

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

LCB FILE NO. R103-19I

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**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 490**

LCB File No. TBD

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, 502.160

A REGULATION relating to wildlife.....

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 ~~latest~~ ~~earliest~~ 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.

Section 2. NAC 502.4187 is hereby amended to read as follows:

NAC 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 license* for each species or category of a species for which the person applied.

2. Except as otherwise provided in subsections 3 and 4, the bonus points awarded to a person accumulate until the person is successful in drawing a tag for a season for that species or category of a species or the person fails to apply for a season *or for the sole purpose of obtaining a bonus point* for 2 consecutive calendar years during which that type of hunt for a season is open *or during which the Department offers the ability to apply for the sole purpose of obtaining a bonus point for a type of hunt for a season that is not 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 *or for the sole purpose of obtaining a bonus point* for 2 consecutive calendar years during which that type of hunt for a season is open *or during which the Department offers the ability to apply for the sole purpose of obtaining a bonus point for a type of hunt for a season that is not open*, the applicant loses all of his or her bonus points for that species or category of a species.

3. 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.~~

4. 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.

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

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

7. If a person has lost all of his or her bonus points for a species or category of a species after failing to apply for a season or for the sole purpose of obtaining a bonus point for 2 consecutive calendar years during which that type of hunt for a species is open or during which the Department offers the ability to apply for the sole purpose of obtaining a bonus point for a type of hunt for a season that is not open pursuant to subsection 2, and if:

(a) That person was a member of the Armed Forces of the United States; and

(b) That person was mobilized or deployed outside of the United States; or

(c) That person was ordered to training outside of the United States; or

(d) That person was assigned a duty station outside of the United States

during the entire application period or periods for which that type of hunt for a species was open or for the sole purpose of obtaining a bonus point was available for the year the bonus points were lost, the Department shall reinstate the applicant’s lost bonus points if the applicant submits a written request containing a copy of official military orders or other proof

satisfactory to the Department substantiating the applicants military deployment, training, or assigned duty station outside of the United States within one year of the applicant's return to the United States.

NAC 502.421 Alternate list; procedure to refill quota. (NRS 501.105, 501.181, 502.160, 502.175, 502.219)

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 if there is more are fewer~~ than 14 ~~business calendar~~ days 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 days

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.

Section 3. NAC 502.4215 is hereby amended to read as follows:

NAC 502.4215 Application for tags remaining after issuance of tags by computerized system and alternate list. ([NRS 501.105](#), [501.181](#), [502.160](#))

1. 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. The Department shall act upon applications for those tags in the order received. The Department will issue any remaining tags returned after 14 calendar days prior to the first day of the hunt on a first-come-first-serve basis to eligible hunters.

2. If a tag is issued, the applicant will be treated as if the person is successful in drawing a tag for a season for that species in respect to any applicable bonus points and waiting periods.

3. 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; 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.

Section 4. 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, *NAC 502.118*, 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.

~~—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, *NAC 502.118*, 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.~~

~~4.5.~~ If a tag for antelope, bighorn sheep, mountain goat, bear, turkey, deer, moose or elk awarded to a tag holder who applied as an individual who did not indicate the desire to hunt as a party pursuant to NAC 502.41854 is returned for a reason other than the reasons set forth in subsection 1 or 2, ~~and if the Department shall:~~

(a) Not return any fee paid for the tag; and

(b) 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:~~ 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.

~~(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 a tag for deer, elk, mountain goat, antelope, black bear, moose or bighorn sheep awarded to a tag holder who indicated the desire to hunt as a party pursuant to NAC 502.41854 is returned for a reason other than the reasons set forth in subsection 1 or 2, the Department shall:

(a) Not return any fee paid for the tag; and

(b) If the tag is received at least 1 business day before the opening day of the season for which the tag was issued, 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; and

(c) If all tags awarded to members of the party pursuant to NAC 502.41854 are returned and received at least 1 business day before the opening day of the season for which the tags were issued, treat each applicant in the party with respect to his or her eligibility to reinstate any bonus points lost pursuant to NAC502.4187, as if the tag had not been issued and the applicant was unsuccessful.

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.