

# PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R030-15

(This regulation was previously adopted as LCB File No. T004-15)

## COMMISISON GENERAL REGULATION 456

### SPECIAL INCENTIVE ELK TAG ARBITRATION

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.181, 502.142, 502.160

A REGULATION relating to wildlife; allowing the Nevada Board of Wildlife Commissioners to facilitate decisions concerning arbitration of elk incentive tags; will serve as the arbitration panel or appoint a panel and define the procedures in which the arbitration process proceeds; and other matters relating thereto.

**NAC 502.42283 Arbitration panel.** (NRS 501.105, 501.181, 502.142, 502.160)

1. The Commission ~~may~~ *will serve as the arbitration panel or appoint a panel to: {select an arbitration panel from the residents of the county in which an owner applicant resides to:}*

(a) Decide a dispute between a landowner applicant and the Department concerning the number of special incentive elk tags that the Department should award; or

(b) Determine whether a party who possesses a special incentive elk tag has adhered to the terms of the agreement entered into to obtain the tag.

~~{2. An arbitration panel must consist of three members to be selected as follows:~~

~~—(a) One member representing the local business community.~~

~~—(b) One member representing persons actively engaged in the production of agriculture. Persons engaged in the production of agriculture shall, upon request, provide the Board of Wildlife Commissioners with a list of prospective members.~~

~~—(c) One member representing either a local hunting or sportsmen's organization, or the county advisory board to manage wildlife. The county advisory board to manage wildlife shall, upon request, provide a list of prospective members.~~

~~—3. A member of an arbitration panel must be a resident of the county he or she serves.~~

~~—4. The term of office of each member of the panel is 2 years.~~

~~—5. Each arbitration panel shall select a chair from among its members.~~

~~—6. An arbitration panel will be called to serve at the request of the Director or his or her designee.~~

~~7. Each member of the arbitration panel serves without salary, but may receive the per diem allowance and travel expenses provided for state officers and employees generally while performing official duties of the arbitration panel.~~

~~8. The arbitration panel shall:~~ *2. The Commission or appointed panel shall:*

(a) Review the evidence submitted by a claimant and the Department before making a determination; and

(b) Render a decision in an expeditious manner, *but not later than July 1st.* ~~{but not later than 20 days after receiving notification to serve on a claim.~~

~~9) 3.~~ The decision of the ~~{arbitration panel}~~ *Commission or appointed panel* is final and binding on the parties if it complies with the provisions of NAC 502.42253 to 502.42283, inclusive, and applicable laws of this State.

*4. The Commission shall have the authority to define the procedure in which the arbitration process proceeds.*