

Nevada Board of Agriculture

Meeting Minutes

Tuesday, December 12, 2017 at 8 a.m.



Meeting location: Nevada Department of Agriculture
2300 East St. Louis Avenue
Las Vegas, NV 89104
702-668-4590

Video conference: Nevada Department of Agriculture Nevada Department of Agriculture
405 South 21st Street 4780 East Idaho Street
Sparks, NV 89431 Elko, NV 89801
775-353-3601 775-778-0270

Public notice

Below is an agenda of all items to be considered. Action may be taken on items preceded by an asterisk (*). Two asterisks denote possible closed session (**). Items on the agenda may be taken out of the posted order, items may be combined for consideration, and items may be pulled or removed from the agenda at any time at the discretion of the chairperson. Unless noted as an action item, discussion of any item raised during a report or public comment is limited to that necessary for clarification or necessary to decide whether to place the item on a future agenda.

The chairperson may limit public comment that is repetitious, does not relate to a matter within the board's jurisdiction or prevents the meeting from continuing in an orderly manner. All public comment should be addressed to the Board of Agriculture and not an individual member. The board asks that your comments are expressed in a courteous manner. All public comment is limited to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker.

To request the opportunity to comment you must complete a public comment form. Public comment forms are available at every board meeting and daily, during office hours, in the lobby of each Nevada Department of Agriculture office and online at http://agri.nv.gov/Administration/Board_of_Agriculture/Board_of_Agriculture_Public_Comment/. You may submit the completed form in one of the following ways:

1. Submit a completed public comment form online before the board meeting at http://agri.nv.gov/Administration/Board_of_Agriculture/Board_of_Agriculture_Public_Comment/,
2. complete a public comment form at a board meeting and submit it in person into the Board of Agriculture public comment box,
3. submit a completed public comment form before a board meeting via fax to 775-353-3661,
4. or submit a completed public comment form before a board meeting, at any of our offices, into the Board of Agriculture public comment box in the lobbies listed below.
 - a. Nevada Department of Agriculture: 405 S. 21st Street, Sparks, NV 89431
 - b. Nevada Department of Agriculture: 4780 E. Idaho Street, Elko, NV 89801
 - c. Nevada Department of Agriculture: 2300 E. St. Louis Avenue, Las Vegas, NV 89104

Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Please call the executive assistant at 775-353-3619.

Notice of this meeting was posted on or before 9 a.m. on the third working day before the meeting at the following locations: Nevada Department of Agriculture, 405 S. 21st Street, Sparks, NV 89431, Nevada Department of Agriculture, 2150 Frazer Avenue, Sparks, NV 89431, Nevada Department of Agriculture, 4780 E. Idaho Street, Elko, NV 89801, Nevada Department of Agriculture, 2300 St. Louis Avenue, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City. Copies of the agenda, supporting documentation and meeting minutes are available, at no charge, at the Nevada Department of Agriculture website at agri.nv.gov or www.notice.nv.gov or by visiting the Nevada Department of Agriculture, 405 S. 21st Street, Sparks, NV 89431, attention executive assistant.

Agenda

1. Open meeting-call meeting to order by Chair Paul Anderson at 8:05 a.m.

- A. Pledge of Allegiance
- B. Roll call

Board in Las Vegas: Paul Noe, Jim Snyder, Charlie Frey, Paul Anderson, Woody Worthington, Tim Dufurrena, Boyd Spratling, Heather Lackey. Staff in Las Vegas: Jim Barbee, Dennis Belcourt, Doug Farris, JJ Goicoechea, Jessica Fagundes, Homa Anooshehpour. Board in Sparks: Dave Stix Jr. Staff in Sparks: Jerri Conrad, Ashley White, Shawn McFalls, Mike Gower, Debra Crowley, Lynn Hettrick, Adelina Helton. Board in Elko: Pete Paris. Staff in Elko: Meghan Brown. Board on phone: Dave Coon.

2. Public Comment

No general public comment.

3. Board Presentations

- A. *The Nevada Board of Agriculture directs the Nevada Department of Agriculture to transfer ownership of all feral/stray horses, commonly known as the Virginia range estrays, located south of I80, north of highway 50, east of highway 395 and west of alternate 95, to a non-profit animal advocate organization through a request for proposal process, in accordance with NRS 569.010 and NRS 569.031 – Boyd Spratling, Vice Chair (*for possible action*)

Boyd Spratling motioned for the Nevada Board of Agriculture to direct the Nevada Department of Agriculture to transfer ownership of all feral/stray horses, commonly known as the Virginia range estrays, located south of I80, north of highway 50, east of highway 395 and west of alternate 95, to a non-profit animal advocate organization through a request for proposal process, in accordance with NRS 569.010 and NRS 569.031.

