

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

**Eightieth Session
February 13, 2019**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Heidi Swank at 4 p.m. on Wednesday, February 13, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Berg Hall Conference Room, Great Basin College, 1500 College Parkway, Elko, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Heidi Swank, Chair
Assemblywoman Shannon Bilbray-Axelrod, Vice Chair
Assemblyman Alex Assefa
Assemblywoman Maggie Carlton
Assemblywoman Lesley E. Cohen
Assemblyman John Ellison
Assemblyman Ozzie Fumo
Assemblywoman Alexis Hansen
Assemblywoman Sarah Peters
Assemblywoman Robin L. Titus
Assemblyman Howard Watts
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Allan Amburn, Committee Counsel
Nancy Davis, Committee Secretary
Alejandra Medina, Committee Assistant

OTHERS PRESENT:

Tony Wasley, Director, Department of Wildlife
Tyler Turnipseed, Chief Game Warden, Division of Law Enforcement, Department of Wildlife
Larry Johnson, President, Coalition for Nevada's Wildlife, Inc.
Tiffany East, Commissioner, Board of Wildlife Commissioners, Department of Wildlife
Marcos Lopez, representing Americans for Prosperity
Patrick Donnelly, Nevada State Director, Center for Biological Diversity

Chair Swank:

[Roll was called. Committee rules and protocol were reviewed.] Today we will hear a presentation from the Nevada Department of Wildlife.

Tony Wasley, Director, Department of Wildlife:

I apologize for some of the redundancies that may appear in this presentation, but I am always excited to share all the good work the men and women of the Nevada Department of Wildlife (NDOW) do. I want to start with a mission statement [page 2, ([Exhibit C](#))]. The broad statutory charge of the NDOW is to protect, conserve, manage, and restore wildlife and its habitat for the aesthetic, scientific, educational, recreational, and economic benefits to citizens of Nevada and the United States, and to promote the safety of persons using vessels on the waters of Nevada. Those authorities that govern NDOW in implementing and fulfilling its mission are contained in *Nevada Revised Statutes* (NRS) Chapters 501 through 506 on the wildlife side and the boating side is in NRS Chapter 488.

When we look at Nevada's wildlife resources, it is important to recognize just how numerous they are. We have 895 different species regularly occurring in Nevada. The majority of those are bird species with 456. We have 173 unique species of fish; 163 species of mammals; 79 species of reptiles; and 24 amphibian species. When we provided this presentation two short years ago, that total number was 892. Since that time we have discovered a couple of new species as well as some wandering species from other states that have established populations to where they are now considered regularly occurring, specifically, the moose.

The Endangered Species Act of 1973 (ESA) is federal legislation governing the protection of certain species. When it is determined that a species is in need of protection above and beyond what the state has provided, those species can be listed as threatened or endangered

under the ESA. Of the 895 species, it is important to point out that there are presently 21 that are under review for potential listing, which is the initial stage. Two of them have been determined to be candidates for listing, 8 have been listed as threatened, and 22 as endangered.

I apologize to those of you who sit on the money committees and are exposed to these concepts continuously, but the budget challenge that NDOW faces is reconciling a fairly narrow funding model with a fairly broad statutory charge. As we look at the user fees of the agency versus the State General Fund portion of our budget, you can see on page 4 that 94 percent of NDOW's budget comes from user fees. Three percent in this current session's governor-recommended budget are identified as State General Fund and 3 percent other. The "other" includes transfers from license plate revenue and motor boat fuel tax. The 94 percent of user fees comes from fewer than 5 percent of Nevadans. As we look at the sources [page 5] of the user fees, 2 percent of the state buys hunting licenses. That is almost 70,000 individuals. Three percent buy fishing licenses, just over 100,000 individuals. One percent register boats. If you look across those three small slivers of pie, you will quickly realize that they add up to 6 percent, but the graph shows less than 5 percent. That is because there is certainly some redundancy between individuals in those groups; a number of people who are registering boats are also buying fishing licenses; a number of individuals who are buying hunting licenses are likely also buying fishing licenses. It is safe to say that less than 5 percent of Nevadans are paying fees that result in 94 percent of NDOW's budget.

Of those 895 species that NDOW has a statutory responsibility to manage, approximately 8 percent provide an opportunity to generate revenue for the agency. That is 8 percent that people pay for the opportunity to pursue, catch and release, or catch and consume. All told, when we look at those three figures [page 7], together they represent the broad statutory charge and the narrow funding model. The agency is managing 100 percent of Nevada's 895 species for all 3 million Nevadans, and 94 percent of NDOW's budget is coming from approximately 5 percent of the citizens and 8 percent of the species.

Page 8 ([Exhibit C](#)) breaks down that 94 percent a little more. Oftentimes, you will hear it is not sportsmen fees, it is federal funds; \$23 million, or 49 percent of NDOW's budget, comes from federal funds. Those federal funds are excise taxes that are assessed on hunting and fishing equipment. Every gun—whether it is a hunting gun or not—every pistol, shotgun, rifle, and box of ammunition is assessed roughly 10 percent federal excise tax. It is not a retail tax, it is a manufacturing tax that is assessed to those manufacturers. All 50 states have this tax; it is a federal tax. The monies are collected by the federal government and distributed back to the states based on total land area and the number of certified hunters and/or anglers, depending on whether the excise taxes are derived from fishing equipment or the excise taxes are derived from hunting equipment. Forty-five percent of NDOW's budget comes from sportsmen fees, which are primarily tag and license fees. These fees are assessed when an individual purchases a hunting license, a fishing license, or applies for a tag to harvest a particular animal.

I would like to share a little about the public process shown on page 9 ([Exhibit C](#)). We have 94 percent of the budget coming from approximately 5 percent of the citizens and 8 percent of the species. How is this determined? What governs the agency? Of course, the laws that you all create and pass. There are other pieces to this and there is a public process. The NDOW has a nine-member Board of Wildlife Commissioners. Those members are governor-appointed positions who represent various interests and various geographies around the state. That Commission takes input from NDOW. The NDOW makes recommendations based on science with respect to sustainable harvest levels and establishes quotas for specific species in specific geographies. Each county has a County Advisory Board to Manage Wildlife (CABMW), which is appointed by the county commissioners. There is also an opportunity for the general public to participate both at the CABMW meetings as well as the Wildlife Commission meetings. The Wildlife Commission typically meets seven times a year and is statutorily limited to no more than nine meetings per year. In years during legislative session, the Wildlife Commission typically has an eighth meeting pertaining to legislative activities. The Wildlife Commission takes input from at least those three listed. It then renders decisions from which policy and regulations result.

The Wildlife Commission's statutory responsibilities and duties are defined in NRS 501.181 to establish broad policies for wildlife management and boating safety; to provide guidance to NDOW; to adopt regulation for wildlife management and boating safety; and to adopt regulations specific to hunting, trapping, and fishing.

Through that public process, policies and regulations are developed and then, in addition to the statutes that are passed by this body, the NDOW is tasked with implementing and enforcing policies, regulations, and laws.

