

Nevada Board of Wildlife Commissioners' Meeting Agenda

Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, the requirement contained in NRS 241.023 (1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). Accordingly, anyone planning to participate in the meeting must participate via the web link provided below.

Friday, September 25, 2020 – 9:00 a.m.

The meeting will be broadcast live at the NDOW Commission YouTube page:

<https://www.youtube.com/channel/UCrFHgHLM0MZA2Hx7og8pFcQ>

Meeting materials are available at:

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 content of written comments should be consistent with the three (3) minute public comment period allowed during normally conducted meetings. If a comment is excessively lengthy, the Commission reserves the right to review only that portion that is consistent with this policy. Persons are invited to submit written comments to wildlifecommission@ndow.org, so they may be included as exhibits with the minutes. Minutes of the meeting will be produced in summary format. 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 in order to avoid the appearance of deliberation on topics not listed for action on the agenda.

Friday, September 25, 2020 – 9:00 a.m.

- 1. Call to Order, Pledge of Allegiance, and Roll Call of Commission Members and County Advisory Board Members to Manage Wildlife (CABMW) – Chairwoman East**
CABMW members are encouraged to email wildlifecommission@ndow.org to state their attendance.
- 2. Approval of Agenda – Chairwoman East – 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.
- 3.* Approval of Minutes – Chairwoman East – For Possible Action**
Commission minutes from the August 14, 2020 meeting.
- 4. Member Items/Announcements and Correspondence – Chairwoman East – 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.

5. **County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational**
CABMW members may present emergent items by emailing wildlifecommission@ndow.org. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.
6. **Commission Regulations – For Possible Action/Adoption – Public Comment Allowed**
 - A.* **Commission Regulation 20 – 01, Amendment #1, Fishing Seasons and Regulations for January 1, 2020 through December 31, 2021 – Fisheries Division Administrator Jon Sjöberg – For Possible Action**
The Commission will consider amending Commission Regulation 20 - 01 to remove the fishing season closure and modify the harvest limits for mountain whitefish and warmwater game fish other than black bass for Topaz Lake in Douglas County; to modify the game fish harvest limit for Lake Tahoe and tributaries in Douglas, Carson City and Washoe Counties to remove the reference to mackinaw or lake trout; and to adopt a limit of three game fish for Seeman Pond in Douglas County. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.
7. **Regulation Simplification Committee Report – Commissioner Tommy Caviglia - Informational**
A report will be provided on the Committee's recent meeting held on September 10, 2020.
8. **Commission General Regulation Workshop – Public Comment Allowed**
 - A.* **Commission General Regulation 494, NAC 501 Simplification – Management Analyst Kailey Taylor – For Possible Action**
The Commission will review the Regulation Simplification Committee's recommendations regarding language updates and simplification of Nevada Administrative Code (NAC) 501 relating to the Commission. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.
 - B.* **Commission General Regulation 495, NAC 502 Simplification - Management Analyst Kailey Taylor – For Possible Action**
The Commission will review the Regulation Simplification Committee's recommendations regarding language updates and simplification of Nevada Administrative Code (NAC) 502 relating to licensing. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.
9. **Nevada Department of Wildlife Project Updates – Secretary Tony Wasley**
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 detail in addition to summaries provided as part of the regular Department report and are intended to inform the Commission and public as to the Department's ongoing duties and responsibilities.

10. Reports – Informational

- A. Department Activity Report – Secretary Tony Wasley**
Director Wasley will provide a report on recent Department activities.
- B.* Litigation Report – Deputy Attorney General Craig Burkett**
A status report on litigation will be provided.
- C. Association of Fish and Wildlife Agencies 2020 Annual Meeting Update – Secretary Wasley**
Reports from the 2020 conference will be provided.
- D. Mule Deer Enhancement Program – Game Division Administrator Mike Scott – Informational**
The Department will provide an update on the Mule Deer Enhancement Program that was approved by the Commission during the August 2020 meeting.

11. License Appeal – Garret M. Johnson – For Possible Action

Mr. Johnson is appealing his sub-guide license suspension.

12. Future Commission Meetings and Commission Committee Assignments – Secretary Tony Wasley and Chairwoman East – For Possible Action

The next Commission meeting is scheduled for November 6 and 7, 2020, in Reno. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments as necessary at this meeting. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

13. Public Comment Period

Persons wishing to speak are requested to complete a speaker's card and present it to the recording secretary. 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. *A recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission.

*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/. Support material for this meeting may be requested from the Recording Secretary at 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/.

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, sex, 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.

Nevada Board of Wildlife Commissioners' Meeting Draft Minutes

Pursuant to Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006, the requirement contained in NRS 241.023 (1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended in order to mitigate the possible exposure or transmission of COVID-19 (Coronavirus). Accordingly, anyone planning to participate in the meeting must participate via the web link provided below.

Friday, August 14, 2020 – 9:00 am

The meeting will be broadcast live at the NDOW Commission YouTube page:
<https://www.youtube.com/channel/UCrFHgHLM0MZA2Hx7og8pFcQ>

Meeting materials are available at: http://www.ndow.org/Public_Meetings/Com/Agenda/

Nevada Board of Wildlife Commissioners present for the meeting via Zoom:

Chairwoman Tiffany East
Commissioner Jon Almberg
Commissioner Tommy Caviglia
Commissioner Casey Kiel
Commissioner Ron Pierini

Vice Chairman Tom Barnes
Commissioner Shane Rogers
Commissioner Kerstan Hubbs
Commissioner David McNinch

Secretary Tony Wasley

Senior Deputy Attorney General Craig Burkett

Nevada Department of Wildlife personnel in attendance for the meeting via Zoom:

Management Analyst Kailey Taylor
Habitat Division Administrator Alan Jenne
Data and Technology Services Division Administrator Kim Munoz
Game Division Administrator Mike Scott
Fisheries Division Administrator Jon Sjöberg
Conservation Education Division Administrator Chris Vasey
Staff Game Warden Brian Bowles
IT Professional Eric Dugger

Administrative Assistant III Megan Manfredi
Chief Game Warden Michael Maynard
Diversity Division Administrator Jen Newmark
Deputy Director Jack Robb
Staff Game Warden Brian Eller

Public in Attendance via NDOW YouTube channel:

Paul Dixon, Clark CABMW
Arnie Pitts, Washoe CABMW
Cory Lytle, Lincoln CABMW
Rex Flowers, self
David Ricker, Nevada Backcountry Hunters & Anglers

Jim Cooney, Elko CABMW
Steve Robinson, Washoe CABMW
Mike Reese, Clark CABMW
Jesse Lattin, self

Friday, August 14, 2020 - 9:00 a.m.

1. Call to Order, Pledge of Allegiance, Introduction and Roll Call of Commission and County Advisory Board Members to Manage Wildlife (CABMW) – Vice Chairwoman East
CABMW members who are present and viewing the meeting through the YouTube link should send an email to wildlifecommission@ndow.org indicating their presence.

Vice Chairwoman East called the meeting to order at 9:02 a.m. Roll call was conducted, and the Commissioners present were: Vice Chairwoman Tiffany East, Commissioners Jon Almborg, Tom Barnes, Tommy Caviglia, Kerstan Hubbs, Casey Kiel, David McNinch, Ron Pierini, and Shane Rogers.

CAMBW members present via YouTube: Paul Dixon, Clark CABMW; Jim Cooney, Elko CABMW; Arnie Pitts, Washoe CABMW; Steve Robinson, Washoe CABMW; Cory Lytle, Lincoln CABMW; Mike Reese, Clark CABMW.

2. Election of Officers – For Possible Action

In accordance with Commission Policy #1, the Commission will elect a chairman and vice chairman.

Vice Chairwoman East opened the floor for discussion or motions.

COMMISSIONER BARNED NOMINATED VICE CHAIRWOMAN EAST TO BE CHAIRWOMAN. COMMISSIONER HUBBS SECONDED THE NOMINATION. THE MOTION CARRIED 9-0.

CHAIRWOMAN EAST NOMINATED COMMISSIONER BARNES TO BE VICE CHAIRMAN. COMMISSIONER ALMBERG SECONDED THE NOMINATION THE MOTION CARRIED 9-0.

3. Approval of Agenda – Chairwoman East – 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.

No comment or discussion from the Commission.

COMMISSIONER MCNINCH MOVED TO APPROVE THE AGENDA AS PRESENTED. VICE CHAIRMAN BARNES SECONDED THE MOTION. THE MOTION CARRIED 9-0.

4.* Approval of Minutes – Chairwoman East – For Possible Action

Commission minutes may be approved from the June 26 and 27, 2020 meeting. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Chairwoman East shared spelling and grammatical error changes she would like to see made, as well as requested an extra word be removed. She clarified that her statement on page 16 was meant to state that the organization had accessed the wrong information.

Commissioner McNinch requested a word change as well as stated that the motion for agenda item 16 shows him as making and seconding the same motion. He also stated that agenda item 19 did not state who seconded the motion.

Recessed for public comment 9:16 a.m. – 9:20 a.m.

No public comment

COMMISSIONER MCNINCH MOVED TO APPROVE THE MINUTES AS PRESENTED WITH THE EXCEPTION OF THE NOTED COMMENTS. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION CARRIED 9-0.

5. Member Items/Announcements and Correspondence – Chairwoman East – 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.

Chairwoman East stated that she received two pieces of correspondence regarding a later agenda item.

Secretary Tony Wasley stated that the correspondence the Department received was shared with the Commissioners. He then welcomed the newest members of the Commission, Commissioners Pierini and Rogers and congratulated Chairwoman East on her reappointment to the Commission as well as her nomination as chair. He shared a small background of the three Commissioners.

6. County Advisory Boards to Manage Wildlife (CABMW) Member Items – Informational
CABMW members may present emergent items at wildlifecommission@ndow.org; these comments will be shared with the Commission. No action may be taken by the Commission. Any item requiring Commission action will be scheduled on a future Commission agenda.

CABMW comment:

From: Steve Robinson Washoe CABMW
Sent: Friday, August 14, 2020 9:29 AM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: CAB emergent items

Chairwoman East and Commission,

First of all, congratulations Chairwoman East on your election as the first woman elected to this position. We look forward to your contributions and leadership over the next few years.

At our CAB meeting there was a considerable amount of concern regarding the rampant theft and destruction of game cams and hunting blinds. You can just look at social media to see how many hunters are having their property stolen and destroyed by other hunters and guides. It was suggested that stiffer penalties should be given to hunters and guides that are caught doing this illegal activity.

The suggestion of 6 - 12 demerits was proposed upon conviction and loss of the guides license, if it was a guide caught vandalizing. This would hopefully reduce the prevalence of this illegal activity and protect hunters while enjoying their hunt.

Thank you

7. Shikar-Safari Club International Officer of the Year Award – Game Warden Captain Mike Maynard - Informational

This award is to recognize one wildlife officer from Nevada that has shown exemplary conduct and initiative in the performance of his or her duties.

Chief Game Warden Mike Maynard introduced Staff Game Warden Ryan Drew as this year's Shikar-Safari Club International Officer of the Year Award. He shared a background on Warden Drew's work with the Department.

Staff Game Warden Brian Eller read the letter of nomination that was submitted for Game Warden Drew as consideration for the award. The letter included some highlights of Warden Drew's work with the Department. Warden Eller then introduced the President of the Shikar-Safari Club; Gunnar Klarr.

Shikar-Safari Club President Gunnar Klarr gave a background of the Shikar-Safari Club including when and why the organization was founded as well as the reasoning behind the creation of the International Officer of the Year Award. He explained that the award winners are chosen by their peers and congratulated Warden Drew for receiving the award.

Staff Game Warden Eller added that the receipt of the award comes with a life insurance policy that is provided in the name of the award winner.

Staff Game Warden Ryan Drew thanked everyone for their kind words and recognition. He stated that he does not work for the recognition but for the benefit of Nevada's public and wildlife. He thanked everyone again for his nominations, being selected for receipt of the award and for the kind words.

Chairwoman East thanked Warden Drew for his service and expressed her appreciation for what the Law Enforcement Division, and its staff does for Nevada.

Commissioner Pierini thanked Warden Drew for the work he does in Law Enforcement. He shared his appreciation for his hard work and that the public, including the Commission, could not continue to operate without people like him.

8. Regulation Simplification Committee Report – Commissioner Tiffany East - Informational
A report will be provided on the Committee's recent meeting held on July 7, 2020.

Chairwoman East shared that the Regulation Simplification Committee met via Zoom on July 7, 2020. She gave a background on why the Committee was created and also shared a timeline that was discussed on when the wildlife Nevada Administrative Code (NAC) chapters will be discussed at Committee and shared with Commission. She stated that with the current legislative session in progress, the Commission may not see changes made to these NAC chapters in a timely manner but would still like to progress the effort to clean and simplify the regulations.

9. Commission General Regulations – Workshop / Public Comment Allowed

- A.* Commission General Regulation 493, NAC 488 Simplification – Management Analyst Kailey Taylor – For Possible Action
The Commission will review the Regulation Simplification Committee's recommendations regarding language updates and simplification of Nevada Administrative Code (NAC) 488 relating to watercrafts. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Management Analyst Kailey Taylor shared the recommended changes of NAC 488 by the Regulation Simplification Committee and the Department.

Staff Game Warden Brian Bowles shared a PowerPoint presentation explaining some of the proposed changes simplifying and modernizing regulation language.

Commissioner Alberg stated that NAC 488.495 appears twice and asked for clarification.

Management Analyst Taylor confirmed that the paragraphs were intended to be combined and submitted to the Commission with the changes.

Commissioner Hubbs asked how boating education rules work for those intending to borrow another's boat.

Staff Game Warden Bowles stated that the requirement of boater education is intended for any operator of a boat. A person borrowing another's boat would need to complete the boater education course in order to legally operate that boat.

Commissioner Hubbs stated she had a concern regarding the removal of appropriate size clarification on the life vests.

Staff Game Warden Bowles stated that each new Coast Guard approved life vest will have a weight clarification on the vest. The wardens in the field will be looking at those labels in comparison to the person wearing the life vest.

Commissioner Hubbs shared some concerns regarding the vague language in reference to the Coast Guard regulation. She asked if a life vest was required for people using vessels such as a paddle board.

Staff Game Warden Bowles stated that a life vest was needed when aboard a vessel and manual operated crafts such as a paddle board was considered a vessel and a life vest would be needed.

Break for public comment 10:03 a.m. – 10:10 a.m.

No Public comment.

CHAIRWOMAN EAST MOVED TO APPROVE COMMISSION GENERAL REGULATION 493 AND DIRECTED THE DEPARTMENT TO SUBMIT THE DRAFT LANGUAGE TO THE LEGISLATIVE COUNCIL BUREAU WITH THE CHANGES TO 488.495. COMMISSIONER PIERINI SECONDED THE MOTION. THE MOTION CARRIED 9-0.

Secretary Wasley shared some of the process of what the simplification of regulation would look like to the Commission and the public. He explained the legislative temporary regulation period and that changing regulations during this time will be a lengthy and cumbersome process. The Commission may not see language back from the Legislative Council Bureau in a timely manner.

10. Commission General Regulations – Adoption / Public Comment Allowed

- A.* Commission General Regulation 490, Party Bonus Points and First Come First Serve, LCB File No. 103-19 – Data and Technology Services Division Administrator Kim Munoz and Management Analyst Kailey Taylor – For Possible Action
The Commission will consider adopting a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation would allow children under 12 to purchase a bonus point if they turn 12 before the first day of the last season for that species. The regulation also addresses bonus points for sportsmen who apply as a party. Lastly, the regulation would allow a first-come-first-serve opportunity for returned tags that miss the 14-day deadline. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Data and Technology Services Administrator Kim Munoz presented the Department's recommended regulation changes and gave some statistics of tag returned to the Department in relation to the 2020 big game draw.

Commissioner AlMBERG asked for clarification as to why the Department could not use more of the alternate list to redistribute the returned tags.

Division Administrator Munoz explained user experience and possible confusion regarding multiple check boxes offered to an applicant when selecting to be an alternate. She gave examples of people who do and do not request to be on the alternate list and also explained that last-minute deals are already offered to the public for experiences such as travel and entertainment options. Those types of offers are the premise for the first-come-first-serve program the Department is trying to achieve.

Commissioner AlMBERG stated he is in support of providing the returned tags to hunters but shared his concern with abandoning the alternate list due to lack of education regarding how to be put on the list.

Deputy Director Jack Robb shared that when the alternate list program was created for the returned tags, there was discussion on when the window of opportunity to return those tags should close. Fourteen days was the deadline and has been practiced by the Department since the Commission adopted of the program. He shared an example of a tag being returned to the Department close to the 14-day window and not leaving enough time for the Department to notify those on the alternate list. He explained that many tags are returned a few days before the hunt begins and the first-come-first-serve option would allow those late returned tags to be offered to hunters last minute and even within the duration of the hunt season. The Department wants to put these tags in the hands of the hunting public and the current process is not accommodating that idea to the extent of tags being returned. He also gave examples of a number tags being returned with no list of alternates for the animal and area to award the tag to.

Division Administrator Munoz shared more 2020 big game draw statistics relating to Deputy Director Robb's statements.

Secretary Wasley stated that the Department is trying to grant opportunities for various scenarios that would allow sportsmen and women to decide for themselves if they do or do not wish to hunt for a specific tag. The first-come-first-serve option would allow the public to choose for themselves if they would like the opportunity to hunt for the animal and area of the tag offered.

Commissioner Rogers agreed with Commissioner Almborg that this discussion leads back to the education of the alternate list to the public. He shared his wonderment of understanding of what the alternate list means to the general public.

Commissioner Kiel asked if there are alternates returning their awarded tags.

Division Administrator Munoz stated that she did not know if that statistic is one that the Department is currently tracking.

Secretary Wasley shared the Department's biggest concern are the number of tags returned within the 14-day deadline to use the alternate list. This regulation would allow for another option to be presented to the public.

Deputy Director Robb added that the Department realizes that the option may not be perfect but that they are trying to refine a regulation to give more sportsmen and women an opportunity to get into the field. He said that the Department needs to try harder when coveted sheep tags are returned and do not get reissued.

Chairwoman East asked if there will be notification to the sportsmen stating if there were tags available.

Division Administrator Munoz stated that the Department has not discussed how to market or campaign this program but that if the regulation was approved, that discussion will be had and implemented for the 2021 season.

Chairwoman East shared a story relating to a call received from a party tag member. She asked if it would be possible to add additional hunt units for the alternate list.

Deputy Director Robb stated that there was already a low percentage of people electing to be an alternate. He shared the Department's fears of that percentage dropping further with the sportsmen's knowledge of drawing their third or fifth choice hunt over their first choice. The current practice for one hunt option for the alternate list was a Commission decided practice.

Commissioner Hubbs stated she understood the concern that have been shared and reminded the Commission that this practice is already in place for opportunities such as traveling. She said that people look for these deals knowing that they may catch a break in price and opportunity. What the Department

is recommending is the same premise. She believes that after a few years of implementation, word of this will spread and become very popular.

Commissioner Caviglia asked if animal waiting periods would apply to the first-come-first-serve option. He shared his concerns regarding applications being developed that would take advantage of this system.

Commissioner McNinch suggested a possibility of the Department developing their own application as a service or outreach for this program along with potential alleviation of those taking advantage of the system.

Division Administrator Munoz said that an application could be built if that was the desire of the Commission. An application would not mean that a person would not try to break the system. The Department thought it was fair that a sportsman needed to log into their account in order to see if there was a tag available, meaning that personal account information would need to be shared to a third party in order to have that third party purchase the available tag for a sportsman. She said that other states have similar programs where we can learn from mistakes made.

Deputy Director Robb answered that waiting periods, loss of bonus points, suspensions, and additional waiting periods would apply to the first-come-first-serve program.

Secretary Wasley noted that there are two separate issues; the first being that there are not enough alternate hunters. The second issue is that the tag returned within the 14-day window cannot be reissued.

Commissioner Almborg wanted to make it clear to the Department that he was supportive of the first-come-first-serve process and thought it was a great idea. He explained his wishes for their to be an intermediate step between the alternate list and first-come-first-serve option.

Break for public comment 10:50 a.m. – 10:55 a.m.

Public comment:

From: David Ricker
Sent: Friday, August 14, 2020 10:49 AM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: first come first serve return tags

I would be supportive of checking an additional alternate box to consider the applicants second-fifth choice.

As a comment, I would want to make sure that if first come first serve is implemented, that those people who obtain tags through first come first serve haven't already obtained a tag for the same species. I.e. if you drew a doe tag, you wouldn't then be able to pick up a buck tag in first come, first serve.

From: Rex Flowers
Sent: Friday, August 14, 2020 10:54 AM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: Tags

I would hope this will be passed today and there be no further delays. I personally would have liked to have had this in place before this season. It is long overdue. The public has wanted this for too long.

From: Mike Reese, Clark CABMW
Sent: Friday, August 14, 2020 10:56 AM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: Returned tags

At this point we need to do 3 things:

1-Look at reducing the 14-day return deadline.

2-look at including more than 1st choice.

3- after the season opens up then send out a press release that tags were left over but because hunters didn't choose to be an alternate, they went unused.

I think it's an education process to show how valuable it is to the hunter to check the alternate box.

They also need to know you can be an alternate even though you entered as a party.

Vice Charman Barnes stated that the extra tags returned to the Department need to be addressed and sees this regulation as a step towards that. He stated he supported the Department's regulation.

Chairwoman East stated that more education relating to the alternate list needs to be implemented.

VICE CHAIRMAN BARNES MOVED TO APPROVE COMMISSION GENERAL REGULATION 490 AS PRESENTED BY THE DEPARTMENT. COMMISSIONER ALMBERG SECONDED THE MOTION. THE MOTION CARRIED 9-0.

- B.* Commission General Regulation 491, Notification of Draw Results, LCB File No. R058-20 – Data and Technology Services Division Administrator Kim Munoz – For Possible Action
The Commission will consider adopting a regulation amending Nevada Administrative Code (NAC) NAC 502.4208 relating to providing notification of draw results to clients who have opted out of having their results made public. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Division Administrator Munoz presented the Department's recommended changes to the regulation through a PowerPoint presentation.

No Commission discussion.

Break for public comment 11:02 a.m. – 11:07 a.m.

No public comments.

COMMISSIONER MCNINCH MOVED TO APPROVED COMMISSION GENERAL REGULATION 491 AS PRESENTED BY THE DEPARTMENT. COMMISSIONER HUBBS SECONDED THE MOTION. THE MOTION APPROVED 9-0.

- C.* Commission General Regulation 492, Thermal Imaging Optics, LCB File No. R035-20 – Chief Game Warden Mike Maynard – For Possible Action
The Commission will consider adopting a regulation amending Nevada Administrative Code (NAC) 503 and NAC 503.1485 relating to wildlife; prohibiting the use of certain night-vision equipment and devices for locating, hunting and taking game mammals and game birds; revising the definition of "trail camera or similar device"; and providing other matters properly relating thereto. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Chief Game Warden Maynard presented the Department's recommended changes to the regulation and gave a background as to why the Department felt the need for a change.

Commissioner Hubbs commented that she was in favor of the changes to the regulation but would like to see the proposed changes applied to all animal species instead of just game animals.

Commissioner AlMBERG asked if the changes would apply to a person who was scouting for the hunter in the field.

Chief Game Warden Maynard stated that the question does fall within a loophole of the regulation that is not possible to fill. He gave an example of hunters and scouters in the field and said that the regulation would not prevent others from use of the technologies, but it would be illegal if the intent was to pursue an animal for take.

Commissioner Pierini asked what the Department will do to provide this information to the public if the regulation was passed.

