

NRS 503.595 Prevention or alleviation of damage caused by wildlife. After the owner or tenant of any land or property has made a report to the Department indicating that such land or property is being damaged or destroyed, or is in danger of being damaged or destroyed, by wildlife, the Department may, after thorough investigation and pursuant to such regulations as the Commission may promulgate, cause such action to be taken as it may deem necessary, desirable and practical to prevent or alleviate such damage or threatened damage to such land or property.

[8.5:101:1947; added 1955, 73]—(NRS A 1969, 1551; 1971, 1542; 1973, 287; 1993, 1676; [2003, 1551](#))

Damage Compensation Tags

NAC 502.424 Definitions. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#)) As used in [NAC 502.424](#) to [502.4268](#), inclusive, unless the context otherwise requires:

1. “Damage” means a change, caused by deer or antelope, in the quality or quantity of private property that, at the time the Department inspects the private property, is planted, irrigated or otherwise cultivated to produce a harvestable crop.

2. “Damage compensation tag” means a special deer or antelope tag issued to an owner applicant for his own use, or for use by a hunter designated by him, as compensation for damage to his land or to improvements on his land which is caused by deer or antelope.

3. “Owner applicant” means:

(a) The owner of private land, as identified in the deed of the private land which is recorded with the county recorder of the county in which the property is located, who claims that his private land was damaged by deer or antelope; or

(b) A person who has obtained written authorization from the owner described in paragraph (a) to represent the owner regarding matters concerning damage compensation tags before the Department, including, without limitation, a lessee or manager of the private land.

(Added to NAC by Bd. of Wildlife Comm’rs, eff. 7-16-92; A 10-26-93, eff. 10-1-93; 11-29-95; R113-01, 12-17-2001; R030-06, 6-1-2006)

NAC 502.4242 “Any holder of a valid Nevada hunting license” interpreted. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#)) For the purposes of subsection 4 of [NRS 502.145](#), the Commission will interpret “any holder of a valid Nevada hunting license” to mean a person who currently holds a valid Nevada hunting license and who has not had any hunting privileges limited or revoked pursuant to [NRS 502.330](#) or [503.185](#), or [NAC 502.405](#), or a similar statute or regulation of another state.

(Added to NAC by Bd. of Wildlife Comm’rs, eff. 7-16-92)

NAC 502.4244 Ineligible persons. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#))

1. The following persons are not eligible for damage compensation tags:

(a) An owner applicant who feeds or baits deer or antelope to attract the animals onto his land; and

(b) An owner applicant who sustains damage which is a covered loss pursuant to a policy of insurance.

2. An employee of the Department and his family may not purchase or use a damage compensation tag resulting from a complaint serviced directly by the employee.

(Added to NAC by Bd. of Wildlife Comm’rs, eff. 7-16-92; A 11-29-95)

NAC 502.4246 Requirements for eligibility; requests regarding damage to separate locations. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#))

1. To be eligible for the issuance of a damage compensation tag, an owner applicant must:

(a) Have sustained damage to his private property caused by deer or antelope;

(b) In accordance with the requirements set forth in [NAC 502.4252](#), notify the Department of any damage within 10 days after he discovers it;

(c) Enter into a cooperative agreement with the Department which complies with the requirements set forth in [NAC 502.4248](#);

(d) Submit an application for a damage compensation tag which includes, without limitation:

(1) A form which sets forth any proof of the damage claimed by the owner applicant;

(2) A map which identifies the location on the private land at which the owner applicant will provide access to public land, if applicable; and

(3) The cooperative agreement entered into with the Department which is signed by the owner applicant and the Department;

(e) Cooperate with the Department in inspecting the damage and formulating a plan to prevent or mitigate the damage;

(f) Mitigate damages where possible and not feed or bait deer or antelope to attract the animals onto his land;

(g) Comply with the requirements of [NAC 502.424](#) to [502.4268](#), inclusive.

