

LCB File No. R107-05

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

COMMISSION GENERAL REGULATION 333

**NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for The Adoption and Amendment of Regulations of The
Nevada Board of Wildlife Commissioners**

The Board of Wildlife Commissioners will hold a public hearing on February 11, 2006 at 8:30 a.m., at the Nevada Department of Wildlife, 1100 Valley Road, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation No. 333 (LCB File No. R107-05) pertaining to Chapters 501 and 503 of the Nevada Administrative Code.

1. The need for and purpose of the proposed regulation: Revises the number of demerits assessed for convictions of certain wildlife violations relating to trapping and unlawful taking of wildlife; enhances the license revocation period for persons convicted felony and gross misdemeanor provisions of wildlife law, consistent with 2005 legislative changes. Authorizes licensed resident trappers to temporarily transport unsealed bobcat pelts from the state; prohibits the sealing of bobcat pelts taken in another state. Establishes that a tag is required to hunt a mountain lion; provides that it is unlawful to kill a mountain lion caught in a trap or to hunt or pursue a mountain lion within 24 hours of its release from a trap; establishes procedures for handling lions caught in a trap as well as lions which are accidentally killed or killed in self-defense. Establishes a definition for “visit” and “cause to visited” as the terms relate to checking traps and related devices; establishes requirement for the release, disposal, and reporting of certain types of wildlife which are nonintentionally trapped or die while in a trap; provides that certain animals trapped by unlawful methods or contrary to trap visitation requirements are unlawfully taken and possessed; modifies the definition of ‘bait’ as it relates to trapping; excludes the common rat and mouse traps from the definition of “trap”; establishes a provision making it unlawful to trap mammals or birds with a trap that is unlawfully baited; revises reporting requirements for persons who acquire a trapping license, and amends the period of suspension to be consistent with statute.

2. Text of the proposed regulation: **Attached**

3A. The estimated economic effect of the regulation on the business which it is to regulate:

- (a) Adverse effect -- **None**
- (b) Beneficial effect – **None**
- (c) Immediate effect – **None**
- (d) Long-term effect – **None**

- 3B. The estimated economic effect of the regulation on the public which it is to regulate:
- (a) Adverse effect – **None**
 - (b) Beneficial effect -- **None**
 - (c) Immediate effect -- **None**
 - (d) Long-term effect – **None**
4. Estimated cost to the Department of Wildlife for enforcement of the proposed regulation: Costs will be minimal to nonexistent, does not increase existing workloads or processes.
5. A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates: **None**. The duplication or overlapping is necessary because: **NA**. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency: **NA**
6. If the regulation is required pursuant to federal law, a citation and description of the federal law. **Not applicable**.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions: **Not applicable**
8. The proposed regulation establishes a new fee: ___No Yes. Establishes an administrative assessment of \$50 for reinstating a trappers suspended license privileges.

Persons wishing to comment upon the proposed action of the Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Secretary, Board of Wildlife Commissioners, 1100 Valley Road, Reno, Nevada 89512. Written submissions must be received by the Secretary, Board of Wildlife Commissioners, at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulations to be adopted will be available for inspection and may be copied at the following locations:

Nevada Department of Wildlife
1100 Valley Road
Reno, Nevada
(775) 688-1500

Western Region
380 W. "B" Street
Fallon, NV 89406
(775) 423-3171

Eastern Region
60 Youth Center Road
Elko, NV 89801
(775) 777-2300

Southern Region
4747 Vegas Drive
Las Vegas, NV 89108
(702) 486-5127

The regulations will be available for inspection at all county main public libraries. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations are prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the above locations.

LCB File No. R107-05

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

Explanation – Matter in *bold italics* is new, matter in brackets ~~omitted material~~ is material to be omitted

Authority: NRS 501.105, 501.119, 501.181, 501.1816, 501.1818, 501.3855, 501.387(2), 502.130, 504.295.

Notice of Intent: December 13, 2005

Workshop Date: February 11, 2006

Commission Approval Date: February 11, 2006

Explanation: Revises the number of demerits assessed for convictions of certain wildlife violations relating to trapping and unlawful taking of wildlife; enhances the license revocation period for persons convicted felony and gross misdemeanor provisions of wildlife law, consistent with 2005 legislative changes. Authorizes licensed resident trappers to temporarily transport unsealed bobcat pelts from the state; prohibits the sealing of bobcat pelts taken in another state. Establishes that a tag is required to hunt a mountain lion; provides that it is unlawful to kill a mountain lion caught in a trap or to hunt or pursue a mountain lion within 24 hours of its release from a trap; establishes procedures for handling lions caught in a trap as well as lions which are accidentally killed or killed in self-defense. Establishes a definition for “visit” and “cause to visited” as the terms relate to checking traps and related devices; establishes requirement for the release, disposal, and reporting of certain types of wildlife which are nonintentionally trapped or die while in a trap; provides that certain animals trapped by unlawful methods or contrary to trap visitation requirements are unlawfully taken and possessed; modifies the definition of ‘bait’ as it relates to trapping; excludes the common rat and mouse traps from the definition of “trap”; establishes a provision making it unlawful to trap mammals or birds with a trap that is unlawfully baited; revises reporting requirements for persons who acquire a trapping license, and amends the period of suspension to be consistent with statute.

