

LCB File No. R196-09

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

COMMISSION GENERAL REGULATION 354

Initial Guidelines for Silver State Tags

- The Silver State tag draw would occur before the initial big game draw and PIW
- Eligibility restrictions would not apply. Those clients currently in waiting periods would be eligible to apply for Silver State tags.
- There would be a nonrefundable fee to participate. \$15 has been proposed.
- To keep the cost to a minimum there would be an exemption from the application fee established in NAC. Statute indicates a fee not to exceed \$10 MAY be charged for an application for a tag.....
- Drawing a Silver State tag would make that client ineligible to obtain a tag for that species of big game in the initial big game and PIW or subsequent draws that year except where authorized by the Commission (NAC 502.331). The exceptions are addressed in CR (seasons and bag)
- The funds generated from the nonrefundable fee would be deposited into the Wildlife Heritage trust account.
- Bonus points would not be earned on Silver State tag applications.
- Bonus points would not be utilized in the Silver State tag draw.
- Bonus points will not revert to zero on the same species if a Silver State tag is obtained.
- Either residents or nonresidents can apply
- Commission to determine species of tags, seasons, quota.
- Electronic application only.

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

AUTHORITY: NRS 501.105, 501.119, 501.181, 502.160, NRS 502.250

A REGULATION relating to wildlife to establish guidelines for a Silver State tag drawing, application process, fee and eligibility requirements for Silver State tags.

Section 1. *Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 through 10 of this regulation.*

Sec. 2. 1. *The application for the Silver State Tag Drawing will be available to resident and nonresident applicants electronically.*

2. *To participate in the Silver State Tag Drawing for a species or subspecies an applicant must indicate his desire to participate on an electronic application and may only participate as a single applicant for the Silver State Tag Drawing for that species or subspecies.*

3. *In the same year an applicant who was unsuccessful in the Silver State tag drawing for a species or subspecies, may, if eligible, participate in the initial drawing for a big game tag for the same species or subspecies and if unsuccessful in the initial drawing for big game may, if eligible, participate as a single applicant for the same species or subspecies in the Partnership in Wildlife Drawing if he indicated his desire to participate in the Partnership in Wildlife Drawing on his application for the initial drawing.*

4. *An application to obtain a Silver State Tag 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 season to which the application relates.*

Sec. 3. 1. *The Department shall award tags for the Silver State Tag drawing 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 computer's clock immediately before commencing the drawing. The Silver State Tag drawing will occur before the initial drawing for big game tags.*

2. The Department shall cause the computer to generate an alternate list, categorized by species, after the initial selection of tag recipients in the Silver State Tag Drawing.

3. If the return of tags for a refund, pursuant to subsection 2 of NAC 502.422, reduces the number of tags awarded for the Silver State Tag Drawing to less than the quota for the hunt for a species, the Department shall refill the quota by awarding tags, to applicants on the alternate list, unless there are fewer than 7 weekdays remaining until the opening day for that hunt.

4. Except as otherwise provided in subsection 5, 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 not received a tag in the initial drawing for big game or Partnership in Wildlife Drawing for that species or subspecies that year;

(2) Has the drawing number with the highest priority for that species or subspecies; and

(3) Indicated on his application his desire to compete for that species or subspecies in the Silver State Tag Drawing.

(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 recorded on the records of the Department as the number where he can be reached. If the applicant failed to list 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 the employee or employees who placed any of the first three calls.

5. If the Department is unable to collect any fee that is required from the Silver State Tag Drawing because the method of payment is rejected during the processing of those fees the Department shall, if more than 7 weekdays 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) Indicated on his application for the initial drawing for big game tags his desire to compete for that species in the Silver State Tag Drawing.

Sec 4. 1. *A person desiring to obtain a Silver State tag must apply to the Department utilizing a form provided by the Department that includes spaces for the applicant to:*

(a) Specify his name, address and date of birth;

(b) Specify the species or category of species for which the applicant is applying;

(c) Sign the application submitted electronically by acknowledgement of the affidavit that is included in the application provided by the Department.

2. An application must include the applicant's social security number or a unique number will be assigned by the Department.

3. Except as otherwise provided in this section, an application may be withdrawn after it is received by the Department only if the applicant submits to the Department before the draw and with sufficient time for processing a written request that includes, without limitation, his client number. An application may not be withdrawn after the Department has rejected the application. The Department shall not consider a withdrawn application in the procedure for awarding tags.

4. An applicant must obtain a valid hunting license before submitting his application for a Silver State tag, except that an applicant may apply for a hunting license when he submits his application for a Silver State tag.

5. When an applicant submits the application for a Silver State tag electronically, the application must be accompanied by:

(a) A nonrefundable fee of \$15 for each Silver State tag application which the Department shall deposit with the State Treasurer for credit to the Wildlife Heritage Trust Account, except as provided in Section 6 of this regulation; and

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

(c) The nonrefundable \$5 fee required pursuant to NRS 502.250 for each Silver State tag elk application submitted, which must be deposited with the State Treasurer for credit to the

Wildlife Obligated Reserve Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State.

