

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

LCB File No. R068-08

April 29, 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 elk or deer 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 elk or deer 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.