

**FINAL MINUTES**  
**Nevada Board of Wildlife Commissioners**  
**Legislative Committee Meeting - April 3, 2013**  
**Nevada Farm Bureau,**  
**2165 Green Vista Dr. Suite 205,**  
**Sparks, NV 89431**

**Prepared by Committee Staff Kim Jolly, Mgmt Analyst 3/Legislative Liaison**

Committee members present: Chair Chris MacKenzie (by phone), Commissioners Michael McBeath (by phone), Commissioner Jeremy Drew, and public members Tina Nappe and Kyle Davis (by phone)

Staff members present: Management Analyst 3 Kim Jolly, Admin Assistant 4 Katie Simper, Wildlife Diversity Chief Laura Richards, Acting Director George Tsukamoto, Game Chief Larry Gilbertson, and Deputy Director Rich Haskins.

Public present: Karen Boeger (Backcountry Hunters and Anglers), Commissioner Jack Robb, Rex Flowers (Washoe County CAB), William Molini (Nevada Wildlife Coalition), Fred Wright, Don Molde, Doug Busselman (Nevada Farm Bureau)

1. Call to Order: Committee Chair MacKenzie called meeting to order at 9:02 AM. And asked Commission Vice Chair Jeremy Drew to take over the meeting as he lost his voice.
2. 2013 Legislative Session Update and Bill Positions: Management Analyst 3 Kim Jolly and Committee Chairman Chris MacKenzie – For Possible Action

Mrs. Jolly went over the basic components of each bill as they were introduced, as there only a few that were carryover from the March 15 committee meeting (SB213, AB168, SB184, and SB134), but there were many this meeting that the committee had not reviewed before.

1. **AB128-(Aquatic Invasive Species Exemptions for Interstate Compact Waters)**

AIS program bill was amended in Assembly Natural Resource Committee. Deputy Director Rich Haskins stated this bill was drafted and is supported by the Department. It is meant as a good neighbor initiative, allowing neighboring State boaters (Arizona and California) exemption from purchasing Nevada's AIS stamp if they have already purchased their State AIS program stamp.

Tina Nappe moved to support AB 128 as amended, Chris MacKenzie second.

Public comment: none

Motion passed unanimous 3-0: Davis, Drew, MacKenzie and Nappe (Mike McBeath and Bill Young absent at this time.)

**SB11- (Interstate Wildlife Violations**

Kim Jolly informed the committee that this bill has passed the Senate and is waiting Assembly Natural Resource Committee with no amendments.

Chris MacKenzie moved to recommend that the Commission support as passed by the Senate, Tina Nappe second.

Public comment: none

Motion passed unanimous 4-0: Davis, Drew, MacKenzie and Nappe (McBeath and Young absent at this time).

**2. AB396 (Navigable Waters)**

Navigable waters bill already heard in Senate Natural Resource. This bill would prevent private land owners from blocking passage, aimed at streams and lakes. Committee Chair MacKenzie stated that he was concerned that bill could have a detrimental impacts on one of more clients, and would abstain. Kyle stated that he thinks neutral is the appropriate position for the Commission, though for the record Nevada Conservation League is in favor of the bill.

Tina Nappe moved to recommend that the Commission remain neutral as written, Drew second.

Public comment:

Doug Busselman commented the Farm Bureau opposes this bill, a systematic approach to trespass. This is moving navigable waters into NRS chapter 537 the navigable waters chapter. Karen Boeger supports the bill strongly stating it assures more recreational opportunities.

Motion to be neutral passed 3-0-1: Davis, Drew, and Nappe. MacKenzie abstained (McBeath and Young absent at this time).

**SB181 (Special Fishing Permit – adding disabled groups to list, removing the cap)**

This bill amends NDOW's special fishing permit by adding disabled groups and helps increase anglers by allowing unlimited anglers in the group.

Tina Nappe motioned to recommend that the Commission support as amended in Senate Natural Resources. MacKenzie second.

Public comment: none

Motion passed 4-0: Davis, Drew, MacKenzie and Nappe (McBeath and Young absent at this time).

