STATE OF NEVADA

DEPARTMENT OF WILDLIFE

Game Division

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#18A

MEMORANDUM

December 24, 2019

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

From: Brian Wakeling, Administrator, Game Division BFW

Title: **Commission General Regulation 486, Veteran and Active Military Waterfowl Season, LCB File No. R027-19 – For Possible Action**

Description: The Commission will consider adopting a regulation to amend Chapter 503 of the Nevada Administrative Code (NAC). Federal Statute was adopted in 2019 which, should a state desire, would allow for veterans and active military to exclusively hunt waterfowl for a period of up to two days within the maximum allowable days of the existing season. If adopted, this regulation would provide authority to the Nevada Board of Wildlife Commissioners to establish such a season at some future point should they choose. The Commission held a workshop on September 20, 2019 and a second workshop on November 1, 2019. The Commission has requested that the Department bring the regulation back for possible adoption.

Presenter: Management Analyst Kailey Taylor

Summary:

Federal statute was adopted in 2019 enabling a veterans and active military waterfowl hunting season. To implement such a season, Nevada Administrative Code (NAC) must be amended to allow the Commission to enact one. The Nevada Department of Wildlife is recommending an amendment that would enable the Nevada Board of Wildlife Commissioners the authority to establish a season for veterans and active military to hunt waterfowl, but the amended NAC would not require such a season unless adopted in Commission Regulation (CR). Federal frameworks now allow for a veterans and active military season to exclusively hunt waterfowl for a period of two days, but this amendment to NAC is needed for the Commission to implement this season.

The Commission heard the proposed amendment at the September 20, 2019 meeting in Las Vegas and again in Reno on November 1, 2019. If adopted, the Legislative Counsel Bureau may not be able to act on the proposed amendment in time for the Department to notice the season structure within federal frameworks with sufficient time to consider a season for veterans and active military for fall 2020. If the Commission adopts the NAC, the earliest probable implementation will be in fall 2021, should the Commission subsequently choose to implement such a season through CR during March 2021. The adoption of the amended NAC does not require the Commission to enact a CR that incorporates the veterans and active military season.

Recommendation:

The Department recommends that the **COMMISSION VOTE TO APPROVE COMMISSION GENERAL REGULATION 486 VETERANS AND ACTIVE MILITARY WATERFOWL SEASON, LCB FILE NO. R027-19, AS PRESENTED.**

NBWC Proposed Changes 11-1-19

PROPOSED REGULATION OF THE

BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R027-19

October 15, 2019

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

AUTHORITY: §1, NRS 501.105 and 501.181.

A REGULATION relating to hunting; providing that the Board of Wildlife Commissioners will designate not more than 2 days during a season for hunting migratory waterfowl solely for hunting by a veteran or active member of the Armed Forces of the United States, the National Guard or a reserve component of the Armed Forces of the Unites States under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out the provisions of title 45 of NRS governing wildlife, including, without limitation, seasons for hunting game birds and the manner and means of taking wildlife. (NRS 501.105, 501.181). Existing federal law requires the United States Secretary of the Interior to authorize States to select 2 days for veterans and certain members of the Armed Forces of the United States on active duty to hunt eligible ducks, geese, swans, mergansers, coots, moorhens and gallinules. (16 U.S.C. §704). This regulation: (1) provides that the Commission will reserve not more than 2 days during a season for hunting migratory waterfowl solely for hunting by a veteran or a person who is an active member, other than for training, of the Armed Forces of the United States, the National Guard or a reserve component of the Armed Forces of the United States; and (2) sets forth the eligibility requirements for such a veteran or member to hunt during any reserved day.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows:

may

1. The Commission ~~will~~, in an annual regulation adopted by the Commission and in accordance with 16 U.S.C. § 704, reserve not more than 2 days during any season for hunting migratory waterfowl solely for hunting by:

(a) A veteran; or

(b) A person who is an active member, other than for training, of the Armed Forces of the United States, the National Guard or a reserve component of the Armed Forces of the United States.

2. A veteran or person specified in subsection 1 is not eligible to hunt during any day reserved pursuant to that subsection unless he or she possesses a valid annual hunting license or annual combination hunting and fishing license issued in this State and an unexpired federal migratory bird hunting stamp which has been validated in accordance with NRS 503.135.

3. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.