

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

LCB File No. R070-21

January 24, 2022

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

AUTHORITY: §§ 1, 5, 6, NRS 501.105, 501.181 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, 502.160, as amended by section 4 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757, and 502.210; § 3, NRS 501.105, 501.181, 502.130, 502.160, as amended by section 4 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757, and 502.250; § 4, 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; § 7, NRS 501.105, 501.181 and 503.040; § 8, NRS 501.105, 501.181 and 502.370.

A REGULATION relating to wildlife; providing when certain persons may obtain duplicate tags; authorizing a person to possess a tag or permit issued to the holder of the tag or permit if the person is physically accompanying the holder and within close proximity during certain periods of time; providing how a person must validate his or her electronic tag; providing how a person must attach a legible validation code to certain animal carcasses; providing how a validation code may be used as a general transportation permit; providing how a validation code may be used as a transportation permit for the transport of nonedible game parts to a taxidermist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary for the preservation, protection, management and restoration of wildlife and its habitat and to carry out the provisions of existing law governing wildlife generally. (NRS 501.105, 501.181)

Existing law requires the Department of Wildlife to designate the electronic and paper forms for a tag. (NRS 502.160, as amended by section 4 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757) Existing law requires an electronic tag to be validated pursuant to regulations adopted by the Commission before transporting any species of wildlife. (NRS 502.150, as amended by section 3 of Senate Bill No. 406, chapter 304, Statutes of Nevada 2021, at page 1757)

Existing law authorizes the Department to issue a duplicate tag upon: (1) receiving an affidavit of an applicant that the applicant has not received the tag for which the applicant

applied and paid the required fee; and (2) the applicant paying a fee of \$10. (NRS 502.210) Existing regulations require an applicant for a duplicate tag to submit an application and provide that, upon submitting the completed application, a duplicate tag may be purchased from the Department or a license agent who issues duplicate tags. (NAC 502.314) **Section 2** of this regulation authorizes a person who holds a tag in an electronic or paper form that is not in the form desired by the person to submit the affidavit for a duplicate tag that is required by existing law and to submit an application for a duplicate tag that is required by existing regulations. **Section 2** provides that a person seeking such a duplicate tag must pay the \$10 fee.

Existing regulations require a tag or permit to 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. (NAC 502.385) **Section 4** of this regulation requires a tag or permit to be in possession of the holder of the tag or permit or a person physically accompanying the holder and within close proximity at all times. Existing regulations set forth certain unlawful acts relating to the use of a tag or permit. (NAC 502.385) **Section 4** provides that it is unlawful for any person to be in possession of a tag or permit if the person is not physically accompanying the holder to whom the tag or permit was issued and within close proximity during the entire pursuit and taking of an animal in the field.

Existing regulations require a person, when he or she reaches any wildlife which he or she has killed, to validate his or her tag or permit immediately by clearly punching out the spaces necessary to properly identify the physical description of the animal and the day and month of the kill. (NAC 502.390) **Section 5** of this regulation clarifies that such physical punching out of spaces applies only to paper tags. **Section 5** provides that an electronic tag is validated by: (1) identifying the physical description of the animal, identifying the day and month of the kill and providing any other information requested by the Department; and (2) receiving a validation code upon submitting such information. **Section 1** of this regulation defines “validation code” to mean the code that the holder of an electronic tag receives upon validating his or her electronic tag.

Existing regulations provide how an owner of a tag or permit must attach his or her tag or permit to the carcass of an animal killed by the owner. (NAC 502.400) **Section 6** of this regulation provides that an owner may attach a legible validation code to the carcass if the owner has an electronic tag. **Section 3** of this regulation makes a conforming change by referencing such legible validation codes.

Existing regulations provide how a person may use his or her game tag as a transportation permit to transport the carcass, hide or pelt of certain animals. (NAC 502.401) **Section 7** of this regulation provides how a person may use his or her game tag or validation code as a transportation permit. Existing regulations provide what documents need to be signed and what information must be included on a game tag to transport the carcass, hide or pelt of certain animals. (NAC 502.401) **Section 7** provides that for an electronic game tag: (1) the holder of the game tag shall provide the validation code to the person who will transport the carcass, hide or pelt of the animal; and (2) the person transporting the carcass, hide or pelt shall have in his or her possession a legible copy of the validation code.

