

**Nevada Board of Wildlife Commissioners' Meeting August Agenda**

**Meeting Location:**

Tonopah Convention Center  
301 Brougner Ave  
Tonopah, NV 89049

***Teleconferencing available at:***

Nevada Department of Wildlife  
Western Region Office  
1100 Valley Rd.  
Reno, NV 89512

and

Nevada Department of Wildlife  
Southern Region Office  
3373 Pepper Ln  
Las Vegas, NV 89120

and

Nevada Department of Wildlife  
Eastern Region Office  
60 Youth Center Rd  
Elko, NV 89801

**Meeting materials are available at:** [http://www.ndow.org/Public\\_Meetings/Com/Agenda/](http://www.ndow.org/Public_Meetings/Com/Agenda/)

Public comment will be taken on each action item following Commission discussion and before any action is taken. The Chair may allow persons representing groups to speak for six minutes. Persons may not allocate unused time to other speakers. Persons are invited to submit written comments on items prior to the meeting at [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org) or make comment during the meeting and are asked to complete a speaker card and present it to the Recording Secretary. Public comment will not be restricted based on viewpoint. To ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments to avoid the appearance of deliberation on topics not listed for action on the agenda. Minutes of the meeting will be produced in summary format.

**FORUM RESTRICTIONS AND ORDERLY BUSINESS:** The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place, and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of public comment that may be reasonably limited.

Please provide the Board of Wildlife Commissioner ("Commission") with the complete electronic of written copies of testimony and visual presentations to include as exhibits with the minutes. Minutes of the meeting will be produced in summary format.

**Friday, August 6, 2021 – 9:00 a.m.**

1. **Call to Order, Pledge of Allegiance, Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman**
2. **Election of Officers – For Possible Action**  
In accordance with Commission Policy #1, the Commission will elect a Chairperson and Vice Chairperson.
3. **Approval of Agenda – Chairman – For Possible Action**  
The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.
- 4.\* **Approval of Minutes – Chairman – For Possible Action**  
Commission minutes may be approved from the June 25 and 26, 2021 meetings.
5. **Member Items/Announcements and Correspondence – Chairman – Informational**  
Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.
6. **County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational**  
CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
7. **Reports – Informational**
  - A. **Western Association of Fish and Wildlife Agencies (WAFWA) 2021 Annual Conference – Secretary Wasley and Commissioner McNinch**  
Reports from the 2021 conference will be provided.
  - B. **The Draw Process – Kalkomey Representative Zack Lambert and Data and Technology Services Administrator Kim Munoz**  
A representative of the Department's contracted licensing vendor will provide an overview of this year's application and hunt statistics, the process of conducting the draw and provide a demonstration of the new First Come First Serve program's functionality.
  - C. **Department Website Update – Abbi Agency Representative and Conservation Education Division Administrator Chris Vasey**  
Conservation Education Division Administrator Chris Vasey and the Department's website developer, Abbi Agency, will give the Commission and the public its first look at the agency's new website to be launched this fall. The Abbi Agency explains the research and work behind the new website. The goal of the new website is to both reach new audiences and better serve or current users. This website is a resource for all Nevadans and will help promote wildlife conservation.
  - D. **Department Activity Report – Secretary Wasley and Division Administrators**  
A report will be provided on Nevada Department of Wildlife activities.

- E.\* Litigation Report – Deputy Attorney General Craig Burkett**  
A report will be provided on Nevada Department of Wildlife litigation.
  - F.\* Public Works Contracts – Deputy Director Jack Robb**  
A report will be provided on public works contracts awarded by the Department in the previous year.
  - G. Tag Allocation and Application Hunt Committee (TAAHC) Report – Committee Chairman Tommy Caviglia**  
A report will be provided on the recent TAAHC meeting. *Committee Webpage: [http://www.ndow.org/Public\\_Meetings/Committees/Tag Allocation and Application Hunt/](http://www.ndow.org/Public_Meetings/Committees/Tag_Allocation_and_Application_Hunt/)*
  - H. Administrative Procedures, Regulations and Policy (APRP) Committee Report – Commissioner and Committee Chairman McNinch**  
A report will be provided on the recent APRP Committee Meeting. *Committee Webpage: [http://www.ndow.org/Public\\_Meetings/Committees/Administrative Procedures Regulations and Policy/](http://www.ndow.org/Public_Meetings/Committees/Administrative_Procedures_Regulations_and_Policy/)*
  - I. Mule Deer Enhancement Program Update – Committee Chairman Casey Kiel and Game Division Administrator Mike Scott**  
A report will be provided on the Mule Deer Enhancement Program Oversight Committee and Subcommittees.
  - J. Wildlife Disease Update – Wildlife Health Staff Specialist Nate LaHue**  
A report will be provided on the various wildlife disease issues being investigated by the NDOW veterinarian.
  - K. Raven Research Update – Predator Staff Specialist Pat Jackson**  
A report will be provided on raven research being conducted by NDOW and USGS.
  - L. Initiating Bighorn Sheep Management Plan Revision – Big Game Staff Biologist Mike Cox**  
An overview of the proposed plan revision process will be provided including team members representing key groups and expertise; and principal issues, challenges, opportunities, and decisions that will be focused on in the plan.
- 8. Nevada Department of Wildlife Project Updates – Secretary Wasley – Informational**  
The Commission has requested that the Department provide regular project updates for ongoing projects and programs as appropriate based on geography and timing of meetings. These updates are intended to provide additional detail in addition to the summaries provided as part of the regular Department Activity Report and are intended to educate the Commission and public as to the Department's ongoing duties and responsibilities.
- 9. Public Comment Period**  
Public comment will be limited to three minutes. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future commission agenda.

