

PARC Meeting - Elko Feb. 15, 2017

IAW Nevada Open Meeting Law I request all my comments be put in all the distributed minutes of this Meeting.

> Gerry Sent to Nevada Hunters Assoc.

Item 2 Public Comments

I want to bring to the attention of this committee 2 bills introduced this legislature relating to this committee:

First: AB 112 introduced by Assemblyman Ellison of Elko County which requires an audit of the 3<sup>rd</sup> predator fees collected and spent by Dept of Wildlife

As you know the FY2016 plan included lethal management activities at a lower level than prescribed by law.

In other words the law was violated as NDOW only spent 54.7% of the predator funds for lethal control of predators - not the 80% required by law in AB 78 and for which NDOW claims there are no consequences.

Where and how these predator funds are being spent are of the utmost importance to Sportsmen.

Second: AB 101 introduced by Assemblyman Sprinkle of Washoe County which essentially eliminates using the 3<sup>00</sup> Predator fee for lethal control of predators. It also eliminates the 80% mandate and also this State Predatory Animal and Rodent Committee reviewing and recommending NDOW's Predator Plan.

It essentially eliminates Predator Control in Nevada by NDOW.

Don Molde is involved in this bill and perhaps he would like to comment on this Bill.

Item 5 Public Comments: Again, I would request all my comments be included in all the distributed minutes of this meeting IAW the OML

As Nevada Revised Statutes states, before adopting any program for the management and control of predatory wildlife developed by the Predator Plan, NDOW shall first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee.

I would hope and look forward to this PARC Committee, as a committee with public input, would review each and every draft of the Predator Plan including the final draft with this Committee's comments.

I hope these comments would include - follow the law and expend no less than 80% of the fees each year on lethal projects. The law does not specify NDOW can annually carry over funds to be lost in some Wildlife Account. Also comments to review an accurate accounting of where the money is being spent.

$\$570,368 \times 0.2 = \$114,074 \times \text{P.R. MATCHING} = \$456,294$   
NON LETHAL  
DOLLARS

NDOW in their presentation says AB 78 gives the Department many challenges.

What are these challenges?

Can't they multiply \$575,000 approximately by 80% and develop lethal predator projects?

I'm certain if NDOW would allow members of this Committee to develop valid and useful predator projects, they would and could, and inspire NDOW where the money could justifiably be spent to save our wildlife.

But I suspect NDOW will say they are the experts. The fact is, NDOW does not want to do predator work.

Thank you

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ASSEMBLY BILL NO. 112—ASSEMBLYMAN ELLISON

PREFILED FEBRUARY 7, 2017

Referred to Committee on Natural Resources,  
Agriculture, and Mining

**SUMMARY**—Requires the Legislative Auditor to conduct an audit of certain fees paid by applicants for game tags for predatory wildlife programs and activities. (BDR S-623)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: Yes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

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AN ACT relating to wildlife; requiring the Legislative Auditor to conduct an audit of the use of the revenue generated by certain fees paid by applicants for game tags for programs, activities and research relating to the management and control of predatory wildlife, and the protection of nonpredatory game animals and sensitive wildlife species; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Department of Wildlife to collect a processing fee of  
2 \$3 from each applicant applying for a game tag for credit to the Wildlife Account in  
3 the State General Fund. Existing law also requires the revenue generated from this  
4 fee to be used for costs related to: (1) developing and implementing an annual  
5 program for the management and control of predatory wildlife; (2) protecting  
6 nonpredatory game animals and sensitive wildlife species; and (3) conducting  
7 research necessary to determine successful techniques for managing and controlling  
8 predatory wildlife. (NRS 502.253) This bill requires the Legislative Auditor to  
9 conduct an audit of the use of the revenue generated by the processing fees  
10 collected from applicants applying for game tags.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** 1. The Legislative Auditor shall conduct an audit  
2 concerning the use of the revenue generated by the fees collected  
3 pursuant to NRS 502.253 for processing applications for a game tag.  
4 The Department of Wildlife, the Board of Wildlife Commissioners  
5 and the State Department of Agriculture shall provide such  
6 information as is required by the Legislative Auditor to assist with  
7 the completion of the audit.
- 8     2. The audit conducted pursuant to this section must include,  
9 without limitation, an examination and analysis of:
- 10     (a) The process used by the Department of Wildlife to ensure  
11 that the fees collected pursuant to NRS 502.253 are correctly and  
12 accurately deposited and recorded;
- 13     (b) Whether the revenue generated by the fees collected  
14 pursuant to NRS 502.253 for programs, activities and research is  
15 used in accordance with applicable statutes and regulations;
- 16     (c) The amount of unexpended revenue generated by the fees  
17 collected pursuant to NRS 502.253; and
- 18     (d) The process for evaluating the results of the programs,  
19 activities and research funded by the revenue generated from the  
20 fees collected pursuant to NRS 502.253 including, without  
21 limitation, any performance and outcome indicators used to measure  
22 the effectiveness of a program or activity and methods used to track  
23 and report the results of the evaluation.
- 24     3. On or before January 31, 2019, the Legislative Auditor shall  
25 present a final written report of the audit to the Audit Subcommittee  
26 of the Legislative Commission created by NRS 218E.240.
- 27     **Sec. 2.** This act becomes effective upon passage and approval.



