



4. Attach two copies of all documents or items you believe provide credible evidence to support your allegations. [NRS 281A.440.2\(b\)\(1\)](#) requires you to submit all related evidence to support your allegations. [NAC 281A.435.3](#) defines credible evidence as a minimal level of any reliable and competent form of proof provided by witnesses, records, documents, exhibits, minutes, agendas, videotapes, photographs, concrete objects, or other similar items that would reasonably support the allegations made within the complaint. Credible evidence does not include a newspaper article or other media report if the article or report is offered by itself.

1 Additional Page attached  
 75 Pages (Exhibits 1-10)  
 3 CDs  
 1 VHS

State the total number of additional pages attached (including evidence)

**REQUESTOR'S INFORMATION:**

NAME: David L. McNinch	E-MAIL: dmeninch
ADDRESS: 5155 Ross Drive	
CITY, STATE, ZIP: Reno, Nevada 89519	
TELEPHONE (775) 747-7545	CELL PHONE: (775) 843-0470

By my signature below, I do affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief and I am willing to provide sworn testimony if necessary regarding these allegations.

David L. McNinch  
 Signature  
 Print Name: David L. McNinch

June 24, 2010  
 Date

**Please return an original signed form, two copies of the form, and three copies of the supporting documents and evidence to:**

**Executive Director  
 Nevada Commission on Ethics  
 3476 Executive Pointe Way, Suite 10  
 Carson City, Nevada 89706**

Ethics complaints submitted by facsimile will not be considered as properly filed with the Commission.  
[NAC 281A.255.3](#)

3. A list of attendees for each specific meeting mentioned in this complaint has been provided in Exhibits 2 thru 8. Since minutes and/or audio/visual have also been provided for each of these exhibits, detailed contact information for these attendees was not provided in this packet. If further information is needed for these attendees, please let me know and I will submit an addendum with the requested information.

Nevada Department of Wildlife staff are assigned to the various committees of the Nevada Wildlife Commission, including the Wildlife Damage Management Committee and the Heritage Committee. These individuals have knowledge regarding the processing of the projects mentioned in this complaint. Secretary of the Wildlife Commission, Mr. Ken Mayer, has knowledge of these staffing assignments if you need information from these individuals. Mr. Mayer can be reached at (775) 688-1599.

The contact list for the nine (9) current Nevada Wildlife Commissioners is provided in Exhibit 10.

JUN 23 2010

COMMISSION  
ON ETHICS

Exhibit 1

## Support Material – Scott Raine Ethics Complaint

Commissioner Scott Raine, as a member of the Nevada Wildlife Commission and chair of the Wildlife Damage Management Committee, has repeatedly voted on issues in which his personal interests cannot be discerned and have not been disclosed. In particular, it is apparent that Commissioner Raine has familial-type relationship with Mr. Pat Laughlin, the proponent of several wildlife projects through an organization known as Nevada Alliance 4 Wildlife. Commissioner Raine and Mr. Laughlin are the effective equivalents of step brothers; yet, Commissioner Raine has failed to disclose this relationship or otherwise abstain from voting on proposals Mr. Laughlin and Nevada Alliance 4 Wildlife have made. As a result, I feel compelled to file this ethics complaint based on the events that transpired during the following Nevada Wildlife Commission and associated Committee meetings:

1. Heritage Committee Meeting (May 14, 2009)
2. Wildlife Damage Management Committee Meeting (June 26, 2009)
3. Nevada Wildlife Commission Meeting in Lovelock (June 26, 2009)
4. Wildlife Damage Management Committee Meeting (November 24, 2009)
5. Nevada Wildlife Commission Meeting in Reno (December 5, 2002)
6. Heritage Committee Meeting (May 13, 2010)
7. Nevada Wildlife Commission Meeting in Reno (May 15, 2010)

Commissioner Raine's mother maintains the primary interest (ownership) in a local grocery store (Raine's Market) in Eureka, Nevada. Commissioner Raine's mother has also maintained a long-term relationship with Mr. Mike Laughlin, who has resided with her for many years. Mr. Mike Laughlin's son, Mr. Pat Laughlin, has formed an organization known as Nevada Alliance 4 Wildlife which has submitted proposals to the Nevada Wildlife Commission requesting public money to conduct wildlife management activities. Mr. Pat Laughlin has personally made such proposals on behalf of Nevada Alliance 4 Wildlife.

Due to the longstanding, live-in relationship between Commissioner Raine's mother and Mr. Pat Laughlin's father, the relationship between Commissioner Raine and Mr. Laughlin is akin to a family relationship. This familial-type relationship, which Commissioner Raine has tellingly failed to address or clarify when questioned, must have some influence on Commissioner Raine's support of the proposals Mr. Laughlin has made to the Wildlife Commission on behalf of Nevada Alliance 4 Wildlife. In fact, if Commissioner Raine failed to support Mr. Laughlin's proposals, it could disrupt his relationship with Mr. Laughlin, as well as his relationship with his mother and her live-in companion. This is the precise type of situation that the ethics laws seek to prevent; yet, Commissioner Raine has failed to even acknowledge the potential issue that exists in these circumstances.

In addition, as an employee of the store that his mother owns, Commissioner Raine has strong pecuniary interest in maintaining a good relationship with Mr. Pat

Laughlin by supporting and even spearheading Nevada Alliance 4 Wildlife proposals through the Commissions approval process. It is conceivably not in Commissioner Raine's financial best interest to cast votes that may disenfranchise him from Mr. Pat Laughlin, Mr. Mike Laughlin and/or his mother.

Considering the relationship that Commissioner Raine's mother has with Mr. Pat Laughlin's father, Commissioner Raine cannot reasonably discern his personal interests from the interests he serves as a member of the Wildlife Commission. As a result, Commissioner Raine has failed to satisfy the standards established by NRS 281A to avoid conflicts and enhance the peoples faith in the integrity of the Commission on which he serves. In fact, Commissioner Raine has mocked this legislative intent by ignoring counsel's concerns that his relationships with Mr. Pat Laughlin and Mr. Mike Laughlin could cross the line.

The contracts that have been awarded to the organization represented by Mr. Pat Laughlin were awarded by votes of 5-4 and 3-2. As a result, Commissioner Raine's votes in favor of the proposals were critical to the passage of the motions. The contracts should accordingly be voided pursuant to NRS 281A.540.

Commissioner Raine has also not acted as a reasonable person by failing to request an opinion from the Ethics Commission (pursuant to NRS 281A.440(1)) seeking guidance on questions which directly relate to the propriety of his past, present and future conduct. The Attorney General's office has already questioned whether Commissioner Raine has previously violated ethics laws indicating his clear disregard for the law and his obligations to people of this State.

#### Attachments

- Exhibit 1 – Summary of Complaint
- Exhibit 2 - Heritage Committee Meeting Minutes (May 14, 2009)
- Exhibit 3 - Wildlife Damage Management Committee Meeting Minutes and Audio (June 26, 2009)
- Exhibit 4 - Nevada Wildlife Commission Meeting Minutes and Audio (June 26, 2009)
- Exhibit 5 - Wildlife Damage Management Committee Meeting Minutes and Audio (November 24, 2009)
- Exhibit 6 - Nevada Wildlife Commission Meeting Minutes (December 5, 2009) – Audio provided with Exhibit 4
- Exhibit 7 - Heritage Committee Meeting Minutes (May 13, 2010)
- Exhibit 8 - Nevada Wildlife Commission Meeting Minutes and Audio/Visual (May 15, 2010)

Scott Raine Ethics Complaint  
Page three

- Exhibit 9 - Projects 10-26 and 10-27 as approved at Dec. 2009 Commission Meeting and Projects 11-19 and 11-20 as approved at May 2010 Commission Meeting
- Exhibit 10 – List of Nevada Wildlife Commission Members

Chronology of Events

Heritage Committee Meeting on May 14, 2009: As a member of the Heritage Committee, Commissioner Scott Raine made two separate motions to approve Heritage Projects 10-26 and 10-27 which were both submitted by Mr. Pat Laughlin on behalf of Nevada Alliance 4 Wildlife. Motions passed.

Wildlife Damage Management Committee Meeting on June 26, 2009: During public comment, former Wildlife Commissioner David McNinch urged that proper disclosures be made regarding personal or similar relationships that members of the committee may have with project proponents. Commissioner Scott Raine, Chairman of the Wildlife Damage Management Committee, failed to recognize such relationships.

Nevada Wildlife Commission Meeting on June 26, 2009: Commissioner Scott Raine made comment under “Member Items” that his family relationships are none of anyone’s business.

Wildlife Damage Management Committee Meeting on November 24, 2009: Commissioner Scott Raine, as Chairman of the Wildlife Damage Management Committee, voted to approve projects 10-26 and 10-27 which were both submitted by Mr. Pat Laughlin on behalf of Nevada Alliance 4 Wildlife. Both projects passed.

Nevada Wildlife Commission Meeting on December 5, 2009: Commissioner Scott Raine made motion to approve heritage projects 10-26 and 10-27 which were both submitted by Mr. Pat Laughlin on behalf of Nevada Alliance 4 Wildlife. Both projects passed by a vote of 5-4.

Heritage Committee Meeting on May 13, 2010: Commissioner Scott Raine seconded motion to approve heritage project 11-19 which was submitted by Mr. Pat Laughlin on behalf of Nevada Alliance 4 Wildlife. Motion passed. Commissioner Scott Raine also made motion to approve heritage project 11-20 which was submitted by Mr. Pat Laughlin on behalf of Nevada Alliance 4 Wildlife. Motion passed.

Nevada Wildlife Commission Meeting on May 15, 2010: Deputy Attorney General Bryan Stockton provided reminder that anyone with a third degree of consanguinity or affinity or substantially similar relationship who will benefit from the projects they are considering, needs to disclose that before voting as well as business relationships with anyone on the list and if they would benefit they need to recuse themselves from voting,

at least the project where they have conflict. Commissioner Scott Raine made motion to approve proposed 2011 heritage projects (which included 11-19 and 11-20) as well as to extend heritage projects from 2010 (including 10-26 and 10-27). Motion passed 3-2 with one abstention and Commission Chairman Gerald Lent not voting.

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Exhibit 2

**Heritage Committee Meeting**  
**Nevada Board of Wildlife Commissioners**  
Nevada Department of Wildlife  
1100 Valley Road, Reno, Nevada 89512

Meeting Location: Nevada Department of Wildlife  
1100 Valley Road  
Reno, Nevada 89512  
Conference Room

Committee Members: Commissioners Tom Cavin (chair), Scott Raine and Pete Mori

Employees from NDOW: Dave Prather, Dale Hansen, Gabe Pincolini, Jason Salisbury, Maureen Hullinger, Ken Mayer, Rich Haskins, Mike Dobel, Dave Pulliam, Kelly Clark, Matt Maples, Mark Atkinson, Steve Foree, Kevin Lansford, Kim Tisdale, Craig Mortimore, Shawn Espinosa and Mike Cox.

Members of the public: Clint Bentley, Jim Jeffress, Jack Robb, Larry Johnson, Kelley Stewart, Mel Belding, Jim Nelson, Jerry Annis, Mark Jensen, Marjorie Matorg, David Thain, Gerald Lent, Steven Petersen, Dan Hill, Caleb Mcadoo, Mike Bertoldi, Don Molde, Pat Laughlin, Meghan Gray, Judi Caron and Mike Laughlin.

**Thursday, May 14, 2009 - 1 p.m.**

1. **Call to Order – Chairman Tom Cavin**  
Meeting called to order at 1:20 p.m.
2. **Approval of Minutes – Action**  
Minutes are from the March 26, 2009 Heritage Committee meeting.  
Raine 1<sup>st</sup> motion and Mori 2<sup>nd</sup> motion, all were in favor.
3. **Member Items**  
Committee members may present emerging items. Any item requiring committee action will be scheduled on a future Committee agenda.  
June meeting
4. **Public Comment Period**  
Persons wishing to speak on items not on the agenda should complete a speaker card and present it to the recording secretary. Public comment will be limited to three minutes for individuals and six minutes for persons representing groups or organizations. Persons are invited to submit comments in writing on the agenda items and or attend and make comment on the item at the committee meeting. Any item requiring committee action could be scheduled on a future committee agenda.  
No public comment
5. **Staff Report – Gabe Pincolini – Action**

- MORI: I AGREE
- RAINE MOTION TO APPROVE BY 19K
- MORI SECONDS THE MOTION
- VOTE: THREE AYES
- MOTION CARRIES.

10-26

- PAT LAUGHLIN
- CAVIN: LIKE TO SEE IT REFINED WITH THE DEPARTMENT. BIG CHUNK OF MONEY. MORE WELL-DEFINED ISSUES AND WELL-DEFINED AREAS. GET YOUR FEET WET WITH THE RAVEN PROJECT.
- PAT: I DON'T PULL THE NUMBERS OUT OF THE AIR. I TALKED TO WILDLIFE SERVICES. BOTTOM LINE. 120 HOURS OF ACTUAL HUNTING TIME IN THE AIR. ACTUALLY 15 DAYS.
- TIME THIS OUT RIGHT. RECONNAISSANCE WORK SO YOU KNOW WHERE THEY GO.
- SOUNDS LIKE A LOT OF MONEY. HECK OF A BANG FOR YOUR BUCK. HAVE ALL THE FAWN COUNTS AND COMPARED TO OTHER PREDATOR MGT PROGRAMS. TOP TWO OR THREE AREAS. IT IS A TOOL. LOOK AT FAWN COUNTS. THIS AREA ON MY LIST.
- MORI: HOW MANY HOURS?
- PUBLIC COMMENT: HOW SPECIFICALLY ARE YOU GOING TO DETERMINE WHERE THE PREDATORS ARE?
- PAT: WE'LL WORK WITH WILDLIFE SERVICES AND NDOW.
- MORI: OPINION ON PARTIAL FUNDING OF THE PROJECT.
- PAT: 15 DAYS OF HUNTING IS NOT A LOT.
- THEY HAVEN'T DONE ANY CHECKING ON THE OTHER FACTORS.
- RAINE: GOT TO PICK PROJECTS OF HAVING RELEVANT RESULTS
- RAINES MOVES TO APPROVE
- MORI SECONDS THAT MOTION
- VOTE: THREE AYES
- MOTION CARRIES

10-25

- MORI: TO WHAT EXTENT WOULD THIS PROJECT PROCEED WITHOUT HERITAGE FUNDING?
- THAIN: IT WOULD BE TOUGH. IF WE COULD GET HALF WE COULD MAKE THIS WORK.
- RAINE: CONCERNS ABOUT DUPLICATION OF EFFORT AND 10-06. ARE WE BEING REDUNDANT HERE. MORE WOULD BE BETTER. WHICH WOULD WE USE?

TELEMETRY COSTS. DATA MGT COSTS. EXPECTATIONS HAVE CHANGED OVER TIME. WE ARE ADAPTING. NO REASON TO SAY EVERYTHING IS DONE.

- ROBB: LIMITING FACTORS.
- CAVIN SECONDS MOTION TO FUND PROJECT 10-01 AT 120K WITH OPTION TO COME BACK AND REVISIT AT MEETINGS END.
- VOTE ALL IN FAVOR TWO AYES, RAINES NAY
- MOTION CARRIES.

10-27

- PREDATOR CONTROL ON SAGE GROUSE LEKS.
- CAVIN: PROJECT DID NOT HAVE A REVIEW. WAS LACKING ORIGINAL IN INFORMATION.
- RAINE: COULD USDA RECEIVE THIS MONEY?
- LAUGHLIN: DON'T WANT TO HANDLE MONEY.
- MARK JENSEN: HAS NO PROBLEM TO RECIEVING THIS MONEY. WE COULD DO THE WORK.
- KEN MAYER: LET US KNOW WHAT NDOW DOES CONCERNING RAVEN HARVEST.
- MARK ATKINSON: CONCERNS WITH THIS PROJECT.
- NO SPECIFICS
- NO SPECIFIC LEKS IDENTIFIED
- LARGE AREA IDENTIFIED
- NDOW ALREADY ARE PERFORMING WORK IN THIS AREA
- CONCERN—WHERE THESE ACTIVITIES TAKE PLACE?
- STUDIES—LONGER TERM IMPACTS ON SAGE GROUSE RECRUITMENT IS NOT CLEAR.
- TAKE PLACE IN AREAS THEY CAN MONITOR.
- CONCERN—FEDERAL FISH AND WILDLIFE PERMIT
- 1,500 RAVEN IN THE STATE
- EAST DISTRICT LIMIT 750.
- CAVIN: NDOW PERMIT AND USFWS PERMIT
- ATKINSON: SEVERAL DIFFERENT COMPONENTS
- MARK JENSEN: PERMIT GOES TO US. USFWS GIVES IT TO US. IN THE PAST, HAVE GOOD RELATIONSHIP. HOWEVER, THIS IS DYNAMIC POPULATION. CAN WORK WITH USFWS.
- SHAWN ESPINOZA: ISSUE IS SAGE GROUSE POPULATION GROWTH. TWO STUDIES FIND SIMILAR RESULTS INCREASE NEST SUCCESS, BUT DIDN'T INCREASE POPULATION. IF RAVENS TAKEN THEN SOME PREDATOR MOVED LIKE IN LIKE BADGERS. OTHER ISSUES TO CONSIDER THAN SAGE GROUSE CONTROL. RECOMMEND TO THIS PROJECT WITH A MONITORING

COMPONENT. RAVENS AREN'T EVERYTHING—MORE THINGS TO CONSIDER.

- JIM SEDDINGER—UNR PROFESSOR-WITH SAGE GROUSE STUDY WITH EUREKA COUNTY.
- MONITORING LEKS AND COUNTING OF RAVENS. NO CORRELATION BETWEEN RAVEN POPULATION AND SAGE GROUSE POPULATION. OTHER FACTOR MAMMALIAN PREDATORS. COMPENSATORY PREDATION. TERRITORIAL RAVENS—MAY MAKE SITUATION WORSE IF YOU MOVE THEM OUT. MORE COMPLICATED AND BROADCAST KILLING OF RAVENS. NEED SOME MORE DETAILED MONITORING INVOLVED.
- SHAWN: RAVEN NOT GOING TO GET ANY BETTER. TRANSMISSION LINES. INFRASTRUCTURE CHANGES, IMPROVEMENTS WILL INCREASE RAVEN POPULATION. NOT ENOUGH MONEY IN THE WORLD TO MAKE RAVEN POPULATION GO DOWN
- MEL—NEVER WITNESSED PREDATION BY RAVENS.
- CAN'T SEE WHY THIS IS COMING TO HERITAGE PROGRAM. BUT, PREDATION PROGRAM HAS ENOUGH MONEY.
- JIM JEFFERS—EARLY THIS DECADE GOVERNOR PLANNING COMMISSION. TIED TIGHTER TO PLANNING DOCUMENTS ALREADY EXISTS. TARGET MORE SURGICALLY INTO THESE AREAS IN THE PLANNING DOCUMENTS. MONEY REQUEST SHOULD COME BEFORE PREDATOR MGT.
- DON MOLDE—NDOW POISONING RAVENS FOR A WHILE NOW AND USFWS. 4,000 RAVENS WERE BEING KILLED. AT THAT TIME NEVADA KILLING 80% OF RAVENS THAT WERE KILLED IN THE US. THAT'S WHY ALLOWANCES HAS GONE DOWN. NOTHING EVER SHOWN THAT THERE WAS A BENEFIT. A WASTE OF MONEY. RANDOM KILLING OF PREDATORS MAKES NO SENSE. NEEDS TO HAVE A MONITORING COMPONENT AND NEED TO SHOW SOME BENEFIT. AB291 MONEY CAN BE USED FOR MONITORING.
- MIKE LAUGHLIN—HANGS OUT WITH RAVENS. 73 YEARS. IF WE DON'T TAKE CARE OF RAVENS, SAGE GROUSE WILL BE PUT ON ENDANGERED SPECIES LIST.
- PAT LAUGHLIN—AGREED WITH A LOT WITH WHAT PEOPLE HAVE STUDIED. BUT GETTING SO FAR AWAY FROM ACTUAL ACTION. A STUDY FOLLOWED UP WITH A STUDY. IT'S SOMETHING WE CAN DO ABOUT THIS NOW. PREDATOR MGT.
- CAVIN—WILL WORK WITH OTHER AGENCIES.
- PAT—YES, ELKO CAB SUPPORTED THIS.
- GABE—OUTSIDE GROUP/INDIVIDUAL, NEED TO SIGN A NDOW CONTRACT. SEPARATION OF WHO HAS OWNERSHIP OF THE

PROJECT. ORGANIZATION ACCEPTS CONTRACT. NDOW DOES NOT ACT AS THIRD PARTY.

- MARK JENSEN—AGREES WITH GABE AND IT COULD BE DONE.
- KEN MAYER—PROBLEM WOULD BECOME IT WOULD BE A NDOW PROJECT. WE WOULDN'T NECESSARILY AGREE ON THE PROJECT AS IS. WE WOULD WANT TO LOOK AT IT A LITTLE MORE. I WANT TO HAVE MORE TIME TO GET TOGETHER ON THIS ISSUE.
- CAVIN: RAVENS ARE A PROBLEM. WE NEED TO ADDRESS THIS. SOME DIFFERENCES.
- KEN MAYER: NOT INSIGNIFICANT DIFFERENCES.
- PAT: NO HELP FROM NDOW.
- MARK JENSEN: WOULD BE MORE THAN HAPPY TO WORK WITH EVERYONE.
- KEN MAYER: MIGHT BE ABLE TO DO PROJECT, WITH DETAILS WORKED OUT.
- MORI: WOULD PAT TO BE ABLE TO GET IN A CONTRACT.
- RAINE: PAT AND NDOW CAN WORK OUT DETAILS, THAT IS NOT OUR JOB.
- RAINE: NO SUBJECT MORE VITAL TO SPORTSMEN THAN SAGE GROUSE. NOT JUST WILDLIFE, ALL PEOPLE THAT MAKE A LIVING ON THE LAND. NDOW HAS BEEN STUDIED AND SPENT A LOT OF MONEY. MIX STUDY WITH ACTION.
- **RAINE MOVES TO APPROVE AS SUBMITTED**
- CAVIN SECONDS THAT MOTION
- RAINE: NDOW AND NEVADA ALLIANCE 4 WILDLIFE NEED TO WORK OUT THE DETAILS.
- **VOTE: THREE AYES**
- **MOTION CARRIES**

10-18, 10-19, 10-20 & 10-21

CAVIN: TALKED TO MAIN CONTACTOR. RECEIVED ASSURANCE FRATERNITY WAS COMMITTED TO GETTING IT DONE AND WOULD ACCEPT WHATEVER MONEY. DO YOU HAVE PREFERENCE?

BENTLEY: MAINTENANCE IS THE MOST IMPORTANT PROJECT.

BENTLEY: TOTAL COST INCURRED IS NOT THE \$5,495, IT IS MORE LIKE 8K.

- FRATERNITY HAS PAID FOR THE MAINTENANCE OF THE PROJECTS IN THE PAST.
- MORI: AGREEABLE TO \$9200 VS. \$4200
- BENTLEY: YES
- RAINE: ALL OF THESE PROJECTS NEED HELICOPTER ACCESS?
- BENTLEY: PURPOSELY DONE IN REMOTE AREAS FOR THE BENEFIT OF WILDLIFE. YEARS PAST HAD VOLUNTEERS TO COME

WDMC  
6/26/09



2170-116-12

JUN 23 2010

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# NEVADA BOARD OF WILDLIFE COMMISSIONERS

## Wildlife Damage Management Committee

Lovelock Community Center

820 6<sup>th</sup> Street

Lovelock, Nevada 89419

June 26, 2009

8:30 a.m.

