

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

**LCB File No. R031-15**

## **NEVADA DEPARTMENT OF WILDLIFE NOTICE OF INTENT TO ACT UPON A REGULATION Notice of Hearing for the (Amendment/Adoption/Repeal) of Regulations Nevada Board of Wildlife Commissioners CGR 457 – LCB File No. R031-15 Awards, Issuance, and Use of Tags**

The Board of Wildlife Commissioners will hold a workshop on August 7, 2015 at 1:30 p.m. at the Churchill County Chambers, 155 N. Taylor St., Fallon, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of Commission General Regulation 457 (LCB File No. R031-15) pertaining to Chapter 502 of the Nevada Administrative Code.

- 1) The need for and purpose of the proposed regulation:  
The proposed regulation is an amendment to an existing regulation to keep the issuance of elk incentive tags consistent with the original intent.
- 2) Text of the proposed regulation:  
See attached proposed regulation.
- 3) Will this regulation likely impose a direct and significant economic burden upon small business?  
No affect anticipated, maintains current program by addressing inconsistencies introduced inadvertently during recent revisions to administrative code.
- 4) Will this regulation directly restrict formation, operation or expansion of small business?  
Not anticipated to have any effect on small business.
- 5) Describe how the concerted effort was made to determine the business impact:  
The proposed regulation is an amendment intended to clarify an inconsistency that was inadvertently introduced during a 2010 regulation amendment. Because there is no intended change from how the NAC is currently being administered, there is no expected affect on business in any way.
- 6A. Describe the estimated economic effect of the regulation on the business which it is to regulate:
  - (i) Adverse effect – The regulation will not have any adverse economic effect on a business because this regulation does not regulate businesses.

- (ii) Beneficial effect – The regulation will not benefit a business because this regulation does not regulate businesses.

6B. Describe the estimated economic effect of the regulation on the public which it is to regulate:

- (i) Adverse effect – There is none expected.
- (ii) Beneficial effect – There is none expected.

7) Describe the method used to calculate the financial impact (positive, negative, or none) on small businesses:

The proposed regulation is an amendment intended to clarify an inconsistency that was inadvertently introduced during a 2010 regulation amendment. Because there is no intended change from how the NAC is currently being administered, there is no expected affect on business in any way.

8) The name of the person(s) conducting the analysis of the likely impact of the proposed regulation:

Brian Wakeling, Game Division Administrator, Nevada Department of Wildlife

9) Estimated cost to the Department of Wildlife for enforcement of the proposed regulation: Game wardens are currently enforcing laws.

A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates this regulation does not overlap or duplicate any other state or local government regulation, the duplication or overlapping is necessary because this does not apply in the case of this regulation.

If the proposed regulation overlaps or duplicates a federal regulation what is the name of the regulatory federal agency?

This regulation does not overlap or duplicate any federal regulations.

10) If the regulation is required pursuant to federal law provide, a citation and description of the federal law.

The regulation is not required by federal law.

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

There is not a federal regulation that regulates this activity.

12) The proposed regulation establishes a new fee or increases an existing fee: X No

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 offices:

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 Counsel 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 are accurate.

This notice of hearing has been posted at the above locations.

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/s/  
Tony Wasley, Secretary  
Board of Wildlife Commissioners

TW:jt

March 13, 2015  
July 10, 2015 - Updated

### Small Business Impact Statement

Commission General Regulation 457  
LCB File No. T003-15/R031-15  
Awards, Issuance, and Use of Tags – Elk Incentives

The Commission will consider a permanent adoption of the temporary regulation which expires November 1, 2015, amending license issuance and use clarification for elk incentive tags. The temporary regulation was workshopped on March 20, 2015 and action was taken on May 15, 2015, at the Nevada Board of Wildlife Commissioners meetings. The Nevada Board of Wildlife Commissioners will hold a workshop at their meeting on August 7, 2015, and for possible action at their September 25-26, 2015 meeting.

The proposed regulation is an amendment to an existing regulation to keep the issuance of elk incentive tags consistent with the original intent.

The Nevada Department of Wildlife determined that, although NRS 502.142 establishes the program for issuance of special incentive license tags, it does not provide a specific definition for "bull" elk. At the time of initial adoption (1997), the only permits issued for male elk by the Nevada Board of Wildlife Commissioners were for "bull" elk. "Bull" was defined in NAC, and a definition for "spike" was added in 2002. A subsequent amendment to NAC Chapter 502 added and amended definitions for several game species in 2010. One of which an amendment changing "bull" to "antlered." Consequently, there is no current definition of "bull" in NRS or NAC.

When NRS 502.142 was adopted, the intent was to provide a venue in which the efforts of private landowners could be rewarded with permits for mature male elk, which they could subsequently offer for sale and benefit from their husbandry of the habitat on private lands. The 2010 promulgation of rule has inadvertently reduced clarity of designation for animals that may be lawfully taken and eligible seasons. Although this unintended oversight has yet to cause any application of the statute or administrative code inconsistent with original intent, addressing the inconsistency seems prudent.

The enactment of this NAC will not alter any current practice or result in an additional cost to landowners that participate in this program.

The Small Business Impact Statement was completed by Brian Wakeling, Game Division Administrator.

There will be no additional cost to NDOW, for the enactment, enforcement of this regulation.

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 Division of Law Enforcement, Joanne Trendler at 775-688-1549 and are also available at the following locations:

NDOW-Western Region Field Office  
380 W. "B" Street  
Fallon, NV 89406  
(775) 423-3171

NDOW-Southern Region Field Office  
4747 Vegas Dr.  
Las Vegas, NV 89108  
(702) 486-5127

NDOW-Eastern Region Field Office  
60 Youth Center Road  
Elko, NV 89801  
(775) 777-2300

NDOW-Reno Headquarters—Law Enforcement  
1100 Valley Road  
Reno, Nevada 89512  
(775) 688-1549

/s/  
Tony Wasley, Secretary  
Board of Wildlife Commissioners

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