**SB248 (abandoned vessel on private property)**

This bill creates a process allowing a person who discovers an abandoned vessel on private property to apply for a certificate of ownership to the abandoned vessel under certain circumstances. NDOW Law Enforcement not in support of this and asked Committee to oppose or amend with help of sponsor.

Tina Nappe questioned the process and moved to oppose as written, MacKenzie second.

Public comment: none

Motion passed 4-0: Davis, Drew, MacKenzie and Nappe (McBeath and Young absent at this time).

**SB371 No Intentional Feeding of Wildlife, Except Wild Birds)**

No intentional feeding of wildlife, except wild birds. Amendment: sections to not allow baiting for fishing and wild birds. Reduce first offense to \$150, second offense to \$250 and third offense to \$500, Wardens should be flexible and educate. Deputy Director Haskins stated that NDOW supports amendment.

Tina Nappe commented the desire to feed bears when food is short; not getting local government support.

Commissioner Drew stated the amendment disallowed the intentional feeding of bears. He supports the bill and NDOW's amendment.

Public comment: Don Molde representing himself says he supports the idea of the bill. However, we don't want supplemental or diversionary feeding of wildlife to be a preclusion of the law. Also, need to make sure the bill does not come down on the non-hunter.

Jack Robb explained that Senator Kieckhefer is aware due to meeting with the No Bear Hunt and Bear league. We need to support.

Kim Jolly commented that since 2007 NDOW has been working together with the local governments in Northern Nevada to get something preventing intentional feeding, since local governments don't have authority to enforce anything except trash-or related ordinances.

Public comment:

Rex Flowers, WCAB supports but would like to see it could include wild horses and burros. Commissioner Drew commented back that it needs to be a separate bill for

feeding wild horses and burros. Adding a provision to this bill would kill it; needs to stand on own merit. Kyle Davis said there is already statute in place that makes it illegal to feed wild horses and burros.

Jack Robb informed the group that representatives recommend contacting Senator Kieckhefer.

Tina Nappe moved to recommend that the Commission support with NDOW proposed amendment.

Motion passed 5-0: Davis, Drew, MacKenzie, McBeath, and Nappe (Young absent).

**SB245 (Enacts provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals.)**

This bill prohibits private possession of dangerous exotic animals. Las Vegas has had high profile incidents, and the exotic pet owner disaster in Ohio. Existing owners will be grandfathered in but will have to meet care and certain criteria. Ordinances are set at local government. NDOW is fine with this as written and has been working with the Humane Society of the United States' lobbyist to keep enforcement localized.

Commissioner McBeath explained that a rescue facility in Moapa Valley reported that they have problems with the way this bill is written; some major issues with zoological groups in Las Vegas.

Commissioner Drew suggested that they take no position; Tina asked if they should support the Departments position.

Drew moved to recommend that the Commission support in principal (since amendments are coming), and support the delegation of enforcement and control by the local governments. Kyle Davis second.

Public comment: none

Motion passed 5-0: McBeath, Nappe, Drew, MacKenzie (Young absent).

**SB434 (Stolen Boat process and Accident Reporting threshold)**

Boating law clean-up bill 2 part 1: Change accident law reporting to match federal law; Part 2: Create process to mode vehicle law process. No hearing scheduled for this; we had submitted as budget bill but did not go through, so Senate Natural Resources Committee sponsored for us.

Public comment: none

Tina Nappe motioned to recommend that the Commission support. Kyle Davis second.

Motion passed 4-0-1: McBeath, Nappe, MacKenzie, Drew, Davis (Young absent).

### 3. SB132 (365-day License)

Kim Jolly explained that this is for a “365-day license” where the license expiration is different for each individual based on that concept, as opposed to our March through February license year. Authors liked the Utah license so using that as a model. However, the State of Utah has had some challenges; the citizens are confused and forget when they need to renew. NDOW’s whole system would have to be reprogrammed. NDOW has a very large fiscal note on this bill for required programming of their license system. Also, there are situations where someone who drew a tag with one license app, would have to buy another license because of the season and license year.