### MINUTES

Those Committee members in attendance were:

**Scott Raine – Committee Chairman**

Michael McBeath – Commissioner

Pete Mori– Commissioner

Grant Wallace – Commissioner

Mike Laughlin – Member

Kevin C. Lansford – NDOW, Staff to Committee

Also in attendance were:

Mark Atkinson – NDOW

Mike Bodenchuck – Wildlife Services, Texas

Tom Cavin – Commissioner

Kelly Clark – NDOW

Trudy Davis – NDOW

Paul Dixon – Clark CABMW

Maryanna Enochson – NDOW

Rex Flowers – Washoe CABMW

Larry Gilbertson – NDOW

Rich Haskins – NDOW

Mark Jensen – Wildlife Services

Rodney Johnson – NDOW

Kim Jolly – NDOW

Gerald Lent – Chairman, Commissioner

Ron Lurie - Commissioner

Ken Mayer – Director, NDOW

David McNinch - Commissioner

Don Molde – Self

David Newton – Attorney General

Jack Spencer – Wildlife Services

Ken Wellington – Elko CABMW

Gil Yanuk – Carson City CABMW

#### **Agenda Items #1 & #2 – Call to Order & Introductions – Chairman (Raine)**

Chairman Raine called the meeting to order and introduced the members of the committee who were in attendance.

#### **Agenda Item #3 – Approval of Minutes from the March 27th, 2008 Meeting – Chairman – ACTION**

Chairman Raine asked if everyone had reviewed the amended version of the minutes. It was moved and seconded that the amended minutes from the March 27, 2009 meeting be approved. The motion was passed by unanimous vote.

#### **Agenda Item #4 – Commission Member Items – Chairman**

The Chairman asked for any items from Committee members.

Commissioner McBeath stated that he found some information in the Las Vegas Sun which was an item showing a graph and some tabulated information regarding Fins, Fur and Feathers Nevada Hunting and Fishing Combination Licenses. This information was printed without a corresponding article and it shows statistical information on license sales. One particular table lists resident licenses sold by county from 2007. Commissioner McBeath is concerned about where we stand as a group with regard to the public, such as the low number of clients who purchased these combination licenses. Commissioner McBeath stated that he is very concerned that the direction this commission is going is like “kicking a sleeping dog”. Commissioner McBeath further stated that he has fears on two legal fronts; one is that we base all of our predator projects on biological science. A Commission meeting should have a historical presentation on the bobcat lawsuit in 1985. The Defenders of Wildlife (actually the Nevada Humane Society and the Nevada Outdoor Recreation Assc., Inc.) sued the Department to end bobcat trapping, and the Department won that case. The reason the case ended in our favor is because the Department had the biological data to backup what management practices were being used. The second is the potential for a referendum to be placed on our state ballots that could include to the banning of mountain lion hunting or banning the use of dogs to hunt lions. It only takes three counties to develop a referendum and have it placed on the ballots for our statewide election. If this type of referendum is placed on a ballot and the people vote to approve it we could lose the ability to hunt mountain lions, thereby affecting many, if not all, current and future predator projects.

#### **Agenda Item #5 – Public Comment (*Please limit comments to 3 minutes*)**

Chairman Raine asked for public comment on items on the agenda.

Commissioner McNinch stated he is speaking as a concerned citizen as well as a Commissioner of the public. Commissioner McNinch wanted to express his concerns with a potential conflict of interest with certain agenda items, and he strongly encourages any committee member who has family or quasi-family relations to properly disclose those, as well as, excuse themselves from all discussions action or otherwise.

Dr. Molde stated he was the one who brought the lawsuit forward against trapping bobcats, and we don't have correct information, so he can provide this information to the Committee during a break in the meeting.

Chairman Raine stated that the agenda item Commissioner McNinch was referring to is number nine and it involves Heritage projects. One of the committee members (Mike Laughlin) is a family relation to the head of the organization submitting a project proposal. Commissioner Raine stated that there is no

marital or family relationship that would affect or change a decision regarding the proposed heritage projects. Commissioner McBeath asked Chairman Raine if there was a relationship between his mother and Mr. Laughlin. Chairman Raine stated there was no legal relationship that he was aware of. Mike Laughlin stated this felt like an “inquisition” and asked if Commissioner McBeath wanted his life history. Commissioner McBeath stated that he thinks it is important that there be disclosure with respect to relationships. Chairman Raine stated he would bring his mother to a committee meeting and they can ask her directly about any past or present relationships, but he would not comment any further about her. Commissioner McBeath asked Chairman Raine, “There is no legal relationship between Mr. Laughlin and your mother?” Mr. Laughlin asked Commissioner McNinch if he was asking about his relationship with Scott’s mother. Commissioner McNinch stated his comments are on the record and it simply suggests full disclosure made and when that is done then the Committee can move on.

#### **Agenda Item #6 – Review of Current Projects – INFORMATIONAL**

Kevin briefly reviewed each of the current projects.

- Project 6A – The Delamars – Another augmentation of 100+ sheep took place in the Delamars this year and shortly after we had a few mortality signals from the GPS collars. Initial investigations on the carcasses showed that coyotes were causing the mortalities. In the last three years coyote, lion, and bobcats have depredated on this sheep herd. Two years ago coyotes and bobcats were added to the list of species to be potentially managed in the area on a case by case basis with information received from the collared animals. This listing gave us the added the ability to do aerial hunting or send in some ground trappers to target bobcats and coyotes. This amendment allowed Wildlife Services to remove several predators in the area over the past two years.
- Project 14 – Wilson Creek/White Rock – In the 2009 plan we extended this project for one more year. We have done the statistical analysis of the project and we were close to showing a significant response to the control work being done, but the analysis did not indicate this. The age analysis of the coyote teeth showed that the age structure was reduced, which is a critical element of this project.
- Project 15 – Area 222 – Information is the same as Project 14 as they are adjacent to each other. We are proposing the continue work in the area in Project 22, as the local area biologist thinks it will be beneficial to continue but on a reduced level.
- Project 17 – Elko County – The analysis has been done on this project and local area biologist thinks that did not receive the response we wanted after five years, so other areas were selected. This project will be concluded.
- Project 18 – Washoe County – Continuing to remove lions, coyote numbers are down to an occasional need for aerial hunting and some trapping. The deer population numbers are now being analyzed by several staff biologists to complete an in-depth analysis of this project. This project is slated for one more year.

- Project 19 – Winter Creek/Marble Canyon Emergency Wildfire, Elko County – This project is to reduce the effects of predation the animals that live on islands of habitat that remain after a wildfire. Some raven removal was conducted on sage grouse leks. The aspect of the project we want to continue is the aerial hunting of critical winter and fawning ranges within Areas 6 and 7, and the raven removal.

- Project 20 – Virginia Mountain Bighorn Sheep – Wildlife Services has removed lions in the area for the augmented sheep herd. More sheep were also augmented this past winter.

- Projects 21A & 21B – Lincoln and Elko Counties – The local area biologist suggested these sites for raven control to enhance sage grouse populations. Wildlife Services had treated 14 leks in Lincoln and six in Elko for the past two years. The projects will most likely be expanded to include additional sites.

21B Overton WMA – Previously raven removal had been done on the area to benefit wild turkey, upland game and waterfowl production enhancement. This project was discontinued in 2004 with the project objective being reached. In 2008 showed little waterfowl and turkey production, so raven removal started again. Initial response to the treatment was the local biologist saw increased turkey poults appearing in the area.

**Agenda Item #7 – Review ongoing projects, and potential new projects for 2010  
INFORMATIONAL/ACTION**

Chairman Raine stated that we go through the projects we have just been briefed on and any 2009 projects that have not been continued to 2010.

Mike Laughlin stated that Project 17 was originally set up as a control area (no predator removal), but now Wildlife Services personnel was working in the area and there is a trapper working all of the time. Mr. Laughlin asked how we can determine that our project was not flawed by the interference. Kevin stated that we knew “there was a lot of noise in the area”, and perhaps rather than stating it didn’t work, say there was not significant impact. Chairman Raine asked the technician who performed the work to give his thoughts on the control area vs. the treated area. Mark Jensen stated that when you have an area that is going to be treated and another that is called control significant work is completed on the control site. Mark also stated it is difficult to do an analysis when the action that you are evaluating is going on in both places.

Commissioner Raine stated that he has looked at the history of these two sites and they were poor areas to use for control and treatment comparisons, and he does not see a scientific value of control areas as a measurement tool because of the noise factor. This decision to conclude this project is appropriate because there is “too much noise” in the area for the analysis to mean anything. Commissioner Raine also stated that this was just a poorly designed project. Kevin disagreed stating that if there is no baseline to compare to, what measure are we going to use for success?

Commissioner Raine asked the committee for any thoughts on how to measure success. Mike Laughlin stated if we are trying to increase deer numbers that control areas don’t work, but rather fall and spring flights to determine fawn/100 does to get baseline information. Mike also stated that in reference to Unit

155 (that is being proposed as a control area) that we will be right back into the same type of problems encountered with Project #17. Mike stated that the sheep producers in this area have been removing coyotes for years, and to use that as a control area will not work. Why are we conducting these projects with control areas unless it is just science for science's sake? Kevin stated that he wants to know if the project is working so if predator control was being performed in both areas previously, but one area had a significant increase in predator control, then a difference in response could be measured. Mike said how can a comparison be made if we design projects in areas that already have control being done? Kevin stated in the late 1980's and early 1990's, the deer crashed in Unit 155 after 75 years of coyote control being done by Wildlife Services and landowners, what that says for predator control Commissioner is it doesn't work every time or everywhere. Raine stated that after speaking with lots of people the only reasonable way to measure success in a project like this is to do a survey before and after treatment. Then the differences are analyzed and count the total number of deer to see if it is up or down. Commissioner Raine asked Wildlife Services if there is a better methodology in their experience.

Mike Bodenchuck stated he works for Wildlife Services in the State of Texas, and tomorrow when he gives his presentation before the full Commission he will give examples of failed snapshots and better scientific design. Quite frankly and best analysis is to identify pre and post trend control in one unit rather than trying to compare two separate units. Mike will also show 18 different variables that affect predation, and they all work in concert with each other. Trying to find two units that are side by side that have the same variables, and the other thing be done is removing predators, it is almost impossible to do with wildlife. Commissioner McBeath asked if there are ever any instances in where a control and treatment unit approach would work. Mr. Bodenchuck stated measuring trend in each unit but you would not be able to compare the two. Some discussion ensued, but the major presentation will be presented before the Commission at their meeting tomorrow.

Commissioner Raine asked for projects slated for continuation.

Project 6A – Delamars

Project 18 – The Granite Range

Project 20 – Virginia Mountains

Project 23 – Including 14, 15, and 17. Continued aerial hunting on critical summer and winter ranges.

Project 6A – Budget of \$15,000 – Mike asked how the sheep are doing in the Delamar. Kevin stated that it seems to be a well placed project with a lot of investment with the largest augmentation of sheep ever done anywhere. Mike also asked if we have included coyotes, bobcats and lions in the project, and if aerial work is used as well. Kevin indicated yes to both questions. Commissioner Raine stated he doesn't think we need to list each species of predator to be controlled and let it be determined by the personnel working the area. Kevin disagreed. Chairman Raine wanted to make sure the language was flexible enough to allow for any species that might be identified. Kevin stated every time we have identified a predator we have targeted it for removal with these collars.

Project 18 – Budget of \$107,895 – Washoe County Deer – Project to continue with a tentative budget until the end of the fiscal year. Mike asked about the road being listed as boundary between 014 and 015. Kevin stated we have done away with the boundaries and this information is shown on the maps

provided. Commissioner Raine stated that perhaps we need a little more flexibility in the language in the project description and he asked Wildlife Services if they had a suggestion, Mark Jensen asked Jack Spencer stated that they follow the description given in the project. Commissioner Raine suggested adding language to include area adjacent to the described project area. Commissioner Raine asked Kevin to come up with some verbiage to this affect. Kevin asked for clarification as he was not aware there was an issue of this until now, and he needs to know how far we want to expand these boundaries. Commissioner Raine suggested, “pursue the animals that are determined by the personnel performing the control work, that are affecting the herd”. Mike Laughlin is in agreement and stated we need to give the people on the ground to flexibility to pursue the predator outside of the project boundary if necessary. Commissioner Wallace asked how often this occurs. Jack Spencer stated there have been several instances during the past year where lions have been tracked back and forth between 014 and 015. Commissioner Raine stated for the next meeting we will come up with verbiage for all projects that state the animal that is depredating on the herd can be pursued outside of the project area if necessary.

Project 20 – Budget \$5,000 – Virginia Mountains – Reasonable success has been achieved in this area. Mike Laughlin asked where is the depredation occurring and is it near housing? Kevin stated there is some development going on currently. Commissioner Raine asked if there were any human/lion conflicts in the area. Kevin stated we have not received any calls but Wildlife Services may have.

Commissioner Raine asked about the next projects 21A and 21B. Kevin stated he is going to propose those two as standalone projects, so they will remain with those numbers. Previously these projects were funded through the \$20,000 emergency money we set aside. Two years ago we started the fund and half way through that year we had some requests from area biologists in Elko and Lincoln Counties asking for some sage grouse projects. Some money was then taken from the fund to begin raven control projects in those areas identified by the local biologists. Kevin stated the budget is approximately \$14,000 between the two projects. Commissioner Raine stated we will have another meeting where we can establish the final budget.

Mike Laughlin asked if there approximately 800 leks in Elko County that we have mapped and how many were treated? Kevin stated 22 leks were treated. Mike further asked why those 22 and what are the criteria used. Kevin stated the leks were selected by the local biologists. Joe Bennett from Wildlife Services stated they are currently working on six sage grouse leks that were selected by NDOW biologists in Elko County. The biologists observed ravens and productivity on these particular areas. Director Mayer stated that he could have Shawn Espinosa attend a meeting to describe how areas are chosen and what criteria used. Commissioner Raine stated that would be good as he does not feel that what we have in place now is a sufficient response for sage grouse. Commissioner McBeath wanted to disclose that in 21A, Cave Valley, the Gardner Ranch lek, this lek is on our private deeded land, and the Patterson Pass lek is on our BLM allotment, therefore, Commissioner McBeath with not vote on these particular projects.

Commission Raine asked for a motion on 6A, 18, and 20. Commissioner Mc Beath motioned to approve the continuation of Projects 6A, the Delamar Mountains, Project 18, Washoe County, and Project 20, the Virginia Mountains with the addition of language that through interactions between the Department of Wildlife and Wildlife Services, if it is determined there is a predator impacting the resource in these

particular projects that Wildlife Services be allowed to pursue that individual into whatever area adjacent areas are necessary within the State of Nevada. Commissioner Raine will work with Kevin and other interested parties to draft new language and bring it forward to the next meeting. The motion was seconded and was passed unanimously.

Commissioner Raine asked for any further public comment on these projects, there was none.

Commissioner Raine stated that we are not doing enough in Project 21A, and other committee members agreed with this, but how much more and do we have enough funding. Kevin stated that we have had some new proposed sites by local biologists for additional treatments and we will work with Wildlife Services to find out what their permit restrictions are to make sure we can expand the program.

Mike Laughin asked Director Mayer what was the status of the lawsuit with Western Watershed as the Elko County Commissioners intervened. Director Mayer stated there were actually two suits, the first one was Western Watersheds and the Center for Biological Diversity as the second. A stipulated agreement was enter into by all six of the people involved. The agreement stipulated that a decision will be made by February 26, 2010, as a complete volume of conservation assessments are still being gathered. A range-wide determination, distinct population segment (DPS) and one level below that, they are looking pretty hard at one or more DPS's. One other item is that the preliminary finding on the website is now null and void, and it seems they are looking hard to list something somewhere. Mike asked what will determine what populations will be listed. Director Mayer is a piece by piece process that includes population trends over time, threats, and conservation projects that have positive and negative effects. Director Mayer does not think that they will cause listing to be range-wide as there are areas where the birds are doing well, and conservation programs are continuing.

Commissioner Raine would like to see 21A expanded or maybe a new project be written including other/additional areas

The following motion was made to approve project 21A and 21B as presented by the Department with the option of expansion at a later date. The motion was seconded, Chairman Raine asked for any further comment, there being none, the committee voted with four in favor and one abstention. Motion passed.

Commissioner McBeath asked why we are not approving Projects 14 and 15 if they are to be continued. Kevin said we are planning a continuation but not at the same level as previously. We are proposing some aerial hunting on identified critical winter and summer fawning range. This was previously a 5-year project and last year it was extended for one more year, and after speaking with the local are biologist he would like some continued surgical aerial hunting, very specific fawning ground with some winter range. Commissioner McBeath asked if this will now be a new project. Kevin stated that yes it will be a new proposed project. Commissioner Raine stated that in 2009 the budget for #14 was \$85,501 and #15 was \$32,469 plus some tooth analysis on both, and he asked Kevin to describe these two projects in their new format.

Kevin stated that they would now be included in the new proposed Project #23, which is a statewide deer and multi-species enhancement project. This is basically a pool of funding for mostly aerial hunting by

Wildlife Services on designated specific critical habitats in the state at critical times of the year. Chairman Raine felt this project was too "wide open". Kevin stated that the project is based on Utah's Predator Management Program. The Division of Resources identifies areas based on some criteria for Wildlife Services to perform predator control. Mike Laughlin asked who makes the determination on how the money is spent. Kevin stated we will identify the areas we want Wildlife Services to concentrate in. Wildlife Services will do some aerial hunting in our identified areas, and subsequent to that they will determine in their professional opinion if enough control has been done or if more aerial work is necessary. Mike noted there are eleven units identified in the project, and Kevin stated that each unit has a very specific area where work will be done.

Commissioner Raine stated that approximately \$115,000 from the original projects 14 and 15 will be transferred to this project, which is \$70,000, and asked what will happen to the rest of the money. Kevin stated he would like to see the impact of coyote removal in mule deer in Nevada that Michael Conover from the Berryman Institute spoke about at the last meeting. Mike Laughlin stated that the rest of the money would be used for studies. Kevin stated no, as this project will remove predators, and we will be paying for some monitoring of that work. Chairman Raine said for the monitoring aspect we can potentially use matching funds for various sources, so why are we not applying for matching dollars for a good portion of this project. Kevin stated that Ken can better answer this question. Commissioner Raine asked Director Mayer in regards to project #22 it is his understanding that we can utilize matching funds for the monitoring aspects, and is that being done. Ken stated that the money is already spoken for at this point and all grant proposals are written a year in advance. At this point we would need to write a PR grant proposal, submit it through and process and have the Federal Office approve it. The problem is you cannot use federal money for predator control, but if you turn it into research project that would work. The committee would like to pursue getting matching funds for next year to go forward with this project turning it into a research and monitoring proposal. Ken did state until the grant process begins and we submit it for funding many pre-research things that can be done prior to getting the matching fund monies. The money that is already budgeted for this project could be used to "set the stage"

Mike Laughlin motioned to explore the possibility of obtaining matching funding as previously discussed for Project #22 for the 2010-2111 year; the motion was seconded, and passed unanimously.

Commissioner McBeath asked what happens with the \$70,000 that has been allocated for this project for this year. Chairman Raine stated as the next meeting we will finalize the money available for project and the small amount left for emergency projects.

Chairman Raine stated that the committee has not yet voted on the large project #23 and we need to go back to finish decision on that proposal. Kevin restated what project #23 was and that it was loosely patterned after Utah's predator management program. Mike Bodenchuck elaborated further on Utah's plan.

Chairman Raine was interested in the meetings that occur each year between Utah's Wildlife Services personnel and the Division of Wildlife Resources. Mr. Bodenchuck stated that there is one annual meeting between the two agencies, but that there were probably more within the Division to prioritize and determine there was enough data to support the request for a project. Commissioner McBeath stated that

he sees project #23 is designed to allow maximum flexibility to deal with issues as they come up. Mr. Bodenchuck stated that the project is loosely defined now because the priorities have not been established until an analysis is done. Commissioner Raine was interested in establishing possible number criteria, and he feels the committee could be directly involved in setting up this criteria. Kevin stated that he has spoken with local biologists about standardized criteria, and the problem is there are no standard areas in Nevada. Chairman Raine wants the committee to be involved in meetings between NDOW and Wildlife Services, and he wants a basic criteria developed with allowable exceptions.

Motion to approve Project #23 as written with the some additions of year minimums and committee involvement and we will see a new version of his project at the next meeting. Motion was seconded, motion passed unanimously.

Project #24 – Mountain Lion Specialist – Kevin stated as we move forward into the surgical removal, and identifying problems as they exist, that this is a good sound one for the direction this program is going. Wildlife Services is a great resource that have two experienced lion hunters that are not always available for the amount of work that is growing. Kevin feels this is a solid position, and there is the potential for \$15,000 from the Delamars and \$5,000 from the Virginia Range to fold into this position. This position would be targeting specific lion and not population reductions. Commissioner Raine is concerned with the issue of having another agency hire this person. Mark Jensen stated that they are providing a service and not necessarily a person. Mark would also like the flexibility to manage his employees as he sees fit. Mike Laughlin stated his concern is that lion hunters are sometimes difficult to work with, and if two people are asking the hunter to work on a job, “it doesn’t work”. Who is the supervisor? Kevin state he is working for either agency at any one time. Kevin further stated that this position responds to solely wildlife issues. Mike asked “what is the job description?” Kevin stated he is to work the Delamars, the Virginia Range, work in Hays Canyon and he will be working on a preventive status rather than corrective. The Department agrees to one FTP person per year, but Wildlife Services will determine which of the three lion hunters goes where with at least one available for our predator program when necessary.

The committee’s concern is that we are paying for a person that works for someone else. Director Mayer stated that we will evaluate this person/project annually. If we will determine is this is a workable project, and if not we can make a modifications or end the contract. Chairman Raine stated we have threet option; one is to move this forward to the next meet, approve or deny the project now.

Motion to discuss Project #24 at the next meeting. Motion was seconded and passed unanimously.

Project #25 Mason Valley – Kevin stated that this project was just brought forward to him.. The personnel at Mason Valley WMA have begun a program; they have twp surrogate incubator boxes designed to raise pheasants. Kevin stated they are trying to establish a population in Mason Valley they are losing many birds through predation. This project is to assist in raising a pheasant population on the area. Commissioner Raine stated he felt this would have been a good heritage project. Kevin stated this will not be an expensive project, and we can do some trapping and raven removal. A full time person would not be necessary and there are people on the management area that can assist. Kevin estimated the cost at \$8,500. Commissioner Raine thinks that this is a good idea, but it is not sage grouse. We are talking

about spending only \$12,000 to save sage grouse which is very important especially if it is listed statewide, and almost as much on a species that would be nice but “it’s not sage grouse.” Director Mayer stated he will bring in Shawn into the next to present some information about predation on sage grouse.

Commissioner McBeath stated that since we have already invested in the incubators, and we are trying to augment pheasants on a management area that provides opportunity for our sportsmen, this is the type of project we should be considering to assure the success of this program. It was asked what the length of the project would be. Kevin stated approximately two year, and he wanted to assure the committee that the cost of \$8,500 is very tentative. Commissioner Raine stated that he thinks the funding should come from the upland game bird stamp monies.

