

**Present:** Committee Chair Daryl Capurro, Commissioner Gerry Lent, Commissioner Charlie Howell, Deputy Director Rich Haskins, Chief Game Warden Rob Buonamici, Deputy Director Patrick Cates, Deputy Attorney General Nhu Nguyen, Kyle Davis representing the Nevada Conservation League, Mel Belding of Washoe County, Joe Zweifel, and (Committee Staff) Management Analyst 3/Legislative Liaison Kim Jolly.

1. **Chair Capurro Called the meeting to order** at 8:30am.
2. **Public Comment Period** – Chair Capurro called for Public Comment.

Chair Capurro read into the record three letters from the public. Two letters were cautioning against changing or bringing up the Heritage Fund Account at all, and one letter on the monetary penalties that should be higher in order to pay for enforcement and prosecution.

**3. Review and Take Action to Support or Oppose Conceptual ideas for Department’s Bill Draft Requests**

Since Chief Game Warden Rob Buonamici was not present yet to discuss the Law Enforcement-related BDR ideas, **Chair Capurro announced that they would skip ahead first to agenda item #4 (the Non-NDOW BDRs) and then the Committee would go back to agenda item 3 when Chief Buonamici arrived.**

**4. Review and Take Action to Support Conceptual ideas for Non-Department Bill Draft Requests (BDR) (Non-Department BDR Ideas)**

Chair Capurro first introduced Non-Department BDR idea #3, amending the Heritage Fund Account Statute to be used up to 90% instead of 75% and some of the sequestered amount for emergencies. He referred to the support material and explained that he brought this idea forward because there was no question that there will be a Special Legislative Session. He paraphrased the news said in order to fix education and health, the Legislature will look into every reserve account that the state has for money. He discussed the belief that if the Legislature sees money in any account they will take it.

There was discussion about historical trend that whenever the State takes something they never give it back, and how sportsman’s groups should be prepared to influence the Legislature not to take any agency accounts. There was discussion about how the interest rate has been reducing.

Chair Capurro asked for any comments from Commissioners.

Commissioner Lent commented that he understood the public comment about the interest rate going down, however didn’t agree with all of the public comment. The amount being received for Heritage tags is going down and the price of the dollar is going down. Overall, some of the hunters are not going out of the country and the Heritage Account isn’t making as much money as it used to. There will be less money to spend, and everyone is going to suffer from that.

Commissioner Lent commented that he liked the idea of using the reserve fund for major problems like helicopter repairs, as an emergency perpetual fund, and liked the idea of expanding the use to 90%. The Commission could make a policy to not spend up to 90% unless there were real good projects. There is a potential to lose it to the Legislature, it depends on the climate.

There was comment that the agency and commission needs more accessibility, because times are tough now. If there was an emergency, with this proposal, the Commission spend some of it but maintain at least \$1 million dollars in the fund.

Commissioner Howell commented on the current statute, and that he agreed with expanding it to be able to spend 90%, with the caveat that any unspent could be rolled-over to the following year. He commented that he agreed with the emergency spending, with a limit.

**(Continued - Agenda item 4- Non-Department BDR idea #3, amending the Heritage Fund Account Statute)**

The committee commented that there is always a risk by opening up a statute, but the fund is at risk anyway. Any Heritage amendment wording should be carefully crafted. There was comment that any changes to the Heritage Account would be required to go through the Legislature; the Special Session needs to be watched. There was comment that some people will be suspicious of Commissioners' discretion, but that they weren't about to spend \$5.5 million on predator control.

Then there was discussion about the importance of sportsman's organizations like Nevada Bighorns Unlimited being vital to helping to fix the helicopters. Otherwise, we'd lose that resource (sheep) because the Dept. doesn't have the money. Since a new helicopter or repairs are multi-million dollars, well beyond the ability to budget for, and we have no other accounts to go to for that kind of money, and that without helicopters to do surveys the agency would shut down. Luckily we have the private groups to jump in, but those groups are limited in what they could provide.

Deputy Director Patrick Cates distributed a handout on fiscal impacts to changing Heritage Account various ways. Dep. Dir. Cates said that while the Department is supportive to what the Committee is trying to do conceptually to tap into these funds for emergencies, NDOW would want to see some strong controls on how that is done. Looking at scenarios at the current interest rate, that is \$100,000 a year. Having the Heritage Account used as an ongoing endowment will further preclude the interest from growing; and spending down the money until there is nothing left. Also, Dep. Dir. Cates shared that personally he has concerns about putting this forth as a BDR at this time. From his perspective, the sportsmen putting forth this BDR now would have the opposite effect of what you are trying to do.

