

**LCB File No. R139-98**

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

**NOTICE OF INTENT TO ACT UPON A REGULATION  
Notice of Hearing for The Amendment of Regulations of The  
Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing at 9 a.m. on August 15, 1998, at The Commercial Hotel 345 Fourth Street, Elko, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 268 pertaining to Chapter 502 of the Nevada Administrative Code.

**1. The need for and purpose of the proposed regulation:** To relax existing application and rejection criteria so that fewer applicants will be rejected from the game draw.

**2. Text of the proposed regulation:** Attached

**3A. The estimated economic effect of the regulation on the business which it is to regulate:**

- (a) Adverse effect- N/A
- (b) Beneficial effect- N/A
- (c) Immediate effect- N/A
- (d) Long term effect - N/A

**B. The estimated economic effect of the regulation on the public which it is to regulate:**

- (a) Adverse effect - N/A
- (b) Beneficial effect - N/A
- (c) Immediate effect - N/A
- (d) Long-term effect - N/A

**4. Estimated cost to the Division of Wildlife for enforcement of the proposed regulation:**  
N/A

5. **Description of, and citation to, any regulations of other state or local government 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.**

N/A

6. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**

N/A

7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:**

N/A

8. **The proposed regulation establishes a new fee or increases an existing fee:  X  No**

Yes

Persons wishing to comment upon the proposed action of the 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 Secretary, Board of Wildlife Commissioners, Post Office Box 10678, Reno, Nevada 89520. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Division of Wildlife  
1100 Valley Road  
Reno, Nevada  
(702) 688-1500

Region I Office  
380 W. "B" Street  
Fallon, NV 89406  
(702) 423-3171

Region II Office  
1375 Mt. City Highway  
Elko, NV 89801  
(702) 738-5332

Region III Office  
4747 W. Vegas Drive  
Las Vegas, NV 89108  
(702) 486-5127

The regulations will also be available for inspection at all county main public libraries. 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 Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies 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, shall 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 above locations.

LCB File No. R139-98

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

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS  
COMMISSION GENERAL REGULATION 268**

Authority: NRS 501.181 and 502.160

Notice of Intent:

Workshop Date: August 15, 1998

Commission Approval:

EXPLANATION: Amends NAC 502 to add correction notice procedures and deadlines for game applications with errors. Amends NAC 502.4175 by allowing an applicant for a special season to withdraw an application prior to the draw. Amends NAC 502.418 to delete zip code from the rejection criteria for a special season. Amends NAC 502.4189 to square bonus points for special seasons. Amends NAC 502.4231 by allowing an applicant for a nonresident restricted deer tag to withdraw an application prior to the draw. Amends NAC 502.4235 to delete zip code from the rejection criteria for a nonresident restricted deer application.

NOTE: Matter in *italics* is new; matter within brackets [ ] is to be omitted

**Section 1.** NAC 502 is hereby amended by adding a new section.

*1. The division shall allow the correction of an application for a tag with correctable errors for the main draw if the following occurs:*

*(a) The application is received and entered into the computer by the deadline date established by the commission for the receipt of applications.*

*(b) The application has an error which causes the system to produce a reject letter and correction document.*

*(c) The correction document is received by the division within seven (7) working days after the application deadline date.*

*2. The correction document provides the authority for the division to update the application*

*computer file for an applicant with correctable errors. For the purpose of this section, correctable errors include the following:*

*(a) Invalid date of birth.*

*(b) Invalid or incorrectly specified hunting license number.*

*(c) Parent or legal guardian of nonresident applicant who is at least 12 years of age but not more than 17 years fails to sign the application for a hunting license.*

*(d) Invalid or missing hunt or hunter choice numbers.*

*(e) No signature.*

*(f) Invalid fees.*

*(g) The applicant fails to comply with the provisions of NRS 502.330*

*3. If the applicant submits the correction document and it does not contain information which corrects the error, or if the correction document is not received within the time specified in subsection 1(c), the application will remain in reject status and will not be considered in the procedure for awarding tags.*

