

**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. R072-21
Commission General Regulation 505**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 9:00 am on June 25, 2022 at the Nannini Administration Building, 540 Court St. Elko, NV 89801. 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. A Zoom link is provided below for those individuals that are unable to attend in person.

<https://us02web.zoom.us/j/81935290261?pwd=YWFsQWVRbFhzb1Q2T0V3TnlRVXVmQT09>
Passcode: 537614

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:**
The regulation is necessary to ensure fairness to all customers of the Department wishing to participate for the potential of purchasing a game tag through the First Come, First Served program.

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 **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**

The regulation would allow the Department to apply a suspension from the First Come, First Served program to anyone discovered abusing the system or attempting to create an unfair advantage for themselves.

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:**
 - (a) **Both adverse and beneficial effects on businesses; and**
The regulation will not have any significant adverse or beneficial economic effects on businesses.

 - (b) **Both immediate and long-term effects on businesses:**
There will be no immediate or long-term economic effects from the proposed regulation on small businesses because it does not regulate the operation of any small business.

 - (c) **Both adverse and beneficial effects on the public; and**

This regulation does not have an anticipated beneficial or adverse economic effect on the public.

(d) Both immediate and long-term effects on the public:

This regulation does not have an anticipated immediate or long-term economic effect on the public.

4. The estimated cost to the agency for enforcement of the proposed regulation:

There will be no increased costs to enforce the proposed 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:

This regulation does not overlap or duplicate any other state, local, or federal laws or regulations.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law:

This regulation is not required pursuant to federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:

This regulation does not include provisions that are more stringent than federal regulations.

8. Whether the proposed regulation establishes a new fee or increases an existing fee:

This regulation does not establish a new fee or increase an existing fee.

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 weekdays 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

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/>
<https://nvboardofwildlife.org/>

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.

May 20, 2022

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R072-21

February 2, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~(omitted material)~~ is material to be omitted.

AUTHORITY: § 1, NRS 501.105, 501.181, 502.160, as amended by section 4 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757, and NRS 502.175.

A REGULATION relating to wildlife; revising provisions governing the award of tags using an electronic system; authorizing the Department of Wildlife to suspend a person who attempts to create or creates an unfair advantage through use of the electronic system from applying for certain tags; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing regulations, the Department of Wildlife is required to issue certain returned tags to hunters on an alternate list if 14 calendar days or more remain before the opening day of the season. (NAC 502.421) Existing regulations further require the Department to provide all eligible hunters with an opportunity to apply electronically for any tags that are: (1) remaining after tags have been issued for a season by using the computerized system of drawing and the alternate list; or (2) returned 14 calendar days or less before the opening day of the season. (NAC 502.4215) This regulation authorizes instead of requires the Department to provide all eligible hunters with an opportunity to apply electronically for any tags that are: (1) remaining after tags have been issued for a season by using the computerized system of drawing and the alternate list; or (2) returned less than 14 calendar days before the opening day of the season. This regulation also authorizes the Department to suspend a person who attempts to create or creates an unfair advantage while using the electronic system from applying for any tags remaining for the applicable season. This regulation further authorizes the Department to suspend a person who abuses the electronic system by making continued and substantial efforts to create an unfair advantage from using the electronic system to apply for remaining tags in any future hunting seasons.

Section 1. NAC 502.4215 is hereby amended to read as follows:

502.4215 1. The Department ~~shall~~ *may* provide all eligible hunters with an opportunity to apply electronically for any tags that are:

(a) Remaining after tags have been issued for a season by using the computerized system of drawing and alternate list; or

(b) Returned *less than* 14 calendar days ~~for less~~ before the opening day for that season.

↪ The Department shall act upon applications for such tags in the order received.

2. If an application for a tag described in subsection 1 is successfully drawn, the Department shall collect from the applicant:

(a) The appropriate fee for the tag as provided in NRS 502.250; and

(b) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if : ~~the applicant:~~

(1) ~~Has~~ *The applicant has* not obtained a hunting license and indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license only if his or her application is successfully drawn; or

(2) The hunting license or combination hunting and fishing license submitted with the application for the tag or permit will expire before the opening day of the season for the permit or tag.

3. If a tag is issued to a person pursuant to this section, the person will be treated as if he or she was successful in drawing a tag for a season for that species in respect to any applicable bonus points and waiting periods.

4. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the electronic system by attempting to create or by creating an unfair advantage in obtaining the tag, he or she ~~may~~ shall be suspended by the Department from applying for any tags remaining for the applicable season. Activities that are cause for such suspension include, without limitation:

(a) The use of a technological program designed to carry out tasks that would otherwise be performed under human supervision;

(b) The use of technology designed to create an unfair advantage;

(c) Multiple logins into a single customer's account; or

(d) Multiple browser sessions open at a single time.

5. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the system by making continued and substantial efforts to create an unfair advantage, as described in subsection 4, he or she ~~may~~ shall be suspended by the Department from using the electronic system to apply for remaining tags in any future hunting seasons.

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

Commission General Regulation 505 LCB File No. R072-21 First Come, First Served Prevention of Unfair Advantages

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:

Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with a program administered by the Nevada Department of Wildlife.

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

ANSWER:

Agency personnel concluded that there would be no small businesses impact and no need for a small business impact analysis.

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:

There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.

- b.) Both direct and indirect effects:

ANSWER:

There will be no direct or indirect economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

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:

There will be no impact from the proposed regulation on small businesses, therefore no methods were considered or taken by the agency.

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

ANSWER:

The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

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:

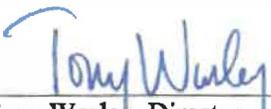
This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

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

ANSWER:

The agency concluded that this regulation does not impact small businesses because the changes are associated with a program administered by the Nevada Department of Wildlife.

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