

**NEVADA DEPARTMENT OF WILDLIFE
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Adoption of Regulations of the
Nevada Board of Wildlife Commissioners**

**LCB File No. R090-22
Commission General Regulation 508**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 9:00 a.m. on November 5, 2022, at the Washoe County Administrative Building, 1001 E. Ninth Street, Reno, NV 89512. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 502 of the Nevada Administrative Code. A Zoom link is provided below for those individuals that are unable to attend in person.

<https://us02web.zoom.us/j/82382329330?pwd=RTNUZE4yREdaRIITYWJVOWg1a0V3UT09>
Passcode: 907889

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and the purpose of the proposed regulation or amendment:**
The regulation is necessary for creating additional public convenience when submitting a petition and helps the Department better follow the petition process.
2. **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**
This regulation clarifies the petition process for advancing a new or amended regulation to the Nevada Board of Wildlife Commissioners. Previously, the Department received petitions for which the Commission had no authority to address. This regulation will allow the Department to work with the petitioner before petitions are scheduled on a Commission agenda so that the petitioner can either amend or repeal the petition submission. This regulation was reviewed and approved by the Administrative Procedures, Regulations and Policies Committee of the Nevada Board of Wildlife Commissioners.
3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**
 - (a) **Both adverse and beneficial effects on businesses; and**
The regulation will not have any significant adverse or beneficial economic effects on businesses.
 - (b) **Both immediate and long-term effects on businesses:**
There will be no immediate or long-term economic effects from the proposed regulation on small businesses because it does not regulate the operation of any

small business.

(c) Both adverse and beneficial effects on the public; and

This regulation does not have an anticipated beneficial or adverse economic effect on the public.

(d) Both immediate and long-term effects on the public:

This regulation does not have an anticipated immediate or long-term economic effect on the public.

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

There will be no increased costs to enforce the proposed regulation.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:

This regulation does not overlap or duplicate any other state, local, or federal laws or regulations.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law:

This regulation is not required pursuant to federal law.

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

This regulation does not include provisions that are more stringent than federal regulations.

8. Whether the proposed regulation establishes a new fee or increases an existing fee:

This regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Nevada 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 Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511 attention Director's Office. Written submissions must be received by the Nevada Department of Wildlife 5 weekdays before the meeting. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted 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 of the notice and the regulation to be adopted will be available at the Nevada Department of Wildlife Director's Office, 6980 Sierra Center Parkway, Suite 120; Reno, Nevada 89511, and in all counties in which an office of the agency is not maintained, at the main public

library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is 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 of this notice and the proposed regulation 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, will 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.

This notice of hearing has been posted 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
3373 Pepper Lane; Las Vegas, Nevada 89120 (702) 486-5127

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/>

<https://nvboardofwildlife.org/>

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

October 3, 2022

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

LCB File No. R090-22

July 11, 2022

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

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

A REGULATION relating to wildlife; clarifying certain definitions relating to wildlife; revising certain definitions relating to spike elk; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to: (1) establish policies and adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat; and (2) adopt regulations necessary to carry out the provisions of title 45 of NRS governing wildlife, including, without limitation, the manner and means of taking wildlife. (NRS 501.105, 501.181)

Existing law defines the term “antler point” to exclude the first antler point on the main beam, commonly known as the eye guard on mule deer. (NRS 501.3855) **Section 1** of this regulation clarifies that the exclusion of the first antler point on the main beam is limited to mule deer.

Existing regulations define the terms “spike elk” and “spike elk only” to mean antlered elk having not more than two antler points above the top of the ear on either antler. (NAC 502.104, 502.1045) **Sections 2 and 3** of this regulation revise these definitions to mean antlered elk having not more than three antler points on either antler.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 501.3855 and NAC 502.006, the Department interprets the exclusion of the first antler point on the main beam, as described in the definition of “antler point” in NRS 501.3855, to be limited to mule deer.

Sec. 2. NAC 502.104 is hereby amended to read as follows:

502.104 “Spike elk” means any antlered elk having not more than ~~two~~ *three antler* points ~~above the top of the ear~~ on either antler.

Sec. 3. NAC 502.1045 is hereby amended to read as follows:

502.1045 “Spike elk only” means, in a designation of elk that may be taken during an open season, only antlered elk having not more than ~~two~~ *three antler* points ~~above the top of the ear~~ on either antler.

**STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

Commission General Regulation 508 LCB File No. R090-22 Antler Points and Spike Elk Defined

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 as the changes are associated with a program administered by the Nevada Department of Wildlife.

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

ANSWER:

Agency personnel concluded that there would be no small businesses impacted and therefore no need for a small business impact analysis.

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:

ANSWER:

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

- b.) Both direct and indirect effects:

ANSWER:

There will be no 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:

There will be no impact from the proposed regulation on small businesses, therefore no methods of impact reduction were considered or taken by the agency.

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:

The proposed regulation does not provide new 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:

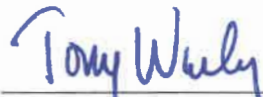
This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

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

ANSWER:

The agency concluded that this regulation does not impact small businesses because the changes are not associated with regulating any small business functions by the Nevada Department of Wildlife.

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