

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

LCB File No. R088-14

Effective June 28, 2016

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.

A REGULATION relating to wildlife; increasing the number of demerit points that the Department of Wildlife must assess for certain wildlife violations; expanding the wildlife violations for which the Department must assess demerit points; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out the provisions of title 45 of NRS governing wildlife in this State. (NRS 501.105 and 501.181) Further, existing law requires the Commission to establish a system of assessing demerit points for wildlife convictions and authorizes the Commission to adopt such regulations as are necessary to administer the system. (NRS 501.1814, 501.1818) Existing regulations provide that a person who is convicted of a wildlife violation will be assessed demerit points according to a set schedule. If a person is convicted of committing a wildlife violation that does not appear in the schedule, the Department of Wildlife must assess 3 demerit points against the person. (NAC 501.200) This regulation increases: (1) from 3 to 9 the demerit points that the Department must assess for a conviction for fishing in nonnavigable waters on private property without permission; and (2) from 6 to 9 the demerit points the Department must assess for a conviction for hunting or trapping on private property without permission. This regulation also imposes 6 demerit points against a person for a failure to visit a trap, snare or similar device 48 or more hours after the required period for visiting the trap, snare or similar device.

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 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
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 Section	NAC Section	Demerits
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

Classification of Violations	NRS Section	NAC 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

Classification of Violations	NRS Section	NAC 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

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
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 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
<i>Hunting, fishing in nonnavigable waters or trapping on private property without permission</i>	<i>503.240</i>	<i>----</i>	<i>9</i>
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

MISCELLANEOUS FISH AND GAME

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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
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
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

CATEGORY E FELONIES AND
GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC 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

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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 , <i>snare or similar device</i> 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
<i>Failing to visit traps, snares or similar devices 48 or more hours after the required period for visitation</i>	<i>503.570</i>	<i>503.152</i>	<i>6</i>

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
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

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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
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.

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

**LCB File No. R088-14
CGR Number - 451**

MEMORANDUM

To: Legislative Counsel Bureau **Date:** September 11, 2014
From: Tony Wasley, Secretary, Board of Wildlife Commissioners
Subject: Informational statement relating to Commission General Regulation No. 451
(LCB File No. R088-14) - as required by Chapter 233B.066.

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

The need for the adopted regulation is to increase demerit points for extended trap visitation violations and trespassing on private property by sportsmen. This will better reflect the severity of prolonged trap visitation violation and increase in demerit points should result in a reduction of trespassing on private property by sportsmen.

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 August 15-16, 2014 meeting. Those CABMW's that held public meetings prior to the August 15-16, 2014 NBWC meeting provided opportunity for public comment at their individual meetings. Public comment was solicited at the NBWC workshop on August 15-16, 2014 in Fallon. Public response was received pertaining to the provisions of this regulation.

Those in favor of adopting the proposed changes stated that demerits for not visiting traps should be much more severe than they are if a trapper exceeds 48 hours past the 96 hours already allotted. They testified that an animal being caught in a trap for over 144 hours is extremely inhumane.

Those opposed to adopting the proposed changes stated that there were often extenuating circumstances that would cause a trapper to be late on his or her visitation, and that this was a continuation of efforts by anti-trappers to gradually eliminate trapping in Nevada. There was extensive testimony opposed to raising the demerits for hunting, trapping, or fishing on private land without permission because they feared that the law may apply to those who unknowingly or unintentionally trespassed on private land that was not properly posted. Most stated they felt 12 demerits were much too severe for a trespass violation as it would cause a person's license privileges be revoked.\

A summary is available by contacting the Nevada Department of Wildlife, Division of Law Enforcement, 1100 Valley Road, Reno, Nevada 89512, or call (775) 688-1549.

3. **The number of persons who:**
 - (a) **Attended each hearing: 34 Workshop 29 Hearing**
 - (b) **Testified at each hearing: 14 Workshop 6 Hearing**
 - (c) **Submitted written comments: 27 Public Comment 20**

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:**
 - (a) Name; Mike Turnipseed
 - (b) Telephone number; (775) 885-2101
 - (c) Business address; PO Box 553, Genoa, NV 89411
 - (d) Business telephone number;
 - (e) Electronic mail address; and mike_turnipseed@sbcglobal.net
 - (f) Name of entity or organization represented. Douglas CABMW
 - (a) Name; Jeff Turnipseed, President
 - (b) Telephone number;
 - (c) Business address; PO Box 21393, Reno, Nevada 89515-1393
 - (d) Business telephone number; (775) 323-1177
 - (e) Electronic mail address; and info@nevadabighornsunlimited.org
 - (f) Name of entity or organization represented. Nevada Bighorns Unlimited
 - (a) Name; Paul R. Dixon, Chairman
 - (b) Telephone number; (505) 867-5797
 - (c) Business address; 9445 Grenville Avenue, Las Vegas, Nevada 89134
 - (d) Business telephone number;
 - (e) Electronic mail address; and MLDPRD24@yahoo.com
 - (f) Name of entity or organization represented. Clark CABMW
 - (a) Name; Les Smith, Regional Director
 - (b) Telephone number;
 - (c) Business address; 4327 Titan Court, Sparks, NV 89436
 - (d) Business telephone number;
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented. Rocky Mountain Elk Foundation
 - (a) Name; Brad Johnston, Chairman
 - (b) Telephone number; (775) 316-1157
 - (c) Business address; 18 Jacob Road, Yerington, NV 89477
 - (d) Business telephone number;
 - (e) Electronic mail address; and brad@periandsons.com
 - (f) Name of entity or organization represented. Lyon CABMW

