



STATE OF NEVADA
DEPARTMENT OF WILDLIFE
Data and Technology Services Division
6980 Sierra Center Parkway, Ste. 120 • Reno, Nevada 89511
(775) 688-1500 Fax (775) 688-1987

MEMORANDUM:

APRIL 11, 2024

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Management Analyst Megan Manfredi, Data and Technology Services Division

Title: Commission General Regulation 520, Extenuating Circumstance Tag Deferral

Description: The Commission will review and revise draft language amending Nevada Administrative Code (NAC) chapter 502 that would amend the extenuating circumstance regulation for qualification to defer a big game tag.

Brief Explanation of the Proposed Regulation:

This regulation change amends section 1 of LCB File No. R022-19 which established a program to allow a customer the option to defer or transfer their big game tag if an extenuating circumstance happened to the customer before the hunting season of the tag opened that prevented the tag holder from hunting on the tag.

The regulation change adjusts the timeframe of which an extenuating circumstance could happen to the customer for deferral qualification. It also excludes the deferral option if a tag is awarded through certain programs.

The regulation change removes the deferral option if there is no identically matching hunt season available the following hunt year.

The regulation change includes an amendment that better defines the rules related to the tag transfer to an organization program.

A Commission adoption would include the approval of the Department's Standard Operating Procedure process that establishes business rules related to the tag deferral program established in LCB File No. R022-19.

Recommendation:

The Department recommends that the Commission review, amend if needed, and move towards adoption of the proposed regulation.

**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, **auctions or other sealed bids** conducted pursuant to **NRS 501.3575 and 502.250 NAC 502.4291 to 502.4298**, inclusive.*

(i) *If there is no identically matching open season the following year, in this circumstance, the tag will be returned, and bonus points restored.*

~~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.

~~13;~~ **4.** If the holder of a tag is diagnosed as terminally ill *after the tag has been awarded 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. *A tag holder may claim an extenuating circumstance any time after the tag has been awarded and choose to transfer their tag to a qualifying organization. All transfer requests must be received by the Department no later than 5 business days prior to the hunt season.*

~~14;~~ **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 *year's* applicable hunting season, *if any exist, and* 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.

~~15.1~~ **6.** If the holder of the tag claims an extenuating circumstance as described in subsections ~~13.1~~ **4** and ~~14.1~~ **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.

~~10.1~~ **11.** If an application submitted pursuant to subsection ~~9.1~~ **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.

~~11.1~~ **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.

~~12.1~~ **13.** If a qualified organization fails to meet the requirements set forth in subsection ~~9.1~~ **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.



NEVADA DEPARTMENT OF WILDLIFE
Data and Technology Services
6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511
License Office
STANDARD OPERATING PROCEDURE

Determining Extenuating Circumstance Qualifications for Tag Deferral Requests

EFFECTIVE DATE: TBD
APPROVED BY:

Alan Jenne
Director, Nevada Department of Wildlife

Tommy Caviglia
Chair, Nevada Board of Wildlife Commission

REFERENCE: NRS 232.4854, NRS 502.103, NAC 502.103, NAC 502.422

DISTRIBUTION: Data and Technology Service (DATS) Staff, Director's Office Staff, Game Staff

Purpose:

To establish a procedure to collect and process tag deferral requests; to reduce any likelihood of overallocation of set quotas; to remain fair and consistent when determining if provided *extenuating circumstances* qualify the tag holder for a tag deferral; and to ensure public transparency of deferral allocations during quota setting.

This policy does not regulate provisions found for military deferrals in NAC 502.336 or diseased tag replacement deferrals in NAC 502.321.

Policy:

NAC 502.103 provides a big game or turkey tag holder the ability to choose to defer the tag to the next applicable hunting season if an *extenuating circumstance*, defined as a "severe or unanticipated injury or illness," occurs which prevents the tag holder from hunting during the season for which the tag was issued. The unanticipated injury or illness must not have been diagnosed before the notification of the awarded draw results. The extenuating circumstance must have occurred after the close of the last business day of the Department and before the legal shooting hours of the tag season's opening day.

To ensure consistency and fairness to participants, the Department shall use NRS 232.4854 as a guide for *extenuating circumstance* qualifications. Each deferral request will be reviewed for compliance on an individual basis by the Director or Deputy Director. A response shall be provided for each request within 10 business days of request receipt.

NRS 232.4854 – "Serious illness" means a medical illness, physical injury or condition that substantially affects the quality of life of a person for more than a short period of time.

A serious illness or injury under this statute is a medical illness or injury that was unknown and unanticipated before the person was awarded the tag. The Department may request additional medical information from the customer who submitted a deferral request to determine if the request

qualifies. Requests for medical records establishing the onset of any particular medical condition may be of particular value.

