

LCB File No. R060-99

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

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for The Amendment of Regulations of The
Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m. on July 24, 1999, at the Great Basin College, 1500 College Parkway, Greenhaw Technical Building, Room 130, Elko, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 277 pertaining to Chapter 503 of the Nevada Administrative Code.

1. **The need for and purpose of the proposed regulation:** The hunting public has reported increased use of various types of aircraft, particularly those capable of low-speed and low-altitude, allegedly for the purpose of locating and hunting trophy-class big game animals, during big game seasons. Such activity has the potential to create conflict between hunters who hunt in a traditional manner and those using enhanced methods of locating wildlife; this also raises the issue of unethical methods of hunting which may cast a negative light on hunters, detracting from the concept of fair chase. The purpose is to prohibit the hunting of wildlife in a management unit, for a period of 96 hours, after using or being aided by the use any aircraft over the management unit.
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 - A few but unknown number of guides may be impacted due to the potential loss of "trophy" fees from their clients who harvesting a trophy class animal with the aid or assistance of aircraft. The practice of using aircraft, particularly low-speed, low-altitude versions, by guides in Nevada appears to be at a low level at present though complaints appear to be increasing over the past two years. The potential is there to increase since most neighboring states have adopted similar prohibitions and some guides from those states also guide here.
 - (b) Beneficial effect - None.
 - (c) Immediate effect - None.
 - (d) Long term effect - None.
- B. **The estimated economic effect of the regulation on the public which it is to regulate:**

- (a) Adverse effect - None.
 - (b) Beneficial effect - None.
 - (c) Immediate effect - None.
 - (d) Long-term effect - None.
4. **Estimated cost to the Division of Wildlife for enforcement of the proposed regulation:** Minimal; enforcement officers are in the field at the time of year insuring compliance with other hunting laws and regulations.
 5. **Description of, and citation to, any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.** No overlap or duplication.
 6. **If the regulation is required pursuant to federal law, a citation and description of the federal law:** NA
 7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:** Not applicable.
 8. **The proposed regulation establishes a new fee or increases an existing fee:** No
 Yes

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, Post Office Box 10678, Reno, Nevada 89520. 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 Division of Wildlife
 1100 Valley Road

Region I Office
 380 W. "B" Street

Reno, Nevada
(775) 688-1500

Fallon, NV 89406
(775) 423-3171

Region II Office
1375 Mt. City Highway
Elko, NV 89801
(775) 738-5332

Region III Office
4747 W. 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 which is 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.

**NOTICE OF HEARING FOR ADOPTION OF REGULATIONS OF
THE STATE OF NEVADA BOARD OF WILDLIFE COMMISSIONERS**

The Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m. on July 24, 1999, at the Great Basin College, 1500 College Parkway, Greenhaw Technical Building, Room 130, Elko, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations. 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.

Commission General Regulation Number 277: Proposes to amend Chapter 503 of the Nevada Administrative Code by prohibiting hunting for the period of 96 hours after flying over a big game management unit.

Commission General Regulation Number 279: Proposes to amend NAC 502.380 by deleting the reference to "tundra" as it applies to the hunting of swan; and establishes a provision for the mandatory inspection of a harvested swan.

Commission General Regulation Number 280: Proposes to amend NAC 504.340 by correcting the names of national wildlife refuges and other federally administered properties; deleting information which is outdated.

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, Post Office Box 10678, Reno, Nevada 89520. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing.

A copy of the regulations to be adopted will be on file at the State Library, 401 N. Carson Street, Carson City, Nevada and each main library, for inspection by members of the public during business hours. Additional copies of the regulations to be Adopted will be available at the Division of Wildlife, 1100 Valley Road, Reno, Nevada, for inspection and copying by members of the public during business hours. 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.

These regulations are available for inspection at the following locations:

Nevada Division of Wildlife's:
Region I Office
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Region III Office
4747 W. Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

Region II Office

1375 Mt. City Highway
Elko, NV 89801
(775) 738-5332

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Suzanne Scourby, in writing, at the Nevada Division of Wildlife, P.O. Box 10678, Reno, Nevada 89520, or call Suzanne at 688-1500, as soon as possible.

LCB File No. R060-99

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

COMMISSION GENERAL REGULATION 277

Authority: NRS 501.105, 501.181

Notice of Intent: June, 1999

Workshop Date: July 24, 1999

Commission Approval: , 1999

EXPLANATION: This regulation proposes to amend Chapter 503 of the Nevada Administrative Code by prohibiting hunting for a set period of time after using aircraft over a management unit.

NOTE: Matter in *italics* is new; matter within brackets [] is to be omitted.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows:

1. As used in this section:

a. "Aircraft" means any motor-driven device or contrivance which is used for flight in air.

b. "Management unit" means that portion of a management area for big game mammals as described in NAC 504.210.

2. Except as provided in subsection 4, it is prohibited for any person to hunt or take any wildlife in a management unit for at least 96 hours after having:

a. flown in any aircraft over the management unit, or

b. been aided by the use of any aircraft which was flown over the management unit.

3. Except as provided in subsection 4, it is prohibited for any person to assist, in any manner, another person in the hunting of any wildlife in a management unit for at least 96 hours after having:

a. flown in any aircraft over the management unit, or

b. been aided by the use of any aircraft which was flown over the management unit.

4. The provisions of this section do not apply to a person flying on a regularly scheduled commercial airliner, including a commuter airline capable of carrying 10 passengers, which departs and lands at an airport which has been established by a department or agency of the federal or state government or by a county or municipal government.