

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

LCB File No. R090-13

Effective December 23, 2013

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

AUTHORITY: §1, NRS 501.105, 501.181 and 501.1818; §2, NRS 501.105, 501.181, 502.130, 502.140 and 502.160.

A REGULATION relating to wildlife; revising provisions relating to the assessment of demerit points for conviction of certain wildlife violations; establishing distinct tags for the hunting of ram and ewe bighorn sheep; 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
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
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
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 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

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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
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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
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
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

TAGS AND SEALS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Possessing the horns of a <i>ram</i> 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

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
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

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	NAC	Demerits
	Section	Section	
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
Failing to retain the cape or scalp and any antlers or horns of wildlife	501.385	503.173	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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
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

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
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
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

Classification of Violations	NRS Section	NAC Section	Demerits
Refusing to exhibit a license, wildlife, weapon, ammunition, device or apparatus	502.120	-----	12

LICENSES

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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

LICENSES

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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
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 502.345 is hereby amended to read as follows:

502.345 1. Unless his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag *to hunt* for *a ram from* one or more of the following subspecies of bighorn sheep:

- (a) Nelson bighorn sheep;
- (b) California bighorn sheep; or
- (c) Rocky Mountain bighorn sheep,

↳ if, in the immediately preceding 10 years, he or she did not receive a tag or replacement tag *to hunt* for *a ram from* that subspecies of bighorn sheep.

2. *Unless his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag to hunt for a ewe from one or more of the following subspecies of bighorn sheep:*

- (a) Nelson bighorn sheep;*
- (b) California bighorn sheep; or*
- (c) Rocky Mountain bighorn sheep,*

↳ *if, in the immediately preceding 2 years, he or she did not receive a tag or replacement tag to hunt for a ewe from that subspecies of bighorn sheep.*

3. A person who kills a bighorn sheep, regardless of subspecies ~~†~~ *or gender*, shall, within 5 days after killing it, personally present the skull and horns of the animal to a representative of the Department for inspection. ~~†The~~ *For a ram, the* inspector shall permanently attach a seal to one of the horns by plugging the seal into the horn or permanently brand an identification number on one of the horns. It is unlawful for any person to alter or remove the seal after the seal is permanently attached to a horn or to alter or remove the permanently branded identification

number. It is unlawful to possess or sell the horns *of a ram* without a seal having been so attached or number so branded.

4. As used in this section, “ewe” means any female bighorn sheep having a horn or horns of at least 5 inches in length each as measured on the outside curve of the horn from the skull to the tip.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement**

**LCB File No. – R090-13
CGR Number – 437**

MEMORANDUM

To: Legislative Counsel Bureau **Date:** December 9, 2013
From: Tony Wasley, Secretary, Board of Wildlife Commissioners
Subject: Informational statement relating to Commission General Regulation No. 437
(LCB File No. R090-13) - as required by Chapter 233B.066.

1. A clear and concise explanation of the need for the adopted regulation.

This is a regulation relating to wildlife which will establish provisions for the hunting of ewe bighorn sheep, definition, eligibility waiting periods and other matters related to such matters. The request for the regulation change to establish the authority for a ewe hunt will assist the Department in addressing concerns related to bighorn sheep population densities, disease events and water and resource impacts.

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

A copy of the proposed regulation was noticed and provided to Nevada's 17 County Advisory Boards to Manage Wildlife (CABMW) as part of the Nevada Board of Wildlife Commissioners (NBWC) agenda and support material for their December 6 and 7, 2013 workshop and meeting. Those CABMW that held public meetings prior to the December 6-7 NBWC workshop and meeting provided opportunity for public comment at their individual meetings. Public comment was solicited at the NBWC workshop on December 6 in Reno and at the NBWC meeting on December 7 prior to NBWC approval of the regulation.

The public response received 9 of 17 CABMW responded on their action reports supporting the regulation prior to the hearing. Testimony received at the hearing was in support of the regulation. For a summary of public comment, please contact Nevada Department of Wildlife at 775-688-1549.

3. The number of persons who:

- (a) Attended each hearing: 431 Workshop 28 Hearing**
- (b) Testified at each hearing: 0 Workshop 14 Hearing**
- (c) Submitted written comments: 9**

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (SEE ATTACHED COMMENT CARDS)

- (a) Name;
- (b) Telephone number;
- (c) Business address;
- (d) Business telephone number;
- (e) Electronic mail address; and
- (f) Name of entity or organization represented.

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

The regulation does not affect the operations of, or requirements to any business and no effect is anticipated on any business as a result of this change.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The testimony at the Commission meeting by the public and Wildlife County Advisory Boards the Commission approved the regulation as written.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

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

The regulation does not regulate a business and therefore has no beneficial or adverse effect on business.

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

This regulation would provide additional opportunity for a hunter to apply for a tag. If they choose to apply for those tags the hunter would pay the required statutorily required fees to participate.

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

Enforcement costs fall within the current duties of the Department.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There is no overlap to federal language.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are no federal regulations that regulate such activity.

- 11. 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.**

There are no new fees introduced in the regulation.

/s/
Tony Wasley, Secretary
Board of Wildlife Commissioners