**Friday, August 6, 2021 – Tour will begin at the close of Agenda Item #9**

**Commission Tour – Informational**

An informational presentation will be made, but no action will be taken by the Commission. The public is invited to participate but will be required to provide their own transportation. The group will depart from the meeting location.

**Saturday, August 7, 2021 – 9:00 a.m.**

10. **Call to Order, Pledge of Allegiance, Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairman**
11. **Approval of Agenda – Chairman – For Possible Action**

The Commission will review the agenda and may take action to approve the agenda. The Commission may remove items from the agenda, continue items for consideration or take items out of order.
12. **Member Items/Announcements and Correspondence – Chairman – Informational**

Commissioners may present emergent items. No action may be taken by the Commission. Any item requiring Commission action may be scheduled on a future Commission agenda. The Commission will review and may discuss correspondence sent or received by the Commission since the last regular meeting and may provide copies for the exhibit file (Commissioners may provide hard copies of their correspondence for the written record). Correspondence sent or received by Secretary Wasley may also be discussed.
13. **County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational**

CABMW members may present emergent items. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
14. **Commission General Regulations – Adoption/Public Comment Allowed**
  - A.\* **Commission General Regulation 489, NAC 503.172, Shed Antler Season, NAC 501.200 – Management Analyst Kailey Musso and Chief Game Warden Mike Maynard – For Possible Action**

The Board of Wildlife Commissioners will hold a workshop to consider amending Nevada Administrative Code (NAC) 501.200 and 503.172 to change the demerits for violation of the shed antler closure, increase the demerits for a violation of that regulation and require an online class in order to collect or possess shed antlers in the field.
15. **Commission Regulations – For Possible Action/Adoption – Public Comment Allowed**
  - A.\* **Commission Regulation 21-04, Amendment #2, Black Bear Seasons – Wildlife Staff Specialist Pat Jackson – For Possible Action**

The Commission will consider adopting the 2021 dates and times for indoctrination courses for black bear.
  - B.\* **Commission Regulation 20-12, Amendment #2, 2021-2022 Upland Game and Furbearer Season and Bag Limits – Wildlife Staff Specialist Shawn Espinosa – For Possible Action**

The Commission will review and may take action to modify Commission Regulation 20-12 for upland game seasons and bag limits for certain upland game species.

- 16. Wildlife Contests – Commissioner McNinch – For Possible Action**  
The Commission may discuss Wildlife Contests. The Commission may provide direction to the Department regarding Wildlife Contests for consideration by the Commission at a future meeting.
- 17. Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairman – For Possible Action**  
The next Commission meeting is scheduled for September 24 and 25, 2021, in Las Vegas. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the date, time, and meeting location at this time. The chairman may designate and adjust committee assignments and add or dissolve committees, as necessary at this time. Any anticipated committee meetings that may occur prior to the next Commission meeting may be discussed.
- 18. Public Comment Period**  
Public comment will be limited to three minutes. No action can be taken by the Commission at this time; any item requiring Commission action may be scheduled on a future Commission agenda.

\*Support material provided and posted to the NDOW website, and updates to support material will be posted at [http://www.ndow.org/Public\\_Meetings/Com/Agenda/](http://www.ndow.org/Public_Meetings/Com/Agenda/). Support material for this meeting may be requested from the Recording Secretary at (775) 688-1599 or [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org). In accordance with NRS 241.020 this agenda closes three days prior to the meeting date and has been posted on the NDOW website at [http://www.ndow.org/Public\\_Meetings/Com/Agenda/](http://www.ndow.org/Public_Meetings/Com/Agenda/).

Notice to the Public: Nevada Department of Wildlife receives Federal Aid in Fish and/or Wildlife Restoration. The U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, gender, or disability. Individuals with hearing impairment may contact the Department at 775-688-1500 via a text telephone (TTY) telecommunications device by first calling the State of Nevada Relay Operator at 1-800-326-6868. Disabled individuals in need of special services should contact the Department prior to the meeting at (775) 688-1599 or [wildlifecommission@ndow.org](mailto:wildlifecommission@ndow.org).

