

**APPROVED Meeting Minutes
Legislative Committee of the
Nevada Board of Wildlife Commissioners**

Wednesday, April 1, 2015 – 1:00 p.m.
Nevada Department of Wildlife Headquarters
1100 Valley Road, Conference Room B, Reno, NV

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1 Call to Order and Roll Call –

Commission and Committee Chairman Jeremy Drew called the meeting to order at 1:08pm.

Committee members present: Chairman Jeremy Drew, Commissioner David McNinch, and Commissioner Brad Johnston. Later on, Commissioner Bill Young called in. Committee member Kyle Davis was absent.

NDOW Staff present: Committee Staff/Management Analyst 3 Kim Jolly, Chief Game Warden Tyler Turnipseed, Operations Division Administrator Bob Haughian, Director Tony Wasley, Deputy Director Jack Robb, and License Office Supervisor Maureen Hullinger.

Members of the public present: Mike Bertoldi, Dianne Belding, Joel Blakeslee, Karen Boeger, Judi Caron, Doug Martin, Elaine Carrick, Cathy Smith, Trish Swain, Stacy James, Caron Taylor, and Tina Nappe.

2 Approval of Agenda – Chairman Jeremy Drew – For Possible Action

The Committee will review the agenda and may take action to approve the agenda. The Committee may remove items from the agenda, continue items for consideration or take items out of order.

IT WAS MOVED AND SECONDED TO APPROVE THE AGENDA AS IS, ALL IN FAVOR.

3* Approval of Minutes –Chairman Jeremy Drew - For Possible Action

The Legislative Committee may take action to approve the meeting minutes from the March 4, 2015, Committee meeting.

IT WAS MOVED AND SECONDED TO APPROVE THE DRAFT MINUTES AS IS, ALL IN FAVOR.

4* Committee Review of Legislation, Recommendations on Commission Positions on Legislation, and Legislative Platforms – Kim Jolly, Staff and Chairman Drew – For Possible Action

The Committee will identify and review bills of interest, and may recommend the Commission take official positions on those bills. The Committee may choose to recommend the Commission adopt formal positions and/or platforms on bills by supporting or opposing general concepts contained within bills rather than specific language. The Committee may review previous Committee or Commission positions on bills, and may provide updated recommendations based on bill amendments or other pertinent changes and information.

The support material titled “Committee Support Tables” was posted online, and includes legislation previously identified as of interest, as well as a column of previous committee and/or commission actions.

The Committee had brief discussion on preference of order – whether numerically or to start with new Bills of Interest. They agreed to start with bills that the Committee and Commission had not reviewed before.

Chairman Drew led the discussion and read from the Bills of Interest spreadsheet starting with Senate Bill 4, trapping registration exemptions. The Wildlife Commission requested the Committee review it again.

Senate Bill 4 – trapping registration exemptions:

Management Analyst 3 Kim Jolly provided a brief summary on the bill that had been amended and the First Reprint version, as well as new information from NDOW Licensing about those with Scientific Collection permits.

Those who had a permit from NDOW, but who aren't necessarily government entities, don't typically register traps.

Chairman Drew provided additional comments that trap registration was already in NRS. However, the Nevada Board of Wildlife Commissioner's regulation which was approved to implement trap registration was denied at the Legislative Commission level due to private land concerns. Chairman Drew asked for any additional research related to the issue brought up.

Maureen Hullinger, License Office Supervisor NDOW responded that the request was for an additional group to be exempted. There are private contractors who have studies going on with hundreds of traps currently permitted by NDOW. They haven't ever had to register traps and we would like to exempt them. Also, other collection permits such as special use permit, or threatened and endangered permit.

Chairman Drew asked for an update from Chief Game Warden Turnipseed on the private land postings (NRS 207.200) as the Commission previously voted the recommend striking that portion of SB4. What constitutes a fence?

Chief Game Warden Tyler Turnipseed said the law is that the public needs to be notified that they are trespassing, including a certain type of sign. A means of posting a sign is fencing the land, but a *barbed wire fence is not as means of posting* as private property. Hunting or fishing on private land without permission cases are very difficult to make by law enforcement because the vast majority of private land in Nevada is *not* marked per that NRS. Chief Turnipseed also noted that Commissioner Layne asked if this would apply to feral cat trapping; it does not apply because it is only applicable to wild mammals.

Chairman Drew opened up public comment on SB4.

Public Comment:

Trish Swain of Trail Safe Nevada wants to make sure there aren't any loopholes or mistakes as in the past. She asked Ms. Hullinger why scientific collectors use traps, what kind of traps used, and would be generally in favor.

NDOW License Office Supervisor Maureen Hullinger clarified they usually use a Sherman trap, for markings of small rodents for population studies.

Ms. Swain also asked about the various exemptions in the First Reprint, and had various other questions about the language. She wondered if it met the intent and questioned the rodent exemptions for Higher Education, but no one else.

Chairman Drew interrupted that if the public had questions of staff, that they should direct them to the Commission. He also noted that this was not the Commission or the Department's bill, so he could not speak for them.

Joel Blakeslee of Nevada Trappers' Association spoke on SB4 and against registration in general; he was not in favor of making any exemptions for government as it discriminated.

Commissioner McNinch thought it difficult to support with reference to NRS 207 and that it needs to address the whole intent. He wondered how the proposal would look without that reference.

He supports clarifying the private property without the reference of NRS, and supports the inclusion of subsection 2d the exemption by those under the authority of NDOW issued a permit.

Commissioner Johnston said he has same position with respect to NRS 207.

Management Analyst 3 Jolly asked for clarification on the Committee's thoughts on part A of the bill (the exemption by the Nevada System of Higher Education (NSHE) for control of rodents).

Chairman Drew wondered if there is the exclusion for the control of rodents, does it need the other exemption? Is rodent defined?

Chief Turnipseed said no, that's not defined, just Genus, *Species Rodentia*. The NHSE was put in there for gopher farms, because they didn't think they were covered.

Chairman Drew said last Session the bills called out *Family of rodents*. It is cleaner just to take the NRS reference out

Commissioner Johnston mentioned another bill on trap registration, and the elimination of it.

Chairman Drew summarized where he thought the Committee would go.

