

**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. R162-22
Commission General Regulation 500**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapters 278.

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

This regulation is necessary for establishing a mechanism to carry out subdivision review by the Nevada Department of Wildlife pursuant to NRS 278.337.

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:

How comments were solicited:

Public comment was solicited during one regulation workshop of the Nevada Board of Wildlife Commissioners (NBWC) on November 05, 2022.

There were three public comments during this workshop.

Public comment was solicited during one regulation workshop of the Nevada Board of Wildlife Commissioners (NBWC) on November 04, 2023.

There was three public comments and one written comment submitted.

Public comment was solicited for the permanent regulation during one adoption hearing with the Nevada Board of Wildlife Commissioners (NBWC) on March 9, 2024.

There were two public comments.

Public comment was solicited for a second adoption hearing with the Nevada Board of Wildlife Commissioners (NBWC) on May 4, 2024.

There was no public comment.

Summary:

Public comments surrounded clarifications on how to submit proposed maps and questions regarding the fees. The Department worked with every interested stakeholder to answer their questions through multiple public workshops, Commission Meetings, and individual phone calls.

Copies:

Meeting minutes from the Nevada Board of Wildlife Commissioners' meetings include all public comment and can be found here when posted: <https://nvboardofwildlife.org/#meetings>

3. The number of persons who:

(a) Attended each hearing:

November 05, 2022: 35 Attendees

November 04, 2023: 14 Attendees

March 09, 2024: 20 Attendees

May 4, 2024: 26 Attendees

(b) Testified at each hearing:

November 05, 2022: 3

November 04, 2023: 3

March 09, 2024: 2

May 4, 2024: 0

(c) Submitted written comments:

November 05, 2022: 0

November 04, 2023: 1

March 09, 2024: 0

May 4, 2024: 0

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

(a) Name: Paul Dixon

(b) Telephone number: 505-699-1744

(c) Business address:

(d) Business telephone number:

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

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

(a) Name: Josh Hicks

(b) Telephone number:

(c) Business address: 100 W Liberty Street, Reno

(d) Business telephone number: 775-788-2000

(e) Electronic mail address: jhicks@mcdonaldcarano.com

(f) Name of entity or organization represented: McDonald Carano Law Firm

(a) Name: Caron Tayloe

(b) Telephone number: (775) 813-3983

(c) Business address: NA

(d) Business telephone number: NA

(e) Electronic mail address: crntayloe@gmail.com

(f) Name of entity or organization represented: Self

(a) Name: Jennifer Berthiaume

(b) Telephone number: NA

(c) Business address: 304 South Minnesota Street

(d) Business telephone number: 775-883-7863

(e) Electronic mail address: info@NACO.com

(f) Name of entity or organization represented: NACO

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:

The Department sent a survey to multiple stakeholders to solicit comment from potentially affected businesses.

The results of the two (2) valid, completed surveys are discussed below:

Concerns identified by both respondents included difficulties in estimating anticipated financial/economic impacts.

Respondent A indicated that without being able to estimate annual fees, they were unsure whether the fees would be a significant financial/economic impact, or what the reduced net revenue would be because of the proposed regulation and believed that fees should be based on lot numbers rather than acres or have a cap on cost included. This respondent did not believe that any other significant impacts restricting formation, operation, or expansion of business would result.

Respondent B indicated that an anticipated annual cost of \$1,400 for NDOW review of tentative maps but was unsure if \$1,400 would constitute a significant financial/economic impact. That respondent also indicated that annual revenue would be reduced by that amount. This respondent was primarily concerned with the added time associated with NDOW review or time required for processing “entitlements.”

Ultimately, the Department concluded that there would be no significant small business impact.

A copy of the Small Business Impact Statement can be found attached to the Notice of Intent:

<https://www.ndow.org/wp-content/uploads/2024/02/CGR500.pdf>

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 on March 9, 2024 after discussion at multiple open public meetings as well as Commission Meetings and was adopted with a few clarifications. The first change on page 3 clarifies what should be shown on the map, the second change on page 5 clarifies circumstances surrounding the fee. On page 4 the regulation was adopted with a new subsection 7. Following the March adoption, LCB communicated that the regulation would need to be re-adopted with their version of the proposed subsection 7. At the May 4th Commission Meeting the regulation was re-adopted using LCB’s language.

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

After multiple public meetings with potentially affected businesses, it was determined that this regulation would not have a significant impact on small businesses, neither adverse nor beneficial.

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

It has been determined that there are neither immediate nor long-term effects on businesses.

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

There are no adverse effects on the public.

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

There are neither immediate nor long-term effects on the public.

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

Implementation of the review process outlined in the proposed regulation is anticipated to cost approximately \$124,224 for the initial establishment of the review process and program and associated equipment, operating expenses, and standard information services expenses, and approximately \$106,245 annually after establishment. This estimate is based upon the requirement of a new full-time {FTE} Wildlife Staff Specialist (approved by IFC in November 2022) to administer this review program. In addition to review of tentative maps, NDOW has fielded numerous calls from interested members of the public relative to proposed subdivisions, and NDOW will continue devoting staff resources toward public and/or interested party coordination.

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:

There are no other regulations that overlap or duplicate this regulation.

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

There are no other regulations that regulate this same activity.

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.

The agency is preparing to collect \$250 per tentative map received plus \$5 per acre depicted on said map, per NRS 278. By early 2023, NDOW had received 31 tentative subdivision maps since passage of Assembly Bill 211 (2021). No fees were collected for review of these maps. The subdivision maps covered 5,5117 acres. Had NDOW been fully implementing review including collection of fees under NRS, this would have amounted to collecting of \$33,335.50 in revenue.

It is also anticipated that fees will significantly fluctuate during periods of increased or decreased housing development. It is difficult to anticipate exactly how much will be collected due to these variations.