

**LCB File No. R029-06**

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

**NOTICE OF INTENT TO ACT UPON A REGULATION  
Notice of Hearing for The Adoption and Amendment of Regulations of The  
Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing on May 12-13, 2006, at \_\_\_\_\_ a.m., at the Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation No. 342 (LCB File No. R029-06) pertaining to Chapters 502 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: **Amendment to NAC 502.42279 – The issuance and use of elk incentive tags; allows an elk incentive tag to be used during all weapon-class hunts for particular unit or units in which the private land that sustained elk use is located.**
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 -- **None**
  - (b) Beneficial effect – **Will make the elk incentive tag more marketable for the landowner and therefore should increase the value of the tag.**
  - (c) Immediate effect – **Tag value increase.**
  - (d) Long-term effect – **The tag value will likely level off over time.**
- 3B. The estimated economic effect of the regulation on the public which it is to regulate:
  - (a) Adverse effect – **Though there may be perceived social effects from the public by allowing an incentive tagholder to hunt during all three weapon-class hunts for bull elk, there is no direct adverse economic impact to bull tagholders who acquire their tag through the statewide draw.**
  - (b) Beneficial effect – **Over time, with more landowners willing to accept elk use on their private lands through the sale of incentive tags, it should equate into larger elk herds using both private and adjacent public lands and more elk tags available in the statewide draw.**
  - (c) Immediate effect -- **None**
  - (d) Long-term effect – **Broader distribution and larger elk herds inhabiting both private and public lands which should equate to more elk hunting opportunities for the general public.**

4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation: Costs will be minimal to nonexistent, does not increase existing workloads or processes. **Minimal, though it is likely the same hunter will spend more days hunting and will be challenged to understand and follow the different regulations for each weapon class hunt.**
5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates: **None**. The duplication or overlapping is necessary because: **NA**. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: **NA**
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: \_\_\_No \_\_\_**X** Yes. Establishes an administrative assessment of \$50 for reinstating a trappers suspended license privileges.

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

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

Eastern Region  
60 Youth Center Road  
Elko, NV 89801  
(775) 777-2300

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 are 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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**PROPOSED REGULATION OF THE  
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AUTHORITY: §1, NRS 501.105, 501.181, 502.142, 502.160

**Explanation:** revising the elk incentive tag to allow it to be used for all weapon-class hunts for a specific unit or units.

**Section 1.** NAC 502.42279 is hereby amended to read as follows:

502.42279 1. The Department will award special incentive elk tags based on the following formula:

$$\frac{NP}{NE} \times \frac{DP}{365} \times \frac{NT}{365}$$

Where:

NP = The number of elk using the private land of the landowner applicant.

NE = The total number of elk in the actual elk use area in which the private land is located

DP = The number of days the elk use the private land during the year.

NT = The total number of antlered elk tags that were issued during the previous year in the unit or units within the management area or areas in which the private land is located.

2. A group of landowners, lessees or managers may apply to receive special incentive elk tags for their combined private lands. The group may allocate the tags among the members of the group at its discretion.

3. The issuance of special incentive elk tags will not result in a reduction of the total number of antlered elk tags issued to the public during a year below the quota for antlered elk tags established by the Commission for 1997, which was 186 tags.
4. A special incentive elk tag is valid for both *antlered and antlerless* ~~[sexes of]~~ elk.
5. A landowner applicant to whom a special incentive elk tag is issued pursuant to this section may:
  - (a) Use the tag himself if he holds a valid hunting license issued from this State; or
  - (b) Transfer the tag to another person who holds a valid hunting license issued from this State for any price upon which the parties mutually agree.
6. The Department will charge the same fees for a special incentive elk tag and for the processing of an application for a special incentive elk tag that are charged for an elk tag and for the processing of an application for an elk tag set forth in NRS 502.250.
7. ~~[An applicant who applies for a special incentive elk tag must indicate on the application the hunt for which he is applying. The Department will not issue a tag to the applicant for the hunt indicated on the application unless the Commission has established a hunt in the unit or units within the management area or areas in which the private land is located.]~~ *An elk incentive tag may be used for each weapon-class hunt, established by the Commission for antlered elk in the unit or units within the management area or areas for which the tag is valid.*
8. ~~[The Department will indicate on each special incentive elk tag it issues pursuant to this section the period during which the tag is valid and the unit or units within the management area or areas in which the private land is located for which the tag is valid.~~
- 9.] A person possessing a valid special incentive elk tag shall hunt only:

- (a) During the period *or periods* indicated on the tag ~~issued pursuant to this section~~;
- (b) With the *type of* weapon designated for ~~that~~ *the type* hunt *to which each such period applies*; 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.