

Meeting - 1/15/2014
Nevada State Dairy Commission Public Meeting

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PUBLIC MEETING OF THE
NEVADA DAIRY COMMISSION
TRANSCRIPT OF PROCEEDINGS

Wednesday, January 15, 2014
Sparks, NV

Reported By: SUSAN E. BELINGHERI, CCR #655

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APPEARANCES

COMMISSION MEMBERS

Christopher Cook - Chairman
John Collier
Troy G. Crowther - Via Videoconference

Tom Orzech - Operations Manager
Kathy Easley - AA3
Kimberly Whitfield - Via Videoconference

Flint Wright
Chad Turner
David DeMars
Nanette Merbach
Dave Coon - Via Videoconference

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1 SPARKS, NEVADA; WEDNESDAY, JANUARY 14, 2014; 9:30 A.M.

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4 CHAIRMAN COOK: Let's convene the monthly
5 meeting, the January meeting of the Nevada State Dairy
6 Commission.

7 Mr. Orzech, would you open the meeting,
8 please.

9 MR. ORZECH: Thank you, Mr. Chairman.

10 This is the time and place set for the
11 regularly scheduled meeting of the Nevada State Dairy
12 Commission for the month of January, 2014. This meeting
13 has been scheduled and noticed in compliance with
14 pertinent statutes, including the Open Meeting Law. A
15 copy of the agenda has been handed to the court reporter
16 with a request that it be part of the official
17 transcripts of these proceedings.

18 My name is Tom Orzech. I'm the operations
19 manager for the Nevada Dairy Commission. Present today
20 are: Mr. Christopher Cook, chairman; Mr. Troy G.
21 Crowther, member of the commission; Mr. John Collier,
22 member of the Commission; and certain members of the
23 Dairy Commission staff.

24 Those who present statements or evidence to
25 the Commission during these meeting are requested to be

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1 first acknowledged by the chairman and to identify
2 themselves for the record.

3 CHAIRMAN COOK: Thank you. Would you
4 proceed with agenda item number one, please.

5 MR. ORZECH: Agenda item number one is
6 public comments and discussion.

7 CHAIRMAN COOK: Do we have anything that
8 needed to be discussed by the public at this point? Are
9 we going to do the bird thing now, or --

10 MR. ORZECH: No, no. That's --

11 CHAIRMAN COOK: A separate item? Okay.
12 Seeing no one wanting to inject anything at this point,
13 let's move to the next item, please.

14 MR. ORZECH: Agenda item number two for
15 possible action is a license application. It's for a
16 peddler distributor license for Alpine Food
17 Distribution, Incorporated, 2400 Southeast Mailwell
18 Drive, Milwaukie, Oregon, 97222. Dianne Sanders,
19 accounting director.

20 The applicant seeks a license to distribute
21 fluid milk, fluid cream and butter in the Northern and
22 Southern Nevada Marketing Areas. Fluid milk labels are
23 not listed for sale at this time.

24 The applicant's prices and costs have been
25 reviewed by members of the Dairy Commission staff and

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1 are in compliance with this agency's laws and
2 regulations.

3 The applicant will be responsible for the
4 assessments.

5 CHAIRMAN COOK: Do we have anybody
6 representing this applicant present? Is there anything
7 that the staff would care to add to this? I'm a little
8 confused by the fluid milk labels are not listed for
9 sale. They are not labels we've seen before, or --

10 MR. ORZECH: No. Several years ago, if you
11 remember, we combined, on the license application, when
12 you want to sell fluid cream you can also sell fluid
13 milk, but you just have to list the labels if you're
14 going to be selling them. And at this time they're not
15 selling any fluid milk.

16 CHAIRMAN COOK: Oh, okay. Any questions,
17 Troy?

18 MR. CROWTHER: I have none.

19 CHAIRMAN COOK: John, questions?

20 MR. COLLIER: I have none.

21 CHAIRMAN COOK: Questions or comments from
22 any members of the audience?

23 MR. DeMARS: David DeMars from Model Dairy.
24 On behalf of Model Dairy, I would suggest that before a
25 license gets issued that they do have representation.

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1 CHAIRMAN COOK: Well, that's a policy we
2 initiated a couple years ago to streamline the process
3 and to prevent, or to make it easier for people who were
4 applying from great distances. Because it didn't make a
5 lot of sense for somebody, especially in Vegas where
6 there was a lot of people from out of state that were
7 vending to the casinos down there, for them to come
8 clear across the country for, what, maybe two or three
9 hundred dollars' worth of business every month.

10 MR. ORZECH: And there actually, it was more
11 than a policy change. The regulations were actually
12 changed that they're not required to attend unless the
13 Commission requires that they attend.

14 MR. DeMARS: Okay.

15 CHAIRMAN COOK: And if somebody objects to
16 the license, then we will put a table and put it off
17 until the next meeting and have that applicant come and
18 be present.

19 MR. DeMARS: Okay.

20 CHAIRMAN COOK: Okay. Is there any more --
21 Kathy.

22 MS. EASLY: She was asking who they're going
23 to distribute to. They currently sell little items to
24 C & M Distributing.

25 MS. MERBACH: Thank you.

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1 CHAIRMAN COOK: Okay. Any other questions
2 or comments? Seeing none, I'll entertain a motion.

3 MR. COLLIER: Mr. Chairman, I'll move that
4 we accept the peddler distributor application from
5 Alpine Food Distribution out of Milwaukie, Oregon to
6 distribute fluid milk, fluid cream and butter in the
7 Northern and Southern Marketing Areas of Nevada.

8 MR. CROWTHER: Second.

9 CHAIRMAN COOK: Having a motion and a second
10 and no dissenting votes, the motion carries and the
11 license is granted.

12 MR. ORZECH: Agenda item 2b is a retail
13 store importing from out of state license application by
14 Fresh & Easy, 2120 Park Place, Suite 200, El Segundo
15 California, 90245. Robin Howard, regulatory affairs
16 manager.

17 The applicant seeks a new license due to a
18 change in ownership of license number 566. All products
19 and labels remain the same. Distribution will remain
20 limited to the Southern Nevada Marketing Area.

21 The applicant's prices and costs have been
22 reviewed by members of the Dairy Commission staff and
23 are in compliance with this agency's laws and
24 regulations.

25 The applicant will be responsible for

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1 assessments.

2 CHAIRMAN COOK: Okay. Inasmuch as there's
3 nobody that's entered either of the rooms since the
4 first agenda item, I'm guessing nobody is here from this
5 applicant. So is there anything the staff can add to
6 this?

7 MR. ORZECH: The only thing I can add to it
8 is they went through bankruptcy, and it was a change of
9 ownership. So it's simple --

10 CHAIRMAN COOK: As Fresh & Easy?

11 MR. ORZECH: As, they were never licensed as
12 Fresh & Easy. I don't remember the --

13 MS. EASLY: Neighborhood Market.

14 MR. ORZECH: Neighborhood Market, yes. They
15 dropped the Neighborhood Market, but everything remained
16 the same.

17 CHAIRMAN COOK: But they're current on their
18 assessments?

19 MR. ORZECH: They're current.

20 CHAIRMAN COOK: All right. Questions, Troy?

21 MR. CROWTHER: No. Well, so does this mean
22 that there's no additional dairy, there are no
23 additional dairy products coming into the market, this
24 is just a change in ownership, or change in licensee?

