

CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE
Minutes of the December 1, 2003 Meeting

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A regular meeting of the Carson City Advisory Board to Manage Wildlife was scheduled for 6:00 p.m. on Monday, December 1, 2003 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Steve Walker
Vice Chairperson Gil Yanuck
Wes Clyde
Jennifer Derley
Stan Zuber

STAFF: Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review during regular business hours.

- 1. CALL TO ORDER, DETERMINATION OF QUORUM (1-0008)** - Chairperson Walker called the meeting to order at 6:00 p.m. A quorum was present.
- 2. APPROVAL OF MINUTES - September 22, 2003 (1-0011)** - Member Clyde moved to approve the minutes. Vice Chairperson Yanuck seconded the motion. Motion carried 5-0.
- 3. MODIFICATIONS TO THE AGENDA (1-0024)** - None.
- 4. PUBLIC COMMENT ON NON-AGENDIZED ITEMS (1-0025)** - C.K. Baily advised that he would be traveling to the Nevada Department of Wildlife on Friday, December 12th with Park Planner Vern Krahn, Parks and Recreation Department Director Steve Kastens, Senior Engineer Robb Fellows, and Paul Pugsley of the Dayton Valley Conservation District, to discuss with Laura Richards and Mark Warren the Question #1 bond funding for the Fuji Park Urban Fishery.
- 5. DISCLOSURES (1-0059)** - Member Zuber advised of having been contacted by a NDOW representative and requested to serve on the Kirch Awards Committee. Vice Chairperson Yanuck advised of having been requested by Kelly Clark to make radio commercials for NDOW. The commercials are broadcast during the early morning time slot on KOH. In response to a question, he discussed the content of the commercials.
- 6. DISCUSSION OF POINTS OF INTEREST FROM THE SEPTEMBER 26 AND 27, 2003 WILDLIFE COMMISSION MEETING (1-0094)** - Chairperson Walker noted that the Board was not represented at the September Commission meeting. He referred the Board members and the public to the draft minutes of the meeting.

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7. ADVISORY BOARD TO MANAGE WILDLIFE CONSENT AGENDA. All matters listed under the Consent Agenda are agendized for the December 5 and 6, 2003 Wildlife Commission meeting and may be acted upon by the Advisory Board to Manage Wildlife with one action and without extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda and acted upon separately during this meeting (1-0123) - Vice Chairperson Yanuck moved to remove items 7-F, 7-G, and 7-L from the consent agenda. Member Derley seconded the motion. Motion carried 5-0. (1-2485) Chairperson Walker recessed the meeting at 7:55 p.m. and reconvened at 8:03 p.m. He removed item 7-D from the consent agenda. (1-2831) Vice Chairperson Yanuck moved to approve the remaining consent agenda items. Member Zuber seconded the motion. Motion carried 5-0.

7-A. ACTION REGARDING PERMIT APPEALS - DEPUTY ATTORNEY GENERAL WAYNE HOWLE

7-A(1) THE DEPARTMENT DENIED THE APPLICATION OF JAMIE COVERSTON FOR A COMMERCIAL COLLECTION PERMIT OF UNPROTECTED WILDLIFE

7-A(2) THE DEPARTMENT DENIED THE APPLICATION OF MARSHALL COVERSTON, III, FOR A COMMERCIAL COLLECTION PERMIT OF UNPROTECTED WILDLIFE

7-A(3) THE DEPARTMENT DENIED THE APPLICATION OF DONNA CARD FOR A COMMERCIAL COLLECTION PERMIT OF UNPROTECTED WILDLIFE

7-B. ACTION REGARDING PETITION - GARY L. KIRCHNER. The Commission will consider a petition to establish a wish hunt for handicapped children with terminal illness. The Commission will vote to either initiate rule making action or deny the petition.

