

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND
MINING**

**Seventy-Third Session
March 9, 2005**

The Committee on Natural Resources, Agriculture, and Mining was called to order at 1:30 p.m., on Wednesday, March 9, 2005. Chairman Jerry D. Claborn presided in Room 3161 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Jerry D. Claborn, Chairman
Mr. Kelvin Atkinson, Vice Chairman
Mr. John C. Carpenter
Mr. Mo Denis
Mr. Pete Goicoechea
Mr. Tom Grady
Mr. Joseph M. Hogan
Mrs. Marilyn Kirkpatrick
Mr. John Marvel
Ms. Genie Ohrenschall
Mrs. Debbie Smith

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Rod Sherer, Assembly District No. 36, Churchill,
Esmeralda, Lincoln, Mineral, and Nye Counties

STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Mary Garcia, Committee Secretary

OTHERS PRESENT:

Gil Yanuck, Vice Chairman, Carson City Advisory Board to Manage Wildlife

Bill Bradley, Commissioner, Nevada Board of Wildlife Commissioners

Larry Johnson, Member, Coalition for Nevada's Wildlife

Steve Robinson, Advisor on Wildlife, Conservation, and Rural Nevada Issues, Office of the Governor, Carson City, Nevada

Tina Nappe, Chair, Sierra Club, Toiyabe Chapter

Fred Church, Bow Hunting Chairman, Nevada Bow Hunters Association

Joe Johnson, Legislative Advocate, Sierra Club, Toiyabe Chapter

Dan Musgrove, Director, Intergovernmental Relations, Office of the City Manager, Clark County, Nevada

Vice Chairman Atkinson:

[Called meeting to order.] Today we have three bills that we are planning on hearing. I would like to open the hearing on A.B. 152, which is sponsored by our Chairman.

Assembly Bill 152: Revises provisions governing composition of and method of appointing members to Board of Wildlife Commissioners. (BDR 45-494)

Assemblyman Jerry D. Claborn, Assembly District No. 19, Clark County:

A.B. 152 improves the procedures for appointing members to the Board of Wildlife Commissioners. Currently, the nine members on the Board of Wildlife Commissioners are appointed by the Governor. That will not change. The Governor will still appoint all of the members of the Commission. Only two improvements will be made. First, the Governor will appoint each commissioner from a list of qualified people. This list will be provided by the county advisory board. Currently, the Governor may request a list of nominees from the county advisory board, but the final appointee does not have to be someone on that list. The bill requires the county advisory board give this list of qualified nominees no later than 90 days before a member's term expires. If the Governor receives the name of at least five qualified nominees no later than 30 days before the member's term expires, he must then appoint the new members from among those names on the list. If the Governor does not receive a list of five qualified people in time, then the Governor may appoint any qualified person in the Commission.

The second improvement that this bill makes relates to the qualifications of a member on the Commission. Currently, four members need to have a specific expertise: one must be actively engaged in the conservation of wildlife, one in farming, one in ranching, and one must represent the interests of the general public. The other five members on the committee need to have had a resident

license to fish or hunt in Nevada for at least three out of the four years immediately preceding their appointment. This bill would add only one category to expertise. One of these five members would also need to be actively engaged in accounting.

These two improvements will ensure that the qualified people are appointed to the Board and that someone who is an expert in accounting and money management will have a voice on the Commission. My only intent in this is to have somebody on the Wildlife Commission that has a little bit of accounting under their belt so that they are responsible.

Vice Chairman Atkinson:

We don't have anyone here to speak in favor of the bill. We do have a couple of people who have signed in opposition.

Gil Yanuck, Vice Chairman, Carson City Advisory Board to Manage Wildlife:

[Read from [Exhibit B.](#)]

I am here today to ask you to vote against A.B 152. A.B. 152 would require that one of the members of the Wildlife Commission be actively engaged in accounting. I know a hunter who only handles accounts receivable; is she qualified? I have a friend who has had a fishing license for ten years and handles payroll in an accounting department; is he qualified? Should this person be a CPA [certified public accountant] or chief financial officer of a public corporation? Why not require the Commission to have a member who is a biologist, a habitat specialist, or a geologist?

If you think the Commission needs help in understanding the budget or is incapable of analyzing the Department's balance sheet or income statement, that's what staff is there for. Why take away the opportunity from a dedicated member of the public who is an avid sportsperson from being appointed because you feel that the Commission may not have the ability to understand basic accounting? Basic accounting is not rocket science; it has been around for a long time. The current Commission is composed of several attorneys, owners of very successful agricultural and ranching businesses, supervisors in local government agencies, and retired NDOW [National Department of Wildlife] employees. Do you think these individuals need help in understanding the budget process or when the numbers don't add up?

A.B. 152 would also require that the Governor appoint a replacement from a list of names suggested by the county advisory boards. The only opportunity for the Governor to appoint some other qualified individual is when the county advisory board does not supply at least five qualified names. I feel this prevents the Governor from appointing qualified individuals who the county advisory board has no knowledge of but who would make excellent commissioners.

I understand and appreciate the intent of A.B. 152. However, I remain resolute that the current procedure establishes a very fair and reasonable way to determine the makeup of the Commission and for its members to be selected. Please don't change a system that works.

Assemblyman Goicoechea:

I understand your concern over the accountant, but with regard to the recommendations from the county game boards in compiling a list that the Governor can choose from, I can assure you that if I were the Governor or an Assemblyman out of District No. 35, I could probably shape that list to make sure I had the people on it that I wanted. The Governor has enough influence to ensure that those qualified people he would like to see are at least considered for recommendation from the local county game boards. Don't you feel that would be the case?

