

STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS

#4

Commission Policy Number 4

Number: P-4
Title: Petition Process and Adoption of Regulations Policy
Reference: NRS 233B.100, NRS 501 NAC 501.195
Effective Date: August 15, 2009

POLICY

It is the policy of the Board of Wildlife Commissioners to accept input on proposed regulations, seasons and bags.

PURPOSE

To guide the Commission and inform all parties of their responsibilities and opportunities for input on proposed regulations, seasons, and bags; their opportunities to comment on proposed regulations; and opportunities for new regulations.

PROCEDURE

1. INPUT ON PROPOSED SEASONS AND BAGS (ALSO KNOWN AS COMMISSION REGULATIONS OR CR'S)

County Advisory Boards to Manage Wildlife (CABMWs) or members of the public may provide input to proposed seasons and bags via letter, email, fax, phone, or in person at a Commission meeting.

Since NRS 501.260 to 501.325, inclusive, establishes a process for county advisory boards to manage wildlife to solicit and evaluate local opinion for wildlife management and to submit recommendations to the Commission for seasons, bag limits, and hours, ~~and special regulations~~, individuals are encouraged to initiate these requested changes or make recommendations changes through their local CABMW county board in which they reside.

However an individual may request the Commission to adopt or amend a Commission regulation for seasons, bag limits, hours, or special through annual regulations by submitting a Letters should be addressed to the Chair in care of (c/o) Secretary of Board of Wildlife Commissioners, the Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada 89512. Contact by phone: 775-688-1500, or fax: 775-688-1207.

The letter input must contain the Commission regulation number for an existing regulation, the intent or purpose of a new or amended regulation, and the suggested

seasons, bag limits, or language for the special regulations. Such requests for a new or amended Commission regulation will be placed on the agenda for the next regularly scheduled Commission meeting for discussion but may not receive final action to adopt or deny until the regularly scheduled meeting for that type of season, bag limit, or special regulation. To be considered for the upcoming hunting season, the suggestions must be sent prior to the season-setting meeting. The input must contain the author's name, address, and phone number, at a minimum.

2. INPUT ON PROPOSED PERMANENT REGULATIONS (ALSO KNOWN AS COMMISSION GENERAL REGULATIONS OR CGRs)

NRS also permits CABMWs or members of the public to provide input on proposed regulations (in conjunction with a current rulemaking process) via letter, email, fax, phone, or in person at the Commission meeting. Input should be in the same format as stated above, and must contain the same identification information as above. Individuals are encouraged to initiate these changes through the county in which they reside.

3. SUGGESTING CHANGES TO REGULATIONS NOT IN CONJUNCTION WITH CURRENT RULEMAKING

NRS 233B.100 permits any individual to petition the Commission for filing, amending, or repealing a permanent regulation by submitting a completed petition form developed by the agency and following the agency's prescribed process. A petition is required to change or amend permanent regulations that are not in conjunction with a current rulemaking process. If accepted by the Commission, the rulemaking process will begin, legal entities will assist in drafting proposed language, which then will be placed on future agendas for workshop and then a vote (on separate days). This is a lengthy process.

PETITIONER RESPONSIBILITIES

The petition form must be complete, conforming to NAC 501.195 and petitioners should be prepared to submit complete documentation in support of the rule changes that are being proposed. If the petition form is not substantially complete, it may be returned to the petitioner indicating the deficiencies, and not placed on a Commission agenda. The petitioner may resubmit a revised form that completely answers the questions.

Petitioners should contact staff in the pertinent Division for assistance with the process or clarification related to the information that is suggested.

The petitioner should attend the Commission meeting and make a presentation with background material. Petitioners should be aware that the following requests generally are disfavored absent compelling new information: reconsideration of regulations that have been amended in the preceding 5 years, or reconsideration of rules that have been petitioned and denied in the preceding 5 years.

STAFF RESPONSIBILITIES

Division staff shall provide background information and pros and cons pertaining to the petition, during the hearing process.

CABMWs AND PUBLIC INPUT

CABMW members and the public will have full opportunity to provide input before a vote is taken by the Commission, during the public comment period after the petitioner and staff presentations. Due to the nature of a live hearing, CABMWs will not receive sufficient information before the hearing on the petition to make a recommendation. CABMWs and public will have opportunity for input after a petition is accepted but before any action takes place to implement the request.

COMMISSION DECISION-MAKING

With petitions, the question for the Commission is solely whether to begin a rulemaking process.

Any decision to accept, deny, or modify the petition will be made based upon all of the information placed in the record at the time of the hearing; that includes the information presented by the petitioner, staff analysis, and public comment. The Commission must follow procedures for petitions outlined in NAC 501.195.

The policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
August 15, 2009.

Chairman Dr. Gerald A. Lent, O.D.

Board of Wildlife Commissioners