

Chapter 502 of NAC

ADOPTED TEMPORARY REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. T003-15

(Filed with the Secretary of State on June 18, 2015)

COMMISSION GENERAL REGULATION 457

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

AUTHORITY: §§1 and 2, NRS 501.105, 502.160, 501.181, 502.142

A REGULATION relating to wildlife; clarifying issuance of elk incentive tags; excluding “spike” elk, “spike” elk hunts and “spike” elk tags from the equation of determining issuance of elk incentive tags; and other matters relating thereto.

NAC 502.42279 Award, issuance and use of tags; fees. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#))

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

$$\frac{\del{NP}}{\del{NE}} * \frac{\del{DP}}{365} * \frac{\del{NT}}{\del{+}}$$

$$(NP \div NE) \times (DP \div 365) \times (NT + TSH)$$

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, *excluding “spike,”* elk tags that were issued during the previous year.

TSH = The total number of spike elk harvested in 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, *excluding “spike,”* 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 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 or herself if the landowner applicant 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 *antlered, excluding "spike," elk* hunt for which he or she is applying. The Department will not issue a tag to the applicant for the hunt indicated on the application unless the Commission has established ~~an~~ *an antlered, excluding "spike," elk* hunt in the unit or units within the management area or areas in which the private land is located.

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 indicated on the tag issued pursuant to this section, *which may only coincide with an antlered, excluding "spike," elk hunt established by the Commission;*

(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.

**Informational statement relating to Commission General Regulation No. 457
(LCB File No. T003-15) - as required by Chapter 233B.066.**

1. A clear and concise explanation of the need for the adopted regulation.

This temporary regulation amends license issuance and use clarification for elk incentive tags. Elk incentive tags were designed to be issued in association with “bull” hunts and seasons. The Department adopted language that clarifies the original intent of the legislation and rule promulgation to clearly articulate the association between the incentive tags and “bull” seasons, excluding any “spike,” “antlered,” or “antlerless” seasons.

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

A copy of the proposed regulation was noticed and provided to Nevada’s 17 County Advisory Boards to Manage Wildlife (CABs) as part of the NBWC agenda and support material for their March 20, 2015 workshop and action at the May 15, 2015 NBWC meeting. The support material and draft regulation were mailed to CABs and interested parties allowing the opportunity to comment at their local CAB meeting or at NBWC meeting. Those CABs that held public meetings prior to the March 20, 2015 workshop and action at the May 15, 2015 NBWC provided opportunity for public comment at their individual meetings. Public comment was solicited at the NBWC workshop and action on May 15, 2015 prior to the approval of the regulation. The regulation was adopted with changes, which included consideration of the harvest of spike elk. A definition for total harvest of spike elk was added and considered in the formula from which total elk incentive tags would be derived.

The comments that were received from the public at the workshop and adoption meetings were in support of the passage of this regulation.

3. The number of persons who:

- (a) **Attended each hearing:** 22 **Workshop** 27 **Hearing**
- (b) **Testified at each hearing:** 3 **Workshop** 1 **Hearing**
- (c) **Submitted written comments:** 0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name; Sean Shea, Chairman
- (b) Telephone number; 775-323-9090
- (c) Business address; 10760 Santa Fe Road, Reno, NV 89508
- (d) Business telephone number;
- (e) Electronic mail address; and sean@theheadmaster.com
- (f) Name of entity or organization represented. Washoe County Advisory Board

- (a) Name; John M. Reese, Vice Chairman
- (b) Telephone number; 702-400-6501
- (c) Business address; 9445 Greenville Avenue, Las Vegas, NV 89134
- (d) Business telephone number; 505-665-4595
- (e) Electronic mail address; and mldprd24@yahoo.com
- (f) Name of entity or organization represented. Clark County Advisory Board

- (a) Name; Paul R. Dixon, Chairman
- (b) Telephone number; 505-699-1744
- (c) Business address; 9445 Greenville Avenue, Las Vegas, NV 89134
- (d) Business telephone number;
- (e) Electronic mail address; and mreese@yesco.com
- (f) Name of entity or organization represented. Clark County Advisory Board

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

Comment was not solicited from businesses as this regulation does not regulate businesses.

Copies of the meeting minutes can be obtained at:

http://www.ndow.org/Public_Meetings/Commission/Agenda/

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The temporary regulation was adopted with change. The change was requested by the Nevada Board of Wildlife Commissioners (NBWC) to add TSH = the total number of spike elk harvested in the previous year in the unit or units within the management area or areas in which the private land is located. There was one comment received and they supported the passage of the temporary regulation.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

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

There would be no direct or significant economic impact upon small business because this regulation does not regulate a business. The language amendments will not alter any current practice or result in an additional cost to landowners that participate in this program.

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

There would be no economic effect on the public because this regulation is to clarify issuance of elk incentive tags; excluding “spike” elk, “spike” elk hunts and “spike” elk tags from the equation of determining issuance of elk incentive tags; more effectively administer the incentive elk tag arbitration.

8. The estimated cost to the agency for enforcement of the proposed regulation:

There will be no additional cost for the agency to enforce this regulation as game wardens are currently enforcing current wildlife laws. This creates no new field activities other than that already used by game biologists in developing the recommended elk incentive tag numbers.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, provide the name of the regulating federal agency.

There are no other overlapping local, state, or federal government regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations that regulate this same activity.

11. 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.

There are no new fees.