

CHANGING MOUNTAIN LION TO FUR-BEARER

LEGISLATION ISSUES:

NRS 501.035 “Fur-bearing mammal” defined. “Fur-bearing mammal” means any mammal so classified by Commission regulation.

- Commission can classify mountain lion as a fur-bearer -

NRS 501.046 “Game mammal” defined. “Game mammal” means any mammal so classified by Commission regulation.

NRS 501.050 “Hunting,” “hunted” and “to hunt” defined. The words “to hunt” and their derivatives, “hunting” and “hunted,” mean to search for, pursue or attract any wildlife for the purpose and with the means of capturing, injuring or killing that wildlife, every attempt to capture, injure or kill wildlife, and every act of assistance to any other person in capturing, injuring or killing that wildlife.

NRS 501.090 “Trapping,” “trapped” and “to trap” defined. The words “to trap” and their derivatives, “trapping” and “trapped,” mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wildlife and every act of assistance to any person in so doing.

NRS 501.376 Unlawful killing or possession of bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear; criminal penalties.

1. Except as otherwise provided in this section, **a person shall not intentionally kill** or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, **mountain lion** or black bear:

- (a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;
- (b) Through the use of an aircraft or helicopter in violation of [NRS 503.010](#);
- (c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;
- (d) Knowingly during a time other than:
 - (1) The time of day set by the Commission for hunting that animal pursuant to [NRS 503.140](#); or
 - (2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

- (1) Other than the person specified on the tag;
 - (2) Outside of the management area or other area specified on the tag; or
 - (3) If the tag was obtained by a false or fraudulent representation.
2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:
- (a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or
 - (b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.
3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in [NRS 193.130](#) or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:
- (a) The nature of the offense;
 - (b) The circumstances surrounding the offense;
 - (c) The defendant’s understanding and appreciation of the gravity of the offense;
 - (d) The attitude of the defendant towards the offense; and
 - (e) The general objectives of sentencing.
4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.
5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

- *A mountain lion tag would be required even if classified as a fur-bearer without legislative removal of mountain lion from 1 (e).*

NRS 502.250 Fees for tags and for processing certain applications; acceptance of sealed bids for tags or award of tags by auction or drawing; disposition of proceeds; regulations.

1. The amount of the fee that must be charged for the following tags is:

Resident deer tag.....	\$30
Resident antelope tag.....	60
Resident elk tag.....	120
Resident bighorn sheep tag.....	120
Resident mountain goat tag.....	120
Resident mountain lion tag.....	25
Nonresident deer tag.....	240
Nonresident antelope tag.....	300
Nonresident antlered elk tag.....	1,200
Nonresident antlerless elk tag.....	500
Nonresident bighorn sheep tag.....	1,200
Nonresident mountain goat tag.....	1,200
Nonresident mountain lion tag.....	100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to [NRS 502.130](#) must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed \$10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than \$5 but not more than \$15 must be charged for processing an application for an elk, \$5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. A fee of not less than \$15 and not more than \$50 must be charged for processing an application for a Silver State Tag.

5. The Commission may accept sealed bids for, or award through an auction or a Silver State Tag Drawing, or any combination thereof, not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid, auction or Silver State Tag Drawing, not more than 18 percent of the total amount of money received from the bid, auction or Silver State Tag Drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid, auction or Silver State Tag Drawing that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of [NRS 501.3575](#).

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of [NRS 501.3575](#).

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

NRS 503.150 Manner of hunting game birds or mammals.

1. Unless otherwise specified by Commission regulation, it is unlawful to hunt:

- (a) Any game bird or game mammal with any gun capable of firing more than one round with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number 10 gauge.

(b) Big game mammals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot-pounds of energy at 100 yards, or with a longbow and arrow which meet the specifications established by Commission regulation.

(c) Small game mammals in any manner other than with a handgun, shotgun, rifle, longbow and arrow or by means of falconry.

(d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a longbow and arrow or by means of falconry.

(e) Migratory game birds with any shotgun capable of holding more than three shells.

(f) Any game bird or game mammal with the aid of any artificial light.

(g) Any big game mammal, except mountain lions, with a dog of any breed.

