

**ADOPTED REGULATION OF THE BOARD
OF WILDLIFE COMMISSIONERS**

LCB File No. R229-03

Effective March 23, 2004

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

AUTHORITY: §§1-4, 6-8, 11 and 12, NRS 501.105, 501.181 and 502.160; §§5 and 9, NRS 501.105, 501.181, 502.160 and 502.250; §10, NRS 501.105, 501.181 and 502.160.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A person who is at least 12 years of age and does not wish to obtain a tag may apply to the Department for the sole purpose of obtaining a bonus point for a tag other than a restricted nonresident deer tag. Such an application may be submitted by a person who is under 12 years of age if he will attain the age of 12 years before the commencement of the earliest season for the category of the species to which the application relates.*

2. The Department shall award a bonus point to a person described in subsection 1 if the person has complied with all applicable provisions of chapter 502 of NRS and the regulations adopted pursuant thereto.

Sec. 3. *A person may not submit an application for a tag and an application for a bonus point for the same drawing.*

Sec. 4. NAC 502.027 is hereby amended to read as follows:

502.027 “Bonus point program” means a method of awarding tags whereby ~~[an unsuccessful]~~ :

- 1. *An unsuccessful* applicant for a tag in one or more seasons ; *or*
- 2. *An applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of obtaining a bonus point for a tag other than a restricted nonresident deer tag,*

↪ is accorded an increased opportunity for a tag in a subsequent drawing.

Sec. 5. NAC 502.331 is hereby amended to read as follows:

502.331 1. Unless otherwise authorized by the Commission, it is unlawful for any person to obtain more than one tag for an antelope, any subspecies of bighorn sheep, an elk or a mountain goat for a season.

2. An application for a tag *or bonus point* must be:

(a) Completed in accordance with the regulations of the Commission and the instructions on the application.

(b) Made for one applicant only. If two or more persons apply on one application, the application must be rejected.

3. The following nonrefundable fees must be charged for acting upon each application for a tag ~~or~~ *or bonus point*:

- (a) Elk tag.....\$15
- (b) Any other tag, other than a mountain lion tag.....10
- (c) Bonus point.....10*

Sec. 6. NAC 502.416 is hereby amended to read as follows:

502.416 As used in NAC 502.416 to 502.4225, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, ~~["Division"]~~ *“Department”* includes any

independent contractor of the ~~[Division]~~ *Department* acting on behalf of and under the direction of the ~~[Division]~~ *Department* and the agents and employees of the independent contractor.

Sec. 7. NAC 502.417 is hereby amended to read as follows:

502.417 Except as otherwise provided in this chapter, the provisions of NAC 502.416 to 502.4225, inclusive, *and sections 2 and 3 of this regulation* apply to the processing of ~~[applications]~~ :

- 1. Applications* to obtain tags as provided in NRS 502.130 ~~[]~~ ; *and*
- 2. Applications to obtain bonus points for tags as provided in NRS 502.130.*

Sec. 8. NAC 502.4175 is hereby amended to read as follows:

502.4175 1. A person desiring to obtain a tag *or a bonus point without the opportunity to obtain a tag* must apply to the Department on a form provided by the Department that includes spaces for the applicant to:

- (a) Specify his name, address and date of birth;
- (b) Specify the species or category of species for which the applicant is applying;
- (c) ~~[Select:~~

~~—— (1) Not more than five hunter choice numbers if] If~~ the applicant ~~[applies] is applying~~ for a tag to hunt deer, elk, antelope, bighorn sheep or wild turkey ~~[: or~~

~~—— (2) One hunter choice number if], select not more than five hunter choice numbers;~~

(d) If the applicant ~~[applies] is applying~~ for a tag to hunt mountain goat ~~[: and~~
~~—— (d)], select one hunter choice number; and~~

(e) Sign the application or, if the application is submitted electronically, acknowledge the affidavit that is included in the application provided by the Department.

2. *If an applicant desiring to obtain a bonus point without the opportunity to obtain a tag specifies a hunter choice number on his application, the Department shall ignore the specification of the hunter choice number by the applicant and process the application for the bonus point.*

3. An application must include the applicant's social security number or a unique number will be assigned by the Department. The Commission will establish the seasons and quotas for a hunt, and the method for submission and deadline for receipt of applications.