Commissioner McBeath made a motion to approve proposed Project #25 for Mason Valley Wildlife Management Area for predation management on our surrogated incubated pheasants.

Mike Laughlin wanted to amend the motion to look at Heritage funding for next year as this cannot be a one year project.

Commissioner Raine would like amend the motion to see some funding from the upland game bird stamp program.

Commissioner McBeath stated he would accept both of those amendments to his motion as long as we agree to do some protection this year, also he would accept and funding source for future years.

Chairman Raine said is has been moved and seconded to approve proposed Project #25 Mason Valley Pheasant Restoration with the addition that NDOW will explore the possibility of performing the project with Upland Game Stamp money and with Heritage funds, and is directed to develop proposals to that effect in the future. Motion passed unanimously,

Kevin stated that two years ago Buster Dufferena approach out local area biologist and some discussions were held about his sheep range, associated leks, and fawning grounds. Buster thought is be a good cooperative program with the livestock industry, as they hired some aerial hunting to conduct some removal. Ed Partee pit together a proposal and thought it would be beneficial, and because we do not have a contract with the company that did the work, we can only do a one year onetime payment. So we agreed to pay for 3.5 hours of aerial hunting in Unit 031 for the protection of sage grouse, antelope a deer for a cost of \$1,960. This could be folded into Project #23 in the future.

Kevin stated the final proposal is to produce a predation management brochure and public outreach. It will have some nuisance information, but will also state the mission and goals of the program to try and education the public. The cost is approximately \$5000 for about 20,000 brochures.

A motion was properly moved and seconded that a predation management brochure/public outreach be approved with the addition that any and all versions of anything to be published presented for approval by the Wildlife Damage Management Committee. The motion passed unanimously.

**Agenda Item #8 – Review Projected Budget for 2010-Informational.**

**Agenda Item #9** – Review process/ procedure for finalizing details of heritage projects 10-23, 10-26, and 10-27 -**Informational**.

**Agenda Item #10** – Discuss possible changes to Policy #25 and review amendment crafted by Department of Wildlife to Policy #25. - **ACTION**

**Agenda Item #11** - Establish Date, Time and Location of the Next Meeting – Chairman Raine – **ACTION**

The next meeting was tentatively scheduled for a July 24<sup>th</sup> in Elko. Committee members will contact the Chairman with their schedules.

**Agenda Item #12- Adjourn.**

There being no further business the meeting was adjourned at 12:48 p.m.

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Respectfully Submitted  
Dawn Carter

6/25/09  
12/15/09



6/25/09  
12/15/09

Audio for Exhibits 14 and 16

JUN 23 2010

COMMISSION  
ON ETHICS

Approved Minutes - Nevada Board of Wildlife Commissioners' Meeting

Lovelock Community Center

820 6<sup>th</sup> Street

Lovelock, NV 89419

Agenda

Friday, June 26, 2009 – 1:30 p.m.

Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW)  
– Chairman Lent

Commissioner Appreciation – Secretary Mayer

Approval of Agenda – Action

Member Items/Announcements

County Advisory Boards to Manage Wildlife (CABMW) Member Items –

Public Comment Period

- 1 Approval of Minutes – Action - Commission meeting minutes from the April 6, 2009, meeting.
- 2 Correspondence – Chairman Lent – Informational  
The Commission will review and may discuss written items sent or received by the Commission since the last regular meeting and provide copies for the exhibit file.
- 3 Commission Policies, Second Readings – Commissioner Scott Raine – Action  
In accordance with Commission Policy #1, the Commission had first readings of the following policies and subsequently may approve the following policies:
  - A Commission Policy #2, "Sale of Publications"
  - B Commission Policy #21, "Game and Furbearer Management"
  - C Commission Policy #22, "Introduction, Transplanting, and Exportation"
- 4 Duck Stamp Request – Chief of Habitat Dave Pulliam - Action  
The Commission will review and be asked to approve 22 projects submitted and one equipment request submitted for funding from duck stamp funds. The projects total \$373,969.
- 5 Upland Game Stamp Request –Chief of Habitat Dave Pulliam – Action  
The Commission will review and be asked to approve 10 project requests submitted for funding from upland game stamp funds. The projects total \$131,754 plus \$160,000 in associated salary.
- 6 Wild Horses – Commissioner McBeath – Action  
The Commission will review a draft letter to be signed and sent by Commission Chairman Gerald Lent to Nevada's federal Congressional delegation encouraging their opposition to HR 1018.
- 7 U.S. Forest Service Northeastern Travel Management Plans – Chairman Lent - Action  
The Commission will review a draft letter to be signed and sent by Commission Chairman Gerald Lent to the U.S. Forest Service regarding the development of the Northeastern Nevada Travel Management Plans.

- 8 Muzzleloader Visual Disability Modifications – Management Analyst III Kim Jolly – Action  
The U.S. Fish and Wildlife Service has asked that the Nevada Department of Wildlife implement a process whereby reasonable modifications to the muzzleloader hunting program are available to accommodate hunters with visual disabilities, as a result of a multi-state disability complaint by the North American Muzzleloader Association.
- 9 Reports – Informational
- A 2009 Legislative Session Update – Management Analyst III Kim Jolly
- B Administrative Procedures, Regulations and Policy Committee – Commissioner Raine
- C Habitat Division Reports: Updates on Winecup Ranch, Wild Horse Federal Law and Washoe Lake Wetlands – Chief of Habitat Dave Pulliam
- D Upland Game Release Plan for Fiscal Years 2010 and 2011 – Upland Game Biologist – Shawn Espinosa
- E Fishery Division Reports: Updates on Petition to List Certain Spring Snails in Nevada and the Lake Mead Hatchery – Chief of Fisheries Mark Warren
- F Clark County Shooting Park – Vice Chairman Ron Lurie
- G Litigation Report – Deputy Attorney General Nhu Nguyen
- H Department Activities/Leadership Team Notes – Secretary Ken Mayer

Saturday, June 27, 2009 – 8:30 a.m.

Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Lent

Member Items/Announcements

County Advisory Boards to Manage Wildlife (CABMW) Member Items –

Public Comment Period

Commission Regulations – Action

- 10 Commission Regulation 07 - 07 Amendment #3 - Game Division Staff Biologists Shawn Espinosa and Kevin Lansford – Action  
The proposed amendment to Commission Regulation 07 – 07 Amendment #3 recommends changes to the season dates for the junior wild turkey season in Lincoln County, various changes to sage grouse seasons, quotas and units for wild turkey seasons, possession limits for falconry seasons, and changes to the bobcat seasons and sealing dates.
- 11 Commission Regulation 09 - 01 Amendment #1 - Commissioner Cavin – Action  
Presentation of the Heritage Committee's Heritage tag vendor recommendations to the Commission for approval for the 2010 Heritage tags.
- 12 Northeastern Nevada Salmon Reintroduction – Secretary Mayer- Action  
The Commission will hear a report on the status of reintroduction efforts for salmon in Nevada and may adopt a position statement or resolution.

- 13 Presentation on Predator Damage Management and Protecting Natural Resources in the Western U.S. – Mike Bodenchuk State Director for Cooperative Texas Wildlife Services Program - Informational
- 14 Reports – Informational
  - A Wildlife Damage Management Committee – Commissioner Raine
  - B Elk Damage and Incentive Committee – Commissioner Wallace
  - C Finance Committee – Commissioner Ron Lurie
  - D Online Hunt Application Changes/Amendments after Application Submission – Chairman Gerald A. Lent
  - E Spike Only Elk Hunt Options – Program Officer Maureen Hullinger
  - F Wells Resource Area Elk Plan Update – Chief of Game Mark Atkinson
- 15 Future Commission Meeting – Director Ken Mayer - Action  
The next Commission meeting is scheduled for August 14 and 15, 2009, in Elko; and the Commission will review potential agenda items for that meeting. In accordance with Commission Policy #1, the Commission will elect its chairman and vice chairman at the August meeting, and may designate and adjust committee assignments as necessary at this meeting.

Inquiries or questions on the above agenda items may be sent to [NBWCINFO@ndow.org](mailto:NBWCINFO@ndow.org)

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Gerald Lent	Vice Chairman Ron Lurie	Commissioner Tom Cavin
Commissioner Mike McBeath	Commissioner Dave McNinch	Commissioner Pete Mori
Commissioner Scott Raine		Commissioner Grant Wallace

\* Commissioner Dan Swanson - Absent

Secretary/Director Kenneth E. Mayer	Bryan L. Stockton, Deputy Attorney General
David Newton, Deputy Attorney General	Suzanne Scourby, Recording Secretary

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Waterfowl Biologist Craig Mortimore
Chief of Conservation Education Kelly Clark	Game Division Chief Mark Atkinson
Chief of Operations Bob Haughian	Chris Nicolai, NDOW
Program Officer III Maureen Hullinger	Administrative Assistant IV Trudy Davis
Administrative Assistant II Maryanna Enochson	Chief of Habitat Dave Pulliam
Management Analyst III Kim Jolly	

Others in Attendance/Two Day Meeting:

Mark Jensen, USDA/Wildlife Services	Glenn Bunch, Mineral CABMW*
Bill Meyer, Lyon CABMW	George Corner, NV Outfitters and Guide Association
Walter Mandeville, Lyon CABMW	Mike Turnipseed, Douglas CABMW
Don Sefton, Systems Consultants	Mel Belding
Mike Laughlin, Predator Committee Member	Dianna Belding
Jim Jenne, Lyon CABMW	Judi Caron, self
Ken Wellington, Elko CABMW	Mike Turnipseed, Douglas CABMW
Paul R. Dixon, Clark CABMW	Jeremy Drew, N. NV Chapter Safari Club International
Bonnie Matton, Wild Horse Preservation League	Walter Mandeville, Lyon CABMW
Fawna Gregory, Mule Deer Foundation	Gil Yanuck, Carson CABMW

Rex Flowers, Washoe CABMW	James Jurad, Pershing CABMW
Dan Heniz, Back Country Hunters and Anglers	Jim Jeffress, Wildlife Advocate/Hunter
Cory Lytle, Lincoln CABMW	Joe Bennett, USDA/Wildlife Services
Mike Bodenchuk, USDA/Wildlife Services	Joel Blakeslee, Nevada Trapper's Association
Don Molde, self	Jim Curran, Churchill CABMW/NV Trapper's Association
Trish Swain, Trail Safe	Corey Dalton, sportsmen
Caleb McAddo, NV Bighorns Unlimited-Reno	Rick Smith, Washoe CABMW
Tony Booth, Pershing CABMW	Harold Hawkins, Winnemucca, Nevada
Dan Hill, Pres. Pershing Co. Chukars Unlimited	Wes Child, Pershing County Chukars Unlimited
Michael John Jurad, Humboldt CABMW	Don Molde
Rick Smith, Washoe CABMW	Fred Shindle, Pershing County Chukars Unlimited

\*County Advisory Board to Manage Wildlife

### **Friday, June 26, 2009**

Chairman Lent called the meeting to order at 1:37 p.m. and asked the recording secretary to conduct the roll call of Commissioners.

Commissioners present for two day meeting: Chairman Gerald A. Lent, Commissioners Ron Lurie, Tom Cavin, Michael McBeath, David McNinch, Pete Mori, Scott Raine, and Grant Wallace. Commissioner Dan Swanson is absent.

Chairman Lent asked for a roll call of County Advisory Boards to Manage Wildlife: Mike Turnipseed, Douglas; Paul Dixon, Clark; Gil Yanuck, Carson; Rex Flowers, Washoe; Ken Wellington, Elko; Bill Meyer, Lyon; Walt Mandeville, Lyon; Jim Jurad, Pershing; and Glenn Bunch, Mineral.

Commissioner Appreciation –

Secretary Mayer said he is presenting certificates of appreciation from the Governor's Office and art work to Commissioners McNinch and Ron Lurie whose terms on the Commission will expire on July 1, 2009, and listed their achievements while on the Commission. Commissioner Lurie for service on the Finance, Legislative, the Heritage, the Wildlife Scholarship Committees, and he brought the Department to the 21<sup>st</sup> century for his requests to use "email blasts" and other technology. He thanked Commissioner Lurie for his service and attention to the wildlife resources.

Commissioner Lurie said he plans to stay involved and he thanked the CABMWs for their interest and involvement in keeping information flowing through the Commission and NDOW staff. He said he is a stickler for communication, and he thanked the staff of NDOW and said that it has been a pleasure to work with you and initially he did not understand the jobs at NDOW but he does now. People on Commission and staff should be commended as it is a difficult job taking care of different areas of state. Commissioner Lurie thanked the Commission for allowing him to serve the state and to call him if needed and will be glad to help.

Director Mayer said Commissioner McNinch has been on the Commission for nine years representing Conservation. He has served on many Commission committees: Governor's Sage Grouse Team, Wildlife Scholarship Selection, Legislative, Wildlife Damage Management, and Mule Deer Species Policy Plan. He said he also represented the Commission for eight years at the Western Association of Fish and Wildlife Agencies (WAFWA) and is going to receive a lifetime membership and a special recognition award at the upcoming conference - the Philip G. Schneider award, and he heard great things about Commissioner McNinch's work at WAFWA since becoming director of NDOW and that Commissioner McNinch has traveled several times to Washington, D.C. on his own to support wildlife grant funding. Director Mayer thanked Commissioner McNinch for all of his work for wildlife and presented him with a framed sage grouse print.

Commissioner McNinch said he has had many opportunities and lessons and learned while on the Commission, learned more about wildlife, politics, and the dynamics of wildlife management than he ever imagined and did not know what all being a Commissioner entailed when he first signed on, and he is glad that he put his name in for the job. He said there are people in the audience who were here before he came on and they will continue after he is gone and he advised the CABMWs to take care of Nevada's unique system which no other state has. NDOW staff has treated him with nothing but respect and he hopes he reciprocated and really appreciated their help and they always have worked with him and his hat is off to them as he too works in government and knows what it is like. He said one person we don't mention too often is Suzanne. He said leaving is not a problem and did not think this would bother him but if a neutral party in this, it is her, and she keeps herself in the middle but does not let emotions get in the way, and we could take a lesson from her and appreciates everything she has done while he was on the Commission.

Director Mayer said Commissioner Swanson will be at the Elko meeting.

Approval of Agenda - Action

**COMMISSIONER LURIE MOVED TO APPROVE THE AGENDA. COMMISSIONER RAINE SECONDED THE MOTION AND MOTION CARRIED 7 - 0.**

Member Items/Announcements -

Commissioner Raine said he has had a few people ask him about certain things going on at the agency and he did not have answer in regard to the budget, and he understands state travel cut back at many agencies due to budget constraints; therefore, he would like the director to submit to the Commission a list of trips that director and staff attended out of state and a list of professional organizations that director and staff belong to. He said this request falls under the Commission's authority for budget oversight. **Commissioner Raine said he would also like to bring up that something came up earlier at today's Wildlife Damage Management Committee meeting, where he was shocked into speechlessness when he was asked questions by a member of the Commission and a member of the public about his family's personal**

relationships and assorted people, and last time someone asked him such a question they lost teeth. Commissioner Raine said he did not have an answer at the time, but his personal relationships are none of your business so just don't ask, thank you.

Chairman Lent said he took trip with new Chief of Fisheries to Marlette Lake for the fish spawning operation and was quite an experience, and he came away from that with a sense of the camaraderie of staff in the Fisheries Division with each other and has not seen that at the agency for some time and is clear how these folks enjoy the work they do and how well they work together. He said it is a compliment to Mr. Haskins who was just promoted to deputy director and thanked him for the groundwork he laid. Chairman Lent said he hopes the other divisions could do that, and he plans to get out with each Division to see the field work being done and would recommend that experience to each Commissioner as staff is willing to take you out and get firsthand experience out in the field and easier to make intelligent decisions after you get out with staff.

CABMW Member Items – None

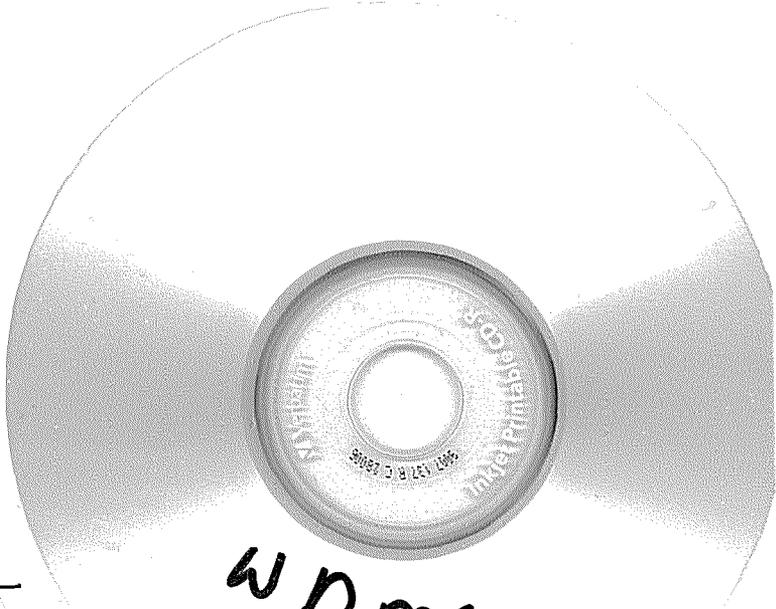
Public Comment – None

- 1 Approval of Minutes - Action - Commission meeting minutes from April 6, 2009, meeting.

**COMMISSIONER LURIE MOVED TO APPROVE THE MINUTES. COMMISSIONER WALLACE SECONDED THE MOTION. MOTION CARRIED 7 – 0.**

- 2 Correspondence – Chairman Lent - Informational  
Commissioner Raine said one item is NDOW's media release on "Return of Big Game Tags" that had a clear and blatant error and he would like staff/director's office to review these media releases more clearly so errors don't happen and have to be retracted. He said he had correspondence from a Mr. Pat Laughlin on his recent meeting with the director and the governor, and essentially the question came up from there, that Director Mayer told governor that the idea to slaughter 909 does originated with the Elko CABMW, and he did not hear that at any meeting, did not hear that from staff and wants to know if that is correct. Three people involved: Pat Laughlin, Director Mayer, and Elko CABMW.

Director Mayer said the discussion was that staff is working with Elko CABMW on this area and he represented that the Elko CABMW representative brought the doe tag proposal forth and that we had been working together. He asked Mr. Wellington of Elko CABMW to address the matter further. He said the minutes will reflect that CABMW made recommendation for 987 doe tags.



WDMC  
11/24/09

WDMC  
11/24/09

RECEIVED

JUN 23 2010

COMMISSION  
ON ETHICS

Exhibit 5

NEVADA BOARD OF WILDLIFE COMMISSIONERS  
Wildlife Damage Management Committee

Southern Region Office  
4747 Vegas Drive  
Las Vegas, Nevada 89108

November 24, 2009

12:30 a.m.

MINUTES\*

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Those Committee members in attendance were:

**Scott Raine – Committee Chairman**

Daryl Capurro – Commissioner (By Teleconference-Reno)  
Pete Mori – Commissioner (By Teleconference-Elko)  
Charles Howell – Commissioner  
Mike Laughlin – Member  
Kevin C. Lansford – NDOW, Staff to Committee

Also in attendance were:

Clint Bentley – Self  
Joe Bennett – USDA-APHIS-WS  
Cecil Fredi - Self  
Mark Atkinson – NDOW  
Judi Caron – Self (By Teleconference-Reno)  
Don Molde – Self (By Teleconference-Reno)  
Jack Spencer – USDA-APHIS-WS  
Pat Laughlin – Nevada Alliance 4 Wildlife (By Teleconference-Elko)  
Brian Stockton – Nevada Attorney General (By Teleconference-Carson City)  
Nhu Nguyen – Nevada Attorney General (By Teleconference-Carson City)  
Gerald Lent – Chairman, Board of Wildlife Commissioner (By Teleconference-Seattle)

**Agenda Items #1 & #2 – Call to Order & Introductions – Chairman (Raine)**

Chairman Raine called the meeting to order at 12:35 p.m. Chairman Raine asked all members who were participating by teleconference and in person in Las Vegas to introduce themselves and their affiliations. Kevin stated that Commissioner Wallace may participate in this meeting by teleconference at a later time, but is in travel right now.

**Agenda Item #3 - Approval of Minutes from the July 24, 2009 Meeting – Chairman Raine – ACTION**

The Chairman asked the Committee if there were any changes to the minutes, there were none.

MOTION BY COMMISSIONER HOWELL TO APPROVE THE MINUTES AS WRITTEN FOR THE JULY 24, 2009 MEETING, SECOND BY MIKE LAUGHLIN. THE MOTION WAS PASSED UNANIMOUSLY.

**Agenda Item #4 – Public Comment** *(Please Limit Comments to 3 Minutes)*

The Chairman asked for public comment for items not already listed on the agenda.

Elko – No comments.

Reno – No comments.

Las Vegas – No comments.

Gerry Lent questioned if during the previous meeting held in Elko had any federal matching funds had been received and if not are we in the process acquiring some for predator projects. Chairman Raine asked Kevin if could answer this question. Kevin stated that in the past we have not gotten any matching funds, but for the future we are in the process of applying for \$25,000 to match the Dr. Conover project.

Gerry Lent asked how much funding was taken out of the predator fees for personnel costs. Kevin stated that no predator funds are used for his salary, and only the salary paid from those monies are for the Wildlife Service's personnel working the projects in the field.

There was no further public comment.

**Agenda Item #5 – Review and Approve Heritage Projects 10-23, 10-26, and 10-27 – Committee – ACTION**

Chairman Raine asked for public comment on the projects

Elko – No comments.

Reno –

Judi Caron requested to reserve her comments until after hearing discussion from the Committee and the Department. Chairman Raine stated that if she had any comments that now was the time.

Don Molde asked if there was any science associated with these projects, and so far he has found nothing on-line or in the materials provided today. He is interested in any commentary as the projects as discussed to listen about the science involved.

Las Vegas –

Cecil Fredi –

Hunter's Alert (HA) comments on Proposal 10-23 – The original Heritage proposal (Mule Deer Enhancement) was to be designed by the Predator Committee. The reason for the proposal was stated in that way was that a member of the committee, that being Mike Laughlin, has over 30 years of experience in predator control. In addition, he has extensive knowledge about the State. Cecil stated an extensive project was requested by HA and Wildlife Services (WS) planned a project for Unit 015 (provided to the Committee attached to these minutes). Cecil further stated that the proposal states, "Project locations to be determined by the predator committee." At the May 2009 Commission meeting Commissioner McNinch wanted to know if HA had any expertise to carry-out the project. Several additional comments were made during Cecil's presentation that were of a personal nature, naming people, and questioning qualifications, and Bryan Stockton cautioned Mr. Fredi on three occasions to refrain from these statements. Cecil finished his comments with HA to approve the original proposal developed by the Predator Committee.

Clint Bentley –

Mr. Bentley basically agrees with the proposals and what they are hopefully going to do to enhance our wildlife in the state, he cannot agree with the process and how it got to this point. The original Heritage projects, 10-23, 10-26 & 10-27, were not recommended for consideration from staff due to not meeting regulations or criteria. These projects should not have been considered as a Heritage project in the first place. Also having public comments prior to discussion what the item is going to be is not in the best interest of the sportsmen.