Gil Yanuck:

Well, I think that you are saying that the Governor could influence a local board to make sure that the people he feels should be considered are on there. We are circumventing what you are trying to do.

Assemblyman Goicoechea:

I don't think so. I think it takes a buy-in from both sides at that point. Clearly, just because the Governor went to Humboldt County Game Board and said that he wanted someone on there, if they didn't agree, I know rural Nevada better than that and almost any game board or sportsman's group in any county in this state could not be bought off that easily. The bottom line is that I support this piece of it. I don't think there is anything wrong with allowing the local game boards to have some influence over who is on the Commission.

Gil Yanuck:

In the past, when individual commissioners' terms have been about to expire, a number of the boards wrote letters directly to the Governor asking for reappointment for some of these individuals. A lot of the boards feel very

strongly about the makeup of the Commission. There were some other times when some of the individuals had lived out their usefulness on the Board and it was time for a change.

I am not totally opposed to the game boards getting the opportunity to offer nominations to the Governor. I think that the Governor should have more leeway other than when he doesn't receive at least five qualified names, then he can go to a short list that he may have that the game boards were not aware of.

Assemblyman Goicoechea:

The local county game boards are really not appreciated across this state. I think it allows them a little more involvement in the process. I would prefer to hear from a local game board their recommendation for who they would like to see sitting on the Commission, rather than hearing from the game commissioners who are in place. That gets a little bit slanted.

Gil Yanuck:

Maybe there is an opportunity to combine. If all the game boards are going to put forth nominations, somebody has to select a list of nominees that are qualified and present these to the Governor. The Governor should be able to select four from that list supplied by game boards and give him one wildcard so he can pick someone who has not been nominated but is worthy.

Assemblyman Goicoechea:

As I read the bill, there is no limit on how many names could be supplied. He could see a list of 200 people. If I had 200 names on the list that were all recommended by local county game boards, I believe I could come up with somebody who is worthy to serve on the Board of Wildlife Commissioners.

Bill Bradley, Commissioner, Nevada Board of Wildlife Commissioners:

[Submitted [Exhibit C](#).] I am here to answer questions more than to take an official position. Part of my opposition has to do with the language "shall" in the bill versus "may." I became a member of the Board of Wildlife Commissioners 10 years ago when Assemblyman Carpenter introduced a bill that added an additional member of the Wildlife Commission. I had always been involved in wildlife and thought that would be interesting. I had only been to several advisory board meetings but was not a member of any advisory board. I put my name in the hat. Fifteen county advisory boards all submitted five names, and the Governor was required to pick someone out of that list. I have seen Governor Miller and Governor Guinn both look at those lists very hard.

The law currently requires the Governor consider all of the names that are submitted by the county advisory boards and then make the appointment. That gives the advisory boards ample opportunity for input. I don't think there has been a commissioner appointed since my time who did not have the endorsement of the majority of the advisory boards. I still think in the executive function part of the bill, the Governor maintains that right to pick the person he believes is the most qualified.

In terms of the accounting background, you have heard us talk about the budget. We are all business people and review our ordinary business on a monthly basis. State government and budget processes are certainly different, but I believe that we are all comfortable with the budget process.

Larry Johnson, Member, Coalition for Nevada's Wildlife:

[Read from [Exhibit D.](#)]

This session, we are presented with a number of bills that delve into wildlife management issues as well as county game board issues. We would like to express our concern over pending bills that attempt to legislate wildlife management. The existing process and organizational structure within the Department of Wildlife is far better suited to formulate policy and regulations. The Wildlife Commission is charged with the duty to formulate policy and must approve new regulations. The majority of commission members, 5 out of 9, are sportsmen representatives so that the interests of sportsmen are always well represented. The Wildlife Commission takes testimony from sportsman and the interested public at public hearings held on a monthly basis around the state. The Wildlife Commission also receives technical input from the professional staff of NDOW. In addition, county advisory boards meet and hold public hearings in the various counties on every item to be decided by the Commission. The public in all areas of the state therefore have direct access and opportunity to become part of the wildlife management process. The Wildlife Commission generally decides issues in accordance with the recommendations of the county advisory boards. Furthermore, any individual can petition the Wildlife Commission on any policy or regulation change the individual desires. There is no level of state or federal government that has this level of public involvement. We feel NDOW exemplifies the democratic process. The Wildlife Commission has been highly responsive and always held accountable through the Governor's Office.

Legislative changes are permanent, whereas Commission policies and NDOW regulations are adaptable to changing conditions. It is for these reasons that we urge the members of the Senate and Assembly not to attempt to legislate wildlife management. Please allow the public throughout the state to continue to reach consensus through the existing process, which has proven to serve us well.

This dissertation is written for a wide number of bills that you are going to hear this session, but it is also pertinent to the bill at hand. First of all, we have five sportsmen members on the Commission. This bill would require four sportsmen representatives with one accountant. I know a couple of accountants I think are qualified, but I would hate to see us preclude a more qualified candidate from becoming a Commission member simply because he is not an accountant. The Wildlife Commission spent three public hearings discussing the budget in great detail this year. Anyone who is interested in the Commission's budget in any aspect has full access through that public hearing process to discuss, to delve, to ask questions, and to seek information and answers. We feel that portion of the bill is largely unnecessary. We would much rather see the existing process.

