

**APPROVED REGULATION OF THE BOARD OF
WILDLIFE COMMISSIONERS**

LCB File No. R163-20

Filed October 25, 2021

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

AUTHORITY: § 1, NRS 501.181; § 2, NRS 501.105, 501.181 and 501.1818; § 3, NRS 501.105, 501.115, 501.117 and 501.181.

A REGULATION relating to wildlife; revising provisions that require the Department of Wildlife to preserve and disclose its comments on certain federal actions; revising the wildlife violations for which a person convicted of such violations will be assessed demerit points; revising the list of funding sources for a grant program administered by the Department to facilitate wildlife restoration and research; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations requiring the Department of Wildlife to make public its comments on drafts of statements concerning the environmental effects of proposed federal actions or regulations on public lands. (NRS 501.181) Existing regulations require the Department to: (1) maintain a record book of such comments for 2 years; (2) enter its comments in the record book before the comments are submitted to the State Planning Coordinator or the appropriate federal agency; and (3) make the contents of the record book available upon request at the Department's offices. (NAC 501.100) **Section 1** of this regulation revises these provisions by requiring instead that the Department: (1) maintain a record of such comments in accordance with a schedule for the retention and disposition of official state records; and (2) make the record available upon request.

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 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, that person will be assessed 3 demerit points. (NAC 501.200) **Section 2** of this regulation revises the schedule of demerit points and provides that no demerit points will be assessed for certain violations.

Existing regulations: (1) require the Department to administer a grant program to facilitate wildlife restoration activities and wildlife research; and (2) authorize the Department to solicit applications for grants. (NAC 501.400) **Section 3** of this regulation revises the list of funding sources for grants.

Section 1. NAC 501.100 is hereby amended to read as follows:

501.100 The Department will:

1. Maintain a record ~~{book}~~ containing copies of the Department's comments on proposed federal actions, on drafts of environmental impact statements and on proposed federal regulations affecting public lands. The copies will be maintained ~~{for 2 years.}~~ *in accordance with the schedule for the retention and disposition of such a record that has been developed pursuant to NRS 239.080.*

2. ~~{Enter its comments in the record book before the comments are submitted to the State Planning Coordinator or the appropriate federal agency.}~~

~~—3.}~~ Make ~~{the contents of}~~ the record ~~{book}~~ available ~~{in the Department's office at 1100 Valley Road, Reno, Nevada, and in the Department's regional offices at Fallon, Elko and Las Vegas, for inspection and copying by the public during business hours.}~~ *upon request.*

Sec. 2. 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

| | NRS | NAC | |
|------------------------------|---------|---------|----------|
| Classification of Violations | Section | Section | Demerits |

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, 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 AND TAKING

| Classification of Violations | NRS Section | NAC Section | Demerits |
|---|----------------|----------------|----------|
| 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} <i>an</i> attached {thereto} <i>or</i> <i>validated tag</i> | 502.150 , <i>as</i> <i>amended by</i> <i>section 3 of</i> <i>Senate Bill</i> <i>No. 406,</i> <i>chapter 304,</i> <i>Statutes of</i> <i>Nevada 2021,</i> <i>at page 1757</i> | ----- | 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 |

UNLAWFUL POSSESSION

| Classification of Violations | NRS Section | NAC Section | Demerits |
|---|----------------|----------------|----------|
| 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 |

TAGS AND SEALS

| Classification of Violations | NRS Section | NAC Section | Demerits |
|---|----------------|----------------|----------|
| 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 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 |
| Possessing the hide of a mountain lion without a seal | 501.385 | 502.370 | 6 |

TAGS AND SEALS

| Classification of Violations | NRS Section | NAC Section | Demerits |
|--|----------------|----------------|----------|
| 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 |

PERMITS

| | NRS | NAC | |
|---|----------------|----------------|----------|
| Classification of Violations | Section | 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 |
| <i>Commercial taking of crayfish, except in accordance with a permit issued pursuant to NAC 503.540</i> | <i>501.385</i> | <i>503.540</i> | <i>6</i> |

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 |
| Hunting, fishing in nonnavigable waters or trapping on private property without permission..... | 503.240 | ----- | 9 |

MISCELLANEOUS FISH AND GAME

| Classification of Violations | NRS | NAC | Demerits |
|---|---------|---------|----------|
| | Section | Section | |
| 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 |

MISCELLANEOUS FISH AND GAME

| | NRS | NAC | |
|---|--------------------|--------------------|--------------|
| Classification of Violations | Section | Section | Demerits |
| 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

| | NRS | NAC | |
|---|---------|---------|----------|
| Classification of Violations | Section | 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 Section | NAC Section | Demerits |
|------------------------------|----------------|----------------|----------|
|------------------------------|----------------|----------------|----------|

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, 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 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 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 Section | NAC 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** *Except as otherwise provided in this subsection, 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. No demerit points will be assessed for a violation of NRS 502.370, 502.390, 503.185, 503.310 or 504.295 to 504.398, inclusive.*

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. 3. NAC 501.400 is hereby amended to read as follows:

501.400 1. The Department shall administer a grant program to provide funding to facilitate wildlife restoration activities and wildlife research.

2. The Department may solicit applications for grants by giving public notice of the availability of grants and the deadlines. Public notice given pursuant to this section must include, without limitation, the criteria for receiving a grant, reporting and recordkeeping requirements for applicants that have received a grant and any other information relating to the grant program that the Department determines is necessary.

3. An application for a grant may be submitted to the Department by a federal, state or local governmental entity or a private nonprofit organization.

4. The program will be administered with the following money received by the Department:

(a) Federal grants from the United States Fish and Wildlife Service, the United States Coast Guard, the United States Bureau of Land Management and the United States Bureau of Reclamation pursuant to NRS 501.115 and 501.117;

(b) Money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575;

(c) Money received for Dream Tag fees pursuant to NRS 502.219;

(d) Resource enhancement stamp fees collected pursuant to NRS 502.222;

(e) Fees collected for processing applications for game tags pursuant to NRS 502.253;

- (f) Fees deposited pursuant to NRS 502.294;
- (g) Fees for any projects for waterfowl deposited pursuant to NRS 502.310;
- (h) Fees for the trout program deposited pursuant to NRS 502.3262;
- (i) Permit fees collected pursuant to NRS 502.390; and
- (j) If applicable, any *federal grants or* other money received for development projects with potential impacts to wildlife . ~~as determined by the United States Fish and Wildlife Service or any other agency within the United States Department of the Interior.~~