

COMMITTEE MEMBERS:
CHAIRMAN TOMMY CAVIGLIA
COMMISSIONER TIFFANY EAST
COMMISSIONER RON PIERNI
CABMW REPRESENTATIVE GLENN BUNCH

STAFF TO THE COMMITTEE:
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MINUTES
NEVADA BOARD OF WILDLIFE COMMISSIONERS
REGULATION SIMPLIFICATION COMMITTEE

THURSDAY, SEPTEMBER 10, 2020 @ 3:00 PM

Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join.

<https://us02web.zoom.us/j/87971762240?pwd=L0Y2TGJGeDdSNjlNQktXNjk1RlNiZz09>

Passcode: 183576

Nevada Department of Wildlife personnel in attendance:

Management Analyst Kailey Taylor, Administrative Assistant Megan Manfredi, Deputy Director Jack Robb, Chief Game Warden Mike Maynard, Game Warden Captain Brian Eller, Game Warden Captain Brian Bowles, Game Warden Randy Lusetti, Fisheries Division Administrator Jon Sjoberg, Data and Technologies Division Administrator Kim Munoz, Game Division Administrator Mike Scott.

County Advisory Boards to Manage Wildlife (CABMW) Members and public in attendance:

Joel Blakeslee, Jana Wright, 1775****308, Mel Belding

1. Call to Order, Pledge and Roll Call – Committee Chairman Caviglia

Chairman Caviglia called the meeting to order at 3:00 PM. Commissioner East lead the pledge. Administrative Assistant Megan Manfredi conducted the roll call. Chairman Tommy Caviglia, Commission Tiffany East, Commissioner Ron Pierni, CABMW Representative Glenn Bunch were present.

2. Approval of Agenda – Committee Chairman Caviglia – 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.

COMMISSIONER EAST MOVED TO APPROVE THE AGENDA AS PRESENTED, SECONDED BY CABMW REPRESENTATIVE BUNCH. MOTION PASSED 4-0.

3. Approval of Minutes – Committee Chairman Caviglia – For Possible Action
Committee minutes may be approved from the July 7, 2020 meeting.

COMMISSIONER EAST MOVED TO APPROVE THE JULY 7, 2020 MINUTES AS PRESENTED, SECONDED BY CHAIRMAN CAVIGLIA. MOTION PASSED 3-0 WITH CABMW REPRESENTATIVE BUNCH ABSTAINING.

4. Member Items/Announcements and Correspondence – Commissioner and Committee – Informational
Committee members may present emergent items. No action may be taken by the Committee. Any item requiring Committee action may be scheduled on a future

Committee agenda. The Committee will review and may discuss correspondence sent or received by the Committee since the last regular meeting and may provide copies for the exhibit file. Correspondence sent or received by the Department will also be discussed.

Chairman Caviglia stated he received an email from Rex Flowers and requested it to be included in the record.

Correspondence received from Rex Flowers:

I will not be available to comment on the agenda items at your upcoming meeting so am emailing those comments this evening to each of you. I have had several conversations with former Commissioner Johnston about this committee and he has always said his intent for this committee was to review all NAC and bring up to date those regulations that were outdated, remove those that were antiquated and no longer relevant, change language to make regulations more understandable. It was never intended that this committee be used as a vehicle to write additional language or add new regulation and circumvent the normal procedures in place for the regulatory process. I believe that so much of what you are reviewing is not as was intended by the former Chair and there is an agenda on the part of Law Enforcement to not include the general public as much as possible. I am NOT saying that I would not support what L.E. is seeking but feel this is not the proper avenue to present their requests.

What I have reviewed that I feel should be denied in this committee meeting and brought back through proper procedure is as follows:

NAC 501.200 Schedule of demerit points Section: Licenses

Deleting from 1): performing taxidermal services without a license NRS 502.370 NAC 502.435, 6 DEMERITS. Addition to 2): except for violations of NRS 502.370; This NRS has 7 sections and now with no demerits assigned for any violation that may occur?

NAC 502.1175: completely new regulation.

NAC 502.370: #3- change from 72 hours to 5 business days; may incur loss of hides as the extra time given may cause some individuals to properly care for their skulls and pelt as should be done. #4 e, f, g - new regulation. #5 a, b - new regulation.

NAC 502.4235 - new regulation.

Thank you for the opportunity to comment on the agenda items.

Commissioner East stated that she had shared phone conversations with members of the public who had concerns and questions that she will address when the proper agenda items are discussed.

5. County Advisory Boards to Manage Wildlife (CABMW) Member Regulation Simplification Items - Informational

CABMW members may present their recommended regulation items they wish to be discussed for simplification and clarification.

Administrative Assistant Manfredi stated that the Department did not receive any recommendations from the CABMWs but will continue to request their input prior to the future Committee meetings.

6. Discussion of proposed changes to NAC 501 and 502 – Committee Chairman Caviglia – For Possible Action

The Committee and staff will discuss the proposed changes from the Department and County Advisory Boards to Manage Wildlife of NAC 501 and 502 to be submitted to the Legislative Council Bureau (LCB) and heard at the next available Commission meeting.

