

Nevada Board of Wildlife Commissioners' Meeting Agenda

Meeting Location

Tonopah Convention Center
301 Brougner Ave.
Tonopah, NV 89049

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, August 19, 2022.

<https://us02web.zoom.us/j/88371066341?pwd=bkhWRFNTVVpwWTBCd0U0bGVwUmltZz09>

Passcode: 523363

If you wish to Make public comment, please use this link for Saturday August 20, 2022.

<https://us02web.zoom.us/j/85906696012?pwd=ZGhIUjVaOXdpdVHRVRRRzVFT3U0Zz09>

Passcode: 285238

Meeting materials are available at: <https://www.ndow.org/events/august-2022-commission-meeting/>

Public comment will be taken on each action item following Commission discussion and before any action is taken. **Persons attending virtually wishing to comment are invited to raise their virtual hands in the virtual meeting forum during the appropriate time; each person offering public comment during this period will be limited to not more than 3 minutes.** The Chair may allow persons representing groups to speak for six minutes. Persons may not allocate unused time to other speakers. Persons are invited to submit written comments on items prior to the meeting at wildlifecommission@ndow.org or attend and make comment during the meeting. 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. All persons present are asked to sign-in, whether speaking or not.

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.

Friday, August 19, 2022 – 8:00 a.m.

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

<https://us02web.zoom.us/j/88371066341?pwd=bkhWRFNTVVpwWTBCd0U0bGVwUmltZz09>

- 1. Call to Order, Pledge of Allegiance, Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairwoman East**
- 2. Election of Officers – For Possible Action**
In accordance with Commission Policy #1, the Commission will elect a Chairperson and Vice Chairperson.

3. **Approval of Agenda – Chairperson – 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.
- 4.* **Approval of Minutes – Chairperson – For Possible Action**
Commission minutes may be approved from the June 23, 24 and 25, 2022 meetings.
5. **Member Items/Announcements and Correspondence – Chairperson – 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.
6. **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.

Friday, August 19, 2022 – Tour will begin at the close of Agenda Item #6

A presentation on energy development in Nevada will be made prior to a field tour. The Commission will tour two energy sites in the Tonopah area; Tonopah Solar and the Esmeralda Solar Complex, with informational discussion on energy development and project specifics. No action will be taken by the Commission. The public is invited to participate but will be required to provide their own transportation. The group will depart from the meeting location. The meeting will reconvene at the Tonopah Convention Center at the close of the field tour.

7. **Reports – Informational**

- A. **Western Association of Fish and Wildlife Agencies (WAFWA) 2022 Annual Conference – Secretary Wasley and Commissioner McNinch**
Reports from the 2022 conference will be provided.
- B. **Department Activity Report – Secretary Wasley and Division Administrators**
A report will be provided on Nevada Department of Wildlife activities.
- C.* **Litigation Report – Deputy Attorney General Craig Burkett**
A report will be provided on Nevada Department of Wildlife litigation.
- D.* **Public Works Contracts – Deputy Director Jack Robb**
A report will be provided on public works contracts awarded by the Department in the previous year.
- E. **The Draw Process – Kalkomey Representative and Data and Technology Services Administrator Kim Munoz**
The Department’s vendor that accepts hunt applications and conducts the random draw for hunting tags will provide an overview of this year’s application and hunt statistics, conducting the random draw.

- F. Habitat Conservation Framework – Habitat Division Administrator Alan Jenne**
A report and presentation will be provided on the kickoff of the Habitat Conservation Framework created by Executive Order 2021-18.

8. 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.

Saturday, August 20, 2022 – 9:00 a.m.

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

<https://us02web.zoom.us/j/85906696012?pwd=ZGhIUjVaOXdpdVVHRVRRRzVFT3U0Zz09>

- 9. Call to Order, Pledge of Allegiance, Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairperson**
- 10. Approval of Agenda – Chairperson – 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.
- 11. Member Items/Announcements and Correspondence – Chairperson – 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.
- 12. 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.
- 13. Tag Transfer/Deferral Request – Deputy Director Jack Robb – For Possible Action**
The Commission will review a request for a Heritage Tag Transfer pursuant to NRS 502.104.
- 14. Administrative Procedures, Regulations and Policy (APRP) Committee – Committee Chairman David McNinch**
- A.* Commission Policy 3 – Appeals – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 3, Appeals, and may make any necessary changes and may decide to repeal, revise, or adopt the policy.
- B.* Commission Policy 4 – Petition Process and Adoption of Regulations – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 4, Petition Process and Adoption of Regulations, and may make any necessary changes and may decide to repeal, revise, or adopt the policy.

- C.* Commission Policy 21 – Game and Furbearer Management Plans – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 21, Game and Furbearer Plans, and may make any necessary changes and may decide to repeal, revise, or adopt the policy.
- D.* Commission Policy 24 – Hunting Opportunities Among Various Weapons Classes and Hunter Groups – First Reading – APRP Committee Chairman David McNinch**
The Commission will have a first reading of Commission Policy 24, Hunting Opportunities Among Various Weapon Classes and Hunter Groups, and may make any necessary changes and may decide to move it to a second reading.
- E.* Commission Policy 22 – Introduction, Transplanting, and Exportation of Wildlife – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 22, Introduction, Transplanting, and Exportation of Wildlife, and may make any necessary changes and may decide to repeal, revise, or adopt the policy
- F.* Commission Policy 25 – Wildlife Damage Management – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 25, Wildlife Damage Management, and may make necessary changes and may decide to repeal, revise, or adopt the policy.
- G.* Commission Policy 26 – Managing Rocky Mountain Elk Population – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 26, Managing Rocky Mountain Elk Population, and may make necessary changes and may decide to repeal, revise, or adopt the policy.
- H.* Commission Policy 27 – Protection of Wildlife – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 27, Protection of Wildlife, and may make necessary changes and may decide to repeal, revise, or adopt the policy.
- I.* Commission Policy 28 – Transparency on Quota Setting – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 28, Transparency of Quota Setting, and may make necessary changes and may decide to repeal, revise, or adopt the policy.
- J.* Commission Policy 29 – Elk Arbitration – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 29, Elk Arbitration, and may take necessary changes and may decide to repeal, revise, or adopt the policy.

- K.* Commission Policy 51 – Wayne E. Kirch Conservation Award – Second Reading – APRP Committee Chairman David McNinch – For Possible Action**
The Commission will have a second reading of Commission Policy 51, Wayne E. Kirch Conservation Award, and may make necessary changes and may decide to repeal, revise, or adopt the policy.
- L.* Commission Policy 60 – Water Application Guidelines – First Reading – APRP Committee Chairman David McNinch**
The Commission will have a first reading of Commission Policy 60, Water Application Guidelines, and may make any necessary changes and may decide to move it to a second reading.
- M.* Commission Policy 61 – Water Rights – First Reading – APRP Committee Chairman David McNinch**
The Commission will have a first reading of Commission Policy 61, Water Rights, and may make any necessary changes and may decide to move it to a second reading.
- N.* Commission Policy 66 – Management and Use of Wildlife Management Areas – First Reading – APRP Committee Chairman David McNinch**
The Commission will have a first reading of Commission Policy 66, Management and Use of Wildlife Management Areas, and may make any necessary changes and may decide to move it to a second reading.

15. Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairperson – For Possible Action

The next Commission meeting is scheduled for September 23 and 24, 2022. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the date, time, and meeting location at this time. The chairperson may designate and adjust committee assignments and add or dissolve committees, as necessary at this time. Any anticipated committee meetings that may occur prior to the next Commission meeting may be discussed.

16. 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 <https://www.ndow.org/events/august-2022-commission-meeting/>. Support material for this meeting may be requested from the Recording Secretary at (775) 688-1599 or wildlifecommission@ndow.org. In accordance with NRS 241.020 this agenda closes three days prior to the meeting date and has been posted on the NDOW website at <https://www.ndow.org/events/august-2022-commission-meeting/>.

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.

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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: July 22, 2022

Subject: Litigation Update

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.

On February 22, 2022, Anthony Walsh substituted in as counsel in place of Tori Sundheim.

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.

On September 21, 2021 Plaintiffs' motion for summary judgment (ECF No. [2638]) was granted. Plaintiffs are entitled to judgment as a matter of law in their favor as to Defendants' Third, Seventh, Twelfth, and Fourteenth Affirmative Defenses. Nevertheless, Principal Defendants retain all other affirmative defenses and litigation remains ongoing.

Principal Defendants have filed status reports regarding the status of access to tribal archives for discovery purposes. These archives remain closed due to the pandemic.

Discovery remains ongoing.

The parties are exploring settlement options. NDOW and DWR have met with WRID April 20, 2022 to clarify settlement concepts.

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 5th 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?

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)

On June 30, 2021, Mineral County filed its Second Amended Complaint. Mineral County asserted that by permitting excessive and unreasonable upstream consumptive uses to reduce average annual inflows to Walker Lake to the detriment of the Lake's public trust values, the Decree Court and State of Nevada have violated this continuing duty under the public trust doctrine to maintain Walker Lake in a reasonable state of environmental health.

On October 28, 2021, the Principal Defendants filed a Motion to Dismiss Mineral County's Second Amended Complaint. The main arguments for

dismissal are as follows: Paragraph XIV of the Walker River Decree does not give the Court subject matter jurisdiction to grant Declaratory Relief as to Nevada's, or the Court's purported obligation to Walker Lake; Mineral County's public trust claim is also inconsistent with the public trust doctrine as interpreted by the above Nevada supreme court opinion.

