

**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. R112-24 – Commission General Regulation 523

The Nevada Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m. on November 16, 2024, at Nevada Department of Wildlife Building, Suite 110, 6980 Sierra Center Parkway, Reno, NV 89511. 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.

If you wish to make public comment, please use this link for Saturday, November 16, 2024:
<https://us02web.zoom.us/j/85146371402?pwd=Mfov1eZkszj79nef5EBTPO2TDA11RQ.1>
Passcode: 468759

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:**
This regulation change is a procedural change to the Wildlife Heritage Program, whereby we are proposing to extend Heritage project awards from one to two years. Currently, the project awardees have one year to complete a project. However, typically more than 75 percent of projects have not been completed, necessitating an extension request. Extension requests place an additional burden on NDOW staff and commissioners.
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 **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**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 allows the Heritage projects to be awarded with a two-year timeframe. This regulation will streamline administrative processes.
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 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
4082 Reno Hwy; 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 14, 2024

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

LCB File No. R112-24

June 26, 2024

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

AUTHORITY: § 1, NRS 501.3575.

A REGULATION relating to wildlife; revising the deadline for completion of certain conservation projects; authorizing, under certain circumstances, an extension of the deadline for the completion of certain conservation projects; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Wildlife Heritage Account and requires the Department of Wildlife to use the money in the Account for the protection, propagation, restoration, transplanted, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State and the management and control of predatory wildlife in this State. Existing law authorizes the Board of Wildlife Commissioners to adopt regulations for the administration of the Account. (NRS 501.3575)

Existing regulations require that a conservation project that receives money from the Account must be completed by the end of the fiscal year for which money is awarded from the Account for the project. (NAC 501.340) This regulation provides instead that a conservation project that receives money from the Account must be completed not later than June 30 of the fiscal year immediately following the fiscal year in which money is first dispersed from the Account for the project. This regulation further authorizes the person who is responsible for managing or supervising the project to request an extension of time to complete the project. Any such request must include an explanation of why the project will not be completed on or before June 30 of the fiscal year immediately following the fiscal year in which money is first disbursed from the Account for the project. Finally, this regulation provides that the Commission may grant such an extension if the Commission finds that an unusual circumstance exists which requires an extension of time to complete the project.

Section 1. NAC 501.340 is hereby amended to read as follows:

501.340 1. A person who is responsible for managing or supervising a conservation project that is approved by the Commission shall:

- (a) Enter into an agreement prescribed by the Department and approved by the Commission for the receipt of a grant of money from the Account;
- (b) Comply with all local, state and federal laws when executing the project;
- (c) Coordinate all relevant sources of money for the project;
- (d) Submit written requests for money in accordance with the policy of the Department before receiving a payment from the Account; and
- (e) Upon request of the Commission, allow the Commission or a representative of the Commission who has been designated by the Commission for such a purpose to observe any activity related to the project.

2. A conservation project that receives money from the Account must be completed ~~{by the end}~~ *not later than June 30* of the fiscal year ~~{for}~~ *immediately following the fiscal year in which money is {awarded} first disbursed* from the Account for the project. ~~{, unless, before that date, a person who is responsible for managing or supervising the project demonstrates that unusual circumstances exist which require an extension of time and the Commission approves such an extension.}~~ *The person who is responsible for managing or supervising the project may request an extension of time on or before June 30 of the fiscal year immediately following the fiscal year in which money is first disbursed from the Account for the project. Any such request must include, without limitation, an explanation of why the project will not be completed on or before June 30 of the fiscal year immediately following the fiscal year in which money is first disbursed from the Account for the project. The Commission may grant such an extension if the Commission finds that an unusual circumstance exists which requires an extension of time to complete the project.*

3. If a person who is responsible for managing or supervising a project fails to meet any requirement of subsection 1, the Commission may cancel funding of the project and disqualify the project from any future funding.

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

Commission General Regulation 523 LCB File No. RXXX-XX Heritage Revision

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 proposed regulation is simply extending Wildlife Heritage Grant Awards for projects from one to two years and no negative impacts to small businesses are anticipated. If anything, small business may benefit given increased timelines to complete a project.

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

ANSWER: Agency personnel concluded that there would be no small businesses impacted, this no need for an analysis to be conducted.

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: No impacts are anticipated due to this regulation.

- b.) Both direct and indirect effects:

ANSWER: No indirect or direct effects from the proposed regulation are anticipated.

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: No additional cost are anticipated due to this regulation.

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: No additional fees or increased fees will occur with this proposed regulation change.

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: Due to the nature of the regulation, we concluded that the changes are associated with a program administered by the Nevada Department of Wildlife and do not impact small businesses.

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.



Alan Jenne, Director
Nevada Department of Wildlife