

LCB File No. R126-06

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for The Adoption and Amendment of Regulations of The Nevada Board of Wildlife Commissioners

The Board of Wildlife Commissioners will hold a public hearing on June 24, 2006, at ____ a.m., at the Nevada Department of Wildlife, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation No. 345 (LCB File No. R126-06) pertaining to Chapters 502 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: The proposed changes to NAC 502.380 and 502.4187 will change the document required for a hunter to hunt swans in Nevada from a tag to a permit. In so doing the fees for the document are decreased. The regulations also allow for a person to obtain up to two permits for a season. These actions should result in the full utilization of the federally controlled swan hunting allocation for Nevada. The allocation has been under-subscribed since 1986.
2. Text of the proposed regulation: **Attached**
- 3A. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) Adverse effect -- **NONE**
 - (b) Beneficial effect – **Increase hunter participation.**
 - (c) Immediate effect – **Increase hunter participation.**
 - (d) Long-term effect – **Fully optimize recreational opportunity afforded through a federally defined allocation of swan permits to Nevada.**
- 3B. The estimated economic effect of the regulation on the public which it is to regulate:
 - (a) Adverse effect – **370 swan tags were sold last year each with a \$10 tag fee, a \$3 predator fee and a \$10 application fee. The predator fee revenue amounted to \$1,110 earmarked for NDOW's Predator Management Program. This revenue will be lost if the document is changed from a tag to a permit. The 2005 sale of 370 swan tags generated revenue in the amount of \$3,700 for NDOW at \$10 per tag. If the proposed changes in the regulations end up stimulating hunters to fully subscribe the federal allocation of 650 permits, then revenues generated by permit sales at \$5 per permit will amount to \$3,250, a slight decline in revenue.**

- (b) Beneficial effect – The intent is to stimulate greater hunter participation, which will have other benefits to NDOW hunting programs. NDOW's contracted hunt administrator will realize an small increase in revenue through handling fees if the proposed changes in the regulations stimulates an increase in applications.
- (c) Immediate effect – Immediate economic effects are negligible.
- (d) Long-term effect – The proposed regulatory changes are made in the hope that it will stimulate greater participation by resident and nonresident waterfowl hunters. With regard to the latter, proposed changes should stimulate greater interest for nonresidents who would be able to hunt these birds with on short term hunt permits. If this attracts greater nonresident interest, revenues generated by Nevada duck stamp sales will increase. Increased nonresident visitation will likely have an economic benefit to Nevada communities, particularly Fallon which is adjacent to the areas where most swan hunting occurs.
4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation: Costs will be minimal to nonexistent, does not increase existing workloads or processes. **There will be no changes in enforcement actions associated with the proposed changes.**
5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates: N/A. The duplication or overlapping is necessary because: N/A. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:
6. If the regulation is required pursuant to federal law, a citation and description of the federal law. **It is a federal requirement to monitor the swan harvest in Nevada to determine whether trumpeter swans are being taken incidental to the intent to harvest tundra swans. This is described in 2005 within 50 CFR Part 20 – Migratory Bird Hunting: Final Frameworks for Late-season Migratory Bird Hunting Regulations; Final Rule.** NDOW met this requirement through the issuance of Nevada hunt permits from 1969-1980, the issuance of tags from 1981-2005, and, if adopted, the issuance of permits henceforth. These documents enabled NDOW to limit the number of hunters to the Federal allocation, and allowed NDOW to conduct participant surveys.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: N/A
8. The proposed regulation establishes a new fee: X No _____ Yes. Establishes an administrative assessment of \$50 for reinstating a trappers suspended license privileges.

Persons wishing to comment upon the proposed action of the 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 Secretary, Board of Wildlife Commissioners, 1100 Valley

Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Department of Wildlife
1100 Valley Road
Reno, Nevada
(775) 688-1500

Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region
60 Youth Center Road
Elko, NV 89801
(775) 777-2300

Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies 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, shall 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 above locations.

LCB File No. R126-06

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

COMMISSION GENERAL REGULATION 345

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

AUTHORITY: NRS 501.105, 501.119, 501.181, 502.130, 502.140, 502.160, & 502.175.

Amends regulations relating to the hunting of swans. Replaces the term ‘tag’ with the term ‘permit;’ makes applicable adjustments to tag validation and attachment regulations, and removes swan from bonus point regulations.

Section 1. NAC 502.380 is hereby amended to read as follows:

1. A **[tag] permit** is required to hunt swan. The fee for the **[tag is \$10] permit is \$5**. A person **[may] must [obtain a form to]** apply for the **[tag] permit [from a license agent or an office of] on a form provided by** the Department. The form must be completed in accordance with the instructions thereon. Award of the **[tags] swan hunt permits** by the Department will be based on a drawing held after the date specified on the form.
2. Each person while hunting swan shall carry on his person a:
 - (a) Hunting license issued by the Department, ***or a nonresident permit to hunt upland game and waterfowl.***
 - (b) Swan **[tag] hunt permit** issued by the Department;
 - (c) State duck stamp, or any other such documentation as the Department provides as proof that he has paid to the Department the fee for the state duck stamp; and
 - (d) Federal migratory bird hunting stamp, or any other such documentation as the Federal Government provides as proof that he has paid to the Federal Government the fee for the federal migratory bird hunting stamp.
3. When a hunter has killed a swan and taken it into his possession, he shall:
 - (a) Immediately punch and attach the **[tag] swan hunt permits** in the manner required by NAC 502.390 and 502.400; and
 - (b) Except as otherwise provided by an order or regulation of the Commission, not later than 5 days after he has killed and taken the swan into his possession, submit the head and neck of the

swan to a representative of the Department for inspection at a location designated by the Department. The Department shall provide a list of the locations upon the issuance of the ~~tag~~ *swan hunt permit*.