Plaintiff's response to the Motion to Dismiss was originally scheduled to be due on April 30, 2022. However, due to Plaintiff's Counsel's ongoing and difficult recovery from COVID-19, the parties have stipulated to extend the response time by one month.

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. *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.

A week long trial was completed beginning February 8, and concluding February 14. The trial Judge dismissed multiple claims and Defendants after conclusion of the Plaintiff's case. A single claim was submitted to the jury as to whether the Nevada Department of Wildlife defamed the Plaintiff in libel. The jury returned a defense verdict on the remaining claim.

An additional claim (styled a Petition for Writ of Mandamus) has been submitted directly to the Judge. That claim originally sought public records related to the Plaintiff's removal from the NDOW Facebook page in 2012. In his Petition, Plaintiff instead argued he was entitled to attorney's fees for the Defendants' failure to produce documents in response to a records request he filed in 2017 related to the alleged defamation claims. The Defendants filed a motion to strike that brief on the basis it was not properly before the court, and also filed an opposition arguing there was no entitlement to the fees.

Oral argument on the Motion has been scheduled for August 1, before Judge Walker.

4. A Petition for Judicial Review of the Wildlife Commission's decision to uphold a three year revocation of a license held by Ben Collard has been filed in the 8th Judicial District Court, Clark County, Nevada. The Petitioner is in the process of completing service on the Defendants.

**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.

#	Vendor Name	Contract Amount	Description
22-03	Ahlvers Plumbing and Heating	\$ 44,473.21	Replacement of failing duct work in 2 residences at the Spring Creek Rearing Station and replacement of propane gas lines in the North residence.
22-14	LaVoie Roofing	\$ 17,825.00	Services and parts to reroof the Ely office building.
22-15	Vortex Industries	\$ 29,995.00	Provide and install insulated garage doors at the Overton WMA shop. Includes removal and disposal of existing doors.
22-17	Fast Glass	\$ 6,468.75	Installation of solar screens on the residences at the Lake Mead Hatchery.
22-20	Innovative Flooring	\$ 21,213.49	New tile flooring in Residence #4 at the Lake Mead Fish Hatchery.
22-21	Quality Floors & Paints	\$ 18,335.51	New carpet and baseboard in the Winnemucca field office.
22-27	Rapid Construction	\$ 334,169.30	Construction of drainage systems and slope stabilization at Mason Valley Hatchery Raceway.
22-30	Affordable Striping & Sealing	\$ 11,785.49	Asphalt maintenance and striping services at the Lake Mead Hatchery.
22-31	Red Star Fence Company	\$ 10,079.75	Fence construction at the Lake Mead Hatchery.
22-44	Acha Construction	\$ 89,396.40	Replacement of three septic systems at Gallagher Fish Hatchery residences #1, #5, and #6.
22-48	Red Star Fence Company	\$ 8,337.50	Fence/gate construction and installation.
22-52	Quality Floors & Paints	\$ 55,837.18	New carpet and baseboard as well as installation services in the Elko field office.
22-56	LaVoie Roofing	\$ 20,010.00	Roof replacement at the residence at the Overton WMA.
22-57	CG&B Enterprises	\$ 2,880.28	Remove and replace failing asphalt at the Laughlin field office.
22-64	MKD Construction	\$ 12,972.00	Emergency construction services to repair broken supply main piping in the fire suppression system at the Mason Valley Fish Hatchery.
22-65	Matrix Contractors	\$ 42,362.55	Labor and materials to paint residences and outbuildings at the Mason Valley Hatchery.



STATE OF NEVADA
DEPARTMENT OF WILDLIFE
Data and Technology Services Division

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MEMORANDUM:

July 19, 2022

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**

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 formatting of every policy will be updated, as they are passed, so that it is consistent in each policy.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 3 at their September 2021 and March 2022 meeting. The Commission heard it for the first time in May. Commission Policy 3 was updated to add clarifying statements and will now be considered for adoption.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 4 at their September 2021 and March 2022 meeting. The Commission heard it for the first time in May. Commission Policy 4 was updated for clarity. Commission Policy 4 will now be considered for adoption.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 21 at their March meeting. The Commission heard it for the first time in May. Commission Policy 21 was updated to reflect grammatical changes and management practices as well as to clarify that plans will be reviewed on a 10-year schedule or as needed. It will now be considered for adoption.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 22 at their March meeting. The Commission heard it for the first time in May. Commission Policy 22 was updated to updated to reflect grammatical changes and management practices to include removing unnecessary definitions. The Commission also decided to update the policy to require the Department determine if predator control is necessary before transplants. The policy will now be considered for adoption.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 24 at their May committee meeting after the TAAHC Committee reviewed the policy. The Committees made various changes to sections 2 and 3 regarding junior mule deer hunts. The Commission will hear the policy for the first time.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 25 at their March meeting. The policy was simplified and removed repetitive language. At the May

Commission Meeting, it was decided that the policy needed more work. The Department attempted to address Commission concerns and it will now be considered for a second reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 26 at their March meeting where it was determined that Commission Policy 26 did not need any major changes. The Commission heard it for the first time in May. One small change was made to reflect a change in Policy 22. Policy 26 will now be considered for adoption.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 28 at their March meeting. Commission Policy 28 was previously Commission Policy 26A (Transparency). The Commission heard it for the first time in May. Commission Policy 28 was updated to reflect what the Department uses in the quota setting process and how the Department will make that information available. Commission Policy 28 will be considered for adoption.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 27 at their March meeting. The policy was updated to stay consistent with similar Commission policies. At the May Commission Meeting, there was disagreement on language for wolf populations. The Department brought back the policy as proposed for the Commission to come to an understanding. It will now be considered for a second reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 29 at their March meeting where it was determined that the Policy did not need any changes. The Commission heard it for the first time in May. It will now be considered for adoption.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 51 at their November 2021 and March 2022 meeting. The Commission heard it for the first time in May. It will now be considered for adoption.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 60 at their May 2022 meeting. There were a few clarifying changes made. Policy 60 will be considered for a first reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 61 at their May 2022 meeting. One change was made to clarify protection and conservation of riparian areas, meadows, and wetlands. Policy 61 will be considered for a first reading.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 66 at their May 2022 meeting. There were a few clarifying changes made as well as additional WMAs added. Policy 66 will be considered for a first reading.

Recommendation:

Adopt

- Commission Policy 3
- Commission Policy 4
- Commission Policy 21
- Commission Policy 22
- Commission Policy 26
- Commission Policy 28
- Commission Policy 29
- Commission Policy 51

Move to Second Reading

Commission Policy 24

Commission Policy 60

Commission Policy 61

Commission Policy 66

Move to Third Reading

Commission Policy 25

Commission Policy 27

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 3

Number: P- 3
Title: Appeals Policy
Reference: NAC 501.140 through 501.190
NRS 501, 502, 503
Effective Date: August 15, 2009
Reviewed Date: 2022
Amended Date: January 26, 2018

POLICY

It is the policy of the Nevada Board of Wildlife Commissioners (the Commission) to follow the procedures prescribed in NAC 501.140 through 501.190 for conducting appeal hearings.

PURPOSE

The purpose of this policy is to guide the Commission in the appeals process and the conduct of hearings.

PROCEDURE

Upon receipt of an appeal, the Department will inform the appellant of the Commission's authorities for providing relief to include the Commission's lack of authority to overturn any pleadings or convictions from the court of competent jurisdiction.

The Commission is acting in its quasi-judicial capacity and will determine appeals within their authority based on information presented for the hearing only and as prescribed in statute and regulation.

Commissioners will not engage in discussion with the appellant, or about the appeal with anyone, including Department personnel or any other person regarding the facts or circumstances associated with said appeal. Commissioners will decide an appeal based solely on information presented at the hearing including any pleadings or other documents submitted by the parties, and as prescribed in statute and regulation.

Information about appeals will only be distributed to the Commission and appellant prior to the hearing. All non-confidential information will be available to the public at the hearing.

The Commission will not take public comment on appeals. County Advisory Boards to Manage Wildlife (CABMW) members will not communicate with the Commission members concerning appeals.

The policy shall remain in effect until amended, repealed, or superseded by the Nevada Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
AUGUST.

Chairwoman Tiffany East
Nevada Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 4

Number: P-4
Title: Petition Process and Adoption of Regulations Policy
Reference: NRS 233B.100, NRS 501 NAC 501.195
Reviewed Date: 2022
Effective Date: August 15, 2009

POLICY

It is the policy of the Board of Wildlife Commissioners (the Commission) to accept input on proposed regulations, seasons and bags.

PURPOSE

To guide the Commission and inform all parties of their responsibilities and opportunities for input on proposed regulations, seasons, and bags; their opportunities to comment on proposed regulations; and opportunities for new regulations.

PROCEDURE

1. **Input on Proposed Seasons and Quotas (also known as Commission Regulations or CR's)**

County Advisory Boards to Manage Wildlife (CABMWs) or members of the public may provide input to proposed seasons and bags via letter, email, fax, phone, or in person at a Commission meeting.

Since NRS 501.260 to 501.325, inclusive, establishes a process for county advisory boards to manage wildlife to solicit and evaluate local opinion for wildlife management and to submit recommendations to the Commission for seasons, quotas, hours, and regulations, individuals are encouraged to initiate requested changes or make recommendations through their local CABMW.

Letters should be addressed to the Chair in care of (c/o) Secretary of Board of Wildlife Commissioners, Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120-, Reno, Nevada 89511. Contact by phone: 775-688-1500, or fax: 775-688-1207 or email wildlifecommission@ndow.org.

