

MINUTES
NEVADA BOARD OF WILDLIFE COMMISSIONERS
LEGISLATIVE COMMITTEE

TUESDAY, MARCH 16, 2021 AT 5:30 PM

Committee Members Present: Chairwoman East, Commissioner McNinch, Commissioner Rogers, and Commissioner Pierini.

Member Greg Smith was absent.

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

Public in Attendance: Abby Lunderstadt, Corey Dalton, Rebekah Stetson, Rex Flowers, Karen Boeger

Call To Order and Roll Call

The meeting was called to order at 5:30PM.

Approval of Agenda

There were no questions on the agenda.

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

Approval of Minutes

Commissioner McNinch pointed out that there was no vote taken on removing Assembly Bills (AB) 78 and 80.

Public Comment: None

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

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

Management Analyst Kailey Taylor explained that Senate Bill (SB) 78 was heard in Senate Natural Resources. BDR 15-633 is now SB 192. Under the section titled "Other which bills tracked by NDOW" BDR 43-464 is now SB 170 which is an off-highway vehicles bill. After explaining the changes, she went through bill language individually so the Committee could determine positions on bills.

Assembly Bill 117 – Revises provisions governing wildlife tags.

There has been no movement on AB 117. The Department did meet with Assemblywoman Titus and satisfied some of her concerns regarding the draw process. Chairwoman East added that she reached out to Assemblywoman Titus as well but had not received a call back.

Senate Bill 78 – Expands the Membership of the Board of Wildlife Commissioners.

This bill was heard in Senate Natural Resources last week. The Committee voted to oppose the language as written and Chairwoman East testified at the meeting. Chairwoman East noted that there was quite a bit of testimony in opposition.

Senate Bill 125 – Revises provisions governing falconry.

Management Analyst Kailey Taylor reminded the Committee that they did not take a position at the last meeting on SB 125. After that Committee meeting, the Department worked on an amendment with the falconry group. The submitted amendment was amenable to the group and Senator Settelmeyer.

Commissioner McNinch asked for more information on the amendment.

Management Analyst Taylor explained that the amendment would allow the Commission to adopt regulation for master falconers to possess a golden eagle for rehabilitation purposes or other certain circumstances. It would also be unlawful to remove a bald or golden eagle from the wild in Nevada.

Division Administrator Jen Newmark explained that the amended language continues to prohibit the take of a golden eagle for falconry purposes, but it would allow for possession of an eagle under certain circumstances. Currently falconers do not have the ability to retrain rehabilitated golden eagles because our statutes do not allow for the possession of a golden eagle. Another circumstance would be if someone is living outside of Nevada and is legally allowed to possess a golden eagle in their state, but they are moving to Nevada. Currently they would not be allowed to bring their eagle with them, but the Commission could decide to allow for that provision. We are prohibiting take but allowing for possession in certain circumstances.

Commissioner Rogers asked if the word “rehabilitation” was too broad and if it needed to be defined.

Management Analyst Taylor explained that the Department does use wildlife rehabilitators across the state and that term is a fairly normal term used by the Department.

Division Administrator Jen Newmark said there is guidance as far as rehabilitation goes for golden eagles. They are different because the specifications for eagle rehabilitation are quite rigorous for master falconers. It can take up to 2 years for an eagle to be rehabilitated. They need the training from falconers to use their thermals for hunting properly. Once they can survive on their own, they are able to be released.

Commissioner Pierini explained that he has spoken to a few of the falconers and that they are willing to put a lot of effort in. He believes the more information that comes available the better.

Public Comment:

Corey Dalton, explained that rehabilitation is the main reason the falconers are pursuing this bill. The Department and Commission would be able to set the criteria for who has the qualifications to help with golden eagles and explained how it worked in some other states. Mr. Dalton asked about Senator Donate gathering comments and finalizing an amendment.

Rex Flowers asked if the Audubon Society has had any input on this bill.

Commissioner McNinch added that he had not heard from the local Audubon chapter.

Chairwoman East read the below Chat comments into the record:

From Corey Dalton to All Panelists: 05:39 PM
AB286 is a brand new bill and also deals with CCW and
Open Carry restrictions in new locations

From Corey Dalton to All Panelists: 06:00 PM

SB125 is now number 7 of all bills in entire Legislation with combined comments with over 350 in favor, 11 opposed. Thank you everyone for all of your time and support to this point

COMMISSIONER MCNINCH MOVED TO SUPPORT A REHABILITATION PLATFORM. COMMISSIONER PIERINI SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0. MEMBER SMITH WAS ABSENT.

Senate Joint Resolution 3 – Resolution urging Congress to provide funding to reduce the wild horse and burro populations to appropriate management levels.

Management Analyst Kailey Taylor read the summary of the resolution and noted that the Nevada Coalition for Healthy Lands sent the Committee a letter asking the Commission to support the resolution.

Commissioner Pierini thought the letter was well written and he is in support.