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## MEMORANDUM

**To:** Nevada Board of Wildlife Commissioners  
Tony Wasley, Director, Nevada Department of Wildlife

**From:** Craig Burkett, Senior Deputy Attorney General

**Date:** July 13, 2021

**Subject:** Litigation Update

1. *United States, et al. v. Truckee-Carson Irrigation District, et al.* (9th Circuit, San Francisco). An appeal of a judgment against the TCID for excess diversions of water. NDOW appealed to protect its water rights and interests. The 9th Circuit dismissed NDOW from the case: “[NDOW was] not injured or affected in any way by the judgment on remand from *Bell*, and thus do not have standing on appeal.” In a subsequent appeal the 9th Circuit ruled that the “Tribe is entitled to recoup a total of 8,300 acre-feet of water for the years 1985 and 1986.” *U.S. v. Truckee-Carson Irrigation Dist.*, 708 Fed.Appx. 898, 902 (9th Cir. Sept. 13, 2017). TCID recently filed a Motion for Reconsideration based on *Kokesh v. Securities and Exchange Commission*, 137 S.Ct.1635 (2017). Argument on the Motion was heard February 4, 2019 and TCID’s Motion was denied. Since then, the parties have begun debating the calculations for satisfaction of the prior judgment. The parties submitted briefs explaining their view of the respective calculations and had a hearing on September 29, 2020 before Judge Miranda Du.

2. *United States and Walker River Paiute Tribe v. Walker River Irrigation Dist., et al. (Walker River Litigation)*, (USDC, Reno). This action involves federal, tribal and Mineral County claims for additional water from Walker River, in addition to those already established by the Walker River Decree. NDOW and others moved to dismiss certain claims against groundwater rights by the United States.

*Subfile 3:73-CV-00127-RCJ-WGC (federal reserved rights)*

*This case involves claims by the United States for federal reserved water rights for all federal lands on the Walker River system. All claims are stayed except those concerning the Walker River Indian Reservation.*

Currently, this case is before the District Court on remand from the Ninth Circuit Court of Appeals' May 22, 2018, decision. *The United States and the Tribe filed Amended Counterclaims on May 3, 2019. Answers to the Counterclaims were filed on August 1, 2019.* The next deadline is February 19, 2020 for the principle defendants and the United States to agree to a discovery plan. This deadline was extended from November 22, 2019.

On May 28, 2015, the District Court ruled that the United States' action to acquire federal reserved water rights for the Walker River Paiute Tribe and several smaller tribes within the Walker River watershed were to be dismissed on "preclusion"; a doctrine that means the U.S. had its chance to make claims at the time of the original decree but failed to do so and thus cannot make them now.

On May 22, 2018, the Ninth Circuit Court of Appeals reversed the District Court's decision mostly based on the fact that the United States and the Tribe had not been given a chance to brief the issue before the District Court. In fact, the District Court specifically requested that the issue of preclusion should not be briefed.

*Subfile 3:73-CV-00128-RCJ-WGC (public trust doctrine)*

*This case involves a claim filed by Mineral County for the court to recognize a public trust duty to provide water to Walker Lake to support the fishery therein.*

On May 28, 2015, the District Court held that Mineral County did not have standing to pursue the public trust claims. Mineral County filed an appeal of this issue. The Court expounded on the issue of whether the shift of water from irrigators to the lake under the public trust law would be a taking of property under the 5<sup>th</sup> Amendment. The Court held that it would be a taking and that the State would have to pay compensation to each water right holder that is displaced by water that would have to be sent to Walker Lake. Finally, the Court went on to hold that decision whether to take the water was a non-judicial political question.

On May 22, 2018, the Ninth Circuit Court of Appeals reversed the District Court holding that Mineral County did not have standing to pursue the public trust claim. However, rather than ruling on the substantive issues, the

Court held that the Public Trust Doctrine is a state-law issue that has not been squarely decided in Nevada. The Appeals Court sent one Certified Question to the Nevada Supreme Court. On August 22, 2018, the Ninth Circuit Court of Appeals amended its order and added a second Certified Question. Those two questions are as follows.

Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?

If the public trust doctrine applies and allows for reallocation of rights settled under the doctrine of prior appropriation, does the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation?

The Nevada Supreme Court accepted both Certified Questions and briefing is *complete*. Oral argument was completed Tuesday, March 3, 2020. After the Nevada Supreme Court issues its opinion, the case will return to the Ninth Circuit Court of Appeals.

On September 18, 2020, the Nevada Supreme Court rendered its Decision answering the Ninth Circuit Court of Appeals Certified Questions. The Nevada Supreme Court held that: (1) the public trust doctrine applies to rights already adjudicated and settled under the doctrine of prior appropriation; (2) the public trust doctrine applies to all waters within the state; and (3) the public trust doctrine does not permit reallocating water rights already adjudicated and settled under the doctrine of prior appropriation. Because the Court held the public trust doctrine does not allow for a reallocation of rights, there was no need to answer the second question.

The case has returned to the Ninth Circuit Court of Appeals. The Court asked parties to file Supplemental Briefs to address what effect the Nevada Supreme Court's decision has on the case. NDOW filed its Supplemental Brief on October 16, 2020 arguing that the effect of the decision precludes Mineral County's claims and that the District Court's decision dismissing the case must be affirmed. We await the Ninth Circuit Court of Appeals' further instruction or final decision.

On January 28, 2021, the Ninth Circuit Court issued its Opinion. The panel affirmed in part, and vacated in part, the district court's dismissal of Mineral County's complaint:



In light of the Nevada Supreme Court's Decision, the panel held that the district court properly dismissed the County's public trust claim to the extent it sought a reallocation of water rights adjudicated under the Decree and settled under the doctrine of prior appropriation. The panel vacated the judgment of the district court and remanded with instruction to consider the county's public trust doctrine claim to the extent it sought remedies that would not involve a reallocation of adjudicated water rights. The panel remanded to the district court to consider in the first instance the County's arguments that were not properly addressed by the district court. The panel rejected as untimely the County's challenge to the 1936 Decree itself.