7-C. ACTION REGARDING COMMISSION GENERAL REGULATION 313 (LCB FILE NO. R122-03) - PATTY WAGNER. Makes various changes to Chapter 488, Watercraft. Adds language that allows a person to request his name and records be removed from lists that are sold; clarifies certain requirements for vessel titling and registration; requires vessels documented by the Coast Guard to be registered annually; allows the use of an authorization number in lieu of the registration and validation decals for 10 days upon an Internet transaction; adds criteria for the boat dealer program for approval and denial of applications and for cancellation. (Note: See agenda item #3 for support material.) *Note: This item is agendized as part of an informational workshop on December 5th and for action on December 6th.*

7-D. ACTION REGARDING COMMISSION GENERAL REGULATION 314 (LCB FILE NO. R137-03) - PATTY WAGNER. Makes various changes to Chapter 502, Licenses, Tags, and Permits. Adds language to allow a person to request his name and records be removed from lists that are sold. Adds requirements for the upland game bird stamp and duplicate licenses. Requires an application fee for a business applying to be a license agent; revises stamp requirements for the Colorado River drainage; revises application hunt requirements for applying for bonus points

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without the opportunity to obtain tags; increases the swan tag fee; allows residents to apply for hunting licenses with the tag application and allows residents and non-residents to apply together for deer hunts; allows a first-come, first-served process instead of a manual draw; revises the amount of money from the tag fee received from each unsuccessful applicant for a tag in the partnership in wildlife drawing that is to be deposited with the state treasurer for credit to the Wildlife Account and the amount which is to be refunded to unsuccessful applicants regardless of big game species applied for; and provides housekeeping for certain terminology and provisions as a result of the 2003 legislative session. (Note: See agenda item #4 for support material). *Note: This item is agendized as part of an informational workshop on December 5th and for action on December 6th (1-2495) -* Chairperson Walker reviewed the information included in the Commission agenda materials. Vice Chairperson Yanuck and Commissioner MacKenzie provided background information on the provisions of the bonus point regulation, and discussion took place with regard to the same.

Chairperson Walker read a letter into the record from Commission Chairman Ford regarding the Partnership in Wildlife draw. Commissioner MacKenzie advised that the program had worked and generated more PIW revenue than the previous method.

Commissioner MacKenzie advised he would be opposing the proposed revision to the bonus point application process. He disagreed with the bonus point being sold as a commodity; additional discussion took place with regard to the proposed revision.

7-E. ACTION REGARDING COMMISSION GENERAL REGULATION 315 (LCB FILE NO. R138-03) - PATTY WAGNER. Makes various changes to Chapter 503, special licenses and permits; increases fees for certain special permits and provides housekeeping for certain terminology and provisions as a result of the 2003 Legislative session. (Note: See agenda item #5 for support material.) *Note: This item is agendized as part of an informational workshop on December 5th and for action on December 6th.*

7-F. ACTION REGARDING COMMISSION GENERAL REGULATION 319 (LCB FILE NO. R159-03) - STEVE ALBERT. Establishes regulation which prohibits a hunter or trapper from carrying a weapon declared legal for the hunting of big game mammals or game birds in or on an off-road vehicle which is being driven more than 25 yards off an established road on public land in a management area or unit which has a hunting season open and in progress for the hunting of big game or upland game birds. (Note: See agenda item #6 for support material). *Note: This item is agendized as part of an informational workshop on December 5th and for action on December 6th (1-0139) -* The Board members acknowledged having received support material from NDOW regarding this item. Vice Chairperson Yanuck expressed concern that the public had not been sufficiently notified with regard to this item. He discussed public testimony provided at previous meetings with regard to the use of off-road vehicles in hunting areas, and the issue of "off-road hunting." He expressed the further concern that the motive behind the regulation may be the future imposition of off-road vehicle registration, and additional fees and regulations.

Member Zuber advised of having spoken with Steve Albert regarding the proposed regulation. He expressed support for requiring off-road vehicles to stay on existing roads, but expressed disagreement with placing the responsibility for adhering to the regulation on hunters. He advised that his experience has been that recreational users, and not hunters, are causing the problems of displaced game and "torn up" resources. He agreed that the proposed regulation may be the precursor to additional off-road vehicle

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restrictions and regulations. He further agreed that the proposed regulation has not been sufficiently advertised in order to receive adequate public input.

