

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

LCB File No. R126-06

Effective September 18, 2006

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 and 3, NRS 501.105, 501.181 and 502.160; §§4 and 5, NRS 501.105, 501.119, 501.181 and 502.160; §§6 and 7, NRS 501.105, 501.181, 502.160 and 502.175.

A REGULATION relating to hunting; changing the documentation required to hunt swans; and providing other matters properly relating thereto.

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

	NRS	NAC	
Classification of Violations	Section	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			

HUNTING AND TAKING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
	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 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
Killing, destroying, wounding, trapping or injuring bald eagles or golden eagles	503.610	503.090	12
Unlawfully hunting bald eagles or golden eagles			

HUNTING AND TAKING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
	503.620	503.090	12
Hunting or taking a threatened species	501.385	503.093	9
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 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 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

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Hunting, trapping, possessing or selling birds of prey or raptors without a permit	503.582	503.205	6
Hunting alternative livestock	503.242	-----	6

UNLAWFUL POSSESSION

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
Possessing big game mammals or fur-bearing mammals in excess of the legal limit but less than twice the legal limit	501.385	-----	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
Possessing game birds or game mammals, other than big game, during closed season	503.030	-----	6
Possessing fish during 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

UNLAWFUL POSSESSION

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Possessing a species that may not legally be possessed without a license or permit	501.385	-----	6
Possessing game mammal of a prohibited age or with prohibited physical characteristics	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 [, 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

TAGS AND SEALS

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
Obtaining tags [, other than swan tags,] in excess of the legal limit	502.140	502.331	9
Possessing used tags or tags [, other than swan tags,] in excess of the legal limit	502.150	-----	9
Unlawfully using a tag	502.200	-----	9
[Hunting swan without a swan tag—	501.385	502.380	6
Transferring a swan tag—	502.140	502.380	6
Possessing or using a swan tag legally issued to another—	502.140	502.380	6
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 an improper area	502.160	502.385	6
Failure to punch a tag properly	502.160	502.390	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

	NRS	NAC	
Classification of Violations	Section	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 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

PERMITS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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
<i>Hunting swan without a swan hunt permit</i>	-----	<i>502.380</i>	<i>6</i>
<i>Transferring or giving a swan hunt permit to any other person</i>	-----	<i>502.380</i>	<i>6</i>
<i>Using or possessing a swan hunt permit issued to another person</i>	-----	<i>502.380</i>	<i>6</i>

FISHING

	NRS	NAC	
Classification of Violations	Section	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

	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
Needless waste of game birds or game mammals,			

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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	501.385	503.540	6
Intentionally interfering with a person lawfully hunting or trapping	503.015	-----	6
Hunting or trapping on private property without permission	503.240	-----	6

CATEGORY E FELONIES AND
GROSS MISDEMEANORS

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
Killing or possessing certain big game mammals with an otherwise valid tag but when season is not open	501.376	-----	12
Killing or possessing certain big game mammals without a valid tag	501.376	-----	12

CATEGORY E FELONIES AND
GROSS MISDEMEANORS

Classification of Violations	NRS Section	NAC Section	Demerits
Killing or possessing certain big game mammals outside of the 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 the hours set for lawful hunting	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	
Trapping or killing 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

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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			

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
	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

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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 502.380 is hereby amended to read as follows:

502.380 1. A ~~[tag]~~ *permit* is required to hunt swan. The fee for the ~~[tag]~~ *permit* is \$10. A person ~~[may obtain a form to]~~ *must* apply for the ~~[tag from a license agent or an office of]~~ *permit*

on a form provided by the Department. The form must be completed in accordance with the instructions thereon. Award of the ~~{tag}~~ *swan hunt permits* by the Department will be based on a drawing held after the date specified on the form.

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

(a) Hunting license issued by the Department , *or a nonresident permit to hunt upland game and waterfowl;*

(b) Swan ~~{tag}~~ *hunt permit* issued by the Department;

(c) State duck stamp, or any other such documentation as the Department provides as proof that he has paid to the Department the fee for the state duck stamp; and

(d) Federal migratory bird hunting stamp, or any other such documentation as the Federal Government provides as proof that he has paid to the Federal Government the fee for the federal migratory bird hunting stamp.

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

(a) Immediately punch and attach the ~~{tag}~~ *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 he has killed and taken the swan into his 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 ~~{tag}~~ *swan hunt permit*.

4. A person shall not use or possess a ~~{tag}~~ *swan hunt permit* issued to any other person, or transfer or give a ~~{tag}~~ *swan hunt permit* issued to him to any other person.

Sec. 3. NAC 502.385 is hereby amended to read as follows:

502.385 1. The tag *or permit* must be carried by the owner at all times while he is hunting or trapping or while he is fishing for wildlife for which a tag *or permit* is required. It is unlawful for any person to use or possess a tag *or permit* issued to any other person or to transfer or give a tag *or permit* issued to him to any other person.

