

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

LCB FILE NO. T011-22A

**The following document is the initial draft regulation proposed
by the agency submitted on 12/13/2022**

SECRETARY OF STATE
FILING DATA

FORM FOR FILING
ADMINISTRATIVE REGULATIONS

FOR EMERGENCY
REGULATIONS ONLY

NEVADA DEPARTMENT OF
WILDLIFE
NEVADA BOARD OF WILDLIFE
COMMISSIONERS

EFFECTIVE DATE:
EXPIRATION DATE:

ATTACHED STATEMENT OF
EMERGENCY

Temporary Regulation
Commission General Regulation 510:
FCFS Exchange to Obtain a Tag

Governor's Signature:

Classification: ____ PROPOSED ADOPTED BY AGENCY ____ EMERGENCY

Brief description of action:

The Nevada Board of Wildlife Commissioners adopted:

Commission General Regulation 510, FCFS Exchange to Obtain a Tag, Temporary Regulation

The Commission adopted changes to Nevada Administrative Code (NAC) 502 that would include any money, goods, or services exchanged for procurement of a tag through the FCFS program as grounds for suspension from the program.

Authority citation other than 233B: NRS 501.105

Workshop Notice date: 10/19/2022

Workshop Hearing date: 11/04/2022

Adoption Notice date: 10/05/2022

Adoption Hearing date: 11/05/2022

Agency Adoption Date: 11/05/2022

Commission
Adopted
Nov. 2022

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 510
TEMPORARY REGULATION**

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

AUTHORITY: §§1 and 2, NRS 502.175

A REGULATION relating to licensing and the purchase of tags.....

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

502.4215 1. The Department 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 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:

(1) 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, *and all involved parties*, 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; *or*

(e) Exchange of anything of value including, without limitation, money, goods and/or services, to obtain a tag;

(f) Offering to obtain a tag in exchange for anything of value including, without limitation, money barter, goods and/ or services.

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, *and all involved parties*, shall be suspended by the Department from using the electronic system to apply for remaining tags in any future hunting seasons.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066**

**Temporary Regulation
Commission General Regulation 510**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 502.

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

The proposed regulation change would include the trade of money, goods, or services in exchange for a tag procurement through the FCFS program as grounds for suspension. The proposed change is intended to keep a fair and equitable system for all participating parties.

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 one regulation workshop of the Nevada Board of Wildlife Commissioners (NBWC) on November 4, 2022, as well as during the adoption hearing on November 5, 2022.

A summary of public comment may be obtained by downloading the minutes from the Nevada Board of Wildlife Commissioners meetings at:

<https://www.ndow.org/events/november-2022-commission-meeting/>

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 5, 2022 NBWC Meeting

- a. Attended: 35 general public
- b. Testified: 0
- c. Written Comment:

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:
- (a) Name:
 - (b) Telephone number:
 - (c) Business address:
 - (d) Business telephone number:
 - (e) Electronic mail address:
 - (f) Name of entity or organization represented:

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:

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

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 after discussion at one Commission Meeting and was adopted with no changes.

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

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.

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

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

- (b) 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.

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

There will be no increased costs to enforce the proposed regulation.

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 establish a new fee or increase an existing fee.

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

**Commission General Regulation 510 – Temporary Regulation – FCFS Exchange to
Obtain a Tag**

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 impacted and, therefore, 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:

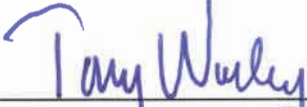
This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

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