

## Nevada Board of Wildlife Commissioners' Meeting Agenda

Due to the ongoing challenges surrounding COVID-19, this meeting will be held virtually via Zoom.

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

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

***If you wish to make public comment, please use this link for Friday, November 5, 2021.***

<https://us02web.zoom.us/j/88548609174?pwd=SXITQ3JNVUV4Y1Ruem13WEorYXhEZz09>

**Meeting materials are available at:** [http://www.ndow.org/Public\\_Meetings/Com/Agenda/](http://www.ndow.org/Public_Meetings/Com/Agenda/)

Public comment will be taken on each action item following Commission discussion and before any action is taken. **Persons wishing to comment are invited to raise their virtual hands in the Zoom virtual meeting forum during the appropriate time; each person offering public comment during this period will be limited to not more than three minutes.** The Chair may allow persons representing groups to speak for six minutes. Persons may not allocate unused time to other speakers. Persons are invited to submit written comments on items prior to the meeting at [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org). Public comment will not be restricted based on viewpoint. To ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments to avoid the appearance of deliberation on topics not listed for action on the agenda. Minutes of the meeting will be produced in summary format.

**FORUM RESTRICTIONS AND ORDERLY BUSINESS:** The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place, and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of public comment that may be reasonably limited.

Please provide the Board of Wildlife Commissioner ("Commission") with the complete electronic of written copies of testimony and visual presentations to include as exhibits with the minutes. Minutes of the meeting will be produced in summary format.

### **Friday, November 5, 2021 – 8:00 a.m.**

- 1. Call to Order, Pledge of Allegiance, Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairwoman East**
- 2. Approval of Agenda – Chairwoman East – For Possible Action**  
The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.
- 3.\* Approval of Minutes – Chairwoman East – For Possible Action**  
Commission minutes may be approved from the September 24, 2021 meeting.
- 4. Member Items/Announcements and Correspondence – Chairwoman East – Informational**  
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.

5. **County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational**  
CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
  
6. **Reports - Informational**
  - A. **Department Activity Report – Secretary Wasley and Division Administrators**  
A report will be provided on Nevada Department of Wildlife activities.
  
  - B. \* **Litigation Report – Deputy Attorney General Craig Burkett**  
A report will be provided on Nevada Department of Wildlife litigation.
  
  - C. **Wayne E. Kirch 2018 Award Presentation – Chairwoman East**  
Chairwoman East will present the 2021 Wayne E. Kirch Award that acknowledges a deserving individual, nonprofit organization, outdoor sports club, or business who have achieved significant results toward the conservation, management, or enhancement of wildlife in the State of Nevada during the last calendar year.
  
  - D. **Predation Management Fiscal Year 2021 Report – Wildlife Staff Specialist Pat Jackson**  
The Game Division will present the 2021 Predation Management Report Per Commission Policy 23, the Department shall prepare an annual Predation Management Status Report (Status Report) detailing results of the previous fiscal year's projects. This status report shall be presented at the last Commission meeting of each calendar year.
  
  - E. **Tag Allocation and Application Hunt Committee (TAAHC) Report – Committee Chairman Tommy Caviglia**  
A report will be provided on the recent TAAHC meeting. *Committee webpage:*  
[http://www.ndow.org/Public\\_Meetings/Committees/Tag\\_Allocation\\_and\\_Application\\_Hunt/](http://www.ndow.org/Public_Meetings/Committees/Tag_Allocation_and_Application_Hunt/)
  
  - F. **Mule Deer Enhancement Oversight Committee – Chairman Kiel and Game Division Administrator Mike Scott**  
A report will be provided on the recent Mule Deer Enhancement Oversight Committee meeting. *Committee webpage:*  
[http://www.ndow.org/Public\\_Meetings/Committees/Mule\\_Deer\\_Enhancement\\_Oversight\\_Committee/](http://www.ndow.org/Public_Meetings/Committees/Mule_Deer_Enhancement_Oversight_Committee/)
  
7. **Administrative Procedures, Regulations and Policy (APRP) Committee Report – Chairman McNinch**  
A report will be provided on the recent APRP Committee meeting. *Committee webpage:*  
[http://www.ndow.org/Public\\_Meetings/Committees/Administrative\\_Procedures\\_Regulations\\_and\\_Policy/](http://www.ndow.org/Public_Meetings/Committees/Administrative_Procedures_Regulations_and_Policy/)
  - A. \***Commission Policy 1, General Guidelines for the Commission – First Reading – APRP Committee Chairman David McNinch – For Possible Action**  
The Commission will have a first reading of Commission Policy 1, General Guidelines for the Commission, and may take action to repeal or revise the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

**B. \*Commission Policy 10, Heritage Tags and Vendors – First Reading – APRP  
Committee Chairman David McNinch – For Possible Action**

The Commission will have a first reading of Commission Policy 10, Heritage Tags and Vendors, and may take action to repeal or revise the policy. The commission may advance the policy to a second reading for possible adoption at a future meeting.

**8. Modernization of the Statewide Elk Species Management Plan – Staff Specialist Cody McKee – For Possible Action**

The Nevada Elk Species Management Plan (ESMP) was approved in 1997. Over the last 25 years, the Department has adopted various techniques, technologies, and harvest guidance designed to improve elk management in Nevada and some of these practices are not specifically described within the ESMP. Further, certain portions of the ESMP may be outdated and may require revision. The Department requests the Commission's approval to begin the evaluation and review process of the ESMP.

**9. Adjustments to Meeting Intervals for Coordination and Oversight Teams responsible for Overseeing Existing Elk Management Sub-Plan – Staff Specialist Cody McKee – For Possible Action**

Language in several local elk management sub-plans stipulate the Coordination Oversight Team (COT) hold annual meetings to discuss various aspects of elk management within the planning area. Achieving a voting quorum during these meetings has been difficult in recent years. The Department requests the Commission's approval to hold COT meetings with requested by team members of to address emerging management needs rather than on an annual basis.

