

**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. R045-22
Commission General Regulation 507**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 9:00 a.m. 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 501 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 for creating additional public convenience when submitting a petition and helps the Department better follow the petition process.
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 **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**
This regulation clarifies the petition process for advancing a new or amended regulation to the Nevada Board of Wildlife Commissioners. Previously, the Department received petitions for which the Commission had no authority to address. This regulation will allow the Department to work with the petitioner before petitions are scheduled on a Commission agenda so that the petitioner can either amend or repeal the petition submission. This regulation was reviewed and approved by the Administrative Procedures, Regulations and Policies Committee of the Nevada Board of Wildlife Commissioners.
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. R045-22

April 25, 2022

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

AUTHORITY: § 1, NRS 233B.100 and 501.181.

A REGULATION relating to wildlife; revising provisions relating to petitions submitted to the Board of Wildlife Commissioners to adopt, file, amend or repeal permanent regulations; revising the time period during which the Commission will notify the petitioner of whether the Commission will deny the petition or initiate regulation-making procedures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes any interested person to petition a state agency requesting the adoption, filing, amendment or repeal of any regulation and requires each state agency to prescribe by regulation the form for such a petition and the procedure for its submission, consideration and disposition. (NRS 233B.100) Existing regulations prescribe the form and procedure to petition the Board of Wildlife Commissioners to adopt, file, amend or repeal a permanent regulation, other than a permanent regulation relating to the classification of wildlife or the designation of seasons for hunting, fishing and trapping. As soon as practicable after receiving a petition, but not later than 20 days after the date on which the petition was received by the Commission, the Department of Wildlife is required to: (1) review the petition to determine whether there is legal authority for the proposed adoption, filing, amendment or repeal of the permanent regulation; and (2) forward to the Commission the petition and the Department's recommendation whether to deny the petition or initiate regulation-making procedures. Existing regulations also require the Commission, within 30 days after a petition is submitted, to notify the petitioner in writing of its decision to deny the petition or initiate regulation-making procedures. (NAC 501.195)

This regulation: (1) further clarifies that when making a recommendation to the Commission whether to deny the petition or initiate regulation-making procedures, the Department will take into consideration the legal authority of the Commission; and (2) revises the time period the Commission will notify the petitioner in writing of its decision to deny the petition or initiate regulation-making procedures to provide that the deadline is either 30 days after the petition is submitted or as soon as the petition can be scheduled on an upcoming meeting agenda.

Section 1. NAC 501.195 is hereby amended to read as follows:

501.195 1. A person who wishes to request that the Commission adopt, file, amend or repeal a permanent regulation, other than a permanent regulation relating to the classification of wildlife or the designation of seasons for hunting, fishing or trapping by the Commission pursuant to the provisions of title 45 of NRS, must submit a written petition to the Commission on a form provided by the Department. The petition may be submitted by mail, facsimile machine or electronic mail and must include:

(a) The name, telephone number, electronic mail address, if any, and mailing address of the petitioner.

(b) A statement of the reason and the legal authority for the adoption, filing, amendment or repeal of the permanent regulation.

(c) The language of the permanent regulation to be adopted, filed, amended or repealed or a description of the subjects and issues involved in the permanent regulation.

2. Upon receipt of a petition requesting the adoption, filing, amendment or repeal of a permanent regulation pursuant to subsection 1, the Commission will refer the petition to the Department to obtain from the Department a recommendation whether to deny the petition or initiate regulation-making procedures[.], *taking into consideration the legal authority of the Commission.*

3. As soon as practicable after receiving a petition, but not later than 20 days after the date on which the petition was received by the Commission, the Department shall:

(a) Review the petition to determine whether there is legal authority for the proposed adoption, filing, amendment or repeal of the permanent regulation; and

(b) Forward to the Commission the petition and the recommendation of the Department whether to deny the petition or initiate regulation-making procedures ~~§~~, *taking into consideration the legal authority of the Commission.*

4. Within 30 days after a petition is submitted, *or as soon as the petition can practicably be scheduled on an upcoming meeting agenda*, the Commission will:

(a) Notify the petitioner in writing of its decision to deny the petition, including the reasons for the denial; or

(b) Initiate the regulation-making procedures set forth in chapter 233B of NRS.

5. A decision of the Commission to deny a petition is a final decision for the purposes of judicial review.

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

Re: Commission General Regulation 507 LCB File No. R045-22 - Petition Process

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).

- I. 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:

This regulation does not regulate any small businesses. Therefore, the Department concluded that there would be no small business impact.

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

ANSWER:

Analysis was not conducted because the Department concluded that there would be no impact to small businesses.

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 economic effect on small businesses by the proposed regulation.

- b.) Both direct and indirect effects:

ANSWER:

The Department concluded that there would be no impact to small businesses.

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 Department concluded that there would be no impact to small businesses.

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

ANSWER:

There will be no additional cost to the Department for the enforcement of this regulation.

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:

This regulation will not propose new fees or increase 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 which duplicate or are more stringent than federal, state or local standards regulating the same activity.

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

ANSWER:

This regulation does not regulate any small businesses. Therefore, the Department concluded that there would be no small business impact and no need for a small business impact statement.

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