

**ADOPTED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R107-05

Effective September 18, 2007

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

AUTHORITY: §§1 and 2, NRS 501.105, 501.181 and 501.1818; §3, NRS 501.105, 501.181 and 502.130; §4, NRS 501.105, 501.181, 502.130, 502.140 and 502.160; §§5 and 6, NRS 501.105 and 501.181; §7, NRS 501.105, 501.119 and 501.181.

A REGULATION relating to wildlife; expanding the wildlife convictions for which the Department of Wildlife must assess demerit points; expanding the circumstances under which the Department will refuse to issue a new license, permit or privilege to a person for accumulating demerit points for a wildlife conviction; prohibiting a person from transferring ownership or tanning the pelt of a bobcat under certain circumstances; authorizing a person to transport from this State the pelt of a bobcat or the unskinned carcass of a bobcat under certain circumstances; making it unlawful to present for sealing or to have sealed in this State the pelt of a bobcat taken in another state; making it unlawful to capture a mammal or raptor with a steel leghold trap that is placed within a certain distance of exposed bait; requiring a person who purchases a trapping license from the Department or a license agent to complete and return to the Department a reporting form or questionnaire required by the Department; and providing other matters properly relating thereto.

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	NAC	Demerits
	Section	Section	
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
<i>Unlawfully using information obtained in violation of subsection 3 of NRS 503.010 to hunt or kill game mammals or game birds</i>	<i>503.010</i>	<i>-----</i>	<i>12</i>
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
Unlawfully using an aircraft, balloon or satellite to locate or observe big game for the purpose of hunting	501.385	503.148	12

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
Hunting or taking an endangered species without a special permit	503.585	503.093	12
[(Killing,)] <i>Unlawfully killing</i> , destroying, wounding, trapping or injuring bald eagles or golden eagles	503.610	[503.090]	12

Unlawfully [(hunting)] <i>taking</i> bald eagles or golden eagles	503.620	[503.090]	12

<i>Taking twice the legal limit or more of big game</i>			
<i>mammals</i>	<i>501.385</i>	-----	<i>12</i>
Hunting or taking a threatened species	501.385	503.093	9
<i>Unlawfully killing a fur-bearing mammal during the</i>			
<i>closed season</i>	<i>503.440</i>	-----	<i>9</i>
<i>Unlawfully hunting migratory waterfowl by aid of</i>			
<i>baiting</i>	<i>501.385</i>	<i>503.180</i>	<i>6</i>
Hunting big game mammals during <i>the</i> closed season	503.090	-----	6
Hunting fur-bearing mammals during <i>the</i> 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

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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 <i>or migratory waterfowl</i> 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
<i>Taking a game mammal of a prohibited age or with prohibited physical characteristics</i>	<i>501.385</i>	<i>----</i>	<i>6</i>

UNLAWFUL POSSESSION

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
Unlawfully possessing live wildlife that is classified as prohibited	504.295	503.110	12
Possessing twice the legal limit or more of big game mammals or fur-bearing mammals	501.385	-----	12
Unlawfully possessing big game mammals for fur-bearing mammals during <i>the</i> closed season	503.030	-----	9 12
Possessing big game mammals or fur-bearing mammals in excess of the legal limit but less than twice the legal limit	501.385	-----	9
<i>Possessing a big game mammal or parts thereof without a tag attached thereto</i>	<i>502.150</i>	<i>-----</i>	<i>9</i>
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
<i>Unlawfully possessing a fur-bearing mammal during the closed season</i>	<i>503.030</i>	<i>-----</i>	<i>9</i>
Possessing game birds or game mammals, other than big game, during <i>the</i> closed season.....	503.030	-----	6
Possessing fish during <i>the</i> closed season.....	503.030	-----	6

UNLAWFUL POSSESSION

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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
Possessing game mammal of a prohibited age or with prohibited physical characteristics	501.385	----	6

TAGS AND SEALS

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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
Failure <i>Failing</i> to punch a tag properly	502.160	502.390	6
<i>Failing to attach a tag to a big game mammal in the manner prescribed by regulation.....</i>	<i>502.160</i>	<i>502.400</i>	<i>6</i>
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 bighorn sheep without a seal or brand	501.385	502.345	6

