

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

LCB File No. R113-14

Effective June 26, 2015

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

AUTHORITY: §§1-3, NRS 501.105, 501.181 and 502.160.

A REGULATION relating to hunting; revising the requirements for the Department of Wildlife to issue a tag to hunt a species of wildlife after the Department has issued tags for a season to hunt that species of wildlife; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out the provisions of title 45 of NRS governing wildlife. (NRS 501.105, 501.181) Existing law also: (1) requires a person to obtain a tag before hunting any deer, elk, antelope, mountain sheep or bear; (2) requires a person to obtain a tag to hunt any other species of wildlife if the Commission determines that a tag is necessary for correct management of that species; and (3) authorizes the Commission to adopt any regulations necessary relative to the manner of qualifying and applying for tags to hunt a species of wildlife. (NRS 502.130, 502.160) Subject to certain exceptions, existing regulations require the Department of Wildlife to award tags through a random order of selection pursuant to a computerized system of drawing and to award bonus points to an applicant who is unsuccessful in obtaining a tag. (NAC 502.4187, 502.4205) After tags have been issued for a season by using the computerized system of drawing and an alternate list, existing regulations require the Department to: (1) provide all eligible hunters with an opportunity to apply for any remaining tags by mail or electronically; and (2) act upon applications for those tags in the order received. If an applicant is unsuccessful in obtaining such a tag, he or she must not be awarded a bonus point for use in any subsequent drawing to award tags. (NAC 502.4215) **Section 3** of this regulation deletes the requirement that the Department provide a hunter with an opportunity to apply for such a tag by mail and deletes the prohibition against awarding a bonus point to an unsuccessful applicant. Instead, **section 1** of this regulation prohibits a person who is successful in obtaining such a tag for a species or category of a species from losing any bonus point awarded to him or her for that species or category of a species.

Section 1. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in NAC 502.416 to 502.4225, inclusive, an applicant to obtain a tag for a season who is unsuccessful, or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point, must be awarded a bonus point for:

(a) The hunt number of the species for which the applicant applied if he or she applied for a:

(1) Tag to hunt wild turkey; or

(2) Bonus point for a tag described in subparagraph (1); or

(b) The category of the species for which he or she applied if he or she applied for a tag to hunt deer, elk, mountain goat, antelope, black bear or bighorn sheep, or for a bonus point for such a tag.

↳ Regardless of the number of applications to obtain a tag or bonus point for a season submitted by a person, the Department shall not award the person more than one bonus point per season for each species or category of a species for which the person applied.

2. Except as otherwise provided in ~~subsection~~ *subsections 3 and 4*, the bonus points awarded to a person accumulate until the person is successful in drawing a tag for a season for that species or category of a species or the person fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open. If an applicant is successful in drawing a tag for a season for a species or category of a species or fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open, the applicant loses all of his or her bonus points for that species or category of a species.

3. Except as otherwise provided in NAC 502.4189, a person may not use any bonus points awarded to the person for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

4. *If a person is successful in obtaining a tag for a species or category of a species pursuant to NAC 502.4215, he or she must not lose any bonus point awarded to him or her for that species or category of a species.*

5. If an applicant requests and receives a refund for the value of his or her hunting license, the Department shall not award the applicant a bonus point for any species or category of species applied for during the period that the applicant possessed the hunting license.

~~5.6.~~ 6. The Department shall not award bonus points for depredation hunts or management hunts.

~~6.7.~~ 7. As used in this section, “management hunt” means a hunt established to seek the harvest of additional wildlife within a population.

Sec. 2. NAC 502.4205 is hereby amended to read as follows:

502.4205 1. Except for damage compensation tags issued pursuant to NAC 502.424 to 502.4268, inclusive, special incentive elk tags issued pursuant to NAC 502.42253 to 502.42283, inclusive, ~~and~~ emergency depredation hunt tags ~~and~~ *and tags awarded pursuant to NAC 502.4215*, the Department shall award a tag for a season through a random order of selection conducted pursuant to a computerized system of drawing. The selection must begin with a number established by the hours, minutes, seconds and hundredths of a second set forth on the clock of the computer immediately before commencing the drawing.

2. Each drawing to award tags for a season is subject to the bonus point program for eligible applicants. The applicant has the burden of proving his or her eligibility to participate in the bonus point program if the records of the Department fail to confirm that eligibility.

Sec. 3. NAC 502.4215 is hereby amended to read as follows:

502.4215 After tags have been issued for a season by using the computerized system of drawing and alternate list, the Department shall provide all eligible hunters with an opportunity to apply for any remaining tags ~~{by mail or}~~ electronically. The Department shall act upon applications for those tags in the order received. ~~{An applicant who is unsuccessful in obtaining a tag pursuant to this section must not be awarded a bonus point for use in any subsequent drawing to award tags.}~~

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement**

**LCB File No.– R113-14
CGR Number - 453
First Come First Serve Bonus Point Program Amendment**

1. A clear and concise explanation of the need for the adopted regulation.

Sportsmen communicated their concerns to the Department regarding the loss of bonus points as a result of obtaining a first come, first serve (FCFS) tag. Nevada Administrative Code requires bonus points to be lost if a tag is issued in a bonus point species category, regardless of what draw it is issued through.

The FCFS tag draw is an opportunity for applicants to apply for tags leftover from the remaining draw, and any tags available in the second draw are tags left over from the main or “big game” draw. As stated before the award of a tag through the FCFS draw results in the loss of accumulated bonus points for that species category just like if it was issued through earlier draws the main draw and the remaining tag draw.

Since FCFS tags are undersubscribed tags generally in the archery weapon class hunts or the junior hunt, potential hunters that may be interested in these tags are not willing to lose their bonus points they have earned by not being successful in drawing in their more desired choices.

