

Chapter 503 of NAC

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

LCB File No. T010-14

COMMISSION GENERAL REGULATION 455

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the (Adoption/Amendment/Repeal) of Regulations
of the Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public workshop/hearing on February 6-7, 2014. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation 455 (LCB File No. T010-14) pertaining to Chapter 503 of the Nevada Administrative Code.

- 1) The need for and purpose of the proposed regulation:
This regulation brings the administration of the trapping questionnaire regulation into line with the Department's current trapping seasons. Specifically, it amends the trapping license valid period, when the trapping license questionnaire deadline is to occur, who administers the trapping questionnaire process and addresses the prohibition of a subsequent trapping license purchase.
- 2) Text of the proposed regulation: See Attached
- 3) Will this regulation likely impose a direct and significant economic burden upon small business?
No, there would be no direct or significant impact upon small business. The language amendments are bringing the Department's administrative aspects of trapping questionnaire processes required by individual trapping license holders current. The changes will allow the Department to more effectively administer the trapping questionnaire requirements.
- 4) Will this regulation directly restrict formation, operation or expansion of small business?
No, the regulation will not restrict the formation, operation or expansion of small business.
- 5) Describe how the concerted effort was made to determine the business impact:
The language changes affect the Department's administrative and enforcement processes of the trapping questionnaire required by individual trapping license holders. As a result it does not affect business.
- 6A. Describe the estimated economic effect of the regulation on the business which it is to regulate:

- (i) Adverse effect – The language does not regulate business.
 - (ii) Beneficial effect – The language does not regulate business.
- 6B. Describe the estimated economic effect of the regulation on the public which it is to regulate:
- (i) Adverse effect – The language affects a reporting requirement on the public. If the public fails to meet the reporting requirement they would be ineligible to purchase a trapping license for the following year. There are provisions in the language to allow the public to reinstate their eligibility.
 - (ii) Beneficial effect – If trapping questionnaire requirements are met by the public they would remain eligible to purchase a license for the following year if so choose.
- 7) Describe the method used to calculate the financial impact (positive, negative, or none) on small businesses:
The language changes affect the Department’s administrative and enforcement processes of the trapping questionnaire required by individual trapping license holders. As a result it does not affect business.
- 8) The name of the person(s) conducting the analysis of the likely impact of the proposed regulation:
Maureen Hullinger, Management Analyst III
- 9) Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:
The administration of the program is part of the Department’s regular duties.
- A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates __N/A__, the duplication or overlapping is necessary because __ N/A __.
- If the proposed regulation overlaps or duplicates a federal regulation what is the name of the regulatory federal agency? N/A
- 10) If the regulation is required pursuant to federal law provide, a citation and description of the federal law. N/A
- 11) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: N/A
- 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 Council 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

PROPOSED TEMPORARY REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. T010-14

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.119, 501.181,

A REGULATION relating to wildlife; this regulation adds language to specify the valid period of a trapping license as a fiscal year. Additionally, it amends the language to have the Department in place of the Commission to deny a trapping license due to the non-receipt of the trapping questionnaire. This language amendment will bring it into a similar format for other questionnaires received by the Department, for example the big game questionnaire.

Section 1. *Except as otherwise provided in regulation and unless suspended or revoked, each trapping license, is valid:*

- (a) From the date the license is issued until the last day of the next succeeding June; or*
- (b) From the first day of July immediately following the date the license is issued until the last day of the next succeeding June.*

Sec 2. NAC 503.160 is hereby amended to read as follows:

NAC 503.160 1. The Department may determine methods of obtaining necessary data from a person who purchases a trapping license from the Department or a license agent relative to the trapping activities and success of the person.

2. Each person who purchases a trapping license from the Department or a license agent shall complete and return any reporting form or questionnaire required by the Department. The person must return any such form or questionnaire regardless of whether the person trapped any fur-bearing mammals or unprotected species of wildlife during the term of the trapping license. Except as otherwise provided by an annual regulation of the Commission, the completed form or questionnaire must be received by the Department or an independent contractor designated by the Department not later than ~~April 30~~ *May 31, or the next business day if May 31 falls on a weekend or state holiday*, of each year. *A person who fails ~~Failure~~ to return the form or questionnaire within that period or the submission of any false information on the form or questionnaire is cause for the ~~Department~~ *Commission* to suspend the trapping license held by the person and deny the person the right to acquire any trapping license for a period of 1 year. A person whose trapping license is suspended or whose right to acquire a trapping license is denied pursuant to this section may have the privilege reinstated if the person:*

- (a) Pays to the Department an administrative fine in the amount of \$50; and*
- (b) Completes and submits the required form or questionnaire to the Department.*

3. As used in this section, “license agent” has the meaning ascribed to it in NAC 502.065.

December 19, 2014

Small Business Impact Statement
Commission General Regulation 455
LCB File No. T010-14 (Temporary)
Trapping Questionnaire

The need and purpose for this regulation is multifaceted. It brings the administration of the regulation into line with the Nevada Department of Wildlife (NDOW) current trapping seasons and provides for the Department to administer the process versus the Commission. Specifically, it amends the trapping license valid period, when the trapping license questionnaire deadline is, who administers the trapping questionnaire process and prohibition of a subsequent trapping license purchase.

Currently the trapping license valid period is Mar 1 – Feb 28/29 license year, similar to hunting and fishing licenses. The expiration date overlaps the trapping seasons which extend into March and April. The current regulation also directs the Commission to prohibit the purchase of a subsequent trapping license if the trapping questionnaire is not returned. Administration of the regulatory requirements at the Commission level hinders timely administration of the regulation and is inconsistent with other questionnaire requirements in regulation for other programs, such as the big game tag questionnaire. Lastly, the current trapping questionnaire deadline occurs at the same time the trapping seasons close and does not allow those licensed trappers trapping at the end of the season time to submit their questionnaire before the deadline.

This regulation amendment changes the valid period of the trapping license to a fiscal year, July 1 – June 30. Also the amendment of the questionnaire deadline to May 31 will provide licensed trappers time to complete their questionnaire and meet the regulatory deadline after the seasons close April 30. In addition amending the administration of the prohibition to purchase a trapping license due to non-return of the questionnaire to the Department, the Department can apply that status to the sportsman's record before the new trapping licenses are available for purchase July 1. Lastly, the questionnaire deadline language in the amendment is presented in a format consistent with other Department questionnaire language in regulation. This provides for consistency for the Department in administering the regulatory requirement process.

The small business impact was determined by Management Analyst III, Maureen Hullinger. It was determined that the changes to the licensing valid period and questionnaire deadlines, license purchase prohibitions are administrative to the process. These changes would allow the Department to effectively administer the questionnaire process. It would also clarify the steps for licensed trappers regarding their regulatory requirements.

To be able to implement these changes prior to a new license year occurring the Department will present this regulation to the Nevada Board of Wildlife Commissioners (NBWC) via a workshop on February 6, 2015 and present it again for action/adoption on February 7, 2015. In addition, this regulation will be sent to licensed trappers and heard by all

County Advisory Boards to Manage Wildlife (CABs) at their local meetings. The NBWC and CABs are open to the public. Businesses, sportsmen, and individual members of the public are invited to provide testimony.

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