**10. Commission General Regulations – Adoption/Public Comment Allowed**

**A.\* Commission General Regulation 499, Bonus Point Only Application Period – Management Analyst Megan Manfredi – For Possible Action**

The Commission will review language amending NAC 502 chapters that would decouple the hunt application periods from bonus point purchase periods, remove the requirement for a 7-day bonus point only purchase period, and allows for the creation of a separate period for bonus point purchases to facilitate a more timely draw process and potentially provide increased opportunity for customers to obtain a bonus points in the future. The change also outlines the definitions for "awarded" or "successful" relative to obtaining a big game tag.

**11. Commission General Regulations – Workshop/Public Comment Allowed**

**A.\* Commission General Regulation 503, LCB File No. RXXX-XX, Predator and Fur-bearing Contests – Commissioner McNinch – For Possible Action**

The Commission will hold a workshop to discuss potential language on predator and fur-bearing contests proposed by Commissioner McNinch.

**12. Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairwoman East – For Possible Action**

The next Commission meeting is scheduled for January 28 and 29, 2022. The Commission will review and discuss potential agenda items for that meeting. The Commission may change Commission meeting dates, times, and locations at this time. The chairman may designate and adjust committee assignments and add or dissolve committees, as necessary. Any anticipated committee meetings that may occur prior to the next Commission meeting may be discussed.

**13. Public Comment Period**

Public comment will be limited to three minutes. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

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

Notice to the Public: Nevada Department of Wildlife receives Federal Aid in Fish and/or Wildlife Restoration. The U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, gender, or disability. Individuals with hearing impairment may contact the Department at 775-688-1500 via a text telephone (TTY) telecommunications device by first calling the State of Nevada Relay Operator at 1-800-326-6868. Disabled individuals in need of special services should contact the Department prior to the meeting at (775) 688-1599 or [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org).

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## MEMORANDUM

**To:** Nevada Board of Wildlife Commissioners  
Tony Wasley, Director, Nevada Department of Wildlife

**From:** Craig Burkett, Senior Deputy Attorney General

**Date:** October 7, 2021

**Subject:** Litigation Update

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1. *United States, et al. v. Truckee-Carson Irrigation District, et al.* (9th Circuit, San Francisco). An appeal of a judgment against the TCID for excess diversions of water. NDOW appealed to protect its water rights and interests. The 9th Circuit dismissed NDOW from the case: “[NDOW was] not injured or affected in any way by the judgment on remand from *Bell*, and thus do not have standing on appeal.” In a subsequent appeal the 9th Circuit ruled that the “Tribe is entitled to recoup a total of 8,300 acre-feet of water for the years 1985 and 1986.” *U.S. v. Truckee-Carson Irrigation Dist.*, 708 Fed.Appx. 898, 902 (9th Cir. Sept. 13, 2017). TCID recently filed a Motion for Reconsideration based on *Kokesh v. Securities and Exchange Commission*, 137 S.Ct.1635 (2017). Argument on the Motion was heard February 4, 2019 and TCID’s Motion was denied. Since then, the parties have begun debating the calculations for satisfaction of the prior judgment. The parties submitted briefs explaining their view of the respective calculations and had a hearing on September 29, 2020 before Judge Miranda Du.

2. *United States and Walker River Paiute Tribe v. Walker River Irrigation Dist., et al. (Walker River Litigation)*, (USDC, Reno). This action involves federal, tribal and Mineral County claims for additional water from Walker River, in addition to those already established by the Walker River Decree. NDOW and others moved to dismiss certain claims against groundwater rights by the United States.

*Subfile 3:73-CV-00127-RCJ-WGC (federal reserved rights)*

*This case involves claims by the United States for federal reserved water rights for all federal lands on the Walker River system. All claims are stayed except those concerning the Walker River Indian Reservation.*

Currently, this case is before the District Court on remand from the Ninth Circuit Court of Appeals' May 22, 2018, decision. *The United States and the Tribe filed Amended Counterclaims on May 3, 2019. Answers to the Counterclaims were filed on August 1, 2019.* The next deadline is February 19, 2020 for the principle defendants and the United States to agree to a discovery plan. This deadline was extended from November 22, 2019.

On May 28, 2015, the District Court ruled that the United States' action to acquire federal reserved water rights for the Walker River Paiute Tribe and several smaller tribes within the Walker River watershed were to be dismissed on "preclusion"; a doctrine that means the U.S. had its chance to make claims at the time of the original decree but failed to do so and thus cannot make them now.

On May 22, 2018, the Ninth Circuit Court of Appeals reversed the District Court's decision mostly based on the fact that the United States and the Tribe had not been given a chance to brief the issue before the District Court. In fact, the District Court specifically requested that the issue of preclusion should not be briefed.

*Subfile 3:73-CV-00128-RCJ-WGC (public trust doctrine)*

*This case involves a claim filed by Mineral County for the court to recognize a public trust duty to provide water to Walker Lake to support the fishery therein.*

On May 28, 2015, the District Court held that Mineral County did not have standing to pursue the public trust claims. Mineral County filed an appeal of this issue. The Court expounded on the issue of whether the shift of water from irrigators to the lake under the public trust law would be a taking of property under the 5<sup>th</sup> Amendment. The Court held that it would be a taking and that the State would have to pay compensation to each water right holder that is displaced by water that would have to be sent to Walker Lake. Finally, the Court went on to hold that decision whether to take the water was a non-judicial political question.

On May 22, 2018, the Ninth Circuit Court of Appeals reversed the District Court holding that Mineral County did not have standing to pursue the public trust claim. However, rather than ruling on the substantive issues, the

Court held that the Public Trust Doctrine is a state-law issue that has not been squarely decided in Nevada. The Appeals Court sent one Certified Question to the Nevada Supreme Court. On August 22, 2018, the Ninth Circuit Court of Appeals amended its order and added a second Certified Question. Those two questions are as follows.

Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?"

If the public trust doctrine applies and allows for reallocation of rights settled under the doctrine of prior appropriation, does the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation?

The Nevada Supreme Court accepted both Certified Questions and briefing is *complete*. Oral argument was completed Tuesday, March 3, 2020. After the Nevada Supreme Court issues its opinion, the case will return to the Ninth Circuit Court of Appeals.

