

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

LCB File No. R057-98

May 6, 1998

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

AUTHORITY: NRS §§ 2-11, NRS 502.142.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 11, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Actual elk use area” has the meaning ascribed to it in NRS 502.142.*

Sec. 4. *“Landowner applicant” means any owner, lessee or manager of private land who supports an increase in the population of elk above the target level.*

Sec. 5. *“Special incentive elk tag” means an elk tag that is awarded to a landowner applicant as an incentive to support an increase in the population of elk above the target level pursuant to an agreement between the landowner applicant and the administrator.*

Sec. 6. *“Target level” means the number of elk that a landowner applicant will allow to use certain portions of his private land 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. 7. *The division will not issue a special incentive elk tag to a person who does not currently possess a valid Nevada hunting license or who is not eligible to receive an elk tag pursuant to NAC 502.405.*

Sec. 8. *The following persons are not eligible for a special incentive elk tag:*

1. *A landowner applicant who, during the same calendar year he applies for a special incentive elk tag, has applied for or received compensation pursuant to NRS 504.165 for damage caused by elk to the private land identified in the agreement for the special incentive elk tag.*

2. *A landowner applicant whose private land blocks reasonable access to adjacent public land and who does not agree to provide reasonable access through his private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.*

3. *An employee of the division and his spouse or children if the employee processes the request and awards the special incentive elk tag to himself or to his spouse or children.*

Sec. 9. *The agreement made between a landowner applicant and the administrator for a special incentive elk tag must provide that:*

1. *The landowner applicant shall:*

(a) *Create or approve a document in which the landowner specifies how he shall support or encourage an increase in the number of elk above the target level established pursuant to the agreement in the unit or units within the management area or areas in which the private land is located; and*

(b) If the private land of the landowner applicant blocks reasonable access to adjacent public land, provide reasonable access through his private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

2. The division will:

(a) Determine the number of special incentive elk tags that it will award pursuant to section 10 of this regulation; and

(b) Assist a landowner applicant in determining the portions of his land that are used by elk.

Sec. 10. *1. The division will award special incentive elk tags based on the following formula:*

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

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 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 their discretion.

3. *The issuance of special incentive elk tags will not result in a reduction of the total number of bull elk tags issued to the public during a year below the quota for bull elk tags established by the commission for 1997.*

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 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 division 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. *A person possessing a valid special incentive elk tag shall hunt only:*

(a) *During an open season for elk;*

(b) *With the weapon designated for that season; and*

(c) *In the unit or units within the management area or areas in which the private land is located.*

Sec. 11. *1. The commission may select an arbitration panel from the residents of the county in which an owner applicant resides to:*

(a) *Decide a dispute between a landowner applicant and the division concerning the number of special incentive elk tags that the division should award; or*

(b) Determine whether a party who possesses a special incentive elk tag has adhered to the terms of the agreement entered into to obtain the tag.

2. An arbitration panel must consist of three members to be selected as follows:

(a) One member representing the local business community.

(b) One member representing persons actively engaged in the production of agriculture.

Persons engaged in the production of agriculture shall, upon request, provide the board of wildlife commissioners with a list of prospective members.

(c) One member representing either a local hunting or sportsman's organization, or the county advisory board to manage wildlife. The county advisory board to manage wildlife shall, upon request, provide a list of prospective members.

3. A member of an arbitration panel must be a resident of the county he serves.

4. The term of office of each member of the panel is 2 years.

5. Each arbitration panel shall select a chairman from among its members.

6. An arbitration panel will be called to serve at the request of the administrator or his designee.

7. Each member of the arbitration panel serves without salary, but may receive the per diem allowance and travel expenses provided for state officers and employees generally while performing official duties of the arbitration panel.

8. The arbitration panel shall:

(a) Review the evidence submitted by a claimant and the division before making a determination; and

(b) Render a decision in an expeditious manner, but not later than 20 days after receiving notification to serve on a claim.

9. The decision of the arbitration panel is final and binding on the parties if it complies with the provisions of sections 2 to 11, inclusive, of this regulation and applicable laws of this state.