

**ADOPTED REGULATION OF THE  
BOARD OF WILDLIFE COMMISSIONERS**

**LCB File No. R105-16**

Effective June 21, 2017

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

AUTHORITY: §§1-5, NRS 501.181; §§6-8, NRS 501.181 and 502.160.

A REGULATION relating to hunting; authorizing certain persons with disabilities to apply for the issuance of a special assistance permit; authorizing a designated licensed assistant to provide assistance to the holder of a special assistance permit in hunting a big game mammal under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of Wildlife Commissioners to adopt regulations prescribing the circumstances under which a person may assist a person with certain disabilities in hunting a big game mammal for which the person with a disability has obtained a tag. (NRS 501.181) **Section 4** of this regulation sets forth the manner in which a person with a qualifying disability who holds a tag to hunt a big game mammal may obtain a special assistance permit which names one or more designated licensed assistants. **Section 4** also sets forth the required qualifications for the person with a disability and each designated licensed assistant. A designated licensed assistant must be at least 18 years of age and must hold a valid hunting license, but is not required to hold a tag for the big game mammal which the person with a disability is authorized to hunt. **Section 5** of this regulation provides that only one designated licensed assistant may assist the holder of special permit at a time during the hunt. The acting designated licensed assistant must be accompanied by the holder of a special assistance permit during the hunt except for certain circumstances that allow the designated licensed assistant to assist the person with a disability in the field by: (1) if the designated licensed assistant has a good faith belief that the person with a disability has lawfully wounded a big game mammal, discharging his or her weapon to assist in the taking of the big game mammal; (2) validating the tag which authorizes the taking of the big game mammal and attaching that tag to the carcass; and (3) retrieving the big game mammal. **Section 5** also provides that: (1) the designated licensed assistant must have a copy of the special assistance permit in his or her possession in the field during a hunt; (2) the designated licensed assistant is prohibited from using a weapon other than the weapon authorized by the tag; and (3) the person with a disability and the designated licensed assistant are subject to all other applicable laws and regulations governing the hunt. Existing law makes it a misdemeanor for a person engaged in a hunt, including a designated licensed assistant, to: (1) fail to have his or her required license or permit in his or her

possession; or (2) refuse to exhibit that license or permit upon the demand of any officer authorized to enforce the fish and game laws of this State. (NRS 502.120)

**Section 1.** Chapter 502 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *“Designated licensed assistant” means a person designated on a special assistance permit to assist the holder of the permit in accordance with sections 4 and 5 of this regulation.*

**Sec. 3.** *“Special assistance permit” means a permit issued by the Department to a person who meets the requirements of section 4 of this regulation.*

**Sec. 4. 1.** *The holder of a tag issued by the Department authorizing the holder to hunt a big game mammal may apply for a special assistance permit authorizing a designated licensed assistant to assist the holder in accordance with section 5 of this regulation if the holder:*

*(a) Is a paraplegic;*

*(b) Has had one or both legs amputated; or*

*(c) Has suffered a paralysis of one or both legs which severely impedes the holder’s walking.*

*2. An application for a special assistance permit must:*

*(a) Be submitted on a form provided by the Department and must include, without limitation:*

*(1) The applicant’s legal name, physical address, mailing address if different from the physical address and telephone number;*

*(2) The social security number and client number of the applicant;*

*(3) The class and number of the hunting license issued to the applicant in this State;*

*(4) The legal name of each designated licensed assistant;*

*(5) The physical mailing address and telephone number of each designated licensed assistant; and*

*(6) The hunting license number and client number of each designated licensed assistant.*

*(b) Include:*

*(1) A statement signed by the applicant which affirms that the applicant is eligible for the special assistance permit pursuant to subsection 1; and*

*(2) A signed statement from each designated licensed assistant named in the application affirming that the designated licensed assistant meets the requirements of subsection 4.*

*(c) Be accompanied by a certificate issued by a licensed physician certifying that the applicant meets the requirements of subsection 1.*

*3. An applicant for a special assistance permit pursuant to this section who holds more than one tag issued by the Department authorizing the holder to hunt a big game mammal must complete a separate application for each tag. The applicant:*

*(a) Is not required to use the same designated licensed assistant for each tag; and*

*(b) May list more than one designated licensed assistant for each tag.*

*4. To be a designated licensed assistant, a person:*

*(a) Must be 18 years of age or older;*

*(b) Must hold a valid hunting license in this State;*

*(c) Must not have any license, permit or privilege issued to him or her pursuant to title 45 of NRS suspended or revoked; and*

*(d) Is not required to hold a tag for the big game mammal which the holder of the special assistance permit is authorized to take.*

*5. A special assistance permit issued pursuant to this section must be issued free of charge to the applicant.*

