

APPROVED MINUTES
NEVADA BOARD OF WILDLIFE COMMISSIONERS
ADMINISTRATIVE PROCEDURES, REGULATIONS, AND POLICY
COMMITTEE

FRIDAY, JANUARY 26, 2018 AT 8:00 A.M.
WASHOE COUNTY COMMISSION CHAMBERS, 1001 E 9TH STREET, BUILDING A,
RENO, NEVADA 89512

1. Call to Order and Roll Call of Committee Members

Chairman McNinch called the meeting to order at 8:05 a.m.

Members present: Chairman McNinch, Commissioners Wallace, and Valentine. Commissioner Hubbs was present by telephone.

Nevada Department of Wildlife staff present: Management Analyst III Jordan Neubauer, Deputy Director Jack Robb, Conservation Education Division Administrator Chris Vasey, and Data and Technology Services Division Administrator Chet Van Dellen.

Attorney General present: Deputy Attorney General Joshua Woodbury.

County Advisory Board to Manage Wildlife (CABMW) members present: Paul Dixon, Clark CABMW; Steve Marquez, White Pine CABMW; Gary Coleman, Pershing CABMW; Scott Torgerson, Lander CABMW; and Shawn Mariluch, Lander CABMW.

Members of the public present: Rex Flowers and Keith Montez.

2. Approval of Agenda

No member questions or comments. No public comment.

COMMISSIONER WALLACE MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER VALENTINE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

3. Approval of Minutes

No member questions or comments. No public comment.

COMMISSIONER VALENTINE MOVED TO APPROVE THE NOVEMBER 3, 2017 MINUTES AS PRESENTED BY THE DEPARTMENT. COMMISSIONER WALLACE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

4. Commission General Regulation 470, Miscellaneous Petitions, LCB File No. R095-16

Chairman McNinch said rather than work on Commission Policy 4, this Committee decided it was important that changes be made to the Nevada Administrative Code first. The Committee wants to clean up the process and make it easier for the public. It is difficult for the Commission to meet the 30 day requirement set in

Nevada Revised Statutes (NRS). There were desires to have mechanisms in place to notify the public of legal authority. The Commission decided to make changes and the changes were substantive. The Legislative Counsel Bureau (LCB) drafted a revised proposed draft and that is what we are looking at today.

Deputy Director Jack Robb said we are not the only board that has problems with this. The Department of Administration will try to clean up the language in NRS. Other boards have put language in the NAC that does not coincide with NRS. It is a recognized issue with multiple agencies.

Chairman McNinch said the hope is, despite a couple modifications, that we can still move this forward in some manner, so we can clean up some of the language and challenges that we have been targeting. It might be a while until we can get the NRS changed.

Deputy Director Jack Robb said we always work with the petitioner on the timing and location of the meetings. The 30 day limitation has to stay in place but we will work with the petitioners.

Management Analyst III Jordan Neubauer said before LCB will allow this regulation to go forward, subsection 4 will need to be deleted. This is the feasibility language. In subsection 5, "considered by the Commission pursuant to subsection 4," needs to be deleted and "submitted," will need to remain.

Chairman McNinch said with the changes everything else will still work properly.

Commissioner Hubbs asked for clarification. Is the long term solution a revision to NRS?

Chairman McNinch said yes.

Commissioner Hubbs said it makes sense.

Public Comment:

Rex Flowers said he is opposed to both subsections 2 and 3. He does not think the Commission should refer the petition to the Department to obtain a recommendation of whether to approve or deny the petition. It needs to go out for public input. The petitioner has a right to have it heard in a public atmosphere before anyone makes a recommendation. He questions sending the petition to the Department to determine the legal authority. The Department does not have any lawyers on staff. This is a matter of opinion. They do have expertise as far as what the law reads, but they cannot make that decision. The way this law is written right now, it is biased against any petitioner that comes forward with anything that may reflect negatively against the Department or Commission. This takes away from the public process and allowing for public input.

Mel Belding said he feels the same way as Rex Flowers. The Commission should not have to get permission from the Department. Due process is not making it. He

does not see how this could be legal in any way. What other avenue does a sportsman have to change a policy or regulation? He said he could go to the legislature, but he thinks it should stay the way it is.

Deputy Director Jack Robb said there are petitions requesting to change laws that the Department and Commission do not have legal authority over. We are not trying to limit public participation.

