

**NEVADA DEPARTMENT OF WILDLIFE
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Adoption of Regulations of the
Nevada Board of Wildlife Commissioners**

**LCB File No. R051-21
Commission General Regulation 502**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 8:00 a.m. on January 28, 2023 at the Washoe County Administrative Building, 1001 E. Ninth Street Reno, NV 89512. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 502 of the Nevada Administrative Code. A Zoom link is provided below for those individuals that are unable to attend in person.

<https://us02web.zoom.us/j/87527206774?pwd=YzNZSHZtNmNsaFhvdjNzYVJpVEhyUT09>
Passcode: 684785

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and the purpose of the proposed regulation or amendment:**
This regulation will allow for junior turkey bonus point holders to roll over their accumulated points into the adult category once they are no longer eligible to participate in the junior turkey hunt program and limit the amount of successfully awarded tags through the junior hunt programs to three (3).
2. **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**
To keep consistency, the Department is proposing changes to the business rules regarding the turkey harvest return card and bonus point programs. The proposed changes would align with the business rules established for the big game species by allowing an applicant who failed to submit their turkey harvest return card by the established deadline to pay the \$50 associated fee and complete the survey during the following year's turkey application period in order to lift the applied suspension and successfully submit an application. The changes would also allow for juniors participating in the junior turkey hunt program to roll their accumulated bonus points into the adult category once they are no longer eligible for participation as a junior turkey hunter.

Additionally, the Tag Allocation and Application Hunt Committee has proposed a limitation to participation in the junior hunt programs that would make an applicant ineligible for future participation in the junior hunt programs after three (3) successfully awarded junior tags. This limitation is specific to the species being applied for.

3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**
 - (a) **Both adverse and beneficial effects on businesses; and**
The regulation will not have any significant adverse or beneficial economic effects on businesses.
 - (b) **Both immediate and long-term effects on businesses:**
There will be no immediate or long-term economic effects from the proposed regulation on small businesses because it does not regulate the operation of any small business.
 - (c) **Both adverse and beneficial effects on the public; and**
This regulation does not have an anticipated beneficial or adverse economic effect on the public.
 - (d) **Both immediate and long-term effects on the public:**
This regulation does not have an anticipated immediate or long-term economic effect on the public.
4. **The estimated cost to the agency for enforcement of the proposed regulation:**
There will be no increased costs to enforce the proposed regulation.
5. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:**
This regulation does not overlap or duplicate any other state, local, or federal laws or regulations.
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**
This regulation is not required pursuant to federal law.
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:**
This regulation does not include provisions that are more stringent than federal regulations.
8. **Whether the proposed regulation establishes a new fee or increases an existing fee:**
This regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Nevada 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 Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511 attention Director's Office. Written submissions must be received by the Nevada Department of Wildlife 5 weekdays before the meeting. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street; Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Department of Wildlife Director's Office, 6980 Sierra Center Parkway, Suite 120; Reno, Nevada 89511, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation 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, will 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 following Nevada Department of Wildlife offices:

1100 Valley Road; Reno, Nevada 89512 (775) 688-1506
380 W. B Street; Fallon, Nevada 89406 (775) 423-3171
60 Youth Center Road; Elko, Nevada 89801 (775) 777-2300
3373 Pepper Lane; Las Vegas, Nevada 89120 (702) 486-5127

These regulations will also be available at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/>
<https://notice.nv.gov/>
<http://www.leg.state.nv.us/register/>
<https://nvboardofwildlife.org/>

A copy of all materials relating to the proposed regulation may be obtained at the hearing or by contacting the Director's Office at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120; Reno, Nevada 89511 or (775) 688-1597. A reasonable fee may be charged for copies if it is deemed necessary.

December 27, 2022

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

LCB File No. R051-21

August 4, 2022

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 and 4-6, NRS 501.105, 501.181 and 502.160; §3, NRS 501.105, 501.119, 501.181 and 502.160.

A REGULATION relating to wildlife; revising provisions relating to eligibility to apply for a junior hunt; revising provisions relating to the submission of a questionnaire issued as part of a tag to hunt wild turkey; revising provisions relating to the awarding of bonus points for certain applicants for a tag to hunt wild turkey; 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 the provisions governing wildlife, including, without limitation, the manner and means of taking wildlife. (NRS 501.105, 501.181) Existing regulations prescribe requirements governing the eligibility of a person to apply to engage in a junior hunt. (NAC 502.063, 502.333) **Section 2** of this regulation revises provisions relating to the length of time during which an applicant may apply for a junior hunt by providing that a person who is otherwise eligible to apply for a junior hunt may apply for a junior hunt for not more than 5 years or the length of time required for the person to successfully obtain three tags for a junior hunt, whichever is sooner. **Section 6** of this regulation makes a conforming change relating to the transfer of unused bonus points for persons who become ineligible to apply for a junior hunt.

