REVISED ADOPTED REGULATION OF THE

BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R013-25

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

AUTHORITY: § 1, NRS 501.105, 501.181 and 502.160; § 2, NRS 501.105, 501.181, 502.030, 502.160 and 502.175; § 3, NRS 501.105, 501.181, 502.160, 502.175 and 502.219; §§ 4-21, NRS 501.105, 501.181, 502.160 and 502.175.

A REGULATION relating to wildlife; clarifying that bonus points and tags may be issued for specific species, subspecies and gender of wildlife; revising provisions relating to the award and use of certain bonus points accumulated by a person; revising provisions governing the award, use and transfer of bonus points for a junior hunt; 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 the provisions governing wildlife, including, without limitation, the manner and means of taking wildlife, including, without limitation, the sex, size or other physical differentiation for each species. (NRS 501.105, 501.181) In addition to regular hunting licenses, existing law requires a person to have a tag to hunt certain species of game mammals and authorizes the Commission to require tags in certain other circumstances. (NRS 502.130)

Existing regulations prescribe requirements governing the eligibility of a person to apply to engage in a junior hunt. (NAC 502.063, 502.333) Subject to certain exceptions for deer or wild turkey, existing regulations prohibit a person from using any bonus points, which are an increased opportunity for a tag in a subsequent drawing, 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. (NAC 502.027, 502.4187, 502.4189) **Section 7** of this regulation eliminates this prohibition and, as a result, a person may use any bonus points the person accumulates for a category of species, subspecies and gender for a junior hunt to apply for a drawing for a tag for any other type of hunt for that category of species, subspecies and gender. **Section 9** of this regulation makes a conforming change to eliminate the exceptions for deer and wild turkey to the prohibition on using bonus points awarded for a junior hunt after a person becomes ineligible to apply for or participate in a junior hunt.

Subject to certain exceptions, existing regulations require a bonus point to be awarded for the category of the species for which the applicant applied for a tag to hunt certain animals or to earn a bonus point for such a tag. (NAC 502.4187) **Section 7** provides that a person who applied for a junior hunt which authorizes the person to hunt an antlered or antlerless mule deer will be awarded bonus points in the category of antlered mule deer.

Subject to certain exceptions, existing regulations require any bonus points to be awarded in certain categories of species, subspecies and gender of wildlife. (NAC 502.4188) Existing regulations require an applicant for a tag to specify the species or category of species for which the applicant is applying and make various distinctions for female and male species of wildlife relating to tags for such wildlife. (NAC 502.345, 502.361, 502.373, 502.4175, 502.428, 502.4295) **Sections 1, 3-5 and 7-13** of this regulation revise certain terminology relating to wildlife to clarify that tags and bonus points may be awarded for categories of species, subspecies and gender of wildlife.

Sections 2, 6 and 14-21 of this regulation revise certain terminology relating to species and subspecies of wildlife for consistency with terminology used in similar provisions relating to wildlife.

Section 1. NAC 502.105 is hereby amended to read as follows:

502.105 "Type of hunt" means a hunt authorized by a regulation of the Commission, for which tags are awarded pursuant to application, that differs from another hunt in one or more of the following ways:

1. The species to be hunted for any species other than a species that is included in a category of a species pursuant to subsection 2;

2. The category of the species, subspecies and gender ***, as applicable,*** to be hunted as described in NAC 502.4188;

3. The weapons to be used;

4. The residency of applicants; and

5. The method of drawing applications for the award of tags.

Sec. 2. NAC 502.4175 is hereby amended to read as follows:

502.4175 1. Except as otherwise authorized by the Commission, a person desiring to obtain a tag, permit or a bonus point without the opportunity to obtain a tag must submit an electronic application provided by the Department. In addition to any information required pursuant to NAC 502.199, the application must:

(a) Specify whether the applicant is a resident or nonresident of this State;

(b) Specify the ***category of*** species or ~~[category of species]~~ ***subspecies*** for which the applicant is applying;

(c) If the applicant is applying for a tag to hunt deer, bear, elk, antelope, bighorn sheep, mountain goat, moose or wild turkey, include a selection of not more than five hunter choice numbers; and

(d) Set forth an acknowledgement of the affidavit that is included in the application provided by the Department.

2. A person who desires to be placed on an alternate list pursuant to NAC 502.421 or 502.4275 must apply to the Department electronically to obtain a tag and must indicate on the electronic application his or her desire to be placed on an alternate list.