Tina Nappe asked once implemented what would be the challenges? Kim Jolly replied educating the public. Deputy Director Haskins added that the expense for reprogramming would be the biggest challenge.

Chairman MacKenzie asked if renewal reminders would be sent out. Deputy Director Haskins replied we don’t currently send out renewals, this would not change but again would affect programming and incur additional expenses.

Commissioner Drew asked if Nevada had a short term license for those just wanting to hunt for a weekend. Katie Simper explained the two short term licenses NDOW currently sells for fishing (resident and nonresident) and hunting (nonresident) and the prices.

Commissioner McBeath motioned to recommend that the Commission oppose as introduced, even with the proposed amendment for fishing only.

Public comment:

William Molini, speaking for himself, stated that he did not see any benefit in this; the public is used to the March through February. Fred Wright asked if the intent was to resolve Power of Attorney issue. Deputy Directors Haskins clarified that was not the main point of the bill.

Rex Flowers said I see problems with the big game season since tags have your license number on it. The sportsmen would apply with old license and hunt with the new license making criminals out of law abiding citizens.

Motion to oppose SB132 passed 5-0: McBeath, Nappe, Drew, MacKenzie & Davis (Young absent).

### 4. AB293 (Revisions to the OHV Registration Law)

This is a revision to the OHV registration law. Section 2 offers receipt of immediate registration in the field. The Department has no time or manpower to enforce this. The bill also exempts OHVs with 500cc or smaller from OHV registration (which is most OHVs), it changes the renewal registration requirement from one to three years; it mandates that the plates be smaller than the motorcycle plate. The bill proposes to make OHV registration a secondary offense, and declares that federal officers shall not enforce this. That is a conflict because in certain areas of Nevada there are no other enforcement officers around except federal.

Commissioner Drew agreed that this would be very problematic as an enforcement stand point, and provided some general comment about the language watering down everything in law on registration; he was part of the original OHV law drafters.

Tina Nappe suggested the Department/Commission should state why they supported the original bill.

Commissioner McBeath stated that he supports the concept of OHV registration, so this bill's exemptions to OHVs make no sense.

Kyle Davis replied that this bill will also undue everything we did on last one; important to protect wildlife. Also, the Committee recommended monitoring other bills relevant to OHVs (SB109 or SB343) and oppose if they dilute the intent of the original OHV Law or jeopardize enforcement provisions. MacKenzie said he had no problem with the three year renewal, but disliked everything else.

MacKenzie motioned to recommend that the Commission oppose as written.

Public comment:

Karen Boeger made general comments about the history of the OHV law, the OHV Commission being uninvolved and unaware of that history, and her support for registration. This is trying to throw out everything we worked for. I agree with Tina to list why we originally supported the OHV registration.

Don Molde, in favor of OHV registration, but philosophically opposed to when law enforcement says they cannot enforce it so they should oppose it. Not good enough reason. In this country, law enforcement compliance is voluntary.

Motion passed 5-0: Davis, Drew, MacKenzie, McBeath and Nappe (Young absent).

#### SB299 (Falconry)

Laura Richards, NDOW Diversity Division Chief instructed the Committee that the Commission approved Commission General Regulation 392 and 397 in the March meeting. USFWS gave the Department until September 2013 to submit approved regulations. We sent draft to George Ellison, which approved and would address FWS

requirements. We did not support the taking of eagles. Hearing scheduled for Friday then once heard by that Committee should be approved.

Commissioner Drew stated formal NAC has been adopted; no need for this bill. Kyle Davis replied that bill was pulled and not moving forward we should wait to see what happens Friday. Laura Richards informed the Committee the hearing is scheduled for Friday at 11:00.

Tina Nappe moved to recommend that the Commission oppose as written. Committee would recommend that the Commission support possible amendment language that is concurrent with Commission regulations recently approved, if needed.

Public comment: none

Motion passed 5-0: Davis, Drew, MacKenzie, McBeath and Nappe (Young absent).

AB461 (Enacts provisions governing the management of sagebrush ecosystems.)

