

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

LCB File No. R107-02

July 30, 2002

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

AUTHORITY: §§1 and 2, NRS 502.142; §3, NRS 502.145.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

“Private land” does not include any land of a landowner applicant that, during the calendar year in which the division receives an application from the landowner applicant for a special incentive elk tag, is planted, irrigated or otherwise manipulated for the production of a harvestable crop or forage for livestock.

Sec. 2. NAC 502.42253 is hereby amended to read as follows:

502.42253 As used in NAC 502.42253 to 502.42283, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 502.42256 to 502.42266, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 502.426 is hereby amended to read as follows:

502.426 1. If the division approves the application for a damage compensation tag, and the owner applicant enters into a cooperative agreement with the division, the owner applicant is eligible for the issuance of one or more damage compensation tags pursuant to subsection 2.

2. An owner applicant is eligible for the issuance of:

(a) One damage compensation tag for deer for each 50 deer that caused damage to his property; and

(b) One damage compensation tag for antelope for each 50 antelope that caused damage to his property.

3. ~~Before the division issues a damage compensation tag, the owner applicant must select a season in which to use the tag. The season must be selected in accordance with:~~

~~—(a) The type of weapon that is authorized by the commission for use during that season; and~~

~~—(b) The dates established by the commission for using that type of weapon during that season for the year in which the tag is to be used.~~

~~4.] The division shall indicate on each damage compensation tag it issues:~~

~~(a) The period or periods for which the tag is valid, which must be limited to the hunting season or seasons established by the commission for antlered mule deer or antelope with horns longer than their ears, as appropriate for the species to which the tag applies, in the unit or units within the management area or areas for which the tag is valid; and~~

~~(b) The unit or units within the management area or areas for which the tag is valid, which must be limited to the unit or units within the management area or areas in which the damaged property is located.~~

~~4. A damage compensation tag may be used for each type of hunt, as based upon the type of weapon authorized to be used, established by the commission for antlered mule deer or antelope with horns longer than their ears in the unit or units within the management area or areas for which the tag is valid. A person possessing a valid damage compensation tag may hunt only:~~

~~(a) During the period or periods indicated by the division on the tag;~~

(b) With the type of weapon designated for the type of hunt to which each such period applies; and

(c) In the unit or units within the management area or areas indicated by the division on the tag.

5. Damage compensation tags will only be issued to owner applicants and sold to hunters through the headquarters of the division.

~~{5.}~~ 6. The fee charged for a damage compensation tag will include:

(a) A fee of \$50 for each such tag;

(b) A license fee based on the status of the hunter as a resident or nonresident; and

(c) The fee specified in NAC 502.331 for acting upon each application for a tag.

~~{6.}~~ 7. If the division provides a refund for a canceled tag under the conditions set forth in NAC 502.422, the division may reissue an application for a damage compensation tag to the owner applicant.

~~{7.}~~ 8. If the division denies an application for a damage compensation tag, the owner applicant may appeal the decision to the commission within 10 days after the division notifies the owner applicant of the decision. A request for an appeal pursuant to this subsection must be submitted in writing to the secretary of the commission. As soon as practicable after receiving such a request, the chairman of the commission will appoint a panel consisting of not less than two members of the commission to consider the appeal. The panel shall notify the commission in writing of its determination. If the panel is unable to make a determination, the commission will appoint another panel to consider the appeal in accordance with this subsection. The determination of a panel appointed pursuant to this subsection is a final decision for the purposes of judicial review.