

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

LCB File No. R077-00

May 18, 2000

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, 3 and 4, NRS 501.105 and 501.181.

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

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
<i>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</i>	503.010	-----	12
<i>Spotting or locating game mammals or game birds from an aircraft or</i>			

HUNTING *AND TAKING*

Classification of Violations	NRS Section	NAC Section	Demerits
<i>helicopter and communicating that information to a person on the ground for the purpose of hunting</i>	<i>503.010</i>	<i>-----</i>	<i>12</i>
<i>Unlawfully using a helicopter to transport game, hunters, or hunting equipment</i>	<i>503.010</i>	<i>-----</i>	<i>12</i>
<i>Unlawfully killing or attempting to kill birds or animals from an aircraft</i>	<i>503.005</i>	<i>-----</i>	<i>12</i>
<i>Unlawfully using an aircraft, balloon or satellite to locate or observe big game for the purpose of hunting</i>	<i>501.385</i>	<i>503.148</i>	<i>12</i>
Hunting or taking an endangered species	[501.065]	[503.090]	12
	503.585	503.093	
Killing, destroying, wounding, trapping or injuring American eagles or golden eagles.....	503.610	503.090	12
Unlawfully hunting American eagles or golden eagles.....	503.620	503.090	12
Hunting or taking a threatened species	[501.065]	[503.090]	9

HUNTING *AND TAKING*

Classification of Violations	NRS Section	NAC Section	Demerits
	501.385	503.093	
Hunting big game mammals during closed season.....	503.090	----	6
Hunting fur-bearing mammals during 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 privately owned wildlife management area	504.140	----	6
Unlawfully hunting in state-owned wildlife management area.....	504.143	----	6
Hunting big game mammals during prohibited hours	503.140	----	6
[Unlawfully hunting or harassing game mammals or game birds with aircraft, helicopter, motor-driven vehicle or boat.....	503.010	----	6
Unlawfully hunting birds or animals from an			

HUNTING *AND TAKING*

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
aircraft	503.005	-----	6
Unlawfully hunting game birds or game			
mammals with aid of artificial light.....	503.150	-----	6
Hunting <i>or taking</i> a sensitive species	{501.065}	{503.090}	6
	<i>501.385</i>	<i>503.093</i>	
Hunting , <i>trapping, possessing or selling</i>			
birds of prey or raptors without a permit	503.582	{503.090}	6
		<i>503.205</i>	
Hunting alternative livestock	503.242	-----	6

UNLAWFUL POSSESSION

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
{Possessing an endangered species	501.385	-----	12
	503.585		
Possessing live wildlife that may not be			

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
possessed without a license] Unlawfully possessing live wildlife that is classified as prohibited.....	504.295	503.110	12
Possessing twice the legal limit or more of big game mammals or fur-bearing mammals	501.385	----	12
Unlawfully possessing big game mammals or fur-bearing mammals during closed season.....	503.030	----	9
Possessing big game mammals or fur- bearing mammals in excess of <i>the</i> legal limit but less than twice the legal limit	501.385	----	9
[Possessing a threatened species.....	501.385	----	9
Possessing upland game or waterfowl in excess of] Possessing twice the legal limit or more of game birds or game mammals, other than big game	501.385	----	9
Possessing [fish in excess of] twice the legal			

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
limit <i>or more of game fish</i>	501.385	-----	9
Possessing [upland game or waterfowl] <i>game birds or game mammals, other than big game</i> , during closed season.....	503.030	-----	6
Possessing fish during closed season.....	503.030	-----	6
Possessing [upland game or waterfowl] <i>game birds or game mammals, other than big game</i> , in excess of <i>the</i> legal limit but less than twice the legal limit	501.385	-----	6
Possessing <i>game</i> fish in excess of <i>the</i> legal limit but less than twice the legal limit	501.385	-----	6
Possessing a [sensitive species or other] species that may not legally be possessed <i>without a license or permit</i>	501.385	-----	6
[Importing prohibited species of wildlife]	503.597	503.110	6
Possessing game mammal of a prohibited age or with prohibited physical characteristics.....	501.385	-----	6

