

**MINUTES**  
**NEVADA BOARD OF WILDLIFE COMMISSIONERS**  
**LEGISLATIVE COMMITTEE**

TUESDAY, FEBRUARY 23, 2021 AT 5:30 PM

Committee Members Present: Chairwoman East, Commissioner McNinch, Commissioner Rogers, Commissioner Pierini, and Member Greg Smith

Department Staff Present: Director Tony Wasley, Deputy Director Jack Robb, Management Analyst 3 Kailey Taylor, Diversity Division Administrator Jen Newmark, Habitat Division Administrator Alan Jenne, Executive Assistant Missy Stanford.

Public in Attendance: Rex Flowers, Jana Wright, Joel Blakeslee, Don Molde, Karen Boeger

**Call To Order, Introduction of Committee Members and Roll Call**

The meeting was called to order at 5:36pm. All Committee members were present except for Commissioner McNinch who arrived at 5:40pm.

**Approval of Agenda**

There were no questions on the agenda.

**CHAIRWOMAN EAST MOVED TO APPROVE THE AGENDA. COMMISSIONER ROGERS SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0. MCNINCH WAS ABSENT.**

**Approval of Minutes**

Chairwoman East made two corrections on the minutes from the January 26, 2021 meeting.

Public Comment: None

**COMMISSIONER ROGERS MOVED TO APPROVE THE MINUTES WITH THE CORRECTIONS. MEMBER SMITH SECONDED THE MOTION. MOTION WAS APPROVED 4-0. MCNINCH WAS ABSENT.**

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

Management Analyst Kailey Taylor explained which bills came out and made updates to the tracking sheet. After explaining the changes, she went through bill language individually so the Committee could determine positions on bills.

**CHAIRWOMAN EAST MOVED TO REMOVE AB 78 AND AB 80 FROM THE COMMITTEE TRACKING SHEET.**

Commissioner Pierini noted that the agency should be aware of firearm legislation in case wardens are dispatched to respond to an event in a community.

There was discussion on how to participate in public comment.

Public Comment on AB 78 and AB 80: None.

\*There was no vote recorded for AB 78 and AB 80, but they were removed from the tracking sheet.

**AB 117 – Revises provisions governing wildlife tags.**

Management Analyst Kailey Taylor explained that AB 117 was brought forth by Assemblywoman Titus. The bill requires that someone from the Agency's vendor be present in the State of Nevada at the time of the draw. It would also require the Department post draw results on the Internet website 24 hours after the draw is conducted. It would also require the Department to post on the Internet website exactly how the draw is conducted.

Chairwoman East asked if the information required to be posted on the website would interfere with sportsman who chose not to have their information shared.

Management Analyst Kailey Taylor and Deputy Director Jack Robb explained that the information would be posted in the same manner it currently is with sportsmen information redacted if they chose not to have their information shared. The Department posts all tag information so that people can see every tag was allocated, even if sportsman identification is redacted.

Chairwoman East asked if 24 hours put a burden on the Department and if there were any other concerns.

Deputy Director Robb explained that it is a concern for the Department because we have multiple people who validate the draw before results are posted due to the complexity of business rules. That validation to ensure the integrity of the draw takes longer than 24 hours currently. The Department also had Maureen Hullinger recently retire and she used to be a key player in the draw validation. Deputy Director Robb also noted that there is not much to watch now when the draw takes place; a button is pressed, and it works off a random number generator. In the past, when the old vendor held the draw in Fallon, it was limited to only citizens who could drive to Fallon. Now, it is available for anyone in the world to watch via YouTube. Zack Lambert from Kalkomey answers questions via the chat on YouTube and we want him where he is in his element. Unfortunately, Kalkomey holds major PII in their building so unfortunately the public cannot access the building. YouTube has made it so that anyone can participate, and we were able to have a 2.5-hour Q&A period last draw. We have made a conscious effort to ensure that there are no Department Employees in the room when the button is pressed to initiate the draw.

Chairwoman East asked if questions can be looped back in for people who join late.

Deputy Director Robb noted that we can try to do that because we did see questions come through multiple times last year.

Commissioner McNinch asked if the Department knew what was driving the bill.

Deputy Director Robb stated that he has not spoken to the bill sponsor but there has been contention in the past over not letting the public in the building to watch the draw. He noted that the first draw after switching to Kalkomey was audited by Eide Bailey and that there are three copies of the draw anyone could ask for to audit at any time.

Commissioner McNinch stated that he was unsure of what potential problem is trying to be presented or what perceived issue is being addressed. This would be difficult to support understanding the challenges the Department would face with the short turn around.

Member Greg Smith asked if there would be a cost to the Department?

Deputy Director Robb stated that Kalkomey is our partner and that they explained if this law passed, they would make sure to have a staff member here. They are an all inclusive vendor

and there are no additional costs to the contract. There would be a cost, but it will be paid by Kalkomey, not the Department or sportsmen.