Member Derley agreed with Vice Chairperson Yanuck's and Member Zuber's comments. She advised of having spoken with hunters who hadn't heard about the proposed regulation. She commented that hunters who don't use ATVs are concerned that the proposed regulation is the first "soft step before everything is outlawed," and that recreational users are still allowed to tear up the resource. Vice Chairperson Yanuck agreed that hunters should not be singled out for the purpose of instituting regulations governing the use of ATVs. He suggested that the regulations should be set forth in the Nevada Revised Statutes and, therefore, enforceable statewide.

Member Clyde discussed the issue of singling out hunters and trappers, and advised that if the regulation is set forth in the Nevada Administrative Code rather than in the statutes, it can only be enforced during hunting seasons. He agreed that the regulation should be established in the Nevada Revised Statutes and applicable to everyone. He advised that the Bureau of Land Management has already established a regulation for its properties. He agreed that the issue of ATV use should be addressed, but disagreed that the proposed regulation should only be applied to a select group.

Chairperson Walker read a portion of a memo from Commission Chairman Tommy Ford into the record advising of the workshop scheduled for Saturday, December 6th. He advised of a telephone conversation prior to the meeting with Commissioner John Moran, who was calling to ensure that the Board members had carefully reviewed and understood the language of the proposed regulation. Commissioner Moran emphasized that the intent of the proposed regulation is to prohibit ATV users from making new roads. Chairperson Walker discussed the benefit of ATVs over four-wheel drive vehicles in covering distances on rough terrain. He agreed with earlier comments that the proposed regulation is most likely a precursor to more strict regulations and the imposition of additional fees. He reviewed the language of the proposed regulation, and discussed the timing of hunting seasons with the seasons of the year. He advised that Commissioner Moran expressed a concern that advisory boards would be "looking too hard" at the language of the proposed regulation. In response to a question, Member Zuber estimated that he wrote 20 tickets last year, as a BLM enforcement officer, for violations involving ATVs. Of the estimated 20 tickets, none were issued to hunters. Chairperson Walker acknowledged an understanding of the language and purpose of the proposed regulation, but expressed reluctance in supporting it. He anticipated that there would be many county advisory board representatives and other citizens present at the Commission meeting to oppose the regulation.

Member Clyde expressed the hope that the Commissioners would consider the input provided by the county advisory boards and anyone else providing testimony at the Commission meeting before taking action on the regulation; however, he advised of having been informed that the regulation will pass regardless of the input provided. Vice Chairperson Yanuck referred to the minutes of the Regulations and Procedures Committee, and noted that they indicate a very heated discussion of this issue and difficulty obtaining consensus. As a result, Commissioner Ford requested a draft of the proposed regulation for review at the next Regulation and Procedures Committee meeting. Vice Chairperson Yanuck referred to Commission meetings at which the issues associated with the proposed regulation have been discussed. Each time public testimony was received, the Commissioners assured that the issue was being addressed and that a proposed regulation would be presented. Vice Chairperson Yanuck agreed with earlier comments that it is not right to "single out the hunter as a test case." The proposed regulation should apply year-round to

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every ATV user. Chairperson Walker discussed the Commission's perception that the problems are centered around hunting and trapping season, and discussion took place with regard to the same. Vice Chairperson Yanuck discussed his experience in seeing ATVs in undesignated areas during his participation in the Sage Grouse Conservation Planning process. Chairperson Walker discussed the importance of preserving habitat for the benefit of future generations.

(1-0761) Mr. Baily agreed that the language of the proposed regulation singles out hunters and trappers, and supported opposing the regulation. Chairperson Walker responded to questions regarding the language of the regulation. Mr. Baily discussed testimony which was provided during the 2003 legislative session regarding ATV use.

Vice Chairperson Yanuck referred to the comment sheet included in the Commission agenda materials, and moved that the Board not support the regulation as proposed but suggest that the regulation be reworded to affect not only hunters but all off-road vehicle users regardless of the time of year or whether or not the off-road vehicle user is carrying a weapon. Motion died for lack of a second. Member Zuber suggested that the proposed regulation will add yet another condition to the hunting license, which could potentially deter people from applying for hunting licenses. He reiterated that the only way to apply the regulation across-the-board is through statewide legislation. Member Clyde suggested that the best way would be through statewide legislation regulated by the Department of Motor Vehicles and Public Safety; then, any law enforcement officer would be able to cite an offender.