Page 12 shows NDOW's structure. There are seven unique divisions. I will expound briefly on each of those divisions. The divisions are overseen directly by the director's office and include Data and Technology Services, Conservation Education Division, Law Enforcement Division, Game Division, Fisheries Division, Wildlife Diversity Division, and Habitat Division. The agency has just over 261 full-time employees; however, during the summer months, we pick up an addition 50 seasonal staff and 30 contractors. The seasonal staff are typically used to augment the agency's capacity during those times of year when we are surveying streams, determining fish distribution and density, and assisting with the agency's aquatic invasive species program in which we are doing a lot of inspections and decontaminations, a common activity at Lake Mead.

The NDOW has approximately 120 buildings located around the state. It maintains 34 radio sites, 11 wildlife management areas which compose approximately 120,000 acres, 8 major facilities spread across seven unique divisions, and 4 fish hatcheries. The state is divided into three roughly equal administrative regions: The four counties in the northeast—Elko, Eureka, Lander, and White Pine Counties—make up the eastern region. The four counties in the south are the southern region. The balance of counties in the northwest compose the western region.

Within the director's office [page 13], we basically have most of the agency administration responsibilities and provide staff and support to the Wildlife Commission. The director of NDOW is statutorily identified as the secretary to the Wildlife Commission. The director's office also provides support to the 17 CABMWs, and we oversee the fiscal services which is the centralized costs. There are 15 positions: administrative services, an accounting officer, and management assistants. Our federal aid grant coordinators are housed within fiscal services. Human resources is also under the director's office. We have two full-time positions there. Engineering and facilities has four positions: two engineers, a boating access person, and a fleet management specialist.

The Data and Technology Services Division has just over 31 positions and oversees hunting and fishing licensing. This Division also administers the hunting applications and draws; there are multiple unique applications and draw processes. Customer support is administered through Data and Technology Services. All the counter staff at the various offices throughout the state, outreach to our vendors, and others are handled through this Division. The geographic information systems are also handled through this Division. All of our boat titling and registration responsibilities and our information technology are also with this Division.

The Conservation Education Division has 22 positions and is responsible for the hunter safety training. Nevada statute requires anyone who wishes to obtain a big game tag to have a hunter safety certificate if he was born after January 1, 1960. That program certifies approximately 4,000 per year. Additionally, we have hunter and angler education programs in which we teach people how to fly cast, for example, or specialized weapons training such as a muzzle loader. We also have a wildlife education program in which we do programs within schools. We have Project Wild and Trout in the Classroom, in which we find educators who are receptive to some of our conservation tools, techniques, and methods and we are invited either into those school districts or individual classrooms. Trout in the Classroom has been particularly successful. The kids start with eggs and raise the fish. Once the fish are able to be released into a native system, the students are taken out on a field trip and the fish are released into streams or other suitable bodies of water. Media and public relations are contained in the Conservation Education Division, so our public information officers and individuals who have the responsibility of writing press releases and doing our outreach are in this division. The Urban Wildlife Program is a relatively new program. Our agency sat before you a few sessions ago and asked for a few of positions to address a growing need and demand for some of these urban wildlife challenges.

I would like to share with this Committee some of the progress that the agency has made in the urban wildlife arena [page 17]. The goal of this program is to educate the community on living with wildlife through one-on-one interactions during telephone calls and proactive outreach and education aimed at preventing conflicts with wildlife, and most importantly empowering community members with the tools necessary to achieve solutions.

This program began in earnest in 2016. In 2018, NDOW received almost 4,000 urban wildlife calls, a 34 percent increase from the initial year 2016. Staff spent an estimated 4,582

hours and traveled 38,495 miles resolving urban wildlife issues during 2018. The estimated cost for urban wildlife staff alone is \$229,987; that does not include mileage costs.

Of those 3,952 calls received statewide, the call received most often was for coyotes, which composed 28 percent of all calls. Combined bear and mule deer calls composed 12 percent of the total, 7 percent and 5 percent respectively; raptor and waterfowl calls composed 13 percent and 8 percent. The percentages for other species were very small.

Page 19 ([Exhibit C](#)) shows two maps, one of the immediate Las Vegas area and one of the greater Reno/Sparks area. It is reflective of the density of calls that occur in these areas. When the calls come in, we map the source of the calls and we are then able to target our outreach and engagement with homeowners' associations, schools, and individuals in those areas. The areas that are blue have the lowest number of calls, it progresses to red and the areas in yellow are the highest density of calls. When we see those areas light up, we know that is where our outreach would be best targeted and most strategically applied.

When we look at the calls around the state, 41 percent come from Clark County and 39 percent from Washoe County. That is a pretty even split in those metropolitan areas. When we combine all the rural counties in the rest of the state, together they total only 20 percent. I would like to share a little bit about the education and outreach. This body approved a position for Las Vegas and a position for Reno. These individuals connected with over 16,000 people in 2018, which is a 64 percent increase from the initial year of the program. Thirty nine presentations were provided in a variety of settings such as schools, fairs, parks, clubs, and camps. There were also nine presentations and newsletters to homeowners' associations. The targeted education outreach has been shared within four different arenas, the largest being public outreach events at 43 percent. Those events are community fairs or clubs. There are community presentations, which are 26 percent. Most of those are through homeowners' associations in which you have a particular community, oftentimes with a golf course that provides refuge for small mammals, rodents, and rabbits. Coyotes have natural corridors and come down the washes and right into the areas with high-density prey. Twenty percent of efforts have been in-school programs, and 11 percent in out-of-school programs. There have been 19 different media links for public viewing that have been shared through those same avenues. There are ten publications which include trifold documents and mailers, things that can be put in homeowners' association newsletters and shared through clubhouses. Also ten PowerPoint presentations have been developed. Those presentations can be recycled because many of the challenges are common to these developments. We have compiled all of those PowerPoint presentations within a book that I would like to leave with you, Madam Chair. There have also been a variety of television outlets for public service announcements. We just completed one relative to coyotes and we will be sharing it with the Wildlife Commission when we meet in Las Vegas next month.

Page 23 relates to the Law Enforcement Division, which has 52 positions. When you consider the size of Nevada, with 52 positions, this is a pretty lean division. What makes it even leaner is only 31 of those 52 positions are field positions. There is a huge land mass with a relatively small number of individuals to cover it. The primary responsibility in this

division is wildlife enforcement. We have a few officers who are full-time boating-enforcement officers. The majority of our boating enforcement is the Lake Mead and Lake Mohave areas in the south. We did see a significant increase in boating-related mortalities several years ago. The Legislature passed some boating education requirements and we have since seen the number of fatalities decrease significantly. General public safety is another area that falls under Law Enforcement. Boating education is another action that the Legislature took, requiring boat operators of certain ages to take a boating education course and be certified to operate those vessels. We have a dispatch center located in Reno to coordinate the dispatch of officers using those 34 radio site repeaters on mountaintops around the state. As improved as cell phones are, there are still a lot of dead spots around rural Nevada and we rely on dispatch services to keep those officers safe and monitor their whereabouts. As such, the radio technology is another area that maintains not only the dispatch, but the repeaters and radio sites around the state.