The Chairman asked for further comments from the Las Vegas and there were none.

Judi Caron again asked if they were going to be allowed to ask questions and give comments throughout of meeting while discussing the proposals'. Chairman Raine said she should give her comments now, and Judi stated, as before, she wanted to hear from the committee and department pros and cons before making a decision or give her final comments. Judi stated for the record that she just saw the posting for this meeting with the three different alternatives for the different projects. Further, the County Boards and public have not had their board meetings to take public comment to bring to the committee prior to your hearing. She also thinks this committee will make a recommendation today to present to the full Commission at their December 4<sup>th</sup>, 2009 meeting. Finally she asked where the public can become involved and give comments before the committee's decisions are made.

Chairman Raine stated that this is the third meeting where these proposals were discussed, in addition the Heritage meeting, and the Commission meeting. After this committee meeting there will be additional time to comment at the December 4<sup>th</sup> Commission meeting.

Pete Mori –

Commissioner Mori asked to take public comment on these projects as they are discussed, and the committee members have been changed.

Chairman Raine asked for public on project proposal 10-23, stating that now is the time. No comments were received.

Commissioner Howell asked Mr. Fredi if there was any intention to have anyone but WS perform this project. Cecil absolutely not, it was always WS. Mr. Howell also asked if there would be a problem if the Commission became a proponent of this proposal. Cecil stated he had no problem with that.

Brian Stockton stated that he had concerns with the Commission becoming a proponent of the proposal. He is not sure that this is allowed under the Heritage regulations. Chairman Raine asked after his research and to notify him to include it in the comments section.

Commissioner Capurro stated that after reviewing the Department of Wildlife (NDOW), Nevada Alliance 4 Wildlife (Alliance) and HA modified proposals the recommendation is the same; is that correct? Mark responded that the Alliance's and HA's proposals were modified to better conform to the requirements of NAC's. We took the information as instructed by the Commission and built it into three similar project proposals, added some small information regarding location and whether or not there would be monitoring done. NDOW itself provided its preferred alternative in which those three original proposals have been folded into two. One is a Sage-grouse enhancement project in Areas 14 & 15, and the second a mule deer enhancement project in Area 15.

Commissioner Capurro stated that the amounts of money that were recommended by NDOW after reviewing requests from field personnel are basically the same. Mark stated that he was correct and the amounts were approved by the Commission.

Commissioner Capurro stated that a correction needs to be made for the Attorney General's consideration. It is not the Commission that is meeting right now it is the Committee, and as such we have a duty and responsibility to make a recommendation to the Commission on December 4<sup>th</sup> and 5<sup>th</sup>. Mr. Stockton stated that after reviewing the regulations the Commission cannot be a sponsor for one of these projects. The reason behind this is what is called "self-dealing", in State Government you cannot vote to give yourself something, and it is illegal. The Commission authorized the committee to fill in the details of the original proposal, and my opinion is if one of the alternatives is selected that is not filling in details and that would need to go before the Commission. If just the details are being filled in then Commission has already given the committee the authority to do so.

Commissioner Capurro asked Brian if the committee selects NDOW's modified proposal that does not make the committee the proposer of this project. Brian stated this is correct but the earlier proposal as he understands it was for the Commission itself to become the sponsor of these projects.

Mike Laughlin would recommend that NDOW improve its teleconferencing capabilities.

Commissioner Raine will provide a written copy of 10-23 as revised to become an attachment to these minutes. The Chairmen then read through proposal 10-23 with the following changes:

- ▶ Proposed Project Inception - changed to **2010**
- ▶ Project Description - to include **and mountain lions** after coyotes in each case
- ▶ Targeted Species - to include **mountain lions**
- ▶ Control Period changed to - **February 1, 2010 – February 1, 2011**
- ▶ Control Effort and Techniques - to include **mountain lions** as a targeted species

The Monitoring section was changed to read as follows:

“NDOW is requested to perform comprehensive pre and post treatment monitoring outside of the scope of this heritage project funding before the control efforts begin and prior to the same time period in 2011”

Commissioner Howell asked is if the money for the monitoring will not be deducted from the \$50,000 project expenditure. Commissioner Raine reiterated the monitoring section which states that this will be done by request and outside of the project funding.

Kevin stated we have a certain amount of money for monitoring deer, elk, and antelope and we attempt to survey as many specific areas as possible. Some of the historical areas where there is a lot of data we try to do fall and spring surveys, but sometimes the helicopter is not available or all of the funding is used and surveys are not completed. When we develop the predator management we try to ensure all of the current projects do not miss their two surveys each year, however we do not have the funding to survey every area every year as much as we would like.

Mike Laughlin feels that pre and post monitoring is the most important part of any project. If surveys are not performed pre and post treatment you are “out there in the wind.”

Commissioner Capurro asked Mark why none of the areas submitted in the original proposal from HA and the modified proposal from NDOW is only in Area 15. Mark stated that Chairman Raine is not looking at NDOW’s recommendation. When NDOW was asked to develop our recommendation so our preferred alternative is centered in Area 15, as Mr. Fredi’s proposal stated just Statewide. The second document that lists several units we felt would be the most to benefit from control work. Our recommendation differs and our reasoning is included.

MOTION BY COMMISSIONER CAPURRO AND SECONDED BY MIKE LAUGHLIN TO APPROVE HERTIAGE PROJECT 10-23 AS WAS PREVIOUSLY READ AND FOR THE RECORD WE HAVE A PARTIALLY HAND-WRITTEN ADDITION TO THE TYPED COPY AND COMMISSIONER RAINE WILL FINISH TYPING IT IN THAT FORMAT. MOTION PASSED UNANIMOUSLY.

Chairman Raine stated the proposal 10-26 was originally prepared by the Alliance and he asked for public comment.

Las Vegas – No comment.

Elko –

Commissioner Mori stated proposal 10-26 was presented and approved by the Heritage Committee. During the Commission meeting when the project was discussed, after the heritage proposal was approved, and he believes the wording was “the project at that time became NDOW’s.” This is where the recommendation for all of the projects who be given to NDOW because we have the contract with Wildlife Services to due the predator control work. NDOW felt if they were going to take the project over then their input should be included, and that is why there are other modified alternative proposals provided.

Pat Laughlin stated that to make the process easier the project was handed over to NDOW as the contract with Wildlife Service’s was already in place. Mr. Laughlin further stated that all he has seen from NDOW are project proposals in Area 15 hat deals with less than 1% of the deer in Nevada. If this is such a needed project why isn’t it in Mr. Lansford’s predator plan? Mr. Laughlin stated his group put their proposals together to help the deer herds in Elko County, and probably half of the deer in the State are here in Elko County. He has unanimous approval from the Elko County Advisory Board, and the County Commissioners. Now that the proposal has been finally approved, you (NDOW) are saying that you won’t be able to do any monitoring. Finally, Mr. Laughlin stated that Mark Atkinson and Ken Mayer both stated that scientific monitoring is the most important part of a project, and that is all we wanted from the start.

Commissioner Mori stated that as Kevin had mentioned earlier perhaps we could use Project 22 money in Area 6 and use the heritage proposal money in NDOW’S option. Kevin responded saying that we have been doing for three or four year predator control around the burned areas in 6 & 7, mainly coyote control. We also have being doing some raven removal around leks in the burned areas. In response the Mr. Laughlin’s concerns what we were trying to do by putting the project in Area 15 was based on input received from Ken Gray who is the biologist for Area 6, Kari Huebner who is the biologist for Area 7, and Larry Gilbertson who is the Regional Supervising Biologist. Also, doing a project based solely on the number of deer; you want to identify that there is a problem with the deer and it is a predator problem and then you remove them. Area 15 has been on the books for a while and if we don’t do this particular project it will become a portion of project #22, and we will do some coyote control in there. Kevin understood Mr. Laughlin’s concerns, but with all of the burned areas and the die-off in 2003, Area 6’s fawn recruitment is at record pace. We could go into the Area a remove more predators and the fawn production could potentially be reduced.

Carson City – No comment.

Reno – No comment.

Gerald Lent – No comment.

Chairman Raine commented that the proposal that’s come out about the Area 15 project is a great project and great amount of respect, but I intend to think that Area 15 should come out as a Heritage project this coming year and I anticipate hearing it. However, due to the fact that it is not closely related to the original proposal from the Alliance, so it seems we should select an option closer to the original tentatively approved by the Commission. One of the options would work with only minor changes. The Chairman then read through the proposal with the changes included as follows:

- ▶ Proposed Project Inception - changed to **2010**
- ▶ Project Description - to include **and mountain lions** after coyotes in each case
- ▶ Targeted Species - to include **mountain lions**
- ▶ Control Period changed to - **February 1, 2010 – February 1, 2011**
- ▶ Control Effort and Techniques - to include **mountain lions** as a targeted species. Control methods may involve **snare, aerial hunting (both fixed-wing and rotor craft), houndsmen**, and leg-hold traps, call boxes, denning, calling and shooting

The Monitoring section was changed to read as follows:

“NDOW is requested to perform comprehensive pre and post treatment monitoring outside of the scope of this heritage project funding before the control efforts begin and prior to the same time period in 2011.”

**MOTION BY COMMISSIONER HOWELL TO APPROVE AREA 6 PROPOSAL 10-26 AS READ INTO THE RECORD, SECONDED BY COMMISSIONER CAPURRO.**

Mike Laughlin stated that due to his relationship with Pat Laughlin he will not be voting on this proposal.

Chairman Raine stated that due to questions in prior meetings there is no sanguinity or affinity or relations similar thereto between myself and anyone else involved in this project. However, for the record, I have gotten to know Mr. Pat Laughlin during my time here on the Commission and not before. I do know many of the members in this room including members of staff much closer than I do Mr. Laughlin, and relations I may have with staff members is probably closer than that to Mr. Laughlin. Aside from that, this group who will receive exactly zero dollars in funding for this project, if passed, will go straight to Wildlife Services.

**CHARIMAN RAINE STATED IT HAS BEEN PROPERLY MOVED AND SECONDED TO APPROVE HERITAGE PROJECT AS PREVIOUSLY READ, AND AS STATED BEFORE I WILL MODIFY IT ON PAPER AND PROVIDE IT TO STAFF. MOTION PASSED WITH ONE ABSTENTION.**

Chairman Raine stated that we will now review Heritage project 10-27.

Gerry Lent – No comment  
Elko –

Pat Laughlin stated it has been proven that removing ravens with treated eggs is working, why isn't more of this done?

Reno –

Judi Caron asked Chairman Raine why proposal 10-27 from the Alliance has not asked for monitoring on their original and yet it is being requested by NDOW in their preferred alternative.

Brian Stockton stated that all of the whispering close to the microphone in Elko is blocking out those who are giving public comment, and asked that they move away as everything being said is recording.

Pat Laughlin stated that on the original document they added a sheet discussing what we wanted to do. The documents sent to me by Mark Atkinson have been rewritten and they are not based on what we submitted. The monitoring section that states “monitoring will not be feasible” was not what we wrote in our original proposal this has been rewritten by someone else.

Las Vegas –

Kevin stated the pre and post treatment on leks that are currently being monitoring then money will be set aside for additional monitoring.

The Chairman read through the proposal with some minor wording changes and they are as follows.

- ▶ Project Description - to include in third sentence (i.e. ravens, **coyotes badgers, skunks**); in the fourth sentence add “... spring **and summer** period ...”
- ▶ Targeted Species - to include **coyotes, badgers, and skunks**
- ▶ Control Period changed to - **2010**
- ▶ Control Effort and Techniques - to include in the first sentence ‘,,, predatory ravens, **coyotes, badgers and skunks ...**’; in the second sentence include **summer** after spring. Also in the second sentence remove **(March 1<sup>st</sup> through June 30<sup>th</sup>)**. Remove – **Methods of take may include distribution of chicken eggs treated with DRC 1339**. Added to the end of the paragraph **Coyote control will be accomplished by trail hunting, trapping, calling, denning and shooting. Badger and skunk control will be trapping and shooting.**
- ▶ Monitoring – Changed to read as follows - NDOW is requested to perform comprehensive pre and post treatment monitoring outside of the scope of this heritage project funding before the control efforts begin and prior to the same time period in 2011.

**MOTION BY COMMISSIONER CAPURRO TO APPROVE PROPOSAL 10-27 AS READ INTO THE RECORD AND SECONDED BY COMMISSIONER HOWELL. THE CHAIRMAN STATED HE WILL PREPARE A WRITTEN FORM OF THE PROPOSAL TO NDOW FOR EXACT WORDING. MOTION PASSED WITH ONE ABSTENTION.**

#### **Agenda Item #6 – Review Amendments by the Department of Wildlife to Policy #25 – ACTION**

The Chairman asked for public comment on this item. Each Committee member and those in attendance were provided with a copy of the Policy with proposed changes printed in blue to assist in identifying them.

Elko – No comment.

Reno – No comment.

Phone participants – No comment.  
Las Vegas – No comment.

Kevin was asked to explain the changes to the policy at the request of Commissioner Capurro. Kevin read through the changed line by line and any comments made on any of the changes as they were read are included below.

Policy –

/# 1 – The word property is included. Chairman asked if maybe it should read private resource and it states natural resources referring to wildlife. Kevin stated that normally property refers to any property owned by a private entity whereas natural resources is used for wildlife

Procedure –

# 1 – Mike Laughlin asked why coyotes weren't included and Kevin stated a depredation permit is not required for coyotes.

Commissioner Howell commented that subsection 3 under Policy not appropriate and should be stricken. Kevin state it is part of Wildlife Service's mission and that is why it is left in.

Commissioner Capurro asked about section 10b under the Policy section. He would like to know the reasoning why aerial depredation permits are currently limited to bobcats, coyotes and ravens, and not mountain lions. Also under Procedures section under number #1 the word annual is removed by is left in #2. Annual either needs to appear or be removed in both places.

There was a discussion on Commissioner Capurro's concern, but could not be heard on the recording

Commissioner Raine asked why we changed the terminology and which should be supported either annual or wildlife depredation permit. Mark Atkinson stated that we should standardize it and use annual permit.

Chairman Raine is concerned with #1A and would like to have a separate section on human health and safety, and how it is handled differently. Strictly by the fact that legal entities may be involved. The Committee has previously discussed this issue thoroughly and we have documentation that recognizes Wildlife Service's as the authority in predator management. The Chairman further stated he would like to include a new B section as follows;

"Upon receipt a report of a threat to human health and safety to the Department of Wildlife shall be immediately forwarded to Wildlife Service's for action in accordance with subsection C of this section. "

Kevin asked Joe Bennett to speak of issues of health and human services Joe stated that they would prefer that NDOW make the call to determine if it is a human health and safety issue.

Chairman Raine state that after a determination is made what is the next step. Joe stated that NDOW can contact them then.

Mike Laughlin stated he would like a ruling from the AG's office as to who is liable is issues of health and human safety. The Chairman asked Brian Stockton could give us a ruling by the December meeting and he indicated he would.

Chairman Raine then re-worded his previous language as follows:

"Upon determination by NDOW that threat to human health or safety has occurred shall be forwarded immediately to Wildlife Service's for action in accordance with subsection B in this section. Wildlife Service's will be charged with the appropriate response."

Brian state he would respond now to the committee's request. In general the state has not been liable for wildlife acts. The duty is if we know there is a problem we have to act, and that is the basic duty toward liability with the state. Passing a policy stating we will ignore it and pass it on to Wildlife Service's will not exonerate the State. The bottom line is if we know there is a problem we have to act.

Commissioner Capurro asked that mountain lions be added to the aerial depredation permit under Procedure #1 and #4. Chairman Raine asked Kevin for a reason that this was not included in these items. Kevin stated that currently it is not legal to take big game animals in that manner, and considerable re-writing with Law Enforcement. Chairman Raine asked for a better response Mark. Mark stated that we would have to change NAC and NRS as well, so it will be a very long process. Commissioner Capurro asked for the definition of what determines a mountain lion as a big game species. Chairman Raine asked for a written response to this question from Kevin

IT WAS MOVED TO APPROVE COMMISSION POLICY #25 WITH REVISED WORDING MADE HERE TODAY. MOTION WAS SECONDED, MOTION PASSED UNANIMOUSLY.

**Agenda Item #7 – Establish Date, Time and Location of the Next Meeting – Chairman Raine – ACTION**

Chairman Raine stated that we will probably have our next meeting in March 2010.

**Agenda Item #8 – Adjourn– ACTION**

IT WAS MOVED AND SECONDED TO ADJOURN. MOTION PASSED UNANIMOUSLY.

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Respectfully Submitted  
Dawn Carter  
December 8, 2009

*\*Subsequent to this meeting the proposals were re-written and posted on the Department's website and were available for the Commission meeting held on December 4-5,2009. These minutes were prepared from recording of the meeting.*

JUN 23 2010

COMMISSION  
ON ETHICS

DRAFT MINUTES  
Nevada Board of Wildlife Commissioners' Meeting

Nevada Department of Wildlife  
1100 Valley Road  
Reno, Nevada 89512

Friday, December 4, 2009 – 10 a.m.

Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Lent

Approval of Agenda – Action

Member Items/Announcements

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.

Public Comment Period

- 1 Approval of Minutes – Action  
Commission minutes from the August 14 and 15, and September 25 and 26, 2009, meetings.
  - 2 Correspondence – Chairman – Informational  
The Commission will review and may discuss written items sent or received by the Commission since the last regular meeting and provide copies for the exhibit file.
  - 3 Central Nevada Elk Plan Coordination and Oversight Team – Game Division Chief Mark Atkinson – Action  
Mr. Ray H. Williams Lander County Commissioner has been nominated to replace Mrs. Midge Carver on the Coordination Oversight Team (COT). As directed by the Central Nevada Elk Plan, the Commission will be asked to officially appoint Mr. Williams as an official member of the COT.
- Workshop - Informational
- 4 Commission General Regulation 370 – LCB File No. R082-09 – Chief of Fisheries Mark Warren  
The Commission may adopt a regulation authorizing a person to take bullfrogs or crayfish without obtaining a license or permit issued by the Department under certain circumstance.
  - 5 Commission General Regulation 372 – LCB File No. R115-09 – Chief Game Warden Buonamici  
The Commission may adopt new language for defining certain antelope, elk, and deer physical descriptions for hunting. This includes antlered deer, antlered elk, and antelope with horns longer than ears and shorter than ears. Antler defined. Cleanup of 502.390 Section 1(validation of tag) to be consistent with other regulations. Section 2 and 3 new language for when a person must validate a tag.
  - 6 Commission General Regulation 373 – LCB File No. R110-09 – Chief of Fisheries Mark Warren  
The Commission may adopt a regulation relating to wildlife management areas; providing that only vessels without motors may be used during certain periods on the Dacey Reservoir in the Wayne E. Kirch Wildlife Management Area; revising certain other provisions governing the use of the Dacey Reservoir.
  - 7 Commission General Regulation 376 – LCB File No. R137-09 – Chief of Fisheries Mark Warren  
The Commission may adopt a regulation relating to fishing, expanding the permissible radius of a cast net used in certain waters.

- 8 Commission Policies, First Reading – Commissioner Kobrin - Informational  
The Commission will conduct a first reading to review recommendations/changes from the Commission’s Administrative Procedures, Regulation Committee to Commission Policy #50, Duck Stamp Procedure; Commission Policy #51, Wayne E. Kirch Nevada Wildlife Conservation Award; and Commission Policy #22, Introduction, Transplanting and Exportation of Wildlife.
- 9 Reports – Informational
- A Application Amendment – Program Officer III Maureen Hullinger
- B Junior Hunt Eligibility – Program Officer III Maureen Hullinger
- C Nevada Waterfowl Hunting Zones – Wildlife Staff Specialist Craig Mortimore
- D Lapsed Angler Program – Marketing Coordinator Lynne Foster
- E 2011 Legislative Session – Management Analyst III Kim Jolly
- F Wild Horse and Burro Update – Chief of Habitat Dave Pulliam
- G Litigation Report – Deputy Attorney General Nhu Nguyen
- H Department Activities/Leadership Team Notes – Secretary Ken Mayer

Saturday, December 5, 2009 – 8:30 a.m.

Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman

Member Items/Announcements

County Advisory Boards to Manage Wildlife (CABMW) Member Items

Public Comment Period

Commission Regulations – Action

- 10 Commission Regulation 07 - 07 Amendment #5 – Chief of Habitat Dave Pulliam  
The Commission may adopt amendments to recommended changes to the hunt units available for the Moapa Valley limited entry fall and spring turkey hunts as well as language pertinent to the Overton Wildlife Management area defining public hunting opportunity.
- 11 Commission General Regulation 370 – LCB File No. R082-09 – Chief of Fisheries Mark Warren  
The Commission may adopt a regulation authorizing a person to take bullfrogs or crayfish without obtaining a license or permit issued by the Department under certain circumstance. Note: See agenda item #4 for support material.
- 12 Commission General Regulation 372 – LCB File No. R115-09 – Chief Game Warden Buonamici  
The Commission may adopt new language of defining certain antelope, elk, and deer physical descriptions for hunting. This includes antlered deer, antlered elk, and antelope horns longer than ears and shorter than ears. Antler defined. Cleanup of 502.390 Section 1(validation of tag) to be consistent with other regulations. Section 2 and 3 new language for when a person must validate a tag.

- 13 Commission General Regulation 373 – LCB File No. R110-09 – Chief of Fisheries Mark Warren  
The Commission may adopt a regulation relating to wildlife management areas; providing that only vessels without motors may be used during certain periods on the Dacey Reservoir in the Wayne E. Kirch Wildlife Management Area; revising certain other provisions governing the use of the Dacey Reservoir.
- 14 Commission General Regulation 376 – LCB File No. R137-09 – Chief of Fisheries Mark Warren  
The Commission may adopt a regulation relating to fishing, expanding the permissible radius of a cast net used in certain waters.
- 15 Commission Policies, Second Reading – Commissioner Kobrin - Action  
The Commission will conduct a second reading to review and possibly take action on the recommendations/changes from the Commission’s Administrative Procedures, Regulation Committee to Commission Policy #50, Duck Stamp Procedure; Commission Policy #51, Wayne E. Kirch Nevada Wildlife Conservation Award; and Commission Policy #22, Introduction, Transplanting and Exportation of Wildlife. Note: See agenda item #8 for support material.
- 16 Biennial Big Game Release Plan for Fiscal Years 2010 and 2011 – Big Game Staff Biologist Mike Cox – Action  
The Commission will be asked to approve the amended biennial Big Game Release Plan for FY 2010 and 2011.
- 17 **Wildlife Damage Management Committee – Commissioner Scott Raine – Action**  
**The Commission will hear a report from its Wildlife Damage Management Committee and recommendation for Commission approval of proposed Heritage Program Predator Projects: 10-23, 10-26, and 10-27.**
- 18 Western Association of Fish and Wildlife Agencies – Chairman Gerald A. Lent – Action  
The Commission will designate one representative to attend the 2010 mid-winter conference of the Western Association of Fish and Wildlife Agencies in San Diego, Calif.
- 19 Future Commission Meeting – Director Ken Mayer - Action  
The next Commission meeting is scheduled for February 5 and 6, 2010, in Reno; and the Commission will review potential agenda items for that meeting. The Chairman may designate and adjust committee assignments as necessary at this meeting.

