

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

LCB File No. R196-09

February 1, 2010

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

AUTHORITY: §§1-3 and 5-13, NRS 501.105, 501.181, 502.160 and 502.250; §4, NRS 501.105, 501.119, 501.181, 502.160 and 502.250.

A REGULATION relating to hunting; establishing requirements for conducting and participating in a Silver State Tag Drawing; and providing other matters properly relating thereto.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. 1. *The Department shall provide an electronic application for the Silver State Tag Drawing to residents and nonresidents.*

2. An applicant must indicate his desire to participate in the Silver State Tag Drawing on his application, and may choose to participate solely as a single applicant in the Silver State Tag Drawing for a species or subspecies.

3. If eligible, an applicant who indicates his desire to participate on his application for the Silver State Tag Drawing may in the same year:

(a) If the applicant was unsuccessful in obtaining a tag in the Silver State Tag Drawing for a species or subspecies, participate as a single applicant for the same species or subspecies in the initial drawing for a tag for that species or subspecies; and

(b) If the applicant is unsuccessful in obtaining a tag at the initial drawing for a big game tag, participate as a single applicant for the same species or subspecies in the Partnership in Wildlife Drawing pursuant to NAC 502.427.

Sec. 3. *1. A person desiring to obtain a Silver State Tag must apply to the Department on an electronic form provided by the Department pursuant to section 2 of this regulation 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; and

(c) Acknowledge 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 Except as otherwise provided in this subsection, an application may be withdrawn after it is received by the Department only if the applicant submits to the Department, before the draw and with sufficient time for processing, a written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. An application for a Silver State Tag must be accompanied by:

(a) A nonrefundable fee of \$15 for the application which, except as otherwise provided in section 6 of this regulation, the Department shall deposit with the State Treasurer for credit to the Wildlife Heritage Trust Account.

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

(c) If the application is for an elk tag, the fee of \$5 required pursuant to NRS 502.250 for the application.

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

(1) Has not obtained a hunting license; and

(2) 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 applicant:

(1) Has not obtained a hunting license; and

(2) 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 successfully drawn, the Department shall collect from the applicant:

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

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

(1) Has not obtained a hunting license; and

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

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

(1) Has not obtained a hunting license; and

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

7. 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. 4. 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 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 3 of this regulation or his bank fails to honor his payment 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. 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; and*
 - (b) The nonrefundable application fee for a Silver State Tag for acting upon 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, if included, the fee required*

pursuant to NRS 502.250 for each application for a Silver State Tag for elk must be retained by the Department.

3. If the Department rejects an application pursuant to paragraph (g) of subsection 1 because the applicant failed to submit the fees required pursuant to section 3 of 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 application fee for a Silver State Tag for acting upon the application; and

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

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. 5. 1. *The Silver State Tag Drawing will occur before the initial drawing for big game tags. The Department shall award tags from 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.*

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 working days 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 tags or the Partnership in Wildlife Drawing for that species or subspecies for 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; 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 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 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 working 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) 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. 6. 1. The Commission will adopt annual regulations pursuant to NAC 502.310 to establish the seasons, quotas per species and subspecies, units and other conditions for the type of hunt in which the recipients of big game tags from a Silver State Tag Drawing may participate. The seasons will be concurrent with the seasons established for the tags, if any, that are awarded through an auction pursuant to NRS 502.250.

2. Tags issued through the Silver State Tag Drawing are 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. 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, the Department shall provide a refund of the fee for the Silver State Tag to the applicant.

Sec. 7. A person who is ineligible to apply for a tag pursuant to NAC 502.341, 502.345, 502.361 or 502.364 may, if he is otherwise eligible for the issuance of a tag, apply for a Silver State Tag for a species or subspecies specified in those sections.

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 Drawing, his bonus point total will not revert to zero for the species or category of species for which he applied. 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 Silver State 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 Silver State Tag, which provides a ground for rejecting an application pursuant to section 3 of this regulation.

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

502.331 1. 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. ~~The~~ *Except as otherwise provided in section 3 of this regulation, the* following nonrefundable fees must be charged for acting upon each application for a tag or bonus point:

- (a) Elk tag\$14
- (b) Any other tag, other than a mountain lion tag 10
- (c) Bonus point 10

Sec. 11. NAC 502.341 is hereby amended to read as follows:

502.341 1. Unless his privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply in any year for a tag to hunt antelope.

2. Except as otherwise provided in NRS 502.215 and NAC 502.321 ~~and~~ *and section 7 of this regulation*, any person who harvests an antelope with horns longer than its ears using a tag specified in subsection 1 is not eligible to apply for another tag to hunt antelope with horns longer than its ears during the next 5 years.

Sec. 12. NAC 502.345 is hereby amended to read as follows:

502.345 1. ~~Unless~~ *Except as otherwise provided in section 7 of this regulation, 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, in the immediately preceding 10 years, he did not receive a tag or replacement tag for that subspecies of bighorn sheep.

2. Except as otherwise provided in 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 must 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, is not required to attend another such indoctrination course.

5. 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.

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.

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.

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. 13. NAC 502.361 is hereby amended to read as follows:

502.361 1. Except as otherwise provided in subsection 3 *or section 7 of this regulation* or unless his privilege is limited or revoked pursuant to law, a person is eligible to apply for a bull elk tag in any year if he did not receive a bull elk tag or a replacement tag for a bull elk in the previous 5 years. Unless his privilege is limited or revoked pursuant to law, a person is eligible to apply for an antlerless elk tag in any year.

2. ~~Unless~~ *Except as otherwise provided in section 7 of this regulation, unless* his privilege is limited or revoked pursuant to law, a person is eligible to apply for a spike elk tag in any year if he did not receive a spike elk tag or a replacement tag for a spike elk in the previous year.

3. ~~A~~ *Except as otherwise provided in section 7 of this regulation, a* person who obtains a bull elk tag or a replacement tag for a bull elk and is successful in harvesting a bull elk is not eligible to apply for another bull elk tag during the next 10 years.