



STATE OF NEVADA

DEPARTMENT OF
WILDLIFE

Wildlife Diversity Division

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MEMORANDUM

Aug. 28, 2020

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

From: Kailey Taylor, Management Analyst, Director's Office and Megan Manfredi, Administrative Assistant, Director's Office.

Title: **Commission General Regulation 494, LCB File No. RXXX**

Description: The Commission will hold a workshop to consider a regulation relating to amending Chapter 501 of the Nevada Administrative Code (NAC). This regulation is an effort to simplify portions of NAC 501.

Summary

This regulation comes after much discussion from the Regulation Simplification Committee. This Committee was formed after former Chairman Brad Johnston expressed his desire to clean up the wildlife chapters of the Nevada Administrative Code (NAC). State agencies are also required to review their NAC chapters every 10 years. The Nevada Department of Wildlife would be required to review NAC in 2021. The Regulation Simplification Committee has discussed the changes to NAC 501 and simple changes were made to remove contradictory language and clarify existing language.

Recommendation:

The Department and the Regulation Simplification Committee want to discuss the changes to NAC 501 and ask for the direction to send the regulation to LCB for drafting.

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 494**

LCB File No. RXXX-XX

NAC 501.100 Comments of Department. (NRS 501.181) The Department will:

1. Maintain a record ~~book~~ containing copies of the Department's comments on proposed federal actions, on drafts of environmental impact statements and on proposed federal regulations affecting public lands. The copies will be maintained for 2 years.

~~2. Enter its comments in the record book before the comments are submitted to the State Planning Coordinator or the appropriate federal agency.~~

3. Make ~~the contents of~~ the record ~~book~~ available *upon request.* ~~in the Department's office at 1100 Valley Road, Reno, Nevada, and in the Department's regional offices at Fallon, Elko and Las Vegas, for inspection and copying by the public during business hours.~~

[Bd. of Wildlife Comm'rs, No. 30, eff. 9-25-79]

NAC 501.200 Schedule of demerit points. (NRS 501.105, 501.181, 501.1818)

1. A person who is convicted of a wildlife violation will be assessed demerit points pursuant to the following schedule:

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully shooting at a game mammal or game bird from an aircraft, helicopter or motor-driven vehicle or using such a vehicle to molest, rally, stir up or drive game mammals or game birds.....	503.010	-----	12
Spotting or locating game mammals or game birds from an aircraft or helicopter and communicating that information to a person on the ground for the purpose of hunting.....	503.010	-----	12
Unlawfully using information obtained in violation of subsection 3 of NRS 503.010 to hunt or kill game mammals or game birds.....	503.010	-----	12
Unlawfully using a helicopter to transport game, hunters or hunting equipment.....	503.010	-----	12
Unlawfully killing or attempting to kill birds or animals from an aircraft.....	503.005	-----	12

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully using an aircraft, balloon, unmanned aerial vehicle or satellite to locate or observe big game mammals, game birds or fur-bearing mammals for the purpose of hunting.....	501.385	503.148	12
Hunting or taking an endangered species without a special permit.....	503.585	503.093	12
Unlawfully killing, destroying, wounding, trapping or injuring bald eagles or golden eagles.....	503.610	----	12
Unlawfully taking bald eagles or golden eagles.....	503.620	----	12
Taking twice the legal limit or more of big game mammals.....	501.385	----	12
Hunting or taking a threatened species.....	501.385	503.093	9
Unlawfully killing a fur-bearing mammal during the closed season.....	503.440	----	9
Unlawfully hunting migratory waterfowl by aid of baiting.....	501.385	503.180	6
Hunting big game mammals during the closed season.....	503.090	----	6
Hunting fur-bearing mammals during the closed season.....	501.015	----	6
Hunting big game mammals in closed areas.....	501.385	504.340	6
Hunting fur-bearing mammals in closed areas.....	501.385	504.340	6
Unlawfully hunting in a privately owned wildlife management area.....	504.140	----	6
Unlawfully hunting in a state-owned wildlife management area.....	504.143	----	6
Hunting big game mammals or migratory waterfowl during prohibited hours.....	503.140	----	6
Unlawfully hunting game birds or game mammals with the aid of artificial light.....	503.150	----	6
Hunting or taking a sensitive species.....	501.385	503.093	6
Hunting, trapping, possessing or selling birds of prey or raptors without a permit.....	503.582	503.205	6
Hunting alternative livestock.....	503.242	----	6
Taking a game mammal of a prohibited age or with prohibited physical characteristics.....	501.385	----	6