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

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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>Unlawful use of 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 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>Killing a mountain lion in violation of paragraph (e) of subsection 4 of NAC 502.370</i>	<i>501.385</i>	<i>502.370</i>	<i>12</i>
<i>Unlawful killing of a bobcat or gray fox by a nonresident during the closed season.</i>	<i>503.440</i>	<i>-----</i>	<i>12</i>
Hunting or taking a threatened species.....	501.385	503.093	9
<i>Unlawful hunting of migratory game birds by aid of baiting 50CFR 20.21(i)</i>	<i>501.385</i>	<i>503.180</i>	<i>9</i>
<i>Unlawful killing of a bobcat or gray fox by a resident during the closed season.</i>	<i>503.440</i>	<i>-----</i>	<i>9</i>
<i>Unlawfully kill a fur-bearing mammal, other than bobcat or gray fox, during the closed season</i>	<i>503.440</i>	<i>-----</i>	<i>6</i>
Hunting big game mammals during closed season.....	503.090	-----	6
Hunting fur-bearing mammals during closed season.....	501.015	-----	6
Hunting big game mammals in closed areas.....	501.385	504.340	6

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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 <i>or migratory game birds</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>Hunt, chase or pursue a mountain lion in violation of paragraph (f) of subsection 4 of NAC 502.370</i>	<i>501.385</i>	<i>502.370</i>	<i>6</i>
<i>Kill a mountain lion in violation of paragraphs (c) or (d) of subsection 4 of NAC 502.370</i>	<i>501.385</i>	<i>502.370</i>	<i>6</i>

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully possessing live wildlife that is classified as prohibited.	504.295	503.110	12
[Possessing] <i>Taking</i> twice the legal limit or more of big game mammals or fur-bearing mammals....	501.385	-----	12
Unlawfully possessing big game mammals [or fur-bearing mammals] during closed season..	503.030	-----	[9] <i>12</i>
<i>Unlawful possession of a bobcat or gray fox by a nonresident, closed season.</i>	<i>503.030</i>	-----	<i>12</i>
[Possessing big game mammals or fur-bearing mammals in excess of the legal limit but less than twice the legal limit.....]	[501.385]	-----	[9]

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
<i>Prima facie illegal taking of a big game mammal or parts thereof without tag attached</i>	<i>502.150</i>	<i>-----</i>	<i>12</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>Unlawful possession of a furbearer during closed season (other than a nonresident possessing bobcat, gray fox during closed season)</i>	<i>503.030</i>	<i>-----</i>	<i>9</i>
Possessing game birds or game mammals, other than big game, during closed season.....	503.030	-----	6
Possessing fish during 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
Possessing Taking game mammal of a prohibited age or with prohibited physical characteristics....	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, other than a swan tag, to another person.....	502.140	502.385	9
Possessing or using a tag, other than a swan tag, legally issued to another person.....	502.140	502.385	9
Obtaining tags, other than swan tags, in excess of the legal limit.....	502.140	502.331	9

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
Possessing used tags or tags, other than swan tags, in excess of the legal limit.....	502.150	-----	9
Unlawfully using a tag.....	502.200	-----	9
Hunting swan without a swan tag.....	501.385	502.380	6
Transferring a swan tag.....	502.140	502.380	6
Possessing or using a swan tag legally issued to another.....	502.140	502.380	6
Obtaining swan tags in excess of legal limit.....	502.140	-----	6
Possessing used swan tags or swan tags in excess of legal limit.....	502.150	-----	6
Using a tag in an improper area.....	502.160	502.385	6
Failure to punch a tag properly.....	502.160	502.390	6
<i>Failure to attach tag to big game mammal as required 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

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

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
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

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
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

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
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
Hunting or trapping on private property without permission.....	503.240	----	6
<i>Fail to make reasonable effort to retrieve dead or crippled migratory game bird 50CFR 20.25</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	-	-
[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>Felony conviction of intentionally killing a big game mammal, including aid and abet</i>	<i>501.376</i>		<i>12</i>

