

# Washoe County Advisory Board to Manage Wildlife

## DRAFT OF MINUTES

**Thursday ~ April 2, 2009 ~ 6:30 p.m.**

**Nevada Department of Wildlife**

**Conference Room B**

**1100 Valley Road, Reno, Nevada**

## MEMBERS

Rick Smith, Chair  
Glen Copeland, Vice-chair  
Daryl Harwell, Secretary  
Rex Flowers  
Thomas Wilson

### **1. PLEDGE OF ALLEGIANCE \***

Chair Smith led the Pledge of Allegiance.

### **2. CALL TO ORDER AND ROLL CALL \***

Chair Smith called the meeting to order at 6:30 p.m. A quorum was established.

**PRESENT:** Glen Copeland, Rex Flowers, Daryl Harwell, Rick Smith and Thomas Wilson.

**ABSENT:** None.

Chair Smith asked that those present identify themselves and affiliation (i.e., conservation), if any,

Tina Nappe - citizen; Shaaron Netherton – citizen; Don Caldwell – citizen; Jim Jackson – Coalition for Nevada's Wildlife; Mel Belding – Coalition for Nevada's Wildlife; Diana Belding – citizen; Don Molde – citizen; Jeremy Drew – citizen; Judi Caron – citizen; Bernie Crooks – citizen; Jim Puryear – citizen and Tom Smith – Coalition for Nevada's Wildlife.

### **3. PUBLIC COMMENTS \***

There were no public comments.

### **4. LEGISLATIVE RECOMMENDATIONS – *A review, discussion and possible recommendation to the Nevada Board of Wildlife Commissioners to approve, deny or otherwise modify all pending legislative proposals related to Nevada's Wildlife.***

Chair Smith reviewed the Washoe County Advisory Board to Manage Wildlife (WCABMW) discussions and subsequent actions on March 19, 2009: AB-183 – support; AB-241 – opposed; AB-246 - support; AB-362 – opposed; and AB-437 support. Mr. Smith asked that if there were any other comments on the previous discussed legislative issues.

Mel Belding suggested that AB-241 and AB-362 be reconsidered as both have been amended.

Tom Smith noted that he had some comments on AB-362 as well.

## **AB-183**

\* denotes NON action item

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Hearing no further discussion on the matter Chair Smith stated that the WCABMW March 19, 2009, recommendation to support the legislation stood.

### **AB-241**

Chair Smith reopened the discussion about AB-241.

Mel Belding noted that proposal made in AB-241 to require the use of 40-percent of the Heritage Funds for Muledeer predator control is opposed.

Chair Smith stated that the March 19, 2009, WCABMW recommendation to oppose AB-241 remained unchanged.

### **AB-246**

Hearing no further discussion Chair Smith stated that the March 19, 2009, WCABMW recommendation to support AB-246 remained unchanged.

### **AB-362**

Chair Smith drew attention to the late received modifications to AB-362 (copy on file).

Mel Belding provided an overview of the amendment that included language that any program for the management of wildlife must be approved by the director and the Nevada Board of Wildlife Commissioners (Commission). Mr. Belding stated that the primary concern is the day-to-day operation of NDOW (Nevada Department of Wildlife) with a governing body that has a limited meeting schedule. Therefore, it is Mr. Belding's belief that NDOW should be only be managed by the Director without having to seek Commission approval.

Tom Smith - Coalition for Nevada's Wildlife, commented that he had voiced his concerns and opposition to the proposed language earlier in the day (April 2, 2009) and emphasized that the proposal would, in his opinion, require both the Commission and the Director to approve any expenditure. Mr. Smith noted that NDOW staff has the scientific expertise and training to effectively manage Nevada's wildlife, whereas the Commission is comprised of lay-persons appointed by the State's Governor (Jim Gibbons), who might not have the best interests of wildlife at heart due to other influences and interests.

Tina Nappe concurred that the legislation should be opposed although for somewhat different reasons. Ms. Nappe pointed out that there is an issue of timeliness and cooperation with sportsmen that would become cumbersome and expensive if the Commission were to interfere. Therefore, Ms. Nappe also opposes AB-362.

***It was moved by Member Wilson, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners strongly oppose AB-362 as amended.***

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Ms. Nappe commended Tom Smith for his efforts at the legislature to build a bridge of cooperation.

***The motion carried unanimously.***

**AB-437**

Hearing no disagreement with the previous March 19, 2009, recommendations, Chair Smith stated that the recommended would stand.

