



STATE OF NEVADA
DEPARTMENT OF WILDLIFE
Operations Division

#15

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MEMORANDUM

Date: September 23, 2016

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Robert Haughian, Administrator, Operations Division

Title: **Commission General Regulation 465, Antelope and Elk Waiting Periods, LCB File R141-16 – Workshop/Public Comment Allowed**

Description: The Commission will consider amending Nevada Administrative Code (NAC) Chapter 502 to standardize the antelope and elk waiting periods.

Presenter: Management Analyst 3 Maureen Hullinger

Agenda No: 15

Summary:

Elk and antelope herds have increased and there is growing public desire to reduce the waiting periods for hunters to apply for tags if they have previously received an antelope or bull elk tag. There was interest in standardizing the waiting periods associated with each of these species regardless of harvest in an effort to help minimize confusion. Concerns were voiced regarding the increased number of clients who would become eligible for the draw if waiting periods were reduced. Additionally, there were concerns voiced about hunters not harvesting animals because they could apply again soon versus the longer wait of harvest. Standardization of waiting periods is believed by the Tag Allocation and Application Hunt Committee (TAAHC) and the Department to be an effective means to encourage hunters to harvest if given the opportunity, which benefits the Department's management goals.

Background:

Currently if a hunter receives an antelope tag and harvests an antelope the hunter is ineligible to apply for another antelope tag for the next 5 years. If the hunter does not harvest an antelope the hunter is eligible to apply for a tag the following year. If a hunter with a bull elk tag harvests an elk, that hunter is ineligible to apply for the next 10 years. If the hunter does not harvest an elk, he or she is ineligible to apply for another bull elk tag for the next 5 years. The proposed regulation amends and standardizes the waiting periods for each species regardless of harvest. As presented, an antelope tag holder will be ineligible to apply for the next 3 years and for a bull elk tag it would be 5 years. Below is a comparison table displaying the current eligibility and the proposed changes.

Species	Current Eligibility		Proposed Eligibility	
	Wait	Eligible to Apply	Wait	Eligible to Apply
Antelope Harvest	5 years	6 th year	3 years	4 th year
Antelope No Harvest	0 years	Following year	3 years	4 th year
Elk Harvest	10 years	11 th year	5 years	6 th year
Elk No Harvest	5 years	6 th year	5 years	6 th year

Brief Explanation of the Regulation Sections:

Section 1 – This section pertains to amending NAC 502.341 regarding antelope waiting periods. There is amendment and some LCB housekeeping language to make the verbiage consistent with other species sections on waiting periods.

Subsection 1 – This subsection provides authority to apply in any year for an antelope tag if the person is eligible to do so. The new language in the first sentence, “**Except as otherwise provided in subsection 2, unless**” directs the reader to the exception for the horns longer than ears (buck) waiting period.

The addition of “**an**” in the last line was provided by LCB. We request removal of this addition, as it restricts the client to a single application for antelope. Adding this word removes the flexibility of the Commission to set application eligibility in annual regulation and the potential to apply and obtain more than one tag for antelope if there is a desire to do so. An example of this flexibility is the current eligibility for cow and bull elk tags and the ability to obtain both.

Subsection 2 – This subsection pertains to the eligibility for horns longer than ears antelope. LCB did some housekeeping on references in this section. There is removal of the replacement tag references to NRS 502.215 and NAC 502.321 and reformatting the references later in the subsection. The reformatted language mimics similar language for other species regarding eligibility requirements.

The new language “**or unless his or her privilege is limited or revoked pursuant to law, a person is eligible to apply for a tag to hunt**” is eligibility language added for consistency and specific to horns longer than ears antelope.

The next removal is “**any person who harvests**”. This removes the harvesting an antelope requirement restriction. The last line displays the update of the waiting period to 3 years.

Section 2 – This section pertains to amending NAC 502.361, the waiting periods for elk. There are several subsections being discussed, subsection one is for bull elk, a new subsection 2 is for antlerless elk and the new subsection 3 is for spike elk.

Subsection 1 – This subsection addresses bull elk eligibility for standardizing the waiting period for elk. As the current subsection 3 is proposed to be removed, the reference to subsection 3 is being removed here. New language “**NAC 502.42694**” is housekeeping associated with Dream Tag eligibility. Even though eligibility was identified in the Dream tag section of Chapter 502, LCB added it here for visibility.

Subsection 2 – We created a new subsection regarding the antlerless elk eligibility which was originally the last sentence in subsection 1. This simple change makes it more visible.

Subsection 3 – This subsection is regarding spike elk eligibility. The removal of “**if he or she did not receive a spike elk tag or replacement tag for spike elk in the previous year**” is housekeeping. The spike hunt has the eligibility the same as antlerless elk and it was programmatically set that way. This language has the applicant applying in the 2nd year if they had a spike elk tag previously.

Section 3 – This section pertains to language in the Partnership in Wildlife regulations and the antelope eligibility. The changes in this section of the chapter are housekeeping. This section was overlooked when waiting periods for antelope were updated several years ago to allow for an applicant to apply the following year if they did not harvest an antelope. It still had the client waiting 5 years regardless of harvest or not. The addition of NAC 502.341 and the removal of the 5 years language will bring the section current.

Recommendation:

The TAAHC recommends standardizing the waiting periods for antelope and elk at the request of the public.