Commissioner Rogers asked if we would be signing the letter individually or as the Commission?

Chairwoman East explained it would be from the Commission.

Public Comment:

Rebekah Stetson, Nevada Coalition for Healthy Lands, explained that SJR 3 is currently the 10th most popular bill in session right now with 183 votes in support and 6 votes against. We intentionally crafted this resolution to be bridge-building. Our Coalition is comprised of multiple conservation organizations including, William Molini, Tina Nappe, Mike Cox, Karen Boeger, Jim Sedinger and Sherm Swanson. Essentially the resolution is not anything that should make waves so we would love your support. The bigger ask will come in the future, this is just a baby step.

Commissioner McNinch thanked the group for bringing this resolution forward and told Ms. Stetson that her request to update the Commission Policy has not been forgotten.

COMMISSIONER MCNINCH MOVED TO SUPPORT SJR 3 AND RECOMMEND SENDING THE LETTER. COMMISSIONER PIERINI SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0. MEMBER SMITH WAS ABSENT.

Assembly Joint Resolution 4 – Resolution urging Congress to designate certain land in Spring Valley as a National Heritage Area

Management Analyst Kailey Taylor read the summary of the resolution and explained that it was heard this week. There was a lot of support for the bill and the Department does not have any major concerns with the bill other than wanting to work with the Department of Conservation of Natural Resources should the related bill pass.

Commissioner McNinch asked if this was a major factor in the Southern Nevada Water Authority's efforts to pull water from this year?

Director Wasley explained that he was unaware of the nexus to that issue.

Commissioner McNinch thought it might be important to add that piece of information since the resolution references droughts and water shortages and those are important cultural considerations.

Public Comment:

Rebekah Stetson, Nevada Coalition for Healthy Lands, explained that the cultural site is very important to the Goshute tribe. Ensuring its protection would ensure that future generations can still use this site of mourning.

CHAIRWOMAN EAST MOVED TO SUPPORT AJR 4. COMMISSIONER ROGERS SECONDED THE MOTION. MOTION WAS APPROVED 4-0. MEMBER SMITH WAS ABSENT.

Assembly Bill 89 – Revises provisions relating to wildlife.

Management Analyst Taylor just added that the bill was heard in the Committee.

Senate Bill 192 – Revises provisions relating to firearms.

Management Analyst Kailey Taylor explained that the bill was not included in support material because it had just recently come out but that it provides for a CCW designation on a Nevada's Driver License. The Department's recommendation is to remove the bill from the Committee Tracking Sheet.

Public Comment: None

**There was no public comment, and no vote was taken but the committee decided to remove SB 192 from their list.*

Assembly Bill 170 – Revises provisions governing animals.

Management Analyst Kailey Taylor explained that the bill falls under the Department of Agriculture and has to do with rescue animals. The Department's recommendation is to remove the bill from the Committee Tracking Sheet.

Public Comment: None

**There was no public comment, and no vote was taken but the committee decided to remove AB170 from their list.*

Assembly Bill 211 – Makes various changes relating to wildlife.

Management Analyst Kailey Taylor explained the bill was heard that morning. This bill would make it so that all land development proposals would need to be submitted to NDOW for comment on impacts to wildlife and habitat. There were a few testimonies in support of the bill however all county associations testified in opposition. The Department spoke in neutral offering minor amendments but that they appreciate the intent behind the bill.

Chairwoman East asked if the Commission would have any purview over the review.

Management Analyst Taylor explained that she did not believe so and that the Department does already review some development projects in certain circumstances.

Commissioner McNinch asked if the counties would be subject to the bill if they were already part of a mitigation plan.

Management Analyst Taylor answered that they would be exempt if they were part of that plan as allowed in an amendment submitted.

Public Comment: None.

Chairwoman East wondered if they would need to take a position since it did not fall under the Commission.

Commissioner McNinch responded that when thinking about migration corridors and winter ranges, it might be important to consider. He referenced one issue of houses being built right in the middle of a deer herd's wintering grounds.

Director Wasley added that the Commission has several policies speaking broadly to the Department's role in reviewing plans for habitat conditions. This would fit under those Commission policies. Having any opportunity to engage in conversations early will help developers minimize and mitigate the best option for both wildlife and developers. It is consistent with Commission authorities and the Department does see value. Lastly, there is a cost recovery aspect. The projects we provide technical review for are funded through both grants and sportsmen revenue. This bill would require developers to pay a nominal fee so there is a cost recovery aspect as well.

Commissioner McNinch explained that there are developers that are cognizant about wildlife and will be conscious of that, but the bill would be a great enhancement.

COMMISSIONER ROGERS MOVED TO SUPPORT AB 211. COMMISSIONER PIERINI SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0. MEMBER SMITH WAS ABSENT.

Senate Bill 180 – Revises provisions relating to fire prevention.

Management Analyst Kailey Taylor explained that the bill provides for fire prevention and mitigation measures. It would also allow for the use of cameras to detect wildfires earlier.