My only real heartburn with the county game boards being the nominating group for wildlife commissioners is that it excludes nominations by the major sportsmen's groups around the state. One must realize that a number of the sporting organizations have thousands of members. These people deserve access into this policy as well. I don't think it should necessarily be excluded to just county game board nominations. At the same time, we have this habit of working within the system. If you tell us that those nominees have to come through the county game boards, we, as members of sportsmen's groups, will be in the county game boards and will have that individual nominated through the county game board. I don't think there has been a sportsman commissioner appointed I can remember in my 20 years of involvement who has not had endorsements from major sportsmen's groups through county game boards.

We will work within whatever system you give us. At the same time, we do not think change is necessary.

Chairman Claborn:

With all due respect, these bills that you are talking about are bills from our constituents. You paint a real rosy picture. It is not all that rosy. I just wanted you to know that. We have a right to put these bills out and are not attacking the wildlife. We are strictly doing our job.

Assemblyman Goicoechea:

If I hear one complaint from the Commission, it is that they don't feel that they have enough participation from the local county game boards. They are just not getting enough input from them. We hear this all the time. On the other side, the local game boards complain to me that when they do make a recommendation, it seems to go unheard. I just look at the second part of this bill, subsection 2, as something to bring that process back together. I do agree with you that these groups can be very involved and are involved in the local county game boards. I think the recommendations this bill requires would allow the local county game boards some recognition in the process. I think it has some merit and I would like to see it moved forward.

Larry Johnson:

First of all, I think if you check the record of Commission votes, rarely do they ever vote against recommendations by county game boards. In fact, I know NDOW biologists have been critical to the Commission because the Commission often sides with the county advisory boards over their professional staff. The opinions and recommendations of the county game boards are taken very seriously.

I am not trying to be antagonistic with my comments, but at the same time, the process is there. Constituents have ample opportunity to bring forth any proposal to the county game boards or to the Commission directly because the process is so incredibly open. It is more open than any other state agency or federal agency. That is the basis for my comments.

**Steve Robinson, Advisor on Wildlife, Conservation and Rural Nevada Issues,
Office of the Governor, Carson City, Nevada:**

I regret to have to be here in opposition. I want to acknowledge the good intentions of this bill. From the perspective of the Governor's Office, we are not operating under a rosy scenario with the state of wildlife in Nevada. We know there are problems. I think most people in this room, sportsmen and non-sportsmen who are interested in wildlife, know there are problems; it is how to deal with those problems that gets a little dicey.

The change that would require the Governor to accept nominations from county game boards to the Wildlife Commission undermines the Governor's executive powers and ultimately his accountability for wildlife regulation in the state. Secondly, the requirement to appoint an accountant to the Commission further erodes the Governor's ability to support or appoint the best possible candidate and could set a precedent within the Commission developing a staff capability of its own separate from the Nevada Department of Wildlife, which currently staffs the Commission. More specifically, on a practical level, some like the

Wildlife Commission are coveted boards. People vie for them, gather support, get letters, have phone calls made, and amble over to the Governor's table at lunch and whisper names into his ear. There are a lot of our boards and commissions that are not so attractive and that we have a hard time filling either because of the narrow qualifications, or because they do not get a lot of glory but require a lot of time and effort and sometimes personal expense to the people involved. The State of Nevada could not operate without those part-time boards and commissions.

The Governor is also mindful of the need for more diversity on these boards and commissions, not only ethnically, but also geographically. This is something that we consider on a daily basis when we look at the placement of people into these positions, even if it is not required in the legislation that creates them.

Finally, one of the reasons why we oppose a specific requirement for a profession like accounting on the Wildlife Commission is that it could lead to a neverending effort to do that and could cause trouble in the future. That requirement is something that we consider is in your purview, unlike the appointment, which we think is the executive purview and ought to be made final by the Governor. If you decide that there ought to be an accountant on there, that is yours to do; we would not argue with that. A staff capability of its own on the Wildlife Commission would not be the direction to go in. We think that the Department of Wildlife serves that function, does it well, and ought to continue.

Assemblywoman Kirkpatrick:

Since the start of session, I have been trying to understand the wildlife program. My frustration is I can't seem to get any information out of the Wildlife Department, and yet no one wants to change anything. I have asked to be notified when the meetings are being held for the budget process and have not received a response. I have asked how these boards are actually appointed and when they come up for appointment. I have not received any of that information, either. I have a lot of constituents who feel like they are not part of the process, and I cannot even give them the correct answers. When someone says that we are picking on Wildlife, we have not received any answers by asking, so this may be the only way to get the information out. If you could help me find that information, then I wouldn't be so apt to support some of these bills that are trying to get this information out easier.

Steve Robinson:

I apologize if that is what has taken place and will see to it that is fixed. I think there could be the perception out there that there is a certain element that deals with the Wildlife Department who gets the information. With any commission or

board that deals with a constituency, in this case sportsmen or outdoorsmen, they are there every day and have a lot of communication between each other. I think that the information flows. You have just as much right to that information as anyone. I would be glad to address that.

Assemblywoman Kirkpatrick:

I am trying to bring some perspective. As an Assemblyperson, I have a hard time getting the information to give to constituents. How does the average citizen get the information? That is where I want some clarity. It seems that it is only when we get these bills that we can get some information, because I have tried myself. I believe you were here when I asked about Floyd Lamb State Park, and I have yet to get any information back on that. I am not representing my constituents fully because I am not receiving the information. It is all about representing the constituents and getting the information out. I just want to know how to get it. I think that bills need to come forward in order to make the process easier.

Steve Robinson:

You certainly have my attention.

