

**LCB File No. R156-05**

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

(This draft replaces the one posted 9/29/05)

**COMMISSION GENERAL REGULATION 338**

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

The Board of Wildlife Commissioners will hold a public hearing on February 11, 2006, at 8:30 a.m., at the Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 338 (LCB File R156-05) pertaining to Chapter 502 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: (Description of regulation) Makes various changes to Chapter 502 of NAC. Provides for a temporary authorization number for annual licenses or stamps sold via the Internet; amends the fee for applications submitted electronically for big game and bonus points; deletes language regarding cancellation of an unused mountain goat tag. Clarifies the application eligibility and waiting period status of a tagholder who fails to return a hunt questionnaire issued as part of the tag; adds a provision allowing for correction of a hunt questionnaire under certain circumstances; clarifies bonus point regulation information; clarifies how party members from a main draw are displayed on the alternate list; amends tag refund requirements by allowing refunds when immediate family members become disabled or die; amends restricted nonresident guide deer hunt applicant eligibility for subsequent computerized random draws.

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 -- N/A
- (b) Beneficial effect – N/A
- (c) Immediate effect – N/A.
- (d) Long-term effect – N/A

3B. The estimated economic effect of the regulation on the public which it is to regulate:

- (a) Adverse effect – A slight fee increase to nonresident applicants who submit electronic applications for tags and bonus points to more adequately cover processing cost via Internet convenience fee.

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

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

5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates, None. The duplication or overlapping is necessary because N/A. 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, 1100 Valley Road, Reno, Nevada 89512. 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  
(775) 688-1500

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

Eastern Region  
60 Youth Center Road  
Elko, NV 89801  
(775) 738-5332

Southern Region  
4747 Vegas Drive  
Las Vegas, NV 89108  
(702) 486-5127

The regulations will 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 are 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.

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

**COMMISSION GENERAL REGULATION 338**

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

AUTHORITY: 501.119, 501.181, 502.020, 502.030, 502.035, 502.060, 502.130, 502.160,  
502.175, 502.250, 502.253.

NOTICE OF INTENT: December 13, 2005

WORKSHOP DATE: February 3, 2006

COMMISSION APPROVAL DATE: February 4, 2006

EXPLANATION: Makes various changes to Chapter 502 of NAC. Provides for a temporary authorization number for annual licenses or stamps sold via the Internet; amends the fee for applications submitted electronically for big game and bonus points; deletes language regarding cancellation of an unused mountain goat tag. Clarifies the application eligibility and waiting period status of a tagholder who fails to return a hunt questionnaire issued as part of the tag; adds a provision allowing for correction of a hunt questionnaire under certain circumstances; clarifies bonus point regulation information; clarifies how party members from a main draw are displayed on the alternate list; amends tag refund requirements by allowing refunds when immediate family members become disabled or die; amends restricted nonresident guide deer hunt applicant eligibility for subsequent computerized random draws.

**Section 1.** Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

*The Department may issue a temporary authorization number for an annual license or a stamp privilege if such a license or stamp is made available for application and purchase via the Internet or by telephone. The temporary authorization number for each license or stamp privilege is valid for not more than 10 days after the date of issuance.*

*A person using such a temporary authorization number must, upon the request of a law enforcement officer, provide the authorization number and present proof of his identity.*

**Sec. 2.** NAC 502.118 is hereby amended to read as follows:

502.118 1. A payment for any license, permit, tag, certificate of ownership, certificate of number or any other service provided by the Department must be:

(a) Made payable to the Department;

(b) The same method of payment for each transaction;

(c) In the form of:

(1) Cash;

(2) A personal check that is drawn by a drawer who is a resident of this State and that includes on the face of the check the address of the drawer in this State;

(3) If required by the Department, a cashier's check, certified check or money order; or

(4) If an application for the service is submitted electronically, an electronic method of payment that is specified by the Department; and

(d) Paid in United States currency.

2. The Department shall not accept the following forms of payment:

(a) A check or draft that does not comply with subparagraph (2) of paragraph (c) of subsection 1;

(b) A check or draft that is endorsed to a third party; or

(c) A check for a refund that is issued by the Department, if the check is endorsed for payment to the Department.

3. The Department may, in accordance with NRS 353.1465, charge and collect a fee of \$2 for an application that is submitted to the Department electronically *except for those applications submitted electronically for a type of hunt or bonus point for which the Department will charge \$2 for a resident application and \$3.50 for a nonresident application.*

**Sec. 3.** NAC 502.345 is hereby amended to read as follows:

502.345 1. Unless his privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag for one or more of the following subspecies of bighorn sheep:

(a) Nelson bighorn sheep;

(b) California bighorn sheep; or

(c) Rocky Mountain bighorn sheep,

↳ if he did not receive a tag or replacement tag for that subspecies in the previous 5 open seasons or kill a bighorn sheep of that subspecies in the previous 10 open seasons.

