

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

LCB File No. R141-16

Effective December 21, 2016

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.181, 502.130, 502.140 and 502.160; §3, NRS 501.105, 501.181, 502.160 and 502.250.

A REGULATION relating to wildlife; revising provisions governing the eligibility of a person to apply for a tag to hunt antelope or elk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations authorize a person to apply in any year for a tag to hunt antelope unless his or her privilege is limited or revoked pursuant to law. However, if a person obtains such a tag and harvests an antelope with horns longer than its ears, that person is not eligible to apply for another tag to hunt antelope with horns longer than its ears during the next 5 years. (NAC 502.341) **Section 1** of this regulation instead provides that, unless his or her privilege is limited or revoked pursuant to law, a person is eligible to apply in any year for a tag to hunt antelope, except that a person who receives a tag or replacement tag to hunt antelope with horns longer than its ears is ineligible to apply for the same tag for 3 years.

Existing regulations authorize a person, unless his or her privilege is limited or revoked pursuant to law, to apply for a tag to hunt spike elk in any year except the year following a year in which the person obtained a tag or a replacement tag to hunt spike elk. Additionally, unless his or her privilege is limited or revoked pursuant to law, a person may apply for a tag to hunt bull elk in any year if he or she did not receive a tag or a replacement tag to hunt bull elk in the previous 5 years, except that a person who obtains a tag to hunt bull elk and who harvests a bull elk is not eligible to apply for a tag to hunt bull elk during the next 10 years. Finally, a person may apply in any year for a tag to hunt antlerless elk unless his or her privilege is limited or revoked pursuant to law. (NAC 502.361) **Section 2** of this regulation revises the provisions related to applying for a tag to hunt bull elk or antlerless elk. Unless his or her privilege is limited or revoked pursuant to law, a person may apply for a tag to hunt: (1) bull elk in any year if he or she did not receive a tag or a replacement tag to hunt bull elk in the previous 7 years; and (2) antlerless elk or spike elk in any year.

Existing law authorizes the Board of Wildlife Commissioners to establish a Partnership in Wildlife Drawing, which is an additional drawing for big game tags. (NRS 502.250) Existing regulations provide that an applicant who is unsuccessful in obtaining a tag at the initial drawing

for a big game tag may apply for the same species in the Partnership in Wildlife Drawing. (NAC 502.427) The same eligibility rules that apply to an applicant in an initial drawing for a tag to hunt a bighorn sheep, elk or mountain goat apply in a Partnership in Wildlife Drawing. However, a person who obtains an antelope tag from a Partnership in Wildlife Drawing is not eligible to apply for another tag to hunt antelope for the next 5 open seasons, in either the initial drawing or a Partnership in Wildlife Drawing. (NAC 502.4285) **Section 3** of this regulation removes the exception on eligibility for a person who obtains a tag to hunt an antelope from a Partnership in Wildlife Drawing and makes it the same as for a person who obtains a tag to hunt an antelope in the initial drawing, as provided for in **section 1**.

Section 1. NAC 502.341 is hereby amended to read as follows:

502.341 ~~{1.—Unless}~~ *Except as otherwise provided in subsection 2, unless* his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply in any year for a tag to hunt antelope.

2. Except as otherwise provided in ~~{NRS 502.215 and}~~ NAC ~~{502.321}~~ *502.42694* and 502.4293, ~~{any person who harvests}~~ *or unless his or her privilege is limited or revoked pursuant to law, a person is eligible to apply for a tag to hunt* an antelope with horns longer than its ears ~~{using a tag specified in subsection 1 is not eligible to apply for another}~~ *if he or she did not receive a tag or a replacement* tag to hunt antelope with horns longer than its ears ~~{during the next 5}~~ *in the previous 3* years.

Sec. 2. NAC 502.361 is hereby amended to read as follows:

502.361 1. Except as otherwise provided in ~~{subsection 3 or}~~ NAC *502.42694 and* 502.4293, or unless his or her privilege is limited or revoked pursuant to law, a person is eligible to apply for a bull elk tag in any year if he or she did not receive a bull elk tag or a replacement tag for a bull elk in the previous ~~{5}~~ *7* years.

2. Unless his or her privilege is limited or revoked pursuant to law, a person is eligible to apply for an antlerless elk tag in any year.

~~{2.—Except as otherwise provided in NAC 502.4293, unless}~~

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

~~—3.— Except as otherwise provided in NAC 502.4293, 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. 3. NAC 502.4285 is hereby amended to read as follows:

502.4285 The provisions of NAC *502.341*, 502.345, 502.361 and 502.364, regarding a person's eligibility to obtain tags, apply to tags obtained through a Partnership in Wildlife Drawing. ~~[Notwithstanding the provisions of NAC 502.341, a person who obtains an antelope tag for any type of hunt from a Partnership in Wildlife Drawing is not eligible to apply for another tag to hunt for antelope for the next five open seasons.]~~

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

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

**LCB FILE NO. R141-16
Commission General Regulation 465**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 502.

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

Successful tag applicants (hunters) for some big game species are subjected to a waiting period before they can apply again in subsequent years for a tag for the same species. At the public's request, the Nevada Board of Wildlife Commission's Tag Allocation and Application Hunt Committee reviewed the antelope and elk tag application waiting periods to determine if the respective waiting periods could be adjusted and made recommendation to the Commission. Elk and antelope herds have increased and there is growing public desire to reduce the waiting periods for hunters to apply for tags if they have previously received an antelope or bull elk tag. Additionally, there was interest in standardizing the waiting periods associated with each of these species regardless of harvest in an effort to help minimize confusion. Standardization of waiting periods is believed by the Commission and the Department to be an effective means to better encourage hunters to harvest if given the opportunity, thus further benefiting the Department's management goals.