COMMISSIONER MCNINCH MOVED AND COMMISSIONER JOHNSTON SECONDED: TO OPPOSE SB4 AS CURRENTLY WRITTEN, SUGGESTED AMENDMENTS STRIKING THE REFERENCE TO NRS 207.200 IN 2A, AND THAT A SUBSECTION 2D BE ADDED FOR THE TAKE OF WILD MAMMALS UNDER A PERMIT ISSUED BY THE DEPARTMENT. ALL IN FAVOR. (3-0, DAVIS AND COMMISSIONER YOUNG ABSENT).

Assembly Bill 217 – Originally to eliminate Off-Highway Vehicle registration

Management Analyst 3 Jolly provided a status update on the bill hearing and the Committee hearing including the 2 additional amendments proposed: DMV amendment on mini-trucks, and the sponsor's amendments to expand registration options by dealers and sheriffs. Also in the exhibits, was Assemblywoman Titus' cover letter that she wanted now to maintain OHV registration rather than to eliminate it. The Department has not had any position on this bill or OHV registration this Session.

Chairman Drew had no recommendations for specific positions on the bill, but we should defer any suggested changes to the OHV Commission they will understand this program much better than the Wildlife Commission. Any recommendation from this body should be general in nature.

Public Comment:

Karen Boeger of Backcountry Hunters and Anglers said at the hearing the main bill sponsor, Assemblywoman Titus, said she received negative feedback from a variety of groups about removing OHV registration altogether, and so she had restored it in her amendment. However, it was a one-time registration for all vehicles. Ms. Boeger spoke to sponsor last week, and thinks she is withdrawing the annual registration only. Her other amendment was for the county sheriffs to voluntarily do the VIN check and OHV registrations, which we support. She also wants to add the dealers into that. People registering could be more compliant because it would be easier. BHA is supporting whatever would make registration easier. They would recommend this Committee support a legislative platform supporting the original OHV Registration law, and anything that helps make it easier and more efficient. There is a work session next Tuesday.

Chairman Drew received a lot of correspondence on both sides: support increasing the ease of registration, some want it eliminated, some want it to continue a few more years with some fixes. I have no problem opposing the original language, and supporting general amendments for efficiency and ease of registration. Also wants coordination with any recommendations from the OHV Commission who will be more close to this bill than we are.

Tina Nappe – Mr. Chairman, the first comment was for the Committee to first reiterate your support for registration, and I didn't hear you saying that. Because I think that is what's *most* important, is that the sportsmen and the Commission support registration. A lot of sportsmen use them, a lot of people don't, and they can cause problems. I think it's really important for you to reiterate that support.

Chairman Drew said the question is whether we oppose the bill as originally introduced which would have done away with OHV registration all together or whether we take a general platform supporting the registration program. Thank you, Tina, for clarifying.

Ms. Boeger made comments on behalf of the Coalition for Nevada's Wildlife. They support registration for 2 more years, to have benchmarks and see how it's doing, and then make a decision at that point.

Chairman Drew noted that he had her comments.

Commissioner McNinch is interested in hearing the advantages or disadvantages of us opposing the bill or supporting a platform. He asked for feedback from Committee members.

Commissioner Johnston made comments that we can do both. If we support the platform of OHV registration and making it easier to do and more efficient, then we oppose the original bill eliminating registration. With the proposed amendments (to make it only a one-time registration) I have concerns that do you have the funds needed, and therefore you will not be able to achieve the goals. It's too soon to throw all this out, I think we need to approve the amendments to maintain registration, and give this a chance.

Chairman Drew had no problem with that, but believes it is better to have one general platform than to oppose one bill that is probably already outdated.

Commissioner Johnston said there is no agreement on the amendments yet – though the sponsor is not pursuing the legislation as introduced anyway.

COMMISSIONER MCNINCH MOVED TO A PLATFORM TO SUPPORT OHV REGISTRATION AS WELL AS ANY IMPROVEMENTS TO EFFICIENCY AND EASE REGISTRATION PROGRAM. SECONDED BY COMMISSIONER JOHNSTON. ALL IN FAVOR. (3-0).

Assembly Bill 261 –Feral Cat Colonies Bill:

Management Analyst 3 Jolly – provided a bill update as the bill had a hearing on it, the Department did testify: Deputy Director Jack Robb as well as our Veterinarian Peri Wolfe, that NDOW was concerned about the programs and their effect on wildlife. Brought a copy of the testimony, as well as we proposed an amendment to the bill, mirroring what the existing Clark County ordinance looks like (our Southern Region biologists helped to get phrasing). The language in our amendment would be to add the phrase “to prohibit the feral cat colonies and any release of feral cats near or in any conservation area, state or federal land, national forest service, national park service, wetlands, or any other lands managed for wildlife.” That is what we proposed, also a side note, both Washoe County and Clark County already have feral cat colony programs for years, and have been moving forward. Washoe County also contacted me to include similar language to their ordinance. Regardless of this bill, the issue of feral cat colonies and the release of feral cats and NDOW wanting to protect wildlife are still going to remain. I would ask for comment on the bill, but I'd also ask for a platform.

Public Comment:

Joel Blakeslee of the Coalition for Nevada's Wildlife said he testified at the hearing that basically if you remove Section 1, subsection 3, where it says release cats that have been sterilized and vaccinated for rabies; the word “release” is key. We don't want feral cats released on public lands. The other sentence that is pertains to this is Section 3, which also says “release” and we

are opposed to the “release”. There was some excellent testimony by Dr. Dennis Wilson from the Veterinarian Association; this is a time bomb ready to go off, being that there are 76,000 Mexican Free-Tailed bats living under the McCarran Bridge are one of the biggest carriers of rabies, and these cat colonies live in close proximity to these bat colonies. Toxoplasmosis also extreme concern, because it gets into the water supply and that is deadly for muskrats and minks. These feral cats are terrible on goslings and ducklings and other wildlife. I urge you to recommend those two sentences I mentioned that have the word “release” to not be put in this bill.

Karen Boeger, Backcountry Hunters and Anglers said the Committee should ask for no re-release, no matter where, public or private, because these animals will have an impact on wildlife. Also, just because its inhumanity of it to the animals, there is no peaceful death no matter private, public or wherever. From my personal standpoint, I have built a cat yard when I had cats, for \$50 with chicken wire and stakes. These animals have caretakers, who feed them and perhaps these caretakers could build large cat enclosures, and not have them running loose and not have an impact on wildlife, themselves or others as Mr. Blakeslee observed, and on diseases.