The input must contain the Commission regulation number for an existing regulation, the intent or purpose of a new or amended regulation, and the suggested seasons, quotas, or language for the special regulations. Such requests for a new or amended Commission regulation will be placed on the agenda for the next regularly scheduled Commission meeting for discussion but may not receive final action to adopt or deny until the regularly

scheduled meeting for that type of season, quotas, or special regulation. To be considered for the upcoming hunting season, the suggestions must be sent prior to the season-setting meeting. The input must contain the author's name, address, and phone number, at a minimum.

2. Input on Proposed Permanent Regulations (also known as Commission General Regulations or CGRs)

NRS also permits CABMWs or members of the public to provide input on proposed regulations (in conjunction with a current rulemaking process) via letter, email, fax, phone, or in person at the Commission meeting. Input should be in the same format as stated above and must contain the same identification information as above. Individuals are encouraged to initiate these changes through the county in which they reside.

3. Suggesting Changes to Regulations Not in Conjunction with Current Rulemaking

NRS 233B.100 permits any individual to petition the Commission for filing, amending, or repealing a permanent regulation by submitting a completed petition form developed by the agency and following the agency's prescribed process. A petition is required to change or amend permanent regulations that are not in conjunction with a current rulemaking process. If accepted by the Commission, the rulemaking process will begin, legal entities will assist in drafting proposed language, which then will be placed on future agendas for workshop and then a vote (on separate days). This is a lengthy process.

Petitioner Responsibilities

The petition form must be complete, conforming to NAC 501.195 and petitioners should be prepared to submit complete documentation in support of the rule changes that are being proposed. If the petition form is not substantially complete, it may be returned to the petitioner indicating the deficiencies, and not placed on a Commission agenda. The petitioner may resubmit a revised form that completely answers the questions.

Petitioners should contact staff in the pertinent Division for assistance with the process or clarification related to the information that is suggested.

The petitioner should attend the Commission meeting and make a presentation with background material. Petitioners should be aware that the following requests generally are disfavored absent compelling new information: reconsideration of regulations that have been amended in the preceding 5 years, or reconsideration of rules that have been petitioned and denied in the preceding 5 years.

Staff Responsibilities

In the event the Department determines that the Commission does not have the statutory authority needed to adopt, file, amend or repeal a permanent regulation, the Department will notify the petitioner in an effort to let the petitioner retract or revise the petition.

CABMWs and Public Input

CABMW members and the public will have full opportunity to provide input before a vote is taken by the Commission, during the public comment period after the petitioner and staff presentations. Due to the nature of a live hearing, CABWMs will not receive sufficient

information before the hearing on the petition to make a recommendation. CABMWs and public will have opportunity for input after a petition is accepted but before any action takes place to implement the request.

Commission Decision-Making

With petitions, the question for the Commission is solely whether to begin a rulemaking process.

Any decision to accept, deny, or modify the petition will be made based upon all of the information placed in the record at the time of the hearing; that includes the information presented by the petitioner, staff analysis, and public comment. The Commission must follow procedures for petitions outlined in NAC 501.195.

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.

Chairwoman Tiffany East
Nevada Board of Wildlife Commissioners

**STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number P-21

Number: P-21

Title: Game and Fur-bearer
Management Plans

Reference: NRS 501.181,

Effective Date: 2007

Reviewed Date:

Amended Date: June 26, 2009

PURPOSE

The Board of Wildlife Commissioners (the Commission) is charged in Nevada Revised Statute to provide broad level policy guidance to programs within the Department of Wildlife. This Policy is designed to provide that broad policy for the development of big game, upland game, waterfowl, and furbearer management plans.

JUSTIFICATION

Nevada Revised Statute (NRS) 501.181 states that: "The Commission shall establish broad policies for the protection, propagation, restoration, transplanting, introduction, and management of wildlife in this State". In addition, NRS 501.181 indicates that the Commission shall: "Establish policies for areas of interest including the management of big and small game mammals, upland and migratory game birds, fur-bearing mammals...the control of wildlife depredations...and the introduction, transplanting, or exporting of wildlife". Further, the statute requires the Commission to: "Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including: (a) seasons for hunting big game mammals and game birds, for hunting or trapping fur-bearing mammal the manner and means of taking wildlife, including, but not limited to, the sex, size, or other physical differentiation for each species, and when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits of a species, or the closing of any area to hunting, fishing, or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based on scientific data concerning the management of wildlife. The data on which the regulations are based must be collected or developed by the Department".

BACKGROUND

Game and fur-bearer species are important to the State of Nevada. Hunting and viewing activities related to these species are economically vital to rural areas, and the sale of licenses, tags, permits, and other hunting and trapping related fees are principal sources of income to the Department. More broadly, game animals and furbearers are

capstone species and the population health of these species is a key indicator of the integrity of Nevada's diverse ecosystems under changing climatic regimes.

The Game Division of the Department is charged with the management of big game, small game, waterfowl, and furbearers and for the development and implementation of management plans for these species. This policy is intended to provide Division and other departmental personnel with guidance to be followed in the development of such plans.

POLICY

The Nevada Board of Wildlife Commissioners develops broad policies related to the conservation, restoration, maintenance, and utilization of Nevada's game populations. This guidance serves as the basis for species-specific management plans developed by the Game Division in cooperation with other departmental personnel. Management plans shall contain elements that:

- (a) document available information on each species and their critical seasonal habitats and implement efficient, accurate, and objective programs to obtain herd and habitat inventory information;
- (b) outline strategies to assess the current status of big game habitat and the use of that habitat, identify challenges to habitat and habitat use, and prescribe management actions and research that benefit game and fur-bearer populations;
- (c) recognize that game and furbearers may come into conflict with other land uses such as agriculture and develop strategies to eliminate or minimize conflicts. If impacts are unavoidable, develop appropriate mitigations;
- (d) provide a range of biologically feasible alternatives for the management of habitat, herd size, and harvest strategies for game and fur-bearer species, as well as the preferred alternatives on the basis of the best available science;
- (e) maintain, and whenever possible, increase the quality of critical seasonal habitats in cooperation with private landowners, federal land management agencies, and other entities;
- (f) implement predator control to reduce mortalities and increase recruitment whenever predation may have negative impacts on meeting game and furbearer population objectives;
- (g) Document wildlife disease impacts and outline mitigation strategies to reduce those impacts whenever and wherever feasible.

Management plans will be reviewed on a 10-year schedule, or as needed, by the Commission and departmental personnel will apprise the Commission of successes, shortcoming, and changes in direction. The Division will apprise the Commission of the best biological information available, any social, economic, or political impacts that management strategies are likely to have and shall advise the Commission of alternatives that might address these impacts. Whenever Division recommendations are based on considerations other than biological data, those considerations will be fully explained to the Commission. If management plans conflict with federal, other state, or

local planning efforts or policies, and if these conflicts are likely to have adverse impacts on game resources, the Division will notify the Commission at the earliest possible date as to the herds affected. The Department also will outline any alternative remedial measures available to the Commission and the Department which might be taken to minimize or eliminate these impacts.

This 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, ~~June 26, 2009~~.

Tiffany East, Chairwoman
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy 22

Number: P-22

Title: Introduction, Reintroduction, Transplanting, and Exportation of Wildlife

Reference: NRS 501.181

Effective Date: February 20, 1981

Amended Dates: October 21, 2000, June 26, 2009, December 5, 2009, August 2022

Reviewed: 2022

PURPOSE

To establish policy on the introduction and reintroduction of wildlife into the State and exportation of same out of the State as guided by NRS 501.181.

DEFINITIONS

Exotic Wildlife: Includes all wildlife species of mammals, birds, reptiles, or their progeny or eggs, not historically found in the 48 contiguous states and Alaska.

Endemic Species: Those wildlife species presently or historically occurring naturally within the 48 contiguous states and/or Alaska.

Native Wildlife: Endemic wildlife species historically found in Nevada.

Non-Native Wildlife: Endemic wildlife species not historically found within Nevada. For example, ruffed grouse or mountain goats are endemic non-native species in Nevada.

Introduction: The act of releasing exotic or endemic non-native wildlife for the purpose of increasing self-sustaining populations in the wild state.

Reintroduction: The act of releasing native wildlife into suitable habitat in Nevada for the purpose of creating self-sustaining wildlife populations.

Transplant: The act of releasing endemic wildlife species into habitat not currently occupied by the species for the purpose or intent of creating self-sustaining populations in the wild state.

Stocking: The act of releasing any wildlife for “put and take” purposes.

Exportation: The act of removing any live wildlife from the State of Nevada.

Augmentation: The act of supplementing existing wildlife populations of terrestrial wildlife species.

PROCEDURE

Due to the relative low densities of terrestrial wildlife populations and limited diversity of faunal species in Nevada, the Department shall administer sound wildlife management and restoration programs by:

Reintroduction of native wildlife onto former or historic areas of distribution within the State, when the habitat requirements of such species are adequate.

Introduction of endemic non-native wildlife where suitable vacant habitat may exist, and where conflicts with native or existing endemic non-native wildlife would not occur or have only a minimal effect.

Augmenting native endemic, non-native, or exotic wildlife when it is determined that populations are at low density, or in the event of a die-off, augmentations can support the recovery of a population.

Stocking: native, endemic non-native and exotic terrestrial wildlife species for the appropriate use and aesthetic enjoyment of the people of the state if conflicts with existing native or endemic non-native would not occur or have only a minimal effect.