It is ultimately the responsibility of the tag holder to submit proper documentation demonstrating their eligibility for the deferral program including but not limited to a statement clearly showing that the tag holder's physical condition precluded his or her participation in the hunt described on the awarded tag. The Department has the right to deny a request for lack of documentation that shows the injury or illness was unknown at the time the tag was awarded.

Pursuant to NAC 502.422, a general tag return must be received by the Department before the opening day of the hunt season. Tag returns received prior to the opening day of the season that DO NOT qualify as an extenuating circumstance shall be treated as a general tag return.

Pursuant to NAC 502.103 subsection 5(a), a customer who has experienced an extenuating circumstance prior to the opening day of the hunt season has 14 business days into the hunt season to notify the Department.

Examples of qualifying *extenuating circumstances* include but are not limited to:

- Motor vehicle accidents resulting in severe personal injury
- Unplanned surgeries resulting from unanticipated accidents or illnesses
- Blood clot(s)
- Broken bones
- Severe, acute, or life-threatening illnesses
- Death of a family member, as defined in NRS 502.103

Examples of *extenuating circumstances* that **DO NOT** qualify include but are not limited to:

- Cold and flu
- Return to work notes depicting "light duty"
- Elective or planned surgeries such as knee or hip replacements
- Chronic medical conditions, including but not limited to, hypertension, obesity, high cholesterol, fibromyalgia, arthritis, asthma, COPD, multiple sclerosis, etc.
- Seizures and similar chronic medical conditions that encompass a range of neurological disorders characterized by abnormal electrical activity in the brain.
- Injury or death of another member of the tag holder's hunting party, unless the member is also kindred to the tag holder within the first degree of consanguinity.

Examples of events that do not meet the definition of an extenuating circumstance include but are not limited to:

- Natural disasters or property damage such as wildland fires
- Weather related events
- Government closures and shutdowns
- Jury summons
- Biological impacts on herd health or numbers

Tag holders who do not qualify for tag deferment may still return their tag for any reason for the return of bonus points, pursuant to NAC 502.422, as long as the tag is physically possessed or received by the Department before the opening day of the tag's season.

Tag holders who were awarded multiple tags in a hunt year may only defer one tag for the following year.

Procedures:

DATS customer support staff will assist in clarifying qualifications of a big game or turkey tag deferral. Support staff will inform inquiring tag holders about the deferral program and that each

request requires supporting documentation and will be reviewed for compliance separately by the Director/Deputy Director of the agency. Staff will inform tag holders regarding the need to provide supporting documentation for deferral requests.

Tag Returned by Customer: All deferred tag requests received at a NDOW office will immediately be forwarded by mail (the physical tag must accompany the paperwork) to the Headquarters location with attention to the DATS Program Officer 1 (PNC0008). Scanned copies of tag return and deferral requests may be emailed to the DATS Program Officer 1 to begin the review and return process and married to the original tag once received by mail.

NDOW Headquarters staff will date stamp received tag deferral requests and provide paperwork to the DATS Program Officer 1. Additional medical documentation may be requested by the Department if the supporting documentation supplied by the customer is insufficient to qualify for the deferral request.

A deferred tag list will be created by the DATS Program Officer 1 within the duration of the current hunt season. The created list should be sortable by each section and include:

- Tag holder Client Identification Number
- Tag holder's full name
- Reason for the deferment
- Species for which the tag is being deferred
- Hunt season dates of deferred tag
- Unit for which the deferred tag was issued
- Weapon class of the deferred tag
- Approved or denied column

Director's Office Approval Process: Once logged, the DATS Program Officer 1 will forward the request to the Director's Office for review.

The Director's Office staff will notify the DATS Program Officer 1 and/or the DATS Program Officer 1 (PCN1211) and DATS Management Analyst 3 (PCN0010) if a customer qualifies for a tag deferral, within ten (10) business days of deferral request receipt by the Department.

Tag holders will be notified by Department staff whether their deferral request does or does not qualify for the extenuating circumstance deferral. Information on returning a tag for any reason will be given if a tag holder does not qualify for a deferral. An explanation of the process to fulfill the deferred tag for the next identical season and the possibility of void deferrals due to season or unit changes or lack of available quota will be offered to the customer. Information regarding the deferral suspension will be provided to the customer.

Once the customer is notified, tag holders with qualifying deferral requests will have their tag returned through the AMS system which produces a tag fee refund and the tag for the current season will be issued to an alternate or offered for sale through the FCFS program. A deferral suspension will be added to the customer account in AMS preventing them from receiving any other big game tags through the alternate, FCFS, or landowner tag programs for the duration of the current hunt season.

