

LCB File No. T009-04

**PROPOSED TEMPORARY REGULATION OF THE
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 November 6, 2004 at 9:00 a.m., at the Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation CGR 330 (LCB File Temporary Regulation) pertaining to Chapter 502 of the Nevada Administrative Code.

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

To allow active military personnel who have been mobilized and deployed outside the state after receiving a resident big game tag and who have no opportunity to use the tag to receive an identical privilege in the following year.

2. Text of the proposed regulation:

Please see attached.

- 3A. The estimated economic effect of the regulation on the business which it is to regulate:

- (a) Adverse effect - N/A
- (b) Beneficial effect – N/A
- (c) Immediate effect – N/A
- (d) Long-term effect – N/A

- 3B. The estimated economic effect of the regulation on the public which it is to regulate:

- (a) Adverse effect – None
- (b) Beneficial effect – Allows hunting opportunity to servicemen in the following year if they are unable to hunt on a current tag because of deployment to an area outside of the state.
- (c) Immediate effect – Recognizes servicemen deployment and allows another opportunity for hunting in the following year.
- (d) Long-term effect – Recognizes servicemen deployment and allows another opportunity for hunting in the following year.

4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:

Unknown.

5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates, None. The duplication or overlapping is necessary because N/A. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: N/A.

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

N/A.

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

N/A.

8. The proposed regulation establishes a new fee or increases an existing fee: X No ___Yes

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
1100 Valley Road
Reno, Nevada
(775) 688-1500

Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region
1375 Mt. City Highway
Elko, NV 89801
(775) 738-5332

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 Council 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.

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

LCB File No. T009-04

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

COMMISSION GENERAL REGULATION 330

Authority: NRS 501.105, 501.181, 502.160, 502.250

Notice of Intent:

Workshop Date: November 5, 2004

Adoption Date: November 6, 2004

Explanation: The proposed regulation would allow active military personnel who have been mobilized and deployed outside the state after receiving a resident big game tag to receive an identical privilege in the following year.

Note: Mater in *italics* is new; matter within **brackets** **[]** is to be omitted.

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

Sec. 2. 1. *Active duty military personnel mobilized and deployed outside of Nevada after receiving a resident big game tag may return the tag for refund as provided in NAC 502.422 and may request the tag privilege be deferred for an identical privilege for the following hunt year without entering that year's big game tag drawing. In addition, the person can return the hunting license at the same time for a refund as long as the person did no hunting under the authority of the license.*

2. *To be eligible for the tag deferment for the following year, the active duty military personnel must:*

(a) Provide a copy of his orders or other proof satisfactory to the Department; and

(b) Specify in writing his desire for the deferment of his tag in the following year at the time he requests a refund for his tag and hunting license, if applicable; and

(c) Submits in the following year the appropriate hunting license fee, if the person has not already obtained a valid hunting license, and the tag, nonrefundable application and predator fees before the Department will issue the tag and license.

3. The tag and hunting license must be returned to the Department before the opening day of the season for which the tag was issued, except if the person can show to the Department satisfactory proof that he was deployed outside the area prior to the opening of the season and had no opportunity to hunt under the authority of the tag and license in which case the tag and license must be returned prior to the close of the season.

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

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) Dies, as verified by a certificate of death;

(b) Incurs a disability, as verified in writing by a physician, which prevents him from hunting during the season for which the tag was issued; or

(c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his orders or other proof satisfactory to the Department, to a location which makes it impracticable for him to hunt in the area for which the tag was issued,

↪ and his tag is returned to the Department before the opening day of the season for which the tag was issued *except as otherwise provided in section 2, subsection 3 of this regulation.* If the holder ~~[was a nonresident who]~~ obtained his hunting license with his tag, the hunting license may be returned with the tag. ~~[The refund must be mailed within 90 days after the Department receives the tag and, if applicable, the hunting license.]~~

3. If a *tag* refund is provided pursuant to this section, the Department shall:

(a) Return all the fees submitted with the application for the tag except the ~~fee~~ *fees* required pursuant to *NRS 502.253 and* NAC 502.331; and

(b) Treat the recipient of the refund, with respect to his 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 *except as otherwise provided in NAC 502.4225 subsection 2.*

4. 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.

Sec. 4. NAC 502.4225 is hereby amended to read as follows:

502.4225. 1. An applicant who fails to obtain a tag may obtain a refund of the fee for his hunting license if the license is not a combined hunting and fishing license and he:

(a) Purchased the license solely to apply for a tag;

(b) Does no hunting under the authority of the license; and

(c) Submits the license to ~~the headquarters of~~ the Department on or before the last weekday of August of the year in which the license was valid. The Department shall accept the license only if it is received on or before that date.

2. If an applicant obtains a refund pursuant to the provisions of subsection 1, the applicant will not be awarded any bonus points as provided in NAC 502.4187.