

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

Wednesday February 22, 2017 - 3:00 pm
Nevada Department of Wildlife Headquarters
6980 Sierra Center Parkway, Suite 120
Main Conference Room, Reno, NV 89511

Call to Order, Pledge of Allegiance, Introduction of Committee Members and Roll Call:

The meeting was called to order at 3:02 pm. Chairman Drew called roll and introduced Greg Smith. The support material for the bills will be as of the Nevada Legislative website.

Committee members present: Chairman Jeremy Drew, Commissioner Grant Wallace, Commissioner Brad Johnston, Commissioner Paul Valentine and Greg Smith.

Nevada Department of Wildlife (NDOW) staff present: Management Analyst III Jordan Neubauer, Deputy Director Liz O'Brien, Deputy Director Jack Robb, Chief Game Warden Tyler Turnipseed, Habitat Division Administrator Alan Jenne, Conservation Education Division Administrator Chris Vasey, and Director Tony Wasley.

Members of the public present: Karen Boeger, Fred Voltz, Bobbie McCollum, Rex Flowers, Mike Bertoldi, Mel Belding, Bert Gurr, Larry Johnson, Joel Blakeslee, and Don Molde.

Approval of the Agenda:

There were no questions from the Committee or public comment.

COMMISSIONER JOHNSTON MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER WALLACE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5-0).

Approval of Minutes:

Chairman Drew did not have any changes to the minutes. There were no questions from the Committee. Greg Smith will abstain from the motion.

No public comment.

COMMISSIONER WALLACE MOVED TO APPROVE THE JANUARY 23, 2017 MEETING MINUTES AS PRESENTED. COMMISSIONER VALENTINE SECONDED THE MOTION. THE MOTION CARRIED 4-0 WITH GREG SMITH ABSTAINING.

Review of Bill/Bill Draft Request (BDR) Tracking List:

Chairman Drew explained how the tracking list is set up. He would like to move BDR814 and BDR841 up to the Committee tracking list. All other bills will go under the "Other Bills/BDRs Tracked by NDOW." He would like SJR11 and SB116 to be moved up to the Committee tracking.

Members did not have further comment. No public comment.

Committee Review of Legislation, Recommendations on Commission Positions on Legislation and Legislative Platforms:

Chairman Drew said there were 10 bills provided as support material. He would like to step through them on an individual basis. He is trying to address the bills that are most urgent and

most likely going to be heard first. Since this is an action item he will take Committee discussion and then public comment. This Committee recommended two platforms to the Nevada Board of Wildlife Commissioner and both recommendations were adopted at the February Commission meeting.

AB29:

Chairman Drew talked about what the bill does. He met with the Department of Conservation and Natural Resources (DCNR) about this bill. DCNR has direction from the Governor's Office to inherit the OHV Commission and program. This bill formalizes that relationship. There are some changes to the funding and the commission itself. His personal opinion is that DCNR does a good job of trying to streamline and provide support for the program. The Nevada Department of Wildlife (NDOW) is not listed as an ex officio member and he is concerned about that. He thinks NDOW can offer some good insights to the OHV program. In terms of the grants there was some desire to broaden the language to allow proactive habitat and wildlife projects to address OHV impacts rather than simply being reactive to restoration of disturbed areas. There was support at that meeting for reducing the late fee. He is comfortable with AB29 with a couple of caveats: (1) NDOW as an ex officio member and (2) ensuring there is some sort of balance in terms of the grant allocation between those programs that promote OHV and infrastructure and those that support enforcement impacts and education.

Commissioner Wallace agrees and would like NDOW to be an ex officio member.

Commissioner Johnston is fine with the recommendation on NDOW being an ex officio member. This provides the OHV Commission with staffing assistance. This is a step in the right direction.

Commissioner Valentine said he would like to see NDOW as an ex officio member.

Greg Smith agrees with Chairman Drew. He was looking at what was eliminated. He is concerned about money going to law enforcement. Is this an issue?

Chairman Drew said originally the program carved out 20 percent for law enforcement and the bill as proposed will eliminate that provision.

Greg Smith asked who will enforce.

Chairman Drew said DCNR thinks state agencies and local sheriff's departments can enforce registration. The federal enforcement folks enforce the travel management plan. Local sheriff's departments have asked for grants as well as NDOW.

