

LCB File No. R206-08

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

COMMISSION GENERAL REGULATION 364

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

Authority:

Notice of Intent:

Workshop Date: September 25, 2008

Commission Approval Date: September 27, 2008

EXPLANATION –. The following suggested NAC revisions are meant to address concerns of both ranchers and sportsmen and to fully implement the intentions of the Commission Committee regarding use of private agricultural croplands in Nevada.

Section 1. NAC 504.42259 is hereby amended to read as follows:

NAC 502.42259 “Landowner applicant” defined. (NRS 501.105, 501.181, 502.142, 502.160)

“Landowner applicant” means any owner, lessee, or manager of private rangeland or native haymeadow who supports ~~an increase in the population of elk above the target level~~ *the established management objective, as defined in the local area sub-plans, in addition to those elk supported on their private lands utilized to justify issuance of elk incentive tags. Native haymeadows will be evaluated by both the landowner applicant and NDOW and then recommended for inclusion or exclusion dependent on landowner desires and evaluation of the site as suitable native habitat for elk.*

~~[NAC 502.42261 “Private land” defined. (NRS 501.105, 501.181, 502.142, 502.160)~~

~~“Private land” does not include any land of a landowner applicant that, during the calendar year in which the Department receives an application from the landowner applicant for a special elk incentive tag, is planted, irrigated, or otherwise manipulated for the production of alfalfa, or a cereal grain.]~~

Sec. 2. NAC 502.42263 is hereby amended to read as follows:

NAC 502.42263 “Special Elk Incentive Tag” defined (NRS 501.105, 501.181, 502.142, 502.160)— “Special elk incentive tag” means an elk tag that is awarded to a landowner applicant as an incentive to support ~~[an increase in the population of elk above the target level pursuant to an agreement between the landowner applicant and the Director]~~ *the established management objective as defined in local area elk sub-plans in addition to those elk supported on their private lands utilized to justify issuance of elk incentive tags.*

~~[NAC 502.42266 “Target level” defined (NRS 401.105, 501.181, 502.142, 502.160) “Target level” means the number of elk that a landowner applicant will allow to use certain portions of his private land during certain times of the year as specified in the agreement for the special incentive tag made between the landowner applicant and the Department.]~~

Sec. 3. NAC 502.42273 is hereby amended to read as follows:

NAC 502.42273 Persons not eligible for tag (NRS 501.105, 501.181, 502.142, 502.160) The following persons are not eligible for a special incentive elk tag:

1. A landowner applicant who, during the same calendar year he applies for a special incentive elk tag, has applied for or received compensation pursuant to NRS 504.165 for damage caused by elk to the private land identified in the agreement for the special incentive elk tag.
2. A landowner applicant whose private land blocks ~~[reasonable]~~ access to adjacent public land and who does not agree to provide ~~[reasonable]~~ access through his private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.
3. An employee of the Department and his spouse or children if the employee processes the request and awards the special incentive elk tag to himself or to his spouse or children.
4. *A landowner applicant who does not meet the requirements outlined in NAC 502.42276 or who stops or attempts to stop any hunter or hunting party holding a valid elk tag from entering or crossing his private land in violation of NAC*

502.42276 before the expiration of the agreement, the Department must refuse to issue any special elk incentive tags to the landowner applicant for 1 year.

Sec. 4. NAC 502.42276 is hereby amended to read as follows:

NAC 502.42276 Provisions of agreement between landowner applicant and Director. (NRS 501.105, 501.181, 502.142, 502.160) The agreement made between a landowner applicant and the Director for a special incentive elk tag must provide that:

1. The landowner applicant shall:

- (a) ~~[(Create or a)]~~ Approve a document ***(ELK INCENTIVE TAG COOPERATIVE AGREEMENT – Nevada Department of Wildlife – Game Division Form 1)*** in which the landowner specifies how he shall support ~~[(or encourage an increase in the number of elk above the target level established pursuant to the agreement in the unit or units within the management area or areas in which the private land is located)]~~ ***the established management objective, as defined in the local area sub-plans in addition to those elk supported on their private lands utilized to justify issuance of elk incentive tags,*** and
- (b) If the private land of the landowner applicant ~~[(blocks reasonable access to)]~~ ***is*** adjacent ***to*** public land ***for which access is not available except through the private land, the landowner applicant shall*** provide ~~[(reasonable)]~~ access ~~[(through his private)]~~ ***to the public*** land ***during the hunting season*** to ~~[(allow)]~~ a person or hunting party possessing a valid elk ***tag for the purpose of hunting*** ~~[(to hunt elk)]~~ on the adjacent public land. ***The access may be at a specified location or locations as mutually agreed upon by the landowner applicant and the Department.***
- (c) ***Allow a representative of the Department to enter the private land at times mutually agreed upon to assess elk use to determine the number of special incentive elk tags that the Department will award pursuant to NAC 502.42279.***

2. The Department will:

- (a) Determine the number of special incentive elk tags that it will award pursuant to NAC 502.42279; and

- (b) Assist a landowner applicant in determining the portions of his land that are used by elk.

CHAPTER 504 - WILDLIFE MANAGEMENT AND PROPAGATION

NAC 504.440 “Definitions” (NRS 504.165) – As used in NAC 504.350 to 504.440 inclusive, unless the context otherwise requires:

1. “Claimant” means a person claiming **damage** to private property or privately maintained improvements caused by **elk** or game animals not native to this State.
2. “**Damage**” means any change in the quality or quantity of private property or a privately maintained improvement which reduces its value or intended function and which is caused by **elk** or game animals not native to this State.
3. “Site” includes anything other than native hay meadow or native rangeland that is ***planted, irrigated, or otherwise manipulated for the production of a crop. Native hay meadows will be evaluated by both the landowner applicant and NDOW and then recommended for inclusion or exclusion dependent on landowner desires and evaluation of the site as suitable native habitat for elk.***
4. “Stored crop” means any crop that has been reaped, severed, gathered, and stored.