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Gerald Lent	<b>Vice Chairman Scott Raine</b>	Commissioner Daryl E. Capurro
Commissioner Tom Cavin	Commissioner Howell	Commissioner Bruce Kobrin
Commissioner Michael McBeath	Commissioner Mori	Commissioner Grant Wallace

Secretary/Director Kenneth E. Mayer	Nhu Nguyen, Deputy Attorney General
Bryan L. Stockton, Deputy Attorney General	Suzanne Scourby, Recording Secretary

Nevada Department of Wildlife personnel present:

Deputy Director Rich Haskins	Deputy Director Patrick Cates
Chief of Conservation Education Kelly Clark	Game Division Chief Mark Atkinson
Chief of Operations Bob Haughian	Mike Cox, Big Game Staff Biologist
Chief of Fisheries Mark Warren	Chief of Habitat Dave Pulliam
Management Analyst III Kim Jolly	Program Officer III Maureen Hullinger
Chief Game Warden Rob Buonamici	Jake Sunderland, Conservation Education
Chief of Wildlife Diversity Laura Richards	Game Warden Cameron Waithman

Others in Attendance/Two Day Meeting:

Ken Wellington, Elko CABMW  
Larry Johnson, NV Bighorns Unlimited/Coalition  
for Nevada's Wildlife  
Marianne Denton, self  
Rex Flowers, Washoe CABMW  
Pat Coulston, self  
Tina Nappe, self  
Joe Bennett, USDA, Wildlife Services  
Don Molde, self  
Gil Yanuck, Carson CABMW  
Cecil Fredi, self  
Glenn Bunch, Mineral CABMW  
Mark Jensen, USDA-APHIS Wildlife Services  
Bill Meyer, Lyon CABMW  
Judi Caron, self  
Nevada Jim Ornellas NV Big Game  
Restoration Group  
Kaitlin Weeks, self  
Cecil Fredi  
Mike Laughlin, Predator Committee  
David McNinch, self  
Glen Copeland, Washoe CABMW  
Don Klebenow, self  
Stan Zuber, Carson CABMW

Dennis Wilson, Nevada Bighorns Unlimited  
Walt Mandeville, Lyon CABMW  
Carlos DiRomo, self  
Bill Davidor, NDOW Volunteer Angler Instructor  
Thomas Wilson, Nevada Waterfowl Association  
Bob Brunner, self  
Greg Smith, self  
Joel Blakeslee, self  
Don Sefton, Systems Consultants  
Kevin CK Baily, Carson City Fly-Fishers  
Don Alt, Nevada Livestock Association  
Cory Lytle, Lincoln CABMW  
Gil Yanuck, Carson CABMW  
Don Sefton, Systems Consultants Inc.  
Marshall Goldy, NV Big Game Restoration  
Group  
Ali Chaney, self  
Garth Elliott, self  
Jeff Mackay, self  
Pat Laughlin, Nevada Alliance 4 Wildlife  
Judi Caron, self  
Doris Weber, self  
Brandon Fordin, self  
Ira Hansen, self

\*County Advisory Board to Manage Wildlife

Friday, December 4, 2009

Chairman Lent welcomed the public and called the meeting to order at 10 a.m.

Roll Call of Commissioners Present – Chairman Lent, Vice Chairman Scott Raine, Commissioners Capurro, Cavin, Howell, Kobrin, McBeath, Mori and Wallace.

Roll call CABMW: Ken Wellington, Elko CABMW; Gil Yanuck, Carson CABMW; Walt Mandeville, Lyon CABMW; Stan Zuber, Douglas CABMW; Bill Meyer, Lyon CABMW; Rex Flowers, Washoe CABMW; Thomas Wilson, Washoe CABMW; and Cory Lytle, Lincoln CABMW.

**COMMISSIONER CAPURRO MOVED TO APPROVE THE AGENDA, MOTION SECONDED BY COMMISSIONER RAINE. MOTION CARRIED.**

Member Items –

Commissioner Kobrin said constituents in Southern Nevada told him some junior and senior hunters have voiced concerns that after being drawn for tags after waiting so long, that during their hunt seeing deer was limited, and that they were looking forward to hunting in Utah after their experience in Nevada.

Commissioner Raine said the Commission passed changes to Policy #1 awhile ago and asked if donations received by NDOW since the policy was changed to review donations and acknowledge them publicly and has not heard or seen anything since.

Secretary Mayer said his understanding was not a running tally but an annual summary would be provided and need to decide if on a fiscal year basis or calendar year and would prefer fiscal year.

Don Molde, representing himself, said following up on matching funds from Pittman-Robertson and possible availability of funds and he was told Pittman-Robertson is distributed on sales of licenses and other factors, and he understands that Nevada's pool of Pittman-Robertson is fully used in grants and no extra money is available. He said if you wanted to do predator killing or management spree you would have to write new grant run by regional USFWS office and would be funded at expense of other grants for other projects.

Commissioner Capurro said due to budgetary problems NDOW cut down on funding to APHIS (Wildlife Services) and that cut positions and having opposition from unusual sources and they are trying to give money to APHIS to restore positions. During their Legislative Committee meeting he recalls \$25,000 left in that account and can only say what he thought was testified to and that concludes his comment regarding that issue.

**COMMISSIONER CAPURRO MOVED THAT WE PASS THE BIG GAME RELEASE PLAN AND IN EACH OF THE PROPOSED BIG GAME RELEASE SITE SUMMARIES THAT LANGUAGE IN PREDATOR EVALUATION MATCH WHAT THE COMMISSION PASSED IN SECTION 7 OF POLICY #22 REPLACE WHAT IS CURRENTLY IN PREDATOR EVALUATIONS. COMMISSIONER RAINE SECONDED THE MOTION.**

Commissioner Cavin said in regard to the policy being over the line, and his question to DAG Stockton is whether we get resolution of that between the Commission and Department DAGs.

DAG Stockton said he would not be comfortable with issuing an opinion as he is not sure of Commissioner Capurro's language.

**COMMISSIONERS IN FAVOR OF MOTION: CHAIRMAN LENT, RAINE, CAPURRO, KOBRIN, AND HOWELL. COMMISSIONERS OPPOSED: CAVIN, WALLACE, AND MORI, AND COMMISSIONER MCBEATH WAS ABSENT FROM THE ROOM. MOTION CARRIED 5 - 3.**

17 Wildlife Damage Management Committee – Commissioner Scott Raine – Action

Commissioner Raine chair of the Wildlife Damage Management Committee (WDMC) reviewed the committee actions and recommendations.

Commissioner McBeath said his question is for the proponents to say how the flow of funds is and dealing with Wildlife Services.

Commissioner Capurro said member of committee and that the committee felt better projects to begin with and have already been discussed.

Secretary Mayer said the Commission has the authority to designate the funds not the committee and the committee makes recommendations to the full Commission.

Commissioner McBeath said he still does not understand how it will work and what NDOW's place is.

Secretary Mayer said NDOW could write contract between Wildlife Services and the project proponent but the scope of work and project implementation would be between the project initiator and Wildlife Services.

Commissioner McBeath said he understood that the contract is between NDOW and Wildlife Services and NEPA.

Wildlife Services Director Mark Jensen said if Commission approved that would meet spirit of NEPA with the Commission approving.

Commissioner McBeath said not sure if this will bridge the NEPA requirement and advised Mr. Jensen to obtain legal counsel from his agency to make sure.

Mr. Jensen said will take that advice under advisement.

Commissioner Capurro said solution may be that proponent is the Nevada Wildlife Commission.

Secretary Mayer said never under history of program has the agency taken on responsibility of project completion.

Commissioner Raine said at meeting he was told to drop position that Commission could be a proponent.

DAG Stockton said because of project deadlines it would not be fair to transfer that responsibility to the Department and Department would have to say we would do that.

Secretary Mayer said the Department will be glad to write the project contracts but ethically the proponents need to write.

Commissioner Capurro said he would like contract to state that proponents will not benefit monetarily from the contracts.

DAG Stockton said he is concerned about authority of state to write contract for Nevada Alliance 4 Wildlife and he is counsel to state as well as DAG Nguyen.

DAG Nguyen said only offering standard contract form as with legal counsel and as far as responsibility and Department is not counsel to proponent.

Chairman Lent said they all want projects to succeed.

DAG Nguyen said Department cannot give advice.

Commissioner Raine said all the money would go to Wildlife Services.

Public Comment -

Don Molde said he will submit project to Heritage Committee and these projects are to kill animals totally aside from state responsibility and believes it to be a crazy idea.

Tom Smith said earlier this year we had a contentious Legislative Session and there was a similar proposal defeated in the State Legislature and another fee as well was defeated. He said the 40 percent was not taken for wildlife damage and feels they are now going through the back door and that this is overstepping by taking funds from the Heritage Account and is taking from Heritage account and not appropriate use of Heritage funds. He said predator management should be done through the Department, and wonders why projects being approved by outside proponents and not the Department

Tina Nappe, former Wildlife Commissioner, said she is representing herself. She said there is no outcome and predators are in danger and recalls that Mr. Jensen said never kill enough predators to require a NEPA or EA. Previous comment from Smith these are dollars paid by sportsmen and sportsmen need to think twice if it is worth investing in this process.

Judi Caron said she attended the Wildlife Damage Management Committee meeting and heard the review of how they projects got this far, and Elko CABMW supported the author's proposals..

Don Klebenow said he is a retired University of Nevada Reno professor and said he served on sage grouse technical committee and had worked on nesting birds related to predator control and ravens destroyed the nests and based on research that difference in habitat and nesting quality. He still counts sage grouse in lek and would state that there are fewer ravens now than there used to be, and jump in nesting success at first but in fall no change in chick production although nesting successful. His conclusion is problem in habitat. Based on that he is leery of predator control and need to know what result is of predator control and what help provide data.

Allen Moss, native Nevada from Reno, said sage grouse with raven control, and with deer and mountain lions. He said a mountain lion eats one deer a week and that is 52 a year and once a mountain lion eats deer that is what they eat. He said there used to be a great deer herd in Nevada and also had management units for deer to breed and that is why it was good back then.

Commissioner Howell said he would like to quote numbers from Heritage Committee - \$212,000 is total approved from Heritage Trust Account.

Commissioner Capurro said two organizations put forth by two groups and if we came in with and one of the bills Mr. Smith talked about was withdrawn by the author. Hate to have his name on project if not the person recommending.

Commissioner Mori said his perspective is that as a former Heritage Committee member that originally passed the proposals and since that time this has been huge can of worms. At the time he did not know that would be the result and sees his vote in favor as a big mistake and since that time we went along lines it would be turned over to NDOW and that triggered NDOW to come up with their own proposals, and like Commissioner Capurro said if project had name on it, and now today NDOW is out of it, and then had committee meeting Nov. 24 and committee chose to go forth with individual projects with some changes, and one change was in reference to monitoring and that stated monitoring had to be independent from project funding and if project between proponent and Wildlife Service then no monitoring component. This thing is really confusing and he will take responsibility but not too late and can't support this now and is ready for the vote and put this behind us.

Commissioner Raine said he would ask original project proponents to give a summary, as their name is on the projects.

Pat Laughlin, Nevada Alliance 4 Wildlife, said his group wants to work with biologists and have assigned biologist and never wanted anyone to believe that they would take it over. He said he has correspondence from Game Division Chief Mark Atkinson that states no monitoring.

Commissioner Raine asked Mr. Laughlin if his group will profit from the project.

Mr. Laughlin said no.

Commissioner McBeath asked if Nevada Alliance 4 Wildlife has a biologist.

Mr. Laughlin answered no.

Commissioner Capurro said in Congress if you adopt plan and it is 180 from how it is proposed would you still want your name on the project.

Commissioner Wallace asked Mr. Laughlin who will pay for the monitoring.

Commissioner Raine said the monitoring was discussed at the committee meeting and they know they have no direct authority to issue instructions to NDOW and in many of these areas there is rotational monitoring we can ask but can't tell them to monitor.

Cecil Fredi, Hunter's Alert, said he supports committee recommendation and felt committee could design the project and insure that it would not fail.

Commissioner Cavin said sounds like interaction between NDOW and project proponents.

Secretary Mayer said the Department has provided support per NRS and NAC but will not be providing oversight to projects. Secretary Mayer said the Department has to be able to stand behind the projects and the Department would target predator work

**COMMISSIONER RAINE MOVED TO APPROVE 10-23 AND 10-26 AND 10-27 AS APPROVED AT THE COMMITTEE MEETING. COMMISSIONER HOWELL SECONDED THE MOTION.**

Commissioner Raine disclosed that slanderous lies have been made at committee meeting and at the Las Vegas meeting and made disclosure that he has no relationship with proponent that would affect vote he makes today.

Commissioner Wallace said that he is a former committee member when this first was heard and voted to support on fact that Dept would help design the projects and we are right back where we were and with the monitoring stuff and feels no straight answer on that.

Commissioner McBeath said he has serious concerns of terrible precedent and will receive negative press on this and is concerned with Department not being involved and would like this tabled.

Commissioner Cavin said difficult spot as he was chair of Heritage Committee and thought projects reasonably well conceived and wanted to fill in details which seem to not have changed since beginning and as much as he would like to see projects go forward he can't support in current form. He said he would like the Department to have oversight and can't see giving funds to groups with no professional background especially when Department not involved.

Chairman Lent said he would like to see Department proposals for predator projects through the Heritage account but lacking Department submission somebody has stepped up and hopefully Department will take note of how these projects go and may be able to work these through the Department in the next year as now is the time for submission.

**COMMISSIONERS IN FAVOR VOTE OF THE MOTION: CHAIRMAN LENT, HOWELL, CAPURRO, KOBRIN, AND RAINE. COMMISSIONERS OPPOSED: CAVIN, MCBEATH, MORI AND WALLACE. MOTION CARRIED 5 -4.**

18 Western Association of Fish and Wildlife Agencies – Chairman Gerald A. Lent - Action

Chairman Lent appointed Commissioner Raine to attend the mid-winter WAFWA Conference in San Diego, Calif., in January 2010.

JUN 23 2010

COMMISSION  
ON ETHICS

**Heritage Committee Meeting**  
**Nevada Board of Wildlife Commissioners**  
Nevada Department of Wildlife  
1100 Valley Road, Reno, Nevada 89512

Meeting Location: Nevada Department of Wildlife  
1100 Valley Road  
Reno, NV 89512  
Conference Room

Committee Members: Commissioners Gerald Lent (chair), Scott Raine and Charles Howell

NDOW Staff Present: Gabe Pincolini, Patrick Cates, Maureen Hullinger, Katie Simper, Kelly Clark, Tony Wasley, Kevin Lansford

Public Present: David Thain, Scott Carone, Joe Bennett, Pat Laughlin, Brett Jefferson, Mark Jensen, Mike Stremmer, Mel Belding, Rick Smith (WCAB), Commissioner Darrel Capurro and Commissioner Pete Mori

**Thursday, May 13, 2010 – 10:00 a.m.**

1. **Call to Order – by Chairman Gerald Lent**

*Meeting started at 10:08 a.m.*

2. **Approval of Minutes – Action\***

Minutes are from the April 12, 2010 Heritage Committee meeting.

*Chairman Lent asked every one if they have had a chance to read the minutes from April 12, 2010, all said yes. Commissioner Howell motion to approve, Raine gave the second motion, all in favor, motion passed.*

3. **Member Items**

Committee members may present emerging items. Any item requiring committee action will be scheduled on a future Committee agenda. Chairman Lent asked if there was any public comment on any items not on agenda.

4. **Public Comment Period**

Persons wishing to speak on items not on the agenda should complete a speaker card and present it to the recording secretary. Public comment will be limited to three minutes for individuals and six minutes for persons representing groups or organizations. Persons are invited to submit comments in writing on the agenda items and or attend and make comment on the item at the committee meeting. Any item requiring committee action could be scheduled on a future committee agenda.

*Gabe Pincolini asked everyone to sign the sign-in sheet located in the back of the conference room. No further public comment.*

5. **Staff Report – Gabe Pincolini – Action**

A current status report on the approved Heritage projects from FY2010. If any FY 2010 applicants have asked for a project continuance into FY2011, the applicants request will be discussed and voted on by the committee members.

*Gabe Pincolini went over the 2010 project's progress, completion dates, and requests to be carried forward.*

*In progress (completion end of FY10):*

*10-01, 10-02, 10-03, 10-07*

*10-08 – Commissioner Lent asked on the status of the overpass. NDOW Biologist Tony Wasley confirmed overpass built and that the delay was due to cold weather and completion put off for appropriate weather conditions. Wasley also stated that 24 cameras were in place, documenting 1,300 deer crossings and a lot of data. Biologist Mike Cox confirmed that even with the contractor's delay project should be done in June. Additionally, JBR Environmental is monitoring efforts looking at the behavior and the number of deer. Cameras will be pulled after the month migration is over and the fence buttoned up. Also, four other contractors are starting three*  
*10-10, 10-11, 10-12, 10-13, 10-14, 10-25, 10-28.*

*Completed Projects:*

*09-09 Second year of project, this project has been completed.*

*10-04, 10-05, 10-06, 10-15*

*10-18, 10-19, 10-20, 10-21 (guzzler maintenance projects)*

*10-22, 10-29.*

*Carried Forward:*

*10-09*

*10-23 Letter sent to Commissioner Lent requesting extension for next FY.*

*10-26 1<sup>st</sup> yr of project requesting carried forward to FY11*

*10-27 1<sup>st</sup> year of project requesting extension*

*10-30 Year 3 of project completion by September because of study season*

*09-08 Project extended from FY10 project gone over two years.*

*Chairman Lent requested that Gabe give a final report at the Heritage meeting scheduled after the July 1<sup>st</sup> deadline. Gabe replied that he could have the final report to the Committee at the end of September, after the 90 allowed time to complete the report.*

Howell made the motion and Raine seconded the motion. All in favor, motion approved.

Public Comment on projects carried forward:

David Thain spoke for the UNR project# 09-08. We have been reviewing notes since 1998 on the ongoing concerns of mortality to deer and malnutrition issues. Since our lead-man on the project, Mark, left we are revamping the project and would appreciate another year extension. Commissioner Lent asked how long till you think the project will be finalized. Mr. Thain replied that if they get the answers needed this year we could possibly complete the project June 2011; however since we are chasing a copper deficiency issue this is a unique situation. Gabe Pincolini stated that if this money isn't allocated for the extension it goes back into the fund. Commissioner Lent stated that he would like to see these projects extended so they can be completed.

Mel Belding asked Gabe if it is written in the plan that if the money is not used is it to be returned to the Heritage account. Gabe answered if the money in one fiscal year does not get spent the Committee can reallocate the money to other projects; also, if the money not spent goes into the fund unusual circumstances exists for extensions. Gabe read NAC 501.500 and 501.340.

Chairman Lent closed public comment and suggested they vote on the extensions. Commissioner Howell motion to approve extension requests, Raine gave the second motion, all in favor, motion passed.

6. **Commission Regulation CR 10-01/ Wildlife Heritage Tag Vendors- Review Heritage tag vendor proposals submitted for auction during fiscal year 20011 – Chairman Lent - Action**

Commissioner Lent opened up to public.  
No public comment.

County Advisory Boards Comment:

- Gabe Pincolini reported one from Rex Flowers and read their recommendations. Also noted that Flowers wrote letter on his own behalf. Maureen Hullinger spoke on request from Rex Flower, Rocky Mountain Elk Foundation cost of holding auction being an issue. The issue, explained by Maureen, is that a lot of bidders use credit cards therefore merchant fees can be costly have to be absorbed by the Vendors. RMEF has requested that the Commission consider a future policy to allow for holdbacks of a % decided by Commission and Committee. Chairman Lent stated that they should have the Policy

Committee look at this. Commissioner Raine asked: shouldn't there be a seller's premium on all items at X amount in our policy that should be allowed? Hullinger answered yes, they look at all auction items the same way. Chairman Lent stated that RMEF gets double historically for their tags; we would really like to see them back with at least an elk tag.

- Rick Smith (Washoe Co.CAB) stated that he had spoke to some vendors that were going to start charging a percentage for credit card purchases. Chairman Lent asked can they do that? Mel Belding replied that it is legal just like stores.

*Vendor Comment:*

- Scott Crone speaking for SCI, Southern Nevada and North Nevada Heritage Tag preference is: Turkey, Mule deer or Elk.

Director Mayer addressed Chairman Lent and Gabe Pincolini, asking if there are conditions for submitting projects late. Gabe confirmed yes there is. Maureen Hullinger asked for clarification on late requests asking for deer antelope or elk. Chairman Lent asked what does department think about that. Director Mayer replied we like to give out the tags; it is up to the Committee. What do they want to do? Chairman Lent replied we like to stress no late applications but this year OK, up to committee. Mayer stated that it is not fair to the ones that get them in on time. Lent asked the Committee what they want to do. Commissioner Raine suggests they go over the rest of the projects first then decide if we have left over.

- Wild Turkey – 5 tags – 4 requests
  - Brad Jefferes with NBU declined acceptance, would rather give to turkey clubs.
  - Raine motion made to give 2 turkey tags to SCI, 1 to Silver Sage NWTF & 2 for LV Struters. Commissioner Howell seconded the motion. No opposed, motion passed.
- California BHS – 1 tag, 4 requests from SCI-NN, WSF, WSF-Mid West & NBU.
  - Commissioner Howell motioned to give tag to WSF-Mid West Chapter, they recently donated a BHS Trailer to the Department. Raine second, motion passed.
- Nelson Bighorn Sheep – 1 tag – 4 requests from SCI-NN, WSF-MWC, WSF & BHU.
  - Chairman Lent stated that last year WSF got a tag and was auctioned at \$135,000, way higher than others. Raine addressed Chairman Lent stating we need to spread out remaining tags amongst the other groups. Raine made a motion that WSF receive the tag. Howell second, motion passed.
- Mule deer – 2 tags – 4 requests from NWTF-Silver Sage, NBU, SCI-NN, MDF.

- *Chairman Lent stated we need a motion to except late bids*
  - *Director Mayer suggested vendors present express their opinion.*
  - *Chairman Lent they are not going to like it and late vendors not present to give reason for being late.*
  - *Commissioner Raine suggested that they give the MDF one tag only since they have supported us in the past and motioned to except late application from MDF. Howell second motion, motion passed.*
  - *Commissioner Howell moved to give tags to SCI-NN and MDF. Raine second, motion passed*
- *Antelope – 2 tags – 4 requests from SST, Pershing Co. Chukar Unlimited, NV Waterfowl Assoc. and MDF*
    - *Chairman Lent went over past auctions and amounts of each club.*
    - *Commissioner Raine motioned to give 1 tag to NWFA and 1 tag to Pershing Co. Chukar. Motion second by Howell and passed.*
- *Rocky Mountain Elk – 2 tags – 4 requests from MDF, NNSC, SST & NBU.*
    - *Commissioner Howell motioned to give tag to Sierra Club International - NN and NBU-Reno Chapter. Raine second motion, motion passed.*

**7. Review Heritage Project Proposals submitted for funding during FY2011 – Chairman Lent – Action\***

The Heritage Committee will provide recommendations for project funding to the Board of Wildlife Commissioners at their May meeting.

