



STATE OF NEVADA
DEPARTMENT OF WILDLIFE
Director's Office

6980 Sierra Center Parkway, Ste. 120 • Reno, Nevada 89511
(775) 688-1500 Fax (775) 688-1207 #11

MEMORANDUM

Date: November 3, 2017

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Jordan Neubauer, Management Analyst III

Title: Commission Policy 3, Appeals – First Reading

Description: The Commission will conduct a first reading of Commission Policy 3, Appeals, and may take action to revise the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Presenter: **Administrative Procedures, Regulations and Policy (APRP) Committee Chairman and Commissioner David McNinch**

Summary:

The APRP Committee reviewed Commission Policy 3 on September 22, 2017.

The APRP Committee doesn't see any major changes that are needed to the policy, but would like the Commission to reaffirm it with the recent appeal activity.

The Department made a few clean-up edits.

Recommendation:

The Department and APRP Committee recommend that the Commission **VOTE TO APPROVE COMMISSION POLICY 3 AS PRESENTED AND MOVE IT TO A SECOND READING AT THE JANUARY COMMISSION MEETING.**

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 3

Number: P- 3
Title: Appeals Policy
Reference: NAC 501.140 through 501.190
NRS 501, 502, 503
Effective Date: August 15, 2009
Amended Date: November 3, 2017

POLICY

It is the policy of the Nevada Board of Wildlife Commissioners (Commission) to follow the procedures prescribed in NAC 501.140 through 501.190 for conducting appeal hearings.

PURPOSE

The purpose of this policy is to guide the Commission in the appeals process and the conduct of hearings.

PROCEDURE

The Commission is acting in its quasi-judicial capacity and will determine appeals within their authority based on information presented for the hearing only and as prescribed in statute and regulation.

Commissioners will not engage in discussion with the appellant, or about the appeal with anyone, Department personnel or any other person regarding the facts or circumstances associated with said appeal. Commissioners will decide an appeal based solely on information presented at the hearing including any pleadings or other documents submitted by the parties, and as prescribed in statute and regulation.

Information about appeals will only be distributed to the Commission and appellant prior to the hearing. All non-confidential information will be available to the public at the hearing.

The Commission will not take public comment on appeals. County Advisory Boards to Manage Wildlife (CABMW) members will not communicate with the Commission members concerning appeals.

The policy shall remain in effect until amended, repealed, or superseded by the Nevada Board of Wildlife Commissioners. BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, NOVEMBER 3, 2017~~August 15, 2009~~.

Chairman Grant Wallace ~~Dr. Gerald A. Lent, O.D.~~
Nevada Board of Wildlife Commissioners