Member Smith asked how detailed the explanation of the draw would need to be.

Deputy Director Robb explained that a few staff spent a few hours going over the draw process and that it would be better explained through the YouTube video and posting that on the website because it is extremely complicated to explain through written words.

Public Comment:

Rex Flowers stated that he is not sure if the Assemblywoman is aware that the 48-hour requirement is already in place in Nevada Administrative Code (NAC). There is no issue putting it in Nevada Revised Statute but if it passes at 24 hours, you will need to change the NAC after that. Mr. Flowers also suggested changing language to say that someone will be available to answer questions rather than makes someone travel.

Corey Dalton, the 48 hours has been fine for everyone he knows.

Commissioner Pierini explained that the Committee and Department could work to explain a lot of these nuances to the legislators to make them aware that current processes have been improved and are working well.

Chairwoman East explained that she would not be inclined to support this bill as written because the current process is already burdensome on the Department but that it works well.

**CHAIRWOMAN EAST MOVED TO NOT SUPPORT AB 117 AS WRITTEN. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION APPROVED 5-0.**

**Senate Bill 78 - Expands the membership of the Board of Wildlife Commissioners.**

Management Analyst Kailey Taylor explained that SB 78 would expand the makeup of the Wildlife Commission by adding one member who is a licensed master guide in the State and one member who is an elected officer representing the governing body of a local political subdivision. It would also make it so that not more than 2 members could represent a county whose population is less than 100,000 and that a majority of members would constitute a quorum.

Member Smith asked where this bill was coming from also. He was curious as to why the guides were pursuing this.

Management Analyst Kailey Taylor noted that last session some of the guides asked Senator Goicoechea to create a Commission for Guides and Outfitters. That bill did die last session, so the current version was put forward this session. The Department has met with Senator Goicoechea and a few guides multiple times.

Deputy Director Robb explained some of the past history with the guides and two specific issues they have expressed frustration with and the statutes that take some of those concerns out of Department hands.

Commissioner McNinch explained that the Commission make-up is already contentious and explained that changing the number of members from a county whose population is under 100,000 would affect the entire structure. He also explained that there is opportunity for guides to bring their issues to the wildlife commission and that there may have been decisions made

they don't agree with but everyone the Commission represents could say the same thing. He noted he would not support this bill.

Chairwoman East said she did some math this afternoon. The nonresident guided hunt differs every year in the number of tags available, but this next year looks like there will be about 340 tags; so, working off 300 tags at \$300/tag plus the guide's costs ranging from \$4,000 – \$6,000 gives guides a substantial amount of money: about \$1.36 million. Chairwoman East explained that she has a concern putting a guide on the Commission and giving them that voice when there is a significant conflict of interest. She spoke to a few guides and has found that some are in support and some are opposed.

Public Comment:

Corey Dalton wrote in the chat: conflict of interest.

Rex Flowers explained that he hopes the Committee will oppose the bill and that he also spoke with Senator Goicoechea at length. There are only 30 master guides in NOGA and only 26 of those are residents but they would be making decisions that would affect thousands of sportsmen. He does not support the guide portion but he would support a change that would make it so there could be no more than two members on the Commission from any one county to involve the rural counties. Hopes the Committee will oppose the bill as written.

Karen Boeger, ditto to Rex's comments. Bill was discussed at length at the last Coalition meeting. It did not receive a vote but there were many comments about not wanting to change the makeup of the Wildlife Commission. She would support the county population change Rex suggested. She suggested that anyone from NOGA could apply for any of the sportsman seats on the Commission.

Deputy Director Robb added that the number of Master Guides Rex mentioned were specifically in NOGA and wanted to add that there are about 100 licensed master guides total in the State.

Commissioner Pierini added some history of the Commission that there was one year where every county was represented but that it did not work well and was changed immediately.

**CHAIRWOMAN EAST MOVED TO OPPOSE SB78 AS WRITTEN. MEMBER SMITH SECONDED THE MOTION. MOTION APPROVED 5—0.**

#### **AB 89 - Revises provisions relating to wildlife**

Management Analyst Kailey Taylor explained that AB 89 is another bill from Assemblywoman Titus, similar to her tag transfer bill that was brought last session. In this version, the Commission still has the authority to establish the program and parameters around that program. The bill allows the Commission to establish a program to allow for the transfer of a tag to an organization that helps someone who has a disability or life-threatening condition or allows for opportunities for people 16 years of age or younger. It also defines "disability" and "qualified organization". This will be scheduled for hearing on March 8. Management Analyst Taylor also noted that she met with Kyle Davis from the Conservation League who subsequently met with Assemblywoman Titus to propose an amendment. Mr. Davis was kind enough to add "death" as an extenuating circumstance for the Department.