Chairman Claborn:

Is it not true that there is already a criteria for what we were just talking about on A.B. 152? There are qualifications for the members of the Commission currently. Four members need to have a specific expertise; one must be engaged in conservation, one in farming, one in ranching, and one must represent the interest of the general public. Is that not a criteria?

Steve Robinson:

Yes, those are.

Tina Nappe, Chairman, Sierra Club, Toiyabe Chapter:

I think that one of the real benefits of these bills is that we do get a chance to talk about wildlife, more so than we would otherwise. I don't always agree with them, but I appreciate the platform for discussion. I think it is very beneficial for all of us. I am extremely concerned about A.B. 152. I represented conservation on the Wildlife Commission for a number of years. At the county advisory board level, there are no positions for conservationist. I am not clear if the 5 nominations from the county advisory boards is a total from 17 counties or per advisory board or if all of the nominations came from one county. This could be a little bit confusing. I would like to point out that there are no conservationists, by law, permitted on the county advisory boards. So to have the advisory boards nominate the conservationist position would not be in the best interests of the conservation community.

We use the word "sportsmen" as if it was one group. When I was on the Wildlife Commission, one of the first things I learned was how diverse the sportsmen community is. There are a number of sportsmen who are not active at the county advisory board level; they may not even be active at the Department of Wildlife level, but they are members of a lot of the land trusts, where they work for habitats. I think it would not be fair to not include them as potential candidates for a position like this because a lot of the habitat work is coming from these other land trusts and not the Department. I have real concerns, and I would suggest that the county advisory boards should be encouraged to submit nominations. I would prefer to see the word "may" rather than "will" to the Governor to provide that latitude and some new perspectives as to how wildlife is managed.

I would also like to point out that the structure of the Commission does not represent the diversity of this state. We have a growing population of minorities, women are 50 percent of the population, and none of this is seen on these boards.

Assemblyman Hogan:

You said that by law conservationists are not permitted on the county advisory boards.

Tina Nappe:

That is correct. They are limited to sportsmen, ranchers, or farmers. It is very unlikely that conservationists would go to a local advisory board for a nomination. I would also like to second Mr. Robinson's statement that it is not always easy even for us in the conservationist community. You are looking at somebody who can take off during the week. I had to take 9 annual leave days a year to even be on this Board; not everybody can do that. I don't know about accountants or how enthusiastic they would be through April of each year having to take off time. This is very demanding, so finding someone is not always easy.

Assemblyman Hogan:

Should the Wildlife Commission take seriously what Mr. Robinson said about the need for diversity, would it have the authority to influence?

Tina Nappe:

At the county level, but at the Commission level I think the Governor should be looking at the appropriate diversity on these various boards. It has certainly not been there on the Wildlife Commission for some years. If you think about the fact that the wildlife belongs to the people of the state of Nevada, the habitats

are virtually all publicly owned at the federal, state, or local level, then we need that broad spectrum of interest. It is not the responsibility of one group alone.

Assemblyman Goicoechea:

I think you are doing a big disservice to the boards and county commissioners out there that appoint those county game boards. I think they are very fair and they look for diversity in those boards.

Assemblyman Carpenter:

I take exception to your statement, because if it wasn't for the private lands, a lot of the wildlife would be in a world of hurt. I think the private landowners have to be included in any of these statements.

Tina Nappe:

I agree, many of the key lands are privately owned, and that is why I am very interested in conservation easements.

Fred Church, Bow Hunting Chairman, Nevada Bow Hunters Association:

I was just a few months short of 20 years on the Washoe County Advisory Board before my term expired. I am very familiar with the Wildlife Commission and the county advisory boards. I work with the boards directly on the issue of appointing commissioners. I look at all individuals, whether they are men or women, or whether they are conservationists or sportsmen. A lot of us sportsmen feel that we are conservationists also. This particular bill has been before the Legislature before. Individuals who are very minor players are asking for this bill to be passed. The majority of the sportsmen and county advisory boards are opposed to any change on this commission. There is no reason to have anyone in accounting. We spent four months in 2004 reviewing and hearing the budget at the advisory and Commission levels. In my opinion, there is no reason whatsoever to have an accountant; that is not going to give anyone any more information than we have now. I think that picking the commissioners off the list of five takes away from the Governor's ability. He has been very open to individuals we nominate, and I think we get the best people by doing that.

Chairman Claborn:

You are familiar with the commissioners and the people on the wildlife boards, correct? [Mr. Church answered in the affirmative.] Are there any females on those boards?

Fred Church:

We have one now from Washoe County. We have had some on Clark County's before.

Chairman Claborn:

At the present time, you only have one?

Fred Church:

No, we have one now, and before, another for two terms. Right now we have another lady, Penny. We have one in Carson City and one in Nye County. Those are the four women we have now on advisory boards. Believe me, if they want to apply, we would support them. Nevada Bow Hunters Association is one of the more active groups around, and we look to see who we can put on different county advisory boards. We look for the most qualified person. We are looking for persons who are knowledgeable about wildlife, have an interest, and will attend the meetings. Right now the law states that only one person of an advisory board can go to a meeting and get paid. We look for people who might even take their own time.

Assemblyman Goicoechea:

I realize the law says that only one can be paid from an advisory board, but I don't think that precludes the board of county commissioners from defraying the expenses of the others who want to attend.

Fred Church:

There is nothing in law that states that the county commissions could not. They have their own budget and they can certainly fund more. Right now, each county advisory board is submitting their actual budgets. They will come before the Commission in May. They make a budget for one individual to go by what we have had in the past. They could go to their county commission and say that they would like to fund one or two more people going, especially when we have season settings. We will do quotas and those are very big meetings, for which we would probably like to have more people there.