Management Analyst Kailey Taylor stated that the Department met to discuss the proposed changes to NAC 501 and NAC 502. She said that anything the Department decided to hold off on changing was noted under the status section of the NAC tracking sheet. It was agreed upon that some portions of the regulations will need a bigger discussion and will be brought to the Commission as its own separate workshop. She said that the draft language changes presented for NAC 501 and NAC 502 came from the tracking sheet that was discussed at the Committee meeting held in July.

Commissioner East asked as to why it was decided to remove the portion of NAC 501 on page three that pertained to possessing wildlife.

Management Analyst Taylor explained that some portions of the NACs were removed because existing NRS addresses similar issues. It was decided to reference the NRS opposed to stating a similar regulation in NAC.

Game Warden Randy Lusetti stated that the Department wanted to make sure that the sensitive species of Nevada were protected. The current list in NAC did not address the issue but two other charges in our regulations do cover them.

Commissioner East asked if the licenses for taxidermy and a shooting preserve were covered somewhere else as well.

Management Analyst Taylor confirmed that statement relating it to be the same type of correction as the discussion of possessing wildlife.

Game Warden Captain Brian Eller stated that NRS gives the Department authority to give demerits but also says that no demerit points can be given to those items that the Department has suggested to remove from the demerit list. Most of the current language that was removed are permits issued by the Department and the NRS addressing permits already has regulations that give the Department authority to deny, revoke or suspend a license or permit.

Public comment period for NAC 501 3:15 PM – 3:20 PM

No public comment.

Commissioner East asked about the definition of a canned hunt.

Management Analyst Taylor stated that it was noted on the NAC tracking sheet but invited those in Law Enforcement to discuss the definition.

Captain Eller said that it was a new portion that came about from reports of canned hunts. A similar regulation is already in existence, but the Department felt like an updated definition of a canned hunt was needed in the NAC due to reports of cases around Nevada's surrounding states and in the spirit of fair chase. The definition was explained.

Chief Game Warden Mike Maynard included that it is mostly a preventative measure to tighten potential loopholes. He gave an example of what would be considered a canned hunt and said that it was not a common occurrence but is something the Department wants to prevent.

Discussion ensued regarding examples of a canned hunt and what would and would not be considered a violation. How the Department could enforce that the released animal would not be

pursued. The different types of animals that could fall under the definition and the safety to the public involving a tranquilized animal.

Commissioner East asked the reason behind the change in NAC 502.370 from 72 hours to five days.

Management Analyst Taylor answered that it was to give hunters and staff more time to complete animal check-ins.

Deputy Director Jack Robb gave examples of hunts falling on holiday weekends, making it a burden for a hunter to track down a member of the Department to complete the check-in to comply with regulation. Animals cannot be frozen during check-ins because it hinders the ability to take samples needed from the animal.

Warden Lusetti stated that the change to five days also creates consistency with other species and their regulated check-in time frame. Having one set time frame removes confusion for the clients of the Department.

Commissioner East suggested including the word “intentionally” in NAC 502.370, section four, subsection E.

Management Analyst Taylor stated that adding the word “intentional” to a regulation adds an additional burden to law enforcement having to prove if an act was indeed intentional.

Warden Lusetti gave further explanation as to why the word “intentional” was left out of the regulation.

Chairman Caviglia also pointed out that in section five it addresses accidentally trapping animals and what is required if a person should do so. He stated that having this section makes the word “intentionally” in the previous section unnecessary.

Management Analyst Taylor gave an update on the revisers notes in the NACs stating it will be up to the Legislative Council Bureau (LCB) analyst reviewing the Department’s regulations to decide whether or not they will be removed or kept.

Commissioner Pierni stated that it would take a long time for someone new to this position to fully understand what and why everything is being suggested for change. Some of the changes he would not have considered or thought of by himself and apologized for not having more insight to add additional comments to the subjects discussed.

Management Analyst Taylor stated that if any members have questions, they are welcome to reach out to her or anyone in the Department for answers or clarification.

Chief Maynard confirmed Management Analyst Taylor’s comment and added that most of the changes are to rid the regulation of potential loopholes and streamline the regulation process.

Commissioner Pierni asked about the time frame to complete this process relative to the upcoming legislative session.

Management Analyst Taylor explained that the temporary regulation period lasts about one year and stated that the Committee can take their time in addressing these proposed changes. She added that the Department met with LCB before the simplification process began to discuss the

idea, they were okay with the process and both parties came to a mutual understanding that the regulations would not be returned to the Department in the regular time frame of return.

Deputy Director Robb gave a deeper explanation of what the temporary regulation period would mean for the Department if a regulation needed to be passed right away.

CABMW Representative Bunch stated he read through the support materials and understood where and why the proposed changes were made and the direction the Committee is headed with simplification. He added that the discussion helped him better understand some of his original thoughts and questions.

Chairman Caviglia asked why landowners with multiple properties needed counts done in the same season.

