

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

LCB File No. R113-14

July 18, 2014

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.

~~5.1~~ 6. The Department shall not award bonus points for depredation hunts or management hunts.

~~6.1~~ 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.}~~