**AB-18**

Chair Smith noted that this particular piece of legislation related to Lake Tahoe Basin General Obligation bond to protect the lake and that AB-18 only extends an existing funding mechanism.

***It was moved by Member Flowers, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners support AB-18 as written. The motion carried unanimously.***

**AB-73**

Chair Smith noted that this bill pertained to the operation of watercraft or other vessels towing persons or equipment on certain types of vessels.

Member Wilson asked whether anyone knew the reason for the amendment.

Member Harwell commented that some individuals may viewing this as allow a 14 year old could pilot a boat with a person in tow and that the provision to require an 18 year old would appear to allow two children to operate the vessel without an adult on board.

***It was moved by Member Copeland, seconded by Member Wilson, to recommend that the Nevada Board of Wildlife Commissioners support AB-73, as written. The motion carried unanimously.***

**AB-77**

Chair Smith outlined the legislation that would increase the penalties for the unlawful possess of wildlife taken or sold in violation of another State, Province or Tribal territory and revoke the permit and privileges. Mr. Smith noted that the projected increase in revenue with this amendment would be +\$25,000.00 annually.

***Member Harwell made a motion to recommend that the Nevada Board of Wildlife Commissioners support AB-77 died due to lack of a second.***

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Responding to Member Flowers' concern about the somewhat low penalty of \$10,000.00, Mel Belding explained that the fine was based on the \$6,000.00 cost to obtain a Rocky Mountain or Goat tag in Canada or the State of Alaska. Mr. Belding concurred that these species are worth significantly more in the State of Nevada.

Member Wilson explained that while the revenue shown in the fiscal report looked good on paper, as evidenced by recent newspaper accounts fines such as the \$10,000.00 proposed in this legislation would most likely not be paid. Mr. Wilson noted that there is little that can be done to obtain payment of the fines and that while he does not oppose the legislation he believes there is little difference between a \$10,000.00 and a \$10-million fine or likely that the fine would ever be paid.

Don Molde noted that compliance with most laws is usually voluntary and that there may be some voluntary compliance associated with the passage of the legislation.

Responding to Judi Caron's inquiry about wanton waste, Member Flowers recalled that Wanton Waste had been address in NAC (Nevada Administrative Code) to preclude the need to seek legislative changes in the future.

No specific recommendation was made on this proposal.

### **AB-171**

Chair Smith noted that this particular legislation would allow the importation of an invasive fish species into the state for the purpose of providing pedicures.

Member Copeland noted that he had seen a demonstration of the procedure in which the fish eat the dead tissue on television.

Chair Smith noted that NDOW has published their concerns and opposition to the proposal.

***It was moved by Member Harwell, seconded by Member Copeland, to recommend that the Nevada Board of Wildlife Commissioners oppose AB-171. The motion carried unanimously.***

### **AB-183**

Chair Smith stated that the March 19, 2009, recommendation to support the legislation remained unchanged.

### **AB-194**

Chair Smith outlined the proposed legislation noting that the proposal expanded the system for assessing demerits up to and including conviction for providing sub-guide services without a permit.

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During the discussion it was noted that the purchase of gasoline or meals could be construed as compensation for pointing out the location of animals during a hunt, even among and between friends.

Jim Jackson outlined his concerns about showing a fellow hunter the location of the species and the interpretation of the legislation.

Mel Belding concurred with Mr. Jackson and outlined his discussions with Assemblyman David Bobzien on the matter and that to his knowledge the existing statute has only been enforced once.

Tom Smith drew attention to other aspect of the legislation, Section 5 Subsection 1 that could make an individual guilty of a gross misdemeanor without substantiating proof.

Member Wilson then explained that a Class E felon resulted in the loss of specific rights: right to keep and bear arms and voting. However, unlike other felony classes no jail time is mandated. Of particular concern is that the legislation is subjective rather than objective.

***It was moved by Member Copeland, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife commissioners oppose AB-194. The motion carried unanimously.***

The meeting recessed at 7:15 p.m. and reconvened at 7:19 p.m.

**AB-241**

Chair Smith reiterated the previous opposition to AB-241 as stated earlier in the meeting.

**AB-246**

Chair Smith reiterated the WCABMW's support.

**AB-362**

Chair Smith commented that the recommendation in opposition as discussed earlier stood.

**AB-437**

Chair Smith stated that the WCABMW's recommends support.

