

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

LCB File No. R156-05

January 26, 2006

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

AUTHORITY: §1, NRS 501.105 and 501.181; §2, NRS 353.1465, 501.105 and 501.181; §§3-8 and 11, NRS 501.105, 501.181 and 502.160; §9, NRS 501.105, 501.181, 502.160 and 502.175; §10, NRS 501.105, 501.181, 502.160 and 502.250.

A REGULATION relating to wildlife; providing for the issuance of a temporary authorization number for a license or stamp purchased over the Internet or by telephone; revising provisions governing fees; revising provisions governing tags and stamps; and providing other matters properly relating thereto.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department may issue a temporary authorization number for a license or stamp if the license or stamp is made available for application and purchase over the Internet or by telephone. The temporary authorization number for each license or stamp is valid for not more than 10 days after the date of its issuance.

2. Upon the request of a law enforcement officer, a person who uses a temporary authorization number shall specify the authorization number and present proof of his identity.

Sec. 2. NAC 502.118 is hereby amended to read as follows:

502.118 1. A payment for any license, permit, tag, certificate of ownership, certificate of number or any other service provided by the Department must be:

(a) Made payable to the Department;

(b) The same method of payment for each transaction;

(c) In the form of:

(1) Cash;

(2) A personal check that is drawn by a drawer who is a resident of this State and that includes on the face of the check the address of the drawer in this State;

(3) If required by the Department, a cashier's check, certified check or money order; or

(4) If an application for the service is submitted electronically, an electronic method of payment that is specified by the Department; and

(d) Paid in United States currency.

2. The Department shall not accept the following forms of payment:

(a) A check or draft that does not comply with subparagraph (2) of paragraph (c) of subsection 1;

(b) A check or draft that is endorsed to a third party; or

(c) A check for a refund that is issued by the Department, if the check is endorsed for payment to the Department.

3. The Department may, in accordance with NRS 353.1465, charge and collect a fee ~~of~~:

(a) Of \$2 for an application that is submitted to the Department electronically ~~by~~ by a resident of this State.

(b) Of \$3.50 for an application that is submitted to the Department electronically by a nonresident of this State.

Sec. 3. NAC 502.345 is hereby amended to read as follows:

502.345 1. Unless his privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag for one or more of the following subspecies of bighorn sheep:

- (a) Nelson bighorn sheep;
- (b) California bighorn sheep; or
- (c) Rocky Mountain bighorn sheep,

↳ if he did not receive a tag or replacement tag for that subspecies in the previous 5 open seasons or kill a bighorn sheep of that subspecies in the previous 10 open seasons.

2. Except as otherwise provided in ~~subsections 3, 4 or 5,~~ *subsection 3 or 4*, if an applicant, upon a drawing, becomes eligible for a tag for a bighorn sheep in any management area, he or his guide or subguide who is licensed by this State, must attend an indoctrination course relating to bighorn sheep. The tag will be issued upon the completion of the course.

3. An applicant, upon a drawing, who becomes eligible for a tag for a bighorn sheep in any management area, is not required to attend an indoctrination course if:

- (a) Upon a drawing conducted in 1990, or later, he was eligible to draw a tag for a bighorn sheep in any management area; and
- (b) He attended and completed an indoctrination course relating to bighorn sheep after the date that he became eligible for the tag.

4. A master guide or subguide licensed by the Department who attends and completes an indoctrination course relating to bighorn sheep in 1998, or later, will not be required to attend another such indoctrination course.

5. ~~{The Director may excuse an applicant who, upon a drawing, becomes eligible for a tag for a bighorn sheep in any management area from attending an indoctrination course relating to bighorn sheep.~~

~~—6.}~~ Any person electing to have a licensed guide or subguide attend the indoctrination course may hunt only under the direct supervision of the guide or subguide who attended the course.

~~{7.}~~ 6. Each hunter shall possess a binocular with a minimum power of 5 magnifications or a spotting scope with a minimum power of 15 magnifications while hunting bighorn sheep.

~~{8.}~~ 7. A person who kills a bighorn sheep regardless of subspecies shall, within 5 days after killing it, personally present the skull and horns of the animal to a representative of the Department for inspection. The inspector shall permanently attach a seal to or permanently brand an identification number on one of the horns. It is unlawful for any person to possess or sell the horns without a seal having been so attached or number so branded.

~~{9.}~~ 8. Any person who transfers ownership of a skull of a bighorn sheep to which a seal has been attached or an identification number has been branded pursuant to this section shall give written notice of the transfer to the Department within 10 days after the transfer.

Sec. 4. NAC 502.364 is hereby amended to read as follows:

502.364 1. Before a person may hunt a mountain goat, he must obtain a tag from the Department. Except as otherwise provided by a regulation of the Commission or title 45 of NRS, a person may apply once for a mountain goat tag in any year. Except as otherwise provided by NRS 502.215 and NAC 502.321, a person who obtains a mountain goat tag or replacement tag for *a* mountain goat may not apply for another mountain goat tag during his lifetime.