Chairman McNinch said this is one of the items that he wanted to talk about. He does not want to waste anyone's time. He does not want someone to put in a bunch of work when there is no legal authority for the Commission. It is just a recommendation from the Department. He understands the public comment. He does not want to restrict the opportunity. We are removing a lot of language to allow this to be an easier process for the public. This is an attempt to provide the petitioner with some feedback.

Commissioner Wallace said he can see the concern from the public. The Committee is trying to streamline the process. The Department wouldn't throw it back just because they didn't like it.

Commissioner Valentine asked about adding some wording in subsection 2 about the department making a recommendation on the legal authority.

Chairman McNinch said he does not want the Department to make the legal authority decision. He does not want the Department making that call on their own. The intent was for the Department to consult with the Deputy Attorney General (DAG). He thinks adding that language might add to the complexity.

DAG Joshua Woodbury said the Attorney General's Office would be working with the Department to provide a recommendation on legal authority. A recommendation is just that, a recommendation. It will come to the Commission for a decision regardless.

Chairman McNinch said that is true. It is just a recommendation. The petitioner can push forward. It was the intent of the language. He is comfortable with it.

Commissioner Hubbs said she has a question about subsection 3(b). Is the recommendation just on legal authority?

Chairman McNinch said he thinks it is broad. If the Department recommends denial of the petition, they should express why, whether it is a legal authority issue or some other reason. He thinks it is not just limited to legal authority. It could be related to other things too. He understands the concept of the public comment. He said it is important to know the Department's perspective and their stance. He thinks that the Department can recommend just about anything.

Commissioner Wallace said the Department's recommendation and reasoning will go out to the public and to the CABMWs in support material. This will create a meaningful discussion. The Department is not making the decision.

Commissioner Hubbs thinks it conforms to the first paragraph. She said a broad recommendation is helpful.

Chairman McNinch said he appreciates Commissioner Wallace's comment. He likes that it goes out to the CABMWs. It is valuable.

COMMISSIONER WALLACE MOVED TO TAKE COMMISSION GENERAL REGULATION 470 MISCELLANEOUS PETITIONS, LCB FILE NO. R095-16, TO THE COMMISSION FOR FURTHER APPROVAL AS PRESENTED BY THE DEPARTMENT WITH THE FOLLOWING CHANGES: REMOVE SUBSECTION 4 COMPLETELY AND IN SUBSECTION 5 REMOVE THE BLUE LANGUAGE AND ADD THE WORD "SUBMITTED." COMMISSIONER VALENTINE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

5. *Review of Commission Policy 50 – Duck Stamp Procedure

Deputy Director Jack Robb said with the implementation of license simplification we no longer have a state duck stamp per se. In the years leading up to that change you could get the electronic privilege of a duck stamp when you purchase a license. The number of physical stamps being purchased was very minimal. We are seeing people win the duck stamp contest, but we are not seeing a lot of people buying the stamps. We average about 15 participants in the contest every year and on average 2 are from Nevada. We work well with the Nevada Waterfowl Association for this contest. Their membership wants to keep this in place. We are trying to figure out what to do with the contest.

Commissioner Wallace would like to hear the public comment.

No public comment.

Commissioner Wallace said he has participated in the duck stamp judging. He enjoys it. The staff and Nevada Waterfowl Association are always very excited about it. He hates to see it go but he understands where the Department is coming from with the production of stamps and the issues that have risen.

Commissioner Valentine said he does not have a dog in the fight. Maybe we could hang onto it through the simplification process and see what happens. Is this contest happening in schools? Are kids allowed to participate?

Deputy Director Jack Robb said the schools do not participate in this contest. They have other art contests. It does not rise to the level of quality to be involved in this. But that doesn't mean that we couldn't convert it into something like that.

Chairman McNinch asked for alternatives.

Deputy Director Jack Robb said he does not know of any alternatives.

Chairman McNinch said this hits home for him. The gentleman that was in charge of the duck stamp contest for several years was responsible for him getting involved. He has since passed away. He does not want to see it go.

Commissioner Wallace asked for the cost. Is this something that can be carried forward and if the Nevada Waterfowl Association wants to sponsor it they can? He thinks it is worthwhile.

Deputy Director Jack Robb said the costs are not substantial. There are sentimental reasons to keep it. We need Commission direction on this. The trout stamp disappeared. The number of duck stamp collectors continues to dwindle. People are asking if we want their family's stamp collection when someone passes on. There is not the call for it that there once was.