On September 18, 2020, the Nevada Supreme Court rendered its Decision answering the Ninth Circuit Court of Appeals Certified Questions. The Nevada Supreme Court held that: (1) the public trust doctrine applies to rights already adjudicated and settled under the doctrine of prior appropriation; (2) the public trust doctrine applies to all waters within the state; and (3) the public trust doctrine does not permit reallocating water rights already adjudicated and settled under the doctrine of prior appropriation. Because the Court held the public trust doctrine does not allow for a reallocation of rights, there was no need to answer the second question.

The case has returned to the Ninth Circuit Court of Appeals. The Court asked parties to file Supplemental Briefs to address what effect the Nevada Supreme Court's decision has on the case. NDOW filed its Supplemental Brief on October 16, 2020 arguing that the effect of the decision precludes Mineral County's claims and that the District Court's decision dismissing the case must be affirmed. We await the Ninth Circuit Court of Appeals' further instruction or final decision.

On January 28, 2021, the Ninth Circuit Court issued its Opinion. The panel affirmed in part, and vacated in part, the district court's dismissal of Mineral County's complaint:

In light of the Nevada Supreme Court's Decision, the panel held that the district court properly dismissed the County's public trust claim to the extent it sought a reallocation of water rights adjudicated under the Decree and settled under the doctrine of prior appropriation. The panel vacated the judgment of the district court and remanded with instruction to consider the county's public trust doctrine claim to the extent it sought remedies that would not involve a reallocation of adjudicated water rights. The panel remanded to the district court to consider in the first instance the County's arguments that were not properly addressed by the district court. The panel rejected as untimely the County's challenge to the 1936 Decree itself.

On April 21, 2021, the Department of Wildlife and other Principal Defendants filed a Joint Status Report submitted pursuant to the court's Minute Order of March 23, 2021. The Status Conference took place on April 28, 2021.

*Mineral County v. Lyon County*, 136 Nev. Adv. Op. 58 (2020)

*Subfile 3:73-CV-00125-RCJ-WGC (main adjudication docket)*

*This subfile is not a case in the traditional sense, but rather constitutes the ongoing court-managed administration of the Walker River Decree. Decreed rights must be adjusted and administered consistent with the Court's decisions documented in the court's docket.*

*Water Master's Budget:* Every year the Water Master is required to submit an administration budget for the court's approval. For the year 2021 to 2022, the Water Master did not request, as it did for the year 2020 to 2021, that special assessments be levied against any users seeking to modify decreed rights for instream flow purposes. NDOW has no reason to oppose the Budget as requested for the years 2021 to 2022.

*Walker Basin Conservancy's Permit Approvals:* On February 25, 2021, NDOW filed a Petition for the Temporary Modification of the Walker River Decree in accordance with Permit No. 89964-T, for the benefit of Walker Lake. This is a matter of course for any change in the Decreed water rights. NDOW is awaiting the Court's order.

3. *Nevada Wildlife Alliance v. Nevada*, Second Judicial District, CV 18-01073, Dept I. Plaintiffs challenge the constitutionality of NRS 502.253 (4)(b) which requires that



The Department:

(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.

The First Amended Complaint was served on June 5, 2018. The Complaint generally alleges that Plaintiffs activities in viewing wildlife should be classified as a fundamental constitutional right in that they are being denied the pursuit of happiness under the Nevada constitution due to the predator removal.

Both parties filed Motions for Summary Judgment. On January 11, 2021, the district court issued an Order granting the motions for summary judgment filed by the Defendants and issued an Order dismissing the case.

On January 12, 2021, the Plaintiffs filed an Appeal of the dismissal to the Nevada Supreme Court. On February 23, 2021, The Plaintiffs' filed their opening brief. The Respondents' Answering Brief was filed April 9, 2021. *The Appellants Reply Brief was filed May 4, 2021. The case stands submitted to the Nevada Supreme Court for decision.*

4. *Smith v. Wakeling*, Second Judicial District, CV18-01389, Dept. 7. Smith brings an action for Defamation based on statements of certain NDOW employees. The principal basis for Smith's claim is a slide included in a presentation to Truckee law enforcement addressing concerns with wildlife advocates, and questioning whether their actions solicit harassment or engage in domestic terrorism. Smith alleges that purported misrepresentations about him have damaged his reputation.

Smith also claims his rights under the First Amendment were infringed when he was blocked from commenting on an NDOW Facebook page. Smith was blocked in 2012 for multiple violation of the rules governing use of the page. Smith moved for a preliminary injunction. A hearing on the Motion was held on July 27, 2018. The Court denied the Injunction, but ordered NDOW to allow Smith access to the Facebook page and at the same time admonished Smith to follow the terms of use.

Smith filed an Amended Complaint, adding the entities named as Plaintiffs in the Ridgetop Holdings LLC v. Wakeling case in California, as Plaintiffs in this case. NDOW and the individually named Defendants Answered Plaintiff's First Amended Complaint on August 29, 2018. The parties have conducted extensive discovery. Defendants filed a Motion for Summary Judgment, and a Motion for Dismissal as Sanction for Discovery Abuses.

The motion for Sanctions was granted in part and denied in part by the Discovery Commissioner. He granted the Defendants the right to conduct another deposition of Mark Smith, and name an expert witness, but denied dismissal.

The Summary Judgment motion filed by the Defendants' was denied.

The parties attended a mediation before Robert Enzenberger on June 25, 2021. The mediation was unsuccessful.

*The case was recently continued, and a week long trial is now scheduled to initiate February 8, 2022. The parties are in the process of preparing evidentiary motions in preparation for trial.*

6. *Desert Survivors v. United State Department of the Interior* (U.S. District Court, California) Case No. 3:20-cv-6787

This action, filed by multiple non-profit "environmental" entities seeks to challenge a decision issued by the U.S. Fish and Wildlife Service in March, 2020, withdrawing a 2013 proposed rule to list the Bi-State distinct population segment (DPS) of greater sage-grouse in California and Nevada (the Bi-state Sage Grouse) as threatened under the Endangered Species Act.