2. Except as otherwise provided in subsections 3, 4 or 5, if an applicant, upon a drawing, becomes eligible for a tag for a bighorn sheep in any management area, he or his guide or

subguide who is licensed by this State, must attend an indoctrination course relating to bighorn sheep. The tag will be issued upon the completion of the course.

3. An applicant, upon a drawing, who becomes eligible for a tag for a bighorn sheep in any management area, is not required to attend an indoctrination course if:

(a) Upon a drawing conducted in 1990, or later, he was eligible to draw a tag for a bighorn sheep in any management area; and

(b) He attended and completed an indoctrination course relating to bighorn sheep after the date that he became eligible for the tag.

4. A master guide or subguide licensed by the Department who attends and completes an indoctrination course relating to bighorn sheep in 1998, or later, will not be required to attend another such indoctrination course.

5. ~~{The Director may excuse an applicant who, upon a drawing, becomes eligible for a tag for a bighorn sheep in any management area from attending an indoctrination course relating to bighorn sheep.~~

~~—6.}~~ Any person electing to have a licensed guide or subguide attend the indoctrination course may hunt only under the direct supervision of the guide or subguide who attended the course.

~~{7.}~~ 6. Each hunter shall possess a binocular with a minimum power of 5 magnifications or a spotting scope with a minimum power of 15 magnifications while hunting bighorn sheep.

~~{8.}~~ 7. A person who kills a bighorn sheep regardless of subspecies shall, within 5 days after killing it, personally present the skull and horns of the animal to a representative of the Department for inspection. The inspector shall permanently attach a seal to or permanently brand an identification number on one of the horns. It is unlawful for any person to possess or sell the horns without a seal having been so attached or number so branded.

~~{9.}~~ 8. Any person who transfers ownership of a skull of a bighorn sheep to which a seal has been attached or an identification number has been branded pursuant to this section shall give written notice of the transfer to the Department within 10 days after the transfer.

**Sec. 4.** NAC 502.364 is hereby amended to read as follows:

502.364 1. Before a person may hunt a mountain goat, he must obtain a tag from the Department. Except as otherwise provided by a regulation of the Commission or title 45 of NRS, a person may apply once for a mountain goat tag in any year. Except as otherwise provided by

NRS 502.215 and NAC 502.321, a person who obtains a mountain goat tag or replacement tag for mountain goat may not apply for another mountain goat tag during his lifetime.

2. A person who harvests a mountain goat shall, within 5 days after harvesting it, personally present the skull, hide and any edible portion of the animal, or its carcass to a representative of the Department for inspection.

~~[3. A person who is unsuccessful in harvesting a mountain goat shall, within 5 days after the open season, present the unused tag to a representative of the Department for cancellation. It is unlawful to possess an unused tag that has not been cancelled within 5 days after the season.]~~

**Sec. 5.** NAC 502.405 is hereby amended to read as follows:

502.405 1. Unless otherwise provided by an annual regulation of the Commission, the *properly completed* questionnaire issued as part of a tag *or the information required by such a questionnaire* must be ~~[properly completed and]~~ received by the independent contractor designated by the Department not later than 5 p.m. on the 15th weekday following the close of the season to which the tag applies.

2. The Department shall annually designate and publish the name and address of an independent contractor who will receive the questionnaire *or the information required by the questionnaire* pursuant to subsection 1.

3. A person who fails to return the questionnaire *or the information required by 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. A person who has been denied a tag pursuant to this subsection may have those privileges reinstated if he:

(a) ~~[pays]~~ *Pays* to the Department an administrative fine of \$50 ; *and*

(b) *Submits to the independent contractor designated by the department the completed questionnaire issued as part of the tag or the information required by such questionnaire.*

4. *A person who fails to submit the administrative fine and the completed questionnaire issued as part of a tag or the information required by such questionnaire, for any big game species which has a period of ineligibility based on the harvest of such an animal, by the third Friday in March, pursuant to paragraph (i) of subsection 1 of NAC 502.418, will be treated as if he harvested that species in regards to future application eligibility for that species.*

5. *The Department shall allow an applicant to correct a return card questionnaire if:*

*(a) The independent contractor receives the questionnaire and enters the information on the questionnaire into the computer;*

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

*(c) The independent contractor receives the completed correction document on or before the deadline set forth in the correction document.*

