

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

LCB File No. R180-01

Effective March 29, 2002

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

AUTHORITY: §§1 and 5-8, NRS 501.105 and 501.181; §§2-4 and 10, NRS 501.105, 501.181 and 503.120; §9, NRS 501.105, 501.181 and 502.160.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *“Antlerless deer only” means, in a designation of deer that may be taken during an open season, only deer without antlers.*

Sec. 3. *“Antlerless elk” means any elk without antlers.*

Sec. 4. *“Antlerless elk only” means, in a designation of elk that may be taken during an open season, only elk without antlers.*

Sec. 5. *“Bulls only” means, in a designation of elk that may be taken during an open season, only elk having at least one antler.*

Sec. 6. *“Spike elk” means any elk without branching on either antler.*

Sec. 7. *“Spike elk only” means, in a designation of elk that may be taken during an open season, only elk without branching on either antler.*

Sec. 8. NAC 502.001 is hereby amended to read as follows:

502.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 502.006 to 502.115, inclusive, *and sections 2 to 7, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 9. NAC 502.361 is hereby amended to read as follows:

502.361 1. Except as otherwise provided in subsection ~~2~~ 3 or unless his privilege is limited or revoked pursuant to law, a person is eligible to apply once for a bull elk tag in any year if he did not receive a bull elk tag or a replacement tag for a bull elk in the previous 5 years. Unless his privilege is limited or revoked pursuant to law, a person is eligible to apply once for an antlerless elk tag in any year.

2. *Unless his privilege is limited or revoked pursuant to law, a person is eligible to apply once for a spike elk tag in any year if he did not receive a spike elk tag or a replacement tag for a spike elk in the previous year.*

3. A person who obtains a bull elk tag or a replacement tag for a bull elk and is successful in harvesting a bull elk is not eligible to apply for another bull elk tag during the next 10 years.

Sec. 10. 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 division 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;

~~(h)~~ (i) Pronghorn antelope whose horns are shorter than their ears;

~~(i)~~ (j) Rams, from one of the following subspecies:

- (1) Nelson bighorn sheep;
- (2) California bighorn sheep; or
- (3) Rocky Mountain bighorn sheep; or

~~(j)~~ (k) Mountain goats.

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

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R180-01

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R180-01 which pertain to Spike Elk tags (chapter 502 of the Nevada Administrative Code) on February 9, 2002.

Notice date: 1/7/2002
Hearing date: 2/9/2002

Date of adoption by agency: 2/9/2002
Filing date: 4/3/2002

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

- (a) A notice of hearing for adoption of Commission General Regulation No. 300 was published once in each of the three administrative regions in a newspaper of general circulation.
- (b) Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners were invited, through the notice of hearing and a mail distribution to interested and affected parties to appear at the public hearing or address their comments, data, views of arguments, in written form, to Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions were to be received at least five days prior to the scheduled meeting.
- (c) A copy of the Notice of the proposed regulations was mailed to the following: State Librarian; county main libraries; Reno, Elko and Las Vegas newspapers; LCB and interested parties.
- (d) A copy of the regulation to be adopted was filed with the Office of the Secretary of State, The Capitol, Carson City, Nevada for inspection by the public during business hours.

Additional copies of the regulation could be obtained at the Division of Wildlife, 1100 Valley Road, Reno, Nevada for inspection and copying by the public.

- (e) The public was asked to make comments on this regulation at the public meeting.

2. The number of persons who:

- (a) **Attended each hearing:** 48
- (b) **Testified at each hearing:** 3
- (c) **Submitted to the agency written statements:** 1

3. 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: The *Spike Elk Hunt* definitions proposal was scoped through all of the states county wildlife advisory boards (CAB) as well as in the Board of Wildlife Commissioners minutes and agendas. If comments were made at any of the CAB meeting, they would be on record at individual County Commission offices. Apparently no comments were received at the CAB meeting as no comments (with exception of Elko CAB) were brought forth to the Board of Wildlife Commissioners. The Elko CAB suggested word changes, but those suggestions were rejected by the Legislative Council Bureau. (The Elko CAB suggestions were the same language as initially proposed by NDOW to the LCB before their edits). All of the individuals testifying at the Board of Wildlife Commission hearing verbally favored the *Spike Elk Hunt* definitions as proposed. Individuals interested in obtaining any of the comments could obtain copies of the minutes from any of the individual CAB meetings as well as the Board of Wildlife Commissioners meeting February 8 & 9, 2002 in Las Vegas, Nevada.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change: Public testimony was heard, revisions considered, and not adopted. The regulation was proposed as the outcome from a petition submitted by the Elko CAB and accepted by the Board of Wildlife Commissioners. It was then proposed to the Board of Wildlife Commissioners as a regulation as written by the Nevada Legislative Council Bureau. It basically defined different types of elk and deer hunts. It spelled-out the meaning of antlerless elk, bull elk and spike elk, as pertaining to elk harvest in Nevada.

5. The estimated economic effect of the regulations on the business which they are to regulate and on the public. None

(a) Estimated economic effect on the businesses which they are to regulate.

(1) Adverse - N/A

(2) Beneficial - N/A

(3) Immediate - N/A

(4) Long term - N/A

(b) Estimated economic effect on the public which they are to regulate.

(1) Adverse - None

(2) Beneficial - More hunting opportunities

(3) Immediate - More hunting opportunities

(4) Long term - More hunting opportunities; healthier elk herds

6. The estimated cost to the agency for enforcement of the proposed regulation: N/A

7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary: N/A

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

8. If the regulation includes provisions which are not more stringent than a federal regulation which regulates the same activity, a summary of such provisions: N/A

9. 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: N/A