

**NEVADA DEPARTMENT OF WILDLIFE  
NEVADA BOARD OF WILDLIFE COMMISSIONERS  
NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Adoption of Regulations of the  
Nevada Board of Wildlife Commissioners**

**LCB File No. R103-19  
Commission General Regulation 490**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 8:30AM, on March 21, 2020, at Washoe County Commission Chambers, 1001 E. 9<sup>th</sup> Street, Building A, Reno, NV 89512. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 502 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- 1. The need for and the purpose of the proposed regulation or amendment:**  
This regulation was brought forward from the Tag Allocation and Application Hunt Committee of the Nevada Board of Wildlife Commissioners. This regulation gives more opportunities to youth, military members, and sportsmen and women who do not draw tags during the Big Game Draw.
- 2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**  
This regulation makes it so that children under the age of twelve can purchase a bonus point if their birthday falls before the last season for the species for which they are applying; bonus points may only be awarded one per season per license; military members may have bonus points restored if they were deployed for two consecutive years; tags need to be returned by every member of a party if party members want their bonus points restored; and lastly the regulation provides for a first-come-first-serve opportunity.
- 3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**
  - (a) Both adverse and beneficial effects on businesses; and**  
There are no adverse or beneficial effects on businesses.
  - (b) Both immediate and long-term effects on businesses:**  
There are no immediate or long-term effects on businesses.
  - (c) Both Adverse and beneficial effects on the public; and**  
There is no adverse effect on the public. The beneficial effect on the public will be greater opportunity.
  - (d) Both immediate and long-term effects on the public:**  
There is no immediate nor long term effect on the public.

4. **The estimated cost to the agency for enforcement of the proposed regulation:**  
There is no estimated cost to the agency for enforcement of the proposed regulation. The license vendor will handle these changes.
5. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:**  
There are no other state or local government regulations which would overlap this regulation.
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**  
This regulation is not required pursuant to federal law.
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:**  
This regulation does not include provisions which are more stringent than a federal regulation because there is no federal regulation that regulates the same activity.
8. **Whether the proposed regulation establishes a new fee or increases an existing fee:**  
The proposed regulation does not establish a new fee nor increase an existing fee.

Persons wishing to comment upon the proposed action of the Nevada Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511 attention Director's Office. Written submissions must be received by the Nevada Department of Wildlife 5 weekdays before the meeting. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Department of Wildlife Director's Office, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its

adoption.

This notice of hearing has been posted at the following Nevada Department of Wildlife offices:

1100 Valley Road, Reno, Nevada 89512 (775) 688-1506  
380 W. B Street, Fallon, Nevada 89406 (775) 423-3171  
60 Youth Center Road, Elko, Nevada 89801 (775) 777-2300  
3373 Pepper Lane, Las Vegas, Nevada 89120 (702) 486-5127

It has also been mailed to the following Nevada county public libraries in which an office of the agency is not maintained, for inspection and copying by members of the public during business hours:

Carson City Library, 900 North Roop Street, Carson City, Nevada 89701-3101  
Douglas County Library, 1625 Library Lane, Minden, NV 89423  
Esmeralda County Library, Corner of Crook & 4th Street, PO Box 430, Goldfield, NV 89013-0430  
Eureka County Library, 10190 Monroe Street, Eureka, NV 89316  
Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445-3095  
Battle Mountain Branch Library (Lander County), 625 South Broad Street, Battle Mountain, NV 89820  
Lincoln County Library, 63 Main Street, Pioche, NV 89043  
Lyon County Library System, 20 Nevin Way, Yerington, NV 89447-2399  
Mineral County Public Library, PO Box 1390, Hawthorne, NV 89415  
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419  
Storey County Clerk's Office, Drawer D, Virginia City, NV 89440  
Tonopah Public Library (Nye County), PO Box 449, Tonopah, NV 89049  
White Pine County Library, 950 Campton Street, Ely, NV 89301

These regulations will also be available at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/>  
<https://notice.nv.gov/>  
<http://www.leg.state.nv.us/register/>  
[http://www.ndow.org/Public\\_Meetings/Public\\_Notices/](http://www.ndow.org/Public_Meetings/Public_Notices/)

A copy of all materials relating to the proposed regulation may be obtained at the hearing or by contacting the Director's Office at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511 or (775) 688-1597. A reasonable fee may be charged for copies if it is deemed necessary.