Caron Taylor speaking on behalf of the League of Humane Voters, they were in support of the release because of the scientific evidence that was produced that TNR worked for reducing feral cat populations. However, we would agree to that amendment that, release of feral cats, and cat colonies near conservation areas and wetlands should also be included in that, we don't think that cat colonies should exist around conservation areas.

Judi Caron (speaking for herself) is opposed to feral cat colonies as written without first identifying something on the County website where cat colonies are located. When we heard this at the County on an old report from 2009, they had identified over 300 cat colonies alone in Washoe County that the Humane Society put out, but there was no way to find where those colonies were on the County website. As a public service, we should know where they are, so we know when we're talking about “monitoring” there is no way to find where they are. So I can't support this as written.

Doug Martin (speaking for himself), concern on the requirement of monitoring, it doesn't specify what kind of monitoring, and I think it would be really good to monitor pre and post bird and rodent populations in the area, so that the public has an idea. The feral cats that they are releasing have not been declawed, and I know the cat people don't want them declawed, but I know they do kill a lot of wildlife. Please consider adding to the monitoring of birds and mammals to the area.

Trish Swain of the League of Humane Voters pointed out that at the hearing this bill authorizes the Board of County Commissioners of each body to determine the management of feral cat colonies. It is answering whether counties within their own would have the authority...These other details aren't really relevant to this bill. Nobody is being forced to accept cat colonies.

Tina Nappe wrote in testimony on this bill, in addition to not allowing for cat colonies within public areas, which is how I had looked at it, not just conservation areas, I don't know what the definition of a conservation area is but within parks for instance. I agree that all of these areas should be identified and at some point it would be nice whether these so called cat colonies are really reducing cats, or whether they're just outlying stations for the Humane Society. It's very easy to release cats into these areas, and if you have too many and don't know what to do with them, you release them into a cat colony. Have some way of monitoring this and really trying to estimate populations, and something like this could be written into state law as some conditions that counties would need to meet in terms of allowing or permitting cat colonies or else we are going to have them all over the place.

Commissioner McNinch struggles with the concept of a cat colony, I always have. I have empathy for animals that are in that position and whatever is happening to get to that point. But the bottom line is it doesn't matter if they're in a wildlife management area, conservation area, etc. they're going to have impacts on wildlife. That's how we live. We can say people feed them

all the time, but I struggle with the sterilization of the population and then releasing it back it is counterproductive and counter intuitive. He is in favor of voicing our lack of support for, at least the 2 provisions, the release of feral cats there's no doubt there is impact to wildlife. That would be prudent.

Commissioner Johnston said he looked at this bill and he doesn't understand it. I could support in subsection f, entitles county commissions to establish program for the management of feral cats. But it's really saying, "Okay you county commissions if you have a feral cat problem you can adopt a program to manage it, but your program is going to be..." (Trap Neuter, Vaccinate, Release, and Monitor)...and I just can't get on board with that. The cities and counties are going to have to deal with this problem but their hands should not be tied. That doesn't make sense to me. There was discussion about the department's amendment of near a conservation area, and what that meant. We all have a concern in terms of the disease issues, and impacts to wildlife. I personally am not as comfortable as a specific position, but will leave to Committee.

Commissioner McNinch said for lack of opposing the whole thing, Commissioner Johnston your comments are a concern for me, because I am seeing feral cats coming from somewhere else, but I guess this could be saying dealing with the cats from the same area. The Committee wants some direction on a platform.

Management Analyst 3 Jolly said there was, through this Commission, a Resolution on feral cats and cat colonies similar to the Wildlife Society Position. We could certainly dust that off. The majority of our testimony (NDOW) was "oppose" but since we already know that it's going on in those two counties (Clark and Washoe) and the they are going to move forward regardless of this bill, that is the only reason that we proposed oppose/amend. Certainly the Commission can review the earlier position form the early 1990's or otherwise.

Chairman Drew said we still may have a standing position (resolution) in regards to feral cats.

Commissioner McNinch said cat colonies don't represent what we're here for. We don't have a Commission Policy but that sounds like something you'd be more interested in that the existing resolution. There was discussion about a policy and platform.

Commissioner Johnston said if you have feral cats and feral cat colonies you are going to be limited to what this says. My view would be a platform to support the idea of a county commission to having the power for a program, but those programs should not permit the re-release of feral cats. That would be a very opposite stance. Or at least ask that they coordinate with the Department of Wildlife.

Deputy Director Jack Robb said we proposed an amendment as a stop gap, not saying that we were in support in any way. We oppose the bill but if they do go forward, we need something in there to protect wildlife than what we're currently seeing. We recognize that they do damage wildlife. We need to know where these feral cat colonies currently exist.

Commissioner Young joined the call and said he would abstain.

Chairman Drew said we need some level on coordination with the Department with the cat colonies. I think there is some merit in a platform, because I have a feeling this thing might go.

Commissioner McNinch said for me it boils down to looking at the old policies, I feel strongly enough to oppose colonies, so now that leaves us with a position and that means we are opposed to any language accepting of colonies. If we propose a platform that says we will talk about it that limits the Commission.

There was more discussion about opposing the bill and opposing any release of feral cats even with sterilization, doesn't help the population dumping feral cats. It needs to be more aggressive action than just sterilization. There are more issues in Nevada going on with feral cats at stake than what is in this bill.

Commissioner Johnston said empowering city councils and county commissions is fine and addressing the problem, but I don't like the word "manage" in subsection 3 and we are opposed to the notion of feral cat colonies being released back onto the street, period. I don't like this notion of management of colonies, you are saying we accept colonies, it does not make sense.

Management Analyst 3 Jolly said Washoe County is struggling with the managed colony as well; they want accountability of who is trapping the cats and bringing them to the animal services and humane society, and monitoring. They don't want them unmanaged. This month, Washoe County is going to take up this issue at the local level soon. Platforms from the Committee could apply to this bill and future tweaks of this bill, locally or otherwise.

CHAIRMAN DREW MOVED TO ADOPT A PLATFORM TO SUPPORT THE EMPOWERMENT OF COUNTY COMMISSIONS TO ADDRESS FERAL CAT COLONIES, IN COORDINATION WITH NDOW, IN ORDER TO MINIMIZE WILDLIFE IMPACTS, AND THAT THE COMMISSION DOES NOT SUPPORT THE CONCEPT OF RELEASE. SECONDED BY COMMISSIONER MCNINCH.