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 through a workshop of the regulation which involved the County Advisory Boards to Manage Wildlife (CABMW) meetings and Nevada Board of Wildlife Commission meetings. Regulation workshop occurred during the Commission's September 23, 2016 meeting and the regulation was adopted at the Commission's November 19, 2016 meeting. Public comment presented at the workshop included several CABMW members voicing support of the regulation. At the November 19, 2016 Commission meeting comments were received from several CABMW members supporting standardization of the antelope and elk tag waiting periods. There was also discussion regarding concerns on dropping the waiting period for harvest of elk down to 5 years. Comments from the public included standardizing at 7 years or 10 years. The discussion resulted in adopting the regulation with a change to the elk waiting period by standardizing it at 7 years versus 5 years as proposed by the Department. A summary of public response and minutes of the September 23, 2016 and November 19, 2016 Commission meetings are available at: http://www.ndow.org/Public_Meetings/Commission/Archive/.

3. **The number of persons who:**
 - (a) **Attended each hearing: (date and number of attended for workshops and hearings):** 35 attendees on September 23, 2016; 21 attendees on November 19, 2016.
 - (b) **Testified at each hearing: (date and number of attended for workshops and hearings):** 4 testified on September 23, 2016; 8 testified on November 19, 2016.
 - (c) **Submitted written comments: (date and number of attended for workshops and hearings):** No written comments were submitted.

4. **For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) Name: Jim Cooney
 - (b) Telephone number: 775-397-2504
 - (c) Business address: 191 Kimberly Ln., Elko, NV 89801
 - (d) Business telephone number: N/A
 - (e) Electronic mail address: jcooney4@gmail.com
 - (f) Name of entity or organization represented: Elko CABMW
 - (a) Name: Paul Dixon
 - (b) Telephone number: 505-665-4595
 - (c) Business address: 9445 Grenville Ave., Las Vegas 89134
 - (d) Business telephone number: N/A
 - (e) Electronic mail address: noxid1960@gmail.com
 - (f) Name of entity or organization represented: Clark CABMW
 - (a) Name: Gil Yanuck
 - (b) Telephone number: (775) 841-3675
 - (c) Business address: 4100 Lakeview Rd., Carson City 89703
 - (d) Business telephone number: N/A
 - (e) Electronic mail address: gilcalif@att.net
 - (f) Name of entity or organization represented: Carson City CABMW
 - (a) Name: Rex Flowers
 - (b) Telephone number: 775-722-4506
 - (c) Business address: 3280 Sun Cloud Circle, Reno, NV 89506
 - (d) Business telephone number: N/A
 - (e) Electronic mail address: randbflowers@yahoo.com
 - (f) Name of entity or organization represented: Self
 - (a) Name: Judi Caron
 - (b) Telephone number: N/A
 - (c) Business address: 11865 Juniper Street, Reno, NV 89506
 - (d) Business telephone number: N/A

- (e) Electronic mail address: c243270j@gmail.com
 - (f) Name of entity or organization represented: Self
- (a) Name: Chad Foster
 - (b) Telephone number: 775-223-3393
 - (c) Business address: 1468 Kathy Way, Gardnerville, NV 89460
 - (d) Business telephone number: N/A
 - (e) Electronic mail address: chadfoster1@gmail.com
 - (f) Name of entity or organization represented: Douglas CABMW
- (a) Name: Mitch McVicars
 - (b) Telephone number: N/A
 - (c) Business address: 815 Avenue L, Ely, NV 89301
 - (d) Business telephone number: N/A
 - (e) Electronic mail address: mitchmcvicars@gmail.com
 - (f) Name of entity or organization represented: White Pine CABMW
- (a) Name: Jake Chatelle
 - (b) Telephone number: N/A
 - (c) Business address: 2325 Ives Avenue, Reno, NV 89503
 - (d) Business telephone number: N/A
 - (e) Electronic mail address: jakechatelle@gmail.com
 - (f) Name of entity or organization represented: Nevada Bighorns Unlimited Reno
- (a) Name: Jon Almberg
 - (b) Telephone number: 775-296-0706
 - (c) Business address: PO Box 150004, Ely, NV 89315
 - (d) Business telephone number: N/A
 - (e) Electronic mail address: almbergnv@gmail.com
 - (f) Name of entity or organization represented: Self
- (a) Name: Brad Johnston
 - (b) Telephone number: 775-316-1157
 - (c) Business address: 18 Jacob Road, Yerington, NV 89447
 - (d) Business telephone number: 775-463-6339
 - (e) Electronic mail address: brad@periandsons.com
 - (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:

Comment was not solicited from affected businesses. This regulation does not affect businesses. The changes are associated with individual hunters and their ability to apply for big game tags.

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:**
There were comments and all suggested changes were made to the 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:**
 - (a) **Both adverse and beneficial effects on businesses; and**
There will be no adverse or beneficial economic effect on business because this regulation does not regulate the operation of any business.
 - (b) **Both immediate and long-term effects on businesses:**
There will be no immediate and long-term economic effect on business because it does not regulate the operation of any business.
 - (a) **Both adverse and beneficial effects on the public; and**
There is no adverse or beneficial economic effect on the public. The changes are associated with individual hunters and their ability to apply for big game tags.
 - (b) **Both immediate and long-term effects on the public:**
The immediate and long term effects are associated with certain members of the public's timeframe as to when they could apply for big game tags after receiving a tag.
8. **The estimated cost to the agency for enforcement of the adopted regulation:**
The enforcement of the regulation falls within current operations of the department; therefore, there will be no additional costs to the agency above the current legislatively approved budget.
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:**
This regulation does not overlap or duplicate any local, state, or federal regulation.
10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:**
There are no federal regulations regarding 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.**
This regulation does not propose new or increased fees.