

LCB File No. R061-99

**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 279 pertaining to Chapter 502 of the Nevada Administrative Code.

1. **The need for and purpose of the proposed regulation:** Due to recent changes in federal rules governing the take of swan, specific reference to “tundra” is no longer necessary as it would place hunters in jeopardy of violating the law. The provisions regarding mandatory inspection of harvested swans have historically been handled in season and limit regulations, however, it is more appropriately placed in permanent regulation due to the long-term nature of the requirement. The purpose of the regulation is to eliminate criminal jeopardy for lawful hunters who inadvertently harvest a species of swan other than tundra swan, and to provide for the mandatory inspection of a harvested swan in order to monitor the take of trumpeter swans has been reached.
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 - 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:** For practical purposes this regulation does not change the way enforcement has been handled on this issue, costs are minimal for the time expended on conducting the inspections.
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:** Not applicable.
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:** X 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
Reno, Nevada
(775) 688-1500

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

Region II Office
1375 Mt. City Highway

Region III Office
4747 W. Vegas Drive

Elko, NV 89801
(775) 738-5332

Las Vegas, NV 89108
(702) 486-5127

The regulations will also 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. R061-99

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

COMMISSION GENERAL REGULATION 279

Authority: NRS 501.105, 501.181
Notice of Intent: June, 1999
Workshop Date: July 24, 1999
Commission Approval: July , 1999

EXPLANATION: This regulation 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.

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

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

Tundra swan tags.

1. A tag is required to hunt ~~{tundra}~~ *a* swan. The fee for the tag is \$5. A person may obtain a form to apply for the tag from a license agent or an office of the division. The form must be completed in accordance with the instructions thereon. The division’s award of these tags will be based on a drawing held after the deadline specified on the form.

2. Each person while hunting ~~{tundra}~~ swan shall carry on his person, in addition to a state duck stamp and a federal migratory bird hunting stamp, if required, ~~{a}~~ *an annual* hunting license and a ~~{tundra}~~ swan tag issued by the division.

3. When a hunter has killed a ~~{tundra}~~ swan and taken it into his possession, he shall immediately punch and attach the tag in the manner required by NAC 502.390 and 502.400.

4. Unless otherwise specified by a season and bag regulation of the commission, a person who harvests a swan shall, within 5 days after harvesting it, personally present the head and

neck of the swan to a representative of the division for inspection. The location of inspection sites will be provided with the tag when issued to the tagholder.

~~[4.]~~ 5. A person shall not use or possess a tag issued to any other person, or transfer or give a tag issued to him to any other person.