Commissioner McNinch asked if we move forward with this platform, will there be opportunities for us to take action at the local level?

Management Analyst 3 Jolly said yes and any other iteration of this bill. There was discussion about the other amendments to AB261 by the Humane Society, Assemblyman Ohrenschall amendments and others. Some amendments could show up on a work session that we don't see as well.

Chairman Drew said a platform would be broad enough to deal with any variation thereof. The concept for a local ordinance has merits, but we are clear that there needs to be coordination with NDOW and we are clear we don't support the release.

Commissioner Johnston said he is in supportive of that. With an ordinance we might be able to address at that time.

ALL IN FAVOR, (3-0) COMMISSIONER YOUNG ABSTAINING.

Assembly Bill 335 – Leg hold traps near a public road or highway:

There was discussion that this was scheduled for hearing, and was pulled. NDOW had testimony lined up to oppose this. This statute is necessary, first adopted in 1960 and has not been amended since the 1990s. Unknown is alive or dead so we should look at it.

Public Comment:

Joel Blakeslee told by the bill sponsor that this bill was pulled. He said he could further comment but does not see why.

Commissioners agreed to skip it, if it comes back to life, we can address it at that point. That would be past the deadline for the Commission meeting. April 15 is the Commission meeting. The First House Committee passage is April 10.

Assembly Bill 338 – Trap registration and shed antlers:

There was brief discussion that this bill makes trap registration "may" versus a "shall" and takes away commission authority for visitation time and sets that in statute at 96 hours, and removes authority to regulate shed antlers, except for commercial shed antler collection, without a definition of commercial. Commercial regulations are problematic. This bill has not had a hearing scheduled.

Public Comment:

Joel Blakeslee with Nevada Trappers Association is in full support of must to may, have had a try with both each for 15 years. Mixed history, this is not trap registration it is trapper registration. You do not put the same license plate on every vehicle you own. There is no method for transfer of title after a sale. I sold 300 traps that had my number stamped on them, and I have no control.

Judi Caron said she is very supportive of section 3, which has been discussed for a long time at Commission meetings, the commercial regulation of collection of shed antlers, tailored to not affect families enjoying the outdoors, and not to limit when they could pick them up.

Karen Boeger of Backcountry Hunters and Anglers said the collection of shed antler issue is something we've commented on frequently because of our members out in White Pine County are impacted by people collecting great quantities of shed antlers to then re-sell to buyers. I support the notion of some kind of restraint on the commercial sale, but how you define that, I don't know. But we do very much support that concept.

License Office Supervisor Maureen Hullinger (NDOW) asked a question, as to why shed antlers are restricted to the residents of the state for non-commercial purposes since we have non-resident families who come in.

Chairman Drew said he has no clue, it's not our bill, and have not had an opportunity to speak with the bill sponsor, Assemblyman Hansen. There are moving parts regarding trap registration, and the work that the Commission has done that went on for years. The shed antler regulation work that went on for years to set a season for taking of sheds (whether commercial or not), that got denied at the Legislative Commission level. It would be something the Commission could look at again. Determining commercial is impossible. Not in support.

Commissioner McNinch said a lot of work has been put into place and he would like to see the shed antler work continue. This proposal doesn't address the concerns to wildlife that we've been talking about. The concern of harassment or movement of wildlife.

Commissioner Johnston is curious about the commercial aspect being not enforceable, where does it cross the line. On the registration issue, has no strong feeling one way or the other. It is a decision for the Legislature.

Commissioner McNinch said the Commission has done what we were asked to do, come up with proposals. Obviously it got hijacked going through the LCB. Maybe you are right – it's up to the Legislature. I feel more strongly with the shed antler collection. We should still retain at Commission level the authority to come up with something that will work.

COMMISSIONER MCNINCH MOVED TO RECOMMEND TO OPPOSE ASSEMBLY BILL 338 SECTION 3 (SHED ANTLERS) AS WRITTEN, SECONDED BY CHAIRMAN DREW.

Chairman Drew said we need the ability to work with the Department and figure out how to work with it, and how to do it. It is very difficult when someone is getting \$1,500 for a set of shed antlers. I support the motion on the table.

Commissioner Young said he agrees 100%. This is a tough one and we need that ability

Commissioner Johnston said you could have regulations pertaining to collection of shed antlers for any purpose while still balancing those Nevadan families recreating. But you can't address the other without defining the issues, it needs regulations.

COMMISSIONER MCNINCH MOVED TO BE NEUTRAL, AND TO RELAY THAT THE COMMISSION MADE PROPOSED REGULATIONS TO ADDRESS THE TASK GIVEN TO THEM BY THE 2013 LEGISLATURE. NO SECOND.

CHAIRMAN DREW STATED A PLATFORM THAT THE WILDLIFE COMMISSION HAS ALREADY PROPOSED REGULATIONS RELATED TO SECTION 1 (TRAP REGISTRATION) AND SECTION 2 (TRAP VISITATION) AS TASKED BY THE 2013 LEGISLATURE. COMMISSIONER MCNINCH SECONDED.

What we did with the trap regulations and all the work has value, but the policy makers have a great opportunity to make one right here. They keep going back and forth at the Legislature and Legislative Commission.

MOVED TO OPPOSE SECTION 3 (DEVELOPMENT OF REGULATION FOR SHED ANTLER COLLECTION) AS WRITTEN. PLATFORM: THE WILDLIFE COMMISSION HAS ALREADY PROPOSED REGULATIONS RELATED TO SECTION 1 (TRAP REGISTRATION) AND SECTION 2 (TRAP VISITATION) AS TASKED BY THE 2013 LEGISLATURE. DEFERRED THE POLICY PORTION OF THOSE SECTIONS TO THIS LEGISLATURE.

ALL IN FAVOR (4-0)

Senate Bill 163 –Council of Conservation:

Chairman Drew said the Current Wildlife Commission position to support the concept in this bill, so long as the Council is required to educate the general public on the following: The history of wildlife in Nevada, the benefits of wildlife to its citizens, wildlife management and wildlife recreational opportunities within the state while remaining neutral on fees.

