

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

LCB FILE NO. R162-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/30/2022**

AUTHORITY: NRS 278.335, NRS 278.337; NRS 501.356; NRS 501.337; NRS 501.181

A REGULATION relating to land use planning; requiring, with certain exceptions, a copy of the tentative map of the design of a proposed subdivision of land to be forwarded to the Department of Wildlife for review; revising the factors that are considered before taking final action on a tentative map; and providing other matters properly relating thereto, including fees collected by the Department of Wildlife to review tentative maps and associated fee structure.

Legislative Counsel's Digest PROPOSED:

Existing law sets forth an approval process for the subdivision of land that requires a subdivider of land to submit a tentative map to the planning commission or governing body of a county or city, as applicable (NRS 278.330). Existing law also requires the tentative map to be forwarded to certain state agencies and local governments for review and grants the Board of Wildlife Commissioners authorization to adopt regulations related to review of tentative map by Department of Wildlife and assign fees for said review. (NRS 278.335, NRS 278.337).

NEW SECTION

Chapter 278 of NAC is hereby amended to read as follows:

“Infill development” defined. The development or redevelopment of vacant or underutilized land in economically, physically static, or declining areas.

“Vacant” defined. A piece of land within [municipality, city limits, identified for disposal for the intent purpose of development, ???] that is not being used, has been previously disturbed or is absent any forage, cover, nesting habitat, or other value necessary for wildlife, and can be divided into or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted as described under NRS 278.320.

“Substantially vacant” defined. A piece of land within [municipality, city limits, identified for disposal for the intent purpose of development, ???] with no more than 25% of the square footage developed or previously disturbed, that can be divided into or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or

development, or any proposed transfer or development, unless exempted as described under NRS 278.320.

1. Information required for review of tentative map. (NRS 278.337) A developer shall submit the following items of information to the Nevada Department of Wildlife for review of a tentative map:

- a. A map showing the topographic features of the subdivision, including of the vicinity of the subdivision, showing the location of the proposed subdivision relative to the nearest city, major highway, cross streets, or other easily identifiable landmarks.*
- b. Project timeline.*
- c. Subdivision size, noted in acres.*
- d. A statement of the type of water system to be used and the water source, for example, private wells or a public water system.*
- e. A map of the 100-year floodplain for the applicable area. The map must have been prepared by recognized methods or by an appropriate governmental agency for those areas subject to flooding.*
- f. A description of the subdivision in terms of 40-acre parts of a designated section, township and range, or any other description which provides a positive identification of the location of the subdivision.*
- g. The names and contact information, including addresses and phone numbers, of the owners and/or developers of the subdivision.*
- h. A master plan showing the future development and intended use of all land under the ownership or control of the developer in the vicinity of the*

proposed subdivision.

- 2. The Department of Wildlife will make publicly available a subdivision review form to submit all required information and tentative subdivision map(s) and the subdivision review form shall accompany all submissions of tentative map(s) for review.*
- 3. The subdivision review form may be submitted to the Department of Wildlife in hard-copy or online format, as identified by the Department of Wildlife and will be available on the Department of Wildlife website.*
- 4. Interested parties may request wildlife information prior to submission of the subdivision review program through the Nevada Department of Wildlife Data Request Process to inform potential development planning processes.*
- 5. The form must be submitted to the Department of Wildlife not more than 5 business days after tentative map(s) have been submitted to the planning commission or governing body of a county or city, as applicable, and not less than 15 days prior to review deadline. The form and tentative map(s) may be submitted earlier in the planning process to facilitate expedited review by the Department of Wildlife. The form must be used for all new subdivisions and/or modifications to previously submitted tentative subdivision maps. The Department of Wildlife will provide review comments no later than the comment deadline.*
 - a. Comments provided by Nevada Department of Wildlife may include but are not limited to:*
 - (1) Methods of avoidance and/or minimization of impacts to wildlife.*
 - (2) Mitigation recommendations.*
 - (3) Best Management Practices or Required Design Features.*

6. *The following fees are prescribed for subdivision review performed by the Department of Wildlife:*

For reviewing a tentative map.....\$250

Plus \$5 for each acre.

For reviewing a modification to previously submitted map.....\$5/acre

For requesting and considering information which the subdivider has failed to submit in accordance with NRS 278.337, inclusive, each request.....\$250

7. *The fee for the permit is \$250 flat fee, with an additional \$5 per acre identified on the tentative map. Fee(s) must be paid in full to the Department of Wildlife prior to or concurrent with submission of subdivision review form and tentative map(s). If modifications to a subdivision are made after original submission of a subdivision review form and tentative map(s), necessitating additional review, additional fee in the amount of \$5 per acre will be required.*

8. *All fees collected must be deposited in the Wildlife Account in the State General Fund pursuant to NRS 501.356.*

9. *Completeness of application.*

a. An application for review of a tentative map is not complete until all the required items of information and associated fees have been submitted to the Nevada Department of Wildlife. The period allowed the Department of Wildlife for its review begins on the date when the application is complete.

b. If an incomplete application for review is received by the Nevada Department of Wildlife, the Department of Wildlife shall give the submitter written notice of that fact. The notice must include a list of the specific items which are

missing.

10. Except as otherwise provided above, submission to the Department of Wildlife the subdivision review form, tentative map(s), and associated fees does not apply if:

- a. The governing body has adopted a habitat conservation plan for multiple species of wildlife that evaluates the potential impacts to wildlife and wildlife habitats from the development of land, including, without limitation, any determination of impact to wildlife and wildlife habitat required pursuant to federal law, and the habitat conservation plan has been approved by the United States Fish and Wildlife Service; or*
- b. The proposed subdivision is infill development which is proposed on a vacant or substantially vacant tract of land that is surrounded by land that is already developed.*