The Department shall prepare a two-year plan to coincide with biennial work program periods for big game reintroductions, introductions, and augmentations. This plan shall be prepared in close cooperation with the appropriate land management agencies and private partners. This plan will be presented to the Nevada Board of Wildlife Commissioners (the Commission) for approval.

The Department shall prepare a two-year plan to coincide with biennial work program periods for upland game, migratory game birds, or furbearer reintroductions, introductions, or augmentations. This plan will be presented to the Commission for approval.

Once approved by the Commission, big game releases will occur as soon as practical considering budget, manpower and animal availability. Sites will not be re-submitted for public review and Commission approval unless the Commission specifically finds that compelling circumstances have arisen and requests that the site(s) be reevaluated, or unless a release has not been accomplished after two biennial periods (four years).

Once approved by the Commission, any material changes in the Big Game Release Plan must be presented to and approved by the Wildlife Commission.

Prior to transplants, the Department will determine if predator control is necessary. If it has been determined that predator control is necessary, it will be accomplished by Wildlife Services or another appropriate entity before and after a transplant occurs.

The Department will seek concurrence of the appropriate land management agency or private partner when necessary and may enter into a cooperative agreement to define the action to be

taken.

The Department will cooperate with other states, countries and First Nations, within their respective constraints, to meet their objectives to re-introduce or introduce wildlife by providing animals from Nevada for export whenever it is in the best interest of the resource and the people of the State.

The Department will comply with all existing importation and exportation regulations.

Any introduction or reintroduction of wildlife into Nevada, or exportation of wildlife from Nevada by persons or entities, public or private, other than the Department shall comply with Commission regulations and must receive the written consent and approval by the Department prior to the attempt.

This policy shall remain in effect until amended, modified, or repealed.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS REGULAR SESSION, ~~December 5, 2009.~~

Chairwoman Tiffany East
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 24

Title : Hunting Opportunities Among Various Weapons Classes and Hunter Groups

Reference: NRS 501.105, 501.181

Effective Date: May 13, 2006

Amended Date:

PURPOSE

To establish hunting opportunities for the various weapon classes and hunter groups.

POLICY

It is the policy of the Board of Wildlife Commissioners to approve the harvest levels for big game species based on the various weapons classes and hunter groups relative demand for hunting opportunity and hunter success rates.

FINDINGS

After due deliberation and consideration of the relevant information presented, the Commission makes the following findings:

1. The Commission has a duty to provide hunting opportunity in Nevada.
2. Hunting in Nevada is an important activity for its citizens for many reasons, including but not limited to the following values that hunting provides:
 - A lean, healthy source of protein.
 - Family and other social interaction.
 - A link to Nevada's outdoor history, culture, and traditions.
 - A source of physical exercise important for maintaining health and fitness.
 - Appreciation for the natural habitat and scenic landscape, which is a major component of Nevada's quality of life.
 - Public support for Nevada's wildlife management programs.
 - One of the principal sources of wildlife management funding in Nevada.
3. The Commission takes administrative notice of Nevada's wildlife-limiting climatic and habitat conditions. These include precipitation averages that make Nevada the driest state in the nation, and Great Basin and Mojave Desert vegetation and geography types that provide limited forage and cover. These limiting conditions prevent Nevada's wildlife populations from reaching numbers comparable to those of other states, including other western states.

4. Due to Nevada's relatively low wildlife numbers and its increasing human population, it is necessary to manage ~~limit~~ big game hunting opportunities in the State.

5. Nevada's already-limited resident hunting opportunities would be significantly lowered if nonresidents competed equally with residents for big game tags or were given a greater advantage. Such a change would be against the public interest.

6. Given the geographic and climatic constraints of Nevada's natural environment, the Commission — with the support of both resident and nonresident hunters — has elected to emphasize a sustained quality hunting experience rather than attempt to match the quantity of hunting opportunities available in other states. To do so, the Commission has consistently applied a conservative strategy that, compared to other states, maintains a high male to female ratio among big game populations.

TERMS AND DEFINITIONS

Antelope With Horns Shorter Than Ears: In accordance with NAC 502.003, any pronghorn antelope without horns or with both horns that are shorter than its ears. Generally considered to be a doe (female), fawn, or young male antelope.

Antelope With Horns Longer Than Ears: In accordance with NAC 502.002, "antelope with horns longer than its ears," any pronghorn antelope having at least one horn that is longer than either ear of the antelope. Generally considered to be a mature male antelope.

Antlered Deer: In accordance with NAC 502.007, "antlered deer," any deer having at least one antler that is visible above the hairline of the deer. Generally considered to be a buck (male) deer.

Antlered Elk: In accordance with NAC 502.0074, "antlered elk" means any elk having at least one antler that is visible above the hairline of the elk. Generally considered to be a bull (male) elk.

Antlered Moose: Any moose having at least one antler that is visible above the hairline of the moose. Generally considered to be a bull (male) moose.

Antlerless Deer: In accordance with NAC 502.008, "antlerless deer," any deer without antlers. Generally considered to be a doe (female) or fawn deer.

Antlerless Elk: In accordance with NAC 502.009, any elk without antlers. Generally considered to be a cow (female) or calf.

Antlerless Moose: Any moose without antlers. Generally considered to be a cow (female) or calf.

Big Game: For this policy, big game means all big game mammals except mountain lion.

Billy: Any male mountain goat.

Boar: Any male black bear.

Demand: Demand is defined as the measure of interest that a particular hunter group has in attaining a big game tag based on applications from previous years for a given hunter group and unit group. Demand is defined as the First Choice of unsuccessful applicants combined with successful applicants for all choices.

Ewe: In accordance with NAC 502.345, any female bighorn sheep having a horn or horns of at least 5 inches in length each as measured on the outside curve of the horn from the skull to the tip.

Expand: Taking a projected number of harvested animals and dividing by the expected hunter success rate to generate a tag allocation.

Hunter Groups: Residents of Nevada, resident juniors, and people who are not residents of Nevada.

Harvest Objectives: The numbers of male and female big game animals that the Department has determined can be safely removed from a population through harvest without causing detrimental impacts to that population.

Hunter Success: Percentage of tag holders reporting they hunted and harvested a big game animal. Hunter success calculations omit those tag holders that did not hunt. Hunter success is a valuable metric for understanding the experience of hunters in the field.

Junior Hunter: In accordance with NAC 502.063, generally a person between 12 years and 18 years.

Management Ram Hunt: Ram hunts that seek to achieve a specific population management objective beyond a standard hunt and may vary for the type of ram targeted. These may include broken-horn hunts, young ram hunts, hunts in areas where rams are extremely difficult to locate, or hunts designed to remove rams due to disease or rams found in undesirable areas.

Nanny: Any female mountain goat.

Nonresident: Anyone who does not meet the requirements for residents set in NRS 502.015.

Projected Male Harvest: A projected number of males reported to be harvested that will result in a desired post-hunt male to female ratio objective.

Projected Female (*antlerless deer, antlerless elk, antelope with horns shorter than ears, or bighorn ewe*) **Harvest:** A projected number of females reported to be harvested to achieve various management objectives; maintaining population numbers in balance with habitat conditions, optimal levels for a given species, or below a level set in local management plans; optimum sustained yield during periods of average to exceptional environmental conditions; and/or providing for recreational opportunity.

Ram: Any male bighorn sheep.

Resident: In accordance with NRS 502.015, a person is a resident of the State of Nevada if they are a United States citizen who has maintained his or her principal and permanent residence in Nevada for six months next preceding the application and has not purchased or applied for any resident hunting, fishing, or trapping privileges in another state, country, or province.

Sow: Any female black bear.

Spike Elk: In accordance with NAC 502.104, any antlered elk having not more than two points above the top of the ear on either antler. Spike-only elk hunts are intended to target yearling bulls (males).

Tag Success: Percentage of tag holders responding to their hunt questionnaire and subsequently harvesting a big game animal. Tag success calculations include those tag holders that did not hunt. Tag success, used in the Demand-Tag Success formula, will be primarily based on tag success rates from previous years for a given hunter group and unit group. A long-term or statewide average may be used to moderate erratic variations in tag success rates.

Unit Groups: A defined geographic area within Nevada where separate or conjoined population assessments, harvest objectives, and other management actions are applied.

Weapons Groups: Any legal weapon, muzzleloader, and archery.

GENERAL RULES — ALL SPECIES

Population estimates of males and females (one year-old or older) for each unit group at the pre-hunt period (late summer) will be the basis for determining projected harvest levels for each species class.

The Commission approves the projected male and female harvest levels among those weapons and hunter groups that are identified for each unit group through the public scoping process involving the County Advisory Boards to Manage Wildlife and interested publics and approved by the Board of Wildlife Commissioners.

FIRST COME FIRST SERVED

Any tag remaining after the big game draws, returned to the Department with no eligible alternate, or returned to the Department with less than 14 days before the season opener may be offered for purchase to both residents and nonresidents in the First Come, First Served program.

DEMAND-TAG SUCCESS

A Demand-Tag Success formula will be used to allocate tags to various weapon classes for deer, elk, and antelope.

Demand is defined as the measure of interest that a particular hunter group has in attaining a big game tag based on applications from previous years for a given hunter group and unit group. Demand is defined as the First Choice of unsuccessful applicants combined with successful applicants for all choices.

