

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

LCB File No. R013-16

Effective September 9, 2016

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

AUTHORITY: §§1 and 2, NRS 501.105 and 501.181, as amended by sections 1 and 1.2, respectively, of Assembly Bill No. 78, chapter 202, Statutes of Nevada 2015, at page 956.

A REGULATION relating to elk; revising certain definitions relating to spike elk; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners: (1) to establish policies and adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat; and (2) in establishing such policies and adopting such regulations, to consider first the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission. (NRS 501.105, as amended by section 1 of Assembly Bill No. 78, chapter 202, Statutes of Nevada 2015, at page 956) Existing law also requires the Commission to adopt regulations necessary to carry out the provisions of title 45 of NRS governing wildlife, including, without limitation, the manner and means of taking wildlife. (NRS 501.181, as amended by section 1.2 of Assembly Bill No. 78, chapter 202, Statutes of Nevada 2015, at page 956)

Existing regulations set forth certain definitions relating to spike elk. (NAC 502.104, 502.1045) **Section 1** of this regulation revises the term “spike elk” to mean “any antlered elk having not more than two points above the top of the ear on either antler.” **Section 2** of this regulation revises the term “spike elk only” to mean “in a designation of elk that may be taken during an open season, only antlered elk having not more than two points above the top of the ear on either antler.”

Section 1. NAC 502.104 is hereby amended to read as follows:

502.104 “Spike elk” means any *antlered* elk ~~[without branching]~~ *having not more than two points above the top of the ear* on either antler.

Sec. 2. NAC 502.1045 is hereby amended to read as follows:

502.1045 “Spike elk only” means, in a designation of elk that may be taken during an open season, only *antlered* elk ~~without branching~~ *having not more than two points above the top of the ear* on either antler.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

Informational Statement

LCB FILE NO. R013-16

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 502.104 and 502.1045.

1. A clear and concise explanation of the need for the adopted regulation:

The adopted regulation broadens the definition of "spike elk" to include antlered elk with fewer than two points on either antler above the top of the ear to reduce the likelihood for inadvertent errors by hunters. The broadened definition still targets young, typically yearling, male elk (yearling elk commonly have smaller antlers with fewer antler points); hunters have suggested that their harvest might increase with a more broadened definition. An increased harvest of yearling elk would allow the Nevada Department of Wildlife to better meet management objectives in regard to reducing bull to cow ratios while maintaining quality and limiting hunt pressure during "antlered elk" hunts.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary:

Public comment was solicited at Commission and County Advisory Board meetings held during March (Commission meeting in Yerington on March 25, 2016), May (Commission meeting in Reno on May 14, 2016), and in June (Commission meeting in Elko on June 25, 2016). May meeting was videoconferenced to Las Vegas and Elko, and June meeting was videoconferenced to Reno and Las Vegas.

The public response was to have a different definition than originally proposed by the Commission. The original definition simply stated that a single antler must have no branching above the ears, whereas the public suggestion was to consider allowing the take of an antlered elk with no more than two points on either antler above the ear. The Department testified that both definitions would meet management objectives, and the Commission chose the definition offered by the public. The comments from the CABMW were generally in support of the proposal offered by the public. These comments are captured in the minutes and are available at: http://www.ndow.org/Public_Meetings/Commission/Archive/

3. The number of persons who:

(a) Attended each hearing:

March 25, 2016: 31

May 14, 2016: 58

June 25, 2016: 28

(b) Testified at each hearing:

March 25, 2016: 3

May 14, 2016: 6

June 25, 2016: 0

(c) Submitted written comments: None

4. For each person identified in number 3 above, the following information is provided to the agency conducting the hearing:

- (a) Name: Sean Shea
 - (b) Telephone number: 775-323-9090
 - (c) Business address: 10760 Santa Fe Rd., Reno, NV 89508
 - (d) Business telephone number:
 - (e) Electronic mail address: sean@theheadmaster.com
 - (f) Name of entity or organization represented: Washoe CABMW
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- (a) Name: Paul Dixon
 - (b) Telephone number: 505-699-1744
 - (c) Business address: 9445 Grenville Avenue, Las Vegas, NV 89134
 - (d) Business telephone number: 702-295-4250
 - (e) Electronic mail address: noxid1960@gmail.com
 - (f) Name of entity or organization represented: Clark CABMW
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- (a) Name: Furn Winder
 - (b) Telephone number: 775-299-1231
 - (c) Business address: 385 Buffside Court, Spring Creek, NV 89815
 - (d) Business telephone number:
 - (e) Electronic mail address: furn7r@msn.com
 - (f) Name of entity or organization represented: Elko CABMW
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- (a) Name: Bob Cook
 - (b) Telephone number: 775-588-2361
 - (c) Business address: PO Box 1176, Zephyr Cove, NV 89448
 - (d) Business telephone number:
 - (e) Electronic mail address: sideshowbobcook@msn.com
 - (f) Name of entity or organization represented: Douglas CABMW
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- (a) Name: Ray Sawyer
 - (b) Telephone number: 775-296-1191
 - (c) Business address: HC 32 Box 32225, Ely, NV 89301
 - (d) Business telephone number:
 - (e) Electronic mail address: antlerhnr@yahoo.com
 - (f) Name of entity or organization represented: White Pine CABMW

- (a) Name: Darin Elmore
- (b) Telephone number: 775-742-1968
- (c) Business address: 3230 Green River Dr., Reno NV 89503
- (d) Business telephone number:
- (e) Electronic mail address: dmelmore@att.net
- (f) Name of entity or organization represented: Self

5. 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:

This regulation does not affect any businesses.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:

The comments received were adopted by the Nevada Board of Wildlife Commissioners in the final regulation.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

Business:

(a) Both adverse and beneficial effects; and

There are not any adverse or beneficial effects on businesses.

(b) Both immediate and long-term effects:

There are not any immediate and long-term effects on businesses.

Public:

(a) Both adverse and beneficial effects; and

There are not any adverse effects anticipated. The beneficial effects that are likely to be realized by public hunters include reduced likelihood of making an inadvertent error by misidentifying a legal animal during a hunt.

(b) Both immediate and long-term effects:

The beneficial effect noted in (a) above whereby the likelihood for making an inadvertent error is reduced is likely to be both immediate and long-term.

8. The estimated cost to the agency for enforcement of the adopted regulation:

Because this regulation is intended to liberalize a regulation, it will likely reduce inadvertent error, which is already a rare occurrence. The estimated cost to the agency to enforce this regulation is likely to be less than the current cost.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

The proposed regulation does not overlap with any other existing regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:

The proposed regulation does not include provisions that are more stringent or duplicate an existing federal regulation that regulates the same activity.

11. 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:

No new fees or increases are being introduced as a result of this regulation change.