CATEGORY E FELONIES AND GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
<i>Gross misdemeanor conviction of intentionally killing a big game mammal, including aid and abet</i>	501.376		12
<i>Gross misdemeanor conviction of willful possession of unlawfully killed big game mammal</i>	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
<i>Place, set or maintain a steel leghold trap within 30 feet of exposed bait</i>	501.385	503.157	9
<i>Unlawful capture of a mammal or bird with a steel leghold trap placed, set, or maintained within 30 feet of exposed bait</i>	501.385	503.157	9
<i>Using parts of a game mammal, game bird, game fish or protected species of wildlife as bait</i>	501.385	503.157	9
<i>Fail to visit each trap, snare or any other device once each 96 hours; remove mammal caught therein... 48 hours or more late.</i>	503.570	----	9
<i>Fail to visit each trap, snare or any other device once each 96 hours; remove mammal caught therein... In excess of 24 but less than 48 hours late.</i>	503.570	----	6
<i>Trapping in a closed area</i>	501.385	504.340	6
<i>Unlawful removal or disturbance of trap being lawfully used ...</i>	503.454	----	6
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

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 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
<i>Hunt, fish or trap with a license that is invalid by reason of expiration or false statement</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 *and the demerits were not assessed as the result of a felony or gross misdemeanor conviction of NRS 501.376* ~~[or]~~

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

3. *Ten years, if the demerits are assessed as a result of that person's conviction of a felony pursuant to NRS 501.376; or*

4. *Five years, if the demerits are assessed as a result of that person's conviction of a gross misdemeanor pursuant to 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 any common carrier* or, *except as provided in subsection 3*, transport from the State any pelt of a bobcat unless the Department has affixed its seal to the pelt.

3. *During the season established for the taking of bobcats, a person holding a valid Nevada resident trapping license may temporarily transport from this state, for a period not to exceed 2 hours:*

(a) *The pelt of a bobcat which has not been stretched, dried or cured; or*

(b) *The entire unskinned carcass of a bobcat,*

← lawfully taken by him in this state, without the seal being affixed as required by subsection 2, for the purpose of either returning to his residence within the state by the most expedient route or checking additional traps set by him that are located in areas of this state which are most readily accessed from a bordering state. The provisions of this subsection do not authorize the import, transport, export or possession of an unsealed bobcat in violation of an applicable law, regulation or rule of a bordering state.

~~[3.]~~ 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 to present for sealing or to have sealed the pelt of any bobcat taken in another state.*

7. As used in this section, “pelt” mean the hide or skin of a bobcat which has not been permanently tanned or been processed to a finished form or product beyond initial fleshing, cleaning, curing, stretching or drying. The term includes green pelt and 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 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 ~~[a]~~ *the seal required by 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.

(e) Kill a mountain lion caught in a trap unless authorized to do so under the authority of a valid depredation permit issued by the Department.

(f) Hunt, chase or pursue a mountain lion:

(1) Within 24 hours of releasing it from a trap;

(2) Within 24 hours of observing it's release from a trap; or

(3) After receiving information that it was released from a trap at a particular location within the previous 24 hours.

5. If a mountain lion is accidentally trapped ~~[or killed]~~ *and found alive*, the person trapping ~~[or killing]~~ it shall report the trapping ~~[or killing within 48]~~ *within 24* hours to a representative of the Department *if he is unable to release the animal.* ~~[The animal must be disposed of in accordance with the instructions of the representative.]~~ *The department will provide reasonable assistance for the release of the animal. A trapper who complies with the requirements of this subsection will not be charged with unlawful taking unless an investigation of the incident develops evidence which contradicts the facts and circumstances initially portrayed by the trapper.*

6. *If a mountain lion is accidentally killed or justifiably killed in defense of life or property, the person killing it shall report the incident to a Department game warden, biologist or office within 24 hours of the killing. Such an animal remains the property of the State and must be released to the Department for disposal.*

7. *As used in this section, “hide” means the hide or skin of a mountain lion that has not been permanently tanned or has not been processed to a finished form or product beyond initial cleaning, temporary tanning, curing, stretching, salting or drying.*

Sec. 5. Chapter 503 of NAC is hereby amended by adding thereto the provisions set forth as Sections 6, 7, 8 and 9, inclusive of this regulation.

Sec. 6. *1. As used in NRS 503.570, “visit” means that a person, holding a valid trapping license issued by the Department, inspects the physical site where each trap has been set or placed by him so that he can positively determine that no mammal is caught in any trap that is set or placed at that site. As used in this section, “trap” means a trap, snare or any other device which does not, or is not designed to, cause immediate death to a mammal.*

Sec. 7. *1. Except as provided in subsection 2, as used in NRS 503.570, “cause to be visited” means the visit of a trap, as described in sec. 6, by a person authorized by the licensed trapper who placed or set the trap. The person visiting a trap, on behalf of the authorizing licensee, must hold a valid trapping license issued by the Department and possess written authorization that contains the signature, date and trapping license number of the licensee who placed or set the trap.*

As used in this subsection, “trap” means a trap, snare or any other device which does not, or is not designed to, cause immediate death to a mammal.