On April 21, 2021, the Department of Wildlife and other Principal Defendants filed a Joint Status Report submitted pursuant to the court's Minute Order of March 23, 2021. The Status Conference took place on April 28, 2021.

*Mineral County v. Lyon County*, 136 Nev. Adv. Op. 58 (2020)

*Subfile 3:73-CV-00125-RCJ-WGC (main adjudication docket)*

*This subfile is not a case in the traditional sense, but rather constitutes the ongoing court-managed administration of the Walker River Decree. Decreed rights must be adjusted and administered consistent with the Court's decisions documented in the court's docket.*

**Water Master's Budget:** Every year the Water Master is required to submit an administration budget for the court's approval. For the year 2021 to 2022, the Water Master did not request, as it did for the year 2020 to 2021, that special assessments be levied against any users seeking to modify decreed rights for instream flow purposes. NDOW has no reason to oppose the Budget as requested for the years 2021 to 2022.

**Walker Basin Conservancy's Permit Approvals:** On February 25, 2021, NDOW filed a Petition for the Temporary Modification of the Walker River Decree in accordance with Permit No. 89964-T, for the benefit of Walker Lake. This is a matter of course for any change in the Decreed water rights. NDOW is awaiting the Court's order.

3. *Nevada Wildlife Alliance v. Nevada*, Second Judicial District, CV 18-01073, Dept I. Plaintiffs challenge the constitutionality of NRS 502.253 (4)(b) which requires that

The Department:

(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.

The First Amended Complaint was served on June 5, 2018. The Complaint generally alleges that Plaintiffs activities in viewing wildlife should be classified as a fundamental constitutional right in that they are being denied the pursuit of happiness under the Nevada constitution due to the predator removal.

Both parties filed Motions for Summary Judgment. On January 11, 2021, the district court issued an Order granting the motions for summary judgment filed by the Defendants and issued an Order dismissing the case.

On January 12, 2021, the Plaintiffs filed an Appeal of the dismissal to the Nevada Supreme Court. On February 23, 2021, The Plaintiffs' filed their opening brief. The Respondents' Answering Brief was filed April 9, 2021. *The Appellants Reply Brief was filed May 4, 2021. The case stands submitted to the Nevada Supreme Court for decision.*

4. *Smith v. Wakeling*, Second Judicial District, CV18-01389, Dept. 7. Smith brings an action for Defamation based on statements of certain NDOW employees. The principal basis for Smith's claim is a slide included in a presentation to Truckee law enforcement addressing concerns with wildlife advocates, and questioning whether their actions solicit harassment or engage in domestic terrorism. Smith alleges that purported misrepresentations about him have damaged his reputation.

Smith also claims his rights under the First Amendment were infringed when he was blocked from commenting on an NDOW Facebook page. Smith was blocked in 2012 for multiple violation of the rules governing use of the page. Smith moved for a preliminary injunction. A hearing on the Motion was held on July 27, 2018. The Court denied the Injunction, but ordered NDOW to allow Smith access to the Facebook page and at the same time admonished Smith to follow the terms of use.

Smith filed an Amended Complaint, adding the entities named as Plaintiffs in the Ridgetop Holdings LLC v. Wakeling case in California, as Plaintiffs in this case. NDOW and the individually named Defendants Answered Plaintiff's First Amended Complaint on August 29, 2018. The parties have conducted extensive discovery. Defendants filed a Motion for Summary Judgment, and a Motion for Dismissal as Sanction for Discovery Abuses.

The motion for Sanctions was granted in part and denied in part by the Discovery Commissioner. He granted the Defendants the right to conduct another deposition of Mark Smith, and name an expert witness, but denied dismissal.

The Summary Judgment motion filed by the Defendants' was denied.

The parties attended a mediation before Robert Enzenberger on June 25, 2021. The mediation was unsuccessful.

*The Second Judicial District Court has placed the case on a stacked calendar for trial. Pursuant to the Court's calendar, the trial is tentatively scheduled to initiate August 24, 2021.*

6. *Desert Survivors v. United State Department of the Interior* (U.S. District Court, California) Case No. 3:20-cv-6787

This action, filed by multiple non-profit "environmental" entities seeks to challenge a decision issued by the U.S. Fish and Wildlife Service in March, 2020, withdrawing a 2013 proposed rule to list the Bi-State distinct population segment (DPS) of greater sage-grouse in California and Nevada (the Bi-state Sage Grouse) as threatened under the Endangered Species Act.

This action follows multiple decisions related to the bird. In 2013, the Service issued a decision to list the bird as threatened. In 2015, the Service withdrew that decision, finding listing was not warranted.

Litigation involving the same parties initiated following the 2015 decision. In 2018, the federal district court in California issued an Order critical of that decision, requiring the Service undertake an additional effort to evaluate the bird's status in view of the Court's primary finding, that the Service had not properly applied the definition of "significant" in the Service's Significant Portion of Its Range Policy under the Endangered Species Act.