2. Nothing in this section prohibits the use of dogs in the hunting of game birds or small game mammals.

- *Remove mountain lion from 1 (g) –*

- 1 (b) would not include mountain lion if classification changed to a fur-bearer. Would need legislation authorizing “trapping” as a legal method of taking mountain lion as hunting and trapping are separate methods...(if section 1 read “take” it would suffice)-

NRS 503.440 Open season for fur-bearing mammals.

1. Except as otherwise provided in [NRS 503.470](#), it is unlawful to trap or kill fur-bearing mammals at any time during the year other than during an open season as designated by the Commission pursuant to the provisions of this title.

2. The Commission, in its sole discretion, may set the open season for fur-bearing mammals.

NRS 503.450 Manner of hunting fur-bearing mammals. It is unlawful for any person at any time to hunt any fur-bearing mammal in any manner other than by trap, gun or bow and arrow.

NRS 503.454 Trapping license required; unlawful to remove or disturb trap of licensee.

1. Every person who takes fur-bearing mammals by any legal method or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. It is unlawful to remove or disturb the trap of any holder of a trapping license while the trap is being legally used by the holder on public land or on land where the holder has permission to trap.

NRS 501.110 Classification of wildlife.

1. For the purposes of this title, wildlife must be classified as follows:

(a) Wild mammals, which must be further classified as either game mammals, fur-bearing mammals, protected mammals or unprotected mammals.

(b) Wild birds, which must be further classified as either game birds, protected birds or unprotected birds. Game birds must be further classified as upland game birds or migratory game birds.

(c) Fish, which must be further classified as either game fish, protected fish or unprotected fish.

(d) Reptiles, which must be further classified as either protected reptiles or unprotected reptiles.

(e) Amphibians, which must be further classified as either game amphibians, protected amphibians or unprotected amphibians.

(f) Mollusks, which must be further classified as either protected mollusks or unprotected mollusks.

(g) Crustaceans, which must be further classified as either protected crustaceans or unprotected crustaceans.

2. Protected wildlife may be further classified as either sensitive, threatened or endangered.

3. Each species of wildlife must be placed in a classification by regulation of the Commission and, when it is in the public interest to do so, species may be moved from one classification to another.

NRS 504.295 Prohibited acts; regulations; licenses; inapplicability to alternative livestock.

1. Except as otherwise provided in this section and [NRS 503.590](#), or unless otherwise specified by a regulation adopted by the Commission, no person may:

(a) Possess any live wildlife unless the person is licensed by the Department to do so.

(b) Capture live wildlife in this State to stock a commercial or noncommercial wildlife facility.

(c) Possess or release from confinement any mammal for the purposes of hunting.

2. The Commission shall adopt regulations for the possession of live wildlife. The regulations must set forth the species of wildlife which may be possessed and propagated, and provide for the inspection by the Department of any related facilities.

3. In accordance with the regulations of the Commission, the Department may issue commercial and noncommercial licenses for the possession of live wildlife upon receipt of the applicable fee.

4. The provisions of this section do not apply to alternative livestock and products made therefrom.

- A person trapping a lion could not release the lion from the trap and then kill (release from confinement and then hunt) -

REGULATION ISSUES:

NAC 502.020 “Big game mammal” defined. (NRS 501.105, 501.181) “Big game mammal” means any:

1. Pronghorn antelope, black bear, mule deer, mountain goat, mountain lion, Rocky Mountain elk; or
2. Of the following subspecies of bighorn sheep:
 - (a) Nelson bighorn sheep;
 - (b) California bighorn sheep; or
 - (c) Rocky Mountain bighorn sheep.

- Remove mountain lion -

NAC 502.370 Mountain lions: Tags; open season; miscellaneous requirements; unlawful acts. (NRS 501.105, 501.181, 502.130, 502.140, 502.160)

1. A tag is required to hunt a mountain lion. Unless otherwise specified by a regulation of the Commission or title 45 of NRS, any resident of Nevada or nonresident is eligible to obtain not more than two mountain lion tags in any year. A mountain lion tag:

- (a) May be purchased from the Department or a license agent;
- (b) May be used in any management unit or group of management units in Nevada during any open season established for the management unit or group of management units pursuant to subsection 2; and
- (c) Expires upon the termination of all the open seasons established pursuant to subsection 2 for the year for which the tag is issued.

