

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R007-15

NEVADA DEPARTMENT OF WILDLIFE NOTICE OF INTENT TO ACT UPON A REGULATION Notice of Hearing for the (Amendment/Adoption/Repeal) of Regulations Nevada Board of Wildlife Commissioners CGR 454 – LCB File No. R007-15 Firearm Carry During Archery or Muzzleloader Only Seasons

The Board of Wildlife Commissioners will hold a public workshop on August 7, 2015 at 1:30 p.m., at the Churchill County Chambers, 155 N. Taylor Street, Fallon, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation 454 (LCB File No. R007-15) pertaining to Chapter 503 of the Nevada Administrative Code.

- 1) The need for and purpose of the proposed regulation: (Description of regulation)
The proposed regulation was at the request of the Nevada sportsmen to explore a change allowing personal protection firearm carry in the field while hunting under archery or muzzleloader regulations. Some sportsmen have voiced concern that their personal safety was at risk when archery or muzzleloader hunting because firearm carry was prohibited while hunting under archery or muzzleloader regulations.
- 2) Text of the proposed regulation:
See attached regulation.
- 3) Will this regulation likely impose a direct and significant economic burden upon small business?
No, this regulation will not likely impose a direct and significant economic burden upon a small business because this regulation does not regulate businesses.
- 4) Will this regulation directly restrict formation, operation or expansion of small business?
No, this regulation will not directly restrict formation, operation or expansion of a small business because this regulation does not regulate businesses.
- 5) Describe how the concerted effort was made to determine the business impact:
The Nevada Department of Wildlife determined there would be no business impact because the regulation proposed regulates individual hunters and not businesses.
- 6A. Describe the estimated economic effect of the regulation on the business which it is to regulate:

- (i) Adverse effect – The regulation will not have any adverse economic effect on a business because this regulation does not regulate businesses.
- (ii) Beneficial effect – The regulation will not benefit a business because this regulation does not regulate businesses.

6B. Describe the estimated economic effect of the regulation on the public which it is to regulate:

- (i) Adverse effect – This regulation does not have an adverse economic effect on the public. This regulation allows for individual archery or muzzleloader hunters to carry a non-hunting approved handgun while archery or muzzleloader hunting.
- (ii) Beneficial effect – This regulation does not have a beneficial economic effect on the public. This regulation allows for individual archery or muzzleloader hunters to carry a non-hunting approved handgun while archery or muzzleloader hunting.

7) Describe the method used to calculate the financial impact (positive, negative, or none) on small businesses:

There were no methods used to calculate the financial impact on small businesses. It was determined there would be no business impact because the regulation proposed regulates individual hunters and not businesses.

8) The name of the person(s) conducting the analysis of the likely impact of the proposed regulation:

Chief Game Warden Tyler Turnipseed

9) Estimated cost to the Department of Wildlife for enforcement of the proposed regulation: There will be no costs to enforce this regulation. Game wardens are already enforcing this regulation.

A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates This regulation does not overlap or duplicate any other state or local government regulation, the duplication or overlapping is necessary because this does not apply in the case of this regulation.

If the proposed regulation overlaps or duplicates a federal regulation what is the name of the regulatory federal agency?

This regulation does not overlap or duplicate any federal regulation.

10) If the regulation is required pursuant to federal law provide, a citation and description of the federal law.

The regulation is not required by federal law.

11) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:
There is not a federal regulation that regulates this activity.

12) The proposed regulation establishes a new fee or increases an existing fee: X No
 Yes

This statement shall be made available to the public at least 15 days before the public workshop.

Persons wishing to comment upon the proposed action of the 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 Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Department of Wildlife, Headquarters, 1100 Valley Rd, Reno, NV, 89512
(775) 688-1549

Nevada Department of Wildlife, Western Region, 380 W. "B" St., Fallon, NV
89406 (775) 423-3171

Nevada Department of Wildlife, Eastern Region, 60 Youth Center Rd., Elko, NV
89801 (775) 777-2300

Nevada Department of Wildlife, Southern Region, 4747 Vegas Dr., Las Vegas,
NV 89108 (702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are 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 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, shall 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.

It is our belief that a concerted effort has been made by NDOW to determine the impact of the proposed regulation on small businesses and the information contained in this statement is accurate.

This notice of hearing has been posted at the above locations.

/s/
Tony Wasley, Secretary
Board of Wildlife Commissioners

TW:jt

March 13, 2015
July 10, 2015 - Updated

Small Business Impact Statement

Commission General Regulation 454
LCB File No. T005-14/R007-15
Firearm Carry During Archery and Muzzleloader Only Seasons

The Commission will consider permanent adoption of the temporary regulation which expires November 1, 2015, relating to the carry of a firearm in the field while hunting under archery and muzzleloader regulations, including language changes from AB 136 of the 78th Legislative Session. The regulation will change NAC's 503.142 and 503.144 to allow the carry of personal protection handguns while archery and muzzleloader hunting. The Nevada Board of Wildlife Commissioners (NBWC) will hold a workshop at their meeting on August 7, 2015, and for possible action at their September 25-26, 2015 meeting.

The proposed regulation was at the request of the Nevada sportsmen to explore a change allowing personal protection firearm carry in the field while hunting under archery regulations. Some sportsmen have voiced concern that their personal safety was at risk when archery hunting because firearm carry was prohibited while hunting under archery regulations.

Although sportsmen can organize into special interest groups, they are licensed as individual sportsmen and are not bound by any laws that regulate small businesses. The proposed changes to the regulation only apply to individuals who are hunting during archery only season. This will allow them to carry a sidearm in the field while hunting under archery regulations. Therefore, Nevada Department of Wildlife (NDOW) has determined there will be no impact, either positive or negative to small businesses.

Because there are no businesses directly associated with handgun carry during archery season, Chief Game Warden Tyler Turnipseed concluded that this proposed regulation does not impose an economic burden upon, nor restrict the formation, operation, or expansion of any small business.

NDOW presented this regulation to the NBWC at their meeting with a workshop held on November 14, 2014, and the adoption hearing held on February 7, 2015, and solicited comments from the public to explain the proposed regulation change. This allowed for the regulation change to be heard by all of the County Advisory Boards to Manage Wildlife at their meetings prior to the workshop and adoption hearings. These meetings were open to the public. Businesses, sportsmen, and individual members of the public could provide comment on the proposed regulation at these meetings. There was no opposition voiced at these meetings regarding an economic impact.

There will be no additional cost to NDOW for the enactment or enforcement of this regulation.

The proposed regulation does not include provisions that will be duplicative of or more stringent than federal, state, or local standards and do not provide a new fee or increase in an existing fee.

A copy of the Small Business Impact Statement will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Small Business Impact Statement by contacting Joanne Trendler at 775-688-1549 and are also available at the following locations:

Nevada Department of Wildlife offices:

Headquarters – Law Enforcement
1100 Valley Road
Reno, Nevada
(775) 688-1549

Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region
60 Youth Center Road
Elko, NV 89801
(775) 777-2300

Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

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.

/s/
Tony Wasley, Secretary
Board of Wildlife Commissioners

TW:jt