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
Furnishing false information to obtain any big game tag.....	502.060	---	12
Hunting big game or wild turkey without a tag.....	502.130	----	9
Unlawfully transferring a tag, other than a swan tag, to another person.....	502.140	502.385	9
Possessing or using a tag, other than a swan tag, legally issued to another person	502.140	502.385	9
Obtaining tags, other than swan tags, in excess of legal limit.....	502.140	502.331	9
Possessing used tags or tags, other than swan tags, in excess of legal limit.....	502.150	----	9
Nonresident unlawfully using a tag	502.200	----	9
Hunting swan without a swan tag.....	501.385	502.380	6
Transferring a swan tag.....	502.140	----	6
Possessing or using a swan tag legally issued to another.....	502.140	----	6

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
Obtaining swan tags in excess of legal limit.....	502.140	-----	6
Possessing used swan tags or swan tags in excess of legal limit.....	502.150	-----	6
Using a tag in improper area.....	502.160	502.385	6
Failure to punch a tag properly	502.160	502.390	6
Hunting by an Indian off an Indian reservation without a tag	502.280	-----	6
Possessing fur-bearing mammals , <i>other</i> <i>than a bobcat</i> , without a seal	501.385	502.347 -----	6
<i>Possessing the pelt of a bobcat without a seal</i>	<i>501.385</i>	<i>502.347</i>	<i>6</i>
Possessing <i>the hide of a</i> mountain lion without a seal.....	501.385	502.370	6
Possessing <i>the horns of a</i> bighorn sheep without a seal <i>or brand</i>	501.385	502.345	6

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
Importation of wildlife that may not be possessed <i>Unlawfully importing or transporting a prohibited species of wildlife</i> without a permit <i>or license</i>	503.597	503.110	12
Taking <i>Collecting</i> unprotected wildlife for commercial purposes without a permit	503.380 <i>501.385</i>	503.095	12
Taking <i>Collecting</i> live bait fish or live aquatic bait for commercial purposes without a permit	503.380 <i>501.385</i>	503.513	12
Taking <i>Collecting</i> unprotected fish for commercial purposes without a permit	503.380 <i>501.385</i>	503.545	12
Furnishing false information to obtain a permit	502.060	----	12
Capturing an endangered species without a permit	503.585	---	12

PERMITS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Capturing a threatened species without a permit	501.385	---	9]
Selling live bait without a permit.....	[503.310]	[---	6
	<i>501.379</i>	<i>503.513</i>	
Conducting a field trial without a permit.....	503.200	503.610	6
Conducting a dredging operation without a permit	503.425	----	6
Possessing a raptor without a permit	503.582	503.205	6
[Capturing a sensitive species without a permit	501.385	---	6]
<i>Furnishing false information to obtain a permit</i>	<i>502.060</i>	<i>----</i>	<i>6</i>

FISHING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits

Fishing at a fish hatchery or other closed

area..... 503.360 ----- 6

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 division.....	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
[Refusal to exhibit wildlife	502.120	-----	12]
Needless waste of [waterfowl, upland game or small] game <i>birds or game mammals, other than big game</i>	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 <i>or protected</i> species	501.379	-----	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
Unlawfully selling game fish.....	501.381	-----	6
Needless waste of game fish.....	503.050	-----	6
Unlawfully carrying a loaded gun in vehicle.....	503.165	-----	6
Unlawfully discharging a gun.....	503.175	-----	6
Failing to retain <i>the</i> cape, antlers or horns of wildlife	501.385	503.173	6
Destroying or mutilating signs of the division.....	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.....	501.385	503.540	6
Interfering with <i>a</i> person lawfully hunting or trapping	503.015	-----	6
Hunting or trapping on private property without permission.....	503.240	-----	6

GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
Killing or possessing certain big game mammals with an otherwise valid tag but when season <i>is</i> not open.....	501.376	----	12
Killing or possessing certain big game mammals without a valid tag	501.376	----	12
Killing or possessing certain big game mammals outside of <i>the</i> area specified on tag.....	501.376	----	12
Killing or possessing certain big game mammals with a tag obtained by fraud	501.376	----	12
Killing or possessing certain big game mammals with another person’s tag.....	501.376	----	12
Killing or possessing certain big game mammals outside of <i>the</i> hours set for lawful hunting	501.376	----	12
Acting as a guide without a license.....	504.395	----	12
<i>Furnishing false information to obtain a big game tag.....</i>	<i>502.060</i>	<i>----</i>	<i>12</i>

TRAPPING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Trapping <i>or killing</i> 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