ASSEMBLY BILL NO. 101-ASSEMBLYMAN SPRINKLE

PREFILED FEBRUARY 3, 2017

Referred to Committee on Natural Resources,  
Agriculture, and Mining

SUMMARY—Revises provisions governing the management of  
wildlife. (BDR 45-187)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to wildlife; requiring the Board of Wildlife  
Commissioners to establish policies for the conservation  
of certain wildlife; revising the authorized uses of the fees  
for the processing of an application for a game tag; and  
providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, the Board of Wildlife Commissioners is required, after first  
2 considering the recommendations of the Department of Wildlife, the county advisory  
3 boards to manage wildlife and other persons, to establish policies for the management  
4 of big and small game mammals, upland and migratory game birds, fur-bearing  
5 mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles  
6 and amphibians. (NRS 501.181) **Section 1** of this bill requires those policies to also  
7 include the conservation of those mammals, birds, fish, reptiles and amphibians.  
8 Existing law requires a person applying for a game tag to pay an additional fee  
9 of \$3 for processing the application. (NRS 502.253) The money collected from those  
10 fees is required to be deposited in the Wildlife Account in the State General Fund  
11 and used by the Department of Wildlife for costs related to: (1) developing and  
12 implementing an annual program for the management and control of predatory  
13 wildlife; (2) wildlife management activities relating to the protection of  
14 nonpredatory game animals and sensitive wildlife species; and (3) conducting  
15 research necessary to determine successful techniques for managing and controlling  
16 predatory wildlife. **Section 3** of this bill changes the purposes for which the proceeds  
17 from those fees are required to be used to only: (1) developing and carrying out  
18 programs for the management and enhancement of big game mammals; and (2)  
19 obtaining matching money from the Federal Government which is available for use  
20 for those programs. **Section 4** of this bill specifies that the proceeds from those fees  
21 which are deposited for credit to the Wildlife Account on or after July 1, 2017, are  
22 only authorized to be used for the new purposes.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** NRS 501.181 is hereby amended to read as follows:  
2     501.181 The Commission shall:  
3     1. Establish broad policies for:  
4     (a) The protection, propagation, restoration, transplanting,  
5     introduction and management of wildlife in this State.  
6     (b) The promotion of the safety of persons using or property  
7     used in the operation of vessels on the waters of this State.  
8     (c) The promotion of uniformity of laws relating to policy  
9     matters.  
10    2. Guide the Department in its administration and enforcement  
11    of the provisions of this title and of chapter 488 of NRS by the  
12    establishment of such policies.  
13    3. Establish policies for areas of interest including:  
14    (a) The *conservation and* management of big and small game  
15    mammals, upland and migratory game birds, fur-bearing mammals,  
16    game fish, and protected and unprotected mammals, birds, fish,  
17    reptiles and amphibians.  
18    (b) The management and control of predatory wildlife.  
19    (c) The acquisition of lands, water rights and easements and  
20    other property for the management, propagation, protection and  
21    restoration of wildlife.  
22    (d) The entry, access to, and occupancy and use of such  
23    property, including leases of grazing rights, sales of agricultural  
24    products and requests by the Director to the State Land Registrar for  
25    the sale of timber if the sale does not interfere with the use of the  
26    property on which the timber is located for wildlife management or  
27    for hunting or fishing thereon.  
28    (e) The control of nonresident hunters.  
29    (f) The introduction, transplanting or exporting of wildlife.  
30    (g) Cooperation with federal, state and local agencies on wildlife  
31    and boating programs.  
32    (h) The revocation of licenses issued pursuant to this title to any  
33    person who is convicted of a violation of any provision of this title  
34    or any regulation adopted pursuant thereto.  
35    4. Establish regulations necessary to carry out the provisions of  
36    this title and of chapter 488 of NRS, including:  
37    (a) Seasons for hunting game mammals and game birds, for  
38    hunting or trapping fur-bearing mammals and for fishing, the daily  
39    and possession limits, the manner and means of taking wildlife,  
40    including, but not limited to, the sex, size or other physical  
41    differentiation for each species, and, when necessary for  
42    management purposes, the emergency closing or extending of a





