

PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R113-14

COMMISSION GENERAL REGULATION 453

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; regarding making an exception in the bonus point program and not have the loss of bonus points occur in bonus point categories if the applicant is successful in the first come first serve draw for a tag. Tags in the first come first serve draw are unissued tags after the big game tag draw and subsequent remaining tag draw where bonus points are lost for those categories when an applicant is successful in obtaining a tag.

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 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 a category of species in a first come first serve draw the applicant will not lose their bonus points that have been accumulated for that species or category of 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.

6. ~~15~~. The Department shall not award bonus points for depredation hunts or management hunts.

7. ~~16~~. 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:

NAC 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, 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:

NAC 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.]~~

**NEVADA DEPARTMENT OF WILDLIFE
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 TBA. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation 453 (LCB File No. R113-14) pertaining to Chapter 502 of the Nevada Administrative Code.

- 1) The need for and purpose of the proposed regulation: (Description of regulation)

Currently sportsmen, who receive big game tags in the first come first serve draws, lose bonus points for those categories. These are tags remaining after the first main tag draw and subsequent remaining tag second draws. Often these tags are for less popular seasons and areas. Sportsmen through the Commission have asked that if a person is successful in obtaining a tag for a species or a category of species in a first come first serve draw that the applicant will not lose their bonus points that have accumulated for that species or category of species.

- 2) Text of the proposed regulation:

See attached regulation.

- 3) Will this regulation likely impose a direct and significant economic burden upon small business?

No, this regulation would not impose a direct and significant economic burden on 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.

- 4) Will this regulation directly restrict formation, operation or expansion of small business?

No, this regulation would not restrict formation, operation or expansion of small business. This regulation affects those sportsmen who participate in the first come first serve remaining tag draw.

- 5) Describe how the concerted effort was made to determine the business impact:

This regulation does not affect business.

6A. Describe the estimated economic effect of the regulation on the business which it is to regulate:

(i) Adverse effect – There is no adverse effect on business.

(ii) Beneficial effect – There is no adverse effect on business.

6B. Describe the estimated economic effect of the regulation on the public which it is to regulate:

(i) Adverse effect – This regulation would provide additional opportunity for a hunter to apply for a tag. If they choose to apply for those tags the hunter would pay the required statutorily required fees to participate.

(ii) Beneficial effect – No beneficial economic impact on the public.

7) Describe the method used to calculate the financial impact (positive, negative, or none) on small businesses:

No affect on small business.

8) The name of the person(s) conducting the analysis of the likely impact of the proposed regulation:

Maureen Hullinger. Management Analyst III, Operations Division, License Office

9) Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:

Enforcement costs fall within the current duties of the Department.

A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates This regulation does not overlap or duplicate any other state or local government regulation, the duplication or overlapping is necessary because This does not apply in the case of this regulation.

If the proposed regulation overlaps or duplicates a federal regulation what is the name of the regulatory federal agency?

This regulation does not overlap or duplicate any federal regulation.

10) If the regulation is required pursuant to federal law provide, a citation and description of the federal law.

The regulation is not required by federal law.

- 11) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:

There is not a federal regulation that regulates this activity.

- 12) The proposed regulation establishes a new fee or increases an existing fee: X No
 Yes

This statement shall be made available to the public at least 15 days before the public workshop.

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 – Law Enforcement 1100 Valley Road Reno, Nevada (775) 688-1549	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 Counsel 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.

It is our belief that a concerted effort has been made by NDOW to determine the impact of the proposed regulation on small businesses and the information contained in this statement is accurate.

This notice of hearing has been posted at the above locations.

Tony Wasley, Secretary
Board of Wildlife Commissioners

TW:jt