



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 495, LCB File No. RXXX**

Description: The Commission will hold a workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation is an effort to simplify portions of NAC 502.

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 502 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 502 and ask for the direction to send the regulation to LCB for drafting.

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 495**

LCB File No. RXXX-XX

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

AUTHORITY: NRS 501.181, NRS 502

A REGULATION relating to simplification of Nevada Administrative Code

Chapter 502.....

NAC 502. 1175 “Canned hunt” defined. “Canned hunt” means that a mountain lion is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the mountain lion. A mountain lion cannot be released for the purpose of hunting or other purposes after previously been captured and confined or held for any length of time.

NAC 502.199 Application for initial issuance of licensing document; required information and statement. (NRS 501.105, 501.181)

1. For each application for the initial issuance of a license, tag, permit or other licensing document, the applicant or license agent shall correctly enter the information required on the application for the license, tag, permit or other licensing document.

2. The information required pursuant to subsection 1 must include:

(a) The applicant's:

- (1) Legal name;
- (2) Physical and mailing address;
- (3) City, county and state of residence; and
- (4) Zip code.

(b) The applicant's social security number or, if the applicant is a citizen of a country other than the United States, the *valid* passport number issued to the applicant by that country. If the applicant *is a United States citizen and* has not been issued a social security number, the application must include a notarized affidavit on a form provided by the Department indicating that the applicant has not been issued a social security number.

(c) If the applicant was born after January 1, 1960, and is applying for a hunting license or permit or combination hunting and fishing license, a statement indicating that the applicant has presented proof of successful completion of a course in the responsibilities of hunters pursuant to NRS 502.330.

(d) If the applicant is a resident of this State, an attestation by the applicant indicating that he or she is eligible for a resident license, tag or permit pursuant to NRS 502.015.

(e) A description of the applicant, including his or her height, weight, gender, hair color, eye color and date of birth.

(f) The applicant's electronic mail address, if any.

3. In addition to the information required pursuant to subsection 2, the applicant must include in his or her application the statement required pursuant to NRS 502.060 indicating whether the applicant is entitled to the license, tag, permit or other licensing document. If the applicant is at least 12 years of age but less than 18 years of age, the parent or legal guardian of the applicant must, pursuant to NRS 502.060, acknowledge an attached statement indicating that the parent or legal guardian has been advised of the provisions of NRS 41.472.

(Added to NAC by Bd. of Wildlife Comm'rs by R029-17, eff. 12-19-2017)

NAC 502.264 Mentor hunter: Contents of affidavit; separate affidavit required for each apprentice hunter. (NRS 501.105, 501.181, 502.030, 502.066)

1. A mentor hunter shall correctly enter the required information on the original and all copies of the form for a mentor hunter affidavit provided to a resident or nonresident. The information must include:

(a) The mentor hunter's legal name, mailing address, street address, city, county, state and zip code;

(b) The month, day, year and time the affidavit is completed by the mentor hunter;

(c) A description of the mentor hunter, including the mentor hunter's height, weight, ~~sex~~ *gender* and date of birth;

(d) The class and number of the hunting license issued to the mentor hunter in this State; and

(e) The name of the apprentice hunter the mentor hunter accompanies and directly supervises pursuant to NRS 502.066.

2. The affidavit must contain a statement, signed by the mentor hunter, acknowledging the mentor hunter's eligibility and responsibilities as a mentor hunter pursuant to NRS 502.066.

3. The mentor hunter shall complete separate affidavits for each apprentice hunter the mentor hunter accompanies and directly supervises.

(Added to NAC by Bd. of Wildlife Comm'rs by R019-10, eff. 6-30-2010)

NAC 502.321 Replacement tags. (NRS 501.105, 501.181, 502.215)

1. The Department shall issue a replacement tag at no charge to the holder of a big game tag who has tagged an animal which is diseased ~~and~~ *or otherwise deemed* unfit for human consumption if:

(a) A biologist or game warden of the Department or a veterinarian who is licensed to practice in this State avers on the affidavit of diseased big game that the animal is diseased; and

(b) The holder of the tag completes the portion of the affidavit of diseased big game required to apply for a replacement tag, including the selection of a season for which the replacement tag will be issued.

2. Upon receipt of a completed affidavit of diseased big game, the Department shall, during normal business hours, issue a replacement tag for the appropriate season pursuant to NRS 502.215 at any office of the Department that issues replacement tags for that purpose.