NDOW Director Tony Wasley said the Department had a couple of concerns with the original bill. The primary concern was the issue of diversion, which is that receipt of Federal Aid dollars requires that the money remain under direction and control of the agency. The way the bill was originally setup created some potential diversion that would jeopardize a larger pot of money that the Department depends on for operations. We've had a number of meetings to discuss the specifics in the bill language and believe we are in agreement with the concept. We're in the process of finalizing that draft, and have plans to meet with the bill sponsor with the hope that he'll accept the amended language. We are still looking at the creation of a Council that will be under the Department of Wildlife to avoid the issue of diversion. Specific makeup is described in the bill. The Council will have responsibilities to implanting, but through strict state procurement guidelines securing vendors and fulfilling the items in the bill.

Chairman Drew asked Director Wasley if the concept of the bill in terms of the educational piece has changed. I know there was a workshop amendment similar to what the Committee recommended it should contain, that hasn't changed. The only thing the Commission was neutral on was the fee. The concept hasn't changed just the mechanics have changed.

Director Wasley said yes, the only thing is that the mechanics of how to make it happen have changed to address the concerns. That has been addressed. Messaging, education components are the same, but rather than through a fee increase, we are looking at alternative sources of funding through the Heritage revenues. Also, changing some of the logistics in the way that the Council is setup and appointed.

Chairman Drew said he thinks the Commission's position is solid where it is until we get some specific language. I appreciate the Department's take.

Public Comment:

Mike Bertoldi with the Coalition for Nevada's Wildlife reiterated what Director Wasley said, we have been working with the Department to alleviate their concerns with the bill of the diversion issue. Using the Wildlife Heritage Trust Fund, I think that issue went away. There were several other issues fundamental; having the Council be within the Department was a very important thing. We are going to add language, "shall" to "will work in cooperation with the Department". I am really grateful to the Director and the Deputy Directors for working on this with us to get it

right as it's important to get it right. We are very comfortable with it. We'll take a try at the language, and hopefully walk in to Senator Hammond's office tomorrow together.

Chairman Drew said in terms of where the Wildlife Commission's position is in supporting the general concept, and the first amendment that was incorporating some of the language that we'd suggested that position is going to stay intact. The only thing that is neutral is the details that need to be agreed on, the funding mechanism, and until we get language then we can revisit the position. But the details are yet to be worked out.

Mr. Bertoldi said he thinks the details are agreed upon, it's just not been accepted by the sponsor. We do have a fundamental agreement on the structure.

Chairman Drew said the way our Commission agenda is setup on the April 15 to have ability to change our position, and I appreciate the updates.

Elaine Carrick thinks this bill is legislating for a special interest group. It is a private activity, if they want to promote hunting, fishing, and trapping I think they can fund that privately and not funded through legislative bill.

Senate Bill 398 – Prohibits the sale of ivory:

Management Analyst 3 Jolly said that the Department received correspondence and the conceptual amendment by the sponsor, via Stacy James.

Chairman Drew said the amendment proposed adds "rhino horns" specifically to the bill, and takes out language "certain animal, including without limitation" to remove concerns over elk ivory.

Management Analyst 3 Jolly said there is a hearing scheduled Friday in Senate Commerce and Legislative Operations.

Chief Turnipseed said no official position, but we spoke with the United States Fish and Wildlife Service (USFWS) wardens as they are the experts in ivory and this would help them do their job. This is an international issue and NDOW has never dealt with ivory trade. USFWS Toni Wagner said this would definitely strengthen their ability to enforce and us to help them. Other states are doing similar legislation to prevent interstate trade and commerce in ivory. From a philosophical standpoint we would support. I did hear several people concerned about the elk ivory issue, but with the proposed amendment the elk ivory concerns would be alleviated. We don't have information on specific details on penalties, but from basic concept law enforcement would support it.

Chairman Drew asked, this is a Federal law already been implemented, and the state is more or less reinforcing the federal provisions, is that correct?

Chief Game Warden Turnipseed said yes, the USFWS has import and export restrictions, but as far as the sale from private parties and shows the laws don't have the teeth as they need, so this would help that.

There was conversation about gathering the specifics including the definitions of ivory products in the Federal law to compare to the state law. Including the exemptions, antiques and where they came from.

Commissioner Young said Stacy James met with him in Las Vegas and she went over it with him. I support this legislation and I hope the Commission will as well.

Public Comment:

Cathy Smith said thank you for addressing this bill in your Committee. She went over the history of the federal ivory ban. In 1980s there thriving legal ivory trade led elephants close to extinction, in 1989 ivory ban adopted by UN at convention and added to the endangered species protection through CITES. Initially the ivory ban was upheld and the trade collapsed, then Japan and China lobbied for one time sales of stock-piled ivory. Those countries claimed they each had robust registration processes, but corruption ensued and illegal trade came back (tripled since 1998). Asian countries claimed they needed 200 tons of ivory per year to satisfy demand which is more than can come from natural mortality of elephants. It is virtually impossible to determine legal from illegal ivory. She went over a few points that she will share with the Legislature as well, the reasoning for the bill, her involvement. The US is 2nd in world for ivory trade, 1st in world for internet sales. State Laws are needed to make intra-state sales illegal. Interstate sales through the federal level are illegal but need state laws to help. This bill is based on the New York bill, while California is working on a state law; the next logical place for sales is Las Vegas, Nevada and Reno with the void of an ivory ban in place. There is a link to Al Qaeda terrorist group, etc. Value of elephants is through their guardians of the forest we must remove value of their tusks from the equation.

Chairman Drew asked if she knew if the provisions and definitions in here are the same as in the federal law.

Cathy Smith said they are a little bit different. What's allowed across state lines, ivory lawfully imported prior to the date as it was included in CITES (1990) and the seller must demonstrate. Federal ban only affects interstate sales, not intrastate sales. That is why this law is needed. The USFWS is working to make the federal ban more stringent, but we wanted to allow exemptions for gun and knife owners, and musical instruments. We don't want to do what New Jersey did, but to make something agreeable to all stakeholders.

Elaine Carrick said she supports the bill and hope you all will too, nothing to add to what Cathy Smith said had her extensive report. I agree with Chief Warden Turnipseed that the federal law just doesn't have enough teeth. That is why we're asking Nevada to join a few other states to put some teeth into the ban. We all want to have elephants for our children and grandchildren but at the rate they're being killed at 96 a day, you add that up, they don't reproduce fast enough and they predict that in 15-20 years they are going to be extinct. So we're trying to not have them killed not for their ivory, and if we stop the illegal ivory trade that is the bigger picture. Please consider it and approve of that.