There was discussion that everyone should be prepared to defend this account, and the Commission and Agency need to be proactive. Then there was discussion between about the timeline of legislation, and that non-Department ideas seeking sponsorship of legislative leaders would have more lenient deadlines for BDRs.

**Opened to Public Comment on the Heritage proposal:**

Kyle Davis with the Nevada Conservation League commented that he was still listening and a lot made sense but asked about the conflicting statements about only be accessing during an emergency, but not using the word emergency; and asked if those really good projects that it could be used for would be listed in the legislation, or whether that would just up to the Commission.

Committee Chair Capurro said that this idea would not go anywhere without the Department's support. For more checks and balances he suggested language stipulating that in order to access to the funds for emergencies both the Dept. and Commission would need to agree on a joint proposal.

Mr. Davis commented that would provide more buy-in. It would make people in the conservation community more comfortable if the Commission would go through an application process to include more accountability, specifics on where the money would be spent.

Then there was general discussion by the Committee that all Heritage proposals went through a committee process and paperwork required by the Department, and various Commissions analyzed and voted for the accountability for the sportsman's money. There was discussion about spending more money in the short-term, being able to use that for the matching funds to get more money from the federal government. Commissioners commented that we need the Department's blessing on this, and that they will get together with them first on this concept, and that with the sportsmen's support, and having this proposal worded right and sponsored by a legislator, it would minimize the risk for the Legislature to take it away. There was committee comment that the sequestered funds should be accessible but the Dept. and Commission must agree. Possible emergencies could be for it to be spent on capital expenses that can't be budgeted for (helicopter repairs, major rehab projects, transplanted projects due to die offs.) The committee won't take action on this item today, since it could be proposed by a legislator.

**Additional public comment on Non-Department Heritage Proposal**

Mel Belding commented that if the allowable amount would be raised to a minimum of 90%, he would like to see specific language of what those funds could be used for. Repairing a helicopter would be supported, but for others, it will be very hard for people to support without language on where it would be spent. Those monies are better spent on habitat projects.

Chair Capurro agreed that the capitol (\$5.7 million) should be outlined specifically, and that they will put this on another committee meeting agenda after discussing with NDOW Director and Deputy Directors.

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**Non-Dept. BDR Idea #1 (Legal Defense Fund)**

Commissioner Lent went over Non-Dept. BDR Idea #1 (Legal Defense Fund), and described it as a Protection fee, like \$1 per hunter that could accumulate to intervene in lawsuits against bobcat hunting, wild horses, etc. as a discouragement for filing lawsuits.

Chair Capurro commented that the wild horse issue is the focus, and said DAG Nhu Nguyen made an excellent Amicus Curiae against the lawsuit that was opposed the gather. There will be more. It gets expensive. In addition to the Deputy Attorney Generals, we made need outside counsel.

Commissioner Howell made a comment regarding the Bureau of Land Management (BLM) wild horse gather, which everyone thought it was done very professionally and commented that society puts too much credence in the movie stars who are opposed to this.

Chair Capurro thanked the Friends of Wilderness and Sierra Club for supporting the gather, because they understand what overpopulation of wild horses does to the endemic wildlife. Where there are legal issues this would help. Not sure what sportsman would think about an extra fee.

**Public Comment**

There was comment from Mel Belding regarding the recent wild horse gather by BLM, and the three Madeline Picken's helicopters which harassed the horses. Litigation is unfortunately the current trend of how to accomplish things for wildlife, from experience with the various sportsmen's organizations. Mr. Belding is supportive of a legal fund by a donation from anyone, rather than a fee requirement on sportsmen, because the sportsmen have been paying for everything. There was general committee consensus that the concept is worth additional discussion.

Then there was discussion and question about where the \$10 fee goes and how and if it's being used, and that license fees have not been increased in many years.

**Rather than action to support or oppose the Non-Department BDR ideas, the committee moved to continue the discussion at a future legislative committee meeting, to review fiscal information by Mr. Cates, and research future funding. All in favor.**

#2 Non-Dept. BDR idea (require Biologists to look at everything) – There was general discussion that this was unnecessary since biologists already do this and there is a veterinarian on staff.