Existing regulations provide how the portion of a game tag designated as the taxidermy record stub may be used as a transportation permit to ship nonedible game parts to a taxidermist. (NAC 502.403) **Section 8** of this regulation provides that a validation code may be used as a transportation permit to ship nonedible game parts to a certain taxidermist. **Section 8** further provides that when shipping nonedible game parts when the holder of the tag has an electronic

tag, certain information must accompany the shipment, including: (1) a legible copy of the validation code; (2) the electronic tag number; (3) the name and address of the holder of the electronic tag; (4) the unit of the kill; (5) the sex of the harvested animal; and (6) the number of both the left and right antler points. **Section 8** additionally authorizes the holder of the game tag to authorize another person to transport any nonedible game parts to a commercial or noncommercial taxidermist, regardless of if the taxidermist is licensed and located in this State. Finally, **section 8** provides that a taxidermy record stub or validation code may only be used or possessed by the person to whom the game tag was issued or a person who is transporting an animal to a taxidermist.

Section 1. Chapter 502 of NAC is hereby amended by adding thereto a new section to read as follows:

“Validation Code” means a code that:

- 1. The holder of an electronic tag receives upon validating his or her electronic tag;*
- 2. Consists of letters and numbers; and*
- 3. Can be used to identify the electronic tag number and the name and address of the holder of the electronic tag.*

Sec. 2. NAC 502.314 is hereby amended to read as follows:

502.314 1. An application for a duplicate tag must be made as provided in NRS 502.210 on a form provided by the Department.

2. A person who holds a tag in an electronic or paper form that is not in the form desired by the person may obtain a duplicate tag by:

(a) Submitting an affidavit for a duplicate tag pursuant to paragraph (b) of subsection 1 of NRS 502.210;

(b) Submitting an application for a duplicate tag pursuant to subsection 1; and

(c) Paying a fee of \$10.

3. Upon submission of a completed application for a duplicate tag, a duplicate tag may be purchased from the Department or a license agent who issues duplicate tags.

Sec. 3. NAC 502.378 is hereby amended to read as follows:

502.378 1. A tag is required to hunt wild turkey. The fee for a resident tag is \$20. The fee for a nonresident tag is \$50. In addition, a nonrefundable fee in the amount set forth in subsection 3 of NAC 502.331 will be charged for acting upon each application for a tag. Except as otherwise provided in regulations adopted by the Commission, the award of these tags by the Department will be based on a drawing held after the deadline established by the Commission for the drawing.

2. A person, while hunting wild turkey, shall have in his or her possession:

(a) A valid hunting license; and

(b) A valid tag to hunt wild turkey issued to the person.

3. A hunter who has killed a wild turkey and taken it into his or her possession shall immediately punch the *paper* tag and attach ~~it~~ *the paper tag or a legible validation code, if applicable*, to the body of the turkey as required by NAC 502.390 and 502.400.

Sec. 4. NAC 502.385 is hereby amended to read as follows:

502.385 1. The tag or permit must be ~~carried by~~ *in possession of* the holder *of the tag or permit or a person who is physically accompanying the holder and within close proximity* 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 R022-19, it is unlawful for any person to:

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

(b) *Be in possession of a tag or permit if the person is not physically accompanying the holder to whom the tag or permit was issued and within close proximity during the entire pursuit and taking of an animal in the field;*

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

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

~~(d)~~ (e) 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. 5. NAC 502.390 is hereby amended to read as follows:

502.390 Except as otherwise provided in NAC 502.42905, when a person reaches any wildlife which the person has killed, he or she must validate his or her tag or permit immediately by :

1. *For paper tags or permits*, 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.

