

LCB File No. R168-99

**PROPOSED REGULATION OF THE BOARD OF
WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 286**

**NOTICE OF HEARING FOR ADOPTION OF REGULATIONS OF THE
STATE OF NEVADA BOARD OF WILDLIFE COMMISSIONERS**

The Board of Wildlife Commissioners will hold a public hearing at 9:00 a.m. on November 6, 1999, at the Clark County Library, 25 E. Shelbourne Avenue, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations. 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.

Commission General Regulation Number 286: Amends Chapter 502 to add new language to convert existing bonus points by hunt to bonus points by species and physical characteristics. Adds definitions for “antlerless elk” and “bulls only” Amends in several sections to replace “animal” with “mammal”; to correct the citation reference for resident Indians and further defines special seasons to include type of hunt. Amends NAC 502.105 to add criteria to type of hunt. Amends NAC 502.4175 application withdrawal procedure and to allow up to five hunter choices per type of hunt for a special season except for Rocky Mountain goat. Amends NAC 502.4185 to clarify party applications as they pertain to the junior hunt. Amends NAC 502.4187 to award bonus points by species and physical characteristics. Amends NAC 502.4205 to exempt elk incentive tags from special seasons. Amends applicable Restricted Nonresident Deer regulations to be consistent with the amended special seasons regulations. Repeals NAC 502.103 for “trophy hunt”.

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.

A copy of the regulations to be adopted will be on file at the State Library, 401 N. Carson Street, Carson City, Nevada and each county main library, for inspection by members of the public during business hours. Additional copies of the regulations to be Adopted will be available at the Division of Wildlife, 1100 Valley Road, Reno, Nevada, for inspection and copying by members of the public during business hours. 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.

These regulations are available for inspection at the following locations:

Nevada Division of Wildlife's:

Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region
1375 Mt. City Highway
Elko, NV 89801
(775) 738-5332

Southern Region
4747 W. Vegas Drive
Las Vegas, Nevada 89108
(702) 486-5127

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Suzanne Scourby, in writing, at the Nevada Division of Wildlife, P.O. Box 10678, Reno, Nevada 89520, or call Suzanne, at 688-1500, as soon as possible.

David K. Rice /s/
David K. Rice, Acting Secretary
Board of Wildlife Commissioners

Publish: October 6, 1999
Reno Gazette-Journal; Elko Daily Free Press; Las Vegas Review Journal

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

NOTICE OF INTENT TO ACT UPON A REGULATION

The Board of Wildlife Commissioners will hold a public hearing Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 286 pertaining to Chapter 502 of the Nevada Administrative Code.

1. **The need for and purpose of the proposed regulation:** At the direction of the Board of Wildlife Commission to change the bonus point regulation and other application hunt issues.
2. **Text of the proposed regulation:** see attached.
- 3A. **The estimated economic effect of the regulation on the business which it is to regulate:**
 - (a) Adverse effect – None, not applicable
 - (b) Beneficial effect – None, not applicable
 - (c) Immediate effect – None, not applicable
 - (d) Long-term effect – None, not applicable
- B. **The estimated economic effect of the regulation on the public which it is to regulate:**
 - (a) Adverse effect – None
 - (b) Beneficial effect – None
 - (c) Immediate effect – None
 - (d) Long-term effect – None
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 _____ Does _____ Does not overlap or duplicate a federal regulation. If it does the name of the regulating federal agency is _____ . 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:
 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 at the following locations:

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

Western Region
 380 W. "B" Street
 Fallon, NV 89406
 (775) 423-3171

Eastern Region
 1375 Mt. City Highway
 Elko, NV 89801
 (775) 738-5332

Southern Region
 4747 W. Vegas Drive
 Las Vegas, Nevada 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 Counsel 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.

David K. Rice /s/
David K. Rice, Acting Secretary
Board of Wildlife Commissioners

Published: October 6, 1999
Reno Gazette-Journal
Elko Daily Free Press
Las Vegas Review Journal

**PROPOSED REGULATION OF THE BOARD OF
WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 286**

Authority: NRS 501.181

Notice of Intent:

Commission Approval:

Workshop Date: November 5, 1999

Explanation: Amends Chapter 502 to add new language to convert existing bonus points by hunt to bonus points by species and physical characteristics. Adds definitions for “antlerless elk” and “bulls only” Amends in several sections to replace “animal” with “mammal”; to correct the citation reference for resident Indians and further defines special seasons to include type of hunt. Amends NAC 502.105 to add criteria to type of hunt. Amends NAC 502.4175 application withdrawal procedure and to allow up to five hunter choices per type of hunt for a special season except for Rocky Mountain goat. Amends NAC 502.4185 to clarify party applications as they pertain to the junior hunt. Amends NAC 502.4187 to award bonus points by species and physical characteristics. Amends NAC 502.4205 to exempt elk incentive tags from special seasons. Amends applicable Restricted Nonresident Deer regulations to be consistent with the amended special seasons regulations. Repeals NAC 502.103 for “trophy hunt”.

