

**ADOPTED REGULATION OF
THE DEPARTMENT OF WILDLIFE**

LCB File No. R110-11

Effective March 9, 2012

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

AUTHORITY: §§1-11, NRS 502.219.

A REGULATION relating to hunting; specifying the price for each Dream Tag sold to certain nonprofit organizations; specifying requirements for the purchase of Dream Tag raffle chances; specifying requirements for the purchase of resource enhancement stamps and chances to win a Dream Tag raffle and for the issuance, refusal to accept or return of Dream Tags; requiring recipients of a Dream Tag to return certain other tags and to submit a certain questionnaire; requiring a private entity that conducts a Dream Tag raffle to provide certain information to the Department of Wildlife; prohibiting the issuance of Dream Tags by the private entity before receiving certain notification from the Department; setting forth certain circumstances under which a Dream Tag is valid for use; 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 8, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 8, inclusive, of this regulation, “private entity” means a private entity that enters into a contract pursuant to paragraph (b) of subsection 3 of NRS 502.219 to sell chances to win Dream Tags, conduct any required drawing for Dream Tags and issue Dream Tags.*

Sec. 3. *The price for each Dream Tag that the Department sells to a nonprofit organization pursuant to subsection 3 of NRS 502.219 will be an amount that is equal to the fee listed in subsection 1 of NRS 502.250 for the tag for the species for which the Dream Tag will be issued.*

Sec. 4. 1. *At the time a resource enhancement stamp is purchased pursuant to NRS 502.222, the purchaser shall identify the person for whom the stamp is being purchased by providing:*

(a) The client number of the person; or

(b) Any other identifying information of the person specified by the Department.

2. *A person identified pursuant to subsection 1 is not obligated to purchase a chance to win a Dream Tag raffle.*

3. *A person identified pursuant to subsection 1 is the only person:*

(a) For whom a chance to win a Dream Tag raffle may be purchased under that resource enhancement stamp; or

(b) Who may be a recipient of a Dream Tag via that raffle.

4. *A resource enhancement stamp is valid:*

(a) From the date the stamp is issued until the last day of the next succeeding June; or

(b) From the first day of July immediately after the date the stamp is issued until the last day of the next succeeding June,

↪ as specified on the stamp.

5. *Any money paid for a chance to win a Dream Tag raffle pursuant to paragraph (a) of subsection 3 of NRS 502.219 is not refundable.*

6. *At the time a chance to win a Dream Tag raffle is purchased, the purchaser shall specify the species for which he or she wishes to obtain a Dream Tag.*

Sec. 5. 1. *If the winner of a Dream Tag raffle declines to accept the Dream Tag awarded to him or her, the private entity conducting the raffle shall not select an alternate recipient or issue the Dream Tag.*

2. If the recipient of a Dream Tag returns the Dream Tag to the private entity not later than 2 days before the first day of the open season for the species for which the Dream Tag was issued, the private entity shall issue the Dream Tag to the holder of the raffle chance with the drawing number with the next highest priority for that species.

3. In issuing a Dream Tag pursuant to subsection 2, the private entity shall attempt to notify the holder of the chance to win the Dream Tag raffle with the drawing number with the next highest priority for that species by calling, at least four times over 2 consecutive days, between the hours of 8 a.m. and 9 p.m., the telephone number listed in the records of the private entity as the number at which the holder may be reached.

4. If the person whom the private entity is attempting to notify pursuant to subsection 3 failed to provide a telephone number to the private entity, or the private entity is unable to notify the person and obtain his or her acceptance of the Dream Tag, the private entity shall bypass the person's name in favor of the holder of the chance to win the Dream Tag raffle with the drawing number with the next highest priority for that species.

5. The private entity shall maintain a record of each attempt to notify a person pursuant to this section.

6. As used in this section, "drawing number" means a number assigned randomly to a chance to win a Dream Tag raffle to denote the priority the chance will receive in the raffle.