2. *For electronic tags:*

(a) *Identifying the physical description of the animal, including its sex and antler points, where appropriate, and the day and month of the kill, and providing any other information requested by the Department; and*

(b) *Upon submitting such information, receiving the validation code.*

Sec. 6. NAC 502.400 is hereby amended to read as follows:

502.400 1. Except as otherwise provided in subsection 2 and NAC 502.42905, the owner of a tag or permit must firmly attach ~~(d)~~ *the paper tag or permit, if applicable, or a legible*

validation code 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 *or validation code* 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 NAC 502.42905 must firmly attach ~~it~~ *the paper tag or permit or the legible validation code, as applicable*, to the hide or pelt of the animal. The tag or permit *or validation code* must remain attached to the hide while it is transported and until it is processed.

Sec. 7. NAC 502.401 is hereby amended to read as follows:

502.401 1. A person to whom a game tag has been lawfully issued may use his or her game tag *or validation code* as a transportation permit in the manner described in this section if:

(a) The game tag includes ~~the~~ *a physical or electronic* signature of the holder of the game tag and the date on which and time at which the holder signed the game tag;

(b) The game tag has been validated pursuant to NAC 502.390; and

(c) The game tag *or validation code* has been attached to the carcass, hide or pelt of the animal pursuant to NAC 502.400.

2. ~~The~~ *If the holder of the game tag has an electronic game tag:*

(a) The holder of the game tag shall provide the validation code to the person who will transport the carcass, hide or pelt of the animal; and

(b) The person who will transport the carcass, hide or pelt of the animal shall have in his or her possession a legible copy of the validation code that was provided pursuant to paragraph (a).

3. *If the holder of the game tag has a paper game tag, the* holder of the game tag, the person who will transport the carcass, hide or pelt of the animal and a witness each shall, at the time the carcass, hide or pelt is transferred from the holder of the game tag to the person who will transport the carcass, hide or pelt:

(a) Sign the portion of the game tag designated as the tag holder copy of the transportation permit and the portion of the game tag designated as the transporter copy of the transportation permit; and

(b) Include on each portion of the game tag described in paragraph (a):

(1) The date and time that the carcass, hide or pelt of the animal is transferred from the holder of the game tag to the person who will transport the carcass, hide or pelt of the animal; and

(2) Except as otherwise provided in ~~subsection 3,~~ *this subparagraph*, his or her driver's license number or the number of any other identification card issued by a governmental agency to the person. *If the holder of the game tag, the person who will transport the carcass, hide or pelt of the animal or the witness does not have a driver's license or any other identification card issued by a governmental agency, he or she shall include on each portion of the game tag described in paragraph (a) his or her date of birth.*

~~{3.— If the holder of the game tag, the person who will transport the carcass, hide or pelt of the animal or the witness does not have a driver's license or any other identification card issued by a governmental agency, he or she shall include on each portion of the game tag described in paragraph (a) of subsection 2 his or her date of birth.}~~

4. In addition to the requirements of ~~subsections 2 and~~ *subsection 3*, the holder of the game tag shall include on each portion of the game tag described in paragraph (a) of subsection ~~2~~ *3* the destination of the carcass, hide or pelt being transported.

5. A person who *is in possession of a validation code or who* provides a signature pursuant to this section shall be deemed to have attested, under penalty of perjury, to the transfer of the carcass, hide or pelt of the animal from the holder of the game tag to the person who will transport the carcass, hide or pelt.

6. A person shall not remove from the carcass, hide or pelt of an animal *the validation code or* either portion of the game tag described in paragraph (a) of subsection ~~2~~ *3* until the carcass, hide or pelt has been transferred from the holder of the game tag to the person who will transport the carcass, hide or pelt.

7. The holder of the game tag shall retain the *validation code or the* portion of the game tag designated as the tag holder copy of the transportation permit and the person who transports the carcass, hide or pelt shall retain *a legible copy of the validation code or* the portion of the game tag designated as the transporter copy of the transportation permit for at least 1 year after the date that the carcass, hide or pelt of the animal is transferred from the holder of the game tag to the person who transports the carcass, hide or pelt.

