

**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. R050-21  
Commission General Regulation 501**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 9:00 am on June 25, 2022 at the Nannini Administration Building, 540 Court St. Elko, NV 89801. 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/81935290261?pwd=YWFsQWVRbFhzb1Q2T0V3TnlRVXVmQT09>  
Passcode:537614

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:**  
The regulation is necessary in order to create a program designed to transfer a tag to a qualifying organization who in turn provides hunting opportunities to individuals who fall under the criteria outlined in Assembly Bill 89.
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 **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**  
Assembly Bill 89 out of the 81st Legislative Session gave the Board of Wildlife Commission the authority to create a program that allows for the transference of a big game tag from an individual to a qualified organization who provides hunting opportunities to select individuals. It also allows for the ability to transfer a big game tag from a tag holder who is deceased to another eligible individual. The included regulation change creates that process.
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.

May 20, 2022

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

**LCB File No. R050-21**

January 4, 2022

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

AUTHORITY: § 1, NRS 501.105, 501.181, 502.140 and 502.160, as amended by section 4 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757; § 2, NRS 501.105, 501.181, 502.103, as amended by section 4.5 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 473, NRS 502.160, as amended by section 4 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757, and section 1 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 471 (NRS 502.104).

A REGULATION relating to wildlife; revising certain provisions relating to the transfer, return or deferral of the use of a tag to hunt a big game mammal; establishing a process for a holder of a big game tag to designate a beneficiary of the tag; establishing a program that allows a person to transfer his or her big game tag to an eligible qualified organization for use by a person who has a disability or life-threatening medical condition or is 16 years of age or younger and is otherwise eligible to hunt in this State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires, with certain exceptions, a person who hunts or fishes any wildlife in this State to obtain a license for such activities and, if he or she wishes to hunt certain designated big game mammals, to obtain an additional license, known as a big game tag. (NRS 502.010, as amended by section 2 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 472, NRS 502.130) Under existing law, any such tag is not transferrable unless the person to whom the tag was issued can demonstrate, in accordance with regulations adopted by the Board of Wildlife Commissioners, the existence of an extenuating circumstance that causes the person to be unable to use the tag. (NRS 502.100, as amended by section 4 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 473, NRS 502.103, as amended by section 4.5 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 473) Existing law further provides that the death of a big game hunter is an extenuating circumstance. (NRS 502.103, as amended by section 4.5 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 473)

Existing law authorizes the Commission to adopt regulations establishing a process through which a big game hunter who claims an extenuating circumstance may provide documentation to the Department of Wildlife which shows that his or her condition or event

qualifies as an extenuating circumstance. (NRS 502.103, as amended by section 4.5 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 473) Additionally, existing law authorizes the Commission to establish a program that allows a person to transfer his or her tag to hunt a big game mammal to an eligible qualified organization for use by a person who: (1) has a disability or life-threatening medical condition; or (2) is 16 years of age or younger and is otherwise eligible to hunt in this State. (Section 1 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 471 (NRS 502.104))

**Section 2** of this regulation establishes: (1) the process by which a holder of a big game tag may designate a beneficiary, who upon death of the holder of a tag, will be treated as if he or she were awarded the tag, if the designated beneficiary provides a death certificate to the Department; and (2) a tag transfer program that allows a person to transfer his or her tag to hunt a big game mammal to an eligible qualified organization for use by a person who has a disability or life-threatening medical condition or is 16 years of age or younger and is otherwise eligible to hunt in this State. **Section 1** of this regulation makes conforming changes to provide that the transfer of a tag pursuant to **section 2** is an exception to the general prohibition on the transfer of tags.

**Section 1.** NAC 502.385 is hereby amended to read as follows:

502.385 1. The tag or permit must 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. Except as otherwise provided in NAC 502.42905 ~~H~~ *and section 1 of LCB File No. R022-19*, 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. 2.** Section 1 of LCB File No. R022-19 is hereby amended to read as follows:

1. A holder of a tag may claim an extenuating circumstance and request to transfer the tag, return the tag for the restoration of bonus points or defer the use of the tag pursuant to NRS

502.103 , as amended by section 4.5 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 473, only in accordance with the requirements of this section.

2. *A person who applies for a big game tag may designate a beneficiary of the tag. Upon the death of the holder of the tag, if the designated beneficiary provides a death certificate to the Department, the designated beneficiary will be treated as if he or she were awarded the tag pursuant to subsection 6. The designated beneficiary may:*

*(a) Use the tag if he or she is otherwise eligible to hunt a big game mammal in this State.*

*Waiting periods and suspensions are subject for exclusion;*

~~*(b) Defer the tag to the next applicable hunting season if the designated beneficiary holds a tag for the same species and subspecies;*~~

*(b) Transfer the tag to a qualified organization approved by the Department pursuant to subsection 10; or*

*(c) Return the tag to the Department.*

3. If the holder of a tag is diagnosed as terminally ill before hunting hours begin on the opening day of the season for which the tag was issued, the holder of the tag may claim an extenuating circumstance and request to transfer the tag to another person who is otherwise eligible to hunt a big game mammal in this State.

