



STATE OF NEVADA
DEPARTMENT OF WILDLIFE
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MEMORANDUM:

APRIL 4, 2022

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

From: Management Analyst Megan Manfredi, Data and Technology Services Division

Title: Commission General Regulation 505, First Come First Served (FCFS) Prevention of Unfair Advantages

Description: The Commission will review and revise draft language added to Nevada Administrative Code (NAC) chapter 502 that creates boundaries for use in the electronic FCFS system and provides the Department direction to suspend any customer account if that account is found trying to abuse or create an unfair advantage in the FCFS program while attempting to obtain big game tag.

Brief Explanation of the Proposed Regulation:

Prevention of unfair advantages was discussed when the NAC 502.4215 change to the FCFS program was initially brought forth to the Commission in 2020 out of Commission General Regulation (CGR) 490. The Department took into consideration the concerns of the Commission and public when developing the FCFS system with the help of the Department's licensing vendor Kalkomey.

The proposed regulation change aligns with language added to Commission Regulation (CR) 22-02, Big Game Tag Application Eligibility and Tag Limits that was approved by the Commission in January 2022. The change includes defining abuse of the system and establishes direction to be taken by the Department should a customer be caught attempting to abuse or create an unfair advantage.

Recommendation:

The Department recommends that the Commission review and move towards adoption of the proposed regulation.

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

LCB File No. R072-21

February 2, 2022

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

AUTHORITY: § 1, NRS 501.105, 501.181, 502.160, as amended by section 4 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757, and NRS 502.175.

A REGULATION relating to wildlife; revising provisions governing the award of tags using an electronic system; authorizing the Department of Wildlife to suspend a person who attempts to create or creates an unfair advantage through use of the electronic system from applying for certain tags; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing regulations, the Department of Wildlife is required to issue certain returned tags to hunters on an alternate list if 14 calendar days or more remain before the opening day of the season. (NAC 502.421) Existing regulations further require the Department to provide all eligible hunters with an opportunity to apply electronically for any tags that are: (1) remaining after tags have been issued for a season by using the computerized system of drawing and the alternate list; or (2) returned 14 calendar days or less before the opening day of the season. (NAC 502.4215) This regulation authorizes instead of requires the Department to provide all eligible hunters with an opportunity to apply electronically for any tags that are: (1) remaining after tags have been issued for a season by using the computerized system of drawing and the alternate list; or (2) returned less than 14 calendar days before the opening day of the season. This regulation also authorizes the Department to suspend a person who attempts to create or creates an unfair advantage while using the electronic system from applying for any tags remaining for the applicable season. This regulation further authorizes the Department to suspend a person who abuses the electronic system by making continued and substantial efforts to create an unfair advantage from using the electronic system to apply for remaining tags in any future hunting seasons.

Section 1. NAC 502.4215 is hereby amended to read as follows:

502.4215 1. The Department ~~[shall]~~ *may* 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; or

(b) Returned *less than* 14 calendar days ~~{or less}~~ before the opening day for that season.

↪ The Department shall act upon applications for 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}~~ *The applicant 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.

4. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the electronic system by attempting to create or by creating an unfair advantage in obtaining the tag, he or she ~~may~~ shall be suspended by the Department from applying for any tags remaining for the applicable season. Activities that are cause for such suspension include, without limitation:

(a) The use of a technological program designed to carry out tasks that would otherwise be performed under human supervision;

(b) The use of technology designed to create an unfair advantage;

(c) Multiple logins into a single customer's account; or

(d) Multiple browser sessions open at a single time.

5. If a person who uses the electronic system to apply for a tag pursuant to subsection 1 abuses the system by making continued and substantial efforts to create an unfair advantage, as described in subsection 4, he or she ~~may~~ shall be suspended by the Department from using the electronic system to apply for remaining tags in any future hunting seasons.