1 season, reducing or increasing of the bag or possession limits on a  
2 species, or the closing of any area to hunting, fishing or trapping. If,  
3 in establishing any regulations pursuant to this subsection, the  
4 Commission rejects the recommendations of a county advisory  
5 board to manage wildlife with regard to the length of seasons for  
6 fishing, hunting and trapping or the bag or possession limits  
7 applicable within the respective county, the Commission shall  
8 provide to the county advisory board to manage wildlife at the  
9 meeting an explanation of the Commission's decision to reject the  
10 recommendations and, as soon as practicable after the meeting, a  
11 written explanation of the Commission's decision to reject the  
12 recommendations. Any regulations relating to the closure of a  
13 season must be based upon scientific data concerning the  
14 management of wildlife. The data upon which the regulations are  
15 based must be collected or developed by the Department.

16 (b) The manner of using, attaching, filling out, punching,  
17 inspecting, validating or reporting tags.

18 (c) The delineation of game management units embracing  
19 contiguous territory located in more than one county, irrespective of  
20 county boundary lines.

21 (d) The number of licenses issued for big game and, if  
22 necessary, other game species.

23 5. Adopt regulations requiring the Department to make public,  
24 before official delivery, its proposed responses to any requests by  
25 federal agencies for its comment on drafts of statements concerning  
26 the environmental effect of proposed actions or regulations affecting  
27 public lands.

28 6. Adopt regulations:

29 (a) Governing the provisions of the permit required by NRS  
30 502.390 and for the issuance, renewal and revocation of such a  
31 permit.

32 (b) Establishing the method for determining the amount of an  
33 assessment, and the time and manner of payment, necessary for the  
34 collection of the assessment required by NRS 502.390.

35 7. Designate those portions of wildlife management areas for  
36 big game mammals that are of special concern for the regulation of  
37 the importation, possession and propagation of alternative livestock  
38 pursuant to NRS 576.129.

39 8. Adopt regulations governing the trapping of fur-bearing  
40 mammals in a residential area of a county whose population is  
41 100,000 or more.

42 9. Adopt regulations prescribing the circumstances under  
43 which a person, regardless of whether the person has obtained a  
44 valid tag issued by the Department, may assist in the killing and  
45 retrieval of a wounded big game mammal by another person who:



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1 (a) Is a paraplegic, has had one or both legs amputated or has  
2 suffered a paralysis of one or both legs which severely impedes the  
3 person's walking; and

4 (b) Has obtained a valid tag issued by the Department for  
5 hunting that animal.

6 10. In establishing any policy or adopting any regulations  
7 pursuant to this section, first consider the recommendations of the  
8 Department, the county advisory boards to manage wildlife and  
9 other persons who present their views at an open meeting of the  
10 Commission.

11 **Sec. 2.** NRS 501.356 is hereby amended to read as follows:

12 501.356 1. Money received by the Department from:

13 (a) The sale of licenses;

14 (b) Fees pursuant to the provisions of NRS 488.075 and  
15 488.1795;

16 (c) Remittances from the State Treasurer pursuant to the  
17 provisions of NRS 365.535;

18 (d) Appropriations made by the Legislature; and

19 (e) All other sources, including, without limitation, the Federal  
20 Government, except money derived from the forfeiture of any  
21 property described in NRS 501.3857 or money deposited in the  
22 Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife  
23 Trust Fund pursuant to NRS 501.3585, the Energy Planning and  
24 Conservation Account created by NRS 701.630 or the Account for  
25 the Recovery of Costs created by NRS 701.640,

26 must be deposited with the State Treasurer for credit to the  
27 Wildlife Account in the State General Fund.