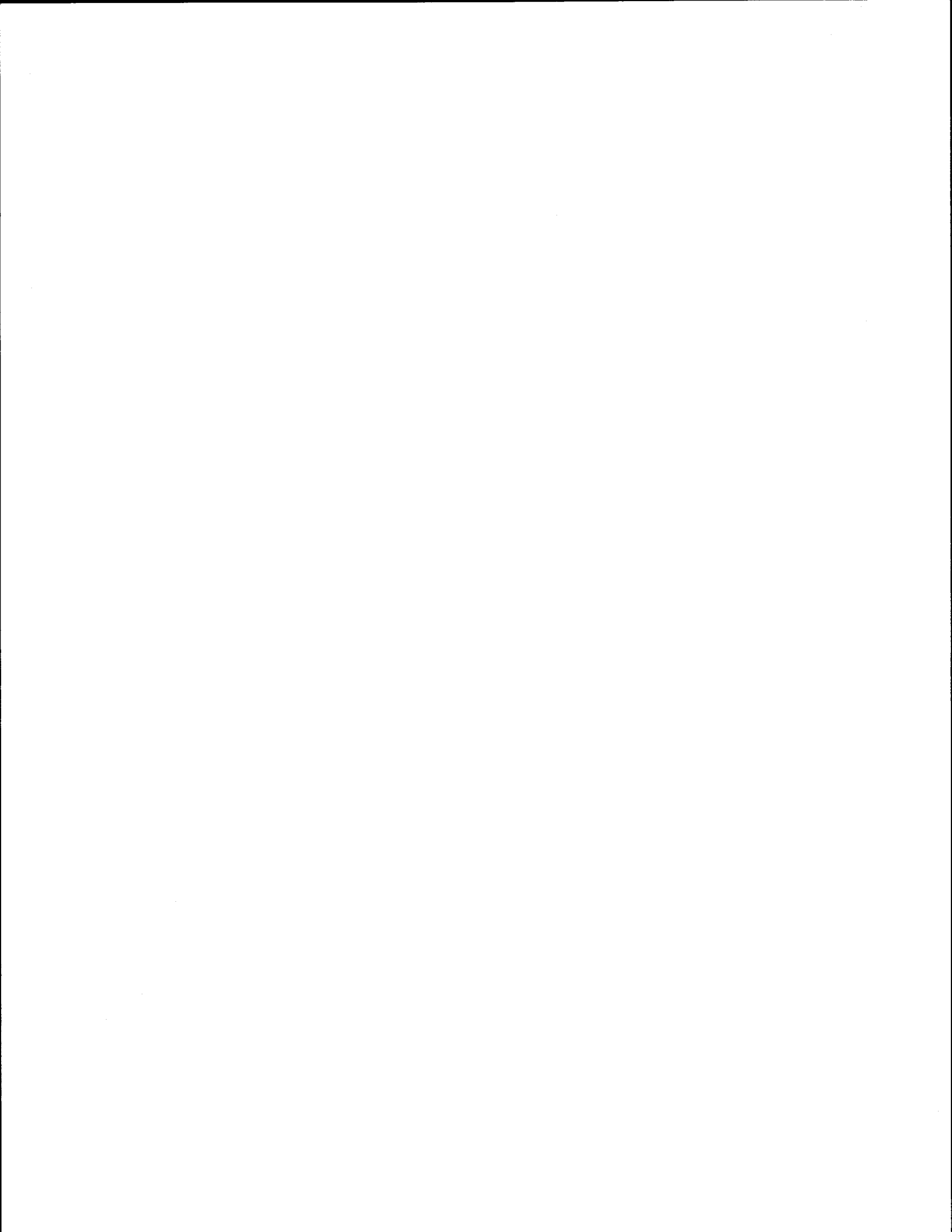
This action follows multiple decisions related to the bird. In 2013, the Service issued a decision to list the bird as threatened. In 2015, the Service withdrew that decision, finding listing was not warranted.

Litigation involving the same parties initiated following the 2015 decision. In 2018, the federal district court in California issued an Order critical of that decision, requiring the Service undertake an additional effort to evaluate the bird's status in view of the Court's primary finding, that the Service had not properly applied the definition of "significant" in the Service's Significant Portion of Its Range Policy under the Endangered Species Act.

*The State of Nevada has chosen to file an amicus brief* in support of the U.S. Fish and Wildlife Service's most recent decision not to list the bird. The State is presently engaged in and has a long history of leadership in efforts to conserve the Bi-State Sage Grouse, and continues to engage multiple private and public entities in efforts to maintain its long term viability. The State is concerned that a decision to list the bird as threatened is not needed in light of its efforts and would further interfere with the multiple pieces in place to assist the bird.

*\*Indicates the matter is resolved and will not appear on future litigation updates.*

*Italicized material, if any, (other than case name) is updated information since the last litigation update.*





**STATE OF NEVADA**  
**DEPARTMENT OF WILDLIFE**  
**Data and Technology Services Division**  
6980 Sierra Center Parkway, Ste. 120 • Reno, Nevada 89511  
(775)688-1500 Fax(775)688-1987

**MEMORANDUM:**

**October 15, 2021**

**To:** Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

**From:** Kailey Musso, Management Analyst 3, Director's Office

**Title:** **Commission Policies 1 and 10.**

**Description:** The Administrative Policies, Regulations and Procedures (APRP) Committee will be reviewing all Commission Policies throughout the next year. They will be forwarded to the Commission for approval after Committee review.

**Summary:**

The Administrative Policies, Regulations and Procedures (**APRP**) Committee reviewed Commission Policy 1 at their September meeting. Commission Policy 1 was updated to reflect changes to the Wildlife Trust Fund made in the 2021 Legislative Session.

The Administrative Policies, Regulations and Procedures (**APRP**) Committee reviewed Commission Policy 10 at their September meeting. Commission Policy 10 was updated to clarify the meeting date and provide for an explanation of online auctions.

**Recommendation:**

The Department recommends that the Commission review and adopt the proposed changes to Commission Policies 1 and 10

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 1**

**Number: P-1**

**Title:** General Guidelines for the Commission

**Reference:** NRS 501.179, 501.181, 501.2585, 501.356(4), 501.320, 502.253(3).

**Effective Date:** February 15, 1980

**Amended Dates:** September 22, 2007;  
August 15, 2009; June 25, 2016.

**POLICY**

It is the policy of the Board of Wildlife Commissioners to conduct the business matters of the Board according to the official duties and authority granted by the State laws and regulations.