25 MR. ORZECH: It's just, as it says, it's

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1 just a change in ownership.

2 MR. CROWTHER: Okay. No other questions.

3 CHAIRMAN COOK: John?

4 MR. COLLIER: I have none.

5 CHAIRMAN COOK: Questions or comments from
6 anybody in the audience? Staff? Seeing none, I'll
7 entertain a motion.

8 MR. CROWTHER: I will make a motion to
9 approve the license application for Fresh & Easy, a
10 retail store importing from out of state, Fresh & Easy,
11 El Segundo, California, to, due to the change in
12 ownership, for distribution in the Southern Nevada
13 Marketing Area. Keeping any product labels the same.

14 MR. COLLIER: Mr. Chairman, I'll second
15 Troy's motion.

16 CHAIRMAN COOK: Having a motion and a second
17 and no dissenting votes, this motion carries and the
18 license is granted.

19 MR. ORZECH: Agenda item number three for
20 possible action is license amendment application, retail
21 store importing from out of state. Target Corporation,
22 1000 Nicollet Mall, Minneapolis, Minnesota, 55403. Ms.
23 Beth Paulus, supervisor, sales and use tax.

24 The applicant seeks an amendment to add the
25 Northern Nevada Marketing Area.

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1 The applicant's prices and costs have been
2 reviewed by members of the Dairy Commission staff and
3 are in compliance with this agency's laws and
4 regulations.

5 The applicant will be responsible for the
6 assessments.

7 CHAIRMAN COOK: Okay. And I guess there's
8 nobody here representing this applicant. But I had some
9 questions about this myself.

10 MR. ORZECH: This is actually quite simple.
11 It's mainly, this came from an audit. The audit showed
12 they were reporting everything in the state, and they,
13 for some reason, Northern Nevada was not on their, on
14 their license.

15 CHAIRMAN COOK: They just didn't know that
16 we had split up into different marketing areas?

17 MR. ORZECH: That's it.

18 CHAIRMAN COOK: Got it.

19 MR. ORZECH: So they're in full compliance,
20 everything's been reported. This was just to clean up
21 the final part of their license.

22 CHAIRMAN COOK: Okay. All right.
23 Questions, Troy?

24 MR. CROWTHER: Yeah. Have they paid the
25 back assessments for when they were not in compliance?

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1 MR. ORZECH: They didn't owe any back
2 assessments. They were in compliance, it's just their
3 compliance, it's just their license didn't reflect
4 Northern Nevada.

5 MR. CROWTHER: Well, how long have they been
6 in Northern Nevada?

7 MR. ORZECH: I don't know that.

8 MR. CROWTHER: Okay. So --

9 CHAIRMAN COOK: They were dealing with the
10 state as an entire entity as opposed to the different
11 marketing areas.

12 MR. CROWTHER: Okay. Just, I guess a side
13 question, in the past I know we, when we, when we went
14 to this not requiring them to show up at the meetings,
15 we asked that when an applicant from out of state comes
16 in, that they, and I don't know if it's on the
17 application or in the information given to them, but
18 they are provided or asked to consider in-state
19 producers and processors. Do we still do that?

20 MR. ORZECH: That's on the application for a
21 new license, and they're, it's a simple -- as you know,
22 it was the questions you guys approved years ago.

23 MR. CROWTHER: Right. Okay. I just want to
24 make sure we're still doing that.

25 MR. ORZECH: We are.

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1 MR. CROWTHER: I don't know the, they're
2 paying much attention to it.

3 MR. ORZECH: It's had no effect on the
4 licensing process at all.

5 MR. CROWTHER: Okay.

6 CHAIRMAN COOK: Questions, John?

7 MR. COLLIER: I don't believe so.

8 CHAIRMAN COOK: Staff, any further
9 questions, comments? Audience, questions or comments?
10 Seeing none, I'll entertain a motion.

11 MR. COLLIER: Mr. Chairman, I move that we
12 accept the retail store importing application for Target
13 Corporation out of Minneapolis, Minnesota, who seeks an
14 amendment to add the Northern Nevada Marketing Area to
15 their existing license.

16 MR. CROWTHER: Second.

17 CHAIRMAN COOK: Having a motion and a second
18 and no dissenting votes, the motion carries. The
19 license is granted.

20 MR. ORZECH: Agenda item number four for
21 possible action, adoption of the proposed revisions to
22 the regulations.

23 This will be a discussion of the proposed
24 revisions of Chapter 584 of the Nevada Administrative
25 Code and may include a discussion of any oral or written

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1 comments that have been received regarding the proposed
2 revisions. The Dairy Commission may move to adopt the
3 revisions during this session.

4 CHAIRMAN COOK: Okay. Everybody's up to
5 speed on what those revisions were, reducing the somatic
6 cell count from 750,000 to 400,000? Correct?

7 MR. ORZECH: That's correct.

8 CHAIRMAN COOK: Okay. Any discussion?

9 MR. CROWTHER: Is that the only change,
10 then, in these revisions?

11 MR. ORZECH: If you take a look in your
12 packet, your packet has a list of the revisions in
13 there.

14 MR. CROWTHER: I just got this when I came
15 in today, so I haven't had a chance to go through it.

16 MR. ORZECH: Those were the only changes.
17 The other ones were clean-up items regarding our change
18 from moving from Reno to Sparks.

19 MR. CROWTHER: Okay.

20 CHAIRMAN COOK: Any further questions, Troy?

21 MR. CROWTHER: No.

22 CHAIRMAN COOK: Comments? John?

23 MR. COLLIER: The only comment I would make
24 is whenever we review an action like this, it would be,
25 it would be helpful to me to know, or maybe have just a

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1 little, quick summary of what the significant changes
2 are that were, that were proposed and that we're looking
3 at. And I don't know if that's, how much additional
4 effort that takes or what's involved, what would be
5 involved in that, but instead of having to read through
6 all the regulations and really -- I mean, that's a lot
7 of legal information.

8 MR. ORZECH: Isn't there a copy in your
9 packet of the, just the changes that were made? Because
10 we've gone over this before. This is not the first time
11 you've seen these.

12 MR. COLLIER: Really?

13 MR. ORZECH: Yes.

14 MR. CROWTHER: I think what he's asking is
15 for a summary. We've had that in the past.

16 MR. ORZECH: It should be in your packet.

17 MS. EASLY: Okay, I might not have put a
18 summary sheet in.

19 MR. ORZECH: It's a list of the changes to
20 the regulations.

21 MR. COLLIER: Anna's explanation of it was
22 very, very simple and very straightforward, and it was
23 to the point. And, and I think that's, to me, that's a
24 more, to make an evaluated decision about what's the
25 changes. That's all the, all the suggestions I'm

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1 making.

2 MS. EASLY: That might have been my error.

3 I may not --

4 MR. COLLIER: It's purely a suggestion.

5 MS. EASLY: Yeah.

6 MR. COLLIER: I'm not telling you guys how
7 to run your business, but it just seems to me that would
8 be a, a very simple thing.

9 MS. EASLY: Yeah, I put the whole regulation
10 in, and I did not put a summary page in.

11 MR. COLLIER: That's the only comment I
12 have.

13 CHAIRMAN COOK: Okay. Troy, any more
14 thoughts or comments you want to add?

15 MR. CROWTHER: No.

16 CHAIRMAN COOK: Any more thoughts or
17 comments from members of the audience or staff? Seeing
18 none, I will entertain a motion on this, these proposed
19 revisions.