Member Smith asked if this would apply to landowner tags.

Management Analyst Taylor explained that as the bill is written it could be any tag but that the Commission could put parameters around it when drafting the regulation.

Member Smith also asked about the noted age because juniors cannot hunt younger than 12 years old.

Chairwoman East also asked about requiring hunter education.

Management Analyst Taylor explained that they would need to be eligible to hunt but that could be addressed in the regulation as well.

Public Comment:

Rex Flowers explained the Coalition has been working on this bill for a very long time and that it was taken away last session.

Karen Boeger added that many individual organizations would like to voice their organizational support as well and that Nevada Backcountry Hunters and Anglers will be doing so.

Commissioner McNinch explained that Rex's comment helped to explain the changes this session. Does the Department see any conflicts?

Deputy Director Robb explained that the Department works with many of these organizations and would support this bill.

Chairwoman East explained that she likes this bill and would be supporting it with some of the changes recommended by the Department.

**CHAIRWOMAN EAST MOVED TO APPROVE AB 89 WITH THE SUGGESTED AMENDMENT. COMMISSIONER MCNINCH SECONDED THE MOTION. MOTION CARRIES 5-0.**

**SB 125 – Revises provisions governing falconry.**

Management Analyst Taylor explained that this language is fairly new, and that the Department has not had much time to review it ahead of this meeting. The bill would allow a falconer to possess a golden eagle which is currently not allowed.

Commissioner McNinch asked if there was anything in particular that drove this bill and asked how it affected any of the tribes.

Division Administrator Jen Newmark explained that the bill sponsor drafted the bill without speaking to the Department but that she did meet with some representative from the falconry community interested in participating in a federal program. The federal program is a lottery to get one depredation eagle. It is a national lottery and there are only 6 given out but our falconers are not allowed to participate because they are not allowed to possess a golden eagle in Nevada. She did admit that she was not sure if that is what the bill is authorizing.

Commissioner McNinch asked what constitutes a depredating eagle?

Division Administrator Newmark explained that the Code of Federal Regulations (CFR) states that the Secretary of Interior can authorize the taking of eagles for the purpose of seasonally protecting domesticated flocks and herds in accordance with regulations. There is opportunity to issue a depredation permit if the bird is killing livestock. The current bill language references multiple CFRs which is why the Department needs to spend more time on it.

Commissioner McNinch asked if Nevada has many depredating eagles.

Division Administrator Newmark explained that in her 5 years at NDOW she has not seen anyone ask for one. She wondered about the way the bill was written and what the falconers were pursuing.

Commissioner McNinch asked a few more follow-up questions regarding depredation permits for golden eagles. Division Administrator Newmark explained that she needs some more information on all of these implications.

Public Comment:

Corey Dalton, falconer, explained that two other falconers and himself met with Mrs. Newmark in 2018. They attempted to rectify this in 2011 when the falconry regulations were being redone. The depredation part is just one aspect, but they are really hoping to provide rehabilitation efforts for vets who do not have enough licensed falconers to rehabilitate them. The Department explained they had a lot on their plate, but the falconers could pursue it on their own. Nevada is one of only 3 states that do not allow for golden eagles in their falconry program. We are willing to work with NDOW when the NRS is changed. Roseville has one of the best veterinarians for birds of prey and we could work with them for birds of prey. The depredation piece was not our main intent and we are not sure how it got in there. Main goal is to enhance conservation efforts through the rehabilitation process.

Director Wasley explained that with all of the nuances, it seems the language was a surprise to both the falconers and the Department but that the Department would not stand in the way of falconers providing rehabilitation efforts. He explained the Department would like to do more homework and gain a better understanding.

Chairwoman East agreed and said she would rather keep their stance in neutral to let the Department do some more homework.

There was no position determined nor vote taken for SB 125.

Management Analyst Taylor listed new BDRs that should be added to the list: BDR 1089 revising provisions relating to wildlife, BDR 1097 relating to Off Highway Vehicles Commission, and BDR 1104 relating to the Sagebrush Ecosystem Council.

Chairwoman East requested to add SB 94 relating to public ways and asked about AB 71 and SB 52.

Management Analyst Taylor explained that AB 71 was amenable to the Department as written but that many other organizations have issues with this so the Department is currently watching it. She explained that SB 52 is the Dark Skies bill and that it was passed out of Committee already.

Chairwoman East asked to add Assembly Joint Resolution 3 to the Committee Tracking sheet as well. She also reminded the Committee about the letter from Rebekah Stetson supporting the Wild Horse and Burro Resolution.

### **Future Committee Meetings**

The Committee decided on March 16 at 5:30pm for the next Committee Meeting.

Public Comment: None.

### **Public Comment Period**

No Public Comment. The meeting was adjourned at 7:40pm.