The State of Nevada is preparing to intervene in the action, on the basis that the State supports the U.S. Fish and Wildlife Service's most recent decision not to list the bird. The State is presently engaged in and has a long history of leadership in efforts to conserve the Bi-State Sage Grouse, and continues to engage multiple private and public entities in efforts to maintain its long term viability. The State is concerned that a decision to list the bird as threatened is not needed in light of its efforts and would further interfere with the multiple pieces in place to assist the bird.

*\*Indicates the matter is resolved and will not appear on future litigation updates.*

*Italicized material, if any, (other than case name) is updated information since the last litigation update.*

#	Vendor Name	Contract Amount	Description
21-07	B3 Glass, Inc.	\$ 8,934.90	Replace aged failing and code non-compliant windows at a residence at the Gallagher Fish Hatchery.
21-08	DC Randall Corporation	\$ 24,999.00	Electrical repairs and upgrades on an as-needed basis by hourly rate or quotation in the western region of the state.
21-11	Davis, Michael dba Davis Drilling and Pumps	\$ 8,395.00	Pumping and well repairs at Key Pittman WMA.
21-13	Acha Construction, LLC	\$ 14,482.95	Improve vehicle and employee access to meet the fire and building code requirements at Ely office.
21-14	Eco Electric, LLC	\$ 24,999.00	Electrical repairs and upgrades on an as-needed basis by hourly rate or quotation in the southern region of the state.
21-16	Infinity Painting & Decorating, Inc.	\$ 7,992.50	Painting services for repainting the Fallon field office.
21-22	Charles Chester Plumbing and Heating, Inc.	\$ 11,481.60	Plumbing services to replace failing and unsanitary plumbing in Residence #1 at Gallagher Fish Hatchery.
21-27	Acha Construction, LLC	\$ 24,999.00	Services to construct a pad out of asphalt grindings provided by NDOT to place storage containers on.
21-30	Acha Construction, LLC	\$ 24,997.00	Elko office storage yard security fencing project.
21-31	Roper Buildings	\$ 40,596.15	Equipment storage building to provide protection of sensitive equipment that can no longer be stored at the old location due to its age and security.
21-32	Roper Buildings	\$ 83,894.80	Equipment storage building to replace demolished building at Overton WMA to protect equipment from the elements.
21-33	Kustom Coatings	\$ 10,984.80	Asphalt sealing and restriping of parking lot at Valley Road office.
21-38	DC Randall Corporation	\$ 5,576.61	Labor and equipment to replace one domestic water pump at Gallagher Hatchery.
21-42	Silver Sabre Electric	\$ 99,996.00	Electrical repairs, services, and upgrades on an as-needed basis by hourly rate or quote as deemed appropriate with a task order.
21-45	Master Service Plumbing	\$ 3,276.32	Emergency repairs to the Valley Road sewer line.
21-53	Acha Construction, LLC	\$ 9,156.00	Emergency repairs to the Cave Creek dam.
21-54	RHP Mechanical Systems	\$ 9,200.00	HVAC duct cleaning services at Gallagher Fish Hatchery.
21-60	Industrial Control Systems	\$ 5,796.12	Service and repairs for electronic water control devices at Lake Mead Hatchery.
21-62	O'Flaherty Plumbing & Heating	\$ 4,452.80	Replace failing water heaters in both residences at Spring Creek Rearing Station.



STATE OF NEVADA  
DEPARTMENT OF WILDLIFE  
Law Enforcement Division

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**MEMORANDUM**

July 2, 2021

**To:** Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

**From:** Mike Maynard, Chief Game Warden

**Title:** **Regulation Changes: NAC 503.172- Shed Antler Season, NAC 501.200 Demerits.**

**Description:** The Board of Wildlife Commissioners will hold a workshop to consider amending Nevada Administrative Code (NAC) 501.200 and 503.172 to change the demerits for violation of the shed antler closure, increase the demerits for a violation of that regulation, and require an online class in order to collect or possess shed antlers in the field.

**Presenter:** Mike Maynard, Chief Game Warden      **Agenda No:**

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**Summary:**

The first section of this regulation addresses the two changes in demerits in NAC 501.200.

The second section addresses the change of dates for the shed antler closed season. This regulation makes the dates of closure from January 1 – April 30.

The second section also addresses the new requirement to have taken an online shed antler course offered by the Department before being allowed to collect a shed antler from May 1 to June 30.

**Recommendation:**

Adopt the dates as listed in the regulation, require an online course for shed collection and possession during the open collection season, and increase demerits for violation of this regulation during closed season to 9, and during open season for no permit to 6.

Adopt the remaining language as is.

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

**LCB File No. R082-19**

July 1, 2021

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

AUTHORITY: § 1, NRS 501.105, 501.181, 501.1818 and 503.655; § 2, NRS 501.105, 501.181 and 503.655.