~~3.~~ 4. Except as otherwise provided in this subsection, an application may be withdrawn after it is received by the Department only if the applicant submits to the Department before the draw and with sufficient time for processing a written request that includes, without limitation, his client number. An application may not be withdrawn after the Department has rejected the application. The Department shall not consider a withdrawn application in the procedure for awarding tags ~~;~~

~~—4.~~ *or bonus points.*

5. An applicant must obtain a valid hunting license before submitting his application for a tag ~~;~~ *or bonus point*, except that an applicant may apply for a hunting license when he submits his application for a tag *or bonus point* if the applicant is:

- (a) A resident who submits his applications electronically pursuant to subsection ~~6.~~ 7; or
- (b) A nonresident who submits his applications pursuant to subsection ~~5 or 6.~~

~~5.~~ 6 or 7.

6. Except as otherwise provided in subsection ~~6.~~ 7, an application for a tag *or bonus point* must be accompanied by:

(a) The appropriate fee for the tag, as provided in NRS 502.250 ~~(1)~~, *if the application is for a tag;*

(b) The fee for a hunting license, as provided in NRS 502.240, if the applicant is a nonresident who submits his application for a tag *or bonus point* and has not obtained a hunting license;

(c) The habitat conservation fee, as provided in NRS 502.242, if the applicant is a nonresident who submits his application for a tag *or bonus point* and has not obtained a hunting license;

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

(e) 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 to the cost of processing applications, conducting drawings for tags, *awarding bonus points* and performing such related activities as the Commission may direct.

~~(6)~~ 7. If a resident or nonresident applicant submits his application for a tag *or bonus point* electronically, the application 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, as provided in NRS 502.240, if the application is for ~~(a)~~ :

(1) A tag and the applicant:

~~(1)~~ *(1) Has not obtained a hunting license; and*

~~{2}~~ (II) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn; *or*

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

(d) The habitat conservation fee, as provided in NRS 502.242, if the application is for ~~{a}~~ :

(I) A tag and the applicant:

~~{1}~~ (I) Has not obtained a hunting license; and

~~{2}~~ (II) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn; *or*

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

(e) 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 to the cost of processing applications, conducting drawings for tags , *awarding bonus points* and performing such related activities as the Commission may direct.

~~{7}~~ 8. If an application for a tag specified in subsection ~~{6}~~ 7 is:

(a) Successfully drawn, the Department shall collect from the applicant:

(1) The appropriate fee for the tag as provided in NRS 502.250;

(2) The fee for a hunting license, as provided in NRS 502.240, if the applicant:

(I) Has not obtained a hunting license; and

(II) Indicates on his application that he wishes to purchase the hunting license only if his application is successfully drawn; and

(3) The habitat conservation fee, as provided in NRS 502.242, if the applicant:

(I) Has not obtained a hunting license; and

(II) Indicates on his application that he wishes to purchase the hunting license only if his application is successfully drawn; or

(b) Not successfully drawn, the Department shall collect from the applicant the fee for participating in the partnership in wildlife drawing, as provided in NAC 502.427, if the applicant has indicated on the application that he wishes to participate in that drawing.

~~8.1~~ **9.** 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 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.

~~9.1~~ **10.** The Department and its agents and employees shall not:

(a) Amend or otherwise alter an application to obtain a tag ~~11~~ *or bonus point*.

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

Sec. 9. NAC 502.418 is hereby amended to read as follows:

502.418 1. The Department shall reject an application to obtain a tag *or bonus point* if any of the following occurs:

(a) The applicant fails to specify his name, date of birth, city or state on the application, unless that information exists in the computer file of the Department, 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, unless that information exists in the

computer file of the Department, in which case the application must not be rejected for that reason.

(c) The applicant fails to specify his social security number on his application for a hunting license if:

(1) The application for a hunting license is included with his application for a tag ~~or~~ *or bonus point*; and

(2) The Social Security Administration has issued a social security number to the applicant.

(d) 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 his application for a hunting license.

(e) The applicant fails to specify on the application the species or the category of the species 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.

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

(g) The applicant fails to sign the application.

(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.

(i) The applicant fails to complete and return the questionnaire required 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.

