

**PROPOSED REGULATION OF THE
DEPARTMENT OF WILDLIFE**

LCB FILE NO. R096-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 05/08/2018**

NAC 502.426 Issuance, validity, contents and use of tags; fees; reissuance of application; appeal of denial of application. (NRS 501.105, 501.181, 502.145, 502.160, 502.250)

1. If the owner applicant enters into a cooperative agreement with the Department and the Department approves the application for a damage compensation tag, the owner applicant is eligible for the issuance of one or more damage compensation tags pursuant to subsection 2 *and 3*.

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 or her property; and

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

3. *Damage compensation tags cannot be issued in excess of the limit established pursuant to subsection 6 (a) of NRS 502.145. If the cumulative number of damage compensation tags for which all applicants qualified through counts in a single year exceeds the limit established pursuant to subsection 6 (a) of NRS 502.145, the Department will proportionally reduce all damage compensation tag awards, rounded to the nearest whole number, until the total is less than the statutory limit. If this proportional reduction results in the issuance of less than all damage compensation tags that could be issued, the remaining damage compensation tags will be issued in increments of one to cooperators with the longest continuous history of cooperative agreements with the Department until all tags are issued.*

(a) History of cooperative agreements will be determined based on the number of consecutive years of executed agreements, irrespective of the number of years in which compensation tags were awarded, to any entity, such as an individual, family, or business, that continuously qualifies to participate in the cooperative agreement.

4. If the Department issues a damage compensation tag, the tag is valid for use in the calendar year after the calendar year in which the application was submitted.

5 ~~[4]~~. The unit or units within a management area or areas for which the Department issues a damage compensation tag must be limited to the unit or units within the management area or areas in which the damaged property is located.

6 ~~[5]~~. The Department shall indicate on each damage compensation tag it issues:

(a) The period or periods during the calendar year for which the tag is valid, which must be limited to the hunting season or seasons, other than a hunting season for a tag issued pursuant to subsection 5 of NRS 502.250, 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 in which the damaged property is located and for which the tag is valid; and

(b) The unit or units within the management area or areas in which the damaged property is located and for which the tag is valid.

7 ~~[6]~~. A person possessing a valid damage compensation tag may hunt only:

(a) During the period or periods indicated by the Department on the tag, as established by the Commission;

(b) With the type of weapon designated for the type of hunt to which each such period applies, as established by the Commission; and

(c) In the unit or units within the management area or areas established by the Commission:

(1) In which the damaged property is located; and

(2) For which the tag is valid.

8 ~~[7]~~. Damage compensation tags will only be issued to owner applicants and sold to hunters through the headquarters of the Department.

9 ~~[8]~~. 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.

10 ~~[9]~~. If the Department provides a refund for a cancelled tag under the conditions set forth in NAC 502.422, the Department may reissue an application for a damage compensation tag to the owner applicant.

11 ~~[10]~~. If the Department denies an application for a damage compensation tag, the owner applicant may appeal the decision to the Commission within 10 days after the Department 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 Chair 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.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 10-26-93, eff. 10-1-93; 11-29-95; R168-99, 1-19-2000; R113-01, 12-17-2001; R107-02, 1-21-2003; R030-06, 6-1-2006)