The Game Management Division has 34 positions. One of the chief responsibilities of the Division is wildlife survey and inventory. As I indicated earlier, because we are so dependent on 8 percent of those species that people choose to pursue, we want to ensure that the harvests of any species are done in a responsible and sustainable way. Through survey and inventory, those populations are closely monitored, and we can apply the best available science to determine appropriate harvest levels and ensure that the species are sustainably harvested. Through that information of density and distribution that is attained through survey and inventory, we can make recommendations on season and harvest quotas combined with our CABMW and the public we make those recommendations to our Wildlife Commission. Ultimately, they determine the season dates and harvest quotas.

The Game Management Division oversees landowner conflicts as we have seen an increase in density and distribution of species, like pronghorn antelope, that were once widespread and numerous and are returning in number; we sometimes see conflict with irrigated alfalfa. Those conflicts are resolved through our Game Management Division. We also have a wildlife health monitoring program. We have a full-time veterinarian and some biologists who assist her in monitoring the health of our animals. We coordinate closely with the State Department of Agriculture in that endeavor. We do a fair amount of collaborative research; oftentimes the NDOW does not have the capacity to do research over and above our other responsibilities, but we have been able to do some collaborative projects with universities, both in state as well as out of state.

Lastly, our air operations is administrated under the Game Management Division. Our air operations consists of two pilots and a mechanic. We maintain two Bell 407HP helicopters. Those helicopters are used not just within the Game Management Division but they are used by the Habitat Division to haul water to artificial water developments and to survey raptor nests. The helicopters are used by all divisions but administered primarily by the Game Management Division.

Page 25 ([Exhibit C](#)) shows the Fisheries Management Division. They handle sport fish production, which, as the name suggests, is part of that 8 percent that people pay to catch and

release or catch and cook. We do that through some of our hatcheries, and in some instances, we purchase fish from other producers to put them in waters. Sometimes it is actually cheaper to purchase those fish from someone else and release them in the highly fished areas. The Fisheries Management Division more broadly handles fisheries management, which includes the native aquatics as well. Those are some of the species beyond the 8 percent—some of those species that people either do not know exist, do not care about, or do not pay to pursue—but care of which certainly lands well within our statutory charge. We also use our Fisheries Management Division to monitor aquatic ecosystem health, looking at the condition of riparian areas, water quality, spawning areas, and fish reproduction to ensure that the aquatic ecosystems meet the standards that those species that live in them require.

Lastly, the Fisheries Management Division has the Aquatic Invasive Species Prevention Program. I referenced Lake Mead earlier relative to this program, and quagga mussels are probably the most well-known aquatic invasive species that we have here in the Silver State. This is where the bulk of our efforts in our aquatic invasive species program are centered: outreach education, inspection, and decontamination, most of which is in Clark County in the Lake Mead area.

The Wildlife Diversity Division is a relatively small division with 13 positions. This division is fondly referred to as the division with the responsibility to take care of the majority of the other guys, the other 92 percent. The Division does that in part by implementing the Nevada Wildlife Action Plan. Each state is required to have a state wildlife action plan that is approved by the federal government in order to qualify for state wildlife grants. The Nevada Wildlife Action Plan covers 256 species. It is not exclusive to game or nongame. Our action plan identifies mule deer as a species of conservation need. It identifies desert big horn sheep, sage grouse, and Lahontan cutthroat trout, in addition to the 256 species, as species of conservation need or priority. There are also 22 habitat types identified in the Nevada Wildlife Action Plan. Although we have some game species identified in that plan, the Wildlife Diversity Division is the primary manager of nongame species in addition to the Fisheries Division. We talked about native aquatics that land outside of sport fish. The Fisheries Division has significant responsibilities related to amphibians and spring snails. Many of the more well-known nongame species—birds and small mammals—fall within the responsibility of the Wildlife Diversity Division.

The majority of the threatened and endangered species management also falls to this division. Two areas that are relatively new to the agency, as well as wildlife diversity, include relevancy and Recovering America's Wildlife Act. The relevancy piece is a national acknowledgement that the relevance of conservation is suffering. There are some national efforts underway to address how to better educate, inform, and achieve a greater awareness and the importance of wild things in wild places. Our Wildlife Diversity Division has been integral in that effort. This body is familiar with the Recovering America's Wildlife Act, has taken action in past sessions, and I believe is pursuing action this session to support this legislation. This is federal legislation that would take advantage of existing revenues that come from oil and gas, geothermal, and other places to provide a consistent, dependable source of revenue for conservation. For Nevada, this would mean approximately \$27 million

dedicated federal dollars per year, which would then require an additional \$8 million in match. It has been introduced in each of the last two sessions of Congress. At the end of the congressional session, there were 116 cosponsors with a roughly equal split between Republicans and Democrats. It is our understanding that we will see a very similar version introduced in the not too distant future in the current Congress.

The last program under the Wildlife Diversity Division is the Lake Tahoe Environmental Improvement Program. We have one biologist who works closely with the State Department of Conservation and Natural Resources to address Tahoe-specific environmental improvement issues.

One of the primary responsibilities in the Habitat Division is project review for development projects. In a state that is 85 percent federally administered, any time a project is proposed for public lands or to be completed with public money, a National Environmental Policy Act of 1969 (NEPA) revision or review is required. State wildlife agencies have very specific roles and responsibilities relative to the NEPA process. Last year there were approximately 531 projects that came through our Habitat Division for review. Our Habitat Division must address potential impacts to wildlife and provide input. That is one of the primary responsibilities of the Habitat Division. The artificial industrial ponds that are associated with mines is a program that is also administered by this division. It is not just mines but other industrial-type projects that create opportunities or attractants for wildlife or could have potential impacts on wildlife that participate in the program.

The Habitat Division also oversees habitat conservation and restoration. This has been huge in the last two fire seasons. Each of the last two years, Nevada has burned over two million acres. Over 90 percent of that acreage in each of the last two years have been priority habitat management areas for the greater sage grouse. This is the time of year during which we do the reseedling, and NDOW has approximately \$3 million invested in seed purchases and is partnering through the Bureau of Land Management (BLM), U.S. Department of the Interior, to restore these areas that have been burned.

The Nevada Partners for Conservation and Development is also in the Habitat Division. The Partners Program is about partnering with other entities and leveraging those dollars that are available. We built off a similar successful program in Utah and have made significant progress. We have some incredible partners and great leveraging and some great projects on the ground.

Also under this division is a water development program. These are artificial waters created for the purposes of providing water to wildlife. There are myriad species that benefit from these. This program is a great partnership with many of our nongovernmental organizations. This program is funded purely by federal dollars. The nonfederal portion of this program is provided solely through in-kind contributions of volunteers. It is a significant benefit to wildlife, and a significant partnership with very little cost to the state, but a huge benefit to wildlife, affecting their density and distribution. It has allowed us to return species to historic ranges.

The last area in the Habitat Division are wildlife management areas (WMAs). As I said earlier, the state has approximately 120,000 acres that are contained in WMAs scattered throughout the state. For example, there are W. E. Kirch, Key Pittman, Overton, Mason Valley, and Bruneau River WMAs. There is significant distribution as you look around the state where those WMAs are actually located.

