

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

**LCB FILE NO. R192-18
Commission General Regulation 482**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapters 488.050 and 502.211.

1. A clear and concise explanation of the need for the adopted regulation:

The proposed regulation is designed to update existing regulation pertaining to the Department's authority and responsibility to make customer personal information confidential upon request per Nevada Revised Statute Chapter 239. The adopted regulation would allow customers to make this request through the Department's online licensing system and would extend the right to privacy protections to customers who not only obtain licenses or tags from the Department, but who apply for such privileges, and to lists distributed by the Department regardless of cost.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary:

Public comment was solicited during two regulation workshops during the Nevada Board of Wildlife Commissioners (NBWC) November 2018 and January 2019 meetings and during the adoption hearing in the March 2019 meeting.

Public comment was made at all three meetings concerning the ability of the Department to provide transparency during the big game tag draw process if those results, including customer name, are not fully provided on a public website. Public comment was also made by several Nevada licensed guides regarding their ability to contact and market their services if customer lists requested from the Department did not contain contact information from customers who chose to make their information confidential. Public comment also included a few individuals who expressed their desire for privacy and their support for the proposed regulation.

A summary of public comment may be obtained by downloading the minutes from the Nevada Board of Wildlife Commissioners November 2018, January 2019, and March 2019 meetings at http://www.ndow.org/Public_Meetings/Com/Minutes/.

3. The number of persons who:

- (a) Attended each hearing: (date and number of attended for workshops and hearings)**
- (b) Testified at each hearing: (date and number of attended for workshops and hearings)**
- (c) Submitted written comments: (date and number of attended for workshops and hearings)**

November 2, 2018 NBWC Meeting

- a. Attended: 50
- b. Testified: 4

c. Written comment: 2

January 25, 2019 NBWC Meeting

a. Attended: 66

b. Testified: 11

c. Written comment: 2

March 16, 2019 NBWC Meeting

a. Attended: 55

b. Testified: 5

c. Written comment: 1

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:

November 2, 2018 NBWC Meeting

(a) **Name:** Rex Flowers

(b) **Telephone number:** 775-722-4506

(c) **Business address:** 3280 Sun Could Circle, Reno, NV 89506

(d) **Business telephone number:**

(e) **Electronic mail address:** randbflowers@yahoo.com

(f) **Name of entity or organization represented:** Self

(a) **Name:** Mel Belding

(b) **Telephone number:**

(c) **Business address:** Washoe County

(d) **Business telephone number:**

(e) **Electronic mail address:**

(f) **Name of entity or organization represented:** Self

(a) **Name:** Jim Puryear

(b) **Telephone number:** (775) 250-3380

(c) **Business address:** 14675 Rim Rock Road, Reno, NV 89521

(d) **Business telephone number:**

(e) **Electronic mail address:**

(f) **Name of entity or organization represented:** Nevada Guide Services & World Safaris

(a) **Name:** Paul Dixon

(b) **Telephone number:** (505) 699-1744

(c) **Business address:** 9445 Greenville Avenue, Las Vegas, NV 89134

(d) **Business telephone number:**

(e) **Electronic mail address:** noxid1960@gmail.com

(f) **Name of entity or organization represented:** Clark CABMW

January 25, 2019 NBWC Meeting

(a) **Name:** Rachel Buzzetti

- (b) **Telephone number:**
- (c) **Business address:**
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Nevada Outfitters and Guides Association

- (a) **Name:** Henry Krenka
- (b) **Telephone number:** (775) 779-2268
- (c) **Business address:** HC 60 Box 515, Ruby Valley, NV 89833
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Nevada Outfitters and Guides Association

- (a) **Name:** Mitch Buzzetti
- (b) **Telephone number:** (775) 738-4082
- (c) **Business address:** PO Box 281251, Lamoille, NV 89828
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Nevada High Desert Outfitters

- (a) **Name:** Don Molde
- (b) **Telephone number:** 775-857-3111
- (c) **Business address:** 3290 Penfield Circle, Reno, NV 89502
- (d) **Business telephone number:**
- (e) **Electronic mail address:** skyshrink@aol.com
- (f) **Name of entity or organization represented:** Self