2. It is unlawful for a person to use any tag *or permit* in a management area or unit for which it is not intended or to use a tag *or permit* at any time other than at the time intended.

3. After it has been issued, a tag *or permit* may not be exchanged or a refund made except in accordance with the policies and regulations of the Commission.

Sec. 4. NAC 502.390 is hereby amended to read as follows:

502.390 When a person reaches any wildlife which he has killed, he must validate his tag *or permit* by cleanly punching out 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.

Sec. 5. NAC 502.400 is hereby amended to read as follows:

502.400 1. Except as otherwise provided in subsection 2, the owner of a tag *or permit* must firmly attach it to the carcass of an animal killed by him, at or before the time he first reaches his means of transportation or camp. The tag *or permit* must remain with the major portion of the meat until it is consumed.

2. If the animal killed is a mountain lion or fur-bearing mammal for which a tag *or permit* is required, the owner of the tag *or permit* must firmly attach it to the hide or pelt of the animal. The tag *or permit* must remain attached to the hide while it is transported and until it is processed.

Sec. 6. NAC 502.4187 is hereby amended to read as follows:

502.4187 1. Except as otherwise provided in NAC 502.416 to 502.4225, inclusive, an applicant to obtain a tag for a season who is unsuccessful, or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point, must be awarded a bonus point for:

(a) The hunt number of the species for which he applied if he applied for a:

(1) ~~Tag to hunt swan;~~

~~(2)~~ Tag to hunt wild turkey;

~~(3)~~ (2) Depredation hunt tag; or

~~(4)~~ (3) Bonus point for a tag described in subparagraph ~~[(1), (2) or (3)];~~ (1) or (2); or

(b) The category of the species for which he applied if he applied for a tag to hunt deer, elk, mountain goat, antelope or bighorn sheep, or for a bonus point for such a tag.

↳ Regardless of the number of applications to obtain a tag or bonus point for a season submitted by a person, the Department shall not award him more than one bonus point per season for each species or category of a species for which the person applied.

2. Except as otherwise provided in subsection 3, the bonus points awarded to a person accumulate until he is successful in drawing a tag for a season for that species or category of a species or he fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open. If an applicant is successful in drawing a tag for a season for a species or category of a species or fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open, he loses all of his bonus points for that species or category of a species.

3. A person may not use any bonus points awarded to him for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

4. If an applicant requests and receives a refund for the value of his hunting license, the Department shall not award him a bonus point for any species or category of species applied for during the period that the applicant possessed the hunting license.

Sec. 7. NAC 502.4188 is hereby amended to read as follows:

502.4188 1. Except as otherwise provided in subsection 2, any bonus points awarded by the Department pursuant to the bonus point program must be awarded in one of the following categories of species:

- (a) Antlered mule deer;
- (b) Antlerless mule deer;
- (c) Mule deer, either antlered or antlerless;
- (d) Antlered Rocky Mountain elk;
- (e) Antlerless Rocky Mountain elk;
- (f) Rocky Mountain elk, either antlered or antlerless;
- (g) Spike Rocky Mountain elk;
- (h) Pronghorn antelope whose horns are longer than their ears;
- (i) Pronghorn antelope whose horns are shorter than their ears;
- (j) Rams, from one of the following subspecies:
 - (1) Nelson bighorn sheep;
 - (2) California bighorn sheep; or
 - (3) Rocky Mountain bighorn sheep; or

(k) Mountain goats.

2. Bonus points awarded by the Department pursuant to the bonus point program for wild turkey ~~[, swan]~~ and depredation hunts must be awarded by hunt number.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R126-06**

The Board of Wildlife Commissioners adopted regulations assigned LCB File No. R126-06 which pertain to chapters 501 and 502 of the Nevada Administrative Code on August 5, 2006.

Notice date: 6/26/2006
Hearing date: 8/5/2006

Date of adoption by agency: 8/5/2006
Filing date: 9/18/2006

INFORMATIONAL STATEMENT

1. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The Commission amended regulation relating to the hunting of swans. Replaced the term “tag” with the term “permit;” made applicable adjustments to tag validation and attachment regulations, and removed swan from bonus point regulations.

- 2. The number of persons who:**
- (a) Attended each hearing: 40**
 - (b) Testified at each hearing: 6**
 - (c) Submitted to the agency written statements: 0**

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary:

The Commission amended regulation relating to the hunting of swans. Replaced the term “tag” with the term “permit;” made applicable adjustments to tag validation and attachment regulations, and removed swan from bonus point regulations.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change: N/A

5. The estimated economic effect of the regulations on the businesses they are to regulate and on the public.

- (a) Estimated economic effect on the businesses which they are to regulate.**
 - (1) Adverse – N/A**
 - (2) Beneficial – N/A**
 - (3) Immediate – N/A**
 - (4) Long term – N/A**

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

- (1) Adverse – N/A**
- (2) Beneficial – N/A**
- (3) Immediate – N/A**
- (4) Long term – N/A**

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

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary: N/A

If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions: N/A

9. 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: N/A