*Public Comment:*

- *Cecil Fredi, Hunters Alert amended request*
- *Fred Jefferson, BHU-Reno Chapter, recommended funding 11-01 fully.*
- *Steve Siegel, NDOW, 11-21 through 11-24 what we are asking from Heritage Trust does not reflect actual cost of each project. Supports 11-18 will be able to provide detailed info placement of guzzlers. Also support 11-25.*
- *Kelly Clark, NDOW, supports 11-10 Interpretive Exhibit at Overton WMA which will provide info to public about the value of hunting and fishing. Meets objective by stating the importance of hunting as a management tool. Also supports, 11-11 the video of Wildlife Management it benefits public and wildlife and will be used statewide.*
- *Commissioner Lent, for the record – all proposals meet the criteria. I have read letter from Director Mayor supporting projects 11-20, 11-26 & 11-19.*

- *Mike Scrambler – project 11-17, rancher in area and stated that there is little hunter pressure because of remoteness no roads and is even hard to hunt on horses. I have been told by biologist that lions are killing a lot of sheep in this area.*
- *Mel Belding, 11-01 should be funded fully, 11-02 should be fully funded, 11-04 fully funded, 11-21 through 11-25 fully funded with emphasis put on mule deer projects.*

*CAB Comment:*

- *Rick Smith, WC-CAB, stated that it is hard to have members attend on Thursday meetings.*
- *Carson City CAB – 11-01,11-04,11-06,11-07,11-10,11-13*
- *Clark CAB – 11-01, 11-06, 11-07, 11-18, 11-22, 11-23, 11-24,11-25,11-26*
- *Elko CAB – 11-02,11-03,11-06,11-20*
- *Washoe CAB – 11-01, 11-02, 11-04, 11-06, 11-07, 11-08, 11-25, and balance of 37,000 put into 11-21 through 11-24*
- *White Pine CAB – 11-01, 11-02, 11-03, 11-04, 11-14, 11-15, 11-21, 11-22, 11-23, 11-24, 11-25*
- *Every CAB and Public comment supports Project 11-01*

*Committee Comment:*

- *Chairman Lent stated that we can only fund 40% of the requested projects. There are more requests from NDOW than what we have and we can't please everybody. Everyone was asked to prioritize projects. The following lists the committee's comments on the projects, in the order of priority designated by the committee.*

**11-01 – 2010-2011 big game capture, transplant & monitoring program.**

- *Chairman Lent requested they cut funding for this project to \$100,000.*
- *Commissioner Raine stated he was happy with antelope numbers could cut back on their transplants.*
- *Mike Cox, NDOW, stated that we would have 0 transplants.*
- *Commissioner Howell made motion to support this project for \$100,000.*
- *Chairman Lent wanted to include \$43,000 if they have any money left.*
- *Final motion was to award \$127,446. Raine motion second, motion passed.*

**11-16 – Kelly Creek Water and Wildlife Protection Project (KCWWPP)**

- *Chairman Lent stated project gave good itemization and is not a high dollar amount.*
- *Commissioner Raine stated he was disappointed in NDOW's support in area where there is water issues and that he felt it was a good project.*
- *Commissioner Howell moved to approve \$9,269, Raine second motion, motion passed.*

**11-14 – Scientific data analysis of factors influencing Nevada Mule Deer population over time: Population enhancement study.**

- *Chairman Lent read letter regarding project.*
- *Tony Wasley, NDOW, spoke on this project and NDOWS concerns.*
  - *Misleading title. It is not a "Population Enhancement Study". There is nothing in the proposal that suggests enhancement.*
  - *This is NOT the first in-depth study of recent changes in Nevada's mule deer populations. This proposal overstates its value, purpose, and intent while simultaneously failing to recognize the complexity of mule deer management, Nevada's ongoing efforts, and the Department's abilities.*
  - *Of the \$30,000 proposed for this project, one half is budgeted for "statistical analysis". Our relationship with UNR allows us to statistically test hypotheses for free.*
  - *Under the question regarding, "what publicity do you have planned for this project?" it states, "No distribution can occur without written consent of Maxell Global Technologies." Hardly seems appropriate given the source of funding.*
  - *Project appears to make the assumption that harvest is a potentially significant driving influence in mule deer population dynamics. In the absence of significant antlerless harvest and Nevada's conservative buck quotas, this is highly unlikely and arguably impossible.*
  - *Project appears to propose use of harvest level as an indicator of population size, neither accurate nor scientifically defensible.*
  - *Project proposal states that while helpful, "consultation with NDOW...is not required to achieve proposal objectives." Although possibly not achievable, I believe consultation with NDOW would be essential in accomplishment of the objectives.*

- *Chairman Lent stated that he felt that we don't have a handle on deer and this project could offer interesting data and any data on deer is helpful.*
- *Commissioner Raine commented that there was on labor listed.*
- *Director Mayer, we need to know that funding is contingent that data is available.*
- *Commissioner Raine, need to confirm that any information from this study is owned by the State of Nevada including licenses and software.*
- *Commissioner Howell, if approved contract would be written so no caveat would be needed.*
- *Commissioner Howell motioned to approve for \$30,000. Commissioner Raine second, motion passed.*

**11-26 – Jackson Mountains Mule Deer Protection (Hunt unit 035)**

- *Chairman Lent asked Director Mayer that if WLS can't do work in this location could the project be moved to a different unit.*
- *Director Mayer asked Gabe Pincolini how we could do this.*
- *Pincolini replied we could work off an estimate.*
- *Director Mayer stated that prior to contract we could have an option a and b, etc. and have Committee re-approve.*
- *Commissioner Raine, project goes forward as stated, if cannot be done in unit 035 it would go to another unit that is mutually agreed upon by proponent and the Department. Howell second motion motioned to approve project for \$106,103.*
- *Chairman Lent motioned to reduce funding by \$20,000 bringing the total funding for this project to \$86,103. Motioned passed.*

**11-20 – Sage Grouse nesting survival wildlife management areas 6 and 7**

- *Chairman Lent and Commissioner Howell both agreed that this project was a priority.*
- *Director Mayer talked about the 19 factors for the listing of Sage Grouse, and also stated that we need this tool available to us.*
- *Commissioner Raine looking at the original writing of this proposal like to motion to approve this project for \$50,000. Commissioner Howell second the motion, motion passed.*

**11-17 – Lion depredation in East Range, Tobins, Stillwaters, Clan Alpines and Fish Creek Mt. Ranges**

- *Director Ken Mayer cautioned the Committee, you will be paying a bounty here, no kill no pay. Wildlife Services can go on public and private ground with insurance policies set up to do this.*
- *Deputy Director Patrick Cates stated that they would need to be licensed and be able to post the bond.*

- Commissioner Howell, he is a licensed sub-guide already would that qualify him?
- Mike Stremmler commented that they could put project under Jersey Cattle Company, LLC.
- Commissioner Raine commented that if there are no lions there you will not get paid. Also, Raine asked if when harvesting Lions is a GPS used and that this should be mandatory.
- Director Mayer asked are you going to be taken the lions under a State tag?
- Mike Stremmler answered whatever would be easiest.
- Commissioner Raine stated that if project was approved there could be no double dipping.
- Mike Stremmler stated that he would give the lion hides to the Department.
- Director Mayer stated that this is unorthodox, never been done before and he would prefer using a State contractor (permitted person) such as USFWS.
- Gabe Pincolini said Mike should check into the tax purposes.
- Director Mayer asked what they would be charging for lions.
- Mike Stremmler replied he would get \$18,000, if it takes 1,000 hrs to get 1 lion I get pd. \$1.80 an hr.
- Commissioner Howell stated that if approved it still has to go through the state contract,
- Commissioner Howell then moved to approve in the amount of \$18,000. Commissioner Raine second, motion passed.

**11-25 – Monte Cristo #1 – Rebuild with Rail Fence**

- Chairman Lent stated this project would cut back on helicopter use, good project but don't agree in funding fully. Raine motion was made to approve for \$20,000. Howell motion to second, motion passed.

**11-21, 11-22, 11-23, 11-24 – Survey and Maintenance of existing Big Game projects with limited access in (11-21 – Meadow Valley, Mormons, Arrows, Muddy and Virgin Ranges) (11-22 – Las Vegas, Sheep, Delamar, Pahrnagats and Hiko Ranges) (11-23 – Last Chance, Devils, Spectre and Bare Ranges) (11-24 – Spotted, Pntwater, Deser and Sheep Ranges)**

- These four projects were looked at all together, Raine made the first motion, Howell the second motion, all in favor and was approved for \$1,000 to each project.

**11-19 – Guideline for effective placement and use of wildlife water developments in wildlife management area 6**

- Pat Laughlin stated that they would be willing to work with NDOW and involve predator committee and Biologist Kevin Lansford to design something they would be more comfortable with.
- Director Mayer stated that he was opposed to the way it is written, but willing to work with Mr. Laughlin.
- Chairman Lent stated that he did not think they should spend that much money on this project, recommended cutting it back.
- Director Mayer requested they look at other locations.
- Commissioner Howell motioned to approve for \$65,000, Raine second under condition that a letter from the Director to move project out of area 6 if needed. All in favor, motion passed.

#### **11-07 – Regional Mountain Lion Tracking Collars**

- Commissioner Raine stated that he like that this project utilizes funding to capture lions and the use of free labor by utilizing volunteers.
- Chairman Lent asked Kevin Lansford (NDOW) why do we need to collar for depredation hunting, and what are we doing with this information?
- Kevin Lansford stated he had received requests from the field guys could be a valuable tool for them and would be nice to be able to distribute the collars between them. It is hard to express everything we would gain. There are a lot of things about one collared lion that we could apply to the rest of the range. Everything we learn about lions may support good information for lion predation.
- Commissioner Raine asked how long the collars are good for.
- Lansford answered these will be reusable. A couple readings a day last about a year.
- Commissioner Howell we already have a project in sheep range with collared lions.
- Kevin Lansford, there is a study underway, also test site and with UNR.
- Commissioner Raine asked Kevin where they planned to put the collars.
- Kevin Lansford stated that the original intent was to put a couple collars in each region.
- Commissioner Raine stated that he thought the data can be beneficial. Raine motioned to approve \$12,500. Howell seconded the motion. Howell and Raine voted for and Chairman Lent opposed. Motion passed.

#### **11-03 Disease Monitoring for the conservation of terrestrial big game species in Nevada**

- NDOW Wildlife Health Specialist, Peri Wolff, talked to the Committee regarding this project. Peri stated that the BHS issue this year proves we need to be looking at the long range.

- *Chairman Lent asked Peri, what is the least amount you can function with; this project was a priority but not for the full amount.*
- *Peri Wolff stated that there is a new test out there that has been instrumental, technology has changed and the costs are tripled. I utilize money here to help with costs for disease monitoring on all other species, Sage Grouse is an example.*
- *Commissioner Rained moved to approve for the amount of \$10,000.*
- *Peri Wolff stated that just investigating disease cost \$25,000. There is no money for disease monitoring unless it comes out of my budget.*
- *Commissioner Raine stated that this should be budgeted through NDOW's budget for this position to be able to do the job.*
- *Director Mayer replied that in a perfect world you are right, the reason money is here is to fund trap and transport.*
- *Commissioner Howell moved to approved \$25,000, Chairman Lent second, motion passed.*

*Chairman Lent asked Deputy Director Cates if there was any money left. Cates confirmed they were done.*

8. Future Committee Meeting – Chairman Lent – Action
  - *Next meeting to be set by Chairman Lent*
  - *Motion to adjourn – 2:18 p.m.*

**SONY**

VHS Tape for  
Exhibit 8

T-160  
**VHS**

HIGH  
DURABILITY  
DURABLE  
ELEVÉ

#6

Exhibit 8

*DRAFT Minutes*  
 Nevada Board of Wildlife Commissioners' Meeting

1100 Valley Road  
 Reno, NV 89512  
 Final Agenda

RECEIVED

JUN 23 2010

**Friday, May 14, 2010 – 9 a.m.**

COMMISSION  
 Wildlife ETHICS

- 1 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Lent
- 2 Presentation of the Wayne E. Kirch Wildlife Conservation Award – Chairman Lent
- 3 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.
- 4 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.
- 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 will be scheduled on a future Commission agenda.
- 6 Public Comment Period
- 7 Approval of Minutes – Action  
 Commission minutes from the March 19 and 20, 2010, meeting.
- 8 Correspondence – Chairman Lent – Informational  
 The Commission will review and may discuss written items (letters and emails) sent or received by the Commission since the last regular meeting and provide copies for the exhibit file (Commissioners will provide hard copies of their correspondence for the written record).
- 9 Appeal Hearing – Mr. Aaron Hughes - Action  
 The Commission will hear an appeal from Mr. Hughes on the Department of Wildlife's denial of his 2010 Master Guide License
- 10 Commission Policy #50, Duck Stamp Procedure – Management Analyst 3 Kim Jolly -  
 Informational  
 The Commission will conduct a first reading to review recommendations and changes from NDOW staff, including delete the stamp printing sections on the last two pages and update the purpose in order to coincide with the new duck stamp regulation.
- 11 Workshop - Informational
- A Commission General Regulation 375 – Apprentice License - LCB File No. R019- 10 –  
 Program Officer III Maureen Hullinger  
 The Commission may adopt a regulation relating to hunting; providing for the issuance of an apprentice hunting license; requiring a mentor hunter to complete a mentor hunter affidavit for each apprentice hunter he accompanies and directly supervises; restricting mentor hunters to accompanying and directly supervising one apprentice hunter at a time; and providing other matters properly relating thereto.

- B Commission General Regulation 378 – Guide License Changes - LCB File No. R006-10 – Chief Game Warden Rob Buonamici  
The Commission may adopt a regulation relating to wildlife; revising the date after which the Department of Wildlife will not process an application for the issuance or renewal of a master guide license; amending certain examination dates for a master guide license; amending the requirements concerning the amount of insurance a master guide must carry; authorizing the Department to deny, revoke or suspend a guide's license for a conviction of a crime involving physical violence, theft or fraud; and providing other matters properly relating thereto.
- C Commission General Regulation 379 – Junior Hunt Eligibility Changes - LCB File No. R150-09 – Program Officer III Maureen Hullinger  
The Commission may adopt a proposed regulation relating to junior hunts; expanding the period of eligibility for applicants for a junior hunt; revising provisions relating to the number of years for which an applicant may apply for a junior hunt; and providing other matters properly relating thereto.
- D Commission General Regulation 385 – Expired Duck Stamp Purchase - LCB File No. R011-09 – Program Officer III Maureen Hullinger  
The Commission may adopt a proposed regulation relating to state duck stamps; setting forth the price of unexpired state duck stamps; authorizing a person to obtain or purchase an expired state duck stamp under certain circumstances; and providing other matters properly relating thereto.
- 12 University of Nevada, Reno College of Agriculture Main Station – Chairman Lent - Action  
The Commission may draft a letter stating the Commission's position on the potential closure of the University's College of Agriculture and sale of the Main Station.
- 13 Ruby Pipeline Vya Work Camp and NDOW Participation in Routing of Pipeline – Chief of Habitat Dave Pulliam - Action  
The Commission will support or oppose the Department recommendations on the Ruby Pipeline Project Proposal.
- 14 Western Association of Fish and Wildlife Agencies (WAFWA) Annual Conference – Chairman Lent – Action  
The Commission will designate one Commissioner to attend WAFWA's annual conference in Anchorage, Alaska.
- 15 Mule Deer Harvest Strategies – Big Game Biologist Tony Wasley - Informational  
A report will be presented on mule deer harvest strategies and their population level impacts.
- 16 Reports – Informational
- A Mule Deer Restoration Committee – Commissioner Raine
- B CABMW Reports on Mule Deer Overview Efforts Within Each County – CABMW Members
- C Bighorn Sheep Disease Update – Wildlife Staff Health Specialist Peri Wolff
- D Wildlife Damage Management Committee – Commissioner Raine
- E Finance Committee – Commissioner Howell and Deputy Director Patrick Cates
- F All Gifts, Grants, Donations, and Bequests to Nevada Department of Wildlife Presented to Commission for Recognition- Deputy Director Patrick Cates

- G Litigation Report – Deputy Attorney General Nhu Nguyen
- H Department Activities/Leadership Team Notes – Secretary Ken Mayer

**Saturday, May 15, 2010 – 8:30 a.m.**

- 17 Call to Order, Introduction and Roll Call of County Advisory Board Members to Manage Wildlife (CABMW) – Chairman Lent
- 18 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.
- 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.
- 20 Public Comment Period
- 21 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 2011. In accordance with NRS 501.320. The Commission will be asked to approve fiscal year 2011 Advisory Board budgets.
- 22 **Wildlife Heritage Projects – Chairman Lent – Action**  
**The Heritage Committee will provide recommendations to the Commission for approval of projects submitted for funding in fiscal year 2011 and including 2010 projects.**
- 23 Commission Regulation 10 – 01 #1 – Chairman Lent – Action  
Presentation of the Heritage Committee's vendor recommendations to the Commission for approval for the 2011 Heritage tags.
- 24 Commission Regulations – Action
- A Commission General Regulation 375 – Apprentice License - LCB File No. R019 -10 – Program Officer III Maureen Hullinger  
The Commission may adopt a regulation relating to hunting; providing for the issuance of an apprentice hunting license; requiring a mentor hunter to complete a mentor hunter affidavit for each apprentice hunter he accompanies and directly supervises; restricting mentor hunters to accompanying and directly supervising one apprentice hunter at a time; and providing other matters properly relating thereto.
- B Commission General Regulation 378 – Guide License Changes - LCB File No. R006-10 – Chief Game Warden Rob Buonamici  
The Commission may adopt a regulation relating to wildlife; revising the date after which the Department of Wildlife will not process an application for the issuance or renewal of a master guide license; amending certain examination dates for a master guide license; amending the requirements concerning the amount of insurance a master guide must carry; authorizing the Department to deny, revoke or suspend a guide's license for a conviction of a crime involving physical violence, theft or fraud; and providing other matters properly relating thereto. Note: See support material under agenda item #11B.
- C Commission General Regulation 379 – Junior Hunt Eligibility Changes - LCB File No. R150-09 – Program Officer III Maureen Hullinger

The Commission may adopt a proposed regulation relating to junior hunts; expanding the period of eligibility for applicants for a junior hunt; revising provisions relating to the number of years for which an applicant may apply for a junior hunt; and providing other matters properly relating thereto.

- D Commission General Regulation 385 – Expired Duck Stamp Purchase - LCB File No. R011-09 – Program Officer III Maureen Hullinger  
The Commission may adopt a proposed regulation relating to state duck stamps; setting forth the price of unexpired state duck stamps; authorizing a person to obtain or purchase an expired state duck stamp under certain circumstances; and providing other matters properly relating thereto.
- 25 Second Reading, Commission Policy #50, Duck Stamp – Management Analyst 3 Kim Jolly – Action  
The Commission will conduct a second reading to review recommendations and changes from NDOW staff, including delete stamp printing sections on the last two pages and update the purpose in order to coincide with the new duck stamp regulation.
- 26 Commission Regulation 09-01 Amendment #2 – Program Officer III Maureen Hullinger – Action  
The Commission is being asked to approve corrections to Commission Regulation 09 – 01 Amendment #1 to include Fallon Naval Air Station and Nevada Test Site and Training Range restrictions which were omitted in Commission Regulation 09-01Amendment #1.
- 27 Commission Regulation 10-02 – Big Game Quotas 2010 - Big Game Biologist Mike Cox – 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 2010 – 2011.
- 28 Future Commission Meeting – Director Ken Mayer - Action  
The next Commission meeting is scheduled for June 25 and 26, 2010, in Ely; and the Commission will review potential agenda items for that meeting. The Chairman may designate and adjust committee assignments as necessary at this meeting.

Nevada Board of Wildlife Commissioners present for two day meeting:

Chairman Gerald Lent	Vice Chairman Scott Raine	Commissioner Daryl E. Capurro
Commissioner Tom Cavin	Commissioner Howell	
Commissioner Michael McBeath	Commissioner Mori	Commissioner Grant Wallace

Secretary/Director Kenneth E. Mayer	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 Conservation Education Kelly Clark	Joanne Trendler, Administrative Assistant 3
Program Officer III Maureen Hullinger	Chief Game Warden Rob Buonamici
Chief of Habitat Dave Pulliam	Management Analyst III Kim Jolly
Wildlife Staff Specialist Kevin Lansford	

Others in Attendance/Two Day Meeting:

George Corner, NV Outfitters and Guides	Carol Fish, APHIS, Wildlife Services
Mark Jensen, USDA Wildlife Services	Jack Spencer, USDA Wildlife Services
Luke Barto, USDA Wildlife Services	Don Klebenow, self
Gil Yanuck, Carson CABMW	Mel Belding, self
Ben Miller, USDA Wildlife Services	Glen Copeland, Washoe CABMW

Candido P. Mendive, Elko CABMW	Tom Cassinelli, Humboldt CABMW
Paul R. Dixon, Clark CABMW	Randy Lytle, self
Joe Bennett, USDA Wildlife Services	Jack Sengl, USDA Wildlife Services
Zack Bowers, USDA Wildlife Services	Mike Turnipseed, Douglas CABMW
William Miller, White Pine CABMW	Brett Jefferson, NV Bighorns Unlimited, Reno
Tom Wilson, Washoe CABMW/NV Waterfowl Assoc.	Tina Nappe, self
Kevin Strozzi, Nye CABMW	Don Molde, self
Don Sefton, Systems Consultants	Monty Martin, Systems Consultants
Gary Coleman, Pershing CABMW	John James
Shane Boren, White Pine CABMW	Bob Cook, Douglas CABMW
Jeremy Drew, Northern Nevada Safari Club Chap.	Leland Graves, Lyon CABMW
Randy Scilacci Jr., Pershing CABMW	Cory Lytle, Lincoln CABMW
Rick Smith, Washoe CABMW	Rex Flowers, Washoe CABMW
Dan Hill, Pershing County Chukars Unlimited	Judi Caron, self
Dianna Belding, self	Stu Tartaglia, self
John Ellison, Elko County Commission	Assemblyman John Carpenter

**Friday, May 14, 2010**

1 Call to Order, Introduction and Roll Call of CABMW Members – Chairman Lent

Chairman Lent called the meeting to order at 9:07 a.m. and asked the recording secretary for a roll call of the Commissioners present: Chairman Lent, Vice Chairman Scott Raine, Commissioners Capurro, Cavin, Howell, McBeath, Mori and Wallace.

Chairman Lent asked for roll call of CABMW members present: Paul Dixon, Clark; Mike Turnipseed, Douglas; Gil Yanuck, Carson; Candido Mendive, Elko; Glen Copeland, Washoe; Cory Lytle, Lincoln; Bill Miller, White Pine; and Tom Cassinelli, Humboldt.

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

Chairman Lent read the remarks for Mr. Ben Miller's Conservation Award: Ben Miller has worked for the USDA Wildlife Services Division here in Nevada since 2002 and during this time Ben has worked ceaselessly to protect Nevada's native resources utilizing a wide variety of methods, including aerial gunning, and trapping of predators. Mr. Miller was instrumental in designing and implementing a new electronic calling system to increase effectiveness in eliminating predatory wildlife; particularly in Hunt Unit 014. Additionally, Mr. Miller has assisted the Department of Wildlife by recording global positioning system locations of wildlife observed while conducting routine predatory wildlife control work. Mr. Miller has worked countless hours removing lions, coyotes, ravens and other predatory wildlife from hunt Unit 014; protecting mule deer, sage grouse, antelope and other wildlife species. He and Commissioner Howell presented the award and thanked Mr. Miller and said that it is with great pleasure the

Nevada Board of Wildlife Commissioners presents the 2009 Wayne E. Kirch Conservation award to Ben Miller.

