

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R159-12

COMMISSION GENERAL REGULATION 420

June 20, 2012

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.119, 501.181, 502.160

A REGULATION relating to wildlife amending regulations to automate the selection of alternates when a tag is returned or for emergency depredation hunts. Amend current regulation to allow for those tags returned for any reason to be issued to alternates.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 through 3 of this regulation.

Sec. 2. NAC 502.421. is hereby amended to read as follows:

NAC 502.421 1. The Department shall cause the computer to generate an alternate list for tags after the drawing for a hunt is completed *from those applicants that indicated on their electronic application that they wanted to be on such a list*. 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 or the return of tags pursuant to NAC 502.42695 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) *Issue the tag to* ~~Select~~ the eligible applicant appearing on the list who:

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

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

~~[(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 or she 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 or her acceptance of the tag, the Department shall bypass the applicant's name in favor of the next qualified applicant.]~~ The Department shall maintain a documentary record of each *alternate transaction*. ~~[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.]~~

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 or her first choice the area and season for which the quota is being filled.

5. Eligible applicants will be displayed on the alternate list as individual persons even though they applied for tags as a party in the draw. The order in which such persons are displayed on the alternate list is random and final.

6. 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. 3. NAC 502.422. is hereby amended to read as follows:

NAC 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 the holder is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;
- (b) Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs a disability, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued;
- (c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his or her orders or other proof satisfactory to the Department, to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued; or
- (d) Is a recipient of a Dream Tag issued pursuant to NRS 502.219 and returns the drawn tag to the Department pursuant to NAC 502.42695,

□ and, except as otherwise provided in NAC 502.336, his or her tag is returned to the Department before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with his or her tag, the hunting license may be returned with the tag.

3. If a refund is provided pursuant to 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 or her 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 or her 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 or her 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; ~~for~~

~~(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.