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

Section 1. *Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this regulation.*

Sec. 2. *1. A person’s existing bonus points earned by type of hunt will be converted into bonus points by species and subspecies physical characteristic categories as follows:*

(a) Antlered mule deer, antlerless mule deer, or any mule deer;

(b) Antlered Rocky Mountain elk, antlerless Rocky Mountain elk, or any Rocky Mountain elk;

(c) Pronghorned antelope with horns longer than ears, or pronghorned antelope with horns shorter than ears;

(d) Any desert bighorn sheep ram;

(e) Any California bighorn sheep ram;

(f) Any Rocky Mountain bighorn sheep ram;

(g) Any mountain goat;

2. A person's bonus points awarded by type of hunt prior to the effective date of this regulation will be totaled by species category not to exceed the maximum number of years of the bonus point program. A person's bonus points awarded prior to the effective date of this regulation for wild turkey, swan, and depredation hunts for special seasons will retain bonus points by hunt number. This section to sunset December 31, 2002.

Sec. 3. *“Antlerless elk” means any Rocky Mountain elk without antlers.*

Sec. 4. *“Bulls only” means any Rocky Mountain elk having at least one antler.*

Sec. 5. NAC 502.020 is hereby amended to read as follows:

502.020 “Big game ~~[animal]~~ *mammal* means any species of prong~~[ed]~~horned antelope, *black* bear, *mule* deer, mountain goat, mountain lion, bighorn sheep or *Rocky Mountain* elk.

Sec. 6 NAC 502.035 is hereby amended to read as follows:

502.035 “Controlled hunt” means any period within a special season designated by the board of wildlife commissioners for the taking of a big game ~~[animal]~~ *mammal* where eligibility and the number of hunters are restricted to a management area or units within a management area.

Sec. 7. NAC 502.050 is hereby amended to read as follows:

502.050 “General hunt” means any period within a regular or special season designated by the board of wildlife commissioners for the taking of a big game ~~[animal]~~ *mammal* with any weapon declared legal.

Sec. 8. NAC 502.100 is hereby amended to read as follows:

502.100 As used in ~~[NAC 502.250]~~ *NRS 502.280*, “Resident Indian” means an Indian who is an enrolled member or eligible to become an enrolled member of a Nevada Indian reservation or colony and who has been physically present in the state of Nevada, with the intention of making Nevada his permanent home for at least 6 months immediately preceding his application for a free hunting and fishing license.

Sec. 9. 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 in any manner from another hunt in ~~[its particular combination of restrictions on]~~ *one or more of the following criterion:*

1. The species to be hunted;

2. *The designation of physical characteristic category of the species to be hunted as follows;*

(a) Antlered mule deer, antlerless mule deer, or any mule deer;

(b) Antlered Rocky Mountain elk, antlerless Rocky Mountain elk, or any Rocky Mountain elk;

(c) Pronghorned antelope with horns longer than ears, or pronghorned antelope with horns shorter than ears;

(d) Any desert bighorn sheep ram;

(e) Any California bighorn sheep ram;

(f) Any Rocky Mountain bighorn sheep ram;

(g) Any mountain goat;

~~[2.]~~ 3. The weapons to be used;

~~[3.]~~ 4. The residency of applicants; and

~~[4.]~~ 5. The method of drawing applications for the award of tags.

Sec. 10. NAC 502.353 is hereby amended to read as follows:

502.353 1. A nonresident landowner deer tag for the regular season may be issued to any nonresident landowner or to the immediate members of the nonresident landowner's family as provided in NRS 502.230.

2. The lands on which the landowner may hunt deer include only those of which he is the owner and do not include those for which he has a lease, option, rental agreement, grazing permit or other special permit.

3. Before obtaining a nonresident landowner deer tag, the nonresident must obtain a nonresident hunting license. The license may be used to hunt other game ~~[animals]~~ *mammals* or game birds during the open season for nonresidents.