2. The Commission will annually specify the number of mountain lions it determines to be appropriate for harvesting in a management unit or group of management units. The open season for mountain lions in each such management unit or group of management units begins on March 1 and ends on:

- (a) The last day of the next succeeding February; or
- (b) The day the Department determines that the number of mountain lions harvested in that management unit or group of management units is equal to or greater than the number specified by the Commission pursuant to this subsection,

↳ whichever occurs earlier. The Department shall maintain and annually publish a toll-free telephone number for ascertaining whether the Department has determined that the number of mountain lions harvested in a management unit or group of management units is equal to or greater than the number specified by the Commission pursuant to this subsection. The Department is not required to provide any other notice of the termination of an open season for mountain lions in a management unit or group of management units.

3. A person who harvests a mountain lion shall, within 72 hours after harvesting it, personally present the skull and hide to a representative of the Department for inspection. The representative shall affix the seal of the Department permanently to the hide.

4. It is unlawful for any person to:

- (a) Transport the hide of a mountain lion from this State without the seal required pursuant to this section permanently affixed to the hide.
- (b) Except as otherwise provided in subsection 3, possess the hide of a mountain lion without a seal permanently attached to it.

(c) Kill a female mountain lion which is accompanied by a spotted kitten.

(d) Kill or possess a spotted mountain lion kitten.

5. If a mountain lion is accidentally trapped or killed, the person trapping or killing it shall report the trapping or killing within 48 hours to a representative of the Department. The animal must be disposed of in accordance with the instructions of the representative.

- *If a lion becomes a fur-bearer remove section regarding accidental trapping -*
- *Likely increase in Department personnel time for removal of female with kittens or kittens from traps when trapping targets said species (unless language changed to make it lawful to kill female with kittens or kittens) -*
- *Tag language in section 1 inline with statutory language -*

NAC 503.020 Game mammals. ([NRS 501.105](#), [501.110](#), [501.181](#)) The following wild mammals are further classified as game mammals:

	Common Name	Scientific Name
1. Antelope	Pronghorn.....	<i>Antilocapra americana</i>
2. Bear	Black.....	<i>Ursus americanus</i>
3. Deer	Mule.....	<i>Odocoileus hemionus</i>
4. Goat	Mountain.....	<i>Oreamnos americanus</i>
5. Lion	Mountain (Cougar).....	<i>Felis concolor</i>
6. Moose		<i>Alces alces</i>
7. Peccary		<i>Pecari angulatus</i>
8. Rabbit	Cottontail (Audubon).....	<i>Sylvilagus audubonii</i>
	Cottontail (Nuttall).....	<i>Sylvilagus nuttallii</i>
	Pygmy.....	<i>Sylvilagus idahoensis</i>
	Snowshoe.....	<i>Lepus americanus</i>
9. Sheep	White-tailed Jack.....	<i>Lepus townsendii</i>
	Bighorn.....	<i>Ovis canadensis canadensis</i> <i>Ovis canadensis nelsoni</i> <i>Ovis canadensis californiana</i>
10. Elk	Rocky Mountain.....	<i>Cervus elaphus nelsoni</i>

- Remove mountain lion -

NAC 503.025 Fur-bearing mammals. ([NRS 501.105](#), [501.110](#), [501.181](#)) Fur-bearing mammals include:

	Common Name	Scientific Name
1. Beaver		<i>Castor canadensis</i>
2. Bobcat		<i>Lynx rufus</i>
3. Fox	Gray.....	<i>Urocyon cinereoargenteus</i>
	Kit (Swift).....	<i>Vulpes velox</i>
	Red.....	<i>Vulpes vulpes</i>
4. Marten	American.....	<i>Martes americana</i>
5. Mink		<i>Mustela vison</i>
6. Muskrat		<i>Ondatra zibethica</i>
7. Otter	River.....	<i>Lontra canadensis</i>

- Add mountain lion as fur-bearer -

NAC 503.189 Use of flashlight when hunting mountain lion. ([NRS 501.105](#), [501.181](#), [503.150](#)) A person who is hunting, chasing or pursuing a mountain lion, pursuant to a mountain lion tag, and who is not in or on a motorized vehicle, may use a flashlight which is handheld and powered by a dry cell.

