

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

LCB File No. R068-08

Effective August 26, 2008

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

AUTHORITY: §1, NRS 501.105, 501.181, 502.160 and 502.250.

A REGULATION relating to wildlife; requiring the Department of Wildlife to return the fees submitted for a tag for a subspecies of bighorn sheep or mountain goat under certain circumstances; prohibiting the Department from returning the fees submitted for a tag for antelope, deer or elk under certain circumstances; and providing other matters properly relating thereto.

Section 1. 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) Or a person to whom he is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;

(b) Or a person to whom he is related within the third degree of consanguinity or affinity 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, except as otherwise provided in NAC 502.336, his tag is returned to the Department 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 may be returned with the tag.

3. If a refund is provided pursuant to ~~[this section,]~~ *subsection 1 or 2*, the Department shall:

(a) Return all the fees submitted with the application for the tag except the fees required pursuant to NRS 502.253 and NAC 502.331; and

(b) Except as otherwise provided in subsection 2 of NAC 502.4225, 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. *If a tag for any subspecies of bighorn sheep or mountain goat is returned for a reason other than the reasons set forth in subsection 1 or 2, the Department shall:*

(a) If the tag is received not later than July 15, return all the fees submitted with the application for the tag except the fees required pursuant to NRS 502.253 and NAC 502.331; and

(b) Except as otherwise provided in subsection 2 of NAC 502.4225, 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.

5. *If a tag for antelope, deer or elk is returned for a reason other than the reasons set forth in subsection 1 or 2, and if the tag is received at least 1 day before the opening day of the season for which the tag was issued, the Department:*

(a) Shall, except as otherwise provided in subsection 2 of NAC 502.4225, treat the applicant, 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; and

(b) Shall not:

(1) Return any fee paid for the tag; or

(2) Reissue the tag to a person who is selected for an alternate list pursuant to NAC

502.421.

6. 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.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R068-08

The Board of Wildlife Commissioners adopted regulations assigned as LCB File No. R068-08 which pertains to chapter 503 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary. The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, and other interested persons; presented at a public workshop and at the board of Wildlife Commissioners' public meeting. A summary is available by contacting the Department of Wildlife.

2. The number of persons who:
(a) Attended each hearing: 40
(b) Testified at each hearing: 0
(c) Submitted to the agency written statements: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary: This regulation does not affect businesses. The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, and other interested persons; presented at a public workshop and at the board of Wildlife Commissioners' public meeting. A summary is available by contacting the Department of Wildlife.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change: It was agreeable to all parties.

5. The estimated economic effect of the regulations on the businesses they are to regulate and on the public. N/A

- (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** – N/A
 - (2) **Beneficial** – Under certain circumstances the public would receive a refund.
 - (3) **Immediate** – N/A
 - (4) **Long term** – Under certain circumstances the public would receive a refund.

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:** N/A