



STATE OF NEVADA

DEPARTMENT OF WILDLIFE

Game Division

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MEMORANDUM

March 5, 2017

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

**From:** Brian Wakeling, Administrator, Game Division *BFW*

**Title:** Second Reading, Commission Policy 26A, Transparency — For Possible Action

**Description:** The Commission will conduct a second reading of Commission Policy 26A, Transparency, and may take action to suspend, amend or repeal. At the February 11, 2017 meeting the Commission voted to suspend Policy 26A until such time as the Administrative Procedures, Regulations, and Policy Committee can revise and renumber the policy to be consistent with Nevada Revised Statutes and all wildlife data.

**Presenter:** Game Division Administrator Brian F. Wakeling

Summary:

Commission Policy 26A was developed to establish a practice of transparency for the Commission and Department, particularly regarding development of harvest quotas for ungulates from survey through population estimation. Since adoption of this policy, subsequent legislation (Senate Bill 417; attached) in the 2015 Legislature amended NRS 503.010 to restrict the use of specific locational information collected by the Department for 1 year after collection to harass or take wildlife. This legislation was designed to protect specific locations of wildlife to reduce the likelihood that unscrupulous individuals would use information from radiotelemetry or survey to target or harass individual animals. This legislation is in potential conflict with portions of Commission Policy 26A.

Further, the Department publishes annual population estimates and survey totals in the *Big Game Status* reports associated with the quota setting meeting in May. This is a summary compilation of all data used to formulate season and quota recommendations. Information on detailed aspects of any summary data may be obtained by the public through a simple request, and all information (excepting specific locations for 1 year after collection) will be provided.

At the February 11, 2017 meeting, the Commission voted to suspend the policy until such time as the Administrative Procedures, Regulations, and Policy Committee can revise and renumber the policy to be consistent with Nevada Revised Statutes.

Recommendation:

The Department recommends that the Commission **VOTE TO AFFIRM ITS PRIOR VOTE TO SUSPEND COMMISSION POLICY 26A, TRANSPARENCY, UNTIL SUCH TIME AS THE ADMINISTRATIVE PROCEDURES, REGULATIONS, AND POLICY COMMITTEE CAN REVISE AND RENUMBER THE POLICY TO BE CONSISTENT WITH NEVADA REVISED STATUTES AND THE COMMISSION REPEALS THE EXISTING POLICY OR ADOPTS A REPLACEMENT POLICY.**

**STATE OF NEVADA  
BOARD OF WILDLIFE COMMISSIONERS**

**Commission Policy Number 26A**

**Number:** P-26A  
**Title:** Transparency  
**Reference:** NRS 501.181, 501.303, and  
501.337.  
**Effective Date:** April 16, 2011

**PURPOSE**

To develop a transparency of information provided to the public concerning methods of determining huntable populations and quotas for ungulates.

**POLICY**

It is the policy of this Commission to provide to the public and County Advisory Boards to Manage Wildlife all scientific information relied upon by the Department of Wildlife to enable them to submit recommendations to the commission for the establishment of regulations.

**PROCEDURE**

The Department will post on their website:

- a) All survey data from each biologist for their specific units,
- b) All adjustments/modifications made to the data by biologists,
- c) All carrying capacity data biologists have gathered, and
- d) All population models used by the biologists to determine ungulate populations and quotas, including explanations of all variables and inputs used.

This policy shall remain in effect until amended, repealed or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION April 16, 2011.



Chairman Scott Raine  
Board of Wildlife Commissioners



CHAPTER.....

AN ACT relating to wildlife; prohibiting the use of telemetry data to harass or take game mammals, game birds or other wildlife; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prohibits certain activities relating to the taking of game mammals and game birds. (NRS 503.010, 503.150) Existing law also provides that a violation of the provisions which govern wildlife is a misdemeanor. (NRS 501.385) This bill prohibits the use of any information obtained from a radio signal or other transmission received from any transmitting device that is attached to or placed for the purpose of detecting a game mammal, game bird or other wildlife to harass or take any game mammal, game bird or other wildlife. This bill also prohibits the use of any device meant to receive the signals from any such transmitting device to harass or take any game mammal, game bird or other wildlife or for any other purpose without the written authorization of the Department of Wildlife. Further, this bill prohibits the use of any location information obtained from records maintained by the Department within 1 year after the date on which the information was collected to harass or take any game mammal, game bird or other wildlife.

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

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 503.010 is hereby amended to read as follows:

503.010 1. Except as otherwise provided in this section or subsection 2 of NRS 503.005, it is unlawful to ~~harass, molest, rally, stir up or drive~~ **harass** any game mammals or game birds with an aircraft, helicopter or motor-driven vehicle, including a motorboat or sailboat.

2. Except as otherwise provided in this subsection, it is unlawful to shoot at any game mammals or game birds with a weapon from an aircraft, helicopter or motor-driven vehicle. A person who is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking may shoot from a stopped motor vehicle which is not parked on the traveled portion of a public highway, but the person may not shoot from, over or across a highway or road specified in NRS 503.175.

3. It is unlawful to spot or locate game mammals or game birds with any kind of aircraft or helicopter and communicate that information, within 24 hours after the aircraft or helicopter has landed or in violation of a regulation of the Commission, by any



means to a person on the ground for the purpose of hunting or trapping. The provisions of this subsection do not prohibit an employee or agent of the Department from providing general information to the public concerning the location of game birds or game mammals.

4. It is unlawful to use any information obtained in violation of the provisions of subsection 3 to hunt or kill game mammals or game birds.

5. It is unlawful to use a helicopter to transport game, hunters or hunting equipment, except when the cargo or passengers, or both, are loaded and unloaded at airports, airplane landing fields or heliports, which have been established by a department or agency of the Federal or State Government or by a county or municipal government or when the loading or unloading is done in the course of an emergency or search and rescue operation.

6. *It is unlawful to:*

*(a) Use any information obtained from a radio signal or other transmission received from any transmitting device;*

*(b) Make use of equipment designed to receive a radio signal or other transmission from a transmitting device; or*

*(c) Use any location information obtained from records maintained by the Department within 1 year after the date on which the information was collected, including, without limitation, records of information received from a transmitting device, to harass or take any game mammal, game bird or other wildlife.*

7. *It is unlawful to make use of equipment designed to receive a radio signal or other transmission from a transmitting device for any purpose without written authorization of the Department.*

8. The provisions of subsection 1 do not apply to an employee or agent of the Department who, while carrying out his or her duties, conducts a survey of wildlife with the use of an aircraft.

~~7.~~ 9. As used in this section ~~+, "game"~~ :

*(a) "Aircraft" includes, without limitation, any device that is used for navigation of, or flight in, the air.*

*(b) "Game bird" does not include a raven, even if classified as a game bird pursuant to NRS 501.110.*

*(c) "Harass" means to molest, chase, rally, concentrate, herd, intercept, torment or drive.*

*(d) "Transmitting device" means any collar or other device which is attached to any game mammal, game bird or other wildlife or which is placed for the express purpose of detecting any game mammal, game bird or other wildlife and emits an electronic*



*signal or uses radio telemetry or a satellite transmission to determine the location of the game mammal, game bird or other wildlife.*

**Sec. 2.** This act becomes effective on July 1, 2015.

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