2. A person who harvests a mountain goat shall, within 5 days after harvesting it, personally present the skull, hide and any edible portion of the animal, or its carcass, to a representative of the Department for inspection.

~~{3.— A person who is unsuccessful in harvesting a mountain goat shall, within 5 days after the open season, present the unused tag to a representative of the Department for cancellation. It is unlawful to possess an unused tag that has not been cancelled within 5 days after the season.}~~

Sec. 5. NAC 502.405 is hereby amended to read as follows:

502.405 1. Unless otherwise provided by an annual regulation of the Commission, the *properly completed* questionnaire issued as part of a tag *or the information required by the questionnaire* must be ~~{properly completed and}~~ received by the independent contractor designated by the Department not later than 5 p.m. on the 15th weekday following the close of the season to which the tag applies.

2. The Department shall annually designate and publish the name and address of an independent contractor who will receive the questionnaire *or the information required by the questionnaire* pursuant to subsection 1.

3. A person who fails to return the questionnaire *or the information required by the questionnaire* within the period specified or who submits incomplete or false information on the questionnaire will be denied all big game tags for 1 year. A person who has been denied a tag pursuant to this subsection may have those privileges reinstated if he ~~{pays}~~ :

(a) *Pays* to the Department an administrative fine of \$50 ~~{.}~~; *and*

(b) *Submits to the independent contractor designated by the Department the properly completed questionnaire issued as part of the tag or the information required by the questionnaire.*

4. The Department shall allow an applicant to correct a questionnaire if:

(a) The independent contractor receives the questionnaire and enters the information on the questionnaire into the computer;

(b) The questionnaire contains an error that causes the computer to send to the applicant a letter of rejection and blank correction document; and

(c) The independent contractor receives the completed correction document on or before the deadline set forth in the correction document.

5. If the independent contractor receives the completed correction document on or before the deadline set forth in the correction document, the independent contractor shall use the information contained in the correction document to update the applicant's file on the computer.

6. If the applicant submits a correction document that does not contain information sufficient to correct every error in the questionnaire or the correction document is not received by the independent contractor on or before the deadline set forth in the correction document, the questionnaire will be considered incomplete pursuant to subsection 3.

Sec. 6. NAC 502.4177 is hereby amended to read as follows:

502.4177 1. ~~[A]~~ *Except as otherwise provided in subsection 2, a* person who is at least 12 years of age and does not wish to obtain a tag may apply to the Department for the sole purpose of obtaining a bonus point for a tag other than a restricted nonresident deer tag. Such an application may be submitted by a person who is under 12 years of age if he will attain the age of 12 years before the commencement of the earliest season for the category of the species to which the application relates.

2. *A person who is ineligible to apply for a tag for a category of species may not apply for a bonus point for that category of species.*

3. The Department shall award a bonus point to a person described in subsection 1 if the person has complied with all applicable provisions of chapter 502 of NRS and the regulations adopted pursuant thereto.

Sec. 7. NAC 502.4179 is hereby amended to read as follows:

502.4179 A person may not submit an application for a ~~tag and~~:

1. *Tag and* an application for a bonus point for the same *category or species in the same* drawing.

2. *Bonus point in a subsequent drawing if a tag or bonus point was obtained for that category of species in a previous drawing that year unless authorized by the Commission.*

Sec. 8. NAC 502.418 is hereby amended to read as follows:

502.418 1. The Department shall reject an application to obtain a tag or bonus point if any of the following occurs:

(a) The applicant fails to specify his name, date of birth, city or state on the application, unless that information exists in the computer file of the Department, in which case the application must not be rejected if the applicant has specified his name and client number.

(b) The applicant fails to specify or incorrectly specifies on the application the number of his hunting license and the year the license was issued, unless that information exists in the computer file of the Department, in which case the application must not be rejected for that reason.

(c) The applicant fails to specify his social security number on his application for a hunting license if:

(1) The application for a hunting license is included with his application for a tag or bonus point; and

(2) The Social Security Administration has issued a social security number to the applicant.

(d) An applicant who is at least 12 years of age but not more than 17 years of age fails to obtain the signature of his parent or legal guardian on his application for a hunting license.

(e) The applicant fails to specify on the application the species or the category of the species for which the application was submitted and, if the application is for a tag, a valid hunter choice number for that type of hunt. If the applicant specifies valid and invalid numbers, the Department shall accept the application for the valid numbers only.

(f) The applicant fails to complete the application in a legible manner.

(g) The applicant fails to sign the application.

(h) The applicant fails to submit the fees required pursuant to NAC 502.4175 or his bank fails to honor his check or draft for those fees.

(i) The applicant fails to ~~complete and return the questionnaire required pursuant to~~ *comply with the provisions of* NAC 502.405, unless he pays the applicable administrative fine not later than the third Friday in March of the year in which the application is submitted.

