

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

LCB File No. R155-09

November 4, 2009

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

AUTHORITY: §§1-3 and 5, NRS 501.105, 501.181 and 502.160; §4, NRS 501.105, 501.181, 502.030 and 502.160; §6, NRS 501.105, 501.181, 502.030, 502.148, 502.160 and 502.250; §7, NRS 501.105, 501.181, 502.148 and 502.160; §8, NRS 501.105, 501.181, 502.148, 502.160 and 502.250.

A REGULATION relating to wildlife; revising the circumstances under which a person may withdraw an application for a tag, permit or bonus point; authorizing the submission of a new application for a tag, permit or bonus point after withdrawal in certain circumstances; authorizing the electronic application for bonus points after the deadline for the draw in certain circumstances; and providing other matters properly relating thereto.

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. *An application for a tag, permit or bonus point for a species or category of species may be withdrawn after it is received by the Department:*

(a) Electronically, if the application was submitted electronically; or

(b) By submitting a written request to the Department which includes the applicant's client number if the request is received by the Department before the draw and with sufficient time for processing of the request.

2. If an application is submitted electronically and is withdrawn before the deadline for the draw, the applicant may submit a new application for a tag, permit or bonus point for the same species or category of species in that draw by the deadline for the draw.

3. If an application is submitted electronically and is withdrawn after the deadline for the draw, the applicant may submit a new application for a bonus point for the same species or category of species pursuant to section 3 of this regulation.

4. An application may not be withdrawn after the Department has rejected the application.

5. The Department shall not consider a withdrawn application in the procedure for awarding tags or bonus points.

Sec. 3. *An eligible applicant who has submitted an application for a tag, permit or bonus point for a species or category of species and who withdraws the application pursuant to section 2 of this regulation may, within 7 days after the deadline for the draw, electronically submit an application for a bonus point for that species or category of species.*

Sec. 4. 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) If the applicant is applying for a tag to hunt deer, elk, antelope, bighorn sheep, mountain goat or wild turkey, select not more than five hunter choice numbers; and
- (d) 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.

4. The Commission will establish the seasons and quotas for a hunt, and the method for submission and deadline for receipt of applications.

~~[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 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 7; or

(b) A nonresident who submits his applications pursuant to subsection 6 or 7.

6. Except as otherwise provided in subsection 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, 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.

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:

(1) A tag and the applicant:

(I) Has not obtained a hunting license; and

(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:
 - (1) A tag and the applicant:
 - (I) Has not obtained a hunting license; and
 - (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.

8. If an application for a tag specified in subsection 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.

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.

10. The Department and its agents and employees shall not:

(a) Amend or otherwise alter an application to obtain a tag 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. 5. 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 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 comply with the provisions of NAC 502.405, unless, on or before the deadline set forth in that section for the year in which the application is submitted, he pays the applicable administrative fine and submits the properly completed questionnaire issued as part of the tag or the information required by the questionnaire.

(j) ~~The~~ *Except as otherwise provided in section 2 of this regulation, the* applicant submits more than one application to hunt for the same species *or category of 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}~~ *Except as otherwise provided in sections 2 and 3 of this regulation, 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 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. 6. NAC 502.4231 is hereby amended to read as follows:

502.4231 1. A person who wishes to obtain a restricted nonresident deer tag must apply to the Department on a form provided by the Department which includes spaces, boxes or lines for the applicant to:

- (a) Specify his name, address and date of birth;
- (b) Select not more than five hunter choice numbers; and
- (c) Except as otherwise provided in subsection 2, sign the application.

2. If an application is submitted electronically by a master guide for the applicant, the application must include a space, box or line for the master guide to acknowledge the affidavit that:

- (a) Is included in the application provided by the Department;
- (b) Indicates that the master guide has power of attorney to sign the application on behalf of the applicant; and
- (c) Indicates whether the master guide will be guiding on federally administered public lands and, if so, indicates that the master guide possesses a valid special use permit issued by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

3. The Commission will establish the seasons and quotas for a restricted nonresident deer hunt, and the method for submission and deadline for receipt of applications.

4. ~~Except as otherwise provided in this subsection, an application for a restricted nonresident deer tag 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.~~

~~5.]~~ A valid hunting license issued by the Department must be obtained by the applicant before submitting his application, except that an applicant may apply for a hunting license at the time he submits his application. Except as otherwise provided in subsection ~~[6.]~~ 5, the application must be accompanied by:

- (a) The appropriate fee for the tag, as provided in NRS 502.148;
- (b) If the applicant has not obtained a valid hunting license issued by the Department, the fee for the hunting license, as provided in NRS 502.240, and the habitat conservation fee, as provided in NRS 502.242;
- (c) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat; and
- (d) ~~[A fee of \$10,]~~ *The appropriate fee required pursuant to NAC 502.331*, which must be applied by the Department to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the Commission.