Chief Game Warden Maynard gave examples of various types of notifications that have been provided to the public in the past. he included that similar types of information have been provided in the variety of guidebooks that the Department put out for the public and this regulation would be included along with field education and warnings. He stated that because this regulation directly involves hunting ethics, enforcement would begin immediately upon adoption but to his knowledge, Nevada wardens have not had contact with people in the field using the discussed technologies in the way the Department is wanting to prevent.

Commissioner Pierini shared his thoughts regarding the great job the Law Enforcement division has been doing in the past and believes they will do a great job with this regulation as well.

Secretary Wasley shared that when regulations are changed, some require more of an outreach effort to inform the public. The recommended regulation change being discussed is a proactive form of change by the Department. Not a significant number of sportsmen have use of these advanced technologies to date. The changes to this regulation will be highlighted in our guidebooks combined with press releases and other outreach efforts. Outreach strategy is based on need and the ways mentioned will be utilized along with other outreach tools.

Commissioner Caviglia shared that he heard of some people using the thermal imagery technology in the field last season and said that most people do not know that it can be used in daylight as well as night. He would like to see the term "while assisting" in the pursuit of game animals and game birds in the regulation. He asked if the proposed regulation would accidentally include trail cameras. He had public communication regarding this concern

Chief Game Warden Maynard shared that if wardens came across a spotter in the field, he didn't see a reasonable way to prevent the use of the technology if the person was not in possession of a firearm. He added that if a trail camera was lawfully placed, it would not fall under jurisdiction of the proposed regulation.

Commissioner Hubbs asked why this regulation was only covering game species.

Chief Game Warden Maynard answered that the regulation was designed to encompass the protected species of game and fair chase doctrine.

Discussion ensued regarding the variety of species protection and fair chase applying to game species and not all wildlife.

Break for public comment 11:37 a.m. – 11:42 a.m.

Public comment:

From: David Ricker, Nevada Backcountry Hunters and Anglers
Sent: Friday, August 14, 2020 11:10 AM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: Commission General Regulation 492, Thermal Imaging Optics, LCB File No. R035-20

Chairwoman East and members of the commission,

As previously intimated in a letter prior to the regulation workshop at the commissions June meeting, the Nevada Chapter of Backcountry Hunters and Anglers (NVBHA) supports the proposed regulation addressing the use of thermal imaging equipment to aid in the taking of game mammals (CGR 492). One of NVBHA's guiding principles is the preservation of the fair chase ethic in hunting. This ethic is a cornerstone of the North American model of wildlife management and is more important than ever with the continued seepage of electronic gadgetry into the hunting world. These electronics are designed to overcome an animal's senses and natural instincts. The use of thermal imaging and/or IR night-vision equipment could allow a hunter to stalk big game animals at night. This goes too far in altering the hunter-prey relationship. While there is some dispute about the real world ability for wardens to police any new regulation, it should never preclude taking the right aspirational steps to preserve some balance in the human-prey relationship in our agreed upon compact of the N. American Model.

Our single concern is to provide assurance this regulation does not hinder the state's future management options when addressing feral, invasive species.

A hunter's success while chasing big game should be determined by their hunting skills, perseverance and woodsmanship, not who has access to the best electronics. Thank you for considering regulation to address this potential area of technology creep into fair chase hunting.

From: Jesse Lattin
Sent: Friday, August 14, 2020 11:18 AM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: 10 c

I feel that this is an irrelevant regulation. It is already illegal to hunt big game at night. (Shooting hours)

From: Mike Reese, Clark CABMW
Sent: Friday, August 14, 2020 11:18 AM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: Guides with thermal Bono's

While a guide doesn't have the tag is it going to be legal for a guide to have any type of optics with thermal imaging capabilities in the field?

From: Steve Robinson, Washoe CABMW
Sent: Friday, August 14, 2020 11:19 AM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: 10C Commission General Regulation 492

Commission,

For a second time at our CAB meeting we were unanimously opposed this regulation as written. The public providing their input was also unanimously opposed to the limitation of thermal imaging as proposed.

We understand the desire to prevent a hunter from following a game animal all night long and then shoot it at first legal shooting hour. We also oppose this as an unfair chase practice.

What was a consensus at our meeting was the ambiguity of the language and the lack of specificity in how Thermal Imaging technology can be used. The language of "while locating game animals or birds" leads to some of our concerns. We are concerned with the lack of specificity about when can this technology be used. Can we use it in May, before the draw has occurred, in the area in which we applied? Can we use it in June, after the draw? Can we use it to hunt coyote in an area where quail or chukar

season is open? If I hunt chukar in the morning can I hunt coyotes at night? There were numerous other questions that were raised but this is just an example.

The language of "shall not Possess or use" is a concern for us as it opens up legal jeopardy for somebody that has these devices in possession in camp, car or pack but is not using it for the chase of a big game animal. We would prefer "shall not use" even though it makes it the law enforcement more difficult. Just this one change would take care of most of our concerns.

A member from the public brought up the fact that this technology helped him find a downed animal last season that he felt he wouldn't have found without this technology. Is there room in this regulation that would allow for this use as a conservation tool?

We know the commission wants to pass this regulation to create ethical hunting practices and adhere to Fair Chase principles. These regulations shouldn't be written in a manner that can cause a hunter to inadvertently violate the law and leave the interpretation of the law up to law enforcement.

In our excitement to pass a regulation, we are not fully thinking out the nuances or the ramifications of these regulations.

It was noted at the last commission meeting that "If you have to ask if what you are doing is legal, you already know you are in the wrong." We are just asking that these regulations be written to prevent misinterpretation, so sportsmen don't have to call the department and ask if they are following the law
Thank you

Commissioner Hubbs asked for examples of animals the discussed technology is being used on.

Secretary Wasley answered that coyotes in nighttime conditions or small mammal and agricultural pests that cause damage to a crop or agricultural equipment are examples of animals that could be affected by this technology. He said that when you look at activities that happen after dark where main use of the technology would be occurring, it relates to discharging a firearm in the dark which is already banned in most states and counties by existing regulations.

Discussion ensued regarding discharging of firearm laws and regulations that would tie into the proposed regulation and when use would be appropriate.

Commissioner Alberg asked if a hunting guide would be considered able to use the discussed technologies in the field.

Chief Game Warden Maynard read a portion of the regulation that states a person cannot use the discussed technologies if the intent was to pursue for hunting.

Commissioner Pierini explained that there is only so much the Commission can do without getting into the weeds and that it is best to focus on what we can do. He gave praise to the Department for the regulation presented today.

Commissioner McNinch shared his appreciation for Commissioner Hubb's questions and comments. He said that these types of ideas need to be challenged across the country and reminded everyone to keep in mind that the Department is being proactive in presenting this regulation as an option which is a positive thing. He gave his support for the regulation.

Commissioner Hubbs thanked Commissioner McNinch for his comments and stated that she will support the regulation but would like to see its view broadened to encompass all animals and not only the game species.

CHAIRWOMAN EAST MOVED TO APPROVE COMMISSION REGULATION 492 AS PRESENTED BY THE DEPARTMENT. COMMISSIONER ALBERG SECONDED THE MOTION. THE MOTION CARRIED 9-0.

Break 12:10 p.m. – 12:30 p.m.

11. Reports – Informational

- A. Western Association of Fish and Wildlife Agencies 2020 Annual Conference – Secretary Wasley and Commissioner McNinch
Reports from the 2020 conference will be provided.

Secretary Wasley stated that the Western Association of Fish and Wildlife Agencies (WAFWA) summer meeting was held virtual this year, allowing more staff to participate without the burden of travel costs. He shared what WAFWA is and how information and collaboration is shared between states. He said “resiliency” was front and center of many of the Committee meetings.

Commissioner McNinch added that the event was fantastic considering the short turnaround between the cancelation of the in-person meeting and the scheduling of the virtual one. He shared that the virtual platform allowed for him to attend more Committee meetings than he normally would have been able to and agreed with Secretary Wasley that “resiliency” was on full display. He shared the wide variety of groups and issues addressed at the conference and was grateful for the energy the participants had considering how the COVID-19 crisis is affecting everyone in different ways. Complex issues were discussed to maintain relevancy and heard many impacts and moral issues that agencies were facing. Nevada was a state that had many positive activities already in process regarding discussion issues such as regulation simplification and outreach programs to introduce wildlife concepts in schools. Many tough questions were asked regarding Recruitment, Retention, and Reactivation (3R) such as; how do you keep recruitment up and teach them to be good advocates of wildlife? How do you talk to the public about hunting? Questions that went beyond getting people involved but connecting with people who are not traditional activists for wildlife. Recovering America’s Wildlife Act (RAWA) was addressed, along with a discussion involving Wildlife Management Area (WMA) fees that were discussed by other state’s Commissioners and he felt it is a worthy conversation to bring up in Nevada. There was also an expressed want and need for shed antler season coordination.

Secretary Wasley agreed with Commissioner McNinch that shed antler coordination, hunter ethics and WMA fees addressed and are topics that are regionally, nationally and internationally recognized and spoke more broadly to those three subjects. He said that there is a wide diversity of the many topics addressed at the conference and at times it is difficult to be engaged in all of them but the virtual option gave a purposeful venue to include more staff in the discussions to learn and share. He offered to share the Association of Fish and Wildlife Agencies (AFWA) virtual conference information to any of the Commissioners who would like to attend.

Commissioner McNinch shared his appreciation for Department staff involvement and encouraged the other Commissioners to attend the future meetings.

Discussion was had regarding RAWA, shed antler coordination with other states and the Pittman Robertson / Dingell Johnson federal match.

- B. The Draw Process – Kalkomey Representative and Data and Technology Services Administrator Kim Munoz
The Department's vendor that accepts hunt applications and conducts the random draw for hunting tags will provide an overview of the process involved in accepting applications, managing bonus point accrual, assigning random numbers, and conducting the random draw.

Data and Technology Services Administrator Munoz introduced Zach Lambert, Kalkomey’s representative for the Department and client success team manager.

Mr. Lambert shared a PowerPoint presentation on the tag draw process for the 2020 big game draw. He shared the uniqueness of this year’s fully remote application period due to COVID-19.

Commissioner Kiel asked about the people who did not reapply from 2019 to 2020.

Mr. Lambert answered that 1,937 applicants did not apply this season but had in 2019.

Deputy Director Robb stated that this is an example of real time data that allows the Department to alter campaign strategies. The Kalkomey system allows Department staff to see immediate increases depending on the campaign sent out to the public.

Chairwoman East noted that the number of applications from Washoe to Clark County were very close. She asked how to better get the residents of Clark County to respond to hunting activation.

Secretary Wasley shared the Department's intentions on strategies such as auto renew. He related the Pittman Robertson / Dingell Johnson sales to the federal monetary match of licenses sold per state. He shared that the gains in retention, relevant to other states, will allow Nevada to get a bigger portion of the federal dollars distributed.

Chairwoman East asked if there was a strategy to get some of the Nevada counties to better respond to campaigns.

Deputy Director Robb answered that marketing outreach in Southern Nevada compared to Northern Nevada is very different. The Department is looking at other media outlets to get messaging out to a wider audience.

Commissioner McNinch stated that another dynamic is the fact that there is a large urban core in the South compared to the rest of the state. He stated that perhaps hunting is not as popular from that area of the state compared to others. Products must be built to fit the constituents and if we were to look at the number of fishing licenses of Clark County compared to Washoe County; you would see a rise out of Clark County. The main Departmental interest in the south is fishing and boating recreation. The Department is becoming better at catering to those interests.

Deputy Director Robb shared that last year, the Department was awarded a grant from the Recreational Boating and Fishing Foundation (RBFF) for Hispanic outreach which was ran in Clark County. Over that marketing period, the Department saw a 29.3 percent increase in that area. The Department is attempting to reach different segments in different areas to increase our federal funding. That funding is the answer to increasing wildlife management throughout the state.

- C. Department Activity Report – Secretary Wasley
Secretary Wasley will provide a report on recent Department activities.

Secretary Wasley read from the Department Activity Report:

DIRECTOR'S OFFICE

Management Analyst Kailey Taylor has been keeping track of the past two legislative special sessions. The first special session convened to address budget shortfalls as a result of the COVID-19 pandemic as well as state employee furloughs. The second special session addressed law enforcement issues as well as unemployment claims and provides for a mail in voting option for the upcoming election.

As some of you may remember, in the last legislative session the Department took away the requirement to purchase a Resource Enhancement Stamp (RES) while buying a Dream Tag (DT) raffle ticket. This was done to increase the opportunity and number of times someone could purchase the RES stamp. This past year the RES sales increased by 127 percent. Dream Tag sales increased by 30.77 percent. This year the total RES and DT sales generated \$583,025.

GAME

Game Division staff have finished updating the new Zoom Webinar Bighorn Ram Seminar. A meeting was held with regional and several area biologists recently to review the PowerPoint presentation and adapt new field practicum on aging and scoring ram horns for the virtual Zoom Webinar scheduled this year on August 12, 2020. Conservation Education staff have been integral in conducting the Zoom Webinar, which is the identical process as the Pronghorn Seminar held earlier in July 2020.

Game Division staff recently conducted monitoring of the East Humboldt Range mountain goats to document kid production in nursery group that had collared nannies. Staff are concerned that there are still mountain goats that are active shedders of *Mycoplasma ovipneumoniae*. A group of nannies was observed in upper Lizzie's Basin and north of Hole in the Mountain that had three adult nannies (two GPS collared), two yearlings, and three healthy kids, which is great news for now. Time will tell if they succumb to pneumonia later this summer. Staff will continue to investigate these animals throughout August 2020. Game Division staff, the Department's Wildlife Health Team, Eastern Region personnel, and Utah Division of Wildlife Resources are working together to conduct a passive Test and Removal effort on the interstate bighorn sheep herd in the Leppy Hills in Elko County. The purpose of these are to remove the active shedder of *Mycoplasma ovipneumoniae* that has plagued the herd for a decade by having majority of the lambs die each summer from pneumonia. The herd is currently about 30 adults and continues to decline without consistent lamb recruitment.

Wildlife Services is continuing to remove predators as part of the predator plan. A private mountain lion contractor has removed four mountain lions across the state in the past three weeks. A mountain lion was captured by game wardens in downtown Reno recently. After a physical inspection by the Wildlife Health staff, the lion was collared and released west of Reno. The lion has now moved north and west into California, where the California Department of Fish and Wildlife have been advised and the Department continues to monitor its activity. A mountain lion caused a stir when she wandered into a neighborhood on the western edge of the Las Vegas Valley on Saturday, July 18, 2020. The animal was captured and released by game wardens. Media coverage was extensive. Each of the major networks and both valley newspapers covered the story.

After a lengthy delay due to the COVID-19 shutdown, Michigan State University has been allowed to continue with our passive black bear population estimates. Field technicians are currently visiting sites to deploy hair snares and "refresh" trail cameras. This year's activity will be adding a third year to the contract that was initially scheduled for two years. Extreme variability in weather resulted in the decision to add a third year to the contract.

Game Division staff are close to finalizing the chronic wasting disease (CWD) surveillance and response plan. This includes finalizing the CWD check stations for Fall 2020 along with letters to hunters and taxidermists regarding regulations, disease issues, and sample requests. The Game Division's Wildlife Health staff, along with the cervid staff specialists, have drafted a proposal to Nevada Department of Transportation (NDOT) to collect cervid carcasses in high risk areas in the state for additional CWD sampling. The proposal has been sent to NDOT maintenance supervisors for approval and feedback. If they approve, we will seek United States Department of Agriculture (USDA) funding for the proposal.

Department dispatchers and Western Region staff have been inundated with reports and complaints about black bears. Dry habitat conditions in Nevada are causing bears to search for food in urban environments earlier and in increased numbers than most years. The Game, Law Enforcement, and Conservation Education divisions are working with the Director's Office to respond to the increased number of bear complaints.

Eastern Region Game Division staff and Wildlife Health staff recently worked as part of a team to attempt to collar elk in Area 7. They were attempting to tranquilize elk from the ground using dart guns. Despite several good opportunities, they were unsuccessful in part due to environmental circumstances including abundant water and moonlight.

Department personnel are assisting water development biologists in southern Nevada with investigations of big game guzzlers that are going dry due to lack of rainfall and heavy use by bighorns. Several sportsman's groups are also assisting with the project, which requires helicopters to sling water to the projects. Both Department helicopters have been out of service due to maintenance issues but will be put to use filling water developments as soon as repairs have been completed. The southern water development crew recently completed an emergency water haul to the Poppy Guzzler with the assistance of the Fraternity for Desert Bighorn Sheep. We would like to extend our appreciation to the Fraternity for their support to get this done.

HABITAT

The fiscal year 2021 funding cycle has recently ended with the approval and funding of 60 projects focused on habitat restoration; wildlife monitoring, reintroductions, translocations, and research; and other important needs totaling \$2,141,172. The supporting funding was provided by the Department's Special Reserve Accounts including Heritage, Habitat Conservation Fee, as well as, Upland and Duck Stamp. These funds are generated through the purchase of hunting and fishing licenses and special tags by Nevada's sportsmen and women. Six Duck Stamp projects, 14 Upland Game Bird Stamp Projects, 21 Wildlife Heritage projects, and 23 Habitat Conservation Fee projects were approved in early June.

The Department's representative on the Sagebrush Ecosystem Technical Team reports that for the 2020 Spring field season, a total of five new credit projects have entered the Conservation Credit System (CCS) to conserve greater sage-grouse habitat. Additionally, a total of eight new debit projects and seven mineral exploration debit projects are currently being analyzed for impacts to sagebrush ecosystems. To date, five debit projects including mining, exploration, and geothermal operations have purchased credits from private landowners to offset their impacts. This marks the first year of private transactions in the CCS, previously internal transfers have occurred from mining companies that have private landholdings and generated their own credits.

Technical Review Program activities include on-going development of the United States Fish and Wildlife Services (USFWS) greater sage-grouse Candidate Conservation Agreement with Assurances, and providing administration of the Energy Planning and Conservation Fund and the Fund for the Recovery of Costs (AB 307). During the last 18 months, 26 AB 307 applications were submitted for the following energy development projects in Nevada: three fuel pipelines, 11 transmission lines, and 13 solar facilities. This is the largest number of energy development applications the program has received since the program was created.

The southern water development crew recently completed an emergency water haul to the Poppy Guzzler with the assistance of the Fraternity for Desert Bighorn Sheep. We would like to extend our appreciation to the Fraternity for their support to get this done.

CONSERVATION EDUCATION

Conservation Education personnel hosted the first-ever virtual Pronghorn Seminar. Joining them were two game biologists, a game warden, a taxidermist, and a meat processor. A total of 181 unique viewers participated in the seminar. Staff members answered over 55 questions during the seminar. One Pronghorn Seminar participant said, *"I appreciate the emphasis on an ethical hunt, and the need to leave lands cleaner or as clean as you found them. Good presentation of data! This was a well-rounded program. I am not currently hunting for pronghorn in Nevada (maybe next year...) but was happy to learn more. Thank you all."* Conservation Education staff will be scheduling more big game seminars in the future.

Conservation Education team members continue to research and write wildlife briefs for posting weekly on the Nextdoor App. One loyal webinar participant wrote, *"What's in your backyard posts from the Nevada Department of Wildlife have been one of the few bright spots during this pandemic. Children and adults can learn so much from it. It is a field trip without leaving our homes. Thank you*

so much for these interesting, fact filled spots. Please keep posting them. We will know what we are observing when we are able to explore Nevada again. Thank you."

Over the last few weeks, we have been sharing moose sightings, including one from our own Game Biologist, Kari Huebner showing a moose we collared in January with a calf, on Facebook and Instagram and asking for more to help our game biologists track them. People have loved them. The first post received 696 reactions, 44 comments and 139 shares on Facebook, and the second post received 860 reactions, 74 comments and 231 shares. Due to the reaction, we recorded a podcast for this week on moose populations, our work on them, and the need for people to report sightings.

The Volunteer Coordinators has been working on COVID-19 related guidelines/mitigation measures for field work volunteers, instruction documents for the new online Volunteer Manager program, and recruitment for guzzler inspection volunteers.

DIVERSITY

Each year, Wildlife Diversity's state herpetologist oversees road cruising surveys run by volunteers. Recently, the Las Vegas Review Journal ran an article and video on the front page of the July 26, 2020 Sunday paper featuring Bob McKeever, a long-time volunteer who spends many long hours every year assisting in these surveys. Bob has co-authored both a guidebook and several herpetology publications with the Department in the past seven years. The article and video highlighted his professionalism and dedication to Nevada's reptile species. In addition to performing many transect surveys for our reptile program, Bob has contributed hundreds of salvaged specimens to the Department, which are now housed in universities and have already been used in genetic studies that aim to improve our understanding of the conservation status of species we know very little about.

Wildlife Diversity staff continued to monitor the bald eagle nest in Washoe Valley that biologists rebuilt after it was blown out of its tree in May 2020. The artificial nest was constructed on May 23, 2020 and after an additional 38 days of development and parental care, the juvenile successfully fledged from the temporary nest on June 30, 2020. It was capable of powerful flight immediately and continued to receive regular prey deliveries from its parents throughout the month of July. It should continue to become more independent during the month of August and eventually leave the nest area sometime prior to fall. This type of intervention was unprecedented for the Department, yet it turned out to be a perfect success.

Diversity staff were able to confirm successful nesting at three additional bald eagle nests along the Carson Front, with a total of six juveniles. A new nest was also discovered in the Pine Forest Range, making it a banner year for bald eagles in the western region.

Wildlife Diversity biologists also deployed seven satellite backpack transmitters on ferruginous hawk nestlings, continuing a project begun in central Nevada in 2017 to determine the species' habitat use, survival, breeding success, and productivity. To date, young hawks have dispersed to southern Canada, southern Idaho, central Utah, and central Nevada, while two have died from likely golden eagle and coyote predation. Leading up to transmitter deployment, we discovered three new territories and confirmed occupancy at 100 percent of territories within our study area and 86 percent breeding success. Notably, last year was the worst year on record with complete breeding failure at all six known territories.

Finally, surveys for an ongoing golden eagle tracking project since 2014 have continued, indicating 93 percent territory occupancy this year, breeding at 63 percent of territories, but only one territory with breeding success. We deployed a satellite transmitter on the nestling and collected samples from the nestling, nest, and prey remains to help understand the spread of the foreign Rabbit Hemorrhagic Virus Disease (RHDV2) now confirmed to be in Nevada. Of note, we confirmed very low black-tailed jackrabbit numbers, the eagles' primary prey, for the third consecutive year, and at least one eagle territory was burned over in a wildfire.

FISHERIES

2020 spawning operations at Marlette Lake were completed successfully the last week of June with over 800,000 trout eggs taken despite strict COVID-19 protocols in place to protect staff. This included the full allotment needed of Tahoe strain rainbow as well as bowcutt and cuttbow hybrids. We were unable to produce triploid (sterile) trout eggs because of the restrictions but these will be obtained from a USFWS Federal hatchery in Montana.

The new H-1 well at Mason Valley was completed and operational in late July giving the hatchery four good wells to carry us into the future, two with exceptionally low manganese levels. The fire suppression system upgrades were also completed at Lake Mead Hatchery completing two major projects to enhance and protect our fish production facilities.

The Department traditionally had difficulty raising cutthroat trout at Mason Valley Hatchery because of water quality issues but were able to successfully rear over 30,000 very nice Lahontan Cutthroat Trout (LCT) fingerlings at Gallagher Hatchery this year. These fish have now been all stocked out to Marlette Lake, Catnip Reservoir in northern Washoe County and Topaz Lake.

The first reports of Hazardous Algae Blooms (HABs) for this year are starting to come in with several reports from Lahontan Reservoir. Staff is working with Nevada Department of Environmental Protection (NDEP) to follow up and so far none have tested positive for toxic cyanobacteria but with extremely warm weather and moderate to low storage levels on many waters we expect this could be a significant issue this year. The Department has been working on signage that will provide information to report possible HABs directly to NDEP for investigation.

