

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

LCB File No. R088-14

COMMISSION GENERAL REGULATION 451

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.

A REGULATION relating to hunting, fishing and trapping; increase demerit points for hunting, fishing and trapping private property; set demerit points for visitation of traps, snares or similar devices; and other matters relating thereto.

Section 1. NAC 501.200 is hereby amended to read as follows:

NAC 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
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

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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
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

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
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

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
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

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
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

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
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

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
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
Hunting, <i>fishing</i> or trapping on private property without permission.....	503.240	-----	6 12
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
<i>Fail to visit trap, snare or similar device: 48 or more hours past legal time frame.....</i>	<i>503.570</i>	<i>503.152</i>	<i>6</i>

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
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 *and 2*.

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.

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the (Adoption/Amendment/Repeal) of Regulations
of the Nevada Board of Wildlife Commissioners

The Board of Wildlife Commissioners will hold a public hearing on TBA. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulation Commission General Regulation 451 (LCB File No. R088-14) pertaining to Chapter 501 of the Nevada Administrative Code.

1) The need for and purpose of the proposed regulation:

The need for the regulation is to address the issue of chronic repeat offenders of wildlife laws raised during public hearings of the Trapping Committee of the Nevada Board of Wildlife Commissioners (NBWC). The changes to this regulation were proposed by the Trapping Committee. The purposes are threefold:

- Proposed changes would add 6 demerit points for trap visitation violations that are 48 hours over legally prescribed visitation hours. Trap visitation violations less than 48 hours over legally prescribed visitation hours will remain 3 demerit points. The addition of demerit points for extended trap visitation violations will better reflect the severity of this violation of law.
- Wording in the existing regulation failed to allow for doubling of 3 demerit point violation convictions for the same violation in a 60 month period as it does for all 6, 9 and 12 demerit point violations. The language change in the proposed regulation would allow for doubling all 3 point demerit violations as was intended in the existing regulation.
- Changes in the proposed regulation increases demerit points for hunting, fishing or trapping on private property without permission from a 6 to a 12 demerit point violation, increasing the severity of this issue. This increase in demerit points will help deter sportsmen from trespassing on private property.

2) Text of the proposed regulation:

Please see the attached draft language of this regulation.

3) Will this regulation likely impose a direct and significant economic burden upon small business?

There are no economic impacts on businesses or groups. This regulation affects individual wildlife law violators, not businesses.

4) Will this regulation directly restrict formation, operation or expansion of small business?

This regulation does not restrict the formation, operation or expansion of small business.

5) Describe how the concerted effort was made to determine the business impact:

This regulation does not regulate small businesses, thus will not have a business impact.

6A. Describe the estimated economic effect of the regulation on the business which it is to regulate:

- (i) Adverse effect – This regulation does not regulate a business.
- (ii) Beneficial effect – This regulation does not regulate a business.

6B. Describe the estimated economic effect of the regulation on the public which it is to regulate:

- (i) Adverse effect – People who comply with the law will not encounter any change or adverse effect from the proposed language changes in the regulation. Some wildlife law violators may reach 12 demerit points and face revocation of their hunting, fishing and/or trapping privileges sooner with increased demerits; however, the intention of these proposed changes is to lower overall violation rates not to increase revocation rates.
- (ii) Beneficial effect – Private property landowners should encounter fewer trespassing violations on private property.

7) Describe the method used to calculate the financial impact (positive, negative, or none) on small businesses:

The proposed changes in this regulation only impact individual wildlife law violators and do not impact small businesses.

8) The name of the person(s) conducting the analysis of the likely impact of the proposed regulation:

Paul Dankowski, Acting Chief Game Warden for NDOW.

9) Estimated cost to the Department of Wildlife for enforcement of the proposed regulation:

Game wardens are already enforcing trapping violations. This increase in demerit penalties will create no significant cost increase for enforcement.

A description of and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates ____, the duplication or overlapping is necessary because _____.

There are no regulations of other state or local government agencies which overlap or duplicate the proposed regulation.

If the proposed regulation overlaps or duplicates a federal regulation what is the name of the regulatory federal agency?

This regulation does not overlap or duplicate a federal regulation.

- 10) If the regulation is required pursuant to federal law provide, a citation and description of the federal law.

The regulation is not required by federal law.

- 11) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:

There is no federal regulation that covers this activity.

- 12) The proposed regulation establishes a new fee or increases an existing fee: X

No

This statement shall be made available to the public at least 15 days before the public workshop.

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 offices:

Headquarters - Law Enforcement
1100 Valley Road
Reno, Nevada
(775) 688-1549

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

Small Business Impact Statement

Commission General Regulation 451

LCB File No. R088-14

Trap Demerit Points

This proposed regulation amendment adds 6 demerit points for a conviction of “fail to visit trap, snare or similar device: 48 or more hours past legal time frame”; increases demerit points for convictions of hunting, fishing or trapping on private property without permission; and allows for the doubling of 3 demerit point violations upon conviction of the same violation within 60 months. Demerit points impact individual wildlife law violators and not small businesses. An individual who accumulates 12 demerit points in a 60 month period may have their hunting, fishing and/or trapping license privileges revoked for a 3 year period.

Although licensed sportsmen can organize into special interest groups, they are licensed as individual sportsmen and are not bound by any laws that regulate small businesses. If an individual sportsman loses a license privilege, businesses would not be significantly impacted.

Sportsmen that participate in trapping can do so as a recreational pursuit, a commercial venture or a combination of both. Although there is a commercial component to trapping, licensing is done on an individual basis and individuals are not required to be licensed or permitted as a business entity.

NDOW concludes that this proposed regulation does not impose a direct and significant economic burden upon nor does it restrict the formation, operation or expansion of a small business.

A copy of the Small Business Impact Statement 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 Small Business Impact Statement by contacting Joanne Trendler at 775-688-1549 and are also available at the following locations:

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

NDOW - Southern Region Field Office
4747 Vegas Dr.
Las Vegas, NV 89108
(702) 486-5127

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

NDOW - Reno Headquarters – Law Enforcement
1100 Valley Road
Reno, Nevada 89512
(775) 688-1549

