

Chapter 502 of NAC

ADOPTED TEMPORARY REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS

LCB File No. T004-15

(Filed with the Secretary of State on June 18, 2015)

COMMISISON GENERAL REGULATION 456

SPECIAL INCENTIVE ELK TAG ARBITRATION

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.181, 502.142, 502.160

A REGULATION relating to wildlife; allowing the Nevada Board of Wildlife Commission to facilitate decisions concerning arbitration of elk incentive tags; will serve as the arbitration panel or appoint a panel and define the procedures in which the arbitration process proceeds; and other matters relating thereto.

**NAC 502.42283 Arbitration panel.** (NRS 501.105, 501.181, 502.142, 502.160)

1. The Commission ~~may~~ *will serve as the arbitration panel or appoint a panel to:* ~~{select an arbitration panel from the residents of the county in which an owner applicant resides to:}~~

(a) Decide a dispute between a landowner applicant and the Department concerning the number of special incentive elk tags that the Department should award; or

(b) Determine whether a party who possesses a special incentive elk tag has adhered to the terms of the agreement entered into to obtain the tag.

~~{2. An arbitration panel must consist of three members to be selected as follows:~~

~~—(a) One member representing the local business community.~~

~~—(b) One member representing persons actively engaged in the production of agriculture. Persons engaged in the production of agriculture shall, upon request, provide the Board of Wildlife Commissioners with a list of prospective members.~~

~~—(c) One member representing either a local hunting or sportsmen's organization, or the county advisory board to manage wildlife. The county advisory board to manage wildlife shall, upon request, provide a list of prospective members.~~

~~—3. A member of an arbitration panel must be a resident of the county he or she serves.~~

~~—4. The term of office of each member of the panel is 2 years.~~

~~—5. Each arbitration panel shall select a chair from among its members.~~

~~—6. An arbitration panel will be called to serve at the request of the Director or his or her designee.~~

~~—7. Each member of the arbitration panel serves without salary, but may receive the per diem allowance and travel expenses provided for state officers and employees generally while performing official duties of the arbitration panel.~~

~~8. The arbitration panel shall:~~ **2. The Commission or appointed panel shall:**

(a) Review the evidence submitted by a claimant and the Department before making a determination; and

(b) Render a decision in an expeditious manner, *but not later than July 1st.* ~~but not later than 20 days after receiving notification to serve on a claim.~~

~~9~~ **3.** The decision of the ~~arbitration panel~~ *Commission or appointed panel* is final and binding on the parties if it complies with the provisions of NAC 502.42253 to 502.42283, inclusive, and applicable laws of this State.

**4. The Commission shall have the authority to define the procedure in which the arbitration process proceeds.**

**Informational statement relating to Commission General Regulation No. 456  
(LCB File No. T004-15) - as required by Chapter 233B.066.**

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

This temporary regulation amends NAC 502.42283 which allows the Nevada Board of Wildlife Commission to facilitate decisions by appointing or serving as the arbitration panel should arbitration of elk incentive tag awards become necessary.

**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.**

A copy of the proposed regulation was noticed and provided to Nevada's 17 County Advisory Boards to Manage Wildlife (CABs) as part of the NBWC agenda and support material for their March 20, 2015 workshop and action at the May 15, 2015 NBWC meeting. The support material and draft regulation was mailed to CAB's and interested parties allowing the opportunity to comment at their local CAB meeting or Commission meeting. Those CAB's that held public meetings prior to the March 20, 2015 workshop and action at the May 15, 2015 NBWC provided opportunity for public comment at their individual meetings. Public comment was solicited at the NBWC workshop and their action on May 15, 2015 prior to the approval of the regulation. The regulation was adopted as presented.

The comments were received from the public at the workshop and adoption meetings. There was no public comment and the CAB's supported the passage of the special incentive elk tag arbitration.

**3. The number of persons who:**

- (a) **Attended each hearing:** 22 Workshop 28 Hearing
- (b) **Testified at each hearing:** 3 Workshop 1 Hearing
- (c) **Submitted written comments:** 0

**4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**

- (a) Name; Paul R. Dixon, Chairman
  - (b) Telephone number; 505-699-1744
  - (c) Business address; 9445 Greenville Avenue, Las Vegas, NV 89134
  - (d) Business telephone number; 505-665-4595
  - (e) Electronic mail address; and mldprd24@yahoo.com
  - (f) Name of entity or organization represented. Clark County Advisory Board
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- (a) Name; Mitch Buzetti, CAB Member
  - (b) Telephone number; 775-934-2909
  - (c) Business address; PO Box 28-1251, Lamoille, NV 89828
  - (d) Business telephone number;
  - (e) Electronic mail address; and mitch@nhdo.com

(f) Name of entity or organization represented. Elko County Advisory Board Member

(a) Name; Sean Shea, Chairman

(b) Telephone number; 775-323-9090

(c) Business address; 10760 Santa Fe Road, Reno, NV 89508

(d) Business telephone number;

(e) Electronic mail address; and sean@theheadmaster.com

(f) Name of entity or organization represented. Washoe County Advisory Board

**5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comment was not solicited from businesses as this regulation does not regulate businesses. Copies of the meeting minutes can be obtained at:

[http://www.ndow.org/Public\\_Meetings/Commission/Agenda/](http://www.ndow.org/Public_Meetings/Commission/Agenda/)

**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. The comments received supported the passage of the temporary regulation.

**7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

**(a) Estimated economic effect on the businesses which they are to regulate.**

There would be no direct or significant economic impact upon small business because this regulation does not change arbitration processes, only the membership of the panel that makes the decision. The language amendments provide the ability for the Nevada Board of Wildlife Commissioners (NBWC) to appoint a panel or serve as the panel by which arbitration of disputes of the Nevada Department of Wildlife (NDOW) determination of appropriate allocation of special incentive elk tags. The changes will allow the Department and NBWC to more effectively administer the incentive elk tag arbitration.

**(b) Estimated economic effect on the public which they are to regulate.**

There would be no economic effect on the public because this regulation is to provide an arbitration panel. Although the Commission attempts to hold meetings in the location where arbitration may originate, there are instances in which the appellant may incur increased travel expenses.

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

There will be no additional cost for the agency to enforce this regulation as game wardens are currently enforcing current wildlife laws.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, provide the name of the regulating federal agency.**

There are no other overlapping local, state, or federal government regulations.

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

There are no federal 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.**

There are no new fees.