

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

**LCB FILE NO. R083-19I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 09/25/2019**

**PROPOSED REGULATION OF THE BOARD OF WILDLIFE  
COMMISSIONERS  
COMMISSION GENERAL REGULATION 488  
LCB FILE NO. RXXX-XX**

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

AUTHORITY: §1, NRS 501.105, 501.181 , 503.300 and 503.310.

A REGULATION relating to Wildlife; regarding direction for allocating landowner deer and antelope compensation tags if owner applicants cumulatively qualify for compensation tags in excess of the statutory limit.

**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 *or* 3.

2. ~~[An]~~ *Except as is otherwise provided in subsection 3, 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. *In accordance with paragraph (a) of subsection 6 of NRS 502.145, if the cumulative number of damage compensation tags for all eligible owner applicants during a calendar year exceeds the total number of deer and antelope tags which are authorized for issuance throughout the state for that calendar year, the Department shall:*

*(a) Except as is otherwise provided in subsection (b) and (c), issue one deer tag for the first 50 deer enumerated during the damage count and one antelope tag for the first 50 antelope enumerated during the damage count, after which;*

*(b) Issue remaining or proportion of remaining deer or antelope tags from those properties that qualify for more than one deer or one antelope tag based on a whole number derived by incrementally increasing the qualifying number for additional tags, until the total number of damage compensation tags falls within the statutory limit; or*

*(c) If issuing the first deer or antelope tag for all properties would result in exceeding the statutory limit, issue all deer or antelope tags based on a whole number*

*derived by incrementally increasing the qualifying number for all properties, until the total number of damage compensation tags falls within the statutory limit.*

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.

~~[4.]~~ 5. 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.

~~[5.]~~ 6. 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.

~~[6.]~~ 7. 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.

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

~~[8.]~~ 9. 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.

~~[9.]~~ 10. 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.

~~[10.]~~ 11. 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)