Sec. 11. NAC 502.378 is hereby amended to read as follows:

502.378 1. A tag is required to hunt wild turkey. The fee for a resident tag is \$20. The fee for a nonresident tag is \$50. In addition, a nonrefundable fee ~~[of \$5]~~ will be charged for acting upon each application for a tag *as specified in NAC 502.331*. A person may obtain a form to apply for a tag from a license agent or an office of the division. The form must be completed in accordance with the instructions on the form. The division's award of these tags will be based on a drawing held after the deadline specified on the form.

2. A person, while hunting wild turkey, shall have in his possession:

(a) A valid hunting license; and

(b) A valid tag to hunt wild turkey issued to him.

3. A hunter who has killed a wild turkey and taken it into his possession shall immediately punch the tag and attach it to the turkey's body as required by NAC 502.390 and 502.400.

Sec. 12. NAC 502.403 is hereby amended to read as follows:

NAC 502.403 1. Except as otherwise provided in this section, a person to whom a game tag has been lawfully issued may, in lieu of obtaining a transportation permit as described in NRS 503.040, use that portion of his game tag designated as the taxidermy record stub in the following manner:

(a) The person may ship by commercial carrier any nonedible game parts taken from the animal lawfully harvested under the authority of the tag to a commercial or noncommercial taxidermist licensed and located in this state. If such parts are placed for shipment, the taxidermy record stub must accompany the shipment.

(b) If the person reaches his place of residence with an animal which has been lawfully harvested under the authority of the tag or delivers the animal to a commercial processor for processing, he may authorize another person to transport any nonedible game parts taken from the animal to a commercial or noncommercial taxidermist licensed and located in this state. The person shall, at the time of making the authorization, print in ink on the taxidermy record stub both the name of the authorized transporter and the date of the authorization. The taxidermy record stub must accompany the transportation of the parts.

(c) The person who is specified on the tag may deliver any nonedible game parts taken from the animal lawfully harvested under the authority of the tag to a commercial or noncommercial taxidermist licensed in any state.

2. Whenever antlers are shipped, transported or delivered in the manner provided in subsection 1, the holder of the game tag shall indicate in ink on the taxidermy record stub the number of both the left and right antler points.

3. If a person who holds a game tag delivers any nonedible game parts of a game ~~[animal]~~ *mammal* which he has lawfully harvested under the authority of the tag to a taxidermist before the carcass of the animal is delivered for processing to a commercial processing plant or before the carcass of the animal is taken to or left at the holder's place of residence, the holder shall obtain from the taxidermist, and the taxidermist shall provide to the holder, an itemized receipt which includes the following printed information:

- (a) The date on which the nonedible game parts were received;
- (b) The species of game from which the nonedible game parts were taken;
- (c) A brief description of each of the nonedible game parts received; and
- (d) The number of antler points, both left and right, if any, of the animal.

Both the holder of the tag and the taxidermist shall sign the receipt. The holder of the tag shall retain possession of the receipt until he acquires physical possession of the nonedible game parts specified in the receipt from the taxidermist to whom the parts were delivered.

4. Except as otherwise provided in this section, a taxidermy record stub may not be used or possessed by any person other than the person to whom the game tag to which the stub is attached was issued.

5. A taxidermy record stub is valid only for the type of hunt, season and animal specified on the tag and may only be used as authorized in this section.

6. Nonedible game parts taken from a harvested game ~~[animal]~~ *mammal* which is required to be presented to a representative of the division for inspection and branding or sealing

may not be shipped, transported or delivered pursuant to the provisions of this section until the animal has been properly inspected and branded or sealed by the division.

7. The provisions of NAC 503.173 do not apply to a person who ships, transports or delivers nonedible game parts in compliance with the provisions of this section.

8. As used in this section, “nonedible game parts” means the hide, head, skull, antlers, horns, paws, hooves or claws of any game ~~[animal]~~ *mammal*. The term does not include the carcass of the animal.

Sec. 13. NAC 502.405 is hereby amended to read as follows:

502.405 1. Unless otherwise provided by an annual regulation of the commission, the questionnaire issued as part of a tag must be properly completed and received by ~~[the Reno office]~~ *state headquarters* of the division no later than 5 p.m. on the last weekday of January following the close of the season to which the tag applies.

2. Any person who fails to return the questionnaire within the period specified or who submits incomplete or false information on the questionnaire will be denied all big game tags for 1 year.

3. Any person who has been denied all big game tags pursuant to the provisions of this section may have those privileges reinstated if he pays to the division an administrative fine of \$50.