(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) The application is received after the deadline set by the Commission.
- (l) The applicant fails to comply with the provisions of NRS 502.330.
- (m) The applicant provides false information on the application.
- (n) The applicant is otherwise ineligible to apply for the tag ~~H~~ *or bonus point*.

2. Except as otherwise provided in NAC 502.419, 502.4195 and 502.4197, if an application is rejected by the Department 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 *or bonus point* and, *if the application is for a tag*, 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 Department.

3. If the Department rejects an application pursuant to paragraph (h) of subsection 1 because the applicant failed to submit the fees required pursuant to NAC 502.4175 or 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 Department 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, if the bank failed to honor his check or draft for the fees.

4. The Department shall indicate that the applicant owes a fee in the file of the applicant maintained by the Department until the applicant pays all fees owed to the Department.

Sec. 10. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in NAC 502.416 to 502.4225, inclusive, *and sections 2 and 3 of this regulation*, an applicant to obtain a tag for a season who is unsuccessful, *or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point*, must be awarded a bonus point for:

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

(1) Tag to hunt swan;

(2) Tag to hunt wild turkey; ~~for~~

(3) Depredation hunt tag; or

(4) Bonus point for a tag described in subparagraph (1), (2) or (3); or

(b) The category of the species for which he applied if he applied for a tag to hunt deer, elk, mountain goat, antelope or bighorn sheep ~~for~~, *or for a bonus point for such a tag.*

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

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

species or category of a species or fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open, he loses all of his bonus points for that species or category of a species.

3. 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. If an applicant requests and receives a refund for the value of his hunting license, the Department shall not award him a bonus point for any species or category of species applied for during the period that the applicant possessed the hunting license.

Sec. 11. 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 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 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 ~~of~~ the seasons, the Department shall award that applicant a bonus point for the species or the category of the species 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 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 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. 12. NAC 502.4197 is hereby amended to read as follows:

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

(a) The Department receives the application and enters the information on the application into the computer;

(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 Department receives the completed correction document on or before the deadline set forth in the correction document.

2. If the Department receives the completed correction document on or before the deadline set forth in the correction document, the Department 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 Department 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 Department 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 of the applicant to specify his social security number on the application for a hunting license if:

(I) The application is included with his application for a tag ~~Ⓡ~~ *or bonus point*; and

(II) The Social Security Administration has issued a social security number to the applicant;

(6) Failure to include the proper fee;

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

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

(9) 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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R229-03**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R229-03 which pertain to chapter 502 of the Nevada Administrative Code on February 7, 2004.

Notice date: 1/5/2004
Hearing date: 2/7/2004

Date of adoption by agency: 9/27/2003
Filing date: 3/23/2004

INFORMATIONAL STATEMENT

- 1. Description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**
The regulation was mailed to the Board of Wildlife Commissioners and the 17 county advisory boards to manage wildlife. NDOW received one written comment. Public comment is solicited throughout the workshop and meeting to act upon the regulation. Interested persons can obtain a copy of the summary by contracting the NDOW License Office at 688-1510.
- 2. The Number of Persons Who:**
(a) **Attended each hearing:** 100
(b) **Testified at each hearing:** 8
(c) **Submitted to the agency written statements:** 1
- 3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested parties may obtain a copy of the summary.**
The regulation was sent to the Board of Wildlife Commissioners and the 17 county advisory boards to manage wildlife and other interested persons. NDOW received one written response. Interested persons can obtain a copy of the summary by contracting the NDOW License Office at 688-1510.
- 4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
The Board of Wildlife Commissioners approved all sections of the regulation without change as the majority of the testimony was in favor of the regulation.
- 5. The estimated economic effect of the regulations on the businesses they are to regulate and on the public.**
(a) **Estimated economic effect on the businesses which they are to regulate.**
(1) **Adverse - N/A**
(2) **Beneficial - N/A**
(3) **Immediate - N/A**
(4) **Long term - N/A**

(b) Estimated economic effect on the public which they are to regulate.

- (1) Adverse - None**
- (2) Beneficial** - Allows hunters to accumulate bonus points without the opportunity of drawing a tag for the cost of the hunting license and nonrefundable fees.
- (3) Immediate - N/A**
- (4) Long term** - Available for the 2005 hunt year

6. The estimated cost to the agency for enforcement of the proposed regulation: N/A

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. N/A

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions: N/A

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used: None