Vice Chairperson Yanuck reviewed the comments of the Board members and the citizen present, and discussion took place regarding the appropriate recommendation to forward to the Commission. Member Zuber pointed out that the proper channel through which to address issues of off-road vehicle use is the manager of the land in question. He discussed the Resource Advisory Councils available in each BLM Field Office through which public input is received and conveyed to the State BLM Director. Each Field Office is charged with managing off-road vehicles through executive order and regulations. Member Zuber expressed the opinion that the Wildlife Commissioners should be referring complainants to the managers of the lands in question.

Vice Chairperson Yanuck agreed that the issue should be addressed both by NDOW and the agency charged with managing a particular resource. He suggested that the Board not support the proposed regulation, and recommend that NDOW, the BLM, and the U.S. Forest Service address the issue from a statewide approach with the final result being an amended or new statute. Every ATV or off-road user should be required to abide by the same regulations. Member Derley agreed to convey the Board's recommendation at the Friday Commission meeting. **Vice Chairperson Yanuck moved that the Board not support the regulation and suggests additional wording such that enforcement by BLM and U.S. Forest Service representatives is required. Member Derley seconded the motion. Motion carried 5-0.**

7-G. ACTION REGARDING COMMISSION GENERAL REGULATION 320 (LCB FILE NO. 4176-03) - STEVE ALBERT. Revises regulation regarding legal weapons for hunting and evidence of sex requirements for big game animals. (Note: See agenda item #7 for support material). Note: This item is agendaized as part of an informational workshop on December 5th and for action on December 6th (1-1337) - Vice Chairperson Yanuck read into the record the language of the proposed revisions. In response to a question, he discussed the purpose of the proposed revisions. Discussion took place regarding potential problems associated with the requirement to retain evidence of gender. Vice

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Chairperson Yanuck suggested discussing with Rob Buonamici the reason for the proposed revisions. (1-1887) Mr. Baily agreed that the Board's representative should seek an explanation of this issue from Mr. Buonamici. Chairperson Walker advised that the explanation will most likely be provided during the workshop on December 5th. **Vice Chairperson Yanuck moved to not support the requirement to retain evidence of gender due to the need to review support information regarding the purpose for the proposed regulation. Member Zuber seconded the motion. Motion carried 5-0.**

7-H. ACTION REGARDING COMMISSION GENERAL REGULATION 322 (LCB FILE NO. R160-03) - RICH HASKINS. Changes language regarding the use of electric motors in designated areas and adds the lagoon south of Laughlin within Section 33, T32S., R66E., M.D.B. and M., as marked with signs and buoys, or both, to the list of areas limited to vessels without motors and vessels under power of electric motors, for purposes of resource protection. (Note: See agenda item #8 for support material.) *Note: This item is agendized as part of an informational workshop on December 5th and for action on December 6th.*

7-I. ACTION REGARDING COMMISSION GENERAL REGULATION #04-17 - LAURA RICHARDS. Affirms the emergency closure of access for hunting and fishing of a portion of the Mason Valley Wildlife Management Area implemented by the Department of Wildlife Director under authority of NRS 501.339.

7-J. ACTION REGARDING COLORADO RIVER RECIPROCAL AGREEMENT - PATTY WAGNER. The Commission will be asked to approve a revised agreement with Arizona for concurrent regulations and licensing agreement.

7-K. ACTION REGARDING COMMISSION REGULATION 04-15, AMENDMENT #2 - PATTY WAGNER. This regulation makes various changes to the wild turkey regulation by amending the area description for Lyon County to exclude the Mason Valley Wildlife Management Area and Lahontan State Recreation Area for the 2003-2004 fall hunt. Requires applicants to use the landowner permission forms when applying for turkey hunts in Paradise Valley of Humboldt County.