Assemblyman Goicoechea:

That is exactly the answer I was looking for. I think a lot of the counties do provide for per diem and expenses for board members if they wish to attend. I am glad to hear you reinforce my position that the boards of county commissioners across the state are trying very hard to get the diversity in place, and I think there are all walks of life on the county game boards.

Fred Church:

The only county I know has done that is Clark County. They have gotten money for different projects, especially in Overton, and I am not aware that they have funded any money that they could use for travel. I know that Clark County certainly has done that; Washoe County has not. I don't know if Washoe County would really be open to that. Again, most counties have budget

problems themselves. A lot of them might not take that as a priority. Some of the smaller counties may be able to do that. I think that would be a great idea.

Assemblyman Goicoechea:

Trust me, they do.

Assemblyman Hogan:

How did this process work before the change? Is there a formal submission of nominations from each of the county commissions? Do they jointly come up with a certain number of names, and what is the extent of the Governor's leeway in the appointments from that group?

Fred Church:

I am very aware who is coming up and what their terms are in the group that I represent. I would think that anyone else that has a sportsmen group or conservation group would know what it is also. You could go to the website for the Department and look under the Commission. You will see their names and their actual term dates. The advisory boards certainly know when those particular appointments come up. A person like myself would actively be out looking for somebody. The current Governor said that he wanted to have two terms. He hasn't kept to that particular deal and I hope that he doesn't. I don't think that is necessary; it is more of an evil, in my opinion.

We look for good people, and as long as we can get them to serve, we should be able to seek individuals that we could replace someone with. Then I will send that to the county advisory boards asking for their help with this particular individual. You are aware that on the county advisory level, only so many commissioners can come from certain counties. Clark County can have up to three, Washoe County can have two, and the smaller counties can only have one. We have to think about ranching and farming. We certainly support those individuals also. We have to think where they are coming from. Then we are looking out in the smaller counties for an individual who has shown interest, whether they are on the board right now, or someone who would do a good job for us. It is very time consuming to take the time out of your job to go to these meetings. Usually they are two or three-day sessions. They do not get a great deal of pay; they are just getting travel. We don't need someone to go on an advisory board or commission level and not attend the meeting. We can't afford that. That is how the process works.

Assemblyman Hogan:

I am still curious as to how it gets to the Governor's desk.

Fred Church:

These county advisory boards will forward these names. It may not be five names; it may just be one or two. We don't usually have conflicts among the county advisory boards or groups because we agree that is a person we would like to have on the Commission. Then they send a letter to the Governor's Office. We have had excellent rapport with the Governor in getting the appointments.

Bill Bradley:

The appointment of the county advisory board members is contained in NRS [*Nevada Revised Statutes*] 501.260. That says that the county commission shall appoint three or five members at the discretion of the Board of County Commissioners. Clark County chooses to select five. You will be hearing a bill later this session that Clark County would like to expand theirs to seven or eight. Generally, we see the smaller counties having three, some with five. In terms of this appointment process, I am finished in June, so this process is currently going on. People are submitting their names to the Governor and the various county advisory boards as expressing an interest in serving on the Board of Wildlife Commissioners.

NRS 501.171 is the statutory process for appointing wildlife commissioners. Section 1 says that "A county advisory board to manage wildlife shall submit written nominations for appointments to the Commission upon the request of the Governor and may submit nominations at any time." Section 2 says that after consideration of the written nominations by a county advisory board to manage wildlife and any additional candidates for appointment to the Commission, the Governor shall appoint to the Commission one member of conservation, a farmer, a rancher, a member of the general public, and five members who have had a hunting or a fishing license in the three of the four years before they apply. Hunters believe they are strong conservationists, but they are consumptive conservationists, and other conservationists are non-consumptive; they enjoy the wildlife but do not eat it. Not more than three members may be from the same county whose population is 400,000 or more. Not more than two members may be from the same county whose population is 100,000 or more but less than 400,000. Not more than one member may be from the same county whose population is less than 100,000. That gives us nine.

Assemblyman Hogan:

If the person who is departing is known to have been the farmer member or one of the other specialized members, is the Governor under some obligation to replace that person with another person with the same qualifications?

Bill Bradley:

Doug Busselman and Mike Montero would love to answer that question. Doug Busselman is the lobbyist for the Farm Bureau. The Farm Bureau comes in with a very strong recommendation on who should replace the farming representative. With respect to the ranching representative, the Nevada Cattlemen's Association comes in with a strong recommendation on who the ranching representative should be. Those typically do not go through the advisory board process; however, in the last five years, whoever has sought interest in going to the Board of Wildlife Commissioners has sought the support of the advisory boards.

In the last five years there have actually been interviews, and candidates are asked how they feel about predator management and about a lot of things. I have sat in on interviews of candidates, and it is a very serious endeavor. It has become a lot more important as issues have become more complicated with wildlife and habitats, and the role of wildlife commissioners has become more important. We are in a lawsuit right now. I happen to support a lawyer being on this Commission because there are legal issues that hit this Commission. It is a strong commitment from the person appointed, and the organizations affected want to know that they are getting a quality person.