3. If the holder of the big game tag requests a replacement tag for the next similar season, he or she must possess a valid hunting license and provide the number of the hunting license to the Department in order to obtain the replacement tag.

4. The Department may determine if a replacement tag will be issued from the tags remaining in the quota for that hunt or from tags issued in excess of the quota as an oversubscription for that hunt.

5. As used in this section, "affidavit of diseased big game" means a form provided by the Department which must be used by a person who has tagged an animal which is diseased and unfit for human consumption to apply for a replacement tag.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 6-24-96; A by R133-01, 12-17-2001, eff. 1-1-2002)

NAC 502.333 Limitation on applying for junior hunt.

NAC 502.333 Limitation on applying for junior hunt. (NRS 501.105, 501.181, 502.160) A person who is otherwise eligible to apply for a junior hunt may apply for a junior hunt for not more than 5 years.

(Added to NAC by Bd. of Wildlife Comm'rs by R115-07, eff. 12-4-2007; A by R150-09, 6-30-2010)

REVISER'S NOTE:

~~—————The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on June 30, 2010 (LCB File No. R150-09), which amended this section, contains the following provisions not included in NAC:~~

~~—————"If a person who is ineligible to participate in a junior hunt because of his or her age or the number of years for which the person has applied for a junior hunt becomes eligible to participate in a junior hunt pursuant to the amendatory provisions of this regulation, the Department of Wildlife shall:~~

~~—————1. Reinstate to the category for the junior hunt each unused bonus point accumulated by that person and automatically transferred pursuant to [former] subsection 4 of NAC 502.4189 [cf. subsection 5 of NAC 502.4189] before June 30, 2010;~~

~~—————2. Reduce the number of bonus points in the category for antlered mule deer by the number of bonus points transferred pursuant to subsection 1; and~~

~~—————3. Retain in the category for antlered mule deer each bonus point which was earned by the person before June 30, 2010, for each unsuccessful application for the issuance of a tag to hunt mule deer."~~

NAC 502.345 Bighorn sheep: Tags; presentation of skull and horns to representative of Department. (NRS 501.105, 501.181, 502.130, 502.140, 502.160, 502.250)

1. Unless his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag to hunt for a ram from one or more of the following subspecies of bighorn sheep:

- (a) Nelson bighorn sheep;
- (b) California bighorn sheep; or
- (c) Rocky Mountain bighorn sheep,

Ê if, in the immediately preceding 10 years, he or she did not receive a tag or replacement tag to hunt for a ram from that subspecies of bighorn sheep.

2. Unless his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag to hunt for a ewe from one or more of the following subspecies of bighorn sheep:

- (a) Nelson bighorn sheep;
- (b) California bighorn sheep; or
- (c) Rocky Mountain bighorn sheep,

Ê if, in the immediately preceding 2 years, he or she did not receive a tag or replacement tag to hunt for a ewe from that subspecies of bighorn sheep.

3. A person who kills a bighorn sheep, regardless of subspecies or gender, shall, within 5 days after killing it, personally present the skull and horns of the animal to a representative of the Department for inspection. For a ram, the inspector shall permanently attach a seal to one of the horns by plugging the seal into the horn or permanently brand an identification number on one of the horns. It is unlawful for any person to alter or remove the seal after the seal is permanently attached to a horn or to alter or remove the

permanently branded identification number. It is unlawful to possess or sell the horns of a ram without a seal having been so attached or number so branded.

4. As used in this section, “ewe” means any female bighorn sheep having a horn or horns of at least 5 inches in length each as measured on the outside curve of the horn from the skull to the tip.

[Bd. of Fish & Game Comm’rs, No. 25 § 10, eff. 12-4-79; A 5-12-80] — (NAC A by Bd. of Wildlife Comm’rs, 4-27-84, eff. 5-25-84; 4-18-86, eff. 4-25-86; 9-10-87; 11-14-88; 3-19-96; R041-98, 6-1-98; R156-05, 2-23-2006; R066-08, 9-18-2008; R196-09, 4-20-2010; R055-11, 3-9-2012; R090-13, 12-23-2013)

REVISER’S NOTE. – *OUTDATED, WOULD LIKE REMOVED*

The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on September 18, 2008, (LCB File No. R066-08), which amended subsection 1 of this section, contains the following provisions not included in NAC:

“1. The amendatory provisions of section 2 of this regulation [NAC 502.345] do not apply to a person who, during the 5 years immediately preceding September 18, 2008:

- (a) Obtained a tag or replacement tag for one or more of the subspecies of bighorn sheep specified in that section; and
- (b) Did not harvest a bighorn sheep using that tag.

