



**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

MEMORANDUM

Date: September 22, 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 9, Americans with Disabilities Act (ADA) – Second Reading

Description: The Commission will conduct a second reading of Commission Policy 9, ADA, and may take action to officially repeal the policy.

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

Summary:

The Department has determined that Commission Policy 9 is outdated, redundant and needs repeal. The Department and Commission, as governmental entities, must abide by the federal ADA regulations, which are much stricter than the policy. Updates to the federal ADA regulations occur often and this policy becomes secondary at that point.

The APRP Committee reviewed Commission Policy 9 on July 17, 2017.

During the first reading at the Commission meeting on August 11, 2017 the Commission voted to repeal the policy.

Recommendation:

The Department and APRP Committee recommend that the Commission **VOTE TO REPEAL COMMISSION POLICY 9.**

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 9

Number: **P9**
Title: Americans with Disabilities
Act (ADA)
Reference: Title II of ADA
Effective Date: March 27, 1993
Amended Date: June 24, 2005

POLICY

It is the policy of the Board of Wildlife Commissioners to make reasonable accommodation for all interested persons at each meeting of the Board.

PURPOSE

To guide the Commission in the compliance with Title II of the Americans with Disabilities Act with regard to its services, policies and practices.

PROCEDURE

1. All Board of Wildlife Commissioners meeting locations will be accessible to individuals with disabilities.
2. On behalf of the Commission, the Nevada Department of Wildlife will include Commission meeting locations in all future facility surveys that they conduct/arrange; especially those where persons with disabilities (or their representatives) desire to be involved.
3. All agendas for meetings of the Board of Wildlife Commissioners and its subcommittees will include advice for the hearing impaired as to the Nevada Department of Wildlife telecommunications device for the deaf (TDD) at 775-688-1550 and for those who require special disabled services other than for hearing impaired, to request them one week prior to the meeting at 775-688-1599.

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,
June 24, 2005.

Chairman Tommy A. Ford
Board of Wildlife Commissioners



STATE OF NEVADA
DEPARTMENT OF WILDLIFE

Game Division

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MEMORANDUM

Date: September 22, 2017

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

From: Brian Wakeling, Game Division Administrator

Title: Commission Policy 29, Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards – Second Reading

Description: The Commission will conduct a second reading of Commission Policy 29, Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, and may take official action to implement the policy.

Summary:

The Department has developed Commission Policy 29 to reflect the most recent arbitration process approved by the Commission and recent changes to the Nevada Administrative Code (NAC), LCB File No. R031-15 Arbitration Panel.

The Administrative Procedures, Regulations, and Policy (APRP) Committee reviewed Commission Policy 29 on July 17, 2017.

During the first reading at the Commission meeting on August 11, 2017 the Commission voted to approve the policy with changing “as inequitable” to “the Department made in error.” This change has been incorporated into the policy.

Recommendation:

The Department and APRP Committee recommend that the Commission **VOTE TO APPROVE COMMISSION POLICY 29 AS PRESENTED.**

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 29

Number: P-29

Title: Arbitration Process for Applicants

Dissatisfied with Elk Incentive Tag Awards

**Reference: NRS 501.105, 501.181, 502.142 and
502.160, NAC 502.42283**

Effective Date: September 22, 2017

PURPOSE

The purpose of this policy is to inform the public and guide the Nevada Department of Wildlife (Department) in actions relating to any award of Elk Incentive Tags. This policy complies with NAC 502.42283 (modified June 28, 2016 by LCB File No. R031-15).

POLICY

It is the policy of the Commission to provide an incentive to landowners that choose to provide habitat for elk on private lands, to provide a fair and equitable distribution of incentive tags for those landowners that choose to participate in this program, and provide those cooperators that participate in this program with a means by which they may seek arbitration to any award of tags that they perceive the Department made in error.

PROCEDURE

1. The Department will provide a copy of the arbitration process to each Elk Incentive Tag applicant annually as a courtesy. The arbitration process will be officially noticed on all Elk Cooperative Agreements.
2. Any applicant for Elk Incentive Tags that chooses to dispute the award as determined by the Department must contact the Chairman of the Commission by written correspondence delivered to Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, NV 89511 no later than May 1. The written notice will provide detailed explanation of why the investigation and award by the Department is in error and provide a suggested revision to the number of incentive tags awarded.
3. The Chairman of the Commission will ensure that the Department receives a copy of the written correspondence, and the Department will be given 10 calendar days to provide written documentation of the data and supporting material used to arrive at its incentive tag award. This information will be provided to the Chairman of the Commission, and the Chairman will place the appeal on the May Commission meeting agenda as an informational item identifying the appeal and the method of arbitration that will be followed from the two options in subsection 4.
4. The Chairman of the Commission may choose to have a Committee of Commission and County Advisory Board to Manage Wildlife (CABMW) members serve as the arbitration panel or choose to have the Commission serve as the arbitration panel.

Any arbitration panel first will be tasked to decide if the Department made errors in their incentive tag award determination. If an error occurred, the Committee will then be tasked with determining an amended number of incentive tags.

- a. If the Chairman chooses to have a Committee serve as the arbitration panel, the Committee will be composed of a sportsman representative, a livestock or agricultural representative, and a conservation or public representative from the Commission or any CABMW member. The Commission Chair will designate one member of the Committee as the chair of the Committee. The Committee chair will notice a public meeting at which it will conduct the arbitration hearing and render a decision. Both the Department and applicant will have the opportunity to present evidence of their investigation and rationale for disputing the award. The decision of the Committee will be final and binding and will be shared with the Commission at the June Commission meeting as an informational item. The Committee will direct the Department on the number of Elk Incentive Tags to be awarded to the applicant, if the Department's determination was found to be in error, and will be the final determination.
 - b. If the Chairman chooses to have the Commission serve as the arbitration panel, the Commission Chair will place the appeal on the June Commission meeting agenda. Both the Department and applicant will have an opportunity to present evidence of their investigation and rationale for disputing the award. The Commission will direct the Department on the number of Elk Incentive Tags to be awarded to the applicant, if the Department's determination was found to be in error, and will be the final determination.
5. The Commission or Committee shall issue a decision by the end of the June Commission meeting.

This 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,
September 22, 2017.

Chairman Grant Wallace
Nevada Board of Wildlife Commissioners