**PURPOSE**

To guide the Commission in the transaction of business including selection and terms of a chair and vice chair, conduct of meetings, preparation of meeting schedules and agendas, definition of official duties, adoption of Commission Policies, and to ensure that the Commission formally recognizes individuals and entities that provide any gifts, grants, donations, or bequests to NDOW.

**PROCEDURE**

1. **Selection of Chair and Vice Chair: Terms of Office**

During its first regularly scheduled meeting following July 1 of each year, the first order of business will be election of officers. The Commission shall select a chair and vice chair from among its members who will continue to serve until the new election in the following year. In case of the temporary absence of the chair, powers and duties shall devolve upon the vice chair. A Commissioner cannot serve more than two consecutive terms as chair.

2. **Meetings**

In conformance with NRS 501.177, the Commission may hold not more than nine regular meetings every year, but may hold special meetings at such times and places if necessary. A meeting calendar for the next two years will be approved no later than at the regularly scheduled meeting closest to March of the even-numbered year. The Commission's regularly scheduled meetings will be posted to the website and provided to members, advisory boards, and interested persons.

Meeting dates and places will not be changed from those listed on the meeting calendar unless there is a majority vote of the Commission to do so. Any change to the schedule must be done in sufficient time to allow legal noticing of the meeting according to the Nevada Open Meeting Law, in NRS 241. All meetings will be noticed and conducted in compliance with the Nevada Open Meeting Law.

3. Agendas

A draft agenda will be developed by the Secretary to the Commission and approved by the Chair four weeks prior to the scheduled meetings. A final agenda will be approved by the Chair, and distributed to Commissioners, county advisory board members, interested individuals or groups and staff with support material two weeks prior to the meeting. The agenda will be posted according to NRS 241.020.

4. Conduct of Meetings

"Robert's Rules of Order, Revised Edition," shall guide the Chair in the conduct of all meetings; however, the Chair may vote on all actions requiring a vote.

5. Compensation of Members: Official Duties

As provided in NRS 501.179, members of the Commission are entitled to receive compensation, travel expenses and per diem for official duties. Reimbursement is not allowed while in travel status, except for regular travel per diem.

a. Official duties are:

- (1) Attend regularly scheduled or special meetings of the Commission;
- (2) Committee work established by the Commission or delegated by the Chair;
- (3) Assignments by the Chair between meetings;
- (4) Special events designated by a vote of the Commission to be official duties or assigned by the Chair;
- (5) Establishing broad policies, regulations, and guidance of the department, and county advisory boards as detailed in NRS 501.181 (1-8).

b. Method of Compensation:

- (1) The Secretary to the Commission will process payment based upon a compensation form signed by the Chair of the Commission. The form will be prepared for the Chair by the Recording Secretary at each regularly scheduled meeting and will include any interim approval activities.
- (2) Reimbursement for transportation shall be by the most economical means considering total cost and time spent in transit. All travel, per diem rates, and associated records required shall be as prescribed in the NDOW Travel Policy.
- (3) Reimbursement for mileage will be based on the mileage chart shown on the official Nevada State Map when between two communities.
- (4) Per diem claims will be completed on the Travel Expense Reimbursement Claim form at the rates prescribed in the NDOW Travel Policy.

6. Adoption of Commission Policies Resolutions, and Record Keeping

- a. Proposed policies, amendments, or requests to repeal policies shall be mailed or emailed as acceptable, to the Commission, county advisory boards to manage wildlife, and interested persons. The Commission will have a minimum of two readings not on consecutive days of the revised or proposed policy in public meetings before the Commission takes action to adopt, amend, or repeal, or disapprove the policy. Exception: If the policy is declared an emergency the Commission may read, amend, and adopt the policy in two readings on 2 consecutive days.
- b. The effective date, amended date, and statutory authority of the policy shall be recorded as part of the policy.
- c. An individual may request the Commission to adopt, amend, or repeal a policy by submitting a letter addressed to the Chair/Care Of Secretary of the Commission, at the Nevada Department of Wildlife, Headquarters, 6980 Sierra Center Parkway, Ste. 120, Reno, Nevada 89511. The letter must contain the policy number and title for an existing policy, the intent or purpose of a new or revised policy, and the suggested language. Such requests for a new or revised policy, or to repeal a policy may be placed on a future Committee agenda, and ultimately for a Commission meeting according to subsection 6.a. of this section.
- d. Record Keeping of Wildlife Commission Policies shall be maintained by the Director's Office for the Agency, and Secretary of the Commission. Any historical record of older Commission Policies or Resolutions that precede this shall be forwarded to the Management Analyst 3.

Upon the suspension or amendment of a Commission Policy or Resolution, a copy of the previous version along with a memo will be sent to the State Library and Archives within a year from its amendment or suspension. The documenting memo will be maintained in the Director's Office with the title and number of that policy and or resolution.

All new policies will be uniquely numbered; suspended or repealed Commission Policy numbers shall not be used again.

7. Acceptance of Gifts, Grants, Donations and Bequests

In 2011, the Wildlife Trust Fund was created in Statute as the non-executive account for donations to the Department from groups or individuals, and is to be used per the donor's intent. In 2021, the Nevada Legislature amended the Wildlife Trust Fund statutes to allow for the acceptance of gifts, donations, or bequests of not more than \$250,000 without previous IFC approval in the event of an unanticipated emergency event.

Per statute, a report concerning the investment and expenditure of the money will be provided to the Wildlife Commission and the Interim Finance Committee ~~seRH~~annually.

That report must contain the following information:

(a) The unanticipated emergency event for which the gift, donation, bequest or devise was received:

(b) The amount of the gift, donation, bequest or devise:



(c) The amount of the gift, donation, bequest or devise that was expended for the unanticipated emergency event; and

(d) The private source from which the gift, donation, bequest or devise was received.