02/20/2020

# PROPOSED REGULATION OF THE BOARD OF WILDLIFE

## COMMISSIONERS

### LCB File No. R103-19

January 3, 2019

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

AUTHORITY: §§1 and 4, NRS 501.105, 501.181, 502.160; §2, NRS 501.105, 501.181, 502.160 and 502.175; §3, NRS 501.105, 501.181, 502.160, 502.175, 502.219; §§5 and 6, NRS 501.105, 501.181, 502.160, 502.219 and 502.250.

A REGULATION relating to wildlife; revising provisions regarding the bonus point program; revising provisions regarding the award of certain tags; and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out provisions governing wildlife, including, without limitation, the manner and means of taking wildlife. (NRS 501.105, 501.181)

Existing regulations authorize a person who is under 12 years of age to submit an application for a bonus point if he or she will attain the age of 12 before the commencement of the earliest season for the category of the species to which the application relates. (NAC 502.4177) **Section 1** of this regulation authorizes a person to apply for a bonus point if he or she will attain the age of 12 before the commencement of the last season for the category of the species to which the application relates. **Section 2** of this regulation makes a conforming change.

Under existing regulations, an applicant for a tag loses his or her bonus points if he or she fails to submit an application for a tag or a bonus point for 2 consecutive calendar years. (NAC 502.4187) **Section 3** of this regulation requires the Department of Wildlife to reinstate such bonus points, upon written request, if the applicant was an active member of the Armed Forces of the United States and was mobilized, deployed, ordered to train or assigned a duty station outside of the United States during the entirety of that 2-year period. **Section 3** also provides that if a person is ultimately awarded a tag through the alternative list, he or she will lose any bonus point awarded to him or her for that species or category of species.

Under existing regulations, the Department is required to issue certain returned tags to hunters on an alternative list if more than 14 business days remain before the start of the season. (NAC 502.421) **Section 4** of this regulation requires instead that the Department issue such returned tags to hunters from the alternative list if 14 calendar days or more remain before the start of the season. **Section 5** of this regulation requires the Department to provide all eligible hunters with an opportunity to apply for any tags remaining if 14 calendar days or less remain before the start of the season.

Existing regulations: (1) authorize the Department to issue a refund to the holder of a tag if the tag was issued in error; and (2) require the Department to issue a refund to the holder of a tag if that person or a close member of his or her family dies or incurs a disability. (NAC 502.422) **Section 6** of this regulation excludes a \$1 processing fee from such refunds. **Section 6** also provides that if all members of a party return every tag issued to the party, each person in the party, will be treated as if the tag or tags had never been issued in respect to his or her accrual of bonus points. Further, **section 6** removes provisions that require the Department to issue a refund to the holder of a tag for any subspecies of bighorn sheep or mountain goat who returned the tag before a certain date.

**Section 1.** NAC 502.4177 is hereby amended to read as follows:

502.4177 1. Except as otherwise provided in subsection 2, a person who is at least 12 years of age and does not wish to obtain a tag may apply to the Department for the sole purpose of obtaining a bonus point for a tag. Such an application may be submitted by a person who is under 12 years of age if he or she will attain the age of 12 years before the commencement of the ~~earliest~~ *last* season for the category of the species to which the application relates.

2. A person who is ineligible to apply for a tag for a category of species may not apply for a bonus point for that category of species.

3. The Department shall award a bonus point to a person described in subsection 1 if the person has complied with all applicable provisions of chapter 502 of NRS and the regulations adopted pursuant thereto.