- (a) Name; Bob Brunner
 - (b) Telephone number;
 - (c) Business address;
 - (d) Business telephone number;
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented. Self
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- (a) Name; Jim Curran, Director
 - (b) Telephone number; (775) 867-2239
 - (c) Business address; 4170 St. Clair, Fallon, NV 89406
 - (d) Business telephone number;
 - (e) Electronic mail address; and jcurran@cccom.net
 - (f) Name of entity or organization represented. Nevada Trappers Association, Churchill CABMW
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- (a) Name; Joel Blakeslee, President
 - (b) Telephone number; (775) 742-1308
 - (c) Business address; 3700 Lakeside Drive, Reno, NV 89509
 - (d) Business telephone number;
 - (e) Electronic mail address; and lobonevada@gmail.com
 - (f) Name of entity or organization represented. Nevada trappers Association
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- (a) Name; Doug Martin, Chairman
 - (b) Telephone number; (775) 901-0453
 - (c) Business address; 5000 Gentry Lane, Carson City, NV 89701
 - (d) Business telephone number;
 - (e) Electronic mail address; and douglas.j.martin@att.net
 - (f) Name of entity or organization represented. Carson CABMW
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- (a) Name; Dr. Don Molde
 - (b) Telephone number;
 - (c) Business address; P.O. Box 7238, Reno, NV 89510
 - (d) Business telephone number;
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented. Self
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- (a) Name; John Sullivan, Vice President
 - (b) Telephone number;
 - (c) Business address; 12835 W. Windmill Lane, Las Vegas, NV 89161
 - (d) Business telephone number;
 - (e) Electronic mail address; and johnsull4@aol.com
 - (f) Name of entity or organization represented. Nevada Trappers Association/Self

- (a) Name; Shannon Ireland
- (b) Telephone number;
- (c) Business address;
- (d) Business telephone number;
- (e) Electronic mail address; and sireland702@gmail.com
- (f) Name of entity or organization represented. Self

- (a) Name; Joe Crim, Chairman
- (b) Telephone number; (775) 273-1003
- (c) Business address; 500 Fairview Road, Lovelock, NV 89419
- (d) Business telephone number; (775) 273-1203
- (e) Electronic mail address; and joewwtp@sbcglobal.net
- (f) Name of entity or organization represented. Pershing CABMW

- (a) Name; Sean Shea, Chairman
- (b) Telephone number; (775) 323-9090
- (c) Business address; 10760 Santa Fe Road, Reno, NV 89508
- (d) Business telephone number;
- (e) Electronic mail address; and sean@headmaster.com
- (f) Name of entity or organization represented. Washoe CABMW

- (a) Name; Mel Belding
- (b) Telephone number; (775) 857-4511
- (c) Business address; 4780 Sinelio Drive, Reno, NV 89502
- (d) Business telephone number;
- (e) Electronic mail address; and
- (f) Name of entity or organization represented. Self

- (a) Name; John Sullivan, Vice President
- (b) Telephone number;
- (c) Business address; 12835 W. Windmill Lane, Las Vegas, NV 89161
- (d) Business telephone number;
- (e) Electronic mail address; and johnsull4@aol.com
- (f) Name of entity or organization represented. Nevada Trappers Association/Self

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.

Comment was not solicited from businesses because this regulation does not affect the operations of any business.

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 regulation was adopted with amendments as follows:

NAC 501.200 Section 1, change demerits for hunting, fishing in nonnavigable waters or trapping on private property without permission from 12 demerits to 9 demerits.

Section 1, change a trap to traps, snare to snares and device to devices.

Section 3, remove proposed changes and leave as written with no change.

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 Nevada Department of Wildlife determined that the proposed regulations do not impose a direct and significant economic burden on small businesses or restrict the formation, operation, or expansion of a small business, because this regulation does not regulate businesses.

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

Sportsmen will not see an economic effect due to this regulation, because the regulation changes demerit points only there is no financial impact associated with the regulation.

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

There will be no additional cost for the agency to enforce this regulation as game wardens currently enforce this regulation.

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 are no other overlapping local, state, or federal government regulations.

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 this same 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 is no fee associated with this regulation.