

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

LCB File No. R113-01

October 5, 2001

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

AUTHORITY: NRS 501.105, 501.181 and 502.145.

Section 1. NAC 502.424 is hereby amended to read as follows:

502.424 As used in NAC 502.424 to 502.4268, inclusive, unless the context otherwise requires:

1. “Damage” means a change , *caused by deer or antelope*, in the quality or quantity of private property ~~[which reduces its value or impairs its intended function and which is caused by deer or antelope.]~~ *that, at the time the division inspects the private property, is planted, irrigated or otherwise cultivated to produce a harvestable crop.*

2. “Damage compensation tag” means a special deer or antelope tag issued to an owner applicant for his own use or for use by a hunter designated by him as compensation for damage to his land or to improvements on his land which is caused by deer or antelope.

3. “Owner applicant” means the owner, lessee or manager of private land claiming his private land was damaged by deer or antelope.

Sec. 2. NAC 502.4248 is hereby amended to read as follows:

502.4248 1. To be eligible for the issuance of a damage compensation tag, an owner applicant must enter into a cooperative agreement with the division.

2. The cooperative agreement must:

(a) Specify, in writing and on a map provided by the division, the private land designated by the owner applicant as being open to hunting using the damage compensation tag.

(b) Provide that, if the owner applicant's private land is adjacent to public land for which access is not available except through the private land, the owner applicant shall provide access to the public land during the hunting season to a person or hunting party with a tag for the purpose of hunting on the public land. The access may be at a specified location or locations as mutually agreed upon by the owner applicant and the division and must be identified on the map provided by the division.

(c) Provide that the division agrees to:

(1) Act expeditiously when it receives an application for a damage compensation tag;

(2) Assess the cause of the problem, consult with the owner applicant and recommend a course of action to the owner applicant;

(3) Compensate the owner applicant for damage by providing one damage compensation tag for each 50 deer or 50 antelope causing damage on private land if a preponderance of the evidence, as determined by the division, proves that the loss was caused by the deer or antelope; and

(4) Allow the user of a damage compensation tag to hunt in the unit or units within the management area or areas in which the owner applicant's damaged property is located. ~~For on the private lands of the owner applicant that are clearly marked or fenced, or both, for not more than 30 consecutive days between August 15 and November 30 for deer and between August 1 and October 31 for antelope.~~

(d) Provide that the owner applicant agrees to:

(1) Consult with the division and consider its technical advice;

(2) Allow a representative of the division to enter his property at times mutually agreed upon to:

(I) Remove deer or antelope; and

(II) Prevent further damage by any method the division deems to be necessary, including, but not limited to, hazing, hunting, shooting and scaring;

(3) Allow a hunter who has purchased a damage compensation tag that was issued to the owner applicant to hunt on the owner applicant's property as designated on the map which is provided by the division and attached to the cooperative agreement; and

(4) Give such a hunter written authorization to hunt on the designated property and provide him with a map thereof when a damage compensation tag is sold to him.

3. If the owner applicant stops or attempts to stop any hunter holding a tag from entering or crossing his private land before the expiration of the agreement, the division will refuse to issue any damage compensation tags to the owner for 1 year.

Sec. 3. NAC 502.426 is hereby amended to read as follows:

502.426 1. If the division approves the application for a damage compensation tag, and the owner applicant enters into a cooperative agreement with the division, the owner applicant is eligible for the issuance of one or more damage compensation tags pursuant to subsection 2.

2. An owner applicant is eligible for the issuance of:

(a) One damage compensation tag for deer for each 50 deer that caused damage to his property; and

(b) One damage compensation tag for antelope for each 50 antelope that caused damage to his property.

3. Before the division issues a damage compensation tag, the owner applicant must select a ~~{type of hunt for}~~ *season in which to use the tag. The season must be selected in accordance with:*

(a) The type of weapon that is authorized by the commission for use during that season; and

(b) The dates established by the commission for using that type of weapon during that season for the year in which the tag is to be used.

4. Damage compensation tags will only be issued to owner applicants and sold to hunters through the headquarters of the division.

5. The fee charged for a damage compensation tag will include:

(a) A fee of \$50 for each such tag;

(b) A license fee based on the status of the hunter as a resident or nonresident; and

(c) The fee specified in NAC 502.331 for acting upon each application for a tag.

6. If the division provides a refund for a canceled tag under the conditions set forth in NAC 502.422, the division may reissue an application for a damage compensation tag to the owner applicant.

7. If the division denies an application for a damage compensation tag, the owner applicant may appeal the decision to the commission within 10 days after the division notifies the owner applicant of the decision. A request for an appeal pursuant to this subsection must be submitted in writing to the secretary of the commission. As soon as practicable after receiving such a request, the chairman of the commission will appoint a panel consisting of not less than two members of the commission to consider the appeal. The panel shall notify the commission in writing of its determination. If the panel is unable to make a determination, the

commission will appoint another panel to consider the appeal in accordance with this subsection. The determination of a panel appointed pursuant to this subsection is a final decision for the purposes of judicial review.