

**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 502, 503, and 504 of the Nevada Administrative Code. A workshop will be held during the NDOW Commission Meeting at the Washoe County Chambers, 1001 E. Ninth Street, Building A, Reno, NV 89512, on May 7th, 2022, at 9:00 am. The purpose of the workshop is to solicit written comments from interested persons on the following general topics that may be addressed in the proposed regulations:

Commission General Regulation 501, NAC 502 Tag Transfer, LCB File No. R050-21

The Commission will hold a workshop to consider amending Nevada Administrative Code (NAC) 502.385 that would allow the transfer of a game tag to a non-profit organization and determine the status of the tag if the Department is notified of the tag holder's death. This regulation was created after the passage of Assembly Bill 89 of the 81st Legislative Session.

Commission General Regulation 505, NAC 503 First Come First Served Prevention of Unfair Advantages, LCB File No. R072-21

The Commission will hold a workshop to consider amending NAC 502.4215 that would allow for the suspension of a person from the First Come First Served program for attempting to create an unfair advantage to obtain a big game tag.

Commission General Regulation 507, NAC 501 Petition Process, LCB File No. R045-22

The Commission will consider adopting changes to NAC 501.195 recommended by the Administrative Procedures, Regulations and Policy Committee. The regulation was approved by the Committee at their March meeting and will be considered by the Commission for the first workshop.

The regulation language is subject to change following the discussions and deliberations of the Commission.

Public comment will be taken on each action item following Commission discussion and before any action is taken. The content of written comments should be consistent with the three (3) minute public comment period allowed during normally conducted meetings. If a comment is excessively lengthy, the Commission reserves the right to review only that portion that is consistent with this policy. Persons are invited to submit written comments to wildlifecommission@ndow.org 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.

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. Persons wishing to request a copy of this notice and the mentioned regulations may contact Meghan Beyer at meghan.beyer@ndow.org.

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 by contacting the Director's Office at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511, (775) 688-1597 or meghan.beyer@ndow.org. A reasonable fee may be charged for copies if it is deemed necessary.

04/15/2022

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

LCB File No. R072-21

February 2, 2022

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

AUTHORITY: § 1, NRS 501.105, 501.181, 502.160, as amended by section 4 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757, and NRS 502.175.

A REGULATION relating to wildlife; revising provisions governing the award of tags using an electronic system; authorizing the Department of Wildlife to suspend a person who attempts to create or creates an unfair advantage through use of the electronic system from applying for certain tags; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing regulations, the Department of Wildlife is required to issue certain returned tags to hunters on an alternate list if 14 calendar days or more remain before the opening day of the season. (NAC 502.421) Existing regulations further require the Department to provide all eligible hunters with an opportunity to apply electronically for any tags that are: (1) remaining after tags have been issued for a season by using the computerized system of drawing and the alternate list; or (2) returned 14 calendar days or less before the opening day of the season. (NAC 502.4215) This regulation authorizes instead of requires the Department to provide all eligible hunters with an opportunity to apply electronically for any tags that are: (1) remaining after tags have been issued for a season by using the computerized system of drawing and the alternate list; or (2) returned less than 14 calendar days before the opening day of the season. This regulation also authorizes the Department to suspend a person who attempts to create or creates an unfair advantage while using the electronic system from applying for any tags remaining for the applicable season. This regulation further authorizes the Department to suspend a person who abuses the electronic system by making continued and substantial efforts to create an unfair advantage from using the electronic system to apply for remaining tags in any future hunting seasons.

Section 1. NAC 502.4215 is hereby amended to read as follows:

502.4215 1. The Department ~~[shall]~~ *may* provide all eligible hunters with an opportunity to apply electronically for any tags that are:

(a) Remaining after tags have been issued for a season by using the computerized system of drawing and alternate list; or

(b) Returned *less than* 14 calendar days ~~{or less}~~ before the opening day for that season.

↪ The Department shall act upon applications for such tags in the order received.

2. If an application for a tag described in subsection 1 is successfully drawn, the Department shall collect from the applicant:

(a) The appropriate fee for the tag as provided in NRS 502.250; and

(b) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if : ~~{the applicant:}~~

(1) ~~{Has}~~ *The applicant has* not obtained a hunting license and indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license only if his or her application is successfully drawn; or

(2) The hunting license or combination hunting and fishing license submitted with the application for the tag or permit will expire before the opening day of the season for the permit or tag.

3. If a tag is issued to a person pursuant to this section, the person will be treated as if he or she was successful in drawing a tag for a season for that species in respect to any applicable bonus points and waiting periods.

4. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the electronic system by attempting to create or by creating an unfair advantage in obtaining the tag, he or she ~~may~~ shall be suspended by the Department from applying for any tags remaining for the applicable season. Activities that are cause for such suspension include, without limitation:

(a) The use of a technological program designed to carry out tasks that would otherwise be performed under human supervision;

(b) The use of technology designed to create an unfair advantage;

(c) Multiple logins into a single customer's account; or

(d) Multiple browser sessions open at a single time.

5. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the system by making continued and substantial efforts to create an unfair advantage, as described in subsection 4, he or she ~~may~~ shall be suspended by the Department from using the electronic system to apply for remaining tags in any future hunting seasons.

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

Commission General Regulation 505 LCB File No. R072-21 First Come, First Served Prevention of Unfair Advantages

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 impact and 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 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 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:

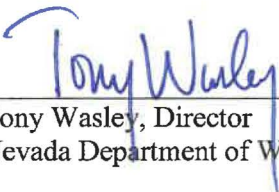
This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

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 associated with a program administered 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