

LCB File No. R104-99

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing of The Amendment of Regulations of the
Nevada Board of Wildlife Commissioners

The Board of Wildlife Commissioners will hold a public hearing at 9:00 a.m. on September 11, 1999, at the Humboldt County Convention Center, 50 West Winnemucca, Winnemucca, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 273 pertaining to Chapter 502 of the Nevada Administrative Code.

1. **The need for and purpose of the proposed regulation:** Corrects an error in the existing regularity formula used to calculate to number of “incentive elk tags” which may be issued.
2. **Text of the proposed regulation:** see attached.
- 3A **The estimated economic effect of the regulation on the business which it is to regulate:**
 - (a) Adverse effect - None, not applicable
 - (b) Beneficial effect - None, not applicable
 - (c) Immediate effect - None, not applicable
 - (d) Long-term effect - None, not applicable
- B. **The estimated economic effect of the regulation on the public which it is to regulate:**
 - (a) Adverse effect - None
 - (b) Beneficial effect - None
 - (c) Immediate effect - None
 - (d) Long-term effect - None
4. **Estimated cost to the Division of Wildlife for enforcement of the proposed regulation:** Minimal
5. **Description of, and citation to, any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the**

name of the regulating federal agency. None

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 or increases an existing fee:** No
 Yes

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, Post Office Box 10678, Reno, Nevada 89520. 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 regulation to be adopted will be available for inspection and may be copied at the following locations:

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

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

Region II Office
1375 Mt. City Highway
Elko, NV 89801
(775) 738-5332

Region III Office
4747 W. Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will also 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 which is prepared and published monthly by the Legislative Counsel 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.

LCB File No. R104-99

**PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 273**

Authority: 501.181 and 502.142
Notice of Intent: August 11, 1999
Commission Approval:
Workshop Date: September 10, 1999

EXPLANATION: Amends Section 10 of CGR 265 (LCB File No.R057-98) “Incentive Elk Tags” which was adopted 7/11/98, to correct an error which occurs in the formula established to determine the number of incentive elk tags which should be issued. The words “bull elk” must be added to a portion of the formula.

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

Section 1. Section 10 of LCB File No. R057-98 is hereby amended to read as follows:

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

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

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 *bull 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 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, 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 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.