**3. Chair Capurro returned back to Agenda item 3 (Department BDR Ideas-Law Enforcement Topics)**

With the arrival of Chief Game Warden Rob Buonamici, Chair Capurro returned back to Agenda item 3. Chief Buonamici shared that they were conceptually proposing these BDR ideas #1-9 (Law Enforcement Topics), included in the support material.

Department BDR Idea #1 (Amend the Child Firearm)- The reason behind this BDR is that warden must arrest now for unplugged shotguns. The statute was originally intended for gangs. By adding the phrase “against another person” this would provide game wardens discretion. There was discussion that now this idea is easier to understand with draft language. Chief Game Warden Buonamici went over BDR item #2 (Juvenile Poaching penalties), and Commissioners asked whether these penalties were same as adult. There was discussion that it should be clarified in the language that the suspension of license is for the child, not the parent. Chief Game Warden Buonamici went over BDR Idea #3 (Invasive species), and the rest of the BDR ideas on the list (4, 5, 6, 7). He noted that at this time, Law Enforcement removed the wildlife fluids or wanton waste proposals from the list.

Chair Capurro said first he would ask for committee member comment on the Law Enforcement Ideas as a whole, and then said they’d go to public comment, and they ask for motion on the Law Enforcement ideas as a whole.

No one had any issues with BDR #1. The Commissioners commented that for Dept. BDR Idea #2 (Juvenile Poaching penalties) would like to could change that to the “offender” or clarify the child would have privileges revoked, not parent. They also commented that on Dept. BDR Idea #3 (Invasive Species) they’d like to review any additional species that might be added. There was discussion about the grass-eating carp in Las Vegas, and the issue with the golf course, and how issued permits for golf courses to handle the algae. No issues with Dept. BDR Idea #4 (Raise Misdemeanor). Committee Chair Capurro asked about Dept. BDR Idea #5 (Interstate Compact) and whether the 50 air miles covers California, and noted that he believes it’s a good idea. This already exists with California, we just need this language.

#### **Public comment on BDR Ideas #1-9 (Law Enforcement)**

There was public comment questioning which state law would supersede. Chief Buonamici indicated that wherever the crime was committed, that state law is the penalty that applies. For example, if a bobcat is trapped out of season in California, they can’t apply Nevada State laws. This proposal does nothing to change that; it will simply allow LE officers to investigate. Dept. BDR Idea #6 (State Lacey Act); all committee members thought clear. BDR idea #7 (Boat accident reporting); there was indication that this was a good idea.

No other comments.

**A motion was made and seconded to support BDR ideas 1-7. Amended motion that BDR idea #3-Invasive Species, that if Law Enforcement adds any species to the language that weren’t in the draft, that LE would bring to the Commission for review. Also amended the motion to include that Law Enforcement add to the language on BDR #2-Juvenile poaching penalties, language that clarifies it would be the child’s privileges revoked, not the parents.**

**The motion to support the Department BDR ideas (LE topics) with the amended suggestions, all in favor.**

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#### **ADDITIONAL DEPARTMENT BDR IDEAS**

Mgmt Analyst 3 Kim Jolly – introduced the rest of the Department BDR ideas (#10-14) in detail. Dept. BDR Idea #10 (Nuisance Wildlife Funding) - There was committee consensus that a toll-free number for nuisance wildlife was a good idea, and the ability to respond to nuisance animals is important with more raccoons and coyotes coming to neighborhoods. There was no public comment on the item.

**There was a motion and second to support the concept of item #10 Nuisance Wildlife Funding, all in favor.**

BDR Idea #11 (Expand Nevada Special Fishing Permit) - There was committee comment that this seems like a great idea to introduce this to schools, and that they would like to see the language. There was no public comment on the item.

**There was a motion and a second to support BDR idea #11, subject to looking at the draft language, all in favor.** (STAFF UPDATE: The draft legislation was emailed to the Legislative Committee on 1/27/2010.)

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Staff presented the BDR Idea #12 (Snowbird/Colorado River Fishing License) proposal, and provided information from Arizona.

**There was a motion and a second to support the BDR idea, subject to receiving the fee data. All in favor.** (STAFF UPDATE: A multiple-page analysis was emailed to the Legislative Committee on 2/1/2010.)

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Dept. BDR Idea #13 (Shed Hunting) - Chief Buonamici clarified that “sheds” are antlers with the skull plate not attached, the “dead head” is a separate issue to be addressed later. There was discussion about recreational and commercial shed hunting, harassment of wildlife, how people are inadvertently and possibly unknowingly stressing deer by their mere presence. There was discussion about restricted dates for shed hunting permits and about relevant laws in other states including free online course. In Utah, between Jan – April is the critical timeline for deer, shed hunters have to take an online course and get a permit. The rest of time, they don’t need anything.