(j) The applicant submits more than one application to hunt for the same species of wildlife during the same year, unless such an application is specifically authorized by the Commission. If such an application is not specifically authorized by the Commission, all applications submitted by the applicant to hunt for the same species must be rejected.

(k) The application is received after the deadline set by the Commission.

(l) The applicant fails to comply with the provisions of NRS 502.330.

(m) The applicant provides false information on the application.

(n) The applicant is otherwise ineligible to apply for the tag or bonus point.

2. Except as otherwise provided in NAC 502.419, 502.4195 and 502.4197, if an application is rejected by the Department pursuant to this section:

(a) The application must not be included in the procedure for awarding tags;

(b) The applicant must not be awarded a bonus point for the bonus point program for the species or the category of the species for which the application was submitted; and

(c) The nonrefundable application fee for acting upon each application for a tag or bonus point and, if the application is for a tag, the fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat must be retained by the Department.

3. If the Department rejects an application pursuant to paragraph (h) of subsection 1 because the applicant failed to submit the fees required pursuant to NAC 502.4175 or the applicant's bank failed to honor his check or draft for the fees specified in that paragraph, the applicant is ineligible to receive or exercise any privilege conferred upon him pursuant to title 45 of NRS until the Department receives:

(a) The nonrefundable application fee for acting upon the application;

(b) The fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat; and

(c) The fee for the returned check or draft specified in NAC 502.119, if the bank failed to honor his check or draft for the fees.

4. The Department shall indicate that the applicant owes a fee in the file of the applicant maintained by the Department until the applicant pays all fees owed to the Department.

Sec. 9. NAC 502.421 is hereby amended to read as follows:

502.421 1. The Department shall cause the computer to generate an alternate list for tags after the drawing for a hunt is completed. Even if the first person selected for an alternate list has the same drawing number as the last person selected to receive a tag in the drawing, the Department shall accept those selections as final.

2. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for an area and season to less than the quota for that area and season, the Department shall refill the quota by awarding tags:

(a) First, pursuant to NAC 502.4195, from applications rejected because of an error by the Department; and

(b) Then from the alternate list, unless there are fewer than 2 days remaining until the opening day for that season.

3. Except as otherwise provided in subsection 4, in awarding tags from an alternate list for a hunt, the Department shall:

(a) Select the eligible applicant appearing on the list who:

(1) Has the drawing number with the highest priority; and

(2) Indicated as his first choice the area and season for which the quota is being filled; and

(b) Attempt to notify that applicant by calling, at least four times over 2 consecutive days, between the hours of 8 a.m. and 9 p.m., the telephone number listed in the records of the Department as the number where he can be reached. If the applicant failed to provide the Department with such a number, or the Department is unable to notify the applicant and obtain his acceptance of the tag, the Department shall bypass his name in favor of the next qualified applicant. The Department shall maintain a documentary record of each attempt to notify an

applicant pursuant to this paragraph. The last attempt must be made by an employee of the Department other than an employee who placed any of the first three calls.

4. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or tag because the method of payment is rejected during the processing of the fee for the license or tag, the Department shall, if more than 2 days remain until the opening day for the hunt, select an eligible applicant from the alternate list for the hunt and season who:

- (a) Has the drawing number with the highest priority; and
- (b) Has indicated as his first choice the area and season for which the quota is being filled.

5. *Eligible applicants will be displayed on the alternate list as individual persons even though they applied for tags as one party in the draw. The order in which such persons are displayed on the alternate list is random and final.*

6. As used in this section, “drawing number” means a number assigned by the computer to an application to denote the priority it will receive in a drawing.

Sec. 10. 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,]~~ *Or a person to whom he is related within the third degree of consanguinity or affinity dies*, as verified by a certificate of death;

(b) ~~[Incurs]~~ *Or a person to whom he is related within the third degree of consanguinity or affinity 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, except as otherwise provided in section 1 of ~~[this regulation.]~~ *LCB File No. R114-05, which was adopted by the Board of Wildlife Commissioners and which was filed with the Secretary of State on October 31, 2005*, his tag is returned to the Department before the opening day of the season for which the tag was issued. If the holder obtained his hunting license with his tag, the hunting license may be returned with the tag.

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

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

(b) Except as otherwise provided in subsection 2 of NAC 502.4225, 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.

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. 11. NAC 502.4237 is hereby amended to read as follows:

502.4237 1. If the Department conducts a drawing for the issuance of nonresident deer tags pursuant to the provisions of NRS 502.147, the Department shall provide to the master guides specified on the applications submitted notification by mail of the date, time and location of the drawing.

2. ~~No~~ *Not* more than 30 successfully drawn applications for restricted nonresident deer tags upon which the same master guide is named may be granted by the Department. If 30 such applications have been approved by the Department, the Department shall deny all ~~those~~ applications submitted which exceed that number. An applicant who submits an application which is denied pursuant to this subsection may *not* apply for a nonresident ~~season~~ deer tag ~~.~~ *in a computerized draw in the same year.*