28 2. The interest and income earned on the money in the Wildlife  
29 Account, after deducting any applicable charges, must be credited to  
30 the Account.

31 3. Except as otherwise provided in subsection 4 and NRS  
32 503.597, the Department may use money in the Wildlife Account  
33 only to carry out the provisions of this title and chapter 488 of NRS  
34 and as provided in NRS 365.535, and the money must not be  
35 diverted to any other use.

36 4. Except as otherwise provided in NRS 502.250, 502.253,  
37 502.410 and 504.155, all fees for the sale or issuance of stamps,  
38 tags, permits and licenses that are required to be deposited in the  
39 Wildlife Account pursuant to the provisions of this title and any  
40 matching money received by the Department from any source must  
41 be accounted for separately and must be used:

42 (a) Only for the protection, propagation and management of  
43 wildlife; and

44 (b) If the fee is for the sale or issuance of a license, permit or tag  
45 other than a tag specified in subsection 5 or 6 of NRS 502.250,



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1 under the guidance of the Commission pursuant to subsection 2 of  
2 NRS 501.181.

3 **Sec. 3.** NRS 502.253 is hereby amended to read as follows:

4 502.253 1. In addition to any fee charged and collected  
5 pursuant to NRS 502.250, a fee of \$3 must be charged for  
6 processing each application for a game tag, the revenue from which  
7 must be accounted for separately, deposited with the State Treasurer  
8 for credit to the Wildlife Account in the State General Fund and  
9 used by the Department for costs related *solely* to:

10 (a) Developing and implementing ~~{an annual program}~~  
11 *programs* for the management and ~~{control of predatory wildlife;}~~  
12 *enhancement of big game mammals; and*

13 (b) ~~{Wildlife management activities relating to the protection of~~  
14 ~~nonpredatory game animals and sensitive wildlife species; and~~

15 ~~{(c) Conducting research necessary to determine successful~~  
16 ~~techniques for managing and controlling predatory wildlife.~~

17 ~~2. The Department of Wildlife is hereby authorized to expend a~~  
18 ~~portion of the money collected pursuant to subsection 1 to enable~~  
19 ~~the State Department of Agriculture to develop and carry out the~~  
20 ~~programs described in subsection 1.~~

21 ~~3. Any program developed or wildlife management activity or~~  
22 ~~research conducted pursuant to this section must be developed or~~  
23 ~~conducted under the guidance of the Commission in accordance~~  
24 ~~with the provisions of subsection 4 and the policies adopted by the~~  
25 ~~Commission pursuant to NRS 501.181.~~

26 ~~4.} *Obtaining matching money from the Federal Government*~~  
27 ~~*which is available for use in developing and carrying out those*~~  
28 ~~*programs.*~~

29 2. The Department ~~{:~~

30 ~~{(a) In} , in adopting any program {for the management and~~  
31 ~~control of predatory wildlife} developed pursuant to this section,~~  
32 ~~shall first consider the recommendations of the Commission . {and~~  
33 ~~the State Predatory Animal and Rodent Committee created by~~  
34 ~~NRS 567.020.~~

35 ~~{(b) Shall not adopt any program for the management and control~~  
36 ~~of predatory wildlife developed pursuant to this section that~~  
37 ~~provides for the expenditure of less than 80 percent of the amount of~~  
38 ~~money collected pursuant to subsection 1 in the most recent fiscal~~  
39 ~~year for which the Department has complete information for the~~  
40 ~~purposes of lethal management and control of predatory wildlife.~~

41 ~~5.} 3. The money in the Wildlife Account credited pursuant to~~  
42 ~~this section remains in the Account and does not revert to the State~~  
43 ~~General Fund at the end of any fiscal year.~~

44 **Sec. 4.** Any money deposited with the State Treasurer for  
45 credit to the Wildlife Account in the State General Fund pursuant to

*Both*

*✓ New*



- 1 NRS 502.253 before July 1, 2017, may only be used on or after that
- 2 date for a purpose specified in NRS 502.253, as amended by section
- 3 3 of this act.
- 4 **Sec. 5.** This act becomes effective on July 1, 2017.