**Sec. 2.** NAC 502.418 is hereby amended to read as follows:

502.418 The Department shall reject an application to obtain a tag, permit or bonus point if any of the following occurs:

1. The applicant fails to provide the information required pursuant to NAC 502.199, unless that information exists in the records of the Department.

2. The applicant fails to specify or incorrectly specifies the number of his or her hunting license or combination hunting and fishing license, unless that information exists in the records of the Department.

3. The applicant fails to specify his or her social security number pursuant to NAC 502.199, unless that information exists in the records of the Department.

4. The parent or legal guardian of an applicant who is ~~fat~~ :

*(a) At least 12 years of age but less than 18 years of age ; or*

*(b) Under 12 years of age and applying for a bonus point pursuant to NAC 502.4177,*

↪ fails to provide the acknowledgment required pursuant to NRS 502.060.

5. The applicant fails to specify on the application the species or the category of the species for which the application was submitted and, if the application is for a tag, a valid hunter choice number for that type of hunt. If the applicant specifies valid and invalid numbers, the Department shall accept the application for the valid numbers only.

6. The applicant fails to provide the acknowledgment required pursuant to NRS 502.030.

7. The applicant fails to submit the fees required pursuant to NAC 502.4175.

8. The applicant fails to comply with the provisions of NAC 502.405, unless, on or before the deadline set forth in an annual regulation of the Commission for the year in which the application is submitted, he or she pays the applicable administrative fine and submits the

properly completed questionnaire issued as part of the tag or permit or the information required by the questionnaire.

9. Except as otherwise provided in NAC 502.4183, the applicant submits more than one application to hunt for the same species or category of species of wildlife during the same year, unless such an application is specifically authorized by the Commission. If such an application is not specifically authorized by the Commission, all applications submitted by the applicant to hunt for the same species must be rejected.

10. Except as otherwise provided in NAC 502.4183 and 502.41895, the application is received after the deadline set by the Commission or by the Director pursuant to NAC 502.4196.

11. The applicant fails to comply with the provisions of NRS 502.330.

12. The applicant is otherwise ineligible to apply for the tag or bonus point.

**Sec. 3.** NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in NAC 502.417 to 502.4225, inclusive, an applicant to obtain a tag for a season who is unsuccessful, or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point, must be awarded a bonus point for:

(a) The hunt number of the species for which the applicant applied if he or she applied for a:

(1) Tag to hunt wild turkey; or

(2) Bonus point for a tag described in subparagraph (1); or

(b) The category of the species for which he or she applied if he or she applied for a tag to hunt deer, elk, mountain goat, antelope, black bear, moose or bighorn sheep, or for a bonus point for such a tag.

➡ Regardless of the number of applications to obtain a tag or bonus point for a season submitted by a person, the Department shall not award the person more than one bonus point per season *per hunting license* for each species or category of a species for which the person applied.

2. Except as otherwise provided in ~~[subsections 3 and]~~ *subsection 4*, the bonus points awarded to a person *for a species or category of species* accumulate until the person ~~[is]~~ *loses his or her bonus points pursuant to this subsection. A person loses all of his or her bonus points for a species or category of a species:*

(a) *If the person is* successful in drawing a tag for a season for that species or category of a species ; or ~~[the person fails to]~~

(b) *If the person does not* apply for a *tag or a bonus point for a* season for 2 consecutive calendar years during which that type of hunt for a season is open . ~~[If an applicant is successful in drawing a tag for a season for a species or category of a species or fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open, the applicant loses all of his or her bonus points for that species or category of a species.]~~

3. *Upon written request, the Department shall reinstate each bonus point a person lost pursuant to paragraph (b) of subsection 2 if:*

(a) *During the entirety of the respective 2 consecutive calendar years, the person was mobilized, deployed, training or stationed outside of the United States as an active member of the Armed Forces of the United States, as verified by a copy of his or her orders or other proof satisfactory to the Department; and*