Two major earthquakes in late June 2020 impacted Devils Hole; in both cases there was a large seiche effect that exposed the bare shelf normally underwater. These events flushed most of the underwater vegetation off the spawning shelf but did not appear to have any immediate effect on the pupfish that repopulated the shelf within a day of the second event.

Preparations are ongoing for restoration work at Shoshone Ponds in White Pine County to repair and reconstruct the refuge ponds for the endangered Pahrump poolfish. The ponds were constructed in the early 1970s and are in need of significant renovation, project funding was provided by BLM. Several thousand poolfish will be moved to a secondary pond to allow reconstruction of the main refuge ponds later this year.

DATA & TECHNOLOGY SERVICES

The Data and Technology Licensing staff have continued to work long hours non-stop through the pandemic. On June 16, 2020 we re-opened the Reno, Vegas and Elko offices to the public under new social distancing practices and procedures. Then on July 6, 2020 we opened the remaining offices in Fallon, Winnemucca and Ely to the public.

The Vegas staff are continuing to put in extra hours in order to get caught up as dealerships in surrounding Greater Las Vegas area who are selling their businesses and are in the need of transferring hundreds of boats title to new owners.

Big Game Second Draw has been completed in which we saw a 352 percent increase in applications from 2019. A total of 3,793 applications were received from 3,025 customers. We awarded 603 tags during this draw.

The Department took in applications for the Sage Grouse draw on the Sheldon and conducted the draw with released results on August 12, 2020. Snowcock permits are now on sale for the 2020 Season and are preparing to release the Swan permits starting August 24, 2020.

The Geographic Information System (GIS) staff along with the help from Habitat staff conducted a successful Overton Dove Hunt draw.

LAW ENFORCEMENT

Headquarters staff have been working on setting up the new Tip411 application to be used for Operation Game Thief. Staff are in discussion with USFS on the new permit requirements dealing with the guided hunt tags. Tags need to be drawn in the name of the Forest Service permitted Master Guide. As it stands, non-permitted guide cannot use a master guide agreement to hunt Forest Service Land.

Our two newest wardens have been released from field training. They will be stationed in Laughlin and Tonopah.

Eastern Region wardens assisted Elko County Sheriff's Office and South Fork Reservoir rangers with closing the reservoir while firefighting planes and a helicopter utilized the water basin for fighting wildfire in the area over a two-day period. Eastern Region game wardens received a final judgement of conviction for a suspect in an unlawfully killed mountain lion case from 2017 which resulted to a plea deal of gross misdemeanor with \$2,028 in fines.

Western Region Wardens are staying working around the rapidly depleting water issue at Lahontan and moving buoys constantly to keep everyone safe on the water.

Over the last couple of months, our wardens have attended 268 hunter, fisher and recreator contacts that resulted in 11 Operating Under the Influence citations, 131 Vessel assists, and 434 vessel stops.

Chairwoman East asked how many acres of land have burned in Nevada this year.

Secretary Wasley shared that he had received an update on that earlier in the morning. He stated that 54,000 acres of greater sage grouse habitat have burned which was already 14,000 more acres burned than last year.

Habitat Division Administrator Alan Jenne gave a quick synopsis of the state's total burned acres and the causes of the fires. He stated that two thirds of the fires were human caused and many were around urban areas. Clark County has had the greatest number of fires, but the greatest fire impact has been in Lincoln County.

- D. Update on the Fallon Naval Range and Training Center and Nevada Test and Training Range – Habitat Division Administrator Alan Jenne
The Department will provide an update regarding the legislative environmental impact statements status and timelines for Commission consideration of congressional correspondence relative to wildlife impacts.

Habitat Division Administrator Jenne gave an update on the status of the Fallon Naval Range and Training Center and Nevada Test and Training Range. He reminded the Commission that they decided to send a letter to the Congressional delegates at the August meeting. The letter expressed desire for the military to not make decisions affecting wildlife populations and access. The Commission requested they consider the human and natural resource impacts on their decisions. Shortly after, Governor Sisolak sent a letter on July 8, 2020 following the Bishop Amendment which proposed giving full authority to the Air Force. There was an amendment brought by Nevada delegates to supersede the Bishop Amendment so that management of fish and wildlife services was given back to the Department of Interior, which was approved. The Senate passed their own version of this bill which means that the House and Senate will go to Committee to work out the differences between the two bills which means it may not get to the White House until the end of the year.

Secretary Wasley added that there has been a lot of political gamesmanship throughout this process and where it stands right now, the majority of what is being presented has been consistent with what the Department and the Commission has provided. He feels the stance is a good place for the Department. He shared that our conservation community have key voices and he knows that many national conservation agencies are supportive of the Department's and the Commission's input. He also stated that Congressman Amodei wanted to share that anytime the Commission would like him to come speak at a meeting, he would welcome the opportunity.

E.* Litigation Report – Senior Deputy Attorney General Craig Burkett

Senior Deputy Attorney General Craig Burkett congratulated Chairwoman East for her nomination as Chair. He shared a report regarding the litigation the Department is currently involved in and shared potential litigation involving greater sage grouse that he anticipates the Department's involvement in for the coming future.

F.* Public Works Contracts – Deputy Director Jack Robb
A report will be provided on public work contracts awarded by the Department in the previous year.

Deputy Director Robb explained the reasoning behind sharing the public works contracts with the Commission every year and provided a report of the public works contracts. He shared information on the Cave Lake Dam project that was related to a Commission fieldtrip attended last year in Ely Nevada.

Commissioner Hubbs asked about the Overton contract.

Deputy Director Robb responded that the structure was in a state of disrepair for a number of years and explained the maintenance needed in that area.

Commissioner Hubbs asked if the Overton maintenance covered in the contract will solve the issues of the area.

Deputy Director Robb answered that there would be constant damage in that area.

Commissioner McNinch asked if the work will prevent any major blowouts at Overton.

Deputy Director Robb said that the Lake Mead Hatchery is currently being used to raise viable populations of fish from that location, populations that Southern Nevada rely on. It is a crucial portion of water management and was toured a few years ago when the Commission met in Laughlin Nevada.

Commissioner McNinch asked if the Department was pulling water from the lake in that area.

Deputy Director Robb answered that everything put through the hatchery is raw water and certain fish cannot be raised there with the water temperatures. Four Department staff are residents at the hatcher and care for the station to ensure the survivability of those fish. There are water and fire improvements done for the structure and for the safety of employees at that facility.

Break at 2:40 p.m. – 2:52 p.m.

12.* Mule Deer Enhancement Program – Game Division Administrator Mike Scott – For Possible Action

A presentation on the Nevada Mule Deer Enhancement Program will be given. The Commission will consider recommendations and may choose to provide direction to the Department on the Nevada Mule Deer Enhancement Program. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide

input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Game Division Administrator Mike Scott presented the Department's proposal for the Nevada Mule Deer Enhancement Program and how it correlates to existing initiatives related to current Departmental programs. He explained the process of the program that included teams created by the Department providing concerns related to their assigned areas. The factors contributing to the decline of the mule deer populations would be ranked by priority. Project proposals intended to relieve some of those factors would then be submitted for approvals and conducted.

Discussion ensued relating to the currently drawn hunt groups being the best way to assess the limiting factors of the mule deer population growth.

Commissioner Kiel thanked the Department for the idea and asked what the Department's goal was for a timeline of action.

Division Administrator Scott responded that the teams could be creating right away to begin the ranking process. He shared his hope that by the January meeting, the Department would be able to provide an update on the status of the projects.

Commissioner Pierini shared a story of mule deer population fluctuation and stated that he sees a want from the public to be included in the process.

Division Administrator Scott responded that having sportsmen input throughout the process would be crucial and volunteers for future projects would be needed. More support for the program may be built up with the inclusion of more people.

Discussion was had regarding the different types of projects that would be included in the mule deer enhancement program, including water development and piñon juniper removal projects.

Commissioner McNinch stated that a program such as this has been a long time coming and shared his appreciation for the proposal. He asked the logistics of a person being involved if they resided in an outside area.

Division Administrator Scott answered that the meetings would be public, and the creation of teams would include biologists working with the CABMWs to collaborate. People who are not part of a team are still welcome to participate in the meetings and share their input.

Discussion ensued regarding sharing resource information with the public and a strategic plan to begin the program.

Vice Chairman Barnes shared his support for the program and the CABMW inclusion. He shared his thoughts on the differing factors in different areas, the importance of local input and including a monitoring portion because limiting factors could change over time.

Commissioner Alberg endorsed the program as well stating this program was a large undertaking and thanked Division Administrator Scott for the proposal.

Chairwoman East stated that she had a chance to discuss the program at length with Division Administrator Scott and was thrilled to see it presented. She commended the Department for putting together such a thorough outline and framework that includes anyone who would like to be involved to collaborate and execute solutions.

Division Administrator Scott asked for Commission direction going forward to create the teams and a creation of a Commission Committee to oversee the program proposals.

Break for public comment 3:32 p.m. – 3:37 p.m.

Public comment:

From: Steve Robinson, Washoe CABMW
Sent: Friday, August 14, 2020 12:13 PM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: Mule deer Enhancement

The Washoe CAB enthusiastically supports this program. We have been wanting something like this done for some time to address the dramatic decline in our deer herd. Especially in the Northwest portion of our state.

Most of the items in the Limiting Factor Ranking Sheet should already be known from the great work the Department is currently doing. This should be provided at the outset of the program to speed up the implementation of a Management Action plan.

We do ask that this doesn't become another endless discussion around what is wrong with the deer herd and hope for a speedy implementation of the recommendations.

Some of the items that may be identified as a Limiting Factors, will also be difficult to remedy. Topics such as predator control and feral horses can be controversial but must be addressed if we have any chance at returning our deer herds to healthy sustainable populations. For example, if it is found that feral horses are a limiting factor, we hope the department has the political will to force the Nevada Department of Agriculture and BLM to follow the Wild Horse and Burro Act as it is written.

Washoe residents and CAB have been yelling the loudest over the last several years regarding our deer herd. We also commit to helping the most to research, work on and implement this important program. We would like to thank the Department for proposing this and look forward to working hard on this with you.

Thank you

From: Mike Reese, Clark CABMW
Sent: Friday, August 14, 2020 3:14 PM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: Mule deer enhancement program

The bleeding needs to be stopped and the Clark CAB is very excited that Mr. Scott is proposing a program of this magnitude and we want to first, thank him for his efforts. Secondly, we want to be involved as volunteers and are sure many NGO's will help support with time, labor and funds!!! Please pass this program.

Mike Reese has asked to play a big part in this program!!

From: Cory Lytle, Lincoln CABMW
Sent: Friday, August 14, 2020 3:33 PM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: Mule Deer Enhancement-Public Comment

I appreciate the intent and direction for this proposed program.

The basic "team" and "needs assessment" process should be a positive and consistent approach to the actual "on-the-ground" projects that most sportsmen and women want to see.

I believe the needs assessment framework will also provide a higher quality tool in identifying, prioritizing, and categorizing projects.

There needs to be an emphasis on both new projects as well as maintenance on existing projects.

Thanks for this. Let's make it happen.

From: Jim Cooney, Elko CABMW
Sent: Friday, August 14, 2020 3:35 PM

To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: (no subject)

Let's move this idea forward.

From: Rex Flowers
Sent: Friday, August 14, 2020 3:36 PM
To: Wildlife Commission <wildlifecommission@ndow.org>
Subject: deer

I greatly appreciate the concept and am hoping this can move forward soon. I realize we cannot undue what has happened as of late but without this first step nothing can be accomplished. The management of wildlife and keeping their existence into perpetuity is the foremost responsibility of all of us.

COMMISSIONER MCNINCH MOVED TO APPROVE THE MULE DEER ENHANCEMENT PROGRAM AND DIRECTED THE DEPARTMENT TO BEGIN CREATING TEAMS. HE REQUESTED CHAIRWOMAN EAST TO ESTABLISH A COMMISSION COMMITTEE TO OVERSEE THE PROGRAM. COMMISSION ALMBERG SECONDED THE MOTION. THE MOTION CARRIED 9-0.

13. Big Game Season Setting – Game Division Administrator Mike Scott - Informational
A presentation will be given demonstrating the need for the Game Division to begin working with the County Advisory Boards to recommend changes to Big Game Seasons. Big Game seasons will be set in January 2021 for the 2021-22 and 2022-23 seasons. Starting the process now may reduce the time spent discussing changes to the proposed seasons during the January Wildlife Commission Meeting.

Division Administrator Scott gave an explanation of why Department staff suggested beginning the Big Game Season Setting discussion early. He stated that the Commission meeting that holds the season setting could be challenging regarding some Departmental and CABMW recommendations. He proposed early collaboration with the CABMWs to discuss issues and changes to season settings in hopes to have a template prepared for the Commission's January season setting meeting.

Vice Chairman Barnes thanked Division Administrator Scott for the work he is doing and his involvement of the CAMBWs.

Chairwoman East agreed with Vice Chairman Barnes.

14. Future Commission Meetings and Commission Committee Assignments – Secretary Wasley and Chairman – For Possible Action
The next Commission meeting is scheduled for September 25 and 26, 2020, in Las Vegas. The Commission will review and discuss potential agenda items for that meeting. The Commission may change the time and meeting location at this time. The chairman may designate and adjust committee assignments as necessary at this meeting. *Once the Commission members have discussed this agenda item, a recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission prior to taking any action.

Secretary Wasley stated that the next Commission meeting is scheduled for September 25 and 26, 2020 in Las Vegas. He said that the location of the meeting may need to be changed due to the status of COVID-19 travel and meeting restrictions in Clark County. He shared that the CABMW workshop that was normally held in the August meeting was postponed but can be rescheduled whenever the desire is greatest. The reports given at the September meeting will include the AFWA summer conference and the Wildlife Trust Fund. The fishing regulations will be amended, and Commission General Regulation workshops will include NAC 501 and NAC 502. He also stated a possibility for a Commission appeal and Commission petition.

Chairwoman East had no items to add to Secretary Wasley's list.

Commissioner McNinch acknowledged the upcoming legislation year but stated that it was not too early to begin discussions on the Wildlife Management Area fees.

15. Public Comment Period

Persons wishing to speak are requested to complete a speaker's card and present it to the recording secretary. 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. *A recess of a specific duration will be taken in order for the public to provide input at the following email address: wildlifecommission@ndow.org. Before reconvening the meeting, public comments will be shared with the Commission.

Break for public comment 3:55 p.m. – 3:58 p.m.

No public comment.

Chairwoman East adjourned the meeting at 4:00 p.m.



STATE OF NEVADA

DEPARTMENT OF WILDLIFE

Fisheries Division

6980 Sierra Center Parkway, Ste 120 • Reno, Nevada 89511
(775) 688-1500 Fax (775) 688-1697

MEMORANDUM

September 25, 2020

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

From: Jon Sjöberg, Administrator, Fisheries Division

Title: **Commission Regulation 20-01, Amendment #1 – Fishing Seasons and Regulations for the Two Year Period January 1, 2020 through December 31, 2021 – Fisheries Division Administrator Jon Sjöberg – For Possible Action**

Description: The Commission will consider amending Commission Regulation 20-01 to remove the seasonal closure and modify the harvest limit for mountain whitefish and warmwater game fish other than black bass for Topaz Lake in Douglas County, to remove the harvest limit of two mackinaw (lake trout) for Lake Tahoe in Douglas, Carson City and Washoe counties and to adopt a limit of three game fish for Seeman Pond in Douglas County.

Presenter: Fisheries Division Administrator Jon Sjöberg

Summary:

The Commission will consider Amendment #1 of Commission Regulation 20-01, the Fishing Seasons and Regulations for the Two Year Period January 1, 2020 through December 31, 2021. The Department is proposing an amendment to remove the seasonal closure and modify the harvest limit for mountain whitefish and warmwater game fish other than black bass for Topaz Lake in Douglas County, to remove the harvest limit of two mackinaw (lake trout) for Lake Tahoe in Douglas, Carson City and Washoe counties and to adopt a limit of three game fish for Seeman Pond in Douglas County. This memorandum presents a synopsis of Department recommendations for the Amendment to CR 20-01 including county specific recommendations for fishing seasons and regulations including descriptions and rationale for those changes.

Background:

The California Department of Fish and Wildlife acting through their California Fish and Game Commission has proposed several fishing regulation changes to promote regulatory simplicity and reduce confusion for anglers. These regulation changes were workshopped at their August

20, 2020 Commission meeting and will be presented for action and adoption at their October 15, 2020 Commission meeting for the period March 1, 2021 through February 28, 2022. Some of these regulations are inconsistent with existing Nevada fishing regulations for the bi-state waters Topaz Lake in Douglas County and Lake Tahoe in Douglas, Carson City and Washoe counties. This Amendment #1 to CR 20-01 will adopt Nevada fishing regulations consistent with the proposed California regulations to ensure regulatory consistency and remove enforcement conflicts and confusion for anglers, where those changes will not negatively impact anglers or have negative biological consequences for Nevada fisheries resources. This amendment will also establish a limit of three game fish for Seeman Pond in Douglas County.

There are no changes proposed for waters in the following counties:

Western Region

Churchill
Humboldt
Lyon
Mineral
Pershing
Storey

Eastern Region

Elko
Eureka
Lander
White Pine

Southern Region

Clark
Esmeralda
Lincoln
Nye

The following changes are proposed for fishing seasons and regulations for Carson City, Douglas and Washoe counties:

CARSON CITY COUNTY

All regulations in Carson City County are proposed to remain the same with the exception of the following (changes are delineated in (red) strike-out text):

Lake Tahoe and tributaries

Proposed Regulation:

<p>OPEN WATERS: Lake Tahoe and tributaries</p>	<p>Open year around</p>	<p>5 game fish of which not more than 2 may be mackinaw (lake trout)</p>	<p>1 hour before sunrise to 2 hours after sunset</p>
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Description and Rationale:

The Department is proposing to modify the harvest limit for Lake Tahoe and tributaries to read "5 game fish". The current harvest limit for Lake Tahoe is "5 game fish of which not more than 2 may be mackinaw (lake trout)". This change is consistent with California's proposed statewide regulation for multiple waters including Lake Tahoe. Removal of a separate 2-fish harvest limit for mackinaw in Lake Tahoe will have no negative biological impact on the mackinaw population and any increase in harvest of mackinaw that does occur may potentially enhance the fishery over time by removing overabundant smaller mackinaw from the population. This change will ensure regulatory consistency and reduce angler confusion on this bi-state water.

DOUGLAS COUNTY

All regulations in Douglas County are proposed to remain the same with the exception of the following (changes are delineated in (red) strike-out and (green) bold text):

Proposed Regulation:

OPEN WATERS: Lake Tahoe and tributaries	Open year around	5 game fish of which not more than 2 may be mackinaw (lake trout)	1 hour before sunrise to 2 hours after sunset
Topaz Lake	January 1 through September 30 Open year around	5 trout, 10 5 mountain whitefish, and 15 25 warmwater game fish of which not more than 5 may be black bass	1 hour before sunrise to 2 hours after sunset
Mitch Park Pond, Lampe Park Pond, Martin Slough Ponds (on Gilman Avenue), Seeman Pond	Open year around	3 game fish	Hours parks are open to public use.

Description and Rationale:

Lake Tahoe and tributaries

The Department is proposing to modify the harvest limit for Lake Tahoe and tributaries to read "5 game fish". The current harvest limit for Lake Tahoe is "5 game fish of which not more than 2 may be mackinaw (lake trout)". This change is consistent with California's proposed statewide regulation for multiple waters including Lake Tahoe. Removal of a separate 2-fish harvest limit for mackinaw in Lake Tahoe will have no negative biological impact on the mackinaw population and any increase in harvest of mackinaw that does occur may potentially enhance the fishery over time by removing overabundant smaller mackinaw from the population. This change will ensure regulatory consistency and reduce angler confusion on this bi-state water.

Topaz Lake

The Department is proposing to modify the fishing season for Topaz Lake to read "open year around". The current season regulation for Topaz Lake is open "January 1 through September 30". The proposed change is consistent with the proposed California regulation of open year around. This change will have no negative biological impacts on the fishery and will provide additional angler opportunities for harvest of warm-water fish species during the fall months. Recent fisheries surveys have indicated an increasing smallmouth bass population in Topaz Lake and increased opportunity to harvest this species could be beneficial to the primary rainbow trout fishery. The Department is proposing to modify the harvest limits for Topaz Lake to read "5 trout, 5 mountain whitefish, and 25 warmwater game fish of which not more than 5 may be black bass". This reduces the harvest limit for mountain whitefish in Topaz Lake from 10 fish to 5 fish and increases the harvest limit for warmwater game fish other than black bass from 15 fish to 25 fish, consistent with California's existing and proposed limits for mountain whitefish and warmwater fish other than black bass in Topaz Lake. Mountain whitefish are an uncommon species in Topaz Lake and a reduced limit is not anticipated to have any impact on angler harvest opportunities while providing a consistency of regulations on a bi-state water. Warmwater fish

species other than smallmouth bass are not a significant component of this fishery. Increasing the general warmwater species limit to 25 fish will have no biological impact and will make the Topaz Lake warmwater species limit consistent with the existing California regulation.

Seeman Pond

The Seeman Pond in Douglas County is a new urban fishing pond being constructed by the City of Minden. It is anticipated to be open to the public by spring or early summer of 2021. The Department is proposing a regulation establishing season and harvest limits for this water as *“Season is open year around, during hours the park is open to public use. Limit is 3 game fish.”* This is consistent with the regulations established for other waters statewide that are managed under the Urban Fishing Concept in the Fisheries Division’s Fishery Management Concepts Program and Procedure. Without adoption of this regulation the Seeman Pond would be placed under the Douglas County general regulation of 5 trout, 10 mountain whitefish, and 15 warmwater game fish of which not more than 5 may be black bass, which is inconsistent with the intended management strategies for this water.

WASHOE COUNTY

All regulations in Washoe County are proposed to remain the same with the exception of the following (changes are delineated in (red) strike-out text):

Lake Tahoe and tributaries:

Proposed Regulation:

<p>OPEN WATERS: Lake Tahoe and tributaries</p>	<p>Open year around</p>	<p>5 game fish of which not more than 2 may be mackinaw (lake trout)</p>	<p>1 hour before sunrise to 2 hours after sunset</p>
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Description and Rationale:

The Department is proposing to modify the harvest limit for Lake Tahoe to read *“5 game fish”*. The current harvest limit for Lake Tahoe is *“5 game fish of which not more than 2 may be mackinaw (lake trout)”*. This change is consistent with California’s proposed statewide regulation for multiple waters including Lake Tahoe. Removal of a separate 2-fish harvest limit for mackinaw in Lake Tahoe will have no negative biological impact on the mackinaw population and any increase in harvest of mackinaw that does occur may potentially enhance the fishery over time by removing overabundant smaller mackinaw from the population. This change will ensure regulatory consistency and reduce angler confusion on this bi-state water.

Recommendation:

The Department recommends Commission approval of the proposed changes to Commission Regulation 20-01 after consideration of public and Commission input.

**STATE OF NEVADA
NEVADA DEPARTMENT OF WILDLIFE
NEVADA BOARD OF WILDLIFE COMMISSIONERS**

NOTICE OF HEARING FOR ADOPTION OF COMMISSION REGULATIONS

The Nevada Board of Wildlife Commissioners will hold a public hearing at 9:00 am, on Friday, September 25, 2020. The meeting will be broadcasted live at the following website:

<https://www.youtube.com/channel/UCrFHgHLM0MZa2Hx7og8pFcQ>

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of commission regulations.