Complete tag deferral paperwork will be filed by last name and hunt year and stored until the retention period has expired. Staff will follow the State and agency approved retention schedule for storage timing and document destruction.

Quota Setting: Upon the close of the corresponding hunt year, the Program Officer 1 will provide the deferred tag list to the DATS Division Administrator (PCN0002), the DATS Management Analyst 3, and Game Division Administrator (PCN0088). Game Division staff will review the tag deferral list

and provide the DATS staff information on the number of hunts where deferred tags take up the full quantity of the anticipated quotas. The deferment list, **with CID and names redacted**, will be provided to the Commission as additional supporting materials during the season setting meeting in January and the quota setting meeting in May.

Deferral Tag Fulfillment: DATS Management Analyst 3 will provide the list of deferred tags to the licensing vendor and track the deferred tags in the configuration file used to build the application period. Deferred tags will be accounted for in the Commission approved quotas before being loaded into the AMS system's application period. This process prevents the overallocation of tags awarded through the draw.

Deferrals will not be approved if a tag was awarded through the alternate program or purchased through the First Come First Served (FCFS) program.

Deferrals will not be approved for the non-resident guided mule deer hunt.

Deferrals will not be approved for any management, depredation, landowner damage compensation antelope or mule deer, elk incentive, or emergency hunts.

Deferrals will not be approved for any Silver State, Heritage, Dream or Partnership in Wildlife specialty tags.

The Board of Wildlife Commissioners approves the hunt seasons, quotas, and Commission Regulations. Deferral requests in which the season dates or structures have changes so that the tag is no longer identically matching to the original tag approved for deferral, the customer will be treated as if the deferral was a general tag return in relation to lifted waiting periods and bonus point restoration.

Filling Tag Deferral Quotas: Quotas are approved at the May Board of Wildlife Commission meeting and are unknown at the time the big game application period opens, usually in March. If the quota for a hunt is lower than the received number of approved deferral requests resulting in all tags being allocated before the application period, the Department will not award a tag through the draw.

If a whole quota is allocated for tag deferrals, the Department will take applications to build an alternate list for use if a deferred tag is returned to the Department.

If the Department receives more deferrals than the available quota in season, the Department will issue deferred tags the lowest assigned draw number. Customers who were approved for deferral but do not receive a tag based on no available quota will have their deferral request treated as a regular tag return.

Upon completion of the big game application period, the quotas within the configuration file should be updated to reflect the actual Commission approved quota. This will ensure that the applicant is shown the correct number of tags that were issued last season during the following year's application period.

Fulfilling Deferred Tags: Tag deferrals from a prior season that are to be issued in the current season will be configured by licensing vendor staff and prepped for sale. Once configured, DATS staff will ensure that the deferral customers have an active hunting license before the tag is issued. DATS licensing staff will contact the deferral customers scheduled to receive a tag and collect payment of the tag fee. Customers will be given a deadline to submit payment to the Department for the deferred tag. If payment is not received by the deadline, the deferral request will be denied and the quota for the deferral will be issued through the main draw.

Once payment is collected, the tags can be assigned to the customer accounts in AMS, printed on durable stock, and mailed to the customer. If e-tags are available as an option chosen by the customer, the tag will be assigned to the customer in an electronic format.

Employee Responsibilities:

- DATS Staff – provide proper information to tag holders, contact customers, collect payment, date stamp and forward paperwork to DATS PO1, file deferral paperwork.
- DATS PO1 – create, manage, and share deferred tag list.
- DATS MA3 – track deferred tags in configuration file, provide list to licensing vendor.
- Game Staff – communicate with DATS staff on anticipated low quotas for hunts with a high volume of deferrals, include **redacted** deferred tag list in January and May's Commission support materials.
- Director's Office Staff – approve or deny tag deferral requests, communicate deferral decisions with DATS staff within ten (10) business days.

Definitions:

- **EXTENUATING CIRCUMSTANCE:** a serious injury, illness, or death of a child, partner, or close relative to the first degree of consanguinity which **prevents the holder of the tag from hunting** during the season for which the tag was issued. Section 1 of LCB File No. R022-19, subsection 4 (b) of NAC 502
- **SERIOUS ILLNESS:** a medical illness, physical injury or condition that substantially affects the quality of life of a person for more than a short period of time - NRS 232.4854. A serious illness or injury under this statute is a medical illness or injury that was unknown and unanticipated before the person was awarded the tag.
- **TERMINAL ILLNESS:** a medical diagnosis made by a physician that a person has an anticipated life expectancy of not more than 12 months. NRS 449A.081
- **FAMILY MEMBER:** spouse of the big game hunter, a stepchild of the big game hunter, a person related to the big game hunter within the first degree of consanguinity (spouse, child, or parent). – NRS 502.103.