20 MR. CROWTHER: So is this something we vote,
21 we vote on today, then?

22 MR. ORZECH: Yes, you can make a motion to
23 adopt the changes to the regulations.

24 MR. CROWTHER: Okay. Well, I will make a
25 motion, then, to adopt the changes to the Nevada

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1 Administrative Code as indicated, as discussed in this
2 meeting.

3 CHAIRMAN COOK: You may want to make
4 reference to 584.

5 MR. CROWTHER: Yeah, to Chapter, I'm sorry,
6 to make the amendments to the Nevada Administrative Code
7 Section 584 as discussed.

8 CHAIRMAN COOK: Is that adequate? Okay.
9 John?

10 MR. COLLIER: Mr. Chairman, I'll second that
11 motion.

12 CHAIRMAN COOK: Having a motion and a second
13 on the floor and no dissenting votes, the motion carries
14 and the revisions are adopted.

15 MR. ORZECH: Agenda item number five for
16 possible action is the discussion on funding the bird
17 abatement program on dairy farms. The discussion will
18 be about the possibility of using Dairy Commission funds
19 to assist in the USDA/Nevada Department of Agriculture
20 bird abatement program on Nevada dairy farms. Action
21 may be taken regarding the use of agency reserve funds
22 for this program.

23 CHAIRMAN COOK: Okay. Well, we have some
24 concerns from the producers regarding the feed losses
25 due to the bird population, as well as some disease

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1 issues, I guess, come up. So we'll open the floor for
2 discussion and let you tell us what your problem is and
3 how you propose to address it.

4 MR. WRIGHT: It was just, it was recently
5 just brought to our attention -- and I shouldn't say
6 recently. We've actually had this program, but it's
7 been based off of a per dairy basis. Meaning if you
8 wanted us to come do it, we would come do it.

9 CHAIRMAN COOK: Flint, would you identify
10 your -- do you have this?

11 MR. WRIGHT: Sure. Yeah, she's got my --
12 I'm Flint Wright, for everybody who doesn't know me. I
13 am the animal industry administrator here at the
14 Department of Agriculture. Underneath, or inside of my
15 division is also what is called Wildlife Services.
16 Wildlife Services is a predator-ial control division.
17 We have people that shoot coyotes on ranches, do raven
18 predation control, lion control on ranches throughout
19 the state of Nevada.

20 And as I said before, we would do this on a
21 per dairy basis. We've actually come out and killed
22 birds at Chad's, Pete Olson's dairy, a few others. We
23 would like to make this more of a broad kind of a
24 program where that we would come out on a need basis
25 whenever we can and eradicate excess bird populations

1 throughout the entire state.

2 And to give you another sense of it, this,
3 coming to the Dairy Commission is actually only a first
4 step. We'd like to actually do this at controlled
5 animal feeding operations throughout the state,
6 including feedlots for beef producers, and even pork
7 feedlots such as RC Farms in Vegas.

8 There's been several different studies, I
9 think Pete Olson has the best numbers on it, but he
10 shows that it increased his feed efficiency by between
11 four and six percent throughout the year. You know, it
12 doesn't seem like a lot, but a starling, for instance,
13 can fly away with up to as much as 1/10 of a pound of
14 feed a day. Which basically means if you have 2,000
15 starlings, you're paying for 15 tons of feed that you
16 feed to birds, not to your cows, per year. And if you
17 add that up, based on the total number of dairies in
18 this state, that's a considerable amount of feed that
19 just basically gets wasted.

20 So I think it would be a great cost savings.
21 You know, our costs, at least what we estimate for the
22 first six months, will be \$49,000. That's for the
23 people to come out and kill the birds, but also for the
24 product that is used, which Wildlife Services is the
25 only member in the state of Nevada allowed to use that,

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1 that product. It is very effective, which means it's
2 also very dangerous. It needs to be handled in a very
3 causative manner. Our staff is trained to use it, and
4 we have access to it. And we can begin probably by
5 February 1st.

6 If you guys have any other questions for
7 that, please say so.

8 MS. MERBACH: What is the product?

9 MR. WRIGHT: It's basically an avian version
10 of strychnine. Which means, we use strychnine to kill
11 rodents and things like that. This is a slightly
12 different version.

13 MR. CROWTHER: How is this distributed to
14 the, to the birds?

15 MR. WRIGHT: Usually through poisoned grain
16 at the site.

17 CHAIRMAN COOK: And I'm assuming that grain
18 is segregated --

19 MR. WRIGHT: Yes.

20 CHAIRMAN COOK: -- from feed grain somehow?

21 MR. WRIGHT: Yeah, you don't, you keep it
22 clear away from the cows. You know, you don't, you
23 don't put it in a feed bunk or anything like that.

24 CHAIRMAN COOK: Any impact on native
25 species?

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1 MR. WRIGHT: There can be an impact on
2 native species. I mean, what we're mostly focusing on
3 is starlings, sparrows, things of that nature. But if
4 another bird type, and this is an issue and I'm glad you
5 brought it up, such as an eagle or a hawk were to eat
6 the same poison, it would kill them as well.

7 CHAIRMAN COOK: What about if they were to
8 eat one of the carcasses, what if it was a carrying type
9 issue?

10 MR. WRIGHT: That might be a question better
11 posed for Jack Spencer. Which we can have him here at
12 the next meeting, if you want. But not to my knowledge
13 is it, can it be transmitted to another animal through
14 eating the carcass.

15 CHAIRMAN COOK: Okay.

16 MR. TURNER: So my name is Chad Turner,
17 Desert Hills Dairy in Yerington. I'm a dairy farmer.
18 And I'll speak on behalf of more of a pragmatic view,
19 because I know what I see, I know what we've done, I've
20 had experience using, or being involved in the use of
21 this product on our farm, and also involved with all of
22 these birds on a dairy farm.

23 And some of the knowledge that I have is
24 through Jack Spencer and the Department of Wildlife, and
25 then what I've seen also. So some of the big concerns

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1 about using this product -- it's called Starlicide.

2 MR. WRIGHT: Starlicide. Thank you.

3 MR. TURNER: I've been told that it is very
4 specific for that type of bird, for the starlings, and
5 it's most effective on just starlings. So if other
6 animals are to consume this product, it doesn't have any
7 effect on them, is what I've been told. So my dog
8 that's out there, or other cows. We don't, we mainly
9 keep the feed, or the bait, away from the cow feed,
10 because we don't want the cows to eat it. It just
11 doesn't seem like the right thing to do, even if they
12 tell you that it's safe. But also it's very expensive.

13 MR. WRIGHT: Yes.

14 MR. TURNER: So we actually push it about,
15 or bait it about three or four feet away from where the
16 cows actually eat. And the reason we do that is that's
17 where the birds are always coming, every single day,
18 eating out of the cows' feed bunks. So when they eat
19 the feed from our cows, it's expensive, of course.

20 And the number -- I did a lot of research to
21 try to put a number on how much they actually consume,
22 and it's pretty shifty in some of the written documents.
23 Anywhere from 1.2 to 2 pounds a day per bird, or four to
24 five percent of the feed that they consume. So you can
25 do the math. It's anywhere from \$60,000 a year to over

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1 \$100,000 a year per 10,000 head of -- or 10,000 birds.
2 So 10,000 birds is not an abnormal thing on a dairy
3 farm. We have easily 10,000 birds on our farm.