**AB-516**

Chair Smith drew attention to the most recent update (copy on file) and noted that this legislation required Commission approval before funds could be used. Mr. Smith outlined the concerns expressed by NDOW, specifically that such legislation could endanger NDOW's ability to secure

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millions in grant and other fund. It appears that the intent is to give the Commission fiscal authority over NDOW.

Tom Smith noted his concern and opposition legislation point out that it appears to reflect language in AB-362. Of particular concern is how giving fiscal authority to the Commission could adversely affect the operation of NDOW.

Chair Smith noted that like AB-362 this legislation would provide veto power to both the Commission and the Director, which would not be in the best interest of NDOW, wildlife and sportsmen.

Mr. Smith recalled an instance in which batteries were needed for the chocker equipment and that enactment of this legislation would require approval by the Commission to purchase new batteries.

Tina Nappe outlined her concerns about how such legislation could negatively affect NDOW's ability to secure federal funds and the lack of knowledge on the part of Commission Member on the regulations associated with federal grants and other funding sources.

Judi Caron expressed her opposition to the legislation and recalled the interview process and questions to candidates for the Director's position on education, experience and accounting/budget issues. It is Ms. Caron's belief that the use of funds should be at the discretion of the Director not the Commission.

Ms. Nappe reiterated her earlier statement about the additional cost associated with having the Commission approve expenditures and other activities.

Mr. Smith recalled a recent request by former Commission Member Jim Jeffress on securing additional funds to certify the Knott Creek Reservoir dam.

Don Molde noted that, in his opinion, there is a fundamental misunderstanding on the part of the Commission on where funding comes from. It appears that Assemblyman Claiborne believes that there is some Pittman/Roberson funding still available, which is not the case.

Member Wilson drew attention to several areas of the proposed legislation that he believes are somewhat poorly written and explained that he could not support the legislation

Jim Puryear commented that, in his opinion, the Commission should set policy with the NDOW staff and director providing the scientific biology and other expertise. Since the inception of the Heritage Tags in the 1980's great strides have been made in the transplant program and that it would be "horrid" to take away the energy and step back from a system that works.

***It was moved by Member Wilson, seconded by Member Flowers, to recommend that the Nevada Board of Wildlife Commissioners oppose AB-516. The motion carried unanimously.***

**SB-42**

\* denotes NON action item

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Chair Smith provided an overview of the legislation that would transfer code compliance and authority to the Deputy Manager for Compliance and Code Enforcement.

During the discussion it was noted that the proposed legislation would allow public building of less than 1,000 square feet to be exempt from the provisions of the regulation. Other discussion noted that the state adheres to fire code and UBC (Uniform Building Code) for public buildings as the State of Nevada is exempt from local jurisdiction oversight.

***It was moved by Member Wilson, seconded by Member Copeland, to recommend that the Nevada Board of Wildlife Commissioners support SB-42. The motion carried unanimously.***

### **SB-108**

Chair Smith noted that this legislation would require the removal of mining claim post (white pipe) to prevent animals from being trapped in them.

During the brief discussion it was noted that the mining industry and others supported the proposal.

***It was moved by Member Flowers, seconded by Member Wilson, to recommend that the Nevada Board of Wildlife Commissioners support SB-108. The motion carried unanimously.***

### **SB-146**

Chair Smith noted that the proposal require that \$1-million be of the Q-1 funds allocated to NDOW be used for habitat protection, restoration of Sagebrush and reduction of cheat grass. Additionally \$225,000.00 is to be used for the funding, for two years, of a coordinator to oversee a joint program to reduce cheat grass similar to one used by the Utah Partnership.

Jeremy Drew noted that the establishment of the coordinator position would help launch a process similar to that used by the Utah Partnership making the management and reduction of cheat grass much more proactive. The proposed funding of \$225,000.00 will cover office, salary and benefits for the two year period. This particular proposal will not use any general fund monies to implement projects already submitted and/or approved by NDOW.

Mel Belding noted his concern that sportsmen would eventually be required to fund the coordinator's position, which he cannot support.

During the discussion it was suggested that the position be funded by the Governor's Office. It was pointed out that the use of the C-130's with the bladder would significant assist in the reduction of cheat grass coupled with controlled burns in key locations.

Tom Smith noted that if the expenditure would save a million acres of habitat from wildfire then he could support the proposal even though it may become an unfunded mandate.

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Judi Caron noted that the 2 year program might be what is needed to start the program with Heritage funds and other contributions in to keep the program viable in the future.

