

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

**LCB File No. R193-18**

October 15, 2019

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 and 502.130, §3, NRS 501.105, 501.181 and 502.160.

A REGULATION relating to hunting; providing for the assessment of demerit points against a person who is convicted of failing to notch a swan hunt permit properly; requiring a person who wishes to obtain a swan hunt permit to submit an electronic application provided by the Department of Wildlife; authorizing the sale of swan hunt permits under certain circumstances; revising the manner in which a person must validate a swan hunt permit; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of Wildlife Commissioners to adopt regulations which are necessary to: (1) preserve, protect, manage and restore wildlife and its habitat in this State; and (2) carry out the provisions of title 45 of NRS governing wildlife, including the manner and means of taking wildlife. (NRS 501.105, 501.181) Existing law also authorizes the Commission to: (1) adopt regulations which are necessary to carry out a system of demerit points for a wildlife conviction; (2) require permits to hunt, trap, fish or possess any species of wildlife whenever the Commission determines that the permits are necessary for correct management; and (3) adopt regulations relating to the manner of validating a swan hunt permit. (NRS 501.1818, 502.130, 502.160)

Existing regulations require: (1) the assessment of a certain number of demerit points against a person who is convicted of a wildlife violation; (2) a person to obtain a permit to hunt swan and to apply for the permit on a form provided by the Department; and (3) the Department to award swan hunt permits after conducting a drawing in accordance with an annual regulation of the Commission. (NAC 501.200, 502.380) Existing regulations further require a person to validate his or her swan hunt permit by punching out certain spaces on the permit. (NAC 502.380, 502.390) **Section 1** of this regulation provides that a person who is convicted of failing to notch a swan hunt permit properly will be assessed 6 demerit points. **Section 2** of this regulation: (1) requires a person who wishes to obtain a swan hunt permit to submit an electronic application provided by the Department; and (2) authorizes the sale of any swan hunt permits which are not awarded after conducting a drawing to award the permits. **Sections 2 and 3** of this

regulation authorize a person who validates a swan hunt permit to notch the permit in lieu of punching the permit.

**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

## HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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, unmanned aerial vehicle or satellite to locate or observe big game mammals, game birds or fur-bearing mammals 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

## HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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 AND TAKING

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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	NAC	Demerits
	Section	Section	
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

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
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 <i>or notch a swan hunt permit</i> 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 an Indian 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

TAGS AND SEALS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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



PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
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
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Fishing at a fish hatchery or other waters used for the purpose of rearing or growing fish.....	503.360	-----	6
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MISCELLANEOUS FISH AND GAME

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Department.....	501.385	-----	12
Unlawfully selling big game mammals .....	501.379	-----	12
Unlawfully selling an endangered species .....	501.379	-----	12
Needless waste of big game mammals .....	503.050	-----	12
Hunting, fishing in nonnavigable waters or trapping on private property without permission .....	503.240	-----	9
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

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

### LICENSES

Classification of Violations	NRS	NAC	Demerits
	Section	Section	

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 specialty combination hunting and fishing 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

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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.

**Sec. 2.** NAC 502.380 is hereby amended to read as follows:

502.380 1. A permit is required to hunt swan. The fee for the permit is \$10. A person *who wishes to obtain a swan hunt permit* must ~~{apply for the permit on a form}~~ *submit an electronic application* provided by the Department. The ~~{form}~~ *application* must be completed in accordance with regulations adopted by the Commission. ~~{Award of}~~ *Except as otherwise provided in this subsection, the Department shall award* the swan hunt permits ~~{by the Department will be}~~ based on a drawing held after the deadline established in an annual regulation of the Commission. *If any swan hunt permits are not awarded after conducting the drawing, the permits may be sold in accordance with an annual regulation of the Commission.*

2. Each person, while hunting swan, shall carry on his or her person a:

(a) Hunting license or permit issued by the Department, unless the person is under the age of 12 years;

(b) Swan hunt permit issued by the Department; and

(c) Federal migratory bird hunting stamp, or any other such documentation as the Federal Government provides as proof that the person has paid to the Federal Government the fee for the federal migratory bird hunting stamp, unless the person is not subject to the payment of the fee.

3. When a hunter has killed a swan and taken it into his or her possession, the hunter shall:

(a) Immediately punch *or notch the swan hunt permit* and attach the ~~{swan hunt}~~ permit in the manner required by NAC 502.390 and 502.400; and

(b) Except as otherwise provided by an order or regulation of the Commission, not later than 5 days after the hunter has killed and taken the swan into his or her possession, submit the head



and neck of the swan to a representative of the Department for inspection at a location designated by the Department. The Department shall provide a list of the locations upon the issuance of the swan hunt permit.

4. A person shall not use or possess a swan hunt permit issued to any other person, or transfer or give a swan hunt permit issued to him or her to any other person.

**Sec. 3.** NAC 502.390 is hereby amended to read as follows:

502.390 Except as otherwise provided in NAC 502.42905, when a person reaches any wildlife which the person has killed, he or she must validate his or her tag or permit immediately by clearly punching out *or notching, if the person is validating a swan hunt permit*, the spaces necessary to properly identify the physical description of the animal, including its sex and antler points, where appropriate, and the day and month of the kill.