7-L. ACTION REGARDING WILD HORSE MANAGEMENT - DEPUTY ATTORNEY GENERAL WAYNE HOWLE. The Commission will review recent correspondence seeking assistance from elected and appointed officials for improved wild horse and burro management in Nevada. The Commission will also hear a proposed legal complaint regarding inadequate funding and management of wild horse programs and vote whether or not to proceed with litigation (1-1965) - Member Derley advised of having spoken with wild horse managers at the Bureau of Land Management, who informed her that other western states are considering whether or not to pursue litigation. She noted that the BLM would have to abide by a federal court injunction if one were issued. She referred to the letter included in the Commission agenda materials and advised that the national horse budget is between \$29 and \$30 million, \$14 million of which is allocated for wild horse feeding programs.

Vice Chairperson Yanuck advised that one recommendation in the Sage Grouse Conservation Plan is to reduce the wild horse population to Appropriate Management Levels in the Pine Nut range. Nevada has the largest wild horse herd in the nation and receives approximately 20% of the available budget to address the issues. Vice Chairperson Yanuck discussed the budget constraints of the BLM which hamper their ability to properly address the issues, and political issues associated with capturing wild horses. Member

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Derley advised that BLM representatives are supportive of the complaint. Discussion took place regarding unsuccessful past roundups.

(1-2258) Mr. Baily advised of having recently passed the wild burro and wild horse corrals near Pyramid Lake, and noting that they are “burgeoning.” Discussion took place regarding the origin of the herd, various groups which support a healthy wild horse herd, prior attempts at birth control programs, and habitat damage. **Vice Chairperson Yanuck moved to support this item. Member Derley seconded the motion. Motion carried 5-0.**

7-M. ACTION REGARDING COMMISSION POLICY #21 - PATTY WAGNER. Makes minor amendments to the Wildlife Heritage Tag and Vendor program, including vendor proposal submission deadlines.

7-N. ACTION REGARDING ARBITRATION PANELS - GREGG TANNER. The Commission will appoint new members to arbitration panels to serve two-year terms for Elko, White Pine, and Lincoln Counties to hear appeals for the elk damage compensation and elk incentive tag programs.

7-O. ACTION REGARDING PETITION - TOM CASSINELLI. The Commission will consider a petition to establish an antlerless deer season on private lands in Humboldt County. The Commission will vote to either initiate rule-making action or deny the petition.

7-P. ACTION REGARDING CLEAR CREEK RANCH ACQUISITION - DR. ROBERT PARLASCA. The Commission will be asked to provide a letter of support for the acquisition by the Bureau of Land Management of the Clear Creek Ranch, Humboldt County, through the Southern Nevada Public Lands Management Act.

7-Q. CALIFORNIA BIGHORN SHEEP TRANSPLANT - DR. DALE TOWEILL. The Commission will consider a request from Idaho Department of Fish and Game to receive California bighorn sheep for their reintroduction program.

8. DISCUSSION REGARDING INFORMATIONAL REPORTS TO BE PRESENTED AT THE DECEMBER 5 AND 6, 2003 WILDLIFE COMMISSION MEETINGS. A report and additional detail on each of the following informational items will be provided by a Nevada Department of Wildlife representative or a Wildlife Commissioner at the upcoming Commission meeting (1-2838) - Neither the Board members nor the public had any comment on this item.

8-A. SECRETARY’S REPORT

8-B. LITIGATION - DEPUTY ATTORNEY GENERAL BRYAN STOCKTON

8-C. LINCOLN COUNTY ELK SUB-PLAN - COMMISSIONER BENTLEY

8-D. CENTRAL NEVADA ELK SUB-PLAN - COMMISSIONER OLSEN

8-E. GOVERNOR’S SAGE GROUSE TEAM - COMMISSIONER McNINCH

8-F. OVERTON WILDLIFE MANAGEMENT AREA COMMITTEE - COMMISSIONER MORAN

8-G. OUTFITTERS, GUIDES, REGULATIONS AND PROCEDURES COMMITTEE - COMMISSIONER BRADLEY

8-H. LEGISLATIVE COMMITTEE - COMMISSIONER BRADLEY

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- 8-I. NEVADA WILDLIFE DATA SYSTEM UPDATE - PATTY WAGNER**
- 8-J. APPLICATION HUNT SYSTEM ANALYSIS - DON SEFTON, SYSTEMS CONSULTANTS**
- 8-K. CHRONIC WASTING DISEASE - MIKE COX**