(b) *The request is submitted to the Department not later than 1 year after the date the person returns to the United States.*



4. Except as otherwise provided in NAC 502.4189, a person may not use any bonus points awarded to the person for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

~~[4. If a person is successful in obtaining a tag for a species or category of a species pursuant to NAC 502.4215, he or she must not lose any bonus point awarded to him or her for that species or category of a species.]~~

5. If an applicant requests and receives a refund for the value of his or her hunting license, the Department shall not award the applicant a bonus point for any species or category of species applied for during the period that the applicant possessed the hunting license.

6. The Department shall not award bonus points for depredation hunts or management hunts.

7. As used in this section, “management hunt” means a hunt established to seek the harvest of additional wildlife within a population.

**Sec. 4.** NAC 502.421 is hereby amended to read as follows:

502.421 1. The Department shall cause the computer to generate an alternate list for tags after the drawing for a hunt is completed. An alternate list must consist solely of each applicant who indicated on his or her electronic application for a tag pursuant to NAC 502.4175 a desire to be placed on the list. Even if the first person selected for an alternate list has the same drawing number as the last person selected to receive a tag in the drawing, the Department shall accept those selections as final.

2. If the return of tags pursuant to NAC 502.422 or 502.42695 reduces the number of tags awarded for an area and season to less than the quota for that area and season, the Department

shall refill the quota by awarding tags from the alternate ~~list, unless~~ *list if* there are ~~fewer than 14 business~~ *14 calendar* days *or more* remaining until the opening day for that season.

3. Except as otherwise provided in subsection 4, in awarding tags from an alternate list for a hunt, the Department shall issue the tag to the eligible applicant appearing on the list who:

- (a) Has the drawing number with the highest priority; and
- (b) Indicated as the applicant's first choice the area and season for which the quota is being filled.

4. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or tag because the method of payment is rejected during the processing of the fee for the license or tag, the Department shall, if ~~more than~~ 14 ~~business~~ *calendar* days *or more* remain until the opening day for the hunt, select an eligible applicant from the alternate list for the hunt and season who:

- (a) Has the drawing number with the highest priority; and
- (b) Has indicated as his or her first choice the area and season for which the quota is being filled.

5. Eligible applicants will be displayed on the alternate list as individual persons even though they applied for tags as a party in the draw. The order in which such persons are displayed on the alternate list is random and final.

6. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.

7. As used in this section, "drawing number" means a number assigned by the computer to an application to denote the priority it will receive in a drawing.

**Sec. 5.** NAC 502.4215 is hereby amended to read as follows:

502.4215 ~~[After]~~ *1. The Department shall provide all eligible hunters with an opportunity to apply electronically for any tags that are:*

*(a) Remaining after* tags have been issued for a season by using the computerized system of drawing and alternate ~~[list, the Department shall provide all eligible hunters with an opportunity to apply for any remaining tags electronically.]~~ *list; or*

*(b) Returned 14 calendar days or less before the opening day for that season.*

↪ The Department shall act upon applications for ~~[those]~~ *such* tags in the order received.

*2. If an application for a tag described in subsection 1 is successfully drawn, the Department shall collect from the applicant:*

*(a) The appropriate fee for the tag as provided in NRS 502.250; and*

*(b) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if the applicant:*

*(1) Has not obtained a hunting license and indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license only if his or her application is successfully drawn; or*

*(2) The hunting license or combination hunting and fishing license submitted with the application for the tag or permit will expire before the opening day of the season for the permit or tag.*

*3. If a tag is issued to a person pursuant to this section, the person will be treated as if he or she was successful in drawing a tag for a season for that species in respect to any applicable bonus points and waiting periods.*

**Sec. 6.** NAC 502.422 is hereby amended to read as follows:

502.422 1. The Department may cancel a tag and provide a refund if the Department issues the tag in error.

