STATE OF NEVADA

DEPARTMENT OF WILDLIFE

Wildlife Diversity Division

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MEMORANDUM

June 2, 2020

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Kailey Taylor, Management Analyst, Director's Office and Kimberly Munoz, Division Administrator, Data and Technology Services

Title: **Commission General Regulation 490, LCB File No. R103-19**

Description: The Commission will hold a second workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation addresses bonus points eligibility of children under 12, party applications, and deployed service men and women. It also would provide sportsmen an opportunity to purchase tags which were not re-allocated because the 14-day deadline as described in NAC 502.421 was missed.

Summary

This regulation would allow children under 12 to purchase a bonus point if they turn 12 before the first day of the last season for that species. The regulation also addresses bonus points for sportsmen who apply as a party, as well as, restores bonus points to active military unable to apply for hunts in two consecutive years due to being deployed during the application periods. Lastly, the regulation would allow a first-come-first-serve opportunity for returned tags that miss the 14-day deadline.

Recommendation:

The Department is recommending the Commission review the language for the regulation and discuss business rules for the Department to move the regulation forward for an adoption at the August 2020 Commission Meeting.

PROPOSED REGULATION OF THE BOARD OF WILDLIFE

COMMISSIONERS

LCB File No. R103-19

January 3, 2019

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

AUTHORITY: §§1 and 4, NRS 501.105, 501.181, 502.160; §2, NRS 501.105, 501.181, 502.160 and 502.175; §3, NRS 501.105, 501.181, 502.160, 502.175, 502.219; §§5 and 6, NRS 501.105, 501.181, 502.160, 502.219 and 502.250.

A REGULATION relating to wildlife; revising provisions regarding the bonus point program; revising provisions regarding the award of certain tags; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out provisions governing wildlife, including, without limitation, the manner and means of taking wildlife. (NRS 501.105, 501.181)

Existing regulations authorize a person who is under 12 years of age to submit an application for a bonus point if he or she will attain the age of 12 before the commencement of the earliest season for the category of the species to which the application relates. (NAC 502.4177) **Section 1** of this regulation authorizes a person to apply for a bonus point if he or she will attain the age of 12 before the commencement of the last season for the category of the species to which the application relates. **Section 2** of this regulation makes a conforming change.

Under existing regulations, an applicant for a tag loses his or her bonus points if he or she fails to submit an application for a tag or a bonus point for 2 consecutive calendar years. (NAC 502.4187) **Section 3** of this regulation requires the Department of Wildlife to reinstate such bonus points, upon written request, if the applicant was an active member of the Armed Forces of the United States and was mobilized, deployed, ordered to train or assigned a duty station outside of the United States during the entirety of that 2-year period. **Section 3** also provides that if a person is ultimately awarded a tag through the alternative list, he or she will lose any bonus point awarded to him or her for that species or category of species.

Under existing regulations, the Department is required to issue certain returned tags to hunters on an alternative list if more than 14 business days remain before the start of the season. (NAC 502.421) **Section 4** of this regulation requires instead that the Department issue such returned tags to hunters from the alternative list if 14 calendar days or more remain before the start of the season. **Section 5** of this regulation requires the Department to provide all eligible hunters with an opportunity to apply for any tags remaining if 14 calendar days or less remain before the start of the season.

Existing regulations: (1) authorize the Department to issue a refund to the holder of a tag if the tag was issued in error; and (2) require the Department to issue a refund to the holder of a tag if that person or a close member of his or her family dies or incurs a disability. (NAC 502.422) **Section 6** of this regulation excludes a $1 processing fee from such refunds. **Section 6** also provides that if all members of a party return every tag issued to the party, each person in the party, will be treated as if the tag or tags had never been issued in respect to his or her accrual of bonus points. Further, **section 6** removes provisions that require the Department to issue a refund to the holder of a tag for any subspecies of bighorn sheep or mountain goat who returned the tag before a certain date.

