

2-25-2011 Legislative Committee Meeting: Chair Daryl Capurro, Gerry Lent, Charlie Howell, John Reed (Washoe CAB), NDOW Staff Kim Jolly and Rob Buonamici, and Rex Flowers (Washoe CAB).

1. Called to order at 9:04am.
2. Approved both sets of minutes.
3. Public Comment: John Reed on behalf of himself, article in RGJ on Congress taking money away from BLM because of feral horse issue. Would like the Commission and CABs to urge letters to Congressman Boehner (Speaker of U.S. House of Representatives) to use scientific data instead of emotion.

Daryl Capurro said in the newspaper this morning the BLM said they'd revise the way they do horse gathers, and birth control.

The Chair closed Public Comment.

4. Opened

Asked if bills by the Dept. had already been assigned Bill/BDR numbers – Jolly responded yes, only AB13 and AB19 made it to the Executive Branch limit. Asked when deadline was for bills - Staff commented that March 11 was probably deadline for senior legislators or committee chairs.

Commissioners Lent and Capurro attended as private citizens rather than on behalf of the Commission to testify on SB56 this past week at Sen. Gov't Affairs. Capurro discussed their testimony on Senate Bill 56 and that it would impact NDOW and other fee based agencies. Mentioned the history of the bill, threatened taking over of the draw system, etc.

Rex Flowers commented on the SB56 – The privatized draw is a positive thing. Mr. Flower asked if he could speak at Legislature on behalf of the CAB.

Commissioner Lent said not without approval of your County Commission, but you could make comments as individuals. The Committee agreed it is more effective for CAB members to go under the association of a non-governmental entity to make comments to legislators, such as NBU or Chukars.

MA3 Jolly discussed the hearing, the fact that NDOW was instructed by the Governor's office to not oppose the bill, the budget office's fact sheet, the issue of diversion of funds, and impacts that Former Commissioner Chris MacKenzie brought up during the hearing on the impact to sportsmen and adding a layer of bureaucracy.

Capurro discussed the newness of the many legislators, especially on the Assembly Natural Resources Committee and are unfamiliar with hunting issues. Sportsmen should be concerned.

Lent said that they were surprised by the letter from the Governor's Office on not taking away the draw, that is nice, but contrary to Section 5 of SB56 where the exemption for the Department of Wildlife is crossed out. Sportsmen should get involved.

Howell – the cost, this is totally obvious to me that the State is trying to help their revenue. I bet the cost might at least double for sportsmen.

Capurro – said DOIT would most likely just contract out the draw, however concerned that they would take an allocation. Possibly take over a portion of the Department's application fee.

Commented that there is no other funding for non-game activities and that you will be funding desert tortoise and other non-game activities. There is a need for some non-licensee funding the conservation and non-game issue.

Capurro and Staff discussed hearings that had been held. The hearing on AB13 was in Assembly Judiciary, and yesterday AB19 hearing was held in Assembly Natural Resources. Everyone has a copy of the bills today; we aren't talking about BDRs today because they have no language out. Until we have language, it is premature to comment on what BDRs might do.

I am not going to go through each bill, if you want to go through a specific bill we'll go by the interest level.

Charlie – Questioned last Sept at Commission meeting for Dept. to draft a letter to the federal government on requesting wolves be delisted. Staff commented that we were getting off topic. Capurro interrupted him that there was no agenda item today on that issue. You should ask that question at the Commission meeting. Staff commented that we aren't agendaized for this issue and we need to be concerned with open meeting law.

Lent said that he invited the trail safe people to come explain what BDR 45-975(trapping) said, since we had no language. Lent said they wouldn't discuss until the language came out, and that he had invited Ms. Swain to share her basic idea. Staff commented that Trish Swain did email her that she wouldn't be coming because there was no language out and the Legislative Committee wasn't noticed to discuss BDRs.

Capurro – We've already discussed AB13 at previous meetings, and AB19 which have been supported by the Commission. Mentioned some water issues are a concern: AB37-we need to make sure it doesn't impact availability of water to wildlife. Energy issues such as AB122

Staff noted the AB167 hearing next week and that we want some support.