3 Approval of Agenda – Action

Commissioner McBeath said since Commissioner Cavin will not be present on May 15 and as the Commission has important items on the agenda related to Heritage projects he would like to have the Commission discuss moving that agenda item to today (Friday) in order for Commissioner Cavin to participate in the vote and move some items to Saturday. He said these items are of importance to the full Commission to vote on, and Heritage is paramount and in the past the Commission has moved items to take into account Commissioners schedules and this item warrants that action for full Commission participation.

Chairman Lent said we have a full agenda and there may be more people here Saturday and the Commission has AN appeal to hear and we have to do the workshops for regulations as we have to vote on those tomorrow.

Commissioner McBeath said we can move the Heritage projects to the June agenda and by then we may have a new Commissioner appointed to participate and moving the item to June would allow Commissioner Cavin and the new appointee to be present.

Commissioner Capurro said he has a concern with the first suggestion is that information is just coming out today and there may be people planning to come Saturday for this very issue and to change the agenda at this point would shut those people out.

Commissioner Cavin said he lost sleep over missing Saturday and was a difficult decision and he agreed that it would be prudent to move the item to June so the full Commission can discuss and vote on Heritage and asked for that change from the Commission as a fellow Commissioner.

Commissioner Wallace said along the lines of Commissioner Capurro's comment that he just received information this morning on the recommendations and there are lots of people who don't know what the recommendations are and for that reason he would agree with suggestion to moving discussion to June.

Deputy Attorney General (DAG) Stockton said for the record that this is a motion to suspend the rules which have to give way to Open Meeting Law, and have language about moving items around and believes the Commission has that discretion to move the item from one day to another, and would be safer for the Commission to delay to June than move the item from tomorrow to today.

leaning toward Option #1 which allows them to function and agrees with looking at it later.

Commissioner McBeath takes issue with Commissioner Raine's statement as everything provided has been very detailed and budgets prepared adequately and he is leaning toward option #1 which falls short of what they asked for and to do the true-up process in September and at that point have an augmentation and work program. He said what occurred in the past is not relevant.

Commissioner Wallace agreed with Commissioners Mori and McBeath and has not been answered to him that we could even fund the boards as requested. He said he supports option #1 and revisiting in fall.

Chairman Lent said the message to CABMWs is to trim budgets and adjust.

Commissioner Capurro concerned with comments with OML and recording secretary and does not want CABMW members exposed to OML violations through actions and his belief that county should pay for part of that and if they don't we can't escape paying for that as it shuts down input from sportsmen and is in favor of option #1.

**COMMISSIONER MCBEATH MOVED TO APPROVE THE CABMW BUDGET REQUESTS AND DO THAT AT THE BUDGET REQUEST FOR FISCAL YEAR 11 NDOW OPTION #1 ON THE SPREADSHEET WITH THE UNDERSTANDING THAT WE WILL REVISIT THIS AS AN AGENDA ITEM ON A FUTURE COMMISSION AGENDA IN DECEMBER AND IF NECESSARY MAKE ADDITIONAL REQUESTS THRU IFC AND WORK PROGRAM AND TRUE UP TO THE BUDGET. COMMISSIONER WALLACE SECONDED THE MOTION.**

DAG Stockton said the spreadsheet for this item is to be numbered into the exhibit file.

Chairman Lent said the document is entitled "FY 11 County Advisory Budget Requests Recommendations" for the exhibit file.

**COMMISSIONER RAINE ASKED TO AMEND THE MOTION TO STATE "REVISIT PRIOR TO THE END OF THE CALENDAR YEAR" TO GIVE STAFF FLEXIBILITY IF THEY CAN GET THE NUMBERS AT THE SEPTEMBER MEETING.**

**COMMISSIONER MCBEATH, THE MOTION MAKER AND THE SECOND, COMMISSIONER WALLACE ACCEPTED THE AMENDMENT.**

Chairman Lent restated the motion: **TO ACCEPT FY 11 NDOW OPTION 1 WITH THE CAVEAT THAT BEFORE THE END OF THE CALENDAR YEAR BRING BACK TO COMMISSION FOR REVIEW AND AUGMENTATION IF NECESSARY.**

Commissioner Howell said Chairman Lent used the word “augmentation” but it could go up or down.

Chairman Lent apologized and said he meant the word “change.”

**THE WORD “CHANGE” WAS ACCEPTED BY THE MOTION MAKER, COMMISSIONER MCBEATH AND THE SECOND, COMMISSIONER WALLACE.**

**COMMISSIONERS IN FAVOR OF THE MOTION: CHAIRMAN LENT, COMMISSIONERS RAINE, CAPURRO, HOWELL, MCBEATH, AND WALLACE. MOTION CARRIED 8 – 0. CHAIRMAN LENT VOTED.**

22 **Wildlife Heritage Projects** – Chairman Lent - Action

DAG Stockton said at this time he would provide a reminder to the Commissioners as we are spending state money, and ethic requirements require that anyone with a third degree of consanguinity or affinity or substantially similar relationship who will benefit from these projects, needs to disclose that before voting as well as business relationships with anyone on this list and if you would benefit you need to recuse yourself from voting, at least the project where you have the conflict.

Commissioner McBeath disclosed that his brother, Bill McBeath, purchased a Heritage tag at the auction this spring at the Safari Club International convention and the dollars we are considering today is not part of those dollars. He said not sure if ethics rules apply on this but wants to make sure until there is a ruling.

Commissioner Raine reviewed the Heritage project recommendations from the committee (exhibit file) which were funded with \$447,318. The committee selected the following projects for funding: 11-01, 2010 – 2011 Big Game Capture, Transplant and Monitoring Program, \$127,446; 11-16, Kelly Creek Water and Wildlife Protection Project, \$9,269; 11-14, Scientific Data Analysis of Factors Influencing Nevada Mule Deer Population Over Time, \$30,000; 11-26, Jackson Mountain Mule Deer Protection, \$86,103; 11-20, Sage Grouse Nesting Survival Wildlife Management Area 6 and 7, \$50,000; 11-17, Lion Depredation in East Range, Tobins, Stillwaters, Clan Alpines and Fish Creek Mountain Ranges, \$18,000; 11-25 Monte Cristo #1 Rebuild with Rail Fence, \$20,000; 11-21 Survey and Maintenance of Existing Big Game Projects with Limited Access in Meadow Valley, Mormons, Arrows, Muddy and Virgin Ranges, \$1,000; 11 - 22 Survey and Maintenance of Existing Big Game Projects with Limited Access in the Las Vegas, Sheep, Delamar, Pahrnagats and Hiko Ranges, \$1,000; 11 – 23 Survey and Maintenance of Existing Big Game Projects with Limited Access in the Last Chance, Devils, Spectre and Bare Ranges, \$1,000; 11 – 24 Survey and Maintenance of Existing Big Game Projects with Limited Access in the Spotted, Pintwater, Desert and Sheep Ranges, \$1,000; 11-19 Wildlife Management Area 6 with wording changes to project location with agreement between NDOW and project proponent, \$65,000; 11-07 Regional

Mountain Lion Tracking Collars, \$12,500; and 11-03 Disease Monitoring for the Conservation of Terrestrial Big Game Species in Nevada, \$25,000.

Chairman Lent said the committee could only fund 40 percent of projects submitted and the committee discussed the projects for about four hours. He said he has a letter from Director Mayer stating support of project 11-20 for \$50,000 which is raven control in Elko County and Cecil Fredi's project 11-26 for \$106,689, but not 11-19 for \$113,000, and committee took out some money out of \$106,000 even though NDOW would support it and put some money back in disease and capture. So we took a little from everybody to try to be fair, and looked at all the projects the same way NDOW does to determine if science based.

DAG Stockton said he is reading NAC 501.300 Sub Section 2 requires that these projects be specific with a description, which you have, requires map, legal description of property, and plan for development of the site. He said he knows this is unusual as everyone wants to work together. The law is clear that these projects have to be specific, so the board does not have authority to approve a project and give the Department money without specifics. However, the Commission could approve the projects and once the specifics are lined out to bring back to the Commission to vote to approve the specifics.

Commissioner Capurro said the area talked about was 031 and some NDOW staff agreed that concern with predators and seems to him we could name 031 and then if something comes up we could come back and readjust that. He said that would be 11-26 and 11-19 the way it is and go in and change the character of it.

DAG Nguyen said a clarifying question under NAC 501.300, what exactly is the Commission approving today, if the application is incomplete. Is the Department charged with going out to work with these two individuals to complete the applications and bring back to the Commission.

DAG Stockton said question is what role the Department has in bringing this back to the Commission. He said his opinion is the proponent needs to bring it back to the Commission for the changes.

DAG Nguyen said the Department agrees that would be the best.

Commissioner Capurro said for example project 11-20 is a project agreed to by the Department and why would we not deal with this the same as other projects.

Director Mayer said except for project 11-19 is a place that we don't agree that \$65,000 of sportsmen's money should be spent. Right now you have Area 6 to deal with and would be agreeing in concept and NDOW would work with Mr. Laughlin and Mr. Laughlin would put together the application and come back and say where he is doing it.

Secretary Mayer said 11-26 would be another one and caveat that we would have money for survey to see if predators are present.

DAG Stockton said these projects need to come locked down before they come to this Commission and doing them on the fly is dicey and in the future he would ask that if you have a project make sure everybody is on board, and because the board is voting and funding projects for things you don't know will even happen and that is a problem under state government. He said for next year make sure you have your project locked down before submitting and this is our work around and probably can make it work.

Commissioner McBeath said from that he understands that we are not going to vote on approving project 11-19 at this meeting as it is insufficient. His reading of the regulation is clear that we cannot approve a project until application completed and that means it would go back to the CABMWs, back to the committee, and back to the Commission. We cannot put the cart before the horse and approve it at this Commission meeting as you cannot backfill, and has to meet the requirements set forth in regulation in detail. He read the requirements, and again, the CABMWs would have all the details, then onto the Heritage Committee for their decision then onto the Commission, and we have no authority other than what is set forth in these rules.

Chairman Lent said we can vote on the Area 6 project as we have a letter from the Director, and the project proponent can meet with Director if he wants to change it, and then bring it back to the Commission for approval of the change. He said we can vote it up or down and the Director and proponent can modify it.

Commissioner Raine said if this goes forward as presented clearly after input from DAG Stockton it would simply be as presented without caveats as obvious in all projects in all areas that if there is a change they have to come back to the Commission for approval.

Commissioner Capurro said we should deal with 11 – 19 and 11 – 26 as stated here and would be in compliance with the program and everyone is aware of intent then the Commission will have to deal with it in the future. If change to what is on this paper that will go back out to the CABMWs for comment as it would be on an agenda.

Commissioner Mori said if we do it for Area 6, if the Department is comfortable with naming Area 6 on this project and voting on it today.

Secretary Mayer said our objection is the Department is not in agreement that Area 6 is supportable from a biological perspective. Last time we made that statement on a project proposal and the Commission approved the project, Wildlife Services decided that without the Department support they could not do the project, and this puts us back in that position. He committed to find a place with Mr. Laughlin. He said your proposing for Mr. Laughlin to modify his proposal, put it on the agenda and then

support material would go out to the CABMWs, and we would have discussion on modifying the proposal. He said Area 6 is not the place to spend these dollars.

Commissioner Mori said he attended the Heritage Committee meeting and was a breath of fresh air for him when he attended the meeting considering the past year and appeared to him that he would commend NDOW and both project proponents for coming together and coming to realization that we could not do business as in previous year and come together to have the projects go forward. With that in mind everyone on same page if we pass these proposals today.

Chairman Lent said acknowledged in meeting that proponents willing to work together and left it up to the Department that if better use they would be cooperative and work it out with projects and will have to come back to work out.

Commissioner Wallace said his understanding is Department is not in favor of Area 6 and proponent is going to come back with different project and if Department does not agree are we in the same place as last year.

Director Mayer said he will have staff churn ideas around and bring ideas to Mr. Laughlin to hammer out something mutually agreeable. May be a combination of adding that money to Jackson money, and all is unknown, and don't think Mr. Laughlin should go out and in his mind figure out the project and come to the Department.

Commissioner Wallace said that is why he is not comfortable voting for this if NDOW is going to be a battle back and forth and no agreement reached between NDOW and Mr. Laughlin. The workable solution is for Department to propose projects for options for Mr. Laughlin.

Chairman Lent said Mr. Laughlin was agreeable to that and stated so at the committee meeting.

Commissioner Raine said he also needed to report that committee approved extensions to previous Heritage 2010 Projects: 10-09, 10-23, 10-26, 10-27, 10-30, as well as extension for 09 – 06.

Public Comment –

Tom Cassinelli, Humboldt CABMW, said he would comment on poor job the Commission has done on Heritage projects. He said he received packet of support material and board tried to find out what Project 11–26 is for Humboldt County from biologist who did not know and no input from sportsmen and have no clue as to what the project is and he is not saying committee did not do right but in the hurry up to get this through the sportsmen had no say in the projects, and if postponed until next meeting the CABMWs could have time to provide input, and conclusion of board at their meeting is

why send the projects to them as no time and the Commission is wasting resource by not allowing this to go to next meeting for a vote and take the time. He said this is sportsman's money and he was here from the start where sportsmen would have input as to where the money would go in the system and we taking that out when voting on this at this meeting. He asked that the vote be postponed for the next meeting and let the counties take a look at the projects and decisions may even stay the same. His point is the system today these projects need to be looked at by the counties.

Rick Smith, Washoe CABMW, said before he comments he would ask on three extensions 10-27, 10-23, and 10-26, what was the dollar value.

Commissioner Raine answered the total is around \$213,200.

Rick Smith, Washoe CABMW, said specifically on projects 10-19 and 10-26, and he attended the meeting and listened and proponents questioned in depth on projects, and projects 10-19, 10-26, and 10-20, total \$201,103 which is 40 percent of what is being voted on today. Last year the total was \$647,000 and the projects that were approved on extensions, 10-23, 10-26, and 10-27 equal \$213,000 and totals \$413,000 over two years, \$1.1 million which is 40 percent of the dollars going to two special interest groups. He has nothing against these special interest groups, but last year the two projects were approved and nothing has happened and now you are looking at voting for two more with no clear definitions. He said he would add that he was the only CABMW member who attended the Heritage Committee meeting and five weighed in and before he attended that meeting he tried to call every chair and asked them why they didn't weigh in and three boards responded that it is because the Commission does not listen to them anyway. Mr. Smith said this is not working, and for the record project 11-01 was one of the best projects they could vote for and appreciates the committee's support for that project. Of 13 recommendations from NDOW only three voted on to approve. Mr. Smith provided the breakdown of CABMW support for the projects and the committee votes and asked does this sound like the voice of the people being listened to.

Drew Jeremy, president Northern Chapter of Safari Club International, said he is representing the group who auctions Heritage tags and we have heard the consternation with the process and will not reiterate those comments, but does feel that having a process or project as vague as 11-19 poses problems. He said the biggest issue is great projects for mule deer that are listed below were left out such as 11-02, 11-04, 11-06, and 11-15. He said over the last few weeks he has met with the Secretary of the Interior and our entire congressional delegation, and his top talking point was wildlife and the federal agencies to be proactive for habitat management and enhancement. He said if he went to them with this list he would be laughed out of their office, which is why he would ask the Commission to reconsider projects 11-02, 11-04, 11-06, and 11-15.

George Corner, representing Nevada Guides and Outfitters and himself as noted as his association has not been polled on all of the items, said last year he testified before the Commission and pointed out the Association's concern with mountain lion eradication, and we are doing the same thing this year, with \$169,000 set aside, and as pointed out on mountain lion depredation there is no sound science behind any of these proposals. He said speaking for himself, specifically on 11 – 19 he testified at Elko CABMW to not support this proposal for reasons brought up as is contentious issue and specifically on 11 – 17 had real concerns with that proposal, as that is a bounty in his opinion, and Mr. Raine is shaking his head, and is not going to address that. He said a subguide working for a master guide, the master guide is present, Gary Coleman who belongs to his association and is a vice president, the subguide does not belong to his association and he has learned that the subguide was approached by a member of this Commission to submit this project proposal and also approached by "a representative" of this Commission, and he would call upon this individual on the Commission to identify himself and point out potential conflict as this puts Commission, the guide, and Guide Association in precarious position. He said one of the 19 areas to lose your guide license is to hunt or kill game for a client and he would put forth that the Commission approaching a guide to submit a proposal to kill mountain lions...(time ended for public comment).

Paul Dixon, Clark CABMW, said to Commissioner Raine for clarification how much did Predator Committee approve for control this year. Second clarification is Heritage fund is generated to impact all wildlife not just large ungulates and we are looking at spending even more than the \$400,000 the Predator Committee has approved to do more augmentations to predator control. He said he recommends if we need more predator money the predator fee should be increased and Heritage fund should be used for wildlife projects that cannot be funded with the predator money. Mr. Dixon said he agreed with statement others made, and would like board to consider appropriate usage. He said he received their package only two days before their meeting, and they voted to support a predator project under Heritage but thinks the majority of Heritage money should be spent on non-predator projects to benefit all wildlife not just the large ungulates.

Candido Mendive, Elko CABMW, said the other CABMW members have been eloquent in their remarks and will not repeat, but his question is on project 11-06 which is a \$1.1 million project, with funding asked for in the amount of \$200,000 from Heritage, with \$500,000 from Question 1, \$100,000 mining Assessment fee, \$200,000 Conservation fee, and \$100,000 Nevada Bighorns Unlimited, and it appears that if you can invest \$200,000 and get \$1.1 million you should do that.

Glen Copeland, Washoe CABMW, said the Governor was asking Commission to get mule deer back and the Department hires biologist position specifically for mule deer and not one of this particular biologist's Heritage proposals was selected for funding and asked that to be explained.

Gil Yanuck, Carson CABMW, said it seems that CABMW recommendations have been overlooked because of all projects we recommended and the ones we did not support every one of them passed. The one project they voted for to support fish at Mason Valley, the biggest producer of fish, does not get supported and wasn't a lot of money and something wrong with that.

Tom Cassinelli, Humboldt CABMW, asked that the Commission take a look at the testimony today and not pressing for time, and get sportsmen input through the CABMWs, and get that input back to the Commission and asked where is the urgency to get this passed at this meeting and move the item to the next meeting.

Bill Miller, White Pine CABMW, said he agreed with the other speakers and said when we apply for activities such as tags or licenses through the Commission we have to have our paperwork completed and done but on this list some of the proponents did not although some did the paperwork correctly. Mr. Miller said he invests and applies for PIW and wants his money on the ground for a good cause as most sportsmen probably do. He asked that the agenda item be postponed until the June meeting to have time to have thorough time to look at all the projects.

Bob Cook, Douglas CABMW, said he will not repeat what has been said as he agrees with all the comments of previous CABMW members. Mr. Cook said if hunter submits applications and is denied for improper information it is not considered. As the Commission they should not consider Heritage applications that are not complete and the Commission wants to alter or change them and instead look at complete applications. He said they made only one recommendation for one project because of lack of information, and asked the Commission to please reconsider sending all the information back to the CABMWs and asked that it be postponed until the June meeting before a decision is made for CABMW input.

Paul Dixon, Clark CABMW, said a speaker spoke from the Guide's Association and made an accusation about an impropriety, and he asked DAG Stockton if accusation made during the meeting, does that have to be resolved before vote taken by the Commission as that would that make the decisions made today null and void or put them in jeopardy. He asked if the Board can proceed when such a charge is levied.

DAG Stockton said the Commission can proceed, as someone who thinks something is improper they can go to courts, the Ethics Commission, and the board uses its discretion to do what is right and many avenues to challenge the decision. The board uses discretion.

Commissioner Capurro said Clark CABMW minutes state that Clark CABMW supported project 11– 26. He said everyone needs to understand that we had \$447,000 with over \$1 million requested for projects, so not everyone will be happy and the majority of the projects that Clark CABMW supported, so did the committee.

Paul Dixon, Clark CABMW, said his comment on that is when he talks about predators and.... (public comment time ended).

Cory Lytle, Lincoln CABMW, said they did not submit recommendations from Lincoln as he was not able to get support material and their recommendation is to revisit this based on questions being brought up.

DAG Nguyen said the Department has additional comments on two projects. On project 11 – 17 she would bring to Commission's attention that description of the project states to kill lions in sheep areas using traps or snares, and that method of take for mountain lions is illegal under state law, and along lines of incomplete applications that there is no breakdown of project costs and from biological standpoint NDOW does not believe there will be any benefit to any deer in those ranges: Tobins, Stillwaters, and Fish Creek. Project 11-14 had written comments submitted by the Department and notably under the section for publicity on page 2 planned for the project there is a statement that oral and written reports will be provided to the Department and Commission and other interested parties, but also states that Maxwell Global will not distribute the information unless its consent is provided, and those two statements are inconsistent.

Director Mayer said the Department is strongly opposed to project 11-14 as it will not produce what they are promising and seems to the Department to be ill-advised to fund this project and he has more information to provide to the Commission later if necessary.

Chairman Lent closed public comment and read letter he received from project proponent striking that statement in publicity section that read no distribution of information can occur without the consent and permission of Maxwell Global, and that is not a condition of funding. He said the letter clearly states that State of Nevada will own the data from the study and he received that letter from the project proponent and when contract written that can be included in the contract.

Commissioner Howell asked if in the motion the project extensions can be considered at that time.

DAG Stockton said the 2009 project extensions were not on the agenda for this meeting and cannot vote on that; however the 2010 projects are on the agenda.

Commissioner Capurro it was my understanding that project 11-15 was withdrawn.

Cory Lytle, Lincoln CABMW, confirmed that project 11-15 was withdrawn as BLM as already worked on three of the five projects and for them to keep it and will it put somewhere else.

Commissioner McBeath asked if the Commission could discuss how we vote on all projects as if they are all considered in one motion based on recommendation of the Heritage Committee, he will abstain himself as he believes that will be illegal and will not be a part. He would like to vote on each project individually as there are good projects, and he asked Chairman to explain procedurally how the Commission will proceed.

Chairman Lent said whatever the motion is and you want to vote on some of your favorite projects you could amend the motion.

Commissioner Wallace said he would ask again to move the vote to June meeting as testimony from CABMWs not having information to look at and he only just saw the recommendation from the committee today himself and several projects he is not comfortable with, and would prefer seeing that we have a full Commission.

**COMMISSIONER RAINE MOVED TO APPROVE THE PROJECTS AS PRESENTED BY THE COMMITTEE INCLUDING EXTENSIONS WITH THE EXCEPTION OF 09-08. COMMISSIONER HOWELL SECONDED THE MOTION.**

Director Mayer asked for clarification of the projects with extensions as they were all approved in 09.

DAG Stockton said the agenda states fiscal year 2011 and including 2010 projects, projects designated as 2010, but not 2009 as no fair notice for the public.

Commissioner Mori said he would comment that while he appreciates the time the committee spent on this as he attended the meeting and having been on the committee in the past he knows it is not easy to decide on projects you don't have the funding for, but he sees no hurry in passing these after hearing comments from public that information presented today that was not presented at committee hearing and sees no reason not to postpone the vote.