PERMITS

	NRS	NAC	Demerits
Classification of Violations	Section	Section	
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
Unlawfully selling a threatened species.....	501.379	-----	9

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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	501.385	503.540	6
Intentionally interfering with a person lawfully			
hunting or trapping	503.015	----	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
Hunting or trapping on private property without permission	503.240	----	6
<i>Failing to make a reasonable effort to retrieve dead or crippled migratory waterfowl</i>	<i>501.385</i>	<i>503.180</i>	<i>6</i>

CATEGORY E FELONIES AND
GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
Killing or possessing certain big game mammals with an otherwise valid tag but when season is not open	501.376	---	12
Killing or possessing certain big game mammals without a valid tag	501.376	---	12
Killing or possessing certain big game mammals outside of the area specified on tag	501.376	---	12

CATEGORY E FELONIES AND
GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
Killing or possessing certain big game mammals			
 with a tag obtained by fraud.....	501.376	---	12
Killing or possessing certain big game mammals			
 with another person's tag	501.376	---	12
Killing or possessing certain big game mammals			
 outside of the hours set for lawful hunting	501.376	---	12]
<i>Conviction of a felony for intentionally killing a big game mammal, including aiding and abetting a person in the commission of the killing</i>	<i>501.376</i>	<i>----</i>	<i>12</i>
<i>Conviction of a gross misdemeanor for intentionally killing a big game mammal, including aiding and abetting a person in the commission of the killing</i>	<i>501.376</i>	<i>----</i>	<i>12</i>
<i>Conviction of a gross misdemeanor for willfully possessing an unlawfully killed big game mammal</i>	<i>501.376</i>	<i>----</i>	<i>12</i>

CATEGORY E FELONIES AND
GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
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
<i>Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait</i>	<i>501.385</i>	<i>503.157</i>	<i>6</i>
<i>Trapping in a closed area</i>	<i>501.385</i>	<i>504.340</i>	<i>6</i>
<i>Unlawfully removing or disturbing a trap lawfully being used by another person</i>	<i>503.454</i>	-----	<i>6</i>

Trapping for killing 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	Demerits
Classification of Violations	Section	Section	
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 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

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
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
<i>Hunting, fishing or trapping using a license that is invalid by reason of expiration or a false statement made to obtain the license</i>	<i>502.060</i>	<i>-----</i>	<i>6</i>
Operating a shooting preserve without a license	504.310	-----	6
Performing taxidermal services without a license	502.370	502.435	6
Obtaining a hunting license without obtaining certification as a responsible hunter.....	502.360	-----	6

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

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 501.210 is hereby amended to read as follows:

501.210 The Department will revoke any hunting, fishing or trapping license, permit or privilege issued to a person pursuant to title 45 of NRS if that person accumulates 12 or more demerit points within the 60-month period preceding his most recent wildlife conviction and will refuse to issue a new license, permit or privilege to that person for:

1. Three years, if the demerits are accumulated within a 42-month period ~~[-or]~~ *and are not assessed because of a conviction of a felony or gross misdemeanor for a violation of NRS 501.376;*

2. Two years, if the demerits are accumulated within a 60-month period ~~[-]~~ *and are not assessed because of a conviction of a felony or gross misdemeanor for a violation of NRS 501.376;*

3. *Ten years, if the demerits are assessed because of a conviction of a felony for a violation of NRS 501.376; or*

4. *Five years, if the demerits are assessed because of a conviction of a gross misdemeanor for a violation of NRS 501.376.*

Sec. 3. NAC 502.347 is hereby amended to read as follows:

502.347 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 ~~the~~ *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 that 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 ~~raw~~ 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.

~~4.~~ 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.

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.

Sec. 4. NAC 502.370 is hereby amended to read as follows:

502.370 1. *A tag is required to hunt a mountain lion.* 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) 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

(c) 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,

↳ 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 after harvesting it, personally present the skull and hide to a representative of the Department for inspection. The representative shall affix the seal of the Department permanently to the hide.

4. It is unlawful for any person to:

(a) Transport the hide of a mountain lion from this State without ~~the~~ *the seal required pursuant to this section* permanently affixed to the hide.

(b) Except as otherwise provided in subsection 3, possess the hide 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.

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.