4. A person shall not use or possess a ~~tag~~ *swan hunt permit* issued to any other person, or transfer or give a ~~tag~~ *swan hunt permit* issued to him to any other person.

Sec. 2. NAC 502.385 is hereby amended to read as follows:

502.385 1. The tag *or permit* must be carried by the owner at all times while he is hunting or trapping or while he is fishing for wildlife for which a tag *or permit* is required. It is unlawful for any person to use or possess a tag *or permit* issued to any other person or to transfer or give a tag *or permit* issued to him to any other person.

2. It is unlawful for a person to use any tag *or permit* in a management area or unit for which it is not intended or to use a tag *or permit* at any time other than at the time intended.

3. After it has been issued, a tag *or permit* may not be exchanged or a refund made except in accordance with the policies and regulations of the Commission.

Sec. 3. NAC 502.390 is hereby amended to read as follows:

502.390 When a person reaches any wildlife which he has killed, he must *immediately* validate his tag *or permit* by cleanly punching out the spaces necessary to properly identify the physical description of the animal including its sex and antler points, where appropriate, and the day and month of the kill.

Sec. 4. NAC 502.400 is hereby amended to read as follows:

502.400 1. Except as otherwise provided in subsection 2, the owner of a tag *or permit* must firmly attach it to the carcass of an animal killed by him, at or before the time he first reaches his means of *motorized* transportation, *lodging* or camp. *If multiple trips are necessary to remove the meat or carcass of an animal from the location where it was killed, the validated tag must remain with the first portion of the meat or carcass removed from the location of kill.* ~~The~~ *Once the carcass or all of the meat has been removed from the location where the animal was killed, the* tag *or permit* must remain with the major portion of the meat until it is consumed.

2. If the animal killed is a mountain lion or fur-bearing mammal for which a tag *or permit* is required, the owner of the tag *or permit* must firmly attach it to the hide or pelt of the animal. The tag *or permit* must remain attached to the hide while it is transported and until it is processed.

Sec. 5. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in NAC 502.416 to 502.4225, inclusive, an applicant to obtain a tag for a season who is unsuccessful, or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point, must be awarded a bonus point for:

(a) The hunt number of the species for which he applied if he applied for a:

(1) ~~Tag to hunt swan;~~

~~(2)~~ Tag to hunt wild turkey;

~~(3)~~ (2) Depredation hunt tag; or

~~(4)~~ (3) Bonus point for a tag described in subparagraph (1)~~or~~ (2) ~~for~~~~(3)~~; or

(b) The category of the species for which he applied if he applied for a tag to hunt deer, elk, mountain goat, antelope or bighorn sheep, or for a bonus point for such a tag.

→ Regardless of the number of applications to obtain a tag or bonus point for a season submitted by a person, the Department shall not award him more than one bonus point per season for each species or category of a species for which the person applied.

2. Except as otherwise provided in subsection 3, the bonus points awarded to a person accumulate until he is successful in drawing a tag for a season for that species or category of a species or he fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open. If an applicant is successful in drawing a tag for a season for a species or category of a species or fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open, he loses all of his bonus points for that species or category of a species.

3. A person may not use any bonus points awarded to him for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

4. If an applicant requests and receives a refund for the value of his hunting license, the Department shall not award him a bonus point for any species or category of species applied for during the period that the applicant possessed the hunting license.

Sec. 6. NAC 502.4188 is hereby amended to read as follows:

502.4188 1. Except as otherwise provided in subsection 2, any bonus points awarded by the Department pursuant to the bonus point program must be awarded in one of the following categories of species:

- (a) Antlered mule deer;
- (b) Antlerless mule deer;
- (c) Mule deer, either antlered or antlerless;
- (d) Antlered Rocky Mountain elk;
- (e) Antlerless Rocky Mountain elk;
- (f) Rocky Mountain elk, either antlered or antlerless;
- (g) Spike Rocky Mountain elk;
- (h) Pronghorn antelope whose horns are longer than their ears;
- (i) Pronghorn antelope whose horns are shorter than their ears;
- (j) Rams, from one of the following subspecies:
 - (1) Nelson bighorn sheep;
 - (2) California bighorn sheep; or
 - (3) Rocky Mountain bighorn sheep; or
- (k) Mountain goats.

2. Bonus points awarded by the Department pursuant to the bonus point program for wild turkey ~~, swan~~ and depredation hunts must be awarded by hunt number.