Karen Boeger said she has personal concerns. She supports the intent of it, and I confess I've not read the details of this bill, so maybe they aren't justified. I worry about unintended consequences of well-intentioned bills. On the question of antiques; I remember as a kid in the late 40s and 50s that things were still being made of ivory, those would not be exempted in this bill (family piano, chess pieces, dominoes). Does that mean that those items of family heirlooms could not be sold if less than 100 years old?

Caron Taylor, League of Humane Voters spoke in support.

Joel Blakeslee spoke in opposition, as he believes it is an anti-hunting bill. Nevada isn't causing extinction of elephants. Take away value of game species equals devaluing animal and it becomes a predator, elephants seen as overgrazing, etc. This should be an Africa issue only.

Stacey James spoke in support, and answered questions. Used language from other successful bills, there are 8 other states working on this concept. Each state has unique issues. This bill has exemptions for guns, knives, pianos, etc. Spoke about the various Federal laws effective dates and what ivory is legal with documentation. So we didn't have unintended consequences. Africa vs. Nevada might be valid question on surface. I head up a non-profit in Zambia, we fund anti-poaching campaigns, and I live in Las Vegas. This starts in Africa, and ends up all polished in a shop in Las Vegas, after a long tragic stream of illegal events, we are already involved. Discussed various related instances and examples of events. Las Vegas has a high transient, tourist population, especially Asian tourists naturally, high Asian population are consumers of

ivory. California connection, online sales most popular. Hoping NDOW will support this legislation. Help conservation everywhere.

Chairman Drew said this bill is in the commerce committee on Friday. There is a lot in this bill I don't understand. I have no issue in regards to be consistent with the federal framework – I have questions related to the definitions. I don't think we need to be involved in position on the commerce piece. But on elk ivory, that impacts us directly. I would favor some sort of platform to that effect.

Commissioner McNinch said he agrees. Our nexus with the bill is the elk ivory. On a broader scale, the nexus is the commercialization of wildlife, not big on opening the door for animals to get killed for ivory's sake. I am for conserving wildlife; in whatever manner that is, I would support those concepts personally. From the Commission standpoint, I don't think it is a threat to hunting. If it goes through we should try to make sure it doesn't cover the elk ivory.

Commissioner Young said the elk ivory amendment is good. Fighting the commercialization of wildlife is something I support.

Commissioner Johnston said he thinks this is beyond the purview of the Nevada Wildlife Commission. Overseas hunting in Africa, I don't think this is related to Nevada wildlife.

There was further discussion. We should support the amendment to address elk ivory. There was discussion about who would enforce – local law enforcement, not game wardens. Not supportive of game wardens being diverted from the field into pawn shops. Concept support. Federal deputized but actual enforcement not sure what would look like.

Management Analyst 3 Jolly said someone did get a fiscal note, not us. It's in NRS 597, which is not our chapter (NDOW).

Cathy Smith clarified that the two fiscal notes were for prison time, and general services division needing to create misdemeanor codes. That was it.

COMMISSIONER MCNINCH MOVED AND COMMISSIONER YOUNG SECONDED TO RECOMMEND THE COMMISSION SUPPORT A PLATFORM OF ALIGNMENT OF LAWS AND REGULATIONS REGULATING THE LAWFUL COMMERCIALIZATION OF WILDLIFE WITH THOSE AT THE FEDERAL LEVEL, AND TO BE SUPPORTIVE OF AMENDMENTS SPECIFYING SOURCES OF IVORY AFFECTED. WITH THE ADDITION OF RHINO HORN.

Chairman Drew said this platform goes beyond what we discussed, I don't think the Commission needs to be involved with the commercialization or regulating commerce.

Commissioner McNinch said that is fine, my stance was more on poaching. He withdrew his motion. Commissioner Young withdrew the second.

CHAIRMAN DREW MOVED, AND COMMISSIONER MCNINCH SECONDED A PLATFORM TO SUPPORT STATE PROVISIONS CONSISTENT WITH FEDERAL REGULATIONS AND THE EXCLUSION OF ELK IVORY AS THE PROPOSED AMENDMENT DOES.

Commissioner Johnston doesn't understand all the Federal regulations, and don't think this is relevant to Nevada wildlife. I don't condone illegal ivory; I just don't know all the parts related to the Federal laws.

Commissioner McNinch said that if the bill did not have the amendment, it *would* have impacted elk ivory and that would have been an issue for us.

Chairman Drew wants to know more about the Federal laws as well, but I think it's worth advancing to the Commission level.

PLATFORM: SUPPORT STATE PROVISION CONSISTENT WITH FEDERAL REGULATIONS AND THE EXCLUSION OF ELK IVORY AS THE PROPOSED AMENDMENT DOES. 3-0 IN FAVOR, COMMISSIONER JOHNSTON DISSENTING, DAVIS ABSENT.

Assembly Bill 361 – relates to captive wild animals and authorizes local governments to regulate:

Management Analyst 3 Jolly said this bill will be heard soon, and is sponsored Assemblypersons Swank, Ohrenshcall, and Titus. This bill authorizes the board of county commissioners to enact restrictions on animals including prohibiting cruelty to animals, and, authorizes them to adopt an ordinance to regulate the possession, importation, sale, transfer, or breeding of a captive wild animal. The ordinance may also authorize fixing and imposing reasonable and necessary fees, humane care standards, and definition of a captive wild animal. There are *at least* 3 existing local government ordinances on what they call exotic animals: Clark County, City of Las Vegas, and Washoe County. They're all in different agencies within those entities, and some have obscure enforcing departments. Washoe County is through the Animal Control Board which issues permits, Ms. Carrick was here and she was on the permit board. Individuals who desire pets or animals beyond what is existing animal code would go to that board and apply for a permit. They review the care standards and approve or deny. This issue was heard last session, really long hearing with lots of testimony and discussion. The Legislature put their hands up and said the counties already have the authority to regulate this. We haven't yet spoken to the sponsors about this bill yet, so we don't know what their intent is, or why they're doing it if they already have authority. NDOW staff and the agency has the prohibited species list in regulation but beyond that we don't regulate exotic species. Oftentimes people do contact NDOW first to ask about what is allowed. There is also the exempted list. So there are some species in between prohibited and exempted that then end up being permitted by NDOW, which includes pet stores and some exotics, non-commercial possession, or commercial possession permits. We also have other rules, so we do touch this bill. We would hope that the Counties would be aware of what is prohibited by the State; for example, African clawed frogs except for scientific study. There was discussion about whether this bill takes away authority from the Department and gives it to the Counties, and the nexus to Commission. Indirectly we could end up with an issue. Allowing counties defining what a captive wild animal is, without knowing what is prohibited by NDOW would be a concern.