Additionally, the anticipated amount and proposed expenditures of the money is provided to the Budget Director of the Governor's Finance Office and the Fiscal Analysis Division of the Legislative Counsel Bureau in a separate statement at the same time as the budget request.

All gifts, grants, donations, and bequests made to the Nevada Department of Wildlife, or any Division thereof, will be presented to the Commission in a public meeting for recognition.

The policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners, BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, Juno-25, 2016, Board of Wildlife Commissioners.



Jeremy Drew, Chairman  
Nevada Board of Wildlife Commissioners





STATE OF NEVADA  
**DEPARTMENT OF WILDLIFE**  
Data and Technology Services Division  
6980 Sierra Center Parkway, Ste. 120 • Reno, Nevada 89511  
(775)688-1500 Fax(775)688-1987

**MEMORANDUM:**

October 15, 2021

**To:** Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

**From:** Kailey Musso, Management Analyst 3, Director's Office

**Title:** **Commission Policies 1 and 10.**

**Description:** The Administrative Policies, Regulations and Procedures (APRP) Committee will be reviewing all Commission Policies throughout the next year. They will be forwarded to the Commission for approval after Committee review.

**Summary:**

The Administrative Policies, Regulations and Procedures (**APRP**) Committee reviewed Commission Policy 1 at their September meeting. Commission Policy 1 was updated to reflect changes to the Wildlife Trust Fund made in the 2021 Legislative Session.

The Administrative Policies, Regulations and Procedures (**APRP**) Committee reviewed Commission Policy 10 at their September meeting. Commission Policy 10 was updated to clarify the meeting date and provide for an explanation of online auctions.

**Recommendation:**

The Department recommends that the Commission review and adopt the proposed changes to Commission Policies 1 and 10

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 10**

**Number:** P-10  
**Title:** Wildlife Heritage Tags and Vendors  
**Reference:** NRS 502.250  
**Effective Date:** April 1, 2006  
**Amended Date:** September 23, 2016

**POLICY**

It is the policy of the Board of Wildlife Commissioners (Commission) to provide guidelines for the equitable distribution of Wildlife Heritage Tags to vendors to be auctioned at fundraisers for the benefit of game species.

The intent of offering Wildlife Heritage Tags is to provide for a unique hunting opportunity and for generating revenue in the Wildlife Heritage Account. This will be accomplished without deleterious impacts to Nevada's wildlife populations. To this end, it is the Commission's intention to integrate public comment with sound biological practices in the authorization of seasons and special regulations for Wildlife Heritage Tags annually.

**PURPOSE**

To inform the public and guide the Nevada Department of Wildlife (Department) in administering the disbursement, through an auction or sealed bid process, of not more than 15 big game tags and 5 wild turkey tags annually, to be known as "Wildlife Heritage Tags," as authorized by NRS 502.250.

"Wildlife Heritage Tag" is defined to mean a big game or wild turkey tag auctioned or awarded by sealed bid for the purpose of providing a unique hunting opportunity and for generating revenue to be deposited in the Wildlife Heritage Account.

**PROCEDURE**

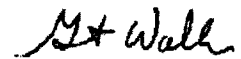
1. The Commission, at the meeting which establishes big game seasons or the first scheduled February Commission meeting of the calendar year, whichever occurs first, may authorize seasons, quotas, and special regulations, including regulations that outline procedures for the auctioning or sealed bidding of the Wildlife Heritage Tags.
2. Except for applicable administrative costs, license, Habitat Conservation Fee, application, Predator Management Fee, and tag fees, all monies derived from Wildlife Heritage Tags will be deposited into the Wildlife Heritage Account.
3. By the first Monday in March, the Department will email, mail and post on the Department website vendor solicitation packets which will include, this policy, the annual regulation regarding species, season, quotas and special regulations, vendor proposal requirements, and proposal deadline information.
4. Proposals submitted to the Department by the third Monday in April of each year will be considered. Proposals received after the deadline may be considered for award of Wildlife Heritage Tags by the Commission after the Commission has considered all other proposals received and when necessary to fulfill the purpose of this policy.
5. A vendor proposal to auction Wildlife Heritage Tag(s) must provide the following information:
  - (a) Date, time and place of auction. If the proposed date, time and place of the auction changes due to circumstances beyond the vendor's control, it is the vendor's responsibility to notify the Department in order to post the updated information.
  - (b) Type of function (banquet, convention, or other event.)

- (c) Estimated attendance.
- (d) Proposed advertising and marketing strategy.
- (e) An explanation of any "packaging" of the game hunt; i.e., other services to be provided in addition to the authorized tag, such as guide or taxidermy services, etc.
- (f) Except for subsection (a), no changes or alterations may occur to the proposal after the deadline for receipt of the proposals
- ~~ff)(q,l~~ An explanation of if or how the auction will take place online or via phone.