Sec. 14. NAC 502.4175 is hereby amended to read as follows:

502.4175 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 will establish the seasons and

quotas for a hunt, and the method for submission and deadline for receipt of applications. An application may be withdrawn after it is received by the division only if the applicant submits to the division before the draw and with sufficient time for processing a written request that includes, without limitation, his client number. *An application cannot be withdrawn if the application is in reject status.* The division shall not consider a withdrawn application in the procedure for awarding tags.

2. Except for mountain goat, the form provided by the division will contain spaces for the applicant to select up to five hunter choices for deer, elk, antelope, three sub-species of bighorn sheep and wild turkey. Applicants for mountain goat will be allowed to select one hunter choice.

~~[2-]~~ 3. 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-]~~ 4. An application to obtain a tag that is issued by random selection 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-served basis may not be submitted by a person who has not yet attained the age of 12 years.

~~[4.]~~ 5. 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. 15. NAC 502.418 is hereby amended to read as follows:

502.418 1. 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, 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 *type of* hunt and a valid hunter choice number for that *type of* hunt. If the applicant specifies 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 the questionnaire required for the previous year pursuant to NAC 502.405, unless he pays the applicable administrative fine not 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, 502.4195 and 502.4197, 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 *type of hunt 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. 16. NAC 502.4185 is hereby amended to read as follows:

502.4185 1. If the division is required, pursuant to NAC 502.418, to reject an application submitted by one member of a party, the division 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.

2. If any member of a party specifies on his application a type of hunt different from that specified by any other member of that party, the applications of every member of that party will be considered solely with respect to the type of hunt for which the division will issue the most tags in the drawing for which the application is submitted. *Except for those party applications that include an application for the junior hunt, then every member of that party will be considered solely with respect to the type of hunt specified other than the junior hunt.*

3. As used in this section, “party” means two or more persons applying together as a group to obtain tags for a *type of hunt for a* special season to hunt deer.

Sec. 17. 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 *type of hunt for a* special season who is unsuccessful shall be awarded a bonus point ~~[for that special season]~~ *by species and physical characteristics. An applicant for depredation hunts will be awarded bonus points by hunt number. An applicant’s bonus points awarded and accumulated for the junior deer hunt will not be carried over into any other deer hunt once the applicant is no longer eligible for the junior hunt.* Regardless of the number of applications to obtain a tag for a *type of hunt for a* special season submitted by a person, the division shall not award him more than one bonus point per *type of hunt for a* special season.

2. A person’s bonus points accumulate until he is successful in drawing a tag for a *type of hunt for a* special season or he fails to apply for a *type of hunt for a* special season for 2 consecutive calendar years during which the *type of hunt for a* special season is open. If an applicant is successful in drawing a tag for a *type of hunt for a* special season or fails to apply

for a *type of hunt for a* special season for 2 consecutive calendar years during which the *type of hunt for a* special season is open, he loses all of his bonus points for that *type of hunt for a* special season. Except under the circumstances described in NAC 502.419 or 502.4195, the rejection of an application pursuant to NAC 502.418 is the equivalent of a failure to apply.

3. If an applicant requests and receives a refund for the value of his hunting license, the division shall not award him a bonus point for any *type of hunt for a* special season applied for during that calendar year.

Sec. 18. NAC 502.4189 is hereby amended to read as follows:

502.4189 1. Each applicant in a drawing for a tag for a *type of hunt for a* special season 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 *type of hunt for a* special season. The applicant’s lowest randomly assigned draw number is the number used for the drawing.

2. Bonus points accumulated by a person for a *type of hunt for a* special season cannot be transferred to any other person or any other *type of hunt for a* 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 the transfer.

3. An application to obtain a tag for a *type of hunt 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. 19. NAC 502.419 is hereby amended to read as follows:

502.419 1. The division is not responsible for third-party errors, including those of a bank or postal service. If an applicant to obtain a tag proves to the satisfaction of the division that the rejection of his 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 division 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 ~~[same hunt]~~ *same type of hunt for a special season*.

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 division or an applicant to obtain a tag, which provides a ground for rejecting an application pursuant to NAC 502.418.

Sec. 20. NAC 502.4195 is hereby amended to read as follows:

502.4195 1. If the division 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 division shall, until the close of the season, issue the remaining tags applied for and then, if there are no further tags available, the division may exceed its quota for the type of hunt to which the application pertains.