Tag Success is defined as the percentage of tag holders responding to their hunt questionnaire and subsequently harvesting a big game animal. Tag success calculations include those tag holders that did not hunt. Tag success, used in the Demand-Tag Success formula, will be primarily based on tag success rates from previous years for a given hunter group and unit group. A long-term or statewide average may be used to moderate erratic variations in tag success rates. Tag success must be used in the Demand-Tag Success Formula to achieve projected harvest while accommodating tag holders that do not hunt.

RESIDENT AND NONRESIDENT TAG ALLOCATION

The Commission strives to allocate approximately 90 percent of available quota to resident hunters and 10 percent of available quota to nonresident hunters for males of each big game species in the Main Draw.

SPECIFIC RULES — BY SPECIES

MULE DEER

Allocation of Projected Harvest by Weapon Group

The Demand-Tag Success process for determining antlered mule deer hunting quotas will be as follows:

For Standard and Alternative Hunt Units (see Game Division Big Game Management Objectives)

1. Determine the desired animal harvest for each unit group based on the pre-hunt population estimate and desired male to female ratio (typically 30 bucks per 100 does).

2. Apportion the desired harvest into the various weapon classes based on demand from previous years for standard hunt units.

3. Apportion the desired harvest of 25% to Junior Hunters (Juniors).

a. Junior hunts may be divided into Any Legal Weapon class and Archery/Muzzleloader combination to allow for increased Junior participation.

b. Junior deer tags will be considered antlered deer tags except in areas that have open antlerless deer hunts, where they will be considered either-sex tags.

c. Juniors can apply for five years and be awarded three tags before the age of 18.

4. For alternative and non-standard hunt units, the demand will be based on the number of first choice applicants for each weapon type from the previous year.

5. Determine final quota for each unit group and weapon type by dividing the desired harvest by the previous 3-year average tag success rate.

A long-term or statewide average may be used to moderate erratic variations in demand and tag success rates.

ELK

Allocation of Projected Harvest by Weapon Group

Modeled changes in population size, bull-cow ratios, and percent of main beams \geq 50-inch reported by hunters from previous years will be assessed to determine desired elk harvest. Using calculated demand, the projected antlered, antlerless, and spike harvest will then be distributed among the various weapon groups identified for a given elk class and unit group. The projected harvest, once allocated among the weapon groups, will be divided by hunter success for the appropriate weapon group to determine the recommended tag quota.

ANTELOPE

Allocation of Projected Harvest by Weapon Group

The projected buck harvest will be divided among the various weapon groups identified for a given antelope class and unit group. The projected harvest, once divided among the weapon groups, will be expanded to hunting opportunities.

Horns shorter than ears harvest will be based on the tag success of previous years for a given hunter group and unit group hunter success. A long-term or statewide average may be used to moderate erratic variations in tag success rates.

BIGHORN SHEEP

Weapon, Hunter Groups, and Animal Classes

Bighorn ram and ewe hunting opportunities will involve any legal weapon and archery weapon groups. Management ram hunts may be implemented in unit groups where broken-horned rams may exist, where reduced ram densities are desired, and where consistently low ram tag success occurs.

Allocation of Projected Harvest by Hunter Group

Tag success rates will not be used to expand either the projected ram or ewe harvest.

MOUNTAIN GOAT

Weapon, Hunter Groups, and Animal Classes

Mountain goat hunting opportunities may consist of any mountain goat (male or female), or billy only. Hunts are any legal weapon only.

Allocation of Projected Harvest by Hunter Group

Tag success rates will not be used to expand the projected mountain goat harvest.

This 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, **Date**.*

**Chairwoman Tiffany East
Board of Wildlife Commissioners**

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy 25

Number: P-25

Title: Wildlife Damage Management

Reference: NRS 501.105, 501.110, 503.470, 503.595, 567.010-567.090, CGR No. 1(8) and No. 4 (2)

Effective Date: September 19, 1980

Amended Date: June 17, 2000

Last Reviewed Date: 2007

PURPOSE

To inform the public and guide the Department of Wildlife in actions relating to Wildlife Damage Management.

In accordance with NRS 501.181, the Board of Wildlife Commissioners shall establish policies for the protection, propagation, restoration, transplanting, introduction and management of wildlife in this state. Further, the Commission shall establish policies for areas of interest including wildlife damage management.

POLICY

1. Wildlife damage management shall be undertaken to minimize wildlife related losses to private or natural resources without endangering the existence or natural role of offending wildlife species in the ecosystem.
- ~~1. Extension and educational efforts will be encouraged to assist private citizens in animal husbandry practices, property protection or human activities to minimize the vulnerability of loss, damage, or injury to livestock, pets, private property, or human health and safety.~~
2. The Commission supports continued federal leadership in wildlife damage management because of the national need for development and use of more efficient and humane control methods.
3. The Commission recognizes the U. S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, as the authority for predatory and nuisance wildlife damage management under cooperative agreement with the Department of Wildlife, where the Department of Wildlife is an active participant in documenting the need for wildlife damage management programs, in planning and execution of those programs, and in enhancing public understanding of those programs.

~~The Department shall prepare an annual wildlife damage management plan~~

~~outlining proposed actions needed for the management of wildlife and, upon approval of the Commission, recommend that a sufficient amount of funding annually be forwarded from the Wildlife Account in the State General Fund to the state predator animal and rodent committee (PARC) for wildlife damage management work as provided in Chapter 567 of NRS.~~

~~2. The Department shall conduct an evaluation of the potential needs for wildlife damage management activities in conjunction with preparing release proposal for big game, upland game, and migratory birds. Those evaluations shall be included in each site-specific release proposal in the draft biennial big game and upland game-migratory bird release plans.~~

4. Initiate wildlife damage management efforts using the best scientific and biological information available.

5. Direct wildlife damage management efforts including sport hunting and trapping, whenever possible, to prevent damage to resources or threats to human health and safety before it occurs in specific areas known to be recurring problem areas, or to alleviate damage as soon as possible after it occurs.

6. Direct wildlife damage management efforts at the offending animal or localized offending species population insofar as possible, and feasible.

~~3. Wildlife damage management of major mammalian predators including coyotes, bobcats, mountain lion, and black bears, shall be directed towards specific geographic areas of the state where a predation problem has been documented by the Department of Wildlife or Wildlife Services. Within those documented areas, management and control efforts shall be undertaken to minimize livestock, pets, or natural resource losses that may or are about to occur through predation. In the event that any of the aforementioned major mammalian predators poses a legitimate immediate threat to human health and safety, based on the professional judgment of Department of Wildlife or Wildlife Services personnel, those animals shall be killed.~~

7. Employ wildlife damage management methods which are selected on the basis of the species involved, utilizing currently approved methods in the proper mix according to the needs. ~~These methods may include aerial hunting, M-44 devices, trapping, snares, denning and registered pesticides.~~

a. Pesticides must be federally and state registered, applied only by certified applicators, and should only be used in those proactive or reactive preventative damage management operations where its use and delivery system represent a selective, effective and efficient method of control.

b. Aerial hunting will be conducted only under authorization of the Department of Wildlife through issuance of an aerial depredation

permit, limited to bobcats, coyotes and ravens. Such permits shall be issued only to Wildlife Services or to landowners or tenants land or property that are being damaged by wildlife.

- ~~4. Department, upon issuance of a depredation permit and with the aid and cooperation of the complainant, may take all available professional and economically feasible measures to alleviate or lessen the depredation or safety problem.~~

PROCEDURE

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

~~The Commission has adopted regulations authorizing the Director or his designee to issue wildlife depredation permits. Specific permit programs include:~~

8. An annual wildlife depredation permit may be issued to the State Supervisor, U. S. Department of Agriculture Wildlife Services, to kill mountain lion, common raven, black bear, and/or bobcat or others as needed causing or potentially causing a loss of private property, natural resources, or representing a threat to human health and safety.
- a. Any report of natural resource, livestock, ~~or~~ pet loss, or threat to human health or safety received by the Department shall be forwarded immediately to Wildlife Services for action in accordance with subsection (b) of this section.
- b. Upon receipt of a report from a property owner or the Department indicating that a mountain lion, black bear, or bobcat is causing or about to cause damage to private property or poses oppose a threat to human health and safety, the permittee shall conduct an on-site investigation. If the results of the investigation support the complaint, the permittee may kill the animal. If the permittee cannot determine if the complaint is valid, he shall notify a representative of the Department, who shall conduct a joint investigation to make the final determination.
- ~~a. The permittee shall salvage and give the hide and skull of mountain lion, black bear or bobcat killed under the authority of a permit, to the Department within 72 hours.~~
- ~~1. An annual wildlife depredation permit may be issued to State Supervisor, Wildlife Services to kill the minimum number of game, furbearers, protected or unprotected wildlife species as necessary to control threat or~~

~~damage to and property or to human health and safety.~~

c. Upon receipt of a valid mountain lion, black bear or bobcat complaint from an individual landowner or tenant, the Department may issue a limited permit to the owner to pursue and kill an animal that is in the act of killing his livestock.

1. The permittee shall notify a Department representative within 72 hours after killing a mountain lion, black bear or bobcat and shall salvage the hide and skull and give same to the Department of Wildlife.

~~2. The Department may issue permits authorizing the hunting or killing of coyotes and bobcats from an aircraft.~~

d. Furbearers may be taken or killed at any time in any manner, provided an individual or entity first obtains a permit from the Department. The Department or their agents are authorized to enter upon the lands of a landowner and remove beaver or otter for the relief of other landowners and the protection of the public welfare.

