

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

LCB File No. R088-14

July 10, 2014

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.

A REGULATION relating to wildlife; increasing the number of demerit points that the Department of Wildlife must assess for certain wildlife violations; expanding the wildlife violations for which the Department must assess demerit points; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out the provisions of title 45 of NRS governing wildlife in this State. (NRS 501.105, 501.181) Further, 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 are 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, the Department must assess 3 demerit points against the person. (NAC 501.200) This regulation increases: (1) from 3 to 12 the demerit points that the Department of Wildlife must assess for a conviction for fishing in nonnavigable waters on private property without permission; and (2) from 6 to 12 the demerit points the Department must assess for a conviction for hunting or trapping on private property without permission. This regulation also adds the imposition of 6 demerit points against a person for a failure to visit a trap, snare or similar device 48 or more hours after the prescribed period for visiting the trap, snare or similar device. Finally, this regulation requires the Department to double the demerit points assessed against a person if the person is convicted of committing the same violation within 60 months.

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
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 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
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 AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
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
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

UNLAWFUL POSSESSION

Classification of Violations	NRS Section	NAC Section	Demerits
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

TAGS AND SEALS

Classification of Violations	NRS Section	NAC Section	Demerits
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
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

	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
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

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
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
<i>Hunting, fishing in nonnavigable waters or trapping on private property without permission</i>	<i>503.240</i>	<i>----</i>	<i>12</i>
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

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
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 or trapping on private property without permission.....	503.240	-----	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 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 , <i>snare or similar device</i> 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>Failing to visit a trap, snare or similar device 48 or more hours after the required period for visitation</i>	<i>503.570</i>	<i>503.152</i>	<i>6</i>

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 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~~ *for the violation* set forth in ~~subsection 1.~~ *this section.*

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.