3. The Commission will establish the seasons and quotas for a hunt, and the method for submission and deadline for receipt of applications.

4. An applicant must obtain a valid hunting license or combination hunting and fishing license before submitting his or her application for a tag, permit or bonus point, except that an applicant may apply for a hunting license when submitting the application for a tag, permit or bonus point.

5. A hunting license or combination hunting and fishing license may not be used to comply with the provisions of this section for more than one application period for each random draw during a 1-year period after the date of issuance of the license.

6. The electronic application for a tag, permit or bonus point must be accompanied by:

(a) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat;

(b) Any donation the applicant wishes to make to a program specified in paragraph (a) or any other program conducted by the Department;

(c) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if the application is for:

(1) A tag or permit and the applicant:

(I) Has not obtained a hunting license or combination hunting and fishing license; and

(II) Indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license regardless of whether his or her application is successfully drawn; or

(2) A bonus point and the applicant has not obtained a hunting license; and

(d) The applicable fee required pursuant to NAC 502.331 for the Department to act upon the application. The Department shall apply the proceeds of the fee in accordance with the provisions of NRS 502.255.

7. If an application for a tag specified in subsection 6 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.

8. An application to obtain a tag that is issued by random selection 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 each season to which the application relates. An application to obtain a tag that is issued on a first-come, first-served basis may not be submitted by a person who has not yet attained the age of 12 years.

9. The Commission may establish an application period for a person to submit an application solely to earn a bonus point. An application for a bonus point submitted during this application period must comply with the requirements of subsection 6 and is subject to all other applicable laws and regulations governing bonus points.

10. The Department and its agents and employees shall not:

(a) Amend or otherwise alter an application to obtain a tag, permit or bonus point.

(b) Issue a tag or permit or award a bonus point to an applicant who fails to submit the fees required pursuant to this section.

Sec. 3. NAC 502.4179 is hereby amended to read as follows:

502.4179 A person may not submit an application for a:

1. Tag and an application for a bonus point for the same category ~~[or]~~ ***of*** species ***, subspecies and gender, as applicable,*** in the same drawing unless authorized by the Commission.

2. Bonus point in a subsequent drawing if a tag, other than a Dream Tag issued pursuant to NRS 502.219, or bonus point was obtained for that category of species ***, subspecies and gender, as applicable,*** in a previous drawing that year unless authorized by the Commission.

Sec. 4. 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 his or her social security number pursuant to NAC 502.199, unless that information exists in the records of the Department.

3. The parent or legal guardian of an applicant who is:

(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.

4. The applicant fails to specify on the application the ~~[species or the]~~ category of the species ***, subspecies and gender, as applicable,*** 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.

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

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

7. 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.

8. 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 ***, subspecies and gender, as applicable,*** 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 ***category of*** species ***, subspecies and gender, as applicable,*** must be rejected.

9. The application is received after the deadline set by the Commission or by the Director pursuant to NAC 502.4196.

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

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

Sec. 5. NAC 502.4183 is hereby amended to read as follows:

502.4183 1. An application for a tag, permit or bonus point for a ~~[species or]~~ category of species ***, subspecies and gender, as applicable,*** may be withdrawn after it is received by the Department:

(a) Electronically, if the application was submitted electronically; or

(b) By submitting a written request to the Department which includes the applicant's client number if the request is received by the Department on or before the deadline for the receipt of applications for the draw.

2. If an application is submitted electronically and is withdrawn before the deadline for the draw, the applicant may submit a new application for a tag, permit or bonus point for the same

~~[species or]~~ category of species ***, subspecies and gender, as applicable,*** in that draw on or before the deadline for the draw.

3. The Department shall not consider a withdrawn application in the procedure for awarding tags or bonus points.

Sec. 6. NAC 502.4185 is hereby amended to read as follows:

502.4185 1. Except for a restricted nonresident deer hunt, residents and nonresidents may apply for tags as one party if they:

(a) Submit individual applications to obtain tags;

(b) Indicate the desire to hunt as a party on their applications; and

(c) Select the corresponding valid hunter choice numbers for a ~~[species or]~~ category of species ~~[.]~~ ***or subspecies.***

2. If the Department is required, pursuant to NAC 502.418, to reject an application submitted by one member of a party, the Department is not required to reject the applications of the remaining members unless the ground for rejecting the one application also applies to the other applications.