Public Comment:

Joel Blakeslee speaking for the Zoological Association of America, NRS 224.189 and NRS 244.349 the animal rights activists wanted to eliminate primates in zoos. The Department of Agriculture and Department of Wildlife already have powers concerning importation, sale, possession, transfer, and breeding so this is unnecessary. And, the Counties already have the right to require humane care standards. NDOW has biologists and game wardens, agriculture has veterinarians, and County Commissions don't have that. We are opposing this and would ask you to oppose. There was discussion about the need for the ordinance. Boulder City also has an ordinance prohibiting certain exotics, too, not sure the purpose in this bill. Storey County has an anti-trapping ordinance even though it's regulated only by NDOW. Maybe this is about state versus local regulation.

Caron Taylor of League of Humane Voters said when I was on the Washoe County animal permit board, and we learned that all primates are regulated at the federal level. Not sure what this is about. Could be about zoos, could be about canned hunts, is this about wolves? I am not sure.

Chairman Drew said it scares me a little having 17 different definitions of captive wild animal.

Commissioner McNinch asked if this allow an elk or a deer farm. Staying neutral may not be the best position. Prudent to oppose it until we have better clarification on what it means.

Commissioner Young said he cannot support it now.

Commissioner Johnston said he is leaning the same way, canned hunts. I'd at least like to see that a local ordinance can't circumvent state laws and regulations.

Chief Game Warden Turnipseed said we have our authorities, but specifics to this bill I am not sure.

Management Analyst 3 Jolly asked when LCB writes a bill that overlaps authorities, how does that relate, would it simply add to authority only, or take away?

Chief Game Warden Turnipseed said yes, that is LCB's job to be charged with making sure this statute doesn't conflict with existing statutes. There are some deer and elk farm statutes alternative livestock statutes are in the Nevada Department of Agriculture, and we don't allow hunting of that. Some places do give tags for fallow deer for commercial use, not recreation. Possession is what Dept. of Agriculture regulates on fallow deer.

IT WAS MOVED AND SECONDED TO OPPOSE AS WRITTEN UNTIL CLARIFICATION OF INTENT AND THAT IT WOULD NOT OVERRIDE OR CONFLICT WITH OTHER STATE LAWS (I.E. NDOW PROHIBITED SPECIES, NDOA CAPTIVE WILDLIFE, ETC.). (4-0, DAVIS ABSENT)

Assembly Bill 408 – prohibiting federal government from owning land in Nevada – conflicts with constitutions, other laws, etc.:

Chairman Drew said he would treat this like the other Federal land transfer bills; it conflicts with existing Commission policy. Should we skip it, or take a formal position?

COMMISSIONER MCNINCH MOVED AND CHAIRMAN DREW SECONDED: OPPOSE AS BILL CONFLICTS WITH COMMISSION POLICY #64. (4-0, DAVIS ABSENT)

Senate Bill 221 – Fence Roller bill about not allowing HOA to have rules prohibiting fence rollers. These preventing coyotes from getting in or pets getting out:

The Department already testified in support, Senate Judiciary Committee sounded supportive, but there was a lot of HOA oppose testimony. The bill sponsor played a clip about it that was played in Las Vegas. Not sure it will get a work session.

Commissioner McNinch said we discuss ways people can prevent their pets getting eaten by coyotes, this certainly doesn't hurt.

COMMISSIONER MCNINCH MOVED, AND CHAIRMAN DREW SECONDED TO SUPPORT CONCEPT OF FENCE ROLLERS. (4-0, DAVIS ABSENT)

The Committee looked over a few bills and determined to not discuss or address a few bills. SB235 redefines wildlife, sponsor is pulling it. Skipped the other OHV bill on SB278 not impacted. SB387 wild horses and burros.

Senate Bill 417 – Protection of NDOW game data, requested by the Department:

Management Analyst 3 Jolly said this bill is going to be amended because it came out differently than intended only covering use of collar data. Try to cover everything we meant to encompass.

There is existing NAC on drones. We were trying to cover public records requests from companies, guides, or anyone on animals during certain sensitive times.

Deputy Director Jack Robb said our proposed language for amendment is a 1-year cooling off period between the time the data is collected or gathered and when we have to release to public records. We've had situations where sheep hunters have lawyered up and wanted current survey data on things. We've had situations where we have tracking devices on Gila monsters and people get those frequencies and take their friends out. So, it's not just game mammals, we have a ton of wildlife we keep tabs on, and we don't want the habits of those animals changed because of people out there. Our staff in GIS is working on that language. Intent should cover information requests of collar and survey data.

There was discussion about the timeliness of needing a position on the bill, and that a hearing was scheduled next week. Staff asked that if they could at least support concepts, and the integrity of our data.

Public Comment: None.

With hearing that quick, the full commission won't have a formal position yet, but at least the Committee could support the concept.

Commissioner McNinch wants to take some action to support what the Department is trying to accomplish.

Commissioner Young agrees.

Commissioner Johnston agrees.

CHAIRMAN DREW MOVED, AND COMM. MCNINCH SECONDED: PLATFORM IN SUPPORT OF PROHIBITING ACCESS TO OR PUBLIC INFORMATION REQUESTS FOR COLLAR DATA AND WILDLIFE SURVEY DATA FOR A TIME SPECIFIED BY THE DEPARTMENT. (4-0, DAVIS ABSENT.)

Senate Joint Resolution 11 – to amend the Nevada State Constitution to add the right to Hunt, Trap, or Fish:

Management Analyst 3 Jolly said there were amendments proposed by the sponsor Senator Hammond at the hearing noting that this does not give right to trespass on public or private property, and others considered, but unsure what was passed in work session, as didn't see it on NELIS, was watching another hearing.

