

STATE OF NEVADA
PROPOSED REGULATION OF THE BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 366
(LCB File No. T006-08)

#2

Authority: NRS 501.105, 501.181, 502.147

Notice of Intent: September 16, 2008.

Workshop Date: November 20, 2008.

Commission Approval: November 21, 2008

EXPLANATION: Amend regulation to allow Restricted Nonresident Guided Hunt applicants that rejected in the Restricted Nonresident Guided Hunt deer tag draw to be eligible for the Main Draw for deer.

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

Section 1. Chapter 502 of NAC is hereby amended to read as follows:

NAC 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. 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 applications submitted which exceed that number.

3. *Except for an application for a restricted nonresident deer tag that rejected pursuant to NAC 502.4235* ~~(A)~~*an* applicant who submits an application pursuant to this subsection may not apply for a nonresident deer tag in the main draw in the same year.

Reference laws and regulations.

NRS 501.105 Commission to establish policies and adopt regulations. The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat.

NRS 501.181 Duties; regulations. The Commission shall:

1. Establish broad policies for:
 - (a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.
 - (b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.
 - (c) The promotion of uniformity of laws relating to policy matters.
2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.
3. Establish policies for areas of interest including:
 - (a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.
 - (b) The control of wildlife depredations.
 - (c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.
 - (d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.
 - (e) The control of nonresident hunters.
 - (f) The introduction, transplanting or exporting of wildlife.
 - (g) Cooperation with federal, state and local agencies on wildlife and boating programs.
 - (h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.
4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:
 - (a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.
 - (b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.
 - (c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.
 - (d) The number of licenses issued for big game and, if necessary, other game species.
5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.
6. Adopt regulations:
 - (a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.
 - (b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.
7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

NRS 502.147 Restricted nonresident deer tags: Issuance.

1. The Department shall make available restricted nonresident deer tags in an amount not to exceed the amount set forth in this section. If the number of persons who apply for restricted nonresident deer tags is greater than the

number of tags to be issued, the Department shall conduct a drawing to determine the persons to whom to issue the tags.

2. The number of restricted nonresident deer tags must:
 - (a) Be subtracted from the quota of rifle deer tags for nonresidents; and
 - (b) Not exceed 16 percent of the deer tags issued to nonresidents during the previous year or 400 tags, whichever is greater.
3. The number of restricted nonresident deer tags issued for any management area or unit must not exceed 37.5 percent, rounded to the nearest whole number, of the rifle deer tags issued to nonresidents during the previous year for that management area or unit.
4. The Department shall mail the tags to the successful applicants.

NAC 502.4235 Rejection of application for tag.

1. The Department shall reject an application for a restricted nonresident deer tag if:
 - (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 he 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; 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 a valid hunter choice number on the application. 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 or the master guide fails to sign the application.
 - (h) The applicant fails to submit the fees required pursuant to NAC 502.4231 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 NAC 502.4239, 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.
 - (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 to hunt is not authorized, all applications to hunt for the same species that are submitted by the applicant will be rejected.
 - (k) The applicant fails to comply with the provisions of NRS 502.330.
 - (l) The master guide named in the application:
 - (1) Is not licensed for each wildlife management area or unit named in the application;
 - (2) Fails to specify or incorrectly specifies on his application the number of his current master guide license;
- or
- (3) If applicable, does not possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.
 - (m) The applicant or master guide provides any false information on the application.
 - (n) The applicant and the master guide named in the application are the same person.
 - (o) The applicant holds a license as a subguide issued by the Department which authorizes the applicant to guide for deer in the wildlife management area or unit for which he is applying for a restricted nonresident deer tag.
 - (p) The applicant is otherwise ineligible to apply for the tag.

2. Except as otherwise provided in NAC 502.42375 and 502.42377, if an application is rejected by the Department pursuant to this section, the application must not be included in the procedure for awarding tags.

3. If the Department rejects an application pursuant to paragraph (h) of subsection 1 because 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. The Department shall, until the fee is paid, indicate that the applicant owes the fee in the file of the applicant maintained by the Department.