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

LCB File No. R141-16

August 17, 2016

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.181, 502.130, 502.140 and 502.160; §3, NRS 501.105, 501.181, 502.160 and 502.250.

A REGULATION relating to wildlife; revising provisions governing the eligibility of a person to apply for a tag to hunt antelope or elk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations authorize a person to apply in any year for a tag to hunt antelope unless his or her privilege is limited or revoked pursuant to law. However, if a person obtains such a tag and harvests an antelope with horns longer than its ears, that person is not eligible to apply for another tag to hunt antelope with horns longer than its ears during the next 5 years. (NAC 502.341) **Section 1** of this regulation instead provides that, unless his or her privilege is limited or revoked pursuant to law, a person is eligible to apply in any year for a tag to hunt an antelope, except that a person who receives a tag to hunt an antelope with horns longer than its ears is ineligible to apply for the same tag for 3 years.

Existing regulations authorize a person, unless his or her privilege is limited or revoked pursuant to law, to apply for a tag to hunt spike elk in any year except the year following a year in which the person obtained a tag or a replacement tag to hunt spike elk. Additionally, unless his or her privilege is limited or revoked pursuant to law, a person may apply for a tag to hunt bull elk in any year if he or she did not receive a tag or a replacement tag to hunt bull elk in the previous 5 years, except that a person who obtains a tag to hunt bull elk and who harvests a bull elk is not eligible to apply for a tag to hunt bull elk during the next 10 years. Finally, a person may apply in any year for a tag to hunt antlerless elk unless his or her privilege is limited or revoked pursuant to law. (NAC 502.361) **Section 2** of this regulation revises the provisions related to applying for a tag to hunt bull elk and antlerless elk. Unless his or her privilege is limited or revoked pursuant to law, a person may apply for a tag to hunt: (1) bull elk in any year if he or she did not receive a tag or a replacement tag to hunt bull elk in the previous 5 years; and (2) antlerless elk or spike elk in any year.

Existing law authorizes the Board of Wildlife Commissioners to establish a Partnership in Wildlife Drawing, which is an additional drawing for big game tags. (NRS 502.250) Existing regulations provide that an applicant who is unsuccessful in obtaining a tag at the initial drawing

for a big game tag may apply for the same species in the Partnership in Wildlife Drawing. (NAC 502.427) The same eligibility rules that apply to an applicant in an initial drawing for a tag to hunt a bighorn sheep, elk or mountain goat apply in the Partnership in Wildlife Drawing. (NAC 502.4285) However, a person who obtains an antelope tag from the Partnership in Wildlife Drawing is not eligible to apply for another tag to hunt antelope for the next 5 seasons, in either the initial drawing or the Partnership in Wildlife Drawing. **Section 3** of this regulation removes the exception on eligibility for a person who obtains a tag to hunt an antelope from the Partnership in Wildlife Drawing and makes it the same as for a person who obtains a tag to hunt an antelope in the initial drawing, as provided for in **section 1**.

Section 1. NAC 502.341 is hereby amended to read as follows:

502.341 ~~{1.—Unless}~~ *Except as otherwise provided in subsection 2, unless* his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply in any year for a tag to hunt *an* antelope.

2. Except as otherwise provided in ~~{NRS 502.215 and}~~ NAC ~~{502.321}~~ *502.42694* and 502.4293, ~~{any person who harvests}~~ *or unless his or her privilege is limited or revoked pursuant to law, a person is eligible to apply for a tag to hunt* an antelope with horns longer than its ears ~~{using a tag specified in subsection 1 is not eligible to apply for another}~~ *if he or she did not receive a tag or a replacement* tag to hunt antelope with horns longer than its ears ~~{during the next 5}~~ *in the previous 3* years.

Sec. 2. NAC 502.361 is hereby amended to read as follows:

502.361 1. Except as otherwise provided in ~~{subsection 3 or}~~ NAC *502.42694 and* 502.4293, or unless his or her privilege is limited or revoked pursuant to law, a person is eligible to apply for a bull elk tag in any year if he or she did not receive a bull elk tag or a replacement tag for a bull elk in the previous 5 years.

2. Unless his or her privilege is limited or revoked pursuant to law, a person is eligible to apply for an antlerless elk tag in any year.

~~{2.—Except as otherwise provided in NAC 502.4293, unless}~~

3. *Unless* his or her privilege is limited or revoked pursuant to law, a person is eligible to apply for a spike elk tag in any year . ~~[if he or she did not receive a spike elk tag or a replacement tag for a spike elk in the previous year.~~

~~—3.— Except as otherwise provided in NAC 502.4293, a person who obtains a bull elk tag or a replacement tag for a bull elk and is successful in harvesting a bull elk is not eligible to apply for another bull elk tag during the next 10 years.]~~

Sec. 3. NAC 502.4285 is hereby amended to read as follows:

502.4285 The provisions of NAC *502.341*, 502.345, 502.361 and 502.364, regarding a person's eligibility to obtain tags, apply to tags obtained through a Partnership in Wildlife Drawing. ~~[Notwithstanding the provisions of NAC 502.341, a person who obtains an antelope tag for any type of hunt from a Partnership in Wildlife Drawing is not eligible to apply for another tag to hunt for antelope for the next five open seasons.]~~