*Sec. 5. 1. A holder of a special assistance permit who is in the field:*

*(a) Must have the special assistance permit in his or her possession; and*

*(b) May be accompanied by more than one designated licensed assistant listed on his or her special assistance permit but may only be actively assisted during the hunt by one designated licensed assistant at a time.*

*2. Each designated licensed assistant in the field with the holder of a special assistance permit must have a copy of the special assistance permit in his or her possession, and must exhibit the copy of the permit upon the demand of any officer authorized to enforce the fish and game laws of this State.*

*3. A designated licensed assistant who is in the field to assist the holder of a special assistance permit during a hunt:*

*(a) Must have his or her hunting license and a copy of the special assistance permit in his or her possession;*

*(b) May not use a weapon other than the weapon authorized by the tag of the holder of the special assistance permit;*

*(c) Except as required to perform any task authorized in paragraphs (d) and (e), must be accompanied at all times during the hunt by the holder of the special assistance permit;*

*(d) May, if he or she has a good faith belief that the holder of a special assistance permit has lawfully wounded a big game mammal, discharge his or her weapon to assist in the taking of the big game mammal; and*

*(e) May assist the holder of a special assistance permit in:*

*(1) The validation and attachment of the tag of the holder of a special assistance permit that is required by NAC 502.390 and 502.400; and*

*(2) Retrieving the big game mammal wounded or killed by the holder of a special assistance permit.*

*4. For the purposes of title 45 of NRS, if a big game mammal is harvested pursuant to the provisions of this section, the holder of the special assistance permit will be deemed to be the person who killed or harvested the big game mammal.*

*5. Except as otherwise provided in this section and section 4 of this regulation, each holder of a special assistance permit and each designated licensed assistant is subject to all applicable laws and regulations relating to the type of hunt for which the holder of the special assistance permit is authorized, except those provisions which by their nature can have no application.*

**Sec. 6.** NAC 502.385 is hereby amended to read as follows:

502.385 1. The tag or permit must:

(a) Include, in the space provided on the tag or permit, the signature of the holder of the tag or permit and the date on which and time at which the holder signed the tag or permit; and

(b) Be carried by the holder at all times while the holder is hunting or trapping or while he or she is fishing for wildlife for which a tag or permit is required.

2. ~~It~~ *Except as otherwise provided in section 5 of this regulation, it* is unlawful for any person to:

(a) Use or possess a tag or permit issued to any other person;

(b) Transfer or give a tag or permit issued to him or her to any other person;

(c) Use any tag or permit in a management area or unit for which it is not intended; or

(d) Use a tag or permit at any time other than at the time intended.

3. After it has been issued, a tag or permit may not be exchanged or a refund made except in accordance with the policies and regulations of the Commission.

**Sec. 7.** NAC 502.390 is hereby amended to read as follows:

502.390 ~~When~~ *Except as otherwise provided in section 5 of this regulation, when* a person reaches any wildlife which the person has killed, he or she must validate his or her tag or permit immediately by clearly punching out the spaces necessary to properly identify the physical description of the animal, including its sex and antler points, where appropriate, and the day and month of the kill.

**Sec. 8.** NAC 502.400 is hereby amended to read as follows:

502.400 1. Except as otherwise provided in subsection 2 ~~and~~ *and section 5 of this regulation*, the owner of a tag or permit must firmly attach it to the carcass of an animal killed by the owner, at or before the time he or she first reaches his or her means of transportation or camp. The tag or permit must remain with the major portion of the meat until it is consumed.

2. If the animal killed is a mountain lion or fur-bearing mammal for which a tag or permit is required, the owner of the tag or permit *or a designated licensed assistant pursuant to section 5 of this regulation* must firmly attach it to the hide or pelt of the animal. The tag or permit must remain attached to the hide while it is transported and until it is processed.

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS  
NEVADA DEPARTMENT OF WILDLIFE**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS  
233B.066**

**LCB FILE NO. R105-16  
Commission General Regulation 467**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 502

**1. A clear and concise explanation of the need for the adopted regulation:**

This regulation is intended to comply with Assembly Bill 136 of the 2015 Legislative Session. This bill requires the Nevada Board of Wildlife Commissioners to adopt regulations prescribing the circumstances under which a person may assist in the killing and retrieval of a wounded big game mammal by another person who: (1) is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and (2) has obtained a valid tag issued by the Department of Wildlife for hunting that animal.