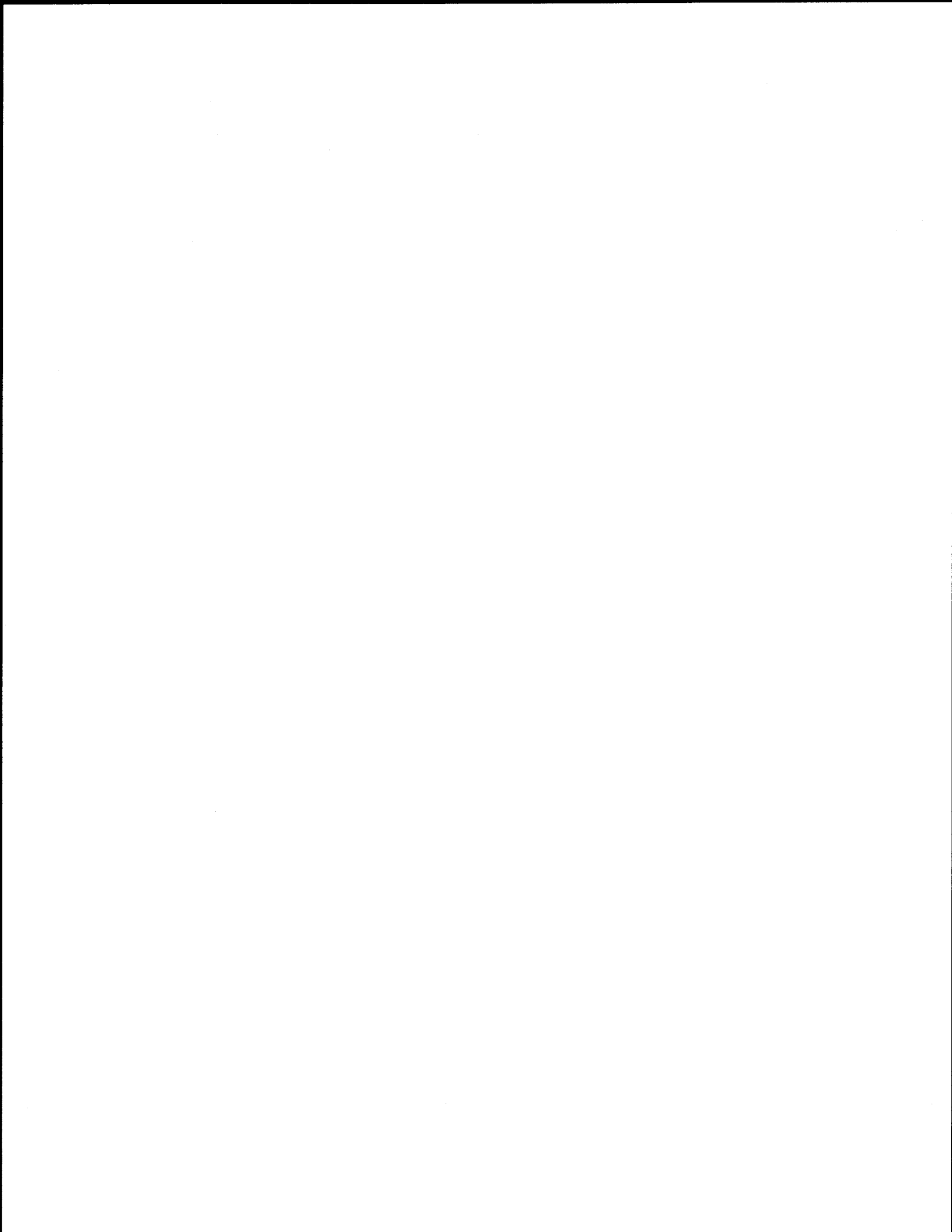
- ~~6. A vendor may not allow a Wildlife Heritage tag to be auctioned, resold, bartered, or traded at another fundraising event without the approval of the Commission.~~
- 7. The Commission will review all proposals and select vendors to auction the respective tags. If no proposals are received, the Commission may authorize other organizations within or outside Nevada to auction the tag. If no acceptable organization can be found to administer an auction, the tag may be sold by sealed bid.
- 8. The Commission reserves the right to refuse any proposal received for auctioning Wildlife Heritage Tags annually.
- 9. All vendors who submit proposals will be notified in writing of the results by the Department.
- 10. By the deadline established in annual regulation, all vendors must provide the successful bidder information on an application provided by the Department and the Wildlife Heritage donation.

This policy shall remain in effect until amended, repealed, or superseded by the Commission.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, September 23, 2016.



Grant Wallace, Chairman  
Board of Wildlife Commissioners





**STATE OF NEVADA**  
**DEPARTMENT OF WILDLIFE**  
**Data and Technology Services Division**  
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**MEMORANDUM:**

**SEPT 28, 2021**

**To:** Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

**From:** Management Analyst Megan Manfredi, Data and Technology Services Division

**Title:** Commission General Regulation 499, Bonus Point Application Period

**Description:** The Commission will review language amending NAC 502 chapters that would decouple the hunt application periods from bonus point purchases, remove the 7-day bonus point only purchase period, and allow for the creation of a separate period for bonus point purchases to facilitate a more timely draw process and provide increased opportunity for customers to obtain a bonus point. The change also outlines what it means for a customer to be awarded or successfully draw a big game tag.

**Brief Explanation of the Proposed Regulation**

The Department is proposing having application periods disconnected from bonus point purchases to remove the limitation of only offering a bonus point purchase for a species where a tag is available to applicants. Bonus points will still be available for purchase during every application period. The 7-day grace period to purchase bonus points will no longer be offered to facilitate a timelier draw process and release of results. Only one bonus point may be obtained per license as stated in NAC 502.4187. Application and bonus point purchase periods will be determined by the Commission in the Commission Regulation Big Game Application Deadlines that is heard every January.

Included is language that outlines what it means for a customer to be awarded or successfully draw a big game tag. This language would close loopholes regarding the return of a customer's bonus points after a failed payment for a tag if a customer utilized those points and was successful in the current draw.

**Recommendation:**

The Department recommends that the Commission review and adopt the proposed regulation.

**PROPOSED REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS  
COMMISSION GENERAL REGULATION 499  
LCB File No. RXXX-XX**

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1 and 2, NRS 502.175

A REGULATION relating to licensing and applications.....

*For the purposes of NAC 502.310 to 502.42905, inclusive, a tag is awarded or successfully drawn at the time of:*

- (a) The drawing of the applicant's name;*
- (b) The purchase of an official tag; or*
- (c) The offer, grant, assignment, or any similar action, as determined by the Department, of an official tag.*

*NAC 502.4175 is hereby amended to read as follows:*

**NAC 502.4175 Electronic application for tag, permit or bonus point; alternate list; establishment of seasons and quotas by Commission; valid hunting license required; fees. (NRS 501.105, 501.181, 502.030, 502.160)**

1. Except as otherwise authorized by the Commission, a person desiring to obtain a tag, permit or a bonus point without the opportunity to obtain a tag must submit an electronic application provided by the Department. In addition to any information required pursuant to NAC 502.199, the application must:

- (a) Specify whether the applicant is a resident or nonresident of this State;
- (b) Specify the species or category of species for which the applicant is applying;
- (c) If the applicant is applying for a tag to hunt deer, bear, elk, antelope, bighorn sheep, mountain goat, moose or wild turkey, include a selection of not more than five hunter choice numbers; and
- (d) Set forth an acknowledgement of the affidavit that is included in the application provided by the Department.