Section 1. NAC 502.4177 is hereby amended to read as follows:

502.4177 1. 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. Such an application may be submitted by a person who is under 12 years of age if he or she will attain the age of 12 years before the commencement of the ~~[earliest]~~ ***last*** 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. 2. NAC 502.418 is hereby amended to read as follows:

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

1. The applicant fails to provide the information required pursuant to NAC 502.199, unless that information exists in the records of the Department.

2. The applicant fails to specify or incorrectly specifies the number of his or her hunting license or combination hunting and fishing license, unless that information exists in the records of the Department.

3. The applicant fails to specify his or her social security number pursuant to NAC 502.199, unless that information exists in the records of the Department.

4. The parent or legal guardian of an applicant who is ~~[at]~~ ***:***

(a) At least 12 years of age but less than 18 years of age ***; or***

(b) Under 12 years of age and applying for a bonus point pursuant to NAC 502.4177,

➥ fails to provide the acknowledgment required pursuant to NRS 502.060.

5. 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.

6. The applicant fails to provide the acknowledgment required pursuant to NRS 502.030.

7. The applicant fails to submit the fees required pursuant to NAC 502.4175.

8. The applicant fails to comply with the provisions of NAC 502.405, unless, on or before the deadline set forth in an annual regulation of the Commission for the year in which the application is submitted, he or she pays the applicable administrative fine and submits the

properly completed questionnaire issued as part of the tag or permit or the information required by the questionnaire.

9. Except as otherwise provided in NAC 502.4183, the applicant submits more than one application to hunt for the same species or category of 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.

10. Except as otherwise provided in NAC 502.4183 and 502.41895, the application is received after the deadline set by the Commission or by the Director pursuant to NAC 502.4196.

11. The applicant fails to comply with the provisions of NRS 502.330.

12. The applicant is otherwise ineligible to apply for the tag or bonus point.

Sec. 3. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in NAC 502.417 to 502.4225, inclusive, an applicant to obtain a tag for a season who is unsuccessful, or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point, must be awarded a bonus point for:

(a) The hunt number of the species for which the applicant applied if he or she applied for a:

(1) Tag to hunt wild turkey; or

(2) Bonus point for a tag described in subparagraph (1); or

(b) The category of the species for which he or she applied if he or she applied for a tag to hunt deer, elk, mountain goat, antelope, black bear, moose or bighorn sheep, or for a bonus point for such a tag.

➥ Regardless of the number of applications to obtain a tag or bonus point for a season submitted by a person, the Department shall not award the person more than one bonus point per season ***per hunting license*** for each species or category of a species for which the person applied.

2. Except as otherwise provided in ~~[subsections 3 and]~~ ***subsection*** 4, the bonus points awarded to a person ***for a species or category of species*** accumulate until the person ~~[is]~~ ***loses his or her bonus points pursuant to this subsection. A person loses all of his or her bonus points for a species or category of a species:***

(a) If the person is successful in drawing a tag for a season for that species or category of a species ***;*** or ~~[the person fails to]~~

(b) If the person does not apply for a ***tag or a bonus point for a*** season for 2 consecutive calendar years during which that type of hunt for a season is open ***.*** ~~[. If an applicant is successful in drawing a tag for a season for a species or category of a species or fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open, the applicant loses all of his or her bonus points for that species or category of a species.]~~

3. ***Upon written request, the Department shall reinstate each bonus point a person lost pursuant to paragraph (b) of subsection 2 if:***

(a) During the entirety of the respective 2 consecutive calendar years, the person was mobilized, deployed, training or stationed outside of the United States as an active member of the Armed Forces of the United States, as verified by a copy of his or her orders or other proof satisfactory to the Department; and

(b) The request is submitted to the Department not later than 1 year after the date the person returns to the United States.

4. Except as otherwise provided in NAC 502.4189, a person may not use any bonus points awarded to the person for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

~~[4. If a person is successful in obtaining a tag for a species or category of a species pursuant to NAC 502.4215, he or she must not lose any bonus point awarded to him or her for that species or category of a species.]~~

5. If an applicant requests and receives a refund for the value of his or her hunting license, the Department shall not award the applicant a bonus point for any species or category of species applied for during the period that the applicant possessed the hunting license.