Chairman Lent said the committee spent many hours looking at this during the meeting and it went out to the CABMWs and would like to see this move forward and you could amend the motion if you have a special project as everyone has a special interest.

Commissioner Mori said he would like to amend the motion then as he had different projects than the committee and respects their view, and for project 11 – 04, would like to replace project 11 – 14 which is a \$30,000 project and 11 – 04 is \$33,000 and by a vote of the Commission could be changed to \$30,000.

Chairman Lent said he would ask the motion maker to accept the amendment.

Commissioner Raine said this project 11 – 14 as the support material that came with it is a project that has a value of \$200,000 for \$30,000 and he has a total different reading on its value although he has trepidation as for a study, but two Ph.ds. who are very esteemed are the proponents and this may provide a different perspective and might not, and therefore will stick with original motion.

**COMMISSIONER MORI MOVED TO AMEND FIRST MOTION AS STATED EARLIER, REPLACING PROJECT 11 -14 WITH PROJECT 11 – 04. COMMISSIONER WALLACE SECONDED THE MOTION. COMMISSIONERS IN FAVOR OF AMENDMENTS: MORI AND WALLACE. COMMISSIONERS OPPOSED: RAINE, HOWELL, AND CAPURRO. COMMISSIONER MCBEATH ABSTAINED NOT BECAUSE HE DOES NOT AGREE WITH AMENDMENT BUT BECAUSE AMENDING SOMETHING HE DOES NOT AGREE WITH. MOTION TO AMEND FAILED 2 – 3, COMMISSIONER MCBEATH ABSTAINED AND CHAIRMAN LENT DID NOT VOTE.**

**COMMISSIONERS IN FAVOR OF ORIGINAL MOTION: RAINE, HOWELL, AND CAPURRO. COMMISSIONERS OPPOSED MORI AND WALLACE. COMMISSIONER MCBEATH ABSTAINED, AND CHAIRMAN LENT DID NOT VOTE.**

23 Commission Regulation 10 – 01 #1 – Chairman Lent - Action

Commissioner Raine said the committee discussed this matter at length and believes they came up with a fair distribution with four of the premium tags given to separate vendors. He said there was one application received slightly late, from Mule Deer Foundation and voted to allocate one mule deer tag to them; Safari Club one mule deer tag; one antelope tag to Pershing County Chukar Club; one antelope tag to Nevada Waterfowl Association; one Rocky Mountain elk tag to Safari Club; one Rocky Mountain elk tag to Nevada Bighorns Unlimited; one Nelson bighorn sheep tag to Wild Sheep Foundation; one California bighorn sheep tag to Wild Sheep Foundation Midwest Chapter; and two wild turkey tags to National Wild Turkey Federation Las Vegas Strutters; one turkey tag to National Wild Turkey Federal Silver Sage Chapter; and two turkey tags to Safari Club Northern Nevada Chapter.

Public Comment –

Jeremy Drew, president Safari Club International Northern Nevada Chapter, said for the record he appreciates the committee recommendations and trusts that his organization could adequately represent these tags; however, how the funds from the Heritage Account have been allocated today and with the potential for illegitimate activity and the CABMWs not represented as well he rescinded their request for any tags. He said the tags are one mule deer, one elk, and two wild turkeys tags.

Judi Caron, representing herself, said to the Commission that she attended the Washoe CABMW meeting and she supports their recommendation that they came forth and has a question with awarding a group a tag whose application she did not see on the website and with a deadline date stated in Commission Policy 10 that all applicants for tags will submit applications by third Monday in April and also says Commission will review the vendors at this meeting and if someone could answer that. How can they obtain a tag when they did not follow Commission Policy 10.

Chairman Lent said they submitted it two weeks late and Commission advised that we could consider late applications.

Ms. Caron said the decision to accept the application was made by the committee not the full Commission and she is opposed to awarding a tag to a group who submitted their application late when there were four other groups asking for the mule deer tag and the Commission should follow Policy #10.

Glen Copeland, Washoe CABMW, said at their meeting they did not have the application for the Mule Deer Foundation and if he remembers correctly this is not the first time they have been late, and as they did not have the application their recommendation for the mule deer tag was for Nevada Bighorns Unlimited-Reno to receive the tag. On California bighorn sheep their recommendation was for Nevada Bighorns Unlimited-Reno, as the Wild Sheep Foundation-Midwest Chapter's proposal was vague and not that familiar with them.

Dan Hill, Pershing County Chukars Unlimited, said he is here to ask for consideration of Pershing County Chukars for an antelope tag.

Paul Dixon, Clark CABMW, said this agenda item was added right before their meeting so that they could not amend their agenda to take public comment. He said the agenda was so full that they could not adequately cover all the topics in their three hour meeting and are not allowed by budget constrictions to have a special or extra meeting. He said he would like the final agenda and support material two weeks before hand so that they can cover the topics.

Chairman Lent said the reason the Commission put Mule Deer Foundation is because in 2009 they got \$49,000 for the deer tag and that generates the maximum amount for the tag and they are a good vendor and still should keep them even though they were late.

Commissioner Capurro said much discussion and even though there is a deadline, it is up to the Commission to accept, and agrees that a deadline should be a deadline, and need to emphasize that for next year and understands Mule Deer Foundation had extenuating circumstances for getting the application in late.

Exhibit 9

**2. MULE DEER ENHANCEMENT PROJECT: AREA 6** RECEIVED

JUN 23 2010

COMMISSION ON ETHICS

**Heritage Proposal number:** 10-26  
**Original proponent:** Nevada Alliance 4 Wildlife (Pat Laughlin)  
**Proposed project inception:** 2010 (March 1, 2010)  
**Total Heritage Trust Fund requested:** \$566,000 for 5 years  
**Total Heritage Trust Fund approved:** \$112,000 (Fiscal Year 2010)

**Project Description:** A predation management project for the enhancement of mule deer fawn survival and recruitment in Management Area 6 is proposed. Coyotes and mountain lions are to be targeted for lethal control where they occur relative to remaining identified mule deer spring, summer, and winter range in Area 6.

Predation management activities will be performed by contracted personnel (USDAAPHIS WS) using currently approved techniques, under the direction of and in cooperation with, the Nevada Department of Wildlife.

**Project Area:** Area 6 (Lander and Elko County)  
**Targeted Species:** Coyotes and mountain lions  
**Control Period:** 2010 (February 1, 2010- February 1, 2011)  
**Projected Expenditures:**  
**Category Estimated expenditure**  
USDA-APHIS WS \$112,000.00  
**Total \$112,000.00**

**Control Effort and Techniques:** Control efforts will target coyotes and mountain lions in Area 6 in an attempt to promote mule deer population success by improving fawn survival and recruitment. Control methods may involve snares, aerial hunting (both fixed wing and rotor craft), houndsmen, and leg-hold traps, call boxes, denning, calling and shooting.

**Monitoring:** NDOW is requested to perform comprehensive pre and post treatment monitoring outside of the scope of this heritage project funding before the control efforts begin and prior to the same time period 2011.

## **1. SAGE GROUSE ENHANCEMENT PROJECT: AREAS 6 and 7**

**Heritage Proposal number:** 10-27

**Original proponent:** Nevada Alliance 4 Wildlife (Pat Laughlin)

**Proposed project inception:** 2010

**Total Heritage Trust Fund requested:** \$250,000 for 5 years

**Total Heritage Trust Fund approved:** \$50,000 (Fiscal Year 2010)

**Project Description:** A predation management project is proposed for the enhancement of sage grouse nesting success, recruitment and survival in Management Areas 6 and 7. Known sage grouse predators (i.e. ravens, coyotes, badgers, skunks) will be targeted for lethal control where they occur relative to specific lek sites in Areas 6 and 7 during the spring/summer period of active nesting behavior. In particular, lek sites in the vicinity of land-fill locations near Jackpot, NV (Unit 076) will be targeted for intensive predator control. Predation management activities will be performed by contracted personnel (USDA-APHIS WS) using currently approved techniques, under the direction of and in cooperation with, the Nevada Department of Wildlife.

**Project Area:** Areas 6 and 7

**Targeted Species:** Ravens, coyotes, badgers, skunks

**Control Period:** 2010

**Projected Expenditures:**

**Category Estimated expenditure**

USDA-APHIS WS \$50,000.00

**Total \$50,000.00**

**Control Effort and Techniques:** Control efforts will target predatory ravens, coyotes, badgers, and skunks during sage grouse spring & summer nesting activity (March 1st through June 30th 2010) in and around designated leks in an attempt to promote sage grouse survival, nesting success and recruitment. Methods of control may include distribution of chicken eggs treated with DRC-1339. Lethal control of ravens may only be performed under permit from the US Fish and Wildlife Service; the permittee is legally required to abide by the conditions of the permit. Coyote control will be accomplished by aerial hunting, trapping, calling and shooting. Badger and skunk control will be trapping and shooting.

**Monitoring:** NDOW is requested to perform comprehensive pre and post treatment monitoring outside of the scope of this heritage project funding before the control efforts begin and prior to the same time period 2011.

STATE OF NEVADA  
 BOARD OF WILDLIFE COMMISSIONERS  
**WILDLIFE HERITAGE TRUST ACCOUNT PROJECT PROPOSAL**  
 PROJECT PROPOSAL NUMBER (NDOW Use Only) # 11-19

Person/Organization/Agency Nevada Alliance 4 Wildlife  
 (The name on the above line will be used throughout the entire Heritage proposal process and if a contract is required, this name will be listed as the contractor.)

Primary Contact:  
 Name: Pat Laughlin  
 Title: Chairman

Address: 371 Mountain City Highway #7  
 City: Elko State Nevada Zip Code 89801  
 Telephone No. (775) 738-5245, c 778-5724 ( ) Home ( ) Office  
 Fax No. (775) 738-2117 ( ) Home ( ) Office

Secondary Contact:  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Telephone No. ( ) \_\_\_\_\_ ( ) Home ( ) Office  
 Fax No. ( ) \_\_\_\_\_ ( ) Home ( ) Office

Project title:  
Wildlife Management Area 6  
 Description of project (Include site plan if applicable):  
see attached

How does this project meet the objectives of the Wildlife Heritage program?  
This project will enhance protection, propagation, restoration, and management of mule deer

in Area 6

Project location (attach map): Nevada wildlife management area 6  
 Project duration: 5 years  
 Anticipated inception date: July 1, 2010  
 Anticipated completion date: June 30, 2014

**Please note, your TOTAL PROJECT FUNDING must equal your TOTAL PROJECT COSTS**

**PROJECT FUNDING BREAKDOWN**  
**Total Heritage Trust Fund requested \$ 566000.00 for five years**  
 Nevada Department of Wildlife funding \$ \_\_\_\_\_  
 Applicant cash funds contributed \$ \_\_\_\_\_  
 Federal Government cash funding (agency):  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 Other cash funds:  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

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\_\_\_\_\_ \$ \_\_\_\_\_  
 Donated/non cash funding : \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL PROJECT FUNDING \$ 566000.00**

(All funding provided by the federal government or "other," require a letter of funding intent by each agency, group or individual.)

**PROJECT COST BREAKDOWN**

Pre Agreement costs: \_\_\_\_\_ \$ \_\_\_\_\_  
 Project/Development costs: \_\_\_\_\_ \$ \_\_\_\_\_  
 Land Acquisition costs: \_\_\_\_\_ \$ \_\_\_\_\_

Personnel costs:  
 (NDOW employee salary costs are not included in Heritage project total)  
 Wildlife Services \_\_\_\_\_ \$ 55000.00 per year  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

Equipment costs:  
 Hire camp and vehicle \_\_\_\_\_ \$ 22000.00 per year  
 Aerial hunting \_\_\_\_\_ \$ 17000.00 per year  
 Dog and horse hire \_\_\_\_\_ \$ 2500.00 per year

Miscellaneous costs:  
 Supplies \_\_\_\_\_ \$ 200.00 per year  
 ADC Administrative costs \_\_\_\_\_ \$ 16000.00 per year  
 \_\_\_\_\_ \$ \_\_\_\_\_

Per Diem/Mileage costs:  
 (NDOW employees must separately list per diem and mileage)  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

Donated/non cash costs:  
 Is there to be non-cash donations or in kind match?  
 ( ) No ( ) Yes If yes, please list the types:  
 Estimated labor hours: \_\_\_\_\_ x rate per hour \$ \_\_\_\_\_ \$ \_\_\_\_\_  
 Equipment item & fair market dollar value:  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

Other item & fair market dollar value:  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL PROJECT COSTS: \$ 113200.00 per year**

(Reimbursement will only be made for actual delivered goods or services of outside vendors.)

Is there going to be any ongoing costs for this project? ( ) No ( ) Yes

If yes, will these costs be: ( ) Annual ( ) Monthly ( ) Other: \_\_\_\_\_

Type of costs:  
 same as above \_\_\_\_\_ \$ 113200.00 per year  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

If there are ongoing costs associated with this project, is there an anticipated funding source to provide for such ongoing cost? ( ) No ( ) Yes

If yes, what is the anticipated funding source:  
 \_\_\_\_\_ \$ \_\_\_\_\_

\$

Describe if proposed project addresses any current issues or specific concerns:  
See attached

What publicity do you have planned for this project?

How will you give credit to the Heritage Trust Account and other funding sources?

Describe any potential negative side effect that this project may create:

Some projects may require applicant to obtain additional permits/studies/clearance documents and these items should be attached, or if they will be obtained at a later date, the estimated date and name of document/approval should be indicated by an attachment to this application. Assistance in determining which permits/studies/clearances might pertain to your project, please contact the Nevada Department of Wildlife. Some

examples are as follows:

May require verification of compatibility with appropriate federal land management plan.

May require appropriate NEPA Compliance Document.

May require appropriate cultural resource clearance

May require appropriate special use permit or permission as deemed appropriate by the Federal Land Management Agency.

Agency.

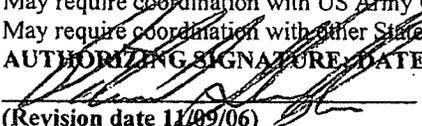
May need to confer and if necessary consult with USFWS under Section 7 of Endangered Species Act and provide

appropriate documentation.

May require coordination with US Army Corps of Engineers and may require permitting.

May require coordination with other State of Nevada and/or Governmental Agencies.

AUTHORIZING SIGNATURE: DATE:

 2/27/10

(Revision date 11/09/06)

STATE OF NEVADA  
 BOARD OF WILDLIFE COMMISSIONERS  
**WILDLIFE HERITAGE TRUST ACCOUNT PROJECT PROPOSAL**  
 PROJECT PROPOSAL NUMBER (NDOW Use Only) # 11-20

Person/Organization/Agency Nevada Alliance 4 Wildlife  
 (The name on the above line will be used throughout the entire Heritage proposal process and if a contract is required, this name will be listed as the contractor.)

**Primary Contact:**

Name: Pat Laughlin

Title: Chairman

Address: 371 Mountain City Highway #7

City: Elko State Nevada Zip Code 89801

Telephone No. (775) 738-5245, c 778-5724 ( ) Home ( ) Office

Fax No. (775) 738-2117 ( ) Home ( ) Office

**Secondary Contact:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_ ( ) Home ( ) Office

Fax No. ( ) \_\_\_\_\_ ( ) Home ( ) Office

**Project title:**

Sage Grouse Nesting Survival Wildlife Management Areas 6 and 7

**Description of project (Include site plan if applicable):**

Suppress raven predation on sage grouse nests by using USDA APHIS Wildlife Services to plant

chicken eggs treated with DRC-1339 in sage grouse areas during nesting periods March-June.

**How does this project meet the objectives of the Wildlife Heritage program?**

This project will enhance protection, propagation, restoration, and management of sage grouse.

in Areas 6 and 7. According to NDOW records, over 800 sage grouse leks are located in Elko

County. With the question of the status of sage grouse at the present time, in the State of Nevada,

these birds should be given all the added protection from predators that can be afforded.

**Project location (attach**

**map):** Nevada wildlife management areas 6 & 7

Project duration: 5 years

Anticipated inception date: July 1, 2010

Anticipated completion date: June 30, 2014

**Please note, your TOTAL PROJECT FUNDING must equal your TOTAL PROJECT COSTS**  
**PROJECT FUNDING BREAKDOWN**

**Total Heritage Trust Fund requested \$** 250000.00 **for five years**

Nevada Department of Wildlife funding \$ \_\_\_\_\_

Applicant cash funds contributed \$ \_\_\_\_\_

Federal Government cash funding (agency):

\_\_\_\_\_ \$

\_\_\_\_\_ \$

Other cash funds: \_\_\_\_\_ \$

\_\_\_\_\_ \$

\_\_\_\_\_ \$

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\_\_\_\_\_ \$  
 Donated/non cash funding : \_\_\_\_\_ \$  
 \_\_\_\_\_ \$

**TOTAL PROJECT FUNDING \$ 250000.00 for five years**

(All funding provided by the federal government or "other," require a letter of funding intent by each agency, group or individual.)

**PROJECT COST BREAKDOWN**

Pre Agreement costs:

\_\_\_\_\_ \$  
 Project/Development costs: \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 Land Acquisition costs: \_\_\_\_\_ \$

Personnel costs:

(NDOW employee salary costs are not included in Heritage project total)  
 Wildlife Services projected cost at \_\_\_\_\_ \$ 50000.00 per year  
 \$500 per location covering 100 leks out of \_\_\_\_\_ \$  
 reported 800 leks located in Elko County \_\_\_\_\_ \$

Equipment costs:

\_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$

Miscellaneous costs:

At the discretion of APHIS personnel, other \_\_\_\_\_ \$  
 suppression methods may be utilized to target \_\_\_\_\_ \$  
 predator species found destroying sage grouse \_\_\_\_\_ \$

Per Diem/Mileage costs:

(NDOW employees must separately list per diem and mileage)  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$

Donated/non cash costs:

Is there to be non-cash donations or in kind match?  
 ( ) No ( ) Yes If yes, please list the types:  
 Estimated labor hours: \_\_\_\_\_ x rate per hour \$ \_\_\_\_\_ \$  
 Equipment item & fair market dollar value:  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$  
 Other item & fair market dollar value:  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$

**TOTAL PROJECT COSTS: \$ 50000.00 per year**

(Reimbursement will only be made for actual delivered goods or services of outside vendors.)

Is there going to be any ongoing costs for this project? ( ) No ( ) Yes

If yes, will these costs be: ( ) Annual ( ) Monthly ( ) Other: \_\_\_\_\_

Type of costs:

same as above \_\_\_\_\_ \$ 50000.00 per year  
 \_\_\_\_\_ \$  
 \_\_\_\_\_ \$

If there are ongoing costs associated with this project, is there an anticipated funding source to provide for such

ongoing cost? ( ) No ( ) Yes

If yes, what is the anticipated funding source:

\_\_\_\_\_ \$

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Describe if proposed project addresses any current issues or specific concerns:  
Wildlife Services observations indicate that a 90% or higher reduction in localized raven numbers can  
be achieved by placing DRC-1339 treated chicken eggs near known sage grouse nesting areas.

What publicity do you have planned for this project?

\_\_\_\_\_

\_\_\_\_\_

How will you give credit to the Heritage Trust Account and other funding sources?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe any potential negative side effect that this project may create:

\_\_\_\_\_

\_\_\_\_\_

Some projects may require applicant to obtain additional permits/studies/clearance documents and these items should be attached, or if they will be obtained at a later date, the estimated date and name of document/approval should be indicated by an attachment to this application. Assistance in determining which permits/studies/clearances might pertain to your project, please contact the Nevada Department of Wildlife. Some examples are as follows:

- May require verification of compatibility with appropriate federal land management plan.
- May require appropriate NEPA Compliance Document.
- May require appropriate cultural resource clearance
- May require appropriate special use permit or permission as deemed appropriate by the Federal Land Management Agency.
- May need to confer and if necessary consult with USFWS under Section 7 of Endangered Species Act and provide appropriate documentation.
- May require coordination with US Army Corps of Engineers and may require permitting.
- May require coordination with other State of Nevada and/or Governmental Agencies.

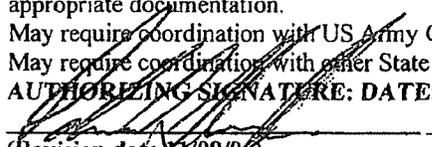
**AUTHORIZING SIGNATURE: DATE:**  
 2/27/10  
(Revision date 11/09/06)

Exhibit 10



Fish Boat Hunt Wildlife & Habitat Learn & Participate Licenses & Laws Our Agency Corr



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## Learn & Participate

### Nevada Wildlife Commission - Members

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Board of Wildlife Commissioners		
NAME	ADDRESS	TELEPHONE HOME - BUSINESS
<b>DR. GERALD A. LENT O.D.</b> Chairman  *Sportsmen (2011)	5100 West Acoma Rd Reno, NV 89511	(775) 852-4636 (H)  <a href="mailto:nbwcinfo@ndow.org">nbwcinfo@ndow.org</a>
<b>SCOTT RAINE</b> Vice Chairman  *Sportsmen (2010)	90 Nob Hill Avenue P.O. Box 812 Eureka, NV 89316	(775) 237-7064 (H) (775) 318-0506 (C)  <a href="mailto:scott@scottraine.com">scott@scottraine.com</a>
<b>Vacant</b>  *General Public (2012)	N/A	N/A
<b>THOMAS CAVIN</b>  *Sportsmen (2011)	2060 Maison Way Carson City, NV 89703	(775) 720-2470 (cell)  <a href="mailto:nbwcinfo@ndow.org">nbwcinfo@ndow.org</a>
<b>MICHAEL McBEATH</b>  *Sportsmen (2011)	2216 Timber Rose Dr. Las Vegas, NV 89134	(702) 401-1848 (H)  <a href="mailto:nbwcinfo@ndow.org">nbwcinfo@ndow.org</a>
<b>DARYL CAPURRO</b>  *Conservation (2012)	748 S. Meadows Parkway Suite A-9 Reno, NV 89521-4841	(775) 852-7161 (H) (775) 742-8368 (M) (775) 852-6343 (F)  <a href="mailto:dcapurro@charter.net">dcapurro@charter.net</a>

<p><b>PETE MORI</b>  *Ranching (2010)</p>	<p>HC 32 Box 290 Tuscarora, NV 89834</p>	<p>(775) 756-6553 (H) (775) 756-6553 (W)  <a href="mailto:nbwcinfo@ndow.org">nbwcinfo@ndow.org</a></p>
<p><b>CHARLES HOWELL</b>  *Sportsmen (2012)</p>	<p>5900 W. Gowan Road Las Vegas, NV 89108</p>	<p>(702) 561-0928 (M)  <a href="mailto:how7char@aol.com">how7char@aol.com</a></p>
<p><b>GRANT WALLACE</b>  *Farming (2011)</p>	<p>HC 72 Box 02200 Dyer, NV 89010</p>	<p>(775) 572-3154  <a href="mailto:nbwcinfo@ndow.org">nbwcinfo@ndow.org</a></p>

**Attend a meeting or contact the board with your ideas and concerns.**

The 9-member, governor-appointed Nevada Board of Wildlife Commissioners is responsible for establishing budgets, and receiving input on wildlife and boating matters from entities such as the 17 county advisory board.

\*Denotes the area of interest which the commissioner represents, followed by the year their term will be

Copies of correspondence should be sent to the secretary's office at 1100 Valley Road, Reno, NV 8951

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