NBWC Proposed Changes June 2018

PROPOSED REGULATION OF THE

BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R096-18

May 30, 2018

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

AUTHORITY: §1, NRS 501.105, 501.181 and 502.145.

A REGULATION relating to damage compensation tags; requiring the Department of Wildlife to reduce the number of damage compensation tags awarded to an owner applicant under certain circumstances; requiring the Department to award damage compensation tags to certain owner applicants who have entered into cooperative agreements with the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an owner, lessee or manager of private land which is damaged by deer or antelope may apply to the Department of Wildlife for the issuance of a tag as compensation for the damage caused by the deer or antelope. Existing law requires the Board of Wildlife Commissioners to adopt regulations establishing the maximum number of damage compensation tags which the Department may issue annually, which must not exceed 2.5 percent of the total number of deer and antelope tags authorized for issuance annually throughout the State. (NRS 502.145)

Existing regulations set forth provisions concerning the awarding of a damage compensation tag to an owner applicant. (NAC 502.426) This regulation requires the Department to reduce proportionately all awards of damage compensation tags during a calendar year if the cumulative number of damage compensation tags for all eligible owner applicants exceeds 2.5 percent of the total number of deer and antelope tags authorized for issuance throughout the State. This regulation further requires the Department, if the proportionate reduction of awards of damage compensation tags results in the issuance of less than that number, to award all remaining damage compensation tags to certain owner applicants who have entered into cooperative agreements with the Department.

Section 1. NAC 502.426 is hereby amended to read as follows:

502.426 1. If the owner applicant enters into a cooperative agreement with the Department and the Department approves the application for a damage compensation tag, the owner

applicant is eligible for the issuance of one or more damage compensation tags pursuant to subsection 2 ~~[.]~~ *or 3.*

2. ~~[An]~~ *Except as otherwise provided in subsection 3, 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 or her property; and

(b) One damage compensation tag for antelope for each 50 antelope that caused damage to his or her property.

3. *In accordance with paragraph (a) of subsection 6 of NRS 502.145, if the cumulative number of damage compensation tags for all eligible owner applicants during a calendar year exceeds a number equal to ~~2.5 percent of~~ the total number of deer and antelope tags which are authorized for issuance throughout the State for that calendar year, the Department shall proportionately ~~reduce all~~ awards ~~of~~ damage compensation tags, rounded to the nearest whole number, until the total amount of the awards is less than ~~that number~~ the statutory limit. If the proportionate ~~reduction of~~ awards of damage compensation tags pursuant to this subsection results in the issuance of less than ~~that number~~ the statutory limit, the remaining available damage compensation tags must be awarded in increments of not more than one damage compensation tag to each ~~owner~~ applicant having the longest continuous history of entering into cooperative agreements for a specific property as determined pursuant to subsection 4. Damage compensation tags awarded pursuant to this subsection must be awarded in descending order based upon the longest continuous history of each owner applicant.*

4. The Department shall the determine longest continuous history of an owner applicant for the purposes of subsection 3 based upon the number of consecutive years that the owner

applicant entered into a cooperative agreement for a specific property *pursuant to subsection 1 and qualified for the award of damage compensation tags in accordance with the cooperative agreement, regardless of the number of years in which a damage compensation tag was awarded to the owner applicant.*

5. If the Department issues a damage compensation tag, the tag is valid for use in the calendar year after the calendar year in which the application was submitted.

~~[4.]~~ *6.* The unit or units within a management area or areas for which the Department issues a damage compensation tag must be limited to the unit or units within the management area or areas in which the damaged property is located.

~~[5.]~~ *7.* The Department shall indicate on each damage compensation tag it issues:

(a) The period or periods during the calendar year for which the tag is valid, which must be limited to the hunting season or seasons, other than a hunting season for a tag issued pursuant to subsection 5 of NRS 502.250, established by the Commission for antlered mule deer or antelope with horns longer than their ears, as appropriate for the species to which the tag applies, in the unit or units within the management area or areas in which the damaged property is located and for which the tag is valid; and

(b) The unit or units within the management area or areas in which the damaged property is located and for which the tag is valid.

~~[6.]~~ *8.* A person possessing a valid damage compensation tag may hunt only:

(a) During the period or periods indicated by the Department on the tag, as established by the Commission;

(b) With the type of weapon designated for the type of hunt to which each such period applies, as established by the Commission; and

(c) In the unit or units within the management area or areas established by the Commission:

(1) In which the damaged property is located; and

(2) For which the tag is valid.

~~[7.]~~ ***9.*** Damage compensation tags will only be issued to owner applicants and sold to hunters through the headquarters of the Department.

~~[8.]~~ ***10.*** 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.

~~[9.]~~ ***11.*** If the Department provides a refund for a cancelled tag under the conditions set forth in NAC 502.422, the Department may reissue an application for a damage compensation tag to the owner applicant.

~~[10.]~~ ***12.*** If the Department denies an application for a damage compensation tag, the owner applicant may appeal the decision to the Commission within 10 days after the Department 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 Chair 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.