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

3. If the division confirms an error on a rejected or incorrectly processed application after the close of all of the *type of hunt for a* special season, the division shall award that applicant a bonus point for the *type of hunt for a* special season for which the application was submitted. The bonus point is not effective until the next drawing for that hunt, and expires upon the expiration of the period for submission of applications for the same hunt in the next open season.

4. If the application was one of two or more applications submitted by a group of persons applying as a party for deer tags, the division shall treat the applicant the same as the remaining members of his party.

Sec. 21. NAC 502.4197 is hereby amended to read as follows:

502.4197 1. The division shall allow an applicant to correct a correctable error in an application for a tag for the main draw if:

(a) The division receives the application and enters the information on the application into the computer on or before the deadline established by the commission for the receipt of applications;

(b) The application contains an error that causes the computer to send to the applicant a letter of rejection and blank correction document; and

(c) The division receives the completed correction document on or before the deadline established by the commission for the receipt of applications.

2. If the division receives the completed correction document on or before the deadline established by the commission for the receipt of applications, the division shall:

(a) Use the information contained in the correction document to update the applicant's file on the computer; and

(b) Consider the applicant in the procedure for awarding a tag.

3. The division shall not consider an applicant in the procedure for awarding a tag if:

(a) The applicant submits a correction document that does not contain information sufficient to correct every error in the application; or

(b) The correction document is not received by the division on or before the deadline established by the commission for the receipt of applications.

4. As used in this section:

(a) "Correctable error" means:

(1) An incorrect or missing date of birth;

(2) An incorrect, invalid or missing number of a hunting license;

(3) An incorrect, invalid or missing hunter choice number;

(4) Failure to specify a ~~hunt~~ *type of hunt for a for a special season*;

(5) Failure to include the proper fee;

(6) Failure of the applicant to sign the application;

(7) If the applicant is less than 18 years of age, failure of his parent or legal guardian to sign the application; or

(8) Failure to complete a course in the responsibilities of hunters as required pursuant to NRS 502.330.

(b) “Main draw” means the draw pursuant to which the greatest number of big game tags are issued to residents and nonresidents.

Sec. 22. NAC 502.4205 is hereby amended to read as follows:

502.4205 1. Except for tags to hunt mountain lions, tags to hunt wild turkey on private lands, damage compensation tags issued pursuant to NAC 502.424 to 502.4268, inclusive, *elk incentive tags issued pursuant NAC 502.42253 to 502.42283, inclusive*, and emergency depredation hunt tags, the division shall award a tag for a *type of hunt for a* special season 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. Each drawing to award tags for a *type of hunt for a* special season is subject to the bonus point program for eligible applicants. The applicant has the burden of proving his eligibility to participate in the bonus point program if the records of the division fail to confirm that eligibility.

Sec. 23. NAC 502.4215 is hereby amended to read as follows:

502.4225 1. An applicant who fails to obtain a tag may obtain a refund of the fee for his hunting license if the license is not a combined hunting and fishing license and he:

- (a) Purchased the license solely to apply for a tag;
- (b) Does no hunting under the authority of the license; and
- (c) Submits the license to the office of the division ~~[in Reno]~~ *state headquarters* on or before ~~[September 1]~~ *the last weekday of August* of the year in which the license was valid. The division shall accept the license only if it is received on or before that date.

2. If an applicant obtains a refund pursuant to the provisions of subsection 1, the applicant will not be awarded any bonus points as provided in NAC 502.4187.

Sec. 24. NAC 502.4231 is hereby amended to read as follows:

502.4231 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 a restricted nonresident deer tag may be withdrawn after it is received by the division only if the applicant submits to the division before the draw and with sufficient time for processing a written request that includes, without limitation, his client number. *An application cannot be withdrawn if the application is in reject status.* The division shall not consider a withdrawn application in the procedure for awarding tags.

2. The form provided by the division will contain spaces for the applicant to select up to five hunter choices for the restricted nonresident deer hunt.

~~2.~~ 3. 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.}~~ 4. All fees submitted with an application must be paid by cashier's check, certified check or money order.

~~{4.}~~ 5. 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. 25. NAC 502.4237 is hereby amended to read as follows:

502.4237 1. If the division conducts a drawing for the issuance of nonresident deer tags pursuant to the provisions of NRS 502.147, the division shall provide to the master guides specified on the applications submitted notification by mail of the date, time and location of the drawing.

2. No more than 30 successfully drawn applications for restricted nonresident deer tags upon which the same master guide is named may be granted by the division. If 30 such applications have been approved by the division, the division shall deny all those applications submitted which exceed that number. An applicant who submits an application which is denied pursuant to this subsection may apply for a nonresident *type of hunt for a* special season deer tag.