Karen Boeger said there is hope that a friendly amendment will be presented to take care of the issues you mentioned. The biggest sticking point, still, is the distribution of grants. She said that before 20 percent of the monies automatically went towards law enforcement grants and the rest had a 30 percent cap on any one category. That was the part that was most important to the stakeholder group and maintaining a balance. DCNR made clear that part of the purpose of that was for multipurpose projects, but balance is needed.

Chairman Drew asked if the Department would want to be an ex officio member.

Chief Game Warden Tyler Turnipseed said NDOW wouldn't mind being an ex officio member.

CHAIRMAN DREW MOVED TO RECOMMEND TO THE COMMISSION A PLATFORM IN SUPPORT OF THE CONCEPT OF ASSEMBLY BILL 29: TO LOCATE THE OHV COMMISSION AND PROGRAM WITHIN THE DEPARTMENT OF CONSERVATION AND

NATURAL RESOURCES; SUPPORT THE 9 MEMBER COMMISSION AS PROPOSED; SUPPORT ADDING NDOW AS AN EX OFFICIO MEMBER; AND SPECIFIC TO GRANTS, TO BROADEN THE LANGUAGE, PROACTIVELY PROTECT AND IMPROVE HABITAT, AND TO DIRECT BALANCE OF GRANTS BETWEEN THE PROMOTION OF OHVS AND INFRASTRUCTURE WITH THE ENFORCEMENT ADDRESSING OF IMPACTS AND EDUCATION ON OHV USE. COMMISSIONER WALLACE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5-0).

AB101:

Chairman Drew stepped through the bill. This bill had a hearing yesterday. There was a lot of discussion from the sponsor in term of the intent being to provide the Department with the discretion. He said he spoke in neutral on behalf of the Commission and indicated that this bill circumvents the Nevada Board of Wildlife Commissioners and changes the interaction with the Department. He is concerned about the provision about having to have matching funds because it would eliminate the ability for the Department to use this pot of funds for predator programs unless it is part of an approved research project through the U.S. Fish and Wildlife Service. If a predator project were put together it would likely come from another pot of funding and that other pot of funding would not have the same language that provides the project to be developed under the Commissions guidance. He expressed this concern to the committee. A work session is scheduled for tomorrow on this bill. There may be an amendment in the works, but it is not posted on the Legislative website.

Commissioner Valentine said he watched a portion of the hearing yesterday. He thinks this bill is poorly written. He wants to see an amendment.

Commissioner Johnston read the bill as others did, that the \$3 fee would go to developing and implementing programs for management enhancement of big game mammals. He thought the bill was to get away from the predatory management plans. People think they are paying the \$3 fee for control of predatory wildlife, yet that language is struck in the bill. This is a significant change.

Chairman Drew said the language reads game animals and the change is to big game mammals. This would change the work for sage grouse.

Commissioner Wallace didn't have any comments.

Greg Smith said the sportsmen are lead to believe the \$3 predator fee is specifically for predator control. He would like to oppose this bill.

Chairman Drew asked if he was interpreting the funds the right way. Would the Department use another pot of funding for predator control and not have the same level of Commission engagement?

Deputy Director Robb said that is correct. The Department would not be able to do lethal control with the matching portion of the funds. We would use sportsmen's dollars.

Public Comment:

Bert Gurr, Elko County, said even if there is an amendment why did it get here. The rumor is going around Elko that the Department wanted this bill. Did the Department request Assemblyman Sprinkle to put this bill in? As the bill is written the Elko County Advisory Board to Manage Wildlife (CABMW) is totally against this. The \$3 fee is for predator control. He is in opposition to this bill.

Joel Blakeslee said the bill sponsor does not understand what his bill said. He thinks he will be bringing an amendment. He needs to have some conversations with whoever put him up to this. This is theft of the predator management funds. If the Department is going to charge people \$3 and they are expecting a service for that \$3 then the funds should not be diverted. Lethal management will need to be done through a study approved through the U.S. Fish and Wildlife Service. This does not give the state more latitude it put it in the hands of the U.S. Fish and Wildlife Service. He would urge the Committee to not support this at all. If we are not going to do predator management, drop the fee and give the money back to the sportsmen.

