

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

LCB File No. R029-06

May 4, 2006

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

AUTHORITY: §§1-5, NRS 501.105, 501.181, 502.142 and 502.160.

A REGULATION relating to wildlife; revising the requirements for the issuance of special incentive elk tags; revising the circumstances under which special incentive elk tags are valid; and providing other matters properly relating thereto.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

“Antlered elk” means any elk with at least one antler.

Sec. 2. NAC 502.001 is hereby amended to read as follows:

502.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 502.006 to 502.115, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 502.42269 is hereby amended to read as follows:

502.42269 The Department ~~[will]~~ *shall* not issue a special incentive elk tag to a person who does not currently possess a valid Nevada hunting license or who is not eligible to receive an elk tag pursuant to NAC 502.405.

Sec. 4. NAC 502.42276 is hereby amended to read as follows:

502.42276 The agreement made between a landowner applicant and the Director for a special incentive elk tag must provide that:

1. The landowner applicant shall:

(a) Create or approve a document in which the landowner specifies how he shall support or encourage an increase in the number of elk above the target level established pursuant to the agreement in the unit or units within the management area or areas in which the private land is located; and

(b) If the private land of the landowner applicant blocks reasonable access to adjacent public land, provide reasonable access through his private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

2. The Department ~~{will:}~~ *shall*:

(a) Determine the number of special incentive elk tags that it will award pursuant to NAC 502.42279; and

(b) Assist a landowner applicant in determining the portions of his land that are used by elk.

Sec. 5. NAC 502.42279 is hereby amended to read as follows:

502.42279 1. The Department ~~{will:}~~ *shall* award special incentive elk tags based on the following formula:

$$\frac{NP}{NE} \times \frac{DP}{365} \times NT$$

where:

NP = The number of elk using the private land of the landowner applicant.

NE = The total number of elk in the actual elk use area in which the private land is located.

DP = The number of days the elk use the private land during the year.

NT = The total number of antlered elk tags that were issued during the previous year in the unit or units within the management area or areas in which the private land is located.

2. A group of landowners, lessees or managers may apply to receive special incentive elk tags for their combined private lands. The group may allocate the tags among the members of the group at its discretion.

3. The issuance of special incentive elk tags will not result in a reduction of the total number of antlered elk tags issued to the public during a year below the quota for antlered elk tags established by the Commission for 1997, which was 186 tags.

4. ~~A special incentive elk tag is valid for both sexes of elk~~

~~5.]~~ A landowner applicant to whom a special incentive elk tag is issued pursuant to this section may:

(a) Use the tag himself if he holds a valid hunting license issued from this State; or

(b) Transfer the tag to another person who holds a valid hunting license issued from this State for any price upon which the parties mutually agree.

~~6.]~~ 5. The Department ~~will~~ *shall* charge the same fees for a special incentive elk tag and for the processing of an application for a special incentive elk tag that are charged for an elk tag and for the processing of an application for an elk tag set forth in NRS 502.250.

~~7.—An applicant who applies for]~~

6. After the Commission has established the type of hunt for antlered elk, including, without limitation, the period or periods in which antlered elk may be hunted, the type of weapons authorized for the hunt of antlered elk and the unit or units within a management

area or areas in which a hunt for antlered elk is valid, the Department may issue a special incentive elk tag . ~~[must indicate on the application the hunt for which he is applying. The Department will not issue a tag to the applicant for the hunt indicated on the application unless the Commission has established a hunt in the unit or units within the management area or areas in which the private land is located.~~

~~—8. The Department will indicate on each special incentive elk tag it issues pursuant to this section the period during which the tag is valid and]~~

7. Except as otherwise provided in subsection 8, a special incentive elk tag is valid for the hunt of antlered elk or antlerless elk during the same period or periods in which the Commission has determined that antlered elk may be hunted, with any of the same weapons authorized by the Commission for the hunt of antlered elk and within the same unit or units within the management area or areas in which the Commission authorized the type of hunt for antlered elk.

8. The private land ~~[is located for which the tag is]~~ of the landowner applicant must be located within at least one of the units authorized by the Commission for the hunt of antlered elk for a special incentive elk tag to be valid.

9. A person possessing a valid special incentive elk tag shall hunt only:

(a) During the period *or periods* indicated on the tag ~~[issued pursuant to this section;]~~, *as established by the Commission;*

(b) With the *type of* weapon designated for ~~[that hunt;]~~ *the type of hunt to which each such period applies, as established by the Commission;* and

(c) In the unit or units within the management area or areas ~~[in]~~ *established by the Commission:*

(1) *In* which the private land is located, ~~[as indicated on]~~ *which must be located within at least one of the units; and*

(2) *For which* the tag ~~[]~~ *is valid.*