We are scheduled to introduce bills today. I would like to give a high-level overview of each. Assembly Bill 74 is a bill put forward by NDOW to regulate antler buyers. The idea is that NDOW presently regulates taxidermists and fur dealers. The NDOW has been asked repeatedly how big a deal antler buyers are. For those of you who may not know, deer, elk, and moose shed their antlers annually. When those antlers are cast, there is great interest in collecting them for various reasons. It is like an Easter egg hunt, you get pretty excited when you find one, but there are commercial interests in them as well. A brown horn, a horn that falls off before it is bleached out by the sun, can bring quite a bit of money.

There are out-of-state people who come in to purchase antlers from individuals who have collected them. The NDOW has been asked the question numerous times: How big of an issue is this? What is the commercial value? How many buyers are there? How many antlers are bought or sold? Quite frankly, we have no idea because we have no regulatory authority. There is a desire to issue a permit to a small number of individuals—approximately six—who come and go from our state, in order to understand how much commerce is actually being conducted relative to antler purchases.

Assembly Bill 83 is what we affectionately call a housekeeping bill. It has some clarification and process improvements. Probably the most notable aspect is that it adds moose to those species that are unlawful to take without meeting a couple of exemptions as specified. Presently, moose are identified as a game animal in regulation. Those 895 species fall under different classifications, some are classified as fur bearers, some are classified as big game, and some are not classified at all. Those not classified at all, unless they are protected through the Migratory Bird Treaty Act or others, have no protection. By adding to regulation, the intent was to recognize that moose regularly occur in Nevada and provide NDOW the authority to regulate the take of those animals should someone pursue them.

Another item contained in A.B. 83 pertains to public safety—a recognized justification for the take of an animal that presently we believe is implied. The statute says that NDOW and its employees may take an animal for the benefit of the conservation of the species. For example, if it were a diseased animal, and it could potentially transfer that disease to more of its counterparts, that would be warranted. However, if it is a rabid skunk in a school, taking that skunk would not necessarily directly benefit conservation of the species, but it would be a public safety issue. Public safety, again, we believe is somewhat implied, but our law enforcement wanted to provide that clarification and specifically address public safety as a legitimate justification for the take of an animal.

The third item addressed in A.B. 83 is clarifying the definition of harassment of wildlife. Presently, harassment is only defined as harassment by a motorized vehicle. An individual

could chase wildlife on a nonmotorized vehicle, such as a bicycle. A firearm could be used to rally, stir, or chase an animal. Those do not meet the standard for wildlife harassment because it would not have been conducted with a motorized vehicle.

The fourth piece of A.B. 83 clarifies what is required for residency and the benefits of residency. Each year our Law Enforcement Division makes several cases on individuals who are claiming the benefits of residency in multiple states. As a resident of the state of Nevada, you have an increased chance of drawing certain tags, and you have a decreased cost in doing so. There are incentives for individuals who try to claim residency benefits in multiple states. We are trying to tighten up that definition of residency or provide clarification that will assist in making those cases.

The last item in A.B. 83 pertains to an exemption for the placement of a trap. Presently, trappers are regulated in a way that does not permit them to place a trap within 200 feet of a roadway. I think of a borrow ditch next to a road that may have a badger, beaver, or skunk living in a culvert. Allowing the exemption for the NDOW employees to be able to place a trap within 200 feet of a road is something that we would like to have.

The third and final bill from NDOW is Senate Bill 55. This bill provides clarification on what constitutes a loaded muzzleloader. The NDOW has great clarity on what a loaded gun is in a vehicle. That is one of the common citations that our wardens issue. However, with muzzleloaders, there are different mechanisms, there may be powder in the barrel and an ignition mechanism outside. What constitutes unloaded? Is it just the removal of the ignition mechanism or does it need to be discharged of the powder in the barrel? This bill proposes to add clarification to the definition of what constitutes a loaded muzzleloader.

Assemblywoman Peters:

Are the urban wildlife calls associated with habitat encroachment or fire damage, or is it just that we have more coyotes during good water years?

Tony Wasley:

I think there are a number of factors. Certainly, encroachment, as cities expand we are encroaching into wildlife habitat and there is a greater likelihood of interface. We do see more of a challenge during drought years, but if you look at the areas where we have high levels of conflict, oftentimes an oasis is created, such as a golf course. In looking at Las Vegas, in the driest part of the driest state in the country, there are ponds, grass, and irrigated situations where not only rodents such as mice, rats, and rabbits flourish, but you are also connected to the natural travel ways of coyotes. They follow the washes and encounter those areas. The coyotes live in close proximity. They delete the prey base on the oasis, and the next logical step for them is domestic pets in the adjacent neighborhoods. Much of it has to do with how we have expanded, but also the attractants that we have provided. This is not a problem unique to Nevada. We see these issues in the greater Phoenix area and Southern California—any of these desert ecosystems where people live in close proximity to wildlife habitat, along with artificially inflated subsidies, whether it be wildlife or domestic animals.

Assemblywoman Peters:

My next question has to do with radio towers. Do we leverage those tower facilities for meteorological stations throughout Nevada, or are they stand-alone radio towers?

Tony Wasley:

I do not know that I can answer that. I can tell you that historically, we have provided dispatch services for some of our federal partners, such as the BLM and the Forest Service, U.S. Department of Agriculture. We had a partnership with the Department of Public Safety, but they have since created their own dispatch center. Our towers are fairly bulletproof. They have battery backups. In some ways they may be primitive, but in other ways, they are like a tank. They have very little downtime and are pretty reliable. There are no other public agencies, with the exception of our federal partners in law enforcement, that have the same needs to get around mountains. What the Department of Public Safety has provided for their Nevada Highway Patrol troopers does not necessarily meet our needs. They can communicate pretty well on all the major roadways, but as we get up draws and canyons and behind mountains, it gets much more challenging.

Assemblywoman Peters:

I was referring to meteorological stations. We have a desert in the middle of Nevada for meteorological station data, and it sounds like those towers are probably in ideal areas to add to, even if it is just wind and precipitation data, or wind and temperature data. If we already have those structures, adding extra pieces is not a lot of work. It is an interest of mine that we leverage the resources we have across the state.

Tony Wasley:

That makes perfect sense and we will look into it.

Assemblywoman Cohen:

I believe you said there has been an increase in endangered species in Nevada. Is that correct?

Tony Wasley:

I do not believe I said there is an increase. It is an ever-changing dynamic. I will certainly say that downlistings have been fairly rare. The most recent example of a downlisting is the bald eagle, and it is anticipated that gray wolves will be downlisted, along with grizzly bears. Some of the challenges that we have in a desert ecosystem pertain to small, isolated species. Spring snails, for example, are a huge challenge to not only identify, but to monitor. There have been more frequent petitions to list some of those more secretive species.

Assemblyman Assefa:

You talked about dispatch services, repeaters, and radio signals to communicate with your officers. Do you also have GPS locators for your officers in case you cannot get in touch with them, or if one were to get in trouble?

Tyler Turnipseed, Chief Game Warden, Division of Law Enforcement, Department of Wildlife:

We are trying to figure out exactly what sort of GPS tracking system to use for officers. A couple of options are vehicle-mounted, also, we all have phones. We use the Spillman Flex computer-aided dispatch software, which is the same one that Nevada Highway Patrol uses. That system has a phone application that includes GPS tracking of the phone. We have also been looking at building our own system. We have a new licensing system; Kalkomey Enterprises, LLC built it for us, it is called Agency Management System. They are building a mobile application for our officers as well to be able to pull up customer data on our phones. We can include a GPS with that application also.