2. A separate application must be made, and a separate cooperative agreement must be entered into, for each request for one or more damage compensation tags made with regard to each separate location on the property of the owner applicant at which damage was sustained.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 11-29-95; R010-00, 4-3-2000; R030-06, 6-1-2006)

NAC 502.4248 Cooperative agreement with Department. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#))

1. A cooperative agreement entered into pursuant to [NAC 502.4246](#) must provide that:

(a) If the owner applicant's private land is adjacent to public land for which access is not available except through the private land, the owner applicant shall provide access to the public land during the hunting season to a person or hunting party with a tag for the purpose of hunting on the public land. The access may be at a specified location or locations as mutually agreed upon by the owner applicant and the Department and must be identified on the map provided by the Department which is required to be submitted with the application for a damage compensation tag pursuant to subparagraph (2) of paragraph (d) of subsection 1 of [NAC 502.4246](#).

(b) When the Department receives a notice from the owner applicant, the Department agrees to act expeditiously to:

(1) Consult with the owner applicant;

(2) Assess the cause of damage;

(3) Conduct a count of any depredating animals; and

(4) Recommend a course of action to mitigate damages.

(c) The owner applicant agrees to:

(1) Consult with the Department and consider its technical advice; and

(2) Allow a representative of the Department to enter his property at times mutually agreed upon to:

(I) Inspect the property;

(II) Assess the cause of damage;

(III) Count the number of any depredating animals; and

(IV) Prevent further damage by any method the Department deems to be necessary, including, but not limited to, hazing, hunting, shooting and scaring.

2. If the owner applicant stops or attempts to stop any hunter holding a tag from entering or crossing his private land in violation of paragraph (a) of subsection 1 before the expiration of the agreement, the Department must refuse to issue any damage compensation tags to the owner applicant for 1 year.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 10-26-93, eff. 10-1-93; 11-29-95; R113-01, 12-17-2001; R030-06, 6-1-2006)

NAC 502.4252 Notice of damage; inspection of property; assessment and proof of damage. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#))

1. A notice of damage submitted to the Department pursuant to paragraph (b) of subsection 1 of [NAC 502.4246](#) must include, without limitation, the following information:

- (a) The name and any contact information of the owner applicant;
- (b) The location of the private land and any name or other description of the private land;
- (c) The date on which the damage was discovered; and
- (d) A description of the damage caused to the private land, including, without limitation, the estimated number of animals, designated by each species of animal, that caused the damage.

2. Within 10 days after the Department receives a notice of damage, the Department shall inspect the property claimed to have been damaged.

3. After the inspection by the Department pursuant to subsection 2:

- (a) The Department shall:
 - (1) Consult with the owner applicant;
 - (2) Assess the cause of damage; and
 - (3) Conduct a count of the number of any depredating animals during the period of the day in which each species of any depredating animal is the most active.
- (b) The Department and the owner applicant shall complete a form provided by the Department which sets forth any proof of damage.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A by R030-06, 6-1-2006)

NAC 502.4258 Formulation and implementation of plan to prevent or mitigate damage. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#))

1. After property that is claimed to have been damaged is inspected pursuant to [NAC 502.4252](#), the Department and the owner applicant shall formulate a plan, if possible, to prevent or mitigate damage caused by the deer or antelope, including, but not limited to:

- (a) Hazing and scaring;
- (b) Erecting exclusionary devices;
- (c) Issuing special depredation or emergency depredation hunt tags; or
- (d) Removing the animals that are causing the damage.

2. Each owner applicant shall implement the plan formulated pursuant to subsection 1, where possible, by exercising reasonable care and diligence to minimize or lessen damage.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A by R030-06, 6-1-2006)

NAC 502.426 Issuance, validity, contents and use of tags; fees; reissuance of application; appeal of denial of application. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#), [502.250](#))

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.

2. 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 property; and
- (b) One damage compensation tag for antelope for each 50 antelope that caused damage to his property.

3. 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. 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. 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. 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. Damage compensation tags will only be issued to owner applicants and sold to hunters through the headquarters of the Department.