Existing law authorizes the Department of Wildlife to obtain necessary data from hunters, trappers and anglers relative to their activities and success through the use of reports or questionnaires. If a report or questionnaire is not returned within the period specified by regulation of the Commission, existing law authorizes the Commission to deny the person the right to acquire certain licenses for a period of 1 year and levy an administrative fine against the person. (NRS 501.119) **Section 3** of this regulation revises requirements relating to a questionnaire issued as part of a tag to hunt wild turkey by requiring that such a questionnaire be received by the Department not later than the deadline established in an annual regulation of the Commission. **Section 4** of this regulation revises provisions relating to the awarding of bonus points to certain applicants for a tag to hunt wild turkey by replacing a requirement that such applicants must be awarded bonus points for the hunt number of the species for which an applicant applied with a requirement that the applicant be awarded a bonus point for the category

of the species for which he or she applied. **Sections 1 and 5** of this regulation make conforming changes relating to the manner in which bonus points may be awarded by the Department for a tag to hunt wild turkey.

Section 1. NAC 502.105 is hereby amended to read as follows:

502.105 “Type of hunt” means a hunt authorized by a regulation of the Commission, for which tags are awarded pursuant to application, that differs from another hunt in one or more of the following ways:

1. The species to be hunted for any species other than a species that is included in a category of a species pursuant to subsection 2;
2. The category of the species, subspecies and gender to be hunted as described in ~~subsection 1 of~~ NAC 502.4188;
3. The weapons to be used;
4. The residency of applicants; and
5. The method of drawing applications for the award of tags.

Sec. 2. NAC 502.333 is hereby amended to read as follows:

502.333 A person who is otherwise eligible to apply for a junior hunt may apply for a junior hunt for not more than 5 years ~~or~~ *or the length of time required for the person to successfully obtain three tags for a junior hunt, whichever is sooner.*

Sec. 3. NAC 502.407 is hereby amended to read as follows:

502.407 1. Unless otherwise provided by an annual regulation of the Commission, the properly completed questionnaire issued as part of a turkey tag must be received by the Department not later than ~~11 p.m. on:~~

~~—(a) May 31, or the next business day if May 31 falls on a weekend or state holiday, following the close of the season for the spring hunt for turkey; or~~

~~—(b) November 30, or the next business day if November 30 falls on a weekend or state holiday, following the close of the season for the fall hunt for turkey.}~~ *the deadline established in an annual regulation of the Commission.*

2. ~~{A}~~ *Except as otherwise provided in subsection 3, a* person who fails to return the questionnaire or the information required by the questionnaire ~~{within}~~ *on or before* the ~~{period specified}~~ *deadline* or who submits incomplete or false information on the questionnaire is ineligible for all turkey tags for 1 year.

3. A person who is ineligible for a tag pursuant to subsection 2 may have those privileges reinstated if the person:

(a) Pays to the Department an administrative fine of \$50; and

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

~~{4. A person who seeks to have privileges reinstated pursuant to the provisions of subsection 3 must perform the actions specified in that subsection not later than 11 p.m. on:~~

~~—(a) June 30, or the next business day if June 30 falls on a weekend or state holiday, following the close of the spring hunt for turkey; or~~

~~—(b) December 31, or the next business day if December 31 falls on a weekend or state holiday, following the close of the fall hunt for turkey.}~~

Sec. 4. 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~~ *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 , *wild turkey* 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 subsection 4, the bonus points awarded to a person for a species or category of species accumulate until the person 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

(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.

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.