Larry Johnson, Coalition for Nevada's Wildlife, said he is echoing the concerns. The wording of this bill eliminates the use of our monies for lethal management. This restriction is verified by NDOW Director Tony Wasley. If the intent is to simply allow more discretion to NDOW then simply strike the 80 percent requirement. Approximately \$500,000 is generated by sportsmen each year in this fund. He strongly objects restricting it to big game animals. Assembly Bill 101 would strip the use of these monies for non-predatory game animals and sensitive wildlife species this important use including sage grouse. The Coalition urges the Committee to either amend the wording of the bill or revert back to the earlier wording of bill revisions. They oppose Assembly Bill 101 as currently written.

Mel Belding said he concurs with Commissioner Johnson and Mr. Blakeslee. If the Department is not going to do lethal control of predators then the \$3 fee needs to be returned to the sportsmen. This bill was originally introduced in 2001 and 100 percent of the legislators approved it, no one voted against it. In 2009 the amendment had 100 percent as well. People are being led to believe that with the PR funds the Department will have more money, this is false. This needs to be made clear to the legislature. The 80 percent mandate has not been met.

Rex Flowers hopes that this Committee would oppose Assembly Bill 101. People seem to think it is just a whack them and stack them when it comes to lethal control. Assembly Bill 101 as it is written there will not be any lethal control. The Department has alluded to the fact that we would still be able to do predator control, but it would be with money from a different area. Taking money from other areas creates a shell game. He would prefer to keep predator program money exactly where it is going.

Don Molde said there are a lot of things to be said about this bill. This is not his bill, he would have written it differently. He thinks Commissioner Johnston has a point that scratching the 80 percent would be a step in the right direction. In 2001 he was there when the bill was introduced by a couple of sportsmen. The bill was a kill bill; the money would be used to kill predators. The original bill was amended to include lethal control, habitat, education and research. Lethal control did not weight any heavier than the other three categories. He did a tally of the lethal projects yesterday and 4.9 million has been spent on lethal projects since 2001 and the body count of how many have been killed is 18,000. The sad part is the Department cannot demonstrate a single statistically significant or scientifically verified beneficial result to the game species that would benefit from those programs. Deer numbers have been stable. This makes no sense. Clearly, the sportsmen were wrong in 2001 when they were claiming that predators were the result of declining deer numbers. This is not a Nevada specific issue, deer numbers have been declining in other western states too. It is time to do something different.

Chairman Drew asked if the Department requested this bill.

Deputy Director Robb said no, the Department did not request this bill.

Chairman Drew said we are obviously uncomfortable with the bill as written. He is comfortable with the bill as it was before the 2015 Legislative Session. He said his biggest concern is the elimination of the Commission and public process for developing predator control programs. We have worked hard in the last 6 years to develop policies and processes that made this program more transparent and accountable. He is completely uncomfortable with the bill as it is written.

Commissioner Wallace thinks the Committee should be opposed to the bill as it is written.

Commissioner Johnston has serious concerns. He is fine with leveraging money with federal matching funds, but that is too narrowing because not all programs that are worthwhile will qualify. He does not like the narrowing to big game mammals and the elimination of others. What about the retroactive effect? People have been paying the fee for many years and funds have been building in the account. Those funds have not been spent and now if this bill passes the funds will not be spent on predator control. It was just last session when the 80 percent rule came into effect. Give this a chance. The Commission has put a lot of work into all of this. He is opposed to Assembly Bill 101 as written. He would like to keep it as is. There might be some alternatives later that he might support, but not this.

Commissioner Valentine agrees with everything being said. He would like to oppose the bill as written.

Greg Smith agrees and he is opposed to the bill as written.