This bill enacts provisions governing the management of sagebrush ecosystems. Jeremy Drew and Tina Nappe are members of the executive committee. Jeremy talked with Governor's office concerning the language as written now. Then Jack Robb and Jeremy met with them to propose an amendment identifying areas of concern.

Kyle Davis stated it seems to take away the authority of the Department when it comes to sage grouse. It should not since the Department is charged with the protection, management and restoration of the bird and its habitat. NDOW will be responsible for revenues towards sage grouse management with no say in process. This bill need whole section on how relates to Wildlife Commission and NDOW. Also the Department needs to be part of mitigation and projects; this is not included in bill.

Jack Robb stated that there should be changes to bill that will define NDOW and the Commission position. Major concern Pg. 6, line 1, we need to get language together before Friday meeting.

Commissioner McBeath stated that the removal of NDOW from science based management for a wildlife species is very dangerous and very negative which will impact listing decision.

Tina Nappe stated another issue is how confusing this all is for the Federal agencies. How do they respond to DCNR replacing NDOW, and how does info get distributed back to the Sagebrush Council?

Commissioner Drew stated that this bill does not address funding and money other than establishing the Sagebrush mitigation. Tina replied that she was concerned when funds available where will they go.

George Tsukamoto stated that this is duplicating what the Department has already done and as far as the USFWS is concerned we are the lead.

Commissioner Robb instructed the Committee that there is not any other item as crucial; we need to call an emergency meeting to make sure we are all on same page. Commissioner Drew recommended a working group. Commissioner Robb said he would work in conjunction with the board. Also he felt that Tina Nappe should be on the working group since she has the background. Commissioner McBeath offered his help. Commissioner Drew suggested not more than three from this Committee and that he would be comfortable helping also.

Commissioner Drew motioned to recommend that the Commission remain neutral; The Committee does support the development of Sagebrush Ecosystem Council, the Sagebrush Ecosystem Mitigation Bank, and collaboration of agencies moving forward with further incorporation of NDOW participation, inputs and science. The Committee does not support removal of management authority of any wildlife from NDOW or the NBWC. Seconded by Tina Nappe.

The Committee further recommends that the Commission appoint a working group consisting of Commissioner Drew, Tina Nappe and two additional Commissioners not on the Legislative Committee to work on possible amendments. Commission Robb indicated he would propose an emergency meeting, if necessary, for the Commission to act if amendments cannot be developed prior to the April 5<sup>th</sup> Meeting.

Public comment:

Willie Molini said this bad bill and it emasculates the statutory authority of the Department. It puts the management of a wildlife species over to another agency when no agency knows more than NDOW about sage grouse and has the passion.

Fred Wright agreed with Mr. Molini and stated that the lack of appearance of NDOW was intentional.

Rex Flowers, WCAB stated that the CAB did not have a position; they needed to research more info. Representing self he is totally against this.

Karen Boeger also agreed with Mr. Molini. It is clearly taking NDOW out of the picture and felt that this is a very bad bill.

Motion passed 3-1: Yea- Drew, MacKenzie and Nappe, Nay – McBeath (Davis absent at this time, Young absent).

**SB333 (Antelope, Deer and Elk Compensation Tags and Commercial/Private Preserves for Game Mammals. )**

NDOW Game Division Chief, Larry Gilbertson informed the committee that this bill is an attempt to change the 50 animal minimum and challenges three different programs that are regulated by three different NAC's: 1-Elk Incentive Program 2- Land Owner Program 3- Private Shooting Preserves. There is a great deal of issues with this bill. We have had no opportunity to sit down with proponent to see what the purpose is.

Deputy Director Rich Haskins stated that this will allow the ability to hunt for exotic mammals. What they want is already on our list of exotic mammals. We need to get with Commission and livestock industries.

Commissioner McBeath stated that the first issue is changing the 50 animal minimum. The second clause of this sentence includes BLM permit as land leased this would be a change in current program. Does not take into account BLM land is a permit. I defer to the Department on third change.

Commissioner MacKenzie motioned to recommend that the Commission oppose all provisions as written, McBeath second.

