

**LCB File No. R113-01**

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

**NOTICE OF INTENT TO ACT UPON A REGULATION  
Notice of Hearing for The (Adoption/Amendment/Repeal) of Regulations of The  
Nevada Board Of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing at 8:30 a.m., on December 1, 2001 at the Nevada Division of Wildlife Headquarters Office, 1100 Valley Road, Reno NV. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 297 (LCB File R113-01) pertaining to Chapter 502 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation:

Pursuant to the recommendations of the Nevada Board of Wildlife Commissioner's subcommittee, proposed regulations amend existing regulations attendant to the *Mule Deer & Antelope Landowner Damage Compensation Tag Program*. Proposals clarify the definition of "damage", to specify seasons of use for compensation tags and to establish a Commission review board to hear disputes.

2. Text of the proposed regulation:

(attached)

3A. The estimated economic effect of the regulation on the business which it is to regulate:

(a) Adverse effect – Effected landowners that receive compensation tags may realize a decreased market value for the resale of their tags since they can no longer select separate "private lands only hunts" outside of the season dates established by the Commission.

(b) Beneficial effect - none

(c) Immediate effect - none

(d) Long-term effect - none

3B. The estimated economic effect of the regulation on the public which it is to regulate:

(a) Adverse effect - none

(b) Beneficial effect - none

- (c) Immediate effect - none
  - (d) Long-term effect - none
4. Estimated cost to the Division of Wildlife for enforcement of the proposed regulation:  
  
Some cost associated with revising administrative forms.  
No other costs anticipated beyond those already associated with the administration of this program.
  5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates: Not applicable. The duplication or overlapping is necessary because: N/A. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: N/A.
  6. If the regulation is required pursuant to federal law, a citation and description of the federal law.  
Not Applicable.
  7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: Not Applicable
  8. The proposed regulation establishes a new fee or increases an existing fee: X No \_\_\_ Yes

Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Division of Wildlife  
1100 Valley Road  
Reno, Nevada  
(775) 688-1500

Western Region  
380 W. "B" Street  
Fallon, NV 89406  
(775) 423-3171

Eastern Region  
1375 Mt. City Highway  
Elko, NV 89801  
(775) 738-5332

Southern Region  
4747 Vegas Drive  
Las Vegas, NV 89108  
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This

notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the above locations.

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Terry R. Crawforth, Secretary  
Board of Wildlife Commissioners

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

**COMMISSION GENERAL REGULATION 297**

Authority: NAC 592,424, 502.4248, 502.426

Notice of Intent:

Workshop Date: November 30, 2001

Commission Approval:

**EXPLANATION:**

NOTE: Matter in *italics* is new; matter within brackets ~~{}~~  is to be omitted.

**Section 1. NAC 502.424 is hereby amended to read as follows:**

**502.424** 1. “Damage” means a change in the quality or quantity of private property ~~[which reduces its value or impairs its intended function and which is caused by deer or antelope]~~ *caused by deer or antelope that, at the time of inspection, is being, or has been, planted, irrigated or otherwise manipulated for the purpose of producing a harvestable crop.*

2. “Damage compensation tag” means a special deer or antelope tag issued to an owner applicant for his own use or for use by a hunter designated by him as compensation for damage to his land or to improvements on his land which is caused by deer or antelope.

3. “Owner applicant” means the owner, lessee or manager of private land claiming his private land was damaged by deer or antelope.

**Section 2. NAC502.4248 is hereby amended to read as follows:**

502.4248 1. To be eligible for the issuance of a damage compensation tag, an owner applicant must enter into a cooperative agreement with the division.

2. The cooperative agreement must:

(a) Specify, in writing and on a map provided by the division, the private land designated by the owner applicant as being open to hunting using the damage compensation tag.

(b) Provide that, if the owner applicant's private land is adjacent to public land for which access is not available except through the private land, the owner applicant shall provide access to the public land during the hunting season to a person or hunting party with a tag for the purpose of hunting on the public land. The access may be at a specified location or locations as mutually agreed upon by the owner applicant and the division and must be identified on the map provided by the division.

(c) Provide that the division agrees to:

(1) Act expeditiously when it receives an application for a damage compensation tag;

(2) Assess the cause of the problem, consult with the owner applicant and recommend a course of action to the owner applicant;

(3) Compensate the owner applicant for damage by providing one damage compensation tag for each 50 deer or 50 antelope causing damage on private land if a preponderance of the evidence, as determined by the division, proves that the loss was caused by the deer or antelope; and

(4) Allow the user of a damage compensation tag to hunt in the unit or units within the management area or areas in which the owner applicant's damaged property is located ~~for on the private lands of the owner applicant that are clearly marked or fenced, or both, for not more than 30 consecutive days between August 15 and November 30 for deer and between August 1 and October 31 for antelope~~.

(d) Provide that the owner applicant agrees to:

(1) Consult with the division and consider its technical advice;

(2) Allow a representative of the division to enter his property at times mutually agreed upon to:

(I) Remove deer or antelope; and

(II) Prevent further damage by any method the division deems to be necessary, including, but not limited to, hazing, hunting, shooting and scaring;

(3) Allow a hunter who has purchased a damage compensation tag that was issued to the owner applicant to hunt on the owner applicant's property as designated on the map which is provided by the division and attached to the cooperative agreement; and

(4) Give such a hunter written authorization to hunt on the designated property and provide him with a map thereof when a damage compensation tag is sold to him.

3. If the owner applicant stops or attempts to stop any hunter holding a tag from entering or crossing his private land before the expiration of the agreement, the division will refuse to issue any damage compensation tags to the owner for 1 year.

**Section 3. NAC 502.426 is hereby amended to read as follows:**

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

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 property; and

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

3. Before the division issues a damage compensation tag, the owner applicant must select a

~~[type of hunt for which the tag is to be used]~~ *season of tag use, according to weapon type, which is consistent with weapons type season dates established by the Commission for the year in which the tag is to be used.*

4. Damage compensation tags will only be issued to owner applicants and sold to hunters through the headquarters of the division.

5. 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.

6. If the division provides a refund for a canceled tag under the conditions set forth in NAC 502.422, the division may reissue an application for a damage compensation tag to the owner applicant.

*7. A landowner may request a hearing to dispute the recommendation provided by Nevada Division of Wildlife after their investigation of the landowner's claim. He must submit a request for an appeal hearing, in writing, to the Secretary of the Nevada Board of Wildlife Commissioners. The Chairman of the commission will appoint two members of the commission to serve as the appeals board to render a resolution to the landowner's dispute.*