Commission Regulation 20 – 01, Amendment #1, Fishing Seasons and Regulations for January 1, 2020 through December 31, 2021

The Commission will consider amending Commission Regulation 20 - 01 to remove the fishing season closure and modify the harvest limits for mountain whitefish and warmwater game fish other than black bass for Topaz Lake in Douglas County; to modify the game fish harvest limit for Lake Tahoe and tributaries in Douglas, Carson City and Washoe Counties to remove the reference to mackinaw or lake trout; and to adopt a limit of three game fish for Seeman Pond in Douglas County.

The attached regulation dates and language are subject to change following the discussions and deliberations of the Commission.

Persons wishing to comment upon the proposed action of the Nevada Board of Wildlife Commissioners may submit their comments at the appropriate times to the following email address: wildlifecommission@ndow.org or may address their comments, data, views or arguments, in written form, to the Secretary of the Nevada Board of Wildlife Commissioners, 6980 Sierra Center Parkway, Suite 120, Reno, Nevada 89511 or at wildlifecommission@ndow.org. Written submissions must be received at least five days before the scheduled public hearing.

These regulations will also be available at the following website: <http://www.ndow.org/PublicMeetings/PublicNotices/>

Persons wishing to request a copy of this notice and the mentioned regulation may contact Megan Manfredi at: mmmanfredi@ndow.org.

09/01/20

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

**FISHING SEASONS
CR 20-01 Amendment 1**

The Board of Wildlife Commissioners, under the authority of 501.181 of the Nevada Revised Statutes, does hereby adopt the following regulation for the management of the fisheries resource:

**2020/2021 FISHING SEASONS
JANUARY 1, 2020 THROUGH DECEMBER 31, 2021**

LIMITS

"Limit" means the maximum number of game fish that may be lawfully taken and reduced to possession by a person in one day. The limit includes fish caught in Nevada which have been processed or preserved and are stored at any location. Fish that are caught and immediately released back to the water alive are not considered to be reduced to possession or part of the limit.

A person shall not reduce game fish to possession if he already has the number of that fish in possession which equals or exceeds the limit of the water being fished.

General limits are listed by county as all waters, all lakes and reservoirs or all streams and rivers. Exceptions to general limits and special regulations are listed by individual water.

COUNTY	WATERS	SEASON	LIMITS	HOURS
CARSON CITY				
CLOSED WATERS:	None			
OPEN WATERS:	All waters. (Except as noted below)	Open year around	5 trout, 10 mountain whitefish and 15 warmwater game fish of which not more than 5 may be black bass	Any hour of the day or night
	Lake Tahoe and tributaries	Open year around	5 game fish of which not more than 2 may be mackinaw (lake trout)	1 hour before sunrise to 2 hours after sunset
	Baily Fishing Pond	Open year around	3 game fish	Hours park is open to public use
CHURCHILL COUNTY				
CLOSED WATERS:	Lahontan Dam spilling pool (bowl) on the Carson River below Lahontan Dam. All waters within the boundaries of the Stillwater National Wildlife Refuge.			
OPEN WATERS:	All waters. (Except as noted below)	Open year around	5 trout, 10 mountain whitefish and 15 warmwater game fish of which not more than 5 may be black bass and 5 may be walleye	Any hour of the day or night
	Lahontan Reservoir	Open year around	15 game fish of which not more than 5 may be black bass, 5 may be walleye, and 2 may be white bass or white bass hybrids (wiper) 15 inches total length or longer. White bass or white bass hybrids (wiper) under 15 inches may be included in the 15 game fish limit.	Any hour of the day or night
	Carson River, and all waters in Lahontan Valley	Open year around	25 game fish of which not more than 5 may be black bass, and 5 may be walleye	Any hour of the day or night
	Liberty Pond	Open year around	3 game fish	Hours park is open to public use
CLARK COUNTY				
CLOSED WATERS:	Lakes Mead and Mohave and the Colorado River areas as posted immediately above and below Hoover and Davis dams; and except as otherwise posted by the National Park Service, those waters within the flat wake buoys at the following marinas and harbors: Overton Beach, Echo Bay Resort, Callville Bay Marina, Las Vegas Wash, Cottonwood Cove, Hemenway Harbor and Las Vegas Boat Harbor. Veterans Memorial Park, Boulder City, all waters except the Boulder City Urban Fishing Pond as posted. Spring Mountain Ranch State Park Pond. Las Vegas Wash, all waters within the Clark County Wetlands Park.			
OPEN WATERS:	All waters. (Except as noted below)	Open year around	10 trout and 15 warmwater game fish of which not more than 10 may be black bass	Any hour of the day or night
	Lake Mead	Open year around	5 trout, 6 black bass, 25 catfish, 15 crappie. No limit on striped bass less than 20 inches total length (unlimited possession). The limit on striped bass 20 inches total length or longer is 20 fish. No limit on other game fish	Any hour of the day or night
	Lake Mohave	Open year around	5 trout, 6 black bass, 25 catfish, and 15 crappie. No limit on striped bass less than 20 inches total length (unlimited possession). The limit on striped bass 20 inches total length or longer is 20 fish. No limit on other game fish	Any hour of the day or night
	Colorado River below Davis Dam	Open year around	5 trout, 6 black bass, 25 catfish, and 10 striped bass. Minimum size for black bass is 13 inches total length. No limit on other game fish	Any hour of the day or night
	Virgin River and Muddy (Moapa) River systems	Open year around	5 trout, 6 black bass, 25 catfish, 15 crappie, and 20 striped bass. No limit on other game fish	Any hour of the day or night

COUNTY	WATERS	SEASON	LIMITS	HOURS
	Boulder City Pond, Sunset Park Pond, Floyd Lamb Park Ponds, Lorenzi Park Pond and Mesquite Urban Pond – Hafen Lane Pond	Open year around	3 game fish	Hours parks are open to public use
	Cold Creek Pond and Cold Creek	Open year around	3 game fish	Any hour of the day or night
	Carpenter Creek	Open year around	2 trout	Any hour of the day or night
DOUGLAS COUNTY				
CLOSED WATERS:	Topaz Lake within the jetties of Topaz Marina. Lake Tahoe within the boat launch area, inside the jetty at the Cave Rock boat ramp, north end. Glenbrook Creek from Lake Tahoe to Highway 50.			
OPEN WATERS:	All waters. (Except as noted below)	Open year around	5 trout, 10 mountain whitefish, and 15 warmwater game fish of which not more than 5 may be black bass	Any hour of the day or night
	Lake Tahoe and tributaries	Open year around	5 game fish of which not more than 2 may be mackinaw (lake trout)	1 hour before sunrise to 2 hours after sunset
	Spooner Lake	Open year around	5 trout	1 hour before sunrise to 2 hours after sunset
	Topaz Lake	January 1 through September 30 Open year around	5 trout, 40 5 mountain whitefish, and 45 25 warmwater game fish of which not more than 5 may be black bass	1 hour before sunrise to 2 hours after sunset
	Mitch Park Pond, Lampe Park Pond, Martin Slough Ponds (on Gilman Avenue), Seeman Pond	Open year around	3 game fish	Hours parks are open to public use.
ELKO COUNTY				
CLOSED WATERS:	In Ruby Valley fishing is prohibited in hatchery, rearing, brood and spring ponds of Gallagher Hatchery; in Cave Creek west of the county road; and on Franklin Lake Wildlife Management Area.			
OPEN WATERS:	All lakes and reservoirs (Except as noted below)	Open year around	5 trout and 15 warmwater game fish of which not more than 10 may be black bass. No limit on northern pike or yellow perch (unlimited possession)	Any hour of the day or night
	All streams and rivers (Except as noted below)	Open year around	10 trout, 10 mountain whitefish, and 15 warmwater game fish of which not more than 10 may be black bass. No limit on northern pike or yellow perch (unlimited possession)	Any hour of the day or night
	Wildhorse Reservoir and all inlet and outlet streams including Penrod Creek up to the bridge below the Gold Creek Ranger Station	Open year around. Exception: March 1 through June 30, catch and release fishing only for black bass	5 trout, 1 black bass, 1 white bass hybrid (wiper) and 5 channel catfish. No limit on yellow perch (unlimited possession). Minimum size for black bass and white bass hybrids (wiper) is 15 inches total length	Any hour of the day or night
	Angel Lake and inlet and outlet streams	Open year around	5 trout	Any hour of the day or night
	South Fork Reservoir and the South Fork of the Humboldt River from the Lucky Nugget Subdivision causeway downstream to its confluence with the Humboldt River	Open year around. Exception: March 1 through June 30, catch and release fishing only for black bass	5 trout, 1 black bass, 1 white bass hybrid (wiper) and 5 channel catfish. Minimum size for black bass and white bass hybrids (wiper) is 15 inches total length	Any hour of the day or night
	South Fork of the Humboldt River from the Lucky Nugget Subdivision causeway upstream to Lee	Open year around	1 trout	Any hour of the day or night
	Wilson Sink Reservoir, its outlet and inlet stream up to State Route 11	Open year around	5 trout, 10 mountain whitefish, and 10 black bass. Minimum size for black bass is 10 inches total length	Any hour of the day or night

COUNTY	WATERS	SEASON	LIMITS	HOURS
	Ruby Lake National Wildlife Refuge	Open year around in all areas except as posted January 1 through June 14 June 15 through December 31	3 trout and 5 black bass. Minimum size for black bass is 10 inches total length 3 trout and 10 black bass. Minimum size for black bass is 10 inches total length	2 hours before sunrise to 2 hours after sunset
	Ruby Mountains and East Humboldt Range high lakes except Angel Lake	Open year around	10 trout	Any hour of the day or night
	Dry Creek Reservoir	Open year around	5 trout and 15 warmwater game fish of which not more than 10 may be black bass	Any hour of the day or night
	Willow Creek Reservoir	Open year around	5 trout and 15 warmwater game fish of which not more than 10 may be black bass and 5 may be channel catfish. Minimum size for black bass is 10 inches total length	Any hour of the day or night
	Jarbidge River, East Fork and West Fork and tributary streams	Open year around	5 trout, 10 mountain whitefish, except possession of bull trout is prohibited. All captured bull trout must be released immediately	Any hour of the day or night
	Marys River and tributary streams	Open year around	5 trout	Any hour of the day or night
	Bruneau River and tributary streams	Open year around	10 trout and 10 mountain whitefish	Any hour of the day or night
ESMERALDA COUNTY				
CLOSED WATERS:	None			
OPEN WATERS:	All waters	Open year around	10 trout and 15 warmwater game fish of which not more than 10 may be black bass	Any hour of the day or night
EUREKA COUNTY				
CLOSED WATERS:	Tonkin Springs Creek (Denay Creek) from origin to its confluence with Tonkin Springs Reservoir			
OPEN WATERS:	All lakes and reservoirs. (Except as noted below)	Open year around	5 trout and 15 warmwater game fish of which not more than 10 may be black bass. No limit on northern pike or yellow perch (unlimited possession)	Any hour of the day or night
	All streams and rivers. (Except as noted below)	Open year around	10 trout and 15 warmwater game fish of which not more than 10 may be black bass. No limit on northern pike or yellow perch (unlimited possession)	Any hour of the day or night
	Tonkin Springs Reservoir	Open year around	5 trout	Any hour of the day or night
HUMBOLDT COUNTY				
CLOSED WATERS:	All tributaries to Summit Lake. All waters of the Sheldon National Wildlife Refuge (within Humboldt County) except Big Springs Reservoir and Dufurrena Ponds. Crowley Creek in the Montana Mountains. Eightmile Creek in the Santa Rosa Range. Donnelly Creek in the Calico Range.			
OPEN WATERS:	All waters (Except as noted below)	Open year around	5 trout and 15 warmwater game fish of which not more than 5 may be black bass and 5 may be walleye	Any hour of the day or night
	James Kinney Pond	Open year around	3 game fish	Hours park is open to public use
	Blue Lakes and Onion Valley Reservoir	Second Saturday in June through November 15	5 trout	Any hour of the day or night
	Bilk Creek Reservoir	Open year around	5 game fish	Any hour of the day or night
	Chimney Reservoir	Open year around	15 game fish of which not more than 5 may be black bass, 5 may be walleye, 2 may be white bass hybrid (wiper), and zero may be tiger muskie (catch and release only). The minimum length for white bass hybrids is 15 inches total length	Any hour of the day or night

COUNTY	WATERS	SEASON	LIMITS	HOURS
	Knott Creek Reservoir including inlet and outlet streams	Second Saturday in June through November 15	1 trout. Minimum size for trout is 18 inches total length	Any hour of the day or night
	Big Springs Reservoir	Second Saturday in May through the last day of February	5 trout	Any hour of the day or night
LANDER COUNTY				
CLOSED WATERS:	None			
OPEN WATERS:	All streams and rivers (Except as noted below)	Open year around	10 trout and 15 warmwater game fish of which not more than 10 may be black bass. No limit on northern pike or yellow perch (unlimited possession)	Any hour of the day or night
	All lakes and reservoirs (Except as noted below)	Open year around	5 trout and 15 warmwater game fish of which not more than 10 may be black bass. No limit on northern pike or yellow perch (unlimited possession)	Any hour of the day or night
	Willow Creek Pond and Willow Creek Reservoir including inlet and outlet streams	Open year around	5 trout and 5 black bass. Minimum size for black bass is 10 inches. No limit on yellow perch (unlimited possession)	1 hour before sunrise to 2 hours after sunset
	Groves Lake, Kingston Creek and Big Creek	Open year around	5 trout	Any hour of the day or night
	Smith Creek Reservoir	April 1 through November 15	1 trout	Any hour of the day or night
LINCOLN COUNTY				
CLOSED WATERS:	Crystal Springs and outflow for one-half mile to beginning of concrete ditch. Ash Springs outflow through the River Ranch to beginning of concrete ditch.			
OPEN WATERS:	All waters (Except as noted below)	Open year around	10 trout and 15 warmwater game fish of which not more than 10 may be black bass	Any hour of the day or night
	Nesbitt Lake (Key Pittman Wildlife Management Area)	Open year around except the portion above the old fence line as posted is closed to trespass February 15 through August 15 and closed to fishing during the waterfowl season	50 bullhead and 15 other warmwater game fish of which not more than 10 may be black bass	Any hour of the day or night
	Eagle Valley Reservoir and Meadow Valley Wash above the reservoir	Open year around	5 trout and 15 warmwater game fish of which not more than 10 may be black bass. Zero black bass (catch and release only) from April 1 through June 30	Any hour of the day or night
	Echo Canyon Reservoir	Open year around	5 trout and 15 warmwater game fish of which not more than 10 may be black bass	Any hour of the day or night
	Pahranagat National Wildlife Refuge	Open year around except North Marsh which is closed to fishing during the waterfowl season	3 trout and 15 warmwater game fish of which not more than 5 may be black bass	Any hour of the day or night
LYON COUNTY				
CLOSED WATERS:	All waters within the Mason Valley Wildlife Management Area except for those listed as open.			
OPEN WATERS:	All waters (Except as noted below)	Open year around	5 trout, 10 mountain whitefish, and 15 warmwater game fish of which not more than 5 may be black bass and 5 may be walleye	Any hour of the day or night
	East Walker River	Open year around	5 trout, 10 mountain whitefish, 15 warmwater game fish of which not more than 5 may be black bass. Except in that portion of the East Walker River which is from one-quarter mile above the confluence of the East Walker River and Sweetwater Creek downstream to one-half mile below the confluence of the East Walker River and Red Wash Creek which is catch and release fishing only	Any hour of the day or night

COUNTY	WATERS	SEASON	LIMITS	HOURS
	Fort Churchill Cooling Pond Cooperative Management Area, fishing prohibited from the center dike and posted areas	Second Saturday in February through September 30	5 trout and 15 warmwater game fish of which not more than 2 may be black bass. Minimum size for black bass is 14 inches total length.	1 hour before sunrise to 2 hours after sunset
	Lahontan Reservoir	Open year around	15 game fish of which not more than 5 may be black bass, 5 may be walleye, and 2 may be white bass or white bass hybrids (wiper) 15 inches total length or longer. White bass or white bass hybrids (wiper) under 15 inches may be included in the 15 game fish limit.	Any hour of the day or night
	Mason Valley Wildlife Management Area: Bass, Crappie, and North ponds, Beaver Slough and that portion of the Walker River within the Mason Valley Wildlife Management Area	Second Saturday in February through September 30	5 trout and 15 warmwater game fish of which not more than 2 may be black bass. Minimum size for black bass is 14 inches total length	Any hour of the day or night
	Hinkson Slough	Second Saturday in February through September 30	2 trout and 15 warmwater game fish of which not more than 2 may be black bass. Minimum size for trout is 16 inches total length. Minimum size for black bass is 14 inches total length	Any hour of the day or night
	Eastside Waterfowl Series Ponds	August 16 through September 30	5 trout and 15 warmwater game fish of which not more than 2 may be black bass. Minimum size for black bass is 14 inches total length	Any hour of the day or night
	Kuenzli Pond, Hatchery Outpond 1, Hatchery Outpond 2 and Hatchery Outpond 3	First Saturday in May	3 game fish of which not more than 1 may be black bass	8 AM to sunset
	Mountain View Park Pond	Open year around	3 game fish	Hours park is open to public use
MINERAL COUNTY				
CLOSED WATERS:	The Rose Creek confluence from the diversion pipe downstream to Walker Lake and Walker Lake within a 100 yard radius of the inflow.			
OPEN WATERS:	All waters (Except as noted below)	Open year around	5 trout, 10 mountain whitefish, and 15 warmwater game fish of which not more than 5 may be black bass	Any hour of the day or night
	Rose Creek Reservoir	Open year around	3 game fish	Any hour of the day or night
NYE COUNTY				
CLOSED WATERS:	Kirch Wildlife Management Area: Hot Creek to its confluence with Adams-McGill Reservoir. Sunnyside Creek above Sunnyside/Adavin County Road crossing in sec. 36, T 7 N R 61 E.			
OPEN WATERS:	All waters (Except as noted below)	Open year around	10 trout, 15 warmwater game fish of which not more than 10 may be black bass	Any hour of the day or night
	Beatty Urban Pond	Open year around	3 game fish	Any hour of the day or night
	Upper Reese River and tributaries from the Arc Dome wilderness boundary south of the Yomba Shoshone Tribe Reservation to its headwaters	Open year around	No limit on trout	Any hour of the day or night
	Stewart Creek from its confluence with the Reese River to its headwaters	Open year around	No limit on trout	Any hour of the day or night

COUNTY	WATERS	SEASON	LIMITS	HOURS
	Kirch Wildlife Management Area: All other waters within the Kirch Wildlife Management Area	Open year around except the upper portions of Adams-McGill, Cold Springs and Haymeadow reservoirs closed to trespass February 15 through August 15 as posted. A 100-yard area as posted around the inflow from Hot Creek to Adams-McGill Reservoir is closed to fishing January 1 through April 1.	5 trout, 50 bullhead and 15 other warmwater game fish of which not more than 10 may be black bass. 5 black bass from April 1 through June 30.	Any hour of the day or night
	Tule Reservoir	Open August 16 through February 14	5 trout, 50 bullhead, and 15 other warmwater game fish of which not more than 10 may be black bass.	Any hour of the day or night
	Dacey Reservoir	Open year around except the upper portions of Dacey Reservoir closed to trespass February 15 through August 15 as posted. A 100-yard area as posted around the inflow from Hot Creek to Dacey Reservoir is closed to fishing January 1 through April 1.	1 trout, 50 bullhead, and 15 other warmwater game fish of which not more than 10 may be black bass. Zero black bass (catch and release only) from April 1 through June 30.	Any hour of the day or night
PERSHING COUNTY				
CLOSED WATERS:	None			
OPEN WATERS:	All waters (Except as noted below)	Open year around	5 trout and 15 warmwater game fish of which not more than 5 may be black bass, and 5 may be walleye.	Any hour of the day or night
	Rye Patch Reservoir and Humboldt River	Open year around	25 game fish of which not more than 5 may be trout, 5 may be walleye, 5 may be black bass, and 2 may be white bass or white bass hybrids which are over 15 inches total length. White bass or white bass hybrids under 15 inches total length may be included in the 25 game fish limit	Any hour of the day or night
STOREY COUNTY				
CLOSED WATERS:	5 Mile Reservoir, Truckee River from Derby Dam downstream 1,000 feet.			
OPEN WATERS:	All waters (Except as noted below)	Open year around	5 trout, 10 mountain whitefish, 15 warmwater game fish of which not more than 5 may be black bass	Any hour of the day or night
	Truckee River	Open year around except for closed areas	3 game fish except in that section from E Mustang Road bridge (I-80 Exit 23) downstream to the Pyramid Lake Paiute Reservation boundary, limit is three gamefish of which 1 may be trout.	Any hour of the day or night
WASHOE COUNTY				
CLOSED WATERS:	Third Creek and its tributaries from Lake Tahoe to the Mt. Rose Highway No. 431. Incline Creek and its tributaries from Lake Tahoe to Ski Way and the Mt. Rose Highway No. 431. Wood Creek from Lake Tahoe to the Mt. Rose Highway No. 431. Lake Tahoe within a 200-yard radius of the mouths of Third, Incline and Wood creeks. A 500-yard radius from Sand Harbor boat ramp. Truckee River from Derby Dam downstream 1,000 feet.			
OPEN WATERS:	All waters (Except as noted below)	Open year around	5 trout, 10 mountain whitefish, and 15 warmwater game fish of which not more than 5 may be black bass	Any hour of the day or night
	Catnip Reservoir, tributaries and outlet stream	Second Saturday in June through November 15	1 trout	Any hour of the day or night
	Washoe Lake	Open year around	10 game fish of which not more than 5 may be catfish	Any hour of the day or night

COUNTY	WATERS	SEASON	LIMITS	HOURS	
	Hobart Reservoir and tributaries and Franktown Creek downstream from Hobart Reservoir to Red House	May 1 through September 30	5 trout, only one of which is longer than 14 inches total length	1 hour before sunrise to 2 hours after sunset	
	Lake Tahoe and tributaries	Open year around except for closed areas	5 game fish of which not more than 2 may be mackinaw (lake trout)	1 hour before sunrise to 2 hours after sunset	
	Marlette Lake, tributaries and outlet stream	July 15 through September 30	0 trout, catch and release only	1 hour before sunrise to 2 hours after sunset	
	Truckee River	Open year around except for closed areas	3 game fish except in that section from E Mustang Road bridge (I-80 Exit 23) downstream to the Pyramid Lake Paiute Reservation boundary, limit is three gamefish of which 1 may be trout.	Any hour of the day or night	
	<u>Washoe County Urban Ponds</u> : Sparks Marina Pond, Davis Creek Pond, Paradise Pond, Virginia Lake, Idlewild Ponds, Rancho San Rafael Pond, Wilson Common, Marilyn's Pond and Crystal Peak Park Pond.	Open year around	3 game fish	Hours parks are open to public use	
WHITE PINE COUNTY					
CLOSED WATERS: Cold Creek Springs (Spring Pond) and creek above Cold Creek Reservoir in the Diamond Range					
OPEN WATERS:	All lakes and reservoirs (Except as noted below)	Open year around	5 trout and 15 warmwater game fish of which not more than 10 may be black bass. No limit on northern pike or yellow perch (unlimited possession)	Any hour of the day or night	
	All streams and rivers. (Except as noted below)	Open year around	10 trout and 15 warmwater game fish of which not more than 10 may be black. No limit on northern pike or yellow perch (unlimited possession)	Any hour of the day or night	
	Ruby Lake National Wildlife Refuge	Open year around in all areas except as posted			2 hours before sunrise to 2 hours after sunset
		January 1 through June 14	3 trout and 5 black bass. Minimum size for black bass is 10 inches total length		
		June 15 through December 31	3 trout and 10 black bass. Minimum size for black bass is 10 inches total length		
	Cave Lake, Steptoe Creek, and Cave Creek,	Open year around	5 trout	Any hour of the day or night	
	Tailings Creek, Cleve Creek, Silver Creek and White River.	Open year around	5 trout	Any hour of the day or night	
	Illipah Reservoir and Illipah Creek	Open year around	5 trout	Any hour of the day or night	
	Cold Creek Reservoir	Open year around	5 trout and 5 black bass. Minimum size for black bass is 10 inches	Any hour of the day or night	
Comins Lake	Open year around	5 trout and 5 black bass. No limit on northern pike (unlimited possession)	Any hour of the day or night		
Snake Mountain High Lakes	Open year around	10 trout	Any hour of the day or night		



STATE OF NEVADA

DEPARTMENT OF
WILDLIFE

Wildlife Diversity Division

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#

MEMORANDUM

Aug. 28, 2020

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

From: Kailey Taylor, Management Analyst, Director's Office and Megan Manfredi,
Administrative Assistant, Director's Office.