3. Except as otherwise provided in NAC 502.4195, the Department shall not exceed its quotas for the respective resident and nonresident units of a season when issuing tags to a party.

4. As used in this section, "party" means two or more persons applying together as a group to obtain tags for a season to hunt any deer, antlerless elk or antelope with horns shorter than its ears.

Sec. 7. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in ***this subsection and*** 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 the category of the species ***, subspecies and gender, as applicable,*** for which he or she applied if he or she applied for a tag to hunt deer, elk, mountain goat, antelope, black bear, moose, wild turkey or bighorn sheep, or for a bonus point for such a tag. ***If a person applied for a junior hunt which authorizes the person to hunt an antlered or antlerless mule deer, any bonus points must be awarded to the applicant in the category of antlered mule deer.***

2. 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 ***, subspecies and gender, as applicable,*** for which the person applied.

3. ~~[Except as otherwise provided in subsection 5, the]~~ ***The*** bonus points awarded to a person for a ~~[species or]~~ category of species ***, subspecies and gender, as applicable,*** accumulate until the person 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 ~~[:]~~ ***, subspecies and gender, as applicable:***

(a) If the person is successful in drawing a tag for a season for that ~~[species or]~~ category of a species ~~[;]~~ ***, subspecies and gender, as applicable;*** or

(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.

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

5. ~~[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.~~

~~6.]~~ 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 ***, subspecies and gender, as applicable,*** applied for during the period that the applicant possessed the hunting license.

~~[7.]~~ ***6.*** If an applicant is successful in obtaining a tag for a ~~[species or]~~ category of a species ***, subspecies and gender, as applicable,*** but transfers the tag to another person pursuant to NAC 502.337, the applicant and the new recipient of the tag lose all bonus points for that ~~[species or]~~ category of species ~~[.]~~ ***, subspecies and gender, as applicable.***

~~[8.]~~ ***7.*** The Department shall not award bonus points for depredation hunts or management hunts.

~~[9.]~~ ***8.*** As used in this section, "management hunt" means a hunt established to seek the harvest of additional wildlife within a population.

Sec. 8. NAC 502.4188 is hereby amended to read as follows:

502.4188 Any bonus points awarded by the Department pursuant to the bonus point program must be awarded in one of the following categories of species, subspecies and gender ~~[:]~~ ***, as applicable:***

1. Antlered mule deer;
2. Antlerless mule deer;
3. Mule deer, either antlered or antlerless;
4. Antlered Rocky Mountain elk;
5. Antlerless Rocky Mountain elk;
6. Rocky Mountain elk, either antlered or antlerless;
7. Spike Rocky Mountain elk;
8. Pronghorn antelope whose horns are longer than their ears;
9. Pronghorn antelope whose horns are shorter than their ears;
10. Rams, from one of the following subspecies:
    (a) Nelson bighorn sheep;
    (b) California bighorn sheep; or
    (c) Rocky Mountain bighorn sheep;
11. Ewes, from one of the following subspecies:
    (a) Nelson bighorn sheep;
    (b) California bighorn sheep; or
    (c) Rocky Mountain bighorn sheep;
12. Mountain goats;
13. Black bears;
14. Antlered moose;

15. Antlerless moose;

16. Moose, either antlered or antlerless; or

17. Wild turkey.

Sec. 9. NAC 502.4189 is hereby amended to read as follows:

502.4189 1. Each applicant in a drawing for a tag for a season receives a number of additional draw numbers that is equal to the number of bonus points that he or she has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where "n" is the number of additional draw numbers and "b" is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for the ~~[species or]~~ category of the species ***, subspecies and gender, as applicable,*** for which the application was submitted. The applicant's lowest randomly assigned draw number is the number used for the drawing.

2. ~~[Except as otherwise provided in subsection 5, bonus]~~ ***Bonus*** points accumulated by a person for a ~~[species or]~~ category of species ***, subspecies and gender, as applicable,*** cannot be transferred to any other person or any other ~~[species or]~~ category of species ~~[.]~~ ***, subspecies and gender, as applicable.***

3. Any bonus points accumulated by an applicant automatically transfer with the applicant if the applicant changes his or her state of residence. Bonus points transferred pursuant to this subsection apply to the same ~~[species or]~~ category of species ***, subspecies and gender, as applicable,*** to which they applied before the transfer.