A REGULATION relating to wildlife; establishing the demerit points to be assessed against a person for certain violations involving the taking or gathering of shed antlers in certain counties; prohibiting the taking or gathering of shed antlers in certain counties during a certain period except under certain circumstances; requiring the Department of Wildlife or an agent designated by the Department to offer an online course in the responsible collection of shed antlers; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of Wildlife Commissioners to adopt regulations for the taking of antlers which have been naturally shed by any big game mammal in this State. (NRS 503.655) Existing regulations prohibit a person from taking or gathering shed antlers from or on any public land located in certain counties from January 1 to April 30. (NAC 503.172) **Section 2** of this regulation further prohibits a person from taking or gathering shed antlers in those counties from May 1 to June 30 unless the person: (1) is 12 years of age or older and has in his or her possession a certificate indicating that the person has completed a course of instruction in the responsible collection of shed antlers that is offered or approved by the Department; or (2) is under 12 years of age and is accompanied by a person who is at least 18 years of age and who has such a certificate in his or her possession. **Section 2** also requires the Department to offer such a course online, without charge, or to designate an agent to offer such a course online, without charge.

Existing regulations set forth a schedule of demerit points to be assessed against a person for conviction of certain wildlife violations. (NAC 501.200) **Section 1** of this regulation establishes the demerits to be assessed against a person for a conviction involving the unlawful taking or gathering of shed antlers in certain counties.

**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	NAC	Demerits
	Section	Section	
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	NAC	Demerits
	Section	Section	
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
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	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
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	NAC	Demerits
	Section	Section	
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	NAC	Demerits
	Section	Section	
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	NAC	Demerits
	Section	Section	
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
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
Using or possessing a swan hunt permit issued to another person	-----	502.380	6

FISHING

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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	NAC	Demerits
	Section	Section	
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
<i>Taking or gathering shed antlers in certain counties between January 1 and April 30</i>	<i>503.655</i>	<i>503.172</i>	<i>9</i>
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



MISCELLANEOUS FISH AND GAME

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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
<i>Taking or gathering shed antlers in certain counties between May 1 and June 30 without a certificate in violation of NAC 503.172</i>	<i>503.655</i>	<i>503.172</i>	<i>6</i>

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
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

	NRS	NAC	
Classification of Violations	Section	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

## TRAPPING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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

	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

LICENSES

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

503.172 *1.* A person shall not take or gather shed antlers from or on any public land located in Elko, Eureka, Lander, Lincoln, Nye or White Pine Counties at any time from :

*(a) January 1 to April 30, inclusive.*

*(b) May 1 to June 30, inclusive, unless the person:*

*(1) Is 12 years of age or older and has in his or her possession a certificate issued by the Department, or an agent designated by the Department, as proof that at any time from January 1 to April 30, inclusive, of the current calendar year the person successfully completed the course of instruction in the responsible collection of shed antlers offered pursuant to subsection 2; or*

*(2) Is under 12 years of age and is accompanied by a person who:*

*(I) Is at least 18 years of age; and*

*(II) Has in his or her possession a certificate issued by the Department, or an agent designated by the Department, as proof that at any time from January 1 to April 30, inclusive, of the current calendar year the person successfully completed the course of instruction in the responsible collection of shed antlers offered pursuant to subsection 2.*

*2. The Department shall:*

*(a) Offer, without charge, an online course of instruction in the responsible collection of shed antlers and issue a certificate of completion from the Department to a person who successfully completes the course; or*

*(b) Designate an agent of the Department to:*

*(1) Offer, without charge, an online course of instruction in the responsible collection of shed antlers that is approved by the Department; and*

*(2) Issue a certificate of completion from the Department to a person who successfully completes the course.*



**State of Nevada**  
**Department of Wildlife**  
**Game Division**

6980 Sierra Center Parkway, Ste 120 • Reno, NV 89511  
 (775) 688-1500 Fax (775) 688-1987

**MEMORANDUM**

July 7, 2021

**To:** Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

**From:** Mike Scott, Administrator, Game Division

**Title:** **Commission Regulation 21-04 Amendment #2, 2021 Black Bear Quotas – For Possible Action**

**Description:** The Commission will review and approve changes for tag holders attending black bear indoctrination courses for the 2021 black bear season

**Presenter:** Wildlife Staff Specialist Pat Jackson

Summary:

The Department is recommending an amendment to Commission Regulation CR 21-04 to allow First Come First Serve Black Bear tag holders to view a recorded version of the black bear indoctrination class.

Recommendation:

The Department recommends that the Commission **VOTE TO ADOPT COMMISSION REGULATION 21-04 Amendment #2 AS PRESENTED**

**CR 21-04 Amendment #2**  
**2021 BLACK BEAR QUOTAS**

The Board of Wildlife Commissioners under the authority of Section 501.181, 503.090, 503.140 and 503.245 of the Nevada Revised Statutes, does hereby adopt the following regulations for the management of black bear:

- Attendance at one of the annual black bear indoctrination class is mandatory for tag holders or their representative guides or sub-guides. A person represented by a guide or sub-guide at the indoctrination may only hunt under the direct supervision of the guide or sub-guide who attended the class for them. Tags will only be issued upon completion of one indoctrination class. Black bear indoctrination classes are scheduled for Saturday, August 21, 2021, and on Saturday, September 11, 2021, from 1 pm to 4 pm. Courses will be available through Zoom with a recorded version available for First Come First Serve tagholders. The Department will provide all tag holder with directions for registration prior to August 21, 2021.

