

**Draft Minutes from the January 14, 2011 Meeting of the
Administrative Procedures, Regulations, and Policy Committee**

Committee Members Present: Chairman Gerald Lent, Commissioner Charlie Howell, and Commissioner Hank Vogler.

Others Present: Rex Flowers, Washoe CAB; Trish Swain, Trail Safe Nevada; Daryl Capurro, Nevada Wildlife Commission

NDOW Staff Present: Kim Jolly, Management Analyst III (APRP & Legislative Committee Staff); Patrick Cates, Deputy Director; Katie Simper, Administrative Assistant III; Gabe Pincolini, Administrative Services Officer

1. **Call to Order:** Chair Gerald Lent
Chair Lent called meeting to order at 10:00 a.m. Chair Lent asked for a roll call.
2. **Approval of Minutes (Action):** Minutes from prior meeting will be presented and may be approved by the Committee.

Chairman Lent asked if everyone read the minutes from the November 24th meeting and if they had any questions. Commissioner Howell moved to approve the November 24th minutes. Commissioner Vogler seconded the motion. Motion approved by all.

3. **Member Items:** Committee members may present items not on the agenda. Any item brought up during member items requiring committee action cannot be voted on at this meeting, but may be scheduled on a future agenda.

Commissioner Howell stated that last meeting they had discussed Commission Policy 50-Duck Stamp Procedure, and it was tabled to be put on the next agenda. Chairman Lent explained that the changes proposed were sent to the commission for approval and sent back to the committee. The Committee can still put it on this committee's next agenda.

4. **Public Comment Period:** Persons wishing to speak on items not on the agenda should complete a speaker card and present it to the Committee Staff. Public comment will be limited to three minutes. Persons are instructed to submit comments in writing on the agenda items and or attend and make comment on the item at the Committee meeting. Any item brought up during public comment requiring committee action cannot be voted on at this meeting, but could be scheduled on a future committee agenda.

Trish Swain, representing Trail Safe Nevada, (read letter to commission.)

Chairman Lent advised Ms. Trish Swain to get together with all interested parties, get proposal revised, and then come to committee with a clean petition. If groups can be represented at the

meeting and they all agree then everyone is covered. Chairman Lent also asked Ms. Swain to get a hold of him and he will put them on the Committee agenda. Swain asked Lent how often this committee met; it meets at the call of the chair. Mr. Lent suggested that they could be put on the agenda for the next March meeting in Reno on Thursday afternoon. Ms. Swain asked if there was a deadline for the March meeting –request it at least 10 days before the March meeting.

PUBLIC COMMENT: Rex Flowers, Washoe County CAB, no comment at this time wants to wait for item 5. Chairman Lent asked for any further comment. No comment. Chairman Lent closed public comment.

5. **Review changes to regulations concerning Heritage projects:** Nevada Administrative Code (NAC) 501.300, 501.310, 501.320, 501.330, and 501.340) as drafted by Deputy Attorney General Bryan Stockton. The Committee may take action to support these changes. (Action)

Chairman Lent instructed the committee that they should review each NAC one at a time, starting with NAC 501.300. In addition to the draft from Deputy Attorney General Bryon Stockton, Lent suggested that under #2 (a) should say “A project title”, then moving the current item under (a) to (b) and so forth ending with (h).

Chairman Lent then moved to #3, (501.300) which he had an addition that would replace the current #3 and make it #4. Chairman Lent handed out copies of his suggestion, read it to the committee and provided explanation for his proposed additions. (copy Lent handed out, Chairman Lent stated that they should leave the rest of NAC 501.300 the same.

Regarding Chairman Lent’s addition, Deputy Director Cates asked Lent how they would differentiate or identify on the forms whether it was a scientific or research project. Chairman Lent stated they may need more information on some projects. Commissioner Capurro, brought to the committees attention that in the current NAC, #2, First part of the section pertains to this (separating them into conservation on the ground or scientific on the ground projects.) The committee may need to re-construct this section. NDOW Staff Jolly suggested that whenever the phrase “conservation project” appears, just add “ or research” to it. Capurro agreed.

Chairman Lent suggested they add two check boxes with the titles conservation project or research (scientific) project on the application so they can define this. Then have additional material to define project, requiring a higher set of standards for research projects. Deputy Director Cates suggested, under qualifications, sighting references is required. Additionally, Cates suggested that they take out the requirement of including a chart of account in section (f) of Chairman Lents proposed addition. Cates stated that the charts of accounts are internal, and a copy of the budget, periodical reports, and expenditure reports should be adequate. Additionally, the current forms we have do include this information.