4 MR. WRIGHT: Yeah.

5 MR. TURNER: And it's not per the size of
6 the dairy farm. So you could have a dairy that's got
7 100 milk cows. You know, small. And the budget is
8 really tight, on all dairies, but especially if you've
9 got 10,000 birds, which is not matched properly to, say,
10 a guy who's got ten thousand head of cattle, like the
11 Ponderosa. They eat you literally out of house and
12 home.

13 Not only do they eat all your feed, they eat
14 the best feed. Because they're trying to eat and grain
15 up on the fats, the high fats and the proteins that are
16 in their diet. They're not picking the straw and the
17 bad stuff, they're picking the good stuff. So it's the
18 proportionate, the feed cost is higher than what you
19 normally feed a cow, what they consume.

20 And when they're eating, they're also
21 pooping. Defecating. I'm on video here. They're
22 defecating in the feed bunks, which spreads diseases.
23 And that's another as equal of a concern for us on the
24 dairy. They spread various diseases, like salmonella,
25 trichomoniasis, viral meningitis, I've read in here that

1 it's actually spread by birds around. When you harbor
2 birds and you feed them, make them healthy, then they
3 fly around. And we were talking earlier about how they
4 roost in people's houses. They're in their trees in
5 their yards. They're spreading diseases. So it's, it's
6 a problem, on the farm level and outside the farm as
7 well.

8 MR. COLLIER: What prevents the cow from
9 eating the bird poisoning?

10 MR. TURNER: The birds consume the poison,
11 and then they roost elsewhere to die, as we've seen on
12 the farm. They'll, they'll die within, what, 12 to
13 24 hours after consuming the bait.

14 MR. COLLIER: But you indicated that
15 they're, the cow feed is here and the poison is two or
16 three feet away from where the cow feed is.

17 MR. TURNER: Right.

18 MR. COLLIER: So is the cow attracted to
19 that bird poisoning?

20 MR. TURNER: No. And there's a direct line
21 of segregation between the poison and the feed that the
22 cow consumes. It's close enough for the birds to eat
23 the bait, because they're used to coming into that area.
24 You want to bait them where they're coming and consuming
25 the feed all the time. That's what they're used to,

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1 habitually. But it's far enough away from the cows that
2 they don't eat it.

3 MR. COLLIER: Is it a different type of
4 feeder that you use for the birds?

5 MR. TURNER: We spread it out by hand. We
6 actually get a person on the back of a pick-up truck
7 with a barrel that's mixing this grain that we
8 specifically make with the poison. And he just sits on
9 the back and he just spreads it out, like in little,
10 like you feed your birds in your back yard.

11 MR. COLLIER: So you've never had any
12 problem with the poison feed getting in, the cow
13 ingesting that --

14 MR. TURNER: No.

15 MR. COLLIER: -- and that getting into the
16 milk?

17 MR. TURNER: Never.

18 MR. COLLIER: Okay.

19 MR. TURNER: And not only do we not have a
20 problem with them consuming it, because we set out only
21 enough bait where the birds pretty much eat every single
22 bit of it out. Because it's expensive and we do a
23 really diligent job of spreading that bait out. But
24 it's even claimed that it doesn't have any
25 cross-contamination between pets, cows, if that were to

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1 happen.

2 MR. COLLIER: Flint, I have a question for
3 you.

4 MR. WRIGHT: Sure.

5 MR. COLLIER: If we allocate \$49,000 from
6 the Dairy Commission to help this problem for six
7 months, and you only go to certain dairies, that, that
8 is, that, to me, is not eradicating the problem, or
9 trying to, I mean, sustain, or to take care of the
10 problem. I mean, this is a much larger problem than, I
11 think, from my experience with this. Limited experience
12 I might add. But it just seems to me that there's a,
13 this affects any of these feed lots or wherever there's
14 cattle that, you know, ingesting feed. So what, what
15 would be -- this is a very short range, per producer
16 type of program.

17 MR. WRIGHT: Yeah.

18 MR. COLLIER: So what would be your long,
19 what would be your thoughts about the long-term
20 eradication of this problem?

21 MR. WRIGHT: The long-term of it -- and I'm
22 glad you asked that question, because we actually have a
23 plan for that too. And you're right, this is kind of a
24 short-term, six-month fix.

25 Right now Wildlife Services, the arm that we

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1 use to do this, is short staffed. There's nine guys
2 doing the job of twelve. So we have to do it basically
3 in the short-term on a need-to-need basis. Which means
4 when Jack has the time to go kill birds, he's going to
5 go kill birds, with this funding.

6 The long-term approach to this is the next
7 time we go back to session here in the legislature,
8 we're going to ask for one full-time guy to do this.
9 Not just at dairies, but at feed lots across the, across
10 the state of Nevada. That is only going to get fixed at
11 this time next year. We can't do that in the interim
12 because the budgets are already set.

13 So this is, just like you said, a short-term
14 fix to what we hope to have as a long-term solution come
15 this time next year.

16 MR. COLLIER: So let me ask the next
17 question.

18 MR. WRIGHT: Okay.

19 MR. COLLIER: How much money would it
20 take -- and you're talking about one person.

21 MR. WRIGHT: Uh-huh.

22 MR. COLLIER: Seems like to me this is a
23 bigger problem than one person can handle. Seems like
24 to me that there might require two or three people to do
25 this.

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1 MR. WRIGHT: Well, that being said, you,
2 you're not totally wrong. It's not necessarily more
3 than a one-person job. I would say it's about a
4 one-and-a-half to two. You have to have one person
5 that's skilled in mixing the poison with the feed, the
6 Starlicide, and basically one person skilled at the
7 application process. Now, that person can be the same
8 person. There's no problem with that.

9 At the same time, there is some media
10 consequences that comes with this too, and that now we
11 are, we have one person who is solely dedicated to
12 eradicating bird populations in the state of Nevada. We
13 have to be a little bit careful here at the Department
14 that we don't exceed, or go into that trap too hard. Do
15 you understand? Because that's how we end up on the
16 front page, and then that's how the program ceases to
17 exist altogether.

18 So if we had two people dedicated to killing
19 birds, that would raise greater awareness to the
20 program, more awareness than we actually want, and maybe
21 need. Therefore, we really would like to see one person
22 dedicated.

23 MR. COLLIER: Whose ultimate responsibility
24 is it to eradicate the birds?

25 MR. WRIGHT: Who is the person? We take it

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1 upon ourselves, mostly because we want to help
2 producers. We have the license and we have the training
3 to supply it. It is, it is dangerous medication -- or
4 pesticide, whatever you want to call it, Starlicide. It
5 is dangerous. We can't just simply give it out to just
6 anybody. You've got to keep it under lock and key.

7 But as far as who's responsible for
8 eradicating the birds, I guess that would be the
9 producers, and us as a department. Those two people.

10 MR. TURNER: So yes, it is, but you cannot
11 acquire the Starlicide anywhere else but through the
12 Department of Wildlife. I have tried to do it. And if
13 you don't allow and, a regulated access to this product,
14 there will be other means. I'm not saying I would do
15 it, but I know people do do it to get rid of the
16 problem, because it is upon the producer.