Jim Snyder seconded the motion. The floor was then opened to discussion among the board. Director Jim Barbee gave a brief overview of the written public comment that had been received by the department regarding this agenda item prior to the meeting (see attachments). The board held a discussion to clarify the intent of the agenda item and address questions from board members.

Chairman Paul Anderson then opened the floor for public comment in Las Vegas.

In Favor:

Dave Duquette – Supports the transfer of ownership; his organization, Protect the Harvest, is not interested in submitting a proposal.

Opposed:

Dorothy Nylen, Wild Horse Preservation League – WHPL is against branding the horses and is not in support of Protect the Harvest. Dorothy passed out hand-outs, attached. Concerned about a negative impact on tourism.

Deniz Bolbol, American Wild Horse Campaign – concerned about lack of due diligence by the board. Concerned about horses being sold to slaughter. Passed out letter from her lawyer, attached. If this passes, her organization will seek legal recourse.

Karen Winklehorn – intent of agenda item sounds good but is full of peril. Concern: horses being sold to slaughter.

Therese Cline, Wild Horse Preservation League – No non-profit animal advocacy group in this area financially capable of managing large horse population. Birth control program has been effective and has not cost tax payers anything.

Chairman Paul Anderson designated Dave Stix Jr. in Sparks to run public comment at Sparks location. Dave Stix, Jr. opened the floor to public comment in Sparks.

Neutral:

Naomi Duerr, Reno City Council – Department of Agriculture has been managing on their own for many years without adequate funding. City of Reno prefers a government to government relationship regarding management of horses. Concern over NDA passing part of unfunded mandate onto the City. Suggests a probation period for transfer. Urges NDA to take time to do this right. Suggests giving cooperative agreement another try. Also see attached comments.

Brooke Oswald, City of Reno – identifies gaps in management of horses for the city, i.e. fencing, cattle guards, education. Requests for the City to be involved in management of VRE horses.

Opposed:

Maureen Daane – in support of former cooperative agreement. Birth control is successful program. Feels that government is working for special interests.

Christine Dallas – transfer is not viable solution, former cooperative agreement was successful. Concerned about horses being slaughtered and negative impact on tourism. Need to define no intent for slaughter.

Mark Dove – feels that timeframe for this is rushed. Advocates and state need to work together to form plan.

Kris Thompson, Tahoe Reno Industrial Center – a vote in favor of this agenda item would hurt business interests in Nevada. This decision would tarnish Nevada's brand. Entered three exhibits for the record, attached.

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Anna Orchard, Virginia Range Sanctuary – NDA has done best job possible with VRE horses considering lack of funding. Encourages state to retain ownership and enter into new cooperative agreement. Also see attached letter.

Tania Tavcar – concerned about horses being removed from the range. It is rare for horses to be disruptive or on roadways.

Ruth Diehr – horses should be free of any human intervention, free to roam the range, unless the horses need medical care. Horses should manage themselves.

Donald Molde, Hidden Valley HOA – concern over the sale of horses, private property laws, what sale will look like.

Craig Downer – wildlife ecologist, feels that PZP darting birth control is a slow death for horses. Concerned about horses being sold to slaughter. Let horses define their own place in nature.

Patricia Phillips – this action can't be reversed and thinks a five year probation period would be a good idea. Concerned about negative impact on tourism.

Karen Roemmich – feels that a transfer would not be in the best interest of horses.

Fred Voltz – questioned why the cooperative agreement was canceled. No definition of a non-profit animal advocate organization. State is trying to offload responsibility.

Beverly Iubelt – horses should remain free, concerned about negative tourism impact.

Shannon Windle – NRS addresses animals individually, not in herds. Concerned about liability issues.

Colette Kaluza – concerned about negative impact on tourism, a yes vote on this would tarnish Nevada's brand.

Sandee Jones – horses are the best part of Nevada, feels that cooperative agreement termination was nefarious.

Deb Armstrong – concerned about round-ups and branding. Suggests that NDA keep horses and issue new cooperative agreement.

Sheila Schwadel – last minute proposal by unelected body undermining legislation. There were no staff reports or analysis done to inform item.

Carlo Luri, Bently Ranch – opposes NDA ignoring legislative mandates; this would open the door to pro horse-slaughter organizations.

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Terry Staton – the former cooperative agreement was effective and should not have been canceled.

Suzanne Roy, AWHC – former cooperative agreement should not have been cancelled. Would like to know what the plan is if no groups come forward with a proposal. There is no legal basis for divesting responsibility. References the legal letter passed out to the board, attached. Wanted it noted for the record that there were over 100 people in attendance at the meeting in opposition to agenda item 3A.