2. A person specified in subsection 1 may, if he is otherwise eligible to apply for a tag to hunt a subspecies of bighorn sheep, apply for such a tag upon the expiration of 5 years after obtaining the tag or replacement tag specified in subsection 1.”

NAC 502.347 Bobcats: Miscellaneous requirements; prohibited and unlawful acts; transportation; fee for seal. (NRS 501.105, 501.181, 502.130)

1. Any person who kills a bobcat shall, within 10 days after the close of the season, personally:

- (a) Present its pelt for inspection by and give its lower jaw to a representative of the Department;
- (b) Have the Department's seal affixed to the pelt; and
- (c) Complete a report of the killing in accordance with the Department's instructions.

2. A person shall not sell, offer for sale, barter, trade, purchase, transfer ownership, tan, offer for out-of-state shipment by a common carrier or, except as otherwise provided in subsection 3, transport from this State any pelt of a bobcat unless the Department has affixed its seal to the pelt.

3. During the season designated by the Commission for the taking of bobcats, a person who holds a valid resident trapping license may transport from this State, for not more than 2 hours:

- (a) The pelt of a bobcat that has not been stretched, dried or cured; or
- (b) The entire unskinned carcass of a bobcat,

↳ lawfully taken by the person in this State, without the seal being affixed to the pelt pursuant to subsection 2, for the purpose of returning to the person's residence within this State by the most expedient route or checking any additional trap set by the person that is located in an area of this State which is most readily accessed from any state. The provisions of this subsection do not authorize a person to import, transport, export or possess an unsealed pelt in violation of a law or regulation of any state.

4. A person shall not possess a pelt of a bobcat 10 days or more after the close of the season unless the Department's seal is permanently attached to the pelt.

5. A resident of Nevada must pay the Department \$5 for such a seal.

6. It is unlawful for a person to present for sealing or to have sealed in this State the pelt of any bobcat taken in another state *or taken or possessed unlawfully by any person*.

7. As used in this section, “pelt” means the hide or skin of a bobcat that is not permanently tanned or has not been processed to a finished form or product beyond initial fleshing, cleaning, temporary tanning, curing, stretching, salting or drying. The term includes, without limitation, any green pelt or raw pelt.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 9-1-80; A 11-5-81; 8-22-86, eff. 9-15-86; R107-05, 9-18-2007)

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

1. 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) Must be purchased by the tagholder;

(c) 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

(d) 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,

È 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~~ **five (5)** business days after harvesting it, personally present the **unfrozen** skull **with jaws propped open** and ~~hide~~ **pelt** to a representative of the Department for inspection **and recording of, but not limited to, evidence of sex, removal of premolar tooth, tissue sample and harvest location to include hunt unit, latitude/longitude or UTM coordinates.** The representative shall affix the seal of the Department permanently to the ~~hide~~ **pelt.** **The Department may seize any pelt not accompanied by its skull.**

4. It is unlawful for any person to:

(a) Transport the ~~hide~~ **pelt** 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~~ **pelt** 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.

(e) Possess, capture, injure, drug, rope, trap, snare or in any way harm or transport a live mountain lion.

(f) Provide a false statement in the reporting of a mountain lion harvest.

(g) Participate in a canned hunt.

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.

(a) Mountain lion may not be taken with a trap, snare or any other trapping device, except as authorized by the Department.

(b) Mountain lion accidentally caught in any trapping device must be released unharmed or as directed by the Department and must not be knowingly pursued or taken for a minimum of 24 hours.

[Bd. of Fish & Game Comm'rs, No. 25 § 13, eff. 12-4-79] — (NAC A by Bd. of Wildlife Comm'rs, 11-14-88; 4-18-90; 3-19-96; R106-02, 1-21-2003; R107-05, 9-18-2007; R029-17, 12-19-2017)

NAC 502.400 Attachment of tag or permit to animal. (NRS 501.105, 501.181, 502.160)

1. Except as otherwise provided in subsection 2 and NAC 502.42905, the owner of a tag or permit must firmly attach it to the carcass of an animal killed by the owner, at or before the time he or she first reaches his or her means of transportation or camp, *whichever comes first*. The tag or permit must remain with the major portion of the meat until it is consumed.