17 And you're going to see other, less safe
18 means of eradicating certain pests. You see it in farms
19 with gophers, you see it with coyotes and you'll see it
20 with birds. You will see antifreeze, you will see all
21 kinds of concoctions that are going to be less regulated
22 than if you have somebody overseeing this process.

23 And it's a partnership between the
24 Department of Wildlife and the producer. So when you
25 talk about it's a much bigger problem, it is, but it's

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1 amazing how much, when you can work as a partner with
2 the producers, we help on it. We, we can do it. But
3 we, we, we like the oversight and we like the
4 partnership working with somebody who is supposedly
5 licensed to use it and trained to use it.

6 MR. COLLIER: Are there any private
7 companies that would do this particular type of service
8 to, to our producers, our milk producers and beef
9 producers who are feeding cattle in feedlots?

10 MR. WRIGHT: Not licensed in this state.

11 MR. COLLIER: Is there a mechanism to
12 license a company to do that?

13 MR. WRIGHT: No. And then I would be very
14 hesitant to do so, unless I was given very concrete --
15 I'd have to, I mean, we would have to basically vet them
16 out nine ways to Sunday. I just simply wouldn't give it
17 out.

18 What Chad's trying to explain is, you know,
19 we're not worried about Chad distributing Starlicide to
20 people. You know, we're not worried about Chad coming
21 up with alternative methods that are, you know,
22 completely off the books scary for eradicating
23 starlings. There are other producers that we do worry
24 about that, and there would be private companies that
25 wanted to do this that we would be very worried about.

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1 MR. COLLIER: Why is that?

2 MR. WRIGHT: Well, there is a lot of,
3 there's alternate uses for Starlicide.

4 MR. COLLIER: Oh.

5 MR. WRIGHT: And other things that are
6 related to it. And we simply just don't, we can't allow
7 just the public just to have it. So it, it is, it is
8 poison. I mean, that's the bottom line, is what it is.
9 It's poison. Okay? We use it to eradicate these birds.
10 No, it won't hurt your cows, but if another bird eats
11 it, yeah, it will most likely kill it. They haven't
12 done a whole lot of tests on that, but it will most
13 likely kill them. It won't kill your dog. It might
14 make him sick, but it won't kill your dog.

15 But there are other uses that we worry
16 about, and we simply can't allow the public just to have
17 free range of it.

18 CHAIRMAN COOK: Once you've applied the
19 treated feed, the bait, do you just leave or does
20 somebody stick around and watch to make sure that
21 unintended consequences aren't happening, like the
22 neighbor's dog walks in and starts lapping up some of
23 the --

24 MR. WRIGHT: From what I --

25 CHAIRMAN COOK: I'm assuming this bait gets

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1 ingested fairly quickly. It's not something that stays
2 around for several days.

3 MR. WRIGHT: It gets pretty much ingested
4 that day. It does not necessarily happens all within
5 one hour, or anything like that. But we stick around
6 for a period of time. I'm not going to say we're going
7 to stay there until it's all gone, but we do stick
8 around for a period of time.

9 MR. TURNER: From my experience, they're
10 really good about sticking around. They set the bait
11 out, it's mostly, I would say more than half is ingested
12 within the first two to three hours. The sun comes up,
13 the birds come in to eat, and I would say more than half
14 of it is consumed right there. And then it slowly, if
15 it was a curve, it goes down.

16 And the Department of Wildlife is really
17 good about sticking around all day long, and they'll
18 even come back the following day. And it's not so much
19 to watch the bait, it's more of a public relations.
20 Because that's the biggest thing that we're working with
21 here. If you don't have any oversight from this agency
22 who knows how to handle the situations of a -- say you
23 kill thousands of birds and they go back to roost and
24 they die and they fall out of a tree in some lady's back
25 yard, that's what we do as a public relations, to say

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1 well, this is, it's normal, we're trying to do this,
2 we're eradicating these birds for these certain reasons,
3 as opposed to Back Yard Joe just doing whatever he
4 wants.

5 MR. WRIGHT: When we, when we go out to
6 treat a certain Dairy, for instance, let's just say it's
7 Chad's, we have a press release in the can just waiting
8 for the possibility that a public relations situation
9 happens. Where we explain to them, yes, we kill the
10 birds, but we kill the birds because those birds have
11 potential of transferring West Nile, those birds have a
12 potential of transferring several different types of E.
13 Coli to the cows, and a number of other diseases. So
14 that's all prepared before we ever even come out and
15 administer the poison.

16 MR. TURNER: We've been doing this for ten
17 years, so we're just bringing it to light. So it's not
18 like we've never done this before. It's just the fact
19 that I call every year in October, November, Jack
20 Spencer, and say hey, look, we've got, all these birds
21 are getting out of control. Let's set something on the
22 schedule. And every year he's saying we'll get there
23 when we can, we just don't have any people, we don't
24 have a budget. And then it's always really loose and
25 unorganized, and I don't like that.

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1 And we always do it every year, but we'd
2 like to have it a little bit more organized and have
3 enough people there to handle the public relations and
4 to do things properly. Because if you're going to do
5 this, you want to do it correctly. It's not like we're
6 not doing it or we're going to stop doing it.

7 MR. COLLIER: How big of a problem is this
8 down in Southern Nevada?

9 MR. WRIGHT: It's a problem.

10 MR. COLLIER: Like for Anderson Dairy down
11 there?

12 MR. WRIGHT: You know, it's --

13 CHAIRMAN COOK: They don't run dairy --

14 MR. WRIGHT: Yeah, they don't -- pretty much
15 a processor. But I'm sure it is a problem.

16 MR. TURNER: Processor.

17 MR. COLLIER: Oh, okay.

18 MR. WRIGHT: I don't know exactly how big a
19 problem it is for them. I know it is a problem. When
20 we spoke to a few people down there, they were very
21 interested in it. So, I mean, I guess we haven't delved
22 into it too in depth of how big a problem it is for
23 them, but they have mentioned interest in having us go
24 out and kill birds.

25 MR. ORZECH: I can probably add to that on

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1 it. There's a, this, the Trapline that's put out by --

2 MR. WRIGHT: Yeah, Mark puts that out.

3 MR. ORZECH: Put out by USDA, The Animal &
4 Plant Health Inspection Service regarding, their whole
5 program regarding the eradication of, of pests. There
6 was one comment made -- this was from the January 2013
7 issue a year ago. And it's, I'll read it to you because
8 it answers your question exactly, as far as the, the
9 amount of -- for instance they talk about on January
10 29th two of their people conducted a feedlot production
11 program in five large dairies in Churchill County. They
12 don't give you the specifics on it.

13 But the dairymen reported that birds were
14 consuming feed, and one dairy reported that each of his
15 5,000 dairy cows was producing one to two pounds of less
16 milk per cow per day because the birds were stealing the
17 food from the cows.

18 Prior to the treatment, the personnel
19 estimated the dairies had 40,000 starlings and
20 blackbirds present. After they applied, it's called a
21 DRC-1339 treatment, it was estimated that 39,100 birds
22 were removed and that fewer than 200 starlings remained,
23 and that 99.48 percent of the offending birds had been
24 removed.

25 The two dairymen were very pleased, or it

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1 says the dairymen were very pleased, two of which
2 decided to work with the Dairymen's Association and push
3 for legislation to help fund a position specific to
4 address the bird problems in Churchill County. This,
5 maybe this was you. This might have been Chad, I don't
6 know.

