

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Eightieth Session
February 12, 2019**

The Senate Committee on Natural Resources was called to order by Chair Melanie Scheible at 4:08 p.m. on Tuesday, February 12, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Chris Brooks, Vice Chair
Senator Pete Goicoechea

COMMITTEE MEMBERS ABSENT:

Senator Dallas Harris (Excused)
Senator Ira Hansen (Excused)

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Erin Sturdivant, Committee Counsel
Steve Woodbury, Committee Secretary

OTHERS PRESENT:

Tony Wasley, Director, Nevada Department of Wildlife

CHAIR SCHEIBLE:

We will have a presentation by the Nevada Department of Wildlife.

TONY WASLEY (Director, Nevada Department of Wildlife):

As stated in the presentation before you ([Exhibit C](#)), the mission statement of the Nevada Department of Wildlife (the Department) 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." The statutes guiding the Department include Nevada Revised Statutes (NRS) 488 and 501 through 506.

There are 895 different species in Nevada. These include 456 species of birds, 173 species of fish, 163 species of mammals, 79 species of reptiles and 24 species of amphibians.

One of the challenges the Department deals with is endangered species. Under the Endangered Species Act of 1973 (ESA), we currently have 21 species under review for listing, which is the initial stage of evaluation and assessment to determine if further protection or analysis is needed. We have 2 species that are candidates for potential listing, 8 that are threatened and 22 that are endangered under ESA provisions.

Regarding the agency's budget, we have a relatively narrow funding model but a very broad statutory charge. Ninety-four percent of the agency's revenue comes from user fees, such as tag and license fees and a federal excise tax on hunting and fishing equipment. Three percent of the budget is funded by General Fund dollars and the final three percent is funded by license plate fees and a motorboat fuel tax transfer. Fewer than 5 percent of Nevadans pay the user fees that fund 94 percent of the Department's budget, and only 8 percent of Nevada's 895 species are game animals involved in hunting and fishing activities that generate revenue for the Department. The Department manages 100 percent of Nevada's 895 species for all 3 million Nevadans with funding that comes from fewer than 5 percent of Nevada's residents. Only 8 percent of Nevada's species contribute to revenue. Of the 94 percent of revenue derived from fees and a federal excise tax, 45 percent (\$20,824,181) comes from sportsmen, boating, tags and assessments, and 49 percent (\$22,987,271) comes from the federal excise tax. The federal funds are derived from a 10 percent tax on all guns, ammunition, fishing equipment and archery equipment sold by manufacturers. The funds are administered by the U.S. Fish and Wildlife Service and the U.S. Wildlife and Sport Fish Restoration Program.

The Department has a robust and transparent public process. At the center of that process is the Wildlife Commission. There are nine Governor appointed positions on the Commission, which meets roughly seven times per year and is

limited to no more than nine meetings per year. The Department, along with county advisory boards, makes recommendations to the Commission. The public is also invited to provide input. The Commission takes input from these sources, direction from State law and generates policies and regulations.

The statutorily defined duties of the Commission are to establish broad policies for wildlife management and boating safety, provide guidance to the Department, adopt regulations for wildlife management and boating safety and adopt regulations specific to hunting, trapping and fishing. The Department is charged with implementing and enforcing the policies and regulations resulting from this public process.

The Department achieves this through its various divisions. The Director's Office includes the director, two deputy directors, a legislative liaison, an executive assistant and a management assistant who handles regulation duties.

There are seven divisions in the Department. In addition to Data and Technology Services, divisions include Conservation Education, Law Enforcement, Game, Fisheries, Wildlife Diversity and Habitat. The agency employs 261.63 full-time employees, 50 seasonal staff and 30 contractors. The Department maintains 120 buildings, 8 major facilities, 34 radio sites, 4 fish hatcheries and 11 wildlife management areas comprising 120,000 acres. The Department operates within three similarly sized geographic regions in the State, the Eastern Region, Western Region and the Southern Region.

The primary purpose of the Director's Office is administration and providing staff support to the Wildlife Commission and county advisory boards. The Director's Office also includes 21 positions to oversee fiscal services, centralized costs, human resources and engineering and facility management.

The Data and Technology Services Division includes 31.63 positions. These positions handle licensing, hunting applications and draws, customer support, geographic information systems, boating registration and information technology.

The Conservation Education Division employs 22 staff and is responsible for hunter safety training, hunter and angler education, wildlife education, media and public relations and urban wildlife. In Nevada, an individual born after January 1, 1960 must have passed a hunter safety class to be eligible for a big

game tag. The Department's education programs also partner with schools to provide wildlife curriculum. This Division also conducts outreach and produces press releases. The Urban Wildlife Program has grown substantially in recent years and is funded in part with General Fund dollars.

The Law Enforcement Division has 52 positions, a majority of which are field wardens. Wildlife enforcement is the primary responsibility of this Division. Boating enforcement, public safety and boating education are also included and have been addressing the rise in boating collisions and fatalities. Dispatch services and radio technology utilize the Department's 34 radio towers to provide communication to our field staff throughout the State who often work in areas with no cell service.