2. If the animal killed is a mountain lion or fur-bearing mammal for which a tag or permit is required, the owner of the tag or permit or a designated licensed assistant pursuant to NAC 502.42905 must firmly attach it to the hide or pelt of the animal. The tag or permit must remain attached to the hide while it is transported and until it is processed.

[Bd. of Fish & Game Comm'rs, No. 6 § 4, eff. 9-1-78]—(NAC A by Bd. of Wildlife Comm'rs by R133-04, 10-28-2004; R126-06, 9-18-2006; R105-16, 6-21-2017)

NAC 502.418 Rejection of application. (NRS 501.105, 501.181, 501.337, 502.160, 502.175) The Department shall reject an application to obtain a tag, permit or bonus point if any of the following occurs:

1. The applicant fails to provide the information required pursuant to NAC 502.199, unless that information exists in the records of the Department.

~~2. The applicant fails to specify or incorrectly specifies the number of his or her hunting license or combination hunting and fishing license, unless that information exists in the records of the Department.~~

~~2~~ 3. The applicant fails to specify his or her social security number pursuant to NAC 502.199, unless that information exists in the records of the Department.

~~3~~ 4. The parent or legal guardian of an applicant who is at least 12 years of age but less than 18 years of age fails to provide the acknowledgment required pursuant to NRS 502.060.

~~4~~ 5. The applicant fails to specify on the application the species or the category of the species for which the application was submitted and, if the application is for a tag, a valid hunter choice number for that type of hunt. If the applicant specifies valid and invalid numbers, the Department shall accept the application for the valid numbers only.

~~5~~ 6. The applicant fails to provide the acknowledgment required pursuant to NRS 502.030.

~~6~~ 7. The applicant fails to submit the fees required pursuant to NAC 502.4175.

~~7~~ 8. The applicant fails to comply with the provisions of NAC 502.405, unless, on or before the deadline set forth in an annual regulation of the Commission for the year in which the application is submitted, he or she pays the applicable administrative fine and submits the properly completed questionnaire issued as part of the tag or permit or the information required by the questionnaire.

~~8~~ 9. Except as otherwise provided in NAC 502.4183, the applicant submits more than one application to hunt for the same species or category of species of wildlife during the same year, unless such an application is specifically authorized by the Commission. If such an application is not specifically authorized by the Commission, all applications submitted by the applicant to hunt for the same species must be rejected.

~~9~~ 10. Except as otherwise provided in NAC 502.4183 and 502.41895, the application is received after the deadline set by the Commission or by the Director pursuant to NAC 502.4196.

~~10~~ 11. The applicant fails to comply with the provisions of NRS 502.330.

~~11~~ 12. The applicant is otherwise ineligible to apply for the tag or bonus point.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 3-7-91; A 4-14-92; 10-26-93; 10-12-94; 3-19-96; 5-7-96; 11-14-97; 11-14-97; R139-98, 11-13-98; R168-99, 1-19-2000; R133-01, 12-17-2001, eff. 1-1-2002; R024-03, 10-30-2003; R137-03, 1-20-2004; R229-03, 3-23-2004; R156-05, 2-23-2006; R117-07, 12-4-2007; R155-09, 4-20-2010; R051-11, 3-9-2012; R029-17, 12-19-2017)

NAC 502.4188 Bonus points: Categories of species. (NRS 501.105, 501.181, 502.160, 502.175)

1. Except as otherwise provided in subsection 2, any bonus points awarded by the Department pursuant to the bonus point program must be awarded in one of the following categories of species, subspecies and gender:

- (a) Antlered mule deer;
- (b) Antlerless mule deer;
- (c) Mule deer, either antlered or antlerless;
- (d) Antlered Rocky Mountain elk;
- (e) Antlerless Rocky Mountain elk;
- (f) Rocky Mountain elk, either antlered or antlerless;
- (g) Spike Rocky Mountain elk;
- (h) Pronghorn antelope whose horns are longer than their ears;
- (i) Pronghorn antelope whose horns are shorter than their ears;
- (j) Rams, from one of the following subspecies:
 - (1) Nelson bighorn sheep;
 - (2) California bighorn sheep; or
 - (3) Rocky Mountain bighorn sheep;
- (k) Ewes, from one of the following subspecies:
 - (1) Nelson bighorn sheep;
 - (2) California bighorn sheep; or
 - (3) Rocky Mountain bighorn sheep;
- (l) Mountain goats;
- (m) Black bears; or
- (n) Moose.