2. A person who desires to be placed on an alternate list pursuant to NAC 502.421 or 502.4275 must apply to the Department electronically to obtain a tag and must indicate on the electronic application his or her desire to be placed on an alternate list.

~~3. If an applicant desiring to obtain a bonus point without the opportunity to obtain a tag specifies a hunter choice number on his or her application, the Department shall ignore the specification of the hunter choice number by the applicant and process the application for the bonus point.~~

~~4.~~3. The Commission will establish the seasons and quotas for a hunt, and the method for submission and deadline for receipt of applications.



—5. 4. An applicant must obtain a valid hunting license or combination hunting and fishing license before submitting his or her application for a tag, permit or bonus point, except that an applicant may apply for a hunting license when submitting the application for a tag, permit or bonus point.

—6. 5. A hunting license or combination hunting and fishing license may not be used to comply with the provisions of this section for more than one application period for each random draw during a 1-year period after the date of issuance of the license.

—7. 6. The electronic application for a tag, permit or bonus point must be accompanied by:

(a) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat;

(b) Any donation the applicant wishes to make to a program specified in paragraph (a) or any other program conducted by the Department;

(c) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if the application is for:

(1) A tag or permit and the applicant:

(I) Has not obtained a hunting license or combination hunting and fishing license; and

(II) Indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license regardless of whether his or her application is successfully drawn; or

(2) A bonus point and the applicant has not obtained a hunting license; and

(d) The applicable fee required pursuant to NAC 502.331 for the Department to act upon the application. The Department shall apply the proceeds of the fee in accordance with the provisions of NRS 502.255.

—8. 7. If an application for a tag specified in subsection 7 is successfully drawn, the Department shall collect from the applicant:

(a) The appropriate fee for the tag as provided in NRS 502.250; and

(b) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if the applicant:

(1) Has not obtained a hunting license and indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license only if his or her application is successfully drawn; or

(2) The hunting license or combination hunting and fishing license submitted with the application for the tag or permit will expire before the opening day of the season for the permit or tag.

—9. 8. An application to obtain a tag that is issued by random selection may be submitted by a person who is under 12 years of age if he or she will attain the age of 12 years before the commencement of each season to which the application relates. An application to obtain a tag that is issued on a first-come, first-served basis may not be submitted by a person who has not yet attained the age of 12 years.

**9. The Commission may establish an open period for receipt of bonus point only application that will follow the public posting of results of all big game draws held in that application season. Those wishing to apply for a bonus point during this period are subject to subsection 6 of this regulation and NAC 502.4187.**

10. The Department and its agents and employees shall not:

(a) Amend or otherwise alter an application to obtain a tag, permit or bonus point.

(b) Issue a tag or permit or award a bonus point to an applicant who fails to submit the fees required pursuant to this section.

*NAC 502.4183 is hereby amended to read as follows:*

**NAC 502.4183 Withdrawal of application; electronic submission of new application.** (NRS 501.105, 501.181, 502.160)

1. An application for a tag, permit or bonus point for a species or category of species may be withdrawn after it is received by the Department:

(a) Electronically, if the application was submitted electronically; or

(b) By submitting a written request to the Department which includes the applicant's client number if the request is received by the Department on or before the *last day of the open application period*. ~~Friday next preceding the draw.~~

2. If an application is submitted electronically and is withdrawn before the deadline for the draw, the applicant may submit a new application for a tag, permit or bonus point for the same species or category of species in that draw on or before the deadline for the draw.

~~—3. If an application is submitted electronically and is withdrawn after the deadline for the draw, the applicant may submit a new application for a bonus point for the same species or category of species within 7 days after the deadline for the draw~~

~~—4.~~ 3. The Department shall not consider a withdrawn application in the procedure for awarding tags or bonus points.

*NAC 502.41895 is hereby amended to read as follows:*

**NAC 502.41895 Bonus points: Electronic submission of application under certain circumstances.** (NRS 501.105, 501.181, 502.160)

An eligible applicant who has submitted an application for a tag, permit or bonus point for a species or category of species and who withdraws the application pursuant to subsection 1 of NAC 502.4183 or who fails to submit an application for a species or category of species may, ~~within 7 days after the deadline for the draw,~~ electronically submit an application for a bonus point for that species or category of species *during a specified bonus point application period.*



STATE OF NEVADA  
DEPARTMENT OF WILDLIFE

Law Enforcement Division

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**MEMORANDUM**

October 15, 2021

**To:** Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

**From:** Kailey Musso, Management Analyst 3, Director's Office

**Title:** **Regulation Changes: CGR 503 – Predator and Fur-bearing Calling Contests**

**Description:** The Board of Wildlife Commissioners will hold a workshop to consider amending Nevada Administrative Code (NAC) 502 to prohibit a person from participating in, promoting, or sponsoring a contest to capture or kill predatory or furbearing animals.

**Presenter:** Commissioner Dave McNinch

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**Summary:**

The Wildlife Commission has held four meetings to discuss coyote calling contests. Following these discussions, at the September 2021 Commission Meeting, Commissioner McNinch offered to bring forward potential language. This language was drafted and noticed according to all Open Meeting Law provisions. However, the language has not been sent to LCB in anticipation of possible changes.

**Recommendation:**

Should the Commission decide to move forward with any version of the regulation, it will need to be submitted to LCB before bringing it back to the Commission for another workshop or an adoption.

**PROPOSED REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS  
COMMISSION GENERAL REGULATION XXX**

**LCB File No. RXXX-XX**

EXPLANATION - Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-4, NRS 501.105, 501.181, and 503.450

A REGULATION relating to predatory and fur-bearing animal contests.....

**New Section in NAC 502**

**1. *A person shall not by any means:***

- a) Participate in, organize, promote, sponsor, or solicit participation in a contest where a participant uses or intends to use any device or implement to capture or kill predatory animals or fur-bearing animals. For the purposes of this subsection, "contest" means a competition among participants where participants must register or record entry and pay a fee, and prizes or cash are awarded to winning or successful participants.***

DRAFT