

**NEVADA DEPARTMENT OF WILDLIFE
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Adoption of Regulations of the
Nevada Board of Wildlife Commissioners**

**LCB File No. R083-19
Commission General Regulation 488**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 8:30am, on January 25, 2020, at Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, NV 89155. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 502 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and the purpose of the proposed regulation or amendment:**
There exists no regulation by which landowner compensation tags may be equitably distributed if the number of tags for which cooperators qualifying exceed the statutory limit. This proposed amendment would establish a method for equitably distributing compensation tags if the statutory limit is reached.
2. **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**
NRS 502.145 includes provisions by which the Commission may adopt an additional regulation deemed necessary to carry out the statute. The proposed regulation establishes a method by which landowner compensation tags may be equitably distributed if the number of tags for which cooperators qualify exceeds the statutory limit.
3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**
This regulation establishes a method to equitably distribute tags when an existing statutory limit may be exceeded.
 - (a) **Both adverse and beneficial effects on businesses; and**
The proposed regulation has no adverse or beneficial effects on businesses.
 - (b) **Both immediate and long-term effects on businesses:**
The proposed regulation shows no immediate or long-term effects.
 - (c) **Both adverse and beneficial effects on the public; and**
No adverse or beneficial effects are anticipated.
 - (d) **Both immediate and long-term effects on the public:**
No immediate or long-term effects are anticipated.

4. **The estimated cost to the agency for enforcement of the proposed regulation:**
There are no anticipated enforcement costs with this regulation.
5. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:**
No other state or local regulation currently exists with overlap, nor are there any duplicative federal regulations.
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**
None.
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:**
Not influenced by federal regulation.
8. **Whether the proposed regulation establishes a new fee or increases an existing fee:**
The proposed regulation does not alter any existing fee or create a new one.

Persons wishing to comment upon the proposed action of the Nevada Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511 attention Director's Office. Written submissions must be received by the Nevada Department of Wildlife 5 week days before the meeting. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Department of Wildlife Director's Office, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following Nevada Department of Wildlife offices:

1100 Valley Road, Reno, Nevada 89512 (775) 688-1506
380 W. B Street, Fallon, Nevada 89406 (775) 423-3171
60 Youth Center Road, Elko, Nevada 89801 (775) 777-2300
3373 Pepper Lane, Las Vegas, Nevada 89120 (702) 486-5127

It has also been mailed to the following Nevada county public libraries in which an office of the agency is not maintained, for inspection and copying by members of the public during business hours:

Carson City Library, 900 North Roop Street, Carson City, Nevada 89701-3101
Douglas County Library, 1625 Library Lane, Minden, NV 89423
Esmeralda County Library, Corner of Crook & 4th Street, PO Box 430, Goldfield, NV 89013-0430
Eureka County Library, 10190 Monroe Street, Eureka, NV 89316
Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445-3095
Battle Mountain Branch Library (Lander County), 625 South Broad Street, Battle Mountain, NV 89820
Lincoln County Library, 63 Main Street, Pioche, NV 89043
Lyon County Library System, 20 Nevin Way, Yerington, NV 89447-2399
Mineral County Public Library, PO Box 1390, Hawthorne, NV 89415
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
Storey County Clerk's Office, Drawer D, Virginia City, NV 89440
Tonopah Public Library (Nye County), PO Box 449, Tonopah, NV 89049
White Pine County Library, 950 Campton Street, Ely, NV 89301

These regulations will also be available at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/>
<https://notice.nv.gov/>
<http://www.leg.state.nv.us/register/>
http://www.ndow.org/Public_Meetings/Public_Notices/

A copy of all materials relating to the proposed regulation may be obtained at the hearing or by contacting the Director's Office at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511 or (775) 688-1597. A reasonable fee may be charged for copies if it is deemed necessary.

December 20, 2019

**PROPOSED REGULATION OF THE BOARD OF WILDLIFE
COMMISSIONERS
COMMISSION GENERAL REGULATION 488
LCB FILE NO. R083-19**

EXPLANATION- Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 501.105, 501.181, 503.300 and 503.310.

A REGULATION relating to Wildlife; regarding the use of live bait fish and special tackle restrictions for the lower Truckee River Basin; and providing other matters properly relating thereto.

NAC 502.426 Issuance, validity, contents and use of tags; fees; reissuance of application; appeal of denial of application. (NRS 501.105, 501.181, 502.145, 502.160, 502.250)

1. If the owner applicant enters into a cooperative agreement with the Department and the Department approves the application for a damage compensation tag, the owner applicant is eligible for the issuance of one or more damage compensation tags pursuant to subsection 2 *or 3*.

2. ~~[An]~~ *Except as is otherwise provided in subsection 3, an* owner applicant is eligible for the issuance of:

(a) One damage compensation tag for deer for each 50 deer that caused damage to his or her property; and

(b) One damage compensation tag for antelope for each 50 antelope that caused damage to his or her property.

3. *In accordance with paragraph (a) of subsection 6 of NRS 502.145, if the cumulative number of damage compensation tags for all eligible owner applicants during a calendar year exceeds the total number of deer and antelope tags which are authorized for issuance throughout the state for that calendar year, the Department shall:*

(a) Except as is otherwise provided in subsection (b) and (c), issue one deer tag for the first 50 deer enumerated during the damage count and one antelope tag for the first 50 antelope enumerated during the damage count, after which;

(b) Issue remaining or proportion of remaining deer or antelope tags from those properties that qualify for more than one deer or one antelope tag based on a whole number derived by incrementally increasing the qualifying number for additional tags, until the total number of damage compensation tags falls within the statutory limit; or

(c) If issuing the first deer or antelope tag for all properties would result in exceeding the statutory limit, issue all deer or antelope tags based on a whole number

derived by incrementally increasing the qualifying number for all properties, until the total number of damage compensation tags falls within the statutory limit.

