

REVISED PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS

LCB File No. R145-15

April 27, 2016

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

Adopted without
any changes by
the Commission on
June 25, 2016

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

A REGULATION relating to hunting; revising provisions governing the use of aircraft, hot air balloons, unmanned aerial vehicles, satellites or certain other devices to locate or observe, for the purpose of hunting, a big game mammal, game bird or fur-bearing mammal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies and adopt regulations to preserve, protect, propagate, restore, transplant, introduce and manage wildlife in this State. (NRS 501.105, 501.181) Existing regulations prohibit, during the period beginning 48 hours before a big game hunting season opens in a management unit until the close of the season in that management unit, the use of aircraft, hot air balloons, satellites or certain other devices to locate or observe a big game mammal, except for a mountain lion, for the purpose of hunting. (NAC 503.148) **Section 2** of this regulation repeals the existing prohibition concerning big game hunting seasons and instead, for the purpose of hunting in a management unit, prohibits the use of aircraft, hot air balloons, unmanned aerial vehicles, satellites or certain other devices during the period beginning on July 1 and ending on the last day of February of each calendar year. **Section 2** also prohibits a person from using a satellite or any other device that orbits the earth and is equipped to produce real-time images.

Existing regulations set forth a schedule of demerit points to be assessed for conviction of certain wildlife violations. If a person is convicted of unlawfully using an aircraft, balloon or satellite to locate or observe big game for the purpose of hunting, the person must be assessed 12 demerit points. (NAC 501.200) **Section 1** of this regulation expands those provisions to include the unlawful use of an unmanned aerial vehicle to locate or observe a big game mammal, game bird or fur-bearing mammal for the purpose of hunting.

Section 1. 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

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 , <i>unmanned aerial vehicle</i> or satellite to locate or observe big game <i>mammals, game birds or fur-bearing mammals</i> 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 AND TAKING

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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

UNLAWFUL POSSESSION

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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

	NRS	NAC	
Classification of Violations	Section	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
Possessing or using a tag legally issued to another person	502.140	502.385	9

TAGS AND SEALS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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 a Native American 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
Possessing the horns of a ram bighorn sheep without a seal or brand	501.385	502.345	6

PERMITS

	NRS	NAC	
Classification of Violations	Section	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
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

FISHING

	NRS	NAC	
Classification of Violations	Section	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

	NRS	NAC	
Classification of Violations	Section	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
Needless waste of game birds or game mammals, other than big game	503.050	-----	9

MISCELLANEOUS FISH AND GAME

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

MISCELLANEOUS FISH AND GAME

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Intentionally interfering with a person lawfully hunting or trapping	503.015	-----	6
Hunting or trapping on private property without permission	503.240	-----	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

	NRS	NAC	
Classification of Violations	Section	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

	NRS	NAC	
Classification of Violations	Section	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

	NRS	NAC	
Classification of Violations	Section	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 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

LICENSES

	NRS	NAC	
Classification of Violations	Section	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

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Furnishing of false information by a person serving in the Armed Forces of the United States to obtain a 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
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

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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.

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. 2. NAC 503.148 is hereby amended to read as follows:

503.148 1. Except as otherwise provided in this section, a person shall not, for the purpose of hunting, locate or observe, or assist a person in locating or observing, any big game mammal , *game bird or fur-bearing mammal* in a management unit described in NAC 504.210 during the period beginning ~~[48 hours before a big game hunting season opens until the close of the season in that management unit]~~ *on July 1 and ending on the last day of February of each calendar year* with the use of:

(a) An aircraft, including, without limitation, any device that is used for navigation of, or flight in, the air;

(b) A hot air balloon or any other device that is lighter than air; ~~or~~

(c) *An unmanned aerial vehicle; or*

(d) A satellite or any other device that orbits the earth and is equipped to produce *real-time* images.

~~2. For the purposes of subsection 1, the season for hunting a mountain lion which is open in a management unit shall be deemed not to be a big game hunting season during the period beginning after the big game hunting season for all other species of big game has closed in that management unit until the period beginning 48 hours before the opening of a big game hunting season established for hunting any other species of big game in that management unit.~~

~~3.~~ Evidence of an act constituting a violation of subsection 1 includes, without limitation:

(a) Flying slowly at low altitudes;

(b) Hovering;

(c) Circling; or

(d) Repeatedly flying,

↳ over a forest, marsh, field, woodland or rangeland where a big game mammal , *game bird or fur-bearing mammal* is likely to be found.

~~4.~~ 3. The provisions of this section do not apply to a person who:

(a) Is acting within the scope of his or her official duties and who is:

(1) An employee or authorized agent of this State;

(2) An employee of a municipal or county government of this State; or

(3) An employee of the Federal Government;

(b) Holds a scientific permit issued by the Department for the collection of wildlife and who is acting in compliance with the terms and conditions of the permit; or

(c) Holds a permit issued by the Department which authorizes the control of bobcats, coyotes or ravens from an aircraft and who is acting in compliance with the terms and conditions of the permit.

~~5.~~ 4. The provisions of this section do not authorize any act that is prohibited by NRS 503.010.

5. *As used in this section:*

(a) *“Real-time images” means any images that are transmitted continuously or are otherwise updated more than once per day.*

(b) *“Unmanned aerial vehicle” has the meaning ascribed to it in NRS 493.020, as amended by section 23 of Assembly Bill No. 239, chapter 327, Statutes of Nevada 2015, at page 1777.*