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

1. A person desiring to obtain a tag must apply to the division on a form provided by the division that includes spaces for the applicant to specify his name, address and date of birth, and to sign the application. An application must include the applicant's social security number or a unique number will be assigned by the division. The commission shall establish the seasons and quotas for a hunt, and the method for submission and deadline for receipt of applications. An application may [not] be withdrawn after it is received by the division[.] *if the applicant submits a written request that includes his client number. The withdrawal request*

*must be received and entered into the computer prior to the draw. A withdrawn application will not be considered in the procedure for awarding tags.*

2. An applicant must obtain a valid hunting license before submitting his application, except that an applicant who is a nonresident may apply for a hunting license when he submits his application. The application must be accompanied by:

(a) The appropriate fee for the tag, as provided in NRS 502.250 and NAC 502.334;

(b) The fee for a hunting license, as provided in NRS 502.240, if the applicant is a nonresident who has not already obtained a hunting license; and

(c) The fee required pursuant to NAC 502.331 for the division to act upon the application. The division shall apply the proceeds of this fee to the cost of processing applications, conducting drawings for tags and performing such related activities as the commission may direct.

3. An application to obtain a tag may be submitted by a person under 12 years of age if he will attain the age of 12 years before the commencement of every season to which the application pertains. An application to obtain a tag that is issued on a first come, first serve basis may not be submitted by a person who has not yet attained the age of 12 years.

4. The division and its agents and employees shall not:

(a) Amend or otherwise alter an application to obtain a tag.

(b) Issue a tag to an applicant who fails to submit the fees required pursuant to this section.

**Sec. 3.** NAC 502.418 is hereby amended to read as follows:

1. Unless otherwise provided in subsection 2, the division shall reject an application to

obtain a tag if any of the following occurs:

(a) The applicant fails to specify his name, date of birth, city, *or* state [*or zip code*], unless that information exists in the computer file of the division, in which case the applicant must not be rejected if he has specified his name and client number.

(b) The applicant fails to specify or incorrectly specifies the number of his hunting license and the year the license was issued.

(c) A nonresident applicant who is at least 12 years of age but not more than 17 years of age fails to obtain the signature of his parent or legal guardian on the application for a hunting license for the applicant.

(d) The applicant fails to specify a hunt and a valid hunter choice number for that hunt. If the applicant specifies both valid and invalid numbers, the division shall accept the application for the valid numbers only. As used in this paragraph, "valid hunter choice number" means a number established by the division to denote a choice of hunting area and season for which a quota of tags remains to be issued.

(e) The applicant fails to complete the application in a legible manner.

(f) The applicant fails to sign the application.

(g) The applicant fails to submit the fees required pursuant to NAC 502.4175 or his bank fails to honor his check for those fees.

(h) The applicant fails to complete and return any questionnaires required for the previous year pursuant to NAC 502.405, unless he pays the applicable administrative fine no later than the third Friday in March of the year in which the application is submitted.

(i) The applicant submits more than one application to hunt for the same 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.

(j) The application is received after the deadline set by the commission.

(k) The applicant fails to comply with the provisions of NRS 502.330.

(l) The applicant provides false information on the application.

(m) The applicant is otherwise ineligible to apply for the tag.

2. Except as otherwise provided in NAC 502.419 and 502.4195, if an application is rejected by the division pursuant to this section:

(a) The application must not be included in the procedure for awarding tags;

(b) The applicant must not be awarded a bonus point for the bonus point program for a special season; and

(c) The nonrefundable application fee for acting upon each application for a tag must be retained by the division.

**Sec. 4.** NAC 502.4189 is hereby amended to read as follows:

1. [~~Except as otherwise provided in subsection 2, each~~] *Each* applicant in a drawing for a tag for a special season receives [~~one additional draw number for each bonus point he has accumulated for that special season. The applicant's lowest randomly assigned draw number is the number used for the drawing.~~

2. ~~For special seasons for deer, each applicant in a drawing for a tag receives] a number of additional draw numbers that is equal to the number of bonus points that he 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 that special season [for deer]. The applicant's lowest randomly assigned draw number is the number used for the drawing.