2. Bonus points awarded by the Department pursuant to the bonus point program for wild turkey hunts must be awarded by hunt number.

(Added to NAC by Bd. of Wildlife Comm'rs by R168-99, eff. 1-19-2000; A by R180-01, 4-3-2002; R126-06, 9-18-2006; R002-11, 10-26-2011; R091-13, 12-23-2013; R029-17, 12-19-2017)

REVISER'S NOTE. – *OUTDATED, WOULD LIKE REMOVED*

The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on January 19, 2000 (LCB File No. R168-99), the source of NAC 502.4188 (section 6 of the regulation), contains the following provisions not included in NAC:

“Sec. 42. 1. Except as otherwise provided in this section, the Division of Wildlife [now the Department of Wildlife] shall convert any bonus points that a person has accumulated pursuant to the bonus point program before the effective date of this regulation [January 19, 2000] into bonus points for a category of a species set forth in section 6 of this regulation [NAC 502.4188] by separating the bonus points accumulated into bonus points for a particular category of a species except that the maximum number of bonus points converted into a particular category of a species must not exceed the number of years that the bonus point program has been in existence.

2. The Division of Wildlife [now the Department of Wildlife] shall not convert any bonus points that a person has accumulated before the effective date of this regulation [January 19, 2000] for wild turkey, swan and depredation hunts for special seasons.”

NAC 502.4189 Bonus points: Use; transfer; applications by group for certain tags; junior hunts.

NAC 502.4189 Bonus points: Use; transfer; applications by group for certain tags; junior hunts.
(NRS 501.105, 501.181, 502.160, 502.175)

1. Each applicant in a drawing for a tag for a season receives a number of additional draw numbers that is equal to the number of bonus points that he or she has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where “n” is the number of additional draw numbers and “b” is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for the species or category of the species for which the application was submitted. The applicant's lowest randomly assigned draw number is the number used for the drawing.

2. Except as otherwise provided in subsection 5, bonus points accumulated by a person for a species or category of species cannot be transferred to any other person or any other species or category of species.

3. Any bonus points accumulated by an applicant automatically transfer with the applicant if the applicant changes his or her state of residence. Bonus points transferred pursuant to this subsection apply to the same species or category of species to which they applied before the transfer.

4. The number of bonus points applicable to applications submitted by a group pursuant to NAC 502.4185 for tags is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

5. If a person has applied for a junior hunt for deer for 5 years or becomes ineligible to participate in a junior hunt for deer because of his or her age, each unused bonus point accumulated by that person for a junior hunt for deer automatically transfers to the category for antlered mule deer. The provisions of this subsection do not apply to a bonus point accumulated by the person for a junior hunt for deer in a year in which the person also accumulated a bonus point in the category for antlered mule deer.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-26-93; A by R040-98, 5-27-98; R139-98, 11-13-98; R168-99, 1-19-2000; R010-00, 4-3-2000; R137-03, 1-20-2004; R115-07, 12-4-2007; R150-09, 6-30-2010; R160-12, 12-20-2012; R104-16, 12-21-2016)

REVISER'S NOTE. – *OUTDATED, WOULD LIKE REMOVED*

The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on June 30, 2010 (LCB File No. R150-09), which amended this section, contains the following provisions not included in NAC:

“If a person who is ineligible to participate in a junior hunt because of his or her age or the number of years for which the person has applied for a junior hunt becomes eligible to participate in a junior hunt pursuant to the amendatory provisions of this regulation, the Department of Wildlife shall:

1. Reinstate to the category for the junior hunt each unused bonus point accumulated by that person and automatically transferred pursuant to subsection 4 of NAC 502.4189 before June 30, 2010;

2. Reduce the number of bonus points in the category for antlered mule deer by the number of bonus points transferred pursuant to subsection 1; and

3. Retain in the category for antlered mule deer each bonus point which was earned by the person before June 30, 2010, for each unsuccessful application for the issuance of a tag to hunt mule deer.”