Game Division Administrator Mike Scott answered that the decision for that was provided by the Landowner Compensation Tag Committee. He explained why counts done on separate properties in separate seasons would result in a different number of tags issued opposed to counts done on separate properties done during the same season.

Management Analyst Taylor stated that the explanations of the proposed changes will be included in the NAC tracking sheet for the next Committee meeting.

Public comment period 3:49 PM - 3:54 PM

Public comment:

Joel Blakeslee stated: I'm not comfortable with the language in the lion trapping portion. Relying on the language in 5b doesn't cover a lion that is injured.

Commissioner East stated she would like to see more discussion and input on the changes in NAC 502. She stated a concern of having NAC 502 on the September Commission agenda.

Chairman Caviglia agreed with Commissioner East's desire to have more discussion.

Deputy Director Robb stated that there is time to discuss the regulation further. Keeping the scheduled Commission workshop of NAC 502 will allow utilization of another venue to help produce the best product.

COMMISSIONER EAST MOVED TO APPROVE NAC 501 AS PRESENTED AND REQUESTED BRINGING BACK NAC 502 FOR ADDITIONAL DISCUSSION, SECONDED BY CHAIRMAN CAVIGLIA. MOTION PASSED 4-0.

7. Discussion of the Regulation Topic List – Committee Chairman Caviglia – For Possible Action
The Committee and staff will begin discussion of ranking the regulation items presented by the Department and CABMWs to decide direction in which to provide the Department.

Management Analyst Taylor stated the Department is planning an internal meeting in October to discuss the proposed changes to NAC 503 and then hold a Committee meeting before the scheduled November Commission meeting.

Fisheries Division Administrator Jon Sjoberg gave some insight as to what the Fisheries Division was looking to change and update, stating that they are minor changes where language is out of date.

Commissioner East asked about the priority ranking in the NAC tracking sheet.

Management Analyst Taylor stated that the priorities are issues that the Department's Divisions are wanting addressed over others, the timeframe to address the issues is not relevant.

Deputy Director Robb stated that even if the Committee and Commission made a decision on the discussed regulations, they would not be in place in time before the 2020 season opener. He added that the Department/Committee/Commission are bound by LCB's timeframe. If decisions are postponed enough, receiving Legislative Commission approval and printing and publicizing the regulations to the public may come too late. In those cases, the Department uses a year to educate the public before we begin enforcing the regulation.

Captain Eller stated he understood a motion for agenda item #6 was made but he had some clarifications he wanted to address regarding the demerit sheet.

Public comment period: 4:10 PM – 4:13 PM

No public comment.

Commissioner East stated that she had previously suggested to hear NAC 503 when there would be more public participation, but an in-person meeting will have to be played by ear. She suggested taking chunks of the NAC or splitting it in half for the next meeting.

Management Analyst Taylor shared that the Department was not needing specific direction at this time but splitting the regulation for the next meeting can be considered.

CHAIRMAN CAVIGLIA CLOSED THE AGENDA ITEM WITH NO ACTION TAKEN.

6. Discussion of proposed changes to NAC 501 and 502 – Committee Chairman Caviglia – For Possible Action

The Committee and staff will discuss the proposed changes from the Department and County Advisory Boards to Manage Wildlife of NAC 501 and 502 to be submitted to the Legislative Council Bureau (LCB) and heard at the next available Commission meeting.

Chairman Caviglia reopened agenda item #6.

Management Analyst Taylor stated multiple references to NRS that were meant to be included in the language. She said if the Committee chooses, she can add any changes to the language and address the changes made at the upcoming Commission meeting. The references included NRS 502.370, 502.390, 503.185, 503.310, 504.295 through 504.398.

Commissioner East asked what the missing statutes address.

Captain Eller explained what each NRS referred to.

Warden Lusetti clarified that the purpose of the change was to ensure the Department is not assessing demerit points that would oppose existing regulations.

Public comment period: 4:25 PM – 4:28 PM

No public comment.

COMMISSIONER EAST AMENDED HER PREVIOUS MOTION TO INCLUDE REFERENCE TO NRS 502.370, 502.390, 503.185, 503.310, 504.295 THROUGH 504.398, SECONDED BY CHAIRMAN CAVIGLIA. MOTION PASSED 4-0.

7. Future Committee Meetings – Committee Chairman Caviglia – For Possible Action
The Committee will discuss potential agenda items for future committee meetings. The Committee may schedule its next meeting and may choose to recommend a meeting date or timeframe that corresponds with the next Board of Wildlife Commissioners meeting.

Chairman Caviglia stated that based on the previous discussions, another meeting should be scheduled sooner than later. He asked how to best to split NAC 503.

Deputy Director Robb stated that the Department would like to finish their review of NAC 503 as the changes presented may help determine how best to split the regulation.

Public comment period: 4:34 PM – 4:37 PM

No public comment.

Chairman Caviglia directed the Department to schedule a meeting prior to the scheduled November Commission meeting.

8. Public Comment Period
Persons wishing to speak are requested to sign in. 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 Committee agenda.

Public comment period: 4:38 PM - 4:41 PM

No public comment.

The meeting was adjourned at 4:41 PM.