

**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 ~~§~~ *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;

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

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

(d) 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.

~~13.1~~ 4. Except as otherwise provided in subsection ~~17.1~~ 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.

~~14.~~ **5.** If the holder of the tag claims an extenuating circumstance as described in subsections ~~12.~~ **3** and ~~13.~~ **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.

~~15.~~ **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.

~~16.~~ **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. 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 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 revoke the authorization of the organization to participate in the tag transfer program.

~~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.