4. The number of bonus points applicable to applications submitted by a group pursuant to NAC 502.4185 for tags is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

~~[5. If a person becomes ineligible to apply for a junior hunt for deer pursuant to NAC 502.333 or becomes ineligible to participate in a junior hunt for deer because of his or her age, each unused bonus point accumulated by that person for a junior hunt for deer automatically transfers to the category for antlered mule deer. The provisions of this subsection do not apply to a bonus point accumulated by the person for a junior hunt for deer in a year in which the person also accumulated a bonus point in the category for antlered mule deer.~~

~~6. If a person becomes ineligible to apply for a junior hunt for wild turkey pursuant to NAC 502.333 or becomes ineligible to participate in a junior hunt for wild turkey because of his or her age, each unused bonus point accumulated by that person for a junior hunt for wild turkey automatically transfers to the category for wild turkey.]~~

Sec. 10. NAC 502.41895 is hereby amended to read as follows:

502.41895 An eligible applicant who has submitted an application for a tag, permit or bonus point for a ~~[species or]~~ category of species ***, subspecies and gender, as applicable,*** and who withdraws the application pursuant to subsection 1 of NAC 502.4183 or who fails to submit an application for a ~~[species or]~~ category of species ***, subspecies and gender, as applicable,*** may electronically submit an application for a bonus point for that ~~[species or]~~ category of species ~~[:]~~ ***, subspecies and gender, as applicable:***

1. During the application period established by the Commission pursuant to subsection 9 of NAC 502.4175, if one has been established; or

2. By the deadline to submit an application for the draw, if the Commission has not established an application period pursuant to subsection 9 of NAC 502.4175.

Sec. 11. NAC 502.419 is hereby amended to read as follows:

502.419 1. The Department is not responsible for third-party errors, including those of a bank. If an applicant to obtain a tag, permit or bonus point proves to the satisfaction of the Department that the rejection of his or her application was due solely to a third-party error, and there is sufficient time to complete the processing of the application before the drawing for which the application was submitted, the Department shall include the application in the procedure for awarding tags.

2. If the application of an applicant who is entitled to participate in a bonus point program is not entered into that drawing solely because of a third-party error, and the applicant fails to obtain a tag to participate in a hunt during the year the application was submitted, the applicant is entitled to a bonus point for the ~~[species or the]~~ category of the species ***, subspecies and gender, as applicable,*** for which the application was submitted.

3. As used in this section, "third-party error" means the failure to act or commission of an act, by a person or entity other than the Department or an applicant to obtain a tag, permit or bonus point which provides a ground for rejecting an application pursuant to NAC 502.418.

Sec. 12. NAC 502.4195 is hereby amended to read as follows:

502.4195 1. If the Department commits an error which results in the rejection or incorrect processing of an application to obtain a tag that has been submitted in compliance with the regulations of the Commission, the Department shall, until the close of the season, issue the remaining tags applied for and then, if there are no further tags available, the Department may exceed its quota for the type of hunt to which the application pertains.

2. The Department shall issue a tag for a season to an applicant who, because the applicant was assigned a low draw number, would have been awarded a tag in the drawing to which his or her application pertains if not for the error of the Department specified in subsection 1.

3. If the Department confirms an error on a rejected or incorrectly processed application for a tag after the close of all the seasons, the Department shall award that applicant a bonus point for the ~~[species or the]~~ category of the species ***, subspecies and gender, as applicable,*** for which the application was submitted. The bonus point is not effective until the next drawing for that hunt. The Department must receive notification of the error before the expiration of the period for submission of applications for the same hunt in the next open season. If the application was one of two or more applications submitted by a group of persons applying as a party for deer tags, the Department shall treat the applicant the same as the remaining members of his or her party.

4. If the Department confirms an error on a rejected or incorrectly processed application for a bonus point after the close of all the seasons, the Department shall award that applicant a bonus point for the ~~[species or the]~~ category of species ***, subspecies and gender, as applicable,*** for which the application was submitted. The bonus point is not effective until the next drawing for that hunt. The Department must receive notification of the error before the expiration of the period for submission of applications for the same hunt in the next open season.

Sec. 13. NAC 502.4196 is hereby amended to read as follows:

502.4196 1. Except as otherwise provided in NAC 502.419 and 502.4195, if the Department experiences a computer contaminant, power outage, interruption of Internet service, malfunctioning of a computer application or database of the Internet website of the Department or other similar event that prevents the receipt by the Department of an application submitted

electronically for a tag, permit or bonus point for a ~~[species or]~~ category of species ***, subspecies and gender, as applicable,*** during the application period established by the Commission, the Director may extend that period by not more than 5 days or, with the approval of the Commission, by more than 5 days.

