



STATE OF NEVADA
DEPARTMENT OF WILDLIFE
Game Division

#9C

6980 Sierra Center Parkway, Ste. 120 • Reno, Nevada 89511
(775) 688-1500 Fax (775) 688-1987

MEMORANDUM

Date: July 21, 2017

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

From: Brian Wakeling, Game Division Administrator

Title: Commission Policy 29, Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards – First Reading

Description: The Commission will have a first reading of Commission Policy 29, Draft Arbitration Process for Applicants Dissatisfied with Elk Incentive Tag Awards, and may take action to implement the policy. The Commission may advance the policy to a second reading for possible adoption at a future meeting.

Summary:

The Department has developed Commission Policy 29 to reflect the most recent arbitration process approved by the Commission and recent changes to the Nevada Administrative Code (NAC), LCB File No. R031-15 Arbitration Panel.

The Administrative Procedures, Regulations, and Policy (APRP) Committee reviewed Commission Policy 29 on July 17, 2017.

Recommendation:

The Department and APRP Committee recommend that the Commission **VOTE TO APPROVE COMMISSION POLICY 29 AS PRESENTED AND MOVE IT TO A SECOND READING AT THE SEPTEMBER COMMISSION MEETING.**

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 29

Number: P-29

**Title: Arbitration Process for Applicants
Dissatisfied with Elk Incentive Tag Awards**

**Reference: NRS 501.105, 501.181, 502.142 and
502.160, NAC 502.42283**

Effective Date: September 22, 2017

PURPOSE

The purpose of this policy is to inform the public and guide the Nevada Department of Wildlife (Department) in actions relating to any award of Elk Incentive Tags. This policy complies with NAC 502.42283 (modified June 28, 2016 by LCB File No. R031-15).

POLICY

It is the policy of the Commission to provide an incentive to landowners that choose to provide habitat for elk on private lands, to provide a fair and equitable distribution of incentive tags for those landowners that choose to participate in this program, and provide those cooperators that participate in this program with a means by which they may seek arbitration to any award of tags that they perceive as inequitable.

PROCEDURE

1. The Department will provide a copy of the arbitration process to each Elk Incentive Tag applicant annually as a courtesy. The arbitration process will be officially noticed on all Elk Cooperative Agreements.
2. Any applicant for Elk Incentive Tags that chooses to dispute the award as determined by the Department must contact the Chairman of the Commission by written correspondence delivered to Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, NV 89511 no later than May 1. The written notice will provide detailed explanation of why the investigation and award by the Department is in error and provide a suggested revision to the number of incentive tags awarded.
3. The Chairman of the Commission will ensure that the Department receives a copy of the written correspondence, and the Department will be given 10 calendar days to provide written documentation of the data and supporting material used to arrive at its incentive tag award. This information will be provided to the Chairman of the Commission, and the Chairman will place the appeal on the May Commission meeting agenda as an informational item identifying the appeal and the method of arbitration that will be followed from the two options in subsection 4.
4. The Chairman of the Commission may choose to have a Committee of Commission and County Advisory Board to Manage Wildlife (CABMW) members serve as the arbitration panel or choose to have the Commission serve as the arbitration panel.

Any arbitration panel first will be tasked to decide if the Department made errors in their incentive tag award determination. If an error occurred, the Committee will then be tasked with determining an amended number of incentive tags.

- a. If the Chairman chooses to have a Committee serve as the arbitration panel, the Committee will be composed of a sportsman representative, a livestock or agricultural representative, and a conservation or public representative from the Commission or any CABMW member. The Commission Chair will designate one member of the Committee as the chair of the Committee. The Committee chair will notice a public meeting at which it will conduct the arbitration hearing and render a decision. Both the Department and applicant will have the opportunity to present evidence of their investigation and rationale for disputing the award. The decision of the Committee will be final and binding and will be shared with the Commission at the June Commission meeting as an informational item. The Committee will direct the Department on the number of Elk Incentive Tags to be awarded to the applicant, if the Department's determination was found to be in error, and will be the final determination.
 - b. If the Chairman chooses to have the Commission serve as the arbitration panel, the Commission Chair will place the appeal on the June Commission meeting agenda. Both the Department and applicant will have an opportunity to present evidence of their investigation and rationale for disputing the award. The Commission will direct the Department on the number of Elk Incentive Tags to be awarded to the applicant, if the Department's determination was found to be in error, and will be the final determination.
5. The Commission or Committee shall issue a decision by the end of the June Commission meeting.

This policy shall remain in effect until amended, repealed or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
September 22, 2017.

Chairman Grant Wallace
Nevada Board of Wildlife Commissioners