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Refusing to exhibit a license , <i>wildlife,</i>			
<i>weapon, ammunition, device or</i>			
<i>apparatus</i>	502.120	-----	12
Hunting without <i>having procured</i> a license	502.010	-----	6
Fishing without <i>having procured</i> a license	502.010	-----	6
<i>Hunting without a license in possession</i>	<i>502.120</i>	-----	<i>6</i>
<i>Fishing without a license in possession</i>	<i>502.120</i>	-----	<i>6</i>

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Furnishing false information to obtain a license.....	502.060	-----	6
Furnishing of false information by person serving in Armed Forces of 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 <i>having procured</i> a license.....	502.010	-----	6
<i>Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit without having procured a license</i>	<i>503.454</i>	<i>-----</i>	<i>6</i>

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
<i>Trapping without a license in possession.....</i>	<i>502.120</i>	<i>-----</i>	<i>6</i>
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 within a 60-month period will be assessed an extra 12 demerit points.

Sec. 2. NAC 501.210 is hereby amended to read as follows:

501.210 The division will ~~[suspend the license or permit of a person who]~~ *revoke any hunting, fishing or trapping license, permit or privilege issued to a person pursuant to Title 45 of NRS if that person* accumulates 12 or more demerit points ~~[:~~

~~—1. Within a 42-month period, for 3 years after the date of the person's most recent conviction.~~

~~—2. Within a 60-month period, for 2 years after the date of the person's most recent conviction.]~~ *within the 60-month period preceding his most recent wildlife conviction and will refuse to issue a new license, permit or privilege to that person for:*

- 1. 3 years, if the demerits are accumulated within a 42-month period; or*
- 2. 2 years, if the demerits are accumulated within a 60-month period.*

Sec. 3. NAC 503.093 is hereby amended to read as follows:

503.093 1. Except as otherwise provided in subsection 2, a person shall not ~~[capture or kill]~~ *hunt or take* any wildlife which is classified as protected, or possess any part thereof, without first obtaining the appropriate license, permit or written authorization from the division.

2. Such a license, permit or authorization is not required for:

(a) The possession of a desert tortoise which:

(1) Was held in captivity on or before August 4, 1989; or

(2) Is acquired through an adoption program approved by the United States Fish and

Wildlife Service.

(b) The possession of any species of wildlife which is:

(1) Classified as protected in Nevada;

(2) Lawfully killed in another state and imported to Nevada; and

(3) Possessed under the authority of the other state's appropriate license, tag, permit or other authorization.

3. As used in this section, wildlife that is classified as "protected" includes wildlife that is classified as sensitive, threatened or endangered.

Sec. 4. NAC 503.095 is hereby amended to read as follows:

503.095 1. *It is unlawful for a person to collect unprotected wildlife for commercial purposes without a permit.*

2. Except as otherwise provided in NAC 503.513 and 503.545, the division will issue a permit authorizing a natural person to collect unprotected wildlife for commercial purposes with a seine, net, noose, trap or other device if, after an investigation is conducted, it is proved to the division that the collecting will not be detrimental to wildlife or the habitat of the wildlife. The annual fee for a permit issued pursuant to this section is \$100.

~~2.~~ 3. An application for a permit issued pursuant to this section must be submitted on a form furnished by the division or a facsimile of the form.

~~3.~~ 4. An applicant for a permit issued pursuant to this section must include on the application:

- (a) The name of the applicant;
- (b) The physical and mailing addresses of the applicant's residence and place of employment;
- (c) The telephone numbers of the applicant's residence and place of employment;
- (d) The driver's license number of the applicant, if he has been issued a driver's license;
- (e) The date of birth of the applicant;
- (f) The methods and equipment to be used in the collection of the wildlife;
- (g) The location, by county or region, ~~[at which]~~ *where* the wildlife is to be collected;

(h) The address of the location ~~[at which]~~ *where* the wildlife will be held while it is in the possession of the applicant;

(i) If the applicant has been convicted of violating the laws or regulations of any state or the United States Fish and Wildlife Service relating to the commercialization of wildlife within the 5 years immediately preceding the date of the application, a description of each violation, a description of the penalty imposed for each violation and the name of the state in which each conviction occurred; and

(j) The applicant's signature and the date on which the application is signed.

~~[4.]~~ 5. Such a permit is not transferable and may be canceled by the division for a violation of its conditions or if operation of the permit is found to be detrimental to wildlife.

~~[5.]~~ 6. Within 30 days after the expiration of a permit for the collection of unprotected wildlife, the division may require the person to whom it was issued to report to the division the number and disposition of the unprotected species he has taken. Any failure to submit the report is a cause for denial of a future application for a similar permit.