- Current language would not allow for a mountain lion to be killed in a trap with the use of a flashlight (hunting, chasing or pursuing only...not trapping) -

NAC 504.701 Guiding hunt for mountain lion. ([NRS 501.105](#), [501.181](#), [504.390](#)) A master guide who is hired to guide a hunt for a mountain lion shall ensure that his client physically accompanies him or his subguide in the pursuit and killing of the mountain lion.

- Language change to include a “trapped” lion....pursuit AND killing of a mountain lion –

NAC 503.142 Hunting big game mammal with firearm. ([NRS 501.105](#), [501.181](#), [503.150](#)) The Commission hereby establishes the following exceptions to paragraph (b) of subsection 1 of [NRS 503.150](#):

1. During a type of hunt that is restricted to muzzle-loading firearms, a person may hunt a big game mammal only with a muzzle-loading rifle or muzzle-loading musket, and may use only a lead ball, a lead bullet, a semi-jacketed bullet or a metal alloy bullet that expands. The use of smokeless powder is prohibited. Only black powder or a black powder substitute such as Pyrodex or Triple 7 may be used as a propellant. A sabot round may be used. The muzzle-loading rifle or muzzle-loading musket must have the following characteristics:

(a) A wheel lock, matchlock or flintlock ignition system, or a percussion ignition system that uses a primer or percussion cap;

(b) A single barrel of caliber .45 or larger; and

(c) Open sights or peep sights. The use of a sight that is operated or powered by a battery, electronics or a radioactive isotope such as tritium is prohibited.

↳ The muzzle-loading rifle or the muzzle-loading musket is deemed to be not loaded if the priming compound or element, such as the priming powder or the unfired primer or percussion cap, is removed.

2. During a type of hunt that is restricted to muzzle-loading firearms, it is unlawful for a person hunting under the authority of a tag for such a hunt to carry in the field a firearm or longbow and arrow except for:

(a) A muzzle-loading rifle or a muzzle-loading musket with the characteristics set forth in subsection 1;

or

(b) A flintlock or percussion handgun. However, it is unlawful to use such a handgun to hunt a big game mammal.

3. During a type of hunt in which the use of any legal weapon is authorized by a regulation of the Commission, a person may hunt a big game mammal with a muzzle-loading rifle or muzzle-loading musket only if:

(a) The muzzle-loading rifle or muzzle-loading musket has:

(1) A single barrel of caliber .45 or larger; and

(2) Open sights, peep sights or a rifle scope.

(b) The person uses a lead ball, a lead bullet, a semi-jacketed bullet or a metal alloy bullet that expands. A sabot round may be used.

↳ The muzzle-loading rifle or muzzle-loading musket is deemed to be not loaded if the priming compound or element, such as the priming powder or the unfired primer or percussion cap, is removed.

4. A person may hunt big game mammals with a rifle if the rifle uses a centerfire cartridge of caliber .22 or larger.

5. A person may hunt big game mammals with a handgun if the handgun uses a centerfire cartridge, has a barrel length of 4 inches or more and:

(a) Uses a cartridge of caliber .22 or larger with an overall loaded length of 2 inches or more; or

(b) Uses a cartridge of caliber .24 or larger with a case of length no less than the length of the case of a cartridge for a Remington magnum of caliber .44.

6. A person may hunt deer and mountain lion with a shotgun no larger than 10 gauge and no smaller than 20 gauge. Only rifled slugs or shotgun rounds with sabots that contain a single expanding projectile may be used when hunting deer. A shotgun that is used to hunt deer or mountain lion pursuant to this subsection may be equipped with a smoothbore barrel or a barrel that is partially or fully rifled.

- Leave language as is for section 6 as it pertains to hunting (not trapping)? If classification of mountain lion changed to furbearer additional language covering “hunting” of mountain lions (issue of a hunter shooting a lion with a .22 rimfire and we now more than likely have a wounded lion and the issues associated therein). Possibility of

simply adding mountain lion to section 4 and 5 (a person may hunt big game mammals and mountain lions with...) –