Joe Johnson, Legislative Advocate, Sierra Club, Toiyabe Chapter:

I normally do not take a position on items like the accountant. We have strong concern that the conservationist would have to go to the boards. I think it is very appropriate that they do go to the county boards. I would like to reaffirm that this is the advisory board to manage wildlife and wildlife as defined in NRS 501.100. Wildlife in this state is part of the natural resources belonging to the people of the state of Nevada. We have heard careless comments today about the various advisory boards and the Commission as being game boards, whereas statutorily and under this statutory legislative declaration, it is much broader than that. I would like to remind you to keep that issue in mind during your deliberations.

Vice Chairman Atkinson:

Seeing no others to speak on this bill, I will close the public hearing on A.B. 152 and I will turn it over to the Chairman. [Elsie Dupree submitted [Exhibit E](#).]

Chairman Claborn:

I will open the hearing on A.B. 159.

Assembly Bill 159: Expands number of members who may be appointed to county advisory board to manage wildlife in larger counties.
(BDR 45-333)

Dan Musgrove, Director, Intergovernmental Relations, Office of the City Manager, Clark County, Nevada:

I think the passion that was displayed on this previous bill shows our impetus behind this bill. NRS 501.260 created county advisory boards in order to solicit and evaluate local opinion and to advise the State Board of Wildlife on matters that relate to wildlife. Currently, we have such a huge interest in the appointments for our county wildlife board that with the size of Clark County, we would simply like to expand from five to seven members. Obviously, that would not change our participation in any other boards that were discussed here today. This would simply be our own local county advisory board. We just have limited seats available and such passion to serve that we want to give more opportunities for public participation on what we consider to be a very important citizen committee. What took place today shows why this is such an important board and why we want to have a little more public participation. We have two females out of the five members. I think our commitment has always been to having diversity on that board, and we would continue to do so. I open that up to the Committee for your approval and hope that you would give us the authority to expand our own local board to seven.

Chairman Claborn:

At the present time, this would only pertain to Clark County?

Dan Musgrove:

Yes. I know that there has been some discussion at this Legislature about that 400,000 population cap. Perhaps the Legislature needs to look at revising that upward. I know Washoe County is approaching that. The intent of this bill is to only affect Clark County.

Chairman Claborn:

As long as we know the intent, we would not need to amend this.

Dan Musgrove:

Correct. I think that was something that the Legislative Commission or this Legislature would look at across the board throughout statute to examine the population cap.

Assemblyman Goicoechea:

Why do you want to retain the "three" in the language where it says, "...three, five or seven members," or for that matter, even the five?

Dan Musgrove:

That is a good point. In paragraph (b) of the bill, perhaps you should just have "up to seven." That is the intent. That is something the bill drafters would need to take a look at.

Assemblywoman Smith:

Is there really no fiscal impact if you are adding members?

Dan Musgrove:

I think it would be absolutely minimal if there is. I am not even sure. I don't know if we pay our members to sit on the board. There might be the per diem, and as far as we are concerned, it is no impact on us.

Assemblywoman Smith:

I just don't want to hear about unfunded mandates.

Dan Musgrove:

This is a self-imposed mandate upon the Clark County Commission, which voted 7-0 on this bill and gave their full support.

Chairman Claborn:

There is no fiscal impact, and if there is, it is a small one.

Assemblyman Atkinson:

Is the proposal to add two members or three members?

Dan Musgrove:

Just two.

Bill Bradley, Commissioner, Nevada Board of Wildlife Commissioners:

It is important to realize the experience that the Board is having with some of the county advisory boards. A letter went out six months ago to four county commissions saying that we cannot get any participation from their current appointees. That was after two letters to the county advisory board members saying that they had not shown up at our meetings, nor had they shown up for budget requests. I am a strong proponent of county advisory boards. In some counties, a three-person board has not been able to secure a quorum in order to get a vote. In others that have five, they have not been able to secure a quorum. In the rural counties, someone who has to travel 150 miles sometimes cannot make it. For Clark County to go to seven should not be an imposition.

Each county advisory board member receives the same stack of material that we get. On a monthly basis, they get a mailing that comes out of the Board of Wildlife Commission's budget to keep them informed.

Assemblyman Goicoechea:

The only amendment that we were talking about was in Section 1, subsection 2, paragraph (b), which says, "400,000 or more...each board consists of 3, 5, or 7." I just thought it should be "5 or 7" rather than have the "3" if it is a county of over 400,000. The others would remain the same. In counties under 400,000, it would be 3 or 5 members as it presently stands in statute.

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO
PASS A.B. 159 BY DELETING "3" IN SECTION 1.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chairman Claborn:

I will open the hearing on A.B. 173. Assemblyman Sherer is the sponsor of this bill.

Assembly Bill 173: Revises area in which person is authorized to hunt with certain game tags. (BDR 45-992)

Assemblyman Rod Sherer, Assembly District No. 36, Churchill, Esmeralda, Lincoln, Mineral, and Nye Counties:

This bill was requested by a constituent in Lincoln County to be able to hunt within a mile of the ranch or farm instead of hunting in the whole unit. The Board of Wildlife Commissioners established a program to issue an incentive for the ranchers and farmers to be able to repair their fences that the elk destroy. They are pretty aggressive animals; they can tear up a fence easily and cost a lot of money. Some of my constituents in Lincoln County want to be able to tighten that up so that they can hunt a lot closer to their ranches.

Assemblyman Goicoechea:

Typically, these incentive tags or depredation tags are offered any time you have 50 animals or more on your property at any point in the season. Unfortunately, what would happen here is that a lot of the damages occurring in the winter or early summer when the animals are there, and at the point that they would be able to hunt them, everyone is out there and the game animals

would probably be 30 miles away. I think it removes the incentive value of the tag.