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully possessing live wildlife that is classified as prohibited.....	504.295	503.110	12
Unlawfully possessing big game mammals during the closed season.....	503.030	-----	12
Possessing a big game mammal or parts thereof without a tag attached thereto.....	502.150	-----	9
Possessing twice the legal limit or more of game birds or game mammals, other than big game...	501.385	-----	9
Possessing twice the legal limit or more of game fish.....	501.385	-----	9
Unlawfully possessing a fur-bearing mammal during the closed season.....	503.030	-----	9
Possessing game birds or game mammals, other than big game, during the closed season.....	503.030	-----	6
Possessing fish during the closed season.....	503.030	-----	6
Possessing game birds or game mammals, other than big game, in excess of the legal limit but less than twice the legal limit.....	501.385	-----	6
Possessing game fish in excess of the legal limit but less than twice the legal limit.....	501.385	-----	6
Possessing a species that may not legally be possessed without a license or permit.....	501.385	-----	6

TAGS AND SEALS

Classification of Violations	NRS	NAC	Secti on	Secti on	Deme rits
Hunting big game or wild turkey without a tag.....	502.1	30	-----		9
Unlawfully transferring a tag to another person.....	502.1502.3	40	85		9
Possessing or using a tag legally issued to another person.....	502.1502.3	40	85		9
Obtaining tags in excess of the legal limit.....	502.1502.3	40	31		9
Possessing used tags or tags in excess of the legal limit.....	502.1	50	-----		9

TAGS AND SEALS

Classification of Violations	NRS NAC		
	Secti on	Secti on	Deme rits
Unlawfully using a tag.....	502.200	-----	9
Using a tag in an improper area.....	502.1502.360	85	6
Failing to punch a tag properly.....	502.1502.360	90	6
Failing to attach a tag to a big game mammal in the manner prescribed by regulation.....	502.1502.460	00	6
Hunting by a Native American off an Indian reservation without a tag.....	502.280	-----	6
Possessing fur-bearing mammals, other than a bobcat, without a seal.....	501.385	-----	6
Possessing the pelt of a bobcat without a seal.....	501.3502.385	47	6
Possessing the hide of a mountain lion without a seal.....	501.3502.385	70	6
Possessing the horns of a ram bighorn sheep without a seal or brand....	501.3502.385	45	6

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully importing or transporting a prohibited species of wildlife without a permit or license..	503.597	503.110	12
Collecting unprotected wildlife for commercial purposes without a permit.....	501.385	503.095	12
Collecting live bait fish or live aquatic bait for commercial purposes without a permit.....	501.385	503.513	12
Collecting unprotected fish for commercial purposes without a permit.....	501.385	503.545	12
Selling live bait without a permit.....	501.379	503.513	6
Conducting a field trial without a permit.....	503.200	503.610	6
Conducting a dredging operation without a permit.....	503.425	503.810	6
Possessing a raptor without a permit.....	503.582	503.205	6
Furnishing false information to obtain a permit....	502.060	-----	6

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
Hunting swan without a swan hunt permit.....	-----	502.380	6
Transferring or giving a swan hunt permit to any other person.....	-----	502.380	6
Using or possessing a swan hunt permit issued to another person.....	-----	502.380	6
<i>Commercial taking of crayfish, except in accordance with a permit issued pursuant to <u>NAC 503.540</u>.....</i>	<i>501.385</i>	<i>503.540</i>	<i>6</i>

FISHING

Classification of Violations	NRS Section	NAC Section	Demerits
Fishing at a fish hatchery or other waters used for the purpose of rearing or growing fish.....	503.360	-----	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Department.....	501.385	-----	12
Unlawfully selling big game mammals.....	501.379	-----	12
Unlawfully selling an endangered species.....	501.379	-----	12
Needless waste of big game mammals.....	503.050	-----	12
Hunting, fishing in nonnavigable waters or trapping on private property without permission	503.240	-----	9
Needless waste of game birds or game mammals, other than big game.....	503.050	-----	9
Unlawfully selling a threatened species.....	501.379	-----	9
Unlawfully selling game other than big game mammals.....	501.379	-----	6
Unlawfully selling a sensitive or protected species.	501.379	-----	6
Unlawfully selling game fish.....	501.381	-----	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
Needless waste of game fish.....	503.050	-----	6
Unlawfully carrying a loaded rifle or shotgun in vehicle.....	503.165	-----	6
Unlawfully discharging a firearm.....	503.175	-----	6
Failing to retain the cape or scalp and any antlers or horns of wildlife.....	501.385	503.173	6
Destroying or mutilating signs of the Department..	501.383	-----	6
Polluting water.....	503.430	-----	6
Removing, altering or tampering with a tag placed on wildlife or on seized equipment.....	501.377	-----	6
Commercial taking of crayfish, except in accordance with a permit issued pursuant to <u>NAC</u> <u>503.540</u>.....	501.385	503.540	6
Intentionally interfering with a person lawfully hunting or trapping.....	503.015	-----	6
Failing to make a reasonable effort to retrieve dead or crippled migratory waterfowl.....	501.385	503.180	6