Mandy McNitt – there are no guarantees that horses won't be gathered and slaughtered regardless of intention of item. Also concerns over lack of fencing in state near public roadways.

Vallory Lebel-Flatley – this item is not well thought out and is illegal. For the record, her organization VRWPA absolutely opposes this illegal item.

Marylou Schindler – horses are beneficial because they eat vegetation; helps control wildfires. State should look to other states to see how they manage their wild horses. There are negative repercussions to birth control darting. We need a new cooperative.

August Cave – this proposal does not protect horses and is sugar coated. Concerned about negative impact on tourism. Horses should pay for themselves with tourism dollars. Birth control management has been working.

Suzanne Williams – this is a complicated situation. Concerned that if the horses are sold into private ownership, there will be no way for public to voice concerns with the new owner.

Michelle Gerston – we need more speed traps and signs and add fees onto property taxes to increase funding for NDA to manage horses.

All written public comment is attached. All materials given to the board for review including exhibits and letters are attached.

At the conclusion of public comment, Dave Stix Jr. recognized the group of public commenters and gave closing comments. Chairman Paul Anderson then opened the floor for discussion back to the board. Board members asked clarifying questions and discussed the item. After discussion, Chairman Paul Anderson called for an individual vote. The individual vote resulted in 8 yays and 1 nay. One board member was not present for the vote.

With an 8-1 vote in favor of the agenda item, the item passed.

- B. *Oath of office: Boyd Spratling, Paul Anderson, Timothy Dufurrena – Dennis Belcourt, Nevada Deputy Attorney General (*for possible action*)

Boyd Spratling, Paul Anderson and Timothy Dufurrena were sworn in by Dennis Belcourt.

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- C. *Board of Agriculture 2018 meeting dates – Alora Bartosz, Executive Assistant (*for possible action*)
- i. Wednesday, March 7, 2018
 - ii. Wednesday, June 6, 2018
 - iii. Wednesday, September 5, 2018
 - iv. Wednesday, December 5, 2018

The board discussed meeting dates and amended the March meeting date to March 14, 2018. Woody Worthington motioned to approve the included meeting dates with the amendment of the March date to March 14, 2018. Tim Dufurrena seconded this motion. The motion passed unanimously.

4. Minutes

- A. *Approve September 6, 2017 meeting minutes (*for possible action*)

Heather Lackey motioned to approve the September 6, 2017 meeting minutes. Woody Worthington seconded this motion. The motion passed with one abstention.

5. Director's Report

- A. Report – Jim Barbee, Director (*for information*)

6. Animal Industry

- A. Board update – Doug Farris, Administrator (*for information*)
- B. Discuss possible NAC allowing the use of Radio Frequency Identification Brucellosis Tags to be utilized by Nevada Cattle Producers – Dr. J.J. Goicoechea (*for information*)

7. Plant Industry

- A. Board update – Meghan Brown, Deputy Administrator (*for information*)
- B. *Request to adopt, by authority of the board, amendments to NAC 557 (LCB File No. R155-16) – PESTICIDES FOR INDUSTRIAL HEMP: The previously approved workshop and hearing was conducted to draft regulations related to pesticides for industrial hemp. No changes were made. A copy of the final language is included in the board packet – Meghan Brown, Deputy Administrator (*for possible action*)

Paul Noe made the motion for the board to adopt amendments to NAC 557 LCB File No. R155-16. Pete Paris seconded this motion. The motion passed unanimously.

- C. *Request to adopt, by authority of the board, amendments to NAC 557 (LCB File No. R065-17) – HEMP FEE CLARIFICATION: The previously approved workshop and hearing was conducted to draft regulations related to hemp fees. No changes were made. A copy of the final language is included in the board packet – Meghan Brown, Deputy Administrator (*for possible action*)

Tim Dufurrena made the motion to adopt amendments to NAC 557 LCB File No. R065-17. Paul Noe seconded this motion. The motion passed unanimously.

- D. Update on adoption of amendments to NAC 587, 576, 555 and SB 396 – Meghan Brown, Deputy Administrator (*for information*)

8. Administration

- A. Board update – Debra Crowley, Fiscal Administrator (*for information*)
B. Board update – Rebecca Allured, Public Information Officer II (*for information*)

9. Consumer Equitability

- A. Board update – Mike Gower, Interim Administrator (*for information*)

10. Food & Nutrition

- A. Board update – Homa Anoshehpour, Administrator (*for information*)

11. Public Comment

No general public comment.

12. Adjournment at 1:55 p.m.