

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

LCB File No. R170-01

Effective April 3, 2002

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

AUTHORITY: §1, NRS 501.105 and 501.181.

Section 1. NAC 503.148 is hereby amended to read as follows:

503.148 1. Except as otherwise provided in ~~subsection 2,~~ *this section*, a person shall not, for the purpose of hunting, locate or observe, or assist a person in locating or observing, any big game mammal in a management unit described in NAC 504.210 during the period beginning 48 hours before a big game hunting season opens until the close of the season in that management unit with the use of:

(a) An aircraft, including , *without limitation*, any device that is used for navigation of, or flight in, the air;

(b) A hot air balloon or any other device that is lighter than air; or

(c) A satellite or any other device that orbits the earth and is equipped to produce images.

2. *For the purposes of subsection 1, the season for hunting a mountain lion which is open in a management unit shall be deemed not to be a big game hunting season during the period beginning after the big game hunting season for all other species of big game has closed in that management unit until the period beginning 48 hours before the opening of a big game hunting season established for hunting any other species of big game in that management unit.*

3. *Evidence of an act constituting a violation of subsection 1 includes, without limitation:*

(a) *Flying slowly at low altitudes;*

(b) *Hovering;*

(c) *Circling; or*

(d) *Repeatedly flying,*

FLUSH *over a forest, marsh, field, woodland or rangeland where a big game mammal is likely to be found.*

4. *The provisions of this section do not apply to a person who:*

(a) *Is acting within the scope of his official duties and who is:*

(1) *An employee or authorized agent of this state;*

(2) *An employee of a municipal or county government of this state; or*

(3) *An employee of the Federal Government;*

(b) *Holds a scientific permit issued by the division for the collection of wildlife and who is acting in compliance with the terms and conditions of the permit; or*

(c) *Holds a permit issued by the division which authorizes the control of bobcats, coyotes or ravens from an aircraft and who is acting in compliance with the terms and conditions of the permit.*

5. *The provisions of this section do not authorize any act that is prohibited by NRS 503.010.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R170-01**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R170-01 which pertain to aerial scouting of big game mammals (chapter 503 of the Nevada Administrative Code) on February 9, 2002.

Notice date: 1/7/2002
Hearing date: 2/9/2002

Date of adoption by agency: 2/9/2002
Filing date: 4/3/2002

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

- (a) A notice of hearing for adoption of Commission General Regulation No. 299 was published once in each of the three administrative regions in a newspaper of general circulation.
- (b) Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners were invited, through the notice of hearing and a mail distribution to interested and affected parties to appear at the public hearing or address their comments, data, views of arguments, in written form, to Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions were to be received at least five days prior to the scheduled meeting.
- (c) A copy of the Notice of the proposed regulations was mailed to the following: State Librarian; county main libraries; Reno, Elko and Las Vegas newspapers; LCB and interested parties.
- (d) A copy of the regulation to be adopted was filed with the Office of the Secretary of State, The Capitol, Carson City, Nevada for inspection by the public during business hours.

Additional copies of the regulation could be obtained at the Division of Wildlife, 1100 Valley Road, Reno, Nevada for inspection and copying by the public.

- (e) The public was asked to make comments on this regulation at the public meeting.

2. The number of persons who:

- (a) **Attended each hearing: Workshop - 35 - Hearing 45**
- (b) **Testified at each hearing: Workshop - 4 - Hearing 6**
- (c) **Submitted to the agency written statements: 4**

3. 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: No business affected; mailed to all county advisory board members, and Commission mail list.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change: Public testimony was heard, revisions considered, and not adopted.

5. The estimated *economic* effect of the regulations on the business which they are to regulate and on the public. None

(a) Estimated *economic* effect on the businesses which they are to regulate.

- (1) **Adverse** - no effect on businesses
- (2) **Beneficial** - no effect on businesses
- (3) **Immediate** - no effect on businesses
- (4) **Long term** - no effect on businesses

(b) Estimated *economic* effect on the public which they are to regulate.

- (1) **Adverse** - no economic effect
- (2) **Beneficial** - no economic effect
- (3) **Immediate** - no economic effect
- (4) **Long term** - no economic effect

6. The estimated cost to the agency for enforcement of the proposed regulation: No additional costs anticipated; law enforcement will cover as a result of routine patrols.

7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary: No overlap with other agencies.

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency: N/A

8. If the regulation includes provisions which are not more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

Federal Statute - Airborne hunting Act - 16 USC 742

9. 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: N/A