

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

LCB File No. R104-16

Effective December 21, 2016

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

AUTHORITY: §1, NRS 501.105, 501.181, 502.160 and 502.175.

A REGULATION relating to hunting; revising provisions governing the transfer of certain bonus points accumulated by a person; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing regulations provide for the accumulation of bonus points by a person who applies for certain drawings for tags required for hunting certain species. (NAC 502.027, 502.4187) Such bonus points accumulate and give the person a mathematical advantage in subsequent drawings for a tag. Under existing regulations, a person who changes his or her state of residence may request a transfer of any accumulated bonus points to himself or herself as a resident or nonresident of this State, as appropriate. (NAC 502.4189) This regulation makes such a transfer automatic upon the person’s change of residence.

Section 1. NAC 502.4189 is hereby amended to read as follows:

502.4189 1. Each applicant in a drawing for a tag for a season receives a number of additional draw numbers that is equal to the number of bonus points that he or she has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where “n” is the number of additional draw numbers and “b” is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for the species or

category of the species for which the application was submitted. The applicant's lowest randomly assigned draw number is the number used for the drawing.

2. Except as otherwise provided in subsection 5, bonus points accumulated by a person for a species or category of species cannot be transferred to any other person or any other species or category of species.

3. ~~{An}~~ *Any bonus points accumulated by an* applicant ~~{may transfer bonus points to himself or herself as a resident or nonresident of this State, as appropriate, if:~~

~~—(a) The} *automatically transfer with the applicant if the* applicant changes his or her state of residence . ~~†~~~~

~~—(b) The applicant requests in writing that the Department transfer those bonus points; and~~

~~—(c) The Department approves the request for the transfer.~~

~~→†~~ Bonus points transferred pursuant to this subsection apply to the same species or category of species to which they applied before the transfer.

4. The number of bonus points applicable to applications submitted by a group pursuant to NAC 502.4185 for tags is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

5. If a person has applied for a junior hunt for deer for 5 years or becomes ineligible to participate in a junior hunt for deer because of his or her age, each unused bonus point accumulated by that person for a junior hunt for deer automatically transfers to the category for antlered mule deer. The provisions of this subsection do not apply to a bonus point accumulated by the person for a junior hunt for deer in a year in which the person also accumulated a bonus point in the category for antlered mule deer.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066**

LCB FILE NO. R104-16

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 502.

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

When applying annually for big game tags applicants earn bonus points when they are unsuccessful in drawing a tag. Accumulation of bonus points for tags for big game species increases an applicant's odds of drawing a tag in the following year. However, accumulated bonus points revert to zero if an applicant fails to apply over two consecutive years. Under existing regulation, a person who changes his or her state of residence may request a transfer of the residency status of any accumulated bonus points, and such a request must be made in writing to the Department. The Department has processed an average of 75 requests per year over the last 3 years. This process has been confusing for some sportsmen which on occasion has resulted in the inadvertent loss of bonus points by some sportsmen. Consequently the department desires to simplify the process by automating the transfer process and therefore eliminating the need to submit the transfer request in writing. This regulation addresses that change.

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 was solicited through a workshop of the regulation which involved the County Advisory Boards to Manage Wildlife (CABMW), the Nevada Board of Wildlife Commission and the public. The regulation workshop occurred during the Commission's August 12, 2016 meeting and there were no public comments at the workshop. The regulation was adopted at the Commission's September 24, 2016 meeting. The only public comment at the September meeting was from the Elko CABMW in support of the regulation change. A summary of public response and minutes of the August 12, 2016 and September 24, 2016 Commission meeting are available at:
http://www.ndow.org/Public_Meetings/Commission/Archive/.

3. The number of persons who:

(a) Attended each hearing: 34 attendees on August 12, 2016; 12 attendees on September 24, 2016.

(b) Testified at each hearing: No testimony on August 12, 2016; 1 person testified at the hearing on September 24, 2016.

(c) Submitted written comments: No written comments were submitted.

4. **For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) Name: Jim Cooney
 - (b) Telephone number: 775-397-2504
 - (c) Business address: 191 Kimberly Ln., Elko, NV 89801
 - (d) Business telephone number: 775-397-2504
 - (e) Electronic mail address: jcooney4@gmail.com
 - (f) Name of entity or organization represented: Elko CABMW

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

Comment was not solicited from businesses because the regulation does not affect businesses. The changes are associated with clients who have bonus points and change their residency status.

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 regarding language changes. The comments were directed toward the bonus point program and loss of points.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) **Estimated effect on business:**
 - 1) **Both adverse and beneficial effects:**

There will be no adverse or beneficial effect on business because it does not regulate the operation of any business.
 - 2) **Both immediate and long-term effects:**

There will be no immediate and long-term effect on business because it does not regulate the operation of any business.
 - (b) **Estimated effect on the public:**
 - 1) **Both adverse and beneficial effects: and**

Economically, applicants would benefit from this regulation by preventing them from inadvertently losing their accumulated bonus points.
 - 2) **Both immediate and long-term effects:**

Simplification of the process would start immediately and the public would benefit long term from the change.

8. **The estimated cost to the agency for enforcement of the adopted regulation:**

The enforcement of the regulation falls within current operations of the department; therefore, there will be no additional costs to the agency above the current legislatively approved budget.

9. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the**

duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

This regulation does not overlap or duplicate any local, state, or federal regulation.

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

This regulation is not more stringent than federal regulation.

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:

This regulation change does not propose new or increased fees.