Title: **Commission General Regulation 494, LCB File No. RXXX**

Description: The Commission will hold a workshop to consider a regulation relating
to amending Chapter 501 of the Nevada Administrative Code (NAC).
This regulation is an effort to simplify portions of NAC 501.

Summary

This regulation comes after much discussion from the Regulation Simplification Committee. This Committee was formed after former Chairman Brad Johnston expressed his desire to clean up the wildlife chapters of the Nevada Administrative Code (NAC). State agencies are also required to review their NAC chapters every 10 years. The Nevada Department of Wildlife would be required to review NAC in 2021. The Regulation Simplification Committee has discussed the changes to NAC 501 and simple changes were made to remove contradictory language and clarify existing language.

Recommendation:

The Department and the Regulation Simplification Committee want to discuss the changes to NAC 501 and ask for the direction to send the regulation to LCB for drafting.

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 494**

LCB File No. RXXX-XX

NAC 501.100 Comments of Department. (NRS 501.181) The Department will:

1. Maintain a record book containing copies of the Department's comments on proposed federal actions, on drafts of environmental impact statements and on proposed federal regulations affecting public lands. The copies will be maintained for 2 years.

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

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

[Bd. of Wildlife Comm'rs, No. 30, eff. 9-25-79]

NAC 501.200 Schedule of demerit points. (NRS 501.105, 501.181, 501.1818)

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 <u>NRS 503.010</u> to hunt or kill game mammals or game birds.....	503.010	----	12
Unlawfully using a helicopter to transport game, hunters or hunting equipment.....	503.010	----	12
Unlawfully killing or attempting to kill birds or animals from an aircraft.....	503.005	----	12

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully using an aircraft, balloon, unmanned aerial vehicle or satellite to locate or observe big game mammals, game birds or fur-bearing mammals for the purpose of hunting.....	501.385	503.148	12
Hunting or taking an endangered species without a special permit.....	503.585	503.093	12
Unlawfully killing, destroying, wounding, trapping or injuring bald eagles or golden eagles.....	503.610	-----	12
Unlawfully taking bald eagles or golden eagles.....	503.620	-----	12
Taking twice the legal limit or more of big game mammals.....	501.385	-----	12
Hunting or taking a threatened species.....	501.385	503.093	9
Unlawfully killing a fur-bearing mammal during the closed season.....	503.440	-----	9
Unlawfully hunting migratory waterfowl by aid of baiting.....	501.385	503.180	6
Hunting big game mammals during the closed season.....	503.090	-----	6
Hunting fur-bearing mammals during the closed season.....	501.015	-----	6
Hunting big game mammals in closed areas.....	501.385	504.340	6
Hunting fur-bearing mammals in closed areas.....	501.385	504.340	6
Unlawfully hunting in a privately owned wildlife management area.....	504.140	-----	6
Unlawfully hunting in a state-owned wildlife management area.....	504.143	-----	6
Hunting big game mammals or migratory waterfowl during prohibited hours.....	503.140	-----	6
Unlawfully hunting game birds or game mammals with the aid of artificial light.....	503.150	-----	6
Hunting 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
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.....	502.1502.340	85	9
Possessing or using a tag legally issued to another person.....	502.1502.340	85	9
Obtaining tags in excess of the legal limit.....	502.1502.340	31	9
Possessing used tags or tags in excess of the legal limit.....	502.150	----	9

TAGS AND SEALS

Classification of Violations	NRS	NAC	Deme
	on	on	rits
	502.2		
Unlawfully using a tag.....	00	----	9
	502.1	502.3	
Using a tag in an improper area.....	60	85	6
	502.1	502.3	
Failing to punch a tag properly.....	60	90	6
Failing to attach a tag to a big game mammal in the manner prescribed by regulation.....	502.1	502.4	
	60	00	6
Hunting by a Native American off an Indian reservation without a tag.....	502.2		
	80	----	6
Possessing fur-bearing mammals, other than a bobcat, without a seal.....	501.3		
	85	----	6
Possessing the pelt of a bobcat without a seal.....	501.3	502.3	
	85	47	6
Possessing the hide of a mountain lion without a seal.....	501.3	502.3	
	85	70	6
	501.3	502.3	
Possessing the horns of a ram bighorn sheep without a seal or brand....	85	45	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

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
Hunting swan without a swan hunt permit.....	----	502.380	6
Transferring or giving a swan hunt permit to any other person.....	----	502.380	6
Using or possessing a swan hunt permit issued to another person.....	----	502.380	6
<i>Commercial taking of crayfish, except in accordance with a permit issued pursuant to <u>NAC 503.540</u>.....</i>	<i>501.385</i>	<i>503.540</i>	<i>6</i>

FISHING

Classification of Violations	NRS Section	NAC Section	Demerits
Fishing at a fish hatchery or other waters used for the purpose of rearing or growing fish.....	503.360	----	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Department.....	501.385	----	12
Unlawfully selling big game mammals.....	501.379	----	12
Unlawfully selling an endangered species.....	501.379	----	12
Needless waste of big game mammals.....	503.050	----	12
Hunting, fishing in nonnavigable waters or trapping on private property without permission	503.240	----	9
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

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
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
Commercial taking of crayfish, except in accordance with a permit issued pursuant to NAC 503.540.....	501.385	503.540	6
Intentionally interfering with a person lawfully hunting or trapping.....	503.015	-----	6
Failing to make a reasonable effort to retrieve dead or crippled migratory waterfowl.....	501.385	503.180	6

CATEGORY E FELONIES AND GROSS MISDEMEANORS

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, snare or similar device lawfully being used by another person.....	503.454	-----	6
Trapping fur-bearing mammals during closed season.....	503.440	-----	6
Trapping birds of prey or raptors without a permit or by unlawful means.....	503.582	503.205	6
Failing to visit traps, snares or similar devices 48 or more hours after the required period for visitation.....	503.570	503.152	6

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Refusing to exhibit a license, wildlife, weapon, ammunition, device or apparatus.....	502.120	-----	12
Hunting without having procured a license.....	502.010	-----	6
Fishing without having procured a license.....	502.010	-----	6
Hunting without a license in possession.....	502.120	-----	6
Fishing without a license in possession.....	502.120	-----	6
Furnishing false information to obtain a license.....	502.060	-----	6
Furnishing of false information by a person serving in the Armed Forces of the United States to obtain a specialty combination hunting and fishing license.....	502.290	502.220	6
Unlawfully transferring a license to another person	502.100	-----	6
Unlawfully using a license of another person.....	502.100	-----	6
Obtaining more than one license of each class.....	502.110	-----	6
Altering a license.....	502.105	-----	6
Practicing falconry without a license.....	503.583	503.235	6
Operating as a fur dealer without a license.....	505.010	-----	6
Trapping without having procured a license.....	502.010	-----	6

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit without having procured a license.....	503.454	-----	6
Trapping without a license in possession.....	502.120	-----	6
Hunting, fishing or trapping using a license that is invalid by reason of expiration or a false statement made to obtain the license.....	502.060	-----	6
Operating a shooting preserve without a license....	504.310	-----	6
Performing taxidermal services without a license...	502.370	502.435	6
Obtaining a hunting license without obtaining certification as a responsible hunter.....	502.360	-----	6

2. A 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, *except for violations of NRS 502.370*.

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.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 11-7-96; A by R168-99, 1-19-2000; R077-00, 8-18-2000; R137-03, 1-20-2004; R176-03, 4-8-2004; R126-06, 9-18-2006; R107-05, 9-18-2007; R054-11, 12-30-2011; R090-13, 12-23-2013; R088-14, 6-28-2016; R145-15, 9-9-2016; R029-17, 12-19-2017)

GRANT PROGRAM FOR WILDLIFE RESTORATION ACTIVITIES AND WILDLIFE RESEARCH

NAC 501.400 Solicitation of applications; eligibility; funding sources for grants.

NAC 501.400 Solicitation of applications; eligibility; funding sources for grants. (NRS 501.105, 501.115, 501.117, 501.181)

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

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

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

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

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

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

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

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

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

(f) Fees deposited pursuant to NRS 502.294;

(g) Fees for any projects for waterfowl deposited pursuant to NRS 502.310;

(h) Fees for the trout program deposited pursuant to NRS 502.3262;

(i) Permit fees collected pursuant to NRS 502.390; and

(j) If applicable, any other money *or federal grants* received for development projects with potential impacts to wildlife ~~as determined by the United States Fish and Wildlife Service or any other agency within the United States Department of the Interior.~~

(Added to NAC by Bd. of Wildlife Comm'rs by R141-13, eff. 3-28-2014; A by R029-17, 12-19-2017)



STATE OF NEVADA

DEPARTMENT OF
WILDLIFE

Wildlife Diversity Division

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MEMORANDUM

Aug. 28, 2020

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

From: Kailey Taylor, Management Analyst, Director's Office and Megan Manfredi, Administrative Assistant, Director's Office.

Title: **Commission General Regulation 495, LCB File No. RXXX**

Description: The Commission will hold a workshop to consider a regulation relating to amending Chapter 502 of the Nevada Administrative Code (NAC). This regulation is an effort to simplify portions of NAC 502.

Summary

This regulation comes after much discussion from the Regulation Simplification Committee. This Committee was formed after former Chairman Brad Johnston expressed his desire to clean up the wildlife chapters of the Nevada Administrative Code (NAC). State agencies are also required to review their NAC chapters every 10 years. The Nevada Department of Wildlife would be required to review NAC in 2021. The Regulation Simplification Committee has discussed the changes to NAC 502 and simple changes were made to remove contradictory language and clarify existing language.

Recommendation:

The Department and the Regulation Simplification Committee want to discuss the changes to NAC 502 and ask for the direction to send the regulation to LCB for drafting.

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 495**

LCB File No. RXXX-XX

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

AUTHORITY: NRS 501.181, NRS 502

A REGULATION relating to simplification of Nevada Administrative Code

Chapter 502.....

NAC 502.1175 "Canned hunt" defined. "Canned hunt" means that a mountain lion is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the mountain lion. A mountain lion cannot be released for the purpose of hunting or other purposes after previously been captured and confined or held for any length of time.

NAC 502.199 Application for initial issuance of licensing document; required information and statement. (NRS 501.105, 501.181)

1. For each application for the initial issuance of a license, tag, permit or other licensing document, the applicant or license agent shall correctly enter the information required on the application for the license, tag, permit or other licensing document.

2. The information required pursuant to subsection 1 must include:

(a) The applicant's:

- (1) Legal name;
- (2) Physical and mailing address;
- (3) City, county and state of residence; and
- (4) Zip code.

(b) The applicant's social security number or, if the applicant is a citizen of a country other than the United States, the *valid* passport number issued to the applicant by that country. If the applicant *is a United States citizen and* has not been issued a social security number, the application must include a notarized affidavit on a form provided by the Department indicating that the applicant has not been issued a social security number.

(c) If the applicant was born after January 1, 1960, and is applying for a hunting license or permit or combination hunting and fishing license, a statement indicating that the applicant has presented proof of successful completion of a course in the responsibilities of hunters pursuant to NRS 502.330.

(d) If the applicant is a resident of this State, an attestation by the applicant indicating that he or she is eligible for a resident license, tag or permit pursuant to NRS 502.015.

(e) A description of the applicant, including his or her height, weight, gender, hair color, eye color and date of birth.

(f) The applicant's electronic mail address, if any.

3. In addition to the information required pursuant to subsection 2, the applicant must include in his or her application the statement required pursuant to NRS 502.060 indicating whether the applicant is entitled to the license, tag, permit or other licensing document. If the applicant is at least 12 years of age but less than 18 years of age, the parent or legal guardian of the applicant must, pursuant to NRS 502.060, acknowledge an attached statement indicating that the parent or legal guardian has been advised of the provisions of NRS 41.472.

(Added to NAC by Bd. of Wildlife Comm'rs by R029-17, eff. 12-19-2017)

NAC 502.264 Mentor hunter: Contents of affidavit; separate affidavit required for each apprentice hunter. (NRS 501.105, 501.181, 502.030, 502.066)

1. A mentor hunter shall correctly enter the required information on the original and all copies of the form for a mentor hunter affidavit provided to a resident or nonresident. The information must include:

- (a) The mentor hunter's legal name, mailing address, street address, city, county, state and zip code;
- (b) The month, day, year and time the affidavit is completed by the mentor hunter;
- (c) A description of the mentor hunter, including the mentor hunter's height, weight, ~~sex~~ *gender* and date of birth;
- (d) The class and number of the hunting license issued to the mentor hunter in this State; and
- (e) The name of the apprentice hunter the mentor hunter accompanies and directly supervises pursuant to NRS 502.066.

2. The affidavit must contain a statement, signed by the mentor hunter, acknowledging the mentor hunter's eligibility and responsibilities as a mentor hunter pursuant to NRS 502.066.

3. The mentor hunter shall complete separate affidavits for each apprentice hunter the mentor hunter accompanies and directly supervises.

(Added to NAC by Bd. of Wildlife Comm'rs by R019-10, eff. 6-30-2010)

NAC 502.321 Replacement tags. (NRS 501.105, 501.181, 502.215)

1. The Department shall issue a replacement tag at no charge to the holder of a big game tag who has tagged an animal which is diseased ~~and~~ *or otherwise deemed* unfit for human consumption if:

- (a) A biologist or game warden of the Department or a veterinarian who is licensed to practice in this State avers on the affidavit of diseased big game that the animal is diseased; and
- (b) The holder of the tag completes the portion of the affidavit of diseased big game required to apply for a replacement tag, including the selection of a season for which the replacement tag will be issued.

2. Upon receipt of a completed affidavit of diseased big game, the Department shall, during normal business hours, issue a replacement tag for the appropriate season pursuant to NRS 502.215 at any office of the Department that issues replacement tags for that purpose.

3. If the holder of the big game tag requests a replacement tag for the next similar season, he or she must possess a valid hunting license and provide the number of the hunting license to the Department in order to obtain the replacement tag.

4. The Department may determine if a replacement tag will be issued from the tags remaining in the quota for that hunt or from tags issued in excess of the quota as an oversubscription for that hunt.

5. As used in this section, "affidavit of diseased big game" means a form provided by the Department which must be used by a person who has tagged an animal which is diseased and unfit for human consumption to apply for a replacement tag.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 6-24-96; A by R133-01, 12-17-2001, eff. 1-1-2002)

NAC 502.333 Limitation on applying for junior hunt.

NAC 502.333 Limitation on applying for junior hunt. (NRS 501.105, 501.181, 502.160) A person who is otherwise eligible to apply for a junior hunt may apply for a junior hunt for not more than 5 years.

(Added to NAC by Bd. of Wildlife Comm'rs by R115-07, eff. 12-4-2007; A by R150-09, 6-30-2010)

REVISER'S NOTE.

~~_____ The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on June 30, 2010 (LCB File No. R150-09), which amended this section, contains the following provisions not included in NAC:~~

~~_____ "If a person who is ineligible to participate in a junior hunt because of his or her age or the number of years for which the person has applied for a junior hunt becomes eligible to participate in a junior hunt pursuant to the amendatory provisions of this regulation, the Department of Wildlife shall:~~

~~_____ 1. Reinstate to the category for the junior hunt each unused bonus point accumulated by that person and automatically transferred pursuant to [former] subsection 4 of NAC 502.4189 [cf. subsection 5 of NAC 502.4189] before June 30, 2010;~~

~~_____ 2. Reduce the number of bonus points in the category for antlered mule deer by the number of bonus points transferred pursuant to subsection 1; and~~

~~_____ 3. Retain in the category for antlered mule deer each bonus point which was earned by the person before June 30, 2010, for each unsuccessful application for the issuance of a tag to hunt mule deer."~~

NAC 502.345 Bighorn sheep: Tags; presentation of skull and horns to representative of Department. (NRS 501.105, 501.181, 502.130, 502.140, 502.160, 502.250)

1. Unless his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag to hunt for a ram from one or more of the following subspecies of bighorn sheep:

- (a) Nelson bighorn sheep;
- (b) California bighorn sheep; or
- (c) Rocky Mountain bighorn sheep,

È if, in the immediately preceding 10 years, he or she did not receive a tag or replacement tag to hunt for a ram from that subspecies of bighorn sheep.

2. Unless his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag to hunt for a ewe from one or more of the following subspecies of bighorn sheep:

- (a) Nelson bighorn sheep;
- (b) California bighorn sheep; or
- (c) Rocky Mountain bighorn sheep,

È if, in the immediately preceding 2 years, he or she did not receive a tag or replacement tag to hunt for a ewe from that subspecies of bighorn sheep.

3. A person who kills a bighorn sheep, regardless of subspecies or gender, shall, within 5 days after killing it, personally present the skull and horns of the animal to a representative of the Department for inspection. For a ram, the inspector shall permanently attach a seal to one of the horns by plugging the seal into the horn or permanently brand an identification number on one of the horns. It is unlawful for any person to alter or remove the seal after the seal is permanently attached to a horn or to alter or remove the

permanently branded identification number. It is unlawful to possess or sell the horns of a ram without a seal having been so attached or number so branded.

4. As used in this section, "ewe" means any female bighorn sheep having a horn or horns of at least 5 inches in length each as measured on the outside curve of the horn from the skull to the tip.

[Bd. of Fish & Game Comm'rs, No. 25 § 10, eff. 12-4-79; A 5-12-80] — (NAC A by Bd. of Wildlife Comm'rs, 4-27-84, eff. 5-25-84; 4-18-86, eff. 4-25-86; 9-10-87; 11-14-88; 3-19-96; R041-98, 6-1-98; R156-05, 2-23-2006; R066-08, 9-18-2008; R196-09, 4-20-2010; R055-11, 3-9-2012; R090-13, 12-23-2013)

REVISER'S NOTE. – OUTDATED, WOULD LIKE REMOVED

The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on September 18, 2008, (LCB File No. R066-08), which amended subsection 1 of this section, contains the following provisions not included in NAC:

"1. The amendatory provisions of section 2 of this regulation [NAC 502.345] do not apply to a person who, during the 5 years immediately preceding September 18, 2008:

(a) Obtained a tag or replacement tag for one or more of the subspecies of bighorn sheep specified in that section; and

(b) Did not harvest a bighorn sheep using that tag.

2. A person specified in subsection 1 may, if he is otherwise eligible to apply for a tag to hunt a subspecies of bighorn sheep, apply for such a tag upon the expiration of 5 years after obtaining the tag or replacement tag specified in subsection 1."

NAC 502.347 Bobcats: Miscellaneous requirements; prohibited and unlawful acts; transportation; fee for seal. (NRS 501.105, 501.181, 502.130)

1. Any person who kills a bobcat shall, within 10 days after the close of the season, personally:

(a) Present its pelt for inspection by and give its lower jaw to a representative of the Department;

(b) Have the Department's seal affixed to the pelt; and

(c) Complete a report of the killing in accordance with the Department's instructions.

2. A person shall not sell, offer for sale, barter, trade, purchase, transfer ownership, tan, offer for out-of-state shipment by a common carrier or, except as otherwise provided in subsection 3, transport from this State any pelt of a bobcat unless the Department has affixed its seal to the pelt.

3. During the season designated by the Commission for the taking of bobcats, a person who holds a valid resident trapping license may transport from this State, for not more than 2 hours:

(a) The pelt of a bobcat that has not been stretched, dried or cured; or

(b) The entire unskinned carcass of a bobcat,

↳ lawfully taken by the person in this State, without the seal being affixed to the pelt pursuant to subsection 2, for the purpose of returning to the person's residence within this State by the most expedient route or checking any additional trap set by the person that is located in an area of this State which is most readily accessed from any state. The provisions of this subsection do not authorize a person to import, transport, export or possess an unsealed pelt in violation of a law or regulation of any state.

4. A person shall not possess a pelt of a bobcat 10 days or more after the close of the season unless the Department's seal is permanently attached to the pelt.

5. A resident of Nevada must pay the Department \$5 for such a seal.

6. It is unlawful for a person to present for sealing or to have sealed in this State the pelt of any bobcat taken in another state *or taken or possessed unlawfully by any person.*

7. As used in this section, "pelt" means the hide or skin of a bobcat that is not permanently tanned or has not been processed to a finished form or product beyond initial fleshing, cleaning, temporary tanning, curing, stretching, salting or drying. The term includes, without limitation, any green pelt or raw pelt.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 9-1-80; A 11-5-81; 8-22-86, eff. 9-15-86; R107-05, 9-18-2007)

NAC 502.370 Mountain lions: Tags; open season; miscellaneous requirements; unlawful acts. (NRS 501.105, 501.181, 502.130, 502.140, 502.160)

1. Unless otherwise specified by a regulation of the Commission or title 45 of NRS, any resident of Nevada or nonresident is eligible to obtain not more than two mountain lion tags in any year. A mountain lion tag:

- (a) May be purchased from the Department or a license agent;
- (b) **Must be purchased by the tagholder;**
- (c) May be used in any management unit or group of management units in Nevada during any open season established for the management unit or group of management units pursuant to subsection 2; and
- (d) Expires upon the termination of all the open seasons established pursuant to subsection 2 for the year for which the tag is issued.

2. The Commission will annually specify the number of mountain lions it determines to be appropriate for harvesting in a management unit or group of management units. The open season for mountain lions in each such management unit or group of management units begins on March 1 and ends on:

- (a) The last day of the next succeeding February; or
- (b) The day the Department determines that the number of mountain lions harvested in that management unit or group of management units is equal to or greater than the number specified by the Commission pursuant to this subsection,

whichever occurs earlier. The Department shall maintain and annually publish a toll-free telephone number for ascertaining whether the Department has determined that the number of mountain lions harvested in a management unit or group of management units is equal to or greater than the number specified by the Commission pursuant to this subsection. The Department is not required to provide any other notice of the termination of an open season for mountain lions in a management unit or group of management units.

3. A person who harvests a mountain lion shall, within ~~72 hours~~ **five (5)** business days after harvesting it, personally present the **unfrozen** skull **with jaws propped open** and **hide pelt** to a representative of the Department for inspection **and recording of, but not limited to, evidence of sex, removal of premolar tooth, tissue sample and harvest location to include hunt unit, latitude/longitude or UTM coordinates.** The representative shall affix the seal of the Department permanently to the **hide pelt.** **The Department may seize any pelt not accompanied by its skull.**

4. It is unlawful for any person to:

- (a) Transport the **hide pelt** of a mountain lion from this State without the seal required pursuant to this section permanently affixed to the hide.
- (b) Except as otherwise provided in subsection 3, possess the **hide pelt** of a mountain lion without a seal permanently attached to it.
- (c) Kill a female mountain lion which is accompanied by a spotted kitten.
- (d) Kill or possess a spotted mountain lion kitten.
- (e) **Possess, capture, injure, drug, rope, trap, snare or in any way harm or transport a live mountain lion.**
- (f) **Provide a false statement in the reporting of a mountain lion harvest.**
- (g) **Participate in a canned hunt.**

5. If a mountain lion is accidentally trapped or killed, the person trapping or killing it shall report the trapping or killing within 48 hours to a representative of the Department. The animal must be disposed of in accordance with the instructions of the representative.