*6. If the independent contractor receives the completed correction document on or before the deadline set forth in the correction document, the independent contractor shall use the information contained in the correction document to update the applicant's file on the computer.*

*7. If the applicant submits a correction document that does not contain information sufficient to correct every error in the questionnaire or the correction document is not received by the independent contractor on or before the deadline set forth in the correction document the questionnaire will be considered incomplete pursuant section 3 of this regulation.*

**Sec. 6.** NAC 502.4177 is hereby amended to read as follows:

502.4177 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. A person who is ineligible to apply for a tag for a game species or subspecies is not eligible to apply for a bonus point for that species or subspecies.*

~~[2.]~~ **3.** 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. 7.** NAC 502.4179 is hereby amended to read as follows:

502.4179 A person may not submit an application for a ~~[tag]~~:

*(a) Tag and an application for a bonus point for the same category of species in the same drawing , or*

*(b) For a bonus point in a subsequent drawing if a tag or bonus point was obtained in that species category in a previous drawing that year unless authorized by the commission.*



**Sec. 8.** NAC 502.421 is hereby amended to read as follows:

502.421 1. The Department shall cause the computer to generate an alternate list for tags after the drawing for a hunt is completed. Even if the first person selected for an alternate list has the same drawing number as the last person selected to receive a tag in the drawing, the Department shall accept those selections as final.

2. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for an area and season to less than the quota for that area and season, the Department shall refill the quota by awarding tags:

(a) First, pursuant to NAC 502.4195, from applications rejected because of an error by the Department; and

(b) Then from the alternate list, unless there are fewer than 2 days remaining until the opening day for that season.

3. Except as otherwise provided in subsection 4, in awarding tags from an alternate list for a hunt, the Department shall:

(a) Select the eligible applicant appearing on the list who:

(1) Has the drawing number with the highest priority; and

(2) Indicated as his first choice the area and season for which the quota is being filled;

(b) Attempt to notify that applicant by calling, at least four times over 2 consecutive days, between the hours of 8 a.m. and 9 p.m., the telephone number listed in the records of the Department as the number where he can be reached. If the applicant failed to provide the Department with such a number, or the Department is unable to notify the applicant and obtain his acceptance of the tag, the Department shall bypass his name in favor of the next qualified applicant. The Department shall maintain a documentary record of each attempt to notify an applicant pursuant to this paragraph. The last attempt must be made by an employee of the Department other than an employee who placed any of the first three calls.

↪ *For the purposes of this subsection eligible applicants are displayed on the alternate list as individuals even though they participated in a party for the draw. The order in which party members are displayed on the alternate list is random and final.*

4. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or tag because the method of payment is rejected during the processing of the fee for the license or tag, the Department shall, if more than 2 days remain until

the opening day for the hunt, select an eligible applicant from the alternate list for the hunt and season who:

- (a) Has the drawing number with the highest priority; and
- (b) Has indicated as his first choice the area and season for which the quota is being filled.

5. As used in this section, “drawing number” means a number assigned by the computer to an application to denote the priority it will receive in a drawing.

**Sec. 9.** NAC 502.422 is hereby amended to read as follows:

502.422 1. The Department may cancel a tag and provide a refund if the Department issues the tag in error.

2. The Department shall provide a refund if the holder of a tag:

- (a) ~~[Dies,]~~ *Or a member of his immediate family dies*, as verified by a certificate of death;
  - (b) ~~[Incurs]~~ *Or a member of his immediate family 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 Department, 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 Department before the opening day of the season for which the tag was issued. If the holder was a nonresident who obtained his hunting license with his tag, the hunting license may be returned with the tag. The refund must be mailed within 90 days after the Department receives the tag and, if applicable, the hunting license.

3. If a refund is provided pursuant to this section, the Department shall:

(a) Return all the fees submitted with the application for the tag except the fee required pursuant to NAC 502.331; and

(b) Treat the recipient of the refund, with respect to his eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.

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

*5. As used in this section immediate family means a spouse, parent, or child including a natural, adopted, foster or step-child.*

*6. Paragraph (a) of subsection 2 of this regulation will be retroactive for only 2005 tag holders that meet the requirements of this section. Subsection 6 expires at the deadline of the 2006 big game application period.*

**Sec. 10.** NAC 502.4237 is hereby amended to read as follows:

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

*1.* 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 Department. If 30 such applications have been approved by the Department, the Department shall deny all those applications submitted which exceed that number. An applicant who submits an application which is denied pursuant to this subsection may *not* apply for a nonresident ~~[season]~~ deer tag *in a computerized draw in the same year.*