

**ADOPTED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R030-15

Effective October 27, 2015

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

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

A REGULATION relating to elk; revising provisions relating to special incentive elk tags; revising the inclusion of spike elk, spike elk hunts and spike elk tags within the formula used to determine the issuance of special incentive elk tags; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations to establish a program for the issuance of special incentive elk tags. (NRS 502.142) Existing law also requires the Commission to establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. (NRS 501.105) Existing regulations set forth the formula under which special incentive elk tags are awarded. (NAC 502.42279) This regulation revises that formula by separating the number of spike elk harvested in spike elk-only hunts in the previous year in the unit or units within the management area or areas in which the private land is located from the number of antlered elk tags that were issued during the previous year in that unit or units.

Section 1. NAC 502.42279 is hereby amended to read as follows:

502.42279 1. The Department will award special incentive elk tags based on the following formula:

$$\frac{\text{NP} \times \text{DP} \times \text{NT}}{\text{NE} \quad 365} \quad \text{---}$$
$$(NP \div NE) \times (DP \div 365) \times (NT + TSH)$$

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 , *excluding spike 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.

TSH = The total number of spike elk harvested in hunts for spike elk only in 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 , *excluding spike 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 or herself if the landowner applicant 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. The Department will 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 a special incentive elk tag must indicate on the application the *antlered elk* hunt , *excluding a spike elk hunt*, for which he or she is applying. The Department will not issue a tag to the applicant for the hunt indicated on the application unless the Commission has established ~~††~~ *an antlered elk* hunt , *excluding a spike elk 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 the unit or units within the management area or areas in which the private land is located for which the tag is valid.

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

(a) During the period indicated on the tag issued pursuant to this section ~~††~~ , *which may only coincide with an antlered elk hunt, excluding a spike elk hunt, established by the Commission;*

(b) With the weapon designated for that hunt; and

(c) In the unit or units within the management area or areas in which the private land is located, as indicated on the tag.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS 233B.066
Informational Statement**

**LCB File No. R030-15
Commission General Regulation 457:
Awards, Issuance, and Use of Tags**

Informational statement relating to Commission General Regulation 457 (LCB File No. R030-15)
as required by Chapter 233B.066.

1. A clear and concise explanation of the need for the adopted regulation:

The Nevada Department of Wildlife determined that, although NRS 502.142 establishes the program for issuance of special incentive license tags, it does not provide a specific definition for "bull" elk. At the time of initial adoption (1997), the only permits issued for male elk by the Nevada Board of Wildlife Commission were for "bull" elk. "Bull" was defined in NAC, and a definition for "spike" was added in 2002. A subsequent amendment to NAC Chapter 502 added and amended definitions for several game species in 2010. One of which an amendment changing "bull" to "antlered." Consequently, there is no current definition of "bull" in NRS or NAC.

When NRS 502.142 was adopted, the intent was to provide a venue in which the efforts of private landowners could be rewarded with permits for mature male elk, which they could subsequently offer for sale and benefit from their husbandry of the habitat on private lands. The 2010 promulgation of rule has inadvertently reduced clarity of designation for animals that may be lawfully taken and eligible seasons. Although this unintended oversight has yet to cause any application of the statute or administrative code inconsistent with original intent, addressing the inconsistency seems prudent.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary:

A copy of the proposed regulation was noticed and provided to Nevada's 17 County Advisory Boards to Manage Wildlife (CABs) as part of the NBWC agenda and support material for their August 7, 2015 and September 25, 2015 workshops and action at the September 26, 2015 NBWC meeting. The support material and draft regulation were mailed to CABs and interested parties allowing the opportunity to comment at their local CAB meeting or at NBWC meeting. Those CABs that held public meetings prior to the workshops and action at the September 26, 2015 hearing NBWC provided opportunity for public comment at their individual meetings prior to the approval of the regulation. At the August 7, 2015 workshop, White Pine CAB representative Brad Block identified a clarification that would ensure the original intent should be added to the definition, specifically identify spike harvest "in spike-only hunts." This language was added at suggestion of the White Pine CAB.

A video recording and minutes from the meetings are available at:
http://www.ndow.org/Public_Meetings/Commission/Archive/

3. The number of persons who:

- (a) Attended each hearing: 14 at workshop on August 7, 2015; 6 at workshop on September 25, 2015; and 21 at hearing on September 26, 2015
- (b) Testified at each hearing: 1 on August 7, 2015; 1 on September 25, 2015; 0 on September 26, 2015.
- (c) Submitted written comments: 0

4. For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name: Brad Block
- (b) Telephone number:
- (c) Business address: P.O. Box 1073, McGill 89318
- (d) Business telephone number:
- (e) Electronic mail address: frustratedEarl@yahoo.com
- (f) Name of entity or organization represented: White Pine CAB

- (a) Name: Gil Yanuck
- (b) Telephone number: (775) 841-3675
- (c) Business address: 4100 Lakeview Rd., Carson City 89703
- (d) Business telephone number:
- (e) Electronic mail address: gilcalif@att.net
- (f) Name of entity or organization represented: Carson CABMW

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:

Comment was not solicited from businesses as this regulation does not regulate businesses.

A video recording and minutes from the meetings are available at:
http://www.ndow.org/Public_Meetings/Commission/Archive/

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:

The regulation was adopted with the only suggested change. The change was requested by White Pine CAB to add clarification to the definition of "TSH = the total number of spike elk harvested in spike-only hunts in the previous year in the unit or units within the management area or areas in which the private land is located. There was one comment received and they supported the passage of the regulation.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) Both adverse and beneficial effects; and
There would be no economic impact upon small business because this regulation does not regulate a business. The language amendments will not alter any current practice or result in an additional cost to landowners that participate in this program.
 - (b) Both immediate and long-term effects:
There would be no economic effect on the public because this regulation is to clarify issuance of elk incentive tags; excluding “spike” elk, “spike” elk hunts and “spike” elk tags from the equation of determining issuance of elk incentive tags; more effectively administer the incentive elk tag arbitration.
8. **The estimated cost to the agency for enforcement of the adopted regulation:**
There will be no additional cost for the agency to enforce this regulation.
9. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:**
There are no other overlapping local, state, or federal government regulations.
10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:**
There are no federal regulations that regulate this same activity.
11. **If the 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:**
There are no new fees.