The Game Management Division includes 34 positions, most of whom are involved with wildlife survey and inventory activities. This group works to accurately determine population size, growth and availability to maintain sustainable harvest levels. Through these efforts the Department is able to determine season and harvest quotas.

This Division also assists with landowner conflict resolution, wildlife health monitoring, research collaboration with various universities and air operations. Air operations maintains two Bell 407 helicopters, used primarily to carry out wildlife survey and inventory activities. These are shared resources used by other divisions to augment fish populations in high lakes, examine nests and observe the distribution of certain species.

The Fisheries Management Division has 43 positions, and its primary responsibility is sport fish production, which utilizes four hatcheries located throughout the State. The Division's fisheries management program ensures that populations and harvests are sustainable. The Division also provides programs for native aquatics, aquatic health and aquatic invasive species. These programs monitor nongame native aquatic species, including snails and amphibians, as well as the health of the aquatic ecosystem, stream bank characteristics, water quality conditions, sediments and contaminants. The invasive species program monitors and seeks to curtail the spread of various invasive species, including the quagga mussel.

The Wildlife Diversity Division has 13 positions and manages most of the non-game native species not under the purview of the other divisions. This Division

develops and implements the State Wildlife Action Plan, which addresses 256 of Nevada's 895 native species and 22 different habitat types. The plan is approved by the U.S. Fish and Wildlife Service, and it makes the State eligible for federal funding from that agency. The amount of federal funds the State currently receives for plan implementation is just over \$800,000.

The Wildlife Diversity Division also has responsibilities for various threatened and endangered species, relevancy of conservation, the implementation of the Recovering America's Wildlife Act and improving Lake Tahoe's environment.

The Habitat Division has 39 positions and has the primary responsibility of project review. All proposed projects on federal lands or with federal dollars require a National Environmental Policy Act review. State wildlife agencies have very specific roles and responsibilities relative to assessing and evaluating the potential impacts to wildlife and habitats these projects may have. Last year the Division evaluated approximately 550 different projects. This Division also administers industrial artificial pond permitting and habitat conservation and restoration. In each of the last two years, over a million acres burned in the State. This Division has been involved in much of the restoration of these areas, often in conjunction with federal partners.

The Habitat Division's Nevada Partners Program seeks to find opportunities to partner with outside entities and leverage funds to accomplish habitat conservation work. The Division's water development activities seek to create artificial waters for the benefit of a multitude of species of wildlife. There are currently over 1,700 water developments around the State in water deprived habitats. These developments can help increase the distribution or density of species and pull species away from private lands to minimize conflict.

The Department has several bills that will come before the Committee this Session.

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)

Assembly Bill 74 proposes to permit antler dealers, similar to fur dealers and taxidermists. The State currently restricts the collection of shed antlers in

certain counties and at certain times of the year. The Department has received many questions regarding this topic, and this bill would provide the authority to regulate antler buyers just as the State regulates taxidermists and fur buyers.

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

Assembly Bill 83 is a housekeeping bill to provide clarification regarding residency and wildlife take. It also updates NRS to account for additional species, such as moose, that have entered the State.

SENATE BILL 55: Revises provisions relating to carrying a loaded rifle or shotgun in or on a vehicle which is standing or being driven on or along a public highway or other way open to the public. (BDR 45-209)

Senate Bill 55 provides additional clarification on muzzleloaders, which can be fairly complicated firearms with multiple mechanisms of ignition. Current statutes are ambiguous, so this bill provides clarity.

SENATOR BROOKS:

Page 8 of the presentation, regarding funding mechanisms, states that 94 percent of the funding comes from 2 pots of money, federal and local, each with similar amounts. Could you please briefly discuss the federal and State fees that constitute that funding?

MR. WASLEY:

The green portion of the graph on page 8 includes fees from sportsmen, boating, tags and assessments. The largest portion comes from tag and license fees. Each year the State has a significant number of non-residents who apply to receive big game tags, as well as a significant number of residents. This portion also includes revenue from hunting and fishing license and tag sales. The federal component is the excise tax. For all ammunition, firearms, archery and fishing equipment sold, manufacturers pay a 10 percent federal excise tax. All 50 states do this, and the revenues collected are distributed to states based on a formula that considers land mass and the number of individuals participating in hunting and fishing activities in each state. Funds are administered by the U.S. Fish and Wildlife Service through the U.S. Wildlife and Sport Fish Restoration Program. The Department writes a specific non-competitive grant proposal, and the State has always received 100 percent of

what is available to us through the funding formula. The State must provide a nonfederal match, generally one State dollar to every three federal dollars. The State is able to satisfy the match requirement using revenues from fees, licenses, tags and assessments. There are individuals, such as target shooters, who may not hunt who pay into that federal excise tax, but the only way we gain access to those federal dollars is by certifying participation in the field.

Remainder of page intentionally left blank; signature page to follow.

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CHAIR SCHEIBLE:

Is there any public comment? Hearing none, I will adjourn the meeting at 4:41 p.m.

RESPECTFULLY SUBMITTED:

Steve Woodbury,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	2		Attendance Roster
	C	22	Tony Wasley, Nevada Department of Wildlife (NDOW)	Presentation, Senate Natural Resources, NDOW