~~3. The Department may issue permits consistent with federal law to take bald eagles, golden eagles, ravens, or other birds protected by the Migratory Bird Treaty Act, whenever it determines that they have become seriously injurious to wildlife or agriculture or other interests that the injury can only be abated by killing some of the offending birds.~~

~~4. The State Predatory Animal and Rodent Committee shall enter into agreements with the U. S. Department of Agriculture covering cooperative control of crop-destroying birds in addition to predatory animals and rodents to assure maximum protection against losses of livestock, poultry, game birds, animals and crops on a statewide basis. The State Department of Agriculture in accordance with NRS 555.010 and 555.021 responds to complaints involving vertebrate pests that are injurious to agriculture or public health.~~

e. The Department may issue a wildlife depredation permit to a landowner if needed for the prevention or alleviation of damage to standing or stored agriculture crops.

This 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, ~~June 17, 2000.~~

~~Chairman Bill Bradley~~
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy 26

Number: P-26

Title: Managing Rocky Mountain Elk
Populations in Nevada

Reference: NRS 501.181

Effective Date: December 9, 1988

Amended Date: December 2, 1995, and
January 26, 2018.

Reviewed: 2022

PURPOSE

The Nevada Department of Wildlife will manage elk populations for the benefit of the public by maintaining healthy elk herds and habitats on which they depend. Management decisions will consider specific wildlife health concerns like chronic wasting disease. Pioneering elk populations will be managed in consideration of established land use plans, private land impacts, public review, and concurrence by the Nevada Board of Wildlife Commissioners (the Commission).

BACKGROUND

Historical records document that elk are a wildlife species native to Nevada. These elk were not numerous and appear to have become extirpated coincidentally with the settling of the State. Elk were first reintroduced into Nevada during the early 1930s.

Since the 1930s, wandering elk have been sighted throughout Nevada. Elk population growth in adjoining states contributed to elk sightings in Nevada, and population growth and expansion from within Nevada also contribute to established populations in several areas where releases have not occurred.

Elk are highly adaptable ungulates which can pioneer or colonize available habitats in Nevada. The potential for elk to expand into new habitats increases when established populations expand. Population expansion should be anticipated, and appropriate planning should be undertaken when new populations pioneer new habitat. That planning should include consideration of public and private interests.

DEFINITIONS

Pioneering: The act of wildlife species colonizing new habitat voluntarily, whether planned or not by the appropriate resource managers.

Established Elk Populations: All elk populations that occupy habitats incorporated within or managed in accordance with elk subplans are considered established populations for the purposes of this policy.

All other appropriate definitions are contained in Commission Policy 22 "Introduction, Reintroduction, Transplants, and Exportation of Wildlife."

POLICY

This policy is established to guide the Department and inform the land management agencies, private land interests, and the public on the management of elk and pioneering populations.

The Department will conform to existing Commission Policies and the Nevada State Elk Species Management Plan.

The Department will comply with pertinent Nevada State laws and Federal regulations concerning importation and release of wildlife, including elk.

The Department will include all reasonably anticipated potential elk pioneering sites located immediately adjacent to planned elk releases in future planning processes. The public and private industry recommendations for these potential pioneering sites will be considered.

The Department will monitor potential habitat for pioneering elk populations.

If, in the best professional judgement of the Department, an elk population successfully colonizes previously unoccupied habitat, the Department will apprise the Commission and recommend an appropriate course of action giving due consideration to private land interests and public access.

Actions recommended may include:

Approval of the colonization with acceptance from the land management agencies and public being sought by the Department.

Disapproval with elimination of the pioneering elk population being initiated through actions deemed appropriate by the Department and Commission.

The Commission will retain ultimate authority on the course of action to be taken following identification of successful elk colonization.

This policy shall remain in effect until amended, repealed, or superseded by the Nevada Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
~~JANUARY 26, 2018.~~

Chairwoman Tiffany East
Nevada Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 27

Number: P-27
Title: Protection of Nevada Wildlife Resources
Reference: NRS 501.100, 501.105, and 501.181.
Effective Date: April 16, 2011
Reviewed Date: 2022
Revised: November 3, 2017

PURPOSE

It is the duty of the Nevada Board of Wildlife Commissioners ([the Commission](#)) and the Nevada Department of Wildlife (Department) to establish policies and adopt regulations necessary to the preservation, protection, management, and restoration of wildlife and its habitat.

POLICY

1. Wildlife, including wild animals, wild birds, and fish within the State of Nevada are held in the public trust by the State of Nevada and shall be preserved, protected, perpetuated, and managed. (NRS 501.100, #1 “Wildlife in this state not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada.”)
2. Nevada’s law and policy includes providing Nevada citizens (and others permitted by law) accessibility to wildlife for their shared recreations.
3. The Department in conjunction with the Commission has the authority, power and duty to administer and carry out the State of Nevada’s wildlife policy consistent with state law.
4. Wildlife management under this policy includes, but is not limited to; maintaining healthy populations, balancing predator and prey relationships, providing hunting and recreational opportunities for game species, and addressing conflicts between wildlife, people, and businesses.
5. The federal government retains public trust and management authority for specific types of wildlife, such as certain migratory birds under the Migratory Bird Treaty Act and federally listed species under the Endangered Species Act. The federal government retains regulatory authority over feral horses and burros pursuant to the Wild and Free-Roaming Horses and Burros Act of 1971, [as amended](#).
6. Native and introduced wildlife species generally benefit from the diligent protection, management and research provided by the Department. State management responsibility, through collaboration among other states and the federal government, generally provides local communities with a greater voice while considering the biological implications for the species management.
7. To the extent practicable, the Commission will work with the Department to obtain and maintain state management authority of those species that reside within Nevada. Further, the Commission and Department will collaborate with the federal government to ensure that the social and biological concerns unique to Nevada are considered as part of any wildlife management activity for those species under federal management authority.
8. The Commission and Department will work collaboratively with private, local, state and federal partners to obtain and maintain state management authority of those species that reside within Nevada.

9. ~~It is the policy of the~~ The Commission to oppose a population of wolves in Nevada recognizes wolf sightings will continue in Nevada. Like other predators, the Commission supports management of wolves if they are determined to be negatively impacting other wildlife species, and may oppose a population of wolves-

This policy shall remain in effect until amended, repealed or superseded by the Nevada Board of Wildlife Commissioners.

BY ORDER OF THE NEVADA BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
~~NOVEMBER 3, 2017.~~

~~Grant Wallace~~ Tiffany East, Chairwoman
Nevada Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy 28

Number: P- 28

Title: Transparency on Quota Setting

Reference: NRS 501.181, 501.303, and 501.337

Effective Date:

PURPOSE

To develop a transparency of information provided to the public concerning methods of determining huntable population and quotas for ungulates.

POLICY

It is the policy of this Commission to provide to the public and County Advisory Boards to Manage Wildlife all scientific information relied upon by the Nevada Department of Wildlife to enable them to submit recommendations to the Commission for the establishment of regulations.

PROCEDURE

The Department will make available to the public, including but not limited to: posting on the website, sending via mail, or providing in another electronic format:

- a) Previous year's harvest data;
- b) Survey summaries (i.e., adult-young ratios, male : female ratios, total count by hunt area);
- c) Commission Regulations for Big Game Seasons and Quotas
- d) Quota Recommendation forms;
- e) The annual Big Game Status Book (will be available electronically prior to the May Commission Meeting)

This 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 (insert date) .

Chairwoman Tiffany East
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 29

Number: P-29

Title: Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards

Reference: NRS 501.105, 501.181, 502.142 and 502.160, NAC 502.42283

Reviewed Date: 2022

Effective Date: September 22, 2017,

PURPOSE

The purpose of this policy is to inform the public and guide the Nevada Department of Wildlife (the Department) in actions relating to any award of Elk Incentive Tags. This policy complies with NAC 502.42283 (modified June 28, 2016 by LCB File No. R031-15).

POLICY

It is the policy of the Commission to provide an incentive to landowners that choose to provide habitat for elk on private lands, to provide a fair and equitable distribution of incentive tags for those landowners that choose to participate in this program and provide those cooperators that participate in this program with a means by which they may seek arbitration to any award of tags that they perceive the Department made in error.

PROCEDURE

1. The Department will provide a copy of the arbitration process to each Elk Incentive Tag applicant annually as a courtesy. The arbitration process will be officially noticed on all Elk Cooperative Agreements.
2. Any applicant for Elk Incentive Tags that chooses to dispute the award as determined by the Department must contact the Chairman of the Commission by written correspondence delivered to Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, NV 89511 no later than May 1. The written notice will provide detailed explanation of why the investigation and award by the Department is in error and provide a suggested revision to the number of incentive tags awarded.
3. The Chairman of the Commission will ensure that the Department receives a copy of the written correspondence, and the Department will be given 10 calendar days to provide written documentation of the data and supporting material used to arrive at its incentive tag award. This information will be provided to the Chairman of the Commission, and the Chairman will place the appeal on the May Commission meeting agenda as an informational item identifying the appeal and the method of arbitration that will be followed from the two options in subsection 4.
4. The Chairman of the Commission may choose to have a Committee of Commission and County Advisory Board to Manage Wildlife (CABMW) members serve as the arbitration panel or choose to have the Commission serve as the arbitration panel.

Any arbitration panel first will be tasked to decide if the Department made errors in their incentive tag award determination. If an error occurred, the Committee will then be tasked with determining an amended number of incentive tags.