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

Public comment was solicited through two workshops of the regulation which involved the County Advisory Boards to Manage Wildlife (CABMW), the Nevada Board of Wildlife Commission and the public. The regulation workshops occurred during the Commission's August 12 and September 23, 2016 meetings. The public comments given were questions as to how many persons this regulation actually affected; we did not have that data available. Other comments were overall positive and supportive. In addition, comments were given indicating other laws from other states that may be of assistance to the Department in the regulation draft process. The regulation was adopted at the Commission's February 11, 2017 meeting, some public comments and discussion ensued related to possible future expansion of the types of disabilities that would be allowed. The parties involved were informed that this would require a change to statute. The minutes of the Commission meetings are available at:

[http://www.ndow.org/Public\\_Meetings/Commission/Archive/](http://www.ndow.org/Public_Meetings/Commission/Archive/)

**3. The number of persons who:**

- (a) **Attended each hearing:** August 12, 2016: 34  
September 23, 2016: 35  
February 11, 2017: 41
- (b) **Testified at each hearing:** August 12, 2016: 4  
September 23, 2016: 1

February 11, 2017: 3

(c) **Submitted written comments:** None

4. **For each person identified in number 3 above, the following information if provided to the agency conducting the hearing:**

- (a) **Name:** Gil Yanuck
- (b) **Telephone number:** 775-841-3675
- (c) **Business address:**4100 Lakeview Road, Carson City 89701
- (d) **Business telephone number:** 775-841-3675
- (e) **Electronic mail address:**gilcalif@att.net
- (f) **Name of entity or organization represented:** Carson City CABMW

- (a) **Name:** Jana Wright
- (b) **Telephone number:**
- (c) **Business address:** 500 S. Grand Central Pkwy, Las Vegas 89155
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Clark County

- (a) **Name:** Paul Dixon
- (b) **Telephone number:** 505-665-4595
- (c) **Business address:**9445 Grenville Ave, Las Vegas 89134
- (d) **Business telephone number:** 505-665-4595
- (e) **Electronic mail address:**noxid1960@gmail.com
- (f) **Name of entity or organization represented:** Clark County CABMW

- (a) **Name:** Carl Erquiaga
- (b) **Telephone number:**
- (c) **Business address:** 1625 Golden Park Way, Fallon
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** TRCP

- (a) **Name:** Fred Voltz
- (b) **Telephone number:**
- (c) **Business address:**1805 N. Carson St #231, Carson City 89701
- (d) **Business telephone number:**
- (e) **Electronic mail address:**
- (f) **Name of entity or organization represented:** Recreationists

- (a) **Name:** Doug Martin, Carson City CABMW
- (b) **Telephone number:** 775-901-0453
- (c) **Business address:**5000 Gentry Lane, Carson City 89701
- (d) **Business telephone number:** 775-901-0453
- (e) **Electronic mail address:**douglas.j.martin@att.net

(f) **Name of entity or organization represented:** Carson City CABMW

(a) **Name:** Sean Shea

(b) **Telephone number:** 775-323-9090

(c) **Business address:** 10760 Santa Fe Road, Reno 89508

(d) **Business telephone number:** 775-323-9090

(e) **Electronic mail address:** sean@theheadmaster.com

(f) **Name of entity or organization represented:** Washoe County CABMW

(a) **Name:** Craig Burnside

(b) **Telephone number:** 775-901-2882

(c) **Business address:** 1388 Saratoga St., Minden 89423

(d) **Business telephone number:** 775-901-2882

(e) **Electronic mail address:** burnside@charter.net

(f) **Name of entity or organization represented:** Douglas County CABMW

5. **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:**

Comment was not solicited from small businesses. This regulation does not affect small businesses. This regulation contains guidelines for hunters.

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

The summary of changes to the regulation are as follows: an addition of language requiring a certificate signed by a physician certifying acceptable disability; a clarification to having the assistant accompany the hunter in the field, a requirement for both hunter and assistant to have a copy of the permit in possession while in the field, a requirement that both hunter and assistant present the permit upon demand by a law enforcement officer, allowing multiple assistants on the permit while designating only one assistant to act in the capacity indicated in the permit at a time, removal of redundant language requiring signatures, in addition, some items were not altered but simply moved to different locations in the regulation.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) **Both adverse and beneficial effects on businesses; and**

There will be no adverse and beneficial economic effect of the proposed regulation on businesses.

- (b) **Both immediate and long-term effects on businesses:**

There will be no immediate and long-term economic effect of the proposed regulation on businesses.

**(a) Both adverse and beneficial effects on the public; and**

There will be no adverse and beneficial economic effect of the proposed regulation on the public.

**(b) Both immediate and long-term effects on the public:**

There will be no immediate and long-term economic effects of the proposed regulation on the public.

**8. The estimated cost to the agency for enforcement of the adopted regulation:**

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.

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

This regulation does not overlap or duplicate any local, state, or federal regulation.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:**

The amendments do not duplicate any federal laws regulating the same activity, nor strengthen others.

**11. 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.**

The regulation does not propose new fees or increased fees.