2. As used in this section, "computer contaminant" has the meaning ascribed to it in NRS 205.4737.

Sec. 14. NAC 502.4273 is hereby amended to read as follows:

502.4273 1. The Partnership in Wildlife Drawing will occur after the Silver State Tag Drawing but before the main drawing.

2. A person desiring to participate in the Partnership in Wildlife Drawing must:

(a) Indicate the desire to participate in the Partnership in Wildlife Drawing on his or her electronic application for the main drawing;

(b) Pay a nonrefundable fee of $10 which the Department shall deposit with the State Treasurer for credit to the Wildlife Heritage Account; and

(c) Participate solely as a single applicant in the Partnership in Wildlife Drawing.

3. Except as otherwise provided in subsection 3 of NAC 502.4237, a person who is ineligible to participate in the main drawing for a ***category of*** species or subspecies is ineligible to participate in the Partnership in Wildlife Drawing for that ***category of*** species or subspecies.

Sec. 15. NAC 502.4275 is hereby amended to read as follows:

502.4275 1. The Department shall award tags from the Partnership in Wildlife Drawing through a random order of selection conducted pursuant to a computerized system of drawing. The selection must begin with a number established by the hours, minutes, seconds and

hundredths of a second set forth on the computer's clock immediately before commencing the drawing.

2. The Department shall cause the computer to generate an alternate list, categorized by species or subspecies, after the initial selection of tag recipients in the Partnership in Wildlife Drawing. The alternate list must consist solely of each applicant who indicated a desire to be placed on an alternate list pursuant to subsection 2 of NAC 502.4175.

3. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for the Partnership in Wildlife Drawing to less than the quota for the hunt for a ***category of*** species or subspecies, the Department shall refill the quota by awarding tags:

(a) First, pursuant to NAC 502.4195, to applicants who were rejected because of an error by the Department; and

(b) Second, to applicants on the alternate list, unless there are fewer than 14 business days remaining until the opening day for that hunt.

4. Except as otherwise provided in subsection 5, in awarding tags from an alternate list for a hunt, the Department shall select the eligible applicant appearing on the list who:

(a) Has not received a tag for that ***category of*** species or subspecies in the main drawing or the Silver State Tag Drawing for that year;

(b) Has the drawing number with the highest priority for that ***category of*** species or subspecies; and

(c) Indicated on his or her application the desire to compete for that ***category of*** species or subspecies in the Partnership in Wildlife Drawing.

5. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or tag that is awarded from the Partnership in Wildlife Drawing 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) Indicated as the applicant's first choice the area and season for which the quota is being filled.

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

Sec. 16. NAC 502.428 is hereby amended to read as follows:

502.428 1. The Commission will adopt annual regulations pursuant to NAC 502.310 to establish the seasons, quotas per ***category of*** species and subspecies, units and other conditions for the type of hunt in which recipients of big game tags from a Partnership in Wildlife Drawing may participate.

2. Tags issued through the Partnership in Wildlife Drawing will be in addition to the quotas set for the main drawing for big game tags. The Commission will set the quota of tags to be issued per ***category of*** species and subspecies for the Partnership in Wildlife Drawing after considering the recommendations of the Department, the county advisory boards to manage wildlife and members of the public who wish to present their views at an open meeting. Tags issued through the Partnership in Wildlife Drawing will be issued for male animals only, except for tags to hunt mountain goats which will be issued for males and females.

3. Except as otherwise provided in subsection 4, the annual quotas for Partnership in Wildlife tags will not exceed the following:

(a) Deer tags:

(1) Resident 22

(2) Nonresident 3

(b) Antelope tags (resident) 5

(c) Elk tags (resident) 3

(d) Mountain goat tags (resident) 1

(e) Bighorn sheep tags (resident) 4

4. If the Department commits an error which results in the rejection or incorrect processing of an application for a tag that has been submitted in compliance with the regulations of the Commission and the error is confirmed before the close of the seasons, the Department may exceed its quota for the ***category of*** species or subspecies to which the application pertains and issue a tag to the applicant if his or her draw number was low enough that the applicant would have been awarded a tag in the drawing to which that application pertains if the Department had not committed the error. If the Department confirms an error on a rejected or incorrectly processed application after the close of the seasons, it shall not take any action to correct the error.

