

**Chapter 502 of NAC**

**LCB File No. T007-08**

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

**NOTICE OF INTENT TO ACT UPON A REGULATION  
Notice of Hearing for The (Adoption/Amendment/Repeal) of Regulations of The  
Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing on November 21-22, 8 a.m., at Las Vegas. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 365 (LCB File No.T007-08) pertaining to Chapter 502 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: (Description of regulation)  
Amend regulation relating to wildlife that provides the Department the ability to address errors, substantiated in the Department records, which affected an applicant's ability to apply for tags or permits or the loss of bonus points due to the error.
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 – N/A
  - (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:  
None.
5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates, \_\_\_\_\_ the duplication or overlapping is necessary because \_\_\_\_\_. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: \_\_\_\_\_. None.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law. None.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: None
8. The proposed regulation establishes a new fee or increases an existing fee:  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) 777-2300

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.

Chapter 502 of NAC

LCB File No. T007-08

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

**COMMISSION GENERAL REGULATION 365**

**Authority:** NRS 501.105, 501.181, 502.250, 502.253.

**Notice of Intent:** September , 2008.

**Workshop Date:** November 21, 2008.

**Commission Approval:** November 22, 2008

**EXPLANATION:** A regulation relating to wildlife that provides the Department the ability to address errors, substantiated in the Department records, which affected an applicant's ability to apply for tags, permits, bonus points or results in the loss of bonus points due to the error.

NOTE: Matter in *italics* is new; matter within brackets **[H]** is to be omitted.

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

**Sec. 2.** *If the Department substantiates in the Department records an error made by the Department that affected the applicant's ability to apply for a tag or bonus point for a species or category of species after the deadline for the application and before the close of the season for a species or category of species, the Department shall;*

*a) treat the applicant with respect to his eligibility and reinstate any bonus points that were on record at the time the error occurred and were reverted to zero due to the error identified in this section and;*

*b) if the applicant intended to apply for a tag, after the applicant purchases the hunting or combination hunting and fishing license, submits the application and the fees pursuant to NRS 502.250, NRS 502.253 and NAC 502.331, issue a tag for a species or category of species to an applicant who, because he was assigned a low draw number, would have been awarded a tag in the drawing to which the application would pertain or*

*c) if the applicant intended to apply for a bonus point after the applicant purchases a hunting or combination hunting and fishing license and submits the fees pursuant to NAC 502.331 for a species or category of species, award a bonus point for that species or category of species. The bonus point would not be effective until the next drawing for that hunt.*

**Sec. 3.** *If the Department substantiates in the Department records an error made by the Department that affected the applicant's ability to apply for tag, permit or bonus point for a species or category of species after the close of season, the Department shall;*

*a) treat the applicant with respect to his eligibility and reinstate any bonus points that were on record at the time the error occurred and were reverted to zero due to the error*

*identified in this section and;*

*b) after the applicant purchases a hunting or combination hunting and fishing license and submits the fee pursuant to NAC 502.331, award that applicant a bonus point for the species or category of species to which that application would pertain. The bonus point would not be effective until the next drawing for that hunt.*

**Sec. 4.** *The Department must receive notification of the error before the expiration of the period for the submission of the applications in the next open season.*