STATE OF NEVADA  
NEVADA DEPARTMENT OF WILDLIFE  
NEVADA BOARD OF WILDLIFE COMMISSION

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The Nevada Department of Wildlife is proposing the adoption of regulations pertaining to Chapter 501 and Chapter 503 of the Nevada Administrative Code. A workshop will be held at 8:00 a.m. on March 16, 2018 at Clark County Regional Government Center Laughlin, 101 Civic Way, Laughlin, NV 89029. The purpose of the workshop is to solicit written and/or oral comments from interested persons on the following general topics that may be addressed in the proposed regulations:

**Commission General Regulation 470 - Miscellaneous Petitions, LCB File No. R095-16**

The Commission will hold a workshop to consider amending Chapter 501 of the Nevada Administrative Code (NAC). The regulation was developed by the Administrative Procedures, Regulations, and Policies (APRP) Committee after several public meetings incorporating relevant suggestions from the public, legal counsel, the Department and the Committee. The amendments will simplify petition form requirements and the petition process overall.

A workshop was held on November 18, 2016. The Commission had questions regarding the 30 day limit and the timing with the Commission meetings, what initiates rulemaking, and the appeal process for a petitioner who’s petition was denied. The regulation was referred back to the APRP Committee for further discussion and resolution. A second workshop was held on August 11, 2017. The Commission referred the regulation back to the APRP Committee where changes were made in order to simplify petition form requirements and the petition process overall.

**Commission General Regulation 473, Safe Hunting Distance, LCB File No. R111-17**

The Commission will hold a workshop to consider a regulation relating to amending Chapter 503 of the Nevada Administrative Code (NAC). This regulation would make it unlawful for a person to discharge a firearm, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow within a certain distance of any occupied dwelling without the consent of the owner or occupant of the dwelling.

This Notice of Workshop and support material will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies will be available at the Nevada Department of Wildlife, Director’s Office, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada, for inspection and copying by members of the public during business hours and at the following Nevada Department of Wildlife offices:

1100 Valley Road, Reno, Nevada 89512 (775) 688-1506
380 W. B Street, Fallon, Nevada 89406 (775) 423-3171
60 Youth Center Road, Elko, Nevada 89801 (775) 777-2300
4747 Vegas Drive, Las Vegas, Nevada 89109 (702) 486-5127

They have also been mailed to the following Nevada county public libraries in which an office of the agency is not maintained for inspection and copying by members of the public during business hours:

Carson City Library, 900 North Roop Street, Carson City, Nevada 89701-3101
Douglas County Library, 1625 Library Lane, Minden, NV 89423
Esmeralda County Library, Corner of Crook & 4th Street, PO Box 430, Goldfield, NV 89013-0430
Eureka County Library, 10190 Monroe Street, Eureka, NV 89316
Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445-3095
Battle Mountain Branch Library (Lander County), 625 South Broad Street, Battle Mountain, NV 89820
Lincoln County Library, 63 Main Street, Pioche, NV 89043
Lyon County Library System, 20 Nevin Way, Yerington, NV 89447-2399
Mineral County Public Library, PO Box 1390, Hawthorne, NV 89415
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
Storey County Clerk’s Office, Drawer D, Virginia City, NV 89440
Tonopah Public Library (Nye County), PO Box 449, Tonopah, NV 89049
White Pine County Library, 950 Campton Street, Ely, NV 89301

These regulations will also be available at the following websites:
https://www.leg.state.nv.us/App/Notice/A/
https://notice.nv.gov/
http://www.leg.state.nv.us/register/
http://www.ndow.org/Public_Meetings/Public_Notices/

A copy of all materials relating to the proposed regulations may be obtained at the workshop or by contacting the Director’s Office at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511, (775) 688-1597. A reasonable fee may be charged for copies if it is deemed necessary.

February 22, 2018
AUTHORITY: §1, NRS 233B.100 and 501.181.