- a. If the Chairman chooses to have a Committee serve as the arbitration panel, the Committee will be composed of a sportsman representative, a livestock or agricultural representative, and a conservation or public representative from the Commission or any CABMW member. The Commission Chair will designate one member of the Committee as the chair of the Committee. The Committee chair will notice a public meeting at which it will conduct the arbitration hearing and render a decision. Both the Department and applicant will have the opportunity to present evidence of their investigation and rationale for disputing the award. The decision of the Committee will be final and binding and will be shared with the Commission at the June Commission meeting as an informational item. The Committee will direct the Department on the number of Elk Incentive Tags to be awarded to the applicant, if the Department's determination was found to be in error and will be the final determination.
 - b. If the Chairman chooses to have the Commission serve as the arbitration panel, the Commission Chair will place the appeal on the June Commission meeting agenda. Both the Department and applicant will have an opportunity to present evidence of their investigation and rationale for disputing the award. The Commission will direct the Department on the number of Elk Incentive Tags to be awarded to the applicant, if the Department's determination was found to be in error and will be the final determination.
5. The Commission or Committee shall issue a decision by the end of the June Commission meeting.

This 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,
September 22, 2017.**

Tiffany East, Chairwoman
Nevada Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 51

Number: P-51

Title: Wayne E. Kirch Nevada Wildlife Conservation Award

Effective Date: August 8, 2003

Reviewed Date: March 2022

Amended Date: September 24, 2011
and March 16, 2018, August 2022

PURPOSE

To establish a policy for the administration of the Wayne E. Kirch Nevada Wildlife Conservation Award.

POLICY

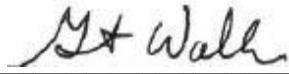
1. The Wildlife Commission's Wayne E. Kirch Nevada Wildlife Conservation Award is presented annually to bestow a richly deserved honor on the individual, nonprofit organization, outdoor sports club or business that has shown outstanding achievement and significant results in the conservation, management or enhancement of wildlife in the State of Nevada during the calendar year preceding the award. Two Board of Wildlife Commissioners, to be named by the chairman, will be represented on the Kirch Award Committee.
2. Nominations Schedule: Nominations for the award will be printed each August and mailed out September 1 to all County Advisory Boards to Manage Wildlife (CABMW), the agency's established sportsman's directory list, the wildlife commissioners, and all agency offices. A press release to announce the award will be sent out statewide. Nominations will be accepted until November 15 of the current year at 5 p.m., and judges will receive nominations for review by December 1. The judging panel must review nominations and return ratings sheets to Department staff by December 15 of the current year. Staff will report to the Kirch Award Committee at the earliest date possible as to the outcome of the award and to determine whether a tie-breaker is needed.
3. Judging Panel: The recipient will be selected by a judging panel made up of two wildlife commissioners, Department staff assigned to the Kirch Award Committee, and Marlene Kirch, daughter, or other appointed family member of former commissioner Wayne E. Kirch. In addition, four judges representing CABMWs or outdoor groups will be selected biennially by the Habitat Division, Game Division, Diversity Division and Fisheries Division Administrators. Each judge will independently rank the nominees and provide a final ranking sheet to the Department staff. Any tie breakers will be decided by the two Wildlife Commissioners serving on the Kirch Award Committee and Department staff

assigned to the Kirch Award Committee. The award will be presented to the selected candidate at the next Wildlife Commission meeting held closest to the recipient's home.

4. Judging Criteria: Selection of the award winner will be made solely from the official Conservation Award nomination form. The following criteria will be considered in evaluating nominees:
 - a. Time and depth of commitment to conservation, management, or enhancement of wildlife in the State of Nevada during the current calendar year.
 - b. Influence of the person/project on the public and in presenting positive public relations in regard to wildlife conservation in Nevada.
 - c. Quantity and quality of measurable results for wildlife conservation.
 - d. Obstacles, difficulties and personal sacrifice involved in meeting wildlife conservation goals.
5. Type of Award: The perpetual award is a plaque made out of wood and bronze to which each year's recipient's name will be added. The perpetual award is permanently installed in the lobby of the Department. In addition, each annual recipient will receive a smaller version to commemorate the award. The perpetual plaque and annual awards will be sponsored by Marlene Kirch or other appointed family member of their choosing, in her father's name, in perpetuity.
6. Publicity: An announcement of the availability of nomination forms will be made each September. Announcements will be emailed statewide to sportsmen/outdoor retail stores. An email notification of the announcement will be sent to NGO's and Conservation Partnerships for their review and dissemination to members. The Conservation Education Division will air information through the Nevada Wild Podcast, as well. A statewide press release acknowledging the award recipient and their contributions on behalf of wildlife conservation will be prepared and sent out after the announcement of the award.
7. All costs for printing and any other administrative costs of the Kirch Award are to be paid out of the commission budget.
8. Copies of the Wayne Kirch nominations will be retained by Nevada Department of Wildlife and/or a permanent repository preserving the history of the Nevada Department of Wildlife and the wildlife of Nevada. Certificates of appreciation should also be sent to nominees.

This 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, MARCH 16, 2018.

A handwritten signature in cursive script, appearing to read "G. Wallace", written in black ink.

Grant Wallace, Chairman
Nevada Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 60

Number: **P-60**
Title: Water Application Guidelines
Reference: NRS 501.105, 503.584,
503.589
Effective Date: March 28, 1980
Amended Date: December 2, 1995
Reviewed Date: 2002

PURPOSE

The Board of Wildlife Commissioners shall establish policies necessary for the preservation, protection, management and restoration of wildlife and its habitat and shall utilize its ~~land management~~ authority to carry out a program for conserving, protecting and propagating ~~selected species of~~ native fish, wildlife and other vertebrates and their habitats ~~which are threatened with extinction and destruction~~.

POLICY

The Board of Wildlife Commissioners does hereby establish the following policy to provide for the preservation, protection, management and restoration of wildlife and its habitat:

1. The Director, Department of Wildlife, to the maximum extent practical, shall review water applications submitted to the State Engineer for the appropriation of waters to determine the impact ~~on~~ wildlife and its habitat.
2. If it is determined by the Director that granting the application would threaten or cause ~~significant impacts to drastic modification or severe curtailment of~~ wildlife ~~and its~~ and habitat resources, the Director shall, within 30 days from the date of last publication of notice of applications, file with the State Engineer a written protest against granting the application, setting forth with reasonable certainty the grounds of such protest.
3. The Director shall advise the State Engineer and the applicant that such protest will be withdrawn if, in his opinion, adequate safeguards are provided for wildlife and its habitat.

The Board of Wildlife Commissioners recognizes the economic value and benefits of ~~long established~~ long-established agricultural development resulting, in part, from the use of drilled wells and free-flowing artesian wells. -The Board will endorse legislation to control the drilling and pumping of new wells that cause detrimental effects on wildlife

and habitat resources. ~~existing wells and free-flowing springs that provide agricultural and wildlife benefits.~~

This 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, DECEMBER 2, 1995.

B. Mahlon Brown, Chairman
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 61

Number: **P-61**
Title: Water Rights
Reference: NRS 501.105, 503.584,
503.589
Effective Date: August 20, 1982
Amended Date: December 2, 1995
Reviewed Date: 2002

PURPOSE

The Board of Wildlife Commissioners shall establish policies necessary for the preservation, protection, management and restoration of wildlife and its habitat and shall utilize its land management authority to carry out a program for conserving, protecting and propagating wildlife and their habitats.

Water is essential for the existence and survival of fish and most species of wildlife, and in Nevada's arid climate, water is the key to the distribution and population abundance of the State's fish and wildlife resources.

The purpose of this policy is to guide the Department of Wildlife in securing water for the preservation, maintenance and enhancement of wildlife and their habitats. The provisions of this policy are in complete accord with Nevada water law, and will not impair any vested, permitted or certificated rights for the use of water.

POLICY

The Board of Wildlife Commissioners does hereby establish the following policy to provide for the preservation, protection, management and restoration of wildlife and its habitat:

1. **Instream Flow:**

It is the policy of the Commission to achieve, through all available means, adequate instream flows to maintain existing fish life and aquatic ecosystems. Whenever water becomes available, the Department shall, subject to a determination of need, and available manpower and money, apply for and/or purchase such waters for the benefit of fish and wildlife.

2. **Minimum Reservoir Pools:**

It is the policy of the Commission to achieve, through all available means, the maintenance of minimum reservoir pools necessary to support viable

fish populations. The Department shall, whenever the opportunity arises, enter into negotiations with private reservoir owners to secure cooperative agreements for public fisherman access and minimum pools. The Department shall work through the federal land management agency's permitting process to ensure permit stipulations for the maintenance of public access and minimum pools on all new reservoirs constructed wholly or partially on public lands.

3. Wetlands:

It is the policy of the Commission to maintain, through all available means, the maximum possible acreages of viable wetland habitats in Nevada. Whenever water becomes available, the Department shall, subject to available manpower and money, apply for and/or purchase such waters as are necessary to maintain existing wetlands for the benefit of fish and wildlife.

4. Springs and Seeps:

It is the policy of the Commission to ensure, through all available means, that wildlife have access to the water from springs and seeps necessary to maintain existing and anticipated distributions and population levels. The Department shall, subject to available manpower and money:

- a. File applications for permits to appropriate the necessary water to support existing and anticipated wildlife populations on all springs and seeps of significant value to wildlife and where unappropriated water is available.
- b. File joint applications, where appropriate, to obtain the amount of water needed for maintenance of wildlife populations.
- c. Develop procedures to implement the provisions of Chapter 533 of NRS to ensure wildlife access to appropriated waters.
- d. Work cooperatively with private water right holders and public land management agencies to ensure that sufficient water from springs and seeps is available for wildlife. In addition, work to protect, conserve and enhance riparian areas, meadows, wetlands, and other habitats associated with water resources that provide valuable habitats for wildlife.
- e. File protests with the State Water Engineer on those applications for waters of significant value to wildlife and where the proposed use of

the water will deny wildlife access thereto, and where all other avenues of ensuring wildlife access to such waters have been exhausted.