**NEVADA DEPARTMENT OF WILDLIFE  
NEVADA BOARD OF WILDLIFE COMMISSIONERS  
NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Adoption of Regulations of the  
Nevada Board of Wildlife Commissioners**

**LCB File No. R082-19  
Commission General Regulation 489**

The Nevada Board of Wildlife Commissioners will hold a public hearing at 9:00 a.m., on August 07, 2021, at the Tonopah Convention Center, 301 Brougner Ave, Tonopah, Nevada 89049. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 501 and 503 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and the purpose of the proposed regulation or amendment:**  
The proposed regulation is a result of a petition heard and accepted by the Nevada Board of Wildlife Commissioners. The need and purpose of the regulation is to minimize human impact upon wildlife while hunting shed antlers.
2. **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved:**  
This regulation prohibits a person from taking or gathering shed antlers under certain circumstances; and providing other matters properly relating thereto.
3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**
  - (a) **Both adverse and beneficial effects on businesses; and**  
The regulation will not have any significant adverse or beneficial economic effects on businesses.
  - (b) **Both immediate and long-term effects on businesses:**  
There will be no immediate or long-term economic effects from the proposed regulation on small businesses because it does not regulate the operation of any small business.
  - (c) **Both adverse and beneficial effects on the public; and**  
This regulation does not have an anticipated beneficial or adverse economic effect on the public.
  - (d) **Both immediate and long-term effects on the public:**  
This regulation does not have an anticipated immediate or long-term economic effect on the public.



4. **The estimated cost to the agency for enforcement of the proposed regulation:**  
There will be no increased costs to enforce the proposed regulation. Game wardens will prioritize calls for service and investigate any violations of this new regulation.
5. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency:**  
This regulation does not overlap or duplicate any other state, local, or federal laws or regulations.
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law:**  
This regulation is not required pursuant to federal law.
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions:**  
This regulation does not include provisions that are more stringent than federal regulations.
8. **Whether the proposed regulation establishes a new fee or increases an existing fee:**  
This regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Nevada Board of Wildlife Commissioners may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511 attention Director's Office. Written submissions must be received by the Nevada Department of Wildlife 5 weekdays before the meeting. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Board of Wildlife Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street; Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Department of Wildlife Director's Office, 6980 Sierra Center Parkway, Suite 120; Reno, Nevada 89511, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either

before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following Nevada Department of Wildlife offices:

1100 Valley Road; Reno, Nevada 89512 (775) 688-1506  
380 W. B Street; Fallon, Nevada 89406 (775) 423-3171  
60 Youth Center Road; Elko, Nevada 89801 (775) 777-2300  
3373 Pepper Lane; Las Vegas, Nevada 89120 (702) 486-5127

These regulations will also be available at the following websites:

<https://www.leg.state.nv.us/App/Notice/A/>  
<https://notice.nv.gov/>  
<http://www.leg.state.nv.us/register/>  
[http://www.ndow.org/Public\\_Meetings/Public\\_Notices/](http://www.ndow.org/Public_Meetings/Public_Notices/)

A copy of all materials relating to the proposed regulation may be obtained at the hearing or by contacting the Director's Office at the Nevada Department of Wildlife, 6980 Sierra Center Parkway, Suite 120; Reno, Nevada 89511 or (775) 688-1597. A reasonable fee may be charged for copies if it is deemed necessary.

July 6, 2021

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

**LCB File No. R082-19**

July 1, 2021

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

AUTHORITY: § 1, NRS 501.105, 501.181, 501.1818 and 503.655; § 2, NRS 501.105, 501.181 and 503.655.

A REGULATION relating to wildlife; establishing the demerit points to be assessed against a person for certain violations involving the taking or gathering of shed antlers in certain counties; prohibiting the taking or gathering of shed antlers in certain counties during a certain period except under certain circumstances; requiring the Department of Wildlife or an agent designated by the Department to offer an online course in the responsible collection of shed antlers; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Board of Wildlife Commissioners to adopt regulations for the taking of antlers which have been naturally shed by any big game mammal in this State. (NRS 503.655) Existing regulations prohibit a person from taking or gathering shed antlers from or on any public land located in certain counties from January 1 to April 30. (NAC 503.172) **Section 2** of this regulation further prohibits a person from taking or gathering shed antlers in those counties from May 1 to June 30 unless the person: (1) is 12 years of age or older and has in his or her possession a certificate indicating that the person has completed a course of instruction in the responsible collection of shed antlers that is offered or approved by the Department; or (2) is under 12 years of age and is accompanied by a person who is at least 18 years of age and who has such a certificate in his or her possession. **Section 2** also requires the Department to offer such a course online, without charge, or to designate an agent to offer such a course online, without charge.

Existing regulations set forth a schedule of demerit points to be assessed against a person for conviction of certain wildlife violations. (NAC 501.200) **Section 1** of this regulation establishes the demerits to be assessed against a person for a conviction involving the unlawful taking or gathering of shed antlers in certain counties.

