

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

LCB File No. R083-19

August 17, 2021

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

AUTHORITY: § 1, NRS 501.105, 501.181 and 502.145.

A REGULATION relating to wildlife; establishing the method for issuing damage compensation tags when the cumulative number of damage compensation tags for all eligible applicants during a calendar year exceeds the maximum number of damage compensation tags authorized for issuance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an owner, lessee or manager of private land which is damaged by deer or antelope is authorized to apply to the Department of Wildlife for the issuance of a tag as compensation for the damage caused by the deer or antelope. Existing law requires the Board of Wildlife Commissioners to adopt regulations establishing the maximum number of damage compensation tags which the Department may issue annually, which must not exceed 2.5 percent of the total number of deer and antelope tags authorized for issuance annually throughout the State. (NRS 502.145) This regulation establishes the method of issuing damage compensation tags if the cumulative number of damage compensation tags for all eligible applicants during a calendar year exceeds 2.5 percent of the total number of deer and antelope tags authorized for issuance throughout the State for that calendar year.

Section 1. NAC 502.426 is hereby amended to read as follows:

502.426 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 ~~H~~ *or 3.*

2. ~~Am~~ *Except as 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 a number equal to 2.5 percent of the total number of deer and antelope tags which are authorized for issuance throughout the State for that calendar year and:*

(a) The issuance of one damage compensation tag for deer for each 50 deer that caused damage to the property of each eligible owner applicant and one damage compensation tag for antelope for each 50 antelope that caused damage to the property of each eligible owner applicant would cause the cumulative number of damage compensation tags for all eligible owner applicants during the calendar year to exceed 2.5 percent of the total number of deer and antelope tags which are authorized for issuance throughout the State for that calendar year, the Department shall increase, by a whole number, the number of deer causing damage to the property of an eligible owner applicant for which one damage compensation tag for deer must be issued and the number of antelope causing damage to the property of an eligible owner applicant for which one damage compensation tag must be issued, until the total number of damage compensation tags for all eligible owner applicants during the calendar year is equal to 2.5 percent of the total number of deer and antelope tags which are authorized for issuance throughout the State for that calendar year.

(b) The issuance of one damage compensation tag for deer for each 50 deer that caused damage to the property of each eligible owner applicant and one damage compensation tag for antelope for each 50 antelope that caused damage to the property of each eligible owner applicant would not cause the cumulative number of damage compensation tags for all eligible owner applicants during the calendar year to exceed 2.5 percent of the total number of deer and antelope tags which are authorized for issuance through the State for that calendar year, the Department shall:

(1) Issue one damage compensation tag for deer for each 50 deer that caused damage to the property of each eligible owner applicant and one damage compensation tag for antelope for each 50 antelope that caused damage to the property of each eligible owner applicant; and

(2) Issue the remaining number of damage compensation tags by increasing, by a whole number, the number of deer causing damage to the property of an eligible owner applicant for which one damage compensation tag for deer must be issued and the number of antelope causing damage to the property of an eligible owner applicant for which one damage compensation tag must be issued, until the total number of damage compensation tags issued pursuant to this subparagraph and subparagraph (1) for all eligible owner applicants during the calendar year is equal to 2.5 percent of the total number of deer and antelope tags which are authorized for issuance throughout the State for that calendar year.

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.

~~15.1~~ 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.

~~16.1~~ 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.

~~17.1~~ 8. Damage compensation tags will only be issued to owner applicants and sold to hunters through the headquarters of the Department.

~~18.1~~ 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.

~~19.~~ **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.