NAC 502.42273 Persons not eligible for tag. (NRS 501.105, 501.181, 502.142, 502.160)

1. The following persons are not eligible for a special incentive elk tag:

(a) A landowner applicant who, during the same calendar year he or she applies for a special incentive elk tag, has applied for or received compensation pursuant to NRS 504.165 for damage caused by elk to the private land identified in the agreement for the special incentive elk tag.

(b) A landowner applicant whose private land blocks reasonable access to adjacent public land and who does not agree to provide reasonable access through his or her private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

(c) An employee of the Department and the employee's spouse or children if the employee processes the request and awards the special incentive elk tag to himself or herself or to his or her spouse or children.

(d) Any person whose license, permit, or privileges are suspended or revoked.

2. If a landowner applicant:

(a) Fails to comply with any provision that is included in the agreement made pursuant to NAC 502.42276; or

(b) During the term of the agreement, prohibits or attempts to prohibit any hunter or hunting party holding a valid elk tag from entering or crossing the private land of the landowner applicant, and if the Department shall not, for 1 year after the failure or prohibition occurs, issue a special incentive elk tag to the landowner applicant.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98; A by R206-08, 10-27-2009)

NAC 502.4233 Master guide: License; special use permit. (NRS 501.105, 501.181, 502.148, 502.149)

At the time *of the draw* ~~an application~~ for a nonresident deer tag ~~is submitted~~, the master guide who will accompany the restricted nonresident deer hunter on the restricted nonresident deer hunt must:

1. Be licensed by the Department to provide guide services related to deer hunting in the wildlife management area or unit for which the applicant is applying; and

2. If applicable, possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-12-94; A by R054-04, 8-25-2004)

NAC 502.4235 Rejection or prohibited submission of application for tag.

NAC 502.4235 Rejection or prohibited submission of application for tag. (NRS 501.105, 501.181, 501.337, 502.148, 502.160, 502.175) In addition to the provisions of NAC 502.199, 502.4175 and 502.418, the Department shall reject an application for a restricted nonresident deer tag or prohibit a person from submitting the application if:

1. The applicant or the master guide fails to acknowledge a statement indicating that the applicant is entitled to the issuance of the restricted nonresident deer tag under the laws of this State.

2. The applicant or the master guide fails to submit the fees required pursuant to NAC 502.4175.

3. The master guide named in the application:

(a) Is not licensed for each wildlife management area or unit named in the application;

(b) Fails to specify or incorrectly specifies on the application the number of his or her current master guide license; or

(c) If applicable, does not possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

4. The applicant and the master guide named in the application are the same person.

5. The applicant holds a license as a subguide issued by the Department which authorizes the applicant to guide for deer in the wildlife management area or unit for which he or she is applying for a restricted nonresident deer tag.

6. The applicant and licensed master guide or the applicant and any associated subguide are immediate family members.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-12-94; A 1-19-96; 5-7-96; 3-13-97; 11-14-97; R139-98, 11-13-98; R168-99, 1-19-2000; R133-01, 12-17-2001, eff. 1-1-2002; R025-03, 10-30-2003;

R137-03, 1-20-2004; R054-04, 8-25-2004; R117-07, 12-4-2007; R155-09, 4-20-2010; R051-11, 3-9-2012; R029-17, 12-19-2017)

NAC 502.4238 Refunds; loss of master guide; award of tags from alternate list; records of Department. (NRS 501.105, 501.181, 502.148, 502.149, 502.160, 502.250)

1. If a master guide of a holder of a restricted nonresident deer tag dies or is no longer able to provide guide services due to medical reasons, because he or she has failed to renew his or her master guide license or the license has been revoked, *suspended, or denied or if the Masterguide fails to have any required Federal special use permit in place*, the holder of the tag for whom guide service was to be performed by the master guide may apply to the Department for a refund or may retain another master guide who is licensed for the area or unit specified on the tag. Before another master guide may render services as a master guide for the holder of the tag, and before the holder may participate in the restricted nonresident deer hunt for which the tag was issued, the holder of the tag must provide written notification to the Department that he or she has retained another master guide. The written notification must include:

- (a) The reasons for retaining the services of another master guide;
- (b) The signatures of the holder of the tag and the new master guide and the date on which the written notification was signed; and
- (c) The number of the master guide license of the newly retained master guide.

2. If the Department provides a refund pursuant to this section, the Department shall return all the fees submitted with the application for the tag.