8. If the carcass, hide or pelt of an animal is transferred from the holder of a game tag to a person who will transport the carcass, hide or pelt, that portion of the cape or scalp of the animal which includes the ears to the base of the muzzle and any antlers or horns must be kept with the carcass, hide or pelt until the carcass, hide or pelt is frozen, smoked, dried, consumed or accepted by a commercial processing plant for processing.

Sec. 8. NAC 502.403 is hereby amended to read as follows:

502.403 1. Except as otherwise provided in this section, a person to whom a game tag has been lawfully issued may use that portion of his or her game tag designated as the taxidermy record stub *or the validation code* in the following manner:

(a) The person may ship by commercial carrier any nonedible game parts taken from the animal lawfully harvested under the authority of the tag to a commercial or noncommercial taxidermist . ~~licensed and located in this State.~~ If such parts are placed for shipment ~~the~~ :

(1) For paper game tags, the taxidermy record stub must accompany the shipment.

(2) For electronic game tags, a legible copy of the validation code, the electronic tag number, the name and address of the holder of the electronic tag, the unit of the kill, the sex of the harvested animal and the number of both the left and right antler points must accompany the shipment.

(b) If the person reaches his or her place of residence with an animal which has been lawfully harvested under the authority of the tag or delivers the animal to a commercial processor for processing, the person may authorize another person to transport any nonedible game parts taken from the animal to a commercial or noncommercial taxidermist . ~~licensed and located in this State. The~~ *For a paper game tag, the* person shall, at the time of making the authorization, print in ink on the taxidermy record stub both the name of the authorized transporter and the date of the authorization. The taxidermy record stub *or the validation code* must accompany the transportation of the parts.

(c) The person who is specified on the tag may deliver any nonedible game parts taken from the animal lawfully harvested under the authority of the tag to a commercial or noncommercial taxidermist licensed in any state.

2. Whenever antlers are shipped, transported or delivered in the manner provided in subsection 1, the holder of the game tag shall ~~indicate~~ :

(a) For paper game tags, indicate in ink on the taxidermy record stub the number of both the left and right antler points.

(b) For electronic game tags, provide a legible copy of the validation code, the electronic tag number, the name and address of the holder of the electronic tag, the unit of kill, the sex of the harvested animal and the number of both the left and right antler points.

3. If a person who holds a game tag delivers any nonedible game parts of a game animal which he or she has lawfully harvested under the authority of the tag to a taxidermist before the carcass of the animal is delivered for processing to a commercial processing plant or before the carcass of the animal is taken to or left at the holder's place of residence, the holder shall obtain from the taxidermist, and the taxidermist shall provide to the holder, an itemized receipt which includes the following printed information:

(a) The date on which the nonedible game parts were received;

(b) The species of game from which the nonedible game parts were taken;

(c) A brief description of each of the nonedible game parts received; ~~and~~

(d) The number of antler points, both left and right, if any, of the animal ~~+~~ ; *and*

(e) If applicable, the validation code obtained by the holder.

↪ Both the holder of the tag and the taxidermist shall sign the receipt. The holder of the tag shall retain possession of the receipt until he or she acquires physical possession of the nonedible game parts specified in the receipt from the taxidermist to whom the parts were delivered.

4. Except as otherwise provided in this section, a taxidermy record stub *or validation code* may not be used or possessed by any person other than the person to whom the game tag ~~to~~

~~which the stub is attached~~ was issued ~~+~~ *or a person who is transporting an animal in the manner provided in subsection 1.*

5. A taxidermy record stub *or validation code* is valid only for the type of hunt, season and animal specified on the tag and may only be used as authorized in this section.

6. Nonedible game parts taken from a harvested game animal which is required to be presented to a representative of the Department for inspection and branding or sealing may not be shipped, transported or delivered pursuant to the provisions of this section until the animal has been properly inspected and branded or sealed by the Department.

7. The provisions of NAC 503.173 do not apply to a person who ships, transports or delivers nonedible game parts in compliance with the provisions of this section.

8. As used in this section, “nonedible game parts” means the hide, head, skull, antlers, horns, paws, hooves or claws of any game animal. The term does not include the carcass of the animal.