7 They also mention in there about down south.
8 I can find that section. They've also done work down
9 there. Let me find that section real quick. I can't
10 find it.

11 MR. COLLIER: That's all right, Tom. I, I
12 think this, it's, to me it's a huge problem, and I think
13 that this is one of the things that, you know, that if
14 there's, if we have some funding as an, as a commission,
15 that this is money that is well spent. And I think
16 that, you know, \$49,000 for a six-month program is a
17 pimple. I mean, it's, you know, it's, it's just a
18 breeze in the wind.

19 And I think we ought to be funding and
20 looking at doing something to fund a full-time person
21 doing this. And I think that's really, to make a major
22 impact on this problem for the producers of this state.
23 Because they can could be producing a lot more milk and
24 a lot better health of their cow herds, and also for the
25 general population of this state. Because I, boy, this

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1 is a total problem.

2 I had a client of mine die from this West
3 Nile Virus thing, and it is not a fun thing.

4 MR. WRIGHT: Yeah.

5 MR. COLLIER: It is a very serious issue.
6 And I really think that we ought to be looking at, you
7 know, a much larger scope here. And I don't know what
8 the funding limitations are that we could fund
9 something, you know, like a position for this. But I
10 think that would be a very valuable thing for us, as a
11 commission, to look at.

12 MR. WRIGHT: I completely agree with you.
13 And the whole reason for the \$49,000 was we didn't want
14 to have to go through BOE and through the contracting
15 process. We wanted basically to get out on the ground
16 and kill birds. And hopefully that would give us enough
17 data and enough of a toehold that we could create a
18 full-time position. So if you want to proceed with
19 making it bigger than it is, I have no problem with
20 that.

21 MR. COLLIER: Well, I --

22 MR. WRIGHT: What that's going to entail is
23 another, is a six-month process of us getting that done
24 and put through.

25 CHAIRMAN COOK: There are some mechanical

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1 issues regarding the actual funding, though, isn't
2 there?

3 MR. ORZECH: Right.

4 CHAIRMAN COOK: Don't we have to go through
5 some sort of a legislative --

6 MR. ORZECH: We don't have the authority to
7 actually write them a check for \$49,000. So what will
8 have to happen now is, on the assumption that you all
9 agree that we should spend the money, a work program
10 will have to be done. And then that has to go through
11 the interim finance committee, and they have to approve
12 it.

13 And then so that's, but what it does is,
14 like Flint's saying, it starts a process to show that
15 there is a program in place and there is a need for it.
16 Because that will have to be brought up to the interim
17 finance committee. We can't just spend the money. The
18 legislature tells us what we're allowed to spend. And
19 we don't have a line item or the ability to fund the
20 program now, but this starts it. This would actually be
21 able to start it.

22 MR. COLLIER: So what do we need to do here?
23 We need to, we need to --

24 MR. CROWTHER: I have a couple questions
25 real quick. Troy Crowther, commissioner. Has this, has

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1 this been done? I mean, do we have studies that have
2 shown this done in other markets and other states that
3 we can look to and, and just kind of learn from whatever
4 mistakes they may have made in this process?

5 MR. WRIGHT: I don't know of specific
6 studies. I do know they have a program in Idaho where
7 they eradicate birds at dairies and feedlots there. I
8 can definitely look and find out what other states do.
9 That's the only one I know of specifically that they
10 have a program for eradicating birds at.

11 MR. CROWTHER: Okay. I would like to see --
12 I mean, I'm fully in favor of this. I think it's a
13 great use of the funds and I, it's obviously needed. I
14 would just like to, to, again, not, not make any
15 mistakes that somebody else has already made and learned
16 from if there's information out there available.

17 The other thing is you, I think it was Jack
18 mentioned that you've got a press release in the can
19 ready to go in the event that there's some media issues
20 with this.

21 MR. WRIGHT: Yeah.

22 MR. CROWTHER: I, but it sounds like it's
23 mainly addressing the, the health concerns of, you know,
24 the birds that are falling out of the sky or the
25 potential pets, or something, that could eat those

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1 animals.

2 MR. WRIGHT: Yeah.

3 MR. CROWTHER: My concern is also, and I
4 realize it's not, it's not reality, but it could be a
5 public perception that there's something, some substance
6 getting into our milk supply. I mean, you saw what we
7 went through with polonium issue a few years ago, which
8 was, it was not a reality but it was a public perception
9 that caused a real problem.

10 MR. WRIGHT: Yeah.

11 MR. CROWTHER: I would like to see that
12 issue addressed as well in some kind of a press release
13 that was ready and available.

14 MR. WRIGHT: Sure. That, yeah, that's no
15 problem. That can be in there. If it's not already, it
16 can be done. I mean, we'll just make sure that any and
17 all press releases released on that will say
18 emphatically that the reason for the starlings' death is
19 not caused by anything that was related to the cattle
20 production at the site, it was caused by the actual
21 product that we administered to kill the birds. And
22 that it had nothing do with the feed that went into the
23 cattle, nor the milk or anything else involving the
24 dairy or the, or the cows at that dairy. So, I mean,
25 it's, that's no problem.

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1 MR. CROWTHER: Yeah, that's good. I just
2 wanted to make sure that there's nothing that -- that
3 any perceived problem with our milk supply is, is nipped
4 in the bud, I guess.

5 MR. WRIGHT: Absolutely. I can understand
6 the need for that, and that will be done.

7 CHAIRMAN COOK: Tom, once we set the ball
8 rolling on this, what is the timing on an actual
9 transfer of funds to help day pay for this? Is it
10 something that could take three weeks, three months?

11 MR. ORZECH: Oh, no, this takes months. You
12 have to prepare it to go to the IFC, and then they have
13 to put it on the agenda, and then you have to go to
14 that. Once it's through the IFC -- and they don't meet
15 every week -- it will take a couple of months. It
16 depends how fast the admin department here wants to move
17 on it.

18 CHAIRMAN COOK: Is this something that we
19 could put in, automatically into our budget in the
20 coming, coming sessions?

21 MR. ORZECH: You can. It will have to be
22 requested in there again. But this will establish it as
23 a line item in there for funding. And that's, so
24 then -- actually, we're going to, our budget cycle
25 starts next month. This is not in there now, so it

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1 won't show up. It's going to have to be requested
2 again, because they go off the previous, your previous
3 budget. So this will have to be --

4 CHAIRMAN COOK: So we couldn't get anything
5 formally put in where it's an automatic until the 2015
6 session.

7 MR. ORZECH: Exactly, yeah.

8 CHAIRMAN COOK: Okay.

9 MR. ORZECH: The main part is getting it,
10 once you get the authorization for it, going back to get
11 the funding is a lot less of a problem than just
12 establishing it.

13 MR. COLLIER: Have we done this in the past?

14 MR. ORZECH: With, with --

15 MR. COLLIER: Has the Commission paid for
16 this type of thing in the past?

17 MR. ORZECH: No, we have not.

18 MR. COLLIER: Oh, so this is a first-time
19 deal.

20 MR. ORZECH: Yes. Yes.

21 CHAIRMAN COOK: This is a precedent.

22 MR. COLLIER: A precedent.

23 MR. ORZECH: It was brought up many years
24 ago, probably about ten years ago it was brought up.
25 But at that time the way it was going to be was that the

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1 Dairy Commission was going to run the program, and it
2 was decided not to do it at that time. Because we don't
3 have the staff. As Flint was mentioning, you need the
4 people to handle the chemicals, you needed to have
5 another vehicle to go out and do this type of stuff, and
6 we said we weren't going to get involved.