- (a) **Name:** Rex Flowers
- (b) **Telephone number:** 775-722-4506
- (c) **Business address:** 3280 Sun Could Circle, Reno, NV 89506
- (d) **Business telephone number:**
- (e) **Electronic mail address:** randbflowers@yahoo.com
- (f) **Name of entity or organization represented:** Self

- (a) **Name:** Walt Gardner
- (b) **Telephone number:**
- (c) **Business address:** HC Box 698, Ruby Valley, NV 89833
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Self

- (a) **Name:** Gerald Lent
- (b) **Telephone number:**
- (c) **Business address:**
- (d) **Business telephone number:** 775-852-4636
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Nevada Hunters Association

- (a) **Name:** Shane Evans
- (b) **Telephone number:** (775) 750-7219
- (c) **Business address:** 2120 Citron Street, Reno, NV 89512
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Nevada Rod & Rifle Outfitters

- (a) **Name:** Paul Dixon
- (b) **Telephone number:** (505) 699-1744
- (c) **Business address:** 9445 Greenville Avenue, Las Vegas, NV 89134
- (d) **Business telephone number:**
- (e) **Electronic mail address:** noxid1960@gmail.com
- (f) **Name of entity or organization represented:** Clark CABMW

- (a) **Name:** Bill Gibson
- (b) **Telephone number:** (775) 744-2277
- (c) **Business address:** 197 Western Hills, Spring Creek, NV 89815
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Elko Guide Service

- (a) **Name:** Dave Gowan
- (b) **Telephone number:** (775) 934-2557
- (c) **Business address:** 827 Ashburn Drive, Spring Creek, NV 89815
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Canyons West Guide Service

March 16, 2019 NBWC Meeting

- (a) **Name:** Daryl Capurro
- (b) **Telephone number:**
- (c) **Business address:**
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Self

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- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Self

5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:**
 Comment was solicited from affected small businesses via electronic survey sent to over 300 hunting and fishing guides and taxidermists determined to be most impacted by the proposed regulation.

The Department received 73 responses to the survey during the period May 31, 2018 to June 25, 2018. 44% of participants do not regularly use lists provided by the Department in their business. Of the 56% of participants that do utilize Department customer lists, nearly all of them use the list for targeted advertising or marketing purposes and require either customer's names and addresses to be on the list. 75% stated that removing customer name and address would have an adverse impact on their business. 27% of those businesses also stated they would remove their own name and address from Department lists given the opportunity.

Full results of this survey and a copy of this summary is available from Department upon request.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:**
 The regulation was adopted without change because the proposed language was deemed adequate to make the existing language current and consistent with Nevada Revised Statute without adding undo burden or restriction upon the Department or the public.
7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) **Both adverse and beneficial effects on businesses; and**
 There will be no beneficial effects from the proposed regulation on businesses. Only businesses that have historically relied on customer contact lists distributed by the Department or the Department's licensing vendor for marketing, outreach, recruitment, and other business strategies would be adversely impacted. Based on existing customer preferences to be removed

from such lists, these lists would be substantially smaller than such businesses have become accustomed to. The estimated economic effect is impossible to determine since the Department cannot predict how such business will adapt or pursue alternate methods of recruiting and contacting customers.

(b) Both immediate and long-term effects on businesses:

The effects described above will be immediate and last in perpetuity, barring further regulation revision.

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

There will be no adverse effects from the proposed regulation on the public. The beneficial effects to the public will be the enforcement of a customer's desire to make their personal information confidential and protection from unwanted solicitation or other contact from unknown third-parties. The Department's licensing system provides an easy method to obtain customer privacy preferences and allows customers to change their preferences at will.

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

The effects to the public of this regulation will be immediate and last in perpetuity, barring further regulation revision.

8. The estimated cost to the agency for enforcement of the adopted regulation:

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

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

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

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

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

11. If the 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.

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