A REGULATION relating to wildlife; revising provisions relating to petitions submitted to the Board of Wildlife Commissioners to adopt, file, amend or repeal any permanent regulation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes any interested person to petition a state agency requesting the adoption, filing, amendment or repeal of any regulation and requires each state agency to prescribe by regulation the form for the petition and the procedure for its submission, consideration and disposition. (NRS 233B.100) Existing regulations prescribe the form and procedure to petition the Board of Wildlife Commissioners to adopt, file, amend or repeal a permanent regulation. (NAC 501.195)

This regulation revises the procedure for the submission and evaluation of such a petition by: (1) deleting certain information that must be included in the petition; (2) requiring the Commission to refer each petition to the Department of Wildlife to obtain from the Department its recommendation whether to approve or deny the petition; (3) requiring the Department to forward to the Commission its recommendation regarding each petition as soon as practicable, but not later than 20 days after the date on which the petition was received by the Commission; (4) providing that the Commission will review and make a decision concerning a petition at the next scheduled meeting of the Commission in which consideration of the petition is feasible; (5) providing that, within 30 days after a petition is considered, the Commission will notify the petitioner of its denial of the petition or, under certain circumstances, initiate regulation-making procedures; and (6) providing that a decision of the Commission to deny a petition is a final decision for the purposes of judicial review.

Section 1. NAC 501.195 is hereby amended to read as follows:

501.195 1. A person who wishes to request that the Commission adopt, file, amend or repeal a permanent regulation must submit a written petition to the Commission on a form
provided by the Department. The petition *may be submitted by mail, facsimile machine or
electronic mail and* must include:

(a) The name, *telephone number, electronic mail address, if any,* and mailing address of the
petitioner.

(b) A statement of the reason *and the legal authority* for the adoption, filing, amendment or
repeal of the permanent regulation.

(c) The language of the permanent regulation to be adopted, filed, amended or repealed or a
description of the subjects and issues involved in the permanent regulation.

(d) An estimate made by the petitioner of the economic effect that the permanent regulation
will have on the general public and on any business
which the permanent regulation regulates or will regulate. Those effects must be stated
separately and in each case must include:

— (1) The adverse and beneficial effects; and

— (2) The immediate and long-term effects.

(e) If the adoption, filing or amendment of a permanent regulation is requested, an estimate
made by the petitioner of the estimated cost to the Department for enforcement of the permanent
regulation.

(f) A statement indicating whether the petitioner is aware of any federal regulations or
regulations of other state or local governmental agencies that overlap or duplicate the permanent
regulation to be adopted, filed, amended or repealed.

(g) If the adoption, filing or amendment of a permanent regulation is requested, a statement
indicating whether the permanent regulation establishes a new fee or increases an existing fee.

(h) The signature of the petitioner and the date the petition was signed.
2. A petition requesting the adoption, filing, amendment or repeal of a permanent regulation shall be deemed to be submitted to the Commission on the date of the next regularly scheduled meeting of the Commission that occurs after the petition is received by the Commission.

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Upon receipt of a petition requesting the adoption, filing, amendment or repeal of a permanent regulation, the Commission will refer the petition to the Department to obtain from the Department a recommendation whether to approve or deny the petition.

3. As soon as practicable after receiving a petition, but not later than 20 days after the date on which the petition is received by the Commission, the Department shall:

(a) Review the petition to determine whether there is legal authority for the proposed adoption, filing, amendment or repeal of the permanent regulation; and

(b) Forward to the Commission the petition and the recommendation of the Department whether to approve or deny the petition.

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4. The Commission will review and make a decision concerning a petition at the next scheduled meeting of the Commission in which consideration of the petition is feasible following the receipt of the petition.

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5. Within 30 days after a petition is considered by the Commission pursuant to subsection 4, the Commission will:

(a) Notify the petitioner in writing of its decision to deny the petition, including the reasons for the denial; or

(b) Initiate the regulation-making procedures set forth in chapter 233B of NRS, if the petition requests the adoption, filing, amendment or repeal of a permanent regulation, except a permanent

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LCB Draft of Revised Proposed Regulation R095-16
regulation relating to the classification of wildlife or the designation of seasons for hunting, fishing or trapping by the Commission pursuant to the provisions of title 45 of NRS.