7 Here the program is established, so what
8 we're doing now is just providing funding for it. So
9 that's why it was brought up --

10 MR. COLLIER: Well, who pays for it now?
11 Does the State pay for it now?

12 MR. WRIGHT: It gets paid for on a
13 need-to-need basis.

14 MR. COLLIER: Out of funds from the State.

15 MR. WRIGHT: We pay for the personnel and
16 the men are on salary. But basically a producer pays
17 for the product, for the actual product.

18 MR. TURNER: We pay for the product, and a
19 little bit of the time.

20 MR. WRIGHT: Yeah, and a little bit of the
21 time. It's a service we provide and they pay us for it.

22 MR. TURNER: And we'd continue to pay for
23 it, but they don't have the personnel in the budget to
24 help, to assist us to even pay them to do it. They want
25 a position to do so.

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1 MR. WRIGHT: And this would help us. This
2 basically puts our foot in the door, and then next time
3 we come around for a session, then we can say, look, we
4 have a need for this. We have X amount of funding
5 already. What we need is manpower.

6 And so -- and you're right, a lot of this is
7 the mechanics of how state economics work. Okay? And
8 it's not like we're trying to add another bureaucrat.
9 Okay? The fact of the matter is there is a need for it,
10 and we're trying to find a way to fill it.

11 MR. COLLIER: Oh, yeah.

12 MR. WRIGHT: And it's a delicate process and
13 it's a lengthy process, and so you just have to kind of
14 keep working at it. It's probably going to take us a
15 couple months to get it through IFC. We'll just amend
16 the contract when that is done so that it fits a
17 six-month period. And by that time it probably will get
18 us into the beginnings of 2015, and we'll be in front of
19 the legislature saying, okay, we have a need for this.
20 We need one person here who dedicates his time to
21 eradicating starlings.

22 CHAIRMAN COOK: Before you came on the
23 Commission, we went through a, a change in the
24 orientation of the Commission, more towards being,
25 promoting the industry, trying to help the industry, as

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1 opposed to being just strictly regulatory. And this is
2 very much in keeping with that. We want to try and do
3 what we can --

4 MR. COLLIER: Absolutely. Absolutely.

5 CHAIRMAN COOK: -- to help grow the
6 industry, help the producers, help the processors, help
7 everybody along the way in the chain, the whole supply
8 chain there to be successful. And this, I think, fits
9 right in with that.

10 MR. COLLIER: Oh, yes.

11 CHAIRMAN COOK: It's a very good use of
12 funds. We have the money to do it. All we have to do
13 is get the authorization to do it.

14 MR. ORZECH: And as you know, we report
15 every month on reserves that we have, and we do have the
16 availability, funding-wise, to do this. So this is a
17 perfect use of bringing our reserve total down and
18 making, and helping out the dairymen at the same time.

19 MR. COLLIER: So do we need a motion?

20 CHAIRMAN COOK: Well, we need to finish up
21 any other discussion. Is there any other comments?
22 Dave, do you have anything you want to add to this?

23 MR. COON: Yes, Mr. Chairman. Dave Coon,
24 Anderson Dairy. We don't question the problem,
25 certainly. We used to milk cows. We buy from dairy

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1 farmers today that have these same challenges. Dairy
2 farmers have big problems and they work real hard in
3 trying to resolve them. We understand it and we, we
4 want to do our part in supporting it.

5 And we don't question the means that have
6 been identified to assist in controlling the problem. I
7 guess the concern that we would have that, and it
8 perhaps is maybe a part of a larger discussion, but in
9 the past when there were excess funds the assessments
10 were relaxed for a period of time to allow things to
11 get, get caught up with themselves.

12 The question that was brought up, how is
13 this going to continue in the future. I guess the
14 question we need to ask is how this will affect future
15 assessments. Will the assessments increase, will it
16 only come when there is, will our participation only be
17 when there's an excess of assessments out there. So I
18 guess we're questioning where this road is going to take
19 us.

20 Now, Mr. Collier brought up a good point as
21 far as who had paid for it in the past. Apparently,
22 through Mr. Wright, this has been going on for about ten
23 years. If this is something that the industry, overall
24 industry needs to support now underneath the new
25 umbrella of the Department of Agriculture, we understand

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1 that. But we still want to ask that question. In the
2 future when there is a, a, when there are excess funds,
3 will there be a relaxation of the assessments or will it
4 just go into other areas as this is being proposed?

5 CHAIRMAN COOK: Well, I think, as you know,
6 Dave, the independence of this commission has been
7 changed once we were brought up under the Department of
8 Agriculture. So we do not have the control over our
9 funds the way we used to. It's more of a collaborative
10 process now.

11 And the discussion has taken place about
12 whether or not to continue the tax holidays, and at this
13 point in time I think that they're leaning more towards
14 reducing the assessments. But this is, this is, I
15 think, something that we've explored in terms of trying
16 to reduce the surplus that we have built up. And we're
17 just not, at this point, we're not at liberty to offer
18 the tax holidays that we used to be able to offer you
19 because of the change in the structure of the
20 Commission.

21 So there will be some discussions coming
22 down the pike on reducing the assessments straight
23 across the board, but we haven't gotten to that point of
24 when we're going to start to initiate that. But right
25 now I think the effort is to reduce the surplus by

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1 making some use of the funds that will benefit the
2 industry. And I can't think of a better use for it,
3 quite frankly, than try to save the producers some money
4 on those feed costs by getting rid of a pest.

5 MR. COON: Mr. Chairman, I can tell you, we
6 don't disagree with that. You know, they have many
7 challenges trying to keep that milk to a quality state,
8 and we appreciate all the challenges. And this is just
9 something that has changed and we need to accept. We
10 understand that, but I appreciate your clarification.

11 CHAIRMAN COOK: You're welcome. And thanks
12 for asking the question, but we definitely are very much
13 concerned about that assessments and that sort of thing
14 and the growing surpluses, so we'll be addressing that
15 in another way at some future date.

16 Any other comments, questions, observations,
17 input?

18 MR. CROWTHER: Mr. Chairman, in the agenda,
19 the way it's written, it just says that action may be
20 taken regarding using agency reserve funds for the
21 program. There's not a specific amount included here.
22 Is there a specific amount that we've, we've discussed
23 or that --

24 MR. WRIGHT: \$49,000.

25 CHAIRMAN COOK: You probably, I don't think

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1 you saw -- did this only get circulated up here?

2 MR. WRIGHT: Yeah, sorry. I didn't know you
3 had someone in Vegas.

4 CHAIRMAN COOK: Flint brought in a memo that
5 he apparently prepared this morning that puts the number
6 at \$49,000. Not to exceed \$49,000. So that would be
7 the number that we would be going to the IFC with. And
8 again, this is going to take months to get this actual
9 money changing hands, or being moved around within the
10 budget.

11 MR. CROWTHER: So does any, any motion need
12 to include that dollar amount, or does it need to be
13 left open-ended?

14 MR. ORZECH: Either way.

15 CHAIRMAN COOK: My sense is we probably
16 should leave it open-ended so that in the future, if
17 this program proves to be successful, we don't handcuff
18 ourselves by limiting it to a \$49,000 contribution.