Chief Game Warden – the northwest states are all looking at Nevada to do something. Wild Horse reservoir drains in to the Columbia River system. This bill gives us authority for inspections – right now we need probably cause – this would give us ability to help TRPA at Tahoe if someone refuses to let them inspect. We have no authority to detain now. This cleans

that up. The other issue you will hear about this being a felony, some won't think it needs to be a felony. The argument I make is if I go down to Jones West Ford and throw sugar into a truck engine; that is a category C felony for destruction of property in excess of \$5,000. What the pike have done at Comins Lake has cost the sportsmen over \$200,000, but there is no penalty. We're just asking for a Cat E. felony. We are just destroying a fishery. There is no penalty now, other than transport of prohibited species (pike, quagga) as a misdemeanor. We are looking at a 3-pronged approach, education, enforcement, and inspection.

Capurro – some legislators won't go for a felony.

Rex – asked about intent and how that would be proven, and what we would do. Under the misdemeanor we don't need intent, but we seek it.

Capurro mentioned the Tahoe incident with the guy who was told he had quagga, and then intentionally tried to launch somewhere else at Tahoe. That one is definitely one that should be supported. I will only ask for the committee to take positions on certain bills so we don't dilute our message with legislators.

Capurro - ACR3 – after it gets out of the house we should watch on Senate side. Then he briefly went over the list of bills. I would appreciate the CABs watching SB56 and explain the concern of its impacts. The Committee discussed the hearing on SB82 and the comment that it was kingdom building.

Did the census put Washoe County in over 400,000? Some of those laws that only affected Clark could now affect Washoe. (Kim will check on that).

Howell – I'm sure that the fees,

Capurro- asked Rob if Nevada was the only state that hadn't dealt with shed antler commercial collection. Rob said all other western states have regulated shed hunting.

Capurro – this gives us (the Commission) the opportunity to deal with shed antlers.

Lent – said he'd like to set regulations against shed antler hunting during a first part of the year. \$1500 is nothing – there are chandeliers made of antlers that go for \$7500-75,000.

Lent asked about def. of shed anglers. What about dead heads? Who does that belong to?

Rob said dead heads are a controversial issue. He explained the law, custom and culture, poaching, etc. Look at timing of events in investigation (photos, report of dead head, then person picking up). Have a form for people who find dead head to be authorized to keep. It would be a logistical nightmare to tag every dead head. Social issue – how much authority do you want us to have to protect the resource?

Capurro – people are concerned that they not be arrested. Lent – what about road kill? Rob – if it died of natural causes you can possess it, if not natural causes you cannot possess it. Daryl – asked some what-if questions.

Jolly- we should have notes as backup on the NRS and NAC related to these issues in case the Sen. Nat Res. Committee has these questions, especially for those unfamiliar with hunting.

More conversation about dead heads, etc.

Buonamici said that we need to not confuse this bill with that issue. We can put something in the hunt book.

Jolly asked that they look at the bill language fees - and see whether they support it. Noted that SB102 will be heard March 9th at 3:30pm in Sen. Nat Resources and might be amended to remove the non-licensed fee. Also to be heard that afternoon is the next bill, SB108.

Lent and Capurro – indicated that those people who aren't paying for wildlife need to pay, and indicated they'd be supportive of that. Rob mentioned there may be an issue with the linkage to the licensed folks not having a fee.

Capurro asked about the Governor's opinion on the boat fees? Jolly said that we have to submit our testimony and positions ahead to them and we submitted support on this bill, and

Rob – our boat revenue has been going down, and we have created a false optimism. We have had to take out equipment, etc.

Capurro – Did you base your budget request on these fees? Rob - No, we had to base it on the existing fees. Capurro asked if the boat fees get approved could you add back those things? Rob-yes.

Discussed SJR4-.

Discussed SJR5- discussed wild horses. Howell discussed the federal horse law. Capurro mentioned that we need to focus on how wild horses damage wildlife habitat.