6. A decision of the Commission to deny a petition is a final decision for the purposes of judicial review.
STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B

Re: Commission General Regulation 470; LCB File No. R095-16; Miscellaneous Petitions

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

**ANSWER:**
Comment was not solicited from affected small businesses. This regulation does not affect small businesses. This regulation affects the process by which individuals petition to change existing wildlife regulation as approved by the Nevada Board of Wildlife Commissioners.

2. Describe the manner in which the analysis was conducted:

**ANSWER:**
Agency personnel and board members of the Nevada Board of Wildlife Commissioners concluded that there would be no small businesses impact and no need for a small business impact statement.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

a.) Both adverse and beneficial effects:
b.) Both direct and indirect effects:

**ANSWER:**
There will be no adverse or beneficial, direct or indirect economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

**ANSWER:**
The agency concluded that this regulation does not regulate any small business; therefore, no methods were considered to reduce the impact, because there is no impact.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

**ANSWER:**
The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.
6. If the proposed 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:

**ANSWER:**
This regulation does not propose new fees or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

**ANSWER:**
The amendments do not duplicate any laws regulating the same activity, nor strengthen others.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

**ANSWER:**
There is no impact on small businesses because the changes are associated with individual petitions for ideas to change wildlife laws of the Board of Wildlife Commissioners.

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.

[Signature]

Tony Wasley, Director
Nevada Department of Wildlife
PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R111-17

October 19, 2017

EXPLANATION – Matter in italics is new; matter in brackets [omitted material] is material to be omitted.

AUTHORITY: §1, NRS 501.105, 501.181 and 503.150.

A REGULATION relating to hunting; making it unlawful for a person, during any period in which he or she engages in hunting, to discharge a firearm, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow within a certain distance of any occupied dwelling under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out the provisions of title 45 of NRS governing wildlife, including the manner and means of taking wildlife; and (2) sets forth the circumstances under which it is unlawful for a person to engage in hunting using certain bows, guns or rifles, unless otherwise specified by a regulation adopted by the Commission. (NRS 501.105, 501.181, 503.150) Existing law defines the term “hunting” to mean to “search for, pursue or attract any wildlife for the purpose and with the means of capturing, injuring or killing that wildlife, every attempt to capture, injure or kill wildlife, and every act of assistance to any other person in capturing, injuring or killing that wildlife.” (NRS 501.050) This regulation makes it unlawful for a person, during any period in which he or she engages in hunting, to discharge a firearm, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow within a certain distance of any occupied dwelling without the consent of the owner or occupier of the dwelling.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows:

1. During any period in which a person engages in hunting, it is unlawful for the person:

(a) Except as otherwise provided in paragraph (b), to discharge a firearm within 5,000 feet of any occupied dwelling without the consent of the owner or occupier of the dwelling; or

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LCB Draft of Proposed Regulation R111-17
(b) To discharge any shotgun, to draw or release an arrow from a bow or to draw or
release a crossbow arrow or bolt from a crossbow, within 1,000 feet of any occupied dwelling
without the consent of the owner or occupier of the dwelling.

2. As used in this section, “firearm” does not include an air pistol, air rifle or BB gun.
The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

**ANSWER:**
Comment was not solicited from small businesses. This regulation does not affect small businesses. This regulation contains guidelines for hunters and the unsafe discharge of weapons near an occupied dwelling.

2. Describe the manner in which the analysis was conducted:

**ANSWER:**
Agency personnel and board members of the Nevada Board of Wildlife Commissioners concluded that there would be no small business impact and no need for a small business impact statement.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

   a.) Both adverse and beneficial effects:

   b.) Both direct and indirect effects:

   **ANSWER:**
   There will be no adverse or beneficial, direct or indirect economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

   **ANSWER:**
   The agency concluded that this regulation does not regulate any small business; therefore, no methods were considered to reduce the impact, because there is no impact.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

   **ANSWER:**
   The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.
6. If the proposed 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:

**ANSWER:**
This regulation does not propose new fees or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

**ANSWER:**
This regulation does not overlap or duplicate any federal, state, or local regulation, nor strengthen others.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

**ANSWER:**
The agency concluded that there is not an impact to small businesses because this regulation contains guidelines for hunters and the unsafe discharge of weapons near an occupied dwelling.

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.

Tony Wasley, Director
Nevada Department of Wildlife