PUBLIC COMMENT: Rex Flowers, Washoe CAB stated, the CAB did not support the changes as written prior (referencing the DAG Sotckton’s support material from the December Commission

meeting) to committee's suggestions above. Only two other CABs took action, and they did not approve of it. Additionally, Mr. Flowers said that the new proposal, section 3 of NAC 501.300), is going to encumber the biologist on current projects. Cates reminded Flowers that the regulations they were discussing are just for heritage fund projects. Commissioner Vogler commented that it appears under these Heritage projects they need a different set of parameters and Chairman Lent's addition has addressed that. Howell suggested that they refine their edits and additions so they can present it at February commission meeting. NDOW Staff Kim Jolly shared that DAG Stockton instructed that the committee would need to process back to commission for direction, then onto NDOW staff for public notice for March meeting.

Deputy Director Cates added concern that there could be an issue with the timing of the regulation changes because we have the current application in place. This would be changing regulations at same time as current applications are due. DAG Stockton's changes were less restrictive, but these proposed changes are more restrictive, due to the timing the committee should be aware that it could affect this year's projects.

Chairman Lent asked if everyone agrees to add the #3 they should make a motion to pass it and get it to the commission. Commissioner Howell moved to approve 501.300 with changes made by DAG and other ideas presented this morning. Vogler seconded the motion, motion passed.

NAC 501.310 & 501.320

Chairman Lent replied he had no changes. Commissioner Howell, no changes. Commissioner Vogler, no changes. Chairman Lent opened to public comment, no public comment and Lent sent back to committee. Commissioner Howell moved to approve NAC 501.310 and 501.320. Commissioner Vogler seconded the motion. Motion passed no objections.

NAC 501.330

Chairman Lent replied he had no changes. Commissioner Howell, no changes. Commissioner Vogler, no changes. Chairman Lent opened to public comment, no public comment and Lent sent back to committee. Commissioner Vogler moved to approve NAC 501.330. Commissioner Howell seconded the motion. Motion passed to approve changes made by DAG, no objections.

NAC 501.340

Commissioner Vogler suggested, an addition to the NAC 501.340, (e), as follows: "all changes in contract and expenditures must be approved by the commission." Deputy Director Cates stated that he understands what Vogler is trying to get at. The contract is the project proposals and cannot change unless the commission changes the project. Commissioner Vogler explained that he is concerned about when there is more money appropriated than what the project needed. Money should come back to the Heritage fund to be appropriated to other projects with commission approval. NDOW staff Gabe Pincolini explained to the committee that they have to do exactly what is in the project or go to the commission for approval of any changes already. Once the document is approved it is a legal document that binds the applicant. Also the Committee should use caution

using the word contract. Commissioner Vogler asked what happens to the un-used funds. Chairman Lent stated that it had been discussed before that they would like to put the extra project money into slush fund for emergency projects. However, they may risk the money getting forgotten in the fund, but it would be nice. Pincolini stated that they had talked about this before and that it would be nice to save 50 thousand, but most of the projects use their money in early or late spring. We are responsible to pay all those bills, and it makes it harder to budget.

Commissioner Howell commented that he would like to add a line to 1. (d) stating: "to provide a quarterly progress report along with funds expended to the commission." Commissioner Vogler and Lent agreed. Commissioner Capurro agreed they need some accountability. Most of the time it is too late when we learn that we have excess funds, and then if not done in time the money reverts back to the account forever. Chairman Lent suggested they add a 1(f) that states "all changes in the project proposals or expenditures must be approved by the Commission." Chairman Lent also requested that they add the following to NAC5 501.340 as item #3 and moving current #3 to #4 "Provide to the commission, along with the request for final payment by NDOW, a comprehensive report of the project results including a total of funds expended, and a breakdown of funds allocated no later than 30 days after project completion." Commissioner Vogler made the motion to approve, Commissioner Howell seconded the motion, and motion passed no objections.

6. Review changes to Wildlife Heritage Trust Account Project Proposal Form and instructions to comply with regulations: (Action)

Chairman Lent state that the Committee needed to wait until the new NAC regulation is approved. Commissioner Howell motioned to moved to table till new language was approved, then NDOW Staff Pincolini will revise the form. Commissioner Vogler seconded the motion, motion passed, no objections.

7. Future APRP Committee meeting : Chair Lent (Action)

Chairman Lent said that the next committee meeting would be set at the call of the chair

8. Adjourn:

Commissioner Vogler made the motion to adjourn. Meeting adjourned at 11:50 A.M.