3. Except as otherwise provided in subsection 4, in awarding restricted nonresident deer tags from an alternate list, the Department shall issue the tag to the eligible applicant on the list:

- (a) Whose master guide designated on the application for the restricted nonresident deer tag is not named on more than 30 successfully drawn applications pursuant to NAC 502.4237 and is able to accompany the applicant in the field;
- (b) Who has the drawing number with the highest priority; and
- (c) Who has indicated as the applicant's first choice the area and season for which the quota for the restricted nonresident deer hunt is being filled.

4. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or restricted nonresident deer tag because the method of payment is rejected during the processing of the fee for the license or restricted nonresident deer tag, the Department shall, if more than 14 business days remain until the opening day for the restricted nonresident deer hunt and if the master guide designated on the application for the restricted nonresident deer tag is not named on more than 30 successfully drawn applications pursuant to NAC 502.4237, select an eligible applicant from the alternate list for the restricted nonresident deer hunt who:

- (a) Has the drawing number with the highest priority; and
- (b) Indicated as his or her first choice the area and season for which the quota for the restricted nonresident deer hunt is being filled.

5. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-12-94; A 11-14-97; R168-99, 1-19-2000; R133-01, 12-17-2001, eff. 1-1-2002; R155-09, 4-20-2010; R159-12, 12-20-2012; R029-17, 12-19-2017)

NAC 502.4244 Ineligible persons. (NRS 501.105, 501.181, 502.145, 502.160)

1. The following persons are not eligible for damage compensation tags:

- (a) An owner applicant who feeds or baits deer or antelope to attract the animals onto his or her land; and

(b) An owner applicant who sustains damage which is a covered loss pursuant to a policy of insurance.

(c) Any applicant whose license, permit, or privileges are suspended or revoked.

2. An employee of the Department and his or her family may not purchase or use a damage compensation tag resulting from a complaint serviced directly by the employee.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 11-29-95)

NAC 502.4246 Requirements for eligibility; requests regarding damage to separate locations. (NRS 501.105, 501.181, 502.145, 502.160)

1. To be eligible for the issuance of a damage compensation tag, an owner applicant must:

(a) Have sustained damage to his or her private property caused by deer or antelope;

(b) In accordance with the requirements set forth in NAC 502.4252, notify the Department of any damage within 10 days after discovering it;

(c) Enter into a cooperative agreement with the Department which complies with the requirements set forth in NAC 502.4248;

(d) Submit an application for a damage compensation tag which includes, without limitation:

(1) A form which sets forth any proof of the damage claimed by the owner applicant;

(2) A map which identifies the location on the private land at which the owner applicant will provide access to public land, if applicable; and

(3) The cooperative agreement entered into with the Department which is signed by the owner applicant and the Department;

(e) Cooperate with the Department in inspecting the damage and formulating a plan to prevent or mitigate the damage;

(f) Mitigate damages where possible and not feed or bait deer or antelope to attract the animals onto his or her land;

(g) Comply with the requirements of NAC 502.424 to 502.4268, inclusive.

2. A separate application must be made, and a separate cooperative agreement must be entered into, for each request for one or more damage compensation tags made with regard to each separate location on the property of the owner applicant at which damage was sustained, *landowners with multiple properties may need counts to be conducted within the same season.*

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 11-29-95; R010-00, 4-3-2000; R030-06, 6-1-2006)

NAC 502.440 License: Application; validity; renewal. (NRS 502.370)

1. An application for a taxidermist license may be obtained from any office of the Department. The applicant shall include on his or her application:

(a) The applicant's name, physical and mailing addresses, and telephone number;

(b) The name and telephone number of the applicant's taxidermic business and, if different from the applicant's physical address, the address from which taxidermic services will be provided;

(c) Whether or not the taxidermic services are provided for compensation;

(d) If the applicant must possess a federal taxidermist permit, a copy of the permit or proof satisfactory to the Department that federal approval of such a permit is pending;

(e) The name of each state in which the applicant holds or has held a taxidermist license or permit to perform taxidermic services;

(f) If the applicant has been convicted of violating the laws or regulations relating to taxidermy or commercialization of wildlife of any state or the United States Fish and Wildlife Service within the 5

years immediately preceding the date of the application, a description of each violation, a description of the penalty imposed for each violation and the name of the state in which the conviction occurred;

(g) Whether, at the time of the application, the privileges granted to the applicant by another state or the United States Fish and Wildlife Service relating to taxidermy are suspended or revoked; and

(h) The applicant's signature and the date on which he or she signed the application.