CHAIRMAN DREW MOVED TO RECOMMEND TO THE COMMISSION A PLATFORM IN OPPOSITION OF ASSEMBLY BILL 101 AS INTRODUCED DUE TO THE LIMITATION OF THE COMMISSION AND PUBLIC PROCESS FOR DEVELOPMENT OF PREDATOR CONTROL PROGRAMS, THAT ANY ALTERNATIVE CHANGES TO THE BILL SHOULD CONSIDER ALLOWING USE OF FUNDS FOR PREDATOR MANAGEMENT FOR ALL GAME AND SENSITIVE WILDLIFE SPECIES, TO ALLOW FOR RESEARCH OF PREDATORY WILDLIFE AND ASSOCIATED PROGRAMS, TO INCLUDE HABITAT PROJECTS THAT HAVE A DIRECT NEXUS WITH PREDATION, AND TO MAINTAIN THE COMMISSION PROCESS IN DEVELOPING ANNUAL PROGRAMS APPROVED UNDER THE PROGRAM. COMMISSIONER VALENTINE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5-0).

AB112:

Chairman Drew introduced the bill. He recommends no position at this time. He does not see an issue with an audit. The program is in flux.

Commissioner Wallace agrees.

Commissioner Johnston agrees.

Commissioner Valentine wants to remain neutral.

Greg Smith said to remain neutral.

Public Comment:

Don Molde said he has not read the bill, but he is in favor of the audit. He wants to see how the funds were spent and also if there were benefits or positive results that were intended when the funds were spent to begin with. He thinks it is pointless to have an audit looking at where

money was spent and not looking at the measurement as to if the money was spent sensibly or usefully. He does not know if the bill contains that, but he thinks it should.

Karen Boeger said she has not read the bill, but she is wondering why it needs to come legislatively. Is an audit warranted?

Larry Johnson, Coalition for Nevada's Wildlife, said the audit originated from the Assembly side. They want to make sure the money is being spent properly. The 80 percent is not being met. To try to prove success would be difficult. Predators eat meat. Sportsmen have always stepped to the plate with their own money to provide funds to the Department to address many of the factors involved in wildlife management. He is neutral on the bill.

Chairman Drew would like to recommend no position.

Commissioners Wallace, Johnston, and Valentine didn't have any comments.

Greg Smith has two questions. He asked how much does an audit costs and who bares the cost.

Deputy Director Liz O'Brien said the audit would be paid for by the Legislative Counsel Bureau.

Chairman Drew would like to recommend no position.

AB138:

Chairman Drew supports this bill as presented. This bill is clean.

All members are in support.

No public comment.

CHAIRMAN DREW MOVED TO RECOMMEND TO THE COMMISSION A PLATFORM IN SUPPORT OF ASSEMBLY BILL 138 CLARIFYING THAT WILDLIFE GUZZLERS DO NOT REQUIRE A WATER RIGHT. COMMISSIONER WALLACE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5-0).

AB187:

Chairman Drew introduced the bill. He is struggling to find the justification to change the membership.

Commissioner Wallace agrees with Chairman Drew.

Commissioner Johnston said there is a department of tourism and cultural affairs in Nevada and there is an actual tourism commission. He said the tourism commission identifies one of their partnering agencies as the Nevada Department of Wildlife. He thinks the promotion of ecotourism would be best suited for that group. The duties of the Nevada Board of Wildlife Commissioners do not directly relate to ecotourism. This dilutes the members who hold licenses. He is opposed to this bill.

Commissioner Valentine agrees with Commissioner Johnston. This is an attempt to reduce the impact of sportsmen on the Nevada Board of Wildlife Commissioners. He is opposed to the bill.

Greg Smith agrees with everyone's comments and opposes this bill.

Public Comment:

Don Molde, Nevada Wildlife Alliance, said this should not be a mystery. Nevada Revised Statutes says wildlife belongs to everyone. You do not have to buy a license to have a say in what happens to the public trust resource. Sportsmen have the vote on the Commission. It is reasonable to consider this. He objects to the Commission's constitution. He explained how all of the Commissioners on the Nevada Board of Wildlife Commission represent all of the public, not just sportsmen.

Joel Blakeslee said there is plenty of wildlife left for everyone.

Larry Johnson said our wildlife resources are held in public trust and most people have dedicated most of their adult life to the enhancement and protection of our wildlife resources. The last 40 years show scientific management by NDOW in accordance with the North American Model of Wildlife Management, funded by sportsmen, has restored our game populations across the state. The public derives the benefit from the money sportsmen pay.

Mel Belding said wildlife management is not by popular vote. He agrees with Mr. Johnson. Everyone knows what we do and some do not appreciate it. Sportsmen are concerned about the wildlife. The Nevada Board of Wildlife Commission is fair the way it is.