Assemblywoman Smith:

Why the one mile? Why not half a mile, or a mile and a half?

Assemblyman Sherer:

This is just a number out there to get it closer. Right now it is in a whole unit, which is a huge area. This would tighten it up and make it so the other hunters and hunters would not be frustrated with the individuals. Elk move quite rapidly from one area to the next. That mile provides more opportunity for other sportsmen to hunt the animals instead of just the people who pay. The ranchers sell these tags for between \$5,000 and \$10,000. I can understand where they are coming from in wanting to get their fences repaired and be able to keep the amount of those game tags up. By hunting in an area, you get an area tag. By closing that end, people who pay for those tags can only hunt in a smaller area.

Chairman Claborn:

You are talking about incentive tags.

Assemblyman Sherer:

Yes.

Assemblyman Denis:

I don't understand the incentive tags. The rancher has a large tract of land, and they are allowed to sell a specialty tag to a hunter to come on to their property and hunt, is that correct?

Assemblyman Goicoechea:

Maybe I can explain it a little better. You are correct. If you have a tract of land, and at any point that you can have NDOW [Nevada Department of Wildlife] come out and verify that you have 50 animals or more on your property, then you are granted a depredation tag, or an incentive tag. It does have to be verified. Just because you own this tract of land doesn't mean that you get an incentive tag. You have to show that you have 50 animals or more and they are in fact damaging your property before you can get an incentive tag. The tag is to help compensate for the forage lost, the haystacks ruined, the fences torn down, and the springs and ditches rooted out. You get the tag and in turn sell it on the open market. Some of these deer tags will bring \$3,000, and an elk tag will bring \$10,000.

Chairman Claborn:

Mr. Bradley, will you explain the differences between our mule deer and our antelope situation? Is it almost the same situation?

Bill Bradley:

It is. There are two separate and distinct programs. There are deer and elk. There are compensation tags for the damage that is done. That is strictly all that is available for deer. Any time a rancher calls and says that they have 50 deer they get the authority to get one tag. I have all the relevant forms ([Exhibit F](#), [Exhibit G](#), [Exhibit H](#)). That is our deer damage compensation program. You will see on there that some ranchers get 8 and 9 because they have 400 deer at a certain time of year eating their alfalfa. This program for the deer has bought tolerance. The ranchers are willing to let the deer and elk stay there in exchange for some tags and it gives them some financial reimbursement.

Elk is another issue. When elk do damage like eat haystacks and tear down fences, they call a biologist to come look at the damage. They work with the rancher and say they ate two tons of hay, which equals \$280. So they write a check for this amount. Damage equals dollars. The other elk programs are called incentive tags. The only way to get an elk tag is to go through the incentive program, as opposed to deer. If you have deer eating something, you get a tag.

If a rancher has elk using his private land, they would like one of those tags because a good one does sell for up to \$20,000 and are thus highly coveted. In order to be eligible for those incentive tags, ranchers are asked to sign an agreement that gives the public access. Access is a huge issue because in Nevada, wherever the water was 200 years ago was where man came to homestead. All of the real pristine wildlife habitats are on private lands. Many times it is that ranch road that gives access to millions of acres of federal BLM [Bureau of Land Management] land out behind the ranch.

Some ranchers just don't like cars coming through. When they come through at two in the morning, they have good reason. In order to get an incentive tag, that rancher has to sign an agreement that will give the public access through their private land to all the public land behind that. There is also the issue of how much the elk are using that private land. There is a formula to make sure that if the situation is appropriately evaluated, a rancher who is giving access and is impacted can become eligible for one of these incentive tags. For example, there is a sheep rancher over in White Pine County who owns a lot of pristine elk habitat. He gives outstanding access. He does a great job and has a great relationship with the sportsmen and the Department of Wildlife. He gets six tags and donates one to the Rocky Mountain Elk Foundation. If he sells three

or four of them, he gets \$60,000. Those are the two programs and they work very well.

Mr. Sherer's constituent is in a unique situation, because some of the elk he would like to get to are not quite in his unit for which he gets a tag. He would like to expand that radius a little bit so he can get to these elk. This program is working real well. We tinkered with this program quite a bit to make sure we are meeting the needs. There used to be a 200 maximum cap on the total number of tags that could go for deer. Two years ago, it turned out that ranchers' requests for tags exceeded 200. We worked with Mr. Busselman, and instead of putting a fixed number, we went to one and a half percent of the available deer.

These two programs are different but working very well in this state.

Chairman Claborn:

Are you saying there are two parts to Mr. Sherer's bill?

Bill Bradley:

It would affect both the deer compensation tags, under Section 2, and the elk incentive tags, under Section 1. Both programs would unfortunately be impacted by this bill.

Assemblyman Carpenter:

Three programs are affected. There is another program that if you have a terrific amount of damage from deer, then the Department of Wildlife issues a special tag. The hunters can go out and harvest the deer just on that property. This bill would open that up so you could go a mile away from this land. Since this program has been in effect, it has really ameliorated the problems that the ranchers and landowners had with deer and elk being on their property. It has been a really great program.

Chairman Claborn:

Would that program be called depredation?

Assemblyman Carpenter:

Yes.

Assemblyman Goicoechea

I am not sure that A.B. 173 addresses depredation hunts.

Bill Bradley:

I didn't see it. I just assumed it was the two deer and elk programs.

Assemblyman Goicoechea:

I just need that clarification. If it does, maybe there is some viability to the bill.