2. A taxidermist license issued by the Department pending the issuance of a federal permit to perform taxidermic services on:

(a) A migratory bird that is protected by the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.; or

(b) A species of wildlife that is listed as threatened or endangered by the United States Fish and Wildlife Service,

↳ is not valid for the purposes of performing taxidermic services on the migratory bird or the endangered or threatened species until the federal permit has been issued by the United States Fish and Wildlife Service to the licensee.

3. A completed application and required fees must be submitted to the Department.

4. An annual taxidermist license expires on June 30 of each year, *each taxidermist must submit records as per NAC 502.455 at the time they submit their annual taxidermy license renewal application, or no later than the expiration of their license*. If an application for the renewal of a taxidermist license is not received by the Department on or before June 30, taxidermic items in the possession of a taxidermist shall be deemed to be unlawfully possessed and are subject to seizure by the Department, and the taxidermist will be considered to be practicing taxidermy without a license. If an application for the renewal of a taxidermist license is received by the Department on or before June 30, the license will remain in effect until the Department completes its review of the application and renews or denies the application to renew the taxidermist license.

[Bd. of Fish & Game Comm'rs, No. 16 § 17.01-3, eff. 5-6-78]—(NAC A by Bd. of Wildlife Comm'rs, 7-1-97; R029-17, 12-19-2017)

NAC 502.455 Taxidermic records; identification tags and punch numbers for taxidermic items. (NRS 502.370)

1. A person licensed as a taxidermist in Nevada shall maintain accurate written or computerized records, on a form provided by the Department or in a format which is substantially similar to that form, for each licensing year which show:

(a) The name, telephone number and physical and mailing address of each person from whom wildlife or parts, nests or eggs of wildlife, upon which taxidermic services were performed, were received.

(b) The name, telephone number and physical and mailing address of each person to whom wildlife or parts, nests or eggs of wildlife, upon which taxidermic services were performed, were delivered.

(c) An accurate description of the taxidermic item, including the species and parts thereof received.

(d) Except as otherwise provided in subsection 3 and if required for the species of wildlife received, the number of the tag, seal or permit.

(e) The date on which the taxidermist receives the taxidermic item and the date on which that item is returned to its owner.

Ê The taxidermist shall record the required information immediately upon receipt and delivery of a taxidermic item, as appropriate.

2. A taxidermist shall:

(a) Immediately upon receipt, label each taxidermic item with a tag that clearly identifies the owner of the item. The tag may be removed from the item only during the actual performance of taxidermic services on the item. The tag must be reattached to the item when the taxidermic service is not being performed. Once the taxidermic services are completed on the taxidermic item, the tag must be reattached and remain attached to the item until the item is delivered to or claimed by the owner of the item.

(b) ~~If required by the Department, s~~Submit a copy of the taxidermist's records for the previous licensing year to the Department ~~at~~ *by* the end of each licensing year, *June 30*. If the records are computerized, the taxidermist shall submit a hard copy of the computerized records to the Department.

(c) Retain the taxidermist's records for a licensing year for at least 2 years after the end of the licensing year to which those records pertain.

(d) During any reasonable hour, upon the request of any agent of the Department authorized to enforce the provisions of title 45 of NRS, present the taxidermist's records kept in accordance with this section and any taxidermic item which the taxidermist is keeping at his or her place of business.

3. In lieu of maintaining a record of a tag, seal or permit pursuant to paragraph (d) of subsection 1, a taxidermist who receives a taxidermic item from another taxidermist may maintain a record setting forth the name and physical and mailing address of the taxidermist from whom the taxidermic item was received and the punch number or other identification number assigned to that taxidermist by the taxidermist who received the taxidermic item. The punch number or other identification number must be attached to the taxidermic item during the entire period in which the taxidermist who received the taxidermic item remains in possession of the taxidermic item.

4. As used in this section:

(a) "Licensing year" means a period beginning on July 1 and ending on June 30 of the following calendar year.

(b) "Punch number" means a number which is assigned to a taxidermist for the purpose of identification and which is punched into or otherwise attached to a taxidermic item.

[Bd. of Fish & Game Comm'rs, No. 16 § 17.01-9, eff. 5-6-78]—(NAC A by Bd. of Wildlife Comm'rs, 7-1-97; R111-14, 12-22-2014; R029-17, 12-19-2017)