This 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, DECEMBER 2, 1995.

B. Mahlon Brown, Chairman
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 66

Number: P-66
Title: Management and Use of
Conservation Lands and Wildlife
Management Areas
Reference: NRS 501.105, 501.181
Effective Date: March 28, 1980
Amended Date: August 15, 1998 and
January 26, 2018

PURPOSE

The primary purpose of this document is to provide policy-level guidance to the Nevada Department of Wildlife in the development of site specific operational plans for all NDOW owned conservation lands and the individual wildlife management areas (WMAs) in the State of Nevada.

JUSTIFICATION

In accordance with the provisions of NRS 501.105, the Nevada Board of Wildlife Commissioners (the Commission) is responsible for establishing policies and adopting regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. These duties are further refined in NRS 501.181, which allows the Commission to establish policies for areas of interest including the acquisition of lands, water rights and easements and other property, including the entry, access to, and occupancy and use of such property, including leases of grazing rights, and sales or agricultural products.

BACKGROUND

Nevada not only has the distinction of being the driest state in the nation, but also continues to be one of the fastest growing from a human population perspective. The increased demands for the limited water resources has escalated the importance of maintaining viable and functioning wetlands, and other water-related habitats, upon which a variety of game, nongame, and sensitive species of fish and wildlife depend. It has been estimated that 85 percent of the historic wetlands in the western part of the State, and 52 percent of the wetlands statewide have been lost. The desire to acquire and maintain wetlands in public ownership was also identified as a priority initiative in the Nevada Department of Wildlife's recently adopted Strategic Plan.

Nevada also has an inherent obligation from a national and international perspective to participate in efforts to insure the future well being of migratory birds, a majority of which utilize the wetlands and other habitats of Nevada for only a part of their life cycle. The WMAs of this State are an extremely important component of the North American

Waterfowl Management Plan, the U.S. Shorebird Conservation Plan, the North American Waterbird Conservation Plan and the Partners in Flight Bird Conservation Plan, a plan which considers the needs of neotropical migratory birds.

The State of Nevada through the Department of Wildlife currently owns in fee title, and/or maintains long-term leases for over 1520,000 acres of real property, including attendant water rights in some cases. A vast majority of this land was acquired for the primary purpose of protecting wetlands, inclusive of maintaining public shooting grounds. Opportunities continue to exist for acquiring and or protecting additional wetlands and other critical habitats for fish and wildlife through the Park and Wildlife Conserve Nevada Bond Bill program, use of the Federal Aid in Sport Fish and Wildlife Restoration projects, and other funding initiatives.

Planning the future of Nevada's conservation lands and WMAs is essential due to the increased and sometimes conflicting demands being placed upon these limited resources. The adoption of broad policies and attendant long-range plans can therefore assist in meeting the present and future use demands, help maintain and enhance the resource, and resolve the problems of the conflicting resource uses.

POLICIES

In order to address the current and future needs of the fish and wildlife resources, and the publics that utilize these resources, the Nevada Board of Wildlife Commissioners does hereby establish the following policies to provide for the preservation, protection, management and restoration of wildlife and its habitats on State owned or controlled lands and WMAs:

Priority Uses: The primary objectives governing the management and use of WMAs must necessarily be linked to the purposes for which the areas were purchased, particularly from a Federal Aid or other funding source perspective. Based upon this premise, priority management for the following listed WMAs will be directed toward wetland development and waterfowl activities, including the use of these areas as public shooting grounds, with all other uses being secondary: Argenta, Carson Lake, Mason Valley, Scripps, Fernley, Humboldt, Alkali Lake, Franklin Lake, Overton, Key Pittman, Steptoe Valley, and Wayne E. Kirch.

Using similar justification and rationale as described above, the following listed area will receive priority management for fisheries-related programs: Bruneau River. It is the intent of this policy to maximize available opportunities for all fish and wildlife uses within the WMA system, after consideration of the primary uses described above and within limits posed by provisions of the Endangered Species Act, Section 404 of the Clean Water Act, and other similar state and federal legislative mandates.

Multiple Uses: Because of the limited availability and subsequent high demand for wetland-related resources in Nevada, all WMAs purchased with Federal Aid in Wildlife Restoration funds shall be developed, maintained and managed primarily for wetland

values. In the same manner, all WMAs purchased with Federal Aid in Sport Fish Restoration funds shall be developed, maintained and managed primarily for fisheries-related values. The maximum recreational or other public use will be pursued whenever and wherever feasible, but with the limits posed by the above reference priorities, within habitat capabilities, and may be limited by budget constraints or regulations applicable to lands purchased using Federal Aid.

Hunters and anglers benefit from the fish and wildlife on the WMAs and conservation lands and as such, shall continue to be included in the future management and use of the ~~WMA system~~ properties. ~~The WMA p~~Properties are also available for educational, scientific, aesthetic and other uses such as bird watching, nature trails, educational pursuits, scientific endeavors and will be encouraged whenever and wherever possible. The scope of activities, number of visitors and/or visitor days, and conflicting uses will be managed or limited to protect the associated natural resources, to maintain an optimum recreational experience and to provide for public safety.

Water Rights: Whenever water becomes available, the Department shall, subject to available manpower and money, apply for and/or purchase such waters as deemed necessary to maintain existing wetlands and/or develop new wetlands necessary for the preservation, maintenance and enhancement of wildlife and their habitats on WMAs.

Land Acquisition: In concert with public input provided as part of the inventory portion of the Strategic planning process, objectives developed in the Strategic Plan, and in accordance with policies established under the Conserve Nevada Bond Park and Wildlife Bond Bill program, the Department will continue to pursue a land acquisition program that meets the needs and desires of the public, and provides for the preservation, protection, and restoration of wildlife and their habitats within the WMA system.

Easements: Acquisition of conservation or access easements from willing private property parties that support important wildlife habitat or access will be considered when opportunities are presented. Easements keep private lands in private ownership but provide opportunity to prioritize wildlife values or ensure access.

Wetlands Management: An overall goal of no net loss of wetlands and the enhancement of wetland quantity and quality are the long-term wetlands management objectives on WMAs purchased with Federal Aid in Wildlife Restoration funds. Comprehensive strategies for protecting and enhancing wetlands will be developed for each WMA using the Geographical Information System (GIS) natural resource inventory. The condition of present water delivery facilities will be reviewed, and improvement projects developed where needed on WMAs to increase efficiency of water delivery and promote water conservation.

Vegetation Management: Strategies to promote vegetation that is of maximum value to waterfowl and other migratory birds will be developed through water level manipulation, prescribed burning, grazing, herbicide applications and other means in an effort to meet

plan-specific objectives on each WMA. Procedures will also be developed to control and eradicate invasive and undesirable plants such as tamarisk and whitetop. Upland habitats on WMAs will be managed to maximize biodiversity, which may also require periodic vegetative manipulation.

Public Access: Appropriate road and trail systems will be established and maintained within each WMA to insure adequate public access to the resource, recognizing however, that some seasonal road closures may be necessary to protect the resource, and/or enhance the recreational experience. Roadways, parking areas and other vehicular control measures will be adequately signed to insure public compliance.

Camping: Although camping is recognized as an important part of the outdoor recreational experience, and that overnight and/or day-use facilities may be needed at some WMA locations, the Department of Wildlife is not in the camping business simply for the sake of camping. Facilities will therefore be provided only in those areas where there is an expressed demand by resource users, and only to specifically meet the identified needs of the users.

On those WMAs where improved camping facilities are deemed necessary to address the needs of the general public, and the development of such sites are compatible with fish and wildlife management objectives of the area, the Department of Wildlife shall work in cooperation with the Division of State Parks to provide upgraded camping facilities through the use of site-specific Memorandums of Agreement.

Boat Ramps: Recognizing that boating access is an important component associated with recreational opportunity at many of the WMAs, adequate boat ramp facilities will be provided for launching medium to small boats on reservoirs and ponds where appropriate.

Grazing Practices: It is recognized that livestock grazing frequently provides a viable and cost-effective management tool for enhancing habitat conditions for certain species of wildlife, and livestock grazing may therefore be utilized periodically on some WMAs or conservation lands to meet area-specific plan objectives.

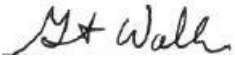
Farming Practices: It is recognized that agricultural production of farmland crops is an extremely beneficial asset to many species of wildlife, particularly some species of migratory birds, and that such practices add to the biodiversity of wildlife in Nevada. Although the major focus of the WMA program will be directed toward developing, enhancing and maintaining natural wetland systems, farming may be initiated on some areas to meet site-specific management area needs. Because of the high cost of farming for agricultural products, a cost benefit analysis will be one of the factors used in determining whether or not an area will be farmed.

Funding Sources: The ownership, maintenance and management of real property, particularly land and water, is an expensive program component of fish and wildlife management. The current WMA system provides both direct and indirect benefits to the

general public through habitat and migratory bird protection. It is the intent of the Commission to encourage the Department to explore broad and diverse funding opportunities to fund the WMAs for the benefit of all citizens.

This 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, JANUARY 26, 2018.



Grant Wallace, Chairman
Nevada Board of Wildlife Commissioners