Commissioner Wallace asked if there is a way through the new system to offer the duck stamp for sale to the public. Just to keep the program alive. Some may not know it exists, but they might be interested. In the past it was normally only purchased to go duck hunting, probably about 90 percent of the time. Maybe we can advertise it and push it harder. Maybe take it to the schools too. Then the general public can participate in wildlife too.

Deputy Director Jack Robb said this year we could not sell it in the new system, well, maybe by the time duck season gets going we could get it up and running. It may confuse individuals though. We are telling everyone we got rid of all stamp privileges. We do not have a fee set on a stamp because we took that out of NRS last legislative session. It would be a commemorative stamp. Not a stamp that has a privilege. We do not have a vehicle to sell a stamp because there is not a fee associated with it.

Commissioner Wallace said this thought just came to him from the discussion this morning. He said when he purchased his hunting license in California they asked him if he wanted to buy a "warden stamp." Maybe it can be something that pops up at checkout. He was throwing out ideas. Maybe the money could go to the Nevada Waterfowl Association.

Deputy Director Jack Robb said the only stamp we have left is the resource enhancement stamp. There are a lot of things to review to come up with some ideas.

Chairman McNinch said this really hits home for him. He knows we have to be practical. Time moves on and so does technology. He said it needs to be reasonable and productive and if not then maybe it does need to go away. Maybe we should suspend the policy for right now.

Commissioner Hubbs said she loves art. She just got the wildlife license plate. She likes art and exploring the aspect of the community. She said there are a lot of people who engage with wildlife. She is in favor of keeping it but it sounds like we do not have the infrastructure. She thinks maybe we should take it to the Commission and see if there is more input as to how it will impact the citizens.

Commissioner Wallace said to move it forward to the Commission to suspend the policy, but have a discussion with the Department and get some public input before it is ended. He wants to bring it forward to the Commission with the discussion of

suspending the policy and to discuss other ideas of how to move this forward. Maybe it can be resurrected with some other aspect.

COMMISSIONER WALLACE MOVED TO TAKE COMMISSION POLICY 50 TO THE COMMISSION TO DISCUSS THE SUSPENSION OF THE POLICY AND OTHER OPTIONS. COMMISSIONER VALENTINE SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

6. *Review of Commission Policy Table

Chairman McNinch explained the table. This Committee has finished several policies. There are a handful of policies at the end that have not been updated.

Management Analyst III Jordan Neubauer said on page 4 and 5 of the table there are 10 policies that have not been updated. The Department does not have a recommendation to change any of these policies at this time, but the Committee can take a look at any of them.

Commissioner Wallace said he doesn't see any that he thinks need revision.

Commissioner Valentine asked if Commission Policy 67 needs to be updated.

Deputy Director Jack Robb said that the Department reviewed it. We are not sure if there will be a return on the investment of time.

Chairman McNinch said it might be worth looking at, but the Commission has expressed their opinion consistently. There is certainly relevancy to looking at it. He is not sure if there is a more productive way to effect change. It doesn't hurt to update the policy. He sees value in that sense.

Commissioner Hubbs said she thinks this Committee has made progress. She doesn't have any other input.

Public Comment:

Rex Flowers said the Commission can give direction to the Department to take legal action to not remove the wild horses because of how it infringes on the habitat for wildlife and how it serves as a detriment to the wildlife of this state. Our position being buddy, buddy with the federal government needs to end. There is a way to get there. Commission Policy 24 needs to be brought up to date. There were NRS changes that affect it. It should go to the Tag Allocation, Application Hunt Committee (TAAHC) for their input.

Chairman McNinch said there are a couple of items that may need to be revised. Commission Policy 67 should probably go through the Public Land Committee. We need to make sure we include other Committees. We need guidance at the Commission level.

7. Future Committee Meetings and Agenda Items

Chairman McNinch will not be attending the Commission meeting in March.

Commissioner Wallace said that we do not need to hold a Committee meeting in conjunction with the March Commission meeting.

Chairman McNinch said that is fair.

Commissioner Hubbs said she is fine with that.

Chairman McNinch said there are no pressing issues.

No public comment.

8. Public Comment Period

None.

The meeting was adjourned at 8:58 a.m.

Note: The minutes are only a summary of the meeting. A complete record of the meeting can be obtained at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, NV 89511