Jim Puryear expressed his support for he legislation.

Mr. Drew noted that the Utah Partnership has been highly successful

Mr. Puryear noted that the Sierra Fire Protection District, raises additional monies by providing fuel mitigation that may also qualify for some federal grant funds.

Member Wilson stated he would support the legislation although there is no specific guarantee or requirement that any Q1 money will “end up on the ground.”

***It was moved by Member Wilson, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners support SB-146. The motion carried unanimously.***

**SB-280**

Chair Smith provided an overview of the proposed legislation as it pertains to the use and fees for use of the Carson Lake property that has been transferred to NDOW ownership.

Mel Belding recalled that there had been previous correspondence (on file from the March 19, 2009, meeting) in support of a fee for all users of the area.

Judi Caron expressed her support for charging a fee to all Carson Lake users.

Member Wilson suggested minor editorial edits to the proposed legislation.

***It was moved by Member Wilson, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners support SB-280 with an amendment to require a fee for all recreational users of the Carson Lake facility. The motion carried unanimously.***

**SB-394**

Chair Smith explained that this particular proposal dealt with the certification of title, registration and insurance of Off Highway vehicles with 20-percent of the fees being shared by law enforcement agencies, include NDOW Game Wardens.

Jeremy Drew noted that he had participated in the development of the proposal to require that all ATV (All Terrain Vehicles) be titled, registered/licensed and insured thus making it easier to identify those individuals that destroy habitat or harass wildlife.

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Member Wilson noted that his research on the legislative proposal did not include any positive or supportive comments on the legislature's opinion page. Mr. Wilson noted that there is concern about how the fees would be administered and used since most of the public lands in the State of Nevada are owned and operated by the federal government, which precludes the State doing any restoration or development of other wildlife related projects.

Mr. Drew explained that the federal government could apply for grant monies through a cooperative partnership agreement.

Mr. Drew then outlined the participants in the development of the legislation that included dealers, sportsmen and conservationists.

Jim Puryear commented that he is opposed to the legislation for several reasons noting that he already pays fuel tax for use of the ATV's in his guide business. Additionally, Mr. Puryear believes this is yet another encroachment and that there are other ways to restore habitat that do not include a change in legislation such as fund raising and volunteers.

Mr. Drew explained that the intent of the legislation is to promote responsible use of such vehicles, education and enforcement where needed.

Member Harwell outlined a discussion with the owner of a motor home that trailers an unlicensed jeep for use on dirt roads.

Mel Belding pointed out that the use of a jeep on any county or state road paved or otherwise is in violation of state law.

Member Wilson outlined concerns with the appointment of a Commission of Off-highway Vehicles that would be appointed by the Governor's Office. Other concerns include the administrative costs associated with an eleven Member board.

Responding to Member Wilson's inquiry about snow mobiles, Mr. Drew explained that a group from North Tahoe had spoke in favor of the legislation.

Mr. Drew noted that 20-percent of the registration fees would be returned to law enforcement agencies for purchase of equipment needed for enforcement or funding for an additional game warden. Mr. Drew then pointed out that destruction of habitat or wildlife harassment is already enforceable without registration. Additionally, a Travel Management Plan is being developed by the federal agencies for public lands. Mr. Drew noted that older vehicles would need to have their VIN (Vehicle Identification Number) verified with a proof of sales tax if purchased outside the State of Nevada.

Mr. Belding pointed out that the legislation will most likely be redundant once a Travel Management Plan is adopted.

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***It was moved by Member Copeland, seconded by Member Harwell, to recommend that the Nevada Board of Wildlife Commissioners oppose SB-394. The motion carried unanimously.***

Chair Smith stated that the Washoe County Advisory Board to Manage Wildlife and the twelve Member of the public present at tonight's (April 2, 2009) meeting were unanimous in their support or opposition to each of the pending legislative proposals.

Responding to Member Wilson's suggestion to provide input from the WCABMW to the legislature directly, Chair Smith stated that as a Washoe County board County policy prohibited the provision of such advice without the express consent and approval of the Board of County Commissioners (BCC). Mr. Smith noted that no one was present to represent either the BCC or the Commission at tonight's (April 2, 2009) meeting.

**5. FUTURE MEETING AGENDA ITEMS \* – *Selection of additional agenda item(s) for the May 7, 2009, meeting.***

No new agenda items were identified.

**6. ADJOURNMENT**

Chair Smith adjourned the meeting at 8:30 p.m.