Sec. 17. NAC 502.4291 is hereby amended to read as follows:

502.4291 1. The Department shall provide an electronic application for the Silver State Tag Drawing to residents and nonresidents.

2. An applicant must indicate the desire to participate in the Silver State Tag Drawing on his or her application, and must participate solely as a single applicant in the Silver State Tag Drawing for a ***category of*** species or subspecies.

3. If eligible, an applicant who indicates the desire to participate on his or her application for the Silver State Tag Drawing may in the same year, if the applicant was unsuccessful in obtaining a tag in the Silver State Tag Drawing for a ***category of*** species or subspecies, apply for the same ***category of*** species or subspecies in the Partnership in Wildlife Drawing and the main drawing for a tag for that ***category of*** species or subspecies.

Sec. 18. NAC 502.4293 is hereby amended to read as follows:

502.4293 A person who is ineligible to apply for a tag pursuant to NAC 502.341, 502.345, 502.361 or 502.364 may, if he or she is otherwise eligible for the issuance of a tag, apply for a Silver State Tag for a ***category of*** species or subspecies specified in those sections.

Sec. 19. NAC 502.4294 is hereby amended to read as follows:

502.4294 The Department shall not consider bonus points as giving an applicant an increased opportunity to receive a tag in a Silver State Tag Drawing. If an applicant is successful in a Silver State Tag Drawing, his or her bonus point total will not revert to zero for the ***category of*** species or ~~[category of species]~~ ***subspecies*** for which he or she applied. The Department shall not award bonus points to unsuccessful applicants in a Silver State Tag Drawing.

Sec. 20. NAC 502.4295 is hereby amended to read as follows:

502.4295 1. The Commission will adopt annual regulations pursuant to NAC 502.310 to establish the seasons, quotas per ***category of*** species and subspecies, units and other conditions for the type of hunt in which the recipients of big game tags from a Silver State Tag Drawing

may participate. The seasons will be concurrent with the seasons established for the tags, if any, that are awarded through an auction pursuant to NRS 502.250.

2. Tags issued through the Silver State Tag Drawing are in addition to the quotas set for the main drawing for big game tags and the Partnership in Wildlife tags. The Commission will set the quota of tags to be issued per ***category of*** species and subspecies for the Silver State Tag Drawing after considering the recommendations of the Department, the county advisory boards to manage wildlife and members of the public who wish to present their views at an open meeting. Tags issued through the Silver State Tag Drawing will be issued for male animals only, except for tags to hunt mountain goats, which will be issued for males and females.

3. If the Department commits an error which results in the rejection or incorrect processing of an application for a Silver State Tag that has been submitted in compliance with the regulations of the Commission, the Department shall provide a refund of the fee for the Silver State Tag to the applicant.

Sec. 21. NAC 502.4298 is hereby amended to read as follows:

502.4298 1. The Silver State Tag Drawing will occur before the Partnership in Wildlife Drawing and the main drawing. The Department shall award tags from the Silver State Tag Drawing through a random order of selection conducted pursuant to a computerized system of drawing. The selection must begin with a number established by the hours, minutes, seconds and hundredths of a second set forth on the computer's clock immediately before commencing the drawing.

2. The Department shall cause the computer to generate an alternate list, categorized by species, after the initial selection of tag recipients in the Silver State Tag Drawing.

3. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for the Silver State Tag Drawing to less than the quota for the hunt for a species, the Department shall refill the quota by awarding tags to applicants on the alternate list, unless there are fewer than 14 business days remaining until the opening day for that hunt.

4. Except as otherwise provided in subsection 5, in awarding tags from an alternate list for a hunt, the Department shall select the eligible applicant appearing on the list who:

(a) Has not received a tag in the main drawing for big game tags or the Partnership in Wildlife Drawing for that ***category of*** species or subspecies for that year;

(b) Has the drawing number with the highest priority for that ***category of*** species or subspecies; and

(c) Indicated on his or her application the desire to compete for that ***category of*** species or subspecies in the Silver State Tag Drawing.

5. If the Department is unable to collect any fee that is required from the Silver State Tag Drawing because the method of payment is rejected during the processing of those fees, 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) Indicated on his or her application for the main drawing for big game tags the desire to compete for that ***category of*** species ***or subspecies*** in the Silver State Tag Drawing.

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