

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

LCB File No. R014-24

March 11, 2024

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

AUTHORITY: § 1, NRS 501.105, 501.181, 502.103 and 502.104.

A REGULATION relating to wildlife; establishing certain exclusions relating to the deferral of the use of a tag under extenuating circumstances; revising certain provisions relating to the time within which a tag may be returned or deferred under certain extenuating circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires, with certain exceptions, a person who hunts any wildlife in this State to first obtain a license and, if he or she wishes to hunt certain designated big game mammals, to first obtain an additional license known as a big game tag. (NRS 502.010, 502.130) Existing law authorizes the Board of Wildlife Commissioners to establish a program whereby a holder of a tag may transfer, return or defer the use of his or her tag in the event of an extenuating circumstance. (NRS 502.103) This regulation prohibits a holder of a tag from deferring the use of a tag awarded under certain provisions of existing regulations. Existing regulations establish that the use of a tag may be deferred if certain extenuating circumstances occur before the hunting hours begin on the opening day of the season for which the tag was issued. (Section 1 of LCB File No. R022-19) This regulation further sets forth that use of the tag may be deferred if certain extenuating circumstances occur after the last day that the holder is entitled to return the tag but before hunting hours begin on the opening day of the season for which the tag was issued.

Section 1. Section 1 of LCB File No. R022-19 is hereby amended to read as follows:

1. ~~1A~~ *Except as otherwise provided in subsection 2, 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 only in accordance with the requirements of this section.

2. A holder of a tag may not defer the use of a tag awarded:

(a) From the alternate list generated pursuant to NAC 502.421;

(b) To an eligible hunter who applied electronically for any remaining tags after tags have been issued for a season pursuant to NAC 502.4215;

(c) Through the issuance of special incentive elk tags pursuant to NAC 502.42253 to 502.42283, inclusive;

(d) From the drawing for restricted nonresident deer tags pursuant to NAC 502.423 to 502.4238, inclusive;

(e) Through the issuance of damage compensation tags pursuant to NAC 502.424 to 502.4268, inclusive;

(f) Through a Dream Tag raffle pursuant to NAC 502.4269 to 502.42696, inclusive;

(g) Through the Partnership in Wildlife Drawing pursuant to NAC 502.4273 to 502.429, inclusive; or

(h) Through the Silver State Tag Drawing conducted pursuant to NAC 502.4291 to 502.4298, inclusive.

~~12.1~~ **3.** 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 ~~16.1~~ **7**. The designated beneficiary may:

(a) Use the tag if he or she is otherwise eligible to hunt a big game mammal in this State, subject to any applicable waiting period, as long as the person has not been suspended by the Department from using a tag;

(b) Transfer the tag to a qualified organization approved by the Department pursuant to subsection ~~10;~~ *11*; or

(c) Return the tag to the Department.

~~3;~~ *4*. 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.

~~4;~~ *5*. Except as otherwise provided in ~~subsection 8;~~ *subsections 2 and 9*, the Department shall allow the holder of a tag to return the tag to the Department pursuant to NAC 502.422, 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.

~~5;~~ *6*. If the holder of the tag claims an extenuating circumstance as described in subsections ~~3;~~ *4* and ~~4;~~ *5*, 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.

~~16.1~~ **7.** 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.

~~17.1~~ **8.** The Department shall process the transfer, return or deferral within 5 business days after receiving the tag.

~~18.1~~ **9.** 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.

~~19.1~~ **10.** 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 hunting season for the following year. An application submitted by an organization must demonstrate that the organization is a qualified organization, as that term is defined in NRS 502.104, and further demonstrate:

(a) The ability of the organization to cooperate with a licensed master guide, licensed subguide or otherwise qualified person 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 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~~ 11. If an application submitted pursuant to subsection ~~9~~ 10 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~~ 12. 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~~ 13. If a qualified organization fails to meet the requirements set forth in subsection ~~9~~ 10, the Department shall revoke the authorization of the organization to participate in the tag transfer program for the remainder of the current year's hunting season.

~~13.~~ 14. The Department shall update the Commission on all tags that are transferred, returned or deferred pursuant to this section.

~~14.~~ 15. 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 NRS 502.104.

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