

CHAIRMAN TOMMY CAVIGLIA
COMMISSIONER EDDIE BOOTH
COMMISSIONER SHANE ROGERS
COMMISSIONER PAUL YOUNG
CABMW REP. RYAN BROWNE
CABMW REP. JOE CRIM
PUBLIC REP. MEGHAN BROWN

STAFF TO THE COMMITTEE:
KIM MUNOZ, DATS DIVISION ADMINISTRATOR
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DRAFT MINUTES
NEVADA BOARD OF WILDLIFE COMMISSIONERS
TAG ALLOCATION AND APPLICATION HUNT COMMITTEE

THURSDAY, JANUARY 25, 2024 @ 5:00 PM

Nevada Department of Wildlife
6980 Sierra Center Parkway, Suite 120
Reno, NV 89511

Or

Please click this URL to join.

<https://us02web.zoom.us/j/84579715838?pwd=RGhzUHJud2hTWE56STVGMDN4TFhMdz09>

Passcode: 389540

Committee Members in attendance: Chairman Tommy Caviglia, Commissioner Eddie Booth, Commissioner Paul Young, CABMW Representative Joe Crim, CABMW Representative Ryan Browne, Public Representative Meghan Brown

Nevada Department of Wildlife personnel in attendance: Data and Technology Services (DATS) Division Administrator Kim Munoz, Management Analyst Megan Manfredi, Game Division Administrator Shawn Espinosa, Deputy Director Mike Scott, Director Alan Jenne, Executive Assistant Lynda Barr, Management Analyst Kailey Musso, Law Enforcement Chief Kristy Knight, Deputy Attorney General (DAG) Craig Burkett, Wildlife Staff Specialist Joe Bennett

County advisory Boards to Manage Wildlife (CABMW) Members and public in attendance: Jim Cooney, Jerry Cooney, Paul Dixon, Kexton Grangruth, Judi Caron, Janna Wright, Dallas Hatch, Rick Duenas, Tiffany East, Matt Melarkey

1. Call to Order, Pledge and Roll Call – Committee Chairman Tommy Caviglia

Chairman Caviglia called the meeting to order at 4:59 PM. Members and public present said the pledge. Chairman Tommy Caviglia, Commissioner Eddie Booth, Commissioner Paul Young, CABMW Representative Joe Crim, CABMW Representative Ryan Browne, Public Representative Meghan Brown and Commissioner Shane Rogers were present.

2. Public Comment Period

No public comment.

3. Approval of Agenda – Committee Chairman Tommy Caviglia – For Possible Action

The Committee will review the agenda and may take action to approve the agenda. The Committee may remove items from the agenda, continue items for consideration or take items out of order.

No public comment

COMMISSIONER ROGERS MOVED TO APPROVE THE AGENDA AS PRESENTED, SECONDED BY COMMISSIONER YOUNG. MOTION PASSED 7-0.

4.* Approval of Minutes – Committee Chairman Tommy Caviglia – For Possible Action

The Committee may take action to approve Committee minutes from the November 2, 2023, meeting.

No Public comment

CABMW REPRESENTATIVE CRIM MOVED TO APPROVE THE MINUTES AS PRESENTED, SECONDED BY PUBLIC REPRESENTATIVE BROWN. MOTION PASSED 7-0.

5.* Deferred Tags – Management Analyst Megan Manfredi – For Possible Action

The Department will share concerns related to the tag deferral program and request direction of the Committee on answers to how to handle unanticipated consequences.

Management Analyst Megan Manfredi opened the agenda item by summarizing the items in the support materials that were requested by the Committee during the November meeting. The items included the extenuating circumstances regulation including the sentence that was struck out by the Commission a few years ago depicting the timeframe a circumstance could happen to a tag holder for them to qualify for participation in the deferral program. Along with the regulation, support materials included a tag deferral standard operating procedure that was signed by the Department's previous director, Tony Wasley as well as the updated draft procedure that the Department has been working to revise.

A few items were noted to the Committee that if approved in the standard operating procedure, it was recommended to include in the regulation. Those items included excluding from participation in the deferral program any tags awarded through the alternate or First Come, First Served (FCFS) programs, and non-resident guided draw. Any tags offered for management, depredation, landowner damage compensation, elk incentive or emergency hunts.

Chairman Caviglia stated that the Commission held multiple discussions across multiple Commission meetings that contained concerns of exactly what we saw happen this last year. Most things that were predicted might happen, did happen.

CABMW Representative Browne stated he did not see a reason to have this program at all with other programs such as FCFS and the general tag return program in place. If it was removed entirely, the Department would not have to spend their resources reviewing and determining based on the documentation provided by a tag holder.

Management Analyst Manfredi added that a directive to begin the process was determined by a legislative bill that had pass out of the Nevada legislature a few years ago.

