



**State of Nevada**  
**Department of Wildlife**

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**MEMORANDUM**

**August 25, 2021**

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

**From:** Kailey Musso, Management Analyst 3, Director's Office

**Title:** **Commission General Regulation 494, NAC 501 Simplification, LCB File No. R163-20**

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**Summary:**

The Department is statutorily required to review regulations every 10 years. Previous Commission Chairman Johnston requested the Department get a head start on the review process in order to update and simplify Nevada Administrative Code. The Department would have been due for the 10-year review in 2022.

As part of the simplification and review effort, former Chairman Johnston established the Regulation Simplification Committee. The Committee discussed the changes to Nevada Administrative Code (NAC) 501 on September 10, 2020. Commission General Regulation 494 was up for a Commission workshop September 25, 2020 and is now up for adoption.

**Recommendation:**

Adopt as proposed.

**PROPOSED REGULATION OF THE BOARD OF  
WILDLIFE COMMISSIONERS**

**LCB File No. R163-20**

July 12, 2021

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

AUTHORITY: § 1, NRS 501.181; § 2, NRS 501.105, 501.181 and 501.1818; § 3, NRS 501.105, 501.115, 501.117 and 501.181.

A REGULATION relating to wildlife; revising provisions that require the Department of Wildlife to preserve and disclose its comments on certain federal actions; revising the wildlife violations for which a person convicted of such violations will be assessed demerit points; revising the list of funding sources for a grant program administered by the Department to facilitate wildlife restoration and research; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of Wildlife Commissioners to adopt regulations requiring the Department of Wildlife to make public its comments on drafts of statements concerning the environmental effects of proposed federal actions or regulations on public lands. (NRS 501.181) Existing regulations require the Department to: (1) maintain a record book of such comments 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; and (3) make the contents of the record book available upon request at the Department's offices. (NAC 501.100) **Section 1** of this regulation revises these provisions by requiring instead that the Department: (1) maintain a record of such comments in accordance with a schedule for the retention and disposition of official state records; and (2) make the record available upon request.

Existing law requires the Commission to establish a system of assessing demerit points for wildlife convictions and authorizes the Commission to adopt such regulations as necessary to administer the system. (NRS 501.1814, 501.1818) Existing regulations provide that a person who is convicted of a wildlife violation will be assessed demerit points according to a set schedule. If a person is convicted of committing a wildlife violation that does not appear in the schedule, that person will be assessed 3 demerit points. (NAC 501.200) **Section 2** of this regulation revises the schedule of demerit points and provides that no demerit points will be assessed for certain violations.

Existing regulations: (1) require the Department to administer a grant program to facilitate wildlife restoration activities and wildlife research; and (2) authorize the Department to solicit applications for grants. (NAC 501.400) **Section 3** of this regulation revises the list of funding sources for grants.

**Section 1.** NAC 501.100 is hereby amended to read as follows:

501.100 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.]~~ *in accordance with the schedule for the retention and disposition of such a record that has been developed pursuant to NRS 239.080.*

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 ~~[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.]~~ *upon request.*

**Sec. 2.** NAC 501.200 is hereby amended to read as follows:

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

#### HUNTING AND TAKING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits

## 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

## HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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 AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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
<del>Unlawfully possessing live wildlife that is classified as prohibited.....</del>	<del>504.295</del>	<del>503.110</del>	<del>12</del>
Unlawfully possessing big game mammals during the closed season .....	503.030	-----	12

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
Possessing a big game mammal or parts thereof			
without <del>[a tag]</del> <i>an</i> attached <del>[thereto]</del> <i>or</i> <i>validated tag</i> .....	502.150 , <i>as</i>  <i>amended by</i>  <i>section 3 of</i>  <i>Senate Bill</i>  <i>No. 406,</i>  <i>chapter 304,</i>  <i>Statutes of</i>  <i>Nevada 2021,</i>  <i>at page 1757</i>	-----	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



## UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
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 Section	NAC Section	Demerits
Hunting big game or wild turkey without a tag .....	502.130	-----	9
Unlawfully transferring a tag to another person .....	502.140	502.385	9

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
Possessing or using a tag legally issued to another person .....	502.140	502.385	9
Obtaining tags in excess of the legal limit .....	502.140	502.331	9
Possessing used tags or tags in excess of the legal limit .....	502.150	-----	9
Unlawfully using a tag .....	502.200	-----	9
Using a tag in an improper area .....	502.160	502.385	6
Failing to punch a tag properly .....	502.160	502.390	6
Failing to attach a tag to a big game mammal in the manner prescribed by regulation .....	502.160	502.400	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 .....	501.385	502.347	6
Possessing the hide of a mountain lion without a seal .....	501.385	502.370	6

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
Possessing the horns of a ram bighorn sheep			
without a seal or brand .....	501.385	502.345	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

PERMITS

	NRS	NAC	Demerits
Classification of Violations	Section	Section	
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
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 NAC 503.540 .....</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

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
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
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

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
<del>Commercial taking of crayfish, except in accordance with a permit issued pursuant to NAC 503.540</del> .....	<del>501.385</del>	<del>503.540</del>	<del>6</del>
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

CATEGORY E FELONIES AND  
GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
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
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## 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	NAC	Demerits
	Section	Section	
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
<del>Operating a shooting preserve without a license.....</del>	<del>504.310</del>	<del>-----</del>	<del>6</del>
<del>Performing taxidermal services without a license.....</del>	<del>502.370</del>	<del>502.435</del>	<del>6</del>
Obtaining a hunting license without obtaining			
certification as a responsible hunter.....	502.360	-----	6

2. ~~[A]~~ *Except as otherwise provided in this subsection, 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. *No demerit points will be assessed for a violation of NRS 502.370, 502.390, 503.185, 503.310 or 504.295 to 504.398, inclusive.*

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.

**Sec. 3.** NAC 501.400 is hereby amended to read as follows:

501.400 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 *federal grants or* other money 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.]~~