

**LCB File No. R107-02**

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

**COMMISSION GENERAL REGULATION 304**

**Authority:** NRS 501.105, 501.181 & 502.145.

**Notice of Intent:** June , 2002.

**Workshop Date:** September , 2002.

**Commission Approval:** September, 2002.

**EXPLANATION:** The proposed change clarifies the types of private lands that are eligible for inclusion in the elk incentive tag program for the purpose of receiving elk incentive tags.

NOTE: Matter in *italics* is new; matter within brackets **[ ]** is to be omitted.

**Section 1.** NAC 502.42266 is hereby amended to read as follows:

**502.42266** “Target level” means the number of elk that a landowner applicant will allow to use certain portions of his private land , *excluding lands that, during the calendar year in which the Division received an application from the landowner applicant for a special incentive elk tag, are planted, irrigated, or otherwise manipulated for the purpose of producing a harvestable crop or forage for livestock,* during certain times of the year as specified in the agreement for the special incentive elk tag made between the landowner applicant and the division.

**Sec. 2.** 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 season in which to use the tag. The season must be selected in accordance with:~~  
~~—(a) The type of weapon that is authorized by the commission for use during that season; and~~  
~~—(b) The dates established by the commission for using that type of weapon during that season for the year in which the tag is to be used.]~~ *The division will indicate on each damage compensation tag it issues pursuant to this section the period or periods during which the tag is valid and the unit or units within the management area or areas in which the damaged property is located for which the tag is valid. The hunting period or periods will be limited to the season dates established by the commission for antlered mule deer or antelope with horns longer than the ears, as appropriate to the species listed on the tag, in the unit or units within the management area or areas in which the damaged property is located. Such a tag will be valid for use in each type of hunt, established by weapon type, that is available for the species listed on the tag in the unit or units within the management area or areas in which the damaged property is located.*

*A person possessing a valid damage compensation tag shall hunt only:*

- (a) During the period or periods indicated on the tag issued pursuant to this section;*
- (b) With the weapon designated for that hunt; and*
- (c) In the unit or units within the management area or areas in which the private land is located, as indicated on the tag.*

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. If the division denies an application for a damage compensation tag, the owner applicant may appeal the decision to the commission within 10 days after the division 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 chairman

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.