3. Bonus points accumulated by a person for a special season cannot be transferred to any other person or any other special season unless:

- (a) The applicant changes his state of residence;
- (b) The applicant requests that the commission transfer those bonus points; and
- (c) The commission approves the request for the transfer.

Bonus points transferred pursuant to this subsection apply to the same type of hunt to which they applied before for the transfer.

4. An application to obtain a tag for a special season for more than one person may be submitted only for a deer hunt. The number of bonus points applicable to such an application 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.

**Sec. 5.** NAC 502.4231 is hereby amended to read as follows:

1. A person who wishes to obtain a restricted nonresident deer tag must apply to the division on a form provided by the division which includes spaces or lines for the applicant to specify his name, address and date of birth and to sign the application. The commission will establish the seasons and quotas for a restricted nonresident deer hunt, and the method for submission and deadline for receipt of applications. An application for restricted nonresident

deer tag may [not] be withdrawn after it is received by the division[.] *if the applicant submits a written request that includes his client number. The withdrawal request must be received and processed prior to the draw. A withdrawn application will not be considered in the procedure for awarding tags.*

2. A valid hunting license issued by the division must be obtained by the applicant before submitting his application, except that an applicant may apply for a hunting license at the time he submits his application. The application must be accompanied by:

(a) The appropriate fee for the tag, as provided in NRS 502.148;

(b) If the applicant has not already obtained a valid hunting license issued by the division, the fee for the hunting license, as provided in NRS 502.240; and

(c) A fee of \$10, which must be applied by the division to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the commission.

3. All fees submitted with an application must be paid by cashier's check, certified check or money order.

4. The division and its agents or employees shall not:

(a) Amend or otherwise alter an application to obtain a restricted nonresident deer tag.

(b) Issue a restricted nonresident deer tag to an applicant who fails to submit the fees required pursuant to this section.

**Sec. 6.** NAC 502.4235 is hereby amended to read as follows:

1. The division shall reject an application for a restricted nonresident deer tag if:

(a) The applicant fails to specify his name, date of birth, city, *or* state [or zip code] on

the application, unless such information exists in the computer file of the division, in which case the application must not be rejected if the applicant has specified his name and client number.

(b) The applicant fails to specify or incorrectly specifies on the application the number of his hunting license and the year the license was issued.

(c) An applicant who is at least 12 years of age but not more than 17 years of age fails to obtain the signature of his parent or legal guardian on the application for a hunting license for the applicant.

(d) The applicant fails to specify a valid hunter choice number on the application. If the applicant specifies valid and invalid numbers, the division shall accept the application for the valid numbers only. As used in this paragraph, "hunter choice number" means a number established by the division to denote a choice of hunting area.

(e) The applicant fails to complete the application in a legible manner.

(f) The applicant or the master guide fails to sign the application.

(g) The applicant fails to submit the fees required pursuant to NAC 502.4231.

(h) The applicant fails to complete and return any questionnaires required for the previous year pursuant to NAC 502.4239, unless he pays the applicable administrative fine no later than the third Friday in March of the year in which the application is submitted.

(i) The applicant submits more than one application to hunt for the same species of wildlife during the same year, unless such an application is specifically authorized by the commission. If such an application to hunt is not authorized, all applications to hunt for the same species that are submitted by the applicant will be rejected.

(j) The applicant fails to comply with the provisions of NRS 502.330.

(k) The master guide named in the application is not licensed for each management area or unit named in the application *or he fails to specify or incorrectly specifies his master guide license number on the application.*

(l) The applicant or master guide provides any false information on the application.

(m) The applicant and the master guide named in the application are the same person.

(n) The applicant holds a license as a subguide issued by the division which authorizes the applicant to guide for deer in the management area or unit for which he is applying for a restricted nonresident deer tag.

(o) The applicant is otherwise ineligible to apply for the tag.

2. Except as otherwise provided in NAC 502.42375 and 502.42377, if an application is rejected by the division pursuant to this section, the application must not be included in the procedure for awarding tags.