

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

LCB File No. R106-02

July 25, 2002

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

AUTHORITY: §1, NRS 501.105 and 501.181; §2, NRS 501.105, 501.181, 502.130 and 502.160; §3, NRS 501.105, 501.119, 501.181 and 502.160; §§4 and 6-9, NRS 501.105, 501.181 and 502.160; §5, NRS 501.105, 501.181, 502.160 and 502.175.

Section 1. NAC 502.027 is hereby amended to read as follows:

502.027 “Bonus point program” means a method of awarding tags whereby an ~~unsuccessful applicant for~~ *applicant who does not obtain* a tag in 1 or more special seasons is accorded an increased opportunity in a subsequent drawing.

Sec. 2. NAC 502.370 is hereby amended to read as follows:

502.370 1. Unless otherwise specified by regulation of the commission or Title 45 of NRS, any resident of Nevada or nonresident is eligible to ~~apply once for a~~ *obtain not more than two* mountain lion ~~tag~~ *tags* in any year. *A mountain lion tag:*

(a) May be purchased from the division or a license agent;

(b) May be used in any management unit or group of management units in Nevada during any open season established for the management unit or group of management units pursuant to subsection 2; and

(c) Expires upon the termination of all the open seasons established pursuant to subsection 2 for the year for which the tag is issued.

2. *The commission will annually specify the number of mountain lions it determines to be appropriate for harvesting in a management unit or group of management units. The open season for mountain lions in each such management unit or group of management units begins on March 1 and ends on:*

(a) *The last day of the next succeeding February; or*

(b) *The day the division determines that the number of mountain lions harvested in that management unit or group of management units is equal to or greater than the number specified by the commission pursuant to this subsection,*

whichever occurs earlier. The division shall maintain and annually publish a toll-free telephone number for ascertaining whether the division has determined that the number of mountain lions harvested in a management unit or group of management units is equal to or greater than the number specified by the commission pursuant to this subsection.

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3. A person who harvests a mountain lion shall, within 72 hours after harvesting it, personally present the skull and hide to a representative of the division for inspection. The representative shall affix the seal of the division permanently to the hide.

~~[3.]~~ 4. It is unlawful for any person to:

(a) Transport the hide of a mountain lion from this state without a seal permanently affixed to the hide.

(b) Except as otherwise provided in subsection ~~[2.]~~ 3, possess the hide of a mountain lion without a seal permanently attached to it.

(c) Kill a female mountain lion which is accompanied by a spotted kitten.

(d) Kill or possess a spotted mountain lion kitten.

~~[4.]~~ 5. If a mountain lion is accidentally trapped or killed, the person trapping or killing it shall report the trapping or killing within 48 hours to a representative of the division. The animal must be disposed of in accordance with the instructions of the representative.

Sec. 3. 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~~ ~~headquarters of~~ *an independent contractor designated by* the division not later than 5 p.m. on the last weekday of January following the close of the season to which the tag applies. *The division shall annually designate and publish the name and address of an independent contractor for the purpose of this subsection.*

2. ~~Any~~ A 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]~~ *The person* may have those privileges reinstated if he pays to the division an administrative fine of \$50 ~~[.]~~ *for each such questionnaire.*

Sec. 4. 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 application must not be rejected if the applicant 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 unless that information exists in the computer file of the division, in which case the application must not be rejected for that reason.

(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 the species or the category of the species for which the application was submitted 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.

(e) *The application is for a junior hunt and the applicant will attain his 16th birthday before the end of each hunting season to which the application relates.*

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

~~(g)~~ (g) The applicant fails to sign the application.

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

~~(h)~~ (i) 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.

~~(h)~~ (j) 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.

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

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

~~(m)~~ (m) The applicant provides false information on the application.

~~(n)~~ (n) 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 the species or the category of the species for which the application was submitted; and

(c) The nonrefundable application fee for acting upon each application for a tag and the fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat must be retained by the division.

3. If the division rejects an application pursuant to paragraph ~~(g)~~ (h) of subsection 1 because the applicant's bank failed to honor his check or draft for the fees specified in that paragraph, the applicant is ineligible to receive or exercise any privilege conferred upon him pursuant to Title 45 of NRS until the division receives:

(a) The nonrefundable application fee for acting upon the application;

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

(c) The fee for the returned check or draft specified in NAC 502.119. The division shall, until the fee is paid, indicate that the applicant owes the fee in the file of the applicant maintained by the division.