Assemblyman Watts:

Going back to the revenue structure, what are the general trends in terms of hunting, fishing, and boating applications and licenses? Are we seeing an expansion in them? Also, if you could, speak anecdotally to the impact of some of the education programs and whether these are keeping up with inflation for your overall operating costs.

Tony Wasley:

Last session NDOW came forward with a license simplification effort that this body supported. We went from 27 different license types down to 8. Additionally, NDOW embarked on a modernized, simplified, mobile-friendly process, allowing the purchase of licenses and privileges on mobile devices. We have seen gradual increases in hunters. Our angling was maybe not quite as rapid, although we do have more anglers than we do hunters. After the license simplification effort combined with the modernization, this past year we witnessed an increase in hunting license sales of almost 29 percent and an increase in fishing license sales of 40 percent, which is significant. Simultaneous to that, we saved approximately \$1.4 million in administering the contract of the license and draw system and generated approximately \$2 million in additional revenue. That puts us approximately \$3.5 million ahead in one year's time. The bigger question is, is this sustainable and what does that do to our funding stream? The challenge is that we are so reliant on federal excise tax, and we are seeing a decrease in available federal excise tax. Those immediate gains in state revenue are great, but when we go from \$14 million to \$12 million to \$10 million, to maybe as low as \$8.5 million in successive years from the federal excise tax, and we are providing cost-of-living adjustments to our employees and merit increases to those who are relatively new in their career, we find ourselves in a situation in which we are using a larger and larger percentage of a pool of federal funds that is getting smaller and smaller. It is forcing us to shine a little brighter light on the narrow funding model that we have compared to that broad statutory charge. That is really where that Recovering America's Wildlife Act is so important in providing some dedicated, reliable funding for conservation.

Our number of registered boats has varied dramatically. We saw pretty good increases through 2008. With the economic downturn, combined with the drought, we saw a pretty good decrease in registered vessels. We got out of the drought and started seeing little increases. Now we are seeing a shift toward paddle craft. Our number of registered vessels

is down. The price of the boat is expensive, but the registration and titling that the state assesses is not cost prohibitive by any stretch, but we are seeing a decrease.

Regarding your education question, I think where the results are most evident is in the urban wildlife programs. Many of the comparisons in my presentation are between 2016 and 2018. That was by design because that is where there is the biggest difference. We have actually seen some decreases between 2017 and 2018, and hopefully that is attributable to some of the education and outreach efforts, but it might also be attributable to some of what Assemblywoman Peters suggested with her question about drought. Maybe with more rainfall, those animals can move out and they are not as reliant on irrigated golf courses or yards. Certainly we have very limited capacity to engage the way we would like to in schools with Project Wild and Trout in the Classroom.

Chair Swank:

Are there any other questions? [There were none.] We will move on to the bills. I will open the hearing on Assembly Bill 74.

Assembly Bill 74: Makes it unlawful for a person to engage in the business of buying, selling, trading or dealing in certain antlers or any head or skull of a big game mammal without first obtaining an antler dealer's license. (BDR 45-208)

Tyler Turnipseed, Chief Game Warden, Division of Law Enforcement, Department of Wildlife:

I will start with a little background on this bill. We found ourselves looking at a few specific cases last year in which we had antler buyers come to the state. That is a fairly casual situation in which a person with a pickup truck and a cargo trailer will show up in Ely, Winnemucca, Elko, or wherever the case may be. He will put up a sign that says "buying antlers." We had a warden stop and talk to one of these folks and he had what appeared to be a freshly killed elk rack that he had just purchased. It was not cast-off shed antlers, but antlers still attached to the skull. It brought to light that we do not regulate those antler buyers in any way. When we asked where this elk rack came from, and whom it was bought from, he had no way of knowing. There is no recordkeeping system in place. Also, in the past when we have been asked how large a volume the shed antler trade is, we do not have a good answer because we do not regulate it in any way.

This is unique in that in other places in wildlife law, whenever you harvest a big game animal and it is in someone else's possession, we tightly regulate that. There is a whole recordkeeping system in place when we visit a taxidermist. Each animal has to be tagged, matching the records they keep with the person's name and tag number. The same with fur buyers. When a fur buyer buys ten coyotes and six bobcats from a trapper, for example, there is a record of that—there are seal numbers for bobcats and the person's trapping license number. In all these other areas, there is a documented recordkeeping system. We found with these antler buyers that it is totally unregulated—no recordkeeping, and no way for us to follow up when we find a shed that might be in question.

We recognized that the fur dealer language in *Nevada Revised Statutes* Chapter 505 was a very logical match, simply changing a few words from "fur dealer" to "antler dealer." We were not sure if it needed its own chapter mirroring the language or if it should be put in the existing chapter. I think the Legislative Counsel Bureau thought it would fit in this chapter. Essentially, what it says is that any antlers of a big game mammal which are not naturally shed, or any head or skull of a big game mammal cannot be bought, sold, traded, or dealt in without an antler dealer's license.

There is also a section in *Nevada Administrative Code* (NAC) Chapter 505 that describes how we implement a fur dealer's license, and we again mirror those in NAC for how we would implement an antler dealer's license as far as recordkeeping and permitting.

This is fairly straightforward. We have had some input from the public about the taxidermist exemption and some suggestions about language that I think we can deal with later that would not be substantive, but would make it a little clearer. This is just wanting to provide a mechanism to regulate these antler buyers. In general, we think there are fewer than ten from what we see coming through Nevada and advertising on Facebook. It is not a huge segment of people, but they do a lot of business. As Director Wasley said during his presentation, brown elk antlers can sell for up to \$14 per pound. One big set of trophy elk antlers can bring several hundred dollars. I think a lot of you were present for some antler season discussions in past sessions. We have implemented at the NAC level an antler season closure in the six eastern counties. This would tie into that for the next step.

Assemblywoman Titus:

Section 2, subsection 1, paragraph (b) addresses big game mammal antlers which are not naturally shed. I want to make sure that this does not count those "shed hunters" who are going out there picking up antlers that were shed in the spring time. This bill is looking at antlers that have been recently removed from a skull or come with the skull attached, correct?

Tyler Turnipseed:

We debated that internally because our initial justification for this bill was the instance I mentioned where one of the wardens contacted an antler buyer who had a freshly killed elk rack attached to the skull. There was very little paper trail behind those antlers. That was our justification for getting into this. If you have an antler in your hand, you can clearly tell whether it has been cut off of a skull plate or naturally cast off. If you are looking at a trailer holding two or three tons of antlers, it is more difficult to tell. As the bill is drafted, it deals only with antlers still attached to the skull, not the cast-off sheds.

Assemblywoman Titus:

I need that clarification because you mentioned sheds and then you mentioned the other antlers attached as if you were talking about the same products. I want to make sure, as a clarification, this bill deals strictly with antlers that have been recently harvested with the skull attached and are not naturally shed.

When I am lucky enough to draw a tag and then lucky enough to harvest, and I take that meat to the butcher or the taxidermist, I have several pieces of the license that I leave with that entity to document. Why not just add that as a component of the license to give to the antler dealer, as opposed to a license and a fee to those antler harvesters?