9. REPORT ON GOVERNOR'S SAGE GROUSE CONSERVATION PLAN - GIL YANUCK (1-2849) - Vice Chairperson Yanuck referred to the report letters included in the agenda materials and provided an overview of the same. He commented on the status and the volume of the draft plan. He advised that the third drafts are due to the Internal Review Committee on December 8, 2003; comments are due back during the first week in January 2004. The comments will be reviewed, additional data will be gathered, the narrative will be refined, and the fourth draft will be due in May/June 2004. The final report is due to the Governor on June 3, 2004, after which it will be submitted to the various agencies and the public review process. In response to a question, Vice Chairperson Yanuck advised that Nevada leads the other states in the time frame for submitting written drafts. He further advised that Governor Guinn attended the last Governor's Team Meeting, commended the leaders of the various groups on their efforts, and encouraged their continued diligence. Vice Chairperson Yanuck discussed population numbers in relation to historical statistics and population factors. He commented that the planning groups have used scientific methods to develop and implement their recommendations and to find ways to integrate the plans with BLM and U.S. Forest Service management practices.

(1-3070) Mr. Baily commended Vice Chairperson Yanuck on his efforts and participation in the planning process. He compared the progress of the Sage Grouse Conservation Planning process to that of the Lahontan Cutthroat Trout and commented that it has been "astonishing." He thanked Vice Chairperson Yanuck for his outstanding work.

10. REPORT AND POSSIBLE ACTION REGARDING THE FY2003/2004 CARSON CITY ADVISORY BOARD TO MANAGE WILDLIFE BUDGET (1-3100) - Vice Chairperson Yanuck reported that the current balance in the Board's account is \$3,315. After reviewing the latest schedule of Commission meetings, he anticipates that the Board will have sufficient funds to last the remainder of the fiscal year. The Board members acknowledged receiving reimbursements in a timely manner. In response to a question, Vice Chairperson Yanuck explained the process by which the Board's budget is augmented each year.

11. DISCUSSION AND POSSIBLE ACTION TO DESIGNATE A CCABMW REPRESENTATIVE AND AN ALTERNATE TO THE DECEMBER 5 AND 6, 2003 WILDLIFE COMMISSION MEETING (1-3166) - Chairperson Walker volunteered to attend the Friday meeting, and Vice Chairperson Yanuck volunteered to serve as the alternate. Member Derley advised that she was also available to attend. Member Zuber volunteered to attend the Saturday meeting, and advised that he may be attending the Outfitters and Guides Committee meeting on Thursday, December 4th as part of his BLM responsibilities. Vice Chairperson Yanuck volunteered to attend the Saturday meeting. Member Clyde advised he would attend the Saturday morning session. Member Derley volunteered to attend the Saturday meeting as well. Chairperson Walker discussed the process by which the Commission receives public comment.

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12. DISCUSSION AND POSSIBLE ACTION TO SCHEDULE NEXT CCABMW MEETING.

The next Wildlife Commission meeting is scheduled for February 6 and 7, 2004 in Las Vegas. (1-3268) - Consensus of the Board was to schedule the meeting for February 2, 2004. Member Clyde volunteered to attend the February Commission meeting in Las Vegas.

13. COMMENTS AND STATUS REPORTS FROM STAFF (1-3327) - Ms. King reviewed the staff report included in the agenda materials.

14. DISCUSSION ONLY REGARDING FUTURE AGENDA ITEMS (1-3383) - Previously covered.

15. ACTION ON ADJOURNMENT (1-3392) - Vice Chairperson Yanuck moved to adjourn the meeting at 8:32 p.m. Member Clyde seconded the motion. Motion carried 5-0.

The Minutes of the December 1, 2003 meeting of the Carson City Advisory Board to Manage Wildlife are so approved this 2nd day of February, 2004.

STEVEN R. WALKER, Chair