Sec. 26. NAC 502.42372 is hereby amended to read as follows:

~~502.42372~~ 1. Except as otherwise provided in NAC 502.423 to 502.4239, inclusive, an applicant for a tag for a restricted nonresident deer hunt who is unsuccessful must be awarded a bonus point for that ~~{hunt}~~ *type of hunt for a special season*.

2. The bonus points awarded to a person for a restricted nonresident deer hunt accumulate until he draws a ~~restricted~~ nonresident deer tag or fails to apply for ~~such~~ a *nonresident deer* tag for 2 consecutive calendar years during which ~~the~~ a ~~restricted~~ nonresident *type of hunt for a special season* is open. If an applicant is successful in drawing a tag for a restricted nonresident deer hunt or fails to apply for ~~such~~ a *nonresident deer* tag for 2 consecutive calendar years during which a ~~restricted~~ nonresident deer hunt is open, he loses all of the bonus points he accumulated for ~~that hunt~~ *that type of hunt for a special season*. Except under the circumstances described in NAC_502.42375 and 502.42377, the rejection of an application pursuant to NAC 502.4235 shall be deemed a failure to apply.

Sec. 27. NAC 502.42377 is hereby amended to read as follows:

502.42377 1. If the division commits an error which results in the rejection or incorrect processing of an application for a restricted nonresident deer tag that has been submitted in compliance with the regulations of the commission, the division shall, if there are tags available for that hunt, issue a tag to the applicant. If no tags are available for that hunt, the division shall award the applicant a bonus point ~~for that hunt~~ *for that type of hunt for a special season*. The bonus point is not effective until the next drawing ~~for a restricted nonresident deer hunt,~~ *for that type of hunt for a special season*, and expires upon the expiration of the period for submission of applications ~~for that hunt~~ *for that type of hunt for a special season* in the next open season.

2. If the application was one of two or more applications submitted by a group of persons applying as a party for restricted nonresident deer tags, the division shall treat the applicant in the same manner as the remaining members of his party.

Sec. 28. NAC 502.4238 is hereby amended to read as follows:

502.4238 1. The division may cancel a restricted nonresident deer tag and provide a refund if the division issues the tag in error.

2. The division shall provide a refund if the holder of a restricted nonresident deer tag:

(a) Dies, as verified by a certificate of death;

(b) Incurs a disability, as verified in writing by a physician, which prevents him from hunting during the season for which the tag was issued; or

(c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his orders or other proof satisfactory to the division, to a location which makes it impracticable for him to hunt in the area for which the tag was issued, and his tag is returned to the division before the opening day of the season for which the tag was issued. If the holder obtained his hunting license with his tag, the hunting license must be returned with the tag. The division shall mail the refund within 90 days after the division receives the tag and the hunting license, if any.

3. If the master guide of a holder of a restricted nonresident deer tag dies or is no longer able to provide guide services because he has failed to renew his master guide license or his license has been revoked, the holder of the tag for whom guide service was to be performed by the master guide may apply to the division for a refund or may retain another master guide who is licensed for the area or unit specified on the tag. Before another master guide may render services as a master guide for the holder of the tag, and before the holder may participate in the restricted nonresident deer hunt for which the tag was issued, the holder of the tag shall provide written notification to the division that he has retained another master guide. The written notification must include:

(a) The reasons for retaining the services of another master guide;

(b) The signatures of the holder of the tag and the new master guide and the date on which the written notification was signed; and

(c) The number of the master guide license of the newly retained master guide.

4. Except as otherwise provided in NAC 502.421, the division is not required to refill a quota for the issuance of restricted nonresident deer tags if the application of this section reduces the number of tags issued to less than that quota.

5. If the division provides a refund pursuant to this section, the division shall return all the fees submitted with the application for the tag except the fee required pursuant to paragraph (c) of subsection 2 of NAC 502.4231.

6. If the division provides a refund to a holder of a restricted nonresident deer tag pursuant to paragraph (b) or (c) of subsection 2 or subsection 3, the division shall award a bonus point to the holder ~~[for the restricted nonresident deer hunt.]~~ *for that type of hunt for a special season.*

Sec. 29. NAC 502.103 is hereby repealed.

~~[502.103 “Trophy hunt” means a general hunt, archery hunt or other designated hunt for antelope, bighorn sheep, elk, mountain goats or mountain lions.]~~