Howell – asked the BDR number on trapping.

Capurro asked that the committee consider support or oppositions on some bills and resolutions, and take motions on each by itself: AB13-moved to support, seconded, all in favor.

Any discussion on AB13?

AB19-moved to support, seconded, all in favor.

AB122- No action since it pertains to local governments.

AB167 – moved to support, seconded. Discussion. Howell-said the commission won't have a chance to take a position before the 1st hearing. Could the legislative committee say they support but the commission hasn't voted yet?

Rex said it is important you support this.

All in favor.

ACR3- moved to support, seconded. Discussion? Rex – the committee and commission should stay on top of all sage grouse items, esp. with the new city-legislators. Lent commented about the legislators not all being aware of the issue.

All in favor.

SB102- Include comment whether we support a separate fee for those who do not have a hunting license. Move to support as written, SB102, seconded. Discussion? All in favor.

SB108- takes positive action on this subject to what the Governor's position on increasing those fees. Support, with condition that if the Governor is not opposed to the fees. Seconded.

Discussion: Rex-the fee increases are minimal, they are directed to a specific user group. The Governor has urged the universities that they can raise their fees so that is precedence.

All in favor.

SCR1- Moved to support SCR1 as written, seconded. Discussion? All in favor.

SJR4- Moved to support, seconded. Discussion. Pointed to the language. All in favor.

SJR5- Moved to support, on the understanding that wildlife and their habitat are protected. Seconded. Discussion. Washoe County has supported the control of wild horses in the past. All in favor.

Capurro - That is all the bills we want to take positions on. Jolly asked if they wanted to go back to SB56.

The committee discussed SB56, Nevada's public-private partnership on the draw, and sportsmen having concerns about losing that. Capurro- personally I'm opposed to removing the exception for NDOW, and testified to that and will continue, but will leave up to the committee considering the position of the Governor not letting the Dept. oppose.

Howell - What about the Commission? Capurro said Governor hasn't let them know either way. Thinks that the Commission could oppose it, but it's up to you. Then someone should recommend to the Commission to oppose the provision that removes the exemption NDOW.

Lent – if the Governor has proposed this in his budget, to get more revenue for DOIT, then if we oppose we'd be going against its budget. The fact sheet might contradict the bill. Yet, if it is a budget issue and we oppose it, then it's not the proper thing to do. I won't be voting on this because I'd hate to go against the Governor's budget.

Capurro – spoke about the fact that the funding of the agency is 98% sportsmen's dollars we have obligation to protect those dollars. I would propose that we oppose how it relates to the Department. Howell – shouldn't we do it with the caveat that we get his review of our opposition?

Capurro – we'll never get that. But still thinks we should protect the sportsmen's dollars. Made motion to oppose SB56 as it relates to NDOW. Seconded by Howell.

Discussion: Rex said maybe they could say support with amendment to exclude the draw and NWDS. Staff discussed the process we would go through for exemption if the bill passed. Lent commented that DOIT testified that they had not discussed this bill with any of the agencies or tried to and that the logistics and management will be hard for them. Capurro – this bill has come up 3 different times at least, and been opposed several times. This is a grab of sportsmen's money.

Voted – Capurro and Howell voted to oppose, Lent abstain.

Urged sportsmen to watch BDRs and bill movement.

Staff went over the committee bill hearings coming up, and asked CABs to let their members know the hearings coming up about the 3 bills that NDOW supports.

Went back to item 3. Capurro - General comment from public on anything not agendized? (item 3 again)

Rex- comment on the bear issue. Use of archery equipment, I am waiting for the Washoe DA, but he said archery equipment is not considered a firearm, so archery could hunt in a congested area.

Further discussion amongst committee about bear issue being with us a long time, said there has been open meeting law violation filed. We would have to re-approve regulation because this is temp. We stand by that there is a hunt able population. Rex said the Washoe County CAB's open meeting law violation on the horse sanctuary support material has been resolved.

5. Next meeting will be April 1st at 9am in Conference Room here at Valley Road, Reno. Just on new bills, or call of chair.