Assemblyman Carpenter:

Under Section 2, on page 3, it refers to special incentive deer tags to the owners and managers of private land. That's the one that they use when there is a great deal of damage.

Assemblywoman Smith:

I thought we were talking about elk. I thought in the testimony at the beginning of this bill we were talking about the damage that elk do.

Assemblyman Sherer:

My constituent wanted to look at both. The main one was the elk and the frustration for those people being able to hunt all over; they want to confine them to more of the ranch. At the same time, it also deals with deer.

Bill Bradley:

I believe Assemblyman Carpenter is correct.

Assemblyman Denis:

These special tags are for some area of the ranch, and you are asking to be able to go a mile from the edge of the property out. Is that right?

Assemblyman Sherer:

What I am looking for is to be able to make it more compact so they hunt closer to the ranch instead of all over the unit.

Bill Bradley:

Let me give you an example, because that raises the exact issue that was raised a couple of years ago. These tags are good for the entire unit or units in which the deer move. In the particular case that you are talking about, if you have a deer compensation tag, you could move between two units. Elk incentive tags are confined to the one unit. The one unit may encompass 30 or 40 different ranches. In northern Washoe, the unit is the Sheldon National Wildlife Refuge. These are huge areas. If a rancher has a ranch in one of the units, then that tag can be used throughout that entire unit. Mr. Sherer's bill will shrink the usage of that tag down to a very confined one-mile radius around the private land. Although the ranchers' home may be on one piece of private land, that rancher may own 40 acres up the creek or whatever. You would be drawing a circle around the ranch for a mile, then you would go up the creek and draw a circle around that piece. I know one of the concerns is that when those hunters are out there, those animals have dispersed and are no longer around that private

land but are beyond that mile radius. If the hunters do not have access to them, they are going to be disappointed. The next year they are not going to be willing to pay that same price for that tag as they did this year. It is going to drive down the price, and that is a problem.

Doug Busselman, Executive Vice President, Nevada Farm Bureau:

We are definitely opposed to this bill. We have been instrumental and very active in all the damage compensation programs as well as the incentive programs. We believe the current programs have had a long and successful track record for building cooperation between landowners, the Department of Wildlife, and sportsmen. We also believe that because of these programs we have in place, wildlife have also benefited.

Prior to the start of these programs, things were very contentious. Landowners regularly sought total removal of deer, antelope, and other wildlife species from their lands because of the damage caused to crops, haystacks, et cetera. Since these programs started, we have had those problems go away. We see the proposed changes in this bill as a problem, causing more confusion and reducing the value of the compensation tags as well as the incentives that are built into the programs. We don't think it is a very good idea to make something that is working more complicated or less likely to continue to be as successful as it has been.

Assemblyman Grady:

How far will the elk migrate in a season?

Doug Busselman:

A very long way, not only in a season, but in a year.

Larry Johnson, Member, Coalition for Nevada's Wildlife:

Doug and I have sat on the same committees for compensation tags. Programs have been working extremely well, in our opinion. They are under constant scrutiny and they are adjusted every once in a while. Some sportsmen have insisted on tightening the area of hunt down to just the private land, which is not the right thing to do, because during hunting season those animals may be 20 miles away. That tag would be worthless. Keep in mind that we are not attempting in this program to remove the offending animal; we are attempting to compensate the landowner and buy tolerance. That is what this program is about.

The other portion of the bill that I have concern about is the one-mile distance around private land. How do you enforce it? How does the hunter remotely

know whether he is nine-tenths of a mile or 1.1 mile? Even a GPS [global positioning system] tracking unit would have to have a legal survey of the private land. We don't like the concept.

Fred Church, Bow Hunting Chairman, Nevada Bow Hunters Association:

We go through these at the county advisory level and as sportsmen groups. We come down to the Legislature and ask you folks to put these bills in. Just because one individual wants it, whether he is a constituent or not, it just doesn't make sense. There are many other ranchers in this area who sell these tags, and as sportsmen we think they should be able to have these tags and get compensation back. Something like this is not a very good plan.

Chairman Claborn:

Seeing no more questions, I will close the hearing on A.B. 173. I have appointed a subcommittee to consider Assembly Bill 32, which relates to the Department of Agriculture bill. The subcommittee will be chaired by Assemblyman Atkinson and will also include Assemblyman Goicoechea and Assemblyman Carpenter. We are adjourned [at 3:13 p.m.].

RESPECTFULLY SUBMITTED:

Sarah Gibson
Transcribing Attaché

APPROVED BY:

Assemblyman Jerry D. Claborn, Chairman

DATE: _____

EXHIBITS

Committee Name: Natural Resources, Agriculture, and Mining

Date: March 09, 2005 **Time of Meeting:** 1:30 p.m.

Bill #	Exhibit ID	Witness	Dept.	Description
	A			Agenda
AB 152	B	Gil Yanuck	Carson City Advisory Board to Manage Wildlife	Letter
152	C	Bill Bradley	Nevada Board of Wildlife Commissioners	Directory of Wildlife Advisory Board Members
152	D	Larry Johnson	Coalition for Nevada's Wildlife	Written Testimony
152	E	Elsie Dupree	Nevada Wildlife Foundation	Letter in opposition
173	F	Bill Bradley	Nevada Board of Wildlife Commissioners	Elk Incentive Tag Assessment Worksheet
173	G	Bill Bradley	Nevada Board of Wildlife Commissioners	Proof of Depredation Damage
173	H	Bill Bradley	Nevada Board of Wildlife Commissioners	Nevada Landowner Damage Compensation and Incentive Tag program