2. The Department shall provide a refund if the holder of a tag:

(a) Or a person to whom the holder is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;

(b) Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs a disability, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued;

(c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his or her orders or other proof satisfactory to the Department, to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued; or

(d) Is a recipient of a Dream Tag issued pursuant to NRS 502.219 and returns the drawn tag to the Department pursuant to NAC 502.42695,

↪ and, except as otherwise provided in NAC 502.336, his or her tag is received by the Department at least 1 business day before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with his or her tag, the hunting license may be returned with the tag.

3. If a refund is provided pursuant to subsection 1 or 2, the Department shall:

(a) Return all the fees submitted with the application for the tag except the fees required pursuant to NRS 502.253 and NAC *502.118 and* 502.331; and

(b) Except as otherwise provided in subsection 2 of NAC 502.4225, treat the recipient of the refund, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.

4. ~~If a tag for any subspecies of bighorn sheep or mountain goat is returned for a reason other than the reasons set forth in subsection 1 or 2, the Department shall:~~

~~—(a) If the tag is received not later than July 15, return all the fees submitted with the application for the tag except the fees required pursuant to NRS 502.253 and NAC 502.331; and~~

~~—(b) Except as otherwise provided in subsection 2 of NAC 502.4225, treat the recipient of the refund, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.~~

~~—5.]~~ If a tag for antelope, bighorn sheep, mountain goat, *black* bear, turkey, deer, moose or elk is returned for a reason other than the reasons set forth in subsection 1 or 2, and ~~if~~ the tag is received at least 1 business day before the opening day of the season for which the tag was issued, the Department:

(a) Shall, except as otherwise provided in subsection 2 of NAC 502.4225, treat the applicant, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful; and

(b) Shall not return any fee paid for the tag.

*5. If every tag awarded for antelope, bighorn sheep, mountain goat, black bear, turkey, deer, moose and elk awarded to the members of a party is returned for a reason other than the reasons set forth in subsection 1 or 2, and every such tag is received at least 1 business day before the opening day of the season for which the tags were issued, the Department:*

*(a) Shall treat each applicant in the party, with respect to his or her eligibility to obtain a tag or be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.*

*(b) Shall not return any fee paid for such tags.*

6. Except as otherwise provided in NAC 502.421, the Department is not required to refill a quota for the issuance of tags if the application of this section reduces the number of tags issued to less than a quota.

**STATE OF NEVADA  
NEVADA BOARD OF WILDLIFE COMMISSIONERS  
NEVADA DEPARTMENT OF WILDLIFE  
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

**Commission General Regulation 490 LCB File No. R103-19 Party Bonus Points**

**The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a "business conducted for profit which employs fewer than 150 full-time or part-time employees" (NRS233B.0382).**

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

**ANSWER:**

Comment was not solicited from small businesses. This regulation does not affect small businesses. The changes are associated with individual customers of the Nevada Department of Wildlife.

2. Describe the manner in which the analysis was conducted:

**ANSWER:**

Agency personnel concluded that there would be no small businesses impact and no need for a small business impact statement.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- a.) Both adverse and beneficial effects:

**ANSWER:**

There will be no adverse or beneficial effects from the proposed regulation on small business because it does not regulate the operation of any small business.

- b.) Both direct and indirect effects:

**ANSWER:**

There will be no direct or indirect economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

**ANSWER:**

There will be no impact from the proposed regulation on small businesses, therefore no methods were considered or taken by the agency.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

**ANSWER:**

The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

**ANSWER:**

The proposed regulation does not provide new or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

**ANSWER:**

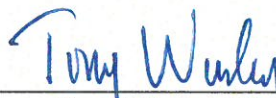
This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

**ANSWER:**

The agency concluded that this regulation does not impact small businesses because the changes are associated with individual customers of the Nevada Department of Wildlife.

I hereby certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

  
\_\_\_\_\_  
Tony Wasley, Director  
Nevada Department of Wildlife