There was discussion about setting a season for shed hunting that would restrict certain months entirely. Chief Buonamici shared that in all states who have tried setting a shed hunting season, it does not work. Shed hunters go at night with spot lights, and hide things, and then the opening day. There was discussion that no matter what laws are enacted, anyone will try to get ahead of regulations. There was extensive discussion of a need to balance the commercial and recreational aspects, people occasionally shed hunting. They discussed requiring at least one person in a shed hunting group to hold a valid hunting license.

There was clarification from Law Enforcement that the current harassment of Game law is only associated with an aircraft or vehicle, and only under extreme conditions could NDOW enforce. Maybe amend existing law to enforce that. Some other states have established statutory authority for the agency to address sheds, and Nevada would need that authority.

**Public Comment on Shed hunting**

Mel Belding of Washoe County gave public comment that for a lot of sportsmen who don’t draw a tag, taking pictures and shed hunting is all they have, and they buy the license, the stamps, etc. Language should be included for protecting sage grouse, as many birdwatchers drive their truck right in the middle of the lek, dump plywood blinds down. They are probably harassing the birds as well. They need at a minimum, mandatory education, a hunting license and an upland game stamp.

Mr. Joe Zweifel shared that he completely supports shed hunting permit and education, because it is getting more popular, and people need to be educated. The money should go to education on the issue.

**It was moved and seconded to support the idea and research further the Department’s authority to regulate and educate shed hunting. All in favor.** (STAFF UPDATE: LCB Legislative Counsel advised that a BDR would be required to seek authority to regulate shed hunting, since there is no current statutory authority.)

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Next, Mgmt Analyst 3 Kim Jolly introduced Dept. BDR Idea #14 (Landowner Damage Compensation Tags) – to increase the tag fee from \$50 to something that will actually help pay for the program, which does not currently

pay for itself. Our staff in the field have been talking with the ranchers in the program and they think there is a price they would be comfortable with. There may be existing authority to raise that tag fee to something higher, through NRS 502.145, and possibly authority to charge an administrative fee or application fee. This program takes a lot of time, and although mandated by the state, it is not self-sufficient. Ms. Jolly said that a BDR may not be necessary, but we wanted to bring this to your attention anyway.

There was general discussion by the committee in support of raising the tag fee and creating an application or administrative fee, and that a lot of these damage compensation tags go to farmers and ranchers, and then they sell the tags for large amounts.

Then there was discussion about elk tags and fence building, response time from the Department, and whether simply raising the tag fees would help revenue very much or not. Commissioner Lent noted that with the Elk Depredation Fund the Department can build fences instead of issuing tags in some cases. We should get a reconciliation of how that money is spent, and see what it takes. I know of 2 ranches that were bought for the sole purpose of getting elk permits by compensation. Dep. Director Cates clarified that even if NDOW staff builds a fence in lieu of issuing a tag, we still spend money building the fence.

**Public Comment**

There was public comment that the committee discussion was confusing the Landowners Tags with Elk Damage Compensation Tags. (These are two separate programs: the Deer and Antelope tags are issues under the Landowner Damage Compensation Tag program, the Elk tags are issued under the Elk Damage Compensation Program.) Ranches do not get tags for just having alfalfa fields; the tag fee is usually paid by the person who receives the tag.

There was reply that alfalfa fields are not profitable at 7-8000 altitude, and the real reason for them is to get compensation tags. There was comment by the committee that the only way we could have swift action, is with the administrative/application fee (paid by the landowner or person getting the tag) and vice versa.

Committee Chair Capurro indicated his support for raising the tag fee, since many people in this program pay the landowner \$10,000 for a tag when resold; paying NDOW \$120 tag fee is minimal. Commissioner Lent also indicated his support for raising the tag fee on a future commission agenda, and asked Dep. Dir. Patrick Cates to compile a spreadsheet on the compensation tag fees.

**There was a motion and a second to support the idea, and to research whether a BDR would be needed or not. All in favor.** (STAFF UPDATE: LCB Legal Counsel indicated that a BDR was not necessary for raising the tag fee since authority already exists in NRS 502.145, so it could be done through regulation. They also indicated that setting an administrative fee could also be done through a regulation because the same statute provides authority for another fee.)

No action on this since a

**There was a motion and a second to adjourn, all in favor.**

Adjourned at 11:47am.