Chairwoman East noted that she would need to abstain from the vote as one of her clients is personally working on SB 180.

Commissioner Pierini believes that this bill would allow for people to respond to fires as fast as possible. He was pleased that the bill provides for ways to put fires out faster.

Public Comment: None.

COMMISSIONER MCNINCH MOVED TO SUPPORT SB 180. COMMISSIONER PIERINI SECONDED THE MOTION. THE MOTION WAS APPROVED 3-0. CHAIRWOMAN EAST ABSTAINED FROM THE VOTE. MEMBER SMITH WAS ABSENT.

Senate Bill 52 – Requires the establishment of a program for awarding a dark sky designation to certain sites in this State.

Management Analyst Kailey Taylor reminded the Committee that they asked to see SB 52. She explained that this bill has already fully passed out of the Senate, so it was widely supported.

Public Comment: None.

CHAIRWOMAN EAST MOVED TO SUPPORT SB 52. COMMISSIONER ROGERS SECONDED THE MOTION. MOTION WAS APPROVED 4-0. MEMBER SMITH WAS ABSENT.

Assembly Joint Resolution 3 – Resolution urges various actions relating to the protection and conservation of land and water.

Management Analyst Kailey Taylor explained that this resolution urges support for the Biden Administration’s 30x30 Initiative designed to prevent future loss of plants and wildlife. It is designed to conserve 30 percent of the nation’s land and water by 2030.

Public Comment:

Karen Boeger explained that there are many organizations who sent a letter of support to the resolution and explaining that they are looking forward to the stakeholder process and coming together to include issues important to everyone.

Rebekah Stetson, Wildlife Federation, noted they also signed on to the letter Karen mentioned.

COMMISSIONER McNINCH MOVED TO SUPPORT AJR3. COMMISSIONER ROGERS SECONDED THE MOTION. THE MOTION WAS APPROVED 4-0. MEMBER SMITH WAS ABSENT.

Senate Bill 170 – Makes various changes relating to off-highway vehicles.

Management Analyst Kailey Taylor explained that this bill was heard in Committee. The bill would remove Off Highway Vehicle (OHV) registration from the Department of Motor Vehicles (DMV) and provide for a new registration system that would be similar to NDOW’s Aquatic Invasive Species decal. Based upon the hearing, the current registration process is fairly convoluted.

Public Comment:

Karen Boeger noted that there was a large stakeholder group that handled OHV registration initially. It was very important to the stakeholders that registration was easy but unfortunately for legal reasons it was put under DMV. Currently, there is very little compliance with OHV registrations because it is so difficult. She noted that some of them discussed the current bill and though they like it, they would like to see an NDOW seat on the OHV Commission and Kyle Davis said that the Nevada Conservation League may put forward an amendment providing for an NDOW seat.

Commissioner Pierini asked what the difference would be between it being under DMV or Division of Conservation and Natural Resources.

Ms. Boeger responded that DCNR would contract with companies to purchase the decal. She also noted that there are requirements on the size of the characters.

Commissioner Pierini noted that we need to remember that serial numbers or decal numbers for these vehicles are important in cases of theft. It also gives law enforcement another option for difficult terrain.

Chairwoman East asked if the Department had any concerns with the bill.

Management Analyst Taylor responded that she had not had time to speak with Law Enforcement but that she and Deputy Director Robb met with DCNR before the bill came out and that they did not have any concerns of note.

CHAIRWOMAN EAST MOVED TO SUPPORT SB 170. COMMISSIONER ROGERS SECONDED THE MOTION. THE MOTION PASSED 3-1. COMMISSIONER PIERINI WAS OPPOSED. MEMBER SMITH WAS ABSENT.

BDR 733 – Revises provisions relating to wildlife.

Chairwoman East explained that she received some language that morning but that it is technically still confidential.

Commissioner McNinch wanted to explain that he was supportive of the intent but that in putting his public health hat on, he has some concerns. As a Commissioner, he would not want to get behind anything that would allow for the use of that meat to go to a food establishment for service to the public. There may be room to work for individuals. The FDA has a model food code, and many counties are recognizing that as a standard. The process for those recommendations is complex and extensive but that the food codes in Nevada do not provide for roadkill to be served to the public. He also referenced damage to organs, signs of bloating, and other issues.

Deputy Director Robb added that we are supportive of the concept behind this bill but that multiple divisions within NDOW have concerns about this bill. Other states have a higher rate of deer with health issues getting hit by cars. We have met with the person who developed the bill, and we are appreciative of his efforts.

Future Committee Meetings – Chairwoman East – For Possible Action

Chairwoman East told the Committee that the BDR introduction deadline was extended.

Management Analyst Kailey Taylor suggested March 30th and April 13th as the next Committee Meeting dates.

Public Comment: None.

Public Comment Period

There was no public comment.

Adjourned 7:10pm.