- (a) **Mountain lion may not be taken with a trap, snare or any other trapping device, except as authorized by the Department.**
- (b) **Mountain lion accidentally caught in any trapping device must be released unharmed or as directed by the Department and must not be knowingly pursued or taken for a minimum of 24 hours.**

[Bd. of Fish & Game Comm'rs, No. 25 § 13, eff. 12-4-79] — (NAC A by Bd. of Wildlife Comm'rs, 11-14-88; 4-18-90; 3-19-96; R106-02, 1-21-2003; R107-05, 9-18-2007; R029-17, 12-19-2017)

NAC 502.400 Attachment of tag or permit to animal. (NRS 501.105, 501.181, 502.160)

1. Except as otherwise provided in subsection 2 and NAC 502.42905, the owner of a tag or permit must firmly attach it to the carcass of an animal killed by the owner, at or before the time he or she first reaches his or her means of transportation or camp, *whichever comes first*. 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 or a designated licensed assistant pursuant to NAC 502.42905 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.

[Bd. of Fish & Game Comm'rs, No. 6 § 4, eff. 9-1-78]—(NAC A by Bd. of Wildlife Comm'rs by R133-04, 10-28-2004; R126-06, 9-18-2006; R105-16, 6-21-2017)

NAC 502.418 Rejection of application. (NRS 501.105, 501.181, 501.337, 502.160, 502.175) The Department shall reject an application to obtain a tag, permit or bonus point if any of the following occurs:

1. The applicant fails to provide the information required pursuant to NAC 502.199, unless that information exists in the records of the Department.

~~2. The applicant fails to specify or incorrectly specifies the number of his or her hunting license or combination hunting and fishing license, unless that information exists in the records of the Department.~~

3. The applicant fails to specify his or her social security number pursuant to NAC 502.199, unless that information exists in the records of the Department.

4. The parent or legal guardian of an applicant who is at least 12 years of age but less than 18 years of age fails to provide the acknowledgment required pursuant to NRS 502.060.

5. The applicant fails to specify on the application the species or the category of the species for which the application was submitted and, if the application is for a tag, a valid hunter choice number for that type of hunt. If the applicant specifies valid and invalid numbers, the Department shall accept the application for the valid numbers only.

6. The applicant fails to provide the acknowledgment required pursuant to NRS 502.030.

7. The applicant fails to submit the fees required pursuant to NAC 502.4175.

8. The applicant fails to comply with the provisions of NAC 502.405, unless, on or before the deadline set forth in an annual regulation of the Commission for the year in which the application is submitted, he or she pays the applicable administrative fine and submits the properly completed questionnaire issued as part of the tag or permit or the information required by the questionnaire.

9. Except as otherwise provided in NAC 502.4183, the applicant submits more than one application to hunt for the same species or category of species of wildlife during the same year, unless such an application is specifically authorized by the Commission. If such an application is not specifically authorized by the Commission, all applications submitted by the applicant to hunt for the same species must be rejected.

10. Except as otherwise provided in NAC 502.4183 and 502.41895, the application is received after the deadline set by the Commission or by the Director pursuant to NAC 502.4196.

11. The applicant fails to comply with the provisions of NRS 502.330.

12. The applicant is otherwise ineligible to apply for the tag or bonus point.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 3-7-91; A 4-14-92; 10-26-93; 10-12-94; 3-19-96; 5-7-96; 11-14-97; 11-14-97; R139-98, 11-13-98; R168-99, 1-19-2000; R133-01, 12-17-2001, eff. 1-1-2002; R024-03, 10-30-2003; R137-03, 1-20-2004; R229-03, 3-23-2004; R156-05, 2-23-2006; R117-07, 12-4-2007; R155-09, 4-20-2010; R051-11, 3-9-2012; R029-17, 12-19-2017)

NAC 502.4188 Bonus points: Categories of species. (NRS 501.105, 501.181, 502.160, 502.175)

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, subspecies and gender:

- (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;
- (k) Ewes, from one of the following subspecies:
 - (1) Nelson bighorn sheep;
 - (2) California bighorn sheep; or
 - (3) Rocky Mountain bighorn sheep;
- (l) Mountain goats;
- (m) Black bears; or
- (n) Moose.

2. Bonus points awarded by the Department pursuant to the bonus point program for wild turkey hunts must be awarded by hunt number.

(Added to NAC by Bd. of Wildlife Comm'rs by R168-99, eff. 1-19-2000; A by R180-01, 4-3-2002; R126-06, 9-18-2006; R002-11, 10-26-2011; R091-13, 12-23-2013; R029-17, 12-19-2017)

REVISER'S NOTE. – *OUTDATED, WOULD LIKE REMOVED*

The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on January 19, 2000 (LCB File No. R168-99), the source of NAC 502.4188 (section 6 of the regulation), contains the following provisions not included in NAC:

"Sec. 42. 1. Except as otherwise provided in this section, the Division of Wildlife [now the Department of Wildlife] shall convert any bonus points that a person has accumulated pursuant to the bonus point program before the effective date of this regulation [January 19, 2000] into bonus points for a category of a species set forth in section 6 of this regulation [NAC 502.4188] by separating the bonus points accumulated into bonus points for a particular category of a species except that the maximum number of bonus points converted into a particular category of a species must not exceed the number of years that the bonus point program has been in existence.

2. The Division of Wildlife [now the Department of Wildlife] shall not convert any bonus points that a person has accumulated before the effective date of this regulation [January 19, 2000] for wild turkey, swan and depredation hunts for special seasons."

NAC 502.4189 Bonus points: Use; transfer; applications by group for certain tags; junior hunts.

NAC 502.4189 Bonus points: Use; transfer; applications by group for certain tags; junior hunts.
(NRS 501.105, 501.181, 502.160, 502.175)

1. Each applicant in a drawing for a tag for a season receives a number of additional draw numbers that is equal to the number of bonus points that he or she has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where "n" is the number of additional draw numbers and "b" is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for the species or category of the species for which the application was submitted. The applicant's lowest randomly assigned draw number is the number used for the drawing.

2. Except as otherwise provided in subsection 5, bonus points accumulated by a person for a species or category of species cannot be transferred to any other person or any other species or category of species.

3. Any bonus points accumulated by an applicant automatically transfer with the applicant if the applicant changes his or her state of residence. Bonus points transferred pursuant to this subsection apply to the same species or category of species to which they applied before the transfer.

4. The number of bonus points applicable to applications submitted by a group pursuant to NAC 502.4185 for tags is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

5. If a person has applied for a junior hunt for deer for 5 years or becomes ineligible to participate in a junior hunt for deer because of his or her age, each unused bonus point accumulated by that person for a junior hunt for deer automatically transfers to the category for antlered mule deer. The provisions of this subsection do not apply to a bonus point accumulated by the person for a junior hunt for deer in a year in which the person also accumulated a bonus point in the category for antlered mule deer.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-26-93; A by R040-98, 5-27-98; R139-98, 11-13-98; R168-99, 1-19-2000; R010-00, 4-3-2000; R137-03, 1-20-2004; R115-07, 12-4-2007; R150-09, 6-30-2010; R160-12, 12-20-2012; R104-16, 12-21-2016)

REVISER'S NOTE. – *OUTDATED, WOULD LIKE REMOVED*

The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on June 30, 2010 (LCB File No. R150-09), which amended this section, contains the following provisions not included in NAC:

"If a person who is ineligible to participate in a junior hunt because of his or her age or the number of years for which the person has applied for a junior hunt becomes eligible to participate in a junior hunt pursuant to the amendatory provisions of this regulation, the Department of Wildlife shall:

1. Reinstate to the category for the junior hunt each unused bonus point accumulated by that person and automatically transferred pursuant to subsection 4 of NAC 502.4189 before June 30, 2010;
2. Reduce the number of bonus points in the category for antlered mule deer by the number of bonus points transferred pursuant to subsection 1; and
3. Retain in the category for antlered mule deer each bonus point which was earned by the person before June 30, 2010, for each unsuccessful application for the issuance of a tag to hunt mule deer."

NAC 502.42273 Persons not eligible for tag. (NRS 501.105, 501.181, 502.142, 502.160)

1. The following persons are not eligible for a special incentive elk tag:

(a) A landowner applicant who, during the same calendar year he or she applies for a special incentive elk tag, has applied for or received compensation pursuant to NRS 504.165 for damage caused by elk to the private land identified in the agreement for the special incentive elk tag.

(b) A landowner applicant whose private land blocks reasonable access to adjacent public land and who does not agree to provide reasonable access through his or her private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

(c) An employee of the Department and the employee's spouse or children if the employee processes the request and awards the special incentive elk tag to himself or herself or to his or her spouse or children.

(d) Any person whose license, permit, or privileges are suspended or revoked.

2. If a landowner applicant:

(a) Fails to comply with any provision that is included in the agreement made pursuant to NAC 502.42276; or

(b) During the term of the agreement, prohibits or attempts to prohibit any hunter or hunting party holding a valid elk tag from entering or crossing the private land of the landowner applicant,

È the Department shall not, for 1 year after the failure or prohibition occurs, issue a special incentive elk tag to the landowner applicant.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98; A by R206-08, 10-27-2009)

NAC 502.4233 Master guide: License; special use permit. (NRS 501.105, 501.181, 502.148, 502.149)

At the time **of the draw** an application for a nonresident deer tag is submitted, the master guide who will accompany the restricted nonresident deer hunter on the restricted nonresident deer hunt must:

1. Be licensed by the Department to provide guide services related to deer hunting in the wildlife management area or unit for which the applicant is applying; and

2. If applicable, possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-12-94; A by R054-04, 8-25-2004)

NAC 502.4235 Rejection or prohibited submission of application for tag.

NAC 502.4235 Rejection or prohibited submission of application for tag. (NRS 501.105, 501.181, 501.337, 502.148, 502.160, 502.175) In addition to the provisions of NAC 502.199, 502.4175 and 502.418, the Department shall reject an application for a restricted nonresident deer tag or prohibit a person from submitting the application if:

1. The applicant or the master guide fails to acknowledge a statement indicating that the applicant is entitled to the issuance of the restricted nonresident deer tag under the laws of this State.

2. The applicant or the master guide fails to submit the fees required pursuant to NAC 502.4175.

3. The master guide named in the application:

(a) Is not licensed for each wildlife management area or unit named in the application;

(b) Fails to specify or incorrectly specifies on the application the number of his or her current master guide license; or

(c) If applicable, does not possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

4. The applicant and the master guide named in the application are the same person.

5. The applicant holds a license as a subguide issued by the Department which authorizes the applicant to guide for deer in the wildlife management area or unit for which he or she is applying for a restricted nonresident deer tag.

6. The applicant and licensed master guide or the applicant and any associated subguide are immediate family members.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-12-94; A 1-19-96; 5-7-96; 3-13-97; 11-14-97; R139-98, 11-13-98; R168-99, 1-19-2000; R133-01, 12-17-2001, eff. 1-1-2002; R025-03, 10-30-2003;

R137-03, 1-20-2004; R054-04, 8-25-2004; R117-07, 12-4-2007; R155-09, 4-20-2010; R051-11, 3-9-2012; R029-17, 12-19-2017)

NAC 502.4238 Refunds; loss of master guide; award of tags from alternate list; records of Department. (NRS 501.105, 501.181, 502.148, 502.149, 502.160, 502.250)

1. If a master guide of a holder of a restricted nonresident deer tag dies or is no longer able to provide guide services due to medical reasons, because he or she has failed to renew his or her master guide license or the license has been revoked, *suspended, or denied or if the Masterguide fails to have any required Federal special use permit in place*, the holder of the tag for whom guide service was to be performed by the master guide may apply to the Department for a refund or may retain another master guide who is licensed for the area or unit specified on the tag. Before another master guide may render services as a master guide for the holder of the tag, and before the holder may participate in the restricted nonresident deer hunt for which the tag was issued, the holder of the tag must provide written notification to the Department that he or she has retained another master guide. The written notification must include:

(a) The reasons for retaining the services of another master guide;

(b) The signatures of the holder of the tag and the new master guide and the date on which the written notification was signed; and

(c) The number of the master guide license of the newly retained master guide.

2. If the Department provides a refund pursuant to this section, the Department shall return all the fees submitted with the application for the tag.

3. Except as otherwise provided in subsection 4, in awarding restricted nonresident deer tags from an alternate list, the Department shall issue the tag to the eligible applicant on the list:

(a) Whose master guide designated on the application for the restricted nonresident deer tag is not named on more than 30 successfully drawn applications pursuant to NAC 502.4237 and is able to accompany the applicant in the field;

(b) Who has the drawing number with the highest priority; and

(c) Who has indicated as the applicant's first choice the area and season for which the quota for the restricted nonresident deer hunt is being filled.

4. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or restricted nonresident deer tag because the method of payment is rejected during the processing of the fee for the license or restricted nonresident deer tag, the Department shall, if more than 14 business days remain until the opening day for the restricted nonresident deer hunt and if the master guide designated on the application for the restricted nonresident deer tag is not named on more than 30 successfully drawn applications pursuant to NAC 502.4237, select an eligible applicant from the alternate list for the restricted nonresident deer hunt who:

(a) Has the drawing number with the highest priority; and

(b) Indicated as his or her first choice the area and season for which the quota for the restricted nonresident deer hunt is being filled.

5. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-12-94; A 11-14-97; R168-99, 1-19-2000; R133-01, 12-17-2001, eff. 1-1-2002; R155-09, 4-20-2010; R159-12, 12-20-2012; R029-17, 12-19-2017)

NAC 502.4244 Ineligible persons. (NRS 501.105, 501.181, 502.145, 502.160)

1. The following persons are not eligible for damage compensation tags:

(a) An owner applicant who feeds or baits deer or antelope to attract the animals onto his or her land; and

(b) An owner applicant who sustains damage which is a covered loss pursuant to a policy of insurance.

(c) Any applicant whose license, permit, or privileges are suspended or revoked.

2. An employee of the Department and his or her family may not purchase or use a damage compensation tag resulting from a complaint serviced directly by the employee.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 11-29-95)

NAC 502.4246 Requirements for eligibility; requests regarding damage to separate locations. (NRS 501.105, 501.181, 502.145, 502.160)

1. To be eligible for the issuance of a damage compensation tag, an owner applicant must:

(a) Have sustained damage to his or her private property caused by deer or antelope;

(b) In accordance with the requirements set forth in NAC 502.4252, notify the Department of any damage within 10 days after discovering it;

(c) Enter into a cooperative agreement with the Department which complies with the requirements set forth in NAC 502.4248;

(d) Submit an application for a damage compensation tag which includes, without limitation:

(1) A form which sets forth any proof of the damage claimed by the owner applicant;

(2) A map which identifies the location on the private land at which the owner applicant will provide access to public land, if applicable; and

(3) The cooperative agreement entered into with the Department which is signed by the owner applicant and the Department;

(e) Cooperate with the Department in inspecting the damage and formulating a plan to prevent or mitigate the damage;

(f) Mitigate damages where possible and not feed or bait deer or antelope to attract the animals onto his or her land;

(g) Comply with the requirements of NAC 502.424 to 502.4268, inclusive.

2. A separate application must be made, and a separate cooperative agreement must be entered into, for each request for one or more damage compensation tags made with regard to each separate location on the property of the owner applicant at which damage was sustained, ***landowners with multiple properties may need counts to be conducted within the same season.***

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 11-29-95; R010-00, 4-3-2000; R030-06, 6-1-2006)

NAC 502.440 License: Application; validity; renewal. (NRS 502.370)

1. An application for a taxidermist license may be obtained from any office of the Department. The applicant shall include on his or her application:

(a) The applicant's name, physical and mailing addresses, and telephone number;

(b) The name and telephone number of the applicant's taxidermic business and, if different from the applicant's physical address, the address from which taxidermic services will be provided;

(c) Whether or not the taxidermic services are provided for compensation;

(d) If the applicant must possess a federal taxidermist permit, a copy of the permit or proof satisfactory to the Department that federal approval of such a permit is pending;

(e) The name of each state in which the applicant holds or has held a taxidermist license or permit to perform taxidermic services;

(f) If the applicant has been convicted of violating the laws or regulations relating to taxidermy or commercialization of wildlife of any state or the United States Fish and Wildlife Service within the 5

years immediately preceding the date of the application, a description of each violation, a description of the penalty imposed for each violation and the name of the state in which the conviction occurred;

(g) Whether, at the time of the application, the privileges granted to the applicant by another state or the United States Fish and Wildlife Service relating to taxidermy are suspended or revoked; and

(h) The applicant's signature and the date on which he or she signed the application.

2. A taxidermist license issued by the Department pending the issuance of a federal permit to perform taxidermic services on:

(a) A migratory bird that is protected by the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.; or

(b) A species of wildlife that is listed as threatened or endangered by the United States Fish and Wildlife Service,

↳ is not valid for the purposes of performing taxidermic services on the migratory bird or the endangered or threatened species until the federal permit has been issued by the United States Fish and Wildlife Service to the licensee.

3. A completed application and required fees must be submitted to the Department.

4. An annual taxidermist license expires on June 30 of each year, ***each taxidermist must submit records as per NAC 502.455 at the time they submit their annual taxidermy license renewal application, or no later than the expiration of their license.*** If an application for the renewal of a taxidermist license is not received by the Department on or before June 30, taxidermic items in the possession of a taxidermist shall be deemed to be unlawfully possessed and are subject to seizure by the Department, and the taxidermist will be considered to be practicing taxidermy without a license. If an application for the renewal of a taxidermist license is received by the Department on or before June 30, the license will remain in effect until the Department completes its review of the application and renews or denies the application to renew the taxidermist license.

[Bd. of Fish & Game Comm'rs, No. 16 § 17.01-3, eff. 5-6-78]—(NAC A by Bd. of Wildlife Comm'rs, 7-1-97; R029-17, 12-19-2017)

NAC 502.455 Taxidermic records; identification tags and punch numbers for taxidermic items. (NRS 502.370)

1. A person licensed as a taxidermist in Nevada shall maintain accurate written or computerized records, on a form provided by the Department or in a format which is substantially similar to that form, for each licensing year which show:

(a) The name, telephone number and physical and mailing address of each person from whom wildlife or parts, nests or eggs of wildlife, upon which taxidermic services were performed, were received.

(b) The name, telephone number and physical and mailing address of each person to whom wildlife or parts, nests or eggs of wildlife, upon which taxidermic services were performed, were delivered.

(c) An accurate description of the taxidermic item, including the species and parts thereof received.

(d) Except as otherwise provided in subsection 3 and if required for the species of wildlife received, the number of the tag, seal or permit.

(e) The date on which the taxidermist receives the taxidermic item and the date on which that item is returned to its owner.

Ê The taxidermist shall record the required information immediately upon receipt and delivery of a taxidermic item, as appropriate.

2. A taxidermist shall:

(a) Immediately upon receipt, label each taxidermic item with a tag that clearly identifies the owner of the item. The tag may be removed from the item only during the actual performance of taxidermic services on the item. The tag must be reattached to the item when the taxidermic service is not being performed. Once the taxidermic services are completed on the taxidermic item, the tag must be reattached and remain attached to the item until the item is delivered to or claimed by the owner of the item.

(b) ~~If required by the Department,~~ Submit a copy of the taxidermist's records for the previous licensing year to the Department ~~at~~ *by* the end of each licensing year, **June 30**. If the records are computerized, the taxidermist shall submit a hard copy of the computerized records to the Department.

(c) Retain the taxidermist's records for a licensing year for at least 2 years after the end of the licensing year to which those records pertain.

(d) During any reasonable hour, upon the request of any agent of the Department authorized to enforce the provisions of title 45 of NRS, present the taxidermist's records kept in accordance with this section and any taxidermic item which the taxidermist is keeping at his or her place of business.

3. In lieu of maintaining a record of a tag, seal or permit pursuant to paragraph (d) of subsection 1, a taxidermist who receives a taxidermic item from another taxidermist may maintain a record setting forth the name and physical and mailing address of the taxidermist from whom the taxidermic item was received and the punch number or other identification number assigned to that taxidermist by the taxidermist who received the taxidermic item. The punch number or other identification number must be attached to the taxidermic item during the entire period in which the taxidermist who received the taxidermic item remains in possession of the taxidermic item.

4. As used in this section:

(a) "Licensing year" means a period beginning on July 1 and ending on June 30 of the following calendar year.

(b) "Punch number" means a number which is assigned to a taxidermist for the purpose of identification and which is punched into or otherwise attached to a taxidermic item.

[Bd. of Fish & Game Comm'rs, No. 16 § 17.01-9, eff. 5-6-78]—(NAC A by Bd. of Wildlife Comm'rs, 7-1-97; R111-14, 12-22-2014; R029-17, 12-19-2017)

**STATE OF NEVADA
NEVADA DEPARTMENT OF WILDLIFE
NEVADA BOARD OF WILDLIFE COMMISSION**

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED
REGULATIONS**

The Nevada Department of Wildlife is proposing the adoption of regulations pertaining to Chapter 501 and 502 of the Nevada Administrative Code. A workshop will be held at the NDOW Commission YouTube page: <https://www.youtube.com/channel/UCrFHgHLM0MZa2Hx7og8pFcQ> on September 25, 2020, at 9:00 am. The purpose of the workshop is to solicit written comments from interested persons on the following general topics that may be addressed in the proposed regulations:

Commission General Regulation 494, NAC 501 Simplification, LCB File No. RXXX-XX

The Commission will review the Regulation Simplification Committee's recommendations regarding language updates and simplification of Nevada Administrative Code (NAC) 501 relating to the Commission.

Commission General Regulation 495, NAC 502 Simplification, LCB File No. RXXX-XX

The Commission will review the Regulation Simplification Committee's recommendations regarding language updates and simplification of Nevada Administrative Code (NAC) 502 relating to licensing.

The attached regulation language is subject to change following the discussions and deliberations of the Commission.

Public comment will be taken on each action item following Commission discussion and before any action is taken. The content of written comments should be consistent with the three (3) minute public comment period allowed during normally conducted meetings. If a comment is excessively lengthy, the Commission reserves the right to review only that portion that is consistent with this policy. Persons are invited to submit written comments to wildlifecommission@ndow.org 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.

This Notice of Workshop and support material will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Persons wishing to request a copy of this notice and the mentioned regulations may contact Megan Manfredi at mmmanfredi@ndow.org.

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/

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

09/01/20

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 494**

LCB File No. RXXX-XX

NAC 501.100 Comments of Department. (NRS 501.181) The Department will:

1. Maintain a record book containing copies of the Department's comments on proposed federal actions, on drafts of environmental impact statements and on proposed federal regulations affecting public lands. The copies will be maintained for 2 years.

