responded in writing that that request for an Opinion be withdrawn and explained the issue of no postmark and the date is important as he himself was elected chairman on Aug. 12 and puts into question if Commissioner Raine even had authority to write the letter in the first place. He said the agenda item is to approve or disapprove the request for an agenda item.

Commissioner Raine said he does not get the postmark issue, as he sent the letter via U.S. Postal Service and that is an error and is the only explanation and people are present who received email copies including the DAGs as he normally copies them when sending correspondence. He received a letter from NBU on July 28, 2011, and took him a week to draft a response. He said he could produce the emails, and question or any allegation is beyond ridiculous. He did not catch that there was no date on the letter and neither did the person who proofread the letter, would submit that the dated is one week before the Commission meeting and that is a fact and hand delivery makes no sense and could not happen and would submit that date of Commission meeting he was at the Commission meeting on Friday and Saturday and at no time did he hand-deliver a letter to the AG. Commissioner Raine said his letter is a

request to investigate a criminal action that could have taken place and if AG's office does not investigate there is something wrong with the system.

Commissioner Drew said difference between public officer and public on the street is use of letterhead, and has not reviewed previous minutes and does not know if this letter was approved to be sent. The letter is written on Commission letterhead.

Commissioner Wallace read the motion from the minutes:

COMMISSIONER LENT MOVED THAT WE SEND A INQUIRY OR REQUEST FROM EITHER OUR DAG OR AG OF LEGALITY OF RESELLING HERITAGE TAG WITH THIS LETTER TO GO ALONG WITH IT AND AT THE SAME TIME SEND LETTER SIGNED BY CHAIRMAN TO NBU THAT WE FEEL AND DRAFTED BY CHAIR TO NBU REQUESTING THAT THE PROFITS OF RESALE OF HERITAGE TAG BE SENT TO THE HERITAGE ACCOUNT. COMMISSIONER SHRUM SECONDED THE MOTION.

Commissioner Raine recalled there was much discussion and decided that DAG did not feel comfortable and came off that he should write the letter and that was direction of Commission and good videotape of the meeting is available. The matter of the issue is clear violation and a politically powerful organization brought into question and they may be right, but the authorities need to determine that. The DAG stated he was not comfortable in drafting the letter.

Chairman McBeath said for this agenda item it makes no difference if Commissioner Raine wrote letter using statute to request an Opinion from AG or if he got authority pursuant to the Commission meeting as indicated as the agenda item is whether to take action to approve the request for an Opinion or not.

Commissioner McNinch questioned the timeline of the letters and is bothered by the letterhead used and said it is disconcerting that copies not sent to the entire Commission after letter sent.

Public Comment - None

CHAIRMAN MCBEATH MOVED TO NOT APPROVE THE REQUEST FOR AN OPINION IN MATTER SET FORTH IN CHAIRMAN RAINE'S UNDATED LETTER REFERRED TO AS THE NBU LETTER. COMMISSIONER MCNINCH SECONDED THE MOTION.

Commissioner Raine said interesting the Commission is condoning an illegal activity in the tag system and is a precedent setting situation, and one or another the Commission needs to know if this is legal or not.

Chairman McBeath said at this time this occurred the question of legality was posed to the two DAGs and they disagreed – DAG Newton said it did not violate the law, and DAG Stockton said it

did, and was not a criminal act and is sure that NBU had legal counsel, and for him to state it was illegal is stretching it.

COMMISSIONERS IN FAVOR OF THE MOTION: CHAIRMAN MCBEATH, DREW, MCNINCH, AND WALLACE. COMMISSIONERS OPPOSED: HOWELL, RAINE, AND SHRUM. MOTION PASSED 4 – 3, COMMISSIONER ROBB ABSTAINED. COMMISSIONER VOGLER ABSENT.

22 Nevada Board of Wildlife Commissioner's Committee Assignments – Chairman McBeath
- For Possible Action

Chairman McBeath said may need more time to but will appoint the committee for trapping and he has issues to discuss with DAG Cassandra Joseph and chairman's authority to appoint non-commission members.

Commissioner McNinch said need to consider the Kirch Committee, and possibly a letter to folks in attendance to work on bear issues with the caution that a committee must comply with Open Meeting Law.

Chairman McBeath said the Wayne E. Kirch Judging Committee already is in place.

Commissioner Drew said Wild Horse and Burro Committee is a committee that could be broadened out for public land issues and changed to Public Lands Committee but does not need to be done immediately.

Bob Cook, Douglas CABMW, asked if Mule Deer Committee will be considered.

Chairman McBeath said he is considering moving that into Public Lands Committee.

COMMISSIONER MCNINCH MOVED TO AUTHORIZE YOU TO APPOINT AND ESTABLISH NEW COMMITTEES ON BEHALF OF COMMISSION A COMMITTEE TO ADDRESS TRAPPING, A BEAR WORKING GROUP COMMITTEE, AND MAKE APPOINTMENTS TO KIRCH COMMITTEE. COMMISSIONER WALLACE SECONDED THE MOTION.

COMMISSIONER MCNINCH AMENDED THE MOTION TO ESTABLISH ANY COMMITTEES AS NECESSARY AND APPOINTMENTS AS DEEMED APPROPRIATE TO THOSE COMMITTEES. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONER MCNINCH INCLUDED NON-COMMISSION MEMBERS. COMMISSIONERS IN FAVOR: SHRUM, HOWELL, MCBEATH, ROBB, DREW, MCNINCH, AND WALLACE. COMMISSIONERS OPPOSED: RAINE. MOTION CARRIED 7 – 1.

23 Future Commission Meeting – Director Ken Mayer – For Possible Action

Director Mayer said the next meeting is Dec. 2 and 3, 2011, in Reno.

Items requested:

- Commissioner McNinch - Update on Mule Deer Management Plan 2006
- Commissioner Raine - Great Basin Water Network asked the Commission to consider a resolution

24 Public Comment Period –

Deputy Director Cates said new Conservation Education Wildlife license plates will be available in Department of Motor Vehicle offices in early October.

Meeting Adjourned at 6:20 p.m.

Note: The minutes are a summary of the meeting. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request for review.