19 MR. CROWTHER: Well, is this, are we
20 proposing a one-time or an ongoing?

21 CHAIRMAN COOK: Well, this is the initial
22 step in what hopefully will become an ongoing funding
23 mechanism for part of this program. We'll get this in
24 the budget request for the 2015 legislative session.

25 MR. CROWTHER: But as far as using our

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1 reserved funds right now, we're talking about a
2 one-time --

3 CHAIRMAN COOK: Correct.

4 MR. CROWTHER: -- request. So that probably
5 ought to be the 49. It seems like we ought to put the
6 dollar amount on there if this is the one-time request.

7 CHAIRMAN COOK: Okay. Well, whichever of
8 you two is going to make the motion can build that
9 motion any way you like and make reference to it. But
10 understand that this is what hopefully is going to
11 become an ongoing program and participation by the Dairy
12 Commission in this effort to limit this problem.

13 MR. CROWTHER: Certainly, yeah. I, I don't
14 know, and maybe clarify, is this, is what we're doing
15 here going to be an ongoing, continuing -- we're not
16 changing any laws or any regulations or budget by doing
17 this, we're, we're just authorizing, of the funds we
18 have available now, we're going to allocate some of
19 those to this program. Is that --

20 CHAIRMAN COOK: Well, we basically, we want
21 to think of this as a two-step process. Yes, we are
22 going to discuss or make a motion on approaching the IFC
23 about giving us authorization to transfer the \$49,000,
24 up to \$49,000, and then open the door to making this a
25 regular annual part of our budget.

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1 MR. CROWTHER: Okay. I guess my question is
2 if we say just \$49,000, are we still leaving the door
3 open or are we, are we limiting ourselves? I mean, I
4 don't have a problem leaving it open-ended, I just want
5 to make sure we're not --

6 CHAIRMAN COOK: Well, why don't you make it
7 a two-step motion? A two-part motion. I'm assuming
8 you're going to make the motion, Troy.

9 MR. CROWTHER: I don't know. I'm okay with
10 John doing it.

11 CHAIRMAN COOK: If you guys want, I'll make
12 it.

13 MR. COLLIER: I'll make the motion if you
14 want. And you guys can correct me if you don't like it.
15 How's that?

16 MR. CROWTHER: I'd welcome any input.

17 MR. COLLIER: Mr. Chairman, I move that we
18 accept the recommendation from the Nevada Department of
19 Agriculture, Wildlife Services for an amount of money
20 that would be expended for the eradication of starlings
21 in the state, and that we make our funds available from
22 our reserve funds to do this. And I would move that we,
23 we do this as soon as possible. And hopefully they, our
24 state would make these moneys available tomorrow to make
25 this program happen, because the producers of our state

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1 are losing feed every day.

2 MR. ORZECH: Can't do it tomorrow.

3 MR. COLLIER: I understand.

4 CHAIRMAN COOK: Shorten your motion there.

5 You've got too much, too much --

6 MR. CROWTHER: Probably need to be more
7 concise on that.

8 MR. COLLIER: Okay. I move that we, I amend
9 my motion, or make my motion again, that we allocate an
10 appropriate amount of money for the eradication program
11 to be given to the Department of, Nevada Department of
12 Agriculture, Wildlife Services to establish a program to
13 eradicate the starling problem that we have, period.

14 CHAIRMAN COOK: Troy, you find that
15 acceptable?

16 MR. CROWTHER: Yeah. I would like to --

17 MR. COLLIER: Clean it up, Troy.

18 MR. CROWTHER: Yeah, I'll second it. My
19 concern is we talked about doing this program with
20 dairies and also with other feedlots. I want to make
21 sure that these funds are used specifically for the
22 dairies.

23 MR. COLLIER: Yes.

24 CHAIRMAN COOK: I think that's understood.

25 At least that's the way I understood it, it's just for

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1 use with dairies.

2 MR. WRIGHT: Just for dairies.

3 MR. CROWTHER: Okay. As long as that motion
4 is understood that way, that's fine. I'll second it.

5 CHAIRMAN COOK: Okay. Does that motion
6 satisfy --

7 MR. ORZECH: Yes, sir.

8 CHAIRMAN COOK: Okay. All right. Having a
9 motion and a second on the table and no dissenting
10 votes, the motion carries and we will begin the process
11 of trying to get the IFC to allow us to move the money.

12 MR. ORZECH: Thank you, Flint. Thank you.
13 You guys are welcome to stay if you like, or --

14 CHAIRMAN COOK: Mr. Orzech, would you
15 proceed to agenda item --

16 MR. ORZECH: Number six.

17 CHAIRMAN COOK: Six.

18 MR. ORZECH: Agenda item number six for
19 possible action is approval of the minutes from the
20 December 18th, 2013 Dairy Commission meeting, of which
21 there were no corrections.

22 CHAIRMAN COOK: Okay.

23 MR. ORZECH: I just need a motion.

24 CHAIRMAN COOK: I need a motion.

25 MR. COLLIER: Mr. Chairman, I move that we

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1 approve the minutes of the December 18th, 2013 Dairy
2 Commission meeting.

3 MR. CROWTHER: Second.

4 CHAIRMAN COOK: Motion and second. No
5 dissenting votes. Motion carries.

6 MR. ORZECH: Agenda item number seven is a
7 staff report. As an update from last month's meeting,
8 Legacy Ice Cream has paid the overdue remittances up
9 through December. They did not pay the fine, but they
10 paid the remittances they owe. As of this date they
11 have not renewed their license.

12 The current agency reserve is \$363,778.

13 And this concludes this report.

14 CHAIRMAN COOK: Okay. Thank you. Next
15 item?

16 MR. ORZECH: Agenda item number eight is
17 consideration of any matters relating to the dairy
18 industry.

19 CHAIRMAN COOK: Okay. Anybody want to throw
20 anything on the table for discussion?

21 Okay. Move on to number nine.

22 MR. ORZECH: Agenda item number nine is
23 public comment and discussion.

24 CHAIRMAN COOK: Okay. Now is your chance.

25 MR. DeMARS: No comment.

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1 CHAIRMAN COOK: No comments? Dave, anything
2 you want to throw out on the table?

3 MR. COON: No, I said everything I had to
4 say. Thank you, Mr. Chairman.

5 CHAIRMAN COOK: Okay. Well, we appreciate
6 you being here.

7 MR. COON: Thank you.

8 CHAIRMAN COOK: And no comments from staff?

9 MR. ORZECH: No comments.

10 CHAIRMAN COOK: No comments from
11 commissioners?

12 MR. COLLIER: None.

13 CHAIRMAN COOK: There's no reason to carry
14 this meeting on any longer, so let us adjourn.

15 (Meeting adjourns at 10:32 am.)

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1 STATE OF NEVADA)
2 COUNTY OF WASHOE) ss.

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5 I, SUSAN E. BELINGHERI, a Certified Court
6 Reporter and Notary Public for the County of Washoe,
7 State of Nevada, do hereby certify that on Wednesday,
8 the 15th day of January, 2014, I reported the Nevada
9 Dairy Commission meeting;

10 That the foregoing transcript is a true and
11 correct transcript of the stenographic notes of
12 testimony taken by me in the above-captioned matter to
13 the best of my knowledge, skill and ability.

14

15

Susan E. Belingheri, CCR #655

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