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

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

[Bd. of Wildlife Comm'rs, No. 30, eff. 9-25-79]

NAC 501.200 Schedule of demerit points. (NRS 501.105, 501.181, 501.1818)

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 <u>NRS 503.010</u> to hunt or kill game mammals or game birds.....	503.010	-----	12
Unlawfully using a helicopter to transport game, hunters or hunting equipment.....	503.010	-----	12
Unlawfully killing or attempting to kill birds or animals from an aircraft.....	503.005	-----	12

HUNTING AND TAKING

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully using an aircraft, balloon, unmanned aerial vehicle or satellite to locate or observe big game mammals, game birds or fur-bearing mammals for the purpose of hunting.....	501.385	503.148	12
Hunting or taking an endangered species without a special permit.....	503.585	503.093	12
Unlawfully killing, destroying, wounding, trapping or injuring bald eagles or golden eagles.....	503.610	-----	12
Unlawfully taking bald eagles or golden eagles.....	503.620	-----	12
Taking twice the legal limit or more of big game mammals.....	501.385	-----	12
Hunting or taking a threatened species.....	501.385	503.093	9
Unlawfully killing a fur-bearing mammal during the closed season.....	503.440	-----	9
Unlawfully hunting migratory waterfowl by aid of baiting.....	501.385	503.180	6
Hunting big game mammals during the closed season.....	503.090	-----	6
Hunting fur-bearing mammals during the closed season.....	501.015	-----	6
Hunting big game mammals in closed areas.....	501.385	504.340	6
Hunting fur-bearing mammals in closed areas.....	501.385	504.340	6
Unlawfully hunting in a privately owned wildlife management area.....	504.140	-----	6
Unlawfully hunting in a state-owned wildlife management area.....	504.143	-----	6
Hunting big game mammals or migratory waterfowl during prohibited hours.....	503.140	-----	6
Unlawfully hunting game birds or game mammals with the aid of artificial light.....	503.150	-----	6
Hunting 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
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.....	502.1 30	----	9
Unlawfully transferring a tag to another person.....	502.1502.3 40	85	9
Possessing or using a tag legally issued to another person.....	502.1502.3 40	85	9
Obtaining tags in excess of the legal limit.....	502.1502.3 40	31	9
Possessing used tags or tags in excess of the legal limit.....	502.1 50	----	9

TAGS AND SEALS

Classification of Violations	NRS	NAC	Secti on	Secti on	Deme rits
	502.2				
Unlawfully using a tag.....	00	-----			9
	502.1502.3				
Using a tag in an improper area.....	60	85			6
	502.1502.3				
Failing to punch a tag properly.....	60	90			6
Failing to attach a tag to a big game mammal in the manner prescribed by regulation.....	502.1502.4				
	60	00			6
Hunting by a Native American off an Indian reservation without a tag.....	502.2				
	80	-----			6
Possessing fur-bearing mammals, other than a bobcat, without a seal.....	501.3				
	85	-----			6
Possessing the pelt of a bobcat without a seal.....	501.3502.3				
	85	47			6
Possessing the hide of a mountain lion without a seal.....	501.3502.3				
	85	70			6
	501.3502.3				
Possessing the horns of a ram bighorn sheep without a seal or brand....	85	45			6

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
Unlawfully importing or transporting a prohibited species of wildlife without a permit or license..	503.597	503.110	12
Collecting unprotected wildlife for commercial purposes without a permit.....	501.385	503.095	12
Collecting live bait fish or live aquatic bait for commercial purposes without a permit.....	501.385	503.513	12
Collecting unprotected fish for commercial purposes without a permit.....	501.385	503.545	12
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

PERMITS

Classification of Violations	NRS Section	NAC Section	Demerits
Hunting swan without a swan hunt permit.....	----	502.380	6
Transferring or giving a swan hunt permit to any other person.....	----	502.380	6
Using or possessing a swan hunt permit issued to another person.....	----	502.380	6
<i>Commercial taking of crayfish, except in accordance with a permit issued pursuant to <u>NAC 503.540</u>.....</i>	<i>501.385</i>	<i>503.540</i>	<i>6</i>

FISHING

Classification of Violations	NRS Section	NAC Section	Demerits
Fishing at a fish hatchery or other waters used for the purpose of rearing or growing fish.....	503.360	----	6

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Department.....	501.385	----	12
Unlawfully selling big game mammals.....	501.379	----	12
Unlawfully selling an endangered species.....	501.379	----	12
Needless waste of big game mammals.....	503.050	----	12
Hunting, fishing in nonnavigable waters or trapping on private property without permission	503.240	----	9
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

MISCELLANEOUS FISH AND GAME

Classification of Violations	NRS Section	NAC Section	Demerits
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
Commercial taking of crayfish, except in accordance with a permit issued pursuant to <u>NAC</u> <u>503.540</u>	501.385	503.540	6
Intentionally interfering with a person lawfully hunting or trapping.....	503.015	----	6
Failing to make a reasonable effort to retrieve dead or crippled migratory waterfowl.....	501.385	503.180	6

CATEGORY E FELONIES AND GROSS MISDEMEANORS

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, snare or similar device lawfully being used by another person.....	503.454	-----	6
Trapping fur-bearing mammals during closed season.....	503.440	-----	6
Trapping birds of prey or raptors without a permit or by unlawful means.....	503.582	503.205	6
Failing to visit traps, snares or similar devices 48 or more hours after the required period for visitation.....	503.570	503.152	6

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Refusing to exhibit a license, wildlife, weapon, ammunition, device or apparatus.....	502.120	-----	12
Hunting without having procured a license.....	502.010	-----	6
Fishing without having procured a license.....	502.010	-----	6
Hunting without a license in possession.....	502.120	-----	6
Fishing without a license in possession.....	502.120	-----	6
Furnishing false information to obtain a license.....	502.060	-----	6
Furnishing of false information by a person serving in the Armed Forces of the United States to obtain a specialty combination hunting and fishing license.....	502.290	502.220	6
Unlawfully transferring a license to another person	502.100	-----	6
Unlawfully using a license of another person.....	502.100	-----	6
Obtaining more than one license of each class.....	502.110	-----	6
Altering a license.....	502.105	-----	6
Practicing falconry without a license.....	503.583	503.235	6
Operating as a fur dealer without a license.....	505.010	-----	6
Trapping without having procured a license.....	502.010	-----	6

LICENSES

Classification of Violations	NRS Section	NAC Section	Demerits
Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit without having procured a license.....	503.454	-----	6
Trapping without a license in possession.....	502.120	-----	6
Hunting, fishing or trapping using a license that is invalid by reason of expiration or a false statement made to obtain the license.....	502.060	-----	6
Operating a shooting preserve without a license....	504.310	-----	6
Performing taxidermal services without a license...	502.370	502.435	6
Obtaining a hunting license without obtaining certification as a responsible hunter.....	502.360	-----	6

2. A 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, *except for violations of NRS 502.370*.

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.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 11-7-96; A by R168-99, 1-19-2000; R077-00, 8-18-2000; R137-03, 1-20-2004; R176-03, 4-8-2004; R126-06, 9-18-2006; R107-05, 9-18-2007; R054-11, 12-30-2011; R090-13, 12-23-2013; R088-14, 6-28-2016; R145-15, 9-9-2016; R029-17, 12-19-2017)

GRANT PROGRAM FOR WILDLIFE RESTORATION ACTIVITIES AND WILDLIFE RESEARCH

NAC 501.400 Solicitation of applications; eligibility; funding sources for grants.

NAC 501.400 Solicitation of applications; eligibility; funding sources for grants. (NRS 501.105, 501.115, 501.117, 501.181)

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

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

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

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

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

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

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

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

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

(f) Fees deposited pursuant to NRS 502.294;

(g) Fees for any projects for waterfowl deposited pursuant to NRS 502.310;

(h) Fees for the trout program deposited pursuant to NRS 502.3262;

(i) Permit fees collected pursuant to NRS 502.390; and

(j) If applicable, any other money *or federal grants* received for development projects with potential impacts to wildlife as determined by the United States Fish and Wildlife Service or any other agency within the United States Department of the Interior.

(Added to NAC by Bd. of Wildlife Comm'rs by R141-13, eff. 3-28-2014; A by R029-17, 12-19-2017)

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS
COMMISSION GENERAL REGULATION 495**

LCB File No. RXXX-XX

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

AUTHORITY: NRS 501.181, NRS 502

A REGULATION relating to simplification of Nevada Administrative Code

Chapter 502.....

NAC 502.1175 “Canned hunt” defined. “Canned hunt” means that a mountain lion is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the mountain lion. A mountain lion cannot be released for the purpose of hunting or other purposes after previously been captured and confined or held for any length of time.

NAC 502.199 Application for initial issuance of licensing document; required information and statement. (NRS 501.105, 501.181)

1. For each application for the initial issuance of a license, tag, permit or other licensing document, the applicant or license agent shall correctly enter the information required on the application for the license, tag, permit or other licensing document.

2. The information required pursuant to subsection 1 must include:

(a) The applicant's:

- (1) Legal name;
- (2) Physical and mailing address;
- (3) City, county and state of residence; and
- (4) Zip code.

(b) The applicant's social security number or, if the applicant is a citizen of a country other than the United States, the *valid* passport number issued to the applicant by that country. If the applicant *is a United States citizen and* has not been issued a social security number, the application must include a notarized affidavit on a form provided by the Department indicating that the applicant has not been issued a social security number.

(c) If the applicant was born after January 1, 1960, and is applying for a hunting license or permit or combination hunting and fishing license, a statement indicating that the applicant has presented proof of successful completion of a course in the responsibilities of hunters pursuant to NRS 502.330.

(d) If the applicant is a resident of this State, an attestation by the applicant indicating that he or she is eligible for a resident license, tag or permit pursuant to NRS 502.015.

(e) A description of the applicant, including his or her height, weight, gender, hair color, eye color and date of birth.

(f) The applicant's electronic mail address, if any.

3. In addition to the information required pursuant to subsection 2, the applicant must include in his or her application the statement required pursuant to NRS 502.060 indicating whether the applicant is entitled to the license, tag, permit or other licensing document. If the applicant is at least 12 years of age but less than 18 years of age, the parent or legal guardian of the applicant must, pursuant to NRS 502.060, acknowledge an attached statement indicating that the parent or legal guardian has been advised of the provisions of NRS 41.472.

(Added to NAC by Bd. of Wildlife Comm'rs by R029-17, eff. 12-19-2017)

NAC 502.264 Mentor hunter: Contents of affidavit; separate affidavit required for each apprentice hunter. (NRS 501.105, 501.181, 502.030, 502.066)

1. A mentor hunter shall correctly enter the required information on the original and all copies of the form for a mentor hunter affidavit provided to a resident or nonresident. The information must include:

- (a) The mentor hunter's legal name, mailing address, street address, city, county, state and zip code;
- (b) The month, day, year and time the affidavit is completed by the mentor hunter;
- (c) A description of the mentor hunter, including the mentor hunter's height, weight, *sex gender* and date of birth;
- (d) The class and number of the hunting license issued to the mentor hunter in this State; and
- (e) The name of the apprentice hunter the mentor hunter accompanies and directly supervises pursuant to NRS 502.066.

2. The affidavit must contain a statement, signed by the mentor hunter, acknowledging the mentor hunter's eligibility and responsibilities as a mentor hunter pursuant to NRS 502.066.

3. The mentor hunter shall complete separate affidavits for each apprentice hunter the mentor hunter accompanies and directly supervises.

(Added to NAC by Bd. of Wildlife Comm'rs by R019-10, eff. 6-30-2010)

NAC 502.321 Replacement tags. (NRS 501.105, 501.181, 502.215)

1. The Department shall issue a replacement tag at no charge to the holder of a big game tag who has tagged an animal which is diseased ~~and~~ *or otherwise deemed* unfit for human consumption if:

- (a) A biologist or game warden of the Department or a veterinarian who is licensed to practice in this State avers on the affidavit of diseased big game that the animal is diseased; and
- (b) The holder of the tag completes the portion of the affidavit of diseased big game required to apply for a replacement tag, including the selection of a season for which the replacement tag will be issued.

2. Upon receipt of a completed affidavit of diseased big game, the Department shall, during normal business hours, issue a replacement tag for the appropriate season pursuant to NRS 502.215 at any office of the Department that issues replacement tags for that purpose.

3. If the holder of the big game tag requests a replacement tag for the next similar season, he or she must possess a valid hunting license and provide the number of the hunting license to the Department in order to obtain the replacement tag.

4. The Department may determine if a replacement tag will be issued from the tags remaining in the quota for that hunt or from tags issued in excess of the quota as an oversubscription for that hunt.

5. As used in this section, "affidavit of diseased big game" means a form provided by the Department which must be used by a person who has tagged an animal which is diseased and unfit for human consumption to apply for a replacement tag.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 6-24-96; A by R133-01, 12-17-2001, eff. 1-1-2002)

NAC 502.333 Limitation on applying for junior hunt.

NAC 502.333 Limitation on applying for junior hunt. (NRS 501.105, 501.181, 502.160) A person who is otherwise eligible to apply for a junior hunt may apply for a junior hunt for not more than 5 years.

(Added to NAC by Bd. of Wildlife Comm'rs by R115-07, eff. 12-4-2007; A by R150-09, 6-30-2010)

REVISER'S NOTE.

~~_____The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on June 30, 2010 (LCB File No. R150-09), which amended this section, contains the following provisions not included in NAC:~~

~~_____“If a person who is ineligible to participate in a junior hunt because of his or her age or the number of years for which the person has applied for a junior hunt becomes eligible to participate in a junior hunt pursuant to the amendatory provisions of this regulation, the Department of Wildlife shall:~~

~~_____1. Reinstatement to the category for the junior hunt each unused bonus point accumulated by that person and automatically transferred pursuant to [former] subsection 4 of NAC 502.4189 [cf. subsection 5 of NAC 502.4189] before June 30, 2010;~~

~~_____2. Reduce the number of bonus points in the category for antlered mule deer by the number of bonus points transferred pursuant to subsection 1; and~~

~~_____3. Retain in the category for antlered mule deer each bonus point which was earned by the person before June 30, 2010, for each unsuccessful application for the issuance of a tag to hunt mule deer.”~~

NAC 502.345 Bighorn sheep: Tags; presentation of skull and horns to representative of Department. (NRS 501.105, 501.181, 502.130, 502.140, 502.160, 502.250)

1. Unless his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag to hunt for a ram from one or more of the following subspecies of bighorn sheep:

- (a) Nelson bighorn sheep;
- (b) California bighorn sheep; or
- (c) Rocky Mountain bighorn sheep,

È if, in the immediately preceding 10 years, he or she did not receive a tag or replacement tag to hunt for a ram from that subspecies of bighorn sheep.

2. Unless his or her privilege is limited or revoked pursuant to law, any resident of Nevada or nonresident is eligible to apply for a tag to hunt for a ewe from one or more of the following subspecies of bighorn sheep:

- (a) Nelson bighorn sheep;
- (b) California bighorn sheep; or
- (c) Rocky Mountain bighorn sheep,

È if, in the immediately preceding 2 years, he or she did not receive a tag or replacement tag to hunt for a ewe from that subspecies of bighorn sheep.

3. A person who kills a bighorn sheep, regardless of subspecies or gender, shall, within 5 days after killing it, personally present the skull and horns of the animal to a representative of the Department for inspection. For a ram, the inspector shall permanently attach a seal to one of the horns by plugging the seal into the horn or permanently brand an identification number on one of the horns. It is unlawful for any person to alter or remove the seal after the seal is permanently attached to a horn or to alter or remove the

permanently branded identification number. It is unlawful to possess or sell the horns of a ram without a seal having been so attached or number so branded.

4. As used in this section, "ewe" means any female bighorn sheep having a horn or horns of at least 5 inches in length each as measured on the outside curve of the horn from the skull to the tip.

[Bd. of Fish & Game Comm'rs, No. 25 § 10, eff. 12-4-79; A 5-12-80] — (NAC A by Bd. of Wildlife Comm'rs, 4-27-84, eff. 5-25-84; 4-18-86, eff. 4-25-86; 9-10-87; 11-14-88; 3-19-96; R041-98, 6-1-98; R156-05, 2-23-2006; R066-08, 9-18-2008; R196-09, 4-20-2010; R055-11, 3-9-2012; R090-13, 12-23-2013)

REVISER'S NOTE. – OUTDATED, WOULD LIKE REMOVED

The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on September 18, 2008, (LCB File No. R066-08), which amended subsection 1 of this section, contains the following provisions not included in NAC:

"1. The amendatory provisions of section 2 of this regulation [NAC 502.345] do not apply to a person who, during the 5 years immediately preceding September 18, 2008:

- (a) Obtained a tag or replacement tag for one or more of the subspecies of bighorn sheep specified in that section; and
- (b) Did not harvest a bighorn sheep using that tag.

2. A person specified in subsection 1 may, if he is otherwise eligible to apply for a tag to hunt a subspecies of bighorn sheep, apply for such a tag upon the expiration of 5 years after obtaining the tag or replacement tag specified in subsection 1."

NAC 502.347 Bobcats: Miscellaneous requirements; prohibited and unlawful acts; transportation; fee for seal. (NRS 501.105, 501.181, 502.130)

1. Any person who kills a bobcat shall, within 10 days after the close of the season, personally:

- (a) Present its pelt for inspection by and give its lower jaw to a representative of the Department;
- (b) Have the Department's seal affixed to the pelt; and
- (c) Complete a report of the killing in accordance with the Department's instructions.

2. A person shall not sell, offer for sale, barter, trade, purchase, transfer ownership, tan, offer for out-of-state shipment by a common carrier or, except as otherwise provided in subsection 3, transport from this State any pelt of a bobcat unless the Department has affixed its seal to the pelt.

3. During the season designated by the Commission for the taking of bobcats, a person who holds a valid resident trapping license may transport from this State, for not more than 2 hours:

- (a) The pelt of a bobcat that has not been stretched, dried or cured; or
- (b) The entire unskinned carcass of a bobcat,

↳ lawfully taken by the person in this State, without the seal being affixed to the pelt pursuant to subsection 2, for the purpose of returning to the person's residence within this State by the most expedient route or checking any additional trap set by the person that is located in an area of this State which is most readily accessed from any state. The provisions of this subsection do not authorize a person to import, transport, export or possess an unsealed pelt in violation of a law or regulation of any state.

4. A person shall not possess a pelt of a bobcat 10 days or more after the close of the season unless the Department's seal is permanently attached to the pelt.

5. A resident of Nevada must pay the Department \$5 for such a seal.

6. It is unlawful for a person to present for sealing or to have sealed in this State the pelt of any bobcat taken in another state *or taken or possessed unlawfully by any person.*

7. As used in this section, "pelt" means the hide or skin of a bobcat that is not permanently tanned or has not been processed to a finished form or product beyond initial fleshing, cleaning, temporary tanning, curing, stretching, salting or drying. The term includes, without limitation, any green pelt or raw pelt.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 9-1-80; A 11-5-81; 8-22-86, eff. 9-15-86; R107-05, 9-18-2007)

NAC 502.370 Mountain lions: Tags; open season; miscellaneous requirements; unlawful acts.
(NRS 501.105, 501.181, 502.130, 502.140, 502.160)

1. Unless otherwise specified by a regulation of the Commission or title 45 of NRS, any resident of Nevada or nonresident is eligible to obtain not more than two mountain lion tags in any year. A mountain lion tag:

- (a) May be purchased from the Department or a license agent;
- (b) **Must be purchased by the tagholder;**
- (c) May be used in any management unit or group of management units in Nevada during any open season established for the management unit or group of management units pursuant to subsection 2; and
- (d) Expires upon the termination of all the open seasons established pursuant to subsection 2 for the year for which the tag is issued.

2. The Commission will annually specify the number of mountain lions it determines to be appropriate for harvesting in a management unit or group of management units. The open season for mountain lions in each such management unit or group of management units begins on March 1 and ends on:

- (a) The last day of the next succeeding February; or
- (b) The day the Department determines that the number of mountain lions harvested in that management unit or group of management units is equal to or greater than the number specified by the Commission pursuant to this subsection,
E whichever occurs earlier. The Department shall maintain and annually publish a toll-free telephone number for ascertaining whether the Department has determined that the number of mountain lions harvested in a management unit or group of management units is equal to or greater than the number specified by the Commission pursuant to this subsection. The Department is not required to provide any other notice of the termination of an open season for mountain lions in a management unit or group of management units.

3. A person who harvests a mountain lion shall, within ~~72 hours~~ **five (5)** business days after harvesting it, personally present the **unfrozen skull with jaws propped open** and ~~hide~~ **pelt** to a representative of the Department for inspection **and recording of, but not limited to, evidence of sex, removal of premolar tooth, tissue sample and harvest location to include hunt unit, latitude/longitude or UTM coordinates.** The representative shall affix the seal of the Department permanently to the ~~hide~~ **pelt. The Department may seize any pelt not accompanied by its skull.**

4. It is unlawful for any person to:
- (a) Transport the ~~hide~~ **pelt** of a mountain lion from this State without the seal required pursuant to this section permanently affixed to the hide.
 - (b) Except as otherwise provided in subsection 3, possess the ~~hide~~ **pelt** of a mountain lion without a seal permanently attached to it.
 - (c) Kill a female mountain lion which is accompanied by a spotted kitten.
 - (d) Kill or possess a spotted mountain lion kitten.
 - (e) **Possess, capture, injure, drug, rope, trap, snare or in any way harm or transport a live mountain lion.**
 - (f) **Provide a false statement in the reporting of a mountain lion harvest.**
 - (g) **Participate in a canned hunt.**

5. If a mountain lion is accidentally trapped or killed, the person trapping or killing it shall report the trapping or killing within 48 hours to a representative of the Department. The animal must be disposed of in accordance with the instructions of the representative.

- (a) **Mountain lion may not be taken with a trap, snare or any other trapping device, except as authorized by the Department.**
- (b) **Mountain lion accidentally caught in any trapping device must be released unharmed or as directed by the Department and must not be knowingly pursued or taken for a minimum of 24 hours.**

[Bd. of Fish & Game Comm'rs, No. 25 § 13, eff. 12-4-79] — (NAC A by Bd. of Wildlife Comm'rs, 11-14-88; 4-18-90; 3-19-96; R106-02, 1-21-2003; R107-05, 9-18-2007; R029-17, 12-19-2017)

NAC 502.400 Attachment of tag or permit to animal. (NRS 501.105, 501.181, 502.160)

1. Except as otherwise provided in subsection 2 and NAC 502.42905, the owner of a tag or permit must firmly attach it to the carcass of an animal killed by the owner, at or before the time he or she first reaches his or her means of transportation or camp, *whichever comes first*. 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 or a designated licensed assistant pursuant to NAC 502.42905 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.

[Bd. of Fish & Game Comm'rs, No. 6 § 4, eff. 9-1-78]—(NAC A by Bd. of Wildlife Comm'rs by R133-04, 10-28-2004; R126-06, 9-18-2006; R105-16, 6-21-2017)

NAC 502.418 Rejection of application. (NRS 501.105, 501.181, 501.337, 502.160, 502.175) The Department shall reject an application to obtain a tag, permit or bonus point if any of the following occurs:

1. The applicant fails to provide the information required pursuant to NAC 502.199, unless that information exists in the records of the Department.