Tyler Turnipseed:

You are exactly right. When you draw a big game tag and you take your animal to get processed, the actual tag part stays with the meat, and there is a tear-off taxidermy stub that goes to the taxidermist. We could probably implement something similar to that to go with the antlers. In the case of the buyer, we have no mechanism in place for that. Like I said, the antler buyers are totally unregulated. We could write in something about the taxidermy stub having to be with those antlers. Sometimes the cape or hide goes to a different place than the antlers, so I do not know if we could accomplish that with the same stub or not. That is actually an angle I had not considered and is something we could discuss.

Assemblywoman Peters:

In my district, there is a small business that sells unique items including skulls. What is the chain of custody and where does this end? I have a ton of friends who are crafters; I have family members who make knives using antlers. Where does this end? Who in that chain would have to have a license and who would not? Also, if my husband, who does not get a tag but helps a friend harvest the animal and takes the antlers home, how does that engagement work? Those are some clarifying issues that are unclear for me.

Tyler Turnipseed:

We have discussed that. In fact, you may hear some public comment related to nonprofit organizations that might sell something at a fund-raiser and are looking for an exemption. We are certainly open to that discussion. We have also talked about curio shops that have decorated skulls. Many people airbrush them or carve on them. *Nevada Administrative Code* 503.174 addresses the sale of nonedible parts. Essentially what that says is that a person can sell nonedible parts of big game mammals killed legally. We have defined that if you draw a tag and shoot a deer, it is perfectly legal to sell the antlers, head, mount, or any nonedible parts, as opposed to a dead elk, dead deer, or whatever, that you pick up. Under certain circumstances, we do allow people to pick those animals up but we do not allow them to sell them. That is a distinction that came out of the 1980s when we had a case in which someone was shooting bighorn sheep around Lake Mead and selling the skulls. They were essentially laundering them as pickup heads and selling them. As far as the craft trade, I am not sure we have fully addressed that yet. I am not sure how to draw the distinction between the antler buyer who shows up in a parking lot buying antlers versus selling antlers. We discussed taking out the selling piece and just consider the buying, that would certainly clear the craft shops and the fund-raisers. To do that, we would have to uncouple the antler dealers from the fur dealers statute because we do want to look at the buying and the selling for fur dealers.

Assemblywoman Peters:

I was thinking about maybe putting a limit on how many you can buy and sell. Something along the lines of buying more than two or three, then you would become a buyer. Once you get to someone who is cutting apart an antler, how do you know whether it was harvested off of an animal or a shed?

Tyler Turnipseed:

There is also a little issue about just looking at the head and skulls versus cast-off antlers. Antler buyers are very mobile. They can be in Colorado one day, Utah the next, and Elko the third day. There is going to be a little bit of an issue in just looking at heads and skulls. If a game warden pulls up and says, "I see you have three tons of cast-off antlers, but you also have four skulls. Where did you get those?" I assume the go-to answer is going to be, "I bought those in Colorado or Utah." There is going to be an enforcement challenge there if you just look at skulls and heads and not cast-off antlers. To regulate just the skulls, a buyer could say, "I am not going to purchase any skulls in Nevada, just sheds." In this case he would bypass this permitting process. That is a distinction in looking at the head versus the cast-off antler.

Chair Swank:

Are there any further questions? [There were none.] Is there anyone who would like to speak in support of A.B. 74?

Larry Johnson, President, Coalition for Nevada's Wildlife, Inc.:

We want to support the Department of Wildlife's concept. We will be working with them on specific wording because we do have concerns. A number of the wildlife conservation organizations around the state have silent auctions, raffles, or auction off some of these items. We would like to see an exemption for that. My other comment is I think this should probably be restricted to native big game animals. I do not think the intent is to prevent someone from selling a grizzly bear's skull that was harvested in Russia. There are just a few wording issues, but again, we are in general support.

Tiffany East, Commissioner, Board of Wildlife Commissioners, Department of Wildlife:

We have not yet taken a position on either of the bills you will hear today, but I am here to answer any questions about discussions we may have had prior to the approval of our platforms.

Chair Swank:

I will classify your testimony as neutral. I will now move to opposition.

Marcos Lopez, representing Americans for Prosperity:

We stand in opposition. We view this as an example of how ridiculous occupational licensing has gotten in this state. Simply because you are selling antlers for profit is not enough to justify asking for a government's permission slip to do so. One of the reasons that you need licensing is for public safety. I do not think there has been a clear case made that there is some public safety attached to this. It is very clear when you look at the economic

data that occupational licensing serves as a barrier to occupational entry, which results in increased unemployment, monopoly granted for workers in the occupation already, and higher prices to consumers. On all of those grounds, we oppose this.

Chair Swank:

Is there anyone else in opposition? [There was no one.] Is there anyone else in neutral? [There was no one.] Are there any closing remarks? [There were none.] I will move on to Assembly Bill 83.

Assembly Bill 83: Makes various changes to provisions governing wildlife. (BDR 45-210)

Tony Wasley, Director, Department of Wildlife:

I will humor you and provide you with a little history and knowledge about the species we refer to as *Alces alces* that has made Nevada its most recent home. Our biologists have noticed an increase in incidental observations of the moose. Moose were observed in the 1950s in Nevada. It would be incidental, a young male likely wandering down from Idaho into northern Elko County. They were pretty infrequent and almost always young males. About 10 to 12 years ago, we saw a gradual increase in those incidental observations. We started to get more and more reports from hunters, and travelers on Highway 93 and Interstate 80 started to see them more and more. They started to show up more frequently on trail cameras. Then, not only were we seeing those young pioneering males move down into Nevada, but we started to see cows with calves. Then we started to have wrongful kills in which individuals with cow elk tags mistakenly harvested cow moose. We have had three of those in the last three to four years. We had to implement a signage campaign making sure people were aware of their targets.

Last year, when a biologist in Elko County conducted an elk survey, I believe she observed close to 60 moose. I just received an email this week of a GPS map of all the sightings. Most are in Elko County, but there have actually been a couple of sightings in Humboldt County as well. They have been as far south as the extreme southern end of Elko County, even into the Ruby Mountain area. Now, they are a regularly occurring species. Most recently, we had some video on our Facebook page and we implemented a citizen science campaign and put out a call for people to share their observations and pictures and videos. It was one of the most visited posts on our Facebook and heavily participated and actually contributed to the development of the map I referenced. It is exciting to see a species like that find Nevada and make it its home.

Tyler Turnipseed, Chief Game Warden, Division of Law Enforcement, Department of Wildlife:

I will go through Assembly Bill 83 from beginning to end. Section 1 simply adds the term "public safety" to the statute that deals with the take of wildlife by a Department of Wildlife employee. Director Wasley alluded to it earlier, but we always felt that authority was implied but we wanted to more clearly call that out in an instance where we have to euthanize an animal if it is disease-suspected or for public safety reasons, for example, a

large carnivore that is ramping up aggressive behavior, or a coyote near a school which requires us to intervene.