Fred Voltz said there is one important dimension, without tourism this state would fall apart. The Nevada Board of Wildlife Commission is one sided. The Governor said tourism is to be pursued. The federal government did a study that looks at the economic impact that the impact from the wildlife watchers eco-tourists is 3 times more than anything from hunting.

Rex Flowers said he is opposed to this bill. He thinks 5 sportsmen is the correct amount. This is the Nevada Board of Wildlife Commission. This is not only wildlife management, it is a lot more. There is no reason for a change.

Chairman Drew asked if the members had additional inputs.

Commissioner Johnston said 75 to 80 percent of the public supports legal hunting. He does not think there is a need to change the composition of the Commission. There is an existing commission to promote tourism and that is where it should be promoted. He is adamantly opposed to this.

Commissioner Valentine is opposed to this bill.

Greg Smith is opposed to this bill.

CHAIRMAN DREW MOVED TO RECOMMEND TO THE COMMISSION A PLATFORM IN OPPOSITION TO ASSEMBLY BILL 187 AND OPPOSE ANY CHANGES TO THE COMPOSITION OF THE NEVADA BOARD OF WILDLIFE COMMISSION. THERE IS CONCERN WITH THE DEFINITION OF ECOTOURISM AND THE EMPHASIS ON ECONOMIC ACTIVITIES. COMMISSIONER VALENTINE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5-0).

AB209:

Chairman Drew said he didn't see anything in this bill that raised concerns. He asked Alan Jenne if the Department is concerned about this bill.

Habitat Division Administrator Alan Jenne does not see any conflicts. The only thing would be the Walker Basin, but there is not enough information right now. If it is deemed an over allocated basin there might be impacts to the groundwater. There may be a minor influence.

Chairman Drew said that would be specific to the farming operations in the Mason Valley Wildlife Management Area (WMA). What about the hatchery?

Habitat Division Administrator Alan Jenne said the rights are underground water rights. He believes they are secure.

Commissioner Wallace does not see anything he is concerned about.

Commissioner Johnston does not think this is something we need to get into.

Commissioner Valentine is neutral.

Greg Smith does not see any concern.

Public Comment:

Mel Belding asked if this bill was proving water rights up. He is concerned about Scripts WMA.

Habitat Division Administrator Alan Jenne does not think this has anything to do with Scripts WMA. It is dealing with the over allocated basin. He explained what happens out at Scripts WMA to maintain the water rights.

Chairman Drew would like to recommend no position or platform.

SB47:

Chairman Drew reviewed the bill. He does not think the Committee should be concerned.

All members are not concerned.

Public Comment: None.

Chairman Drew would like to recommend no position or platform at this time.

SB51:

Chairman Drew reviewed the bill. Chairman Drew did not see anything of concern with this bill.

Commissioners Wallace, Johnston, and Valentine had no comments.

Greg Smith is glad they struck wildlife on page 8, line 12.

Public Comment: None.

Chairman Drew would like to recommend no platform or position.

SB73:

Chairman Drew reviewed the bill. He saw no red flags.

Commissioner Johnston is going to abstain. His professional life may be taking a position on this. He will not be participating in the discussion or voting on this bill.

Commissioners Wallace and Valentine are not concerned as well as Mr. Smith.

Public Comment: None.

Chairman Drew would like to recommend no position or platform at this time.

SB134:

Chairman Drew went over the bill. There are pending legal issues with SNWA. This is not proposing earth shattering changes.

Commissioner Johnston will abstain from the discussion and vote.

Commissioners Wallace and Valentine are not concerned as well as Mr. Smith.

Chairman Drew said he recommends no position or platform at this time.

Public Comment:

Larry Johnson asked if the Committee was going to hear SJR11.

Chairman Drew said we will not be hearing it today, but we will hear it at the next meeting.

Future Committee Meetings:

Chairman Drew went over the meeting dates that were already scheduled. We are planning for April 19 for the Nevada Board of Wildlife Commissioners Legislative meeting. SJR11 and BDR814 will be on the next Committee agenda.

Public Comment: None.

Public Comment Period:

Public Comment: None.