Chairman Drew said the language of "Hunting is the preferred means of management of this state" I don't totally agree with that, it's one aspect. I think there was also an amendment having to deal with that. But it wasn't on NELIS.

Management Analyst 3 Jolly said she would check, and that Hammond was tasked with going back to check with the other amendment.

Public Comment:

Trish Swain of Trail Safe Nevada, I don't know about the amendment, but our objections to SJR11 have to do with 3 areas: Why is it necessary, no threat to hunting or fishing, we see this as a frivolous use of the Constitution; rights and privileges are different. Hunting and Fishing are not rights but privileges. It's absurd, if I want a constitutional amendment because I like sewing and crocheting.

Caron Taylor of League of Humane Voters, we had a problem with the original language in SJR11 of the preferred means of management. I think Kyle Davis was submitting an

amendment that we talked about during the work session. With SJR11 they keep talking about other states Constitutional changes including Vermont. Very interesting those sportsmen will bring up other states when they want to push something, but will discount it when we bring up other states. You should know that Vermont bobcat trapping season is only Dec. 1 – Dec. 16, they have to visit [every trap] every calendar day above water and they don't use snares. Be careful when we compare ourselves to other states.

Management Analyst 3 Jolly said the amendment proposed by Kyle Davis, we don't know if it was adopted, but it says "and which promote wildlife conservation and management" and then after "hunting fishing trapping" he has added "is an important part of the heritage and shall remain and integral component" and then he's struck "the preferred means of management" totally and then added "management in this state". I did watch the hearing but it was unclear to me what actually was passed. Until we get the First Reprint we won't see what all did get included. It was not the work session document, but was in the exhibits on NELIS. Committee could certainly say they support the mockup AND Kyle Davis's amendment. Update, Mr. Kyle Davis' amendment *did* get adopted, but we don't have a First Reprint of it.

Commissioner McNinch said the preservation of wildlife *does* seem like a constitutional issue, but I struggle with what all do you put in the Constitution, maybe I'm too philosophical. What do we gain from this? I support hunting, and it's already in State statute that hunting is an important part of our heritage in the State of Nevada, but not sure this needs to be in here. I'm not sure that we need to have the argument. I think hunting is a very viable way of managing wildlife, no doubt. Sportsmen play an integral role, into the system and we play an important component. Just not sure about where it falls out in terms of the Constitution. The process for Nevada Constitutional amendments, is to be approved by two Legislature's (in 2015 and 2017), and then it goes on the ballot for a vote of the people, so that is three processes. That will clearly define whether folks think it should or should not be in the Constitution.

Chairman Drew said my concern is the language "the preferred means", the Davis amendment sounds better, but I would like to see it. The Commission will need both amendments and what actually was passed.

Commissioner McNinch asked what types of deadlines are on the resolutions? Are they exempt?

There was discussion about the process for joint resolutions, exempt bills, etc. If it's exempt then it would be exempt from the regular deadlines, otherwise its subject to same deadlines. Joint Resolutions have to go through both houses, just not to Governor. SJR11 is through the Committee, we are not sure what passed, but it is not through the floor session of the Senate yet.

CHAIRMAN DREW, SECONDED BY COMMISSIONER MCNINCH – TO OPPOSE SJR 11 LANGUAGE AS INTRODUCED, AND CONSIDER SUPPORT FOR AMENDED LANGUAGE AT THE COMMISSION LEVEL.

Commissioner Johnston is not clear. Why don't we just wait until we get the amended language instead? No need to take motions now.

The motion and second were withdrawn.

No action, the Committee recommended that the full Commission review it with all amendments. It will be brought as a bill of interest.

The Committee and Staff reviewed previous positions. Below is the list of positions on previously considered legislation at earlier meetings:

AB35-NDOW's Vessel bill	<u>Wildlife Commission-Support / (Legislative Committee - (no new positions)</u>
AB78-NDOW's elk fee bill	<u>Wildlife Commission - Support/ (Legislative Committee- (no new positions)</u>
AB82-NDOW's fiscal cleanup	<u>Wildlife Commission - Support/ (Legislative Committee- (no new positions)</u>
SB41-NDOW's duck stamp bill	<u>Wildlife Commission - Support/ (Legislative Committee- (no new positions)</u>
AB136-ADA accommodations/firearm for self-defense	<u>Wildlife Commission-Oppose as introduced, Support the NDOW Amendment/ Legislative Committee - (no new positions)</u>
AB142-Removes demerits/revocations	<u>Wildlife Commission -Oppose / (Legislative Committee- (no new positions)</u>
SB130-consolidation	<u>Wildlife Commission -Oppose. Also developed platform to oppose any language to divert the \$3 predator fee away from NDOW, also oppose any language to consolidate the CABs. / (Legislative Committee-no new position until formal amendments reviewed as worked out with the Dept. and sponsors.)</u>
AJR2-raven control	<u>Wildlife Commission - Support/ (Legislative Committee- (no new positions)</u>
SJR1-Federal land transfer	<u>Wildlife Commission - Oppose due to conflict to with Commission Policy 64 / (Legislative Committee - (no new positions)</u>
SJR5-support SEC plan	<u>Wildlife Commission - Support/ (Legislative Committee- (no new positions)</u>

UPDATES:

Chairman Drew attended a working group held on SB130 which would have consolidated the Department of Wildlife into the Department of Conservation and Natural Resources (DCNR). The bill will not go forward. We can expect amendments in regards to the \$3 Predator Fee, CABs, but nothing clear. Our platform should still be valid.

Management Analyst 3 Jolly said AB78 and AB82 passed as is out of the Senate.

5 **Future Committee Meetings – Chairman Drew – For Possible Action**

The Committee will discuss next steps for bill positions/platforms, and future Committee meetings.

The full Wildlife Commission will meet to consider only Legislative items on April 15. There is no other full Commission meeting until Late May, so if there were to be another Committee meeting it would need to be before then.

No additional Committee meetings planned, but at the discretion of the Chairman.

6 **Public Comment Period**

Public comment will be limited to three minutes. No action can be taken by the Committee at this time. Any item requiring Committee action may be scheduled on a future agenda.

Joel Blakeslee with Nevada Trappers Association said, I anticipate some direction on listening to the CABs on trap registration, every County voted against it. Just remember that.

Meeting adjourned at 5:05pm.