Section 2 adds moose to our felony wildlife poaching statute. Section 2, subsection 1, paragraph (b) is a reference to the later part of the bill that addresses harassing wildlife. Section 2, subsection 2, states, "The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1" Essentially, the clause of that law says that you are not going to be charged with felony poaching if you have to kill an animal under certain exemptions. The main exemption is public safety. If your life is being threatened by a mountain lion, deer, elk, or whatever, you are well within your rights to shoot that animal to protect yourself. The piece we are taking out is "or property." We wanted to draw a distinction when someone who calls and says there is a deer eating their rosebushes, and they are going to shoot it. We certainly do not want to allow that. We may end up adding an amendment because we want to add some language about livestock or pets to provide that protection, thereby drawing that distinction between having a mountain lion in your horse corral that has a hold of your colt—by all means you are exempt from prosecution to take action there. We want to draw the line between that versus a deer eating your garden. We will work on some language there.

Section 3, subsection 2, paragraph (a) is modernizing the language about manned or unmanned aircraft as it fits into similar criminal statutes to specifically call out the use of drones.

Section 4 adds the term "moose."

Section 5 is what Director Wasley alluded to in dealing with residency fraud. Our game wardens spend hundreds of hours, especially this time of year when we are between seasons, working residency fraud cases. Generally, about 90 percent of the big game quota goes to residents and 10 percent goes to nonresidents. There is an incentive for a nonresident to portray himself as a resident when applying for tags to have better draw odds. There is also a financial incentive in that a resident elk tag, for instance, costs \$120; a nonresident elk tag is \$1,200. These two pieces in the bill will help us to work those residency fraud cases. When we look at someone who is utilizing resident privileges in another state as well as in our state, those cases are the easiest to prove.

Tony Wasley:

When an individual wishes to purchase a Dream Tag raffle ticket, which is a raffle for a big game tag—that typically has a broader geographic area and sometimes longer season—he must also purchase a resource enhancement stamp to be eligible for the Dream Tag. What has happened is the Dream Tag raffle program is administered by the Community Foundation of Western Nevada, so the proceeds from the Dream Tag raffle cannot be in possession of the state, it must go to the Community Foundation. However, the proceeds from the resource enhancement stamp program belong to the state. The challenge is in selling those Dream Tags, we are limited to one site and it must be structured very carefully in how the monies are collected, distributed, and spent. The Dream Tag program generates

money that is then used to fund on-the-ground projects, such as fire rehabilitation. The Department is receiving close to \$250,000 right now to purchase and apply seed. Our vision is that if we decouple these two, we would be able to sell the Dream Tags in more locations, more effectively and efficiently, and generate more funding for projects on the ground. Presently, because of the way they are coupled and because the money has to be handled separately—with the resource enhancement coming to the state and the Dream Tags going to the Community Foundation—there are prohibitions against administering a lottery and having our fingers on it. If the requirement to purchase the resource enhancement stamp in order to buy the Dream Tag were decoupled, we could sell Dream Tags in more places, market them more aggressively, and not worry about getting crosswise with the state.

Section 7 is also providing that clarification, essentially saying that someone who wants to purchase a resource enhancement stamp can do so, but it is striking the portion that says the person must purchase in order to participate in the Dream Tag raffle.

Tyler Turnipseed:

Section 8, subsection 1 is where we are looking to broaden the definition of harassment of wildlife. We have had some cases pop up, and we realize that we need to tweak the statute. Specifically, we have had instances in which we have watched people chase animals on horseback. I once watched a guy on horseback chase a bull elk across a mesa in the Jarbidge area. The elk was wounded on his front leg and could not get away from the gentleman on horseback. When we looked at statute, we really did not have a good fit to charge that person with chasing the elk.

We also had a case in Lincoln County last year in which some hunters were watching a big buck at the time of year during which they felt he was getting ready to shed his antlers. We have witnesses who saw this gentleman fire off his pistol—emptied a pistol magazine—not at the deer, but as a scare tactic to jump the deer and chase it, getting it to run and hoping the antlers would fall off. To our warden in Lincoln County's credit, he did a very thorough investigation, found all the brass, matched it up to the handgun, conducted several interviews with the witnesses and the suspect, and then realized that there was not a clear crime to charge him with. That is the motivation behind section 8, expanding the definition of harassing wildlife to include with a firearm, horse, light, motorboat, or noisemaker, and also modernizing that language to include manned or unmanned aircraft.

Section 9 is similar to the argument of being able to take wildlife for safety reasons; this is the piece about it being unlawful to set a trap within 200 feet of a roadway. We always thought it was implied that we had that authority, but we wanted to specifically call it out here in case we needed to set a trap for a skunk, coyotes, mountain lions, or whatever the case may be, that we can do that within 200 feet of the road without being challenged on our own law.

Assemblywoman Peters:

In trying to understand the harassment part of this, it looks like we are trying to marry this up with other harassment protections like the Migratory Bird Treaty Act. Is that along the lines

of what we are attempting to do here? Also, this bill identifies game animals and game birds, but it does not identify game fish. Is that covered under a different statute? The harassment of fish can be problematic with folks who are new to the river and do not know how to handle fish. Also, does it cover rodents? Rodents are not necessarily a conventional game animal, but some people do hunt them for themselves.

Tyler Turnipseed:

To the harassment questions, I do not know how well it marries up to the Migratory Bird Treaty Act. There is a definition in the statute that says, "'Harass' means to molest, chase, rally, concentrate, herd, intercept, torment or drive" [*Nevada Revised Statutes* 503.010]. There is a notable distinction there that the definition of "to take" elsewhere in statute [*Nevada Revised Statutes* 501.088] talks about where you are actually attempting to take an animal, catch, snare, shoot, all of those things that are included in taking and killing an animal. It is an important distinction because if someone is attempting to take, that is different than harassment, especially a dog, for example. We initially talked about having the word "dog" in this statute, but we did not want to interfere with someone who goes chukar hunting with a bird dog. We took it out but felt it was covered because of the differences with attempting to take versus harassment with molest, chase, rally, concentrate, herd, intercept, torment, or drive.

To the fish piece, quite honestly we have not thought of that. You do make a good point. A few years ago when we were in the midst of the drought, we had very large trout that were concentrated in pools along the river. I suppose there could have been some fish harassment that happened there. In that case we might be able to use the "to take" issue because if someone were to pick one up by hand, that would be a prohibited method of take. To fish, it has to be with hook and line. We did issue quite a few citations that year to people who were fishing by hand and with nets. The rodents and smaller game, I cannot say we have seen a lot of that.

Assemblywoman Peters:

In Hidden Valley, I used to see people chasing rabbits down and running them over. You could tell it was purposeful.

Assemblywoman Titus:

Section 7, subsection 1 states, "voluntarily donate money to the Wildlife Account in the State General Fund by purchasing a resource enhancement stamp." In the past, there used to be a trout stamp, and people competed to draw a trout stamp, and then there was a duck stamp. They actually became collectible items. I am wondering where you are going with the whole stamp concept. I know this bill does not change it, but maybe this is the time to clarify that. You are no longer using a physical stamp versus a certificate or acknowledgement of some form. The old classic stamp is no longer valid, is that correct?