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## STATE OF NEVADA

# 24

## DEPARTMENT OF WILDLIFE

## Game Division

6980 Sierra Center Parkway, Ste 120 • Reno, Nevada 89511  
(775) 688-1500 Fax (775) 688-1987

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**MEMORANDUM****October 31, 2016**

**To:** Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

**From:** Brian Wakeling, Administrator, Game Division 

**Title:** Predation Management Fiscal Year 2016 Report

**Description:** The Game Division will present the status of the 2016 Predation Management Report. Per Commission Policy 23, the Department shall prepare an annual Predation Management Status Report (Status Report) detailing results of the previous fiscal year's projects. This status report shall be presented at the last Commission meeting of each calendar year.

**Presenter:** Staff Specialist Pat Jackson and Game Division Administrator Brian F. Wakeling

**Agenda No:** X 24

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**Summary:**

In accordance with Commission Policy 23, the Department annually presents a written and verbal Predation Management Report based on activities undertaken as guided by the Predation Management Plan. The activities in the Predation Management Fiscal Year 2016 Report occurred between July 1, 2015 and June 30, 2016, as directed by the Predation Management Plan (FY 2016 Plan) adopted in May 2015. Subsequent to the adoption of the FY 2016 Plan, legislation known as AB78 was signed into law. The Department attempted to anticipate the regulations that would be included in the law prior to final approval, but did not recognize all possible aspects. Consequently, the FY 2016 Plan included lethal management activities at a level lower than prescribed in statute. A state legislator involved in the passage of this law recognized that a transition would be necessary and indicated that an adjustment period would be appropriate; nevertheless the Department acknowledges that the activities undertaken following

**Predation Management Fiscal Year 2016 Report**

October 31, 2016

Page 2 of 2

the FY 2016 Plan failed to meet the statutory regulation. The accompanying report provides updates on all projects in detail.

The Department spent \$312,175 on lethal predator removal during FY2016. This accounted for 54.7% of FY2014 revenues, not the 80% required by AB 78. The total expenditures under this plan was \$675,525, of which \$169,400 were from the Federal Aid in Wildlife Restoration funds.

# Nevada Department of Wildlife Predation Management Status Report FY2016



October 26, 2016



State of Nevada  
Brian Sandoval, Governor

Joni

PARC  
2/15/17

PARC Public Comments—First Comment Period—February 15, 2017 Meeting—Fred Voltz

Should a proposed program be funded that has the opposite effect from its stated objectives? This is a key question for this Committee today.

While presumably well intentioned, the proposed Fiscal Year 2018 Predator Management Plan before this Committee from NDOW and the state Wildlife Commission lacks sound biology or science and should be rejected but for projects 32,41 and 42.

The mass killing of various predators only triggers a 'survival response' in them. Those who have not been slaughtered by APHIS or private companies then redouble their reproductive activities to replace the dead animals. The result: We have even more predators in the state than before the mass killing effort.

The extra predators created from the 'survival instinct' kicking in completely contradicts the actual control of them, which also falsely presumes that something wild and created by a force much larger than Man can somehow be 'managed' by Man. A newly-created glut of young species' members lack appropriate training by their elders and, as with unsupervised, untrained human children, act out in ways that are unhealthy for the animals which have been claimed to be the target of protection efforts. No scientific research has been presented documenting the impact of past changes in the male/female ratio after mass, indiscriminate killing programs.

NDOW has not provided evidence that through its previous mass predator killing programs predator numbers do not ultimately increase, rather than decrease, after implementing these programs. Ample history demonstrates that mass predator control programs have this opposite effect, especially for the much-maligned coyote. Thus, for NDOW, the state Wildlife Commission or PARC to proceed with the proposed lethal predator programs makes no rational sense.

Despite AB 78 's many unrealistic and unworkable provisions, such as County Advisory Boards' inability to offer up any scientific evidence supporting their gut reactions of hunter convenience, opportunity and success, AB 78 contains no requirement that money collected in a fiscal year must be spent in a given fiscal year on any type of predator control project, no matter how unsuccessful its results. The collected monies can be retained for future projects that actually contain bona fide science behind them, rather than unsupported suppositions. The imprudence of spending public money to generate results that are the complete opposite of reducing predator numbers seems obvious.

Finally, it is the worst type of public policy to approve the expenditure of public funds for initiatives that are fatally flawed from their inception. Such wasteful spending banishes any confidence in government's work.