2. A person holding a non-resident trapping license issued by the Department is prohibited from removing a bobcat or gray fox from any type of trap which is placed, set or used by a person who holds a resident trapping license issued by the Department, unless the animal is to be released at the scene without unnecessary delay. If the animal is not to be released, the resident licensee must respond to the scene and remove the animal within the period required by NRS 503.570.

Sec. 8. *1. Except as otherwise provided in subsection 5 of NAC 502.370, any person who traps any wildlife for which the trapping season is closed or for which trapping is not a legal manner of take, shall, in the event of the live-capture of such wildlife, release the animal without unnecessary delay. Nothing in this subsection permits the killing of such incidentally trapped wildlife, except for a species that is classified as unprotected.*

2. *In the event of the mortality of wildlife resulting from such an unintended trapping, the carcass of such wildlife, if it is a:*

(a) *Protected mammal, American eagle or golden eagle, or a fur-bearing mammal for which the season is closed, remains the property of the State and shall be delivered by the trapper to a Department game warden, biologist or office within 72 hours of it's discovery.*

(b) *Big game mammal, remains the property of the State and the trapper must report the mortality to a Department game warden, biologist or office within 72 hours of discovering the mortality. Neither the carcass nor any part thereof of such a mammal may be retained by the trapper or transferred to any other person except as provided in this provision.*

(c) *Game bird, game mammal other than big game mammal, or a protected species of bird other than an American or Golden eagle, shall be removed from the trap and disposed of at least 30 feet from where any traps are or will be set. Neither the carcass nor any part of such an animal may be retained by the trapper or transferred to any other person.*

3. *A trapper who complies with the provisions of this section will not be charged with unlawful taking of such incidentally trapped wildlife unless an investigation of the incident develops evidence which contradicts the facts and circumstances initially portrayed by the trapper.*

Sec. 9. 1. *A mammal that is not removed from a trap, snare, or any other device that does not, or is not designed to, cause immediate death to a mammal, within 96 hours of the last visitation of the trap; or*

2. *Any mammal or bird caught in a steel leghold trap which is:*

(a) *Placed, set or maintained within 30 feet of exposed bait; or*

(b) *Baited with any part of a game mammal, game bird, game fish, game amphibian or protected species of wildlife;*

← is unlawfully killed or possessed, as applicable, for the purpose of enforcing the provisions of NRS 501.3855.

Sec. 10. 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. *A lure or scent product which is in a paste or liquid form and may contain parts of domestic animals, oils or viscera of game fish, the hair, hide, glands or viscera of game mammals, the feathers or viscera of game birds, or parts of a furbearer or unprotected animal, is not considered bait. White-bleached bones of game animals with no hide, flesh or tissue attached, are not considered bait.*

2. "Exposed bait" means bait, any portion of which is visible from any angle.

4. "Trap" means any device designed, built or made to close upon, *contain*, or hold fast any wild ~~[animal]~~ *mammal* or wild bird, *but the term does not include common rat and mouse snap-traps or gopher traps that are used to take unprotected rodents in or around a home or dwelling or on agricultural land for the purposes of public health or protection of property and not related to recreation or commerce in fur.*

Sec. 11. 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 bird 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 or protected species of wildlife for bait except as provided in subsection 1 of NAC 503.153.*
- ← *Any mammal or bird trapped in violation of paragraphs (b) or (c) is unlawfully taken and possessed.*

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.]~~

Sec. 12. 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 purchased a trapping license from the Department*, relative to ~~[their]~~ *his trapping* activities and success.

2. ~~[It is unlawful for any trapper to fail to]~~ *A person who purchased a trapping license from the Department or one of its agents shall complete and* return any reporting form or questionnaire ~~[of]~~ *required by* the Department ~~[or to falsify any information requested]~~. *The report form or questionnaire must be returned by the licensee even if he did not trap furbearers or unprotected mammals during the period the trapping license was valid. Unless otherwise provided by an annual regulation of the Commission the completed report form or questionnaire must be received by the Department, or an independent contractor designated by the Department, no later than April 30 of each year.* Failure to return such a form or questionnaire ~~[within 10 days after the close of the season]~~ *by the deadline specified* or the submission of any false ~~[statement thereon may be]~~ *information on the form or questionnaire is cause for the Commission to suspend the current trapping license of a person and deny the person the right to acquire any trapping license for a period of [2-years] 1 year. A person who has had his trapping license suspended or has been denied a trapping license pursuant to this section may have the privilege reinstated if he pays to the department an administrative fine of \$50 and he completes and submits the required form or questionnaire.*