

SENATE BILL NO. 330—COMMITTEE ON NATURAL RESOURCES
(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

MARCH 24, 2005

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing issuance of special incentive elk tags. (BDR 45-424)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to adopt certain regulations relating to the issuance of special incentive elk tags and awards of compensation to owners of land damaged by elk or game mammals not native to this State; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 502.142 is hereby amended to read as follows:
2 502.142 1. The Commission shall adopt regulations to
3 establish a program pursuant to which the Department will issue
4 special incentive elk tags. The regulations must:
5 (a) Set forth the application and annual review processes for the
6 issuance of special incentive elk tags.
7 (b) Require that an application for a special incentive elk tag
8 must be accompanied by:
9 (1) The fee charged for an elk tag pursuant to NRS 502.250;
10 and
11 (2) Any administrative fee charged in connection with the
12 issuance of an elk tag pursuant to this chapter.
13 (c) Provide for the issuance of a special incentive elk tag only to
14 a person who:



(1) Lawfully owns, leases or manages private land within an actual elk use area; and

(2) If that private land blocks reasonable access to adjacent public land, provides reasonable access through the private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

(d) Establish criteria for the issuance of special incentive elk tags based upon:

(1) The number of elk using private land controlled by the applicant;

(2) The number of days the elk use private lands of the applicant in a calendar year;

(3) The total number of elk; and

(4) Limiting the number of special incentive elk tags issued in each calendar year to not more than one-half of the bull elk tags issued in that calendar year,

↳ within the actual elk use area in the unit or units of the management area or areas in which the private land is located.

(e) Provide that special incentive elk tags are valid for both sexes of elk.

(f) ~~Prohibit~~ **Allow** a person who has, within a particular calendar year, applied for or received compensation pursuant to NRS 504.165 as reimbursement for damage caused by elk to private land ~~from applying~~ **to apply**, within the same calendar year, for a special incentive elk tag for the same private land.

(g) Allow a group of owners, lessees and managers of private land to qualify for a special incentive elk tag for their combined lands.

(h) Ensure that the issuance of special incentive elk tags will not result in the number of bull elk tags issued in any year being reduced to a number below the quota for bull elk tags established by the Commission for 1997.

(i) Provide that a person to whom a special incentive elk tag is issued by the Commission pursuant to this section may:

(1) If he holds a valid hunting license issued by this State, use the special incentive elk tag himself; or

(2) Sell the special incentive elk tag to another person who holds a valid hunting license issued by this State at any price upon which the parties mutually agree.

(j) Require that a person who is issued a special incentive elk tag must hunt:

(1) During the open season for elk.

(2) In the unit or units within the management area or areas in which the private land is located.



(k) Provide for the appointment of an arbitration panel to resolve disputes between persons who apply for special incentive elk tags and the Department regarding the issuance of such tags.

2. As used in this section, "actual elk use area" means an area in which elk live, as identified and designated by the Department.

Sec. 2. NRS 504.165 is hereby amended to read as follows:

504.165 1. The Commission shall adopt regulations governing the disbursement of money to:

(a) Prevent or mitigate damage to private property and privately maintained improvements, including, without limitation, fences;

(b) Prevent or mitigate damage to fences on public lands;

(c) Construct fences around sources of water on private lands or public lands where there has been damage to the area near such sources of water; and

(d) Compensate persons for grazing reductions and the loss of stored and standing crops,

caused by elk or game mammals not native to this State.

2. The regulations must contain:

(a) Requirements for the eligibility of those persons claiming damage to private property, privately maintained improvements, fences on public lands or areas near sources of water on public lands to receive money or materials from the Department, including:

(1) A requirement that such a person enter into a cooperative agreement with the Director for purposes related to this title; and

(2) A requirement that if the claim is for money or materials from the Department for the construction of a fence around a source of water on private land or public land, such a person must:

(I) Conduct a physical inspection of the private land or public land upon which the fence is proposed to be constructed to determine the most effective manner in which to protect the source of water and to determine the most effective manner in which to provide access to a source of water for livestock and wildlife that is located outside the fence and within a reasonable distance from the fence;

(II) Conduct the inspection described in sub-subparagraph (I) in consultation with the persons or entities which will be directly affected by the construction of the fence, including, without limitation, an owner of the private land on which the fence is proposed to be constructed, a governmental entity that manages the public land on which the fence is proposed to be constructed, a holder of a permit to graze livestock on the public land, if applicable, and a person who holds a water right which will be directly affected by the construction of the fence; and

(III) Enter into a cooperative agreement with the persons and entities described in sub-subparagraph (II) for purposes related



1 to the construction of the fence in accordance with the results of the
2 inspection conducted pursuant to this subparagraph.

3 (b) Procedures for the formation of local panels to assess
4 damage caused by elk or game mammals not native to this State and
5 to determine the value of a loss claimed if the person claiming the
6 loss and the Department do not agree on the value of the loss.

7 (c) Procedures for the use on private property or public lands of
8 materials purchased by the State to prevent damage caused by elk or
9 game mammals not native to this State.

10 (d) Any other regulations necessary to carry out the provisions
11 of this section and NRS 504.155 and 504.175.

12 3. The regulations must:

13 (a) Provide for the payment of money or other compensation to
14 cover the costs of labor and materials necessary to:

15 (1) Prevent or mitigate damage to private property, privately
16 maintained improvements and fences on public lands caused by elk
17 or game mammals not native to this State; and

18 (2) Construct fences around sources of water on private or
19 public lands if:

20 (I) Elk or game mammals not native to this State have
21 caused damage to the area near such sources of water; and

22 (II) A source of water for livestock and wildlife is
23 available outside such a fence and within a reasonable distance from
24 such a fence or will be made available at such a location.

25 (b) ~~Prohibit~~ Allow a person who has, within a particular
26 calendar year, applied for or received a special incentive elk tag
27 pursuant to NRS 502.142 ~~from applying,~~ to apply, within the same
28 calendar year, for compensation pursuant to this section for the same
29 private land.

30 4. Money may not be disbursed to a claimant pursuant to this
31 section unless the claimant shows by a preponderance of the
32 evidence that the damage for which the claimant is seeking
33 compensation was caused solely by elk or game mammals not
34 native to this State.

35 5. As used in this section, "public lands" means all lands
36 within the exterior boundaries of the State of Nevada except lands:

37 (a) To which title is held by any private person or entity;

38 (b) To which title is held by the State of Nevada, any of its local
39 governments or the University and Community College System of
40 Nevada;

41 (c) Which are located within congressionally authorized national
42 parks, monuments, national forests or wildlife refuges, or which are
43 lands acquired by purchase consented to by the Legislature;

44 (d) Which are controlled by the United States Department of
45 Defense, Department of Energy or Bureau of Reclamation; or



- 1 (e) Which are held in trust for Indian purposes or are Indian
- 2 reservations.