Public comment:

Willie Molini stated no benefits to anyone, bad for wildlife. Department should review what they are doing with compensation tags.

Karen Boeger called it High fence hunting supporting fair chase.

Don Molde said it conflicts with SB245 exotics bill.

Rex Flowers, WCAB opposes, did not understand the 50 animals. Need that base number to work with.

Motioned passed 4-0: Drew, MacKenzie, McBeath and Nappe (Davis absent at this time, Young absent).

#### AB345 (Predator fee and Management Plan)

This bill revises provisions governing the management of certain wildlife.

Commissioner McBeath motioned to recommend that the Commission support mockup version #78770, with additional possible amendments:

Section 2 #1(a), to add a qualifying phrase "for the benefit of wildlife"; and

Section 2 #1(b) to add a standalone to approve \$3 money for habitat projects\*; and,

Section 3 (c) to add "or densities" and location of predatory species.

Second by Commissioner Drew

Public Comment:

Motion passed 4-0: Drew, MacKenzie, McBeath and Nappe (Davis absent at this time, Young absent).

12. AB483 (Water Apps at Humboldt)

This bill limits the amount of the fees that the State Engineer may charge and collect for certain applications to appropriate water for wildlife purposes submitted by the Department of Wildlife.

Deputy Director Haskins stated that the solution proposed by water engineer doesn't impact any ones water rights. No one was opposing.

Commissioner MacKenzie motioned to recommend that the Commission support as written, Drew second.

Motion passed 4-0: Drew, MacKenzie, McBeath and Nappe (Davis absent at this time, Young absent).

SB82 – Bear Hunt

This bill lists the Black Bear as a “Protected” Species and Prohibits the Wildlife Commission from establishing a black bear hunt.

Commissioner Drew informed the Committee that he and Commissioner Robb provided testimony on the timeline commitment aspect of the hunt going forward.

Larry Gilbertson, NDOW Game chief said if bear is listed as protected there are fewer ramifications if bear is poached. Tina commented that it sounds like it would be better to leave as a game mammal without hunting. Deputy Director Haskins answered yes.

Tina Nappe stated originally it was thought that the hunt would bring some kind of income to the Department for enforcing nuisance bear issues because the general fund does not do this. Bear advocates do not pick-up any of the cost. Passing this bill won't stop the bear advocates from hammering the Department. I hoped this would bring groups together and also bring new groups on the ground to support wildlife. It does not do that, it still leaves the responsibility and cost on NDOW.

Commissioner McBeath made general statements about the bear hunt, and anti-hunting being contrary to the North American Model of Wildlife Conservation.

Acting Director George Tsukamoto stated that NDOW Biologist Carl Lackey had good information published. A great article with good science and proved that the hunt had no impact on Nevada's bear population. This is all about shutting down hunting. We

need to make sure that the powers to be understand that Lackey's Management Plan is good science.

Commissioner McBeath motioned to recommend that the Commission oppose as written, Mackenzie second.

Public comment:

Willie Molini stated that he agreed with Commissioner McBeath that legislature is dictating to the Commission; there are already statutes to regulate seasons.

Karen Boeger agreed costing the Department money and the bill has nothing to do with the bears.

Don Molde reminded the Committee that Carolyn Stark has put together volunteer time of their help getting bears out from under porches, etc.

Motion passed 4-0: Drew, MacKenzie, McBeath and Nappe (Davis absent at this time, Young absent).

### SJR7

Resolution to amend the State Constitution to include the right to hunt, fish and trap. To amend the Constitution this resolution must pass this session, the 2015 session and then be passed by a vote of the general electorate on a statewide ballot.

Commissioner McBeath motioned to support SJR7 with the following modifications:

Page 1, Line 5: The term "traditional method" was replaced with "legal means";

Page 2, Line 2: Included new language between "regulations" and "which" that read, "concerning manner, means, seasons, and times"

Commissioner Drew second.

Motion did not pass due to a split vote: Split 2-2 Yea – Drew, McBeath; Nay – MacKenzie and Nappe

No position or recommendation.

### 3. Public Comment

No public comment.

### 4. Adjourned: 1:39 pm