(d) The fee for a hunting license, as provided in NRS 502.240, if the application is for:

(1) A Silver State Tag and the applicant:

(I) Has not obtained a hunting license; and

(II) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn

(e) The habitat conservation fee, as provided in NRS 502.242, if the application is for:

(1) A Silver State tag and the applicant:

(I) Has not obtained a hunting license; and

(II) Indicates on his application that he wishes to purchase the hunting license regardless of whether his application is successfully drawn

6. If an application for a Silver State tag is:

(a) Successfully drawn, the Department shall collect from the applicant:

(1) The appropriate fee for the tag as provided in NRS 502.250;

(2) The fee for a hunting license, as provided in NRS 502.240, if the applicant:

(I) Has not obtained a hunting license; and

(II) Indicates on his application that he wishes to purchase the hunting license only if his application is successfully drawn; and

(3) The habitat conservation fee, as provided in NRS 502.242, if the applicant:

(I) Has not obtained a hunting license; and

(II) Indicates on his application that he wishes to purchase the hunting license only if his application is successfully drawn;

Sec. 5. 1. *The Department shall reject an application to obtain a Silver State tag 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 Silver State Tag 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 for which the application was submitted and, if the application is for a tag, a valid hunter choice number for that type of hunt

(f) The applicant fails to sign the application.

(g) The applicant fails to submit the fees required pursuant to section ? of this regulation or his bank fails to honor his check or draft for those fees.

(h) The applicant fails to comply with the provisions of NAC 502.405, unless, on or before the deadline set forth in that section for the year in which the application is submitted, he pays the applicable administrative fine and submits the properly completed questionnaire issued as part of the tag or the information required by the questionnaire.

(i) 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.

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

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

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

(m) The applicant is otherwise ineligible to apply for the Silver State tag.

2. Except as otherwise provided in Section 5 subsection 1, 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 nonrefundable Silver State tag application fee for each application for a Silver State tag, the fee required pursuant to NRS 502.253 for the support of programs to control predators and protect wildlife habitat and the fee required pursuant to NRS 502.250 for each Silver State tag elk application and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State must be retained by the Department.

3. If the Department rejects an application pursuant to Section 5 paragraph (g) of subsection 1 because the applicant failed to submit the fees required pursuant this regulation 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 Silver State Tag 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

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. 6. *1. The commission will adopt annual regulations pursuant to NAC 502.310 to establish the quota per species and subspecies, units and other conditions for the type of hunt in which recipients of big game tags from a Silver State Tag Drawing may participate. Seasons for the Silver State Tags are to be equivalent to the Heritage Tag seasons as established by the commission.*

2. Tags issued through the Silver State Tag Drawing will be in addition to the quotas set for the initial drawing for big game tags and the Partnership in Wildlife tags. The commission will set the quota of tags to be issued per species and subspecies for the Silver State Tag Drawing after considering the recommendations of the Department, the county advisory boards to manage wildlife and members of the public who wish to present their views at an

open meeting. Tags issued through the Silver State Tag Drawing will be issued for male animals only, except for tags to hunt mountain goats which will be issued for males and females.

3. Pursuant to NRS 502.250 the annual quotas for Silver State Tags must not exceed the balance of big game tags after the Heritage Tags quotas have been established in annual regulation by the commission.

4. If the Department commits an error which results in the rejection or incorrect processing of an application for a Silver State tag that has been submitted in compliance with the regulations of the commission it shall provide a refund of the Silver State tag fee to the applicant.

Sec. 7. 1. *A person waiting to apply for a species pursuant to the provisions provided in NAC 502.341, 502.345, 502.361 and 502.364, is eligible to apply for Silver a State Tag for that species or subspecies.*

2. Provisions regarding waiting periods in NAC 502.341, 502.345, 502.361 and 502.364 to do apply to persons that obtain a Silver State Tag for those species or subspecies..

Sec. 8. *The Department shall not consider bonus points as giving an applicant an increased opportunity to receive a tag in a Silver State Tag Drawing. If an applicant is successful in a*

Silver State Tag Draw, his bonus point total for the same species or category of species in other draws will not revert to zero. The Department shall not award bonus points to unsuccessful applicants in a Silver State Tag Drawing.

Sec. 9. 1. *The Department is not responsible for third-party errors, including those of a bank or postal service. If an applicant to obtain a tag proves to the satisfaction of the Department that the rejection of his application was due solely to a third-party error, and there is sufficient time to complete the processing of the application before the drawing for which the application was submitted, the Department shall include the application in the procedure for awarding tags.*

2. As used in this section, “third-party error” means the failure to act or commission of an act, by a person or entity other than the Department or an applicant to obtain a tag, which provides a ground for rejecting an application pursuant to Section 4 of this regulation.

Sec. 10. NAC 502.331 is amended to read as follows:

502.331 Unless otherwise authorized by the Commission, it is unlawful for any person to obtain more than one tag for an antelope, any subspecies of bighorn sheep, an elk or a mountain goat for a season.

2. An application for a tag or bonus point must be:

(a) Completed in accordance with the regulations of the Commission and the instructions on the application.

(b) Made for one applicant only. If two or more persons apply on one application, the application must be rejected.

3. *Except for applications submitted for Silver State tag drawing, t*~~F~~*he following nonrefundable fees must be charged for acting upon each application for a tag or bonus point:*

- (a) Elk tag..... \$15
- (b) Any other tag, other than a mountain lion tag..... \$10
- (c) Bonus point..... \$10