By removing the loss of bonus points from the FCFS draw hunters are provided an opportunity to hunt and maintain their points for the following year. In addition to having these tags issued and not go unsold assists the Department in reaching their management goals.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Public comment regarding the topic was solicited through several public meetings with the Board of Wildlife Commission Tag Allocation and Application Hunt Committee (TAAHC) in August of 2013, October 2013 and in April 2014. Public comment was then solicited regarding the amended language at the County Wildlife Advisory Board meetings and the Board of Wildlife Commission workshop of the amended language in November 2014 and the hearing in March 2015. The County Wildlife Advisory Board public response was split but more in support than opposed. At the hearing the response was in support with one public comment requesting an exception for the junior hunt to be excluded from the change.

3. **The number of persons who:**
- (a) **Attended each hearing: 14 Workshop 15 Hearing**
 - (b) **Testified at each hearing: 4 Workshop 5 Hearing**
 - (c) **Submitted written comments: 1 Public Comment 1**
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
- (a) Name; Stanley Zuber, Vice Chair
 - (b) Telephone number; 775-882-9027
 - (c) Business address; 2509 Gentry Lane, Carson City, NV 89701
 - (d) Business telephone number;
 - (e) Electronic mail address; and cast2catch@sbcglobal.net
 - (f) Name of entity or organization represented. Carson City County Advisory Board to Manage Wildlife
- (a) Name; Walt Mandeville, Vice Chair
 - (b) Telephone number; 775-463-4511
 - (c) Business address; 3 North Bybee Lane, Yerington, NV 89477
 - (d) Business telephone number;
 - (e) Electronic mail address; and waltm@mail.com
 - (f) Name of entity or organization represented. Lyon County Advisory Board to Manage Wildlife
- (a) Name; Bert K. Gurr, Member
 - (b) Telephone number; 775-778-5138
 - (c) Business address; PO Box 1446, Elko, NV 89803
 - (d) Business telephone number;
 - (e) Electronic mail address; and bkgurr@gmail.com
 - (f) Name of entity or organization represented. Elko County Advisory Board to Manage Wildlife
- (a) Name; Rex Flowers, Self
 - (b) Telephone number; 775-972-6250
 - (c) Business address; 3280 Sun Cloud Circle, Reno, NV 89506
 - (d) Business telephone number;
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented.
- (a) Name; Mitch Buzetti, Member
 - (b) Telephone number; 775-934-2909
 - (c) Business address; PO Box 28-1251, Lamoille, NV 89828
 - (d) Business telephone number;
 - (e) Electronic mail address; and mitch@nhdo.com
 - (f) Name of entity or organization represented. Elko County Advisory Board to Manage Wildlife

- (a) Name; Bob Rittenhouse
- (b) Telephone number; 209-483-2463
- (c) Business address; 1048 Frieda Lane, Minden, NV 89423
- (d) Business telephone number;
- (e) Electronic mail address; and bkritts@frontier.com
- (f) Name of entity or organization represented. Douglas County Advisory Board to Manage Wildlife

- (a) Name; Doug Martin, Chairman
- (b) Telephone number; 775-901-0453
- (c) Business address; 5000 Gentry Lane, Carson City, NV 89701
- (d) Business telephone number;
- (e) Electronic mail address; and douglas.j.martin@att.net
- (f) Name of entity or organization represented. Carson City County Advisory Board to Manage Wildlife

- (a) Name; John M. Reese, Member
- (b) Telephone number; 702-400-6501
- (c) Business address; 6808 Hazelnut Gardens St., Las Vegas, NV 89131
- (d) Business telephone number;
- (e) Electronic mail address; and mreese@yesco.com
- (f) Name of entity or organization represented. Clark County Advisory Board to Manage Wildlife

- (a) Name; Sean Shea, Chairman
- (b) Telephone number; 775-323-9090
- (c) Business address; 10760 Santa Fe Road, Reno, NV 89508
- (d) Business telephone number;
- (e) Electronic mail address; and sean@theheadmaster.com
- (f) Name of entity or organization represented. Washoe County Advisory board to Manage Wildlife

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

Small businesses were not solicited for comment as this regulation affects the individual sportsman and not small business. The regulation amends the functionality of the big game tag application bonus point program, which affects those sportsmen who participate in the first come first serve remaining tag draw.

Copies of the meeting minutes can be obtained at:

http://www.ndow.org/uploadedFiles/ndoworg/Content/Public_Meetings/Commission/3-Nevada-Board-of-Wildlife-Commissioners-2014-November-Minutes.pdf.

http://www.ndow.org/Public_Meetings/Commission/Agenda/

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
There were no comments by the public or the commission regarding the language amendments when reviewed. The public comments were directed more toward the rationale for the language change.
7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**
 - (a) **Estimated economic effect on the businesses which they are to regulate.**
The regulation does not regulate business but changes the functionality of the bonus point program as it relates to individual sportsman and their loss of bonus points after obtaining a first come first serve tag.
 - (b) **Estimated economic effect on the public which they are to regulate.**
This regulation would provide additional opportunity for a hunter to apply for a tag. If the hunter chooses to apply for those tags, the hunter would pay the statutorily required fees to participate.
8. **The estimated cost to the agency for enforcement of the proposed regulation:**
There will be no additional cost for the agency to enforce this regulation as game wardens are currently enforcing current wildlife laws.
9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
There are no other overlapping local, state, or federal government regulations.
10. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**
There are no federal regulations that regulate this same activity.
11. **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.**
There are no new fees.

/s/
Tony Wasley, Secretary
Board of Wildlife Commissioners

TW:jt