Sec. 5. NAC 503.153 is hereby amended to read as follows:

503.153 As used in this section and NAC 503.155 and 503.157, unless the context otherwise requires:

1. “Bait” means the flesh, fur, hide, viscera or feathers of any animal.
2. “Exposed bait” means bait, any portion of which is visible from any angle.
3. “Trap” means any device designed, built or made to close upon , *contain, confine* or hold fast any wild ~~[animal]~~ *mammal* or wild bird.

Sec. 6. NAC 503.157 is hereby amended to read as follows:

- 503.157 1. ~~[A person shall not place,]~~ *It is unlawful for a person to:*
- (a) *Place*, set or maintain a steel leghold trap within 30 feet of exposed bait ~~[.];~~ ;
 - (b) *Capture a mammal or raptor with a steel leghold trap that is placed, set or maintained within 30 feet of exposed bait; or*
 - (c) *Use any part of a game mammal, game bird, game fish, game amphibian or protected species of wildlife for bait.*
2. A person using bait is responsible if it becomes exposed for any reason.
 3. ~~[A person shall not use any part of a game animal, game bird, game fish, game amphibian or protected species of wildlife for bait.]~~ *As used in this section, “raptor” means any species of bird of the order Falconiformes or Strigiformes that is protected by the Migratory Bird Treaty Act of July 3, 1918, as amended, 16 U.S.C. §§ 703 et seq.*

Sec. 7. NAC 503.160 is hereby amended to read as follows:

- 503.160 1. The Department may determine methods of obtaining necessary data from ~~[trappers]~~ *a person who purchases a trapping license from the Department or a license agent* relative to ~~[their]~~ *the trapping* activities and success ~~[.~~
- ~~—2.— It is unlawful for any trapper to fail to]~~ *of the person.*

2. *Each person who purchases a trapping license from the Department or a license agent shall complete and return any reporting form or questionnaire ~~[of]~~ required by the Department . ~~[or to falsify any information requested.]~~ The person must return any such form or questionnaire regardless of whether the person trapped any fur-bearing mammals or unprotected species of wildlife during the term of the trapping license. Except as otherwise provided by an annual regulation of the Commission, the completed form or questionnaire must be received by the Department or an independent contractor designated by the Department not later than April 30 of each year. Failure to return ~~[such a]~~ the form or questionnaire within ~~[10 days after the close of the season]~~ that period or the submission of any false ~~[statement thereon may be]~~ information on the form or questionnaire is cause for the Commission to suspend the trapping license held by the person and deny the person the right to acquire any trapping license for a period of ~~[2 years.]~~ 1 year. A person whose trapping license is suspended or whose right to acquire a trapping license is denied pursuant to this section may have the privilege reinstated if he:*

- (a) Pays to the Department an administrative fine in the amount of \$50; and*
- (b) Completes and submits the required form or questionnaire to the Department.*

3. *As used in this section, "license agent" has the meaning ascribed to it in NAC 502.065.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R107-05**

The Board of Wildlife Commissioner adopted regulations assigned LCB File No. R107-05 which pertain to chapters 501, 502 and 503 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The proposed regulation was noticed and posted on an agenda according to the Open Meeting Law; distributed to the Board of Wildlife Commissioners, 17 county advisory boards to manage wildlife, and other interested persons; presented at a public workshop and at the board of Wildlife Commissioners' public meeting. A summary is available by contacting the Department of Wildlife. Comment was specifically solicited from the Nevada Trappers Association regarding the trapping related portions of the regulations.

2. The number of persons who:

- (a) Attended each hearing: 17
- (b) Testified at each hearing: 1
- (c) Submitted to the agency written statements: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary: N/A

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change: N/A

5. The estimated economic effect of the regulations on the businesses they are to regulate and on the public. None

(a) Estimated economic effect on the businesses which they are to regulate.

- (1) Adverse – N/A
- (2) Beneficial – N/A
- (3) Immediate – N/A
- (4) Long term – N/A

(b) Estimated economic effect on the public which they are to regulate.

- (1) Adverse – N/A
- (2) Beneficial – N/A
- (3) Immediate – N/A
- (4) Long term – N/A

6. The estimated cost to the agency for enforcement of the proposed regulation:

No additional cost

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary: N/A

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions: N/A

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used: N/A