CABMW Representative Browne confirmed that he had read the bill which states the Commission may adopt a program and not shall adopt one.

Commissioner Young stated that it was his understanding that during the time where the regulation language was in its original state, the Department was not seeing the issues of customers gaming the system and that establishing the standard operating procedure as a general memo and policy guidelines.

Commission Caviglia confirmed and gave an example of a situation where the intent of the Commission was to help a customer whose extenuating circumstance happened past the last day they could return their tag to the Department. He added that the Commission worked on the regulation for many meetings

to refine it and then in one meeting unwound the whole intent by removing that half of a sentence. If that phrase is added back, the regulation would tighten up again and avoid the bulk of the gaming and burden on the Department to review the deferral requests.

Management Analyst Manfredi stated that the Department had received and approved deferrals for approximately 90 individuals.

Chairman Caviglia added that there was an individual utilizing the deferral program for high blood pressure which was not the intent of the Commission for this program.

Commissioner Rogers asked how the deferral numbers have increased compared to the past.

Management Analyst Manfredi answered that the previous year saw approved deferral requests in the mid 30's. In years prior to this regulation passing, it was one or two a year.

Commissioner Young asked if there was a military deferral exemption.

It was confirmed that the military deferral was a separate program in a separate regulation.

Public comment:

Matt Melarkey stated that he would encourage the Committee to roll back the deferral programs. There is an obvious issue with the Silver State and Heritage tag programs as those are paid for with large amounts of money. It is also unfair to ask the Department to be the arbiter of health decisions of people and currently there is a lot of pressure on the Department to determine if someone is or is not sick or lying which are extremely difficult to parse out. He encouraged the Committee again to limit the time frame or remove the program all together.

Commissioner Young stated that he was comfortable rolling the timeframe back in the regulation. He added that he thought the standard operating procedure was good work and should be kept as a guideline for the Department.

Chairman Caviglia added that the option for a deferral would still be available but the window of the event happening would be smaller so the procedure would still be an effective tool for the Department.

Discussion was had on what items from the draft standard operating procedure should be included in the motion to be added as exclusions within the regulation change.

Chairman Caviglia asked with the current language, what would happen to the allocation of the specialty tags if a deferral was approved for them.

Management Analyst Manfredi answered that the Heritage and Silver State combined tag limits are within Nevada Administrative Code and the quotas set for both have not reached the maximum limit so there would be room for the Department to over allocate in the event of a deferral request. The Dream and Partnership in Wildlife (PIW) tags do not offer that luxury and in the event of a deferral request, there would not be a tag offered for the general public the following year or there would be one less offered, depending on the approved quota.

Public Representative Brown stated that if these policies were in place and people understand that they cannot defer a tag related to the specialty tag programs then if it is purchased and something happens, then they do not have the option to defer. She stressed to make those rules known to the buyers of the tags.

Deputy Director Mike Scott added that there would still be a deferral program available for military and diseased animals as those programs are different than the extenuating circumstance regulations being discussed.

Chairman Caviglia stated that he was comfortable removing the option for the specialty tag holders participating in the deferral program based on the possibility of a tag holder taking advantage of the program due to a drought year of similar situation.

Deputy Director Scott added for the record that this year the Department did have a PIW antelope tag returned as a diseased animal and the tag holder is eligible to receive their deferred PIW tag for the 2024 hunt season. He added that excluding landowner tags from the deferral program would benefit the landowner by not limiting their approved number of allotted tags for the following year.

CHAIRMAN CAVIGLIA MOVED TO FORWARD TO THE COMMISSION THE DRAFT STANDARD OPERATING PROCEDURE AND CHANGES TO THE EXTENUATING CIRCUMSTANCE NAC REGULATION THAT WOULD ADD BACK THE TIMEFRAME LIMITATION AND LANGUAGE THAT WOULD EXCLUDE SPECIALTY TAGS, ALTERNATE AWARDED TAGS, FCFS PURCHASED TAGS, NONRESIDENT GUIDED AWARDED TAGS, AND ANY TAG DESIGNATED FOR A MANAGEMENT, DEPREDATION, LANDOWNER, ELK INCENTIVE OR MANAGEMENT HUNT. SECONDED BY PUBLIC REPRESENTATIVE BROWN. MOTION PASSED 7-0.

6.* Junior Tag Transfer – Management Analyst Megan Manfredi – For Possible Action

The Committee will discuss possible options for establishing a junior tag transfer program as authority to establish such a program was given from SB 311 out of the 2023 Legislative Session.

Management Analyst Manfredi introduced the support materials that were provided and explained the new changes that resulted from direction at November's Committee meeting which included limiting the species allowed for transfer to mule deer, removing the option to designate another person to accompany the junior in the field, limiting the transfer to only tags awarded through the main draw, limiting to one transfer to a junior in a customer's lifetime and allowing a transferee to designate in the application period who they intend to transfer their tag to.