Tony Wasley:

That is correct. We recently went away from the specific stamp-related privileges and we actually did a thorough analysis of participation—the level of artists participating—and

we did a cost-benefit analysis. We had so few artists and so few sales that we went to the electronic stamp alternative. There are still some individuals who collect stamps, but it is cost prohibitive. We had very little artist interest and participation. The concept of those stamps has certainly evolved through the years. There is actually a movie, *The Million Dollar Duck*, which is all about the federal duck stamp and how it has made artists' careers. This stamp really has been a gateway to the eligibility to the Dream Tag raffle. It has also provided an opportunity for individuals who are looking for that opportunity to broaden the funding base instead of the 94 percent coming from less than 5 percent. This is an opportunity for the other 95 percent to purchase a resource enhancement stamp which goes to the Wildlife Account in the General Fund, but it is not coupled to the Dream Tag. It is a hurdle to Dream Tag sales which generate revenue to implement conservation projects on the ground. It certainly could be explored, but we did some pretty thorough analysis, as have other states, and it is the trend away from stamps.

Assemblywoman Titus:

I agree, I download my license now. I am just saying this is a chance to clarify that language because you are not using a stamp, you are selling another product, something other than a stamp in the traditional sense. Although you said you can determine what form the stamp is, I am just suggesting that you have opened up this area of law and this particular statute and perhaps it is time to clarify that you can put monies into the Wildlife Account in the General Fund by purchasing a resource enhancement certificate, or whatever that form is, but it certainly is not a stamp.

Assemblywoman Bilbray-Axelrod:

I am so intrigued by the moose. I am curious if the moose shed their antlers.

Tony Wasley:

Moose do shed their antlers annually. They make great cribbage boards.

Assemblywoman Hansen:

I have a question about section 2, subsection 2, paragraph (a). You are asking to strike out "or property." How long has "or property" been a part of the statute? Also, why are we taking it out?

Tony Wasley:

I do not know how long it has been there, but in answer to your why, we had an individual who was very frustrated at the deer breaking the bark off of his trees in his yard. He waved this statute in front of us and said it says right here that he will not be guilty of a felony, because the deer is destroying his property. Again, as with many of these clarifications and details, we think it is implied and that most courts would agree with our interpretation. This did give us cause for concern because of the vague and broad nature of the term "or property." Perhaps completely striking that immediately makes it too narrow. By adding back a provision to acknowledge pets or livestock, we could find some middle ground. There certainly has been a recent case of an individual threatening to simply kill the animals in his yard because of the damage to property that was an ornamental tree.

Assemblywoman Hansen:

More specifically, what happens if a bear or mountain lion is in your home? Do you have to call the Department of Wildlife to have it put down? Are you allowed to if you feel it is doing substantial damage to your home or your car? Would you be in violation if you put the animal down?

Tyler Turnipseed:

We debated that very example of having a bear in your home. We figured if there was a bear in your house and you were in your house as well, your life was probably in imminent danger and you would be covered under the danger of being attacked. The car example is a little harder to sort out. We certainly have had bears get into cars at Lake Tahoe that completely totaled the vehicle from the inside out. That is a little more complicated to figure out a good means to include that.

There is a little bit of a nuance if you read it as the statute read prior to this bill. It states, "The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal" [*Nevada Revised Statutes* 501.376]. That is essentially what we have told homeowners who have the complaint that there is a deer eating the garden so they are going to kill it. We tell them, if you read every single word in that sentence, it says, "of any person in imminent danger of being attacked," so if you are in danger of being attacked because there is a deer eating your rosebushes, then that would apply. I think we can figure out a way to clarify that.

Assemblyman Ellison:

We are starting to see moose come into our area quite a bit. People are so intrigued by seeing the moose, they are trying to get up close and take pictures. When the moose went between Elko and Spring Creek, it was like a photo gallery. It is rare to see moose up there. Apparently, someone killed one of the moose in that area. Was that done for antlers, or did he just kill it to kill it?

Tyler Turnipseed:

I am not familiar with any moose being killed in the Elko/Spring Creek area. We have worked three cases over the last four years of moose being shot illegally. The first two were voluntarily self-reported by hunters who had cow elk tags and shot a moose in error. The third one happened in O'Neil Basin. The first two were female. The third one was not self-reported; it was found with its head cut off and the backstraps removed. That one we are pretty sure was a bull and was killed more intentionally, probably for the head. We have been working on that one for a year or two and do not have a good case put together.

Assemblyman Ellison:

I thought that was a tragedy, especially when we are trying to get them to come into the area. We do get a lot of calls on antlers and people who hike the trails in Ely. They were told that they should not go up in those areas during shedding time. Those trails have been used forever by hikers.

Tyler Turnipseed:

In the 2011 Session, the Legislature mandated that the Board of Wildlife Commissioners and the Department of Wildlife implement regulations about the taking of shed antlers. It took several years to process and several different variations of that regulation over a seven-year span with a dozen public meetings and workshops at the Wildlife Commission level, as well as countless other meetings at the level of the County Advisory Board to Manage Wildlife. The end result of that process which went into effect in February 2018 was a seasonal closure on the gathering of shed antlers from public land in Elko, Lander, Eureka, Nye, White Pine, and Lincoln Counties. Those six counties would have a closure on collecting antlers from public land from January 1 through April 30. There was a lot of consternation in those meetings about which counties should have it, what the dates should be, and when the animals are shedding. There were a few tangents about road erosion when people are out when roads are wet and muddy. Sage grouse leks came into the discussion.

The final result was that from January 1 through April 30, there would be no collection of shed antlers from public land in those six counties. That has been very controversial. Half of the state is screaming at us that we need to do something, and the other half of the state is screaming at us when we do something. This has been no exception. One of the points is that it is public land, where as other states such as Montana and Idaho simply close the gates and allow no public access on a piece of public land during a critical time. Nevada is not set up to do that, which is why the Wildlife Commission went with a seasonal closure.

There is still no law in hiking, walking your dog, or riding your bike. The burden of proof is on us if someone is collecting shed antlers. Some have said it is hypocritical to regulate shed hunters and not other forms of regulation. But that is the Wildlife Commission's statute authority and charge, to regulate wildlife issues and boating issues, and it simply has no authority to regulate dog walkers, trail runners, or bicyclists who are also using the public land.

Chair Swank:

I will now move to anyone who would like to testify in support of A.B. 83.

Larry Johnson, President, Coalition for Nevada's Wildlife, Inc.:

This is a straightforward housekeeping bill. We just want to support the Department of Wildlife in their efforts, and I may be the only guy in the room who has seen a moose in Nevada. It is pretty exciting to see.

Patrick Donnelly, Nevada State Director, Center for Biological Diversity:

We want to be on the record supporting protecting moose in Nevada law, and we have no objections to the rest of the bill.

Chair Swank:

Is there anyone else who would like to testify in support of A.B. 83? Seeing no one, is there anyone here in opposition? [There was no one.] Is there anyone who would like to testify in neutral? Seeing no one, are there any closing comments?

Tyler Turnipseed:

To quickly answer Assemblywoman Hansen's question, one of our staff members found that part of the statute was written in 1985.

Chair Swank:

I will open up to public comment. Is there anyone who would like to give public comment? Seeing no one, this meeting is adjourned [at 5:49 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Heidi Swank, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Nevada Department of Wildlife (NDOW)," presented by Tony Wasley, Director, Department of Wildlife.