~~[6.]~~ 5. If the application is submitted 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) ~~[A fee of \$10,]~~ *The appropriate fee required pursuant to NAC 502.331*, which must be applied by the Department to the cost of processing applications, conducting drawings for tags and for performing other related activities as directed by the Commission;

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

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn; and

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

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn.

~~[7.]~~ **6.** If an application for a tag specified in subsection ~~[6.]~~ **5** is successfully drawn, the Department shall collect from the applicant:

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

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

(1) Has not obtained a hunting license; and

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

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

(1) Has not obtained a hunting license; and

(2) Indicates on his application that he wishes to purchase the hunting license only if his application is successfully drawn.

~~18.1~~ 7. All fees submitted with an application must be paid by:

- (a) A cashier's check;
- (b) A certified check;
- (c) A money order; or
- (d) If the application is submitted electronically, an electronic method of payment that is specified by the Department.

~~19.1~~ 8. The Department and its agents or employees shall not:

- (a) Amend or otherwise alter an application to obtain a restricted nonresident deer tag.
- (b) Issue a restricted nonresident deer tag to an applicant who fails to submit the fees required pursuant to this section.

Sec. 7. NAC 502.4235 is hereby amended to read as follows:

502.4235 1. The Department shall reject an application for a restricted nonresident deer tag if:

- (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 he 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; 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 a valid hunter choice number on the application. 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 or the master guide fails to sign the application.

(h) The applicant fails to submit the fees required pursuant to NAC 502.4231 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 502.4239, unless, on or before the deadline set forth in that section for the year in which the application is submitted, he pays the applicable administrative fine and submits the properly completed questionnaire issued as part of the tag or the information required by the questionnaire.

(j) ~~The~~ *Except as otherwise provided by section 2 of this regulation, 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 to hunt

is not authorized, all applications to hunt for the same species that are submitted by the applicant will be rejected.

(k) The applicant fails to comply with the provisions of NRS 502.330.

(l) The master guide named in the application:

(1) Is not licensed for each wildlife management area or unit named in the application;

(2) Fails to specify or incorrectly specifies on his application the number of his current master guide license; or

(3) If applicable, does not possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

(m) The applicant or master guide provides any false information on the application.

(n) The applicant and the master guide named in the application are the same person.

(o) The applicant holds a license as a subguide issued by the Department which authorizes the applicant to guide for deer in the wildlife management area or unit for which he is applying for a restricted nonresident deer tag.

(p) The applicant is otherwise ineligible to apply for the tag.

2. Except as otherwise provided in NAC 502.42375 and 502.42377, if an application is rejected by the Department pursuant to this section, the application must not be included in the procedure for awarding tags.

3. If the Department rejects an application pursuant to paragraph (h) of subsection 1 because 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. The Department shall, until the fee is paid, indicate that the applicant owes the fee in the file of the applicant maintained by the Department.

Sec. 8. NAC 502.4238 is hereby amended to read as follows:

502.4238 1. The Department may cancel a restricted nonresident deer 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 restricted nonresident deer tag:

- (a) Dies, as verified by a certificate of death;
- (b) 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 obtained his hunting license with his tag, the hunting license must be returned with the tag. The Department shall mail the refund within 90 days after the Department receives the tag and the hunting license, if any.

3. If the master guide of a holder of a restricted nonresident deer tag dies or is no longer able to provide guide services because he has failed to renew his master guide license or his license has been revoked, the holder of the tag for whom guide service was to be performed by the

master guide may apply to the Department for a refund or may retain another master guide who is licensed for the area or unit specified on the tag. Before another master guide may render services as a master guide for the holder of the tag, and before the holder may participate in the restricted nonresident deer hunt for which the tag was issued, the holder of the tag must provide written notification to the Department that he has retained another master guide. The written notification must include:

(a) The reasons for retaining the services of another master guide;

(b) The signatures of the holder of the tag and the new master guide and the date on which the written notification was signed; and

(c) The number of the master guide license of the newly retained master guide.

4. If the Department provides a refund pursuant to this section, the Department shall return all the fees submitted with the application for the tag except the fee required pursuant to paragraph (c) or (d) of subsection ~~5~~ 4 of NAC 502.4231.

5. If the Department provides a refund to a holder of a restricted nonresident deer tag pursuant to paragraph (b) or (c) of subsection 2 or subsection 3, the Department shall award a bonus point to the holder for the category of the species to which the restricted nonresident deer tag applied.

6. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or restricted nonresident deer tag because the method of payment is rejected during the processing of the fee for the license or restricted nonresident deer tag, the Department shall, if more than 2 days remain until the opening day for the restricted nonresident deer hunt and if the master guide designated on the application for the restricted nonresident deer tag is not named on more than 30 successfully drawn applications pursuant to

NAC 502.4237, select an eligible applicant from the alternate list for the restricted nonresident deer hunt who:

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