6. The Department shall not award bonus points for depredation hunts or management hunts.

7. As used in this section, "management hunt" means a hunt established to seek the harvest of additional wildlife within a population.

Sec. 4. 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. An alternate list must consist solely of each applicant who indicated on his or her electronic application for a tag pursuant to NAC 502.4175 a desire to be placed on the list. 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 pursuant to NAC 502.422 or 502.42695 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 from the alternate ~~[list, unless]~~ ***list if*** there are ~~[fewer than 14 business]~~ ***14 calendar*** days ***or more*** 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 issue the tag to the eligible applicant appearing on the list who:

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

(b) Indicated as the applicant's first choice the area and season for which the quota is being filled.

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]~~ 14 ~~[business]~~ ***calendar*** days ***or more*** 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 or her 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 a party in the draw. The order in which such persons are displayed on the alternate list is random and final.

6. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.

7. 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. 5. NAC 502.4215 is hereby amended to read as follows:

502.4215 ~~[After]~~ ***1. The Department shall provide all eligible hunters with an opportunity to apply electronically for any tags that are:***

(a) Remaining after tags have been issued for a season by using the computerized system of drawing and alternate ~~[list, the Department shall provide all eligible hunters with an opportunity to apply for any remaining tags electronically.]~~ ***list; or***

(b) Returned 14 calendar days or less before the opening day for that season.

➥ The Department shall act upon applications for ~~[those]~~ ***such*** tags in the order received.

2. If an application for a tag described in subsection 1 is successfully drawn, the Department shall collect from the applicant:

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

(b) The fee for a hunting license or combination hunting and fishing license, as provided in NRS 502.240, if the applicant:

(1) Has not obtained a hunting license and indicates on the application that he or she wishes to purchase the hunting license or combination hunting and fishing license only if his or her application is successfully drawn; or

(2) The hunting license or combination hunting and fishing license submitted with the application for the tag or permit will expire before the opening day of the season for the permit or tag.

3. If a tag is issued to a person pursuant to this section, the person will be treated as if he or she was successful in drawing a tag for a season for that species in respect to any applicable bonus points and waiting periods.

Sec. 6. 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) Or a person to whom the holder is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;

(b) Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs a disability, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued;

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

(d) Is a recipient of a Dream Tag issued pursuant to NRS 502.219 and returns the drawn tag to the Department pursuant to NAC 502.42695,

➥ and, except as otherwise provided in NAC 502.336, his or her tag is received by the Department at least 1 business day before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with his or her tag, the hunting license may be returned with the tag.

3. If a refund is provided pursuant to subsection 1 or 2, 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 ***502.118 and*** 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 or her 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. ~~[If a tag for any subspecies of bighorn sheep or mountain goat is returned for a reason other than the reasons set forth in subsection 1 or 2, the Department shall:~~

~~(a) If the tag is received not later than July 15, 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 or her 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.~~

~~5.]~~ If a tag for antelope, bighorn sheep, mountain goat, ***black*** bear, turkey, deer, moose or elk is returned for a reason other than the reasons set forth in subsection 1 or 2, and ~~[if]~~ the tag is received at least 1 business day before the opening day of the season for which the tag was issued, the Department:

(a) Shall, except as otherwise provided in subsection 2 of NAC 502.4225, treat the applicant, with respect to his or her 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; and

(b) Shall not return any fee paid for the tag.

5. If every tag awarded for antelope, bighorn sheep, mountain goat, black bear, turkey, deer, moose and elk awarded to the members of a party is returned for a reason other than the reasons set forth in subsection 1 or 2, and every such tag is received at least 1 business day before the opening day of the season for which the tags were issued, the Department:

(a) Shall treat each applicant in the party, with respect to his or her eligibility to obtain a tag or be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.

(b) Shall not return any fee paid for such tags.

6. 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.