CATEGORY E FELONIES AND GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
Conviction of a felony for intentionally killing a big game mammal, including aiding and abetting a person in the commission of the killing.....	501.376	-----	12
Conviction of a gross misdemeanor for intentionally killing a big game mammal, including aiding and abetting a person in the commission of the killing.....	501.376	-----	12
Conviction of a gross misdemeanor for willfully possessing an unlawfully killed big game mammal.....	501.376	-----	12
Acting as a master guide or subguide without a license.....	504.395	-----	12
Furnishing false information to obtain a big game tag.....	502.060	-----	12

TRAPPING

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait.....	501.385	503.157	6
Trapping in a closed area.....	501.385	504.340	6
Unlawfully removing or disturbing a trap, snare or similar device lawfully being used by another person.....	503.454	-----	6
Trapping fur-bearing mammals during closed season.....	503.440	-----	6
Trapping birds of prey or raptors without a permit or by unlawful means.....	503.582	503.205	6
Failing to visit traps, snares or similar devices 48 or more hours after the required period for visitation.....	503.570	503.152	6

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Refusing to exhibit a license, wildlife, weapon, ammunition, device or apparatus.....	502.120	-----	12
Hunting without having procured a license.....	502.010	-----	6
Fishing without having procured a license.....	502.010	-----	6
Hunting without a license in possession.....	502.120	-----	6
Fishing without a license in possession.....	502.120	-----	6
Furnishing false information to obtain a license.....	502.060	-----	6
Furnishing of false information by a person serving in the Armed Forces of the United States to obtain a specialty combination hunting and fishing license.....	502.290	502.220	6
Unlawfully transferring a license to another person	502.100	-----	6
Unlawfully using a license of another person.....	502.100	-----	6
Obtaining more than one license of each class.....	502.110	-----	6
Altering a license.....	502.105	-----	6
Practicing falconry without a license.....	503.583	503.235	6
Operating as a fur dealer without a license.....	505.010	-----	6
Trapping without having procured a license.....	502.010	-----	6

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit without having procured a license.....	503.454	-----	6
Trapping without a license in possession.....	502.120	-----	6
Hunting, fishing or trapping using a license that is invalid by reason of expiration or a false statement made to obtain the license.....	502.060	-----	6
Operating a shooting preserve without a license....	504.310	-----	6
Performing taxidermal services without a license...	502.370	502.435	6
Obtaining a hunting license without obtaining certification as a responsible hunter.....	502.360	-----	6

2. A person who is convicted of committing a wildlife violation that does not appear in the schedule set forth in subsection 1 will be assessed 3 demerit points, *except for violations of NRS 502.370*.

3. A person who is convicted of committing a wildlife violation within 60 months after a conviction for the same violation will be assessed double the amount of demerit points listed in the schedule set forth in subsection 1.

4. A person who is convicted of committing any four wildlife violations arising out of separate events within a 60-month period will be assessed an extra 12 demerit points.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 11-7-96; A by R168-99, 1-19-2000; R077-00, 8-18-2000; R137-03, 1-20-2004; R176-03, 4-8-2004; R126-06, 9-18-2006; R107-05, 9-18-2007; R054-11, 12-30-2011; R090-13, 12-23-2013; R088-14, 6-28-2016; R145-15, 9-9-2016; R029-17, 12-19-2017)

GRANT PROGRAM FOR WILDLIFE RESTORATION ACTIVITIES AND WILDLIFE RESEARCH

NAC 501.400 Solicitation of applications; eligibility; funding sources for grants.

NAC 501.400 Solicitation of applications; eligibility; funding sources for grants. (NRS 501.105, 501.115, 501.117, 501.181)

1. The Department shall administer a grant program to provide funding to facilitate wildlife restoration activities and wildlife research.

2. The Department may solicit applications for grants by giving public notice of the availability of grants and the deadlines. Public notice given pursuant to this section must include, without limitation, the criteria for receiving a grant, reporting and recordkeeping requirements for applicants that have received a grant and any other information relating to the grant program that the Department determines is necessary.

3. An application for a grant may be submitted to the Department by a federal, state or local governmental entity or a private nonprofit organization.

4. The program will be administered with the following money received by the Department:

(a) Federal grants from the United States Fish and Wildlife Service, the United States Coast Guard, the United States Bureau of Land Management and the United States Bureau of Reclamation pursuant to NRS 501.115 and 501.117;

(b) Money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575;

(c) Money received for Dream Tag fees pursuant to NRS 502.219;

(d) Resource enhancement stamp fees collected pursuant to NRS 502.222;

(e) Fees collected for processing applications for game tags pursuant to NRS 502.253;

(f) Fees deposited pursuant to NRS 502.294;

(g) Fees for any projects for waterfowl deposited pursuant to NRS 502.310;

(h) Fees for the trout program deposited pursuant to NRS 502.3262;

(i) Permit fees collected pursuant to NRS 502.390; and

(j) If applicable, any other money *or federal grants* received for development projects with potential impacts to wildlife ~~as determined by the United States Fish and Wildlife Service or any other agency within the United States Department of the Interior.~~

(Added to NAC by Bd. of Wildlife Comm'rs by R141-13, eff. 3-28-2014; A by R029-17, 12-19-2017)