Sec. 5. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. *During a calendar year in which a special season is open for a type of hunt, a person who is eligible to apply for a tag for that hunt may, if the person does not apply for that tag, apply to the division for a bonus point for obtaining a tag for that type of hunt during a subsequent calendar year in which a special season is open for that type of hunt.*

2. Except as otherwise provided in NAC 502.417 to 502.4225, inclusive, ~~an~~ *each* applicant to obtain a tag for a special season who is unsuccessful *and each applicant pursuant to subsection 1* must be awarded a bonus point for:

(a) The hunt number of the species for which he applied if he applied for ~~a~~:

(1) *A tag to hunt swan or wild turkey or ~~for~~ a depredation hunt tag; or*

(2) *A bonus point for obtaining such a tag; or*

(b) The category of the species for which he applied if he applied for ~~a~~:

(1) *A tag to hunt deer, elk, antelope or bighorn sheep ~~;~~; or*

(2) *A bonus point for obtaining such a tag.*

FLUSH Regardless of the number of applications to obtain a tag for a special season *or to obtain a bonus point for such a tag* submitted by a person, the division shall not award him more than one bonus point per special season for each species or category of a species for which the person applied.

~~2.~~ 3. Except as otherwise provided in subsection ~~3.~~ 4, the bonus points awarded to a person accumulate until he is successful in drawing a tag for a special season for that species or category of a species or he fails to apply for a special season for 2 consecutive calendar years during which *a special season is open for* that type of hunt. ~~for a special season is open.~~ If an applicant is successful in drawing a tag for a special season for a species or category of a species or fails to apply for a special season for 2 consecutive calendar years during which *a special*

season is open for that type of hunt , ~~[for a special season is open,]~~ he loses all of his bonus points for that species or category of a species.

~~[3.]~~ 4. A person may not use any bonus points awarded to him for ~~[being unsuccessful in]~~ a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

~~[4.]~~ 5. 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 special season applied for during that calendar year.

Sec. 6. 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 set forth in the correction document.

2. If the division receives the completed correction document on or before the deadline set forth in the correction document, 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 set forth in the correction document.

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 the species or the category of the species for which the application was submitted;

(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. 7. 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,

special incentive elk tags issued pursuant to NAC 502.42253 to 502.42283, inclusive, and emergency depredation hunt tags, the division shall award a tag 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 clock of the computer immediately before commencing the drawing.

2. Each drawing to award tags 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. 8. NAC 502.42372 is hereby amended to read as follows:

502.42372 1. *During a calendar year in which a restricted nonresident deer hunt is open for a category of the species, a person who is eligible to apply for a tag for that hunt may, if the person does not apply for that tag, apply for a bonus point for obtaining a tag for a restricted nonresident deer hunt for that category of the species during a subsequent calendar year in which a restricted nonresident deer hunt is open for that category of the species.*

2. Except as otherwise provided in NAC 502.423 to 502.4239, inclusive, ~~an~~ *each* applicant for a tag for a restricted nonresident deer hunt who is unsuccessful *and each applicant pursuant to subsection 1* must be awarded a bonus point for the category of the species for which the application was submitted.

~~2.~~ 3. The bonus points awarded to a person for a restricted nonresident deer hunt accumulate until he ~~draws~~ :

(a) *Draws* a restricted nonresident deer tag or any other nonresident deer tag for the same category of ~~a~~ *the* species ; or ~~fails~~

(b) *Fails* to apply for such a tag *or for a bonus point for obtaining such a tag* for 2 consecutive calendar years during which a nonresident deer hunt for that category of the species is open.

4. If an applicant ~~is~~:

(a) *Is* successful in drawing a tag for a restricted nonresident deer hunt or any other nonresident deer tag for that category of the species ; or ~~fails~~

(b) *Fails* to apply for such a tag *or for a bonus point for obtaining such a tag* for 2 consecutive calendar years during which a nonresident deer hunt for that category of the species is open,

FLUSH he loses all of the bonus points he accumulated for that category of the species.

Sec. 9. NAC 502.375 is hereby repealed.

TEXT OF REPEALED SECTION

502.375 Mountain lion tags: Sale of unclaimed tags. Any mountain lion tags which have been reserved for nonresidents and are not sold by the opening day of the mountain lion season may then be sold on a first-come, first-served basis to residents who apply for them.