~~3.4~~ 4. Except as otherwise provided in subsection ~~7.4~~ 8, the Department shall allow the holder of a tag to return the tag to the Department for the restoration of any bonus points that he or she used to obtain the tag or defer the use of the tag to the next applicable hunting season if any of the following extenuating circumstances occur after the last day that the holder is entitled to return the tag pursuant to NAC 502.422, but before the hunting hours begin on the opening day of the season for which the tag was issued:

(a) The death of a family member of the holder of the tag, as verified by a certificate of death;

(b) The holder of the tag or a family member of the holder incurs a severe and unanticipated injury or illness which prevents the holder from hunting during the season for which the tag was issued, as verified in writing by a physician; or

(c) The holder of the tag is serving in the Armed Forces of the United States and is transferred to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued, as verified by a copy of his or her orders or other proof satisfactory to the Department.

~~{4.}~~ 5. If the holder of the tag claims an extenuating circumstance as described in subsections ~~{2.}~~ 3 and ~~{3.}~~ 4, he or she must:

(a) Return the tag to the Department not later than 14 business days after the opening day of the season for which the tag was issued;

(b) Attest that he or she did not hunt on the tag; and

(c) Submit evidence to the Department of the extenuating circumstance. In the case of the death of a family member, if the holder of the tag has not received a death certificate for the deceased person within the 14 business days required to return the tag to the Department pursuant to paragraph (a), the death certificate may be submitted to the Department at such time as the holder of the tag receives a copy of the death certificate.

~~{5.}~~ 6. If a tag is transferred to another person *or qualifying organization* pursuant to this section, both the original holder of the tag and the new recipient of the tag will be treated as if he or she drew the tag with respect to any applicable waiting periods and bonus points.

~~{6.}~~ 7. The Department shall process the transfer, return or deferral within 5 business days after receiving the tag.

~~7.1~~ 8. The provisions of this section do not apply to the holder of a tag who is serving in the Armed Forces of the United States if he or she defers the use of a tag pursuant to NAC 502.336.

*9. The tag transfer program is hereby established. An organization that wishes to participate in the tag transfer program must submit an application to the Department between September 1 and October 31 of each year for participation in the following year's hunting season. An application submitted by an organization must demonstrate that the organization is a qualified organization, as that term is defined in section 1 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 471 (NRS 502.104), and further demonstrate:*

*(a) The ability of the organization to cooperate with a licensed master guide or a licensed subguide or otherwise qualified hunting individual to safely guide or mentor persons who are eligible to receive a transferred tag pursuant to this section;*

*(b) The number of persons represented out of each category described in subparagraphs (1) and (2) of paragraph (b) of subsection 3 of section 1 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 471 (NRS 502.104), who are eligible to receive a transferred tag pursuant to this section, including, without limitation, the following information:*

*(1) The first and last name of each person;*

*(2) The date of birth of each person; and*

*(3) The client number, as defined in NAC 502.029, of each person; and*

*(c) That no monetary trade or exchange of goods will be taken or given by the organization, a person or family member of a person represented by a qualifying organization or a person wishing to transfer his or her tag.*



*10. If an application submitted pursuant to subsection 9 is approved, the Department shall notify the organization of the approval. Such approval authorizes the qualified organization to participate in the tag transfer program for 1 calendar year beginning on January 1 and ending on the last day of that year's concurrent hunting seasons.*

*11. At the request of the holder of a tag, the Department shall provide a tag transfer request form and list of qualified organizations to the holder for submission to the Department designating the qualified organization that will receive the tag.*

*12. If a qualified organization fails to meet the requirements set forth in subsection 9, the Department ~~may~~ shall revoke the authorization of the organization to participate in the tag transfer program for the remainder of the current year's hunting season.*

~~18.1~~ 13. The Department shall update the Commission on all tags that are transferred, returned or deferred pursuant to this section.

~~19.1~~ 14. As used in this section:

(a) "Family member" has the meaning ascribed to it in NRS 502.103.

(b) *"Tag transfer program" means the program established by this section pursuant to section 1 of Assembly Bill No. 89, chapter 109, Statutes of Nevada 2021, at page 471 (NRS 502.104).*

(c) "Terminally ill" has the meaning ascribed to it in NRS 449A.081.

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

**Commission General Regulation 501 LCB File No. R050-21 Bonus Point Application Period**

**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 establishes a new program that allows a customer of the Department to transfer a game tag to an organization. Language within the regulation prohibits the exchange of funds or goods to transfer the game tags.

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

**ANSWER:**

Agency personnel concluded that there would be no small businesses impact and 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 effects from the proposed regulation on small business because it prohibits the take or exchange of funds or goods for the transfer of game tags.

- 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 prohibits the take or exchange of funds or goods for the transfer of game tags.

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 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:**

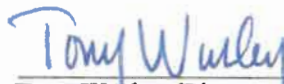
This regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards.

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 it prohibits the take or exchange of funds or goods for the transfer of game tags.

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