Two items were brought forward by the Department for Committee discussion, the first was should a junior mule deer tag be eligible for transfer to another junior through this tag transfer program. The second was additional guidance of a definition of accompany into the field.

Chairman Caviglia stated that Utah has a junior mentor program that includes a good definition for potential use. Basically, within ear shot of the junior.

CABMW Representative Browne requested clarification around how a resident tag transferred to a nonresident and vice versa would work within this program.

Management Analyst Manfredi answered that subsection one of the proposed language contains a phrase "otherwise eligible to hunt the... tag." This phrase includes restrictions on residency overlap where a resident may not hunt on a nonresident tag, nor a nonresident on a resident tag. This phrase would also include restrictions such as age requirements or waiting periods if there was one for the intended species of the transferred tag.

Commissioner Young stated that if this regulation is passed and a success and if the Committee was willing to open it up in the future, he recommended including the pronghorn antelope options for this program based on the hunt locations and temperatures of the hunts would be easier for a youth.

Public Representative Brown asked Law Enforcement what language could be added that would be enforceable so the Committee could match intent with practicality in the field.

Chief Game Warden Kristy Knight answered that regulation language is hard to enforce if the language is ambiguous. There would need to be a set or specific guideline for enforcement.

Discussion ensued related to what would and would not be acceptable language for a game warden to interpret and be able to enforce in the field. Utah's regulation code 23-20-20 related to adults accompanying minors in the field was discussed for potential language for Nevada's regulation.

Management Analyst Manfredi stated that regulations allow for a fourteen-year-old to go out and hunt on their own. She asked if there would be an exception for age if a tag was transferred through this regulation or if the original tag holder would still need to accompany the junior receiving the transferred tag into the field.

Chairman Caviglia stated that he would like the regulation left without the age exclusion to hunt on their own. Other members of the Committee agreed.

Discussion was had related to allowing a junior mule deer tag holder transferring the junior mule deer tag through this tag transfer program.

Public Representative Brown stated she was comfortable using the drafted language as a starting point which would not allow a junior mule deer tag as an option for transfer through this program and if in the future there is interest in widening the program, junior tags could be discussed at that time. Other members of the Committee agreed.

Public comment:

Judi Caron expressed her concerns around having to accompany the youth into the field if she were the one transferring her tag to a minor. If an individual was giving the ownership of a tag to another individual there is no responsibility, and the drafted regulation intends for a youth who has already passed hunter education to hunt alongside their parent. She gave an example of if she were the tag holder and could not go on the hunt, the youth's parents would have that responsibility and she did not see the necessity of the tag holder to accompany the youth into the field.

Chairman Caviglia stated that the Committee did have discussion on allowing a parent or guardian to take the responsibility of the youth in the field but there were concerns related to a black market on the tags and tags getting transferred based on payment to the original tag holder.

Discussion was had relating to what would happen to the tag if the original tag holder could not accompany the youth into the field in a circumstance where they were sick or passed away. The Committee landed on keeping the program as written and not place the burden of reviewing and interpreting medical documentation on the Department related to this program.

Data and Technology Services Division Administrator Kim Munoz stated that the regulation language as written will require some development work by Gordon Darby before the licensing system would be able to transfer a tag between two individuals which would not be completed before the 2024 hunt season.

PUBLIC REPRESENTATIVE BROWN MOVED TO FORWARD THE LANGAGE TO THE COMMISSION AS PRESENTED WITH AN ADDITION OF GRAMATIC CLARIFICATION IN SUBSECTION ONE, USING THE UTAH CODE 23-20-20 DEFINITION AS A STARTING PLACE FOR THE ACCOMPANIMENT IN THE FIELD DEFINITION, EXCLUDING JUNIOR MULE DEER TAGS FOR PARTICIPATION IN THE PROGRAM, AND REQUIRING ANY JUNIOR, REGARDLESS OF AGE

TO BE ACCOMPANIED BY THE ORIGINAL TAG HOLDER IN THE FIELD. SECONDED BY CHAIRMAN CAVIGLIA. MOTION PASSED 7-0.

7. Future Committee Meeting – Committee Chairman Tommy Caviglia – For Possible Action
The committee will discuss possible future agenda topics and set a date and time for the next committee meeting.

Chairman Caviglia stated that the junior tag transfer regulation language will be reviewed by the Committee in a March meeting.

Management Analyst Manfredi added that there will be quite a few other Committee meetings being heard around the March Commission meeting so she would work with Chairman Caviglia on a date and venue that would work best for the next meeting.

No public comment.

8. Public Comment Period

No public comment.

The meeting was adjourned at 5:57 PM.