Sec. 6. 1. *Except as otherwise provided in section 7 of this regulation, and notwithstanding the provisions of NAC 502.341, 502.345, 502.361 and 502.364 and section 1 of LCB File No. R002-11, a private entity conducting a Dream Tag raffle may issue a Dream Tag at any time to a person who wins the tag in the raffle.*

2. Each recipient of a Dream Tag shall submit the questionnaire issued as part of the Dream Tag pursuant to NAC 502.405.

Sec. 7. 1. Except as otherwise provided in subsection 2, a recipient of a Dream Tag who is issued a tag for the same species through a drawing for a tag for that species must return the tag to the Department before receiving the Dream Tag.

2. A recipient of a Dream Tag who is issued a tag for an antlerless deer, an antlerless elk or an antelope with horns shorter than its ears through a tag drawing is not required to return the tag to the Department before receiving the Dream Tag.

3. After conducting a Dream Tag raffle and before issuing a Dream Tag from that raffle, the private entity conducting the raffle:

(a) Shall provide to the Department the name and residence information of the winner of the raffle; and

(b) Shall not issue a Dream Tag to the winner of the raffle until the Department notifies the private entity that the winner is not required to return a tag to the Department pursuant to subsection 1.

Sec. 8. Except as otherwise provided by an annual regulation of the Commission, a Dream Tag is valid only for a unit with an open season for the species listed on the Dream Tag, during the open season for that unit for that species and with the weapon authorized for use during that open season.

Sec. 9. NAC 502.4179 is hereby amended to read as follows:

502.4179 A person may not submit an application for a:

1. Tag and an application for a bonus point for the same category or species in the same drawing.

2. Bonus point in a subsequent drawing if a tag , *other than a Dream Tag issued pursuant to NRS 502.219*, or bonus point was obtained for that category of species in a previous drawing that year unless authorized by the Commission.

Sec. 10. 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. 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 for a refund ~~§~~ pursuant to subsection 2 of NAC 502.422 ~~§~~ *or the return of tags pursuant to section 7 of this regulation* 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:

(a) First, pursuant to NAC 502.4195, from applications rejected because of an error by the Department; and

(b) Then from the alternate list, unless there are fewer than 2 days 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:

(a) Select the eligible applicant appearing on the list who:

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

(2) Indicated as the applicant's first choice the area and season for which the quota is being filled; 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 listed in the records of the Department as the number where he or she can be reached. If the applicant failed to provide the Department with such a number, or the Department is unable to notify the applicant and obtain his or her acceptance of the tag, the Department shall bypass the applicant's 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 an employee who placed any of the first three calls.

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 2 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) 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. 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. 11. 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; ~~or~~

(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~~; *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 section 7 of this regulation,

↪ and, except as otherwise provided in NAC 502.336, his or her tag is returned to the Department 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 502.331; 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, deer 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 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:

(1) Return any fee paid for the tag; or

(2) Reissue the tag to a person who is selected for an alternate list pursuant to NAC 502.421.

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.

STATE OF NEVADA
Nevada Department of Wildlife
MEMORANDUM

To: Legislative Counsel Bureau Date: 2/24/2012

From: Kenneth E. Mayer, Secretary, Board of Wildlife Commissioners

Subject: Informational statement relating to Department Regulation No. CGR 405 - LCB
File No. R110-11 as required by Chapter 233B.066.

1. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, interested persons; presented at a public workshop by the Department of Wildlife during a public meeting. A summary is available by contacting the Department of Wildlife.

2. The number of persons who:

- (a) **Attended each hearing:** 7 Workshop/ 4 Hearing
- (b) **Testified at each hearing:** 3 Workshop/ 4 Hearing
- (c) **Submitted to the agency written statements:** 1

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:

The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, interested persons; presented at a public workshop by the Department of Wildlife during a public meeting. A summary is available by contacting the Department of Wildlife.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:

5. The estimated economic effect of the regulations on the businesses they are to regulate and on the public.

(a) **Estimated economic effect on the businesses which they are to regulate.**

- (1) **Adverse – n/a**
- (2) **Beneficial – n/a**
- (3) **Immediate – n/a**
- (4) **Long term – n/a**

(b) Estimated economic effect on the public which they are to regulate.

- (1) Adverse – N/A**
- (2) Beneficial – N/A**
- (3) Immediate – N/A**
- (4) Long term – N/A**

6. The estimated cost to the agency for enforcement of the proposed regulation: N/A

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary: N/A

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions: N/A

9. If the 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: N/A