~~2. The applicant fails to specify or incorrectly specifies the number of his or her hunting license or combination hunting and fishing license, unless that information exists in the records of the Department.~~

~~3. The applicant fails to specify his or her social security number pursuant to NAC 502.199, unless that information exists in the records of the Department.~~

~~4. The parent or legal guardian of an applicant who is at least 12 years of age but less than 18 years of age fails to provide the acknowledgment required pursuant to NRS 502.060.~~

~~5. The applicant fails to specify on the application the species or the category of the species for which the application was submitted and, if the application is for a tag, a valid hunter choice number for that type of hunt. If the applicant specifies valid and invalid numbers, the Department shall accept the application for the valid numbers only.~~

~~6. The applicant fails to provide the acknowledgment required pursuant to NRS 502.030.~~

~~7. The applicant fails to submit the fees required pursuant to NAC 502.4175.~~

~~8. The applicant fails to comply with the provisions of NAC 502.405, unless, on or before the deadline set forth in an annual regulation of the Commission for the year in which the application is submitted, he or she pays the applicable administrative fine and submits the properly completed questionnaire issued as part of the tag or permit or the information required by the questionnaire.~~

~~9. Except as otherwise provided in NAC 502.4183, the applicant submits more than one application to hunt for the same species or category of species of wildlife during the same year, unless such an application is specifically authorized by the Commission. If such an application is not specifically authorized by the Commission, all applications submitted by the applicant to hunt for the same species must be rejected.~~

~~10. Except as otherwise provided in NAC 502.4183 and 502.41895, the application is received after the deadline set by the Commission or by the Director pursuant to NAC 502.4196.~~

~~11. The applicant fails to comply with the provisions of NRS 502.330.~~

~~12. The applicant is otherwise ineligible to apply for the tag or bonus point.~~

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 3-7-91; A 4-14-92; 10-26-93; 10-12-94; 3-19-96; 5-7-96; 11-14-97; 11-14-97; R139-98, 11-13-98; R168-99, 1-19-2000; R133-01, 12-17-2001, eff. 1-1-2002; R024-03, 10-30-2003; R137-03, 1-20-2004; R229-03, 3-23-2004; R156-05, 2-23-2006; R117-07, 12-4-2007; R155-09, 4-20-2010; R051-11, 3-9-2012; R029-17, 12-19-2017)

NAC 502.4188 Bonus points: Categories of species. (NRS 501.105, 501.181, 502.160, 502.175)

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, subspecies and gender:

- (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;
- (k) Ewes, from one of the following subspecies:
 - (1) Nelson bighorn sheep;
 - (2) California bighorn sheep; or
 - (3) Rocky Mountain bighorn sheep;
- (l) Mountain goats;
- (m) Black bears; or
- (n) Moose.

2. Bonus points awarded by the Department pursuant to the bonus point program for wild turkey hunts must be awarded by hunt number.

(Added to NAC by Bd. of Wildlife Comm'rs by R168-99, eff. 1-19-2000; A by R180-01, 4-3-2002; R126-06, 9-18-2006; R002-11, 10-26-2011; R091-13, 12-23-2013; R029-17, 12-19-2017)

REVISER'S NOTE. – OUTDATED, WOULD LIKE REMOVED

The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on January 19, 2000 (LCB File No. R168-99), the source of NAC 502.4188 (section 6 of the regulation), contains the following provisions not included in NAC:

“Sec. 42. 1. Except as otherwise provided in this section, the Division of Wildlife [now the Department of Wildlife] shall convert any bonus points that a person has accumulated pursuant to the bonus point program before the effective date of this regulation [January 19, 2000] into bonus points for a category of a species set forth in section 6 of this regulation [NAC 502.4188] by separating the bonus points accumulated into bonus points for a particular category of a species except that the maximum number of bonus points converted into a particular category of a species must not exceed the number of years that the bonus point program has been in existence.

2. The Division of Wildlife [now the Department of Wildlife] shall not convert any bonus points that a person has accumulated before the effective date of this regulation [January 19, 2000] for wild turkey, swan and depredation hunts for special seasons.”

NAC 502.4189 Bonus points: Use; transfer; applications by group for certain tags; junior hunts.

NAC 502.4189 Bonus points: Use; transfer; applications by group for certain tags; junior hunts.
(NRS 501.105, 501.181, 502.160, 502.175)

1. Each applicant in a drawing for a tag for a season receives a number of additional draw numbers that is equal to the number of bonus points that he or she has accumulated squared, as expressed in the following equation:

$$n=b^2$$

where "n" is the number of additional draw numbers and "b" is the number of bonus points. The number of additional draw numbers determines the number of draw numbers for the species or category of the species for which the application was submitted. The applicant's lowest randomly assigned draw number is the number used for the drawing.

2. Except as otherwise provided in subsection 5, bonus points accumulated by a person for a species or category of species cannot be transferred to any other person or any other species or category of species.

3. Any bonus points accumulated by an applicant automatically transfer with the applicant if the applicant changes his or her state of residence. Bonus points transferred pursuant to this subsection apply to the same species or category of species to which they applied before the transfer.

4. The number of bonus points applicable to applications submitted by a group pursuant to NAC 502.4185 for tags is the quotient of the total number of points held by the members of the group divided by the number of members in the group, rounded to the nearest whole number.

5. If a person has applied for a junior hunt for deer for 5 years or becomes ineligible to participate in a junior hunt for deer because of his or her age, each unused bonus point accumulated by that person for a junior hunt for deer automatically transfers to the category for antlered mule deer. The provisions of this subsection do not apply to a bonus point accumulated by the person for a junior hunt for deer in a year in which the person also accumulated a bonus point in the category for antlered mule deer.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-26-93; A by R040-98, 5-27-98; R139-98, 11-13-98; R168-99, 1-19-2000; R010-00, 4-3-2000; R137-03, 1-20-2004; R115-07, 12-4-2007; R150-09, 6-30-2010; R160-12, 12-20-2012; R104-16, 12-21-2016)

REVISER'S NOTE. – *OUTDATED, WOULD LIKE REMOVED*

The regulation of the Board of Wildlife Commissioners filed with the Secretary of State on June 30, 2010 (LCB File No. R150-09), which amended this section, contains the following provisions not included in NAC:

"If a person who is ineligible to participate in a junior hunt because of his or her age or the number of years for which the person has applied for a junior hunt becomes eligible to participate in a junior hunt pursuant to the amendatory provisions of this regulation, the Department of Wildlife shall:

1. Reinstate to the category for the junior hunt each unused bonus point accumulated by that person and automatically transferred pursuant to subsection 4 of NAC 502.4189 before June 30, 2010;
2. Reduce the number of bonus points in the category for antlered mule deer by the number of bonus points transferred pursuant to subsection 1; and
3. Retain in the category for antlered mule deer each bonus point which was earned by the person before June 30, 2010, for each unsuccessful application for the issuance of a tag to hunt mule deer."

NAC 502.42273 Persons not eligible for tag. (NRS 501.105, 501.181, 502.142, 502.160)

1. The following persons are not eligible for a special incentive elk tag:

(a) A landowner applicant who, during the same calendar year he or she applies for a special incentive elk tag, has applied for or received compensation pursuant to NRS 504.165 for damage caused by elk to the private land identified in the agreement for the special incentive elk tag.

(b) A landowner applicant whose private land blocks reasonable access to adjacent public land and who does not agree to provide reasonable access through his or her private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

(c) An employee of the Department and the employee's spouse or children if the employee processes the request and awards the special incentive elk tag to himself or herself or to his or her spouse or children.

(d) *Any person whose license, permit, or privileges are suspended or revoked.*

2. If a landowner applicant:

(a) Fails to comply with any provision that is included in the agreement made pursuant to NAC 502.42276; or

(b) During the term of the agreement, prohibits or attempts to prohibit any hunter or hunting party holding a valid elk tag from entering or crossing the private land of the landowner applicant, the Department shall not, for 1 year after the failure or prohibition occurs, issue a special incentive elk tag to the landowner applicant.

(Added to NAC by Bd. of Wildlife Comm'rs by R057-98, eff. 9-1-98; A by R206-08, 10-27-2009)

NAC 502.4233 Master guide: License; special use permit. (NRS 501.105, 501.181, 502.148, 502.149)

At the time *of the draw* an application for a nonresident deer tag is submitted, the master guide who will accompany the restricted nonresident deer hunter on the restricted nonresident deer hunt must:

1. Be licensed by the Department to provide guide services related to deer hunting in the wildlife management area or unit for which the applicant is applying; and

2. If applicable, possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-12-94; A by R054-04, 8-25-2004)

NAC 502.4235 Rejection or prohibited submission of application for tag.

NAC 502.4235 Rejection or prohibited submission of application for tag. (NRS 501.105, 501.181, 501.337, 502.148, 502.160, 502.175) In addition to the provisions of NAC 502.199, 502.4175 and 502.418, the Department shall reject an application for a restricted nonresident deer tag or prohibit a person from submitting the application if:

1. The applicant or the master guide fails to acknowledge a statement indicating that the applicant is entitled to the issuance of the restricted nonresident deer tag under the laws of this State.

2. The applicant or the master guide fails to submit the fees required pursuant to NAC 502.4175.

3. The master guide named in the application:

(a) Is not licensed for each wildlife management area or unit named in the application;

(b) Fails to specify or incorrectly specifies on the application the number of his or her current master guide license; or

(c) If applicable, does not possess a valid special use permit required by the federal land management agency having jurisdiction within the wildlife management area or unit for which the applicant is applying.

4. The applicant and the master guide named in the application are the same person.

5. The applicant holds a license as a subguide issued by the Department which authorizes the applicant to guide for deer in the wildlife management area or unit for which he or she is applying for a restricted nonresident deer tag.

6. The applicant and licensed master guide or the applicant and any associated subguide are immediate family members.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-12-94; A 1-19-96; 5-7-96; 3-13-97; 11-14-97; R139-98, 11-13-98; R168-99, 1-19-2000; R133-01, 12-17-2001, eff. 1-1-2002; R025-03, 10-30-2003;

R137-03, 1-20-2004; R054-04, 8-25-2004; R117-07, 12-4-2007; R155-09, 4-20-2010; R051-11, 3-9-2012; R029-17, 12-19-2017)

NAC 502.4238 Refunds; loss of master guide; award of tags from alternate list; records of Department. (NRS 501.105, 501.181, 502.148, 502.149, 502.160, 502.250)

1. If a master guide of a holder of a restricted nonresident deer tag dies or is no longer able to provide guide services due to medical reasons, because he or she has failed to renew his or her master guide license or the license has been revoked, *suspended, or denied or if the Masterguide fails to have any required Federal special use permit in place*, the holder of the tag for whom guide service was to be performed by the master guide may apply to the Department for a refund or may retain another master guide who is licensed for the area or unit specified on the tag. Before another master guide may render services as a master guide for the holder of the tag, and before the holder may participate in the restricted nonresident deer hunt for which the tag was issued, the holder of the tag must provide written notification to the Department that he or she has retained another master guide. The written notification must include:

(a) The reasons for retaining the services of another master guide;

(b) The signatures of the holder of the tag and the new master guide and the date on which the written notification was signed; and

(c) The number of the master guide license of the newly retained master guide.

2. If the Department provides a refund pursuant to this section, the Department shall return all the fees submitted with the application for the tag.

3. Except as otherwise provided in subsection 4, in awarding restricted nonresident deer tags from an alternate list, the Department shall issue the tag to the eligible applicant on the list:

(a) Whose master guide designated on the application for the restricted nonresident deer tag is not named on more than 30 successfully drawn applications pursuant to NAC 502.4237 and is able to accompany the applicant in the field;

(b) Who has the drawing number with the highest priority; and

(c) Who has indicated as the applicant's first choice the area and season for which the quota for the restricted nonresident deer hunt is being filled.

4. If the Department is unable to collect any fee that is required to be submitted with an application for a hunting license or restricted nonresident deer tag because the method of payment is rejected during the processing of the fee for the license or restricted nonresident deer tag, the Department shall, if more than 14 business days remain until the opening day for the restricted nonresident deer hunt and if the master guide designated on the application for the restricted nonresident deer tag is not named on more than 30 successfully drawn applications pursuant to NAC 502.4237, select an eligible applicant from the alternate list for the restricted nonresident deer hunt who:

(a) Has the drawing number with the highest priority; and

(b) Indicated as his or her first choice the area and season for which the quota for the restricted nonresident deer hunt is being filled.

5. The Department shall maintain a record of each applicant selected from an alternate list pursuant to this section.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 10-12-94; A 11-14-97; R168-99, 1-19-2000; R133-01, 12-17-2001, eff. 1-1-2002; R155-09, 4-20-2010; R159-12, 12-20-2012; R029-17, 12-19-2017)

NAC 502.4244 Ineligible persons. (NRS 501.105, 501.181, 502.145, 502.160)

1. The following persons are not eligible for damage compensation tags:

(a) An owner applicant who feeds or baits deer or antelope to attract the animals onto his or her land; and

(b) An owner applicant who sustains damage which is a covered loss pursuant to a policy of insurance.

(c) *Any applicant whose license, permit, or privileges are suspended or revoked.*

2. An employee of the Department and his or her family may not purchase or use a damage compensation tag resulting from a complaint serviced directly by the employee.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 11-29-95)

NAC 502.4246 Requirements for eligibility; requests regarding damage to separate locations. (NRS 501.105, 501.181, 502.145, 502.160)

1. To be eligible for the issuance of a damage compensation tag, an owner applicant must:

(a) Have sustained damage to his or her private property caused by deer or antelope;

(b) In accordance with the requirements set forth in NAC 502.4252, notify the Department of any damage within 10 days after discovering it;

(c) Enter into a cooperative agreement with the Department which complies with the requirements set forth in NAC 502.4248;

(d) Submit an application for a damage compensation tag which includes, without limitation:

(1) A form which sets forth any proof of the damage claimed by the owner applicant;

(2) A map which identifies the location on the private land at which the owner applicant will provide access to public land, if applicable; and

(3) The cooperative agreement entered into with the Department which is signed by the owner applicant and the Department;

(e) Cooperate with the Department in inspecting the damage and formulating a plan to prevent or mitigate the damage;

(f) Mitigate damages where possible and not feed or bait deer or antelope to attract the animals onto his or her land;

(g) Comply with the requirements of NAC 502.424 to 502.4268, inclusive.

2. A separate application must be made, and a separate cooperative agreement must be entered into, for each request for one or more damage compensation tags made with regard to each separate location on the property of the owner applicant at which damage was sustained, *landowners with multiple properties may need counts to be conducted within the same season.*

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 7-16-92; A 11-29-95; R010-00, 4-3-2000; R030-06, 6-1-2006)

NAC 502.440 License: Application; validity; renewal. (NRS 502.370)

1. An application for a taxidermist license may be obtained from any office of the Department. The applicant shall include on his or her application:

(a) The applicant's name, physical and mailing addresses, and telephone number;

(b) The name and telephone number of the applicant's taxidermic business and, if different from the applicant's physical address, the address from which taxidermic services will be provided;

(c) Whether or not the taxidermic services are provided for compensation;

(d) If the applicant must possess a federal taxidermist permit, a copy of the permit or proof satisfactory to the Department that federal approval of such a permit is pending;

(e) The name of each state in which the applicant holds or has held a taxidermist license or permit to perform taxidermic services;

(f) If the applicant has been convicted of violating the laws or regulations relating to taxidermy or commercialization of wildlife of any state or the United States Fish and Wildlife Service within the 5

years immediately preceding the date of the application, a description of each violation, a description of the penalty imposed for each violation and the name of the state in which the conviction occurred;

(g) Whether, at the time of the application, the privileges granted to the applicant by another state or the United States Fish and Wildlife Service relating to taxidermy are suspended or revoked; and

(h) The applicant's signature and the date on which he or she signed the application.

2. A taxidermist license issued by the Department pending the issuance of a federal permit to perform taxidermic services on:

(a) A migratory bird that is protected by the Migratory Bird Treaty Act, as amended, 16 U.S.C. §§ 703 et seq.; or

(b) A species of wildlife that is listed as threatened or endangered by the United States Fish and Wildlife Service,

↳ is not valid for the purposes of performing taxidermic services on the migratory bird or the endangered or threatened species until the federal permit has been issued by the United States Fish and Wildlife Service to the licensee.

3. A completed application and required fees must be submitted to the Department.

4. An annual taxidermist license expires on June 30 of each year, *each taxidermist must submit records as per NAC 502.455 at the time they submit their annual taxidermy license renewal application, or no later than the expiration of their license.* If an application for the renewal of a taxidermist license is not received by the Department on or before June 30, taxidermic items in the possession of a taxidermist shall be deemed to be unlawfully possessed and are subject to seizure by the Department, and the taxidermist will be considered to be practicing taxidermy without a license. If an application for the renewal of a taxidermist license is received by the Department on or before June 30, the license will remain in effect until the Department completes its review of the application and renews or denies the application to renew the taxidermist license.

[Bd. of Fish & Game Comm'rs, No. 16 § 17.01-3, eff. 5-6-78]—(NAC A by Bd. of Wildlife Comm'rs, 7-1-97; R029-17, 12-19-2017)

**NAC 502.455 Taxidermic records; identification tags and punch numbers for taxidermic items.
(NRS 502.370)**

1. A person licensed as a taxidermist in Nevada shall maintain accurate written or computerized records, on a form provided by the Department or in a format which is substantially similar to that form, for each licensing year which show:

(a) The name, telephone number and physical and mailing address of each person from whom wildlife or parts, nests or eggs of wildlife, upon which taxidermic services were performed, were received.

(b) The name, telephone number and physical and mailing address of each person to whom wildlife or parts, nests or eggs of wildlife, upon which taxidermic services were performed, were delivered.

(c) An accurate description of the taxidermic item, including the species and parts thereof received.

(d) Except as otherwise provided in subsection 3 and if required for the species of wildlife received, the number of the tag, seal or permit.

(e) The date on which the taxidermist receives the taxidermic item and the date on which that item is returned to its owner.

Ê The taxidermist shall record the required information immediately upon receipt and delivery of a taxidermic item, as appropriate.

2. A taxidermist shall:

(a) Immediately upon receipt, label each taxidermic item with a tag that clearly identifies the owner of the item. The tag may be removed from the item only during the actual performance of taxidermic services on the item. The tag must be reattached to the item when the taxidermic service is not being performed. Once the taxidermic services are completed on the taxidermic item, the tag must be reattached and remain attached to the item until the item is delivered to or claimed by the owner of the item.

(b) ~~If required by the Department,~~ Submit a copy of the taxidermist's records for the previous licensing year to the Department at *by* the end of each licensing year, *June 30*. If the records are computerized, the taxidermist shall submit a hard copy of the computerized records to the Department.

(c) Retain the taxidermist's records for a licensing year for at least 2 years after the end of the licensing year to which those records pertain.

(d) During any reasonable hour, upon the request of any agent of the Department authorized to enforce the provisions of title 45 of NRS, present the taxidermist's records kept in accordance with this section and any taxidermic item which the taxidermist is keeping at his or her place of business.

3. In lieu of maintaining a record of a tag, seal or permit pursuant to paragraph (d) of subsection 1, a taxidermist who receives a taxidermic item from another taxidermist may maintain a record setting forth the name and physical and mailing address of the taxidermist from whom the taxidermic item was received and the punch number or other identification number assigned to that taxidermist by the taxidermist who received the taxidermic item. The punch number or other identification number must be attached to the taxidermic item during the entire period in which the taxidermist who received the taxidermic item remains in possession of the taxidermic item.

4. As used in this section:

(a) "Licensing year" means a period beginning on July 1 and ending on June 30 of the following calendar year.

(b) "Punch number" means a number which is assigned to a taxidermist for the purpose of identification and which is punched into or otherwise attached to a taxidermic item.

[Bd. of Fish & Game Comm'rs, No. 16 § 17.01-9, eff. 5-6-78]—(NAC A by Bd. of Wildlife Comm'rs, 7-1-97; R111-14, 12-22-2014; R029-17, 12-19-2017)

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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: September 2, 2020

Subject: Litigation Update

1. *E. Wayne Hage v. United States*, (Federal Circuit, DC). Hage alleged, among other things, that the United States effected a taking of his private property when it allowed the release of elk on public lands. Hage alleged the release of elk reduced the available forage and water for his cattle. Trial held in Reno from May 3–21, 2004. NDOW sought to intervene as a defendant in the lawsuit, but was denied by the Claims Court. NDOW granted amicus status and filed a brief in support of the United States in the Claims Court. The Claims Court awarded Hage \$4,372,355.20 for his takings claims and the U.S. appealed. NDOW filed an amicus brief in support of the United States with the Federal Circuit. Oral argument held on April 3, 2012. The Federal Circuit reversed and vacated the award of damages. The 9th U.S. Circuit Court of Appeals ruled in favor of the federal government remanding the case to a new federal judge because of apparent bias on the part of U.S. District Judge Robert Clive Jones.

2. *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 have a hearing scheduled for September 29, 2020 before Judge Miranda Du.

3. *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 5th 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-justiciable 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.

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 2020 to 2021, the Water Master requested that special assessments be levied against any users seeking to modify decreed rights for instream flow purposes. NDOW and other instream flow users opposed this line item in the Water Master's Budget. The Court declined to grant the Water Master's special assessment request but otherwise approved the budget for the year 2020-2021.

Walker Basin Conservancy's Permit Approvals: On June 30, 2020, the Walker Basin Conservancy filed its petition with the District Court seeking to approve/modify the decree consistent with the newly granted Nevada State Engineer Instream Flow Water Rights Permit Nos. 88160, 88161 and 88162. This is a matter of course for any change in the Decreed water rights. NDOW will not oppose this petition.

4. *Mark Smith, Donald A. Molde & Smith Foundation v. State of Nevada Board of Wildlife Commissioners & NDOW.* Plaintiffs brought action against Nevada Board of Wildlife Commissioners and NDOW for Declaratory and Injunctive Relief regarding the trapping regulation (LCB File No. R087-14: Commission General Regulation 450). Plaintiffs assert the regulation is void and unenforceable. Plaintiffs assert that the enabling statute NRS 503.570 is unconstitutional as it is a violation of the separation of powers doctrine. Plaintiffs' Writ of Mandamus asserts that the Commission is obligated by law to develop plans for wildlife management as it relates to the unintentional trapping of non-targeted animals.

The Commission and NDOW filed a Motion for Summary Judgment and the Plaintiffs filed a Motion for Partial Summary Judgment. The District Court granted the Motion for Summary Judgement. Plaintiffs appealed to the Nevada Supreme Court, and argument was completed before a three member panel on February 16, 2020. On April 23, 2020, the Court entered an Order affirming the District Court's dismissal. The Appellants filed a Petition for Reconsideration of that decision, which was denied. Most recently, the Appellants requested an extension to consider another Petition for Reconsideration, this time to the Court *en banc*. The Court granted the extension, and we are awaiting another Petition for Reconsideration.

5. *Mark Smith v. Brian Wakeling et al.,* (California Superior Court). 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 and his non-profit wildlife advocate entities.

A hearing was held on December 11, 2017 on Defendants' Motion to Quash Service of Summons and a Motion to Strike. Because all named parties are Nevada residents, the Truckee, California Court held that substantial justice requires the action be heard in Nevada. The Court stayed the case, pending a resolution of all issues in Nevada. The Attorney General's Office has appealed on the limited issue of whether the California court may exercise jurisdiction over Nevada without its consent. A Petition for Writ of Certiorari has been filed with the U.S. Supreme Court. The Writ has been granted and the matter has been sent back to the District Court. *The Superior Court of California has since granted the State's original motion to quash service of the Complaint on the theory of sovereign immunity.*

6. *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 and that the law should have to pass the highest level of review.

A Motion to Dismiss was filed on July 19, 2018. The Motion argues that viewing wildlife should be reviewed under the rational basis test for constitutionality. "Under the rational basis standard, legislation will be upheld so long as it is rationally related to a legitimate governmental interest." *Williams v. State*, 118 Nev. 536, 542, 50 P.3d 1116, 1120 (2002). The Motion to Dismiss was denied.

The case is scheduled for a seven day trial (non-jury) commencing January 25, 2021.

Discovery has commenced in the case. The Plaintiffs have served interrogatories and requests for production on the Defendants, and responses have been served. The Plaintiffs have also taken the depositions of UNR Professor Kelley Stewart, and NDOW Director Tony Wasley. *The Plaintiffs recently file a Motion for Partial Summary Judgment, arguing that the evidence of the predator management program and the 80% mandate establishes discrimination against the Plaintiffs.*

7. *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 has been removed to the Discovery Commissioner for decision. Briefing is now complete on the Summary Judgment motion.*

A new week long trial date has been scheduled to initiate August 2, 2021.

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

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