**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	NAC	Demerits
	Section	Section	
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	NAC	Demerits
	Section	Section	
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
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	NAC	Demerits
	Section	Section	
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	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
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	NAC	Demerits
	Section	Section	
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	NAC	Demerits
	Section	Section	
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	NAC	Demerits
	Section	Section	
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
Possessing the horns of a ram bighorn sheep without a seal or brand	501.385	502.345	6

PERMITS

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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
Using or possessing a swan hunt permit issued to another person	-----	502.380	6

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
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
<i>Taking or gathering shed antlers in certain counties between January 1 and April 30</i>	<i>503.655</i>	<i>503.172</i>	<i>9</i>
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

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS	NAC	Demerits
	Section	Section	
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
<i>Taking or gathering shed antlers in certain counties between May 1 and June 30 without a certificate in violation of NAC 503.172</i>	<i>503.655</i>	<i>503.172</i>	<i>6</i>

CATEGORY E FELONIES AND  
GROSS MISDEMEANORS

Classification of Violations	NRS	NAC	Demerits
	Section	Section	

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

TRAPPING

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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

	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

LICENSES

	NRS	NAC	
Classification of Violations	Section	Section	Demerits
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
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

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

503.172 *1.* A person shall not take or gather shed antlers from or on any public land located in Elko, Eureka, Lander, Lincoln, Nye or White Pine Counties at any time from :

*(a) January 1 to April 30, inclusive.*

*(b) May 1 to June 30, inclusive, unless the person:*

*(1) Is 12 years of age or older and has in his or her possession a certificate issued by the Department, or an agent designated by the Department, as proof that at any time from January 1 to April 30, inclusive, of the current calendar year the person successfully completed the course of instruction in the responsible collection of shed antlers offered pursuant to subsection 2; or*

*(2) Is under 12 years of age and is accompanied by a person who:*

*(I) Is at least 18 years of age; and*

*(II) Has in his or her possession a certificate issued by the Department, or an agent designated by the Department, as proof that at any time from January 1 to April 30, inclusive, of the current calendar year the person successfully completed the course of instruction in the responsible collection of shed antlers offered pursuant to subsection 2.*

*2. The Department shall:*

*(a) Offer, without charge, an online course of instruction in the responsible collection of shed antlers and issue a certificate of completion from the Department to a person who successfully completes the course; or*

*(b) Designate an agent of the Department to:*

*(1) Offer, without charge, an online course of instruction in the responsible collection of shed antlers that is approved by the Department; and*

*(2) Issue a certificate of completion from the Department to a person who successfully completes the course.*



## STATE OF NEVADA

## DEPARTMENT OF WILDLIFE

## Game Division

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## MEMORANDUM

July 7, 2021

**To:** Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

**From:** Mike Scott, Administrator, Game Division

**Title:** **Commission Regulation CR20-12 Amendment #2 (Upland Game Seasons) for Fiscal Years 2022 and 2023 – For Possible Action**

**Description:** The Commission will review and may take action to approve the Department's recommendation to modify CR20-12 for upland game seasons for certain upland game species for fiscal years 2022 and 2023.

**Presenter:** Wildlife Staff Specialist Shawn Espinosa

Summary:**CR20-12 Amendment #2**

The Department's Game Division has prepared recommendations to amend the existing Commission Regulation (CR20-12 Amendment #1) for upland game seasons for the 2021-2022 season that include the following changes:

*Wild Turkey*

- Alter the season dates for the third season Mason Valley Wildlife Management Area Spring Limited Entry Hunt to begin the last Saturday in April through the second Sunday in May.

Recommendation:

The Department recommends that the Commission **VOTE TO APPROVE THE RECOMMENDATIONS PROVIDED IN CR20-12 AMENDMENT #2 FOR FISCAL YEARS 2022 AND 2023 AS PRESENTED.**

# STATE OF NEVADA BOARD OF WILDLIFE COMMISSIONERS

The Board of Wildlife Commissioners under the authority of Section 501.181, 503.090, 503.140 and 503.245 of the Nevada Revised Statutes, does hereby adopt the following regulations for the management of game birds, small game, and furbearing mammals.

## CR 20-12 Amendment #2

**2022 - 2023**

**SEASONS, BAG LIMITS, AND SPECIAL REGULATIONS FOR UPLAND GAME BIRDS, RABBITS, WILD TURKEY, FURBEARERS AND FALCONRY SEASONS FOR UPLAND GAME BIRDS AND RABBITS.**

### **WILD TURKEY**

WILD TURKEY 2021 SPRING – LIMITED ENTRY – HUNTS 0131 & 0132			
PHYSICAL CHARACTERISTICS:	Bearded Wild Turkey		
LIMIT:	1 by tag only		
SHOOTING HOURS:	One half hour before sunrise to sunset daily		
MASON VALLEY WILDLIFE MANAGEMENT AREA ONLY OF UNIT 203			
	Seasons	Resident Hunt 0131	Nonresident Hunt 0132
Hunt Periods:	<i>First Saturday in April through second Sunday in April</i>	3	-
	<i>Third Saturday in April through fourth Sunday in April</i>	3	1
	<del><i>First Saturday in May through second Sunday in May</i></del> <i>Last Saturday in April through second Sunday in May</i>	3	-