4. If the Department issues a damage compensation tag, the tag is valid for use in the calendar year after the calendar year in which the application was submitted.

~~[4.]~~ 5. The unit or units within a management area or areas for which the Department issues a damage compensation tag must be limited to the unit or units within the management area or areas in which the damaged property is located.

~~[5.]~~ 6. The Department shall indicate on each damage compensation tag it issues:
(a) The period or periods during the calendar year for which the tag is valid, which must be limited to the hunting season or seasons, other than a hunting season for a tag issued pursuant to subsection 5 of [NRS 502.250](#), established by the Commission for antlered mule deer or antelope with horns longer than their ears, as appropriate for the species to which the tag applies, in the unit or units within the management area or areas in which the damaged property is located and for which the tag is valid; and

(b) The unit or units within the management area or areas in which the damaged property is located and for which the tag is valid.

~~[6.]~~ 7. A person possessing a valid damage compensation tag may hunt only:

(a) During the period or periods indicated by the Department on the tag, as established by the Commission;

(b) With the type of weapon designated for the type of hunt to which each such period applies, as established by the Commission; and

(c) In the unit or units within the management area or areas established by the Commission:

(1) In which the damaged property is located; and

(2) For which the tag is valid.

~~[7.]~~ 8. Damage compensation tags will only be issued to owner applicants and sold to hunters through the headquarters of the Department.

~~[8.]~~ 9. The fee charged for a damage compensation tag will include:

(a) A fee of \$50 for each such tag;

(b) A license fee based on the status of the hunter as a resident or nonresident; and

(c) The fee specified in [NAC 502.331](#) for acting upon each application for a tag.

~~[9.]~~ 10. If the Department provides a refund for a cancelled tag under the conditions set forth in [NAC 502.422](#), the Department may reissue an application for a damage compensation tag to the owner applicant.

~~[10.]~~ 11. If the Department denies an application for a damage compensation tag, the owner applicant may appeal the decision to the Commission within 10 days after the Department notifies the owner applicant of the decision. A request for an appeal pursuant to this subsection must be submitted in writing to the Secretary of the Commission. As soon as practicable after receiving such a request, the Chair of the Commission will appoint a panel consisting of not less than two members of the Commission to consider the appeal. The panel shall notify the Commission in writing

of its determination. If the panel is unable to make a determination, the Commission will appoint another panel to consider the appeal in accordance with this subsection. The determination of a panel appointed pursuant to this subsection is a final decision for the purposes of judicial review.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 10-26-93, eff. 10-1-93; 11-29-95; R168-99, 1-19-2000; R113-01, 12-17-2001; R107-02, 1-21-2003; R030-06, 6-1-2006)

**STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

Re: Commission General Regulation CGR 488 LCB File No.R083-19 Landowner Deer and Antelope Compensation Tag Program

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

ANSWER:

Landowners that suffer damage from mule deer or antelope within Nevada can register as a cooperator with the Nevada Department of Wildlife and qualify to receive tags, which they may subsequently use or sell, as compensation for the damage sustained. These landowners may qualify for a compensation tag for each 50 deer or antelope counted on their land by Department biologists. There is a statutory limit in NRS 502.145 on the number of tags that may be awarded annually, yet there is no process in statute or administrative rule to equitably distribute the tags should the cumulative qualifying count across all cooperating landowners exceed the statutory limit.

The Department sent letters to the 105 cooperators in the compensation tag program during November to inform them that the Department would be hosting public stakeholder meetings in Elko, Ely, and Winnemucca during December 12–14, 2017 to discuss options for equitable reduction if the limit were reached. The ideas were compiled and sent to all participants that provided input and asked for ranking of suggested methods for equitable redistribution of compensation tags if the statutory limit were reached.

2. Describe the manner in which the analysis was conducted:

ANSWER:

Based on the information provided through meetings and correspondence, the Landowner Compensation Tagholder Committee created by the Nevada Board of Wildlife Commission indicated that they were interested in proceeding with a process that would equitably reduce tags while protecting the individuals that received the least compensation tags. The Commission discussed these concepts at their public meeting in August 2019.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

a.) Both adverse and beneficial effects:

ANSWER:

The most beneficial effect will reduce confusion and provide a simple method by which tags may be equitably reallocated should the qualifying counts exceed statutory limits. No adverse effects are anticipated.

b.) Both direct and indirect effects:

ANSWER:

The most direct effect will be beneficial in that it will reduce confusion and provide a simple method by which tags may be equitably reallocated should the qualifying counts exceed statutory limits. No indirect effects are anticipated.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

ANSWER:

The regulation does not impact any small business; therefore, no methods were considered to reduce the impact.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

ANSWER:

There is no estimated cost to the agency for the enforcement of the proposed regulation because this regulation currently falls under Department activities.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

ANSWER:

The proposed regulation does not provide new or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

ANSWER:

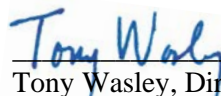
This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

ANSWER:

The Department believes that a simple process to address the existing limitations will eliminate confusion, expedite decisions, reduce cost to the agency, and have no measurable impact on small business.

I hereby certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.



Tony Wasley, Director
Nevada Department of Wildlife