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. 5. NAC 502.4188 is hereby amended to read as follows:

502.4188 ~~1. Except as otherwise provided in subsection 2, any~~ **Any** bonus points awarded by the Department pursuant to the bonus point program must be awarded in one of the following categories of species, subspecies and gender:

~~1(a)~~ **1.** Antlered mule deer;

~~1(b)~~ **2.** Antlerless mule deer;

~~1(c)~~ **3.** Mule deer, either antlered or antlerless;

~~1(d)~~ **4.** Antlered Rocky Mountain elk;

~~1(e)~~ **5.** Antlerless Rocky Mountain elk;

~~1(f)~~ **6.** Rocky Mountain elk, either antlered or antlerless;

~~1(g)~~ **7.** Spike Rocky Mountain elk;

~~8.~~ 8. Pronghorn antelope whose horns are longer than their ears;

~~9.~~ 9. Pronghorn antelope whose horns are shorter than their ears;

~~10.~~ 10. Rams, from one of the following subspecies:

~~(1)~~ (a) Nelson bighorn sheep;

~~(2)~~ (b) California bighorn sheep; or

~~(3)~~ (c) Rocky Mountain bighorn sheep;

~~11.~~ 11. Ewes, from one of the following subspecies:

~~(1)~~ (a) Nelson bighorn sheep;

~~(2)~~ (b) California bighorn sheep; or

~~(3)~~ (c) Rocky Mountain bighorn sheep;

~~12.~~ 12. Mountain goats;

~~(m)~~ 13. Black bears; ~~or~~

~~(n)~~ 14. Moose ~~;~~

~~2. Bonus points awarded by the Department pursuant to the bonus point program for wild;~~

or

15. Wild turkey. ~~hunts must be awarded by hunt number.~~

Sec. 6. NAC 502.4189 is hereby amended to read as follows:

502.4189 1. Each applicant in a drawing for a tag for a season receives a number of additional draw numbers that is equal to the number of bonus points that he or she has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where “n” is the number of additional draw numbers and “b” is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for the species or category of the species for which the application was submitted. The applicant’s lowest randomly assigned draw number is the number used for the drawing.

2. Except as otherwise provided in subsection 5, bonus points accumulated by a person for a species or category of species cannot be transferred to any other person or any other species or category of species.

3. Any bonus points accumulated by an applicant automatically transfer with the applicant if the applicant changes his or her state of residence. Bonus points transferred pursuant to this subsection apply to the same species or category of species to which they applied before the transfer.

4. The number of bonus points applicable to applications submitted by a group pursuant to NAC 502.4185 for tags is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

5. If a person ~~has applied for a junior hunt for deer for 5 years or~~ becomes ineligible to *apply for a junior hunt for deer pursuant to NAC 502.333 or becomes ineligible to* participate in a junior hunt for deer because of his or her age, each unused bonus point accumulated by that person for a junior hunt for deer automatically transfers to the category for antlered mule deer. The provisions of this subsection do not apply to a bonus point accumulated by the person for a junior hunt for deer in a year in which the person also accumulated a bonus point in the category for antlered mule deer.

6. *If a person becomes ineligible to apply for a junior hunt for wild turkey pursuant to NAC 502.333 or becomes ineligible to participate in a junior hunt for wild turkey because of*

his or her age, each unused bonus point accumulated by that person for a junior hunt for wild turkey automatically transfers to the category for wild turkey.

**STATE OF NEVADA
NEVADA BOARD OF WILDLIFE COMMISSIONERS
NEVADA DEPARTMENT OF WILDLIFE
SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS233B**

Commission General Regulation 502 LCB File No. R051-21 Junior Hunt Program

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the Nevada Board of Wildlife Commissioners. Note: Small business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

ANSWER:

Comment was not solicited from small businesses. This regulation does not affect small businesses as the changes are associated with individual customers of the Nevada Department of Wildlife.

2. Describe the manner in which the analysis was conducted:

ANSWER:

Agency personnel concluded that there would be no small businesses impacted and therefore no need for a small business impact analysis.

3. Describe the estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- a.) Both adverse and beneficial effects:

ANSWER:

There will be no adverse or beneficial economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

- b.) Both direct and indirect effects:

ANSWER:

There will be no direct or indirect economic effects from the proposed regulation on small business because it does not regulate the operation of any small business.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:

ANSWER:

There will be no impact from the proposed regulation on small businesses, therefore no methods of impact reduction were considered or taken by the agency.

5. Describe the estimated cost to the agency for enforcement of the proposed regulation:

ANSWER:

The enforcement of the regulation falls within current operations of the Department; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

ANSWER:

The proposed regulation does not provide new or increased fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:

ANSWER:

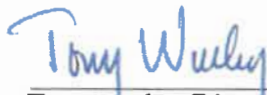
This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses:

ANSWER:

The agency concluded that this regulation does not impact small businesses because the changes are associated with individual customers of the Nevada Department of Wildlife.

I hereby certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.



Tony Wasley, Director
Nevada Department of Wildlife