8. 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. 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. 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 Chairman 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.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 10-26-93, eff. 10-1-93; 11-29-95; R168-99, 1-19-2000; R113-01, 12-17-2001; R107-02, 1-21-2003; R030-06, 6-1-2006)

NAC 502.4266 Request for additional tags: Prerequisites and procedure; effect of approval. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#))

1. If the damage to an owner applicant's property is ongoing and the number of deer or antelope causing the damage is increasing, the owner applicant may amend the proof of damage form which he filed with the Department pursuant to subparagraph (1) of paragraph (d) of subsection 1 of [NAC 502.4246](#) to increase the number of damage compensation tags being requested.

2. If the owner applicant's request for additional damage compensation tags is approved by the Department, the owner applicant is entitled to one or more additional damage compensation tags in accordance with the provisions of [NAC 502.426](#).

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 10-26-93, eff. 10-1-93; 11-29-95; R030-06, 6-1-2006)

NAC 502.4268 Receipt of tags: Effect on eligibility for general hunts; no limitation on number. ([NRS 501.105](#), [501.181](#), [502.145](#), [502.160](#))

1. A person's eligibility to receive a tag for the general hunt for antelope or deer is not affected by his acquisition of a damage compensation tag.

2. There is no limitation on the number of damage compensation tags that a person may acquire, if he is otherwise eligible for the tags.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92)

Special Incentive Elk Tags

NAC 502.42253 Definitions. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#)) As used in [NAC 502.42253](#) to [502.42283](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 502.42256](#) to [502.42266](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98; A by R107-02, 1-21-2003)

NAC 502.42256 "Actual elk use area" defined. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#)) "Actual elk use area" has the meaning ascribed to it in [NRS 502.142](#).

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98)

NAC 502.42259 "Landowner applicant" defined. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#)) "Landowner applicant" means any owner, lessee or manager of private land who supports an increase in the population of elk above the target level.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98)

NAC 502.42261 "Private land" defined. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#)) "Private land" does not include any land of a landowner applicant that, during the calendar year in which the Department receives an application from the landowner applicant for a special incentive elk tag, is planted, irrigated or otherwise manipulated for the production of alfalfa or a cereal grain.

(Added to NAC by Bd. of Wildlife Comm'rs by R107-02, eff. 1-21-2003)

NAC 502.42263 "Special incentive elk tag" defined. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#)) "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 Director.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98)

NAC 502.42266 "Target level" defined. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#)) "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 Department.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98)

NAC 502.42269 Denial of tag under certain circumstances. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#)) The Department 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](#).

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98)

NAC 502.42273 Persons not eligible for tag. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#)) 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 Department 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.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98)

NAC 502.42276 Provisions of agreement between landowner applicant and Director. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#)) The agreement made between a landowner applicant and the Director 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 Department will:

(a) Determine the number of special incentive elk tags that it will award pursuant to [NAC 502.42279](#); and

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

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98)

NAC 502.42279 Award, issuance and use of tags; fees. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#))

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

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

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 antlered 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 its discretion.

3. The issuance of special incentive elk tags will not result in a reduction of the total number of antlered elk tags issued to the public during a year below the quota for antlered 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 Department 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. An applicant who applies for a special incentive elk tag must indicate on the application the hunt for which he is applying. The Department will not issue a tag to the applicant for the hunt indicated on the application unless the Commission has established a hunt in the unit or units within the management area or areas in which the private land is located.

8. The Department will indicate on each special incentive elk tag it issues pursuant to this section the period during which the tag is valid and the unit or units within the management area or areas in which the private land is located for which the tag is valid.

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

(a) During the period indicated on the tag issued pursuant to this section;

(b) With the weapon designated for that hunt; and

(c) In the unit or units within the management area or areas in which the private land is located, as indicated on the tag.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98; A by R104-99, 10-27-99; R085-00, 9-25-2000)

NAC 502.42283 Arbitration panel. ([NRS 501.105](#), [501.181](#), [502.142](#), [502.160](#))

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 Department concerning the number of special incentive elk tags that the Department 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 sportsmen'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 Director 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 Department 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 [NAC 502.42253](#) to [502.42283](#), inclusive, and applicable laws of this State.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98)